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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—*Monday, February 13, 1995*

(Legislative day of Monday, January 30, 1995)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, the Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

As we bow in prayer, in anticipation of St. Valentine's Day and of a burdensome schedule, let us reflect upon those we love most: our children and grandchildren.

The story is told about Charles Francis Adams (1807–1886), son of John Quincy Adams and a successful politician, that on a certain day Charles entered these words into his diary: "Went fishing with my son—a day wasted." His son, Brooks Adams (1838–1918) also kept a diary, and on that same day, Brooks made this entry: "Went fishing with my father—the most wonderful day of my life!" (Obtained from Fran Woods, Washington Fly Fishing Club).

Our Heavenly Father, as we consider this "most wonderful, wasted day" of a father spending time with his son, we recall the final words of the Old Testament which declare: "Behold, I will send you Elijah the prophet * * * and he shall turn the heart of the fathers to the children, and the heart of the children to their fathers * * *"—Malachi 4:5, 6. And the New Testament which says, "* * * where your treasure is, there will your heart be also."—Matthew 6:21.

Lord, we confess that sometimes we do not treasure our children as we ought, and sometimes our heart is more with our achievements than with our descendants. Often, those we most love, we most neglect.

We pray, therefore, in the midst of demanding schedules, that Thou wouldst graciously turn our hearts to our children and grandchildren, with Valentines of time not wasted.

In the name of Jesus Christ. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, for the information of Members, following the time for the two leaders, which will be reserved, there will be a period for morning business not to extend beyond 1 o'clock with Senators permitted to speak for not to exceed 10 minutes each. At 1 o'clock we will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment and the pending Reid amendment.

At 5 o'clock today, there will be a rollcall vote on adopting the committee funding resolution, Senate Resolution 73. Further rollcall votes are possible today. We have not made that determination yet. We are trying to get an agreement to have some of those votes tomorrow morning to accommodate some Senators who are necessarily absent. We are not going to accommodate those who are just absent. But there are some necessarily absent. I think we can understand that on Mondays and Fridays we will have votes, and anybody who is not here on Monday and Friday will just take that risk. Certainly they have a right to do that.

I also hope that we can bring to a conclusion the debate on the balanced budget amendment. We have been on it for 2 straight weeks. There has been no effort on this side to slow down the debate. We spent hours and hours and days and days on a couple of amendments. My view is that it is time that we bring this to a conclusion. We would like to do so before late Thursday evening.

So I just suggest to my colleagues that there will be late sessions tomorrow night, Wednesday night, and Thursday night. We will not be in session on Friday. We will not be in session on next Monday or Tuesday. But we will be in session on next Wednesday, Thursday, and Friday, unless the two leaders can reach some agreement on disposition of this, and additional matters.

I thank the Chair.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein for not to exceed 10 minutes each.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Wyoming [Mr. THOMAS] is recognized.

IWO JIMA

Mr. THOMAS. Mr. President, I rise to be one of the first to speak about some things that happened 50 years ago which were a part of our freedom and a part of our history. So I am pleased to do that.

Mr. President, on this date 50 years ago, one of the most powerful armadas ever assembled in American military history prepared to depart Saipan in the Mariana Islands. Their destination was a tiny, 8-square-mile piece of volcanic sand and rock in the Western Pacific—Iwo Jima.

The importance of capturing Iwo Jima was its strategic location, almost midway between Japan and the recently captured Mariana Islands. Since the summer of 1944, the Japanese home islands had been reeling from strikes by the new, long-range American B–29 bombers, operating from Saipan and Tinian. Iwo Jima, with its three airfields, would be a vital fighter escort station if captured. In addition, it would serve as a sanctuary for crippled bombers returning from their strikes on Japan.

No American planner contemplating the assault and seizure of this island suggested that taking Iwo Jima would be an easy task. To meet the challenge, Fleet Adm. Chester W. Nimitz assembled a veteran Navy-Marine Corps

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● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

team, which included the largest force of U.S. marines ever committed to a single battle—a force which eventually totaled more than 80,000 men—a majority of whom were veterans of earlier Pacific battles. These troops were arguably the most proficient amphibious force the world had yet seen. On February 13, 1945, this formidable armada of American firepower and might prepared to embark on a mission that would move America one giant step closer to final victory.

I think it is appropriate that we remember those men and women who gave so much to ensure that we could continue to have freedom and peace in this country.

Mr. President, if I may, since there seems to be no one else asking for time, I would like to comment a little on the balanced budget amendment.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

THE BALANCED BUDGET AMENDMENT

Mr. THOMAS. Mr. President, I rise, as I have in the past, to support the balanced budget amendment. I believe strongly that it is the right thing to do. I believe strongly that it is the only way that we are going to be able to achieve some kind of financial balance in our Government, to achieve some kind of responsibility for not spending more than we take in.

So I rise to share my impressions of what has gone on here for the past 2 weeks, and apparently at least for another week. I am new to the Senate. I am very pleased and proud, of course, to be here to represent the people of Wyoming. But I am, I must say, a little bit disappointed in the lack of progress that we have made.

It seems to me that, in some instances, we have not really had an in-depth debate of issues, but rather a sort of a slowing of the process, talking about what seems, at least to me, to be peripheral issues often as the method of establishing a rationale for voting "no" on an issue that those who argue against have no intention of voting for at all.

It is fairly easy to examine the status of the record of performance that leads to this issue coming before the Senate which leads to a consideration of the balanced budget amendment. Certainly, history does that. You cannot change history. You can interpret it, I suppose, and spin it. But the fact is that we have not balanced the budget, this Congress has not balanced the budget for some 26 years. Only four or five times out of 50 years has the budget been balanced. That is not a good record, but it is indeed a record.

Some talk a lot about the efforts that have been made over the last 3 years to do something about the deficit. And, indeed, there has been something done and it has been good. Starting with the last budget of President Bush and on through the next 2 years, there have been some reductions. The fact is, however, that the reductions now are not there. They are not in this budget. They are not proposed for the next year's budget and, indeed, beyond the year 2000, there would not be a reduction in the deficit, but the national debt would continue to grow.

It is also true that much of the reduction was a one-time readjustment in terms of spending on savings and loans, in terms of spending on Medicaid, and what the reduction was, a direct result of what this Congress did, was an increase in taxes. So I am certainly pleased that this deficit has been reduced, but I am not pleased with the fact that it is now scheduled to go up, unless we do something different.

The cost of the imbalance, the cost of these years of not balancing the budget, are extremely high. We have now approximately a $260 billion line item in this year's budget to pay interest on the debt. If it were not for the interest on the debt, this year's budget would be balanced. But there is an interest of $260 billion, probably the third largest line item in the budget and continuing to go up.

Spending has gone up every year. When we read about the budget, we often read in our hometown paper that the President makes the cuts. Of course, there are some cuts, but the fact is the total spending continues to go up; this year, 5.5 percent over last year. So we continue to have larger Government, spending goes up.

Fortunately, revenues go up as well. But we have not been able to bring the two together. We have not been able to be responsible, both morally and fiscally, with this budget. Clearly, we need to do something different.

You cannot continue to do the same thing you have been doing over the years and expect there to be a different result.

What is the opposition? Some say, "Don't change the Constitution. The Founders did not draft it that way and we should not change it."

Of course, changing the Constitution is not something we take lightly. The process does not allow for it to be taken lightly. It requires a two-thirds majority of both Houses of this Congress. It requires that it be ratified by the State legislatures and in fact be ratified by the people. The Founders did not include it. However, Thomas Jefferson said that if he had had the opportunity to make one change, it would have been limiting the amount of debt that the Federal Government could undertake.

The Founders also did not have a $20,000 per person debt to deal with, which we do now. Each of us in this country has a $20,000 debt, in terms of the national debt.

The Founders did not have a huge Federal Government to deal with. The Founders, I believe it is fair to say, thought that this would be a federation of States in which the basic spending responsibility, the basic decisionmaking responsibility for most things in this Government, would be done by the States. They did not envision the kind of Federal Government that we have now.

Some say judges will make the decisions on the budget. I do not think there is a basis for that. Forty-eight States have balanced budgets in their legislatures. My own State of Wyoming has a balanced budget in the constitution that says they shall not borrow more than 1 percent of the value of the revenues. Judges do not do our budget. The legislature knows that they have to bring spending within revenues. And they do it.

Some say it will not work because the States have capital budgets. They do not all have capital budgets. Furthermore, even if you do have a capital budget, like you and I might have and have loans on our homes to pay, we still have to balance between our revenue, our budget, and our debt service. And we do not do that in the Federal Government.

So these arguments really are to define, I think, a philosophy. And there is a basic difference. There is a basic difference in philosophy and it is a legitimate difference. There are those who believe that Government should be big, it should spend more, it should be involved in more activity.

Some of us, including myself, believe that it should be smaller; that it should be limited. Those who seek larger Government would naturally oppose the balanced budget amendment. Those of us who think there should be some control, that Government is too big, that Government is too expensive, believe that a balanced budget amendment to the Constitution is the tool that we need to make it work.

So, Mr. President, I hope that we do move forward. It seems to me that we came here to undertake this task of resolving this question, regardless of the outcome. It seems to me that we do have a responsibility to vote. We have a responsibility to make the decisions. It is not an easy one. People see it differently. There is a legitimate difference of view.

But the idea of just continuing to string it out, I think, is not beneficial for us and is not beneficial for the country. We have to bite the bullet and do it, and I think the time is now.

I rise in support of a balanced budget amendment to the Constitution.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I believe we are still in morning business.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 395 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Montana is recognized.

BUTTE'S GLOBAL TRANSPORTATION LINK

Mr. BAUCUS. Mr. President, as I have often said in the Chamber, particularly quite recently in the last couple of weeks, Micron, a semiconductor manufacturing company in Idaho, is selecting a site to build a computer chip manufacturing facility. One of the thirteen locations under consideration around the country is the city of Butte; that is, Butte, MT.

Access to affordable, efficient transportation is vital to the economic viability of any business. We all know that. American semiconductors in particular are the world's best. They need access. Micron sells chips all over the United States, also in countries like Singapore and Taiwan in East Asia and to the United Kingdom and Germany in Europe.

To reach all of these places, a modern company needs top quality transportation. And it may be surprising, but few places in America are better connected to world markets than Butte. Butte is sited at the juncture of two interstates, I-90 and I-15, interstates which respectively tie the east coast and the Great Lakes to the ports in California and Seattle.

This map shows, if you can see it, the two interstates, again I-90 east-west, I-15 north-south, the juncture in Butte, the only place in Montana where interstates cross like that.

Butte also is at the site of the interstates which connect Canada and Denver, Los Angeles, San Diego, Phoenix, and ultimately Mexico City, that is, north-south. It has a top quality, modern airport. It is served by two continental railroads. In this era of consolidation, that is unusual, Mr. President, but two continental railroads join in Butte; that is, the Union Pacific and the Burlington Northern.

And then we have the port of Montana, obviously, located in Butte. It is one of the Nation's first inland ports. Director of Marketing Bill Fogarty has made the port one of the finest intermodal facilities. Its access to transportation expands the markets for Montana's businesses and products.

MONTANA'S TRANSPORTATION HISTORY

Mr. President, all of this is no accident. It is no coincidence. Montanans have always known how important transportation is to a competitive business. As far back as Butte's mining boom and beyond, Montana has a long history of providing transportation options—options such as well-maintained highways, railroads, and airports.

As a testament of Montana's "can do" attitude, get this, camels—yes, camels—were brought to Montana in the summer of 1865 in an attempt to secure an economic and reliable source of transportation—camels back in 1865. And while camels did not prove the best solution to our transportation challenges, we in Montana have managed to integrate virtually all other kinds of transportation into our economy.

Historians cite 1841 as the date the first wagons were driven into Montana from the Southwest. Not long afterward, mule trains were bringing goods into and out of Montana. The mule trains needed roads to cross the rugged frontier, and one of the first routes in the State was authorized by U.S. Secretary of War John Floyd in 1858. The Mullan Military Wagon Road from Fort Walla in Washington to Fort Benton in Montana was constructed to transport troops and was completed in 1860.

I might add, Mr. President, my great grandfather, Henry Sieben, drove wagon trains on that Fort Mullan Trail. In fact, that was his line of business and that is how he got his start in the State of Montana.

By the time the wagon road was finished, the gold mining boom had begun. Discovery of mines in Idaho and Montana meant that we needed a shortcut from the Oregon Trail to the mines.

Well, in the spring of 1863, John Bozeman, a Georgian who migrated to Montana, teamed with a man named John Jacobs to build such a short road that is called the Bozeman Road.

Mr. President, these early roads were nothing like the blacktops we drive on today. In fact, one road was even described by travelers as "50 miles long and 1 inch deep, according to the corroborative evidence of lungs and linen."

But travel by land was not limited to roads. The first railroad to reach Montana Territory was the Utah & Northern, later known as the Union Pacific. This railroad was constructed to link business interests with the rich mineral and agricultural areas in Montana. The Utah & Northern built its first railroad bed in March of 1880. It continued building until it reached Silver Bow, a few miles west of Butte, on December 21, 1881.

Aviation secured an early place in the transportation system of Montana. Montana's first airline was the National Parks Airlines, which was founded in 1927 and offered service to Butte, Helena, Great Falls, and Salt Lake City.

And I might add there, my grandfather, Fred Sheriff, had a Ford trimotor and founded airports in Montana and worked very hard to get high quality aviation to Montana. Amelia Earhart spent much time in Montana, and I very much remember a photograph of my grandfather and Amelia Earhart when she was in Montana helping us to establish the highest quality aviation in our State.

MICRON AND MONTANA TRANSPORTATION

Mr. President, Montana has a long, proud history of efficient and productive transportation, and that history continues today in Butte.

We operate in a global economy these days, however, and the intermodal transportation partnership found in Butte will increase the productivity of Micron and lower the transportation costs to ship their products. This will improve the marketability of Micron's products and make it more competitive throughout the world.

Mr. President, I have been in the Chamber several times now describing the unique virtues of Montana and of Butte. Montana is a vast State. It is a beautiful State. As Micron prepares to make a final decision on the location of its new facility, I would like to end with a quote from an essay by Glenn Law, entitled "More Than Skin Deep." And I quote:

> Montana's special gift is space, landscape made personal; space that reaches out to horizons and comes back and gets under your skin. It reaches inward, wraps itself around your soul, incubates and grows. When you finally begin to understand just what it is about Montana that is important to you, it has already taken root in your heart and you'll never be the same.

Mr. President, when Micron comes to Montana, they will understand the meaning of these words. They will never be the same. They will be better. There is no place in the world like Butte, and we look forward to opening our arms, welcoming Micron to Butte.

Thank you, Mr. President. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO GLEN WOODARD

Mr. GRAHAM. Mr. President, Florida and America have lost a big-hearted man who worked hard to make his State and his Nation better: Glen Woodard of Jacksonville, FL.

Mr. Woodard was 77 when he died late last month in Jacksonville after a long illness. A vice president at Winn-Dixie Stores, Mr. Woodard was "the last of a breed," his friend Bill Birchfield said admiringly.

Mr. President, I submit the following eulogy to Glen Woodard, delivered by Robert O. Aders in Jacksonville on January 28, 1995:

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY TO GLEN WOODARD

(By Robert O. Aders, President Emeritus, Food Marketing Institute)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is the first time you won't have the last word. I speak on behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve the food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

"Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida."

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on "lobbying." Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was "While you are watching out for the eagles you are being pecked to death by the ducks." And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as "my spiritual advisor." Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by "skin 'em and cheat 'ems," "shiny britches," and "snuff dippers." These people don't merely get excited, they have "rollin' of the eyes" and "jerkin' of the navel." Colorful he was. But Glen needed that lighthearted perspective to survive, for Glen was in the middle of what is now called "that mess in Washington" from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it "the work of the Lord." And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humour and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: "Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin', 4-flushin', SOB I've ever known." He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Ole Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me "How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville." Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table a silver ice bucket we had Glen's cheap rose' wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way:

"FMI to Glen P. Woodard, The Best There Is

"For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

"We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985."

And that still goes Glen, old buddy.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is like the weather—everybody talks about it but, up to now, hardly anybody has undertaken the responsibility of doing anything about it. The Congress now had better get cracking—time's a-wasting and the debt is mushrooming.

In the past, a great many politicians talked a good game—when they were back home—about bringing Federal deficits and the Federal debt under control. When they got back to Washington, many of these same politicians regularly voted in support of bloated spending bills that rolled through the Senate. The American people took note of that on November 8.

As of Friday, February 10, at the close of business, the Federal debt stood—down to the penny—at exactly $4,805,266,970,855.19. This debt, remember, was run up by the Congress of the United States.

The Founding Fathers decreed that the big-spending bureaucrats in the executive branch of the U.S. Government should never be able to spend even a dime unless and until the spending had been authorized and appropriated by the U.S. Congress.

The U.S. Constitution is quite specific about that, as every school boy is supposed to know.

And do not be misled by declarations by politicians that the Federal debt was run up by some previous President or another, depending on party affiliation. Sometimes you hear false claims that Ronald Reagan ran it up; sometimes they play hit-and-run with George Bush.

These buck-passing declarations are false, as I said earlier, because the Congress of the United States is the culprit. The Senate and the House of Representatives are the big-spenders.

Mr. President, most citizens cannot conceive of a billion of anything, let alone a trillion. It may provide a bit of perspective to bear in mind that a billion seconds ago, Mr. President, the Cuban Missile Crisis was in progress. A billion minutes ago, the crucifixion of Jesus Christ had occurred not long before.

Which sort of puts it in perspective, does it not, that Congress has run up this incredible Federal debt totaling 4,808 of those billions—of dollars. In other words, the Federal debt, as I said earlier, stood this morning at four trillion, 805 billion, 266 million, 970 thousand, 855 dollars and 19 cents. It'll be even greater at closing time today.

THE UNITED STATES-NORTH KOREA AGREED FRAMEWORK

Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs I intend to share with my colleagues my views on a specific area within the jurisdiction of the subcommittee every Monday. Today I rise to briefly address the current status of relations between the United States and North Korea [DPRK].

Since the division of the Korean Peninsula, we have not maintained diplomatic relations with the DPRK. While South Korea has prospered and grown into one of the strongest economic engines in Asia, the DPRK has become increasingly isolated, paranoid, and violent. If any country has come to epitomize a rogue regime, it is North Korea. In the 1960's the DPRK seized the U.S.S. *Pueblo* and its crew, and staged a violent attack on the residence of the South Korean President. In the 1970's Pyongyang perpetrated several acts of violence along the Demilitarized Zone, including the unprovoked ax murder of an American soldier within the DMZ in 1977. In the 1980's the North orchestrated a bombing attack on the South Korean cabinet during a state visit to Burma, and in 1987 was responsible for blowing up a South Korean airliner with the loss of all aboard. The DPRK has constructed numerous tunnels under the DMZ into South Korea territory to facilitate invasion, some of which have been discovered and some of which, undoubtedtly, have not. Finally, as noted in a story last week in the Washington Times, the Russian intelligence agencies have implicated the North Korean Government in a plan to distribute some 8 tons of heroin in Russia. And these are just the incidents we know about; I do not doubt but that this is, as the Korean would say, subak keot halkki—just "licking the outside of the watermelon."

Despite this, since 1988 the United States has begun a process of establishing a limited relationship with North Korea in an effort to draw that country out of its self-imposed isolation. The United States political counselor at our Embassy in Beijing has met dozens of times with his North Korean counterpart to discuss increased North-South dialog and a variety of other issues. However, since the early 1990's the DPRK's suspected nuclear weapons program has overshadowed all other issues.

Although a signatory to the Nuclear Nonproliferation Treaty, DPRK-ROK joint declaration on denuclearization of the Korean Peninsula, and an agreement with the International Atomic Energy Agency, North Korea is suspected of violating—and in some cases is known to have violated—all three. In late 1992, the IAEA discovered evidence that the DPRK has reprocessed more plutonium than it had disclosed. This is worrisome because it may indicate that North Korea is reprocessing nuclear material for the purpose of developing military nuclear capabilities.

North Korea rejected a subsequent demand by the IAEA that it be allowed to inspect several nuclear sites to confirm or disprove its suspicions, and announced on March 12, 1993, its intention to withdraw from the NPT. The administration responded by initiating direct negotiations with the DPRK on the nuclear issue. Two meetings were held—one in New York in June 1993, and in Geneva in July of that year—at which time North Korea suspended its withdrawal from the NPT and agreed to negotiate with the IAEA and the ROK. The two governments also agreed to discuss the conversion of the North's nuclear reactors to light-water reactors—a reactor from which it is more difficult to manufacture weapons-grade nuclear material.

However, the DPRK continued to reject IAEA inspection of its facilities, and reneged on its promise to resume talks with the ROK. After several weeks of continued negotiations, in February 1994 the North eventually accepted the IAEA's suggested inspections. The administration agreed to suspend U.S.-ROK military training exercises for 1994 and begin a new round of talks in March as a quid pro quo for the North's agreement to implement the inspections and begin high-level negotiations with the ROK.

True to form, Pyongyang prevented the IAEA from completing the inspections and disavowed any obligation to begin talks with the ROK. As a result, the United States began discussions with members of the U.N. Security Council with an eye toward imposing sanctions on North Korea in order to encourage the DPRK to comply with its agreement. The North backed down, and completed the March inspection in May.

But before the United States could restart comprehensive negotiations, the North precipitated a new crisis in late May by removing some 8,000 spent fuel rods from its 5 Mw(e) Yongbyon reactor. The rods contained spent uranium from which plutonium could be separated out through reprocessing. The DPRK allowed IAEA inspectors to be present, but prevented them from sampling any of the rods—a process that would have allowed the agency to determine whether prior to 1992 North Korea had removed enough fuel rods from the reactor to produce weapons-grade plutonium.

Revisiting what had become a familiar scenario, the United States called North Korea's bluff and announced that it would again seek U.N. sanctions against that country, and circulated a draft resolution among the members of the Security Council. When the DPRK learned that the People's Republic of China would not veto the resolution, it quickly resumed negotiations.

Over the ensuing months, the parties worked out a final agreement which was signed in Geneva on October 21, 1994. I will not go into any great detail about the specifics of the agreed framework as they were recently discussed at length in two hearings before the Senate Foreign Relations Committee. Although in the end I saw little alternative but to support the administration's deal, I will say that certain portions of it made me somewhat uncomfortable. Principal among those is the requirement that the United States supply North Korea with 500,000 tons of heavy oil annually until the first light-water reactor called for under the agreement is up and running. We agreed to supply the DPRK with this, and the two light-water reactors, in return for North Korea halting the development of its nuclear program.

I was not convinced at that time, nor am I now, that we got the best end of the deal. North Korea is receiving a shot in the arm that will go a long way toward forestalling what will certainly be North Korea's economic implosion. We, on the other hand, only received an intangible promise on the DPRK's part that I do not believe we have the means adequately to verify. Moreover, it was my view at that time that we had been too quick to reward a tantrum by a spoiled child, since such a move almost invariably results in another tantrum.

In the last week, I believe we have seen my views validated. During talks in Berlin last week the North Koreans demanded another $500 million to $1 billion as part of the bargain to which they had already agreed. In addition, they refuse to allow South Korea to supply the reactors as the United States has agreed. Considering their negotiating style, and the speed with which we have seemingly met their demands, this should not have come as any great surprise to anyone.

I believe that the administration will see this move for what it is, simply a ploy of brinksmanship, and dismiss it clearly and directly. But should that not be the case, let me be very clear on my position for the North Koreans, who appear to be confused as to our resolve in this area. I will not support the provision by the United States of one scintilla more than is called for in the agreed framework without substantial concessions from the DPRK; nor will I accept any diminution of the central role that has been set out for the ROK. South Korea is making a huge contribution to implementing the agreement, and it is their national interest that is clearly most at stake. To accede to any demands by the DPRK in this regard is to assist it in its ongoing attempts to increase the United States-DPRK relationship at the expense of any North-South dialog.

Mr. President, I trust that the administration will resist this latest round of inane demands, and refrain from allowing the DPRK to use this issue to turn us into a cash cow. My subcommittee will be watching this area closely to ensure that it does so. I intend to hold a regular series of hearings to afford the administration the opportunity to keep us up to date on developments in this area.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. HATCH. Mr. President, the problems I have already outlined in this debate are not the only objections I have to the proposed exemption. The attempt to insert a reference to a mere statute into the Constitution raises serious questions of constitutional and legal policy which argue against including such a reference.

This amendment exemption proposes to take particular statutes of the United States and graft them onto the Constitution of the United States. This is unprecedented. It may have the effect of giving future statutory enactments constitutional significance. In other words, this amendment seems to establish a sort of quasi-constitutional device whereby Congress and the President—or Congress alone if it overrides a Presidential veto—can do something of constitutional significance by enacting a mere statute.

This amendment would exclude from the general definitions of receipts and outlays in the balanced budget amendment the receipts and outlays of the Federal old-age and survivors insurance [OASI] trust fund and the Federal disability insurance (DI) trust fund.

This amendment would constitutionalize the OASI and DI trust funds on the date of enactment and forever thereafter, however amended. This is no small point.

The entire Social Security Act has been amended hundreds of times. The key section that establishes the old age survivors insurance trust fund and the disability insurance trust fund, or title II of the Social Security Act, has been amended over 20 times, or about once every 3 years. The pace of amendment has increased in recent years. Twelve of these amendments have been made since 1980, or almost once per year.

This amendment is not restricted. There is no limit on the subject matter of future amendments. It will constitutionalize every program or policy that future Congresses add to title II, whether or not related to the original purposes of those trust funds.

Of course, the pace of amendments to title II will likely increase rapidly because this amendment provides an incentive for adding extraneous items: Once in title II, the additional receipts and outlays will be off budget and exempt from the strictures of the balanced budget rule.

Under this amendment, future amendments to title II may have constitutional significance. If this provision were added to the constitution, any amendment to title II, no matter how narrow or minute, would have some constitutional significance.

For example, section 201 of the Social Security Act was most recently amended on October 22 of last year by section 3(a) of the Social Security Domestic Employment Reform Act of 1994. Had the provision offered today been in the Constitution at that time, the language on this chart would have had some kind of constitutional significance. Just look at it:

Sec. 3(a) ALLOCATION WITH RESPECT TO WAGES.—Section 201(b)(1) of the Social Security Act (42 U.S.C. 401(b)(1)) is amended by striking "(O) 1.20 per centum" and all that follows through "December 31, 1999, and so reported," and insert "(O) 1.20 per centum of the wages (as so defined) paid after December 31, 1989, and before January 1, 1994, and so reported, (P) 1.88 per centum of the wages (as so defined) paid after December 31, 1993, and before January 1, 1997, and so reported, (Q) 1.70 per centum of the wages (as so defined) paid after December 31, 1996, and before January 1, 2000, and so reported, and (R) 1.80 per centum of the wages (as so defined) paid after December 31, 1999, and so reported,".—P.L. 103–387, §3(a), 108 Stat. 4074–75, Oct. 22, 1994.

Could you imagine what that would mean to the Constitution?

This is not the sort of soaring language proclaiming broad and timeless principles we usually associate with the Constitution. But it is the kind of language that will be given at least quasi-constitutional status by this proffered amendment by those who are offering it. I would think anyone who reveres the Constitution would want to avoid cluttering up the Constitution and the constitutional order by adopting this amendment and giving such legislative language some new para-constitutional status.

The language of the Reid amendment, like the slogans surrounding it, may look or sound simple, but it has extraordinarily complex implications. The amendment is short because it uses titles, but using simple labels does not simplify the legal ramifications.

This amendment refers to the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund, but they, together with their legislative histories, take up some 300 pages in the United States Code. You can find it at title 42, United States Code sections 401–433. I am citing the 1988 edition and supplement V of 1993. There are also volumes of relevant judicial opinions and agency rules and adjudications which could be affected. This amendment's implications are a little clearer if restated with elaboration, as shown on this chart.

Again, is this the kind of constitutional language we want to put in the Constitution?

Look at this next chart:

The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund—

By the way, those are the receipts and outlays mentioned in the Reid amendment.

and the Federal Disability Insurance Trust Fund [comprising Title II of the Social Security Act, 42 U.S.C. Sec. 401(a)–(m), Sec. 402(a)–(x), Sec. 403(a)–(l), Sec. 404(a)–(e), Sec. 405(a)–(r), Sec. 405a, Sec. 406, Sec. 407, Sec. 408, Sec. 409, Sec. 410(a)–(q), Sec. 411(a)–(i), Sec. 412, Sec. 413(a)–(d), Sec. 414(a)–(b), Sec. 415(a)–(i), Sec. 416(a)–(l), Sec. 417(a)–(h), Sec. 418(a)–(n), Sec. 420, Sec. 421(a)–(k), Sec. 422(a)–(d), Sec. 423(a)–(i), Sec. 424(a)–(h), Sec. 425(a)–(b), Sec. 426(a)–(h), Sec. 426–1(a)–(c), Sec. 426a(a)–(c), Sec. 427(a)–(h), Sec. 429, Sec. 430(a)–(d), Sec. 431(a)–(c), Sec. 432, Sec. 433(a)–(e) (1988 ed.), as amended, where relevant, and comprising tens of thousands of words, together with all relevant judicial decisions and agency rules and adjudications, comprising millions and millions of words]

> used to provide old-age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

Additionally, title II of the Social Security Act is referred to in numerous other sections of title 42 of the United States Code, and it is also referred to in titles 2, 5, 7, 10, 12, 14, 22, 26, 29, 30, 38, 45, 49 appendix, and 50 appendix of the United States Code.

Mr. President, there are further complications raised by the drafting of this attempted statutory exemption. The drafters of the Reid exemption amendment have attempted to narrow the scope of their exemption from previous incarnations by adding an attempt at limiting language. This attempt to paper over the gaping, and hugely elastic loophole created by this amendment only serves to further clutter the constitutional subtext and confuse the constitutional implications of this provision. The Reid exemption states that it only applies to funds which are used for "old age, survivors, and disabilities benefits."

But it fails to define those terms. The other way you can find the definition is through the statute. The Social Security statute which does attempt to define some of these terms does little to put me at ease about the vagueness. Just look at some of the definitions of that act on these posters. Let us take these two posters behind me and see what I mean about constitutional confusion. This is "Constitutional Language?" Again with a question mark. "42 U.S.C. section 306, definitions."

Section 306 defines "old age assistance" in the first sentence of the section. But it does not end there.

> For the purposes of this subchapter, the term "old age assistance" means money payments to, or if provided in or after the third month before the month in which the recipient makes application for assistance, medical care in behalf of or any type of remedial care recognized under State law in behalf of, needy individuals who are 65 years of age or older, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution except as a patient in a medical institution. Such term also includes payments which are not included with the meaning of such term under the preceding sentence, but which would be so included except that there are made on behalf of such a needy individual to another individual, who (as determined in accordance with standards prescribed by the Secretary) is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 302 of this title includes provision for * * *.

That alone shows the problems of writing a statute into the Constitution. But let me read the rest because I think it is worthwhile to the people of this country so see how really absurd this becomes, if we adopt the Reid amendment.

No. 1:

> Determination by the State agency that such needy individual has—can you imagine what "needy individual means"—by reason of his physical or mental condition—can you imagine what that means—such inability to manage funds—can you imagine what "managed funds" means—that making payments to him would be contrary to his welfare—do you know what "welfare" means—and, therefore, it is necessary to provide such assistance—what does "assistance" mean—through payments—what does that mean—described in this sentence.

That just gives you a little bit of an idea what writing a statute into the Constitution means.

No. 2:

> Making such payments only in cases in which such payments go will under the rules otherwise applicable under the State plan for determining need and the amount of old age assistance to be paid and in conjunction with other income and resources meet all of the needs of individuals with respect to whom such payments are made.

Just the word "needs" gives you heartburn. That could be defined in many different ways. But every word in there can be defined.

No. 3:

> Undertaking and continuing special efforts to protect the welfare of such individual and to improve, to the extent possible, his capacity for self-care and to manage funds.

Can you imagine what they could do with this language?

No. 4:

> Periodic review by such State agency of the determination under paragraph 1 of this subsection to ascertain whether conditions justify such determination still exists and provision for termination of such payments, if they do not, and for seeking judicial appointment of a guardian or other legal representative as described in section 1311 of this title, if and when it appears that such action will best serve the interests of such needy individual; and * * *.

Let us read No. 5:

> Opportunity for a fair hearing before the State agency on the determination referred to in paragraph 1 of this subsection for any individual with respect to whom it is made.
>
> At the option of a State if its plan is approved under this subchapter so provides.

So we have State plans brought into this. What does that mean? Can we have 50 different State plans? Of course, you can.

> Such term (i) need not include money payments to an individual whose absence from such State for a period in excess of 90 consecutive days regardless of whether he has maintained his residence in such State during such period, until he has been present in such State for 30 consecutive days in the case of such an individual who has maintained his residence in such State during such period, or 90 consecutive days in the case of any other such individual, and (ii), may include rent payments made directly to a public housing agency in on behalf of the recipient or a group or groups of recipients of assistance under such plan.

Can you imagine if this is written into the Constitution—which it will be because receipts and disbursements will be written into the Constitution—can you imagine what just these paragraphs will do? These are only some of the 300 pages of legislation that come under the title of what is trying to be excluded from budgetary considerations under the balanced budget amendment. You can see why some of us feel that is not the way to approach this problem. It is not the way to protect Social Security because I can give you at least 3,000 different ways right off the top of my head if I had to—it would take us a few days—as to how all those terms can be interpreted, or probably 100,000 different ways given enough time. Once that starts, Social Security is going to be the first to be bombarded by every special interest group in the country under needy, those who are needy, those who are elderly, those who live in housing projects, those who have any number of these qualifications listed just in these few paragraphs. Like I say, we have 300 pages of the Federal Code on this. That could not even begin to touch the thousands and thousands of pages of regulations pertaining to it.

Section 306 right here defines old age assistance in the first section of this section. But like I say, it does not end there.

The next sentence says:

> Such term also includes payments which are not included with the meaning of such term under the preceding sentence, but which would be so included except that they are made on behalf of such a needy individual to another individual who (as determined in accordance with standards prescribed by the Secretary)—in other words, the Secretary can prescribe the standards. That becomes constitutional, or at least constitutional as long as it is law.
>
> * * * is interested in or concerned with the welfare of such needy individual, but only with respect to a State whose State plan approved under section 302 * * *.

This goes on and on.

Mr. President, this is not language which belongs in our Constitution. This is legal double-talk, not the consistent, clear statement of principles which we have come to associate with the Constitution.

Remember, since this definition is only in a statute, that statute can be easily amended as we already mentioned. Future Congresses can dramatically alter this definition and thereby change the whole meaning of the constitutional language.

The statutory definition of "disability" is even more convoluted. Just look at it here on this next poster. It goes on for no less than four pages in the United States Code. It has six subsections, and eight sub-subsections.

Both the definition of "old age assistance" and this definition are subject to change through regulations issued by the Secretary. That means that the Secretary of Health and Human Services can amend the Constitution without any action by the Congress. Let me repeat that. The Secretary of Health and Human Services, an appointee of the President, who at best is going to be a temporary occupant of the White

House, whoever the President is, that means Secretary Shalala and her successors will be empowered to define constitutional terms for bureaucratic rulemaking. As I have said before, here we are in this new Congress trying to reduce the power of the bureaucracy, and here we have an amendment which is trying to "constitutionalize" it. This is a constitutional abomination.

Let me make that case again. "Constitutional Language?" and a question mark. Title 42 United States Code, section 423, disability insurance benefit payments. This is just one of the definitions that can be changed. Any word can be changed, any paragraph, any phrase, any sentence. Anything in here can be changed by a mere change of statute. But this amendment writes this into the Constitution, which means that although it becomes part of the Constitution, should there be enough votes for it, it can be changed any time anybody wants to change it. Look at this. Look how difficult it is. Disability defined:

> The term "disability" means, paragraph (a), the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which could be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months, or, (b), in the case of an individual who has attained the age of 55 and is blind within the meaning of blindness as defined in section 416(i)(1) of this title, inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time.

Now, they can add another whole alphabet of provisions there and paragraphs if they want to in future Congresses and all of that becomes part of the Constitution.

Let us go to paragraph 2.

> For the purposes of paragraph 1(a). (A) An individual shall be determined to be under a disability only if his fiscal or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy—

Can you imagine the loophole there?

> regardless of whether such work exists in the immediate area in which he lives or whether a specific job vacancy exists for him or whether he would be hired if he applied for work. For the purposes of the preceding sentences with respect to any individual, work which exists in the national economy means work which exists in significant numbers either in the region where such individual lives or in several regions of the country.

As you can see, it is legal doublespeak—nevertheless important. But is it important enough to put into the Constitution? I just cannot imagine why anybody would want to do that.

> 3. For purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques.

Can you imagine how that could be amended?

> 4. The Secretary shall by regulations prescribe the criteria for determining what services performed or earnings derived from services demonstrate an individual's ability to engage in substantial gainful activity.

Boy, talk about giving the Government control of our lives. Put that into the Constitution and, my gosh, it is going to be unbelievable. It is bad now; can you imagine what it would be like if we put it into the Constitution?

> No individual who is blind shall be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of earnings that do not exceed the exempt amount under section 403(f)(8) of this title which is applicable to individuals described in subparagraph (D) thereof. Nothwithstanding the provisions of paragraph (2), an individual whose services or earnings meet such criteria shall, except for purposes of section 422(c) of this title, be found not to be disabled. In determining whether an individual is able to engage in substantial gainful activity by reason of his earnings, where his disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, there shall be excluded from such earnings an amount equal to the cost (to such individual) of any attendant care services, medical devices, equipment, prostheses, and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are necessary (as determined by the Secretary in regulations) which are necessary (as determined by the Secretary in regulations) for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions; except that the amounts to be excluded shall be subject to such reasonable limits as the Secretary may prescribe.

I think I am making the case. Those who are arguers for this or proponents of it are saying all we are asking for is that the receipts and disbursements be put off budget. It is not as simple as that. We all know that every word in the Constitution has resplendent meaning. Every word can be interpreted by the courts in different ways. Every word can be interpreted by Congress in different ways and by the President in different ways. So when you put this into the Constitution and it is a statute, a mere statute at that, albeit important, then you are just asking for it because that becomes a loophole for which you can drive anything you want to drive.

Mr. President, the Framers used only a few thousand words. You can read the Constitution in a half hour from beginning to end, including the amendments. It took a few thousand words, or less than 2,500 words, I think, to create the U.S. Constitution. Title II of the Social Security Act, on the other hand, is comprised of tens of thousands of words and hundreds of pages and thousands of regulations. Many of those are going to have some constitutional significance if the Reid amendment is accepted. Is this what we want to add to our Constitution?

I would like to point out that none of these issues that I am raising can be solved by more elegant drafting. The constitutional problems raised by the unprecedented step of attempting to incorporate a mere statute into the Constitution are simply insuperable. No variations on the theme presented in this amendment can be fixed by an alternative rendering. This amendment and all variations on it are simply unacceptable and wholly inappropriate for a constitutional amendment.

Mr. President, this is not simple stuff we are doing here. This is not a simple amendment. This is not a constitutional amendment, the way they have drafted it. It is placing a statute and all that that statute means and may mean and will mean in the future into the Constitution where they could write anything into it they want. Under the guise of trying to do something good—that is, protect Federal and old age survivors insurance, their trust fund and the Federal disability trust fund, the Reid amendment would constitutionalize those trust funds on the date of enactment or ratification and forever thereafter, however amended. Like I say, that is no small point. The Social Security Trust Act—both of these trusts have been amended a number of times. I am very concerned if we put language like this into the Constitution.

Let me just spend a few minutes on why is this language essential. Last Friday, we had the pictures of young kids whose future depends on whether we pass the balanced budget amendment or not, whether we are going to get spending under control, or whether we are going to get serious about it, or whether we are going to have a mechanism in the Constitution to help us to get serious about it.

It is no secret to anybody that because of voting power, our seniors now have some of the most massive power in our country today. We keep putting more and more money into our seniors and more and more children are left behind. That is not a reason not to help our seniors. But I do caution everybody that we have to worry about helping our children, too, because they are the future generations who have to pay the price so that the seniors can get their Social Security. But it still does not negate my point.

My point is that the seniors are one of the most powerful voting blocks in our country today and, rightly so; I find no fault with that. They should exercise their voting power. On the other hand, are we not shortchanging the children if we just worry about the seniors, when they have the power to compete very well with every other item in the Federal budget? If we pass the constitutional amendment without the Reid language, everybody knows that the Congress of the United States is going to have to take care of the seniors because of the voting power and because it is the right thing to do.

On the other hand, are we going to do that to the exclusion of everybody else in our society, to the exclusion of children, who are continually getting less and less of the Federal pot in comparison? Well, I hope not. But the only way you can balance these things up is not by writing one special interest group into the Constitution when they have the power and the most massive power in our country today to get their will done anyway. Our seniors and Social Security and most every program pertaining to seniors will complete excellently against all other spending programs of the Federal Government. There is no doubt in my mind about that, and I do not think there is any doubt in anybody else's mind.

In conclusion, Mr. President, I see that the distinguished Senator from New York is here and may want to speak on this subject. The biggest threat to Social Security is our growing debt and concomitant interest payments. Debt-related inflation hits especially hard those on fixed incomes, and the Government's use of capital to fund debt slows productivity and income growth.

The way to protect Social Security benefits is to support the balanced budget constitutional amendment and balance the budget so that the economy will continue to grow. Senior citizens know this. That is why a recent poll shows that an overwhelming 91.8 percent of senior citizens favor a balanced budget amendment. They know it is simply the best way to protect their children and grandchildren and the best way to ensure that runaway deficits do not lead to runaway inflation, which hurts those on fixed incomes especially hard.

Being a supporter of both the balanced budget amendment and Social Security, I believe this exemption raises major concerns. The proposal before us now, to exempt Social Security, will not only destroy the balanced budget amendment but will cause the Social Security trust fund to run out of money sooner than it would under a clean balanced budget amendment. And I believe that the Senate has already voted on a better way to protect Social Security, which would protect Social Security from benefit cuts and tax increases to balance the budget.

Let me repeat in no uncertain terms that the best way to protect the Social Security program in our country is to pass a clean balanced budget amendment. This is the best and most appropriate way to protect Social Security for our seniors and for all other generations, and to provide for a future for our children and our grandchildren, those who are going to have to work very hard to pay for our Social Security.

I do not know how anybody can read that amendment that is the current pending amendment before this body and not be concerned about writing a statute into the Constitution and about opening loopholes through which you could drive spending trucks bigger than any trucks we have every driven through spending loopholes in the history of the Congress, and do it in a way that totally negates and makes feckless the balanced budget constitutional amendment.

With that, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, when in doubt, wave your arms, scream and shout.

Now, my friend from Utah has not been screaming and shouting because, in his mild manner, that is not how he speaks. But it appears clearly that those who are looking for a way to oppose this amendment to exempt Social Security are in doubt. That has to be the case, based upon the argument we have just heard.

Mr. President, I have here a copy of the Constitution of the United States. Let us flip over to——

What do we pick? Let us pick amendment No. 16. Amendment No. 16 is the amendment that allows this country to collect an income tax. I do not know how many thousands of books—not words or paragraphs, books—are in our statutes and codes regarding IRS. Now, using the logic of the manager of this bill, the 16th amendment is inoperable.

We could take the 14th amendment. We know the spate of litigation and legislation that has ensued following the passing of this very important amendment, that dealing with equal rights, due process under the law. How many thousands of words are in our statute books regarding due process? Does that mean it is not a good amendment or it is an unworkable amendment? The obvious answer is no.

Mr. President, what about the 19th amendment? This is the amendment giving people in our country, regardless of sex, equal rights. How many statutes, how many pages in our code books are relating to the 19th amendment?

I say, respectfully, that the argument of the manager of this bill indicates to me that there are grave reservations on their behalf that their position is valid. Otherwise, how could they come up with anything as ridiculous as reading statutes that apply to a particular part of the constitutional amendment?

My friend from Utah used a couple of terms that I think are reversibly applicable, "legal doubletalk." Well, I am not sure legal doubletalk is really clear enough. It is at least 10 or 12 times more than doubletalk. Another statement made by my friend from Utah is, "I think I am making my case." With all due respect: Sorry, case not made.

I see a member of my staff walking in here. I sent him out just a minute ago to see what he could grab close by that were code books relating to the 16th amendment. These are just a couple at random that were grabbed right outside the doorway here.

I do not know, Mr. President, how many pages we have here. This book has about 1,600 pages; this book about 1,200 pages; this book about 1,700 pages. These are just a few. These are all my staff could lug in for illustrative purposes.

So we have been through this argument on a previous occasion that the problem that we now have——

I did not write it. Somebody drafted a constitutional amendment to balance the budget. I say, we have a tremendous amount of precedent on this floor that indicates that we, as a Congress, want to keep Social Security out of our general revenues.

The balanced budget amendment does just the opposite. The language of the balanced budget amendment—I will go into this in more detail later on—but the language of the balanced budget amendment, House Joint Resolution 1, says: "Total outlays shall include all outlays of the United States Government." That is what it says. I did not write it.

And I want to simply state that this amendment keeps out of the general revenues of this country Social Security. That is what this amendment does. It very simply and concisely does that. Social Security should rise or fall on its own merits.

Mr. President, we have heard a lot here this morning, really not too much, that we do too much for senior citizens; we have to worry about our children. I believe we do not do too much for senior citizens. In fact, if you will look at the State of Nevada as an example, you will find that, in Nevada, the average retired worker gets $680 a month.

That is really not a lot of money. I ask anyone within the sound of my voice—and there are plenty of them—who do try to live on $680 a month, how difficult it is.

But most people that are living on $680 a month are seniors. They do not qualify for welfare. Why? Because they are Social Security recipients.

So we do not really overpay senior citizens who are recipients of Social Security. In fact, Mr. President, it is quite the opposite. They are not welfare recipients. They receive benefits from Social Security that they paid into while working and their employer paid into. That is now 12.4 percent of their monthly income.

This Nation was founded based on a core belief that governments are instituted and exist not as rulers but as servants of the people.

The American people are good masters. They are tolerant of mistakes and waste which would have most employees, perhaps, out on the street. But like all employers, the American people have a characteristic that they will not tolerate, and that is dishonesty.

As the servants of the people in 1935, this body and the Government of which we are a part, made a promise to the Nation that we would create a separate insurance trust fund paid for, Mr. President, out of working people's pockets, to provide for the widowed and the aged, the orphaned, and the infirm.

As servants of the people, we radically overhauled the fund in the early 1980's, substantially raising the tax burden that people had to bear in order to secure the Nation's solvency and the system's solvency. That overhaul worked, Mr. President.

The Social Security trust fund now pulls in a substantial surplus to provide for the future when America's graying baby boomers need their promised retirement. There are those, however, who would raid that account to pay for the mess created by the reckless deficit spending in the general fund.

During the past few weeks, I have urged each Senator not to violate the Social Security trust fund in the name of a balanced budget. This would be like going out of your home to go grocery shopping, and when you get there someone has picked your pocket.

To violate Social Security, Mr. President, would not resolve the central problem of this Government, created over the last decade and a half, that we have spent more than we have taken in, and at a very reckless pace, but would create a new and wholly illusory source of revenue which would encourage more spending, not the reductions we so desperately need to put in place.

It would also do something even worse. It would dishonor a promise we made to the American people when we completely overhauled the Social Security system. It would prove this Government unworthy of the only thing it has which really matters: the trust of the American people. It would shred the Social Security contract created by the legislators and presidents of yesteryear, and it would justify the cynical rejection of our core values, which is already so badly infecting many of our young people.

There was a time in this country when honor was an individual's most important possession. There was a time that as a people, we looked to a national honor as our most honored birthright. There was a time when one's word was his bond.

So, my colleagues, my fellow Senators, is that time passed? Have we become such little men and little women, of such low morals and such easy virtue, that we can disregard our solemn vows to those whom we serve, to the oaths that we made, to the values we espouse? I think not.

Sixty years ago, this body made a promise to the American people that we would not touch the Social Security trust fund for any other purpose. This promise was reaffirmed by President Reagan, Speaker of the House, Thomas "Tip" O'Neill, Claude Pepper, and the chairman of the Aging Committee, my friend, the senior Senator from New York, who was in on the program to bail out Social Security.

They did it because it was the right thing to do. We should do this because it is the right thing to do. Keep that promise, because it is the plaintive plea of the American people: This Reid amendment is not only for senior citizens, it is for all Americans, so Social Security will protect them.

Mr. President, I see on the floor, the senior Senator from New York and the senior Senator from Florida. I have some questions I want to ask the Senator from Florida. How long will the Senator from New York speak?

Mr. MOYNIHAN. Mr. President, I would like to speak for approximately 10 minutes to make a point in support of the Senator from Nevada.

Mr. REID. Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I am happy to have this opportunity to make a point which I will summarize first, which is that the analyses of the effect of the balanced budget amendment that have been prepared in the Department of Treasury, for example, have typically been static estimates of the reduction of Government programs and Government transfers that would be required to reach a balanced budget by the year 2002. I think the familiar figure is about $1.2 trillion, and we will get that much less in the way of highway funds and this much less in the way of some other program.

I would like to introduce not a new thought but a parallel—and in my view, much more important—point which is that we put in jeopardy with a balanced budget amendment everything we have learned in the 60 years since the Great Depression about Government's capacity, through fiscal policy and monetary policy, to restrain the business cycle and put the economy on a steady path of economic growth.

The Senator from Nevada speaks of the Social Security trust funds. They are in surplus. In 1977 we moved from a pay-as-you-go system which was purely intergenerational. Persons paid into system and moneys were received by people who had left the system, or retired. We went to a partially funded basis in anticipation of the baby boom retirement. We put in place a surplus which would—just to give a sense of the dimension—would buy the New York Stock Exchange.

But we have not saved it. It was used to run or pay down the public debt, which translates into an increase in investment. We have used it for general fund purposes as the Senator from Nevada has said.

All should be on notice that that surplus, that cash surplus, runs out in the year 2012. Thereafter, the increasing portions of the Social Security payments will have to be brought out of the economy generally, not from the payroll tax. The year 2012 is not that far in the distance. I would be closer to 2012 than I would be from the time that I entered the U.S. Senate.

Therefore, the great issue is to maintain the economic growth of the past four decades, which marks a great change in our understanding of this subject. How to maintain more or less steady growth without the panics and depressions that have preceded it for a century and brought the great crisis of capitalism as it was understood to be in the 1930's.

Here is a chart with one of the most remarkable bits of line drawings we will ever see. Here is the real growth, percent change of real GDP—which is gross domestic product—from 1890 up to 1945. Look at that graph. Up, down; up, down; up, down. Three distinct times in that 60-year period there is a drop in GDP of 5 percent; twice there is a drop of 10 percent; once a drop of 15-percent. That 15-percent drop was the 1930's. If you liked the 1930's, you would like what came out of the 1930's—war. World war, with horrors still shaping citizens.

It was thought, what could be done? Classical economics taught us that markets clear, prices change, and we always get the full use of resources.

In the 1930's, an economics developed that we associate with John Maynard Keynes, however, he is not the only one that said, "No, no, you can have an equilibrium with large proportions of capacity in the work force and capital unused." That was the great insight of the 1930's.

And now, Mr. President, if I may say, I speak about what I saw. I came to this city in the Kennedy administration. I became Assistant Secretary of Labor for Policy Planning and Research. The Bureau of Labor Statistics provided the data on which our economic policies were based. We had in 1958 the first real recession in the postwar period. Unemployment reached 6.8 percent. Then a recovery began in 1959 and 1960. Then it stalled, and President Kennedy came in and unemployment was 6.7 percent.

What to do. The analysis, and a correct one, which followed through three Presidencies, was that the revenues of the Federal Government were greater than its outlays. We kept running a surplus. In consequence, you had fiscal drag. You never reached full employment.

The Kennedy advisers thought of anything that came to mind. They moved the annual dividend on the veterans' affairs life insurance up one-quarter, which brought $300 to our household. Then inspired, they doubled the dividend, which actually brought us enough money to reach $1,000, which was a downpayment on the farm we still live in at Pindar's Corner in New York. Walter Heller, with the aid of Joseph Pechman at the Brookings Institution, thought about revenue sharing; if we could give money to the States, they would spend it, and you would not have the fiscal drag of surpluses.

President Johnson's people ascribed to this approach to fiscal policy and followed it pretty much. They did not quite deal with the inflationary aspects brought on by spending in the Vietnam war. President Nixon had to bring that down, but then he had to stimulate it up again.

George Shultz, one of the great public men of our age, as the first Director of the Office of Management and Budget, put in place a balanced full employment budget which he defined as one in which actual outlays did not exceed revenues that would come in at full employment. We built in a deficit to increase employment. It is a little arcane but not so arcane. Your average high school graduate can understand it. It is just if you have been out of high school a long time, it is a little harder.

Look at that performance—up, down; up, down; up, down; prices, panic, depression, and since 1945, a steady growth. This represents real growth, increases in GDP each year, a little tick in 1958, a little tick in 1961, another tick in 1979. The only real recession was 1982, when GDP dropped about 2 percent. Otherwise, steady growth. A great achievement in social learning. I do not know the equivalent in modern times. And we put it directly in jeopardy with this amendment. A balanced budget, for 12 months; if you think about it, it is an agricultural cycle. We do not live on an agricultural cycle, Mr. President. We live on a 5-year cycle, or something like that.

I would like to go back to the Smoot-Hawley tariff, which was another idea on this floor in 1930. At that time, 1,028 economists pleaded with Herbert Hoover not to sign that bill. He signed it. Within a year, the British had gone off free trade into imperial preference. The Japanese went to the Greater East Asian Prosperity Sphere. In 1933, with unemployment at 25 percent, Adolf Hitler became Chancellor of Germany in a free election within the Parliament. This is what we climbed out of in the way of knowledge and what we are plunging back into in our ignorance.

In 1979, I asked Charles Schultze, then Chairman of the Council of Economic Advisers, would he run the 1975 recession on a computer down at the Council with a balanced budget amendment. He wrote me that the computer blew up—GDP dropped 12 percent.

Just now, Dr. David Podoff, the former chief economist of the Committee on Finance—and now minority chief economist—who studied under Robert Solow, Paul Samuelson, and Franco Modigliani, three Nobel laureates, simulated a drop in the 1995 economy if some—I use a big term—exogenous shock came along, oil prices doubled, Mexico defaulted—you can name a lot of things—and unemployment went up by 3 percentage points. Using Okun's law, as to what a rise of 1 percentage point in the unemployment means, a drop of about 2.5 percent in GDP, he comes up with a new equilibrium of 18 percent below GDP's potential because of this amendment. Unemployment 12 percent. The last time we had 12 percent unemployment was 1937.

That is why, just as the economists tried to warn in 1930, last week Robert Solow of MIT came here with other economists, and read a statement opposing the balanced budget amendment that he and Paul Samuelson, both Nobel laureates, had written. The petition—circulated by Mr. Jeffrey Faux made a number of points about this proposal. But No. 2 is this:

> Even if economic forecasting could be done with pinpoint accuracy—

As the Senator from Nevada knows, it cannot be done and as he was saying—

> requiring balanced budgets in each fiscal year, regardless of prevailing economic circumstances, is bad public policy. The Federal Government, unlike State and local governments or individual households, has a special responsibility to finance its operations in a way that helps balance economic activity in the entire economy. When the private economy is in recession, a constitutional requirement that would force cuts in public spending or tax increases could worsen the economic downturn, causing greater losses of jobs, production, and income.

Mr. President, we know this, we have shown it, we have done it, and they will curse this generation in times come if we ever inflict this abomination on the Constitution of the United States.

We will not have the resources to pay Social Security benefits. The economy will be stuck at 80 percent of capacity, 15 percent unemployment—whatever it will be. It will not get better because there will be no way for it to get better. The courts will dither and the monetary authorities at the the Federal Reserve will ask what is its capacity. You could cripple the American economy. Just to get reelected? No, Mr. President, there are things more important than getting reelected.

I hope we understand what is at issue: Social Security and the American economy and the extraordinary achievement of economic understanding of the last half century. Nothing less, Mr. President, and we will ignore this to our disgrace if it should pass.

I yield the floor, and I thank my friend from Nevada for allowing me to speak.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, one of the pleasures I have had in serving in the Senate of the United States is to be able to serve on a committee with the distinguished Senator from New York who has just spoken. I think one of the two or three highlights of my congressional career is when a few years ago we did the highway surface bill. We had a real tough time in the committee, we had a difficult time on the floor, and a real tough time in conference.

But we came up with a bill which I am proud of and I think was the beginning of a new surface transportation philosophy in this country. We have come to the realization in this country, as a result of the input of the distinguished Senator from New York, that more highways is not necessarily the answer to all of our problems; that we need incentives to keep people from driving their automobiles.

I could go on at some length about the statement just made by the Senator from New York, but one point is that all Senators who were on the floor during this particular time moved to listen to him.

I appreciate the statement of the Senator from New York.

Mr. MOYNIHAN. I thank my friend.

(Mr. GRAMS assumed the chair.)

Mr. REID. Mr. President, I indicated earlier that I saw the Senator from Florida come to the floor. I am wondering if I could engage in a colloquy with the Senator from Florida. I have some questions based on a previous statement the Senator gave, the answers to which I think the Senator could impart his thoughts and views and I believe wisdom to the Members of the Senate.

I would first ask Senator GRAHAM if he could review the structure of the Social Security trust funds. Will the Senator do that?

Mr. GRAHAM. Mr. President, I appreciate the question that has been asked by my friend and colleague from Nevada, and it follows on very appropriately after the comments that have just been made by Senator MOYNIHAN, who was here for the restructuring of Social Security.

As Senator MOYNIHAN indicated, up until the late 1970's, Social Security was like most Federal trust funds, a pay-as-you-go system. It took in enough money each year to meet the obligations for that year. But beginning in the late 1970's, it became apparent that as demographic changes were occurring in our country, it would be necessary to change the structure of Social Security.

What were those demographic changes? Demographic changes were not a new phenomena. They occurred throughout man's history and our national history, that is, the rate of births is influenced by historic, economic, and social factors.

I do not know the exact birth date of the Senator from Nevada, but I believe that he and I are approximately the same age, which means we were both born during the period of the Depression. If that is correct, that would indicate both of us were born at a time of relatively low birth numbers in the United States. There were not a lot of parents having children in the period of the 1930's. So we represent a small percentage of the total population of the United States.

Conversely, in the period immediately after World War II, large numbers of persons who had suffered through the Depression and then World War II came back, formed families and large numbers of children were born from the late forties up until the mid-1960's, the so-called baby boom era.

Those demographic highs and lows are going to have significant impact on the demand of the Social Security system. When Senator REID and I retire, if we do, at around 65, we and our cohorts and aides will not be putting too much of a demand on Social Security because there are not that many of us.

Conversely, when our children retire, they will be putting a very substantial demand on Social Security because there are so many of them. So beginning in the late 1970's and particularly with a revision of the Social Security System that occurred in 1983, Social Security shifted from a pay-as-you-go system to a surplus system, and the theory was that amounts beyond those necessary to meet immediate demands would be raised primarily through the payroll tax for Social Security and would build up surpluses until you reached the point that the large number of persons who were born in the post-World War II period reached retirement, and they would then draw upon those accumulated surpluses to meet their needs.

And so this first-blue-then-red line indicates the structure of the Social Security system as outlined under a surplus plan.

This structure is not a mistake. It is not an aberration. It is not something where part of the machinery went bad. This is the way it is supposed to operate. And so the system is that this year we will have a surplus of revenues in the Social Security over expenditures of approximately $80 billion.

Mr. REID. Could I ask the Senator another question then?

Mr. GRAHAM. Yes.

Mr. REID. I think the Senator has done a good job of reviewing the structure of Social Security. How does that surplus affect our ability to bring the rest of the Federal budget into balance?

Mr. GRAHAM. Well, it does in a very dramatic way. If Social Security were on a pay-as-you-go basis, it could be melded easily into the rest of the Federal budget because each year you would be taking in approximately the same amount that you would be expending.

However, with Social Security, since it is structured to have large surpluses followed by enormous deficits, it will have a very distorting effect on the rest of the Federal budget if you attempt to arrive at a balanced Federal budget.

Let me just pick a couple of years as an example. In approximately the year 2010, the Social Security system will be running a surplus of close to $200 billion a year. Now, under the way in which the Federal budget is constructed today and in which this amendment will constitutionally require it to be constructed for all times, all Federal revenues and all Federal expenditures are merged together. That is, a dollar spent on Social Security and a dollar spent on paper clips has exactly the same impact on the Federal deficit.

Now, the consequence of that is that the $200 billion of surplus that Social Security will be running in approximately 15 years effectively becomes a subtract factor from the rest of Federal expenditures, that is, the Federal Government can run a deficit of up to approximately $200 billion in the year 2010 and it will not have any effect in terms of a balanced Federal budget because you will be able to subtract the Social Security surplus against the deficit that you are running in the rest of the budget and it ends up at zero. Therefore, you have met the constitutional requirement of a balanced Federal budget.

Let us just take another year, 10 years further down the stream in the year 2025, when we will be running not a surplus in Social Security but a deficit of approximately $400 billion.

Let me just point out to my colleagues that the structure of this surplus plan is that at a point in about 2019 we will reach a maximum surplus of $3 trillion plus or minus, and then in a period of 10 years we will spend that $3 trillion. Every one of those dollars represents a contribution to an enhanced Federal deficit. So our colleagues who will follow us here in the year 2025 will start their budget deliberations $400 billion in the hole because that is the amount of expenditures over income in the Social Security system in the year 2025.

I submit to my friend and colleague from Nevada that the Social Security pattern of surplus and then spendout is incompatible with its amalgamation with the rest of the Federal expenditures. It is such a large and such a distorting factor and its structure is so antithetical to the rest of the Federal budget that in my opinion it will be impossible to balance the Federal budget during this period from the year 2019 to 2029 if we mandate Social Security be integrated with the rest of the Federal budget.

Mr. REID. If I could ask my friend another question, it would seem to me from the picture the Senator has painted here the last few minutes that Social Security should rise or fall on its own merits; it is such a large numerical part of our Government that whatever happens to Social Security should be handled alone, separate and apart from the general revenues of this country.

Mr. GRAHAM. The Senator has made a very good point, Mr. President. Let me just put some approximate numbers behind that. This year the Federal Government will spend approximately $1.6 trillion—$1.6 trillion.

Of that $1.6 trillion of expenditures, approximately $320 billion will be Social Security expenditures. So Social Security represents, more or less, 20 percent of all Federal expenditures.

In terms of Federal income, the Federal Government will take in this year approximately $1.4 trillion—the difference being the $200 billion of deficit that we are currently scheduled to absorb this year. Of that $1.4 trillion of income, Social Security represents $400 billion. So Social Security represents well over 25 percent of our income into the Federal Government. It represents 20 percent of our outgo. So it is an enormous proportion of our Federal fiscal activity.

That large scale and this peculiar spending pattern—which is dictated by demographic considerations, the surge of births in the population over generations—are the factors that, in my opinion, not only justify, but mandate that Social Security be removed from the rest of the Federal Government and treated as it should be, as a separate fund representing a special trusteeship responsibility between the American Government and the American people.

Mr. REID. Mr. President, I ask my colleague, Senator GRAHAM, are there other policy considerations relating to whether Social Security is included in the Federal budget or off budget, as the Reid amendment proposes?

Mr. GRAHAM. In my opinion there are some very powerful considerations. Let me just mention a few of them.

One is the fact that Social Security, as the Senator from New York indicated, is going to have some serious challenges in and of itself. As an example, there is an assumption among many Americans that the surplus that we have been building up is being invested in some type of security that will be sacrosanct, will be protected, will be prudently managed so that when we need the money—beginning in approximately the year 2019—the Social Security administrators will be able to go to a third party and say, "Here is the money that I invested in you way back there in 1995. We need the money now in order to pay off the rights, the aspirations, the expectations of our current generations of retirees. Would you please liquidate this instrument so we can make these payments?"

Well, the person to whom that question is going to be asked—"Ask not who that person is, because he and she is us." We are spending that money now, not investing it prudently for future years' needs. We are spending it to finance the deficit. There is no pool of money that is being prudently managed. So when the year 2019 comes, the Social Security Administrator is going to come to us, those who will be in these seats, and say: I need approximately $40 billion, which is the amount beyond what we will take in this year in order to meet our obligations. Please write us a check for $40 billion.

We are going to have to either raise taxes or cut spending somewhere another $40 billion, or some combination, in order to meet those obligations. That is a very serious issue. We need to be able to deal with that issue. We need to be able to deal with it, in my opinion, as a separate, discrete issue, not commingled with the question of whether we are trying to do it, really, as an under-the-rug way of balancing our Federal budget demands this year.

I think as long as we have Social Security integrated with the rest of the Federal budget, we are going to be frozen in our capacity to deal with some of the real, fundamental issues facing Social Security because there will be this cloud of suspicion that we are doing it, not to protect and solidify and make more reliable Social Security, but are just doing this as a means of balancing the Federal budget on the back of Social Security.

So I think that is just one policy reason why we ought to remove Social Security from the rest of the Federal budget as it relates to this constitutional amendment to require balancing and be able to treat with the real needs of the Social Security system as an independent trustee would do, not as politicians subject to the cynical charge they are doing it in order to balance the rest of the Federal budget on the savings of our Social Security beneficiaries.

Mr. REID. I have a subsequent question I would like to ask the Senator.

What would be the Senator's answer if a question were asked, which I am asking: If this amendment, the Reid amendment, is not agreed to and Social Security becomes again part of the general revenues of this country, what is the future of Social Security?

Mr. GRAHAM. Mr. President, I think the future of Social Security, if it is held within this balanced budget amendment as part of an integrated Federal budget, will mandate major change. For instance, I think we will have to go back to a pay-as-you-go approach to financing Social Security. In my judgment it is incompatible to have a combination of, one, a surplus approach to financing Social Security and, two, a constitutional mandate that Social Security revenues and receipts be integrated, commingled with everything else that the Federal Government does and, third, that the result of that Federal budget is an equilibrium, a balance of expenditures and revenues.

Those three principles are, in my judgment, incompatible. So I think we will have to go back to a pay-as-you-go Social Security system and therefore will face, as the Senator from New York stated, intensified intergenerational conflicts as we are going to be asking a smaller and smaller pool of Americans—particularly after the year 2019—to be paying for the costs of a larger and larger group of American retirees.

Mr. SIMON. Will my colleague yield?

Mr. GRAHAM. I would, but——

Mr. REID. I have the floor.

Mr. SIMON. I apologize.

Mr. REID. I ask, will the Senator wait until I finish the colloquy with the Senator from Florida?

Mr. SIMON. Sure. I did not realize the Senator from Nevada had the floor.

Mr. REID. I see the Senator has some other visual aids here that he wanted to go over. Is that right?

Mr. GRAHAM. I do. These really relate, not specifically to the Social Security issue, but rather to the general question of should we have a constitutional amendment requiring that we balance the Federal budget, a proposition that I support. We should have it.

Mr. REID. As does this Senator.

Mr. GRAHAM. We should have such amendment. But it should be a thoughtful, sensitive—frankly, a smart amendment, not one that is just a mindless sledgehammer. And I believe part of that intelligence is to use a scalpel and remove Social Security from the balanced budget amendment, treat it as a separate item, and then balance the remainder of the Federal budget.

Mr. REID. Has the Senator from Florida not also suggested that one of the avenues would be to extend the time out for a few years until you balance the budget? Will the Senator explain that?

Mr. GRAHAM. Yes. I have indicated one thing that I think we are going to have to do if we do not agree to the Reid amendment; that is, we are going to have to go away from a surplus system of Social Security to a pay-as-you-go, which I think would be a serious step backward and will put in political, if not economic, jeopardy the future of Social Security because of the generational conflicts that it will create.

One of the purposes of this surplus system was to avoid exactly those generational conflicts. The people who are going to be benefited after the year 2019 are paying the taxes that are building the surplus. So, essentially, they are making a payment for themselves. I do not believe we can continue that system if we require a balanced budget which integrates Social Security with the rest of the Federal budget.

I believe if the Senator's amendment is adopted that a change that we should make would be to rethink the year that we should attempt to reach balance. Currently, we are going to be reaching balance in the year 2002. We do that in large part because we have these significant Social Security surpluses to take into account.

My calculations are that if we adjusted that from 2002 to 2005 or 2006, we would be in exactly the same economic position as we will be with the year 2002, minus the distorting effect of these Social Security surpluses, and we will be able to reach balance in a prudent period of time that will not cause unexpected shocks to the economy. No one wants to be part of passing a constitutional amendment and then find out that we are charged with having contributed to a national recession or depression because of the too-rapid pace in which we tried to bring a 30-year, out-of-control spending pattern into balance.

So if we do not agree to the amendment, I think we are going to have to move away from the current pattern of financing Social Security. If we do agree to the Senator's amendment, which I strongly urge my colleagues do, then I think we should adjust the date from 2002 to 2005 or 2006.

Mr. REID. Mr. President, I say to my friend from Florida, he has been a long supporter of the balanced budget amendment. We need to do a better job of matching our spending with our receipts.

Does the Senator feel that a Social Security exemption, taking Social Security out of the balanced budget amendment, in effect, is a more sound way of arriving at a balanced budget, working with the unified budget of this country?

Mr. GRAHAM. Absolutely. The reason is because there will be so much distortion in Federal expenditures and receipts because of the size of Social Security today—20 percent of expenditure and 25 percent of income—and even more so because of the way in which those revenues and expenditures are taken in and disbursed based on the desire to meet a generational shift in demographics.

Mr. REID. I would also ask my friend this question. It seems to me that those people who are calling for a balanced budget would have a much easier time, in the first few years of balancing it, if they can use this money which is not theirs, so to speak.

Mr. GRAHAM. I am afraid of that. There are some, such as the Chair of the House Judiciary Committee, who in fact spoke about the reason that he opposed taking Social Security out of the rest of the Federal budget, which was for exactly that reason. It is going to make our task in the next few years more difficult if we are not able to unmask the extent of the deficit by these Social Security surpluses. He is absolutely right. It will make our task more difficult. That is one of the reasons I am suggesting that we extend the period by 3 or 4 years. But I do not believe the purpose of this ought to be to meet our comfort level in the next decade.

I think it is interesting—and I know the Senator is aware of this because we discussed it last week—there have been, I believe, some 27 amendments to the U.S. Constitution since it was first adopted, and only one of those amendments has ever been repealed once adopted. That was prohibition. What that says to me is that we are about very serious and long-term business. When the first 10 amendments, the Bill of Rights, were written, people were not thinking about, "Well, what kind of right of assembly or what type of right of freedom of the press do I want to have for the next 10 years, because I am running a newspaper and I want to protect myself for the next decade?" They were thinking for the indefinite future. And we are the beneficiaries, 200-years-plus-later, of their vision.

We need to think in the same way about what we are doing here this day, this week, this month, this year; that is, if we pass a balanced budget amendment, we should assume that it is going to be part of the Constitution of this country for the indefinite future, and should attempt to structure it in a way that best meets those long-term needs of our Nation.

Mr. REID. I appreciate the answers to the questions.

Mr. GRAHAM. I thank the Senator very much.

Mr. REID. Mr. President, did the Senator from Illinois still have a question of the Senator from Nevada?

Mr. SIMON. Mr. President, if my colleague will yield just for 5 minutes, I would like to respond.

Mr. REID. I have a statement to make. If the Senator has a question.

Mr. SIMON. I do not have a question. I ask unanimous consent that I have the floor for 5 minutes following the statement.

Mr. REID. Mr. President, reserving the right to object, there are a number of other people coming. I do not think there will be a problem in the world. I withdraw my objection.

The Senator from Illinois, as I understand the unanimous-consent request, desires 5 minutes when I finish.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. That is reasonable.

Mr. President, I received over the weekend two letters which I want to share with this body. One letter is from the National Committee to Preserve Social Security, wherein the president of that organization, Martha McSteen, said among other things the following. The letter is directed to me:

> This is in response to the Republican Policy Committee analysis of your amendment to exclude Social Security from the balanced budget amendment.

I say as an annotation to this that the Republican Policy Committee came out with a paper as to why this amendment was not good. Martha McSteen is responding to that. She said:

> The first option presented in the paper makes clear once again that supporters of the balanced budget amendment intend to continue using the Social Security trust fund surpluses to mask the general fund deficit. The analysis under option 1 reminds lawmakers that, if the amendment to exclude Social Security is adopted, the Government will no longer be permitted to use the surplus to mask the deficit and would be forced to cut spending or increase taxes . . . Of course, this is precisely what must happen if the Congress is serious about dealing with the deficit. Continuing to use Social Security surpluses to mask the deficit only allowed the continuation of deficit spending in the general fund. The Republican policy paper notes that excluding Social Security would "make it harder to achieve a balanced budget." But although it is a more difficult path, it is the only fiscally responsible path towards balancing the Federal budget.

This is exactly what my friend, the senior Senator from Florida, just said on this floor.

Ms. McSteen continues:

> A balanced general revenue budget which does not rely on borrowing from Social Security is a budget which will foster the savings necessary to create jobs and to increase productivity. This ultimately is what is necessary to finance retirement of baby boomers. Excluding Social Security receipts and outlays under a balanced budget amendment is an accounting system used by employers and State governments all over the country to balance their budgets without counting the returns of funds as revenues. These entities all recognize that these funds are collected for the purposes of retirement, not general fund financing. The Federal Government should be held to the same standard of fiscal integrity.

I think that says volumes, Mr. President, about option one of the Republican Policy Committee.

Option 2: She says:

> Reid argues there is a potential loophole for Congress to redefine other spending programs as Social Security. Of course, the implementing legislation which supporters contend can deal with any problem with the balanced budget amendment could certainly deal with this problem. At any rate, we believe that Americans would not tolerate such a plainly deceptive practice which would undermine Social Security while increasing the deficit.

We have said in this debate, Mr. President, that it would take a 60 vote supermajority to allow any other programs to come into the program. So for this and other reasons, Mrs. McSteen is right.

Third option: Mrs. McSteen complains that

> Without a constitutional requirement to soundly finance the Social Security system, Congress would deliberately create a deficit in the trust fund. This argument ignores nearly 60 years of history with Social Security. Since the inception of Social Security, Congress has acted repeatedly to keep Social Security solvent, without any constitutional requirement to do so. The discipline of the trust funds' approach has required Congress to maintain a system on a sound financial basis. After all, if the trust funds would run out of money, the Government could not pay the benefits, including Social Security and consolidated budget under the balanced budget amendment, destroys this trust fund discipline, and creates the gravest threat to the future of Social Security.
>
> The fourth option raises a serious problem with the balanced budget amendment. The balanced budget amendment changes the definition of Federal debt under the relevant debt limit. Currently, debt for the purposes of the debt limit is defined as "debt held by the public and debt held by trust funds." The balanced budget amendment changes the definition and limits it to only the debt held by the public under this new definition. The debt, at the end of fiscal year 1994 would be $3.4 trillion, not the $4.6 trillion statutorily defined in the Federal debt. Enactment of this balanced budget amendment would wipe out $1.2 trillion in debt owed to Social Security and other Government trust funds. It is this accounting system which is bizarre and the policy paper analysis for option 4, if the amendment is adopted, Congress will not get away with this budgetary sleight of hand. In conclusion, the nearly 6 million members and supporters of the national committee remain committed to your amendment to exclude Social Security as the only way to preserve the integrity of Social Security under the balanced budget amendment.

Mr. President, I also have here a letter from the American Association of Retired Persons. It says, among other things:

> The AARP thanks you for your leadership in trying to protect Social Security in the proposed constitutional amendment requiring a balanced budget. Your efforts, particularly on the Senate floor, underscore the program's importance and the potential impact of the balanced budget amendment on the over 42 million people of all ages who receive Social Security benefits and the 138 million workers who contribute to the system and expect to receive Social Security.
>
> Specifically exempting Social Security recognizes that Social Security is a self-financed program, based on contributions from employers and employees that are credited to Social Security Trust Funds. Social Security currently has over $400 billion in reserves and is not contributing 1 penny to the deficit. The reserve is projected to grow by about $70 billion this year alone, and raiding the trust funds would be devastating to both current and future beneficiaries and would further undermine confidence in this Nation's most important program.

> A specific exemption in the balanced budget amendment for Social Security is the only way to protect the program from being misused in the name of deficit reduction. Anything less than this exemption is not binding on future Congresses. Older Americans agree that the deficit is a major threat to our Nation's future and that deficit reduction must be a high priority for Congress and the President.

Signed by Harold Deets, president of the American Association of Retired Persons.

Mr. President, the Center on Budget Policy Priorities, of which the executive director is a man named Robert Greenstan, has put out a paper on February 10, where they analyze what the Joint Committee on Taxation says about the Contract With America and other programs now being initiated here in Congress. The final paragraph of this paper says:

> The potential for large tax cuts to be enacted and paid for only for 5 years suggest the Nation could be placed on a course in which very large deficits would remain as we get close to the year 2002. If a balanced budget amendment has been approved and ratified, this could create a constitutional crisis. In that crisis, it would be extremely difficult for the largest Federal program, Social Security, to be shielded.

Mr. President, I further say that the amendment that was passed here last Friday is meaningless. I talked about it then. We know that section 7 of the constitutional amendment that is before this body mandates that Social Security trust funds be part of the effort to balance the budget. It is not only in the written English language of the proposed constitutional amendment, but the Judiciary Committee which put the bill on the Senate floor also said specifically that Social Security trust funds will be part of the moneys used to balance the budget. It cannot be any clearer than that.

We know that any enacting or enabling legislation could not supersede the language of the Constitution. So amendments like that which passed on Friday are as worthless as the paper they are written on. It was a meaningless amendment in every form of the word.

We have had many statements, Mr. President, in support of Social Security. When the balanced budget amendment passed in the House, we had Members of that body saying we are going to protect Social Security. The balanced budget amendment will not use Social Security. Their words could fill up more than these statute books on the Internal Revenue Code and what the Internal Revenue Service has done. Stacks and stacks more of words. They mean nothing, because the constitutional amendment now before this body mandates that those trust funds be used to balance the budget. Those statements were made only to divert.

The only way to show the sincerity to protect Social Security is to vote for my amendment. It is very simple. You either exempt Social Security through voting for this amendment or place the Social Security trust fund into a pot to be used for aid to families with dependent children, foreign aid, farm subsidies, peacekeeping missions to Rwanda, Iraq, to buy B-1 and B-2 bombers. That is what the Social Security trust funds will be used for. The only way to show one's sincerity about protecting the Social Security trust fund is to vote for the Reid amendment.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. GRAHAM. Mr. President, I ask the Senator if he would yield for a question.

Mr. REID. I will yield for a question.

The PRESIDING OFFICER. The Senator has that right.

Mr. GRAHAM. the Senator has raised a point in his last comment, in reading from one of the letters he had received, that I do not think has received adequate attention as relates specifically to Social Security. Let me state my concern and see if I have accurately understood him.

Section 2 of the amendment, which is the section that will require that a three-fifths vote of the whole number of each House—that is the whole number of persons elected—will be required in order to change or to increase the debt limit of the United States held by the public. And the key phrase is "by the public".

It is my understanding that today when we deal with the debt limit, we are dealing with the debt limit of the United States and all of those persons or entities which may hold a portion of that debt, including the Social Security trust fund, which today holds approximately $400 billion of the debt of the United States or a shade under 10 percent of the debt.

Mr. REID. The Senator from Florida is correct.

Mr. GRAHAM. So this would say, for the future, we would ignore that portion of the debt that is held by Social Security and for other similar governmental trust funds and that would not count in terms of what the limit on the Federal debt would be.

Mr. REID. That is what the specific language of the proposed constitutional amendment says.

Mr. GRAHAM. That would seem to me, then, to create a situation in which, if this and future Congresses wanted to borrow money, it would be more appealing to borrow money from the Social Security trust fund or other funds like it than it would to borrow money from the general public, corporations, or other potential lenders, since borrowing from the public would require a three-fifths vote to do, whereas we could borrow without limit from the Social Security trust fund without such a restraint.

Mr. REID. The Senator is correct. All these moneys, all these excesses which, as the Senator pointed out earlier, will reach about $3 trillion, we could borrow against those and it would not even show on our balance sheet—"we," the Federal Government.

Mr. GRAHAM. In answer to one of the Senator's questions earlier when he asked some of the policy implications of having Social Security integrated with the Federal budget, I said that one of those was that it was going to make it more difficult to deal with some of the real problems Social Security has because there will be this cloud of suspicion that we are doing it not to help Social Security but to raid Social Security. And I suggested that one of those real problems is that the Social Security funds today are invested in U.S. Treasury instruments, for which there is no prudent plan of investment, and essentially the Social Security fund is going to have to come to the Congress in about 25 years, hat in hand, asking that these IOU's be converted into real dollars that can be used to pay the Social Security benefits to real Americans.

My own feeling is that we ought to be looking for ways in which to reduce that level of dependence on Federal Government borrowing, as, I might say, collaterally, have most of the countries which have a social security system analogous to the United States, such as in Europe and Canada. They are using a broader investment pool than just their national treasury.

It seems to me that this language is going to make it politically much less attractive for us to consider those other alternatives to strengthen Social Security, because we are going to have a strong incentive to want to borrow every dollar we can from Social Security, since those dollars do not have to be subject to a debt limit, whereas the dollars that were borrowed from virtually everybody else are subject to a debt limit.

Mr. REID. I say to my friend from Florida that he is absolutely right. We have been through, here in this body, the savings and loan debacle. That would appear as nothing on the radar screen, literally nothing, the billions of dollars that we had to come up with to make whole the savings and loans and those people that made deposits in those institutions. It would be nothing compared to what we would have to do if these moneys are gone when we start delving into the Social Security trust fund which, in effect, would be nonexistent at that time.

Mr. GRAHAM. I say to the Senator, I will just conclude by saying his responses to my questions and his analysis of this, I think, raises even further reasons why it is so critical that we adopt his amendment and treat Social Security as a trust fund, as a contract, as a sacred responsibility between the American people and their Government and not have it mindlessly commingled with the rest of the Federal budget.

Mr. REID. I agree with the Senator from Florida.

I yield the floor to my friend from Illinois.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I start off from the same premise as my friend from Nevada and my friend from Florida. The reality is, we have a contract with Social Security recipients.

And I started—I say to my colleague from Florida, if I may have his attention here—I started off precisely where he is for some of the same reasons. If you check back about 10 or 12 years ago, I introduced a balanced budget amendment that excluded Social Security. I want to protect Social Security.

We have today only 11—I should not say "only," because it is still too high—but 11 percent of those over the age of 65 who live in poverty. And those who say, "Well, since we have 23 percent of the children who live in poverty, somehow this is wrong," the reality is, Social Security has worked, it is a contract that has worked. We have to protect it. And we ought to deal in other ways to protect the children.

But my reason for not including it, as we worked on the language, in those outyears is because I want the Federal Government to feel that it has an obligation not just when there is a surplus, as there is today, but in those outyears that go down. And some projections have it earlier than the year 2019.

I think if this is agreed to, what leaders of Congress should do—and my friend from Florida has been a real champion in the whole area of senior citizens and protecting them—I think people like Senator GRAHAM and others ought to sit down with the AARP, with other senior groups and say, "How do we protect this in the long run?" I do not want an exclusion where we say, "Well, Social Security is off by itself," and then in another couple of decades or three decades it starts going down the tube and Congress can say, "Well, that is excluded from the Federal budget. We don't have a constitutional responsibility here."

I think we ought to protect Social Security. I have voted statutorily for many years to balance the budget without including that surplus, and I know my friend from Florida has also. But, I think if the constitutional amendment passes—and I would add the great threat to Social Security is the monetizing of the debt; that we are just going to start the printing presses rolling. That is the huge threat. That is what Bob Myers has talked about. This is a judgment call. I respect my friend from Florida and my friend from Nevada and others who are going to vote on the other side of this.

But if this amendment loses, let no one have any doubt about it, that the best way to protect Social Security is to protect the value of the dollar so that those bonds are meaningful. And that is why we have to agree to the amendment.

But I think then we are also going to have to review a lot of things that we have not reviewed up to this point.

Just as one example—I do not know the right answer here—I think is the immigration law. We may very well, as you look at the demographical studies of our population, we may very well have to say in the future we are going to give priority to younger people as immigrants because of this situation, things that we have traditionally not done before.

But I agree completely that we have to protect the system. I do not want to go on a pay-as-you-go system. I think that would be devastating.

And I have to say, I am not convinced we should follow the path of other nations in terms of private investments. But this amendment does not change that. I think we have to be cautious as we move in that direction.

But I just wanted my colleagues from Florida and Nevada to know that those of us who will vote against the amendment also believe very strongly that we have to protect Social Security.

Mr. GRAHAM. Mr. President, would the Senator from Illinois yield?

Mr. SIMON. Mr. President, I would be pleased to yield.

Mr. GRAHAM. Mr. President, this may appear to be tangential to the issue before the Senate, which is the question of whether Social Security should be removed from the calculation of the balanced budget amendment. But I think that it does, in fact, go to the ability to deal with some of the fundamental problems of Social Security.

Section 2 of the amendment which talks about the Congress having to vote by a three-fifths margin to raise the debt limit specifically restricts that vote to raising the debt limit for debt held by the public. In the committee report it clarifies that is meant to exclude borrowing from the Social Security trust fund or from other Federal trust funds.

I am curious as to what is the rationale of that restriction on only debt held by the public being required to be subjected to that higher than majority vote of the Congress.

Mr. SIMON. Mr. President, the idea here is simply that we have to have some kind of an enforcement mechanism. So to increase the debt, we have to have the three-fifths.

Now the point that my colleague makes that would make it more difficult to shift to a different way of utilizing the funds of Social Security, that is accurate. I would agree with his point, though I have to add that every committee of Congress that has ever studied this, to my knowledge, has come to the conclusion that it would be a great mistake for the Social Security funds to be used for private investment.

Mr. GRAHAM. Mr. President, my concern is that it seems to me if we are concerned about the amount of debt that the Federal Government is undertaking, we ought to be concerned about the amount of debt without regard to who the lender of those funds happens to be.

I am concerned that by saying that we can borrow from Social Security with a majority vote, would require a three-fifths vote to raise the debt limit where it relates to borrowing from the public, that we will create a political imbalance which will be more attractive to borrow from Social Security.

Mr. SIMON. Mr. President, I think my colleague misreads the amendment here. We are not talking about treating those funds held by Social Security—the bonds held by Social Security—as any different than the bonds held by the Senator from Florida.

Mr. GRAHAM. That is not what the committee report says. The committee report specifically states that the purpose of the phrase "debt of the United States held by the public" is to differentiate between indebtedness which is held to private individuals, corporations, nonpublic institutions, State and local governments, are all part of the category of "The public"—those that are excluded that are the Federal Government trust funds of which Social Security is by far the largest.

So, it seems to me we are setting up a system here in which we create a clear political preference for borrowing from nonpublic entities, for example, Government trust funds, primarily Social Security, as opposed to borrowing from other sources.

I do not understand what the public policy rationale of that is and, more so, what the rationale is of putting that in the Constitution.

Mr. SIMON. Mr. President, I yield to my colleague from Idaho, and then I will yield the floor, Mr. President,

Mr. CRAIG. I appreciate the Senator from Illinois for yielding and I appreciate the question of the Senator from Florida.

Last week, the Senator from California and I got involved in a similar discussion, what the committee report reflects is the current law. What the Senator is reading is the current law. The current law of the Social Security system requires that the Federal Government borrow the reserves. No one can borrow them. They cannot be invested outside of Government.

What the Senator is reflecting, and what the committee report reflects, is the current law. I think it is clear in that report. What would have to happen for it to do as the Senator is suggesting might be done, we would have to go in and change the Social Security laws of our country. That is not what this Senate is about to do in any sense, nor does it want to.

Ever since Social Security was created, the reserves that build up could only be loaned to the Federal Government, and because that is a current and constant process, that is what the report reflects.

Now, outside borrowing by the sale of Government securities, is a separate and different item. Of course, this report reflects that kind of statement. That is what the report of the committee is intended to reflect. I believe if we read it we can read that into it. Clearly, that is what was intended.

I have been involved with this for a long time. As we began to look at Social Security, we knew that the Social Security law was sovereign. Nobody wanted to change it. We did not have a majority vote to change it, did not want to. Nor could we, by crafting an amendment, change the nature of that statute. It was not intended.

Mr. SIMON. Mr. President, I yield the floor.

Mr. REID. Mr. President, I know the Senator from Idaho has the floor, but I would like to ask the manager of the bill a question.

I have had a number of people come over here and then have had to leave the floor because of other meetings taking place. I want to meet the concerns of the Republican leader and finish debate on this as quickly as possible. Would it be possible when the Senator from Idaho completes his statement, that we then go to the Senator from California, who has been waiting here for a considerable period of time? She desires 20 minutes. Then the Senator from South Carolina [Mr. HOLLINGS] has come to the floor three times, seeking the floor. I think it would be good to have him finish his statement, and he said he had 20 minutes. And I see the Senator here from West Virginia who desires 10 minutes, so he could follow the Senator from California and then the Senator from South Carolina.

Mr. HATCH. Mr. President, I ask unanimous consent that the three get permission to speak following the Senator from Idaho, as soon as he has concluded, in that order and for those amounts of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I will talk briefly this afternoon about the Reid amendment.

As the Senator from Florida leaves, there is one comment I would like to make about a question that he asked the Senator from Nevada, and an ensuing dialog that they had that I felt was very insightful and extremely important as we address the issue of the inclusion of Social Security and its trust funds inside a balanced budget amendment, as the Senator from Nevada is proposing.

After an analysis by the Senator from Florida—and I am only paraphrasing from memory—I believe he concluded that one of the real problems that put the Social Security trust funds at risk, based on the Social Security law that those reserves must be borrowed by the Federal Government and exclusively by the Federal Government, is that we had to stop the Federal Government or slow down the Federal Government's ability to borrow.

I believe that is what he said. That is one of the great threats. And he is absolutely right. I agree with it totally. The debt of our Federal Government is the threat to Social Security. The borrowing of the Federal Government is the threat to Social Security—not a balanced budget amendment. The very accumulative activities that this Congress has been involved in for the last few decades.

The Senator from Florida is absolutely right—borrowing is the problem. It is what put Social Security at risk. It is what has consumed the trust funds, in a legal way, in an interest-bearing way. But when the day comes that those trust funds must yield for the purposes of paying the recipients of the Social Security system, what do we do?

This is what Bob Myers said, who was the actuarial of Social Security: Stop the debt creation. That is exactly what a balanced budget amendment is intended to do.

If we pass a balanced budget amendment and if we follow, then, the organic law of the land, the Senator from Florida's worries will begin to decrease. So what he is doing if he will support us in the balanced budget amendment is he will work to protect the Social Security system.

You just do not set it off to the side and continue to borrow the money away from it without some day having to ask the citizens of this country to raise the FICA tax to such a level that it would be confiscatory to the average working person in this country. That is what puts Social Security at risk; not a balanced budget amendment in the year 2002, but an empty trust fund in the year 2020. It is the borrowing of our Federal Government that has created or is creating this risk.

Gross interest is a product of the borrowing of the Federal Government. Right now, that gross interest figure is approaching one-fifth of our total spending. It is the second largest spending item in the Federal budget today. As debt grows, the logic is very simple: So does the interest charged grow. Therefore, I believe the logic that has been put forth by those who are the knowledgeable accountants and economists of the Social Security system is so sound, and that is that the debt is the threat, not the balanced budget amendment, but the very debt that we are all here trying to address and trying to resolve through this new mechanism, and that is the changing of the organic law of our land.

If we do nothing, and my guess is that if we vote the balanced budget amendment down we will do nothing again, because this Congress has demonstrated no political will to be fiscally responsible. What we are trying to do is to rearrange our institutional biases toward a fiscally responsible attitude and away from the pressures of the special interest groups that force us to borrow or cause us to borrow on a regular basis that has created the debt structure that we have.

So I am absolutely amazed when somebody wants to take Social Security and put it in the constitutional amendment and protect it in a way that does not allow the board of directors—the Congress of the United States—to manage it in a responsible way that will maintain its sovereignty and its solvency as we near those critical years of 2020 and 2030.

According to the Kerrey-Danforth entitlement commission, we saw the figures of what would happen by the year 2030 in their own projections:

Total Federal spending will top 37 percent of the gross domestic product, if we keep this Government on the auto pilot that it has been on for the past couple of decades; net interest will exceed 10 percent of the gross domestic product of our country, and the deficit will be 19 percent of the gross domestic product.

It does not take a lot of good common sense to understand that if we do not deal with this issue now, Social Security is going to be in desperate trouble at that time.

You can almost argue that all of the money of the Federal Government will go to interest on debt and Social Security payments. What about the pressures to fund some of the other programs? That is the risk to Social Security, not the debate on the floor today, not the idea of putting it in the amendment. We are not going to do that. The Congress knows better than to do that and to put it on auto pilot. It will not work. You cannot manage a system that must be managed as Social Security has been over the years.

The statistics and the facts that bear up under the current spending structure and the nature in which Congress now utilizes by borrowing the reserves of the trust funds of Social Security tell us very clearly that it is the debt that is the threat, not an amendment to the Constitution. It is the amendment that we are debating today and will vote on, hopefully, this week or next that will begin to move the Social Security system into a much stabler and fiscally sound economic environment of the Federal budget.

So I am always amazed at the idea that somehow we can wave magic wands. It does not work; it never has worked. What we are talking about here is a balanced budget amendment, and there is nothing magic about this. It just forces an entirely new responsibility and discipline. But the tough choices, as they have always been, will always be right here on the floor of the U.S. Senate and in all of the committees of authority and responsibility. We cannot pass go; there is no easy out.

But for the first time, we will not be able to just simply shrug our shoulders and go borrow a little more money. We will have to make the tough decisions, and in making those, we will have stabilized the economy of our Government, our country and, in my opinion, strengthened the Social Security system tremendously.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from California is recognized, under a previous unanimous consent order, for 20 minutes, to be followed by the Senator from West Virginia for 10 minutes, to be followed by the Senator from South Carolina for 10 minutes.

Mr. REID. Mr. President, the Senator from South Carolina was 20 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator from South Carolina will be recognized for 20 minutes. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I would like to confine my remarks to four specific areas of concern. I have spoken on the Reid amendment twice before, and there are four specific areas that I want to discuss today.

The first is the committee report and its exemption of the everything-is-on-the-table concept.

The second is the floor discussion, centering around the concern that we are putting a statute into the Constitution.

The third area is the Dole figleaf amendment.

The fourth area is the point that Senator GRAHAM, the Senator from Florida, just made in his comments about section 2 of the balanced budget amendment as presented to this body.

Let me begin with my first point, the committee report and the exemption of the everything-is-on-the-table concept in this committee report.

Last Thursday, I mentioned that on page 19 under the section marked "Total Outlays" of the Judiciary Committee report for this legislation, the language states that among the Federal programs that would not be covered by S.J. Res. 1 is the electric power program of the TVA.

And then in the course of our floor discussion, it became clear that not only was the Tennessee Valley Authority excluded, but the Bonneville Power Authority was excluded as well. In other words, the electric power programs of this Nation took a higher priority than did the Social Security of some 42 million Americans today.

As I began to take a look at the Bonneville Power Authority, the point was raised, "Well, these are not quasi-Federal authorities," and I must dispute that. They are, in fact, quasi-Federal authorities.

I refer this body to the General Accounting Office report entitled "Bonneville Power Administration, Borrowing Practices and Financial Condition," dated April 1994. The facts from this GAO report are as follows:

The Bonneville Power Authority's plan for fiscal years 1993 to 2001 relies on Treasury for about 90 percent of its borrowing, 76 percent from bonds and 14 percent from appropriated debt.

Second, the accessibility of low-interest Treasury financing plays a substantial role in Bonneville Power Authority's approach to financing capital projects.

Third, Bonneville Power Authority is more heavily leveraged than other utilities.

Fourth, the Bonneville Power Authority faces significant operating and financial risks because of its heavy reliance on borrowing, recent operating losses, and various uncertainties.

Fifth, the Bonneville Power Authority's long-term debt in fiscal year 1991 was equal to 96 percent of its total assets, while the figures for public utilities, investor-owned utilities, and the Tennessee Valley Authority were 67 percent, 37 percent, and 79 percent, respectively.

And finally, Bonneville Authority's projected debt for fiscal year 2001 is $17.9 billion.

It was said on the floor that, if the Bonneville Power Authority got into trouble, this body would then have to consider whether we are going to pick up its debt or not. However, this Government would have no choice but to bail it out because the Bonneville Power Authority depends on the Treasury for 90 percent of its borrowing.

The point I am trying to make is that we are excluding a heavily leveraged power authority from the balanced budget amendment, but we are not excluding Social Security.

To me, that is a mistaken list of priorities.

I was also told on Thursday that I would receive a list of the other items that are excluded from the balanced budget amendment. I have not received such a list, but it is clear that everything is not on the table in the balanced budget amendment as has hitherto been reported.

I must assume that if the wording on page 19 of this report says, "Among the Federal programs that would not be covered by Senate Joint Resolution 1 is the electric power program of the TVA authority," that there are also other programs excluded from the balanced budget amendment.

Now, I do not know whether the progams excluded are some Senators' pet programs, or some House Members' pet programs, or a group's pet programs, or this body's pet programs. But the point I wish to make is it is clear, crystal clear, in black and white, that programs are excluded from the balanced budget amendment. Not "everything," as the distinguished Senator from Illinois says, is on the table.

This report indicates to me that everything is not on the table. I think those of us who are concerned about Social Security have a right to know what other programs are being excluded from the balanced budget amendment that we are not being told about.

Let me go on to my second point. The floor discussion that has just taken place, in essence, says that we should not put a statute in the Constitution. There is a certain iambic pentameter to the amendments of the Constitution of the United States that would not lend itself to anything as crass as protecting old age survivors and benefits trust fund moneys and that it should not be in the Constitution of the United States.

And then, second, the concern is expressed, well, if it is written into the Constitution of the United States, there are sure to come a large number of statutes.

Well, that is correct. However, let us take a look at the 14th amendment to the Constitution of the United States, a very major amendment to the Constitution, an amendment which guarantees civil rights. There are 20 volumes of statutes defining this amendment, and they are right here—20 volumes of the United States Code Annotated. It goes on and on, statute after statute, that has flowed from the passage of the 14th amendment to the Constitution of the United States.

That is well and as it should be because constitutional amendments need enabling action. That constitutional amendment, in fact, even says that there will be enabling legislation. So, frankly, that argument does not hold much water with me.

Let me go on to point No. 3, the Dole figleaf amendment. One of the things that is most disturbing to me about this debate is that the Senate must do just what the House has done. Suddenly we are the second-rate body. Just because the House of Representatives has passed an amendment, we must pass an identical amendment. There cannot be a conference committee to remedy differences.

Suddenly, the highest policymaking body in the United States of America is relegated to an also-ran body. We must do things just as the House of Representatives has done.

I do not accept that argument, Mr. President. People have often said that the House of Representatives and the

Senate are like a cup of coffee and a saucer. The House is the cup of coffee, and you drink the coffee out of the cup. The Senate is the saucer into which you pour the coffee to cool it, and to discuss it, and to have it stand the test of time.

If this, in fact, is true, there is ultimate precedent for the Senate to take another course and to fashion its own balanced budget amendment recognizing the concerns of tens of millions of young Americans who are paying FICA taxes today to save funds for retirements tomorrow. These funds may not be available for their retirements.

Now, the Dole amendment. Why is it a figleaf? Why is it a figleaf that does not even cover the parts that a figleaf would normally cover?

Let me try to explain. The Congressional Research Service in an opinion dated February 6 very clearly states that if the amendment is ratified as drafted, Congress would be without the authority to exclude the Social Security trust funds from the calculations of total receipts and outlays under section 1 of the amendment.

The figleaf simply stated that we refer this to the Budget Committee, and we say, "Budget Committee, at your leisure consider this and present back to the Senate at some later time how to achieve a balanced budget without increasing the receipts or reducing the disbursements of the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Trust Fund to achieve that goal." It is whole cloth. It will not make any difference because this esteemed body, number one in the United States of America, would have passed an amendment which enshrines language into the Constitution of the United States that the Dole figleaf is absolutely unable to amend or change in any way. And yet we did it because the House of Representatives did it.

So what passes the House of Representatives is good, and we then must be in lockstep and also pass?

I do not believe that is right. I do not believe that is why the people of the United States elected people to the Senate, to say OK, you say jump and we will say just how high?

We have our own minds, our own voices, our own constituencies that reach deep across the United States of America and involve entire States.

I do not believe that the working men and women of this country are well served if we impose, as this body and the other body have, a FICA tax to pay for their retirements and then we take those moneys and use them to balance the budget. That is wrong. It is dishonest. It masks the debt. It betrays people. And it violates a compulsory tax act which every one must pay.

If we are going to misuse these FICA taxes, then we ought to cut the FICA tax. If we are going to run surpluses in Social Security of more than $700 billion between now and 2002, then we should save them, not use them to finance the deficit and to balance the budget. That is what we who support the Reid amendment say is wrong, is dishonest, and should not be done.

I would also like to point out that the National Committee to Preserve Social Security and Medicare, representing 6 million Americans, has written stating that clearly this is the case.

I will once again have that letter of February 1 printed in the RECORD, if I may, Mr. President. The Dole amendment, or S. 290, which was at the desk prior to the Dole amendment, are really only fig leaves; they cannot countermand a balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. I pointed out, for 58 percent of all working Americans, the employees' share of FICA and the employer's share of FICA put together are more than they pay in Federal income taxes. It is a big-ticket item for working Americans. Because it goes into a trust fund—and this trust fund is like an annuity. It is like buying an insurance policy. What you put in you believe you will get back when you retire—we should protect that trust fund. We should protect that annuity.

The Reid amendment protects that trust fund and protects that annuity, and I am proud to support it and vote for it.

The vote on this issue will be very close. The balanced budget amendment may have 67 votes without the Reid amendment. It may not.

There is, however, enough support in this body to pass a balanced budget amendment with Social Security excluded. So if my colleagues want to take a gamble to try to pass a balanced budget amendment without the Reid amendment because they want to misuse Social Security funds, they can do that. But, they have an opportunity to pass a real and honest constitutional balanced budget amendment that protects Social Security. I know this Senate could pass it, and I hope it does. It will be nobody's fault, but their own if the constitutional amendment goes down because they took this gamble.

Finally, I want to address my remarks to the concern that just came up about section 2 in the budget report. It was the argument made by the distinguished Senator from Florida. That budget report, right in the very beginning of section 2, points out that to utilize funds from Social Security for purposes of this amendment would only take a majority vote. Votes for other than this program would take a three-fifths vote.

To run a deficit, the Federal Government must borrow funds to cover its obligations. Section 2 removes the borrowing power from the Government, unless three-fifths of the total membership of both Houses vote to raise the debt limit.

However, the point that was made by Senator GRAHAM, which is well taken, is that in the case of Social Security this vote would be a simple majority. That is wrong.

To sum up, I would like to commend the Senator from Nevada. I would like to commend the coauthors of this amendment. Many of us have said, if the Reid amendment is agreed to, we will vote for a balanced budget amendment. We have said so for good and just reasons. There is a need for the castor oil of a constitutional amendment to force the body to do some of the things it has been loath to do.

However, without the Social Security amendment, I believe the balanced budget amendment is, indeed, a slippery and treacherous slope. I believe it jeopardizes the retirements of future generations and it jeopardizes a trust that these bodies have put in place with purpose and with specific financing. We should not do that. We should not break that trust with the American people.

I yield the floor.

EXHIBIT 1

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,

February 1, 1995.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing with regard to S. 290, introduced recently by Senators Kempthorne, Dole, Thompson and Inhofe. The fact that the sponsors of S. 290 believe that it is necessary to take action to protect Social Security under a balanced budget amendment is, in my view, proof that it is imperative that the Senate adopt your amendment to exclude Social Security from the balanced budget amendment.

The pending balanced budget amendment reverses the 1990 law removing Social Security from a consolidated budget and puts Social Security back on budget as part of the Constitution. This presents serious problems for Social Security which cannot be addressed by S. 290 or any statutory measure. The sponsors of S. 290 cannot bind future Congresses to their legislation, or for that matter ensure that this Congress will not modify or overturn this legislation while Social Security would remain on budget as part of the Constitution. I also note that while S. 290 attempts to prohibit Congress from increasing Social Security revenues or reducing benefits to balance the budget, it will allow Congress to continue using the surplus in the Social Security trust funds to conceal the deficit. This only confirms our understanding that the proponents of the balanced budget amendment intend to continue this budgetary charade thereby avoiding balancing the budget until will into the next century.

The nearly six million members and supporters of the National Committee to Preserve Social Security and Medicare strongly oppose this practice of using the surplus generated by the Social Security payroll tax to fund deficit reduction or mask the true size of the general fund deficit.

> Let's not forget that the continued borrowing from the Social Security trust funds will only create huge debts for the next generation which will be forced to redeem the bonds through massive tax increases.
>
> The only way for proponents of the balanced budget amendment to live up to the many promises not to harm or undermine Social Security is to explicitly exclude it from the text of S.J. Res 1.
>
> Sincerely,
>
> MARTHA A. MCSTEEN,
> *President.*

Mr. HATCH. Mr. President, the Senator from California dragged a number of volumes of the United States Code down here to the floor to show us all how much legislative language Congress has passed pursuant to the 14th amendment. The Senator from Nevada has alluded to this theme as well. The Senators from California and Nevada seem to be attempting to respond to my criticisms of the Reid amendment's attempt to insert a statute into the Constitution. No matter how many volumes of legislation are brought to the floor, they do not make these arguments responsive to mine.

Mr. President, the entire body of legislation—every and all volumes of the United States Code—are written and passed pursuant to the grant of legislative authority to Congress by the Constitution. But nowhere in the Constitution has any piece of that legislation been incorporated by reference into the constitution text as the Reid amendment attempts to do.

The 14th amendment, like many other grants of power, allows for legislative application. The balanced budget amendment itself grants Congress power to enforce and implement the amendment by legislation. But application of constitutional principles by the legislature is wholly different from grafting a mere statute onto the Constitution. Putting a statute into the Constitution by reference has never been done before, and with good reason. Such a reference would place that statute in a twilight zone of some type of quasi-constitutional status. It is unclear what such status would mean. Apparently the statute referred to, and any amendments thereto, would have constitutional implications—that is, a mere statutory change could alter the meaning of the Constitution, or perhaps we would need to go through a constitutional amendment procedure in order to effect a statutory change in the incorporated statute. It is simply unclear, because it completely unprecedented.

But what is clear is that the Constitution has never referred to statutes, and we should not start now. Other statutes enacted pursuant to constitutional grants of power are simply inapposite to the discussion of this issue, and they provide no precedent for the radical and unjustifiable step of grafting statutes into the text of the Constitution.

I urge my colleagues to defeat this unprecedented, ahistorical, and unjustified step toward constitutional confusion. I urge them to defeat the Reid exemption.

The PRESIDING OFFICER. The Senator from West Virginia is recognized to speak for up to 10 minutes.

Mr. ROCKEFELLER. Mr. President, when the roll is called on this amendment, the Reid amendment, every American will begin to get a much clearer picture of how a constitutional amendment to balance the budget will in fact affect them as individuals. Only by adopting the Reid amendment now before us will the U.S. Senate prove that Social Security is safe—prove that it is safe. And that is why I urge its adoption.

I must be honest with my colleagues. Even though I intend to vote against the constitutional amendment before us, I will vote for the Reid amendment to protect Social Security and the promise that has been made to the people of my State and to the people of America. If the Reid amendment is rejected or dropped along the way—and, of course, there is a real possibility that it could be accepted and then dropped in conference, something of that sort—it will be the equivalent of posting a danger sign in front of every household that counts on Social Security, not only in my State of West Virginia but all across the country.

Our colleagues promoting this balanced budget amendment can promise in every way they can possibly think of—get on their bended knee and promise they will leave Social Security alone, they will not touch it after they get the amendment ratified—but unless the Constitution also reminds them of their promise, I think the pressure to nip, to tuck, and to do much more to Social Security could be unstoppable. This constitutional amendment for balancing the budget is not just a statement of support for the idea; it is a plan to put the Federal budget on a speeding train. It will require something in the neighborhood of $1 trillion in spending cuts over 7 years.

Just imagine what Congress will have to consider when the clock on those 7 years starts ticking. All the theorizing will be gone and the budget cutting will start. You can just hear the talk already. "Social Security," they say, "will have to be on the table."

"No, we did not want it to be on the table. We just had no idea that would happen. But it has just come about that it has to be on the table because we have to cut this $1 trillion, or $1.3 trillion. How are we going to cut all these entitlements? How are we going to do all this without Social Security and without Medicare and without benefits for disabled veterans?" That is what will happen.

Mr. President, I actually do not know how this will come about. I believe the worst part of this constitutional amendment is its very proponents do not know how they will rush their way to its destination. They defeated the right-to-know amendment. They did that very decisively and deliberately. And because I see Social Security as just one of the sacred trusts that might get torn up on the way, I do not trust them in their budget-cutting zeal. I do not trust their sense of priorities.

But the Reid amendment is one way to keep the Social Security train off the track that could very well plow down any number of things important to people's lives, to their hopes, to their expectations—from vaccinations of children, to home health care for seniors, to the way we repay our debt to disabled veterans.

I mentioned disabled veterans and I will again and again and again, because the people who were wounded in our wars, we have an obligation to them. We pay pensions to them. We have obligations that we must pay, and I fear those obligations will be compromised.

Why do I say that? Because I believe that.

As my colleagues think about the underlying legislation and the more immediate vote on the Reid amendment to protect the Social Security trust funds, I urge you to look at letters from seniors in your State and get a sense of what is at stake.

I have done that and I assume that other Senators have, too. Skip the impersonal postcards generated by interest groups, skip all of the form letters when people's names come rolling out of computers. We all understand that game. But take the time to pick up some of the personal letters with the kind of very scrawled handwriting from seniors who are truly frightened about what will happen to them if the Social Security trust fund is unprotected and this balanced budget amendment passes.

I have hundreds of such letters. Let me paraphrase the style. Take a letter that I got that starts with:

> I am 69 years old and worked every day of my life until I had to retire. I paid into the Social Security fund since the beginning. I collect $600 to $800 in Social Security a month, but my bills are more than that.

So she has done everything right all of her life, paid into the fund. She gets Social Security that does not cover her bills. The woman does not live ostentatiously. West Virginia is not one of the richest States in our country. People do not have the luxury of living ostentatiously. When somebody says they cannot pay their bills, I am inclined to believe them because over the last 30 years, I have seen so many people in that condition.

I have letters where seniors from my State painstakingly list their monthly expenses, their rent, their heat, their food, and their prescriptions. They ask me what they can do. In fact, what will they do if Social Security or Medicare is cut? They do not know. They are not hostile to a budget amendment. They are not hostile to cutting the budget. They just do not know what is going to happen to them. They honestly do not, and they are honestly afraid.

Mr. President, I tell you that there are 9 million senior citizens who live all by themselves in this country, many of whom do not have daily contact with others, except sometimes home health care agencies check in on them. They do not know what they are going to do if this comes to pass. They are afraid. Where can they turn in their twilight years for help? I do not know what to tell them when they ask me the question. I do not know how to answer that question.

I ask my colleagues who support the balanced budget amendment and who oppose the Reid amendment, what do you tell the senior citizens of your States? I can only tell West Virginians that I keep fighting to uphold the promise made to them. The benefits they earned by contributing to the Social Security system throughout their working years and careers are theirs. It is not a program; it is a trust fund. It is theirs.

Over 250,000 West Virginia citizens rely on Social Security benefits. Nationwide, almost 30 million senior citizens get their benefits that way, 30 million people. For many, their monthly Social Security check is the difference between poverty and so-called independence, the difference between buying groceries or going hungry.

Thirty-eight percent of senior citizens are not living in poverty today, Mr. President, thanks to Social Security. It has made that kind of a difference. This is a tremendous achievement that we can be proud of.

So our challenge, as I see it, is, one, to protect Social Security now for the seniors living on fixed incomes; and, two, to plan ahead to ensure that Social Security is there when the young workers who are now contributing over 7 percent of their wages are ready to retire, which will come quicker than they think.

Passing this constitutional amendment to balance the budget without the Reid amendment is one way to guarantee that we will fail to meet either of the challenges that I listed. We must protect the Social Security trust funds from becoming a pawn in a political debate over a politically attractive balanced budget amendment which sounds so reasonable and sounds so simple. That is why so many Americans support it. It sounds so easy.

Here is an example of where the devil in fact really does lie in the details—the details that the proponents refuse, I might say, to spell out, where the right-to-know amendment was rejected. We were told in no uncertain terms that we were all to strap ourselves onto the speeding train and to stop worrying about what and who gets trampled along the way. This does not say that over the next decade, the Social Security system will not need change. It will, for its own sake.

A recent report of its trustees clearly shows that long-term solvency problems threaten the Social Security trust funds. That is amply spoken about on the floor. If changes are not made, the trust funds will be exhausted in the year 2029. We have to begin working on solutions to the danger facing Social Security to restore its integrity, just as courageous Members of this body did, Senator MOYNIHAN being one, in the past; in fact, in bipartisan legislation in 1983. But any change made to Social Security should be designed to strengthen the trust fund, not to surrender to the speed chase started recklessly by the constitutional balanced budget amendment.

This balanced budget amendment—I am sorry; I just have to say it, because I believe it—is a game. It allows politicians to promise to be deficit hawks without requiring one single act on their part or one single clue on what they will actually cut. In my book, that is a game. And because I fear for the people of my State, which is vulnerable to the hidden agendas in this amendment, I support this proposal to make absolutely sure that Social Security is left alone.

I thank the Presiding Officer. I yield the remainder of my time.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. Under a previous unanimous-consent request, the distinguished Senator from South Carolina is recognized to speak for up to 20 minutes.

Mr. HOLLINGS. Mr. President, I thank the distinguished Chair.

Mr. President, it is hard to make sense out of the debate in this town. We suffer through tremendous frustrations in trying to balance the budget, trying to pay the bills, trying to put the Government on a pay-as-you-go basis. Every State has to do that. Every city has to do it. I, as a Senator, participated back in 1969 when the Congress voted and the President signed into law a balanced budget. As chairman of the Senate Budget Committee, I participated in President Carter's efforts to cut Government spending and leave his successor with a smaller deficit than he had inherited. We have seen the successes of President Clinton's $500 billion deficit reduction plan, and have known the tremendous struggle and frustration—the partisanship whereby there was not a single Republican vote in the House or in the Senate. Instead, Members predicted that the economy would stall, the deficit would rise, and everything was going to happen in the next hour.

Now comes what the distinguished Senator from West Virginia calls a game. I call it outright fraud, because I know they know better.

Here we are, trying to balance the budget without raiding Social Security, but all we are given is a constitutional amendment that uses these surpluses. This very minute, we have a statutory law on the books—section 13301 of the Budget Enforcement Act of 1990—signed into law on November 5 by President George Bush, which in effect says: "Thou shalt not use Social Security funds." That is the formal statutory law; that is what we should be following today with or without the Dole amendment.

If we are serious about trying to balance the budget, we should recognize that a constitutional amendment alone is not balancing the budget at all. It is a delay. It says you have to pass a joint resolution through both of these Houses, and then send it, and hopefully have 37 States ratify it in the next few years.

So before we pat ourselves on the back for all our good work on balancing the budget, we should be mindful that a balanced budget amendment may not give discipline but rather may inspire creativity.

We have seen that in circumvention of the Byrd amendment which statutorily required Congress to balance the budget, in talk about capital budgets and about off-budget exercises, and in eliminating the fixed deficit targets of Gramm-Rudman-Hollings as they did in the 1990 budget summit.

Rather than recognize these shenanigans, the media in this town are smitten by the Contract With America and eagerly joins in this fraud.

Taking our streets back is not going to balance the budget. The Personal Responsibility Act is not going to balance the budget. The Family Reinforcement Act is not going to balance the budget. The American Dream Restoration Act is not going to balance the budget. The National Security Restoration Act is not going to do it. The Senior Citizens Fairness Act is not going to balance the budget. The Job Creation and Wage Enhancement Act is not going to balance the budget. Common-sense legal reform is not going to balance the budget, and the Citizens Legislature Act and constitutional amendment to limit congressional terms will not balance the budget.

So I come to this session of the Congress, having worked 28 years now in the vineyards trying to pay the bill and put the Government on a pay-as-you-go basis. Mr. President, we can put the Contract With America into law this afternoon. No budget is balanced, but that is exactly what we need in this land.

On Friday, we got another creative maneuver. We voted on the Dole amendment which said:

> Strike the Dole amendment. Strike all after the first word and insert the following:

"For the purpose of any constitutional amendment requiring a balanced budget, the Budget Committee of the Senate shall report forthwith H.J. Res. 1 in status quo, and at the earliest date practicable after February 8, 1995, they shall report to the Senate how to achieve a balanced budget without increasing the receipts or reducing the disbursements and the Federal old age and survivors insurance trust funds and the Federal disability insurance trust fund to achieve that goal."

But having the Budget Committee report how to balance the budget obscures what the law already says that the Congress must do. Instead, we have these creative put-offs that the media covers like they would an athletic contest. On Saturday morning, we see the headline "Senate Resolution Bars Congress from Dipping into Social Security." Absolutely false. There is no bar to Congress dipping into Social Security. The folks that write these stories have been covering the Congress and they keep writing it the way the majority wants it written, not the way the facts are. They ought to expose this nonsense. They say it is called a fig leaf, but they do not say why. Why it is a fig leaf is absolutely important. The Dole amendment does not change the Constitution. But the constitutional provision that they want us to vote on after all of the amendments is "total receipts shall include all receipts of the United States Government except those derived from borrowing". That constitutionally mandates the inclusion of Social Security funds. That is the whole point here. You cannot talk sense in this town; no wonder you can't get anything done.

My good friend, the distinguished former Vice President, was on "Meet the Press" this past Sunday. He said, "These are the types of things that we ought to look at, but when you have amendments in the Senate right now that we are going to put in the Constitution that you cannot touch Social Security, this is ridiculous." Those are the words of Vice President Quayle. But the Reid amendment does not say that at all. You can touch Social Security. We touched it the year before last in the budget.

This particular Reid amendment does not say do not touch it; it says do not include it in your receipts and your outlays and disbursements. That is all it says. The Republicans want to use the $636 billion in Social Security surpluses—that is the whole point here. If they kill that Reid amendment, then they have $636 billion in their pocket that they do not have to cut in order to put us on a pay-as-you-go basis. That is the intent of the Concord Coalition which has done some good work. I wish they would get that digital clock that has the running tally of the national debt and put it into the parking lot in front of the Capitol so we could see it every morning when we come to work. But I wish they would not put forth this subterfuge about entitlements, entitlements, entitlements. Social Security is a trust fund; it is paid for. Do not give me 2029. Let us worry about today.

I have said time and again that it is like the 49ers, going down to Miami and running into the stands hollering "We want a touchdown." Get down on the field and score the touchdown. That is what the 49ers did. We are the Government. The Republicans on the other side of the aisle are in the majority. They have control. They have the Supreme Court, they have the House of Representatives, and they have the U.S. Senate. Let them act like they have some responsibility. But do not give me this hit and run driving. All of this is process, process, process.

Nothing is real. Nothing gets done. No budget is balanced. They want to use these Social Security funds.

Mr. President, a few years ago I had a conference with the former OMB Director, Dick Darman at the insistence of President Bush. Later he enumerated in public exactly what he told me in the office. They want to get entitlements. They will not say the word "tax" even though they know that you have to have tax increases as well as spending cuts to balance the budget. Yes, you have to do something about Government spending on entitlements, but Social Security is paid for, so why break the trust? You are going to try your best with welfare, you are going to try your best with health. If you cut health back from a 10-percent growth rate to 5 percent, you will be a magician. You will get the good government award.

President Clinton has already gone a long way in this regard. They say he did not have the courage, but I get letters of thanks for his bringing up health reform last year. The chairman of the board of one of the largest employers in the State of South Carolina recently told me "Keep on pouring on the coals. For the first time, I got my insurance coverage for the employees instead of going up, it went down 10 percent."

Why? Because President Clinton had the courage to bring up health reform. And for that, they ridicule him and the First Lady. They criticized him last year for his proposed cuts in Medicare and Medicaid. Now they are running around here, bumping over desks and talking about no courage, taking a walk, putting up the white flag, and all that.

Where has any Republican put up their budget? They will not do it because they do not want to show senior citizens that they want to use the moneys in the Social Security trust fund. At least the Concord Coalition has the decency to say so. This crowd goes around, like the distinguished majority whip, the distinguished Senator from Mississippi, who says, "No one—no Republican, no Democrat, no conservative, no liberal, no moderate—is even thinking," he says, "about using Social Security."

That is all they are thinking about. Why the big debate?

There is already one exception in the language of the constitutional amendment. Their amendment says, "Total receipts shall include all receipts of the U.S. Government except those derived from borrowing." And the Reid amendment says, "except Social Security trust funds." Now what is the matter with that? Don't give me all this gobbledygook about legislating in a constitutional amendment. They got an exception in here. You cannot hide from this.

What did old Joe Louis tell Billy Conn? "You can run, but you cannot hide." They cannot hide on this one. It is crystal clear and we tried to show that in the RECORD. Some say we are trying to defeat the balanced budget amendment. I voted three times for it; I will vote for it again if you get the Reid amendment in there. But I am not going to breach the trust. I am not going to violate the contract that we made with America in 1995.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank Senator HATCH for finding a few moments for me. I was not part of the unanimous-consent agreement. I say to Senator HATCH, whenever it is somebody else's turn, if he will just advise me. I cannot be here longer than 10 minutes in any event.

But I come to the floor to suggest to the senior citizens of this country that, if they want to protect Social Security, they should not adopt the Reid amendment. Quite to the contrary, what he thinks he is propounding, and those who think it is to be off budget, off the constitutional amendment, I believe seniors ought to pay attention, because I believe it will be easier to spend Social Security money on things that are not Social Security if it is outside the budget than if it is within.

Let me give you some examples, as I see it. First of all, if Social Security revenues and outlays are outside of the balanced budget requirement, you can be sure that Congress will look for ways to move costs into Social Security and out of the rest of the budget.

The Reid amendment says Social Security is excluded from the balanced budget amendment only if the revenues and outlays are, and I quote, "used to provide old-age, survivors and disability benefits." Social Security recipients might think that is only them. But this does not say that. It says "old-age, survivors and disability benefits." So this amendment is saying all of those purposes are now outside of the budget.

And let me give you a couple of examples of what is going to happen.

For instance, the supplemental security income, the SSI Program, as Senator HATCH well knows, going through this debate provides income support for the poor, elderly, and disabled Americans, most of whom also get Social Security benefits. This program is part of the Social Security Act. In fact, it is title 16, and is administered by the Social Security Administration.

But, Mr. President, fellow Senators, and senior citizens who are concerned about this debate, this program is financed out of general revenues of $24 billion in 1994, not the Social Security trust fund. In other words, Congress budgets out of regular taxes $24 billion that goes into the trust fund to pay for SSI.

Why could not Congress, when it gets pushed in the balanced budget, why could not Congress cut the SSI to balance the budget and fund exactly the same benefits out of Social Security to protect the beneficiaries? There is no question that Congress can say, "This trust fund is protected. Why don't we just not put the $24 billion in from the outside. Why don't we just use the trust fund to pay for the SSI?"

I believe it is legal. I believe it is just as possible as any horror or scare story about leaving it on budget.

Now let me proceed. Is that not doing that to "old age" or "disability" benefits? You bet. So the definition used by my good friend from Nevada includes what I am speaking of under the rubric of Social Security, but clearly there is a $24 billion easy loophole to charge the trust fund for SSI and there is nothing illegal about it.

Now, let me move on and then insert some things in the RECORD.

First of all, I want to move quickly to another notion. Supporters of the amendment of my friend from Nevada, Senator REID, may argue that current law provides a firewall around Social Security requiring 60 votes to raid it.

Now, I do not know if it has been argued, but I think it should be put on the table. Frankly, I had a lot to do with it. It is a Domenici amendment, a Domenici proposed firewall. I helped direct that despite objections from some who wanted to raid the trust fund. That firewall is very important.

But Congress can change it by changing our internal budget rules. In fact, we saw it happen in the 1993 reconciliation bill.

Let me tell you what happened. The President proposed to increase income taxes on Social Security benefits and instead of giving that revenue to Social Security—I say to my friend—as required by the 1983 bipartisan solvency package—he put the money in Medicare, a pretty healthy chunk of money.

In effect, if the Reid amendment passes, the paradox is it will take 60 votes to run a deficit, but only 51 votes to raid Social Security. Let me make sure everybody understands. Right now, the internal law of this Congress—and I believe it will be there for a long time—permits raiding on 51 votes. But if—if, in fact, you have a balanced budget amendment—and remember, it is enforced by a 60-vote rule—if, in fact, you are overspending, it takes 60 votes.

I assume part of the way to overspending would be to raid the trust fund. If you raid the trust fund, to go out of balance, it will take 60 votes; whereas, if you do not have the constitutional amendment, even with the firewall and all the other things, it will take only 51 votes to raid the trust fund.

Now, frankly, I believe the second thing we ought to make sure everybody knows, the Social Security fund is in danger not by the threats that have been posed by those who essentially, I believe, want to kill the balanced budget amendment—I mean, to me it seems like those who are saying put Social Security outside of the balanced budget clearly understand that many who are for the balanced budget amendment would leave that side of support and say we should not even have a constitutional balanced budget if everything we spend on is not on it.

So, what do I think is the most important thing for Social Security in the future? I believe the best way to protect Social Security, Mr. President, is to balance the Federal budget.

There is no doubt that if you ask economists, those who are familiar with the fund, those who are familiar with its idiosyncrasies, they will say the most important thing to do to protect it is to balance the budget.

If we continue to run budget deficits as we have been for two decades, we will sap all of our already meager national savings, which leads to lower investment and slower productivity growth.

Ultimately, let me tell Members what that means. Lower productivity and slower growth and lack of investment ultimately means stagnant wages. Stagnant wages ruin Social Security trust funds. Lower payroll taxes come from stagnant wages. Stagnant wages come, as I indicated, from spiraling deficits, without national savings, which make long-term interest rates go up, and the Social Security recipient is doomed.

Already we see the deficit in Social Security way out there in about 2½ decades, finally arriving again, because of demographics. And clearly if we have on top of that—without major reform in Social Security in the way out years on top of that—a slower wage growth base, we will never be able to afford the Social Security system.

That gets back to what is best for the seniors. What is best is a balanced budget. What kind of balanced budget? One that is real, one that is true to valid spending processes, that excludes nothing. That excludes nothing.

I want to repeat the fact that because I am here saying the Reid amendment should fail does not mean that this Senator or that Republicans on this side or Democrats on that side that are with the balanced budget amendment and do not want to take the Reid amendment, do not want to vote for it, we are not against Social Security.

Anybody that has taken the floor here and says this is calculated to harm Social Security, listen carefully. We are absolutely convinced that to take it off budget lends itself to more mischief and more robbing of the trust fund than if it is on budget. We are firmly convinced of it and we gave only two little examples today. But they are big. One is over $39 billion, the one on taxes; and one is $24 billion, just 1994. They will come up like mushrooms. The way is to make it more solvent but not bite the hard bullets of getting the deficit under control. That is No. 1.

No. 2, make it clear. Social Security and pensions and seniors' well-being is more predicated upon wage growth, productivity increases and economic prosperity than any other commitment of our Government. What is more apt to make those commitments viable and solid? A balanced budget where we spend within our means and live within our revenues.

We do not want to kill the constitutional amendment. Seniors do not want Members to kill a constitutional amendment on an amendment that says it will protect while all the time we are assured that it will kill the balanced budget amendment which is intended to protect seniors, which everybody knows will protect seniors, which everybody knows is a necessity.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Nevada.

Mr. REID. Mr. President, I appreciate the statement of the Senator from New Mexico. I do say, however, that no matter how loud the Senator talks, or how many examples the Senator gives that are not relevant, the fact of the matter is that the only way to protect Social Security is through the Reid amendment.

Mr. President, the Senator from New Mexico did not deny—nor has anyone, as a matter of fact—that this amendment, House Joint Resolution 1, includes in the general revenues of this country Social Security. There is no question about that.

In addition to that, Mr. President, the report that came to this body from the Judiciary Committee which reported the amendment says that Social Security shall be counted in the general revenues of this country. There is no question about that.

House Joint Resolution 1, section 7, if it passes, it will have passed with 67 votes. We do not have to worry about 60 or 50 votes. If the constitutional amendment passes and does not have the Reid amendment it will include Social Security revenues. Clear as that. No question about that.

My friend from New Mexico said on this floor the best way to protect Social Security is to balance the budget. The best way to protect Social Security, according to my friend from New Mexico, is to use Social Security trust funds. That is what this debate is about.

The debate on this amendment is whether or not we should exclude from the language of this underlying constitutional amendment Social Security receipts. I say yes. There are those in this body who disagree. They believe that Social Security funds should be used to balance the budget. I do not. I think that is wrong.

We can go back, Mr. President, to a history of Social Security. We hear a lot in this body and in the other body about a Contract With America. Let me remind everyone again that the real contract with America is not something that has to be passed in 100 days. The real contract with America was that contract that was negotiated by the Members of the House and the Senate and the President back in 1935.

They set up a trust fund that would be funded by employers and employees so that people when they reached the magic age of 65, they would be able to draw moneys from that trust fund that had been accumulated as a result of their paying into the trust fund with their employers. It is a contract. It is the original contract with America.

We, as Members of Congress, have a fiduciary relationship with the people of this country—not only senior citizens, but the people of this country—to protect moneys. This is for me, my children and my grandchildren. That is what this is all about. We have an obligation to protect those moneys.

We must remember that Social Security moneys come from taxes that are paid. Social Security has not contributed one penny to the multitrillion-dollar debt we have in this body. Not one penny. Why should it be used to help balance the budget?

Mr. President, we know it has been the intent of this body to exclude Social Security from the general revenues of this country. We know that because there is a law that says that. This is a section of our statutes.

This amendment was offered, among others, by the junior Senator from South Carolina who recently spoke on this floor. It says there will be an exclusion of Social Security from our general revenues—our budget. It says that. This was not a real close vote, although we did have a vote on that.

In fact, Mr. President, by a vote of 98 to 2, this law was passed: 98 yeas; 2 nays. It was the decision of the Senate and the House, and this was signed into law by the President, that we should exclude Social Security trust funds from deficit calculations.

Now, it seems rather unusual to me that we would come along just a few short years later and say, well, that was all wrong, the vote did not really mean that much, and with House Joint Resolution 1, the underlying constitutional amendment that is now pending in this body, it says we are going to include total outlays. I repeat, if it is not graphic enough for everyone, look at the report language that we have. It is a report that came from the Judiciary Committee that included language that says we are going to include Social Security in the general revenues of this country.

There could be no mistake made that this underlying constitutional amendment will take Social Security trust funds and use them to balance the budget.

There have been very few objections raised to excluding Social Security. I heard the Senator from North Dakota say on a number of occasions: "Give me a reason why you would not want to exclude Social Security from the deficit reduction problems we have in this country. Social Security does not add to the deficit."

So why should we?

Some of the reasons that have been raised are, No. 1, we are going to take care of things by using implementing legislation to exempt Social Security from the balanced budget amendment. We know that if the underlying constitutional amendment passes, it will have section 7 in it. This would be part of the Constitution. I have a copy of the Constitution in my hand, Mr. President, and this amendment will become part of this Constitution. If I am not mistaken, it will be amendment No. 28. If it is part of our Constitution, you cannot pass a statute that says the Constitution does not really mean what it says.

If the underlying constitutional amendment passes and you try to pass a law that says the Constitution does not mean what it says, it is obviously unconstitutional. So how could anyone accept the proposition that we will pass a law that will change the Constitution? That is what we are hearing around here.

"We will use implementing legislation to exempt Social Security from balanced budget calculations"—it is irrational; it is impossible to arrive at any conclusion that would make that possible. Attempts to exempt Social Security through implementing legislation would be futile.

I repeat, once the Constitution is amended, to include, as the chart shows behind me, "Total outlays shall include all outlays of the U.S. Government except for those for repayment of debt principal," in effect what we want to put here, in addition to "repayment of debt principal," is "Social Security." That is what this amendment is all about. You cannot change the Constitution with simple implementing legislation.

Senator HEFLIN has said this means that there will be a constitutional requirement that Social Security funds be considered on budget. I point to this for the third time; that is what it says.

"If the balanced budget amendment," Senator HEFLIN continues, "is adopted as presently worded, it would prohibit Congress from legislatively taking Social Security funds off budget and would nullify the provisions of the 1990 Budget Enforcement Act which would require Social Security funds to be considered off budget."

He is not the only one who has said this. It is not as if Senator HEFLIN, who is, I think, one of the leading legal scholars in this body, does not have any support. We have an opinion from the Congressional Reference Service that says:

> Under the proposed language, it would appear the receipts received by the United States which go to the trust fund and the Federal Disability Trust Fund would be included in the calculations of total receipts, and that payments from these funds would similarly be considered in the calculation of total outlays.
>
> Thus, if the proposed amendment was ratified, then Congress would appear to be without the authority to exclude the Social Security trust funds from the calculation of total receipts and outlays under section 1 of the amendment.

There has also been an allegation made that statutes never have been incorporated in the Constitution and this would be unprecedented, constitutionalizing a statute.

As I have said before, Mr. President, if a statute is included in the constitutional amendment, it is no longer a statute. We have established through Senator FEINSTEIN and the Senator from Nevada that every constitutional amendment has a spate of accompanying legislation that implements legislation, and that is why we talk about the 16th amendment, IRS.

I think, more importantly, you should know though, this is the first time in the history of this country that we have attempted to affix fiscal policy in the Constitution. So if we are talking about fiscal policy, should we not be concerned about one of the largest fiscal elements of our society, namely, Social Security?

We are also told if Social Security is put off budget, then Congress would have to raise taxes or cut spending to meet this year's deficit and future years'.

That is the whole point of the amendment. We do not believe that the budget should be camouflaged as to its deficit component by Social Security surpluses, and that is what would be happening if this amendment is passed without exempting Social Security.

The Senator from New Mexico and others have said on occasion that exempting Social Security in the constitutional amendment would create a loophole.

Well, Mr. President, as I have stated briefly, after Senator DOMENICI spoke, in section 7 of this proposed constitutional amendment, Social Security receipts are lumped into the general budgets of this country. The only way that you could change Social Security, as Senator DOMENICI has said—he acknowledged our previous statement—is if in fact you get 60 votes. So I think creating a loophole is a real stretch.

Now, Mr. President, there are some other things that I desire to say, but I have been in the Chamber now for some time as the manager of this amendment, and I see two Senators in the Chamber. I would be happy to yield to them if in fact they desire to speak on this amendment. Could I inquire through the Chair if the Senator from Georgia and Oklahoma wish to speak on the pending amendment?

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I do desire to speak on the amendment.

Mr. REID. I am wondering, Mr. President—we have until 5 o'clock—if perhaps we could enter into some type of agreement—I know we did that earlier in the day—and save Senators hustling around. We have about 40 minutes left. How long, may I inquire through the Chair, does the Senator from Georgia wish to speak?

Mr. COVERDELL. I would only require 5 minutes.

Mr. REID. And the Senator from Oklahoma?

Mr. COVERDELL. He is not speaking today.

Mr. REID. I would yield the floor to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I rise to speak on the amendment as offered by my friend from Nevada and the language that has been embraced by the Senator from Colorado.

Mr. President, throughout this debate and, for that matter, throughout the last several years as we talked about the balanced budget amendment I have watched Members of Congress, House and Senate, come before the American people and repeatedly say almost with abandon—and that may be the right word—they support a balanced budget amendment. In the President's State of the Union Address, he told us that he supported a balanced budget amendment. Of course, within a week he submitted a budget that nowhere approached a balanced budget and did not even make an attempt to move toward one. And of course, with all the statements that we have heard from both sides of the aisle, all across the board, Republican and Democrat, and for years that said they were for a balanced budget, I think the American people can come to the conclusion after 25 or 30 years that must not mean very much because we just do not produce balanced budgets.

Worse yet, we have spent every dime we have—$5 trillion that we do not have, 30 percent of the property tax base of America through the egregious unfunded mandates, and now we are in the process of spending the Treasury, so to speak, of the children and grandchildren of America—in every corner we can find. So I do not believe that people of the country can take much comfort from a President who says he supports a balanced budget but does not offer one, or from the Members of Congress, no matter what side of the aisle, who come before us and say they are for balanced budgets but never produce one.

Now, the Constitution is our conceptual law. It is an acknowledgment that to manage the affairs of this great Nation there must be core law—core law.

So this idea that we can do this—and this does not need to be added to the Constitution—is a specious argument because there is no issue of greater concern to the health and the future of our country than its fiscal health. No family, no business, no community, State, or nation can conduct the affairs required of it if they are financially unhealthy. And the United States is on the verge of enormous financial destabilization.

So it is absolutely logical that we now add to our core law a process by which we will govern and assure the people of the country sound financial fiscal law.

With regard to the amendment, in my judgment, any amendment of exemption makes the law virtually moot because that exemption will ultimately be the vehicle by which all the pressures we have suffered this last quarter century will focus, whether it is 60 votes or a majority—all the pressures to keep doing what we are doing and to resist change will collapse with the full weight of the last 25 years on the exemption, no matter what it is.

Now, we have focused on Social Security here time and time again. I have to say that I believe this is used to raise fear in our country, and it is used as a vehicle with which to block the concept of core law that will manage our financial affairs.

Now, if you are for a balanced budget and keep saying so, then you would obviously vote for a balanced budget amendment. And if you are worried about Social Security—and everybody says they are on both sides of the aisle—then the first thing you have to do is to produce fiscal health. Otherwise, Social Security and every other meaningful program in our country will fall victim to a financially destabilized nation.

Mr. President, I would just say that we are very dangerously close to being the first generation of Americans that would be willing to turn over to the future of our Nation a country that is financially destabilized and unable to properly care for itself.

Mr. President, I yield.

Mr. INHOFE. Will the Senator yield for a question?

Mr. COVERDELL. Mr. President, I would be glad to yield if I am within the time agreement.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Chair.

Mr. President, the Senator said something about how long we have been talking about the balanced budget amendment, and tomorrow I plan to go back and revisit an experience I had with Senator Carl Curtis, a former Senator, conservative Senator who was the father of the balanced budget concept way back in 1972.

At that time, when his idea was to get three-fourths of the States to ratify, force Congress to do this instead of talking about it, he brought up at that time that every time it has been brought up it has been killed by someone who wanted to have an exception to it written into the Constitution, knowing full well that it will not work.

Does the Senator think that after 22 years, people out there are now going to be in a position to demand that we quit talking about it and do it?

Mr. COVERDELL. The Senator from Oklahoma is absolutely correct in the assertion of his statement. The American people want the balanced budget amendment passed. It was the centerpiece in the election just concluded; 70 or 80 percent, depending on whose poll you read, want this balanced budget amendment passed, and the reason is they have heard us say we are for a balanced budget time and time again—they heard the President say it just the other night—and then within hours in history reverse themselves and do nothing to produce it. And so they come to believe that the only way our system will be disciplined enough in the core responsibility of caring for the financial health is for it to be written in the core document that governs the United States, that is, the Constitution of the United States.

Mr. INHOFE. Will the Senator yield for one more question?

Mr. COVERDELL. I certainly will.

Mr. INHOFE. Does the State of Georgia have a balanced budget constitutional amendment?

Mr. COVERDELL. Yes, they do. It goes further than this one. If the Governor fails to meet it, he goes to prison.

I remember very well when I first went to the State senate, within several years, we were going to exceed our revenues by some $120 million. The Governor was forced, choosing this over prison, to call a special session, and we found a way to eliminate the expenditure of $120 million.

Now, if that amendment, a requirement and discipline, I might point out to the Senator from Oklahoma, if it had not been in place, do you think we could have come into special session? Do you think we would have taken on the hard job of finding where to eliminate $120 million?

The answer is no. It required a discipline built into our core governance, the Constitution of the State of Georgia, to force us to make the hard decisions, which we did. We fought about them. We set our priorities, made the decision, and went home. Some were happy, some were not, but we made the decision, Mr. President. We made the decision. And we kept the finances of the State of Georgia intact. I might add that the financial health of my home State is considerably improved over the financial health of our home nation.

Mr. INHOFE. I appreciate the Senator yielding. I asked that question because in the State of Oklahoma, I went back and read extensively about our balanced budget amendment which we passed in 1941. The interesting thing is the same arguments that are being used today in this forum were used back then, saying that it would not work, and it has worked since 1941. It would not have worked if it had not been in the constitution.

I thank the Senator for yielding.

Mr. COVERDELL. I thank the Senator, and I thank the Senator from Nevada for yielding time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say through the Chair to my friends from Georgia and Oklahoma a couple things. First, I want the record to be very clear the majority leader, the Republican leader, has been entirely fair with this Senator and those of us sponsoring this amendment. Going into this I asked the senior Senator from Utah that we be given enough time, because of the importance of this amendment, to debate the issue. We have had that opportunity. It is my understanding the leadership is now working on a time sometime tomorrow that we will vote on this amendment. I think we have had an adequate time to debate this issue, for which I am publicly thankful to the majority leader.

The point that I raise here is there has been no effort to stall this. We have had a full and complete debate. I do not think we have had a quorum call, to my knowledge, during the entire time that my amendment has been debated.

I do say, however, in response to some of the statements raised by the Senator from Georgia that people are trying to raise the fear of Social Security recipients: Mr. President, I am not trying to raise the fear of Social Security recipients. I am trying to inform the Social Security recipients of the facts. And the facts are, if this amendment passes, the underlying amendment, Social Security will be included in the general funds of this budget. I do not know if that will cause fear to be instilled in senior citizens. If it does not, it should, because clearly the American public, who badly want a balanced budget amendment, do not want Social Security receipts to be part of the balanced budget amendment.

My friend from Georgia said 70 or 80 percent of the people want a balanced budget amendment. That is true. But 90 percent of the people of this country want a balanced budget amendment that excludes Social Security.

While it is not a big issue and not part of this amendment—and my support of the balanced budget amendment is not contingent upon a capital budget—I think it is fair to inform everyone that the States of Georgia and probably Oklahoma and I know Nevada have a balanced budget requirement but they exclude capital expenditures. We have a beautiful new building in Las Vegas, a State building. But that State building was paid for with bonds, or a considerable part of it. BONDS. That is moneys that are paid on time, so to speak, like when we personally buy a home or we buy a car personally, or a company buys a piece of equipment. Not often is cash paid for it.

Mr. President, I see the distinguished Senator from Alabama here. Does the Senator wish some time?

Mr. HEFLIN. Yes, I would appreciate some time.

Mr. REID. Please proceed.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HATCH. Will the Senator yield for a unanimous-consent request?

Mr. HEFLIN. Certainly.

Mr. HATCH. Mr. President, I ask unanimous consent, so we have some order, that when the distinguished Senator from Alabama completes his remarks in the time he desires, then we move to the distinguished Senator from Tennessee so we can keep some sort of an order here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I thank my friend.

Mr. HEFLIN. Mr. President, I strongly support the resolution calling for a balanced budget amendment. I think it is long overdue. It provides the discipline that is absolutely essential if we are going to balance the budget and eliminate deficit spending. However, I do feel in a balanced budget resolution we ought to provide for the absolute truth as it would apply to deficit spending, at least to the extent of having Social Security off budget and not a part of the overall budget.

When Social Security was created in 1935, it was created as a trust fund to be held separate and apart from the general operating budget of the Government. That was true up until 1969, when it was used to, really, hide the true deficits that were occurring as a result of the Vietnam war and some other matters that called for the expenditure of funds.

In 1990, we attempted to take Social Security off budget and have truth in the budget. That was the intent but, under some mechanisms and maneuvers, we do not really have it today.

The amendment calling for a balanced budget would mean that we would have Social Security funds included in the budget process for the general operating budget, and this causes me concern. I have looked at figures of projections which the Social Security Administration has worked up relative to the amount of excess of receipts over outlays, or surpluses, that are occurring. In 1995, which is the present fiscal year we are in, the Social Security trust fund will have a surplus of $69 billion; in 1996, $73 billion; 1997, $78 billion; 1998, $84 billion; 1999, $90 billion. In the year 2000, $96 billion.

I do not have the figures, but as I understand it, they continue to grow and we will say, by the year 2001, it is in excess of $100 billion.

The present projected deficits, according to the President's budget and otherwise, indicate that at around the year 2001 we will have deficit spending around $200 billion. According to the Social Security Administration, the surplus in the Social Security trust fund in the year 2001 will be $951.8 billion. What happens to that surplus? The surplus is invested with the idea of drawing interest in order that that interest can compound the assets each fiscal year to make it grow. We hear the term that it is designed to make it more actuarially sound.

So you have interest that is then growing, and in the year 2001, according to the Social Security Administration, they anticipate—and it is based on factors based largely on interest rates today—that the Social Security trust fund will yield about $63.3 billion in interest in the year 2001.

So we have coming in $100 billion and $58 billion from interest, making approximately a total of $158 billion that will be coming available as surplus interest and surplus payments in the year 2001. The year 2001 is the year before 2002, which is the target date for balancing the budget.

So you say if Social Security is a part of the budget, then in the year 2001, we will find—the projections on the deficit spending as of that year would be $200 billion—if you allocate toward the reduction of the deficit $158 billion, coming from principal that comes in to be paid plus $58 billion that would be drawn on interest on the surplus, it would leave $42 billion that you would have to cut in programs.

It seems to me that if you were at the stage of that and you were attempting to balance the budget and to bring about a reduction of spending in unwise programs, you would not want to be in that position. But under the language here, under the definition of total receipts, the total receipts include all receipts of the Government except those that are obtained or derived from borrowing. So, therefore, it is mandatory that at least $100 billion of the principal has to be included on the receipts side relative to the balancing of the budget.

This matter of attributable interest causes me concern. The definition of total receipts shall include all receipts of the U.S. Government except those derived from borrowing. Therefore, when the Social Security surplus, nearly $1 trillion in the year 2001, has been invested and you bring in the money that has been obtained from borrowing, it means, therefore, that the interest, the attributable interest, is not included. One would think it would be included from the borrowing. But when it comes to the outlays, it is excepted because of the fact that you cannot allow under the definition of outlays to pay back interest under the concept of the budget. So, therefore, you are in a situation where the total receipts shall include all receipts of the U.S. Government except those derived from borrowing. That means you include all receipts that the Social Security tax pays, and it is required that you have to do it.

The money that is invested by Social Security funds can be paid back, and they will be paid back, because it says total outlays shall include all outlays of the U.S. Government except those for the repayment of debt principal—debt principal—but it does not guarantee necessarily that the interest will be included in the budget. Therefore, it puts it into a situation of uncertainty as to whether or not the interest will be repaid. But the debt principal, of course, is not included in the outlays and, therefore, you have a problem that arises in connection with that.

I think that we ought to at least, if the Reid amendment is defeated, address the question of debt interest that is coming in regard to the Social Security Administration. This is sort of a complicated concept. But it ought to be that attributable interest is also kept off budget, and that we do not have to depend on the payment of interest to come from actual outlays that are appropriated under the general budget because it is a temptation. And it may well be that they will be repaid. But there is no guarantee that the debt principal interest, the interest that is grown, will be repaid relative to that matter.

I think there are a lot of things pertaining to the Social Security amendment of Senator REID that are very important. I think it is one of the most consequential votes of this young session of Congress that we have had.

I want to rise to voice my strong support for Senator REID's amendment exempting Social Security receipts and outlays from the budget. Social Security is the Federal Government's original contract with America. I believe Senator REID used that word in one of his speeches. If the Reid amendment does not pass, then we will be breaking that contract, and we will ultimately be forced to balance the budget on the backs of hardworking Americans who have contributed toward their retirement with a portion of each paycheck.

This provision says it is a protection for all Americans who pay into the program. There is no question that, under the language in the balanced budget amendment resolution now pending, the Social Security trust fund will no longer be completely safe for future generations.

The Reid amendment seeks to correct the deficient language so as to uphold the original contract with America, one that has lived up to its intent like few other Government contracts have. The amendment is very simple. It protects the Social Security Program by excluding the receipts and the outlays in the system from the budget.

Social Security is not causing the deficit. Its revenues and surpluses should not be used to mask the receipts, nor should its outlays be counted as part of expenditures. We should keep in mind that Social Security is a program self-financed from contributions by employers and employees, which does not contribute one cent to the deficit. In fact, in 1990, Congress included a provision in the Budget Enforcement Act declaring that funds off budget, much like our personal savings accounts, are not counted towards the budget.

The current underlying resolution, if not amended, would clearly put Social Security on budget, and thus overturn the decision 5 years ago to affirm the off-budget status of Social Security.

As we debate and develop the balanced budget amendment, we need to be certain that we protect the integrity of the Social Security System and maintain truth in budgeting. The protection of this self-funded program can only be accomplished by keeping it off budget and out of the balanced budget equation.

This vote should be easy. The bottom line is that we are voting on whether or not to protect the true contract with America, Social Security. I urge my colleagues to vote in favor of protecting the terms of this sacred contract and covenant, and keep Social Security in its protected position as a trust fund separate and distinct from the Federal budget.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, we have been debating the balanced budget amendment now over a 15-day period—or about 11 days of debate. I think it is very important that we step back and reconsider the fundamental question that we are dealing with here, and that is whether or not we are going to take the steps necessary to put ourselves in a position of dealing with the problems facing the next generation, or whether or not we are going to go down the same old road and proceed to bankrupt that generation.

There is nothing more fundamental in human nature than looking out for one's offspring, for the people that we bring into the world. I am not sure we have done a very good job of that so far. We have an opportunity to do that with the balanced budget amendment.

We have heard several amendments discussed over this 15-day period. Many of those amendments would defeat the balanced budget amendment if adopted. I respectfully submit that the Reid amendment under present consideration would fit that category and would defeat the amendment if adopted. Many good arguments have been made against this amendment. One is that it would be a loophole through which anything could be driven and will obviate the purpose of the balanced budget amendment.

Senator HATCH from Utah this morning pointed out that the adoption of this amendment would put into the Constitution very complex language which would create a field day for lawyers, and it does not belong in a constitutional amendment. I believe the most important part is to understand the protection issue. This amendment is being set forth as protection for Social Security. Social Security, and the protection of it, is something we are all committed to. We have made that commitment by vote and we have made that commitment by voice in this body. We will continue to make that commitment.

But the fact of the matter is that the safety of Social Security depends upon the commitments of this and future Congresses as we proceed, and not upon the language of this amendment. If this amendment is adopted, it will do nothing to prevent future taxes of Social Security. If this amendment is adopted, it will do nothing to prevent cuts in Social Security in the future. It is essentially a bookkeeping measure. The proponents of this amendment rightfully point out that at the present time the surplus in the Social Security trust fund does assist in making our deficit picture look a little better, as bleak as that is. That is a short-term consideration, Mr. President.

The fact of the matter is that within a relatively few years, depending on how you calculate the Federal Government employer part of it, in 2010 or 2013 the Social Security trust fund is going to be in the red and the real protection for Social Security again is not in this amendment, which I think really in many respects would endanger it more than it already is. The real protection is in balancing the budget.

I think it is important to keep in mind two factors that are driving this debate. One is the fact that the Social Security trust fund will be going into the red in the not-too-distant future. It is right around the corner. The second is the phenomenon of the interest on the debt.

As you know, Mr. President, the interest on the debt right now constitutes—or will in a couple of years—the second highest expenditure of our Federal budget and will continue in that direction as far as the eye can see. Those two factors go on together. I submit, Mr. President, they constitute the real danger to Social Security. All programs are going to be squeezed if this scenario continues to play out in the current direction if we do nothing about it. All programs are going to be squeezed and those programs applying high expenditures, such as Social Security, will be high on the list and under close observation, Mr. President, if we come to that point.

Let us consider separately those two factors I just mentioned. Interest on the debt. Interest payments on the debt are currently $235 billion. They are expected to rise to about $5 trillion by the year 2030 under current circumstances. This is according to the Commission on Entitlements. Interest payments on the debt currently accounts for approximately 22 percent of the general non-Social Security revenue. By the year 2030, Mr. President, interest payments on the debt will account for approximately 75 percent of general revenues.

Let us consider the Social Security trust fund for a minute, the second part of that equation. We will start to go into the general fund to meet current Social Security liabilities by the year 2010, which is right around the corner. We will need an additional $850 billion in the year 2030 alone over anticipated Social Security receipts to meet current liabilities. That is an additional $850 billion if we proceed under current circumstances. So by the year 2030, we will have Social Security needing about an additional $850 billion, at the same time that interest payments on the debt are exceeding 75 percent of general revenue. You can see where that takes us.

The sum of interest payments and Social Security equals just under $6 trillion. General revenues are expected to be just over $6 trillion. Clearly, this is a catastrophe waiting to happen, Mr. President. We cannot sustain that trend.

What else will be going on if this scenario plays out? These are just numbers. What is going to be going on in the real world? Our savings rate is going to decline even further. That, in turn, will cause our interest rates, now hurting, to decline even further. That, in fact, will hamper our growth rate; it will hamper the standard of living for every young couple starting out and trying to start a family. It is already going down. We hear a lot of talk that the real income of working Americans today has stagnated for some time now in this country. The other part of this story is that for younger Americans, since 1973, the real income for them has actually gone down. This economy is slowing down. We talk about what happened last quarter or the quarter before last, but if you take the long-term trend, this economy is slowing down. Our investment rate is slowing down. Our savings rate, which produces that investment, is slowing down. As interest takes a bigger and bigger chunk of the savings dollar, there is less there for private investment. Interest rates will go up and taxes will go up astronomically. We all know the demographics, and before long we are going to have a smaller and smaller working force, taking care of a larger and larger retired population.

Some people even talk in terms of a generational war—a generational war, Mr. President. Surely we can do better than that. That is the real danger to Social Security. If that happens, if we get to that point, if we get to a 70-percent tax rate, if we get to an economy slowing down, if young working people see this is happening to them and these figures go out of sight, nothing is going to be safe, including Social Security. We must avoid that, and the only way to do that is by a constitutional amendment.

We have already turned ourselves from a creditor nation into a debtor nation. We already have the lowest savings rate among all of the industrialized countries. We have now one of the lowest investment rates of any of the industrialized countries. We must be able to see the handwriting on the wall. The only other options would be to cut Social Security dramatically, raise taxes dramatically, keep raising the deficit, or not fund anything else, such as defense, infrastructure, Medicaid, or any of those things that we know we must fund.

Had we balanced the budget in 1981, based on the law passed at that point—as the President recalls, the history is replete with instances of failed attempts to balance the budget. We have declared it to be a national priority. We have put it into law in 1979. But even the year we put it into law, there was a $79 billion deficit. Failed attempt after failed attempt, Mr. President. If we, in effect, had balanced the budget, as the law required in 1981, our interest payments today would be only $45 billion, compared to the $234 billion. And it is almost $200 billion less than we are paying today. Indeed had we balanced the budget beginning in 1981, interest payments would be so much lower that by this year we could have a balanced budget and still spend virtually the same amount as actually is being spent on noninterest spending.

Therefore, I urge that we not lose sight of what we are about here. This amendment does not protect Social Security; in fact, it endangers it. The only true protection for Social Security is the passing of the balanced budget amendment.

I yield the floor.

THE REID AMENDMENT

Mr. WELLSTONE. Mr. President, I rise to support the Reid amendment which would make crystal clear that if a constitutional amendment to balance the budget does pass the Senate—I know it is going to be a very, very close vote. So it is very difficult to tell whether that will happen—that there will be language that will ensure that Social Security and Social Security trust funds will not be used for the purposes of deficit reduction as spelled out in the balanced budget amendment goal.

Mr. President, let me make clear in the beginning that I believe the Social Security trust fund, as we look well into the next century and really not that far into the next century, just in terms of its own trend lines and making sure that it is self-supporting, that reforms will be necessary, that there are steps that we are going to have to take, and difficult decisions will have to be made. But, Mr. President, the reason I feel strongly about the Reid amendment is this is a separate trust fund, and indeed, as other Senators have said, if we are going to be talking about contracts, Social Security is a contract with many Americans.

So, Mr. President, there is no question in my mind that this trust fund should be kept separate, that when we look at Social Security—and we do this as a Nation and we take steps that we need to take to make this trust fund work well into the next century—we should do so. But that money should be kept separate. That issue should be kept separate. That should not be part of the effort to balance the budget by the year 2002. I think the only way we live up to our commitment with older Americans and their children and their grandchildren is to make it crystal clear through this Reid amendment.

The second point: There was a reason for passage of the Social Security bill in 1935. It used to be that in the United States of America, if you were to look to see where the vast majority of poor people lived and who they were, they were disproportionately the elderly. There is an obvious reason, which is after people became older and no longer were able to work, and employment earnings severely dropped and, therefore, many of our elderly citizens were destitute. The Social Security Program, because it is universal, because it is a sacred contract, has been, I think along with the GI bill of rights, one of our two or three most successful programs. And, as a matter of fact, poverty has dramatically declined among older Americans. It is no longer the case that we find the poverty disproportionate among the elderly within our country.

The third point: I make the argument that it has been an extremely important program. As a matter of fact, Mr. President, this is truly a middle-class program. It is as if middle-class people and working families through their own sweat equity and their own work were able to in 1935 effect a huge accomplishment which changed our country forever, and for the better. That is Social Security.

Mr. President, what I resent in some of the discussions about Social Security and Social Security recipients is this caricature that we have too many older Americans who are "greedy geezers playing golf every day." That is simply not true. It is simply not true.

Mr. President, as a matter of fact, there are many people—40 percent—for whom Social Security is really their sole source of retirement income. I will never forget in a cafe called Wimpy's Cafe in Faribault, MN, two elderly women, not that long ago, said to me: "Senator, we receive, altogether, I do not know, like $440 a month. Do not cut our Social Security payment; it is what we depend on. Senator, we are terrified that is what you are going to do."

My colleagues on the other side of the aisle say we are not going to do that. If that is the case, then let us ensconce that as part of the constitutional amendment, make it a part of the constitutional amendment. That is what the Reid amendment says.

Mr. President, the fourth point is that it bothers me no end that we continue to focus on—or at least some do—this kind of generational conflict. I have not been to one gathering of older Americans, of senior citizens in Minnesota, where people have not said to me that one of their top three issues are children, which in many cases are their grandchildren. It strikes me that this is a program that is sacred, this is a program that is a sacred trust, and this is a program that if we are going to make any changes, they ought to be made with the community and it ought to be made viewing Social Security as a separate trust fund and a separate program. We have to make sure that there is not a raid on the revenues of this program right now to be used for deficit reduction.

Mr. President, let me make one or two final points. One has to do with what I said last week on the floor of the Senate. I just want to sound the alarm that each and every Senator, regardless of his or her party, is held accountable for the remarks we make on the floor of the Senate. I take any speech or remarks on the floor of the Senate very seriously, first of all, because of the honor of being here.

Mr. President, when we look at this balanced budget amendment and we understand the projections on the amount of money that is to be saved by 2002, the amount of budget cuts that have to take place —and we are talking somewhere in the neighborhood of $1.3 trillion, and we are talking about cutting taxes. As I said the other day, there is an old Yiddish proverb that you cannot dance at two weddings at the same time. You cannot talk about cutting taxes and increasing the Pentagon's budget and paying interest on the debt and say Social Security is going to remain separate—what is left to cut? Medicare is much like Social Security. It is a sacred trust with the elderly in our country.

Mr. President, in 1965, much like in 1935, our parents and our grandparents changed the United States of America for the better. And the Medicare program, imperfections and all, is a program that, for many elderly people, is the difference between being able to live the end of their lives with dignity as opposed to being destitute because of medical bills.

Mr. President, we ought to be straightforward with people that there are going to be draconian cuts in Medicare and Medicaid. Fifty percent of Medicaid goes for elderly and nursing home care. I can tell you that in my State of Minnesota, doctors, clinics, hospitals and the elderly are very worried; some of them are downright terrified. It is not because people are using scare tactics; they have reason to be scared because there will have to be, on present course if this balanced budget amendment is passed, deep cuts in those medical programs.

Mr. President, if there are deep cuts—and there will be—then I wonder why, as I said last week, the very Senators who, when it came to health care reform last session and when we were talking about universal coverage, were yelling and screaming about rationing and lack of choice, now when we are about to pass a constitutional amendment—maybe, maybe not—but we do not list where the cuts are going to take place, because we know we are going to have deep cuts in Medicare—and some want to cut Social Security, and we know they want deep cuts in Medicaid—the very Senators who know that and know this is going to lead to rationing among the elderly, the poor and the disabled, are silent.

That is what I find to be so disingenuous about this amendment and the failure on our part, as Senators, to step up to the plate and be clear with people as to where we are going to make the cuts, as to what our priorities are, as to what kind of choices we are going to make.

So I think the Reid amendment is an extremely important amendment. I think if Senators believe that the Social Security trust fund should be kept separate, then they should vote for the Reid amendment. It is simple. In a sense, it is sort of like not separating the votes you cast from the words you speak.

And, by the way, I think it is not just Social Security. It is also the very question of Medicare.

Finally, because I think this is what this debate is all about, it is interesting to me that now what I see happening in Minnesota is a lot of the education people, not just the teachers or college presidents, but, all of a sudden, students are saying, wait a minute, you say you are for the middle class, and our understanding is that there are going to have to be significant cuts in PELL grant and on campus need-based low interest loan programs? If you are for the middle class, Senators, then do not cut the very programs that enable our children to have a chance to be able to afford their education.

Mr. President, I find it interesting that Senators do not want to vote to keep the Social Security trust fund separate—though I hope we win that vote—and are not willing to go on record saying we will do nothing that will create more hunger or homelessness among children. I lost twice on that amendment. They are silent as to all the rationing that is going to take place because of deep cuts in Medicare and Medicaid. They have not been forthright with the vast majority of Americans, who, all the time, wonder how they are going to be able to afford higher education for their children because we know we are going to be cutting some of those programs. But when it comes to subsidies for oil companies, pharmaceutical companies, insurance companies, all sorts of loopholes and deductions, adding up, I might add, to hundreds of billions of dollars, they are silent. I would think that would be part of the way in which we do deficit reduction. But none of us will know unless we are willing to lay out our budget plan before we vote for a balanced budget amendment. That is what is wrong about our approach.

With those remarks, I yield the floor.

Mr. ROCKEFELLER. Mr. President, when the roll is called on this amendment, every American will begin to get a much clearer picture of how a constitutional amendment to balance the budget will affect them.

Only by adopting the Reid amendment, will the U.S. Senate prove that Social Security is safe. That's why I urge its adoption. Even though I intend to vote against the Reid amendment to protect Social Security and the promise that has been made to the people of my State and the rest of America.

If the Reid amendment is rejected, or dropped along the way, it will be the equivalent of posting a danger sign in front of every household that counts on Social Security today or sometime in the distant future.

Our colleagues promoting this balanced budget amendment can promise in every way they know how that they'll leave Social Security alone after they get the constitutional amendment ratified. But unless the Constitution also reminds them of their promise, the pressure to nip, to tuck, and do much more to Social Security could be unstoppable.

This constitutional amendment for balancing the budget is not just a statement of support for the idea. It is a plan to put the Federal budget on a speeding train. It will require something in the neighborhood of $1 trillion in spending cuts over 7 years. Just imagine what Congress will have to consider when the clock on those 7 years starts ticking. You can just hear the talk already. Social Security has to be on the table. How can we get $1 trillion or more without all of the entitlements—without Social Security, without Medicare, without benefits for disabled veterans?

Mr. President, I actually don't know how. I believe that the worst part of this constitutional amendment is the fact that its very proponents don't know how they will rush their way to its destination. And because I see Social Security as just one of the sacred trusts that might get torn up on the way, I don't support this idea.

But the Reid amendment is one way to keep Social Security off the track of a train that could very well mow down any number of things important to the lives, the hopes, the expectations of our people—from vaccinations for children to home health care for seniors to the way we repay our debt to disabled veterans.

As my colleagues think about the underlying legislation and the more immediate vote on the Reid amendment to protect the Social Security trust funds, I urge you to take a look at letters from seniors in your State to get a sense of what is at stake. I have, and it is sobering.

Skip the impersonal postcards generated by interest groups. Skip the form letters when people's names roll out of computers. But take the time to pick up the personal letters, with scrawled handwriting, from senior citizens who are truly frightened about, what will happen to them if the Social Security trust fund is unprotected and this balanced budget amendment passes.

I have hundreds of such letters, and let me paraphrase the style. Take a letter I got that starts with:

> * * * I am 69 and worked every day of my life until I had to retire. I paid into Social Security since the beginning. I collect $600 or $800 in Social Security a month, but my bills are more than that * * *

I have letters where seniors from my State painstakingly list their monthly expenses—rent, heat, food, and prescriptions. They ask me what can they do if Social Security or Medicare is cut? Where can they turn in the twilight years of their lives?

I don't know what to tell them. And I ask my colleagues who support the balanced budget amendment, and who oppose the Reid amendment, what do you tell the senior citizens of your States?

I can only tell West Virginians that I keep fighting to uphold the promise made to them—the benefits they earned by contributing to the Social Security system throughout their working years and careers.

Over a quarter of a million West Virginia senior citizens rely on Social Security benefits, and nationwide almost 30 million seniors get benefits. For many, their monthly Social Security check is the difference between poverty and independence; the difference between buying groceries or going hungry. Thirty-eight percent of senior citizens are not living in poverty, thanks to Social Security. This is a tremendous achievement that we can be proud of, and should protect and continue.

Our challenge, as I see it, is No. 1, to protect Social Security now for the seniors living on fixed incomes, and No. 2, to plan ahead to ensure that Social Security is there when the young workers contributing over 7 percent of the wages are ready to retire. Passing this constitutional amendment to balance the budget without the Reid amendment is one way to guarantee that we will fail to meet either of these challenges.

We must protect the Social Security trust funds from becoming a pawn in a political debate over a balanced budget amendment, which sounds so reasonable and so simple.

Here is an example where the devil lies in the future details. The details that the proponents refuse to spell out. When the right-to-know amendment was rejected, we were told in no uncertain terms that we are all to strap ourselves into the speeding train, and to stop worrying about what and who get trampled along the way.

This does not say that over the next decade that Social Security will not need to change—it will. A recent report of its trustees clearly shows that a long-term solvency problem threatens the Social Security trust funds.

If changes are not made, the trust funds will be exhausted in 2029. We have to begin working on solutions to this danger facing Social Security, to restore the integrity of the trust funds just as courageous members of this body did in the past, most recently through bipartisan legislation in 1983.

But any change made to Social Security should be designed to strengthen the trust funds—not to surrender to the speed-chase started recklessly by this constitutional balanced budget amendment.

This balanced budget amendment is a game. It allows politicians to promise to be deficit hawks without requiring a single clue on what they will actually cut.

And because I fear, for the people of West Virginia, what the hidden agendas are in this amendment, I support this explicit method for making absolutely sure that Social Security is left alone.

There is no other way that the senior citizens can count on their benefits. There is no other way that the millions of working men and women who put aside part of their income every week, every month, every year for Social Security, can be sure that they will see a dime of it back when they retire.

Mrs. MURRAY. I rise today in support of the Reid amendment to exclude the receipts and outlays of Social Security from the budget. I want to commend the Senator from Nevada for his work on this important issue.

As Senator Reid noted last week, Congress ended the practice of masking our deficit by excluding the Social Security trust fund from the budget in 1990. That was a proper and necessary step then just as this amendment is a proper and necessary step now.

The provision in 1990 was taken to ensure that the beneficiaries of the Social Security trust fund could trust that Congress would stop the practice of using the fund to mask the deficit and to ensure that the money put in the system would be there when people retire.

That means simply that everyone of us has a right to know that when our money is taken out of our check today, it is put into a fund that cannot be raided and will be there for us when we retire.

Today as we have the serious proposal of passing a balanced budget amendment in front of us, Congress is being called on again to ensure some level of security for the beneficiaries of the trust fund. We have a responsibility to every person in this country who pays Social Security taxes to ensure that their Government required investment in their future will be there when it is supposed to be.

I cannot emphasize this enough. We have a real responsibility to our current beneficiaries and to those in the future.

The measures this body took in 1990 and before reaffirmed that responsibility, and with consideration of the balanced budget amendment, we once again are being called on to provide greater assurances to Social Security beneficiaries.

Given that, how can we in good conscience tell the American people that they do not need to worry about their Social Security when we all know that if this bill passes without this amendment, we cannot promise anything. Social Security will be on the chopping block along with all other programs.

I know we have to get our Federal budget in order. I have a commitment to work on that as a member of the Budget Committee. I also know we have to work on Social Security to ensure its long-term solvency. We cannot achieve either of those goals by violating the trust of the American people and going into the Trust Fund to balance the budget.

Let me be clear. I believe we must work to balance our budget. I also believe that a constitutional requirement to do so is not sound policy, but if this body is going to impose the constitutional amendment on us, if we are going to admit we are not strong enough to reduce spending without being forced to, then we have to let the American people know at a minimum that our elderly will not have to bear a disproportionate burden in this process.

We have to let the American people know that the Federal Government will keep its promises and ensure that the money they put in this system now will be there for them when they retire. This amendment ensures just that and I hope that my colleagues will support this amendment.

Mr. JEFFORDS. I rise today in support of the balanced budget amendment.

Mr. President, this vote has been described in historic terms. Only the historians can make that decision, but a brief description of our budget history might be instructive. In the heat of our arguments the past gets poorly presented.

Thomas Jefferson was not in the United States when the Constitution was written. He was abroad representing the United States as our Minister to France. When he came back, he said, "If I could add one Amendment to the Constitution, it would be to prohibit the Federal Government from borrowing funds."

His reasoning was simple. "We should consider ourselves unauthorized to saddle posterity with our debts," he said, "and morally bound to pay them ourselves." Thomas Jefferson, as in so many other areas, was ahead of his time. For two centuries, this moral contract bound our predecessors. While debt was accumulated in times of dire national emergencies, in 1975 the debt stood at but $629 billion.

Since then, we have increased the debt by more than seven fold, standing at $4.7 trillion today. The track record of the past two decades, more than anything else, has led me to the point where I now reluctantly support amending the Constitution to impose a discipline on Congress which we all wish it had but know it lacks.

I agree with critics of the amendment that this is not something to undertake lightly. Since 1791, there have been over 10,000 constitutional amendments offered in Congress. During this time, only 22 of these 10,000 amendments have been deemed important enough by Congress to be passed. Of these 22, only 17 have been ratified by the States and have become part of the Constitution.

INTEREST SPENT ON OUR DEBT

What is the problem with our enormous debt today? The problem that exists today, Mr. President, is that the Federal Government owes more than $4.7 trillion. Therefore, we must spend over $800 million on interest every day—that's right, Mr. President, over $800 million on interest every day—and this does absolutely nothing for us to help the needs of all Americans. We send more to our bondholders in 3 days than we do to every man, woman, and child in Vermont over the course of an entire year, making Federal interest payments the second largest spending item in the budget.

Mr. President, these interest payments are crippling our ability to adequately fund national priorities, such as education. We now spend five and a half times as much on interest payments than we do for all education, job training, and employment programs combined. We spend twice as much on interest payments than we do on all Federal programs for the poor.

In 1950, the publicly held debt per family was $5,800, today the debt averages about $54,000 per American family. If we do not balance the budget by the year 2002, the debt burden per family will be a staggering $78,000.

Interest on the debt is over $1,200 per person per year. At this rate, a child born today, living a normal lifespan of 75 years, will pay some $135,000 in interest on the debt. That assumes that no further debt is added and interest rates do not increase—both are highly unlikely.

When I came to Congress in 1975, our gross interest expenditure totaled $49 billion. This year it is expected to be over $300 billion, meaning that today every dollar in personal income taxes collected west of the Mississippi is used to pay for interest on our national debt. The CBO estimates that in 10 years it will be over $650 billion and 35 percent of the revenue of the Federal Government will go just for debt service. This assumes that there will be no increase in the current interest rates.

Since 1975, our national debt has grown from $542 billion to $4.7 trillion. It is expected to grow to $6.3 trillion by 1999—a 1,200-percent rate of growth since 1975. It this is the best case scenario, we must get hold of this enormous problem as quickly as possible. The only way I feel that this can be accomplished is by a balanced budget amendment.

Back in 1975, every man, woman, and child owed $2,500 because of the debt. That figure now stands at over $18,000. It is expected that the amount of national debt that every man, woman, and child owes will increase by $5,000 over the next 5 years to a staggering $23,000. The last time we balanced the budget in 1969—only 9 cents of every Federal dollar went to pay interest. Today, 26 cents of every Federal dollar goes to pay for interest on the national debt.

Furthermore, projections for our debt are frightening. It is expected to double to $9 trillion over the next 10 years. That means if we do nothing to balance the budget over the next 10 years, our interest payments will double to almost $2 billion a day. It is quite obvious that this trend can not continue.

THE NATIONAL DEBT JEOPARDIZES OUR ECONOMIC FUTURE

Mr. President, the greatest economic threat this country is facing is out-of-control spending by the Federal Government.

Recently, the New York Federal Reserve Board reported that the Nation lost 5 percent in GDP due to the deficits in the 1980's—in other words our national income did not grow by an astonishing 5 percent. According to the CBO, 1 percent of growth is equal to creating 650,000 jobs. That means that the debt of the 1980's cost us over 3.5 million new jobs. Mr. President, every dollar that goes to pay for the interest of our national debt takes a dollar away from our economy to assist in productivity increases. Congress can not continue to do this to our national economy and, most importantly, to Americans. We can only guess where our economy would be if this Nation had a balanced budget amendment before the 1980's.

The GAO recently released a report that a balanced budget by 2001 would create an average increase, adjusted for inflation, of 36 percent for every American's standard of living. Further, since 1960, the private savings rate has dropped from over 8 percent of our economy to 5 percent. During the same time, the Federal Government deficits have increased from less than 1 percent of the economy to more than 3 percent, resulting in a net national savings rate of less than 3 percent. On this note, the OMB reports that if we balance the budget over the next 5 years, the net national savings rate would increase to 6.1 percent. If nothing is done our national savings rate would be a mere 3 percent.

Over the past 15 years, our expenditures in inflation adjusted percentages from fiscal year 1980 to fiscal year 1994 have decreased Federal spending for education by 13 percent and transportation by 2 percent. On the other hand, defense expenditures were up by 18 percent and entitlement expenditures, mainly Social Security and Medicare, were up by 50 percent. However, our gross interest payments have grown 120 percent. Mr. President, this trend can not continue if this Nation is going to be able to continue educating our children to compete in this global economy.

If you were to ask what should the priorities of this Nation be? Let us just take a choice. Should we spend more money on education for the future of this Nation, or more money on interest? Well, it is clear what our choice would be—education. Yet, we have precisely reversed our priorities because we have been imprudent with our fiscal policy.

SAVINGS AND DEBT

Why are deficits so bad for our economy? First, deficits tend to consume savings that we could use for truly productive investments. To fund these budget shortfalls, the Federal Government must keep borrowing, consuming limited capital. The resulting shortage of capital exerts an upward pressure on interest rates, recently done by the Federal Reserve, and further depresses economic activity.

Second, the budget deficit is eroding our economic standing relative to the rest of the world. Raising interest rates and discouraging private investment, the deficit has continued to slow our economic growth in terms of our Nation's productive capacity relative to other nations. An excellent example of this is the cost American business pays to borrow capital, about 10 percent; compared to Japan, which can borrow money at under 5 percent. Clearly, American businesses are at a competitive disadvantage because of imprudent fiscal policies followed by the U.S. Government. Further evidence of this growing competitive disadvantage can be found during the 1980's, when thousands of American businesses made the decision that they cannot afford high interest rates on future investments—investing instead overseas, where interest rates were more affordable. Because of our lack of fiscal restraint, American firms are creating new jobs overseas and not in the United States.

To further outline the economic incentives to relocate overseas a recent hearing on education and the economy highlighted the tremendous financial pressures placed on American investments. In his testimony, Alan Wurtzel, vice chairman of Circuit City Stores, Inc. stated that our poor education system provides very few qualified and skilled workers. For this reason, many firms find it more attractive to relocate overseas where a highly skilled work force can produce quality products without extensive job training or skill enhancement.

Our performance in reindustrialization will continue to remain sluggish until we restore our economic health. This cannot be done when the Federal Government continues to run deficits. Without increased productivity in this Nation, our wages can not increase.

Even more significant to our international position, our debt has been the principal factor in the Nation's trade deficits. The CBO recently estimated that over 50 percent of our trade deficit is from our Federal deficits. The CBO also reported that "deficit reduction increases investments, which in turn increase the productive capacity of the economy. Moreover, deficit reduction lowers borrowing from abroad, which reduces the amount of income that is generated in the United States but flows to foreigners." Not surprisingly, our trade deficit remains a serious problem for our economy.

THE NEED FOR THE BALANCED BUDGET AMENDMENT

Mr. President, some of my colleagues have asked why do we need to have a balanced budget amendment? They often cite the recent Treasury Department's study which indicates the possible effects on States and their finances if a constitutional amendment is passed. They often discuss the possible negative impact this amendment might have on their State. What this study does not discuss is what will happen to Federal spending if we do nothing. Or, if nothing is done to control Federal spending how this will adversely impact our childrens' future. What this study clearly shows is how far Federal spending is out of whack. The bottom line in this budget battle is what is best for our children. I believe that for the good of our children we must end budget deficits. Congress needs to learn what those in my home State's capital, Montpelier and all other State capitals, take as an article of faith—a balanced budget.

Mr. President, a balanced budget amendment is necessary from just what I outlined above. That is, Congress, both Democrats and Republicans, are unable to make the tough choices necessary to balance the budget. A prime example of not making the difficult choices necessary to balance our budget can be found during the last Congress. Take for example, three battles last Congress on appropriation matters, as my colleagues will recall. One of these was an amendment to cut the defense budget by only $1 billion—only one-third of 1 percent. The second fight was on continued funding for the space station. The third fight was on increasing the grazing fees to lower Federal costs.

How did we deal with these three appropriation battles? We compromised by passing everything, and that is what we do day after day, year after year, piling up the debt for our children's children to take care of. Over the past decade, the deficit numbers have worsened to the point that they are now deeply embedded in our budgets, in our priorities and even in our national consciousness. This constant barrage of deficit spending seems to have given us a sense of numbness, making us feel that it is now beyond our control and not in the interest of our national will.

Finally, over the next few days I plan to discuss what Congress can and cannot do to balance the budget. First, I will discuss the desperate need to reinvigorate the American educational system. Our poor educational results remain a constant drain on our standard of living and economic growth. The cost to our economy is enormous, mainly through lost productivity and decreased revenue that results from our inadequate education system. Second, I will outline the need to carefully review and reform Federal spending on health care. As my colleagues know, about one-half of the deficit is related to increased Federal spending on health care.

Mr. President, my experience is that unless we get firm control on these two critical problems, Congress will be unable to balance the budget and our Nation will continue to suffer lost economic growth. Our future will be dim. However, if we do as I believe we can, our future will be bright and prosperous. In the days ahead, I will show how I believe it can be done.

Mr. President, in closing, I think we need to follow what Thomas Jefferson voiced some 200 years ago, we must pass a constitutional balanced budget amendment.

Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent to be recognized for 2 minutes, and I will try to take less time than that.

The PRESIDING OFFICER. I say to the Senator from Utah, a vote has been ordered. Do you seek consent to postpone that for 2 minutes?

Mr. HATCH. I seek unanimous consent to speak for 2 minutes or less.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the one thing we have not done today is put up our balanced budget debt tracker.

For the 13th day, we are up to now $10,782,720,000. For the 14th day, which was Sunday, we went up to $11 billion. And for the 15th day, just so we all understand where we are here, we are now up to $12,441,600,000, just for 15 days that have expired since we started this debate, above the $4.8 trillion baseline that we started with.

I just want everybody to understand that, while we are fiddling, Washington is burning with deficits that are going up and up and up every day. That is why this balanced budget amendment is so important.

I would have felt badly if we had gone through this whole day without putting up our balanced budget amendment tracker.

With that, I yield back the remaining time and hope we can go to the vote.

AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

The PRESIDING OFFICER (Mr. THOMPSON). Under the previous order, the hour of 5 o'clock having arrived, the clerk will report Senate Resolution 73, the committee funding resolution.

The legislative clerk read as follows:

A resolution (S. Res. 73) authorizing biennial expenditures by the committees of the Senate.

The Senate resumed consideration of the resolution.

VOTE

The PRESIDING OFFICER. The question occurs on the adoption of the resolution. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Wyoming [Mr. SIMPSON], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

Mr. FORD. I announce that the Senator from Georgia [Mr. NUNN] is necessarily absent.

The result was announced—yeas 91, nays 2, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Wellstone

NAYS—2

Helms
McCain

NOT VOTING—7

D'Amato
Faircloth
Gramm
Nunn
Simpson
Specter
Warner

So the resolution (S. Res. 73) was agreed to, as follows:

(The resolution was not available for printing. It will appear in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

TRIBUTE TO DR. DON NEEL

Mr. FORD. Mr. President, I rise today to pay tribute to Dr. Don Neel of Owensboro, who was honored last week with the 1994 Physician's Award for Best Notifiable Disease Reporter by the Kentucky Department of Health Services.

The department recognized Dr. Neel for his longstanding support of community health, particularly his efforts to contain the outbreak of an acute infectious disease last fall.

Reginald Finger, M.D., chief epidemiologist for the department of health services, presented the award at Dr. Neel's Owensboro office.

"Dr. Neel represents the very essence of public health in his efforts to detect potential health hazards and then prevent the spread of these diseases to others," Finger said in his presentation. He noted that without Dr. Neel's early actions last fall, many more children would have come down with shigellosis. "Dr. Neel is being honored for that and more—throughout his career, he has been a strong supporter and partner of the local health department in Owensboro. Dr. Neel's career has been characterized by an unending zeal to improve the health and well being of children—all children," he said.

This award from the department of health services recognizes someone who has made outstanding contributions in public health, specifically reporting diagnosed diseases to the local health department.

Last October, Daviess County experienced an unusual outbreak of shigellosis, which is an acute infection of the intestine. This disease can be particularly dangerous for small children. To date, 74 cases have been diagnosed.

Upon identifying the first few cases of shigellosis, Dr. Neel immediately contacted the health department to alert public health officials of a possible community outbreak. Working with the health department and the Owensboro-Daviess County Hospital, he coordinated efforts to have people tested and treated for the disease.

Education sessions were held at several schools, preschools, and day care centers to help prevent the disease through thorough hand washing.

Lenna Elder, R.N., of the Daviess County Health Center, attributed Dr. Neel's early action to his sincere interest in the community and well-being of children.

"The health department's goal is to help maintain a healthy community so that everybody is well," Elder said. "Dr. Neel has always been cooperative and very helpful in helping us meet that goal. He has always asked, 'How can I help you?' We know that he is truly only a phone call away."

Long active in Owensboro's community life, Dr. Neel is a graduate of Owensboro High School and received his medical degree from the University of Kentucky. He has had a private pediatric practice in Owensboro since 1970 and is chief of pediatrics at the Owensboro-Daviess County Hospital.

He served on the Daviess County board of health from 1980 to 1991, the Green River district board of health from 1980 to 1986 and was part-time health officer for the Daviess County Health Center.

He lives with his wife, Faye, in Owensboro. He is the father of two and has three grandchildren.

CONCERNING DR. HENRY W. FOSTER, JR.

Ms. MIKULSKI. Mr. President, I rise today to bring to the attention of my colleagues the excellent column which appeared in this morning's Washington Post by Dr. Henry Foster, President Clinton's nominee for surgeon general, entitled "Why I Want To Be Surgeon General."

I support this sterling nominee. He brings the right professional credentials. He has an extraordinary life history and record. Dr. Foster has devoted years to maternal and child health, and he is dedicated to the prevention of teen pregnancy. He has delivered approximately 10,000 babies. He is a respected doctor for over 30 years, a medical professor and former dean of a medical school. He is a community leader in Nashville—a member of the board of the March of Dimes Birth Defects Foundation and the force behind a teen pregnancy prevention program, "I Have a Future." "I Have a Future" was recognized by the Points of Light Foundation and former President Bush for its efforts in fighting teen pregnancy and fighting drugs.

I am very concerned about the toxic atmosphere which has accompanied recent nominations of distinguished professionals to high office in our Government. I am disturbed at the thought that Americans of great accomplishment will decline to serve, reluctant to undergo the invasive and debilitating nomination process.

Dr. Foster is the kind of distinguished public servant our Government needs. I am pleased that he is telling his own story, through this column and through the recent speech he delivered at George Washington University. I believe he must have the opportunity to tell his story in confirmation hearings. I am asking all of my colleagues to reserve judgment on Dr. Foster until he has the chance to tell his own story through the normal committee process.

I ask unanimous consent that Dr. Foster's column appear in the RECORD at the conclusion of these remarks, and I yield the floor.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

WHY I WANT TO BE SURGEON GENERAL

(By Henry Foster)

Just a little over a week ago, few people outside Nashville knew anything about me. But after President Clinton announced his intention to nominate Dr. Henry Foster for surgeon general on Feb. 2, it seems like everybody thinks they know everything about me.

Two weeks ago, no one, not even my wife, St. Clair, my daughter, Myrna, and my son, Wendell—as devoted as they are—followed my every move and every word with rapt attention. Now, when I wake up in the morning and look out my window, the press is out there waiting and watching. When I go to my office, they follow me into the elevator. And walking down the street, I have been punched in the face, inadvertently, I think, with one of those huge microphones you see on TV. I have never seen anything like it.

I have even picked up a new lexicon. Words that matter in Washington are not in dictionaries in the rest of America. They certainly never taught me these words in medical school or the delivery room: Sound bites. Boom mikes. Stakeouts. Live shots. Talking heads. On-air analysis. All dissecting me over and over again. And all before I've uttered one word at my confirmation hearings before the Senate.

People who have never met me analyze my character and my life's work. They attack me personally before they ever give me a chance to introduce myself or tell my story. But those attacks do not define me. I know who I am and what I stand for. I also know that I am a symbol in a larger debate that has polarized this country for many years. But the attacks do hurt.

I cannot say that my work as a doctor entirely prepared me for these two turbulent weeks. But I have learned a few things during my 38 years as a doctor, a teacher and a crusader against teen pregnancy that have prepared me to be a good surgeon general.

I have been face to face with real life-and-death challenges. When you see low birthweight babies born to mothers not yet old enough to drive a car, you have an appreciation of what trauma really means. When you visit the homes of families living in grinding poverty and feel the palpable sense of hopelessness in their lives, you begin to understand what it is to be up against the odds. Compared to that, shouted questions and overheated rhetoric may be uncivil, but I can handle them. When people ask me why I want to be surgeon general, I know the answer.

When you've had the good fortune to participate in the miracle of birth as many times as I have, it is difficult to stand on the sidelines and watch so many people wasting the precious gift of life.

It is difficult to look around America today and see so much needless suffering. Too many children suffer, because their parents have not been taught the value of prevention. Too many people don't have access to quality health care. And too many of us have turned away from those basic American values that can prevent violence or abuse of any kind from taking root.

But all is not lost. America is moving forward to confront both our health care crisis and the crisis of values that has led to far too much irresponsibile behavior. As your surgeon general, I believe I can turn the small ripples of success that we have produced into great waves of progress. I believe that I can draw attention and help develop lasting solutions to the tragic public health problems confronting us—from the epidemic of violence to the spread of AIDS to the terrible problem of substance abuse. but I will be giving my greatest attention to what the president has called "our most serious social problem," the epidemic of teen pregnancy in this country.

It's ironic that my work fighting teen pregnancy has been overshadowed by my opponents' talk about abortion. I do believe in the right of a woman to choose. And I also support the president's belief that abortions should be safe, legal and rare. But my life's work has been dedicated to making sure that young people don't have to face the choice of having abortions.

I have some ideas about how young people can avoid that difficult choice. We are reducing teen pregnancy in the Nashville housing projects through "I Have a Future"—a program we started at Meharry Medical College back in 1987. Our approach is to expand adolescent health care programs beyond the schools and bring them to the Community, where they can become a part of the fabric of everyday life. Encouraging abstinence and involving the entire community, we have begun to replace a culture of hopelessness with one that gives young people clear pathways to healthy futures.

In my work with young people in Nashville, there is one lesson I stress above all others. To break the cycle of despair, you must learn that there is a reward for sacrifice. And earning that reward has a fringe benefit. It allows you to give something back. That is a hard lesson to learn, but it is one that has kept me going through these difficult weeks. Having President Clinton place his faith in me is something I could never had imagined as a young boy growing up in the segregated South. Now, I want to give something back to a country that has rewarded my work and sacrifice, and God willing, I'll have that opportunity.

RIGHT TO LIFE OF MICHIGAN

Mr. ABRAHAM. I would like to commend the marchers who came to Washington from all over the country to join in the March for Life here on January 23, 1995, the anniversary of Roe versus Wade.

At the time of the march I was pleased to have the opportunity to meet with the pro-life delegation from my home State of Michigan. In my State, the right-to-life orgnaization has long pursued legal channels in attempting to restore the civil rights of the unborn and in helping women with problem pregnancies.

Unfortunately, the peaceful and legal efforts of organizations such as Right to Life of Michigan have been obscured by the actions of those who have resorted to violence as a means of expressing their opposition to abortion. In response to these senseless acts of violence, the Michigan right to life orgnaization has launched a series of television commercials calling for an end of all violence at abortion clinics. I rise today to commend Right to Life of Michigan for their leadership on an important issue of the day. I also applaud them for their constructive project as they pursue our common goal of advancing the cause of the pro-life movement, and I further join them in condemning those who would resort to any form of such violence in an attempt to advance their objectives.

REMARKS OF WILLIAM S. COHEN, WEHRKUNDE CONFERENCE, MUNICH, GERMANY

Mr. DOLE. Mr. President, on the weekend of February 4, the annual Wehrkunde Conference was held in Munich, Germany. This conference is a gathering of government representatives from NATO countries and leading experts on alliance security. Not surprisingly, one of the main topics of discussion was the situation in Bosnia and NATO's role in that conflict.

This year, the Senate delegation to the Wehrkunde Conference was led by the distinguished Senator from Maine, BILL COHEN. In his remarks to the Wehrkunde delegates, Senator COHEN underscored the serious weaknesses of the U.N. protection forces in Bosnia and Herzegovina, as well as the erosion of NATO's military credibility as a result of the dual-key arrangement between the United Nations and NATO. His bottom line is that if we are unable to provide the U.N. forces with the necessary authority and firepower, these forces should be withdrawn.

Mr. President, I ask unanimous consent that Senator COHEN's insightful remarks to the conference be included in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WILLIAM S. COHEN, WEHRKUNDE CONFERENCE, MUNICH, GERMANY, FEBRUARY 4, 1995

We have entered a new world of disorder and our inability to formulate coherent policies and strategies to deal with ethnic conflicts and the expansion of NATO membership has led to cross-Atlantic fear, confusion, incoherence, and recrimination—a state of affairs not unprecedented for the NATO alliance.

I would like for the moment to offer a few observations on Bosnia to see whether the present is prologue:

1. NATO cannot act unless America leads.

2. America will not lead unless it can persuade the American people that it is imperative for us to do so.

3. The conflict in Bosnia is not perceived to involve American interests that are vital. Rather, it is a quagmire where its inhabitants would rather dig fresh graves than bury old hatreds.

4. The European members of NATO were not willing to wade into the quick sand of ancient rivalries and engage in peacemaking operations so the responsibility was passed to the U.N., which has fewer divisions than the Pope and none of his moral authority.

As a result, we are all bearing witness to the decimation of a nation that was guaranteed protection under the U.N. Charter while the best we can offer is to seek to minimize the bloodshed by denying arms to the victims of aggression.

Our collective acquiescence to aggression may be the lesser of two evils—but it is nonetheless the participation in the evil of ethnic cleansing that we hoped might never again touch the European continent.

We are hesitant to take more aggressive action because the consequences of our action cannot be predicted. The absence of predictability prevents the development of consensus:

Should we do nothing militarily to stop Serbian aggression?

Lift the arms embargo unilaterally if necessary and strike?

Lift and get out of the way—if that is possible?

Time is running out on our Hamlet-like irresoluteness. Before the decision is made to lift the arms embargo, with all of its attendant uncertainties—including the fear of Americanizing the war on the part of some and the hope of doing so on the part of others—we should make an effort to establish the credibility of UNPROFOR's mission and might:

New leadership is required. General Rose has departed. General Smith has taken his place. Mr. Akashi should be asked to resign immediately.

When a no-fly zone or weapons exclusion zone has been declared, it should be enforced, not allowed to be violated with impunity.

No tribute or tolls should be paid by UNPROFOR forces to gain passage to help the victims of war.

No tolerance should be granted for taking hostages or using them as human shields.

If any harm should come to UNPROFOR forces, we should take out every major target that allows the Serbs to continue to wage war. That power should be disproportionate to the transgression and no area in Serbia ruled out of our bomb sites.

UNPROFOR should be given the heavy armor necessary to protect its forces and achieve its humanitarian mission.

If we are unable to give UNPROFOR—whose troops are trapped in the layers of a disastrous dual command structure—the authority and firepower to achieve these ends, then we should remove the forces before the U.N.'s political impotence is allowed to corrode NATO's military integrity and credibility any further than it has already done so.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MIDDLE-CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995—MESSAGE FROM THE PRESIDENT—PM 17

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, transmitting, a draft of proposed legislation to amend the Internal Revenue Code of 1986 to provide tax relief for the middle-class, together with accompanying papers; which was referred to the Committee on Finance:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Middle-Class Bill of Rights Tax Relief Act of 1995." I am also sending you an explanation of the revenue proposals of this legislation.

This bill is the next step in my Administration's continuing effort to raise living standards for working families and help restore the American Dream for all our people.

For 2 years, we have worked hard to strengthen our economy. We worked with the last Congress to enact legislation that will reduce the annual deficits of 1994–98 by more than $600 billion; we created nearly 6 million new jobs; we cut taxes for 15 million low-income families and gave tax relief to small businesses; we opened export markets through global and regional trade agreements; we invested in human and physical capital to increase productivity; and we reduced the Federal Government by more than 100,000 positions.

With that strong foundation in place, I am now proposing a Middle Class Bill of Rights. Despite our progress, too many Americans are still working harder for less. The Middle Class Bill of Rights will enable working Americans to raise their families and get the education and training they need to meet the demands of a new global economy. It will let middle-income families share in our economic prosperity today and help them build our economic prosperity tomorrow.

The "Middle-Class Bill of Rights Tax Relief Act of 1995" includes three of the four elements of my Middle Class Bill of Rights. First, it offers middle-income families a $500 tax credit for each child under 13. Second, it includes a tax deduction of up to $10,000 a year to help middle-income Americans pay for post-secondary education expenses and training expenses. Third, it lets more middle-income Americans make tax-deductible contributions to Individual Retirement Accounts and withdraw from them, penalty-free, for the costs of education and training, health care, first-time home-buying, long periods of unemployment, or the care of an ill parent.

The fourth element of my Middle Class Bill of Rights—not included in this legislation—is the GI Bill for America's Workers, which consolidates 70 Federal training programs and creates a more effective system for learning new skills and finding better jobs for adults and youth. Legislation for this proposal is being developed in cooperation with the Congress.

If enacted, the Middle Class Bill of Rights will help keep the American Dream alive for everyone willing to take responsibility for themselves, their families, and their futures. And it will not burden our children with more debt. In my fiscal 1996 budget, we have found enough savings not only to pay for this tax bill, but also to provide another $81 billion in deficit reduction between 1996 and 2000.

This legislation will restore fairness to our tax system, let middle-income families share in our economic prosperity, encourage Americans to prepare for the future, and help ensure that the United States moves into the 21st Century still the strongest nation in the world. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

Two years ago I took office determined to improve the lives of average American families. I proposed, and the Congress enacted, a new economic strategy to restore the American dream. Two years later, that strategy has begun to pay off.

Together we have created an environment in which America's private sector has been able to produce more than 5 million new jobs. Manufacturing employment grew during each month of 1994—the first time that has happened since 1978. We have cut the deficit in the Federal budget for 3 years running, we have kept inflation in check, and, based on actions I have already taken, the Federal bureaucracy will soon be the smallest it has been in more than 3 decades. We have opened up more new trade opportunities in just 2 years than in any similar period in a generation. And we have embarked on a new partnership with American industry to prepare the American people to compete and win in the new global economy.

In short, America's economic prospects have improved considerably in the last 2 years. And the economy will continue to move forward in 1995, with rising output, falling deficits, and increasing employment. Today there is no country in the world with an economy as strong as ours, as full of opportunity, as full of hope.

Still, living standards for many Americans have not improved as the economy has expanded. For the last 15 years, those Americans with the most education and the greatest flexibility to seek new opportunities have seen their incomes grow. But the rest of our work force have seen their incomes either stagnate or fall. An America that, in our finest moments, has always grown together, now grows apart.

I am resolved to keep the American dream alive in this new economy. We must make it possible for the American people to invest in the education of their children and in their own training and skills. This is the essence of the New Covenant I have called for—economic opportunity provided in return for people assuming personal responsibility. This is the commitment my Administration made to the American people 2 years ago, and it remains our commitment to them today.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy has been straightforward. First, we have pursued deficit reduction to increase the share of the Nation's economic resources available for private investment. At the same time we have reoriented the government's public investment portfolio with an eye toward preparing our people and our economy for the 21st century. We have cut yesterday's government to help solve tomorrow's problems, shrinking departments, cutting unnecessary regulations, and ending programs that have outlived their usefulness. We have also worked to expand trade and to boost American sales to foreign markets, so that the American people can enjoy the better jobs and higher wages that should result from their own high-quality, high-productivity labor. Having fixed the fundamentals, we are now proposing what I call the Middle Class Bill of Rights, an effort to build on the progress we have made in controlling the deficit while providing tax relief that is focused on the people who need it most.

PUTTING OUR OWN HOUSE IN ORDER

The first task my Administration faced upon taking office in January 1993 was to put our own economic house in order. For more than a decade, the Federal Government had spent much more than it took in, borrowing the difference. As a consequence, by 1992 the Federal deficit had increased to 4.9 percent of gross domestic product—and our country had gone from being the world's largest creditor Nation to being its largest debtor.

As a result of my Administration's deficit reduction package, passed and signed into law in August 1993, the deficit in fiscal 1994 was $50 billion lower than it had been the previous year. In fact, it was about $100 billion lower than had been forecast before our budget plan was enacted. Between fiscal 1993 and fiscal 1998, our budget plan will reduce the deficit by $616 billion. Our fiscal 1996 budget proposal includes an additional $81 billion in deficit reduction through fiscal 2000.

PREPARING THE AMERICAN PEOPLE TO COMPETE AND WIN

As we were taking the necessary steps to restore fiscal discipline to the Federal Government, we were also working to reorient the government's investment portfolio to prepare our people and our economy for 21st-century competition.

Training and Education. In our new information-age economy, learning must become a way of life. Learning begins in childhood, and the opportunity to learn must be available to every American child—that is why we have worked hard to expand Head Start.

With the enactment of Goals 2000 we have established world-class standards for our Nation's schools. Through the School-to-Work Opportunities Act we have created new partnerships with schools and businesses to make sure that young people make a successful transition to the world of work. We have also dramatically reformed the college loan program. Americans who aspire to a college degree need no longer fear that taking out a student loan will one day leave them overburdened by debt.

Finally, we are proposing to take the billions of dollars that the government now spends on dozens of training programs and make that money directly available to working Americans. We want to leave it up to them to decide what new skills they need to learn—and when—to get a new or better job.

New Technology. Technological innovation is the engine driving the new global economy. This Administration is committed to fostering innovation in the private sector. We have reoriented the Federal Government's investment portfolio to support fundamental science and industry-led technology partnerships, the rapid deployment and commercialization of civilian technologies, and funding for technology infrastructure in transportation, communications, and manufacturing.

A Middle Class Bill of Rights. Fifty years ago the GI Bill of Rights helped transform an economy geared for war into one of the most successful peacetime economies in history. Today, after a peaceful resolution of the cold war, middle-class Americans have a right to move into the 21st century with the same opportunity to achieve the American dream.

People ought to be able to deduct the cost of education and training after high school from their taxable incomes. If a family makes less than $120,000 a year, the tuition that family pays for college, community college, graduate school, professional school, vocational education, or worker training should be fully deductible, up to $10,000 a year. If a family makes $75,000 a year or less, that family should receive a tax cut, up to $500, for every child under the age of 13. If a family makes less than $100,000 a year, that family should be able to put $2,000 a year, tax free, into an individual retirement account from which it can withdraw, tax free, money to pay for education, health care, a first home, or the care of an elderly parent.

EXPANDING OPPORTUNITY AT HOME THROUGH FREE AND FAIR TRADE

Our efforts to prepare the American people to compete and win in the new global economy cannot succeed unless we succeed in expanding trade and boosting exports of American products and services to the rest of the world. That is why we have worked so hard to create the global opportunities that will lead to more and better jobs at home. We won the fight for the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

Our commitment to free and fair trade goes beyond NAFTA and the GATT. Last December's Summit of the Americas set the stage for open markets throughout the Western Hemisphere. The Asia-Pacific Economic Cooperation (APEC) group is working to expand investment and sales opportunities in the Far East. We firmly believe that economic expansion and a rising standard of living will result in both regions, and the United States is well positioned both economically and geographically to participate in those benefits.

This Administration has also worked to promote American products and services to overseas customers. When foreign government contracts have been at stake, we have made sure that our exporters had an equal chance. Billions of dollars in new export sales have been the result, from Latin America to Asia. And these sales have created and safeguarded tens of thousands of American jobs.

HEALTH CARE AND WELFARE REFORM: THE UNFINISHED AGENDA

In this era of rapid change, Americans must be able to embrace new economic opportunities without sacrificing their personal economic security. My Administration remains committed to providing health insurance coverage for every American and containing health care costs for families, businesses, and governments. The Congress can and should take the first steps toward achieving these goals. I have asked the Congress to work with me to reform the health insurance market, to make coverage affordable for and available to children, to help workers who lose their jobs keep their health insurance, to level the playing field for the self-employed by giving them the same tax treatment as other businesses, and to help families provide long-term care for a sick parent or a disabled child. We simply must make health care coverage more secure and more affordable for America's working families and their children.

This should also be the year that we work together to end welfare as we know it. We have already helped to boost the earning power of 15 million low-income families who work by expanding the earned income tax credit. With a more robust economy, many more American families should also be able to escape dependence on welfare. Indeed, we want to make sure that people can move from welfare to work by giving them the tools they need to return to the economic mainstream. Reform must include steps to prevent the conditions that lead to welfare dependence, such as teen pregnancy and poor education, while also helping low-income parents find jobs with wages high enough to lift their families out of poverty. At the same time, we must ensure that welfare reform does not increase the Federal deficit, and that the States retain the flexibility they need to experiment with innovative programs that aim to increase self-sufficiency. But we must also ensure that our reform does not punish people for being poor and does not punish children for the mistakes of their parents.

REINVENTING GOVERNMENT

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to support. We need to get government closer to the people it is meant to serve. But as we continue to reinvent the Federal Government by cutting regulations and departments, and moving programs to the States and communities where citizens in the private sector can do a better job, let us not overlook the benefits that have come from national action in the national interest: safer foods for our families, safer toys for our children, safer nursing homes for our elderly parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. We can provide more flexibility to the States while continuing to protect the national interest and to give relief where it is needed.

The New Covenant approach to governing unites us behind a common vision of what is best for our country. It seeks to shift resources and decision-making from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy. In the second round of reinventing government, we propose to cut $130 billion in spending by streamlining departments, extending our freeze on domestic spending, cutting 60 public housing programs down to 3, and getting rid of over 100 programs we do not need. Our job here is to expand opportunity, not bureaucracy—to empower people to make the most of their own lives. Government should be leaner, not meaner.

THE ECONOMIC OUTLOOK

As 1995 begins, our economy is in many ways as strong as it has ever been. Growth in 1994 was robust, powered by strong investment spending, and the unemployment rate fell by more than a full percentage point. Exports soared, consumer confidence rebounded, and Federal discretionary spending as a percentage of gross domestic product hit a 30-year low. Consumer spending should remain healthy and investment spending will remain strong through 1995. The Administration forecasts that the economy will continue to grow in 1995 and that we will remain on track to create 8 million jobs over 4 years.

We know, nevertheless, that there is a lot more to be done. More than half the adult work force in America is working harder today for lower wages than they were making 10 years ago. Millions of Americans worry about their health insurance and whether their retirement is still secure. While maintaining our momentum toward deficit reduction, increased exports, essential public investments, and a government that works better and costs less, we are committed to providing tax relief for the middle-class Americans who need it the most, for the investments they most need to make.

We live in an increasingly global economy in which people, products, ideas, and money travel across national borders at lightning speed. During the last 2 years, we have worked hard to help our workers take advantage of this new economy. We have worked to put our own economic house in order, to expand opportunities for education and training, and to expand the frontiers of free and fair trade. Our goal is to create an economy in which all Americans have a chance to develop their talents, have access to better jobs and higher incomes, and have the capacity to build the kind of life for themselves and their children that is the heart of the American dream.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 668. An act to control crime by further streamlining deportation of criminal aliens; and

H.R. 729. An act to control crime by a more effective death penalty.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 668. An act to control crime by further streamlining deportation of criminal aliens; to the Committee on the Judiciary.

H.R. 729. An act to control crime by a more effective death penalty; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–412. A communication from the Director of the Office of Management and Budget, transmitting, pursuant to law, the Office's Sequestration Preview Report for fiscal year 1996; pursuant to the order of August 4, 1977; referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

EC–413. A communication from the Secretary of Commerce, transmitting, pursuant to law, the 1994 annual report of the Visiting Committee on Advanced Technology of the National Institute of Standards and Technology; to the Committee on Commerce, Science and Transportation.

EC–414. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 1993"; to the Committee on Energy and Natural Resources.

EC–415. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's fiscal year 1994 report relative to Superfund; to the Committee on Environment and Public Works.

EC–416. A communication from the Acting Inspector General of the Department of the Interior, transmitting, pursuant to law, a report entitled, "Accounting for Fiscal Year 1993 Reimbursable Expenditures of Environmental Protection Agency Superfund Money, Water Resources Division, U.S. Geological Survey"; to the Committee on Environment and Public Works.

EC–417. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, prospectuses for three U.S. courthouses; to the Committee on Environment and Public Works.

EC–418. A communication from the Inspector General of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the temporary and permanent relocation components of the Superfund Program during fiscal year 1993; to the Committee on Environment and Public Works.

EC–419. A communication from the Chairman of the Physician Payment Review Commission, transmitting, pursuant to law, a report relative to Medicare beneficiaries; to the Committee on Finance.

EC–420. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the payment of a reward pursuant to 22 U.S.C. Section 2708; to the Committee on Foreign Relations.

EC–421. A communication from the Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, a report relative to the payment of a reward pursuant to 22 U.S.C. Section 2708; to the Committee on Foreign Relations.

EC–422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-392 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–423. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-393 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–424. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-394 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–425. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-395 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–426. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-396 adopted by the Council on December 6, 1994; to the Committee on Governmental Affairs.

EC–427. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-397 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–428. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-398 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–429. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-399 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–430. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-401 adopted by the Council on January 3, 1995; to the Committee on Governmental Affairs.

EC–431. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10-402 adopted by the Council on January 8, 1995; to the Committee on Governmental Affairs.

EC–432. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Senior Executive Service; to the Committee on Governmental Affairs.

EC–433. A communication from the Secretary of the Postal Rate Commission, transmitting, pursuant to law, a Notice of Proposed Rulemaking docket number RM95-3; to the Committee on Governmental Affairs.

EC–434. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Native Hawaiian Revolving Loan Fund for fiscal year 1993; to the Committee on Indian Affairs.

EC–435. A communication from the Senior Attorney of the Copyright Office of the Library of Congress, transmitting, pursuant to law, a report of the activities of the Office under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–436. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report containing recommendations regarding the admission of character evidence in certain cases under the Federal Rules of Evidence; to the Committee on the Judiciary.

EC–437. A communication from the Director of Operations and Finance, American Battle Monuments Commission, transmitting, pursuant to law, a report relative to the Commission's compliance with the Freedom of Information Act during calendar year 1994; to the Committee on the Judiciary.

EC–438. A communication from the Executive Director of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, a report relative to the Corporation's activities under the Freedom of Information Act during calendar year 1994.

EC–439. A communication from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States on September 20, 1994; to the Committee on the Judiciary.

EC–440. A communication from the Chairman of the Harry S. Truman Scholarship Foundation, transmitting, pursuant to law, the annual report of the Foundation for 1994; to the Committee on Labor and Human Resources.

EC–441. A communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual proceedings of the One-Hundred and Third Continental Congress of the National Society of the Daughters of the American Revolution; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 395. A bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 396. A bill for the relief of Amalia Hatzipetrou and Konstantinos Hatzipetrou; to the Committee on the Judiciary.

By Mr. McCAIN:

S. 397. A bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. Cohen, Ms. Snowe, Mr. Heflin, Mr. Graham, and Mr. Dodd):

S. 398. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for Mr. Kempthorne (for himself, Mr. Dole, Mr. Cochran, Mr. Robb, Mr. Ashcroft, Mr. Biden, Mrs. Boxer, Mr. Campbell, Mr. Craig, Mr. D'Amato, Mr. DeWine, Mr. Dorgan, Mr. Feingold, Mr. Gramm, Mr. Heflin, Mr. Helms, Mr. Hollings, Mr. Inhofe, Mr. Lautenberg, Mr. Lieberman, Mr. Lott, Mr. McCain, Mr. Murkowski, Mr. Rockefeller, Mr. Simpson, Mr. Stevens, and Mr. Ford)):

S. Res. 77. A resolution to commemorate the 1995 National Peace Officers Memorial Day; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 395. A bill to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; to the Committee on Energy and Natural Resources.

ALASKA POWER ADMINISTRATION SALE ACT

Mr. MURKOWSKI. Mr. President, I am pleased today to introduced legislation to sell the Alaska Power Administration's two hydroelectric projects, as well as a trailing amendment which would lift the Alaska North Slope crude oil export ban.

Mr. President, title 1 of this legislation will authorize the sale of the Alaska Power Administration. The Alaska Power Administration is really different from the other Federal power marketing agencies of the Department of Energy. It has only two hydroelectric projects, Eklutna, near Anchorage, and Snettisham, near Juneau. These were never intended by Congress to remain indefinitely under Federal control.

The Eklutna Project Act, for example, states that:

Upon completion of amortization of the capital investment allocated to power, the Secretary is authorized and directed to report to the Congress upon the feasibility and desirability of transferring the Eklutna project to public ownership and control in Alaska.

Moreover, these two projects were created specifically to promote economic and industrial development in Alaska, and they are not the product of a water resource management plan.

I have been a strong advocate of ensuring that Alaskans control their own destiny, which is really what this bill is about. It will put the management of these two hydroelectric projects into the hands of those who best know Alaska. One project would be sold to the State of Alaska and the other will be sold to a group of three Alaskan public electric utilities.

Equally as important, this legislation will relieve the Federal Government of the expenses of operating and maintaining these two projects. It also provides for the termination of the Alaska Power Administration once the sale is complete, further saving money for taxpayers.

It is important to note that this legislation provides necessary safeguards for the environment. It requires the State of Alaska and the Eklutna purchasers to abide by the memorandum of agreement they entered into regarding the protection and enhancement of fish and wildlife. This legislation makes this legally enforceable.

Last year, the Committee on Energy and Natural Resources reported Senate bill 2383, the Alaska Power Administration Sale Authorization Act. The administration testified in strong support of this legislation. Unfortunately, the committee acted too late in the year to allow for Senate action. With early introduction in this Congress, I am hopeful we will see this legislation enacted into law soon.

There is one provision which needs to be included in the Alaska Power Administration legislation before it is sent to the President for signature. But I have not included it because it addresses the Internal Revenue Code. In order to indicate my strong desire that such a provision be included in the final bill, I have introduced it as a printed amendment.

Title 2 of this bill will lift the Alaska North Slope crude oil export ban. Alaska is the only State that is subject to such an onerous plan. The 1.6 million barrels of oil transported through the TransAlaska pipeline is not forced into the lower 48 crude markets, creating artificially low crude oil prices on the west coast. The majority of this oil is tankered along our coast to Washington and California.

Some of the oil is even shipped all the way down to Panama, pumped through the TransPanamanian pipeline, which is owned in large part by the Panamanian Government. The oil is then put back on smaller U.S.-flagged tankers that transport it into the gulf States at exorbitant prices. This process is no longer economic with the decline in the price of oil.

Now what we have seen is an increase in the supply of oil on the west coast. It has depressed the cost of crude oil in California by as much as $3 a barrel, and that has discouraged the exploration of development of oilfields in California and Alaska.

The Department of Energy completed a study of the Alaskan North Slope crude oil ban in June 1994 and the Department of Energy concluded that the lifting of this ban would add as much as $180 billion in tax revenue to the U.S. Treasury, create some 25,000 jobs by the year 2000, preserve some 3,300 maritime jobs, inasmuch as some of the oil will probably be moving to the Far East in U.S.-flagged vessels that are crewed by U.S. sailors, and would require additional ships because, obviously, the transit is longer than moving that oil down to the west coast. It would also increase American oil production by as much as 110,000 barrels a day, according to a DOE estimate. This study also found it would not significantly impact gas prices to consumers in California.

Mr. President, this ban no longer makes any sense. Rather than decrease our dependence on foreign oil, it has decreased our domestic production, and made us more reliant on imported oil. Oil, like any other commodity, should find its own level and its own market. The exception of this has been the prohibition on allowing the export of Alaskan oil.

Mr. President, all this legislation would do is to allow the market to determine the price and buyer of the crude oil. The TransAlaska pipeline would still supply the west coast with crude oil because it is simply the closest market for the oil. The excess crude that creates a glut in California and the oil that is forced through the TransPanamanian pipeline would probably be sold overseas and find a market there. But the market would primarily determine where it is sold.

Mr. President, I ask unanimous consent that the bill and the associated amendment be printed in the CONGRESSIONAL RECORD and that my statement and the accompanying bill be addressed for referral as is appropriate.

Mr. President, I neglected to announce that the senior Senator from Alaska [Mr. STEVENS] joins me as a cosponsor on the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,

TITLE I

SECTION 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Sale Act".

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as "Snettisham") to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the Department of Energy and the Alaska Power Authority.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc., (referred to in this Act as "Eklutna Purchasers") in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) The Secretary of Energy shall deposit sale proceeds in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare or acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy to the purchasers of the asset to be sold.

SEC. 103 EXEMPTION.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et. seq.).

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into between the State of Alaska, the Eklutna Purchases, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this Act or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the Memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska has jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of agreement or challenging actions of any of the parties to the Memorandum of agreement prior to the adoption of the Program shall be brought not later than 90 days after the date of which the Program is adapted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than 90 days after the challenged act implementing the program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation, maintenance, repair, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including land selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued uses of the rights-of-way on land managed by the Bureau of Land Management and military lands in accordance with current law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selection of, those lands are invalid or relinquished.

(4) With respect only to approximately 853 acres of Eklutna lands identified in paragraphs 1.a., b., and c. of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey, to the state, improved lands under the selection entitlements in section 6(a) of the Act of July 7, 1958 (Public Law 85–508) and the North Anchorage Land Agreement of January 31, 1983. The conveyance is subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(d) With respect to the approximately 2,671 acres of Snettisham lands identified in paragraphs 1.a and b. of Exhibit A of the Snettisham Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlement in section 6(a) of the Act of July 7, 1958 (Public Law 85–508).

(e) Not later than 1 year after both of the sales authorized in section 2 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) prepare and submit to Congress a report documenting the sales; and

(3) return unused balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, when all Eklutna assets have been conveyed to the Eklutna Purchasers.

(g) Section 204 of the Flood Control Act of 1962 (Public Law 87–874; 76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, when all Snettisham assets have been conveyed to the State of Alaska.

(h) As of the later of the two dates determined in subsection (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking our subparagraph (C); and

(B) by redesignating subparagraphs (D), (E) and (F) as subparagraphs (C), (D), and (E) respectively;

(2) in paragraph (2), by striking out "the Bonneville Power Administration, and the Alaska Power Administration" and inserting in lieu thereof "and the Bonneville Power Administration".

(i) The Act of August 9, 1955 (69 Stat. 618), concerning water resources investigation in Alaska, is repealed.

(j) The sales of Eklutna and Snettisham under this Act are not considered a disposal of Federal surplus property under the following provisions of section 203 of the Federal Property and Administration Services Act of 1949 (40 U.S.C. 484) and section 13 of the Surplus Property Act of 1944 (50 U.S.C. app. 1622).

TITLE II

SEC. 201. SHORT TITLE.

This Title may be cited as "Trans-Alaska Pipeline Amendment Act of 1995".

SEC. 202. TAPS ACT AMENDMENTS.

Section 203 of the Act entitled the "Trans-Alaska Pipeline Authorization Act," as amended (43 U.S.C. 1652), is amended—

(a) by inserting the following new subsection (f): "(f) Exports of Alaskan North Slope oil.

"(1) Subject to paragraphs (2) and (3), notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over a right-of-way granted pursuant to this section may be exported.

"(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, the oil shall be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.".

SEC. 203. SECURITY OF SUPPLY.

Section 410 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 594) is amended to read as follows:

"The Congress reaffirms that the crude oil on the North Slope of Alaska is an important part of the Nation's oil resources, and that the benefits of such crude oil should be equitably shared, directly or indirectly, by all regions of the country. The President shall use any authority he may have to ensure an equitable allocation of available North Slope and other crude oil resources and petroleum products among all regions and all of the several States.".

SEC. 204. ANNUAL REPORT.

Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

"In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration District 5 have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.".

SEC. 205. GAO REPORT.

The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

SEC. 206. EFFECTIVE DATE.

This Act and the amendments made by it shall take effect on the date of enactment.

By Mr. McCAIN:

S. 397. A bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes; to the Committee on the Judiciary.

PRIVATIZATION OF DEFAULTED DEBT COLLECTION

• Mr. McCAIN. Mr. President, today I am introducing legislation to improve collection of the staggering amount of delinquent debt that convicted criminals owe to crime victims and the Federal Government. The bill calls on the Department of Justice to contract with private firms to collect criminal fines and special assessments from offenders who are in default. These criminal fines and assessments are used to finance various programs to assist crime victims. The Department of Justice is responsible for making criminal debt collections, but DOJ is not getting the job done. Privatizing the effort will enable us to tap into the source of billions of dollars that otherwise might go uncollected.

The Justice Department and the U.S. General Accounting Office reported an inventory of more than 110,000 overdue criminal debts valued at more than $2.3 billion at the end of fiscal year 1992. This money, if collected, would be deposited into the Crime Victims Fund—for the counseling of victims of violent crime, for domestic abuse shelters, for many programs nationwide that help victims and their families cope with the devastation caused by these criminals.

But the money cannot go into the Crime Victims Fund unless it is collected. And right now, many defaulted fines and special assessments go uncollected because there is such a tremendous backlog of cases. When convicts escape from jail, they are hunted down and forced to do their time. So it seems ridiculous that criminal debtors who escape payment are not hunted down with the same determination and forced to make good on their debts to their victims and the Federal Government.

Currently, the Department of Justice is responsible for collecting past due debts, both criminal and civil. Within the Department of Justice, the Associate Deputy Attorney General plans and supervises the collections, while the U.S. attorneys in 94 judicial districts are charged with actually collecting the past due debts.

The U.S. attorney offices are not always able to handle the huge volume of debt collection cases, however, because of a backlog of older cases, inadequate resources, and other priorities. In fact, from 1985 to 1992, the number of criminal debts tripled while the time spent on collections declined. What effect can these fines possibly have, what good can they do for victims, if they are not strictly enforced?

At a time when fiscal restraint is a top priority, it is absurd that we are not vigorously pursuing this multibillions-dollar source of funds and that we are letting convicted criminals compound their crimes by defying court orders to pay fines for these misdeeds.

Mr. President, privatizing debt collection has proven to be effective. Public Law 99-578 authorized a pilot program that allowed the Attorney General to contract with 18 private law firms in 7 Federal judicial districts to collect past due civil debts, such as student loans as federally guaranteed mortgages. The General Accounting Office completed an evaluation of the pilot program in September 1994, and in its report to Congress, the GAO recommended expanding the pilot program because it was so successful.

The GAO report concluded that the private law firms were cost effective, collecting $9.2 million in defaulted civil debts at a cost of $2.4 million. Further, the private firms closed more cases at a low unit cost than the collectors in the U.S. attorney offices. The U.S. attorney collectors spend $422 to close each case compared to $243 for the private firms. Most important of all, the GAO study noted that the private firms worked cases and collected debts that the U.S. attorney collectors had given up on or may never have dealt with because of their ever-increasing workloads.

This pilot program is successful dealing with civil debt collection. We should apply this same approach to capturing the $2.3 billion in uncollected criminal debt.

The legislation I am introducing today would require the Director of the Administrative Office of the U.S. Courts to contract with private sector firms to collect defaulted criminal debts. The private firms would be paid on a contingent fee basis, which means that these firms would receive a set percentage of any amount that they collected. This approach would ensure that the Government will not pay for work unless it is completed and it would ensure that the private firms will be motivated to do the work.

All of the defaulted criminal debt that would be collected, less the contingency fee, would be deposited directly into the Crime Victims Fund, in accordance with Federal law. I want to stress that this is money that would not otherwise be collected if it were not for privatized collection. Every dollar collected will provide additional resources to render desperately needed victim assistance.

The Crime Victims Fund finances many vital programs across this Nation. In my home State of Arizona, the Brewster Center in Tucson annually depends on money from the Crime Victims Fund to provide shelter and counseling for more than 1,000 women and children living through the horror of domestic violence.

In Phoenix, AZ, the Crisis Nursery is a lifeline for the youngest and most helpless victims of crime—children. Last year, money from the Crime Victims Fund sheltered and counseled 806 children at the Crisis Nursery—helping them endure the tragedy of physical and sexual abuse, the loss of a murdered parent, and neglect or abandonment. Victims assistance programs in Arizona received slightly more than $1 million from the Crime Victims Fund last year, but that amount is down for the third year in a row.

Every dollar of defaulted criminal debt that is collected as a result of this legislation means continued funding for places like Brewster Center and the Crisis Nursery. And, remember, this is money that is coming directly from court fines on the convicted criminals who committed the crimes.

Mr. President, I am amenable to discussion on the mandatory nature of this legislation. There may be some merit to considering an optional approach . to contracting with private firms or, perhaps, a pilot program similar to the successful one that Congress created for privatizing civil debt collection.

It is imperative, however, that we act swiftly because there is a 5-year statute of limitations on collection of the criminal special assessments. Every day that we spend debating this issue is one less day spent tracking down and collecting from these deadbeat criminals; and when the statute of limitations passes, that money is gone forever.

Mr. President, this legislation clearly empowers the Department of Justice to obtain much-needed help on an overwhelming task—collecting more than $2 billion in defaulted criminal debts, and I urge quick consideration and passage of this measure.

I ask unanimous consult that several letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

National Organization for
Victim Assistance,
Washington, DC, February 10, 1995.
Hon. John McCain,
U.S. Senate,
Washington, DC.

Dear Senator McCain: I write to express the enthusiastic support of the National Organization for Victim Assistance for your proposed legislation to privatize the collection of backlogged, uncollected penalty assessments and criminal fines owed to the federal courts—and to the Crime Victims Fund.

As you know, the Victims of Crime Act of 1984, as amended, created the Crime Victims Fund, into which are placed virtually all Title 18 federal criminal fines, the "penalty assessments" created by VOCA, and forfeited bail bonds. These revenues (which run about $150-$200 million a year) are then expended on two small victim-oriented programs and two major ones—one supporting the various states' crime victim compensation programs, and the other thousands of local programs of personal assistance and advocacy.

Through these two programs, VOCA has become the "Marshall Plan of the victims' movement," a stimulator of huge growth in victim compensation and assistance programs. Its multiplier effects make all of us in the victims' movement very protective of its funding base, and very supportive of expanding that base wherever possible.

We therefore applaud your many efforts to increase VOCA's revenues, from trying to make the Federal Fine Center more productive in its collection efforts to proposing the doubling of the penalty assessments. But it is our estimation that the privatization of delinquent fine collections, which is your latest proposal, would prove to be by far the most beneficial to the Fund and to the programs and victims it supports.

The reason for this is the much-discussed $4 billion backlog in unpaid fines. We, like you, have heard it said that much of this is uncollected and uncollectable, involving everything from many small assessments against deported aliens to a few fines against bigtime, white-collar offenders who are now effectively destitute.

To which we say, first, the financial services industry that does collections for government agencies of every description indicates that this is a worthwhile venture to pursue—and second, we have heard of no plausible alternative to the privatization option—and third, the delinquencies in question are over $4 billion—and growing. A mere penny on each of those dollars adds up to very real money in the economy of VOCA.

To put this concern about federal fines into perspective, we believe very strongly that victims and their advocates have no special, legitimate interest in the setting of fine levels or the ordering of fines except that they meet one test—that of just and proportionate punishment.

But once that test is met, it is fair, indeed essential, for victim advocates to demand more effective efforts to collect the fines that are ordered. In our view, your privatization proposal offers that needed progress in improved collections, which makes it superior to every other alternative brought to our attention.

We therefore thank you for this newest expression of your support for crime victims and the programs that help them.

Sincerely,
Marlene A. Young, Ph.D., J.D.,
Executive Director.

National Victim Center,
Arlington, VA, February 13, 1995.
Hon. John McCain,
Washington, DC.

Dear Senator McCain: On behalf of the Board of Directors and Staff of the National Victim Center, we wish to express our support for your proposed measure to begin the privatization of the Federal fine collection program which secures delinquent penalties, fines and assessments destined for the Victims of Crime Act (VOCA) Fund.

The National Victim Center works with more than 8,000 victim and law enforcement organizations nationwide—a substantial number of which benefit directly or indirectly from VOCA funding through state administered compensation and victim assistance programs.

In preparation for last fall's hearing held by the Senate Committee on Government Affairs, I spoke with dozens of VOCA Administrators and VOCA sub-grantees in the field. When asked about the importance of VOCA Funding to their program, the unanimous response was that this source of financial support was not only important but indispensable to the survival of their programs. In fact, most made it clear that given reductions in contributions from other private and public sources, programs are being forced to rely more heavily than ever on VOCA money to keep their doors open.

While the resources available to assist crime victims continue to shrink in these times of fiscal caution and restraint, the demand for victim assistance and services continue to grow. Let me provide some specific examples given to me directly from State Administrators and victim service organizations last fall.

Typical is the case of the Jefferson County Domestic Violence Shelter in Arvada, Colorado. In 1993 alone 524 domestic violence victims were turned away for lack of space, including 222 children.

Texas was forced to de-fund some of its victim service programs like the Court Appointed Special Advocates (CASA) Program that provides child victims of abuse and sexual assault with a volunteer advocate to protect their rights and represent their interests before the court—particularly when the offender is a parent. In many cases, CASA volunteers are the only persons in the system who are performing such services. Without them, children will be left to fend for themselves in a system they cannot comprehend. Surrounded by adults making demands, they are too frightened or simply unable to fulfill.

Washington State recently funded a program to provide assistance to male victims of sexual assault (the most common target of pedophiles). The program had resources to serve about 50 clients. Within three months, it had applications from more than 500 victims.

Thus, every dollar collected in fines for the VOCA fund makes a difference in the life of some crime victim. This fact viewed in the shadow of $4 billion in outstanding fines makes collection of Federal Fines an important priority of the victims' movement. It is for this reason that the movement generally supported the decision to use a portion of the VOCA fund to aid in the collection. More than $6 million per year is earmarked off the top of the VOCA Fund for that specific purpose. A good portion of that money has been dedicated to the creation of a "Federal Fine Center" as an investment that would assure a far greater return in increased collections.

Unfortunately, reports raise serious questions concerning the wisdom of that investment. After years in developing and millions of dollars spent, crime victims and their advocates are left with little alternative than to doubt the viability of the Center and Federal Government's current collection strategy.

We feel your proposal to privatize a portion of that collection process is an important first step in the pursuit of an alternative and more effective collection strategy. The challenge presented by the collection of fines is not dramatically different than that faced by hundreds of thousands of private firms seeking collection of debt. Yet such private concerns seem to have far greater success in meeting the challenge of debt collection than their counter-parts in the Federal Judicial System.

We believe the time has come to look to the private sector for solutions to our critical fine collection quandary. Given current circumstances, we feel that crime victims, advocates and service providers have little to lose and everything to gain.

Your proposal to allow private firms the opportunity to collect unpaid fines after 120 days will be a challenging test of private sector's proficiency. If they succeed in collecting these relatively "stale debts", than expansion of their role in the collection arena may be desirable.

While the National Victim Center continues to believe there is a need to overhaul the entire Federal fine collection process, your proposed measure represent the first serious step toward that undertaking.

It is for this reason that the Board of Directors and staff of the National Victim Center strongly urge your colleagues to co-sponsor and support this measure of crucial importance to our nation's crime victims.

Thank you for your consideration and support.

Sincerely,

DAVID BEATTY,
Director of Public Policy.

ARIZONA DEPARTMENT OF
PUBLIC SAFETY,
Phoenix, AZ, February 10, 1995.

Senator JOHN MCCAIN,
United States Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for providing us the opportunity to respond to the proposed Privatization of Defaulted Debt Collection Act.

The Arizona Department of Public Safety administers the federal Victims of Crime Act (VOCA) victim assistance grant which supports private non-profit and governmental agencies who serve victims of crime. For the past several years, the level of deposits into the Crime Victims Fund has dropped due to decreasing collections. This results in a reduction of victim services during a time when victim services should be significantly increased. Agencies who provide direct assistance to victims of sexual assault, child abuse, domestic violence and other violent crimes are dramatically impacted.

Therefore, the Arizona Department of Public Safety strongly supports the proposed legislation which would ultimately result in more funding for victims of crime.

Sincerely,

LYNN PIRKLE,
VOCA Grant Administrator.•

By Mr. LAUTENBERG (for himself, Mr. COHEN, Ms. SNOWE, Mr. HEFLIN, Mr. GRAHAM, and Mr. DODD):

S. 398. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

FLOW CONTROL ACT

• Mr. LAUTENBERG. Mr. President, I rise today to reintroduce the Flow Control Act. The Flow Control Act will overturn a 1994 Supreme Court decision and give State and local governments the authority to control the flow of solid waste under specific circumstances. The Supreme Court decision, if allowed to stand, could result in chaos in communities in virtually all of the States where flow control authority is currently in place and constitutes a critical component of strategies to manage waste. My legislation provides that State and local governments, not the Federal Government, will decide whether to use flow control authority.

The bill I am introducing today contains the provisions of title II of S. 2345 which were negotiated by a House-Senate conference committee and passed the House. Unfortunately, the bill died on the Senate floor because of concerns regarding another issue in the bill on the last day of the Congress last October. It was endorsed last year by all those parties faced with the responsibility of disposing of solid waste. While there are technical problems with the bill, it incorporates the bulk of the agreement worked out last year. I intend to work with all of the parties to address these remaining technical issues.

On May 16, 1994, in a 6-to-3 decision, the Supreme Court ruled in the case of Carbone versus Clarkstown that a New York municipality could not require that garbage generated in the locality be sent to a designated waste management facility. The Court held that a Clarkstown, NY, flow control ordinance interfered with interstate commerce and deprived out-of-State firms access to the local trash market. The Constitution provides that only the Federal Government may regulate commerce among the States unless it specifically delegates this authority to them. The court's ruling held that this power had not been granted by Congress to the States.

If not reversed, this decision will have a significant effect on the ability of State and local governments to manage garbage. Historically, State and local governments have had the responsibility for municipal solid waste management. This is recognized in the Nation's solid waste management law, the Resource Conservation and Recovery Act or RCRA. In RCRA, the Congress found that collection and disposal of garbage is primarily a function for State and local governments. To foster this function, RCRA requires EPA to provide assistance in the development and implementation of State solid waste management plans. States are encouraged to develop statewide solid waste management plans. Before EPA approves a plan, it must find that the plan identifies the responsibilities of State, regional, and local governments and has provided for the establishment of such State regulatory powers as is necessary to implement the plan. It's clear from RCRA that Congress intended that State and local governments have the authority necessary to manage solid waste. My bill authorizes, but doesn't require, State and local governments to use flow control authority.

According to the Congressional Research Service, 43 States, including New Jersey, either utilize flow control authority or have authorized local governments to use flow control for waste management. Flow control laws have been in place in New Jersey since 1979 and control all of the nonhazardous solid waste in the State's 567 municipalities and 21 counties. Flow control has been a significant part of New Jersey's ability to build an infrastructure to handle the 14 million tons of solid waste requiring disposal annually. Collectively, this infrastructure represents a capital investment of over $2 billion. New Jersey's recycling programs also are dependent on revenues received for use of New Jersey waste management facilities.

The Supreme Court decision threatens this authority, undercuts the roles of State and local governments in solid waste management and negates the planning process contemplated by the Congress in RCRA. It would impose a radical change in the way solid waste is managed in the United States.

The Carbone decision could hamper solid waste management efforts in three ways. First, the decision makes it impossible for cities to guarantee a steady stream of waste to waste disposal and processing facilities. Without this guaranteed steady stream of garbage, communities will be unable to secure financing to build solid waste management facilities. This threatens New Jersey's program to become solid waste self-sufficient by the end of the decade. It also threatens New Jersey's existing program to restrict exports of garbage without approval by the State.

In addition, localities would lose the revenue generated by garbage disposal at municipal facilities as garbage flowed to other facilities. This would eliminate the source of funding for related nonprofitable waste management activities such as recycling and household hazardous waste programs. We need to increase recycling efforts. But the loss of flow control authority threatens existing efforts and makes an expansion of recycling programs less likely. Local governments will be forced to increase taxes to pay for the costs of these imported solid waste programs.

Finally, existing bonds used to finance waste management facilities are at risk if localities cannot send an adequate level of garbage to the facility to generate revenues to pay off the bonds. If localities cannot send an adequate level of garbage to a facility to generate the revenue needed to pay off the bonds, they face default and the affected communities face higher taxes.

The Supreme Court decision already is having an adverse effect on local governments. Moody's Investors Services, a bond rating service, is reviewing the bond rating for 100 solid waste facilities dependent on flow control. Facilities in New Jersey, Pennsylvania, Ohio, Minnesota, and Wisconsin where flow control ordinances are facing court challenges are at particular risk of having their bonds devalued or degraded. The bond rating for the Lancaster County Pennsylvania Solid Waste Management Authority has been lowered and the rating for the Camden County Pollution Control Authority was placed on a credit watch. A number of solid waste facilities already have been cancelled or stalled because Congress has failed to act to authorize flow control.

The flow control provision takes a balanced approach to addressing the concerns raised by the Supreme Court decision. It is intended to give State and local governments flow control authority under certain circumstances while requiring that local communities use a competitive designation process in making flow control decisions to ensure that free market competition is a component of flow control efforts. The provision has four major components.

First, it protects all existing flow control arrangements where flow control had been used to designate solid waste management facilities prior to May 15, 1994.

Second, it grants authority to States and local governments to institute additional flow control authority for: recyclables which have been voluntarily surrendered to the government, and municipal solid waste generated from household, commercial, industrial and institutional sources, as well as incinerator ash and construction and demolition debris if such waste had been flow controlled under a State or local law, ordinance, solid waste management plan or legally binding provision prior to May 15, 1994 or the local government had committed to the designation of one or more waste management facilities for the transportation, management or disposal of waste and had made a designation within 5 years of the enactment of this section.

Third, it provides that flow control authority can only be used if the community has a program to remove recyclables from the solid waste stream in accordance with State law or a local solid waste management plan. Recyclable materials are materials which have been separated, or diverted at the point of generation, from municipal solid waste. This language does not require materials to be separated at the point of generation because some recycling operations have multiple sorting arrangements some of which may occur after the point of generation. The language in this bill ensures that such multiple sorting operations will be considered recycling.

Fourth, it requires that when a local government decides to implement flow control authority, it undertake a competitive designation process which considers the facilities and services which the private sector can provide. Local governments in states other than New Jersey would also have to undertake a determination regarding whether they needed flow control to manage their waste.

This competitive designation process requires the government to establish specific criteria to be used to select facilities and also compare alternatives when designating a facility for flow control. The process also provides for public participation during the selection process. At the same time, it allows State and local governments to retain final decision making authority over most waste disposal decisions. A process is established which allows a Governor to certify that the State has a competitive process which satisfies this requirement.

Mr. President, I know some have expressed concern that flow control legislation will allow local governments to establish uneconomical monopolies on solid waste management. I believe that market competition can reduce the costs of solid waste management and, in turn, individual property taxes. That's why my legislation requires a competitive designation process. Municipal solid waste is a State and local government responsibility but doesn't have to be carried out by these governments. There are numerous examples of successful efforts to privatize government operations. This bill will bring the pressure of the free market to bear on solid waste decisions and hopefully lead to the most efficient operation providing relief to local taxpayers.

I want to make clear what this bill does not do. It does not tell State and local governments how to manage waste. Decisions on how to manage garbage and where to cite management facilities are not Federal responsibilities. These decisions have been and continue to be issues for local governments to decide, subject to State permits. The provision does not require State and local governments to use flow control authority. Again, this decision is left to these governments. The provision leaves State and local governments with the same authority they've had other than dealing with flow control to address solid waste.

Mr. President, many of my colleagues have expressed concern about the effect that unfunded mandates can have on State and local governments. I share this concern. But if we fail to act to overturn this Supreme Court decision, we could significantly increase the costs to local governments of solid waste management just as if the Congress had imposed a costly unfunded mandate on these governments. We should be giving State and local governments wide latitude to address solid waste management, particularly because the Federal Government does not provide assistance for State and local solid waste management programs.

The legislation I have developed has been endorsed by a wide range of organizations including the Conference of Mayors, and National Association of Counties, the National League of Cities, the National Association of Towns and Townships, the National Conference of State Legislatures, the Institute of Scrap Recycling Industries, and hundreds of local communities across the country.

Mr. President, we cannot expect State and local governments to manage solid waste as contemplated by RCRA if we fail to provide those governments with the tools to ensure that properly sized facilities to manage the waste are constructed. My legislation merely overturns the Supreme Court decision and provides State and local governments with the tools they need to manage solid waste. It maintains the status quo and avoids the radical change in solid waste management which would result from the Supreme Court decision.

The Congress must deal with the ambiguities that flow from the Supreme Court decision soon. State and local governments need to discharge their responsibilities for solid waste disposal.

Mr. President, I urge my colleagues to join in support of the Flow Control Act of 1995. I ask unanimous consent that a copy of the bill, an October 7, 1994 letter signed by all parties in support of the bill, and a number of articles discussing the adverse effect the Supreme Court decision is having on local communities be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 398

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flow Control Act of 1995".

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE CONTROL OVER TRANSPORTATION, MANAGEMENT, AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) AUTHORITY.—

"(1) IN GENERAL.—Each State and each qualified political subdivision may, in accordance with this section—

"(A)(i) exercise flow control authority for municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris, or demolition debris generated within the boundaries of the State or qualified political subdivision if, before May 15, 1994, the State or qualified political subdivision—

"(I) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that contains flow control authority and, pursuant to such authority, directs such solid waste, ash, or debris to a proposed or existing waste management facility designated before May 15, 1994; or

"(II) adopted a law, ordinance, regulation, solid waste management plan, or legally binding provision that identifies the use of one or more waste management methods that will be necessary for the transportation, management, or disposal of municipal solid waste generated within such boundaries, and committed to the designation of one or more waste management facilities for such method or methods;

"(ii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) or (II) of clause (i), exercise flow control authority over such solid waste from any existing or future waste management facility to any other existing or future waste management facility; and

"(iii) after the effective date of this section, in the case of a State or qualified political subdivision that adopted such a law, ordinance, regulation, plan, or legally binding provision that meets the requirements of subclause (I) of clause (i), exercise flow control authority over such solid waste, ash, or debris from any existing waste management facility to any other existing or proposed waste management facility, and may do so without regard to subsection (b)(2); and

"(B) exercise flow control authority for voluntarily relinquished recyclable materials generated within the boundaries of the State or qualified political subdivision.

"(2) REASONABLE REGULATION OF COMMERCE.—

"(A) A law, ordinance, regulation, solid waste management plan, or legally binding provision of a State or qualified political subdivision, described in paragraph (1), that implements or exercises flow control authority in compliance with this section shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(B) A contract or franchise agreement entered into by a State or political subdivision to provide the exclusive or nonexclusive authority for the collection, transportation, or disposal of municipal solid waste, and not otherwise involving the exercise of flow control authority described in paragraph (1), shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(b) LIMITATIONS.—

"(1) LIMITATION OF AUTHORITY REGARDING RECYCLABLE MATERIALS.—A State or qualified political subdivision may exercise the authority described in subsection (a)(1)(B) with respect to recyclable materials only if—

"(A) the generator or owner of the materials voluntarily made the materials available to the State or qualified political subdivision, or the designee of the State or qualified political subdivision, and relinquished any rights to, or ownership of, such materials; and

"(B) the State or qualified political subdivision, or the designee of the State or qualified political subdivision, assumes such rights to, or ownership of, such materials.

"(2) LIMITATION OF AUTHORITY REGARDING SOLID WASTE OR RECYCLABLE MATERIALS.—

"(A) A State or qualified political subdivision may exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) only if the State or qualified political subdivision establishes a program to separate, or divert at the point of generation, recyclable materials from municipal solid waste, for purposes of recycling, reclamation, or reuse, in accordance with any Federal or State law or municipal solid waste planning requirements in effect.

"(B) A State or qualified political subdivision may exercise the authority described in clause (i) or (ii) of subsection (a)(1)(A) only if, after conducting one or more public hearings, the State or qualified political subdivision—

"(i) finds, on the basis of the record developed at the hearing or hearings, that it is necessary to exercise the authority described in subparagraph (A) or (B) of subsection (a)(1) to meet the current solid waste management needs (as of the date of the record) or the anticipated solid waste management needs of the State or qualified political subdivision for the management of municipal solid waste or recyclable materials;

"(ii) finds, on the basis of the record developed at the hearing or hearings, including an analysis of the ability of the private sector and public bodies to provide short and long term integrated solid waste management services with and without flow control authority, that the exercise of flow control authority is necessary to provide such services in an economically efficient and environmentally sound manner; and

"(iii) provides a written explanation of the reasons for the findings described clauses (i) and (ii), which may include a finding of a preferred waste management methodology or methodologies for providing such integrated solid waste management services.

"(C) With respect to each designated waste management facility, the authority of subsection (a) shall be effective until completion of the schedule for payment of the capital costs of the waste management facility concerned (as in effect on May 15, 1994), or for the remaining useful life of the original waste management facility, whichever is longer. At the end of such period, the authority of subsection (a) shall be effective for any waste management facility for which subparagraph (B) and subsection (c) have been complied with by the State or qualified political subdivision, except that no facility, and no State or qualified political subdivision, subject to subsection (a)(1)(A)(i)(I) or subsection (a)(1)(A)(ii) shall be required to comply with subparagraph (B) for a period of 10 years after the date of enactment of this section. Notwithstanding the provisions of this paragraph, compliance with subparagraph (B) shall not be required where—

"(i) a designated waste management facility is required to retrofit or otherwise make significant modifications to meet applicable environmental requirements or safety requirements;

"(ii) routine repair or scheduled replacements of existing equipment or components of a designated waste management facility is undertaken that does not add to the capacity of the waste management facility; or

"(iii) a designated waste management facility expands on land legally or equitably owned, or under option to purchase or lease, by the owner or operator of such facility and the applicable permit includes such land.

"(D) Notwithstanding anything to the contrary in this section, paragraphs (2)(B) and

(2)(C) shall not apply to any State (or any of its political subdivisions) that, on or before January 1, 1984, enacted regulations pursuant to a State law that required or directed the transportation, management, or disposal of solid waste from residential, commercial, institutional and industrial sources as defined by State law to specific waste management facilities and applied those regulations to every political subdivision in the State.

"(3) LIMITATION TO APPLIED AUTHORITIES.—The authority described in subsection (a)(1)(A) shall apply only to the specific classes or categories of solid waste to which the authority described in subsection (a)(1)(A)(i)(I) was applied by the State or qualified political subdivision before May 15, 1994, and to the specific classes or categories of solid waste for which the State or qualified political subdivision committed to the designation of one or more waste management facilities as described in subsection (a)(1)(A)(i)(II).

"(4) EXPIRATION OF AUTHORITY.—The authority granted under subsection (a)(1)(A)(i)(II) shall expire if a State or qualified political subdivision has not designated, by law, ordinance, regulation, solid waste management plan, or other legally binding provision, one or more proposed or existing waste management facilities within 3 years after the date of enactment of this section.

"(5) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision limits the use of any of its revenues derived from the exercise of such authority primarily to solid waste management services.

"(c) COMPETITIVE DESIGNATION PROCESS.—

"(1) IN GENERAL.—A State or qualified political subdivision may exercise the authority described in subsection (a) only if the State or qualified political subdivision develops and implements a competitive designation process, with respect to each waste management facility or each facility for recyclable materials. The process shall—

"(A) ensure that the designation process is based on, or is part of, a municipal solid waste management plan that is adopted by the State or qualified political subdivision and that is designed to ensure long-term management capacity for municipal solid waste or recyclable materials generated within the boundaries of the State or qualified political subdivision;

"(B) set forth the goals of the designation process, including at a minimum—

"(i) capacity assurance;

"(ii) the establishment of provisions to provide that protection of human health and the environment will be achieved; and

"(iii) any other goals determined to be relevant by the State or qualified political subdivision;

"(C) identify and compare reasonable and available alternatives, options, and costs for designation of the facilities;

"(D) provide for public participation and comment;

"(E) ensure that the designation of each facility is accomplished through an open competitive process during which the State or qualified political subdivision—

"(i) identifies in writing criteria to be utilized for selection of the facilities, which shall not discriminate unfairly against any particular waste management facility or any method of management, transportation or disposal, and shall not establish qualifications for selection that can only be met by public bodies;

"(ii) provides a fair and equal opportunity for interested public persons and private persons to offer their existing (as of the date of the process) or proposed facilities for designation; and

"(iii) evaluates and selects the facilities for designation based on the merits of the facilities in meeting the criteria identified; and

"(F) base the designation of each such facility on reasons that shall be stated in a public record.

"(2) CERTIFICATION.—

"(A) IN GENERAL.—A Governor of any State may certify that the laws and regulations of the State in effect on May 15, 1994, satisfy the requirements for a competitive designation process under paragraph (1).

"(B) PROCESS.—In making a certification under subparagraph (A), a Governor shall—

"(i) publish notice of the proposed certification in a newspaper of general circulation and provide such additional notice of the proposed certification as may be required by State law;

"(ii) include in the notice of the proposed certification or otherwise make readily available a statement of the laws and regulations subject to the certification and an explanation of the basis for a conclusion that the laws and regulations satisfy the requirements of paragraph (1);

"(iii) provide interested persons an opportunity to comment on the proposed certification, for a period of time not less than 60 days, after publication of the notice; and

"(iv) publish notice of the final certification, together with an explanation of the basis for the final certification, in a newspaper of general circulation and provide such additional notice of the final certification as may be required by State law.

"(C) APPEAL.—Within 120 days after publication of the final certification under subparagraph (B), any interested person may file an appeal of the final certification in the United States Circuit Court of Appeals for the Federal judicial district of the State, for a judicial determination that the certified laws and regulations do not satisfy the requirements of paragraph (1) or that the certification process did not satisfy the procedural requirements of subparagraph (B). The appeal shall set forth the specific reasons for the appeal of the final certification.

"(D) LIMITATION TO RECORD.—Any judicial proceeding brought under subparagraph (C) shall be limited to the administrative record developed in connection with the procedures described in subparagraph (B).

"(E) COSTS OF LITIGATION.—In any judicial proceeding brought under subparagraph (C), the court shall award costs of litigation (including reasonable attorney fees) to any prevailing party whenever the court determines that such award is appropriate.

"(F) LIMITATION ON REVIEW OF CERTIFICATIONS.—If no appeal is taken within 120 days after the publication of the final certification, or if the final certification by the Governor of any State is upheld by the United States Circuit Court of Appeals and no party seeks review by the Supreme Court (within applicable time requirements), the final certification shall not be subject to judicial review.

"(G) LIMITATION ON REVIEW OF DESIGNATIONS.—Designations made after the final certification and pursuant to the certified laws and regulations shall not be subject to judicial review for failure to satisfy the requirements of paragraph (1).

"(d) OWNERSHIP OF RECYCLABLE MATERIALS.—

"(1) PROHIBITION ON REQUIRED TRANSFERS.—Nothing in this section shall authorize any State or qualified political subdivision, or any designee of the State or qualified political subdivision, to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or qualified political subdivision unless the generator or owner of the recyclable materials voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(2) OTHER TRANSACTIONS.—Nothing in this section shall prohibit any person from selling, purchasing, accepting, conveying, or transporting any recyclable materials for purposes of transformation or remanufacture into usable or marketable materials, unless a generator or owner voluntarily made the materials available to the State or qualified political subdivision and relinquished any rights to, or ownership of, such materials.

"(e) RETAINED AUTHORITY.—Upon the request of any generator of municipal solid waste affected by this section, the State or political subdivision may authorize the diversion of all or a portion of the solid wastes generated by the generator making such request to a solid waste facility, other than the facility or facilities originally designated by the political subdivision, where the purpose of such request is to provide a higher level of protection for human health and the environment and reduce potential future liability under Federal or State law of such generator for the management of such wastes. Requests shall include information on the environmental suitability of the proposed alternative treatment or disposal facility and method, compared to that of the designated facility and method. In making such a determination the State or political subdivision may consider the ability and willingness of both the designated and alternative disposal facility or facilities to indemnify the generator against any cause of action under State or Federal environmental statutes and against any cause of action for nuisance, personal injury, or property loss under any State law.

"(f) EXISTING LAWS AND CONTRACTS.—

"(1) IN GENERAL.—To the extent consistent with subsection (a), this section shall not supersede, abrogate, or otherwise modify any of the following:

"(A) Any contract or other agreement (including any contract containing an obligation to repay the outstanding indebtedness on any proposed or existing waste management facility or facility for recyclable materials) entered into before May 15, 1994, by a State or qualified political subdivision in which such State or qualified political subdivision has designated a proposed or existing waste management facility, or facility for recyclable materials, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, construction debris or demolition debris, or recyclable materials, pursuant to a law, ordinance, regulation, solid waste management plan, or legally binding provision adopted by such State or qualified political subdivision before May 15, 1994, if, in the case of a contract or agreement relating to recyclable materials, the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions in subsection (b)(1) with respect to the materials.

"(B) Any other contract or agreement entered into before May 15, 1994, for the transportation, management or disposal of municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris.

"(C)(i) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994;

"(II) that pertains to the transportation, management, or disposal of solid waste generated within the boundaries of a State or qualified political subdivision; and

"(III) under which a State or qualified political subdivision, prior to May 15, 1994, directed, limited, regulated, or prohibited the transportation, management, or disposal of municipal solid waste, or incinerator ash from, a solid waste incineration unit, or construction debris or demolition debris, generated within the boundaries;

if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of solid waste described in subclause (III), to a proposed or existing waste management facility designated before May 15, 1994, or to the management or disposal of such solid waste at such a facility, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

"(ii) Any law, ordinance, regulation, solid waste management plan, or legally binding provision—

"(I) that is adopted before May 15, 1994; and

"(II) that pertains to the transportation or management of recyclable materials generated within the boundaries of a State or qualified political subdivision; if the law, ordinance, regulation, solid waste management plan, or legally binding provision is applied to the transportation of recyclable materials that are generated within the boundaries, and with respect to which the generator or owner of the materials, and the State or qualified political subdivision, have met the appropriate conditions described in subsection (b)(1), to a proposed or existing facility for recyclable materials designated before May 15, 1994, or to the management of such materials, under such law, ordinance, regulation, solid waste management plan, or legally binding provision.

"(2) CONTRACT INFORMATION.—A party to a contract or other agreement that is described in subparagraph (A) or (B) of paragraph (1) shall provide a copy of the contract or agreement to the State or qualified political subdivision on request. Any proprietary information contained in the contract or agreement may be omitted in the copy, but the information that appears in the copy shall include at least the date that the contract or agreement was signed, the volume of municipal solid waste or recyclable materials covered by the contract or agreement with respect to which the State or qualified political subdivision could otherwise exercise authority under subsection (a) or paragraph (1)(C), the source of the waste or materials, the destination of the waste or materials, the duration of the contract or agreement, and the parties to the contract or agreement.

"(3) EFFECT ON INTERSTATE COMMERCE.—Any contract or agreement described in subparagraph (A) or (B) of paragraph (1), and any law, ordinance, regulation, solid waste management plan, or legally binding provision described in subparagraph (C) of paragraph (1), shall be considered to be a reasonable regulation of commerce by a State or qualified political subdivision, retroactive to the effective date of the contract or agreement, or to the date of adoption of any such law, ordinance, regulation, solid waste management plan, or legally binding provision, and shall not be considered to be an undue burden on or otherwise as impairing, restraining, or discriminating against interstate commerce.

"(4) LIMITATION.—Any designation by a State or qualified political subdivision of any waste management facility or facility for recyclable materials after the date of enactment of this section shall be made in compliance with subsection (c). Nothing in this paragraph shall affect any designation made before the date of enactment of this section, and any such designation shall be deemed to satisfy the requirements of subsection (c).

"(g) SAVINGS CLAUSE.—

"(1) FEDERAL OR STATE ENVIRONMENTAL LAWS.—Nothing in this section is intended to supersede, amend, or otherwise modify Federal or State environmental laws (including regulations) that apply to the disposal or management of solid waste or recyclable materials at waste management facilities or facilities for recyclable materials.

"(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a qualified political subdivision to exercise the authority granted by this section in a manner inconsistent with State law.

"(h) PROHIBITION.—No political subdivision may exercise flow control authority to direct the movement of municipal solid waste to any waste management facility for which a Federal permit was denied twice before the enactment of this section.

"(i) DEFINITIONS.—For purposes of this section only, the following definitions apply:

"(1) COMMITTED TO THE DESIGNATION OF ONE OR MORE WASTE MANAGEMENT FACILITIES.—The term 'committed to the designation of one or more waste management facilities' means that a State or qualified political subdivision was legally bound to designate one or more existing or future waste management facilities or performed or caused to be performed one or more of the following actions for the purpose of designating one or more such facilities:

"(A) Obtained all required permits for the construction of such waste management facility prior to May 15, 1994.

"(B) Executed contracts for the construction of such waste management facility prior to May 15, 1994.

"(C) Presented revenue bonds for sale to specifically provide revenue for the construction of such waste management facility prior to May 15, 1994.

"(D) Submitted to the appropriate regulatory agency or agencies, on or before May 15, 1994, administratively complete permit applications for the construction and operation of a waste management facility.

"(E) Formed a public authority or a joint agreement among qualified political subdivisions, pursuant to a law authorizing such formation for the purposes of designating facilities.

"(F) Executed a contract or agreement that obligates or otherwise requires a State or qualified political subdivision to deliver a minimum quantity of solid waste to a waste management facility and that obligates or otherwise requires the State or qualified political subdivision to pay for that minimum quantity of solid waste even if the stated minimum quantity of solid waste is not delivered within a required timeframe, otherwise commonly known as a 'put or pay agreement'.

"(G) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of preliminary designation that specifies criteria and procedures for soliciting proposals to designate facilities after having completed a public notice and comment period.

"(H) Adopted, pursuant to a State statute that specifically described the method for designating by solid waste management districts, a resolution of intent to establish designation with a list of facilities for which designation is intended.

"(2) DESIGNATION; DESIGNATE.—The terms 'designate', 'designated', 'designation' or 'designating' mean a requirement of a State or qualified political subdivision, and the act of a State or qualified political subdivision, to require that all or any portion of the municipal solid waste that is generated within the boundaries of the State or qualified political subdivision be delivered to a waste management facility identified by a State or qualified political subdivision, and specifically includes put or pay agreements of the type described in paragraph (1)(F).

"(3) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of solid waste or recyclable materials and direct such waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials.

"(4) INDUSTRIAL SOLID WASTE.—The term 'industrial solid waste' means solid waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling, that is not hazardous waste regulated under subtitle C. 'Industrial solid waste' does not include municipal solid waste specified in paragraph (5)(A)(iii).

"(5) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—Subject to the limitations of subsection (b)(3), the term 'municipal solid waste' means—

"(i) any solid waste discarded by a household, including a single or multifamily residence;

"(ii) any solid waste that is discarded by a commercial, institutional, or industrial source;

"(iii) residue remaining after recyclable materials have been separated or diverted from municipal solid waste described in clause (i) or (ii);

"(iv) any waste material or waste substance removed from a septic tank, septage pit, or cesspool, other than from portable toilets; and

"(v) conditionally exempt small quantity generator waste under section 3001(d), if it is collected, processed or disposed with other municipal solid waste as part of municipal solid waste services.

"(B) EXCLUSIONS.—The term 'municipal solid waste' shall not include any of the following:

"(i) Hazardous waste required to be managed in accordance with subtitle C (other than waste described in subparagraph (A)(v)), solid waste containing a polychlorinated biphenyl regulated under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or medical waste listed in section 11002.

"(ii)(I) A recyclable material.

"(II) A material or a product returned from a dispenser or distributor to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(III) A material or product that is an out-of-date or unmarketable material or product, or is a material or product that does not conform to specifications, and that is returned to the manufacturer or the agent of the manufacturer for credit, evaluation, or reuse unless such material or product is discarded or abandoned for collection, disposal or combustion.

"(iii) Any solid waste (including contaminated soil and debris) resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

"(iv)(I) Industrial solid waste.

"(II) Any solid waste that is generated by an industrial facility and transported for the purpose of containment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or a facility that is located on property owned by the generator.

"(6) QUALIFIED POLITICAL SUBDIVISION.—The term 'qualified political subdivision' means a governmental entity or political subdivision of a State, as authorized by the State, to plan for, or determine the methods to be utilized for, the collection, transportation, disposal or other management of municipal solid waste generated within the boundaries of the area served by the governmental entity or political subdivision.

"(7) RECYCLABLE MATERIAL.—The term 'recyclable material' means any material (including any metal, glass, plastic, textile, wood, paper, rubber, or other material) that has been separated, or diverted at the point of generation, from solid waste for the purpose of recycling, reclamation, or reuse.

"(8) SOLID WASTE MANAGEMENT PLAN.—The term 'solid waste management plan' means a plan for the transportation, treatment, processing, composting, combustion, disposal or other management of municipal solid waste, adopted by a State or qualified political subdivision pursuant to and conforming with State law.

"(9) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility or facilities in which municipal solid waste, incinerator ash from a solid waste incineration unit, or construction debris or demolition debris is separated, stored, transferred, treated, processed, combusted, deposited or disposed.

"(10) EXISTING WASTE MANAGEMENT FACILITY.—The term 'existing waste management facility' means a facility under construction or in operation as of May 15, 1994.

"(11) PROPOSED WASTE MANAGEMENT FACILITY.—The term 'proposed waste management facility' means a facility that has been specifically identified and designated, but that was not under construction, as of May 15, 1994.

"(12) FUTURE WASTE MANAGEMENT FACILITY.—The term 'future waste management facility' means any other waste management facility.".

SEC. 203. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4011 the following new item:

"Sec. 4011. Congressional authorization of State control over transportation, management and disposal of municipal solid waste.".

SUPPORT THE FLOW CONTROL CONSENSUS BILL: FINAL PASSAGE—TODAY

OCTOBER 7, 1994.

DEAR CONGRESSPERSON/SENATOR: We, the undersigned, have been negotiating in good faith over the past several days to craft a waste flow control proposal which is acceptable to stakeholders on both sides of the issue. The attached document represents our best efforts at reaching consensus on this complex and, at times, difficult issue.

Negotiators on both sides have made significant concessions. Each of us, if true to his/her own self-interest, would make changes to the attached legislative draft. However, we are united in our belief that Congress must take action to provide a stable municipal solid waste regulatory environment for communities and businesses in light of the Carbone Supreme Court decision. If Congress fails to act in the wake of the Carbone decision, it will leave many facilities in financial jeopardy.

The attached document addresses the need to protect existing flow control arrangements and the facilities that are financially dependent on waste flow control, and allows a competitive, free-market process to continue. While imperfect, this proposal meets the immediate needs of public and private entities, and is far more preferable to the uncertainty which will result if no bill is passed.

We urge you to support enactment of this compromise in this session of Congress.

Respectfully submitted,

Browning-Ferris Industries, Public Securities Association, National Association of Counties, WMX Technologies, Environmental Transportation Association, Laidlaw, Inc., Chambers Development Company, Inc., Ogden Projects, Inc., National League of Cities, U.S. Conference of Mayors, Solid Waste Management Association of North America, Southern Pacific Transportation Company.•

• Mr. DODD. Mr. President, I want to speak today about flow control authority—an issue that is vital to the public safety and fiscal soundness of States and localities. I commend Senator LAUTENBERG and the coalition of local government officials, waste management groups, and public security interests for working to craft this important legislation.

I feel so strongly about the need for action that I was prepared to introduce my own legislation this Congress. Frankly, I would have liked to see more authority given to municipalities. State and local governments have a vested interest in how solid waste produced within their borders is transported and disposed. However, I recognize that a hard-fought consensus has been reached, and I am pleased to be a cosponsor of this important legislation.

According to the Environmental Protection Agency [EPA], approximately 35 States were adversely affected by the May 1994 Supreme Court Carbone decision, which invalidated local flow control authority. It is important to note that Justice O'Connor, while siding with the majority, did in fact state that it was within Congress' purview to authorize local imposition of flow control. It is my feeling that if Congress does not enact legislation, States will continue to suffer environmentally and financially.

Flow control is essential to the implementation of Connecticut's integrated waste management plan. Many localities have made significant capital investments to move away from outdated landfills to construct efficient, yet costly, waste disposal centers. Approximately 86 percent of Connecticut's waste is now disposed of in these state-of-the art facilities. The State, and ultimately the taxpaying citizens, are backing $500 million in bonds that were used to finance the construction of regional waste disposal centers and recycling transfer stations. Profits from the facilities, used to pay off the bonds, were to be ensured by flow control authority.

Almost 75 percent of Connecticut municipalities entered into "put-or-pay" contracts, and will be forced to pay penalties for the shortfall created by trash moving elsewhere. At a time when Congress is trying to ease the tax burden on working families, it is highly likely that their taxes could increase, if towns are unable to meet their garbage quotes. If transporters choose to deliver waste to landfills out of State, then citizens will in effect pay twice—first, to have their waste transported away, and again to cover the put-or-pay requirement. Finally, municipal bond ratings could plummet, increasing the cost of future local projects.

This legislation strikes an appropriate balance. Only those communities that have already relied on flow control authority or have detailed plans to do so, are protected. This legislation is proconsumer and probusiness because it preserves competition and levels the playing field. This bill is also proenvironment because it encourages the further construction of recycling and composting facilities as a byproduct of a successful revenue bond financing program.

The legislation that we are introducing today is identical to what passed the House of Representatives last fall. It was most unfortunate that in the Senate, flow control legislation fell victim to the stalling tactics employed by some members on the other side of the aisle on the last day of the session. This compromise legislation died, despite strong bipartisan support.

Mr. President, I hope that this year we will be successful. It is clear that this issue is not going away and it is important to the people on my State and in many others that we deal with this problem. I urge my fellow Senators to join me in moving forward on this vital piece of legislation.•

ADDITIONAL COSPONSORS

S. 109

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms.

MOSELEY-BRAUN] was added as a cosponsor of S. 109, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 110

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 110, a bill to amend the Internal Revenue Code of 1986 to provide that a taxpayer may elect to include in income crop insurance proceeds and disaster payments in the year of the disaster or in the following year.

S. 145

At the request of Mr. GRAMM, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 145, a bill to provide appropriate protection for the Constitutional guarantee of private property rights, and for other purposes.

S. 181

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage small investors, and for other purposes.

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 287

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 287, a bill to amend the Internal Revenue Code of 1986 to allow homemakers to get a full IRA deduction.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 328

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 328, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles travelled in ozone nonattainment areas designated as severe, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from Idaho [Mr. CRAIG], the Senator from North Carolina [Mr. HELMS], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 376

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 376, a bill to resolve the current labor dispute involving major league baseball, and for other purposes.

SENATE RESOLUTION 77—COMMEMORATING THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. LOTT (for Mr. KEMPTHORNE, for himself, Mr. DOLE, Mr. COCHRAN, Mr. ROBB, Mr. ASHCROFT, Mr. BIDEN, Mrs. BOXER, Mr. CAMPBELL, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DORGAN, Mr. FEINGOLD, Mr. GRAMM, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mr. INHOFE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. STEVENS, and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, the well being of all citizens of this country are preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime free environment that is all to often threaten by the insidious fear caused by violence in schools;

Whereas, 157 peace officers lost their lives in the performance of their duty in 1994, and a total of 13,413 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers are assaulted, 1 in 25 is injured, and 1 in 4,000 in killed in the line of duty;

Whereas, on May 15, 1994 more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That May 15, 1995, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

AMENDMENTS SUBMITTED

ALASKA POWER ADMINISTRATION SALE ACT

MURKOWSKI (AND STEVENS) AMENDMENT NO. 239

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. MURKOWSKI (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes; as follows:

At the end of Title I of S. — add the following: "(k) For the purposes of section 147 (d) of the Internal Revenue Code, "first use" Snettisham occurs upon the acquisition of the property by the State of Alaska.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Tuesday, February 14, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding an oversight hearing on Thursday, February 16, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Monday, February 13, for purposes of conducting a full committee hearing which is scheduled to begin at 2 p.m. The purpose of the hearing is to consider the nomination of Wilma Lewis to be inspector general of the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BLOCK GRANTS

• Mr. SARBANES. Mr. President, in recent weeks much has been written and said about proposals to combine all Federal food assistance programs into a block grant to States. The debate has lead to a close examination of nutrition programs such as WIC and the School Lunch and Breakfast Programs. As a strong supporter of these vital programs, I have been deeply concerned about the potential consequences such action could have on our Nation's most vulnerable—children, pregnant women, and senior citizens.

The Census Bureau estimates that more than 37 million Americans live below the poverty line. More distressing, however, is that children continue to be the poorest age group in the country. Over the past 20 years, the number of American children in poverty has increased by more than 37 percent. According to data released by the National Center for Children in Poverty last month, 6 million American children under age 6 were living in poverty in 1992—the highest rate since researchers have been documenting such figures.

Mr. President, in my view, we have a responsibility to these children. If our children are to succeed in an increasingly competitive world, efforts to guarantee them access to basic nutrition services must be maintained and expanded. Traditionally, the Federal Government has exhibited a strong commitment to its food assistance programs and many of these programs are among the most successful of all Federal initiatives.

Take, for example, the WIC or Women, Infants, and Children Program. WIC provides food vouchers and nutrition education to pregnant women and young children and is expected to support an average of 7.2 million participants at an average monthly cost of $42.38 per person per month in fiscal year 1995. The General Accounting Office estimates that WIC services to pregnant women who gave birth in 1990 cost the Federal Government nearly $296 million, but could save a projected $1.036 billion in Federal, State, local, and private dollars by the year 2008. According to a Harvard University study, every dollar spent on prenatal care through the WIC Program saves as much as $3 in future health care costs. The Department of Agriculture also estimates that every dollar spent on prenatal care through the WIC Program results in a significant Medicaid savings within the first 60 days after birth.

The WIC Program not only provides taxpayers one of the greatest returns on their investment, it has also improved the long-term health of millions of American women and children. According to the U.S. Department of Agriculture, since the inception of the WIC Program, low birthweight rates have dropped, the prevalence of anemia in preschool-aged children has declined, and the incidence of stunting has decreased by nearly 65 percent.

To date, this important program has served almost 90,000 of more than 210,000 eligibles in my home State of Maryland. If this program were to become part of a block grant to States, the USDA estimates that at least 12 percent of the total funding for the program would be cut, which translates to a loss of approximately $3.6 million for Maryland.

I wonder, Mr. President how many people realize that the National School Lunch Program—the oldest of all child nutrition programs—serves more than 25 million meals daily and boasts a 90-percent participation rate of schools nationwide? The average daily participation rate in Maryland is estimated to be around 374,855 children out of a public school enrollment of 763,274—nearly half of all children enrolled in the Maryland public school system. The Maryland State Department of Education estimates that Maryland would lose more than $22 million in funding for fiscal year 1996 if proposals to block grant nutrition programs were implemented.

In addition, block granting nutrition programs would effectively eliminate all uniform national standards for nutrition. These standards, which were strengthened last year through the Better Nutrition and Health for Children Act, appropriately recognized that in providing food assistance to needy children, it is equally important to make certain that the food provided is nutritious. To neglect this important aspect of the debate would be truly irresponsible.

A recent editorial in the Baltimore Sun stated that "By and large, Federal food programs work well. They reach the people who need them, and their existence over the past couple of decades has demonstrably reduced hunger and malnutrition." Mr. President, Federal food assistance programs do work well. They achieve their desired goals with a high degree of efficiency and success. In this case, the old adage "if it's not broke, don't fix it" rings true.•

BLACK HISTORY MONTH

• Mr. LAUTENBERG. Mr. President, I rise today to recognize February as Black History Month and to honor the rich cultural heritage of African-Americans in my State of New Jersey. In the arts or letters, history or politics, business or education, New Jersey's African-American community has made a strong and lasting impact on our Nation's culture.

We in New Jersey are very proud that so many great figures in history have called our State home. This morning, in honor of Black History Month, I would like to call the Senate's attention to four distinguished African-Americans who made major contributions to my State and our country.

First, Mr. President, I would call your attention to Jessie Redmon Fauset, the seventh child born to Redmon Fauset, an African Methodist Episcopal minister in Camden, NJ. Jessie grew up in poor circumstances, but her family made education a top priority, and in 1905 she went on to become the first black woman in the country elected to Phi Beta Kappa. After graduating, Ms. Fauset taught high school French for many years, before becoming literary editor of the Crisis, an NAACP publication that played a central role in the Harlem renaissance.

In addition to her work as an editor, Ms. Fauset was also a successful novelist. Her initial motivation for becoming a novelist was her belief that African-Americans were not being portrayed accurately in black fiction. Her work did paint a more accurate picture, and as a result, she is still read by those who want to understand African-American life.

Second, Mr. President, while many do not know it, the great actress and singer Melba Moore is a New Jersey native and a product of New Jersey schools. Ms. Moore grew up in Newark, where she attended Arts High School and majored in music, following in the footsteps of other prominent musicians, including Sarah Vaughan.

After high school, Melba Moore attended Montclair State Teachers College and worked as an elementary school music teacher. She loved her students, but her heart was on the stage. Ms. Moore soon left teaching and began wowing Broadway crowds with her amazing voice and her brilliant sense of humor. Ms. Moore made her Broadway debut in "Hair," where she attracted widespread attention as the first black lead of any of the Broadway "Hair" companies around the world—and in many people's opinion, the best. Melba Moore once said, "I want to give black people something to look up to, an image they can be proud of and kids can emulate." She certainly has done that.

Third, Mr. President, we in New Jersey are very proud to include abolition leader William Still as one of our own. William Still was the son of two former slaves who escaped from the Eastern Shore of Maryland to Burlington County, NJ, in the early 19th century. As a young married man, Mr. Still found a job at the Pennsylvania Society for the Abolition of Slavery. He soon became a leader in the underground railroad and began to aid fugitives from slavery, offering many of them room and board in his home. One of the former slaves passing through to Canada turned out to be William Still's own brother. Mr. Still was so affected by that discovery that he began to keep careful records of all the former slaves who passed through Philadelphia and New Jersey.

In 1872, Mr. Still turned these records into a thorough and compelling book, which continues to be one of the most influential records of the underground railroad movement. William Still's legacy was not just the many lives he saved through the underground railroad; it is also the timeless chronicle he left of his efforts and those of others who helped fugitive slaves escape to Canada.

Finally, Mr. President, a spirit of social activism also drove Paul Robeson, a Princeton, NJ, native, who achieved fame as an all-American football player at Rutgers University and later attained worldwide recognition as an actor and singer.

In an interview, Paul Robeson once described his goals this way:

> If I can teach my audience who know almost nothing about [my people], to know [them] through my songs and through my roles . . . then I will feel that I am an artist, and that I am using my act for myself, for my race, for the world.

Anyone who had the fortune to hear Paul Robeson sing a spiritual, anyone who saw his unparalleled performance of "Othello," anyone who heard him speak so passionately about the ills of segregation and of poverty, knows that in his long and fulfilling life, Paul Robeson, the son of a former slave, changed all of us, black and white alike, by sharing his passion for justice and for equality.

Mr. President, there are countless other African-American heroes who hail from New Jersey: poets and scientists, entertainers and political activists. And there are uncounted others who may never be known beyond their families or their neighborhoods, but who have lived their lives with dignity and contributed a basic decency and distinction to our State.

Let me just say in closing, that Black History Month should be a time for reflection; a time to reflect on the accomplishments of African-Americans throughout this country and throughout our history, accomplishments that often were made in the face of racism, of poverty, and unequal opportunity. It should be a time to increase our understanding of African-American history and culture, and a time to reaffirm our understanding of our cultural diversity, our commitment to equality, and our support of racial justice.•

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-380, appoints the Senator from Idaho [Mr. KEMPTHORNE] to the Advisory Commission on Intergovernmental Relations, vice Senator DURENBERGER.

TO COMMEMORATE AND ACKNOWLEDGE THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Mr. LOTT. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:.

A resolution (S. Res. 77) to commemorate and acknowledge the dedication and sacrifice made by the men and women who lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FORD. Mr. President, I ask unanimous consent that I be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. If there is no further debate, without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, are as follows:

S. RES. 77

Whereas, the well being of all citizens of this country are preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 157 peace officers lost their lives in the performance of their duty in 1994, and a total of 13,413 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers are assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty; and

Whereas, on May 15, 1994, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved, That May 15, 1995, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 14, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:15 a.m. on Tuesday, February 14, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, and that the time for the two leaders be reserved for their use later in the day, and that the Senate immediately resume consideration of House Joint Resolution 1 and the Reid amendment No. 236, and that the time between 9:15 and 9:30 be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that at the hour of 9:30 a.m. on Tuesday, the majority leader or his designees be recognized to make a motion to table the Reid amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. Mr. President, for the information of all of my colleagues, under the previous order, there will be a rollcall vote at 9:30 a.m. on Tuesday on the motion to table the Reid amendment.

Additional votes are expected to occur prior to the scheduled recess for the party caucuses.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, and if no other Senator is seeking recognition, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:54 p.m. recessed until tomorrow, Tuesday, February 14, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 13, 1995:

THE JUDICIARY

CURTIS L. COLLIER, OF TENNESSEE, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE A NEW POSITION CREATED BY PUBLIC LAW 101–650, APPROVED DECEMBER 1, 1990.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

REGULAR AIR FORCE

To be brigadier general

PATRICK O. ADAMS [redacted]
THEODORE C. ALMQUIST [redacted]
ROBERT P. BONGIOVI [redacted]
ROGER A. BRADY [redacted]
HUGH C. CAMERON [redacted]
JOHN H. CAMPBELL [redacted]
BRUCE A. CARLSON [redacted]
HOWARD G. DE WOLF [redacted]
DANIEL M. DICK [redacted]
LAWRENCE P. GRAVISS [redacted]
DAVID A. HERRELKO [redacted]
ROBERT C. HINSON [redacted]
STEPHEN E. KELLY [redacted]
TIIU KERA [redacted]
MICHAEL S. KUDLACZ [redacted]
ARTHUR J. LICHTE [redacted]
WILLIAM R. LOONEY III [redacted]
EARL W. MABRY II [redacted]
DAVID F. MAC GHEE [redacted]
JAMES E. MILLER, JR [redacted]
GLEN W. MOORHEAD III [redacted]
LARRY W. NORTHINGTON [redacted]
EVERETT G. ODGERS [redacted]
RALPH PASINI [redacted]
WILLIAM A. PECK, JR. [redacted]
GERALD F. PERRYMAN [redacted]
HARRY D. RADUEGE, JR. [redacted]
LEONARD M. RANDOLPH, JR. [redacted]
RANDALL M. SCHMIDT [redacted]
NORTON A. SCHWARTZ [redacted]
RONALD T. SCONYERS [redacted]
ARTHUR D. SIKES, JR [redacted]
LANCE L. SMITH [redacted]
LINDA J. STIERLE [redacted]
WILLIAM E. STEVENS [redacted]
TODD I. STEWART [redacted]
PHILIP G. STOWELL [redacted]
CHARLES F. WALD [redacted]
OLAN G. WALDROP, JR. [redacted]
TOME H. WALTERS, JR. [redacted]
HERBERT M. WARD [redacted]
JOSEPH H. WEHRLE, JR [redacted]
MICHAEL E. ZETTLER [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

KURT B. ANDERSON [redacted]
WILLIAM J. BEGERT [redacted]
FRANK B. CAMPBELL [redacted]
PAUL K. CARLTON, JR. [redacted]
JOHN P. CASCIANO [redacted]
JAMES S. CHILDRESS [redacted]
ROGER G. DEKOK [redacted]
JOHN A. GORDON [redacted]
MARCELITE JORDAN HARRIS [redacted]
WILLIAM S. HINTON, JR. [redacted]
WALTER S. HOGLE, JR. [redacted]
CLINTON V. HORN [redacted]
RONALD T. KADISH [redacted]
GEORGE P. LAMPE [redacted]
EUGENE A. LUPIA [redacted]
DAVID J. MC CLOUD [redacted]
GEORGE W. NORWOOD, [redacted]
RICHARD R. PAUL [redacted]
DONALD L. PETERSON [redacted]
ERVIN C. SHARPE, JR. [redacted]
EUGENE L. TATTINI [redacted]
ARTHUR S. THOMAS [redacted]
DAVID L. VESELY [redacted]
JOHN L. WELDE [redacted]

HOUSE OF REPRESENTATIVES—*Monday, February 13, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. KNOLLENBERG].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 13, 1995.

I hereby designate the Honorable JOE KNOLLENBERG to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, other than the majority and minority leaders, limited to 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. STUPAK] for 5 minutes.

OPPOSE THE LAW ENFORCEMENT BLOCK GRANT PROPOSAL

Mr. STUPAK. Mr. Speaker, today we will begin debating H.R. 728, the law enforcement block grant proposal.

With violent crime still the No. 1 concern of most Americans, the voters should know why this proposal will do nothing to decrease instances of violent crime. In fact, having been a police officer for 12 years, as a police officer, we get angry when we hear these proposals about new crime bills, angry because crime is an emotional issue. But unfortunately it is always being used for political purposes.

Crime is not political. Crime is not Democrat nor Republican. It is not independent. It is personal. Crime violates the self-respect of every individual touched by crime, and elected officials who play politics with crime, or try to seize upon the fear of crime for political gain do a disservice to this country, to their constituency, and to the civility of our own country.

For the past 7 years, there had not been a crime bill. In August 1994 we passed a crime bill.

In the past, crime bills were always defeated because this group or that group or a President would veto a crime bill. While they were busy playing politics with crime, crime has tripled. Violent crime has gone up 300 percent. It has tripled in the last 10 years. Yet the number of police officers on the street helping to combat violent crime has only gone up just a mere 10 percent.

So why are we here today on H.R. 728 after 4 months of passing a crime bill? Pure and simple, we are here because of politics. We are here because one group is trying to capitalize and repeal the work we did in 1994 merely for political purposes.

H.R. 728 will repeal the promise, the provisions to put 100,000 more police officers on the street. They want to take that money for 100,000 more police officers on the street and replace it with a massive block grant program that allows money to be spent with no restrictions, a massive block grant program like we did in the late sixties and early seventies called the Law Enforcement Administrative Agency. The LEAA, Mr. Speaker, was a failure and a very costly one for this country.

For instance, the block grants that were granted in 1968 and 1970 went like this. In Louisiana, a sheriff purchased a tank saying it would be necessary for crowd control. In Indiana, $84,000 in LEAA funds were block-granted so they could purchase an aircraft that could be used to fly the Governor around the State. Well, in fact, it did come to Washington once to pick up some Moon rocks and went back to Indiana, really a swell crime-fighting program there.

In Alabama, the LEAA funded a police cadet program. Over $117,000 was put out for costs of this program that went to the payment to the sons, the friends, and relatives of other high State ranking officials. One State used the money to make a manual, and you know what, the manual turned out to be nothing more than a copy of an existing Federal publication. Another city used the LEAA block grant funds to buy a police car, a Chevrolet Impala. It had no police markings, it had no sirens, it had no flashers. It was used as a private vehicle for the mayor. The city of New Orleans spent $200,000 in block grants to buy land. Other law enforcement officials did LEAA block grant funds for financial investments. In fact, 33 cents on every dollar spent in LEAA funds went for outside consultants, for administrative costs.

So we are here today with H.R. 728 to redo the pork of Christmases past, to bring back these block grants. The Republicans are going to dismantle the police on the street, the cops on the street program, to go back to block grants.

Since the 1994 crime bill was passed on October 1, it became effective, we have placed 17,000, authorized 17,000 new police officers to be placed in our communities to do community policing.

In a letter dated February 6, the President of the Fraternal Order of Police stated, "We strongly support your resolve to fight any repeal of the funding earmarked for the hiring of 100,000 police officers." February 7, a letter from the executive director of the National Association of Police Officers writes, "Representing over 3,500 police unions and associations and 175,000 sworn law enforcement officers, we ask it not be devastated."

Mr. Speaker, as we begin this debate, I ask that Members look seriously upon the fallacies of H.R. 728. Let us not play politics with crime, and let us put forth and keep the 100,000 police on the street program.

REAL REFORM IS SAY "NO" TO PAC'S

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. HORN] is recognized during morning business for 5 minutes.

Mr. HORN. Mr. Speaker, a few weeks ago America listened during the State of the Union Address as President Clinton stated his support for campaign finance reform. He said to Congress that "We have a lot more to do before people really trust the way things work around here. * * * I ask you to just stop taking the lobbyist perks. Just stop." He also added that "we should also curb the role of big money in elections by capping the costs of campaigns and limiting the influence of the PAC's."

The President's speech reminded me of a speech I heard 2 years ago. In his 1993 State of the Union Address, President Clinton said, "I'm asking Congress to enact real campaign finance reform. Let's reduce the power of special interests and increase the participation of the people."

I remember who the first two Republicans were to give him a standing ovation on those remarks, the then-whip, current Speaker, and myself.

Regrettably, the President let America down over the last 2 years. While

Americans demanded reform, and while a bipartisan group in Congress worked to enact real reform, the President did nothing. Oh, yes, he said, "Let's cut it for the President, let's cut it for the Senate, but, by the way, leave it alone in the case of the House, $5,000 in the primary, $5,000 in the general from PAC's. For a total of $10,000."

Reformers in the last Congress, from both parties, advocated reform that would limit, and even ban, political action committees. While we worked, the President stood silently on the sidelines and allowed his party's congressional leaders to block the bipartisan campaign finance reform bill. The so-called Synar-Livingston bill would not eliminate PAC's, but it would have reduced the amount they could give from $5,000 in an election to $1,000, the same limit as the maximum for an individual contributor.

Some of those congressional leaders are gone now, sent home or relegated to the minority by the voters last November. With this change in Congress, I hope we are also getting a change in the President's views. With the President's support, we can enact legislation that will carry out his goals, and the goals of many of us in both parties.

Let me repeat his goals: "Reduce the power of special interests and increase the participation of the people."

I ask my fellow Representatives, what better way is there to reduce the power of special interests than to get rid of political action committees, commonly known as PAC's? And what better way is there to increase the participation of the people than to require that a majority of a candidate's money comes from the people who live in the district that the candidate seeks to represent?

Those are the changes that I support. Those are the changes that many in this Chamber support. I hope the President's words will be followed up with action, action that indicates that he supports these goals too.

Campaign finance reform is a serious issue, and a vital one. but recently there has been far too much noise around what I consider a side note. The President attacked Congress for accepting gifts from lobbyists. He focused his criticism on the $10 lunch, and on the $50 golf outing. I do not play golf, so I do not know much about that. But I ask my fellow Representatives, what difference does rejecting a $10 lunch make if you still accept the $10,000 campaign check from the same special interest? I tell you that $10 lunches are not the reason special interest groups have so much influence in Washington these days; $10,000 campaign checks are the reason.

In the days following the President's address, there have been a number of statements from Members of Congress supporting the President's "Just say no to lobbyists" idea. I want to take a moment to look at those claims of support.

By my count, 32 Members have now taken the "say no to lobbyists" pledge. I heartily salute six of them, three Republicans and three Democrats, for truly saying "no." These six reject not only the $10 lunch and the $50 golf game. They also reject the most lucrative gift of all: The $10,000 campaign check. As in my case, they do not accept PAC money. So, to my six friends, I salute you.

But my reason for standing before you today is not only to salute that bipartisan group of six. The American people deserve to know that a Member who pledges to say "no" to lobbyists is truly saying "no." In an effort to let the voters know which members truly say "no," I want to point out one fact: The 26 other Members who claim to say "no" to lobbyists are in fact still saying "yes" to the biggest gift of all. According to the Federal Election Commission's December 22, 1994, report, these 26 Members accepted an average of $275,000—and a median of $224,000—from PAC's. How much of a difference does a declined $10 lunch make, relative to a quarter of a million dollars from special interest PAC's?

Again, I am not up here to make a partisan statement. Of the 26 members that I refer to, 6 are Republicans.

I am up here, Mr. Speaker, to try to shed a little light on the serious issue of reform. Banning $10 lunches, whatever symbolic value such a change may have, is not reform—it is not reform because the same lobbyist who cannot buy you lunch can still hand you a $10,000 campaign check. I say we all must truly reject lobbyists' influence by rejecting all PAC money. The influence of PAC's is a national scandal. The elimination of PAC's will be a long overdue reform.

FURTHER OPPOSITION TO LAW ENFORCEMENT BLOCK GRANTS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. FILNER] is recognized during morning business for 3 minutes.

Mr. FILNER. Mr. Speaker, I am here to join with my colleagues and following the leadership of the gentleman from Michigan [Mr. STUPAK] in rising in opposition to H.R. 728, the so-called Law Enforcement Block Grants Act.

What H.R. 728 does is reduce our commitment to putting 100,000 new police officers on the streets of this Nation, and it eliminates, yes, it eliminates the emphasis that has proved so important in cities all across this Nation, and that is the emphasis on community oriented policing.

Every national police organization virtually opposes H.R. 728 and the concepts included therein. They know that community policing works. They know that H.R. 728 provides no guarantees that a single penny of these new block grants will actually go to the police forces of our Nation.

I represent a good part of the city of San Diego, the sixth largest city in this Nation, a city that has many urban problems, where crime is considered the No. 1 concern.

We in San Diego have pioneered the concept of community oriented policing over the last decade. I served on the San Diego City Council for 5 years before I came to Congress and have direct experience with the walking teams, the neighborhood concepts that we have instituted.

I represent neighborhoods that have traditionally been hostile to police forces because of certain history and certain behavior and certain attitudes. Yet those same neighborhoods literally gave standing ovations to the cops that now serve their neighborhoods. They know that community policing works, because it allows those police officers to get to know the neighborhoods that they actually patrol and allows the people in those neighborhoods to get to know them.

You will not find the officers on the walking patrols in San Diego sitting behind desks or processing mail. They are out there on the streets, in the schools, in the neighborhoods, in the parks, knowing those who are residents, knowing the children, knowing the merchants, and actually being effective in the fight against crime.

We have seen partnerships form, as community and police forces work together to fight crime. In San Diego in every major category of crime we have seen a reduction of at least 10 percent in the last year alone.

Community policing works. We should not allow it to go as H.R. 728 provides. Let us make sure that our comprehensive fight that we have mandated in the crime bill last year proceeds. Let us not move backward. Let us oppose the cut to community policing.

Let us defeat H.R. 728.

WELCOME TO PARKER TRAVIS GERRO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Texas [Mr. BARTON] is recognized during morning business for 3 minutes.

Mr. BARTON of Texas. Mr. Speaker, last December my sister, the only sister that I have, had a bouncing baby boy born on December 18, 1994. It is her first child and just a delightful young man.

I would like to read into the RECORD an announcement of Parker Travis Gerro's birth. I want to point out to my colleagues that the poet is not myself but my sister.

WELCOME TO PARKER TRAVIS GERRO

On December 18, '94

A precious life began;
A Texas-style Republican,
Was born to Mike and Jan.
The Gerro's are ecstatic;
Uncle Joe Barton, too.
A new Conservative in Arlington
Is a baby dream come true.

Mr. Speaker, we are delighted to have this young man in the world today. We hope his life is happy, healthy, and productive.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Speaker, let me join in welcoming a new conservative Republican in Parker. We want to make sure he grows up so he can have the fruits of a great nation.

FOREIGN POLICY ESTABLISHMENT TRYING TO DERAIL NEXT STEP OF CONTRACT WITH AMERICA

Mr. Speaker, the foreign policy establishment has gone into high gear trying to derail the next step of the Republican Contract With America, and that is going to be debated this week.

We say that no U.S. troops will be under foreign military command.

Our bill ends the Clinton policy of sticking American soldiers into every trouble spot around the world, and in 40 years of sticking the American taxpayers with most of the costs of the U.N. operations. Last November the American people said they wanted a change in foreign policy. We in the new Republican majority are listening to the people, not the liberal foreign policy elite.

Mr. BARTON of Texas. I thank the gentleman for his comments.

IN SUPPORT OF DR. FOSTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to proudly say I support Dr. Foster, and I am anxiously awaiting the first moderate Republican who does not live in Tennessee to join me.

I think what has happened to Dr. Foster is absolutely scandalous. There has been more distortion of the truth and more churning around this than I have seen in a very, very long time.

Let us talk about what is going on today. Today we see Vice President GORE going to Tennessee to visit Dr. Foster's program, the I Have a Future Program. The I Have a Future Program is targeted at teens, at teens who are highly vulnerable, and the fact that they might become pregnant. And guess what, it has had a long, long track record, and it is working and working very well.

It has worked so well that George Bush gave Dr. Foster one of his points of light for this program. Not only that, he was part of Lamar Alexander's advisory team. Now those are both Republicans the last time I looked, and they were both aware of this program and thought it was a great program.

But when you look at America and America's problems, if we have a future, we have to have a national program dealing with teen pregnancy.

□ 1250

We have thrown a lot of words at it. We have done a lot of finger waiving at it, we have done the Federal nanny role. We have done all sorts of things, but we have not had very many programs that work.

I think this administration is to be complimented for finding a gentleman who has bipartisan support, a gentleman who has a program that works and wants to put him in the national level so we can learn from that and tackle it.

If America has a future, babies having babies is not the way to go. That is the way to end up as a Third World, developing nation because many, many of the boxes are already colored in when babies have babies, and so many sad cases.

I think we should salute him.

Let me talk of some of the things that you have heard thrown around that I think are on the verge of being ridiculous. The latest has been that Dr. Foster sterilized some very, very critically mentally retarded patients in the 1970's and wrote about it. Well, first of all he wrote about it. He is not trying to hide it.

And second, over 60,000 severely mentally ill people were sterilized from the turn of the century into the late 1970's when we found new and better ways to do this.

Why did the medical practice do it? Why did they do it? It sounds so cruel and so awful by 1995 standards. Well, because at that time there was a sanitation reason, that young women who were severely mentally handicapped had no idea how to deal with their monthly period, and it was a terrific sanitation problem. Plus, the chances of their becoming pregnant because they had no idea what this was all about was also a critical problem.

The entire medical community was doing this as a means of handling it. Thank goodness we now have medication; we have much better ways that seem more humane to us.

But, yes, he did it, yes, he admits he did it. The entire medical profession was doing it at that time. And he wrote about it. And I am sure he wished he did not have to do it, and now he has the tools to do it, so no one has to do it.

Now we are going to hang a man on this? For crying out loud, everything in everyone's profession changes from time to time because of advances.

So I think that is the latest one that comes forward that everybody gets very upset about for no reason except they just want to get rid of Dr. Foster.

The other issue we have heard about is, when he was first asked about abortion, he did not give the same number he gave a little later. He said less than a dozen, and it turned out to be 39.

This is a man in his sixties who has been in practice for a very long time. If he was making a living by doing abortions, he would have starved to death by now. No one could accuse him of doing these lightly; 39 is not a large number.

But the other thing, as a woman, that troubles me is no one ever asked what were these cases like? Was the woman's life in danger? Had this been a rape or incest case? Just as no one asked about the cases of the severely mentally retarded, what condition they were in, why the medical profession thought that was the only choice to go forward? No, all we are hearing is that this man cannot go forward, this is terrible the administration has done it again, on and on and on.

I hope that we say a woman does have a right to choose, and that means nothing if the doctor does not have to listen, and that we as Americans are mature enough to get on with their nomination and get on with fighting teen pregnancy.

IN OPPOSITION TO H.R. 728

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon [Ms. FURSE] for 3 minutes.

Ms. FURSE. Mr. Speaker, I am rising today in strong opposition to H.R. 728. The reason I am doing this is not just because I have a personal dislike of this bill but because ever since I was elected I have met regularly with the law enforcement community in my district in Oregon, and they are opposed to this bill.

Why are they opposed to this bill? Why am I opposed? Well, it is a strange bill; it promises a lot of things, it delivers absolutely nothing except tremendous hardship for our police communities who are trying to do community policing, trying to do prevention.

H.R. 728 will mean less police on the streets and less money to prevent kids from committing crimes. It will cut a program that works well, the GREAT program. Why is it a good idea to put some money into prevention? Because it is a very, very much cheaper program; you put a few dollars into prevention and you keep a kid from crime. You put that person in jail, and it is going to cost us $24,000-plus per year.

But you do not need to take my advice on this matter. You really need to take the advice of the law enforcement community. I say to my colleagues, you do not just have to just join me in voting "no"; let us, all of us, join the National Association of Police Organizations, Fraternal Order of Police, the

Brotherhood of Police, the major city chiefs, the National Troopers Coalition, the National Sheriffs Association, the Police Foundation, the National Black Police Foundation. And they join with other organizations, like the Child Welfare League of America, the Children's Defense Fund.

I want to say to my colleagues, we are not all experts in every issue, but we can go to the experts. We can ask them what they think about each piece of legislation. I do that. I ask you to join with the law enforcement community of this country and vote "no" on H.R. 728. It will be bad for our communities, it will be bad for our kids, and it will be horrible for our budget.

VOTE "NO" ON H.R. 728

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. DURBIN] for 5 minutes.

Mr. DURBIN. Mr. Speaker, I would like to join the effort of my colleagues in discussing H.R. 728, which will be considered by this House of Representatives today and tomorrow.

There are three issues before us: police, prevention, and pork.

On the police side, we passed a crime bill last year. President Clinton made it clear that he wanted to put 100,000 new police on the streets of America to make our neighborhoods and homes safer.

I represent a congressional district in downstate Illinois, small-town America. I can tell you from my town meetings, my contacts with people I represent, that this is exactly what they want to see. They want to make sure that there is a policeman in a car, patrolling at night, on the weekends, keeping a eye on their homes, watching out for their families, looking for anything that might be suspicious. That is basically what they are looking for.

Last year's crime bill would deliver it. In fact, last week President Clinton announced in my congressional district, one of many, I might add, 54 new police who will be working in those towns, in those villages, in those cities and counties because of the crime bill we passed last year, 54. A downpayment in my district on a national promise to put 100,000 police on the street protecting us.

The second thing that we were committed to in that crime bill is something that every law enforcement official that I have spoken to supports. They have all said, "Congressman, give us more cops. Build more prisons, but don't think that will solve the problem. You can't build prisons big enough or fast enough to stop crime in America. You have got to do something to prevent crime."

That is part of the program that we passed last year in the crime bill.

Some of my colleagues on the Republican side of the aisle mock these crime prevention programs. They like to tell you stories about waste and how it is not going to work. I wish some of them would sit down and talk to the policemen I have worked with. I wish some of them would join these policemen as they go into the classrooms under their program, a program conceived under President Reagan's administration, to alert our kids to the dangers of narcotics.

Prevention pays off. Kids learn the dangers of narcotics, stay away from them, do the right thing with the right information. Good prevention, the kind of prevention we want to encourage.

So, with the police and with the prevention, why are we returning now to the crime bill, for goodness sake? It has to do with pork, the third P. Because, you see, the Republican approach in H.R. 728 wants to take all the money that will be earmarked for new policemen and hand it over to mayors and local officials and let them in their judgment decide how to spend that money.

You might say what is wrong with that? Surely they will do the right thing? Part of maturity is learning from past mistakes.

In the early 1970's we tried exactly what the Republicans want to try now. We called it the Law Enforcement Assistance Administration; high-sounding, money from Washington, down to the local level, saying to local officials, "Go fight crime."

Do you know what happened? Do you know what happened to those Federal dollars when they got down to the local level? One out of every three dollars was spent on consultants—not on cops, on consultants.

The Governor of one State decided he would take his law enforcement money and buy a jet plane for his State, a jet plane.

Another one bought a tank in a small rural town. They kind of went crazy. They bought equipment they did not need. Instead of putting police on the beat, they ended up a lot of buddies and friends with consulting contracts, and the net result of it, it did not work.

Now the Republicans want to return to those thrilling days of yesteryear, turn the money over to the local officials, and let them have it.

Well, let me tell you something: We need cops, not consultants. A lot of people say, if Congress passed the crime bill, why are we considering a new crime bill just a few months later? The answer, my friends, will not be found with police but with politics.

I think the people in this country are sick and tired of folks who are trying to dance around this law and order and crime issue to get a vote, trying to find a new partisan stand to say, "We are tougher on crime."

The President came up with an idea that was sound, was backed on a bipartisan basis last year in the crime bill: 100,000 cops in America. It is going to pay off in a lot of the small towns that I represent, and I think it will pay off nationwide.

But if it is going to work, we have to stop this Republican effort with H.R. 728.

I am happy to join with my colleague from Michigan, Congressman STUPAK, who, before he came to Congress, was a professional law enforcement officer. He has been out there, wearing the shield, putting his life on the line. His judgment on these issues means a lot more to me than the judgment of political consultants who would have us undo a crime bill which is moving in the right direction, a bill dedicated to more cops and prevention and one that does not leave us wide open for pork.

COMMUNITY POLICING IS SUCCESSFUL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania [Mr. HOLDEN] for 3 minutes.

Mr. HOLDEN. Mr. Speaker, I rise today in favor of the Conyers-Schumer substitute that will be offered later on this afternoon.

I say to my friends on the Republican side of the aisle that I have voted for many of the pieces of legislation that they have brought forth in this this session of Congress because I agreed with them and I felt they were right.

But I urge my friends to reconsider what they propose doing to the cops-on-the-streets program. I have spent 14 years in law enforcement, 7 as a county sheriff. And I believe in my heart that if we are going to win the war against crime, to make a significant contribution to reducing crime, we need more police officers on the street.

A clergyman friend of mine once told me that 85 percent of success in anything is physical presence. All of us know that is true in politics. But if you ask anyone in law enforcement what they think about the physical presence of police officers on the street, they will tell you that it works, it will reduce crime, it will have the neighborhoods be involved with the community, and would have a positive reflection on the crime rate.

I also say to my colleagues on the other side of the aisle that they should spend time in their districts, where we had police community grants awarded last year. I did that this past weekend. I spent time in the borough of Pottstown, which received Federal funding for two police officers about 10 months ago. They have reduced the crime rate in that borough because they have the physical presence of police officers walking the beat and being involved in the community.

I also was very fortunate to have 24 municipalities in my district last week who were awarded funds to hire one additional police officer. I believe that is going to have a great effect on reducing the crime rate in those municipalities.

I urge my colleagues to please reconsider what they are proposing this afternoon, please reconsider what they will do to the program that will put 100,000 police officers on the street.

We do not need to have examples, as the gentleman from Illinois said, of abuse in the grant program. We need to have the police officers on those streets, fighting crime. I urge my colleagues to support the Conyers-Schumer substitute this afternoon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m.

(Accordingly, at 1 o'clock and 4 minutes p.m., the House stood in recess until 2 p.m.)

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COMBEST] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, You have made the rivers and oceans and all the mountains, You brought into being people from every place on this Earth and You have done all things for our use and for our satisfaction. But more than all those gifts, O God, You have breathed into us the very breath of life. You know our names and You know our needs even before we ask. We offer this prayer in gratefulness of these blessings, for the opportunities before us, and for the comfort of Your eternal presence. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Colorado [Mr. SKAGGS] come forward and lead the House in the Pledge of Allegiance.

Mr. SKAGGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 178. An act to amend the Commodity Exchange Act to extend the authorization for the Commodity Futures Trading Commission, and for other purposes.

S. 257. An act to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea.

The message also announced that pursuant to section 8002 of title 26, United States Code, the Chair announces on behalf of the chairman of the Committee on Finance, a substitution in the membership of the Joint Committee on Taxation. Mr. DOLE has resigned from the Joint Committee and will be replaced by Mr. HATCH for the duration of the 104th Congress only. Therefore, the membership of the Joint Committee on Taxation for the 104th Congress is as follows: Mr. PACKWOOD, Mr. ROTH, Mr. HATCH, Mr. MOYNIHAN, and Mr. BAUCUS.

The message also announced that pursuant to section 1024 of title 15, United States Code, the Chair, on behalf of the Vice President, announces the following majority appointments to the Joint Economic Committee: Mr. MACK, chairman; Mr. ROTH, Mr. CRAIG, Mr. BENNETT, Mr. SANTORUM, and Mr. GRAMS.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. COBLE asked and was given permission to address the House for 1 minute.)

Mr. COBLE. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Force Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget—we have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

SUPPORT THE VOLKMER CRIME BILL

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise today to offer a comprehensive crime bill that will really do something about crime instead of what the House has been doing the past few days. My bill will really build prisons, my bill will repeal the ban on semiautomatic rifles and shotguns, and my bill will put people behind bars who use guns and not let them back out in a revolving door.

Mr. Speaker, we need massive firepower to stop crime in this country and what I am seeing the House do now is fire BB's. The House tried this piecemeal approach at combating crime last year and look where it got us. My bill will return the right of law-abiding citizens to own the gun of their choice and at the same time build prison cells to make sure that if a criminal does a crime they will do the time.

Mr. Speaker, I realize the present Judiciary Committee will not see fit to move this comprehensive crime bill, but instead will continue down this piecemeal approach that we all know will have the same success in the other body as it did last year. If you really want to support a crime bill that focuses on criminals I ask you to support my bill.

WE MUST REFORM LAST YEAR'S CRIME BILL

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute.)

Mr. HAYWORTH. Mr. Speaker, President Clinton's crime bill of 1994 was either a masterstroke of genius or it was a joke wrapped around a sham surrounded by a barrel of pork. I'm inclined to agree the latter possibility is closer to the truth.

The proponents of last year's crime bill proclaimed from every rooftop that 100,000 police would be put on the streets. What they didn't tell anyone was that local governments had to cough up 25 percent of the cost of fielding these police officers. With most local and State governments cracking under the strain of other Federal mandates, many localities could not afford yet another mandate.

Mr. Speaker, we must reform last year's crime bill and help local governments by giving them block grants instead of punishing them with more mandates.

Local control and local problem solving from those on the front line combating crime, that is the key, not one-size-fits-all from an idiocracy ensconced on the banks of the Potomac.

Mr. Speaker, Americans spoke last November 8. They continue to speak through this Contract With America. We will enact it and we will get tough on crime.

TIME TO SHINE BRIGHT LIGHT ON MEXICAN BAILOUT

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, if NAFTA is such a great deal why are we bailing out Mexico?

We need answers and open debate on this and many other questions concerning the Mexican bailout.

It is just flat out wrong for at least 20 billion taxpayer dollars to be put at risk without congressional debate and action. Our willingness to duck—or even talk about—this tough political issue is an object failure of the Congress to meet its constitutional responsibilities.

Congress—not the President—controls the power of the purse and Congress needs to vigorously protect the taxpayers' money. That's why the Banking Committee should favorably and fully act on the resolution of inquiry so we can get some real answers.

Mr. Speaker, we're in the dark and the American people want answers. It's time for Congress to shine a bright light on the Mexican bailout.

REFORMING OSHA REGULATIONS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, let us talk about disincentive. In a typically bizarre manner, OSHA has created a rule that provides a disincentive for employers to look out for the safety of their workers. If an employer voluntarily starts a study to see if their employees are at risk due to exposure to chemicals or hazardous materials, OSHA requires that employer to keep medical records for their employees for the duration of their employment plus 30 years.

Employers are not required to do these self-studies, but if an employer wants to begin a voluntary self-study, OSHA makes the costs so prohibitive that no employer in his or her right mind would every try. What employer wants to keep medical records on employees for over 50 years? Mr. Speaker, this is just another example of an agency with no common sense. This is why we need regulatory reform and a moratorium on new regulations until we can sort all this out. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

STOP THE GRAVY TRAIN FOR RUSSIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, you heard about Boris, now get a load of Yuri. That is right, Yuri Luzhkov, mayor of Moscow, next President of Russia. Secret meetings, secret budgets, secret records, secret million dollar deals. This guy Yuri makes Boss Tweed look like mother Teresa, but he is a prototype, Congress, of new Russian politicians. He hires his family so he can save money on the car pool.

Meanwhile, they are laughing all the way to the bank with our $12 billion. To boot, it is being put in a Russian bank.

I think Boris and now specifically Yuri leave a lot to be denied, and I say Congress should stop this $12 billion gravy train for Russia and invest it in America. I think these guys are no Thomas Jefferson.

THE FIRST 40 DAYS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, this is day 41 of the new Congress. And what have we really accomplished? Plenty. We passed the balanced budget amendment to the Constitution, unfunded mandates reform and the line-item veto. This week we are working to pass the final piece of the crime package that will insure criminals spend their time behind bars in prison, so law abiding citizens do not spend their time behind bars in their homes.

Many of us ran for this office on the promise to take power from Washington and return it to the people closest to the problem. Our bill to fight violent crime recognizes that local governments know best how to deal with the problem. It gives them the tools, then gets out of their way.

Yesterday, President Clinton's Chief of Staff said Washington politicians should direct crime-fighting dollars. Well, President Clinton may think Washington knows best, I think the American people know best.

With this bill we continue to keep our promises to bring real change to Washington, to keep our contract on track and to fight violent crime with local solutions, not Washington-knows-best conclusions.

NOMINATION OF DR. FOSTER FOR SURGEON GENERAL

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, the radical right opposes Dr. Foster's nomination for one reason, and one reason only: because he performed abortions.

The other objections are just a smokescreen. This is not about Dr. Foster's credibility and it is not about hysterectomies. It is about the right to choose.

The American people will not allow a narrow band of extremist special interest groups to derail Dr. Foster's nomination. The majority of Americans do not want the right to pick our Nation's next Surgeon General.

The new anti-choice majority in Congress wants to use this nomination to take American women backward. They want to completely roll back the right to choose. This is just the opening round in that battle.

Mr. Speaker, we will not back down. We will not tolerate the harassment of doctors, whether it occurs in front of clinics or on Capitol Hill. Dr. Foster is in this fight to the finish and he is going to win.

PASS H.R. 728 NOW

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, crime in America is out of control. By the time I finish speaking, an American citizen will be robbed and two more will be assaulted. Someone will be a victim of rape within the next 4 minutes in this country, and before we move on to the legislative business at least one American will be murdered.

Mr. Speaker, those statistics are scary. They scare the American people and they scare law enforcement officials. The only ones who are not scared are the criminals.

The grants included in the so-called crime bill last year had so many strings that most State and local governments could not or would not accept them.

Mr. Speaker, let us cut the strings, let us give local law enforcement officials the power to fight local crime. Let us pass H.R. 728 now, before one more American becomes just another statistic.

ABORTIONS—SAFE, RARE, AND LEGAL

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, is the issue Henry Foster's nomination to be Surgeon General? No, that is not the real issue. What is really going on? This nomination has become the battle ground over abortion rights.

President Clinton could not have put it better. Abortion should be safe, legal, and rare. Yet the Foster nomination has been seized upon by those who would criminalize choice. They see it as a chance to further their extreme agenda.

Now we learn that last fall the Senate Republican Campaign Committee gave tens of thousands of dollars to the Right to Life Committee. The purpose: to increase the number of votes to criminalize choice.

□ 1415

Let us get it straight—safe, rare, and legal.

MISLEADING INFORMATION FROM THE WHITE HOUSE ON THE CRIME ISSUE

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, the President never ceases to amaze me. He has this incredible habit of setting up these ridiculous straw men for the express purpose of making him look good when someone knocks them over. He has misled us on the issue of Social Security, and now he is trying to mislead us on crime.

The President says he will veto any bill that goes back on his promise of 100,000 new police officers, but like most Clinton promises, the 100,000 new policemen were a hoax from the start to the finish. As Republicans made clear last year during the debate on the crime bill, the Clinton bill would only result at most in 20,000 new cops.

Today I placed a phone call to one of the mayors in my district, the mayor of Calumet City. Last year his city received a grant, a $1 million grant to fund 13 new police officers. Now, he says, the realities or the strings of the President's program have set in. His city council has only been able to find funding for its 25-percent share, the match it has to put up, for 6 out of 13 of those officers. The local share totals $800,000 over 3 years.

Calumet City's problems highlight the problems of the President's program. It is not working. It must be changed.

CONFIRM DR. FOSTER

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to say that the nomination of Dr. Henry Foster as Surgeon General of the United States is a choice of great vision.

This nomination should not and must not be about how many abortions Dr. Foster has performed. Those who oppose a woman's right to choose must take that fight somewhere else. Every woman in America has the right to choose—that is the law of the land. Dr. Foster has done nothing wrong.

Dr. Foster has done a great deal that is right. He has become a leading authority on reducing infant mortality and preventing teen pregnancy and drug abuse.

This is a man who has spent a lifetime working to improve the lives of others. It is clear to me that Dr. Foster should be confirmed as Surgeon General. There are no more questions that need to be answered. Dr. Foster should be confirmed and he should be confirmed now.

U.S. MILITARY FORCES FACED WITH BUREAUCRATIC U.N. LEADERSHIP

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. BRYANT of Tennessee. Mr. Speaker, the study of recent military conflicts and peacekeeping missions have led to two conclusions: First, in the case of major conflict, the massive presence of U.S. forces is necessary to defeat the aggressor or to contain the threat; second, our American forces must be given the necessary military means and freedom of action to accomplish these goals. Operation Desert Storm has rightly been held as a prime example of a U.S.-led international military force.

Unfortunately, the hope and the lessons of Desert Storm have been lost as we have squandered them away in Somalia and even more in Bosnia.

Over 40 years NATO has successfully preserved the peace and freedom of its members against a threat by the Soviet Union and its allies, but instead of celebrating our success, NATO today must confront a crisis that tears at the very fabric of that alliance.

At the heart of this problem is the fact that in Bosnia, NATO cannot act without the consent of the United Nations and its local representative. An inflexible, time-consuming dual military command structure also have proven to be an invitation to disaster.

The Armed Forces of the United States are the preeminent fighting machine in the world today. They are the best trained, best skilled, best equipped, and best led.

Mr. Speaker, the brave young men and women in the Armed Forces deserve better than to be placed under the command of foreign nationals acting on behalf of the United Nations in a faceless bureaucracy. That is why the National Security Revitalization Act is so important.

THE CRIME ISSUE LEADS TO THREATS OF PARTISANSHIP

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, last week the Republican Party put through a bill to change last year's bill providing prison construction funds. They said last week that we had given the States too much discretion and we needed here in Washington to tell the States more what to do.

Today and tomorrow they are going to put through a bill that is exactly the opposite. They are going to try to undo what we did last year regarding money for prevention and for police because they say it does not give the States enough freedom.

What is the common threat? Why were they for restricting the States last week and for untying the States this week? Because they fear that President Clinton and the Democratic Congress has this year succeeded, and they are desperately eager for partisan purposes to undo that success.

That would not be so bad if it were not for the consequences. In my district and in districts all across this country police officers have been hired for what they thought was a 3-year period under the Clinton plan of last year. For partisan purposes, the Republican program would disrupt that. It would say to the people who hire policemen and the policemen hired that they are not going to have the assurance of the 3 years.

Mr. Speaker, surely they can find other areas in which to express their partisan desires.

REPEAL RAMSPECK

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, today I am introducing legislation to end a powerful, but little-publicized perk associated with Congress. My bill will repeal the Ramspeck Act, which for 55 years has quietly allowed former congressional and judicial employees to burrow into the civil service—given priority consideration over all other applicants, and full seniority when hired—upon the retirement, election defeat, or death of their employer, Today the Ramspeck Act is a 55-year-old solution to a problem that no longer exists—namely the hiring and retention of congressional staff. I think we all agree that we have hard-working, dedicated staff, and this is in no way meant to denigrate them or the work they do. But to give any applicant for a Federal job such preferential treatment is wrong—and I hope my colleagues will join me in working to end this practice which smacks more of who you know than how good a job you can do.

THE CASE AGAINST BLOCK GRANTS FOR LAW ENFORCEMENT

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Mr. Speaker, last year, Congress made a promise to put 100,000 new police officers on our streets. Today, Republicans are ready to break that promise. The Republican crime bill does not devote a single dollar for cops on the beat. Instead, it creates block grants to the States, which may sound like a good idea, but we have been down this road before.

The last time we tried a similar block grant program for law enforcement, States used the grant money to buy land, cars for politicians, jet planes, financial investments, and to pay for consultants.

By contrast, the crime bill we passed last year is already working to put more police in our neighborhoods. My hometown of New Haven, CT, has nine new officers on the beat, already.

Our local law enforcement, our mayors, our chiefs of police, and our sheriffs have all thanked us for the cops on the beat program. Members of Congress have a choice to make today. Will you stand with law enforcement, or will you stand with the practitioners of politics-as-usual? Stand with the cops, pass the Conyers-Schumer amendment.

SUPPORT URGED FOR THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. CHAMBLISS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, this week the House will take up H.R. 7, the National Security Revitalization Act. H.R. 7 represents a vital statement of priority and policy for the future of this Nation's military.

H.R. 7 offers a much needed policy redirection in the area of U.N. peacekeeping operations. Too many Americans have experienced the painful costs associated with the ever-expanding peacekeeping role of the United Nations.

This country has raised and trained the most effective military machine the world has ever known. And yet, how can we allow our sons and daughters to be put under inferior command and control?

H.R. 7 restricts the President's ability to subordinate U.S. troops to U.N. command and control by requiring Presidential certification of such an arrangement and by restricting the funding required for U.S. forces engaged in U.N. operations.

We owe it to our military men and women to pass H.R. 7 and resist weakening amendments.

BIPARTISAN SUPPORT FOR THE CRIME PACKAGE WELCOMED

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, while in my congressional district this past weekend, constituents expressed both their pleasure and astonishment that elected officials were able to keep a campaign promise. Citizens appreciate the swift and successful manner which the crime legislation has passed through the House.

People appreciate the bipartisan support the crime package has and will continue to receive. They overwhelmingly support the new crime bill which: First, Controls the endless number of death row appeals; second, extends the good-faith measure under the exclusionary rule; and third, ensures that convicts serve at least 85 percent of their sentence.

Today, we will debate the Local Government Block Grant Act which grants local communities greater control in the battle against crime.

I can assure you that law enforcement, as well as the taxpayer, appreciate this help to fight crime. The Contract With America is helping to rebuild the public's trust in Congress.

WORLD STILL THREATENED BY NUCLEAR WEAPONS, DEFENSE REVITALIZATION NEEDED

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute.)

Mr. SCARBOROUGH. Mr. Speaker, the big lie has been spread over the past few years across this country that the world is a safe place to live in now than it was 5 years ago. Well, the fact of the matter is there are as many nuclear weapons in Russia today as there were before the Soviet Union broke apart, and in China they have the second fastest growing economy in the 1980's in all of Asia, and they are using their new found economic power to rebuild their military machine.

In the next 5 years it has been estimated that countries will have an intermediate range missile capability to launch nuclear weapons across continents.

Mr. Speaker, I am proud to take part in H.R. 7, a bill that not only will strengthen our national defense but finally take power away from the United Nations and return it where it belongs, back with the Armed Forces of the United States.

IN SUPPORT OF GIVING BLOCK GRANTS TO LOCAL GOVERNMENTS TO FIGHT CRIME

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, if President Clinton needs any proof that his crime bill is misguided, he only needs to look out the window right here in Washington, DC, where the police chief has come out in support of the Republican idea to give block grants to local government. He knows the truth of what Republicans have been saying for years—that Washington simply does not have all the answers. This one-size-fits-all approach to crime control is completely wrong and contrary to whatever disinformation or misinformation we may have heard from the other side of the aisle.

It is a very simple system. The local communities get to use this money for one of four purposes—more cops, more equipment, police in schools, or prevention. So they get to use this for prevention programs as long as they have law enforcement officers involved in them. The DARE Program will not go away. In fact, it is the perfect program that could be used in this way. This is something that ought to be supported. Clearly, it is being attacked by the President for the wrong reasons, and all he has to do is listen to Chief Thomas in Washington.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 521

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 521.

The SPEAKER pro tempore (Mr. COMBEST). Is there objection to the request of the gentleman from California?

There was no objection.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 79 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule

XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1430

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my good friend, the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 79 is an open rule providing for the consideration of H.R. 728, the Local Government Law Enforcement Block Grants Act of 1995. This act authorizes a total of $10 billion in direct block grants over 5 years to assist State and local governments in their fight against crime.

Specifically, the rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Judiciary Committee. After general debate is completed, the bill shall be considered for amendment under the 5-minute rule for a period of time not to exceed 10 hours.

The rule makes in order the Judiciary Committee amendment in the nature of a substitute as the original bill for purpose of amendment, and the committee substitute shall be considered as read. Finally, the rule provides one motion to recommit, with or without instructions.

Once again, under this rule the Chairman of the Committee of the Whole may give priority recognition to those Members who have caused their amendments to be printed in the CONGRESSIONAL RECORD prior to their consideration.

Preprinting of amendments in the RECORD is not mandatory, Mr. Speaker, and no Member of this body will be denied the opportunity to offer his or her proposal during the time allocated under the rule for amending under the 5-minute rule.

The majority members of the Rules Committee recognize both the need for and the value of informed debate on important legislation such as the one we are about to consider today.

We strongly encourage Members to preprint their amendments in the future not only to receive priority status, but also to alert our colleagues as to the number and types of amendments that are likely to be offered on the House floor.

Mr. Speaker, House Resolution 79 brings to the floor of the House the last of six comprehensive measures reported by the Judiciary Committee to combat crime in the United States. H.R. 728 is an especially important piece of legislation because it gets at the heart of the Federal, State, and local partnership, which is needed to effectively reduce crime, and reduce the threat of crime, in our society.

Mr. Speaker, while the Federal Government loves to take a high profile in the fight against crime, the overwhelming majority of crime falls within the jurisdiction of State and local authorities. As a result, the real burden of fighting crime falls preeminently to States and localities.

The challenge for us then, Mr. Speaker, is to define our role in such a way that we can productively assist localities in fighting and preventing crime without getting in their way, in other words, without micromanaging, as we are prone to do.

Mr. Speaker, the Federal Government does have a role to play in keeping our cities and communities safe from crime, but any support from Washington, be it financial or otherwise, must not lose sight of the fact that communities across the United States face many different types of crime.

What works to fight crime in my own hometown of Glens Falls, NY, may be vastly different from what is proven to be effective in Columbus, OH, or Sanibel, FL.

Mr. Speaker, those of us who supported the unfunded relief bill so fervently, earlier this month, did so because we fear that the vital partnership between Federal, State, and local governments is terribly off-balance.

That partnership—that critical relationship—between America inside the beltway and outside the beltway, is being threatened by the arrogance of power in Washington which presumes that the Federal Government is the only source of good ideas and practical solutions.

Too often, Washington's one-size-fits-all approach to a problem, or even a perceived problem, stifles innovation, and chokes off creativity at the State and local levels. In so many instances, Washington is all too eager to impose its will when a local problem can be more effectively addressed by a local solution.

Mr. Speaker, H.R. 728 is the commonsense solution to restoring balance to the Federal, State, and local effort to confront crime.

Unlike last year's crime bill, this legislation allows the Federal Government to fulfill its role in assisting local governments in their fight against crime, without prescribing the specific steps which must first be taken, in order to receive much-needed Federal assistance.

Very simply, it provides localities with the resources they need to respond to their unique crime situations with their own solutions—with no strings attached and no matching fund requirements, I might add.

Let me just point out to my colleagues that this bill does not hand over a blank check to our communities, for them to spend taxpayer dollars in any way they see fit. While H.R. 728 delivers maximum flexibility to local governments, it also requires accountability, and ensures that grant funds are being utilized to fight crime.

Mr. Speaker, the Local Government Law Enforcement Block Grants Act represents a real and meaningful commitment by the Federal Government to assist localities in combating crime.

By supporting this rule Mr. Speaker, we bring to the floor of the House of Representatives the final installment in the new Republican majority's comprehensive anticrime strategy.

And in so doing, we give life to one more crucial element in our Contract With America—our commitment to making our cities and neighborhoods safer, and more prosperous.

I urge adoption of this rule, and urge my colleagues to support the underlying legislation so that local governments can have the freedom and flexibility they require to fight crime in their communities with their own unique solutions.

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding the customary one-half-hour debate time to me, and I yield myself such time as I may consume.

Mr. Speaker, as the gentleman explained, this resolution provides a rule with a 10-hour time limit for the consideration of H.R. 728, the Law Enforcement Block Grants Act of 1995.

While I shall not oppose the rule, we in the minority are concerned about the nature of the rule. It is not the type of rule the new majority continues to promise, especially for legislation as significant as H.R. 728, a piece of legislation that represent a dramatic shift in national policy.

The most significant restrictions that the Republicans on the Committee on Rules included in this rule is the 10-hour time limit on the amendment process. My colleagues should fully understand the implications of this restriction: The time limit is not applied to debate time only. It is instead a repeat of the device we first saw last week in considering another of the crime bills. This a restriction on all time, including the time required for voting itself.

This is, therefore, a constraint on debate during the amendment process and, in the opinion of this gentleman, an extremely objectionable restriction. Unfortunately, an attempt by the gentleman from Massachusetts [Mr. MOAKLEY] to strike this time limit, was defeated by the Committee on Rules last week.

Mr. Speaker, we are disturbed about the nature of this rule. It is a continuation of the pattern we already have begun to detect in the majority's attempt to deliver the open rules it has long advocated and promised, but rules that turn out to be truly open in name only.

The majority claims to be providing open rules when the result is, in effect, a process that closes down and restricts debate during the amendment process.

We are aware of the fact that the majority wants to complete consideration of all of the bills included in its so-called Contract With America within the first 100 days. And I suspect they will be able to do so. But some of these bills are, in fact, very major, very serious pieces of legislation, which should not be rushed. The truth if the matter is that we have all year to consider these bills and, if necessary, we could take a few additional days beyond the 100 to consider them.

The chairman of the Committee on the Judiciary, Mr. HYDE, said in his testimony to the Committee on Rules that this is, the "most controversial of the six crime bills being presented to us by the majority party."

So all we are trying to suggest, Mr. Speaker, is there is a better way of doing this than what we seem to be currently embarked upon. We are suggesting respectfully that we start consideration of these bills under an open rule, with no restrictions on time. If the proceedings drag on too long, if dilatory tactics are apparently being used, then we can do what we usually do in such circumstances, get unanimous consent that further consideration of amendments to the bill be limited to some specific period of time.

□ 1440

Let us not start the process with time restraints that might not be necessary or, to the contrary, might well prevent the adequate consideration of major amendments to the bill.

The bill itself, Mr. Speaker, is very controversial, certainly the most controversial element in the Contract With America crime package. It seeks to dismantle the core of the bipartisan crime bill enacted last year by eliminating the program to put an additional 100,000 State and local enforcement officers on the beat and by eliminating virtually all of the specific crime prevention programs in the new law.

In place of these carefully targeted programs, the bill would establish a new block grant program which is strikingly similar to the program administered by the law enforcement assistance administration, which was finally eliminated by the Reagan administration.

As our colleagues on the Committee on the Judiciary wrote in their dissenting views in the committee report on the bill, H.R. 728, the bill breaks the promise Congress made last year to the American people that we would put 100,000 new police on the streets to fight violent crime, and it also destroys the promise Congress made to our people when we approved carefully targeted crime prevention programs.

Unfortunately, H.R. 728 itself guarantees absolutely nothing in the way of increasing the number of police on our streets. It will actually cut spending for police and crime prevention. We are being asked to consider a bill that has a very real chance of wasting a good part of the $10 billion cost of the bill to taxpayers with no specific goals up front and with no specific results to show in the end, and all in the name of flexibility. In fact, unlike the contract's bill on prison construction, which included very strong restrictions and requirements for use of the funds, this bill permits spending for categories so broad that there is no doubt that some grants will simply disappear into municipal budgets. That is exactly the history of the block grants program with the law enforcement assistance administration, which the Alabama State attorney general called "A politician's dream for the biggest pork barrel of them all." We are, all of us, confronted with some difficult choices in considering this bill. Most of us are all for local governments deciding what to do about crime or about education or about welfare, for that matter. But we are not all for voting on behalf of the taxpayers we represent to send money to other levels of government without knowing how it will be used. It is bad enough, it is often embarrassing, to find out sometimes that money we have voted for Federal programs has not been wisely spent, and it is worrisome and potentially irresponsible in the extreme to vote funds for local programs whose purposes are not even clearly set out in the legislation itself and whose use we will have very little control over.

Yes, in theory it is nice to give the responsibility to local levels of government, but it is we who are voting to make taxpayers' money available. And it is we who will and who ought to be eventually held responsible, for the wise use of that money.

I am only suggesting that we may well be getting ourselves into a similar situation to the one in which we found ourselves with respect to the LEAA block grants which, as many Members will recall, we stopped funding a decade or so ago.

Mr. Speaker, the programs we enacted just last year have only begun to work. We should allow them to continue so that more police will be on the streets of our communities and more criminals are locked up.

To repeat, we shall not oppose this rule despite our continuing concerns about the use of the time limit on the amendment process.

I ask my colleagues to approve this resolution so that we may start consideration today of this important legislation and of the important amendments that would help correct its many provisions.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

I heard the word "pork barrel," the connotation that these local governments, these local police chiefs, these local sheriffs were going to spend this money in ways that were not important.

I would just like to read the part of the minority Democrat report on this bill before us. It says, "Proponents of this bill argue that these Federal dollars, taken from the taxes of hard-working Americans all over the land, should be showered back without meaningful guidelines, all in the name of local control. We say," this is the Democrat minority, listen to this, Mr. Speaker, "We say that mindlessly obstinate and ideologically inspired mantra," let me repeat that, because I doubt if the people I represent back home would understand that kind of elitist verbiage, let me go back and read it for a minute, "should be showered back without meaningful guidelines, all in the name of local control. We say that mindlessly obstinate and ideologically inspired mantra will result at the end of 5 years in billions of dollars being thrown down a rat hole."

Now, who said that? This is signed by the gentlewoman from Michigan, JOHN CONYERS, the gentlewoman from Colorado, PATRICIA SCHROEDER, the gentleman from Rhode Island, JACK REED, the gentleman from New York, JERROLD NADLER, the gentleman from California, XAVIER BECERRA, the gentleman from North Carolina, MELVIN WATT, the gentleman from New York, CHARLES SCHUMER, the gentlewoman from Texas, SHEILA JACKSON-LEE, the gentleman from Virginia, ROBERT C. SCOTT, and all but two, because one, I think, is a freshman, all of these but two, when they talk about money going down a rat hole, made the National Taxpayers Union's list of big spenders. And I think they have made it for a number of years in a row.

For anyone to say that the local sheriffs and local police chiefs do not know best how to spend this money, believe me, they have been living inside this beltway too long. It is time they went home to outside the beltway.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], one of the most articulate and knowledgeable Members of this body. We are so fortunate to have the gentleman upstairs on the Committee on Rules; he is in the midst of his third career now. He was an Intelligence Agency officer for many years, he was a successful private sector policeman, and he now is one of the best Congressman in Washington.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY, for that extraordinarily over generous introduction. I am petrified to say anything, lest it be disproved.

Mr. Speaker, what we have got in front of us is a modified open rule which actually has got a time limit on it, which is the only reason it is not a full open rule. It is a time limit of 10 hours of debate. The 10 hours of debate was thought to have been more than adequate by the Members who have brought this to the Committee on Rules for consideration, the type of rule we are bringing to the floor. And in fact, it was, I think requested pretty much by everybody, and we specifically asked if the chairman of the committee had an objection. He said, no, he felt it would be all right. So I think we are well within the spirit of an open rule, if not technically a full open rule, if it is modified.

We did have a lot of discussion, again, at the request of the chairman of the committee, and the ranking member. Excuse me, it was the ranking member who agreed that 10 hours would be enough as well as the chairman. And both the ranking member and the chairman themselves suggested that we have something like an hour and a half or so of general debate. Well, we had planned for an hour and a half but, in discussing this in the Committee on Rules, we brought that back to 60 minutes of general debate. Actually, on the motion of a member of the minority, because there was a feeling that we had taken care enough of the general debate in this and more time that way for amendments. And that seems a reasonable proposition.

So we have carved a rule here that has actually considered the time very, very carefully. And we think we have got one that gets as much time as we need focused on the areas that it needs to be, both in terms of general debate and in terms of amendments for all Members who come forward and deal well under the 5-minute rule. Once again, we have put in what we think is the very helpful preprinting option. It is not a requirement. It is not a mandate. It merely allows every Member to tell us ahead of time what his or her amendment will look to the legislation. That allows Members to become acquainted with those amendments. It allows the proponents of those amendments to get some support for their amendments going. And frankly, I think it enhances the process of deliberation and helps us get better laws enacted when we understand what it is we are talking about. We have more time to digest them and we have the opportunity to ask questions of the proponents of these amendments that occur to us not at the last minute but through a deliberative process, after having reviewed what amendments might come forward.

Basically, I think it is better government.

I want to speak just for one second to the bill itself. In the Committee on Rules, we had some concerns from the ranking membership side on behalf of the ranking member about accountability. Are we somehow or other dodging accountability by going to these community development grants? And the answer, in my view, as member of local government, having graduated from local government to the Congress, if that is the right term, is that I do not think there was less accountability at the local level. I think that there was more accountability at the local level.

It is very simple. That is where the front lines are. When someone is down there and they are at municipal meetings or their country commission-type meetings, or state meetings, they generally have more people directly interested in the audience looking at them, eyeball to eyeball, and giving them their opinions, usually rather unrestrained.

□ 1450

Mr. Speaker, I think I can honestly say I do not remember times when there is more interest in the agenda at the local level than when the sheriff is doing his annual budget, or when the police departments are doing their annual budgets in the municipalities. Those are the times when the scrutiny really happens. That is when you get the really impassioned testimony about crime, or need for more police on the street, or need for specific programs tailored to the individual requirements of the community, not the one-size-fits all mandates from the Federal Government which are so wasteful and so often so off target.

I believe, Mr. Speaker, that the question, the shibboleth that somehow there is no accountability in this program is not a valid observation. I would report further on that, Mr. Speaker, that in fact we have put in some safeguards to make sure there are report-back systems, there are monitoring systems, and, indeed, there is some built-in accountability and scrutiny under the legislation that has been proposed.

The other thing that I think needs to be pointed out, Mr. Speaker, is that we sometimes have mischaracterized what is going to happen, it seems, in this bill, that somehow or other all the police are going to no longer be on the beat. I have heard all kinds of hyperbole and exaggeration. That could not be further from the truth. What is going to happen is that locals who have a direct first-hand confrontational day-to-day existence with the criminal element are going to be able to take resources which they desperately need and put them right where they need to deal with the criminal element. I think that makes a lot of sense. I think it is a much better, more straightforward deal than saying, "We are going to give you a bunch of money to go out and hire some policemen for a few years, and then we are going to take the money away from you. Then you are on your own." You have created a false expectation, you have created a serious problem, a level that the local governments cannot sustain, and the only recourse they have is either to retire those policemen, those law enforcement officers, or to raise taxes, by and large.

We saw it with the CETA program. We saw it loud and clear. I was in local government at the time and I know we got left hanging out there. I am afraid that is what would happen if we did not fix this bill as we propose to do under this legislation.

I, for one, Mr. Speaker, feel this is a decided improvement. While we have given it a great rule, so we will have plenty of debate on this and the other subjects that are certainly worth debating. I hope that, when all is said and done, that not only do we have the distinguished gentleman from California [Mr. BEILENSON] not opposing the rule, we appreciate his support, but we also have him not opposing the legislation. We will wait to see how the debate comes out.

I thank the gentleman from New York for yielding time to me.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Greensboro, NC [Mr. COBLE] who is not only a member of the Committee on the Judiciary but is also a member of the Subcommittee on Crime, and one of the very articulate members of this subcommittee.

Mr. COBLE. Mr. Speaker, I want to thank the gentleman from California [Mr. BEILENSON] for his courtesy. I thank the gentleman from New York [Mr. SOLOMON] for yielding time to me.

Mr. Speaker, I have spoken very infrequently during this 104th session of the Congress, but I have done a powerful lot of listening. I think this must be, Mr. Speaker, probably the most loquacious legislative body in the world. A lot of my colleagues, and good friends thought they might be, I think they find complete ecstasy in the sound of their own voices. I, conversely, do not particularly like the sound of my voice, as evidenced by my previous reticence, so I will be brief today.

Mr. Speaker, I want to direct attention to section 11 of H.R. 728, and specifically to the advisory board and what constitutes membership thereof. Under the present prescription of the bill, members to the advisory board must be representatives from police or sheriffs, No. 1; a local prosecutor, No. 2; a local court, No. 3; the public school system, No. 4; and a local community organization, charitable or otherwise.

In that fifth category, Mr. Speaker, I think it would be advisable for someone subsequently to seriously consider the input of the various parks and recreation departments throughout the country. To begin with, parks and recreation officials serve an essential component of any crime reduction strategy, as well as being uniquely cast in their respective communities to be able to attract the generated assistance from the private sector, financial and otherwise. The reason I emphasize this second feature, Mr. Speaker, I do not think that every program that surfaces necessarily has to be sanctioned, endorsed, subsidized by the Federal Government, which, of course, means subsidized by taxpayers.

I met last week with officials from parks and recreation facilities throughout the country, and perhaps other Members did as well, and they are vitally interested in this.

Perhaps, Mr. Speaker, as the day advances, I would say to the gentleman from California [Mr. DREIER], who has replaced the gentleman from New York [Mr. SOLOMON], I may want to engage in a colloquy with the gentleman from Florida to indicate the importance of the input of parks and recreation, and perhaps maybe have language or a statement of the managers in conference to emphasize and to illustrate the significance of the input that would be felt if parks and recreation officials are to be considered.

I realized that they are not precluded under the present bill, but neither are they specifically identified, Mr. Speaker. Having said all that, Mr. Speaker, and again, I thank the gentleman from California [Mr. BEILENSON] for his kindness, I hope that parks and recreation people, who do contribute very obviously to reducing crime, will get more than a fair shake as we finalize this bill.

In closing, Mr. Speaker, I will say that Members may not hear from me again for some time to come, but I assure the Members I will be listening.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I am not going to ask for a record vote on the rule before us, but I was very tempted to do so, because this is not an open rule.

It is interesting to me that the majority now considers a rule that lets some amendments come up and not others as an open rule. This rule requires all amendments that have not been taken up by the House within the time limit of 10 hours, they are no good. Members cannot bring them up. That is a closed rule, Mr. Speaker. That is not an open rule.

It is interesting to me, Mr. Speaker, that, I think it is today, even Roll Call has caught it. Roll Call even points out that the Republicans are not doing what they said they would do in the Contract With America. They said "We will have an open rule." They said we would be able to offer our amendments. Now, lo and behold, they are not doing it on this bill, and they did not do it on a previous bill.

Why are they not doing it on this bill? It is very obvious to me why they are not. If Members read this dog, and that is what it is, or a turkey, that is a better description, maybe, of it, we will find that the gentleman that earlier talked about this rule and the bill, they were talking about how our police chiefs and how our sheriffs back home were going to be able to get this money and use it to fight crime.

Mr. Speaker, Members had better read the bill. This means the gentleman from North Carolina [Mr. COBLE], when he was talking on the rule about all the debate that is going on in the House and all the things he is hearing and everything, I suggest to the gentleman from North Carolina, he had better start reading the bills. He could spend time a lot better.

When Members read this bill, there are several things in it that I do not believe anybody has really talked about yet. I hope we discuss it in this 10 hours.

One is, a sheriff does not get to get the money. The police chief does not get to get the money. It is a unit of local government that gets the money.

Now, what input does the police chief or sheriff have in it? Each unit of local government has to have an advisory committee to the local government, and they have to have at least one hearing, and they have to have a meeting.

There is the sheriff there or the chief of police, and there is also a prosecuting attorney, there is a judge, and anybody else that the local government wants to put on it. There are a whole bunch of people. They can put 50 people on it if they want to, and there is one law enforcement official on there.

□ 1500

They are going to make a recommendation to the unit of local government. Well, after they make their recommendation, what can they recommend? Well, they can recommend whatever their imagination can dream about that would help with law enforcement and fighting crime, because there is no limit. I want everybody to read right here on page 2 of the bill: "Amount paid to a unit of local government in this section shall be used by the unit for reducing crime"—that is a limit, has to be for reducing crime—"and improving public safety." That is all. As long as it is reducing crime or to improve public safety.

I can tell you back in my district, folks, that we have some people with imagination. Right now we probably need some courthouses fixed up and we do not have the funds for it. Maybe we can get some money to fix up the courthouses, especially where the prisoners might be kept. That could help reduce crime and combat crime. Or maybe we cannot get a new limousine under this bill but we can get a new chief of police car because that is not in the budget and they do not have the money to buy it but we can get him a new car. That can be a Cadillac, or maybe just a Chrysler Fifth Avenue, not quite a Cadillac. It will not be a limousine.

How about the prosecuting attorney back home—that is what we call them, we do not call them district attorneys, maybe you do—but some of them may need new secretaries. They may need, say, an assistant prosecutor, and that is not in the budget, it is not supplanting funds, so we are going to hire some new secretaries and we are going to hire some other people. And maybe need some new equipment in there and get some new equipment in there and get some new equipment.

For those of you who have a lake or two in your State, I am sure you can get some boats on that lake to help fight those people going around in those boats that are drunk. That is combating crime. Is driving a boat while drunk now a crime? It is in some States, quite a few. You can get yourself a nice boat, as long as it is not a yacht under this.

Use your imagination, folks if this bill ever becomes law. Use your imagination, because the only restriction is it has to so-called be reducing crime and improving public safety.

What did that do under the old program that we got rid of because of all the pork and all the abuses in it? Well, back then some people thought that a tank was a good thing to have, to use a tank to reduce crime. The director's office, different people, same office, said that was fine to reduce crime. You need a tank down there, I think it was in Louisiana. They need that tank.

I know we are prohibiting yachts, but we are not prohibiting any kind of boats. We are prohibiting limousines, but not every good car has to be a limousine. That means I could buy, how about a Jag? Yes, that is not a limousine. My police chief needs a Jag. That is what this one will do. That is what you are going to do under this.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. It has been fascinating listening to the statement that my friend the gentleman from Hannibal has gone through here. In fact, the only thing that I could conclude is that those local elected officials who are going to be purchasing Jaguars, boats on lakes, additional secretaries for their prosecuting attorneys' offices are no longer accountable to the same people who sent us up here.

The only thing I can conclude is that there is in fact no desire on the part of local elected officials to respond to the pressing needs of crime that exist within their jurisdictions. Am I correct in concluding that?

Mr. VOLKMER. Oh, no, no, we are going to take care of those, too. I am just saying you do not restrict these other things. You do not restrict them at all.

You are saying as long as you are doing it to stop crime or, I will use your exact words again that are in the bill, right there at page 2.

Mr. DREIER. If my friend would further yield, I will tell him exactly what we are trying to say.

Mr. VOLKMER. All it has to be is reducing crime and improving public safety. That is it.

Mr. DREIER. If my friend would yield on that point, what we are trying to say is very simply that we believe, my State being 3,000 miles to the west of here, that the people who are on the front line are better equipped to make those decisions rather than those of us 3,000 miles away. It is not nearly the distance to Missouri, but obviously we are in a position where we are convinced that those local elected officials should have the opportunity to make those decisions for themselves rather than our dictating to them exactly what should be done.

I just met a few minutes ago with the mayor of Fresno, CA, who told me that he felt very strongly that the opportunity to have the choice made right there in Fresno rather than in Washington, DC, will go a long way toward dealing with the crime problem that they have.

I suspect that in the Show-Me State, they are going to be much better off making the decision for themselves rather than having us in fact dictate it to them. I thank my friend for yielding.

Mr. VOLKMER. I disagree. I do not think we have to dictate it.

Mr. DREIER. That is exactly what the status quo does.

Mr. VOLKMER. But I do think you can tighten the purposes up quite a bit more and narrow them quite a bit more than you have done.

What we have attempted to do and some of us feel that one of the major items facing this Nation, especially in our major metropolitan areas, is the fact that they cannot afford the police that they need. They cannot afford the police that we need.

So you take the police away. You say, "Well, you can have an option," but you reduce the amount that can be used totally from the present law into this, what can be used for police, if every bit of this money in your bill was used for the police.

Mr. DREIER. We are not taking away the police.

Mr. VOLKMER. The biggest thing we can do you help undo, and you leave it open. The gentleman says, "They're not going to do those things."

Well, who bought the tank? Who bought the tank? The tank was bought by law enforcement people under the old LEAA grant. You are saying they will never do that again, they will never do anything like that? No?

Well, gentlemen, you should have been here back in the 1970's and early 1980's.

Mr. DREIER. I think my friend knows it is a new day and I suspect the local elected officials will not be doing that.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 7 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. I thank the gentleman for yielding me the time.

Mr. Speaker, I think this will be the first time I have ever debated on the House floor about the content of a rule. The Committee on Rules is one of those committees that is stacked pretty heavily in favor of the majority and generally when they decide on a procedural matter and that matter comes to the floor, it just kind of goes right through on a partisan vote. So in some respects it is kind of banging your head against the wall to come and speak.

I am not speaking generally on the content of this rule today but only on one particular aspect of it that I think my colleagues and the American public need to be aware of.

Mr. Speaker, this rule provides for 10 hours of debate, they say. What they do not say very loudly is that included in that 10 hours is voting time. I think the American people need to understand what that means, because if there is a recorded vote on the floor of the House, every recorded vote takes 15 minutes. Under the Speaker's policy announced earlier he has extended that recorded vote to 17 minutes. So that if there are 10 votes, 10 amendments on this bill, then that is 2½ hours gone to voting on those amendments. If there are 20 amendments on this bill, that is 5 hours gone just in the time that it takes to vote on those amendments. So we are left not within 10 hours, as the majority would have the American public believe, but then we would be left with half of that time because all the rest of the time would be spent in the voting process, not in the debate process.

Mr. Speaker, I am on the Committee on the Judiciary, and I will tell you that we had over 20 amendments being offered in the Committee on the Judiciary on this bill. In that body, we do not even have one-tenth of the membership of the House of Representatives. There are 435 Members of this House.

Mr. Speaker, I just want my colleagues to do the basic arithmetic on this. If 2 percent of the Members of this House have a sufficient interest in this important bill to come and offer an amendment, that is over 10 votes, or approximately 10 votes.

□ 1510

If 5 percent of the 435 Members of this House have a sufficient interest in this important bill to want to offer an amendment, then we have already used up more than half of the 10 hours of debate time simply on the voting process.

So, my objection to the rule does not really have to do so much with the 10 hours, but the allocation of that 10 hours or a substantial part of it simply to the voting process.

And I will tell Members that last week we got to the point just to keep Members from offering amendments that they had on a bill, that they started asking for votes so that Members would not even have the time left to offer the amendments because the voting time would take up more time than the debate time.

America, that is no way to run a democracy. That is no way to run a democracy. We ought to at least have time to debate these issues. This is an issue, this is a bill that the President of the United States indicated over the weekend he has a personal interest in, a political interest in. So we know it is going to be a heavily debated issue, and yet we will spend our time walking back and forth and using up our time in the voting process.

I think we ought to defeat this rule and let us have some real debate in this House.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 10 minutes remaining and the gentleman from California [Mr. BEILESON] has 10 minutes remaining.

Mr. DREIER. Mr. Speaker, may I inquire of my friend whether he has any remaining speakers?

Mr. BEILENSON. We do not, Mr. Speaker.

Mr. DREIER. I would like to make some closing remarks myself.

Mr. BEILENSON. Mr. Speaker, I will close by saying I appreciate very much and strongly support the comments made by our friend, the gentleman from North Carolina.

Mr. Speaker, I yield back the remainder of my time.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from California is recognized for 10 minutes.

Mr. DREIER. Mr. Speaker, this issue is one that many have said is the most controversial of the six crime measures that we are scheduled to consider and I have a difficult time understanding why this is the most controversial of the measures that have been considered, and I say that for several reasons. We have had this ongoing discussion here about the issue of local control, and the role that people will play at the local level in making determinations as to how the resources through this block grant program will be expended.

It seems to me that everyone, Democrat and Republican alike, needs to recognize that at the local level people who are on the front line dealing with issues of crime are much better equipped than we are here in Washington, DC, to deal with that.

Last year we had an extraordinarily vigorous debate on the President's crime bill which came forward. We all know that there was at the very end a compromise that was struck and some Republicans supported it, and during that time last fall as we were proceeding with this and the President stood regularly with cadres of police officers behind him at press conferences, I received calls from local elected officials in the Los Angeles area urging me to support the President's crime bill. The main reason they did was that there was a guarantee as far as they were concerned that they would get 100,000 police officers on the street, who would dramatically turn the corner on the very serious crime problems that we face in our communities.

One of those city officials happened to be the city manager of the city of Monrovia which is in the San Gabriel Valley part of the area I am pleased to represent. He is a registered Democrat. He and I engaged in a very spirited discussion on the issue of the crime bill and he told me that the only responsible thing that I could do was support that crime bill last year.

Well, I did not for a number of reasons, I think the most important of which was that we all concluded that we would not get 100,000 police officers on the street.

I got a letter that came just a couple of days ago, the end of last week from Rod Gould who is city manager of Monrovia, again a registered Democrat and one who wanted me to support that crime bill last year, and we had debated it. I will include this entire letter in the RECORD. But I would like to share one paragraph from this letter Mr. Speaker.

It says, "You and I have had several talks about the merits/demerits of the 1994 crime bill." He finally came to the conclusion we were right and he said, "You correctly pointed out that this $30 billion bill would not put nearly 100,000 police officers on the streets of America." He said, "The City of Monrovia strongly supports the idea of combining the major portions of the bill into block grants for cities to allocate as they see fit to officers, equipment, training, jails or social services. This approach has worked well for years in the area of community development, and it would be welcomed by municipalities across the country."

Mr. Speaker, I include that entire letter at this point in the RECORD.

The letter referred to is as follows:

CITY OF MONROVIA,
OFFICE OF THE CITY MANAGER,
Monrovia, CA, February 6, 1995.

Hon. DAVID DREIER,
Covina, CA.

DEAR CONGRESSMAN DREIER: I have been meaning to write and add my congratulations to you on your remarkable rise in authority and responsibility since last November. I have had the pleasure of tracking your progress in the papers and on CSPAN. You are to be commended for your tireless effort to streamline Congressional operations. Your leadership of the House debate on unfunded mandates made us all cheer. You have given your district in the San Gabriel Valley a powerful voice on the hill, and all Americans benefit from your undaunting attempts to reduce fraud and waste in government.

The Monrovia City Council is firmly on record as opposing further federal and state unfunded mandates. We are currently grappling with the open-ended stormwater requirements under the National Pollution Discharge Elimination System (NPDES). Any assistance you could give us in ratcheting this regulation back a few notches would be most appreciated by all cities.

You and I have had several talks about the merits/demerits of the 1994 Crime Bill. You correctly pointed out that this $30 billion bill would not put nearly 100,000 police officers on the streets of America. The City of Monrovia strongly supports the idea of combining the major portions of the bill into block grants for cities to allocate as they see fit to officers, equipment, training, jails, or social services. This approach has worked well for years in the area of community development, and it would be welcome by municipalities across the country.

Thanks again for your ongoing concern and interest in local matters as you shape national policy and the federal governing structure.

Sincerely,

ROD GOULD,
City Manager.

That is the reason that I find it difficult to believe that this is the most controversial crime measure of the six that we are considering, because across this country we are finding a strong level of support from local officials.

Mr. BEILENSON. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from California.

Mr. BEILENSON. Mr. Speaker, that quotation simply was from the gentleman's own chairperson, the gentleman from Illinois [Mr. HYDE], who said in his view this was the most controversial of the bills. It was not we who said it; it was your own chairman who said so.

Mr. DREIER. Mr. Speaker, I thank my friend for pointing that out and I disagree with the chairman of the committee. I guess that was concluded because of the fact that controversy existed in the Committee on the Judiciary when debate proceeded.

All I am saying is that the controversy probably did not come from the chairman of the committee, it probably emerged from members of the Committee on the Judiciary who believe very strongly that Federal control on this issue would be more important than local control, and I believe that is why Chairman HYDE concluded it was controversial.

All I am saying is I am hard pressed to see why it is a controversial issue. And the reason I say it is that these messages have come through very clearly. Again, Jim Patterson, the mayor of Fresno, CA, was in my office about 1 hour ago and he talked about how important it is for us to move ahead with this block grant concept. And I hope very much that the controversy that existed in the Committee on the Judiciary will not exist here because I believe Members on both sides of the aisle, as I said, this Democrat city manager from Monrovia believes this is an important thing for us to pursue, and I hope very much that we can.

This is an amendment process which allows for open debate. To call this a closed rule, as the gentleman from Missouri [Mr. VOLKMER] did I believe is really totally inaccurate because we will be operating with this 10-hour limitation under the 5-minute rule.

□ 1520

We are simply putting an outside time limit on the consideration for amendments. Any amendment that a Member has to offer that is germane will be able to be considered, and a Member can stand up and simply make that proposal here.

So we are proceeding with a very fair and balanced procedure, and I hope that we can bring about what people at the local level believe is necessary for them to turn the corner on this serious crime bill that we have.

I urge support of this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. BEILENSON. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BEILENSON. Mr. Speaker, I am trying to understand what I think is the complicated parliamentary situation that we are in now. If the Chair will bear with me, I have a series of inquiries.

Mr. Speaker, is it correct to say that whenever a committee reports a bill, the rules of the House require the report to include a detailed analytical statement as to whether that bill may have an inflationary impact on prices and costs in our Nation's economy?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BEILENSON. Mr. Speaker, may I inquire further whether the rules of the House provide a general exception for reports from the Committee on the Judiciary?

The SPEAKER pro tempore. The answer is no. They do not.

Mr. BEILENSON. Mr. Speaker, continuing my parliamentary inquiry, do the rules of the House permit the Committee on Rules to report a special order waiving the inflation impact requirement?

The SPEAKER pro tempore. That is correct.

Mr. BEILENSON. Further, Mr. Speaker, am I correct in saying, however, that the rules reported from the Committee on Rules and adopted just now by the House did not waive the inflation impact requirement?

The SPEAKER pro tempore. That is correct.

Mr. BEILENSON. Continuing my inquiry, if I may, the report on a block grant bill from the Committee on the Judiciary, House Report 104-24, does not discuss whether the block grant bill will have an inflationary impact on the Nation's economy. There is a section titled "Inflationary Impact Statement" on page 20 of the printed report. That section discusses the inflationary impact of the proposed constitutional amendment to balance the budget and, in fact, by the way, claims the balanced budget amendment will have no significant impact on the U.S. economy. Truly, Mr. President, this section in the entire report does not comply with the rules of the House, specifically clause 2(l)(4) of rule XI. Am I correct?

The SPEAKER pro tempore. The report does appear to refer to another measure.

Mr. BEILENSON. I do not intend to press the point of order. I am only trying to understand the parliamentary situation.

Am I correct to say that, because the Committee on the Judiciary violated the rules of the House and did not provide to the American people an explanation of the potential inflationary impact of the block grant bill, and because the Committee on Rules did not waive the requirement, because of this, could any Member now raise a point of order?

The SPEAKER pro tempore. If such a point of order were raised, the Chair would rule on that point of order at that time.

Mr. BEILENSON. Mr. Speaker, if then the point of order were raised and it were ruled by the Speaker to be in order, what would be the effect of that point of order? Would it delay the consideration of the block grant bill until either the Committee on the Judiciary fixed the defect in its report in a supplemental report or the Committee on Rules reported another rule waiving the requirement?

The SPEAKER pro tempore. The bill would be recommitted if the point of order were sustained. The Committee on Rules could report out a new rule dealing with the point of order.

Mr. BEILENSON. I thank the Chair for his responses. I will conclude my inquiries, if I may, sir, by asking whether this is a unique or even unusual parliamentary situation? Because it seems to me, Mr. Speaker, that so far in the 104th Congress, we are in this situation on almost every rule we have considered. On the unfunded mandates bill, a parliamentary inquiry established the committee report was defective, and the rule had not waived the point of order. On the balanced budget joint resolution, the rule, as reported, also failed to include the proper waivers to cover another defective report. When we pointed this out, the rule was amended on the floor. The rule on the Taos Pueblo Indian land transfer bill also did not waive the necessary points of order to fix a defective report. In addition, the rule did not allow for instructions in the motion to recommit, violating clause 4(b), rule XI. The point of order on the rule was not pressed when the majority agreed to amend the rule on the floor, and the rule on the Butte County land conveyance bill did not contain the waiver made necessary because the bill was reported out of the Committee on Resources without a quorum being present.

Here again, we are having passed a rule that failed to waive the necessary points of order to protect a defective report.

I thank the Chair for giving us the opportunity to ask these questions and will not press any potential point of order that may be available to us.

The SPEAKER pro tempore. The Chair thanks the gentleman for his observations.

Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 728.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume simply to make the point initially that what we are dealing with here today is a bill which will consolidate two programs that were passed in the last Congress under one local community block grant system for $10 billion.

Those programs were the President's Cops on the Street Program and the so-called prevention programs that were allocated in categorical grants last year. In both of those combined together, there was a total of about $16 billion of a $30 billion crime bill that passed this Congress and became law.

This bill would as I said, consolidate the prevention programs and the Cops on the Streets Program into a single community block grant program in the tune of $10 billion to let the local communities decide for themselves how to spend the money that they receive under this block grant proposal, rather than having the Federal Government tell it.

I was very disappointed to hear the President's radio address this past Saturday in which he said should this bill go to his desk, if I heard him correctly, he would veto it, because he felt it would undermine or destroy the Cops on the Streets Program.

This is especially disappointing, because I recognize what I hope he will in time come to recognize, and that is there are thousands of high crime rate communities around this country, who will not be taking advantage and not be able to take advantage of the President's Cops on the Streets Program that is now law, because they simply cannot afford to do so, and there are also thousands of communities that will not find the so-called prevention grant programs that are spelled out by last year's bill, those kinds of programs which they can utilize and they will never apply for those programs.

Consequently, the only way to remedy that defect is by passing the bill that is before us today, H.R. 728, and getting the President somehow convinced to let it become law or sign it into law or have enough Members to override his veto, because it is only if we do that that we will provide the maximum flexibility to the communities, the cities and counties of this country, to decide on their own what they want to do with this money, whether that is hire a new cop or whether that is to pay overtime for police or whether that is to buy a new police car or whether that is to extend the prevention program of their choice, whether that prevention program is one that is labeled in one of those previous grant programs or not in order to reduce crime in those communities.

Mr. Chairman, with that in mind, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, if the gentleman is prepared to give an opening statement here at this point.

Mr. HYDE. Mr. Chairman, I thank my friend, the gentleman from Florida [Mr. MCCOLLUM], chairman of the Crime Subcommittee. I will not take much time to explain the details. I would rather he would.

But I just want to say I as quoted as saying this is the most controversial bill. I want to make it clear that it ought not to be the most controversial bill, but it was treated as such in the Committee on the Judiciary by the furor of the resistance of the minority party in transferring any authority away from Washington, where apparently all wisdom resides, out to local communities.

This bill illustrates the philosophical difference between the two parties. Everybody wants to stop crime. Everybody is interested in doing something about the crime problem. But there we diverge. The Democratic Party thinks and acts and believes that Washington, DC, the Federal Government, must dictate down to the most minute detail how these funds are going to be spent, because Daddy knows best. That is a philosophical commitment they have had on welfare and almost every issue—that wisdom trickles down, if you will, one of their favorite phrases, when we talk about economics—from Washington to the local communities.

□ 1530

On the other hand, it is our belief, the Republican belief, that local governments know best, that government is best which is closest to the people, which understands the problems that are indeed local.

Somebody said once, a famous person, a famous Speaker of this House, "All politics are local." Well, a lot of crimefighting is local. People in Boise, ID, have different problems and different needs than people in New York City or Bangor, ME, or Pensacola, FL. We have a very diverse country. We have diverse communities, and each has different needs.

I was—I do not want to say shocked—but I was saddened to hear local government maligned on this floor earlier today, and even by the President, who assumes from the beginning that this is going to be pork, that local government officials are not concerned about local circumstances and fighting crime and adding to public safety.

It is our belief that local government officials are honorable people, they have been elected by their constituents, who live very close to them. They want to fight crime, and they can do it more effectively because they have superior knowledge. They are on the scene.

Now, it may well be that certain communities need after-school sports programs, tutoring programs, neighborhood watch programs; to put more police in the schools, put metal detectors in the schools, put better weapons in the hands of their police, put more prosecutors in the courtrooms, build boot camps for first-time offenders, build drug courts, put more communities at ease by having community policing.

There is an infinite variety of remedies that can be applied to this exacerbating problem, but let us trust the local people to do it.

So, to assume in the beginning that they cannot handle it, that they are going to waste it profligately, on pork, is an insult, really. It demeans public officials in the myriad, thousands of cities and towns around this country.

We believe that the best government is closest to the people and most responsive to their needs. That ought not to be too tough to understand, but it is indeed a defining issue, one more defining issue between the Democratic Party and the Republican Party.

We trust local government, and I can assure you there are safeguards in this bill, advisory councils which involve the people. That is a great phrase, "We the People." I suggest that these advisory councils that will be looking at this money and looking at how it is spent will be composed of people in the community, law enforcement, education, municipal officials. And, they will see that the money, which, after all, are tax dollars and collected from the same long-suffering taxpayer; whether the money goes to the State or to the Federal Government, it is the same money, is wisely spent.

And so to assume in the beginning it is going to be wasted or spent for pork does a great disservice to local governments across this country.

I guess not only do we think Washington does not always know best, but we have more faith and trust in local government officials than does the minority party.

This is an important bill, a significant bill. It is going to help fight crime. It is going to give the flexibility to local government to meet their situations.

The mayor of New York, I was present in a room when he said, "I don't want any more policemen, I need technical help." That may be true in many areas. So let us let them decide, let them spend the money. We will be watching, the community groups will be watching, the advisory councils. If they misstep, it will not go ignored or unacknowledged, and it will be corrected.

So I am proud of this bill, I am proud of the work that the gentleman from Florida, BILL MCCOLLUM, the gentleman from Wisconsin, Mr. SENSENBRENNER, the gentleman from New Mexico, Mr. SCHIFF, and everybody on our committee has done, and I hope it gets the support of a majority of this House.

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strenuous opposition to the measure before us.

Before I get into some other remarks, let me just respond about the newfound trust that the majority party has in local government. We trust local government as well. as a matter of fact, we not only trust them, we listen to them. And when we listen to them, we listen to the policemen that they say we do not trust, the policemen that we are listening to in the Fraternal Order of Police, who say that the crime bill that divided out the prevention program from the Cops on the Beat Program was the way to go. The international Brotherhood of Police Officers, their chiefs and police officers, saw that the 1994 crime bill created a community police program of 100,000 policemen. That was what they wanted to do. The Major Cities Chiefs representatives, we just talked to them only an hour ago, and they again are here urging that we turn down this proposal that the Republican majority has dreamed up.

The National Association of Police Officials, police organizations, with Bob Colley, a 30-year police officer from Detroit, are all testifying 100 percent on behalf of the 1994 crime bill: namely a return to community police as a separate program and not put it into a block grant with prevention, so that we may not end up with the Hobson's choice of either prevention or police.

The National Organization of Black Law Enforcement Officers are strongly in support of the modification that we will shortly offer to keep 100,000 community police in a separate position. This shows we do not just trust our local government, we hear them and we trust them and listen to them and then act on that premise.

So the police officers organizations—and they represent the rank-and-file policemen and police chiefs—are for the proposal which we will shortly offer to restore 100,000 policemen in a separate program. The Sheriffs Association, the National Sheriffs Association, have our support, the Police Executive, the Police Executives Research Forum, has our support. former police chief Hubert Williams, of the Police Foundation, has our support.

There are eight police organizations, foundations, brotherhoods, all supporting the plan that we will shortly bring to restore the fundamental provisions in the 1994 crime bill that will create 100,000 community policemen. Funds for 17,000 new police have already been certified by the Attorney General and will shortly be on the beat, if they are not already.

Now, the Republican majority has replaced a prevention and COPS Program that we know works, with a 1970-style revenue sharing program that we know has failed. That is why we are not supporting it. We had that experience. It did not work. This is the pork program that we do not want to have put into law.

Why are we doing this? The 1994 bill is only a few months old, it is working fine; let us continue and not create the incredible confusion that will result from having to pull it. The Republican program is $10 billion worth of pork, and it will end up, I predict, in getting very few cops, very little for prevention programs, no guarantees for crime reduction, no money for the programs that mayors and community leaders tell us are needed to reduce crime, no accountability.

Mr. Chairman, this is a $10 billion taxpayer giveaway that we are being asked to support; the formlessness of the block grant program is begging to be abused. We know the program will fail, because of our experience with the Law Enforcement Assistance Administration Program, which did not work 35 years ago.

The Members of this body should make no mistake, this block grant formula is nearly identical to the failure structure of the 1970's program. And what did it bring us?

□ 1540

Well, at one university a $300,000 study to assess the need for a looseleaf encyclopedia on law enforcement; in one State, the purchase of aircraft used by the Governor and his family primarily for traveling. In another area, a national accounting firm was paid $27,000 for a government manual that we later found already existed.

Mr. Chairman, it is a boon for consultants who, by the way, got one-third of the funds according to these surveys.

We have boondoggle after boondoggle that makes us know that the police chiefs, the Fraternal Order of Police Officers, the foundations, organizations, are all correct. We need to return to a separate category of community police, and that is what we propose to do.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to, first of all, respond to the gentleman from Michigan [Mr. CONYERS] on these comments about all these police organizations supporting last year's version and not supporting ours. We can all get down here and have litanies of who supports what and who does not. I do not know what good that does, but I can say that it is a split decision at this point if we add up who is and who is not on the list of them. For example, the National Association of Chiefs of Police strongly support our block grant approach as opposed to last year's cops on the street version, and that is also true of the Law Enforcement Alliance of America, it is true of the Memphis Police Association, the Southern States Police Benevolent Association, the American Federation of Police, the Police Superior Officers Association in Trenton, NJ; we have any number of individual lodges of the Fraternal Order of Police, though maybe their national office wants to go, and the board of directors, the other way; the Oklahoma Sheriffs Association.

I have right here in front of me a copy of a newspaper article recently where the chief of police right here in Washington, DC, says that he much prefers the version that we are going to offer because the city of Washington, DC, does not have the money or the ability to take advantage of the Cops in the Streets Program the way that the President has put it forward, but they could take advantage, and get some new police and some support for their police in this city of ours right here that we all know has such a very high crime rate, and the list goes on and on.

I do not think the debate today ought to be over how many police support which program. I think the debate should be on the merits of what is the better position, and I think clearly we have the better position. There are always going to be some communities that benefit more by this than others do. My own city of Orlando, FL, while its police chief and mayor strongly support our block grant program as a growth city, we are going to hire more police officers anyway and obviously get an advantage out of the President's proposal because he is saying, look, we will pay 75 percent of the first $20,000 or $25,000 each year for 3 years of hiring a new police officer, whereas another community, which was not, maybe, going to plan to hire them, like the city of Orlando, that finds that to be a very beneficial thing because it helps pay something they were going to pay for anyway. Somebody else would not find that to be the case, and in many communities, thousands of communities around the country were not planning to hire police, who now find themselves in the position of having to look at this in the cold, hard light of day and the dollars they have available, and they clearly cannot afford to do that.

We are going to hear a lot more about that over time. Let me describe briefly what H.R. 728, the Local Government Law Enforcement Block Grant Act of 1995, does.

Mr. Chairman, it is the last of six crime bills I introduced in connection with the Republicans' Contract With America. In many ways, it represents the central differences between the policies of last year's crime bill and the policies of the new Congress, and, as the gentleman from Illinois [Mr. HYDE] our chairman of the Committee on the Judiciary, said a few minutes ago, in many ways it represents succinctly the differences in political philosophy between Democrats who controlled this Congress for 40 consecutive years and the new Republican-controlled majority. Republicans generally believe in government which governs best governs least. We believe in limited Federal Government. We believe government closest to the people, in the case that we are talking about here today, the cities and the counties of our Nation, are the best government for making decisions, and in this case that is precisely what this bill does. It delegates to those cities and communities around this Nation the decision-making authority to decide how best to fight crime in their communities, either with more cops, or prevention or whatever.

Last year's bill said Washington knows best when it comes to fighting crime. Local governments were offered more police, so long as they agreed to pay most of the costs for those additional police and to use them for community policing. Last year's bill also said that America needed billions of dollars in crime prevention spending, but only the kind of crime prevention that a liberal-controlled Congress favored. Well, Mr. Chairman, the American people, in poll after poll and at the ballot box, stated clearly their objection with that kind of so-called crime fighting strategy.

H.R. 728 before us today takes the opposite approach. It says that Washington does not know best when it comes to fighting crime. It says that local governments are capable of determining what their needs truly are. It recognizes that better than 90 percent of all crime is local and not Federal. It says that the President's cops project, created in the heat of presidential politics, is not beyond question, and that, if it is what America's localities actually desire, they will prove it when they spend their block grants that they get under this bill.

Mr. Chairman, there is a role for the Federal Government to assist the

States in the fight against crime. But such assistance must appreciate that the problems vary from State to State and community to community. We must avoid a one-size-fits-all approach, even as we reject micromanagement. Support from Washington cannot come at the expense of flexibility.

H.R. 728 leaves to local governments the decision regarding what their funding priorities should be. It neither requires that funds be spent on police officers, nor on prevention programs, it leaves that decision to local governments, which understand their crime problems far better than we do. Under H.R. 728, localities can fund police on the beat, or prevention activities, or anything in between. The act simply requires that those funds be used to reduce crime and improve public safety.

At the same time, the act ensures that there will be fiscal and programmatic accountability as the funds are utilized. The opponents of local control argue that this act will become another LEAA. They cite horror stories from the 1970's when the Federal Government gave money go the States which was then passed along to local recipients. But a fair and thoughtful examination of this bill that is before us today, should lead any unbiased observer to see that this is a new day and a new approach.

Under section 103, units of local government must submit an application which ensures that a local advisory board has been established and has reviewed the application. The advisory board's membership must include a representative from the local police department or sheriff's office, the local prosecutor's office, the court system, a local community group active in crime prevention, and a representative of the local public school system. This advisory board is an important way to ensure that a range of views are considered as localities' grant applications are being completed. The advisory board will further ensure a healthy dose of public scrutiny during the application process.

Section 103 also includes fiscal and accounting requirements to ensure that grant funds are properly managed. Moreover, the gentleman from Illinois [Mr. HYDE] the chairman of the Judiciary Committee, will be offering an amendment later today, to set aside up to $60 million each year for oversight and accountability activities. There are many other differences between this initiative and the days of LEAA, and we will highlight those differences as the debate on this bill continues.

H.R. 728 repeals title I of the 1994 Crime Act, the public safety and policing section, and replaces it with a block grant program to provide funds directly to units of local government to assist them in their efforts to improve public safety. The use of grant funds includes, but is not limited to hiring, training, and equipping law enforcement officers and support personnel; enhancing school safety, and establishing crime prevention programs.

It is important to note that units of local government may use funds under section 101 for purposes other than those specifically identified, so long as they are used to reduce crime and improve public safety. The act provides maximum flexibility to localities while ensuring that funds are used to fight crime.

The act requires that grant funds supplement and not supplant State or local funds and there will be an amendment to the act to add a 10 percent match requirement to further assure that only the most worthy programs are supported by the block grants.

The bill authorizes a total of $10 billion for the block grants over 5 years, with $2 billion to be distributed in each of fiscal years 1996 through 2000. Units of local government can apply for funds each fiscal year. The formula for determining grant amounts is straight forward. It directs funds where they are most needed by taking into account the severity of crime and the population of a locality. Having examined the alternatives, I believe that the current formula is the most equitable method of distributing resources, and that it keeps funding anomalies to a minimum.

Mr. Chairman, H.R. 728 is precisely what the voters demanded on November 8. The majority of Americans said, "We want less government control coming out of Washington." They said, "We want government policymaking to be closer to the people where it will be more accountable to the taxpayers."

□ 1550

Finally they said that we do not want anymore expensive, unrealistic, pork programs coming out of Washington.

H.R. 728 meets those demands. It provides resources for localities to respond to their unique crime problems with their own unique solutions. Make no mistake, this bill will provide more money with greater flexibility to the vast majority of localities throughout America than last year's crime bill.

Also for those who might be concerned with what happens to the cops the President handing out money to some communities who can afford them in this fiscal year, they are protected and their funding for the full 3 years is also protected so they do not lose the opportunity for getting more police or the police that they have already gained. Some have said that we have obliterated that, and that is not true.

Mr. Chairman, the Local Government Law Enforcement Act of 1995 is an important way for the Federal Government to assist localities in dealing with crime without getting in their way. It is a rejection of the Washington-knows-best mindset that gave us the 1994 crime bill. and it provides far more resources for the counties, cities, and towns of America to develop homegrown solutions to their unique crime problems.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Michigan for yielding this time to me.

Mr. Chairman, I think that this crime bill is a very, very interesting issue, and for anyone watching this, it must be very confusing to hear one side saying one thing and the other side saying, "No, that's not right, it's just the opposite."

So where is the truth? I must say that I just came from a press conference where the Federal Order of Police, the International Brotherhood of Police Officers, the major city chiefs, the National Organization of Police Officers, the National Organization of Black Law Enforcement Executives, the National Sheriffs Association, the Police Executive Research Forum, and the Police Foundation had representatives there saying that in order to retain the police that we got under last years's bill, we really should stand firm and vote against the one today.

I know we just heard the opposite, so what do we believe and where do we go? Not only that, but why is it so important to sort all of this out?

First of all, I tend to believe the people who are in the field, the police officers. Having been on the Armed Services Committee, I found the biggest mistake we have always made year after year is that we never talk to the people who are out there trying to implement the stuff; we only talk to the people here in Washington who are trying to sell the stuff.

Yes, there may be a few local cities that do not agree, but the tremendous ground swell across the country is that they prefer last year's bill which targets police officers. And then we hear people say in answer to that, "Well, why should Washington say that? Why shouldn't it be up to the localities?"

Well, one of the reasons it is not up to the localities totally is because this is a partnership and because really the localities are supposed to be taking care of crime anyway, and the only reason the Federal Government got into this is that the localities felt they were totally overwhelmed. So if the localities felt they were overwhelmed by crime and violence in their neighborhoods and in their cities and they said to the Federal Government, "Please, please send resources," and since we all know the Federal Government does not have a lot of extra resources to send, because we would do much better to do debt-sharing than revenue sharing, and not only is there the threat of crime but there is the threat of the debt, we would be very stupid to send money out with no strings attached. So if we are going to send it out, we felt we ought to be prioritizing what it had to be spent for and put it into things that people agreed upon were the most concrete and realistic approach. And the No. 1 thing everyone seems to constantly agree upon is that we need more police officers, that if we see community policing, that is when crime rates go down; if we see more police out there so that they are not under the strain and stress of overwork or whatever, we see crime rates go down. The cities tell us they cannot get more police because it is so costly. So that is why we targeted the money, and that is why they say we need to continue targeting this money. I think that is very important.

Now, most localities would spend the money very well if we did not tell them that. Many of them would probably hire cops, but there would be some that would not. That was our lesson of LEAA, and as we all know, they say those who do not learn from history are condemned to repeat it.

So the prior bill does not totally micromanage in any way, shape or form, but it does say, "If you want Federal dollars, then you are going to get more police." I think that is critical.

There are other parts in this bill that I think we lost out on, and that I find to be very sad. One is community schools. We all know the saying that it takes a village to raise a child. Well, in most of our villages, everything has collapsed except the schools. The community schools grant under the prior bill was one that we had more applications for than anything else. People understand that. The schools are there. It makes sense to utilize them in a much broader sense. It certainly makes a lot more sense to do that than go to orphanages, for heaven's sake. If we can utilize these on a full-day basis or an evening basis or weekend basis to help lift young people up rather than just focus on locking young people up, it makes a big difference. So that community schooling item would be gone if we do not pass this through. In other words, the interest last year was to bring everything to the table and see what the things are that we really need, because we in the Federal Government are not sitting around here awash in surpluses, for heaven's sake. Yet crime is foremost on people's minds. If we are going to send this money to localities, we should put some constraints on it, not micromanage, but put constraints around it, and I think they have done a very good job of coming up with one-page forms that people have to fill out. That is all there is to it. It is not complex, but we want to make sure that when we spend the money, we get police officers, or that when money is spent, community skills are rebuilding so that they lock something into that community. And we want to make sure that the Federal tax dollars are being spent in ways that we know are very effective crime-fighting ways.

There is no better way to fight crime than with police. I think that is why most police officers in this country have been very supportive of the prior crime bill, and I think that is also why people have been supportive of the prior prevention balance that was put in there.

So I urge the Members to try to listen to this debate and ask, what would you do? If you were representing the Federal Government and you were representing a Treasury awash in red ink and you are now going to share some of this money with communities because they say they are under siege, do you not think some direction should be given? Should it be totally to "go and spend it well. We know you won't mess up?"

Most of them will not, but some will, and if they will, we will all get condemned and people one more time will not believe that the Federal Government can do anything well.

I thought last year's bill was the perfect balance, or as perfect a balance, I guess, as one could have. I would just hope that we can leave that in place because I think to take any of the strings off, to cut the strings off and say, "Here it is" at a time when we have such debts would be something most people would be a little leery of and would say, "Why don't you just keep the money in Washington, then, and deal with the threat of debt rather than the threat of crime?"

I think this makes sense, and I would hope the Members would proceed on that basis and support the bill as we know it and as it is going forward, since police officers find that it is working very well.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], a member of the committee.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 728.

Last Saturday President Clinton in his weekly radio address came out strongly opposed to this bill, saying that it would do away with the commitment that he and Congress made on the 100,000 cops on the beat that were promised in last year's crime bill. Unfortunately, the President is sorely misinformed on how much money is available in his own crime bill, and I believe he ought to apologize to the American people for spreading such misinformation around.

☐ 1600

Let us look at the numbers in last year's crime bill and what is proposed in H.R. 728, and the American people will see that H.R. 728 has the potential of putting more cops on the beat than the crime bill that President Clinton signed into law last year.

Last year's crime bill provides $8.8 billion for community policing over a 6-year period. That is $1.47 billion a year. If the President says that that will pay for 100,000 police on the beat, that means that there is an average Federal payment of $14,700 per police officer.

The average cost of a police officer is about $70,000 a year, including the training and equipment expenses, as well as the expenses of hiring a new employee. That means that only about 21 percent of the total commitment of 100,000 cops on the beat will end up being funded by the Federal Government. So 21,000 cops is in the Democrat crime bill, which is a far cry from the 100,000 that the President and the supporters of last year's crime bill are claiming.

If you put it another way, if you subtract the Federal funding of the $8.8 billion from what it would cost to put 100,000 cops on the beat, the local communities will have to come up with $33 billion more in property tax revenue in order to put that number of police officers on the beat.

So the numbers that the President talked about simply do not add up, and I think that he and those who are using the 100,000 number ought to withdraw those claims quite promptly, because the money from the Federal Government simply is not there.

Now, with all of these figures on the table, why is H.R. 728 a better approach? First, it increases the block grant for police to a potential of $10 billion over 5 years. It takes away the strings that local governments have to put property taxpayers' money into paying for some of those expenses. The $10 billion a year is on the assumption that the local communities would spend all of the Federal money on more police and none of it on prevention programs, such as midnight basketball and prisoner self-esteem.

Second, it is the local communities that decide how this money should be spent. What is true in New York City and what the needs are in Detroit is not necessarily what the needs are in Menomonee Falls, WI, or Orlando, FL, or some districts that are completely rural.

The beauty of block grants is that each community makes that determination for itself following a review of the advisory committee that was outlined by the gentleman from Florida [Mr. McCOLLUM].

Now, I think that the advisory committee and the types of public hearings that have to be held before the actual expenditures are made is the perfect check against money being wasted by local government. But even if it is, that determination can be made by the voters in each local jurisdiction when they go to vote to reelect their mayors or town chairmen and their council members, because come election time, the mayor that has fettered away Federal law enforcement funds on things that do not make any sense at all would be hard pressed to explain to the voters of his or her community why the decision was made.

So that accountability and that responsibility to the voters of a particular community is the best check against the dissipation of the Federal funds to things that are not effective that there is.

Let us face it: Press and public scrutiny of government decisions at all levels of government is much stronger now than it was during the terrible years of the LEAA. I want to put my faith in local government. This whole question and this whole debate is a question of money and a question of control. I think that local government will do a much better job in spending this money wisely than keeping the control in Washington and the U.S. Department of Justice.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I represent a city in my First Congressional District in Connecticut, a city that has very many exciting things about it. But like many cities in this modern day, we have some terrible problems.

Two years ago the problems really became much worse. We had the invasion of three different gangs, and the people in our town became very worried, not only worried, they became frightened. We had drive-by shootings; we had car hijackings. We had situations where people were thought to be somebody else and got shot.

Understandably our citizens remained disturbed, and people like myself who pretend to have some answers and hold ourselves out as elected officials who should be able to help, were equally disturbed. I really wondered what to do next. How could I help?

But something very positive happened and that was the crime bill we passed last year.

There were three things in that crime bill that held out hope to the people of my city. The first thing was additional cops. In that bill the cop program provided additional police for city streets. We had done other things. The Governor had sent in the State police, but that was so expensive it could only last a little while. We had a Federal crime task force, very needed, still going on, but people could not see these results quickly. They could see additional police in the streets.

The second thing that the crime bill did was it allowed preventive programs. Anybody who understands what was happening could see that these gangs are made up of very young individuals, and if we did not have alternative activities for these young individuals, they would go into the gangs.

So these preventive programs endorsed by everybody in law enforcement could be part of a solution to fight gang violence. We should keep those preventive programs so there is hope for the next generation. These activities not only included group sports but activities that help young people to stay in school and resist peer pressure.

The third thing we had in last year's bill was the concept of community policing. You have additional police, and where do you put those additional police? You put them on the streets of the individual neighborhoods. You put them where people can see them. You put them where people can talk to them. They get to know the neighborhood, the neighbors get to know them. When crime occurs everyone including the police know what is happening.

Mr. Chairman, the bill we passed last year was a good bill. I think we should keep that bill. It gives people hope that gang violence can be addressed and our cities can survive as safe places in which to live.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF], a member of the committee.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this weekend the President of the United States said, obviously referring to this bill, H.R. 728, that he would oppose, perhaps veto, any bill that would jeopardize the number of police officers that would have been provided to communities under the bill that was passed last year.

I have two responses. First of all, Mr. Chairman, I want to say that this bill could provide even more police officers than were provided in the last crime bill. The fact of the matter is that this bill offers total flexibility between police programs and prevention programs to the communities, unlike the highly structured bill that was passed last year.

If the issue is police officers, then communities are free to use all of the money under H.R. 728 for the sole purpose of hiring police officers. This will generate more police officers than could ever be provided under the bill that we passed last year.

I think the real issue, and this is my second point, is not the number of police officers; it is micromanagement. In the crime bill as we passed it last year, for the police programs, for the prevention programs, are paragraph after paragraph and page after page of how to run your communities if you want to apply for these grants, and that is really the issue here. The crime bill passed last year sought to micromanage from the Congress and from the Federal Justice Department how communities are running their activities.

We recognize that a large share of fighting violent crime is at the local level, and therefore we tell the local governments use the funds as you think best, and you do not have to fill out a long application to Washington explaining to them in advance how you are going to set up programs that you think benefit your communities first. That is why, Mr. Chairman, the House should pass H.R. 728.

Mr. SCHUMER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me just say that this last part of the crime bill is probably the most important part of the crime bill that is before us, and it will determine, without any doubt, whether there is real balance in the bill. We have done the prisons part of the bill already. Many of us are worried even though we stand for the proposition that there ought to be tougher and increased sentencing, that the money will not go there and do it.

Now we have the same type of worry from the opposite end on these parts of the bill, because the block grant proposal that is part of H.R. 3 is unfortunately so wide open that just about anything can happen. Read the language and you will see that the money can be spent on anything at all.

□ 1610

If we stand for one thing in this crime bill, if we stood for one thing in 1994 and should stand for one thing in 1995, it is, no matter what else happens, there ought to be 100,000 new cops patrolling the streets. Cops are good for prevention and for punishment. In the whole crime bill last year, there were many on the left who objected to the prevention parts. There were many on the right who objected to the punishment parts. There were many on the right who objected to the prevention parts. But no one objected to the cops. And yet the Republican proposal in one fell swoop says, there may be 100,000 cops or there may not be 100,000 cops. That is their basic problem.

Similarly, the Republican proposal has no guarantee of any type of prevention or of all types of prevention. The block grant is so wide that unlike the crime bill that is now law, money could go to the wildest and craziest prevention schemes. My colleagues, the basic problem with the proposal is that when we give a block grant, we are never certain where the money ends up. Some of it ends up in worthy purposes, but much of it is either wasted or spent on purposes the Congress, the taxpayers never, never envisioned. So there is a serious problem.

Tomorrow morning I will be offering an amendment that guarantees the

100,000 cops, along with the gentleman from Michigan [Mr. CONYERS]. That amendment will probably be the most important amendment in terms of crime fighting that any Member of this body will vote on for this entire Congress. This evening we will have some amendments that talk about keeping the prevention programs and some of the specific prevention programs, like drug courts and community schools that make a great deal of sense.

But the bottom line is this, my colleagues, do we want prisons and police and prevention or do we want pork? Because all the cries of last year that there could be pork in the crime bill will be hollow cries if this amendment is not agreed to and if the bill passes. Because there is no antipork provisions in this bill. We tried to put them in. We tried to put certain limitations without imposing mandates on the localities. But they are not there.

Is it any wonder that every major police organization supports the Schumer-Conyers amendment? None at all. Because, again, they know the money will go to police. And the police are what the American people need above all.

In conclusion, I would say to my colleagues, do not march in lockstep. The contract is doing pretty well. We have passed a lot of provisions, but we know that it is a lot better to guarantee the police than let local government spend it on sometimes good purposes but sometimes misused purposes.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me say that I stand here in this well as a Republican Member that worked in support of the crime bill that was passed by Congress last year. I thought it was a good crime bill. I stand here today, Mr. Chairman, because I believe this is a much better crime bill.

When we talk about the law enforcement block grant sections that are under discussion today and will be voted on through today and tomorrow, I believe that that local discretion that we give our municipal leaders and our police commissioners is vitally important.

Let us be honest about things. In many cities such as my own, our mayor came and said that this money would not be used under the old crime bill to hire one additional police officer for the city of New York. Because after 5 years, when the Federal subsidy ran out, he, we, simply could not afford to continue that funding. Instead, he would use it as was allowed by the——

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Ms. MOLINARI. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, is the gentlewoman aware of the provisions that the mayor of our city fought for for permanent computers, permanent replacement that would keep cops on the beat long after the 5 years?

Ms. MOLINARI. Absolutely.

Mr. SCHUMER. Then, how can the gentlewoman say that New York, that her city, my city, the city we love, would not get cops after 5 years? The very provisions we wrote in the bill would make sure that they get cops for all the years this computer system is working.

Ms. MOLINARI. Reclaiming my time, Mr. Chairman, I think that is a bit misleading to the American public who believes that under the crime bill passed last year that the city of New York would be able to go out and in fact bring on more police officers to the city of New York.

Mr. SCHUMER. That is exactly what will happen under last year's crime bill, according to the mayor.

Ms. MOLINARI. What it does is, it frees up the police officers. It does not add new police officers. Let me just say that the mayor of the city of New York has that very same discretion to utilize those funds to accomplish the very same purpose and, more importantly, additional purposes.

Something that was left our of last year's crime bill, in terms of the allowable uses of funding for officers such as the city of New York, would be that police officers who can be hired and trained now could be used to enhance school security measures and establishing crime prevention programs that may include things like citizen patrol program, sexual assault and domestic violence programs, programs intended to prevent juvenile crime, using our existing police officers to expand their abilities to deal with the growing and different trends of crimes in our streets and particularly in the city of New York.

I think this is a very valuable allowable use of crime prevention funds that will enable our police officers, maybe not to add an additional person, although I do not think last year's crime bill will have added an additional person, but to allow those police officers to accomplish their jobs in a much more professional and dedicated manner.

I offer my wholehearted support to these improvements made in this particular area of the crime bill.

Mr. SCHUMER. Mr. Chairman, I yield myself 2 minutes.

I would ask the gentlewoman, is she aware of the provisions in the existing crime bill?

Ms. MOLINARI. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from New York.

Ms. MOLINARI. Mr. Chairman, yes, I am.

Mr. SCHUMER. Could they not do all of the things the gentlewoman talked about?

Ms. MOLINARI. I think that is debatable.

Mr. SCHUMER. Why? What is debatable about it?

Ms. MOLINARI. Mr. Chairman, if the gentleman will continue to yield, the language in last year's crime bill does not specify that we have a better opportunity of getting these grants if we can put forth a program that shows, for example, that this money would be used toward training police officers in domestic and sexual abuse.

Mr. SCHUMER. The gentlewoman is absolutely unfortunately correct. Specific provisions in last year's crime bill that the mayor of New York City sought would allow training of police officers and other types of things.

Ms. MOLINARI. The exact language is the grants may be used to procure equipment, technical or support systems or pay overtime.

Mr. SCHUMER. Exactly, that is in last year's bill as well as this year's bill.

Ms. MOLINARI. That was in last year's bill. That does not extend to this year's bill.

Mr. SCHUMER. It does, indeed, because this year's bill is even broader. It could be spent on those purposes. Would not the gentlewoman admit if New York City would not want to spend an additional nickel on police of any sorts, that that would be permissible under the present proposal, but it would not be permissible under the present law, last year's proposal; is that not correct?

Ms. MOLINARI. Mr. Chairman, I would submit that under this current crime bill, the city of New York has tremendous flexibility to deal with the problems that are affecting the city of New York. If my colleague will recall, our mayor stood here and said midnight basketball is a valuable prevention program. Many of the colleagues from other areas——

Mr. SCHUMER. Reclaiming my time, Mr. Chairman, what I would simply say here is, very simply, that our bill, and I do not think the gentlewoman has contradicted this, despite what she is talking about, midnight basketball, our bill would allow the money to go for many police uses. The existing proposal would not require any money to go to police. It could well be that not a nickel would go to police. There in lies the difference.

Mr. Chairman, how much time does each side have?

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] has 9 minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 1 minute remaining.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. SCOTT], a member of the committee and the subcommittee.

□ 1620

Mr. SCOTT. Mr. Chairman, a lot of motivation has been ascribed to some Members of the minority as to the furor over this bill. I want to make it clear that my furor is focused on the cut of $2.5 billion from prevention and police, where it can make the most difference in responding to the problem of crime. We have debated whether or not the local government or the Federal Government will decide how the money will be spent. We have had examples of local law enforcement block grants with LEAA, but I want to make it clear that my personal furor is over the $2.5 billion that the communities will have less to deal with.

We have seen drug courts which operate at one-twentieth of the cost of other programs and result in an 80 percent reduction in crime. We will have less money for those programs. We have seen community policing, very effective in reducing crime. Police officers have been put on the street as a result of last years's bill. We will have less money to do that. Prevention programs, reducing crime, less money to do that. We have heard of some organizations supporting the bill. We have not heard whether or not they support the $2.5 billion cut.

Mr. Chairman, I would hope that we would restore the $2.5 billion so the communities will have more money with which to fight crime.

Mr. McCOLLUM. Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise today to join my colleagues in opposing H.R. 728, the Local Law Enforcement Block Grant Act, and in supporting the Conyers-Schumer substitute which will be debated later this evening. The streets of my district, the Third District of Connecticut, are safer today because of the 1994 crime bill. Streets are becoming safer across this country because we are putting more police officers on the beat.

Mr. Chairman, last weekend I met with local law enforcement officials and mayors in my district. They reiterated their support for community policing, and they asked me, "Why are you unraveling this bill? It is working. Give it more of a chance to work." The 1994 crime bill was passed and signed into law just last August. It is not even into effect for 6 months. They regard this as a bill that has already provided funding for 32 additional officers in 10 municipalities in my communities. They were united in their support for the course of this landmark legislation, and the course it has charted. The 1994 crime bill struck the right balance between prisons, police, and prevention. The bill was tough on criminals, as it should be, but it also recognized that the best way to deal with crime was to prevent it from happening in the first place. That means more community policing, more cops on the beat.

The 1994 crime bill guarantees that 100,000 more police will be on our streets by the year 2000. The Republicans' bill does not guarantee that even one new police officer will be hired over the next 5 years. Without the kinds of guidelines that were included in the 1994 bill's block grant programs, there is no guaranty that State and local officials will ever spend any resources in support of community policing and cops on the beat.

My police chiefs reminded me of prior law enforcement block grant programs that did not have guidelines, the kind we are talking about in the 1994 bill. They told me that they saw spending on cars for politicians, airplanes, and cash for consultants; even, I might add, armored tanks. The Conyers-Schumer substitute would restore funding that the 1994 crime bill promised the States and localities by putting back money into the Cops on the Beat Program. This was a promise that was made to the American public. I urge my colleagues to support our police and our communities by keeping our commitment to the cops, keeping our commitment to this program, programs that are making our streets safer, and the people who live in our communities feel more safe. Take a stand in support of our cities, our police, and our youth, Mr. Chairman, and support the Conyers-Schumer substitute.

Mr. WATT of North Carolina. Mr. Chairman, would the Chair advise me how much time remains on each side?

The CHAIRMAN. The gentleman from North Carolina [Mr. WATT] has 4½ minutes remaining, and the gentleman from Florida [Mr. MCCOLLUM] has 1 minute remaining.

Mr. WATT of North Carolina. Mr. Speaker, I would advise the other side that we have no other speakers other than myself.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has the right to close, and the gentleman from North Carolina [Mr. WATT] would then be recognized, if he seeks recognition.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, let me speak for a minute or two about what this debate and this bill is not about, and then talk a little bit about what it is about.

Mr. Chairman, we have heard in this debate that this is about whether the local government has control of this situation or whether the Federal Government has control of the funds. I think the debate that we will engage in shortly, Mr. Chairman, as we try to amend this bill, is about what will be effective in the crime-fighting context.

If we really think about it, Mr. Chairman, I have never seen any local government official or State government official who would refuse funding from the Federal Government, whether it has some strings attached to it or whether it has no strings attached to it.

If we ask a local government official "Would you rather have money that does not give you any guidance about how to use it," they will say "Give me the money." If we ask that same local government official "Would you take some money that gives you some guidance about how to use it," they will say "Give us the money. We need the money because we have a crime-fighting problem."

Therefore, the real issue here is not about whether we give the money to the local government, with some constraints or guidance, or no constraints and guidance. It is about having some mechanism for accountability.

Mr. Chairman, the real issue, as the gentleman from Virginia [Mr. SCOTT] has indicated during the course of this debate is whether we are going to have some programs that are dedicated to prevention and some programs that are dedicated to putting additional police officers on the street.

By knocking down the wall between the prevention programs and the police programs and saying we are just going to give you block grants, not only do we give more discretion to the local officials, and they will love it and say "Thank you; we do not want you to tell us anything about how we should use these funds," but what we are also doing is eliminating the opportunity we have for accountability for those funds at our level.

Mr. Chairman, it is our responsibility to build in some accountability in this process. My point, Mr. Chairman, is that we should have had in the last crime bill and we should have in this bill a process for evaluating and forcing local government officials, or if we retain last year's programs in place, the Federal Government, to have an evaluation process.

Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS].

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 1 minute.

□ 1630

Mr. CONYERS. Mr. Chairman, if I have ever seen a piece of legislation that might be a candidate for a veto, I think the block grant is it. I think replacing 100,000 policemen on the street and a prevention program that works versus a $10 billion giveaway with no guarantees that takes $2.5 billion out of prevention is the wrong way to go and is likely to run into great difficulty with the Clinton administration.

The amendment that I am going to offer with my colleague from New York and many other Members supporting would effectively strike the block grant program, replace it with the bipartisan police and prevention package that we had in the last bill and won the support of Governors, mayors and, yes, law enforcement officials at the local level.

So rather than cutting the authorized amount to $10 billion, it would fully authorize the two packages at $12.5 billion.

Mr. Chairman, if I've ever seen a candidate for a veto, this block grant is it. It replaces 100,000 cops on the street and prevention programs that work, with a $10 billion givaway that has no guarantees to cut crime.

Our amendment would effectively strike the block grant, and replace it with the bipartisan cops and prevention package, that has won support among Governors, mayors, law enforcement officers. Rather than cutting the authorized amount to $10 billion, it would fully authorize the two packages at $12.5 billion.

Mr. Chairman, interestingly after all is said and done in this debate, three things remain clear:

First, the Republican majority has not told us how this block grant differs from LEAA in the 1970's. What specific guarantees exist in the text of this bill to ensure against the enormous waste we experienced with LEAA?

Second, not only has the Republican majority refused to tell us how this differs from the failure of LEAA, it has refused to identify any experience that is more compelling than the date of the authorized prevention programs. They have not responded to the empirical data—such as the California study, the data on drug courts, or early childhood intervention—all of which show us the promise of these programs;

Third, the Republican block grant will not guarantee a single new police officer. Our amendment here will guarantee the promise of both 100,000 new cops and smart programs that ultimately reduce tax expenditures rather than waste them.

This is a choice between making every American safer by putting 20 percent more police on our streets—or putting every American's pocketbook at risk with a 100-percent federally funded giveaway of $10 billion. A choice of a prevention package written on the past 20 years of experience at the local level, or a block grant that failed 20 years ago. Let's not go back to failed polices of the past. Let's move forward in the 1990's with programs that we know will work.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the debate that we are now commenced in that will run over the better part of 10 hours today and tomorrow is offering the most striking difference to the American people between the two parties that we have had in a long time on the floor of the House.

Republicans basically believe in limited government, believe in a local block grant program for the crime prevention and the police opportunities that we have to fight crime, and the Democrats have always believed in the Federal Government knows best and that is what was in their crime bill last year.

We have a real opportunity to make a difference here when we vote on the local crime bill programs that we are offering out here in the next day or two. What is good for New Brunswick, GA, is not the same as what is good for Sacramento, CA or Madison, WI. The local communities know best. They should make that decision. That is what this debate is all about. We are going to decide that out here. I trust when it is all said and done, this Congress will give the right to the local communities to fight crime as they see fit, to make the decision of whether they want a new cop or whether they want a prevention program and to make sure that every community with a high crime rate in this country can participate and not exclude some as the present law does.

Mr. GEJDENSON. Mr. Chairman, I rise to express numerous concerns about H.R. 728. At the outset I would like to commend the gentleman from Michigan, Mr. CONYERS, and the gentleman from New York, Mr. SCHUMER, for their efforts over the last week to improve these so-called crime bills that our Republican colleagues have brought to the floor. They have raised many important issues which have not been given proper consideration by the other side in their rush to bring bill after bill to the floor in order to meet an arbitrary 100-day deadline.

H.R. 728 is the final blow to the most comprehensive crime fighting legislation ever passed by Congress. The Crime Bill struck a smart balance between punishment and prevention. It had the support of police, local officials, Governors, community leaders, teachers, recreation directors, and many others across the country. Most importantly, it responded to the calls of the American people for safer neighborhoods by establishing a grant program to put 100,000 new police officers on our streets. Thanks to Herculean efforts by the Justice Department, funds have already been directed to thousands of communities, large and small, to hire approximately 17,000 new police. Importantly, these officers will be involved in community policing. Community policing has been proven successful over and over again in reducing crime and improving relations between law enforcement personnel and residents. Almost nothing works better to deter crime than having officers highly visible in the community.

I say almost nothing because stopping crime from ever occurring works better than anything else to make our communities safe. By taking steps to address the root cause of crime—drug abuse, lack of educational and economic opportunity, and the decline of the family—we can prevent it from occurring in the first place. The Crime Bill took this proactive approach by allocating a small portion of the funds available to local communities for a wide range of worthwhile initiatives. Funds would be available for education, job training, anti-gang programs, drug treatment and after school and summer activities. Importantly, the bill did not impose solutions or program designs on communities. Instead, it provided broad discretion to communities to develop programs to meet their particular circumstances.

Mr. Chairman, H.R. 728 will change all of this. It guts the prevention side of crime fighting, the proactive side, to fund more prisons and police, the reactive side. Of the $5 billion previously allocated to prevention, this bill shifts $2.5 billion to build more prisons according to a formula established by legislation passed by the House last week. Unfortunately, few states meet the requirements to receive funding and some estimate that states will have to spend $60 billion on prison construction so that they can incarcerate prisoners long enough to qualify for assistance down the road. For my colleagues who are concerned about unfunded mandates, alarm bells should be going off.

The remaining $2.5 billion will go into a new program relating to police officers. Unfortuantely for the American people, this new program takes several steps backwards. First, it does not require that new officers to be engaged in community policing and may not result in 100,000 new police being put on the street. People want officers out of their cars and the station house and onto the streets of their neighborhoods. Communities which utilize community policing have seen their crime rates go down and relations between the police and residents dramatically improve. The Crime Bill encouraged this effective policy nationwide.

Virtually every major police organization in the country is opposed to altering the provisions of the Crime Bill relating to cops on the beat. The National Association of Police Organizations, the Law Enforcement Steering Committee, the Fraternal Order of Police, the National Sheriffs Association and the Police Executive Research Forum all strongly support the current program. Many of these groups are concerned that the provisions of H.R. 728 will not put 100,000 new police on our streets. I fail to see why the House would want to pass a bill which our law enforcement professionals say will undermine our efforts to put additional cops on the street. This is just another example of the unintended consequences of certain Republican policies which are not being provided careful scrutiny in committee.

I am also troubled by the fact this legislation eliminates the requirement that local communities pay part of the costs of hiring additional officers or buying new equipment. Law enforcement is a local function. Virtually no one in this chamber would argue that the Federal Government should begin paying for local police. Assistance in the Crime Bill is designed to provide a rapid infusion of new officers to meet the challenges of violent crime. The Federal Government agreed to pay the vast majority of the costs, but asked local communities to make an investment as well. It only makes sense to ask communities to make a commitment to the safety of their residents. With a voluntary program, it makes even more sense to ask participants to pay part of the cost.

The need for a local contribution is more acute in light of efforts to pass a balanced budget amendment. I would like my Republican colleagues to explain how they plan to balance the budget by developing voluntary programs designed to meet profoundly local needs that don't require the local entity to put up any money? I know it is politically expedient to eliminate the local contribution. However, from a public policy and a budgetary standpoint, the things that should matter the most around here, this makes no sense. The Crime Bill struck a balance in this area, a balance which this bill destroys.

Finally, by eliminating support for prevention, I believe this bill will actually undermine efforts to substantially reduce crime in this country and drive up the costs of law enforcement. During debate on the Crime Bill last year, we all heard from communities across the Nation which have experienced substantial reductions in criminal activity when they set up after school programs, anti-gang initiatives, or provided job training to young people. Crime went down because kids had constructive things to do with their time and they were being given opportunities to do better in school or to learn a new skill that will help them get a good job down the road. Communities plagued by gang violence worked to combat it with programs to educate youngsters about the negative side of gangs and the list goes on and on. The bottomline is that communities are getting real results with prevention programs, results they aren't getting by sending more people to prison.

Prevention makes sense for several reasons. First, it is proactive, it works to reduce crime before it ever occurs, before the police have to be called and before someone goes to prison. The most effective way to make our communities safe is to stop crime in the first place. Second, prevention is probably the most cost-effective way to reduce crime. A community can invest $25,000 in an anti-gang initiative which can serve countless young people. On the other hand, it costs about the same amount to incarcerate a single violent criminal for one year. We get a much greater return on the first $25,000 than we do on the second. For people who want the Government to spend the American taxpayers' money wisely, nothing makes more sense than investing in prevention.

Mr. Chairman, this bill takes a giant step back in the fight against crime. It does not guarantee that 100,000 new police will be put on the streets, it does not stress community policing, and it repeals what I believe are the most cost-effective crime fighting programs. Major law enforcement organizations and our Nation's mayors and other elected officials have strong concerns about this bill. Moreover, it puts political expedience before good public policy by funneling billions to localities without requiring them to make an investment as well. I urge my colleagues to defeat this measure and preserve the existing cops on the beat program as well as badly needed prevention initiatives.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 728. During the last session, the Democratic-led Congress passed a crime bill riddled with problems and weaknesses. Most notably, it would have spent billions of dollars on questionable social spending disguised as crime prevention.

The crime bill also placed so many conditions on local governments to receive Federal funds to hire more police that many could not even afford to apply for these funds.

To make matters worse, it assumed that all police departments needed or wanted to hire more police, ignoring the reality that many strongly felt that they could use the money in more effective and efficient ways—such as modernizing outdated equipment and hiring civilian office workers to move desk cops out on the streets.

Last year, I tried to offer an amendment to give local law enforcement flexibility to use these grants for these other important purposes—only to be rejected by the Rules Committee.

H.R. 728 addresses both problems. It authorizes $10 billion of block grants over 5 years for law enforcement, replacing the police and crime prevention sections of the crime bill.

These grants can be used, among other things, to hire new officers, purchase equipment and technology directly related to law enforcement, pay overtime to current officers, enhance school security and establish citizen neighborhood watch programs. In other words, the $4 billion in mandated social spending in the crime bill are gone and police departments now have the flexibility to spend Federal funds as they see fit.

After all, they are the ones on the front lines in the war on crime and certainly know better than Washington bureaucrats how to more effectively combat our crime problem.

Mr. Chairman, I am also very pleased that H.R. 728 preserves the Violence Against Women Act provisions in last year's crime bill.

This section created Federal penalties for interstate stalking or domestic abuse, strengthened existing Federal penalties for repeat sexual offenders and required restitution to victims in Federal sex offense cases. In addition, it created a civil rights violation for violent crimes motivated by gender, allowing victims of such crimes to sue for damages or court-ordered injunctions.

The act also authorized $1.6 billion over 6 years for programs to fight violence against women.

Mr. Chairman, H.R. 728—in combination with the other crime bills passed by the House during the past week—is a vast improvement on last year's crime bill and I urge my colleagues' support of this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, we all recall last year's unfounded cries by the GOP that the 1994 crime bill was loaded with pork. Well, I've got news for you and the American people watching this debate today. H.R. 728, the Local Government Law Enforcement Block Grants Act, is the true oinker. This thing squeals so loud, you'd think we were considering a farm bill instead of a crime bill.

Last year, the body made a commitment to the American people that we would tackle their concerns about crime with a targeted, smart, understanding approach and we did just that. Unfortunately, my Republican colleagues have decided to ditch this approach in the name of political expediency and, ironically, have left a pigsty in their wake.

H.R. 728 is an absolute boondoggle. This legislation promises a whole heck of a lot, but guarantees absolutely nothing but the potential for abuse: $10 billion of taxpayer funds will be shuttled to States and localities for the broad, general purpose of reducing crime and improving public safety with no specific goals up front and no indications that these funds will be spent responsibly.

Like the old Law Enforcement Assistance Administration grants that were plagued by mismanagement and fraud and finally terminated during the Reagan administration, grants under H.R. 728 could potentially go toward the purchase of so-called police patrol cars employed by high-ranking local officials for personal use, to support patronage jobs in law enforcement agencies, or to fund crime consultants whose only aim is to bilk the government.

My constituents strongly supported the addition of 100,000 officers to walk the streets, interacting in a positive way with average citizens and community leaders, strengthening the ties between law enforcement and localities, creating a safer environment in which our children can grow. Residents of several neighborhoods in my district in Chicago, such as North Lawndale and Austin, have been successful for some time now in organizing citizen partnerships with local authorities to tackle problems as they arise and ensure the continued vitality of the areas in which they work and live. In addition, suburbs in my district such as Maywood and Bellwood, IL, have worked diligently to create viable community policing programs and are in the process of starting these programs with the help of the 1994 crime bill.

H.R. 728 severely jeopardizes this progress. In fact, under this bill, there are no assurances that a single police officer will be hired.

Even more distressing is the fact that most all prevention moneys from last year's comprehensive crime legislation are gone, including the $1.6 billion in long-awaited funds for the Local Partnership Act to grant cities the resources necessary to implement proven, cost-effective and much-needed health and educational crime prevention programs. Gone with that act is the 10-percent Federal set-aside I was able to include which would have provided localities across the Nation with the incentive to partner with small minority or women-owned businesses. I guess the GOP would rather build walls around some of the most disadvantaged areas of our cities and towns than provide relief and the hope of a successful future to hundreds of small enterprises and the neighborhoods in which they are located.

Also gone are the following: $810 million in grants for a variety of after-school and summer programs for at-risk youth involving education, tutoring, and job preparation; $626 million for up to 15 model programs intended to expand community services and new prevention strategies in high-crime, low-income areas; $270 million for local community development corporations to implement vital economic revitalization projects such as those being undertaken on the West Side of Chicago, in my district, with the help of organizations like Bethel New Life, Inc.; and $45 million in BATF gang prevention and education initiatives.

So as you can clearly see, we have before us a bill that substitutes uncertainty and irresponsibility for clarity and accountability. The

American people have hardly called for such an extreme reversal.

Mr. Chairman, my Republican colleagues have rejected the common sense notion that giving individuals and families a greater stake in their communities, as we did in last year's crime legislation, is the best way to attack and deter lawlessness. They have rejected the belief that we need to provide hope and opportunity where there is little or none. They have rejected the fact that the threat of punishment and retribution neither prevents nor stops crime from occurring on its own. I strongly suggest we reject their irrational attempt to gut the 1994 crime bill. Vote "no" on H.R. 728.

Mr. BILBRAY. Mr. Chairman, there was a resonant message in the November elections: Americans are tired of Washington telling them what is best for their families and their communities. The bill we will consider today provides a response to that message.

The crime bill passed by the House last year is a perfect example of Washington passing a big government-knows-best, one-size-fits all solution. We know, as the American people do, that the most innovative and effective solutions to our crime problems are found and developed by those closest to the problem.

Today, as we consider the Local Government Law Enforcement Block Grants Act, I urge my colleagues to remember and respect the local control that will be granted by this legislation.

H.R. 728 provides local units of government with the resources to fight the crime problem that sweeps our Nation. However, this bill does not dictate how these resources must be used.

Instead, it provides unprecedented flexibility to those law enforcement officials closest to the crime problem. Funds in this bill can be used in a variety of ways—from improving security at schools to hiring and equipping law enforcement personnel.

We have heard a lot of rhetoric from the other side, and from President Clinton himself about our re-write of the crime bill. Here is what the Democrats had to say about the flexible funds available to localities in this bill: "In short, these funds can—and no doubt will in too many cases—be used by local officials for ill-advised, wasteful, and even counterproductive uses."

Apparently, the liberals in Congress and the White House think only Congress is wise enough to tell localities how best to spend their money. The truth is, the American people were angry at the presumption of the 1994 crime legislation. They know that pork barrel spending on discredited social programs will not keep their children safer. That is one of the main reasons they sent us to Washington—to pass legislation that does not merely masquerade as crime control.

Mr. LATOURETTE. Mr. Chairman, just a few days prior to the last election, in Wickliffe, OH, a man armed with a shotgun went into a middle school and began firing indiscriminately. Tragically, a long-time school employee lay dead at the conclusion of this rampage, others were wounded, and the psychological terror visited upon the staff and students has yet to be quantified.

The police response time was excellent, the police work was excellent, and now the issue of the gunman's guilt or innocence will be left up to the judicial system.

In the last week, Wickliffe qualified for and received a 3 year grant under the Cops Fast Program to place an additional police officer on the street. Everyone connected with law enforcement recognizes that more police officers on the street is a good thing. However, 10 new police officers would have done nothing to prevent the tragedy last November in Wickliffe.

The good news is that the block grant program now under debate in this House will keep in place the additional police officer received by Wickliffe and any other locality that has received funding under the provisions passed in last year's crime bill. The better news is that the Republican block grant program will give to Wickliffe and other cities the flexibility to engage in school security measures that may have a preventive impact upon future tragedies.

Local communities will have the option of applying for and receiving funds to acquire metal detectors, security guards and/or security cameras and systems for their schools if those local communities feel that that is one of the more pressing needs to fight crime in their communities. No longer will they be subject to a one size fits all solution and be required to buy off-the-rack crime prevention. Instead, they will be able to employ a tailor-made, local solution to their most pressing needs. As with many of the provisions in this year's crime bill debate, this solution just makes sense in the daily battle against crime.

Mr. YOUNG of Florida. Mr. Chairman, I rise today in support of H.R. 728, the Local Government Law Enforcement Block Grants Act. This legislation represents the final piece of the Taking Back Our Streets Act, 1 of the 10 points of the Republican Contract With America. Passage of today's bill marks the completion of this important legislation, and continues our efforts to radically rejuvenate our Nation's fight against crime.

Today's legislation replaces major portions of the Violent Crime Control and Law Enforcement Act of 1994, which set up a variety of categorical grants and programs intended to ameliorate poverty and prevent crime. Instead, the present bill establishes block grants to help units of local government improve public safety. Use of the funds can include, but is not limited to, hiring, training, and equipping law enforcement officers and support personnel; enhancing school security, and establishing crime prevention programs involving law enforcement officials. The grant money must not supplant State or local funds, but unlike last years legislation, the States and local governments are not required to provide matching funds.

H.R. 728 authorizes $10 billion for law enforcement block grants over 5 years, with $2 billion to be distributed in each of fiscal year 1996 through 2000, and it specifies criteria for eligibility and distribution of the grants. In contrast to the 1994 Crime Control Act, H.R. 728 allows localities greater flexibility in responding to their own crime problems.

Mr. Speaker, statistics paint a grim picture, illustrating clearly that the United States has failed to get a handle on its growing crime problem. According to the FBI, the rate of violent crime in the United States is worse than in any other Western developed country, with a murder occurring every 21 minutes, a rape every 5 minutes, a robbery every 46 seconds, and an aggravated assault every 29 seconds. Violent crime or property crime victimizes one in four U.S. households. Every year, nearly 5 million people are victims of murder, rape, robbery, or assault, and 19 million Americans fall victim to theft, burglary, or arson. Juvenile crime increased by 60 percent between 1981 and 1990, compared to an increase of 5 percent among adults, and the number of inmates convicted of drug offenses rose 14 percent from 1983 to 1989. On all fronts, the problem has become epidemic.

This crime crisis is particularly severe among minorities and the poor. The U.S. homicide rate for black males between the ages of 15 and 24 is 283 times that of males homicide rates in 17 other nations. Homicide is now the leading cause of death for blacks aged 15 to 34. One expert has estimated that a 20-year-old black male stands a greater chance of being murdered on the streets than a soldier in World War II stood of dying in combat.

These figures are frightening, and proof positive that the current approach to battling this epidemic is a dismal failure. Last year's crime bill did little to address the fundamental crime problem in our country. Relying on expensive "Great Societyesque" programs, the bill attempted to do what all other big government social programs have failed to do; make individuals responsible for their actions and instill a sense of right and wrong in those with a propensity to commit a crime.

Mr. Speaker, the overwhelming incidence of crime occurs within State and local jurisdictions, so State and local authorities bear the primary responsibility for combating this mounting crisis. They need help and support from the Federal Government, but not mandated prevention programs. The best thing the Federal Government can do is to try to assist State and local crime-fighters without getting in their way. This legislation will go along way toward that goal and I urge its support.

Mr. LEVIN. Mr. Chairman, last year I made a commitment to the people of my district to put more cops in our local communities, and add 100,000 more cops across this country. That is a commitment I intend to keep.

The bill before us does not ensure a single new officer will be added to our communities so I must oppose it. In fact, it ensures nothing. The bill permits the $10 billion block grant to be used for anything that generally reduces crime or improves public safety.

Proponents of the bill argue this is just the sort of flexibility we need: no limits, no guidelines. But just how flexible is this bill? Could it be used to construct highways or roads? Absolutely. In fact, an amendment I supported that would have prevented the $10 billion from being used for these very purposes was defeated.

Taxpayers deserve more accountability than this. They deserve to know how their money is used. And when they ask for a crime bill they deserve to see more police in their neighborhoods.

The current law meets these goals with responsible flexibility for local government, and accountability for the taxpayers. The funding can be used to hire cops, purchase police technology and equipment, and bring on civilian clerks to free up officers from desk duty. Under an amendment I wrote, it can also be used to fund multijurisdictional task forces that allow local communities to pool their resources to focus on specific crime problems that don't respect suburban municipal boundaries.

The law we passed last year with bipartisan support ensures the purpose of the people, the purpose to which I committed, to put more cops in our communities, to help local law enforcement increase its presence across this country, cannot be subverted by any politician—Federal, State, or local. The bill before us does not. I say: Maintain the commitment, uphold the purpose of the people, stay the course.

Mr. McCOLLUM. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Mr. McCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. MOLINARI) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 728) to control crime by providing law enforcement block grants, had come to no resolution thereon.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PERMISSION FOR CERTAIN COMMITTEES TO SIT DURING 5-MINUTE RULE

Mrs. VUCANOVICH. Madam Speaker, I ask special leave that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Government Reform and Oversight; the Judiciary; Science; Small Business; and Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

Mr. SKAGGS. Madam Speaker, reserving the right to object, I just wanted to make sure that all of this had been cleared. We have determined with our leadership that it has.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Nevada?

There was no objection.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 728.

□ 1635

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Local Government Law Enforcement Block Grants Act of 1995".

SEC. 2. BLOCK GRANT PROGRAM.

(a) In General.—Title I of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT BLOCK GRANTS

"SEC. 101. PAYMENTS TO LOCAL GOVERNMENTS.

"(a) Payment and Use.—

"(1) Payment.—The Director of the Bureau of Justice Assistance, shall pay to each unit of local government which qualifies for a payment under this title an amount equal to the sum of any amounts allocated to such unit under this title for each payment period. The Director shall pay such amount from amounts appropriated to carry out this title.

"(2) Use.—Amounts paid to a unit of local government under this section shall be used by the unit for reducing crime and improving public safety, including but not limited to, 1 or more of the following purposes:

"(A)(i) Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.

"(ii) Paying overtime to presently employed law enforcement officers and necessary support personnel for the purpose of increasing the number of hours worked by such personnel.

"(iii) Procuring equipment, technology, and other material directly related to basic law enforcement functions.

"(B) Enhancing school security measures by—

"(i) providing increased law enforcement patrols in and around schools, whether through the hiring of additional law enforcement officers or paying overtime to presently employed officers;

"(ii) purchasing law enforcement equipment necessary to carry out normal law enforcement functions in and around schools;

"(iii) equipping schools with metal detectors, fences, closed circuit cameras, and other physical safety measures;

"(iv) gun hotlines designed to facilitate the reporting of weapons possession by students and other individuals in and around schools; and

"(v) preventing and suppressing violent youth gang activity.

"(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime.

"(D) Establishing or supporting drug courts.

"(E) Establishing early intervention and prevention programs for juveniles to reduce or eliminate crime.

"(F) Enhancing the adjudication process of cases involving violent offenders, including the adjudication process of cases involving violent juvenile offenders.

"(3) Definitions.—For purposes of this subsection—

"(A) the term 'violent offender' means a person charged with committing a part I violent crime; and

"(B) the term 'drug courts' means a program that involves—

"(i) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

"(ii) the integrated administration of other sanctions and services, which shall include—

"(I) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(II) substance abuse treatment for each participant;

"(III) probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

"(IV) programmatic, offender management, and aftercare services such as relapse prevention, vocational job training, job placement, and housing placement.

"(b) Prohibited Uses.—Notwithstanding any other provision of this Act, a unit of local government may not expend any of the funds provided under this title to purchase, lease, rent, or otherwise acquire—

"(1) tanks or armored personnel carriers;

"(2) fixed wing aircraft;

"(3) limousines;

"(4) real estate; or

"(5) yachts;

unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

"(c) Timing of Payments.—The Director shall pay each unit of local government that has submitted an application under this title not later than—

"(1) 90 days after the date that the amount is available, or

"(2) the first day of the payment period if the unit of local government has provided the Director with the assurances required by section 103(d),

whichever is later.

"(d) Adjustments.—

"(1) In General.—Subject to paragraph (2), the Director shall adjust a payment under this

title to a unit of local government to the extent that a prior payment to the unit of local government was more or less than the amount required to be paid.

"(2) CONSIDERATIONS.—The Director may increase or decrease under this subsection a payment to a unit of local government only if the Director determines the need for the increase or decrease, or if the unit requests the increase or decrease, not later than 1 year after the end of the payment period for which a payment was made.

"(e) RESERVATION FOR ADJUSTMENT.—The Director may reserve a percentage of not more than 2 percent of the amount under this section for a payment period for all units of local government in a State if the Director considers the reserve is necessary to ensure the availability of sufficient amounts to pay adjustments after the final allocation of amounts among the units of local government in the State.

"(f) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 27 months after receipt of funds from the Director, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government.

"(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

"SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

"(1) $2,000,000,000 for fiscal year 1996;

"(2) $2,000,000,000 for fiscal year 1997;

"(3) $2,000,000,000 for fiscal year 1998;

"(4) $2,000,000,000 for fiscal year 1999; and

"(5) $2,000,000,000 for fiscal year 2000.

"(b) ADMINISTRATIVE COSTS.—Not more than 2.5 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Director for administrative costs to carry out the purposes of this title. Such sums are to remain available until expended.

"(c) AVAILABILITY.—The amounts authorized to be appropriated under subsection (a) shall remain available until expended.

"SEC. 103. QUALIFICATION FOR PAYMENT.

"(a) IN GENERAL.—The Director shall issue regulations establishing procedures under which a unit of local government is required to provide notice to the Director regarding the proposed use of funds made available under this title.

"(b) PROGRAM REVIEW.—The Director shall establish a process for the ongoing evaluation of projects developed with funds made available under this title.

"(c) GENERAL REQUIREMENTS FOR QUALIFICATION.—A unit of local government qualifies for a payment under this title for a payment period only if the unit of local government submits an application to the Director and establishes, to the satisfaction of the Director, that—

"(1) the unit of local government has established a local advisory board that—

"(A) includes, but is not limited to, a representative from—

"(i) the local police department or local sheriff's department;

"(ii) the local prosecutor's office;

"(iii) the local court system;

"(iv) the local public school system; and

"(v) a local nonprofit, educational, religious, or community group active in crime prevention or drug use prevention or treatment;

"(B) has reviewed the application; and

"(C) is designated to make nonbinding recommendations to the unit of local government for the use of funds received under this title;

"(2) the chief executive officer of the State has had not less than 45 days to review and comment on the application prior to submission to the Director;

"(3) the unit of local government will establish a trust fund in which the government will deposit all payments received under this title;

"(4) the unit of local government will use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the unit of local government;

"(5) the unit of local government will expend the payments received in accordance with the laws and procedures that are applicable to the expenditure of revenues of the unit of local government;

"(6) the unit of local government will use accounting, audit, and fiscal procedures that conform to guidelines which shall be prescribed by the Director after consultation with the Comptroller General and as applicable, amounts received under this title shall be audited in compliance with the Single Audit Act of 1984;

"(7) after reasonable notice from the Director or the Comptroller General to the unit of local government, the unit of local government will make available to the Director and the Comptroller General, with the right to inspect, records that the Director reasonably requires to review compliance with this title or that the Comptroller General reasonably requires to review compliance and operation;

"(8) a designated official of the unit of local government shall make reports the Director reasonably requires, in addition to the annual reports required under this title; and

"(9) the unit of local government will spend the funds made available under this title only for the purposes set forth in section 101(a)(2).

"(d) SANCTIONS FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If the Director determines that a unit of local government has not complied substantially with the requirements or regulations prescribed under subsections (a) and (c), the Director shall notify the unit of local government that if the unit of local government does not take corrective action within 60 days of such notice, the Director will withhold additional payments to the unit of local government for the current and future payment periods until the Director is satisfied that the unit of local government—

"(A) has taken the appropriate corrective action; and

"(B) will comply with the requirements and regulations prescribed under subsections (a) and (c).

"(2) NOTICE.—Before giving notice under paragraph (1), the Director shall give the chief executive officer of the unit of local government reasonable notice and an opportunity for comment.

"SEC. 104. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE SET-ASIDE.—

"(1) IN GENERAL.—Of the total amounts appropriated for this title for each payment period, the Director shall allocate for units of local government in each State an amount that bears the same ratio to such total as the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available, bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for such years.

"(2) MINIMUM REQUIREMENT.—Each State shall receive not less than .25 percent of the total amounts appropriated under section 102 under this subsection for each payment period.

"(3) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (2) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1) for such period, then the Director shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

"(b) LOCAL DISTRIBUTION.—

"(1) IN GENERAL.—From the amount reserved for each State under subsection (a), the Director shall allocate—

"(A) among reporting units of local government the reporting units' share of such reserved amount, and

"(B) among nonreporting units of local government the nonreporting units' share of the reserved amount.

"(2) AMOUNTS.—

"(A) The reporting units' share of the reserved amount is the amount equal to the product of such reserved amount multiplied by the percentage which the population living in reporting units of local government in the State bears to the population of all units of local government in the State.

"(B) The nonreporting units' share of the reserved amount is the reserved amount reduced by the reporting units' share of the reserved amount.

"(3) ALLOCATION TO EACH REPORTING UNIT.—From the reporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each reporting unit of local government an amount which bears the same ratio to such share as the average annual number of part 1 violent crimes reported by such unit to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available bears to the number of part 1 violent crimes reported by all units of local government in the State in which the unit is located to the Federal Bureau of Investigation for such years.

"(4) ALLOCATION TO EACH NONREPORTING UNIT.—From the nonreporting units' share of the reserved amount for each State under subsection (a), the Director shall allocate to each nonreporting unit of local government an amount which bears the same ratio to such share as the average number of part 1 violent crimes of like governmental units in the same population class as such unit bears to the average annual imputed number of part 1 violent crimes of all nonreporting units in the State for the 3 most recent calendar years.

"(5) LIMITATION ON ALLOCATIONS.—A unit of local government shall not receive an allocation which exceeds 100 percent of such unit's expenditures on law enforcement services as reported by the Bureau of the Census for the most recent fiscal year. Any amount in excess of 100 percent of such unit's expenditures on law enforcement services shall be distributed proportionally among units of local government whose allocation does not exceed 100 percent of expenditures on law enforcement services.

"(6) DEFINITIONS.—For purposes of this subsection—

"(A) The term 'reporting unit of local government' means any unit of local government that reported part 1 violent crimes to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

"(B) The term 'nonreporting unit of local government' means any unit of local government which is not a reporting unit of local government.

"(C)(i) The term 'like governmental units' means any like unit of local government as defined by the Secretary of Commerce for general statistical purposes, and means—

"(I) all counties are treated as like governmental units;

"(II) all cities are treated as like governmental units;

"(III) all townships are treated as like governmental units.

"(ii) Similar rules shall apply to other types of governmental units.

"(D) The term 'same population class' means a like unit within the same population category as another like unit with the categories determined as follows:

"(i) 0 through 9,999.

"(ii) 10,000 through 49,999.

"(iii) 50,000 through 149,999.

"(iv) 150,000 through 299,999.

"(v) 300,000 or more.

"(7) LOCAL GOVERNMENTS WITH ALLOCATIONS OF LESS THAN $10,000.—If under paragraph (3) or (4) a unit of local government is allotted less than $10,000 for the payment period, the amount allotted shall be transferred to the chief executive officer of the State who shall distribute such funds among units of local government whose allotment is less than such amount in a manner which reduces crime and improves public safety.

"(8) SPECIAL RULES.—

"(A) If a unit of local government in a State that has been incorporated since the date of the collection of the data used by the Director in making allocations pursuant to this section, such unit shall be treated as a nonreporting unit of local government for purposes of this subsection.

"(B) If a unit of local government in the State has been annexed since the date of the collection of the data used by the Director in making allocations pursuant to this section, the Director shall pay the amount that would have been allocated to such unit of local government to the unit of local government that annexed it.

"(c) UNAVAILABILITY OF INFORMATION.—For purposes of this section, if data regarding part 1 violent crimes in any State for the 3 most recent calendar years is unavailable or substantially inaccurate, the Director shall utilize the best available comparable data regarding the number of violent crimes for such years for such State for the purposes of allocation of any funds under this title.

"SEC. 105. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this title may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 101(a)(2).

"SEC. 106. PUBLIC PARTICIPATION.

"(a) IN GENERAL.—A unit of local government expending payments under this title shall hold not less than 1 public hearing on the proposed use of the payment from the Director in relation to its entire budget.

"(b) VIEWS.—At the hearing, persons shall be given an opportunity to provide written and oral views to the unit of local government authority responsible for enacting the budget and to ask questions about the entire budget and the relation of the payment from the Director to the entire budget.

"(c) TIME AND PLACE.—The unit of local government shall hold the hearing at a time and place that allows and encourages public attendance and participation.

"SEC. 107. ADMINISTRATIVE PROVISIONS.

"The administrative provisions of part H of the Omnibus Crime Control and Safe Streets Act of 1968, shall apply to this title and for purposes of this section any reference in such provisions to title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be deemed to be a reference to this title.

"SEC. 108. DEFINITIONS.

"For the purposes of this title:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'payment period' means each 1-year period beginning on October 1 of any year in which a grant under this title is awarded.

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 104(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(6) The term 'Director' means the Director of the Bureau of Justice Assistance.".

(b) CONFORMING AMENDMENTS.—

(1) Part Q of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed effective on September 30, 1995.

(2) Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with such part as in effect on the day preceding the date of the enactment of this Act.

(3) Effective on the date of the enactment of this Act, section 1001(a) of the Omnibus Crime Control and Safe Streets Act is amended—

(A) in paragraph (3), by striking "Q,"; and

(B) by striking paragraph (11).

SEC. 3. CONFORMING AMENDMENTS.

(a) OUNCE OF PREVENTION COUNCIL.—

(1) IN GENERAL.—Subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle A of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(b) LOCAL CRIME PREVENTION BLOCK GRANT PROGRAM.—Subtitle B of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(c) MODEL INTENSIVE BLOCK GRANT PROGRAMS.—Subtitle C of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(d) FAMILY AND COMMUNITY ENDEAVOR SCHOOLS GRANT PROGRAM.—

(1) IN GENERAL.—Subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FUNDING.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under subtitle D of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance such subtitle as in effect on the day preceding the date of enactment of this Act.

(e) ASSISTANCE FOR DELINQUENT AND AT-RISK YOUTH.—Subtitle G of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(f) POLICE RETIREMENT.—Subtitle H of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(g) LOCAL PARTNERSHIP ACT.—

(1) SUBTITLE J.—Subtitle J of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) FEDERAL PAYMENTS.—Chapter 67 of title 31, United States Code is repealed.

(3) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle V of title 31, United States Code, is amended by striking the matter relating to chapter 67.

(4) FUNDING.—Notwithstanding the provisions of paragraph (2), any funds that remain available to an applicant under chapter 67 of title 31, United States Code, shall be used in accordance with such chapter as in effect on the day preceding the date of enactment of this Act.

(h) NATIONAL COMMUNITY ECONOMIC PARTNERSHIP.—Subtitle K of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(i) URBAN RECREATION AND AT-RISK YOUTH.—

(1) RECREATION.—Subtitle O of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) URBAN PARK AND RECREATION RECOVERY.—(A) Section 1004 of the Urban Park and Recreation Recovery Act of 1978 is amended—

(i) by striking subsection (d); and

(ii) by redesignating subsections (e) through (k) as (d) through (j), respectively.

(B) Section 1005 of the Urban Park and Recreation Recovery Act of 1978 is amended by inserting "and" at the end of paragraph (6), by striking "; and" and inserting a period at the end of paragraph (7), and by striking paragraph (8).

(C) Section 1007(b) of the Urban Park and Recreation Recovery Act of 1978 is amended by striking the last 2 sentences.

(D) Section 1013 of the Urban Park and Recreation Recovery Act of 1978 is amended by striking "(a) IN GENERAL.—" after "1013" and by striking subsection (b).

(j) COMMUNITY-BASED JUSTICE GRANTS FOR PROSECUTORS.—Subtitle Q of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(k) FAMILY UNITY DEMONSTRATION PROJECT.—Subtitle S of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(l) GANG RESISTANCE AND EDUCATION TRAINING.—(1) Subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 is repealed.

(2) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under subtitle X of title III of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as in effect on the day preceding the date of enactment of this Act.

(m) CLERICAL AMENDMENTS.—

(1) The matter relating to title I in the table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"TITLE I—LAW ENFORCEMENT BLOCK GRANTS

"Sec. 101. Payments to local governments.

"Sec. 102. Authorization of appropriations.
"Sec. 103. Qualification for payment.
"Sec. 104. Allocation and distribution of funds.
"Sec. 105. Utilization of private sector.
"Sec. 106. Public participation.
"Sec. 107. Administrative provisions.
"Sec. 108. Definitions.".

(2) The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitles A, B, C, D, G, H, J, K, O, Q, S, and X of title III.

(3) The table of contents of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the matter relating to part Q of title I.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read. Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF: Strike subparagraph (B) of section 101(a)(2) of the Violent Crime Control and Safe Streets Act of 1994, as amended by section 2 of this bill, and insert the following:

"(B) Enhancing security measures—

"(i) in and around schools; and

"(ii) in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

Mr. SCHIFF. Mr. Chairman, we take an approach in this bill that quite obviously one can see from the general debate not everyone is in accord with, and I strongly suspect that those Members who do not want our approach will vote no, virtually regardless of what amendments are and are not accepted here today.

Nevertheless, in accordance with our approach, I want to explain my amendment. Our amendment, as has been stated a number of times, is a block grant program to units of local government in which they can decide the best use of their funds. That may in fact be for more police. It may be for what we have come to call prevention programs. It may be for some combination of each. Our bill would leave that to the discretion of local government.

Nevertheless, we do in H.R. 728 provide several illustrations at least of what Congress has in mind for local governments to look at. These are not mandatory and they are not restrictive, just because we list several areas, such as hiring of police, is not totally restrictive on how local government should in fact use the funds. But it shows at least what Congress is considering. We then at that point defer to their discretion as local government officials elected essentially by the same constituencies that we have and that sent us here.

More particularly, Mr. Chairman, the bill states that the funds can be used, by way of illustration again, for the purpose of enhancing security, and the bill mentions as an illustration enhancing security of schools.

What I would do in this amendment is to keep the illustration of enhancing security at schools. I doubt that there is any State, probably no local government that does not have some problem in security somewhere in its schools. However, I would add in addition to that, and again we are illustrating here, units of local government can already use these funds to enhance security, they can already use it to enhance security at schools and anywhere else, but just to make that fact clear, to make clear that schools are not all-encompassing and that nothing is left out, I would add the words that the local governments could use the funds to enhance security at schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

We had a debate in the Committee on the Judiciary about the fact that some communities have a special incidence of crime at reproductive clinics.

□ 1640

I want to say that I helped cosponsor and helped pass the Federal law we passed which made it a crime to use violence and otherwise illegally interfere with people's access to reproductive clinics.

That is indeed one problem that is faced in certain communities, but not all communities. In Albuquerque, NM, which I have the privilege of representing, in the last Christmas season holidays the Albuquerque police department put a substation in the parking lot of the largest shopping center. As we might expect, crime went down in that shopping center dramatically. It had been rather high up until then with attacks, shoplifting, break-ins and so forth. The subject is without limit.

There could be any number of special areas, locations, facilities that a unit of the local government feels needs enhanced security and my amendment would illustrate this could be used by the local government in any such place whether it is a reproductive clinic, a mall, a school, a neighborhood, any other place that the unit of local government feels has a special risk of being subject to crime.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the gentleman from New Mexico would just stay a minute I would like to ask him a couple of questions about his amendment, if I may. As I read the bill, and correct me if I am wrong, the only limitations actually on any unit of local government is on line 21, page 2 of the bill where it says for reducing crime and improving public safety. Is there any other limitation?

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I do not believe there are any other limitations as set out in the bill.

Mr. VOLKMER. After that it says including but not limited to. Included but not limited to is everything on page 3 where the gentleman is amending, is that correct?

Mr. SCHIFF. The gentleman is again correct.

Mr. VOLKMER. Yours is a limitation of the language on page 3; it is not a limiting amendment.

Mr. SCHIFF. If the gentleman will yield further, and I appreciate the gentleman yielding, all of the examples given in the bill as drafted are illustrations. The operative language, as the gentleman from Missouri pointed out a little bit earlier, is that the grants can be used for these ideas but not limited to these ideas.

I am merely in my amendment expanding the illustrations that we gave in terms of enhancing security, because it was suggested in the Committee on the Judiciary that a local government could not use such funds to enhance security at areas other than schools and particularly at reproductive clinics, and my amendment is intended simply to make clear by way of illustration that wherever a unit of government has a need for enhanced security they can provide it. I yield back to the gentleman.

Mr. VOLKMER. What the gentleman is saying to me and making clear is under the bill as it is written, if a unit of the local government feels it is necessary to have policemen around abortion clinics they can have all of the police around the abortion clinics that the Federal Government will fund them under this.

Mr. SCHIFF. If the gentleman will yield, the gentleman is exactly correct. They can use police to enhance security wherever they feel there is a special need to enhance security. My amendment is not absolutely authorization, it is an illustration.

Mr. VOLKMER. If they feel and the Attorney General would feel it is for reducing crime and improving public safety, that is the limitation. It does not make any difference what the gentleman's amendment says.

Mr. SCHIFF. Basically the gentleman is correct in that my amendment is an illustration and the local governments are free to make this choice. There were some who felt that was not clear enough, which is the reason for my amendment.

Mr. VOLKMER. The gentleman's amendment is to make it clear we can use moneys from these funds to have people that are picketing at abortion clinics go to jail.

Mr. SCHIFF. It could be used to help local law enforcement identify wherever they felt that a special incidence of crime, that is up to them to decide in their communities.

Mr. VOLKMER. Reclaiming my time, what the gentleman is telling me, this bill is really going to restrict pro-life people from picketing abortion clinics, and I am glad to hear about that.

One other thing that I noticed in here is that I remember I did not vote for that crime bill last time, I think the gentleman might remember that. I thought it was pretty lousy. In fact, I put a bill in this morning to repeal the whole thing and start brand new, because I think yours is lousy too and you do not do much better.

We had a big discussion on the same floor of the same House last August, ranting and raving about midnight basketball. I find midnight basketball and I find morning and afternoon and evening basketball in here. You want basketball, you name it, you can have it any time you want it. It is not even limited to midnight. Any kind of basketball, as long as local units of government feel it is necessary to reduce crime and improve public safety. That is what I find in this, and I find a lot of other things.

It is very interesting, and I yield to the gentleman from Illinois [Mr. HYDE] because earlier on during debate I was over in my office and doing some work around the office, and I listened to him and how he believes so strongly in local government and how great local government is; and local government, I agree, sometimes it is and sometimes it is not.

Mr. HYDE. Just like Washington.

Mr. VOLKMER. I am going to yield in a minute.

I remember the gentleman was here and I was here when we found out all of these things about LEAA and we were not happy. Then I find in this bill the local government may not be quite, may not just be quite the local government that the gentleman told us because right in here in the bill it says we do not want them buying tanks or armored personnel carriers, fixed-wing aircraft, limousines, real estate.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 3 additional minutes.)

Mr. VOLKMER. Mr. Chairman, I find that and that tells me the gentleman does not trust local government, because surely his local government the way he described it in general debate would never do this.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. I hope the gentleman knows I supported LEAA. I voted for it. I had some concerns and they were good concerns because the LEAA was mismanaged. We correct that in our bill, but I supported LEAA. Did the gentleman know that? I do not think he did or he would not have brought it up.

Mr. VOLKMER. I do not think I would have supported something that even President Reagan, this House, and our Senate at that time found there was such gross abuses in by local units of government, using it for things it should not have been used for.

Mr. HYDE. We correct that here. We have ways of correcting that. We learned from LEAA, and we are building on that experience.

But would the gentleman yield on the Schiff amendment?

Mr. VOLKMER. Sure. I am glad to yield on any amendment.

Mr. HYDE. The gentleman knows how I feel about abortion and am very much opposed to killing unborn children. But I suggest to the gentleman that under the block grant concept wherever the public safety is at risk, and this is in the judgment of the local officials, they are permitted to employ policemen or security anywhere in their community where they think the public safety is at risk.

Now this could be around abortion clinics, and I know the gentleman feels that is picking on the pro-life moment. I regret that. I do not want to pick on the pro-life movement, but if safety is jeopardized, then it seems to me the local community authorities have the right and ought to have the right to have policemen there protecting the public safety, and I do not see that as a violation of my commitment nor the gentleman's commitment to the pro-life cause.

Mr. VOLKMER. If I still have time remaining, I would just like to comment to the gentleman that a local unit of government, if it sees fit under this bill, can make a specific proposal to the Attorney General's office, to the Department of Justice, specifically asking for dollars to employ people in order to protect clinics because there are too many picketers around the clinics and proposals can come in for that specific purpose and be studied for that specific purpose under this bill the way it is written.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. Yes, I yield to the gentleman from Illinois.

Mr. HYDE. Only if in their judgment the public safety is endangered. Surely the gentleman does not want the public safety endangered by any group that is picketing.

Mr. VOLKMER. I do not want the public safety, but I think a lot of times the people that are out there picketing are not endangering anybody. We have had this discussion; I thought we were on the same side.

Mr. HYDE. We are on the same side. We are on the same side. But nobody has the right to violate and create a threat to public safety.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] again has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, I think I have tried to point out some of the things that are severely wrong with this bill, and I think it goes too broad, permits any and every thing that you can use your imagination for if you are a member of local government. And one thing it does not do, it does not let the chief of police in my local town make a decision about it. It lets all of the other people make that decision. It does not let my local sheriff decide, it lets other people make that decision.

It depends on who can persuade that unit of local government what they best need the money for. And if I remember, I doubt if there are very many communities to say that have all kinds of money laying around, and they do not need some money for a lot of things and they are the ones that are going to decide what their priorities are.

□ 1650

And if that priority is to have some more police or security at abortion clinics, then that is what they will make it for.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, sometimes legislative history is more interesting than other times. This particular amendment from my friend, and the gentleman from New Mexico, has such an interesting history that I feel compelled to share it with my colleagues, because I think it is a nice effort but ultimately an unsuccessful one, and I believe it will have to be improved upon tomorrow by our colleague from Colorado.

Let us even begin the education process now, because one of the major issues we now have before us is whether or not the constitutional right of women to get abortions, if they choose, will, in fact, be fully protected. That is under attack, it seems to me, with regard to the nomination of Dr. Foster, but there is also a collateral attack here in the House. What we have in this amendment is basically an effort to deflect our defense.

The bill came before us in the Committee on the Judiciary with the language that the gentleman from New

Mexico has described, which says, under this bill, local governments can do pretty much what they think necessary for law enforcement. But that is not all it said. If that was all it said, I suppose that would have been the end of it. But it went on to give some illustrations. It went on to say in language of the legislation, including but not limited to, and it listed some things in the bill that the Republicans brought forward. Presumably these were favored programs, programs they wanted to highlight. They were not just wasting words. They were not legislatively binding on the local communities, but they felt it was important to highlight certain things, and then when we got to committee, two Republican members for the committee felt that even further highlighting was necessary.

The gentleman from New Mexico himself offered one regarding violence. I thought it was an excellent one. I thought it was a very good idea to highlight that these could be used for violence against women and domestic violence. The gentleman from North Carolina, a former police official, said well, wait a minute, some people think we are anti-drug courts; drug courts are a good idea, and I want to show that drug courts are possible under this. we thought both amendments were a good idea. We supported them. Then the gentlewoman from Colorado said,

> Look, we have a serious problem in this country with deadly violence being used against people who are trying to provide abortion or other health services for women, and we want to highlight that.

By the exact same logic that said you highlight drug courts and you highlight domestic violence and other things that were in the bill, we are afraid in some communities people will not understand that you can use these to protect clinics. This is a matter of great sensitivity to my district where two young women were killed in the town of Brookline only recently for doing nothing other than trying to provide these services. So the gentlewoman from Colorado, quite sensibly, said, "This is what we should do."

It seems to me from my distance some uncertainty from the other side of the aisle as to how they should respond. The gentlewoman from Colorado was simply following their lead and said, "This is important. Let us not have any confusion at the local level. Let us highlight it." She accepted an amendment offered by the gentleman from Florida to her amendment. But the chairman of the committee said, "This is a bad idea." He did not want you to appear to be sanctioning in some way what goes on at these clinics. He opposed it. It became clear the gentlewoman from Colorado would bring it up on the floor.

So my friends on the other side have a bit of a dilemma, because they are not men and women who like violence. They are men and women conscientiously opposed to it. Some of them had a problem appearing too specifically to be defending the right of these reproductive clinics to get safety. So what has emerged but the amendment from the gentleman from New Mexico. It was not in the original Republican bill. It was not presented when the gentleman had other amendments in the committee. It is proposed to try to deflect the gentlewoman from Colorado. I think it is a perfectly harmless amendment and have no objection to it. People should understand our friend from Colorado is harder to deflect than they may have thought. I am surprised they do not realize that.

Many of us still believe, given the violence that has been very specifically directed at abortion providers on an interstate basis, given the controversial nature of that protection unfortunately in some communities, it is still important to make it clear to people beyond doubt that police overtime and other facilities can be used under this bill to protect reproductive clinics and, therefore, I welcome the gentleman from New Mexico, and I appreciate his desire to shield some of his colleagues from having to take a tough vote.

I have to say it does not seem to me to work. I think that having adopted this amendment, it will still be relevant to have the amendment of the gentlewoman from Colorado.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for his recollection of the processes by which this amendment came to the floor. What this could be called is the big duck amendment, because what we are going to try to do now is get around——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(At the request of Mr. CONYERS and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, I further yield to the gentleman from Michigan, the ranking minority member.

Mr. CONYERS. The gentlewoman from Colorado [Mrs. SCHROEDER] was clearly planning to offer an amendment that would specify that funds may be used to protect reproductive health clinics which have been targeted for violence lately around the country. This amendment appears to be a roundabout way of addressing that concern and a way for Republican Members to avoid a straight up-or-down vote on whether to provide special protection for our abortion clinics.

And it will not work, because it fails to specify that Congress recognizes the need to protect the reproductive health centers. That is what is in trouble now.

Mr. FRANK of Massachusetts. Let me say, reclaiming my time, we are talking not just about public buildings. We are talking about some facilities that might be private. In committee, the gentleman from Florida said, "Well, wait a minute, you do not want to give public funds to private facilities to buy equipment with." We said, "That is right." The gentlewoman accommodated that. It might be appropriate, however, to lend certain facilities to certain locations for certain time.

So this does not obviate the need to point it out. When you begin to look at the examples, if there is an example anywhere of violence in this country which is fairly widespread sadly, it is violence aimed at these clinics, and therefore, it is certainly, if they are going to single things out, something that ought to be singled out.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. I hope the gentlewoman will continue to offer the same provision she offered in the committee, because we need to have it clearly discussed and debated on the floor.

Mr. FRANK of Massachusetts. I do think the gentlewoman from Colorado is to be congratulated, because she got us started early. I do think that absent the gentlewoman from Colorado our friend from New Mexico would not have been up with the first amendment, and I thank our friend from Colorado for getting into this so early. As I said, I understand the motivation. I understand the notion it would be nice to avoid the issue, but I think the question of safety for reproductive clinics is too important to be folded into a kind of parliamentary sidestep.

Therefore, while I will vote for this, I will also vote with the gentlewoman tomorrow.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Let me thank the gentleman from Massachusetts for his recollection and let me thank the gentleman from New Mexico for his amendment.

But there are some questions that I have about the gentleman's amendment that I would like some clarifications on. The amendment I was planning to offer would allow Congress, or would allow local authorities, to pay overtime for law enforcement officers in protecting women's reproductive health care clinics.

Do you feel your amendment is broad enough to include that, the overtime issue?

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. In my opinion, my amendment, well, once again, I just have to back up to say again, we are talking about illustrations here. I think the operative authorization language is already there, and I think that authorization language would allow the payment of overtime for police officers to provide security at reproductive clinics if the unit of local government thought that was necessary.

I would just add, at least as an illustration, we are pointing out to the unit of local government they can provide security many other places.

Mrs. SCHROEDER. So then I kind of hear that as the answer is "no."

Let me say the one thing I worry about the gentleman's amendment not being inclusive enough also on is that the gentleman says in and around any facility or location considered by the unit of local government to have a special risk. Now, what I was trying to do in my amendment is say that lots of localities have been hesitant to enforce this right of women to have access to a health care clinic, and I think that that might be the big duck in which local communities could duck out from under this. They could say, "Well, we do not consider it dangerous," because that is really the qualifier on it.

What I would like to ask the gentleman from New Mexico is, if this would be possible, because I think he is trying hard, and I appreciate what he is trying to do. What if we were to offer an amendment to the gentleman's amendment, first, you would have (i), "in and around schools," which has no qualifiers in front of it.

□ 1700

What if you then had (ii), "in and around women's reproductive health clinics," again with no qualifiers, like schools, and then you could do other facilities that have qualifications. We could draft that and make that an amendment to the gentleman's amendment. I think that would be clearer on point because the issue here being one of a constitutional right that we think has a much higher Federal level of calling than just random crime. I think that would then give this a little more status, and we would believe then it would be a little clearer to the communities that this is indeed what Congress intended by this amendment.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for yielding.

I just have to say, as an aside, and as a supporter of the law that passed in the last Congress making it a Federal offense to commit violence, to prevent people from entering reproductive clinics, not simply for picketing them, as was referred to by a previous speaker, perhaps is a matter for another hearing. The prosecutions with which I am familiar that the Federal Justice Department has brought under that act appear to me to be duplications of prosecutions brought under State law.

So the representations that the States are not enforcing the law, which is the representation I accepted when I supported that act, I would like examined perhaps at a hearing. I mention that because of the gentlewoman bringing up the subject.

Mrs. SCHROEDER. If I may reclaim my time, I do not think we are communicating. What I am saying is clearly what I want to do is send a strong message from this Congress to local officials that with this money comes the ability for them to then have no excuses for protecting women's constitutional rights because we spoke before on that very clearly when we passed the prior bill.

Now, there may be some ancillary issues. I understand what the gentleman is saying. But I do not think that message gets through with the gentleman's amendment, because he has that qualifier on it. That is why I am saying could he accept a substitute that would specifically list women's reproductive health facilities? Because then I think it is standing there clearly, saying we will not accept excuses to localities who get money and then do not use it.

Mr. SCHIFF. If the gentlewoman would yield further, I made the point at the point the gentlewoman reclaimed her time, just in response to the lady's point that there are localities that are reluctant to protect reproductive clinics, that is the representation on which I voted to make it a Federal offense to use violence to interfere with entrance to reproductive clinics.

I am merely pointing out——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has expired.

(On request of Mr. SCHIFF and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. I yield further to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, I just want to say with respect to that issue that the gentlewoman has raised, I have not seen the Federal Justice Department prosecute cases primarily where local government or State government has not prosecuted. I have seen duplication of prosecution, the same individual prosecuted twice. I am again saying that that may be a matter of further inquiry.

Also I wanted to respond with respect to the gentlewoman's suggested amendment, I would oppose the additional amendment for this reason: As we discussed the matter in the Committee on the Judiciary, there was universal agreement, as I understand it, that in every State there are locations where schools have a security problem. There was no move by either side of the aisle to remove, as an illustration, enhancing security at schools. I feel past that point, that different localities have different threats to their security and different needs of law enforcement.

I think in a number of localities the gentlewoman's point is quite correct, there is a threat of violence at reproductive clinics. I do not think that has been shown to be all over the Nation.

I make it as clear as I can, in terms of Congress' intent, that my illustration even if it were operative, which it is not, would allow the communities to provide additional security support at reproductive clinics or anywhere else in their communities they felt it was needed.

Mrs. SCHROEDER. Reclaiming my time, I feel bad that we cannot get agreement to add it here as freestanding, because at that point I think we can prevent having an amendment later on.

The reason I feel that way is the gentleman from New Mexico and I seem to be agreeing that the reason we got into this in the clinic violence bill last year was that we were afraid localities were not doing their job in some places. Now, the gentleman feels like maybe there is duplication. I do not think that is the issue.

The issue is: Are we putting a qualifier on this so that localities can continue to refuse?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman for yielding.

I would also point out, Mr. Chairman, that many, many Americans would not have the benefit of having been on this floor when we had this debate. There would be uncertainty. There would be localities——

The CHAIRMAN. The time of the gentlewoman from Colorado [Mrs. SCHROEDER] has again expired.

(On request of Mr. FRANK of Massachusetts and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Will the gentlewoman continue to yield?

Mrs. SCHROEDER. I do yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman again for yielding.

The point is there will be differences about how to spend this money locally.

Local governments are not monolithic. Some people will say, "Well, they list this and they list that, they list schools, they do not list the clinics. It is disfavored. It is not one of the things that they wanted us to do."

We understand it is all optional locally, but if you did not think there was any point in listing things, you would not have listed things in your bill. You would not have added amendments listing things in committee.

We believe, to resolve any dispute because we know protecting reproductive clinics is an issue that is debated at local levels, whether you should or should not, unfortunately; therefore, since it is likely to be debatable, we think for you to have listed in your bill some issues and left this one out specifically by name would be a mistake. That is why, in addition to this, we think the gentlewoman's amendment would be necessary.

Mr. SCHIFF. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I thank the gentlewoman for continuing to yield.

Mr. Chairman, in response to the gentleman from Massachusetts [Mr. FRANK], again we are dealing with illustrative language. I was sensitive to the argument made in the Committee on the Judiciary that even where you were proceeding with illustrations, there could, by omission, be an implication that something is not intended by Congress. The amendment I am offering is as all-encompassing as I can make it, that the local government can select any location or facility where they think they have a security need to enhance security with a block grant under this bill.

Mrs. SCHROEDER. Reclaiming my time, that is precisely why I do not think the gentleman is getting where he wants to go without specifically listing health care clinics, because he does say, when it comes to any other facility, it is qualified "as the local community's saying it is needed." And that qualification, as far as I am concerned, is the qualification that kills it and does not send the clear, resonating message that we think Federal funds should go to protect Federal constitutional rights.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

Mr. Chairman, if this did not separately say schools, there might be an argument. But it separately says schools and a lot of other things.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are going to revisit this debate when the gentlewoman offers her amendment. So we are in for a bit of a debate here.

Just in passing, I must say, if it were not so tragic, it would be amusing. The wordsmiths on the other side use euphemisms like reproductive rights when they are talking about abortion. Why do they not call it abortion? Let us be intellectually honest. Or is there something unpleasant about that word? There is nothing reproductive about killing an unborn child. The gentlewoman wants to elevate reproductive health clinics, anything but what she really means, which is abortion clinics, or abortion mills. She wants to elevate that to a very special place where the bill, the block grant program, will specify they get special protection.

Now, I am not against abortion clinics getting protection by the police if they reasonably expect violence or a threat to safety. I say that clearly.

The gentleman from Missouri may not agree with me, but threats to safety; it is the business of government to protect people from threats to safety. So I have no problem with that.

What I have a problem with is elevating abortion clinics to a special status over other places where an awful lot of killing really goes on.

In 1993 there were 1,946 people killed in New York. In the great District of Columbia there were 454 murders. In Chicago, my city, there were 845 murders. How many cab drivers have been murdered in their cabs?

We cannot specify every place, every location, every convenience store, every liquor store, every currency exchange that is going to be threatened by robbery and people with guns that are going to kill people. Communities where there are gangs that are armed; you cannot spell it all out, especially in the block grant program.

□ 1710

I agree with the gentleman from Massachusetts, when we start eroding the notion that this is within the call—it is the call of the local government, by suggesting drug courts and suggesting violence against women, we have ourselves eroded the concept of the block grant. I could not agree more; logic forces me to do that. However, because we did it two times does not mean we need to do it 20 times.

Now what we are doing here with the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] is we are broadening the concept that wherever the public safety is threatened, and that includes abortion clinics, if the gentlewoman does not blanch at the term—it includes that, but to specify them gives them a status that I am, frankly, unwilling to yield, and that is where I come down.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. It will be very brief because, as my colleague knows, I am just amazed about the support for this bill in general because of what it does do as far as abortion clinics, and as my colleague knows, we have people out there that are picketing, taking their time, their youth, their adults, their grandfathers, their grandmothers, and everything. They are trying to save unborn babies. That is where the crime is. I say to my colleague, "That's what's happening, and the way I read this bill, you're just going to help it happen."

Mr. HYDE. Does the gentleman say they are entitled to freedom of speech?

Mr. VOLKMER. I say they are entitled to freedom of speech and freedom to walk down there, and what I am afraid of is that in the name in some localities they will get these Federal funds, and they will put people down there so they cannot do that——

Mr. HYDE. I appreciate what the gentleman says, and indeed the gentleman and I are on the same side.

I just want to say the reason the gentlewoman's subsequent amendment is flawed is it continues to erode the notion of block grants, which is that the call for where these policemen should go and with what equipment shall be made by the unit of local government, not us here in Washington. It is that simple.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. May I yield to the gentlewoman from Colorado and then to the gentleman from Massachusetts?

Mrs. SCHROEDER. First of all, let me explain to the gentleman from Illinois why these are called reproductive health care centers.

Mr. HYDE. Please do.

Mrs. SCHROEDER. That is because most women of reproductive age get their entire health care through their reproductive years through these clinics.

Mr. HYDE. If they just performed abortion, the gentlewoman would not want them protected?

Mrs. SCHROEDER. I am not afraid to say the word "abortion." But I must tell the gentleman, if you look at most of these clinics——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mrs. SCHROEDER and by unanimous consent, Mr. HYDE was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. I say to the gentleman, if you look at these clinics, you will find that it is a very, very small percentage of what people are doing. Basically, they're going for family planning information, for mammograms, for breast checks, for Pap smears, for the whole range of services, and many even extend services to the children.

Mr. HYDE. And 1½ million abortions a year in this country.

Mrs. SCHROEDER. But their problem is that what has happened is, as the gentleman knows, is that this is a constitutionally protected right, but localities have been under seige because of people going beyond just passive—no one has any problem with free speech, but they are going on with a very aggressive type approach to it, and that is why I feel, if we do not put clinics in there free standing, then it will not override communities who were refusing to protect them, and I think Federal money ought to go for federally constitutional rights. I think that is a very important——

Mr. HYDE. Mr. Chairman, if I may reclaim my time, I think under the block grant concept it ought to be up to local government. If they want to send police there, they ought to send them, and, if they do not, they ought not, and we should not tell them how to deploy their policemen.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like it to be made clear that the debate going on now is whether the authority to send in protection should reside at the local level or not, and in the amendment offered by the gentleman from New Mexico it resides at the local level.

In the discussion with the gentlewoman from Colorado [Mrs. SCHROEDER], she does not want it to reside, the decision of whether police are to be provided or not for these clinics—she wants it to be specifically in this legislation that reproductive health centers shall be protected. Why? Because that is the focus of where the violence is occurring.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, the gentleman is absolutely right. What we do not want is localities to be able to use the resource scarce rule to protect women from a federally—from a Federal constitutional right, and if they are getting resources from the Federal Government, but then refusing to protect the Federal taxpayers, half of whom are women, and all of them pay exactly the same amount men do, I do not want them to be able to use some other criteria. So that is why I think it very important it be free standing rather than it be modified.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. As soon as I say this: It has been made clear by the gentleman from Illinois that we are trying to duck whether there will be a direct authority to protect these clinics in this crime bill or whether it will be left in some discretionary pool with a lot of other problems in which they may or may be included.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, my friend from Illinois is one of the most intellectually honest people here, and he has just made clear why so many of us will be supporting the gentlewoman's amendment tomorrow. He is conscientiously, and firmly, and on principle opposed congresses legalized abortion, and he says he does not want abortion clinics or other reproductive clinics included in this bill by name because it would give them a status that he does not want them to have.

Yes, I want them to have the status. The status is as entities that are known as eligible for protection against murder and protection against criminals. Once we begin to list some things—there are two and a half pages of specific examples in the bill my Republican friends brought forward—if we list some things and do not list others, we put them—apparently the gentleman agrees—in a disfavored category.

There was not any controversy about a lot of what the police do in this country, but there has unfortunately been controversy about protecting Planned Parenthood and other clinics that provide these services, and at this point, having mentioned some of these things, if after the gentleman from Illinois has been honest enough to say he is opposed to mentioning abortion because he does not want to see them get that status, if tomorrow the gentlewoman's amendment is voted down, it will be correctly interpreted as one more step on the part of some people who want de facto to take away the legal protected status of abortion because they will have passed a bill in which some things have been mentioned, others will have not been mentioned, and my colleagues will have specifically repudiated, if my colleagues vote down that amendment, protection for abortion clinics.

There is some controversy, as I said, at the local level. What we are doing is saying this: "We want to send a clear signal to people at the local level, without any debate about it, that it is possible for you to use your Federal funds this way," and the only reason to oppose the gentlewomen's amendment that makes any sense is the one conscientiously articulated by the gentleman from Illinois. He is so strongly opposed to abortion that he does not want us to call attention to the fact that they have this status where they are eligible for protection. That, to me, is a reason to pass it.

Mr. CONYERS. And so, even if we accept, or if the Schiff amendment passes, it does not change the underlying problem that has been raised in committee about protecting reproductive health clinics. We cannot get around it, my colleagues. We have got to face it. We are the Congress. This is where the issue is going to be decided, the rubber hits the road. There is no way we can collapse it into some general language that will include anything and everything and then leave it to the discretion of local officials to pick it up.

I say to my colleagues, "This is the big duck amendment. Whether you like it or don't, it doesn't change the problem that victims of the violence at health clinics need protection, and I urge that we keep this in mind as this debate moves on."

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SCHIFF].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment, one that was not printed in the RECORD, the technology assistance amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER:

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

Add (c) TECHNOLOGY ASSISTANCE.—(1) The Attorney General shall reserve 1% in FY 1996 through FY 1998 authorized to be appropriated under subsection (a) for use by the National Institute of Justice in assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Chairman, I think this should go fairly simply. This is about the National Institute of Justice, which many of us feel with this amendment we are going to be able to avoid many of the pitfalls that we saw with LEAA. This is basically a new group that has really started that is kind of like what the firemen have had all along. It is a group that tests the different equipment, that can tell you what works and what does not work. When you have got over 17,000 police entities and their average number of cops per police entity is like 12, you know they do not have their own R&D department. When they go to purchase stuff, the only people they are getting objective information from is the vendor, and we all know that might be a little slanted. Caveat emptor rings loudly.

So this is a group that has really gotten a terrific track record in doing R&D and transferring military technology to law enforcement and trying to get a much better deal for the taxpayer every way around. What they have done with bulletproof vests, with fingerprinting, with all sorts of standards, I think is long overdue. The firemen had this ages ago.

So I think if the gentleman from Florida can accept this?

Mr. MCCOLLUM. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Florida.

Mr. MCCOLLUM. I think the gentlewoman from Colorado has worked up a fine amendment. What I understand it would do is it sets aside 1 percent per year for the National Institute of Justice for these purposes. That would amount to roughly $20 million a year for the life of the bill.

Mrs. SCHROEDER. The gentleman is absolutely correct. There are three people. When 17,000 entities come knocking at the doors, they are going to need a little more help.

Mr. MCCOLLUM. If the gentlewoman would continue to yield, while the subcommittee has not had the opportunity to hold the kind of hearings we would like to on the National Institute of Justice programs which the gentlewoman has represented and several members on the committee, including Mr. SCHIFF, are aware of, we want to put this in the bill because it is the suitable place to go to set aside the money. But after the time has passed here and we get off the floor, we are going to hold some hearings in our subcommittee before this bill winds up going to conference with the Senate and see what all we can learn to help further enhance this.

For right now, I think this is a very appropriate provision, I would like to do this, and I accept the amendment in the spirit in which it is offered.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Florida, because he has been wonderful on this, as has the gentleman from New Mexico, a cosponsor, and the gentleman from New York [Mr. SCHUMER]. We have a real bipartisan agreement on this one. I really appreciate the remarks of the gentleman from Florida.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. Mr. Chairman, first of all, I want to commend the gentlewoman for drafting this amendment. We have discussed this at great length. We are pretty much in agreement, Mr. Chairman, that oftentimes modern law enforcement officers are Wyatt Earp in a car. Many of the attachments they have in terms of what they have available to them in the way of technology have not changed for many, many decades.

I am pleased to say it is starting to change around the country, from simply computer access within police automobiles, to research going into items such as smart guns, in this particular case a police officer having a weapon that cannot be fired unless he or she, that is that officer, is in fact holding that weapon. A large number of the police officers shot in the line of duty across the country are shot with their own weapons.

That technology goes even further than police officers. We could prevent some of the tragedies that happen when children get hold of firearms if we could simply keep applying that technology. So advancement in this area is very necessary.

Although our side has not from the committee entertained very well the idea of reserving and earmarking funds for various purposes, and I strongly support the fact that we will oppose some amendments coming later in that regard, I think that this is very appropriate for this reason: Small police and small sheriff departments cannot be expected to have the resources to do all of the analysis necessary to know what technology is presently on the shelf and available to them, and how it works and the cost and so forth. Therefore, a centralized department, in this case the NIJ at the Department of Justice, has been selected for that purpose.

I have to say, as the gentleman from Florida indicated, there is at least some reservation as to whether the NIJ is the right agency to do this right now, and that is a matter that we may have to discuss if that amendment is accepted and the matter goes to conference with the other body.

I want to say wholeheartedly the concept offered in this amendment is a great improvement in the bill, and will greatly benefit law enforcement.

Mrs. SCHROEDER. Mr. Chairman, reclaiming my time, I thank both gentlemen for their support. It is one of the ways we will be spending the rest of the funds a lot smarter and will hopefully not repeat the LEAA problems we had before.

Mr. SCHUMER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I just want to say that I think that this is an excellent job done by the gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Florida [Mr. MCCOLLUM], and the gentleman from New Mexico [Mr. SCHIFF]. It is really essential that we take military technology and apply it so that we can have law enforcement and use it. And the amount of technology, when I was chairman of the subcommittee we explored this, is enormous. With a little bit of help, they can take that technology and convert it.

So I think this is an excellent, excellent amendment. I am delighted the other side will accept it. I know I have talked to the gentleman from Florida, and our subcommittee will have hearings and go further in terms of exploring. I have a particular interest, of course. I see my good friend from New York [Mr. BOEHLERT] is in the Chamber. Rone Laboratories, in upstate New York, is helping out here, and they are very able to do that.

So overall this is a very, very good idea, and I hope that all Members accept it. The technology, Mr. Chairman, is unbelievable. The idea that a police officer might be able to just point a ray in a certain direction and see who has an armed weapon on him, the ballistics tracing types of technology, the ways of finding all these things out are just enormous, and we ought to be using them.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to thank the gentleman from New York, because I did mention his leadership too. The gentleman had some wonderful hearings. I always figure if you can get a double bang for the people's buck, which is what you are doing with this, it is great. Not only that, but our military is going to need that too, because they are looking more like law enforcement officers every day. This has been a very exciting program, and I thank the gentleman for his leadership.

Mr. BOEHLERT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this Schroeder amendment, and I am glad to hear the conversation ongoing here between the gentleman from New Mexico [Mr. SCHIFF], the author, the gentlewoman from Colorado, and my colleague from New York [Mr. SCHUMER].

Currently, H.R. 728 contains no money for research and development of law enforcement technologies, and this amendment would appropriate a mere fraction of the block grant authorizations for 3 years to focus on the development of technology assistance.

This is critical. Wyatt Earp would recognize much of today's police technology, and it has been a long time since Wyatt Earp was around. Law enforcement officers must be afforded the opportunity to take advantage of new technologies to take that proverbial bite out of crime and to prevent injury and alter the balance of powers criminals possess to control America's streets. I want the good guys to have all the technology they need on their side.

All over America we have outstanding research facilities. In my own congressional district, Rone Laboratories, one of the premier military laboratories anywhere in the world, with responsibility for command, control, communications, and computer technology, is working cooperatively with the National Institute of Justice to develop the type of technology that our law enforcement officials can effectively use to wage war on crime. It is an exciting concept. I applaud the initiative and effort of the gentlewoman from Colorado.

I once again thank my colleague from New Mexico, and the chair of the subcommittee, Mr. MCCOLLUM, for outstanding leadership in this area, and the chairman of the full committee, Mr. HYDE. We want the good guys to have what they need. All of us want to stop the bad guys, the guys we are after. With technology advancements that make them better able to do what they want to do, and when our guys try to get in there, they do not have the equipment they need.

□ 1730

There are all sorts of possibilities. One could hold something the size of a pack of cigarettes in their hand and point it at a crowd and be able to detect a weapon instantly. They could detect illegal substances under special circumstances. There are all sorts of exciting developments taking place in the marketplace out there.

The other thing that really thrills me and should thrill all of us is the fact that we are getting such magnificent cooperation from our military laboratories. They are reaching out. They are making available their expertise to work in sensitive areas like this.

So I rise in the strongest possible support of this amendment, and I urge my colleagues to give it the attention it deserves and to take advantage of it, because it is good for America.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in vigorous support of this amendment. The continuing episodes of violence directed against women's reproductive health care clinics across the Nation and the providers and patients that work at and utilize such facilities are an outrage. We must put an end to these growing attacks once and for all.

Last year Congress passed legislation containing provisions making it a Federal crime for a person to physically restrict or bar access to a medical facility for the sole purpose of dissuading or stopping someone from receiving reproductive health services. In addition, this legislation contained provisions not only to allow women and clinics the ability to obtain injunctions against protestors employing blockades, but also to permit victims of attacks by blockaders to sue for damages as a result of such brutality. However, more can and must be done. The Schroeder amendment greatly assists in this regard.

This amendment would allow H.R. 728's local law enforcement block grant funding to be used to improve security measures at women's reproductive health care clinics to protect patients and providers against violence directed at the free exercise of their constitutional rights. This funding could be used for overtime pay for law enforcement officers, security assessments, and the purchase of materials, such as bulletproof glass, to enhance the physical safety of clinics.

Mr. Chairman, the most recent shootings in Massachusetts and Virginia accentuate the urgent need for action to further protect the safety and privacy of all individuals who support a woman's constitutional right to choose. We must continue to grant all levels of government the necessary authority to act when abortion protestors go beyond the legitimate exercise of their opinions to acts of terrorism and violence against those who have made different decisions.

I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HYDE

Mr. HYDE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HYDE: On page 9, strike lines 3 through 8, and insert the following

"(v) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 3 percent of the amount authorized to be appropriated under subsection (a) for each of the fiscal years 1996 through 2000 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provision of this title, and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients. Such sums are to remain available until expended."

Mr. HYDE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the question of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, I am offering this amendment on behalf of the gentleman from Virginia [Mr. SCOTT] and myself. We both came up with almost the same idea and that was to provide funds to the Attorney General to oversee the compliance with this act by local units of government. And the idea of the gentleman from Virginia [Mr. SCOTT] was to make sure that the programs they were overseeing were effective. So we put them both together in one amendment, and this provides that funds will be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this title and assuring compliance with the provisions of this title and for administrative costs to carry out the purposes of this title.

The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

Now, not more than 3 percent of the amounts that are appropriated is to go to this fund, but it can be as much as $60 million a year. That $60 million would be given to the Attorney General, as I have said, to assure compliance and the welcome addition of the gentleman from Virginia [Mr. SCOTT], effectiveness with the act and to carry out the purposes of the act.

The Attorney General must establish and execute an oversight plan, and I would say not because we do not trust local government but to ensure the success of the bill's intent.

I think this adds to the oversight requirement of this $10 billion. I think it is a very useful amendment.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. SCOTT] who is the cosponsor of this good amendment.

Mr. SCOTT. Mr. Chairman, I rise in support of this amendment and congratulate the gentleman from Illinois for introducing it and working with me and others to have in it a provision that will review the effectiveness of these expenditures.

Mr. Chairman, we are going to spend $30 billion fighting crime in these various bills. This amendment will ensure that that money is well spent. It provides for the evaluation of programs, which is extremely important so that other localities may get the benefit of the experience from some programs that work, and unfortunately, some programs that do not work.

So with this amendment, Mr. Chairman, we will see that this money is well spent. Localities can benefit from each other's experience, and that the actual prevention programs will actually go to preventing crime.

I thank the gentleman from Illinois for introducing it.

Mr. HYDE. Mr. Chairman, I thank the gentleman for his valuable contribution.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, on our side, we are delighted that the cooperation has been worked out between the chairman and the gentleman from Virginia. We are delighted to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. HYDE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ACKERMAN

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ACKERMAN: Page 12, after line 7, add the following new paragraph:

"(10) PREFERENCE FOR FORMER MEMBERS OF THE ARMED FORCES.—The unit of local government has established procedures to give members of the Armed Forces who, on or after October 1, 1990, were or are selected for involuntary separation (as described in section 1141 of title 10, United States Code), approved for separation under section 1174a or 1175 of such title, or retired pursuant to the authority provided under section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 1293 note), a suitable preference in the employment of persons as additional law enforcement officers or support personnel using funds made available under this title. The nature and extent of such employment preference shall be jointly established by the Attorney General and the Secretary of Defense. To the extent practicable, the Director shall endeavor to inform members who were separated between October 1, 1990, and the date of the enactment of this section of their eligibility for the employment preference."

Mr. ACKERMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Chairman, I am pleased to offer this amendment to

H.R. 738, the Local Government Law Enforcement Block Grant Act. My amendment employs a very innovative approach to tackling two very critical problems currently facing our Nation.

My amendment would assist in the fight against violent crime while also helping to alleviate the unemployment that has resulted from the downsizing of our Nation's military. Since the end of the cold war, thousands of members of the military have been involuntarily separated or have been released from active duty as wide scale downsizing has forced cutbacks in military personnel.

This amendment simply requires that local law enforcement agencies, in applying for grants under this bill, provide a preference for veterans who are victims of our downsized military as a condition of receiving funds for additional law enforcement officers.

Providing these former soldiers, sailors, airmen, and marines with meaningful employment, our communities will benefit from the experience and dedication that they have already demonstrated in serving our country.

What a great way to recruit people for our local police enforcing agencies. People who are in shape, people who are well trained, people who have experience with the use of firearms, young men and women who have a great deal of discipline. Bringing these veterans in from the cold to fight our domestic war on crime will let the enemy know how serious we are about crime and will not let their wanton acts go unpunished and that crime does not pay.

I urge my colleagues to support this amendment. I think it makes good common sense.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not use the 5 minutes. I think the gentleman has offered a good amendment. I am prepared to accept it. I do want to make a couple of points about it, though.

First of all, as I read it, it provides that in order to get the funds, one of the qualifications that the unit of local government must have to give is that it has established procedures to give members of the Armed Forces that he has described, to give them a suitable preference in the employment of persons as additional law enforcement officers under the funds that are made available in this title.

The preference is going to be set forth as far as how it would work by the Department of Justice under the Attorney General and under the Secretary of Defense.

What I want to make clear is my reading of this does not indicate that the local units of government are required to hire armed services personnel who are retired, but if they come forward and they do apply and there is a notice provision in here for some notice to be given to those who are coming out of the services, that they will be given a suitable preference to be determined based upon what the Attorney General and the Secretary of Defense have worked out, as well as the nature of what the local unit of government has.

I would like to make sure that my interpretation of this is correct.

Mr. Chairman, I yield to the gentleman from New York [Mr. ACKERMAN], to confirm that what I am stating is indeed the sense of his amendment.

Mr. ACKERMAN. The gentleman's interpretation is absolutely correct. It does not require the hiring. It just creates a veterans' preference within the statute so that they would get a certain amount of points depending on the system that is used in the local municipality.

□ 1740

Mr. McCOLLUM. Reclaiming my time, having gotten that assurance from the gentleman, Mr. Chairman, I have no desire to keep the time any longer. I will support the amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I compliment the gentleman from New York [Mr. ACKERMAN]. This is a provision that is used in other parts of the law already, and it tracks it. I think it is very important that we use this for giving suitable preference in the employment of persons as additional law enforcement officers, and for that reason, Mr. Chairman, I support the amendment and hope it will be unanimously agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ACKERMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. SCHUMER. I do not believe the amendment is printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 6, strike the word "or" on line 10, and insert the following after line 11:

"(6) consultants; or

"(7) vehicles not primarily used for law enforcement."

Mr. SCHUMER. Mr. Chairman, this amendment is a very simple one. This basically puts some limitations on the wide-open nature of the Republican bill, H.R. 728. The problem, of course, is that the bill as drafted is so broad and so wide open, while things could be spent for a noble and worthwhile purpose, such as police or prevention programs, it could also be spent on anything under the Sun, and what we are trying to do here is prevent that from happening.

Very simply, Mr. Chairman, in committee, a majority of the committee, although not the majority of the other party, prohibited tanks, airplanes, limousines, and yachts from being used for these funds. Why did we come up with examples like that? Very simply, the reason we came up with examples like that is that these types of things had actually been used.

Mr. Chairman, the now-Speaker of the House, then when he was a Member of Congress, said, and let me quote, and this is quoting from Speaker GINGRICH only 6 months ago, he said "If they say to me, in the name of fighting crime, will I send a $2 billion check to cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage, my answer is 'no.'"

The same day he said "If we have to choose between paying for a directed purpose, such as building prisons, I can defend that. What I cannot defend," and this is Speaker GINGRICH, "is sending a blank check to local politicians across the country for them to decide how to spend it."

Mr. Chairman, if there was anything that rebutted the presumption from the other side that this bill is good for America, it is Speaker GINGRICH's words 6 months ago.

What has changed? Are things any different? Most of the very same mayors and county officials who were in office then are in office now. They are the same local politicians across the country, and we should not send them or give them a blank check; Speaker GINGRICH's words. Yet, that is just what the majority party seeks to do in its bill.

What is going on here, Mr. Chairman? Something that had more restrictions on it a while ago, now, even broader, is perfectly OK. It does not add up. It does not make sense.

Speaker GINGRICH knew what he was talking about. The old LEAA program, which had less money and more restrictions than the Republican bill, paid for this. If Members cannot see it, it is an armored personnel carrier, an M113–A3, bought in Louisiana.

It paid for this, an airplane that was used to fly the Governor of Indiana around the country. In fact in one of its most famous trips, it went to Washington, DC, to pick up Moon rocks, a great law enforcement purpose. The LEAA Program was rescinded in disgrace.

Speaker GINGRICH was right. To send local politicians across the country a blank check makes no sense. Then why, Mr. Chairman, in the bill before us is that just what the majority party seeks to do? It does not add up.

Therefore, Mr. Chairman, the amendment I have, and I could think of a long list of purposes that we should not spend this money on, but certainly consultants, why did I pick consultants? One-third, fully one-third of the LEAA money, the old law enforcement money that had more restrictions than H.R. 728, more restrictions than H.R. 728, a third of the money was spent on consultants.

These consultants did not wear badges, did not have guns, did not put their lives in danger. It was pork.

Mr. Chairman, I say to my colleagues, lots of other LEAA money was spent on vehicles for the emolument of local officials. That was pork. Let me say to my colleagues, Mr. Chairman, if we pass H.R. 728 without the amendments that the gentleman from Michigan [Mr. CONYERS] will offer this evening, and the gentleman from New York, I will offer tomorrow morning, we are looking for such trouble. We are looking for the kinds of pork that we have not seen for ages.

Mr. Chairman, the other side says "Send it all to the local governments," but Speaker GINGRICH was right. There are lots of local politicians who will misspend the money just as well as Federal politicians might.

The CHAIRMAN. The time of the gentleman from New York [Mr. SCHUMER] has expired.

(At the request of Mrs. SCHROEDER and by unanimous consent, Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, the gentleman is right. There are just as many local politicians who will waste and fritter away the taxpayers' money as there are Federal politicians.

What we seek to do in our proposals, Mr. Chairman, is simple. We say to the localities "Yes, we want you to spend the money on 100,000 new cops on the beat. We want you to spend the money on things like drug courts, but we do not want to let you fritter away all these dollars for anything you want."

I say to my colleagues who are thinking of voting for H.R. 728 without these amendments, take the wisdom of Speaker GINGRICH. He knew. He knew how bad it would be to put together a huge block grant with no, no restrictions on it. He knew in his wisdom that there would be planes that could be bought with this money.

Under the new Republican bill, until our amendment, planes could have still been bought; armored personnel carriers. Why some police officer in Louisiana needed an armored personnel carrier is beyond me, but much worse than that is the fact that the Federal Government let him buy it.

Under these provisions, they would be powerless to stop them. We could have the President, the Attorney General, the Speaker, the minority leader telling the locality "You cannot buy these things," but they would still have the right to buy them under H.R. 728.

Mr. Chairman, this is one of the times where I agree with the Speaker. The Speaker is right. We should not be giving localities all the money they want for anything they want. He said it, not 10 years ago, not 5 years ago, but in June 1994, a mere 8 months ago.

Mr. Chairman, let us all listen to him. Let us not be so wedded to a bill that was quickly drafted in the heat of the campaign last year, and instead, improve it, build upon the crime law, but not rip it up, start all over, and then rue the day.

That is my concluding comment to my colleagues. I would say to anyone who votes for this wide-open blank check to the localities, 2 or 3 years from now, they will live to regret it, because the amount of waste that will occur will be enormous.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think this amendment is perfectly fine. I welcome the effort of the gentleman from New York [Mr. SCHUMER] in improving our bill. He has put forward two areas which probably should be cordoned off, or at least it would improve it to do that, consultants or vehicles not primarily used for law enforcement, as areas where we would not want them to spend the money.

We probably could think of a whole litany of things out here if we kept working at it. For the most part, he has covered all of them that he could think of that the LEAA which is ever accused of violating.

My own judgment is that the word "consultants" could probably use a definition somewhere in the definitions section. I am sure the gentleman would not want that term to include what is in the bill right now, and that is the fact that we may utilize the contracts that local units of government may have with private, non-profit entities or community-based organizations to carry out the purposes funded, to prohibit that phrase, if we indeed go to the term "consultant", because obviously, non-profit entities or community-based organizations would not be people we would not want to receive money under this bill.

□ 1750

So I think the term consultant perhaps needs to be defined, but I understand what the gentleman is getting at.

What I would just like to comment on during the brief time I am up here on this amendment is that LEAA, the law enforcement assistance program of years past that the Democrats are so fond of saying is very similar to this, it is going to be abused again, we are going to be abused by this process, was quite different from what we are dealing with today.

First of all, that program was designed specifically for innovation and experimentation. In fact, the moneys that went to the states and not to the local communities in that case, though the States may have given some of that money to them, that money was specified by us to be used only for experimental or innovative practices. It was designed to require that the States and the local communities in spending that for law enforcement purposes be creative. They could not spend it for routine law enforcement or tried-and-true law enforcement procedures and they could not spend it for what we would consider to be prevention programs today. That is quite a different matter from what we have got forward in this bill.

I would say that when you are charging them with coming up with new ideas and experimenting and putting a lot of money out there, maybe the past Congresses that passed it should have been wise enough to have foreseen that you were charging them with going off and trying to find new ways to spend money that would involve some things that would be pretty absurd at times because they could not spend it for normal law enforcement practices.

However, this bill today that we have before us is designed in just the opposite fashion. We do not have a problem with some creativity, but it is open-ended in the sense that local communities may spend this money for anything which will help them fight crime in their local communities. I would submit that since we have an advisory board specifically set up that include a broad range of local community to decide what is best for that community and we have elected local officials making these decisions as bodies, not individually, but we have the county commissions and the city commissions making them, it is far less likely that the moneys will be spent on absurd projects under this bill than may have been under the old LEAA program which is quite different.

Plus the fact under this legislation we have got all kinds of accounting checks and reporting requirements and oversight by the Comptroller General that is involved. So I would submit that it is highly improbable that this money will be misspent and that the program that we are seeking to accomplish here, the fighting of crime in the local communities, by its very nature requires giving this discretion to local governments, because Washington certainly does not know best how to fight crime which is 90 percent or better a local problem under local criminal laws.

I submit that what is good for any community on the West Coast is not necessarily good for one in the South or the Midwest, or who knows? Every community is different. It is absurd for us to try to dictate to those communities how to do it.

The very nature of providing flexibility contains within it the inherent risk that upon occasion, some local unit of government, some officials of government, elected by the people in their local communities, will act irresponsibly, will act in ways that you and I would not like them to do, and I fully expect that that is going to happen in a very tiny fraction of the cases where this money goes out. I would be remiss in not saying it is going to happen.

But I think that the risk of that happening and the occasional misdeeds that will occur because local elected officials are not responsible in some cases is going to be far outweighed by the good that is done, by the flexibility that is provided in this legislation as opposed to what was there in the last Congress.

What we had in the last Congress was far too narrow. It passed in a way that many local communities cannot take advantage of it. We had categorical grants saying, "If you follow these things and do just this stuff, then you can get the money for these prevention programs, but you can't do it, for other prevention programs that might be better for your communities, you can't get any money for that."

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. In the Cops on the Street Program, we said, "Here is how you are going to go about it. If you have this matching grant program, 75 percent of the money will be paid for by the Federal Government for the first $20,000 or $25,000 to hire a new cop." Since the average cost of a new cop is about $60,000 a year to hire him and outfit him and put him out on the street, for 3 years we did pay a small fraction but not nearly as much as a cop costs for that period of time. Then after the 3 years, the local community had to pay 100 percent of it if they submitted for a grant. We have found that in the process of the first few months of this grant program under last year's Cops on the Street Program, a lot of communities are saying to us, "We can't afford to do that. We're not going to take advantage of it."

So our flexible approach is far better and the downsides to it are minuscule compared to the upsides and the positive approach the Republicans are offering today in this bill to let the local, county and city governments of this Nation spend $10 billion to fight crime at the highest crime rate level cities and communities around the country in the way that they best see fit and know how.

I, therefore, commend the gentleman for this amendment, it is a fine improvement, but I think his points other than that were not well-taken.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has again expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman is raising problems with LEAA. We agree it had problems. But what Speaker GINGRICH was referring to in these quotes was not the LEAA. It was the LPA, the Local Partnership Act which was in last year's bill which was virtually the same thing as the block grant proposed this year. So I would like to ask the gentleman, when the Speaker says, "What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it," how is the program in H.R. 728 any different than that quote from the Speaker? Where is the difference?

Mr. MCCOLLUM. Reclaiming my time, I can say to the gentleman that first of all the Local Partnership Act grant is $1.5 billion to the highest tax rate cities, not the highest crime rate cities.

Second, I did not hear the Speaker say that, I do not know the context in which it was said, and I cannot defend him one way or the other today about that comment.

But I would say to you that whatever he said, the fact of the matter is that the broad programs we are offering today provide the widest latitude of flexibility and conform the most to Republican principles of letting that government govern best which governs closest to the people. That is the local, county, and city governments. Consequently, when it is spread out to all of the governments to participate in, not just a narrow few as were under that LPA grant for $1.5 billion who were the highest tax rate cities in the country, we have a far different scenario than what we had in that bill last Congress.

I think that whatever else is said about this, we are going to let every community in this country participate that has a crime rate problem, and it is a very positive improvement over last year's bill which was very narrow in scope with each of the categorical grant programs, as well as very narrow in scope of the conditions that were placed with regard to the cops on the street program which thousands of communities, including Oklahoma City for one, cannot participate in, say they cannot.

So I accept the gentleman's amendment but I do not accept his premise.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I was going to give some more examples and make some more arguments, but at the conclusion of the comments of the gentleman from Florida, I am going to save them, because we are prepared to accept the amendment at this time.

I commend the gentleman. We already have several items included. It was thought that consultants ought to be added, and I think the gentleman may want to indicate how we might even qualify that further.

I yield to him at this point.

Mr. SCHUMER. I would be happy.

The gentleman from Florida makes a good suggestion. That is, that we make sure that consultants do not include nonprofit community organizations that are involved in crime fighting itself, and I would suggest we do that in report language.

Mr. CONYERS. Mr. Chairman, I think it is a great idea. We will take care of that, because it is true that sometimes community organizations do end up in a consulting capacity, and that is the last thing in our minds to in any way limit or inhibit their working under the provisions of this bill.

With that, I indicate my support for the amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield further?

Mr. CONYERS. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding. I guess the gentleman from Florida is gone. But I would just say, everything he is talking about did not answer the question, in all due respect to him. He was talking about the Speaker's language saying you cannot send the localities a blank check.

□ 1800

The gentleman from Florida is saying it is correct to send the localities a blank check, and I do not see how to defend that in any way other than it is a 180 degree turn, and some of the frustration we on this side have is that it seems a lot of what is in the contract, particularly on the crime bill, was not really designed to improve the crime bill. Anyone who thought this so convincingly in June would not draft something that was a blank check. I would argue to my colleague that it was simply done as a way of saying well, I am different and it is a bad way to go, and let us forget that mistake and let us go forward and pass something that makes sense.

So I thank the gentleman for yielding. Again I stand by the fact that Speaker GINGRICH said open block grants to communities is a blank check, we should not to it. And now we have a complete reversal. I say he was right then, he is wrong now.

Mr. CONYERS. In addition, of course, this combines police grants, so what we are having now is a choice between every kind of prevention and nonprevention you ever imagined, plus the opportunity to not use police because there is not a separate category for community policing.

I support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the RECORD?

Mr. WATT of North Carolina. It is not Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 21, after line 16, insert the following:

"(7) In no event shall the term 'improving public safety' be interpreted to allow the use of any funds appropriated under this title for the construction or improvement of highways, streets or roads."

Mr. WATT of North Carolina. Mr. Chairman, a real problem I have with this bill has been illustrated by the last amendment which was adopted, and that is the question of how the bill is drafted.

It leaves the field wide open for interpretation of about anything at the local level to be eligible for funding under this bill.

The particular place which this amendment is designed to address is throughout the bill where amounts are to be paid to units of local government for improving public safety. There is no definition in the bill for what improving public safety means. In my congressional district there are some cities is that when we talk about public safety the first thing that they go to is not crime in the neighborhoods, police on the streets, or something of that kind, but public safety has the connotation of increased traffic, roads, streets, something that will help to improve the flow of traffic in and around the city.

Let me make it clear that I do not have any problem with improving subject safety by building more streets or improving highways or improving roads, but in this particular bill, which is a crime bill, there should be no question that these funds should not be eligible for being used in that way.

So I thought we better have something in the bill that gave some definition to this concept of improving public safety. I thought about trying to come up with a definition for improving public safety, and I really had some serious problems trying to draft the language that would cover that issue without creating more problems than I solved. So instead of trying to craft a definition for improving public safety, I at least thought we ought to back out this one element that could be interpreted as a means of improving public safety. In fact, it does improve public safety to improve the streets and roads and highways in a particular city. And I do not have any problem with that. But I could not come up with a crafted way, an ingenuous way to define improving public safety, which is really one of the problems that I have with this bill.

I do not think the local officials are going to be able to, we are not going to be able to tell the local officials at the local level what improving public safety means any more than we can define that term in the bill.

So, we have this broad, open, three words, "improving public safety" that we could about convert to any kind of construction or definition or interpretation that local government officials want to put it to, and that is a serious problem in this bill. At least if this amendment is adopted it will be clear that it is not a traffic bill that we are dealing with here, it is serious crime, or crime unrelated to traffic, even though there is nothing here in my amendment that would remove the funding from drunk driving or criminal activity other than traffic offenses.

But I would just say to my colleagues here that as the bill is drafted now, traffic offenses and trying to solve problems of traffic in cities could just as easily fall under the category of improving public safety as criminal conduct, and I encourage my colleagues to please support the amendment.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have to say to the gentleman from North Carolina that I rise to oppose his amendment. The gentleman from Florida who is our subcommittee chairman I believe accepted the last amendment because there is or at least there was some demonstrated abuse of funds under the former law enforcement administration that dealt with grants for the purpose of fighting crime.

However, the fact of the matter is that we wanted to make that recognition, I will still take our approach in this bill of block grants over the micromanagement that is in the crime bill that passed last year. More specifically with respect to this amendment, when the gentleman said, "in no event shall the term improving public safety be interpreted to allow the use of any funds under this title for construction or improvement of the highways, streets or roads," I would first of all say the reference to improving public safety is taken out of the paragraph that he says reduce crime and improve public safety as the purpose of the bill. And more specifically to roads, I would point out that one of the reasons to authorize the payment of funds in the crime bill that passed last year is increasing lighting within or adjacent to public transportation systems, including bus stops, subway stations, parking lots or garages, so that could be viewed under the gentleman's amendment as improving a road in such a way that would not be allowed.

We have already allowed in the crime bill that crime occurs in roads and streets, like highway robbery, if you will, carjacking and so forth, and there could be action taken towards a street or road which a community does believe is for the purpose of reducing crime and improving public safety.

For that reason I rise in opposition to the gentleman's amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I am surprised to hear the gentleman concede that funds under this bill could in fact be used to improve roads and highways and streets. I thought clearly that was not a purpose of this bill.

Is the gentleman sure that he wants to concede that point?

Mr. SCHIFF. Reclaiming my time, I do not think that is what I said to the gentleman from North Carolina. I pointed out that a provision of funding in the crime bill that passed last year allows increased lighting for roads, and under the gentleman's amendment that could be interpreted that the improvement in lighting is some kind of improvement to a road that is not allowed, when the improvement in lighting was found by its inclusion in this bill, last year's crime bill to be for the purpose of fighting crime.

I just want to say that the gentleman is taking this out of context. The purpose of grants, block grants are for the purpose of reducing crime and improving public safety, and we believe that local officials that do not use the funds for that purpose are not going to be local officials for much longer.

I yield again to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding, and I want to make three quick points in response. First of all, the one instance the gentleman has referred to where there is a reference to reducing crime and improving public safety is on page 2.

□ 1810

But I would point out to the gentleman that on page 6 there is a provision dealing with maintenance of public safety which is not connected with reducing crime in any way, and there are other examples in this bill where improving public safety is used. So I think the gentleman is mistaken in that respect.

Second, I have made no argument about lighting. My amendment goes to streets, roads, and highways, and if there is something in last year's bill about lighting at bus stops, I would not think that would related to either roads, highways, or streets, and if we are superseding last year's crime bill, then I am not sure why we would be debating that issue anyway. Because this language, I would think, goes beyond last year's crime bill.

Mr. SCHIFF. Reclaiming my time, I just want to point our again that improved lighting for a street could, under the gentleman's amendment, be determined to be improving that street and, therefore, not allowed under our bill.

But I want to steer back to the central idea of this bill, H.R. 728. We are going to trust the local communities. Nobody has denied on our side that not all of the past experiences have been perfect in that regard.

But when compared to the experience of Washington micromanagement, it is a whole lot better, and that is why I urge defeat of the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, one of the problems with this whole process is it does not seem as if we fully understand what happens in the local municipalities and the local processes as it relates to budgeting, and that is even more important as we consider the fact that at every level there are reductions in budgets as various mayors try to find the best means of resolving their budget conflicts.

All over this country today there are those who are trying to bridge the gap that they might be able to provide a level of service but, at the same time, deal with the reality that they cannot tax themselves out of problems that are endemic to the cities. In so doing, a community, a block grant for police, a block grant for anything, represents the potential as a tool to be used in almost any way to be able to try to bridge those budget gaps.

I think a classic example may well be as we consider what has happened with community development block grants. They were intended for the purpose of insuring that many of these urban communities were rebuilt. In point of fact, in too many instances, those community block grants are nothing more than the difference between what it takes for a city to be able to not have to go out to the bond market and for it to balance its budget by the use of Federal resources. I think we all would have to agree that any local politician who is concerned about the next election, seeing the resources that are now available to them in a community block grant over which they have absolute control, with no direction from Washington, with no mandates in terms of how those funds would be spent, could easily provide justification that what they are spending the money for is, in fact, in the interest of public safety.

If you consider what we are talking about and the number of bills that are before us, the number of bills that will be before us in the next few days, when you talk about welfare reform, when you talk about not providing people a decent kind of wage on which to live, when you talk about all the conditions that are endemic to the schools and other circumstances in these communities, you are doing to drive more people onto the kind of census that makes up this ever growing prison population. While you are doing that, you could easily make arguments then that your justification for spending money in various areas that are not defined within the bill might well fit within the rubric of public safety.

I think what we are doing, in fact, is giving to those who are local representatives in government an opportunity to have before them resources that would not otherwise be available. They will do as they have done with the community development block grants, they will not use the money for policing issues, they will not use the money for public safety issues, they will use the money to be able to bridge that budget gap.

If you look farther at community development block grants in some major cities where they have taken those moneys not to create housing, not to be able to rebuild communities, not to economic development vehicles, rather, they have used those moneys so they might provide in some instances security, housing that is warehoused by the city, that would not be considered within the interest of development of housing. I could see likewise one can just as easily argue you could make those funds available for providing security in areas the city would otherwise have to do it, but now would not have to do it by virtue of the fact that they have the benefit of a community block grant.

These block grants are nothing more than a giveaway. It is a form of welfare. It is a form of a subsidy that allows for somebody who is in power who has the authority over a budget to say this is where I want the money to be targeted and, you know as well as I do, and I am a former educator, I can tell you if you give me a few minutes and you give me a lot of money and knowing that dollars are fungible, I will figure out a way to make those dollars usable for whatever I can justify them to be usable for. That is what we are making available for the cities, and we need to stand and be honest about that.

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from New Mexico.

Mr. SCHIFF. I wonder is the gentleman saying he opposes community development block grants?

Mr. FLAKE. I oppose community development block grants that are given to those who are in power who do not do what those community block grants are designated to do, and in too many instances, there is a history that community block grants do not do what we have historically designed them to do when we have made community block grants available from Washington.

Mr. SCHIFF. If the gentleman will yield further, either community development block grants exist or they do not. Is the gentleman in favor of repealing the whole issue of community development block grants?

Mr. FLAKE. I would not repeal the whole issue of community development block grants. What I would do though is set some specific mandates on how those funds are being used as is the case with the amendment that is before us right now where it says there are specific things you can do and specific things you cannot do, because as we try to solve a particular problem, the block grant is developed for that reason, for that reason alone.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we know the difference between improving lighting and improving the roads, and improving the lighting would have a significant impact on crime in an area and could be supported.

I know many localities trying to build roads who would be praised for spending this money on road building rather than crime fighting. This funding is for crime prevention, and thankfully we did have some money put into the bill a few minutes ago which would have the effect of evaluating programs for their effectiveness in preventing crime. But road building is one where we would not have to wait for the evaluation.

Mr. Chairman, I would hope that we would adopt the amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I just wanted to reemphasize the point that I simply do not understand why there would be opposition to this amendment. There is nobody, I think, on this floor or in this Congress who thinks that the purpose of this bill is to improve roads, highways, or streets. And yet the language in the bill, improving public safety, is clearly broad enough to cover that kind of activity.

For the life of me, I cannot understand why we make an issue of this simply to send a message to the public. I guess that we have crafted the perfect bill, and our language cannot be improved; surely, the proponents of this bill, the sponsors of this bill, do not believe they have crafted a perfect bill, and I just for the life of me cannot understand the opposition to this amendment.

I would ask my colleagues to, please, be sensible about this. Make this clear. There are enough loopholes and gaps in this bill without leaving this loophole and gap for local communities to drive through.

I can tell you that in some areas traffic is the major issue that is affecting the people, and there is no problem with addressing the issue of traffic.

But let us do it in a transportation bill, in a roads bill. Let us not leave open the opportunity to address that concern in what we are calling a crime bill in the name of just the sense that they have some perfect bill here. It is not a perfect bill. There are all kinds of problems with this bill, and this is just one of them.

We ought to at least close this one gap.

□ 1838

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SCHIFF. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present.

Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No 119]

ANSWERED "PRESENT"—417

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

□ 1839

The CHAIRMAN. Four hundred seventeen Members have answered to their name, a quorum is present, and the Committee will resume its business.

□ 1840

RECORDED VOTE

The CHAIRMAN. The pending business before the House is the demand of the gentleman from New Mexico [Mr. SCHIFF], for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 230, not voting 10, as follows:

[Roll No. 120]

AYES—194

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Laughlin
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton

Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda

Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer

Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)

Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Istook
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Murtha
Myers

Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—10

Becerra
Chapman
Crapo
Geren

Gibbons
Jefferson
Matsui
Meek

Tucker
Wilson

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1850

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thank the chairman for recognizing me for 5 minutes. I normally do not take a vote on an issue personally, but I think I need to say some things to this body.

Mr. Chairman, I came earlier today and offered the amendment that just failed to the leadership on the majority side in an effort to try to work with the majority leadership to improve this bill. There is not a person in this House who believes that this money should be used to build streets, roads or highways. There is not a Member of this House who believes that the funds under this bill ought to be used for highways, roads or streets. And I tried to offer this amendment in such a way just to clarify that issue. And I won the voice vote.

During the course of the debate on the rule, I pointed out to the Members of this body and to the American people that the time required to come over here and vote on an amendment is included in the 10 hours of public debate time that is allocated for this bill.

Immediately before I had offered my amendment, the other side had just agreed to an amendment similar to this. So I am beginning to wonder here what is going on in this body. We are marching in lockstep, doing things that make no sense in the context of public policy, denying Members that right to clarify the wording of a bill, maybe taking out personal animosities and concerns from last week on the content of this bill, because this vote makes no sense in the context of what we are doing here.

I want to just make it clear to my colleagues over here, if this vote is designed to send a message to MEL WATT, which I am inclined to think that it is, as I speak here, I will tell them that I will send a number of amendments that they will not like for their consideration. If they want to single me out and discipline me by calling for a vote on something that everybody in the House agrees to and tell their soldiers to march, contrary to public policy, contrary to what everybody in this House knows the intent of this bill is, then somebody have enough nerve to come to my face and tell me that. Because if they want to declare war, then I am up to it, and I will tell them that I am ready to start the war right here.

But I will not be personally insulted. I will not be personally singled out. And I will not have them march like toy soldiers on issues of public policy without exposing what they are doing to the American people.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, what the gentleman is saying is, maybe some of the Members did not quite understand, what I understand what he is saying is that an amendment that previously delineated what they meant was accepted by the other side; correct?

Mr. WATT of North Carolina. That is correct.

Mr. VOLKMER. And this amendment, which really, I think, is clear to everybody, I do not think, surely, maybe there is, maybe the gentleman is a little wrong, maybe they really want to use this money, crime fighting money, for roads and highways and streets. Maybe the gentleman missed the boat. Maybe that is really the way they want to use the money. But it does not appear that that would be a proper use of it. I agree with the gentleman.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, if that is not so, then the only purpose of them asking for the vote and taking all the time is because, the gentleman feels, it was he that offered the amendment. In other words, perhaps if it was someone else that offered the amendment, the amendment may have been accepted.

Mr. WATT of North Carolina. Perhaps I should let the gentleman offer the next amendment.

Mr. VOLKMER. I do not think I am in any better shape than the gentleman is.

Mr. WATT of North Carolina. Well, perhaps I should select somebody else of another hue to offer the amendment.

I thank the gentleman.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am sorry that the gentleman from North Carolina, who offered the amendment, felt that my opposition to it was based in some way in some personal fashion. I would point out that in the last vote, 12 of my party voted with the gentleman and 14 Members of his party voted with me against it.

I want to make two points. First of all, if we have misjudged the situation, I cannot say, but we had received ideas that amendment after amendment after amendment was going to be offered. We have seen drafts that included no purchase of rocket launchers, no purchase of farm equipment.

Now the majority party in the Committee on the Judiciary helped to pass an amendment to this bill which provided several limitations such as the gentleman from North Carolina is talking about. We said things like no purchase of limousines and no fixed wing aircraft, and so forth.

Second of all, the gentleman from Florida, the chairman of our subcommittee, accepted an amendment offered by the gentleman from New York [Mr. SCHUMER], which said no use of consultants and no use of unconventional vehicles for the police department.

The point is, our belief was these amendments were going to come endlessly, not necessarily for their individual merit, but to make the general point that there are Members here who do not approve of the block grant approach and intend to oppose this bill no matter how many amendments are accepted.

We accepted some amendments as an acknowledgment that, in fact, there have been past problems with block grants. Most of us continue to support H.R. 728 because we think the block grant is still appropriate when compared to Washington and congressional micromanagement.

My point is that nothing here was designed or intended to be personal to the gentleman from North Carolina in any way. It was just to stop what we thought was a flurry of these amendments, duplicative in spirit, if not in letter.

Second, Mr. Chairman, I have to say, with the utmost regard to the gentleman from North Carolina, I want to say that this particular amendment was a mistake. When we say that no money can be used for roads, that could be no lighting to improve security, it could mean no rerouting of traffic to prevent gang attacks and to prevent carjackings.

I was given one example by the gentleman from California [Mr. BILBRAY] of a road built to a county jail.

Mr. Chairman, I yield to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I tried to discuss this item. I crossed over the aisle and discussed it with the gentleman from North Carolina. I did have a concern and I think that that kind of communication was nothing personal on my vote. I was not in lockstep.

The fact is that we built an $800 million facility trying to fight crime in the county of San Diego, and one of the major problems we had, too, is that we had to spend over a million dollars to get from the adjoining road to the site where we could build this facility.

Now, I am sure my colleague from North Carolina did not mean to create that kind of barrier from being able to utilize these resources for different types of crime activity, but this was one that was a good example of where there would have been a legitimate facility built, legitimate expense that would have been blocked by his amendment.

□ 1900

That is why I voted, not because I was in lockstep on this side of the aisle, but because, from practical application, I saw that this could be a barrier from doing what the bill wants us to accomplish, and that is fighting crime.

Mr. SCHIFF. Mr. Chairman, I just want to say in conclusion once again that it was our belief we would be debating these amendments for the entire 10 hours of this bill, which essentially made the same point over and over again, which we think we have recognized in accepting the amendments we have offered.

More importantly, Mr. Chairman, I believe this particular amendment offered by the gentleman from North Carolina [Mr. WATT] inadvertently, I am sure, would have precluded legitimate uses of law enforcement money.

Mr. SCHUMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the gentleman from California [Mr. BILBRAY] has made just the point that we on this side of the aisle wish to make, which is if there was a need for a road, even if the road would be used by law enforcement personnel, there are State funds to do that, there are Federal highway funds to do that, et cetera.

The very point is, Mr. Chairman, in this large block grant concept, we could stretch the definition so far that we could do almost anything, and the money would be so dissipated that the actual bang for the buck in law enforcement would be next to nothing. Therefore, Mr. Chairman, I think the amendment of the gentleman from North Carolina [Mr. WATT] was very well advised. I do not care if there is a road going from one prison to another. If you ask the American people "Should the money in the crime bill, whether it be a Democratic crime bill, a Republican bill, or a bipartisan crime bill, go to building roads from one place to another, no matter what the purpose?" they would overwhelmingly say no. That is the very reason the gentleman from California [Mr. BILBRAY] makes the point that we wish to make, the gentleman from North Carolina, myself, and all of us on this side of the aisle. That is that the block grant proposition, despite good intentions, it will pave the road, so to speak, for all sorts of kinds of things that will be built with this money that no one had any idea of, that have nothing to do with real law enforcement, and it will end up being a gigantic, big barrel of pork.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WISE: At page 4, after line 19, insert

(G) "Enhance programs under subpart 1 of part E of the Omnibus Crime Control and Safe Streets Act of 1968.

Mr. WISE. Mr. Chairman, we have been talking to the majority. I believe it will be acceptable. This amendment is very simple. It simply says that for purposes of the block grant, that the local governments can use the block grant for the same purposes that they presently receive Byrne funds for. The Byrne grant is authorized under a separate law. The Byrne grant begins its appropriations, or its authorized amount begins to be reduced each of the next years up until the year 2000. What this simply says is that for those programs that local governments have found useful, and there are 22 of them that are permissible under the Byrne grant, for those programs that they can use the block grant moneys for those Byrne programs.

To give some examples, in West Virginia, for instance, one of the most successful programs has been the DARE, drug abuse resistance education programs. Byrne moneys can be used there. Police officers teach the DARE Program. Another one that has been very helpful, and I think goes right to the heart of what the majority bill hopes to do, is the multijurisdictional drug task force. Once again, Byrne moneys can be used to bring, in rural areas particularly, to bring the many county and local governments together, working with the State and Federal authorities in ways that they have not been able to do today to work on drugs.

Mr. Chairman, I would ask that this be approved and that the amendment be adopted which would permit the 22 purposes of the Byrne grant, that the local governments be able to use the block grant moneys here to implement those programs.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. WISE. I am happy to yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I think the gentleman's program is excellent. We support it. We already have, as Members know, the Byrne grant programs. The fact of the matter is this was never intended, our bill, to in any way keep programs that have Byrne grant program funds from receiving additional moneys out of this bill. There is total flexibility for the States to do that.

The gentleman's amendment guarantees that. I support it.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WISE. I am happy to yield to the gentleman from Michigan, the ranking member of the committee.

Mr. CONYERS. Mr. Chairman, this is an excellent amendment. The gentleman is attempting to reimpose some needed structure to the completely unmanageable and formless way the block grant programs are structured, so I commend the gentleman. I think we will accept it unanimously on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The amendment was agreed to.

The CHAIRMAN. The Chair wishes to inform the membership that it is the intention of the Chair, to the best of his ability, to rotate recognition for the purpose of offering amendments between Republican and Democrat.

It was the mistaken belief of the Chair that the gentleman from West Virginia [Mr. WISE] was seeking time to strike the requisite number of words. Obviously he was seeking time of offer an amendment. Therefore, the gentleman from New Jersey [Mr. MARTINI] should have been recognized first.

AMENDMENT OFFERED BY MR. MARTINI

Mr. MARTINI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MARTINI: Page 8, after line 19, insert the following new subsection:
>
> "(h) MATCHING FUNDS.—The Federal share of a grant received under this title may not exceed 90 percent of the costs of a program or proposal funded under this title.

Mr. MARTINI. Mr. Chairman, I rise today as a member of the Republican Task Force on Crime to offer an amendment that I believe is essential if this House wants to make sure the Local Government Law Enforcement Block Grants Act, H.R. 728, is a credible program to fight crime.

As written, Mr. Chairman, H.R. 728 is a good bill. Block grants will combine the extra resources our communities need to combat crime with the added flexibility to use that money in ways that best suit them.

I support the bill, Mr. Chairman, and believe it brings us a long way toward our goal. However, Mr. Chairman, we can make a good bill even better, in my opinion. The localities are being given the money without having to put up any of their own funds.

With no direct financial stake in the program, I fear many local governments will not officially use the money we offer them. If the program is a waste, they lose nothing. It is a classic case of easy come, easy go.

The amendment offered by my colleague, the gentleman from Delaware [Mr. CASTLE] and I seeks to address this problem by implementing a matching provision in which local governments will be required to put up 10 percent of the grant they receive. Even this small matching amount will protect the integrity of what we are attempting to do.

Mr. Chairman, as a former local official on both the county and municipal level, I know these kinds of matching provisions bring accountability to local units of government. It is accountability that this amendment seeks to do.

The 10 percent matching provision is not as large as those contained in last year's crime bill, and the amendment does not infringe at all upon the wise latitude given the localities that is the cornerstone of H.R. 728.

Mr. Chairman, this year this House has taken many actions to preserve for our constituents and to tell our constituents that we understand their money is a scarce resource, and we can no longer afford to spend it on wasteful projects.

It is not that I begrudge the amount of money in block grants this bill proposes; rather, fighting crime is one of the most important functions of our government, and I wish we could afford to spend more in this area.

What the Martini-Castle amendment does do is force localities to be as careful with their Federal money as we have committed ourselves to be with the Federal taxpayers' dollars. Even the smallest amount of investment made by a locality will give local officials a stake in the success or failure of a program, and help assure us that our block grants are being put to good use.

I urge my colleagues to support this amendment and strengthen what is already a very good bill.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, under the gentleman's amendment, any community of any size would have to come up with 10 percent of any application or grant that they receive as a result of an application, is that right? Is that the way I understand it?

Mr. MARTINI. They would have to have a 10-percent matching provision for any grant that they would be eligible for under this program.

Mr. VOLKMER. Mr. Chairman, I would ask the gentleman, is that a cash 10 percent, or is that in kind 10 percent, or what is it? What is that 10 percent.

Mr. MARTINI. It would be a matching 10-percent cash. That would be the intention of the amendment.

Mr. VOLKMER. It would be in cash, Mr. Chairman, I would ask the gentleman, not in kind?

Mr. MARTINI. Preferably in cash.

□ 1910

Mr. VOLKMER. I just wanted to clarify it so I would know.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. MARTINI. I yield to the gentleman from Delaware.

Mr. CASTLE. The answer is it is a cash match. It is not an in-kind match in any way whatsoever.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, here we are again. After hearing that we were against block grants 4 months ago on the majority side, we are now enthusiastically for block grants.

All during the hearings and markup of this bill, you were against any matches in the Committee on the Judiciary, and now out of nowhere comes an amendment printed by the chairman of the subcommittee no less but offered by the distinguished gentleman from New Jersey, a 10-percent match.

Is there any rationale that we may employ to account for where this miraculous change of opinion has come about?

You have quite a few positions on these matters that seem to be changing the more we examine this bill.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida, the subcommittee chairman.

Mr. McCOLLUM. I thank the gentleman for yielding.

The reason why is that we believed that we need to have a match in here. It is a better accountability proceeding.

Mr. CONYERS. So did we.

Mr. McCOLLUM. We picked a 10-percent figure because after checking with the mayors, this seemed to be the reasonable amount. That amount would require the least discomfort, and a lot of the communities that could not afford larger matches would be able to afford this. We came up with a 10-percent figure, printed it in the RECORD, so it is not a big surprise to you. The task force of the gentleman from New Jersey [Mr. MARTINI] who worked with it on our side of the aisle is the one who has offered it today.

Mr. CONYERS. After hearing all your rhetoric against matching, I am glad that we at least have a point of agreement here. I guess that means that all of the discussion and debate against matching funds in the crime bill was not as important or valid as I thought you were making it.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Florida.

Mr. McCOLLUM. There may have been some Members who argued against matching on my side of the aisle but this one was not one of them. I argued against the fact that the police grant program, there was not nearly enough money out there because it cost $60,000 a year instead of $20,000 or $25,000 to be able to put a police officer on the street. But I never argued against a match.

Mr. CONYERS. You do not recall yourself saying somewhere along the line that communities could not afford the police grants because there was a matching requirement?

Mr. McCOLLUM. If the gentleman will yield, I have argued all along they could not afford it partly because of the 25-percent matching requirement and partly because and mainly because that the total cost of putting a new police officer on the streets instead of being the base number figured by the Department of Justice for a new police officer's salary at $20,000 or $25,000 was more like $60,000 a year to get him out on the street. Plus the end of that program was down the road 3 years from then and the local communities had to pick up 100 percent of the grant program then. That is what I argued for.

Mr. CONYERS. That is why we have measures brought to the floor. We go through the committee hearings, we go through the markup, then we come to the floor and then you say, "Well, perhaps there is something to matches and we'll put one in.

So, look, this is a new position you have arrived at. I am happy about it. I have no objection to it. I just wanted to point out that I had not heard about it before, and it was printed in the RECORD and offered by the gentleman from New Jersey. So, so be it. I think it is an appropriate time to do it. We probably will not have any other chance to debate.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio.

Mr. HOKE. I think this reflects two things. No. 1 is the compelling quality of your own persuasiveness in bringing these things forward. Second, is the good things that happen when we have an open rule. We are actually debating, we are listening.

This is an amendment that is brought to the floor, not least of which because there has been persuasion on both sides of the aisle. We have got better legislation as a result of it. I think we ought to all celebrate.

Mr. CONYERS. Would the gentleman need more time? I am happy to hear that. As a matter of fact, I was waiting for someone to realize that these were our arguments.

Mr. HOKE. We are very grateful.

Mr. CONYERS. Under those circumstances, I think that this is an amendment that we cannot resist.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. I think the gentleman from Nebraska [Mr. BEREUTER] in a moment will speak to perhaps a different percentage, but I thought it would be interesting to discuss a little bit how we got to the 10-percent figure because we did start looking at higher numbers.

The gentleman from New Jersey [Mr. MARTINI] has worked in local government and was very helpful in terms of working all this out. What we were trying to do basically was to get a threshold number that would make the local communities realize that they are buying into something. We have all seen the complete open-ended block grants for everybody——

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(At the request of Mr. CASTLE and by unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. I continue to yield to the gentleman from Delaware.

Mr. CASTLE. We attempted to find a number in which the local communities would be involved but would not be such a high hurdle that they could not do it. And after a lot of discussions with a lot of local officials, we came out with a number of 10 percent. That is how we got to that number.

We feel it does exactly what you have talked about and we should bring the local communities into it and we get rid of the extraneous and perhaps unnecessary and unwarranted applications that might be made.

Mr. CONYERS. I am sorry you did not put my name on the amendment when you offered it. I did not realize how effective we had been.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Delaware.

Mr. CASTLE. I am sure the gentleman from New Jersey [Mr. MARTINI] would be glad to add your name to the amendment.

Mr. CONYERS. It is too late now.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Martini-Castle amendment. I think this bill must have some method of accountability in order to ensure that the grant money is not misused. A 10-percent match requirement would at least help ensure that local governments will have a financial interest in the success of the grant. Instead of local governments considering that grant money to be in effect free money, more care will be taken to ensure that the grants are not wasted. Oftentimes I think it can be shown that the degree of local concern will increase proportionately to the amount of matching grant.

Mostly I rise today, however, to tell my colleagues that I really thought a larger grant amount was appropriate. I have an amendment prepared to the amendment for a 20-percent grant, but in an abundance of caution and with some consultation with local officials and especially my colleagues, I am going to support the 10-percent matching grant requirement, insisting, as the gentleman from Delaware said, that it is a cash match.

My experience that leads me to the conclusion that we have to have a matching grant comes from serving on the State crime commission in the late 1960's and early 1970's when we had a number of excesses with the LEAA program. One of the excesses that came about, I think, related directly to the fact that we had no sufficient matching requirement.

In the existing crime bill, last year's bill that was enacted, there are matches that require 10 percent in some instances, in some cases as high as 40 percent. We have got some difficulty in local governments apparently with some of the higher matches. I think the 10-percent match is perhaps a bit minimal, but I believe that the will of the body would support a 10-percent amendment, and I am going to ask my colleagues to support on both sides of the aisle the initiative by the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE], and I want to associate myself with their effort and with the remarks of the gentleman from Michigan in support of the matching requirement.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. McCOLLUM. I want to thank very much the gentleman from Nebraska for his comments. It was partly because of his influence on me and discussing this over some time that we decided that a matching program was absolutely essential to accountability. I want to compliment him on coming out today just as I want to make sure on your time, I compliment appropriately the gentleman from New Jersey [Mr. MARTINI] and the gentleman from Delaware [Mr. CASTLE] who have worked so well, one in local government, the other in a State capacity in the past who have seen the need for something of this nature.

We did work very, very hard to come up with a right number. Not everybody is in agreement on that number, but it is one which is acceptable to the vast majority of our cities and county government officials.

I thank the gentleman for acquiescing in the 10 percent. I appreciate his yielding. Like him, I urge the support of this amendment.

Mr. BEREUTER. I thank the gentleman for his kind remarks. I would say that I appreciate the fact that the gentleman listened to some Members on our side of the aisle and to the comments that we had in Republican conference on the need for a matching requirement. Our colleagues have taken the initiative. I urge my colleagues to support the Martini amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MARTINI].

The amendment was agreed to.

□ 1920

AMENDMENT OFFERED BY MR. MFUME

Mr. MFUME. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MFUME:

Add at the end the following new title:

TITLE II—DRUG COURTS

SEC. 201. DRUG COURTS.

(a) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) by redesignating part V as part W;

(2) by redesignating section 2201 as section 2301; and

(3) by inserting after part U the following new part:

"PART V—DRUG COURTS

"SEC. 2201. GRANT AUTHORITY.

"The Attorney General may make grants to States, State courts, local courts, units of local government, and Indian tribal governments, acting directly or through agreements with other public or private entities, for programs that involve—

"(1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; and

"(2) the integrated administration of other sanctions and services, which shall include—

"(A) mandatory periodic testing for the use of controlled substances or other addictive substances during any period of supervised release or probation for each participant;

"(B) substance abuse treatment for each participant;

"(C) diversion, probation, or other supervised release involving the possibility of prosecution, confinement, or incarceration based on noncompliance with program requirements or failure to show satisfactory progress; and

"(D) programmatic, offender management, and aftercare services such as relapse prevention, health care, education, vocational training, job placement, housing placement, and child care or other family support services for each participant who requires such services.

"SEC. 2202. PROHIBITION OF PARTICIPATION BY VIOLENT OFFENDERS.

"The Attorney General shall—

"(1) issue regulations and guidelines to ensure that the programs authorized in this part do not permit participation by violent offenders; and

"(2) immediately suspend funding for any grant under this part, pending compliance, if the Attorney General finds that violent offenders are participating in any program funded under this part.

"SEC. 2203. DEFINITION.

"In this part, 'violent offender' means a person who—

"(1) is charged with or convicted of an offense, during the course of which offense or conduct—

"(A) the person carried, possessed, or used a firearm or dangerous weapon;

"(B) there occurred the death of or serious bodily injury to any person; or

"(C) there occurred the use of force against the person of another,

without regard to whether any of the circumstances described in subparagraph (A), (B), or (C) is an element of the offense or conduct of which or for which the person is charged or convicted; or

"(2) has one or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm.

"SEC. 2204. ADMINISTRATION.

"(a) CONSULTATION.—The Attorney General shall consult with the Secretary of Health and Human Services and any other appropriate officials in carrying out this part.

"(b) USE OF COMPONENTS.—The Attorney General may utilize any component or components of the Department of Justice in carrying out this part.

"(c) REGULATORY AUTHORITY.—The Attorney General may issue regulations and guidelines necessary to carry out this part.

"(d) APPLICATIONS.—In addition to any other requirements that may be specified by the Attorney General, an application for a grant under this part shall—

"(1) include a long-term strategy and detailed implementation plan;

"(2) explain the applicant's inability to fund the program adequately without Federal assistance;

"(3) certify that the Federal support provided will be used to supplement, and not supplant, State, Indian tribal, and local sources of funding that would otherwise be available;

"(4) identify related governmental or community initiatives which complement or will be coordinated with the proposal;

"(5) certify that there has been appropriate consultation with all affected agencies and that there will be appropriate coordination with all affected agencies in the implementation of the program;

"(6) certify that participating offenders will be supervised by one or more designated judges with responsibility for the drug court program;

"(7) specify plans for obtaining necessary support and continuing the proposed program following the conclusion of Federal support; and

"(8) describe the methodology that will be used in evaluating the program.

"SEC. 2205. APPLICATIONS.

"To request funds under this part, the chief executive or chief justice of a State or the chief executive or chief judge of a unit of local government or Indian tribal government shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require.

"SEC. 2206. FEDERAL SHARE.

"The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the program described in the application submitted under section 2205 for the fiscal year for which the program receives assistance under this part, unless the Attorney General waives, wholly or in part, the requirement of a matching contribution under this section. In-kind contributions may constitute a portion of the non-Federal share of a grant.

"SEC. 2207. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made.

"SEC. 2208. REPORT.

"A State, Indian tribal government, or unit of local government that receives funds under this part during a fiscal year shall submit to the Attorney General a report in March of the following year regarding the effectiveness of this part.

"SEC. 2209. TECHNICAL ASSISTANCE, TRAINING, AND EVALUATION.

"(a) TECHNICAL ASSISTANCE AND TRAINING.—The Attorney General may provide technical assistance and training in furtherance of the purposes of this part.

"(b) EVALUATIONS.—In addition to any evaluation requirements that may be prescribed for grantees, the Attorney General may carry out or make arrangements for evaluations of programs that receive support under this part.

"(c) ADMINISTRATION.—The technical assistance, training, and evaluations authorized by this section may be carried out directly by the Attorney General, in collaboration with the Secretary of Health and Human Services, or through grants, contracts, or other cooperative arrangements with other entities.".

(b) TECHNICAL AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by section 40231(b), is amended by striking the matter relating to part V and inserting the following:

"PART V—DRUG COURTS

"Sec. 2201. Grant authority.
"Sec. 2202. Prohibition of participation by violent offenders.
"Sec. 2203. Definition.
"Sec. 2204. Administration.
"Sec. 2205. Applications.
"Sec. 2206. Federal share.
"Sec. 2207. Geographic distribution.
"Sec. 2208. Report.
"Sec. 2209. Technical assistance, training, and evaluation.

"PART W—TRANSITION-EFFECTIVE DATE-REPEALER

"Sec. 2301. Continuation of rules, authorities, and proceedings.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793) is amended—

(1) in paragraph (3) by striking "and U" and inserting "U, and V"; and

(2) by adding at the end the following new paragraph:

"(20) There are authorized to be appropriated to carry out part V—

"(A) $100,000,000 for fiscal year 1995;

"(B) $150,000,000 for fiscal year 1996;

"(C) $150,000,000 for fiscal year 1997;

"(D) $200,000,000 for fiscal year 1998;

"(E) $200,000,000 for fiscal year 1999; and

"(F) $200,000,000 for fiscal year 2000.".

SEC. 202. STUDY BY THE GENERAL ACCOUNTING OFFICE.

(a) IN GENERAL.—The Comptroller General of the United States shall study and assess the effectiveness and impact of grants authorized by part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 50001(a) and report to Congress the results of the study on or before January 1, 1997.

(b) DOCUMENTS AND INFORMATION.—The Attorney General and grant recipients shall provide the Comptroller General with all relevant documents and information that the Comptroller General deems necessary to conduct the study under subsection (a), including the identities and criminal records of program participants.

(c) CRITERIA.—In assessing the effectiveness of the grants made under programs authorized by part V of the Omnibus Crime Control and Safe Streets Act of 1968, the Comptroller General shall consider, among other things—

(1) recidivism rates of program participants;

(2) completion rates among program participants;

(3) drug use by program participants; and

(4) the costs of the program to the criminal justice system.

Mr. MCCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order on the amendment.

Mr. MFUME. Mr. Chairman, I am particularly happy the distinguished gentleman from Florida has a concern because the amendment actually grew out of a program that found its genesis in Florida, and the distinguished Members of the Florida delegation I am sure will understand after I have an opportunity to discuss it, why it is so very important.

Mr. Chairman, I rise to offer this amendment to H.R. 728, an amendment that would continue the Drug Court Program as enacted by the Violent Crime and Prevention Act of 1994. The Drug Court Program included in the list of programs targeted for elimination under H.R. 728 is an effective and valuable crime fighting tool, with the kind of proven results that Democrats, Republicans, and Independents want.

Although lumped, and I think lumped inadvertently with the prevention programs that this bill tends to eliminate, drug courts really are not a prevention program. Drug courts would better be classified as an alternative punishment measure that has the indirect benefit of preventing crime.

Drug courts began as an innovative program by the State of Maryland. The gentlemen from Florida, Mr. MCCOLLUM, Mr. STEARNS, the other distinguished members of the Florida delegation I am sure can attest to the effectiveness of it in the State of Florida.

The State of Florida utilized a formula grant funding approach under the Byrne Memorial State and Local Law Enforcement Assistance Act to fashion what eventually became an alternative punishment and drug rehabilitation program.

The program was very successful in providing first time drug offenders with a second chance. I am not talking about the hard core drug user, I am not talking about the weekend user. I am not even talking about the recreational user of drugs. I am talking about that first time drug offender, that young boy or that young girl who experiments with taking a drug and then gets caught.

In the city of Baltimore there are currently 130 people who have been diverted to the Drug Court Program and away from what conceivably could have been a life of crime, certainly a life of drug abuse.

Of almost 200 people that have been involved in the program since its inception almost a year ago, only 10 of that 200 have dropped out. That means that out of every 20 nonviolent drug offenders who have been brought into the program in Baltimore, 19 out of that 20 has remained sober and clean, a surprisingly pleasant success rate.

The basic program includes intensive supervision of the participants by the court through drug testing and treatment and the prompt application of a graduated number of sanctions for failure to comply with the conditions of the program.

The program can be administered on a pretrial basis, it can be administered as a post-conviction program or it can be administered as both. That is up to the locale.

The Drug Court Program as we know it in various States has been so successful in reducing recidivism and providing drug offenders with an alternative to drug use that the crime bill that we have been talking about over and over again funded this as a separate entity in the 1994 act.

The cost of drug courts is about one-twentieth what it costs to put people in prison, and again let me point out that the recidivism rate is so very low that we end up cutting crime by 80 percent.

In my State of Maryland a unique consortium has been forged with representatives of the public defender's office, State's attorney's office, probation department, and treatment facilities work together to ensure adequate monitoring of treatment and supervision for the department.

Drug courts in Maryland provide drug treatment on demand and serve as an alternative to incarceration, again for first time drug offenders, thereby saving prison beds for the most violent of offenders in our society.

The program also provides job placement, it provides job counseling, it provides educational services and it even provides relapse prevention, in an effort to treat the problem and to provide intense supervision.

The drug courts programs that divert first time drug offenders from prison and then ultimately places them under strict court-enforced supervision is necessary and it is responsible. And as I said before, it is not Democratic, it is not Republican, it is not independent. It is the right thing to do and it is not something that we do not know about. The results are all over this society, and they have been shown to reduce recidivism rates and to return first time drug offenders to society as productive, law-abiding citizens.

Building more prisons does not necessarily do that. It may not be a bad idea but it does not do the same thing. So I would argue as we look at the first time drug offender that a young man or young woman or who for whatever reason experiments and gets caught, that we ought to make sure we do not do away with drug courts as we have known them and as they have worked so well.

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. MCCOLLUM. Mr. Chairman, I do not insist on my point of order. I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it does appear that since the gentleman is adding back in drug courts from last year's crime bill as a separate drug courts title to this bill, and in essence undoing the repealer of the money for that in the program, that indeed this is a germane amendment. But what it does do is add $1 billion in additional drug courts money and drug courts authorization to this bill, to the $10 billion that underlies the bill, and adds it specifically to the purposes of drug courts. It goes against the grain of the very essence of what we are attempting to do in this bill even though many of us, including the people here, support the general precepts of drug courts.

What it does is to set forth a specific categorical grant program for drug courts to protect them, to make sure that indeed the monies that are set aside go to drug courts and not to anything else. Drug courts I might add again, it is additional money separate and apart from the $10 billion that underlie this bill, so the way it is crafted, as I understand it, does not from my reading of it and my staff study of it, does not affect the underlying $10 billion, it simply authorizes another billion for drug courts.

But the thrust of the principle of this still violates the concept that we on our side of the aisle want, and that is to send back to the local communities a decision on what they want to do with money that we provide them under this bill. We would like for the cities and the county commissions of each local community to make their own decision as to whether they want a drug court or not. We set up a supervisory panel and require one be set up for all the cities and counties that get money under this bill that include officers or some person representing the local courts. In addition, of course, there is a local prosecutor's representative, a local police or sheriff's department representative, a local school system representative and a local representative of a prevention program of some type in the community who presumably, and I would assume in most communities the way it works on lots of things, get together, talk over what is best for this community with the resources that they get under this bill; and then they will say, OK, look, if we have the idea for a drug court, and I know there are a lot of judges and law enforcement community members, district attorneys and so on who get together and like this idea, if we think this is good for our community, then let us use a portion of our money to supplement or to create drug courts.

□ 1930

In some communities, drug courts are thriving right now without any Federal assistance. They got created without it. It would be nice to be able to help them. We would like to encourage them, but to suggest they work in every community is to suggest something I do not think is our duty to do, nor do I think it is the responsible thing to do.

There are plenty of places where it would work fine. There are lots of communities where it may not. I would suggest we should provide the resources here to let Spokane, WA, Sacramento, CA, Madison, WI, New Brunswick, GA, Orlando, FL, each of the communities wherever they are around the country decide for themselves if they want drug courts with this money and to use some of it to support it, not our setting it aside and saying, "Look, here is a certain amount of money. If you want that money, come get it, because we in Washington know what is best for you as a drug court. By golly, we want to get as many of these drug courts out there as possible."

I am not convinced every community ought to have a drug court. I am convinced they do work in a lot of communities. I would encourage them.

Our bill does do that. Our bill uses drug courts as a specific example of those kinds of things that we would list in order for local communities to look to for guidance of how they might use this money.

It is one of those that we have as sort of preferentially treated by that example, but everything in this underlying bill is including, but not limited to, so it allows local communities to decide yes or no or not at all.

And so I must oppose this amendment reluctantly, because I do like the concept of drug courts, reluctantly because I know the gentleman from Maryland has offered this with good intent, and reluctantly because I know how important it is to a lot of communities to have drug courts. But it destroys the underlying fabric and concept of the local community grant program that is in this bill, and I am opposed to it, and I do oppose this amendment and urge its defeat.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman and members, this is a measure that we should compliment the gentleman from Maryland [Mr. MFUME] for bringing to the crime bill.

The record is clear on this one. A study of 4,500 drug court participants between 1989 and 1993 showed that only 11 percent slipped back into criminal activity, which is a phenomenal accomplishment compared to the 60 percent recidivism rate for those who did not participate in the program.

Drug courts, which cost only $800 a participant, compared to $25,000 for incarceration, achieved these results through a tough court-supervised program of counseling, drug testing, and daily monitoring. Those who do not comply know the alternative is incarceration, and so it is more than a prevention program. It is really almost an alternative form that is very effective, and with our prisons facing massive overcrowding that has been mentioned constantly here, these courts offer an effective alternative for steering nonviolent first-time offenders away from crime toward a productive future as contributing members of society.

This is an important provision of last year's crime bill that I think many would welcome into the 1995 version.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, I thank the gentleman for yielding to me.

Let me correct something that was said earlier by my colleague on the other side. This does not add new money. This simply takes the $10 million that was already there for drug courts which has been taken out and puts it back in.

Let me get to the heart of this particular effort. We always say in this body that we want to look at those programs that work, and we want to eliminate those that do not. Well, in the State of the gentleman from Florida [Mr. MCCOLLUM], he and the other distinguished Members of that delegation know this is where it found its genesis. It worked so well there it became a model for other States, including my State of Maryland.

You have got to remember this program is for the first-time drug offender, not the hard-core addict, not the weekend user, not the recreational user, but somebody's son or daughter who is in school, who might experiment with drugs and get caught. We put them in a program where 19 out of every 20 young people that go into it all have proven results. Recidivism rates are at an all-time low.

I dare say there is not another program that has that kind of a success record. So what we are saying here today is do we really want to, in all that we are doing, despite the partisanship on both sides, want to embrace a program that does what Democrats want, does what Republicans want, does what Americans want, independence; it creates the kind of results that make us feel proud and says to us in the process that we are able to go out and help young people before they go back and become the second-time offender, third-time offender, or the fourth-time offender and they have got a gun to your head or my head.

We are talking about somebody's son or daughter. I am not here to talk about pie in the sky. This is not an Mfume creation. This was born in Florida. The good people in Florida had the sense to embrace it and nourish it. It became so much of a national model in Maryland and elsewhere. It is working fantastically.

Might I say also that it is not mandatory. It says the Attorney General may make grants to the States, and so if a State does not want to participate, then it does not have to, but those grants go to specific things that deal with recidivism, with treatment, relapse prevention, and making sure we get young people away from drugs.

So I would just simply urge those who watch this debate and who are on the floor now to recognize that of all the things that we have come to embrace or to reject or to examine, that when it comes to drug courts, there is not another example that Democrats, Republicans, and independents can point to that has the kind of success in just the few short years that this has had.

I would urge all of my colleagues to find a way to allow themselves on this vote to go back and to restore the $10 million that was taken out for this program. This is not the kind of prevention program that the bill intends to do away with. This is not really a prevention program.

The end direct result may be prevention. This is a program intended to help young people who are first-time offenders, and I would strongly urge its adoption.

Mr. CONYERS. I thank the gentleman. His explanation has been thorough and quite convincing.

The fact of the matter is that we have permitted this in the bill, and what we are doing is putting a money amount to it.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just rise in support of the amendment and to reassert what my colleague, the gentleman from Maryland [Mr. MFUME], has said about the extraordinary success of this program.

I cannot sit here and fail to talk about something that I have had an opportunity to witness firsthand.

I know Judge Goldstein, who was the father of this program, and no later than just this week I received a letter from Judge Robert Fogan in Fort Lauderdale who presides in the drug court inviting me for the second time to speak to the graduates of the program and talking about the enormous successes that it has had.

Our colleagues on the other side of the aisle are constantly about the business of trying to figure out some way to put somebody in jail. Rightly, criminals should be.

The serious question becomes: When we do have something that does work, should we not see to it that it is maintained?

I think that this program can be replicated throughout this Nation, and pretty obviously is one that all Members of this House ought to support.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Maryland.

Mr. MFUME. Could the gentleman again talk about the phenomenal success that the program experienced in Maryland? Actually it is phenomenal wherever it occurred. It began in that State.

Mr. HASTINGS of Florida. It did begin in Florida. The judge in Miami that originated the program is still presiding in it and has had hundreds of success stories.

What is remarkable is that they show a 90-percent success rate, and then in terms of recidivism, it increases. They have situations where as much as 95 percent of the graduates do not return to a life of crime.

Now, how best then can we work to try to help people? You know something else, too, my colleagues, most of these people who talk about crime have not been in a criminal courtroom, have not had to sentence somebody, have not had to stand with somebody that was sentenced. They have this notion that comes from this air-conditioned Capitol about what happens on the street.

These judges are in the trenches in Florida, and in Maryland and elsewhere in these drug courts, and they see these youngsters. They are not the hardened criminals, but they are the people that can become the hardened criminals.

Mr. MFUME. If the gentleman will yield, let me add also that of the 200 young people in Baltimore that entered the program, 190 never went back to drug use, never. They stayed away from crime and everything.

□ 1940

So again I would appeal to Members on both sides of the aisle to understand that we are trying to help someone by preventing a set of possibilities that nobody wants in this society. This is not for hard-time drug users, this is not for junkies out on the corner, this is not for crack and cocaine users, this is not for recreational users, for the weekend user; it is for the first-time drug offender, somebody's son or daughter in your district or mine who in school experiments with a drug and gets caught.

We have to find a way to make sure that this program that is so successful—every editorial, everything you read about it reeks success—that we not do away with it in our effort to try to reform this package.

Mr. HEINEMAN. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, in deference to the gentleman from Maryland [Mr. MFUME], let the record clearly indicate that in the committee—and the gentleman from Michigan can speak to that and others in the Committee on the Judiciary—this issue was brought up at that time, and this issue was voted on at that time by the entire committee. Now, I am not one of those who has never been in a courtroom; I have been in many courtrooms in 38 years. I do have a feel for victims as well as people would have been arrested and are victims. I did offer up an amendment to the crime bill relative to drug courts, and it was at first unanimously adopted by both sides of the aisle.

Then there was an order to recommit and another vote taken, at which time it passed 20 to 15. It was not unanimous on that motion to recommit. Those folks on the other side of the aisle voted "no" to that motion to accept drug courts in the crime bill and those on this side of the aisle voted in the affirmative. That is how it made its way into the crime bill.

We are not insensitive. It was in inadvertently not given the standing in the crime bill that I thought it needed to have, and at that point we did pass it onto the floor.

So we are not unfamiliar with courtrooms and with this issue.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HEINEMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman for refreshing the memories of the members on the committee and the Members in the House because he is absolutely correct. I am hoping that the gentleman from Maryland has persuasively convinced him now to take the next step to create not only the permissive use that was accepted on the gentleman's own amendment, which was convincingly put to the Committee on the Judiciary, but that we carve out this modest sum of money to create an authorization for the same program that the gentleman in his career of police work has so long enforced.

Mr. HEINEMAN. I thank the gentleman.

I think what we are really talking about is what separates the philosophy on both sides of the aisle, on letting that be a grant whereby it is voluntary on the parts of those folks at the local level to use it as they see fit. And the gentleman from Maryland is putting a dollar figure on it.

Mr. CONYERS. If the gentleman would yield further, we persuaded the gentleman about block grants, we persuaded him about matching funds, and now we have to convince him of the wisdom of moving in support of the drug courts from a permissive use to an authorization. It is a small step.

Mr. HEINEMAN. Reclaiming my time, I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding.

I would point out that the gentleman is correct. I was a member of the majority that voted to put the gentleman's language into the bill to make it perfectly clear that drug courts are an important part of this legislation, and the funding is available. In fact, any community that wants to use all of the funding made available to that community for drug courts can do so under their bill, and, in fact, we have almost $2 billion per year made available so conceivably, if drug courts are the preference of each locality in the country, all of the money could be spent on drug courts.

I think they are a fine program. Some of the localities in my district are starting them and want to have this money available. Other communities in my district do not feel they need drug courts, and I think, as a result, we should make it plain that this program does have it available, the bill does that, but it does not sequester any funds in this program for any specific program.

I think if we are going to give the localities the flexibility to handle fighting crime at the local level in the manner they see best fit, we should leave the bill as it is with the specific language allowing drug courts, but nothing more.

Mr. CONYERS. Mr. Chairman, will the gentleman yield further?

Mr. HEINEMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding again.

Of course, the gentleman understands the difference between leaving this in a block grant where it competes against an infinite number of others; the question is whether he feels convinced of the importance of this so as to lift it out of this infinite multitude of permissible items in the block grant to give it a life of its own. It would still, I say to the gentleman from Virginia [Mr. GOODLATTE], still be optional; it would still not be mandatory to anybody. But it would be rewarding a program that works. And that to me is the important comments that were made by the gentleman from Maryland [Mr. MFUME] and the gentleman from Florida [Mr. HASTINGS] that make it so important that we pass this amendment.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be very brief. I just want to indicate that in a conversation with the head of our Office of Drug Policy just a couple of days ago, it was very clear that the utilization or the usage of drugs is now increasing.

So I rise to support the request of the gentleman from Maryland [Mr. MFUME], his very succinct request, very frank and honest request, that not only do we applaud the fact that we use allocated dollars for drug courts but we isolate the language in the legislation and it is specific.

I simply want to say we have a drug problem in this country, the gentleman has highlighted the problem; I think it is one that should be addressed as it relates to first-time offenders.

Mr. MFUME. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Maryland.

Mr. MFUME. I thank the gentlewoman for yielding.

Let me say directly to the distinguished gentleman from North Carolina [Mr. HEINEMAN] that I am heartened to hear his remarks. The fact that he tried in committee to do essentially the same thing is commendable, and I appreciate his courage in this effort here tonight, which was not successful and maybe because someone on my side of the aisle did not join with him.

Let me just say, though, that no one in this body has a license on purity on either side of the aisle. I would strongly say to the gentleman that I can empathize with his agony over having lost on something like that, and that is why I am so tremendously bent on trying to provide it myself.

Well, the gentleman won, but he did not make it this far. That is why we are trying to win again with it.

Let me just say one thing about block grants, which is important. If we are talking about block granting a basketball program that is one thing. That is an easy thing to do. Or block granting something else, it may be easy to do.

Drug courts are very specific. My fear is, if we do that, that what you will have is a drug court type A in this State, B in this State, and C in this. It will not be the same thing. It will not produce the same results, because there are no guidelines mandated in this instance that the Attorney General would carry out.

For instance, it says these courts shall provide mandatory periodic testing for the young person, first-time offender, for the use of controlled substances or other addictive substances, but substance abuse for each participant would be measured. There would be diversion, probation, and supervised training, and even the possibility of prosecution and confinement or incarceration, based on noncompliance with program requirements or, for that matter, failing to show satisfactory progress.

It goes on further: Programmatic, offender management, and after-care services, such as relapse prevention, would be there, that the Attorney General would issue further guidelines. You are not going to get that in block grant. What you are going to get with the States who are saying: "Oh, drug courts, they work, let's go try one." That will not be the same thing.

So, since we have a program that works, and again I challenge Members of this body, anyone, to show me any program that works as well as this Nation in terms of recidivism rates, keeping them down, and success rates in helping the first-time young person who is abusing drugs. To say if you will just embrace this language, let us put back the money for drugs courts that we have taken out and do the right thing so that somebody's son or daughter whom we represent, whom they love, will not be in a position of believing that the Congress had an opportunity to act but did not.

□ 1950

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, the gentleman from North Carolina won. It is here establishing or supporting drug courts in law enforcement block grants. I say to the gentleman, "What we want to do, sir, is promote you. You have done a great job. You deserve this. And what you're doing is isolating this out, putting a lot more language around it."

Remember, this is not a raw experiment any more. It is proven. Attorney General Reno tried it in Florida. Judges tried it in Florida. In Maryland it is working. I want to get this into Michigan.

So, what we are trying to say in our own stumbling way is, "You did great. You have done well. Please accept our promotion on this side of the aisle."

Mr. HEINEMAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from North Carolina.

Mr. HEINEMAN. Mr. Chairman, I say to the gentleman, "Thank you. You did it as well tonight as you did it in committee; I have to say that."

But, for the gentleman from Maryland, I believe that language that he read as it relates to the punishment and the sanctions are getting off track as it relates to the drug court sanctions within the language of the bill as it related to what came out of committee.

Ms. JACKSON-LEE. Mr. Chairman, I conclude my remarks by saying that drug usage is increasing. We need to do this in a bipartisan way and to respond to the needs of all of our States. I think effective drug courts will be part of the solution and not part of the problem.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words, and I will not use the 5 minutes in full.

Mr. Chairman, the only point that I want to make is I think we all agree here that drug courts can be very effective. In my community, the city of Cincinnati in Hamilton County, we are just getting under way with the drug court. I fully support the drug court. I supported the gentleman from North Carolina's proposal that we make, clearly in the language in this bill, the drug courts, the money can be used for drug courts; we all agree on that. Where we differ is that the gentleman from Maryland would like to put another billion dollars of tax dollars to be spent.

If we are going to actually move toward a balanced budget amendment, we have to be very careful, and for that reason I oppose an additional billion dollars.

I also think that we should not earmark for particular programs. I think the local communities know best what works in those communities.

For that reason, Mr. Chairman, I think we ought to give the flexibility to the local governments to decide how to spend those dollars, whether it is police officers, additional police officers, whether it is drug courts or whatever. Let us leave it up to the localities. I think they know better than the Federal Government does.

Mr. FATTAH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am going to be as concise as possible. The National Justice Institute, which was the subject of some of the discussion earlier, did a study a number of years ago where they sought to identify the correlation between crime, street crime, and drug use and found that in some of our Nation's largest cities that upward of 90 percent of the street crime over the course of their analysis was drug-driven. I think we all understand how the problem of drugs drives up some of the crime issues that we are trying to get at in this legislation and that there is no debate on either side of the aisle about the effectiveness of drug courts, and I would not want us to miss the opportunity.

I served on a panel appointed by our State court, along with the bar association, the defenders and others in Pennsylvania, to look at this issue and to move forward on drug court as an alternative to how we have been proceeding. Given the concern that the previous gentleman spoke about in terms of a balanced budget, if we look at the costs of prison construction, law enforcement, we can see that on the prevention side drug courts could actually save us money, and the only thing that I would hasten to add, as I conclude, is that one of the points we have to understand as a body is that on the issue of crime we do not want to have to create a circumstance in which one needs a victim in order for us to do anything, and if we work on the prevention side, we alleviate a great deal of pain, not just for the first-time drug offender, but for all of the victims of what could become a hardened drug user.

So, I would ask the house to sincerely and favorably consider the amendment offered by the gentleman from Maryland [Mr. MFUME].

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. MFUME].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MFUME. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 266, not voting 8, as follows:

[Roll No 121]

AYES—160

Abercrombie
Ackerman
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson-Lee
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—266

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
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Knollenberg
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Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
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McCollum
McCrery
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Metcalf
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Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
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Oxley
Packard
Parker
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Payne (VA)
Peterson (MN)
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Smith (TX)
Smith (WA)
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Stenholm
Stockman
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Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Becerra
Chapman
Crapo
Gibbons
Jefferson
Matsui
Tucker
Williams

□ 2012

Mr. PETERSON of Florida and Mr. RICHARDSON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT: Page 18, after line 22, insert the following:

"(9) RESOLUTION OF DISPARATE ALLOCATIONS.—(A) Notwithstanding any other provision of this title, if—

"(i) the attorney general of a State certifies that a unit of local government under the jurisdiction of the State bears more than 50 percent of the costs of prosecution or incarceration that arise with respect to part 1 violent crimes reported by a specified geographically constituent unit of local government, and

(ii) but for this paragraph, the amount of funds allocated under this section to—

"(I) any one such specified geographically constituent unit of local government exceeds 200 percent of the amount allocated to the unit of local government certified pursuant to clause (i), or

"(II) more than one such specified geographically constituent unit of local government (excluding units of local government referred to in subclause I and in paragraph (7)), exceeds 400 percent of the amount allocated to the unit of local government certified pursuant to clause (i) and the attorney general of the State determines that such allocation is likely to threaten the efficient administration of justice,

then in order to qualify for payment under this title, the unit of local government certified pursuant to clause (i), together with any such specified geographically constituent units of local government described in clause (ii), shall submit to the Director a joint application for the aggregate of funds allocated to such units of local government. Such application shall specify the amount of such funds that are to be distributed to each of the units of local government and the purposes for which such funds are to be used. The units of local government involved may establish a joint local advisory board for the purposes of carrying out this paragraph.

(B) In this paragraph, the term "geographically constituent unit of local government" means a unit of local government that has jurisdiction over areas located within the boundaries of an area over which a unit of local government certified pursuant to clause (i) has jurisdiction.

Mr. CHABOT. Mr. Chairman, in the spirit of bipartisanship and cooperation, this amendment is also offered by the gentlewoman from California [Ms. LOFGREN], who will also address the House.

Mr. Chairman, this amendment addresses a concern raised in our Committee on the Judiciary markup, and I have been working with the gentlewoman from California [Ms. LOFGREN]. Many counties are responsible for administering the criminal justice system for all the other jurisdictions within their territory. They bear the costs of pretrial detention. They provide the county jails. They pay the prosecutors and the public defenders. And they are responsible for maintaining the courts and paying for the judges.

Clearly, arrests made by jurisdictions within these counties have significant implications for county budgets. What this amendment does, Mr. Chairman, is say that where the attorney general of a State, in his discretion, sees fit to certify that a county bears the bulk of prosecution or incarceration costs associated with violent crimes committed in a city within that county, and where the formula in this bill, nonetheless, allocates to one city government at least twice as much of the grant money, then the city and the county have to get together and agree on the ways that their combined grant money should be spent.

The same situation would obtain where a number of cities within a county added together would be eligible for a total grant amount exceeding 400 percent of what the county would get. If the State attorney general determines that such a situation threatens the efficient administration of justice, then the cities and the counties would be required to work together.

We do not change the allocation formula at all. But we do require that cities and counties work together when the allocation formula creates a real anomaly, which has occurred in a number of instances.

These allocation anomalies can arise, Mr. Chairman, because while the bill quite properly allocates money largely on the basis of part 1 violent crimes occurring within the different jurisdictions, some regions of the country report at the county level crimes that in other regions are reported at the city level.

Thus, in some states, such as in Florida, the allocations between counties and cities appear roughly proportionate. Whereas in other states, such as my State, Ohio, there are some significant disparities between the jurisdictions that make the arrests and the jurisdictions that administer the justice after the arrests are made.

Where such disparities occur, the common sense solution is that the affected cities and counties work together to ensure that proper coordination occurs.

This amendment provides that cities and counties in this situation will apply jointly for the sums of money allocated them under the bill. And to that end, the amendment permits them to establish a joint local advisory board in satisfaction of the requirements of the bill.

In keeping with the guiding principle of this legislation, we do not tell these localities how they must coordinate their efforts. We leave them to do that, and each affected area may establish such mechanisms and policies as their local officials see.

Again, Mr. Chairman, this amendment leaves the bill's allocation formula in place and does not affect the amount of grant monies that will go to any given state. It only applies to require county-city coordination when, first, the county pays the majority of the costs associated with prosecution or incarceration, and, second, the city, on the basis of these crimes, is allocated at least 200 percent of the amount allocated to the county or a group of cities allocates 400 percent of what their county allocates.

I understand that this amendment has support of the chairman of the subcommittee, who along with the chairman of the subcommittee has done such an outstanding job working, quite frankly, night and day to get this legislation passed, to allow us to consider the criminal law reforms we have taken up over the last week.

I urge its adoption, and I understand at this point that it does have bipartisan support, that both the leadership on our side of the aisle and also the leadership on the other side of the aisle is in agreement.

□ 2020

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. I have made no secret that I have philosophical problems with this bill overall. I did not agree with taking the $2.5 billion out of the local grant program and putting it in prisons. I think we ought to do a minimum setaside for prevention programs. Those are philosophical disputes that I have.

Nevertheless, to the extent that this bill passes, I think it is very important that this be a workable bill. I very much enjoyed working with the gentleman from Ohio [Mr. CHABOT] to make sure this does work well.

The issue that is really pertinent is when a city or cities gets a very large amount of money and the county gets comparatively less, the administration of justice will be defeated. We all know that it is important to arrest people who have committed crimes and who threaten our neighborhoods, but if the funds are not available to prosecute those individuals and to move forward in the process, ultimately the act of arresting somebody is not good enough.

We need to make sure that the entire system works, from arrest to prosecution to local incarceration, and ultimately, to prison, if that is the end result of the prosecution and conviction.

Therefore, Mr. Chairman, this remedy outlined by the gentleman from Ohio [Mr. CHABOT] and myself I believe will resolve this issue. I do not think it is controversial. It has been devised on a bipartisan basis, and I would recommend it to my colleagues on both sides of the aisle.

The CHAIRMAN. The Chair has been advised that the pending amendment was not printed in the RECORD.

Without objection, the amendment offered by the gentleman from Ohio [Mr. CHABOT] is considered as having been read.

There was no objection.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the more I briefly examine this amendment, the more difficulty I have with it, because it is not clear. Even though we like cities and counties to work together, I began thinking about how in the real world this is going to happen, I mean by us putting an amendment of this kind in.

It seems to me that in areas where a city has a large allocation of funds coming by virtue of the fact that there is activity that requires more funding under this bill, and the county has less, forcing the city and county together is going to operate to the detriment of the city.

It may be, I would say to the gentlewoman from California [Ms. LOFGREN], who herself is a former county official, better to let them work these differences out themselves, because it is not clear what we are ordering them to do in the amendment.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Ohio, to give us a little more detail about the language contained.

Mr. CHABOT. Mr. Chairman, I thank the gentleman for yielding to me.

First of all, Mr. Chairman, let me preface my remarks by saying that I spent half of my political career prior to being here in Congress as a city official, being a Cincinnati city councilman. I spent the other half being a county commissioner, so I have seen both sides.

What we have done in this bill, working with the gentleman's colleague, the gentlewoman from California [Ms. LOFGREN], is to come up with a formula here which sets out what we felt was a fair and equitable way for the parties to come up with a reasonable solution.

We are not dictating to those jurisdictions what the exact formula should be. We are saying they should get together and work it out among themselves, if they come up with a situation where there is really an anomaly.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, I would say to the gentleman, are they not going to work it out anyway? I mean, if the gentleman is not giving them any specific direction, if this is just a hortatory couple of paragraphs, no problem.

If there is nothing specific driving them into an agreement, Mr. Chairman, then I feel less reluctant about it.

However, Mr. Chairman, what is it we are doing? Are we inviting them to cooperate?

Mr. CHABOT. If the gentleman will continue to yield, Mr. Chairman, the thing that will drive them to cooperate is they would not get the money if they did not cooperate, so they would be receiving Federal dollars here for law enforcement that would benefit both the city and the county.

It would be up to the city and the county to work together to come up with an agreement, because otherwise, Mr. Chairman, neither would get the money, so it is definitely to their advantage to come up with an agreement. We do not want to dictate exactly what that agreement needs to be, but it is in both of their interests.

Mr. CONYERS. Mr. Chairman, I would ask the gentleman, which entity would not get the money if they did not agree? Would they not all be eligible for a certain amount of money anyway?

Mr. CHABOT. If the gentleman will continue to yield, neither.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Very briefly, although in a sense this is analogous to the plan in last year's bill that provides for a comprehensive plan as a condition precedent to receive the funds, but only in the limited circumstance where a city gets a disproportionate amount of money compared to a county, the intent is for those two entities to work it out as they would have in last year's crime bill, in a comprehensive plan, to make sure that the system works. I will give the gentleman an example.

Mr. Chairman, I understand that under this formula, Chicago would get in the neighborhood of $60 million, and Cook County would get $700,000. Cook County is not going to be able to prosecute all the people that Chicago arrests unless they get together and figure out what they are going to do as a unit, so that is in the city's interest, it is in the county's interest, it is in the citizens' interests, and I think the precedent was really set last year.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Missouri.

Mr. VOLKMER. I was listening to this and I was curious about what the gentleman just said, Mr. Chairman. If we have a county in which we have a major city that is predominant in the county, and what this amendment, the way I am understanding this, listening to it, is, if that city is not able to persuade the county to work with them and make an application, nobody gets any money.

What it means to me, Mr. Chairman, is that the county can say "OK, we want half the money. we get half, or we are not going to get any." Now wait a minute, Mr. Chairman. Is that really what the members want to do?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 3 additional minutes.)

Mr. CONYERS. Mr. Chairman, I continue to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, at first when I heard that everybody was in harmony about this amendment and everything, I was not paying much attention, but as I listened and listened I got more concerned about it all along.

That concerns me, to where I know not every city and county government get along; that not every city within a county and that county government get along. It is not like everybody is really happy with what is going on.

As a result of this, Mr. Chairman, what I am afraid may happen is that we are going to find local jurisdictions fighting with each other as to how much money they are going to get out of the total application.

To be honest with the Members, I will tell the gentleman, the chairman of the committee, I really do not care about this amendment, and I do not care about the bill, anyway. But I am afraid if it did become law that it is really going to bring strife out there more than anything else. I have serious concerns, also.

I would just say this, Mr. Chairman. What we are doing here is putting the political subdivision that has a large area, a large population and small eligibility into the driver's seat in terms of an accord being worked out at the peril of municipality not receiving anything. That, I think, would be a position we would not want to write into the bill, because it would put every city, particularly every major city, at a horrendous disadvantage.

Mr. Chairman, if we did not have the provision in, I think that agreement would have to come about anyway, but it might come about on parts where the county would not be involved.

□ 2030

After all, we have been working on crime grants, block grants, direct grants all along and we have been doing it without the sense that is implied in this particular amendment.

What I am saying is that at best I would like my two friends to withdraw this amendment, so that overnight we can give it a little bit more support, or else I would probably have to oppose it at this point.

Mr. HYDE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to speak very much in support of this essential amendment. There is an anomaly where you have a high crime rate city that is within the confines of a county and a shared responsibility for the administration of justice. Cook County is a perfect example, where the city of Chicago under the formula in the bill gets some $30 million, as I understand it, and that is because the crime rate in Chicago is high. However, the housing of the prisoners, the prosecution of the prisoners and all that administration costs belongs to Cook County. So Cook County gets $200,000 and the city of Chicago gets $30 million. Now, justice is served if both Cook County, and I might add the administration of Cook County and the administration of Chicago are very friendly, if both the county and the city apply together and the State attorney general determines that this anomaly exists so there is that protection, then the money is more evenly distributed and appropriately distributed as agreed to between the parties.

So this recognizes an anomaly. It is an effort to establish some equity and balance. This situation in Chicago and Cook County obtains in many other places around the country. Frankly, it just makes a more equitable, fair distribution of these essential funds.

Mr. CHABOT. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, the gentleman very articulately spelled out the reasons why this amendment is important.

To use another example, in my community, the city of Cincinnati, when the city police officers make arrests, the criminals are basically then turned over to the county. The county prosecutes them, there are county judges and they are incarcerated at county expenses. So what we want to occur is some fairness and reasonableness, and for the city and the county to work together, and I think they will. I think the counties and the cities all across this country are very reasonable and will do that.

Mr. HYDE. The State attorney general makes that determination of this anomalous situation.

Mr. CHABOT. The gentleman is correct.

Mr. HYDE. This is an important amendment, it is not really that controversial, and I hope we will all support it.

Mr. SCHIFF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California and the gentleman from Ohio. Both of these Members of the House are members of the Committee on the Judiciary and brought up at the earliest possible moment the fact that defining any formula for allocation of grants can be difficult, and in particular, the bill selects the part 1 violent crimes as determined by the FBI as the method to makes grants to various localities.

Using part 1 violent crimes, again as defined by the FBI, is probably the best overall way that anyone can come up with for such an allocation, but it is by no means perfect, and it may omit certain kinds of situations, in particular the one that is being addressed in this amendment right now where the higher number of crimes are in one jurisdiction and, therefore, the criminal activity is there and presumably the police department or sheriff's department is most active there, but another unit of government has responsibilities for those criminal cases generated by arrests that might occur, either housing in a county jail before trial or prosecuting the cases.

I think that while no formula is perfect, the amendment being offered here jointly is a very good attempt to solve a portion of the problem that exists in using part 1 as the system for awarding grants.

Ms. LOFGREN. Mr. Chairman, will gentleman yield?

Mr. SCHIFF. I yield to the gentlewoman from California.

Ms. LOFGREN. Just briefly, frankly I would have preferred that in every case localities would have to get together and put together a comprehensive plan in order to get any money. But that is not what this amendment does. It is a very narrow amendment that I actually wish would go further, that basically says when the city gets more than 200 percent of what the county has, you are going to have a problem. If those cities utilize that for police, the administration of justice will be impaired. In the case of smaller cities, it would be 400 percent. So I think this is targeted to a problem.

Perhaps it is not the perfect solution, but it is the solution we were able to come up with. It is only when the counties bear the cost of prosecution and incarceration. So I still think it resolves a problem that will be created by the bill absent this or something like this, because in the end both the cities, the counties and the citizens want the bad guys to be arrested and then prosecuted, and unless we have something like this, the prosecution then may suffer.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I think we have had a sufficient discussion on the issue. I wanted to flag this problem. I am going to see if it is tracked in the old crime bill. I want to make it clear that this may come back up in conference. I withdraw any of my own personal feelings about it, but let me remind you, relations are not as harmonious as they are reported to be in Cook County and Chicago between the city and the county. I am delighted to hear how well the local governments work together. Unfortunately, I know better across the Nation that there are a lot of places where that is not the case. Also remember, please, that Chicago is not getting the money because they are Chicago. They are getting the money because that is where the crime is. That is where the problem is. The county does have to lock them up and have some prosecutorial responsibility, but Chicago is getting the bulk of the money because the way we have derived the formulas, they are entitled to it.

So I want everyone to know that, stay tuned on this. I will withdraw my reluctance about this amendment, because we have one more we would like to get through tonight before we conclude.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 4, after line 19, insert the following:

"(G) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

"(i) Ounce of Prevention Council under subtitle A.

"(ii) Local Crime Prevention Block Grant Program under subtitle B.

"(iii) Model Intensive Grant Program under subtitle C.

"(iv) Family and Community Endeavor Schools Grant Program under subtitle D.

"(v) Assistance for Delinquent and At-Risk Youth under subtitle G.

"(vi) Police Retirement under subtitle H.

"(vii) Local Partnership Act under subtitle J which made amendments to chapter 67 to title 31, United States Code.

"(viii) National Community Economic Partnership under subtitle K.

"(ix) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

"(x) Community-Based Justice Grants under subtitle Q.

"(xi) Family Unity Demonstration Project under subtitle S.

"(xii) Gang Resistance and Education Training under subtitle X".

Page 9, after line 8, insert the following (and redesignate any subsequent subsections accordingly):

"(c) SET-ASIDE FOR PREVENTION.—Of the amounts authorized to be appropriated under subsection (a), the Attorney General shall allocate $1,000,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (G) of section 101(a)(2).

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I reserve a point of order for one moment to just read the amendment since it was not printed and we were just handed a copy.

The CHAIRMAN. The gentleman reserves a point of order.

□ 2040

Mr. CONYERS. Mr. Chairman, because of the lateness of the hour, I ask unanimous consent that each side be given 15 minutes on this amendment, for and against.

The CHAIRMAN. On this amendment and any amendments to this amendment?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. SCHIFF. Mr. Chairman, reserving the right to object, would the gentleman consider 10 and 10, as it is 20 minutes to 9 at the present time?

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, this amendment is pretty large.

Mr. SCHIFF. Mr. Chairman, I do not object to the gentleman from Michigan's request to 15 and 15.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] will be recognized for 15 minutes in support of his amendment, and the gentleman from New Mexico [Mr. SCHIFF] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment merely sets aside $5 billion in a separate block grant for the prevention programs formerly authorized in the 1949 crime bill but does not specify funding levels for each program. Local governments can choose which program is best for them.

Only 20 percent of last year's crime bill, that is $6 billion of the $30 billion total went for prevention programs. But the new majority cut $2½ billion here in favor of more prisons.

So what we are doing is creating a prevention program worth $5 billion in a separate block grant restoring each and every one of those that were struck in the 1994 crime bill.

This is a more cost effective approach because the prevention programs are essential to dealing with crime on the front end of the problem, nourishing the health growth of communities, and study after study shows that this dose of prevention will now avoid the most costly police courts and prisons that later come on.

Let us look at the data of just a few of them. The drug treatment program: A July 1994 study of the cost of treating 150,000 participants in drug treatment programs in California found benefits in a ratio of $7 in benefits for every $1 spent. Criminal activity declined by two-thirds, alcohol and drug use by two-fifths and health care costs by one-third. Recreational programs in Phoenix, AZ, crime was cut in half by keeping recreation centers open until 2 a.m. In Fort Myers, FL, juvenile arrests dropped 28 percent when the city built a new recreational center in a low-income area.

The costs of these programs is often as low as an amazing 60 cents per participant. President Bush selected one of the programs, midnight basketball in College Park, MD for one of the 1,000 Points of Light Program.

Gang intervention programs in Spokane, WA helped steer juveniles away from gangs while offering constructive alternatives.

The list goes on and on, but we want to eliminate once and for all the simplistic notion that all prevention programs are wasteful. We repeal them in favor of a no-strings block grant that we think will effectively reach some accommodation between the 1994 crime bill and the 1995 proposal that is before us in this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. Does the gentleman from New Mexico withdraw his reservation on the point of order?

Mr. SCHIFF. I do withdraw my reservation, Mr. Chairman.

The CHAIRMAN. The reservation of the point of order is withdrawn.

Mr. SCHIFF. Mr. Chairman, I rise in opposition to this amendment by the gentleman from Michigan, and the reason is not the sincerity of the gentleman from Michigan wishing to promote the fight against crime as he best sees it, but because I believe this amendment goes against the very nature of the purpose of H.R. 728.

It seems to me, Mr. Chairman, with the utmost respect, that those who do not agree with the philosophy of those of us who are advancing H.R. 728 should, when the time comes, simply vote against it, but not to change H.R. 728 in a way that changes its fundamental approach.

I believe that the gentleman's amendment makes those changes in two separate ways. The first change is the gentleman's amendment does more than simply reserve funds specifically for prevention programs as a general concept. The gentleman's amendment preserves certain programs that are found in the crime bill that passed in 1994, as I read his amendment word for word, as they appear in the crime bill of 1994.

One of the problems with that crime bill is after many programs there is page after page after page of restrictions and conditions, not simply illustrations but actually Washington dictating how the programs have to function.

This was somewhat lessened as we considered the crime bill twice last year, but I believe it is still present, and the idea of copying in H.R. 728 with all of the restrictive language and then micromanagement from the Congress and Justice Department is against the very grain of H.R. 728.

Second of all, Mr. Chairman, I have to acknowledge that even if that problem were not there, even if this were an amendment that simply said let us set aside a certain amount of funds for prevention programs and did not otherwise specify the prevention programs, and that is not what this amendment says, but even if it did, I would oppose it because, again, the philosophy we are advancing in H.R. 728 is to let communities decide what they need best for their communities.

It may well be that some communities feel the need to use all of their funds or almost all of their funds for more police officers, and that is fine with us. It may be that some communities decide that they must use all of their funds or almost all of their funds for prevention programs. That is also fine with us. And we believe that setting aside amounts for certain purposes that take away that flexibility from local governments is contrary, even without the other specifications, by copying word for word prevention from the crime bill into this amendment is a mistake and, therefore, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman I yield myself 30 seconds.

Mr. Chairman, No. 1, these programs are all grant programs that are utterly voluntary. Nobody has to choose them. They are not mandated into them. They are optional programs. They are programs that, incidentally, the Congress, including the Senate, the other body, agreed to in last year's law. So these are not new programs, and that is why if they sound familiar to the gentleman, they are.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Michigan not only for yielding me the time but also for his leadership on this important prevention issue.

Let me say, ladies and gentlemen, that I feel that we do have to have a broad and comprehensive approach to this bill. We need tough punishment, and I supported more funding for prisons, and we need more cops on the beat, and we may have an amendment tomorrow on that.

But we also need prevention funds because we do not want to be in a situation in our society where we incarcerate and incarcerate and incarcerate, as we sadly must, when there are violent criminals and there is no hope.

If Members believe there is no hope at all, or if they believe Government should play no role in bringing hope so that young men and young women who are 12 and 13 and 14 are inevitably going to be criminals, then vote against this amendment.

But I do not think most people believe that. I think most people believe, yes, there are a few who are so damaged that they will become criminals no matter what we do. But there are many who have not been given the opportunities and the parenting and everything else, who, if a reaching hand could come out through a mentoring program or through a drug treatment program or through even a place where they get to congregate and play in a constructive way, that many might be turned.

□ 2050

The cost of these programs per individual is a heck of a lot cheaper than incarcerating them. Now, that should not be an excuse that we should not incarcerate. We must.

But there is no reason why we should not do both, and I would say to my colleagues I have seen program after program that works.

Drug courts take tens of thousands of young men and get them off the life of drugs before they become hardened criminals, mentoring programs where an adult, the only adult in these young people's lives, oftentimes spends an hour a day with an individual and sets him or her straight, sets the person straight.

In Roosevelt, LI, they have a program where every junior high school and high school student, and it is a very poor area, spends 1 hour a day with an adult, and the dropout rate plunged. The criminal rate plunged.

I would say to my colleagues there are prevention programs that work, that we have seen them, tested time and time again.

One of the lowest points in my public life was when every program was brandished as pork because it did not go to the right people or the right district or sounded the right way. This is not an issue of not punishing. This is not an either-or situation. This is for many people in this country and for many communities and many neighborhoods the only hope that there is. We should not turn away from it.

And so I would urge my colleagues in all sincerity to look at this provision and to try and pass it. Every program in this bill has model after model that has worked and saved the lives of the young.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I think that this vote on this amendment is the most important vote that we have faced this year.

You know, I have two small children. They go to a little inner-city elementary school, and none of the reasons why I ran for Congress was to make a difference in what they are facing and what their classmates are facing.

A watershed moment for me was a year ago October when I took my third-grader to school and they had found a dead body across the street, and the perpetrator was still loose, and I knew that if we did not do something different in this country that my children would not be safe and the other children would not be safe.

I knew something then, and I know it today, that part of the answer is prevention. As my mother used to tell me, and as our mothers told us all, an ounce of prevention is worth a pound of cure. We know that there is a Federal interest in safety or else we would not be doing this crime bill at all, and I think it is important that prevention of crime be part of this package throughout the country.

You know, when children get off on the wrong track early, we know they are going to get in trouble. We know they are going to cause pain to victims and their families, and we know that there is something, sometimes very little things, that we can do with children when they are 5 or 6 or 7 so that they will get on the right track. Those are the investments to make.

I believe that every locality needs to make them. I am a firm believer in local government and, in fact, I am not offended by much of the block grant nature of this bill and said so during the Committee on the Judiciary hearings. Nevertheless, I think we ought to let localities know who are going to participate in this Federal program that some section of that must be used for prevention. Let them use their own creativity. Let them meet local needs. But we need to prevent crime, because a child who is going to become a monster in Nebraska today could be in San Jose, CA, tomorrow, threatening my children.

Mr. SCHIFF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I agree with the need for crime prevention programs. I have to say that, as a career criminal prosecutor and also a defense attorney for 2 years, I have found it hard to identify specifically what does prevent crime.

During one period of my career I was a specialist in the prosecuting of what we call white-collar crimes, frauds, embezzlements, and so forth. I prosecuted individual after individual who dressed well, spoke well, was well educated, had a job, had a good income, but was greedy for more. As a result, they defrauded the public, they embezzled from their employer, they committed all kinds of crimes, not necessarily as crude as robbing a convenience store at gunpoint, but the intent to steal was just as glaring.

The problem is this amendment does not allow, in the words of the gentlewoman from Virginia, the ingenuity of local government. We tell them in this amendment what programs they have to have at the local level and the nature of crime prevention; that is one of the serious things wrong with this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. GOODLATTE], a member of the committee.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in strong opposition to this amendment, because it will defeat the purpose of this legislation, which is to create the kind of flexibility for State and local governments to fight crime that this legislation is all about, and I would say to the proponents of the amendment that, quite frankly, we right now have in this bill $2 billion a year, all of which can be used for prevention programs.

The bill itself specifically specifies, and I will read it, establishing crime prevention programs that may, though not exclusively, involve law enforcement officials that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, and programs intended to prevent juvenile crime, establishing or supporting drug courts, establishing early intervention and prevention programs for juveniles, to reduce or eliminate crime.

There are, in point of fact, hundreds of crime prevention programs all across this country that will effectively fight crime. The problem with this amendment is it only recognizes 10 of them and hands them over to the States and localities with all manner of strings attached to those programs with very specific guidelines that might be just fine in New York City but might not apply at all in Highland County, VA, in my district which has 2,500 people.

There is not a single community in my district with more than 100,000 people in it, and the way crime must be fought in different jurisdictions varies from jurisdiction to jurisdiction. That is also why we have taken the money from the Cops on the Beat Program and put it into this same block grant, because the fact of the matter is not every community wants to or can qualify for the funding for the Cops on the Beat Program.

The President says we are going to get 100,000 new cops on the beat. If you divide that by 435 congressional districts, that comes to 230 per district. My district has received 15 new police officers in 8 of the 20 jurisdictions. Sixty percent of the jurisdictions in my district have either not applied for or not received funding under that program, and I have been talking to police chiefs and others in those communities and found out why. Some of them do not want to get dependent upon the Federal Government for a police officer and then have the funding end. Some of them do not feel a need for a police officer, but may feel a need for a crime prevention program, may feel a need for a drug court, may feel a need to have some form of equipment made available in fighting crime, computers or patrol cars or other things that can be made available to them.

All of these things should be left to the localities. Flexibility is needed. When we tie their hands with specific programs that are not needed in specific communities, we are doing absolutely nothing to fight crime in those communities, and this will tie the hands of those communities and, therefore, I urge the rejection of this amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I want to reassure the gentleman from Virginia that localities will have the opportunity, if that is his major gripe about this, to use the funds the way they want, because it includes the Local Partnership Act, so that that provision is included.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I wonder, how much is too much for our children? When we begin to look at what occurred with LEAA block grants, where there was no direction, we look at the purchase of $140,000 aircraft , we look at $27,000 to do some Xeroxing, we look at $265,000 to give us a 2-page report, and then we look at $200,000 to buy some land.

☐ 2100

I wonder how much is too much for our children. All we are simply asking is to recognize that we have the responsibility to focus our local jurisdictions, not direct or restrict, but to focus them on the value and needs of prevention.

I would simply say to you, coming from local government, they welcome this. The cities, by and large, en masse, supported the 1994 bill that included the provisions for prevention. They want it. They know what happens in our inner-city housing developments, what happens in our communities. What is too much for our children?

I ask for bipartisan support of the Conyers-Schumer amendment.

We need to have prevention programs.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. I thank the gentleman for yielding this time to me.

Mr. Chairman, the amendment before us tonight does not give the flexibility that H.R. 728 will do. H.R. 728, without this amendment, will in fact give each community the right to establish law enforcement block grants, the right to have such programs as community policing, which has worked so well in Pennsylvania, where the police are tied in closely with community leaders and each person on each block. Our town watch programs, where each community works with either walking patrols or walking operations where they keep in touch with law enforcement officials. Or drug courts, which specialize in prosecutions that deal with violent crime and those that are drug-oriented. Or crimes against the elderly and the programs that work with our senior citizen organizations. Or even the child-lure program, the ones that prevent the exploitation and abduction of children in our communities.

All the law enforcement officers that I have spoken to in Pennsylvania feel that the block grant approach will give us the kind of flexibility that we need to truly fight the war against crime.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, before I got elected to Congress, I was the first assistant district attorney in Middlesex county. We had 13,000 criminal cases a year. Fighting crime is serious business. It requires a two pronged approach: One is priority prosecution to remove those individuals, the worst offenders, from society and put them away for as long as you can get them away. The challenge we face in law enforcement is what are we going to do with the majority of the people who remain?

There are countless examples from all over the country of priority prosecution programs. When they mix prevention programs and get police officers involved with the school and open up schools for kids to provide prevention programs, it works.

It is working in the city of Lowell, where crime prevention programs have resulted in dramatically lowering gang violence in that city. Crime prevention programs have worked in Summerville, MA, dramatically decreasing the rates of crime.

Fighting crime is not a political issue, it should not be partisan. It should not be Republican versus Democrat. Let us keep what we passed 4 months ago. It was the best crime initiative that ever came from this Congress. And now we are getting involved in partisan politics.

It works. Let us keep it.

Mr. SCHIFF. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I want to say that the Local Partnership Act, which will be continued under the amendment of the gentleman from Michigan [Mr. CONYERS], is, as we see it, one of the problems in the crime bill of 1994. The Local Partnership Act runs for 24 pages, and this is pages in the crime bill that are typed in very, very small print, as to what localities have to do to qualify for the money. That is exactly the reason why we are presenting H.R. 728 in the first place.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds to advise the gentleman that the Local Partnership Act was the single most popular program by the cities that was in the crime bill of 1994, and that this is the flexibility that the gentleman from Virginia did not know was there, that would allow people to make these choices.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. I thank the gentleman for yielding this time to me.

Mr. Chairman, our goal is to reduce crime. Studies show the effective way to do this is through crime prevention programs, education, recreation, job training programs, all of which have been studied, have been shown to reduce crime 10, 20, as much as 80 percent.

Not only have fewer victims, but you also save money. We have heard of the drug courts, one-twentieth of the cost, 80 percent reduction in crime.

If your goal is to reduce crime, Mr. Chairman, properly designed prevention programs work. Without the Conyers amendment, it is going to be business-as-usual; no prevention, wait for the crimes to occur, and then deal with the consequences. It is simply a matter of pay now or pay a lot more later.

Prevent crime. It works. Support the Conyers amendment.

Mr. SCHIFF. Mr. Chairman, I yield 2 minutes to the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Chairman, I think the bottom line of all of this is simple and straightforward; that is that many of us on this side of the aisle simply do not agree with that side on the idea that we know best about how to do prevention programs around the country. There are thousands of options. The gentleman from Michigan is once again reiterating a laundry list of those things he thinks are best, including this Partnership Act, that, as far as I can determine, is based upon the highest tax-rate cities in the country, not the highest crime-rate cities. I find this approach to be abhorrent. I think it is the wrong kind of approach. I know he means well by it. What we need is maximum flexibility to let every community participate and determine whether they want one program or the other. There are hundreds of cities around this country that might differ with the gentleman on how they would spend the money. They might not want to spend it on one of these particular programs that the gentleman has offered about a billion dollars a year. Hannibal, MO, might not like what Paducah, KY, wants to have. Certainly they are not going to agree with San Francisco or Detroit or some of our larger cities.

This is the reason why last year's crime bill is so wrong and why this year's crime bill on local block grants for the communities of our country that decide for themselves on whether to spend it on cops or prevention is so right.

So I urge, with all due respect to the gentleman, a "no" vote on this amendment and to keep the bill as it is.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, in the Committee on the Judiciary today members of the majority, who are talking now about the absolute wisdom of the States, were talking about a piece of legislation dealing with product liability which would take away from the State powers that they have had since the Union was created. I have never seen a sharper degree of inconsistency than we get from the other side on the question of State versus Federal.

Last week they were for Federal dictation on prisons. This week they are for States' rights here, but they are for Federal dictation when business is involved with product liability changes.

There is one thread of consistency: They are frustrated that last year we were able to get together on a good crime bill. If we were in fact starting from scratch, this might be a better argument to have. We are well along in the process of getting the money out and getting the people to work under last year's crime bill.

This is a disruption, for partisan purposes, of a program that has begun to work because the people who want to argue that Government can never work hate nothing more than the sight of government working well.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of this legislation and want to voice my concern with the argument that somehow we are allowing flexibility. We took away flexibility, in my judgment, when we said we know what is best for States: They have to have prisons, but they cannot have more money for cops on the beat and what I think are prevention programs.

If we want flexibility, if we on our side are saying we are going to let everyone decide, then why did we not put the prison money in with prevention and enforcement?

My problem is I think this is a direct assault on the prevention programs. Maybe I am one of the few Members on this side of the aisle who represents an urban area, where in my areas police chiefs in Stamford, Norwalk, and Bridgeport put more weight on prevention than they do on cops on the beat.

Candidly, I have seen cops on the beat go to some of my wealthiest suburban communities that do not need them. We need programs that will help young people not go through a life of crime. In Fairfield, CT, which I represent, the people now have so many programs after school and during school and on weekends, they do not have a hard time not doing something, their challenge is what don't they do.

In Bridgeport, CT, when school is out, they are left on their own, in most cases in a latchkey environment with no parent, no adult supervision. We have an after-school program, we have weekend school programs. These kids are hungry for preventive programs. I do not buy for a minute that we are saying we want flexibility. If we wanted flexibility, we would have put prison money in this package.

□ 2110

Instead we took money out of the police, out of enforcement, out of prevention, and gave it to prisons. My State does not need to build more prisons. It needs to decide who better should be in the prisons.

I support this amendment. I urge its passage. I say to my colleagues, If you represented an urban area, you would know prevention programs are more important than anything else we could do.

Mr. SCHIFF. Mr. Chairman, may I inquire as to the time remaining on both sides?

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has no time remaining. The gentleman from New Mexico [Mr. SCHIFF] has 5 minutes remaining.

Mr. SCHIFF. Mr. Chairman, I yield myself 2 minutes to close.

Mr. Chairman, I want to respond first to the gentleman from Connecticut [Mr. SHAYS], my friend, on the view that having a prison funding grant is inconsistent with supporting flexibility. The argument was also made by the gentleman from Massachusetts. The fact of the matter is that might be true if no State used prisons, but every State, unfortunately as it may be, has found the need to have prisons. What we did in the bill that offered grants for prisons is to simply recognize that those States that increase the amount of time to be served by violent criminals would incur automatically greater costs for that, and, since money is not unlimited, we thought the best use of prison funds was to help those States which are incurring the greater costs through their determination to protect their citizens.

More importantly, Mr. Chairman, on the subject of prevention we agree that there ought to be prevention programs. We agree that there ought to be police. Our bill gives the maximum flexibility to communities to decide what they need best. The gentleman from Connecticut said that some communities in this State did not need more police. Some others might decide they do not need more police. We leave it to them, and if in fact we are going to block off any amounts of money, which I do not support, we should not do it by word-for-word simply incorporating the bureaucratic programs that are found in the crime bill of last year, in which Washington dictates step-by-step and page-by-page: "Here are your prevention programs, you must use these programs, and here is how you're going to do it."

Mr. Chairman, I urge a no vote on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

Mr. FILNER. Mr. Chairman, I rise in strong support of the amendment offered by my colleagues, Mr. CONYERS and Mr. SCHUMER.

As a former City Council member, I have been fighting throughout my career to demand that local governments get direct funding and flexibility. But in this case, I seriously question whether H.R. 728 will give local governments the true flexibility they want.

Although H.R. 728 claims it will allow cities to spend money on whatever they want, the bill does not supply enough funds to sufficiently support the comprehensive crime-fighting initiatives of our cities.

In practice, H.R. 728 would result in cities sacrificing prevention programs, without guaranteeing that any police officers would be added.

This is a decision no city wants to make because locally-elected officials know that crime prevention works.

The City of Chula Vista in my district has urged Congress not to cut funding for the successful prevention programs they have initiated. And the National League of Cities recently stated that any anti-crime legislation must include support for anti-drug abuse, crime and violence prevention programs.

But up here in Congress, supporters of today's bill clearly do not see crime prevention as important. And these Washingtonians are imposing that belief onto our local governments by refusing to supply cities with the funds they need to truly fight crime in a comprehensive way.

H.R. 728 would eliminate the desperately needed community policing and crime prevention programs of last year's crime bill, and without this amendment, cut nearly $2.5 billion from the money intended to go to local crime fighting. This would destroy the crime bill's wise and reasonable balance between enforcement, punishment, and prevention.

We need stiffer penalties and we need to keep criminals off our streets, but we also need crime prevention programs to stop crime before it starts.

Crime prevention works. It works when school and community-based programs give kids a place to go after school and give them something positive to do. It works when police officers forge relationships with at-risk youth and teach them how to stay from crime. And it works when drug abuse programs rehabilitate individuals and get them back into the work force.

In San Diego, a program called Safe Haven has been particularly successful, and I would like to read a bit about that program from an article recently printed in the San Diego Union Tribune.

> Until Anthony Majadi established a Safe Haven program in Southcrest Park a year ago, prostitution flourished in the parking lot, basketball players brought booze to the gym and the drug trade dominated.
>
> The park is now a different place.
>
> With a budget of $160,000, Safe Haven helped hundreds of children and adults through its myriad activities, including instruction in martial arts and computers, homework assistance, summer day camp and other programs.
>
> Safe Haven is part of a national program and federal government established to complement seeding efforts in the Weed and Seed target areas. Safe Haven is held out as an example of what weed and seed can do—benefit a community beyond drug raids and gang sweeps.

Programs like Safe haven make our neighborhoods safer, they improve the lives of our children, and they bring tremendous cost savings to our criminal justice system.

In the words of a concerned citizen in my district: "Killing funding for crime prevention programs demonstrates a disheartediy short-sighted, simplistic and self-defeating approach to the Nation's crime problems."

This debate should not pit prevention against enforcement. We need them both. We need to combine them in a comprehensive approach to fighting crime. And it is irresponsible for Federal lawmakers to make local governments choose between the two.

We have to address the causes of crime—not just the symptoms. I ask my colleagues to join me in supporting this amendment—and to join me in continuing the long-term strategy to crime control that we started last year.

Mr. SCHIFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MENENDEZ: Page 13, after line 4, insert the following:

"(e) MAINTENANCE OF EFFORT REQUIREMENT.—A unit of local government qualifies for a payment under this title for a payment period only if the unit's expenditures on law enforcement services (as reported by the Bureau of the Census) for the fiscal year preceding the fiscal year in which the payment period occurs were not less than 90 percent of the unit's expenditures on such services for the second fiscal year preceding the fiscal year in which the payment period occurs.

The CHAIRMAN. The gentleman from New Jersey [Mr. MENENDEZ] is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Mr. Chairman, I am going to be brief.

Mr. Chairman, my amendment seeks to clarify and strengthen language in the bill requiring that Federal funds granted to local governments supplement, not supplant, local spending on law enforcement.

I understand that the chairman of the subcommittee has had an opportunity to review the amendment.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I am ready to accept the amendment. It is a good amendment. It makes it very, very clear that we are not supplementing funds the way we want to. We want to make that protection, and I would agree with the gentleman in accepting the amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are happy to accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. MENENDEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 12, after line 7, add the following:

"(10) the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service if such unit uses funds received under this title to increase the number of law enforcement officers as described under subparagraph (A), (B), (C) of section 101(a)(2).".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the Traficant amendment says that there shall be a net gain of nonadministrative police officers as a result of funding under this bill, which basically means that there will be a few more Indians around. We do a lot of talking about cops on the beat, and I am not even sure the last crime bill did that. This will ensure that with any police officers hired under this bill, there would be a net gain of Indians on the street.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I strongly support this amendment. The gentleman is correct. It is an excellent proposal that makes sure that we are really going to get the net gain in police we want. It is better, as the gentleman says, than anything that we had even in the last year's bill relative to this kind of restriction, so I thank him for offering it. I accept the amendment and encourage its adoption.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I reluctantly accept the amendment.

Mr. TRAFICANT. Mr. Chairman, with that I wholeheartedly support the amendment and ask that it be approved.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. McCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BONILLA) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 728) to control crime by providing law enforcement block grants, had come to no resolution thereon.

PERMISSION FOR ALL COMMITTEES AND SUBCOMMITTEES TO SIT ON TOMORROW AND THE BALANCE OF THE WEEK DURING THE 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ARMEY moves: that all Committees of the House and their subcommittees have permission to sit tomorrow, February 14, and for the balance of the week while the House is meeting under the five-minute rule.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield myself 5 minutes.

I do not intend to take the full hour allotted to me.

Mr. Speaker, before I yield to my friend, the gentleman from Michigan [Mr. BONIOR], I would say that the hour is late, and I hope we will be able to adjourn shortly.

In the meantime, all Members should be advised that we are very likely to have one more vote before this evening is over.

Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. BONIOR], and I reserve the balance of my time.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Committee on Rules today approved an outrageous gag rule for the National Security Act. It cuts off debate. It blocks important amendments.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, to be clear for the RECORD, I yielded this time to the gentleman from Michigan for purposes of debate only.

Mr. SABO. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] has yielded for purposes of debate only. There is nothing to object to at this point.

Mr. SABO. Mr. Speaker, I think the gentleman yielded 30 minutes without reservations.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] clarified his yielding, and this is for purposes of debate only.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

□ 2120

Mr. BONIOR. Mr. Speaker, this rule that was put out this afternoon by the Republican leadership on the Committee on Rules is a gag rule for our National Security Act. It cuts off debate, it blocks important amendments, and it does so under a 10-hour time limit.

Mr. Speaker, this legislation is too important. It is one of the most important pieces of legislation we will consider in this session of Congress or in this Congress.

The Republicans want to completely rewrite the foreign policy of the United States in 10 hours. They want to reconstruct the entire defense policy and return to the days of star wars in 10 hours. They want to restrict the military's ability to respond to emergencies around the world in 10 hours. They want to completely rethink our relationship with our NATO allies in 10 hours.

Mr. Speaker, this does not make any sense. We have tried throughout the day to negotiate without colleagues on this side of the aisle to give us adequate debate so we can take on these important issues which affect the national security of our country in a reasonable amount of time where Members of this floor can get up and express themselves with amendments that make sense for this country. And we find ourselves in a situation tonight where we have to object.

Mr. Speaker, this is one of the most important pieces of foreign policy legislation to be considered by Congress in years.

Mr. Speaker, if you talk to the distinguished ranking Members on our side of the aisle, the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. DELLUMS], and others who have labored in these areas for years and decades, they will tell you it is an outrage we are going to consider this piece of legislation for only 10 hours.

Why do my Republican colleagues feel that they need to rush this bill through without adequate debate, without an opportunity for Members to offer amendments? I will tell you why. Because they want to punch another little hole in their Contract With America. They want to check off another item on the list.

Well, Mr. Speaker, you do not write good laws by punching little cards, and you do not write good laws by rushing to judgment on issues that concern the national security of this country.

That is not the way to protect this Nation. We ask for a reasonable amount of time, and we have been told 10 hours is all you are going to get, for foreign policy, for defense policy, for policy that deals with our most important allies in the North Atlantic Treaty Organization.

It just will not do. You could spend 10 hours on the debate alone between troop readiness and star wars, which is a piece of the debate we are about to have in this bill as we approach it in the next couple of days.

So, Mr. Speaker, I want to say as strongly as I can on behalf of myself and the rest of the Democratic leadership, we feel this is an injustice and we will not stand for it, and we want to make our voices heard this evening on this issue.

Mr. Speaker, I yield such time as he may consume to my dear colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, this urge to measure legislation by sheer volume of bills passed has really now come up against reality. This 10-hour limitation was perfectly sensible for some of the bills we have been doing this week. They were single issue bills. We did 10 hours on prisons, 10 hours on the prevention police. We bump up against it a little bit, but they are reasonable.

This 10-hour model now is applying to an omnibus bill that takes in vast areas of national security, of foreign policy, and of defense. Remember out of the 10 hours comes rollcalls. If you have four or five rollcalls, you have eaten up a couple of hours by the amount of time they will take. We will debate what our relationship should be with NATO, what new nations will come into NATO, do we go back to star wars, what is our relationship to peacekeeping, what are our requirements when the United States participates in multinational peacekeeping, all in 10 hours.

By the way, the hard working majority plans to leave town at 3 o'clock on Thursday. This is 10 hours compressing the most important issues this Nation faces, so we can get out of town early.

Well, let us wait until next week, if the vacation is irresistible. Frankly, for those who are prepared simply to take marching and voting orders, 10 hours may be OK. If you have checked your independent thought processes at the door and are ready to walk in here and be told what to do, I suppose 10 minutes would probably do it, if you can check them off like that.

But those of us who think this country is entitled to serious discussion of these issues understand, 10 hours is the most debasing and degrading approach to the legislative process I have ever seen, particularly when it is for the convenience of an early vacation.

One of the issues that I was hoping we would raise, and I have talked to Members on the other side, is burden sharing, which this House forced on the administration. It is bipartisan, the opposition to burden sharing. Republican and Democratic Presidents alike have resisted it, and we insisted on it. We cannot adequately do that in 10 hours.

Mr. Speaker, we cannot deal with this large range of issues that have been put together. If you are, in fact, prepared simply to do as you are told, if you have presigned on and do not need to think about it, OK. But the notion that in 10 hours, with time out for votes, you can redefine our relationships to the United Nations and NATO, reconstruct our defense command structure, redefine the powers of the President, all within a 10-hour period, which will include general debate, which will include time for the rules, it is a degradation of the legislative process.

By the way, once again we are being told that one of the reforms the Republicans brought to us gets checked at the door. One of the great reforms was the reinstitution of the rule that said we will not have you on the floor when the committees are meeting. They apparently put that reform in so they could waive it every week. They have waived that rule more than they have waived the contract. That rule has been dispensed with virtually every week, so that Members will be expected to be on the floor and deal with the questions of NATO and SDI, et cetera, and at the same time simultaneously be in committees.

Mr. Speaker, this is taking the legislative process hostage so you can fulfill a political promise that turned out to be more difficult than you thought. No one would describe 10 hours as remotely adequate to deal with these very important issues. What the majority is trying to do is to cram into an obviously inadequate period of time a series of difficult issues, and in part, because this one is beginning to unravel. This one is beginning to engender opposition from Republicans who have served in high defense and national security positions.

The implications of this one will not bear scrutiny. Ten hours of debate is absolutely a breach of faith with the Democratic process and it will engender, I believe on our side, an appropriate response. People who tell us that we cannot take adequate time to deal with these issues cannot expect to be treated by us as partners in the ongoing legislative process when they have so dishonored it.

Mr. BONIOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just so the newer Members on the other side of the aisle and on this side of the aisle understand historically what has happened on defense security issues, when we have had defense bills before this body, defense authorization bills, over the last several years, we have spent up to 2 weeks on those bills. We have had over 200 amendments submitted to the Committee on Rules, and we have considered 50 to 100 amendments on the House floor.

What you are doing to us now is allowing no more than three or four amendments to be considered, and that only in a limited amount of time. You are shutting off debate on such important issues as the gentleman from Massachusetts pointed out on burden sharing, which will require our allies to share some of the defense burden that we have picked up for so long.

That is not a fair way to do business. It is not a fair way to do business. And what will you have gained by all this? Do you think the other body, for all its faults, and it has faults, is going to stand by and let this happen? Do you think they are going to take your product of 10 hours and process it and deliver it to the President?

Nonsense. Nonsense. They are going to talk about NATO and give it the time that it deserves, and it is going to be your Republican colleagues and Senators in the other body who will lead the way on that. And they will do the same thing. They will talk about the defense issues and the security issues that we brought to you this evening.

So we are terribly upset about this, as you can obviously see, and we will be raising our voices today, tomorrow, and the next day to make sure that we get some justice and some due time.

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. SABO].

☐ 2130

Mr. SABO. Mr. Speaker, I am just curious, NATO has been rather important to this country for 45 years, almost 50 years. Were there extensive hearings in committee as we write new law to change that historic relationship?

Mr. BONIOR. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, my friend from Minnesota, as I understand it, there were 3 half-day hearings to consider the defense, foreign policy issues and intelligence issues that are in this bill, 3 half-day hearings.

Mr. SABO. So it is not only a limited amendment, but it is something that sort of rushed through committee that is changing this historic relationship that our country has had with our allies?

Mr. BONIOR. Well, basically the whole contract has been rushed through. But we understand some of the concerns on the other side of the aisle over some of the issues that my friend from Massachusetts raised. They could be debated within a framework of a few hours or 5 hours or 6 hours. But we are talking about the national security of the American public and of this country. We cannot do that in 10 hours.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I would like to ask my colleagues to consider for a moment what we are about here this evening.

This bill, H.R. 7, addresses many important topics. We have spent about $30 billion on star wars. There is a serious question of how much we should spend and whether we would do that and sacrifice the readiness of America's Armed Forces. That is worthy of a debate that all Members should be involved in.

There is also a question in this bill as to the role of Commander in Chief of the United States. Over the 12 years that I have served in this body, I can remember many, many times when we have taken days and often weeks to debate the application of that constitutional provision in terms of the security of the United States.

There are questions in this bill as well about the future of NATO. And it has been alluded to here that this is one seminal debate on our new relationship in this so-called new world order.

I might say to my colleagues that they may dismiss this as just another check mark on the TV Guide ad. It is much more than that to a lot of different people.

During the last week or two, since the 3 half-days of debate on this bill, I have had people come to me, Americans, who have friends and relatives who live in parts of the world who have traditionally been our allies, genuinely concerned about the impact of this bill on the future security of these nations.

Finally, of course, this bill addresses peacekeeping, and that, my colleagues, literally addresses life and death issues for America's young men and women.

That is how serious this bill is. I know there is a strong partisan feeling on this floor, and I have seen it manifest many times on both sides of the aisle over the years. But I would like to address this comment to the new Members on both sides of the aisle.

Many of my colleagues did not serve, and probably did not witness, one of the most important debates in the history of this institution. I was privileged enough to be here for that debate. It was the debate over the entry of the United States into the Persian Gulf war.

A decision was made by the leadership of the House that this issue was so critically important, involving the life and death of American citizens, that if necessary we would stay in session around the clock so that every Member would be able to express their heartfelt feelings. When it was over and the debate ended, most people credited that debate as one of our finest hours in the House of Representatives.

We took the time to do it right, because the issue was so important.

I beg my colleagues now, we would not do it this evening, but tomorrow, when Members meet with their Republican leaders, ask them to pause and give some consideration to the fact that this, too, is a life or death issue. We owe the people we represent the time to sit down, deliberate, and make the right decision.

I hope that my colleagues will prevail on the Committee on Rules and their leadership to give us the time to adequately address these critically important issues.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, there is a saying that Rome was not built in a single day, only the Republican majority, though, could think they can build the entire U.S. relationship with the world in 10 hours.

What we are debating, will be debating in that brief period of time, ranges literally the world. It is what our sons and daughters do in the Armed Forces. It is what the role of the Armed Forces is. It is, what role does the United Nations have? What about burden sharing, our relationship with many other parts of the world.

I cannot believe that anyone seriously wants to spend just 10 hours on it. I understand there is a contract. But does that contract really go further than the water's edge in terms of our national security?

Members can say that, "No, BOB, we don't limit you. It is an open rule in the sense of you can offer any amendment you can."

But what has happened, Mr. Speaker, is that they have limited the time. And when they limit the time and add in to that the debate or the vote time, what they do is they do limit amendments. And by adding in the time to actually come over and vote, what they have done is forced Members to decide, do I debate or do I vote? Do I ask for a vote on some of these crucial, crucial issues?

I guess what concerns me, Mr. Speaker, is that under this rule, as I understand it, it will be 10 hours to debate this entire bill. The Republican majority is going to spend less time debating this bill than it actually will take to fly to some of these countries one day to see what their concerns really are. Indeed, if a congressional delegation's flight time was measured by these bills, these planes would not be able to make it past Hawaii as we explore Asia or other parts of far distant Europe.

I would just urge, Mr. Speaker, for Members to think about this overnight. I do not pretend to be a very senior Member around here, but I remember on some of the military bills and armed services bills, spending 30 or 40 hours because Members thought it was that important. Incidentally, 30 or 40 hours basically taking up amendments from the other side, from this Republican side of the aisle.

I would urge Members to reconsider this and the Committee on Rules to reconsider this. Surely, our country's national security deserves more than 10 hours debate with vote time included.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, since very early in this session of Congress, I have been addressing on a number of occasions the process by which we deliberate and consider laws for this country.

I debated and took issue with the cutting off of debate on an important bill in the Committee on the Judiciary. I have debated on a number of occasions on this floor the process by which we consider issues. It seems to me that we have now gotten to the point where it is not the process of debate or the process for reaching a reasonable result that is at issue but simply reaching that result because some Contract With America or contract on America was made with the people.

Our primary obligation, Mr. Speaker, is to deliberate and study the issues that come before us and to debate those issues for the American people. The value of this body is the diversity that we bring to this body and the ability to hear the various perspectives of people from throughout this Nation that 435 Representatives bring here and offer in the debate.

□ 2140

If there is not sufficient time to debate, then that diversity cannot be honored.

Mr. Speaker, I call on my colleagues to reconsider this issue. Give us ample time to debate it. Do not tell the American people on one hand that we are opening up the process and having a deliberative form of government, that we are going to have 10 hours of debate while we count the voting time, 15 minutes for each vote, so if we offer 10 amendments, more than 2½ hours will be gone just in the amendment and voting process. Let us be honest with the American people, and if we are going to tell them that we believe in an open society, believe in open debate, let us demonstrate it here on the floor of the House and have open debate, and have unlimited time for the debate of these issues.

Mr. BONIOR. Mr. speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I take the well not because I want to delay our departure, but because I think what we are doing with H.R. 7 is we are engaging in playing politics with one of the most important jobs we have here. That is measuring what we think is needed for the national security of our country and for our leadership in this new and evolving world that is so difficult for all of us to understand.

Mr. Speaker, what are we doing in this bill? Think about this. We are communicating to the rest of the world that we are not going to play in the United Nations anymore, we do not like the way it is run, so forget the humanitarian missions, the Americans will not be there. Boy, there is a heavy message.

We are also saying, "We are going to tell them which countries ought to come into NATO." Mr. Speaker, any country that is in NATO as a full member means that we are committed to defend their security, so if Chechnya had been allowed into NATO we would now have troops over there fighting. Now maybe that is a good idea, but do we do that with 10 hours of debate? Do we do that without consulting our allies? Do we have any idea that the United Nations and NATO are bodies that have other countries that belong, and they think they should have some input in this, too, and the administration should?

Mr. Speaker, we are also taking and giving the Pentagon a nanny. We are giving them a commission, a political commission. We are politicizing all of this. Mr. Speaker, that is real smart. That is what we need, are more layers, more layers, and we are going to do that in the 10 hours.

When we look at the commitments we are making budgetarily, Mr. Speaker, we are committing to a space-based defense: bring back star wars for nostalgia's sake. There is applause over there, they cannot wait. The guess is going to be that is $40 billion for the opening shot, and heaven only knows where it goes and if it will ever work, at a time when readiness is a much more critical concern, I think, and when, if we look at the real fear, it is the fact that somebody could bring nuclear weapons in and do another World Trade Center.

Mr. Speaker, I do not know what space-based defense is going to do against a world issue. I know it is funny, and I know that people think, "Let's just hurry on and punch this hole in the contract," but I think the rest of the world is going to look over here and say, "What is going on?" I must say as a Member who has been here a while, Mr. Speaker, if we as Democrats had ever done this, the other side of the aisle would have gone crazy, to come in here and say we are going to redo all of the U.N. stuff, we are going to redo NATO, we are going to not deal with burdensharing, we will keep being the policeman of the world, we are going to run everything, we are going to do star wars, we are going to do it in 10 hours, and we are going to put a politicized commission running the Pentagon. This is an absolute outrage. I really hope people think about this.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, I thank the gentleman for yielding the time to me.

I know the hour is late, but I happen to represent over 40,000 Army soldiers at Fort Hood, TX. I do not come to this floor often. If Members will look at my record over 4 years, I seldom come to this floor in a partisan manner.

However, Mr. Speaker, I come to the floor at this late hour in saying to my colleagues that this is an important issue. We ought to look beyond partisanship in deciding how much time is it worth for us to debate our national security issues.

I am a hawk on defense, Mr. Speaker. I believe we ought to spend more on defense. If I could get to the right of the gentleman from Texas, CHARLIE WILSON, on defense, I would do it. I believe national defense, along with many of my colleagues, is the single most important responsibility of the Federal Government, and it deserves more than 10 hours of debate.

If it does not deserve it, Mr. Speaker, then certainly the lives of our men and women in the Services deserve it. How much is the life of one Army soldier worth? 10 Hours? How much is the life of one Marine worth? 10 hours? How much is the life of thousands and thousands of American servicemen and women worth? Certainly it should be worth more than 10 hours.

Mr. Speaker, I would just suggest that the Contract that we sign as Members of Congress to try to protect the lives of the men and women brave enough to put their lives on the line for us, that that contract is more important than the time schedule of a Contract for America.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the distinguished ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank the minority whip for yielding time to me.

Mr. Speaker, one of the greatest surprises I have had since I have been on the Committee on Rules was today, when I was told about this other contract that the Republican Party had come up with.

We are not talking this bill up until Wednesday. I asked what the purpose was of not giving us at least 24 hours, to go around the clock, to bring these amendments forward, because it deals with three very heavy subject matters.

I am sure that Star Wars sticks in some people's throat when they talk about it. Probably the quicker they get through speaking about it, the better they will feel. However, when we are talking about an item that can go up to $46 billion, and the Republicans can spend hours in the Committee on Rules on bills that we sent on the suspension calendar, when they can break the police bill up into 8 hours, and yet, give less than 12 hours on something as important as this, because they have to know what their schedule is, well, I told them they do not have to know what their schedule is. They have the votes, they can vote it.

However, I think this is one of the votes that the Republican Party will never forget. This is a very giant vote. It is something I have never seen in all my time on the Committee on Rules. We used to get accused of gagging people, but on this one, they have a tourniquet right around all our necks.

They just do not want to allow anybody, and they think it is funny over there, Mr. Speaker, but I would like to see this appear in every one of their newspapers, on how little they care for the defense of our country when it come to intelligence, when it comes to star wars, when it comes to other matters contained in this bill; the bailout.

Mr. Speaker, this is a sad day in this country. The desert war was a great day, when it was a wide open rule, anybody could speak.

Maybe I should not have said that, because every day the term "open rule" gets changed. I am waiting for the new Republican dictionary to hit my desk, so I really know what they mean by an open rule.

Mr. Speaker, they accused us of violating the open rules, and it was a difficult description of what they now say is an open rule. I would hope, Mr. Speaker, that people over there, first-termers, at least, will take a very close look at this, because as I said, this is going to come back to haunt all of them.

□ 2150

The SPEAKER pro tempore (Mr. BONILLA). The gentleman is advised that he has 1½ minutes remaining.

Mr. BONIOR. May I ask how much time, Mr. Speaker, the gentleman from Texas has?

The SPEAKER pro tempore. The gentleman from Texas has 29 minutes remaining.

Mr. BONIOR. Does the gentleman wish to use any of his time?

Mr. Speaker, I yield myself the balance of the time.

Let me be very clear that the majority does not wish to respond to our concerns and requests this evening.

Let me just close by suggesting to all of us here this evening that when it comes to our national defense, there really is no time limit, and what we are about to do this Wednesday and Thursday is to gag this institution in a way that frankly I have not seen in a long time.

As I said earlier, Mr. Speaker, and the gentleman from New York knows full well what I am speaking about. When we had a national defense bill on this floor, the gentleman from California [Mr. DELLUMS] spent a full 2 weeks each and every time he would bring it to the floor. Amendments were made in order so all Members of this body had an opportunity to participate in a free and a fair way. We are not having that now. We are dealing with the most important and crucial issues that will face this institution and this body in this Congress, the defense of this Nation, the safety of our young men and women who are defending this country.

When you talk about peacekeeping, when you talk about Haiti or Bosnia or the Middle East or Somalia, you are talking about whether or not we are going to have peace or we are going to have war. And 10 hours is not enough time. There is no time limit on our national defense.

Mr. Speaker, I yield back the balance of my time.

Mr. ARMEY. Mr. Speaker, I yield myself such time as I shall use.

Mr. Speaker, let me remind the body that the motion before the House is that all committees of the House and their subcommittees have permission to sit tomorrow, February 14 and for the balance of the week while the House is meeting under the 5-minute rule.

Mr. Speaker, we have worked hard since January 4 and we have already accomplished a great deal. House Republicans have applied the laws of the land to a Congress which for years saw fit to exempt itself from what it imposed upon others.

With bipartisan support House Republicans brought up and passed a balanced budget amendment to the Constitution. With bipartisan support we passed legislation ending unfunded mandates, and we have already passed wide-ranging crime legislation including strong and effective death penalty legislation.

Oftentimes Democrats have voted with us and we appreciate it as do the American people who have been demanding these and other reforms for years. But we have much, much more work to do and we will get it done in 100 days as we promised.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

Mr. FRANK of Massachusetts. Mr. Speaker, I object to moving the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 190, not voting 22, as follows:

[Roll No 122]

YEAS—222

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—190

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—22

Becerra
Berman
Clement
Clinger
Cox
Crapo
Dooley
Fattah
Gibbons
Hefner
Jefferson
Leach
Martinez
Matsui
McDade
Oxley
Rose
Shuster
Tucker
Whitfield
Williams
Wilson

□ 2209

Mr. DEAL and Mr. WARD changed their vote from "yea" to "nay."

Mrs. KELLY changed her vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Texas [Mr. ARMEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BONIOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 220, noes 191, not voting 23, as follows:

[Roll No. 123]

AYES—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
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Gilchrest
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Goodlatte
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Greenwood
Gunderson
Gutknecht
Hancock
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Hastert
Hastings (WA)
Hayworth
Hefley
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Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
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Royce
Salmon
Sanford
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Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
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Smith (MI)
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Solomon
Souder
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Stockman
Stump
Talent
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Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
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de la Garza
Deal
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DeLauro
Dellums
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Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
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Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
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Maloney
Manton
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Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
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Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—23

Becerra
Berman
Clement
Clinger
Cox
Crapo
Dooley
Fattah
Gibbons
Hefner
Jefferson
Leach
Martinez
Matsui
McCrery
McDade
Oxley
Rose
Shuster
Tucker
Whitfield
Williams
Wilson

□ 2226

Mr. WATT of North Carolina changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 7, THE NATIONAL SECURITY REVITALIZATION ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–31) on the resolution (H. Res. 83) providing for consideration of the bill (H.R. 7) to revitalize the national security of the United States, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 555

Mr. DEUTSCH. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill H.R. 555.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Florida?

There was no objection.

MIDDLE CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–34)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Middle-Class Bill of Rights Tax Relief Act of 1995." I am also sending you an explanation of the revenue proposals of this legislation.

This bill is the next step in my Administration's continuing effort to raise living standards for working families and help restore the American Dream for all our people.

For 2 years, we have worked hard to strengthen our economy. We worked with the last Congress to enact legislation that will reduce the annual deficits of 1994–98 by more than $600 billion; we created nearly 6 million new jobs; we cut taxes for 15 million low-income families and gave tax relief to small businesses; we opened export markets through global and regional trade agreements; we invested in human and physical capital to increase productivity; and we reduced the Federal Government by more than 100,000 positions.

With that strong foundation in place, I am now proposing a Middle Class Bill of Rights. Despite our progress, too many Americans are still working harder for less. The Middle Class Bill of Rights will enable working Americans to raise their families and get the education and training they need to meet the demands of a new global economy. It will let middle-income families share in our economic prosperity today and help them build our economic prosperity tomorrow.

The "Middle-Class Bill of Rights Tax Relief Act of 1995" includes three of the four elements of my Middle Class Bill of Rights. First, it offers middle-income families a $500 tax credit for each child under 13. Second, it includes a tax deduction of up to $10,000 a year to help middle-income Americans pay for post-secondary education expenses and training expenses. Third, it lets more middle-income Americans make tax-deductible contributions to Individual Retirement Accounts and withdraw from them, penalty-free, for the costs of education and training, health care, first-time home-buying, long periods of unemployment, or the care of an ill parent.

The fourth element of my Middle Class Bill of Rights—not included in this legislation—is the GI Bill for America's Workers, which consolidates 70 Federal training programs and creates a more effective system for learning new skills and finding better jobs for adults and youth. Legislation for this proposal is being developed in cooperation with the Congress.

If enacted, the Middle Class Bill of Rights will help keep the American Dream alive for everyone willing to take responsibility for themselves, their families, and their futures. And it will not burden our children with more debt. In my fiscal 1996 budget, we have found enough savings not only to pay for this tax bill, but also to provide another $81 billion in deficit reduction between 1996 and 2000.

This legislation will restore fairness to our tax system, let middle-income families share in our economic prosperity, encourage Americans to prepare for the future, and help ensure that the United States moves into the 21st Century still the strongest nation in the world. I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995*.

WORKING WAGE INCREASE ACT OF 1995—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–33)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Economic and Educational Opportunities and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Working Wage Increase Act of 1995."

This draft bill would amend the Fair Labor Standards Act to increase the minimum wage in two 45 cents steps—from the current rate of $4.25 an hour to $4.70 an hour on July 4, 1995, and to $5.15 an hour after July 3, 1996. The pattern of the proposed increase is identical to that of the last increase, which passed the Congress with a broad bipartisan majority and was signed by President Bush in 1989. The first increment of the proposal simply restores the minimum wage to its real value following the change enacted in 1989.

If the Congress does not act now, the minimum wage will fall to its lowest real level in 40 years. That would dishonor one of the great promises of American life—that everyone who works hard can earn a living wage. More than 11 million workers would benefit under this proposal, and a full-time, year-round worker at the minimum wage would get a $1,800 raise—the equivalent of 7 months of groceries for the average family.

To reform the Nation's welfare system, we should make work pay, and this legislation would help achieve that result. It would offer a raise to families that are working hard, but struggling to make ends meet. Most individuals earning the minimum wage are adults, and the average worker affected by this proposal brings home half of the family's earnings. Numerous empirical studies indicate that an increase in the minimum wage of the magnitude proposed would not have a significant impact on employment. The legislation would ensure that those who work hard and play by the rules can live with the dignity they have earned.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995*.

□ 2230

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed.

To the Congress of the United States:

Two years ago I took office determined to improve the lives of average American families. I proposed, and the Congress enacted, a new economic strategy to restore the American dream. Two years later, that strategy has begun to pay off.

Together we have created an environment in which America's private sector has been able to produce more than 5 million new jobs. Manufacturing employment grew during each month of 1994—the first time that has happened since 1978. We have cut the deficit in the Federal budget for 3 years running, we have kept inflation in check, and based on actions I have already taken, the Federal bureaucracy will soon be the smallest it has been in more than 3 decades. We have opened up more new trade opportunities in just 2 years than in any similar period in a generation. And we have embarked on a new partnership with American industry to prepare the American people to compete and win in the new global economy.

In short, America's economic prospects have improved considerably in the last 2 years. And the economy will continue to move forward in 1995, with rising output, falling deficits, and increasing employment. Today there is no country in the world with an economy as strong as ours, as full opportunity, as full of hope.

Still, living standards for many Americans have not improved as the economy has expanded. For the last 15 years, those Americans with the most education and the greatest flexibility to seek new opportunities have seen their incomes grow. But the rest of our work force have seen their incomes either stagnate or fall. An America that, in our finest moments, have always grown together, now grows apart.

I am resolved to keep the American dream alive in this new economy. We must make it possible for the American people to invest in the education of their children and in their own training and skills. This is the essence of the New Covenant I have called for—economic opportunity provided in return for people assuming personal responsibility. This is the commitment my Administration made to the American people 2 years ago, and it remains our commitment to them today.

THE ADMINISTRATION'S ECONOMIC STRATEGY

Our economic strategy has been straightforward. First, we have pursued deficit reduction to increase the share of the Nation's economic resources available for private investment. At the same time we have reoriented the government's public investment portfolio with an eye toward preparing our people and our economy for the 21st century. We have cut yesterday's government to help solve tomorrow's problems, shrinking departments, cutting unnecessary regulations, and ending programs that have outlived their usefulness. We have also worked to expand trade and to boost American sales to foreign markets, so that the American people can enjoy the better jobs and higher wages that should result from their own high-quality, high-productivity labor. Having fixed the fundamentals, we are now proposing what I call the Middle Class Bill of Rights, an effort to build on the progress we have made in controlling the deficit while providing tax relief that is focused on the people who need it most.

PUTTING OUR OWN HOUSE IN ORDER

The first task my Administration faced upon taking office in January 1993 was to put our own economic house in order. For more than a decade, the Federal Government had spent much more than it took in, borrowing the difference. As a consequence, by 1992 the Federal deficit had increased to 4.9 percent of gross domestic product—and our country had gone from being the world's largest creditor Nation to being its largest debtor.

As a result of my Administration's deficit reduction package, passed and signed into law in August 1993, the deficit in fiscal 1994 was $50 billion lower than it had been the previous year. In fact, it was about $100 billion lower than had been forecast before our budget plan was enacted. Between fiscal 1993 and fiscal 1998, our budget plan will reduce the deficit by $616 billion. Our fiscal 1996 budget proposal includes an additional $81 billion in deficit reduction through fiscal 2000.

PREPARING THE AMERICAN PEOPLE TO COMPETE AND WIN

As we were taking the necessary steps to restore fiscal discipline to the Federal Government, we were also working to reorient the government's investment portfolio to prepare our people and our economy for 21st-century competition.

Training and Education. In our new information-age economy, learning must become a way of life. Learning begins in childhood, and the opportunity to learn must be available to every American child—that is why we have worked hard to expand Head Start.

With the enactment of Goals 2000 we have established worldclass standards for our Nation's schools. Through the School-to-Work Opportunities Act we have created new partnerships with schools and businesses to make sure that young people make a successful transition to the world of work. We have also dramatically reformed the college loan program. Americans who aspire to a college degree need no longer fear that taking out a student loan will one day leave them overburdened by debt.

Finally, we are proposing to take the billions of dollars that the government now spends on dozens of training programs and make that money directly available to working Americans. We want to leave it up to *them* to decide what new skills they need to learn—and when—to get a new or better job.

New Technology.—Technological innovation is the engine driving the new global economy. This Administration is committed to fostering innovation in the private sector. We have reoriented the Federal Government's investment portfolio to support fundamental science and industry-led technology partnerships, the rapid deployment and commercialization of civilian technologies, and funding for technology infrastructure in transportation, communications, and manufacturing.

A Middle Class Bill of Rights. Fifty years ago the GI Bill of Rights helped transform an economy geared for war into one of the most successful peacetime economies in history. Today, after a peaceful resolution of the cold war, middle-class Americans have a right to move into the 21st century with the same opportunity to achieve the American dream.

People ought to be able to deduct the cost of education and training after high school from their taxable incomes. If a family makes less than $120,000 a year, the tuition that family pays for college, community college, graduate school, professional school, vocational education, or worker training should be fully deductible, up to $10,000 a year. If a family makes $75,000 a year or less, that family should receive a tax cut, up to $500, for every child under the age of 13. If a family makes less than $100,000 a year, that family should be able to put $2,000 a year, tax free, into an individual retirement account from which it can withdraw, tax free, money to pay for education, health care, a first home, or the care of an elderly parent.

EXPANDING OPPORTUNITY AT HOME THROUGH FREE AND FAIR TRADE

Our efforts to prepare the American people to compete and win in the new global economy cannot succeed unless we succeed in expanding trade and boosting exports of American products and services to the rest of the world. That is why we have worked so hard to create the global opportunities that will lead to more and better jobs at home. We won the fight for the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

Our commitment to free and fair trade goes beyond NAFTA and the GATT. Last December's Summit of the Americas set the stage for open markets throughout the Western Hemisphere. The Asia-Pacific Economic Cooperation (APEC) group is working to expand investment and sales opportunities in the Far East. We firmly believe that economic expansion and a rising standard of living will result in both regions, and the United States is well positioned both economically and geographically to participate in those benefits.

This Administration has also worked to promote American products and services to overseas customers. When foreign government contracts have been at stake, we have made sure that our exporters had an equal chance. Billions of dollars in new export sales have been the result, from Latin America to Asia. And these sales have created and safeguarded tens of thousands of American jobs.

HEALTH CARE AND WELFARE REFORM: THE UNFINISHED AGENDA

In this era of rapid change, Americans must be able to embrace new economic opportunities without sacrificing their personal economic security. My Administration remains committed to providing health insurance coverage for every American and containing health care costs for families, businesses, and governments. The Congress can and should take the first steps toward achieving these goals. I have asked the Congress to work with me to reform the health insurance market, to make coverage affordable for and available to children, to help workers who lose their jobs keep their health insurance, to level the playing field for the self-employed by giving them the same tax treatment as other businesses, and to help families provide long-term care for a sick parent or a disabled child. We simply must make health care coverage more secure and more affordable for America's working families and their children.

This should also be the year that we work together to end welfare as we know it. We have already helped to boost the earning power of 15 million low-income families who work by expanding the earned income tax credit. With a more robust economy, many more American families should also be able to escape dependence on welfare. Indeed, we want to make sure that people can move from welfare to work by giving them the tools they need to return to the economic mainstream. Reform must include steps to prevent the conditions that lead to welfare dependency, such as teen pregnancy and poor education, while also helping low-income parents find jobs with wages high enough to lift their families out of poverty. At the same time, we must ensure that welfare reform does not increase the Federal deficit, and that the States retain the flexibility they need to experiment with innovative programs that aim to increase self-sufficiency. But we must also ensure that our reform does not punish people for being poor and does not punish children for the mistakes of their parents.

REINVENTING GOVERNMENT

Taking power away from Federal bureaucracies and giving it back to communities and individuals is something everyone should be able to support. We need to get government closer to the people it is meant to serve. But as we continue to reinvent the Federal Government by cutting regulations and departments, and moving programs to the States and communities where citizens in the private sector can do a better job, let us not overlook the benefits that have come from national action in the national interest; safer foods for our families, safer toys for our children, safer nursing homes for our elderly parents, safer cars and highways, and safer workplaces, cleaner air and cleaner water. We can provide more flexibility to the States while continuing to protect the national interest and to give relief where it is needed.

The New Covenant approach to governing unites us behind a common vision of what is best for our country. It seeks to shift resources and decisionmaking from bureaucrats to citizens, injecting choice and competition and individual responsibility into national policy. In the second round of reinventing government, we propose to cut $130 billion in spending by streamlining departments, extending our freeze on domestic spending, cutting 60 public housing programs down to 3, and getting rid of over 100 programs we do not need. Our job here is to expand opportunity, but bureaucracy—to empower people to make the most of their own lives. Government should be leaner, not meaner.

THE ECONOMIC OUTLOOK

As 1995 begins, our economy is in many ways as strong as it has ever been. Growth in 1994 was robust, powered by strong investment spending, and the unemployment rate fell by more than a full percentage point. Exports soared, consumer confidence rebounded, and Federal discretionary spending as a percentage of gross domestic product hit a 30-year low. Consumer spending should remain healthy and investment spending will remain strong through 1995. The Administration forecasts that the economy will continue to grow in 1995 and that we will remain on track to create 8 million jobs over 4 years.

We know, nevertheless, that there is a lot more to be done. More than half the adult work force in America is working harder today for lower wages than they were making 10 years ago. Millions of Americans worry about their health insurance and whether their retirement is still secure. While maintaining our momentum toward deficit reduction, increased exports, essential public investments, and a government that works better and costs less, we are committed to providing tax relief for the middle-class Americans who need it the most, for the investments they most need to make.

We live in an increasingly global economy in which people, products, ideas, and money travel across national borders at lightning speed. During the last 2 years, we have worked hard to help our workers take advantage of this new economy. We have worked to put our own economic house in order, to expand opportunities for education and training, and to expand the frontiers of free and fair trade. Our goal is to create an economy in which all Americans have a chance to develop their talents, have access to better jobs and higher incomes, and have the capacity to build the kind of life for themselves and their children that is the heart of the American dream.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2

Mr. TALENT. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution No. 2.

The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REPUBLICAN CRIME BILL GOOD FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, the Contract With America crime bill was introduced as H.R. No. 3, the Taking Back Our Streets Act. The bill strikes at the heart of the violent crime problem by fixing countless problems with the Clinton crime bill and fixing larger problems with the criminal justice system.

The Clinton crime bill addressed the crime problem through more questionable social spending and sleight-of-hand changes in the criminal justice system. The Taking Back Our Streets Act, however, sends a tough warning to would-be criminals, do the crime, serve the time. To facilitate the consideration of the crime bills on the House floor, H.R. 3 was divided into six bills: The Victim Restitution Act, which was passed; the Exclusionary Rule Reform Act, which was passed; the Violent Criminal Incarceration Act, which was passed; the Criminal Alien Deportation Act, which was passed; and the Effective Death Penalty Act.

Now before the Congress is the Local Government Law Enforcement Block Grant. Today we continue to solidify the Republican approach to battling crime by considering that H.R. 728 measure, which is designed to place control of Federal anticrime dollars where it belongs, in the hands of the local law enforcement officials who are at the front line in the battle against crime, to decide for themselves where the funds should go for local programs.

H.R. 728 replaces major portions of the President's crime package which passed last year. While the Clinton bill set up categorical grants with no local flexibility, this new legislation solves that problem by establishing block grants to help units of local government improve public safety.

Use of funds under H.R. 728 can include the hiring of police officers, training and equipping law enforcement officers, and support personnel. It can also be used to enhance local school security or establish crime prevention programs which directly involve law enforcement personnel such as community policing, town watch, drug courts, special programs to stop crimes against senior citizens, or prevention programs to stop abductions and exploitation of our children. This new bill does not affect in any way the police funding already established in the 1994 crime bill.

The bill authorizes $10 billion for law enforcement block grants over 5 years with $2 billion to be distributed each year from 1996 through the year 2000. Most importantly, this bill allows localities greater flexibility responding to their own crime problems. Our own Chief William Kelly of Montgomery County, PA, has had programs instituted with community policing, which are really the outstanding ones of Pennsylvania and the country, I believe. District Attorney Mike Marino's outstanding community program with DUI offenders that pick up the litter all across the county have been the model for Pennsylvania. While crime statistics show that crime has been on the upswing, we know that we can with this bill make a real difference.

The overwhelming incidence of crime occurs within State-level jurisdictions, so these authorities bear the primary responsibility for combating this mounting crisis. However, the Federal Government cannot abrogate its responsibility. Through the Contract With America, Republicans recognize that the best thing we can do is to allow the local authorities, through block grants, the opportunity and flexibility to fight crime in the manner best for each community by providing them with those block grants.

The Clinton approach to battling crime was very different. After nearly a year of congressional hearings, markups, and floor votes, a delayed recess and weekend votes, the best the previous Congress could do was come up with expensive, Great-Society-type programs. In this new bill before the House it repeals many of the social experiments and replaces them with solid funding which can be used by the local authorities in the manner they think best to fit their needs. This represents a commonsense approach to battling crime on this Nation's streets.

Finally, Congress is listening to the experts in law enforcement and have given them the tools they need to fight crime at home.

Back in my home district of Montgomery County, PA, I have an anticrime advisory board which advises me on the best ways to battle crime locally. They have counseled me on how the Federal Government can assist them in their efforts without bankrupting this country. When they spoke, I listened, because they are the ones who are putting their lives on the line every day. They are the ones that see the damage that crime can cause.

I applaud this new effort on crime as we set forth in our Contract With America. We may face criticism from those who are naysayers, who would rather keep this massive bureaucracy in Washington, which has actually hindered some of our anticrime efforts. But as long as I represent the people of Montgomery County, I will take my directions from them, not from the bureaucrats in Washington.

DEBATE TIME ON NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I take this 5-minute special order this evening to partly respond to some of the rhetoric that we heard on the House floor earlier, primarily coming from the minority side, on the allocation of 10 hours of debate on the National Security Revitalization Act which we will have on the House floor Wednesday and Thursday of this week. While I am not going to get into all the details and implications of that piece of legislation, I do want to respond to several of the issues that were raised here tonight by the leadership of the minority side.

□ 2240

Mr. Speaker, we heard it said that when President Bush was in office we had extensive debate before our troops were asked to go into Desert Storm, and that, in fact, is correct, because it was asked for by President Bush and this Congress responded.

Mr. Speaker, I ask my colleagues on the other side, where was that same debate when all of us jointly asked for a debate on sending our troops into Haiti. We had known we were going to go into Haiti for months at a time. Many of us had asked for a full and open debate of that issue where our troops were being put in harm's way. We were not given 10 minutes of debates on this House floor prior to sending our troops into Haiti.

As a matter of fact, Mr. Speaker, where was the debate on this House floor that now sees American tax dollars being used to pay the salaries, the benefits, the housing costs, and the travel for about 2,000 troops from Third World nations that are currently providing protection inside of Haiti? Where was the debate so the American people could vote on that issue before that action took place? Where was the debate on Bosnia, so we could fully debate the President's policy? We never had any debate on Bosnia prior to Presidential action.

Mr. Speaker, I say with a great deal of concern, where was the debate in this House on the President's decision to go in and bail out Mexico? He wanted to do it to the tune of $40 billion but could get no support. Then unilaterally he sent a $20 billion loan guaranty. Where was 10 minutes of debate on this House floor before the action?

Mr. Speaker, where was the debate in this House, on this House floor, prior to President Clinton or even after President Clinton changing our policy in terms of national ballistic missile defense? Prior to President Clinton taking office, we had an aggressive program that was also attempting to protect the American people as well as our troops. When the President took office, he unilaterally, without any debate on this House floor, changed that policy.

Mr. Speaker, we are giving ample opportunity for debate. We want bipartisan support. As the chairman of the Subcommittee on Research and Technology of the Committee on National Security, I reached out to my colleagues on the other side. We forged a bipartisan national security bill. This bill, when it was reported out of committee, passed by a vote of 41 to 13. Eleven of our colleagues on the minority side supported that piece of legislation.

In the committee, Mr. Speaker, many of us acknowledged that there were key Democrats who were at the forefront of the defense debate, both in the past, today, and in the future. So that bill, when it came out of committee, had strong bipartisan support, and, in fact, 11 Democrats voted with us.

In fact, Mr. Speaker, to get their support, before the markup of the National Security Revitalization Act we reached out and made 32 specific changes in the bill. This was not some piece of legislation jammed down the throats of committee members. In fact, Mr. Speaker, we reached out, and over the weekend before the markup, made changes that Democrats offered to us to enhance the bill and to get their support for that particular piece of legislation.

Mr. Speaker, in total, the gentleman from South Carolina [Mr. SPENCE], the chairman, allowed 32 separate changes to be made in the chairman's mark. Mr. Speaker, this was in fact a bipartisan bill, a bill that reflects our concern with the direction this administration has been going in terms of national security. We are going to have our debate on the floor, but to somehow attempt to mislead the American people, and there were so many distortions and half-truths that were spoken by our colleagues on the House floor, is a gross injustice, both to this institution and to the American people.

Mr. Speaker, we will have a chance to get all those issues out on the table on Wednesday and Thursday of this week. I look forward to that debate, and I hope that the American people will also be watching the debate and the final vote on restoring our national security interests.

DEMOCRATIC SUPPORT FOR NATIONAL DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I also would like to speak to the issue of what the minority talked about as far as the majority not supporting national defense. I can remember being on this floor, Mr. Speaker, when the majority, or the now-minority, turned their backs on our men and women in Desert Storm, would not support them, and yet we had debate on that issue.

I can remember the first event that they brought up was homosexuals in the military, when the majority of military folks do not want homosexuals in the military.

I remember that most of that same leadership, all of the leadership, voting for Clinton's tax bill, which cut defense $177 billion, and then also put the highest tax that they had ever had on the American people. They had increased the marginal tax rate of the middle-income taxpayer.

Mr. Speaker, I can look, and when Colin Powell and Dick Cheney and then-candidate Clinton said that anything below $50 billion would put us into a hollow force, but yet these same Members that are now saying that they are hawks cut defense $177 billion. Not a single Democrat at the Democratic White House fundraiser put a foot down when military men and women in uniform were serving as waiters. It would have happened at our fundraiser, I guarantee you.

I can remember at the extension of Somalia, we then in the minority voted against it, saying it would cost billions of dollars. Then I also look at how the policy was changed toward General Aideed. General Aideed is still there, by the way. Then we weakened our strength. Then they denied armor, and then we lost 22 Rangers and 77 wounded. Why? Because the Democratic leadership would not support our troops.

Now they say that we are weakening national security. Twenty-two killed and seventy-seven wounded, with the father of one of those killed that received the Medal of Honor chastising the President.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I also thank my colleague, the gentleman from Pennsylvania [Mr. WELDON], who is one of our experts on missile defense.

The gentleman is talking about H.R. 7, the Defense Revitalization Act, part of the Contract With America that is coming up in a day or two on the House floor. He is one of the few Members of this House, Mr. Speaker, who has had the experience of being shot down by an enemy missile in his illustrious career in serving in Hanoi.

Mr. CUNNINGHAM. I don't know if it is illustrious, being shot down.

Mr. HUNTER. But he managed to get five MiG's before they got him.

I guess I would ask my friend, he has seen the language that places us square in the middle of the missile age. That is, it mandates that we develop theater defense against missiles, and we develop a national defense against missiles.

I would asked the gentleman, what is your feeling with respect to our timing? Do you think we are coming too early, too late? What is your opinion with respect to missile defense?

Mr. CUNNINGHAM. I would say to my friend, the gentleman from California, my first concern is yes, I believe looking at Desert Storm and the other, that we need to support missile defense. However, I want to tell the gentleman from California, which may not be the position that he wants, I look at the Air Force. They want the C-17, they want the B-12, they want the F-22, and they want F-15's, and the Navy wants to upgrade F-14's and the Air Force F-115's.

We need to take a balanced look and see how much money is available without taking from the other services. I support missile defense, but I think we have to be real careful with the funds available, and we are cutting down everything.

Mr. HUNTER. I thank the gentleman for his comments.

With respect to national missile defense, what is the gentleman's feeling with respect to what the former Soviet States are doing, and with respect to what China and North Korea are doing?

Mr. CUNNINGHAM. Reclaiming my time, Mr. Speaker, the liberal side of the Democratic leadership would tell us that there is no threat from Russia, but yet the Soviet dropped five nuclear-class *Typhoon* submarines last year, that is five nuclear submarines, when we gave them $1 billion to dismantle nuclear weapons.

They built a Mig-35, which is superior to the SU-27, which is superior to our F-14's and F-15's. They have an AA-10 missile which is superior to our Amram missile, so they are investing in those kinds of weapon systems, while ours are going down.

Mr. Speaker, if we look at what they are doing in pushing out the joint airplane, they are pushing out beyond the year 2010, when we have no chance of building up even to a bottom-up review level.

Mr. HUNTER. Mr. Speaker, I thank the gentleman.

AMERICAN MISSILE DEFENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WELDON] and then to my friend, the gentleman from California [Mr. CUNNINGHAM], to ask first the gentleman from Pennsylvania about his feeling with respect to H.R. 7, the Contract With America, regarding missile defense of the Nation and missile defense of our theater forces.

Mr. WELDON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding.

First of all, in response to the comments of my colleague, the gentleman from California [Mr. CUNNINGHAM] the Russians also, as we know, have been selling their submarines. They recently sold at least two submarines to Iran.

Mr. CUNNINGHAM. Two *Kilo* class.

Mr. WELDON of Pennsylvania. And Iran has been doing very well in the training of those submarines, which presents a whole new threat for us, with Iranians having capability in the seas.

The question of our colleague and friend on missile defense is an important one. This President changed our policy from the Reagan and Bush era with absolutely no warning to this Congress, to say that we no longer need to have a defensive system to protect the American people, in spite of the ABM treaty, which allows the Russians to have the only operational ABM system in the entire world right now, which surrounds Moscow and which is in fact operational.

□ 2250

What we are saying in the contract is we want the Secretary of Defense unlike what we heard from one of our colleagues on the other side today say that we want immediately a space-based system. That is not what the contract provision says. It says that we want the Secretary to come back and tell us what kind of national ballistic missile system we can deploy now.

In conversation with General O'Neill, who heads ballistic missile defense, last week and a followup meeting I am having this week, he says that at the basic we can install a program within 2 years that would cost no more than $5 billion over 5 years. So the figures we are going to hear on Wednesday and Thursday are going to be way out of line and are going to be more rhetoric than they are substance.

Mr. HUNTER. I thank the gentleman for reminding us that the Secretary of Defense did say he could build a system for the type of attack that he expects in the context of expecting some type of an offense against the United States, what he calls a thin attack. He said he could do it for $5 billion in a couple in years, and I think that the gentlewoman who propounded that question, our friend Mrs. SCHROEDER from Colorado was a little bit shocked at his low number, because I think she came back and said, "Wait a minute. What's it going to cost total?" And he said, "$5 billion total."

In the context of the 5-year defense plan, that is roughly .004 of the total defense numbers, .004 of the budget. So that is not a number that is going to crowd out readiness or modernizing our military. The only thing that is going to crowd those things out is the President's budget itself. And the President himself has cut $9 billion just between FY 1995 and FY 1996 in modernization. So the President is doing the cutting. One slap of the pen by the President cutting $9 billion in modernization had doubled the impact on the modernization budget of building what Secretary Perry himself described as doable; that is, a missile defense nationally that will defend against the thin attack.

So if we are asked would you rather have a defense that will defend against a thin attack or nothing, but absolutely naked, I think the American people say, give us something, give us some missile defense against that accidental launch or that third-world terrorist attack.

I would be happy to yield to the fine gentleman from San Diego, my seat mate, Mr. CUNNINGHAM.

Mr. CUNNINGHAM. I thank the gentleman from California.

I think another important factor, and the gentleman from Pennsylvania [Mr. WELDON] brought it up. When we brought this bill up in the committee, we had 41 Republicans and Democrats vote for it. Only 13 voted against it. I want to tell you, those 13, their politics would go good only in a small island off Florida.

I would also like to remind the Members, Mr. Speaker, that the contract talks about not having U.S. troops under U.N. control. Very, very important. We lost 22 Rangers and 77 wounded in Somalia. Because, for example, it took 7 hours for our troops to get to all those Rangers that lost their lives and were wounded because the U.N. control had never used night goggles, it was at night, many of them did not speak English, some of them could not even drive the equipment. We want to eliminate that, and that is another reason for bipartisan support.

The part that I am upset, the liberals that have done everything in their power to cut national security, to cut defense of this country now stand up and object at the majority when it is a bipartisan bill that is coming out of the committee itself, that same minority. We are glad that that leadership exists. Let them talk.

WELFARE REFORM

The SPEAKER pro tempore (Mr. BONILLA). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 33 minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. I thank the Speaker for affording us this opportunity to address a subject which is extremely important and critical.

We have seen this week the opening of the markup in the subcommittee on the House Committee on Ways and Means of the welfare reform bill. We have had a lot of discussion about the issues surrounding welfare reform. Last week we saw the Republican version of their Contract With America with regard to family responsibility, and we saw also the response on the Democratic side with respect to what they would like to see in terms of a reform measure.

We are here tonight because we believe that voices of the women and children who will be primarily affected by what this Congress does in reforming welfare have not been heard and probably will not be heard from during the course of this debate. It is imperative that as we consider this legislation, we think of it in terms of the women and the children.

I am very happy tonight, at this very late hour, to be joined by my distinguished colleague, the gentlewoman from North Carolina [Mrs. CLAYTON], who has been a great leader on this subject and whose voice continues to be heard for the women and children of this country. I am happy to yield to my friend.

Mrs. CLAYTON. I thank the distinguished gentlewoman from Hawaii for yielding me the time and thank her for arranging this special order.

I would just like to enter into a discussion with you and raise a couple of concerns that I have and perhaps have you to explain your knowledge of the Personal Responsibility Act.

If the block grant goes, and it appears that we are going to have that structure for a number of programs that are going to be put in a basket called welfare reform that will allow different ways of providing services. I am particularly concerned about the nutritional part.

Let me first say, I support welfare reform. I think our welfare system does not work well. It does not encourage self-sufficiency and we need to make sure the system works well for the recipients as well as for the government itself. So we need welfare reform. But we do not need welfare reform just for change sake itself. We need it for a better system, for a system that is improved, a system that is obviously going to serve people better.

In the areas of nutrition, we are not necessarily perfect but those are areas where we help people. We have food stamps, the school lunch program, we have the WIC program, the commodity program, the senior citizens program, all of those programs which speak to the needs certainly of people who are in need but also speak to needs of people who may be working.

For the food stamp program, 20 percent of the food stamp program is received by persons who are working families. My concern is if we block-grant that program, not only do we drastically reduce the amount of moneys that will be available but also we put the States themselves into the business of setting national nutritional standards. These programs have worked well to make sure children are fed and are prevented from disease.

If now we block-grant it, does that not mean that each State would have the responsibility of setting nutritional and dietary standards for the implementation of those programs.

Mrs. MINK of Hawaii. The gentlewoman is absolutely correct. Not only will the States be given the responsibility of setting up the criteria and the eligibility standards, but indeed they could move the moneys around within that category and, as I read the legislation, even take out 20 percent from one block grant to put into another program.

Mrs. CLAYTON. So it is possible that all that money would not go to feed the hungry, feed children or seniors, they could do other things with it.

Mrs. MINK of Hawaii. Exactly. They could do other things with it. It seems to me that in the area of nutrition in particular, Congress has been very, very careful in looking at the needs of specific groups of individuals in our society, children in the schools for school lunch, senior citizens in their centers, in congregate dining programs and meals on wheels and for the tiny infants, the women-infant-children's program has been established for that specific targeted group of people.

□ 2300

And the commodities program has been a kind of a consolidated farmers' surplus interest program together with matching up the needs of the poor in our society, and food stamps, we all know, has been a Godsend to millions of families whose nutrition for their families has been supplemented because of their ability to exchange their earnings or money in exchange for a greater value of food coupons.

So of all of the block granting that has been recommended under the Contract With America, it seems to me the one that is least justified is the suggestion of putting all of these groups together and allowing the States to pick and choose which programs they want to support and which ones they do not. I think it would be a real tragic mistake, and I hope that the committee ultimately will not do that.

Mrs. CLAYTON. One of the things we want to emphasize is that those nutritional programs are not only there to speak to the need, because people are poor, but also to speak to their dietary deficiency and, as a result of that, they have found that they have opportunities to address diseases, they have opportunities to address deficiencies of growth and development, and if you remove that, some of the nutritional achievements we have made, WIC, for pregnant women and mothers who are nursing, those achievements, I think, will be lost. We will retrogress; rather, we will have a system, one system in North Carolina, another in Mississippi, another in Hawaii. Now we have some uniform standards where we are moving all Americans to a standard that perhaps can improve their health.

For one thing, I think that is a tremendous benefit that we can move in that area.

Mrs. MINK of Hawaii. Our reluctance in not supporting the block grant is not because we do not have confidence in local officials in their being able to perceive what the needs are of their constituents. Their constituents are our constituents.

Mrs. CLAYTON. Absolutely.

Mrs. MINK of Hawaii. So I have full confidence in my State and local elected officials to know what is appropriate for our community. But I also believe that the Congress of the United States has an important responsibility in establishing the priorities, understanding what the needs are of Americans all across the country, and coming up with programs that match surplus commodities and requirements of our farming communities. That is how the Food Stamp Program got started.

I was here when it happened. Congresswoman Lenore Sullivan was the one who put it all together, from the great State of Missouri, and it has worked, and it has been a boon to the farmers of this country, and it has met a tremendous need in all of our poorer communities.

So it is tragic that in formulating this concept of welfare reform that they have sought to pool this money and disregard the initial intent of Congress in formulating these targeted special programs. Our concerns are concerns, I am sure, that are shared by most of the Members on the minority side, and I hope that when this debate reaches the floor, we will have opportunities to debate this issue fully, to offer amendments to correct this major oversight.

Mrs. CLAYTON. I am receiving a tremendous amount of mail both in the areas of school lunch and in the areas of senior citizen programs.

We know the value of having it with young children and pregnant women in terms of those areas, so I would hope, as we debate that, we will have people on both sides of the aisle seeing the value of this deliberation and trying to salvage this program and protect the nutritional value of this program as well as the integrity of these programs, because the nutrition programs by and large have worked, and we ought to celebrate those things that have worked, correct those things that have not, and reform where we are improving the system.

I want to commend the gentlewoman from Hawaii for her fine work and leadership.

Mrs. MINK of Hawaii. I thank the gentlewoman for participating this evening in the special order.

Mr. Speaker, I yield to my distinguished colleague, the gentleman from Michigan [Mr. KILDEE], who is the ranking member of one of my subcommittees, the Educational Economic Opportunities Committee of the House.

Mr. KILDEE. I support the gentlewoman on her position on nutrition. School lunch, school breakfast are extremely important programs. They will all be apparently put into this nutrition block, although we have not been given the information as to how this will be done. They say it will be somewhat separate, but we know we have so many needs in that School Lunch Program. We have different students, those that get the free lunch, the reduced lunch, the paying students, and we have just finished and completed a deep study of the nutritional values of those lunches.

I am afraid this will be lost in this block grant also, because they have not shared with us yet what they intend to do with the School Lunch Program.

THE PERSIAN GULF WAR: WE VOTED OUR CONSCIENCES

But I came over here tonight primarily to speak on another subject very briefly, and I really appreciate the fact that the gentlewoman has yielded to me.

While I was sitting in my office listening to the monitor, the gentleman from California [Mr. CUNNINGHAM], my good friend, and he is a very good friend of mine, I have great respect for him, from San Diego, stated that the Democrats, the majority party, had turned their back on our troops in the Persian Gulf. That really hurt me, particularly coming from a friend like the gentleman from California [Mr. CUNNINGHAM].

The gentleman from California [Mr. CUNNINGHAM] and I voted differently on that war. We both voted our consciences. The position I took was shared by Gen. Colin Powell, a great American. I voted my conscience, as the gentleman from California [Mr. CUNNINGHAM] voted his conscience, and by voting my conscience, I was not turning my back on our troops.

As a matter of fact, Mr. Speaker, when the war began in Iraq, the first person who stood at that podium right there the following morning, the first person was DALE KILDEE from Michigan saying that while we had disagreed on policy, now that the war had started we should give our troops our full and complete support. We were not turning our backs on our troops.

I took particular offense, because that statement came from a friend of mine, the gentleman from California [Mr. CUNNINGHAM]. I took another offense, too, Mr. Speaker. I have two sons who are lieutenants in the U.S. Army. My one son is beginning Ranger training. When he finishes that, he will go to Korea.

My votes on the policy of how we deploy our troops do not make me less concerned about the safety of our troops, and I would hope that in the next 2 days as we debate the defense of this country that we not question the patriotism of one another or the support of our troops.

The 440 Members of this House, 435 voting Members and 5 nonvoting Members, are loyal Americans who want nothing to happen to our troops. I want all the sons and daughters of America who serve in the Armed Forces to be treated as I would want my own two sons to be treated, with full support.

But because we may disagree, as we disagreed on the Persian Gulf war, does not make one less loyal or less American or less supportive of our troops.

Now, I know the gentleman from California [Mr. CUNNINGHAM] did not realize the full ramifications of his statement, but that debate we had was one of the best debates, no, not one of the best debates, the very best debate that I have heard in my over 18 years in the Congress of the United States, and that is why this is a deliberative body.

Because someone may vote one way and another another way should not call into question the patriotism or loyalty or support of the our troops.

Mrs. MINK of Hawaii. I thank the gentleman for his very strong refutation of our colleague from California, because I was here on the floor and heard those statements likewise.

Resuming my special order, which is to bring to focus some of our concerns about the welfare debate, I do so tonight even though the hour is late, because tomorrow is a very special day. There is to be a special program on the Hill, Welfare reform with a heart, children speaking for themselves.

□ 2310

This will occur on Capitol Hill. It will be first initiated by a press conference at 9 o'clock in the morning in the Rayburn Building, followed from 10 o'clock until 2:30 with children and youth from the District of Columbia coming in and participating during those several hours, and what they will be doing is reading letters and speaking out, presenting testimony about their own experiences as children in a welfare family.

One of the real tragedies in a very esteemed institution like the Congress of the United States in the hearings that we call in our various committees, and this is not unique to the current majority because it was also a situation when the Democrats were in the majority, that we have these hearings called, and experts from various fields are called: economists, professors, physicians, doctors, psychiatrists, lawyers, whatever, are called to testify, and we very seldom ever have the opportunity to hear from the very persons who are affected by the programs that we are debating, and in this case we are talking about welfare families and the children, about 5 million adults and 9 million children, and I am here tonight to speak specifically for the women and children.

There are 49 women Members of the House of Representatives, but very few of us are on the committees that will be making these decisions, and therefore it is important to focus our attention on some of these matters.

Today there was a press conference which was called by the Council of Presidents, which is a bipartisan coalition of the leaders of approximately 100 national groups, and they have formulated a position on welfare which I would like to take the time tonight to read and explain. Heidi Hartman, who leads the Institute for Women's Policy Research, was the guiding force in putting together the coalition on this subject. We heard from the NOW Legal Defense Fund. We heard from Eliza Sanchez, who was the president of Manna, an organization that has been working pay equity. There was a representative from Planned Parenthood, from the National Women's Law Center, and from Wider Opportunities for Women. These were some of the groups of the 100.

And this is important because women have come together to put together what they believe ought to be the central points of any discussion having to do with welfare reform, not the myths, not the stereotypes, not the punitive aspects of trying to moralize and change human behavior, but what is truly the responsibility of the Federal Government with respect to poor families. Poverty in America is a condition which affects all peoples across the country, and we need to focus this issue on the question of poverty.

Let me read for my colleagues what the Coalition of Presidents said today at the press conference. It said, and I quote:

NATIONAL WOMEN'S PLEDGE ON WELFARE REFORM, PRINCIPLES FOR ELIMINATING POVERTY

We support welfare reform that will do more than maintain families in poverty. It should help them make a permanent escape from poverty. The vast majority of adults who receive assistance from AFDC are women. As leaders of women's groups in the United States, we state unequivocally that women who receive welfare benefits have the same rights as all women and have the same goals for their families. We cannot allow their rights to be curtailed because they are poor, nor their values impugned because they need help to support their families. Welfare has served as an essential safety net for poor women and their children. Many women use welfare at various points throughout their lives because they have few other resources to tide them over during one-time or recurring events such as illness, unemployment, childbirth, domestic violence, or divorce. We cannot allow the guarantee of minimum survival assistance to be removed or reduced by caps on spending, time limits, child exclusion policy, or other means. We cannot allow the Federal Government to abandon its commitment to a basic safety net for poor mothers and their children. We oppose punitive measures that assume the behavior attitudes and value of women on welfare are the problem. Welfare mothers have not abandoned their children. They are struggling to hold their families together with extremely limited resources. Many are already working or looking for work in order to raise their families' incomes. We believe the problem lies rather in the labor market where the women face enormous barriers, including gender and age-based discrimination that limits their opportunities, unstable jobs that pay low wages and the lack of health and retirement benefits, inaccessible jobs, and no jobs at all. In addition, lack of educational opportunity, inadequate support services and benefits, lack of child support from fathers and punitive welfare regulations have made it impossible for poor women to get ahead.

That is the end of their opening paragraph outlining their principles for eliminating poverty and the basis upon which the debate on welfare reform, in their view and mine, should be considered.

I think it is very important to recognize that, when this debate started over a year ago, and the Republican Party offered their proposal, and the President offered his, we were not in this debate to try to find ways to cut the funding, to address the issue at another level in terms of deficit reduction or trying to reduce the debt. As a matter of fact, the Republican proposal at that time for welfare reform included some $12 billion of additional funding which in their program was required in order to meet the requirements of education, training, counseling and, most importantly, child care provisions in order for women to go to get an education or training, and, in the final analysis, to hold a job child care is essential.

The President's proposal also had very strong ingredients of funding, I believe at the level of around $7 billion to provide for education, training, counseling and the important element of child care.

The strangest thing happened over the last year. Now we are looking at proposals which eliminate the concept of Federal responsibility for providing educational opportunities and training, counseling, helping to find a job, and when they do, to have the necessary child care provisions in the programs. The Republican proposal leaves it out. The Democratic proposal has not yet formulated exactly how they are going to fund the additional needs. They have said, well, the States say they can do it all, and, therefore, let us see what the Governors can come up with. It seems to me that, unless we deal with the subject of welfare reform with the seriousness and earnestness of trying to help these families and not punish them and push them off as if they do not exist, then there is no possibility that we are going to be able to reduce funding as is currently being proposed by the Republican bill in the Committee on Ways and Means.

□ 2320

What is required is an honest, deliberate decision, that women on welfare first of all want to work. There is all kinds of evidence and empirical statistical studies that show that women on welfare want to work. The problem with the system right now is that when they are in need and apply for welfare, there is no one there to meet them at the door and to help them try to solve their family situation, find them a job, take them into training or education. They are simply accepted into the system, given assistance, and more or less left to their devices.

Furthermore, the system also punishing women on welfare, because if they have the initiative to go out to work, to find a job, then they are immediately cut off from cash assistance, frequently they have to lose food stamps, and perhaps even get off of Medicaid health care.

So the burdens on welfare families are tremendous and the government, the State, and Federal Government has not offered them the support.

Now for the first time it seems to me at least a year ago that both sides of the aisle looked at this honestly and said we are going to change the welfare system, we are going to change the way that the Government deals with welfare families by initiating an offer to help for education and training and job counseling, and we are going to provide child care. And this has to be done with an understanding it is going to cost additional sums of money in order to implement.

So what do we find today in the Republican proposal? We have a notion that they will also do away with entitlements. There will no longer be a requirement that the Federal Government will guarantee some level of cash assistance to a child whose parent is without work and in poverty.

Under the current system, for the past 60 years Congress and this country have said no poor child should be left hungry, without food and shelter and clothing and medical care. A country as great as America cannot afford to let a child die in starvation and in ill health and in disease. This is a fundamental responsibility of the Government.

So 60 years ago we established this program of aid to dependent children, and we guaranteed that every child in America that met the eligibility criteria of poverty and being in a family where there was no person able to work, that the Government would find same way to assist that family with a cash assistance and other supportive programs.

We do not have a national program under which a set figure of money is given to every family pro rata for every child in America. It is instead a collaborative program with the States, with the States participating in a 50–50 matching situation.

So we have States like mine that come up with a cash assistance program well above most of the other States in the country, somewhere around $600 per family of three. At the lower end of the 50 States is Mississippi, where the contribution by the Federal and the State is $120 for a family of three. So there is this huge range of difference in terms of what the welfare program means in the different States.

The States have provided this range of difference. So we are not saying at this juncture that the Federal Government ought to require a certain set figure. I wish we could. But certainly we should not at this juncture be removing the entitlement assurance guarantee that every child in this country has from the U.S. Government. But that is precisely what the Committee on Ways and Means subcommittee is now considering, and I think that that is a very, very grave mistake.

If they adopt this block grant approach, taking the average of spending for the program back to 1991 to 1993 and averaging it out and saying this is the amount of money that the States are going to receive based upon the prior experience, then it makes no adjustments for increases in numbers of families or changes of the economy, recessions, greater unemployment, closures of companies and major corporations in a certain area that would increase the numbers eligible for assistance.

So I think that one of the fundamental issues that this House will have to face is the question of whether we retain the idea of an entitlement or whether we go the way of a block grant, which will create enormous burdens upon the States, and eventually I think come back to the Congress for supplemental support and supplemental assistance.

It seems to me we ought to decide right now that one of the basic virtues of the current program is the fact that there is this entitled notion and it ought to be retained.

There are other proposals that are in the wind with respect to the Committee on Ways and Means proposals. They have to do with cutting off families after 2 years if they are not able to find work. There is no support program to help individuals find a job, no support program for education and training that is specified in the legislation, and I think that it would be very, very harmful for many thousands of families who will find themselves without assistance unless we provide that kind of help.

There is this notion that is very, very difficult to refute, and I hear it from my constituents, as I am sure most of my colleagues do from theirs, and there is this impression that people on welfare stay there for enormous lengths of time and that this is a problem that must be rooted out, and one way of doing that is to make a work requirement that is short, as in this 2-year proposal by the Republicans, and on the Democratic side, where they are required to come in with some sort of a work strategy.

But I think that what is so difficult to deal with is this impression that people have that people on welfare are in for enormous lengths of time.

The truth of the matter is, and when you look at the data and statistics, persons that come on welfare are out of there, at least half of them, are out of welfare after only 11 months.

The SPEAKER pro tempore (Mr. BONILLA). The time initially allocated to the gentlewoman from Hawaii has expired. However, because the majority leader has not designated a person to be recognized for the balance of the time remaining, the gentlewoman from Hawaii may proceed for up to 27 more minutes as the designee of the minority leader.

Mrs. MINK of Hawaii. The statistics are there. The census data has been evaluated. All the records of the department have been researched, and we find the outstanding conclusion that the majority of parents who come into welfare are there less than a year. Eleven months is the average. This means they are there for temporary assistance, the vast majority of them. And if the Government had been more ready to assist them, provide them with some assistance in locating a better job that paid higher wages or helped them with medical care, which in many cases is the reason for families coming on welfare, the place that worked that provided perhaps just a bare minimum wage salary did not include health care provisions, so the moment when a child became sick, they had to quit work and come back on the welfare system. But the moment that the illness passed and the family was together again, that parent would be out there looking for work.

The idea that is out there which is so pervasive that people on welfare are unwilling to work simply is not true. So I therefore support the idea of a work oriented system, because I believe that that truthfully meets the needs of people on welfare. They need assistance, they need education, they need training, they need job counseling. Somebody has to go out there to help them obtain a job which can support their families beyond what they were getting on welfare in terms of cash assistance.

□ 2330

We see that the vast majority of families, actually 80 percent of the families on welfare, are out of the welfare system in a 2-year period, more than 50 percent in 11 months and 80 percent in the 2-year period.

Therefore, we are dealing with a highly transitional group of individuals. There are some that find it very difficult to find a job, or because of their lack of education and training and having no job skills, have extreme difficulties in locating work. However, the vast majority of individuals on welfare, roughly about 80 percent, from the figures that I have seen, are in the system only for a short period of time, 2 years and less, and have, on the average, 4 years of work experience.

Because that is the reality, it seems to me that the Federal Government, with a strong, integrated, personally adaptive work training, work counseling kind of strategy, can help these families get off of welfare even faster and into a job that pays more than the welfare support check was paying them.

Mr. Speaker, this leads me to the other issue, and that has to do with the minimum wage question. It is vital, Mr. Speaker, that we deal with the minimum wage issue part and parcel to the welfare discussion. I know that the Republican leadership has discarded the whole idea of getting into minimum wage. However, Mr. Speaker, if we are going to be realistic in terms of doing something to change the whole system of welfare, we have to be willing to look at exactly what the minimum wage situation does. It just oppresses single-family situations far greater than families that have two working parents. But in the single family situation, working for a minimum wage dooms that family to perpetual poverty. That is the tragedy.

Mr. Speaker, when we look at the statistics, we find that over 60 percent of the people who are working today for minimum wage or less are women. There are about 4 million persons in America that work at $4.25 or less, and of that number, 2,603,000 are women; 1,000,078 of these women are wives or single-parent heads of families. Therefore, increasing the minimum wage by 90 cents over a 2-year period will help tremendously the women and children of these families, well over 1 million families where both parents work, or the single family situation.

Mr. Speaker, of the total number of women who work for minimum wage or less, 80 percent are white women. Twelve percent are black women, and 8 percent are Hispanics. Contrary, again, to the myths of most of our thinking, Mr. Speaker, the families that would be most benefitted by an increase in the minimum wage are the white, Caucasian families in this country. Eighty percent of the total number of women are white, as I said.

Mr. Speaker, if we raise the minimum wage from $4.25 an hour, where families now only earn $8,000-plus a year, the increase of 90 cents an hour would raise the annual earning to $10,300-plus dollars, an increase of $1,714. That is a tremendous increase. Forty-five cents each year for 2 years, raising the minimum wage from $4.25 to $5.15, will lift millions of families out of poverty, and will be one of the important steps that we could take to help ensure that families on welfare will not come back onto welfare because their earnings are insufficient to sustain their family.

Mr. Speaker, one of the ironies is that in the early deliberations of the whole welfare discussion, we adopted the notion that if a welfare family went out and got a job, they would immediately lose all their benefits. It was a disincentive to work.

We want to make sure now that when we are talking about welfare reform, that such disincentives are removed. We want to make sure that there are enough incentives there to make it attractive for women in particular to go out and hold a job, and to support their family on this self-sufficiency model which has been discussed.

I am all for that, Mr. Speaker. I want to see opportunities made possible to these families all across America. That is what this debate ought to be about, enlarging opportunities, not in punishing and establishing all of these negative restrictions in terms of who can receive a benefit and who cannot.

Mr. Speaker, the AFDC has also another very, very difficult myth out there. A lot of attention has been placed on the factor of women coming onto welfare and having another child while on welfare.

One of the punitive suggestions is to deny that child born to that parent while she was on welfare from any cash support whatsoever. I cannot think of anything more cruel and inhuman than a suggestion to punish a child.

The statistics reveal again, from the Census Bureau, from the Department of Health and Human Services, from all the people who collect data, that the number of children born to these families on welfare is no different than the average family in America.

As a matter of fact, most families on welfare have two children, and that is it. Very, very small numbers of persons on welfare have more than two children. Certainly, Mr. Speaker, an even smaller percentage of individuals on welfare have a child while on welfare.

The suggestion that welfare mothers will be encouraged to have another child because they can increase their cash benefits is ridiculous, because the average additional cash assistance ranges around $45 to $65 across the States. I cannot imagine any person deliberately deciding they should have another baby for that amount of money. In point of fact, that does not occur.

Mr. Speaker, the other aspect which is in the Republican plan is to make it impossible for teenagers who have children to receive any welfare assistance unless they live at home with their parents or with another qualified adult, or if they subsequently get married to the father of that child.

Such a prohibition of cash benefits aimed at the child, because it was born out of wedlock, is simply a concept and principle that I cannot understand or accept.

□ 2340

Furthermore, in looking at studies, many of the lawyers and others who have studied this issue maintain that it is unconstitutional because it creates a category within a benefit situation which clearly has no justification whatsoever.

And so I am hopeful that even if the Congress should put such a provision in, that the case will be taken to courts and the Supreme Court decisions which have been rendered on this subject, starting from 1973, case in New Jersey, the New Jersey Welfare Rights Organization versus Cahill held that the denial of such rights was a violation of the 14th amendment, the equal protection clause.

The court in 1972 in Webber vs. Aetna Casualty said,

> The status of illegitimacy has expressed through ages society's condemnation of irresponsible liaisons beyond the bonds of marriage, but visiting this condemnation on the head of an infant is illogical and unjust. Moreover, imposing disabilities on the illegitimate child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing. Obviously no child is responsible for his or her birth.

There is a series of other cases that relate to this point.

So I feel quite confident that the legal scholars who have brought this matter to the attention of the Congress know what they are talking about, and so if this provision which denies a child from birth to age 18 from receiving any benefits whatsoever under the welfare system, then surely someone will take it to court and will prevail and such a harmful provision will be stricken from this bill.

Let me in closing call the Members' attention to a very important report that came across my desk. It is produced by the Center on Hunger, Poverty and Nutritional Policy at Tufts University. I believe all Members received this booklet. It is appropriately in lovely pink color for Valentine's Day. It was published by J. Larry Brown and it is a review of evidence on welfare reform.

He points out in his book that they collected a very large number of people to collaborate on this study and made some very, very important conclusions which I would like to briefly outline.

The 1995 Tufts University Center report which is entitled "Key Welfare Reform Issues, the Empirical Evidence."

The report presents scientific data that, one, welfare benefits do not cause the growth in single parent families and single parent families are not the major factor of the growth of poverty in America. It urges that Congress avoid the tragic mistake of adopting pseudo-reforms that stem from political ideology rather than empirical evidence. It advises that if we wish to break the cycle of poverty, we not be guided by the wish to punish poor women whose behavior we wish to chastise.

In 1994, 76 researchers and scholars in the field of welfare issued a policy statement regarding the empirical facts that they found in their research which challenged the political leaders in terms of the assumptions that they were making in presenting their legislation.

Fact No. 1. Growth in the number of single parent families has been primarily among the non-poor.

From 1970 to 1990, the number of female-headed households increased from 6 million to 11 million, mostly among the non-poor. Sixty-five percent of the increase in single parent families were not living in poverty. For instance, in 1993, there were 3.5 million unmarried non-poor couple households and one-third of them had at least one child. This family would fall under a single parent definition. Changes in welfare laws will not affect the mores and lifestyles of these families. In fact the Contract of America will give these families a $500 tax credit for each child regardless of their marital status.

Fact No. 2. The Census Bureau found that economic factors such as low wage jobs accounted for approximately 85 percent of the child poverty rate. A 1993 Census Bureau study showed that the poverty rate was due mainly to changes in the labor market and the structure of the economy. Bureau of Labor statistics data from 1973 to 1990 revealed that the proportion of persons employed in service industries grew from 70 to 77 percent. And this is the lowest wage sector of our economy.

Between 1960 and 1980, the proportion of women in the labor market increased from 40 to 61 percent ages 16 to 34.

The desire to have women work is limited to only poor women with dependent children to teach them responsibility. For non-poor women, the need to remain in the home to nurture their children to wholesome maturity is still the social ethic of our times. Forcing women to work is destructive of family values.

That is the essence of the report of the Tufts University which I commend to my colleagues to read. It has been delivered to your offices sometime in late January.

There are many issues that need to be discussed. One that I have championed almost my entire political career is the need for child care. When I was in Congress in the 1960's and 1970's, we did put together a comprehensive child care bill which passed both the House and the Senate, but it was vetoed by President Nixon. Since that time, there has not been a major effort to insist that there was a government responsibility for child care. But now that we are again debating this issue of welfare, it seems to me that we cannot succeed in this area of welfare reform requiring work as a criteria for continued participation in the system unless we systematically and with full intent and knowledge subscribe to the understanding that women cannot be asked to go to work if they have small children unless we have child care provided to that family. It is unrealistic, it simply is unworkable.

And so the idea of work for welfare is a great concept. The idea of education and training in order that people could work to get off welfare is a marvelous idea. But none of these things can work unless that family has support in terms of someone to take care of their children while they are at work.

Women's work at home is a valuable contribution to our society. Women's responsibility in the home has always been accorded a place on the pedestal of our society at large. It continues to be debated as to whether some women ought to work or ought not to work. But the issue has always been a matter of choice. Women choose to work. Women ought to have equal opportunities to work. And when they do work, they ought to be accorded the same privileges of advancement, promotions and so forth and their pay ought to be the same, and there should be no gender discrimination. That is the ethic which has evolved up to the present time.

But when we are dealing with the welfare community, we are adopting a new frenzy of requirement to work. I can support a requirement to work, but it must always be in addition and connected with a concept of child care.

That brings me to the final concluding thought that I want to leave. Welfare reform is about children. It is not about punishing adults. It is about how this Nation is going to care for its children. It is going to provide the support, health care, housing, food, nutrition, clothing and a loving family environment. That is what poor children should expect as the policy and principle that guides this government.

□ 2350

And so as we look at this legislation, I prevail upon this House to put aside all of these myths, all of these things that have brought us to this point of discussing welfare reform, and never forget that the people on welfare that were thought of, that created the AFDC program in the first place 60 years ago, were the children.

America was concerned about the fate of these children in poverty, and they established the entitlement program where every child could at least have some assurance of care and food and nutrition and a family environment, and I hope that as we move on this debate that the children will be the primary concern that we have.

If we are successful in keeping our eye on focus on the children, I believe that the legislation that we will put through will be of benefit to these families and will lift them out of poverty and will make their situations far better than what they are enduring today under their current conditions.

I urge this House to remember tomorrow is Valentine's Day and that the welfare children will be here, will want to have someone to talk to. Please, stop by the give them your loving attention and concern.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on February 15.

Mr. FOX of Pennsylvania for 5 minutes, today.

Mr. COBURN, for 5 minutes, on February 15.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today and on February 14.

Mr. CUNNINGHAM, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous material:)

Mr. WYDEN.

Mr. SAWYER.

Mr. COLEMAN.

Mrs. COLLINS of Illinois, in 2 instances.

Mr. FRANK of Massachusetts.

Mr. STARK.

Mr. KLECZKA.

Mrs. MALONEY.

Mr. OWENS, in 2 instances.

Mrs. KENNELLY.

Mr. BENTSEN.

Mr. BECERRA.

Mr. LANTOS.

Mr. CLEMENT.

Mr. CLAY.

Mr. EVANS.

Mr. HOYER.

Mr. CARDIN.

(The following Members (on request of Mr. FOX of Pennsylvania) and to include extraneous material:)

Mr. GILMAN in two instances.

Mr. METCALF.

Mr. BARR.

Mr. GOODLING.

Mr. PACKARD.

Mr. FOWLER.

ADJOURNMENT

Mrs. MINK of Hawaii. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 14, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

362. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of February 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–32); to the Committee on Appropriations and ordered to be printed.

363. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending December 31, 1994, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

364. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

365. A letter from the Secretary, Smithsonian Institution, transmitting a copy of the National Society of the Daughters of the American Revolution's "Annual Proceedings of the One Hundred Third Continental Congress," pursuant to 36 U.S.C. 18b; to the Committee on the Judiciary.

366. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a copy of the December 1994 issue of the Treasury Bulletin, pursuant to 26 U.S.C. 9602(a); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 83. Resolution providing for consideration of the bill (H.R. 7) to revitalize the national security of the United States (Rept. 104–31). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. HERGER, Mr. CALLAHAN, Mr. DEAL of Georgia, Mr. CRAMER, Mr. COOLEY, Mr. EMERSON, Mr. DEFAZIO, Mr. KLUG, Mr. WILSON, Mr. OBERSTAR, Mr. SPRATT, Mr. HAYES, Ms. FURSE, Mr. CHAPMAN, Mr. BAKER of Louisiana, and Mr. STUPAK):

H.R. 902. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to timber activities; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 903. A bill to substitute evaluations of educational quality for cohort default rates in eligibility determinations for proprietary institutions of higher education under the Federal student assistance programs; to the Committee on Economic and Educational Opportunities.

H.R. 904. A bill to prohibit the Department of Defense from contracting with foreign contractors for ship repair until a certification is made to Congress; to the Committee on National Security.

H.R. 905. A bill to provide for congressional approval of a nuclear aircraft carrier waste disposal plan before the construction of CVN–76, and for other purposes; to the Committee on National Security.

H.R. 906. A bill to reform the child support enforcement system in order to maximize collections of child support payments on behalf of poor children in the United States; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWDER (for himself and Mr. BENTSEN):

H.R. 907. A bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and congressional employees for retirement purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. de la GARZA:

H.R. 908. A bill to authorize appropriations for each of fiscal years 1996 through 2000 for the provision of grants for construction of wastewater treatment works to serve U.S. colonias and for connecting residents to sewer collection systems and making any necessary plumbing improvements to enable residences to meet existing county or city code requirements; to the Committee on Transportation and Infrastructure.

By Mr. DORNAN (for himself, Mr. Solomon, Mr. Wolf, Mr. Knollenberg, Mr. King, Mr. Porter, and Mr. Cunningham):

H.R. 909. A bill to encourage liberty inside the Socialist Republic of Vietnam; to the Committee on International Relations.

By Mr. EVANS (for himself, Ms. Kaptur, Mr. Brown of California, Mr. DeFazio, Mr. Conyers, Mrs. Schroeder, Mr. Frank of Massachusetts, Ms. Pelosi, Mr. Lipinski, Mr. Durbin, Mr. Dellums, Mr. Frost, Mr. McHale, Mr. Serrano, Mr. Romero-Barceló, Mrs. Collins of Illinois, Mr. Abercrombie, Mr. Gutierrez, Mr. Hilliard, Mr. Olver, Mr. Vento, Mr. Watt of North Carolina, Ms. Woolsey, Ms. Velázquez, and Mr. Sanders):

H.R. 910. A bill to require the Secretary of State to establish a set of voluntary guidelines to promote socially responsible business practices for United States; to the Committee on International Relations.

By Mr. PORTER (for himself, Mr. Ackerman, Mr. Allard, Mr. Baker of California, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Bereuter, Mr. Bevill, Mr. Boehlert, Mr. Bonilla, Mr. Bono, Mr. Browder, Mr. Bunning of Kentucky, Mr. Callahan, Mr. Calvert, Mr. Canady, Mrs. Clayton, Mr. Coburn, Mr. Condit, Mr. Cox, Mr. Davis, Ms. DeLauro, Mr. Dooley, Mr. Doyle, Mr. Ehlers, Mr. Emerson, Mr. Engel, Mr. English of Pennsylvania, Mr. Evans, Mr. Faleomavaega, Mr. Farr, Mr. Fattah, Mr. Fawell, Mr. Fields of Texas, Mr. Filner, Mr. Flanagan, Mr. Forbes, Mr. Fox, Mr. Frank of Massachusetts, Mr. Frost, Ms. Furse, Mr. Gejdenson, Mr. Gekas, Mr. Gordon, Mr. Gene Green of Texas, Mr. Greenwood, Mr. Gunderson, Mr. Hall of Ohio, Mr. Hancock, Mr. Hastert, Mr. Hefley, Mr. Hefner, Mr. Jacobs, Mrs. Kelly, Mr. Kim, Mr. King, Mr. Kleczka, Mr. Klug, Mr. Knollenberg, Mr. LaHood, Mr. Lantos, Mr. Largent, Mr. Leach, Mr. Lewis of California, Mr. Lightfoot, Mr. Lipinski, Mr. Livingston, Ms. Lofgren, Ms. Lowey, Mr. Martinez, Mr. McCollum, Mr. McHale, Mr. McHugh, Mr. McKeon, Mr. Meehan, Mrs. Meyers of Kansas, Mr. Miller of Florida, Ms. Molinari, Mr. Montgomery, Mr. Moorhead, Mr. Moran, Mrs. Morella, Mr. Murtha, Mr. Ney, Mr. Olver, Mr. Owens, Mr. Packard, Mr. Parker, Mr. Paxon, Mr. Payne of Virginia, Mr. Petri, Ms. Pryce, Mr. Quinn, Mr. Radanovich, Mr. Riggs, Mr. Royce, Mr. Sanders, Mr. Sanford, Mr. Saxton, Mr. Schaefer, Mr. Schiff, Mr. Schumer, Mrs. Seastrand, Mr. Sensenbrenner, Mr. Serrano, Mr. Shays, Mr. Skeen, Ms. Slaughter, Mr. Smith of Texas, Mr. Solomon, Mr. Stark, Mr. Stearns, Mr. Stump, Mr. Thompson, Mr. Torkildsen, Mr. Underwood, Mr. Upton, Mr. Visclosky, Mrs. Vucanovich, Mrs. Waldholtz, Mr. Walsh, Mr. Weldon of Pennsylvania, Mr. Weller, Mr. Wilson, Mr. Wolf, Mr. Zeliff, and Mr. Zimmer):

H.R. 911. A bill to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself, Mr. Boucher, Mr. Fields of Texas, Mr. Hall of Texas, Mr. Hastert, and Mr. Tauzin):

H.R. 912. A bill to permit registered utility holding companies to participate in the provision of telecommunications services; to the Committee on Commerce.

By Mr. GOSS:

H.R. 913. A bill to repeal the provisions of law commonly referred to as the Ramspeck Act; to the Committee on Government Reform and Oversight.

By Mr. LaFALCE:

H.R. 914. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act and the Solid Waste Disposal Act to limit the liabilities under these acts of both fiduciaries and lending institutions, including finance lessors, guarantors, and others directly or indirectly holding indicia of ownership primarily to protect a security interest in property which is subject to either act; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS (for himself, Mr. Schumer, and Mr. Hastings of Florida):

H.R. 915. A bill to expand the powers of the Secretary of the Treasury and the Bureau of Alcohol, Tobacco and Firearms to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Bureau to include firearm products and non-powder firearms; to the Committee on the Judiciary.

By Mr. OWENS:

H.R. 916. A bill to prohibit the manufacture, importation, exportation, sale, purchase, transfer, receipt, possession, or transportation of handguns, and handgun ammunition, with certain exceptions; to the Committee on the Judiciary.

By Mr. OXLEY:

H.R. 917. A bill to establish procedures for product liability actions; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS:

H.R. 918. A bill to reduce the official mail allowance of Members of the House; to the Committee on House Oversight.

By Mr. SAWYER:

H.R. 919. A bill to amend title 13, United States Code, to require that the Secretary of Commerce produce and publish, at least every 2 years, current data relating to the incidence of poverty in the United States; to the Committee on Government Reform and Oversight.

By Mr. VOLKMER (for himself, Mr. Brewster, Mr. Taylor of Mississippi, Mr. Peterson of Minnesota, Mr. Skelton, Mr. Rahall, Mr. Stenholm, Mr. Myers of Indiana, and Mr. Quillen):

H.R. 920. A bill to repeal the Violent Crime Control and Law Enforcement Act of 1994 and to combat crime; to the Committee on the Judiciary.

By Ms. WATERS (for herself and Mr. Bishop):

H.R. 921. A bill to encourage gainful employment among the residents of public housing, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CARDIN (for himself, Mr. Coyne, Mr. Yates, Mr. Gene Green of Texas, Mr. McCrery, Mrs. Mink of Hawaii, Mrs. Morella, Mr. Horn, Mr. Frost, Mr. McDermott, Mr. Blute, Mr. Foglietta, Mr. Dellums, Mr. Bonior, Mr. Brewster, Mr. Beilenson, Ms. Pelosi, and Mr. Ford):

H.R. 922. A bill to amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. Stenholm, Mr. Roberts, Mr. Horn, Mr. Hall of Texas, Mr. Blute, Mr. Ney, Mr. Poshard, Mr. Shadegg, Mr. Kildee, Mr. Browder, Mr. Klug, Mr. LoBiondo, Ms. Pryce, Ms. Danner, Mr. Salmon, Mr. LaTourette, Mr. Hancock, Mr. Frank of Massachusetts, Mr. Bachus, Mr. Brownback, and Mrs. Waldholtz):

H.R. 923. A bill to provide for the establishment of an official mass mailing allowance for Members of the House of Representatives, and for other purposes; to the Committee on House Oversight.

By Mr. McKEON (for himself, Mr. Beilenson, Mr. Bono, Mr. Brown of California, Mr. Calvert, Mr. Condit, Mr. Cunningham, Mr. Doolittle, Mr. Farr, Mr. Hunter, Mr. Kim, Mr. Lewis of California, Ms. Lofgren, Mr. Matsui, Mr. Miller of California, Mr. Mineta, Mr. Moorhead, Mr. Pombo, Mr. Radanovich, Mr. Riggs, Mr. Royce, Mr. Thomas, Mr. Waxman, Mr. Barcia of Michigan, Mrs. Fowler, Mr. Lightfoot, Mr. Livingston, Mr. Richardson, and Mrs. Waldholtz):

H.R. 924. A bill to prohibit the Secretary of Agriculture from transferring any National Forest System lands in the Angeles National Forest in California out of Federal ownership for use as a solid waste landfill; to the Committee on Resources.

By Mr. TALENT (for himself and Mr. GILMAN):

H. Con. Res. 26. Concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. SHAYS, Mr. DEUTSCH, Mr. RANGEL, Ms. MCCARTHY, and Mrs. KENNELLY.

H.R. 70: Mrs. CHENOWETH.

H.R. 77: Mr. HOSTETTLER.

H.R. 127: Mr. LEACH, Ms. SLAUGHTER, Mr. MOAKLEY, Mr. POMEROY, and Mr. THORNTON.

H.R. 217: Mr. STEARNS.

H.R. 218: Mr. BONILLA and Mr. ROYCE.

H.R. 244: Mr. MEEHAN, Mrs. SCHROEDER, Ms. MCKINNEY, Mr. ABERCROMBIE, and Mr. GILMAN.

H.R. 325: Mr. LAHOOD, Mr. LIVINGSTON, Mr. COSTELLO, Mr. STENHOLM, Mr. BONILLA, and Mr. POSHARD.

H.R. 359: Mr. HUTCHINSON and Mr. CRAPO.

H.R. 363: Ms. MCKINNEY and Mr. FOGLIETTA.

H.R. 370: Mr. ENGLISH of Pennsylvania.

H.R. 450: Mr. COBLE, Mr. BRYANT of Tennessee, and Mr. HOBSON.

H.R. 451: Mr. COOLEY and Mr. LIPINSKI.

H.R. 485: Mr. MCKEON.

H.R. 548: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. FORBES.

H.R. 549: Mr. BONO, Mr. BISHOP, Mrs. CHENOWETH, Ms. DANNER, Mr. SOLOMON, Mr. GENE GREEN of Texas, Mr. SANDERS, and Mr. LAHOOD.

H.R. 555: Mr. BERMAN.

H.R. 558: Mr. BARTON of Texas.

H.R. 562: Mr. STUMP, Mr. KOLBE, Mr. SHADEGG, Mr. SALMON, and Mr. PASTOR.

H.R. 579: Mr. SAM JOHNSON.

H.R. 586: Mr. WYDEN, Mr. DELLUMS, Mr. FROST, and Mr. FATTAH.

H.R. 612: Mr. MINGE.

H.R. 682: Ms. DANNER, Mr. SENSENBRENNER, Mr. FIELDS of Texas, Mr. LIVINGSTON, Mr. BARCIA of Michigan, Mr. CREMEANS, and Mr. TALENT.

H.R. 709: Mr. MORAN, Mr. DELLUMS, and Mr. WAXMAN.

H.R. 759: Mr. WALSH.

H.R. 785: Mr. LAFALCE, Mr. WYNN, Mr. OLVER, Mr. DELLUMS, Mr. FOX, Mr. YATES, Mr. BEILENSON, Mr. FOGLIETTA, Mr. NEAL of Massachusetts, Mr. CASTLE, and Mr. DAVIS.

H.R. 795: Mr. GALLEGLY, Mr. BALLENGER, and Mr. CHENOWETH.

H.R. 800: Mr. HERGER, Mr. LAHOOD, and Mr. ROYCE.

H.R. 809: Ms. VELÁZQUEZ, Mr. FROST, Ms. DANNER, Mr. GEJDENSON, Mr. SHAYS, and Mr. FILNER.

H.R. 819: Mr. FOX.

H.R. 844: Mr. DURBIN, Mr. LIPINSKI, Ms. DANNER, Mrs. CLAYTON, Mr. MCHUGH, Mr. EMERSON, and Mr. DOOLITTLE.

H.R. 867: Mr. VISCLOSKY, Mrs. MALONEY, Mr. LIPINSKI, and Mr. METCALF.

H.R. 873: Mr. KIM, Mr. CREMEANS, Mr. FORBES, Mr. METCALF, Mr. OXLEY, Mr. HANCOCK, Mr. LARGENT, Mr. FRANKS of New Jersey, Mr. HERGER, Mr. DUNCAN, Mr. CHRISTENSEN, Mr. TORRES, and Ms. ESHOO.

H.R. 898: Mr. SAXTON.

H. Con. Res. 12: Mrs. MEYERS of Kansas and Mr. FORBES.

H. Con. Res. 19: Mr. SCHAEFER, Mr. POMBO, and Mr. SMITH of New Jersey.

H. Res. 30: Mrs. MEYERS of Kansas, Mr. PAYNE of Virginia, Mr. WATT of North Carolina, Mrs. MORELLA, Mr. MCCRERY, Mr. FOGLIETTA, Mr. SCOTT, Mr. BAESLER, Mr. FAZIO of California, and Mr. VISCLOSKY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 555: Mr. DEUTSCH.

H.J. Res. 2: Mr. TALENT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. DURBIN

(Page & line references are to H.R. 872)

AMENDMENT NO. 3: Page 63, line 4, strike "In particular," and insert "Numerous Central and East European countries, particularly".

Page 63, line 5, insert a comma after "Slovakia".

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly);

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (viii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 3, insert "and" after "voting;".

Page 67, line 8, strike the semicolon and insert a period.

Page 67, strike out lines 9 through 21.

H.R. 7

OFFERED BY: MR. EDWARDS

(Page & line references are to H.R. 872)

AMENDMENT NO. 4: Page 11, line 18, after "missile attacks" insert the following: "and that is deployed without the inclusion of any space-based interceptors".

Page 12, line 6, after "missile attacks" insert the following: "without the inclusion of any space-based interceptors".

H.R. 7

OFFERED BY: MR. HEFLEY

(Page & line references are to H.R. 872)

AMENDMENT NO. 5: Strike out section 309 (page 21, lines 19 through 22) and insert the following:

SEC. 309. FUNDING.

Funds for the activities of the Commission shall be made available to the Commission by the Secretary of Defense from funds appropriated for activities of the Office of the Secretary of Defense.

H.R. 7

OFFERED BY: MR. SKELTON

(Page & line references are to H.R. 872)

AMENDMENT NO. 6: At the end of title II (page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATON.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy:

H.R. 7

OFFERED BY: MR. SKELTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 7: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

"(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

"(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

"(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.".

H.R. 728

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 21: Page 10, after line 24, insert the following (and redesignate subsequent paragraphs accordingly):

"(4) the unit of local government—

"(A) will provide for each payment period non-Federal matching funds equal to not less than 20 percent of the amount paid to the unit under this title for the period:

"(B) will deposit the matching funds for a payment period in the trust fund established by the unit under paragraph (3) on the same day on which the unit deposits the amount paid under this title for the period; and

"(C) will spend the matching funds only for the purposes set forth in section 101(a)(2).

H.R. 728

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 22: Page 12, after line 7, insert the following:

"(10) the unit of local government will spend not more than 50 percent of the funds received under this title to purchase law enforcement equipment and hardware, including but not restricted to vehicles, machinery, communications equipment, and computer equipment, that assist law enforcement officials in reducing or preventing crime and improving public safety unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of more than 50 percent of such funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

H.R. 728

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 23: Page 4, strike lines 3 through 10 and insert the following:

"(C) Establishing crime prevention programs for juveniles that substantially involve both educators and law enforcement officials.

Page 8, after line 19, insert the following:

"(h) SET-ASIDE FOR CERTAIN CRIME PREVENTION PROGRAMS FOR JUVENILES.—A unit of local government that receives funds under this title for a payment period shall allocate not less than 20 percent of such funds for the purpose of establishing programs under subsection (a)(2)(C).

H.R. 728

OFFERED BY: MR. HOKE

AMENDMENT NO. 24: Page 12, line 4, strike "and".

Page 12, line 7, strike "101(a)(2)." and insert "101(a)(2); and".

Page 12, after line 7, insert the following:

"10 the unit of local government—

"(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under section 101(a)(2)(B), or any crime prevention program that is established under section 101(a)(2)(C), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

"(B) will conduct such an assessment with respect to each such enhancement or program; and

"(C) will submit an annual written assessment report to the Director,"

H.R. 728

OFFERED BY: MR. KASICH

AMENDMENT NO. 25: Strike section 101(f) and everything that follows through section 102(a) and insert in lieu thereof the following:

"(f) REPAYMENT OF UNEXPENDED AMOUNTS.—"(1) REPAYMENT REQUIRED.—A unit of local government shall repay to the Director, by not later than 25 months after receipt of funds from the Director, any amount that is—

"(A) paid to the unit from amounts appropriated under the authority of this section; and

"(B) not expended by the unit within 2 years after receipt of such funds from the Director.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Director shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Director as repayments under this subsection shall be deposited in a designated fund for future payments to units of local government.

"(g) NONSUPPLANTING REQUIREMENT.—Funds made available under this title to units of local government shall not be used to supplant State or local funds, but shall be used to increase the amount of funds that would, in the absence of funds made available under this title, be made available from State or local sources.

"SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—

"(1) 1,944,200,000 for fiscal year 1996;
"(2) 1,944,200,000 for fiscal year 1997;
"(3) 1,944,200,000 for fiscal year 1998;
"(4) 1,944,200,000 for fiscal year 1999;
"(5) 1,944,200,000 for fiscal year 2000.

H.R. 728

OFFERED BY: MR. KASICH

AMENDMENT NO. 26: Page 8, line 23, strike "$2,000,000,000" and insert "1,944,200,000".

Page 8, line 24, strike "$2,000,000,000" and insert "1,944,200,000".

Page 8, line 25, strike "$2,000,000,000" and insert "1,944,200,000".

Page 9, line 1, strike "$2,000,000,000" and insert "1,944,200,000".

Page 9, line 2, strike "$2,000,000,000" and insert "1,944,200,000".

H.R. 728

OFFERED BY: MS. PELOSI

AMENDMENT NO. 27: Page 4, after line 19, insert the following;

"(G) Sports league programs that shall require each player in the league to attend employment counseling, job training, and other educational classes provided under the program, which shall be held in conjunction with league sports games at or near the site of the games.

H.R. 728

OFFERED BY: MR. SCOTT

AMENDMENT NO. 29: Beginning on page 8, strike line 23 and all that follows through page 9, lin3 2, and insert the following:

"(1) $2,500,000,000" for fiscal 1996;
"(2) $2,500,000,000" for fiscal 1997;
"(3) $2,500,000,000" for fiscal 1998;
"(4) $2,500,000,000" for fiscal 1999; and
"(5) $2,500,000,000" for fiscal 2000.

H.R. 728

OFFERED BY: MR. SCOTT

AMENDMENT NO. 29: Page 8, after line 19, insert the following (and redesignate any subsequent subsections accordingly):

"(h) EVALUATION.—From the amounts authorized to be appropriated under subsection (a) for each fiscal year, the Director shall reserve one-tenth of one percent for use by the National Institute of Justice to evaluate the effectiveness of programs established under this title and the benefits of such programs in relation to the cost of such programs.

EXTENSIONS OF REMARKS

CORRECTION OF TAX RULES WILL ENCOURAGE BETTER FORESTRY, ENVIRONMENTALLY SENSITIVE MANAGEMENT, AND A STRENGTHENED RESOURCE BASE FOR THE U.S. TIMBER INDUSTRY

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. WYDEN. Mr. Speaker, the debate in this House concerning Tax Code reforms traditionally has been focused on two primary issues: Is the current tax law fair, and does the code encourage economic growth and new jobs?

Today, I want to suggest that we address one other question: does the code encourage sustained management of an increasingly threatened national treasure—our 350 million acres of privately owned, commercial forest land.

Global warming, the deforestation of tropical timberlands, and our own efforts to preserve our dwindling supply of native, old growth timberlands have all led us to reevaluate our planet's crucial need for trees.

As many of my colleagues are aware, I have for years advocated the position that our Tax Code contains severe disincentives for private forestry. With many of my colleagues from the Congressional Forestry 2000 Task Force, I have worked for reasonable changes in the law to overturn unfair obstacles to small woodlot owners who wish to keep their lands in long-term, sustained-yield, timber production.

Today, I and 16 of my colleagues reintroduce legislation which takes dead aim at one of the most egregious of the code's disincentives to private forestry, IRS passive loss rules. Our bill, the Forest Stewardship Act of 1995, puts our tax policy on the side of jobs, wildlife conservation and proper timber management—where the code always should have been.

This bill will restore to tens of thousands of small woodlot owners the right to deduct reasonable business expenses in managing their nonindustrial private timberlands. Incredibly, the Internal Revenue Service in the mid-1980s stripped these woodlot owners of this favorable tax treatment even though it would cost States like Oregon, which has more than 42,000 tree farmers, an untold number of timber industry jobs and undercut proper forest management.

I believe the IRS' position is entirely inconsistent with the intent and will of Congress in enacting the 1986 tax reforms. At the heart of the problem is the agency's stringent rule on material participation, the test that separates passive investors from active managers. Under the IRS' interpretation, which is based on an inflexible hours-per-year activity standard, many tree growers have been unfairly barred from deducting costs of doing business. That means they can't even use professional foresters to help manage their lands without endangering their active status under the law. The resulting mismanagement can mean less timber, inadequate conservation measures, and, ultimately, loss of the lands from the timber base.

This bill redefines the code to allow these farmers to deduct normal business expenses.

I'm proud to be joined in this effort by a bipartisan coalition of cosponsors—Representatives HERGER, CALLAHAN, DEAL, CRAMER, COOLEY, EMERSON, DEFAZIO, STUPAK, KLUG, WILSON, OBERSTAR, SPRATT, HAYES, FURSE, CHAPMAN, and RICHARD BAKER—who have worked very hard with me in crafting this legislation.

I would also point out that besides having the broad support of major timber associations representing both tree growers and the wood products manufacturing industry, this legislation has been advocated by environmental organizations including the Sierra Club, One Thousand Friends of Oregon, the Audubon Society, and others.

Mr. Speaker, it is not often that both the timber products industry and the environmental community agree on congressional legislation affecting forests management. The reason both of these often warring factions back this bill is quite simple: they understand that this narrow Tax Code change will: First, encourage better forest management by allowing tree growers to deduct the cost of professional forestry consultants; and two, discourage tree farmers from converting their increasingly valuable lands to non-forest uses.

As a consequence, wildlife habitat, watersheds, recreational values, and timber resources will be preserved.

In Oregon, we have something in excess of 3.3 million acres in small woodlot management. Our State forecasts on future timber needs already have identified these acres as an increasingly important source of trees for our mills. Already, these woodlands account for more than 10 percent of our tree harvest—public and private—in Oregon.

My colleagues, these forestlands account for real dollars, and real jobs. Discouraging their best-use management will have real, long-term, adverse impacts on employment and, consequently, IRS tax collections. No less a conservationist organization than our own One Thousand Friends of Oregon has sued the IRS, asking that the agency reconsider its regulations in this area.

I urge my colleagues to join us in cosponsoring this vital legislation.

TRIBUTE TO HON. CHET HOLIFIELD

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, as ranking member of the Committee on Government Reform and Oversight, I rise today in tribute to a great legislator, our former colleague, Representative Chet Holifield of California. This remarkable man served in Congress for 32 years, from 1943 to 1975, and during those years he was a member and later chairman of committees that were predecessors of the present committee. Last Sunday, February 5, Chet passed peacefully in Redlands, CA, at the age of 91.

During my first term in Congress, it was my privilege to serve with Chet as a member of the Committee on Government Operations, of which he had become chairman in 1970, following the passing of its prior chairman, Congressman William L. Dawson of Illinois.

Chet's extraordinary record of accomplishment in legislation and oversight covers such diverse and pioneering areas as Government reorganization, atomic energy, Federal procurement, Federal property and administrative services, national security operations, and Federal paperwork reduction. As a subcommittee chairman in 1949, he presided over the creation of the Federal Property and Administrative Services Act. These matters have been well chronicled in many publications. I would cite among them CONGRESSIONAL RECORD issues for March 25, 1970, March 7, 1972, November 26, 1974, and December 20, 1974, offering extensive tributes from colleagues. I am told, by the way, that this year, we may expect to see published the only authorized biography of Chet Holifield, dealing with his career as a legislator and nuclear statesman.

It is very fitting on this occasion to speak about the personal character of Chet Holifield. Chet was an American original, a leader, largely self-educated, morally courageous, enterprising, persevering, and unswerving in the service of his fellow men and his democratic principles. He was a model of the traits and values woven into the American ideal, not the least of which was the beautiful family life that he and his lovely wife Cam created with their daughters and their now 31 grandchildren and great grandchildren.

This personal character was a key factor in Chet's being able to achieve what he did. It enabled him to win respect, trust, and confidence from colleagues in both bodies of the Congress, from Presidents, from Federal officials, from representatives of the academic and business worlds, and from representatives of international agencies.

As I said, I did not know him long. Perhaps the best testimony about Chet's character is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that of Members of this body who knew him well and worked with him over many years. Their remarks have provided inspired recognition of the man and his works. I should like to cite here three examples from remarks by committee colleagues in the December 20, 1974, CONGRESSIONAL RECORD. Chet by this time had announced his retirement.

The late Craig Hosmer of California, who, as the ranking Republican, served with Chet on the Joint Atomic Committee, stated:

> Unique and extraordinary is the only phrase I know that properly characterizes our departing colleague Chet Holifield. He is a most special and most precious person. One cut out of no mold, but individually fashioned and endowed with inimitable style, extraordinary wisdom, inexhaustible energy, great physical stamina, and total perseverance of purpose.

The late Benjamin Rosenthal, a member and subcommittee chairman on the Government Operations Committee, payed this tribute to Chet:

> His numerous achievements are far too many to chart or catalog. But it is a mark of Chet's distinguished career that those achievements resulted not so much from his House seniority as from his creative energies.
>
> * * * * *
>
> Chet and I have disagreed, from time to time, on certain public policy issues. But I know that his public positions were formulated with only one test in mind: Will the public interest benefit? Perhaps the greatest tribute I can pay him is that I will always remember him as a doer, an innovator, and a builder.

One person uniquely qualified to speak is our recently retired colleague Frank Horton. For 30 years, Frank was a member of the Committee on Government Operations. For 12 of those years, he and Chet served opposite each other as leaders of their parties either on Chet's subcommittee or on the full committee. They dealt with issues before the committee in full bipartisanship. Frank has stated that their relationship grew as close as father and son. Chet, he said, treated him, and I can quote him, "like he was my father." Out of this hard work together, many of the great and lasting accomplishments of the committee became realities. They include creation of the Departments of Transportation and Housing and Urban Development, the landmark 1973 Report of the Commission on Federal Procurement, on which both Frank and Chet served as members, and the Report of the Commission on Federal Paperwork, which Frank himself chaired.

Addressing the House on December 20, 1974, Frank remarked about Chet:

> During 32 years of service to his constituents and to America and mankind, he has shown himself to be fair, compassionate, objective, hard-working, and brilliant. He more than any man I know, has lived his principles each day of his life. He is true to his family, to his country and to his ideals.

Evidence of Chet's hard work and iron purpose is found in Frank's statement that at his prime as chairman of the Joint Committee on Atomic Energy Chet was the most knowledgeable layman in the country concerning atomic energy.

But I want to return to Frank's remarks to the House and conclude. It is good to listen to this deeply felt encomium, which speaks movingly to the virtues and principles of Chet Holifield as well as to virtues and principles to which all of us as legislators are called.

> Mr. Speaker, there are few combinations of people in human experience who get to know each other better than the chairman and ranking minority member of a committee—who must work day-in day-out to solve problems on issues, and to forge compromises on bills in the heat of pressure and controversy.
>
> For all my 12 years in the House, it has been my privilege to serve with Chet on the Government Operations Committee. Ten of those years have been spent serving opposite each other as leaders of our parties in subcommittee, and 2 of those years, during this Congress, we led the full committee together.
>
> It would be impossible to sum up what this experience has meant to me, or to describe my respect for the man. Let me only say that I have never worked with any person who approached the needs of the public more objectively or keenly, or who was so devoid of selfishness or of either partisan or other prejudice. Chet Holifield, the legislator, comes as close as any man to the ideals Americans look to in a Congressman. He understands what the public interest is, and he puts it first—always. All other considerations, however worthy or tempting, however much easier they may be to serve, come second.

POVERTY DATA IMPROVEMENT ACT

HON. THOMAS C. SAWYER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. SAWYER. Mr. Speaker, today I am reintroducing legislation that will help Congress target billions of dollars annually in Federal program funds to populations most in need, as well as measure the effectiveness of public assistance programs in a timely way.

The Poverty Data Improvement Act passed the House unanimously in November, 1993. The bill requires the Census Bureau to produce and publish poverty estimates for States, counties, cities and school districts every 2 years. Currently, the only source of reliable poverty data below the national level is the decennial census. According to the General Accounting Office, $22 billion is allocated through 19 Federal grant programs each year to State and local governments based on those poverty figures.

Clearly, the infrequent production of small area poverty data has undermined the ability of many critical Federal programs to reach their target populations effectively. As Federal dollars become more scarce in the effort to balance the budget, it will be even more important to ensure that these programs are serving communities that are most in need. Concentrations of poverty are not stagnant over the course of a decade. The movement of lower-income populations into rapidly growing areas, as well as the abandonment of older cities by the middle class, causes a shift in demographic patterns that must be measured more often than once every 10 years.

A notable case in point is the title 1 grant program for elementary and secondary schools, which Congress reauthorized as part of the Improving America's Schools Act in the 103d Congress. The 1990 census income data, which reflects 1989 economic conditions, was used for the first time to allocate title 1 funds in the 1993–94 school year. At their best, the figures were 4 to 5 years old. And the year before that, 1980 census data—reflecting 1979 income—was still being used to allocate title 1 funds. Imagine using figures that are nearly 14 years old to allocate nearly $7 billion to counties and school districts across the country. How can we have any confidence that those funds are reaching children and schools that need the most help?

Unfortunately, the Senate did not act on the Poverty Data Improvement Act in the last Congress. But Congress saw the folly in relying on outdated poverty numbers to develop and administer important programs such as chapter 1, the Job Training Partnership Act, Community Development block Grants, and rural housing programs, to name a few. In its reauthorization of the title 1 program, Congress called for the use of updated county poverty estimates by 1996 and updated school district poverty estimates by 1998, in allocating program funds. We also asked the National Academy of Sciences to undertake a multi-year study of the Census Bureau's effort to produce poverty estimates for States, counties, cities and school districts every 2 years. Timely data are an important factor in policy development, but it's also important for policymakers to have confidence in the numbers on which they rely.

To its credit, the Census Bureau has recognized the critical policy need for more frequent poverty numbers below the national level. The Bureau has started the research and development phase of its small area poverty estimates program, and reports that it is on schedule to release poverty figures for States and counties in the fall of 1996.

Given the significant amount of taxpayer dollars that are distributed according to poverty data, the Census Bureau's effort is a bargain. In fiscal years 1994 and 1995, the Bureau will spend $600,000 per year to develop its first intercensal poverty numbers. In subsequent years, the annual cost will rise to approximately $800,000, with additional costs likely to produce poverty estimates for school districts. Nevertheless, that's far less than a hundredth of a percent of the funds allocated each year on the basis of that data.

The Poverty Data Improvement Act addresses one important element of a growing debate about the accuracy of data we use for Federal program purposes. That element is the question of timeliness. Data that are old may look precise, but they simply aren't accurate.

The bill does not address broader—and very legitimate—concerns about the way we define poverty. In fact, today we are using definitions that were developed nearly 30 years ago. Fortunately, the Committee on National Statistics of the National Academy of Sciences is completing a comprehensive study of the definition of poverty. That study includes a review of consumption patterns, differences in cost of living across geography, and the effect of noncash benefits on living standards. The academy expects to release its findings and recommendations in May.

Mr. Speaker, we need the capacity to identify demographic and economic forces that are changing more rapidly than our ability to measure them using traditional data collection methods. Accurate, useful, and timely data can serve as a solid foundation on which to build sound and cost-effective programs. The Poverty Data Improvement Act represents an important start toward achieving that goal. I urge my colleagues to support this worthwhile legislation.

BACK-TO-BASICS CRIME BILL

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. PACKARD. Mr. Speaker, yesterday marked the 40th day of our Contract With America. House Republicans have accomplished more to combat crime in 40 days than the Democrats have in the last 40 years. We are committed to keeping our promises.

Republicans promised to strike at the heart of violent crime. We are working to pass our back-to-basic crime bill which provides the tools necessary to fight crime and keep criminals behind bars.

The Republican crime package handcuffs criminals and releases resources to combat crime. We are replacing the revolving door with a trap door and making our streets safe for law abiding citizens.

American taxpayers will no longer pay for a criminal justice system that fails to put and keep criminals behind bars. Today we will work to deport criminal aliens and free up scarce prison space. In addition, I look forward to giving local law enforcement the flexibility they need to use their resources most effectively.

Mr. Speaker, the American people are waiting for action. Violent crime will no longer be tolerated. We must act now to give the police the tools necessary to catch criminals and the space they need to keep them where they belong—behind bars.

LULAC NATIONAL WEEK

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to the League of United Latin American Citizens as they celebrate the week of the 12th through the 18th of February, 1995, as LULAC National Week.

LULAC, the oldest and largest Hispanic volunteer organization in the country, is an American success story. More than 110,000 members in 45 States have reaped the benefits of this exemplary organization since 1929.

This week honors the LULAC experience. From its roots in promoting civil rights to its activities in providing equal access to educational opportunities for all Hispanic-Americans, LULAC is committed to the promise of Hispanics in America.

This week we observe and honor the benefits of LULAC which include economic development, housing, education, employment, civil rights, and business development. My congressional district includes many LULAC chapters all striving to address the many complex issues impacting Hispanics at all levels.

Mr. Speaker, as LULAC celebrates its legacy this week, the organization is seen as an integral part of the American mosaic. Since 1929, LULAC has endured with honor and a proven record of success. its proud supporters include the public and private sectors and other volunteer organizations. Today, its proudest supporters, the members themselves, look to the future for more of the same. LULAC has earned the support and respect of the Nation.

READ A BOOK OR GO TO JAIL

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, in the February 5 issue of Parade Magazine there is an excellent article by Michael Ryan about the sort of program we all describe as something we would to see, but are rarely able to point to in fact.

The program in question is one which seeks to keep repeat criminals from committing further crimes, by a program which involves repeat offenders in an extensive reading program.

Of course no program is perfect, and in 4 years this program has seen 19 percent of the participants rearrested. But as the article points out, the statistical expectation is that, absent this program, a far higher percentage of these participants would have been arrested again—one study showed that 45 percent would be the expected figure.

The moving force in this program is Prof. Robert Waxler of the University of Massachusetts Dartmouth. I have myself benefited in my job from the enthusiasm and knowledge that Professor Waxler brings to the task of educating young people, because he is an active and creative member of the southeastern Massachusetts community. But I ask that this article be reprinted here not because of my admiration for Professor Waxler but because it is an interesting example of how creative work on the local level can help us improve our efforts to reduce the crime which is a continuing social problem.

Professor Waxler, and Judge Robert Kane, who has used his judicial position to launch this program, deserve a great deal of credit. And I am glad that Parade Magazine highlighted their work, and I hope that other areas will profit by their example. To further that prospect, I submit this article from Parade magazine to be reprinted here.

[From Parade Magazine, Feb. 5, 1995]

THESE REPEAT OFFENDERS HAD A CHOICE: READ A BOOK—OR GO TO JAIL

(By Michael Ryan)

Every university has students like Don Ross: bright individuals whose imaginations have caught fire with learning.

"Yesterday, everybody at my job was talking about Deliverance." Ross told me one afternoon at the University of Masschusetts campus at Dartmouth, Mass., near Cape Cod. He recently had read James Dickey's novel, a riveting tale of survival. "I started talking about how the characters related to each other, and everybody looked at me and went, 'Whoa,' They were talking about the movie, which was on TV."

Ross, 27, tells this joke on himself with good humor, as amused with his newfound interest in literature as anyone else. The interest has unusual roots. In January 1992, a judge in nearly New Bedford offered him a choice: Go to school and read books—or go to jail.

"This was an experiment," said District Court Judge Robert Kane, 47. "I had no confidence that it would work, but I had sufficient despair in the way we had always done things." "We were seeing this same faces over and over," added Wayne St. Pierre, 39, the probation officer who helps screen candidates for the program. Don Ross is one of just 100 repeat offenders who have entered the program. (His last offense involved the illegal use of uninsured automobiles.)

In the four years that the literature seminar has been in operation, 19 percent of its participants have been rearrested. A recent study by professors at the University of Indiana and UMass Dartmouth found that 45 percent of a similar group (matched by age, race, income, neighborhood and offense) had returned to crime. In other words, the convicts in the program were less than half as likely to commit new crimes as those not in the program.

"I have always believed in the transformative power of stories," Prof. Robert Waxler, 50, told me. "They allow us to hold up a mirror to ourselves." A professor of English at UMass Dartmouth, he thought this power might help in rehabilitating criminals. One day, he brought up the idea with Judge Kane, his tennis partner. "He was very receptive to the idea," Waxler recalled.

Waxler volunteered to lead a 12-week literature seminar. His only stipulation that the convicts be fairly serious offenders. "The average participant has 16 prior offenses," said St. Pierre.

The group first reads a simple short story. Then, every other week for three months, they read novels of increasing complexity and meet for two-hour discussions. Only about half of the participants have completed high school or earned GED's, but Waxler gives them serious reading, such as Jack London's Sea Wolf and Russell Banks Affliction.

St. Perrre thinks that the challenge is part of the success. "I come from an athletic background," he said. "I know than when you have a tough coach who pushes you beyond what you think you can do, the rewards are much greater. That's what happens here."

"When I first designed this, I looked for materials that would address issues of identity, of violence, of the individual's relationship to society," Waxler explained. "Often, that pushes everybody to an understanding of where they fall in relation to that character."

"I related to Wolf Larsen in Sea Wolf," said Manuel Amaral, 35, a former drug addict and small-time dealer. The Larsen character is a brutal ship's captain who meets a grisly end. "I was like him," said Amaral. "Reading about it opened my mind." Amaral is now drug-free and a student at Bristol Community College in Fall River, Mass.

The reading program has benefited more than the defendants. Along with Waxler and some of his colleagues, St. Pierre attends every session and does all of the reading. Judge Kane also attends but begins with the third session to avoid intimidating students.

"One night, we were reading Norman Mailer's An American Dream," the judge recalled. "There's a scene between a judge and a prostitute, and the people in the course started talking about the misuse of judicial power. I realized that it was important that I hear that. It has made me more expansive."

Mark MacMullen, 40, also was a drug abuser. Now he is a full-time student at UMass Dartmouth and has regained visitation rights to his two children. "I learned that Wayne St. Pierre is more than my probation officer—he's a human being," he said, "and Judge Kane is a human being, and they cared about me. That's made me care about me and start making the right choices."

The program has strict rules. While studying, participants are on probation and live at home. Anyone who misses class or skips readings can be sent to prison. Program graduates remain on probation and must attend a one-day career workshop. They must then make a career choice or plans that will increase employment opportunities, such as obtaining a GED or going to college. If they don't, they can be sent to prison.

The UMass Dartmouth program accepts only male offenders. There are now similar programs, for men and women, in the state—and more judges are studying it. "They should try it," Judge Kane said. "The things that are said here are more interesting than the conversation in the judges' lobby."

Don Ross—the fan of Deliverance, the book—said the course taught him to accept responsibility for the first time. "The day I came before Judge Kane was the turning point. That transformation has been gradual, week after week, book after book."

"This has taught me," he said, "to use my mind."

CONGREGATION EMANU-EL: CELEBRATING 150 YEARS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to one of the most outstanding religious institutions in the United States, Congregation Emanu-El, which will soon be celebrating the 150th anniversary of its founding. This remarkable temple, which is located on Fifth Avenue at East 65th Street in the heart of my district, has tended to the spiritual needs of its congregants as well as the social and philanthropic needs of the greater community for a century and a half.

I want to first congratulate Dr. Ronald B. Sobel, who has served as the temple's senior rabbi since 1973. Rabbi Soebl is a world-renowned scholar and spiritual leader who deserves enormous credit for helping to make Emanu-El into one of the largest and most respected synagogues in the world.

In fact, Temple Emanu-El is physically the largest synagogue in the world and boasts the largest membership of any reform temple. But its origins were indeed quite humble. In 1845, a handful of German immigrants pooled $30 and rented a small room on the Lower East Side, thus becoming the fist reform Jewish congregation in the city. As the congregation grew, its members found new locations, first a former Methodist church and then a former Baptist church. In 1868, Emanu-El congregants raised over half a million dollars and built a new facility on Fifth Avenue and 43rd Street. Finally, in 1925, construction began on the Temple's final and current home. In 1930, this magnificent structure was dedicated.

The history of Temple Emanu-El is the history of New York, the Nation, and indeed the entire World. Early in this century, the temple founded a committee to assist victims of the Russian massacres. Seven members of the congregation were killed serving in World War I and 22 were killed during the Second World War. During this war, the temple established a recreational canteen which ultimately served 1.3 million American men and women in uniform. In recent years, the temple instituted programs to address the pressing needs of New York City. The Sunday lunch program—developed in 1983—provides 140 homeless citizens with a hot lunch each week. In 1988, the temple opened a homeless shelter which has become one of our city's most successful facilities of its kind.

Over the years, the leaders of Congregation Emanu-El has read like a "Who's Who" of American civic leadership. Emanu-El members have included Adolph Ochs, publisher of the New York Times; Oscar S. Straus, the first Jewish Cabinet Member, who served as President Theodore Roosevelt's Secretary of Commerce and Labor; and Irving Lehman, who served as chief justice of the New York State Court of Appeals. More recently, Emanu-El president Maxwell Rabb served as U.S. Ambassador to Italy.

Mr. Speaker, for 150 years, Congregation Emanu-El has served as a beacon of community spirit and religious commitment. It is an honor to represent this institution in the U.S. Congress, and I sincerely hope that my colleagues will join me in congratulating Temple Emanu-El on this auspicious occasion.

AMERICORPS' SUCCESSFUL INVOLVEMENT IN A COMMUNITY POLICING PROGRAM IN THE 7TH CONGRESSIONAL DISTRICT OF ILLINOIS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to acknowledge the success of a partnership between AmeriCorps and community policing efforts in Illinois' Seventh Congressional District. It is a pleasure to be able to address the House today on the positive impact that the Chicago Alliance for Neighborhood Safety [CANS] and Bethel New Life Inc.'s Take Back the Streets Program is having on Chicago's West Side. By recognizing the accomplishments of this Take Back The Streets Program, I hope to increase awareness and support for successful partnerships such as the one forged between AmeriCorps and community policing programs in my district.

Bethel New Life Inc., a community-based development corporation which was founded in 1979, is a member and partner organization of CANS. CANS has sponsored 21 AmeriCorps-VISTA volunteers who have helped organize community policing programs and who have played an essential role in the recent take back the streets campaign.

To implement this campaign, Bethel chose a drug-ridden 6-square-block area which included a public elementary school, 3 churches, and a city park, as the target area for its 40-day campaign. The key to Bethel's plan of cleaning up the target area or neighborhood safety zone was to organize high-visibility activities that encouraged residents to come out onto the street.

These community activities, which included anti-drug marches, job fairs, drug education and treatment workshops, all night prayer vigils, family nights, and cleanup efforts, took place at all hours of the day and night. The community leaders and residents worked together to take their streets back from drug dealers. In addition to the planned activities, the program included two ongoing events. They were setting up lemonade stands and organizing outdoor prayer services on corners where drugs were sold.

The community leaders and the residents found that their efforts paid off. The drug dealers were pushed out of the area, the cleanup effort greatly improved the aesthetic appeal of the neighborhood, and it was once again safe for children to play on the streets.

In addition to these short-term victories, there were significant long-term effects. One of the greatest accomplishments of this program was that the fear that residents had about getting involved in efforts to fight crime were reduced. An estimated 800 residents got involved with the program because they could see their efforts were paying off. Their community looked and felt safer.

The success of Bethel's program was a direct result of AmeriCorps involvement in the program. CANS' AmeriCorps-VISTA volunteer Charles Jackson, the community leader that was assigned to Bethel New Life Inc., was essential in developing block clubs, increasing interest in community policing, and developing local leaders. The positive effect that the AmeriCorp-VISTA volunteer had on the community will last long after his leadership is gone.

The involvement of AmeriCorps made a significant difference in the overall effectiveness of the program. Without AmeriCorps volunteers, it will likely be difficult for community policing efforts in other neighborhoods to experience this degree of success.

I commend CANS, Bethel New Life, Inc., and AmeriCorps for their hard work and success at helping constituents in my district feel safer and more confident about their right to live in a drug-free neighborhood. As we review Federal programs in the weeks ahead, I hope that this success will be remembered by my colleagues who are quick to mislabel AmeriCorps and community policing efforts as ineffective and wasteful boondoggles and invite them to visit my district to find out what a positive impact these programs have had on hundreds of Americans.

IN MEMORY OF GLEN WOODARD

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. FOWLER. Mr. Speaker, I rise today to note the passing of one of my district's most honorable citizens. Glen Woodard passed away on January 25, 1995. Born in Washington, DC, in 1917, and educated in the Duval County, FL, public schools, Glen was vice president and director of community affairs for the Winn-Dixie grocery store chain.

During the 40 years he represented Winn-Dixie in Tallahassee and Washington, he touched many lives. There are many today who issue sweeping condemnations of lobbyists. It is safe to say those people never met Glen Woodard. The corridors of power were never graced by a more decent, honorable, and dignified man. Glen represented his company and his entire industry with a grace, a devotion, and a sense of humor not often found these days. His passing is a great loss to my community and to my State.

I would like to submit for the RECORD the eulogy delivered at Glen's services by Mr. Robert O. Aders, president emeritus of the Food Marketing Institute.

EULOGY TO GLEN WOODARD

(By Robert O. Aders)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is first time you won't have the last word. I speak on behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve the food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

"Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida."

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on "lobbying." Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was "While you are watching out for the eagles you are being pecked to death by the ducks." And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as "my spiritual advisor." Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by "skin 'em and cheat 'ems," "shiny britches," and "snuff dippers." These people don't merely get excited, they have "rollin' of the eyes" and "jerkin' of the navel." Colorful he was. But Glen needed that lighthearted perspective to survive, for Glen was in the middle of what is now called "that mess in Washington" from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it "the work of the Lord." And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humour and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: "Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin', 4-flushin', SOB I've ever known." He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Ole Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me "How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville." Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table in a silver ice bucket we had Glen's cheap rosé wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way:

"FMI, to Glen P. Woodard, The Best There Is.

"For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

"We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985."

And that still goes Glen, old buddy.

CONGRATULATORY REMARKS FOR ROBERTS ELEMENTARY SCHOOL

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to recognize one of the premier magnet schools in Texas, Oran M. Roberts Elementary School in Houston. Roberts Elementary recently received the Texas Successful Schools Award for Exemplary Academic Performance—one of only 67 schools throughout the State to receive this prestigious and well-deserved honor.

The Texas Successful Schools Award is given each year by the Governor and the Texas commissioner of education to schools that demonstrate a high rate of attendance among its students and a score of 90 percent or above for grades 3–5 on TAAS, the statewide achievement test which measures students' proficiency in reading, writing, and mathematics.

Roberts Elementary takes a unique and creative approach to learning. With students from over 40 countries and an emphasis on fine arts and physical development, Roberts has brought a highly international flavor and a diverse curriculum to its students. Strong parent involvement and vigorous community support, in addition to a cutting-edge science program, computer lab, and new library, enabled the school to excel in providing a quality education to all its students.

One of Roberts Elementary's most outstanding programs is its fine arts program. Student artwork has been displayed throughout Houston, at the Children's Museum, the Museum of Natural Sciences, and other local businesses. The school is currently working on a mural which will be sent to a school in Turkey as part of the Houston International Festival.

I congratulate the 525 students and their principal and teachers at Roberts, and I wish them well as they will continue to strive for achievement in the field of education.

A TRIBUTE TO HIS MAJESTY KING BHUMIBOL ADULYADEJ—KING RAMA IX OF THAILAND

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. CLEMENT. Mr. Speaker, I rise today to pay tribute to His Majesty the King of Thailand, on the commemoration of the Royal Golden Jubilee celebration which commences this month of January 1995 and continues through 1997. His Majesty will enter his 50th year of reign on June 9.

The ninth king of the Chakri Dynasty was born on December 5, 1927, in Cambridge, MA. He is now the longest reigning monarch in Thailand's history. When crowned King on May 5, 1950, at the age of 23, he said, "We will reign with righteousness for the benefit and the happiness of the Siamese people." The legacy of his royal forebears resonated with these words and his subsequent bonding with the Thai people.

His Majesty is the third constitutional monarch since absolute monarchy was abolished in 1932. He has built and strengthened his moral authority through unwavering integrity in decision making and constant pursuit of goals beneficial to his people. For nearly 50 years he has given Thailand the trusted, impartial leadership vital to surviving all threats to democracy.

Loved and admired by his people, he is never far from them. He has visited all 72 Thai provinces to observe first-hand the needs of small communities and the challenges of working people. Over the years His Majesty has been involved in numerous projects promoting small business development and the welfare of farmers, including co-op farming, irrigation, re-forestation and watershed development. In conversations with his people, he emphasizes education, public health, and self-improvement—key factors in developing and improving quality of life. He supports his theory with generous endowments to educational institutions and special projects, and he has set aside substantial space in Chitralada Palace for experimental agricultural projects.

One of His Majesty's foremost commitments is the protection of authentic Thai culture through promotion of the arts and preservation of ancient cities. Part of the authenticity of Thai culture lies in religious diversity. The Thai constitution prescribes that the King not only defend the Buddhist faith, but uphold all religions. His Majesty gives equal protection and support to all forms of worship.

His Majesty's influence can be discerned in all his numerous projects, his lifelong interest in public health, his efforts to bring peaceful solutions in times of conflict, and his generosity in helping refugees in neighboring countries. His contributions, on both a large and small scale, have made King Bhumibol the prime source of inspiration, pride and joy among the Thai people. If a country can be defined in terms of a soul, King Bhumibol Adulyadej has become the soul of Thailand.

THE 325TH ANNIVERSARY OF THE SOUTH CONGREGATIONAL CHURCH IN HARTFORD, CT

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to recognize a milestone in the history of Hartford, CT—the 325th Anniversary of the Second Church of Christ, best known as the South Congregational Church.

This church, a beacon of calm in downtown Hartford, actually had its origins in a prolonged and bitter religious dispute. Reverend Thomas Hooker, who left the Massachusetts Bay Colony to settle Hartford, was the pastor of the First Congregational Church. After his death, however, his successor adopted a more rigid, autocratic view of religion. This led to a generation-long conflict that ultimately led to the General Court of Connecticut's granting a petition to establish a second church. In February 1670, 33 men and women under the direction of the Reverend John Whiting established the South Congregational church.

Since that time, this church has been an architectural presence and spiritual beacon in Hartford. The church's meeting house, its third, was completed in 1827, and is Hartford's third oldest public building. The structure has endured fires, hurricanes, and tornadoes. In 1977, it was named to the National Register of Historic Places.

Amazingly, in its 325 years, this church has had only 15 senior ministers. The roll includes: Thomas Buckingham (1694–1731), a founder and original trustee of Yale University; Elnathan Whitman (1732–1777), a prolific preacher during the Great Awakening; Edwin Pond Parker (1860–1912), a distinguished historian, writer, and hymnwriter; the Reverend Dr. Henry David Gray (1955–1970), Congregational Scholar and founder of the National Association of Pilgrim Fellowship; and Dr. John Robert Elmore (1970–1992), a national recognized leader in family and marriage counseling.

Today, the congregation is once again led by a dedicated pastor, who understands both the church's historic past and the role it can play in the city's future. Dr. Jay Murray Terbush has worked to maintain South Congregational's presence and participation in downtown Hartford and in the greater Hartford area. Under his stewardship, the church and its ministries are well-positioned for the 21st century.

Mr. Speaker, I am honored to have the opportunity to commemorate this important milestone, and offer my most sincere congratulations to the South Congregational Church on its 325th Anniversary.

OPPOSITION TO NOMINATION OF DR. HENRY W. FOSTER, JR.

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BARR. Mr. Speaker, I rise today to voice my strong opposition to the President's nomination of Dr. Henry W. Foster, Jr., as Surgeon General of the United States. Although this body will not take part in the confirmation hearings, I urge my colleagues in the Senate to deny the approval of this nominee.

Dr. Foster has not been straightforward with the American people. He has misled the public about his record in performing abortions. Dr. Foster stated that he performed abortions primarily to save the lives of women or in cases of rape and incest. These statements were not true.

Dr. Foster has performed numerous conventional abortions for birth control, and I understand he has also been on the cutting edge of developing a more efficient means of taking unborn life. Dr. Foster has been a leader in researching and testing experimental drugs to induce abortion.

In addition, Dr. Foster has a history of working against legal limitations on abortions. He has served on the board of directors of the Planned Parenthood Federation of America and was recently listed as a member of the National Leadership Committee of Planned Parenthood's campaign to keep abortion safe and legal.

Dr. Foster's record on abortion is troubling enough to me, but his unwillingness to live up to that record is of even greater concern. Mr. Speaker, it is my understanding that all medical professionals take an oath to do everything possible to save human life. Abortion is clearly contrary to, and a violation of that oath.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. BECERRA. Mr. Speaker, due to a sudden emergency in my family, I left Washington for my home in Los Angeles on the evening of Tuesday, January 31, 1995. I spent the remainder of that week as well as the first day of the following week in Los Angeles.

As a result, I missed a number of recorded votes on amendments to H.R. 5, the Unfunded Mandate Reform Act of 1995, as well as H.R. 2, the Line-Item Veto Act.

My constituents have a right to know how I would have voted on the various amendments and bills considered during this time. For the record, I would like to indicate my position on each missed vote:

Mink amendment to H.R. 5 (rollcall 77)—"aye."

Beilenson amendment to H.R. 5 (rollcall 78)—"aye."

Moran amendment to H.R. 5 (rollcall 79)—"aye."

Sanders amendment to H.R. 5 (rollcall 80)—"aye."

Doggett amendment to H.R. 5 (rollcall 81)—"aye."

Moran amendment to H.R. 5 in the nature of a substitute (rollcall 82)—"aye."

On final passage of H.R. 5 (rollcall 83)—"no."

On final passage of H.R. 400, the Anaktuvuk Pass Land Exchange and Wilderness Redesignation Act of 1995 (rollcall 84)—"aye."

Moran amendment to H.R. 2 (rollcall 85)—"aye."

Slaughter amendment to H.R. 2 (rollcall 86)—"aye."

Skelton amendment to H.R. 2 (rollcall 87)—"no."

Kanjorski amendment to H.R. 2 (rollcall 88)—"aye."

Spratt amendment to H.R. 2 (rollcall 89)—"aye."

Wise amendment to H.R. 2 in the nature of a substitute (rollcall 90)—"yes."

Orton amendment to H.R. 2 (rollcall 91)—"no."

Waters amendment to H.R. 2 (rollcall 92)—"aye."

Stenholm amendment to H.R. 2 in the nature of a substitute (rollcall 93)—"aye."

On motion to recommit with instructions (rollcall 94)—"aye."

On final passage of H.R. 2 (rollcall 95)—"no."

Mr. Speaker, I wish to also advise that over the next several weeks family circumstances may require my presence at home in Los Angeles more frequently than the current legislative calendar might otherwise permit. My wife Carolina and I are expecting our second child in 3 months. Under doctor's orders, Carolina has been confined to bed rest until she has completed her pregnancy. As committed as I am to fulfill my legislative responsibilities, I intend to do what I believe I must to tend to my responsibilities as a husband and father.

INTRODUCTION OF LEGISLATION EXPRESSING THE SENSE OF CONGRESS THAT A COMMEMORATIVE POSTAGE STAMP, HONORING THE 100TH ANNIVERSARY OF THE JEWISH WAR VETERANS, SHOULD BE ISSUED, HOUSE CONCURRENT RESOLUTION 26

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. GILMAN. Mr. Speaker, along with the gentleman from Missouri [Mr. TALENT], it is my honor to introduce legislation that expresses the sense of Congress that a commemorative postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans. I commend my colleague, the gentleman from Missouri [Mr. TALENT] who as an original sponsor of this important measure, has reaffirmed his continued support for our Nation's brave service men and women.

As many of my colleagues are aware, the Jewish War Veterans [JWV] is an organization dedicated to upholding the principles and the freedoms that our Nation stands for. The JWV is the oldest duly chartered veterans service organization, and its members have proudly served the American people for the past 99 years. Whether on the battlefield or on American soil, Jewish-Americans have answered the call to service. In fact, during World War II alone, more than 52,000 awards for outstanding service in the U.S. Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart, were issued to Jewish veterans.

I believe it is appropriate to honor our Nation's dedicated Jewish service men and women, with the celebration of their 100-year anniversary on March 15, 1996, I can think of no more fitting a manner in which to commemorate the JWV's many years of patriotism and service.

Accordingly, I urge my colleagues to join in sponsoring this important legislation, House Concurrent Resolution 26. If postage stamps can be issued honoring gunfighters from the Old West, like Bat Masterson and Wyatt Earp, surely the postal officials can find reason enough to issue a stamp that pays tribute to Jewish war veterans, who have given so much for all of us in times of war and peace.

H. CON. RES. 26

Whereas the Jewish War Veterans of the United States of America, an organization of patriotic Americans dedicated to highlighting the role of Jews in the United States Armed Forces, will celebrate 100 years of patriotic service to the Nation on March 15, 1996;

Whereas thousands of Jews have proudly served the Nation in times of war;

Whereas thousands of Jews have died in combat while serving in the United States Armed Forces;

Whereas, in World War II alone, Jews received more than 52,000 awards for outstanding service in the United States Armed Forces, including the Medal of Honor, the Air Medal, the Silver Star, and the Purple Heart;

Whereas, in World War II alone, over 11,000 Jews died in combat while serving in the United States Armed Forces;

Whereas members of the Jewish War Veterans of the United States of America have volunteered over 10,000,000 hours at veterans' hospitals; and

Whereas honoring the sacrifices of Jewish veterans is an important component of recognizing the strong and patriotic role Jews have played in the United States Armed Forces: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) a postage stamp should be issued to honor the 100th anniversary of the Jewish War Veterans of the United States of America; and

(2) the Citizens' Stamp Advisory Committee of the United States Postal Service should recommend to the Postmaster General that such a postage stamp be issued.

TRIBUTE TO GEORGE R. URBAN

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to give tribute to George R. Urban, who after serving the International Association of Machinists and Aerospace Workers [IAMAW] with distinction for 42 years, has retired.

George was initiated into the union while employed by Alloy Products Corp. in Waukesha, WI. He later became a member of the bargaining committee and a shop chairman at Alloy Products. George has served as a business representative of District 48, which merged with, and became known as, District 10 in 1973. He has held this highly regarded position for 27 years.

As president of the Waukesha County Labor Council since 1975, George Urban has devoted countless hours to ensure the well-being of working men and women and their families in southeastern Wisconsin and throughout our Nation. Our young labor leaders would do well to follow George's fine example of union representation.

George, best wishes during your well-deserved retirement with your family and many friends.

SAN FRANCISCO CHRONICLE ON THE UNITED NATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. LANTOS. Mr. Speaker, I urge my collages to read an excellent editorial in the San Francisco Chronicle on the United Nations. The Chronicle and Ambassador Madeleine Albright, our permanent U.S. representative at the United Nations, are to be commended for their compelling argument for maintaining the integrity of the United Nations.

We are in an era of opportunity—we have the extraordinary opportunity to create a more peaceful, more humane, and more orderly world now that we have entered the post-cold-war era. This is not the time for the United States to enter into a new era of isolationism.

Mr. Speaker, I commend your attention and the attention of my colleagues to this excellent and timely editorial, and I ask that it be placed in the RECORD.

[From the San Francisco Chronicle]

U.N. Peacekeeping Is Worth Fighting For

Madeleine Albright, the U.S. ambassador to the United Nations, threw down a gauntlet two weeks ago: "This administration," she pledged, "will not allow the hullabaloo over (the GOP Contract with America) to cause the Charter of the United Nations—the 'contract' of Truman and Vandenberg and Dulles and FDR and Eleanor Roosevelt and the generation that triumphed over the Nazis—to be ripped to shreds."

This week, President Clinton himself should publicly join in that pledge with a veto vow when the House of Representatives takes up passage of the misnamed National Security Revitalization Act—a transparent effort to fatally undermine the U.N.'s central security role: peacekeeping.

Under the guise of making the U.S. rule in U.N. peacekeeping more accountable to Congress, the bill would dramatically cut U.S. financing, virtually prohibit the deployment of U.S. forces under foreign command and require congressional approval before a single American soldier is sent into a U.N. peacekeeping operation—something Congress has never before found the political courage to do.

The financing restrictions are ludicrous in the extreme. By requiring that all voluntary U.S. military contributions to missions approved by the Security Council—such as logistics and transport support—be deducted from the U.S. peacekeeping assessment, the legislation could actually result in the U.N. owing money to the United States.

As Secretary of State Warren Christopher has testified: "Such a proposal would eliminate all U.S. payments for U.N. peacekeeping. It would almost certainly lead our NATO allies and Japan (which also make large voluntary contributions) to follow suit. * * * It would threaten to end U.N. peacekeeping overnight."

Certainly the explosion of U.N. peacekeeping demands in the wake of the Cold War, their rising costs and the increasingly complexity and danger of the missions require more critical attention. But Washington has already unilaterally reduced its peacekeeping assessments from 31 percent to 25 percent, and the Clinton administration last May imposed strict new standards for U.S. participation.

Today, fewer than 1,000 Americans are wearing blue helmets, and the U.S. financing contribution is less than 0.5 percent of all foreign policy and national security spending. What we get for that is enormous global leverage and burden sharing in pursuit of direct and indirect U.S. interests—the ability, in many cases, to achieve goals at a fraction of the cost of unilateral action.

Passage of this legislation would, in effect, turn this 50th anniversary year of the United Nations into a de facto funeral. That must not be allowed to happen.

INTRODUCTION OF THE FIRE SAFETY EDUCATION ACT

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. HOYER. Mr. Speaker, as a member of the Fire Services caucus, I am proud to introduce the Fire Safety Education Act.

Every 113 minutes, this Nation incurs a civilian fire death. Every 17 minutes, this Nation incurs a civilian fire death. Every 17 minutes, this Nation incurs a civilian fire injury. On average each year, we lose about 6,000 lives, experience 29,000 civilian injuries and incur several billion dollars in property losses. These are bone-chilling statistics which should concern all of us. I believe, in many instances, these fire-related losses probably could have been avoided had the individuals affected received proper fire safety education. All too often, we all read stories in the paper about innocent children burning to death in a home without a smoke alarm or about the senseless death of fires started by children playing with matches or adults not adequately putting out cigarettes. I have introduced the Fire Safety Education Act to help avoid these types of occurrences in the future.

This legislation will create a grant program through the U.S. Fire Administration for State and local fire prevention efforts. Half of the grant money in the bill is designated for established fire prevention programs which have demonstrated success. The bill will encourage communities to continue their fire prevention programs by offering Federal assistance if they do so.

In addition to encouraging fire prevention grants, the Fire Safety Education Act also seeks to improve our country's collection and analysis of fire data. The bill also sets recording requirements so that we can be sure Federal and local resources are being used efficiently.

It is extremely important that we provide resources to help combat our Nation's fire problem. This bill serves as a preventive measure which will move us a step closer to achieving our goal of preventing senseless loss of life and property.

THE SOCIALLY RESPONSIBLE BUSINESS PRACTICES ACT OF 1995

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. EVANS. Mr. Speaker, we do not have to sacrifice our principles for profit. Corporations can look beyond the bottom line to ensure that decent human and worker rights are guaranteed to their foreign workers.

Some U.S. corporations, like Levi Strauss have articulated socially responsible policies and provided active oversight over these standards. They have shown that their considerable economic and social influence can be a force for positive change.

Yet, many multinationals have not joined the movement to promote corporate responsibility. There are cases in some U.S. affiliated factories abroad, where children as young as five toil for more than 12 hours and less than 20 cents a day. In other instances, contractors are found to combine warehouse, workplace, and dormitory facilities contributing to dangerous and inhumane working and living conditions. We can and must do better.

Today, 25 of my colleagues are joining me in reintroducing The Socially Responsible Business Practices Act of 1995. This bill calls for a voluntary code of conduct based on internationally recognized principles to ensure that U.S. foreign investment remains competitive while also creating a socially responsible climate for trade and investment.

I urge my colleagues to cosponsor this legislation to ensure that international trade and investment is a positive force in all countries—not a license to exploit workers.

A JOURNEY FOR PERMANENT PEACE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to share with my colleagues an article penned by Camelia Anwar Sadat, the daughter of slain Egyptian President Anwar Sadat. The subject of her writing concerns a program called Givat Haviva, which Ms. Sadat recently became acquainted with in her first trip to Israel.

The Givat Haviva Institute is an educational foundation program whose purpose is bringing Arab and Jewish children together to learn how to live in a united future. Education of the youth is crucial to the future of peace in that troubled region.

Accordingly, Mr. Speaker, I want to commend this article, initially printed in the Boston Globe, to my colleagues, and ask that it be inserted at this point into the CONGRESSIONAL RECORD.

[From the Boston Globe, Dec. 30, 1994]

The Key to Mideast Peace

(By Camelia Anwar Sadat)

Middle East peace has been a dream that my father worked for and paid for with his life, and ever since, I have dedicated my life to this cause.

It wasn't until recently, however, that I made my first trip to Israel; the time was finally right for me to follow in my father's historic footsteps. Had I gone earlier I would have created a conflict. Those who did not accept my father or Camp David would not have accepted me. But now treaties are being signed, and the dreams of our forefathers are close to being fulfilled.

However, recent events demonstrate an overriding ambivalence to the benefits of peace—the Israeli Cabinet is debating whether it will withdraw troops from the West Bank as promised; a recent Jerusalem report noted that Jordanians are reticent about welcoming Israelis into their communities.

In order for peace to succeed in the Middle East, there must be a foundation for understanding and acceptance. This can be realized only through education—the vehicle for lasting peace in the region. As the leaders of the peace process have made clear time after time, the people who are living by the treaties must change the way they live and think.

Today's children—the keepers of future peace—must be taught how to nurture the peace their predecessors began. It is up to today's leaders to ensure that those who will lead in the future receive the tools necessary to strengthen the fraternity between Arabs and Jews. They must learn how to coexist in a solid, integrated society.

War and violence are still fresh in the minds of those of us who have experienced its brutality. Indeed, violence has been a daily occurrence for generations. Now the generations must learn how to tolerate coexistence and different ways to settle disputes.

Although no peace treaty has addressed the fundamental issue of education, successful programs are bringing Arab and Jewish children together to learn how to live in a united future.

One of the most successful programs is the Givat Haviva. Since the Givat Haviva Institute was established in 1949, Jews and Arabs have had the opportunity to participate in programs that advance and protect democratic values and peace.

At Givat Haviva, I watched Arab and Jewish children teach each other and learn how to coexist. I saw young people, their parents and teachers being given survival tolls to move forward toward new and beneficial vistas.

I observed the next generation of Arabs and Jews preparing to come to age during a new time of peace and understanding. It was thrilling to take part in the peace process started 14 years ago by Menachem Begin, Jimmy Carter and my father. I observed harmony between Arab and Jew.

Now, with the dramatic, meaningful and lasting changes that are occurring in the Middle East, I want to help ensure that the message of yesterday's leaders is not forgotten during this great era of opportunity.

When my father went to Israel in 1977, a wall came down for me, a wall that prevented me from seeing many things—most importantly, a wall that blocked me from seeing Jews and Israelis as anything but enemies. Today's leaders must realize that this wall still blocks the vision of many Arabs and Jews. It is only through education that a lasting peace will flourish.

My life has been surrounded by war. My sisters were married to army officers. My uncles served in the army. My cousins marched off to war. My life was not so different from the Israelis. They, too, have been surrounded by war. They, too, watched loved ones march off and die for peace. Many who died in the violence of the Middle East shared a vision—a vision of a peaceful future for us, their children.

My father gave his life for peace. Only through such programs as Givat Haviva, which is educating our children on how to live in peace, can the memories of all who died for this cause be best remembered.

INTRODUCTION OF THE "PUBLIC HEALTH AND SAFETY ACT OF 1995"

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. OWENS. Mr. Speaker, I rise to introduce the "Public Health and Safety Act of 1995." This legislation, also introduced last Congress by Senator JOHN CHAFEE and myself, would prohibit the transfer or possession of handguns and handgun ammunition, except in limited circumstances. It would go a long way toward protecting our citizens from violent crime.

The need for a ban on handguns cannot be overstated. Unlike rifles and shotguns, handguns are easily concealable. Consequently, they are the weapons of choice in most murders, accounting for 10,000 homicides a year and nearly 13,000 suicides a year. In fact, handguns account for 78 percent of all firearm crimes even though they represent only 25 percent of all firearms in circulation.

Most other industrialized countries have a virtual ban on handgun sales, which accounts for the vast difference in homicide rate between the United States and these other nations. In 1990, handguns killed only 22 people in Great Britain, 13 in Sweden, 91 in Switzerland, 87 in Japan, 10 in Australia, and 68 in Canada. In the United States, handgun fatalities totaled 10,567.

Unfortunately, gun violence is getting worse in this country, not better. Between 1960 and 1980, the Nation's firearm death rate increased 160 percent while the rate for other homicides declined. In 1993, death rates from firearm injuries and motor vehicle injuries were statistically equal, making it almost certain that firearms will emerge as the Nation's leading cause of traumatic death in 1994 once the figures have been tabulated. At these rates, 3 million people will have been shot (including 350,000 fatalities) by the end of the year 2000 since the beginning of 1993.

Dr. James R. Hughes, a fellow with the American Academy of Pediatrics, has analogized the epidemic of handgun violence in this country to that of polio in the early 1950's. At that time, there were 10,000 cases of crippling polio a year in the United States. By the late 1980's, that number had been reduced to 10. Today, instead of enduring 10,000 cases of polio, we watch as 10,000 people are murdered by handguns each year. Yet somehow, there are many people in this country who do not feel we need to search for a cure for the disease of violence. I could not disagree more.

If we do not act now, the "gun culture" will continue to thrive, sapping our health care system of its much needed resources. As the victims of gun violence pour in, hospitals across the Nation are closing affiliated trauma centers because of the spiraling costs associated with treating gunshot wounds. From 1989 to 1991, the average per-patient cost of gunshot wounds at a major New York hospital was $9,646. That figure does not even consider the costs of ambulance services, follow-up care, medication, and rehabilitation.

Furthermore, studies have shown that firearm injuries are more costly than any other type of injury. The total cost of firearm injuries in 1990 was $20.4 billion. That figure includes direct costs, indirect costs, and life years lost. It represents a 42 percent increase in costs from 1985 to 1990.

Over the same 5-year period, direct medical costs from firearm injuries exhibited the greatest increase—55 percent—and totaled $1.4 billion for 1990. Other studies have placed direct medical costs as high as $4 billion a year.

The "Public Health and Safety Act of 1995" would abate the rising tide of handgun violence and its negative impact on the viability of our health care system. It would prohibit the importation, exportation, manufacture, sale, purchase, transfer, receipt, possession, or transportation of handguns and handgun ammunition. Violators would be subject to penalties of up to $5,000 and up to 5 years in prison.

A 6-month "grace period" would be established during which time handguns could be turned in to any law enforcement agency with impunity and for reimbursement at the greater of $25 or the fair market value of the handgun. After the grace period's expiration, handguns could be turned in voluntarily with impunity from criminal prosecution, but a civil fine of $500 would be imposed.

Exemptions from the handgun ban would be permitted for Federal, State, or local government agencies, including military and law enforcement; collectors of antique firearms; federally-licensed handgun sporting clubs; federally-licensed professional security guard services; and federally-licensed dealers, importers, or manufacturers.

I urge the Judiciary Committee to consider this legislation without delay. While passage of the Brady bill and assault weapons ban were good initial steps toward reducing gun violence, passage of this bill would be the giant leap forward this country so desperately needs.

The "Public Health and Safety Act of 1995" represents an approach to handgun control which deserves the support of all Members of Congress who want to stop gun murders now. If this legislation is not passed swiftly, handguns will continue to be sold "over the counter" as easily as aspirin; the nation's at-risk youth will continue to attempt to resolve their problems by turning to handgun violence; and all of us will continue to fear for our lives when we step out of our homes at night.

THE COLON CANCER SCREENING AND PREVENTION ACT—INTRODUCED

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. CARDIN. Mr. Speaker, today I am introducing the Colon Cancer Screening and Prevention Act. This legislation provides for Medicare coverage of preventive services to enhance the early detection and treatment of colorectal cancer—the second deadliest cancer in America.

Colorectal cancer is more common than either breast or prostate cancer, and strikes men and women in almost equal numbers. This year alone it is estimated that over 138,000 new cases will be diagnosed and more than 55,000 lives lost.

If colorectal cancer is not found early, less than 60 percent of persons diagnosed will survive for 5 years. Early detection, however, can boost the 5-year survival rate to 91 percent. That is an astonishing difference which can be appreciated in terms of both lives and dollars saved.

With well documented and highly effective detection and prevention strategies, colorectal cancers have become almost completely preventable. Every major Federal employee health plan recognizes the importance of colorectal screening measures and provides coverage for these services. Yet—although the average age at the time of diagnosis is 71—Medicare does not provide coverage of screening and preventive services for colorectal cancers.

With this legislation Medicare beneficiaries are eligible for two screening services at specified intervals. For those at high risk of developing colorectal cancer—due to previous experience of cancer or precursor polyps, a history of a chronic digestive disease condition, the presence of recognized gene markers, or other predisposing factors—a more comprehensive and invasive procedure is also covered.

Specifically, the Colon Cancer Screening and Prevention Act first enables early detection of colorectal cancers by providing for an annual fecal occult blood test [FOBT]. This is a non-invasive test that checks for blood in a stool sample, at an average cost of only $5. Research shows that this simple test, with follow-up examination of a positive result, reduces the risk of death from colorectal cancer by between 33 and 43 percent.

Second, this legislation includes benefit coverage of a flexible sigmoidoscopy examination, which enables a doctor to inspect the lower part of the colon where 50 to 60 percent of polyps and cancers occur. This preventive service would be available no more than once every 4 years.

Third, the Colon Cancer Screening and Prevention Act allows individuals at high risk for developing colorectal cancer to receive a screening colonoscopy exam no more than once every 2 years. This procedure allows examination of the entire colon and, if necessary, biopsy and removal of suspicious polyps, which are the precursors to almost all colon cancers.

The preventive screening services in the Colon Cancer Screening and Prevention Act are standard medical procedures recommended by the American Cancer Society, the National Cancer Institute, the American College of Gastroenterology, the American Gastroenterological Association, and the American College of Physicians. Among the many professionals who have provided the scientific and technical information underlying this legislation, I particularly appreciate the efforts of Marvin Schuster, M.D. of Johns Hopkins University, who serves as treasurer of the American College of Gastroenterology.

The ACG worked closely with me last year in developing this legislation and documenting the need for this benefit. The Colon Cancer Screening and Prevention Act has been endorsed by many consumer groups, including the Crohn's and Colitis Foundation, the United Ostomy Association and the Digestive Diseases National Coalition, as well as professional societies such as the American Medical Association and the American Nurses Association.

In an environment of rising health care costs, this amendment will save Medicare dollars. Screening to detect colorectal cancers and providing necessary treatments early in the course of the disease not only improves the quality of life for patients but is much cheaper than providing intensive, expensive medical treatment to individuals in the late stages of colorectal cancer.

Many of my colleagues recognize the gap in Medicare coverage resulting from the failure to provide sensible, preventive colorectal screening benefits. This legislation, which received strong bipartisan support during the 103d Congress, closes that gap, providing Medicare beneficiaries with necessary, cost-effective services. I urge my colleagues to join me in supporting the Colon Cancer Screening and Prevention Act.

OPPOSING THE MINIMUM WAGE IS BAD POLICY AND BAD POLITICS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. CLAY. Mr. Speaker, I am inserting in the RECORD a column by Gregory Freeman that appeared in the February 7, 1995, edition of the St. Louis Post-Dispatch. I have long contended that if you want Americans to work, you must pay them a living wage. Inflation has reduced the real income of minimum wage workers by almost 50 cents since the last time the minimum wage was raised. Stated another way, minimum wage workers have seen wages decrease by 12 percent. A 12-percent reduction in real earnings, when one is only earning $4.25 an hour to begin with, raises the very real specter that, despite their best efforts, a worker will be unable to support his or her family. Two-thirds of all minimum wage workers are adults. Fifty percent of all minimum wage workers are providing half of their families' total income. Opposing an increase in the minimum wage will only serve to drive even more families deeper into poverty. That is bad policy. As the following article clearly indicates, it is also bad politics. I commend Mr. Freeman's article to the attention of my colleagues.

[From the St. Louis Dispatch, Feb. 7, 1995]

GOP STANCE ON WAGE IRKS WORKING WIDOW

(By Gregory Freeman)

Barbara A. is having second thoughts about her votes in November for the "Republican revolution."

Back in November, Barbara voted for John Ashcroft for senator and Jim Talent for Congress. She was thrilled election night when she learned that Republicans had taken over the House and the Senate.

"I was tired of the same old thing," Barbara said. "Lots of promises, nothing getting done. The Democrats fighting the Republicans. The Republicans fighting the Democrats. I figured, 'Let's give the Republicans a chance. They can't do any worse.'"

But now she's wondering. The issues are starting to hit home. And Barbara's afraid the hitting's being done below the belt.

Barbara is a clerical worker for a parochial school. The job pays $4.25 an hour—minimum wage. It's not much, she realizes—her annual salary is below the poverty level—but it's a job and it pays the bills. A proud woman, she says she'd never even consider going on welfare.

Barbara likes her job because it's close to her home. On nice days, she can walk to work and save gasoline. She also enjoys her job because she gets to see kids each day.

But Barbara also laments that her job doesn't pay more. A widow in her late 20s, Barbara has difficulty getting by from payday to payday. When her husband was alive, the two of them were able to scrape up enough money to get by. But he died last year of cancer, and life's not easy without him. She's trying to save up so she can return to school, but it seems the harder she tries, the harder it gets.

That's why Barbara's puzzled by the Republican opposition to President Bill Clinton's proposal to raise the minimum wage by 90 cents an hour over two years.

"I'm working," she said. "I'm not taking handouts. I'm not on welfare. I'm trying to get by. So I can't understand why these politicians don't want me to get 90 cents for what I do. The Republicans promised to be for the average person."

It is bewildering, frankly.

A majority of the Republicans in Congress are against increasing the minimum wage—this time. There wasn't much opposition by Republicans to an increase in the minimum wage the last time it was proposed in 1990 by Republican President George Bush. Some of the same people now critical of the proposed increase voted for it under Bush.

The cost of living has gone up in five years. Why shouldn't the minimum wage increase as well?

Of course, it always seems that the people who oppose an increase in the minimum wage are people who don't work at the minimum wage. Those yelling the most—those in Congress—have voted themselves six-figure salaries over the years, yet they begrudge the working poor 90 cents.

Just who are these working poor who work at minimum wage?

Most are not teen-agers and minorities, as some might expect, researchers say. Instead, a majority of those in such jobs are people like Barbara—white women.

According to the Center on Budget and Policy Priorities, 70 percent of minimum wage earners are white and more than three out of every five are women. The center estimates that 4.2 million workers paid by the hour in 1993 earned minimum wage or less, representing 6.6 percent of all hourly workers.

The 90 cents an hour comes to $36 a week—less, once taxes are taken out. That may not seem like much to some. But for people in small towns making minimum wage at a factory, or department store clerks, or cooks, or folks like Barbara, that could make a real difference.

"I count my pennies every week," Barbara said. "I try to be as frugal as I can. But an increase in the minimum wage would sure go a long way."

Opponents insist that any raise in the minimum wage would hurt the economy, forcing employers to lay off workers. Proponents say that an increase could actually result in more jobs being created. Both sides cite studies that back their views.

Meanwhile, House Majority Leader Dick Armey, R-Texas, says the country would be better served by getting rid of minimum wage altogether.

For Barbara, life won't end if the minimum wage isn't increased. It will just serve as a lesson in politics.

"It seems like every politician wants to be for the working person when election time rolls around," she said. "But as soon as it comes time for them to stand up for you and be counted, then they abandon you."

INTRODUCTION OF THE "FIREARMS SAFETY AND VIOLENCE PREVENTION ACT OF 1995"

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1995

Mr. OWENS. Mr. Speaker, which product is virtually exempt from consumer regulation? Toasters, teddy bears, trucks, or guns? Most Americans would be surprised by the answer: handguns and other firearms for all intents and purposes are unregulated.

Almost every product sold in America comes under the health and safety regulation of a Federal agency. The Consumer Product Safety Commission regulates the safety of consumer products used in and around the house and in recreation. The Environmental Protection Agency is in charge of toxic chemicals and ensuring that pesticides which present unreasonable and adverse effects on the health and environment are not sold.

In contrast, the Bureau of Alcohol, Tobacco and Firearms [ATF]—the Federal agency with jurisdiction over the firearms industry and its products—only can issue manufacture and dealer licenses while enforcing the few Federal gun controls that are in place. The agency has no power to ensure that guns sold are safe for their intended use and lacks the authority to prohibit the manufacture or sale of current or new firearms technology that poses a significant threat to public safety.

The gun industry has taken full advantage of this laissez-faire environment. In the wake of a handgun sales slump in the early 1980's, the industry moved to take advantage of this situation with a new focus on firepower and technology. The industry also expanded its market base. Recognizing the saturation of its primary market of white males, the gun industry—just like the tobacco and alcohol manufacturers before it—has directed its niche marketing tactics at minorities, women, and youth.

The result of the gun industry's actions has been a literal epidemic of gun violence. Guns claim more than 38,000 lives a year. And contrary to public perception, most of these deaths are not crime related. The most common means of gun death is suicide (18,885 in 1990), and the most common scenario leading to a homicide is not felony activity, but arguments between people who know each other.

Additionally, it is estimated that each year firearms injure more than 150,000 Americans. The resulting monetary costs are staggering. The Centers for Disease Control estimates that in 1990, the total lifetime economic costs of firearm death and injury were $20.4 billion. What these figures reveal is that firearms violence has created a public health crisis of which crime is merely the most visible aspect.

Today, I am introducing a bill, the Firearms Safety and Violence Prevention Act, which takes the first step in beginning to reduce firearms death and injury in America by recognizing firearms for what they are—inherently dangerous consumer products. This comprehensive bill would give ATF the power to protect citizens from unreasonable risk of injury resulting from the use of firearms or related products. ATF would have the ability to set safety standards, issue recalls of defective firearms, and mandate warnings. Only if such measures failed to prevent the public from being exposed to an unreasonable risk of injury could ATF then prohibit the manufacture or sale of a specific firearm. The bill itself does not ban any firearms.

The firearms industry's assertion that guns don't kill you rings as hollow as the discredited promises of the tobacco lobby that cigarettes don't cause cancer. For more than a century, America's gun manufacturers have operated in the shadows, avoiding public scrutiny. It is time for Congress to look behind the gun store counter to the industry that manufactures these deadly products.

Mr. Speaker, I urge my colleagues on the Judiciary Committee to hold hearings on this important piece of legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 15

9:00 a.m.

Labor and Human Resources

To hold hearings on S. 141, to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on federal construction contracts, promote small business participation in Federal contracting, and reduce unnecessary paperwork and reporting requirements.

SD–430

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for defense programs, focusing on Pacific issues.

SD–116

Armed Services

To hold hearings on the nominations of Alton W. Cornelia, of South Dakota, Rebecca G. Cox, of California, Gen. James B. Davis, USAF (Ret.), of Florida, S. Lee Kling, of Maryland, Benjamin F. Montoya, of New Mexico, and Wendi Louise Steele, of Texas, each to be a Member of the Defense Base Closure and Realignment Commission.

SD–106

Budget

To hold hearings to examine the funding of international affairs in a balanced budget environment.

SD–608

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1996 for the Forest Service.

SD–366

Finance

To hold hearings to examine the tax treatment of capital gains and losses, focusing on the economic and tax implications of a capital gains tax cut.

SD–215

Special on Aging

Business meeting, to consider pending committee business.

SD–562

2:00 p.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1996 for the Environmental Protection Agency.

SD–406

Judiciary

Antitrust, Business Rights, and Competition Subcommittee

To hold hearings to examine the court imposed major league baseball antitrust exemption.

SD–226

FEBRUARY 16

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense, and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.

SR–222

Budget

To hold hearings to examine proposed reforms for agriculture support programs.

SD–608

Energy and Natural Resources

To hold hearings on the President's proposed budget request for fiscal year 1996 for the Department of the Interior.

SD–366

Finance

To continue hearings to examine the tax treatment of capital gains and losses, focusing on indexing assets to eliminate tax on gains caused by inflation; to be followed by a business meeting to consider the nominations of Shirley Sears Chater, of Texas, to be Commissioner of Social Security, Maurice B. Foley, of California, and Juan F. Vasquex, each to be a Judge of the United States Tax Court.

SD–215

Indian Affairs

To continue hearings on proposed legislation authorizing funds for fiscal year 1996 for Indian programs.

SR–485

Joint Economic

To hold hearings to examine enforcement mechanisms for the proposed balanced budget amendment.

SD–562

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance, focusing on U.S. policy toward Russia and the New Independent States.

SD–192

Labor and Human Resources
Children and Families Subcommittee
To hold hearings to examine the effectiveness of the Federal child care and development block grant program.
SD-430

2:00 p.m.
Foreign Relations
To hold hearings on the nominations of Johnnie Carson, of Illinois, to be Ambassador to the Republic of Zimbabwe, and Bismarck Myrick, of Virginia, to be Ambassador to the Kingdom of Lesotho.
SD-419

Small Business
To hold hearings on the small business owner's perspective on the Small Business Administration.
SR-428A

2:30 p.m.
Foreign Relations
To hold hearings to examine trade and investment in Africa.
SD-419

FEBRUARY 17

10:00 a.m.
Commission on Security and Cooperation in Europe Briefing to assess the goals of United States assistance to Central and Eastern Europe and the New Independent States of the former Soviet Union.
2200 Rayburn Building

FEBRUARY 22

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Corporation for National and Community Service, the Selective Service System, the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
SD-138

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Ryan White Care Act of 1990.
SD-430

FEBRUARY 23

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965.
SD-430

2:00 p.m.
Indian Affairs
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.
SR-485

FEBRUARY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the American Battle Monuments Commission, and Cemeterial Expenses, Army.
SD-138

MARCH 1

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans. 345 Cannon Building

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD-192

MARCH 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation-Inspector General.
SD-138

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.
SR-485

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD-192

MARCH 10

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Science Foundation, and the Office of Science and Technology Policy.
SD-138

MARCH 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD-192

MARCH 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD-138

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD-192

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD-138

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD-192

MARCH 31

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD-138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD-192

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD-192

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD-192

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD-192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD-138

HOUSE OF REPRESENTATIVES—*Tuesday, February 14, 1995*

The House met at 9:30 a.m. and was called to order by the Speaker pro tempore [Mr. DICKEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communications from the Speaker:

WASHINGTON, DC,
February 14, 1995.

I hereby designate the Honorable JAY DICKEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member except the majority and minority leaders limited to 5 minutes.

The Chair recognizes the gentleman from Georgia [Mr. NORWOOD] for 5 minutes.

IRS HOLDING UP REFUNDS OF SOME WHO FILE TAX RETURNS ELECTRONICALLY

Mr. NORWOOD. Mr. Speaker, I rise today in support of the people the administration has targeted for help through the minimum wage. These people need help today because of the administration. I rise today in support of hardworking Americans everywhere who are being unjustly punished by the IRS.

The IRS encourages people to file electronically. It saves time, paper, and mailing costs. Many Americans have utilized this service because it means they can get their refunds much faster. Companies that prepare taxes will make refund anticipation loans to people who file electronically. It is a simple way for hardworking people to get money owed them by our Government fast—and these people depend on that refund check.

But in steps the IRS has begun holding the refunds of those people who are filing electronically for the earned income tax credits. Our information is that the IRS is holding as many as 95 percent of those electronic filers seeking the earned income tax credit, in a supposed effort to cut down on fraud. These are people who do not make a lot of money and need those refund checks to get by. Their refunds are being held up to 2 months. They are unable to get refund loans from tax preparers because of the delay caused by the IRS. The IRS is creating a terrible problem for people who can afford it the least.

Mr. Speaker, we are just beginning to learn the consequences of the IRS' irresponsible actions. My office has learned of instances where people have been evicted from their homes because they were expecting a refund check that has yet to come. The other side has spent a lot of time telling us of the plight of the low-income worker. Well, right now, there are low-income workers depending on the Clinton administration, depending on a check from the IRS to pay for food or rent or heat on this cold February morning—a check that the IRS is holding up.

We live in an age where we depend on ever-expanding information technologies. In tax-filing, we encourage taxpayers to file electronically. We encourage people to use the information super highway. The Clinton administration has promoted the use of the information super highway. The Vice President has championed this as a step toward reinventing Government. Well, Mr. Vice President, I hope you are paying attention, because some of America's hardest working low-income workers have stepped out onto the information super highway, and have gotten run over by the IRS.

Mr. Speaker, we all know that the gentleman from Ohio [Mr. TRAFICANT] has documented the abuses of the IRS. This is just one further example. I am willing to consider a flat tax if for no other reason than it would eliminate most all of the need for having an IRS. I call on the IRS to immediately release the refunds due those hard-working people who filed electronically and to act more responsibly in the future. To the IRS, I say this, "You may be responsible for collecting taxes from the people, but that does not mean you are not responsible to the people."

WE NEED COPS, NOT CONSULTANTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan [Mr. STUPAK] for 4 minutes.

Mr. STUPAK. Mr. Speaker, yesterday we began the debate and amendment process on H.R. 728, the crime bill, the Republican crime bill. Those of us who opposed 728 believe all it is is one huge block grant proposal to cut and gut the Clinton program.

Four months into this very successful program of putting police on the streets, Republicans want to gut the program for a block grant.

Mr. Speaker, yesterday I took to this well, and I described the block grant program as "pork of Christmas past." We learned from the abuses in the past, in the late 1960's and early 1970's, and because of the abuses in law enforcement block grant proposals in the bill, we put in amendments that said block grant money cannot be used for tanks, armored personnel carriers, fixed-wing aircraft, limousines, real estate, and yachts.

Well, we just started to debate yesterday and, guess what, we got "pork of Christmas present."

The gentleman from North Carolina [Mr. WATT] wanted to make sure that law enforcement block grant proceeds would not go to be used to build roads. His amendment says to improve public safety, that it not be interpreted to use any funds appropriated under this title for the construction or improvement of highways, streets, and roads. We are trying to stop past abuses.

Guess what? The amendment failed. The Republicans want to use block grant money for law enforcement for anything they want. I looked into what the Speaker said 8 months ago: If we have to choose between paying for a direct purpose such as building prisons, I can defend that. What I cannot defend is sending a blank check for local politicians across the country for them to decide how to spend it.

So we are going to give them money for roads and call it law enforcement. That is what we did yesterday. Past abuses that we found: One-third of every dollar went to consultants, not for law enforcement. In a $10 billion crime bill for block grants, that is $3.3 billion; 367,000 less cops will take the streets if this proposal goes through.

We want cops, not consultants. We want what Mr. GINGRICH said 8 months ago to hold up today and not use it so local politicians can use it for whatever they want. Eight months ago, or 8 hours into the debate, Republicans were already starting to use money to build roads instead of putting cops on the street.

Now, as we all know the old saying, roads, The road to—is paved with good intentions.

We do not need good intentions. We need cops on the street where they belong. We want cops to walk the beat, we want cops, we don't want consultants. We want cops, we do not want pork. We want cops, we do not want good intentions.

Today those who say they support law enforcement will have the opportunity. Mr. SCHUMER and Mr. CONYERS will offer an amendment that says the 100,000 cops program stays as it is.

You will have a chance to redeem your ways, you will have a chance to change and put police officers on the street, not to build streets and roads.

So I hope that my colleagues today on the Schumer-Conyers amendment will vote "yes" to keep 100,000 cops in H.R. 728. Support law enforcement, support the Clinton cops program. H.R. 728, as written, is opposed by all the major police organizations: The National Association of Police Organizations, the Fraternal Order of Police, the International Brotherhood of Police Officers, the Major Cities Chiefs, the National Association of Police Executives, the National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Executive Research Forum, the Police Management Association, Federal Law Enforcement Officers Association, National Black Police Association, National Sheriffs Association, and the Police Foundation.

We are saying, leave the 100,000 cops program alone. Support the Schumer-Conyers amendment.

IS WASHINGTON OMNIPOTENT? I DOUBT IT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas [Mr. JOHNSON] for 2 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I hate to see comments like we just heard. Is Washington omnipotent? I doubt it.

I would like to quote what the administration thinks of our Governors' and mayors' ability to fight crime in their own States and cities.

The Justice Department said, "The proposed block grant will be dissipated by applying the funds to unwise and frivolous expenditures, with the result that their impact was scattershot, short-term, and diluted."

They continue by saying, "Local officials would be free to engage in 100 percent federally funded 'spending spree,' with no guidance as to how these funds should be spent."

Do our local officials need guidance from Washington, DC? I do not think so. A Member of this body said that grants would be just like "throwing dollars down a rat hole." Is he calling our State and local governments rat holes? I do not think they are.

Is this not the pot calling the kettle black?

A Federal Government that has accumulated a $5 trillion debt is saying that our State and local government officials will go on a spending spree.

Well, I do not think Americans want, need, or deserve control from Washington, DC. Unlike some of our Washington crowd, we must have faith in our Governors, our mayors, our police chiefs and every citizen of this country; that they, not some Washington bureaucrat, know best how to fight crime in America.

LOCAL LAW ENFORCEMENT BLOCK GRANTS, H.R. 728

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized during morning business for 4 minutes.

Mrs. CLAYTON. Mr. Speaker, last Congress we passed legislation to put 100,000 police on the streets. Grants have already been awarded to 17,000 communities across the United States, including several in my State of North Carolina. At least half of the police departments throughout the country have applied for these community policing grants. This bill will take a giant step back in time.

I believe we are at a dangerous point in history. We are placing greater emphasis on putting people away, than we are on protecting and preserving our neighborhoods. For years, it has been well recognized that punishment alone is not enough to deter crime. The classic case of public hangings of pick pockets, while others were in the crowd picking pockets, should not be lost in this debate. Prevention has a place in eliminating crime. Policing has a place in deterring criminal activity. More jails is the last place we should look to as a way of ridding our streets of crime and steering our young people in the right direction.

The police program we passed is designed to help stem the rising tide of crime and to make our streets safe again. Last year's crime bill made sure that the resources would be used for more police and police related activities, such as new technology and overtime pay. The language of this bill, which allows for block grants, would broaden the use of the funds. That broader use will effectively dilute resources for community policing and would allow funds to be used for such things as street lights and disaster preparation. Those are important uses, but those uses are not as important as more police.

There is absolutely no requirement in H.R. 728 that the funds authorized must be used for police. Last year's bill gave sufficient flexibility to the State and local governments, while insuring that the police would be hired to patrol our streets. H.R. 728 provides no such guarantees. In addition, any block grant funds that might be used for police under this bill, may well be threatened by the budget ax under the mandate of a balanced budget constitutional amendment. Block grants funds are far more vulnerable to such a result.

We may not have any new police on the streets, if this bill passes. More importantly, under block grant funding, the critical prevention programs we passed last year are at risk. Over the next 5 years, under last year's bill, my State of North Carolina would receive millions of dollars in funds to help prevent violence against women; $27 million would have gone for police, prosecutors, and victims services. And $9 million would have gone to grants for shelters for battered women and their children. There is doubt that those funds will be available under this bill.

Under last year's bill, North Carolina would have received $6 million to treat some 5,400 drug addicted prisoners, housed in our prisons. We would have received $21 million, over the next 5 years, for after school and in-school safe heavens for our children. All of those funds will be in doubt, with passage of this bill. We would have received $39 million in direct grants for a variety of local programs for education and jobs programs. And, we would have been eligible for millions more in discretionary grants—money for boys and girls clubs, and antigang grants.

Those funds are now in doubt. Mr. Speaker, it is by now well established that it is for more costly to incarcerate an individual than it is to train or educate him. Prisons are warehouses and training grounds for further criminal activity. If we are serious about crime prevention, we should put more police on the streets and provide resources for programs that discourage crime. The Local Law Enforcement Block Grants Act undercuts that effort. This bill should be defeated.

HIGHER MINIMUM WAGE EQUALS HIGHER UNEMPLOYMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. SAXTON] is recognized during morning business for 5 minutes.

Mr. SAXTON. Mr. Speaker, during President Clinton's State of the Union Address, he purposed an increase in the minimum wage. The administration has asked for an increase of 90 cents over 2 years. This will raise the current wage from $4.25 and hour to $5.15 an hour.

The President says that every person should receive a living wage for a good days work. I say three cheers to that, I cannot agree more with the President.

I believe that every American should be paid a fair wage.

However, the President and I disagree on how exactly we get there. President Clinton believes that the Government should mandate a wage.

On the other hand, I believe that the businesses and workers should negotiate their own wages and allow the free market to work.

Mr. Speaker, I think I can explain why the President and his administration have taken this flawed path.

Their heart is in the right place, but they are stuck in the same rut they have been in for years. Jeff Joseph from the U.S. Chamber of Commerce explained it perfectly last week. Let me quote from him, when he talked about why the minimum wage mandate is bad:

> Primarily because it's a 60-year-old idea that doesn't fit in the global world we live in today. We shouldn't be talking about minimum wages and minimum skills. We should be figuring out how our workers can have world-class skills so they can earn world-class livings. You know, with the welfare debate that's going on today, people can get in the welfare system and earn about—the equivalent of $16,000 a year.

So the debate should not be how do we get people from $8,000 to $9,000. The issue is how do we get people with the skills so they can go out and get off welfare and go out and earn $20,000 and $30,000 a year? "And this 60-year-old idea that says there is an artificial minimum which gets put out there which only ratchets up the rest of the system with inflation and makes our valuable goods and services cost more in a world marketplace, it becomes a self defeating idea that hurts us economically."

The administration has a superficial and incomplete understanding of the way markets work.

This is not surprising from an administration populated by so many who have never held real private sector jobs, owned a business, or met a payroll.

Last year during the national health care debate, Americans were stunned to hear their President lecture the owner of Godfather's Pizza not to worry about the Clinton health insurance mandate on employers because Godfathers could just increase the price of its pizzas to offset the cost of the mandate.

In other words, in the world of "Clinton-Commerce," mom and pop businesses can make as much money as they need by just raising the prices of their products high enough. Never mind income taxes, never mind unemployment taxes, never mind unfunded mandates; just raise prices.

Obviously the President does not have a firm grasp on the law of supply and demand.

This same lack of understanding is exhibited with regard to Government taxation. In the President's mind, Uncle Sam can raise as much money as it desires just by increasing tax rates high enough.

A perfect example was his enormous retroactive tax increase that hit the Americans taxpayers with 2 years ago. Even with this retroactive tax increase, there is already solid evidence that Uncle Sam will collect less than half of what was expected.

Next year, I am sure, that after everyone has had a chance to fully adjust their behavior, virtually all of the expected revenue increase will evaporate.

Now he wants to apply the same kind of "quack-economics" to the minimum wage.

Mr. Speaker, let me take a few minutes to explain why I believe the free market is a better judge of what a fair wage should be.

During the President's State of the Union address, he said the following: "I believe the weight of the evidence is that a modest increase [in minimum wage] does not cost jobs and may even lure people back into the job market."

Well, he has it half right. If the Government artificially forces wages above the market wage, it will certainly entice more people into the job market. This is called the supply-side effect.

But, what he seems to ignore is the demand-side effect. At these higher wages, who is going to hire all of these new job seekers? In fact, not only will employers have to pay more to hire new workers, they will have to pay their current workers even more if they are making under $5.15 an hour.

As all serious economists recognize, the net effect of increasing the minimum wage will be to increase the supply of job seekers and decrease the number of job offers. In short, raising the minimum wage will actually kill jobs and increase the unemployment rate.

Even liberal Democrats quickly learn the true effects of the Federal mandates they impose when they have to meet a payroll. For example, former Democrat Presidential candidate George McGovern learned this lesson first hand when he became an inn-keeper and restaurateur. A few years ago, in a Wall Street Journal, Senator McGovern lamented on how he too had to struggle with regulations, mandates and taxes imposed by the Federal Government on his small business.

Mr. Speaker, compassionate politicians and well-meaning Government programs like the minimum wage cannot repeal the law of supply and demand any more effectively than they can repeal the law of gravity.

In closing, I have here in my hand, more than 20 years of research, more than 100 studies completed by some of the most eminent economist from all over this country, that exhibit the destructive effects of the minimum wage. These studies show that an increase in the minimum wage will kill jobs and destroy opportunities for the same people "compassionate" liberals say they want to help.

Mr. Speaker, later today I will place this list of studies in the CONGRESSIONAL RECORD so all Americans can see for themselves how a minimum wage increase hurts the very people it is suppose to help.

□ 0950

DEBUNKING THE MYTHS: THE 100,000 COPS PROGRAM WORKS

The SPEAKER pro tempore (Mr. DICKEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Mexico [Mr. RICHARDSON] is recognized during morning business for 3 minutes.

Mr. RICHARDSON. Mr. Speaker, the debate today will be police versus pork and politics versus public safety.

Here is what the President said about the cops program:

> I made a commitment, a promise, to put a hundred thousand more police in our streets because there is simply no better crime fighting tool to be found. I intend to keep that promise. Anyone on Capitol Hill who wants to play partisan politics with police officers for America should listen carefully. I will veto any effort to repeal or undermine the hundred thousand police commitment, period.

Mr. Speaker, under the Republican plan there is no guarantee that one police officer will be hired. It is a pork program of the highest order. Here are five myths about the cops program that they are going to try to perpetuate:

Myth No. 1, that the cops program will not put 100,000 new officers on the street. It works. The plan does work. With this week's COPS FAST awards the President has already provided grants to hire almost 17,000 new police officers in just 4 months. He is well on the way of reaching 100,000 new community police officers, and we cannot retreat from this goal.

Myth No. 2: Crime is only a big city problem, so the cops program only helps big cities. Not the case. Primarily it benefits small towns and rural America. This week's COPS FAST awards went only to towns and communities with populations under 50,000. $433 million awarded under COPS FAST is going to enable over 6,500 such small jurisdictions to hire over 7,100 new community police officers.

Myth No. 3, the cops program is another bureaucratic Federal program that imposes so many restrictions on cities and towns. It is one of the least bureaucratic programs; one page application, one page and you can proceed to have an application looked at by the Justice Department. The Justice Department announced that the COPS FAST program grants less than 6 weeks after the application deadline.

Myth No. 4: Law enforcement officers oppose the cops program. Here are some quotes. "Not the case." "We strongly support you, Mr. President, in your resolve to fight any diversion of funds earmarked for the hiring of a hundred thousand police officers." Letter from Dewey Stokes, national president, Fraternal Order of Police, to the President.

Here is another quote from the Ohio Sheriff Gene Kelly: "Our President in

1992 said he would not forget the people in small towns and countries throughout America. He has more than kept his promise to us all."

From the chief of police in Maryland, Mary Ann Viverette, from Gaithersburg, MD: "Because of President Clinton's effort we will soon see a hundred thousand new police on the streets without smoke and mirrors. On behalf of my colleagues here and across America, thank you."

Mr. Speaker, let police versus pork make police the winner and politics versus public safety make public safety the winner.

H.R. 728 TERMED A "PORK BLOCK GRANT BILL"

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. OLVER] is recognized during morning business for 4 minutes.

Mr. OLVER. Mr. Speaker, last year I voted for the Crime Control Act of 1994 which promised Americans who live in fear of crime 100,000 more cops on the beat in community policing.

Already, 17,000 cops have been provided to more than 8,000 large cities and small towns. In my district alone 67 cops will make my constituents safer.

Today we are debating H.R. 728 the pork block grant bill which eliminates the Community Policing Program.

Community policing is not some new untried approach. It has been used in many places across the country. Putting cops on the street makes people safer.

Community policing puts police on our streets who know the neighborhoods and work with residents to reduce crime. Officers who take the time to build relationships with citizens. Officers who get leads from contacts who see crime committed. Officers who understand the community's crime problems, and know the needs of the neighborhood.

Community policing takes cops out from behind their desks and puts them back on the beat to prevent crime, if possible, and to punish criminals.

Community policing does not simply add more police, it creates community leaders. These officers serve as role models, advisors, and assistants to the citizens they serve.

In my district, the Cleghorn neighborhood in the city of Fitchburg was deteriorating because of increasing crime. A community policing program started 4 years ago in Cleghorn caused a dramatic drop in crime. Here is what happened after 4 years of community policing: 25 percent decrease in assaults; 55 percent decrease in burglary; 55 percent decrease in weapons possession; 23 percent decrease in domestic violence; and 67 percent decrease in disorderly conduct.

The mayor of Fitchburg says there is no substitute for a consistent police presence in a troubled neighborhood. Community policing has helped make that neighborhood safe for families again.

And Fitchburg has received seven added cops under the 1994 Crime Control Act of 1994 to expand the Cleghorn experience to other troubled neighborhoods in that city.

But this pork block grant bill, H.R. 728, means fewer police officers catching criminals, fewer officers patrolling neighborhoods, fewer officers building partnerships based on trust, and fewer people safe in their neighborhoods.

In my district, violence and street crime are not just city problems. Community policing funds cops in small cities and towns.

The "COPS FAST" Program was designed specifically to help rural communities and smaller towns. In many of my communities, just one or two additional officers can make a world of difference.

Communities in my district and throughout the country have made decisions based on the commitment we made last year. We cannot walk away from this commitment. Community policing works. Now is not the time to break the promise we made to our citizens who live in fear.

Mr. Speaker, we, Republicans and Democrats, agreed that we need more cops on the beat to keep people safe. So why does the Republican contract cut funds for new police?

Under this pork block grant, the cops on the beat program would no longer exist. There the block grant does not guarantee a single new police officer would be added. The block grant would not ensure that the hardest hit communities get help.

The block grant in H.R. 728 permits pork-barrel spending in broad categories without guaranteeing any more police on our streets.

Police will have to compete with street lighting, tree removal, and other pet projects.

H.R. 728 ignores the demonstrated effectiveness of community policing and does nothing to stop crime before it starts.

This bill promises everything to everybody and delivers nothing to nobody. It makes the communities in my district less safe than they were under last year's crime bill.

Wake up, America, the pork block grant in H.R. 728 is a sham.

It is not smart. It is not savings.

I urge my colleagues to vote against H.R. 728.

SPACE SHUTTLE COMPLETES SUCCESSFUL MISSION WITH FIRST WOMAN PILOT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Maryland [Mrs. MORELLA] is recognized during morning business for 3 minutes.

Mrs. MORELLA. Mr. Speaker, this past week, parts of our country could gaze proudly upon the stars and see the outlines of space shuttle *Discovery's* historic 37-feet fly-by rendezvous with Russia's MIR space station. This shuttle mission, which was completed on Saturday, was historic not just because it was a dress rehearsal for the shuttle-MIR docking in June but also because it contained a number of firsts.

Discovery's mission not only paved the way for the first of seven shuttle flights to dock with MIR, but its crew of six included Air Force Lt. Col. Eileen Collins, the first woman ever assigned to pilot a shuttle, and Dr. Bernard Harris, the first African-American astronaut ever assigned to a spacewalk.

Ever since Sally Ride lifted off and became the first American woman in space, our space shuttles routinely have carried female crew members to perform research, spacewalks, repairs, and other functions. Nineteen other women, before Eileen Collins aboard *Discovery*, had flown on shuttles but none had ever piloted the spacecraft.

To commemorate this historic event, dozens of female pilots converged at Kennedy Space Center to watch Lieutenant Colonel Collins' launch. Inspired by the civilian women Air Force pilots who delivered planes to airfields during World War II, Lieutenant Colonel Collins made a point of inviting them as living examples of how far women and our Nation's aeronautics and space program have come.

To honor the role models who inspired her career, Lieutenant Colonel Collins carried with her a scarf worn by Amelia Earhart and insignia wings worn by women pilots in World War II. To honor her efforts, her predecessors, and her colleagues aboard *Discovery*, we will all be carrying with us our country's pride for their job well done.

IN SUPPORT OF INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Florida [Ms. BROWN] is recognized during morning business for 3 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of an increase in the minimum wage—it is long overdue. If we really want to reward hard working families, this is the way to start.

Today, I have the honor of welcoming to Washington, my constituent, Annie Busby, who traveled all the way from Apopka, FL because she believes in raising the minimum wage. She was once a driver for Wells Fargo but lost that job when she was injured. Annie Busby supports three children and has held a number of temporary jobs. Raising the minimum wage will make a difference to Annie and her family.

Rev. Jesse Jackson says most Americans are working hard and working every day, but they are not making enough for that work to support their families.

A 90 cent increase in the minimum wage will help raise the standard of living for a family of four. The extension of earned income tax credit helped lift hundreds of thousands of working families. Yet, by 1996, even the EITC is not enough to lift a family of four above the poverty line if they are making the current minimum wage. A 90-cent minimum wage increase can make a real difference to a struggling family.

More than 70 percent of Americans want to see the minimum wage raised. Let us listen to working America and do the right thing.

INTRODUCTION OF LEGISLATION TO PREVENT FEMALE GENITAL MUTILATION AND THE DANGERS OF THE NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 3 minutes.

Mrs. SCHROEDER. Mr. Speaker, first of all, today I am going to be introducing legislation with the gentlewoman from Maryland [Mrs. MORELLA] and the gentlewoman from Michigan [Miss COLLINS] on female genital mutilation.

Mr. Speaker, I ask unanimous consent to put my statement in the RECORD, and I think it is long overdue that this country prohibits such mutilation in this country, and let me do that at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Speaker, today I and Representatives COLLINS of Michigan and MORELLA of Maryland are reintroducing a bill that would make it illegal to mutilate women in the name of tradition.

The practice is called female genital mutilation, a painful ritual that involves cutting off all or part of a female's genitalia. Over 100 million girls and women in the world have undergone some form of FGM, and I have received anecdotal reports that it is happening here.

Our Federal Prohibition of Female Genital Mutilation Act of 1995 would make practitioners of FGM subject to criminal penalties. And it establishes penalties for physicians who discriminate against women who have been subjected to FGM.

It authorizes the Department of Health and Human Services to compile data on females living in this country who have been experienced FGM. HHS also would identify U.S. communities that practice FGM and educate them about its effects on physical and psychological health. Finally, the bill would instruct HHS to develop and disseminate recommendations for the education of students of schools of medicine and osteopathic medicine regarding FGM and its complications.

These provisions would give doctors and social workers the information they need to treat the health needs of women who have undergone FGM and begin education to eradicate it in this country.

FGM is not comparable to male circumcision, unless one considers circumcision amputation. FGM causes serious health problems—bleeding, chronic urinary tract and pelvic infections, build-up of scar tissue, and infertility. Women who have been genitally mutilated suffer severe trauma, painful intercourse, higher risk of AIDS, and childbirth complications.

The practice of FGM stems from an intricate mix of traditional African perceptions of gender roles, sex, health, local customs, superstition, and religion. The net result is total control over a woman's sexuality and reproductive system. While we welcome immigrants from countries that practice FGM, we do not welcome their practice of such mutilation here. FGM has no medical purpose and is contrary to our beliefs about women's equality and place in society.

Mr. Speaker, I would like to speak about one other thing because of last night. Many people wondered what it was that many of us were talking about when we came to the floor last night about this contract. As my colleagues know, I felt like road kill on this Gingrich revolution that is rolling along, but, when we get to this bill that we will be taking up tomorrow, H.R. 7, I have got some very serious questions about who is this omniscient soul that wrote this part.

What it will do, first of all, is allow political appointees to a commission to oversee the Defense Department. Now that is a very serious thing. When we dealt with this in the National Security Committee, no one knew where this came from, and read yesterday's New York Times. Let me just read for my colleagues that first paragraph. It says:

> This week Congress is going to consider legislation that would undermine this and every future President's ability to safeguard America's security and to command our armed forces.

Now that is a heavy sentence. It goes on to say:

> The measure is deeply flawed, and it is called the National Security Revitalization Act, but, if adopted, it would do just the opposite and endanger national security.

I ask, "Why?" Do you want political appointees on a commission that runs for nothing making these decisions? I do not think so. I mean most of us do not want a committee running anything. We all know the joke about a camel being a horse designed by a committee. Imagine what kind of defense could be designed by political commissions overseeing the Pentagon.

But this goes on to do other things. It mandates that we move forward with space-based defense. That could cost at least $40 billion. The question is where do we get it. Do we take it out of readiness? We are moving forward with theater missile defense, and there seems to be no one with the missile capability to shoot this far, so why are we doing that, and why are we doing it in such haste, and why when we decided not to do that in prior times, when there was a cold war, there is now such a rush to do it at this moment?

We are also announcing unilaterally we will not participate in further U.N. peacekeeping operations. Wow, there is something. I ask, "Wouldn't we really rather see what those missions were?" And we furthermore dictate to NATO who must be admitted and how they must be admitted. That is also wrong.

I hope everybody reads the New York Times yesterday and takes this very seriously because this could be very, very damaging to America's future.

CLARIFICATION OF H.R. 7

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, I wanted to go over a couple of items that are in the National Security Revitalization Act. I say to my colleagues, "Before you get concerned about and get whipped up to a level of hysteria about this, let's take a look at some of the things that it does."

First of all, it states that it is our policy to prohibit the deployment of U.S. troops under the command of the United Nations. H.R. 7 would prohibit the placement of U.S. forces under foreign command or control during U.N. peacekeeping operations unless Congress specifically authorizes it or if the President certifies that it is in our U.S. national security interest. It does not prohibit it completely. What it does is it requires that there be congressional intervention with respect to this.

Second of all, it requires truth in U.N. accounting. Under H.R. 7, Mr. Speaker, the United States is going to get credit for expenses which the military incurs supporting U.N. peacekeeping operations. Right now these costs are being double accounted for by the United Nations so that we are paying more than we ought to be paying.

It also requires that there be a genuine analysis, there be a genuine complete analysis and review of our Armed Forces situation, and not that we are going to rule the Armed Forces by committee, but that we're going to actually do the kind of analysis that President Clinton wanted to have but did not get.

Mr. Speaker, I had to address that because of the gentlewoman from Colorado's distortion of what is going on with this bill.

The other thing that I wanted to point out is that we are going to be dealing with block grants on the floor today in the crime bill, and I wanted to bring to the Speaker's attention the fact that the Washington Post this morning, in a rare moment of clarity, wisdom, and intelligence, has editorialized on the fact that this program ought to be supported, that the 100,000 cops program of the President's was a fraud. They said, quote, almost immediately that program was challenged by law enforcement experts and some local officials. In fact, the law created a 5-year matching program during which the Federal Government's share diminished and disappeared, leaving localities with the full cost of maintaining the new officers, close quote.

□ 1010

I know that absolutely to be a fact, because I, like most Members in this body, were very much aware that they had mayors telling them, and police chiefs telling them, that they would not even apply for cops grants because they simply could not afford to pay for them.

We will be voting on that today. I appreciate the Washington Post's support.

SUPPORT THE JACKSON-LEE AMENDMENT TO THE LAW ENFORCEMENT BLOCK GRANTS ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. MEEHAN] is recognized during morning business for 5 minutes.

Mr. MEEHAN. Mr. Speaker, last September the President signed the most comprehensive, toughest, smartest crime bill in the history of this institution. It is a crime bill that put better than $10 billion to build new prisons and combined community policing, 100,000 new police officers with prevention programs that work. It has bipartisan support at that time, Republicans and Democrats signing on, Members of the other body, prominent Republicans signing on. It was a bipartisan bill.

But, unfortunately for some people in this institution, the President apparently got too much credit for that bill. So now we have a new bill. This bill has a Republican label on it. It attempts to throw all the money from community policing into block grants and hope that county commissioners and school committee members and hope that city councils and local officials somehow become law enforcement professionals and spend the money the right way.

Even though we have a history from 1968 where 33 percent of that money went to administrative costs, we are going to tinker and change this crime bill to take away the label of a Democratic bill or a President Clinton bill.

Before I got to Congress, I was the first assistant district attorney in Middlesex County. Our office managed 13,000 criminal cases a year. I want to tell my colleagues, fighting crime is serious business. You do not fight crime by taking a political poll. You do not fight crime by listening to a focus group. And you do not fight crime by signing on to a document that is put together by political strategists. It is very serious business.

The 100,000 new police officers on the streets, and the previous speaker talker about local governments having to match the money. Ladies and gentlemen, 95 percent of the crimes in this country are prosecuted and enforced by local government. In spite of any rhetoric or any spin you want to put on it, the Congress does not fight the majority of crimes in this country. Ninety-five percent of them are local district attorneys, local States attorneys offices and local police departments. They have that responsibility.

This bill seeks to take some funds and get them focused on community policing, because, guess what? Community policing works. There have been studies over a period of 6 years, and I know from my own experiences as a former prosecutor, community policing works. Community policing is the most effective cutting edge law enforcement tool that we have. Yet because of politics, partisan politics, it appears we want to tinker with that process.

It is working in my home city of Lowell, MA, where we have seen in 1 year 13 additional community police officers opening up a precinct station in the city which has resulted in reducing crime dramatically, 20 to 40 percent.

Now, the new Republican majority has ignored facts about prevention programs, because they have found political profit in labeling them "pork." Apparently if you have the right sound bite, you can label prevention programs pork and it works politically. And after considering all of the information available, like studies, for example, law enforcement studies, I have a hard time figuring out why the new majority is so insistent on pushing this bill. It is bad for efforts to fight crime, it is a bad bill.

I suspect the Republicans are feeling boxed in by the promises they made in the Contract With America. Their crime bill, like much of the contract's agenda, was drafted based on polls and focus groups. But, friends, what sounds good during a campaign and what makes sense in fighting crime for America, are two very different things.

I know from experience. Republicans, like Gov. Bill Weld from Massachusetts, a former prosecutor, strongly supported this crime bill. The Republican DA in Suffolk County, Ralph Martin, strongly supports the Democratic crime bill, the Clinton crime bill. And I believe that a majority of Republican Members know it as well.

A major test of the Republican Party's ability to govern will be their willingness to admit that many of their campaign promises are unworkable. And to forge a consensus on what to do about it, judging from their work on crime offer the last couple of days, reality has yet to sink in.

I urge my colleagues to take the data that is available from law enforcement professionals all across the country and not to tinker with this crime bill, to put in the prevention programs that work.

What we face this week is serious business. Let us not tinker with this bill and hope the President is going to veto it. Let us take care of the business right here.

CLINTON ADMINISTRATION/MEXICAN PESO CRISIS: THEY SHOULD HAVE KNOWN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, perhaps the most amazing aspect of the Clinton administration's $53 billion loan bailout of Mexico—$20 billion of which comes straight out of the pockets of the U.S. taxpayers—is that it's a bailout that should not have happened.

As the Washington Post recently reported, there were signs as early as February of last year that Mexico's economy was in serious trouble. At that time the International Monetary Fund issued a report stating that Mexico's consumption of foreign goods and services was outpacing the ability of its economy to pay for them. In other words, it was living on borrowed time—and money.

Clinton administration officials expressed no alarm, not even when foreign investors began shifting money to dollar-denominated investments that would make it easier to pull funds out of Mexico. As a former analyst for Mexico's Banca Serfin Banking group said, "That's a clear sign something was wrong * * * if the American Government didn't see that, they're blind."

But that did not stop then-Treasury Secretary Lloyd Bentsen from claiming in mid-February that Mexico "has become an example for all of Latin America." He said this one year ago.

Then in March, the Mexican financial markets suffered another shock when the ruling political party's Presidential candidate was assassinated. This prompted the Clinton administration to extend a $6 billion credit line to Mexico, even as Mexico was using up its reserve of U.S. dollars to prop up the peso. This occurred less than 1 year ago.

Last summer, the Mexican economy had deteriorated to the point that Clinton administration officials finally recommended economic reforms. But as the Washington Post put it, "those efforts lacked urgency and never went beyond exhortations." And the administration never made a big push for Mexico to devalue its overinflated currency.

And although administration officials deny it, one has to wonder what role their desire to see Ernesto Zedillo win the upcoming Presidential election played in the decision to abandon calls for real reform. As the Washington Post quoted one official, the CIA accurately predicted Zedillo's victory, but "it didn't tell you that if he kept driving straight he would fall off a cliff."

With Zedillo safely elected, Mexico's then-President Salinas finally admitted on October 1 that his country's central bank reserves had fallen to $17 billion from $28 billion at the end of 1993. It became clear a devaluation was coming.

But Mexico tried to hide its financial predicament from the world. Not until mid-December did we find out Mexico's reserves had sunk to $7 billion. Even then, Mexico's finance minister said his country would "absolutely not" devalue its currency.

We all know what happened next. On December 20 the Mexican Government reversed its policy and devalued the peso by 13 percent.

There is no good reason the Clinton administration should not have seen this coming. The signs were there a year ago. Now the U.S. taxpayers are the line for $20 billion to rescue the economy of a country that bungled its own economy and hid the facts from us. Congress should not let his bailout deal go through unquestioned.

CRIME BILL SHOULD PREVENT CRIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from New York [Mr. FLAKE] is recognized during morning business for 3 minutes.

Mr. FLAKE. Mr. Speaker, last year we in this Congress, working with a wide array of groups, joined together and drafted a realistic and humanitarian approach to the problem of solving crime in America. In the past, crime bills have simply increased various ways by which we execute people. They have limited the constitutional rights of individuals and they have established mandatory minimum sentences which allowed us to build more prisons, which merely supports an ever growing penal institutional industrial complexion.

As we move forward in this crime bill, most of us are already aware that the bills of the past have not in any way decreased significantly enough the results of crime in this Nation. I doubt, moreover, that crime can ever be totally eradicated in America as a result of this or any other legislation.

I am, however, resolute in my belief that the radically different approaches that are being taken this year in this year's crime bill will not in any way solve our crime problem. Furthermore, in some ways they abridge the ability to protect the rights of our citizens by virtue of our constitutional rights.

We must do all in our power to protect those constitutional rights that are guaranteed automatically to those who are citizens of this Nation, and that means all of our citizens. I am not certain, nor do I see any way that this bill guards against the continued repeat offenders, the recidivists that go back to prison time and time again. They do not assure safe neighborhoods. They do not save this generation of mostly minorities who drown in oceans of despair, of hopelessness, and of pessimism.

Beyond creating new crimes and harsher crimes, last year's crime bill gave us true preventative measures. The $7 billion crime preventative package represented a groundbreaking attempt to create new measures by which we would create opportunities and alternatives which invested in our cities and our youth.

This money was intended for 15 model programs, for intensive community services in high crime areas and grants to local governments for speedy access to flexible funds for anticrime activities.

Money had been allocated for drug courts and drug testing for first-time offenders. This is important. This package represented an important shift in resources and attention to front-end solving of the problem, the neglect of our cities and children that produced the apparent conditions in which crime and violence is allowed to thrive.

Yet today, Mr. Speaker, this Congress will begin abandonment of preventative measures to prevent crime. Instead of guaranteeing preventative measures, we are telling our citizens that we want to return to the good old days of wasteful spending by fiscally irresponsible governments and politicians who do not have the best interests of the people at heart.

In essence, we are sending them a blank check. We are failing to live up to our responsibility, and we are offering no innovative crime measures.

SUPPORT CRIME BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. DREIER] is recognized during morning business for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time this morning to focus attention on the issue which will be debated later this morning when we actually convene, and that is the crime bill. We have spent time talking about five different crime measures which have been designed to redress the problems of the 1994 crime bill. Yesterday and today we were working on the sixth measure.

When I was working on the rule down here yesterday, Mr. Speaker, I was talking about the fact that I am hard-pressed to understand why this sixth measure is the most controversial of all. This morning on NPR they talked about the fact that it was controversial. I know Chairman HYDE said it was controversial based on the fact that in the Committee on the Judiciary a wide range of members of the minority raised serious questions about it.

The reason I say it is difficult to understand why it is controversial is very simply that we in making that statement are questioning the ability of State and local elected officials, people who are elected by the same constituents who elect us, were questioning their ability to make the very tough decisions that each community faces as it relates to crime.

I have the privilege of representing a portion of Los Angeles County, and we have very serious crime problems in Southern California stemming from illegal immigration and a wide range of other problems that frankly are unique to southern California.

In the 1994 crime bill, Mr. Speaker, we were promised 100,000 new police officers, and virtually everyone has said that we would be very fortunate if we were in that period of time to possibly get 20,000 police officers. Yet the President continues to refer to 100,000 police officers.

It seems to me that we need to allow State and local officials the opportunity to make the tough decisions as to how they can best deal with the crime problems in their communities, and it is my hope that we will listen to those State and local elected officials, just as we listened to them when we dealt with the unfunded mandates legislation.

Yesterday I quoted one of my city managers, a Democrat who strongly supported the 1994 crime bill. He urged me to vote for it back last fall, and I did not. Now he has come forward and said I was correct in not supporting that, and he hoped very much that we will be able to pass this measure which will provide the block grants allowing State and local officials the opportunity to make the tough decisions that are before them.

I hope we can pass this bill out today, Mr. Speaker, and finally begin to turn the corner on this very serious public policy problem.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 11 a.m.

Accordingly (at 10 o'clock and 27 minutes a.m.) the House stood in recess until 11 a.m.

□ 1100

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 a.m.

PRAYER

The Reverend Ruth Ward Heflin, Mount Zion Fellowship, Jerusalem, Israel, offered the following prayer:

Holy are You, O Lord; just and righteous in all Your ways. You are awakening and healing our Nation by Your Presence in this crucial hour, in this strategic day, for Your Presence heals, creates and effects change, not only in our Nation but in all the nations of the world.

We declare the hastening and fulfillment of Your plans and purposes for our great Nation through these yielded men and women who have been given authority by You and the people of this country. Be unto us wisdom, knowledge and understanding, and establish peace, justice and righteousness in all our dealings. Let Your love be shared among us. Thine is the kingdom and the power and the glory. May Your glory fill these chambers. Hallelujah! In Your name I pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. CHRISTENSEN] come forward and lead the House in the Pledge of Allegiance.

Mr. CHRISTENSEN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty an justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize Members this morning for 10 1-minute speeches per side.

The Chair recognizes the gentleman from Georgia [Mr. KINGSTON].

REPUBLICAN CONTRACT WITH AMERICA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; national security restoration to protect our freedoms; senior citizens' equity act to allow our seniors to work without Government penalty; government regulatory reform; commonsense legal reform to end frivolous—lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

SUPPORT OUR NATION'S LAW ENFORCEMENT OFFICERS

(Mr. MANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, New York City Police Officer Anthony R. Ottoman, captain of the 100th Precinct in Queens, recently wrote an article for New York Newsday about his upcoming visit to the National Law Enforcement Officers' Memorial in Washington. In his moving and reflective article about police officers who have been killed in the line of duty, Captain Ottoman says, "There is no adequate compensation for their sacrifice * * *. The living can do no less than pay them homage and ensure that their memories are etched forever * * * in our hearts."

As we continue to consider legislation to amend last year's crime bill, we can pay homage to those fallen heros by heeding the calls of their families and their brave colleagues who remain on the front line in the war on crime.

Mr. Speaker, our law enforcement officers support tough and enforceable penalties for convicted criminals, they strongly support funding to put 100,000 more cops on the street, and they overwhelmingly favor a ban on the sale and production of semiautomatic assault weapons.

Mr. Speaker, as a former New York City Police Officer, when I vote on crime legislation, I will be guided by the wisdom, experience and knowledge of these police officers.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, today we mark the 75th anniversary of the League of Women Voters. Each of us has undoubtedly had some personal connection with the league, whether it is taking part in a candidates forum, or interacting with local League members who have reached consensus in a study group.

Historically the league grew out of the women's suffrage movement. In 1920 the founding of the League of Women Voters coincided with the ratification of the 19th amendment which gave women the right to vote.

Although only 26 percent of the women voted in that first election, the league immediately tackled this problem with measures such as initiating "Know Your Government Studies," and with an active role on issues that are important to women and all people. In those early years this meant issues such as the welfare of mothers and children, equal compensation for women which culminated in the Civil Service Reclassification Act of 1923, as well as child labor law. The passage of the motor-voter bill last year is a tribute to their historical position of increasing voting participation.

Mr. Speaker, I am proud of my membership in the League, and I hope others will join in celebrating the 75th anniversary of the League of Women Voters.

MORE POLICE FOR WEST VIRGINIA UNDER LAST YEAR'S CRIME BILL

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, I rise today in opposition to the bill that is on the floor that calls itself a crime bill because it undoes the real crime bill that was passed last year.

One of the good parts of that crime bill came true last week in West Virginia which we saved 118 new police officers for communities across our State, bringing to a total of 170 police officers that have already come to our State and with hundreds more scheduled to come. Our own State police received 13 police officers. Yet under this bill they would not be eligible for additional officers.

Some say this bill on the floor today makes it more flexible because you can buy equipment, but we already have programs to buy equipment for police departments. Indeed what the police departments need most right now are more police.

Somerset Maugham once wrote that he "conducted his actions in regard to the police officer standing on the corner." These officers are getting on our streets and our corners now. One hundred and seventy new officers in West Virginia alone testified to the fact that we want to keep that intact and not vote for this bill today.

GEORGIA POLICE WELCOME BLOCK GRANT FUNDS TO FIGHT CRIME

(Mr. NORWOOD asked and was given permission to address the House for 1 minute).

Mr. NORWOOD. Mr. Speaker, I rise today in support of giving local law enforcement the power to do what they think is best. That is what my sheriff, Charlie Webster of Richmond County, GA, wants.

The bill we are debating gives State and local governments the funds to fight crime as they see fit. That is what all 19 of my sheriffs want. The other side will argue for strings to be attached. They will argue that we here in Washington truly know best how to fight crime. What a laugh. Look at the District of Columbia.

I ask the people back home to listen closely to these arguments. One side wants to give you the power to fight crime; one side will tell you that they know what is best for you. It is as if they did not hear you at all last November. Local law enforcement officers know what they need to do to fight crime, and they absolutely do not need bureaucrats here in Washington telling them how to do their jobs.

Mr. Speaker, I urge my colleagues to support local law enforcement by supporting our crime bill.

IN AMERICA THE PEOPLE RULE, NOT THE IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, after hard knocks on their door, a Chicago woman really smelled the coffee. Three IRS agents demanded—yes, demanded to see her daughter. She said, "My daughter is not home."

They demanded to see her daughter. She was frightened, she called her husband, her husband called the accountant, and the accountant called the IRS. They said she did not report her interest on her savings. The IRS said it was a gift. They said, "We don't believe you. Prove it." They said, "I want to see your daughter."

Their daughter was in second grade at the local elementary school.

The IRS demanded: They did not ask. They said, "Prove it. We don't believe you." They demanded.

Mr. Speaker, I ask the Members to cosponsor H.R. 390. The taxpayer is innocent until proven guilty, and it is time that Congress started making some demands on the IRS. The people are boss in America, not the IRS.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair wishes to admonish the people watching our proceedings from the gallery that no demonstration is appropriate.

ACADEMY AWARD NOMINATIONS FOR CRIME LEGISLATION

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, this morning, Academy Award nominations were announced.

And it made me think, we need a new category for the so-called anticrime proposals we're debating.

We could call it, best performance by Members of Congress in pretending to make our communities safer.

Sure, nominees would be hard to choose.

It could be trampling on the fourth amendment to make illegal searches easier.

Or greatly increasing the chances of executing an innocent person.

Or talking of repealing the Brady bill and assault weapons ban.

And finally, this week, passing legislation that will very likely take police officers off the streets of America.

In fact, too many of our colleagues could win an award for saying yes to the gun lobby, but saying no to our Constitution.

So, we might have to wait until March 27 to see who wins an Oscar.

But we know today who loses because of these fake, ineffective crime proposals.

Our children lose. Our families lose. Our constituents lose. Every American who wants a safer neighborhood loses—in a category that is far more important than favorite movies.

CRIME LEGISLATION IS FOR THE PEOPLE, NOT FOR CRIMINALS

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, last year the guardians of the old order rammed through the criminal's crime bill. It was a piece of legislation more concerned about the rights of violent criminals than the rights of law-abiding Americans. It was a bill that offered violent criminals and repeat offenders endless appeals and technical loopholes. It was a bill full of phony prevention programs and wasteful pork. It was a bill that said violent criminals are not bad people; instead they are really just misunderstood, and if we all give them a group hug, maybe they will mend their evil ways.

Mr. Speaker, criminals do not need a crime bill. The American people do. Crime has taken over America's streets, and Americans want to take those streets back. So we in the new majority offer a citizens crime bill, a bill that actually makes criminals pay for their crimes. We want to put a stop to endless appeals for death row inmates. We have had enough of repeat criminals going free due to legal technicalities.

Mr. Speaker, the American people demand a real crime bill, and in this Contract With America they will get it.

□ 1115

THE REPUBLICAN CRIME PACKAGE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Crime and punishment, it is all the rage here in Washington. But if we are going to build a strong foundation to defeat crime in America and turn back this tide, it is going to take a little site prep like any other building of a foundation.

This grand new monument to the Republican crime control effort will be a tower of concrete on a foundation of sand if we pass this section of the crime bill. It is a single-minded rush. It ignores other needs.

Drugs in the schools? Build prisons. At-risk and abused kids? Build prisons. Slow response time? Not enough cops? Build prisons.

Let us not rush to build symbolic monuments. It will take more to turn back the tide of crime in America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair advises Members that the leadership has indicated we will have 10 Members on each side for 1-minute speeches this morning.

MORE ON THE CRIME PACKAGE

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, today we are continuing debate on the crime control package, one of the items in our Contract With America. This package is unique because it actively will work to prevent, catch, and convict violent criminals that roam our neighborhoods. No more hug-a-thug bills or phony prevention programs like midnight basketball. No more endless appeals or technical loopholes in the courtroom.

This crime package is anticrime and fat free. Not proporK.

Mr. Speaker, after the crime package is complete, we will move on to welfare reform and regulatory reform and one of the passions of mine, legal reform, that we will also be pursuing. We will not stop until our Contract With America is complete.

The 104th Congress is all about change and returning this place back to the people and to the States where it rightfully belongs.

PARTY POLITICS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the debate on the crime bill is a choice between the President's 100,000 cops program and the Republican's pork "do whatever you want with the money" program for the States. Republicans are putting politics over public safety. They want to dismantle the community police program that our cities and small towns and our police officers need to fight crime.

They want to deny the President the credit he deserves for a program that has great support among America's police officers, has already provided 17,000 new police officers in 4 months, has benefited small towns. Just last week the Justice Department announced that 6,500 small towns have gotten 7,100 new police officers, no matter how small the town.

Mr. Speaker, it takes one page to fill out an application for a police officer and a decision can be made in less than 4 weeks.

Mr. Speaker, let us put cops over pork.

BLOCK GRANTS

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, today we will continue to consider the most critical element in the contract's anticrime bill regarding block grants. The choice before us is a simple one. Who are the most effective crime fighters? The Washington politicians or our local police officers?

Some House Democrats believe they are the best crime fighters. That is why in last year's alleged crime bill, they mandated that billions of dollars go to social welfare programs under the guise of prevention. House Republicans have a different view. We believe that local police officials know their own communities better than we do and they know how to fight crime better in these communities and in the most effective manner. That is why we have designed a block grant proposal that gives these police officers the best chance to fight crime.

Our friends on the other side of the aisle will claim that our proposal will mean fewer cops on the beat. Nothing could be further from the truth. I believe that our program will probably mean more funds go for more police officers on the front lines fighting crime.

I urge my colleagues to vote in support of our local police forces by voting for the crime bill on the floor today.

COMMUNITY POLICING

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. SLAUGHTER. Mr. Speaker, I am sure everybody is confused. They have to be. Who is the best crime fighter in America today? None of us know. But there are a couple things that I know from experience that I had in chairing a public safety committee in the county legislature.

One of the things that happened when the pressure really got on the local budgets, they cut back on the police force and decided to patrol neighborhoods in police cars with windows up driving down the streets. We know that that has not worked. And one of the things that the crime bill that we passed here last year is trying to do is to readdress that.

There is one way to fight crime. It requires the people who live in the neighborhood to be involved. It requires that there be police in the neighborhood, on the street, in their shops, a policeman that they know, a person they go to, someone who pays attention, looks after their children, the kind of community policing we used to do in this country.

If we revert all the money and put it into prisons, it is not going to make us one wit safer on the street. We have been in an absolute orgy of jail and prison building which has not helped. Someone has got to be on the street to police it, to prevent the crime and to catch the perpetrators. I hope that we will maintain the 100,000 policemen on the street.

TRIBUTE AND THANK YOU TO VETERANS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, last week the Paralyzed Veterans of America were in town, and I attended the reception they hosted. I hope many of my colleagues did as well. The reception room was filled with paralyzed veterans confined to wheelchairs. But as I spoke with North Carolinian Cater Cornwell and the other paralyzed vets, I heard not one veteran who was griping, not one who was complaining. All were smiling and pleasantly welcoming us to their reception.

As I was leaving the reception, a veteran said to me from his wheelchair, "You Congressmen deserve praise for what you do."

I looked around the reception room and the paralyzed veterans therein and with a tear in my eye, I replied, "No, sir, it is you and your fellow members of the PVA who are most deserving of praise."

Let us not casually dismiss the sacrifices made for us by the Paralyzed Veterans of America.

MORE PRISONS

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, today I rise and ask the American people to take a look at what has been done today in Congress. We want to make sure that we will continue to put cops on the street where they belong, where they can be of use.

Our dear friends on the Republican side have decided to change the bill that we passed last year. For some reason they do not like the idea of 100,000 cops on the street, patrolling, being where they are supposed to be.

They intend to warehouse people for the next 100 years. So what they are going to do? They are going to build prisons. They are going to build prisons and build prisons. In fact, they are going to create a new industry just to build prisons. Building prisons, building prisons.

And what is going to happen? We are going to have to have guards. In Alabama, we built three prisons in 5 years. It took us 7 years to get enough money to open the last two, because we did not have the money for the guards and for the food.

I submit to my colleagues that the Republican bill is off track. It will cost more money than the bill we passed last year, and it is bad.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). The Chair announces that under the order of the day, only two more Members will be recognized on each side of the aisle.

HONORING THE U.S.S. "SANTA FE"

▪(Mr. FLANAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLANAGAN. Mr. Speaker, I rise today to pay tribute to the captain of the ship, Comdr. James Fordice, and the officers and crew of the U.S.S. *Santa Fe* a *Los Angeles*-class, fast attack submarine. Ten days ago I had the opportunity to develop an understanding and respect for this Nation's "silent service" by spending time aboard the U.S.S. *Santa Fe* as it cruised off the coast of our eastern shore.

Mr. Speaker, the role of submarines has become an essential asset to the national security of the United States. In today's world of regional conflicts and crises, the presence of forward deployed U.S. submarines has given us the leading edge in deterrence and quick response.

The crew of the U.S.S. *Santa Fe* knows how important their role is in service to our free country. I was truly impressed by their patriotism, skill and professionalism. The display of unparalleled excellence which I observed aboard the U.S.S. *Santa Fe* is a model for others to aspire to.

I wish to specifically recognize for their leadership the ship's executive officer, Lt. Comdr. Douglas Smith and Command Master Chief Robert Brown, the chief of the boat. Furthermore, I would like to recognize those officers and crew who briefed me on their areas of the ship concerning their duties and responsibilities.

To all of the officers and crew of the U.S.S. *Santa Fe*, I say "thank you"—not only for your hospitality, but for your service as ever-watchful guardians of the United States of America.

HUMANITARIAN AND CORRIDOR ACT

(Mr. TORRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRES. Mr. Speaker, today, I join my colleagues, Representatives JOSEPH KENNEDY and CHRISTOPHER SMITH in introducing the Humanitarian Aid Corridor Act.

This bill would withhold U.S. assistance to any country which blocks the delivery of congressional approved U.S. humanitarian assistance to another country.

The need for this legislation, Mr. Speaker, is clear. It is a serious threat to the integrity of American foreign policy when any nation—especially one that is also a recipient of U.S. aid—forces our Government to waste taxpayers' money on transportation costs instead of putting that money toward the humanitarian goods specified for delivery.

Let me site a specific case: Since April 1993, our ally, Turkey, has closed its border to all cargo, including United States humanitarian assistance, going to the land-locked Republic of Armenia.

Because of this blockade, America is forced to ship its aid around Turkey, through the Black Sea, to ports in war-torn Georgia.

The closing of the Turkish border to United States assistance meant for Armenia has slowed delivery of this aid, skyrocketed transportation costs, and in some case caused the loss of aid to thieves and saboteurs.

Allowing our allies to deny U.S. humanitarian assistance to people in need discredits our Nation's foreign aid program, results in inefficient use of U.S. taxpayers' money, and ultimately sets a precedent for abuse by other nations.

I ask my colleagues to support the Humanitarian Aid Corridor Act, and to ensure that U.S. humanitarian assistance will not be exploited for political purposes.

THE 75TH ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

(Mrs. MEYERS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MEYERS of Kansas. Mr. Speaker, today is the 75th anniversary of League of Women Voters. Created in 1920, in anticipation of passage of the 19th amendment, the league was created as a nonpartisan organization to promote political responsibility through informed and active participation of citizens, both men and women, in government.

I am proud to have been a member and president of my local League of Women Voters in Johnson County, KS, before I served on the Overland Park City Council, the Kansas Legislature or the U.S. Congress. It was an education.

The league gave me a grounding in a wide variety of issues, encouraging me and women like me to become more than silent bystanders. The league has a proud legacy which I am honored to acknowledge from the floor of this people's House.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentlewoman for yielding to me.

The Kellogg Foundation in Battle Creek, MI, the director is leaving, Russ Mauby. I would like to acknowledge him. There are Kellogg farmers in the gallery today, and I would just like to say we appreciate them being there.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BEREUTER). Members should not refer to people in the gallery. That is inappropriate.

LEAGUE OF WOMEN VOTERS

(Mr. KENNEDY of Rhode Island asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, on this day 75 years ago, the League of Women Voters was formally established. The League of Women Voters of Rhode Island grew out of the Rhode Island Equal Suffrage Association and was organized on October 8, 1920. The first year was spent uniting all suffrage groups in Rhode Island and recruiting new members.

In the league's second year, units were set up in most Rhode Island communities in order for women to conduct study meetings and take local action. Some of the issues the league got involved in at the time were the child labor Law, equal pay for equal work, and equalization of educational and economic opportunities.

In 1945, a move was begun to make units into independent local leagues and with that leagues were born all over the State of Rhode Island, including in Providence, Newport, South Kingston, Narragansett, Barrington, East Providence, and Bristol.

Mr. Speaker, in Rhode Island the league has worked along with other groups, and it is important that today we recognize their efforts.

☐ 1130

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

The SPEAKER pro tempore (Mr. BEREUTER). Pursuant to House Resolution 79 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 728.

☐ 1131

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 728) to control crime by providing law enforcement block grants, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, February 13, 1995, the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] had been disposed of, and the bill was open for amendment at any point.

Five hours and twenty minutes remain for consideration of amendments under the 5-minute rule.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Is the amendment printed in the RECORD?

Mr. MCCOLLUM. The amendment is not printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. MCCOLLUM: On page 10, line 20, strike "45" and insert "20".

Mr. MCCOLLUM. Mr. Chairman, this is a simple and pretty much technical amendment. Under the bill as written, the chief executive officer of every State has not less than 45 days to review and comment on an application for a grant submitted to the director. We would like to change that. This amendment changes that to 20 days.

We have no basis for wanting the States to have any more time than necessary to delay the possible getting the money by any city or county that is supposed to get the funds. In fact, I am not even sure 20 days is a magic number of days, but the objective here, since we have a complicated formula, is to let there be at least a certain amount of time out there for the situation to be observed and acted upon in cases where we have to have cooperation between the local unit of government and maybe a sublocal unit, such as the city and county situation, where the formula has to be adjusted to take into account some diverse interests in some parts of the country.

There needs to be some time here. The thinking is that 45 days is too long, and 20 days is more reasonable, for the Governors to have this sitting before the director to disburse the money, to comment on it or to have some reaction to it.

I would urge my colleagues to adopt the amendment. I do not think it is controversial in any way.

Mr. SCHUMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have seen this amendment on our side. We have no problems with it, and I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. McCollum].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the amendment printed in the Record?

Mr. SCHUMER. The amendment is not printed in the Record, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Schumer: Page 2, line 6, insert after "amended" the following:

"by redesignating that title as title XXXIV and a new title I is inserted in that Act"

Page 8, strike line 23 and all that follows through page 9, line 2, and insert the following:

"(1) $150,000,000 for fiscal year 1996;

"(2) $50,000,000 for fiscal year 1997;

"(3) $300,000,000 for fiscal year 1998;

"(4) $300,000,000 for fiscal year 1999; and

"(5) $1,732,000,000 for fiscal year 2000."

Page 21, strike line 17 and all that follows through page 22, line 7.

Page 26, strike line 9 and all that follows through line 11.

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, I offer this amendment on behalf of myself, the gentleman from Michigan [Mr. Conyers], and the gentleman from Texas [Mr. Chapman].

Mr. Chairman, Speaker Gingrich has been talking about his Contract With America. We made a contract with the American people last year, as well, a contract to put 100,000 new police officers on our streets. We cannot and must not break our promise so that Speaker Gingrich can pass a bill written by pollsters and pundits who said it would be popular. Under the crime law we passed last year 100,000 new community police officers will be put on the streets of America. Under Speaker, Gingrich's bill, not one new police officer must be hired.

Speaker Gingrich said last year, Mr. Chairman, that sending a blank check to cities would result in a pork barrel boondoggle. Today Speaker Gingrich is not only defending this blank check approach to crime-fighting, he is, unfortunately, championing it.

Last year's crime bill, Mr. Chairman, guaranteed 100,000 new police for our streets. Speaker Gingrich's bill guarantees billions of dollars of pork, like tanks, useless studies, or this airplane, bought by the Governor of Indiana in the 1970's.

It is a simple, simple choice, Mr. Chairman: Do we want police, or do we want pork? That is the choice of the Schumer-Conyers-Chapman amendment. It cuts clearly to the difference between the super pork barrel block grant program, and the bipartisan commitment this Congress made last year to the American people.

Mr. Chairman, this amendment unequivocally preserves, protects, and defends the promise we made to America less than a year ago. Passing this amendment will show the American people that this House is not a Chamber that lightly throws away such solemn promises, particularly when that promise is to put 100,000 new cops on America's streets. Passing this amendment will show that Members of this House on both sides of the aisle can think for themselves, that they are not mindless puppets who march in lockstep simply to fulfill the promises of a poorly drafted political document, hastily written in the heat of a political campaign, because that is what H.R. 728 is.

Passing this amendment, Mr. Chairman, will keep faith with the hundreds of thousands of men and women who are police officers, who, at this very moment, are walking America's streets and need our help.

Every major police organization in this country has had the courage to go on record. They want the cops on the beat program saved exactly as it was passed last year, and that is what this amendment does. It fully restores the cops on the beat program, and leaves a net balance of $2.5 billion for the block grant purposes already outlined in H.R. 728.

Mr. Chairman, we should not let anyone tell us that the cops on the beat program is not working. It clearly is. As of last week grants have been awarded that will put over 16,000 new police officers on the streets. Think about that, Mr. Chairman, 16,000 new police officers provided in less than a year, in a day when government bureaucracy seems to overwhelm us. This is almost a modern miracle. Why are we pulling it back?

This fact alone, Mr. Chairman, disproves the repeated misstatement we have heard in this Chamber that the cops program will not provide 100,000 cops. Furthermore, Mr. Chairman, this program is being implemented without a lot of red tape or complicated applications.

Here is the application for this program, Mr. Chairman. Look at it, I would ask the Members. It is simple, straightforward, no nonsense, that anyone worthy of leading the smallest police department of a sheriff's office can fill out in a few minutes.

Finally, Mr. Chairman, this program is flexible, and being administered in a sensible way. It is true that the law requires the local community to put up a 25 percent match. We all know from our experience if we just give free money with no strings attached, it is much more likely to be wasted.

However, the law also recognizes that sometimes there should be waivers when communities cannot afford it. It allows the Attorney General to waive the match, as she has done for communities all over the country. I have here a list of the Attorney General waivers of the 25 percent match. It includes police departments in California, Florida, New Mexico, Iowa, Michigan, Montana, Oklahoma, Rhode Island, Oregon, South Dakota, Washington, and West Virginia.

Mr. Chairman, the plain fact is that any community with a good cause and the determination can help solve its own problems by qualifying for these funds.

The CHAIRMAN. The time of the gentleman from New York [Mr. Schumer] has expired.

(By unanimous consent, Mr. Schumer was allowed to proceed for 1 additional minute.)

Mr. SCHUMER. What has H.R. 728 to offer in place of this proven working program that America's cops and America's people want? The biggest pork-laden boondoggle in the history of this Congress since the Law Enforcement Assistance Administration disaster upon which it is modeled.

Mr. Chairman, I urge my colleagues to keep faith with the American people, keep faith with America's cops, and show their thoughtful independence on both sides of the aisle. Vote for the Schumer-Conyers-Chapman amendment.

Mr. MCCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what we have just heard is an explanation of the pivotal amendment on this entire bill.

☐ 1140

It is an amendment which would restore to its full funding the entire presidential cops-on-the-street program from last year's Congress, a program that thousands of communities have found is not of any benefit to them, a program that is not working but a program that is a pet project of the President, upon which he threw down the gauntlet, the veto threat this past Saturday during his radio address if we are to disturb it in any way.

I would suggest that what the gentleman from New York is stating, while I know his sincerity is there, is simply not representative of the reality that America finds itself today, nor the reality of this bill.

The primary concern of Americans today is to fight crime on the streets in their local communities and to stop the onslaught of violent crime. There are myriads of programs out there that are important to them to do this. What is good for one community in one corner of the country is not necessarily good for another. Some communities need new police officers, some do not. Some would take advantage of this money that is now on the table in the old bill. Some cannot afford to.

The simple fact is that the cost of hiring a new police officer is nowhere near the base figure being used for the grants match or otherwise that are in the current law. The cost of a new police officer instead of being $20,000 to $25,000 a year which is what the base figure is for taking the 75–25 match moneys that are involved in that bill, that is simply the hiring cost for the average new police officer for his salary for the first year. Instead of it being that figure, it is closer to $60,000 or $70,000 a year to put a new police officer on the street when you consider training, equipping him, et cetera.

This bill, in addition to not getting anywhere near that for 1 year, expires at the end of 3 years with any Federal money. Consequently, local communities are often finding this a pig-in-the-poke and a very bad program.

I would like to call attention to my colleagues to the editorial in today's Washington Post that has not always been known for its endorsement of Republican initiatives.

"The President," it says here in the editorial, "wants at least to preserve the mandatory funding of what he says will be 100,000 new cops on the street."

"When last year's bill was enacted, that 100,000 figure was cited as the most important feature of the law. Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact," the Post says, "the law created a 5-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum Federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of up-front money many say they don't have."

"So put aside," the Post says, "the 100,000 figure and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally."

Skipping a little bit down in the editorial, the Post goes on to say, "Our sense is that the world won't end if local authorities are given more flexibility. In some cities, like this one, the greatest need may not be additional police on the roster, but better equipment, specialized training or even midnight basketball. What's wrong with letting them use Federal funds for less expensive but still effective programs rather than for costly hiring? But if cities already have a drug court, as Washington does, and a fully staffed police force, what's wrong with using Federal funds for social workers in juvenile detention facilities, or for improving computer systems to track parolees? One hundred thousand cops sounds good, but congressional failure to include that mandate is not worth a presidential veto."

The long and the short of it is that the Washington Post recognizes as we do on this side of the aisle that flexibility is the key to this. We do not want to hamstring the local communities around the country with the type of program that is in existence today. We need to give them maximum flexibility.

I also have a copy of a letter from the U.S. Conference of Mayors dated February 10 signed by Victor Ashe, the mayor of Knoxville, the President, and Norman Rice, the mayor of Seattle, its Vice President, addressed to the Honorable RICHARD GEPHARDT, the Democratic leader, expressing concern. I will quote only part of the letter, and I will later submit the whole letter for the RECORD:

"As President and Vice President of the U.S. Conference of Mayors, the 63-year-old bipartisan organization which represents mayors and local governments throughout the Nation, we are writing to express our concern about your recent comments on the ability of local governments to manage block grants. At your February 7 press conference, you said:

'These crime bills want to just turn the money over to the local governments without any strings, and we are likely to wind up where we were back in the 1970's when we had some local jurisdictions using the money for tanks and fixed-wing airplanes and all kinds of wild things that didn't have much to do with really fighting crime.'

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, Mr. MCCOLLUM was allowed to proceed for 2 additional minutes.)

Mr. MCCOLLUM. "First of all, this comment is factually incorrect. The LEAA program to which you were referring provided funds to the States, not to the Cities."

They go on then, and I will skip some of this.

"Second, we are distressed that you seem to have so little confidence in the integrity and administrative ability of local government officials. Your statement of February 7 is in direct contrast to what you told the mayors on January 27 at our Winter Meeting at the Capital Hilton in Washington:

'If we're going to block-grant money for prevention and for police, I want that money to go to you, the cities of this country, and not somewhere else. You're the ones on the front lines. You're the people that have got to show results, and I think you're well-equipped to try to figure out what to do with the money.'

"We prefer to believe that this is really your assessment of local government officials today. With all due respect, we believe that because of the leadership position you hold, it is important that you clarify the trust you have in the mayors, city council members and county officials throughout our Nation."

I would suggest that the comments of minority leader GEPHARDT clearly indicate from what he said to the mayors and their quoting of him on their winter meeting date of January 27 that there is no question that he recognizes that local communities do act responsibly and they are the best ones to make these decisions. It should be a bipartisan effort today to mold a flexible local community block grant program here that takes care of both the cops on the street and the prevention and lets the local communities decide for themselves. We should not be holding back and trying to preserve an old and clearly debunked program for cops on the street simply because the President wants to hold up the political image of having completed the hiring or providing for 100,000 new cops. It sounds great, but there will never be 100,000 new cops provided under his program. Many communities will not apply, cannot accept if they are given the grants, do not have the money to do that, and would not want the police even if they did because there are other alternatives they would prefer.

It was an interesting idea. It is not the best idea. The best idea is in this bill for local block grants.

I urge the defeat of the Schumer amendment as a result of that. I think it is an ill-conceived amendment.

Mr. Chairman, the letter referred to is as follows:

> THE U.S. CONFERENCE OF MAYORS,
> *Washington, DC, February 10, 1995.*
>
> Hon. RICHARD GEPHARDT,
> *Democratic Leader, U.S. House of Representatives, Washington, DC.*
>
> DEAR REPRESENTATIVE GEPHARDT: As President and Vice President of The U.S. Conference of Mayors, the 63-year-old bi-partisan organization which represents mayors and local governments throughout the nation, we are writing to express our concern about your recent comments on the ability of local governments to manage block grants. At your February 7 press conference you said:
>
> "These crime bills . . . want to just turn the money over to the local governments without any strings, and we are likely to wind up where we were back in the '70s when we had some local jurisdictions using the money for tanks and fixed-wing airplanes and all kinds of wild things that didn't have much to do with really fighting crime."
>
> First of all, this comment is factually incorrect. The LEAA program to which you were referring provided funds to the states; cities received only a small portion of those funds and generally their purposes were dictated by the state government. It was state governments, not cities, which would have purchased tanks and fixed-wing airplanes. Such purchases are specifically prohibited by HR 728.
>
> Secondly, we are distressed that you seem to have so little confidence in the integrity and administrative ability of local government officials. Your statement of February 7 is in direct contrast to what you told the mayors on January 27 at our Winter Meeting at the Capitol Hilton in Washington: ". . . if we're going to block grant money for prevention and for police, I want that money to go to you, the cities of this country, and not somewhere else . . . You're the ones on the front lines. You're the people that have got to show results, and I think you're well equipped to try to figure out what to do with the money."
>
> We prefer to believe that this is really your assessment of local government officials today. With all due respect, we believe that because of the leadership position you hold, it is important that you clarify the trust you have in the mayors, city council members and county officials throughout our nation.
>
> Sincerely yours,
>
> VICTOR ASHE,
> *Mayor of Knoxville, President.*
>
> NORMAN B. RICE,
> *Mayor of Seattle, Vice President.*

Mr. CONYERS. Mr. Chairman, I rise in support of my amendment.

Mr. Chairman, on yesterday we attempted to restore the prevention part of this crime bill the way that it was written in 1994 and approved in a bipartisan fashion.

Today our attempt is to restore the community police program and restore that in the original form in which it was passed only several months ago.

Nothing has more symbolized the Federal Government's commitment to fighting crime than the President's program of putting 100,000 policemen on the streets. If there is anything that most people dislike about Washington, it is the breaking of commitments. That is exactly what the Republican block grant program deliberately does. It breaks a commitment to put 100,000 policemen on the street, folding it into a block grant program, knowing that thereby they will dilute or destroy both the prevention program and the police program.

So we should not break this promise. This amendment, Schumer-Conyers-Chapman, is an attempt to fulfill that commitment by restoring the funding for the cops on the beat program by reserving $7.5 billion for the block grant for the program.

When we want to fight crime on Capitol Hill, we should listen to those who work in this field, work on the front lines. The Fraternal Order of Police, the National Association of Police Organizations, the Sheriffs Association, the Black Police Association, the Police Executive Research Forum, the California Police Chiefs have all endorsed this amendment. We have met with their leaders. They are still on board and they are still hopeful that common sense will prevail in the Congress today with reference to our efforts to have a community-based police program of 100,000 police officers emanating from the Federal Government.

They support it because they understand the Republican block grant. They realize that the Republican proponents say it may increase the overall number of cops on the beat, but they will not put any guarantee in writing.

There is no guarantee, as a matter of fact, that a single police officer would be put on the beat, despite the wide consensus in city after city and State after State for more community police. There is no guarantee that the funds will result in any crime reduction whatsoever. There are no performance measures written so that we can measure the effectiveness of the bill in later years. Its formula does not take into account the adequacy or inadequacy of existing police staffing levels in particular areas, or the ability or inability of such areas to effectively utilize additional police resources.

The proposal could deny needed funds to hard-pressed areas that would otherwise receive funding under the existing program. Simply put, it is a total abdication of responsible legislation and thoughtfulness.

In fact, the program of theirs is nearly identical to the Law Enforcement Assistance Administration grants that we are reminded of merely by the similarity in programs. We know what happened, the inefficiencies, the waste, the abuse, and worse.

We are replacing an existing, proven police program and an existing prevention program which is widely popular at local levels with failed programs. Is that what the contract of America is about?

Mr. Chairman, the program of cops on the beat has already been successful. Seventeen thousand have already been put in place. The President announced 7,000 for small communities just last week. Over half of all police districts nationwide have received or will shortly receive new police.

In this body, we can write all the tough laws we want, all the death penalties, all the mandatory minimums, but this is the test of whether we really want to have community policing at the national level. Support this amendment.

Mr. WYNN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise this morning to strongly support the Schumer-Conyers-Chapman amendment.

I recall last year when we had a really good crime bill that we had a proper balance, somewhat like a 3-legged stool. We reflected the 3 P's of crime fighting: crime prevention grants at the beginning of the process to prevent crime, police to both prevent crime and apprehend criminals, and prisons to house prisoners and to keep violent offenders off the street.

Unfortunately, that delicate and, I think, very sensible balance has been disrupted in the Republican-sponsored bill we have before us today. What they have done is disrupted this balance by being too heavy on prisons, the part of the process at the very end, and creating a very heavily funded dysfunctional leg for prisons, then trying to merge prevention and police into one also dysfunctional leg. It is very unfortunate.

I want to commend all of those who tried unsuccessfully yesterday to restore prevention funds. But today I want to talk specifically about the ground troops in the war on crime, and that is police.

We say it is a war on crime, and in any other national defense circumstance it seems to me we would advocate national decisionmaking and national priority setting. This is the only one in which we say the most important thing is local decisionmaking.

We need to assure that the ground troops necessary to fight the war on crime are in place and that means we need more police.

Every single law enforcement entity has said community policing works. Every local neighborhood, neighborhoods who never before had positive relationships with their police departments said, "Yes, if you bring a law enforcement official into our community not as a storm trooper but as someone who can work with the community, work with young people, identify local problems, this works."

"Yes, if you have consistent patrols that can walk the beat and get to know the community, we can solve crime."

☐ 1155

The Republicans, unfortunately, do not believe that this makes quite as much sense, and that is why they have taken away our opportunity to guarantee these police forces.

I believe we do need national priority setting on this issue. We do need to ensure that we here in the Congress provide the ground troops in the war on crime.

We have an interesting situation here: We have the Republican judgment that we do not need these police or to let the locals make the decision, but we have the law enforcement community saying across the board—major city police chiefs, International Brotherhood of Police Officers, Law Enforcement Officers Association, Fraternal Order of Police, Black Police Officers, Black Police Executives, National Troopers Association, the Police Executive Research Forum, and the Police Foundation—all say they support the police program. They support the current COPS program to guarantee 100,000 police. They say that it is essential in our efforts to taking back our streets.

So we have in this corner the Republican judgment, "Let the locals decide." You have in this corner the judgment of our law enforcement community, the people that we ask to defend our streets, who say the top priority should be the retention of the COPS program.

Now, I am not here to object to local decisionmaking. As a former State official, I believe in it. But the fact remains that if we send these grants down to the local level, they will be caught up in competing interests.

One gentleman got up yesterday and suggested, "Well, we are going to need a road to connect one prison to another." Another one wants lights. Another group may want sports. Another may want other activities. These are all legitimate activities and all contribute to fighting crime.

But the issue before us today is whether we in the U.S. Congress take a stand with law enforcement officials across this land and say that police ought to be our top priority.

I can tell you in the State of Maryland we have already received 284 officers. My district has received 55 more police officers. You know what, Mr. Chairman? It is working.

My small town mayors, my county executives are all saying this is what we need, additional police.

So I want to say emphatically that local decisionmaking has its place, but if we are in a war in this country on crime, it seems to me we need to make some national decisions, and that national decision ought to be to strongly support the cops on the beat.

Mr. GEKAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a vote for the Schumer-Conyers-Chapman amendment is a vote of no confidence in the local public officials. Your mayors, your township officials, your municipal officers elected by the voters to make decisions at their level on what is best for their streets, for their neighborhoods, for their public safety contingents, this constitutes no confidence in them and, as a matter of fact, a condemnation of their abilities to govern their own municipalities.

That is the difference that we are trying to determine over on this side when we offer this elastic, flexible program which will allow these local officials to respond to their local voters and taxpayers.

Now, what is the difference between what we are attempting to do here and what occurred under LEAA? That was a bipartisan measure, as I remember, and that served its purpose at that time. If there was any difference between that and this which you now decry, you on the other side of the aisle, it might be this: that today we have the expanded coverage of C-SPAN, we have total communications from individual Members of Congress to their constituents and vice versa. And the likelihood of the local public officials taking this money and using it for automobiles or some of the other wild stories that we have heard about, misuse of the LEAA funds, simply cannot happen except at the risk of the people involved back home.

This program of flexibility on the part of local government is no more subject to corruption or waywardness of funds than is the 100,000 police officer part that is in the former crime bill. What is to prevent special favoritism on the part of anyone making the selection of the communities that are to receive this largess?

So it is confidence that we have in the local officials that drives us in this direction. Your program signals no confidence at all in local public officials.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this clearly is not a partisan issue. I am wearing a badge today, a badge that talks about 100,000 cops and reminds Americans that we should not go back. The hiring of 100,000 new police officers should not be a partisan issue. It is very interesting, as I listened to the gentleman who just spoke, the gentleman from Pennsylvania, Mr. GEKAS' district liked this program enough to apply for and get some 23 new officers on the street.

Again, this is not a partisan issue. Hiring officers is not an issue that should divide us; it should be one that brings us together.

What we are doing with H.R. 728 is throwing money, with no specific direction, in the name of flexibility.

Mr. Chairman, I come from local government, I respect their decisionmaking powers. I know they work. But there is no guarantee that these dollars will get down to the local police jurisdictions and municipalities. These dollars may ultimately go to our States and then have to have the continued massaging at to where these dollars might end up.

The COPS program, in particular, responds to the public's demand that we use tax dollars to make our streets safer. The COPS program requires a commitment to increasing their force size by requiring them to come up with at least 25 percent of the cost of hiring new officers.

It establishes a working relationship, a partnership. The COPS program's local matching program with the declining Federal share over the course of the grant encourages and prepares local jurisdictions to pick up the tab in 3 years or so.

H.R. 728, on the other hand, does nothing to prepare them. It drops the ball. You go off the side of the Earth. There is no commitment. There is no planning.

And most of all, this program helps the needy jurisdictions. It helps our communities who need cops the most. People are looking for safer streets. They are asking us not to be partisan in this. It is interesting that we would put such extreme restrictions on requiring our jurisdictions to get prison dollars, some 85 percent requirement under truth-in-sentencing, which requires the different jurisdictions to have prisoners incarcerated up to 85 percent of time given, and yet when we talk about police officers—where you stop the criminal activity along with prevention, where you allow for community policing—then we throw all reasoning to the winds.

This is not a partisan issue. We are required, if you will, to look at this from the perspective of the American people. The American people who embraced this wholeheartedly in the 103d Congress, in that bill, the omnibus crime bill of 1994, the American people supported this and stood up for it.

Mr. Chairman, today is Valentine's Day, and I simply ask that we, the U.S. Congress, send a valentine to the American people. That valentine is safer streets; that valentine is embracing the idea of 100,000 police officers. That valentine is recognizing that the American people want tax dollars to be used to provide the opportunity for police officers in their communities.

Mr. Chairman, I rise to support the Schumer-Conyers-Chapman amendment making our streets safer and supporting 100,000 police.

Mr. HEINEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been in committee, the Committee on the Judiciary, with my colleagues here, and I have come to respect the gentlewoman from Texas [Ms. JACKSON-LEE] and her positions on law enforcement.

I think what we are talking about here is we are talking about just what I mentioned last night, a philosophical difference of where we want to go, whether we want to dictate to local law enforcement and the States as to how much money should be spent and where it should go. We on this side of the aisle seek flexibility at the local level in that regard. And I say that there is nobody in this Congress—not even myself, who has been a police chief for 15 years; in fact last year at this time I was in that position—that know better how to use money at the local level. I can say I knew for years exactly how to use grant money at the local level, because I was there. I cannot tell you now that I know better than the police chief of Raleigh, NC, at this point how best to use that money under a block grant. They know. One size does not fit all, I can tell you that.

Rudy Giuliani, Mayor Giuliani's name was mentioned here several times as not being in favor of more cops but of equipment. He knows better, his police chief knows better. Nobody in this Congress knows better how to use that block grant money than the people at the local level.

LEAA has been brought up several times as a Dunkirk when it came to funding at the local level. I cannot argue with that. I was in law enforcement at that time, big-time law enforcement. I know there was waste. But this bill, hopefully, provides a framework under which Dunkirk will not reoccur.

But there is a raging fire on the streets in this country today, right now. As a matter of fact, since last Thursday, at 1:21 p.m., when we started debating prison grants, up to now, the FBI will tell us that 357 Americans were murdered in that time up to now. We are chasing the clock as it relates to this. I think our intentions are all in the right direction. It is just how are we going to get there. We had hearings in the Committee on the Judiciary, where people pleaded from the local level, pleaded with us for help, pleaded with us to send help to the local level, where prisons are concerned, and law enforcement as well.

I do not want to hear LEAA being brought up again. We did bring into this bill safeguards; that is, accountability at the local level. It does set up an advisory board. It does provide for the chief executive within 45 days to respond. Three percent of the moneys is provided for oversight, oversight hopefully, not to repeat the LEAA boondoggles.

I tell you, when I gave testimony today that the best knowledge of how to use that money will come from the local level and the local level will provide law enforcement officers; it is built into the bill.

So if you know best, if you know better than local police officers at the local level how to use the money and how to dispense it, then do not vote for this bill. But as far as the Schumer amendment, I rise to defeat that amendment on the basis of the fact of what I have said, and also stressing, as best I can, that let the local level determine where the money should go.

Ms. JACKSON-LEE. Mr. Chairman, will the gentleman yield?

Mr. HEINEMAN. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE. I thank the gentleman for yielding to me.

Mr. Chairman, I too appreciate very much the very clear insightfulness that the gentleman brought to the deliberation in the Committee on the Judiciary. I think all of us have made every effort to be as effective for the broad views of Americans.

I only raise a concern. I appreciate the gentleman coming from the police perspective, and in a discussion that we had on the floor yesterday when, I think, in another bipartisan effort we suggested a very small modification that would not allow these dollars to be used for road and highways. Again, we thought that that was fair, if you will, a striking of a balance of how those funds may ultimately be used. We did not win that. The Republicans voted against that.

That is the concern I raise, coming from local government, respecting local government, local police chiefs, that because of the lack of clarity, in the name of flexibility, that we would have the occasion to use very precious dollars that should be used for our police officers and to use them for things like roads and highways. I have that great concern. That is why I raise this issue.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEINEMAN] has expired.

(By unanimous consent, Mr. HEINEMAN was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. HEINEMAN. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I just wish to bring to the gentleman's attention, because the major of New York City, Mr. Giuliani was mentioned: The major, when the original bill was drafted would only allow cops on the beat, and the mayors in New York and Los Angeles, and some others have said, "What if we want to put in a computer? What if we want to put in overtime? What if we want to put in civilians?"

□ 1210

A compromise that was worked out, which is now in the law, says very simply that, as long as it will increase the net number of cops on the beat, they can do that. So, our bill has a great deal, the present law does have a great deal of flexibility which would be restored by the Schumer-Conyers-Chapman amendment; not in my judgment too much flexibility that they could do anything, but it would certainly allow police departments to pay for other types of things provided, as a result, there were new cops on the beat. I would argue to the gentleman that is preferable to that proposal. I would not want to see them put in a computer and not have new cops on the beat, but, if they want to use it to put in a computer, free up people with desk jobs and have them start walking the beats, great.

Mr. HEINEMAN. Mr. Chairman, I thank the gentleman, and let me at this point say this is a bipartisan effort, as I see it, and I thank my colleagues from law enforcement on both sides of the aisle for going to bat and swinging the bat at the ball to get him the help they needed. We heard it in committee. We heard the mayor, Mayor Ash, we heard the DA's, we heard the judges asking for help, and I think we are really moving in the right direction. It is just a matter of how are we going to get there and who knows best.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there is an implication here that the Members of Congress, and there are many on both sides of the aisle, that are the most grass roots representatives matching any local officials in their communities, and let me just say that I will match my access and knowledge of what my constituents want over 2,000 town meetings in 12 years, and I think this is matched by many here. The implication being: that it is local officials that know what is best.

Let me say that what worries me about the Republican plan is that there are no guarantees that even one police officer is going to be hired. We already have a plan underway. Let us not mess with it. We have grants for over 17,000 new officers in cities and small towns across the country. Half of all the police departments in the country have applied for a cops grant.

Law enforcement and the American people want more police, and my colleagues are trying to dismantle it. The only thing that this bill guarantees is fewer new police on the streets of America. There will be fewer police to build partnerships with communities, fewer police to work with residents to reduce and control crime, and fewer police to keep our streets safe for law-abiding citizens.

What we are also doing is taking a walk on accountability to the American taxpayer. This is super pork of the highest order. No strings attached. Do whatever you want with this money. That is basically what we are saying. While we have banned tanks and airplanes, how many thousands of ridiculous uses have not been explicitly prohibited? How much money is going to be spent of thousands on wasteful purposes rather than on police officers? There is no accountability for the $10 billion. What we have is a choice between police versus pork.

What we did was in the crime act, we paid for this program. We paid for it by reducing the size of the Federal Government, and the President rightfully has said that under no circumstances, he did not fight 100,000 bureaucrats so we can trade them in for an old-fashioned pork barrel program. What we have is a bunch of hoops, hurdles, and fits for local governments rather than forging a partnership with them.

What we are doing is building roadblocks to crime fighting, creation of local advisory boards, new layers of bureaucracy, new applications. Under the present plan we have a one-page application. Mayors would have to defer to Governors on crime fighting strategies even though mayors, police chiefs, and community leaders already know best what works for their community, and, rather than receiving grants directly to meet the particular needs, small towns and rural communities would have to seek their portion of Federal dollars from a pool distributed by the Governors of their State. What we have is replacing crime fighters with administration. The court program under the crime act is efficient, and it is centralized in distributing grants for 17,000 police officers. In just 4 months Mr. Chairman, the cops office is under budget and ahead of schedule. Yet the proposed block grant would move slowly. It would delay crime fighting and would shave off more of the taxpayers' money to pay for its administrative costs.

Mr. Chairman, let us put police over pork. Let us deal with a program that has enormous public support. Let us deal with a program that already is underway, community policing, grass roots police.

I have small towns in New Mexico that have received one cop. We have had grants awarded to 6,500 small communities, 7,100 cops. Why are we going to mess with a program that is working for reasons of politics?

Let us give the President credit for a program that is working. Let us not mess with this program, and if it passes the Congress, rightfully the President should veto it.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I mean no disrespect, but there is an incredible arrogance; I suppose it is an unconscious arrogance; in the position that Washington knows best. Yes, there is a police program in place. That is the problem. It is their program instead of local government's program.

This bill that we are advancing provides for local advisory boards.

Now the gentleman from New Mexico [Mr. RICHARDSON] said he has held 1,000 town meetings and he knows best. Well, I am not sure that I would have the, I do not know another word, arrogance, to say that I know more about every nook and cranny of my district and its needs for public safety and fighting crime than the local police, and the sheriff's office, the local prosecutor, representatives from the local court system, representatives from the local school board system, representatives from community groups. I mean, a little humility. These are the people fighting the problem in their front yard.

Ms. FURSE. Mr. Chairman, will the gentlewoman yield?

Mr. HYDE. I yield to the gentlewoman from Oregon.

Ms FURSE. Mr. Chairman, I would just like to point out that I think the gentleman's point is right, that we should not in Washington be making these decisions, but in fact we are saying we are listening to the order of police, the sheriffs, the black police officers. They are the ones who are saying that they want to keep this program, not people in Washington who are not on the front line.

Mr. HYDE. Mr. Chairman, I am terribly sorry, but I just do not agree. I do not think they understand that their program is seed money and, after a few years, it evaporates, it disappears, and the local unit of government is left to absorb all of the coats. I do not think they are thinking in those terms, but it is a fact that it is virtually illusory.

We are talking 20,000 policemen, fully paid for, not 100,000. Those figures have been worked out, and they are not too obscure. The fact is we have a program that is animated by the philosophy that local government knows its problems and how to deal with them. All wisdom does not reside in Washington.

Now to call it super pork is really to insult thousands of local officials who must face the same taxpayers we face only in a more immediate fashion. They come out to the meetings and eyeball these people. There is going to be supervision over how its spent through the U.S. Attorney General's office having a program of oversight, and so it just seems to me a little trust, a little faith, a little humility, that we do not know it all, that the people in the front lines do know it all, and let us give them the resources.

☐ 1220

Now some say, no more policemen, that they do not need policemen. Maybe they want technical help; maybe computers are what they need; maybe prosecutors; maybe jails; maybe policemen. But let them make the call, not from here hundreds or thousands of miles away in Washington.

Ms. FURSE. Mr. Chairman, will the gentleman yield again?

Mr. HYDE. With pleasure, I yield to the gentlewoman from Oregon.

Ms. FURSE. Mr. Chairman, it is my local police chiefs and my local sheriffs who have called me to say they like the crime bill of last year, that it is working, and they are getting new police officers. It is the local law enforcement people who call me, the Oregon State Patrol. They have called and said they do not like the changes; they want the bill that was there last year. I think they do not know what is going on. I think we should trust them.

Mr. HYDE. Well, the city council in Cincinnati thinks just the opposite. There are plenty of municipalities that understand that this is illusory, that in the first year, 25 percent of the cost is going to have to be assumed by the local units of government; by the second year 50 percent; by the third year 75 percent; and by the fourth year it is gone.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course, I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding.

I make two points. First, the argument that our program expires and the block grant does not, that is totally false. Both are based on the trust fund. Ours goes 6 years.

Mr. HYDE. I did not say the block grant program expires. These are the gentleman's words.

Mr. SCHUMER. The program expires, so local communities would be on their own under either bill; is that not correct?

Mr. HYDE. Yes, but we are not promising them 100,000 policemen, which are not in the cards by anybody's computer. The gentleman knows that. Will you concede that?

Mr. SCHUMER. If the gentleman will yield, there are already 17,000 police officers. If you take the prorated amounts spent and look at how much more is left in the pot, we are easily in reach of the 100,000 police officers. Last year the gentleman may have had an argument, but seeing what has happened this year, it is obviously clear that there will be 100,000 police. This is a well-administered program.

Mr. HYDE. This gentleman knows they are rushing out the police now before we vote on this, but that is not going to last long.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mr. SCHUMER, and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, the gentleman is overly generous in getting more time for me, and I continue to yield to him.

Mr. SCHUMER. I thank the gentleman for his generosity as well.

Mr. Chairman, the other point I make is that the gentleman is saying, let us leave it to the locals. I think ask the American people, "Who do you want to leave it to, your local police chief or your local politician," they would say——

Mr. HYDE. Not the local police chief.

Mr. SCHUMER. If I could, I would just like to finish my point.

Mr. HYDE. Yes, but do not misstate.

Mr. SCHUMER. That is why I gave the gentleman 2 minutes more, so I could finish my point. That is more generosity.

Mr. HYDE. The gentleman anticipates interruption; is that it?

Mr. SCHUMER. I always do.

The local police are for our proposal, although the mayors have not taken a position and the counties have not taken a position.

Mr. HYDE. The Governors have.

Mr. SCHUMER. The Governors have, but we know them.

I would make one other point: It is not just we Democrats who say we should not be trusting the local politicians.

Mr. HYDE. The gentleman is saying that, though. Will the gentleman concede he is saying that we cannot trust the local politicians?

Mr. SCHUMER. We cannot trust all the local politicians, agreed. Let me tell the gentleman who agrees with us.

Mr. HYDE. How many percentagewise? How many would you say can be trusted?

Mr. SCHUMER. Mr. Chairman, let me read a quote.

> What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

That was said by your Speaker, then minority whip NEWT GINGRICH, on this floor on June 23, 1994.

So will the gentleman concede that there must be some grain of truth to what we are saying if someone as exalted as your own Speaker, who seems to state things in unequivocal terms, said that?

Mr. HYDE. I would accept that as gospel if you would accept the other things he says as gospel.

Mr. SCHUMER. That is not a fair deal.

Mr. HYDE. But you pick and choose, I say to you, the gentleman from New York [Mr. SCHUMER].

Mr. BARR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a great deal of talk this morning, very understandably, about this issue of H.R. 728 and the broader issue of how we are going to provide the support to law enforcement that they need, whether it is through the approach reflected in the 1994 crime bill or the approach in H.R. 728. The issue is whether this is a partisan issue or not, and distinguished Members on both sides of the aisle within the last several minutes have said, very properly so, that it is not a partisan issue.

However, Mr. Chairman, it is an issue of credibility, and it is an issue of honesty and an issue of forthrightness in how this matter is presented to the people of the United States of America. I think, as the distinguished chairman of the Committee on the Judiciary just noted, any way you slice it, any way you cut it, any way you dissect it, there is not sufficient funds in the crime bill that was passed last year to come anywhere near 100,000 police officers on the street. If you add up the figures just cited by the distinguished gentleman from New York, you reach a figure that is much beyond the $8.8 billion, and one might ask him, "Where are those funds going to be coming from?"

What I think, Mr. Chairman, is that we have to get away from the use of some of these statistics, some of the figures here, and remember that, as I think former Secretary of the Treasury William Simon said, "Statistics are used like drunks use lamp posts, for support rather than illumination."

Let us get away from these figures and focus on what the issue really is here.

Mr. Chairman, it is a philosophical approach to governing. It is an approach that is reflected on one hand, as reflected in the proposals and the opposition to H.R. 728 by Members on the other side of the aisle that say we in Washington know best, we in Washington know what strings to attach, that we in Washington know how to micromanage. On the other side of the aisle, the aisle from which I am speaking at the moment, Mr. Chairman, Is the philosophy that says to the greatest extent possible, keeping in mind sound physical principles which are contained in H.R. 728 in terms of the accountability and the reporting requirements for communities that received money under H.R. 728 is a principle that says to the greatest extent possible those members of the community, and in this instance we are talking about the municipalities and the counties all across this great land of ours, and the officials who are on the front line fighting the battle against crime, your police chiefs and your county commissioners making those allocations and having to answer to the citizens who are the victims of those crimes every single day. They are the ones who should be making those decisions. They are the ones under H.R. 728 who would be making those decisions.

So I think the time has come, Mr. Chairman, to get away from a lot of partisan rhetoric, to get away from the smoke and mirrors that we have seen coming out of the White House by rekindling the mantra of 100,000 police officers, 100,000 more police officers, et cetra, et cetera, and talk about the philosophical approach, the very real approach, the very honest approach to law enforcement and funding the law enforcement needs in communities that is embodied in H.R. 728. It is the right thing to do, it is the right time to do it, and now is the time to take that right vote.

Mr. CHAPMAN. Mr. Chairman, will the gentleman yield?

Mr. BARR. I am happy to yield to the gentleman from Texas.

Mr. CHAPMAN. Mr. Chairman, I appreciate the comments of the gentleman. I wanted to bring to his attention a letter that I think was written to the Department of Justice in support of policing grants, and I want to quote from that letter because I think it is particularly appropriate in the context of what the gentleman has said. The letter reads in this way:

> I know, as do you, how important to the overall enforcement effort effective community policing programs can be.
>
> I am familiar with the LaGrange Police Department Community Policing Program, and with the desperate need for more law enforcement officers in the City. The time and effort designing and implementing its Community Policing Program, and the initial results have been outstanding.

This letter was written by the gentleman from Georgia in support of community policing community grants, and I would just ask the gentleman, in the context of the statements he has made while he was supporting these community policing grants in the past, now it seems that he is taking a different position, but at one point the gentleman from Georgia was certainly supportive of the crime bill and its effort in the community grants that are providing police all over this country, at least as it applied to the LaGrange Police Department.

Mr. Chairman, I thank the gentleman, and let me reclaim my time.

When the crime bill was passed in 1994, I think all of us as supporters of the local law enforcement units would have been remiss if we had said that simply because we do not like the President's approach we should not be supportive of local law enforcement agencies who view in that the only avenue with which to obtain very desperately needed Federal funds, that we would support them in those efforts. That does not, and I hope the gentleman is not suggesting that simply because there is one program available at one point in time, that if a better program comes along, as H.R. 748 is and would do, that we would be forever barred from saying this is a better approach and this is an approach that now we ought to move into to provide even stronger support for law enforcement.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARR] has expired.

(By unanimous consent, Mr. BARR was allowed to proceed for 30 additional seconds.)

Mr. BARR. Mr. Chairman, I thank the gentleman for not objecting to the additional time.

Mr. Chairman, I think we would be remiss if we did not seize our opportunity to provide even better and stronger and more consistent relief for law enforcement, and I will look forward to writing an even stronger, more aggressive letter in support of my community down in LaGrange, in Troup County, GA, as soon as H.R. 728 is passed and those funds become available.

□ 1230

Mr. CHAPMAN. Mr. Chairman, if the gentleman will yield further, the gentleman would acknowledge the current law, the COPS Program, has put 40 new police officers into his congressional district. That is what the Department of Justice statistics show. The gentleman wants to throw that program out and buy something in the form of a block grant that may or may not furnish police officers.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. BARR] has expired.

(At the request of Mr. RIGGS and by unanimous consent, Mr. BARR was allowed to proceed for 1 additional minute.)

Mr. BARR. Mr. Chairman, I think what we are witnessing is some degree of sophistry, to say that again one program is good, but we cannot support a program that is even better, I think really obfuscates the real issue here. Whether the Department of Justice says that 40 new officers have been available or 30 or 41 really is not the issue. The issue is we have before us now a bill, H.R. 728, that would provide the greatest amount of flexibility, limited by sound accounting principles embodied in the requirements of H.R. 728 to provide the maximum, not the minimum as under the last bill, but the maximum amount of support and flexibility for those local communities, not only across the district in Georgia but across the districts in New York, New Mexico, Texas, and all the other States from which we have heard very eloquently speakers this morning.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the last week I have spent a lot of time on this Floor either during special orders, morning session, or, as we have brought this bill forward, to fight for certain aspects of the bills. As a member of the Democratic crime task force and having been a police officer myself for some 12 years where I have worked the road, and I would still be there but for some injuries I received in the line of duty, I have a very strong interest in what we are doing here, and this program in particular of allowing 100,000 more police officers.

When the crime bill came for the final conference report, I did not support it. I could not support all those programs in the final analysis of the crime bill last fall. But this was one I did support. Much like the so-called Contract on America, where you have six crime bills or six parts to your crime bill, I will vote for some of them, and I am going to vote against other parts of it.

Your H.R. 728, I am going to vote against it because I think it is wrong to gut a program. You say you want flexibility. Or do you want police officers, is really the question.

You say you are not against local control, but that we, because we oppose this bill, somehow we are against local control; we are afraid to let local people make decisions. We are not. We are afraid to allow you to make decisions on our program.

Yesterday the gentleman from North Carolina [Mr. WATT] offered an amendment which said we will not use money in this bill, this block grant, to build roads, and most of our friends on that side of the aisle voted to allow them to build roads with crime fighting money.

Where is the crime fighting element in building a road? A police car will go up and down the road? I mean, that is where we have our problems. That is where we have differences of philosophy.

The gentleman from Illinois talked about arrogance on this side. I think the arrogance comes in when you take a crime bill and allow it to be used to build roads, when we have the highway trust fund, we have local funds, we have state funds to build roads in your community.

Mr. Chairman, local control, who applies for these police officers underneath the President's program? Who applies? Local officials. Do we force them to apply for this program? No. But across this Nation, every community that is less than 50,000 people, more than half have already applied for this program. No one forced them, no one said they had to. We said here is a program, apply if you would like. That is flexibility. That is local control. We did not make them apply.

Look, you are going to have an opportunity later today if you want other things. It is called the Byrne grants. If you look at the current crime bill, one of the problems I had is you take Byrne grants, 282 programs, which everybody has said is a fantastic program: 1995, we have $580 million; 1996, it drops to $130 million; 1997, $100 million; 1998, $75 million; all the way down to $45 million. So later today we are going to have an opportunity to give you all the money you want for local people to apply for these programs in the Byrne grant. We will authorize $450 million for the next 5 years.

Now, your leadership on that side tells us we cannot do that. Why not? Why can we not provide stable funding for 5 years in the way local people would like it? That is flexibility. We are putting forth the money for communications, wherever you want to use it for. But, no, you say we are going to oppose that program.

So there is flexibility there. There is plenty of flexibility there. We made a promise 4 months ago that we would put 100,000 police officers on the street. We are trying to achieve that. Suddenly now, because there is a change in the election, you do not want that program. You are destroying the program. So where is the flexibility now? What happened in 4 months that suddenly a program that was supported in a bipartisan manner, somehow we have lost that?

It is just strictly politics. And having been a police officer, I know the gentleman from North Carolina and some of the others, police officers, quite honestly are sick and tired of being played with in politics. It is a great issue to run a campaign on, but it is not fair to the police officers or the local communities to say here is the program, here is 100,000 cops over 5 years, but because of a philosophical change, we will now play politics and take the program away. Take it away. And, by the way, you can go ahead and build roads with it, as you voted to do yesterday, instead of fighting crime.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from New York.

Mr. SCHUMER. I think the gentleman makes an excellent point here, and that is that we have had a dramatic reversal. A program last year supported by so many of you, a program that you wrote in favor of, a program that is bringing hundreds and hundreds of cops to each State, is now no good and the blank check to local politicians across the country decried by Speaker GINGRICH 6 months ago is now the right thing, the best thing to do.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(At the request of Mr. SCHUMER and by unanimous consent, Mr. STUPAK was allowed to proceed for an additional 30 seconds.)

Mr. STUPAK. I yield to the gentleman from New York.

Mr. SCHUMER. Let us admit what is going on here, and that is you just want to say there is a different bill. And let us admit another thing, that your bill is not as good as this one.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. STUPAK] has expired.

(By unanimous consent, Mr. STUPAK was allowed to proceed for an additional 30 seconds.)

Mr. STUPAK. Mr. Chairman, in summation, H.R. 728, your bill right here, you want flexibility. There is not one program in there to guarantee one police officer. Not one police officer. You are going to take away the local control to apply for the Clinton COPS Program. We want cops, we want cops. We do not need politics, we do not need the so-called flexibility. You have the Byrne grants for your local control.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the appropriate time I will enter into the RECORD an editorial from the Fall River Herald News, a city which I represent in part. They are a very independent paper, and they make an excellent point in the editorial.

In my district, as in districts all across the country, police officers have already been hired by local governments which took the word of the Federal Government that funds would be available for hiring police officers. What this bill would do would be to disrupt a process of hiring police officers that is already underway.

I think the approach that we have in the current bill is better than this one, but that is not even the issue we are talking about. We are not here deciding between two variants of how to approach this. We have a program underway. It was passed last year. The Republican Party tried very hard to stop it, but it passed. President Clinton and the Justice Department have been doing an excellent job of getting these funds out there.

Communities came to plea and said this bill says we can have the police officers in 3 years. We are worried about that. Is that good? I said I cannot believe Congress will disrupt that. Well, I underestimated the extent to which my colleagues on the other side were prepared to put partisanship ahead of sensible law enforcement.

□ 1240

Because their bill will undeniably disrupt that process. There is no logical match between the distribution formula in this bill and the one under which police are being hired. There is no way at all to guarantee that the communities which in good faith have already hired police officers will be able to maintain those commitments.

Now, if we were starting from scratch, if this were a new bill, I would understand their preference, although we ought to be very clear, the Republican Party in this House is for States rights on Tuesday and Thursday. But they are for Federal dictation on Monday, Wednesday, and Friday. Because when it comes to telling the States what product liability law should be, they are eager to preempt hundreds of years of State jurisprudence. When it comes to telling States how to sentence criminals, members in the Committee on the Judiciary said, the States do not have the courage to do the right things. We better tell them.

So I am not pretending one way or the other to be motivated by a general preference for the State or a general preference for the Federal Government. It is my colleagues on the other side who have decided that States rights is a water faucet, and they can turn it on sometimes and they can turn it off the other.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Chairman, I yield to the gentleman from Illinois to turn it on.

Mr. HYDE. Mr. Chairman, I thank my friend. I am going to try to turn it on. I am willing to accept the thoughts and the pronouncements of the gentleman's leader, the gentleman from Missouri [Mr. GEPHARDT]. I am willing to accept what he says, every jot and tittle.

I quote from the gentleman from Missouri [Mr. GEPHARDT] on January 27, at the Capital Hilton, to the U.S. Conference of Mayors, no little group. Here is the gentleman from Missouri [Mr. GEPHARDT]:

> If we are going to block grant money for prevention and for police, I want that money to go to you, the cities in this country, not somewhere else. You are the ones on the front lines. You are the people that have got to show results. And I think you are well equipped to try to figure out what to do with the money.

I rest my case.

Mr. FRANK of Massachusetts. The gentleman rests his case because it is Tuesday. But last week, he was dictating to the States. And tomorrow he will be dictating to the States. In fact, he has a quote of the gentleman from Missouri [Mr. GEPHARDT], although he does say, "if" we are going to block grant it.

I am going to finish my response to the gentleman. He said, "if" we block grant it. If means maybe we will and maybe we will not.

First let me say, I also have a quotation, though, which is much more to the point, from the gentleman from Georgia [Mr. GINGRICH], which takes exactly the opposite position. We have Mr. GINGRICH saying:

> If we have to choose between paying for directed purposes, such as building prisons, I can defend that. What I cannot defend is sending a blank check to local politicians across the country for them to decide how to spend it.

So you have a conditional statement from the gentleman from Missouri [Mr. GEPHARDT]. I have a flat statement from the gentleman from Georgia [Mr. GINGRICH]. I think in the trade the gentleman owes me an inconsistency to be named later.

The point is that the Republican position on this is wholly inconsistent. It was one thing on prisons. It is another with regard to liability and tort law. And the gentleman will be bringing to this floor a bill which flatly says it preempts State law with regard to punitive damages. It preempts State law with regard to joint and several liability. It preempts State law with regard to statutes of repose, because the busiest community wants them to preempt State law. That is a reasonable position.

But when they are about to preempt 200 years of State commercial law involving product liability, please do not put on your Thomas Jefferson outfit and say "Oh, but I am great believer in States' rights." Say what you want to say, which is, you do not want to see the program that we adopted last year go forward and so you will take a very inconsistent position from what you are doing on the rest of your program in this regard.

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, the gentleman does not recognize an Abe Lincoln outfit when he sees one. I just want to suggest to the gentleman that product liability crosses State lines and is an entirely different breed of animal than what we are talking about.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(On request of Mr. HYDE, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, I continue to yield to Abe Lincoln.

Mr. HYDE. We are in the anomalous situation, Mr. Booth——

Mr. FRANK of Massachusetts. The gentleman would have to turn around to make that analogy better.

Mr. HYDE. All sorts of things occurred to me.

Mr. FRANK of Massachusetts. None of them occurred to me, I would assure the gentleman.

Mr. HYDE. I hope not. I certainly hope not.

I just suggest to the gentleman that we are in the anomalous situation of the gentleman espousing what the gentleman from Georgia [Mr. GINGRICH] says and we espousing the gentleman from Missouri [Mr. GEPHARDT]. And this time, and this time alone, I think the gentleman from Missouri [Mr. GEPHARDT] has the better of them.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. I am espousing neither as a philosophical principle. The inconsistency is wholly on the gentleman's side. Members on our side have not claimed to be all for States' rights. And I appreciate the gentleman's acknowledging the inconsistency here.

We have said we will make policy according to what we think is the best public policy. And we do believe, and this is the key point, when police officers have been authorized and have been hired and when this program is at work and going forward to come in now and disrupt this process and to say to communities, I know you have hired police officers, but too bad, because there has been a partisan change and we are going to disrupt that ongoing process, we are not content to do a new program and then we will call it States rights to make ourselves feel better.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, the gentleman is really misstating what the gentleman from Missouri [Mr. GEPHARDT] said. He said, "if" there is going to be a block grant, he would rather it go to the mayors than the Governors. But he did not say he supports a block grant, the way Speaker GINGRICH said he unalterably opposes——

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. HYDE. Mr. Chairman, if the gentleman will continue to yield, the very language, the gentleman from Missouri [Mr. GEPHARDT] says, and he is a man of honor and integrity, "you are the people that have got to show results and I think you are well equipped to try to figure out what to do with the money."

Mr. FRANK of Massachusetts. Now the gentleman from Illinois has added——

Mr. HYDE. Words to live by.

Mr. FRANK of Massachusetts. The words to live by include the one the gentleman from Illinois so conveniently forgot to mention, "if", as the gentleman first read it. It said, if we are going to block grant it, I want to do it for you. Saying "if we block grant it, I want to do it his way" is not saying "I want to block grant it." The gentleman has, of course, testified to the importance of that "if" by quite consciously and deliberately leaving it out. So what we have is the gentleman from Missouri [Mr. GEPHARDT] saying if we block grant it, we give it to the mayors.

And what we still have is a partisan effort to disrupt an ongoing program with a transparently inconsistent obeisance to States rights which the Republicans will be violating tomorrow.

Mr. RIGGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we ought to make clear at this point in the debate that really the debate is illustrating the fundamental differences, the ideological and philosophical differences between the two parties in the House of Representatives. First of all, we think a better approach is a streamlined, simplified approach to providing Federal resources to local communities in fighting crime. Therefore, we decided that we wanted to take a block grant approach.

Second, we believe that the best way to combat local crime problems is to emphasize a bottom-up, rather than a top-down process. That is what our bill attempts to do.

I do not think any of us can question that local approaches to local problems is the best way to get at local solutions.

Now, we have, it is nice to sort of have a law enforcement fraternity reunion here on the floor with my colleague, the gentleman from North Carolina, the gentleman from Michigan, myself, all of whom have served time working on the streets. In fact, I recalled the other day, as I had the extraordinary privilege and honor of presiding over the first portion of the crime bill debate, that in a relatively short time span in my life, I had gone from graveyard shift patrol to being able to preside over the House of Representatives.

My point is, I have harkened back to my law enforcement experience. In fact, after working the street for a number of years, I was finally talked into taking an administrative position in crime prevention and community relations. And it used to be my job to travel around to all the different neighborhoods within the jurisdiction of the law enforcement act agency I worked for, the Sonoma County Sheriff's office in Sonoma County, CA and conduct neighborhood watch type of meetings.

The whole emphasis behind neighborhood watch was to promote the idea of citizen involvement and neighborhood participation in combating crime problems. The first step of which was to identify what those particular crime problems are related to the neighborhood, the demographic markup of the neighborhood and the nature of local crime problems in those neighborhoods. That is what we are attempting to do with this bill. We are attempting to make sure that this legislation, by putting in one block grant for police and/or prevention programs for local communities, becomes a bottom-up process, not a top-down, federally mandated process.

☐ 1250

I do not think there is any doubt, again speaking directly to my colleagues with former law enforcement experience, there is no doubt what the chief law enforcement administrators of law enforcement agencies around this country would prefer. They would prefer to get, if we are going to go ahead and provide Federal taxpayer resources to combat crime in America, they would prefer to get that money in the form of a block grant so that they, in consultation with local citizens and local elected officials, and through the advisory boards, through the legislation, can determine the best approach in fighting crime locally. That is what we are attempting to do here.

This process, this debate, has become far too politicized as it becomes apparent that the minority is going to try to protect a program that, frankly, I think we can all expect to see in the President's reelection platform.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I thank my colleague for yielding to me.

That is exactly what police representatives, one of them from seven organizations, said yesterday: "It is time to stop the politics and continue the program" that they are getting.

Second, the gentleman has gotten 36 policemen to date, in 4 months. Could I ask the gentleman why he would want to cut off the rest of them?

Third, the Neighborhood Watch Program is included in the amendment we bring back restoring the 1994 crime bill cops on the beat program.

Mr. RIGGS. Reclaiming my time, let me first of all, Mr. Chairman, speak to the fact that, having reentered the body, I think some of the applications for the local law enforcement funds under the gentleman's version of the crime bill the last session were already well underway by the time that I returned to the House, although we hasten to point out that it is not our intent here to jeopardize funds that have been committed. Our intent here, though, is to maximize flexibility and local decisionmaking on the part of those individuals who are closest to the problems in their local communities. That is the thrust of this legislation.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from New York.

Mr. SCHUMER. I do not understand the point, Mr. Chairman. The gentleman from Michigan [Mr. CONYERS] said there are 36 police officers in the district of the gentleman from California. The riposte of the gentleman from California [Mr. RIGGS] said "Those were probably applied for when I was not yet in the Congress." What is the difference who applied for them and when? They are walking the streets, they are in the cars, they are protecting the people, as they are through all the other districts in America. We are not trying to play politics with them and say "You did, you did not." We are trying to keep cops on the beat. I want to know what the difference is.

The CHAIRMAN. The time of the gentleman from California [Mr. RIGGS] has expired.

(By unanimous consent, Mr. RIGGS was allowed to proceed for 2 additional minutes.)

Mr. RIGGS. Mr. Chairman, the idea again here is by creating block grants for local law enforcement, and I do not know how many times we can say it on this side of the aisle, to maximize discretion and decision-making on the part of local elected officials. Really, they are the ones who ultimately have to be responsible to local citizenry. Those local elected officials in almost every community across the country, with the exception of elected chairs, appoint the chief law enforcement officer of the community.

It is our desire, again, Mr. Chairman, to empower local governments and their individual communities and to return decisionmaking to the most effective, that is, the local citizenry, and to return that decisionmaking back to the people who most directly represent local citizens. That is local elected officials. That is exactly what our legislation will do.

Ms. ESHOO. Mr. Chairman, I move to strike the requisite number of words.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield to me?

Ms. ESHOO. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just want the former speaker to realize that the block grant program is a copy of the Local Partnership Act that I introduced into the crime bill that was so widely lambasted by Speaker GINGRICH, the majority leader, the gentleman from Texas [Mr. ARMEY], and the subcommittee chairman, the gentleman from Florida [Mr. BILL MCCOLLUM].

Therefore, to keep referring to the block grant program, that is a small part, with total flexibility, that was in the previous bill and is in the amendment that is now before us.

Mr. Chairman, I thank the gentlewoman for yielding to me.

Ms. ESHOO. Mr. Chairman, I rise to urge Members to support the Schumer-Conyers-Chapman amendment, and to oppose any legislation which would cut last year's funding for community policing. In my view, Congress should listen to local officials.

There is, I think, some confusion here when we talk about "local." The bill that became law, that was signed into law last year, came about as a result of the Congress listening to local officials when it came to fighting crime on our streets.

I think that there is a blind march going forward to fulfill an ideological agenda dictated from Washington, and I do not think that is what people in our local communities want or need.

Mr. Chairman, according to a recent National League of Cities survey, municipal officials, those people closest in our communities, the ones that are elected and serve closest to the crime problem, believe that last year's crime bill is better than the alternative that is being offered.

Their executive director, Donald Borut, summed up the survey results by saying "Municipal officials believe that last year's Crime Bill struck the right balance. There is serious concern about the current efforts at revision under consideration in Congress."

I am continuing this quote: "Last summer's bill has been in effect barely four months, and we believe it should be given a chance before attempts are made to tamper with it."

Mr. Chairman, instead of listening to local officials who have first-hand experience with community policing and crime prevention programs, some or our colleagues are busy essentially telling them what they think is best. It is on its head. It is turned the wrong way.

As a result, Mr. Chairman, Jerry Abramson, the mayor of Louisville, KY, and the former chairman of the U.S. Conference of Mayors, recently said:

> What many in Congress refuse to understand is that the police chiefs and their departments are even more vehement for prevention programs. Again and again, I have heard police chiefs tell Congressmen that the police would infinitely prefer to work with 6-year-olds in a gym or a church rather than wait 10 years and have to fight them in an alley.

Mr. Chairman, the Republican mayor of Fort Wayne, IN, Paul Helmke, agrees, He stated that

> During the fighting over last year's bill, you heard a lot of talk from the opponents about how when they call 911, they don't want the phone answered by a social worker. In my city, folks would prefer a situation where they didn't have to call 911 in the first place.

Not only is it a critical mistake to restructure the crime bill, as is being proposed, but I believe it would be disastrous to reduce the amount of money that is targeted for community policing and is already working. These funds mean more cops on the street, police, not pork.

The math is strikingly simple: more cops means less crime. I believe the administration has moved aggressively to get these funds to our communities, and it is already working. It is working in the communities that I represent.

I recently received a letter from the county sheriff in San Mateo County, CA, talking about the additional deputy sheriffs that have been hired as a result of this, and looking forward to placing more local money, which is accountability, in my view, and I come from the board of supervisors, local government, with the Federal dollars.

Just last week we received word that there are more small communities in my district that are willing to put up this money and to make use of this for community policing. Why? Because they know it works, and it is what people in the community want.

One of those small communities, Mr. Chairman, is East Palo Alto, CA. It is a town that bore the distinction, unhappily, of being labeled the murder capital of America in 1993, because it had the highest per capita homicide rate of any city in our country.

However, thanks to the efforts of community policing, more cops were put on the beat and the math worked. It worked. It worked. It is still working. East Palo Alto's homicide rate dropped from 42 murders.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has expired.

(At the request of Mr. BERMAN and by unanimous consent, Ms. ESHOO was allowed to proceed for 2 additional minutes.)

Mr. BERMAN. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I am glad to yield to the gentleman from California.

Mr. BERMAN. I thank the gentlewoman for yielding.

Mr. Chairman, I just want to add a point to what the gentlewoman said. Before we get too crazy about worshipping at the alter of local government, I just want to tell the story of Los Angeles, the most under policed major urban area anywhere in the United States by far, an area with twice the geography and one-half the population of New York City, that has less than one-quarter of the uniformed personnel on the streets.

In the area of the San Fernando Valley that several of us represent, an area of over 1.2 million people, there are less than 100 uniformed police officers on patrol at any given time. How did this situation come about? Somehow over the last 20 or 30 years the mayor and the city council of that city over the years allowed that situation to develop.

□ 1300

We are talking here about wiping out the most important anticrime measure that could possibly be offered to the city of Los Angeles, a chance for them to receive a substantial amount of Federal funds if they start prioritizing and making tough decisions in order to get a local match which will put hundreds and hundreds, I would say thousands in the end, of more police officers on that street.

This is a city that has suffered riots, where the drive-by shootings and the gang killings, stories of them have been carried all over the United States. This is a city where people live in palpable fear, where more and more people are thinking of carrying a gun on the street as the only protection they have. This is a city that desperately needs to increase its uniformed personnel to have any chance at the economic recovery that it has not enjoyed, as the rest of the Nation has rebounded from the recession of the early 1990's.

As sure as I stand here, without the cops on the street program as passed and signed by the President last year, without the local match required in that program with the Republican substitute that they are offering here to wipe out that program, there will be less police, substantially less police on the street than there would have been with this program.

The mayor and the city council may not prefer this. They would love the block grant.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has again expired.

(At the request of Mr. BERMAN and by unanimous consent, Ms. ESHOO was allowed to proceed for 1 additional minute.)

Mr. BERMAN. If the gentlewoman would continue to yield, I would appreciate it.

The mayor and the city council may love the local block grants. I know what is going to happen. Each council member is going to want to take part of that money for programs they think are worthwhile in their own districts. The mayor will have his own ideas. We will eliminate the impetus for them to make the cutting decisions to provide the local match. At the end of the day there will be substantially less police on the streets. The efforts of Los Angeles to recover will be set back.

I think the gentlewoman is absolutely right in her case. I thank her for yielding.

The CHAIRMAN. The time of the gentlewoman from California [Ms. ESHOO] has again expired.

(By unanimous consent, Ms. ESHOO was allowed to proceed for 1 additional minute.)

Ms. ESHOO. Mr. Chairman, I would just like to summarize by saying this is not an issue that should be fought on the backs of those that are elected to serve in local government. But there have been sins of the past, the LEAA program. I think it is important to point out how those dollars were misused.

I would like to show this. I would rather have community police than this. This is what Federal dollars were spent for in the past.

I would like to show this. I think the people in my community would rather have police in their automobiles, community policing and working with the community. This did not work. This was pork.

We have a decision to make today by supporting the Schumer-Conyers-Chapman amendment and saying that we want police and not pork, we want to retain what works, and we want to listen to law enforcement, schoolboard members, those that serve in local government to make optimum use of our Federal dollars for community policing.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Would the ranking member answer a question for me, please?

Mr. CONYERS. I would be delighted.

Mr. WILLIAMS. I say to the gentleman from Michigan [Mr. CONYERS], like a lot of Members, I have been back and forth between committee hearings, meeting with constituents and having other meetings. I want to be sure where we are in this bill.

Are we now discussing the diminution of the number of police that would have been made eligible under the crime bill that passed last year?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Michigan.

Mr. CONYERS. We now have 17,000 policemen on the job or are in the process of being hired throughout our large cities, and then around through the smaller cities, and there are more on the way.

Mr. WILLIAMS. This would reduce the overall number cf police?

If the bill that the Republicans are proposing here was accepted without this amendment, it would reduce the number of police in our cities and towns?

Mr. CONYERS. It would do more than that. It would destroy this program. It would end the current crime bill law which is the law of the land as we speak.

Mr. WILLIAMS. If I may ask the distinguished Member from Michigan one additional question: Is this the portion of the bill that President Clinton has said would raise a veto by him?

Mr. CONYERS. The reason the President has said that he is going to veto anything that disturbs his community policing program is that he made the commitment 2 years ago. He got the bill through on the bipartisan basis last year. It was enjoyed 5 months' worth of great success. We had eight police organizations that represent four-fifths, or certainly two-thirds of all the police in America all supporting strongly the program.

He feels that he has no other alternative but to resist any attempts by the new majority to destroy a program that is eminently successful, as we speak here today.

Mr. WILLIAMS. I thank the ranking member.

Let me say to my colleagues on both sides, but most particularly to our colleagues on the right that may be resisting this amendment.

This President, it is clear, is determined to not only cooperate, as Speaker GINGRICH has said he is willing to do, but this President is willing to compromise, which is something as you recall Speaker GINGRICH said we will not catch him doing.

This President, I believe, is going to use his veto pen very sparingly, but I would say to my Republican colleagues, if you are serious about getting this bill passed, then you ought to listen to this President's determination about vetoing this bill unless the current amendment is accepted.

In other words, my colleagues, if you do not accept this amendment, I think you are wasting your time. President Bill Clinton intends to keep his word and the word of this Congress to the people of this country, to the city officials of this country, that they are going to have more cops on the beat. Anything that creates a diminution of that promise will be vetoed by this President. This amendment is to save this bill. If you do not accept this amendment, I think you will have no bill, because I believe Bill Clinton intends to keep his and the congressional promise about more cops on the beat.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and at this time yield to the gentleman from Georgia [Mr. BARR].

Mr. BARR. I thank the gentleman for yielding.

Mr. Chairman, there has been some discussion over the course of listening to the last several speakers about funds that have already been made available through grant programs, and I think focusing on that really misses the mark to some extent, that those funds will continue that have already been appropriated, for example, those under the cops program and under the prevention programs under the bill last year. So raising the specter of all of these programs all of a sudden being defunded, I think, is somewhat of a red herring.

Also, Mr. Chairman, I am reminded of something that occurred during the campaign last year in my district down in Georgia just a few days before the fall election. We had received word that one of our county governments had been approved for a grant under the 1994 just-then-passed crime bill, and the county officials came to me somewhat mystified because they had not applied for any money under that 1994 bill.

What had happened is, they had applied for some money, Mr. Chairman, under a previous program and insofar as the Clinton administration wished to move forward, for whatever reason, not impugning their motives as political at all, they had wished to move forward under the new 1994 bill, they had on their own considered the previous grant application under the 1994 bill and passed it.

I have every confidence, Mr. Chairman, that the Department of Justice will continue to exhibit that sort of flexibility when this new bill is passed.

Mr. BOEHNER. Mr. Chairman, I yield to my good friend the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I just want to emphasize once again, that our bill, H.R. 728, does not, I repeat, does not strip funding already awarded under last year's cops on the beat program. These local communities will continue to receive every cent already granted to them, including payments for years 2 and 3. That defeats the argument made a few moments ago by the gentleman from California [Mr. BERMAN] that somehow our bill might jeopardize funds going to hire additional police officers. That is not the case at all. If the local elected decisionmakers in those communities deem it worthwhile to hire additional police officers, they will have maximum authority and latitude to do so under our bill.

□ 1310

It is hard to understand that convoluted logic coming from the other side of the the aisle during this debate. Here we have Members of the minority suggesting that the Federal Government, the model of fiscal propriety for the rest of the country can best determine how to spend these monies and in fact ought to dictate to State and local officials how these monies be spent.

Well, far be it from me and my colleagues on this side of the aisle to impugn the motives of State and local officials. We truly believe they are closer to the crime problems in their communities and far better able to determine the proper community-wide or State wide response to those crime problems. So we can either stand with our colleagues in State and local government or we can stand against them.

I thank the gentleman from Ohio for yielding.

Mr. BOEHNER. Mr. Chairman I yield back the balance of my time.

Mr. CHAPMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER], if the gentleman has a point.

Mr. SCHUMER. Mr. Chairman, I was just going to ask the gentleman from California which local officials he means. Does he mean the local police chief who supports our proposal or the local politicians, the elected officials who seem to support that approach, although I must say neither the mayors or counties or Governors have taken sides on which approach they prefer? But I would ask the gentleman which local officials?

Mr. RIGGS. Mr. Chairman, will the gentleman from Texas yield?

Mr. CHAPMAN. I yield to the gentleman from California.

Mr. RIGGS. I mean both, Mr. Chairman. I do not know of too many police chiefs who are in their own right local officials. They are normally appointed. In fact I do not know of a single elected police chief in the country. They are appointed by the local elected officials.

Mr. SCHUMER. If the gentleman will yield, I am aware of that. All he is saying is send it back to the local officials. Our bill has the support of all of the local police officials because they know if they just leave it up to the politicians they will not get the same amount of money for cops on the beat that our bill provides.

Mr. RIGGS. If the gentleman from Texas will yield, let me say this: I want to stop just short of suggesting that perhaps scare tactics have been used in this debate. Local officials need help we all admit from the Federal Government in fighting local crime problems, and the burden in hand is, of course, the funding under last year's crimes bill. All we are saying is we think we can take a better approach and actually maximize discretion and decisionmaking in our bill. I thank the gentleman for yielding.

Mr. CHAPMAN. Reclaiming my time, what just absolutely screams and jumps in this debate out of the debate itself is the inconsistency of the point the gentleman makes, and I understand the gentleman's point, but the inconsistency of the point the gentleman from California makes in the context of the position of the majority on the prison portion of the bill last week in which the majority was perfectly willing, in fact did pass legislation which imposed strict plan dates, strict rules, strict requirements, truth in sentencing, 85 percent hurdles for local and State officials to qualify for prison funding.

It is mind-boggling to me that what was good a week ago is no longer good, and I cannot understand. I opposed and offered an amendment in fact to moderate the community position on prison funding, but no, the majority insisted that we have strict truth in sentencing guidelines even though the Department of Justice told us not a single State could qualify under the law, that only three States potentially could qualify. Yet we set the bar so high we have effectively denied prison funds to the States, because we seat specific rules, we dictated, the majority dictated in that legislation what the States would have to do to qualify for the funds, and now we have done a total 180-degree turn 1 week later in which we are wanting to send a blank check to the cities and the States.

It is inconceivable to me when every major police organization in America supports current law, when every major police organization says the current law is working, when the gentleman's district, my district, districts all across America are receiving policing, cops on the beat, it is working and the gentleman made a point in debate a few minutes ago, and a good point I might add, about streamlining the process. My goodness, cops on the beat, the cops program is an one page application. There is nothing more streamlined than the Federal Government to acquire access to funds that will fight crime than this program.

I just sit and listen as a ex-district attorney and this district attorney had a 99-percent conviction rate over 8 years and prosecuted death penalty cases. I do not believe anyone in this Chamber is tougher on crime than this Member and has a history of being tougher on crime than this Member, and to sit with a program that is working, to have every major police organization in the country supporting it, to sit and know that cops are going on the beat in communities across this country, it is making a difference, and listen to the position of the majority, the politics scream at you, the politics scream at you.

If you are for block grants why did you oppose the Local Partnership Act in the last crime bill? The Republican majority last year, when we had a block grant program, offered by the gentleman from Michigan as a part of last years crime bill, the Republican now majority violently opposed that program, said it did not belong in the crime bill, made all of these statements that we have seen quoted on the floor here today from now Speaker GINGRICH to other Members, a block grant program last year was an evil, it was a sin, it was the devil reincarnated and yet today it is the answer to crime you tell us.

I cannot imagine the inconsistency of the majority position on this. We ought to keep a program that is working. That is why this amendment ought to be passed and that is why it is important.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to call to the Members' attention, members of the Judiciary Committee on both sides of the aisle, that we have gone on at some length on this amendment, this debate, primarily, perhaps exclusively, between Members of the Judiciary Committee. I assume this matter has been debated in committee as well. The result of all of this may be that Members of the House, not members of the committee, will have no opportunity to offer their amendments.

I understand that on the minority side there are at least three or four members of the committee who have amendments, and since we have approximately 3 hours left, that will mean a Member of the House, not a member of the committee, will never have an opportunity to offer an amendment.

So I would hope that as we proceed here, this debate has exhausted the arguments, pro and con, in short order, and we might have an opportunity to proceed. Otherwise, I would ask for a little discretion on the part of the members of the committee who have amendments to permit those of us who do have amendments that are perhaps noncontroversial to have a chance to offer them.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. CONYERS. The gentleman has read our mind on this side because we realize the hour is growing late. I am now constrained to offer a unanimous consent request that all debate ends at about 1:55 on this amendment, because there will be at least an hour on the amendment of the gentlewoman from Colorado [Mrs. SCHROEDER], there are probably four to six other amendments remaining, and I think the best way we can accommodate that is to make such a restriction.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I would ask the distinguished ranking member this question: For those amendments that may well be noncontroversial from nonmembers of the committee, could some discretion be given for us to stand up, offer an amendment, dispose of it quickly, and proceed back to the more controversial amendments that some of the members of the committee have to offer?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I believe what the ranking member was suggesting is a unanimous consent request that debate on this amendment close at 1:55, that there be 1 hour of debate on the Schroeder amendment, and that would leave us more than one and one-half hours for all of the other amendments that might exist, and I think that would meet the problems.

We still have a good number of Members.

Mr. BEREUTER. Could I ask the gentleman from New York or Michigan, in fact are there other amendments from members of the committee beyond those he has just mentioned that would also eat into that hour and one-half?

Mr. SCHUMER. There might be. There are a few I think from Members who are not here. I know that there are.

Mr. BEREUTER. This Member's patience is not inexhaustible, and I want to be cooperative, but eventually I think we ought to have some time for nonmembers of the committee.

Mr. SCHUMER. I would say to the gentleman, since we go back and forth on minority and majority amendments, the gentleman would have a chance to offer his noncontroversial amendments before those extra amendments would come.

The CHAIRMAN. The Chair wishes to point out that, among Members who have caused their amendments to be printed in the RECORD, the Chair would, in accordance with precedents in the Committee of the Whole, recognize members of the committee, regardless of party, before he would recognize Members not a part of the committee.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, you understand the difficulty, I would say to the gentleman from New York. I can stand here all day, and even though we are rotating back and forth, as long as there are amendments from members of the committee I will not have an opportunity to offer mine.

Mr. CONYERS. Mr. Chairman, would the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are prepared to have a unanimous-consent request that would incorporate en bloc all of the amendments to which there is agreement on both sides. I am going to very shortly propose, and will do so now if the gentleman will continue to yield, that all debate on this amendment, the Schumer-Conyers-Chapman ends at 1:55.

☐ 1320

We think that that will facilitate the gentleman's request. Does that accommodate the gentleman?

Mr. BEREUTER. I understand what the gentleman is offering. It is not objectionable to this Member. I hope the gentleman will examine the amendment that I have pending.

The CHAIRMAN. Will the gentleman suspend? Did the distinguished ranking Member, Mr. CONYERS, make a unanimous-consent request?

Mr. CONYERS. I will make a unanimous-consent request. I ask unanimous consent that at 1:55 all debate on this amendment end, and that unanimous-consent request includes that all motions to which there is agreement be offered.

The CHAIRMAN. May the Chair suggest he make one unanimous-consent request at a time?

The gentleman has asked unanimous consent that all debate on this amendment and all amendments thereto cease at 1:55 p.m. Is there objection to the request of the gentleman from Michigan?

Mr. BARR. Mr. Chairman, reserving the right to object, might I inquire of the other side if they do in fact have an additional 30 minutes of debate on this amendment now pending?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

The answer is "yes."

Mr. BARR. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for a further unanimous-consent request.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that the amendment of the gentlewoman from Colorado that will be offered directly after this one be limited to 1 hour of debate, with the time being equally divided and controlled.

The CHAIRMAN. The gentleman has asked unanimous consent that debate on the Schroeder amendment, if offered following the amendment presently before the committee, be limited to 1 hour of debate time thereon and on all amendments thereto equally divided between the proponent and an opponent of the amendment?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BEREUTER. Mr. Chairman, reserving the right to object, I do so only to ask the gentleman to make his motion to include all amendments thereto.

Mr. CONYERS. Yes.

The CHAIRMAN. I believe the Chair stated that.

Mr. BEREUTER. I thank the Chair, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that all amendments that are agreed to by proponents and opponents be able to be offered en bloc.

The CHAIRMAN. The Chair would suggest to the gentleman that he withhold that request until there is agreement as to which amendments are or are not included in that request.

Mr. CONYERS. Mr. Chairman, we will do that.

I withdraw that unanimous-consent request, Mr. Chairman.

Mr. MEEHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we really should not be here having this debate. We have to work out the time here and the time there. Frankly, just last September Congress settled a 6-year debate over crime policy by passing legislation that combined the best elements of punishment and prevention.

The package President Clinton signed into law will put 100,000 more cops on the streets, build more prisons, fund educational and recreational programs, and provide alternatives to crime for young people, demand tougher sentences for violent offenders.

And a bipartisan majority of the House and the other body concluded, after so much time of arguing, that the time was at hand for action. As Senator ARLEN SPECTER of Pennsylvania, Republican and member of the Senate Committee on the Judiciary, said, "If the President deserves the credit, so be it, let us put aside politics and take a stand against violent crime." That is exactly what Congress did.

Now this new Republican Congress wants to radically change this bill, driven by focus groups, political polls.

Ladies and gentlemen, my colleagues, as a former first deputy assistant district attorney in Middlesex County, who managed a caseload of 13,000 criminal cases a year, fighting crime is serious business. You do not fight crime by reading political polls or looking at focus groups or getting elected to political office. That does not make one law enforcement professional.

In order to fight crime you have to study and know what works and what does not work. I had 54 cities and towns in Middlesex County, where I was the first assistant. I worked with every police department and local officials all over that county. You know what? Some of them knew something about what the cutting edge of fighting crime was, and others did not.

What do we do in this crime bill, the Attorney General, the President, and Congress got the experts on how to fight law enforcement together. And all the evidence is overwhelming that community policing works if community policing is done correctly, by forging the partnerships required to be formed. It works.

In my home city of Lowell, MA, the police chief there instituted a community policing program. And after 1 year of community policing, they issued a report that is very specific about what the effect of community policing is in that community.

Now, this is not a political poll, it is not a focus group. This police chief did not stick his finger in the wind and say what is going to work in the next election. These are facts, what works and what does not. The facts show that in 1 year of community policing, burglaries are down by 34 percent. The facts show that residential burglaries are down 32 percent. The facts say that business burglaries are down by 41 percent. The facts show that larcenies are down by 23 percent. And the facts show that car thefts in that community are down by 20 percent.

You want to know what a police chief said who instituted community policing? That police chief said that what we accomplished in Lowell, MA, should serve as a model for the rest of the country because it works.

So what we ought to be doing is taking a program that works and making it a national model by instituting this program all over the country.

I hear debate on the floor over the last couple of days about what a county commissioner might want, is what the city council might want, someone elected to this or to that. Fighting crime is serious business. You take the data you have to institute programs that work, and community policing works. And to go backward to another era of providing block grants to local communities to use however they decide, when we know the evidence is clear that 33 percent of those moneys are likely to be used for administrative costs. We know the evidence is clear that a high percentage of that money will be used for pork and waste in programs that do not work. This is what works: community policing. It will work all over America.

In just a very short time ago, all of us agreed in a bipartisan way. But now, because of quick sound bites and a political campaign and focus groups and political maneuvering, we are going to step backward rather than forward.

We should not be debating this bill at all today. We are debating a bill tomorrow on national security that is, frankly, something we ought to have more time on.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MEEHAN] has expired.

(By unanimous consent, Mr. MEEHAN was allowed to proceed for an additional 30 seconds.)

Mr. MEEHAN. Mr. Chairman, we should not have to have this debate, because fighting crime is a bipartisan issue; it is not an issue that should be pitting Democrats against Republicans or having Republicans concerned because President Clinton got too much credit in the last campaign.

Let us take this program that works and let it be implemented all over America, and let Republicans and Democrats alike stand up and say we created a program that worked, that reduced crime. This is what we ought to be looking at, hard cold facts, not sticking our fingers into the political wind to determine what people might think.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I believe it preserves the preventive focus of these dollars, and I think it preserves also the best thinking of members of both parties. It preserves for example, the block granting of prevention dollars. It adopts the block grant structure in the Republican bill to govern all those dollars that are going to fund community-oriented prevention programs, things that communities will plan that they will tailor to their particular needs and that will realize our vision of a Federal/local partnership that truly will be more prevention-oriented.

☐ 1330

However, it separates out the cop dollars. I think that is important for reasons of accountability, but it does several other things in regard to those cop dollars. It allows them to go directly to the police, and I think that is important, I think that size a grant for police particularly ought to go directly to the department. It continues to require a local match. I think that is better policy.

In my own hometown, one that is very strapped financially, we went through a very rigorous, very public debate when we decided to come up with a match dollar for the cops program, and through that debate we were able to demonstrate to all the people in town that at the end of 5 years this grant would not increase our local property taxes, but would enable us to restructure our police force so that it would have more cops and fewer administrators. In fact, these Federal dollars leveraged change in the healthiest kind of way, and by keeping them separate, and by making those grants go directly to the police, we maintain a level of accountability that simply is not possible by simply block granting a merged fund of cops dollars and other preventive program dollars.

So, I think separating the cops dollars is better law, better policy.

Last, the formula through which these funds are distributed is a formula that I think is healthier because it allows communities to prevent crime. It does not distribute the moneys simply on the basis of what are your crime statistics. It allows small cities like I represent that are, frankly, on the verge of a real explosion of crime to get the critical dollars they need to prevent that explosion.

I know we are turning the corner on prevention. We are getting control in the small cities of this terrible gang problem, and we are doing it by increasing resources, dedicating cops, increasing community focus. But we do need resources to maintain this effort and to get us through to where this is a controllable and affordable problem for a force based on local property taxes, and I think the distribution formula that segregates and guarantees a certain amount of money to towns under 150,000 where the problems are just developing and where we can prevent an increase in crime statistics is terribly important. It is the only way that the small cities that I represent are going to get the kind of significant dollars they need, and it is a key reason why I think this amendment is in the interests of my people and good policy.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I appreciate the granting of time.

Mr. Chairman, we should be a bit consistent in our positions in this organization, and I would like to quote from last year's debate on the crime bill:

> If they say to me in the name of fighting crime "Will I stand a $2 billion check to cities, many of which have destructive bureaucracies, to let the local politicians build a bigger machine with more patronage?" My answer is no.

That was then the gentleman from Georgia [Mr. GINGRICH], now Speaker GINGRICH, on the issue of broad grants of authority without effective controls from the Federal Government.

The point is, Mr. Chairman, we need more police, and, if we do not specify that the money will be spent on police, it will be spent as it was under LEAA, on armored tank carriers, on dual-engine planes for local bureaucrats.

I trust my communities, and they have done darn well under the President's plan. Twenty-four police officers are coming to work in my district that would not have been there without President Clinton's plan.

I did not support the crime bill last year, but I said the 100,000 police I do, and I say to my colleagues, If you want to preserve that promise, if we want to enhance that promise, we have to defeat this move by the Republicans to gut the 100,000 new police officers for America.

Mr. HINCHEY. Reclaiming my time, Mr. Chairman, last year the 103d Congress passed perhaps the most forward-looking and comprehensive crime bill in the history of the country. Among its most important provisions were those that focused on the need to prevent crime, and among those were provisions to ensure that we placed community police officers on the streets of communities across this country, large and small.

Now there were Members, who are now the majority party, inexplicably who were opposed to those crime prevention measures, and they are trying now in this bill to defeat those crime prevention measures, and that is why it is so important for us to pass this amendment which adheres more closely to the original bill.

In my district alone in the last several months we have 35 new police officers in rural communities and cities stretching across a district that runs 250 miles across New York State. This program is supported by mayors, by town supervisors, and by police chiefs, and they support it because they know it is effective, it works.

Now we are asked to harken back to a program that was thrown out in the early 1980's, during the Reagan administration, because at that time it was recognized that that program was replete with fraud, and abuse and waste of taxpayers' money. That is what we are asked to do in the bill before us. That is why it is so important to pass this amendment.

Mr. Chairman, we want to turn our backs on wasting the taxpayers' money, we want to turn our backs on fraud and abuse, and we want to turn toward a program that we know is going to be successful because it is going to place community policemen, and already has, in communities all across this country.

That is why this amendment is so important. That is why it needs to be passed.

Mr. Chairman, I yield the balance of my time to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, the choice on fighting crime is clear. We need to send a valentine to our cops by supporting cops on the beat. I have checked with my local officials, and cops come first.

I voted for last year's crime bill with full support from local law enforcement. Funding for cops on the beat is working in my district, and we need to keep it working.

The Schumer-Conyers-Chapman amendment would also leave intact $2.5 billion in block grants to localities. I am for these block grants because they give the localities flexibility. I am against prescriptive amendments to tell localities how to spend money to fight crime.

Last year's crime bill carefully balanced funding for cops, punishment, and prevention. We are too hasty to undo the cops on the beat program. We have made a commitment to local law enforcement. Let us not go back on it now.

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, Let us not have a St. Valentine's Day massacre on the crime bill.

Last July I stood on this floor to urge Members to resolve their differences on the crime bill and to fulfill their promise to the American people to wage a war on crime and to put more cops on the streets of their communities. Yet today we are further away from attaining that goal. The Republican law enforcement block grant does not guarantee that even one more cop will be policing America's streets. Today we must move beyond partisan squabbling.

□ 1350

We must put on a badge of courage like police officers who patrol the streets of our communities every day and vote for what we know will be a more effective measure in fighting street crime, which is more police officers through community policing. That is exactly what we seek to do in this amendment.

Mr. Chairman, let me close by saying to the Members, You can't go home and say you passed the toughest, smartest crime bill possible if you walk away from your responsibility to make certain that this money will put real cops on real streets.

Mr. Chairman, let's not have a St. Valentine's Day massacre on the crime bill. Last July I stood on this floor to urge Members to resolve their differences in the conference on the crime bill and to fulfill their promise to the American people: to wage a war on crime and to put more cops on the streets of their communities. Yet today we are farther from attaining that goal then we were last July. The Republican law enforcement block grant does not guarantee that even one more cop will be policing America's streets.

Earlier I heard a Washington Post editorial be quoted in support of the Republican position on the crime bill; however, that same editorial also noted the hypocrisy of the Republicans who put all sorts of restrictions on the use of prison construction money, while simultaneously handing out funds with unlimited restrictions for law enforcement. Today, we must move beyond partisan squabbling. We must put on a badge of courage, like police officers who patrol the streets of our communities every day, and vote for what we know will be the most effective measure in fighting street crime, more cops.

Since the passage of the Violent Crime Control and Law Enforcement Act of 1994, the Federal Government has helped localities put nearly 15,000 police officers on the streets in 8,000 communities nationwide, thanks to the Community Oriented Policing Services, or COPS, grant program.

My home State of New Jersey has received funding for 546 new officers, and the 13th district which I represent has received funding for 95 new officers under this program.

Let me repeat that: thanks to the COPS program, local governments have gotten grants that will put 95 new cops on the beat in my district.

That's a program that works, and if you have any doubts, just talk to some of the residents of my district about what a difference it makes to see an officer patrolling their neighborhood on foot, where they once used to roll by in a squad car.

The bill before us seeks to change all that. While we recognize the validity of the theory that says that localities know best what their law enforcement needs are, let us not lose sight of the fact that the 103d Congress created a program which works. The drive for change was never intended to dismantle what works, only to rethink what does not. The Democratic crime bill put cops on the street, to be there when we need them, to come to know the residents, and to make them feel more secure in their homes.

Tell me, Mr. Chairman, where the Republican agenda differs from that goal. It is fair to say that it does not. Street crime is combated in only one of two ways: by preventing it from happening in the first place, or by arresting criminals and putting them in jail. It's simple mathematics. If you want to stem the tide, you need more cops on the beat.

Mr. Chairman, there has been a lot of tough talk on crime lately, but when you strip away all the rhetoric, only one reality remains: combating crime requires both cops and cooperation. Nobody wins the war on crime when the door remains open to cut corners, shave edges, and shift funding. Every Member has been perfectly clear about his or her intent to stem the tide, and bring crime under control.

The desire of local governments for flexibility is admirable. But we on the Federal level would fail to hold up our end of the bargain if we did not require localities to pursue policies that work. You can't go home and say you passed the toughest, smartest crime bill possible if you walk away from your responsibility to make certain that this money will put real cops on real streets.

Sleep well tonight knowing that you did the smart thing. The amendment is a reasonable compromise that is tough on two key points—it puts more cops where we need them, and still allows local governments the flexibility they need to support them.

Mr. SERRANO. Mr. Chairman, I yield to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN. Mr. Chairman, I thank my colleague, the gentleman from New York, for yielding me this 1 minute.

Mr. Chairman, I rise in support of the amendment.

Community policing works. It works in Houston, TX. It works first in my State house district, my State senate district, and now in my congressional district. We have at least two substations. One is not too far away from my district office on West 19th Street, and there is one on Nordling, where people meet every month. We get 100 people to meet with our law enforcement officers every month. We are getting these citizens concerned with professional law enforcement officers to lower the crime rate, and it works.

The crime bill we passed last year helped us in our local effort. There was opposition to the crime bill last year, and I was part of it, but I ended up voting for it. The opposition was because of the gun issue.

Let us be honest with our constituents and say, sure, the gun issue was controversial, but let us not take cops off the street. This is prevention for our young people, more border patrol, and prison construction. Let us stop this smoke screen and get back to what the issue is. If it is guns, let us fight it out, but let us not hurt our crime fighting that is working in Harris County, in Houston, and in Pasadena, TX.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I feel that this is one issue that is going to be very hard for the other side to cover up. They can be tough on crime all they want, they can say all they wish to say on all the talk shows, but it is going to be hard for them to explain why they are turning their backs on local communities and turning their backs on cops.

This is the simplest issue to understand. If you believe that we have to do something about crime, then we have to help the people on the front lines, and that is the police officers in our communities.

They continue to say that they are for fighting crime, but now they have the opportunity, and what do they do? They turn against a good program, a program that can only be restored through this amendment. That is why I rise in support of this amendment for police officers, against this decision to turn our backs on them, and to say that this is an amendment we can vote for. They may control a lot of talk shows, but they will not control public opinion when they turn their backs on the police departments in our communities. And lastly, they will gain a Presidential veto, and on cops the communities will stay with us on that issue.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have heard an awful lot of talk on the House floor about violent crime. I know something about violent crime. The fact of the matter is that if we want to see violent crime controlled in this country, we are not going to do it by just asking people at the local level what it is that a particular police chief might want. It would be one thing if the Democratic Party came out here with some approach that said that every police chief is going to have to go out and buy a particular type of police car or they are going to have to buy a particular kind of computer system or they are going to have to buy infrared glasses or they are going to have to buy a certain type of rifle.

That is not what this bill says. This bill says we are going to put more police officers on the streets in this country. It says that plain and simple. That is the cutting edge. That is where we need to invest in the fight against crime in America.

I believe very strongly that if we are going to take back the streets of this country, we have got to empower the people of the communities, of the neighborhoods of America. We have to give them the sense that there is going to be a police officer out there if they are willing to come forward and name names, if they are willing to establish neighborhood crime watches, if they are willing to put themselves on the line and say that they want a country whose future they can help determine. That is what this bill is all about. It is to give the very resources that our country needs so desperately on the front lines of the fight against crime.

So, Mr. Chairman, I ask the people of this country to support the crime bill that has been offered by the distinguished gentleman from New York [Mr. SCHUMER] and by the gentleman from Michigan [Mr. CONYERS] and support the Democratic position.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this very important amendment to a very bad bill.

Earlier today I heard my colleague, the gentleman from Florida, criticize the President's support for more police officers, calling it a pet project. Legislators and Presidents have had a lot of pet projects through the years, and my colleague is right. Many times what pet project means in plain English is simply more pork.

But today the pork is not in the President's frying pan. It is sizzling on the other side of the aisle, and it is called H.R. 728, a terrible bill that represents a huge step backward from making our communities safer.

The argument in favor of this amendment is very simple. Will we put 100,000 new police officers on the streets, or will we not? If we pass H.R. 728, we side with chance, we side with luck, and we side with crossing our fingers and worrying about whether these block grants will make our communities safer.

If we pass this amendment, we side with confidence, we side with safety, and we side with knowing that $7.5 billion is headed toward our communities for the single, specific purpose of putting more police officers on our streets.

We do not need hope or luck or worry. We need police officers walking our streets. All across our cities, all across our country, more police officers are making a difference. Community policing has meant that finally a connection has been made between neighborhoods that are living in fear and police officers who are pledged to protect them.

Instead of impersonal, infrequent visits by patrol cars, people now see and talk to real police officers.

The passage of President Clinton's crime bill meant that neighborhoods like the ones I represent knew that more help was on the way, that the kids who worry about walking to school and the senior citizens who worry about riding the bus could count on more police officers. It meant that people who tell me again and again to bring back more help and resources from Washington in their fight against crime were finally getting another weapon in that battle.

Finally, instead of more promises, Congress was sending more police, but thanks to H.R. 728, we are retreating again. Unless we pass this amendment, the seniors and the young families and working people in America are getting another big batch of rhetoric out of Washington, DC. Here is some money. Maybe it will help, but maybe it will not. But whatever you do, I say, don't look out your front window for the cop on the beat. Don't look to the corner store for an extra police officer, because the Contract With America has called them home.

H.R. 728 says that you do not really need those police officers after all. But if you are concerned about crime, stay on the lookout for some money that might help you sometime, somewhere, for something. That is our choice. Do we want a real contract for more police officers on our streets, where we need them, helping to keep our communities safe, or a fake contract of more empty promises out of Washington?

Mr. Chairman, we can fulfill that contract by passing this amendment. Support safety. Support real crime control. Support more police officers. Support this critical amendment.

Mr. UPTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the last couple of days I have been spending quite a bit of time talking to folks on the front line, folks in Kalamazoo, MI, and all across southwestern Michigan, in terms of what they think would be the best choice as we fight the tough issue of the crime problem. As I have talked to every one of my folks, prosecutors, judges, police chiefs, and community activists, they have all said, "FRED, we want flexibility. We want to be able to decide in our community what is best. We don't want all these strings coming from Washington," and the way this bill has been crafted is exactly the way they would support it on the front line.

This is the right bill. We should allow the flexibility at the local level so that they can decide what is best for their communities.

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I would urge that we vote "no" on this particular amendment, and vote in favor of it when it comes on final passage later this evening.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to he gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I very much am pleased with what the gentleman has to say. I have been listening to the other side of the aisle have a long litany of things that they have been making comments about and so forth.

My judgment on this is like yours. This is maximum flexibility. There is no way anybody loses. Everybody gains by this. Local communities get to decide this themselves, rather than our making those decisions for them. Yes, as I heard one of the gentleman over there say, I did say earlier that the 100,000 cops on the streets appears to be the President's pet project. If there is any politics in this, it is trying on his part and on some of the Democrats' part trying to keep that 100,000 cops on the street image out there.

In reality, there never were going 100,000 cops anyway, because most communities in this country cannot afford to pay the additional cost it takes to get that kind of police officer on the streets. They do not have the money to do that. And in the end, the net result is what we are proposing today, to let every community share in this, if they are a high-crime-rate community, particularly, to do it if they want to do, they can get a cop if they want, they can get a police car if they want, or they can use it for prevention if they have a desire to do that, instead of getting a policeman, which is a much preferable way, and that is the way the Washington Post editorialized that way this morning, saying let us not hang up on this, on politics, on veto, et cetera. The commonsense thing to do is to let the flexibility reign, which is what we do in our proposal.

Mr. UPTON. Mr. Chairman, reclaiming my time, I would like to make two points in terms of flexibility here. First, I am a very strong supporter of the drug courts. In my district we have two drug courts acting very properly and very well organized, and I was delighted that the subcommittee under the gentleman from Florida's initiative has allowed drug courts in fact to be an eligible activity for the funds that are used.

Second, I must say I have a community, Benton Harbor, MI, which has been designated as a weed-and-seed community, yet they did not receive any funds from the Department of Justice when they applied with other communities across the country. It is my understanding in fact the procedure they have undergone over the last couple of years, that this would in fact be an eligible community function with a board that has been established with members from both the law enforcement community as well as those very active in terms of prevention and community activists, that even though they were denied by the Justice Department to receive funding, in fact that this would be an eligible activity under the $10 billion fund.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the gentleman is 100 percent right. The local community would make this decision itself. The county and city commissions that get these moneys would make this decision. They would have advisory groups that we set up that would have to advise them, which would include local prosecutors, local police, local school system representative, somebody from the courts, so the drug courts can be protected, and so on. I think you would find the community would much prefer it, because you are right, they could get the weed-and-seed money they would want.

Mr. UPTON. Mr. Chairman, reclaiming my time, so whereas we have been denied in the past, this would be an avenue of actually receiving funding to go on the frontline for prevention and deal with the problem of crime that we have in communities both large and small.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I understand the points the gentlemen are making, but I believe the cops on the beat are critically important total law enforcement. My chief of police in Prince Georges County strongly supports it, my police in Maryland support, and I rise in strong support of the Conyers-Schumer amendment.

Mr. UPTON. Mr. Chairman, I would ask the gentleman from Maryland a quick question: I saw in one of the papers yesterday the police chief in Washington, DC, close to Maryland, has in fact supported the underlying bill and therefore would be opposed to this amendment. Does the gentleman know why?

Mr. HOYER. If the gentleman will yield further, I think I do know why. You heard frequently of Speaker GINGRICH's quote of June 23, 1994, in which he says he does not want to send blank checks to local officials. Some officials want blank checks. Now he wants to send it.

The CHAIRMAN. The Chair would point out that under the unanimous-consent request, there are 2 minutes remaining in debate on this amendment.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent that we have 5 minutes each additional under this amendment on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. McCOLLUM. Reserving the right to object, Mr. Chairman, I do not intend to object, but I would just like to make sure I understand what the request is. It is for a total of 10 additional minutes the gentleman is requesting, in addition to the 1:55 drop-dead date we had earlier, 5 minutes to your side and 5 minutes over here to our side.

Mr. CONYERS. That is correct.

PARLIAMENTARY INQUIRY

Mr. McCOLLUM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCOLLUM. Mr. Chairman, if this unanimous-consent request is granted, would it still be true that this side would have the right to close?

The CHAIRMAN. There is no right to close under the 5-minute rule, but if time is controlled under the unanimous-consent request of the gentleman from Michigan, then the gentleman from Florida would have the right to close.

Mr. McCOLLUM. Mr. Chairman, with that understanding, I withdraw my reservation of objection.

The CHAIRMAN. In order to clarify it, this will supersede the previous agreement. Is that the intent of the distinguished gentleman from Michigan?

Mr. CONYERS. Mr. Chairman, continuing the time that is left under the original agreement.

The CHAIRMAN. It will apply to all amendments thereto.

The gentleman from Michigan [Mr. CONYERS] asks unanimous consent that at the conclusion of the scheduled debate, there will be 5 minutes allocated to each side for further debate on this amendment and all amendments thereto.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The time on the previous agreement has now expired.

Mr. SCHUMER. I ask unanimous consent that the gentleman from Georgia [Mr. BISHOP] who has been waiting patiently, be allowed to proceed for 2 minutes, in addition to the 10 minutes just agreed to.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Mr. BISHOP. Mr. Chairman, when Sheriff Carlton Powell of Thomas County in rural south Georgia called our Washington office yesterday to inquire about the cops fast program, he commended Congress for helping to fight the war against crime in a very effective way. He said there is nothing Congress can do that is more effective in the fight against crime than to increase the number of law officers available at the local level.

Congress, he said, is finally helping to concentrate more of the country's limited anticrime resources where they are needed most, on the front lines. Sheriff Powell also expressed a concern. He is concerned that Congress is about to take a tremendous step backward. If Congress junks the program designed to expand police forces throughout our communities, then we are sending a blank check block grant program back which will, in his words, kick police off the porch.

When are we going to learn? When are we going to have enough good sense to listen to community law officers, who have been leading the charge against crime every day?

State, city, and county crime officers like Sheriff Powell have been telling us for years more police over on the street should be the top priority. But until the last term of Congress little has been done at the Federal level to assure that critical need. Expanding prisons and the judicial system is good. However, spending for the number of police officers per 10,000 citizens has not kept up. We have got to do what is necessary to put our police officers on the street.

Mr. Chairman, let us listen to what local law enforcement communities have been telling us, and to continue to move forward, rather than backwards, at this critical, critical need. Let us have enough good sense to preserve the one program that is working effectively and efficiently. Let us stay on target. Let us pass the Conyers-Schumer-Chapman amendment and continue putting more police officers on the streets to guarantee that our communities will be safer tomorrow than they are today.

The fact is, our area of Georgia has been at the very cutting edge of the Cops-on-the-Beat Program. In Columbus, Police Chief Jim Wetherington was one of the first to receive funding, local funding, and now he has nine new federally funded officers now in the police academy and soon to be deployed on the streets of his city. In Albany, Chief Joseph Lumpkin has already deployed new officers in his neighborhoods—and he reports that in less than a year it has already measurably reduced Albany's crime rate. In Valdosta, Chief Charlie Spray says there is a new rapport between the community and his police officers because of the additional police on the streets. In the town of Vienna, Chief Bobby Reed says the program has already helped deter crime, and he, too, is seeing an immediate impact on his community's crime rate. Some of our law officers say they like the idea of more flexibility. But, overwhelmingly, they do not want the Cops-on-the-Beat Program dismantled.

During the 1980's, the emphasis was primarily on expanding prisons and the judicial system, and spending at the Federal and State levels climbed rapidly in these areas. At the same time, however, spending for the number of police per 10,000 citizens barely increased at all. While the number of violent crimes leaped by an enormous 37 percent over the last half of the 1980's, the total number of police increased by a relatively meager 16 percent.

When the administration and Congress enacted the bill that created the cops fast and cops ahead programs this past term, we were finally paying attention.

These programs have already deployed 17,000 additional police officers in cities and towns across the country and will add 83,000 more over the next few years.

We are doing this efficiently, making sure the money goes for crime fighters and not bureaucrats by spending less than 1 percent of the funding for administration.

We are targeting our limited resources for a purpose that is certain to produce positive results.

We are doing what an overwhelming number of our community law officers tell us we ought to be doing.

Mr. Chairman, the war against crime is just that—a war. And to fight a war we must have soldiers. Like any way, it is impossible to fully calculate the costs in terms of human misery. But it is possible to figure out how much it costs in dollars. Economists say the cost of crime to our society totals about $674 billion a year—more than twice the amount the Federal Government spends annually on defense. Many things need to be done to fight this war. We need more prisons, tougher and longer sentences for violent criminals. We also need closer monitoring of criminals on probation. We need to attack drug and alcohol abuse. We need to help people become employed and remain employed. We need to keep young people in school and out of youth gangs.

We most certainly need more—not fewer—police officers on our streets.

The CHAIRMAN. Under the previous unanimous consent agreement, a Member in support of the amendment will control 5 minutes, and a Member in opposition to the amendment will control 5 minutes. Who will control the time in support?

Mr. CONYERS. Mr. Chairman, I will control the time, Mr. Chairman.

The CHAIRMAN. Who will control the time in opposition?

Mr. McCOLLUM. Mr. Chairman, I will.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I am delighted to yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Chairman, this is the most important amendment in this whole block of crime bills that we are considering. As you consider it, I want to take you back in time a few months to the period when we were working on the crime bill, after we had lost the ability to bring it up in the House and we had a bipartisan agreement with Republicans and Democrats, negotiating to bring about a bill that we could pass last fall. Those negotiations went on between my office and now Speaker GINGRICH's office, and we arrived at a bipartisan agreement that ensured that we would get 100,000 new police, community police, on the streets of America.

We made that decision. In my district, 80 of those police are now on the street.

☐ 1400

Seventeen thousand across the country are already out either being trained or already on the street preventing crime and cracking down on crime. One of the reasons Government gets a bad name today is that we make decisions often in a bipartisan way, as we did last fall. And then before we even have a chance to see if the action will work, we pull back, we change. We say, we did not want to do that. We want to do something else.

It would be a tragedy, after we have made this decision, to now back up and say, no, it is a no-strings block grant, you can do anything you want.

I was in my district over the weekend. I went out with the community police that had been hired. And all of them asked me, is this funding going to be taken away? Are new decisions going to be made?

The chief of police of St. Louis asked me,

> Are we going back to the way you did it in the 1970's, with LEAA, when a no-strings block grant built alley lights in St. Louis and a new promenade in front of the Mississippi River, rather than flesh and blood police who could walk through communities?

And there I stood on Sunday with Officer Vise, in front of the head of the neighborhood association. And she talked about what it meant to have on the streets on a daily and nightly basis this young man who was a newly trained policeman that all of the people of the neighborhood could relate to and talk to and give information to. And she said how wonderful it was to create the confidence of the people in that community to fight crime. And now, just 2 weeks after this young man is on the beat stopping crime in that community, are we going to take him away? How wrong that would be.

We have got a block grant for prevention. We put it into the bipartisan bill. We can keep that in. But let us not back up on this decision on police. The American people believe crime is the No. 1 problem in the country, and they want to stop crime from happening in their communities. And police are known, community police especially, as the best way to prevent crime.

Let us keep it moving. Let us keep going forward. Vote for this amendment. Vote again for the bipartisan bill we passed last year, and let us stop crime in America in the best way that we know to do it.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

We have just heard an impassioned speech from the minority leader about why we should keep the cops on the streets program alive. I would like to simply correct a couple of thoughts that were put out that I do not think are quite accurate.

No. 1, nothing in the bill that we have before us today would destroy a single police officer that has been designated that a community is going to get under the current year we are in, the current fiscal year we are in, by the Attorney General.

If a community gets a cop during the course of this fiscal year with the money that was appropriated already, then that cop is going to stay there, the money has been protected in this bill. So that the Attorney General may reserve money under this appropriation this year for the full three years so there is nobody going to lose any police officer anywhere in the Nation that has already been designated or will be designated, for that matter, during the remainder of this fiscal year until October 1.

Now, we are down to one simple issue. Do you believe that it is better for the Federal Government to tell you, communities, how you should proceed to fight crime in your community with the money that comes from Washington, or do you believe it is better that you, local communities, decide for yourselves how to spend that money? That is the sole question.

We have a chance to move forward from this year forward in the remaining years of our crime legislation and correct the deficiencies of the last few paragraphs of last year's crime bill by giving that flexibility to the cities and the counties, and that is all this bill does that we propose today.

We propose to take roughly $10 billion and say to every community that has a high crime rate throughout the Nation, city, or county, you decide how you want to spend it, whether that is for more cops or whether that is for police cars or whether that is for a prevention program. That is common sense.

The mayors like it. The mayors even quoted the minority leader in a letter dated February 10, I have a copy and I quoted it earlier today, as having said at that meeting on January 27,

> You are the ones on the front lines. You are people that have got to show results, and I think you are well equipped to try to figure out what to do with the money.

Now, I also have today the editorial that I quoted earlier from the Washington Post. There is no question that it is pretty universally accepted that many communities cannot use the current cops on the streets program.

And they say here,

> Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of upfront money many say they don't have. So put aside the 100,000 figure, and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally. In some cities, like this one—

Washington, DC, they are saying.

> the greatest need may not be additional police on the roster but better equipment, specialized training or even midnight basketball. What is wrong with letting them use federal funds for less expensive but still effective programs rather than for costly hiring.

I say what is wrong with letting the local communities decide what to do with the money that we give them. They know best how to spend that money. They are at the front lines, as the minority leader said in his comments to the mayors just a few days ago. They are the ones that can best decide at the local level how to fight crime.

There are thousands of options that are out there, not just the ones Washington may dream up as to what is best for one city. It might be one thing that is good for Sacramento, CA and another good for New Brunswick, GA and another for Madison, WI. Who knows what is best for those communities?

That has been the problem with the Democrats over the past 40 years controlling this Congress. They believe that Washington knows best. We believe that the local communities know best in these cases and the money should go back to them to decide how to fight crime in their communities. Ninety percent of the crime in this country is local, local crime, not Federal crime, not under the Federal laws. It is State and local.

The decisions on how to spend that money to fight crime are clearly best made by the cities and the counties of this country, not by the Federal Government.

I urge a no vote on this amendment today, a no vote against a way of doing business that has long since been debunked in this country of the Federal Government saying Washington knows best. Let us let the citizens of this country at the local level of government make these decisions once and for all. Let us keep the underlying bill intact. Let us, under the circumstances today, go with the local grant programs in this bill and not go back to the same old business as usual, Washington knows best approach of the cops on the streets program, just for the sake of allowing this President to be able to claim a political victory.

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Conyers-Schumer amendment to preserve the current community policing initiative that we instituted in the 1994 crime bill.

Last year, Congress passed the largest anticrime package in history, and it is working. Last year's crime bill demonstrated a balanced approach of police, punishment and prevention. While many of these programs have not yet gone into effect, the COPS Program has. Thousands of grants have been awarded to small towns, medium size towns and to our Nation's cities. With the recent announcement of grant awards under the COPS FAST Program nearly 17,000 new police officers are or will be hired. In my home State of Connecticut over 150 new COPS will be funded. This is needed relief for local law enforcement agencies across my State and for that matter across the country.

The Law Enforcement Grant Program that is included in the Contract With America does not continue the successful COPS Program that was instituted as part of last year's crime bill. In fact, it does not guarantee that one additional police officer will be placed on the street. We have all heard the horror stories of the wasteful and unaccountable spending of the Law Enforcement Assistance Administration, including the purchase of a tank, and a $140,000 aircraft. These type of block grant programs do not work. The Conyers-Schumer amendment is smart, it protects funding to put more COPS on the beat. And unlike the Law

Enforcement Block Grant Program it guarantees that more COPS will be on the beat working to make our streets safe.

We can try criminals, we can put them in prison, but without additional police we do not have the resources to arrest them and start the judicial process. Let's continue to move forward with a program that works, I urge my colleagues to support this amendment that will protect the important funding for the COPS Program.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Conyers and Schumer amendment and in strong opposition to H.R. 728. Last year, Congress voted for an anticrime strategy that struck a much-needed balance between law enforcement and swift punishment, and innovative prevention programs. Now, we are in the midst of dismantling the crux of last year's crime bill by eliminating both the COPS on the Beat Program and crime prevention programs.

The COPS Program promises to place 100,000 more police on our streets. The COPS Program already has made an impact in my district of Dayton, OH. In the last several months, my district has been awarded 23 police officers. New officers have been placed not only in the urban areas of Montgomery County, but also in the rural areas which are often passed by for federal and State funding. The COPS initiative makes our communities safer through community policing efforts, but it also makes the job of police officers easier and safer because of the interaction between law enforcement officials and community leaders.

Unfortunately, the broad language contained in H.R. 728 does not guarantee that the funds obtained through block grants will be used to hire more police officers. In the past, many well-intentioned grant programs, such as the Law Enforcement Assistance Administration [LEAA], failed because the broad language allowed funds to be diverted for other purposes. The American people want accountability for how Federal money is going to be spent, and they expect results. This open-ended grant program will not bring the results the public wants, and it will not target areas which need the most attention, particularly youth violence and street crime.

Mr. Chairman, I do not believe the American people are asking for the elimination of the COPS Program or of the crime and drug prevention programs included in the 1994 crime bill. Instead, my constituents are calling for both more police officers and programs that increase youth employment and educational opportunities. Let us not dismantle these programs. We worked long and hard on them, and these programs need the chance to succeed. This is the least our young people deserve, who too often are neglected and witness the horror of violence at an early age.

I urge my colleagues to vote "yes" for the Conyers and Schumer amendment, and vote "no" on H.R. 728.

Mr. FAZIO. Mr. Chairman, the county sheriffs, chiefs of police, and prosecutors who deal with crime on a day-to-day basis told us that community policing would make their jobs easier because police officers who are visibly involved in their communities are one of the best deterrents to crime.

According to the National Association of Police Organizations, "We need all the help we can get in our daily work, and putting more cops on the streets will help us do our job."

And that is what the crime bill delivered. The COPS–FAST program, which targets small jurisdictions, had a one-page application that was due by December 31. No redtape. no bureaucracy. Just an announcement a little over month later that communities in my district would receive a total of 17 new police officers. These are officers who will not just walk a beat, but work closely with the citizens and communities they serve.

Community policing has proven to be effective. It is widely supported by law enforcement across the country. Why kill it in favor of block grants—funding which guarantees nothing and is likely to result in an overall reduction in dollars targeted for police and prevention?

When we asked for help in developing the crime bill, local law enforcement answered. We listened to them, and then responded with cops-on-the-beat. Why are we putting them through the wringer again? Support the Schumer, Conyers, Chapman amendment and perpetuate this fine crime law offered by President Clinton.

Ms. McCARTHY. Mr. Chairman I rise today to support the Schumer amendment to H.R. 728. The question of Federal involvement in the fight against crime at the local level is one of resources. We all want to do our utmost to help our constituents retake their streets and neighborhoods from criminals. The preamble to the Constitution lists "ensuring domestic tranquility" as one of the defining goals of our Republic.

With the Federal budget mired in red ink, however, we need to prioritize who we can help, and how best to help them. Congress has already spoken against unfunded mandates, now we must stand against block grants that disperse our limited resources without a single word of advice or oversight on where the money goes. We need more genuine Federal-local partnerships like the Community Policy Program of the 1994 crime bill.

If a municipality provides a community policing plan that is innovative and reflects the crime-fighting needs of the community, the Federal Government will provide the bulk of the funds necessary to hire, train, and pay the law officers needed to carry out that plan. The application is 1 page long, and 16,000 officers have already been approved by the Justice Department. This program is working, and it has the support of the Fraternal Order of Police, the National Sheriffs Association, and the Major Cities Police Chiefs.

It has been argued that community policing is a result of Federal coercion. In fact, community policing is a priority because it helps communities that need Federal help fighting crime. We could approve block grants, and dispense funds to affluent towns that want helicopters, Tasers, new patrol cars, and fancy radios. But for every block grant we make to a town that can afford its own officer we take an officer away from a city or small town that is broke and desperately need our help.

Simply put, community policing is tough on crime. And we need to be tough on crime. We must also crack down on the causes of crime. We have already eliminated specific funding for Drug Court programs like the highly successful one operated by the prosecutor in my home of Jackson County. Other popular programs, like the Mayor's Night Hoops in Kansas City, will also be in danger.

The 1994 crime bill was the result of years of sometimes acrimonious debate. When finally passed, it was a program of police, prevention, and punishment. This bill has had neither the depth of consideration or the breadth of scope. Even if a community wants a portion of the block grants authorized in this bill, they must first convene an amorphous committee of law enforcement, social service agencies, elected officials, and other interested parties. This bureaucracy could turn the fast track to cops into the slow train to nowhere.

Most cities in my district have received community policing support. They need it because crime in our region is a serious problem. My constituents can attest to the crime that plagues too many of our neighborhoods. But these citizens want to work with their government and their police to create a safer environment to live, work, and raise their children. The 1994 crime bill gave them that opportunity.

While last year's crime bill was a solemn contract with citizens to lay the cornerstone for a safer society, this bill invites waste, fraud, and increased crime. Rarely has this House had a clearer choice in the fight against crime. Never has our duty to our constituents been so clear. Join me in opposing the wasteful, bureaucratic aspects of H.R. 728 by supporting the Schumer amendment.

Mr. FILNER. Mr. Chairman and colleagues, I rise today in strong support of the Schumer-Conyers-Chapman amendment to maintain the Cops on the Beat Program.

I have spoken several times now in support of the Cops Program, but it cannot be emphasized enough: Community policing works.

The COPS Program will put 100,000 police on our streets—police that are involved in their communities and committed to keeping our families safe. COPS responds to the demands by the American people that we in Congress must do something to fight crime and violence. COPS is supported by virtually every national law enforcement organization.

We must protect one of the strongest weapons we have in fighting crime: community oriented policing. If we truly want to take back our streets and improve the quality of life in our cities, police officers cannot do it alone. Local residents cannot do it alone—they must work together.

That is exactly what community policing does—it allows police officers to work together with local community residents to fight crime.

Now, certain Members of Congress want to eliminate this critical approach to crime prevention. I strongly oppose any efforts to cut community policing programs, and I ask my colleagues to take a good hard look at exactly what community policing does for our towns and cities.

Community policing works—and it works because it asks the experts to create crime-fighting strategies. When I say experts, I am not talking about bureaucrats in Washington offices. When I say experts, I am talking about the people who actually live in neighborhoods plagued with crime—and I am talking about the police officers who patrol those neighborhoods every day.

So when the crime bill says it will put 100,000 new community police officers on the beat, we must remember that those officers will know both the neighborhoods they patrol and the people in them.

I personally have seen community policing work. As a city councilman in San Diego, I have worked hand in hand with neighborhood residents and community policing teams—and I have personally seen the effect that this partnership has had on crime. The police officers become real human beings to the neighborhood residents—and the people who live in the neighborhoods become real human beings to the police officers there to protect the peace.

Mr. Chairman, these tactics work. The city of San Diego has established neighborhood policing teams in even the neighborhoods with the highest crime rates—and a recent study pointed out that overall crime has been reduced in the city by 10 percent.

Yes, we need to be tough on crime. We need stiffer penalties, and we need to make sure that criminals serve the full jail sentences they deserve. But we also need to work together as communities. And what the crime bill proved last year was that Congress was serious about fighting crime and that Congress had enough forethought to make it a comprehensive fight.

Let's not move backward this week. I ask my colleagues to understand the central role of community policing in fighting crime. And I ask my colleagues to join me in supporting this important amendment—and protecting this effective crime prevention program.

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Conyers-Schumer amendment. We did the right thing in last year's crime bill. We did the right thing when we created a balance between tough law enforcement measures, like a sensible version of three-strikes-you're-out—and crime prevention.

As part of that balance, we did the right thing when passed a law which wrote into law the goal of putting 100,000 new police officers on the street. But, as I said last week, this bill, called the "Taking Back Our Streets Act," will hand the streets back over to violent crime.

We need to preserve the balance between punishment and prevention. This is not a Democratic concept. Republican President Bush knew that prevention is important when he gave one of his Points of Light Award to a midnight basketball program in Glenarden, MD.

This is what the Republican mayor of Fort Wayne, IN said: "It's crucial we have money for prevention. It's a lot better to spend money on the front end instead of just building a prison cell for them."

Mayor Helmke is right, and so are his fellow mayors who told a League of Cities survey what would help them fight their wars on crime. 48.4 percent say that jobs programs would help; 39 percent say that more cops would help; 30 percent say that recreation would help. Only 8.4 percent say that more prison money would help. But this bill turns its back on the mayors, and the cops, and the community groups who are fighting the war on crime.

The Conyers-Schumer amendment makes sense. It restores the money we voted to provide to States and local governments last year. It preserves the community-based COPS Program which is working so well in all of our districts. It maintains the balance between prevention and tough punishment. It retains flexibility for cities. And, by separating the grant into two separate funds, prevents police and prevention from cannibalizing each other.

Don't just listen to me. Before you make this vote, I urge you to call the police chiefs and mayors in your district. I urge you to support the Conyers-Schumer amendment.

Mr. HOYER. Mr. Chairman, I rise today in strong support of the Conyers-Schumer-Chapman amendment to restore the Cops on the Beat Program. Just a few short months ago, we were on this floor making a commitment to the American people to place 100,000 additional law enforcement officers on the streets of our communities, and to provide the means to our communities to support important prevention programs to help give our kids an alternative to drugs and crime.

But, here we are today with a proposal before us to undue our good efforts. Efforts which have already paid off in community after community. Four of the five counties within my congressional district have already benefited from the Cops on the Beat Program, some as recently as last week. What you are now telling these jurisdictions, is that they have no guarantee that the support guaranteed under the 1994 bill will continue, to pass unamended, that my communities may be forced to reduce their police.

Last year's crime bill was funded by a reduction in the Federal work force. That hits hard in my district. But, my constituents and I recognized and supported the need for additional police. We are not willing, however, to support an effort which will not put cops on the streets in the towns in my district and in yours. As President Clinton said on Sunday, he fought to cut the Federal work force for 100,000 police officers, and nothing less.

Crime is a national problem, and we need a national commitment to the problem. That is why it is so essential that we do not break our commitment for police in our communities and on our streets.

Under this Republican proposal, my communities have no guarantee that while they are dedicating their resources to putting cops on the street and to effective prevention programs that the community next door or across the river will be holding to the same standard. In the Washington area, crime is a regional problem. We must have coordinated efforts to fight crime. The law we passed did that. The proposal before us today would replace a guaranteed initiative with a block grant program with no guarantees at all.

Many mayors around the country support the amendment before us today to keep intact the Cops on the Beat Program. The mayor of the largest city in my State, Mayor Kurt Schmoke, has written to me supporting today's amendment. Mayor Schmoke writes that "community policing is the keystone of our crime prevention strategies." And, that he is opposed to the effort before us today to abandon the goal of 100,000 new police officers.

Mayor Ed Rendell of Philadelphia wrote to the Speaker of the House in support of the Schumer-Conyers amendment. While he supports some of the improvements in H.R. 728, he states that the "block grant would be even more effective if the Congress adopted the concept contained in the Schumer-Conyers amendment."

Mr. Chairman, more than half of the police departments in America are now scheduled to receive police hiring grants. It makes no sense to stop this successful program in midstream and give the criminals even more chances to terrorize our neighborhoods and seduce our children into a life of hopelessness.

We are in a state of national emergency. On this floor today, it is time to void the contract and pass the Schumer-Conyers-Chapman amendment and keep the police on the streets.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 235, not voting 3, as follows:

[Roll No. 124]

AYES—196

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard

Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes

Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento

Visclosky
Volkmer
Ward
Waters
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly

Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann

Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Becerra
Crapo
Matsui

□ 1426

Mrs. CHENOWETH and Mr. HEFLEY changed their vote from "aye" to "no."

Mr. SKELTON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. Schroeder: Page 4, after line 5, insert the following:

"(D) Enhancing health care clinic security measures to protect against violence directed against the free exercise of constitutional rights, including—

"(i) overtime pay for law enforcement officers;

"(ii) security assessments by law enforcement officers;

"(iii) when recommended by law enforcement officials, purchases of materials to enhance the physical safety of clinics, including, bulletproof glass and security cameras."

The CHAIRMAN. Pursuant to the order of the committee earlier today, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 30 minutes in support of her amendment, and a Member opposed will be recognized for 30 minutes.

Mr. McCOLLUM. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] will control the time in opposition.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

□ 1430

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

I am very sorry we have to do this. I had hoped this would be solved in my attempt to make this amendment in the committee; we were thwarted and it was the other side who wanted to make this an issue.

Ladies and gentleman, antichoice violence is on a rampage in this country, and this is a federally protected right, federally protected right. But we are asking local law enforcement to protect it, and local law enforcement has become overwhelmed.

Let me show Members this chart. All the red areas are States where reproductive clinics have decreased in the last 10 years. Decreased. And why would they not decrease when people who work in these clinics have been under siege, and when we have at the desk, and I hope every one of my colleagues comes to look at every incidence of violence we could find in each individual State that has been documented just in the last 2 years, just in the last 2 years. It goes on and on and on and I would take my full hour or more to read it all.

But this kind of violence is absolutely intolerable, and it seems to me if we are sending Federal money to localities, the one thing we should do is say to localities that they will be able to utilize this money to protect federally protected laws and federally protected rights.

Think about this. If in the civil rights debates during the 1960's we were sending block grant money to different cities, but we did not say to localities that they could use that money to help in civil rights demonstrations, what an omission. How terrible. And what if we said that about voting problems that we were so worried about federally? This is a federally protected right, this is Federal money. Last I looked, women Federal taxpayers were charged the same as men, and if we do not put this in here clearly, then I think localities that have been afraid to stand firm on this will continue to. If we send the money and we say this is allowed, I think we take those excuses away and hopefully we begin to turn around the numbers on this chart.

I know the other side is going to stand and say that the amendment they adopted yesterday by the gentleman from New Mexico takes care of this, and what is the gentlewoman from Colorado talking about.

Well, they showed their hand yesterday. If Members will look at the RECORD from yesterday and look at the distinguished chairman and what he said, he said that he was backing that amendment because he thought it would be okay that local officials could do this if they wanted to do this. And the amendment does not specify family planning clinics, it kind of says facilities, which is a very broad-based thing.

We must send a much clearer message if America's women think we are serious about protecting their rights. We have winked at this, we have ducked, but let me tell you what is happening. The rights that they have not been able to roll back since Roe versus Wade was adopted, those rights that they could not roll back they are rolling back in an entirely different way by tolerating violence, by allowing it to go unabated as we have in our list, by seeing what is happening across this country, and that is how they are taking these rights away from women.

Either we stand here and say this is a right and it is a real right, and if we are going to send Federal money out to localities they ought to be told to help, or we do not mean it. So it is choose-up-sides-time today and I think America's women are going to be listening very carefully.

What does my amendment do? It says it would allow localities to help pay overtime for police in guarding these facilities or guarding some of the doctors and the health-care workers who have been under siege. Many have been shot, some have died very unfortunately, as Members well know. It also will allow, if the police think it is necessary, other additional security measures that they think would help, and would help them in their job. That to me makes an incredible amount of sense.

This bill does that in re schools, it does that in re all sorts of other things. You will hear people say well, we should list some things but not all things. Why are we afraid to say this? Why are we afraid to say that we ought to be protecting these rights?

Let us grow up and let us stand up and let us say that these billions of dollars ought to go out there, they ought to be protecting the women that are sending them to Washington and we ought to get very, very serious.

I urge every Member to vote for this amendment. And I think that it is really time that we stop this reign of terror that we have been too casual about.

I also think it is very important to notice this amendment would monitor what we are seeing happening now with the Justice Department as they are meeting with local law enforcement officials trying to end this reign of terror. They are all telling them they need this kind of help.

Let us give it to them. Let us give it to them and let us stop the violence.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we all abhor and condemn the violence against these clinics. We do not favor anybody committing violence or the kind of crimes we have seen, including one in my home State where recently we had somebody convicted and sentenced to the death penalty in the State for killing somebody at one of these clinics.

But the fact of the matter is the gentlewoman's amendment today, not the issue, but the amendment is much ado about nothing. The truth of the matter is that nothing that she is suggesting nor has been debated on this issue in this bill has anything to do with a binding effect on the local community in deciding what it is going to do with its moneys. This is a provision that she would insert into the part of the bill that is where we have suggested here are possible things, examples of things you can use your money for, but the preceding language to the entire section says including but not limited to, allowing maximum flexibility to the city and county commissioners and local government units that are going to decide how to spend their money to fight crime in their communities.

In yesterday's amendment the gentleman from New Mexico made absolutely sure that law enforcement officials got the message that we were interested in their making protective statements and doing what they needed to enhance security measures in and around schools and in and around any facility or location which is considered by the unit of local government to have a special risk for incidence of crime.

What the gentlewoman is doing today is trying to modify that further by specifically saying that she wants us to encourage the local police, and that is what we would be doing, we are encouraging the local communities to enhance health care clinic security measures by specifically naming health care clinics in here to protect against violence directed against the free exercise of constitutional rights, including overtime pay for law enforcement officers, security assessments by law enforcement officers when recommended by law enforcement officials, purchases of materials to enhance the physical safety of clinics, including bulletproof glass and security cameras.

I might say there is nothing here lest it be the purchase of these items of bulletproof glass and security cameras, that are in any way an expansion of anything in the bill currently. I cannot see any reason for offering this because the right is there right now to do all of this, save for the fact that it is inflammatory and it gets a good debate going on the abortion, choice, life question, and that seems to be what is going to ensue here today, is a debate on that subject, and I think that is unfortunate because none of us are opposed to the prime objective of stopping violence and allowing local police to use whatever resources in their community, local cities, and counties to protect a clinic as much as they protect any other structure, buildings, or community interest that is there.

☐ 1440

But it should be their decision. We should not be in there trying to specify this particular type of thing, health care clinic, name it, in the bill. I do not see any reason to be inflammatory. I find great concern with the idea of law enforcement deciding they are going to purchase bulletproof glass and security cameras potentially for a privately owned building.

We worked with the gentlewoman in committee to make sure if it was a public clinic or publicly owned building, indeed, certain materials and equipment could be added and purchased with the moneys in this bill, but it is contrary to the intent of this bill to have moneys that are being spent being sent to the local communities to enhance the physical properties of any privately owned building. It makes no sense at all to do that. We do not generally do that. We certainly do not want to encourage that.

Am I to say you cannot do that? Well, obviously we have got a lot of latitude in the bill. I do not want to put my name on any proposal that encourages or gives encouragement to a local community to enhance physical characteristics for security for a private building, whether that is a health care clinic, whether that is a Wendy's restaurant.

I do not think that is the business of the local community doing that. I would encourage them not to do it. I do not prohibit them in the bill from doing it.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for his remarks, but I also want to remind the gentleman when I first offered this in committee the gentleman was receptive to it. It was after we went away for a vote and there appeared to be a caucus on that that they attempted to fight it.

The gentlewoman hoped that this could be adopted in the committee. I did not want to make this a big highwater mark, and I salute the gentleman from Florida, because I know he has been from a State where there has been incredible violence, and you were very sensitive at that time. There was a change of mind. I am sorry there was a change of mind, but I just want to point that out.

Mr. McCOLLUM. Reclaiming my time, I must say I never agreed to this. You had initially come forward with an idea of putting "public" instead of "private" clinics in here.

This does not today say anything about public. In addition to that fact, I recall very distinctly having told you I had reconsidered this, having thought about it. I thought this was inflammatory and ensuing, and afterwards an unnecessary debate on abortion clinics that I do not think needs be addressed. We cover that anyway. We do cover them.

Mrs. SCHROEDER. If the gentleman will yield further, I really do not think it is inflammatory, and I think it is very, very important that we communicate to local officials who have been hesitant to stand up and be counted, and I think the gentleman knows that from Florida.

Mr. McCOLLUM. I don't impugn the motives of the gentlewoman, but I definitely do believe that the debate that ensues around this by carving out all the language and doing things I suggested are not very acceptable to most of us and encouraging local governments to do it is in its own right inflammatory.

Mr. Chairman, I reserve the balance of my time.

Mrs. SCHROEDER. I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, on the day the Nation was horrified by the death of two young women in Massachusetts and the wounding of five others, we in Connecticut were much more fortunate. The accused individual who carried out these murders, when he was arrested, was found to have the name of a Hartford, CT, clinic in his pocket. Hartford is in my district.

Were we going to be the next ones? We do not know. We have no idea. We do know we have come to the point now when someone trying to exercise a constitutional right, might just by chance be murdered.

We do know also that any town or city that has a clinic in it is forced to spend additional tax dollars for protection of this clinic. The police chief in that town needs all the help he can get. The neighbors that live in an area, want dollars spent for public safety. The citizens going to that clinic certainly say they have a constitutional right to protection.

So today, I thank the gentlewoman from Colorado for putting in this amendment. I do not think these citizens, these neighbors, these police chiefs, these individuals exercising their constitutional right are asking whether it is a public clinic or a private clinic. They are only asking for protection.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding me this time.

Because my name has already come up in this debate, I wanted to speak as to my amendment yesterday and why I opposed the amendment from the gentlewoman from Colorado.

First of all, I do want to acknowledge that in some portions of the country we obviously have had a very serious problem with violence at reproductive clinics. Everybody knows that. That is not in dispute.

I would like to take it a step further in that I was persuaded last year that in some localities, in some localities there was a problem with local law enforcement which could not or did not act adequately to protect these clinics or to prosecute individuals after violence has occurred and, therefore, I supported the bill which became law in the last Congress which made it a Federal offense to have violence at a reproductive clinic.

I have to add though this is a subject again perhaps for another day.

Based upon what I know of the Justice Department's enforcement of that act, I have been very disappointed, because the cases that I am familiar with at least where they prosecuted under this act under Federal law, there was a simultaneous State prosecution. I do not understand why the Justice Department would prosecute and use Federal resources where there is already, in fact, a State prosecution. That is not the kind of situation we were told necessitated that Federal law.

Nevertheless, coming to this particular bill, H.R. 728, it is important to emphasize that the operative language is already there. This is a block grant. The locality can already use these funds to enhance security at reproductive clinics if that is what they want to do.

It was suggested in the Committee on the Judiciary that was not good enough, that we should provide more illustrations, and that is all these are in illustrations, to local law enforcement to show them what we are getting at, since we had mentioned schools by way of example to enhance security. I offered an amendment to H.R. 728 that was accepted by voice vote yesterday that is proposed as an illustration using the funds to enhance security measures in and around schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime.

So we have made the point in this amendment that local government can use these funds wherever they have a special risk of crimes. This can include a reproduction clinic, if that is, indeed, a problem in a particular area.

But here is what is wrong with the gentlewoman's amendment. These illustrations are trying to send a message, and the fact of the matter is, although there is a dreadful problem with violence at some reproductive clinics, not at all reproductive clinics, and to cite this as one, as an example, sends a message to local law enforcement that even if they have a greater threat to people's safety elsewhere in their community, the Congress thinks they should beef up security at one particular area even if their crime threat is elsewhere.

That is why the amendment should be defeated.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I want to congratulate the gentlewoman on this amendment, because she has made a splendid case on behalf of protection of a Federal right, a constitutional right, that women have.

But I would like to add to that my thought that this is also an issue that should concern men, not only because we should be concerned about protecting women's rights, but also because men are not safe from this violence. Many of these clinics offer services that are necessary for men. A man walking into one of these clinics to learn more about communicable diseases or about reproduction choices for people in the community or just to accompany someone is a target for this kind of violence, and so I think, while it is important for us to stand up today for the rights of women, it is also important and intelligent for us to admit to the fact that some of the men and women who stand outside of these clinics and are willing to deal in violence have directed that violence at men, not only at women.

And so today I stand up on behalf of this amendment, because I believe it is the right thing to do, because I believe that this amendment does not interfere with anything that the majority party is trying to do. On the contrary, it reinforces their rhetoric that they are concerned about local involvement and local control.

Local control should be aided by us, by allowing and sending this signal, this clear signal, that these rights must be protected.

This is a unique situation, and unique problems need unique solutions and approaches.

What the gentlewoman from Colorado has suggested today is an approach that says that we can all get together and send a signal that this is a behavior we will not tolerate, not only by law, but that we will also make the funds available to carry this out.

Support this amendment. It does not interfere with anything you have in mind.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

□ 1450

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Chairman, I could not agree more with my friend from New York. The greatest boon to men is abortion. Boy, does that take it off of their back, does that solve a big problem for them.

I want to make it clear, I do not and I do not know anybody that condones the vicious murders that have occurred within the last 20 months, 5 of them; vicious, they ought to be prosecuted for murder to the fullest extent of the law.

They have done incalculable harm to the pro-life movement. There is nothing pro-life about killing people, even if they are participating in abortion clinics. So let us get that clear.

Let us also get clear the fact that the Schiff amendment covers this situation and more because it says enhancing security measures in and around schools and in and around any other facility or location which is considered by the unit of local government to have a special risk for incidents of crime. So this is not about the legal question, this is about the moral question of abortion.

This is an abortion vote because the gentlewoman from Colorado wishes to elevate to a position of special status abortion clinics. We do not call them that. As a matter of fact, we call them health care clinics. That reminds me of an old Italian saying, though, that, "You dress the shepherd in silk, he still smells of the goat." What we are talking about are places where unborn children are destroyed in their mothers' wombs. And a lot of people are very uncomfortable about that. Some people are driven to distraction for which the tragedy is compounded and for which I am sorry. And if protection is needed, they ought to have it.

But I am unwilling to take abortion mills and give them a special status over other places where more people are killed more frequently.

Now, I looked at the statistics for 1993, and they give you the statistics for 1992: 6 lawyers and judges were killed in that year, 7 teachers, elementary teachers, 86 cab drivers—86 cab drivers in this country. Also, 77 cashiers; fast-food employees, pizza delivery people—54. Should we have security cameras around convenience stores?

Twelve farmers, eight entertainers, fifty-eight cops. Fifty-eight cops. Now, bank robbery, let us talk about a Federal nexus; there is the Federal Deposit Insurance Corporation, Interstate Commerce. There were 18 deaths in that year, the year of 1992. So if we are looking for where these deaths occurred, single out these places, there are lots of places to single out more dangerous, more vulnerable than abortion mills.

Now, I do not understand why anybody would feel comfortable elevating abortion mills to a place of special status. But some people do. So that is exactly what this vote is. If you think abortion clinics deserve to be singled out and to be protected specially over banks, over cab drivers, over schools, over the police themselves, why, go ahead and vote for the gentlewoman's bill.

But if you share with me an abhorrence, a condemnation of violence anywhere and everywhere, it is wrong, it is dead wrong and ought to be prosecuted. But if your sense of moral imagination encompasses the violence that goes on in abortion mills, euphemistically called health care clinics, not too healthy for the unborn, I might say; safe, legal, and rare. It is not safe for the unborn; it is terminal. Legal, but not moral and rare, no, not rare, if we keep sanctifying these places.

Now, I suggest that when it comes to protecting rights, there are more rights that are ignored and left unprotected in the abortion tragedy than there are protected. I want everybody to be able to exercise their constitutional right and if indeed the police or the local authorities think there is going to be violence at an abortion clinic, send the police there, by all means. But do not, in this legislation, which is a block grant, which is not categorical, which says let the local people decide, do not elevate it to a position of a cathedral-of-compassion abortion mills, where in this country 1,500,000 abortions per year go on. Include them generically, but not specifically. It is your choice.

I know how I am going to vote.

Mrs. SCHROEDER. Mr. Chairman, at this time I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I appreciate the gentlewoman yielding to me, and I appreciate the honesty of the gentleman from Illinois [Mr. HYDE]. He has made it very clear that he thinks people should defeat this because he detests abortion, dislikes very much what happens in abortion clinics, disagrees that it should be legal, and therefore resists offering them this protection.

We are not singling out clinics in this bill, in the first place. The bill that the gentleman's committee brought forward singled out some places. Schools, he mentioned, they are already mentioned; drug courts are singled out; other places are singled out. We are not here doing anything differently than is already done in the bill.

Then the question is, if some things are going to be singled out, why should clinics where abortions are performed be singled out? The reason is not to elevate them above other places but to elevate them to the level that other places now occupy, because of all the places in our society that have been the victims of violence, abortion clinics have been the least protected because in many, many areas it is controversial to do it. The rhetoric of the gentleman from Illinois proves the point. You do not have people when they talk about protecting schools, protecting hospitals, protecting courtrooms, denouncing and vilifying the people to be protected. The gentleman concedes they should be protected, but he vilifies them and denounces them. In fact, in other places by people less sophisticated then the gentleman from Illinois, that becomes an argument against doing it.

The fact is if we follow the gentleman from Illinois and defeat this amendment because he says it is too pro-abortion, we then create a situation where we send an ambivalent message to local law enforcement, we will create a situation in which local people will find this controversial. We will create a situation in which there will be people arguing, "Well, the Congress voted it down. The chairman of the Judiciary Committee said terrible things happen in abortion clinics. Don't elevate them." Abortion clinics are singled out, not in this bill but by those who commit violence against them.

There is an organized interstate national campaign of some crazy and vicious people to go after the clinics. Many people oppose that, on both sides of the issue of abortion. But there is an undeniably consistent attack.

In my own home district, two people murdered, police officers under strain. What we are saying is we want no uncertainty. We do not want people who share the gentleman's detestation of abortion to say, unlike him because he makes distinctions as a distinguished lawyer, "Well, maybe they shouldn't get it. Maybe Congress didn't want it."

If you had come with a clean block grant bill, you would have a consistent argument.

But having done these exceptions yourselves, the only argument for not including the clinics now, which is the subject of violence, is the argument made by the gentleman from Illinois, which is a dislike of what happens.

The point is very clear: If you want to ensure maximum protection for innocent providers, then it is important to put this into the bill.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BARR. I yield to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. I thank the gentleman for yielding this 30 seconds to me.

I just want to respond to the gentleman who mentioned my name. I did not vilify anybody. If his attention span were not distracted today, he would find that I do not vilify anybody. I vilify the act of abortion, I vilify the fact that it occurs, bloodily occurs, against defenseless, unborn children, but I do not vilify people who engage in that—I pray for them.

□ 1500

Mr. BARR. Mr. Chairman, despite the protestations to the author of this amendment that it is not her intention to engage in hyperbole, her words, which are used frequently by those in favor of abortion, such as using reign of terror, clearly are designed to inflame. Rather than present a chart, as the gentlewoman could have, that listed whatever information it is that she would want to portray and depict in the form of a chart, what we have is a map of the United States of America splashed with red all across it. Red is a color designed deliberately to invoke passion.

This is not simply another amendment to a bill designed to enhance the measures that we desire. What is at stake here, and what is really at issue here, Mr. Chairman, is not an effort to fine tune a bill talking about block grants to the States to ensure that the local law enforcement communities have the tools that they need, but it is, as the gentleman from Illinois [Mr. HYDE] so eloquently has indicated, another not so thinly veiled effort to raise and interject into the debate on a crime bill the issue of abortion.

It is a shame; I say, Mr. Chairman, a shame that we have to engage in this debate over, and over, and over again. It has no place here. Clearly it has no place here in light of the fact that the gentleman from New Mexico [Mr. SCHIFF] offered an amendment last evening which was adopted, not on a recorded vote, but by voice, which I say clearly, Mr. Chairman, encompasses what the gentlewoman says she is trying to get at here, and that is to ensure that there are no impediments in the block grants that are contemplated by H.R. 728 to allow local law enforcement officials, if they believe, and they certainly have an interest in ensuring the protection of all citizens in their community, if they believe there is an imminent threat at any institution, at any facility. Then the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] makes very clear, if it was not before and I believe it was before, but this amendment makes very clear that what the gentlewoman is after here is covered, is contemplated and would be addressed on the block grant program.

Therefore, Mr. Chairman, I am left with no other conclusion than that is not the desire of the gentlewoman from Colorado, but rather one in a series of efforts to raise the level of abortion beyond and over and above other legitimate issues.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out to the gentleman from Georgia [Mr. BARR], if red incites passion, he has on a red boutonniere.

Mr. Chairman, I yield 3 minutes to the gentlewoman, in red, from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, we are all aware of the escalating levels of violence directed at reproductive health facilities around the Nation. That is the shame. The violence has been elevated by the extremists, the radical right wing, not this debate.

The tragic murders in Brookline last December were just the latest and most horrible in a series of violent incidents that have left five Americans dead and nine wounded.

Every day reproductive health clinics and the doctors who staff them are subject to harassment and intimidation. In the last year alone over half of all reproductive health clinics in the United States experienced a violent incident. There have been literally hundreds of arson and chemical attacks and bomb threats against clinics around the Nation.

This nationwide terror campaign is clearly designed to undermine the constitutionally guaranteed right to choose. We must respond.

The Schroeder amendment would help address this problem by allowing local law enforcement to use a portion of their block grant to enhance the security of reproductive health clinics within their jurisdictions. Make no mistake: The Schroeder amendment would help save the lives of doctors and their patients.

To those who say that reproductive health clinics should accept routine violence as a cost of doing business, we say that organized terrorism and murder must never become routine in the United States.

Before my colleagues cast this vote I urge them to consider the hundreds of doctors in this Nation who wear bulletproof vests to work every day. I urge them to think of the millions of American women who receive their basic medical care from reproductive health clinics every year. I say to my colleagues, "Don't turn your backs on them. They are our daughters, mothers, sisters, wives. They are in danger, and they need our help."

Mr. Chairman, a vote against the Schroeder amendment is a vote against protecting doctors and women. Let us help put the network of pro-life violence out of business. Let us pass the Schroeder amendment.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, this issue gets down to several basic things, and I do not think there is one in this Chamber that disagrees that violence in any form anywhere should not be tolerated. We do not want to tolerate it; we want to deal with it. In this legislation we are trying to provide control and flexibility to law enforcement authorities at the local level.

Now I happen to support the amendment offered by the gentleman from New Mexico [Mr. SCHIFF] yesterday which talked about schools and other facilities. I think amendments such as the gentlewoman from Colorado's and others' can be made on specifics. But what I do not want to have happen as a result of this legislative history is that law enforcement authorities feel that we are only concerned about schools or we are only concerned about health clinics.

So, regardless of whether this particular amendment passes or is defeated, a group of us, the gentleman from Maine [Mr. LONGLEY], the gentlewoman from Connecticut [Mrs. JOHNSON], myself, the gentlewoman from Florida [Mrs. FOWLER], the gentlewoman from New York [Ms. MOLINARI], feel that we have to broaden the enhancing security measures section to say something like in and around schools, religious institutions, medical and health facilities including research facilities, housing complexes, shelters for women and children, or any other facilities or surroundings where a threat to law and order exists. We do not claim to be exhaustive, but we do claim to be a little more general in nature. We do not say the Protestant, Catholic, Jewish, Islamic or Buddhist schools, but what we try to do is cover some of those areas where we all know there have been unconstitutional violations of rights, and our concern is that where the threat of violence or other unlawful criminal activities, or in the opinion of State or local law enforcement authority requires the use of these funds for personnel, materials or other security measures, that may be construed as fulfilling the purposes of this act, they can order them used.

I am worried that the gentlewoman from Colorado's amendment is too specific on the limits. It mentions overtime and some materials, but not all possibilities. Our amendment is more comprehensive.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, the amendment offered by my colleagues, the gentlewoman from Colorado [Mrs. SCHROEDER], should be supported by every Member of this body regardless of their view about abortion, because this amendment is not about abortion, its about preventing crime, crimes like the 1993 murder of Dr. David Gunn, or the December 1994 murders of Shannon Lowney and Leanne Nichols. The level of violence and terror against law-abiding health professionals is not abating. One of the people I represent, Dr. Warren Hern of Boulder, is one of those on a reported list targeted for assassination by the extreme antiabortion groups at large in this country. We need more effective law enforcement to prevent the continuation of this kind of campaign of terror.

Members of the House should make it absolutely clear today that they do not support this kind of terror activity. This amendment is not about abortion. It is about taking action to prevent crime, to prevent murder and to prevent vigilantism in this country.

The amendment offered by Congresswoman SCHROEDER should be supported by every Member of this body, regardless of their position on abortion. Because this amendment isn't about abortion. It's about making clear that law enforcement can use the money in this bill to prevent crimes.

Crimes like the 1993 murder of Dr. David Gunn, who was shot to death in March 1993 at the Women's Medical Services Clinic in Pensacola, FL.

Crimes like the shooting of Dr. George Tiller in August 1993 at the Women's Health Care Services Clinic in Wichita, KS.

Or the murder of Dr. John Bayard Britton and James H. Barrett and the wounding of June Barrett in July 1994 at the Ladies Center in Pensacola, FL.

Or the December 1994 murders of Shannon Lowney, a receptionist at Planned Parenthood and Leanne Nichols at the Pre-term Clinic, both in Brookline, MA.

The level of violence and terror against law-abiding health professionals is not abating.

One of the people I represent, Dr. Warren Hern from Boulder, was 1 of 12 doctors reportedly targeted for assassination by an extremist antiabortion group. We need more effective law enforcement action to prevent continuation of this campaign of terror.

A civil society depends on its citizens abiding by the rules. Abortion is a legal medical procedure. For those who disagree with the law, there are ways to try to change it. When those who are unable to change laws through lawful means decide to overturn the will of the majority—to take the law into their own hands—we need to call in the police. A civil society can't tolerate campaigns of intimidation, violence, and murder.

The money in this bill is supposed to be given to States for law enforcement. States can decide how to best use it to combat crime. The amendment offered by Congresswoman SCHROEDER will make sure that there is no confusion that the law enforcement funds in this bill can be used for overtime pay for law enforcement officers, security assessments, and when, recommended by law enforcement officials, the purchase of materials to enhance the physical safety of clinics.

Members of the House should make clear today that they do not support the campaign of terror against health professionals and health clinics. This amendment is not about abortion. It's about taking a stand against violence, murder, and vigilantism.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, in all the rhetoric we have heard today sometimes its easy to forget the real intent of the bill that is before us, the bill that we are debating. It is actually pretty simple. We want to let the local people decide how to spend their law enforcement dollars in the best way they can to defend all of the people, to protect all of the neighborhoods.

In the communities it is the police officer, it is the school board member, and it is the community activist who best knows where safety priorities lie. They are the ones who will be making recommendations in this bill on how to spend the funds under the bill. The original bill sets this function up. The question is:

"Do we ignore that fact and dictate to communities what their priorities are on protecting their citizens?"

□ 1510

That seems to be the thinking behind this amendment. The gentlewoman from Colorado says we cannot trust our local law enforcement and leaders. We must tell them to put their officers around abortion clinics or other types of bullet proof glass or security measures.

So instead of cleaning up gang ridden neighborhoods or protecting vulnerable citizens like our seniors, the locals are stuck with something passed down from Congress. Instead of us in our area being able to move people, law enforcement, into areas now starting to be over taken by gangs, we would be told to prioritize to give an elevated status to abortion clinics.

Let us not have any mistake here. There are already local laws on vandalism. There are local laws and State laws on violence and against trespass. Police officers are already required to enforce those laws. We should do nothing to weaken the ability of local governments to defend their citizens.

In conclusion, you either trust the people that elected the locals, your voters, or you say you did not have enough common sense to elect local folks that can make the decisions. I believe the local folks can make the decisions, and Congress does not have a clue.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DeLAURO].

Ms. DeLAURO. Mr. Chairman, I rise in strong support of the Schroeder amendment to allow local law enforcement officials to use funding under this bill to enhance safety at health care clinics, and I congratulate the gentlewoman from Colorado [Mrs. SCHROEDER] for her leadership on this issue. It is perfectly appropriate, and it is one of the reasons we are here as people who serve in this institution at the Federal level; it is appropriate that the anticrime bill should help law enforcement agencies better protect patients when they seek medical care, including reproductive health care.

After the tragic events of the past few months where health care providers have been attacked and murdered, who can doubt the need for this amendment? Indeed, this amendment is the necessary next step to the Freedom of Access to Clinic Entrances Act that we passed in this body last year. We have traveled a long road to enact that measure. Now let us make sure that the promise of that new law can be realized. We need to do everything that we can to ensure women have access to the health care that they need, access free from threats, intimidation, or harassment, violence or even murder.

That is a proper role for a Member of Congress. It is outrageous that woman and health care providers fear for their safety and that of their families when they seek or provide constitutionally protected reproductive health services.

The opponents of this amendment believe it is unnecessary. They believe the language we adopted yesterday is sufficient to protect all facilities, including health facilities, threatened by crime or violence. I disagree. We must send a strong message to local communities that we will help them enhance health car clinic security.

So today, let us put teeth in that law we passed last year. Let us help local law enforcement agencies stop the killing, the violence and the fearmongering. Let us pass the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Ms. DeLAURO. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman for her statement, and I think you drew the distinction that the other side is not drawing. That is that this is a constitutional American right that is being criminally attacked, and this is trying to get resources to the local level. That is why it is different than the average shopping mall and other places where we want to help, too. But this should be done.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, before I get started, I want to first of all associate myself with the remarks of the chairman of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], and also point out very clearly that this debate should not be framed in any shape or form as endorsing violence outside abortion clinics or any other place, for that matter.

But I see beyond the rhetoric of this debate two very real problems with this amendment, and I want to point them out for my colleagues who will look beyond again the rhetoric of the debate on abortion and whether you are for or against it.

This measure, first of all, clearly duplicates the amendment that was offered by our colleague, the gentleman from New Mexico [Mr. SCHIFF], yesterday. It duplicates it in the sense that it talks about facilities that are public, and clearly the local law enforcement officials have an interest in protecting the security of such institutions.

Second, I see more of an alarming problem, in that this Schroeder amendment goes beyond the Schiff amendment in that it seems to give authority, as the gentleman from Florida [Mr. McCOLLUM] has pointed out, to use public funds to go into a private business, if you will, and put bullet proof glass, security cameras or whatever. As I understand it, that is how I read that.

Certainly, as the gentleman from Illinois [Mr. HYDE] so eloquently pointed out, there are other environments where murders are committed at a higher rate, and we are not authorized by law to spend public funds to put bullet proof glass in taxicabs or convenience stores that are robbed. I think one a night somebody is killed in those somewhere around the country.

Those particular issues, the fact that it duplicates the Schiff amendment and its seeks to authorize public funds in the private institutions, really bother me also.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. BRYANT of Tennessee. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. In the Schiff amendment, it does not say public facilities. It is exactly the same as mine.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong support of the Schroeder amendment. The violence and lawlessness surrounding these health clinics is getting out of hand and it must be stopped. I can speak from a personal experience because in the State of Oregon, an antiabortion group has created what they call a deadly dozen list.

On that list are 12 physicians. The escalating harassment that I will show as a result of this list is a coordinated effort, and it is led by extremists. Of that list of 12 doctors who are practicing legal medicine, three are in my home city, five of those doctors have already been either shot at or they have been shot.

This is extremism of the worst kind, because these extremists do not respect the law of the land. And it is fine for Members on this floor to talk about how concerned they are. But this amendment makes us put our money where our mouths are.

We must vote to protect our own constituents who are patients and doctors. They are exercising their constitutional rights. This will help our police forces do the job that they want to do, and this will mean that the women of this country can go to those health clinics without fear of violence.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in opposition to this amendment because I believe that the block grant format that governs the expenditure of these funds clearly allows communities to expend funds for the purposes encompassed in the amendment of the gentlewoman from Colorado.

On the other hand, I think her concern that we have not sufficiently addressed the problem of the kind of violence that is occurring at this time in our history around health clinics in certain communities is well taken.

Later my colleague, the gentleman from Maine [Mr. LONGLEY], will introduce an amendment that not only goes to the violence around medical facilities, but the violence that has plagued some health research facilities, that sometimes is a threat to shelters for abused women and things like that. That is a more comprehensive amendment that addresses the kind of violence that occurs at, in a sense, institutions that have become lightning rods in communities.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I hope the gentlewoman looks at what we did do in committee. One of the good things we did was we had added language that would allow money to go to help with domestic violence, violence against women, and so forth, but we did not do this specifically. The thing that I worry about is when you look at that map, what we need is a clear message to localities to make them feel empowered to move on this.

So I really think that we listed everything, except we did not want to say the women's reproductive health care clinics. That was not listed specifically, and that is all we are trying to do in here, is give it the same leverage we are giving everything else.

So I think you will find most of the things that you listed would be covered. We just want this one to be specifically listed, because it is a Federal right and it did seem to be ignored.

□ 1520

Mrs. JOHNSON of Connecticut. Certainly it is true that we have done a lot of good work on the issue of violence against women. It is not my understanding that there is a specific listing in this bill that addresses those kinds of institutions, and I think, we think that our amendment will be far more specific and cover the concerns that the gentlewoman has brought forward.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, the fact is, earlier this year two people were gunned down in cold blood and three were wounded at a family planning clinic in Brookline, MA. The suspected killer, John Salvi, is unrepentant, and he has been hailed as a hero by some antiabortion extremists. Outside of his holding cell in Virginia activists were chanting, John, we love you. Thank you for what you did.

When we look at the statistics for the Bureau of Alcohol, Tobacco and Firearms, or talk to the staff of Planned Parenthood in our districts, we will see that the Brookline incident is not an isolated case of violence. Family planning centers across this country have become targets of an orchestrated campaign of arson, vandalism, and sniper attack, and our districts are no exception.

The threat is so serious that the Justice Department released security tips for clinics in response to the Brookline shootings, advising staffers to circle around the block once before going home to see if anyone is following them.

Clinic staffs are advised to check all packages for oily stains or peculiar odors of almonds or shoe polish. They are living in a war zone, for daring to protect a legally protected constitutional right for American women.

This amendment is not about abortion. It is about terrorism. It does not matter if one is pro-life or pro-choice or Democratic or Republican. If you believe in standing up to terrorists, vote for the Schroeder amendment.

Mr. MCCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think that violence is terrible. And to the best of my knowledge any time it is invoked unlawfully, it involves a violation of constitutional rights.

I am concerned about this amendment, and I speak in opposition to it. I think it is overly specific. I think it is restrictive of local and State authority and, frankly, I do not think it deals with the full spectrum of violence that needs to be addressed.

Where is the language about schools? Where is the language about religious institutions and hate crimes? Where is the language about public housing complexes and the terrible crimes that have been taking place in those areas? What about shelters for abused women or other facilities?

I think that the issue before us is adopting language that will be less restrictive in terms of the violence and interference with constitutional rights that it seeks to prevent and, furthermore, providing the broadest possible discretion to State and local law enforcement authority to take the preventive measures and actions that they feel are necessary.

On principle, I have had a great deal of difficulty supporting the issue of an expanding Federal involvement in the area of crime. To the extent that we are going to do so, I would rather see legislation that will empower State and local law enforcement authority to act on the broadest possible level and give them as much discretion as possible. On that basis, on the defeat of this amendment, we will be offering a substitute amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of this amendment. In a time when pro-life advocates seem to have taken it upon themselves to play God, this legislation could not be needed more. Five murders in Massachusetts, a bombing in Virginia, a violent assault on a doctor and his escort in Florida, a murder of a respected specialist in Florida—the list goes on and on.

These are just a few of the examples of the violence that takes place daily in family planning clinics all over this country. This amendment would help in preventing these terrorist assaults from occurring.

Now, some critics on the other side of the aisle might say that this amendment, itself, violates their first amendment rights to free speech and picketing. Well correct me if I'm wrong, but the last time I read the first amendment, it did not state that Americans had the right to burn, bomb, murder, and assault.

It strikes me as ironic, that these pro-life terrorists, whose soul purpose is to save a life, can so easily justify their reasons for taking one away. It is truly baffling. What most people don't know, is that these clinics are used mostly by women for mammograms, breast checks, pap smears, family planning information, and a whole range of services.

Mr. Chairman, pro-life extremists have left us no choice. These measures must be taken so that women all across the United States can take advantage of what is their constitutional right. I urge Members to vote in favor of this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me state as quickly as possible that I commend the gentlewoman from Colorado for doing all she can to focus our energies and our attention in using this crime bill debate to zero in on those areas of our Nation that need additional police protection and perhaps a consciousness raising of all our American community. And clearly, health care clinics hits the top of that list.

However, I do believe that in discussing that, in listing health care clinics and medical facilities, that we do make a mistake in not serving to expand that to include other areas like schools, as already in there, religious institutions, additional medical and health facilities, as my colleague from Connecticut mentioned, where valuable medical research oftentimes takes place and is plagued by random violence. Shelters that in some ways in the language are covered, but we need to get more specific to say that we need police protection in areas surrounding where shelters are for children of child abuse and women of domestic abuse.

We do need to focus. We do need to expand. We need to make sure that this crime bill sends a message to health care clinics and then beyond.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking member of the committee.

Mr. CONYERS. Mr. Chairman, I commend the gentlewoman from Colorado [Mrs. SCHROEDER] for bringing this matter to the attention of the House.

I am speaking on this matter because I believe it is a civil rights matter as well. The Republican block grant sweeps the threat to doctors, clinics, nurses, and women who choose to elect their right to choice under the table. This brings it out.

I am hoping that regardless of where Members fall on the question of abortion, that this protection will be specifically delineated in the crime bill that comes out of this House.

I think it is time that we bring the protection of the law to all of the people. The medical profession is now being terrorized out of doing their job. There are doctors now that are afraid to work in these clinics because they know their life and their families are threatened.

Let us support their civil rights and all of ours at the same time.

Mr. McCOLLUM. Mr. Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 2½ minutes remaining, and the gentlewoman from Colorado [Mrs. SCHROEDER] has 7½ minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I have one speaker remaining, and I reserve the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California [Ms. HARMAN].

□ 1530

Ms. HARMAN. Mr. Chairman, as a previous speaker has said, it is a shame we have to raise the debate on abortion over and over and over again. The gentleman is right. It is a shame, but it is necessary. A constitutional right is not a right if it cannot be exercised.

The Freedom of Access to Clinic Entrances Act, which I strongly supported, Mr. Chairman, was intended to guarantee the right to choose, but the resources to secure that right are lagging. That is why we need the Schroeder amendment.

The Schroeder amendment allows local law enforcement block grant funding to be used to increase security at our country's reproductive health care clinics. The amendment does not stand in the way of flexibility, it simply permits local law enforcement to allocate the necessary resources to stop violence at these clinics. In my congressional district, OB-GYN physicians who perform legal abortions have called on me to help stop the violence. By passing the Schroeder amendment today, we will take a critical step toward protecting these doctors, their families, their patients.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I rise in strong support of the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank my colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], for offering this amendment. Time and again she proves why she is a national treasure in protecting the safety and welfare of women, children, and families.

Throughout the week we have been talking about fighting violent crime, Mr. Chairman. I think murder would fall into that category. Roe versus Wade was handed down 22 years ago, but over the past 23 months, five people have been killed and countless others injured at abortion clinics.

Mr. Chairman, anti-choice extremists are attempting to accomplish through intimidation and terrorism what they cannot accomplish in a court of law. As a result, the constitutionally protected right to choose is being eroded away. A large majority of the American people support a woman's right to choose, but the right to choose is meaningless without the access to choose. In 83 percent of the counties across America, Mr. Chairman, not a single physician is willing to provide abortion services. Why? Because they fear for their very lives.

Mr. Chairman, this is not a question of whether we are pro-choice or anti-choice, it is a question of whether we are pro-violence or anti-violence. It is a question of whether we truly believe in law enforcement, or only enforcement of the laws we agree with. Support this amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Schroeder amendment. There are some Members in Congress who are pro-choice, and I am one of them. There are others who are anti-choice, but there should be no Member of Congress who is tolerating the kind of outrageous violence that is taking place all across this country against doctors, nurses, and personnel in clinics that are performing abortions.

Mr. Chairman, this legislation is terribly important because it sends a signal to the entire country that the U.S. Congress will not tolerate for one moment the calculated and organized reign of terror which is existing today against those people who are helping women take advantage of their constitutional rights to choose abortion. That is what this issue is about.

Let us send a message loud and clear, Mr. Chairman, throughout this country that we will not accept this violence, and we will protect a woman's right to choose.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE], a new member of the committee.

Ms. JACKSON-LEE. Mr. Chairman, I rise to support the amendment sponsored by the gentlewoman from Colorado [Mrs. SCHROEDER] because, Mr. Chairman, this is not a question of pro-choice, it is not a question of one's religious beliefs.

It is, unfortunately, a question of murder; of individuals who are not protected as they go about their responsibilities and their business in this Nation. It is just simply a reaffirmation that what is done at women's health clinics is legal. It is constitutionally legal. Yet, we have two young dead women. We have doctors who have lost their lives.

That, in fact, raises a question of being able to ask "Do we have a real crime bill, or do we have a make-shift paperweight, fearful of doing what is right?"

In October 1993, an arson and bombing attempt, West Loop Clinic, Houston, TX; July 1, 1993, bomb threat to North Park Medical Group; March 1993, chemical tear gas attack on Dallas Medical Ladies Pavilion; February 15, 1993, arson destroyed a reproductive services clinic.

Mr. Chairman, we need to have the kind of support that the Constitution gives. I support the Schroeder amendment. Let us vote for liberty and freedom.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Chairman, let me compliment the gentlewoman from Colorado [Mrs. SCHROEDER] for introducing this amendment.

Mr. Chairman, let me talk about it from two perspectives, one as author of the clinic access bill, which is now law, and second, as an active person on this crime bill.

Mr. Chairman, they say "Why do we need to mention the clinics specifically?" They say "Why not schools, why not housing projects?" I have heard all sorts of things.

I will tell the Members why. There is one specific reason. It has nothing to do with pro-choice, pro-life, et cetera. It is because there is a concerted effort in certain localities, in all the hearings we held in the Subcommittee on Crime in the last 2 years, there is a concerted effort by some localities not to protect these clinics. There is a concerted political attack that says "Don't protect them."

That is not true in 90 percent of America. In 90 percent of America, or 95, the localities are protecting them. It is a constitutional right. However, in some they are not.

I would argue to my colleagues, Mr. Chairman, that in those cases it is more important to specifically delineate a clinic and show law enforcement officers and others that this is perfectly acceptable, since there is a campaign of attack against them, since there is political resistance against them, than it would be anywhere else.

There is no resistance, there is no mass movement, that says "Do not protect housing projects." There is no mass movement that says "Do not protect schools." There are not people sitting in front and blockading animal clinics, even at this day. However, there is a concerted movement here. That is why we need this language.

I would urge support for the Schroeder amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 2 minutes.

Mrs. SCHROEDER. Mr. Chairman, I end where I began, looking at this chart.

Mr. Chairman, the right to have access to family planning clinics is a Federal right. It is a constitutional right.

Mr. Chairman, I feel badly if we have violence outside clinics, but we are not protecting bunny rabbits federally. We are trying to do it federally, but not at the constitutional level. Besides, we do not see a huge national conspiracy around this.

We see all sorts of tap dancing around this issue, where nobody wants to really do the real thing, which is this amendment, and put it on-line.

What have we heard? We have heard, first of all, that some people do not like my amendment because it does not have the word "public" in it, and they are all saying they like the amendment of the gentleman from New Mexico [Mr. SCHIFF].

However, the amendment of the gentleman from New Mexico does not have "public" in it, either. It says "In and around any other facility or location." They say "facility or location," but they do not want to say "a clinic."

We know they can go to facilities or locations. That is what the block grant is about. It is to help localities fight generic crime. However, where we are really behind is supporting on this federally protected right that women have missed. Women know that if there is a right without a remedy, there is no right.

What we are seeing here is we are losing this right, because even though they cannot attack it head on, because they are afraid Americans would roll it back, they have found another way to wink at it. That is by allowing people who are taking the law into their own hands, by people who are intimidating, who are targeting violence, and I cannot believe that this body is not willing to deal with that.

□ 1540

All you have to do is put these words in, that a locality can use some of the funds to help protect women's reproductive health clinics that are under siege.

Please, please support this amendment.

Mr. McCOLLUM. Mr. Chairman, I yield the balance of the time on this side to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] is recognized for 2½ minutes.

Mr. SMITH of New Jersey. I thank my friend for yielding me the time.

Mr. Chairman, every day inside abortion clinics throughout America, babies are dismembered and chemically poisoned and their mothers wounded emotionally and sometimes physically. Each and every day 4,000 children are killed by abortionists. I hate violence, Mr. Chairman, whether it be violence against unborn babies or the violence that is visited upon their mothers.

Even though I detest what they do, I nonetheless deplore any violence against abortionists.

Members might recall that I authored the FACE substitute last year that would have imposed very stiff Federal penalties against anyone who uses force or threatens to use force against abortionists, clinic personnel, or pro-lifers.

But let me make it very clear, Mr. Chairman, abortion mills are not privileged entities. They are not privileged characters. The purposes that are delineated in H.R. 728 relate to police who will serve the entire community, schools that also provide a basic service to a larger community, drug courts and neighborhood watch programs.

Abortion clinics, abortion mills, despicable as they are, are private facilities. 7-Eleven stores, grocery stores, and other private operations have a much greater exposure to violent activities than abortion mills. The statistics bear that out. My friend from Illinois and others have pointed this out during this debate. Abortion mills make millions of dollars. They don't necessarily need a huge Federal subsidy. Yet, and I want to make this very clear, under the terms of the amendment of the gentleman from New Mexico [Mr. SCHIFF] which was adopted yesterday, local law enforcement officials could enhance security measures around any facility, including an abortion mill, if the proper outpatients deemed to have a special risk for incidents of crime. If we are not singling out banks with their very high risk and grocery stores and, as has been pointed out, even taxicab drivers for special protection, I would submit it is entirely inappropriate to single out abortion mills for this kind of treatment. Special risks are going to vary from community to community. It runs counter to the purpose of this legislation to start itemizing, having a higher order, a pecking order, if you will, and to say that some private facilities should receive public funding and others should not. That ought to be left to the local level.

I urge defeat of the Schroeder amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 266, not voting 4, as follows:

[Roll No. 125]

AYES—164

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Blute
Boehlert
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—266

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—4

Becerra
Crapo
de la Garza
Matsui

☐ 1600

Mr. WILSON and Mr. GILMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. HOKE. No, it has not, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Beginning on page 3, strike line 8 and all that follows through page 4, line 10, and insert the following:

"(B) Enhancing security measures—

"(i) in and around a school, religious institution, medical or health facility (including a research facility), housing complex, shelter, or other facility or surroundings where a threat to law and order exists; and

"(ii) if the threat of violence or other unlawful or criminal activity, in the opinion of law enforcement officials, requires the use of funds under this title for personnel, materials, or other security measures to carry out the purposes of this title.

"(C) Establishing crime prevention programs that may, though not exclusively, involve law enforcement officials and that are intended to discourage, disrupt, or interfere with the commission of criminal activity, including neighborhood watch and citizen patrol programs, sexual assault and domestic violence programs, programs intended to prevent juvenile crime, and drug abuse resistance education.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. VOLKMER. Reserving the right to object, Mr. Chairman, do we have a copy of the amendment on this side? Do we have more than one? I would like to take a look at it. It may perhaps preclude an amendment I had planned to offer, and I would like to see it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HOKE. Mr. Chairman, I yield to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I think it is clear to all of us that violence of any sort must be and should be condemned, and condemned in the strongest possible terms, and if we are going to deal with violence in this country, let us deal with it on a basis that is consistent with the interests of all Americans, including other problems that relate to violence.

I mentioned earlier in my opposition to the Schroeder amendment the fact that we have had a tendency in this country, in this city to attempt to micromanage on every detail on the State and local level.

Mr. Chairman, we need language that will deal with violence in any form and maximize the authority of State and local authorities to deal with it on a basis that is consistent.

PARLIAMENTARY INQUIRY

Mr. BONIOR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BONIOR. Mr. Chairman, it is my understanding that there are at least on our side of the aisle about seven Members who have amendments who wish to offer amendments this evening, and the time limitation for 45 minutes is in effect.

I do not know how many amendments our colleagues on this side of the aisle have. The gentleman from Nebraska has one.

Is there some way we can get a proportion of time divided so each individual who has an amendment at least can state what he or she wishes to offer, and then perhaps we could roll the votes on all of these at the end of the time limit?

The CHAIRMAN. The Chair would be willing to entertain any proper agreement from both sides in that regard. There are some limits to what the Committee of the Whole can order, and certainly the Chair is not going to unilaterally impose that decision.

Mr. BONIOR. Further requesting a parliamentary inquiry, Mr. Chairman, I would just suggest to my friends on this side and this side of the aisle that in fairness to everyone who has an amendment, if we could split the time equally and then roll the votes at the end for those votes that are ordered, we might have a fair process here.

I do not know. I have not frankly even talked to my dear colleague from Detroit about this.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, we have nine amendments including one——

Mr. HOKE. Mr. Chairman, reclaiming my time. Is this on my time, or is this a parliamentary inquiry?

The CHAIRMAN. The gentleman from Ohio does have the time. The gentleman from Michigan made a parliamentary inquiry and was recognized for that purpose.

Does the gentleman no longer yield time for that purpose?

Mr. HOKE. No. I do not. I reclaim my time.

The CHAIRMAN. The gentleman reclaims his time.

Mr. HOKE. Mr. Chairman, I further yield to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, as I was saying a minute ago, violence of any sort is and should be condemned, but I think we are making a grave mistake if we take one form of violence and attempt to exalt it over other forms. We need to deal with all forms of violence.

I am certainly sympathetic to the issues concerning the health clinics and the violence and the threats of violence that have taken place. I would submit in States, and particularly my own State, the threats are being dealt with effectively and in a manner that does not polarize the issue, and it involves those who support pro-choice as well as those who are pro-life.

The language we are offering seeks to include violence that might involve schools, religious institutions, medical and health facilities, but also housing complexes, shelters, particularly shelters that might house abused women or any other facilities or surroundings where a threat to law and order exists.

And so we have designed language that is deliberately broad and encompassing to any threat to law and order or the constitutional rights of men and women in this country.

And, secondarily, that where that threat exists, that if in the opinion of State or local enforcement authority that funds within the bill may be provided for personnel, materials, or other security measures, that may be construed as fulfilling the purposes of this act.

We do not seek to limit the language to any particular item. We want to provide as much authority on a broad basis to State and local authorities to use these funds in a manner that will accomplish the purposes of the act.

□ 1610

And I want to come back to a point that I made earlier. I am going to be supporting H.R. 728, but on a reservation; that reservation being that when the Federal Government is having the financial problems that it is having, particularly the threat to Social Security funds and other major responsibilities of the Federal Government, I have a hard time seeing how we are continuing to further a Federal extension of authority into areas of State and local law enforcement.

But if we are going to do it, let us do it on a basis that is broad, but also a basis that provides as much discretion as possible to local and State authorities.

Mr. HOKE. Mr. Chairman, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, did I understand that the gentleman from Maine [Mr. LONGLEY] is offering this as an amendment?

The CHAIRMAN. It is an amendment by the gentleman from Ohio [Mr. HOKE].

Mrs. SCHROEDER. Mr. Chairman, is the gentleman from Ohio offering what the gentleman from Maine was talking about as an amendment, and that is the language we have in front of us? If so, then I am really kind of amused by this because the people on the other side of the aisle first of all said my amendment was not needed because the Schiff amendment, from New Mexico, covered everything, it was terrific. Then they voted against my amendment, and now they have come with an amendment that is my amendment. I mean it basically is talking about women's health clinics. So terrific, they threw some other things in I guess kind of a deflection to try to make it look like it is even more generic.

I think the women's health clinic is absolutely essential to have in there, as they have in there, have because it is a Federal constitutional right that is eroded. But I find this really very, very interesting, and it is fascinating how they are trying to tap/dance around this.

I think it is very confusing. I think it is a shame everybody could not have just voted for the amendment we have in front of us. As I read the two amendments, there is absolutely no difference except they threw a couple of more things in. I find that quite astounding.

AMENDMENT OFFERED BY MR. VOLKMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HOKE

Mr. VOLKMER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

> Amendment offered by Mr. VOLKMER as a substitute for the amendment offered by Mr. HOKE: Page 6, line 10, strike "or".
>
> Page 6, line 11, insert "or" after "yachts;" and
>
> Page 6, after line 11, insert "(6) any police or security for abortion clinics."

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. DELAY. Mr. Chairman, reserving the right to object, and I probably will not object, but this is the first we have heard of a substitute.

Mr. VOLKMER. No, the gentleman has had it at the desk, right over there. If the gentleman will yield, the staff has had it for the last 15 or 20 minutes. It is not named as a substitute. It is named as my amendment. It looks like I will not be able to offer it as an amendment, so I am offering it as a substitute.

Mr. DELAY. Has this been cleared with the leadership?

Mr. VOLKMER. With whose leadership, Mr. Chairman? You mean I have to ask? Come on, now.

Mr. DELAY. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Texas [Mr. DELAY] has the time. Did the gentleman from Texas object?

Mr. DELAY. I object.

The CHAIRMAN. Objection is heard.

The Clerk will continue reporting the substitute amendment.

The Clerk completed the reading of the amendment offered as a substitute.

Mr. HOKE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved on the amendment.

The gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Chairman and members of the committee, we have been beating around the bush on an issue that the majority does not want to address. And that is, should funds be used to protect, give security, police officers and everything else, to thwart pickets who are pro-life trying to inform people who are going to have abortions at these clinics that they should not be able to have those abortions?

We had this fight last year when we had the fight over the access to the abortion clinics bill. As one who strongly opposed that bill and feels that it should be repealed, I feel this is wrong to have in this bill an attempt by the majority to fund police officers and security so that people who picket these clinics will end up in jail. And therefore this amendment just says that none of these funds can be used to provide security police for the abortion clinics.

This is strictly, I think, a proper thing to do. I would hope that the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Ohio [Mr. HOKE] would accept the amendment. I believe by doing this we are going to preserve more lives of the unborn than anything else we have done so far and anything you can do in this bill. Because what I think you are going to do in this bill is you are going to help provide abortions and get rid of a bunch of unborn children.

Mrs. SCHROEDER. Mr. Chairman, would the gentleman yield?

Mr. VOLKMER. I would be glad to yield.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman taking out the very part that I have been trying to get in? Is that what the gentleman is doing? They finally come around to our side, and what is the gentleman doing?

Mr. VOLKMER. Basically, I am saying the opposite of what the gentlewoman is saying.

Mrs. SCHROEDER. That is exactly what I thought the gentleman was saying. So, in other words, the gentleman wants to get some of this money go to help protect these reproductive clinics, and what the gentleman is saying is he wants to amend it so that it covers everything but that.

Mr. VOLKMER. That is right.

Mrs. SCHROEDER. So the gentleman is trying to gut their amendment.

Mr. VOLKMER. I am not trying to gut their amendment. I am offering a substitute. I am trying to be straightforward about the whole issue, not beat around the bush.

Mrs. SCHROEDER. The gentleman is being perfectly clear.

Mr. VOLKMER. I mean, they have been all day long beating around the bush. They are acting like nobody is really going to go for these abortion clinics, we are not going to help them out at law. We are not going to do anything to help them out.

Of course, really, it does, but we really we do not want to say so in the bill. And you would be surprised how many Members I have talked to who, when I tell them there is funds in here to provide security for abortion clinics, I hear, "Oh, no, that is not in here. That is a Pat Schroeder amendment. Pat Schroeder is going to do that."

Well, folks, no. The money is already in here for it, it is there. All the gentlewoman from Colorado is trying to do is to say let us focus on it. Let us focus on it.

That is what my amendment does. Now, do you want to provide security for abortion clinics, or do you not? That is the substitute, folks. I hope the gentleman from Ohio will let us vote on it.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Ohio [Mr. HOKE] continue his point of order?

POINT OF ORDER

Mr. HOKE. Mr. Chairman, I insist on my point of order that the substitute is not germane. The Hoke amendment provided for specific purposes for which the funds in the bill can be used, whereas the Volkmer amendment only provides for prohibitions for which the funds cannot be used. Therefore it is not germane, and I insist on the point of order.

The CHAIRMAN. Does the gentleman from Missouri wish to be heard?

Mr. VOLKMER. Mr. Chairman, the substitute is in order because it does provide for an amendment to a proper section of the bill that is at the present time before the House, just as the gentleman's amendment is before the House. It does not have to be just to his amendment. It can be to other sections of the bill just as well.

The CHAIRMAN (Mr. GUNDERSON). Does any other Member desire to be heard on the point of order? If not, the Chair is ready to rule.

In response to the point made by the gentleman from Missouri, the test of the germaneness is the relationship of his amendment to the amendment before the committee at the time, not to the underlying bill. With regard to the point of order raised by the gentleman from Ohio, a substitute addressing prohibited uses of funds is not germane to an amendment addressing permissible uses elsewhere in the bill, based on the precedents of the House.

Therefore, the Chair sustains the point of order.

The amendment, therefore, is out of order.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it appears to me that the minority is bound and determined that they are not going to vote on this issue because they know that with the timeframe that we have left and the number of amendments we have left—and I am not on the Committee on the Judiciary—they just do not want to vote on this issue.

It is very clear to me that they want to run and hide from the question of providing security for abortion clinics. They do not want to save these unborn children, there is no question about it. There is no question in my mind that they are willing to let them go, let them die, and not even vote on this amendment.

□ 1620

So, Mr. Chairman, if I have time before the time runs out, I will offer the amendment that is in order by itself to the bill, and if I do not have time and they will not give me any time, that tells me that they really do not want to take up this amendment at all. They are scared to death of it.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to my friend, the gentleman from Missouri [Mr. VOLKMER], I think he is making, in my judgment, a mistake. I think what he is doing is sequestering again abortion facilities and saying they are different from other places.

Under our bill, if the local authorities see that the peace is going to be disturbed, there is a threat to the peace, no matter what the place is or what it does, they have a right to send police there to protect the public safety. If it is an abortion clinic or not, if it is a church, they have a right to protect the public safety. I believe that is their constitutional duty, and the gentleman knows how I feel about abortion clinics. But people have a right to exercise their constitutional right.

Now I suggest to the gentleman that we do not need any more amendments. The Schiff amendment is in place, and it says the local authorities may send police or protective devices or whatever is required wherever they see a threat to public safety, and that ought to cover the abortion question, the bank question, the convenience store and the school.

So, I wish the gentleman would not elevate out of the mainstream abortion clinics because they do not deserve it, and I think the gentleman is doing the same thing the gentlewoman did, only in a negative way.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Missouri.

Mr. VOLKMER. To be honest with my colleagues, Mr. Chairman, I am quite disappointed from the gentleman from Illinois because I well remember last year, as we debated the access to clinics bill, and we were on the same side on that issue.

Mr. HYDE. Sure.

Mr. VOLKMER. Mr. Chairman, we were opposed to that bill that basically is not doing anything different from what they are doing right here. There is no difference.

Mr. HYDE. Mr. Chairman, would the gentleman let me reclaim my time?

Whenever there is a threat to public safety, if it is in the lobby of a church, if it is around an abortion clinic, if it is in my home, I want law enforcement to be there to protect innocent people.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just ask the gentleman: I thought I heard him say because we had the Schiff amendment we did not need any further amendments on this subject.

Is the gentleman then opposing the amendment offered by the gentleman from Ohio [Mr. HOKE]?

Mr. HYDE. Yes, I am.

Mr. FRANK of Massachusetts. The gentleman is going to vote against the Hoke amendment?

Mr. HYDE. Yes, sir. I hope there is no doubt in the gentleman's mind. Affirmative, yes.

Mr. FRANK of Massachusetts. I thank the gentleman. I was razzle-dazzled there for a minute.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course I yield to my comrade in arms, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I am a little disappointed because I see this fight as the same fight. I do not see a difference between the two, and perhaps later on we can discuss the distinction between the access bill of last year and what we are doing here.

Mr. HYDE. Mr. Chairman, we cannot protect people who violate the law, no matter what their motives are. I say, "You may not do evil that good may result, and violence has to be stopped whether it's in front of abortion clinics or somewhere else."

Mr. VOLKMER. This is the question, whether they are going to use Federal tax dollars for the purpose of assisting and protecting the clinics. That is what it amounts to. Last year we passed a bit that protected——

Mr. HYDE. That is the law, though. That is the law unfortunately. The gentleman and I voted against it, but it is the law, and the gentleman and I are sworn to uphold the law.

Mr. VOLKMER. Wait a minute now. I do not want to get into this too far, but we do have the Constitution, and the Supreme Court has spoken in Roe versus Wade, and that is a law that I sure "ain't" going to follow, and I want the gentleman to understand that.

Mr. HYDE. Well, I am going to resist it. I am going to say it may be the law, but it is not good morality, and its lousy policy, but it is the law, and we are sworn to uphold the law. But let us fight to reverse it.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I wish to speak in support of the amendment offered by the gentleman from Ohio [Mr. HOKE], and in regard to my friend, the gentleman from Missouri, I would say that I have a very strong record in support of women having the right to make decisions for themselves and strongly supported the clinic access bill. But I think this bill, which is a bill that provides money to local towns and cities to fight crime at the local level, ought to be as broad as possible and yet at the same time make absolutely clear that communities have the right to use these funds to target their resources at any institution that for whatever reason may be under particular pressure or fire.

In recent years it has been abortion clinics. In preceding years in my communities it was synagogues in certain towns. In other times there have been medical research facilities that have been the targets of bombing and terrorist activities.

So, I think it is very appropriate that we enlarge the underlying bill that mentions school to also include a number of other types of facilities that sometimes do require the mobilization of specific resources to repeal threats of violence that emanate from vicious, hateful beliefs and feelings, but represent an extraordinary threat to both the people and the facilities.

So Mr. Chairman, this amendment does say in and around a school, religious institution, medical or health facility, including a research facility, a housing complex, a shelter, because certainly shelters for abused women, if they become known, can become the target of exactly the kind of violence that we have seen develop around abortion clinics and other facilities that are surrounding where a threat to law and order exists, and then it explicitly allows, and this is the point of the preceding gentlewoman from Colorado's amendment. She fears, if we do not specifically use resources, that local elected officials will feel reluctant to use Federal tax dollars for these purposes since we do not allow, for example, the use of Federal tax dollars to provide perfectly legal medical procedures for Medicaid recipients.

So this bill does very clearly say that, if there is a threat of violence, or unlawful or criminal activity in the opinion of the law enforcement officials and local people, that the money can be used for personnel, materials, security measures to carry out the purposes of this act.

I think it is a good, solid amendment. I think its a thoughtful response. It is an effort on the part of many who believe that abortion should not be seen and abortion violence should not be seen as singular and unique, but that kind of violence that communities have a right to respond to.

So I am proud to support the amendment offered by the gentleman from Ohio [Mr. HOKE]. I think it is a strong addition to the bill. It enlarges on the Schiff amendment in a responsible way, and I urge Members' support of it.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. HOKE. Mr. Chairman, my amendment simply requires local governments to assess the impact of school security measures, crime prevention programs and juvenile crime prevention programs funded under this bill, and to submit their findings to the Bureau of Justice Assistance.

Much has been made of the effectiveness of prevention programs, however, Mr. Chairman there is little empirical evidence of their effect on crime. This amendment provides a mechanism by which Congress can assess such programs and make more informed decisions in future crime legislation.

While opponents might argue that this is another unfunded mandate, I believe that the legislative language is broad enough to assuage these fears. By merely requiring that localities have an adequate process, the amendment provides wide latitude in carrying out this directive.

I urge its adoption.

AMENDMENT TO H.R. 728, AS REPORTED OFFERED BY MR. HOKE OF OHIO

Page 12, line 4, strike "and".

Page 12, line 7, strike "101(a)(2)." and insert "101(a)(2); and".

Page 12, after line 7, insert the following:

"(10) the unit of local government—

"(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (B) of section 101(a)(2), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 101(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

"(B) will conduct such an assessment with respect to each such enhancement or program; and

"(C) will submit an annual written assessment report to the Director.

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. HOKE. Mr. Chairman, my amendment is designed to address the problem of inaccurate reporting of crime statistics.

We all know that many localities do not make crime data gathering a top priority. However, under this bill their financial award will be based on their reported data. I am sure we all agree on the importance of making sure accurate data is used when the Bureau of Justice Assistance calculates awards.

My amendment states that if the director of the Bureau of Justice Assistance believes that the reported rate of violent crimes for a local unit of government is inaccurate, he must investigate the methodology used by the locality to determine the accuracy of the submitted data. If he determines that the submitted data is inaccurate—for whatever reason—he is to use the best comparable data available instead.

The amendment places no additional burden on the localities and gives the director the discretion to determine which cases deserve investigation.

Mr. Chairman, this is a common sense amendment. Local units of government should not benefit financially—at the expense of other localities—for inaccurately reported crime data.

Thank you, Mr. Chairman, for allowing me to explain my amendment. I urge its adoption.

AMENDMENT TO H.R. 728, AS REPORTED,
OFFERED BY MR. HOKE OF OHIO

Page 18, strike line 23 through "poses" on line 24, and insert the following:

"(c) UNAVAILABILITY AND INACCURACY OF INFORMATION.—

"(1) DATA FOR STATES.—For purposes".

Page 19, after line 4, add the following new paragraph:

"(2) POSSIBLE INACCURACY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes for a unit of local government is inaccurate, the Director shall—

"(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

"(B) when necessary, use the best available comparable data regarding the number of violent crimes for such years for such unit of local government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HORN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 225, not voting 3, as follows:

[Roll No. 126]

AYES—206

Abercrombie
Ackerman
Allard
Armey
Baesler
Baldacci
Ballenger
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonilla
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Camp
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Coyne
Cramer
Cunningham
Danner
Davis
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Reynolds
Richardson
Riggs
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weller
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—225

Andrews
Archer
Bachus
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonior
Bono
Borski
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coburn
Collins (GA)
Cooley
Costello
Cox
Crane
Cremeans
Cubin
de la Garza
Deal
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Moakley
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Tucker
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—3

Becerra
Crapo
Matsui

☐ 1647

Messrs. KASICH, LAHOOD, KIM, TALENT, and THORNBERRY changed their vote from "aye" to "no."

Messrs. LEWIS of Georgia, WELLER, GILCHREST, GILMAN, LAZIO of New York, and SHAW changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1650

AMENDMENTS OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. VOLKMER. Mr. Chairman, have the amendments been printed in the RECORD?

The CHAIRMAN. The Clerk will report the amendments, not designate them.

The Clerk read as follows:

Amendments offered by Mr. MCCOLLUM: Page 18, line 4, insert "State police departments that provide law enforcement services to units of local government and" after "among".

Page 4, after line 19, insert the following:

"(G) Establishing cooperative task forces between adjoining units of local government to work cooperatively to prevent and combat criminal activity, particularly criminal activity that is exacerbated by drug or gang-related involvement.

Page 4, after line 19, insert the following:

"(G) Establishing a multijurisdictional task force, particularly in rural areas, composed of law enforcement officials representing units of local government, that works with Federal law enforcement officials to prevent and control crime.

Page 12, line 4, strike "and".

Page 12, line 7, strike "101(a)(2)," and insert "101(a)(2); and".

Page 12, after line 7, insert the following:

"(10) the unit of local government—

"(A) has an adequate process to assess the impact of any enhancement of a school security measure that is undertaken under subparagraph (b) of section 101(a)(2), or any crime prevention programs that are established under subparagraphs (C) and (E) of section 101(a)(2), on the incidence of crime in the geographic area where the enhancement is undertaken or the program is established;

"(B) Will conduct such an assessment with respect to each such enhancement of program; and

"(C) will submit an annual written assessment report to the Director.

Page 18, strike line 23 through "poses" on line 24, and insert the following:

"(c) UNAVAILABILITY AND INACCURACY OF INFORMATION.—

"(1) DATA FOR STATES.—For purposes".

Page 19, after line 4, add the following new paragraph:

"(2) POSSIBLE INACCURACY OF DATE FOR UNITS OF LOCAL GOVERNMENT.—In addition to the provisions of paragraph (1), if the Director believes that the reported rate of part 1 violent crimes for a unit of local government is inaccurate, the Director shall—

"(A) investigate the methodology used by such unit to determine the accuracy of the submitted data; and

"(B) when necessary, use the best available comparable data regarding the number of violent crimes for such years of such unit of local government.

Page 8, line 13, after the period, insert the following language:

"Any amounts remaining in such designated fund after 5 years following the enactment hereof shall be applied to the federal deficit or, if there is no federal deficit, to reducing the federal debt."

Mr. McCOLLUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. VOLKMER. Mr. Chairman, reserving the right to object, I would ask the gentleman from Florida what amendments these are that are being presented.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, these are the amendments of the gentleman from Rhode Island [Mr. REED] dealing with State police departments being provided the opportunity to get some of the money in this from the smaller community program moneys that may go back to the States on the reverter clause; the amendment offered by the gentlewoman from Connecticut [Mrs. KENNELLY] adding an additional cooperative task force; the amendment offered by the gentleman from Michigan [Mr. STUPAK] establishing a multijurisdictional task force as one, again, of the illustrative areas where the money can be spent in both cases; the amendment offered by the gentleman from Ohio [Mr. HOKE] with regard to assessing the impact of the enhancement of security measures under this bill by the local unit of government. It is all in the assessment amendment, with no mandatory nature of it.

There is an amendment offered by the gentleman from Ohio [Mr. HOKE] dealing with the accuracy of data, so we know we give discretion to the director to determine if the data is accurate that we are basing the grants on.

There is the amendment of the gentleman from North Carolina [Mr. WATT] about the reversion of the moneys in here to cover the deficit.

Mr. VOLKMER. Mr. Chairman, continuing my reservation of objection, I would like to comment that it appears that these will be the last amendments that will be permitted to this bill under the rule, so that the rest of us who have amendments pending will not be able to offer those amendments and have them considered in this House. That is because of this type of rule.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. BEREUTER. Mr. Chairman, reserving the right to object, under my reservation of objection I would point out to the House that there has been little or no opportunity for Members of the House who are not members of the Committee on the Judiciary to offer amendments to this legislation if they are not members of the Committee on the Judiciary. I think that is quite inappropriate.

Mr. Chairman, I would say to the gentleman under my reservation of objection, the distinguished chairman, for whom I have great respect, it is my understanding that he is not including my amendment printed in the RECORD, amendment No. 22.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, the answer is that is correct, simply because, to be honest, I disagree with the amendment.

However, as the gentleman knows, the time constraints out here were eaten up by the determination of a lot of Members to talk on two or three of these abortion-related amendments, and it was not, of course, our intent that that occur.

Mr. BEREUTER. Continuing my reservation of objection, Mr. Chairman, I would like to point out to the gentleman that under my reservation, I can object to the unanimous-consent request that all of these amendments the gentleman has listed are not read here on the House floor, and exhaust the amount of time.

Mr. BONIOR. Mr. Chairman, will the gentleman yield under his reservation of objection?

Mr. BEREUTER. I am pleased to yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Chairman, would my colleague, the gentleman from Florida [Mr. McCOLLUM] entertain a motion allowing the distinguished gentleman from Nebraska [Mr. BEREUTER] 1 minute to offer his amendment, and letting the distinguished gentlewoman from Oregon [Ms. FURSE] receive 1 minute to offer her amendment?

Mr. McCOLLUM. Frankly, Mr. Chairman, if the gentleman will continue to yield under his reservation, I would prefer not to allow any more time for any other amendments. There are a lot of Members who wish to offer them. The clock is running. With all due respect to everybody concerned, there are other amendments that we would like to have had.

Mr. BEREUTER. Continuing my reservation of objection, Mr. Chairman, I think given the time considerations, I would say to the chairman, this Member does not think he was well treated by the process that was established here.

However, I want this process to move forward.

Mr. Chairman, I want the gentleman from Ohio [Mr. KASICH] to have an opportunity to offer his amendment, so I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving my right to object, I am not going to object, except I hope that after this display with the very able gentleman from Nebraska [Mr. BEREUTER] being shut out, and others, no one will ever again describe this cockamamie 10-hour thing as an open rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I just simply want to point out to the gentleman that even members of the committee have also been denied the right to offer amendments, and that during the course of debate on the rule itself we pointed out the insanity of including in the debate time the time for votes, which has consumed about 2 to 3 hours of the debate time that the other side has told the American people we have, and that the same kind of process is being built into the next rule for the bill that is coming forward tomorrow.

Mr. Chairman, it makes no sense on this bill, it makes no sense on any other bill, and I am hopeful that the majority will come to its senses and quit describing these rules as open rules, when in fact there are at least 20 or 25 Members around who still desire to offer worthy amendments and engage in debate.

Mr. SOLOMON. Regular order, Mr. Chairman.

The CHAIRMAN. Regular order is demanded.

Is there objection to the request of the gentleman from Florida?

Mr. WATT of North Carolina. Mr. Chairman, I am reserving the right to object.

The CHAIRMAN. The gentleman may not reserve the right to object after a demand for the regular order.

Without objection, the request of the gentleman from Florida to dispense with the reading is agreed to.

There was no objection.

Mr. SANDERS. Mr. Chairman, I rise in strong support of the Reed-Wynn-Baldacci-Sanders amendment. Crime is not just an urban issue, it is a rural issue as well. And in the State of Vermont when people in small towns and villages need help they rely on the Vermont State Police to come to their assistance. There are no local police.

Under the bill as it is written, moneys are allocated to municipalities under a formula. If a town's grant is less than $10,000 then that money goes instead to the Governor. He or she is then supposed to distribute that money to local communities but cannot use it for State police protection of those towns.

Mr. Chairman, this amendment would correct this problem. Under the amendment the Governor would be able to use the multiple small grants that come to him or her to fund the law enforcement activities of the State police.

I would like to have seen local police and State police be equally eligible for funding under this bill but I believe that this amendment provides some equity to small communities. This amendment also recognizes the dedication and bravery of State police officers in Vermont and across the nation.

I also want to express my appreciation to Representative REED. It is always a pleasure to work with him.

Mrs. KENNELLY. Mr. Chairman, many communities are faced with growing gang and drug-related violence. In these communities our constituents live in fear under the shadow of gang-related violence, not just in our cities. Often local law enforcement officials do not have the necessary resources to address the drug and gang problems that plague their communities. What often happens if a community is fortunate and the problem is bad enough, a Federal task force will begin. However, this is expensive, time consuming, and can be a drain on resources. My amendment will offer local law enforcement another option to combat gang and drug-related violence under the law enforcement block grant. My amendment would allow local communities to form a partnership by pooling their resources together to form a task force designed to combat drug and gang related crimes.

In my hometown of Hartford, the gang problem has continued to escalate. Last year a record number of murders were committed in the city, capped off by a killing spree over New Year's weekend during which five people were murdered and several others wounded by gunfire. It is times like these that the additional resources which a regional task force could provide would be beneficial for local communities to fight crime.

Mr. Chairman, it is my understanding that the majority has reviewed this amendment and is willing to accept this language.

I thank the gentleman from Florida and I thank the gentleman from Michigan for their cooperation, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida [Mr. MCCOLLUM].

The amendments were agreed to.

Mr. MCCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Under the rule and the time limit set by that rule, no further amendments are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 193, not voting 4, as follows:

[Roll No. 127]

AYES—237

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—193

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—4

Becerra
Crapo
Ensign
Matsui

☐ 1713

Mr. DOOLEY changed his vote from "aye" to "no."

Mr. MICA changed his vote from "no" to "aye."

So the committee amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. LAZIO. Mr. Chairman, I rise in opposition to the amendment offered by the gentlelady from Colorado which would specifically single out the protection of women's health clinics as a use of these block grant funds. This bill would give communities the needed flexibility to deal with crime without Washington telling them how to do it. This amendment does not improve the bill. It is unnecessary and redundant.

This debate is not about whether this bill would allow funds to be used to protect women's health facilities. It already does and that is not in dispute. I strongly support protecting areas such as women's health clinics where people are threatened by senseless acts of violence. Those on the other side of the aisle know full well that the amendment offered yesterday by the gentleman from New Mexico [Mr. SCHIFF], which passed with overwhelming support, adequately addresses in general terms the issue of violence at women's health clinics, as well as at women's shelters, religious organizations, political organizations, and any other facility or location considered to be especially at risk to crime. I understand that there will also be an amendment later today offered by the gentleman from Ohio [Mr. HOKE], which I plan to support, that further highlights these general areas without focusing on only one. It is unnecessary and redundant to single out one single area. This is not good legislation.

We are about the Nation's business here. We here are engaged in a debate about the role of the Federal Government in fighting crime. This amendment is redundant and gets us off of focusing on the real issue for this legislation, the crime that plagues our Nation. Although I support a woman's right to choose, I do not support singling out this issue in a bill designed to allow localities who best understand crime determine how to address it.

Mr. PORTMAN. Mr. Chairman, I rise today in reluctant opposition to H.R. 728. There is no question that the epidemic of violent crime in America is one of the most serious concerns of all of our constituents—in inner cities, in suburbs, and in rural regions. Certainly, we must continue to strengthen our criminal justice system and require personal accountability on the part of the criminal. Strong measures must be taken to deter would-be criminals and to punish repeat offenders severely and swiftly. As an example, last week, I supported two bills passed by the House that strengthen the death penalty by limiting habeas corpus appeals and that ensure that evidence obtained in good faith is admissible in court. Congress plays an important and appropriate role in clarifying the application of these rights under the U.S. Constitution. I believe Congress must continue to act aggressively to combat crime wherever appropriate.

I feel, however, that H.R. 728, the Local Government Law Enforcement Block Grant Act of 1995, is bad policy in light of the Federal Government's limited role in fighting crime and in light of the very serious debt crisis in our country. I simply cannot justify spending $10 billion that the Federal Government does not have for a function that truly is the responsibility of State and local governments. It seems clear to me that a more appropriate approach would be to free up more State and local dollars to allow them to fight crime.

That is why I have taken the lead on relieving States and localities of the burden of unfunded Federal mandates, that currently cost State and local governments tens of billions of dollars a year. That money could otherwise be used for essential services, including more community policing.

Asking taxpayers to send their dollars to Washington to be redistributed to local law enforcement agencies, through a political process and after administrative costs are incurred, makes little sense. Local communities should raise local dollars to meet what has always been viewed as a local responsibility.

Furthermore, the pressures on the Federal budget today are greater than ever before. With the commitment shown by passing a balanced budget amendment, Congress should be scrutinizing existing Federal programs to cut spending, not increase it as H.R. 728 does. If H.R. 728 passes, I assure my colleagues that I and others concerned about our crippling national debt will scrutinize the appropriations bills for this and all other legislation in order to make the cuts necessary to limit annual budget deficits so we can start to reduce the national debt.

For these reasons and because of my opposition to imposing Federal mandates on State and local governments, I also opposed H.R. 667, the Violent Criminal Incarceration Act.

Each local community has unique crime problems. Last week, Congress exercised its appropriate role by passing legislation clearly within its purview. I fear that efforts by the Federal Government, like H.R. 728, to assert control in areas that, under our Constitution, are clearly left to State and local law enforcement officials, will result in politicizing the crime issue, too much Federal control and an unjustified increase in our budget deficit. If this occurs, our constituents, our communities, our families, will be the ones who pay the price.

Mr. POMEROY. Mr. Chairman, I rise today in opposition to the bill, H.R. 728. This bill undermines the focus of our crime fighting efforts in last year's crime bill—putting more police on America's streets.

Mr. Chairman, under the crime bill passed last year grants for nearly 17,000 new officers have been awarded in 4 months. The speed of this process is remarkable. Simplicity is the key to the success of the current program, and I believe the downfall of the bill under consideration. Under last year's bill police chiefs and sheriffs in North Dakota had to fill out a one-page application to get funding for an additional officer and supply the DOJ with salary and benefit information.

This is in stark contrast to the bill under consideration where local communities must put together an advisory board made up of representatives from the police department, local prosecutor's office, local court system, local public school system and a local nonprofit, educational, religious or community group active in crime prevention or drug use prevention or treatment. The board must review the application, hold a public hearing on proposed use of funds, establish a trust fund to deposit Federal payments, utilize federally proscribed accounting, audit, and fiscal procedures regarding the funds, provide records to the DOJ for compliance review purposes, and finally make reports as required by DOJ in addition to the annual reports required under the act.

So what's been done here is a dramatic change in the process. Under the guise of local flexibility, the authors of this bill have taken a one page application for small jurisdictions, thrown it out the window and created a bureaucratic nightmare. Under a similar block grant program known as law enforcement assistance administration, a review found that one-third of all Federal funds were used to hire consultants. This newly created bureaucratic maze leads me to conclude a similar situation will emerge under this bill.

What further concerns me is that the formula in H.R. 728 disadvantages rural areas like North Dakota. Last year's crime bill recognized the fact that crime is growing at a faster rate in rural America than in the rest of the country. It contained specific language requiring that at least half of the money be reserved for jurisdiction under 150,000 in population. This bill contains no such provision, and in fact, is likely to considerably reduce North Dakota's share of crime fighting funds.

What's more, H.R. 728 provides no waiver provisions for the local match. While I believe a local match is good policy, there are some communities that will find even in the 10 percent match now included in H.R. 728 to be prohibitive. Under the current program, the Attorney General is provided with the authority to waive wholly or in part the local match requirement. The omission of this authority in H.R. 728 strikes another direct hit to rural America.

In my estimation, North Dakota is a net loser under H.R. 728, as are the great majority of congressional districts across this country.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to H.R. 728. It represents a departure from what has been argued from the other side of the aisle—give the people what they want. Last year's anticrime bill has provided nearly 8,000 communities, rural to urban and large to small, funds to hire 14,622 new police officers through the COPS program. These communities have submitted COPS requests because community-oriented policing has been shown to work to make neighborhoods safer. The American people do not want Congress to dismantle this much needed 4-month-old program by absorbing it into a giant block grant, without targeted allocations.

The National Association of Police Organizations has stated its strong belief that unless funds are given directly to law enforcement agencies for police hiring, the funds will be diverted elsewhere. The National Sheriffs' Association and Law Enforcement Steering Committee, which represents 450,000 law enforcement officers nationally, echoes NAPO's sentiments. The Police Executive Research Forum opposes H.R. 728 because it fails to require that funds be spent on community policing and will force police organizations to compete with every other community group or service agency that has some relation to public safety. H.R. 728 clearly symbolizes a "pass the buck" approach which will not ensure that Federal funds will go toward crime control and turns a deaf ear to local law enforcement experts.

H.R. 728 is also sending an appalling negative message to our young people by depleting funding for crime prevention programs. The get-tough crime provisions that have passed, in addition to this atrocious piece of legislation, are telling the youth of America that we will lock them up and punish them after they commit a crime, but we will deny that they need help before the crime occurs. Scientific research has demonstrated time and time again that violence is a learned behavior that can be stopped or reversed if caught early enough (Journal of the American Medical Association). Many of our children are taught to hurt others early in their lives because they are bombarded with messages in the media or through school that desensitize them to violence. Crime prevention programs in last year's anticrime bill have given our young people much-needed alternatives to violence.

Proponents of H.R. 728 allege that funds could be used for youth crime prevention programs, but the bill includes no such guarantees. Without these measures of accountability, crime prevention programs will disappear. Looking at actual trends, funds for prevention have taken a back seat to other local budgetary demands. More than half of all States did not plan to spend any money granted through the Byrne Law Enforcement Program on crime prevention (Bureau of Justice Assistance). We must work hard to change these archaic attitudes with which we treat crime; we address the outcomes—murders, assaults, rapes, robberies—and not the causes of crime.

H.R. 728 also lacks cost effectiveness. It costs $29,600 a year to keep one teenager in detention, according to the Office of Juvenile Justice and Delinquency Prevention of the Justice Department. Much-debated midnight basketball programs, which were praised as one of President Bush's Thousand Points of Light, cost roughly $3,000 to $4,000 per year and have led to reductions in crime rates. Such thriving antigang, drug treatment, after school, community service, and urban recreation programs entail a much smaller cost and substantially help our youth to rebuild their lives—in stark contrast to nonintervention, after-the-fact, punitive actions that come too late. It is unforgiveable to ignore the need for community investments that help our troubled youth in their struggle toward a decent life.

We cannot abandon another generation to the menancing hazards they inevitably encounter through life on the streets. One of every six suspects arrested in this country for murder, rape, robbery or assault is under the age of 18, and a large portion of their victims are other juveniles (FBI). Juvenile arrests for violent crime increased 50 percent from 1987 to 1991, twice the increase for persons 18 years-of-age and older (National Center for Policy Analysis). These are the Nation's children crying out for help!

It is a shame that we live in the greatest country on Earth, and yet we ignore the fact that violence is an American problem that starts with disgraceful conditions in which we allow our young people to live. The National League of Cities conference last year stated that the homicide rates for young men in the United States are between 4 to 73 times homicide rates for young men in any other developed nation. We acknowledged this problem and proved that we wanted to solve it through prevention programs in last year's anticrime bill. H.R. 728 would force us to backpedal on the valuable progress we have made thus far.

The Community Schools Youth Services and Supervision Program is working to make schools centers of community life. This program encourages schools to become safe places where children and their families can participate after school, in the evening and on weekends, in such programs as academic enhancement, recreational activities and mentoring. H.R. 728 would exterminate this program.

The Family and Community Endeavors Program awards competitive matching grants to local education agencies or community-based organizations toward academic and social improvement of children at-risk for committing violence. H.R. 728 would decimate funds for this program.

The Gang Resistance Education and Training Program [GREAT] is a cooperative program through which the Bureau of Alcohol, Tobacco and Firearms has trained more than a thousand officers in 44 States as gang resistance instructors. This program has been in place since 1992. H.R. 728 would drastically reduce its funding.

These are only a sample of programs H.R. 728 would put on the chopping block. The bill does not make sense. It is wrong to fold COPS and crime prevention funding into a single block grant with no accountability measures. H.R. 728 must be defeated because it fails to help our law enforcement officers, our youth and our children.

Mr. RICHARDSON. Mr. Chairman, had I been permitted to offer this amendment under this restrictive rule, I would have proposed this amendment to H.R. 728, which would acknowledge the special relationship that the Federal Government has with the more than SSO Indian Tribes in this country. The bill as written would inappropriately turn over control and funding of vital law enforcement programs to States, or in other circumstances, force tribes to directly compete with local governments for funding. My amendment would prevent this from happening.

AMENDMENT TO H.R. 728 OFFERED BY MR. RICHARDSON

1. Section 101(f)(3) of the Bill is amended by inserting the words "and tribal" following the word "local", by striking the period at the end of the sentence, and adding the following: ", and the director shall take into account the extraordinary need for law enforcement assistance in Indian country."

2. Section 104(b)(7) of the Bill is amended by inserting after the word "local" the words "and tribal" in the title.

3. Section 104(b)(7) of the Bill is further amended by adding after the period the following: "If an allocation to an Indian tribal governments under paragraphs (3) or (4) is less than 10,000 dollars for the payment period, the amounts allotted shall be returned to the Director who shall distribute such funds among Indian tribes whose allotment is less than such amount in a manner which reduces crime and improves public safety."

1. Section 102 of the Bill is amended by adding the following subsection:

"(d) INDIAN TRIBE ALLOCATION.—In view of the extraordinary need for law enforcement assistance in Indian country, an appropriate amount of funds available under this Act shall be made available by the Attorney General for direct grants to Indian tribal governments to carry out the purposes of this Act."

4. Section 108(1)(B) of the Bill is amended by striking all that follows, except the period, after the phrase "District of Columbia"

5. Section 108 of the Bill is further amended by adding the following new paragraphs at the end of subsection (a):

"(7) The term "Indian tribal government" means the recognized governing body of an Indian tribe that carries out substantial governmental duties and powers.

"(8) The term "Indian tribe" means a tribe, band, pueblo, nation, or other organized group or community of Indians, including an Alaskan Native village (as defined in, or established under, the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.)), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and because of the United States trust responsibility to Indian tribes."

LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. REED. Mr. Chairman, I rise today to offer this amendment en bloc with my colleagues; Mr. WYNN of Maryland, Mr. BALDACCI of Maine, and Mr. SANDERS of Vermont. I have shared it with my friends on the other side of the aisle, and I believe it has their support.

This issue was recently brought to my attention by Colonel Culhane, chief of Rhode Island's State Police, who told me that State law enforcement agencies would not be eligible to receive any of the funding earmarked for police in cities and towns. Yet, Mr. Speaker, the State police provide many of the small and rural towns in New England, including Vermont and Maine, with critical police protection.

For example, in Exeter, RI, a small town in my district, there is no local police force. When a person dials 911, the State police receive the phone call, and State officers respond. In other towns like Richmond, RI, the local government cannot afford to operate a police force 24-hours a day, and the State police are called upon to fill the void.

Under current law, State police forces are eligible for COPS and prevention grant programs. According to the Justice Department, several State police agencies, including the Maine State Police, have applied for and received COPS funding.

We ought to be consistent in making these funds available for all law enforcement agencies that provide protection to our cities and towns. That is what my amendment would do. My amendment would restore eligibility for those State agencies that perform the same role as the local police departments that are eligible to receive funds under the block grant. It would give State law enforcement agencies a fair shake at getting the funding they deserve.

Although this amendment does not solve the problem completely, I believe it is a step in the right direction, and I hope to continue to work with Mr. MCCOLLUM as this bill goes to conference.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 728), to control crime by providing law enforcement block grants, pursuant to House Resolution 79, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CONYERS. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit H.R. 728 back to the Committee on the Judiciary and report back forthwith with the following amendment:

Page 4, after line 5, insert the following:

"(D) Establishing the programs described in the following subtitles of title III of the Violent Crime Control and Law Enforcement Act of 1994 (as such title and the amendments made by such title were in effect on the day preceding the date of the enactment of this Act):

"(i) Assistance for Delinquent and At-Risk Youth under subtitle G.

"(ii) Urban Recreation and At-Risk Youth subtitle O which made amendments to the Urban Park and Recreation Recovery Act of 1978.

"(iii) Gang Resistance and Education Training under subtitle X."

Page 6, after line 24, insert the following (and redesignate any subsequent subsections accordingly):

"(C) PREVENTION SET-ASIDE FOR YOUTH.—Of the amounts to be appropriated under subsection (a), the Attorney General shall allocate $100,000,000 of such funds for each of fiscal years 1996 through 2000 to carry out the purposes of subparagraph (D) of section 101(a)(2).

Page 9, after line 2, insert the following (and redesignate any subsequent subsections accordingly):

"(b) RESERVATION FOR BYRNE PROGRAMS.—The Attorney General shall reserve such sums as may be necessary of the amounts authorized under this section in each fiscal year to ensure that not less than $450,000,000 is available to carry out the programs under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1986.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, this has been a long and difficult bill, due to very restrictive rules. I offer this motion to recommit that combines the provisions of the gentlewoman from Texas [Ms. JACKSON-LEE], which targets youth programs, assistance for delinquents at risk and urban recreation programs, as well as the provision of the gentleman from Michigan [Mr. STUPAK] for $400 million a year under the Byrne grant for funds for crime reduction purposes.

I yield briefly to them to make their comments, but on a really personal note I want to thank my colleagues on this side who have cooperated under great duress to the Chair. I personnally apologize to the gentleman from New York [Mr. SERRANO], my colleague from North Carolina [Mr. WATT], and members of the committee who I know had amendments pending: the gentlewoman from California [Ms. WATERS], the gentleman from West Virginia [Mr. WISE], the gentlewoman from Oregon [Ms. FURSE], who all had amendments that we were eager to have debated and under the restrictions we were not able to permit them, as well as the gentleman from Louisiana [Mr. FIELDS].

□ 1720

Ladies and gentlemen, this motion to recommit provides us with a great opportunity to bring the kinds of improvements to the bill.

Mr. Speaker, I yield 1 1/2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

Ms. JACKSON-LEE. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] very much for your leadership.

When the people were hungry in France, Marie Antoinette said, "Let them eat cake." When the children of our country are fighting against the siege of gang violence and gang solicitation, we are telling them that that is OK.

I simply ask that the amendment be considered by this body that speaks to the issue of the high numbers of gang violence incidences and the many cities, some 79 in the United States, who show an increase in gang activity.

Mr. Speaker, I do not know about the rest of my colleagues. But my heart goes out when babies are thrown outside of buildings because of gang initiation rites, when driveby shootings take our young children away from us. Yet we can stand here and resist promoting $500 million simply for gang-resistance programs, for children at risk and keeping our parks open. It is documented that in 110 jurisdictions reporting gangs, the survey found over a 12-month period there were 249,329 gang members. There were 4,881 gangs, 46,359 gang-related crimes, and a staggering 1,072 gang-related homicides.

What more do we need to say to give a mere $500 million to emphasize, unlike Marie Antoinette, to give them cake, we are going to give them food and substance to provide for them a life, an opportunity, a future. Where are we today when we tell our children it is all right to be subject to the gangs and driveby shootings?

Mr. Speaker, I ask for support, that we truly give support to our children.

Mr. CONYERS. Mr. Chairman, I yield the remainder of my time to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, in this motion to recommit, we are asking that $450 million each year for the life of this crime bill be made available for the Byrne grants. The Byrne grants, for those of you who were not here last year, is very popular. It is 22 programs that States use to do crime prevention, crime enforcement, projects throughout their States.

In the bill we currently have, the current crime bill, there is $580 million; fiscal year next year, fiscal year 1996, that goes to $130 million, a 300 percent decrease in 1 year.

Every major law enforcement group tells you you cannot fight crime in 1 year. It takes more than 1 year. We will unstabilize funding over 5 years.

You wanted flexibility so the locals can do what they want. It is right here, $450 million grant in the Byrne grants that gives you the flexibility you sought for the last few days.

Last year when there was some question whether or not Byrne grants would continue, we put together a letter in a bipartisan spirit, 153 Members signed that letter, 47 on that side of the aisle, including the gentleman from Florida [Mr. MCCOLLUM], who said, "Keep the Byrne grants, keep them authorized at $450 million."

That is what we are asking to do in this motion to recommit.

Mr. FAZIO of California. Mr. Speaker, I first learned of the critical role that Byrne funding plays in rural law enforcement when sheriffs and police chiefs from my district came to Washington last year to participate in the development of the crime bill. In a meeting which I set up between them and Attorney General Reno, they expressed their concern over the fact that funding for the Byrne program had been gutted.

The Attorney General listened and, due to her efforts and those of myself and many of my colleagues, Byrne funding was not just restored; it was significantly increased.

Byrne funding is important to local law enforcement around the country. But rural America is particularly dependent on it for participation in Federal law enforcement assistance programs. Without it, Glenn, Colusa, and Yolo Counties in my district would have to do away with their narcotics task forces, leaving these communities wide open to drugs and the violence that accompanies this persistent problem. This amendment will help ensure that rural communities continue to get the attention and resources that they need—that they are not left behind.

Mr. MOAKLEY. Mr. Speaker, I rise today in strong support of the Jackson-Lee amendment and the motion to recommit.

It amazes me that the same Members of this body who are so intent on spending billions of the taxpayer's dollars to construct new prisons, want to eliminate the modest amount of funding we made available for youth crime prevention programs.

Mr. Chairman, the truth is that crime prevention programs make a serious impact on crime in our streets.

Whenever I talk to the mayors, police chiefs, community activists, and kids from the cities and towns in my district, crime is always an issue. And time and time again, they tell me of another prevention program that is working, another program that stops crime before it starts.

I can speak from experience about one program in particular in 1993, the Boston Police Department was the first major east coast police department to become involved in GREAT, the Gang Prevention Program.

In the 1993–94 school year, Boston police youth service officers taught the GREAT curriculum to over 10,000 seventh graders in 117 schools across the city.

That is over 10,000 young people who received a clear message about how to stay away from gangs and gang related violence. This year, with the help of funds from the crime bill, Boston will be able to expand this successful program.

My constituents are not interested in tough talk or sound bite public policy. They want anti-crime programs that are going to get rid of gangs, stop violence, and give their children the opportunities they need to succeed.

Mr. Speaker, this is exactly what the GREAT Program does.

The SPEAKER pro tempore (Mr. GOODLATTE). The time of the gentleman from Michigan [Mr. CONYERS] has expired.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM] for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, first of all, everybody in this body really likes the Byrne grants, wants to protect the Byrne grants. I want to assure the Members they are protected under existing law. The legislation we passed today or are passing today in no way erodes the authorization or the opportunity to appropriate money for the Byrne grants that is currently in law. We are very happy and pleased to be able to report that fact.

However, what the gentleman wants to do in part, and it is only part of this motion to recommit, is to reserve more money even still for the Byrne grants in the out years than is so under present law, which will eat into the total amount of money available for the local communities under this bill by considerable amounts.

The appropriate way to deal with the Byrne grants in the out years, if the gentleman is correct, and he probably is, that we ought to deal with them in the future with adding more authorizations, is for the Committee on the Judiciary to produce that future authorization as separate authorization and not affect the grant moneys going to local communities.

So I would oppose this amendment for that reason had it been brought up in the regular course of affairs anyway.

The thing that really is bad or worse by far is the provision the gentlewoman from Texas has offered that is part of this motion to recommit. I want everybody to understand that she would set aside over the next 5 years $500 million of the money which is involved in this bill today that is currently going out to the local cities and counties to spend as they want; she would set aside $500 million for three at-risk youth programs that are already in law. There are 266 at-risk youth grant programs today already in the Federal Government under somebody's jurisdiction; 266 already exist either in the Departments of Justice or the Department of Education or somewhere else in our Government, and including these three programs, she singled out. Why should we set aside a specific amount of money for these programs today when we have not set aside money for anything else?

The very essence of this bill that we are debating today is the essence of saying to the cities and counties essentially we think you know best how to fight crime. If you want to devote some of your resources to some of these at-risk youth programs, that is fine, go ahead and do that, but that should be your decision, because what is good, again, in Seattle, WA, may not be good in Key West, FL, or upstate New York or wherever.

This is important and a very important thing that we do not want to do in this bill. So I must urge a no vote on this motion to recommit, because it undermines the very basic principle of this crime bill, which is a local grant provision to let the local communities decide for themselves how to spend the money under this bill, whether it is for more cops or whether it is for prevention programs and which prevention programs. That should be left to be a local decision not decided here today, and the amendment which is part of this motion to recommit and the very essence of it is a bad amendment.

I urge a "no" vote on the motion to recommit.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit offered by the gentleman from Michigan [Mr. CONYERS].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 247, not voting 3, as follows:

[Roll No. 128]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—247

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot

Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra

Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo

Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—3

Becerra
Crapo
Matsui

☐ 1744

Mr. LINDER and Mr. PAYNE of Virginia changed their vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 192, not voting 5, as follows:

[Roll No 129]

AYES—238

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa

Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers

Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—192

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons

Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey

Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—5

Becerra
Crapo
Matsui
Reynolds
Torricelli

☐ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. YATES. Mr. Speaker, on rollcall 129 I meant to vote "no" and I left the voting station believing I had voted "no." I learned the voting machine recorded a "yes" vote for me, which was obviously a mistake. I ask that the RECORD show that on rollcall 129 I intended my vote to be a "no" vote, not "aye."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 728, LOCAL GOVERNMENT LAW ENFORCEMENT BLOCK GRANTS ACT OF 1995

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 728, as amended, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislation days to revise and extend their remarks on H.R. 728, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, I ask the gentleman from Texas, is this the last vote for the evening? How late will we go tomorrow, and what might be the schedule for Thursday.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, it seems that we will have no more votes today. We will not take up the rule for the National Security Act tonight. We will start tomorrow after a reasonable number of 1 minutes that we will work out with the minority leader and start with the rule on the National Security Act.

Members need to understand that it is the intention of the majority to make sure that we go late enough tomorrow night so that we will be assured of being out at 3 o'clock Thursday for the President's Day recess.

Mr. GEPHARDT. Mr. Speaker, could the gentleman also give any indication about the schedule for Tuesday and Wednesday so that Members who might want to suggest amendments to bills could get ready to do that?

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, right now we are not prepared to say what will happen Tuesday. We do think we will stick, possibly, to the normal come in at 2, no votes until 5. But that would be announced at a later date.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman. I yield to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

I just want to rise and commend the majority and particularly the gentleman from Texas [Mr. ARMEY]. He and I have risen to engage in a colloquy the last couple weeks to talk about a family-friendly schedule and, in particular, to talk about getting out tonight by 7 o'clock.

I can see that the gentleman from Texas [Mr. ARMEY] is not only good on his word at 7 o'clock, he is an hour early.

A number of families, Congressmen, Congresswomen have come up to me and asked me to end my poetic career by doing one more poem for the gentleman from Texas [Mr. ARMEY]. So I will do this and end in salute to him.

Roses are red,
Violets are blue.
Thanks to DICK ARMEY,
We are out of the stew.
We are into the roses and maybe a sip of wine,
A family-friendly schedule, it's about time.

Mr. Speaker, we are delighted to have this opportunity to spend 1 night with our families, and we look forward to working with the majority in the future, especially after the first 100 days, to see that we can make this body more productive, more efficient and not necessarily working against scheduling time with our families.

I thank the gentleman from Texas and the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I thank the gentleman for his remarks in complimenting our distinguished majority leader, the gentleman from Texas [Mr. ARMEY]. Even though he does not look like cupid, there is a lot of love in his heart. In fact, he understands how important it is to get out and be with our families, particularly on Valentine's Day.

I just might urge those Members that have been signed up for special orders, that if they would, on both sides of the aisle, would take care in the amount of time that they spend so that our staff can also have a little Valentine's Day break and get out of here early.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman.

APPROVAL OF BLOCK GRANT APPROACH NOTED IN WASHINGTON POST EDITORIAL

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, it is not often I find myself in agreement with the editorial page of the Washington Post, but today's Post shows rare insight and good sense when it says the President should not veto the crime bill that is on the floor because of the block grant program.

The Post recognizes that the President's 100,000 cop program was a fraud, saying that "almost immediately * * * it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the Federal Government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers."

In other words, it would never have fulfilled its promise of 100,000 new police officers.

The editorial then goes on to make the case for allowing local communities more flexibility in using Federal funds, asking, "What's wrong with letting them use Federal funds for less expensive but still effective programs rather than for costly hiring?"

Precisely. So I urge the President to heed the Post's advice and sign the bill when it reaches his desk.

Mr. Speaker, I submit the Post editorial for the RECORD, as follows:

[From the Washington Post, Feb. 14, 1995]

BLOCK GRANTS FOR CRIME?

The House moved yesterday to consideration of the last in the current series of crime bills—a couple have been postponed until the spring—promised in the "Contract With America." This one has drawn the heaviest fire from the administration, including a threat by President Clinton that he will veto the measure if it passes in its current form. The bill would substantially change the law enacted only last fall by eliminating three sets of grant programs: $8.8 billion for hiring new police; $1 billion for drug courts; and $4 billion for social programs of various sorts designed to prevent crime. In their stead, the Republicans would authorize a $10 billion program of block grants to local authorities to be used for the general purpose of reducing crime and improving public safety. The president wants at least to preserve the mandatory funding of what he says will be 100,000 new cops on the street.

When last year's bill was enacted, that 100,000 figure was cited as the most important feature of the law. Almost immediately, though, it was challenged by law enforcement experts and some local officials. In fact, the law created a five-year matching program during which the federal government's share diminished and eventually disappeared, leaving localities with the full cost of maintaining the new officers. Since the maximum federal contribution could not have exceeded $15,000 a year per new hire, the program would never have supplied enough to pay salary, benefits, pensions and other costs, so the cities would have had to come up with a lot of upfront money many say they don't have.

So put aside the 100,000 figure, and the issue boils down to whether decisions about the expenditure of law enforcement dollars are best made locally or nationally. There's a lot of hypocrisy in the debate, with Republicans, who put all sorts of restrictions on the use of prison construction money, claiming that local authorities should be given complete discretion here, and Democrats citing horror stories about the misuse of Law Enforcement Assistance Act grants made to communities 20 years ago, when they were in control of Congress.

Our sense is that the world won't end if local authorities are given more flexibility. In some cities, like this one, the greatest need may not be additional police on the roster, but better equipment, specialized training or even midnight basketball. And if some towns don't have matching funds available, what's wrong with letting them use federal funds for less expensive but still effective programs rather than for costly hiring? It is true that any federal grants program ought to be monitored for abuse and that some spending—for the purchase of aircraft, for example, or even for research—could be prohibited. But if cities already have a drug court, as Washington does, and a fully staffed police force, what's wrong with using federal funds for social workers in juvenile detention facilities, or for improving computer systems to track parolees? "One hundred thousand cops" sounds good, but congressional failure to include that mandate is not worth a presidential veto.

IN SUPPORT OF THE HUMANITARIAN AID CORRIDOR ACT

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, I rise in support of the Humanitarian Aid Corridor Act.

This bill would withhold assistance from any country that blocks the delivery of U.S. humanitarian assistance to another country.

Passage of this proposal would benefit directly situations such as that found in the Republic of Armenia. It is in our American interest to foster the great economic and political promise of Armenia by assuring a free flow of humanitarian assistance. Yet, Armenians are freezing and starving because Turkey has closed it borders to American assistance destined for landlocked Armenia.

The Humanitarian Aid Corridor Act would protect Armenia by making Turkey answerable for its acts. Turkey would have a choice: either bring to an end its blockade of humanitarian assistance for Armenia or lose its own foreign aid.

□ 1810

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

GOP FRESHMEN ANNOUNCE GOVERNMENT REFORM PLANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I just wanted to take this opportunity to thank my colleagues on both sides of the aisle for the approval of House bill 728, which will in fact give us the opportunity to increase the number of police officers on the street, as well as have those outstanding crime prevention programs that we want for each of their districts, whether it is town watch, the drug court, working with senior citizens and their protection, child protection, community policing. This will give, in the block grants, the opportunity for every single person to be involved in forward-thinking programs that will give maximum public safety.

Another important event took place in the Capitol which I wish to bring to the attention of all the Members.

Mr. Speaker, today at a press conference, I joined other freshman Republicans in an attempt to return the power of government back to the States and local governments. The freshman leaders are proposing the elimination of four Federal bureaucracies—the Departments of Commerce, Energy, Housing and Urban Development and Education. The proposal calls for the phasing out of these Departments, privatizing some of their duties and transferring important remaining duties to other Government agencies and the States.

This group of freshman Members of Congress has been meeting since the beginning of the 104th Congress to develop their reform proposals. Citizens across the country are crying out for an end to big Government meddling in every aspect of society. The proposal is step one in completing the agenda set forth by the people.

The time for talking about a smaller, more efficient Government has ended. Now is the time for action. Last November the people sent a message to Washington, DC—they want a smaller, less intrusive Government and we intend to give them just that.

While there are no specific pieces of legislation drafted at this point, four task forces have been formed to begin writing legislation to carry out the proposed reforms. The task force will examine consolidating some programs, privatizing others and eliminating those that can not be justified. The goal of the group is to submit legislation in the spring of 1995.

Created in 1965 to deal with the burgeoning urban city crisis, HUD and other Federal departments have since spent more than $5 trillion in human assistance. Unfortunately, despite this spending, the Nation's urban problems are actually worse than they were in 1965.

With a total annual outlay approaching $30 billion we need to make sure the truly needy are being helped. Despite its failures, HUD is one of the fastest growing departments in terms of discretionary spending with a 9 percent annual growth rate.

We aren't proposing these cuts out of partisan hostility. In fact, we hope this will be a bipartisan effort. We propose these cuts because we can no longer afford well-meaning but failed programs and if you examine the sum result of the Departments of Energy, Commerce, Education and HUD, the record is one of failure.

Thomas Jefferson once said, "I place economy among the first and important * * * virtues and public debt as the greatest dangers to be feared."

For fiscal 1994, the interest on the national debt was $203 billion and, under the Clinton plan, will rise to $309 billion in the year 2000—a 50-percent increase in interest payments. "Those kind of staggering statistics call for decisive measures such as the one we are proposing. We need to seek ways to empower people and make them less dependent on Government. We must be dramatic and brave if we are to stop mortgaging our children's future.

□ 1815

AMENDMENT TO H.R. 728, BLOCK GRANTS ACT

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, just a few minutes ago, some of our colleagues might have found a moment of joy and excitement. I unfortunately took a different perspective. I said I was angry when I came to the House floor to talk about our children and to talk about those who on their way home from school are solicited by gang members and called upon to join their gang, a gang of violence, homicide, burglary, theft and other criminal acts. I am angry for our children who likewise go into these gangs and are made to do gang initiation rites which have caused the loss of a little one thrown out of the window of a housing development by some young gang members. And, yes, at a birthday party in my city where they did not finish the party to blow out the candles, they called an ambulance to take a lifeless body. Yet we could vote for H.R. 728 and not include in it the kind of response that we needed to prevent gang violence, to teach our children that there is a better way.

Mr. Speaker, escalating violence against and by children and youth is no coincidence. It is the cumulative and convergent manifestation of a range of serious and too-long-neglected problems: Epidemic child and family poverty, increasing economic inequality, a lack of understanding of racial differences, pervasive drug and alcohol abuse, violence in our homes, and popular culture and growing numbers of out-of-wedlock births and divorces. Without question, these are problems that need to be addressed. Unfortunately, though, the piece of legislation that we have before us that was just voted on, H.R. 728, does more to contribute to these problems than it does to help them.

Many of my Republican colleagues do not see crime prevention measures as realistic tools for combating the increase of youthful violence. In fact, they cited some 200 programs. I do not know what they are talking about, when H.R. 728 repeals all of the programs that we have that would deal with gang violence and resistance to gangs. We cannot, however, ignore the numbers that show us the frightening increase in youthful criminal perpetration and victimization. We have not valued millions of our children's lives and so they do not value ours in a society in which they have no social or economic stake, no role models, no one to come and share with them the values of this Nation. Their neglect, abuse, and marginalization by many of their caretakers, schools, communities, and our Nation turn them first to and against each other in gangs and then, yes, against a society that would rather imprison them than educate them.

This legislation that I proposed would continue to provide funding for various crime prevention programs for at-risk youth which educate our children against violence and gang violence. Both our children and our communities need these prevention programs to provide alternatives to crime. Specifically my amendment would have set aside a portion of the block grant funding for each year for the three youth crime prevention programs. Why not our children? Urban recreation grants, gang resistance and education training, and residential educational programs for at-risk youth. These programs provide children with positive alternatives, skills, hope, and a safe place just to be children.

Contrary to our arguments, the GREAT Program [gang resistance and education training program] was not created by last year's crime bill and it is not a grant program. It is a cooperative agreement that has been funded previously by Congress and needed the extra added funding to succeed.

To further contribute to the success of the program, the agency involved puts substantial resources of its own in training as well as provides community financial assistance in operating the program. As a result, over 400,000 children will have been exposed to gang resistance education.

A National Institute of Justice-sponsored survey of metropolitan police departments in the 79 largest U.S. cities showed that in the spring of 1992 all but 7 were troubled by gangs, as were all but 5 departments in the 43 smaller cities. In the 110 jurisdictions reporting gangs, the survey found that over the previous 12-month period, there were 249,324 gang members, 4,881 gangs, 46,000 gang-related crimes, and a staggering 1,072 gang-related homicides. Does that keep our neighborhoods safe? Does that protect our children, our seniors in the neighborhood?

Gang-related violence is growing. The police commissioner of Boston said the GREAT Program is great. There are many programs that will support our young people, the urban recreation programs, to keep them in parks after late hours.

I say, Mr. Speaker, are we supporting our children? If we are, then we need to put prevention, police, and prisons. We need to ensure that our children find a better way.

REVIEWING REPUBLICAN CONTRACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, we hear a lot about the Contract With America, often from Republicans, but often from the other side of the aisle as well and most of it is criticism. I do not see a solid alternative from them at this point now that we are in our third month almost of being in session.

The contract actually asks for very specific things and attempts to address neglected parts of our society and our Government which have not been running well in the past 15, 20, or 40 years, however you want to count.

Part of the contract was to pass a balanced budget amendment and line-item veto. This has been done. Another part of it was to stop the unfunded mandate practice of the Federal Government to require local cities and county governments to do certain things but not have us pay for it, and they in turn have to turn around and tax their own constituents, which is basically a tax increase that we are giving people through the back door.

The other thing we have been trying to and we have had a debate on it last week and this week was to put the criminal justice system, to focus on the criminal and protect the victim and protect society and not treat the criminal like one more special interest group.

It seems in the course of the debate that many people have been saying, oh, you've got to do this for the criminal and you have to look out for him and her and their best interests and so forth. We have had that. That is what we have got now. It is time to lock people up who commit crimes. It is time to give them swift punishment. It is time for them to serve an adequate amount of their sentence, preferably 100 percent of the time but maybe 80 or 90 percent. Currently the average criminal serves 35 percent of his or her sentence. As a consequence, our police officers are arresting people not for the second or third time but for the ninth, 10th, and 11th time. I would hate to be a police officer going out on the streets that they are supposed to protect and face people who you have already arrested 10 or 12 times. But that is the situation we are in.

This program also cuts out a lot of Federal bureaucratic jobs. There again that is a constituency that some people want to protect but I think most people in America want to see a reduction in the bureaucracy. The way it does this is give block grants back to the States.

We hear so much about the 100,000 police officers that the President's program allegedly handles. But, in fact, for most it only pays for 25 percent. After that, the municipality is stuck with the cost for these additional police officers.

What our program says is, "Look. You may want to put money into the police officers but you may need new communications equipment, you may need new police cars, and if you do, we want to give you that option, because we here in Washington don't have the answer for every 39,000 of the cities across America." We feel that people on the local level know better. We have passed that today.

It will go to the Senate, it will have further debate, they will amend the bill, it will come back to us, as will some of the other bills in the Contract With America, but we are working to fulfill our commitment with the American people.

We are going to start next on welfare reform and national security prohibiting American soldiers from being under U.N. command.

□ 1825

Refining our military so that it is not too expensive, not wasting money but effective and able to meet the challenges of the world.

There are a lot of things in our Contract With America, things like legal reform, helping senior citizens by letting them stay in the workplace longer and not having to penalize them on their Social Security. There is also family reinforcement, $500 per child tax credit. These things will help make America great again.

But in addition to this, Mr. Speaker, we are not stopping with the contract. We are going into the appropriations process. The President's recently introduced budget adds another $1 trillion to a $4.8 trillion debt. We cannot afford that. Already the third largest expenditure on the national budget is the interest on the national debt. It is about $20 billion each and every month, and that is money that is gone forever. We need to reduce the deficit so that we do not year after year continue to add to the size of the debt.

I will say quickly it is a Democrat and a Republican problem. It got there that way. And I will say that many of the items in the contract, as I hope our budget ideas will be worthy of bipartisan support, because we need to do this together as Democrats and Republicans so that we can represent the best interests of America.

REPUBLICAN DEFENSE CHOICES—A PRESCRIPTION FOR DISASTER

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I rise this evening as a member of the International Relations Committee and as a mother of a small child. Throughout our lives, we are confronted with tough choices. As a Member of this body, I am constantly faced with tough choices.

The Republicans came up with a program that included their tough choices. The Contract With America is a political platform of tough choices. I respect that they presented us a program of tough choices. I just happen to vehemently disagree with the choices that they've made.

When I sit down in my car, before I start the engine, I check my side mirrors and my rear-view mirror. But when I set out on the road, I'd better have my eyes fixed on what is in front of me. Or else, my experience on the road could be a disaster for me and for everyone else trying to share the road with me.

Well, that's kinda like what the Republicans have done with H.R. 7, now H.R. 872, the national security plank of the Republican contract.

They've made some tough choices, but I must stop right here and say that their choices could be disaster for the world.

Yes, they strapped in their seatbelts, but they want to take us backward, not forward. They have revved up the engine, stepped on the gas, but the car is in reverse. And they're looking at the world from the rear-view mirror.

This is a prescription for disaster.

The Republicans are rushing, as a part of their contract, to penalize the poor, discriminate against legal immigrants, pander to the rich, and—what brings me here this evening—through the National Security part of the contract, they add insult to injury by also asking this House to invest scarce dollars in yesterday's boondoggle.

The Republicans have chosen to look through the rear-view mirror—as if blinded by the light of the future—they chose to look behind instead.

Why in the world do we need to go back to star wars? We have already spent $36 billion on missile defense, $20 billion more are in the works. Isn't that enough? And they don't even define the threat, anyway.

This is the same party that says that Government is too big. This is the same party that says that kids don't deserve to eat subsidized lunch in school; that pregnant women don't need to have subsidized nutrition so that they can give birth to healthy babies. This is the same party that said that we don't have enough money to put 100,000 cops on the streets, but Government spending for an elaborate and controversial missile defense in space is OK.

Rather than asking for money for star wars, the Republicans could have asked for money to clean up the contaminated bases that coexist with our communities.

Rather than asking for star wars, the Republicans could have looked at ways that we could constructively engage with the rest of the world through multilateralism and collective security.

And, finally, they could have looked at promising weapons systems that bear more relation to the type of defense we need for our future, based on a forward looking projection of U.S. global interests and the U.S. global threat. Instead, the Republicans have jerked their knees so far into the past that this bill, just like many of the other contract bills, just flat out lacks credibility.

Tomorrow, we will debate the so-called National Security Revitalization Act. The choices will be made perfectly clear.

We can go back to yesterday's boondoggle and revive star wars, but only at a critical cost.

This bill does not provide for us a forward-looking vision of the world and the U.S. role in it.

This bill does not provide us with a rationale of a cooperative relationship with the rest of the world.

Unfortunately, this bill does not even leave jingoism behind.

And finally, this bill just makes some bad choices for the millions of moms like me who care about the world and the country that we leave for our children.

IN DEFENSE OF THE DAVIS-BACON ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY. Mr. Speaker, I rise today to speak in favor of a bill that has saved money for U.S. taxpayers and has expanded economic opportunity for millions of Americans. In short, a bill that has been the key for securing the American dream for thousands of working families for more than 60 years.

I join a long, bipartisan list of supporters who have come out in favor of this act. In fact, the original sponsors were two Republicans. The President who signed the bill into law was a Republican. And since its birth, Republicans including Ronald Reagan have supported this act.

But today it is under fire, and I am proud to come to the defense of an excellent piece of Republican legislation—the Davis-Bacon Act.

To be sure, the time has come to update and reform this venerable act. But in no way has the time come for us to abandon an act which has so admirably fulfilled its mission of benefiting America.

What, exactly, does Davis-Bacon do? The reality is often obscured by the rhetoric of those who wish to abolish the act. The act does nothing more than say that for Federal contracts, contractors must pay workers the prevailing wages for their local area.

Contrary to what some on the other side say, this law does not require all workers to be paid prevailing wage. Those who are enrolled in a recognized apprentice program, receive a training wage that can be as low as 40 percent of the prevailing wage.

Davis-Bacon ensures that when the Federal Government comes into our districts, that cut-rate, low-wage, low-skill contractors do not take the jobs that should rightfully go to our constituents. Outrage over such occurrences is what impelled the Republican legislators who created this bill to draft their legislation.

In fact, Davis-Bacon recognized we had fly-by-night contractors coming into New England from other parts of the country stealing jobs away from the local economy. We are talking about making sure that when the Government contracts for a building, taxpayers get a quality product, and that will only happen if we hire quality labor.

Some argue that Davis-Bacon drives up the cost of Federal projects. Those who make such an argument are not looking closely at the crucial question of productivity. A well-trained worker simply produces more each hour than does an ill-trained, poorly paid worker.

This act simply guarantees taxpayers that their tax dollars will go to the best workers, not to the cheapest. That their tax dollars will go to open opportunity, not to shut people out of opportunity. That workers of all ages and races will have an avenue into the middle class, and not have the road to progress blocked.

Remember, we are talking about workers and working families in our districts. We are talking about middle-class families trying to stay independent. We are not talking about extravagant paychecks here. We are simply talking about paying people a living wage.

For a bricklayer or stonemason from Woonsocket, RI the prevailing wage for building construction is $19.90 an hour. Considering the state of our economy and the weather in Rhode Island, a bricklayer from Woonsocket would be lucky to work 30 weeks a year, or about 1,200 hours a year, for a total of $23,880 a year. That's it. Nothing more.

For a bricklayer or stonemason from Bristol working on highway construction the prevailing hourly wage is $18.35. Once again, at 30 weeks a year this comes out to just over $22,000 a year.

For a bridge construction project in East Providence, the operator of a forklift would be paid $17.34 or $20,808 a year.

For a welding machine operator from Providence working on a sewer line project, Davis-Bacon means being paid $14.62 an hour or $17,544.

What does the Republican Party have against paying a worker $17,544 a year? Mr. Speaker, how can a Congress that is talking about valuing work, that is talking about helping the middle class, propose the elimination of Davis-Bacon?

I urge my colleagues to look closely at this issue, to listen carefully to their constituents who are worried about economic insecurity, and ask themselves if pulling away this support for people makes families more secure? A careful look will show that repealing Davis-Bacon will put people in danger of slipping back, of losing ground, of losing hope.

I urge my colleagues to join me in saving Davis-Bacon.

THE NATIONAL SECURITY RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, this week, the House will take up the National Security Restoration Act.

The goal of the Contract With America is to make sure that if aggressors threaten us, our Armed Forces will be strong enough to fight and win. The bill would keep our defenses prepared for a worst-case scenario of two major regional conflicts occurring at about the same time. It would keep us prepared for a variety of possible circumstances around the world. We saw how effective defensive systems such as the Patriot missile were in Desert Storm. This bill would provide for the development of systems to protect our country and our allies from attacks with weapons of mass destruction. We are committed to implementing this type of system at the earliest practical date.

Despite reduction and shortfalls in defense funding, the President has deployed U.S. forces on more peacetime and humanitarian missions per year than ever before. At the end of last year, over 70,000 United States personnel were serving in places like Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, Haiti, and Cuba. And yet, the President has requested cutting defense spending to $10.6 billion below 1995 levels.

Even though we still have the best armed forces in the world, we keep seeing readiness decline, because all the peacekeeping efforts are being funded with military readiness funds. As Senator JOHN WARNER noted, "That's been the cookie jar into which the hand dips to get the needed dollars when we elect to send our troops here, there, everywhere in the cause of freedom or otherwise."

□ 1840

We are not going to allow a return to the hollow forces of the Carter administration. One of the most egregious things that needs correction right now is military pay is nearly 13 percent lower than pay for comparable civilian jobs. Close to 17,000 junior enlisted men and women have to rely on food stamps.

A real commitment to quality of life for military personnel is necessary for morale and is the right thing to do.

The National Security Restoration Act has the following: It establishes an advisory commission to assess our military needs. It commits the United States to speed up the development and deployment of missile defense systems to protect U.S. territory and U.S. troops in battle. It restricts deployment of U.S. troops to missions in our national interest. It demands U.S. troops be commanded by U.S. commanders and not placed under foreign commanders. It reduces the cost to the United States of U.N. peacekeeping missions and demands the U.S. Mission to the U.N. press for reforms in the notorious U.N. management practices. It tightens controls and reporting requirements for the sharing of U.S. intelligence information with the United Nations. It expresses the sense of Congress that firewalls be restored between the defense and discretionary domestic spending for the upcoming budget years, and it reemphasizes the commitment of the United States to strong and viable NATO alliances, urging the emerging Eastern European democracies be assisted in the transition to full NATO membership.

Mr. Speaker, we have been working hard to keep our Contract With America. In the contract we promised we would make sure no U.S. troops are forced to serve under foreign command, and that we restore the necessary part of our Armed Forces to keep our defenses strong and maintain our credibility around the world. We are keeping our promises.

ANOTHER ST. VALENTINE'S DAY MASSACRE

The SPEAKER pro tempore (Mr. GOODLATTE). Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Happy St. Valentine's Day, America, and happy Saint Valentine's Day to my wife, Laurie, in Michigan.

On this St. Valentine's Day we debated a crime bill, but justice was not done on the crime bill we debated today. In fact, what happened today is more like the St. Valentine's Day massacre.

We had 10 hours, 10 hours over 2 days to debate a $30 billion crime bill. The majority called that debate an open rule.

An open rule in this body means Members come to the well of this institution, offer an amendment. It is freely debated and it is voted on, not at the end of 10 hours we cap it off and say that is it, we are going home, we are going home on the crime bill.

Crime is the No. 1 issue across this Nation. People feel insecure in their homes. They are insecure when they walk the streets. They want Congress to provide some leadership.

So what leadership did we provide them tonight? Ten hours worth of debate; 10 hours worth of debate. In that 10 hours, you had to get your amendment accepted. I was one of the fortunate ones. I had an amendment that was accepted by both sides of the aisle, because it made a lot of sense. But I also had amendments for the Byrne grants. I was given 1 minute and 15 seconds to debate a Byrne grants amendment. Byrne grants, a program that has been around for a long time, we wanted to fight crime for more than 1 year. We wanted to provide steady funding for Byrne grants over 5 years. That funds our DARE programs, multijurisdictional undercover drug teams, and even Alabama used Byrne grants to run the prisons. One minute and 15 seconds.

I had another one, another amendment, for rural communities to share in some of this $30 billion. We wanted 30 percent, and other Members had good amendments that were never offered. They were denied the opportunity to offer their amendments. They were denied the opportunity to debate, because we had 10 hours of debate.

Members come from all walks of life, like myself, having been a police officer for 12 years. I have some ideas on how I think crime should be fought in this country. You know, when I was a police officer, I went to work knowing that I had to put in my 8-hour shift, but many times that shift would go 10 hours, 12 hours, 16 hours. I could not stop at the end of 10 hours when I was fighting crime or doing an investigation.

At times there were major incidents that occurred in my State of Michigan; I was mobilized. I was gone for days from my home. I could not say it is 10 hours, I want to go home. Crime knows no time limit. Crime does not stop for Valentine's Day. You do not fight crime for 10 hours and then you go home because of St. Valentine's Day.

Crime occurs on Valentine's Day. Remember back in the thirties, the St. Valentine's Day massacre? Well, the old saying is history repeats itself. That is what we had here again today, St. Valentine's Day massacre.

Let me ask the majority party who pushed through this rule on a party-line vote, when you have a missing child, are you going to stop missing that child after 10 hours? When you have a bank robbery or breaking and entering, do you stop that investigation at the end of 10 hours? If you have a kidnaping, do you stop at the end of 10 hours? If you are getting close to the end of your shift, do you stop because you cannot go past 10 hours? You cannot apprehend a criminal because you are at that time limit?

Well, that is what happened here today. We should have stayed on the job, debated each and every amendment, and there were some of my friends on the Republican side of the aisle that never had an opportunity to offer their amendments or have them debated. We stopped at 10 hours because the majority said, "We have a Contract on America. We have to get it done."

You heard tonight they are going to start the national security debate. And guess what, we have 10 hours to debate national security. That is the kind of Contract on America they have, and they want for this country.

I want to move forward, and I want to debate these issues in an open and free rule where there are not time caps.

So remember, when crime strikes your family, when crime strikes in your community, you can thank the other party, because instead of doing something about crime tonight, we ended up going out to dinner because it is Valentine's Day.

We have more important things to do. We have plenty of amendments. Let us not run out on America. Let us not run with a contract that cannot be debated, a contract that cannot be amended, and the only value that we place on crime and national security is 10 hours.

Ladies and gentlemen, unfortunately the Contract on America has turned into another St. Valentine's Day massacre."

THE FDA DOES ITS JOB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, there is a lot of debate in Washington about the role of the Federal Government. You hear a lot said about Federal agencies and what they do.

Let me tell you a little story about one Federal agency. Two weeks ago this agency got a phone call and a tip, and the tip was that some people in northern California shopping at a major supermarket chain had bought some infant formula, and the color of it did not look right. So they called this Federal agency in Washington, DC, which thought it was serious enough to launch an investigation.

The net result of that investigation was the discovery that someone was counterfeiting baby formula. In fact, they were taking the label that everyone might recognize of one of the most popular brands of infant formula in America and filling the contents of the can with something other than that infant formula. As a result of that discovery and the investigation, last Friday this Federal agency turned over information to the Department of Justice and an individual was arrested in Mission Viejo, CA, and charged with trafficking in counterfeit goods, and a warrant was issued for a second person.

That Federal agency discovered that this conspiracy to release these counterfeit baby formulas involved people not only in California but also in Maryland. This agency seized 38,000 pounds of fake infant formula and recovered another 6,000-plus pounds that had already been put on grocery shelves.

The agency believes that they have now confiscated all of the phony formula and they have told consumers not to be worried.

No details of the arrests have been made, because, of course, the investigation is ongoing. It turns out these counterfeiters had purchased bulk infant formula that had been manufactured for export overseas, and it turns out that infant formula manufactured for export does not have to meet the same criteria in terms of nutritional value as the infant formula does in the United States.

My kids are all grown up, and I have not bought infant formula for a long, long time, but these cans of infant formula were selling at $10 a pop, so the folks who were out there with the counterfeit formula had a lot of money to be made if they just could have pulled this off.

□ 1850

They did not get the job done.

I might mention one other thing. This agency also discovered that the plastic scoop that was enclosed in the infant formula can—everybody is familiar with it, where you take a certain measure, put a number of scoops in the bottle before you add water for the baby—and it was in the counterfeit baby formula can, the scoop was too small.

So I said to the person at the Federal agency, "What difference would that have made?" He said ultimately the mother would have wondered, "What is going on? Why isn't my baby gaining weight as he was supposed to?"

Counterfeit formula, not enough nutritional value, an incorrect scoop. The Federal agency moved in and did its job. Which Federal agency? The Food and Drug Administration.

Most Americans do not know much about the Food and Drug Administration, but in terms of the health of our family, it may turn out to be one of the most important. Virtually all of the food, all of the drugs, our Nation's blood supply, and so many other things depend on the watchful eye of the Food and Drug Administration.

I did not come here tonight to just tell you an interesting and positive story about that agency but to tell you there are forces afoot in Washington, DC, and around the Nation that are literally attacking the Food and Drug Administration, and in fact some of them have gone so far as to suggest this agency should go out of business.

Now who in the world would do that? Well, it turns out it is a coalition of very conservative groups, radical right-wing groups that are coming together who want to turn out the lights at the Food and Drug Administration.

Who are these folks? Well, if you peel back the cover and look inside, they have all sorts of high-sounding names, names like the Competitive Enterprise Institute, Citizens for a Sound Economy; all of these different names. It turns out you look inside and you find out a very interesting story. The political groups that are trying to put the Food and Drug Administration out of business, the agency that is responsible for protecting us, turns out to include some of the most radical right-wing interests in America: the David Koch Foundation, the Koch Family Foundation, created from the oil fortunes of Fred Koch, founder of the extremist ultraconservative John Burch Society.

They put in $1.7 million to close down the Food and Drug Administration. And a lot of companies that are regulated by the Food and Drug Administration and are sick and tired of having that agency look over their shoulders, they want to close them down, too.

The Smith, Richardson Foundation, with money from the Vicks Vaporub and Smith Bros. Cough Drops, fortune, as well as the Merrell Pharmaceutical Company, contributed $500,000 to this effort to close down the Food and Drug Administration.

The information I am sharing with you is published in the New York Times of last Sunday in an article by Phil Hilts, in a special to the New York Times.

It reaches, unfortunately, to the House of Representatives, NEWT GINGRICH, has called the Commissioner, the head of the Food and Drug Administration, David Kessler, Mr. GINGRICH has called him a thug and a bully. He says the Food and Drug Administration is a job killer.

It turns out that a foundation which the Speaker is using to finance his college video courses has received contributions from a number of businesses regulated by the same Food and Drug Administration. I think it is important that people all across America, when they hear folks criticize Federal agencies, Washington bureaucracies, stop and ask a few questions about which ones and why would you happen to be criticizing them? There are too many regulations coming out of this town, certainly, too many bureaucrats. We have to do our best to make sure that we keep those on the job who are doing the job properly, and those who are not have to be relieved of their responsibilities.

But be careful when you hear these charges made about the Food and Drug Administration. Recall for a moment that if that agency had not been on the job and doing it right, that counterfeit baby formula would have been sold, perhaps, across the Nation to the detriment of infants and to the detriment of the families who unwittingly would have been purchasing these goods.

This is not the first time the Food and Drug Administration stepped in. Do you recall a few years ago when the syringes were popping up in Diet Pepsi cans? The Food and Drug Administration stepped in. They proved it was a hoax. They saved the Pepsi Cola Company a lot of grief and put them back on their feet.

It is an important agency, and let us not be too quick to do away with them.

TRIBUTE TO DR. HERBERT VENEY

The SPEAKER pro tempore (Mr. GOODLATTE). Under the previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, in commemoration of Black History month, I rise to pay tribute to a prominent black community leader who played an important part in the local history of Virginia's Northern Neck area, the late Dr. Herbert L. Veney.

Like many physicians in rural areas, Dr. Veney was called upon to use his medical training in diverse ways. In addition to his family physician private practice, he served as consultant to a local mental health facility, medical director of a community nursing care facility, and as county medical examiner.

Dr. Veney was active in several organizations that supported human services, education and civil rights causes including the Richmond County Community Services Association, St. Pauls College Board of Trustees, the American Cancer Society, the Black History Museum Board and the NAACP—just to name a few.

One of Dr. Veney's unique contributions to the community was founding the Black Business and Professional Coalition. Chaired by Dr. Veney from 1985 until his death last October, this organization assists minority owned businesses in the northern neck area with management skills training in addition to providing college scholarships for minority youth.

Each year the BBPC holds an Unsung Heroes Awards Ceremony to honor the efforts of local citizens who have, in the words of one of its members, "made our way easier by blazing trails for others." And to raise funds for scholarships. These words aptly describe the man whose persistence and dedication to minority youth made this scholarship fund possible. Dr. Veney is the kind of unsung hero who serves as a role model not only to others in the black community, but to the community at large.

PROGRESS REPORT ON THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR], the minority whip, is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, on the way over to the floor from my office, I happened to gaze out one of the Capitol windows, and full view there was quite a magnificent sight. It was a full winter moon that was highlighting a bank of clouds. And I thought to myself how wonderful it must be to see the Capitol outside, to see this structure, with people like myself and others who are in it and to bathe in the glory of this institution and what it represents. It was a stunning view, and I was moved by it this evening.

Mr. Speaker, we are beginning to see a crack with this Contract With America, or on America, however you want to phrase it. I know that my colleagues on this side of the aisle believe it is indeed the Contract With America. We believe, in fact, on our side of the aisle, there are some problems with what Republicans have proposed.

We saw it tonight. We passed a bill tonight called the Local Government Law Enforcement Block Grants Act of 1995.

Let me give you my perspective of what that is. We passed a major crime-fighting bill at the end of the last Congress, $30 billion. The centerpiece of it was to put police officers on the streets of our cities and our villages, our county roads all across America. 100,000 police officers.

Republicans came here today, and their goal was to roll that back, cut the funding level, put it in a block grant and ship it off to local units of government or the State Government, primarily, and let them decide what to do with it.

They could do anything they want with it. They could pave roads, buy helicopters, they could buy yachts, and they could buy tanks. And they have done that before, and that is why I mention it.

□ 1900

They could do anything with that money. We believe the best way to fight crime is to put police officers on the streets. The gentleman from Michigan [Mr. STUPAK], who was a State police officer in Michigan for 12 years, spoke eloquently today about that issue on this floor. Now, while I was not a police officer, I was, in my time, before I came into this business, a probation officer. I worked with delinquent youth. I know a little bit about the subject.

The best way to fight crime is to have people in the neighborhoods working to prevent crime. That does not just mean apprehending. That means activity seeking out solutions to the problems that are out there.

The good news is, while they may have passed the bill tonight by a vote of 238 to 192, we have enough votes to sustain the President's veto of this bill. And the President stated very strongly this weekend that he will veto this bill because it does not move us toward providing those 100,000 police officers on our streets in this great country of ours.

We surpassed the number we needed to sustain the veto by 46 votes tonight. So it is a victory for America.

But more importantly than that, what this vote said tonight, and I might add, we had Republican support on this vote tonight, they are breaking. The contract is starting to crumble.

I believe, first of all, that the contract is not going to affect the average man and woman in this country. It is not going to do anything about their incomes. It is not going to do anything about the spiritual vacuum that they feel in their lives, or they do not see each other, or they work different shifts, or they do not communicate with their children because of the necessities of the economic challenge they have before them to keep up with their neighbors or to make a decent living to sustain their families.

None of that is addressed in their contract. They have got 10 points, none of it is addressed. And so when we offer amendments, for instance, on the balanced budget amendment, that say tell us what you are going to do about the family problem, tell us what you are going to do about Social Security, the Republicans punt. They do not answer. They have no answer.

We passed the balanced budget amendment to the Constitution, but it is in the Senate right now. And because they will not answer the question of where they will cut, will it be education, will it be health, they are not getting the support that they need.

So in conclusion, Mr. Speaker, I appreciate the Chair's indulgence, let me say that the contract is beginning to crumble. We dealt it, I think, an important blow this evening with respect to this vote.

I will encourage my colleagues to stay firm, to stay strong as we proceed through this first 100 days.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAPO (at the request of Mr. ARMEY), for February 13 and 14, on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mr. GUTIERREZ, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. DICKS, for 5 minutes, today.

Mr. KENNEDY of Rhode Island, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DURBIN, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

(The following Members (at the request of Mr. RADANOVICH) to revise and extend their remarks and include extraneous material:)

Mr. CHRISTENSEN, for 5 minutes, on February 15.

Mr. MARTINI, for 5 minutes, on February 15.

Mr. BILIRAKIS, for 5 minutes, on February 15.

Ms. ROS-LEHTINEN, for 5 minutes, on February 15.

Mr. DIAZ-BALART, for 5 minutes, on February 15.

Mr. TIAHRT, for 5 minutes, on February 15.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. BRYANT of Tennessee, for 5 minutes, today.

(The following Member (at the request of Ms. JACKSON-LEE) to revise and extend his remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SCOTT) and to include extraneous material:)

Mr. SKELTON.
Ms. ESHOO.
Mr. HAMILTON.
Mr. LAFALCE.
Mr. MONTGOMERY.
Mr. WILLIAMS.
Mr. GORDON.
Mr. BERMAN.
Mr. STOKES in two instances.
Ms. MCCARTHY.
Mr. COLEMAN.
Mr. LEVIN.
Mr. JACOBS.
Mr. WARD.
Mr. RICHARDSON.
Mr. MARKEY.

(The following Members (at the request of Mr. RADANOVICH) and to include extraneous material:)

Mr. PACKARD.
Mr. CRANE.
Mr. SAXTON.
Mr. MARTINI in two instances.
Mr. FRANKS of New Jersey.
Mr. EWING.
Mr. SOLOMON.
Mr. WOLF.
Mr. QUINN.
Mr. BILBRAY.
Mr. GREENWOOD.
Mr. MCCRERY.
Mr. LATOURETTE.
Ms. ROS-LEHTINEN.
Mr. SMITH of New Jersey.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous material:)

Mrs. COLLINS of Illinois in two instances.
Mrs. LINCOLN.
Mr. KLINK.
Ms. DANNER.
Mr. GEPHARDT.
Mr. HORN.
Mr. PORTMAN.
Mr. PAYNE of New Jersey.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), the House adjourned until Wednesday, February 15, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

367. A letter from the Secretary of Commerce, transmitting a report of a violation of the Antideficiency Act, in the National Telecommunications and Information Administration [NTIA], pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

368. A letter from the Copyright Office, Library of Congress, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(a); to the Committee on Government Reform and Oversight.

369. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report for fiscal year 1994 listing the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Government Reform and Oversight.

370. A letter from the Chairman, Physician Payment Review Commission, transmitting the Secretary's report to Congress on utilization and access; jointly, to the Committees on Commerce and Ways and Means.

371. A communication from the President of the United States, transmitting a letter in writing expressing his deep concern about H.R. 872, the National Security Revitalization Act (H. Doc. No. 104–35); jointly, to the Committees on International Relations, National Security, and Intelligence (Permanent Select) and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPENCE: Committee on National Security. H.R. 256. A bill to withdraw and reserve certain public lands and minerals within the State of Colorado for military uses, and for other purposes (Rept. 104–28, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 831. A bill to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; with an amendment (Rept. 104–32). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANADY:

H.R. 925. A bill to compensate owners of private property for the effect of certain regulatory restrictions; to the Committee on the Judiciary.

By Mr. GEKAS (for himself and Mr. HYDE):

H.R. 926. A bill to promote regulatory flexibility and enhance public participation in Federal agency rulemaking and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. TORRICELLI, Mr. MENENDEZ, Mr. DELAY, Mr. BALLENGER, Mr. SOLOMON, Mr. GOSS, Mr. SMITH of New Jersey, Mr. KING, Mr. EWING, Mr. GALLEGLY, Mr. DEUTSCH, Mr. HANSEN, Mr. BARTON of Texas, Mr. ROHRABACHER, Mr.

FUNDERBURK, Mr. SAM JOHNSON, Mrs. VUCANOVICH, Mr. PETRI, Mrs. MEEK of Florida, and Mr. GILCHREST):

H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 928. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on long-term real property which is involuntarily converted as the result of the exercise of eminent domain, without regard to whether the replacement property is similar or of like kind; to the Committee on Ways and Means.

By Mr. EWING:

H.R. 929. A bill to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN (for himself, Mr. HUNTER, Mr. HAYWORTH, Mr. STUMP, Mr. GALLEGLY, and Mrs. VUCANOVICH):

H.R. 930. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Mr. MCCRERY, Mr. RANGEL, Mr. LIVINGSTON, Mr. HAYES, Mr. JOHNSTON of Florida, Mr. OBERSTAR, Mr. FIELDS of Louisiana, Mr. TAUZIN, Ms. MCKINNEY, Mr. CONYERS, Mr. FORD, Mr. LEWIS of Georgia, Mr. REYNOLDS, Mr. FROST, Mr. TOWNS, Mr. SCOTT, Mr. ACKERMAN, Mr. DIXON, Mr. PAYNE of New Jersey, Mr. THOMPSON, Mr. CLAY, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. TUCKER, Mr. WATT of North Carolina, Mr. NEAL of Massachusetts, Mr. LEVIN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. BAKER of Louisiana):

H.R. 931. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage the preservation of low-income housing; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota (for himself, Mr. POMEROY, and Mr. MINGE):

H.R. 932. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEDY of Massachusetts (for himself and Mr. WAXMAN):

H.R. 933. A bill to amend the Public Health Service Act to authorize a national program to reduce the threat to human health posed by exposure to contaminants in the air indoors, and for other purposes; to the Committee on Commerce.

By Mr. LIPINSKI:

H.R. 934. A bill to prohibit pay-per-view charges for entertainment events that receive public financial support whether or including private entities, nonprofit organizations or governmental entities; to the Committee on Commerce.

H.R. 935. A bill to amend title 17, United States Code, and the Communications Act of 1934 with respect to the public performance, by means of the display of video programming at places of public accommodation, of games between professional sports teams; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SCHUMER, Mr. FOGLIETTA, Mr. CLYBURN, Mr. SERRANO, Mr. HINCHEY, Mr. FROST, Ms. VELAZQUEZ, Mr. TOWNS, Mr. FILNER, Mr. RUSH, and Mr. NADLER):

H.R. 936. A bill to authorize the Secretary of Housing and Urban Development to make grants to nonprofit community organizations for the development of open space on municipally owned vacant lots in urban areas; to the Committee on Banking and Financial Services.

By Mrs. MEYERS of Kansas:

H.R. 937. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdicion of the committee concerned.

By Mr. MONTGOMERY:

H.R. 938. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on the Judiciary.

By Mr. SAXTON (for himself and Mr. BATEMAN):

H.R. 939. A bill to amend the Elementary and Secondary Education Act of 1965 to provide hold-harmless payment amounts for impact-aid payments relating to Federal acquisition of real property; to the Committee on Economic Education Opportunities.

By Mr. GEPHARDT (for himself, and Mr. CLAY, Mr. BONIOR, Mr. FAZIO of California, Mrs. KENNELLY, Mrs. CLAYTON, Mr. CONYERS, Ms. DELAURO, Mr. DINGELL, Mr. DURBIN, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HOYER, Mr. LAFALCE, Mr. LEWIS of Georgia, Ms. LOWEY, Mr. MCDERMOTT, Mr. MILLER of California, Mr. MURTHA, Mr. OBEY, Mr. RICHARDSON, Mr. SABO, Mrs. SCHROEDER, Mr. SERRANO, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. COLEMAN, Mr. COYNE, Ms. ESHOO, Mr. FARR, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FRAZER, Mr. GEJDENSON, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. KLECZKA, Mr. KLINK, Mr. LANTOS, Mrs. MALONEY, Mr. MARTINEZ, Mr. MASCARA, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Ms. PELOSI, Mr. RAHALL, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. SCHUMER, Mr. WARD, Mr. WAXMAN, Mr. WISE, Mr. WYNN, and Mr. WYDEN):

H.R. 940. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act; to the Committee on Economic and Educational Opportunities.

By Mrs. SCHROEDER (for herself, Miss COLLINS of Michigan, Mrs. MORELLA, and Ms. RIVERS):

H.R. 941. A bill to amend title 18 United States Code, to carry out certain obligations of the United States under the International Covenant on Civil and Political Rights by prohibiting the practice of female circumcision, and for other purposes; to the Committee on the Judiciary, and in addition to the Commtitee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. KENNEDY of Massachusetts, Ms. ESHOO, Mr. PORTER, Mr. PALLONE, Mr. BONIOR, Mr. MOORHEAD, Mr. ANDREWS, Mr. MCNULTY, Mr. LEVIN, Mr. BERMAN, Mr. RADANOVICH, Mr. GALLEGLY, Mr. FRANKS of New Jersey, Mr. SAXON, Mr. TORRES, Mr. MARKEY, Mr. FROST, Mr. BROWN of California, Mr. COX, Mr. DURBIN, Mr. KNOLLENBERG, Mr. CARDIN, Mr. FRANK of Massachusetts, Mr. REED, Mr. BAKER of California, Ms. WOOLSEY, Mr. FARR, Mr. HINCHEY, Mr. KENNEDY of Rhode Island, Mrs. MALONEY, Mr. GENE GREEN of Texas, Mr. BARCIA, Mr. GUTIERREZ, Mr. DOOLEY, Mrs. LOWEY, Mr. ACKERMAN, Mr. DORNAN, Mr. TORRICELLI, Mr. KING, Mr. FATTAH, and Ms. FURSE):

H.R. 942. A bill to prohibit U.S. assistance to countries that prohibit or restrict the transport or delivery of U.S. humanitarian assistance; to the Committee on International Relations.

By Mr. STARK:

H.R. 943. A bill to amend the Internal Revenue Code of 1986 to provide that the corporate income tax shall apply to certain Government-sponsored enterprises; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 944. A bill to provide rules regarding the payment by certain political subdivisions in the State of Montana of charges imposed by the United States with respect to a hydroelectric project located in Granite and Deer Lodge Counties, MT; to the Committee on Commerce.

By Mr. KING (for himself, Mr. MCCOLLUM, Mr. BEREUTER, Mr. ROTH, Mr. BACHUS, Mr. CASTLE, Mr. LAZIO of New York, Mr. SAM JOHNSON, Mrs. MYRICK, Mr. CREMEANS, Mr. METCALF, Mr. HEINEMAN, Mr. FORBES, Mr. LONGLEY, Mr. WELLER, Mr. WATTS of Oklahoma, and Mr. NEY):

H. Con. Res. 27. Concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Banking and Financial Services.

By Mr. LAFALCE (for himself and Mr. DE LA GARZA):

H. Con. Res. 28. Concurrent resolution expressing the sense of Congress that a proposed cross-border fee for vehicles and pedestrians entering the United States from Canada or Mexico is unwise and should not be enacted; to the Committee on Ways and Means.

By Mr. PICKETT:

H. Con. Res. 29. Concurrent resolution expressing the sense of the Congress that the President should submit a national energy policy plan to Congress; to the Committee on Commerce.

By Mr. GILMAN:

H. Res. 84. Resolution providing amounts for the expenses of the Committee on International Relations in the 104th Congress; to the Committee on House Oversight.

By Mr. LEACH:

H. Res. 85. Resolution providing amounts for the expenses of the Committee on Banking and Financial Services in the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 6: Mr. NORWOOD.

H.R. 8: Mr. GUTKNECHT.

H.R. 24: Mrs. MYRICK.

H.R. 29: Mr. BONO.

H.R. 62: Mr. NETHERCUTT.

H.R. 65: Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. ROHRABACHER, Mr. BARCIA of Michigan, Mr. SPENCE, Mr. SAM JOHNSON, Mr. GEKAS, and Mrs. MINK of Hawaii.

H.R. 70: Mr. SMITH of Texas.

H.R. 109: Mr. GREENWOOD and Mr. FALEOMAVAEGA.

H.R. 123: Mr. PICKETT, Mr. CRAMER, Mr. BILBRAY, Mr. FORBES, Mr. KIM, Mr. DUNCAN, Mr. ARMEY, Mr. COMBEST, Mr. BRYANT of Tennessee, Mr. LEWIS of Kentucky, Mr. HILLEARY, Mr. PETERSON of Minnesota, and Mr. QUILLEN.

H.R. 217: Mr. BARTLETT of Maryland.

H.R. 240: Mr. GOSS.

H.R. 303: Ms. MOLINARI, Mr. FALEOMAVAEGA, Mr. BARCIA of Michigan, Mr. SPENCE, and Mr. SAM JOHNSON.

H.R. 315: Mr. DELLUMS.

H.R. 328: Mr. ROHRABACHER.

H.R. 370: Mr. LATHAM.

H.R. 375: Mr. NORWOOD.

H.R. 438: Mr. ACKERMAN, Mr. CAMP, Mr. HUTCHINSON, Mr. SHAYS, and Mr. HASTINGS of Washington.

H.R. 453: Mr. STOKES and Ms. KAPTUR.

H.R. 463: Mr. FOGLIETTA.

H.R. 489: Mr. FIELDS of Texas and Mr. HUTCHINSON.

H.R. 490: Mrs. CHENOWETH.

H.R. 500: Mr. BARTON of Texas, Mr. BATEMAN, Mr. BONILLA, Mr. BRYANT of Tennessee, Mrs. FOWLER, Mr. GILCHREST, Mr. GUTKNECHT, Mr. NETHERCUTT, Mr. PAXON, Mr. RADANOVICH, Mr. SALMON, Mr. SCARBOROUGH, Mr. SMITH of Texas, Mr. SPENCE, Mr. STEARNS, Mr. STUMP, Mr. THORNBERRY, and Mr. WAMP.

H.R. 563: Mr. FAZIO of California, Mr. BALLENGER, and Mr. FIELDS of Texas.

H.R. 580: Mr. PETRI, Mr. RAHALL, and Mrs. MORELLA.

H.R. 612: Mr. MANZULLO.

H.R. 613: Mr. EVANS.

H.R. 624: Mr. DOOLEY.

H.R. 625: Mr. DIAZ-BALART, Mr. MCCOLLUM, Mr. KNOLLENBERG, Mr. GIBBONS, and Mr. HILLIARD.

H.R. 655: Mrs. MORELLA and Mr. FOLEY.

H.R. 658: Mr. ABERCROMBIE, Mr. FROST, Mr. MARTINEZ, Mr. BRYANT of Texas, Mr. SERRANO, Mr. BARRETT of Wisconsin, Mr. TORRICELLI, Mr. UNDERWOOD, and Mr. FRANK of Massachusetts.

H.R. 736: Mr. GUTKNECHT, Mr. SAXTON, Mr. HANCOCK, Mr. NORWOOD, Mr. CALVERT, and Mr. ROYCE.

H.R. 770: Mr. GALLEGLY and Mr. ROHRABACHER.

H.R. 793: Mr. KNOLLENBERG and Mr. LIVINGSTON.

H.R. 847: Mr. NEY and Mr. LAZIO of New York.

H.R. 860: Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. STEARNS, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. BUNNING of Kentucky, Mr. SAM JOHNSON of Texas, and Mr. TIAHRT.

H.R. 870: Mr. SCHUMER, Mr. RICHARDSON, Mr. OWENS, Mr. TORRES, and Mr. LAFALCE.

H.R. 881: Mr. KLUG, Mr. ANDREWS, Ms. ESHOO, Mr. FORBES, Mr. PETRI, Mr. MARTINEZ, Ms. WOOLSEY, and Ms. LOFGREN.

H.R. 924: Ms. ESHOO and Ms. WOOLSEY.

H.J. Res. 14: Mr. NCNULTY.

H.J. Res. 16: Mr. CRAMER.

H. Con. Res. 12: Mr. MARTINEZ, Mr. SERRANO, and Mr. EMERSON.

H. Con. Res. 21: Ms. PELOSI, Mr. ROHRABACHER, Ms. MCKINNEY, Mr. ABERCROMBIE, Mr. MILLER of California, Mr. SMITH of New Jersey, Mrs. MALONEY, Ms. VELÁZQUEZ, Mrs. MEYERS of Kansas, Mr. SHAYS, and Mr. PORTER.

H. Res. 80: Mrs. CHENOWETH, Mr. DUNCAN, Mrs. MINK of Hawaii, Mr. TALENT, and Mr. TRAFICANT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

OFFERED BY: MR. BATEMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 8: Page 74, after line 16, strike all through line 20; Redesignate current paragraph (B) as the (A); Add after (A) the following new paragraph (B):

(B) certain countries that were a part of the former Union of Soviet Socialist Republics, which the President may designate pursuant to Section 203(d)(2) of the NATO Participation Act of 1994.

H.R. 7

OFFERED BY: MR. BATEMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 9: Page 74, after line 16, strike all through line 20; Redesignate current paragraph (B) as the (A); Add after (A) the following new paragraph (B):

(B) certain countries that were a part of the former Union of Soviet Socialist Republics or that were part of the former Socialist Federal Republic of Yugoslavia, which the President may designate pursuant to Section 203(d)(2) of the NATO Participation Act of 1994.

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO 10: At the end of title V (page 60, after line 25), insert the following new section:

SEC. 513. REPORT REGARDING REIMBURSEMENT LEVELS PAID BY UNITED NATIONS FOR COSTS INCURRED BY NATIONS AND CONTRACTORS FURNISHING PERSONNEL FOR PEACEKEEPING ACTIVITIES.

(a) INFORMATION RELATING TO NATIONS FURNISHING FORCES.—The Secretary of State shall submit to the Congress a report on the amounts paid by the United Nations during 1994 as compensation for expenses incurred by nations which have provided forces for United Nations peacekeeping activities. The report shall set forth—

(1) the total amount paid to each such nation by the United Nations during 1994 for such purpose; and

(2) with respect to each such nation, the total amount that such nation spent for peacekeeping activities for which it received a payment from the United Nations during 1994, with separate displays for the portion of that amount spent for pay and allowances for personnel of that nation's armed forces (including credit for longevity and retirement), for other perquisites relating to the duty of such personnel as part of such peacekeeping activities, and to the extent possible for related incremental costs incurred by such nation as part of such peacekeeping activities.

(b) INFORMATION RELATING TO CONTRACTORS.—

(1) COMPENSATION LEVELS.—The Secretary shall include in the report under subsection (a) a separate report on amounts paid by the United Nations during 1994 under contracts entered into by the United Nations for the provision of civilian management services relating to United Nations peacekeeping activities. The report shall include information on the level of individual compensation received by those contractors, or employees of those contractors, with respect to those peacekeeping activities, including the level of salary, benefits, and allowances.

(2) CONTRACTING PROCESS.—The Secretary shall include in the report a review of the process by which the United Nations selects contractors for the provision of civilian management services relating to United Nations peacekeeping activities. That review shall describe the extent to which that process permits competitive bidding.

(c) PLAN FOR REFORM.—The Secretary shall include in the report under subsection (a) a plan for actions the United States can take to encourage the United Nations to reform the existing system for reimbursement to nations which provide forces for United Nations peacekeeping activities. The plan shall include recommended steps leading to a reimbursement system in which nations contributing forces to a United Nations peacekeeping activity are compensated by the United Nations in a manner that more accurately reflects their actual costs incurred in participating in that activity.

(d) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO. 11: Page 28, strike line 4 and all that follows through line 12 and insert the following:

"(g) INTERPRETATION.—(1) This section is a limitation on the expenditure of Department of Defense funds for any element of the armed forces placed under the command or operational control of a foreign national acting on behalf of the United Nations and is not to be construed as an authorization—

"(A) for the President to use any element of the armed forces in any operation; or

"(B) for the President to place any element of the armed forces under the command or operational control of a foreign national.

"(2) Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution, nothing in this section shall be construed to derogate or limit the authority of the President as commander-in-chief of the armed forces under article II, section 2, clause 1 of the Constitution.".

H.R. 7

OFFERED BY: MR. BEREUTER

(Page and line references are to H.R. 872)

AMENDMENT NO. 12: Page 51, beginning on line 16, strike "FOR PAYMENT" and all that follows through "CONTRIBUTIONS".

Page 51, line 18, strike "(1)".

Page 51, line 22, strike "(A)" and insert "(1)".

Page 51, line 24, strike "(B)" insert "(2)".

Page 52, line 1, strike "(2)" The prohibition in paragraph (1)(A)" and insert "(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a)".

Page 52, line 4, strike "activity." and insert "activity.'.".

Page 52, strike line 5 and all that follows through line 18.

H.R. 7

OFFERED BY: MR. BERMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 13: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requested payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by:

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs for which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RUE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"Sec. 406. Use of Department of Defense funds for United States share of cost of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (direct or through another department or agency of the United States) to the United Nations—

"(A) for the cost of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

"(c) EXCEPTION.—if the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.".

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term "Consultative Group" means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. BONIOR

(Page and line references are to H.R. 872)

AMENDMENT NO. 14: At the end of the bill, add the following new title:

TITLE VIII—NATO BURDENSHARING

SEC. 801. REDUCTION OF UNITED STATES MILITARY FORCES IN EUROPE.

(a) END STRENGTH REDUCTIONS FOR MILITARY PERSONNEL IN EUROPE.—Notwithstanding section 1002(c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), but subject to subsection (d), for each of fiscal years 1996, 1997, 1998, and 1999, the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United states assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) in accordance with subsection (b).

(b) REDUCTION FORMULA.—

(1) APPLICATION OF FORMULA.—For each percentage point by which, as of the end of a fiscal year, the allied contribution level determined under paragraph (2) is less than the allied contribution goal specified in subsection (c), the Secretary of Defense shall reduce the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO by 1,000 for the next fiscal year. The reduction shall be made from the end strength level in effect, pursuant to section 1002 (c)(1) of the National Defense Authorization Act, 1985 (22 U.S.C. 1928 note), and subsection (a) of this section (if applicable), for the fiscal year in which the allied contribution level is less than the goal specified in subsection (c).

(2) DETERMINATION OF ALLIED CONTRIBUTION LEVEL.—To determine the allied contribution level with respect to a fiscal year, the Secretary of Defense shall calculate the aggregate amount of nonpersonnel costs for United States military installations in European member nations of NATO that are assumed during that fiscal year by such nations, except that the Secretary may consider only those cash and in-kind contributions by such nations that replace expenditures that would otherwise be made by the Secretary using funds appropriated or otherwise made available in defense appropriations Acts.

(c) ANNUAL ALLIED CONTRIBUTION GOALS.—

(1) GOALS.—In continuing efforts to enter into revised host-nation agreements as described in the provisions of law specified in paragraph (2), the President is urged to seek to have European member nations of NATO assume an increased share of the nonpersonnel costs of United States military installations in those nations in accordance with the following timetable:

(A) By September 30, 1995, 18.75 percent of such costs should be assumed by those nations.

(B) By September 30, 1996, 37.5 percent of such costs should be assumed by those nations.

(C) By September 30, 1997, 56.25 percent of such costs should be assumed by those nations.

(D) By September 30, 1998, 75 percent of such costs should be assumed by those nations.

(2) SPECIFIED LAWS.—The provisions of law referred to in paragraph (1) are—

(A) section 1301(e) of National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2545);

(B) section 1401(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1824); and

(C) section 1304 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2890).

(d) EXCEPTIONS.—

(1) MINIMUM END STRENGTH AUTHORITY.—Notwithstanding reductions required pursuant to subsection (a), the Secretary of Defense may maintain an end strength of at least 25,000 members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO.

(2) WAIVER AUTHORITY.—The President may waive operation of this section if the President declares an emergency. The President shall immediately inform Congress of any such waiver and the reasons for the waiver.

(e) ALLOCATION OF FORCE REDUCTIONS.—To the extent that there is a reduction in end strength level for any of the Armed Forces in European member nations of NATO in a fiscal year pursuant to subsection (a)—

(1) half of the reduction shall be used to make a corresponding reduction in the authorized end strength level for active duty personnel for such Armed Force for that fiscal year; and

(2) half of the reduction shall be used to make a corresponding increase in permanent assignments or deployments of forces in the United States or other nations (other than European member nations of NATO) for each such Armed Forces for that fiscal year, as determined by the Secretary of Defense.

(f) NONPERSONNEL COSTS DEFINED.—For purposes of this section, the term "nonpersonnel costs", with respect to United States military installations in European member nations of NATO, means costs for those installations other than costs paid from military personnel accounts.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 15: Page 11, line 18, after "missile attacks" insert the following: "and that is deployed without the inclusion of any space-based interceptors".

Page 12, line 6, after "missile attacks" insert the following: "without the inclusion of any space-based interceptors".

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 16: At the end of title II (page , after line), add the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 17: Strike out title III (page 13, line 1, through page 21, line 22).

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 18: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 19: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

"(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

"(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

"(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.".

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 20: Page 68, line 4, strike out "shall" and insert "may".

H.R. 7

OFFERED BY: MR. DELLUMS

(Page and line references are to H.R. 872)

AMENDMENT NO. 21: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by:

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs of which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508); and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"Sec. 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

"(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.".

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term "Consultative Group" means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. DURBIN

(Page and line references are to H.R. 872)

AMENDMENT NO. 22: Page 63, line 4, strike "In particular," and insert "Numerous Central and East European countries, particularly"

Page 63, line 5, insert a comma after "Slovakia".

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (vii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 8, strike the semicolon and insert ", including Russia; and".

Page 67, strike line 10, beginning on line 11, strike "cooperation", and beginning on line 12, strike "including the Organization on Security and Cooperation in Europe; and" and insert a period.

Page 67, strike line 14 and all that follows through line 21.

H.R. 7

OFFERED BY: MR. GILMAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 23: Page 63, line 4, strike "In particular," and insert "Numerous Central and East European countries, particularly".

Page 63, line 5, insert a comma after "Slovakia".

Page 66, after line 12, insert the following new paragraphs (and redesignate the succeeding paragraphs accordingly):

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (viii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 8, strike the semicolon and insert ", including Russia; and".

Page 67, strike line 10, beginning on line 11, strike "cooperation", and beginning on line 12, strike "including the Organization on Security and Cooperation in Europe; and" and insert a period.

Page 67, strike line 14 and all that follows through line 21.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 24: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the Untied States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs for which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508); and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of

the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which many involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on Page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"SEC. 406. USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES: LIMITATION.

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department of agency of the United States) to the United Nations—

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

"(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.".

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term "Consultative Group" means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 25: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 26: Page 11, line 18, after "missile attacks" insert the following: "and that is deployed without the inclusion of any space-based interceptors".

Page 12, line 6, after "missile attacks" insert the following: "without the inclusion of any space-based interceptors".

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 27: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

"(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

"(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

"(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region."

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 28: Page 68, line 4, strike out "shall" and insert "may".

H.R. 7

OFFERED BY: MR. HAMILTON

(Page and line references are to H.R. 872)

AMENDMENT NO. 29: Strike out title VI (page 61, line 1 through page 75, line 10).

H.R. 7

OFFERED BY: MR. HASTINGS

(Page and line references are to H.R. 872)

AMENDMENT NO. 30: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operations of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs for which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States forces serve under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when

United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) DEFINITIONS.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508); and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) the conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"Sec. 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States Armed Forces or otherwise significantly diminish United States warfighting capability.

"(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.".

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term "Consultative Group" means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. SAM JOHNSON

(Page and line references are to H.R. 872)

AMENDMENT NO. 31: Page 55, strike line 8 and insert in lieu thereof the following:

"Sec. 11. (a) LIMITATION ON ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—The United States may not pay more than $250,000,000 for any fiscal year for United States assessed contributions for the regular United Nations budget.

"(b) WITHHOLDING OF CONTRIBUTIONS.—Page 55, lines 16 and 24, strike out "subsection (b)" and insert lieu thereof "subsection (c)".

Page 56, line 6, strike out "subsection (b)" and insert in lieu thereof "subsection (c)".

Page 56, line 7, strike out "(b)" and insert in lieu thereof "(c)".

Page 56, line 8, strike out "subsection (a)" and insert in lieu thereof "subsection (b)".

H.R. 7

OFFERED BY: MR. LEACH

(Page and line references are to H.R. 872)

AMENDMENT NO. 32: On page 28, strike line 4 and all that follows through line 12 and insert in lieu thereof the following:

"(g) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States."

Beginning on page 28, strike line 16 and all that follows through page 29, line 2.

On page 29, line 3, strike "(c)" and insert in lieu thereof "(b)".

H.R. 7

OFFERED BY MR. LEACH

(Page and line references are to H.R. 872)

AMENDMENT NO. 33: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance, and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs for which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) DEFINITIONS.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall have the same meaning as the definition of that term contained in the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508); and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) MEMBERSHIP.—The Consultative Group shall be composed of the following:

(1) HOUSE OF REPRESENTATIVES.—Those Members of the House of Representatives designated by the Speaker of the House of Representatives and the minority leader of the House of Representatives. The Members so designated shall include majority and corresponding minority representatives of the leadership of the House of Representatives, the Committee on International Relations, the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence.

(2) SENATE.—Those Senators designated by the majority leader and the minority leader of the Senate. The Senators so designated shall include majority and corresponding minority representatives of the leadership of the Senate, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence.

(d) RULE OF CONSTRUCTION.—(1) The conduct of consultation pursuant to subsection (b)(2) with respect to a possible or ongoing United States military action abroad shall not be construed as a grant of authority from the Congress to the President to conduct such military action.

(2) The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Beginning on page 51, strike line 5 and all that follows through page 52, line 24 and insert in lieu thereof the following:

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"Sec. 406. Use of Department of Defense Funds for United States Share of Costs of United Nations Peacekeeping Activities: Limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENT.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATING IN PEACEKEEPING ACTIVITIES.—(1) No funds authorized to be appropriated by this or any other Act may be used to pay the incremental costs of any operation conducted by the Department of Defense in support of peacekeeping activities authorized by United Nations Security Council resolutions unless the President consults with the Consultative Group at least 15 days in advance and unless the President reports to the Consultative Group that any such operation will not endanger the readiness of the United States Armed Forces or otherwise significantly diminish United States warfighting capability.

"(c) EXCEPTION.—If the President determines that an emergency exists which prevents compliance with the consultation requirement of subsection (b) and that such contribution is in the national security interests of the United States, such consultation shall occur as soon as is practicable but no later than 48 hours after such obligation.".

(b) DEFINITION.—For purposes of the amendment made by subsection (a), the term "Consultative Group" means the Standing Consultative Group established under section 501A of this Act.

H.R. 7

OFFERED BY: MR. MEEHAN

(Page and line references are to H.R. 872)

AMENDMENT NO. 34: Page 12, line 10, after the period, insert the following:

The Secretary shall carry out this subsection so that, to the maximum extent achievable, an appropriate share of United States development costs pursuant to this subsection are borne by those allies and other friendly nations which will benefit from those development efforts.

H.R. 7

OFFERED BY: MR. SANDERS

(Page and line references are to H.R. 872)

AMENDMENT NO. 35: At the end of section 303(a) (page 16, after line 23), add the following new paragraphs:

(13) An assessment of the military threats to the security interests of the United States remaining after the dissolution of the Soviet Union and the Warsaw Pact.

(14) An assessment of the Bottom-up Review in conjunction with the threats identified under paragraph (13).

(15) An assessment of the ability of United States military allies to contribute forces to the execution of the two major regional contingencies strategy set forth in the Bottom-up Review.

(16) An assessment of the military capabilities of the nations identified under paragraph (13) as constituting threats to United States security interests, including equipment, personnel, modernization, and funding.

(17) An assessment of the comparison and contrasts between the United States and the countries identified under paragraph (13) as constituting threats to United States security interests.

(18) An assessment of the military spending per congressional district and an evaluation as to the extent to which military spending may be based on geographical considerations or the influence of the Representative from that district or a Senator from the State in which the district is located.

At the end of section 303(b) (page 17, after line 25), add the following new paragraphs:

(8) Increase the level of defense spending by United States military allies in order to reduce the financial burden on the United States of providing for the common defense of itself and those allies.

(9) Determination and allocation of the lowest funding level needed, in conjunction

with spending by United States allies, to ensure an adequate defense against threats identified in the assessment under subsection (a)(13).

H.R. 7

OFFERED BY: MR. SANDERS

(Page and line references are to H.R. 872)

AMENDMENT NO. 36: At the end of section 303(a) (page 16, after line 23), add the following new paragraphs:

(13) An assessment of the military threats to the security interests of the United States remaining after the dissolution of the Soviet Union and the Warsaw Pact.

(14) An assessment of the Bottom-up Review in conjunction with the threats identified under paragraph (13).

(15) An assessment of the ability of United States military allies to contribute forces to the execution of the two major regional contingencies strategy set forth in the Bottom-up Review.

(16) An assessment of the military capabilities of the nations identified under paragraph (13) as constituting threats to United States security interests, including equipment, personnel, modernization, and funding.

(17) An assessment of the comparison and contrasts between the military capabilities of the United States and the countries identified under paragraph (13) as constituting threats to United States security interests.

(18) An assessment of military spending per congressional district and an evaluation as to the extent to which military spending may be based on geographical considerations or the influence of the Representative from that district or a Senator from the State in which the district is located.

(19) An assessment of United States spending on intelligence activities in light of the threats to United States security interests identified under paragraph (13).

At the end of section 303(b) (page 17, after line 25), add the following new paragraphs:

(8) Increase the level of defense spending by United States military allies in order to reduce the financial burden on the United States of providing for the common defense of itself and those allies.

(9) Determination and allocation of the lowest funding level needed, in conjunction with spending by United States allies, to ensure an adequate defense against threats identified in the assessment under subsection (a)(13).

H.R. 7

OFFERED BY: MR. SCHIFF

(Page and line references are to H.R. 872)

AMENDMENT NO. 37: Add at the end the following new title:

TITLE VIII—DELAY OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS

SEC. 801. DELAY OF 1995 ROUND OF BASE CLOSURES AND REALIGNMENTS UNTIL 1997.

(a) TWO-YEAR DELAY.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsections (c)(1)(B)(iii), (c)(1)(C), (e)(1), and (l) of section 2902, section 2903(c)(1), and section 2909(a), by striking out "1995" each place it appears and inserting in lieu thereof "1997"; and

(2) in section 2902(c)(1)(B)(iii), by striking out "104th Congress" and inserting in lieu thereof "105th Congress".

(b) EFFECT OF AMENDMENTS.—Immediately upon the enactment of this Act, the President shall terminate the process underway for the selection of military installations in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990.

H.R. 7

OFFERED BY: MRS. SCHROEDER

(Page and line references are to H.R. 872)

AMENDMENT NO. 38: Page 10, after line 12, insert the following:

The Congress further is committed to ensuring equitable levels of burdensharing from the allies of the United States to protect the security interests of our allies.

Page 16, after line 23, insert the following:

(14) An assessment of how the United States can effectively ensure that our allies contribute at increased levels to the costs that the United States expends on stationing or deploying troops and combat equipment for our allies' security needs.

H.R. 7

OFFERED BY: MR. SPENCE

(Page and line references are to H.R. 872)

AMENDMENT NO. 39: At the end of title II (page 12, after line 25), add the following new section:

SEC. 204. SENSE OF CONGRESS ON THEATER MISSILE DEFENSE AND THE ANTI-BALLISTIC MISSILE (ARM) TREATY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles that are currently deployed or are being developed (such as the Chinese CSS-2 missile and the North Korean Taepo Dong-2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposal in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that would significantly compromise the United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

H.R. 7

OFFERED BY: MR. SPRATT

(Page and line references are to H.R. 872)

AMENDMENT NO. 40: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

The following, in priority of the order listed, shall be the missile defense policy of the United States:

(1) To complete the development and deployment at the earliest practicable date of more effective theater missile defenses (TMDs) by adequately funding TMD programs in existence as of the beginning of 1995.

(2) To develop and test at the earliest practicable date a ground-based interceptor system designed to seek and destroy incoming re-entry vehicles launched against the United States, together with ground-based radar and space-based or ground-launched sensors to acquire and track incoming reentry vehicles.

(3) To develop options for deployment of a system described in paragraph (2) to defend the United States against ballistic missile attack once the technology for the system has been proven by testing.

SEC. 202. REPORT TO CONGRESS.

(a) REQUIREMENT.—The President shall submit to the congressional defense committees a report on deployment of an anti-ballistic missile system in accordance with section 201(2). The report shall—

(1) state the threats against which the system will provide protection and validate that those threats warrant deployment of a National Missile Defense system;

(2) describe the deployment plan for the system and provide a cost estimate for the system; and

(3) describe any amendments to the ABM Treaty that would be necessary to pursue and deploy the system.

(b) DEADLINE FOR REPORT.—The report under subsection (a) shall be submitted not later than the date of the submission of the first annual budget of the President submitted following validation of the technology required for the system.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

(2) The term "congressional defense committees" means—

(A) the committee on National Security and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Armed Services and the Committee on Appropriations of the Senate.

SEC. 203. FUNDING PRIORITIES.

(a) GENERAL NMD PRIORITY.—Any requirement to develop a national missile system at "the earliest practicable date" shall be subject to the availability of funding for that purpose. Section 201 may not be construed to require funding for a national missile defense system in a manner that will subordinate other national security priorities, such as force structure, readiness, or modernization.

(b) RELATIVE PRIORITY OF TMD AND NMD.—Funding for theater missile defense shall take priority over funding for national missile defense unless the President determines that the threat of ballistic missile attack against the United States is such as to require expedited deployment of a national missile defense system.

H.R. 7

OFFERED BY: MR. SPRATT

(Page and line references are to H.R. 872)

AMENDMENT No. 41: Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

H.R. 7

OFFERED BY: MR. SPRATT

(Page and line references are to H.R. 872)

AMENDMENT No. 42: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

"(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

"(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

"(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.".

H.R. 7

OFFERED BY: MR. TORRICELLI

(Page and line references are to H.R. 872)

AMENDMENT No. 43: On page 64, line 4, strike "shall" and insert in lieu thereof "may".

H.R. 7

OFFERED BY: MS. WATERS

(Page and line references are to H.R. 872)

AMENDMENT No. 44: Page 23, line 1, strike out "requirements" and insert "requirement".

Page 23, beginning on line 8, strike out "requirements" and insert "requirement".

Page 23, strike out line 18 and all that follows through line 11 on page 26 and insert the following:

"(d) PRESIDENTIAL CERTIFICATION.—The requirement referred to in subsection (b)(1) is that the President submit to Congress a certification that such a United Nations command or control arrangement is necessary to protect the national security interests of the United States.

Page 26, line 12, strike out "(f)" and insert "(e)".

Page 28, line 4, strike out "(g)" and insert "(f)".

Page 30, line 22, strike out "requirements" and insert "requirement".

Page 31, beginning on line 4, strike out "requirements" and insert "requirement".

Page 31, strike out line 15 and all that follows through line 8 on page 34 and insert the following:

"(c) PRESIDENTIAL CERTIFICATION.—The requirement referred to in subsection (c)(1) is that the President submit to Congress a certification that such a United Nations command or control arrangement is necessary to protect the national security interests of the United States.

Page 34, line 9, strike out "(g)" and insert "(f)".

Page 36, line 1, strike out "(h)" and insert "(g)".

SENATE—*Tuesday, February 14, 1995*

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by a guest chaplain, the Reverend Richard C. Halverson, Jr., Arlington, VA.

PRAYER

The guest chaplain, the Reverend Richard C. Halverson, Jr., of Arlington, VA, offered the following prayer:

Let us pray:

Almighty God, Thy Word declares: "And thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind, and with all thy strength: This is the first commandment. And the second is like, namely this, thou shalt love thy neighbor as thyself. There is none other commandment greater than these."

Lord, on this St. Valentine's Day, as we labor to pass important legislation, cause us to observe that preeminent law which was decreed at the beginning of time, which is revered in every religion, and which is the foundation of every good law, the law of love.

Help us, Lord, to love Thee, whom we most often neglect. Help us to love our neighbor, whom we cannot always select. Help us to love ourselves, whom we sometimes do not accept. And help us to love our country in the laws we here direct.

In the name of Him who is incarnate love, Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

A House joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

Reid amendment No. 236, to protect the Social Security system by excluding the receipts and outlays of Social Security from balanced budget calculations.

Mr. REID addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that—the Senator from Utah will soon be here, is that right?

Mr. LOTT. Yes.

Mr. REID. I ask unanimous consent that the Senator from Utah and the Senator from Nevada each have 7½ minutes. That was the original agreement, and it will put off the vote for approximately 3 or 4 minutes.

Mr. LOTT. Mr. President, that is my understanding. I think we can go ahead and begin. Perhaps the Senator can take his time and Senator HATCH will be here momentarily.

Mr. REID. I am going to reserve the final 2½ minutes because it is my amendment.

Mr. BUMPERS. If the Senator will yield, is he saying the vote will not occur until when?

Mr. REID. Within 3 or 4 minutes of 9:30.

Mr. BUMPERS. I thank the Senator.

Mr. LOTT. If the Senator will yield 1 second more, I understand that the majority leader, Senator DOLE, wants 2 minutes at the very end.

Mr. REID. I forgot to mention that Senator DASCHLE is also going to speak for a brief time.

Mr. BUMPERS. I wanted to point out, Mr. President, that if I do not leave here at 9:30, I am not going to get to make a speech. Obviously, I am not going to be able to make that speech.

Mr. REID. Mr. President, I ask the Chair to advise me when I have 2½ minutes remaining.

Mr. President, Social Security is presently running huge surpluses. This year, $70 billion; in 2002 over $700 billion, and a few years after that, it will be $3 trillion.

It now appears that there are people who want to tap into that surplus in an effort to balance the budget. My amendment draws a line in the sand that says you cannot tap Social Security to balance the budget. Those Social Security trust funds which have been set aside for some 60-odd years, should be kept in the trust fund and they should not be looted. It should not become a Social Security slush fund. It is unfair to seniors, unfair to the baby boomers, and certainly unfair to today's youth, to raid the Social Security trust fund.

This Congress realizes this. This Senate realized this when, in 1990, by a vote of 98 to 2, we set up Social Security as a separate part of our revenues. It was no longer part of the general revenues of this country. A vote to kill my amendment will mark the death knell, I predict, of Social Security.

Everybody in this Chamber has made public pronouncements that they want to protect Social Security. The only way to protect Social Security is by voting for my amendment.

Mr. President, if you try to do it by implementing legislation, it is unconstitutional once the underlying amendment passes. Anything less than my amendment would be an express statement that you are willing to have the fox guard the henhouse or allow Willie Sutton to guard the bank.

Those watching this debate should not be fooled by transparent arguments being put forth as to why my amendment will not work. The amendment simply says Social Security shall not be used to balance the budget. That is all it says.

No one watching this debate should be under any illusions about what this vote is about. A vote to kill this amendment means that Social Security will be used to balance the budget of this country. That would be unfair.

There have been advertisements in the State of Nevada and around the country by the Republican National Committee to try to get me to back off this amendment. I am not going to. There is not enough money in the world to stop me from doing that, because I am obligated not only to protect today's senior citizens but my children's vested interest in Social Security, and my children's children.

They have a right, of course, to put out these advertisements. I recognize that. But rights carry responsibilities. And it is simply irresponsible to jeopardize the viability of Social Security. The reason they are after Social Security is because that is where the money is. As we all know, you cannot balance the budget with ease unless you use Social Security moneys. They are wanting to say: "OK, I did what I could to protect Social Security. I am sorry the amendment passed and now we must use Social Security to balance the budget." That is wrong. They want to be able to take the billions and billions and even trillions of dollars out of the Social Security trust funds to balance this budget. A vote to kill or defeat my amendment will allow them to do just that. It is not right, it is not fair, and it is not equitable.

I reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. HATCH. Mr. President, as we approach the vote to table the Reid amendment, which would carve out a constitutional exemption for Social Security from the balanced budget amendment, let me just express a few last thoughts.

First, let me thank the distinguished Senator from Nevada and those on both sides of this debate for comporting themselves with dignity throughout this debate. There are differences of opinion, but there has not been any rancor in this debate. I attribute that to my friend and colleague from Nevada, and we can all be proud of that.

Now, let me just point out why the Senate should reject the Reid amendment, in addition to the fact that writing a statute into the Constitution really should not be done. That is why we have implementing legislation. And this amendment provides that we shall have implementing legislation to do exactly what the distinguished Senator says.

Mr. President, let us just be honest about it. The Social Security trust fund is off budget, but the Federal Government is borrowing from it daily and giving a piece of paper, an IOU, for the repayment. If we do not do something to straighten out the budgetary problems of this country and do something about the deficit, those IOU's are going to be worthless pieces of paper, no matter what this amendment seems to say.

The fact of the matter is that not only will they be worthless pieces of paper, but this country is not going to be able to pay for Social Security or any other programs in the future if we do not get spending under control, especially deficit spending which drives up our interest costs and crowds out our ability to spend on anything else. The only way we are going to get spending under control is if we put a fiscal mechanism into the Constitution that requires us to do so.

Also, if you refer to a statute, as my good friend and colleague would like us to do here, if you write a statute into the Constitution, as it were by reference, you are talking about putting in tremendously convoluted and technical language and giving quasi-constitutional effect to language like this here on this poster. We would not know from week to week what the Constitution means as long as Congress can amend the underlying language of the statute referred to. That is just one illustration.

Let me give you another illustration on this next poster. It is a technical amendment to the Social Security Act in the sections referenced by the pending amendment. This is not constitutional language. But all of these details would have some type of constitutional significance under the pending amendment.

Let me further illustrate the complexity involved in referring to a statute in the Constitution. This poster shows just one of the definitions in the statute as referred to by the amendment. Is this constitutional language? It covers pages in the United States Code. And, Congress could make whatever changes it wants to in the Constitution any time it wants to by a mere 51-percent vote by merely changing the underlying statute. Or perhaps the opposite is true: Perhaps we could only amend the underlying statute through the process of a constitutional amendment. My sense is that the former is the more likely, that the meaning of the Constitution could be altered by altering the referenced statute.

Mr. President, look at this statutory language on disability insurance benefit payments in the statutory definitions of "disability" and "benefit payments" on this poster. And this is just one set of definitions in the United States Code, covering a number of pages. There are thousands of pages on the subject of the pending amendment and thousands of regulations, all of which would be written into the Constitution by reference. It would become the biggest loophole we could imagine. It would make the balanced budget amendment a totally worthless piece of paper and it would denigrate the Constitution.

Last week, we voted 87 to 10 to direct the Budget Committee to come up, at its earliest convenience, with a way of balancing the budget without touching Social Security, either from a revenue or from a spending standpoint. It will show that we can do what we said we could without taking the unprecedented and unjustifiable step of placing a mere statute into the text of the Constitution.

The real threat to Social Security is our staggering national debt and the high interest costs it drives. High Government debt and yearly deficits slow economic growth, make wages stagnant, increase interest costs, and can lead to inflation. All of these things hurt Social Security recipients by decreasing the amount of trust fund revenues and decreasing the real value of the benefits paid from the fund. As the mammoth pile of debt increases, the Government comes under increasing pressure and is less able to repay its debt to retirees unless it prints more money, which would drive inflation higher.

Balancing the budget is not a threat to Social Security, but a protection of Social Security for our current retirees and future ones, and is a protection against economic chaos and Government disaster. Any exemption in the balanced budget amendment can and would be used to avoid the strictures of the amendment and would be used to continue business as usual with ever-spiraling debt.

As I have pointed out here in this debate, this exemption would take the unprecedented step of writing a mere statute into the text of the Constitution and exempting that statute from the operation of the balanced budget amendment. Such a step opens a loophole that Congress can redefine in any way it wishes in the future. All the pressure of balancing the budget would be focused on adding popular spending programs into the Social Security system, endangering the primary purpose of Social Security and evading the balanced budget amendment. This course risks devastating both Social Security and our Nation's economy by allowing the dangerous spending spree to continue as it has in the past. Our growing national debt threatens the strength of our Government, our economy, and our Nation for future generations.

As we have pointed out in our balanced budget debt tracker, every day that we have debated our budgetary deficit has grown from the $4.8 trillion that we started with, at a rate of over $829 million a day. We are now on our 16th day since we started this particular debate, and we now have a national debt that has increased $13,271,040,000 just in the 16 days that have expired since we started this debate.

Mr. President, the debt is the threat to Social Security. We need to enact a rule into the Constitution to end this process of spending our children's legacy and threatening our ability to meet our commitments to retirees by running up a mountain of debt that we may not be able to service much longer. Let us reject all loopholes like this one offered by the Senator from Nevada, one which ironically could endanger the very program the exemption proponents are attempting to save, and which could gut the balanced budget amendment, our last best hope for setting the Nation's fiscal house in order. Let us table the Reid amendment now, and any others like it that may be offered hereafter.

Mr. President, may I ask the Chair how much time we have remaining?

The PRESIDING OFFICER. The Senator has 1 minute 45 seconds remaining.

Mr. HATCH. I reserve the remainder of my time.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I spent a lot of time yesterday talking about honoring honesty. It occurred to me, as I was driving home last night, that no group better exemplifies those virtues than the generation now most dependent on the solvency of Social Security—that is, the Social Security trust fund—and that is the generation that fought and won World War II.

There are now events honoring those that fought and died and survived places like Iwo Jima. Yesterday, there were events that signified the fact that

50 years ago there were 2 days of intensive bombing in Germany. These grizzled veterans had a clear notion of right and wrong. They were fighting to protect future generations against the tyranny over the minds and souls of man so dark and so bloody that it had to be eradicated. They were fighting, Mr. President, for decency and for honesty, for dignity and even honor. They were fighting not only for themselves, but for their children and for unnumbered generations yet unborn.

Though there are a sprinkling yet of these heroes still serving, even in this Chamber, those victors of World War II have largely passed the torch to new hands.

Are we, Mr. President, to let its light go dim when we pass it on to the next generation? We bear—we Members of the U.S. Senate—the same responsibility to those generations yet to come as we did and do to the heroes of that great conflict.

We are faced today with a decision of whether to abrogate moral responsibility or to face it squarely and honor a promise we have made to the American people. If we fail to keep that promise, if we break our word, we have twice failed that generation of giants. We have threatened their security in the years when the old soldier should be warmed by the fireside and his widow comforted.

Even worse, I think, in the eyes of those heroes is we have also failed to keep the commitment they made to those generations yet unborn: The promise of security for the old, the orphaned, and the infirm.

If we fail to keep that promise, may we be forgiven, for I daresay the American people have a very long memory. May we honor their memories by our vote today, by protecting the Social Security trust funds.

I reserve the balance of my time.

Mr. GRASSLEY. Mr. President, I sympathize with the amendment offered by Senator REID. But, for several reasons, I am not going to support it.

Mr. President, I do not believe that the benefits of current Social Security retirees are threatened by this amendment. For several very good reasons, those benefits will be protected as we begin to move toward a balanced budget.

It is important to remember that a balanced budget amendment will have to be implemented by enabling legislation which specifies what spending reductions and revenue increases are to be made.

In developing such enabling legislation Social Security is certain to fare well. This is true for several reasons. The Social Security Program has always enjoyed strong support in the Congress. The political power of increasing numbers of older people dependent on Social Security will certainly help to protect the program.

It is also important to remember that the Social Security system is currently running large surpluses. I believe that the income to the retirement fund from the FICA taxes will exceed the amount needed to pay beneficiaries this year by around $69 billion. So the Social Security Retirement Program is not part of our deficit problem.

Several existing statutory provisions also protect the Social Security Program. They establish a firewall around the program. They do so in the following ways:

Any legislation which worsens the actuarial balance of the Social Security trust funds is subject to a point of order requiring a three-fifths vote of the Senate to waive.

Section 310(g) of the Budget Control and Impoundment Act stipulates that a point of order, requiring 60 votes to override, may be brought against any provision in a budget reconciliation bill pertaining to the Old Age, Survivors, and Disability Insurance Program established under title II of the Social Security Act.

This provision of the Budget Act makes it very difficult to alter the benefit and tax structure of the Social Security Program. Essentially, it requires 60 votes, rather than a simple majority, to pass changes in the Social Security Act program through reconciliation legislation.

Finally, the leadership of the House of Representatives and of the Senate has promised not to touch the Social Security Retirement Program for at least 5 years.

Mr. President, I said that I did not believe that Social Security would be the target of deficit reduction efforts and I said also that I do think that that is necessary.

In the long run, however, the Social Security Retirement Program faces a major imbalance between its own income and expenditures. And in the long run, therefore, there will have to be changes made in Social Security. I think everyone understands that. A number of Senators who have spoken in this debate in favor of the amendment to take Social Security out of the balanced budget amendment have acknowledged this point.

The most recent reports of the board of trustees of the Social Security trust funds, released in April 1994, concluded that the trust fund faces longer range funding problems.

The trustees predicted that the disability part of the system would become insolvent in 1995. They expected the buildup in the retirement part of the system to peak in the year 2020, and then be drawn down as the number of baby boomers drawing Social Security retirement increases rapidly after they begin to retire in the year 2010. The trustees estimated that the retirement fund would be exhausted by the year 2036.

Legislation enacted late last year will keep the disability trust fund solvent until the year 2015. With the enactment of that legislation, the retirement fund begins to spend out more than it takes in in approximately 2013. According to recent estimates, that retirement fund will be completely exhausted in approximately 2030.

Mr. President, I do not believe that excluding Social Security from the balanced budget amendment is going to protect the program from very difficult decisions in this longer range future I am describing.

After 2030, the non-Social Security operating accounts of the Federal Government could be in perfect balance. They would be required to be in balance by the balanced budget amendment.

But the Social Security deficit after 2030 could grow to huge proportions as the gap increases between the income to the trust funds from the FICA taxes, and the benefits paid out to beneficiaries.

If those Social Security trust funds themselves face a large Social Security deficit, how are we going to pay the benefits due to the baby boomers and the generation X'ers who follow them?

We are not going to pay those benefits from the trust fund surpluses shown on the books of the Social Security Administration. A number of Senators have already noted that, given that we have been running a large deficit for some years, the Social Security surpluses have already been spent on the operating expenses of the Federal Government. The trust fund balances will continue to be spent for other Federal activities as long as we are running a deficit in the operating accounts of the Federal Government. This happens whether or not Social Security is an independent agency. It happens whether or not Social Security is displayed on-budget or off budget. It will happen even were we to accept this amendment to take Social Security out of the balanced budget amendment.

This happens because the balances in the Social Security trust funds are held in the form of Treasury securities—loans to the Treasury in return for which the Treasury essentially issues IOU's to the Social Security Program. When the time comes for the Social Security Administration to redeem those IOU's, the Treasury will have to find the money to pay them.

Achieving a balanced budget at some point in the future will help reduce this drain on the Social Security trust funds. But by the time we have arrived at that point we will already have spent on other Federal activities tens of billions of dollars from the Social Security funds. Those funds are not going to be there when the Social Security Administration goes to the Treasury to make good on the IOU's it holds.

Thus, when that time comes after the baby boomers begin to retire, we will face some difficult choices. We will have to substantially raise Social Security taxes. Or we will have to float massive new debt. Or we will have to cut back on benefits.

Mr. President, I am confident that the Congress will act to guarantee that the Social Security promise will be there for future generations. I am not able to say exactly how we will do that. But I remember back to the early 1980's when we had to form the National Commission on Social Security reform to figure out how to save the system from bankruptcy. We saved the system then, and we will do whatever we have to do in the future to guarantee the integrity of the system.

When that time comes, I do not believe that having Social Security out of the balanced budget amendment will shield us from the need to do one, or some combination, or those things—raise payroll taxes, float more debt, or reduce benefits—in order to maintain the integrity of the Social Security Program.

Mr. President, it is obvious that we cannot wait until the year 2030 until we begin to make changes in the Social Security Retirement Program. The baby boomers begin to retire in the year 2010. Once they have entered retirement, it will be difficult to make the chances that will be required. It will be difficult both because it would be unfair to change the terms of retirement for people already retired, even though the last Congress did just that when it raised the percentage of Social Security benefit subject to the personal income tax for retirees above a certain income level. And it will be difficult because the big baby boom generation will resist changes in the program.

So, Mr. President, certainly not later than 10 years from now the country, and the Congress, is going to have to face the pressing need to make changes in the retirement program that will go into effect not later than the year the baby boomers begin to retire. That is not a long time in the development of public policy.

Mr. President, it is important to remember that large Federal deficits threaten the Social Security Program. In fact, I do not think it is an exaggeration to say that they are the main threat to the current, and especially the future, Social Security Program. Social Security benefits to retirees re drawn from the wealth of the society into which they retire. Current and future economic health and prosperity are thus the first line of defense for the current and future Social Security Program.

Most economists believe that growing deficits result in lower productivity and lower living standards. As real wages decline because of large Federal deficits, there will be increasing resistance to paying the taxes necessary to support the Social Security system. Growing deficits also contribute to high interest rates and growing Federal interest payments for Federal debt. Such interest payments can crowd out other spending, including spending for Social Security. Currently, interest payments on the Federal debt are around $300 billion per year.

It is very important that we begin to get a grip on our deficit spending habits and I think that passage of this balanced budget amendment is the best way to do it.

I want to make one other point, Mr. President. And that is that we must remember that we are considering an amendment to the Constitution of the United States. As a former member of the Constitution Subcommittee of the Judiciary Committee, I had ample opportunity to reflect on the Constitution. That document establishes the basic structure of American Government. It does so with just a few thousand words. Those words outline fundamental principles of our governmental system. They outline fundamental relationships between the branches of Government.

Surely it is inappropriate to include mention of any statute, even a statute as important as the Social Security Act, in a document such as the Constitution.

This is not a precedent we should establish. Once we have added mention of the Social Security Act, what other statutes will future Congresses be tempted to add—statutes which provide veterans benefits? Statutes which provide medical care to the elderly?

We should remember that a constitutional amendment should provide general guidance on basic principles or concepts.

Mr. ABRAHAM. Mr. President, I rise to oppose the amendment offered by Senator REID. The purpose of the amendment is basically sound—to protect Social Security from budget cuts. Most of us support this.

However, in my view, the Reid amendment will likely fail to protect Social Security as well as the intent of the balanced budget amendment—to eliminate billions of dollars of annual deficits.

Right now, we fund Social Security and run up billions of dollars of debt. What the American people want is to protect Social Security from cuts and to put an end to deficits. That is what we propose.

The American people are saying that $1.5 trillion in taxpayer dollars is enough. Spending 19 percent of national income on Government is enough. They want us to make it work.

But this amendment will have as its long-term effect funded Social Security and billions of dollars in annual budget deficits. This is true because although Social Security will have the political clout to remain a funding priority, the Social Security trust fund will begin to run operating deficits in the year 2013 and will be completely exhausted in the year 2029. Thereafter, Social Security will run large annual budget deficits. While I am confident the Government will continue to make these transfer payments, I am equally certain we will not pay these bills if Social Security is not contained within the balanced budget amendment.

Furthermore, in the short term, this amendment will produce cuts in all other spending programs which will make the cuts opponents of the balanced budget amendment have described as draconian, seem trivial.

For instance, many Senators who support the Reid amendment have warned that in order to balance the budget by 2002—hold harmless national defense, Social Security, and interest on the debt, and pay for the Contract With America's tax cuts, all other Government spending programs would have to be cut by 30 percent across the board.

The irony is that the Reid amendment would have the practical effect of forcing even deeper cuts in Government programs than those about which Senators on the other side have expressed concern.

Here is how this would occur. According to the Congressional Budget Office, the accumulated Social Security trust fund surpluses will total $636 billion from 1996 to 2002. If we were to remove that surplus from the budget, the annual budget deficit will increase accordingly—and the required reductions in spending would be much more than 30 percent if we must balance that portion of the budget not included in the Reid amendment.

At last Wednesday's Budget Committee hearing, I asked Office of Management and Budget Director Alice Rivlin to give me a rough estimate about how much more spending would have to be cut in all other areas of the budget if we totally remove Social Security from the rest of the budget as this amendment suggests.

Dr. Rivlin told the committee that all other Government programs would have to be reduced by 40 percent. According to the Congressional Budget Office and the Senate Budget Committee staff, spending would have to be reduced across-the-board spending cuts between 40 and 50 percent.

In other words, the amendment will produce massive short-term budget dislocations and no long-term end to the red ink. Accordingly, I will oppose it.

Mr. President, the simple fact is that today Social Security will be protected from budget cuts because an overwhelming number of Congressmen and Senators will vote to protect it. It will be protected after the balanced budget amendment is passed because that same group of Congressmen and Senators will vote to protect Social Security in the balanced budget enabling legislation. And in the future, it will be protected. This is because Social Security will always be able to compete effectively as a budget priority, especially as the number of recipients increases as a percentage of the electorate.

Mr. President, I urge my colleagues to oppose the Reid amendment because it fails to protect both Social Security and the intent of the balanced budget amendment.

I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, Social Security is without a doubt the most important and the most successful program Government has created in the entire 20th century. We hear a great deal these days about the Contract With America. With all due respect to the drafters of that document, I agree with Senator BYRD—the only contract I have with America is the Constitution of the United States.

However, a close second to the Constitution is the Social Security contract. Social Security represents a real contract with the American people. It represents an almost sacred trust; and our job, as fiduciaries of that trust, is to act with prudence and responsibility, so that Social Security will be there when Americans need it.

The Social Security Act was signed into law by President Franklin D. Roosevelt on August 14, 1935. In 1934, in a speech outlining the objectives of his administration, President Roosevelt stated that,

> Our task of reconstruction does not require the creation of new and strange values. It is rather the finding of the way once more to known, but to some degree forgotten, ideals and values. If the means and details are in some instances new, the objectives are as permanent as human nature. Among our objectives, I place the security of the men, women and children of the Nation first.

Accordingly, President Roosevelt announced that he would be sending to Congress a proposal to "Provide security against several of the great disturbing factors in life—especially those which relate to unemployment and old age." That proposal, of course, became what is now our Social Security system. When signing the legislation into law, President Roosevelt noted:

> We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.

Sixty years after President Roosevelt uttered those words, his vision has become reality. Social Security has helped millons of Americans avoid living out their final years in destitution. In fact, there is probably no other Federal program that has made such an extraordinary difference in the lives of so many Americans.

As a result, Americans view Social Security as a binding commitment, valid, and enforceable against the Federal Government. It has achieved a special status, and is viewed with reverence by current beneficiaries—and even by many baby boomers, who will be collecting Social Security benefits much sooner than we like to think.

But the same is not true for those in our younger generations. As many of you in this body know, I have a 17-year-old son, Matthew. I have mentioned him often during the course of this debate, because the most fundamental issue at stake in the balanced budget amendment debate—whether the American dream will be alive and well for the next generation and beyond—is so critically important to Matt, and to the rest of his generation.

When you speak to people who are Matthew's age, one thing becomes clear. Young people today—members of the so-called generation X—have absolutely no faith that Government will be there for them when they need it, that it will help them enjoy retirement security, or affordable health care, or the opportunity to enjoy a higher standard of living than their parents had.

And why should they, Mr. President? Since my son was born in 1977, he has never seen a balanced budget. He has no idea what it means to live under a Federal Government that spends within its means. He has heard politician after politician promise to balance the budget, yet has only seen the deficit skyrocket.

Our children have been told, time and time again, that a brighter day is just around the corner. They have been told that the Government will provide for people—including them—in their old age. The Federal Government has told them, time and time again, to trust me. But our children are not stupid. They are every bit as informed and aware of the political system, and how that system impacts on their lives, as we were at their age. And the failure of politicians to face the facts and acknowledge the difficult choices we face—politicians who would prefer to sweep our fiscal problems under the rug to score points with current voters, at the expense of future generations—has fueled a cynicism about Government that grows deeper and deeper every day, notwithstanding all our efforts to convince people that a brighter day is just around the corner.

The current debate surrounding Social Security—whether it should be on or off budget; whether proposals to keep it off budget should be included in the text of the constitutional amendment itself, or instead be dealt with in implementing legislation—only feeds public skepticism. I spoke the other day of my work on the Entitlement Commission. I believe that one of the most important messages delivered by that body was the warning that, if Social Security is to remain viable well into the next century—allowing it to ensure retirement security for my son Matthew and beyond—there must be reform, Congress must act. Indeed, according to the Social Security trustees, reform is the only way to ensure that Social Security will be there for my son.

I realize that, anytime you mention Social Security reform, people get scared. But there is no reason to fear Social Security reform. Reform will not lower, by even 1 penny, the amount of benefits collected by any current Social Security recipients, or of anyone old enough to be thinking seriously about retirement. Indeed, if the changes are to be viewed as legitimate, they must be known well in advance. They must be long term ones, phased in gradually over time, when an opportunity for all Americans to fully participate in the dialog and debate over what form those changes should take. There are numerous options for reform, but it would be wrong for this Congress to choose any of them in advance of expensive consultation with the American people as to why reform is necessary, and what the merits and problems each option for reform presents.

However, the bottom line is that this debate must take place, a bottom line that is in no way affected by whether Social Security is kept on or off budget. In the long run, it makes no difference. Without reform, we will not be able to keep Social Security's promise to Matt and millions of other Americans.

We need to tell the American people the truth, Mr. President, about our budget problems generally, and about the need for long-term reform of Social Security specifically. The American people don't fear the truth. Far from it. They want to know the truth, and I am confident, that once they have it, they will want Congress and the President to do what the facts require—to act to keep Social Security secure for future generations and to restore real budget discipline to the Federal Government.

Among the truths Americans have a right to know is this one: America is graying, due both to longer life expectancies and the aging of the baby boomers. When the Social Security system was established, the average life expectancy was 61 years; now, it is 76. This simple truth has numerous implications. Social Security benefits are funded primarily from payroll taxes on current workers. As our population ages, and as the baby boom generation retires, there will be fewer workers to support more retirees. While in 1990 there were almost five workers for each retiree, in 2030, there will be less than three. What that means is that, if current trends remain unchanged, the Social Security trust fund will begin to pay out more than it takes in by 2012. By 2029, the fund will have exhausted all of its previously accumulated surpluses. In other words, without long-term reform, Social Security will not be able to fully meet the promises it has made.

Now, it is true that the long-term Social Security imbalance doesn't have to be fixed today. But it is also true that the longer we wait, the more unnecessary risk for future Social Security recipients we create. So we should act—now.

What we have before the Senate today, however, are not proposals for reform that will guarantee Social Security's long-term solvency. Instead, what we have is a proposal to constitutionally reform Social Security from the budget. Frankly, Mr. President, if I thought this proposal would make any difference at all to the long-term prospect for Social Security—if it would make Social Security's future any more secure at all—I would oppose any balanced budget constitutional amendment that did not include it. More than that, I would filibuster around the clock to prevent the passage of any constitutional amendment that did not contain the Social Security proposal now before us.

And I have to say that I strongly support the idea of taking Social Security out of the budget for purposes of helping the American people understand what our real budget problems are—and what it will take to solve them.

The truth is, however, that this proposal has a short-term focus when our budget problems, and protecting Social Security's future, demand a long-term solution. And the truth is that even adding a provision to the Constitution to take Social Security out of the budget will not be able to accomplish that goal in anything other than in an accounting sense.

I share the view that decisions involving Social Security should be made only for Social Security-related reasons. I do not think Congress should ever make changes in Social Security to solve problems in other areas of the budget. Unfortunately, taking Social Security out of the budget, even via constitutional amendment, cannot guarantee that. Only the continued active involvement of the American people, only their continuing interest in keeping the Social Security compact intact, can guarantee that.

It is true that for the next 15 to 17 years, Social Security will be running a surplus—it will be taking in more than it spends. I agree that the existence of these annual surpluses does make the consolidated budget deficit look smaller in the relatively short-run. But that surplus is a temporary phenomenon. After about 2012, Social Security will be paying out more than it takes in. After that point, Social Security will be consuming its accumulated surplus.

The temporary or permanent nature of the surpluses perhaps would not be important if it were actually possible to take Social Security completely out of the rest of the Federal Government. However, as long as the Social Security system buys Treasury bonds, it is not. The simple truth is that taking Social Security off-budget won't raise or lower the amount of bonds the Treasury Department will have to issue between now and the year 2002—the date the balanced budget is supposed to be achieved—by even $1.

Right now, the Treasury Department is selling bonds to the public, both here and abroad, and to the Social Security system. Whether Social Security is part of the budget or not, it will buy exactly the same amount of bonds. And that means that, whether Social Security is part of the budget or not, the Treasury Department will be selling exactly the same amount of bonds to the public—and it is the amount of bond sales to the public that is the real measure of Federal deficits in any given year.

On the other hand, if by the year 2012, when the Social Security trust fund ceases to take in more money than it pays out, the Government will be required to pay off those Treasury bonds. Whether Social Security is part of the budget or not is irrelevant to the fact that the Treasury Department will have to find the cash to pay off those bonds. And there are only three basic ways to do that: issue new bonds to the public, thereby increasing Federal deficits in those years, raising taxes by the amount necessary, or cutting spending on other programs by the amounts needed.

Talking Social Security out of the budget, therefore, does nothing to make our long-term budget problems either better or worse. It does nothing to protect Social Security from the rest of the budget, because Treasury bond purchases and sales continue to bind Social Security tightly to the rest of the budget. And perhaps most importantly, it does nothing to protect the long-term future of Social Security.

After all, as we vote on the balanced budget amendment, we have to keep our eyes on the prize. The point of this exercise is not simply to balance the budget by the year 2002. The point is to ensure that the budget stays balanced, not merely in 2002, but in each year thereafter. Without taking the steps necessary to reform the Social Security system, it will be impossible to ensure the budget stays balanced.

Mr. President, I know it is not popular to talk about reforming the Social Security system. But the people back in Illinois who sent me to the Senate told me that it was important for politicians to level with the American people. They told me it was important to stand up for what is right, to end the conspiracy of silence surrounding our Nation's fiscal programs—including long-term problems facing Social Security—and to end the practice of ignoring the facts that are staring us in the face.

As I have said before, the American people are tired of the cynical manipulations, the smoke and mirrors, that have been used to obscure our budget problems in the past. The people know that getting our fiscal house in order will not be easy, and certainly will not be painless, but the long-term consequences of not acting are far worse than any short-term pain.

We have to take actions that will actually make a difference, instead of just making us feel good. We need to define the objectives that are important to us as a nation, then work to see how we can most effectively accomplish those objectives. On the issue of retirement security, the American people have spoken loud and clear: there are few, if any, goals as important to Americans. But deciding that the Government should provide old age security is only half the battle; in order to succeed, we need to continuously keep our eyes firmly fixed on the future.

Mr. President, the other day when I spoke of why it was so important that Congress act now on the balanced budget amendment, I pointed out that the Federal deficit for the current fiscal year—estimated at $193 billion—would not exist if the huge increases in our national debt run up during the 1980's had not occurred. This year, and next year, the budget would be balanced if not for the reckless supply-side economics that caused the deficit to balloon from its 1980 level of about $1 trillion to its current level or more than $4.7 trillion. If we had acted in 1980 to tackle the deficit, rather than adopting programs that merely fed its rapid growth, the problems we face today—in terms of demographics, and the aging of the baby boomers—would seem much more manageable.

We, therefore, need to acknowledge that not acting will not make our problems go away. Our ability to guarantee retirement security for all Americans will be much greater if we begin reform of the system now. We need to face Social Security's long-term future not for any reason connected to the rest of the budget, but to meet our responsibility to future generations of Social Security recipients. We cannot afford to let any distractions related to budgetary accounting keep us from acting on what is really important—keeping Social Security viable.

Because taking Social Security off budget does not help us keep the promise of Social Security alive for future generations, including my own son, I cannot support it. What I do support is keeping Social Security's contract with the American people. And keeping that contract, by acting to protect the long-term integrity of the Social Security system, will help bring greater integrity to the Federal budget generally—and that is a fringe benefit that will help every American.

Mr. CAMPBELL. Mr. President, I would like to take this opportunity to respond to the amendment introduced by my friend, the Senator from Nevada, [Mr. REID] and my other distinguished colleagues on this side.

Social Security, as well as Medicare, has been one of the more successful government-run programs in the history of this country. Every hard-working, taxpaying American participates in these programs—we all have a vested interest in the Social Security program whether we are present or future beneficiaries.

As it stands now, Social Security is set up to go bankrupt in 2029. Only a few years ago, the Social Security program was projected to go broke in 2036.

I acknowledge the fact that Social Security may be on the caboose of this balanced budget train because of its current surplus versus other more problematic programs like Medicare and Medicaid, but this program is still connected to the budget as a whole.

This Senator believes Social Security is vital to a high quality of life for all Americans. It is my belief that the Senators who are offering this amendment are doing so because they, too, believe Social Security is vital to our Nation.

There are indications that an exemption for Social Security is the only way to get the balanced budget amendment through the Senate. As a supporter of the balanced budget amendment, I hope that is not the case. Even so, to keep one of the largest programs in the country out of the balanced budget discussion is fiscally irresponsible and wrong.

It is wrong because it would provide constitutional protection to a single statutory program—Social Security. The Constitution should not be used for this purpose. There are sound reasons to consider ways to keep Social Security solvent beyond 2029 in the coming years. Codifying Social Security in the U.S. Constitution prevents Congress from considering anything that may in fact be intended to preserve Social Security for the future.

The Constitution is not the place to set budget priorities, nor to enshrine statutes passed by Congress. Congress can exempt Social Security through statute.

I would also ask why not, if Social Security, any other worthy program? The argument that Americans have paid into Social Security and should not be denied getting those benefits rings hollow when we all know for a fact that a majority of current and past retirees are receiving or will receive far more in benefits than what they paid into Social Security plus interest.

Americans also pay into a variety of very good and worthy programs as well, in the form of taxes. Should those worthy programs also be exempted using that kind of argument?

Keep in mind that the balanced budget amendment does not specify where the cuts will take place. This language only forces Congress to balance the budget by the year 2002. Year after year, Congress will have the authority, should this measure pass, to choose what cuts will come from what programs.

Social Security would not necessarily have to be cut. This hype we are getting about how necessary it is to have a Social Security exemption in order to preserve benefits is driven by powerful lobbying groups and is unjustified. You and I know that Congress will not vote to cut Social Security benefits to those who need those benefits.

There may be trimmings of benefits for the wealthiest of Americans, but we are not about to vote to deny benefits to the millions of Americans who rely on Social Security as their only source of retirement income. So a constitutional exemption is not necessary.

To prioritize which program or programs are worthy of exemption in the balanced budget amendment will only chip away, piece by piece, the value of a balanced budget amendment and pit one program against another.

Let me take just a few more minutes and read to you a couple letters I have received this month from Coloradoans regarding the treatment of Social Security and Medicare, the two largest entitlement programs in our Federal budget. Take for example, Donald Kynion, from Walsenburg, CO, who says:

> I feel you should do what is best for the country. If changes in Social Security and Medicare are necessary then make them. Cut spending and too much government!

Or listen to 72-year-old Edith Seppi from Leadville, CO, who says:

> I hope you will be fair to all Americans and pass legislation that will cut the debt, even if we all must be a part of the cuts. I hope interest groups will not control the decisions you make. I hope you do what you believe is best for our country. So, count me in on the side that says do the best that you can.

Doing the best that we can, is not allowing certain privileged programs to be exempt from this difficult task of balancing our budget.

If a family was forced to balance their budget for the month, could they be successful by omitting their mortgage payments? Where should this family then get the money to make this payment? Where then should Congress find the funds to pay the baby boomers when they retire?

I beg my colleagues not to exempt any program, no matter how successful or useful it is to us, from the balanced budget amendment. If we are forced to balance the budget, all programs on this train, whether they are Medicare, veteran's pensions, unemployment compensation, SSI, and Social Security, will have a chance for a better tomorrow if we balance our budget today.

The balanced budget amendment gives this country hope for a better quality of life further down the tracks. Let us not derail this effort.

Mr. BIDEN. Mr. President, for years now, from the first time this amendment to balance the budget came before us, several of its features have caused me concern.

In addition to the constitutional issues involved in how we will enforce a balanced budget, and the lack of any provision for long-term investments, I have been most concerned by the inclusion of the social security trust fund in the budget that House Joint Resolution 1 requires to be in balance each year.

Those concerns have been the grounds not only for my statements here on the Senate floor, in the Judiciary Committee, and elsewhere, but also for my votes in the last two sessions of Congress.

Last year, I voted for a constitutional balanced budget amendment, one that excluded Social Security from budget calculations.

Back in my State of Delaware, my constituents share my concern about the Social Security trust fund, so when I raise that issue here I am speaking about their worries as well as my own.

Social Security is a unique program with a unique impact on our budget. That is why we voted, 98 to 2, to take it offbudget in 1990.

Here on the Senate floor, Senator REID and Senator FEINSTEIN have shown us the exact language with which we took Social Security offbudget in the 1990 budget agreement.

By the way, Mr. President, we all owe them our gratitude for raising this issue, and for leading the defense of Social Security here on the floor.

That 1990 agreement was made between the bipartisan leadership of Congress and President Bush.

We took that step for a very good reason, Mr. President. We were undertaking significant budget reforms and deficit reduction, and concluded that the most honest bookkeeping procedure would be to keep the Social Security trust fund out of the calculations of the annual budget.

I see no reason to reverse that decision now, particularly in light of its effects on future deficits, and certainly not in the Constitution.

The Social Security trust fund holds a unique position in our political system, and it deserves special consideration as we set a course for the Federal budget that could last for the next 200 years.

The Social Security system has been the very symbol of the National Government's promise to provide a safety net under those who contributed to the trust fund, and by, extension, to this country's prosperity.

Ironically, that same system that has been for so many years a symbol of a promise made and a promise kept is now seen by the generation just moving into the work force—the generation of my sons and, in a few years, my daughter—as a symbol of the Federal Government's duplicity and irresponsibility.

We have all heard that humorous opinion poll finding, that more young people today believe in UFO's than believe that the Social Security system will be there for them when they need it.

That might be funny, Mr. President, if it were not such a sad commentary on the attitude of our young people about our Government more generally.

Of all the harm our inability to manage our finances has caused, that may be the most damaging—the declining faith in our Government's ability, even willingness, to keep its word.

There are of course many reasons for the cynicism of our young people, which is just part of a wider national disaffection.

But at the top of anyone's list of reasons must be the perception that Social Security—the symbol of a responsive Government for my parents' generation—has become for my children's generation the symbol of a Government that takes from the unorganized and gives to the people with the best lobbyists.

For my parents' generation, Social Security is symbol of a Government guarantee of a secure future; for my children's generation, it is a symbol of why they are increasingly insecure about the future.

I'm afraid, Mr. President, that keeping Social Security in the budget—by constitutional mandate, no less—we may well prove those skeptics right.

Let there be no mistake, Mr. President, the money in the Social Security surplus—$69 billion this year alone, and it will accumulate to nearly $3 trillion by the year 2020—will be far too tempting for us if we are to be bound by the Constitution to balance our budgets.

Those funds could be used to ease a lot of short-term pain as we face the major budget choices needed to lower our deficits.

It is precisely because we do not trust ourselves or future Congresses to write responsible budgets that we are considering this balanced budget amendment right now.

If we leave an extra $3 trillion on the table do we really expect that we will leave Social Security alone?

This fiscal year, we will have the benefit of a $69 billion Social Security surplus, that under the terms of the balanced budget amendment, we would be constitutionally allowed to use to make the deficit in the rest of the Government's operations look smaller.

By the year 2002, that Social Security surplus will be $111 billion. Every year thereafter, the annual surplus will grow, as it should, to cover the future obligations of the Federal Government to Social Security beneficiaries.

And therefore, every year the task of balancing the budget to meet the requirements of the balanced budget amendment will be that much easier. At least, Mr. President, for the short term.

Mr. President, by the very logic that led to this debate today, we will use that money to delay those tough choices for future decades.

If we lack the will to do the right thing about our deficits without a constitutional requirement, why should we be trusted to leave Social Security alone if its surpluses will help us avoid some of the political pain of complying with the Constitution?

The Social Security system is not the cause of today's deficit problem; it should not be made the short-term solution for those problems, either.

That is why we should protect Social Security by accepting the Reid amendment.

To be sure, the system faces its own imbalances—even monumental deficits—all too soon, when the baby boomers retire.

At that time, the Social Security system will begin a freefall into deficits that will eventually swamp the rest of the Federal budget in red ink.

At that time, our problem will be the reverse of the short-term temptation to use the current surplus to mask the cuts needed to get the rest of the budget into balance.

When the Social Security trust fund heads south, when its surplus becomes an increasing deficit, we will then be scrambling to find ways to cut the rest of the budget to accommodate the requirements of the Constitution.

The Social Security balances will accumulate surpluses up to roughly 2020, when the whole system just falls right off the table, as we spend out at a rapid rate to meet obligations to an increasing number of retiring baby boomers who will be supported by a declining number of workers.

The Social Security system's financial problems are driven by a number of factors, some of which we can control. But there is one factor that will always be beyond our control.

Demographic trends—the most famous of which we call the baby boom—will determine how many beneficiaries will be receiving benefits from the system and how many workers will be paying their payroll taxes into the system.

The Social Security system—no matter how well our policies are designed—cannot be balanced on an annual basis but must be balanced over decades, even over generations.

Therefore, unless we do away with Social Security all together, the balanced budget amendment will mix—in the constitutional definition of the budget—programs with very different balances.

I might add that is the same problem we will have if we neglect to provide for a capital budget, a way of carrying the cost of long-term assets on our books without having to count them as a current expense.

By attempting to lump every kind of activity into a single definition of the budget, the balanced budget amendment ignores the kinds of distinctions we all make in our daily lives.

Mr. President, we all distinguish between our savings accounts, our mortgage payments, and our monthly checkbook balances.

We do not count our savings account balances—or the balances in our retirement accounts—when we balance our checkbooks every month. In the real world, it wouldn't do us any good anyway—we would still have to pay our bills.

Unless we intend to use that retirement account to pay our current monthly bills, that retirement account should not even be considered when we balance our checkbooks.

Unless we intend to use the Social Security surplus to cover annual operating expenses, Mr. President, there is no reason to keep the Social Security trust funds in the constitutional definition of our annual budget.

No one here would deny that Social Security needs fixing on its own terms. And, Mr. President, we all know that we will never give it the attention it needs if we are able to hide behind a constitutional definition of the budget that uses the surplus to mask the true extent of the deficit in the rest of the Government's operations.

I for one don't for a minute think that those choices—how to cut the deficit—will be made easier if we hold the system apart from the rest of the Federal budget.

They will not be made more easily if we accept this amendment, Mr. President, but they will be made more honestly.

Those tough choices should not be tangled up with the solution for other budget issues not caused by the Social Security system.

The Reid amendment will preserve the Social Security system's unique place in our laws, and will permit us to address its very real problems on their own merits.

That is, after all, only what the opponents of the Reid amendment say they want, too—to keep Social Security off the table when we start the cutting that will be required to comply with the balanced budget amendment.

If that's what they want, then let them join us in taking it off the table now.

Surely, they cannot argue that Senator DOLE's amendment that we accepted earlier provides the protection that Social Security needs and deserves.

As Senators HOLLINGS and HEFLIN have conclusively argued, once the Social Security system is included in the constitutional definition of the Federal budget, no mere statute or statement of this Congress' intention will prevent future Congresses from using the Social Security surpluses to comply with the balanced budget requirement.

So we can talk all we want about what we would do, or what we expect future Congresses to do. The Reid amendment takes care of this problem at its roots, in the Constitution.

Even with Senator DOLE's amendment, the temptation to use these funds—and the equally distressing prospect of saddling ourselves with those future deficits—will always be there.

Even now, Mr. President, despite the apparently bipartisan chant that we should keep our hands off of Social Security, there are other voices out there that we should be aware of, too.

The new Speaker of the House, in his opening address on January 4, referring to the balanced budget amendment, said, and I quote, "I think Social Security should be off limits, at least for the first 4 to 6 years, because I think it will just destroy us if we bring it into the game."

And the chairman of the House Judiciary Committee, during hearings on the balanced budget amendment, said that failure to include the assets of the Social Security system "would require us to make spending cuts more sweeping than currently contemplated."

In other words, the House chairman intends that those funds be available to make the transition to a balanced budget easier—to cover the deficit in the rest of the budget with the assets set aside for future Social Security beneficiaries.

It is statements like that, Mr. President, that make me more than a little concerned about the future of Social Security, especially now that the majority has rejected our call for a specific plan to bring our budget into balance.

Having failed to get any specifics about a plan to get us to a balanced budget, we are now asking a much narrower, more focused, and easier question: "Will you leave Social Security out of the constitutional definition of a balanced budget?"

Mr. President, that is all that Senator REID's amendment calls for—an honest accounting of one very important program. It calls for an honest accounting of how we will deal with the Social Security system.

Those of us who want an honest accounting will vote for this amendment. I cannot understand why anyone would vote against it.

Mr. NUNN. Mr. President, I rise today to announce my support for the Reid amendment to the constitutional balanced budget amendment. This amendment proposes to exempt explicitly Social Security from the constitutional balanced budget amendment.

I support the Reid amendment for one fundamental reason. Its passage would promote truth in budgeting to the American people. For the past 10 years, the surplus from the Social Security trust fund has been used to mask the size of the annual Federal deficit. Instead of being saved or invested to pay for the retirement of the baby boom generation in the next century, the surplus is being borrowed and used to pay for general fund obligations. Its use in this fashion understates the annual deficit by $70 billion in fiscal year 1995, and this amount will keep increasing each year between now and 2002, at which point the general fund will have borrowed $1 trillion from the Social Security trust fund. Over the next 7 years, the general fund will borrow and spend over $630 billion from the Social Security trust fund. I oppose the use of these surpluses in this fashion. I believe we are setting a fiscal time bomb for the next generation.

I understand well why many of my colleagues oppose the Reid amendment. Its passage would make the job of balancing the budget, a goal I support with or without the constitutional balanced budget amendment, more difficult. Under current projections, over $1 trillion in deficit reduction will have to be found over the next 7 years to bring the budget in balance by 2002. Not being able to use the Social Security trust fund surplus would require an additional $110 billion in deficit reduction in the year 2002 in order to balance the budget that year.

Budget cuts of this magnitude cannot be made painlessly, although there is a continuing search for such painless methods in order to avoid facing the tough decisions. Realistically, I think the passage of this amendment would mean also that the time frame for balancing the budget would have to be extended, probably by about 3 years.

There are some who are promoting the Reid amendment as an effort to avoid all tough decisions on Social Security and to pretend that the system can remain unchanged. I dissent from this view. We must dispel the notion that everything is well with the Social Security trust fund. The important findings of the Kerrey-Danforth Bipartisan Commission on Entitlement and Tax Reform clearly spelled out the demographic and fiscal challenges which confront the Social Security system. Thirty years ago, there were four workers for every Social Security beneficiary. Today, there are only three. Thirty years from now, there will be only two. If we do nothing, we know what awaits us. In 2013, receipts from payroll taxes will no longer pay for Social Security benefits. And their news gets even worse—in 2029, if no changes are made, the Social Security system will be insolvent.

Some who support this amendment view it as rendering Social Security untouchable. I not only disagree with this interpretation; I believe that considering Social Security untouchable will bring about the long-term insolvency of the Social Security program.

My reasons for voting for the Reid amendment are simple. I believe that we are courting fiscal disaster by continuing to use social Security surpluses for general funding programs—in effect putting IOU's from the general fund into the Social Security trust fund for these borrowed funds.

According to the Social Security Board of Actuaries, by the year 2013, when payroll tax receipts will no longer cover the cost of Social Security benefit payments, the general fund—the taxpayers of America—will owe the Social Security trust fund over $2.5 trillion.

This means that when the demographics turn around in 2013, the general fund will have to begin paying back the Social Security trust fund. At this point, the Social Security trust fund will remain solvent, but the general funds will be under severe pressure because of the debt which must be repaid each year.

The dilemma is that for the next 18 years, based on current projections, excluding Social Security from the constitutional balanced budget requirement will require a tighter fiscal policy and more efforts to balance the budget. Once the Social Security trust fund begins running a deficit, the exclusion will make fiscal policy less stringent.

I believe that we must begin to realize that we are mortgaging the future for the taxpayers in years ahead unless we balance the budget without using the Social Security trust fund surpluses. These surpluses should be invested in outside activities beyond the reach of the Federal Government, so that we will no longer borrow these surpluses and mask the true fiscal picture.

One of the three central findings of the Strengthening of America Commission, which I cochaired with Senator DOMENICI, was the need to balance the budget by the year 2002 without using the Social Security surplus. The Commission did not advocate a adoption of a balanced budget amendment, but the balanced budget amendment we have before us, as amended by the Reid amendment, would be consistent with the recommendations of our Commission: balancing the budget by the year 2002 without using the Social Security surplus. Our Commission, however, believed that getting to a real balance without using the Social Security surplus would require 10 years rather than 7.

I believe solutions for Social Security's long-term problems can be found and enacted in a fashion which will preclude cuts in benefits for current retirees or those about to retire, and provide for the long-term fiscal soundness of the Social Security system. But if we ignore the long-term challenges facing the Social Security system, its future is at risk.

I think it is important to note that the Reid amendment does not make Social Security a constitutionally protected benefit. It merely excludes it from the calculations under this amendment. The challenge of finding a way to keep the Social Security program solvent into the 21st century remains, with or without the Reid amendment. Indeed, even a constitutional amendment that did purport to guarantee Social Security benefits would be futile. The only guarantee that future benefits can be paid is future economic growth. No amendment can guarantee people a slice of a pie that does not exist.

I do not view this amendment as a vote to make a particular Government benefit program a constitutional right. I certainly do not view it as the first step in an effort to place one program after another outside the bounds of the budget process, exempt from scrutiny. Social Security is a unique program with a unique demographic and financial situation. It has a large surplus today, and it will have even larger deficits in the future. My vote for the Reid amendment is in recognition of the fact that we need two solutions: a long-term solution for Social Security, and a long-term solution for the rest of the Federal budget.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we have had a good debate on this amendment, as we promised the distinguished Senator from Nevada we would have.

I do believe now we have come to a point where we would like to conclude action on this very important legislation this week. We have been on it now, this is the 11th day, as I calculate. And I hope, I think, the votes are there. Or they are not there. The 67 votes are there or they are not there.

I think there is broad bipartisan support for protecting Social Security, though I must say, personally, sometime—the Entitlements Commission pointed out earlier—we will have to face up to some of these issues. Senator Danforth and Senator KERREY issued a report last December. But I think for the moment, everybody is willing to protect Social Security. We voted 83 to 16 to adopt a sense-of-the-Senate amendment stating we should not raise Social Security or cut Social Security benefits in order to balance the budget.

On Friday, we adopted a motion reaffirming that commitment by a vote of 87 to 10. We will be putting forward—and in fact, Senator DOMENICI is working on it right now—a 5-year plan to put the budget on a path to balance by 2002.

Our plan will not raise taxes. Our plan will not touch Social Security. Everything else, every Federal program, from Amtrak to zebra mussel research, will be on the table, including agriculture, which talk show hosts always ask me about, since I am from Kansas. Everything will be on the table.

I urge my colleagues on both sides of the aisle to vote to table the Reid amendment.

Mr. President, I move to table the Reid amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—57

Abraham
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McConnell
Moseley-Braun
Murkowski
Nickles
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nunn
Pell
Pryor
Reid
Rockefeller
Sarbanes
Specter
Wellstone

NOT VOTING—2

Ashcroft
Moynihan

So the motion to lay on the table the amendment (No. 236) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HATCH. I object.

The PRESIDING OFFICER. There is an objection.

The legislative clerk continued with the call of the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry Craig, Trent Lott, Bill Frist, R.F. Bennett, Kay Bailey Hutchison, Alfonse D'Amato, Jon Kyl, Fred Thompson, Ted Stevens, Olympia J. Snowe, John Ashcroft, Craig Thomas, Conrad Burns, Mike DeWine, Judd Gregg, Rick Santorum, Rod Grams, Lauch Faircloth.

Mr. DOLE. Mr. President, we have had, I think, now 10 or 11 days of debate. Nobody has been crowded. Everybody has been given all the time they need.

It seems to me, if we are going to continue with our work in the Senate—we have a number of matters we would like to bring up—we need to come to a vote one way or the other, a final vote on the balanced budget amendment. Knowing it takes 67 votes, and knowing there is bipartisan support, we have tried to approach it on that basis. I congratulate the Senator from Utah, Senator HATCH, and others, Senator SIMON and others who have been debating some of the very important issues—including Senator REID who has just completed I think 3 days of debate on an amendment.

What we would like to do—obviously we want to finish action on this measure by Thursday evening, this Thursday evening, if at all possible. That will be our intent. If not, we will come back on next Wednesday and finish it next week. I do not believe anybody—there was some misunderstanding on unfunded mandates. We thought we understood what was happening but then there was this big flap about there was not any committee report, even though we thought we had it understood if it would be printed in the RECORD that would satisfy concerns. So in this case it was the intention of the leadership on this side to make certain that would not happen. We did not want any misunderstanding. We wanted to protect every Member's rights.

Hopefully we have done that. Some just do not want the balanced budget to ever pass. They could care less if we ever vote on anything as long as we are eating up time. But we have the line-item veto, we have other measures that we would like to take up. So I hope, if the Senator from California intends to offer an amendment, we can get a time agreement. If not, we will have no recourse but to move to table amendments from here on to try to bring this matter to a conclusion. I think we have spent ample time. Some people have criticized us for spending too much time. I hope we could have some agreement to bring this matter to a conclusion by Thursday evening.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, the majority leader is certainly within his rights to offer the cloture motion. We understand his reasons for doing so. But I must say I am disappointed that he has seen the need to do so this soon. This is not just another bill. This is not just another amendment. This is a proposal to amend the Constitution of the United States for the first time in 200 years to directly affect the fiscal policy of this country.

We have only had the opportunity thus far to offer two amendments. As I have watched the debate I have been very pleased with the extraordinary participation on both sides on both issues. We debated the right to know for several days. We had a good vote. Unfortunately we did not get any Republican support for the effort to propose the right to know.

We then had a very good debate on the Social Security amendment that has just been completed. Again we had very little Republican support. But we have only had those two amendments, two very significant amendments. We have amendments relating to capital budgeting, additional amendments relating to natural disasters—issues that have a very consequential effect on how ultimately this amendment may be proposed to the Constitution. I certainly hope we could hold off on cloture votes and some effort to curtail debate, given the consequence of this amendment, given the legitimate concerns expressed, I think, by people on this side of the aisle with regard to just what ought to be a constitutional amendment on balancing the budget.

So I urge the leader, with all of the concerns he has with scheduling—legitimate as they are—to give us an opportunity to have the debate that this amendment deserves. As I say, we will debate a lot of issues in this session of Congress relating to virtually everything. But to have a debate longer on unfunded mandates or on congressional coverage than we have on a constitutional amendment to balance the budget would certainly not serve the country and not serve this body.

I certainly hope we can continue to have the kind of debate we have had, now, for several good days on issues that are of direct concern to the American people and certainly affecting the people in this body as we continue to come to some conclusion on this amendment itself.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am advised this is the 12th day, not the 11th day. I stand corrected. It will be 3 weeks Thursday we have been on this. I think we have spent far too much time on congressional coverage and unfunded mandates. It took 1 hour and 20 minutes in the House, we spent at least a week on congressional coverage. Unfunded mandates, we had people extending debate when they were for unfunded mandates. It passed 86 to 10. You kind of wonder what all the fuss was about. That took a couple of weeks. Now we are in almost 3 weeks on the balanced budget amendment.

What it will mean is we will not have any recesses this year. I can say very clearly, we can eat up all the time we want but it is going to come out of the calendar. It is not going to come out of anything else. If that is the wish of the membership—my view is we get paid for being here every day and we will be here every day. You can count on that, as I think one ad used to say, if we cannot move this legislation.

People are opposed to this amendment. They do not care if they talk for a week. They do not care how long they talk if they think they can kill the amendment and frustrate those who are for it on both sides of the aisle.

This is a bipartisan effort. I have not gone back to check to see the length of debates we have had in previous years on this amendment, but I doubt it has taken any more time or as much time as we have spent now.

So I would just say to the Democratic leader, I certainly understand the need for full debate. But I am prepared now to have a time agreement, if there is going to be an amendment by the Senator from California, for 2 hours for the Senator from California, 30 minutes on this side, and then have the vote.

If not, we will just have to move to table at the earliest possible time and that time will come sometime today or sometime during the night. So I hope we can work it out. Those who are opposed to the balanced budget amendment, we know they do not want to do anything but to frustrate the efforts of a clear majority in this body, hopefully 67 or more, who support the amendment.

So I ask the Senator from California if she intends to offer an amendment, and if so, if she is prepared to enter into a time agreement?

Mrs. BOXER. If we could have a quorum call then perhaps we can discuss it?

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the Chair and thank my colleagues, Senator DORGAN and Senator BOXER, for agreeing to a brief comment by me and also a brief discussion with the manager of the bill, the senior Senator from Utah, Senator HATCH.

I favor the balanced budget amendment and have on three votes since I have been in the U.S. Senate in the past 14 years. I think it is very important that the Government of the United States live within its means, just as every other government has to—the Commonwealth of Pennsylvania and every county in my State, every city and every other State in the Union, just as we must all do so as individual citizens. But I have a considerable problem with the amendment which we just voted on where I voted in favor of excluding Social Security from the computation.

Although I know my vote was on the losing side I wanted to express myself briefly on the subject and perhaps have a comment or two with Senator HATCH.

I have consistently voted to exclude Social Security from a constitutional amendment, going back to a vote on July 29, 1982, August 4, 1982, March 12, 1986, and March 1, 1994. I have also voted to keep Social Security off budget, a subject which was explained by my late colleague, the distinguished Senator John Heinz.

The concerns that I have are when we have a trust fund established for a specific purpose and specific contributions as a very basic principle of law, those funds ought to be used for no other purpose. And when the Secretary of the Treasury, James Baker, invaded the trust fund, I took the floor and said that, if this were a matter within the jurisdiction of the district attorney's office when I was district attorney of Philadelphia, this would be an appropriate matter for criminal prosecution because it is fraudulent conversion. You have a trust fund established for a specific purpose and when that purpose is violated by having the funds used for something else it is in fact a fraudulent conversion.

When we have a balanced budget amendment, I think it is very important that we not spend more than we take in. It is not truth in accounting where you have other funds, a trust fund like Social Security, figured into the accounting process, or we have the accounting processes on other trust funds, such as the airport trust fund and the highway trust fund where again, in my judgment, they ought not to be used in the computation of the balancing of our budget. Those are not funds for general revenue purposes. They ought not to be taken into consideration because they are set up for a specific purpose, like Social Security, the highway trust fund or the airport trust fund. I believe there is a very, very basic fundamental principle of law of such a nature that I would put it in the constitutional amendment recognizing the very high level of legal procedure which is embodied in a constitutional amendment.

I thank my colleague from Utah for being willing to have a brief discussion. The essence of my question to Senator HATCH is, is it not true that under the law the Social Security trust fund is set up for a specific purpose, to receive revenues, contributions made by citizens, contributions made by employees and employers for the specific purpose of paying benefits to those employees when they have reached the eligibility status at age 62 or 65, or whenever?

Mr. HATCH. The Senator is correct.

Mr. SPECTER. Will the Senator from Utah agree with me that the truth in accounting to have a balanced budget would be that we ought to calculate the revenues, the taxes which the U.S. Government receives and deduct from that the expenses of the U.S. Government without including the artificial raising of the revenues which are Social Security revenues, or for that matter even the highway trust fund or the airport trust fund?

Mr. HATCH. I would agree with the Senator—certainly as to the Social Security trust fund—as does the Senate. We voted last week 87 to 10 to direct the Budget Committee to find ways of balancing the budget without touching Social Security.

Mr. SPECTER. I thank my colleague for that answer. I appreciate the vote we had last week. I supported the amendment by the distinguished majority leader, Senator DOLE, to have that direction. But my followup question is: Is there any assurance that that direction will be carried out?

Mr. HATCH. There is assurance by the vote on the unfunded mandates bill concerning a resolution to this effect, which Members are on record as favoring overwhelmingly; and, the vote last week on the Dole motion to refer to the Budget Committee which was also overwhelmingly supported by both sides of the aisle; and the assurance that has been made on the floor by many that the implementing legislation will also work to establish what the distinguished Senator would like to have established, which is the protection of the Social Security trust fund.

Mr. SPECTER. I thank my colleague for that answer. When it comes to the unfunded mandates, I would suggest that is a significantly different category.

Mr. HATCH. If the Senator will yield so I may add a little bit more.

Mr. SPECTER. I so yield.

Mr. HATCH. Nothing under the balanced budget amendment will keep us from segregating accounts or running a surplus equal to or exceeding the value of the trust fund surplus. We have other trust funds like the crime trust fund, the highway trust fund, as the Senator has mentioned, and things can and will continue on as they have in the past; that is, we protect Social Security as we have always wanted to do, and I believe will do. So the amendment does not stop us from doing it as we have done in the past.

Mr. SPECTER. I agree with my colleague that it does not stop us from doing that, but the concern I have is that it does not tell us to do that.

Mr. HATCH. It does not; it does not require us to make any changes in the protections Social Security now enjoys.

Mr. SPECTER. I ask the distinguished Senator from Utah one other question about a field that I have had perhaps more experience than some, having been a district attorney for Philadelphia for 8 years.

Would my colleague agree with me that on the general principle of law where you have a trust fund set up for a specific purpose, such as contributions and specific beneficiaries, that if someone takes money from that trust fund for a purpose other than specified it is in fact a fraudulent conversion?

Mr. HATCH. I agree generally, except the Government is doing that every day as they give IOU's to the Social Security trust fund and take the money and use it for other expenditures in the Government; that is the law, and that is how the trust funds are dealt with under current law: the trust fund loans money to the Treasury in return for Treasury bonds. But I think the Senator makes a good point. I do not know whether we should call it fraudulent conversion as such. But I think we can certainly call it a fraud on the taxpayers to take moneys out of the Social Security trust fund that are dedicated to those who have paid into the trust fund on a monthly basis, and dedicated to those who deserve those funds.

Mr. SPECTER. I would accept my colleague's statement that it is a fraud on the taxpayers which is about the same thing as a fraudulent conversion, which I think is the technical term.

Mr. HATCH. The technical term would be a fraudulent conversion.

Mr. SPECTER. That would be a fraudulent conversion.

I find it is of great interest that my friend from Utah said except that Government does it every day, a multitime offender. It is not a 3-time loser or 33-time loser. It is a 33,000-time loser, maybe a 33 million-time loser, or 33 billion-time loser. That is the concern I have.

I have a very deep concern that there is not truth in accounting when, instead of taking our revenues and expenditures to balance the budget, we add other funds which are set up as a trust fund. It seems to me that this is such a very basic principle of law, trust law, criminal law, that it is worth embodying in the Constitution.

And then, of course, you have the concerns which the senior citizens of America talk about; whether they are being treated fairly and whether their trust funds are being segregated so that they will have funds when they seek to retire. That is an enormous concern with many, many of the elderly who worry about every political statement which is made and every 30-second campaign ad, let alone a constitutional amendment for a balanced budget which does not isolate and protect their funds.

I thank my colleague from Utah for engaging in this discussion. I thank my other colleagues for interrupting the regular schedule.

Mr. President, I support the amendment offered by the distinguished Senator from Nevada. In order to fully protect the earnings of our senior citizens and the generations that follow, I believe we must keep the Social Security trust fund set apart as it was meant to be.

I have consistently supported the interest of older Americans and future generations as a U.S. Senator. In March 1994, the Senate considered a substitute balanced budget amendment offered by Senator REID which would have, among other things, exempted Social Security from budget calculations. After very care consideration, I decided to vote for that amendment. I believe the Social Security trust fund is a self-financed program that must be preserved and protected. It is supported entirely by employer and employee-paid payroll taxes, and more importantly, it is a contract between Americans and their government. In addition, by law the fund must be self-supporting because it has no claim on general tax revenues.

My Senate voting record on the Social Security issue has been consistent. When the Senate considered a balanced budget amendment in 1982, I voted in favor of an amendment offered by Senator MOYNIHAN to exempt Social Security. A few days later I voted for another amendment authored by Senators Cranston and MOYNIHAN to exempt Social Security, and veterans' benefits, which our senior citizens depend upon. When the Senate considered a balanced budget amendment to the Constitution in 1986, I voted against tabling a Metzenbaum amendment to exempt Social Security. As I mentioned, in March 1994, I voted for the substitute amendment offered by our colleague from Nevada, Senator REID. And most recently, in January of this year, when the balanced budget amendment was being considered by the Senate Judiciary Committee, I voted against tabling an amendment to exempt Social Security authored by Senator FEINSTEIN.

I have voted several other times on the Senate floor to preserve the integrity of Social Security. In 1990, I voted in favor of an amendment by Senator Heinz to remove Social Security from inclusion in deficit calculations. In that same year, I voted for an amendment offered by Senator HOLLINGS to exclude Social Security trust funds from inclusion in budget deficit calculations.

I believe there is a prevailing view that we ought to leave Social Security alone and not subject it to budget cuts. I appreciate the need to reduce the Federal deficit while keeping Social Security fiscally sound because confidence in the stability of the program is of great importance to current and future retirees.

In conclusion Mr. President, we must protect Social Security or we run the risk of jeopardizing the futures of young and old Americans alike. I believe this amendment will enable us to balance the budget in a way that will protect the hard earned savings Americans have set aside for their twilight years. I urge my colleagues to support the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that at 10:30 a.m. Senator BOXER be recognized to offer an amendment regarding disasters and that the time prior to the motion to table be limited to 3 hours 15 minutes to be divided in the following fashion, with no second-degree amendments in order prior to the motion to table: 2 hours 45 minutes under the control of the distinguished Senator from California [Mrs. BOXER] and 30 minutes under the control of the Senator from Utah [Mr. HATCH]. I further ask that at the conclusion or yielding of time today the majority leader or his designee be recognized to make a motion to table the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, Mr. President, I agree with this. I think it is an excellent time agreement. I want to clarify because a couple of my colleagues would like to speak as if in morning business. If they should go over the 10:30 time by just a few minutes—I do not think it is their intent to speak too long—we can adjust this so that we still have the time. We may be starting later than 10:30.

Mr. HATCH. I am certainly amenable to that, as long as the majority leader is.

I ask unanimous consent that those who are talking in morning business, if they go beyond the hour of 10:30—and I hope they will not—that the time will be adjusted so that the distinguished Senator from California will still have her 2 hours 45 minutes and I will still have 30 minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. DORGAN] is recognized.

Mr. HATCH. If the Senator will yield, as I understand it, there is a definite time when this is to take place and that will start at 10:30 and there will be 3 hours and 15 minutes for the debate. The definite time is scheduled for a 3:30 vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, it is my intention to yield to my friend, Senator CONRAD from North Dakota, when I finish speaking. But for 1 minute, let me yield on a matter of national importance to my friend from Connecticut, Senator LIEBERMAN.

UNIVERSITY OF CONNECTICUT BASKETBALL

Mr. LIEBERMAN. I thank my friend from North Dakota. This is a matter of national importance.

Mr. President, I have had the honor for the last 6-plus years to stand and speak on many occasions on behalf of the people of Connecticut. Today, I stand to crow on behalf of the people of Connecticut because of the extraordinary accomplishments of the University of Connecticut men's and women's basketball teams.

Mr. President, Connecticut, a small State, is proud of its many firsts: The world's first written Constitution; the world's first warship and nuclear-powered submarine; the world's first American dictionary was published in Connecticut.

But another first today: The first time that a university's men's and women's basketball teams were rated No. 1 in the country at the same time.

Connecticut is a small State, but these extraordinary athletes and their fine coaches have made us all feel 10 feet tall today. We congratulate them. We know it has not come easily. They have worked hard and played by the rules.

In the spirit of the amendment under discussion, they are an extremely balanced team, and they have been rewarded with the victory and recognition they have now received.

Mr. President, I thank my colleagues. I hope this debate moves expeditiously during the day so that it will allow Senator DODD and I to go to the UConn-Georgetown game at the arena tonight.

A NEW DIRECTOR FOR THE CONGRESSIONAL BUDGET OFFICE

Mr. DORGAN. Mr. President, let the record show that my colleague from Connecticut crowed, as he said he would.

It is probably appropriate that he talked about basketball because he will understand that one important element of the game is a referee. Nobody would go to a basketball game and wonder about the results, if he did not think the referee was going to be fair. Give me a referee, and I will win any game I ever played.

I want to talk about referees for a second, though. One of the most important appointments that we are going to make in Congress is going to be the appointment of somebody to head the Congressional Budget Office. This person will, in effect, be the referee on budget issues, tax issues, economic issues. The referee. How can our referee, the Congressional Budget Office, discharge its obligation effectively? Well, by having the confidence of the Members of the Senate that the CBO will do so impartially and in a manner that is eminently fair.

For that reason, the law with respect to the Congressional Budget Office says that the Director of the Congressional Budget Office shall be chosen "without regard to political affiliation and solely on the basis of his fitness to perform his duties." That language is not an accident. That is written into the law for a very specific purpose. This is a critical appointment, and the appointment must be of someone of great substance, first of all, and second, somebody who will be respected as fair, nonpartisan.

We understand that the majority has decided to appoint Prof. June O'Neill to that post. I will not stand here and in any way try to tarnish the reputation of Professor O'Neill. I have never met her and I do not know her. I come to express great concern about this appointment and to say, along with my colleague, Senator CONRAD, I am sending a letter to the President pro tempore asking that he not effect this appointment of Professor O'Neill to head the CBO.

Senator EXON, the ranking minority member of the Budget Committee, said in his letter to the chairman of the Budget Committee: "It has been our recommendation that we should seek additional applicants before reaching a decision."

They are not comfortable with this appointment, and I am not comfortable with it for several reasons. I do not know much more than what I have read, but if what I read is accurate, then I am very concerned with the notion that they are finding someone who believes that when you score issues, they ought to be scored dynamically.

What is dynamic scoring. This theory says that if you cut tax rates, economic activity will increase to such an extent that the Government will actually collect more revenue. If you cut capital gains taxes, for instance, the Federal Government will supposedly collect a lot more money. Well, we have seen that sort of dynamic scoring in the past. This theory held sway in 1980 and 1981, and the result—$3½ trillion later—was massive hemorrhaging of red ink in our Government. That is the result of dynamic scoring.

Well, that is the kind of refereeing I do not want to see happening at CBO. I want scoring to be professional and to be nonpartisan. There is a question about the Consumer Price Index—do we put somebody at the head of CBO who believes the CPI radically overestimates inflation, as Alan Greenspan said? The consequence would be to reduce the deficit, if you can say the CPI is overstated. And you can cut Social Security payments and increase taxes, as well.

I am concerned about this appointment, and I hope it will be held at this point until other Members of the Senate can review the records and determine whether they think this candidate has the credentials and capability and the nonpartisan approach we would expect for somebody to head the Congressional Budget Office.

Mr. President, I yield to my friend, Senator CONRAD from North Dakota, for further comments on this issue.

CONCERN ABOUT CONGRESSIONAL BUDGET OFFICE APPOINTMENT

Mr. CONRAD. Mr. President, I thank the Chair and I thank my colleague, Senator DORGAN, as well. I think this is a very serious matter. The appointment of the head of the Congressional Budget Office is supposed to be nonpartisan. This is supposed to be done with both sides working together.

For the first time since I have been in the U.S. Senate, that is not what is occurring. Instead, the majority has decided they are going to put in the scorekeeper, the person who makes the forecast for the Federal Government, for the Government of the United States, and they are doing so on what appears to be partisan basis. That is a break from the past; that is a break from tradition; that is a break from what the law provides.

Mr. President, I think this is a very serious matter. If we are going to work collegially, if we are going to cooperate, if we are going to work together, then there has to be a basis of trust. Always in the past, part of that basis of trust is the person who is made the head of the Congressional Budget Office is somebody of very high professional standards, someone who is above being considered partisan.

I can say, in terms of the Democrats, since I have been here, they have had Bob Reischauer, Rudy Penner, Alice Rivlin, all of them broadly respected, all of them above partisanship. As a matter of fact, I cannot remember a concern that has been raised by the majority side while I have been in the Senate about CBO scoring on partisan basis.

But now, Mr. President, the majority has decided to impose on the Congress their choice, without the kind of agreement, without the kind of consultation, without the kind of, I think, nonpartisan working together that this position requires. And so, Mr. President, what is at stake? I can say that I am on the Budget Committee and the Finance Committee, and we are very dependent on what the Congressional Budget Office says the results of policies will be.

We now have before us someone, frankly, who does not have a national reputation, someone who is not of the stature that one would expect of someone appointed to be the head of CBO. And even more disturbing than that is that this is someone who has indicated they are willing to consider so-called dynamic scoring.

Well, what is dynamic scoring? It is largely make-believe. It is make-believe. It says if you cut taxes, you get more money. We tried that back in the 1980's in this country, and it was an absolute unmitigated disaster for this country. We saw people saying we could cut taxes, we can increase spending, and somehow it would all add up. It did not add up. It did not come close to adding up.

Instead of adding up, we got an explosion of the national debt; we got an explosion of deficits that have put this country in a deep hole that we have yet to climb out of and now it appears we are about to repeat the exercise.

I understand that this is a matter that should be handled in a different way. The appointment of the head of the Congressional Budget Office ought to be done together, both sides putting someone in place who is of the highest professional reputation, of the highest professional standards, and someone who both sides recognize will not do forecasts in a partisan, political manner. Unfortunately, Mr. President, that is not the suggestion for an appointment that we have before us.

I have joined my colleague from North Dakota in asking the President pro tempore that he not go forward with this appointment until and unless there is broad bipartisan agreement with respect to the appointment.

I thank the Chair.

Mr. DORGAN. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Is their objection to the unanimous consent request?

Mr. CRAIG. Mr. President, reserving the right to object—and I do not object to the Senator's additional 2 minutes—let me amend that to add 3 minutes for the Senator from Montana and that this additional 5 minutes does not come off from the total time agreed upon for the Boxer amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to make sure that the vote would now be 5 minutes later, or at 3:35. If that is part of the agreement, that is fine.

The PRESIDING OFFICER. The Chair would observe that would be 3:37.

Is there objection? Hearing none, the Senator from North Dakota is recognized for 2 minutes.

Mr. DORGAN. Mr. President, let me simply underscore, in my 2 minutes remaining, the point that Senator CONRAD just made. We are asking the President pro tempore of the Senate to withhold action on this appointment, to withhold action on this appointment to give the Senate and other Senators time to get some answers about this candidate.

We are not talking about just any appointment or a run-of-the-mill appointment or some general candidate being appointed to some office or another. The CBO Director is the referee who will score every economic decision, every financial judgment that will be made on legislation. And when they pick a referee—when I say "they," those who have effected this, the congressional majority—when they pick a referee who gives me the impression that this referee is on the home team, then I say, "Wait a second. That is not the kind of game we play."

We have very aggressive games around here that are played for real and for big stakes. We need to have referees who are fair and impartial and who do not owe their allegiance to either side.

This appointment is not—it is not—in the genre of an appointment of Mr.

Reischauer or Mr. Rudy Penner, as an example, both of whom would be considered to have been generally nonpartisan and very well qualified. This appointment falls short on that.

And my interest is not in tarnishing this person. I do not know the person. But, based on what I have read, I certainly want to find out more about the person before this Senate would decide that this person shall become our referee.

That is the purpose of our making this request to the President pro tempore. I hope he and the majority would honor that request so that we can understand more about this candidate. And if this candidate does not meet the test of fairness, does not meet the qualifications test, then I think we ought to find someone who does and who would be acceptable on a bipartisan basis to this body. That I think is the fair way for us to proceed. I hope the President pro tempore will agree.

Mr. President, with that I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator is recognized.

IWO JIMA

Mr. BURNS. Mr. President, on this date 50 years ago, a formidable American armada moved even closer to another objective in the Pacific. While that was going on, long-range bombers were in the air and continued to bombard an 8-mile square chunk of volcanic rock and ash known as Iwo Jima. The Japanese high command was acutely aware of the island's strategic and psychological importance and their forces on Iwo Jima constructed elaborate defenses that would be the toughest encountered by forces of the United States, in particular the United States Marine Corps, during the war of the Pacific.

Our Army, Navy, and air forces subjected Iwo Jima to the longest and most intensive preparation given any objective in the Pacific during World War II. Beginning June 15, 1944, American air attacks continued steadily through the summer and the fall, culminating in a 74-day round of continuous strikes by Saipan-based bombers. These air attacks, plus heavy naval gunfire 3 days before the assault, destroyed everything, or almost everything, above ground on Iwo Jima. But most of the Japanese underground guns and defenses were relatively untouched.

Against Iwo's rocky terrain and caves, naval gunfire could do only so much and victory or defeat would rest with the fighting spirit of 70,000 men of the 5th Air and Amphibious Corps, under the command of Maj. Gen. Harry Schmidt. This force included the 3d, 4th, and 5th Marine Divisions, many of whose members were battle-hardened veterans of earlier Pacific assaults.

Facing them on Iwo was a force of around 20,000 dedicated Japanese soldiers, every one of whom was under orders to make it his duty to take 10 of the enemy before dying. In a matter of days, the opposing forces would clash in a struggle that would prove decisive in the war in the Pacific. It was here on this island atop Mt. Suribachi, where the most famous of all photos was taken from the Pacific—the raising of the flag. It has been a symbol of American gallantry, the symbol of pride and dedication of the U.S. Marine Corps, and all of those who shared in that pride with that uniform. And I, not being one of those that went on Iwo, have I shared that uniform.

Mr. President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

AMENDMENT NO. 240

Mrs. BOXER. Mr. President, thank you very much. And I thank my colleagues for working with me to get a time agreement, which I hope will enable all of our colleagues who have various views on the amendment I shall offer an opportunity to express them today before we have a vote.

Mr. President, my amendment, which has been coauthored by Senator LEAHY of Vermont, will enable the Congress to respond to a federally declared disaster should the balanced budget amendment become part of the Constitution.

I am proud that we have a number of cosponsors. They include Senator FEINSTEIN, my colleague from California; Senator BUMPERS from Arkansas; Senators INOUYE and AKAKA from Hawaii; Senator MURRAY from Washington, and there are others.

Mr. President, balancing the Federal budget is a goal we should attain. You know, I saw this national debt go from $1 trillion to $4 trillion in the decade of the eighties and there was a very clear reason why this happened—huge increases in the military, huge tax cuts to the wealthy. And I will tell you, it does not add up to a balanced budget. It led to a terrible situation which finally, under President Clinton, we were able to get our arms around when, unfortunately on straight party lines, we did have a vote to reduce that deficit, and the deficit is now about half of where it would have been. So we are making progress.

There are those who believe we must have this amendment in the Constitution in order to continue progress. I think the facts belie that. I just want to make sure that if we do have this amendment, it is in fact a flexible one. We should be able to act to meet the needs of our people. Why else are we here if we cannot do so?

The only exception in this amendment that would enable Congress to take the budget out of balance with a simple majority vote rather than a supermajority vote is a declaration of war. Of course, that makes sense. But there are other times that it should take a simple majority.

For every other emergency right now in this amendment to the Constitution, we would have to have 60 votes in the Senate out of 100 Senators and 261 out of 435 votes in the House of Representatives to respond.

In other words, Mr. President, we would need a supermajority to take the budget out of balance for the particular year in which a disaster struck. We are not just talking about a small problem here. We are talking about a federally declared disaster. We would take a supermajority to take us out of balance to fund that disaster emergency.

Now, Mr. President, I believe that creates a dangerous situation that flies in the face of reason. It flies in the face of reason. It is dangerous. I believe it is reckless, because I believe responding to disasters and emergencies is one of the most honorable and dutiful obligations of this U.S. Senate.

Many Members have felt the pain of seeing our States damaged very badly. Our people dislocated, families mourning the dead and the injured because of a natural disaster. Floods, tornadoes, hurricanes, earthquakes, severe storms, volcanoes.

Many have gone to the shelters. I think the most haunting memories of all those trips that I have made, unfortunately, on too many occasions in my State in the north and the south and everywhere, the most haunting memories to me are the faces of the elderly and the children who were so disoriented when something like this happens. They are rooted out of their homes and they are afraid. We need to respond in those kinds of desperate circumstances.

Now, I think a reasonable question to ask me is, Senator, how big a problem is this in the Nation? Are you just talking about your State of California? Some might say we could understand why you would feel this way, but what about the rest of the United States?

I think the chart I have up here will explain that there truly is not a State that is immune from the possibility of disaster, and as a matter of fact, the likelihood. Before I point out what this chart means, I want to say that today there is not a State in the Union that is not vulnerable to flooding.

This report from the National Research Council states, "Floods occur more frequently in the United States than any other natural hazard. All 50 states have communities at risk from flooding which occurs primarily as flash floods caused by thunderstorms, rapid melting of ice and snow and storm surges." It talks about the great Midwest floods.

The point I am making is that this chart does not even show the flooding possibilities, because basically the chart would be covered, because every single State has the possibility of disastrous floods.

Looking at the chart, here are the earthquakes in this teal color. The light teal color shows the low risk of earthquake, and we see it is all over the country. If we point to the various teal colors here, all through the country. We are not talking about merely in California. Now, the medium risk, we can see where that lies, pretty much through the country. There is actually a high risk here in the Midwest for earthquakes.

Now, looking at tornadoes we see the whole midsection of the country over to the east and the extreme risk of tornado here in the midsection of the country.

The blue and yellow shows the hurricane, some risk for hurricane, and the dark blue is extreme risk for hurricane, which we see on the coastal areas and of course over in Hawaii.

There is also volcano risk, which many can never forget Mount St. Helens, that is in the West. And tsunami risk, the entire west coast of the Nation, including the islands as well.

As we look on this chart we can see that this country is magnificent. It is also quite vulnerable to disasters if we look at this risk profile.

While many of my colleagues here truly believe that responding to the needs of his or her people is not a requirement to ensuring domestic tranquility. I always go back to the preamble of the Constitution. We read it as kids in school, but it is very meaningful, or it should be quite meaningful to everyone.

When we say we are to ensure domestic tranquility, I can say when a person is forced out of their home because of an earthquake, a flood, a drought—many things by the way, not even on this chart; droughts we do not even show—but you are forced out because you cannot get water or farm your land, let me assure you, you do not have a situation of domestic tranquility when so many of your people are dislocated. It is pretty basic.

Now, I asked my colleagues, who would ever want to be a Senator in Japan after the Kobe disaster? Many have seen the elected officials and the people in the government going to various town hall meetings and gatherings throughout Kobe, and looking at the memorial there and saying "I am sorry. We are powerless to act. We do not have a plan in place. We cannot act."

I assure Members that without the Boxer-Leahy amendment, we are in effect, I think, unilaterally surrendering this body's commitment to disaster relief. I will prove it. I will prove it. If we need a supermajority to act we are simply not going to be able to act.

Our amendment provides a critical safety valve. It says that in any fiscal year in which spending occurs as a result of an emergency declaration by the President and the Congress has also said, "Yes, it is an emergency," the provisions of the balanced budget amendment may be waived by a majority vote of those present and voting in each House.

I want to make a point here. We purposefully constructed it such that it is not a 51 vote, but those present and voting. When we have a disaster we need to act fast. Suppose there happened to be a couple of seats vacant in the Senate, or people are ill and not here in the U.S. Senate. We should be able to move with the majority. Majority vote is a very important concept.

This amendment does violence to—not my amendment, but the balanced budget amendment to the Constitution—does violence to that notion of fairness of majority rule. When we require a supermajority to act, whether it is a recession period, a depression situation, a natural disaster, if we require a supermajority we are giving a huge amount of power to the minority. When we do that we can tie this body in knots. We have seen it happen here many, many times.

By the way, I know what I am talking about. I voted to end the filibuster, although I am now in a minority in this body. I think inaction is inexcusable. We should not put ourselves in a situation where we cannot act. Full debate, absolutely. But at some point we decide we have had the debate, and we move on.

As I said at the outset of this debate on the balanced budget amendment, our States are not colonies of the Federal Government. Neither are they separate fiefdoms. When disaster strikes, we should be, as the words above the beautiful Capitol dome, e pluribus unum, from the many, one. What a beautiful thought that is. From the many, one. E pluribus unum. We help each other. That is the way it should be. One nation, under God, indivisible. That is what I believe in. From the many, one. We pull together, in times of crisis, in times of disaster. And we do not allow one State—whether it is in the middle of the country or at either end or anywhere in between—to stand alone in that circumstance.

We talk a lot about family values here and caring and compassion. My goodness, when we are in the midst of one of these disasters, that is the time to pull together. And we should not create hurdles in this balanced budget amendment which will make it impossible or very difficult for Members to move to resolve and to move quickly.

I believe that without the Boxer-Leahy provision, we will not be from the many, one. We will be divided. We will be stressed. We will be incapable of acting, because getting 60 votes to fully respond to a disaster will be extremely difficult. If we cannot get that, we will need to get offsetting moneys to fund the disaster. Budget cuts right on the spot, turning sensible budgeting out the window.

We will throw sensible budgeting out the window because of a disaster. If we cannot get 60 votes, we will have to cut the budget elsewhere. We will have to cut into the bone of education, transportation, health research, defense, things we need to do in this country to respond to a disaster.

Let me tell you, Mr. President, we have had those votes, and every time it has failed. Every time we have tried to get offsets to pay for an emergency, we never got the votes. It did not work. Why? Common sense tells you, an emergency is unexpected. It happens to us in our families. We should have a rainy day fund—of course we should—and we try to give FEMA a rainy day fund. But sometimes the rains keep on coming. And I can tell you they are coming right now again in Los Angeles today, and we hope we will not experience the kind of problems we did last month.

So you plan for a rainy day, but you do not know when it is going to happen and to what extent it is going to happen. That is not something to be upset about. It is something to be ready for. It is life, and life does throw us some curves sometimes in our personal lives and here sitting in the U.S. Senate.

Why do I say that it will be very difficult to get 60 votes or a supermajority to respond to a disaster? The Republican leadership in the House of Representatives has given us a preview in a letter dated February 7, signed by House Speaker NEWT GINGRICH, House Majority Leader RICHARD ARMEY, House Budget Committee Chairman JOHN KASICH, and House Appropriations Committee Chairman BOB LIVINGSTON.

Mr. President, let me talk a little bit about this letter. Their letter threatens no action on disaster relief. Right now, forget about waiting for a balanced budget, they are right out here. They are already on the record.

The President has asked for funding for an emergency supplemental to meet the needs of several disasters. He has asked for emergency funding in the supplemental to deal with the Midwest floods and the Northridge earthquake. He also asked for emergency funds to deal with unexpected military obligations and the House leadership is not objecting to that. They have found some offsets, as I understand it, in the military. But when it comes to the emergency supplemental which, in the main, has this money for California and the Midwest—and by the way, 40 States, as I understand it, still need to be paid for emergencies—what do they tell us? I am quoting from the letter:

> We will not act on the balance of requests until you have identified offsets and deductions to make up for the funding. Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Now, here it is, here it is. So this is not any guessing game we have here. The House leadership says it is their policy, and you know they seem to be able to control the votes over there. I think they had about seven or eight people who went off the party line on one vote, and they got called to the woodshed. This is discipline, my friends. They are not interested in going out of balance to meet these needs, and I can assure you, this emergency supplemental is going to be in trouble. So if we do not act and we get this balanced budget amendment into the Constitution requiring 60 votes, we are in deep trouble.

I am going to repeat what they said:

> Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Mr. President, since a large proportion of FEMA's funding for disasters supports repair and recovery of public buildings, more reliable estimates of the actual dollars that would be necessary for the Northridge recovery were not available when the revised supplemental was transmitted to Congress last year. Here is the point: A lot of these supplemental requests come before we know the extent of the damage. You do not want to go out there with estimates, you want to go out there with real numbers.

So many times there is a time lag. We had in California 120,000 schools, hospitals, city buildings, and other businesses and residences with damage from the quake. It takes time. You cannot judge the extent of the damage to a structure by looking at the exterior. You need to go in there, and then you can find out what the damage is. It takes time.

Look what happens after it takes time. After the rush of sympathy is over, what do they tell us?

> Whether these activities are emergencies or not, it will be our policy to pay for them rather than add them to the deficit.

Meaning they are going to seek offsets, and I will tell you, Mr. President, it is going to be hard to find those offsets when we already are in tight budgetary times.

An example of this late discovery of damage is California State University at Northridge. The library appeared only to have minor damage, but once the inspectors got behind the drywall, they found all 86 steel beams were sheared in half.

I am talking about California clearly because I know it the best. But it is not the only State that would lose if this attitude and this balanced budget amendment passes without the Boxer-Leahy language.

The disaster supplemental, again, requested by the President includes funds, as I said, for 40 States and territories. James Lee Witt, the Director of the Federal Emergency Management Agency, has warned us that without these supplemental appropriations, the agency will not be able to meet any disaster requirements by May 1 and no further spending on current relief programs after July.

I will tell you, Mr. President, get down on your hands and knees tonight because if you have a disaster in your State and you see those looks on people's faces when they are living in shelters and they cannot go home and they are afraid to enter their home because of fear of flood or earthquake, you stand up there and say, "Gee, I didn't realize it when I voted against Boxer-Leahy."

I ask you this: Will disasters go away because we want them to, because we are in a tough time right now? Will they go away because of this balanced budget amendment?

Let us look at my second chart called "Probable Costs of Future Natural Disasters." I want to make this point to my friends because, again, those people who say, "Well, sure, Senator BOXER is up here speaking about disasters. It is her State," let us take a look at the east coast and take a look at the largest disasters that we are looking at across the country.

Let us take a look at this. We are talking here about the predictable future. I want to make a side point that a lot of this work that was done, so that we know what our future holds in our country, was done by the U.S. Geological Survey. I think it is important to point that out because in the Republican Contract With America, they want to do away with the funding for the U.S. Geological Survey, which is where we get our information as to where the high risks are so we can share this information with others, but I will not get into that debate today because there will be other times to raise that question.

But let us take a look across the country. If you look at the Northeast, a $45 billion class 4 hurricane, and that is really the whole Northeast. Then a $52 billion class 4 hurricane out of New York which would impact that region. Out of Hampton, VA, a $33.5 billion class 5 hurricane is predicted. In Miami, a $53 billion class 5 hurricane is predicted; in New Orleans, a $25.6 billion class 5 hurricane. And I wanted to note that Senator JOHNSTON is also a cosponsor of this amendment.

In the Midwest, the real big earthquake. It is very interesting, my friends. It is not predicted for California. We do have a couple of huge ones here and also in Seattle, but the real big one is predicted in the midsection of our Nation, a $69.7 billion loss, an 8.6 earthquake predicted on this fault.

Here, moving to Galveston, TX, a $42.5 billion class 5 hurricane. In past disasters, we have had some very conservative Members of the Senate on this floor demanding that we act fast not to get offsets but to take care of their people. Why? Because they looked at their faces. It is real easy to say, well, we will vote against Boxer-Leahy, but wait until it comes to your State and you cannot act. And that is what I am trying to get colleagues to think of on both sides of the aisle. This is one that comes back to haunt you, not maybe but probably. Remember, the whole country is subjected to floods, serious floods. We do not even show that.

Now we get over here to Honolulu, a $30 billion class 4 hurricane. How we can ever forget the last one that hit there? Los Angeles, a 7.0 earthquake, $57 billion; San Francisco, $84 billion, 8.2; and up in Seattle, where a lot of people do not think of it that much, a 7.5 earthquake costing $33 billion.

(Mr. KEMPTHORNE assumed the chair.)

Mrs. BOXER. So let us not kid the American people; disasters are not going to go away. And I have to tell you again no disaster supplemental appropriation has ever been passed with offsetting spending required. It just has not. It is on the books. We have the votes to show you. It does not happen. And why? Because these are emergencies, and we do not want to destroy everything else we need to do for this country when one of our States is in trouble. So we come together, e pluribus unum, come together from the many as one, and we help and we do not destroy the rest of the budget. And then the next year we look back and we say, yes, we had some of these disasters; we are going to be even tougher on our budgeting, but we do not force 60 votes because it is not going to happen. Disasters are beyond our planning.

Mr. President, I am not a constitutional scholar, but I do know a little bit about the origins of our Government. I know that the Constitution was not the first fundamental law governing this Nation; the Articles of Confederation preceded the Constitution. But that document regulating the relations among the States proved weak and inefficient. The articles provided for a supermajority vote before the National Government could request revenue from the States. And do you know what James Madison called that? A "radical infirmity"—a radical infirmity to require a supermajority. Without careful change to ensure flexibility, this balanced budget amendment is a radical infirmity of the 1990's. It is an infirmity. It is a condition. And it is radical because it takes away the rule of the majority.

Now, I know a lot of people said this election was about a revolution. Maybe it was. But I hope we respect the

Founding Fathers here and realize that there is a reason we have majority rule in most cases in this body. We should not shackle the ability of the Congress to respond to emergencies by requiring a supermajority vote.

Now, a measured attack on the budget deficit is a priority of the Congress. I am on the Budget Committee. I have been on the Budget Committee over on the House side, now on the Senate side. I am proud to be here. And I was proud to vote for the largest deficit reduction package in history that has worked. We are on the path. We should restrain spending for the benefit of generations to come, but we must not allow this constitutional amendment to turn the back of the Senate on decent Americans. And listen to this one. If you think about who is impacted by disasters, they are decent Americans who usually, if you look at all these areas, pay their fair share in taxes, who probably have never asked the Federal Government for anything else in their life.

I have seen it. I have seen people who said, "I never asked the Federal Government for anything. All I want now is a chance to get back on my feet," because they were hit with a flood, a hurricane, an earthquake, frost, drought, and they are knocked off their feet. And they are saying, yes, I have some insurance, but I need to have my Government be a partner in helping me continue to be productive.

It seems to me that is reasonable. That is why we are one nation, to act as one when there are serious emergencies, and that is what we do with our amendment, the Boxer-Leahy amendment.

From fiscal year 1988 to fiscal year 1993, Congress has passed six major disaster relief supplemental appropriations bills. I wish to explain this. They totaled $17 billion in budget authority—since 1988, $17 billion in budget authority. In 1994, Congress passed a supplemental that included $8.4 billion for disasters. That is a lot. But compare it to the military budget that is about $280 billion every year. You can see we spend a great deal defending this Nation, as we should. We have to defend our Nation when we are struck with the hurricanes, the floods, the devastation of earthquakes, tsunamis, whatever are predicted to happen—$17 billion since 1988.

Now I am going to show you some photographs from some of these disasters because I think again we have to put a human face on what we are talking about here. This is what happens to America in these times. And the funding that I show here basically is a small proportion of the funds that went for FEMA programs because these were put together by the Federal emergency people. There are other dollars that are added, and I will go into that.

But here is South Carolina, Hurricane Hugo, 304,369 victims. You can see the child, the mother, the ruination, the shock. I have been to too many of these.

Here is the Cypress Freeway in Oakland. I am really familiar with this because my husband takes his car over this freeway, or did, every day for 20 years plus. An hour before it went down, he was on that freeway. This is not something that is far away from my heart.

This happened on the night of the World Series between two California teams, and everyone was sitting in their seats waiting for them to play ball. We did not have a baseball strike. That is a local other issue. But they never did play ball that night because the earthquake struck. People died. There were 896,245 victims—meaning not deaths, victims—people touched by this. And I want you to know something. It took us a while to get the plans to rebuild the Cypress structure because, guess what, we did not want to build it the same way it was built originally because it would have fallen down again. So we had to go back and get the engineering done and do it in a way that would not hurt the community. So it took a while.

There was a move on this Senate floor to deny the funds to rebuild this freeway. I remember it because I had to fight it. And I won that vote by a vote of—I think we had 53 votes, not 60, friends. If this supermajority requirement had been in place, forget it; we would be looking at disaster. Now, tell me something, is that what we want to see in our communities?

Here is Hurricane Andrew. This is extraordinary. There were 219,825 victims, in other words people hurt directly by this disaster. The homes are literally gone.

Do we want 60 votes to be able to make these people have a chance at life again? I hope not. We would be like they are in Kobe, Japan, going to community meetings saying, "Gee, we're sorry, we cannot act. Move to another place, move to another town."

I can imagine the American people's reaction. Forget it. We are not reserved here. Anybody who has had community meetings, you stand up and you are sent to protect the people of your States and help them—if you stand up at a community meeting and say, "Sorry, I could not get 60 votes"—it is not even a viable thought.

Here is Hurricane Iniki. This literally looks as if a bomb dropped on this house; the magnificent blue sky and a complete, total wreck of a home. That is what it looks like. This is what we are talking about. I am not up here because this is an unimportant issue. I want to show you some more pictures.

Missouri floods, 168,340 victims. Their dreams, their hopes, their memories, their wedding book pictures—destroyed.

Northridge earthquake, Los Angeles area. I will never forget the first thing I heard about was a policeman rushing out to help people and he could not see that the freeway was gone. He was one of the first deaths. I have to go get 60 votes if this amendment passes without the Boxer-Leahy language.

I hope my colleagues on both sides of the aisle will help me with this one. Let us not do another party line vote here. My God, I do not ask people if they are Republicans or Democrats when they are faced with this. I do not care. We are Americans when these things happen. We help each other. Let us not put something in the Constitution that ties our hands, whether Republicans or Democrats, that ties our hands and says you cannot act in a disaster except if you have a supermajority.

After this election, half the people said, "What's going to happen in the Senate?"

I said, "You know what is going to happen? We are not going to be partisan here. It is not like the House that tends to be very partisan. We are going to see reasonable people here come together."

I am waiting. This is a good one. Reasonable people should say that we should not require a supermajority to act in times of disaster.

Here is one that was unbelievable, the volcano eruption in Washington State. That does look like a bomb went off. 1,891 victims.

Then let us look at Houston, TX—horrible floods, 34,000-plus victims. This looks literally like something dropped on this house. You say a flood? This is a picture of what happens when the water is so high.

I have to tell you, I visited northern California in the last flood that we had. I was driving down the road and I looked out the window and I said there is the Russian River. Somebody said the Russian River has never been there, it is on the other side of the bank. In other words it had made a second river.

These things happen. Does it mean we should not require that people who live in a floodplain have insurance? Of course, and we do. We should have insurance programs in place. I am on a task force looking at how better to meet these needs. But the bottom line is with insurance, with savings, with all the things we do, once in a while we are going to have a disaster that is beyond our ability to plan for. Do we then turn our backs because we need a supermajority? Or do we in fact make it possible for us to respond in a reasonable fashion, a majority of those present and voting? I hope that makes common sense to my colleagues.

I want to give my friends a picture of the number of times we have had to respond to disasters, and I will show the chart of the predicted disasters. We are here talking about the whole Nation, not just California. Between 1977 and

1993, the Federal Government responded to 578 disasters or emergencies, totaling $120 billion in inflation-adjusted dollars. The reason I say that is you need to know that we are just talking about very large numbers here, of people across the Nation and not just in California.

I want to make a point. With all these disasters that we have had in the past, this is what will probably happen in the future. When Senator LEAHY gets here—and I expect that he is on his way and will be here shortly to talk about it from his perspective on the east coast. It is going to be hard to believe this, but experts have told us that with all the horror stories and all the photos I showed, in many ways they say we have been lucky. How can they say we have been lucky? Because if Hurricane Andrew in Florida had struck just 25 miles further north into the heart of Miami, there would not have been 350,000 homeless but 1.6 million homeless. So, 25 miles made a difference between 350,000 homeless, which is horrendous, and 1.6 million homeless. The damages would not have been $20 billion but what have been $62 billion, according to the study by the Miami Herald.

The Northridge Earthquake severed eight major roads right here leading to downtown Los Angeles. Gas and water lines ruptured. I flew over that area hours after the disaster happened, and it was the most extraordinary thing you ever did see. For miles it was pitch black, no electricity, people not able to function. Again, the elderly and the children are the most vulnerable. We always talk about them here—the elderly and the children, the most vulnerable, the most dislocated. And many of the children still have what they call the post-traumatic symptoms: After the trauma.

We talked about gas and water lines ruptured, fires, power failures. I talked about water service disruption. More than 50,000 homes and apartments were damaged, nearly 170 schools were damaged. And as bad as this disaster was—and it was horrible, hard to imagine—I have to tell you that disaster struck at 4:31 a.m. on a holiday. Had it struck on a school day, you can just imagine what could have happened: 700,000 school children, 6 million commuters. So when these things happen we wonder why, we ask ourselves why, and then we say, "My God, the experts say it could have even been worse."

Looking at the future, we do not know where the worst could occur. It could happen anywhere—east, west, north, south. I am saying to my friends here, please—this has been my decade to see the disasters. Somebody started calling me Calamity Jane because I am coming down here and telling these stories about what happens to my people. But the next decade it could be someone else's decade. I do not wish that on any of my friends here or the people that they represent.

I wish it were possible to say this is not true. They say there is nothing certain except death and taxes. I think we can say death, taxes, and natural disasters are going to happen. The question before this body with the Boxer-Leahy amendment is: Do we want to put ourselves in a circumstance where it is so difficult to respond that people suffer while we try to get 60 votes or find offsets in an already tight budget?

I see my friend, the coauthor of this amendment, has arrived. So I am going to wind down and finish my remarks for this time in the next few minutes while he gets ready to address the Senate.

I mentioned before, I say to my friend from Vermont, that all 50 States are at risk of flooding and tornadoes and about 40 are at risk for earthquakes. There are 65 active or potentially active volcanoes in the United States. Most of the Pacific Northwest, Alaska and Hawaii, and the entire west coast is subjected to tsunami risk—which are these incredible waves that are caused from an earthquake which is out at sea. A study by the University of Southern California on the probable cost of future natural disasters estimates that an earthquake at 7.0 in the Richter scale in LA, West Los Angeles, would cost $57 billion. You see that reflected on this chart.

I think it is important to note that James Lee Witt, Director of FEMA, the Federal Emergency Management Agency, noted recently another earthquake along the New Madrid fault in America's heartland has a 50–50 chance of occurring in the next 5 years. If such an 8.6 earthquake struck at Memphis, the cost would be $69.7 billion. I say to my friend from Vermont, it is extraordinary, everyone thinks of earthquakes as being a California phenomenon. The next large earthquake predicted to hit, the largest one, would be in the middle of our country.

So the Boxer-Leahy amendment is not about California and it is not about any one State. It is about America. I have to tell you that in this very sobering information a 7.0 earthquake along this fault, that is along the New Madrid, that is even smaller than the 8.6 they expect, could kill 14,000 and cause 240,000 homeless. That is unbelievable. These are not fantasy figures. Earthquakes estimated at greater than 8.0 struck the Mississippi Valley in late 1811 and early 1812. In 1990, a 4.7 earthquake struck the new Madrid region.

So I show these charts, and my colleagues will do so as well, not to frighten anybody but to say that we need to be prepared for this. It is very immature to close your eyes to problems.

Mr. LEAHY. Mr. President, I wonder if the Senator will yield?

Mrs. BOXER. Yes.

Mr. LEAHY. Mr. President, I would like to add one thing to what the distinguished Senator from California said. She reminded us that this is not a California amendment; it is not only for earthquakes in California. In fact, one of my colleagues asked me walking through the halls this morning, "Why is this a Boxer-Leahy amendment? You don't have earthquakes in Vermont." For a practical matter we do have very mild ones. But I said this is not a Vermont amendment. This is not a California amendment.

There are a lot of areas, whether it is the flooding in the Midwest that we saw last year, that this amendment addresses. I remember, Mr. President—and the distinguished Senator from California and I have discussed this—the time when I first became chairman of the Senate Agriculture Committee. We were in a massive drought, unprecedented drought throughout the Midwest. There were Time magazine cover stories. Networks were doing special segments on it. I took the Senate Agriculture Committee staff else in an airplane and we went around for 3 days to view what was going on and see the extent of the disaster.

I recall one place in North Dakota where they were digging a well down through the soil to where they first found moisture. They found moisture about 2½ feet down in this particular place, and the crop has a root system of only 2 or 3 inches.

We came back here and with bipartisan support we wrote a disaster bill, a very significant disaster bill. But had we not been able to move quickly through the House and the Senate, we would have seen not only thousands of farms go out of business but the ripple effect of thousands of other businesses, everything from the tractor dealers to the clothing stores to the shipping companies to those who export to other parts of the world. It would have affected our balance of payments, especially in a country like ours where we have had now for a number of years balance of payment deficits except in agriculture and some of the intellectual property areas. That was a disaster.

Mrs. BOXER. I say to my friend, I am about to yield to him as much time as he wishes on this subject. He is such a respected Member of this Senate. I am so proud that we are working together. I wanted to conclude my portion right here at this time—or course, we have time reserved until approximately 3:30—to say that according to the report by the National Research Council for the World Conference on Natural Disaster Reduction, and I am quoting:

> There are more people and investments at risk, natural disasters today, than ever before. More than half of the U.S. population live in coastal zones or along fault lines.

Therefore, I say to my friend, my colleague, a coauthor of this amendment, that this is not the time for the Federal Government to bind itself from responding to disasters. And without the

Boxer-Leahy amendment to this balanced budget provision I think we are doing just that.

I yield as much time as he may consume to the Senator from Vermont.

The PRESIDING OFFICER. Will the Senator from California send the amendment to the desk?

AMENDMENT NO. 240

(Purpose: To provide Federal assistance to supplement State and local efforts to alleviate the damage, loss, hardship, and suffering caused by disasters or emergencies by exempting spending that is designated emergency requirements by both the President and the Congress)

Mrs. BOXER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUYE, Mr. AKAKA, and Mrs. MURRAY, proposes an amendment numbered 240.

At the end of Section 5, add the following: "The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists."

Mrs. BOXER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The Senator from California has yielded time to the Senator from Vermont.

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. The Senator from Vermont is recognized for up to 10 minutes.

Mr. LEAHY. Mr. President, I ask again for the yeas and nays on the pending Boxer-Leahy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, is my understanding correct that the Senator from California has yielded to me such time as I may require?

Mrs. BOXER. That is correct.

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, how much time is remaining under the control of the Senator from California?

The PRESIDING OFFICER. The Senator from California has 114 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, I might ask one more question of the Chair, I was not here when the unanimous consent was entered into. What time was the Senate to recess for the party caucuses?

The PRESIDING OFFICER. The Senate, under the previous order, will recess at 12:30.

Mr. LEAHY. I thank the Chair.

Mr. President, I rise in strong support of the Boxer-Leahy amendment to House Joint Resolution 1, the constitutional balanced budget amendment.

In fact, I think those of us who are concerned about such issues as natural disasters and our country's response to them have to commend the distinguished Senator from California for her leadership. She has been the spearhead in this area. I also thank Senator BUMPERS and others who have come with their support.

Senator BOXER has stated more passionately and eloquently than I ever could the reason why this amendment would give Congress the authority to waive the balanced budget amendment if we need Federal relief for major disasters and emergencies, but only if they have been declared so by the President of the United States. And even then, if it had been declared so by the President, Congress would still—while it would have the flexibility that it needs—require a majority vote of those present and voting in each House of Congress for Federal relief.

I would like to think that we would never have such an emergency. The fact of the matter is that we all know from even recent history that the Federal Government has been called on to give critical aid to supplement State and local efforts to protect the public health and safety in response to major disasters and emergencies. Much of this aid has been paid for by supplemental appropriations not only because of the unexpected nature of the disasters but also because of the size of the disasters.

Flooding in the Midwest a year ago was of a size and severity that nobody had predicted. Certainly the terrible scenes of the earthquake in Los Angeles are such that even as we watched them, most of us—certainly here in the East—could hardly believe what we were seeing, and I expect the same could be said of the inhabitants of Los Angeles. To just show you what happened, the chart I have here displays supplemental appropriations from fiscal years 1989 through 1994. In those years, Congress had to appropriate supplemental major disaster and emergency relief in every year but one. Look what we have.

In 1989, the administration requested $200 million. We ended up with a supplemental of $1,108,000,000. In 1990, $1,150,000,000 went for disaster relief. These were, incidentally, votes cast overwhelmingly by Republicans and Democrats alike, realizing that the Nation faced, in parts of the country, such disasters that we could address them only as a Nation, and that no one State or region could address it. The Nation had to come together to do it.

In 1991, we were fortunate. There were no supplemental appropriations. But in 1992, the supplemental was $4,136,000,000. Again, Mr. President, I ask, is there any part of the country, any one State that could, in facing a disaster, come up with $4 billion by itself? Not even the 10 most populated States could do that. Certainly in areas like my own—a State of under 600,000 people—we could not begin to respond like that. In 1993, it was $2 billion. And last year, $4,709,000,000 in supplemental. That is a pretty significant supplemental, especially when it came up to total outlays of $5,001,000,000.

To give you some idea of where this went, in 1992, over $4 billion in supplemental appropriations went to a number of areas: the Los Angeles riots; Chicago floods; Hurricane Andrew. In 1993, it was $2 billion. That went to help victims of the Midwest floods. In 1994, as we have already said, it was $4 billion to help victims of the Northridge earthquake in Los Angeles.

In each one of these years, certainly it was my feeling that —and also from the calls and letters that came to my office and the reaction from around the country—people realized that as a Nation we had to come together. We had to spread the pain and the efforts to take care of these disasters.

I know firsthand the devastation of a major disaster and the benefits of swift Federal relief. Let me speak of one not the size of California or the Midwest, but I use as example my home town of Montpelier, VT, the capital of our State. It is a beautiful capital, I might say, Mr. President. But it is a city of only 8,500 people. If it is not the smallest in population of any capital, it is certainly among the smallest.

I was born and raised in a home right on State Street, almost diagonally across the street from our State capitol, a lovely marble building—a little like a miniature version of this Capitol. It is nestled in the hills of Vermont, with a beautiful river running along it. But that river becomes the rub, because in 1992 we were hit by enormous amounts of rain, ice jams, and a flood—the worst flood in my lifetime in Vermont. In fact, it was the single greatest catastrophe to hit Montpelier since the floods of 1927.

I mention that because one of our country's largest newspapers reported after those floods that Vermont would never be heard from again, that this natural calamity was such that it could wipe out the State of Vermont. We had been hit with a number of problems during the Civil War. We had one of the highest mortality rates of any State, on a per capita basis. Many of our soldiers that joined the Union during World War I—again, a case where Vermonters had answered the call so strongly—never came back. And now this devastating flood. At that time, the President of the United States went to Vermont and declared help and we had it.

In this case, in the downtown part of Montpelier, VT, virtually everything is on the same level. The town is surrounded by hills. The State House and everything are on the same level. All the stores along the streets downtown, on which I had walked back and forth to school, where I delivered newspapers, were badly damaged and some were destroyed. The printing shop that my father and mother had in downtown Montpelier, where we had been raised, was in that damaged area.

Again, there are 8,500 people, and unless you live there, that may not seem like an enormous amount or anything in the grand scheme of things. It obviously was to those of us from Montpelier, those of us who lived there. I use the example of Montpelier not out of some parochial interest but because it showed what can go right in this country when there is a disaster.

I talked with the President about the floods. He was not a President of my own party. It was President Bush, who I want to say responded immediately and showed great concern and talked with me about it. He sent Federal officials up to Montpelier. The President declared Montpelier and five surrounding counties a major disaster. He took a personal interest in it. I want to commend President Bush for that.

The Federal Government swiftly provided disaster relief at a critical time in the local cleanup effort. Major figures within the Bush administration that were involved in disaster relief went to Montpelier, and when the cleanup effort was finally completed, the Federal Government had provided $4 million. That may not be much compared to disasters in other parts of this country, but it was $4 million that the people of Vermont and the State of Vermont could not have provided. And to the people of Vermont in Montpelier and other areas, that relief came at the darkest moment. Today, Montpelier is back as the beautiful capital it once was and will always be, and it enjoys a thriving downtown.

Now the current version of the balanced budget amendment would make it much harder for future Congresses to help victims of major disasters and emergencies like the Montpelier floods. Instead of a simple majority, the balanced budget amendment would require a supermajority of both Houses of Congress to help major disaster and emergency victims through supplemental appropriations that might throw the budget out of balance.

In fact, a small minority of both bodies could hold critical disaster and emergency relief hostage, making it impossible for the majority to speak on such things.

And I might say, Mr. President, if your State is hit by a major disaster or emergency, do you want, as a Member of this body, to have critical Federal assistance hang on the whims of 41 Senators? I will fight for the 51, but I would hate to have to have a supermajority.

I think relief for major disasters and emergencies has to be flexible, especially as it is often the aid that comes immediately that is most valuable and most needed, as compared to the aid that might come a year or 2 or 3 years later. Disaster and emergency relief by constitutional mandate is a prescription for gridlock, not for swift action, not for the help people need.

The Founding Fathers of this country rejected requirements of supermajorities, and I think we ought to ask why. I mean, this was the time that allowed this country to become the most powerful, most respected democracy in history. We have to look at their sound reasons for rejecting supermajority requirements before we impose on our citizens a three-fifths supermajority vote to provide Federal relief for major disasters and emergencies.

Go back to the Federalist papers, I believe it was No. 22, where Alexander Hamilton painted an alarming picture of the consequences of the "poison" of supermajority requirements. Mr. Hamilton said that supermajority requirements served "to destroy the energy of the government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority."

I could not say it better myself, Mr. President; would not even pretend that I could come close.

But Alexander Hamilton said it very well in speaking of the supermajority requirements as a recipe for increased gridlock and not more efficient action.

Let me read again from Hamilton. He said: "Hence, tedious delays; continual negotiation and intrigue; contemptible compromises of the public good."

In fact, I would go somewhat further, I say to my friend from California, even further than what Mr. Hamilton said. I would say that the supermajority requirements reflect not only a basic distrust just of Congress, but of the electorate itself. I reject that notion. I reject the notion that somehow the majority of the people in this country cannot be expected to do what is right.

I fear that if you require a supermajority requirement, in effect, saying we do not trust democracy, we do not trust a democracy and the rules of democracy that made us the greatest, most respected power on Earth, then you are going to lead Congress to play politics with critical relief from disasters and emergencies; you will have them playing politics with those very things that bind us together as a nation.

It is a question of a person in Vermont helping to respond to a disaster in Colorado or Idaho or California, or vice versa. These are the things that remind us why we have come together as a Union and why, as a democracy, even with the individual identities of our 50 great and different States, those 50 great and different States come together to help each other when needed.

Even today, where we have a simple majority requirement for supplemental appropriations for disaster and emergency relief, we have seen the potential for partisan politics. And even with a simple majority, if you have a chance at partisan politics, imagine what it would be with a supermajority.

In fact, last Friday's Wall Street Journal reported that:

> A multibillion-dollar disaster-aid package for California is caught in the budget wars between President Clinton and House Republicans.

The Journal article reported that the House Republican leadership was delaying action on a request from the President for $6.7 billion in supplemental appropriations for emergency relief for victims of the California floods and Los Angeles earthquake.

Now, Senator BOXER, our distinguished colleague from California, well documented this gamesmanship. Earlier today, she read from the House Republican leadership's letter. That, plus the Wall Street Journal article, shows exactly what can happen with the politics of a simple majority. Can you imagine what it would be like if you are talking about a supermajority? If you would have to clear that supermajority hurdle to pass disaster emergency relief, what we have seen in that letter and what we have seen in the Wall Street Journal article would look like child's play.

I am no fan of the balanced budget amendment. As I have said before, I worry why we should even have to start amending the Constitution for everything. I worry that some of the strongest supporters of the balanced budget amendment are the same people that voted for the enormous deficits of the Reagan era, and now say we need a constitutional amendment so in the year 2002 somebody will pay off the bills we ran up in the eighties, and of those who speak of a deficit today without realizing those deficits are basically just paying interest on the debt they voted for in the last decade. But I digress.

Even as bad an idea as the balanced budget amendment is, this amendment would improve what is a flawed balanced budget amendment. I think we should tear down as a requirement the supermajority barrier. Otherwise, you are telling future Congresses they are not going to be able to provide the critical disaster and emergency relief that would be needed by those in other parts of our country.

So, Mr. President, I commend the Senator from California. I thank her for yielding me this time. I strongly support the Boxer-Leahy amendment. I am pleased and proud to have had my name joined on her amendment.

Mrs. BOXER. Mr. President, parliamentary inquiry. I just want to make sure we reserved the remainder of the time.

Mr. LEAHY. Mr. President, I reserve the remainder of the time of the Senator from California to her or to her control.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this time, I will only speak briefly to the Boxer amendment. But I think it is important that the record of the Congress, as it relates to dealing with emergencies in our country and disasters in our country so declared by our President, be very clear for the record.

The Senator from California and the Senator from Vermont are absolutely correct. There has not been a time in the Congress of the United States, when we were faced with a natural disaster that had badly damaged a State or region of the country and put our citizens in peril, that we did not respond.

And so, when I was looking at crafting a balanced budget amendment, along with a lot of other Senators and Representatives, one of the things we needed to recognize was the very thing the Senator from California is speaking about; that the amendment itself and the requirement, because we wanted to put it in the Constitution, could not be so rigid as not to respond to the needs of the public. And so we provided the supermajority to be the escape valve, if you will. But only under a critical situation could it be applied, not under the simple majority, not even the constitutional majority that I am surprised the Senator did not require in her amendment.

Be that as it may, here is what the record of the U.S. Congress has been like for the last decade in responding to natural disasters. In 1989, for Hugo, pictures 1 and 2 so demonstrated on that display by the Senator from California, the Senate voted 97 to 1, almost 37 votes beyond the supermajority required by our amendment, to fund Hugo.

There was no question in the mind of any Senator that this was not something that we ought to respond to.

The House voted 321 to 99, clearly beyond the supermajority target that we have spoken about and that is embodied within the Constitution.

It causes us all to think. It causes us all to be tremendously dedicated to looking at the details of the proposal as presented by the Budget Committee or by the President for us to consider an emergency, and that we should do. It ought not be the snap of a finger and a simple majority here, not even a constitutional majority, to do so. But clearly, we fell under the purviews of the amendment as it is proposed, not the Boxer amendment, but Senate Joint Resolution 1, the true constitutional amendment.

Again, in 1990, the Hugo supplemental, the Senate voice voted it. It was so easy to get through the Senate, so understanding that there was a crisis down there that had to be adhered to that we voice voted it. The House, 362 to 59, an even larger vote than the initial supplemental appropriation for the Hugo disaster.

In 1992, Andrew, Senate, 84 to 10; House, 297 to 124, once again, well beyond the supermajority that is required under the Constitution.

The Midwest floods, in 1993, the House voted 400 to 27; the Senate voice voted it. We recognized the magnitude of that disaster, and we responded to it.

In essence, what I am saying is, in every case I cited, what the Senator from California is proposing simply was not necessary and, at the same time, under the amendment as I and others have drafted it, we allowed this kind of flexibility and the standard was met, though it could have been waived. But what our amendment would do would cause the Senate and the House to seriously consider and work with the States to make sure that the money was being well spent, that the States could not handle their particular disaster and that, in the end, if it was absolutely necessary, the general public of this country, the general taxpayer, would respond through the General Treasury of our Federal budget.

The 1994 L.A. earthquake, the very kind that the Senator from California is talking about that has brought her to the floor with her concern—and I do not question that concern in any sense—what was the vote in the Senate? 85 to 10, well beyond the 60 that would be required under the constitutional amendment. The House voted 337 to 74.

From 1978 down through 1994, time and time again, and as I look at the voting record I find in only one situation in the Senate where, under the supplementals as they were proposed, the supermajority would not have been acquired. And in most instances, where the House had a recorded vote, the Senate voice voted it. What does that voice vote express? That without question, this was something that the Senate jointly, in a majority, in fact with a unanimous vote, agreed to.

Having said that and looking at the details of the amendment as proposed by the Senator from California, what we find here is a waiving by a simple majority for an entire year of any moneys that might be necessary. I believe that is an opening up of this amendment that cannot be accepted.

I also believe that the premise, not the emotion, not the concern and not the dedication by which the Senator from California has offered this amendment, but under the premise of what she has offered the amendment, that the supermajority could not be acquired, simply does not exist on the record. The record clearly shows that this Senate time and time again, by a supermajority vote in the seventies and eighties and nineties and unanimously, has voted out the supplemental moneys to fund the emergencies that she talks about because she, like I, understands that what can happen to California might some day happen to the State of Idaho or it might happen to the State of Vermont, as the Senator from Vermont spoke.

Where we may differ is on different funding programs. On these national disasters where the lives and the properties of our citizens are truly in peril, we have always stood united. It is on the extra where it is really questionable whether the money can be wisely spent do you find the House or the Senate backing away.

In fact, in the instances of California, it has been the Governor of California over the last several years that has been saying to the Federal Government, "Get out of my way, back away from your regulations and your obstacles and your controls, we can do it for less money. Your Feds and your regulators have created environments that are much more costly in responding to the needs of the citizenry."

As it happened in the California earthquake, it has happened in the California floods recently where the Governor has had to say to the Federal Government, "Back away, let us do it quickly and let us do it right and we can save hundreds of millions of dollars."

While that is not directed at this amendment or the amendment that the Senator is amending, my point is, with restraint and with the current understanding of the Congress of the United States, these problems can be handled through the current amendment as it was crafted. Both the House Judiciary and Senate Judiciary Committees understood these problems, and it is my premise, my firm belief that it is dealt with in the amendment and the amendment by the Senator from California simply is not necessary to deal with her concerns or the concerns that I have as it deals with national disaster.

I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself such time as I might consume.

The Senator from Idaho is a wonderful debater and he fights hard for his State and he makes his points well. I have to say to the Senator, he is incorrect in some of the things he has just stated, and I would like to particularly point out that when the Senator from Idaho says that the Governor of California says to the Federal Government, "Back away," when it comes to disasters, you have the wrong Governor.

Pete Wilson is here after every disaster or calling, as well he should, Members of the Senate, Members of the Congress on a bipartisan basis saying, "Help us in this disaster."

So where the Senator from Idaho gets the idea that former Senator Wilson, currently Governor Wilson, does not want the Federal Government's help in a disaster, I do not know because I have never seen that happen. As a matter of fact, I would say to my friend——

Mr. CRAIG. Will the Senator yield?

Mrs. BOXER. Let me finish and then I will be happy to yield to you. I say to my friend, not only does he want help 90 percent of the way, he asked us to waive the law so we can pay for California 100 percent of the way. I will be glad to yield.

Mr. CRAIG. I was not referencing the money, and that is exactly what the Senator from California was talking about. What I was referencing are the rules and regulations, the web of regulations that causes the rebuilding of freeways at twice the expense it ought to cost or the replacing of a bridge in Monterey, CA, that costs twice as much because you have to do environmental impact statements and all of those kinds of things.

Mrs. BOXER. Let me just take—do you want to take it on your own time? Would the Senator like to take it on his own time?

Mr. CRAIG. My point is, the Governor from California asked those rules be waived.

Mrs. BOXER. Parliamentary inquiry. Who has the time at this point?

The PRESIDING OFFICER. The Senator from California has the floor. The Senator may yield if she wishes.

Mrs. BOXER. I am not going to yield on my time. If the Senator would like to yield on his time.

Mr. CRAIG. If I can complete my statement on my time.

Mrs. BOXER. Absolutely.

Mr. CRAIG. You and I do not have any disagreement. I was referencing Federal rules and regulations that the Governor of California did ask that the Feds back away from so they can complete the freeway rebuilding way ahead of schedule. That is exactly what happened. I was not referencing money. You are absolutely right, the Governor of California was here and by a supermajority of the U.S. Senate, completely within the compliance of the amendment we have proposed, the Governor of California got the money he asked for.

Thank you. I retain the remainder of my time.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Let me say to my friend, perhaps my friend does not remember this, the Governor from California almost did not get the money because to rebuild this Cypress structure, let me tell you what the vote was. The vote was 43 to 52. We only got 52 votes to rebuild this structure.

I want to make the point, when I started my rebuttal to my friend, that the facts are not what they are alleged to be by my friend from Idaho. He makes a great debating point. He says we always vote a supermajority. Wrong, we do not.

The vote to rebuild this structure, a direct result of the Loma Prieta earthquake, was not a supermajority. And I say to my friends who are going to vote against this amendment, beware, because you may not get the 60 votes.

Now, the Senator from Idaho makes the point that he corrects the record. He said, oh, yes, Governor Wilson did not back away from the money; he wanted you to back off on regulations. Let me again say for the record the cooperation between the Clinton administration's Federal Emergency Management Agency and the State disaster team headed by Dick Andrews is superlative. They worked together, as they should, and they were able to be flexible enough to rebuild freeways in record time. But to say that the Governor of the State of California was up here telling us to back away does not make any sense whatsoever in this regard because what this is about is getting the funding. Of course, that is what this is about. This Boxer-Leahy amendment is about getting the funding.

I see that my friend from Maine is in the Chamber. I have had the privilege of working with her for many years over in the House. And, believe it or not, we do work together on some things, and I hope sometime in the Senate soon we will be able to do that again.

I call to her attention the facts about Maine, that between the years of 1989 and 1994, Maine received disaster funds nine times for flooding, ice jam, severe storms, Hurricane Bob, coastal storms, heavy rains, ice jams—these are all the different incidents—snow, severe blizzard conditions, the Yellow Mine fire.

I am sure she knows of all of these things very, very well. It is important to point out to her and all my colleagues here because I think when we talk about disasters and we look at this chart again, we see they have been all over the country. I would say to my friend from Maine, I hope she is never in a position that I was in where I almost was unable to get the funding from this Senate to complete this horrible problem where the Cypress structure fell down. Also, it is an economic issue if people cannot get to work.

Ms. SNOWE. Will the Senator yield?

Mrs. BOXER. I will be glad to yield on her time.

Ms. SNOWE. I would like to make a point.

How much time does the majority have?

The PRESIDING OFFICER. The majority has 20 minutes 15 seconds. The Senator from California controls 87 minutes 39 seconds.

Ms. SNOWE. I thank the Chair. I will do it on my time.

I just want to respond to the Senator from California because the Senator is correct in suggesting that the State of Maine has benefited from emergency supplemental assistance in times of disaster, as have many States throughout the country, including her State of California.

I think the point is that Congress has risen to that occasion, has demonstrated its compassion when it has been necessary to respond to emergencies and disasters as they have occurred in this country over the past years. And unfortunately and regrettably, California has had more than its share. I think the point is that we do not want to obviate the need for a balanced budget amendment, because I think what the Senator's amendment is doing is essentially, by requiring just a majority vote in each house, definitely eliminating the requirements of the three-fifths majority to raise the debt ceiling. So a simple majority could remove the requirements for a balanced budget amendment in making the decisions on supplemental appropriations. So really it is circumventing the entire intent of the constitutional amendment to balance the budget.

As the Senator from Idaho indicated with his examples, time and time again the House and the Senate, far beyond a three-fifths requirement, have in fact approved many of the emergency supplementals to respond to the disasters that have occurred in California, Maine, and elsewhere. So we have demonstrated that on many occasions.

I think the concern that I and many of us have about the amendment of the Senator is that basically it is going to undermine the effectiveness of the balanced budget amendment because it only requires a simple majority in the dead of night to remove the three-fifths requirement of the balanced budget amendment. That would really preempt the effectiveness of a balanced budget amendment, not to mention the amount of money that we might indebt ourselves because it would only be a simple majority.

So I would like to respond to the Senator from California in that regard. We certainly understand what she is trying to do. But I think the point is here that the balanced budget amendment will take care of that with a three-fifths majority. In many cases that is exactly what has happened in the House and Senate without a balanced budget amendment. We have done that and will do that in the future. And a balanced budget amendment will not preclude our compassion in instances of disasters and when we recognize a justifiable need.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from California.

Mrs. BOXER. Madam President, I will make a couple of remarks and I will yield to my friend, or let him take as much time as he wishes.

I wish to say to my friend from Maine I never ever have questioned her compassion. I do not worry about her vote in an emergency. But we are putting an amendment into the Constitution here, and when the Senator from Maine talks about an exception for a disaster "just a majority vote in the dead of night," I am stunned with that phrase. Just a majority vote. I would assure the Senator if she won by just a majority vote, which she did, and fairly so, and a nice majority—I do not think it was 60 percent. I might be wrong. Was it 60 percent? She did.

Well, this Senator won by a margin of 6 percentage points, a little bit under, but I do not think that the Senator from Maine would question the fact that a majority vote is a hallmark of democracy. So to talk about "just a majority vote in the dead of night" is astounding to me.

As a matter of fact, I say to my colleague from Vermont, it makes me feel so much stronger about this amendment than I did before because if that is the attitude of the other side of the aisle, "a majority vote in the dead of night," that is a statement against majority rule and against democracy and for tyranny of the minority, and it gives me great trouble in my heart and soul to hear that kind of language on the Senate floor—"just a majority vote in the dead of night."

I say to my friend, we did not get a supermajority to rebuild the Cypress structure.

Show me the next chart here. Let me show you what else did not get "a majority vote in the dead of night" or middle of the day—this, the Midwest flood, an amendment by Senator Durenberger to offset the money, not to leave these people without help—a majority vote, just a majority vote. Fortunately, it did not prevail. If we have a balanced budget amendment, it is not a majority vote. It is a supermajority vote. I have shown you two occasions where that did not happen. And had the balanced budget amendment been in place, we could not have rebuilt the Cypress structure and we could not have helped the people in the Midwest floods because there was a requirement for an offset.

I am going to yield to my friend from Vermont and then my friend from Washington before we have the break for the various conferences, but I want to again let my colleague know, maybe she is unaware, that the House Speaker signed on to a letter—I wonder whether the Senator's State is even affected by this—talking about the emergency supplemental that is coming up which deals with natural disasters.

Whether these activities are emergencies or not, it will be our policy to pay for them rather than add to the deficit.

Which means in plain, simple language they are going to have to cut other programs, and I assure you, we may have a lot of trouble getting funding for those States. As I understand it, 40 States are involved in that.

So I yield to my friend from Vermont as much time as he needs; saving some time for my colleague from Washington.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I will be very brief. I have suggested over and over again on this floor as one who reveres the Constitution, I worry very much when we add anything to the Constitution at all, but I especially worry when we add supermajorities.

This is not a case, when we have matters involving great disasters, where somehow we slip in here in the dead of night and pass them. One of the things I cherish about the House and Senate is that they are open to the public and the press at every hour when we are in session. People can see, especially with television, exactly what we vote on and how we vote on it. That is, of course, as it should be.

But my concern on supermajorities again is what Alexander Hamilton said when he spoke: "Hence, tedious delays; continual negotiations and intrigue; contemptible compromises of the public good."

Madam President, I have managed more bills on the floor of the Senate, I believe, than anybody who is presently on the floor. I have managed a number of major bills, including disaster bills. I know by the time we come to the floor, there have been all kinds of negotiations or other steps before the bill even gets here on the floor. Sometimes it has been joked that more legislation gets passed in the Cloakrooms or the elevators than on the floor.

But the fact of the matter is on a major bill you have Senators of both parties and members of the administration going back and forth negotiating what might be done. Those negotiations would be seen in an entirely different light if anybody involved in them knows whatever you have to do requires a supermajority.

I have won close elections and I have won landslide elections. I have been fortunate that every single time I have run for office in my native State I have gotten more votes than I did the time before. I appreciate that kind of trust that the people of Vermont have shown.

I also remember the statement of my father, God rest his soul, that it is better to win by one vote than lose by a landslide. But what he was doing was referencing that under our system of democracy one vote makes you a majority.

In a country that has seen the benefits of adhering to democratic principles of majority votes, we should be always very, very hesitant when we do anything to change the requirement of just a majority vote and especially hesitant to write it into that sacred covenant, our Constitution.

So I hope we will think back to what Alexander Hamilton said. As we stand here almost in indecent haste, wanting to amend our Constitution, think of a little bit of history. Think of a little bit of history.

We have only amended the Constitution 17 times since the Bill of Rights. Already in this session alone there have been about 75 proposals to amend it. Somehow this country, this great, wonderful, powerful democracy, the model democracy for the world, has been able to survive for 200 years with only 17 amendments after the Bill of Rights. Somehow since the elections of November the country has gone to such hell in a hand basket because we now need 75 new proposals to amend the Constitution.

Madam President, I do not believe that is happening. My State was not one of the Thirteen Original—it was the 14th State. But I know people in my own State feel we should go slowly in making changes.

I yield to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I yield so much time as she may consume to the Senator from Washington [Mrs. MURRAY].

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from California for sponsoring this amendment, and I am honored to be here today as a strong cosponsor of this amendment, to add my voice of support to those of my distinguished colleagues, Senator BOXER and Senator LEAHY.

One's decision on this amendment can be made very easily. If any of my colleagues can foresee their state's future forever free of disasters and emergencies, then their opposition to this amendment will be understood. Lacking the powers of Nostradamus, though, all of us must realize the unfortunate certainty of natural disasters and unpredictable emergencies.

A balanced budget, we all agree is a goal we must work towards rapidly. I am concerned however, that House Joint Resolution 1 would block the ability of the Federal Government to respond immediately in the event of a national disaster. The current proposal's only exception from the requirement of a three-fifths vote to approve spending above a balanced budget is upon a declaration of war.

This flexibility is needed, however not only to defend our national security, it is just as needed to defend our security against natural disasters and unforeseen emergencies that would require an immediate response by Congress and the President.

I have come to know the tragedy of natural disasters through the heavy and devastating tolls they have placed upon the residents of Washington State. From the unusual volcanic eruption of Mount St. Helens to seasonal fires and floods, Washingtonians have responded to these increasing emergencies through the support of our Federal Government. The Federal Emergency Management Agency is the only body prepared to handle disasters of this magnitude. Their ability to quickly respond is the key to emergency management.

FEMA's mission is to provide national leadership and support to reduce the loss of life and property. This endeavor serves not only those impacted by the disaster but begins the economic steps of rebuilding the community.

I am sure many of my colleagues have toured disaster sites immediately following an emergency. These are the memories we should recall when deciding whether a balanced budget overrides the concerns of our constituents in need. I had the unfortunate opportunity to visit the fire-ravaged lands of my State last summer. Hearing the stories of those left homeless, of firefighters burned while saving others, puts a very real face on the numbers we hear in the news. A few moments ago my colleague from California, Senator BOXER, put up a chart by Air, Risk Engineering, Inc., that predicted that a Seattle earthquake may occur in the very near future of 7.5 magnitude, costing as much as $33-plus billion.

I cannot imagine going back to my State in those times of pain and suffering and explaining to my neighbors that a balanced budget amendment prevents them from receiving assistance. Just as we mandate that hospitals can not turn away those in need of medical attention, the Government of the people cannot turn its back on those ravaged by unforeseen natural disasters.

Sadly, none of us are immune from nature's wrath. Fires in my State are no different from hurricanes on the gulf, flooding in the Midwest, ice storms in the East, or earthquakes in California. In 1994 alone, FEMA responded to 36 major disasters totaling over $3.6 billion. Remember that 90 percent of all disasters are funded through supplemental appropriations. No budget can prepare for the destruction, the death, or the injury caused by these unforgiving tragedies.

All of our hearts are extended to the citizens of Kobe, Japan who have experienced one of the greatest disasters of recent history. If any lesson can be unearthed from that devastation, it is a sign of our feeble attempt to control nature. Technology and preparedness can not combat the unrelenting will of the Earth.

At best, in an emergency we can respond and cope. Our ability to aid disaster victims and rebuild fallen communities must not be held hostage by political amendments. I urge my colleagues to support the Boxer-Leahy amendment and remember their constituents who may well be the victims of their State's next natural disaster.

I thank my colleague from California and I yield her back the time.

Ms. SNOWE. Madam President, I want to respond to a couple of points of the Senator from California. I will be very brief.

The point is she makes reference to one project with respect to the fact they did not receive a supermajority vote. Yet, time and again, as I mentioned earlier in my remarks, the House and the Senate voted on emergency disaster funds with overwhelming votes. The fact is that out of 14 occasions since 1978, all but 2 were passed by voice vote here in the U.S. Senate. They were passed by overwhelming votes in the House every time there was a recorded vote taken. And I have before me a resolution that passed on October 26, 1989, a joint resolution, by a vote of 97 to 1 here in the Senate. It provides specifically for funding for reconstruction of highways which were damaged as a result of Hurricane Hugo in September 1989 and the Loma Prieta earthquake of October 17, 1989. In fact, that section refers to the fact that the $100 million limitation contained in that section shall not apply to the expenditures with reference to the reconstruction of those highways in either one of those disasters.

The point is that time and time again the House and the Senate have demonstrated their compassion and their acknowledgment of the serious damage that has been done by the events beyond one's control. I think it is important to reference that.

I know the Senator was making reference to my comments about a simple majority the other night. I should remind the Senator that often I was reminded in my campaign about the midnight pay raise that occurred here in the U.S. Senate a few years ago. But it did occur in the dead of night. And it may have been off the budget. But no one was informed of the fact that vote was going to be taken. The point in all of this is that we have been on record in recognizing disasters and that we were willing to take the action necessary.

The Senator's amendment would really bypass and I think really render the balanced budget amendment ineffective by only requiring a simple majority—a simple majority—to waive the requirement of the balanced budget amendment. That is the issue here. We well know that this could easily circumvent the intent and the purpose of the balanced budget amendment.

Madam President, I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I know that sometimes in debate both sides might use overstatement. But I have to respond to this one. To say that this exception for disaster—by the way, there is already an exception in the balanced budget amendment. Let us not get away with not recognizing that—declaration of war. I assume that my friend fully supports that exception. I am sure she does because she supports the amendment as it is. There is an exception because, yes, in the dead of night we might declare war, and we do not want to see that a minority could stop us from funding that national emergency.

So let us not make it seem that the Boxer-Leahy amendment is opening up an exception in and of itself because it is not. What we are saying is in time of war, says the amendment, there is an exception to the three-fifths vote, the 60 votes. We agree. What the Boxer-Leahy et al., Senator FEINSTEIN, Senator JOHNSTON, Senator INOUYE, Senator AKAKA, and others are saying, sometimes our people are in deep trouble. Let us take a look at this.

This is deep trouble. There is deep water. They are trying to survive a hurricane. Guess what? That is a disaster too. People are killed, I say to my friend from Maine, in disasters as sure as people are killed in national emergencies that see us bringing home coffins from far away places. What we are saying is it is time to make sure that we do not take the Constitution that has worked so well and go back to the days of the Federalist papers, when the Articles of Confederation did not work so well—they were called radical—when we said we have to get a supermajority vote to act. We are saying no. We are not opening up an exceptions clause here. There already is an exceptions clause. This looks like a war, I say to my friend. This looks like war. So does this. So does this. So does this. It is a war on our people which comes from a natural disaster. We are saying let us not require a supermajority.

What I find amazing is that the argument is made over and over that it is easy to get these supermajorities. The fact is my colleagues are ignoring specific votes that just took place in which we failed to get a supermajority to help the people in the flood and we failed to get a supermajority to rebuild this freeway. So I am not making up some doom and gloom scenario. And my friends are ignoring a letter from the Republican leadership in the House saying—my friends, it is in black and white; it is in the RECORD; read it—they are not going to act on that emergency supplemental until they can figure out what they are going to cut in Maine, in Texas, in California, wherever they decide they are going to cut.

So my friend from Maine is engaging in a wishful thought when she says we will always respond, that it is easy to get 60 votes. I show her the RECORD. I show her in the RECORD. As a matter of fact, one of those was led by Senator DOLE. I think it is going to be very interesting when he comes to northern California. I am going to take him to see the Cypress Freeway. He led the fight not to fund it. I had to fight against Senator DOLE. That was hard. We won, though. We were able to make our case, despite his eloquence, that in fact this was a disaster and it needed to be funded. But I could not get 60 votes on that vote. What did I get? Fifty-two. So it was a bare two-vote majority. We could fix this freeway.

I see my friend from Hawaii has come on to the floor, a major sponsor of this amendment. I have a picture here to share with him from Hurricane Iniki in Hawaii. If this does not look like a war zone, what does?

I thank my friend from sponsoring the amendment. I would like to yield to him at this time.

Mr. INOUYE. Madam President, will the Senator yield?

Mrs. BOXER. I yield.

Mr. INOUYE. Madam President, the amendment by the Senator from California is deserving of most serious consideration because nature's work and God's work are unpredictable, for one thing. In the case of Hurricane Iniki, if that hurricane had proceeded just one-quarter of a degree to the west, it would have devastated the city of Honolulu. And the cost of that would have been astronomical. It would not have been $1 billion, $2 billion, or even $3 billion. It would have exceeded $50 billion. To suggest that this is not an unusual cost item would seem rather strange.

Thank you very much.

Mrs. BOXER. Madam President, I want to again thank the Senator from Hawaii. He is a leader in this U.S. Senate making sure that our country is prepared for defending itself. He is the ranking member on the Defense Appropriations Committee. And to have his support, his active support, is very meaningful to me as well as Senator AKAKA. Let me tell you why. They have seen the faces of the children and the old people and the young people and the families who get into these situations.

Madam President, it is my understanding that we are going to stop this debate momentarily and then come back after the conferences for lunch.

I ask at this time that I retain the balance of my time.

How much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 56 minutes and 21 seconds, the majority side has 15 minutes and 13 seconds.

Mrs. BOXER. Thank you very much, Madam President. I look forward to resuming this debate when we return from the caucus lunches.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 being 1 minute away, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until the hour of 2:15 p.m. Whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is certainly my honor, under the previous order, to continue debating an amendment that I have offered on behalf of myself, Senator LEAHY, and several other Senators, which essentially would say that should the balanced budget amendment become part of the Constitution, in addition to a waiver for a declaration of war, where you would no longer have to have 60 votes to go out of balance but a majority vote, that you would add to that exception a federally declared, Presidentially declared, congressionally declared, natural disaster—an emergency.

I think it is very important because if you really look around the country, you can see that we really live in a country where we are at risk. If you look here on the chart, here are the earthquake risks. We can see them not just in the West, by the way, but here and all the way across. The tornado risks are centered here, some of these quite extreme in the smaller circle. The hurricane risks are here; some are noted over here and, of course, closer to the coast is a tremendous risk of hurricanes. On the entire west coast here, as well as the islands, the risk of tsunami, which is a terrible, overpowering wave that occurs because of an earthquake in the ocean floor.

So as we look at our Nation—the most beautiful Nation on Earth, the most prosperous Nation on Earth, the most wonderful Nation on Earth—we do have times when we have disasters, and if ever there was a time to pull together as one, it certainly would be during those times.

In the course of the debate this morning, there were those who said: Senator BOXER, you are totally right, we do have these problems, but there has not really been any time when the Nation has not responded and the Senate has not responded overwhelmingly, as well as the House. The truth is that there have been occasions where we have not received 60 votes to move ahead when there was earthquake rebuilding or, frankly, recovery from flood. I have documented that on at least two occasions in the Senate where we did not get 60 votes. We got 52 on one occasion and 54 on another occasion. Today I read into the RECORD excerpts of something from House Speaker NEWT GINGRICH and the leadership of the House which says very clearly that they are not interested in funding these emergencies off budget. In fact, they will not even consider funding them until they are offset.

What does this mean? It means that if there is a horrible disaster anywhere in our Nation—and it could occur anywhere—and if the view of the new Republican Speaker of the House prevails—and he seems to have the votes over there on everything he has done—there would have to be offsets, and you could not, in fact, take care of an emergency the way we have done it in the past.

I want to make it clear that in the past, under every single Budget Act we have had, we have always exempted emergencies. I think this is a very important point to make at this time in the debate.

The Republican-controlled Office of Management and Budget in 1990 said, in the budget summit agreement of 1990, that "for a Presidentially declared emergency request for supplementals or regular appropriations bills, the across-the-board offset would not apply to the extent the fund requested by the President * * *."

In other words, that is bureaucratic language to say that when a supplemental appropriation does come down to the Senate floor because we have run out of money for an emergency, it will not have to be offset, as everything else would have to be. In other words, if, in the middle of the budget year, a Senator comes down to the floor with a great new idea on how to teach our children and has a great grant program that he or she wants to put forward, that would have to be offset with spending cuts.

But, under the bipartisan agreement of that 1990 Budget Act and, as I stated before, agreed to by the Office of Management and Budget, which was a Republican Office of Management and Budget, emergencies would not have to have offsets.

Additionally, under Gramm-Rudman-Hollings, which amended the Budget Act, the same thing was true. There was an exception from ordinary budget rules and ordinary budget caps for disaster emergencies.

So, basically, the Boxer-Leahy amendment, which would give this constitutional amendment more flexibility, is actually in line with all the other budget laws.

One of my colleagues said today, in opposition, "Well, Senator, your amendment would do violence to the balanced budget amendment." And I am quoting her, I think, directly. She said "In the dead of night, you could come in here and, with a mere majority, take this budget out of balance."

The fact of the matter is, in a bipartisan way, ever since the 1980's, we have been working with the assumption that when an emergency strikes, we would meet that emergency and not wait until we identified other parts of the budget to cut. Under the balanced budget amendment as it is before us, without the Boxer-Leahy amendment added, we would need 60 votes, my friends, to act in an emergency.

I want to go over these charts one more time. One of my colleagues will be arriving shortly, at which time I am going to yield him the floor.

This is a chart that shows the probable costs of future natural disasters, because many times we look back and we learn from history. And that is very important. What we learn from history now is we do not always get 60 votes to respond to a disaster. That is why I find this Boxer-Leahy amendment so important, because we would have been in big trouble if that 60-vote requirement had been before us.

But let me show you what is predicted here by the experts. Starting on the east coast, we are looking at class 4 hurricanes here in the Northeast. This looks like one is out of New Jersey and one is out of New York. These would impact on all these States here, up and down the Northeast, $45 billion here—that is the loss that would be incurred—$52 billion, a class 4 hurricane here in New Jersey; in Virginia, a class 5 hurricane, costs $33 billion. Remember, just because it starts here does not mean it does not impact the whole coast. It impacts the whole coast and I would say inland areas, as well.

In Miami, looking at another huge class 5 hurricane, $53 billion in losses; in New Orleans, a class 5 hurricane, $25 billion; in Texas, a class 5 hurricane at $42 billion.

Centered in Memphis—it is interesting because people think about earthquakes being a California phenomena—one of the largest predicted earthquakes in the future, 8.6 on the Richter scale, $69.7 billion, is centered in Memphis, again affecting all these midsection States.

And in Seattle, a 7.5 earthquake—something else that is not really thought about, the Northwest, an earthquake here; a predicted earthquake in San Francisco, in Los Angeles; in Honolulu, a class 4 hurricane.

So we see, these are just the biggest, most expensive disasters.

I want to point out to my friends that in fact, every single State in the Union, according to a report that I read into the RECORD, is subjected to floods—floods that could be very, very damaging.

So I say that the Boxer-Leahy amendment, which has many cosponsors at this point and gaining all the time, speaks to an issue that is of great import to the entire Nation. Again, there is a change in atmosphere now. That is why this amendment is so important.

We have the Speaker of the House, the new Republican Speaker, proudly sends a letter, saying to the President, "Do not bother sending up an emergency supplemental"—by the way covering 40 States, 40 States that need this money in the emergency supplemental—"unless you cut spending elsewhere."

Now, all of us want to be fiscally responsible. I cast one of the toughest votes of my life when I voted for the deficit reduction bill. The fact of the matter is it passed by one vote and, as a result, we have cut the deficit in half from where it was supposed to be. That was a tough vote.

The balanced budget amendment vote, that is an easy vote. That is an easy vote. You are not voting to cut anything. You are just going to go home and tell your constituencies that you are a fiscal conservative.

Well, I think the question Americans have to ask, and I think they need to ask, their Senator and their Congressperson is this: "Do you vote for an amendment to the Constitution that is going to take effect in 2002 if the States ratify it?" Or, "Do you have the guts and the courage to vote to cut spending now?" And, "Are you going to vote for an amendment that ties the hands of the Federal Government to respond to ensure domestic tranquility?" Which is so important it is in the preamble to the Constitution.

And do you have domestic tranquility when you have situations like this?

Hurricane Hugo in South Carolina. You can see the faces of these victims. The Cypress Freeway in Oakland, which, by the way, we could not get 60 votes to fix. So unless Boxer-Leahy passes, the Cypress Freeway could have remained this way.

Look at this, Hurricane Andrew in Florida. It looks like any war zone you could imagine.

And the beautiful blue sky of Hawaii, look at what was once a beautiful home after Hurricane Iniki.

These are times when you want to help people, whether you are from Indiana or California or anywhere else.

I will show you some more photos. The flooding in the Midwest. They cannot even take their eyes off it, because they cannot believe here right in front of their house they are knee deep in water. The Northridge earthquake, where a police officer, rushing to help people, did not realize the freeway was down and lost his life, one of the first lives lost there.

Mount St. Helens in Washington; and the Houston, TX, floods. It almost looks like—it actually looks like a bomb dropped on this House. We need to be able to respond to that.

So, Mr. President I see that my friend, my adviser, my colleague from West Virginia is here. I know he wishes to speak on this amendment. I would ask him if he is prepared at this time to begin.

Mr. BYRD. I am.

Mrs. BOXER. I am prepared to yield to him as much time as he might consume, just assuring that we do save 5 minutes. If he does intend to take that much time, that is fine with me. I just want to make sure 5 minutes are reserved to close.

At this time, I am very honored to yield to my colleague, Senator BYRD.

The PRESIDING OFFICER. The Senator from California yields all her remaining time, with the exception of 5 minutes, to the Senator from West Virginia.

Mr. BYRD. Thank you, Mr. President. I thank my friend from California, Senator BOXER, for yielding to me at this time.

Mr. President, mankind has always been plagued with floods, famines, droughts, plagues, and other pestilences of one kind or another, which we refer to ordinarily as acts of God or natural disasters.

The first flood for which there is any record was that which is chronicled in the Book of Genesis, when God caused it to rain 40 days and 40 nights upon the Earth.

The hills and mountains were covered, and all flesh died that moved upon the Earth, both of fowl, and of cattle, and of beast and of every creeping thing that creepeth upon the Earth and every man. All in whose nostrils was the breath of life, of all that was in the dry land, died. Only Noah remained alive, and they that were with him in the ark; namely, his wife and his three sons—Shem, Ham, and Japheth; and his sons' wives.

The first fire that I found recorded was the fire that was rained upon the cities of Sodom and Gomorrah. God destroyed those cities with fire out of Heaven, and he destroyed all the plain and all the inhabitants of the cities and that which grew upon the ground. Only Lot, his wife, and two daughters were spared destruction in the fire, and Lot's wife later was turned into a pillar of salt because she disobeyed God's warning.

The first famine of which I can find any record occurred in Egypt, and it was 7 years of duration. Joseph opened all the storehouses. The famine was sore in all lands.

Most of us are familiar with the plagues of Egypt during the sojourn of the Israelites in that country. The Israelites came into Egypt somewhere between 1,700 and 2,100 years before Christ, and their sojourn lasted 430 years. We have long been familiar with the plagues in Egypt which were chronicled by Moses, the author of the Pentateuch, the first five books of the Bible—Genesis, Exodus, Leviticus, Numbers, and Deuteronomy. The waters were turned to blood, and all fish in the river died. There were subsequent plagues of frogs, lice, flies, a plague on all cattle, the plague of boils on human beings, and the plagues of hail, locusts, and darkness, followed by the deaths of the first born.

The first tidal wave of which I can find any record was the tidal wave in the midst of the Red Sea which covered the chariots and the horsemen and all the host of Pharaoh that came into the sea in their attempt to overcome and subdue the Israelites who were being led by Moses, and there remained not so much as one of them.

As to earthquakes, I turned again to that history of all histories, the Bible. There was the earthquake which occurred when Elijah fled from Jezebel, and while Elijah stood upon a mountain, the Lord passed by and a great and strong wind rent the mountains and broke in pieces the rocks, and then the earthquake occurred. In the Book of Amos and also in the Book of Zechariah, we read of the earthquake which occurred in the 27th year of Uzziah, King of Judah. Josephus says that this earthquake was so violent as to divide a mountain in half, which lay to the west of Jerusalem.

Subsequent such disasters have occurred in our own times. There was the great Galveston, Texas, tidal wave in 1900. Charleston, South Carolina, suffered an earthquake in 1886, when most of the city was destroyed, and we have heard of the great San Francisco earthquake of 1906, about which songs have been written.

History tells us of the Black Death of the Middle Ages, a very, very virulent form of plague that ravaged Asia and Europe in the 14th century. It raged in England during the years 1348–1349, and again in 1361–1362, and again in 1368–1369 causing a mortality in some places probably as high as two-thirds of the population.

There was the Great Flood of 1927—that was the year in which Lindbergh flew across the Atlantic in the Spirit of St. Louis. He flew 3,600 miles in 33½ hours. He carried five sandwiches with him and ate 1½ of them. Sometimes he was 10 feet above the water, and sometimes he was 10,000 feet above the water. And as he took off and flew over Cape Breton, those with powerful glasses, according to the New York Times, could see the number 211 on that little plane which carried a load of 5,500 pounds.

Nineteen hundred and twenty-seven was also the year in which I first saw a radio. I was living in a coal mining community in southern West Virginia, a community named Stotesbury, and my foster father, a coal miner, had promised me that on that occasion we would listen to the second Dempsey-Tunney prize fight and we would listen to it on the radio. So, we walked about a mile from where I lived in the upper end of the coal mining community, down the road, to what we referred to as the community grill, where one could buy a bottle of Coca-Cola, if he had a nickel. And there, upon that occasion, upon that night—I can see it as though it were last evening—there was Julius Sleboda, the operator of the community facility, and there were a group of men and boys—I do not recall any ladies being there—they were gathered around waiting to hear the fight.

Jack Dempsey was my idol when I was a boy. I was 10 years old at that time. I am still a boy, but I am 77 years old now. So, I stood there with open eyes and open ears and open mouth waiting to hear Jack Dempsey put Gene Tunney out of the ropes and into the floor with the crowd. But it did not happen. I went away that night a disappointed lad. I was disappointed because Jack Dempsey did not win the fight and I did not hear the radio. There was only one set of earphones. And so Julius Sleboda listened to the fight. He wore the earphones. The rest of us could not hear it. Finally, the general manager of the operation came into the grill, and he was Mr. C.R. Stahl. He took the earphones from Julius and put them on, and he gave to us a blow-by-blow description of one of the greatest fights of all times.

So that was 1927, and in that year there was a great flood that overflowed the Mississippi from Cairo, IL, to the Gulf of Mexico.

Then came 1937. That was the year in which I married my high school sweetheart. We were still in the throes of the Great Depression. And speaking of my high school sweetheart, there was a boy in my class by the name of Julius Takach. His father had a grocery store down at Ury, commonly called Cook Town in Raleigh County.

Every day when Julius came to school, he would fill his pockets with candy and chewing gum from his father's grocery store. He would hand out the candy and chewing gum, and I made it a point, Mr. President, to be the first always to greet Julius when he arrived at the schoolhouse door. He would give me some candy and chewing gum, and I did not chew the gum or eat the candy, may I say to my colleague, Senator HATCH. I always waited until the class had changed and gave the chewing gum and candy to my sweetheart, Erma James.

If I may advise some of these youngsters around here, that is the way you court your girl—with another boy's bubble gum! And it stuck, as you see. I am still married to that same girl now 57 years later. And the Good Lord willing, if we can live another 3 months from the 29th of this month, then we will have been married 58 years.

Well, in 1937, the Ohio and the Mississippi Valleys were overrun by the rivers; 400 people died, 1 million were left homeless, and $500 million worth of property destroyed. That was $500 million in 1937. So one might imagine what it would be now.

In the Book of Matthew, we were told by Jesus that "Ye shall hear of wars and rumors of wars * * * there shall be famines and pestilences and earthquakes in divers places."

He knew what he was talking about. We have had them 2,000 years later, throughout the 20 centuries, and we will continue to have them.

In just the last few years the Congress has appropriated billions of dollars for disasters caused by fires, floods, hurricanes, earthquakes, and drought right here in our own country.

Mr. President, no one except the Almighty has any control over the timing, the frequency, or the magnitude of such natural disasters. They sometimes seem to come just in batches. Who is to say we will not have more frequent and more costly natural disasters in the coming years? No one can say. What will the next earthquake cost in terms of damages and lives, the destruction of buildings and towns and cities, highways, railways? When will it occur? Where will it occur? No one can say. They cannot be anticipated by the Office of Management and Budget. OMB cannot tell us when there will be an earthquake, a flood, a drought, a fire, a hurricane, a tornado, a cyclone. They cannot be predicted by any Senate committee. Their cost cannot be forecast in any State of the Union Address prior to their happening. They cannot be budgeted for in advance with any accuracy. That is why it is so important we provide a means to quickly pay for the costs of natural disasters. We have to protect the victims and the area economies from the devastation.

Now, this chart to my left sets out a number of natural disasters that have occurred in the United States during the last 15 years.

The Mount St. Helen's volcano eruption, which occurred in May 1980, required appropriations totalling $1,015,337,000. Hurricane Hugo occurred in September 1989 and the budget authority and loan authority amounted to $2,826,522,000. It wreaked havoc along the Atlantic Coast. And who paid the bill? The Federal taxpayers, as I say, were called on to provide more than $2.8 billion for needed assistance to the victims who had lost their jobs, their homes and their livelihoods.

Also, in 1989, we had the Loma Prieta earthquake, for whose victims Congress appropriated $3,027,155,000. Then we were spared further major disasters until the summer of 1992 when we suffered the destruction from both Hurricanes Andrew and Iniki and Typhoon Omar which required appropriations of $10,449,513,000. That is a lot of money—$10,449,513,000. In 1993, we had the terrible floods of the Mississippi, for which $6,886,433,000 has been appropriated. And finally in January 1994, we had the Northridge earthquake which required $10,127,583,000 in Federal appropriations.

Mr. President, our Nation has responded immediately to each of these natural disasters with the enactment of emergency appropriations bills to help their victims and to restore the devastated communities which resulted from each of these freaks of nature. We had to act quickly.

I was chairman of the Appropriations Committee at the time we appropriated the moneys for Hurricane Hugo, at the time we appropriated the moneys for the Loma Prieta earthquake, at the time Congress appropriated moneys for Hurricanes Andrew and Iniki and Typhoon Omar, and, of course, I was chairman and brought the emergency supplemental appropriations bills to the floor to deal with the Mississippi flood in 1993 and the Northridge earthquake in 1994. We responded quickly, and my distinguished colleague, Senator HATFIELD, who was the ranking member at that time, who is now the chairman of the Appropriations Committee, and his colleagues on the Republican side, responded quickly, and we worked together and brought these bills to the floor to give help.

We could not afford to wait until we could have a long debate about which areas of the budget to cut in order to fully offset these unanticipated costs. Can you imagine the outcry if the Senate became mired in debate for weeks or even months about how to offset the costs of a natural disaster, while victims were left to twist in the wind and drown in the swirling waters while local economies perished? That is exactly what could happen if the balanced budget amendment to the Constitution ever becomes part of the national charter.

It was precisely to avoid such delay and such misery that emergency funding was exempted by statute from any requirement for funding offsets. We made that decision at the budget summit in 1990 during the Bush administration, that such disasters would be provided for by emergency funds that would be exempted from any requirement for funding offsets. But this is no loophole for frivolous spending. To qualify for this exemption, appropriations for emergencies must meet certain requirements; namely, such funding must be:

A necessary expenditure—An essential or vital expenditure, not one that is merely useful or beneficial;

Two, such funding must be for an emergency that has occurred suddenly—quickly coming into being, not building up over time;

Also, it must be urgent—pressing and compelling need requiring immediate action.

We are talking about what qualifies for the designation "emergency."

It must have been unforeseen—not predictable or seen beforehand as a coming need (an emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, would not be "unforeseen"). So it has to be unforeseen.

And it must not be permanent—the need is temporary, it is urgent, it is necessary, unforeseen, and it is not permanent in nature.

In addition, as I have previously stated, to qualify as emergencies, appropriations must be so designated by the President and by Congress. They must agree on designating the appropriation as an emergency. So it has to be designated in law, passed by Congress.

To further emphasize the utter confusion we will face if the balanced budget amendment is enacted, let us examine more closely the funding requirements for such unforeseen emergencies and natural disasters.

Specifically, section 251(b)(2)(D) of the Budget Enforcement Act reads as follows:

> Emergency Appropriations.—(i) If, for any fiscal year, appropriations for discretionary accounts are enacted that the President designates as emergency requirements and that the Congress so designates in statute, the adjustment shall be the total of such appropriations in discretionary accounts designated as emergency requirements and the outlays flowing in all years from such appropriations.

This very important provision of law allows us to quickly respond to natural disasters such as earthquakes, floods, hurricanes, typhoons, and forest fires. It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find funding offsets from other programs.

We do not have time to tarry around. We do not have time to wait and to quibble. The people who have been hit with these sudden terrible disasters need help.

It enables the President and Congress to provide emergency funding for the victims of such disasters expeditiously, without having to find offsets from other programs.

Mr. President, as Senators are aware, the constitutional amendment to balance the budget now before the Senate does not include any such exemption for emergencies and natural disasters.

That is what the very distinguished and eloquent Senator from California, Senator BOXER, is concerned about. She is trying to correct that by offering the amendment which is at the desk.

But we are told by the proponents not to worry. "Don't worry, be happy," they say. They claim that surely we will be able to muster the 60 votes necessary to waive the balanced budget requirements of this amendment for such important things as earthquakes and fires and hurricanes and droughts, tidal waves, and floods. Indeed, one such proponent has even stated that he has researched the past votes of the House and Senate on funding for natural disasters and found that those emergency appropriation bills passed by larger margins than the 60-percent supermajorities required under the balanced budget amendment. Are we, therefore, to conclude that, indeed, Congress would follow that pattern in every case in the future and thereby we could expect to continue to be able to exempt funding for natural disasters from the balanced budget amendment requirements?

I wish that I could share that kind of optimism. However, I have, I believe, good reason to question his conclusions.

As my colleagues are aware, last Monday Congress received President Clinton's budget request for fiscal year 1996.

There is a part of the President's budget upon which Congress has been asked to act immediately. That part of the budget is the President's request for 1995 supplemental funds for emergencies for defense totaling $2,557,000,000 and for FEMA disaster relief totaling $6,700,000,000. The FEMA request, Mr. President, is to enable the President to continue to meet the continued funding needs of some 40 States in connection with disasters which have already occurred.

For the Northridge earthquake, which occurred on January 17, 1994, and devastated southern California, affecting over 700,000 people and 120,000 structures, including schools, hospitals, municipal buildings, and private residences, the President is requesting an additional $4,865,603,000. Remember now, this is 1 year later and the costs are still coming in.

The balance of the request is to fund and complete projected requirements from previously declared disasters in at least 40 States; and ensure that adequate funds are available to address future disaster assistance requirements during the current fiscal year that already well exceed FEMA's 1995 disaster relief fund appropriation of $320 million.

I ask unanimous consent that this statement which deals with the FEMA disaster relief fund and indicating the States and territories affected, and the additional requirements for each State and territory, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF FUND

[Dollars in thousands]

	Number of States	Additional requirements
State/territory		
Alabama		$2,683
Alaska		947
Arizona		54,978
Arkansas		2,019
California		5,286,240
Florida		7,576
Georgia		10,479
Hawaii		40,575
Illinois		47,491
Indiana		1,155
Iowa		34,663
Kansas		5,518
Kentucky		201
Louisiana		948
Maine		720
Maryland		788
Massachusetts		4,598
Michigan		449
Minnesota		13,570
Mississippi		1,647
Missouri		15,384
Montana		902
Nebraska		16,285
New Hampshire		368
New Jersey		18,757
New Mexico		804
New York		60,338
North Carolina		1,050
North Dakota		5,526
Oklahoma		856
Oregon		10,394
Pennsylvania		2,336
Rhode Island		665
South Carolina		3,301
South Dakota		8,911
Tennessee		3,074
Texas		111,794
Utah		50
Virginia		435
Washington		14,049
Subtotal, States	41	5,791,924
District of Columbia	1	196
Territories		
Guam		2,760
Micronesia		11,309
North Mariana Islands		299
Puerto Rico		14,537
Samoa		19,716
Virgin Islands		21,254
Subtotal, territories	6	69,875
Total, States and territories	48	5,861,995

Mr. BYRD. Mr. President, in past years, we have been able, on a bipartisan basis, to quickly enact emergency appropriations for such important disaster relief efforts. We do this in order to get needed relief to the victims of such natural disasters as quickly as we can, even though we fully recognize that we will often have to add more funding later, once the full extent of the damage caused by each earthquake, flood, hurricane, and so on is known. That is the purpose of the President's latest $6.7 billion emergency FEMA request.

I am sorry to say, Mr. President, that the new leadership of the House of Representatives has now taken a position that these emergencies should no longer be exempt from funding offsets. I have here a letter to the President, dated February 7, 1995, on the stationery of the Speaker of the House, which I will read into the RECORD.

Here to my left is a replica of the letter addressed to the President on February 7, 1995, by NEWT GINGRICH, Speaker of the House, RICHARD ARMEY, the majority leader of the House, JOHN KASICH, chairman of the House Committee on the Budget, ROBERT LIVINGSTON, chairman of the House Committee on Appropriations, and the letter reads as follows. It is written by the Speaker of the House of Representatives, as all who view the charts can see. So I will read the letter:

> DEAR MR. PRESIDENT: The Fiscal Year 1996 budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 1995. Most of these requests are for emergencies.
>
> The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The committee in the House in turn will act only after offsets for these activities have been identified.
>
> However, we will not act on the balance of the request until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them rather than to add to our already immense deficit problems.
>
> We, therefore, ask you—

Meaning you, Mr. President, the President of the United States—

> to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental request.

Mr. President, unless I misunderstand the intent of this letter, it lays down a marker that its authors do not intend to even consider funding the $6.7 billion in emergency FEMA disaster relief funding until the President recommends offsets.

Could this mindset with the likely impact of a constitutional amendment to balance the budget and I believe what emerges is a nation which may be totally unable to help its people at a time of national disaster.

Imagine that! Another California earthquake occurs, a flood in Iowa, a hurricane in Georgia or South Carolina, thousands of homeless children injured, death, devastation, sadness, whole communities wiped out and the response of the Nation is, tough luck! Never mind the misery. Never mind the sadness. First things first, And first things first means we will have to find a way to pay for every dollar, offset every dollar, before we lift a finger to help the victims.

Where is the Christian brotherhood in that approach?

Oops, sorry Mr. and Mrs. Taxpayer. The hurricane in Florida will actually cost us $10 billion instead of $5 billion so we are out of budget balance and you owe us some more money for last year's tax bill. Or do we just say, tough it out Florida? We cannot afford the hurricane bill. Maybe you could petition Japan for a little disaster assistance.

Because of its ill-crafted, rigid inflexibility, I believe that this budget amendment will have us careen from budget crisis to budget crisis.

Think of what the Desert Storm conflict could have done to our budget situation. We began the military deployment in August 1990, I believe. It was never a declared war. We do not declare wars any longer. But, it was certainly a hotly debated issue here in the Senate. We were out trying to rustle up dollars from our allies in order to help pay for that action, and we did not know until the conflict was nearly over to what extent our costs would actually be reimbursed by contributions from our friends and allies. Even though we were reimbursed, it was necessary for the United States to pay for substantial costs at the outset of the deployment.

The full cost of Desert Storm was unknown for months, for the very good reason that it was impossible to predict how difficult the conflict would be and how long it would last, how easy it would be for us to prevail, what our casualties would be, how well the coalition would work together, and other variables which are always uncertainties in any armed conflict. Can we be sure that future important international involvements, undeclared wars, but important military actions, can be declared a threat to national security by a joint resolution adopted by the whole number of each House? That is talking about a majority of the whole number of each House.

How in the world are we ever going to know what conflicts we are going to be able to afford in the future? First, we will have to be sure that we can waive the provisions of this amendment by having a serious threat to national security declared by a joint resolution and adopted by a majority of the whole number of each House, which becomes law. How will the Department of Defense ever be able to adequately plan? Will our allies ever again rest easy knowing that we may have to hedge on our commitments to them because of uncertainty about our financial ability to fully engage our forces in their behalf? How will we ever be sure that we can come up with the money should the fiscal year have ended in the middle of a conflict, and the costs had thrown the budget badly out of balance?

Suppose the conflict became unpopular after it had begun and support for paying to complete U.S. responsibilities had ebbed. Talk about a bouncing ball of fiscal uncertainty. We could become unable to be certain of our ability to handle any emergency either abroad or at home.

In a perfect world, there are no uncertainties. In a perfect world, storms do not rage, famine and drought never occur, and all inconvenient problems abroad end before the close of the fiscal year with money left over to pay the bills.

But we do not live in a perfect world. We live in a dangerous, crisis-ridden, unpredictable world, and we will rue the day that we handcuff our fiscal policy to the fallacies and flaws of this most imperfect and thoroughly misguided balanced budget amendment.

Mr. President, I ask unanimous consent that a letter to the President from the House Republican leadership be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 7, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The Fiscal Year 1996 Budget which you transmitted to Congress contains an additional $10.4 billion in supplemental budget requests for Fiscal Year 1995. Your budget submission further reflects only $2.4 billion in rescissions and savings for FY 95. Most of these requests are for emergencies.

The House Appropriations Committee will proceed to review and act on these requests. But highest priority will be given to replenishing the accounts in the Department of Defense badly depleted by contingencies in the Persian Gulf, Somalia, Rwanda, Haiti and other activities. The Committee and the House in turn will act only after offsets for these activities have been identified.

However, we will not act on the balance of the requests until you have identified offsets and deductions to make up the balance of the funding. Whether these activities are emergencies or not it will be our policy to pay for them, rather than to add to our already immense deficit problems.

We therefore ask you to identify additional rescissions as soon as possible so we can move expeditiously on your supplemental requests.

Sincerely,

NEWT GINGRICH,
Speaker of the House.
JOHN KASICH,
Chairman, House Committee on the Budget.
RICHARD ARMEY,
Majority Leader of the House.
ROBERT L. LIVINGSTON,
Chairman, House Committee on Appropriations.

Mr. BYRD. Mr. President, I congratulate the distinguished Senator from California, Senator BOXER, for offering this amendment. I support her amendment, and I hope if there is a motion to table the amendment, that motion will be rejected.

I return any time I may have remaining to Senator BOXER.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from California has 9 minutes and there are 15 minutes remaining on the other side.

Mrs. BOXER. I ask my friend, does he have anything to contribute? I would like to, first, if it is all right, yield 4 minutes to my friend from Arkansas at this time and I will retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS] is recognized.

Mr. BUMPERS. I thank the Senator from California for yielding me 4 minutes. Let me preface my remarks by saying I will never forget this. I had been Governor of my State I guess about 3 months. Arkansas is part of what we call "tornado alley." We have a terrible tornado in Brinkley, AR, and my staff said, "You have to go over there." I said, "They would think I was trying to politicize their plight." They said, "You do not understand it; they are desperate and they want to see authority figures. They want to know somebody is going to help them." They finally talked me into going, even though I thought it was a political thing to do. I never failed to go immediately to every flood and tornado after that, because when those people saw me, they crowded around me and wanted me to hear their stories, wanted me to assure them that everything was going to be all right. It was one of the most gratifying things I ever did in my life.

Senator BOXER's amendment is the exemplification of simplification. It just simply says that if we have a big disaster in this country, by a majority vote—and who could quarrel with that? By a simple majority vote, we can spend the money to alleviate the terrible plight of people in California, southern California or northern California, who had been hit by a terrible earthquake; or we can cover 10 States in the Midwest, whose homes, farms, cities had been wiped out. Can you not just see us sitting here and people dying, water washing their homes away and saying: Well, we tried. We got 59 votes but we just could not quite cut the mustard. You people just do the best you can.

How silly can you get? That is not what this country is made of. I admit that a flood in Arkansas gets my attention more than a flood in West Virginia or California. You know, some day, if you look at this map, you will see that the New Madrid fault in Northeast Arkansas is one of the most dangerous areas in the United States. The maximum risk of earthquake is along the New Madrid fault. The Presiding Officer knows where it is because Tennessee is part of it, too. To sit here and say that, in the interest of killing every single amendment, we are going to kill this one, too, and we are not going to allow a simple majority vote in the Senate to determine whether we are going to help American citizens who through no fault of their own have been decimated, it would be the height of irresponsibility to vote to table an amendment as well conceived and sensitive as this one is.

So, Mr. President, I applaud the Senator from California for offering the amendment. I am very pleased to cosponsor it, to vote for it, and I hope the people who walk in this Chamber in about 15 minutes will not just vote that knee-jerk vote we have been watching ever since we started this amendment, but stop and reflect. If you cannot go home and tell the people of your State that you voted for this because you want to take care of them in case of emergency, you do not deserve to be here.

I yield the floor.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania [Mr. SANTORUM] is recognized.

Mr. SANTORUM. Mr. President, I yield myself such time as I may consume. I wanted to make a couple of comments about some of the arguments that have been made today with respect to this amendment. I think it is a good amendment in the sense that it brings the very important issue to light of how we will deal with natural disasters under the strictures of the balanced budget amendment.

I will first state that we have 7 years before we have to get to a balanced budget. And during the first 6 years, there are no strictures at all placed on either body, other than the ones now in place with respect to the Budget Act, to passing supplemental emergency appropriations bills. For the first 6 years, we are pretty much under the same rules we have been, which I see as an opportunity, as Senator SIMON suggested, with respect to the overall budget, but I think even more particular with respect to emergency appropriations, for us to be able to build up reserve funds over the next 6 years, specifically targeted for this kind of emergency. We know emergencies will occur. We have had votes on emergency supplementals just since my election in 1990 to the House. We have had 16 such votes in the House and Senate. Under the 1990 Budget Act, which put in a high hurdle to get an emergency supplemental appropriation passed, we have done that. I think what we should do is understand that emergencies will occur and we should set aside some funds to be available for that purpose. We have 6 years between now and the year 2002 when we have to get to the balanced budget to accumulate money in that account.

So I suggest that that might be an effort that the Senator from California and others from other States who are subject to more natural disasters than other States would work on and hopefully implement.

The other point I wanted to make is with respect to the margin with which all of these supplemental appropriations since the 1990 Budget Act have passed. We have had 16 such votes in the U.S. Senate. All 16 passed with greater than a 60-vote margin. Every single one of them would have passed under the constitutional amendment that we are now considering, which requires a 60-vote margin here in the Senate, requires three-fifths.

All of those would have passed here and we would have, in a sense, waived the constitutional requirements for a balanced budget here in the Senate. All but two would have passed in the House of Representatives. The only two that would not have passed is one having to do with the Los Angeles riots; and it was a very controversial aid package because of some of the measures that were put in it, controversial measures that were put in for the city of Los Angeles. I do not think anyone had any problem with providing financial assistance to the riot-torn areas of Los Angeles, but there were some measures that were included that caused some controversy; but that was a close vote, relatively close. The other had to do with extension of unemployment benefits in 1993, which was a relatively close vote in the House.

Both of which, I think you can make the argument with respect to some of the pork that was in the Los Angeles riot bill and the need in 1993 when in the middle of the President's debate on passing his deficit reduction package that we were going to throw more money to unemployment benefits without paying for it, both had legitimate reasons for objections in the House.

But I think it just goes to show you that when this country, when this body and the other body is faced with a natural disaster, such as the earthquake that Senator BOXER has been referring to, we stepped to the floor and in overwhelming numbers passed the disaster assistance.

I will refer to the Northridge, CA, earthquake last year, the disaster in 1994, 337 to 74 in the House and 85 to 10 in the Senate. The Midwest flood, a flood in the Mississippi River and other rivers in the Midwest, 400 to 27 in the House, and it was voice voted in the Senate, which shows fairly unanimous support here in the Senate.

When the disasters are serious, when people are in need, we understand we have an obligation to respond to that and we do in overwhelming numbers. We do not need an amendment to this constitutional amendment to solve this problem. We will solve it on our own and we have met and will continue to meet the expectations of the public when such disasters occur to this country.

So, while I support the intention of the amendment of the Senator from California, I think it is unnecessary. And I believe if it truly is a disaster the House will go ahead—they do not have a supermajority provision right now; they can pass bills over there with a simple majority. Here in the Senate, we, in a sense, have a supermajority requirement already. We have filibusters here and we have cloture votes. Most legislation around here, if it is somewhat controversial, has to get that 60-vote requirement to pass. And so we already have what the constitutional amendment would require of us here in the Senate.

Really, all this constitutional amendment does is put a little higher burden on the House. And I do not think that is a bad idea. I think, in fact, it may screen out some "emergencies," like some of the ones I described here, make those bills that respond to those emergencies be cleaner and directly targeted to the aid, as opposed to Christmas treeing it with a whole bunch of other projects that Members of the Senate and House may want to attach.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have remaining?

The PRESIDING OFFICER. Eight minutes and forty-five seconds.

Mr. HATCH. Mr. President, I really appreciate the comments of my distinguished colleague from Pennsylvania. He spoke great truth here. He has made it very clear why this amendment needs to be defeated.

Naturally, I am opposed to this amendment, because it is one more proposed loophole to the balanced budget amendment.

As the distinguished Senator from Pennsylvania said, and Senator CRAIG and Senator SNOWE demonstrated this morning when they reviewed congressional votes in recent years approving various disaster relief measures, Congress has never been reluctant to approve, by overwhelming margins, emergency relief for Americans suffering the effects of natural disasters—never. The balanced budget amendment is not going to stop Congress from continuing to do that, and so there is no need for this amendment.

But the amendment that the distinguished Senator from California sincerely is putting forth here actually would open a loophole as wide as a barn for any kind of spending program to go through.

House Joint Resolution 1 would not deprive the Congress of the ability to continue to respond to such emergencies, since it already contains a mechanism for dealing with fiscal emergencies.

First, when the balanced budget amendment goes into effect, implementing legislation can address the prospect of unexpected developments. It can set aside a contingency fund, available for use in such emergencies, as part of a balanced Federal budget.

Second, in drafting the balanced budget amendment, the authors have anticipated the possibility of sudden and unexpected emergencies, such as natural disasters, requiring prompt action by the Congress and the Federal Government to provide needed relief to disaster victims or people who suffer from disasters.

For that reason, the amendment already includes mechanisms which give Congress the flexibility necessary to respond in emergencies by providing relief to disaster victims:

Under section 1 of the amendment, three-fifths of both Houses can vote a specific excess of outlays over receipts.

Under section 2 of the amendment, the Congress, by three-fifths vote of each House, would have the power to increase the debt limit where necessary in order to provide emergency relief and assistance in the wake of any natural disaster.

The amendment proposed by our friend from California, however, does not simply create a mechanism by which Congress, reacting to a sudden and unexpected emergency, may waive the debt limitation provision of the balanced budget amendment in order to provide emergency relief to disaster victims.

Let us be very clear about this. What is being proposed in this amendment is not a waiver for emergency disaster relief only. Read the fine print. Senator BOXER's amendment provides that in any money, even $1, is spent "as a result of a declaration made by the President—and a designation by the Congress—that a major disaster or emergency exists "the Congress, by the smallest of margins, a simple majority not of the whole congress but only of those present and voting at a particular moment, may completely waive the balanced budget amendment for that entire fiscal year.

Under the language of the Boxer amendment, there is no link whatsoever between the amount of emergency disaster relief and the increase in the debt ceiling. This goes way beyond being a loophole through which Congress could slip a few billion dollars in new debt whenever it chooses. Once a so-called disaster relief waiver is passed by a simple majority of those present and voting, there would no longer by any limitation on increasing the national debt in that fiscal year. Actually, none. What a loophole. The door is open; the roadblocks are removed; the Federal pork-barrel, deficit-spending express is back on track, cleared once again to run full speed ahead, carrying the American people to economic ruin.

This amendment would not only permit future Presidents and Congresses to evade what would otherwise be a constitutional mandate that the Federal Government finally live within its means, it would be an open invitation to such evasion, precisely because it would make such evasion so very easy.

The fact is that in every fiscal year after the balanced budget amendment goes into effect, there will be sufficient pretext for a spending-minded President and simple majority of Congress to invoke the disaster relief waiver and thereby eliminate the prohibition on new debt if they so choose. And that is exactly what they will choose—we have 25 straight years of deficit spending since 1969, with 5 more years and another trillion dollars of debt to come according to President Clinton's 1996 budget proposal, as proof of that contention.

Talk about disasters; if this amendment passes, the balanced budget amendment dam will be broken, releasing a further flood of red ink which will drown the American people in an ever-rising sea of debt.

Congress does not need the debt limitation waiver mechanism proposed by this amendment in order retain its ability to respond, as it always has, to the needs of disaster victims. The American people, however, cannot afford to have dangling before future Presidents and Congresses what would almost certainly prove to be an irresistible temptation to circumvent the necessary discipline of a balanced budget amendment. This amendment is not only unnecessary, but potentially fatal to our economic future. I urge that it be defeated.

If you read the language of this amendment, the language is just unbelievably broad.

> The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President and a designation by the Congress that a major disaster or emergency exists.

Once the President declares an emergency or disaster, Congress could spend any amounts it wants—on any programs—during that whole fiscal year, according to the way this is written.

I have to say that there was another amendment filed on this subject that at least did not go that far. It was more narrowly tailored than this one. But this one goes so far that it would allow any big-spending President and any big-spending Congress to deficit-spend whenever they want to do it, and without any consideration whatsoever to the taxpayers of America.

So this amendment deserves to be defeated, and we are going to move to table as soon as the distinguished Senator from California finishes her concluding remarks.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, the rewriting of history that goes on around here is really incredible. The Senator from Utah gets so worked up about the idea that a majority of the Members of this body could vote to say that an emergency that kills people, that is happening in our country, could say to this Senate, "Yes, we are going to pay for that and we are going to do it now."

Do you know that every year since the Republicans had control of the Senate, Mr. President, that has been the rule. Where has the Senator from Utah been? I never heard him complain about it before, when Republican Presidents said, "Yes, a disaster should be an exception by a majority vote, and we should not have to find offsets." It happened in a Republican Senate.

So my amendment is the conservative one. Without this amendment, we are being radicalized by this U.S. Senate into a position that we cannot respond. I was happy to hear the comments of my friend from Pennsylvania, and I agree with him. We will have some time to work on this problem, and we are. I am appointed to a task force, and I hope the Senator can join us.

Senators should know we do have rainy day funds now that are in the budget. The problem is some years it rains more than the rainy day fund. And that is the definition of a disaster emergency. You do not know where it will hit and how much it will hit.

I ask if we could have a final chart on the newspaper story. By the way, I want to say to my friend from Pennsylvania, in his own case in Pennsylvania in 1993, $24 million for severe snowfall winter storms; in 1994, severe winter storms, snow and rain, $72 million the Senator's State received. I hope and pray you do not have this experience again, but I also hope and pray if you do, you do not have to count on 60 votes, because unlike what was said by the Senator from Pennsylvania and others today, twice on this very floor we failed to get 60 votes for emergency spending for disaster relief. We fell short. We got 52 votes. But guess what, this is America, majority rules. But not if you vote for this balanced budget amendment to the Constitution. You are giving the power of the American people to a minority in this U.S. Senate.

Let me show you this headline. L.A. Times, February 5: "FEMA Chief"—that is the Federal Emergency Management Agency—"Warns of a Kobe-Like Quake in the United States. Visiting disaster area, James Lee Witt says chances of temblor in Midwest are growing. He declines to criticize Japan's emergency response," which is a very interesting story in and of itself. This is what he said:

> If a quake the size of the Kobe temblor struck along the New Madrid, the eastern part of the United States could be deprived of much of its petroleum supplies, Witt says. * * * "And if [an earthquake] hits in the wintertime, we're in big-time trouble," Witt said.
>
> Witt said his agency has been trying to persuade operators of pipelines to install safety shutoff valves.
>
> The percentages gets higher and higher every year for a major earthquake on the "New Madrid. By the year 2000, it's more than a 50-50 chance that you could have a major earthquake," he said.

I want to get to Kobe. I want my colleagues here, Republicans and Democrats alike, to think about what it would be like to stand in front of a group of constituents in your hometown and tell them, "Sorry, I couldn't get 60 votes, move to another city." And to my colleagues who get up here and say this is a terrible amendment, this is going to ruin America, let me tell them that more people died in two earthquakes in California than died in Desert Storm. We are talking about terrible, terrible outcomes here. We have an exception for war, and we should. I did not write that exception. The Republican Congress wrote that exception. I am saying we ought to add an exception for an emergency like this because dead is dead is dead.

Now I want to tell you:

> About 250,000 refugees are still living in parks or government-managed evacuation centers in unheated gymnasiums.

This happened in Kobe.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. BOXER. I further say people died in those shelters because they did not have enough doctors to take care of them. At this point, I yield the floor. I understand there is going to be a motion to table. I urge my colleagues to vote against that motion.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time do we have left?

The PRESIDING OFFICER. Two minutes.

Mr. SANTORUM. If the Senator will yield, I have a question for the Senator from California [Mrs. BOXER]. She keeps referring to a 52 vote on something. I am looking at all these disasters since 1987. I do not see anything here that says 52 votes.

Mrs. BOXER. I am very glad that the Senator asked me that. I already placed it in the RECORD. I will give you exact dates. On February 10, 1994, last year, by a vote of 43 to 52, the Senate defeated the Dole amendment to strike funding to repair the Cypress freeway which was destroyed in the 1989 Loma Prieta earthquake—we have a picture of it—and to find offset budget cuts. That failed and also another vote failed——

Mr. SANTORUM. Can I reclaim my time?

Mrs. BOXER. On the floods as well.

Mr. SANTORUM. That was the 1984 earthquake supplemental which passed 85 to 10 which would have met the scrutiny. What you are referring to is an amendment that failed. That, obviously, would not require a three-fifths vote. An amendment to a supplemental appropriations would not be violative of the balanced budget amendment. What finally happened——

Mrs. BOXER. The Senator is incorrect on that.

Mr. SANTORUM. What happened is 85 to 10 on final passage of that bill.

Mrs. BOXER. The Senator is incorrect. Had that amendment been before this body under the rules of the balanced budget, we could not have rebuilt this freeway on which people died, period, end of quote. We would have needed 60 votes. I could only get 52 votes. Thank the Lord, we were able to rebuild this freeway. The same thing happened with the Midwest floods.

Mr. SANTORUM. If I can reclaim my time. The fact of the matter is that bill passed 85 to 10, which is well in excess of two-thirds. An amendment is not under the strictures of a three-fifths majority. I believe the Senator from California is aware of that. I will be happy to yield back the time.

Mr. HATCH. We yield back the remainder of our time.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by my friend and colleague from California, Senator BOXER, which would allow Congress to respond quickly and responsibly to Presidentially declared emergencies.

Mr. President, on September 11, 1992, Hurricane Iniki struck the island of Kauai and the Waianae shore of Oahu with the force of a sledgehammer. Sustained winds of 140 miles per hour, with gusts of up to 226 mph, were recorded. In a few nightmare hours, the lives of Kauai's 51,000 permanent residents and thousands of tourists had been radically transformed for the worse. On Kauai alone, 7 people died and over 100 were injured, and $2 billion in damage was recorded in private and public property loss.

More than 14,000 residences were destroyed or damaged, leaving thousands homeless or poorly sheltered from the elements. Five thousand utility poles were knocked down, leaving residents without electricity or the ability to communicate with themselves or the outside world. The loss of power also meant that no water could be pumped to faucets. Tons of debris blocked roads, shutting down transportation island-wide. Harbors, schools, offices, and other government infrastructure sustained heavy damage. And the local airport, the island's major link with the rest of the State, was knocked out of commission, preventing immediate relief and evacuation.

Today, 2½ years later, thanks to the quick reaction of Federal, State, and local officials, the energy and enthusiasm of volunteer agencies, and to the courage and fortitude of the people of Kauai, Kauai is slowly recovering. Unemployment is still unacceptably high, and the rebuilding is not complete by any stretch of the imagination, but a semblance of normalcy has returned. Roads are open, the phones are working, and tourists are returning to newly refurbished hotels and beaches.

Yet, Mr. President, little of this would have been possible without the $1.2 billion in Federal disaster assistance that Congress appropriated in the months following Hurricane Iniki. That funding ensured that a tiny island like Kauai, and a small State like Hawaii, which on its own would never have been able to raise the necessary funds to avert massive homelessness and unemployment, would in time recover.

And this is what the Boxer amendment is all about, Mr. President. It is about helping your neighbor when he is in need. It is about extending a helping hand to those who, through no fault of their own, are struck down by disaster, natural or otherwise. It is about pulling together as a country when the chips are down. It is about Californians helping Missourians cope with floods; it is about Missourians helping South Carolinians rebuild after a hurricane; and, it is about South Carolinians aiding Californians when the Earth shakes.

Mr. President, I have previously articulated my opposition to a constitutional balanced budget amendment. But if we must adopt the measure, we must ensure that Congress has the necessary flexibility to respond quickly and responsibly to emergencies that are well beyond the means of localities and States to address. We must avoid the risk of undermining the very reason for the Union itself. Our national motto is and remains United We Stand, not United We Stand, Unless We Run a Fiscal Deficit.

So, for the sake of unity and compassion, for the sake of shared responsibility, I urge my colleagues to support this important, prudent, and altogether necessary amendment. Let us not sacrifice our sense of common purpose on the altar of fiscal expediency.

I yield the floor.

Mrs. FEINSTEIN. I am pleased to cosponsor this amendment which will waive the provisions of the bill before us when the President of the United States declares a Federal disaster.

Over the last few years the United States has experienced more disasters than at any other time—the Loma Prieta earthquake in California; Hurricane Hugo which struck the Carolinas; Typhoon Omar which struck Guam; Hurricanes Andrew, Bob, and Iniki; the floods that covered much of the Midwest; the more recent floods that devastated Texas; the wildfires which struck southern California; the Northridge earthquake in southern California just over 1 year ago; and the floods that are still plaguing California.

In California, earthquake activity has dramatically increased. Leading seismologists have predicted that there is an 86-percent chance of a 7.0 quake in southern California in the next 30 years.

California can do more and will do more to prepare for future disasters, but as we saw in Kobe, Japan, even what is considered good planning can be ripped apart.

But much more than California is at risk. It is inevitable that Florida and the eastern seaboard will see another hurricane. Hawaii will see another hurricane or a volcano. A tornado, floor, or deep freeze will hit the Midwest, and on down the list. Currently, there are outstanding requests for disaster assistance in 40 States. Every State in the Union is at risk from Mother Nature.

This exemption is not frivolous. More times than not, FEMA has had the capability to cover the costs of a federally declared disaster. FEMA has provided assistance in cases of heavy snow, tornadoes, floods, and many other situations, and has not required additional funding from Congress. People should not be under the impression that FEMA marches up to Capitol Hill after every disaster and request more money.

We need this exemption for those infrequent instances when the size and scale and destructive force of a disaster is simply too overwhelming for the affected local and State officials to handle.

Twelve times since 1974 the administration has requested a supplemental appropriations bill to pay for the costs of disasters. Seven of those twelve times, the supplemental request has been less than $1 billion. In no instance has Congress required these bills to be offset by cuts in other funding, which would be the required course of action if this amendment fails.

Congress passed the Robert T. Stafford Disaster Relief and Emergency Assistance Act to outline in what ways the Federal Government should supplement State and local efforts in times of disaster.

Through the Stafford Act, the Federal Government has recognized that it has a vital role in responding to disasters. We must maintain that commitment, and this amendment will ensure that we do so.

Oftentimes we in the Senate do not move quickly to pass bills. Thankfully, we have moved quickly to pass bills to help restore the lives of disaster victims. In such cases of catastrophic disasters, when local officials cannot meet the needs of the victims, we must not let budget debates and haggling over how to achieve 60 votes slow our effort to meet our commitment.

Some may argue that the Federal Government is too intrusive in our lives—but when disaster strikes, trust me, even the greatest government cynic is glad to see someone wearing a FEMA jacket.

In response to the Northridge earthquake in my State of California, Congress passed a bill that included $8.6 billion in Federal emergency assistance. This money has been absolutely vital in getting Los Angeles back on its feet. Federal disaster relief funds have played a critical role in Hawaii, and Florida, and the Midwest as well.

Some will argue that if these billions of dollars are so small in comparison to our Federal budget, why should they be so difficult to offset? Let me address that question. Last week the House Appropriations Committee approved a measure to offset the supplemental spending bill that was requested by the President to bay for military operations in Haiti and elsewhere. This $3.2 billion bill was offset with $1.8 billion in cuts in defense spending, and $1.4 billion in nondefense spending. The $1.4 billion in cuts in nondefense cuts, had little if any hearing and were cut at the expense of programs totally unrelated to the purposes for which they were going to be sacrificed.

Will we use bills to help victims of disasters as a vehicle to wantonly cut unrelated programs with little or no thought? If this becomes the case, when these disaster bills finally wind their way to the floor, as victims wait for our assistance, the programs that have been cut in committee will be the subject of debate, and the victims of the disaster will sit and wait. The debate on disaster bills should be about the victims, not about the budget.

There is another point I would like to make with respect to the Budget Act of 1990. Under the provisions of balanced budget amendment, 60 votes in the Senate would be necessary to waive the requirement of balancing the budget. The Budget Act of 1990 specifically gave the Congress the authority to consider bills deemed to be emergency spending by both Congress and the President, without subjecting the bill to a point of order. Once a bill is the subject of a point of order, it takes 60 votes to waive the provisions of the budget act. By subjecting emergency bills to the balanced budget amendment, we would be requiring 60 votes the amendment, the same requirement that emergency bills were specifically exempted from in 1990.

Additionally, there has been criticism in the past that these bills have been loaded up with pork unrelated to disasters. I have cosponsored a bill with Senators McCAIN and FEINGOLD to eliminate amendments to these bills that are unrelated to the disasters so emergency funding bills are only for emergencies. I hope that bill will see swift passage.

Disasters are unexpected, and can cause, in some cases, tremendous amounts of damage. We cannot plan for them, and funds for assistance must not be delayed because of our fear of throwing the budget out of balance, but the speed with which we pass these bills can be vital to an effective recover effort.

As an aside, I would like to make a suggestion to my colleagues with respect to helping to prevent the need for emergency disaster bills in the future. FEMA will have approximately $320 million this year for its disaster relief fund, a figure based on an old average of yearly needs, when in fact the average outlays from the disaster relief fund from fiscal year 1985 through fiscal year 1996 projected—is $1.527 billion. I would suggest to my colleagues that we use this figure as a new baseline instead of the $320 million. These funds if not expended, can build up, so we would be better prepared financially for future disasters. I recognize that we would need to find an additional $1.2 billion annually to cover the difference, but perhaps that would be easier than finding the much bigger sums that we have to produce all in 1 year in the face of huge disasters such as Northridge.

To close, I would like to say, disaster bills will not break the budget, but will help put the lives of the thousands of disaster victims back together.

I urge my colleagues to support this amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I appreciate the debate we have had. I listened to part of it in my office. It seems to me this amendment would create a gaping loophole in the balanced budget amendment. According to the language of the amendment, if the President declares that a major disaster emergency exists "a simple majority vote in both Houses of Congress would waive the balanced budget requirement for that year."

The balanced budget amendment already contains a safety valve. If there is a major disaster emergency, a three-fifths supermajority vote could raise the debt limit to cover the potential cost of disaster relief.

I think, as everybody pointed out on the floor, I think I voted for every disaster we had in America, whether it was California, Florida, or the Midwest. It is not difficult to achieve the three-fifths vote. After all, we are going to be responsive wherever the disaster may be. I think that will be true in both Houses of Congress.

So it seems to me we want to move on with this effort. We would like to pass the balanced budget amendment this week and get it out to the 38 States. I think you will see the States quickly ratify the amendment. They understand the importance of it. I hope we can speed up the process. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from California.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

The PRESIDING OFFICER (Mr. KYL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—70

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—28

Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Conrad
Daschle
Dorgan
Feingold
Feinstein
Ford
Glenn
Hollings
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mikulski
Murray
Pell
Pryor
Rockefeller
Sarbanes
Wellstone

NOT VOTING—2

Bradley
Moynihan

So the motion to lay on the table the amendment (No. 240) was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 241

(Purpose: Proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office)

Mr. HOLLINGS. Mr. President, I send an amendment to the desk on behalf of myself and the senior Senator from Pennsylvania, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, and Mr. SPECTER, proposes an amendment numbered 241.

The amendment is as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through line 9, and insert the following: "that the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:".

On page 3, immediately after line 11, insert the following:

"ARTICLE—

"SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.".

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 400 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Feingold amendment be the next amendment and that the pending Feingold motion be limited to the following time prior to a motion to table and that no amendments be in order prior to the motion to table: It will be 60 minutes under the control of Senator FEINGOLD and 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Feingold motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following the disposition of the Feingold amendment vote, the Hollings amendment No. 241 become the then-pending amendment; that it be limited to the following time prior to a motion to table, and that no amendments be in order prior to the motion to table: 60 minutes under the control of the distinguished Senator from South Carolina; 30 minutes under the control of Senator HATCH. I further ask that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the Hollings amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object, and I will not object to the request, but it is my understanding that the unanimous-consent agreement would lead to two votes, the last of which would occur somewhere around 7:30 or 7:45?

Mr. HATCH. The Senator is correct. There would be two amendments pursuant to these unanimous-consent requests. Both will be 1½ hour in length with a motion to table and votes following.

Mr. DORGAN. Will those be the last votes today?

Mr. HATCH. Not necessarily. I have no knowledge about where we go from there.

Mr. DORGAN. Those two votes will occur consecutively?

Mr. HATCH. No. They will occur at the conclusion of each 1½ hours of debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, on behalf of myself, Senators BUMPERS, ROBB, MURRAY, HOLLINGS, MOSELEY-BRAUN, EXON, and WELLSTONE, I send a motion to the desk to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BUMPERS, Mr. ROBB, Mrs. MURRAY, Mr. HOLLINGS, Ms. MOSELEY-BRAUN, Mr. EXON, and Mr. WELLSTONE, proposes a motion to refer.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

On behalf of myself and Senators Bumpers, Robb, Murray, Hollings, Moseley-Braun, Exon, and Wellstone, I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following:

"The Committee finds that—

(1) the Congress is considering a proposed amendment to the Constitution to require a balanced budget;

(2) the Federal budget according to the most recent estimates of the Congressional Budget Office continues to be in deficit in excess of $190 billion;

(3) continuing annual Federal budget deficits add to the Federal debt which is projected to soon exceed $5 trillion;

(4) continuing Federal budget deficits and growing Federal debt reduce savings and capital formation;

(5) continuing Federal budget deficits contribute to a higher level of interest rates than would otherwise occur, raising capital costs and curtailing total investment;

(6) continuing Federal budget deficits also contribute to significant trade deficits and dependence on foreign capital;

(7) the Federal debt that results from persistent Federal deficits transfers a potentially crushing burden to future generations, making their living standards lower than they otherwise would have been;

(8) during the 103rd Congress, the annual Federal deficit declined for two years in a row for the first time in two decades and is projected to decline for a third year in a row;

(9) the progress in reducing the Federal deficit achieved during the 103rd Congress could be reversed by enacting across-the-board or so-called middle class tax cut measures proposed in the 104th Congress;

(10) enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further Federal deficit reduction during the 104th Congress and the goal of achieving a balanced budget; and

(11) It is the Sense of the Committee that reducing the Federal deficit should be one of the nation's highest priorities, that enacting an across-the-board or so-called middle class tax cut during the 104th Congress would hinder efforts to reduce the Federal deficit and that enacting such tax cuts would be inconsistent with proposals to adopt a Constitutional amendment to balance the budget."

Mr. FEINGOLD. Mr. President, this is a motion to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith in status quo and require the Budget Committee to issue a report at the earliest possible time which would include the text of a sense-of-the-Senate resolution and which, Mr. President, I had originally intended to offer directly to House Joint Resolution 1 at the appropriate time.

The procedural situation before us makes it difficult to have a sense-of-the-Senate resolution considered directly because we are considering the language of a possible constitutional amendment.

The instructions attached to the motion to refer that we have here have the effect, however, of allowing us to vote on the substance of what would have been a sense-of-the-Senate resolution if a regular legislative measure had been pending.

Mr. President, the language of the instruction is intended to put the Senate on record for the first time with respect to the issue of whether an across-the-board tax cut or a middle-class tax cut is consistent with efforts to balance the Federal budget and reduce the Federal deficit. And the motion goes through some of the issues that all of us know to be involved in not having a balanced budget, issues having to do with the fact that the Federal deficit is still in excess of over $190 billion a year despite the efforts we have made in the past couple of years.

The fact is that the Federal debt within the next couple of months will, for the first time in our country's history, exceed the astonishing figure of $5 trillion. This motion points out that the Federal budget deficits and the growing Federal debt have a strong tendency to reduce savings and capital formation in this country. We also point out that the Federal budget deficits contribute, very unfortunately, to a higher level of interest rates than would otherwise occur. This raises capital costs. It has the consequence of hurting our economy by curtailing the total investment that we have in the economy.

Add to this, the failure to balance the Federal budget contributes to significant trade deficits and dependence on foreign capital. And worst of all, the point that is perhaps most often made on this floor having to do with the issue of balancing the budget and the balanced budget amendment, the failure to deal with the Federal deficit and the Federal debt is very likely to leave a potentially crushing burden on future generations that would make their living standards lower than they otherwise would have been.

As we have pointed out frequently on this floor, Mr. President, during the 103d Congress, the annual Federal deficit actually declined. It declined for 2 years in a row for the first time in two decades. And now, under the current estimates, it is projected to decline for a third straight year in a row. This has not happened for many, many decades, I believe as far back as President Truman.

Our concern in offering this motion is that the progress in reducing the Federal deficit achieved during the 103d Congress could be very quickly reversed if we do not have the will to say no to either an across-the-board tax cut or a middle-class tax cut. If we do not say no to these tax cuts—a difficult thing to do politically—the legacy of the 104th Congress will not be the passage of a balanced budget amendment. The legacy will be dropping the ball and forever making the Federal deficit and the Federal debt unsurmountable barriers.

Quite simply, our motion says that enacting such tax cuts is inconsistent with and contrary to efforts being made to achieve further deficit reduction during the 104th Congress and that tax cuts are clearly, Mr. President, contrary to the goal of achieving a balanced budget.

So, Mr. President, the motion concludes by saying it is the sense of the committee—this being the Budget Committee—that reducing the Federal deficit should be one of the Nation's highest priorities, and that enacting across-the-board or so-called middle-class tax cuts during the 104th Congress would hinder efforts to reduce the Federal deficit, and that enacting such tax cuts would be inconsistent with proposals to adopt a constitutional amendment to balance the budget. So that is our intent.

I believe that this is an opportunity for both sides of the aisle, Republican and Democrat, to go on record for the first time on this very key issue. And the issue is whether or not the November 8 elections were really about tax cuts.

People have a lot of theories about what was intended by the electorate in that election. One theory is that people wanted a tax cut, that was the driving force, and that is why the President, supposedly, offered a middle-class tax cut, and that is why the Republican contract offers an even more dramatic and surprisingly large tax cut at a time of major Federal deficits.

I believe, based on my reading of this issue—and I think my cosponsors agree—that is not what the electorate meant at all. The people of this country were not calling for a tax cut, because they know the hard and difficult facts. They know who they are stealing from if we do not reduce the Federal deficit. They know that a tax cut today means a larger deficit and larger debt for tomorrow for their children and grandchildren. And the numbers bear it out very well.

Mr. President, one of the charts I have here today describes the impact of the smaller tax cut proposal, the proposal by the President for a $63 billion tax cut over the next 5 years. As the chart shows, if we go through with the President's proposal, by fiscal year 2000 the deficit would still be hovering at almost $200 billion after we, under the leadership of that very same President, finally got the deficit below that figure for the first time in many years.

What this chart suggests is that if we do not enact the President's tax cuts, and add to it the interest savings that accrue from not making the deficit worse, you net out about a $25 billion difference in the fifth year alone. In one year alone, not doing this tax cut could mean a $25 billion improvement in our deficit picture. And that is not something to sneeze at.

Put together all those 5 years, again you are talking about just $63 billion saved, plus all the interest saved.

What I believe the American people think is that if we have these cuts to be made—the President says he has them, he has identified them, he has put them on paper, he has put his name to them and taken the political heat—what the American people are saying is, "Good. Do those cuts, but use them to bring down the Federal deficit," as this chart shows we could fairly easily do just using the President's own figures.

Now a second illustration is even more dramatic. It suggests, as I certainly would, that compared to the President's proposal, which at least pays for all the tax cuts with spending cuts, that there is an even more extreme proposal in the Republican Contract With America.

Over that same time period of 5 years, the Contract With America calls not for $63 billion in tax cuts, but the whopping sum of $196 billion in tax cuts by the year 2000.

Now, this is from the same folks, largely, who say they are going to pass a balanced budget amendment, that they do not need to tell you where the money is going to come from, that we do not need a glidepath, and that we are going to be able to give out this tax cut and everything is going to be just fine. We are going to have a balanced budget amendment.

But if we do what the Contract With America suggests over the next 5 years, we will not have this type of deficit reduction and we will miss a tremendous opportunity to enormously decrease the Federal deficit.

This second chart shows that in the fiscal year 2000, if we do not do the Republican tax cut—which I do not think the American people want anyway—that instead of having an almost $200 billion deficit, we could finally be making real progress. We could take all those Republican cuts and the deficit would be down to $114 billion in fiscal year 2000.

In other words, we would actually be within reach of our shared goal. And that shared goal, whether we are for the balanced budget amendment or not, is that, at least by the year 2002, this figure would be zero, that we would have a balanced budget.

How can the Contract With America talk about a balanced budget and a balanced budget amendment and then propose a tax cut that takes us just in the opposite direction? Two-hundred billion dollars in the wrong direction.

So, Mr. President, I suppose those who support the Republican Contract With America's tax cuts are advocates of trickle down Reaganomics, if you will. They may argue that by doing these tax cuts the economy may do better than doing nothing; somehow the revenues will come in and these figures will then be reduced and our estimating will be wrong and we will wipe out the deficit that way. I sure hope that is true, if we go down that road.

The way we got into this deficit in the first place was 12 years where tax cuts for all folks, including high-income folks, had just the opposite result, where the deficit went out of control.

I suppose those on the other side of the aisle could say that President Clinton's proposal for a middle-class tax cut is, in effect, trickle up. Give middle-income people some money, they will spend it, and the economy will do better and that will bring in the revenues to solve our fiscal problems. I hope that is true. I like his idea better than the Republican contract.

But the evidence is just not there that that will be the actual impact on our Federal budget. I would suggest just the opposite would occur. Putting that money in the economy at this point may actually drive up inflation, drive up interest rates, and lead to just the opposite conclusion.

So whether you look at it from the point of view of the Contract With America or from the point of view of the President's proposal, which I know he offers in good faith, neither proposal is consistent with or makes any sense if people in this body are sincere when they talk about balancing the Federal budget over the next 7 years. We cannot have it both ways.

And what I am most struck by is that the American people are, of course, ahead of us on this, as they so often are. They know better than we do. They are ahead of our rhetoric. They are ahead of the tax cut.

In fact, it gets even worse if you look into the outyears. The 10-year cost of the President's tax cuts is not just $63 billion. The 10-year cost of the so-called middle-class tax cut is $174 billion. That is a pretty high figure. Of course, it is not even as high as the entire amount of the Republicans' $196 billion for the first 5 years.

So what is the 10-year impact if we go down the road of the Republican contract and their tax cut? Believe it or not, the Republican contract and its tax cut call for a $704 billion tax cut over the next 10 years, and they are going to balance the budget? Who in this country would even begin to believe that that was possible? That is the guaranteed route to the worst budget disaster we would ever have, and it is hard to believe we could do worse than in the 1980's. If we do that one in 10 years, that is exactly where we will be.

Just in terms of interest costs, the interest we would save in the 10th year alone by not adopting the Republican contract tax cuts is $48.4 billion, just in the 10th year; $50 billion worth of interest. That is almost as much as the President's whole 5-year tax-cut plan. That is what the Contract With America calls for in the name of the balanced budget amendment.

That is 30 percent more than the Federal Government will spend on transportation in fiscal year 1996 and more than we will spend this year on all of the Federal judiciary, the entire legislative branch and the programs and personnel of the Small Business Administration, the General Services Administration, the Commerce Department, the State Department, the Environmental Protection Agency, the Interior Department and the Justice Department combined. That is just the interest that we lose and that we have to pay out on just the 10th year of the Republican plan that includes as well the notion of a balanced budget amendment. Mr. President, this makes no sense on the facts.

I would like to take a few minutes to point out that although some say it is very courageous to stand up here and make this motion to refer and, of course, that is nice for me and all the Senators, it does not take that much courage to go along with what your constituents are telling you to do.

Since December 15, in my office we have received well over 400 letters and phone calls on the issue of whether the people of Wisconsin want us to do the middle-class tax cut. The figures are surprising perhaps to some but they do not surprise me, because I find almost no one in my State who wants this tax cut.

Here are the figures: 356 people who have contacted me say they do not want the tax cut. They say they want the money used from the cuts on programs to reduce the Federal deficit. Only 73 people contacted us to say go ahead with the tax cut. I realize it goes against political conventional wisdom, but I guess I would be the first to say that even though the November 8 elections were clearly not about people wanting a tax cut. I do not think there is any evidence of that, but I do know what the November 8 elections were about is that people are tired of politics as usual. Even though politicians are taught in politics 101 or in their first campaign, do not ever go against a tax cut, the American people are smashing that conventional wisdom. They are saying that they know it is pandering. They are saying that they know we have a greater problem, a problem that affects not just them and the bills they have today, but a problem that could destroy the future of their children and grandchildren.

That is the experience the other Senators who are cosponsoring this have had. They have come up to me, have done the town meetings in their States and have said, Senator FEINGOLD, we are hearing the same thing you are. People are saying do the cuts, please take the fat out of the Federal Government, pare it down, but do not throw away that money on a meaningless tax cut that fails to deal with our national budgetary problems.

So I have been pleased with the support in this body. I actually have not had a single conversation with any Member of the Senate who says he or she is very much for the tax cut. At best, they are ambivalent about it. I know in the House there is more support for a tax cut. After all, it is part of the Republican contract. There is a certain group looking to see what percentage of the items in the contract may pass. Is it going to be 100? I do not think so because I do not think term limits is going to pass. But some are shooting for 70, 80 percent, some magic number. These are numbers in the contract that the other body ought to take a look at because I do not think the people want that tax cut.

That is what one of the Members of the other House discovered when he went out and decided to have a town meeting of his own, apparently, over the weekend.

I ask unanimous consent that an article from the Washington Post of February 12, entitled "Many Say They could Skip the Tax Cut," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 12, 1995]

MANY SAY THEY COULD SKIP TAX CUT

(By Dale Russakoff)

MANVILLE, NJ., Feb. 11.—The House Budget Committee came to this town today to hear how real people feel about the federal budget crisis. After three hours of listening to people of all ages demand less federal spending on defense, welfare, the arts, public broadcasting and congressional salaries, committee Chairman John R. Kasich (R-Ohio) hit the crowd of about 1,000 with a hardball question.

Who was so concerned about the federal deficit that he or she would forgo tax cuts promised by both Republicans and Democrats until after the budget is balanced?

The question apparently wasn't hard at all. In the packed meeting hall of a Veterans of Foreign Wars center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many people wanted their tax cuts up front, before the budget is balanced. Only a few hands went up, and they were booed.

"Both parties are offering a political rebate," Cole Kleitsch, 33, a property manager who lives in Princeton, NJ., and works for the debt-fighting Conquer Coalition, told the committee, "The people it [the debt] is going to hurt most—the children—are not in this room. That's our posterity and we're supposed to take care of it. So far, we're taking care of our posterior."

Despite the overwhelming sentiment for deferring tax cuts, which Kasich said he and the committee also found in three previous field hearings in the Midwest, West and South, the chairman said there are no plans to reconsider the $200 billion in tax relief that Republican House candidates promised in their "Contract With America."

"The number one thing we have to do in this country is keep our word, and keeping our word involves doing the kind of relief that is promised in the contract," Kasich said after the hearing. "It's something of a problem when you have people overwhelmingly saying, 'We don't want to do this.' But I think if we start breaking our word, they're just going to say, 'Ah, it's just another group of politicians.' "

"It's not as clear to the public as it is to us that the way you bring down deficits is to deny the government revenue," said Rep. Robert S. Walker (R-Pa.), a close friend and adviser of House Speaker Newt Gingrich (R-Ga.), explaining the determination to press ahead with tax cuts.

Kasich emphasized that four hearings hardly constitute a scientific example of national sentiment. (Voters told a Washington Post-ABC poll that they favor deficit reduction over tax cuts by a margin of 3 to 2).

But Kasich said that if the Senate pares down the tax relief the House intends to pass—including a $500 per child tax credit and a capital gains tax cut—sentiments like those expressed at his committee's field hearings might make it easier for House members to go along.

The hearing drew heavy turnout in this hard-luck community that was the home of

> Johns-Manville Corp., the asbestos manufacturer bankrupted by an avalanche of lawsuits from victims of asbestos disease. More than 100 people were turned away after the meeting hall filled to capacity.
>
> An aide to Kasich said this was the first field hearing that appeared to draw "special interests," which he defined as union members and advocates of tuition aid to the poor. A number of anti-GOP banners were displayed outside the hall, including: "Big Welfare for the Rich and Orphanages for the Poor? No Way!" Another, with an arrow pointing toward the meeting hall, said: "The Tooth Fairy?"
>
> Most speakers proposed cutting the budget in ways that would not affect them directly. Phil Nicklas, who is not a food stamp recipient, told the committee to eliminate the food stamps program. Joel Whittaker said to toss out the Legal Services Corp. and the National Endowment for the Arts. Sherry Zowader said every member of Congress should take a 15 percent pay cut.
>
> But Carol Kasabach, 54, who lives near Trenton, told the committee that she and her husband, who both are employed and successful, would be willing to forgo some of the Social Security benefits due them in order to help reduce the deficit.
>
> Walker responded that this would turn Social Security into "just another welfare program" for those who qualify based on need. Kasabach raised her voice and told Walker: "This is for the welfare of all of us, and we have a responsibility to each other."
>
> The Corporation for Public Broadcasting had as many friends as enemies in the audience. Walker challenged one advocate, Sherry Zowader, to explain why her position did not mean that working families should pay taxes "to subsidize a $1 billion industry called Big Bird."
>
> "We can all pick out in government what we don't like our money being spent on," Zowader said. "And you have to pay for some things you don't like as well as the things you like. That's democracy."
>
> The sentiment against tax cuts was summed up powerfully by Lynn Dill of Colonia, N.J., who told the committee: "I want the best thing for the country and the children. And if both parties did the right thing, congressmen wouldn't have to worry about getting reelected."
>
> This moved Rep. Martin R. Hoke (R-Ohio) to remark: "We are getting so much wisdom from this testimony, we should require half of all the hearings in Congress be held not in Washington, D.C., but outside."

Mr. FEINGOLD. Mr. President, let me just take a moment on what happened when Representative KASICH went out and asked the folks—apparently he does not pretend it was otherwise—if they were for the tax cut. The article says, "Who was so concerned about the Federal deficit that he or she would forego tax cuts promised by both Republicans and Democrats until after the budget is balanced?"

That is what he asked the crowd. How many people out there would give up their tax cut so that the budget would be balanced?

The article says the question apparently was not hard at all, it was easy for everyone.

> In the packed meeting hall of the Veterans of Foreign Wars Center here in heavily Republican central New Jersey, hands went up everywhere. Kasich then asked how many people wanted their tax cuts up front before the budget is balanced.

The newspaper reports only a few hands went up and they were booed.

So the message is finally reaching the other House that the American people are ahead of the politicians, that the American people know that this problem cannot be solved if we are going to spend $60 or $200 or $700 billion on tax cuts at the same time we are pretending—pretending—to do something about the problem of the balanced budget amendment.

I am also pleased to say, Mr. President, that the Concord Coalition, which has done a fine job of marshaling this issue of the Federal deficit, has today endorsed our motion, writing that this is backed by the 150,000 members in all 50 States and saying that, of course—of course—it is inconsistent for somebody to support the balanced budget amendment and at the same time say they want a giant tax cut. No one buys that story.

The same goes for the public opinion polls. On December 20, just 5 days after the President's speech when everyone assumed that everyone was for the tax cut, just 5 days later, a USA Today-CNN/Gallup Poll said 70 percent of the American people say that reducing the deficit is a higher priority than a tax cut.

In the Washington Post, an ABC news poll on January 6, 1995, says the people favor deficit reduction over tax cuts by a three-to-two margin. So in every measure I can find, whether it be a man-on-the-street or woman-on-the-street poll, the words of economists, calls to my office, the letters to my office, I cannot find a constituency out there in the United States of America for this kind of fiscal recklessness.

But perhaps my favorite indication of this always is a political cartoon. I have to say that being a Senator has to be about the best job in the world, but if I had the talent, I would also love to be a political cartoonist. I do not have the artistic talent nor do I have, perhaps, the ability to do this. But this cartoon from our Milwaukee Sentinel typifies this whole issue.

It shows an enormous creature, sort of a Jabba the Hut entitled "deficit." It just keeps eating and eating. And what it is eating is the catering provided by a caterer called "Tax Cuts R Us, Catering and Pandering."

Instead of putting this deficit monster on a diet, what this institution is on the verge of doing if we do not reverse course is to continue to feed this monster to the detriment of everyone today, tomorrow, and in the future.

Mr. President, I think this is an opportunity for us to make a bipartisan statement. No matter what else you feel about the balanced budget amendment itself, we cannot have it both ways. The cosponsors of my amendment include those who oppose the balanced budget amendment, such as myself. It includes some who have stated they will vote for the balanced budget amendment, and it includes some who have said they are undecided.

What we all agree upon is that it cannot be either a rational or honest process if we continue to feed this monster. A balanced budget amendment cannot work hand in hand with an irresponsible tax cut that is being advocated, the false belief that the November 8 elections had anything to do with it.

So I urge my colleagues to support the motion. I reserve the remainder of my time.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have been authorized by Senator HATCH's staff to take 5 minutes of Senator HATCH's time.

Let me say, I agree with 99 percent of what my colleague from Wisconsin has to say. I applaud his leadership on this. A tax cut just does not make sense when we have this kind of a deficit.

I am going to vote against his amendment because I do not want to get it mixed up with the balanced budget amendment. But I could not agree with him more in terms of the substance. It is not only the things that he mentioned. The Clinton tax cut is, frankly, more responsible than the Republican tax cut, but they are both wrong.

But in terms of equity, it is very interesting, for those who have an income of $30,000 or less, even the Clinton tax cut gives them only 5½ percent of the tax cut, while those of us who get $100,000 to $200,000 a year—and that is the majority of us in the U.S. Congress—some exceed that amount—we get 12.4 percent of the tax cut—a much, much smaller number of people get a much bigger chunk of the tax cut.

A tax cut just does not make sense. My colleague from Wisconsin has been leading the effort on this, and I applaud his effort. I assume this issue is going to come before the Budget Committee. I am going to be with Senator FEINGOLD there. I assume it will be debated in the Chamber. I am going to be with Senator FEINGOLD in the Chamber. I do not favor having it on this particular constitutional amendment. I think we should try to avoid everything that might confuse the constitutional amendment. But in terms of principle, he is absolutely on target, and I commend him.

I yield back the remainder of my 5 minutes to Senator HATCH.

Mr. FEINGOLD. Mr. President, I thank the Senator from Illinois, who was one of the very first persons who came up to me after the new year and said that, in fact, he was having the same experience in his State. Even though Wisconsin and Illinois are very close physically, they are certainly not identical States. But he was having the same experience. He was going around the State and people were saying do not take these cuts that you have identified and use them to do a tax cut. Take those opportunities to reduce the Federal deficit. I believe that is the conversation we had.

Mr. SIMON. If I may, if my colleague will yield, the first time I did this was at a town meeting somewhere. Someone asked about the tax cut, and I said I believe in telling you the truth, and I do not anticipate my answer is going to be popular. Frankly, I had not seen the polls. And I told them I was opposed to the tax cut; that we ought to be using that money to reduce the deficit. And instead of boos, I got cheers from the town meeting, and that has been my experience ever since. I think that would be the experience of most Members of the Senate when they try it out with the people.

Mr. FEINGOLD. Mr. President, I do feel the need to address what the Senator just suggested, that it somehow confuses people for the Senate to go on record on this issue. How can this be confusing? This motion does not delay. I think no one disputes that. It is an automatic referral back from the Budget Committee. This is not an effort to slow down the balanced budget amendment.

I have also pointed out to the body that this does not become part of the constitutional amendment itself. This does not go out to the States for purposes of their ratification process. That would not make a lot of sense, since it is up to us here to decide whether we are going to have a middle-class tax cut or an across-the-board tax cut, so I do not see how this could possibly confuse anyone, that the Senate would choose to go on record that we are going to be straight with the American people and not kid them that we can afford a tax cut at the same time we are passing a balanced budget amendment. I do not understand how anyone could be confused by that logic.

Mr. SIMON. Will my colleague yield on that?

Mr. FEINGOLD. I am happy to yield.

Mr. SIMON. I think the reality is if we put this in as a sense of the Senate here now, there are some of my colleagues who disagree with the Senator and me, in fact probably a majority disagree with the Senator and me on this. But even assuming it is a majority on our side, there may be some who would vote against the proposition because this sense of the Senate is there, and so I think it has the possibility—I am not saying it is a probability, but I think it has the possibility of losing a vote or two, and I think my colleague from Utah would agree we need every vote we can get.

Mr. FEINGOLD. Mr. President, I think this is exactly what is wrong with this balanced budget amendment process. We saw this with regard to the so-called glidepath amendment, the so-called right to know. In the desperate desire to get enough votes to pass the balanced budget amendment, we are closing the door on honesty with the American people.

This body has, unfortunately, refused to lay out that 5- or 7-year plan that would tell us where it is going to come from. That is bad enough. But when you close off an opportunity to make a clean statement that we cannot afford the tax cut and still have a balanced budget amendment, then you are even going farther because what you are doing with this tax cut is digging an even deeper hole. It is already hard enough to lay out exactly how we are going to put together the numbers under the current problem. But when you add another $60, $200, $700 billion, $1 trillion, as you claim to be solving the problem, that is where the real obfuscation, the real confusion, the real misleading of the American public comes.

Mr. President, do you know what the American people think when they hear about the balanced budget amendment? I believe they think we are going to actually balance the budget when we do this. I do not think they really all realize that we are setting into motion here something that is going to take probably the better part of a decade, and in the meantime there will be no legal requirement that we balance the budget.

So what is a more important and appropriate time than right now, as this amendment comes to a vote in the Chamber in the next few days or weeks, to tell the American people we understand that cutting taxes will make it virtually impossible either to meet the balanced budget requirement, if it is enacted, or that the human consequence and the pain that will be suffered by people in this country will be enormous if we suddenly cut $200 or $700 billion out of our Federal revenues at this point, leaving it even more impossible to balance the Federal budget in any kind of humane way? And for anyone who thinks this motion is either confusing or inappropriate, this is precisely the motion the distinguished majority leader used in order to put forward his motion on Social Security.

Now, if this is confusing, why was that not confusing? Presumably we would not put anything on the bill if it is an issue of confusion. I think the source of confusion is clear. The effort to confuse is from those who do not want to tell the truth to the American people, which is that the Contract With America goes completely in two directions at the same time.

Several Members on the other side of the aisle have publicly stated, in the Finance Committee and also in public statements and in statements in the Chamber, that they, too, do not support the tax cuts, knowing what it means for the budget.

So I feel strongly that there is no reason not to pass a simple sense-of-the-Senate resolution at this time. It does not go out to the States, and it tells the truth. And that is that all these tax cut plans are the ultimate demonstration that many supporters of the balanced budget amendment are not as dedicated to balancing the budget as they pretend.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate what the distinguished Senator is trying to do. I know he feels very sincerely and is very dedicated to deficit reduction, as he has said. But the bottom line of this motion to refer is that we should protect the largest tax increase in history and that we should avoid enacting tax cuts that even the President, President Clinton, has called for.

This is political cheerleading for the action of a single Congress in a single piece of legislation and I think it is wholly inappropriate to a constitutional debate like this one we are having with regard to the balanced budget amendment, because the Constitution sets in place broad principles and leaves yearly budgeting priorities to be set by each succeeding Congress, as it is each Congress' right and duty to do.

What I suggest to my friend from Wisconsin is that we can have this debate more appropriately when Congress debates the implementing legislation contemplated by the amendment. That would be a perfect place for him to bring his concerns to the Senate. If the Congress chooses to accept the point of view of the distinguished Senator from Wisconsin that there should be no further tax cuts, then Congress can do so. But in this context I really do not see a reason to vote for this motion to refer.

It is ironic, indeed, for those of us who have been watching this debate, to see that those who have criticized proponents of the balanced budget amendment for writing fiscal policy into the Constitution, as they say—and of course this balanced budget amendment does not do that—it is ironic to see them attempt to set tax policy during this debate.

The motion before us serves only two purposes, I think. One, to make a political point in praise of the tax hikes of the 103d Congress. And, two, to attempt to keep the same level of taxing that we now have to ensure there is more money and more spending than Congress might otherwise have, if the American people decide that the spending is not worth the taxes.

So I do urge the defeat of this motion and express the hope that we can move to final passage of the balanced budget amendment soon, so we can finally begin to move this Government to fiscal responsibility. Because every day that goes by while we are debating this, another $829 million is added to the national debt, as is shown on our balanced budget debt tracker here.

The distinguished Senator from Wisconsin is concerned about the national debt, wanting to keep the tax increases in place, not wanting to allow any tax cuts that might stimulate the economy and get more people paying taxes. And every day we have more amendments like this the debt is going up $829 million.

We are now in the 16th day since we started this debate and we have been on the floor 12 days of that time, and during that time the national debt has increased $13,271,040,000. Actually we are higher than that because we are almost into the 17th day. So the debt is going up while we fiddle around here in Washington and watch our country burn to the ground.

Let me just make an additional point or two here regarding the time spent in previous debates on the balanced budget amendment, because some have complained that we are trying to move the process along too fast. I have a brief breakdown of previous Senate action on other constitutional amendments to balance the budget.

When I was chairman of the Constitution Subcommittee in the 97th Congress, Senator THURMOND and I brought to the floor—it was the first time anybody ever brought to the floor of either House of the Congress—a balanced budget amendment to the Constitution. We brought that to the floor and the floor action on the resolution took 11 days. During that period of 11 days 31 amendments were offered, 24 Democrat amendments and 7 Republican amendments. The resolution finally passed the Senate by a rollcall vote of 69 yeas to 31 nays.

It went to the House, of course, and was defeated there. Tip O'Neill led the troops over there and he defeated us even though we got 60 percent of the vote. But it was 11 days of debate on the Senate floor at that time, and we had 31 amendments.

In the 99th Congress we brought it again to the floor. This was in 1986. Again I was still chairman of the Constitution Subcommittee. We had 7 days of debate on the resolution, 13 amendments were offered, 7 of them were offered by Democrats, 6 by Republicans, and the resolution failed by rollcall vote 66 yeas to 34 nays. By one vote that resolution failed back in 1986.

Then again, the third time it was ever brought to the floor of the Senate was in 1994, last year, it was designated Senate Joint Resolution 41. On that resolution we spent 5 days of floor debate, we had one amendment offered that was a Democrat amendment, and the resolution failed by four votes, 63 to 37.

Now, already in this 104th Congress, on House Joint Resolution 1, we are in the 12th day of consideration and debate. We have had six amendments and three motions, three of them have been Democratic amendments with one motion a Democrat motion and three have been Republican amendments with one motion—plus this one. So what I am saying is that we are moving awfully slow here this year by historical standards, and we should get moving on to final passage. But I appreciate the distinguished Senator from Wisconsin. I know he is sincere. I know he is trying to resolve the deficit problems in his own way.

But really this debate ought to wait until the implementing legislation where he may have a better chance of actually passing substantive language that may get him where he wants to be, which seems to be to stop any kind of tax reduction or tax cut—even ones like the President wants—at that more appropriate time.

I am prepared to yield the remainder of our time but I will be happy to yield the floor. I see the Senator wants to speak longer but I am prepared to yield back if the Senator will.

Mr. FEINGOLD. Mr. President, we are not prepared to yield back our time. The senior Senator from Arkansas will speak in a minute.

Let me just say briefly I am somewhat amused at the notion that the distinguished chairman of the Judiciary Committee brings up, the fact the deficit is going up every day as we speak, as if somehow it is the fault of this debate that the deficit is going up.

But even under the terms of the balanced budget amendment, the notion is there would not be a balanced budget until the year 2002. I ask you, what is more damaging to the goal of balancing the Federal budget? Debating a subject as to how consistent it is to have tax cuts and balance the budget at the same time and debating that for a few days? Or to pretend that somehow after we dig this huge hole for the Federal deficit again that we will be able to solve it over the course of those next 7 years? It does not make sense.

The notion that we are going to cut off debate on the basic budgetary choices that are involved in the context of the balanced budget amendment debate does not make any sense to me. I do not think it makes any sense to the American people. It would be one thing if we were all agreed that we were going to move in the same direction. If everybody in both Houses said of course we are going to make sure that everything we do brings down the deficit, that would be one thing. But what I and Senator BUMPERS and others are trying to point out is that this particular notion of a tax cut flies in the face of any reasonable person's notion of what is supposed to happen here, which is reducing the Federal deficit, not increasing it by $200 or $750 billion.

With that I am happy to yield to the senior Senator from Arkansas, who has been a leader on deficit reduction here and has been a great help on this amendment.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Arkansas.

Mr. BUMPERS. Madam President, I thank my colleague from Wisconsin for yielding. But more important, I think him for crafting this sense-of-the-Senate resolution which ought to pass 100-zip.

I do not know how many votes we have had—maybe 60 votes since we came back into session. And I will hand it to the Republicans, they know how to stick together. I am speaking of votes occurring not only on the balanced budget amendment but everything that has come up since we came into session. It has been unanimous on the other side. I think on one vote two Republicans defected.

So it makes you have second thoughts about even standing up here and talking what you think is ordinary common sense. But the Senator from Wisconsin, with whom I am pleased to join in this amendment, is simply saying it is time we quit playing games and start debating the real issue, and that is, "What are we going to do about the deficit?" The balanced budget amendment is probably a done deal. But as far as the deficit is concerned, it does not make any difference whether the balanced budget amendment passes or not. If it passes or if it fails, we are going to be back to square one after we vote on final passage because we are going to have to figure out how to actually balance the budget.

You see that chart over there? That is clever. I give the Republicans credit for putting that chart up. It shows how much the deficit has gone up each day since we started debating the balanced budget amendment. I wish we had a chart on this side showing how much the deficit would have gone up if we had not passed the President's deficit reduction plan in 1993 without a single Republican vote. It would be 50 percent higher each day. Our chart would show the deficit going up 50 to 75 percent more every day than that chart shows. And we reduced the deficit that much without one single Republican vote.

So, Madam President, I rise today to try to talk common sense. There is a new book out. I was down at Wake Forest University today delivering a speech at a convocation. A man caught me just as I was leaving. He said, Senator, you must read this new book called "The Death of Common Sense, How It Is Suffocating America." Well, that is what we are trying to talk about—common sense.

I want you to think about this, Senators. The Republican Contract With America is not a contract I signed, but it says we are going to pass this balanced budget amendment. And we are going to give the American people expanded IRA's to increase savings. And we are going to provide an across-the-board tax cut that costs $200 billion over the next 5 years and $700 billion over the next 10 years. Then we are going to increase defense spending by somewhere between $60 and $80 billion. Then we are going to provide a capital gains tax cut, 90 percent of which goes to the richest 5 percent of the people in America. We are going to do all this and balance the budget in the year 2002. What that adds up to, Madam President, is $1.6 trillion that must be cut in the next 7 years.

Everybody here who has been here any time at all knows that is absolutely lunacy. That is not going to happen. There are not very many people in State hospitals in this country that believe we are going to make all those tax cuts, increase defense spending, and balance the budget. Yet the Congress bought that same argument 14 years and $3.5 trillion ago.

Did you know that if it were not for the interest on the increased debt that built up during the 12 years of the Ronald Reagan and George Bush Presidencies, we would have a surplus today. Not a deficit—a surplus—if we were not paying the interest on that staggering debt we accumulated when we bought the same argument we are asked to buy again today.

There is one thing that is really crafty about the Contract With America. The middle-class tax cut in the Contract With America is supposed to cost $200 billion in the first 5 years. Then, in the next 5 years, it will cost $500 billion. That is very crafty. But the only time you ever hear this Chamber so silent that you can hear the termites working is when you ask, "How are you going to pay for it?" It would make Houdini blush to suggest that this can be done in the next 7 years.

Every Member of Congress, every economist in the country, and every citizen of America, knows that this is palpable nonsense. With his amendment, the Senator from Wisconsin is saying it is time we start actually doing something about the deficit instead of just putting a few words in the Constitution.

Let me say to my colleagues that you do not even have to be courageous to vote for this amendment. Look here. Here is a USA Today poll; 70 percent of the people of this country say put those spending cuts on the deficit. Everybody says, "Senator you are going to vote against the balanced budget amendment. It is very popular." I say, "You are going to provide middle-class tax cuts and that is very unpopular."

Let me just read a couple of letters. These are ordinary citizens, constituents of mine.

Dear Senator BUMPERS: The truth is, as much as I hate paying taxes, I don't want this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

Madam President, the people of America are way ahead of this crowd.

Here is another letter from a constituent in Warren, AR:

Dear Senator BUMPERS: I urge you with your vote to cut spending by the Federal Government in every way possible and to not even think about tax reductions or refunds.

He says that we need to reduce the deficit.

Madam President, I ask unanimous consent those two constituent letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Warren, AR, January 5, 1995.

Sen. DALE BUMPERS,
Dirksen Senate Building, Washington, DC.

DEAR SEN. BUMPERS: I urge you with your vote to cut spending by the Federal government in every way possible and to not even think about tax reductions or refunds. In my opinion, we need to not only reduce the deficit spending but to eliminate it and start reducing the debt.

I realize my request is almost impossible to fulfill but there has to be a day of reckoning where the dollar won't be worth two cents if we continue our deficit spending for things the nation can not afford. We have been living in a fairland for too many years.

Respectfully yours,
F. MARTIN HANKINS.

Siloam Springs, AR.

DEAR SENATOR BUMPERS. I am writing to you in regard to the numerous tax reduction plans for the middle class. I am, I assume, one of those discussed, as the combined annual income of my wife and I fall in the 40–50,000 dollar range.

The truth is, as much as I hate paying taxes, I don't want this tax break. I would much rather see the cuts made as proposed, taxes kept at the current rate, and see some serious reduction in the national debt. This is a price for my future and that of my children that I am willing to pay.

I am not alone in my belief. I have talked to a great many people on this issue, and all of them have been of the same voice. We would rather see the money invested in debt reduction than to go out to McDonald's an extra time each month on the tax savings.

On the issue of budget cuts, I recently returned from my fourth trip from the National Fire Academy. This is a superb organization and would very much like to see it's funding maintained or increased. The U.S. continues to have the highest fire loss in the industrialized world. There is much that needs to be done. But the results produced by the National Fire Academy and the U.S. Fire Administration have made a tremendous difference in training, education and research. I hope that room may be found to allow them to press forth with their plans for the future.

Thank you for your time, interest and involvement.

ANDY MITCHELL.

Mr. BUMPERS. Madam President, it just drives me insane, the talk about providing $700 billion in tax cuts, then providing another Lord knows how much for the Pentagon, and, then say, "Folks, just as soon as we can get these words in the Constitution, we will balance the budget in the year 2002." What are we doing? We are treating them like children who could not possibly understand the nuances, the sophistication, the complication of the budget process. "But they understand if you put it in the Constitution. The Constitution is a sacred document."

We have had 11,000 constitutional amendment proposals since this country was founded. Besides the Bill of Rights, those 10 amendments adopted together in 1789, the people of this country have amended the Constitution 17 times. But people here in Congress have tried to get them to amend it over 11,000 times. You know something else. Of the 11,000, the majority of those amendments have occurred in the last 32 years. And 35 constitutional amendments have been proposed since we came back into session January 3. That is one a day. Jefferson, Jay, Adams, Hamilton, the most brilliant congregation of minds ever assembled under one roof, gave us this sacred document and we trivialize it. Norm Ornstein said the Constitution is the fix of last resort. Do you want a figleaf to go home and talk to your constituents about instead of actually doing something to reduce the deficit? Term limits, put it in the Constitution. Prayer in school, put it in the Constitution. The Constitution is not crafted to deal with social problems for which there is a legislative fix. You know that virtually every one of the 35 constitutional amendments that have been introduced this year have been introduced by Republicans, who consider themselves conservatives. But you know what, Robert Gowin, a scholar at the American Enterprise Institute, a very conservative think tank here, says: "Conservatives revere our institutions and our traditions." True conservatives. Robert Gowin says, "True conservatives do not muck with the Constitution." I could not agree with him more.

Madam President, what we are talking about is spine, a little courage, not a figleaf to hide behind by putting a few words in the Constitution and hope that 7 years from now people will have forgotten the grandiose and wholly unkept promises.

The Senator from Wisconsin and I are simply trying to introduce a grain of common sense into this debate. The American people deserve it. If the President can find $63 billion for a middle-class tax cut, then put it on the deficit. If the Republicans can find $200 billion or $700 billion for tax cuts and increases in defense spending, put it on the deficit.

Finally, let me reiterate, Madam President, that this is a sense-of-the-Senate resolution that does not cost you a nickel. You are not changing the constitutional amendment that is before us, House Joint Resolution 1. You are simply saying, yes, I agree that we need to get the show on the road in a serious way and quit talking nonsense.

I yield the floor.

Mr. FEINGOLD. Madam President, first of all, I thank the Senator from Arkansas for his wonderful statement of common sense. That is all we are trying to do is to be a little bit direct with the American people and say that it is wholly impossible to balance the Federal budget at the same time you are talking about massive tax cuts.

In a moment, the distinguished Senator from Minnesota will join with us. But let me just say that I think what the Senator was saying at the end is important to reiterate. A lot of folks here that are for the balanced budget amendment—and maybe some of them do not plan to be around here when we have to actually make these hard decisions; maybe some will retire; maybe some will be President; maybe some will be term limited; maybe they will be kicked out of here by their own vote for term limits. But this is an awfully sweet deal for a politician. If you vote for a balanced budget amendment, you get to hand out a giant tax cut to everybody, and you do not have to say what you are going to cut for many years. It is like a hat trick. That is about the best thing a politician could have. That is exactly the kind of concern I have here. I think many people are very sincere about balancing the Federal budget. But if we are not honest about this issue, that you cannot have it both ways, you cannot have a tax cut and balance the budget, then we are failing our responsibility to be direct with the American people.

Madam President, I want to note one thing about the debate thus far. The hour and a half is coming to an end. I have not heard one single Senator say one good thing about the tax cut proposal. Not a single Senator has come out and said it is a good idea to cut taxes across the board or to have a middle-class tax cut. But I have heard at least four Members from the other side of the aisle—the distinguished Senator from Vermont, the distinguished Senator from Rhode Island, the distinguished Senator from Pennsylvania, and the distinguished Senator from Oregon, chairman of the Finance Committee—all publicly say that this might not make sense. They may not well be able to support this tax cut.

Madam President, I guess what I am in search of now is, who is for this? Why do we not start building the foundation of a balanced budget by pointing out that there is nobody in the U.S. Senate who cares enough to come down here and defend the Contract With America's tax cut provision. There is not a single Senator that has come out and defended the President's notion of a middle-class tax cut. I am reading from today's debate that there is not a constituency—certainly not among the American public. Maybe the good news here is that we are not even going to try to do this. If that is what we get out of this process, I will be delighted. I await the day when a Senator comes out here and says, First, he is for a tax cut of this magnitude, $200 billion, and second, he can show us how to have a balanced budget while he does it.

I am delighted to yield 5 minutes to the distinguished Senator from Minnesota.

Mr. KYL. Mr. President, if I might, I would like to respond to the challenge of the Senator from Wisconsin very briefly before we hear the comments of the Senator from Minnesota.

Mr. FEINGOLD. Mr. President, I assume that comes off of their time.

The PRESIDING OFFICER. It does.

Mr. KYL. I thank the Senator. I will challenge it in this way, without talking about all of the proposals in the Contract With America.

One of the key proposals in the Contract With America is to reverse part of the tax increase, the largest tax increase in the history of this country, that raised a tax on seniors. As a matter of fact, it says that if you are a wealthy senior making a grand sum of $34,000 a year, we are going to tax 85 percent of your Social Security. We think that is wrong and we think that tax increase should be repealed. That is part of the Contract With America.

What the amendment of the Senator from Wisconsin suggests is that that tax cut ought to be off the table, that we should not consider any part of the Contract With America tax cuts, because it will make it too hard to balance the budget. Well, in some respects it does make it harder to balance the budget because you have to, in effect, pay for the tax cuts and the reductions called for in balancing the budget. But there are some of us who think the Federal Government spends far too much and we can achieve the savings to accomplish both goals.

We also believe that it is important as a matter of public policy and as a commitment to the seniors of this country to repeal that pernicious tax increase that was part of the President's large tax increase of 2 years ago—this Social Security tax increase.

In the last several days, a lot of Members—particularly from the other side—were in the body here proposing that we protect seniors by taking Social Security off budget. "We cannot allow the balanced budget amendment to hurt seniors," they said. But they are willing to say that we should not help seniors by repealing this onerous 85-percent Social Security tax increase. It is a little bit like playing the first half of a ball game—of course, the Democratic party was in the majority 2 years ago; they had the House, the Senate, and the Presidency, so they had the power to ram that tax increase through—and then when the second half of the ball game starts and the Republicans are in control of the Senate and the House of Representatives and we would like to play in the game and repeal that tax increase that the President got through and that they supported, they say no, no, we are going to call an end to the ball game now. We are not going to play the second half. We are going to leave that tax increase in the law so that a wealthy senior who makes $34,000 a year—wealthy by that definition, of course—is going to be taxed 85 percent on Social Security. We say that is not right, that we should repeal that tax and that we can repeal that tax at the same time that we are beginning the process of balancing the budget. It will take 6 or 7 years, but we will get there and we will get there for one reason: Because the balanced budget amendment will force us to get there.

Mr. FEINGOLD. Madam President, briefly, I appreciate the input of the Senator from Arizona. We want to find out what Senators are supporting so-called tax cuts, and we are interested to know how in the world it is going to be paid for while we go forward with increasing defense spending and balancing the Federal budget and all of the things provided for in the contract. I think this is exactly what we are concerned about. We are concerned that the contract's effect is not to balance the budget, but to undo the progress made in the last 2 years.

The Senator just described one of the elements that led to the reduction of the Federal deficit for the first time in many, many years. He is on record that he is going to try to repeal it. We do not have on record how we are going to pay for that item, or how we are then going beyond that. Because the problem with repealing that is you have to come up with the money to pay for its repeal, and even then you still have not done one single penny of net deficit reduction. You have gone in the wrong direction.

So that is what the debate has to be about. That is what the American people are entitled to.

I now yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Thank you, Madam President.

First of all, let me thank the Senator from Wisconsin [Mr. FEINGOLD], for his leadership on this issue. I think, Madam President, the thing that I appreciate the most about the Senator from Wisconsin is his insistence that we be very straightforward with people and that we treat the people that we represent with intelligence and that we lay out very honestly and truthfully what the options are.

Now we can disagree in good faith about what those options are. And I understand that full well. But from my perspective, Madam President—and I have said this a couple of times about these tax cuts—I really liken this, to use an old Jewish proverb, to trying to dance at two weddings at the same time. I just think you cannot talk about more deficit reduction and at the same time say you are going to have this broad-based tax cut—broad-based; we are not talking about one particular proposal, broad-based to the tune of $200 billion since we are talking about a balanced budget amendment between 1996 and 2002 and then another $500 billion between 1992 and 1997. That is $700 billion of tax cuts that is to be made that has to be made up somewhere even before we begin to then get back to deficit reduction.

And so, Madam President, my concern about the direction of all this, as I have stated on the floor before, is that when I add up the baseline $1 trillion that we know we have to do by way of budget cuts to get to this balanced budget by 2002 and then the additional revenue that we lose by virtue of the tax cuts, which we have to make up, plus the increase in the military budget, we are talking about somewhere in the neighborhood of $1.4 trillion.

So, Madam President, it is interesting. My framework is not that deficit reduction is the only public policy goal. That is not what I believe. I have always believed there are two deficits. One of them is the budget deficit; the other is the investment deficit.

I will have an amendment on the floor dealing with children and education, again, because I think we make a terrible mistake in the ways in which we have abandoned children and not invested in children in our country. So from the point of view of the Senator from Minnesota, who understands, on the one hand, there are certain decisive areas of life in our Nation where we need to make the investment and, on the other hand, understands that we have to continue on this path of deficit reduction, I do not see how in the world some of my colleagues can be talking about yet more tax cuts.

This amendment, which asks the Budget Committee to look at this, which essentially challenges all of us to have, I think, some real intellectual rigor on this issue, is an extremely important contribution.

Madam President, I have to say one other thing that actually the Senator from Wisconsin got me thinking about. The politics of this are nifty. It sort of reminds me of 1981 again, where basically what some of the leadership in the country said to the people and the Nation was, we are going to ask you Americans to make a huge sacrifice. And if you make that sacrifice, our country will be much better off—high levels of productivity, the deficit will go down, more jobs, all the rest. We ask you, will you let us cut your taxes? And people said, "Great."

Well, what happened? We cut taxes, dramatically increased the Pentagon budget and built up a huge deficit and a huge debt. We cannot repeat that mistake again. We have to get real with people. We have to make difficult choices.

I have never been identified as a deficit hawk. I get criticized sometimes for not being hawkish enough on this issue, because I keep saying we have to invest in children, education, and we have to invest in health care as well.

But I also understand that we cannot make these investments where we need to make the investments in our people and our communities and continue to reduce the deficit and eventually get to the point where we balance the budget—though I think 2002 is a political date—without getting real.

And that is the importance of this amendment. I would think that this amendment would command broad-based support among all Senators who have said that they consider deficit reduction to be one of their top priorities. Broad-based tax cuts of this kind take us in precisely the opposite direction, and we know it. That is what the Senator from Wisconsin is trying to speak to.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator has remaining 4 minutes 9 seconds.

Mr. FEINGOLD. Thank you, Madam President.

I cannot think of any better allies on an issue like this than the Senator from Arkansas and the Senator from Minnesota, who I know are in this for the long haul. We are in this for the long haul on the balanced budget amendment, on the budget resolution, on reconciliation, you name it. We are going to continue to raise this issue of the irresponsibility of these tax cuts every chance we get with the goal of defeating it.

I think the Senator from Minnesota just made a tremendous point when he pointed out what happened in the early 1980's. Naturally, when people were told we are going give you a tax cut, it will cause the economy to broom and everything will be great, they said, "That sounds pretty good." Human nature. Nothing wrong with it. It might have worked.

But the amazing thing now is that in 1995, the American people are hearing that same line again, and what I am so impressed by and delighted by is that they simply are not being fooled twice. It is not going to work this time. Telling the American people, as President Reagan did, that he is going to balance the budget and give everybody a giant tax cut—he did not do it, the Congresses then did not do it, and neither will the 104th Congress, because it cannot be done.

And so to conclude our argument on this, I would just like to return to those people from my State who just laid it on the line and who say they are not going to fall for this again, this idea that 2 plus 2 equal 6 when it comes to balancing the Federal budget.

A couple from, for example, Eagle River, WI, wrote about the tax cut:

> What I need, and what the country needs, is to have the budget deficit paid off so that 20% of the national budget does not go to raising money lenders into the upper class, and so that in 20 years my children and grandchildren won't have to suffer having their entire taxes go to pay the interest and getting none of the services that government should properly provide.

Folks from Cornucopia, WI, which is the northernmost point of Wisconsin, wrote and said:

> The thing is, I can't figure out why this is happening—this race to cut taxes—when the majority of people, according to all I've seen, heard, and read, don't care. We want the deficit cut and we want our money spent more wisely.

A gentleman from Madison, WI, wrote:

> I would like to pay less taxes. I have a family to feed and a mortgage to pay, but what is even more important to me is the yearly federal deficit and the expanding national debt.

He says to us here in the Senate:

> Don't try to make me feel good and make some political points by giving me a tax cut that my children will have to pay for. I'm not that stupid. That doesn't impress me. Short-term, feel-good tax cuts may look good to the weak-minded voters, but frankly I'm extremely concerned about the national debt that we will be leaving our children to pay off long after you are out of office. Let's do what is right for the kids, (even though they are not voters yet, you politicians!). Let's make the spending cuts, leave the tax rates where they are, pay off the federal debt, and leave this country in a secure financial position that won't leave our children cursing on our graves!

And finally, Madam President, from Birnamwood, WI:

> Dear Mr. FEINGOLD:
>
> I am writing about the proposed tax cuts and write-offs being proposed lately. I am all for cutting spending and lowering taxes as my many letters to you prove. But throwing a few crusts of bread to the masses to keep them quiet is not the answer. By all means cut government spending. But use that savings to eliminate the deficit and pay down the debt that threatens to overwhelm us.

Madam President, in conclusion, the American people are very clear on this. Why in the world can we not be clear with them and say that it is impossible to push for a balanced budget amendment in good faith and still believe we can have the giant tax cuts being proposed, in particular, by the Contract With America?

Mrs. MURRAY. Madam President, I rise in support of the amendment offered by my good friend, the Senator from Wisconsin.

Madam President, I serve as a member of the Senate Budget Committee, and I take that assignment seriously. The budget process starts in that committee. The deficit reduction starts there.

And, Madam President, the tough choices are made there.

And, because in the last 2 years, we made tough choices, the deficit is finally going down.

This country racked up more debt during the 1980's than we had during the previous two centuries. We can never allow this type of explosive debt to creep into the budget process again.

When I was sworn in 2 years ago, I wanted to offer a change in thinking, and help to solve the problem of poor fiscal management.

And, we are solving this problem. We are cutting unnecessary and wasteful programs. We are streamlining other projects.

This year alone, the President has sent us a budget for fiscal year 1996 that eliminates 130 programs and significantly 270 more.

And, because our fiscal house is finally being put in order, the budget deficit has been reduced for 3 years in a row—that is the first time that has happened since Harry Truman was in the White House.

Madam President, we finally have seen some commonsense, rational solutions in budgeting. And, we must continue providing leadership with level-headed moderate decisions, even if they are based on tough choices.

That is why I support the Feingold amendment. It is common sense. It recognizes that we do not have a lot of money to go around. And, the last thing we should be doing when the deficit is finally being reduced is to engage in a political bidding war to enact broad-based, across-the-board tax breaks.

This would only send our deficit soaring again, just like the 1980's. Just like the days when we were told "you can have it all, and not pay for it." Just like the time when we racked up the highest amount of debt in the history of the world.

Madam President, let me be clear. Our colleagues should understand that a vote for the Feingold amendment is not a vote against tax relief. Certain Americans need tax relief. Certain tax laws are antiquated and need to be changed. I believe, for example, we need to revise our estate and gift tax laws.

But, we need to go through this with common sense. I have seen many of the proposals for tax breaks before us. Who do they really help?

My friends and neighbors discuss the Federal budget with me all the time. And Madam President, they tell me time and again that we should reduce the deficit before we discuss broad-based tax breaks.

Fighting this deficit is too serious for political game-playing. We clearly cannot push off on our kids an exploding deficit. Sometimes, spending programs are urgent, and, sometimes, tax relief is necessary.

But, bidding wars to cut taxes for political popularity are not urgent and not necessary. As I said, Madam President, these proposals might be popular, but they are dangerous.

And, Madam President, I will start worrying about my own personal popularity when I know my kids have a secure economic future.

This amendment is good common sense. I thank my friend, Senator FEINGOLD, for having the courage to bring it before the Senate. And, I urge its swift adoption.

Mr. BAUCUS. Madam President, I rise in opposition to the sense-of-the-Senate resolution advanced by my colleague from Wisconsin.

The citizens of Montana want deficit spending brought under control. They want the budget balanced and they want the job done within a specified period of time. The balanced budget amendment achieves that result, although, as I have noted on several occasions, not without a great deal of pain.

The resolution before us attempts to establish priorities between balancing the budget and a middle-class tax cut.

I serve on the Finance Committee. Provisions to implement a middle-class tax cut will come before that committee in the near future. After hearings and after due consideration, I and the other members of the Finance Committee will determine whether a middle-class tax cut should be enacted and what form it should take. After the committee takes action, each and every Member of this body will have a chance to express their view on the proposed middle-class tax cuts, if in fact, the committee forwards such cuts to the full Senate for their consideration.

The working citizens of Montana would benefit from a middle-class tax cut. At the same time, they have expressed to me time and again that deficit reduction is their primary concern. The issue I and my colleagues will face on the Finance Committee is whether we can accommodate both a reduction in the deficit and tax cuts for America's middle class.

These priorities are properly decided by the members of the Finance Committee after due consideration, not by a sense-of-the-Senate resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I think this debate is far more appropriate to a debate on the implementing legislation. I hope our fellow Senators will vote down this motion to refer. I encourage the distinguished Senator, who is very sincere in trying to handle deficit matters, to do this on the implementing legislation after the balanced budget amendment passes. That is the way to do it, and not at this particular time. If the balanced budget amendment does not pass, then he has plenty of other vehicles to try and make his points known.

There are many of us who believe that tax cuts actually increase revenues to the Federal Government. That was proven during the eighties. Had we not passed all kinds of additional spending programs as part of a deal made in order to get the marginal tax rate reductions, we would have had an even greater economic expansion. As it was, every time President Reagan wanted marginal tax cuts reduced, Congress added a bunch of spending programs on the side as part of the bills. As a result, we still had more revenues, but we had even greater spending increases than revenue increases. Of course, part of those increases were defense and national security spending.

I am not here to assess blame on anybody. All I am saying is that many of us believe that tax rate reductions done in the appropriate and proper way actually create more opportunities for working people, more savings, more investment, more jobs, and more people working, and therefore, more people paying into the system.

So, having said that, I hope that our fellow Senators will realize that this is not the time to pass on a status quo tax policy method of implementing the balanced budget amendment as embodied in this motion, but this is a time to stand up for the balanced budget amendment. Let us stay on the beam, let us stay on the ball. Let us stay focused on what has to be done.

Has the distinguished Senator yielded back the remainder of his time? I yield back the remainder of my time.

Madam President, I move to table and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—66

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Brown
Bryan
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dodd
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kennedy
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Pressler
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—32

Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kerrey
Kerry
Levin
Moseley-Braun
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Wellstone

NOT VOTING—2

Kassebaum
Moynihan

So the motion to lay on the table the motion to refer House Joint Resolution 1 to the Budget Committee with instructions was agreed to.

AMENDMENT NO. 241

The PRESIDING OFFICER. Under the previous order of the Senate, we will now resume consideration of amendment No. 241, offered by the Senator from South Carolina, Mr. HOLLINGS.

The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. Madam President, let me emphasize that this is not intended to delay the constitutional amendment for a balanced budget. In fact, we have agreed to an hour and a half time limit. My amendment is drafted so that, if adopted, it will be engrossed separately by the States, and therefore voted on separately by the States, so it will not kill the balanced budget amendment. In other words we are not trying to delay or are confuse.

Madam President, let me go to the history of this, because I was there. In the 1968 race for President, the distinguished former Secretary of Commerce, Maurice Stans, he came to my State and he said: Now, you textile leaders, you all have to contribute $35,000 apiece for the Presidential race. He raised $350,000.

I had been in Government 20 years. I had been elected Lieutenant Governor, I had been elected Governor, and they were my friends, and they never got up $350,000 for this Senator.

I remember this course of events well. In the Presidential campaign of 1968, the Nixon folks went all of the county to the rich and asked that they contribute to the campaign. One fellow from Chicago gave $2 million. There were several others who gave $400,000 and $500,000. Following the election, John Connally went to President Nixon and said, "Mr. President, there have been some real valued contributors, substantial contributors, and they have not even met you or been thanked by you." They agreed that the President would come down the next week to the ranch in Texas for a barbecue. As that week arrived and they were turning into the barbecue at the Texas ranch, Dick Tuck, the prankster from the Kennedy days, put a Brink's truck by the gate. Then they got a picture of it. We were all embarrassed: The public thought the Government was up for sale.

Madam President, it has gotten worse. Back in 1974, in a bipartisan fashion—I remember the debate well—we amended the Federal Election Campaign Practices Act. With these amendments we said the Government is not up for sale. You cannot receive cash. Every dollar must be on top of the table, accounted for here at the Secretary of the Senate and the Secretary of State back in your home State. You can only get $1,000 individually, $5,000 by way of a PAC and you will be limited to so much per voter. Most importantly, the total expenditures of the campaign would be limited. In the State of South Carolina it would be about $500,000, half a million dollars. But in the State of California or Texas it would be, of course, millions.

I say it has gotten worse. But let me emphasize, we had a strong vote on the Federal Election Campaign Practices Act in 1974 and our good friend, the distinguished Senator from New York at that time, Senator Jim Buckley—and I speak affectionately because his father contributed to my races, William F. Buckley, Sr. —but Jim said: Oh, no, I am going to sue the Senate. You can't limit what I spend on my races. You have taken away my speech.

And in a very distorted decision, a contorted decision, the Supreme Court agreed. By the Courts decision in Buckley versus Valeo, rather than freedom of speech under the first amendment, for individuals and people, the Supreme Court gave freedom of speech to the rich. Freedom to those with money, rather than to the people. The Court essentially took the speech away from the poor.

For example, if I have $1 million and you have $50,000, I wait until the first week of October and then I just offload—spending all my money on television, signs, radio, farmer shows, talk shows and everything I can possibly think of. And whoever I am running against, their friends and family say, "I wonder why he does not answer."

You do not answer because you do not have the money. It takes literally millions of dollars now.

It seems like somehow somewhere there would be some shame in this body. I have tried over the last 20 years. You can not offer a joint resolution as an amendment to a bill. It seems that in every Congress there were always campaign reform bills, but I could not offer my joint resolutions to them. Offering joint resolutions to bills is barred by the rules.

These campaign reform bills usually included some form of public financing. That always lead to gridlock. It appears we are not going the way of public financing. I hope not, with a $4.85 trillion deficit. We are not going to find a new mission for the taxpayer—that of financing politicians. So we are not going to do that. We have to control campaign expenditures. We have to somehow control it. For heaven's sake, we have tried, and it has been bipartisan.

I thank my distinguished colleague from the other side, the distinguished Senator from Pennsylvania, Senator SPECTER, and the others who cosponsored and willingly voted to help in this particular cause.

My amendment does not say what the limits would be. I would contemplate going back to what we intended, namely, limiting spending to so much per voter in each State; the small States the smaller amount of money and the large States the larger amount of money. But now today you have to raise $13,200 each and every week of a six year term for the average Senator to get reelected—$13,200 a week. He is in business, not to legislate, not to debate, not to listen, not to discuss, not to hear, but by gosh to track down everybody he can and pick their pockets—$13,200 a week.

I heard the distinguished Senator from California, who was just reelected, say with her contributions and with the party contributions, it took her $19 million to run. Senator FEINSTEIN would admit that. Her opponent, Mr. Huffington, spent almost $30 million.

This is a disgrace. Do not come in here with this "ying yow" about, yes, it is a good idea, but not on the balanced budget amendment. It is just our opportunity. We have had time and time again votes on my amendment. We had a vote on this particular matter back in 1988. We got 52 votes. We brought it up again later in that same year and we got a vote of 53 votes, and, on May 27 of 1993 we got 52 votes for a Sense-of-the-Senate resolution expressing that the Senate should adopt this amendment.

Mr. HATCH. Mr. President, will the Senator yield for a unanimous consent request?

Mr. HOLLINGS. Yes. I yield.

Mr. HATCH. I thank my friend.

Mr. President, I ask unanimous consent that the 30 minutes designated to me be designated to the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, let us be done with the phony charge that spending limits are somehow an attack on freedom of speech. This is false. If anything the Courts decision is an attach on free speech. As Justice Marshall points out in his dissent the Court's decision actually limits the speech of those with less money. Justice Marshall states, and I quote:

> It would appear to follow that the candidate with the substantial personal fortune at his disposal is off to a significant head start.

Indeed, Mr. President, Justice Marshall went further when he argued that by upholding the limits on contributions but striking down the limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

The effect of this decision was discussed before a hearing that we held in the Judiciary Committee. We have had several hearings. At one of those hearings, back in 1988, the Committee on the Constitutional System's Lloyd Cutler appeared, and he said and I quote:

> Along with Senator Nancy KASSEBAUM of Kansas and Mr. Douglas Dillon, I am a cochairman of the Committee on the Constitutional System, a group of 700 present and former legislators, Executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

Quoting further:

> The courts approved the Presidential Campaign Financing Fund created by the '76 amendments, including the condition it imposed barring any Presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees or on behalf of a candidate. In recent Presidential elections, these independent expenditures on behalf of one candidate exceeds the amounts of Federal funding he accepted. Moreover, so long as Congress remains deadlocked on proposed legislation for the public financing of congressional campaigns, it is not possible to use the public financing device as a means of limiting congressional campaign expenditures.
>
> Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment.

Mr. President, in reality my amendment really restores the freedom of speech. If you have money, you have unlimited speech. If you do not have money, you have the freedom to shut up, say nothing.

I can tell you, the last five amendments to the Constitution itself dealt with elections and all were ratified by three-fourths of the States in an average of 17 months. If we adopt this today the States can ratify it and we can enforce limits on campaign expenditures for the 1996 elections.

My amendment, in effect, gets us back to an even playing field where everyone has the same freedom, rich or poor, Republican or Democrat, conservative or liberal or otherwise.

With respect to incumbency, I think we have learned from the last election that—at least we Democrats have learned—it does not pay to be an incumbent. I can tell you that right now. There were 10 Senators that were here last year that are not here today.

Right to the point, Mr. President, for 20 years Congress has been like a dog chasing its tail. We have tried to correct Buckley versus Valeo. We have had, time and time again, debates on all forms of campaign reform. Again and again and again, it does not go anywhere. When it looks as if it is going somewhere, it is threatened with the veto. Here, with this particular approach, there is no veto. The amendment would go directly to the States.

I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in support of the effort by the Senator from South Carolina. I think that, at a minimum, we have to limit the amount individuals can contribute to their own campaigns. The Senator's analysis is very clear that in order to do that, given Buckley versus Valeo, we must have a constitutional amendment.

Mr. President, my own personal view is that the problem that lies at the heart of the political process is the money in the political process. There is no doubt that this is true. And I believe that while the Senator's amendment is necessary, and a constitutional amendment is necessary to achieve the end of preventing those with enormous resources from buying elections, I do not think it is sufficient. I support it because I think it is an important step that plugs up one gigantic loophole in this process that allows those with means to buy the microphone. When you have a system where only the rich can buy paid media in sizable amounts, you directly impede political equality. That is what has happened, and this is the only way under our current circumstances to change that.

Mr. President, if we do this amendment and leave all the rest there, we still have a major problem: too much money in politics. So I offer, in support of the amendment and in addition to the amendment—and a very simple idea that our only way to get money out of politics is to get money out of politics—two very simple proposals. One, that anybody in America, on their Federal income tax form, above their tax liability, can designate an additional $200 to go to a political fund. In July, or at sometime after the primary election for Federal office in a particular State, that fund is divided between Republican, Democrat, and/or qualified independent, and the only money that is permissible is the money from that fund. And the money in that fund can only be contributed from citizens in your State.

If citizens in a particular State chose to give very little, they would be less informed, no doubt in my mind. They would be less informed, but they would be in charge. And the system would adjust. And, who knows, maybe we would end up with a system in which attack ads would go and public discourse would grow. Unless we are prepared to cross the path to the side that says the only money available is money contributed by citizens in your State—no PAC's, no party conduits, no big contributors, and no wealthy individuals able to buy the means and the microphone in an election —unless we are prepared to do all of that, we are just kidding ourselves. We are going to be arguing around the edges about this political reform or that political reform. But unless we take, I think, this radical step, we will not end money in politics. It is as simple as that.

So the Senator's effort is not only laudable but central to getting control of the democratic process.

I see the distinguished Senator from Pennsylvania is on the floor and is going to speak, and he has the opportunity, given what his activities are these days on the national scene, to champion fundamental campaign finance reform. I hope that we will cross that line and say: No individual contributions, no big contributions, no PAC's, no party conduits, and no millionaires buying elections. You can put up to $200 above your tax liability into a fund several months prior to the general election, which is divided among Republicans and Democrats and qualified independents, and that is the only money; it is only the money from tax returns in your State. If we do not do something that radical, we will not have fundamental campaign finance reform.

I salute the Senator for his amendment.

Mr. HOLLINGS. Mr. President, I yield whatever time necessary to my distinguished cosponsor, the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the amendment offered by the distinguished Senator from South Carolina. This is an issue which we have raised repeatedly on the floor of the U.S. Senate, because it is a direct way to deal with campaign finance reform without having a further burden on the Treasury of the United States.

We have debated campaign finance reform repeatedly in a variety of contexts. Most of them come down to a proposition to have Federal subsidies for candidates and then to call upon the candidates to relinquish their rights under Buckley versus Valeo in order to qualify for Federal funding. I have opposed such Federal funding because I think it is unwise to further burden the Treasury by having campaigns paid for by the U.S. Treasury.

The necessity for this amendment was created by the decision of the Supreme Court of the United States in 1976 in Buckley versus Valeo. That particular decision had a very significant impact on this Senator, because at that time I was running for the U.S. Senate. Under the 1974 statute, there was a limited amount a candidate for the Senate could spend of his or her own money, based on population.

When I entered the race in late 1975, for a seat which was then being vacated by a very distinguished U.S. Senator, Senator Hugh Scott, the Federal law said that, on a population basis, a candidate in a primary in Pennsylvania would be limited to $35,000. That was about the limit of the means which I had at that time, having been extensively in public service as district attorney of Philadelphia and for a relatively short period of time in the private practice of law. Halfway through that campaign, on January 29, 1976, the Supreme Court of the United States said that the limitation on what an individual could spend of his or her own money was unconstitutional.

At that time, I was running against a very distinguished Pennsylvanian, the late Senator John Heinz, with whom I served in this body for many, many years. Senator Heinz had substantially more financial capabilities and, as was appropriate under the law, utilized the invalidation of the spending limit at that time.

It has always seemed to me that Congress ought to have the authority to establish a spending limit in Federal elections without regard to the first amendment limitation which was applied by the Supreme Court in Buckley versus Valeo.

In approaching this matter, Mr. President, I am very concerned about amending the first amendment to the United States Constitution—freedom of speech, religion, press, assembly. But the amendment that we are talking about really does not go to any of these core first amendment values. This is not a matter affecting religion. It is not a matter really affecting speech.

I think it was a very far stretch when the split Court of the U.S. Supreme Court said that a campaign expenditure for an individual was a matter of freedom of speech. At that time, the Supreme Court did not affect the limitation on spending where an individual could contribute only $1,000 in the primary and $1,000 in the general, except for contributions by PAC's, political action committees.

At that time, in 1976, my brother had considerably more financial means than I did and would have been very much interested in helping his younger brother, but the limitation on my brother in that primary was for $1,000. It seemed to me then and it seems to me now that if a candidate has the right to spend as much of his or her money as he or she chooses, then why should not any other citizen have the same right under the first amendment to express himself or herself by the political contributions.

So the decision by the Supreme Court in Buckley versus Valeo, I submit, was a unusual one and I think not well founded. And within our framework of Government we can change that by having this amendment at this time.

I discussed this matter earlier today with my distinguished colleague from South Carolina. We talked about the procedural aspect of offering legislation to come up through the Judiciary Committee and at this time, on this resolution, it is an appropriate field to deal with this matter. And as we are dealing with the constitutional amendment for a balanced budget, we can deal with the constitutional issue raised in Buckley versus Valeo.

This year, Mr. President, I am undertaking another venture at the present time, exploratory travel looking toward the Republican nomination for President of the United States. And I am impressed again with how important fundraising is and how disproportionate it is to the undertaking for a political candidacy.

My idea about running for elective office, Mr. President, is a matter of issues, a matter of tenacity, a matter of integrity, and how you conduct a campaign. But money has become the dominant issue in the Presidential campaign. And the media focus on it to the virtual exclusion of the many issues of substantive matters which are really involved in a campaign for the candidacy for the Presidency.

So I think that the amendment which is now pending will leave it up to the Congress of the United States to decide what campaign finance limitations should be, authority which we have under the Constitution. Under a constitutional provision, the Congress does have the authority to deal with this issue. Article 1, section 4, of the Constitution specifically vests the authority in Congress to regulate national elections.

Absent the decision in Buckley versus Valeo, we would have that authority. Similarly, State legislatures would also have the authority to regulate their own campaigns if Buckley versus Valeo were not the law of the land.

In essence, Mr. President, I think that Buckley was wrongly decided. I think that it has limited the Congress in regulating the expenditure of funds. Money is too important in elections for the House of Representatives, for the U.S. Senate, as well as for the Presidency of the United States.

So I hope we will have an affirmative vote. The last time this matter came up in a sense-of-the-Senate resolution, it was passed. And if we could pass it here today, I think it would be a very, very important step forward for reform to eliminate money as a dominant factor in so many elections.

I thank the Chair and yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank my distinguished colleague from Pennsylvania, because he has given a real life example of the frustration that we have.

Let me yield so the other side can respond.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, this need not be a lengthy debate. I would be more than happy to yield back whatever time I may have left if the Senator from South Carolina would like to do the same. We have been over this turf before.

I want to commend the Senator from South Carolina for understanding and realizing that all of the campaign finance reform bills we have dealt with in recent years have been unconstitutional. So at least the Senator from South Carolina understands that the proposals that have been kicking around here for the last 5 or 6 years clearly trash the first amendment.

But I would say where I differ with the Senator from South Carolina is not in his judgment about the fact that the campaign finance reform bills that we have dealt with were unconstitutional —and they clearly were—but the Senator now says we ought to amend the first amendment. We ought to change the first amendment to the Constitution for the first time in 200 years.

And by suggesting that, Mr. President, my good friend from South Carolina has managed to come up with a proposal that even Common Cause is against and the Washington Post is against. So we have two entities that have been in the forefront of calling for campaign finance reform. Common Cause, a leading outside interest group, special interest group, advocating a campaign finance reform, says amending the first amendment is a bad idea, so they oppose the HOLLINGS proposal. And the Washington Post, which has clearly been interested in seeing a campaign finance reform bill, also opposes amending the first amendment.

So Mr. President, I would submit a letter of a few years back by Common Cause opposing the HOLLINGS constitutional amendment and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
Washington, DC, March 23, 1988.

DEAR SENATOR: The Senate is expected to consider shortly S.J. Res. 21, a proposed amendment to the Constitution to give Congress the power to enact mandatory limits on expenditures in campaigns. Common Cause urges you not to support S.J. Res. 21.

The fundamental problems caused by the massive growth in spending for congressional elections and by special interest PAC giving demand effective and expeditious solution. The Senate recently came within a handful of votes of achieving this goal. For the first time since the Watergate period, a majority of Senators went on record in support of comprehensive campaign finance reform legislation, including a system of spending limits for Senate races. It took an obstructionist filibuster by a minority of Senators to block the bill from going forward.

The Senate now stands within striking distance of enacting comprehensive legislation to deal with the urgent problems that confront the congressional campaign finance system. The Senate should not walk away from or delay this effort. But that is what will happen if the Senate chooses to pursue a constitutional amendment, an inherently lengthy and time-consuming process.

S.J. Res. 21, the proposed constitutional amendment, would not establish expenditure limits in campaigns; it would only empower the Congress to do so. Thus even if two-thirds of the Senate and the House should pass S.J. Res. 21 and three-quarters of the states were to ratify the amendment, it would then still be necessary for the Senate and the House to pass legislation to establish spending limits in congressional campaigns.

Yet it is this very issue of whether there should be spending limits in congressional campaigns that has been at the heart of the recent legislative battle in the Senate. Opponents of S. 2, the Senatorial Election Campaign Act, made very clear that their principal objection was the establishment of any spending limits in campaigns.

So even assuming a constitutional amendment were to be ratified, after years of delay the Senate would find itself right back where it is today—in a battle over whether there should be spending limits in congressional campaigns. In the interim, it is almost certain that nothing would have been done to deal with the scandalous congressional campaign finance system.

There are other serious questions that need to be considered and addressed by anyone who is presently considering supporting S.J. Res. 21.

For example, what are the implications if S.J. Res. 21 takes away from the federal courts any ability to determine that particular expenditure limits enacted by Congress discriminate against or otherwise violate the constitutional rights of challengers?

What are the implications, if any, of narrowing by constitutional amendment the First Amendment rights of individuals as interpreted by the Supreme Court?

We believe that campaign finance reform legislation must continue to be a top priority for the Senate as it has been in the 100th Congress. If legislation is not passed this year, it should be scheduled for early action in the Senate and the House in 1989.

In conclusion, Common Cause strongly urges the Senate to face up to its institutional responsibilities to reform the disgraceful congressional campaign finance system. The Senate should enact comprehensive legislation to establish a system of campaign spending limits and aggregate PAC limits, instead of pursuing a constitutional amendment that will delay solving this fundamental problem for years and then still leave Congress faced with the need to pass legislation to limit campaign spending.

Sincerely,

FRED WERTHEIMER,
President.

Mr. MCCONNELL. And also, an editorial in the Washington Post also opposing the Hollings constitutional amendment. I ask unanimous consent that the editorial be printed in the RECORD, as well.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 6, 1988]

CAMPAIGN SPINACH

Sen. Ernest Hollings was not an admirer of S. 2, the sturdy bill his fellow Democrats tried to pass to limit congressional campaign spending by setting up a system of partial public finance. He agreed to vote for cloture, to break a Republican filibuster, only after Majority Leader Robert Byrd agreed to bring up a Hollings constitutional amendment if cloture failed. Mr. Byrd, having lost on S. 2, is now about to do that.

Right now Congress can't just limit spending and be done with it; the Supreme Court says such legislation would violate the First Amendment. Limits can only be imposed indirectly—for example, as a condition for receipt of public campaign funds. The Hollings amendment would cut through this thick spinach by authorizing Congress to impose limits straightaway. The limits are enticing, but the constitutional amendment is a bad idea. It would be an exception to the free speech clause, and once that clause is breached for one purpose, who is to say how many others may follow? As the American Civil Liberties Union observed in opposing the measure, about the last thing the country needs is "a second First Amendment."

The free speech issue arises in almost any effort to regulate campaigns, the fundamental area of free expression on which all others depend. There has long been the feeling in and out of Congress—which we emphatically share—that congressional campaign spending is out of hand. Congress tried in one of the Watergate reforms to limit both the giving and the spending of campaign funds. The Supreme Court in its Buckley v. Valeo decision in 1976 drew a rather strained distinction between these two sides of the campaign ledger. In a decision that let it keep a foot in both camps—civil liberties and reform—it said Congress could limit giving but not spending (except in the context of a system of public finance). In the first case the court found that "the governmental interest in preventing corruption and the appearance of corruption" outweighed the free speech considerations, while in the second case it did not.

Mr. Hollings would simplify the matter, but at considerable cost. His amendment said, in a recent formulation: "The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal offices." But that's much too vague, and so are rival amendments that have been proposed. Ask yourself what expenditures of a certain kind in an election year are not "intended to affect" the outcome? At a certain point in the process, just about any public utterance is.

Nor would the Hollings amendment be a political solution to the problem. Congress would still have to vote the limits, and that is what the Senate balked at this time around.

As Buckley v. Valeo demonstrates, this is a messy area of law. The competing values are important; they require a balancing act. The Hollings amendment, in trying instead to brush the problem aside, is less a solution than a dangerous show. The Senate should vote it down.

Mr. McCONNELL. So, Mr. President, what the Senator from South Carolina is proposing here is that not only the Federal Government but State governments, reading from the amendment, "have the power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office."

Now, Mr. President, it should not be a surprise to anyone that the American Civil Liberties Union also thinks this is a terrible idea. Not only do they think it is a terrible idea with regard to the power that would be granted to limit speech of candidates, the provision I just made reference to, which said "in support of or in opposition to the nomination or election of any person to Federal office," but would also give to the Congress the power to do the following.

And, Mr. President, I read from an opinion of the American Civil Liberties Union, which says:

"Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protection of freedom of the press would also be changed"—freedom of the press would also be changed—"thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent," says the American Civil Liberties Union, "would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that relishes a free press."

So the proposal we have before us, Mr. President, first, amends the first amendment for the first time in history. And many people feel that is not a good idea; that the first amendment has served us well.

The second manages to draw the opposition of even the principal advocates of campaign finance reform, Common Cause and the Washington Post, and, also, Mr. President, even though this issue in the past was quite partisan—most Republicans opposing it, most Democrats supporting it—the following Senators on the other side of the aisle voted against this proposal when it was last offered in May 1993.

I want to commend those Senators publicly for respecting the first amendment, for agreeing—although they like the idea of a campaign finance reform bill—with Members that amending the Constitution of the United States, amending the first amendment for the first time in history, was a terrible idea. Senator BOXER agreed with that proposition, Senator KERREY of Nebraska, Senator KOHL, Senator LEAHY, Senator MIKULSKI, Senator MOYNIHAN, Senator PELL, and Senator ROCKEFELLER, all, even though I know they basically supported the various campaign finance reform bills proposed by those on the other side of the aisle, agreed with this Senator and the ACLU and Common Cause and the Washington Post that amending the first amendment to the U.S. Constitution for the first time in history was a terrible idea.

So, Mr. President, at the appropriate time I will be making a motion to table, and I hope that Senators will certainly agree that no matter how they may feel about passing some kind of campaign finance reform bill or another—and we certainly have had our differences on that issue—no matter how they may feel about that, it is not a good idea to amend the Constitution, to amend the first amendment to the Constitution for the first time in history.

Now, with regard to the Buckley case on the question of whether spending is speech, the Supreme Court was clear. My recollection was that eight out of nine members of the Supreme Court said spending is speech. So there is not any question that this is an amendment about speech. No matter whether some Senators wish spending were not speech or not, the Supreme Court has said that spending is speech. So no matter how much some Senators may wish that the Court had not said that, no matter how much some Senators wish the Buckley case was decided otherwise, the fact of the matter is the Supreme Court has said spending is speech.

So this amendment, Mr. President, is about amending the first amendment to the Constitution for the first time in history. So I hope that this will be defeated on a bipartisan basis, because it is really quite a terrible idea.

Mr. President, I will retain the remainder of my time should I need it, and I yield the floor at this point.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I enjoyed references to Senators and their votes. It is not necessarily Dale Carnegie's approach to winning friends and influencing people. I am in the business of trying to obtain votes. So I necessarily try my best to resist the record.

The distinguished Senator from Kentucky made a record and he talks about the first time we amended the first amendment. Well, this is the first time an amendment would do it.

Now, the fact of the matter is, on October 19, 1989, 5 years ago or a little more, the distinguished Senator from Kentucky voted with the majority—it did not get two-thirds—but the distinguished Senator from Kentucky voted to amend the first amendment with respect to burning the flag of the United States of America.

I would be delighted to yield. I am looking at this record. If the record is incorrect, I would be delighted to yield.

Mr. McCONNELL. Mr. President, I thank my friend from South Carolina for yielding.

We have had this same colloquy before. The Senator from South Carolina raised this the last time we had this discussion, and the Senator from South Carolina, I am sure, recalls my reply. My reply was, "If I had to do it over again, I would have voted differently." In fact, upon reflection, my view is that I am sure the Senator from South Carolina, in his history here, has never cast a vote that he regretted, but I have not been so fortunate as to never having regretted a vote I cast here. The Senator from South Carolina and I had this exchange the last time we had this debate, and he, I am sure, recalls that I said that I thought I had made a mistake in voting that way on the flag-burning amendment, and should such an amendment come before Members again, I would not so vote again.

Mr. HOLLINGS. Mr. President, the question is not whether it is a mistake. The question is whether it is a fact that a majority of the U.S. Senate, 51 Senators, duly elected and voting, voted at that particular time to amend the first amendment with respect to burning the flag of the United States of America.

There have been other votes to amend the first amendment. Of course, we have had a majority vote on this amendment at least three times. The truth of the matter is, and the reality is, and the fact is, that the Supreme Court in Buckley versus Valeo amended the first amendment.

I mean, after all, it was a 5-4 decision. If we get down to it we know that, yes, it limits spending, it limits speech. Speech is equated with spending. For those who have money, they can talk all they want. For those who do not, they do not have the freedom of speech. Those who do not have the money are limited.

Of course, the Buckley versus Valeo decision found nothing wrong with limiting speech because they said the $1,000 was constitutional for an individual contribution; the $5,000 for political action committees was also constitutional. So everybody wants to act like we are making some kind of history and changing it around.

When we had the other constitutional amendments affecting elections, they refer, of course, to the matter of elections on term limits. That is the 22d amendment. The 23d amendment, the electoral votes in Presidential elections. The 24th amendment, elimination of the poll tax with respect to voting. And the 26th amendment gave 18-year-olds the right to speak. Someone could give the same argument that 18-year-olds did not have the right to speak under the Constitution in elections. But then they were given the freedom of speech at 18 years of age.

We are dealing with elections and campaign financing. It is totally a shame and disgrace. Absolute shame and disgrace. I will never forget the feel, politically, that you get in campaigns.

I think it is very healthy, Mr. President, to go back on to the main street and walk up and down both sides and see the same merchants that you saw. You asked for their vote. You made certain promises, I guess, certain representations. You told them about your beliefs and what you stand for. You go out into the rural areas to the farmers. You visited around in the hospitals, the doctors, and everything else of that kind.

That is the way we politic in the small State of South Carolina. Of course, it is totally impossible in large New York or large California. I am not contending that it is. But right after the last election in 1992, just a couple of years ago, I went around to each one of the counties and we had town meetings, and I made the call.

My friends kept asking, they say, "Why are you coming around? You just got elected. You got 6 years." And I said, "I couldn't see you in the campaign. I didn't have time. I had to go raise money." On and on and on. It is just like a veritable treadmill you get these campaign managers, consultants, and otherwise, they will break that time down for you. They will break down when you are going to talk and have your early morning for the farmers and when you will have time when the students come back to the university campuses and most importantly when you will raise money.

This is all sophisticated. It is all tried. It is understandable and it is part of the game. It is very, very, very expensive. To get around and really expose yourself, you do not have time to talk to people unless you are asking for their money and being nice and making the obligatory appearances at debates and certain programs and you try to generate free television.

The distinguished Senator from New Jersey came forward with a nice idea, if it could work. I question it. The premise of the distinguished Senator from New Jersey is that the people of New Jersey and the people of South Carolina are just as interested in the elections as the Senator from New Jersey and the Senator from South Carolina. I doubt it.

We just had an election in my State about 10 days ago, a special election. Out of some 180,000 voters, only 6,000 cast votes. It was on radio; it was on TV. Signs were plastered all over, and everything else like that. But we have less participation—and it is getting worse in this particular country—less than 50 percent. You get, in Australia and other countries, almost 100 percent voting.

So the recommendation of the distinguished Senator from New Jersey to check-off for elections themselves to finance politics, I tell you now, that is a tough one, that is a very, very tough one. I can see that would have very limited chance to really be heard.

Eighty percent of your money is expended on television. We have had different proposals of free TV. After all, the people of America own the airwaves. With the people of America owning these airwaves, it seems as if we can allocate some to public office and the attaining of public office. Each side would have so much free television. We have tried that approach. We have tried financing; we have tried voluntarily putting up so much money. We have tried any number of other solutions. They have all failed.

Like I say, it has been a dog chasing its tail because we know that none of these particular bills will pass because every one of them runs into that unconstitutional decision, Buckley v. Valeo. There is not any question that that is a distortion.

I ask unanimous consent to have a very good article by former Congressman Jonathan Bingham, of New York inserted into the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Annals of the American Academy, July 1986]

DEMOCRACY OF PLUTOCRACY? THE CASE FOR A CONSTITUTIONAL AMENDMENT TO OVERTURN BUCKLEY V. VALEO

(By Jonathan Bingham)

Abstract: In the early 1970s the U.S. Congress made a serious effort to stop the abuses of campaign financing by setting limits on contributions and also on campaign spending. In the 1976 case of *Buckley* v. *Valeo*, the Supreme Court upheld the regulation of contributions, but invalidated the regulation of campaign spending as a violation of the First Amendment. Since then, lavish campaigns, with their attendant evils, have become an ever more serious problem. Multimillion-dollar campaigns for the Senate, and even for the House of Representatives, have become commonplace. Various statutory solutions to the problem have been proposed, but these will not be adequate unless the Congress—and the states—are permitted to stop the escalation by setting limits. What is needed is a constitutional amendment to reverse the *Buckley* holding, as proposed by several members of Congress. This would not mean a weakening of the Bill of Rights, since the *Buckley* ruling was a distortion of the First Amendment. Within reasonable financial limits there is ample opportunity for that "uninhibited, robust and wide-open" debate of the issues that the Supreme Court correctly wants to protect.

"The First Amendment is not a vehicle for turning this country into a plutocracy," says Joseph L. Rauh, the distinguished civil rights lawyer, deploying the ruling in *Buckley* v. *Valeo*.[1] It is the thesis of this article that the Supreme Court in *Buckley* was wrong in nullifying certain congressional efforts to limit campaign spending and that the decision must not be allowed to stand. While statutory remedies may mitigate the evil of excessive money in politics and are worth pursuing, they will not stop the feverish escalation of campaign spending. They will also have no effect whatever on the spreading phenomenon of very wealthy people's spending millions of dollars of their own money to get elected to Congress and to state office.

When the Supreme Court held a national income tax unconstitutional, the Sixteenth Amendment reversed that decision. *Buckely* should be treated the same way.

BACKGROUND

The Federal Election Campaign Act of 1971 was the first comprehensive effort by the U.S. Congress to regulate the financing of federal election campaigns. In 1974, following the scandals of the Watergate era, the Congress greatly strengthened the 1971 act. As amended, the new law combined far-reaching requirements for disclosure with restrictions on the amount of contributions, expenditures from a candidate's personal funds, total campaign expenditures, and independent expenditures on behalf of identified candidates.

The report of the House Administration Committee recommending the 1974 legislation to the House explained the underlying philosophy:

"The unchecked rise in campaign expenditures, coupled with the absence of limitations on contributions and expenditures, has increased the dependence of candidates on special interest groups and large contributors. Under the present law the impression persists that a candidate can buy an election by simply spending large sums in a campaign. . . .

"Such a system is not only unfair to candidates in general, but even more so to the electorate. The electorate is entitled to base its judgment on a straightforward presentation of a candidate's qualifications for public office and his programs for the Nation rather than on a sophisticated advertising program which is encouraged by the infusion of vast amounts of money.

"The Committee on House Administration is of the opinion that there is a definite need for effective and comprehensive legislation in this area to restore and strengthen public confidence in the integrity of the political process."[2]

The 1974 act included a provision, added pursuant to an amendment offered by then Senator James Buckley, for expedited review of the law's constitutionality. In January 1976 the Supreme Court invalidated those portions that imposed limits on campaign spending as violative of the First Amendment's guarantee of free speech.

In his powerful dissent, Justice White said, "Without limits on total expenditures, campaign costs will inevitably and endlessly escalate."[3] His prediction was promptly borne out. Multimillion-dollar campaigns for the Senate have become the rule, with the 1984 Helms-Hunt race in North Carolina setting astonishing new records. It is no longer unusual for expenditures in contested House campaigns to go over the million-dollar mark; in 1982 one House candidate reportedly spent over $2 million of his own funds.

In 1982 a number of representatives came to the conclusion that the Buckley ruling should not be allowed to stand and that a constitutional amendment was imperative. In June Congressman Henry Reuss of Wisconsin introduced a resolution calling for an amendment to give Congress the authority to regulate campaign spending in federal elections. In December, with the cosponsorship of Mr. Reuss and 11 others,[4] I introduced a broader resolution authorizing the states, as well as the Congress, to impose limits on campaign spending. The text of the proposed amendment was:

"Section 1. The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office.

"Section 2. The several states may enact laws regulating the amounts of contributions and expenditures intended to affect elections to state and local offices.[5]

In the Ninety-eighth Congress, the same resolution was reintroduced by Mr. Vento and Mr. Donnelly and by Mr. Brown, Democrat of California, and Mr. Rinaldo, Republican of New Jersey. A similar resolution was introduced in the Senate by Senator Stevens, Republican of Alaska. As of the present writing, the resolution has been reintroduced in the Ninety-ninth Congress by Mr. Vento.[6]

No hearings have been held on these proposals, and they have attracted little attention. Even organizations and commentators deeply concerned with the problem of money in politics and runaway campaign spending have focused exclusively on statutory remedies. Common Cause, in spite of my pleading, has declined to add a proposal for a constitutional amendment to its agenda for campaign reform or even to hear arguments in support of the proposal. A constituency for the idea has yet to be developed.

THE NATURE OF THE PROBLEM

This article proceeds on the assumption that escalating campaign costs pose a serious threat to the quality of government in this country. There are those who argue the contrary, but their view of the nature of the problem is narrow. They focus on the facts that the amounts of money involved are not large relative to the gross national product and that the number of votes on Capitol Hill that can be shown to have been affected by campaign contributions is not overwhelming.

The curse of money in politics, however, is by no means limited to the influencing of votes. There are at least two other problems that are, if anything, even more serious. One is the eroding of the present nonsystem on the public's confidence in our form of democracy. If public office and votes on issues are perceived to be for sale, the harm is done, whether or not the facts justify that conclusion. In Buckley the Supreme Court itself, in sustaining the limitations on the size of political contributions, stressed the importance of avoiding "the appearance of improper influence" as "'critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent.'"[7] What the Supreme Court failed to recognize was that "'confidence in the system of representative government'" could likewise be "'eroded to a disastrous extent'" by the spectacle of lavish spending, whether the source of the funds is the candidate's own wealth or the result of high-pressure fund-raising from contributors with an ax to grind.

Footnotes at end of article.

The other problem is that excellent people are discouraged from running for office, or, once in, are unwilling to continue wrestling with the unpleasant and degrading task of raising huge sums of money year after year. There is no doubt that every two years valuable members of Congress decide to retire because they are fed up with having constantly to beg. For example, former Congressmen Charles Vanik of Ohio and Richard Ottinger of New York, both outstanding legislators, were clearly influenced by such considerations when they decided to retire, Vanik in 1980 and Ottinger in 1984. Vanik said, among other things, "I feel every contribution carries some sort of lien which is an encumbrance on the legislative process . . . I'm terribly upset by the huge amounts that candidates have to raise."[8] Probably an even greater number of men and women who would make stellar legislators are discouraged from competing because they cannot face the prospect of constant fundraising or because they see a wealthy person, who can pay for a lavish campaign, already in the race.

In "Politics and Money," Elizabeth Drew has well described the poisonous effect of escalating campaign costs on our political system:

"Until the problem of money is dealt with, it is unrealistic to expect the political process to improve in any other respect. It is not relevant whether every candidate who spends more than his opponent wins—though in races that are otherwise close, this tends to be the case. What matters is what the chasing of money does to the candidates, and to the victors' subsequent behavior. The candidates' desperation for money and the interests' desire to affect public policy provide a mutual opportunity. The issue is not how much is spent on elections but the way the money is obtained. The point is what raising money, not simply spending it, does to the political process. It is not just that the legislative product is bent or stymied. It is not just that well-armed interests have a head start over the rest of the citizenry—or that often it is not even a contest. . . . It is not even relevant which interest happens to be winning. What is relevant is what the whole thing is doing to the democratic process. What is at stake is the idea of representative government, the soul of this country.[9]

Focusing on the different phenomenon of wealthy candidates' being able to finance their own, often successful, campaigns, the late columnist Joseph Kraft commented that "affinity between personal riches and public office challenges a fundamental principle of American life."[10]

SHORTCOMINGS OF STATUTORY PROPOSALS

In spite of the wide agreement on the seriousness of the problems, there is no agreement on the solution. Many different proposals have been made by legislators, academicians, commentators, and public interest organizations, notably Common Cause.

One of the most frequently discussed is to follow for congressional elections the pattern adopted for presidential campaigns: a system of public funding, coupled with limits on spending.[11] Starting in 1955, bills along these lines have been introduced on Capitol Hill, but none has been adopted. Understandably, such proposals are not popular with incumbents, most of whom believe that challengers would gain more from public financing than they would.

Even assuming that the political obstacles could be overcome and that some sort of public financing for congressional candidates might be adopted, this financing would suffer from serious weaknesses. No system of public financing could solve the problem of the very wealthy candidate. Since such candidates do not need public funding, they would not subject themselves to the spending limits. The same difficulty would arise when aggressive candidates, believing they could raise more from private sources, rejected the government funds. This result is to be expected if the level of public funding is set too low, that is, at a level that the constant escalation of campaign costs is in the process of outrunning. According to Congressman Bruce Vento, an author of the proposed constitutional amendment to overturn Buckley, this has tended to happen in Minnesota, where very low levels of public funding are provided to candidates for state office.

To ameliorate these difficulties, some proponents of public financing suggest that the spending limits that a candidate who takes government funding must accept should be waived for that candidate to the extent an opponent reports expenses in excess of those limits. Unfortunately, in such a case one of the main purposes of public funding would be frustrated and the escalation of campaign spending would continue. The candidate who is not wealthy is left with the fearsome task of quickly having to raise additional hundreds of thousands, or even millions, of dollars.

Another suggested approach would be to require television stations, as a condition of their licenses, to provide free air time to congressional candidates in segments of not less than, for instance, five minutes. A candidate's acceptance of such time would commit the candidate to the acceptance of spending limits. While such a scheme would be impractical for primary contests—which in many areas are the crucial ones—the idea is attractive for general election campaigns in mixed urban-rural states and districts. It would be unworkable, however, in the big metropolitan areas, where the main stations reach into scores of congressional districts and, in some cases, into several states. Not only would broadcasters resist the idea, but the television-viewing public would be furious at being virtually compelled during pre-election weeks to watch a series of talking-head shows featuring all the area's campaigning senators and representatives and their challengers. The offer of such unpopular television time would hardly tempt serious candidates to accept limits on their spending.

Proponents of free television time, recognizing the limited usefulness of the idea in metropolitan areas, have suggested that candidates could be provided with free mailings instead. While mailings can be pinpointed and are an essential part of urban campaigning, they account for only a fraction of campaign costs, even where television is not widely used; accordingly, the prospect of free mailings would not be likely to win the acceptance of unwelcome campaign limits on total expenses.[12]

Yet another method of persuading candidates to accept spending limits would be to allow 100 percent tax credits for contributions of up to, say, $100 made to authorized campaigns, that is, those campaigns where the candidate has agreed to abide by certain regulations, including limits on total spending.[13] It is difficult to predict how effective such a system would be, and a pilot project to find out would not be feasible, since the tax laws cannot be changed for just one area. For candidates who raise most of their funds from contributors in the $50-to-$100 range, the incentive to accept spending limits would be strong, but for those—and they are many—who rely principally on contributors in the $500-to-$1000 range, the incentive would be much weaker. This problem could be partially solved by allowing tax credits for contributions of up to $100 and tax deductions for contributions in excess of $100 up to the permitted limit. Such proposals, of course, amount to a form of public financing and hence would encounter formidable political obstacles, especially at a time when budgetary restraint and tax simplification are considered of top priority.

Some of the most vocal critics of the present anarchy in campaign financing focus their wrath and legislative efforts on the political action committees (PACs) spawned in great numbers under the Federal Election Campaign Act of 1974. Although many PACs are truly serving the public interest, others have made it easier for special interests, especially professional and trade associations, to funnel funds into the campaign treasuries of legislators or challengers who will predictably vote for those interests. Restrictions, such as limiting the total amount legislative candidates could accept from PACs, would be salutary[14] but no legislation aimed primarily at the PAC phenomenon—not even legislation to eliminate PACs altogether—would solve the problem so well summarized by Elizabeth Drew. The special interests and favor-seeking individual givers would find other ways of funneling their dollars into politically useful channels, and the harassed members of Congress would have to continue to demean themselves by constant begging.

PAC regulation and all the other forms of statutory regulation suffer from one fundamental weakness: none of them would affect the multimillion-dollar self-financed campaign. Yet it is this type of campaign that does more than any other to confirm the widely held view that high office in the United States can be bought.

Short of a constitutional amendment, there is only one kind of proposal, so far as I know, that would curb the superrich candidate, as well as setting limits for others. Lloyd N. Cutler, counsel to the president in the Carter White House, has suggested that the political parties undertake the task of campaign finance regulation.[15] Theoretically, the parties could withhold endorsement from candidates who refuse to abide by the party-prescribed limits and other regulations. But the chances of this happening seem just about nil. Conceivably a national party convention might establish such regulations for its presidential primaries, but to date most contenders have accepted the limits imposed under the matching system of public funding; John Connally of Texas was the exception in 1980. For congressional races, however, it is not at all clear what body or bodies could make such rules and enforce them. Claimants to such authority would include the national conventions, national committees, congressional party caucuses, various state committees, and, in some cases, county committees. Perhaps our national parties should be more hierarchically structured, but the fact is that they are not.

On top of all this, the system would work for general election campaigns only if both major parties took parallel action. If by some miracle they did so, the end result might be to encourage third-party and independent candidacies.

Let me make clear that I am not opposed to any of the proposals briefly summarized earlier. To the extent I had the opportunity to vote for any of the statutory proposals during my years in the House, I did so. Nor am I arguing that a constitutional amendment by itself would solve the problem; it would only be the beginning of a very difficult task. What I am saying is that, short of effective action by the parties, any system to reverse the present lethal trends in campaign financing must have as a basic element the restoration to the Congress of the authority to regulate the process.

THE MERITS OF THE BUCKLEY RULING

The justices of the Supreme Court were all over the lot in the Buckley case, with numerous dissents from the majority opinion. The most significant dissent, in my view, was entered by Justice White, who, alone among the justices, had had extensive experience in federal campaigns. White's position was that the Congress, and not the Court, was the proper body to decide whether the slight interference with First Amendment freedoms in the Federal Election Campaign Act was warranted. Justice White reasoned as follows:

"The judgment of Congress was that reasonably effective campaigns could be conducted within the limits established by the Act. . . . In this posture of the case, there is no sound basis for invalidating the expenditure limitations, so long as the purposes they serve are legitimate and sufficiently substantial, which in my view they are. . . .

". . . expenditure ceilings reinforce the contribution limits and help eradicate the hazard of corruption. . . .

"Besides backing up the contribution provisions, . . . expenditure limits have their own potential for preventing the corruption of federal elections themselves.[16]

Justice White further concluded that "limiting the total that can be spent will ease the candidate's understandable obsession with fundraising, and so free him and his staff to communicate in more places and ways unconnected with the fundraising function.

"It is also important to restore and maintain public confidence in federal elections. It is critical to obviate and dispel the impression that federal elections are purely and simply a function of money, that federal offices are bought and sold or that political races are reserved for those who have the facility—and the stomach—for doing whatever it takes to bring together those interests, groups, and individuals that can raise or contribute large fortunes in order to prevail at the polls.[17]"

Two of the judges of the District of Columbia Circuit Court, which upheld the 1974 act—judges widely respected, especially for their human rights concerns—later wrote law journal articles criticizing in stinging terms the Supreme Court's holding that the spending limits were invalid. For example, the late Judge Harold Leventhal said in the *Columbia Law Review*:

"The central question is: what is the interest underlying regulation of campaign expenses and is it substantial? The critical interest, in my view, is the same as that accepted by the [Supreme] Court in upholding limits on contributions. It is the need to maintain confidence in self-government, and to prevent the erosion of democracy which comes from a popular view of government as responsive only or mainly to special interests.[18]

"A court that is concerned with public alienation and distrust of the political process cannot fairly deny to the people the power to tell the legislators to implement this one word principle: Enough![19]

Here are excerpts from what Judge J. Skelly Wright had to say in the Yale Law Journal:

"The Court told us, in effect, that money is speech.

". . . [This view] accepts without question elaborate mass media campaigns that have made political communications expensive, but at the same time remote, disembodied, occasionally . . . manipulative. Nothing in the First Amendment . . . commits us to the dogma that money is speech.[20]

". . . far from stifling First Amendment values, [the 1974 act] actually promotes them . . . In place of unlimited spending, the law encourages all to emphasize less expensive face-to-face communications efforts, exactly the kind of activities that promote real dialogue on the merits and leave much less room for manipulation and avoidance of the issues.[21]"

The Supreme Court was apparently blind to these considerations. Its treatment was almost entirely doctrinaire. In holding unconstitutional the limits set by Congress on total expenditures for congressional campaigns and on spending by individual candidates, the Court did not claim that the dollar limits set were unreasonably low. In the view taken by the Court, such limits were beyond the power of the Congress to set, no matter how high.

Only in the case of the $1000 limit set for spending by independent individuals or groups "relative to a clearly identified candidate" did the court focus on the level set in the law. The Court said that such a limit "would appear to exclude all citizens and groups except candidates, political parties and the institutional press from any significant use of the most effective modes of communication."[22] In a footnote, the Court noted:

"The record indicates, that, as of January 1, 1975, one full-page advertisement in a daily edition of a certain metropolitan newspaper cost $6,971.04—almost seven times the annual limit on expenditures "relative to" a particular candidate imposed on the vast majority of individual citizens and associations[23]"

The Court devoted far more space to arguing the unconstitutionality of this provision than to any of the other limits, presumably because on this point it had the strongest case. Judge Leventhal, too, thought the $1000 figure for independent spending was unduly restrictive and might properly have been struck down. As one who supported the 1974 act while in the House, I believe, with the benefit of hindsight, that the imposition of this low limit on independent expenditures was a grave mistake.

Let us look for a moment at the question of whether reasonable limits on total spending in campaigns and on spending by wealthy candidates really do interfere with the "unfettered interchange of ideas," "the free discussion of governmental affairs," and the "uninhibited, robust and wide-open" debate on public issues that the Supreme Court has rightly said the First Amendment is designed to protect.[24] In Buckley the Supreme Court has answered that question in the affirmative when the limits are imposed by law under Congress's conceded power to regulate federal elections. The Court answered the same question negatively, however, when the limits were imposed as a condition of public financing. In narrow legalistic terms the distinction is perhaps justified, but, in terms of what is desirable or undesirable under our form of government, I submit that the setting of such limits is either desirable or it is not.

Various of the solutions proposed to deal with the campaign-financing problem, statutory and nonstatutory, raise the same question—for example, the proposal to allow tax credits only for contributions to candidates who have accepted spending limits, and the proposal that political parties should impose limits. All such proposals assume that it is a good public policy to have such limits in place. They simply seek to avoid the inhibition of the Buckley case by arranging for some carrot-type motivation for the observation of limits, instead of the stick-type motivation of compliance with a law.

I am not, of course, suggesting that those who make these proposals are wrong to do so. What I am suggesting is that they should support the idea of undoing the damage done by *Buckley* by way of a constitutional amendment.

Summing up the reason for such an amendment, Congressman Henry Reuss said, "Freedom of speech is a precious thing. But protecting it does not permit someone to shout 'fire' in a crowded theater. Equally, freedom of speech must not be stressed so as to compel democracy to commit suicide by allowing money to govern elections."[25]

INDEPENDENT EXPENDITURES IN PRESIDENTIAL CAMPAIGNS

Until now the system of public financing for presidential campaigns, coupled with limits on private financing, has worked reasonably well. Accordingly, most of the proposals mentioned previously for the amelioration of the campaign-financing problem have been concerned with campaigns for the Senate and the House.

In 1980 and 1984, however, a veritable explosion occurred in the spending for the presidential candidates by allegedly independent committees—spending that is said not to be authorized by, or coordinated with, the campaign committees. In both years, the Republican candidates benefited far more from this type of spending than the Democratic: in 1980, the respective amounts were $12.2 million and $45,000; in 1984, $15.3 million and $621,000.[26]

This spending violated section 9012(f) of the Presidential Campaign Fund Act, which prohibited independent committees from spending more than $1,000 to further a presidential candidate's election if that candidate had elected to take public financing under the terms of the act. In 1983 various Democratic Party entities and the Federal Election Commission, with Common Cause as a supporting amicus curiae, sued to have section 9012(f) declared constitutional, so as to lay the groundwork for enforcement of the act. These efforts failed. Applying the *Buckley* precedent, the three-judge district court that first heard the case denied the relief sought, and this ruling was affirmed in a 7-to-2 decision by the Supreme Court in *FEC* v. *NCPAC* in March 1985.[27]

The NCPAC decision clearly strengthens the case for a constitutional amendment to permit Congress to regulate campaign spending. For none of the statutory or party-action remedies summarized earlier would touch this new eruption of the money-in-politics volcano.

True, even with a constitutional amendment in place, it would still be possible for the National Conservative Political Action Committee or other committees to spend unlimited amounts for media programs on one side of an issue or another, and these would undoubtedly have some impact on presidential—and other—campaigns. However, the straight-out campaigning for an individual or a ticket, which tends to be far more effective than focusing on issues alone, could be brought within reasonable limits.

LOOKING AHEAD

The obstacles in the way of achieving a reversal of *Buckley* by constitutional amendment are, of course, formidable. This is especially true today when the House Judiciary Committee is resolutely sitting on other amendments affecting the Bill of Rights and is not disposed to report out any such amendments.

In addition to the practical political hurdles to be overcome, there are drafting problems to solve. The simple form so far proposed[28]—and quoted previously—needs refinement.

For example, if an amendment were adopted simply giving to the Congress and the states the authority to "enact laws regulating the amount of contributions and expenditures intended to affect elections,"[29] the First Amendment question would not necessarily be answered. The argument could still be made, and not without reason, that such regulatory laws, like other powers of the Congress and the states, must not offend the First Amendment. I asked an expert in constitutional law how this problem might be dealt with, and he said the only sure way would be to add the words "notwithstanding the First Amendment." But such an addition is not a viable solution. The political obstacles in the way of an amendment overturning *Buckley* in its interpretation of the First Amendment with respect to campaigns spending are grievous enough; to ask the Congress—and the state legislatures—to create a major exception to the First Amendment would assure defeat.

The answer has to be to find a form of wording that says, in effect, that the First Amendment can properly be interpreted so as to permit reasonable regulation of campaign spending. In my view, it would be sufficient to insert in the proposed amendment,[30] after "The Congress," the words "having due regard for the need to facilitate full and free discussion and debate. "Section 1 of the amendment would then read, "The Congress, having due regard for the need to facilitate full and free discussion and debate, may enact laws regulating the amounts of contributions and expenditures intended to affect elections to federal office." Other ways of dealing with this problem could no doubt be devised.

Another drafting difficulty arises from the modification in the proposed amendment of the words "contributions and expenditures" by "intended to affect elections." This language is appropriate with respect to money raised or spent by candidates and their committees, but it does present a problem in its application to money raised and spent by allegedly independent committees, groups, or individuals. It could hardly be argued that communications referring solely to issues, with no mention of candidates, could, consistent with the First Amendment, be made subject to spending limits, even if they were quite obviously "intended to affect" an election. Accordingly, a proper amendment should include language limiting the regulation of "independent" expenditures to those relative to "clearly identified" candidates, language that would parallel the provisions of the 1971 Federal Election Campaign Act, as amended.[31]

These are essentially technical problems that could be solved with the assistance of experts in constitutional law if the Judiciary Committee of either house should decide to hold hearings on the idea of a constitutional amendment and proceed to draft and report out an appropriate resolution.

Many of those in and out of Congress who are genuinely concerned with political money brush aside the notion of a constitutional amendment and focus entirely on remedies that seem less drastic. They appear to assume that Congress is more likely to adopt a statutory remedy, such as public financing, than to go for an enabling constitutional amendment that could be tagged as tampering with the Bill of Rights. I disagree with that assumption.

Incumbents generally resist proposals such as public financing because challengers might be the major beneficiaries, but most incumbents tend to favor the idea of spending limits. The Congress is not by its nature averse to being given greater authority; that would be especially true in this case, where until 1976 the Congress always thought it had such authority. I venture to say that if a carefully drawn constitutional amendment were reported out of one of the Judiciary Committees, it might secure the necessary two-thirds majorities in both houses with surprising ease.

The various state legislatures might well react in similar fashion. A power they thought they had would be restored to them.

The big difficulty is to get the process started, whether it be for a constitutional amendment or a statutory remedy or both. Here, the villain, I am afraid, is public apathy. Unfortunately, the voters seem to take excessive campaign spending as a given—a phenomenon they can do nothing about—and there is no substantial constituency for reform. The House Administration Committee, which in the early 1970's was the spark plug for legislation, has recently shown little interest in pressing for any of the legislative proposals that have been put forward.

The 1974 act itself emerged as a reaction to the scandals of the Watergate era, and it may well be that major action, whether statutory or constitutional, will not be a practical possibility until a new set of scandals bursts into the open. Meanwhile, the situation will only get worse.

FOOTNOTES

[1] Personal communication with Joseph L. Rauh, Mar. 1985; *Buckley v. Valeo*, 424 U.S. 1 (1976).

[2] U.S., Congress, House, Committee on House Administration, *Federal Election Campaign Act. Amendments of 1974: Report to Accompany H.R. 16090*, 93rd Cong., 2d sess., 1974, H. Rept. 93–1239, pp. 3–4.

[3] 424 U.S., p. 264.

[4] The other representatives were Mrs. Fenwick, Republican of New Jersey; Ms. Mikulski, Democrat of Maryland; and Messrs. Bevill, Democrat of Alabama; Donnelly, Democrat of Massachusetts; D'Amours, Democrat of New Hampshire; Edgar, Democrat of Pennsylvania; LaFalce, Democrat of New York; and Wolpe, Democrat of Michigan.

[5] U.S. Congress, House, *Proposing an Amendment to the Constitution of the United States Relative to Contributions and Expenditures Intended to Affect Congressional, Presidential and State Elections*. 97th Cong., 2d sess., 1982, H.J. Res. 628, p. 2.

[6] Ibid., 99th Cong., 1st sess., 1985, H.J. Res. 88.

[7] 424 U.S., p. 27, quoting *CSC v. Letter Carriers*, 413 U.S. 548, 565 (1973); see also 424 U.S., p. 30.

[8] Quoted by Congressman Henry Reuss, in U.S., Congress, House, *Congressional Record*, daily ed., 97th Cong., 2d sess., 1982, 128(81): H3900.

[9] *New Yorker*, 6 Dec. 1982, pp. 55–56.

[10] *Washington Post*, 2 Nov. 1982.

[11] In the *Buckley* case the Supreme Court simply assumed that limits on spending were not a violation of free speech when acceptance of such limits was made the condition for receiving public funds, 424 U.S., pp. 85–110. See also Charles McC. Mathias, Jr., "Should There Be Public Financing of Congressional Campaigns?" this issue of *The Annals* of the American Academy of Political and Social Science.

[12] A variation of the idea of free television and/or mail, proposed by Common Cause and others, would provide for such privileges as a means of answering attacks made on candidates by allegedly independent organizations or individuals. See Fred Wertheimer, "Campaign Finance Reform: The Unfinished Agenda," this issue of *The Annals* of the American Academy of Political and Social Science.

[13] See ibid.

[14] The Obey-Railsback Act, which contained such restrictions, actually passed the House in 1979, but got no further. See ibid.

[15] See Lloyd N. Cutler, "Can the Parties Regulate Campaign Financing?" this issue of *The Annals* of the American Academy of Political and Social Science.

[16] 424 U.S., pp. 263–64.

[17] Ibid., p. 265.

[18] Leventhal, "Courts and Political Thickets," *Columbia Law Review*, 77:362 (1977).

[19] Ibid., p. 368.

[20] Wright, "Politics and the Constitution: Is Money Speech?" *Yale Law Journal*, 85:1005 (1979).

[21] Ibid., p. 1019.

[22] 424 U.S., pp. 20–21.

[23] Ibid., p. 21.

[24] *Roth v. United States*, 354 U.S. 476, 484 (1957); *Mills v. Alabama*, 384 U.S. 214, 218 (1966); *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964).

[25] U.S., Congress, House, *Congressional Record*, 97th Cong., 2d sess., daily ed., 128(81): H3901.

[26] *New York Times*, 19 Mar. 1985.

[27] *FEC v. NCPAC*, 105 S. Ct. 1459 (1985).

[28] U.S., Congress, House, *Contributions and Expenditures*, H.J. Res. 628.

[29] Ibid.

[30] Ibid.

[31] 2 U.S.C.A. §431(17).

Mr. HOLLINGS. I thank the distinguished Chair.

The time is about up. I am sorry to have taken more time, but I wanted to get into the full measure of this thing. It is a bipartisan approach to restore free speech. What Buckley versus Valeo did is take away the speech of the poor and give enhanced speech to the rich. You know it and I know it. This amendment will put us back to where we were when the 1974 act was passed. It will limit spending in campaigns. That is what we all want to do. We did it in 1974, we thought, until the Buckley versus Valeo decision.

I thank the distinguished Chair.

Mr. McCONNELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 21 minutes and 51 seconds.

Mr. McCONNELL. Mr. President, I do not know; maybe we can check with the Cloakrooms to see if anybody objects to yielding back time. I do not know whether my friend from South Carolina has time left he wants to use, but I was going to suggest that I make a few more observations and if the Senator from South Carolina is ready to yield back, I would yield back as well. But there could be those who are depending on this vote occurring at a certain time, so if we could ask the staff to check on that, I would appreciate it.

Mr. President, the past majority leader, Senator Mitchell, who just left the Senate a couple of months ago said on June 26, 1990, "For 200 years," referring to the first amendment, "it has protected the liberties of generations of Americans. During that time, the Bill of Rights has never been changed or amended," not once, ever. It stands today, word for word, exactly as it did when it was adopted two centuries ago.

Senator George Mitchell went on on the same day:

> Never in 200 years has the first amendment been changed or amended. As a result, never

> in 200 years has Congress been able to make a law abridging freedom of speech.

Now, that was Senator George Mitchell, the Democratic majority leader, expressing his views about the importance of leaving the first amendment unamended, untampered with.

The current majority leader, Senator DASCHLE, said on June 21, 1990:

> What chapter will we have ghosted for our autobiographies to explain away our writing a loophole into the free speech clause of the Bill of Rights of the Constitution of the United States?

Senator DASCHLE was, of course, referring to the debate on the flag burning amendment, but his point, his point, was about the first amendment and freedom of speech.

Now, the American Civil Liberties Union, which I indicated earlier strongly opposes the Hollings proposal, says:

> The proposed constitutional amendment to limit Federal campaign expenditures would amend the free speech guarantee of the first amendment as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else [anyone else] seeking to be involved in the political process.

The ACLU said, Mr. President:

> It is a highly flawed proposal, one that is constitutionally incapable [incapable] of being fixed and raises—

Said the ACLU:

> a number of significant issues. It deserves to be rejected by the Senate.

Now, Mr. President, I have been quoting from a number of organizations that are supposedly on the liberal side of the political spectrum. Just to reassure some of my conservative friends, it is also the view of conservatives that the Hollings amendment is a bad idea. George Will in a June 28, 1993, Newsweek column said this. He was really, I would say to my friend from South Carolina, admiring the Senator in many ways. This is a quote from Mr. Will's column, which I will ask in a moment be inserted in the RECORD. He said:

> Hollings claims—you have to admire his brass—

And, boy, we do admire the brass of the Senator from South Carolina. He has more brass than anybody else in the Senate, and we do admire him. He said:

> Hollings claims—you have to admire his brass—that carving this huge hole in the first amendment would be "a big boost to free speech." But by "free" he means "fair," and by "fair" he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and State legislatures.

George Will went on. He said:

> Note also the power to limit spending not only "by" but even "in support of, or in opposition to" candidates.

That gets back to the point I made earlier about giving Congress the power to shut the newspapers up, too.

> The Senators who voted for this included many who three years ago stoutly (and rightly)—

George Will said.

> Opposed carving out even a small exception to the first amendment protections in order to ban flag burning. But now these incumbents want to empower other incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Mr. President, I ask unanimous consent that the George Will column be printed in the RECORD; also, that the letter to which I have referred several times from the American Civil Liberties issue be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, June 28, 1993]

SO, WE TALK TOO MUCH?—THE SUPREME COURT'S TWO-WORD OPINION OF THE SENATE'S REFORM BILL MAY BE GOOD GRIEF!'

(By George F. Will)

Washington's political class and its journalistic echoes are celebrating Senate passage, on a mostly party-line vote, of a "reform" that constitutes the boldest attack on freedom of speech since enactment of the Alien and Sedition Acts of 1798. The campaign finance bill would ration political speech. Fortunately, it is so flagrantly unconstitutional that the Supreme Court will fling it back across First Street, N.E., with a two-word opinion: "Good grief!"

The reformers begin, as their ilk usually does, with a thumping but unargued certitude: campaigns involve "too much" money. (In 1992 congressional races involved a sum equal to 40 percent of what Americans spent on yogurt. Given the government's increasing intrusiveness and capacity to do harm, it is arguable that we spend to little on the dissemination of political discourse.) But reformers eager to limit spending have a problem: mandatory spending limits are unconstitutional. The Supreme Court acknowledges that the First Amendment protects "the indispensable conditions for meaningful communication," which includes spending for the dissemination of speech. The reformers' impossible task is to gin up "incentives" powerful enough to coerce candidates into accepting limits that can be labeled "voluntary."

The Senate bill's original incentive was public financing, coupled with various punishments for privately financed candidates who choose not to sell their First Amendment rights for taxpayers' dollars and who exceed the government's stipulated ration of permissible spending/speech. Most taxpayers detest public financing. ("Food stamps for politicians," says Sen. Mitch McConnell, the Kentucky Republican who will lead the constitutional challenge if anything like this bill becomes law.) So the bill was changed—and made even more grossly unconstitutional. Now it limits public funding to candidates whose opponents spend/speak in excess of government limits. The funds for the subsidy are to come from taxing, at the top corporate rate, all contributions to the candidate who has chosen to exercise his free speech rights with private funding. So 35 percent of people's contributions to a privately funded candidate would be expropriated and given to his opponent. This is part of the punishment system designed to produce "voluntary" acceptance of spending limits.

But the Court says the government cannot require people "to pay a tax for the exercise of that which the First amendment has made a high constitutional privilege." The Court says that the "power to tax the exercise of a right to power to control or suppress the exercise of its enjoyment" and is "as potent as the power of censorship."

Sen. Fritz Hollings, the South Carolina Democrat, is a passionate advocate of spending limits but at least has the gumption to attack the First Amendment frontally. The Senate bill amounts, he says candidly, to "coercing people to accept spending limits while pretending it is voluntary." Because "everyone knows what we are doing is unconstitutional," he proposes to make coercion constitutional. He would withdraw First Amendment protection from the most important speech—political discourse. And the Senate has adopted (52–43) his resolution urging Congress to send to the states this constitutional amendment: Congress and the states "shall have power to set reasonable limits on campaign expenditures by, in support of, or in opposition to any candidate in any primary or other election" for federal, state or local office.

Hollings claims—you have to admire his brass—that carving this huge hole in the First Amendment would be "a big boost to free speech." But by "free" he means "fair," and by "fair" he means equal amounts of speech—the permissible amounts to be decided by incumbents in Congress and state legislatures. Note also the power to limit spending not only "by" but even "in support of, or in opposition to" candidates. The 52 senators who voted for this included many who three years ago stoutly (and rightly) opposed carving out even a small exception to First Amendment protections in order to ban flag-burning. But now these incumbents want to empower incumbents to hack away at the Bill of Rights in order to shrink the permissible amount of political discourse.

Government micromanagement: The Senate bill would ban or limit spending political action committees. It would require privately funded candidates to say in their broadcast advertisements that "the candidate has not agreed to voluntary campaign limits." (This speech regulation is grossly unconstitutional because it favors a particular point of view, and because the Court has held that the First Amendment protects the freedom to choose "both what to say and what not to say.") All this government micromanagement of political speech is supposed to usher in the reign of "fairness" (as incumbents define it, of course).

Incumbents can live happily with spending limits. Incumbents will write the limits, perhaps not altogether altruistically. And spending is the way challengers can combat incumbents' advantages such as name recognition, access to media and franked mail. Besides, the most important and plentiful money spent for political purposes is dispensed entirely by incumbents. It is called the federal budget—$1.5 trillion this year and rising. Federal spending (along with myriad regulations and subsidizing activities such as protectionist measures) often is vote-buying.

It is instructive that when the Senate voted to empower government to ration political speech, and even endorse amending the First Amendment, there was no outcry from journalists. Most of them are liberals and so are disposed to like government regulation of (other people's) lives. Because, journalists know that government rationing of political speech by candidates will enlarge the importance of journalists' unlimited speech.

The Senate bill's premise is that there is "too much" political speech and some is by undesirable elements (PACs), so government control is needed to make the nation's political speech healthier. Our governments cannot balance their budgets or even suppress the gunfire in America's (potholed) streets. It would be seemly if politicians would get on with such basic tasks, rather than with the mischief of making mincemeat of the First Amendment.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 4, 1992.

DEAR SENATOR:

The American Civil Liberties strongly opposes S.J. Res. 35, the proposed constitutional amendment to limit federal campaign expenditures. The proposal would amend the free-speech guarantee of the First Amendment, as interpreted by the Supreme Court, thereby limiting the amount of political speech that may be engaged in by any candidate or by anyone else seeking to be involved in the political process. It is a highly flawed proposal, one that is constitutionally incapable of being fixed, and raises a number of significant issues. It deserves to be rejected by the Senate.

First, as many members of the Senate recognized during the debate about the flag-burning amendment proposed a few years ago, it is wrong for the Senate to consider changing the First Amendment, a provision that is a justifiable source of pride for the United States and much admired throughout the world. If Congress could carve out exceptions to the reach of free speech through constitutional amendment, particularly in the important area of political speech, then none of our liberties and freedoms are safe and proposals to give Congress authority over other forms of speech will abound. Moreover, since the Constitution does not grant freedom of speech to the people, but is a reflection of its Framers' natural-rights philosophy—one that recognizes that these rights inhere in the people and are inalienable—it is unlikely that Congress, even by way of constitutional amendment, has the authority to interfere with or restrict those rights. In other words, S.J. Res. 35 may well be an unconstitutional constitutional proposal.

Second, if the proposed amendment were implemented, it would operate to distort the political process in numerous ways. if implemented evenhandedly, it would operate to the benefit of incumbents who generally have a higher name recognition and thus an ability to do more with lesser funding. And it would operate to the detriment of dark-horse and third-party candidates who start out with fewer contributors and whose only hope of obtaining the visibility necessary to run a serious campaign may come from the backing of a few large contributors or from their own funds. Thus, rather than assure fair and free elections, the proposal would likely operate to the benefit of those in power and to the disadvantage of those challenging the political status quo.

Additionally, the wording of the proposed amendment would actually permit Congress to set a different limit on incumbents versus challengers, wealthy candidates versus those without vast personal funds to mount a campaign, or candidates from underrepresented groups versus those who are well represented, as long as these were justified on a rational basis. The First Amendment properly prevents the government from making these kinds of distinctions, but S.J. Res. 35 would enable Congress to set these limitations notwithstanding currently existing constitutional understandings. Some of the dangers to the First Amendment are most apparent when S.J. Res. 35 is viewed from that perspective.

Finally, as an amendment subsequent to the First Amendment, the existing understandings about the protections of freedom of the press would also be changed, thereby empowering Congress to regulate what newspapers and broadcasters can do on behalf of the candidates they endorse or oppose. A candidate-centered editorial, as well as op-ed articles or commentary, are certainly expenditures in support of or in opposition to political candidates. The amendment, as its words make apparent, would authorize Congress to set reasonable limits on the involvement of the media in campaigns when not strictly reporting the news. Such a result would be intolerable in a society that cherishes a free press.

Last year, we celebrated the 200th anniversary of the Bill of Rights with speeches, articles, and lessons about the importance of our cherished liberties. This year should not mark the end of that bicentennial legacy by an ill-conceived effort to cut back on freedom of speech and the press. Please reject S.J. Res. 35.

Sincerely,

ROBERT S. PECK,
Legislative Counsel.

Mr. McCONNELL. Let me just say again, hopefully in conclusion, if both sides are ready to yield back their time—I do not know whether they are not, but if they are, I am prepared to, but let me summarize again that this proposal has the opposition of Common Cause, the opposition of the Washington Post, the opposition of the ACLU, and the opposition of George Will. That pretty well covers it, Mr. President. It is opposed by people from left to right.

I hope that the Senate would support the motion to table I will make at such time as we conclude the debate.

So, Mr. President, I would just inquire of my friend from South Carolina, do we want to yield back and go ahead or have we heard from our Cloakrooms?

Mr. HOLLINGS. I would like to accommodate the distinguished Senator from Kentucky. What happens is I have the Senator from Nevada on the way.

Mr. McCONNELL. All right.

Mr. HOLLINGS. He is on the way.

Mr. McCONNELL. Mr. President, then I will just reserve the remainder of my time and yield the floor.

Mr. HOLLINGS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from South Carolina has 10 minutes 46 seconds.

Mr. HOLLINGS. Mr. President, I enjoy serving with the distinguished Senator from Kentucky. When he was going down the list of the American Civil Liberties Union and the Washington Post and all these liberal folks, he should not get too enthralled with this particular issue, because somebody will pick up that RECORD, the way they run campaigns now, and say he is running around with the ACLU. I could see that 20-second bite right now.

I have a good friend. He wanted to contribute to me. He said he could get $5,000 from a group, and I said, "Look, it will take me $50,000 to $100,000 to explain that group. I just cannot accept it."

You have to look at elections. It is unfortunate, but that is what we are talking about. If you get it back down to where you have a limited amount in a small State like South Carolina of $1 million, the incumbent, I can tell you right now, is at a disadvantage, because I have a record of votes, thousands of votes. What I fear as an opponent is some nice, young, clean-cut law graduate, married, with two or three children and who has never voted on anything. All he has is a picture of himself going into church on Sunday. What am I going to argue about?

I was lucky in my last race. I had a former Congressman as an opponent. I survived by the skin of my teeth because they zeroed in with lots of money and lots of TV. Money talks. Money talks. If we can start limiting that money in these campaigns, we will get it back to the people.

The expenses are just absolutely unheard of. For example, the average cost of winning a Senate seat in 1980 was $1.2 million, but by 1984 it rose to $2.1 million, and by 1986 it skyrocketed to $3.1 million—this is the average—in 1988, to $3.7 million, and last year the average seat was $4.1 million.

This past year Ollie North in Virginia spent $19.8 million. Senator ROBB spent $5.4 million. Mr. President, $19.8 and $5.4 million—that's a total of $25.2 million.

You can go down the list. I do not really want to make a public record because I know the sensitivities of Senators. Frankly, it is embarrassing what we all spend. I know my opponent, for example, spent just as much as I did and tried to report it differently.

When are we going to correct this thing? Here is an opportunity to do just exactly that. We have a wonderful opportunity. Whatever the Senator from Kentucky says I want to consider it, because he and I have been on the same side against public financing: The public now contributing to politics. You would never get anybody out up here if that were the case. That is really where the incumbents can spend all their time prissing and preening and actually getting absolutely nothing done. In fact, that is the way we are. We are on a treadmill to make absolutely sure that nothing gets done.

How much time do I have left?

The PRESIDING OFFICER. The Senator from South Carolina has 2 minutes 30 seconds.

Mr. HOLLINGS. I reserve the remainder of my time.

I yield to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Reserving the right to object, Mr. President, will the distinguished Senator from Utah please repeat the first part of the request for unanimous consent? If he does not mind? I apologize.

Mr. HATCH. I will be glad to.

Mr. President, I ask unanimous consent that when the Senate resumes the joint resolution at 9:30 a.m. on Wednesday, the pending business be the Bingaman amendment re: supermajority, and that time on that amendment prior to a motion to table be as follows, and that no second-degree amendments be in order prior to the motion to table: 45 minutes under the control of Senator BINGAMAN, 15 minutes under the control of Senator HATCH.

I further ask that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table.

Mr. PRYOR. Mr. President, would that be presuming that this will be the final vote of the evening, on the Hollings amendment?

Mr. HATCH. This is going to be the final vote.

Mr. PRYOR. I do not object and I yield the floor and thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I further ask unanimous consent that following the disposition of the Bingaman amendment, Senator WELLSTONE be recognized to make a motion to refer, and the time on that motion be limited in the following fashion prior to a motion to table, and that no amendments be in order to the motion prior to the tabling motion: 45 minutes under the control of Senator WELLSTONE, 15 minutes under the control of Senator HATCH.

I further ask unanimous consent that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the motion to refer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have been authorized to tell the Senate that following the vote on the amendment of the distinguished Senator from South Carolina there will be no more rollcall votes this evening. But we will have those two rollcall votes first thing in the morning starting after the debate at 9:30 and after the second debate at that time.

I am wondering if both sides would be willing to yield their time.

Mr. HOLLINGS. Just in a few minutes.

Mr. President, I ask unanimous consent that the testimony of the distinguished Lloyd N. Cutler before the Senate Judiciary Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF LLOYD N. CUTLER BEFORE THE SENATE JUDICIARY COMMITTEE, SUBCOMMITTEE ON THE CONSTITUTION, MARCH 17, 1988

My name is Lloyd N. Cutler. Along with Senator Nancy Kassebaum of Kansas and Mr. Douglas Dillon, I am a Co-Chairman of the Committee on the Constitutional System, a group of several hundred present and former legislators, executive branch officials, political party officials, professors and civic leaders who are interested in analyzing and correcting some of the weaknesses that have developed in our political system.

One of the most glaring weaknesses, of course, is the rapidly escalating cost of political campaigns, and the growing dependence of incumbents and candidates on money from interest groups who expect the recipient to vote in favor of their particular interests. Incumbents and candidates must devote large portions of their time to begging for money; they are often tempted to vote the conflicting interests of their contributors and to create a hodgepodge of conflicting and indefensible policies; and in turn public frustration with these policies process.

A serious attempt to deal with the campaign financing problem was made in the Federal Election Campaign Act of 1974 and the 1976 amendments, which set maximum limits on the amounts of individual contributions and on the aggregate expenditures of candidates and so-called independent committees supporting such candidates. The constitutionality of these provisions was challenged in the famous case of *Buckley* v. *Valeo*, 424 U.S. 1, in which I had the honor of sharing the argument in support of the statute with Professor Archibald Cox. While the Supreme Court sustained the constitutionality of the limits on contributions, it struck down the provision limiting expenditures for candidates and independent committees supporting such candidates. It found an inseparable connection between an expenditure limit and the extent of a candidate's or committee's political speech, which did not exist in the case of a limit on the size of each contribution by a non-speaker unaccompanied by any limit on the aggregate amount a candidate could raise. It also found little if any proven connection between corruption and the size of a candidate's aggregate expenditures, as distinguished from the size of individual contributions to a candidate.

The Court did, however, approve the Presidential Campaign Financing Fund created by the 1976 amendments, including the condition it imposed barring any presidential nominee who accepted the public funds from spending more than a specified limit. However, it remains unconstitutional for Congress to place any limits on expenditures by independent committees on behalf of a candidate. In recent presidential elections these independent expenditures on behalf of one candidate exceeded the amount of federal funding he accepted. Moreover, so long as the Congress remains deadlocked on proposed legislation for the public financing of Congressional campaigns, it is not possible to use the public financing device as a means of limiting Congressional campaign expenditures.

Accordingly, the Committee on the Constitutional System has come to the conclusion that the only effective way to limit the explosive growth of campaign financing is to adopt a constitutional amendment. The amendment would be a very simple one consisting of only 46 words. It would state merely that "Congress shall have power to set reasonable limits on campaign expenditures by or in support of any candidate in a primary or general election for federal office. The States shall have the same power with respect to campaign expenditures in elections for state and local offices."

Our proposed amendment would enable Congress to set limits not only on direct expenditures by candidates and their own committees, but also on expenditures by so-called independent committees in support of such a candidate. The details of the actual limits would be contained in future legislation and could be changed from time to time as Congress in its judgment sees fit.

It may of course be argued that the proposed amendment, by authorizing reasonable limits on expenditures, would necessarily set limits on the quantity of speech on behalf of a candidate and that any limits, no matter how ample, is undesirable. But in our view the evidence is overwhelming by now that unlimited campaign expenditures will eventually grow to the point where they consume so much of our political energies and so fracture our political consensus that they will make the political process incapable of governing effectively. Even the Congress has found that unlimited speech can destroy the power to govern; that is why the House of Representatives has imposed time limits on Members' speeches for decades and why the Senate has adopted a rule permitting 60 senators to end a filibuster. One might fairly paraphrase Lord Action's famous aphorism about power by saying, "All political money corrupts; unlimited political money corrupts absolutely."

Finally, Mr. Chairman, I would not be discouraged from taking the amendment route by any feeling that constitutional amendments take too long to get ratified. The fact is that the great majority of amendments submitted by Congress to the states during the last 50 years have been ratified within twenty months after they were submitted. All polls show that the public strongly supports limits on campaign expenditures. The principal delay will be in getting the amendment through Congress. Since that is going to be a difficult task, we ought to start immediately. Unlimited campaign expenditures and the political diseases they cause are going to increase at least as rapidly as new cases of AIDS, and it is high time to start getting serious about the problem.

Mr. Chairman, on three past occasions we the people have amended the Constitution to correct weaknesses in that rightly revered document as interpreted by the Supreme Court. On at least two of those occasions—

the Dred Scott decision and the decision striking down federal income taxes, history has subsequently confirmed that the amendments were essential to our development as a healthy, just and powerful society. A third such challenge is now before us. The time has come to meet it.

For a fuller discussion of the case for a constitutional amendment, I am attaching an article written shortly before his death by Congressman Jonathan Bingham, my college and law school classmate and, in my view, one of the finest public servants of our times.

Mr. HOLLINGS. Mr. President, in the process of completing the thought, to raise the kind of money necessary now in races the average Senator must raise over $14,000 a week every week of his or her 6-year term. Overall spending in congressional races increased from $403 million in 1990 to more than $590 million in 1994; a 50 percent increase in 4 short years.

Mr. President, with $50,000-plate dinners, with $11 million evening fundraisers, it is going up, up and away. This amendment is not just spasmodic or spurious or unstudied. I went to the Parliamentarian, Mr. Dove, and asked if it would confuse a constitutional amendment on the balanced budget. He said the way I had it written it would be engrossed separately and be voted on by the States separately. Thereupon, I included language in the first section to make sure that it would not cause confusion and that it would be voted on separately. Of course, having agreed to the time—and I thank the distinguished Presiding Officer—the distinguished Senator from Kentucky having agreed to a time limit, I appreciated the time given.

This certainly was not intended for delay. It is a serious amendment. It is a wonderful opportunity for all of us to say what we mean and mean what we say by voting in the affirmative for this amendment.

The PRESIDING OFFICER. Does the Senator yield the remainder of the time?

Mr. HOLLINGS. I yield the remainder of the time.

Mr. McCONNELL. Mr. President, in conclusion, let me remind everybody that on this proposal offered by the distinguished Senator from South Carolina, Common Cause, the Washington Post, the ACLU, and George Will all think it is a bad idea.

Mr. President, I rest my case. I hope the motion of the Senator from Utah to table will be agreed to.

I yield the remainder of my time.

Mr. HATCH. Mr. President, I move to table the Hollings amendment, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to lay on the table the amendment of the Senator from South Carolina. On this motion, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] is necessarily absent.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 68 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Simon
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Campbell
Conrad
Daschle
Dodd
Dorgan
Exon
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Shelby
Specter
Wellstone

NOT VOTING—3

Helms
Kassebaum
Moynihan

So, the motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote by which the motion was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. MOSELEY-BRAUN. Mr. President, the Senator from Texas and I would like to take a moment in morning business to congratulate the League of Women Voters on their 75th anniversary.

Mr. President, I want to take this opportunity to congratulate the League of Women Voters on their 75th anniversary. The League is a quintessentially American institution—one that has served this country very well.

The league's accomplishments are many. I am particularly proud of the leadership the league provided in the 72 year struggle to give women the right women to vote. A struggle the league finally won when the 19th amendment became a part of the U.S. Constitution.

In 1919, Carrie Chapman Catt founded the league in Chicago, at the Convention of the National American Women's Suffrage Association. While the fight for women's right to vote helped create the league, however, its mission has always been much larger. Seventy-five years ago, Carrie Chapman Catt said that "Winning the vote is only an opening wedge * * * but to learn to use it is a bigger task."

That statement is as true today as it was when the League was founded—and the league's continuing work is perhaps the best evidence of that truth. The league continues to educate and inform citizens and get people involved in their communities; it plays a critical role in helping to make government work better. League members work at the grossroots to build citizen participation in the democratic process, and to promote positive solutions to community issues through education and advocacy.

While the league can be justifiably proud of its many accomplishments, league members are not content. They know there is still much work that remains to be done. In 1995, there are still far too many Americans who are not registered to vote and who do not participate in the democratic process. This is the focus of the league's most recent "Take Back the System" campaign. Its goal is to make voter registration more accessible, to provide voters with information on candidates and issues, and to restore the voters' confidence and involvement in the system.

The campaign has been very successful. Its crowning achievement came last year, when the Congress passed the National Voter Registration Act. Motor-voter has begun to enfranchise millions of Americans who have been shut out of the political process, because it makes voter registration more uniform and more accessible. In the past month since the statute has been in force, tens of thousands of new voters have signed up to register and participate in the political process. This is very positive. I am hopeful that my State of Illinois will implement it as well.

The league has played a large role over the years in many other issues related to increasing participation in the democratic process. After the Brown versus Board of Education Supreme Court decision, local leagues began to work in the community to discuss the issue of desegregation. Their goal was to promote calm, reasonable discussions, to diffuse the tension the decision had caused, especially in the South. At that time, the leagues in the South were representative of women in the South. Local leagues held forums and talks on the issue. Their efforts at providing education and building consensus were successful. In 1956, the Atlanta league made headlines when it voted to strike the word white from its bylaws restricting membership to white women. The league has provided leadership on behalf of the enfranchisement and civil rights of all Americans.

And the league has been very involved in preserving civil liberties and protecting the privileges written into the Bill of Rights. In 1947, President Truman initiated his Loyalty Program, whose purpose was to root out spies in the Federal Government. Anyone whose loyalty came under question was required to testify before a loyalty board, and was often denied due process. During this period, the league developed a program to educate citizens about individual rights. In 1955, League President Percy Maxim Lee, testified before the House Un-American Activities Committee against Senator McCarthy's abuses of congressional investigative power. She emphasized that:

> Tolerance and respect for the opinions of others is being jeopardized by men and women whose instincts are worthily patriotic, but whose minds are apparently unwilling to accept the necessity for dissent within a democracy.

Today, the league is working in the emerging democracies of Eastern Europe to promote grassroots political education. League members have spent time in Poland and Hungary training people about how to make local government more responsive, and how to increase citizen participation in the democratic process. They have also brought people to the United States to learn how local leagues promote positive solutions to community issues through education and advocacy.

The league's programs are always unbiased and nonpartisan. They never support or oppose candidates for office. Although the message is political—the mission is to influence public policy—the goal is to promote an open, representative, and accountable government which has the confidence of the American people.

I have been a member of the League of Women Voters' Illinois chapter and Chicago chapter for 15 years. As a member of the league, I invite all of my colleagues, as well as all the people listening at home on C-SPAN, to involve yourselves with this grassroots organization. Across the Nation, there are over 100,000 members and supporters that build the strength of the league. Our members include people of all colors, creeds, and both genders, and we embrace new members with open arms. In the words of Susan Lederman, a former president of the league, "Our energy, experience, and enthusiasm will be contagious. Our democracy will be stronger and better for the effort we make."

Mr. President, again, I wish to congratulate and commend the league and its members for their continued efforts in behalf of keeping our political and governmental institutions vital ones. Their role in protecting and promoting democracy in this country, frankly, has been unparalleled.

I know Senator HUTCHISON has a statement, as well.

I just wanted to take this moment to wish the league and its members a happy 75th anniversary—and there will be at least 75 more years—and that I join them in this celebration for the tremendous contribution they have made to the people of this great country.

I would like now to yield to the Senator from Texas.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS ON ITS 75TH ANNIVERSARY

Mrs. HUTCHISON. Mr. President, I would just like to follow my distinguished colleague from Illinois in talking just for a minute about the League of Women Voters. I think all of us agree that the League of Women Voters has made a great contribution to this country. Today, Valentine's Day, marks the 75th anniversary of the league's founding.

The league's first and most widely recognized success was its role in the 19th amendment's ratification. In the wake of this historic victory, however, the League realized that an even more formidable challenge remained ahead—the task of actually bringing the millions of newly enfranchised American women into the realm of politics.

Over the course of 75 years, the league launched ambitious programs to increase voter participation and to enhance public understanding of major policy issues. At the same time, the league continued its campaign to improve the legal status of women. In my home State of Texas, the league worked to secure secret balloting and won the battle to allow women to serve on juries in Texas.

As time has progressed, the success of league endeavors has become increasingly apparent; in government and politics today, the presence and influence of women are stronger than ever. And though the league was founded out of the struggles for women's suffrage, its vision and legislative agenda have broadened over the years to encompass much more than voting rights and women's issues. State and local leagues have pursued public policy matters ranging form the environment to international cooperation.

Most importantly, Mr. President, the league has never wavered from its commitment to nonpartisanship nor its grassroots origins. In its town hall meetings and candidate forums in thousands of local communities across the country, the league has endeavored to ensure that voters are presented with balanced information that reflects the diverse viewpoints of its membership.

It is with much admiration and gratitude, Mr. President, that I recognize this uniquely American organization and the pioneering women who founded it and strengthened it through the years. We have all benefited tremendously from their first 75 years of service to our country. I look forward to another 75 years of great league achievements.

I think it is very important that all of us realize the great contributions that the League of Women Voters has made to our country and to the awareness of our opportunity and responsibility to vote. I think the League of Women Voters should be commended today on the 75th anniversary of their founding, and I am very proud to be part of the group that is recognizing that important date.

Mr. President, I yield the floor.

LEAGUE OF WOMEN VOTERS 75TH ANNIVERSARY

Mr. GRAMS. Mr. President, I rise today to mark the 75th anniversary of the League of Women Voters.

For many of us, America in the early 1900's is recalled mostly through the grainy, black and white images of newsreel footage. We are too young to remember American life back then, but the old films are portholes on the past. We laugh at the clothes, marvel at the cars, and wonder about the celebrities of the times whose names have long since been forgotten. We've seen newsreels of the suffragists, too, marching and protesting for the right to vote. Yet it is easy to forget that these are more than distant, cellulose images—that these are real people, with deep-felt passions about the precious right to vote.

But the League of Women Voters has not forgotten. The league, in fact, grew out of the suffrage movement and the fight to ratify the 19th amendment to the Constitution. In my home State of Minnesota, the Legislature ratified the 19th amendment on September 8, 1919. The following month, on October 29, 1919, the Minnesota League of Women Voters was formed. For the three-quarters of a century since its founding, the Minnesota league—like its national partners—has balanced a dual mission of voter education and advocacy.

Even in its earliest years, the Minnesota League of Women Voters took a leading role in nonpartisan voter education services. A 1922 booklet of Minnesota election laws—"State Election Laws Clearly Stated for the First Time!"—was an early league project, and such outreach continues today with annual Voter Guides and Election Information Hotlines. The League's election-year televised debates have become a critical source of candidate information for hundreds of thousands of Minnesota voters.

I enjoy the unique perspective of having seen the League of Women Voters at work from both sides of the political fence—as a journalist asking questions on the panel of a League debate, and as a candidate answering questions during my 1994 U.S. Senate campaign. I remain impressed by the league's ability to reach out to Minnesotans on all levels, as evidenced by its 2,500 local members in more than 100 Minnesota communities.

The League of Women Voters has earned my respect and gratitude for its 75 years of urging Americans to get involved, to vote, to take a stand on issues. A great deal has changed in this country since the newsreel days, but the league's dedication to encouraging citizen participation in their government has not. I join my Senate colleagues in saluting the League of Women Voters and its membership on their anniversary of service.

THE LEAGUE OF WOMEN VOTERS

Mrs. KASSEBAUM. Mr. President, I rise today in celebration of the 75th anniversary of the founding of the League of Women Voters. Across the country, the League of Women Voters has presented women the opportunity to study national, State, and local issues without the spin of outside interest groups of one kind or another. A nonpartisan organization, the league has played a historic role in not only the women's suffrage movement, but in a variety of issues including child labor law, education, and environmental concerns.

As a woman from the State of Kansas, I believe it is important to recognize the league's efforts to reach out to women from rural areas. Providing a forum for honest discussions, with a concentration on the facts rather than prejudiced thought, the league has proven an inspiration and an awakening for many. The league encourages women to think analytically and independently, creating opportunities to lead discussions, present the pros and cons of an issue, and learn practical use of parliamentary principles. As a result, the league has instilled in many women the belief that their contributions and opinions can and do make a difference. More importantly, however, is the realization that world issues, no matter how complex, can be understood and discussed by ordinary people.

Our current political climate includes and welcomes the participation of women at all levels of national debate and government. This is a sharp contrast from the early days of the League of Women Voters. Today, I imagine that many young women find it difficult to comprehend that women's suffrage was even an issue at the time. And, although I believe this means we have made progress, I also feel it is important to remember our history. We owe a debt of gratitude to the League of Women Voters for encouraging women everywhere to help bring this about. Freeing women of all educational backgrounds to believe they could study significant issues is a gift the league has given to women all over America.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Ms. SNOWE. Mr. President, February 14, 1995, marks the 75th anniversary of the founding of the League of Women Voters of the United States, a nonpartisan organization with more than 1,100 chapters and 150,000 members throughout the country.

In 1848, the first national convention for women was held in Seneca Falls, NY, to discuss the conditions and rights of women in America. The suffrage movement grew out of this meeting, and in 1890 the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

Due to the efforts of the National American Woman Suffrage Association and later the League of Women Voters, the 19th amendment to the Constitution was declared ratified by the legislatures of 36 of the 48 States. This amendment, which declares that the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex, was first proposed to the State legislatures for ratification by the 66th Congress on June 5, 1919. My own State of Maine was the 19th State to ratify the amendment on November 5, 1919.

Fortunately for the millions of Americans over the last 75 years who have benefited from the work of the league, the vision of Carrie Chapman Catt, the league's founder, was much larger than the single-minded achievement of the ratification of the 19th amendment. She envisioned an organization which would continue to educate and motivate Americans for citizenship and responsible voting. And the league has done an excellent job of achieving this vision.

For example, in my own State of Maine, the Maine League of Women Voters has over 400 members, with local branches in Portland, Brunswick, and Mount Desert Island, in addition to many members-at-large. One very important objective of the Maine League is to understand and improve the way Maine's government works. I am particularly proud of the way the Maine League carefully analyzes issues to develop consensus and follows that with strong advocacy efforts. Issues studied recently include health care, families at risk, and the environment.

I would like to submit for the record two very informative articles which were recently printed in the Brunswick Times Record. One article, written by Julie D. Stevens, discusses the history of the National League of Women Voters, while the other, written by Nan Amstutz, discusses the history of the Maine League of Women Voters. Together, these articles illustrate the profound impact of the league on Maine and America, and I ask unanimous consent that these full articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Times Record, Feb. 10, 1995]

THE LEAGUE OF WOMEN VOTERS OF MAINE—75 YEARS

(By Nan Amstutz)

"If only one woman in Maine wants to vote she should have that chance," Governor Carle Millikan argued in November 1919 when he opened the special session of Maine's legislature called to ratify the 19th amendment to the United States Constitution. Although the amendment giving women the right to vote was ratified in Maine with only a few votes to spare, it was the successful culmination of a long struggle by the Maine Woman Suffrage Association. Within a year, the Association would hold its last meeting and be replaced by a new organization, the Maine chapter of the League of Women Voters.

The road to equal suffrage in Maine had not been a smooth one. Success had appeared near when the legislature in 1917 amended the state constitution to allow women to vote, only to have the measure overturned at the polls several months later by a vote of almost two to one. Some of the parties on both sides of the debate bear names which are still familiar today. One bill to give women the right to vote had been introduced by Senator Guy Gannett and Representative Percival Baxter, both of Portland, and women's suffrage had been supported by most of the state's newspapers, including the Brunswick Record. In few other states, however, had women anti-suffragists played so conspicuous a role as in Maine, arguing that most women didn't want to vote and that participation in political life was inimical to women's natural role. Giving active support to this view was Miss Elizabeth McKeen of Brunswick.

Many of the same women who had been active in the suffrage movement now became active members of the new League of Women Voters of Maine, which began with some 60 to 75 members. Its principle legislative interest in the early years concerned the welfare of women and children, and it supported aid to dependent children, strengthened child-labor laws, improved adoption procedures, and better court treatment of juvenile offenders. Today the Maine League has over 400 members, with local branches in Portland, Brunswick, and Mt. Desert Island. As a rural state, Maine has many members-at-large, too scattered to belong to a local branch, although they sometimes gather as an informal unit as has happened in Ellsworth. Issues studied by the state League today, health care, families at risk, and the environment, are as relevant to contemporary problems as were the issues studied in 1920 to concerns of that era.

Throughout its almost 75-year history, the League of Women Voters of Maine has retained as a major focus, understanding and improving the way Maine's government works. This has meant taking on issues that are important, studying them carefully, reaching a consensus among members, and then undertaking concerted advocacy. It has meant studying such subjects as jury selection, better ways to reapportion the legislature, lengths of term in office, the state tax structure, and how to finance education. An early example of the League's focus on state government was its long and successful effort to interest the public in the need for a merit system in Maine government, an effort which culminated in the passage of the 1937 Personnel Law.

In promoting the active and informed participation of citizens in government, the League's goal is to train it's members to become leaders, although, as a non-partisan organization, it can not support them if they run for political office.

A number of League members are in the present state legislature. Rep. Jane Saxl of Bangor, a former state League president, sees the League as a training ground which gave her background and information on local and state issues and also provided her with confidence to run for office. "I met elected officials and discovered they weren't all that different from the rest of us. Then when I read the Wisconsin League's publication, See Jane Run, I knew it was meant for me." Saxl served first on the local school board and later on the Bangor City Council, before running for the state legislature. "My one claim to fame on the City Council, curbside recycling was a direct result of my League experience. Where else would I have studied subjects such as waste management or water quality?"

On February 14, members of the League throughout Maine will celebrate the national League's 75th birthday at the State House in Augusta during the League's annual "Keys to the Capitol" program. As Nancy Neuman, keynote speaker at the celebration, has written, "The purpose of the League is as relevant today as it was in 1920. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience, and a sense of humor."

[From the Times Record, Jan. 27, 1995]

LEAGUE OF WOMEN VOTERS, AT 75, IS STILL GOING STRONG

(By Julia D. Stevens)

On Feb. 14, 1995, the League of Women Voters of the United States and of the state of Maine will celebrate 75 years of promoting the active informed participation of citizens in government.

Although the League was not officially founded until February 1920, on the eve of final ratification of the 19th Amendment to the Constitution giving women the right to vote, its roots had begun almost 75 years earlier. In 1848 the first national convention for women was held in Seneca Falls, N.Y., to discuss the social, civil, religious conditions and rights of women. The women at this meeting decided to fight for the right to vote, but it was not until 1890 that the National American Woman Suffrage Association was formed. In 1920, this organization became the League of Women Voters.

MIGHTY EXPERIMENT

Carrie Chapman Catt, the League's founder, designed the League to be "a mighty political experiment"—"an anomaly, we will be a semi-political body—we want political things; we want legislation; we are going to educate for citizenship . . . we have got to be nonpartisan and all-partisan."

Seventy-five years later, the League is still an anomaly in American politics. It is nonpartisan and political. It educates and advocates. Its members are feminist, but the League describes itself as a citizens' organization. It trains women and men leaders, but it cannot support them if they run for public office.

SOCIAL REFORMERS

The founders of the League were social reformers, concerned with protecting the rights of working-class women and advancing the status of women in American society. The first League program included: protecting women factory workers against sweatshop conditions; promoting pay based on occupation, not gender; maternal health and child welfare; independent citizenship and equal property rights for married women; uniform marriage and divorce laws; jury service for women; election law reform; a Women's Bureau in the Department of Labor; pure food laws; prevention of venereal disease; a merit system at all levels of government, and compulsory education.

VOTER EDUCATION

Voter education has always been a central focus of the League. Before every election, the League provides voters with nonpartisan information about candidates and issues. In its early days, citizenship schools to study basic principles of government were conducted across the country, and women voters were instructed how to register and vote. Nonpartisan voters guides were distributed and many state and local Leagues held candidates meetings. In 1923, "Know Your Town" questionnaires were developed to help new Leagues study conditions in their own communities.

Nonpartisanship, consensus on issues, and concerted advocacy are central to the League's philosophy. The League thoroughly researches and studies issues before it arrives at a public position. After weighing the pros and cons of policy choices, League members discuss areas of agreement and disagreement, eventually arriving at a consensus.

CHANGING ISSUES

During World War II the League educated the public about the importance of American democracy and was a vocal advocate for the formation of the United Nations.

The 1950s were years of growth in membership—by 1958, the League had 128,000 members. The League was active in water resources issues and through its "Freedom Agenda" took a visible leading role in opposing McCarthyism.

In the 1960s, the League was involved in apportionment, air and water pollution control, equal access to education, employment and education, civil rights and the women's movement.

During the 1970s, the League was active in issues such as campaign finance, voting rights, international trade, land use, solid waste, urban policies and presidential debates. In 1974 the League admitted men as full voting members. Membership peaked in 1974 at 177,838 members, with 1,340 local and 50 state Leagues.

The 1980s were years of involvement in social and environmental issues, fiscal policy, arms control, reproductive choice and agriculture. In the 1990s the League has established positions on health care and gun control, and has been instrumental in the passage of "motor voter" legislation.

MIDDLE OF THE ROAD

Within the American political system, the League is a moderate organization: It has been attacked by the left as too conservative, by the right as too liberal. Maud Wood Park, the League's first president (1920–24) noted that the League: "has chosen to be a middle-of-the-road organization in which persons of widely differing political views might work out together a program of definite advance on which they could agree. . . . It has held to the belief that no problem of democracy is really solved until it is solved for the average citizen."

For 75 years the League has prodded the nation to fulfill its promises. Making a success of American democracy is a never-ending commitment, requiring tenacity, patience and a sense of humor. In the next 75 years, the League intends to continue its efforts to educate and motivate citizens. The League plans to further diversify its membership, programs and approaches to better meet the needs of U.S. citizens. The League welcomes any citizen over 18 years of age to become a member, either as active participants or as supporters.

The League's 75th birthday party will take place on Feb. 14 at the State House in Augusta during the League's annual "Keys To The Capitol" program.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. DODD. Mr. President, I rise to pay tribute to the League of Women Voters which is celebrating its 75th anniversary today. On February 14, 1920, in anticipation of the ratification of the 19th amendment granting women the right to vote, this group was formed to educate these new voters about politics. By encouraging informed and active participation in government, this organization continues to play an important role in American politics. The league deserves both thanks and recognition for its efforts.

The fight for women's suffrage is a part of our history that, in my opinion, doe not receive enough attention today. We would all do well to reflect on the incredible courage and strength the women of that era demonstrated in their quest for the right to vote. The battle for women's suffrage lasted generations, and many forget that women were jailed and physically punished simply because they believed that women were created equal to men. The suffragists hoped that by winning a say in their Nation's affairs, they could better the conditions of all Americans. They were right, and the continued work of the League of Women Voters is testament to that fact.

Carrie Chapman Catt, founder of the National Woman Suffrage Association, proposed "a League of Women Voters, nonpartisan and nonsecretarial, to finish the fight and aid in the reconstruction of the nation." By encouraging the participation of all citizens in government, the league has adhered to that charge, and remains a powerful force for productive change.

Today, the league is composed of both men and women who work together to strengthen the democratic process and to seek positive solutions to the problems of our time. Their efforts to increase citizen participation and educate voters exemplify the spirit that makes American government unique in the world. Eleanor Roosevelt, one of the league's more famous members, once said: "Life was meant to be lived, and curiosity must be kept alive. One must never, for whatever reason, turn his back on life." These words accurately describe the league's ongoing activities. On issues ranging from agriculture to arms control, the league has been a tireless voice, and it continues to influence the course of our Nation.

I would also like to take this opportunity to commend the members of the League of Women Voters in my home State of Connecticut. Their work is indicative of the broad range of activities the league is now involved in nationwide. In addition to the many local voter education projects, Connecticut members have been extremely active working behind the scenes to gain passage of numerous pieces of crucial State legislation. They have also participated in several recent international fellowship programs. This past summer, the Connecticut League of Women Voters hosted two Hungarian fellows in the interest of promoting the exchange of democratic ideas worldwide. It is this type of information exchange that embodies the work league members have accomplished during the past 75 years.

Through its efforts, the League of Women Voters demonstrates that politics need not be partisan, and that increased participation in a democracy is always a change for the better. I congratulate and commend all members, both past and present, who have worked on these efforts. We should all take time to reflect upon the womens' suffrage movement that brought the league into existence and the vital work this organization continues to do today.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. HEFLIN. Mr. President, I want to take a moment to congratulate the League of Women Voters as it turns 75 years old today. Many congratulations are certainly in order for this outstanding organization that has done so much over the decades as "a voice of citizens and a force for change."

The League of Women Voters is a nonpartisan political group which encourage the informed and active participation of citizens in government, works to increase understanding of public policy issues, and influences policy through education and advocacy. Every American has benefited from the league's many contributions at the local, State, and national levels of government during its 75 years.

In 1976, the league sponsored the first Presidential debates since those famous ones in 1960. This capped a nationwide petition drive to have candidates for Nation's highest office "Meet in public debate on the issues facing the country." The league also sponsored debates during the general election campaigns of 1980 and 1984, and during the primaries of 1988 and 1992.

Most of us know the league through our local chapters, since it is organized in more than 1,000 communities, in all 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands. Its education fund, founded in 1957, provides local and State leagues with information and educational services on elections and on current public policy issues. It is renowned for its ability to make complex and controversial issues accessible to the average citizen in a clear and balanced way.

There is no more important civic duty we have as Americans than expressing ourselves through informed, consistent voting. I am proud to commend and congratulate the League of Women Voters for helping to foster that civic expression for 75 years.

COMMEMORATING THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. CONRAD. Mr. President, today we celebrate an important organization in the modern history of American politics. The League of Women Voters, a nonpartisan organization which encourages informed and active participation in the political process, celebrates its 75th anniversary.

The League of Women Voters is open to all of American voters. The League of Women Voters is an established grassroots organization; encouraging and enabling individuals to become true participants in the important public policy and political debates of our time.

The League of Women Voters has an active presence in each of the 50 States. In North Dakota, the League of Women Voters has had an active presence for the past 45 years. The North Dakota League of Women Voters' activities include preparing voters' guides which explain ballot measures, helping communities draft governing documents, and supporting bills before the State legislature. The North Dakota League of Women Voters is a valuable asset to my State.

Mr. President, I join my Senate colleagues and the American people in congratulating the League of Women Voters on its remarkable achievements. I wish the League of Women Voters many years of continued success.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. DOMENICI. Mr. President, 1995 is the 75th anniversary of the passage of the 19th amendment, which granted women the right to vote. The year 1995 is also the 75th anniversary of the founding of the League of Women Voters. I want to commend the league for its efforts to encourage the informed and active participation of citizens in government. I particularly want to recognize the activities of the League of Women Voters in New Mexico.

In 1924, 4 years after the formation of the national league, the New Mexico League started its first chapter in Albuquerque. The league concentrated upon informing citizens on legislation before the New Mexico House and Senate. By 1949, three league chapters were active in Albuquerque, Los Alamos, and Las Vegas, NM. By 1953, two more chapters had been added in Las Cruces and Santa Fe, and members were being recruited for chapters in Tucumcari and Gallup. As membership grew, local league chapters began to work on local and federal issues in addition to issues before the State legislature.

Today, before every general election, local leagues publish voters guides and hold candidate forums and debates. Between elections, the league publishes Who's Who pamphlets listing the names of local elected officials and holds seminars on issues important to New Mexicans. Issues including health care, transportation, and children and youth have been the topics of recent seminars. These publications, forums, and seminars are valuable resources for citizens.

I would like to salute the New Mexico league for its untiring efforts to inform citizens about State, local, and national issues. I would like to particularly recognize five members of the New Mexico league who will be honored by our Governor Gary Johnson on February 24: Trula Johansson, Jessie Rudnick, Marjorie Burr, Barbara Bell, and Elizabeth Platts. Trula Johansson joined the New Mexico league in 1948 and was president of the Albuquerque/Bernalillo County chapter; Jessie Rudnick started a league-sponsored farmers market in Los Alamos; Marjorie Burr was a founder of the Las Cruces chapter; Barbara Bell organized a member-at-large league in Grants;

Elizabeth Platts is past president of the Santa Fe league. These five women are outstanding examples of the contributions the league has made to New Mexico.

I also want to recognize the efforts of those who helped New Mexican women gain the right to vote. The New Mexico Federation of Women's Clubs and the Congressional Union, an organization of suffragettes, were instrumental in pressing the New Mexico State Legislature to ratify the 19th amendment to the U.S. Constitution. Mr. President, I request that an article that better describes women's suffrage in New Mexico be inserted into the RECORD at the conclusion of my remarks.

Mr. President, I salute those who worked to give women the right to vote. I salute the members of the New Mexico League of Women Voters and the principles in which they believe and support. The league believes in representative government and in the individual liberties established in the Constitution of the United States, that democratic Government depends upon the informed and active participation of its citizens, and that responsible government should be responsive to the will of the people. The league's education and advocacy activities in support of these principles have served all New Mexicans well by helping them better exercise their right to vote. On behalf of all New Mexicans, I want to express my appreciation for the hard work and dedication of the members of the League of Women Voters.

[From The League of Women Voters of New Mexico, Winter 1995]

SUFFRAGE IN NEW MEXICO

(By Shelly Shepherd, President, LWV/ABC)

I recently spoke before the Federal Aviation Administration for Women's Equality Day on the topic of Women's Suffrage in New Mexico. I am particularly interested in this topic, as we are approaching the 75th Anniversary of Passage of the 19th Amendment and the 75th Anniversary of the National League of Woman Voters of the United States.

I was surprised to find that little has been written about the Women's Movement in New Mexico. I learned that most people, including myself, have little or no knowledge about the efforts that were made and who made them. Older accounts of Women's Suffrage in the west omit New Mexico because it was the only western state without Women's Suffrage by 1914. I thought I'd share a few historic facts that I have uncovered in my research.

The first organized pressure groups for Women's Suffrage in New Mexico came during the Constitutional Convention of 1910. Before 1900, Hispanic and Anglo support was insufficient to make suffrage a real issue. In 1910, the National Women's Suffrage Association (NAWSA) had only two subscribers to its publication on suffrage. One name had "dead" scribbled after it, and the other person was in a Silver City sanatorium. This was hardly a suitable base for an active women's movement.

Letter from Ada Morley to the Congressional Union reporting on the campaign to have the New Mexico delegation support passage of the Susan B. Anthony Women's Suffrage Amendment in Congress, together with other letters in the National Women's Party Papers in the Library of Congress, indicate the existence of an active women's movement in New Mexico during the early 20th Century.

During the first decade of the 20th Century, several hundred New Mexico women organized into nine clubs in which women could work together on civic, educational, and cultural affairs. In 1909, women's clubs federated into a state organization. In 1910, the president of the federated organization presented a petition to delegates of the State Constitutional Convention in support of women's suffrage. Of three published memoirs, only two mention women's suffrage. One says, "Members compromised on women's sufrage" while the other notes, "The very nature of New Mexico's background was against giving women the voting privilege with men."

The 1910 Constitution gave women the right to vote in school district elections and made them eligible to hold public office as superintendent, director, or member of a local board of education. However, Article VII restricted the right of women to vote for these officials if enough men objected.

In addition, the constitutional compromise protected the elective franchise of Hispanic males, through whatever mechanism it might be achieved and 'make it virtually impossible to amend the Constitution to give women the right to vote." To amend the franchise provision, three quarters of the voters in each county had to approve; and this made it exceedingly difficult to achieve voting rights for women. Ada Morley wrote to the Congressional Union, "Federal action is our only hope.

Amid the celebrations of new statehood, a small group of women were dissatisfied with their disenfranchisement. At first, some of the club women worked through the National American Women's Suffrage Association (NAWSA) which attempted to expand its activities in New Mexico between 1912 and 1915. Deane Lindsey, an active club woman and former teacher from Portales, became State Chairman. NAWSA offered little incentive for New Mexico to become politically active, however, because it had begun to focus on suffrage referendums that were inappropriate in New Mexico.

More important than NAWSA for fueling the engine of women's discontent in New Mexico was the National Federation of Women's Clubs (NFWC) with which the New Mexico Federation of Women's Clubs (NMFWC) became affiliated in 1914.

When the Congressional Union sent their first organizer to New Mexico in 1914, New Mexico club women were ready to act. A splinter group under the leadership of Alice Paul that separated from NAWSA in 1912, the Congressional Union (CU), had adopted the militant and sophisticated pressure tactics of the "British Suffragettes," as the British called their campaigners. The group of women that the CU pulled together in New Mexico launched its first campaign in 1915, continued to mobilize during the war, and remained the most active organization during the ratification battle. Once the state network was set up, CU organizers planned the type of pageant that the CU had made famous—a mass meeting, a parade, and a deputation to Senators Thomas Catron and Albert Fall.

The woman who rallied to the CU were not representative of various regions of New Mexico, ethnic groups, or classes. They were predominantly Anglo elite centered in Santa Fe, Albuquerque, and other northern cities. An overwhelming number of the members' husbands identified with the Republican Party, the dominant party in the state at the time.

Ella St. Clair Thompson, CU organizer in New Mexico in 1915, made efforts to recruit daughters of Hispanic politicians. Thompson had leaflets printed in Spanish and English. Although the CU records only mention six Hispanic women as participants, these six were key players. Aurora Lucero, daughter of the Secretary of State, joined, as did three nieces of Solomon Luna, including 34 year old widow Adelina Otero-Warren, who became the most influential woman in the CU.

If any woman could be credited as being the "Susan B. Anthony of New Mexico," it would be Adelina Otero-Warren.

Beginning as a timid woman unwilling to speak in public, Adelina gradually became a political force. Her uncle, Solomon Luna, the powerful and popular head of the Republican Party, had died in 1912; but her father was still active in politics. And other Otero males were moving into positions in the Republican Party. In 1917, Otero-Warren was appointed school superintendent in Santa Fe, and in 1918 she defeated a male opponent to retain this elective position. Otero-Warren guided the last phase of the campaign to pry the amendment out of Congress. She accepted leadership of the New Mexico CU and was soon skillfully evaluating local tensions among factions. She stated, "I will keep out of local fuss but will take a stand and a firm one whenever necessary." Otero-Warren kept the group intact through the war and only resigned from the CU to become chair of the Women's Division of the Republican State Committee for New Mexico.

The women in the CU realized, after storming the office of US Senator Catron (Senior congress Member) on the suffrage matter, that he would not budge from his anti-suffrage position. "He thinks all we are good for is to stay home, have children, have more children, cook and wash dishes," a suffragette complained bitterly after Catron rebuffed one delegation. Other U.S. Congressmen from New Mexico were unwilling to openly endorse suffrage as long as Catron opposed it.

Republican women moved into action by nominating another candidate to Catron's seat. They were unsuccessful in urging the Republican party to nominate pro-suffrage candidate Frank Hubbel in 1916. That year, for the first time, parties in New Mexico supported the suffrage amendment.

The CU maintained its bipartisan stand in the election of 1916, opposing Democrats who would not endorse suffrage and refusing to campaign for Republicans. Both Hubbell and Hernandez (Republicans) were defeated in the Wilson landslide of 1916. The 1916 election placed two pro-suffrage Democrats from New Mexico in Congress—William Walton and Andreius Jones.

Senator Jones, who replaced Catron in Congress, moved into the chair of the Senate Committee on Women's Suffrage. He proved his support by visiting CU militants jailed for their Washington protests.

When Senator Walton began to waiver on suffrage, Otero-Warren turned up the political heat. This last minute pressure steadied Walton so that he voted for the 19th Amendment that passed the House of Representatives in January, 1918. The Senate voted favorably in June, 1919.

With the federal amendment out of Congress, political focus now shifted back to

New Mexico where the Legislature had to approve the amendment. Suffragettes were so confident that the amendment would easily pass in the January, 1919 session that the new head of the state CU, now calling itself the National Women's Party (NWP), made the mistake of leaving for California. Otero-Warren lobbied among the Hispanics, and the amendment passed the House early. New Mexico was predicted to be one of the first states to ratify the amendment. However, in the Senate a Republican member sidetracked the amendment by substituting a state referendum measure which, as everyone knew, could not pass. This defeat bitterly disappointed women and national suffrage leaders.

Women knew that the longer the ratification process took, the more the opposition would organize against its passage. Anti-suffragists began labeling those supporting suffrage as disloyal and Bolshevik agents. Suffrage leaders were compelled to spend time refuting claims of the "anti's" that women would vote socialist once they were enfranchised during this "red scare" period. The National Women's Party was militant in its activism during the war, even picketing the President. This distressed more moderate suffragists. The two major suffrage groups thus became divided because the leadership believed in different tactics.

Early in 1920 Arizona and Utah ratified after governors from these states promised their support. Governor C.A. Larrazolo of New Mexico promised the NAWSA and NWP leaders passage of the amendment at a special session called for February 16, 1920. If New Mexico ratified as the 32nd state, only 4 more would be needed for passage of the 19th Amendment.

Final victory in New Mexico resulted from coalition work by NWP and Republican Women. Otero-Warren swung into action in January, lining up Republican leaders behind the amendment. Republican anti-suffragists hoped to convince Hispanics that women's suffrage was against their interests and convince them to vote it down. Anglo politicians could then blame Hispanic males for the defeat of a law Anglos did not want enacted.

Suffragist women packed the Senate galleries to hear the final debate, and Republicans shifted support to the amendment. On February 19, 1920, the Senate ratified the amendment by a vote of 17 to 5. On the last day of the struggle, February 19, 1920, after the Senate had ratified and the House had balked at passing the amendment, Otero-Warren spent three hours in a Republican caucus. Dan Padilla withdrew his referendum proposal; Republican leader R.I. Baca shifted to support the amendment; and the House ratified the amendment 36 to 10. New Mexico became the 32nd state to ratify.

Oklahoma, Washington, and West Virginia followed New Mexico. The final battle was fought in Tennessee, where anti-suffragists were accused of buying votes and instigating opposition of every sort. On August 15, 1920, Tennessee ratified! After almost a century of talk about suffrage and more than a decade of campaigning in New Mexico, women had the right to vote. We owe a great vote of thanks to Adelina Otero-Warren and all those who worked with her for so many years. I only hope that we can have this type of dedication to work toward favorable resolution of issues which face the League and our country both now and in the future.

THE 75TH ANNIVERSARY OF LEAGUE OF WOMEN VOTERS

Mrs. FEINSTEIN. I am proud to join today with my colleagues in celebrating the 75th anniversary of an organization that has focused on bringing women into the political system:

As people who are informed.
People who ask questions.
People who take an active role.
People who can make a difference.
People who would become U.S. Senators.

I believe that it is fair to say that the League of Women Voters, not alone, but with others, has served as the backbone, a sort of grassroots engine moving women forward, not only as activists, but as leaders.

The league was founded in 1920 at the Chicago convention of the National American Woman Suffrage Association, 6 months prior to passage of the 19th amendment granting women the right to vote. On the eve of its establishment, Carrie Chapman Catt, its founder said:

> Winning the vote is only the opening wedge, but to learn to use it is a bigger task.

And thus, for 75 years the league has been teaching its membership and all citizens how to use the power of the vote. The league fought to make candidate debates part of campaigning for elective office.

At the national level, it has educated and engaged women in the debate over foreign policy and organized the grassroots on domestic issues—the equal rights amendment, the Voting Rights Act, voter registration reform, and campaign reform to name a few.

At the local level, the league has served to educate the electorate about important public policy issues by sponsoring forums for candidate debates, and providing guides to the issues on the ballot, and more.

In the February 1995, issue of "Today's Voter" a newsletter put out by the League of Women Voters of San Bernadino, CA, the organization's president, Jan Green, said there are four kinds of bones:

She said, and I quote:

> The body of a club or group is made of four kinds of bones: the wishbones, who spend all their time wishing someone would do all the work; the jawbones, who do all the talking but very little else; the knucklebones who knock everything that everybody else tries to do; and the backbones who get under the load and do the work as they enjoy the fun of fellowship that come with it.

These words were obviously prodding the membership of the organization toward greater participation in the work of the league. But I believe that these words provide something even more for both elected officials and the electorate.

For elected officials, it is a call for quality representation. Leadership not filled with a lot of talk—political rhetoric on partisan bickering. It is a call for leadership that respects the political process, and the institutions that have served this country well for over 200 years and hopefully long in the future.

For the electorate, it is a call to greater engagement in the political process and the decisions that will shape our future. To go beyond the surface of soundbites and look deeper to the heart of the issues. And most importantly, to vote on election day.

While the influence of the League of Women Voters in shaping the role of women in politics cannot be overstated, I believe their role in the coming years will be equally as important, if not more important. Important victories have been won for women, in terms of the number of elected officials at the national, State, and local levels, and in terms of the legislative victories that have resulted.

In this session, alone critical issues for women are on the table—research for women's health, reproductive choice, welfare reform, and equal opportunity to name a few. The role of the league becomes vital in preserving those gains, whether it be by energizing women voters on election day or galvanizing their forces behind important issues on the legislative agenda.

I want to thank the League of Women Voters for the valuable work it has done for 75 years and for it continued work on issues important to women, in particular, and the electorate at-large.

Thank you, Mr. President.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

Mr. KENNEDY. Mr. President, today marks the 75th anniversary of the founding of the League of Women Voters. It is with pleasure on this auspicious anniversary to salute this organization that has become an American institution.

Founded in 1920, the League of Women Voters was born out of the women's suffrage movement, just 6 months before the 19th amendment granted women the right to vote. During its 75-year history, the league has made unparalleled contributions to the advancement of public policy and to groundbreaking legislation that changed the Nation.

Across the United States, the League of Women Voters has worked tirelessly to educate citizens about their rights and responsibilities, and to increase voter participation in the political process. Initiatives such as the public policy forums, candidate debates, voter guides and courses in the schools are just a few examples of the contributions by the league to the best of the American political tradition.

Through its membership, the league has played an essential role in promoting the involvement of citizens at all levels of government. Its success in mobilizing voters and improving the policymaking process is evident in the history of this Nation's most significant legislation. The Social Security

Act, the Clean Air Act, and the National Voter Registration Act are examples of the league's policy and legislative accomplishments.

In Massachusetts, the league has been a valuable and respected presence. The League of Women Voters of Massachusetts was founded in 1920 as one of the first leagues in the country, and continues to have the largest number of local league chapters in the United States.

The Massachusetts league has been vigorous in the achievement and protection of basic advances in reproductive rights, gun control, education, and civil rights. It has worked hard to prevent and treat child abuse and neglect, and to combat domestic violence against women and children. It has also had a significant impact in the struggle to preserve and protect our environment, and has been an effective leader on issues such as recycling and hazardous waste collection.

I commend the League of Women Voters for its success, and for its outstanding contributions to the Nation. It has been an honor to work with the league over the years, and I look forward to working closely with the league in the years ahead.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. BOXER. Mr. President, today we celebrate 75 years of achievement by the League of Women Voters.

In the 75 years since women won the vote and the League of Women Voters was founded, the league has enabled millions of women and men to cast an informed vote through political education. The League of Women Voters in my home State of California, while excelling at that worthy goal, also has been a leader in the effort to promote equality, involve citizens in shaping their government, and build a better California for our children.

From filing a brief advocating a minimum wage in 1923, to producing award-winning environmental videos in the 1990's, the League of Women Voters of California has had a long and distinguished history.

In 1992, the League of Women Voters of California held their first convention at the St. Francis Hotel in San Francisco, and 70 delegates attended. Today, the California league has over 70 chapters around the State and over 10,000 members.

In 1935, the league of California spoke out in support of unemployment insurance and they worked for tougher child labor laws in 1942. In 1969, the league helped pass stronger water pollution laws, and then in 1976, they helped pass the Coastal Act Initiative to protect California's coastline. In 1987, the league registered thousands of high school seniors to vote. In the 1990's, the league in California has spoken out and provided crucial information to voters on issues ranging from hazardous waste to reproductive choice.

Most important, the efforts of the League of Women Voters to ensure equality at the ballot box, in our schools, and in the workplace, have helped open up opportunities for women to succeed at all levels of American life. The league has inspired millions of women to learn the issues, get involved, and vote.

The past 75 years have been filed with both struggles and accomplishments. As I look back at the rich history of the League of Women Voters, I can only hope that future generations of women will have the league to educate them, inform them, and motivate them to become involved in their communities.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mrs. MURRAY. Mr. President, I rise this morning in honor of the 75th anniversary of the League of Women Voters of the United States.

Founded in 1920, out of the Women's suffrage movement, the leagues has served 75 years educating voters about the most complex public issues of the day.

The league has an impressive history. It has a long tradition of providing voters information—from the first national radio broadcast of a candidate forum in 1928, to its Emmy-Award-winning 1976 debates between former Presidents Jimmy Carter and Gerald Ford.

The league encourages citizen participation in the democratic process. The organization has educated and advocated on issues ranging from—passage of the 19th amendment to the U.S. Constitution giving women the right to vote—to the passage of the motor-voter law in the last Congress.

And, the leagues doe not shy away from taking on the issues. For example, in 1955, the league's president testified against Senator Joseph McCarthy's abuse of congressional investigative powers.

Organized in thousands of communities throughout the Nation, the league emphasizes the need for government to be representative, accountable, and responsive.

Mr. President, the League of Women Voters is an excellent organization and I am proud to honor the league's 75th anniversary today.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 78, a resolution designating Haleyville, AL, Emergency 911 Day, submitted earlier today by Senator HEFLIN; that the resolution and preamble be agreed to, en bloc, and the motion to reconsider be laid upon the table; and that any statements appear in the RECORD, as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 78), with its preamble, reads as follows:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Monday, February 13, 1995, the Federal debt stood—down to the penny—at exactly $4,805,964,501,071.04 (or $18,243.52 per person).

Mr. President, it is important that all of us monitor, closely and constantly, the incredible cost of merely paying the interest on this debt. Last year, the interest alone on the Federal debt totaled $190 billion.

Mr. President, my hope is that the 104th Congress can and will bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

BUDGET SCOREKEEPING REPORT

Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the budget through February 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the Concurrent Resolution on the Budget (H. Con. Res. 218), show that the current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 13, 1995.

Hon. Pete Domenici, Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through February 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated January 30, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,
ROBERT D. REISCHAUER.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE FISCAL YEAR 1995 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS FEBRUARY 10, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/under resolution
ON–BUDGET			
Budget authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	−0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,712.6	−252.5
OFF–BUDGET			
Social Security outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	0.[4]
Social Security revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

[4] Less than $50 million.

Note.—Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS FEB. 10, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	(250,027)	(250,027)	
Total previously enacted	1,238,376	1,213,992	978,466
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	
Total current level[1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	
Over budget resolution			766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes.—Numbers in parentheses are negative. Detail may not add due to rounding.

DEATH OF ROBERT MIER

Mr. SIMON. Mr. President, I rise today to commemorate Robert Mier, a distinguished Illinoisan who died of lymphoma on February 5. Mr. Mier's impact on cities in Illinois and throughout the world has been great.

Robert Mier served as the city of Chicago's economic development director from 1983 to 1989. During this time, he was the architect of Chicago's 1984 development plan, which became a national model for equity-oriented local municipal development. Mier's approach emphasized jobs, neighborhoods, and equitable distribution of resources and opportunities as a means to combat urban crime and poverty. During his Chicago tenure, Mr. Mier also spearheaded efforts to fight plant closings, and he worked toward empowering neighborhoods to spur development.

Mr. Mier joined the faculty of the University of Illinois in 1975, specializing in teaching and research on community economic development, social policy planning and methods of implementation. As founder of the University of Illinois' Center for Urban Economic Development, Mier prepared future generations in a "bottom up" approach to dealing with the problems facing our cities. The center continues today to provide technical assistance to community-based development organizations and policy research on local development.

More recently, Mr. Mier focused on writing and teaching, while still remaining active in developing urban economic programs in Chicago, as well as Los Angeles, Denver, and Belfast, Ireland.

Robert Mier's passing leaves a great void that will be felt not only by his family, friends, and colleagues, but by the world as well. His life is a sterling example of an activist leader of an important cause, whose insight and commitment will inspire generations to come.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–31. A resolution adopted by the Association of Hawaiian Civic Clubs relative to agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

POM–32. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on the Judiciary.

"RESOLUTION NO. 1

"Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

"Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

"Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from $150 billion gross domestic product (GDP) per year to $400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

"Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

"Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost

15 percent per year over the next seven years; and

"Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

"Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

"Whereas, the States will better be able to revise their own budgets if the Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

"Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

"Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget; now, therefore, be it

"*Resolved by the Legislature of the State of Minnesota*, That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

"*Be it further resolved*, That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minnesota's Senators and Representatives in Congress."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

S. 244. A bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes (Rept. No. 104–8).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the coversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of 1 additional Federal district judge for the eastern district of Wisconsin, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUYE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SNOWE:

S. 404. A bill to consolidate the administration of defense economic conversion activities in the Executive Office of the President; to the Committee on Armed Services.

S. 405. A bill to amend the Defense Economic Adjustment, Diversification, Conversion, and Stabilization Act of 1990 to give priority in the provision of community economic adjustment assistance to those communities most seriously affected by reductions in defense spending, the completion, cancellation, or termination of defense contracts, or the closure or realignment of military installations; to the Committee on Armed Services.

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days; to the Committee on Finance.

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

By Mr. CONRAD. (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HEFLIN:

S. Res. 78. A resolution to request the President to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day," and for other purposes; considered and agreed to.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM):

S. Con. Res. 6. A concurrent resolution to express the sense of the Congress that the Secretary of the Treasury should submit monthly reports to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives concerning compliance by the Government of Mexico regarding certain loans, loan guarantees, and other assistance made by the United States to the Government of Mexico; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. CONRAD, and Mr. HARKIN):

S. 399. A bill to amend the Food Security Act of 1985 to provide more flexibility to producers, and more effective mitigation, in connection with the conversion of cropped wetland, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

WETLANDS REFORM LEGISLATION

Mr. DASCHLE. Mr. President, in 1985, as part of the farm bill, Congress enacted landmark legislation to protect America's wetlands. The swampbuster provision, as it is called, significantly reduced artificial incentives to drain agricultural wetlands.

In 1990, Congress reauthorized the farm bill. In the process, it evaluated problems that emerged from the implementation of the swampbuster provision and modified the law to meet those concerns.

It is now time for Congress to pass a new multiyear farm bill. Once again, this exercise provides an opportunity to address legitimate problems in wetlands policy.

Let me be clear. America's agricultural producers understand the need for wetlands conservation. Farmers accept that agricultural wetlands provide critical habitat for birds, animals and plants, and supply a mix of other benefits such as water storage, water purification and aesthetics that often decline when wetlands are altered.

But farmers are also rightfully concerned about the arbitrary way in which certain wetlands regulations are enforced by the USDA. And so am I.

I've spoken with farmers all across South Dakota who are deeply frustrated by the inflexibility of certain USDA wetlands regulations. I've heard horror stories about farmers who have been slapped with huge fines—ruinous fines—for unintentional and accidental violations of the law.

I've looked into many of these claims and found the complaints to be legitimate. Farmers have been penalized unfairly because of the inflexibility of agricultural wetlands policy. And some of the problems are a result of a lack of agreement between various Federal agencies regarding the intent of the swampbuster legislation.

The vast majority of farmers are doing everything they know how to preserve wetlands. They understand it is in their interest to do so. But no one can comply with regulations if they cannot understand them, or if the agencies responsible for enforcing them can't agree on policy.

The bill we are introducing today establishes a simpler, more flexible agricultural wetlands policy. It provides a reasonable, commonsense approach to real problems that farmers face while at the same time protecting our Nation's precious wetlands.

Our legislation addresses three major problems. First, it simplifies the rules under which farmers may mitigate wetlands.

Second, it reforms the penalty system to distinguish between inadvertent or accidental damage and willful destruction of wetlands.

And third, it provides farmers who voluntarily agree to conserve wetlands with a fair return from their land.

Under the current law, farmers are allowed to move and replace an existing wetland, but only if they agree to restore a wetland that had been drained prior to December 31, 1985. This process is called mitigation.

The new law extends this option to agricultural wetlands that are frequently farmed but were not drained before 1985. It will add flexibility for producers by giving them another option to choose from while still protecting valuable wetlands.

That's the first section of this bill.

The bill also makes a distinction between accidental and willful harm to wetlands. As many of you know, the penalties for wetlands violations—even minor violations—sometimes are so harsh that they can literally force farmers out of business. I spoke with one South Dakota farmer, for instance, who was going to be fined $97,000 because someone else had driven a tractor through a wetlands area on his farm without his knowledge or consent. The tractor had caused deep ruts and altered the condition of the wetland.

Fortunately, the USDA agreed to reduce the fine if the farmer restored the property to its original condition. However, he still had to pay a fine of $2,000 for a violation he did not commit.

This bill reduces the penalty for first-time violations if—and only if—the producer acted in good faith. Instead of being subjected to huge fines, the farmer would be required to restore the wetland to its former condition. The proposal would still deal firmly with repeat violators by subjecting them to graduated fines up to $10,000. And those who willfully destroy wetlands would face repayment of program benefits and expulsion from future farm programs.

Finally, this legislation gives farmers who voluntarily retire some of their acreage a fair return for their land by permitting them to enroll wetlands in the Federal Conservation Reserve Program. Farming is risky business that often operates on narrow profit margins. Farmers cannot afford to retire productive acreage without receiving some compensation.

Mr. President, our proposal is based on the original intent of the Swampbuster legislation, which was to encourage producers to do the right thing, not to drive them out of business. We can protect America's fragile wetlands without ruining producers financially or punishing them unjustly. The key is sensible, flexible regulations that motivate, rather than discourage, compliance. This legislation meets that test, and I hope that the appropriate congressional committees will give it timely and serious consideration.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVERSION OF CROPPED WETLAND.

(a) EXEMPTIONS.—Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended—

(1) in subsection (f)(2), by inserting after "1985," the following: "through the enhancement of cropped wetland described in section 1231(b)(4)(F), or through the creation of a wetland,"; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "may be reduced under paragraph (2)" and inserting "shall be waived";

(B) by striking paragraph (2) and inserting the following:

"(2) GRADUATED SANCTIONS.—In lieu of making a person ineligible under section 1221, the Secretary shall reduce by not less that $750 nor more than $10,000, depending on the degree to which wetland functions and values have been impaired by the violation of section 1221, program benefits described in section 1221 that the person would otherwise be eligible to receive in a crop year if the Secretary determines that—

"(A) the person—

"(i) is actively restoring the wetland under an agreement entered into with the Secretary to fully restore the characteristics of the converted wetland to its prior wetland state; or

"(ii) has previously restored the characteristics of the converted wetland to its prior wetland state, as determined by the Secretary; and

"(B) the Secretary determines that—

"(i) the penalty for violation of section 1221 has been waived under paragraph (1) for the person only once in the previous 10-year period on a farm of the person; and

"(ii) the person converted a wetland, or produced an agricultural commodity on a converted wetland, in good faith and without the intent to violate section 1221."; and

(C) by adding at the end the following;

"(4) AFFILIATED PERSONS—If a person is subject to a reduction in benefits under section 1221 or this section and the affected person is affiliated with other persons for the purpose of receipt of the benefits, the reduction in benefits of the affiliated persons under section 1221 or this section shall be in proportion to the interest held by the affected person.".

(b) CONSERVATION RESERVE.—Section 1231(b)(4) of the Act (16 U.S.C. 3831(b)(4)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(F) if the crop land is a wetland on which the owner or operator of a farm or ranch uses normal cropping or ranching practices to produce an agricultural commodity in a manner that is consistent for the area where the production is possible as a result of a natural condition, such as drought, and is without action by the producer that destroys a natural wetland characteristic.".

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 400. A bill to provide for appropriate remedies for prison conditions, and for other purposes; to the Committee on the Judiciary.

THE STOP TURNING OUT PRISONERS ACT

Mrs. HUTCHISON. Mr. President, I have introduced a bill today called the STOP Act. The purpose of the STOP Act is to keep our Federal courts from taking over State prisons. Many States today are operating at over 100 percent capacity. In my State of Texas, however, the Federal courts have ruled in the Ruiz case that on any given day 6,100 beds, 14 percent of total space available in Texas, are vacant. This Ruiz settlement has forced many of our State prisons to maintain a permanent vacancy rate of 11 percent.

What has happened, Mr. President, is that there has been release of violent criminals early. They are serving an average of 2 months for every year of their sentence in my State to comply with a ruling that is patently unreasonable.

This is actually a compromise. This bill will curb the ability of Federal courts to take over the policy decisions of State prisons, particularly when they do not have any responsibility to pay for these added costs. A massive construction program in Texas that will be completed within the next year will give the State of Texas an official prison capacity of 146,000. But if we could eliminate the effect of this case, we could add 6,000 more people who would serve their sentences and would not be going out on the streets of Texas murdering, raping, and injuring the people of my State.

In fact, Mr. President, I have to say that one of my friends from college, a wonderful person, was murdered by one of these early-release prisoners. It was a stunning thing to happen. Unfortunately, that was not the only time it has happened in my State.

Our present system today is operating and constructing prisons with a budget of $3.75 billion and is expected to grow to $4.4 billion for the next 2-year period beginning September 1 of this year. What we are going to try to do with this bill is pare back the ability of Federal judges to substitute their judgment for that of State governments who are required to keep the people safe and also, of course, to keep the prisoners in prison. It is their job to pay for it; it is their job to implement criminal law in their States.

The bill will set out the right for prisoners to live as comfortably as possible. But that will not be more important than the right of the victims, the right of the people to live safely in their neighborhoods. It is a matter of prioritizing what the rights are.

I think it is very important that we speak to this issue, and I am very proud that the House of Representatives has already done so. Congressman BILL ARCHER sponsored this bill in the House and has put it on as an amendment to a bill that will be coming to the Senate shortly. I think it is important that I have introduced the bill today, because what has happened in my State is so stark and we are spending billions on prisons because of this onerous decision which was not appealed. I had urged that it be appealed but it was not. So we are building these extra prisons because of a ruling that I think could have been appealed and would have been overturned at the appellate level. It will give standing to local officials and State government officials to step in on a case when they think that the Federal courts have gotten out of line.

We need relief and many other States in this country need relief. After all, the Federal prisons are operating at approximately 160 percent of capacity. Yet, in my State, it is lower than 90 percent capacity. We certainly need those extra beds. What has happened is, of course, our counties are burgeoning with prisoners that they cannot send up to the State prison system because there is no space under this onerous ruling. So I have introduced this bill today. I hope we can get swift enactment and, most especially, I hope if the bill comes over from the House, that we will be able to make sure that is also in the Senate bill.

By Mr. LEAHY (for himself and Mr. JEFFORDS):

S. 401. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of hard apple cider; to the Committee on Finance.

HARD APPLE CIDER TAX TREATMENT LEGISLATION

Mr. LEAHY. Mr. President, today, I am introducing tax legislation designed to stimulate the apply industry in the United States. I am pleased that my friend from Vermont, Senator JEFFORDS, is joining me as an original cosponsor of this bill.

In recent years, hard apple cider or apple cider with an alcohol level at or below 7 percent has emerged as a popular alternative to beer. Current tax law, however, unfairly taxes hard apple cider at a much higher rate than beer despite the two beverages similar alcohol levels. The bill I am introducing today will correct this inequity.

Present law taxes hard apple cider regardless of its alcohol level as a wine, subject to a tax of $1.07 per wine gallon. My legislation would clarify that hard apple cider containing not more than a 7-percent alcohol level be taxed as beer, subject to a tax of approximately 22.6 cents per gallon. The legislation would continue taxing small domestic producers of hard apple cider at a reduced rate.

I believe this small tax change would allow hard apple cider producers to compete fairly with beermakers. As hard apple cider grows in popularity, applegrowers and processors across the country should prosper because hard apple cider is made from culled apples, the least marketable apples. I have received letters from the Vermont Department of Agriculture, the New Hampshire Department of Agriculture, the Maine Department of Agriculture, and the New York Apple Association in support of this legislation.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TAX TREATMENT OF HARD APPLE CIDER.

(a) HARD APPLE CIDER CONTAINING NOT MORE THAN 7 PERCENT ALCOHOL TAXED AS BEER.—Subsection (a) of section 5052 of the Internal Revenue Code of 1986 (relating to definitions) is amended to read as follows:

"(a) BEER.—For purposes of this chapter (except when used with reference to distilling or distilling material)—

"(1) IN GENERAL.—The term 'beer' means beer, ale, porter, stout, and other similar fermented beverages (including saké or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume brewed or produced from malt, wholly or in part, or from any substitute therefor.

"(2) HARD APPLE CIDER.—The term 'beer' includes a beverage—

"(A) derived wholly (except for sugar, water, or added alcohol) from apples containing at least one-half of 1 percent and not more than 7 percent of alcohol by volume, and

"(B) produced by a person who produces more than 100,000 wine gallons of such beverage during the calendar year.".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 5041 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended by striking "wine)" and inserting "wine, but not including hard apple cider described in section 5052(a)(2))".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply on and after the date of the enactment of this Act.

By Mr. KOHL:

S. 402. A bill to provide for the appointment of one additional Federal district judge for the Eastern District of Wisconsin, and for other purposes; to the Committee on the Judiciary.

THE WISCONSIN FEDERAL JUDGESHIP ACT OF 1995

• Mr. KOHL. Mr. President, I introduce the Wisconsin Federal Judgeship Act of 1995, which would create an additional Federal judgeship for the Eastern District of Wisconsin and situate it in Green Bay, where a district court is crucially needed. Let me explain how the current system hurts—and how this additional judgeship will help—businesses, law enforcement agents, witnesses, victims, and individual litigants in northeastern Wisconsin.

The four full-time district court judges for the Eastern District of Wisconsin currently preside in Milwaukee. Yet for most litigants and witnesses in northeastern Wisconsin, Milwaukee is well over 100 miles away. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly 2 hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and the driving time alone often results in witnesses traveling for a far longer period of time than they actually spend testifying.

Moreover, Mr. President, as is the case all across America, Federal crimes are on the rise in northeastern Wisconsin. These crimes range from bank robbery and kidnapping to Medicare and Medicaid fraud. The trials for these crimes are held in Milwaukee, requiring victims and witnesses to travel a substantial amount of time, and passing on to the taxpayers the expenses for transportation, board, and housing.

Mr. President, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these cases are never filed—precisely because the northern part of the State lacks a Federal court.

Prosecuting cases on the Menominee Indian Reservation causes specific problems that alone justify a Federal judge in Green Bay. Under current law, the Federal Government is required to prosecute all felonies committed by Indians that occur on the Menominee Reservation. The reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic. And because the Justice Department compensates attorneys, investigators, and sometimes witnesses for travel expenses, the existing system costs all of us.

Mr. President, the creation of an additional judgeship in the Eastern District of Wisconsin is clearly justified on the basis of caseload. In 1994 the Judicial Conference, the administrative and statistical arm of the Federal judiciary, recommended the creation of additional Federal judgeships in 16 different judicial districts. In determining where to place these judges, the Conference looked primarily at "weighted filings," that is, the total number of cases filed per judge modified by the average level of case complexity. In 1994, new positions were justified where a district's workload exceeded 430 weighted filings per judge. On this basis, the Eastern District of Wisconsin clearly merits an additional judgeship: it tallied more than 435 weighted filings in 1993 and averaged 434 weighted filings per judge between 1991–93. In fact, though our bill would not add an additional judge in the Western District of Wisconsin, we could make a strong case for doing so because the average weighted filings per judge in the Western District was almost as high as in the Eastern District.

Mr. President, this legislation is simple, effective, and straightforward. It creates an additional judgeship for the Eastern District, requires that one judge hold court in Green Bay, and gives the Chief Judge of the Eastern District the flexibility to designate which judge holds court there. And this legislation would increase the number of Federal district judges in Wisconsin for the first time since 1978. During that period, more than 252 new Federal district judgeships have been created nationwide, but not a single one in Wisconsin.

And don't take my word for it, Mr. President, ask the people who would be most affected: each and every sheriff and District Attorney in northeastern Wisconsin urged me to create a Federal district court in Green Bay. I ask unanimous consent that a letter from these law enforcement officials be included in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a letter from the U.S. Attorney for the Eastern District of Wisconsin, Tom Schneider, also be included. This letter expresses the support of the entire Federal law enforcement community in Wisconsin—including the FBI, the DEA, and the BATF—for the legislation I am introducing. Perhaps most importantly, the people of Green Bay also agree on the need for an additional Federal judge, as the endorsement of my proposal by the Green Bay Chamber of Commerce demonstrates.

In conclusion, Mr. President, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most importantly, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin. As the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. For these sensible reasons, I urge my colleagues to support this legislation and its House companion, H.R. 362, introduced by my good friend Representative TOBY ROTH.

We hope to enact this measure, either separately or as part of an omnibus judgeship bill the Judiciary Committee may consider later this Congress.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL FEDERAL DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WISCONSIN.

(a) SHORT TITLE.—This Act may be cited as the "Wisconsin Federal Judgeship Act of 1995".

(b) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the eastern district of Wisconsin.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, shall reflect the change in the total number of permanent district judgeships authorized under subsection (a), such table is amended by amending the item relating to Wisconsin to read as follows:

"Wisconsin:
"Eastern 5
....
"Western .... 2".

(d) HOLDING OF COURT.—The chief judge of the eastern district of Wisconsin shall designate 1 judge who shall hold court for such district in Green Bay, Wisconsin.

AUGUST 8, 1994.

Senator HERB KOHL,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR KOHL: We are writing to urge your support for the creation of a Federal District Court in Green Bay. The Eastern District of Wisconsin includes the 28 eastern-most counties from Forest and Florence Counties in the north to Kenosha and Walworth Counties in the south.

Green Bay is central to the northern part of the district which includes approximately one third of the district's population. Currently, all Federal District Judges hold court in Milwaukee.

A federal court in Green Bay would make federal proceedings much more accessible to the people of northern Wisconsin and would alleviate many problems for citizens and law enforcement. Travel time of 3 or 4 hours each way makes it difficult and expensive for witnesses and officers to go to court in Milwaukee. Citizen witnesses are often reluctant to travel back and forth to Milwaukee. It often takes a whole day of travel to come to court and testify for a few minutes. Any lengthy testimony requires an inconvenient and costly overnight stay in Milwaukee. Sending officers is costly and takes substantial amounts of travel time, thereby reducing the number of officers available on the street. Many cases are simply never referred to federal court because of this cost and inconvenience.

In some cases there is no alternative. For example, the Federal government has the obligation to prosecute all felony offenses committed by Indians on the Menominee Reservation. Yet the Reservation's distance from the Federal Courts and prosecutors in Milwaukee poses serious problems. Imagine the District Attorney of Milwaukee being located in Keshena or Green Bay or Marinette and trying to coordinate witness interviews, case preparation, and testimony.

As local law enforcement officials, we try to work closely with other local, state and federal agencies, and we believe establishing a Federal District Court in Green Bay will measurably enhance these efforts. Most important, a Federal Court in Green Bay will make these courts substantially more accessible to the citizens who live here.

We urge you to introduce and support legislation to create and fund an additional Federal District Court in Green Bay.

Gary Robert Bruno, Shawano and Menominee County District Attorney.

Jay Conley, Oconto County District Attorney.

John DesJardins, Outagamie County District Attorney.

Douglas Drexler, Florence County District Attorney.

Guy Dutcher, Waushara County District Attorney.

E. James FitzGerald, Manitowoc County District Attorney.

Kenneth Kratz, Calumet County District Attorney.

Jackson Main, Jr., Kewaunee County District Attorney.

David Miron, Marinette County District Attorney.

Joseph Paulus, Winnebago County District Attorney.

Gary Schuster, Door County District Attorney.

John Snider, Waupaca County District Attorney.

Ralph Uttke, Langlade County District Attorney.

Demetrio Verich, Forest County District Attorney.

John Zakowski, Brown County District Attorney.

William Aschenbrener, Shawano County Sheriff.

Charles Brann, Door County Sheriff.

Todd Chaney, Kewaunee County Sheriff.

Michael Donart, Brown County Sheriff.

Patrick Fox, Waushara County Sheriff.

Bradley Gehring, Outagamie County Sheriff.

Daniel Gillis, Calumet County Sheriff.

James Kanikula, Marinette County Sheriff.

Norman Knoll, Forest County Sheriff.

Thomas Kocourek, Manitowoc County Sheriff.

Robert Kraus, Winnebago County Sheriff.

William Mork, Waupaca County Sheriff.

Jeffrey Rickaby, Florence County Sheriff.

David Steger, Langlade County Sheriff.

Kenneth Woodworth, Oconto County Sheriff.

Richard Awonhopay, Chief, Menominee Tribal Police.

Richard Brey, Chief of Police, Manitowoc.

Patrick Campbell, Chief of Police, Kaukauna.

James Danforth, Chief of Police, Oneida Public Safety.

Donald Forcey, Chief of Police, Neenah.

David Gorski, Chief of Police, Appleton.

Robert Langan, Chief of Police, Green Bay.

Michael Lien, Chief of Police, Two Rivers.

Mike Nordin, Chief of Police, Sturgeon Bay.

Patrick Ravet, Chief of Police, Marinette.

Robert Stanke, Chief of Police, Menasha.

Don Thaves, Chief of Police, Shawano.

James Thome, Chief of Police, Oshkosh.

U.S. ATTORNEY,
EASTERN DISTRICT OF WISCONSIN,
Milwaukee, WI, August 9, 1994.

To the District Attorney's, Sheriffs and Police Chiefs Urging the Creation of a Federal District Court in Green Bay:

Thank you for your letter of August 8, 1994, urging the creation of a Federal District Court in Green Bay. You point out a number of facts in your letter:

(1) Although ⅓ of the population of the Eastern District of Wisconsin is in the northern part of the district, all of the Federal District Courts are located in Milwaukee.

(2) A federal court in Green Bay would be more accessible to the people of northern Wisconsin. It would substantially reduce witness travel time and expenses, and it would make federal court more accessible and less costly for local law enforcement agencies.

(3) The federal government has exclusive jurisdiction over most felonies committed on the Menominee Reservation, located approximately 3 hours from Milwaukee. The distance to Milwaukee is a particular problem for victims, witnesses, and officers from the Reservation.

I have discussed this proposal with the chiefs of the federal law enforcement agencies in the Eastern District of Wisconsin, including the Federal Bureau of Investigation, Federal Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, Secret Service, U.S. Marshal, U.S. Customs Service, and Internal Revenue Service-Criminal Investigation Division. All express support for such a court and give additional reasons why it is needed.

Over the past several years, the FBI, DEA, and IRS have initiated a substantial number of investigations in the northern half of the district. In preparation for indictments and trials, and when needed to testify before the Grand Jury or in court, officers regularly travel to Milwaukee. Each trip requires 4 to 6 hours of round trip travel per day, plus the actual time in court. In other words, the agencies' already scarce resources are severely taxed. Several federal agencies report that many cases which are appropriate for prosecution are simply not charged federally because local law enforcement agencies do not have the resources to bring these cases and officers back and forth to Milwaukee.

Nevertheless, there have been a substantial number of successful federal investigations and prosecutions from the Fox Valley area and other parts of the Northern District of Wisconsin including major drug organizations, bank frauds, tax cases, and weapons cases.

It is interesting to note that the U.S. Bankruptcy Court in the Eastern District of Wisconsin holds hearings in Green Bay, Manitowoc, and Oshkosh, all in the northern half of the district. For the past four years approximately 29% of all bankruptcy filings in the district were in these three locations.

In addition, we continue to prosecute most felonies committed on the Menominee Reservation. Yet, the Reservation's distance from the federal courts in Milwaukee poses serious problems. A federal court in Green Bay is critically important in the federal government is to live up to its moral and legal obligation to enforce the law on the Reservation.

In summary, I appreciate and understand your concerns and I join you in urging the creation of a Federal District Court in Green Bay.

THOMAS P. SCHNEIDER,
U.S. Attorney, Eastern District of Wisconsin.●

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. WELLSTONE, Mr. INOUYE, and Mr. JEFFORDS):

S. 403. A bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes; to the Committee on Veterans' Affairs.

THE READJUSTMENT COUNSELING SERVICE AMENDMENTS ACT OF 1995

Mr. AKAKA. Mr. President, in behalf of myself and Senators DASCHLE, WELLSTONE, INOUYE, and JEFFORDS, I am today reintroducing legislation I offered in the last Congress that would make numerous improvements in the organization, policies, and programs known as the vet center program. The Readjustment Counseling Service Amendments of 1995 is similar to legislation I introduced in the 103d Congress, S. 1226, the Readjustment Counseling Service Amendments of 1994, which the Senate unanimously approved last March. The bill I am introducing today is in fact identical to S. 1226 as reported by the Veterans' Affairs Committee on November 3, 1993.

As my colleagues know, vet centers are storefront, community-based centers operated by the Department of Veterans Affairs [VA] that, in an informal, user-friendly environment, offer counseling services to returned Vietnam-era veterans and post-Vietnam combat veterans. Since the program was first authorized in 1979, it has grown from 87 facilities to 202 today, operating in all 50 States. Together, these centers have helped more than 1.1. million veterans successfully readjust to civilian life, including 94,686 last year. In the process, the vet center program has established leadership in such areas as post-traumatic stress disorder, homelessness, disaster assistance, sexual trauma, alcohol and substance abuse, suicide prevention, the physically disabled, and minority veterans.

The Readjustment Counseling Service Amendments of 1995 attempts to ensure that the program remains viable, relevant, and responsive to the needs of today's veterans. It hopes to accomplish these goals by achieving two general aims. On the one hand, it would preserve that which is best in the vet center program by codifying and improving its organizational structure and those administrative practices which have hitherto made the program uniquely effective. On the other hand, it would enhance the ability of vet centers to undertake new challenges by expanding eligibility to new categories of veterans and encouraging VA to explore the potential of vet center-based health care and benefits services.

Specifically, my legislation would: Codify the current organizational structure of RCS and require that funding for the program be specifically identified in the budget; raise the director of RCS to the Assistant Chief Medical Director level; expand eligibility for Vet Center services to all combat veterans, regardless of period of service, and authorize services for all other veterans on a resource-available basis; authorize bereavement counseling provided through vet centers for the families of veterans who died in combat, and authorize such counseling to survivors of veterans who died of other service-related causes on a resource-available basis; establish a statutory Advisory Committee on the Readjustment of Veterans; require VA to develop a plan to assign additional employment, training, and benefit counselors at vet centers; require a report on the feasibility and desirability of collocating vet centers and VA outpatient clinics; and, undertake a pilot program authorizing the provision of limited, primary health care services at veteran centers.

Mr. President, the provisions of my bill have been variously endorsed by the major veterans service organizations, RCS field staff, and the Department itself at hearings on S. 1226 conducted by the Veterans' Affairs Committee during the last Congress. Indeed, the full Senate effectively endorsed the provisions of the bill I am offering today when it passed S. 1226 early last year. I hope that Senators will once again express support for the preserving and improving the unique vet center program by cosponsoring and supporting enactment of this important legislation.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Readjustment Counseling Service Amendments of 1995".

SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Readjustment Counseling Service.".

(b) ORGANIZATION.—The Readjustment Counseling Service shall have the organizational structure and administrative structure of that service as such structures were in existence on January 1, 1993.

(c) REVISION OF ORGANIZATIONAL STRUCTURE.—(1) The Secretary of Veterans Affairs may not alter or revise the organizational structure or the administrative structure of the Readjustment Counseling Service until—

(A) the Secretary has submitted to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a full and complete statement of the proposed alteration or revision; and

(B) a period of 60 days has elapsed after the date on which the report is received by the committees.

(2) In the computation of the 60-day period under paragraph (1)(B), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(d) BUDGET INFORMATION RELATING TO THE SERVICE.—Each budget submitted to Congress by the President under section 1105 of title 31, United States Code, shall set forth the amount requested in the budget for the operation of the Readjustment Counseling Service in the fiscal year covered by the budget and shall set forth separately the amount requested for administrative oversight of the activities of the service (including the amount requested for funding of the Advisory Committee on Readjustment of Veterans).

SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING SERVICE.

(a) DIRECTOR.—Section 7306(b) of title 38, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(4) one shall be a person who (A)(i) is a qualified psychiatrist, (ii) is a qualified psychologist holding a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and has successfully undergone an internship approved by that association, (iii) is a qualified holder of a master in social work degree, or (iv) is a registered nurse holding a master of science in nursing degree in psychiatric nursing or any other mental-health related degree approved by the Secretary, and (B) has at least 3 years of clinical experience and 2 years of administrative experience in the Readjustment Counseling Service or other comparable mental health care counseling service (as determined by the Secretary), who shall be the director of the Readjustment Counseling Service.".

(b) STATUS OF DIRECTOR.—Section 7306(a)(3) of such title is amended by striking out "eight" and inserting in lieu thereof "nine".

(c) ORGANIZATIONAL REQUIREMENT.—The Director of the Readjustment Counseling Service shall report to the Under Secretary for Health of the Department of Veterans Affairs through the Associate Deputy Under Secretary for Health for Clinical Programs.

SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT COUNSELING AND CERTAIN RELATED COUNSELING SERVICES.

(a) READJUSTMENT COUNSELING.—(1) Subsection (a) of section 1712A of title 38, United States Code, is amended to read as follows:

"(a)(1)(A) Upon the request of any veteran referred to in subparagraph (B) of this paragraph, the Secretary shall furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(B) A veteran referred to in subparagraph (A) of this paragraph is any veteran who—

"(i) served on active duty during the Vietnam era; or

"(ii) served on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subparagraph (D) of this paragraph) occurred in such area.

"(C) Upon the request of any veteran other than a veteran referred to in subparagraph (A) of this paragraph, the Secretary may furnish counseling to the veteran to assist the veteran in readjusting to civilian life.

"(D) For the purposes of subparagraph (A) of this paragraph, the term 'hostilities' means an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary in consultation with the Secretary of Defense.

"(2) The counseling referred to in paragraph (1) shall include a general mental and psychological assessment of a covered veteran to ascertain whether such veteran has mental or psychological problems associated with readjustment to civilian life.".

(2) Subsection (c) of such section is repealed.

(b) OTHER COUNSELING.—Such section is further amended by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary shall provide the counseling services described in section 1701(6)(B)(ii) of this title to the surviving parents, spouse, and children of any member of the Armed Forces who is killed during service on active military, naval, or air service in a theater of combat operations (as determined by the Secretary, in consultation with the Secretary of Defense) during a period of war or in any other area during a period in which hostilities (as defined in subsection (a)(1)(D) of this section) occurred in such area.

"(2) The Secretary may provide the counseling services referred to in paragraph (1) to the surviving parents, spouse, and children of any member of the Armed Forces who dies while serving on active duty or from a condition (as determined by the Secretary) incurred in or aggravated by such service.".

(c) AUTHORITY TO CONTRACT FOR COUNSELING SERVICES.—Subsection (e) of such section is amended by striking out "subsections (a) and (b)" each place it appears and inserting in lieu thereof "subsections (a), (b), and (c)".

SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF VETERANS.

(a) IN GENERAL.—(1) Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1712B the following:

"§ 1712C. Advisory Committee on the Readjustment of Veterans

"(a)(1) There is in the Department the Advisory Committee on the Readjustment of Veterans (hereafter in this section referred to as the 'Committee').

"(2) The Committee shall consist of not more than 18 members appointed by the Secretary from among veterans who—

"(A) have demonstrated significant civic or professional achievement; and

"(B) have experience with the provision of veterans benefits and services by the Department.

"(3) The Secretary shall seek to ensure that members appointed to the Committee include persons from a wide variety of geographic areas and ethnic backgrounds, persons from veterans service organizations, and women.

"(4) The Secretary shall determine the terms of service and pay and allowances of the members of the Committee, except that a term of service may not exceed 2 years. The Secretary may reappoint any member for additional terms of service.

"(b)(1) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the provision by the Department of benefits and services to veterans in order to assist veterans in the readjustment to civilian life.

"(2)(A) In providing advice to the Secretary under this subsection, the Committee shall—

"(i) assemble and review information relating to the needs of veterans in readjusting to civilian life;

"(ii) provide information relating to the nature and character of psychological problems arising from service in the Armed Forces;

"(iii) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting veterans in readjusting to civilian life; and

"(iv) provide on-going advice on the most appropriate means of responding to the readjustment needs of veterans in the future.

"(B) In carrying out its duties under subparagraph (A), the Committee shall take into special account veterans of the Vietnam era, and the readjustment needs of such veterans.

"(c)(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to the readjustment of veterans to civilian life. Each such report shall include—

"(A) an assessment of the needs of veterans with respect to readjustment to civilian life;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

"(2) Not later than 90 days after the receipt of each report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

"(d)(1) Except as provided in paragraph (2), the provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the activities of the Committee under this section.

"(2) Section 14 of such Act shall not apply to the Committee.".

(2) The table of sections at the beginning of chapter 17 of such title is amended by inserting after the item relating to section 1712B the following:

"1712C. Advisory Committee on the Readjustment of Veterans.".

(b) ORIGINAL MEMBERS.—(1) Notwithstanding subsection (a)(2) of section 1712C of such title (as added by subsection (a)), the members of the Advisory Committee on the Readjustment of Vietnam and Other War Veterans on the date of the enactment of this Act shall be the original members of the advisory committee recognized under such section.

(2) The original members shall so serve until the Secretary of Veterans Affairs carries out appointments under such subsection (a)(2). The Secretary shall carry out such appointments as soon after such date as is practicable. The Secretary may make such appointments from among such original members.

SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RESOURCE CENTER PILOT PROGRAM.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan for the expansion of the Vietnam Veteran Resource Center program established pursuant to the amendment made by section 105 of the Veterans' Administration Health-Care Amendments of 1985 (Public Law 99-166; 99 Stat. 944). The plan shall include a schedule for, and an assessment of the cost of, the implementation of the program at or through all Department of Veterans Affairs readjustment counseling centers.

(2) The Secretary shall submit the plan not later than 4 months after the date of the enactment of this Act.

(b) DEFINITION.—In this section, the term "Department of Veterans Affairs readjustment counseling centers" has the same meaning given the term "center" in section 1712A(i)(1) of title 38, United States Code.

SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINICS.

(a) REQUIREMENT.—(1) The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the feasibility and desirability of the collocation of Vet Centers and outpatient clinics (including rural mobile clinics) of the Department of Veterans Affairs as current leases for such centers and clinics expire.

(2) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(b) COVERED MATTERS.—The report under this section shall include an assessment of the following:

(1) The results of any collocation of Vet Centers and outpatient clinics carried out by the Secretary before the date of the enactment of this Act, including the effects of such collocation on the quality of care provided at such centers and clinics.

(2) The effect of such collocation on the capacity of such centers to carry out their primary mission.

(3) The extent to which such collocation will impair the operational independence or administrative integrity of such centers.

(4) The feasibility of combining the services provided by such centers and clinics in the course of the collocation of such centers and clinics.

(5) The advisability of the collocation of centers and clinics of significantly different size.

(6) The effect of the locations (including urban and rural locations) of the centers and clinics on the feasibility and desirability of such collocation.

(7) The amount of any costs savings to be achieved by Department as a result of such collocation.

(8) The desirability of such collocation in light of plans for the provision of health care services by the Department under national health care reform.

(9) Any other matters that the Secretary determines appropriate.

SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a pilot program for the provision of health-related services to eligible veterans at readjustment counseling centers. The Secretary shall carry out the pilot program in accordance with this section.

(b) SERVICES.—(1) In carrying out the pilot program, the Secretary shall provide the services referred to in paragraph (2) at not less than 10 readjustment counseling centers in existence on the date of the enactment of this Act.

(2) The Secretary shall provide basic ambulatory services and health care screening services by such personnel as the Secretary considers appropriate at each readjustment counseling center under the pilot program. The Secretary shall assign not less than one-half of a full-time employee equivalent at each such center in order to provide such services under the pilot program.

(3) In determining the location of the readjustment counseling centers at which to provide services under the pilot program, the Secretary shall select centers that are located in a variety of geographic areas and that serve veterans of a variety of economic, social, and ethnic backgrounds.

(c) PERIOD OF OPERATION.—(1) The Secretary shall commence the provision of health-related services at readjustment counseling centers under the pilot program not later than 4 months after the date of the enactment of this Act.

(2) The pilot program shall terminate 2 years after the date on which the Secretary commences the provision of services under paragraph (1).

(d) REPORT.—(1) The Secretary shall submit to Congress a report on the pilot program established under this section. The report shall include the following:

(A) A description of the program, including information on—

(i) the number of veterans provided basic ambulatory services and health care screening services under the pilot program;

(ii) the number of such veterans referred to Department of Veterans Affairs general health-care facilities in order to provide such services to such veterans; and

(iii) the cost to the Department of Veterans Affairs of the pilot program.

(B) An analysis of the effectiveness of the services provided to veterans under the pilot program.

(C) The recommendations of the Secretary for means of improving the pilot program, and an estimate of the cost to the Department of implementing such recommendations.

(D) An assessment of the desirability of expanding the type or nature of services provided under the pilot program in light of plans for the provision of health care services by the Department under national health care reform.

(E) An assessment of the extent to which the provision of services under the pilot program impairs the operational or administrative independence of the readjustment counseling centers at which such services are provided.

(F) An assessment of the effect of the location of the centers on the effectiveness for the Department and for veterans of the services provided under the pilot program.

(G) Such other information as the Secretary considers appropriate.

(2) The Secretary shall submit the report not later than 18 months after the date of the enactment of this Act.

(e) DEFINITIONS.—For the purposes of this section:

(1) The term "Department of Veterans Affairs general health-care facility" has the meaning given such term in section 1712A(i)(2) of title 38, United States Code.

(2) The term "eligible veteran" means any veteran eligible for outpatient services under paragraph (1), (2), or (3) of section 1712(a) of such title.

(3) The term "readjustment counseling center" has the same meaning given the term "center" in section 1712A(i)(1) of such title.

By Ms. SNOWE:

S. 406. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies to the recipient's surviving spouse, subject to a reduction of 50 percent in the last monthly payment if the recipient dies during the first 15 days, to the Committee on Finance.

SOCIAL SECURITY PRO-RATE AMENDMENT LEGISLATION

• Ms. SNOWE. Mr. President, today I am introducing legislation to correct an inequity that exists in our Social Security system.

Currently, when a Social Security beneficiary dies, his or her last monthly benefit check must be returned to the Social Security Administration. This provision often causes problems for the surviving spouse because he or she is unable to financially subsidize the expenses accrued by the late beneficiary in their last month of life.

Current law makes an inappropriate assumption that a beneficiary has not incurred expenses during his or her last month of life. I know that my colleagues have heard, as have I, from constituents who lost a husband or wife toward the end of the month, received the Social Security check and spent all or part of it to pay the bills and then received a notice from Social Security that the check must be returned. For many of these people, that check was the only income they had and they are left struggling to find the money to pay back the Social Security Administration and pay the rest of the expenses their spouse incurred in their last month.

Therefore, my legislation would allow the spouse of the beneficiary who dies in the first 15 days of the month to receive one half of his or her spouse's regular benefits, and the spouse of the beneficiary who dies in the latter half of the month to receive the full monthly benefit.

I believe this is a fair and direct approach to an unfair situation. I hope that my colleagues will join me in supporting this legislation.•

By Ms. SNOWE:

S. 407. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 408. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives relating to the closure, realignment, or downsizing of military installations; to the Committee on Finance.

S. 409. A bill to amend the Internal Revenue Code of 1986 to allow defense contractors a credit against income tax for 20 percent of the defense conversion employee retraining expenses paid or incurred by the contractors; to the Committee on Finance.

S. 410. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

DEFENSE CONVERSION LEGISLATION

• Ms. SNOWE. Mr. President, I introduce a package of legislation that will guide the Federal Government in a role that is becoming more and more important to communities across America—defense conversion. In today's economic climate, the American people are demanding greater accountability for every dollar spent, so that even as we reduce spending we do so wisely, and in a way that does not compromise our Nation's economic security. The legislation I will introduce today will help the Federal Government live up to its defense conversion responsibilities by reassigning and consolidating coordination of our efforts to the Executive Office of the President; providing tax credits for training and defense conversion efforts, and ensuring that economic development tools are available first to communities and industries hardest-hit by defense base closings.

With the end of the cold war and the disintegration of the Soviet military threat to Western Europe, the new environment of international security makes it possible to reduce the level of defense spending. I believe that any defense reductions must be made, however, in a careful and thoughtful manner because we must keep in mind the unrest in regions from Bosnia to Chechnya has threatened this fragile peace.

I believe that sound defense planning must be focused on the level of military capability this Nation would need in wartime. While an austere defense posture may seem adequate in peacetime, even a limited international crisis can upset these perceptions almost overnight.

It has been more than 5 years since the collapse of the Berlin Wall and the end of the cold war. The dramatic change in superpower relations has permitted the United States to make significant cuts in defense spending. That has led to a debate about how much to cut from the defense budget, and along with many of my colleagues, I believe that defense spending has been cut too much, too fast. Since 1987, the Defense Department's procurement budget has been cut by 47 percent. This will be the 12th year in a row that inflation-adjusted defense spending has declined, and the first year that defense spending was exceeded by another area of America's budget, spending on entitlements and human services.

Even as we reduce the defense budget, however, the Federal Government still has a responsibility to help the industries, communities, and individuals adversely affected by these drastic cuts in defense spending and by the closure or major realignment of military installations across the country. The challenges of successful defense conversion are enormous. And as we address these enormous challenges, we must provide the economic policies, tools, and incentives needed to stimulate both the economy and defense conversion initiatives.

My home State of Maine has endured a great deal of hardship brought on by cuts in defense spending. Defense-related enterprises in Maine span the spectrum of defense activities, ranging from the large Brunswick Naval Air Station and Kittery-Portsmouth Naval Shipyard, to smaller bases such as Cutler Naval Telecommunications Station and the Listening Station at Winter Harbor. Maine is also proud of the numerous large and small private companies that do business with the Pentagon. These range from the State's largest private employer—Bath Iron Works—to smaller firms such as Saco Defense and Fiber Materials.

And we must not forget the hundreds of subcontractors and vendors that do business with these bases and companies. It is these smaller firms that are often overlooked when defense conversion is discussed. The fact is that defense-related jobs reach into every county in my home State of Maine. Every one of those jobs is important—military or civilian, large company or small. And whether in Maine or across the Nation, defense-related industries provide good jobs for hundreds of thousands of workers.

The closure of Loring Air Force Base this past September 30 exemplifies the defense conversion challenge facing Maine. Loring's closing resulted in the loss of nearly 20 percent of the employment, 14 percent of the income, and about 17 percent of the population of Aroostook County. At the other end of the State, Kittery-Portsmouth Naval Shipyard has seen its workforce cut almost in half since the fall of the Berlin Wall, from over 8,000 employees to just 4,100. And Bath Iron Works has seen its employment drop from a peak of 12,000 to just under 9,000 as a result of cuts in the defense budget. These stark numbers graphically illustrate the importance of successful defense conversion to the long-term health of Maine's economy.

Successful defense conversion does not happen overnight, and this legislation reflects that understanding. We must also realize that successful defense conversion cannot be imposed from the top down by the Federal Government. Instead, the Federal Government must work with industries and communities in crafting defense conversion strategies and options that can help those same industries and communities in their efforts to overcome the severe economic consequences of defense downsizing.

The Department of Defense has always been the dominant government agency involved in defense conversion. Yet virtually every one of its defense conversion programs were imposed upon it by either the President or the Congress, not designed by the Pentagon itself.

My legislation proposes to change this relationship, and consolidates responsibility for most of the Federal Government's defense conversion activities squarely where it belongs: within the Executive Office of the President. Companion legislation that I am introducing today would also, in effect, establish a defense conversion czar, a high-level executive official who is directly responsible to the President for the implementation and coordination of this critical effort.

The simple fact of the matter is that of all the agencies within the Federal Government, the Defense Department is institutionally unsuited to direct such a crucial government venture. The central purpose of the Defense Department is to provide, equip and train the military forces needed to ensure the security of the Nation, to deter war, and to fight and win wars if deterrence fails. These institutional goals run counter to the basic premise of defense conversion—to help people, communities, and industries become less dependent on defense spending.

A report issued last year by the General Accounting Office underscored that the Pentagon and defense conversion are fundamentally mismatched. That GAO report cited an evaluation by the Defense Department's own Inspector General of the department's defense conversion programs. After closely examining one of those programs, the inspector general found that "ineffective planning and oversight had resulted in implementation problems."

Implementation problems. I don't believe that the working people of Maine who depend on wise defense conversion for their jobs and livelihood will understand implementation problems. I don't believe that the communities of Maine and America will tolerate implementation problems. This is why we must consider the advice of the congressional mandated Defense Conversion Commission, which 3 years ago took a hard look at the Federal Government's defense conversion efforts. Along with other Members of Congress whose State and districts have a big stake in the success of defense conversion efforts, I appeared before the Commission, and closely followed its findings.

In its final report, the Commission made an even stronger case for decreasing the influence of the Defense Department. The Commission noted that:

> While the Department of Defense has a large role to play, overall direction for defense conversion and transition actions must come from the Executive Office of the President.

I agree with the Commission's conclusion.

The legislation I am introducing today will consolidate America's defense conversion efforts within the Executive Office of the President—a step that, based on this sort of unequivocal report, should have been taken long ago. The thousands of Maine workers who depend on defense-related industries for their livelihoods, the millions of Americans who are watching our actions today, and indeed, all of our citizens need to know that the Federal Government will wisely consider conversion efforts. Americans should know that one individual, reporting directly to the President, is responsible for the effective implementation and coordination of our overall defense conversion strategy.

I have long believed that tax credits can provide an excellent incentive to encourage economic development and growth. Two of the bills that I am introducing today utilize this concept. The first provides tax credits to help give employers the inventive to hire workers who have lost their jobs through either the closure of a military installation or from reductions-in-force at a military installation. It will also provide those same tax credits to employers who have hired laid off workers from a defense contractor or major subcontractor. The second bill will provide tax credits to defense-dependent industries to invest in worker retraining and retooling in order to help them diversify into commercial markets.

Finally, the Economic Development Administration [EDA] within the Department of Commerce is actively involved in numerous successful defense conversion efforts throughout the country. The legislation I am introducing today amends the fiscal year 1991 Defense Authorization Act, which has served as the guidance for the EDA's defense conversion duties when utilizing funds authorized in defense bills.

Under current law, the EDA does not give any special preference to defense conversion projects. This legislation specifically directs that, when funds are authorized for use by the EDA through the Defense Authorization Act, the EDA will "ensure that [these] funds are reserved for communities identified as the most substantially and seriously affected by the closure or realignment of a military installation or the curtailment, completion, elimination, or realignment of a major defense contract or subcontract."

Mr. President, defense conversion ultimately boils down to another form of economic development—albeit one which affects the livelihoods of millions of Americans. Our mission is to ensure that the Federal Government makes successful defense conversion a reality. We must give our citizens the tools they need to literally turn swords into plowshares. While this will take a great deal of time and hard work, I believe that a partnership between private enterprise and government will make it a reality. The legislation that I introduce today will help move that effort along. As I said on the Floor of the House in 1991, our responsibilities to the American people do not end with the base closure process. Instead, our responsibilities are only beginning.

I urge my colleagues to join me in supporting this package of legislation to ensure sound defense conversion policies into the future.•

By Ms. SNOWE:

S. 411. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of long-term care insurance, and for other purposes; to the Committee on Finance.

THE LONG-TERM CARE IMPROVEMENT ACT

• Ms. SNOWE. Mr. President, long-term care means different things to different people. It means home-health care for those who need some help, but do not require round-the-clock care. It means respite care so those families who are struggling to keep a loved one at home can have a short break and some time to themselves. And it means nursing home care for those in need of institutional services.

As we continue the debate on health care reform this year, it is important that we all remember that any major reform of our health care system will be incomplete if it does not address some of the problems facing our long-term care system. I am introducing legislation today that addresses four areas that are in need of change: setting standards for private long-term care insurance; changing the tax code to make insurance more affordable; providing respite care tax credits for family caregivers; and providing a tax credit to those who care for Alzheimer's victims at home.

Private insurance coverage for long-term nursing home care is very limited with private insurance payments amounting to 1 percent of total spending for nursing home care in 1991. In 1986, approximately 30 insurers were selling long-term care insurance policies of some type and an estimated 200,000 people were covered. As of December 1991, the Health Insurance Association of America [HIAA] found that more than 2.4 million policies had been sold, with 135 insurers offering coverage.

HIAA estimates that the long-term care policies paid $80 a day for nursing home care and $40 a day for home health care; they had a lifetime 5 percent compounded inflation protection; a 20-day deductible period and a 4-year maximum coverage period. These policies had an average annual premium in December 1991 of $1,781 when purchased at the age of 65, and $5,627 when purchased at the age of 79.

We need to make sure that these policies are not only affordable, but that they deliver the benefits they promise. The National Association of Insurance Commissioners [NAIC] has produced standards for long-term care policies which cover the spectrum of issues—from disclosure to clearly defining the benefits, cost and time period covered. The Federal Government should require that all States meet this standard in any long-term care policies sold in their States. My bill would put the NAIC standards into law.

There is general agreement that we need to change the tax code to take away any disincentives to purchasing long-term care insurance. In addition, the change may encourage employers to offer long-term care policies as an optional benefit, as they would be able to deduct the cost, too. This bill will treat private long-term care insurance policies like accident and health insurance for tax purposes. It would also define a dependent as any parent or grandparent of the taxpayer for whom the taxpayer pays expenses for long-term care services. This change will allow children and grandchildren to deduct the long-term care expenses they pay. Current law requires that an individual must pay 51 percent of the expenses for a dependent before they can be deducted.

Over 80 percent of disabled elderly persons receive care from their family members, most of whom are their wives, daughters, or daughters-in-law. Family caregivers provide between 80 and 90 percent of the medical care, household maintenance, transportation and shopping needed by older persons. Numerous studies have found that family caregivers give up their jobs, have reduced their working hours or have rejected promotions in order to provide long-term care to loved ones.

My bill will expand the dependent care tax credit to make it applicable for respite care expenses and make the credit refundable. A respite care credit would be allowed for up to $1,200 for one qualifying dependent and $2,400 for two qualifying dependents. This money could go, for example, toward hiring an attendant for an elderly dependent during the work day, or for admittance to an adult day care center. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Such a respite care credit will save dollars for both caregiving families and the Government by postponing, or even avoiding, expensive institutionalization.

Finally, this legislation will provide tax deductions from gross income for individual taxpayers who maintain a household which includes a dependent who has Alzheimer's disease or a related disorder. It would allow deductions of expenses, other than medical, which are related to the home health care, adult day care and respite care of an Alzheimer's victim.

In most cases of Alzheimer's disease, families will bear the brunt of the responsibility of care. Many caregivers of dementia victims spend more than 40 hours a week in direct personal care. These families are trying to cope with the needs of a dependent older Alzheimer's victim with little or no financial or professional help.

In the face of the continued and intense involvement of the family caregiver, services that provide respite from the ongoing pressures of care become essential in the caregivers' ability to support the Alzheimer's victim at home. Home health care, adult day care and long-term respite care all provide opportunities to free caregivers from their caregiving responsibility and are crucial in enabling employed caregivers to continue working. Most caregivers willingly provide care for dependent and frail elderly family members. Even so, the presence of these supportive services can be a crucial factor in continued caregiving activities.

It is important to provide some tax relief for those expenses related to their continued care in the home. Perhaps by such action we can delay the institutionalization of dementia victims. Surely we can provide some financial relief to their caregivers.

I urge my colleagues to join me in supporting this bill.•

By Ms. SNOWE (for herself and Mr. COHEN):

S. 412. A bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes; to the Committee on Environment and Public Works.

THE BOTTLED WATER STANDARDS ACT OF 1995

• Ms. SNOWE. Mr. President, today, I, along with Senator COHEN, am introducing legislation designed to make the regulatory process for bottled water more efficient and responsive, while expanding health protections for the consuming public.

This bill, the Bottled Water Standards Act of 1995, requires the FDA to publish final regulations for a contaminant in bottled water no more than 6 months after EPA has issued regulations for that same contaminant in public drinking water. It may come as a surprise to some Senators that public drinking water and bottled water are regulated by different agencies of the Federal Government. But in fact, the FDA has the responsibility for ensuring the safety of bottled water, while EPA maintains separate authority for regulating public drinking water supplies.

Unfortunately, the FDA has not always been timely in issuing its regulations for bottled water after EPA publishes its standards for tap water. On December 1, 1994, FDA published a final rule of 35 contaminants in bottled water. Nearly 4 years earlier, however, in January 1991, the EPA regulations for these contaminants have already been issued. In the interim period, bottled water producers and consumers were left in limbo. Their product was subject to industry safety standards and various State rules, but the Federal standards that provide an important additional assurance for bottled water had not been completed. This circumstance was very unfair to both producers and consumers of bottled water and we should not let it continue.

My bill will ensure a more expeditious response in the future. In addition to the 6-month deadline for new contaminants, the FDA will be given 1 year to issue final regulations for contaminants that the EPA already regulates, but that have not yet received new FDA standards for bottled water. If the FDA fails to meet either the 6-month or 1-year deadlines, the existing EPA standard is automatically implemented for bottled water.

In some cases, FDA may determine that a particular contaminant regulated by EPA does not occur in bottled water. My bill would allow the FDA to simply issue such findings in the Federal Register before the deadline periods expire.

The bill also stipulates that in all cases, the FDA standards for bottled water must be at least as stringent as the EPA's standards for public drinking water. The bill does reserve the FDA's right to issue more stringent standards, however, adding an extra measure of public health protection if necessary.

Mr. President, it is my hope that this legislation will prompt the FDA to coordinate its regulatory activities for drinking water contaminants with the EPA. The bill would therefore have the effect of improving the efficiency of the Federal regulatory process—something all of us agree is necessary—while enhancing health protections for consumers. It represents a clear win-win proposition for our constituents.

The bottled water industry generates sales in the billions, and it serves millions of American consumers. Surely, these producers and consumers alike deserve the kind of consideration from their Government that my bill guarantees. Last year, Members in both the House and the Senate agreed with this commonsense approach. Language very similar to that found in my bill was included in the House and Senate versions of the Safe Drinking Water Act reauthorization bills considered last year, and it was included without controversy. I hope that the Bottled Water Standards Act of 1995 will enjoy similar support in the Senate this year.•

• Mr. COHEN. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, today to introduce legislation that will help to ensure public safety and consumer confidence.

More and more Americans are drinking bottled water every day. Companies such as Poland Spring in Maine, have grown tremendously in recent years. Unfortunately, because of a jurisdictional quirk, all too common in our Federal Government, bottled water is not currently required to meet the same safety standards that we have placed on tap water.

Tap water is regulated by the Environmental Protection Administration, which sets rigorous and comprehensive standards to ensure the safety of our Nation's drinking water. Bottled water is considered a food item and is therefore regulated by the Food and Drug Administration. In carrying out its responsibility to regulate bottled water, the FDA has failed, for whatever reason, to keep pace with EPA's detailed tap water regulations. Consequently, tap water must meet higher standards than bottled water.

I want to make it clear that the bottled water industry firmly believes that their product is as safe, if not safer than tap water. But because bottled water is not required to meet tap water standards, the industry cannot adequately defend itself against allegations about the quality of bottled water.

In an effort to resolve this dispute, the legislation being introduced today would simply require the FDA to publish regulations for a specific contaminant in bottled water no more than 6 months after the EPA has issued regulations for that same contaminant in tap water. If that contaminant is not a risk for bottled water, then FDA must formally make such a determination. If the FDA fails to meet this 6 month deadline, the EPA regulations would then apply to both tap water and bottled water.

I believe this proposal is a very reasonable and workable solution to this problem. I think both consumers and the bottled water industry, which welcomes this bill, would benefit from the changes this legislation attempts to achieve. I look forward to working with my colleagues toward the passage of this bill.•

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Ms. MIKULSKI, Mr. WELLSTONE, Mr. LEAHY, Mr. LAUTENBERG, and Mr. KERRY):

S. 413. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING WAGE INCREASE ACT OF 1995

Mr. DASCHLE. Mr. President, generations of Americans have been raised to believe that hard work is a virtue and that if you work hard, you can get ahead and share in the American dream. But for many Americans today, putting in 40 hours per week will not ensure that they will be able to buy their own home or send their children to college.

In fact, for some workers, a full-time job doesn't even pay enough to keep their families out of poverty.

Workers who earn the minimum wage have seen their standard of living decline dramatically since the 1970's. Even with an adjustment for inflation, the minimum wage is now 27 percent lower than it was in 1979.

Looked at another way, the minimum wage is at its second lowest level in four decades. And if it remains at $4.25 per hour, its buying power will continue to erode.

As the value of the minimum wage has fallen, the number of working families living in poverty has increased. I'm sure that many Americans would be shocked to learn that more than 11 percent of families with children where the householder is employed have incomes below the poverty line.

That an individual could work 40 hours per week, 52 weeks per year and still not provide for his or her children goes against our most basic notices of fairness and equity.

This startling fact becomes even more important as the Nation turns its attention to the issue of welfare reform. Most Americans—Democrats and Republicans alike—feel strongly that we must break the cycle of dependency upon public assistance and require those who are able to work.

But the simple truth is this. We can't encourage people to work if the wages they earn will not even pay for their most basic needs and the needs of their children.

So we must find a way to make work pay.

Raising the minimum wage is not the sole solution to this problem, but it is a good first step.

And for the 36 percent of minimum-wage workers who are the sole breadwinners in their families, it is a very meaningful first step.

The legislation I am introducing today with Senators KENNEDY, PELL, DODD, SIMON, HARKIN, MIKULSKI, WELLSTONE, LEAHY, KERRY, and LAUTENBERG will help to restore the earning power of the minimum wage. Modeled on the last increase in the minimum wage—which passed with overwhelming bipartisan support and was signed by President Bush—the bill calls for a 45-cent increase in July, followed by a second 45-cent increase next year.

This modest increase will not fully compensate for the erosion in the value of the minimum wage since the 1970's. However, when combined with the 1993 expansion of the earned income tax credit, this increase will ensure that minimum-wage workers and their families remain above the poverty level.

The American public understands that men and women should be paid a living wage for their labor. In a poll conducted by the Wall Street Journal and NBC, 75 percent of those polled support an increase in the minimum wage.

Despite the broad public support for an increase, some Republican leaders have expressed their opposition, arguing that requiring businesses to pay higher wages will lead to overall job loss. However, recent studies by some of the Nation's leading labor economists have concluded that when the minimum wage is at a low level, a modest increase will not effect employment negatively.

In 1992, for example, New Jersey raised its minimum wage by 80 cents per hour, from $4.25 to $5.05. Economists found no reduction in employment opportunities as a result of this increase.

Paying workers a living wage is not a Democratic or Republican issue. It is an issue of fairness and equity. It's my hope that Senators and Representatives on both sides of the aisle will join together to do what is right for low-wage workers.

I think a recent editorial in the Huron, SD, Plainsman said it best: "Taking home $5 per hour is hardly making a living. But those on the lower end of the pay scale * * * deserve at least that much."

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Working Wage Increase Act of 1995".

SEC. 2. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1995, not less than $4.70 an hour during the year beginning July 4, 1995, and not less than $5.15 an hour after July 3, 1996;".

Mr. DODD. Mr. President, I rise today as an original cosponsor of legislation increasing the minimum wage because I see it as one of our best tools to reform welfare by making work pay.

Nearly everyone recognizes the need to overhaul our welfare system to encourage work and responsibility. We must institute work requirements and provide job training to make work possible. But we must also take concrete action to make work more attractive than public assistance.

The current minimum wage is simply inadequate. If you work full time for $4.25 an hour, your annual income is only $8,500 a year. That is well below $12,500, which is the poverty level for a family of three.

The minimum wage continues to lose ground as a percentage of average hourly wages—in fact, by next year the minimum wage will be at it lowest point since the Eisenhower administration. A recent survey in Baltimore found that 27 percent of the regulars at city soup kitchens and food pantries were working people with low-wage jobs. It is clear that the minimum wage is not a living wage, and it's time for us to do something about it.

Many opponents claim that most minimum wage earners are middle-class high school students. That is simply not true. Two-thirds of the Nation's 4.2 million minimum-wage workers are adults over the age 21. The average minimum-wage earner brings home about half of his or her family's annual income.

Another claim frequently made by critics of the minimum wage is that it destroys entry-level jobs. This argument is repeated so frequently that it has become a mantra, but recent economic analysis suggests it doesn't hold up. Several recent economic studies have found that the last two increases in the minimum wage had a negligible impact on employment.

After surveying the literature on the subject, Harvard labor economist Richard Freeman concludes that "at the level of the minimum wage in the late 1980's, moderate legislated increases did not reduce employment and were, if anything, associated with higher employment in some locales."

In the past, increasing the minimum wage has been a broadly bipartisan issue. In 1989, the vote to increase the wage was 382–37 in the House and 89–8 in the Senate. The public has clearly spoken about the issue. A Wall Street Journal/NBC News poll found that 75 percent of the public supports increasing the minimum wage, while only 20 percent oppose it.

I hope that we can put our partisan differences aside to provide millions of hard-working Americans with a modest boost they very much need and reduce welfare dependency at the same time.

By Mrs. MURRAY (for herself and Mr. HATFIELD):

S. 414. A bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil; to the Committee on Banking, Housing, and Urban Affairs

THE ALASKA NORTH SLOPE OIL EXPORT BAN ACT OF 1995

Mrs. MURRAY. Mr. President, I am pleased to join with my colleague from Oregon, Senator HATFIELD, in reintroducing legislation that will extend indefinitely the restrictions on the export of Alaska North Slope crude oil. Twenty years ago, Congress passed legislation that enabled oil to be produced on the North Slope. That legislation involved a careful balancing of a variety of interests. Foremost was our national energy security. In the face of a heavy reliance on imported oil, Congress determined that any oil produced from the North Slope should be used by American consumers unless the President found and Congress agreed that it was in the national interest to export all or any portion of that oil. Of equal importance, Congress was deeply concerned about the Alaska environmental impacts of North Slope oil production. Knowing that the Alaskan tundra and the wildlife would be endangered by oil pipeline construction and oil production, Congress saw no sense in facing these risks for the sake of supplying oil to foreign nations.

By 1977, ANS crude was flowing through the Trans-Alaska pipeline system to the lower 48 States and Hawaii. From the pipeline's terminus at Valdez, AK, it moved by U.S.-flag Jones Act tankers to ports in the States of Washington and California. In both of these States, refineries were either built or modified to handle the surge of oil, which immediately reduced west coast reliance on imported crude. In Oregon, as well as in California and Washington, shipyards expanded to handle the construction and repair of more than 50 ships that carried ANS crude. A pipeline was built across Panama to provide an efficient means of transporting ANS crude that could not be sold on the west coast to gulf coast ports. Shipyards in the gulf benefitted from new tanker construction and repair business. The U.S. merchant marine was also a beneficiary of ANS crude, with the creation of over 2,000 jobs and the maintenance of a U.S. flag tanker capacity that would not have existed if ANS crude had been exported. This merchant marine capability not only created jobs, it helped to bolster our national defense by providing tankers flying the U.S.-flag that could be—and subsequently were used—in times of national emergency. In the early years of ANS crude production, west coast consumers enjoyed lower prices at the pump because of the abundant supply of Alaska oil. Above all, ANS crude reduced our reliance on imported oil and, together with a national energy conservation effort, helped to prevent our reliance on imported oil from being used against us as a foreign policy weapon.

Mr. President, we in the State of Washington are directly affected by the congressional policy of restricting exports of Alaska oil. With ANS crude exports, we would have an influx of large foreign-flag tankers offloading crude oil to smaller ships along our coast so our refineries could be supplied with the oil we need. This offloading is an environmental hazard that we can ill afford. Thousands of jobs in refineries and related industries have been created in our State, and many Washingtonians perform ANS tanker repair work in the port of Portland.

In this Congress, as they have done many times in the past, my distinguished colleagues from Alaska, Senators STEVENS and MURKOWSKI, have proposed legislation that would eliminate the ANS export restrictions. Their goal is understandable. Every barrel of ANS oil that is exported increases that State's severance tax revenues. However, I remind my colleagues that the law says that exports should be permitted only if they are in the national interest, not just the interest of the State of Alaska.

Indeed, that question is an important one for the Senate to keep in mind as it considers this issue. Congress has also passed other laws that place nearly identical national interest restrictions on the export of all oil from any State, as well as from offshore areas and the naval petroleum reserves. My distinguished colleagues from Alaska are asking for an exemption from a policy that applies to every other State where oil if produced.

At a time when our reliance on imported oil has reached a historic high, and when the Commerce Department has found that the level of oil imports poses a national security threat, Congress should not be permitting exports of ANS crude. Our energy security demands that the national interest restrictions on exports remain in place. Equally compelling is our need to protect the environment. Every barrel of Alaska oil that is exported must be replaced by a barrel of foreign oil that will come to the United States on large foreign-flag tankers. That would amount to a reckless endangerment of our coastal environment.

Aside from increasing the tax revenues of the State of Alaska, the primary beneficiary of Alaska oil exports would be British Petroleum, the largest producer of ANS crude. This foreign-owned oil company will be able to reduce its oil transportation costs and, thus, increase its profits. None of us should be lulled into the false belief that British Petroleum's increased profits would mean increased production in Alaska. The North Slope fields are producing at their maximum level today. They are now old fields whose production has inevitably gone into decline, but continue to produce 25 percent of our Nation's oil.

Nor will taking ANS crude from its west coast markets increase California oil production. The refineries that process Alaska oil can't handle the additional volumes of heavy grade of oil produced in California. They will replace any lost Alaska oil with foreign oil. In addition, Alaska oil sells on both the west and gulf coasts at world price levels. The only price impact of exports would be to permit British Petroleum to gain the power to set higher prices for the smaller amounts of ANS crude that would remain available to the west coast. If that price is passed through, it will harm consumers. The integrated oil company refineries—including those who are able to use supplies of oil they produce in Alaska—will be able to absorb any price increase. However, west coast independent refiners are in a poor position to absorb increases in the price of their crude oil stocks because their profit margins will not permit it. In addition, these independents do not have the docking facilities to handle large foreign-flag ships, nor do they have the storage tanks to handle supplies of this size. Inevitably, ANS exports will endanger the continued existence of independent refineries and the thousands of men and women who depend on these refineries for their livelihood.

Finally, Mr. President, there is the issue of ships. The fleet that carries Alaska oil is aging. Within the past few days, the U.S. Coast Guard has launched an investigation to determine if existing regulation of these tankers is adequate. Their action comes on the heels of the discovery of four structural failures in ships that carry ANS crude to the west coast ports within the past month alone. Congress has already dealt with the issue of tanker safety in the Oil Pollution Act of 1990, which requires the gradual phase-in over the next few years of new, double-hulled tankers that will present far less danger to our environment. The proposal to export Alaska oil stipulates the U.S.-flag ships be used. There is a significant difference between a U.S. flag and a Jones Act ship. Jones Act ships must be built and repaired in the United States, while U.S.-flag ships can be foreign vessels that are placed under U.S. registry. To replace its aging fleet on ANS tankers, British Petroleum would under current law be required to enter into long-term charters ranging from 10 to 15 years in order to guarantee the financing and the construction of these ships. However, if it is permitted to use foreign-built vessels, British Petroleum can engage in short-term hires of existing, single-hulled vessels whose age does not require replacement under OPA90 for several years. British Petroleum should be constructing new Jones Act ships now. That would be the responsible and prudent policy to follow. Instead, they are continuing to use aging ships that pose a threat of structural failures. In addition, British Petroleum and its allies in Congress seek to deprive United States shipyards of much-needed new construction work. Jobs that would have been created by this work will be lost at the same time as our environment is endangered.

Mr. President, it is clear that the State of Alaska and British Petroleum will benefit from Alaska oil exports. However, it is equally clear that these are the only beneficiaries of exports. Our national energy security, our environment, and the jobs of U.S. workers will be placed in jeopardy. Maintaining the restrictions on ANS exports is good policy for America. I urge my colleagues to cosponsor the legislation I am proud to introduce today.

Mr. HATFIELD. Mr. President, I am pleased to join Senator PATTY MURRAY in introducing legislation to extend the current restrictions on exports of Alaskan North Slope crude oil contained in section 7(d) of the Export Administration Act. In previous years, Congress has expressed strong bipartisan support for these restrictions. I am confident that Congress will again affirm its commitment to promoting national energy security by passing this important legislation.

Since the Alaskan oil export restrictions were first exacted by Congress in 1973, they have provided enduring benefits for our Nation. We now have an efficient transportation infrastructure to move crude oil from Alaska to the lower 48 States and Hawaii. In addition, these restrictions have helped limit our reliance on OPEC and unstable Persian Gulf oil supplies. Furthermore, we have been able to enhance a domestic merchant marine that continues to help supply the essential oil requirements of our domestic economy and our military.

Despite the lessons of two major oil crises and the Persian Gulf War, we foolishly continue to rely on foreign oil as a major energy source. U.S. oil imports now exceed half of our daily oil requirement. Government and private estimates now predict that by the year 2010, imports will equal 59 percent.

Permitting the export of any Alaskan North Slope crude would only exacerbate this already serious problem. By allowing the export of Alaskan oil to Japan and other Pacific rim countries, we would further increase our dependency on Middle Eastern oil, increase consumer petroleum costs on the west coast, threaten the vitality of our domestic tanker fleet, and cause net Federal revenue losses. Moreover, Alaskan oil exports would cause job losses in the maritime and related ship-supply industries on the west coast. Mr. President, these are costs which this Nation simply cannot afford.

Our ability to withstand future energy crises will certainly be tested if we fail to take the appropriate steps now to protect our own energy resources. By extending indefinitely the current export restrictions on Alaskan crude oil in section 7(d) of the act, we will reaffirm the policy of keeping this country on the right path toward energy security.

I commend Senator MURRAY for her leadership. I look forward to working with her, members of the Senate Banking Committee, and other interested Senators, as this proposal moves forward.

By Mr. HATCH (for himself, Mr. MOYNIHAN, Mr. GRAHAM, and Mr. BINGAMAN):

S. 415. A bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes; to the Committee on the Judiciary.

THE PROFESSIONAL BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce legislation that, if and when it becomes law, will bring about an end to the baseball strike. In fact, the players have already voted to end their strike if this bill becomes law.

Unlike other legislation that has been proposed, my bill would not impose a big-government solution. On the contrary, it would get government out of the way by eliminating a serious Government-made obstacle to settlement. Seventy-three years ago, the Supreme Court ruled that professional baseball is not a business in interstate commerce and is therefore immune from the reach of the Federal antitrust laws. This ruling was almost certainly wrong when it was first rendered in 1922. Fifty years later, in 1972, when the Supreme Court readdressed this question, the limited concept of interstate commerce on which the 1922 ruling rested had long since been shattered. The Court in 1972 accurately noted that baseball's antitrust immunity was an aberration that no other sport or industry enjoyed. But it left it to Congress to correct the Court's error.

A limited repeal of this antitrust immunity is now in order. Labor negotiations between owners and players are impeded by the fact that baseball players, unlike all other workers, have no resort under the law if the baseball owners act in a manner that would, in the absence of the immunity, violate the antitrust laws. This aberration in the antitrust laws has handed the owners a huge club that gives them unique leverage in bargaining and discourages them from accepting reasonable terms. This is an aberration that Government has created, and it is an aberration that Government should fix.

The legislation that I am introducing would provide for a limited repeal of professional baseball's antitrust immunity. This repeal would be limited to the subject matter of major league labor relations. It would not affect baseball's ability to control franchise relocation, nor would it affect the minor leagues. It also would not affect any other sport or business.

This legislation would not impose any terms of settlement on the disputing parties, nor would it require that they reach a settlement. Rather, it would simply remove a serious impediment to settlement—an impediment that is the product of an aberration in our antitrust laws. In short, far from involving any governmental intrusion into the pending baseball dispute, the legislation would get Government out of the way.

I am pleased to report that this bill has bipartisan support. Original cosponsors include Senators MOYNIHAN, GRAHAM, and BINGAMAN.

I am even more pleased to report that the baseball players have already voted to end their strike if this bill becomes law. There will be a full 1995 baseball season if Congress acts quickly on this long overdue measure.

I urge my colleagues in the Senate and the House to support this legislation.

• Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Professional Baseball Antitrust Reform Act of 1995, a bill drafted by the distinguished chairman of the Judiciary Committee, Senator HATCH. I hope this legislation will help to facilitate negotiations in—and settlement of—the professional baseball strike that has gone on for 6 long months now.

This bill is designed to be a partial repeal of major league baseball's antitrust exemption. It would leave the exemption in place as it pertains to minor league baseball and the ability of major league baseball to control the relocation of franchises.

On January 4, 1995, the first day of the 104th Congress, I introduced my own legislation on this subject. My bill, S. 15, the National Pastime Preservation Act of 1995, would apply the antitrust laws to major league baseball without the exceptions suggested by my friend from Utah.

In 1922, the Supreme Court of the United States, in Federal Baseball Club versus National League, held that "exhibitions of base ball" were not interstate commerce and thus were exempt from the antitrust laws. Fifty years later, in Flood versus Kuhn in 1972, the Court acknowledged that in fact baseball is a business engaged in interstate commerce, but declined to reverse Federal Baseball, citing a half century of congressional inaction on the matter.

Clearly baseball is a business engaged in interstate commerce, and should be subject to the antitrust laws to the same extent that all other businesses are. But the greater point is that the strike must be settled through good-faith bargaining between the parties. I will support this and any other effort that will move the parties forward toward a collective bargaining agreement—and the resumption of baseball in America as soon as possible.

I thank my friend from Utah for inviting me to cosponsor this legislation, and hope other Senators agree with us that the time has come to act.•

By Mr. THURMOND (for himself and Mr. LEAHY):

S. 416. A bill to require the application of the antitrust laws to major league baseball, and for other purposes; to the Committee on the Judiciary.

THE MAJOR LEAGUE BASEBALL ANTITRUST REFORM ACT OF 1995

Mr. THURMOND. Mr. President, I rise today to introduce the Major League Baseball Antitrust Reform Act of 1995 to repeal the antitrust exemption which shields major league baseball from the antitrust laws that apply to all other sports. I am pleased to have Senator LEAHY, the ranking member of the Antitrust, Business Rights, and Competition Subcommittee which I chair, join me in introducing this bill.

The Thurmond-Leahy legislation addresses baseball's antitrust exemption, but is not specially drafted in an attempt to solve the current baseball strike. Although the ongoing strike raises questions about the antitrust exemption, major league baseball's problems go far deeper than this one strike. Baseball has suffered a strike or lockout every time a contract has expired during the last quarter century. Baseball has had eight strikes or lockouts in a row, the worst work stoppage record of all professional sports. Removing the antitrust exemption will not automatically resolve baseball's problems, but I believe it will move baseball in the right direction.

Despite our interest in seeing the players return to the field, we must be ever mindful of the need to limit Federal Government intervention into matters best left to private remedies. The Congress should determine how much Federal involvement, if any, serves the public interest in this area. But as long as the special antitrust exemption remains in place for baseball, the Congress is involved. The Congress has an impact on the sport by simply permitting the special exemption to remain long after the factual basis for it has disappeared.

It is now well-known that baseball's antitrust exemption is essentially a historical accident. The exemption was established in 1922 by the Supreme Court—not the Congress—when the Court held that professional baseball was not interstate commerce and therefore could not be subject to the Federal antitrust laws. Since that time, the Supreme Court held that baseball is, of course, interstate commerce, but the Court refused to end the exemption. Instead, the Court held that it is up to the Congress to make any necessary changes in the exemption. In light of the Supreme Court decisions in this area, we must recognize that responsibility has shifted to the Congress to address the exemption and whatever effects it may have on major league baseball's problems.

Some Members of Congress believe that we should not get involved during the current strike, while other Members have asserted that in the absence of a strike there is no need for the Congress to take action on this issue. Whether there is a strike or not, it is my belief that it is proper for the Congress to consider this antitrust issue as a matter of public policy. The Congress has considered baseball's antitrust exemption in the past, including serious attention by the Senate Judiciary Committee last year, prior to the current strike. I intend to continue working on this issue, even if the strike were to end today.

As a practical matter, there is no guarantee that any legislation on this subject will be enacted promptly, despite our best efforts, given the press of other business in both the Senate and the House. Thus, this legislation ought to have little impact on baseball's negotiations. The players and owners certainly should continue to work to settle their differences without assuming that congressional intervention will occur.

The Thurmond-Leahy legislation would repeal baseball's antitrust exemption, while maintaining the status quo for the minor leagues. Protecting the current relations with the minor leagues is important to avoid disruption of the more than 170 minor league teams which are thriving throughout our Nation. This is a priority which other Members and I have clearly expressed. The Thurmond-Leahy bill also makes clear that it does not override the provisions of the Sports Broadcast Act of 1961, which permits league-wide contracts with television networks.

Nor does the Thurmond-Leahy legislation affect the so-called nonstatutory labor exemption. The nonstatutory labor exemption shields employers from the antitrust laws when they are involved in collective bargaining with a union. Court interpretations of the nonstatutory labor exemption are somewhat unsettled. But there is no doubt that, at a minimum, repealing baseball's special exemption would permit antitrust challenges in the absence of a collective bargaining arrangement, and would place baseball on the same footing as other professional sports and businesses.

I am also concerned about the issue of franchise relocation, a subject on which I held hearings in the mid-1980's while serving as chairman of the Judiciary Committee. Relocation is a significant issue to baseball, as well as other professional sports. If the antitrust laws need adjustment in this area, we should consider this matter in the context of all professional sports. Thus, the Thurmond-Leahy bill does not address franchise relocation, but separate legislation is being considered to protect objective franchise relocation rules in all professional sports.

Mr. President, I join the millions of Americans who are anxious for the 1995 baseball season to begin, and encourage the owners and players to resolve their differences. But again, I believe the proper role for the Congress is to repeal the Court imposed antitrust exemption. This will restore baseball to the same level playing field as other professional sports and businesses. By removing the antitrust exemption, the players and owners will have one less distraction keeping them from developing a long-term working relationship, and the Congress will no longer be intertwined in baseball because of the special exemption.

• Mr. LEAHY. Mr. President, today I join with Senator THURMOND to introduce the Major League Baseball Antitrust Reform Act of 1995. As chairman and ranking Democrat on the Senate's Antitrust Subcommittee, we will be participating in hearings later this week into the exemption from the Federal antitrust laws enjoyed by major league baseball. Our antitrust laws are intended to protect competition and benefit consumers. No one is or should be above the law. Yet for over 70 years, major league baseball has operated outside our antitrust laws. I think that should be reviewed and corrected.

Last summer, the Senate Judiciary Committee had an opportunity to right this situation when we considered a bill to repeal baseball's antitrust exemption that was very similar to the bill we are introducing today. While Senator THURMOND and I supported the measure, some of our colleagues blinked and the measure was defeated.

Soon thereafter negotiations between major league baseball owners and players disintegrated. We have since witnessed a preemptive strike, the unilateral imposition of a salary cap, failed efforts at mediation, the loss of one season and likely obliteration on a second, and pleas from all corners to resolve the current impasse going for naught.

In my view, major league baseball's exemption from Federal antitrust laws has significantly contributed to the problem that confronts us all today. Had Congress repealed that out-of-date, judicially proclaimed immunity from law, I believe that this matter would not be festering. I hope that we will, at long last, take up the issue of major league baseballs' antitrust exemption.

Baseball has been the national pastime. It has served to bind parent to child. It teaches important values including the benefits of teamwork and doing ones best. It is part of our history. The game's current caretakers are about to cost the American people another year without baseball.

Seniors who look forward to the joys of spring training and to following their favorite teams on radio or television will have to do without. Youngsters looking for positive role models, contemporary heros, and a sport to span generations or Americans will be shortchanged.

Cities and towns that have invested millions in facilities to support major league baseball will be cheated. Vendors and others who rely on baseball for jobs that help them scratch out a living for themselves and their families will be hit, again.

There is a public interest in the resumption of true, major league baseball. The current situation derives at least in part from circumstances in which the Federal antitrust laws have not applied, Congress has provided no regulatory framework to protect the public, and the major leagues have chosen to operate without a strong, independent commissioner who could look out for the best interests of baseball. Thus, competing financial interests continue to clash, with no resolution in sight.

In my view, the burden of proof is on those who seek to justify baseball's exemption from the law. No other business or professional or amateur sport is possessed of the exemption from law that major league baseball has enjoyed and abused.

I look forward to our prompt hearings and to move ahead thoughtfully to consider whether major league baseball, as it is currently organized, is entitled to exemption from legal requirements to which all other businesses must conform their behavior. It is time to forge a legal framework in which the public will be better served. Since the multibillion-dollar businesses that have grown from what was once our national pastime are now big business being run accordingly to a financial bottom line, a healthy injection of competition may be just what is needed.•

By Mr. KOHL:

S. 417. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING LEGISLATION

• Mr. KOHL. Mr. President, I reintroduce legislation that will help Wisconsin and several other States extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977 or who had been out of service for more than 30 years. This bill would simply remove those restrictions.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.•

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. WELLSTONE, and Mr. BAUCUS):

S. 418. A bill to amend the Food Security Act of 1985 to extend, improve, increase flexibility, and increase conservation benefits of the conservation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE CONSERVATION RESERVE PROGRAM EXTENSION ACT OF 1995

• Mr. CONRAD. Mr. President, I introduce the Conservation Reserve Program Extension Act of 1995. I am pleased to be joined in offering this legislation by Senator DASCHLE, Senator WELLSTONE, and Senator BAUCUS.

Established in the 1985 farm bill, the Conservation Reserve Program [CRP] is one of the most popular programs ever offered by the U.S. Department of Agriculture. Its objective, as stated in the 1985 farm bill, was "to assist owners and operators of highly erodible cropland in conserving and improving the soil and water resources of their farms or ranches."

Several factors led to the creation of the program: The United States had accumulated large surpluses of agricultural commodities; commodity prices were extremely low; the agricultural economy was in a precipitous downturn; the cost of agricultural programs was increasing, and soil erosion was actually increasing in some areas of the country. Thus, Congress decided to initiate a program to reduce surplus commodities by retiring cropland, increase prices, boost producer income, and just as important, sharply reduce soil erosion.

Although the program's goal of maintaining higher prices was not as measurable as producers in my State would have liked—a goal which is obviously affected by other factors—the program was well-received and achieved positive results. Between 1986 and 1989, farmers were given nine opportunities to enroll land in the CRP, and they enrolled 33.9 million acres. As a result, the program returned normalcy to the agricultural sector and, along with conservation compliance requirements of the 1985 farm bill, helped reduce soil erosion substantially.

Conditions were different during the debate over the 1990 farm bill, and the CRP was modified to meet those conditions. The CRP was broadened to include more environmentally sensitive lands. Bids were accepted on the basis of an environmental benefits index that measured the potential contribution to conservation and environmental program goals that land would provide if enrolled. Seven goals were set for the program. The goals included surface water quality improvement, potential ground water quality improvement, preservation of soil productivity, assistance to farmers most affected by conservation compliance, encouragement of tree planting, enrollment in hydrologic unit areas identified under the water quality initiative, and enrollment in conservation priority areas established by Congress. These changes broadened the scope of the program, helping it achieve positive, measurable results.

Although initially mandated to research 40 to 45 million acres, according to USDA's Economic Research Service the CRP now includes 36.4 million acres through 375,000 contractual agreements. This represents about 8 percent of total U.S. cropland. The CRP has reduced soil erosion by 700 million tons per year, a reduction of 22 percent compared with conditions that existed prior to the program. In addition, the program has produced enormous benefits for wildlife, both game and nongame species. It is no surprise that reauthorization of the CRP is the primary legislative goal of nearly every wildlife organization.

The CRP has had a significant impact on North Dakota agriculture. Consider the following statistics provided by USDA's Agricultural Stabilization and Conservation Service:

Number of bids	26,600
Number of contracts	18,520
Acres contracted	3,180,569
Average rental rate	$38
Total annual rental	$121,998,974

Commodity base acres involved include:

Wheat	1,138,046
Corn	134,417
Barley	580,059
Oats	263,683
Sorghum	1,837
Total base acres	2,118,042

Total annual erosion reduction: 45,842,990 tons.

The future of this program is central to the debate over the 1995 farm bill in my State.

The legislation we are introducing today represents our effort to address the questions of participants in our States and many others who have concerns about the future of CRP: farm implement dealers, fertilizer and pesticide companies, local business people, lenders, conservationists, ranchers, hunters, and various other parties.

Recently, the U.S. Department of Agriculture made two significant announcements that signal its intentions over the future of the CRP. On August 24, 1994, USDA announced 1-year contract extensions to participants whose contract expires on September 30, 1995.

On December 14, 1994, USDA announced that action would be taken to modify and extend all CRP contracts and to improve the targeting of the CRP to more environmentally sensitive acres.

As a result of these announcements, the Congressional Budget Office [CBO] adjusted its baseline projections for CRP spending. However, the new baseline suggests that the new CRP will shrink to less than half its size, about 15 million acres.

I believe a 15-million acre CRP is insufficient to maintain the broad benefits of the program. Passage of this legislation is necessary to maintain program benefits.

First, environmental benefits will be lost. As I noted, he CRP provides outstanding improvements in water quality, soil quality, and wildlife habitat. Even more benefits could be gained through enactment of our bill. A mistake was made once before in allowing a similar program, the soil bank, to expire. From 1956 to 1972, USDA managed the soil bank, to divert cropland from production in order to reduce inventories, and to establish and maintain protective vegetative cover on the land. In 1960, there were 28.7 million acres under contract. Although many forces were at work in ending the program such as commodity prices in the world market, by the mid-1970's most land had returned to crop production. Many of those acres are now enrolled in the CRP.

Second, commodity prices will likely fall. As CRP contracts expire, several surveys have shown that a majority of farmers will return the land to production, increasing stocks and depressing prices. According to USDA's Economic Research Service, wheat prices would fall 9 percent; corn prices would fall 5 percent. Lower prices and increased acreage receiving payments would increase total deficiency payments 21 percent.

Third, the debate over the 1995 farm bill could become an increasingly difficult budget fight. Some members of Congress continually suggest that Federal farm programs should be cut significantly to solve our budget deficit. I disagree. Agriculture spending has been cut significantly in recent years. If other Federal programs had taken the same reductions agriculture has, our deficit problem would be much less serious, if not solved. If we fail to fully extend the CRP, the budget pressures on agriculture will very likely increase dramatically, threatening farm income that is already at insufficient levels.

Fourth, the combination of lower prices and the loss of rental payments will have serious financial implications for producers and landowners in North Dakota and many other States. If, as some of my colleagues have suggested, the CRP is significantly downsized at the same time farm programs are eliminated, the combined impact would seriously erode land values, and hurt rural schools, businesses and communities, and lending institutions.

I believe that is the wrong approach to Federal agriculture policy. I believe the CRP is an important part of a long-term strategy to maintaining a sound rural economy. The bill I am introducing would lead us in that direction by accomplishing the following:

Requiring the Secretary of Agriculture to offer current contract holders the option of renewing their current contract for 10 years upon expiration. Acreage not reenrolled would be required to follow a basic conservation plan.

Requiring the Secretary to use a bidding system to enroll new acres into the CRP with cost-share assistance available for carrying out conservation measures and practices. Three criteria shall be used by USDA to determine new enrollment: water quality, soil quality, and wildlife habitat.

By moving forward on such a policy, it is my belief that we will be making better long-term decisions for this valuable national resource. The benefits to society in improved water and soil quality and wildlife habitat are real and measurable. Let us not repeat the errors of the past when the soil bank was cavalierly eliminated.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the names of the Senator from Colorado [Mr. BROWN], the Senator from Utah [Mr. HATCH], the Senator from Utah [Mr. BENNETT], the Senator from Montana [Mr. BURNS], the Senator from Idaho [Mr. CRAIG], the Senator from Texas [Mr. GRAMM], the Senator from Texas [Mrs. HUTCHISON], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Florida [Mr. MACK], the Senator from Oklahoma [Mr. NICKLES], the Senator from South Carolina [Mr. THURMOND], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 285, a bill to grant authority to provide social services block grants directly to Indian tribes, and for other purposes.

S. 311

At the request of Mr. MCCAIN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 311, a bill to elevate the position of Director of Indian Health Service to Assistant Secretary of Health and Human Services, to provide for the organizational independence of the Indian Health Service within the Department of Health and Human Services, and for other purposes.

S. 324

At the request of Mr. WARNER, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 348

At the request of Mr. NICKLES, the names of the Senator from Minnesota [Mr. GRAMS], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 348, a bill to provide for a review by the Congress of rules promulgated by agencies, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

SENATE CONCURRENT RESOLUTION 6—RELATIVE TO MEXICO

Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. FRIST, Mr. BROWN, Mr. MURKOWSKI, Mr. BENNETT, and Mr. GRAMM) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 6

Whereas Mexico is an important neighbor and trading partner of the United States;

Whereas on January 31, 1995, the President announced a program of assistance to Mexico, that includes swap facilities and securities guarantees in the amount of $20,000,000,000, using the exchange stabilization fund established pursuant to section 5302 of title 31, United States Code and the Federal Reserve System;

Whereas the program of assistance also involves the participation of the Federal Reserve System, the International Monetary Fund, the Bank for International Settlements, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Bank of Canada, and several Latin American countries;

Whereas the involvement of the exchange stabilization fund and the Federal Reserve System means that United States taxpayer funds will be used in the assistance effort to Mexico;

Whereas assistance provided by the International Monetary Fund, the International Bank for Reconstruction and Development, and the Inter-American Development Bank may require additional United States contributions of taxpayer funds to those entities;

Whereas the immediate use of taxpayer funds and the potential requirement for additional future United States contributions of taxpayer funds necessitates congressional oversight of the disbursement of funds from the exchange stabilization fund, the Federal Reserve System, and the International Monetary Fund; and

Whereas the efficacy of the assistance to Mexico is contingent on the pursuit of sound economic policy by the Government of Mexico: Now, therefore, be it

Resolved, That it is the sense of the Congress that—

(1) the Secretary of the Treasury should, in conjunction with reports required under section 5302 of title 31, United States Code, by the 30th day after the end of each month, submit a detailed report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking and Financial Services of the House of Representatives describing, with respect to such month—

(A) the condition of the Mexican economy;

(B) any consultations between the Government of Mexico and the Department of the Treasury or the International Monetary Fund; and

(C) any funds disbursed from the exchange stabilization fund, including any swap facilities or securities guarantees, pursuant to the approval of the President issued on January 31, 1995;

(2) each report submitted under paragraph (1) should include, with respect to the month for which the report is submitted—

(A) a full description of the activities of the Mexican Central Bank and Mexican exchange rate policy, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

(B) information regarding the implementation and the extent of wage, price, and credit controls in the Mexican economy;

(C) a complete documentation of Mexican tax policy and any proposed changes to such policy;

(D) a list of planned or pending Mexican Government regulations affecting the Mexican private sector;

(E) any efforts to privatize public sector entities in Mexico; and

(F) a full disclosure of all financial transactions, both inside and outside of Mexico, directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund, including transactions with—

(i) individuals;

(ii) partnerships;

(iii) joint ventures; and

(iv) corporations; and

(3) the Secretary of the Treasury should continue to submit reports under paragraph (1) until the Secretary determines that no further risk exists to United States taxpayers of default by the Government of Mexico on funds provided from the exchange stabilization fund, the Federal Reserve System, or the International Monetary Fund pursuant to the program of assistance approved by the President on January 31, 1995.

• Mr. MACK. Mr. President, a few weeks ago, President Clinton arranged a financial package for Mexico. The package involves the exchange stabilization fund, the International Monetary Fund, the Federal Reserve, and other international organizations and governments to help Mexico get through its liquidity crisis. There is no doubt that the United States has a great interest in the health of Mexico's economy. We are concerned about Mexico, not only as a trading partner but as a good neighbor. This particular financial package expands that relationship. Indeed, it puts U.S. tax dollars at risk, and Congress needs to play an oversight role.

I am concerned that Mexico's problems leading to this financial arrangement were rooted in bad economic policies. Mexico's central bank violated sound money principles. Excessive money supply growth was the root cause of the devaluation of the peso. Followup policies of wage and price controls will drive away private investors and hurt Mexican citizens.

My understanding is that Treasury Secretary Rubin has promised the House and Senate Banking Committees a "detailed picture of developments in Mexico" so that Congress can be fully informed of Mexican economic policies and therefore its ability to repay loan obligations. The Treasury is currently required to report to Congress on any disbursements from the exchange stabilization fund. Because of the magnitude of the current commitment, I feel it is necessary for Treasury to provide additional information to the Banking Committee regarding the condition of the Mexican economy and consultations between the Government of Mexico and the International Monetary Fund or the United States Treasury Department. That is why I, with several other Senators, am introducing the Mexican Loan Compliance Resolution.

This resolution will make sure that the information Congress needs to evaluate the Mexican loan is the same information that will be provided by Treasury. The resolution asks for Treasury to provide: Information on monetary policy in Mexico, including potential devaluation plans and information on the Mexican money supply;

information on the institution of wage and price controls, changes in tax policy, and privatization efforts; a list of planned or pending Mexican Government regulations affecting the Mexican private sector; and a full disclosure of all financial transactions directly involving funds disbursed from the exchange stabilization fund and the International Monetary Fund.

Just as American voters made clear to our government in November that they wanted change, Mexican voters rallied for change in their election last Sunday. The Institutional Revolutionary Party [PRI], the party of President Zedillo, that delivered the devaluation of the Mexican peso, suffered a bruising defeat. The people in the Mexican state of Jalisco voted overwhelmingly for candidates from the National Action Party [PAN], electing a new governor, achieving a majority in the state legislature, and winning 90 of 124 municipal offices. While only the Mexican people can determine whether the PAN party will fully reflect their desire for change, the Mexican people recognized who was responsible for 40 percent of their purchasing power vanishing with the devaluation, and they held their leaders accountable. The new Congress elected in November recognizes that it's accountable too. By ensuring that Mexico follows policies that will help the Mexican people and strengthen its economy, we will fulfill our obligation to protect United States taxpayers whose dollars are on the line.●

SENATE RESOLUTION 78—RELATIVE TO HALEYVILLE, AL, EMERGENCY 911 DAY

Mr. HEFLIN submitted the following resolution; which was considered and agreed to:

S. RES. 78

Whereas 27 years ago a new era of providing emergency service was ushered in with the creation of the emergency 911 service;

Whereas the first emergency 911 service in the United States was developed by the independent Alabama Telephone Company, a member of the Continental system;

Whereas the Alabama Telephone Company chose Haleyville, Alabama, as the site of the first emergency 911 service in the United States;

Whereas Haleyville, Alabama, became the birthplace of emergency 911 service on Friday, February 16, 1968, when a demonstration call was made from Alabama Representative Rankin Fite of Hamilton, Alabama, at the Haleyville City Hall, to United States Representative Tom Bevill of Jasper, Alabama, at the Haleyville Police Department;

Whereas the historic first call began service that now serves the entire United States and has saved thousands of lives during the past 27 years; and

Whereas numerous men and women in the Haleyville area have conscientiously answered thousands of emergency phone calls during the past 27 years and have provided fast assistance as well as needed assurance to victims of accidents, crime, and illness: Now, therefore, be it

Resolved, That the President is requested to issue a proclamation designating February 16, 1995, as "Haleyville, Alabama, Emergency 911 Day" and calling on the people of the United States to observe the day with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BOXER (AND OTHERS) AMENDMENT NO. 240

Mrs. BOXER (for herself, Mr. LEAHY, Mrs. FEINSTEIN, Mr. BUMPERS, Mr. INOUYE, Mr. AKAKA, and Mrs. MURRAY) proposed an amendment to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

At the end of Section 5, add the following: "The provisions of this article may be waived by a majority vote in each House of those present and voting for any fiscal year in which outlays occur as a result of a declaration made by the President (and a designation by the Congress) that a major disaster or emergency exists."

HOLLINGS (AND SPECTER) AMENDMENT NO. 241

Mr. HOLLINGS (for himself and Mr. SPECTER) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, beginning on line 3, strike "That the" and all that follows through line 9, and insert the following: "That the following articles are proposed as amendments to the Constitution, all or any of which articles, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:".

On page 3, immediately after line 11, insert the following:

"ARTICLE—

"SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.".

JOHNSTON AMENDMENTS NOS. 242–243

(Ordered to lie on the table.)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 242

On page 3, between lines 3 and 4, insert the following:

"Section 7. The judicial power of the United States courts shall extend to any case or controversy arising under this Article.

"Section 8. Any person may commence an action for appropriate redress in any federal court of competent jurisdiction to enforce this Article."

AMENDMENT NO. 243

At the end of Section 6, add the following: "The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section."

JOHNSTON (AND OTHERS) AMENDMENT NO. 244

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR) submitted an amendment intended to be proposed by them to the joint resolution House Joint Resolution 1, supra; as follows:

At the end of Section 6, add the following: "No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section."

JOHNSTON AMENDMENTS NOS. 245–247

(Ordered to lie on the table.)

Mr. JOHNSTON submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 245

On page 3, between lines 8 and 9, insert the following:

"SECTION . Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees."

AMENDMENT NO. 246

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and insert "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the enactment of legislation specifying the means for enforcing the provisions of the amendment, which amendment".

AMENDMENT NO. 247

At the end of Section 6, add the following: "The judicial power of the United States shall not extend to any case or controversy arising under this article, except for cases or controversies seeking to define the terms used herein, or directed exclusively at implementing legislation adopted pursuant to this section."

BINGAMAN AMENDMENT NO. 248

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be propose by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 9 through 11, and insert the following:

"SECTION 8. This article shall take effect beginning with the later of the following:

"(1) fiscal year 2002;

"(2) the second fiscal year beginning after its ratification; or

"(3) the end of the first continuous seven-year period starting after the adoption of the joint resolution of Congress proposing this article during which period there is not in effect any statute, rule, or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts.".

FEINGOLD AMENDMENTS NOS. 249–250

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the joint resolution House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 249

On page 2, line 6 after "vote" insert: "or unless Congress shall provide by law that an accumulated budget surplus of not to exceed 1 percent of total outlays for a fiscal year shall be available to offset outlays to the extent necessary to provide that outlays for that fiscal year do not exceed total receipts for that fiscal year".

AMENDMENT NO. 250

On page 2, line 3 after "not exceed" insert: "99 per centum of".

LEAHY (AND OTHERS) AMENDMENT NO. 251

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, line 4, strike "is proposed as an amendment to the Constitution of the United States, which" and inserting "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and".

At the end of section 3, add the following: "The President shall include with the proposed budget a report detailing the impact of the budget on the economy and budget of each State.".

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I would like to announce the third in a series of hearings on regulatory reform before the Senate Committee on Governmental Affairs. This hearing, to be held on Wednesday, February 15, will provide a forum for various witnesses to discuss cost/benefit analysis, regulatory accounting, and risk analysis.

The hearing will be held in the Senate Dirksen Office Building, SD–342, from 9:30 a.m. to 12:30 p.m.

For further information, please call Paul Noe at (202) 224–4751.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT, AND COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

Mr. DOMENICI. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources and the Subcommittee on Energy and Water Development of the Committee on Appropriations.

The hearing will take place Tuesday, February 28, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the findings of the Task Force on Alternative Futures for the Department of Energy National Laboratories.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224–7933 or Judy Brown at (202) 224–7556.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources on S. 395, the Alaska Power Administration Sale Act, including title II, the Trans-Alaska Pipeline Amendment Act of 1995.

The hearing will take place on Wednesday, March 1, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, February 14, at 9:30 a.m., in SR–332, to discuss what regulatory reforms will help strengthen agriculture and agribusiness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, February 14, 1995, in open session, to receive testimony from the unified commanders on their military strategies, operational requirements, and the defense authorization request for fiscal year 1996, including the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 14, 1995, at 10 a.m. to hold a hearing on foreign policy overview and the State Department fiscal year 1996 budget presentation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 14, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, February 14, 1995, at 9 a.m. in Senate Dirksen room 226, on Federal crime control priorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be granted permission to meet Tuesday, February 14, 1995, at 2:30 p.m., to conduct a hearing on the Reauthorization of the Water Resources Development Act and the U.S. Army Corps of Engineers' fiscal year 1996 budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

STATEMENT ON THE INTRODUCTION OF S. 395, ALASKA POWER ADMINISTRATION SALE ACT

• Mr. STEVENS. Mr. President, yesterday, Senator MURKOWSKI and I introduced legislation to authorize and direct the Secretary of Energy to sell the Alaska Power Administration's two hydroelectric projects and terminate the Alaska Power Administration; and to permit the export of Alaskan North Slope crude oil carried on U.S. flag vessels. I urge my colleagues to join in support of this legislation.

For Senators who are less familiar with the Alaska Power Administration, it is a unit of the U.S. Department of Energy. The Alaska Power Administration has had the responsibility for operation, maintenance, transmission, and power marketing for the two Alaskan Federal hydroelectric projects, Eklutna and Snettisham, which were authorized to encourage economic and industrial development in Alaska. Congress never intended that Snettisham and Eklutna would remain under Federal control. And, as this is an issue that I have worked on for many years, I am glad that the present administration supports the Federal divestiture of these two projects and the termination of the Alaska Power Administration upon completion of the sales.

This legislation includes significant improvements over previous proposed legislation. The sales of the projects will proceed under the terms of two separate purchase agreements that provide and require transition plans for the Federal employees of the projects, including but not limited to Federal employee benefits for Alaska Power Administration employees, delineation of responsibilities of the purchasers and the sellers through the transition to new ownership, protection for nonpower users of project lands and water, and environmental management plans. Additionally, the projects, including future modifications, will continue to enjoy their exemption from the requirements of the Federal Power Act.

Our legislation will also amend the Trans-Alaska Pipeline Authorization Act to permit the export of Alaskan North Slope crude oil. As I have said before, this vital legislation will create jobs around the Nation and increase oil production in Alaska and California. It will also ensure the continued survival of the independent U.S. tanker fleet manned by U.S. crews, and thus enhance our national security while eliminating an injustice that for too long discriminated exclusively against the citizens of Alaska. With the administration's support, we intend to move this bill as quickly as possible to begin creating jobs, spurring energy production, and preserving our independent tanker fleet.

Congress enacted the original export ban shortly after the commencement of the Arab-Israeli war and the first oil boycott in 1973. The original intent of the law was to enhance energy security, but today it actually threatens our energy security by discouraging energy production and creating unnecessary hardships for the struggling domestic oil industry. In 1994, for the first time in history, more than half the oil used in the United States was imported. Imports in 1994 accounted for 50.4 percent of domestic demand, and it is the decline in domestic production that has led to higher imports. Most North Slope crude oil is delivered to the west coast, especially California, on U.S. flag vessels. The export ban drastically reduces the market value of the oil and creates an artificial surplus on the west coast. This depresses the production and development of both North Slope crude and the heavy crude produced by small independent producers in California.

Our legislation would go a long way toward helping to revive the domestic oil industry, create American jobs, and preserve our U.S. tanker fleet. In June 1994, the Department of Energy released a comprehensive report which concluded that Alaskan oil exports would boost production in Alaska and California by at least 100,000 barrels per day by the end of the decade. The Department also concluded that exports of this oil on U.S. flag ships would help create as many as 25,000 new jobs and generate hundreds of millions of dollars in new State and Federal revenues. Our legislation would require the use of U.S. flag ships to carry the exports, meaning that, in general, the ships which carry this oil today will continue to do so in the future.

Mr. President, I emphasize that this legislation will increase jobs for Americans. It will help small businesses by permitting the oil market to function normally. It will help keep U.S. seamen employed in a U.S. tanker fleet. It will slow the decline of production of North Slope crude oil and encourage production in California, which will, in turn, help to salvage our energy security. Finally, it will help to eliminate an injustice which has unfairly discriminated against Alaska's citizens for too long. We urge the administration to join with us to help move this legislation as quickly as possible.•

FIRST WOMAN PILOT IN SPACE

• Mr. MOYNIHAN. Mr. President, it is with great pleasure that I rise today to recognize the achievements of Air Force Lieutenant Colonel Eileen Marie Collins, a native of Elmira, NY. On Friday, February 3, Lt. Col. Collins became the first woman to pilot a NASA space shuttle. As pilot on the *Discovery*, Col. Collins' main duty was to operate and maintain the engines, battery-powered hydraulic system, and electrical system. As we all saw, the *Discovery* rendezvoused with the Russian space station *Mir*, another historic achievement on this flight. The *Discovery*'s 8-day flight is the first of eight missions NASA hopes to carry out this year.

Colonel Collins began taking flying lessons at the age of 19 while studying mathematics and science at Corning Community College, in Corning, NY. She holds a bachelor of arts degree in mathematics and economics from Syracuse University. After graduating in 1979 from Air Force undergraduate pilot training at Vance Air Force Base in Oklahoma, she became an instructor on T–38 and C–141 aircraft. From 1986 to 1989 she taught mathematics at the Air Force Academy and continued as a flight instructor. It was in 1990, while she was attending the Air Force Test Pilot School at Edwards Air Force Base in California, that NASA selected her to be an astronaut.

Now Colonel Collins joins the ranks of other astronauts from New York such as Mario Runco, Jr., and Ronald J. Grabe. I congratulate her for this great milestone in her career, and wish her success in all future endeavors.•

THE SURGEON GENERAL NOMINATION

• Mr. McCONNELL. Mr. President, as most of my colleagues know, I have generally held the view that a President is entitled to the nominees of his choice, and the Senate's constitutional role of advice and consent is an inherently limited one.

At least until the Supreme Court nomination of Judge Robert Bork, it seemed to me that matters of ideology and politics should not figure prominently into the Senate's calculation when it reviewed a President's nominees. That standard may have been irrevocably transformed by the still-painful memories of the Bork nomination, but I think it still applies to less consequential presidential nominations.

Now that the White House is embroiled in yet another embarrassing battle over one of its nominees, it is attempting to raise the specter of unfair, ideologically driven opposition. Caught in a self-made web of contradictory statements and blatant falsehoods, the administration is now asserting that concerns about Dr. Henry Foster, its nominee for Surgeon General of the United States, are motivated entirely by moral conservatism, all engineered by the "religious right."

This smokescreen is an insult to the intelligence of every Member of this body.

Since when are ACT–UP and the National Organization for Women considered rightwing zealots? Yet both these organizations have serious reservations about Dr. Foster's record. I imagine that the Democratic Senators who have expressed misgivings about this botched nomination would be amused to hear themselves described as hardline conservatives—agents of the religious right, no less. Yet that is what the White House wants us to believe.

Perhaps a little history is in order to set the record straight.

Ever since the President's nomination of Dr. Foster as Surgeon General, we have been subjected to yet another round of White House credibility bingo. When Senator KASSEBAUM first asked about Dr. Foster's abortion practices, the White House responded that he had performed only one. Then Dr. Foster announced that the number was "under a dozen." Then 55 and 700 abortions popped up in public accounts of Dr. Foster's research on abortion-related procedures. Now, Dr. Foster has called bingo at 39.

One doesn't have to be against abortion to find it troubling that a nominee can't get his story straight about how many of them he has performed. After all, we're not talking about how many M&M's the man has eaten in his lifetime.

But the White House credibility game gets worse. Last weekend, it was disclosed that Dr. Foster also performed experimental sterilizations on severely retarded women. Leaving aside the serious issues of privacy rights and medical ethics which these incident raise, it is again troubling that neither the White House nor its nominee found them significant enough to mention at the outset. Perhaps they hoped no one would find out.

Mr. President, more is at issue here than one nominee. Because of this administration, we are struggling to salvage the public respect and dignity of the position of Surgeon General. Over the last 2 years, our Nation has been forced to sit and watch as this once-respected office was made an object of ridicule by the actions and remarks of the previous appointee. We cannot allow that to happen again—before or after a nominee is confirmed.

The White House just can't figure out that the business of the Surgeon General is public health—not politics. It is about fighting serious diseases and health risks, not promoting some left-wing, politically correct agenda. After the embarrassing controversies and ultimate removal of Dr. Joycelyn Elders, one would think the White House had finally learned its lesson. But this is one administration that never quite seems to get it.

The Nation's advocate for public health does not have a large staff at his or her disposal, or a large budget. Instead, the primary asset which a Surgeon General must use in protecting the public's health is the public's trust. If a Surgeon General is regarded as untrustworthy or ill-equipped by the public, that Surgeon General will be unable to perform his or her job in any meaningful way.

That is why the issue of credibility is so fundamental to this particular nomination. And on the question of credibility, this nominee has a serious problem—one which has been compounded by severe incompetence at the White House. As stated in a February 10 editorial in the New York Times:

> Misleading statements by candidates for high position simply cannot be condoned * * *. [T]he Administration put out false information on the number of abortions performed by Dr. Foster * * *. [B]oth he and the Administration made it look as if their accounts were unreliable or designed to mask a more troubling history.

Rather than admit the plain facts, the administration now wants to turn this nomination into a holy war over abortion. That is a gross distortion of reality and an evasion of the White House's responsibility for its negligent handling of this nomination.

A number of Senators, newspapers, and outside interest groups—all of whom could be fairly characterized as pro-choice—have expressed deep concerns regarding this nomination, because of the credibility issue. In fact, I think it is fair to say that this nominee's problems have no more to do with abortion than Zoe Baird's problems had to do with antitrust policy.

We have had a number of controversial Surgeons General, some of whom I have disagreed with vehemently. But I have never seen, at least not since this administration, a Surgeon General who—by their own actions and statements—utterly squandered the public trust that is so essential to this job.

As I said at the outset, it is generally my approach to give the President wide latitude in appointing the various members of his administration. But with the facts that have come tumbling out about this nominee—many of them in direct conflict with each other—and given the excruciating history of the last Clinton administration official to hold this job, I must regrettably join with my colleagues who have called on the White House to withdraw the nomination immediately.

Every day that goes by will simply do more damage to a nominee who is, by all accounts, a decent and accomplished individual. What is more, every new report of withheld and false information will only serve to further erode the credibility of the office of Surgeon General, at a time when public esteem for the position is at an all-time low.

I think everyone in this body is ready to work with the President to find a new candidate for Surgeon General who would command the public's trust at the very outset. I may not agree with that new nominee on some issues, or even on most issues. But the point is to restore the integrity and dignity of the office, and that will require a nominee who comes untarnished by lapses in candor or allegiance to an extreme political agenda.

Playing the abortion card—as the White House is now doing so extravagantly—is merely a convenient dodge. The real issue is credibility: the credibility of the nominee, and the credibility of this administration.•

RETIREMENT OF REAR ADM. JOHN E. GORDON

• Mr. NUNN. Mr. President, on April 19, 1994, the Senate confirmed the nomination of Adm. Frank Kelso, the Chief of Naval Operations, to retire in grade. During the debate on the nomination, a number of Senators raised issues concerning Admiral Kelso's accountability with respect to matters related to the misconduct at the 1991 Tailhook Symposium. At one point, a Senator indicated that no one, other than a victim of the misconduct, lost his or her job as a result of Tailhook. In response, I noted that a number of individuals, including the Secretary of the Navy, resigned as a result of Tailhook.

In the course of my remarks, I stated that "the Navy JAG, the Judge Advocate General, resigned over this." I made that statement based upon the fact that the retirement of the Judge Advocate General was announced at the time that the Navy made public its initial reaction to the DOD inspector general's report on the Navy's conduct of the Tailhook investigations. Subsequent to my remarks, I have been informed by the Navy that the then-Judge Advocate General, Rear Adm. John E. Gordon, did not resign in response to the Tailhook report.

The Navy has advised me that Rear Admiral Gordon was appointed to be the Judge Advocate General on November 1, 1990, and was immediately scheduled for retirement on November 1, 1992, in accordance with prior Navy practice. Rear Admiral Gordon formally submitted his request for retirement on September 9, 1992, prior to the September 21, 1992 issuance of the DOD/IG report, and retired on November 1, 1992, in accordance with the date originally set in 1990. The Navy has further advised me that no official adverse action was taken against Rear Admiral Gordon.

To put this matter in perspective, the Navy has advised me that in the aftermath of the Tailhook matter, 29 Navy and Marine Corps personnel were punished under article 15 of the Uniform Code of Military Justice—nonjudicial punishment—and 3 flag officers received letters of censure from the Secretary of the Navy. Sixty Navy and Marine Corps personnel received nonpunitive administrative letters and 19 received informal counseling.

I appreciate the opportunity to clarify the record.•

MEXICAN LOAN COMMITMENTS RESOLUTION

• Mr. D'AMATO. Mr. President, I am pleased today to cosponsor with Senator MACK the Mexican loan commitments resolution.

As I stated on February 8, the President never should have circumvented the will of the American people to bail out a mismanaged Mexican Government and global currency speculators. I remain outraged that American taxpayers have been forced to do something they did not want to do. The President knew full well that Congress would never approve a $40 billion bailout. He never should have submitted to economic blackmail.

The President's use of $20 billion from our Exchange Stabilization Fund

[ESF] to bail out Mexico was unprecedented. This fund was intended to stabilize the dollar, not the Mexican peso or any other foreign currency. It is not the President's personal piggy bank. The President has now committed $20 billion of the approximately $25 billion the ESF has available for lending. Are sufficient funds left in the ESF to stabilize the dollar's exchange rate in the event of a crisis? What happens if Mexico defaults? Does the President propose to raise taxes or cut needed domestic programs to replenish the ESF?

The Banking Committee intends to hold oversight hearings on the President's use of the ESF to bail out Mexico. These hearings will address, among other issues: First, the President's legal authority to use the ESF to provide $20 billion in loans, loan guarantees, and other assistance to Mexico; second, the need for such assistance to Mexico; third, Mexico's compliance with the conditions imposed for United States assistance; fourth, the administration's monitoring of economic conditions in Mexico during 1994, including whether the administration or the International Monetary Fund [IMF] participated in Mexico's December 20 decision to devalue the peso; and fifth, lessons of the Mexican peso crisis, including the risk of similar crises occurring in other nations.

The Mexican loan commitments resolution expresses the sense of the Senate that Congress must receive sufficient information to judge the success or failure of the President's Mexican adventure. This resolution urges the Secretary of the Treasury to provide the Senate Banking Committee with monthly information on: First, economic conditions in Mexico, and second, Mexico's use of the funds it obtains from the ESF and IMF. The Secretary now submits a monthly ESF financial statement to the Senate and House Banking Committees.

Mr. President, in a February 9 letter to me, Secretary Rubin expressed a willingness to provide some additional information to the Banking Committee on Mexico's economic condition, and Mexico's use of our assistance. I ask that the Secretary's letter be included in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The purpose of this resolution is to detail the information that the Senate believes the Secretary must submit to allow the Banking Committee to monitor the President's extraordinary use of the ESF to aid Mexico.

The resolution urges the Secretary to provide the Banking Committee with information on:

The activities of the Mexican Central Bank, including the reserve positions of the Mexican Central Bank and data relating to the functioning of Mexican monetary policy;

The implementation and extent of wage, price, and credit controls in the Mexican economy;

Mexican tax policy;

Planned or pending Mexican Government regulations affecting the Mexican private sector; and

Any efforts to privatize public sector entities in Mexico.

This information will allow the committee to determine whether Mexico's Government has instituted the tight money and free market reforms needed to improve its economy.

The resolution further asks that the committee be provided with a full disclosure of all financial transactions, both inside and outside of Mexico, directly involving funds disbursed from the ESF or the IMF. This information will allow the committee to determine whether these funds are being used to strengthen the peso or to refinance Mexico's debt. As Senator BENNETT urged last week, these funds should be used to extinguish excess pesos not to bail out speculators in Mexican tesobonos.

Finally, this resolution asks that the committee be informed of any consultations involving Mexico between the Untied States Department of the Treasury, the IMF, and the Bank of International Settlements. This information will assist the committee in evaluating the success of the multilateral effort to aid Mexico.

Mr. President, I hope my dire predictions about the President's use of the ESF to aid Mexico turn out to be wrong. I hope that Mexico prospers, and that American taxpayers are not left holding the bag.

Mr. President, I strongly urge passage of the Mexican loan commitments resolution. The information specified in this resolution will allow Congress to blow the whistle if Mexico fails to live up to its commitments—to stop the peso press, to balance its budget, and to privatize. We must protect American taxpayers, not badly run foreign governments.

EXHIBIT 1

SECRETARY OF THE TREASURY,
DEPARTMENT OF THE TREASURY,
Washington, DC, February 9, 1995.

Hon. ALFONSE M. D'AMATO,
Chairman, Senate Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR D'AMATO: In your floor statement of February 8, you called on the Department of the Treasury to provide the Banking Committee with monthly information on (i) economic conditions in Mexico, and (ii) Mexico's use of the funds it will obtain through our support package. As you know, the Treasury Department presently submits a monthly report to the House and Senate Banking Committees on Exchange Stabilization Fund (ESF) operations. We are happy to supplement this monthly report with the information you requested. The report will also provide a detailed picture of developments in Mexico, as well as an analysis of Mexico's compliance with our agreed economic terms and conditions. This information will enable the Congress and the American people to review actions we are taking in America's interests to deal with Mexico's financial situation.

Let me assure you that we fully share your concerns about the need to ensure Mexico's proper use of our support.

To that end, Mexico has already agreed to meet a tough set of economic conditions imposed by the IMF as a requirement for accepting support from the Fund. These include strict monetary targets that will hold Mexico to negative real monetary growth, and disciplined fiscal targets that will move Mexico to budget surplus. In addition, the Mexicans have committed themselves to pushing forward with their privatization program and further opening their economy.

Our own framework agreement with Mexico will take the IMF program as a base. But we will also require the Mexicans to agree to additional obligations, over and above those imposed by the IMF, to protect our own resources. We will insist that Mexico take steps to assure the independence of its central bank. Moreover, we will require far greater transparency and regular reporting on Mexico's financial condition and policies. We will further ensure Mexico provides us with the data we need to determine independently whether Mexico is complying with our conditions and the IMF's conditions. Let me emphasize to you that we will preserve the right to halt our support program if we conclude that Mexico is not cooperating, or if we judge that Mexico's economic situation is deteriorating.

Please let me know if I or my staff can be of any further assistance.

Sincerely,

ROBERT E. RUBIN.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise today to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 7 people were killed by firearms in New York City, bringing this year's total to 75.

With over 16,000 murders by gunshot nationally each year, we obviously have a long way to go in our efforts to curb the plague of gun violence. To be sure, we've made some progress, particularly with passage of the Brady law and the recent ban on semiautomatic assault weapons. Unfortunately, there is a powerful lobby working against us. If any one doubts this, they need only look at the most recent congressional elections. The National Rifle Association's $3.2 million campaign to defeat targeted congressional candidates proved successful in 19 of 24 races.

We must continue to fight the gun lobby. Efforts at the national level will continue to be difficult, and we must enlist the help of States and localities. Indeed, some States and localities have already taken important steps. Last year, for instance, the city of Chicago became the first in the Nation to ban the sale of all handgun ammunition. In addition, as reported in a New York Times article late last year, police departments in two other cities, Indianapolis and Kansas City, have mounted successful campaigns to rid their streets of guns. Simply by vigorously enforcing infractions of the law that give them the legal basis to search individuals, police in these two cities have confiscated an impressive number of illegal guns. In the first 3 weeks of the program in Indianapolis, special police teams seized an AK-47 rifle, a Mac 10 semiautomatic weapon, a Glock 19 semiautomatic pistol, and a host of other illegal guns. In Kansas City, which has already completed a 6-month gun-interception experiment, gun-related crimes declined by almost 50 percent in the area in which the program was implemented.

These are by no means novel approaches. In fact, New York City's Police Commissioner William Bratton adopted similar methods when he headed the city's transit police. In an effort to crack down on the thousands of fare-evaders on the city's subway system each day, Bratton directed sweep teams to apprehend these illegal passengers. As it turns out, 1 in 20 of those passengers carried illegal weapons. The resulting arrests led to a 48-percent decline in subway crimes.

I commend the efforts of the cities of Chicago, Indianapolis, and Kansas City to the attention of Senators, and I hope the Senate will consider gun control and ammunition control legislation in the near future.•

RULES OF THE COMMITTEE ON SMALL BUSINESS

• Mr. BOND. Mr. President, pursuant to Senate, rules, I ask unanimous consent that the Committee on Small Business' rules for the 104th Congress be printed in the RECORD at this time.

The Committee rules follow:

COMMITTEE RULES

(As adopted in executive session January 11, 1995)

1. GENERAL

All applicable provisions of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the Committee.

2. MEETINGS AND QUORUMS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chairman. All other meetings may be called by the Chairman as he deems necessary, on 3 days notice where practicable. If at least three Members of the Committee desire the Chairman to call a special meeting, they may file in the office of the Committee a written request therefor, addressed to the Chairman. Immediately thereafter, the Clerk of the Committee shall notify the Chairman of such request. If, within 3 calendar days after the filing of such request, the Chairman fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chairman is not present at any regular, additional or special meeting, the Ranking Majority Member present shall preside.

(b)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments. 132 Cong. Rec. §3231 (daily ed. March 21, 1986).

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee.

(c) Proxies will be permitted in voting upon the business of the Committee by Members who are unable to be present. To be valid, proxies must be signed and assign the right to vote to one of the Members who will be present. Proxies shall in no case be counted for establishing a quorum.

3. HEARINGS

(a)(1) The Chairman of the Committee may initiate a hearing of the Committee on his authority or upon his approval of a request by any Member of the Committee. Written notice of all hearings shall be given, as far in advance as practicable, to Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chairman and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact if a quorum be present as specified in Rule 2(b).

(2) Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such, Committee staff as is authorized by the Chairman or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least 48 hours in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chairman and the Ranking Minority Member.

(c) Witnesses may be subpoenaed by the Chairman with the agreement of the Ranking Minority Member or by consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting. Subpoenas shall be issued by the Chairman or by any Member of the Committee designated by him. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda, documents and records shall identify the papers required to be produced with as much particularity as is practicable.

(d) Any witness summoned to a public or closed hearing may be accompanied by counsel of his own choosing, who shall be permitted while the witness is testifying to advise him of his legal rights.

(e) No confidential testimony taken, or confidential material presented to the Committee, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted voluntarily or pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members of the Committee.

4. SUBCOMMITTEES

The Committee shall have no standing subcommittees.

5. AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended: provided, however, that not less than a majority of the entire Membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.•

ORDERS FOR WEDNESDAY, FEBRUARY 15, 1995

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Wednesday, February 15, 1995, and that following the prayer, the Journal of the proceedings be deemed approved to date and the time for the two leaders be reserved for their use later in the day; that the Senate immediately resume consideration of House Joint Resolution 1, the constitutional amendment to balance the budget.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

PROGRAM

Mr. INHOFE. Mr. President, for the information of all Senators, votes are expected to occur throughout Wednesday's session of the Senate, with the first vote occurring possibly as early as 10:30 a.m.

In addition, it may be necessary for the Senate to remain in session into the evening in order to make progress on the pending balanced budget amendment.

ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senator INHOFE recognized to speak for up to 45 minutes; and that following the conclusion of the Senator's statement, the Senate stand in recess under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 11 ARGUMENTS IN OPPOSITION

Mr. INHOFE. Mr. President, last Sunday I had occasion to be attending church at the First Presbyterian Church in Tulsa, OK, which is not unusual since I was married in that church 35 years ago. Dr. James Miller, who is the head minister there, preached a sermon on Matthew 28, verses 16 and 17.

For somebody who may not remember that last chapter of Matthew, it was after Christ had been crucified and had been resurrected. During that timeframe, there were some women who said that they had seen Christ somewhere around the hills above the Sea of Galilee, so they told the disciples to go up there and they could find the living Christ, who had surely arisen. So 11 disciples went up. Those 11 disciples saw Christ with their own eyes. They heard him with their own ears, and still they doubted him.

It occurred to me if such incontrovertible truth could have been doubted by the disciples back then, then maybe we have been worrying too much about the American people. Because certainly if they doubted truth like that, then the American people would see through the phony and transparent arguments against the balanced budget amendment.

So I went home and I got the Congressional RECORD out. I do not think many Members of Congress of either House spend a lot of time reading the CONGRESSIONAL RECORD. I know I do not. But I did that morning. I looked up to find the 11 strongest arguments that were made in opposition to the balanced budget amendment.

I decided I would have one argument for each of the disciples. That seemed to be a reasonable thing. Most of these were arguments that were articulated by the very gifted Senator from West Virginia, [Mr. BYRD].

I would like to run over these arguments, the 11 arguments, that have been used over and over and over again in opposition to the passing of the balanced budget amendment to the Constitution.

The first one, which I will read verbatim is:

> Proponents have refused to lay out a detailed plan to get to a balanced budget. How can you tell if it will be good for the country if you do not know the details?

Well, I know we have already voted on that amendment, and we were able to successfully table the amendment. But what we can tell and what we do know is that the status quo is bad for the country. Continuing business as usual, doing nothing, just keeping on doing the same thing we have been doing for the past 40 years, is not going to work, and the public is not demanding a detailed plan.

I think that is very significant. We hear so much about, "Tell us exactly what you are going to do. Tell us where you are going to cut. Tell us, play by play, what is going to happen in the next 7 years." They are not asking about that. That is not what this amendment is all about.

What we do not realize, many Members, is that this is really, truly a historic time in America. When we think about the other historic decisions that were made throughout the history of this country, they were never followed by detailed plans.

We can remember so well when John Fitzgerald Kennedy made a commitment that within a decade we would put a man on the moon. Now, I think there may have been some around that time that said, "Show us how you will do it. We do not want to make that commitment. We do not know what it will cost. We do not know how to do it. We need the details."

But at that time, the rockets were not built. The astronauts were not named. There were not any spacecrafts designed. No one could say exactly how to do it. Yet, following the same line of reasoning, we would say that we would have expected President Kennedy to have said: All right, on February 20, 1962, we are going to get an astronaut by the name of John Glenn to orbit the earth three times. Then, 3 years later, on December 15, 1965, we will go get a great Oklahoman named Tom Stafford, along with Wally Schirra, and they are going to achieve the first rendezvous in space between Gemini 6 and Gemini 7. Then, 3 years later, Christmas of 1968, we are going to have the first manned lunar orbit by Apollo 8 spacecraft. Three astronauts are going to go up and they are going to read aloud from the Book of Genesis. And then, finally, on July 20, 1969, we will have two astronauts, Neil Armstrong and Buzz Aldrin, that are going to land and walk on the moon.

No one believes that that is a reasonable request, that he should have done that.

Some Members in this Chamber are old enough, as I am, to remember when Franklin Delano Roosevelt declared war in the Axis powers, and that threat that was out there—and there were many people in Congress at that time who did object to it, who did not want to go to war, who did not think it was necessary. They actually did ask for the plan at that time.

How could he have given any details? Could he have said that on June 6, 1944, we are going to send 156,000 troops into Normandy onto five beaches? Then, 6 months later, December 26, we will time this to the day after Christmas, we will have the Battle of the Bulge, and General Patton will send his third army in and do their thing. And then, finally, on August 6, 1945, if you declare war with me, we will drop an atomic bomb on Hiroshima, and I think we will use a B–29 to do that, and we will name it the Enola Gay.

Now, all Senators know that that is not reasonable. Yet, that is the way we went into war, and there were people expecting more details than we were able to give them at that time. I suggest, Mr. President, that this is war that we are in the middle of now. We have been waiting for this time, this opportunity, for 40 years. It is here. We must seize this opportunity.

The second objection that was made by the very distinguished Senator from West Virginia was that proponents want to treat people like children, hiding the hard truth from them.

Well, now, I take exception to that, because I have four children. I never hid the hard truth from them. I remember once, when my number two child, whose name is Perry, was a very small child, and he looked a little bit like this guy here. We got him his first bicycle and we live in kind of a hilly neighborhood, and we taught him to balance. He was so excited. Finally, he was ready to go all the way around the block, and he came back to his home in triumph. He was sweating; he was hot. He came up to me and said, "Dad, I wish the whole world was downhill." So I told him the hard truth is the whole world is not downhill. The world is uphill and downhill. And I never hid the truth from them. The hard truth is that continuing business as usual will lead to disaster, procrastinating and avoiding the problem, acting like it does not exist. It is time for our country to grow up into this stage of maturity where it understands the significance on what we are to embark. The hard truth is the world is not all downhill, you have to pedal uphill. The balanced budget amendment is not going to be easy—it will take sacrifice—but we have to do it for our children.

The third argument that was made was that proponents say they are tired of Washington telling people what to do, the Washington-knows-best mentality, but the balanced budget amendment is the ultimate Washington mandate. No, Senator, you have it backward. Those who oppose the balanced budget amendment, who have been running things in this town for the last 40 years, they are the ones with the Washington-knows-best mentality. They have continued business as usual for the past 40 years, in spite of the fact that 70 to 80 percent of the people in America want a balanced budget amendment to the Constitution.

You might wonder, why do they want a balanced budget amendment to the Constitution? Why can they not just say, "Let's elect people who are going to balance the budget?" It is because for 40 years we, in this body, have demonstrated very clearly that we are incapable of balancing the budget.

I cannot remember one person that I have seen campaigning in the years I have been in politics who said, "Elect me and I want to go to Washington, I am going to spend more money and raise taxes and we are also going to raise the deficit and increase the national debt." They never campaign on that. And yet when they get here, that is what they do.

That is what the last election was all about. Those who stood up in the last election and caused the revolution of November 8, as it has now become familiar with most of the people, have done so because they know that the time is here and those standing in the way, like the Senator that is making these statements, are saying that they know better than 70 or 80 percent of the people know.

In a way, though, he is right, the balanced budget amendment to the Constitution is a mandate, but it is a mandate on Congress that says, "Do what you are elected to do but whatever you do, you have to balance the budget by" a certain date, which happens to be the year 2002.

What this would do is force Congress to do what it should have been willing to do without being forced to do. We had a Congressman in the State of Oklahoma that used to take exception to me when I talked about passing a balanced budget amendment to the Constitution. He would say, "Why? That is what we are elected to do, we are supposed to do that." The point is, for 40 years, we have demonstrated that we are incapable of doing it and we have not done it.

Argument No. 4 was that proponents of the balanced budget amendment are saying swallow the snake oil but do not read the label. In fact, there is no label.

The problem, I say to that Senator, is we have been swallowing the snake oil now for 40 years and every year they have been buying votes by spending the taxpayers' money on program after program. But where was the label that ever warned that if you keep spending money like this our future generations are going to have to pay for it?

The problem is the politicians never told us how their well-meaning spending programs would affect the future generations and put us on the brink of bankruptcy. The day is here and the public is demanding change.

If anybody has to swallow the snake oil, I rather it be us and not our children and grandchildren.

The fifth argument that was used is all these Governors who are boasting about cutting taxes in their States should know that the balanced budget amendment will require them to impose huge State tax increases.

That is simply not true, and we hear this over and over again and yet, why do the majority of the Governors of the States throughout America want a balanced budget amendment to the Constitution? If what the Senator says is true, they would not, but they know that they are in a position to cut tax rates, to encourage economic growth and to actually do something about increasing revenue through economic activity.

This is exactly what happened in the 1980's. I stood on the floor today and I watched four Senators refute the fact that in the 1980's we increased revenues by cutting taxes. In fact, they stood up and they said, "Look what happened in the 1980's. Reagan came along and he cut taxes and we had huge deficits as a result of it."

Let us look at what happened in the 1980's. In the 1980's, yes, we did cut the tax rate. We had the most devastating cuts that we have had in contemporary history. The total revenues after those cuts—keep in mind the marginal rate, the top rate, went from 70 percent down to 28 percent, and what happened as a result of that? We dramatically increased revenues because people were free to participate in the profits that they could make that they knew the Government was going to let them keep. So we lowered the rate and we increased economic activity and we increased revenues. This all happened in the 1980's.

In 1980, the total revenues generated for the Federal Government amounted to $517 billion. In 1990, after all of these cuts, the total revenues had grown to $1.31 trillion, almost double. And look at the income tax. That is where all the cuts took place, capital gains tax and income tax. The total gross revenues that were derived from the income tax of 1980 amounted to $244 billion. In 1990, it was $466 billion. It almost doubled, and that is after the greatest tax cuts in the marginal rates.

And yet people in this body will not understand that. They do not understand that America was founded on a principle that if you go out and work harder, you are able to keep that which you have earned and pass it on to future generations. It is no wonder when you look at some of the leaders of this country; look at Laura Tyson. Laura Tyson, in case some are not familiar, was chief economic adviser to the President of the United States. Laura Tyson was quoted in 1992 in the Wall Street Journal as saying, and I am going to read this quote because I do not want to get it wrong, and I may read it twice because it is hard for people to understand that this actually was a person in this kind of a position who would make this statement. Listen to what she said:

> In direct contradiction to 12 years of Republican ideology, there is no relationship between the level of taxes the Nation pays and its economic performance.

No relationship between the level of taxation—in other words, you could raise the level of taxation to 100 percent so that a person would not be able to keep anything and that person would end up having to take nothing home and would still be motivated to risk his capital to go out and participate in this great economic system.

It is just not true. But we have top leaders in this country that are saying it is true. It is just incredible to believe that this could happen. We had two Senators from North Dakota today that said, "Look what happened in this country during the 1980's: We cut taxes and the deficits went up." Do you know why the deficits went up, Mr. President? They went up because people in this body and the body down the hall kept increasing Federal programs, kept spending more money, and as more and more money came in, as the revenues doubled between 1980 and 1990, they still insisted on raising the number of programs and Government expenditures to the point where the deficits went on up and up and up and up.

The balanced budget amendment will require the rate of increase in Federal spending to be slowed, we know that, but it does not mean that any programs actually have to be cut.

And all the scare tactics—they are calling veterans and saying your benefits are going to be cut, your COLA's are going to be cut. They are calling Social Security recipients and telling older Americans—what an inhuman thing to do to them—telling them their Social Security is going to be impaired, their Medicare is going to be impaired and that just is not true. Those who are saying it know it is not true.

There was a study made a couple years ago and updated the other day, that said if you take the Government programs we have in place today and increase these Government programs by 2 percent a year—in other words, put growth caps on—have every Government program increase by 2 percent a year, we would be able to balance the budget by the year 2001, and that is without cutting one program.

We know in reality it would not happen that way because there are some programs that are good programs and maybe they should increase, but the average would have to stay down within that growth cap. And that is realistic. That is something that can happen. And the people of America understand this. The States understand this. Three-quarters of the States right now are just waiting, just waiting to be in a position to ratify this amendment.

Objection No. 6 was that the balanced budget amendment is a pig in a giant poke. I am not sure what he is talking about. Maybe you know what it means, Mr. President, but I am not sure I know. But if it means that a pig in the poke is something bad that is made to look like something good, and if that is true, then the chronic deficits as far as the eye can see are the real pig in the poke.

I had an experience the other day. I got a call from a young lady who is a brilliant intellectual. She instructs at the University of Arkansas, coincidentally, the home State of our President, and yet she is a conservative intellectual scholar. Her name is Dr. Molly Rapert.

Anyway, I got a call and she said, "You know, Senator, I know something about pigs."

Well, now, for those of you not familiar with Arkansas, it is the home of the Arkansas Razorbacks, and so they kind of use pigs and hogs and razorbacks interchangeably. And she said, "I know something about pigs. And if there are pigs in a poke, then those pigs are in Washington and they are the ones that are at the trough eating all that is out there, raising the deficit, increasing spending. Those are the true pigs in the poke." And that comes from someone in academics, a very bright young lady.

It is kind of interesting because it was not long ago I had a conversation with the young lady and she made a reference that an awful lot of people her age are not having families because they know if they have families, those families are going to be born into an environment where children are going to have to pay, according to the CBO, 82 percent of their income in taxes. And I can understand that. Why give birth to someone who is going to be enslaved working for the Government?

The other day at the National Prayer Breakfast, I was entertaining international visitors that came in, and there was one from one of the Baltic States who said, "How much money can you keep of the money that you earn?" And I said, "Well, you keep about 60 percent of it." And that was just kind of somebody I grabbed out of the air. He said, "That's wonderful." He said, "Did you know in my country we can only keep about 20 percent of it?"

Mr. President, if we do not do something to change the course we are on, the young people like Dr. Molly Rapert are going to give birth to children who will have to pay 82 percent of their income in taxes, more than in that Baltic country that was represented here at the National Prayer Breakfast. But I can say to the Molly Raperts and others around, do not worry about it. It is time to have families because we are going to pass this balanced budget amendment to the Constitution and we are going to downsize Government. The time is here to do it.

The next statement that was made by one of the Senators on this floor that I pulled out of the RECORD was, "The balanced budget amendment will give the politicians license to cut and slash and burn needed programs."

If you change one word in that sentence and substitute the word courage for the word license, it would read this way and I would agree with it: "The balanced budget amendment will give the politicians courage to cut and slash and burn programs that we are currently paying for."

You stop to think about the amount of money that is thrown around in this Government that we could save. Right now we are talking about bailing out Mexico. We have a President of the United States who unilaterally said that we are going to spend as much as $40 billion bailing out Mexico. And then we find out that most of the money is not going to go to Mexicans when they need it; it is going to go to creditors.

It happens that the President of Mexico prior to this President, Carlos Salinas, did a very fine job; he did a lot to stabilize the economy, so all of a sudden we had European investors, multinational banks—we had investors from all over the world that heretofore would not invest, would not buy Mexican debt and now they are doing it. And they are getting paid high interest rates for it. All of a sudden something happened to the economy down there. They looked at dear old America, and we have a President—I just heard something today. That figure dropped down to $20 billion. It may be back up to $40 billion of our taxpayers' money could be impaired to bail out Mexico.

How many people in America know that it was not long ago, the 21st of October, that the President of the United States unilaterally said to North Korea, we are going to offer up to $4 billion of our American dollars to help you with a light water reactor because you promise you are going to get out of the nuclear business and we want to help you do it—$4 billion. In the meantime, until you get it built, we are going to give you $25 million worth of crude oil between now and the time that it is built. This is taxpayers' money we are talking about. How recklessly it is handled.

Back in the real world, I had a number of businesses. I was in real estate development, insurance, and I was also in aviation, and here a couple years ago I had the honor of becoming the first Member of Congress—I was serving in the other body at that time —to fly an airplane around the world—at his own expense. And so I did, and we went across, to follow the tracks of a very famous aviator from Oklahoma. His name was Wiley Post. Some may remember, Mr. President, he was the one with the patch over one eye and you wonder how could he be such a good pilot with one eye.

Anyway, he flew the *Winnie Mae* around the world, and we were celebrating in Oklahoma, since he was one of our two famous Oklahomans that we are very proud of. I was going to retrace his tracks, and I did. We went across Siberia, at a very unique time in history, that is, when it was still the Soviet Union but the wall was down so we were able to go places that no one from the United States had been in 60 years since Wiley Post was there 60 years ago.

One place right here was Sovetski, Sovetski in Northwestern Siberia. Sovetski is so remote that in northwestern Siberia they still harness reindeer as their primary mode of transportation. I landed there. I saw one man who had not seen an American in 60 years since he saw Wiley Post there 60 years ago. And I spent a night there. They live in the communes we hear about. It was a beautiful, big, log structure. They all not only slept in the same big room; they ate in the same kitchen at the same table out of the same bowl. We think, well, how barbaric that is by our standards. These are the happiest people I ever saw. It is so remote in Sovetski that they never got into anti-American propaganda. They did not know we were ever bad guys.

And so we rejoiced together, made new friendships, and I spent the night in that same room, ate from the same bowl with them. I never saw a happier bunch of people in my life up in Sovetski in northwestern Siberia. That was in July and the snow was on the ground then.

We got back, and it was not more than a month later we had a bill that was going to take care of the housing needs in Russia, in that former Soviet Union. I looked at it, and I saw that a lot of that money was going to a little village called Sovetski in northwestern Siberia to help them with their housing needs.

Now, first of all, how presumptuous of us to say that those people in Sovetski would want to change and adopt our way of life. They are perfectly happy doing what they have done for a thousand years there, and they were doing quite well, I thought. And yet we are going to spend thousands and thousands of American taxpayer dollars to help those poor people in Sovetski that were so happy.

Wiley Post was the one who was flying the airplane when the other famous Oklahoman, Will Rogers, was killed. It crashed at Point Barrow, AK.

I think that Will Rogers is one of the great philosophers of history and I will read a quote from Will Rogers. Keep in mind, this was in 1934. He said: "Lord, the money we do spend on Government. And it's not one bit better than the Government we got for one-third the money 20 years ago."

Do you know what the total budget was that year, in 1934? Mr. President, $6.5 billion is what it cost. And that was three times more than it was 20 years before that. So we keep growing and growing and spending and spending and we do not have to do that.

There is no group that comes into our office that tells us to spend less money. A study was made the first year I was in the other body, which was 1987. And they analyzed and they talked to everyone when they came in the door of one particular Representative's office, and they did that for the entire year. They found out that 95 percent of the people who walk across the threshold of a congressional office are walking across to talk to the Congressman or the Senator to convince him or her to spend more money on a program. There is nobody out there coming in saying we want you to spend less money; it is to spend more money. So the people who stay here in Congress year after year and decade after decade, they get to thinking those are real people who are coming in. They do not realize the people out in America, real America, do not want that type of thing.

It is not the lobbyists and the individuals who come in who want money for a particular cause that are destroying us. It is the Congressmen in the House, and Senators in the Senate, who are voting for these massive increases.

The balanced budget amendment will work. In the State of Oklahoma it worked. We put it in in 1941. I went back and read some of the debate on the floor of the State senate in Oklahoma when we were installed, and some of the same arguments we are using here today they were using in 1941 in the State legislature. While liberals in the State legislature fight it every time, every year they try to figure out ways to get around the balanced budget amendment in Oklahoma, they cannot do it.

Several of my liberal friends came up to me over in the other body when we were considering this a couple years ago. They said, "You know, Inhofe, I have to vote against the balanced budget amendment but I sure hope you get it passed."

I said, "Why is that?"

They said, "That gives us an excuse so when people come in and they want me to vote for a program that I know I should not vote for, I can say, 'If it had not been for those guys passing the balanced budget amendment I would do it.'"

I know it is difficult to cut down the size of Government. One of my heroes in politics—and I think many Republicans share my notion about this man—was Ronald Reagan. I remember a speech that Ronald Reagan gave way back in 1964. I have often said that speech should be required reading for young people who are coming into the marketplace and into the society. One of the things he said in that speech I remember so well was, "Immortality—there is nothing closer to immortality on the face of this Earth than a Government program once installed."

That is true, because Government programs come along, at least theoretically, to take care of problems that exist in the country. If we have an environmental problem they form a Government agency and that Government agency comes in and says we are going to go ahead and take care of this problem. Then, when the problem goes away, the Government agency stays.

I had an experience many years ago, back in 1978. I was elected to be mayor of the city of Tulsa, a city of about a half-million people. I decided to conduct an experiment. Those cities that were large cities—they used the benchmark of 250,000 people—large cities at that time had a tendency to double in size every 5 years. I thought, why is this? What is the very nature of the bureaucracy? Bureaucracies want to grow.

I was on a radio talk show tonight and they talked about zero-based budgeting. Sure, great idea. The problem is, your bureaucrats will merely take a zero base, justify the budget they spent last year, and then come up and say why they need to spend more this year. It is a status symbol for bureaucrats to grow. They do not want to get small; they want to grow.

Anyway, I was the mayor of the city of Tulsa and I remember I was going to try to cut down the size of government. I knew there was a lot of waste so I found people who were inefficient or were not performing a function and I would fire them. A couple of weeks would go by and I would see the same people in the elevator. I would say "I thought I fired you," and they would say, "Well, you did, but I have been reinstated."

Back then I found you cannot fire people for inefficiency in government. I developed a program and started defunding agencies and got them all. It worked beautifully.

No. 1 was a public television station. I never will forget, when I was first elected a guy came up to me and said, "Congratulations, Mayor Inhofe, on your overwhelming victory. We are looking forward to having you as mayor of the city of Tulsa. When would you like to have Inhofe Hour? Every month? Or every week? Or every day?"

I said, "What is Inhofe Hour?"

He said, "That is when we take your programs and we put it on television, on cable. We have designated a time for that purpose, and the people out there can know what your program is, what you are trying to do as mayor of Tulsa."

I said, "You are using taxpayers' money to propagandize the taxpayers."

They said "I guess it's that way."

I said, "I do not want the Inhofe Hour every month and I do not want the Inhofe Hour every week or every day. As a matter of fact, I am going to defund you."

And I will never forget, across that screen for several weeks was, "Call the mayor's office. They are trying to shut the doors of government."

But you see, we did it anyway and it worked. We went through 5 years of holding government stable in terms of the size and the cost of government and expanding services at the same time. If you can do it in Tulsa, OK, and you can have a balanced budget amendment in the State of Oklahoma, you can certainly do it in our Federal Government.

The eighth statement that was made was, "Senators are sent here to make intelligent and well-informed decisions on the people's behalf. How can they do that without the details?" They are bringing up that same argument again and again.

They do it by looking at the record of the last 40 years. Nobody gave us the details when 40 years ago we started spending money that future generations are going to have to pay back. No one give us any details when we ran up a debt of $4.8 trillion. All they told us was the great things they were doing by opening the Federal Treasury, time and time again. Now we find a crisis which threatens the future, especially that of our children.

The balanced budget amendment is not a fly-by-night thing. It is not something that just was thought of recently. It is something that has been with us for a long time. I think someone may have already said this on the floor during this debate. Keep in mind, we are in the 12th day of debating the balanced budget amendment, the same one that passed the other body over there in 2 days.

Someone, I think, already mentioned the fact that a great Democrat, Thomas Jefferson, many years ago was not here, as many thought he was, during the construction of the Constitution. I believe he was in France at the time. When he got back over here he made a statement and said that if I could have one thing I would improve in this great document, the Constitution of America, it would be a mechanism that would prohibit Government from borrowing money. That was Thomas Jefferson.

It has been around for a long time. The first time I was exposed to the balanced budget amendment was many years ago when there was a very conservative and well-known U.S. Senator from the great State of Nebraska by the name of Senator Carl Curtis. Carl Curtis had an idea. Carl Curtis said, "What we need to do is get the point across to the people in Congress, in both Houses of Congress, that Americans want to have a balanced budget amendment." He said, "I have devised a way to do it and, State senator out in Oklahoma, I want you to help me." He came out in Oklahoma and this is what we did. We put together a program where we would preratify—since it takes three-quarters of the States to ratify the Constitution—we would preratify it by passing a resolution saying we are ratifying it the second it passes the U.S. Congress.

We started the first one in Oklahoma. I introduced the resolution. It says: We hereby ratify the balanced budget amendment that will be passed in the U.S. Congress. In fact, this is the first one that was there. There was a guy, Anthony Kerrigan, who was a syndicated columnist at that time. He wrote a column—this is 22 years ago. He called it "A Voice in the Wilderness."

> Way out in Oklahoma the State senators have found a way to balance the Federal budget.

By the way, that was 1972. The total debt in 1972 was $240 billion. I remember when the National Taxpayers Union, or one group like that, they had an ad on television. They were trying to impress upon the people of America how significant $240 billion was. That was our debt at that time. Today it is $4.8 trillion. It was $240 billion. So they took $100 bills and started stacking them up until they were the height of the Waldorf Astoria. That was a high building in those days. That was to impress upon people how significant it was that our debt had reached the level of $240 billion. The deficit that year, by the way, was $15 billion.

I hope that if nothing else is accomplished from the debate that is taking place in both bodies on the balanced budget amendment, that the people of America are now so much better informed as to what is really going on when we talk about the deficit and the debt. We are talking about two different things. They are hardly related to each other because the deficit increases the debt.

Let me get to the ninth argument. I want to expand on that in just a minute. This was a rather long argument that was made. Argument No. 9:

> The proponents talk of the balanced budget amendment, talk about the public opinion. Years ago Talleyrand said, "There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state, present or to come."

But this is true only to the extent that public opinion is informed opinion. In the case of the balanced budget amendment public opinion is not informed. Even Senators do not know the details.

I see this as an insult to the people of America because people are informed. But you know, he was right when he said that there is more wisdom in public opinion than there is to be found in all of the great leaders. But this is not about details. This is about responsibility. I would submit that Talleyrand was right. There is more wisdom in public opinion than is to be found in the President, the Vice President, the entire Cabinet, and all of the rest of the ministers of the Clinton administration along with the Democratic Party who are all out lobbying against the passage of the balanced budget amendment to the Constitution.

The fact is the public is informed. People know that we cannot get serious and have a discussion about details unless we first make the commitment that we are going to pass a balanced budget amendment to the Constitution, and that we cannot spend more money than is coming in.

I am glad that the Senator brought up Talleyrand because he was a brilliant guy. If you remember, Talleyrand was the French foreign minister during the Napoleonic stage. One of the quotes was, "It seems to me, sir, to be the beginning of the end."

You know, I think he was right. I think this is the beginning of the end of big spenders in Congress in America.

He said, "Speech was given to man to disguise his thoughts."

I have seen a lot of that around here, too. I have seen a lot of Senators and Representatives making statements about all the bad things that were going to happen and all the trauma that would exist if we passed the balanced budget amendment to the Constitution. Yet they know better. They know this has to be done.

Talleyrand also said, "Throw mud, throw mud. Some of it may stick." We have seen a lot of that in the last 12 days. Throw mud and hope some of it will stick.

But lastly, Talleyrand said—I kind of like this one; this is neat. He said, "The wine is drawn. The wine is drawn. It must be drunk."

I think what he was saying there is there comes a time when action has to take place. That time has come. The wine is drawn, it must be drunk. There are some partisan Republicans who have come up to me, and I probably should not divulge this. They said, "If you were half as smart, you would let the Democrats defeat the balanced budget amendment to the Constitution. Then in 1996, we would wipe out everybody in office who voted against you." I guess looking at it from a purely partisan perspective, maybe that is the right way to do it. I do not believe that. I believe the Democrats and Republicans alike are going to respond to the people who are out there. But it is time. We cannot go any longer. We are going to have to do something.

There was a very famous person 150 years ago that came over to the United States of America. His name was Alexis de Tocqueville. A lot of people do not know this. But de Tocqueville came over here to study our system. When he got here he was so impressed with the wealth of this Nation, with the fact that people could work and take home the products of their own labors, and that that had produced an incredible wealth that had not been dreamed of any time in the history of the world. It was all happening right here in this new world. But he was a very intelligent man. And de Tocqueville wrote a book about the wealth of this country. I am paraphrasing. He said once the people of this country find they can vote themselves money out of the public trust, the system will fail.

Are we almost there now? Yes, we are. They say that when that moment comes, it is when you have the majority of people on the receiving end of government and the system will fail because productivity will be gone.

The 10th argument that has been used by the well-meaning Senators, those who are very articulate, is one that I hope you will listen to very carefully, Mr. President. They said:

> The 1990 and the 1993 budget deals worked. The way to deal with the deficit is to continue the successful deficit reduction efforts of the last 5 years.

This is a Senator saying this on this floor.

> Since 1990, we have achieved over $900 billion in deficit reduction. We did not do it with a balanced budget amendment. But we did it with two major budget agreements, detailed blueprints which raised revenues, cut expenditures, and made hard choices. These budgets were on the table. All the details were fully debated.

Remember they said the 1990 and the 1993 budget deals worked, the successful deficit reduction efforts of the last 5 years.

This is the big problem we have in America. A lot of people believe that stuff. We have a President of the United States who stood up in the State of the Union Message and talked about all of this deficit reduction. Yet, while he is in there, every day the debt goes higher and higher and higher. Please do not think I am disrespectful when I talk about our President.

Teddy Roosevelt said:

> Patriotism means stand by your country. It does not mean stand by the President of the United States or any other elected official, save exactly the degree that he stands by his country. It is unpatriotic not to oppose him to the same degree that he by inefficiency or otherwise fails to stand by his country.

So we have a President who stands up and he passes these things. The first one we cannot hang on him. That was 1990. George Bush was President of the United States at that time. Several of us watched as he tried to accommodate the Democrats out at Andrews Air Force Base, when he had the Budget Committees from the House and the Senate out there saying, if you do not do this, we are not going to go along with any of your programs. And, finally, President Bush decided that he would agree to a tax increase, right after he had said in the campaign "Read my lips." Look what happened. That was the cause of his demise. Everybody knows that. He knows it himself. He knows he should not have done that. But it was a judgment call made in good faith, trying to get along, trying to reach a bipartisan agreement on a budget. And he agreed to a tax increase when he did not need to do a tax increase.

I do not like all of this talk about what they talk about when they say that we cut the deficit. There is an article by the way, Mr. President. You ought to read it. I bet you have not read it yet. I believe it was in the December 1993 Reader's Digest, and the name of the article was "Budget Baloney." Then in this article he describes, in a better way than I have ever seen it described before, just how we are able to tell it to the people at home that we are doing something and not let them really know what we are doing. He says, let us say a guy who has $5,000 wants a $10,000 car. He says, "What I really want is a $15,000 car. So I will settle on a $10,000 car. I've just cut the deficit by $5,000." That is the losing game that we have been playing around here. The argument that we have had success in these budget deals is laughable. It has been a dismal failure. Yet, this is the strongest argument that they keep coming up with over and over again.

The budget deals were the largest tax increases in this Nation's history. The one in 1993 passed by one vote in the Senate and one vote in the House. It was against overwhelming public opposition. It helped lead to the Republican revolution of November 8, 1994. In fact, it was characterized as the largest tax-and-spend increase in the history of America or in public finance in America or any place in the world.

Let me repeat that: The largest tax and spend increase in the history of public finance in America or anyplace in the world. Those are not the words of conservative Republican Senator JIM INHOFE; those are the words of the Democrat Senator who was chairman of the Senate Finance Committee. Yet, this is used as an example of how we ought to behave in the future—to continue to pass these tax increases and spending increases and meanwhile the deficits go up and up and up.

Let me give you some specific figures. The 1993 Clinton budget deal, between the years 1994 and 1998, those 5 years, would increase the debt by $1.4 trillion. How many people in America know that—with all this talk about deficit reduction—if we do his budget deal from 1994 and carry it through to his projections through 1998, it would increase the debt by $1.4 trillion. If we go on up to the year 2000, it increases the debt by $2.1 trillion. In 1990, the same thing was true at that time. We had a budget deal that was made to go, over a period of 10 years, from 1990 to the year 2000, to $3.5 trillion.

Mr. President, this is the last argument that has been used by Senators who are opposed to a balanced budget and specifically to the balanced budget amendment to the Constitution. The argument is that the balanced budget amendment is nothing more than a slogan, an empty promise, and that most Senators who support it will not even be here in the year 2002 when it will take effect. Let me respond by saying that if the Senators vote against it, they are not going to be here at the end of their term.

I would like to, for a moment, give you a profile of those individuals who are opposed to the balanced budget amendment. If you look over here at the chart, we defeated the Right-To-Know Act. These are the supporters, the cosponsors. There were 41 cosponsors to the Right-To-Know Act. Of those 41 cosponsors, all 41 of them voted for the $16 billion stimulus plan, which was the largest single spending increase under one vote, and they also are rated by the National Taxpayers Union a "D" or an "F." A lot of people do not realize that there are many rating organizations in Washington.

I never remember anyone going out and running for office saying "I want to increase your taxes and increase spending." But when they get up here, that is exactly what they do. How is a voter to know how they are performing? Look at how they are rated. The National Taxpayers Union takes spending bills and says how we are rated in conjunction with the spending bills. If you look at those who wanted to kill the balanced budget amendment by having the right-to-know amendment on it, those individuals, all of them, voted for this $16 billion stimulus program.

Let me just tell you what that stimulus program had in it. That program was a $16.3 billion increase in spending; $500 million for shortfalls in the District of Columbia budget; for Federal agency staff increases; $1 billion for summer jobs; $1.1 billion for programs for housing programs; for AIDS treatment; $1.2 billion for Amtrak subsidies; $2.5 billion for pork-barrel community programs such as swimming pools, parking lots, ice rink, warming huts, alpine ski lifts, and other pork-barrel projects. That was $3 billion for various rich projects located strategically in various districts of those Members of Congress who went along with all of this.

Those are the individuals who voted for and who were cosponsors of the Right-To-Know Act. I do not say this in a disparaging way about these people, but you have to know who is opposed to the balanced budget amendment. The other chart we have, I think, addresses what this Senator—it happened to be the Senator from West Virginia that said most Members of Congress were not going to be around in 2002. This is why I say if they do not vote for this, they are not going to be around anyway. It does not matter. If you look very carefully, we not only had the spending bill increase, but the 1993 tax increase was the one that included a $267 billion tax increase and still would increase the debt by $1.4 trillion.

There are eight Senators who are not here today who were here before. All eight of these Senators voted "yes" on the spending bill increase. All eight of the Senators voted "yes" on the Clinton tax increases—or seven out of eight of them. All eight of them have a "D" or an "F" rating by the National Taxpayers Union. In the House of Representatives, the same thing is true there.

So the conclusions I come to after having said all of this is that this is a war. This is the chance that we have to change all of this. And those of us who have been working for a balanced budget, by virtue of adding a balanced budget amendment to the Constitution, are not just considering what is happening to us today but to future generations.

Every dollar we spend now we are borrowing from future generations. That is why I have this picture. I will introduce you to these two people. This little girl is 21 months old. Her name is Maggie Inhofe. This little boy is 22 months old. His name is Glade Inhofe. They happen, by coincidence, to be my grandchildren. If we do not pass this, the CBO has said that during their lifetime—and there are 10 million more their age in America right now—they will have to spend 82 percent of their lifetime income on Government.

This is our chance to take them out of their bondage and their chains. I really believe now that Talleyrand was right. He said, "The wine is drawn, it must be drunk." The time is here to pass a balanced budget to the Constitution and to turn our future generations free.

Thank you very much, Mr. President. I yield the floor.

RECESS UNTIL TOMORROW AT 9:30 A.M.

The PRESIDING OFFICER (Mr. GRAMS). Under the previous order, the Senate now stands in recess until 9:30 tomorrow morning, February 15.

Thereupon, the Senate, at 8:36 p.m., recessed until Wednesday, February 15, 1995, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE LOW-INCOME HOUSING PRESERVATION ACT

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. McCRERY. Mr. Speaker, I rise today to join with Mr. JEFFERSON in introducing legislation to address the preservation needs of low-income housing. I am doing so because I believe that the Low-Income Housing Preservation Act is the kind of innovative, market-oriented approach that we, in Congress, must follow in the future to solve many of our Nation's housing problems.

The Low-Income Housing Preservation Act will encourage the investment of additional private capital in a large category of privately owned projects that provide housing at reduced rents to low-income tenants. It does so by eliminating some of the disincentives now in the Tax Code which have denied new investors virtually any incentive to invest in these affordable housing projects. As a result, the current owners are trapped in the projects without the ability to sell the projects to new investors with capital, or the ability to raise new capital for the projects themselves. In the meantime, the projects fall further and further behind in performing the rehab needed. The bill provides an effective and cost-efficient way to meet the increasingly serious needs of these projects for capital improvements by providing the benefits of a shortened depreciation schedule and limited relief from the passive loss rules for investors who agree to buy the projects, fix them up, and maintain them for low-income tenants.

This is the direction we must be going, as we attempt to reinvent Government. In the housing area in particular we need to find new solutions that rely less on bureaucratic programs run directly by HUD, and more on programs that harness the energy of the free enterprise system, while restricting the Government's role to a minimum. Government can provide a helping hand, but it is the private sector that must take the lead. That is what the Low-Income Housing Preservation Act would do. The bill would encourage the investment of new private capital in the projects, but only so long as the projects continue to serve low-income tenants. HUD would have a role in ensuring that the projects are maintained properly for these tenants, but it would do so without HUD playing the kind of direct programmatic role it has played in the case of some programs in the past.

At the same time that this bill will help solve a problem without more Government, it is fiscally responsible. Because of the way the bill is drafted, the estimate by the Joint Tax Committee indicates that the cost to the Federal Government over 5 years will be very low. But more importantly, it negates the need for alternative preservation programs at HUD that would cost much more, and require the involvement of large staffs just when we are trying to reduce the size of HUD and the Federal Government generally. Immediately upon passage, the legislation will enable HUD to sell at a higher price the mortgages on projects which they already hold because the owner has defaulted on the loan. This will reduce the loss to HUD from these defaults, and save the taxpayer money. Doing nothing, and allowing these projects to deteriorate beyond physical and financial help, would in the end cost the taxpayer much more because the Government would then have to fund the considerable expense of constructing new affordable housing projects that will be needed to replace the existing projects lost. I have no doubt that as a practical matter the legislation will save the taxpayer in the end far more than it will cost.

Historically, the country has placed considerable reliance on privately owned housing to provide affordable housing to low-income tenants. I think this is a wise policy, but to make it work we cannot deny all financial incentives to private investors to purchase and maintain these projects. The Ways and Means Committee recognized this in 1986 when it adopted the low-income housing tax credit. Before it is too late Congress must recognize the same for the stock of existing but aging low-income housing that has not been able to take advantage of the tax credit.

I urge my colleagues to join me in supporting this legislation.

CRIME PACKAGE FOR THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. PACKARD. Mr. Speaker, the Republican Contract With America is committed to keeping its promise to fight crime. We continue to work to provide local police officers with the tools and resources they need to convict and confine criminals.

Our crime bill provides the flexibility and resources to get the job done. Local police officers know what their communities need—not the Federal Government. The Republican crime package enables local police officers to effectively respond to local crime problems.

The American people will no longer tolerate crime in their neighborhoods. They want real crime fighting tools, not big Government guidelines. Local government should have the resources to deal with crime because they are closest to it. The Republican crime bill gives them the resources they need while restoring local accountability.

Mr. Speaker, local government knows best how to fight crime on their streets—not Washington. Let's give them the resources and opportunity to do it. I urge my colleagues to support H.R. 728.

IN MEMORY OF FORMER CONGRESSMAN GEORGE MEADER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WOLF. Mr. Speaker, I would like to bring to Members' attention the passing of former Congressman George Meader who served as a Republican Member of the House from the Second Congressional District of Michigan from 1950–64. Congressman Meader's daughter, Katherine Vandelly, and son-in-law, James E. Vandelly, are constituents of mine from the 10th Congressional District of Virginia. Congressman Meader passed away at the University of Michigan hospital on October 15, 1994, after a short illness. He was 87 years of age.

The son of a Methodist minister, Congressman Meader was born in Benton Harbor, MI, on September 13, 1907. He began his undergraduate studies at Ohio Wesleyan University and completed his A.B. degree at the University of Michigan in 1927. After marrying Elizabeth Faeth in 1928, he entered the University of Michigan Law School and earned his juris doctor degree in 1931.

Congressman Meader began his professional career as a practicing attorney in Ann Arbor during the 1930's, and was elected Washtenaw County prosecuting attorney in 1940. In 1943, he joined the famed Truman-Mead Senate War Investigating Committee in Washington, DC, serving first as assistant counsel, then as chief counsel. He returned to private law practice in 1947, then served as chief counsel to the Senate Fulbright Banking and Currency Subcommittee investigating FRC loans until his election to the 82d Congress in 1950. He represented the Second Congressional District of Michigan from 1950 to 1964, serving on the House Judiciary and Government Operations Committees.

After leaving Congress, Congressman Meader served as counsel to both the Joint Committee on the Organization of Congress and the Joint Committee on Congressional Operations before being elected president of the Former Members of Congress in 1974. He returned to private law practice in Washington, DC, and Ann Arbor until retirement. In the years following his service in the U.S. House of Representatives, Congressman Meader continued his ardent interest in improving the operations of Congress, as well as protecting the institutions of democratic government.

Congressman Meader was preceded in death by his wife, Elizabeth Meader, formerly of Ashcaffenburg, Germany, and by his daughter, Barbara Meader of Ann Arbor. He is

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

survived by a son, Robert Meader, and wife Nancy; daughter Katherine Vandelly, and husband James. He is also survived by five grandchildren: David Meader, and wife Judy; Richard Meader, Randall Meader, and wife Kami; Cynthia Vandelly, James M. Vandelly; and four great-grandchildren: James A. Vandelly; Christopher, Scott, and Craig Meader. He is also survived by his sister, Frances Way, and brothers Dr. Ralph G. Meader, and wife Olive; and Edwin Meader, and wife Mary.

I know all Members would join with me in expressing the sympathy of the House to Congressman Meader's family.

TRIBUTE TO BRYAN WITTMAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of Mr. Bryan Wittman of Hamburg, NY.

It gives me great joy to share with everyone in the Congress the outstanding achievements of one of my constituents. Bryan is the son of Mrs. Norma Wittman of North Hampton Brook Drive.

Bryan, a native of my hometown of Hamburg, NY, attended St. Peter and Paul Grade School and St. Francis High School. He graduated from Ashland University with a bachelor of arts degree in radio and television.

Bryan began his career in 1976 for the Erie County Fair and as entertainment director of the Darien Lake Theme Park in New York. He then moved on to become promotions director for the Ice Capades.

In 1985, Bryan began his adventure with Disney. While serving as manager of advertising and promotions for Marriott's Great America Theme Park in Chicago, IL, Wittman was recruited to Disney World in Orlando, FL, as senior promotions representative. In 1988 he was relocated to Disneyland in Anaheim, CA, where he became manager of promotions.

Continuing in his career advancement in 1991, Bryan became director of marketing for Disney.

As of February 2, 1995, he has been promoted to vice president for promotions, publicity, and special events.

Bryan's energy and imagination have been praised by Disney executives as his hard work and abundant successes are a testament to his strong character.

Speaking as a resident of Western, NY, and as a Member of Congress, I applaud the outstanding accomplishments of Bryan Wittman.

THE AMERICANS WITH DISABILITIES ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. CRANE. Mr. Speaker, while we all support the concept of providing equal treatment and access for those with disabilities, I believe that Congress must take time to evaluate how the Americans With Disabilities Act [ADA] of 1990 embodies those concepts. We must decide how to maintain the benefits that ADA provides as well as eliminate the problems that it causes.

In pursuing this evaluation, I would recommend to my colleagues the following article, "Why the ADA Could Ruin the Superbowl." The author, Deborah K. Schlussel, has vividly illustrated the problems encompassing the ADA. She gives unmistakable proof that the ADA has imposed unnecessary barriers on American companies and professional sports teams.

It is our duty to proceed in making the correct and necessary alterations to the Americans With Disabilities Act, and I hope my colleagues will keep this article in mind as Congress considers this issue.

WHY THE ADA COULD RUIN THE SUPERBOWL

(By Deborah K. Schlussel, J.D.)

This year's Superbowl, the contest between football's top American Football Conference (AFC) and National Football Conference (NFC) teams, has come and gone. But the Americans with Disabilities Act (ADA), a bill aimed at eliminating discrimination against the disabled, may change the Superbowl as we know it, and all professional sports competition, for that matter.

Though uncertain, it is conceivable that Title I of the ADA, a provision written to penalize private employers who discriminate based on disabilities, could make next year's Superbowl more closely resemble the Special Olympics, rather than the traditional contest between pro football's finest. The ADA prohibits employers from using "selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the * * * selection criteria" relate to "essential functions" of the job. The difficulty is that the courts (who may know nothing about the functions needed to be an inside linebacker), not the employers, ultimately decide the "essential functions" of the job.

Professional sports leagues, including the National Football League (NFL), National Hockey League (NHL), National Basketball Association (NBA), and Major League Baseball (MLB), by their very nature, are inherently discriminatory, and their discrimination is necessarily based on disability. A man with a wooden leg can't be a running back, and a man with a limp won't be much more effective. Neither will make a good kicker. And they probably wouldn't make good forwards or defensemen on the NHL ice.

But what if a one-eyed man wanted to play pro hockey, or a man without use of his right arm felt qualified to be an NFL kicker, or a man with a bad back and a risky spine condition wanted to be an offensive lineman? In 1977–1979, a one-eyed hockey player, Gregory Neeld, sued both the NHL and the American Hockey League (AHL) for their refusal to let him participate in league play. The courts held that, as private employers, the leagues were not covered by federal rights laws barring discrimination against the disabled.

Now, however, the ADA extends civil rights protections for the disabled to all private employers with 15 or more employees, including employers, such as the major sports leagues and teams, and their pro-athlete employees. In the Neeld case, the one-eyed hockey player presented testimony that he only needed a protective mask to shield his remaining eye and would, then, be able to play hockey at a level on par with that of other professional hockey players.

Under the ADA, employers are required to "reasonably accommodate" disabled employees and job applicants, and most likely, a court would have required the NHL and AHL to provide Neeld with the protective mask and let him play hockey, despite the fact that his possession of only one eye put him at high risk of blindness. That may not sound so bad, but what if the NFL was required to let a man play football who needed to wear obtrusive, heavy leg and back braces on significant portions of his body? He probably couldn't run very fast, but he could still run and throw and catch the ball. Under the ADA, he could still perform the "essential functions" of the job. Thus, a court might force the NFL to let him play.

The problem is that Congress doesn't appear to have considered professional sports when it drafted Title I of the ADA, except with regard to the issue of drug testing, and because the ADA is fairly new, it has not yet been the subject of much litigation. Therefore, its provisions as they apply to professional sports, have not been sufficiently tested in the courts.

The ADA covers "qualified individuals with a disability" who are employees or applicants for employment, and defines "qualified individuals" as those who can perform the "essential functions" of the job, with or without "reasonable accommodation" by the employer. A one-armed man, for example, can arguably perform the "essential functions" of a defensive lineman, if he can still block the other team's players.

In addition, the ADA is extremely vague and ambiguous as to whom is "disabled," and, thus, covered by the Act. It seems to be overinclusive in its definition of who is an individual with a "disability," and, in fact, the only individuals explicitly excluded from coverage by the ADA are transvestites and illegal drug addicts who aren't seeking rehabilitation. (Perhaps, here, the only players the leagues could fire with impunity would be Larry Johnson of the NBA's Charlotte Hornets and Alexander Daigle of the NHL's Ottawa Senators, both of whom donned women's dresses in recent endorsement ads.)

Generally, when a law is vague, its definitions are refined and explained by court decisions, and because, as stated above, this law is relatively new (1990), and there have been few court cases interpreting its provisions, the sports league and their teams will have to look to court decisions involving Section 504 of the Rehabilitation Act of 1973, upon which the ADA is largely based, for legal precedent. In these cases, the courts have forced several high schools and universities to allow disabled athletes to participate in contact sports, including football players with one eye, one kidney, and other disabilities, regardless of the fact that they might pose a direct threat to themselves and others (because the courts felt the risk wasn't significant enough). These decisions may now be forced on professional sports.

In the ADA, the courts may soon have an opportunity to rewrite the rules of football. Under Title I of the Act, though some consideration is given to the employer's judgment as to what functions of the job are essential, the NFL's determination of the essential functions of a quarterback, is not final. Rather, the court decides, and in cases interpreting the Rehabilitation Act of 1973, the courts have rewritten job descriptions to their liking, as in the U.S. Supreme Court's deletion of the ability to lift with both arms as a job requirement for a U.S. Postal Service position, in Prewitt v. U.S. Postal Service, a 1981 case. In the near future, the court could decide that a man with two artificial arms could be the Dallas Cowboys' new kicker, because he can perform the "essential functions" of the job.

As Rep. Bill McCollum (R-FL) stated during the ADA debate on the Floor of the U.S. House of Representatives, "The issue * * * [is] who decides what those essential functions are. Ultimately it could be a court, it could be a lot of different folks who could decide this thing in the long run." This ADA provides ample opportunity for "courts [to] arbitrarily substitut[e] their judgment for an employer's when it comes to determining the essential functions of the job."

The current standard "NFL Player Contract" requires that a player be, and "maintain himself in excellent physical condition." The NFL may have to do some editing and go back to the printer. Next season's Los Angeles Raiders (with the Raider pirate as their mascot) might truly resemble Long John Silver, wooden leg and all. Superbowl XXIX, beware.

JEANNE GUTHEIL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SOLOMON. Mr. Speaker, it is my pleasure to introduce you to Jeanne Gutheil of Moreau, NY, in our 22d Congressional District. For the past 5 years she has devoted her time and strength to the seniors of her area as director of the Moreau Senior Center.

Too often, it seems, people in our society dismiss the feelings and concerns of the aged. However, Jeanne has demonstrated an understanding and indeed, an appreciation of what they have to offer. From directing Meals on Wheels programs, to organizing senior-run charities, to arranging bus trips to popular cities and sites, Jeanne has provided her senior neighbors with necessary assistance, enjoyment, and a sense of personal dignity.

In a time when society has become increasingly impersonal and dependent on strangers in government, Jeanne has exhibited the kind of community concern and activity which used to characterize this Nation. Mr. Speaker, as we attempt to limit the size and scope of government, might I suggest we would all do well to emulate the example of Mrs. Gutheil has set. It is time we all took such an active approach in tending to the welfare of our neighbors, especially our senior citizens who have given so much of themselves.

I am confident, Mr. Speaker, that with people like Jeanne Gutheil in the lead, we are capable of restoring the sense of pride in community that made America, and Americans, great.

LEGISLATION AUTHORIZING THE U.S. ARMY CORPS OF ENGINEERS TO DEVELOP A COMPREHENSIVE MANAGEMENT PLAN FOR THE KANKAKEE RIVER BASIN

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. EWING. Mr. Speaker, I am re-introducing legislation which I sponsored in the 103d Congress authorizing the U.S. Army Corps of Engineers to study and recommend solutions to the flooding problems in the Kankakee River basin. This legislation was included in the Water Resources Development Act of 1994, which was adopted in the U.S. House of Representatives, but not enacted into law.

The areas surrounding the Kankakee River and some of its tributaries have faced an increasing flood problem in recent years due to sedimentation and other factors. Storms which may not have caused flooding a few years ago, now cause major problems. In fact, the county of Kankakee, IL, commissioned a floodplain and mapping study of their own which altered their base flood elevations dramatically.

The Kankakee River basin is home to more than 1,000,000 people in both Illinois and Indiana, and the river is the area's greatest natural resource. Accordingly, this study has the support of the local community and environmental leaders.

In these tight budgetary times each funding request deserves strict scrutiny. However, failure to invest $500,000 for this 1 year study, will cost the Federal Government and the citizens of east central Illinois much more in the coming years. I trust my colleagues will agree with me that the Kankakee River Basin flooding problem should be addressed now, while it can still be inexpensively remedied. Thank you for your support of this much-needed legislation.

THE LEAGUE OF WOMEN VOTERS' 75TH ANNIVERSARY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise to congratulate the League of Women Voters on their 75th anniversary. Formed 6 months prior to their hardest-won victory, the ratification of the 19th amendment in 1920, this nonpartisan organization's mission has not changed since its founding: to build citizen participation in the democratic process.

With the enfranchisement of women, the league has since grown to become an indispensable fixture on the American political landscape. On a grassroots level, the league preserves democracy every day by registering voters, sponsoring candidate debates, and educating citizens on the issues of the day.

Mr. Speaker, I commend the league on their diamond anniversary, and I wish them continued success for the next 75 years.

JIMMY EARLE: INDUCTED TO TENNESSEE SPORTS HALL OF FAME

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. GORDON. Mr. Speaker, I rise today to recognize a constituent and special individual, Jimmy Earle, upon his induction to the Tennessee Sports Hall of Fame. His selection should come as no surprise as he has been successful everywhere he has coached.

A graduate of Middle Tennessee State University, Jimmy began his basketball coaching career in 1958 at Algood High School in Putnam County, TN. After 1 year, he became head coach at Smithville High School in DeKalb County compiling a 73–17 record.

He then stepped up to the college ranks as head basketball coach at Martin Methodist College in Pulaski, TN. At Martin College he once again produced winning teams with a record of 74–29. His teams also won three Dixie Conference Championships in 4 years.

In 1965, he joined the Middle Tennessee State University coaching staff as assistant basketball coach and head baseball coach. As head coach of the baseball team, his 1968 squad won the Ohio Valley Conference championship and he was voted conference Coach of the Year.

Jimmy was elevated to MTSU's head basketball coach in 1969 and for the next 10 years served in that capacity. Once again his winning tradition continued as he led his teams to two OVC championships and two trips to the NCAA tournament. In 1975 he became the first coach in school history to take a basketball team to the NCAA tournament.

He has served as MTSU's athletic director and as an observer of Southeastern Conference basketball officials.

I have known, worked with, and admired Jimmy Earle for almost 30 years. As a graduate of MTSU, I am extremely aware of his many contributions to my alma mater and community. His selection to the Tennessee Sports Hall of Fame is well deserved. Tennessee will long reap the benefits of his many years of service.

IN HONOR OF THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. HORN. Mr. Speaker, in 1856, President Franklin Pierce delivered a special message to Congress underscoring the requirement for citizens to participate in the governing process of their Nation:

> No citizen of our country should permit himself to forget that he is a part of its Government and entitled to be heard in the determination of its policy and its measures, and that therefore the highest considerations of personal honor and patriotism require him to maintain by whatever power or influence he may possess the integrity of the laws of the Republic.

When President Franklin Pierce spoke this charge of citizen involvement in the mid-19th century, he was encapsulating the spirit of grassroots participation and, without knowing it, foreshadowing a 20th century American institution: the League of Women Voters. For the past three-quarters of a century, members of the league have provided a way for Americans at all levels of our society to influence the process and assure the expansion of our democracy.

The success of the League of Women Voters has been the result of an all-encompassing belief that democracy depends upon the informed and active participation of its citizens. Through this credo, the league agenda has led members to promote an open governmental system that is representative, accountable, and responsive. Internationally, the goal has been, and remains, to promote peace in an interdependent world by cooperating with other nations. Environmentally, members of the league have embraced goals that will promote protection and wise management of natural resources in the public interest. The league and its members' commitment to democracy has meant their active support to secure social and economic justice for all Americans.

It is my great pleasure to salute the founders of the League of Women Voters, as well as the many thousands of members who have carried on their tradition for three-quarters of a century. America is a stronger nation for their determination and their efforts.

CONGRATULATIONS TO JERREL D. SMITH ON HIS RETIREMENT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. GEPHARDT. Mr. Speaker, I rise today to recognize the contributions and work of Jerrel D. Smith of St. Louis, MO.

Jerrel Smith, vice president, environmental, safety, and health for the Union Electric Co. of St. Louis, MO, retired on January 31, 1995. He will assume a new role as environmental policy consultant to the senior management of the Union Electric Co.

In his 37 years of service to Union Electric Co., Mr. Smith has played an active role in assisting Federal, State, and local legislative and regulatory entities in establishing environmental protection. During his career, he has participated in the formation and implementation of many environmental laws. Of particular note was his work with us on the Clean Air Act, which will help us achieve reductions in air pollution in a way that achieves tough new standards in a cost-effective manner. This work will save ratepayers in eastern Missouri many millions of dollars.

The 104th Congress acknowledges the many achievements of Jerrel Smith. We thank him for his continuing contributions to the development of effective national policies—and wish him best of luck in his new endeavors.

SALUTING THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. STOKES. Mr. Speaker, I rise today as we pay tribute to the 75th anniversary of one of the most steadfast and respected political organizations in the Nation, the League of Women Voters. Today, as we mark this historic event, we recognize the contributions of this distinguished organization.

Since its founding in 1920, the League of Women Voters has been on the national forefront of voter education. Their Presidential debates have become center stage for Presidential campaigns, and their informative voter guides impact every election, including those at the city government level.

In my congressional district, the League of Women Voters has dutifully served not only their members, but the population as a whole through informative debates and other voter activities that have become their hallmark. Under the leadership of Miss Belle Sherwin, who served as the national president of the League between 1924–34, the Cleveland League adopted "Every Woman An Intelligent Voter" as the spirit that lead their charge through these 75 years. The League developed get-out-the-vote campaigns, voting booth improvements, and objective questionnaires that have become models for the rest of the country.

Since its inception, the League of Women Voters of Cleveland has been the epitome civic-mindedness, fighting for issues that are important to a majority of voters. The minimum wage, which they sought in 1918, was an early success before they tackled other issues, such as child labor laws and school attendance requirements. The league has advocated reforms in juvenile justice, advocated a smaller and more effective city government, and even devised a fair system of jury selection.

More recently, the league advocated the creation of the Greater Cleveland Regional Transit Authority and supported a one-cent sales tax to support this transit system. They also worked with other civic groups that brought about an All-American City designation for Cleveland.

Mr. Speaker, one of the League of Women's Voters crowning achievements was the establishment an educational fund that works for the education of all voters on pertinent matters, mainly through town hall forums. Starting in 1972, the forums have explored topics such as educational improvement, energy, hazardous waste, the judiciary, and taxes, just to name a few. This educational fund has become a valuable vehicle for enlightened debate and investigation of issues. Today, I salute the League of Women Voters of Cleveland and the fine work of its current president, Ms. Sharon Glaspie. I am proud to share a close working relationship with the Cleveland League and surrounding chapters.

Mr. Speaker, the 150,000 members of the league must be recognized on their 75th anniversary for the good they have done in educating voters and illuminating the political issues facing our country. I ask my colleagues to join me in saluting the League of Women Voters.

TRIBUTE TO GLEN F. TOALSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SKELTON. Mr. Speaker, today I wish to pay tribute to Glen F. Toalson of Osceola, MO who recently passed away. Born in Osceola in 1920, Toalson served as mayor of his hometown from 1969 to 1979.

Educated at Riverside Military Academy in Gainesville, GA from 1933 until 1938, Toalson went on to attend Washington and Lee University in Lexington, VA from 1938 to 1941. He served as an Army officer in World War II. After the war he became an independent insurance agent and subsequently an oil jobber.

A devoted husband and father he is survived by two sons and three grandchildren. I urge my colleagues to join me in sending sympathy to his entire family.

TRIBUTE TO RICH HUGHES

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. ESHOO. Mr. Speaker, I rise today to salute Rich Hughes, an outstanding citizen who has provided invaluable professional service to hundreds of cities, counties and municipalities and who was recently elected by his community to serve on the Sea Ranch Board of Directors.

Rich Hughes is a founding partner of Hughes, Perry and Associates, a consulting firm which has to date served over 750 city, county and special district agencies. His great skill and professional expertise have made him a respected consultant to local community leaders on a host of difficult management, planning and fiscal issues. He is regarded by his clients and his colleagues as the best in this field.

Rich Hughes is also an outstanding leader in the Sea Ranch community. Sea Ranch lies on 10 miles of pristine Sonoma Coastline 110 miles north of San Francisco. The community was founded in 1965 and has received numerous planning, environmental and architectural awards. It has an international reputation and has been studied by architects and planners throughout the world. Rich Hughes now serves on the Sea Ranch Board of Directors and formerly served as Chairperson of the Long Range Planning and Security Committees. His leadership and consensus-building skills were instrumental in the effort he spearheaded to design and construct a new community center which was approved by his colleagues on the Board.

Mr. Speaker, Rich Hughes is an extraordinary leader and devoted community servant.

I'm proud of his professionalism and commitment to making a community work well and privileged to call him my friend. I ask my colleagues to join me in saluting him on the recent occasion of his being elected to the Sea Ranch Board and for all the good he has chosen to do with his life.

FLINT CREEK PROJECT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WILLIAMS. Mr. Speaker, I am today introducing legislation which will enable Granite County, MT to assume operation of the Flint Creek hydroelectric project.

I have worked for more than a year now with folks in Granite County in support of their efforts to take over operation of the 1.1 megawatt Flint Creek hydroelectric project. The current licensee, the Montana Power Co., wants to surrender its license to run the project.

The company has good reasons to want out. The dam has deteriorated some and requires major repairs estimated at $2 million. The Federal Energy Regulatory Commission has more than tripled the annual Federal charges which must be paid when a reservoir occupies federally owned lands. And the drought conditions which have prevailed over the past decade have greatly reduced power revenue from the project.

The simple fact is that FERC has priced this facility out of the market; in fact, Flint Creek Dam has the highest rental cost per kilowatt hour of any project surveyed by the Energy Information Agency.

My bill makes it possible for the citizens of Granite County to operate the dam and use the revenues for public purposes as the county government sees fit.

Granite County filed an application with FERC in 1991 to run the project. The County has worked with recreationists, State and Federal wildlife and land managers, and others to develop an operating plan which has broad support. They've completed an environmental impact statement on a proposed operating plan.

The county's requests to FERC for relief from the high annual charges have been denied. Without action by the Congress, it seems certain that the project will be abandoned. In that event the project will generate zero revenues to the Federal Government and ultimately will become an albatross around the neck of its owner. Passage of my bill will assure both continuing power production, Federal revenues, and local revenues in a part of Montana that seriously needs the boost.

Folks in Granite County understand that Congress is unlikely to approve a full waiver of Federal fees, as they originally sought. I am submitting, with the support of the county, a moderate proposal which provides enough short term relief to assure that the repairs are made, while instituting a more realistic annual fee of $20,000 per year beginning in year six following the assumption of management duties.

HONORING THE LEAGUE OF WOMEN VOTERS' 75TH ANNIVERSARY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. McCARTHY. Mr. Speaker, I rise today to praise the League of Women Voters on its 75th anniversary. The League of Women Voters is perhaps more important today than when it was founded. The league represents a pledge made by the newly enfranchised women of 1920, who promised the Nation that they would be conscientious, informed, and progressive voters.

That pledge, and the role of the league in our Nation's governance as it strives to honor that pledge, are a model for citizens of either gender who do not feel bound to understand or participate in our government. When the women of this country won the right to vote, they banded together to win rights and privileges for other sectors of our society that had also been denied opportunity.

The league did not seek to consolidate the power of its members by withholding the franchise or the right for political involvement from others. The league has been fighting for reform in elections, the workplace, and other momentous issues heard in this Capitol. Its voice has always been one for people without power, and its influence has been felt throughout the land.

I congratulate the League of Women Voters on its 75th anniversary, and look forward to witnessing further acts of courage, innovation, and leadership by this unique and important organization.

THE HUMANITARIAN AID CORRIDOR ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise to introduce the Humanitarian Aid Corridor Act. The legislation is identical to the Dole-Simon bill, S. 230, which was introduced earlier this year in the Senate.

The Humanitarian Air Corridor Act would prohibit U.S. assistance to any country which prohibits or restricts the transport or delivery of U.S. humanitarian assistance to other countries. The language may sound formal, but behind these abstract words are tired faces and gaunt bodies: the intended recipients of humanitarian aid are desperate people in need—men, women, and especially children, whose very existence hinges on the charity of outsiders. It is the moral obligation, and proud tradition, of the United States to be one of the world's main donors of food, clothing and medical supplies essential to keep them alive. Americans open their hearts to refugees and displaced persons in countries less fortunate than our own. That third countries should impede the delivery of such aid is unacceptable; it should be an obvious and unobjectionable principle of U.S. assistance that countries keeping U.S. humanitarian aid from reaching third countries should not receive U.S. aid.

There may be times, however, when considerations of U.S. national security dictate that the United States should continue to provide aid even to obstructionist countries. For those instances, the Humanitarian Aid Corridor Act mandates that the President can make such a determination and inform Congress of his decision.

Mr. Speaker, though the language of the bill is not country specific, it is widely known that Armenia and Turkey would be affected by the legislation. According to official Armenian sources, there are over 300,000 refugees in the country, whom the United States Government has been providing with humanitarian aid. The most cost-effective and direct route for delivery of this assistance is through Turkey. Unfortunately, Turkey has refused to permit transshipment through its territory, which necessitates expensive, and not always reliable, rerouting through Georgia.

Ankara has justified its refusal to allow transshipment of United States aid by pointing to the occupation of Azerbaijani territory by Nagorno-Karabakh Armenians. Turkey, however, is not a party to the Nagorno-Karabakh conflict. There is no reason for Turkey, whatever its ties to Azerbaijan, to block the delivery of United States humanitarian aid to Armenia. As a member of the OSCE, Turkey should implement the commitment in the 1991 Moscow document to "cooperate fully to enable humanitarian relief operations to be undertaken speedily and effectively; to take all necessary steps to facilitate speedy and unhindered access for such relief operations; [and to] make the necessary arrangements for those relief operations to be carried out." Furthermore, Turkey is a member of the OSCE's Minsk group, which is charged with arbitrating the Nagorno-Karabakh conflict. The OSCE document adopted last December in Budapest requests the OSCE's Minsk group to further implement confidence-building measures, particularly in the humanitarian field, and to provide humanitarian aid to people in the region, especially refugees.

Mr. Speaker, I am not blind to the plight of refugees in Azerbaijan. I am well aware that fully one out of every seven people in that country is a refugee. Though section 907 of the 1992 Freedom Support Act prohibits United States Government aid to the Government of Azerbaijan, humanitarian aid is being given through non-governmental organizations. About $30 million in technical assistance, $30 million in food assistance, and $20 million in humanitarian aid has been obligated, and over $60 million has been expended as of December 31, 1994. The need, I know, is much greater, and I am open to considering enhanced aid to address this grave humanitarian situation.

I am also conscious of the significance of Turkey to NATO, and Turkey's longstanding ties to Washington. Those relations are highly valued, and with good reason. It is not the intention of the Humanitarian Aid Corridor Act to damage those relations or to exacerbate Turkey's already complicated domestic situation. The legislation has one purpose only: to expedite the delivery of U.S. humanitarian aid to people who need it, in the most economical and direct manner possible. I am convinced that the facilitated delivery of such aid will promote a peaceful settlement of the Nagorno-Karabakh conflict, and will help bring peace to a region that has more than its share of war and refugees. I hope that Ankara, and other capitals that can, or would be, affected by the provisions of the Humanitarian Aid Corridor Act, view the legislation as it is intended—as a means of helping people in need.

A SPECIAL SALUTE TO STEPHANIE TUBBS JONES: 1995 BLACK PROFESSIONAL OF THE YEAR

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. STOKES. Mr. Speaker, I rise today to offer my congratulations to Cuyahoga County Prosecutor Stephanie Tubbs Jones. On February 18, 1995, the Black Professionals Association Charitable Foundation will host its 15th Annual Scholarship and Awards Gala. The theme for the gala celebration is, A Celebration of Achievements, Legends and Legacies Continue.

During the dinner, the organization will announce the recipient of its 1995 Black Professional of the Year Award. I am pleased that Stephanie Tubbs Jones has been selected for this outstanding honor. As a past recipient of the Black Professional of the Year Award, I take pride in extending my personal congratulations to Stephanie. I want to share with my colleagues and the Nation some information on Stephanie Tubbs Jones.

Stephanie Tubbs Jones is a graduate of Collinwood High School and Case Western Reserve University. She received her Juris Doctorate degree from the Franklin Thomas Backus School of Law at Case Western. On January 12, 1991, Stephanie Tubbs Jones made history when she was appointed Cuyahoga County Prosecutor by a vote of the Cuyahoga County Democratic Party precinct committeepersons. She became the first woman and African American to hold this important post. In November, 1992, Jones was elected to retain the position by a resounding seventy percent of the votes cast.

Mr. Speaker, prior to becoming County Prosecutor, Stephanie Tubbs Jones served as Judge for the Court of Common Pleas, becoming the first African American woman in the State of Ohio to serve in that post. Her distinguished career has also included a judgeship on the Cleveland Municipal Court; she is a former trial attorney for the Cleveland District Office of the Equal Employment Opportunity Commission; and she formerly served as the Assistant County Prosecutor.

During the course of her notable career, Stephanie Tubbs Jones has received numerous awards and citations for her outstanding work. She received the Young Alumnus Award from Case Western Reserve University for her achievements in the field of law, and the Outstanding Volunteer Services in Law and Justice Award from the Urban League of Greater Cleveland. In addition, Mrs. Jones is the recipient of the Career Women of Achievement Award from the Young Women's Christian Association, as well as the Althea Simmons Award from Delta Sigma Theta Sorority which recognizes her for outstanding social and political action. Just recently, Stephanie Tubbs Jones was inducted into the Collinwood High School Hall of Fame.

Her memberships include the American Bar Association, Cleveland Bar Association, the National Black Prosecutor's Association, National Council of Negro Women, and the Cuyahoga Women's Political Caucus. She is also a member of the Black Elected Democrats of Cleveland Ohio (B.E.D.C.O.), which I founded. Additionally, Stephanie Tubbs Jones is a trustee of the Cleveland Police Historical Society, and serves on the Board of Trustees for the Community Re-Entry Program. Mrs. Jones and her husband, Mervyn, are the proud parents of a son, Mervyn L. Jones, II.

Mr. Speaker, I join her colleagues, family and members of the community in saluting Stephanie Tubbs Jones upon her selection as the 1995 Black Professional of the Year. I am proud of our close working relationship and I wish her much continued success.

THE HUMANITARIAN AID CORRIDOR ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the Humanitarian Aid Corridor Act. This important legislation, which received impressive bipartisan support last year, would ban U.S. assistance to countries which prohibit or restrict the transport of U.S. humanitarian aid.

As we continue to evaluate our foreign aid program, it is critical that we assure that our foreign assistance reaches those in need quickly and efficiently. The unimpeded delivery of humanitarian aid is particularly important in the republics of the former Soviet Union, where the transition from authoritarian rule to open, democratic processes has been especially difficult. While the forces of communism which once dominated Eastern Europe has been defeated, peace and democracy have not yet taken firm hold. As the struggle continues between the old guard and the past and the reform movement planing a free and democratic future, we must not abandon those who are working to establish democracy where once there was only repression, intimidation, persecution, and fear.

The reform effort in central and Eastern Europe deserves the involvement and commitment of the United States. Since declaring its independence from Soviet rule in 1991, one of the countries in this region, the Republic of Armenia, has moved purposefully to establish a democratic system based on the principles of human rights and open market reforms. In the midst of a region marked by turbulence and instability, Armenia serves as a shining example of steadiness and freedom.

There are several strategies which our government could use to nurture the reform effort undertaken by some of the nations in this pivotal region, including developing incentives for long-term U.S. private investment, providing emerging democracies with greater access to our markets, and extending the provisions of the general system of preferences to nations in the area. The most important and most basic step in our entire aid program, however, should be making sure that the assistance we are currently providing is delivered to its intended destination swiftly and by the most direct route possible.

While successful and efficient delivery of humanitarian aid seems an obvious goal, it is one which is not always met. For example, much of the assistance destined for Armenia has been blocked by some of Armenia's neighbors as part of an on-going, 5-year economic embargo. The closure of cargo crossings in states bordering Armenia has forced the United States, in many cases, to transport aid around blockades at significant delay and expense. Because of the circuitous routes which United States aid to Armenia often is forced to travel, humanitarian assistance has been more susceptible to theft.

Mr. Speaker, the Humanitarian Aid Corridor Act is a common-sense bill which will ensure that we are not subsidizing nations which are making it more difficult and costly for us to deliver desperately needed aid. It will make sure that the assistance get through to those working to establish democratic institutions, and I rise in strong support of this important legislation.

CAPITAL PUNISHMENT: WHAT PROSECUTORS WON'T TELL YOU

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. LAFALCE. Mr. Speaker, I respectfully submit for inclusion in the CONGRESSIONAL RECORD an article from the February 7, 1995, issue of the New York Times, entitled "What Prosecutors Won't Tell You." This article was written by Robert M. Morgenthau, the district attorney of Manhattan. As the House of Representatives is considering fundamental changes to death penalty procedures, the habeas corpus process, and the criminal justice system, I commend to my colleagues Mr. Morgenthau's insightful analysis of the grave societal costs imposed by our capital punishment system.

[From the New York Times, Feb. 7, 1995]

WHAT PROSECUTORS WON'T TELL YOU

(By Robert M. Morgenthau)

People concerned about the escalating fear of violence, as I am, may believe that capital punishment is a good way to combat that trend. Take it from someone who has spent a career in Federal and state law enforcement, enacting the death penalty in New York State would be a grave mistake.

Prosecutors must reveal the dirty little secret they too often share only among themselves: The death penalty actually hinders the fight against crime.

Promoted by members of both political parties in response to an angry populace, capital punishment is a mirage that distracts society from more fruitful, less facile answers. It exacts a terrible price in dollars, lives and human decency. Rather than tamping down the flames of violence, it fuels them while draining millions of dollars from more promising efforts to restore safety to our lives.

Even proponents have been forced to concede that more than a century's experience has not produced credible evidence that executions deter crime. That's why many district attorneys throughout New York State and America oppose it—privately. Fear of political repercussions keeps them from saying so publicly.

To deter crime, punishment must be prompt and certain. Resources should be focused on that goal and on recidivists and career criminals, who commit a disproportionate share of all crime, including murder.

Last year, 6,100 criminals were sentenced to state prison in Manhattan, and 9,000 more were sent to city jail. That is the constructive way to be tough on crime. In 1975, when I became District Attorney, there were 648 homicides in Manhattan; in 1994, there were 330. The number has been cut virtually in half without executions—proof to me that they are not needed to continue that trend.

Executions waste scarce law-enforcement financial and personnel resources. An authoritative study by Duke University in 1993 found that for each person executed in North Carolina, the state paid over $2 million more than it would have cost to imprison him for life, in part because of court proceedings.

In New York, the cost would be higher. A 1989 study by the Department of Correctional Services estimated that the death penalty would cost the state $118 million a year. More crime would be prevented if a fraction of that money were spent on an array of solutions from prisons to drug treatment programs.

If you have the death penalty, you will execute innocent people. No one disagrees that such horrors occur—the only argument concerns how often. A 1987 study in the Stanford Law Review identified 350 cases in this century in which innocent people were wrongly convicted of crimes for which they could have received the death penalty; of that number, perhaps as many as 23 were executed. New York led the list with eight.

This year, an appalling miscarriage of justice occurred when Texas executed Jesse DeWayne Jacobs. He was sentenced to death for a murder he originally confessed to—but later claimed had been committed by his sister. In the subsequent trial of his sister, the prosecutor unequivocally disavowed the confession he had used to convict Mr. Jacobs. He argued that Mr. Jacobs had told the truth when he said that his sister had pulled the trigger and that he had not anticipated any murder. Mr. Jacobs was executed anyway.

Some crimes are so depraved that execution might seem just. But even in the impossible even that a statute could be written and applied so wisely that it would reach only those cases, the price would still be too high.

It has long been argued, with statistical support, that by their brutalizing the dehumanizing effect on society, executions cause more murders than they prevent. "After every instance in which the law violates the sanctity of human life, that life is held less sacred by the community among whom the outrage is perpetrated." Those words written in 1846 by Robert Rantoul Jr., a Massachusetts legislator, are no less true today.

Murders like those at the Brookline, Mass., abortion clinics late last year are monstrous even if a killer believes his cause is just. Yet when the state kills, it sends the opposite message: the death penalty endorses violent solutions, and violence begets violence.

The only honest justification for the death penalty is vengeance, but the Lord says, "Vengeance is mine." It is wrong for secular governments to try to usurp that role. That's why New York should reject the death penalty.

TESTS BIAS AND RACISM AT OUR INSTITUTIONS OF HIGHER LEARNING

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I think it is absolutely appalling, irresponsible, and downright unethical, for a college or university president to say low-test scores of African-American students are linked to their genetic, hereditary background.

I am referring to the insensitive remarks made by Rutgers University president, Francis L. Lawrence, that precipitated a recent act of civil disobedience by many of Rutger's African-American students during a basketball game.

It is outrageous to even suggest that academically qualified students should be denied access and an opportunity for higher education based solely upon culturally biased standardized tests such as the Scholastic Assessment Test [SAT].

Scientific analyses demonstrates that there is test bias in both the SAT and the ACT [American College Test]. Even the SAT test makers, the Educational Testing Service, warns about the misuse of the SAT.

Mr. Speaker, exclusionary policies, based on racist beliefs, will only further contribute to the widening social and economic inequalities that have characterized American society in recent decades.

Many of the excluded students will be minorities from economically disadvantaged backgrounds who remain disproportionately underrepresented in the Nation's colleges and universities.

In 1991, as chairwoman of the House Subcommittee on Commerce, Consumer Protection, and Competitiveness, I began a series of investigative hearings into intercollegiate athletics and the National Collegiate Athletic Association [NCAA]. A major focus of my investigations revealed the NCAA's misuse of standardized tests which continues to result in a gross disproportionate negative impact on minority student-athletes.

Mr. Speaker, at a time we are trying to increase the earning potential of our youngsters, inflammatory and misinformed statements suggesting that African-Americans, or any group of people, are genetically inferior, cannot and will not be tolerated.

Denying students access to institutions of higher education based on artificial barriers has a direct long-term economic impact. Given the large and rising earnings associated with obtaining a 4-year degree, the personal economic costs associated with being denied an opportunity to obtain a 4-year degree are quite substantial—$400,000–$500,000—even for those graduates with modest academic skills.

I applaud the African-American students at Rutgers for not taking this insult to their intelligence sitting down.

HOOP DREAMS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. RICHARDSON. Mr. Speaker, I would commend to all Members of this body the documentary "Hoop Dreams."

This film chronicles the epic struggle of two young men to get out of the ghetto through higher education.

Because these young men are exceptional basketball players they have an opportunity to attend a good parochial high school in the suburbs of Chicago. Their athletic talents are their ticket to a better life—but attendance at the new school requires a 3-hour bus ride each day.

All our young people need the opportunity for a better education—even if they are not talented athletes. And they should not have to go to private school—or travel 3 hours to find a better life.

Mr. Speaker, when we reform welfare let's expand the educational opportunities for all our citizens—especially our young people.

CELEBRATING THE LIFE OF MAY MILLER SULLIVAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to bring to the attention of my colleagues, the passing of May Miller Sullivan on February 8 at the age of 96. Today, February 14, 1995, a poetry reading memorial service will be held to celebrate her life and work.

May Miller Sullivan was a Washington poet, playwright, and educator whose literary career began in the Harlem Renaissance of the 1920's. Known professionally as May Miller, she was the last survivor of five children of Kelly Miller, a nationally known author and philosopher who was the dean of the College of Arts and Sciences and a professor of sociology at Howard University.

Ms. Miller grew up in faculty housing on the Howard University campus in a period when the university was a national gathering place for black artists and intellectuals. It was not unusual for greats like W.E.B. DuBois and Booker T. Washington to visit the Miller home. Poet Langston Hughes was among the friends of May Miller.

A native Washingtonian and a graduate of Dunbar High School and Howard University, Ms. Miller did postgraduate study in literature at American University and Columbia University. For 20 years she traveled daily to Baltimore to teach English, speech and drama at Frederick Douglass High School.

Ms. Miller began writing poetry as a child, often encouraged by her father, for whom the Kelly Miller Junior High School in Washington is named. After graduating first in her class at Howard University, she set out to become a playwright and poet.

Ms. Miller wrote with feeling about people and places in and around Washington and about memories and folk tales from her childhood. A self-styled poet, Ms. Miller's work has been published in magazines and in several collections.

May Miller Sullivan often remarked, "If out of a silence I can fill that silence with a word that will conjure up an image, then I have succeeded." By all standards, May Miller Sullivan was a huge success. Mr. Speaker, I am sure my colleagues will want to extend their condolences to Ms. Miller's family—Gloria Miller Clark, Kelly Miller III, Suzanne Miller Jefferson, and many other nieces and nephews.

TRIBUTE TO HERB BRIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. BERMAN. Mr. Speaker, we invite our colleagues today to join us in sending our congratulations and very best wishes to Herbert H. "Herb" Brin on the 80th anniversary of his birth.

Herb was born in Chicago in 1915 to Jewish immigrant parents and went on to become one of the founding beat reporters of the City News Bureau, covering everything from gangland killings to the rise of Nazi-sympathizer groups, which he helped expose before entering the Army during World War II. Injured in training, Brin became a regular reporter-columnist for Stars and Stripes, interviewing four-star generals for the enlisted man's newspaper. After the war, he moved with his wife to California and became a star reporter for the Los Angeles Times, covering stories such as the trial of Adolf Eichmann.

In 1953, Herb quit the Times to take over the Heritage group of Jewish newspapers, with editions covering Los Angeles, Orange and San Diego Counties. His personal, no-holds-barred style of journalism broke scoop after scoop. Heritage first brought into national attention the rise of the Aryan Nations and other neo-Nazi hate groups. His coverage of the Klaus Barbie trial in Lyons was picked up all over the world. Year in and year out, Herbert Brin has been a tireless champion for Los Angeles, for Israel, and for the Jewish people.

Those of us fortunate enough to know Herb are filled with admiration at the many achievements of his life. Throughout his distinguished career in journalism, he was always the most vigilant of watchdogs on issues affecting the Jewish community. On many occasions, the statements and conduct of opponents of Israel and anti-Semites were exposed only because of his diligence and personal commitment to justice.

Thank you for a lifetime of service to the Jewish community—and many, many happy returns of this day!

CRIME IN AMERICA

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARTINI. Mr. Speaker, I rise today as a former Federal prosecutor to discuss the growing problem of crime facing our country.

America approaches the 21st century as the most advanced civilization man has ever seen. We have the world's largest and most vibrant economy and remain the only military superpower left standing after the cold war. We should be looking toward the new millennium with nothing but enthusiastic expectations of greatness for ourselves and our children. Yet we confront an enemy today that threatens the very fabric of our society.

Crime in the United States is on the rise, and the violence and insecurity it breeds will erode the American people's faith in their elected government and destroy the dreams of the hundreds of millions who have pinned their hopes on our success. It is unsurprising, too, that their faith is wavering when one considers just a few of the startling facts about the demise of law and order in our country.

Today 8 out of every 10 Americans can expect to be the victim of a violent crime at least once in their lives. Since 1960, crime has increased by over 300 percent, and violent crime has gone up by over 550 percent. The rate of homicide is five times greater here than in Europe, and four times greater than in neighboring Canada. Rape in the United States is seven times more likely than in Europe.

What is even sadder is that these statistics have a disproportionate impact on our children. Teenagers are 2½ times more likely to be victims of violent crime than those over 20. And from 1960 to 1991, the rate of homicide deaths among children under age 19 more than quadrupled.

In what has become an oft-consulted collection of documents for many of the Members of this Congress, John Jay wrote in the Federalist Papers these very poignant words: "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their safety seems first." If indeed public safety is our first priority, then we as a body have been given an opportunity to carry out our obligation.

As the contract's crime package passes the House, I congratulate my colleagues' strong support for each of the six separate measures. The package includes a strengthening of the death penalty and longer prison sentences for criminals. It makes it more difficult for criminal aliens to remain among us, and closes loopholes in the law that for too long have set the guilty free on technicalities. It puts more police on the streets, gives local units of government wide latitude to develop crime prevention programs, and finally recognizes the rights of the victims for a change.

These reforms represent the best hope for us to begin restoring the rule of law of our land, and they reflect the will of a large majority of Americans. Most Americans believe strong, swift punishment acts as a credible deterrent to individuals who might consider committing a crime.

This package acts on that belief and reflects their philosophy in six different but important ways. It promises to make real steps toward catching, convicting, and incarcerating more murderers, rapists, and thieves.

The debate over these crime bills has embroiled us in more than an exchange of competing partisan ideas. It has in fact engaged us in a struggle that effects the very core of American society. Despite all of our Nation's glorious successes, our robust economy, our military prowess, and our clear and unquestioned recognition as the leader of the free world, we cannot expect our Nation to survive, let alone remain on top, if it continues to rot from within.

As the discussions end, I once again congratulate my colleagues on taking swift and strong action on behalf of the well-being and safety of our Nation. We owe it to every American to make the war on crime our paramount concern, and tonight we can go home knowing that while we certainly did not solve all our problems, we have indeed made great strides in the right direction.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. KLINK. Mr. Speaker, I rise today to congratulate the League of Women Voters on their 75th anniversary.

The League of Women Voters has been a stalwart and steadfast defender of democracy in this country since 1920. Their activism has been and continues to be an example to all citizens.

In my district, the League is an undeviating participant in the electoral process. It encourages the informed and active participation of Western Pennsylvanians in their government, works to increase public understanding of major policy issues and influences public policy through education and advocacy.

The League emerged from the struggles of the women's suffrage movement and continued to fight on a variety of issues from child labor laws to environmental concerns. Its members, both men and women, work on problems at the State and local level as well.

I commend the League of Women Voters on three-quarters of a century of good work. I hope to participate when they reach their 100th anniversary.

THE CARL GARNER FEDERAL LANDS CLEANUP ACT

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. LINCOLN. Mr. Speaker, today I rise to pay tribute to a man who has given so much to his country and to the State of Arkansas. I have just introduced legislation to rename the "Federal Lands Cleanup Act," the "Carl Garner Federal Lands Cleanup Act."

This honor is well deserved as Mr. Garner was the inspiration behind the enactment of the Cleanup Act in 1985. Mr. Garner is the Resident Engineer with the Army Corps of Engineers in Greers Ferry Lake, AR, and his devotion to a cleaner environment goes back several decades.

In 1970, Mr. Garner organized a group of local volunteers to pick up trash accumulated along the shores of Greers Ferry Lake. This one day cleanup event escalated to an annual event throughout the State of Arkansas. Last year alone, more than 24,000 Arkansans participated in the cleanup at more than 100 sites in Arkansas.

This devotion to the protection of our environment attracted the attention of Senator BUMPERS, who was the lead sponsor of the Federal Lands Cleanup Day of 1985. This bill promotes the concept of community partnership and pride in our Federal lands to protect our valuable natural resources.

It is with great pride and esteem that I rise to introduce this piece of legislation to honor Mr. Carl Garner, who embodies the notion of public service.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE CARL GARNER FEDERAL LANDS CLEANUP ACT.

The Federal Lands Cleanup Act of 1985 (36 U.S.C. 169I–169I–1) is amended by striking "Federal Lands Cleanup Day" each place it appears and inserting "Carl Garner Federal Lands Cleanup Day."

BALANCED BUDGET BINGO

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. JACOBS. Mr. Speaker, the following article is journalism at its best; it effectively translates something that is obscure, yet vital to our well being as a nation. And the translation itself is not simply one more frustrating attempt to breach the portals to the arcane.

[From the Indianapolis News, Feb. 11, 1995]

BALANCED BUDGET BINGO

(By David L. Haase)

WASHINGTON.—Can an average American citizen balance the federal budget without starving the needy, abandoning the elderly or taxing businesses out of business?

More to the point, after a middle-aged reporter does the deed, will his 71-year-old mother on Social Security still talk to him?

I dared to think so when I stepped into the basement office of the Bipartisan Commission on Entitlement and Tax Reform, ready to tackle the deficit using its computer.

The deficit is a hot topic on Capitol Hill. Two weeks ago, the U.S. House approved an amendment to the Constitution that would require the government to balance the federal budget. The Senate is debating the issue.

But what does a balanced budget mean for Americans? The commission, now out of business, had a computer game that could tell us.

Sen. Bob Kerrey, D–Neb., forced President Clinton into naming the commission as the price of his support for the 1993 budget deal. It was never a Clinton priority. Its office in the basement of the Russell Office Building showed that it wasn't much of a priority for the Senate either.

The staff worked at used computers plopped on aged wooden government-issue desks and tables.

The commission went kaput without its 32 members ever agreeing on a way to halt the growth of entitlement spending. The task proved too painful.

Entitlement spending is mandatory. Neither Congress nor the president can deny these funds to any eligible comer.

On the other hand, discretionary spending, which Congress approves from year to year, amounts to only 40 percent of federal spending.

In the commission's view, entitlements are THE problem with the federal budget.

These programs include Social Security, Medicare, Medicaid, federal pensions, farm subsidy programs, unemployment compensation and certain welfare programs.

Without a change in policy, entitlement spending and interest on the national debt will consume almost all federal revenues in 2012—about the time David Letterman reaches retirement age.

By 2030, when Michael Jordan and Julia Roberts turn 65, federal revenues won't even cover entitlement spending.

So, there I stood in the commission's doorway, eager to reverse the tide of history with the help of the commission's Budget Shadows computer game.

Heather Lamm, a commission researcher, explained the rules.

Cut enough spending and raise enough taxes to score 100 points, and you balance the entitlement side of the budget.

In other words, you keep the deficit equal to 2.3 percent of GDP, or gross domestic product. That's the value of all goods and services in the U.S. economy.

Without big changes, the commission figures the deficit will skyrocket to 18.9 percent of GDP by 2030.

The perfect score of 100 does not balance the entire federal budget. To do that, you have to score 115. But 100 does keep the problem from getting worse.

David Modaff, the commission's computer consultant, put it a little more bluntly.

"All the screaming now (about how large the deficit is), that's your goal," he said. "To keep it at that level."

(And, I added to myself, keep Mom talking to me.)

Budget Shadows offered me 50 options in four categories:

Health care
Taxes
Social Security
Other federal entitlements

I started in health care. Spending in this part of the economy grows far faster than anything else.

After reviewing 16 options and getting confused by Medicare Part A, Medicare Part B and Medicaid, I decided to move on to a section where they speak English.

Not a great start, but I had learned something.

I needed a strategy so I would make decisions in each category based on the same logic.

First, cut spending before raising taxes.

Second, do something about COLAs—the automatic cost-of-living increases that kick up federal spending without Congress or the President ever saying yea or nay.

Third, means-test everything. In essence, if you make more than a certain amount, I decided you don't need this government program.

Leaving health care behind (just like Congress and the president last year). I charged into the non-Social Security entitlements like Medicare, unemployment and veterans' compensation benefits and started making decisions.

1. Means test non-Social Security entitlements. Score: 15 points. Only 85 to go.

2. Adjust the Consumer Price Index, the leading formula for measuring price increases, to better measure inflation for non-Social Security entitlements—10 more points. One-quarter of the way home and Mom was still talking to me.

This stuff was easy!

Next stop—either taxes or Social Security. I figured I would tax as a last resort, so on to Social Security.

3. Means test Social Security. Social Security was never intended to replace retirees' savings or be the sole source of their retirement income.

This option would keep it available as an income floor for the neediest but would also encourage others to plan better for their retirements. Nine points. That gives me 34. Cruising.

4. It's COLA time. Budget Shadows offers two options: Cancel the Social Security COLA for one year or revise the way it is calculated.

I picked the revision. Four points.

5. Gradually raise the retirement age.

Americans can now retire with full Social Security benefits for the rest of their lives at age 65. That is scheduled to change in 2000 when the retirement age will gradually rise—to age 67 by the year 2022.

I got three options here: Phase in the 67 retirement age sooner, raise it to 68 or raise it to 70. I picked age 70. Take 5 more points. At 43 points, I'm not even halfway there.

In the interest of fairness, I did pass up the chance to tax more Social Security benefits.

6. Include all new state and local government employees in Social Security.

This is too complex to explain, but it helps cash flow now and defers payments until later. Two more points. Makes the total 45.

7. Index the Social Security benefits formula for overall inflation instead of just increases in average wages. Seven points.

I passed up the chance to change the Social Security payroll tax base or raise the tax rate. They sounded too taxing.

Budget Shadows liked what I had done.

"Congratulations," it beeped at me. "You have restored Social Security to actuarial balance."

I didn't know what "actuarial balance" meant, but it sounded good.

At this point, I passed the halfway mark, and I had not increased a single tax.

"Amazing," the computer told me. "You've cut the 2030 deficit to 11 percent of GDP."

That's down from the 18.9 percent the entitlement commission thinks we're headed toward.

I liked this computer.

Now it was on to taxes. Watch my restraint.

8. Limit the home mortgage interest deduction.

Once again, two options: Kill it. (Not me.) Or reduce the maximum mortgage from $1 million to $300,000. (Done.) One point.

I refused to tinker with boosting the capital gains tax on estates, with curtailing itemized deductions for charitable contributions and with eliminating the tax deduction for state and local taxes.

Taxes only gave me one point, so the next choices would demand big impact.

Only one place to go. Back to health care—and catastrophe.

I discovered that somewhere along the way I had pushed buttons I had not meant to. I'd selected two options here already.

That made my first choice—means test non-Social Security entitlements—look like a 15-point hit when in fact it got me only six-tenths of a point. When I corrected everything, my score of 52 plunged to 37.

I had caused all that havoc in Social Security; Mom wouldn't talk to me, and, instead of being halfway home, I was barely one-third of the way there.

What a dumb game.

Just to be sure, I recalculated everything and my score rose to 41. "Interaction" among the choices can change things as much as 10 percent, Lamm explained. At least this 10 percent "interacted" in my favor.

More decisions. Would they never end?

9. Means-test health care benefits for Medicare. I got nine points, but "interaction" only raised my score to 47.

It was lunch time now, and I had been hunched over that computer almost three hours.

I needed bigger cuts faster, but I was running out of options.

10. Tackle Medicare Part B. This is the voluntary part of Medicare that pays for doctors' visits, lab work and outpatient hospital visits. The elderly pay a monthly premium and a $100 deductible.

I raised the deductible to $300 a year and indexed premiums so the enrollees' share would stay at current levels. That gave me 11 points, but "interaction" allowed only a 57 score.

I could have raised eligibility age and costs on Medicare Part A, the hospitalization part, but I figured older people need this. Were you listening, Mom?

Medicare/Medicaid outlay savings. This single option represents a blizzard of changes in the way doctors and hospitals are paid for Medicare services and also caps Medicaid payments to the states.

I had to make big savings, and this option spread for pain around. Fourteen points.

My score was 71. My bladder was full. My stomach was empty. And my bottom was sore. [No federal funds were wasted on the charts at the entitlement commission.]

I had combed all four categories of options for something acceptable—and BIG. Now I had to go back to taxes.

So far, I though, I had placed the burden of balancing entitlement spending on those who receive the entitlements.

As a result of my choices:

Benefits paid to the elderly, the sick and the poor would rise more slowly.

Old folks would pay more of their health care costs.

My generation—the baby boomers—would retire much later in life than our parents.

Mom stopped talking to me ages ago.

I made my last decision. After this, my working wife wouldn't talk to me. My brother and sisters wouldn't talk to me. My co-workers wouldn't talk to me. And I would likely die in a driveby shooting.

But this last choice gave me 24 points and boosted my score to 95, within "interaction" reach of holding the line on the deficit.

In fact, my score chart showed the deficit would inch up to only 3 percent of GDP over the next 35 years. Instead of rising to 18.9 percent, as the commission feared.

The computer liked me. "Amazing," it said.

I was grateful someone liked me.

Starting in the year 2000, phase in over five years taxation of employer-provided health care benefits as though they were cash income.

That's right. You would pay income taxes on your health insurance if your boss buys it.

This would more accurately reflect an employer's true cost of hiring someone. It should get people thinking about health care costs and how much is paid on their behalf.

I had to do it to balance the budget. Really.

Hello. Hello? Anybody out there?

Mom?

NATIONAL SALUTE TO HOSPITALIZED VETERANS HIGHLIGHTS PT PHONE HOME PROJECT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MONTGOMERY. Mr. Speaker, today is the Department of Veterans Affairs' [VA] 22nd Annual National Salute to Hospitalized Veterans. The program honors hospitalized veterans who face unique day-to-day challenges. This is the one day of the year that the local community is asked to visit or pay special tribute to our hospitalized veterans. If friends and relatives can't visit hospitalized veterans today, I hope they will call them.

In connection with this special program, I want to bring to the attention of my colleagues a project that has been underway for some time to provide patient bedside telephones—what most people consider a necessity—in VA medical centers. Anyone who has ever been a patient in a hospital or visited someone in a hospital knows that communicating with friends and family can be a very healing medication.

The Communication Workers of America, the International Brotherhood of Electrical Workers, and the Pioneers of Telecommunications are donating their labor to complete many of the telephone projects now in progress. Mr. Frank Dosio heads the project and calls it PT Phone Home. The project is a cooperative effort among local telephone companies, telecommunications unions, PT Phone Home and the VA. The entire VA inpatient hospital system should have bedside phone service no later than December 1996.

VA facilities have office and operation telephone systems, however, telephone communication for patients was only available at a limited number of pay telephones in the hospitals. The expense of installing room telephones was a determining factor in not making in-room telephones available. With limited resources, the VA opted to focus on quality equipment, staff, and facilities and had to defer availability of private local telephones for patients. In recent years, the goal has been to make telephones available as new facilities were constructed.

The massive undertaking of making telephones available to more veterans who are patients now requires a considerable amount of planning and financing. One of the most important features about the current and comprehensive project, among others, is the help that is being provided by the local telecommunications labor force in the places where the VA facilities are located. The communications workers have donated valuable labor on their weekends and days off. And some communities have conducted local fund raisers for these worthwhile installations. These contributions say volumes about the goodwill our citizens and communities have for veterans.

Many of these veterans have spouses who cannot travel to the hospital. The telephone is, in many cases, the only means of finding out the condition and feelings of their loved ones.

Mr. Speaker, I want to commend everyone who has been involved in this project, especially the leadership of Frank Dosio and those who have assisted him. I have heard nothing but favorable comments from veteran patients throughout the country, and I urge Secretary Brown to make certain that every hospital in the VA system has bedside telephone service as soon as possible.

TRIBUTE TO PETTY OFFICER OSCAR GOMEZ

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to Petty Officer Oscar Gomez who has been recognized as the Nation's Navy Reserve Enlisted Recruiter of the Year.

Petty Officer Gomez has spent 10 of his 13 years on active duty with the Navy. He set a goal of 46 recruits at the beginning of fiscal year 1994 and achieved 167 percent of that goal by signing up 77 recruits. Gomez will be promoted to Petty Officer 1st Class in El Paso. The El Paso recruiting office can claim both the country's top recruiter and the Nation's top recruiting office for the past several years.

This achievement is especially remarkable in light of the fact that El Paso is a landlocked city in the middle of the southwest desert.

Mr. Speaker, Oscar Gomez is an outstanding citizen and a national treasure, and I am privileged to count him as one of my constituents. I ask my colleagues to join me in thanking Petty Officer Oscar Gomez for his efforts and tireless service to our Nation and saluting him in this milestone in his professional career.

IN RECOGNITION OF MANOLO REYES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. ROS-LEHTINEN. Mr. Speaker, it is my pleasure to join with thousands of my constituents and recognize Dr. Manolo Reyes for over a half century of public service in this country and in his native Cuba.

On the occasion of his 70th birthday, Manolo Reyes had a street in Miami named in his honor in recognition of decades of leadership in south Florida. Manolo Reyes earned a law degree in Cuba and was a successful figure on Cuban television. With the establishment of the Castro dictatorship, he joined thousands of his fellow Cubans in a life of exile.

In Miami, he became the face of the exile community for an entire generation of Cubans and non-Cubans alike, as the first Hispanic television news anchor in the United States. Those of us who grew up watching his morning newscast remember his dignified and authoritative delivery of the day's events. For his ground breaking work in television journalism Manolo Reyes received an Emmy.

After earning a second law degree in the United States, Manolo entered a second career in the health care field. since 1987, he has worked at Mercy Hospital overseeing patient and governmental activities.

In addition to all this, Dr. Reyes founded the Saint John Bosco Clinic which helps care for those who would otherwise fall through the cracks in the health care system. He has been quoted as saying "next to my family, this clinic is the most precious act of love in my life."

To Manolo Reyes and his family, I offer my congratulations on the recognition of a lifetime of achievement and best wishes for many more years of success.

REPRESENTATIVE TORRICELLI—PERSPECTIVE ON NATO EXPANSION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. HAMILTON. Mr. Speaker, last week the Los Angeles Times ran an excellent article by our colleague ROBERT TORRICELLI on the question of NATO expansion. He points out that the Contract With America's National Security Revitalization Act, H.R. 7, proposes the most significant expansion of U.S. military commitments in 40 years. I agree with him that "the American people should insist that swift expansion of NATO is a pledge that should not be kept." The text of Mr. TORRICELLI's article follows:

[From the Los Angeles Times, Feb. 9, 1995]

PERSPECTIVE ON NATO EXPANSION—A PROMISE BEST NOT KEPT

(By Robert G. Torricelli)

The Republican "contract with America" contains a proposal for the expansion of NATO to include the Czech Republic, Slovakia, Poland and Hungary by 1999. The Baltic states and Ukraine would follow. This represents the most significant potential expansion of United States military commitments in 40 years. It is one promise by the new congressional majority that is best forgotten.

The central feature of the NATO treaty is Article V, which commits each signatory to regard an attack on any one state to be an attack on each state. It is an unequivocal pledge of war.

The success of NATO during the Cold War was a result of the credibility of the signatories. World Wars I and II demonstrated that the United States regarded the security of Western Europe as central to its own freedom and prosperity. It was not a difficult commitment for a potential adversary to understand. With $200 billion in transatlantic trade, there is no separating the economic futures of the United States and our allies. Similar political institutions gave the treaty meaning and military capabilities gave it credibility.

An arbitrary expansion of our NATO obligations to these Eastern European nations would not conform to the original treaty objectives. A future adversary would never believe that the United States would risk its own survival to extend the nuclear umbrella in defense of nations where it has little economic, political or security interests.

Conventional military assistance would be no more credible. The Balkans war has set the precedent with the United States' refusal to become involved and our allies' rejection of military force to defend interests on their own frontiers against a comparatively weak opponent.

This is not to suggest that the United States does not sympathize with the emerging democracies of Eastern Europe. We welcome their freedom, and their success is in our national interest. We should give them substantial economic, trade and security assistance. But a commitment to wage war requires a vital national interest of a different dimension.

Central to the arguments against the "contract with America" pledge of NATO expansion are the contradictions that it represents. Republican promises of a strong national defense would be undermined by rapid NATO expansion. Great powers make impossible or insincere military commitments at great risk. A commitment of assistance to a small European state that is not fulfilled might lead an adversary to conclude that a genuine interest protected by the same pledge also will not be defended.

Underlying the policy debate is the question of capability. The ability of the United States to defend the current 15 NATO nations in a prolonged conflict with Russia was always arguable. Now Republicans contend that, having reduced our own forces by 25% and withdrawn 200,000 troops from Europe, the United States should rapidly expand our commitments to four additional nations and 73 million people. The credibility of their proposal is further compromised by their assurance that such an expansion can be achieved at no cost to the American taxpayer.

None of these potential allies offers any serious military ability to contribute to its own security. None is equipped with weapons or ordnance compatible with our own. Opposing Russian military forces, while diminished, include 72 divisions totaling 2.4 million men in adjoining regions. Their potential under some future authoritarian government commanding a nation of 150 million is obviously considerable.

Concern with the impracticability of broadening our military obligations is inevitability leading some to compromise. They propose that some nations join NATO while those more proximate to Russia be excluded. This represents the worst of all outcomes. NATO would still be left with responsibilities that it cannot fulfill, and the excluded states would implicitly fall into a new Russian sphere of influence. A new line would be drawn across Europe.

Missing from arguments for NATO expansion is an understanding that the central element in the maintenance of Eastern European security is the strengthening of Russian democracy. The ultimate maintenance of Eastern European sovereignty will be decided by the struggle for power within Russia. NATO expansion would strengthen Russian nationalist forces and, ironically, undermine the very Russian institutions and leaders that offer the principal opportunity to maintain Eastern European security.

The Clinton Administration's "partnership for peace" offers a far more balanced approach. Joint training exercises in the Netherlands and Poland are an example of the alliance's ability to increase capabilities. The promise of increase capabilities. The promise of eventual NATO membership sends a signal of our interest without recklessly committing ourselves to a future conflict.

The Republican leadership is determined to restore electoral confidence in Congress by maintaining campaign promises. The American people should insist that swift expansion of NATO is a pledge that should not be kept.

75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. WARD. Mr. Speaker, it is an honor to join my colleagues in commemorating the 75th anniversary of the founding of the League of Women Voters.

Building on the strengths and hardships of the women's suffrage movement, Carrie Chapman Catt founded the League of Women Voters and urged its members to be active participants in their government, not bystanders. However, Catt's effort did not end with securing women the right to vote, she demanded the full inclusion of women into every aspect of society: political, social, and economic.

Today, women have gained much in the areas of political and social equality; however, in terms of economic equality, women fall far short of their male counterpart. We know that 62 percent of the minimum-wage earners in the United States are women, but many in our government are still not committed to raising the minimum wage and empowering women with the economic security they so rightly deserve.

I hope that my colleagues will reflect upon the numerous achievements and successes the League of Women Voters have gained and recognize how crucial economic stability is for all, but especially for women.

THE LEAGUE OF WOMEN VOTERS

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Ms. DANNER. Mr. Speaker, today marks the 75th anniversary of a defining moment in American history, a moment that is partially responsible for me and for all of my female colleagues serving the American people as Members of the House of Representatives.

Mr. Speaker, 75 years ago a courageous woman named Carrie Chapman Catt founded the League of Women Voters.

Since its inception, the league has championed equal rights for not only women, but for all Americans, regardless of gender, race, or religion. This creed of equality, this commitment to freedom and justice transcends the vision of our Founding Fathers.

With the proper focus on education as the means to liberty, the league has been instrumental in providing access at all levels for people who were once ignored, who were once denied, and who were once suppressed. Much has been accomplished since the 1920's movement for womens' suffrage.

With the help of organizations such as the League of Women Voters, we as a people can do even more.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mr. MARTINI. Mr. Speaker, I rise on this Valentine's Day to commemorate a very special organization. The League of Women Voters turns 75 today, and it deserves our congratulations.

The league traces its roots back to the suffrage movement, and since then it has enjoyed great significance in American civic life. Dedicated to educating the American voter, the league's leaders have led the way in increasing the public's understanding of the great policy debates that have shaped our time. The wide scope of its concerns, on issues that rage everywhere from townhalls to the halls of Congress, is illustrative of their true devotion to the democratic system.

With 1,100 chapters nationwide and a membership of 150,000, the league continues to exert outstanding leadership in ensuring that the American electorate is an educated one. I am sure that no one in this body has been denied the benefit of the league's involvement in their elections.

I, myself, enjoyed an engaging evening at a League of Women Voters candidates' forum during my campaign, and was provided the opportunity to explain my views in a candidate profile. I appreciate the fine work these ladies have done, and thank them for providing avenues through which I was able to communicate in a substantive manner with my constituents. Once again, happy birthday League of Women Voters, and here's to another successful 75 years.

FOOD SAFETY

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 14, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, last week the Government Reform and Oversight Committee began marking up H.R. 450, the Regulatory Reform Act. I must say that I was surprised at just how obsessed with reducing the regulation of business, they are; so obsessed with destroying even commonsense regulations that it is even willing to sacrifice the health and safety of the American people.

Last Friday, February 10, Congresswoman LOUISE SLAUGHTER and I offered an amendment that would have done one thing only; it would have allowed the Department of Agriculture to go forward with its new rule, announced just a week or so ago, for the inspection of meat and poultry. Not a single Republican member of the committee voted in favor of it.

Meat and poultry sold to the American consumer are currently subject only to visual inspection under procedures that were implemented in 1907. The new inspection procedures would require microbial testing for bacteria; it is the Agriculture Department's long-awaited response to the massive food borne illness outbreak caused by *E Coli* that spread across the west coast 2 years ago.

Mrs. Nancy Donley of Chicago, IL, was at the markup to remind us of the price many American families have paid and will pay for inaction. Mrs. Donley lost her 6-year-old son, Alex, in July of 1993 after he died from eating *E Coli* contaminated hamburger meat.

The USDA's new inspection rule is not being promulgated to punish meat and poultry processor; its purpose is to stop people from dying and getting sick from food borne bacteria, such as salmonella and *E Coli.* Food borne disease causes an estimated 9,000 deaths per year and 6.5 million illnesses. Medical costs and lost productivity associated with the treatment of food borne illness are estimated to be between $5 billion and $6 billion each year.

I completely disagree with the proponents of this regulatory moratorium bill that we should delay for 1 minute, much less 6 months, the implementation of USDA's regulations to reduce the number of deaths and illnesses that occur each year from food poisoning.

I first became aware of the problem with unsafe meat, in 1991 when a USDA inspector testified before the subcommittee I chaired under the Committee on Energy and Commerce. This inspector, Mr. William Lehman, told our subcommittee that 9 out of 10 truckloads of meat entering our country from Canada did not stop at the border for a casual inspection.

After five hearings, a GAO investigation, and four different letters to the Secretary of Agriculture, these procedures were finally changed.

Mr. Lehman appeared before my subcommittee again, and told us that he was beginning to see large quantities of Canadian hamburger entering our country. The problem this presents for the inspector is that grinding meat into hamburger disguises problems, such as the presence of fecal material or abscesses, that a visual inspection would allow you to see on a whole carcass.

It was also at this time that the outbreak of *E Coli* deaths and illnesses occurred in the Northwest. Some of the meat supplied to the Jack-in-the-Box Restaurants, it is believed may have come from Canada.

We should not allow meat to be imported into this country in the form of hamburger, and we should continue testing the hamburger produced here for bacteria.

The USDA has proposed a rule that will allow us to take an important step towards ensuring that meat and poultry products sold in this country are free of deadly bacteria. We should not permit this bill to stop those efforts.

For the Republican majority that now controls this Congress to not allow the proposed meat and poultry food safety rule to be implemented is a callous disregard for human health and life.

SENATE—*Wednesday, February 15, 1995*

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington.

PRAYER

The guest Chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington, offered the following prayer:

Let us pray:

Almighty God, to whom we must account for all our powers and privileges, we thank You for the rich resources of this Nation, and for the freedom to choose the men and women who make the laws of this land.

Guide and bless our Senators here assembled. Give them strength and courage for their tasks, wisdom in their deliberations, and the foresight to provide for the well-being of our society. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve the people whom they represent.

Kindle in the hearts of all the people of this country, we pray, the true love of peace. Grant us grace fearlessly to contend against evil and to make no peace with oppression; and that we may reverently use the freedom with which we have been blessed, help us to employ it in the maintenance of justice in our communities and among the nations of the world.

For Yours is the Kingdom, O Lord, and You are exalted as Head over all. Amen.—Adapted from prayers in "The Book of Common Prayer," 1979.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished acting majority leader is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders has been reserved and the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment. Under the order, Senator BINGAMAN will offer an amendment regarding the supermajority, which will be considered under a 60-minute time limitation. Senators should be aware that a rollcall vote is anticipated on or in relation to the amendment at approximately 10:30 this morning. Following that rollcall vote, Senator WELLSTONE will make a motion to refer, under a 60-minute time limitation. Therefore, further rollcall votes will occur throughout the day.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Oregon is recognized.

THE REVEREND BARBARA D. HENRY

Mr. HATFIELD. Mr. President, I would like to take this moment to thank our chaplain for the day, the Reverend Barbara Henry, who has opened the Senate with prayer.

We are very honored to have Reverend Henry in this role. She is a person of great distinction and background in her educational experience—Boston University and the University of Pittsburgh in music, and also a graduate of the General Theological Seminary of the Episcopal Church of America in New York.

Reverend Henry has not only served as a pastor in a parish, two of them here in Washington, DC—St. John's Episcopal Church in Georgetown and as assistant rector at St. Stephen and the Incarnation Episcopal Church in Washington—she has divided her ministry between the parish and in music education and in music library work, especially.

She is now serving at Catholic University of America here in Washington, where she is the head music librarian and is carrying out her other ministry within the region of Washington.

Mr. President, I ask unanimous consent that a more detailed résumé of her outstanding ministry be printed in the RECORD.

There being no objection, the résumé was ordered to be printed in the RECORD, as follows:

RÉSUMÉ OF BARBARA D. HENRY

EDUCATION

Mus.B. (Music Education) Boston University, 1956.

M.M. (Music History and Literature) Boston University, 1962.

M.L.S. (Library Science) University of Pittsburgh, 1965. (Member, Beta Phi Mu; Recipient of Phi Delta Gamma Award to Outstanding Woman Graduate Student)

M.Div. The General Theological Seminary, New York, 1983. (Teaching Assistant, Church History)

LIBRARY EXPERIENCE

I have been a music librarian in a variety of academic and public libraries, from 1958 to 1980 and from 1988 to the present. These positions have included experience in all aspects of librarianship, including reference, collection development, cataloging, and administration. From 1970 on, these were positions of increasing administrative responsibility, including budget management, annual reporting and supervision of up to fifteen people.

East Carolina University, Greenville, N.C., Music Librarian, September 1970–June 1972:

Responsible for administration of all activities of the Music Library, a branch library located in the School of Music. Duties included selection of books, music, periodicals and phonorecords; cataloging and processing of phonorecords. Managed budget for acquisitions; supervised 8–10 student assistants. Reported annually to Dean of School of Music and to University Librarian.

Northwestern University, Evanston, Ill., Assistant Music Librarian for Technical Services, July 1972–December 1973:

Administered all technical processes in the Music Library, including the acquisition of music and sound recordings directly, and books and serials through the University Library. Manual cataloging of music and sound recordings; computer cataloging of books through main library. Acted as liaison with University Library Technical Processing Division. Shared in policy-making and reference service in Music Library. Supervised staff of three full-time assistants and 5–6 students. Planned and assisted with move of Music Library to new building.

The Curtis Institute of Music, Philadelphia, Pa., Head Librarian, January 1974–June 1975:

Supervised and administered all operations of the Library, including circulation, reference, cataloging, acquisitions, and budget management. Selected books, music and sound recordings with assistance of faculty. Supervised three full-time staff, as well as students. Acted as curator of large collection of rare books and manuscripts. Reorganized library, planned new facility and supervised moving of collections to new quarters.

The Library of Congress, Music Division, Washington, DC, Assistant Head, Reference Section, July 1975–July 1977; Head, August 1977–July 1980:

As Assistant Head, supervised day-to-day activities of the Reference Section; reviewed and edited all reference correspondence; provided and/or directed reference service to readers and telephone inquirers; acted as statistical coordinator for the Division; conducted tours of the Division. As Head, responsible for collection development and management, including selection of material not acquired by copyright. Shared in policy-making and budgetary management with Chief and Assistant chief of Division. Supervised 6–8 reference librarians and 5–7 technicians.

The Catholic University of America, Washington, DC, Head, Music Library, March 1988–present

Manage all aspects of the Music Library, a separate branch library which contains music materials in all formats: books, periodicals, music and sound recordings. Supervise two full-time support staff, and 10–15 students. Prepare and monitor budget; prepare annual report, which includes both statistical and narrative sections. Working with other staff, select all new material to be purchased as well as gift material to be added to collections. Oversee management of collections, weeding, shifting, taking inventory, etc. Assist patrons in using catalogs, both print and on-line. Give reference assistance to patrons, answer phone and mail inquiries. Assist graduate students in locating scholarly material in other libraries. Give bibliographic instruction to graduate classes and to individuals. Act as liaison with faculty of School of Music and with the main University Library. Serve on Library committees.

CHURCH AND MUSICAL EXPERIENCE

Attended the General Theological Seminary, September 1980–June 1983. From August 1983 to March 1988, worked full-time as Assistant Rector in two Episcopal churches in Washington, DC. Since that time I have assisted in several parishes on a part-time basis.

Have been a performer of early music, teacher of recorder, and director of early music ensembles since 1965.

Episcopal priest, Diocese of Washington. Ordained December 15, 1983. Received M.Div., The General Theological Seminary, N.Y., 1983.

Served as: Assistant Rector/Urban Resident, St. Stephen & The Incarnation Episcopal Church, 1983–85. Assistant Rector, St. John's Episcopal Church, Georgetown, 1985–88. Curate (part-time) St. James' Episcopal Church, Capitol Hill, 1991–94. Currently assist in several parishes of the Diocese.

Head, Music Library, The Catholic University of America, 1988–present. Previously music librarian in a number of libraries, including the Music Division of the Library of Congress, as Assistant Head and Head of the Reference Section, 1975–1980.

Mr. HATFIELD. Again, I thank her on behalf of all Members of the Senate for her presence here the remainder of this week, filling in until the elected Chaplain arrives to serve on March 8.

I yield the floor.

CRIME

Mr. DOLE. Mr. President, I want to commend the House of Representatives for completing action on one of the key elements in the Contract With America—the Taking Back Our Streets Act. As a result of yesterday's vote, we are now one step closer to enacting the kind of tough-on-crime legislation the American people deserve:

Mandatory restitution for the victims of Federal crimes.

The swift deportation of illegal aliens who have broken our criminal laws.

More funds for prison construction so that Governors like George Allen can abolish parole and make truth in sentencing a reality in the Commonwealth of Virginia.

Comprehensive reform of the habeas corpus rules to prevent convicted criminals from exploiting the system, with more frivolous appeals, more unnecessary delays, and yes, more grief for the victims of crime and their families.

Reform of the exclusionary rule to ensure that relevant evidence is not tossed out at trial simply because a police officer made an honest mistake.

And, finally, a rewrite of last year's police-hiring program to give States and localities more flexibility in determining what best suits their own unique law enforcement needs. Is it more cops? Or is it more squad cars? Better technology? Training? Perhaps even computers?

Unfortunately, this last provision has raised President Clinton's political hackles. He is now out on the stump, threatening a veto, and arguing that the law enforcement block grants will somehow jeopardize his pledge to put 100,000 more cops on the street.

Of course, last year's crime bill was one of the most politically oversold pieces of legislation in recent memory. As most experts will tell you, the 1994 crime bill barely contains enough funding to hire 25,000 more cops, never mind 100,000. So, President Clinton's complaints may make for good rhetoric, but when all is said and done, rhetoric has never put a single cop on the beat.

The President's veto-threat also raises a more fundamental question: Who knows best how to fight crime? Is it Congress? The bureaucrats in Washington?

Or is it the people on the frontlines: the sheriffs, the mayors, the county commissioners, the Governors? Does President Clinton not trust our State and local officials to make the right decisions, to do the right thing, or does he think they cannot be trusted and that, if given the flexibility, they will somehow squander the block-grant funds?

As the Washington Post editorialized yesterday, and I quote:

> "One hundred thousand cops" sounds good, but congressional failure to include that mandate is not worth a Presidential veto * * *. The world won't end if local authorities are given more flexibility.

So, Mr. President, I commend the House of Representatives for toughening up last year's crime bill and giving the States and cities the flexibility they need. It is now up to the Senate to finish the job, and I hope we can do that in the next 60 days.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent that I may proceed as if in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AN ENLIGHTENED UNITED STATES POLICY TOWARD CUBA

Mr. PELL. Mr. President, last month I spoke in this Chamber about the need for a serious reexamination of United States policy toward Cuba. In the weeks since quite the opposite has occurred. Instead, we seem to be rushing toward an intensification of the current policy.

That policy, consisting of a rigidly enforced embargo and an aversion to any significant dialog with Cuba, has, as best I understand them, three goals: To promote a peaceful transition to democracy; to support economic liberalization; and to foster greater respect for human rights while controlling immigration from Cuba.

These three goals have guided our national policy toward Cuba for the more than 30 years I have been in this body, Mr. President, yet there has been scant progress toward achieving any of them. There is still a government in Cuba which is not freely elected, which is only just beginning tentative steps toward a market economy, and which continues to fall short of international standards in the area of respect for human rights.

Therefore, I can only conclude that this policy is not only outdated and ineffective, but, far worse, it is counterproductive. It seems to me that the time has come to admit the obvious. The policy is a failure and will never achieve its stated objectives.

I believe that, rather than tightening the embargo and further isolating Cuba, the United States should expand contact with the Cuban people and enter into negotiations on all issues of mutual concern to our two countries, including the lifting of the economic embargo.

I say this not because of any regard for the Government in Havana, a one-party state with a record of intolerance toward dissident voices within the society. Rather, I say this because, if our country and Cuba are to break the impasse that has existed in our relations for more than three decades, someone must take the first step in that direction. I believe it is in the U.S. national interest to take that first step—to agree to sit down at a negotiating table, where all issues can be discussed.

In the meantime, there should be greater contact between our own citizens and the Cuban people. Such contact will serve to plant the seeds of change and advance the cause of democracy on that island. Just as greater exchange with the West helped hasten the fall of communism in Eastern Europe and the former Soviet Union, so, too, it can achieve the same results much closer to our shores.

Liberal Democrats are not alone in holding this view. Former President Richard Nixon wrote shortly before his death last year, "we should drop the economic embargo and open the way to trade, investment, and economic interaction." Learned people across the political spectrum have made similar comments and observations about the policy.

Why? Because they have all observed across the globe that policies which foster greater commerce and communication between countries work and those which engender isolation and enforced misery don't work. It has been impossible for those who would seek to defend the status quo to cite an instance in modern history where a policy of forced isolation has successfully transformed a totalitarian state into a democracy.

United States travel restrictions to and from Cuba are among the most prohibitive in the world—this to an island that is only 90 miles from our shores. At this point, only United States Government officials and journalists have unrestricted access to Cuba and only a small percentage of Cubans who apply are allowed to travel to the United States each year. Legislation recently introduced in the Senate would restrict binational contacts even further.

Mr. President, do we as a nation not have enough faith in the power of our democratic system to let contact between our citizens and other peoples flourish? In my view, the strongest advocate for democracy and a free-market economy would be a Cuban student or family member who had recently visited the United States and seen the sharp contrast between our way of life and that in Cuba.

Current policy not only denies the United States the opportunity to promote positive change in Cuba, but it increases the likehihood of widespread political violence and another mass exodus of refugees to Florida. The Cuban Government, which is vigorously pursuing expanding political and economic ties with the rest of the world, is unlikely to give into unilateral United States demands. Nor is there much indication that a viable opposition currently exists within Cuba to wrest power from existing authorities.

We have made it very easy for Cuban authorities to justify the lack of political freedom in Havana. They simply point to the external threat posed by a hostile U.S. policy. That justification would lose all credibility were we to adopt a more reasoned U.S. policy. Cuban authorities would then be hard pressed to justify the denial of political rights and economic opportunities that the Cuban people readily observe elsewhere.

Mr. President, it will be an incredible legacy of whatever administration succeeds in achieving what all the United States administrations of the past 30 years have failed to do—to bring about the peaceful transition to democracy in Cuba. At last all the peoples of the hemisphere would truly be one family, united by common principles and values.

It will require political courage to abandon this antiquated and ineffective policy. Old hatreds and vested interests have, heretofore, held us captive. However, I believe the rewards of a new policy of engagement will be so great that embarking on it will outweigh the political risks.

Mr. President, I urge the administration to take the first step toward a new and enlightened policy—a policy that can once again unite Americans and Cubans. I extend my support and effort in that endeavor. I urge my colleagues to join me as well.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of United States.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

AMENDMENT NO. 248

(Purpose: To prohibit the House from requiring more than a majority of quorum to adopt revenues increases and spending cuts)

Mr. BINGAMAN. Mr. President, I call up amendment No. 248 for consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 248.

The amendment is as follows:

On page 3, strike lines 9 through 11, and insert the following:

"SECTION 8. This article shall take effect beginning with the later of the following:

"(1) fiscal year 2002;

"(2) the second fiscal year beginning after its ratification; or

"(3) the end of the first continuous seven-year period starting after the adoption of the joint resolution of Congress proposing this article during which period there is not in effect any statute, rule, or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts.".

Mr. BINGAMAN. Mr. President, the balanced budget amendment contemplates a 7-year period during which we would go from where we now are—that is, about a $200 billion annual deficit—to a zero deficit. This chart makes the point very obviously that, from 1996 to the year 2002, we need to make substantial progress in getting from where we are to that zero deficit.

My amendment tries to assure that during those 7 years—not after the 7 years—but during those 7 years we can actually reach this goal of a balanced budget. My amendment says that during those 7 years you cannot have a requirement for a supermajority either to cut spending or to raise taxes in either House of the Congress.

Mr. President, I voted for the balanced budget amendment before, and I can honestly say that the intent of the amendment's proponents in those previous debates here on the Senate floor seems to me different from what is their apparent intent this time. In the previous Congresses the amendment was offered as a mechanism to help achieve responsible fiscal policy. It was to be a prod to keep us focused on deficit reduction; an assist to us in pursuing sound fiscal policy. Since I agreed that more discipline was needed, I was willing to support the amendment.

This time the amendment comes to us in a different context, supported by some different arguments. Now, the proponents do not just want deficit reduction and sound fiscal policy. They also want that deficit reduction achieved in their preferred way and in a way which most heavily benefits those they desire to benefit. That is a new and a disturbing aspect of this year's debate, Mr. President.

This year, the amendment comes from the House of Representatives after the House has already amended its own rules to require a three-fifths supermajority for any increase in income tax rates. Other taxes can still be raised with a simple majority. Of course, spending cuts can still be accomplished with a simple majority, but income tax rates cannot be raised without a three-fifths vote, according to the House rule.

Some argue that this is just a House rule and that we in the Senate do not need to concern ourselves with it. But under the Constitution, all revenue measures must originate in the House, so if the House has a rule that biases deficit reduction against changes in the income tax, that restricts the options available to the entire Congress, not just the House.

Mr. President, this change of rules undermines genuine efforts at deficit reduction, and it undermines our ability to achieve sound fiscal policy. The purpose of the House rule is to advance a conservative political agenda of less taxation for certain taxpayers without regard for and in spite of the consequences for the deficit.

The purposes of the rule are to protect individuals and corporations in the upper tax brackets and to accomplish any increase in revenue by raising regressive taxes that affect middle-income individuals and families, taxes such as the gas tax, Social Security taxes, sales and excise taxes.

Supermajority requirements like the House rule make deficit reduction over the next 7 years even more different than it already is. But more importantly, they drastically alter the fundamental fairness of the way we will allocate the pain of deficit reduction during those 7 years.

The supermajority requirement shifts the burden away from wealthy individuals and corporations and onto the backs of low- and middle-income working families. For under the House rule, it is the working families of America, not the wealthy and the corporations, who will feel the spending cuts. It is those working families who will pay the gas taxes and the social insurance taxes and the excise taxes which must get us to a zero deficit.

Never before have the proponents of this balanced budget amendment argued that it is right for middle-income families to pay to balance the budget but not right for the wealthy and the corporations to pay.

So my amendment restores the fundamental fairness of previous balanced budget amendment discussions. It restores the ground rules to what they were during previous balanced budget amendment debates here on the floor by establishing this 7-year period in which to get to a zero deficit without unfair supermajority requirements in either House with regard either to particular spending cuts or particular tax increases.

Now, looking at the second of these charts, it makes a very serious point which I am sure everyone knows here in the Senate and perhaps needs to be repeated. Deficit reduction is not rocket science. It is not difficult to know what to do. It is difficult to have the courage to do it.

Deficit reduction can be accomplished in two ways. You can cut spending or you can increase revenue. Either one of those works. Both of them help get you to a zero deficit and a balanced budget. As the bottom part of the chart shows, my amendment merely says that during the 7 years leading up to 2002 we cannot have supermajority votes required either for spending cuts or for revenue increases.

Our past experience and simple economic sense leads me to conclude that if we are going to seriously approach accomplishing a balanced budget, we will have to look at both spending cuts and revenue increases to get from here to where we need to go.

If we look at history and look at what we have actually done in the last 15 years by way of deficit reduction, we can see the point I am trying to make. There have been five serious efforts at deficit reduction during the 1980's and the first half of the 1990's—under Republican Presidents and under Democratic Presidents, I point out.

In 1982, there was a significant deficit reduction effort. The total deficit reduction there was $116 billion. That was, of course, under President Reagan. He signed that bill and approved it. Most of the deficit reduction there was accomplished by revenue increases—not by spending cuts. People need to recognize that in each of the five cases here we have had both revenue increases and spending cuts.

The second serious reduction was when President Reagan was in the White House in 1987, and again we had substantial revenue increases: $75 billion in revenue increases and $118 billion in spending cuts. So there was clearly a combination of the two in that case.

In 1989, under President Bush, we had a deficit reduction effort which was about equally balanced between revenue increases and spending cuts.

In 1990, we had a very major deficit reduction package when President Bush was in the White House. There was more in spending cuts, nearly twice as much in spending cuts or a little over twice as much in spending cuts as there were in revenue increases. But still there was a combination of the two.

Then 2 years ago, in 1993, of course, we had President Clinton's deficit reduction package which involved both spending cuts and revenue increases, totaling, according to the CBO, $433 billion as originally proposed. I think the estimates are that that has increased since.

I think it is interesting to note when we look at this history of how we have actually tried to accomplish deficit reduction, in four of the five deficit reduction efforts that were made in the 1980's and so far in the 1990's we did not have the three-fifths vote necessary in the House which would be required by this House rule. So these packages, four of the five, could not have passed under the House rule as it now stands. Not only does history indicate that serious deficit reduction will require both spending cuts and tax increases, but common sense indicates that it will as well.

Now, looking at the next chart, that chart shows the Federal budget and shows what is available when we start to cut spending. Many previous speakers in the last couple of weeks have pointed to this chart or similar versions of this chart to make the very obvious point that the majority of the Federal budget is so-called mandatory spending, spending not readily available for cuts. Clearly we can change the eligibility requirements for Social Security or Medicare or Medicaid and get savings, but this is mandatory in the sense that it will take a change in the substantive law that we have had on the books for some time in order to bring that about.

Interest accounts for about 15 percent of the debt. There is no way to dodge that. We have to pay that each year. We cannot make up spending cuts there. Medicare and Medicaid is about 17 percent, and as far as I know somebody is talking about cuts in Medicare and Medicaid. All they are talking about is whether we will restrain the rate of increase in those areas.

Social Security, we have had votes in the last 2 or 3 days where everybody has gone on record, both Democrat and Republican, as not wanting to see Social Security counted as part of the way we get to deficit reduction to get to a balanced budget.

And other mandatory spending, other entitlement programs, makes up about 10 percent. The areas that are discretionary are defense, which is about 18 percent of the Federal budget. The proposal I have heard around the Capitol in recent months is not to cut defense. It is added to what the President himself has proposed as increases in defense during the next 5 years.

Of course, some people think we can balance the budget by cutting out international foreign aid. That is 1.4 percent of the Federal budget. I suggest that if we eliminate it entirely, we still would have a long way to go to get to a balanced budget.

Domestic discretionary, 16.5 percent. That is where the cuts will come. I think everybody knows that when we get around to cutting spending, the cuts are going to come in domestic discretionary spending. That is law enforcement funding, that is education funding, that is public health funding, that is funding of a whole variety of things which generally keep the Government running.

While virtually all experts agree that to get to a balanced budget, we will have to both cut spending and raise revenue, the House of Representatives by rule has made it very difficult for us to raise that additional revenue, at least to raise that additional revenue from the income tax.

We are spending a great deal of time in the Congress this year, Mr. President, talking about the Contract With America. I read that contract, and part of it did contain a promise to the American people not to raise taxes. The contract does not just contain a promise not to raise taxes, it has a promise to require a supermajority to raise taxes. The contract, in fact, proposed to include that supermajority requirement for tax increases in the balanced budget amendment itself.

When the Speaker and the majority in the House finally started looking at their votes, they decided they did not have the votes to pass the balanced budget amendment in that form, but that they did have the votes to put in place a rule which would have the same effect; that is, a rule which would say that you have to have not a majority but you have to have three-fifths of the House voting for any kind of change in income tax rates in order to increase those rates.

Not only has the Republican leadership in the House made good on their promise to require a supermajority to raise taxes and to put it in the rules, they have also committed to a major tax cut this year.

We had quite a debate yesterday about whether or not it was wise to proceed with a tax cut. I believe myself that the 1981 tax cut was not responsible in light of the Federal deficit we faced then. It seems equally clear to me that this proposed tax cut, which is called for in the Contract With America, is also not responsible.

Mr. President, I regret that President Clinton has chosen to advocate tax cuts at this particular time, although his proposal is much more reasonable in size and it is targeted toward families attempting to improve their own education or their children's education.

This is the context in which we are considering a commitment to reach a balanced budget amendment in the next 7 years. The results, in my view, are two:

First, the chances are overwhelming that if we keep this supermajority requirement in the House rules, we will not reach the goals set out in the amendment of a balanced budget by the year 2002.

And second, that if we keep this supermajority requirement in the House rules, whatever steps we take to reach the goal are going to fall hardest on working families.

My amendment tries to ensure a good faith effort by all to reach the goal of a balanced budget. It eliminates all the preconditions, it eliminates all the artificial barriers. No group, and certainly not the wealthy, could assume that it would be spared from sharing in the pain of deficit reduction.

There would be no prohibition against cuts and particular types of spending; there would be no prohibition against increases and particular types of taxes. The House rules requiring three-fifths to change income tax rates would have to either be dropped or judged invalid by the Supreme Court.

I point out to my colleagues that there is pending today in the court a suit brought by the League of Women Voters and 15 House Members challenging the constitutionality of the House rule.

Mr. President, this is essentially a back-to-reality amendment. It is also a basic fairness amendment. I believe it is an important amendment dealing with this issue of a supermajority requirement, particularly as it has been manifested in this House rule.

Let me look at one final chart to make that last point about the importance of the amendment. We have looked at where the spending occurs in Government. Let us look at where the revenue comes from to see what we are taking off the table by adopting that House rule.

The income tax, of course, is our most progressive tax. Here you can see the individual taxes account for 43 percent of the revenue that the Government receives each year, and corporate taxes account for an additional 11 percent. So you add those two together and you have 54 percent of the revenue that comes to the Federal Government by way of taxes.

We are saying if you want to change the amount of revenue you receive from those taxes, if you want to get anymore revenue from those taxes, you have to have three-fifths under the House rule.

That is a major amount. That is a major source of revenue to be building a supermajority requirement around. When you look at where else can we raise revenue, if we are not able to get the three-fifths necessary there, as we have not been able to get the three-fifths necessary in four of the last five major deficit reduction efforts in the Congress, where else can you get those?

Social Security taxes, 37 percent; 37 percent of the total revenue coming into the Federal Government comes from Social Security taxes. So you can raise Social Security taxes. Excise taxes, 4 percent, and other taxes, 5 percent. That is things like the gasoline tax and other matters. I point out that the Social Security tax, excise tax, and gasoline taxes are regressive. That means that they fall most heavily on low- and moderate-income individuals. The income tax is the progressive tax. It is the tax that has higher rates that you are required to pay as your income goes up. So when you say you will not change the income tax, you are clearly looking out for those people with the high incomes.

When we say a supermajority is required to raise rates in that tax but not in others, we are protecting those who are relatively disadvantaged by the progressive rate structure of the income tax, and those are clearly the wealthy in our society.

The people most affected by taxes, other than the income tax, are not protected. Those are the working families, poor families, the elderly. Those other taxes are still available as sources of income. The gasoline tax is there, available, excise taxes. Some of my colleagues have an interest in beer and wine and tobacco taxes and other excise taxes as well. The main other source of income for the Federal Government is the Social Security tax. That accounts for 37 percent of all the revenue we receive.

In addition to these sources of revenue to get from here to a balanced budget, we also, of course, have areas of spending that can be targeted for reduction. And the area of spending which we all know is most likely to be cut is domestic discretionary spending. That category includes programs that primarily go to benefit the average working people in the country—education grants, loans, health care, health clinics in our rural areas, nutrition, school lunch programs, law enforcement, funds needed to make good on the promises that were in last year's crime bill.

To summarize, Mr. President, this amendment that I am offering today lets us go into this 7-year period with ground rules that do not make it virtually impossible to get from here to a balanced budget.

They also let us go into this 7-year period with ground rules that do not require most of the pain—that is, a disproportionate amount of the pain—of deficit reduction to be borne by working families.

In my view, this is a good amendment. I urge all Senators who are seriously committed to deficit reduction and to fairness in the way that we achieve that deficit reduction to support the amendment.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from Utah.

Mr. HATCH. I thank the Chair.

Mr. President, we are now in our 17th day under our balanced budget amendment debt tracker of the increase in the debt as we debate. While we are debating this—this is our 17th day of debate, or 17th day since we started this debate—we can see in this far chart the red line at the bottom is the $4.8 trillion debt that we started with at the beginning of this year. The green lines show how it is going up every day $829 million of additional debt on the backs of our children and our grandchildren. Today, the 17th day, we are now up to, as you can easily see here, $14,100,480,000—in additional debt just while we debate this.

The reason we are doing this is so the American people can understand that this is serious business. For 17 days this has been delayed, a full 3 weeks of Senate floor time, 3 weeks on something that a vast majority of Senators are for, and we believe 67 of us will vote for it in the end because it is the only chance we have to get spending under control, the only chance we have. It is the first time in history that the House of Representatives has passed a balanced budget amendment.

Now they have sent it to us. It is the amendment we have been working on now for my whole 19 years in the Senate, and I have to say it is a bipartisan consensus, Democrat-Republican amendment. It is not perfect, but it is the best we can do, and it is much better than anything I have seen in all the time we have debated it. It will put a mechanism in the Constitution that will help us in the Congress to do that which we should have been doing all these years anyway, and that is to live within our means.

The distinguished Senator from New Mexico is very sincere. He does not like the three-fifths vote over in the House that they have on a statutory basis. It can be changed anytime by a mere 51 percent vote. When they get a majority over there that can do it, they will change it. But that has nothing to do, in my opinion, with whether or not we should pass the balanced budget amendment in the Senate.

I oppose the amendment offered by the distinguished Senator from New Mexico. The Bingaman amendment, while seemingly aimed at supermajority voting requirements to raise revenues or cut spending, would in fact kill the balanced budget amendment, not merely delay its implementation. As I will explain in a few moments, the Bingaman amendment, if adopted, would render the balanced budget amendment inherently contradictory and never, ever capable of going into effect.

The Bingaman amendment would ostensibly delay the effective date of the balanced budget amendment until the end of the 7-year period after Congress adopts it, "during which period there is not in effect any statute, rule or other provision that requires more than a majority of a quorum in either House of Congress to approve either revenue increases or spending cuts."

Now, it may seem that this amendment is aimed at the other body's recent rule that Federal income tax increases are effective only if they receive a three-fifths vote, but it hits the balanced budget amendment right in the heart. And this is not an errant, leftover arrow from Cupid's quiver. This is a poisoned dart.

Section 4 of House Joint Resolution 1 states that "no bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote." That means at least 51 Senators and 218 Members of the House of Representatives must be recorded in favor of any revenue increase. In other words, it is a constitutional majority that our amendment requires.

If we adopt the Bingaman amendment into House Joint Resolution 1, however, then House Joint Resolution 1 can never, ever go into effect. The Bingaman proposal says that House Joint Resolution 1 cannot go into effect so long as a provision such as section 4 is law. After all, the Bingaman proposal says that a majority of a quorum can raise taxes. House Joint Resolution 1 says that only a majority of the whole number of both Houses can raise taxes. You cannot put the two provisions in the same constitutional amendment, at least not if you are really trying to enact that constitutional amendment into law.

So the Bingaman amendment is about much more than raising the supermajority requirement for revenue increases or spending cuts. It is about killing the balanced budget amendment by making it incapable of ever going into effect.

I might point out that had this section 4 provision been in effect in 1993, then President Clinton's huge tax increase in 1993 would not have become law. That tax increase only garnered 50 votes in the Senate and needed Vice President GORE's tie breaker in order to be sent to the President. But while the Vice President is President of the Senate, he is not a Member of the Senate. Accordingly, the 1993 tax increase would have been killed by the 50–50 vote of the Senators under the pending balanced budget amendment.

There are other serious problems with the Bingaman amendment. If Congress wants to adopt supermajority requirements for raising taxes and does so in a constitutional manner, I think that it will be perfectly appropriate protection for the taxpayers. I wish we could get the votes to pass the balanced budget amendment with such a requirement, but we cannot. I certainly do not believe that we should, in our fundamental charter, put in a provision that explicitly says as few as 26 Senators out of 100 can raise taxes. I think it is a terrible idea to write that explicitly into the Constitution. As I say, we should put into our Constitution stronger protections against tax raises.

While section 4 is not as strong as some would prefer it, certainly in the House, it is better than the status quo. The Bingaman amendment, in contrast, would make the status quo an explicit part of our Constitution.

Now, my colleagues should bear in mind that a vote for the Bingaman amendment is a vote in favor of stating right in the Constitution itself that as few as 26 Senators can pass tax raises. Statutory or internal congressional rules seeking to impose a higher hurdle for tax increases would be, on their face, invalid. Today at least we have a fighting chance to have such statutory or internal congressional rules imposing higher voting requirements for tax increases upheld.

Moreover, if Congress adopts House Joint Resolution 1 and sends it to the States with the Bingaman language, even aside from the fatal flaw that I mentioned earlier, take a look at the hurdles House Joint Resolution 1 would have to go through, even within the terms of the Bingaman amendment itself. If the other body does not repeal its three-fifths rule on tax increases, its statutory rule, for, say, 2 years, then House Joint Resolution 1 would have to wait 7 more years after such repeal before it can be effective under the Bingaman language. That puts us into the year 2004. We cannot wait that long for the discipline of the balanced budget amendment to go into effect.

President Clinton's proposed budgets would add another $400 billion to the national debt in those 2 years alone, even under optimistic assumptions, and $1.8 trillion over that period to the year 2004.

If my friend from New Mexico does not like the other body's rules on tax increases, I say with all respect that concern should not be addressed by tampering with the effective date of this badly needed constitutional mandate to balance the budget.

Frankly, America cannot wait any longer than the balanced budget amendment already provides for the Congress to be placed under such a mandate. I certainly believe the distinguished Senator from New Mexico is sincere, but I think these arguments against it are overwhelming, and I hope our fellow Senators will vote down the Bingaman amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me just respond to some of the points my friend and colleague from Utah has made.

He suggests that the amendment I am offering would make the balanced budget amendment internally contradictory, because of section 4, as I understand his argument. I do not see it that way, and let me explain my view of it.

As I understand the procedure that the balanced budget amendment contemplates, there is a 7-year period during which we try to get to a balanced budget. Section 8 says, "This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later." So there is a 7-year period from where we are to the balanced budget. Then the balanced budget amendment, including section 4, takes effect.

He is correct, section 4 says, "No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote." My amendment does not affect that. What my amendment says is during the first 7 years, during the time we are trying to get to the balanced budget, we should not have supermajority requirements. Once we have a balanced budget, section 4 says you have to have a majority of the whole number of each House to raise revenue, and I am not challenging that. My amendment does not challenge that. I do not know that it is great policy but my amendment does not challenge that.

So I do not see anything inconsistent between my amendment, which deals with the first 7 years, from now until the time we get to a balanced budget, and section 4, which deals with the time from the effective date of the balanced budget amendment, 7 years down the road, from then on in our Nation's history.

So I do not see there is any inconsistency. If I am missing something in the argument I would be anxious to hear the response of the Senator from Utah on that. But I do not believe I am missing anything. I believe my amendment would improve the balanced budget amendment as it now stands before the Senate and would not build in any internal contradiction into it.

The second point he makes is that if we were to invalidate the House rule, we would in fact be allowing as few as 26 Senators—we could be putting in the Constitution a provision which says that as few as 26 Senators can raise taxes. I would just point out that is what the Constitution provides. That is what the Constitution has provided for 206 years, that as few as 26, a majority of a quorum, is all that is required by both Houses to either raise taxes or cut spending. That is not changed.

I do not see anything terrible about us putting a sentence in saying that is what the Constitution provides because that is what the Constitution provides. That is what it has always provided.

This is not just a casual result. There was a great debate at the time the Constitution was being written about whether a supermajority should be required. In fact, one of the most famous of the Federalist Papers, No. 58, written by James Madison, dealt with this specific subject. I understand the Speaker of the House of Representatives has assigned this as one of the books he is requiring all House Members to read. So I am sure they are all familiar with this, but maybe some of my colleagues here in the Senate are not. Let me just read a short passage from the Federalist No. 58. This is James Madison writing. He wrote:

> It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of a quorum for a decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty, impartial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: The power would be transferred to the minority.

That is James Madison's explanation for why the drafters of the Constitution did not put in there a requirement for a supermajority. They did not permit rules to exist such as the rule in the House. And we need to clarify that rules such as the rule in the House would not be permitted during this 7-year period while we get to a balanced budget. So I think it is clear that the argument for maintaining the right of the majority to rule is a strong argument. It is not a new argument in our democratic system. It is a strong argument we should stick with.

The Senator from Utah made one final point. He said if my amendment were adopted we could delay the time that we are required to have a balanced budget by 2 years, or whatever period until the House decided to change its rule.

I would point out the House could meet this afternoon and change its rule. There is nothing in my amendment which in any way prevents the House from changing its rule or any court—and we do have a court case pending on this—from determining that that rule is unconstitutional and invalid. As soon as that happens the 7 years begins to run.

So if the concern is we cannot get the 7 years running fast enough, I would say there is a ready remedy for that, once my amendment is adopted, and that is a repeal of the rule.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I appreciate the arguments of the distinguished Senator from New Mexico and I appreciate his sincerity. I just do not think it refutes what we said earlier.

Could I ask the remaining time? On both sides?

The PRESIDING OFFICER. The Senator from Utah has 5 minutes and it looks like 52 seconds. The Senator from New Mexico has 17 minutes and 22 seconds.

Mr. HATCH. I am prepared to yield back the remainder of my time if the Senator from New Mexico is.

Mr. BINGAMAN. Mr. President, I have been advised by the Cloakroom that there are certain Senators who expect to have this vote at 10:30. I do not need to keep all my time but perhaps we should check on that before I yield back the remainder of my time.

Mr. HATCH. If we both yield back our time I will move to table, get the yeas and nays, and then we will put it into a quorum call until then?

Mr. BINGAMAN. Let me also check to see if Senator BUMPERS is coming to the floor. Let me also ask unanimous consent to add Senator BUMPERS and Senator DORGAN as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask we charge it equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, how much time remains for the proponents?

The PRESIDING OFFICER. Twelve minutes.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I do not believe I shall use the entire time. I want to stand in support of the amendment offered by the Senator from New Mexico [Mr. BINGAMAN] this morning.

I find it interesting that those who most loudly profess to want a balanced budget find ways to try to provide handcuffs on those who ultimately want to achieve a balanced budget. I do not remember who it was who said it, but someone once said, "The louder they boast of their honor, the faster I count my spoons." I sort of sense that is the situation here.

We have a lot of people who say, "Gee, we want to get to a balanced budget." Then they put into law these notions about supermajorities in order to do one thing or another. The other body now has a supermajority on raising revenue. What if you have a circumstance where the revenue system is out of kilter and you have one group of people, let us say wealthiest group, that are substantially underpaying what they ought to pay and we feel the need to raise rates on that group, and maybe use the money to provide partial benefits to somebody else who is overpaying. You would not be able to do that because it would take a supermajority. That does not make any sense.

Why do we prejudge the answer on any taxing or spending issue to reach a balanced budget amendment? Some say we do not want anybody to increase taxes. I do not, either. In fact, sign me up for a zero tax rate for my constituents. That is what I want. No taxes. But the fact is, we have roads, we have schools, we have law enforcement, and we have defense to pay for, the defense of this country. So we have to pay for the things that we spend in the public sector.

The question is, Who pays? How do they pay? We can construct a tax system to do that. Nobody likes it, but it is necessary. It is part of our life in this country. We spend money. We raise taxes. Should we cut spending? Yes. We should, and we will. Should we raise taxes? Probably not. But is it necessary in some instances probably to do that? We found in 1993 that we had to raise some taxes. I voted for it. I did not like it. The medicine does not taste good, but I was willing to do it because I felt it contributed to reducing the Federal deficit.

But to allow either body of Congress to prejudge what is necessary to achieve a balanced budget is wrong. Senator BINGAMAN is saying during the 7-year period, you cannot do that. You cannot create supermajorities to try to prejudge those kinds of choices that we must take in both the House and the Senate to try to achieve a balanced budget.

I do not ever question motives with respect to Members of Congress. I think some feel very strongly that we ought to have this balanced budget amendment. Others feel equally strongly that we should not. All the Senator from New Mexico is saying is that if you feel strongly that we ought to have a balanced budget amendment or a balanced budget, either through an amendment or without an amendment, then you ought not put handcuffs on either the revenue or the spending side so that in the next 7 years, freethinking people of good will serving in the House and the Senate can decide on a range of items, on a menu of issues, on how to achieve that goal. It is much more important to achieve the goal of getting our fiscal house in order than it is to preach ideology about taxes.

The goal is important. Those who crow on the floor of the Senate and the House about the balanced budget amendment are the ones who now say to us, yes, we want a balanced budget but we also want to straitjacket people by creating goofy rules. And the Senator from New Mexico says let us all be honest about these things. Let us decide if we are going to do this. We will do it the right way.

I am happy to cosponsor this. I am pleased to speak for it. I hope that my colleagues who believe that we should balance the budget in this country, who agree with me that we ought to balance the budget to get our fiscal house in order, will understand that this is a necessary ingredient in doing so.

I compliment the Senator from New Mexico for offering it.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 5 minutes to my friend from Arkansas, Senator BUMPERS.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. BUMPERS].

Mr. BUMPERS. Mr. President, I rise in support of what I believe is a very well-crafted and thoughtful amendment by the Senator from New Mexico. If this is going to be a permanent arrangement, then the House could legitimately say you have no business interfering with House rules. After all, we hate your 67-vote filibuster rule. But that is not what this amendment says. People should not confuse it with any Senate rules. This amendment is crafted to help the people who really believe in this amendment, and especially the people who have signed on to the Contract With America and promised the American people that they will balance the budget by the year 2002. In my opinion, a House rule that requires a 60-percent majority to raise only one kind of tax does not keep you from raising the gasoline tax, does not keep you from raising user fees, excise taxes, does not keep you from raising Social Security taxes. What the House has done is say that for now and ever you cannot raise taxes—income taxes only—without a 60-vote majority. The Senator from New Mexico is simply saying that this cannot go until the House backs off of that for this 7-year period.

Let me say to my colleagues on the other side of the aisle that if this passes or if this does not pass, I will continue to cooperate with every soul in this body who is genuinely concerned about deficit spending and trying to balance the budget. I will help you cut spending. I might even help raise taxes if they are properly targeted. I will do anything to keep from ending my career in the Senate without having addressed this most crucial problem facing this Nation. But you cannot—the Republicans voted yesterday, and a few Democrats, who said you cannot take Social Security off the table. It has to be a part of this whole plan to balance the budget. Yet, the House says income taxes are off the table.

What kind of logic is that, to say that the most regressive taxes, sales taxes—and we may go with a value added tax here, we may raise gasoline taxes, excise taxes, user fees and, yes, even the FICA tax that pays for Social Security. But if you say income taxes are off the table, you are saying the only progressive tax that the Congress might want to use to balance the budget is off the table. Only the regressive taxes that fall heaviest on the people who can least afford it, that is where you must find it.

Mr. President, I do not want to be preaching about this, but that is nonsense and it is not fair. It is not fair to the elderly. It is not fair to the working people of this country. The people who applaud this are the wealthiest people in America, because they pay an inordinately small part of their incomes for these regressive taxes like gasoline taxes and so on. There are people in my hometown of Charleston, AR, who commute 50 miles to Fort Smith to work. We are sort of a suburb to Fort Smith, and most people work in Fort Smith. They drive their cars as much as I do every year and pay the same tax on that gasoline that I pay. And I make $133,000 or $135,000 a year—I forget which—and they are working for $25,000 a year or less, and we are saying that is just Jakey, and we may raise taxes on you some more, but we will not raise the taxes on the wealthiest people in America.

Mr. President, I ask for 1 additional minute from the Senator from New Mexico.

Mr. BINGAMAN. I yield an additional minute to the Senator from Arkansas.

Mr. BUMPERS. My administrative assistant and I were having a discussion on the way to work this morning, not just about this amendment but about the Senate. I said, "You know, I feel so strongly about the balanced budget amendment and I am so adamantly opposed to it because I think it guarantees utter chaos." It is going to, at some point, absolutely render the U.S. Congress a eunuch. We are not going to be able to deal with it under that amendment. I said, "I do not like to speak unless I feel strongly about something." I have a tendency to speak on maybe too many amendments. You can wear your welcome out around here by talking too much. So I try to choose carefully. It is very difficult for me because I detest this amendment so much. It is difficult to be as choosy about what I talk about. But I want you to know that the Senator from New Mexico is on to something very, very important.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BINGAMAN. I yield an additional minute.

Mr. BUMPERS. Mr. President, I just say to my colleagues that I have not seen the debate change a vote since the third battle of Manassas in 1988. People walk on the floor, and they may listen to it in their offices, but most do not even do that. So the debate does not change it. I daresay that when people walk in here on both sides, they are going to say, "What is our vote?" without realizing the deadly consequences of what the House has done.

Senator BINGAMAN and I and Senator DORGAN, want to help Republicans keep their commitment to balance the budget by the year 2002. I think it is utterly and wholly implausible and impossible. But I promise my cooperation in helping in any way I can. But to say the one thing you cannot do is to raise taxes that are progressive, but you can raise all the regressive taxes you want to to deal with this when we all know that working people in this country are having a terrible struggle just keeping their head above water.

So I applaud the Senator from New Mexico. I am pleased he asked me to speak on this because I do feel strongly about it.

I urge my colleagues to think very carefully before they vote on this amendment.

Mr. BINGAMAN. Mr. President, Is there additional time?

The PRESIDING OFFICER. The time has expired.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 69 Leg.]

YEAS—59

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—1

Kassebaum

So the motion to lay on the table the amendment (No. 248) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO REFER

Mr. WELLSTONE. Mr. President, on behalf of Senator FEINGOLD, Senator BRADLEY and myself, I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith, House Joint Resolution 1 in status quo, and at the earliest date possible to issue a report. I send my motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. FEINGOLD, and Mr. BRADLEY, moves to refer.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion is as follows:

I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible, to issue a report, the text of which shall be the following:

The Committee finds that—

(1) Congress is considering a proposed amendment to the Constitution of the United States which will require a balanced budget by the year 2002, or the second fiscal year after its ratification, whichever is later;

(2) the Congressional Budget Office has estimated, using current baselines, that between 1996 and 2002, Congress would have to enact some combination of spending cuts and revenue increases totalling more than $1 trillion to achieve a balanced budget;

(3) some taxpayers now receive preferential tax treatment and tax subsidies through such things as special industry-specific exemptions, exclusions, deductions, credits, allowances, deferrals or depreciations which are not available to other taxpayers;

(4) some special industry-specific tax preferences do not serve any compelling public purposes, but simply favor some industries over others and serve to distort investment and other economic decisionmaking;

(5) certain of these tax preferences, which serve no compelling public purpose, are special exceptions to the general rules of the tax law to which most Americans are required to adhere;

(6) the costs of such tax preferences are borne in part by middle-income taxpayers who pay at higher tax rates than they would otherwise;

(7) special tax treatment and tax subsidies constitute a form of tax expenditures which should be subjected to the same level of scrutiny in deficit reduction efforts as that applied to direct spending programs, and

(8) it is the sense of the Committee that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, that tax expenditures, particularly industry-specific preferential treatment, should be subjected to the same level of scrutiny in the budget as direct spending programs.

Mr. WELLSTONE. Mr. President, I want to yield myself such time as I may consume but before doing so, I would like to defer for a moment to the Senator from Washington who I know has another engagement. The Senator wanted to speak, I think, in opposition to this amendment, but I would like to give him the opportunity to do so since he will not have any time later on.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. First, Mr. President, I would like to thank my distinguished colleague from Minnesota for giving me the courtesy and referring me this time. It is, of course, appropriate for the maker of the motion to speak first. It is very nice of him to allow this.

It does, however, seem to me that this motion is very closely related to the debate that we have had earlier on the proposition that there should be a condition which takes place before or during the time that the constitutional amendment is submitted to the States relating to the methods by which we are to meet the requirement of a balanced budget.

In this case, I gather, most of the motion refers to tax expenditures. The bottom line, however, Mr. President, is that these motions and the amendments which have been proposed heretofore have almost, without exception, come from those who oppose amending the Constitution to require a balanced budget, and they are designed to inhibit or to slow down either its passage by this body or its ratification by the States.

Most of those Members, I am certain, including the distinguished Senator from Minnesota, do speak of their devotion to fiscal responsibility and to a balanced budget. It seems to me that under those circumstances, the thrust, the duty to explain what they will do to deal with the terrible $200 billion-a-year budget deficits from now to eternity rests on them, those who feel that the status quo is perfectly all right; that we should not change the rules relating to budget deficits; that the way we have dealt with them in the past is the way we should deal with them in the future. It is they, Mr. President, who ought to explain to us precisely how it is that they would change either our spending processes or our taxing programs to bring the deficit of the United States into balance.

Those of us who favor the passage of this constitutional amendment unadorned are those who feel that the system is broken, that the system is not working, that 25 consecutive years of mounting budget deficits and a $4 to $5 trillion debt require a drastic and a fundamental change in the way in which it would work and are doing so because we observe the history of those 25 years. We have observed all of the unsuccessful attempts to reach a degree of fiscal sanity and fiscal responsibility, and we have observed that those alternate methods have not worked and that it is unlikely that they will work in the future.

We propose a constitutional amendment because a constitutional amendment will bring everyone into the fold. Presidents, liberal Members, conservative Members, Democrats and Republicans will be forced by the constraints of the Constitution to deal with budget deficits in the future in a way in which they have refused to deal with them in the past.

The latest example of this failure, of course, is the President's budget itself, a budget which simply gives up on dealing with the deficit, which calls for no significant reductions in the deficit, not just for the 5 years that it covers but for 10-year projections out from today. It is a confession of failure. But more than a confession of failure, it is a confession of failure coupled with the proposition that there will be no attempt to cure that failure, to do better at any time in the future.

So, Mr. President, I believe that the best thing, the desirable thing, for us to do in the Senate is to recognize that the system is broken, that the system needs fixing, that the only fix that is likely to be successful is a constitutional amendment, that we should pass it and begin the process by which the States can consider its ratification as quickly as possible.

But in the alternative, it seems to me that it is up to those who oppose this constitutional amendment to tell us how they are going to cure the problem operating under exactly the system which has created the problem in the first place.

I thank my colleague from Minnesota very, very much for yielding to me. I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from Minnesota.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Douglas Johnson and Mark Miller be given the privilege of the floor for the duration of this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, just to be very, very clear because I believe that all of us, Democrats and Republicans, should be clear about what we are voting on, this amendment does not in any way, shape or form have any kind of conditions vis-a-vis the balanced budget amendment. There is not any language in this amendment that so states.

What this amendment says is:

> It is the sense of the Senate that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, that tax expenditures, particularly industry-specific preferential treatment, should be subject to the same level of scrutiny in the budget as direct spending programs.

It just simply says that since we know we are going to be involved in a serious effort on deficit reduction and since we know we all share the common goal of balancing the budget, though we may not agree a constitutional amendment is the way to do so, that we ought to make sure that tax expenditures, which Senator FEINGOLD and I are going to explain at some length during the course of this debate, be on the table; that that be part of what we look at; that we look at certain breaks, loopholes, and certain deductions. That is all. There is no condition vis-a-vis the balanced budget amendment. The Senator from Washington is wrong on that point.

Second, I might add, that procedurally, this is really identical to the motion of the majority leader dealing with Social Security. It is identical, and I believe that motion was passed by over 80 Senators. So this has nothing to do with your position on the balanced budget amendment one way or the other.

Let me go on and explain.

Mr. President, this motion will put the Senate on record saying that in our effort to balance the budget, in our effort to go forward with deficit reduction—whether it be by a balanced budget constitutional amendment or otherwise; we are all aiming in the same direction—that we will scrutinize all Federal spending not just, Mr. President, cuts of least resistance.

What I am worried about, speaking for myself, and I look forward to hearing the remarks of the Senator from Wisconsin, is that when it comes to deficit reduction or when it comes to balancing the budget, what we will do is make cuts according to the path of least political resistance. That is to say, when it comes to ordinary citizens who do not have the clout, who do not have the lobbyists, who do not make the large contributions, they will be called upon to sacrifice.

I think most people in the country are willing to sacrifice. We just want to make sure that there is a standard of fairness and that large interests, large corporations, financial interests, wealthy people, and others who, as a matter of fact, benefit disproportionately by some of the tax breaks which cause other people to pay more in taxes, also are called upon to pay their fair share or to sacrifice.

Mr. President, in all of the debate on the balanced budget amendment, in all of the debate about how we are going to essentially have budget cuts of $1.4 trillion or thereabouts there is an enormous credibility gap. Because so far all I have heard on the Republican side is proposals for budget cuts of $277 billion. There is a big difference between $277 billion and $1.481 trillion.

In all of the debate so far, whether it be right to know vis-a-vis States saying that the people back in our States ought to have a right to know what the impact would be on them or, for that matter, whether it is our right to know, I still believe that the most important principle of all is that Senators ought to have the right to know what they are voting on, where the cuts will take place, and how they will affect the people.

There has not been a word uttered about one particular kind of spending that enjoys a special status within the Federal budget. I am talking about tax breaks for special classes or categories of taxpayers, many of whose benefits go largely to large corporations or the other wealthy interests in our society.

I remind you, Mr. President, that when we have these tax breaks and when we have these deductions and loopholes and when certain citizens or certain large interests are forgiven from having to pay their fair share, all of the rest of us end up paying more.

Let me make a simple point here that is often overlooked. We can spend money just as easily through the Tax Code through what are called tax expenditures as we can through the normal appropriations process. Spending is spending, whether it comes in the form of a government check or in the form of a tax break for some special purpose, like a subsidy, a credit, a deduction, or accelerated depreciation for a type of investment that is made. These tax expenditures—in some cases they are tax loopholes—allow some taxpayers to escape paying their fair share and thus they make everyone else pay at higher rates.

The Congressional Joint Tax Committee has estimated that these tax expenditures cost the U.S. Treasury $420 billion every single year. These loopholes, these deductions cause the U.S. Treasury to lose $420 billion every single year, and this amount will grow on present course by $60 billion to over $485 billion by 1999.

Mr. President, these tax expenditures, often they are tax dodges, should be on the table along with other spending as we look for places to cut the deficit. That is our point. That is, by any standard of fairness, what we should do. Just because certain people have a tremendous amount of political clout does not mean they should not be asked also to be a part of this sacrifice.

Mr. President, when we begin to weigh, for example, scaling back special treatment, depreciation allowance for the oil and gas industry—and the Congressional Budget Office estimates that eliminating this tax break would generate $3.4 billion over the next 5 years—when we start to compare and measure tax breaks for oil companies compared to cuts we are going to be making in food and nutrition programs for hungry children, we might have a very different answer.

We have to make tough choices. And what Senator FEINGOLD, myself, and Senator BRADLEY want to make sure of is that all of the options are on the table, and that when we make these choices, and we do the painful deficit reduction, we do it according to some basic standard of fairness.

What this motion does is simply state the sense of the Senate that we will carefully examine tax expenditures when the Budget Committee makes recommendations as to how we are going to continue on this path of deficit reduction and how we are going to balance the budget. At the moment, these tax expenditures are unexamined. They are hidden. They are untouchable. And, essentially, these are the real entitlements because we do not even examine any of these large subsidies.

What we are saying in this amendment is that we ought to at least examine these tax expenditures, we ought to at least examine these subsidies. This motion does not specify what specific subsidies might be eliminated. It just says tax expenditures ought to be a part of our process here in the Congress as we make these decisions about where we are going to make the cuts.

As I have listened to this debate—and again I am struck by this figure of $1.4 trillion worth of cuts that would have to be made by 2002 to balance the budget—I must say that I have heard little discussion, first of all, about where we are going to make the cuts, and second of all, I have heard little discussion about any sacrifice from large corporations and special interests who have disproportionately enjoyed all of these breaks, all of these benefits, all of these preferences, all of these deductions that many, many middle-class Americans do not enjoy.

And so that is why we offer this motion to refer this amendment to the Budget Committee with instructions to report back a sense of the Senate that these breaks and preferences should be put that on the table when we are talking about how we do our deficit reduction.

Now, Mr. President, not all of these tax expenditures are bad. Let me be clear. Not all of them should be eliminated. Some of them serve a real public purpose, providing incentives to investment, bolstering the nonprofit sector, enabling people to purchase a home. That is very important. However, some of them are simply tax dodges that can no longer be justified, but we do not even examine them. What we are saying in this amendment is, let us at least examine these tax expenditures and especially let us get strict and rigorous when we are looking at some of these tax dodges.

Mr. President, this motion simply states that if we are going to move toward balancing the budget, tax expenditures that provide this preferential treatment to certain taxpayers should be subject to the same scrutiny as all direct spending programs. That is all we are saying. This is really a matter of accountability.

I think it is also, Mr. President, a simple question of fairness. If we are going to make all of these cuts, then we should make sure that the wealthy interests in our society, those who have the political clout, those who hire the lobbyists, those who make the large contributions, those who we call the big players are also asked to sacrifice as much as regular middle-class folks in Minnesota and in Wisconsin; they should be asked to sacrifice as much as anybody else, especially when we know there are going to be deep and severe cuts in programs like Medicare and Medicaid, veterans programs, and education.

The General Accounting Office issued a report last year. It is titled "Tax Policy—Tax Expenditures Deserve More Scrutiny." I commend it to my colleagues' attention. I really think that my colleagues ought to read it.

I ask unanimous consent that an executive summary of the report be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WELLSTONE. The GAO report of 1993 makes a compelling case for subjecting these tax expenditures to greater congressional and administration scrutiny just as direct spending is scrutinized. The GAO notes that most of these tax expenditures currently in the Tax Code are not subject to any annual reauthorization or any kind of periodic review. And they observe that many of these special tax breaks were enacted in response to economic conditions that no longer exist. In fact, they found that of the 124 tax expenditures identified by the committee in 1993, half of these tax expenditures, half of these special breaks were enacted before 1950.

Now, that does not automatically call them into question, and our amendment does not talk about any specific tax expenditure that should be eliminated. But it does illustrate the problem of not annually reviewing these tax expenditures. These tax expenditures should not be treated as entitlements. They should not go on year after year and decade after decade without there being any careful examination. There has been no systematic review of these expenditures.

Indeed, the GAO reports that most of the revenue losses through tax expenditures come from provisions enacted during the years 1909 to 1919. Let me repeat that. Most of the revenue lost from these tax breaks—some of them necessary but many of them just blatant tax dodges—must be made up by either regular taxpayers through higher taxes or revenue not there for deficit reduction, comes about from provisions enacted during the years 1909 to 1919.

When I looked at the Republican Contract With America, I did not see one single sentence, not one single word in this Contract With America that called upon any large financial interest or any large corporation or, wealthy citizens, to be a part of this sacrifice. Let me just finish up by listing a few provisions, to give a sense of where we could have it. And, again, we call for no specific elimination of any specific tax expenditure.

Mr. President, I think actually what I will do for the moment is yield myself the rest of the time I might need but defer to the Senator from Wisconsin for a moment.

I yield the floor.

EXHIBIT 1

[From GAO Report 94-122]

TAX POLICY—TAX EXPENDITURES DESERVE MORE SCRUTINY—EXECUTIVE SUMMARY

PURPOSE

At a time when the federal government faces hard choices to reduce the deficit and use available resources wisely, no federal expenditure or subsidy, whether it involves outlays (i.e., discretionary or direct spending) or tax revenues forgone, should escape careful examination. Congressional and executive branch processes do not subject existing tax expenditures to the same controls that apply to programs receiving appropriated funds.

Congressman William J. Coyne was concerned that a lack of attention to income tax expenditures has allowed them to increase and was interested in how they could be controlled. GAO examined a wide range of alternatives for the review and control of income tax expenditures. This report describes the size of increases in tax expenditures; examines whether tax expenditures need increased scrutiny; and identifies options that could be used to increase the scrutiny of and/or control the growth of tax expenditures, discussing the advantages and disadvantages of each.

BACKGROUND

Tax expenditures are reductions in tax liabilities that result from preferential provisions in the tax code, such as exemptions and exclusions from taxation, deductions, credits, deferrals, and preferential tax rates. Many tax expenditures are subsidies to encourage certain behaviors, such as charitable giving. A few tax expenditures exist, at least in part, to adjust for differences in individuals' ability to pay taxes, such as deductions for catastrophic medical expenses. Some tax expenditures may also compensate for other parts of the tax system. For example, some argue the special tax treatment of capital gains may in part offset the increased taxes on capital income that result from such gains not being indexed for inflation. Congress sometimes reviews tax expenditures and has limited some tax expenditures by various means, such as by limiting the benefits as taxpayers' incomes increase.

Although widely used to describe preferential provisions in the tax code, the term tax "expenditures" is not universally accepted. Some observers believe that labeling these provisions tax "expenditures" implies that all forms of income inherently belong to the government. However, the concept was developed to show that certain tax provisions are analogous to programs on the outlay side of the budget, and it was intended to promote better informed decisions about how to achieve federal objectives. In using this term, GAO is recognizing that, as a practical matter, tax expenditures are part of the federal budget, and Congress already uses the tax expenditure concept to a limited extent in budgetary processes.

Currently, the House Committee on Ways and Means and the Senate Committee on Finance have jurisdiction over both new and existing tax expenditures. These Committees propose the mix of tax rates and tax expenditures to be used to obtain a specified amount of revenue. In reviewing tax expenditures, these Committees have used several techniques to limit individual tax expenditures or groups of them. These reviews, however, are not conducted systematically and may not explicitly consider possible trade-offs between tax expenditures and federal outlay programs and mandates.

RESULTS IN BRIEF

Tax expenditures can be a valid means for achieving certain federal objectives. However, studies by GAO and others have raised concerns about the effectiveness, efficiency, or equity of some tax expenditures. Substantial revenues are forgone through tax expenditures but they do not overtly compete in the annual budget process, and most are not subject to reauthorization. As a result, policymakers have few opportunities to make explicit comparisons or trade-offs between tax expenditures and federal spending programs. The growing revenues forgone through tax expenditures reduce the resources available to fund other programs or reduce the deficit and force tax rates to be higher to obtain a given amount of revenue.

The three options discussed in this report may help increase attention paid to tax expenditures and reduce their revenue losses where appropriate. First, greater scrutiny could be achieved with little or no change in congressional processes and jurisdictions by strengthening or extending techniques currently used to control tax expenditures. Ceilings and floors on eligibility, better highlighting of information, or setting a schedule for periodic review of some tax expenditures are some possibilities under this option. If controlling tax expenditures through the current framework is considered insufficient, Congress could change its processes to exert more control over them.

The second option is for Congress to further integrate tax expenditures into the budget process. One feasible approach would be for Congress to decide whether savings in tax expenditures are desirable and, if so, to set in annual budget resolutions specific savings targets. Savings could be enforced through existing reconciliation processes.

A third option is to integrate reviews of tax expenditures with functionally related outlay programs, which could make the government's overall funding effort more efficient. Such integrated reviews could be done by the executive or legislative branches, or both.

Under the Government Performance and Results Act of 1993 (GPRA), the Office of Management and Budget (OMB) plans to report information on program goals and key indicators for both outlays and tax expenditures. In January 1994, OMB designated 53 performance measurement pilot projects to begin in 1994. Implementation of GPRA provides a promising opportunity to increase the usefulness and visibility of outcome-oriented performance data.

GAO'S ANALYSIS

Tax expenditures can be a useful part of federal policy. But in some cases tax expenditures may not be the most effective, efficient, or equitable approach for providing government subsidies. For example, it might be less expensive for the federal government to provide assistance to state and local governments through direct payments than through tax-exempt bonds. Because tax expenditures represent a significant part of the total federal effort to reallocate resources, choosing the best methods for achieving objectives, including the most effective tax expenditure designs, could have significant results. (See pp. 23–32).

Tax expenditures have been growing but are difficult to measure

GAO primarily used Joint Committee on Taxation (JCT) estimates to analyze the size and growth of tax expenditures. According to these data, tax expenditures totaled about $400 billion in 1993. Their average annual percent increase in real terms for the period from 1974 to 1993 was about 4 percent, which compares to an average annual real increase for gross domestic product of about 2.5 percent. Tax expenditures are expected to continue growing; however, the rate of growth is uncertain.

As experts note, tax expenditure revenue loss estimates are not as informative as the revenue estimates made for proposed changes to the tax code. Whereas revenue estimates incorporate the changes in taxpayer behavior that are anticipated to occur as a result of the change, tax expenditure revenue loss estimates do not incorporate any behavioral effects. Furthermore, summing tax expenditure revenue losses ignores interaction effects among tax code provisions. Because of interactions with other parts of the tax code, the revenue loss from the elimination of several tax expenditures together may be greater or smaller than the sum of the revenue losses for each tax expenditure measured alone. Nevertheless, GAO believes tax expenditure revenue loss totals represent a useful gauge of the general magnitude of government subsidies carried out through the tax code.

When trends in these totals are looked at, however, care must be taken to consider the possible underlying causes. Aggregate tax expenditure magnitudes are affected by changes in tax rates, in economic activity, and in the number of tax preferences. An overall growth in aggregate tax expenditures may be due to rapid growth of a few tax expenditures—and some point to the rapid growth of health-related expenditures as a current example. However, no process currently prompts Congress to address these trends and decide whether they warrant policymaking actions.

JCT and the Department of the Treasury devote limited resources to estimating tax expenditure revenue losses because decisions are not based routinely on this information. GAO did not attempt to verify either JCT's or Treasury's tax expenditure estimates. (See pp. 33–38.)

Processes do not highlight tax expenditures for policymakers

Despite their significance, existing tax expenditures do not compete overtly in the annual budget process. Under budget processes, new tax expenditures must be funded as they are created. However, except for a few that are subject to reauthorization, existing tax expenditures, like most entitlement programs, can grow without congressional review. These tax expenditures are indirectly controlled primarily to the extent that revenue targets allocated to the tax committees under the budget process create pressure to decrease their growth. Although tax expenditures are listed separately in the president's budget each year, the lists are not used for making tax expenditure allocations or for comparisons with outlay programs. As a result, policymakers have few opportunities to make explicit comparisons or trade-offs between tax expenditures and federal spending programs. (See pp. 30–32.)

Options for greater scrutiny

Increased congressional review of or control over tax expenditures could be achieved under three general options, each consisting of several alternative approaches:

Option 1: This option involves methods currently within the purview of congressional tax-writing committees. It includes "program" reviews of individual tax expenditures that may lead to the redesign or elimination of some that are deemed inefficient or outmoded. Currently available control techniques include placing ceilings or floors on eligibility for tax expenditure benefits, structuring tax expenditures as credits rather than exclusion or deductions, limiting the value of itemized deductions to the lowest marginal tax rate, and limiting the value of deductions and exclusions for high-income taxpayers. To promote debate on tax expenditures, additional information on them could also be highlighted using current processes. For instance, they could be merged into budget presentations with related outlay programs. The methods currently used to review and control tax expenditures also could be used in conjunction with the following two options that would alter somewhat the existing congressional procedures for overseeing tax expenditures. (See pp. 39–56.)

Option 2: This option involves further integrating tax expenditures into budget rules. This could limit existing tax expenditures and encourage closer reviews of performance. One approach to further integration that GAO examined—placing an aggregate cap on forgone revenue—probably would not work because technical problems would be difficult to overcome. A second approach—in the form of a tax expenditure savings target—is feasible. Under this approach, in years that it wishes, Congress could specify a fixed amount of reduction in forgone revenue from tax expenditures in the budget resolution, which would be enforced through existing reconciliation processes. To promote greater public accountability, Congress could be prompted to explain in the annual budget resolution the reasons for its decision to either adopt or not adopt a savings target.

Definitional and measurement problems, which are exacerbated by an aggregate cap, could be lessened substantially under a savings target. Technical problems would be reduced because—as is now the case in reconciliation—revenue estimates are required only for the subset of tax expenditure provisions under consideration. However, requiring a specific amount of base broadening through the budget process would involve more actors in tax policymaking, especially with respect to expanding the authority of the budget committees. (See pp. 57–70.)

Option 3: Joint reviews of federal spending programs and related tax expenditures could be adopted to improve coordination and reduce overlap or duplication among outlay and tax expenditure programs. Joint reviews could be done in both the legislative and executive branches. Joint review of spending programs and related tax expenditures could be accomplished by having program committees hold joint hearings with tax committees. More formally, Congress could adopt sequential jurisdiction for tax expenditure subsidy "programs" or establish joint committees in functional areas. Because fewer jurisdictional hurdles would arise, the executive branch annual budget preparation process may offer a more expeditious opportunity to implement such reviews. (See pp. 71–92.)

Recent legislation promises better tax expenditure information

According to the Senate Committee on Governmental Affairs report on GPRA, OMB is expected to describe a framework for undertaking periodic analyses of the effects of tax expenditures in achieving performance goals in a May 1, 1997, report to the President and Congress. GPRA thus presents an opportunity to develop better information about tax expenditure performance and to use that information to stimulate discussion and oversight as well as to make determinations as to how the government can best achieve its objectives. OMB indicates that initial discussions have been held on developing output measures for key tax expenditures and that reviews or related tax expenditures and outlays will be done in the future. (See pp. 90–92.)

RECOMMENDATION TO CONGRESSIONAL COMMITTEES

GAO recommends that the tax-writing committees explore, within the existing framework, opportunities to exercise more scrutiny over indirect "spending" through tax expenditures.

MATTERS FOR CONGRESSIONAL CONSIDERATION

Should Congress wish to view tax expenditure efforts in a broader context of the allocation of federal resources, it could consider the options of further integrating them into the budget process or instituting some form of integrated functional reviews.

AGENCY RECOMMENDATIONS

GAO makes several recommendations to the Director of the Office of Management and Budget intended to encourage a more informed debate about tax expenditures among executive and legislative policymakers and to stimulate joint review within the executive branch of tax expenditures and related spending programs. These recommendations should result in more informed decisions, by Congress and by the public, about the most appropriate means of achieving federal objectives. GAO envisions that in carrying out these recommendations, OMB would consult as appropriate with the Department of the Treasury and other federal agencies.

AGENCY COMMENTS

In written comments on a draft of this report, OMB and Treasury's Office of Tax Analysis (OTA) expressed support for expanded federal review of tax expenditures by the executive branch or Congress. More specifically, OMB agreed, with certain caveats, that GAO's recommendations to it were reasonable and indicated that the recommendations were consistent with efforts OMB has already begun. Regarding the three options for improved oversight of tax expenditures, OMB agreed that improved information on tax expenditures was desirable and that integrated comparisons of outlay programs and related tax expenditures may provide useful insights. In its recently announced reorganization, OMB promised to undertake joint reviews of related spending and tax expenditure programs during upcoming budget cycles.

OMB and Treasury were concerned that the integration of tax expenditures into the budget process might not produce better outcomes than current processes. Treasury also expressed reservations about whether joint reviews of related spending and tax expenditure programs would provide the benefits anticipated.

OMB and Treasury's comments are discussed at the end of chapter 6. (See pp. 99–108.) OMB also suggested a number of useful technical changes, which were included.

OMB also obtained reactions on its draft report from JCT, the Congressional Budget Office, and two individuals knowledgeable about the issues discussed in the report. These organizations and individuals made observations on the report message, which are discussed at the end of chapter 6, and offered technical suggestions, which were included as appropriate.

Mr. FEINGOLD. Mr. President, my particular thanks to the senior Senator from Minnesota, who is doing a wonderful job of raising this issue of tax expenditures. I have enjoyed, both here in the U.S. Senate and especially back in the Wisconsin State Senate, just trying to point out when you spend money on a tax loophole and give people a special tax break, that is spending, too. It is taking the hard-earned tax dollar of the American people, putting it into a package and sending it out just to a few people. It is an awful lot like a spending program.

Our point here today is that often it does not get treated that way. It gets treated like somehow it is just a tax break for everybody, which, of course, it is not. If we are going to solve the Federal deficit and really have a balanced budget amendment, the Senator from Minnesota and I are saying this obviously has to be on the table. This has to be considered, too.

So I am very pleased to join with the Senator from Minnesota in offering this motion which is designed to put the Senate on record, insisting that when we get around to actually trying to balance the Federal budget we have to subject these tax expenditures—many of them inappropriate tax loopholes—to the same kind of scrutiny we will use to examine direct spending programs.

I feel I need to respond to the comments of the Senator from Washington, who spoke earlier today. He suggested all the Senator from Minnesota and I were doing was proposing an amendment designed to inhibit the balanced budget amendment itself. That is just not the case. I think those watching, everybody involved in this, should know that is really an unfortunate argument since the mechanism we are using, a motion to refer, is the very same mechanism that the majority leader used to get himself on record on Social Security. It does not delay the process at all. It just is a statement about the fact that certain things ought to be considered when we balance the budget.

It strikes me as a little bit unfair to attack the motives of those behind this amendment. There is no possibility that this will upend the balanced budget amendment. Whether it has the votes or not, even though I like this amendment a lot I do not think the Senator from Minnesota or I have any belief at all this will stop the balanced budget amendment. It is just another attempt to have some honesty and some candor with the American people about what is going on here. And, in particular, to identify where the money is, why we have such a huge Federal deficit. One of the big reasons is tax loopholes that have not been covered, that have not been fixed, and that cost us a fortune.

Mr. President, no one should mistake the difficult job that lies ahead in seeking to achieve a balanced budget, with or without a constitutional amendment.

The Congressional Budget Office has already told us, using current baselines, that between 1996 and 2002, Congress will have to enact some combination of spending cuts and revenue increases totaling more than $1 trillion to achieve a balanced budget.

There is strong sentiment, which I share, that we need to cut Federal spending, and that much of the deficit reduction achieved over the next several years will be as a result of cut backs in direct spending programs.

That will happen. I am very enthusiastic about being part of that process, as I have been for the last 2 years—identifying specific programs that do not make sense anymore and that can and should be eliminated. That is very important to this process. But I also believe it is vitally important that in looking for ways to reduce the Federal deficit and bring the Federal budget into balance that we subject tax expenditures to the same kind of scrutiny applied to direct spending programs. That sounds simple, but in the land of the lobbyist inside the beltway of D.C., it is not so simple. Tax expenditures, tax loopholes get treated very differently. They are special. They are off the table. They are protected.

Tax expenditures generally refer to preferential Tax Code provisions which give special treatment to specific industries or provide tax subsidies to consumers of particular products.

Last year, the General Accounting Office issued a report, "Tax Policy: Tax Expenditures Deserve More Scrutiny," which focused upon the need to subject tax expenditures to the same type of scrutiny applied to direct spending programs.

The GAO report noted that most tax expenditures are not subject to reauthorization or any type of systematic review. Once they are in, they are in. They have a life of their own. They have immortality, in effect, in a way that spending programs do not. Once enacted these provisions are enshrined in the Tax Code and they are very, very difficult to dislodge.

GAO noted many were originally enacted to address economic conditions that at the time were important. But many of the economic conditions that these tax expenditures were meant to address just do not exist anymore. But they keep on going, like the Energizer tax expenditures—it does not matter. They can be completely irrelevant. Once they are in the Tax Code they are there and you are paying for it. We are all paying for these in higher taxes—or, at this point, in higher deficits and higher payment on interest to pay for those deficits.

For example, the GAO found of the 124 tax expenditures identified by the Joint Tax Committee in 1993, about half were enacted before 1950 something that the Senator from Minnesota has pointed out very persuasively. A lot of these are real old. They were not just enacted in the last 2 or 3 years. For example some of the tax allowances available to specific industries to recover certain costs of acquiring mineral deposits were enacted during World War I. Without an expiration date there is just very little impetus and no real trigger to review whether these provisions still make sense.

It reminds me a lot of some of the programs we have talked about and both parties seem willing to eliminate, such as the helium program. I have authored a bill to eliminate the old helium program that had to do with providing helium for blimps. It is an old program from the earlier part of the century. The President said we should get rid of it. Republicans in the other body say we should get rid of it. Those are held up to scrutiny, those are held up to ridicule sometimes, as the wool and mohair program, the Tea Testing Board, the search for extraterrestrial intelligence—these get held up in the light of the day. Everybody laughs at them. They are prime time because they are spending programs. But if it is the same kind of thing for special interests in the Tax Code nobody talks about them. It is a nice, quiet thing to sweep under the rug and make the American people pay a ton of money to keep these tax expenditures going. Let me give a couple of examples.

Since 1943, the Tax Code has allowed U.S. civilian employees who work abroad certain special allowances for things like housing and education, travel, and special cost-of-living allowances. As a result, employees who receive a large part of their incomes through these allowances rather than through direct salaries receive preferential treatment—a better deal than the rest of the American people.

I became aware of these special allowances when I was involved in trying to accomplish another cut last session which we did achieve, a substantial spending cut in direct spending in overseas broadcasts. We found out in the last Congress that to curb some of the excessive salaries and allowances paid to employees of Radio Free Europe and Radio Liberty, to the Board of International Broadcasting, would involve dealing with one of these tax expenditures. As the Senator from Minnesota has said, some of these exemptions may be justifiable. However, I do know they can be abused and manipulated to get around salary caps that Congress has put in place for all the other Federal agencies. For these folks there is a special deal. It gets no review.

Another example, Citizens for Tax Justice noted in a recent report that interest income earned by foreign nationals on loans to American companies or the U.S. Government was exempted from the U.S. tax since 1984. In other words each of us pays taxes on our interest income but a foreign national does not pay any U.S. tax on that income, according to the Citizen's for Tax Justice. And this is again an unfair deal, in my view. When this exemption was passed a decade ago maybe there was some justification for it. But we ought to have some kind of review of this type of tax preference to see if it is still appropriate. Has it had some beneficial impact in terms of inducing foreign nationals to make loans to U.S. entities? Maybe so. Or is it just a windfall that is stuck in the Tax Code and that we cannot get rid of? We need to ask whether in today's international climate our foreign investment decisions are made more on projections regarding political and economic stability or on these kind of breaks.

A third example, and the Senator from Minnesota alluded to this.

Since 1916, the gas and oil industry has had special expensing rules for exploration and development costs.

A compendium of background material on individual tax expenditure provisions that was compiled by the Senate Budget Committee last December described these provisions as having "very little, if any, economic justification."

This report goes on to say that many economists believe that these provisions are a "costly and inefficient way to increase oil and gas output and enhance energy security."

Again, Mr. President, we are not raising this example alone because we have reached a final conclusion as to the merits of this special tax preference that is provided to one industry; rather, a tax preference established in 1916 simply ought to be carefully reconsidered in 1995 and thereafter, and the burden, Mr. President, should be on the proponents of the special preference to justify it because, by having this special preference, we all have to pay more.

If tax expenditures were subjected to reauthorization and sunset rules like direct spending programs, they might not fare as well as they do today.

Mr. President, I see the Senator from Minnesota is interested in speaking again. Let me just add a few other quick comments.

There are other cases. I just mentioned some larger items. Although the revenue loss to the Treasury over time is actually significant, it does not look like so much in any particular year. The Joint Tax Committee only lists preferential Tax Code provisions that have a projected total revenue loss of over $50 million or more in a 5-year period.

So these are regarded as small tax court provisions and again, even though they amount to quite a bit over time, they escape scrutiny year after year in the budget process. In contrast, you can be sure, Mr. President, that a direct spending program that would cost $10 million per year for 5 years would certainly be subject to review by both an authorizing committee and the Appropriations Committee on a regular basis.

But to try to put it simply, what the Senator from Minnesota and I are talking about is this: He said, if you have the political clout and the influence to stick a special tax exemption in the House Ways and Means Committee or in the Finance Committee in the Senate, you are all set. That thing is in there forever. It is protected. It is not talked about. It is not considered spending. It is not considered part of the deficit. It is not considered part of the debt. It is not considered part of the burden on our children and grandchildren. But it is money. It is real money. But if you are an older person who wants a meal at an elderly nutrition site, or a child who is in Head Start, or somebody who wants to see an Amtrak train in your State so people can get to work without polluting the environment, you are scrutinized. You have to defend and stand and undergo the tremendous pressure that this deficit has created, and, in part, that deficit is because of these tax loopholes.

Mr. President, to conclude, there are a number of reasons why tax expenditures should be subjected to the same scrutiny as direct spending programs. First, it is an equity issue. When some taxpayers receive special preference, the burden shifts to those who do not have lobbyists to win special breaks to pick up the difference. Giving special tax breaks to some industry means other industries will have the higher tax rates to get the same revenue. It also means the taxpayers with similar income and expenses end up having to pay different rates of taxes depending on whether they engage in the tax subsidization activity. Many tax expenditures make sense, and they accomplish important policy goals. But it is important that all such expenditures receive regular review, and they ought to be measured against each other, perhaps a more important policy goal.

So to conclude, Mr. President, the Senator from Washington says it is a confession of failure to attack the balanced budget amendment. This is a continued attempt to try to level with the American people just as the right-to-know amendment was. They talk about middle-class tax cuts. This is a huge pot of money that we need to balance the budget. It should be on the table. And the amendment of the Senator from Minnesota would put the Senate on record that we are not going to hold this immune while everyone else has to suffer.

I thank the Chair.

Mr. WELLSTONE. Mr. President, I thank the Senator from Wisconsin. I want to respond to some of his comments. But I would like to ask how much time remains.

The PRESIDING OFFICER. The Senator has 14½ minutes remaining.

Mr. WELLSTONE. I say to my friend from Utah that I would assume that he and others might want to respond to our amendment.

The PRESIDING OFFICER. The Senator from you Utah has 10 minutes.

Mr. HATCH. Mr. President, I yield such time as he may need to the Senator from Minnesota.

Mr. GRAMS. Thank you very much. Mr. President, I ask unanimous consent to engage in a colloquy with the distinguished chairman of the Judiciary Committee, Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. First, I would like to extend my thanks to the distinguished colleague from Utah for bringing the balanced budget amendment to the floor for a full debate and vote because I believe, more than any other legislation, passage of the balanced budget amendment means keeping the promises that we made to the American people last November.

I also want to congratulate the chairman of the Judiciary Committee for his efforts to bring this legislation to the floor.

I also want to thank the American voters for sending a clear message that they expect and that they also deserve fiscal responsibility from Congress, and that they expect it now.

It is my understanding, however, that, like me, the distinguished Senator from Utah also supports the three-fifths vote, or the supermajority, amending the Constitution to make it a little more responsible in rating taxes. Is that correct?

Mr. HATCH. There are a lot of us who would like to do that. On the other hand, a constitutional majority would provide for it here, a supermajority tax limiting device as well. But there are a lot of those who would like to have the three-fifths vote.

Mr. GRAMS. When we are talking about the balanced budget amendment, I think the goal that we have is to make sure that the Government lives within its own means, or not being able to spend more dollars than it can take in. So I would like to believe that the balanced budget amendment is an attempt to reduce really the growth or irresponsible spending of the Federal Government rather than as a device or an excuse sometime in the future to raise taxes to cover these debts.

Mr. HATCH. I think the Senator makes a very good point.

Mr. GRAMS. I also believe it should be more difficult for Congress to be able to raise taxes or take tax dollars from hard-working Americans and to make it harder for them to spend their hard-earned tax dollars. I also believe that the Federal Government has a budget deficit because spending is too high, not that taxes are too low. Does the Senator from Utah agree with me on that?

Mr. HATCH. Boy, do I ever. I certainly do. I think that is one of the reasons for this balanced budget amendment.

Mr. GRAMS. Is the Senator from Utah aware that in the country there are nine States that have a supermajority vote in order for their legislators to raise taxes? In those States, a portion of personal income has decreased on average by about 2-percent. So it does have the effect of not being able to raise—or reduce—the amount of taxes. Across the country, if you applied that 2 percent formula, you would save about $30 billion a year in taxes for hard-working Americans. That sounds like a good scenario.

Mr. HATCH. I think it does. I am a firm believer that the right tax rate reduction, especially marginal tax rate reductions, actually leads to more revenues as it increases more savings, investment, creation of jobs, and people working and people paying into the system.

Mr. GRAMS. Because of the sentiments expressed by the Senator from Utah and by thousands of Minnesotans that I have met over the last 2 years, I introduced Senate Joint Resolution 22, a balanced budget amendment which requires a three-fifths supermajority vote to increase taxes. Because I believe that Congress must pass the balanced budget amendment this month and because I do not want the taxpayer protection clause to be used as a cynical device to derail passage of the balanced budget amendment, I have decided not to offer this legislation as a substitute to the legislation currently pending on the floor. But as the Speaker of the House of Representatives has scheduled a vote for a taxpayer protection amendment to the Constitution on April 15 of next year, I believe that the Senate should take a similar step in scheduling a similar vote for next year.

Would the Senator from Utah agree with that?

Mr. HATCH. I would have no problem with that, if that is what the majority leader decides to do.

Mr. GRAMS. For that reason, I will be introducing a constitutional amendment requiring a three-fifths supermajority vote to increase taxes as separate legislation shortly in the Senate. I hope that the distinguished Senator from Utah will support this measure and also help us get it to the floor for a vote.

Mr. HATCH. I commend the Senator for being willing to stand up on the three-fifths vote and be against further tax increases on an already burdened populace.

Mr. GRAMS. I ask the chairman of the Judiciary Committee if he would be willing to hold hearings of this legislation yet later this year.

Mr. HATCH. I would be willing to do so. I think they are worthy of hearings because so many people in the House, and the Senator from Minnesota, feels so strongly about it. I would be willing to hold a hearing at least.

Mr. GRAMS. I thank the Senator for his assurance that we will have a hearing and also a markup on my legislation to protect taxpayers from higher taxes. I thank him for his efforts on behalf of all taxpayers, our children and grandchildren, to bring the balanced budget amendment to the floor of the Senate for a vote. I urge my colleagues to pass this measure without further delay.

I yield the floor.

Mr. HATCH. I thank the distinguished Senator from Minnesota and I appreciate his leadership in this area.

Mr. President, How much time remains?

The PRESIDING OFFICER. There are 5 minutes remaining.

Mr. HATCH. If I may say a few words about the suggestion of the distinguished Senator from Minnesota and the Senator from Wisconsin. The Senators from Minnesota and Wisconsin, I believe, continue to confuse the distinction between a debate of constitutional language and principle and a debate of implementing legislation. We are here to affirm the principle of Government that we should not spend excessively and should not leave excessive debt for our children. But this motion does not deal with the timeless principles of Government of broad application. It deals with a subsection of our tax policy.

I, once again, invite my dear colleagues to bring this and similar ideas back during the budget debate, or the debate over the implementing legislation, which we are going to have to go through following passage of the balanced budget amendment. That would be the appropriate time to do that. Self-declared opponents of the balanced budget amendment continue their attempt to shift this debate from the appropriate focus on constitutional principles to an inappropriate focus on the details of tax policy or some other minutia of implementation.

My attitude is, let us do first things first. I think we have to table this motion and pass the balanced budget amendment, and then let us face these problems that they are sincerely raising on the implementing legislation and do what has to be done. If we can, that will be the way to do it.

I reserve the remainder of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say I appreciate the colloquy. What we are trying to focus on at the moment is how we are going to cut $1.481 trillion, between now and the year 2002. That is the credibility gap.

I came on the floor earlier, several weeks ago, with an amendment that came right from the State of Minnesota, where the State senate unanimously—the house of delegates was three votes short of unanimous—and the Republican Governor all signed a resolution saying: Before you send the balanced budget amendment to Minnesota, Wisconsin, or any State, please specify where the cuts are going to take place, and how it will affect our States. Let us do the planning. What kinds of people are going to be affected by this? Step up to the plate and tell us what you are going to do.

I still do not hear any of my colleagues on the other side or, for that matter, on this side, that are for this balanced budget amendment specifying how in fact we are going to reach this goal.

But, Mr. President, this amendment today is identical to the majority leader's motion to refer. It does not have any real connection to the balanced budget amendment in terms of any conditionality at all. We are simply saying, given the focus on balancing the budget and on deficit reduction, do not take all of these tax expenditures—$420 billion worth—off the table. The motion is very general. It does not target specific tax breaks because we do not think that would be appropriate on a constitutional amendment. The Senator from Wisconsin made that clear and I have made it clear. We simply want to express the sense of the Senate that tax expenditures will undergo the same scrutiny that all other spending goes through. We do not eliminate any expenditures. We do not specify what should be eliminated. We leave that to another day, when we get to the specifics of the budget and the budget reconciliation process.

This is a statement of principle today, that as we continue this budget debate in the Congress and in future Congresses, we intend to subject these $420 billion worth of tax expenditures—all too many of them tax dodges—to much closer scrutiny than in the past.

My colleague from Utah wants to separate out this notion, this principle, from a debate on balancing the budget. You cannot. This is a basic standard of fairness. I think in many ways this amendment really is a litmus test, because what people in Minnesota and around the country are saying is we want to know where the cuts are going to take place.

People are for the balanced budget amendment in the abstract, but when you get into specifics and people hear about draconian cuts, cuts in Medicare, Medicaid, higher education, people say, "Wait a minute." Even if we all understand that we need to continue to invest in people and communities, but we also need to continue down the path of deficit reduction, what we are saying is that the Senate go on record saying we should evaluate these tax expenditures, all of these different expenditures, some of which may be necessary but many of which, some say in the General Accounting Office, are outdated, inefficient, unnecessary—and I add, about the huge dodges.

Why should regular Minnesotans be asked to pay more in taxes, be asked to sacrifice? I have not heard anybody on the other side—my colleague from Minnesota came out, but there was no response to this amendment. Nor have I really heard a response from my colleague from Utah. Should the Senate go on record that as we evaluate how we are going to reduce the deficit and balance the budget, that we are going to call upon all Americans to be part of the sacrifice? Large corporations, large financial institutions, the wealthiest of the wealthy people in our country, are we not going to ask them to be part of the sacrifice?

I will tell you something, Mr. President. I think the Senate ought to go on record that each and every citizen and each and every interest, all interests, ought to be asked to be a part of the sacrifice. Everybody should be asked to sacrifice. There should be some standard of fairness. That is one of the reasons I have so much trouble with the last 2 weeks of this debate. We are asked to vote for a balanced budget amendment without specifying what you are going to do.

If I thought there was some standard of fairness, if I was not so sure that there are just going to be cuts that are going to affect the most vulnerable citizens, if I was not sure about what this is going to do to higher education and health care, if I really thought we were going to go after $420 billion worth of tax expenditures and put that on the table, and that we were also going to scrutinize the Pentagon budget and we were going to cut where we should cut, that is exactly the path I want to go down. That is what this amendment says. Subject these expenditures to the same scrutiny that we are putting a whole lot of other programs and expenditures under.

How much time do I have, I ask the Chair?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. WELLSTONE. I yield the floor to the Senator from Wisconsin.

Mr. FEINGOLD. I ask the Senator to yield for a question.

Mr. WELLSTONE. I am pleased to.

Mr. FEINGOLD. Mr. President, I ask the Senator from Minnesota if he noticed in his State the same thing I have in my State in recent weeks: That there is a heightened level of anxiety around our States about what is going to happen when we balance this budget.

I am hearing people who are concerned about the elderly nutrition program, people that are concerned about what is going to happen with the Corporation for Public Broadcasting. So far, there does not seem to be much talk about the so-called tax loopholes as a way to solve the problem. That is one of the reasons I want to bring this up. I am wondering whether the Senator is experiencing this sort of discrepancy between direct spending programs versus not talking about the tax loopholes.

Mr. WELLSTONE. Mr. President, I would say to my colleague, just this past Saturday, I was in southwest Minnesota in a meeting with a group of citizens that are really worried that Pioneer Public Television—which, in the rural area, is so important; it is a pool of information; economic development, citizenship—is going to be eliminated. They are very worried about that for very good reasons. Certainly when I meet with the elderly or I meet with children or advocates for children, people who work in schools and universities, everybody was very worried about this.

What people say to me in cafes is, "Look, we understand that we have to continue down the path of deficit reduction; we have to be fiscally responsible. We also know that there are crying needs in our community. We want to make sure children have opportunity, that we have to invest in education in our communities. We know it is not done by waving a magic wand, but there has to be some standard of fairness."

That is what I think we are talking about here today. Absolutely.

I would say to my colleague, I would be interested in his response. Let me just put a question to him.

I really felt like if we are not willing to go on record today on this motion to refer, which just puts the Senate on record as saying we should just look at tax expenditures and consider whether they should be part of what should be cut. We see cynicism in people in Wisconsin and Minnesota who will say, "Yeah, of course they will vote against this. Unlike those folks, we don't have the big bucks. We do not lobby everybody. Who do they represent? They don't represent us."

I think we have to consider these tax expenditures to have credibility.

I will ask the Senator from Wisconsin what his view is about it.

Mr. FEINGOLD. That is exactly my concern. We are out here talking about the big picture, in terms of we have to balance the budget, we are talking about direct spending programs, but we have an obligation to talk about everything that is spent out here.

I find in Wisconsin, and I am sure you do in Minnesota, that people do not know about some of these oil and gas deals. They do not know, necessarily, that foreign nationals get the special deals on tax breaks. We talk about it. We do a heck of a job in telling people about where this item of pork—you know, the Lawrence Welk issue, the steamboat issue—and we should, and we made some progress on this.

But back home people are being prevented from finding out—because we will not talk about it—that there is worse stuff a lot of times stuck in the Ways and Means Committee and in the Finance Committee that never comes up to public scrutiny.

That is why it is particularly unfair, when these other programs are threatened that really help people and they may have to take some cuts, that they are on the chopping block and the American people are not even told the truth. No one is telling the people about the tax loopholes; in effect, a conspiracy not to talk about it.

I think that is a very serious injustice to the people that you have described.

Mr. WELLSTONE. Mr. President, might I interrupt my colleague to ask him a question?

Mr. FEINGOLD. Yes.

Mr. WELLSTONE. Is it not also true that there is a very direct correlation—and, unfortunately, it is a hidden correlation, unless we are willing to be accountable and open and honest about this—between our failure to even look at—which is all we are asking for today—these tax expenditures and the kinds of cuts that are going to take place in some of these programs that are so important to people? And, in addition, is it not also true that regular taxpayers end up paying more?

Mr. FEINGOLD. Exactly.

If I may respond to the Senator from Minnesota, let us just think about, if you happen to be a supporter of the balanced budget amendment, your goal out of all of this is, of course, is that the States would ratify the balanced budget amendment. What do the supporters of the balanced budget amendment think is going to happen back in our home States when the people that are concerned about these programs find out the following: when they find out that defense spending is going up; when they find out that we are going to give out a big tax break across the board to everybody in the country; when they find out we would not even talk about tax loopholes?

It is not going to take too long before some of those State legislatures figure out, "Wait a minute. What is this coming out of?"

It is coming out of the local programs and the tax dollars, the property taxes, of hard-working people of places like Minnesota and Wisconsin.

So I would think you would be concerned that not laying it out for the American people and putting tax expenditures off the table—as this, in effect, does if we do not put it in the sense of the Senate—I would think you would be concerned and I think the Senator from Minnesota is right on target.

Mr. WELLSTONE. I would say to my colleague, if I was a proponent of this constitutional amendment to balance the budget, which I am not, I would vote for this amendment.

Mr. FEINGOLD. Right.

Mr. WELLSTONE. Because once people understand that some of the programs that have been most important to them and their communities, be it Medicare, be it Medicaid, be it Pell grants, be it nutrition programs for children, be it veterans' programs, you name it—are going to be cut and cut deeply—but the Pentagon budget is going up; and, you have all of these loopholes which are flowing disproportionately to large corporations and financial institutions in America with all the clout, without their being asked to sacrifice at all, there is going to be a huge amount of anger.

And I would say to my colleague, that is why I think the Senate must go on record today on this.

I would say to my colleague from Wisconsin we have a little under a minute left. I would be pleased if he would just conclude for us. It has been a joy working with him and I hope we get a good strong vote.

Mr. FEINGOLD. I thank the Senator from Minnesota. We will visit this subject again many times, both of us, and I know we will have support from others.

But what it really comes down to, this is not an attempt to delay on the balanced budget amendment. What we are doing here is to try to point out there are certain special interests that are being protected by tax expenditures and that those tax expenditures should be on the table. And, in large part, this is true because these tax expenditures have been a big part of the reason why this mess was created in the first place; one of the big reasons we have this deficit.

So why in the world should not that be on the table with all the other things?

That is our message and that is why we would urge the adoption of this motion to refer.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to yield back my time, if the distinguished Senators are prepared to yield back their time.

Mr. WELLSTONE. I thank my colleague from Utah. I am prepared to yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. HATCH. Mr. President, I move to table the motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah to table the motion of the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—59

Abraham
Ashcroft
Bennett
Bond
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—1

Kassebaum

So the motion was rejected.

MOTION INTENDED TO BE MADE

Mr. BUMPERS. Mr. President, I ask unanimous consent that the text of a motion to refer House Joint Resolution 1 to the Budget Committee, which I intend to make, be printed in the RECORD for the information of Senators.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

Proposed motion to be made by Mr. BUMPERS:

I move to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 and issue a report, at the earliest possible date, which shall include the following:

"SECTION 1. PROHIBITION ON BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) CONGRESSIONAL ENFORCEMENT OF A BALANCED BUDGET.—Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of revenues for that fiscal year."

"SEC. 2. POINT OF ORDER AGAINST BUDGET RESOLUTIONS THAT FAIL TO SET FORTH A BALANCED BUDGET.—Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

"SEC. . Section 301(j) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield to the Senator from Idaho.

Mr. CRAIG. I thank the Senator from Louisiana for yielding.

He is about to lay down an amendment that is a very important amendment to this issue that I think both sides are very concerned about and want ample time to debate. I would like to see if we could not arrive at a unanimous consent agreement here. Is it acceptable to the Senator from Louisiana if we look at 4 hours equally divided?

Mr. JOHNSTON. Mr. President, that is acceptable.

Mr. CRAIG. I hope that if we can get a unanimous consent on that, we would both try to yield back as much as possible of the unused time and so encourage our colleagues.

Mr. JOHNSTON. Certainly. Mr. President, there is no intent at all to delay. All amendments are important. But this is one that I hope will pass and that my colleagues on the other side of the aisle will accede to. But in any event, we will yield back to the extent we do not use the time.

Mr. CRAIG. Mr. President, I then ask unanimous consent for 4 hours equally divided on the Johnston amendment, prior to a motion to table, and that no amendments to the Johnston amendment be in order.

Mr. JOHNSTON. Mr. President, I certainly do not plan any second-degree amendments. I do not see any of my colleagues who do. So that would be suitable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I thank my colleague.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I ask unanimous consent that upon the disposition of the amendment by Mr. JOHNSTON, I be recognized to call up an amendment. If this request is not agreed to, I will be here and seek recognition in my own right. I make that request.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, will the Senator withhold that for just a minute and let me talk to him about that?

Mr. CRAIG. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor?

Mr. JOHNSTON addressed the Chair.

Mr. BYRD. Was my request agreed to?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Does the Senator have a unanimous-consent request?

Mr. BYRD. That upon the disposition of the amendment that is being offered by Mr. JOHNSTON, I be recognized to call up an amendment.

Mr. CRAIG. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. And I will not object, would the Senator from West Virginia mind discussing with us at this time the amendment he plans to offer following this amendment?

Mr. BYRD. I stated to the Senator in private what it was.

Mr. CRAIG. Would the Senator mind for the RECORD saying so?

Mr. BYRD. I will say so when I get ready.

Mr. CRAIG. I see. Let me say for the RECORD, because I do not want to object to proceedings here, the three-fourths amendment in section 1, it is my understanding the Senator from West Virginia plans to offer an amendment to it?

Mr. BYRD. It is, but I have not reached the point yet that I feel I am under obligation to announce what my amendment does before I call it up.

Mr. CRAIG. Mr. President, this is not an issue here. The Senator knows the rules of the Senate as do I, and certainly he is not under that obligation. I was only asking for a courtesy.

Mr. BYRD. I told the Senator in private out of courtesy.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 272

(Purpose: To provide that no court shall have the power to order relief pursuant to any case or controversy arising under the balanced budget constitutional amendment, except as provided in implementing legislation)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR, proposes an amendment numbered 272.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Section 6, add the following: "No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section."

Mr. JOHNSTON. Mr. President, this amendment is very simple. It is essentially the 1994 Danforth amendment which was adopted by this body without dissent.

What it says is that no court shall have the power to order relief pursuant to any case or controversy arising under this article except as may be specifically authorized in implementing legislation pursuant to this section—no court jurisdiction unless specifically authorized by the Congress. That is virtually identical to the amendment which was adopted last year.

Why do we propose this? On January 31, we had an extended debate here on the question of whether or not this amendment is enforceable, and if so, how it is enforceable. I opined that the way it would be likely enforced would be to have the Supreme Court order an income tax surcharge, because the Court is particularly ill qualified to make choices between various spending programs, to choose between the B-2 bomber and the F/A-18, or to choose between Social Security and Medicare, or to determine what the effects of these budget cuts would be. The thing they would be able to do is to order an income tax surcharge. It would not change any of the rules. It would simply say you add on to the present income tax, using those rules, a surcharge, which they would order the Treasury to collect.

In response to that argument, I had an extended colloquy with my friend from Utah, Mr. HATCH. Mr. HATCH stated that he did not see any way the courts would find standing or justiciability, that only the Congress had power to enforce this amendment. Mr. HATCH made very clear that it is the intent of the majority party that this amendment not be enforceable by the courts.

I then asked, "If that is the intent, why did you not spell it out as we did in the Danforth amendment the previous year?"

To that, Mr. HATCH replied, in effect, that, "Frankly, there are those on the other side who I think will argue the courts ought to have some control. We just want to avoid that particular argument."

So in effect what we have is an intentional ambiguity fashioned in order to appeal to both sides of this argument. There are some who think the courts ought to be involved. There are some who think the courts should not be involved. Mr. HATCH thinks the courts are not involved. So, therefore, it is left intentionally ambiguous.

Mr. President, I would first like to submit to my colleagues that this is not at all clear. As a matter of fact, I believe the majority legal opinion would be that jurisdiction does lie. Quoting from a Harvard Law Review article of May 1983, they state:

> Doctrinal analysis demonstrates, however, that taxpayers probably would have standing to challenge alleged violation of either the deficit spending prohibition or the tax limitation provision.

Harvard Law Review says when you analyze all the cases, they probably would have standing.

Assistant Attorney General Dellinger testified before the committee. Assistant Attorney General Walter Dellinger stated as follows:

> Moreover, it is possible that courts would hold that either taxpayers or other litigants would have standing to adjudicate various aspects of the budget process under the balanced budget amendment. Even if taxpayers and Members of Congress were not granted standing, a criminal defendant prosecuted or sentenced under an omnibus crime bill that improved tax enforcement or authorized fines or forfeitures could argue that the bill "increased revenues" within the meaning of section 4.

Or take the distinguished professor, Harvard law professor Laurence Tribe. Mr. Tribe says:

> So that one way or another, Members of Congress, a House of Congress, someone who has been cut off from a program, a taxpayer—these people will be able to go to court. No question about it.

I have a whole folder of cases and experts who say that taxpayers could go to court, that there would be jurisdiction in the courts, that it would be enforceable. Others say it is a question to be determined by the courts.

Suffice it to say, in my judgment, no one can seriously rise to his feet on the floor of this Senate and say that this is a clear question; that what Mr. HATCH says is correct, that is, that there is clearly no standing or jurisdiction to enforce this amendment. It simply is not so. As I have just quoted from Professor Tribe, from Professor Dellinger—Professor Fried says the same thing—Harvard Law Review—on and on. It is not clear what the limits of court jurisdiction would be.

I ask my colleagues this question, which is a fundamental question. Is there advantage in ambiguity? Is there some reason that we in this U.S. Senate, understanding the ambiguity of court jurisdiction, would want to leave it ambiguous? I think the answer is—which Mr. HATCH gave—that some of our people think they ought to have jurisdiction and some think they should not have jurisdiction so, therefore, we leave it ambiguous and hope to get the votes of both sides.

I submit that as a political matter on the floor of this Senate that is likely to do you more harm than good. There are some on this side of the Senate who, just as recently as 10 minutes ago, said the outcome of the Johnston amendment will influence their vote on this matter. There may be some on the other side of the aisle who feel differently.

I suggest if it is a political calculation that my friends on the other side of the aisle who are supporting this amendment check with their Members and see how many you lose by making clear the most fundamental question in this amendment. Are there really people in this Senate who would vote against the amendment because you cleared up an ambiguity? I do not believe so. But there may be some on this side of the aisle who recognize the pernicious, difficult effect of this amendment—no less authority than former Solicitor General, Judge Robert Bork, said the following, in a 1983 article:

> The result would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results. By the time the Supreme Court straightened the whole matter out, the budget question would at least be 4 years out of date and lawsuits involving the next 3 fiscal years would be slowly climbing toward the Supreme Court.

Judge Bork is giving nothing but common sense. Everything the Federal Government would do would be subject to litigation. And, as Judge Bork says, thousands of lawsuits matriculating their way up to the Supreme Court, inconsistent results, and in the meantime what happens to this country? There would be bond issues which are subject to doubt. What attorney would issue an opinion on a bond issue that was clouded by a Supreme Court or by a district court case? There are so many other things that this Congress does with respect to issuing debts, making contracts—all would be unclear because we would not know what the jurisdiction of the court was.

To those who say that the court needs to be involved, I say the Congress, under this amendment, has that power. To the extent that Congress specifically gives to the court the power to get involved in the balanced budget amendment, we have the ability to do so. And we may wish to do so. We may, for example, wish to limit them to declaratory judgments. We might wish to limit them to interpreting the words of the Constitution, determining what an outlay is, what a receipt is, et cetera. We may want to give them injunctive power. We may want to limit their ability to raise taxes. In fact, on the Republican side of this aisle, there is a lot of feeling against raising any taxes, whether by Congress—there was one amendment proposed which required 60 votes to raise taxes, as part of this amendment. But you would give that power to an unelected court.

So the power to raise taxes is clearly, Mr. President, something that ought to be cleared up. Or, on the other hand, we may wish to say that the Supreme Court has original jurisdiction for the purpose of considering the balanced budget amendment. In other words, we may think that the matter is so important and it requires such expeditious relief, considering the uncertainties in the bond market, the uncertainties in contractual rights, that we need to expedite that consideration by providing that original jurisdiction in the Supreme Court. The Congress under this amendment would have that power. We would be able to define those limits, provide for that expediency, and provide whatever jurisdiction or limits on that jurisdiction that we wish under this amendment.

Mr. President, I ask why not do that? Why not clear up that American ambiguity? Why not make this constitutional amendment so far as we can free from litigation?

Mr. President, I ask my colleague from Idaho, for whom I have great respect and affection, first of all, if he agrees with me that this is a matter which is at least ambiguous and that the weight of authority is probably on the side of saying the court has jurisdiction. Would my colleague agree with that statement?

Mr. KEMPTHORNE. Mr. President, in response to the Senator, I too have great respect for the Senator from Louisiana and admire the fact that he is bringing this sort of discussion to this issue. But really I would defer from responding to that because I think the chairman of the Judiciary Committee would be more appropriate who is grounded in this field and aspect of it to respond to you so you get the meaningful dialogue and exchange that really this issue merits.

Mr. JOHNSTON. Will the Senator agree with me that, if it is a matter of ambiguity—and we will let Senator HATCH respond to that—then it ought to be an ambiguity that could be cleared up?

Mr. KEMPTHORNE. I think when you have ambiguity, I do not know why we would want to proceed down the road of solidifying ambiguity.

Mr. JOHNSTON. I thank the Senator. In his usual candor, he I think reinforces the point.

Mr. President, I see my friend from Utah coming onto the floor. I wonder if I could engage with him in a colloquy on this matter.

I thank my friend from Utah. My question was this: I had just quoted from the Harvard Law Review a number of professors who have stated that in their view there would be standing, justiciability and the matter would be handled by the court, although there are doubts about the limits about it. Will the Senator from Utah agree with me that it is at least a matter of ambiguity as to what the jurisdiction of the court would be?

Mr. HATCH. I really do not agree. I really do not think that you can find standing across the board. I do not think you can find standing. There may be some isolated cases where a person's peculiar interests have been affected. I cannot think of any right offhand. But I am certainly not ruling that out. But I really do not think you can find all three of those conditions to exist with regard to the balanced budget amendment. I will be happy to address that in greater detail when it comes my time to say a few words about it.

Mr. JOHNSTON. Did the Senator have an opportunity to hear me quote Assistant Attorney General Walter Dellinger who said that it is possible that the courts would hold that either taxpayers or other litigants would have standing to adjudicate various aspects of the budget process?

Mr. HATCH. I was there when he said that and he backpedaled off that in the middle of the hearings and had to admit that there is not much basis for that statement. I might add that was in the face of a former Attorney General and a whole raft of other witnesses who said that just is not true.

Mr. JOHNSTON. What Attorney General?

Mr. HATCH. Attorney General Barr was there.

Mr. JOHNSTON. You understand Attorney General Barr, to quote Attorney General Barr:

> I do believe Congress should consider including language in the amendment that would expressly limit judicial review to actions for declaratory judgments. If, however, such a provision would prove to be politically unpopular, I believe for the reasons detailed in my written statement that Congress can safely pass the amendment in its current form without undue concern that the courts will entertain large numbers of suits challenging Congress' actions under the amendment or that, even if the courts do entertain some suits, they will order intrusive injunctive remedies.

General Barr says we ought to clear up the ambiguity because according to him, he says they—I mean the obverse. He says they will not entertain large numbers of suits. I do not know what large numbers are to him, and I do not know what intrusive injunctive remedies are.

Mr. HATCH. If the Senator will yield, I was there. He did say that as a political matter, if it helps you to pass a bill and dispose of amendments, that you might want to put a provision in with regard to declaratory judgments. We did that when we lost the last amendment. He said it is just a matter of political judgment. His opinion was that you are not going to——

Mr. JOHNSTON. I just quoted his opinion.

Mr. HATCH. No. No. That is what he said, not in his written statement. He was making a point in front of the committee that, if politically that helps you to pass the balanced budget amendment, you could live with that type of a provision. But his main points were that he did not see any reason to involve courts in the amendment either way.

Mr. JOHNSTON. If the Senator will yield.

Mr. HATCH. I will be happy to yield.

Mr. JOHNSTON. I am quoting Attorney General Barr in a written answer to a posthearing statement in which he says "I do believe"—do believe—"Congress should consider including language in the amendment that would expressly limit judicial review to actions for declaratory judgment."

Mr. HATCH. Right. That is what we did in last year's debate.

Mr. JOHNSTON. In the Danforth amendment.

Mr. HATCH. But that has nothing to do withstanding, nothing to do with justiciability. The fact of the matter is——

Mr. JOHNSTON. Of course it does.

Mr. HATCH. Let me make my point. Declaratory relief in the eyes of many—and I think most authorities—can be as intrusive as injunctive relief. Take Justice Frankfurter in *Coalgrave* v. *Green*, 328 U.S. 549, page 552, a 1946 case, and he opined that declaratory relief should not be granted in situations where injunctions are inappropriate.

Mr. JOHNSTON. If the Senator will yield——

Mr. HATCH. If I could just finish, maybe I can help clarify. Let me finish. I only have two more comments to make.

Thus declaratory relief would be limited by the standing political questions of separation of powers doctrines.

Finally, the amendment of the distinguished Senator from Louisiana would be construed, if it passes, to grant the courts broad declaratory relief despite the standing in the political question of doctrine, and I might add the separation of powers doctrine. We think that is a mistake.

Mr. JOHNSTON. If I may correct the Senator at that point, my amendment precludes any judicial order of relief, except to the extent expressly authorized by the Congress and, unlike the Danforth amendment, does not include declaratory relief.

What I was saying about Judge Barr was that Judge Barr says you ought to limit this at least to declaratory relief, but he goes on to point out that it is probable that you would have some suits entertained. The distinguished Harvard law professor, Laurence Tribe, says:

> So that one way or another, Members of Congress, a House of Congress, someone who has been cut off from a program, a taxpayer, these people will be able to go to court; no question about it.

We could go on here quoting from cases, quoting from other experts. I have not come across any expert who says it is clear that there is no jurisdiction, not one. I would welcome that statement.

Mr. HATCH. The fact that we leave it open says there may be jurisdictions. It does not mean the courts will grant it. I do not think they will. Let me read——

Mr. JOHNSTON. Wait. We are on my time now. Let me make my point first, and the Senator may respond. There is not one expert—not one—that I have come across who says the matter of justiciability, the matter of standing, or the matter of being a political question, which are the three bases on which my friend from Utah relied in our January 31 debate, not one expert says that that is a clear question. On the other hand, Professor Tribe says it is clear they would have standing. Mr. Dellinger says he believes they would have standing. Judge Barr says you ought to limit that because there may be some lawsuits and they may order some judicial relief, and no one that I can find disagrees with that.

What I am saying is that it is at best an ambiguity—at best—and a probability of court jurisdiction, a probability of court intrusiveness here. How can my friend from Utah say it is not a matter of ambiguity in the face of the Harvard Law Review and distinguished professors, including his own, who say otherwise?

Mr. HATCH. Because there is little or no chance that is going to happen. Let me, if I can, just go back to the written remarks——

Mr. JOHNSTON. Can the Senator give me one single expert who agrees with him?

Mr. HATCH. I am going to give it to you right now. Let me just go back—if you want to enshrine the word ambiguity, I am not going to do that for you. I can say that I cannot rule out that there might be some oddball case where somebody might have standing. I cannot rule that out. But I do believe we can rule it out on the basis of just reasonability that some oddball is not going to have an oddball case that affects everybody in the country because they are not going to be able to meet those three requirements.

Here is what General Barr said in his written comments: "In my view, though it is always difficult to predict the course of future constitutional law development"—from that standpoint, I have to grant the point that who knows whether some crackpots who occasionally do get to the courts, if we believe that is what is going to happen to the Supreme Court, who knows, you cannot say that anything is absolute in this world. Here is what he said:

> In my view, though it is always difficult to predict the course of future constitutional law development, the courts' role in enforcing the balanced budget amendment will be quite limiting.

I see little risk that the amendment will become the basis for judicial micromangement or superintendence of the Federal budget process.

Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risks there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment.

Then he says:

> I believe there are three basic constraints that will tend to prevent the courts from becoming unduly involved in the budgetary process. One, the limitation on the power of the Federal courts contained in article III of the Constitution, primarily the requirement of standing; two, the deference the courts will owe to Congress, both under existing constitutional doctrines and particularly under section 6 of the amendment itself, which expressly confers enforcement responsibility on Congress; and three, the limits on judicial remedies running against coordinate branches of Government, both that the courts have imposed upon themselves and that in appropriate circumstances Congress may impose on the courts.

When the Senator cites Laurence Tribe of Harvard to me and Walter Dellinger of Duke, they are both ardent advocates against the balanced budget amendment.

Mr. JOHNSTON. Let us quote from Mr. Barr, who says in that same statement on page 8:

> But I would be the last to say that the standing doctrine is an ironclad shield against judicial activism. The doctrine is malleable and it has been manipulated by the courts in the past.

The one expert that my friend from Utah quotes to say that this matter is clear himself says it is unclear, and he says you cannot predict what the court will do, and himself urges that you limit the jurisdiction of the court. That is what he says.

I ask my friend, why do we not clear it up?

Mr. HATCH. Because we do not have to. Even though he says that there is no absolute in the law, because you can always find, or you may find in the future, some judicial activist who will ignore what the law says, we do have all kinds of checks and balances in this country, not just the courts, but in the other branches of Government as well. Even in the courts we have checks and balances. That is why we have nine Justices on the Supreme Court. What he is saying is there is little or no likelihood that anybody is going to be able to go to court and meet those three requisites under current law or under the law as he envisions it to be.

If you ask him, well, assuming that there are no absolutes, and you want to be absolutely sure that the courts can never intrude, what would you do? Naturally, he would say I think you can have declaratory judgment relief if you want to write that into the amendment. We do not want to do that.

Mr. JOHNSTON. What harm does it do, to clear up this matter, to say that there is no jurisdiction, no power for the courts to grant judicial relief except to the extent we authorize it in the Congress; what harm does it do?

Mr. HATCH. I think the harm is that if the Senator writes the courts out of the Constitution, or out of this balanced budget amendment, he will be writing people out that we cannot foresee at this time—I do not know—who may have some legitimate, particularized injury to themselves that will enable them to have standing and a right to sue. That is a far cry from giving a broad, generalized right to the public at large.

Mr. JOHNSTON. Does the Senator understand what he just said? He has just been saying that this matter is clear that there is no jurisdiction, but we better not say there is no jurisdiction because there are some people we cannot foresee who may have jurisdiction and may want to sue, and the courts ought to be enforcing their rights.

Mr. HATCH. There is a difference between a general right to sue for all citizens and a particularized injury to one individual which I cannot foresee right now. I do not believe there are any instances I can come up with, but there may be.

Let me give you an illustration. Suppose Congress—this is not to say this is going to happen—but suppose Congress passes legislation cutting spending programs only to Jewish people. That will not happen, but let us give that as a bizarre illustration. In this case, should they not have a right to sue?

Mr. JOHNSTON. Well, now, tell me, would the court's power to order relief be limited or could the court say you have not balanced the budget and therefore we order an income tax surcharge?

Mr. HATCH. I do not think the court can do that.

Mr. JOHNSTON. Where does my friend find such limitations on the court's power? If somebody has standing to sue, then they have standing to ask for whatever relief is appropriate.

Mr. HATCH. We deal with judicial restraints, judicial powers, every day in our lives. And one of the reasons why the law develops year after year after year is because of ingenious people who find ways to develop it.

All I am saying is this: We do not want to take away anybody's rights that may develop sometime in the future. We do not want a generalized right to sue and we do not believe anybody can make a good case that they will have that right.

I do not think Professor Tribe did it or Walter Dellinger did it in front of the committee.

Mr. JOHNSTON. Do you know what Robert Bork said?

Mr. HATCH. And on the courts raising taxes, it is a question of redressability. You know, it is a separation of powers of doctrine.

Mr. JOHNSTON. Judge Bork says:

> The result would be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.

Mr. HATCH. And Judge Bork has very good reason to feel that way with the way he was treated. His legal contentions are based on overexaggerated fears of judicial activists. Actually, the post-Warren Supreme Court has tightened the standing and justiciability doctrines to such a degree that balanced budget enforcement suits would probably be dismissed on those grounds alone.

And I cite the Lujan versus the Defenders of Wildlife case in 1992.

In fact, Bork admits—

Mr. JOHNSTON. If I may interrupt—and I do not like to interrupt.

Mr. HATCH. If I may just finish.

Mr. JOHNSTON. Are we proceeding on my time?

Mr. HATCH. I will be happy to make this response on my time.

Mr. JOHNSTON. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Utah.

Mr. HATCH. In fact, to make my case a little more clear, Bork admits, on page 2 of the letter he wrote, that standing would probably be denied. That is what most real constitutional experts would say. The substance of the legal argument is to speculate on the consequences of what if courts assumed jurisdiction. Well, what if courts decided to raise taxes? What if they decide to send armies to war? What if judicial activists decide to do anything that is outside of their jurisdiction and their range? I suspect we could conjure up any kind of a scare tactic, any kind of bizarre situation.

What we have to rely on is what is the law. And it is very tough under current law and under the laws that existed for a long time, to come up with standing, with the requisites to meet the standing, justiciability, and the political question doctrine and some separation of powers doctrine in order to do what the distinguished Senator is suggesting Tribe and Dellinger say can be done.

Mr. Dellinger back-pedaled quite a bit at that hearing. We did not have a lot of time to question him, and if we had, I think he would have back-pedaled a lot more. Neither Tribe nor Dellinger are supporters of the balanced budget amendment.

And I have found, as the excellent lawyers they are, and they are really excellent lawyers, that they can come up, as law professors—and both of these are law professors, although Dellinger, Professor Dellinger, and I do not mean to denigrate him; Professor Dellinger is now down at the Justice Department—both of them can come up with alternatives on everything.

Mr. JOHNSTON. Mr. Barr is a supporter.

Mr. HATCH. No, Mr. Barr is not a supporter. I listened to the testimony, and in speculating about it and hypothesizing about it, he says, "Well, if you want to do this, you can do it." But Barr basically says you should not have to do it; the law is such that you should not have to do it.

And Bork is just saying it because he fears judicial activists. Bork is saying that, you know, well, his comments are based on what I consider to be, and I think many others, exaggerated fears of judicial activists.

Mr. JOHNSTON. You do understand that Mr. Barr said:

> I do believe Congress should consider including language in the amendment that would expressly limit judicial review.

Mr. HATCH. I was there. I believe I was there when he said it.

Mr. JOHNSTON. No, this was in the posthearing answer to written questions. That is the last word from Mr. Barr.

Mr. HATCH. I am aware.

Mr. JOHNSTON. Did he ever back up on that?

Mr. HATCH. I think if Mr. Barr, if General Barr, was asked what his opinion is, he would say, "Don't clutter up the Constitution." Because every time you add a provision like this into it, every time you add that kind of provision or any kind of provision, you have a whole myriad of problems that arise from there.

Now we have people in both bodies who want the courts involved. We have people who do not want the courts involved. I think there is little or no likelihood that the courts are going to be involved on this amendment as it is written.

Mr. JOHNSTON. Is that not the real answer; that some of your Members are for it and some are against it, and you want to please both sides, so you leave it ambiguous?

Mr. HATCH. First of all, I do not think it is really ambiguous. Nothing is absolute, so I guess you can claim ambiguity on any proposition you make.

Mr. JOHNSTON. I just read to you the most distinguished professors in the country, including Mr. Bork, and you have not one single expert, not one, who supports your position. Name me one. I mean, you do not like Judge Bork; you do not like——

Mr. HATCH. I love Judge Bork. And I do not disregard Professor Tribe and Professor Dellinger.

What I am saying is this: The Senator is partially correct. We are dealing here with a constitutional amendment of general application. We are dealing with one of the most difficult debates in the history of the country. We are dealing with consensus problems. We are dealing with Republicans and Democrats. We are dealing with 38 years of trying to get this to the floor—38 years; really, better than 200 years of getting the House to vote on this. Thirty-eight years of trying to get it to the floor, nineteen years in my life of trying to do it, having brought it to the floor in 1982, where we passed it in the Senate without that language, having brought it three other times to the floor, and this is the fourth time, and trying to bring people together who have a mixture of viewpoints.

We are doing the best we can. Now, can we satisfy everybody's urge, including Professor Tribe's or Professor Dellinger's? Can we satisfy everybody's demand or desire for their own wording in this amendment? Can we satisfy those who do not want the courts involved in this to the exclusion of those who do? There are not many who do, but there are some who do.

Or do we do what we have to do, and that is, get a consensus on this matter and fight for it as hard as we can and do the best we can? Well, that is what we are doing.

Mr. JOHNSTON. If I could ask my colleague at that point, I disagree not just with the legal calculus, but with the political calculus, as well.

The Danforth amendment was virtually identical to this amendment and was passed without opposition. Is there really opposition on your side? Are there Senators who on your side would say, I will not support this amendment unless it has the right of the courts to order relief?

Mr. HATCH. I believe there are. I believe there are some on your side. In fact, I think there are as many, if not more, on your side.

So what I am saying is we are trying to do the art of the doable here. Personally, I do not like courts involved—in certain aspects of this, I would not want them involved at all—and I do not believe they will be, or I would be arguing for the Senator's position. I might add that some do like the courts involved in some of these areas, but I do not know many who do.

But let me just say that what we are trying to do is bring Senators together and reach a 67-vote total. We are one or two votes away from that. Some think we are there, but I do not ever count that until the final vote. We are one or two votes away from being there. And we are trying to keep the amendment intact.

And keep in mind, we have 300 people in the House of Representatives who voted for this amendment. If we add anything to it, it has to go back to them.

These are considerations the distinguished Senator from Illinois and I have to meet.

Now, as I recall, just to name two experts, Griffin Bell, former Attorney General of the United States, upholds this position. Professor Van Alstein, from Duke, who was Walter Dellinger's partner down there, upholds this position, as far as I know.

Mr. JOHNSTON. Who say this is a matter that has no ambiguity.

Mr. HATCH. Who say there is little or no likelihood that people can generally sue on behalf of all Senators under this amendment.

Mr. JOHNSTON. There is a huge amount of difference between "little likelihood" and "clear."

See, the difference is that we would have this litigation going through the courts. As Judge Bork said, thousands of cases with inconsistent results. Bond issues, contracts, subject to lack of clarity.

It is not too much to say that the capital markets of this country could, during the pending litigation, be put into complete chaos.

Mr. HATCH. I think those are scare tactics myself. Let me say a few things, and maybe I can clarify to a degree.

Mr. President, the balanced budget amendment is a fine-tuned law. It manages to strike the delicate balance between reviewability by the courts and the limitations on the courts' ability to interfere with congressional authority.

I wholeheartedly agree with the former Attorney General William B. Barr, who stated that if House Joint Resolution 1 is ratified there is,

> * * * little risk that the amendment will become the basis for judicial micromanagement or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute.

In other words, we can correct any problem that does arise. "On balance," he goes on to say, "whatever remote risk there may be the court will play an overtly intrusive role in forcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such amendment."

In regard to Congress' power to restrain the courts, which I think is an important point, I think the Senator from Louisiana does the Senate a service in raising the issue.

In order to resist the ambition of the courts, the framers gave to the Congress in article III of the Constitution the authority to limit the jurisdiction of the courts, the type of remedies the courts may remedy, if Congress truly fears certain courts may decide to ignore the law and the precedence. If Congress finds it necessary, through implementing legislation, it may forbid courts the use of their injunctive powers already. And the Congress has done that from time to time.

Or Congress could create an exclusive cause of action or tribunal which carefully limits power satisfactory for Congress to deal with the balanced budget components or complaints.

But Congress should not, as the distinguished Senator from Louisiana proposes, cut off all judicial review. I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental, macroeconomic, and budgetary issues in question.

At the same time, this balanced budget amendment does not undermine the courts' equally fundamental obligation, as first stated in Marbury versus Madison, to say what the law is. After all, while I am confident that courts will not be able to interfere with our budgetary prerogatives, I am frank enough to say I cannot predict every conceivable lawsuit—nobody can—which might arise under this amendment and which does not implicate these budgetary prerogatives.

A litigant in such a narrow circumstance, if he or she can demonstrate standing, ought to be heard. They ought to have their case heard. It is simply wrong to assume that Congress would just sit by in the unlikely event that a court would commit some overreaching end. Believe me, Congress knows how to defend itself. Congress knows how to restrict the jurisdiction of courts or limit the scope of judicial remedies where the courts get completely out of line as they would have to be in this situation.

I do not think it is necessary. Lower courts by and large, and really almost always, follow precedent. The precepts of separation of powers and the political question doctrine effectively limit the ability of courts to interfere in the budgetary process. Nevertheless, if necessary, a shield against judicial interference is section 6 of House Joint Resolution 1, the constitutional amendment itself. Under this section Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall such as sequestration, rescission, or the establishment of a contingency. Pursuant to section 6, it is clear that Congress if it finds it necessary, could limit the type of remedies the court may grant or limit the courts' jurisdiction in some other manner to proscribe judicial overreaching. This is not at all a new device nor is it at all a new constitutional device. Congress has adopted such limitations in other circumstances pursuant to its article III authority.

In fact, Congress may also limit standing, judicial review, particular special tribunals with limited authority to grant relief. Such a tribunal was set up recently as the Reagan administration needed a special claims tribunal to settle claims on Iranian assets. Beyond which, in the virtually impossible scenario where these safeguards fail, Congress can take whatever action it must to moot any case in which a risk of judicial overreaching becomes something real.

Now, these standing, separation of powers, and political question issues are restraints. I might add, there is a distinction between remedies courts can give and the ability to bring relief. Courts cannot interfere with the budgetary process. It is a political question. It would violate the separation of powers doctrine.

These three restraints—these are basic constraints—prevent the courts from interfering in the budgetary process.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. HATCH. If I could finish this, I would like it to be uninterrupted. Then I would be happy to yield.

First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of standing. That is not one.

Second, the deference the courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress—not in the courts, in Congress—specifically. I think a court would really have to overreach and overreach badly to try to go around that.

Third, the limits on judicial remedies which can be imposed on a coordinate branch of government; in this case, the legislative branch.

These are limitations on remedies self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations such as the doctrine of separation of powers prohibits courts from raising taxes—that is a power exclusively delegated to Congress by the Constitution—and it is not altered in any way, shape or form by the balanced budget amendment that we are offering here today.

Consequently, contrary to the contention of the opponents of the balanced budget amendment, separation-of-power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress, which is consistent, as I see it, with the Framers of the Constitution that all budgetary matters be placed in the hands of Congress.

Concerning the doctrine of standing, it is beyond dispute that to succeed in any lawsuit, a litigant must further demonstrate the standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements: No. 1, injury, in fact, that the litigant suffered some concrete and particularized injury.

No. 2, traceability—that the concrete injury, not only is the injury in fact because the litigants suffer some concrete or particularized injury, but traceability means that the concrete injury was both caused by and is traceable to the unlawful conduct.

And No. 3, redressability—that the relief sought will redress the alleged injury.

That is a large hurdle for a litigant to demonstrate that injury in fact requirement. That is something more concrete than a generalized grievance and burden shared by all citizens and taxpayers.

I do not know anybody who is an authority on this subject who would disagree with that. They might not like that, but that is what the law is. Even in the vastly improbable case where an injury in fact was established, a litigant would find it nearly impossible to establish the traceability and redressability requirement of the article III standing test. After all, there will be hundreds and hundreds of Federal spending programs even after Federal spending is brought under control.

Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify or modify a specific spending measure objected to by the litigant.

Now as to the redressability problem, this requirement would be difficult to meet because courts are wary of becoming involved in the budget process. They always have been, which they admit is legislative in nature, and separation of powers concerns will prevent courts from specifying adjustments of any Federal program or expenditures.

Thus, for this reason, Missouri versus Jenkins, the 1990 case that is often cited, where the Supreme Court upheld a district court's power to order a local school district to levy taxes to support a desegregation plan is inapposite. Plainly put, the Jenkins case is not applicable to the balanced budget amendment because section 1 of the 14th amendment, from which the judiciary derives its power to rule against the States in equal protection claims, does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes. It is just that simple. And anybody who argues the Jenkins case just does not understand its 14th amendment implications.

Now on the political question, and these are important points, and I apologize to my colleague for making him wait until I make these points but I think they need to be made in order, and then, of course, I will be glad to discuss it with him.

The well-established political question doctrine and justiciability doctrine will mandate that the courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to "rely on estimates of outlays and receipts."

Under these circumstances, it is extremely and all but unlikely that a court will substitute its judgment for that of Congress. I just cannot conceive of it, other than some future country that does not abide by its laws.

Moreover, despite the argument of some opponents of the balanced budget amendment, the taxpayer standing case, Flast versus Cohen, in 1968, is not applicable to enforcement of the balanced budget amendment. The Flast case has been limited by the Supreme Court to establishment clause cases. Also, Flast is, by its own terms, limited to challenging cases for an illicit purpose.

I also believe there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment because Members of Congress would not be able to demonstrate that they were harmed in fact by any dilution or nullification of their vote, and because under the doctrine of equitable discretion, Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators, through the enactment, repeal or enforcement or amendment of a statute, it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment. Highly unlikely.

Mr. President, I believe it is clear that the enforcement concerns about the balanced budget amendment do not amount to a hill of beans. The fear of the demon of judicial interference is exorcised by the reality of over a century of constitutional doctrines to prevent unelected courts from interfering with the power of the democratically elected branch of Government and to bestow Congress with the means to protect its prerogatives.

I think that even though you can always say there are ambiguities in the law, there always are. That does not negate the fact that this balanced budget amendment does not need to be amended to take care of something that is the most highly unlikely set of occurrences that could happen.

I will be happy to interchange with my friend from Louisiana.

Mr. JOHNSTON. Mr. President, I thank my colleague for yielding. On this question of justiciability and standing, the Senator is, I believe, familiar with the fact that many States have balanced budget amendments and there is a plethora of litigation in which State courts have taken jurisdiction.

In New York, in the 1977 fiscal crisis where they had a loan of $250 million, the court declared that that was permissible; took jurisdiction.

In the State of Georgia, a lease by development authority, the question whether that constituted indebtedness under that State's constitution.

In Wisconsin, whether a lease-purchase agreement constituted indebtedness.

In 1981 in Illinois, the legislature closed the schools early in pursuit of the balanced budget amendment of that State. The court took jurisdiction and, by the way, they said it was permissible but they took jurisdiction and made the decision.

In California, the employees' retirement system challenged the action of the State legislature which, in turn, passed fiscal emergency legislation to suspend funding to the State employees' retirement system, and the court took jurisdiction in that case and was able to order. They do so all across the country.

In my State, the courts specifically have stated they have jurisdiction. In the face of all of these State courts, in the face of Judge Bork, Attorney General Dellinger, in the face of Laurence Tribe of the Harvard Law Review and all of these others who say you probably would have standing, jurisdiction, justiciability, how it can be said—and I ask my colleague—how it can be said that there is no standing justiciability or that this is a political question escapes me.

Does the Senator desire to respond to that, or may I make one other point? Is he ready to respond to that? I see my colleague from Utah is not here.

Mr. BROWN. The distinguished Senator from Louisiana may want to go ahead and complete his points before we respond.

Mr. JOHNSTON. The Senator from Utah also said the Congress would have the power if there were courts who began to meddle in this, accepted jurisdiction, that the Congress would then have the power, I guess by getting 60 votes to overcome a filibuster, in order to limit that jurisdiction of a case already started.

I just wonder at what point the Congress would feel constrained to act. Would it be after the district court had issued an injunction, after the court of appeals had ordered taxes increased or after the Supreme Court had acted? Why do we not fix that in advance so the court will not exercise this jurisdiction, will not exercise that power, except to the extent that the Congress specifically authorizes it? That is my question, and then I will yield to my friend from Michigan.

Mr. BROWN. Mr. President, the distinguished Senator from Louisiana has raised some concerns. My hope is that I can offer at least some comments that will be helpful to a portion of his concerns.

The issue of whether or not this provides "a plethora of litigation"—I think those are the words that were stated—is a fair question to ask, and I think it is reasonable to bring it before the body. I asked that question specifically of the Assistant Attorney General when he came before the Judiciary Committee.

The point of the administration was that this could lead to a flood of litigation. I noted that a large number of our States, the vast majority of our States have similar balanced budget amendments. The one in Colorado is, of course, very strict, much stricter than this. This is the softest form of a balanced budget amendment that I know of. I think Americans that watch this debate will be shocked to find how weak a version it is because it can be waived by simply 60 votes.

However, the allegation that this would lead to a large amount of litigation already is a question that has been faced by this country because the vast majority of our States have constitutional amendments that require a balanced budget, and they are much tougher than anything we are talking about.

I asked the Assistant Attorney General to name for me the cases that he was worried about, this flood of litigation. He could not name one single case. Mr. President, let me repeat that because the Attorney General who had made that allegation was unable to name a single solitary case. And when pressed on it, he came up with the name of several cases that, indeed, involved States but did not involve the balanced budget amendment that those States had.

Now, what is the fact? Colorado has a balanced budget amendment. The last litigation we had——

Mr. JOHNSTON. Will the Senator yield on the question of what the Attorney General said?

Mr. BROWN. I would be happy to yield to my friend from Louisiana.

Mr. JOHNSTON. Quoting from Mr. Dellinger, Assistant Attorney General Dellinger's testimony on page 137 of the hearings, he stated as follows:

> There is as yet nothing in this amendment proposal that would preclude the courts of getting involved in issues of taxation. Recall Missouri v. Jenkins from 1990, where the Supreme Court held that while a Federal district court had abused its discretion in directly imposing a tax increase to fund a school desegregation program, that the modifications made in that case by the Court of Appeals satisfied equitable and constitutional principles.
>
> If we have an amendment that for the first time constitutionalizes the taxing and spending process and creates a constitutional mandate which the courts are sworn on oath to uphold, there is simply no way that we can rule out the possibility that tax increases or spending cuts would be ordered by the judiciary.

The Senator asked what was the case Mr. Dellinger was concerned about. That is it—taxing being ordered by the courts or spending cuts being ordered by the courts. That is page 137 of last year's hearing.

Mr. President, I ask unanimous consent that I be allowed to place in the RECORD at this point Mr. Dellinger's testimony.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT FROM HEARING ON SENATE JOINT RESOLUTION 41—BALANCED BUDGET AMENDMENT

Mr. DELLINGER. Mr. Chairman, thank you.

Two hundred and seven years ago this summer, the framers of the Constitution met in Philadelphia. Their goal, as one of the founders put it, was to design a system of government that would ensure the grandeur and importance of America until time shall be no more.

The coming together of the American Colonies into a single Nation was more difficult than we can easily now imagine. John Adams wrote home from the Continental Congress in 1775 to the remarkable Abigail Adams, and he spoke of 50 gentlemen meeting together, all strangers, not acquainted with each others' ideas, views, language, designs. We are, he said, timid, skittish, jealous.

They came as representatives of legislative democracies that had some independence from England and had engaged in self-government, in many instances, for more than a century. They took enormous risk to create, in that summer of 1787, between the first day, May 25, and the last day, September 17, 1787, a system of government that has lasted longer and served better as a foundation for free government than any other constitution yet written.

It was the government designed to create a great republic, the kind of republic that John Marshall could then imagine as a young Chief Justice; where, from the St. Croix to the Gulf of Mexico, revenue was to be collected and expended, armies are to be marched and supported. To this end, Marshall wrote, all the sword and the purse, all the external relations and no inconsiderable portion of the industry of the Nation are entrusted to this Government.

This Government, under this system of government, as you know as the great historian of this body, the Senate, has provided an extraordinary basis for the achievement of the grandeur and importance of the American Nation.

I think we are considering today an amendment to that document that poses great risk. For that amendment is profoundly anticonstitutional, not unconstitutional—no amendment ratified in due course could rightly be called unconstitutional—but anti-constitutional in the sense that it goes against the basic spirit, the basic essence of some of the most profound aspects of the Constitution.

The Constitution, as written by the framers, did not constrain choices. It, rather, empowers the people to enact choices, except in those few instances, such as the freedom of speech and the press and of religion, that are ruled out of bounds altogether. This amendment is inconsistent with that goal, by seeking to shackle government.

It is a Constitution in which the principle of majority rule is so fundamental, so essential, that it literally goes without saying. There is no need even to mention that decisions are made by majority rule. And yet, here is an amendment that would, for the first time, allow 40 percent to hold hostage a majority of the Government with respect to a matter—the passage of a budget—that must be done.

We have, and will hear in the judiciary subcommittee today and yesterday, discussions to the fact that there are other supermajority provisions of the Constitution—and so, there are. But notice how different this proposal is. Each of the other supermajority provisions of the Constitution—the ratification of treaties, conviction of a President on charges of impeachment, the override of a veto, the expulsion of a Member or proposing an amendment to the Constitution—each of those calls for a supermajority in circumstances in which the default, the status quo, is perfectly acceptable and can remain if no action is taken.

If we do not propose a constitutional amendment because there is no supermajority, the Constitution we have remains as it is. We can go without a treaty. We can decline to impeach a President. We can decline to override the President's veto. But we must pass a budget. There is no underlying status quo of no budget that is acceptable. So that, in this unusual event, we would distort and challenge the basic notion of majority rule.

Some have noted that, indeed—and you would know this better than I—such a provision could, in fact, worsen budget deficits. I would certainly defer to your judgment, Mr. Chairman, on this, but I could easily imagine circumstances in which a majority and a minority leader thought it a lot more difficult to assemble 50 votes for a stringent budget vastly increasing taxes and cutting cherished programs than it would be to outbid each other to assemble 60 votes, where, if you achieve 60 votes through a bidding war, there is simply no limit on how large the deficit may be under this amendment.

So, you have this odd distortion between the votes necessary to pass a budget and one which could work in quite unexpected ways.

But those, Mr. Chairman, are just introductory remarks to what I think is the central concern that would be appropriate for the Department of Justice to represent to you today. And that is the implications of this amendment for the basic structure of our constitutional government and to the status of our Constitution as positive law.

Yesterday, one of the thoughtful supporters of this amendment described it as a necessary, quote, mechanism of discipline for our budget situations. And yet, the very flaw of this proposal is that it has no mechanism. And it is that absence of a mechanism of enforcement that makes this amendment such a threat to our basic constitutional values.

The central problem is that this proposed amendment promises a balanced budget without providing any mechanism for accomplishing that goal. It simply declares that outlays shall not exceed expenditures, without ever explaining how this desirable state of affairs shall come about, and without specifying who among our Government officials shall be empowered to ensure that the amendment is not violated or, if violated, the Nation is brought into compliance.

Some have said that Congress will feel duty bound to comply with the requirements of this constitutional amendment. And I agree that each Member of Congress would properly consider himself or herself individually bound to comply with the amendment. The difficulty is that the amendment does not provide any mechanism by which those individual Members of Congress can coordinate their separate constitutional obligation to support a balanced budget.

Each Member of the Senate and House might conscientiously set about to comply with the amendment. One Senator might vote to cut military spending; another to reduce retirement or other entitlement benefits; a third to raise taxes. Each would have been faithful to his or her oath of office. But each of the measures may fail to gain a majority support and, therefore, the amendment would not be, and the requirements of the amendment would not be, met.

Or, of course, Congress might simply, by 55 votes, pass an amendment that does not, in fact, produce a situation in which outlays do not exceed receipts.

What are we then left with? What would the senior advisors to the President tell the President would be the case if this amendment to the Constitution of the United States was not being complied with by the functioning and processes of Government?

I think we would certainly expect a vast array of litigation to ensue. One of the first matters to be litigated would be whether the President was obligated or entitled to make his own unilateral cuts in budget or otherwise, unilaterally, to raise revenues. This would be a very difficult question. I would imagine that different courts would resolve the issue differently.

Some would say that the President alone would be in a position simply to order a cut, even where the law required otherwise, because now he had the higher obligation to ensure that the Constitution was complied with.

Others would argue that it would be extraordinary to infer from the silence of this amendment such a sweeping and radical change in the allocation authority among the branches of Government. And yet, the issue would be resolved by judges and courts.

Surely the most alarming aspect of the amendment is that by constitutionalizing the budget process, the amendment appears to mandate an extraordinary expansion of judicial authority. Both State and Federal judges may well be required to make fundamental decisions about taxing and spending—issues that they clearly lack the institutional capacity to resolve in any remotely satisfactory manner.

One would hope that the judiciary would consider these questions political and beyond their scope. This political question doctrine, simply put, is the doctrine that is designed to restrain the judiciary from inappropriate interference in the business of the other branches of Government.

On its face, that basic doctrine would appear to constrain the court's review of a balanced budget amendment. And yet, the most recent decisions of the Supreme Court suggest that the court would be prepared to resolve questions that might once have been considered political.

We have the example of *United States* v. *Munoz-Flores* from 1990, in which the court adjudicated a claim that an assessment was unconstitutional because it failed to comply with the provision that it originate in the House of Representatives.

I would have thought before *Munoz-Flores* that the court would decline to adjudicate and would accept the authentication of Congress. And I would have been wrong.

In 1992, the court considered the congressional resolution of how one goes about apportioning the last seat for the House of Representatives, what formula to choose when Congress decides which State gets that last 435th seat in Congress. The losing State challenged—Montana—the Department of Commerce. And I would have assumed that the court would have considered this, too, a political question, left for the final resolution of the Congress. And, again, I was wrong in that assumption. Because the court did go to the merits, did consider it judiciable, and did pass judgment on this question.

So I think that however wise or unwise it may be for the courts to be involved in these issues—and I tend to think it is unwise—it is nonetheless the case that no one can provide any assurances that once this amendment constitutionalizes the budget process the court will not consider itself obligated to resolve issues that arise under that amendment.

Let me mention, for example, one that I noted just last evening where I could readily imagine a justiciable case where the party has standing and a declaration invalidating a major act of Congress, if this amendment were law today.

Section 4 of Senate Joint Resolution 41 provides that no bill to increase revenue shall become law—no bill shall become law if it increases revenue—unless approved by a majority of the whole number of each House on a rollcall vote. It is often the case that there are major pieces of legislation, like the crime bill, that contain provisions which a litigant might later argue, increase revenue, by providing more effective enforcement mechanisms, by providing forfeiture provisions.

A criminal defendant would surely have standing, prosecuted or sentenced under omnibus crime legislation, to say that this bill contains a provision which would increase revenues, and, therefore, it falls under section 4 of this amendment and is unconstitutional unless Congress had been alert to ensure that its approval was by a majority of the whole number of each House on a rollcall vote. Once you constitutionalize an area you take the resolution of critical questions, critical concerns, out of the hands of the elected representatives of the people and leave them in the hands of courts that now would be under a mandate to resolve these issues.

There are others who might have standing. Taxpayers, to be sure. I have never, myself, fully been reconciled to *Flast* v. *Cohen*, but it remains the law. Many of the provisions of this amendment appear to be an express or specific limitation on the tax against spending power which would generate standing in taxpayers to litigate. Certainly, if the President took action to cut benefits, if he, say, cut Social Security across the board by 9 percent in order to comply with the amendment, a beneficiary would challenge the President's authority to do that, and that issue would wind up in litigation.

There is as yet nothing in this amendment proposal that would preclude the courts of getting involved in issues of taxation. Recall *Missouri* v. *Jenkins* from 1990, where the Supreme Court held that while a Federal district court had abused its discretion in directly imposing a tax increase to fund a school desegregation program, that the modifications made in that case by the Court of Appeals satisfied equitable and constitutional principles. Those modifications included leaving the details of the mandate to increase taxes to State authorities, while nonetheless imposing a mandate that must have been met.

If we have an amendment that for the first time constitutionalizes the taxing and spending process and creates a constitutional mandate which the courts are sworn on oath to uphold, there is simply no way that we can rule out the possibility that tax increases or spending cuts would be ordered by the judiciary. And I think we would all agree that that is a profound change in our constitutional system.

I believe it was in the 48th Federalist that Madison assured those who were about to vote on whether to ratify or reject the proposed Constitution, Madison assured them that the legislative department alone has access to the pockets of the people. That is a theme which is carried forward by Justice Anthony Kennedy in his dissent in *Missouri* v. *Jenkins*, where he writes of how jarring it is to our constitutional system to have unelected life tenure judges involved in the process of taxation. Justice Kennedy wrote, "It is not surprising that imposition of taxes by an authority so insulated from public comment and control can lead to deep feelings of frustration, powerlessness, and anger on the part of taxpaying citizens." We would not, I think—you would not want lightly to have put out a provision that so radically restructured the fundamental nature of our constitutional system in the face of such limited discussion about how these enforcement mechanisms would work.

Chairman BYRD. Mr. Dellinger, what was the vote in that case? The Supreme Court vote?

Mr. DELLINGER. I believe it was five to four. But I have not checked the vote. I believe it was five to four. I am seeing one of your very helpful staff members nodding behind you and assuring me. So it is a very close case, and I think the constitutional proposition set forth in section 1 would provide for many justices a more sound basis for being engaged in taxing and spending, where it says total outlays for any fiscal year shall not exceed total receipts. This is no longer part of the Pledge of Allegiance or a Fourth of July speech. We are talking about making this a part of the Constitution of the United States of America.

Mr. BROWN. I thank my friend for raising that point, and it proves precisely the point that I want to make. That case was not based on a balanced budget amendment. That case was based on the 14th amendment.

I might mention that the constitutional amendment before this body does not repeal the 14th amendment. The 14th amendment is in the Constitution. The cases are going to come up about the 14th amendment all the time. That was the whole point. The Assistant Attorney General had brought this specter of floods of litigation and his prime example was one that dealt not with the balanced budget amendment but dealt with the 14th amendment.

Mr. JOHNSTON. He was saying that under the balanced budget amendment they would have the authority, that nothing would prevent the same authority exercised as in Missouri versus Jenkins.

Mr. BROWN. I think the point here is that the case he cited to express his concern was one that did not deal with the balanced budget amendment, and there are many of them that exist across the country.

Mr. JOHNSTON. No, but it dealt with the power of Federal courts to order taxation, which was what his concern was, which is what my concern is, and my amendment would prevent that. And why not do that?

Mr. BROWN. Let me suggest, the Senator's amendment deals not with the 14th amendment. It deals with appeals to courts and deals with appeals to courts on this amendment.

Now, the question is clearly this: Is the passage of a balanced budget amendment going to lead to a flood of litigation? When the Assistant Attorney General was asked to name a case, one case where you have had appeals to the courts and litigation in the courts about the numerous balanced budget amendments around the country, he was unable to name a single solitary case.

Now, Mr. President, those cases do exist. Colorado has had a constitutional amendment for a balanced budget in its constitution for over 100 years. We have had litigation on it. And the last litigation in Colorado on our balanced budget amendment was in 1933. It dealt with a peripheral case.

Now, this flood of litigation that the Assistant Attorney General is forecasting has not reared its head in the State of Colorado for over a half century, not a single case in over a half century. And the one that came up literally 60 years ago was one that did not deal directly with the issue of the balanced budget. It dealt with a peripheral issue.

Mr. JOHNSTON. Perhaps my friend did not hear the cases which I cited from around the country where courts have gotten involved in this. Looking to my own State of Louisiana, for example, in 1987, the court of appeals case, just to quote briefly, says:

> Defendants contend that there exists no justiciable issues in this case because the courts should not "step in and substitute their judgment for that of the legislature and executive branches" in the budget process. We disagree. The determination of whether the legislature has acted within rather than outside its constitutional authority must rest with the judicial branch of government.

That is from *Bruno* v. *Edwards*, 517 So. 2d 818, a 1987 case. It is all over the country that this is done. I do not know what they have done in Colorado. They have done it in my State. They have done it in New York. They have done it in Georgia. They have done it in Wisconsin, California. All across the country they have taken balanced budget amendments, and there has been standing found and the courts have found those issues to be justiciable and indeed in a 14th-amendment case, Missouri versus Jenkins they ordered up taxes.

Mr. BROWN. Let me reclaim my time, if I could.

Mr. President, the statement that I made was not that it is impossible that you would ever have litigation. That certainly has never been my position, and it is not now. And if the Senator's point is that it is possible that you could have litigation over this question, I would certainly indicate to him I think he is right. It is possible you could have litigation come up.

What we are dealing with here, though, is a question of whether or not this is going to engender a flood of litigation, a plethora of litigation, as has been indicated. That simply is not an accurate statement if you look at what has happened in the States of our country. It is simply inaccurate, and the proof—I have given proof in my State. We have not had a case in 60 years, and the one we did have 60 years ago dealt with a side issue.

Now, the Missouri versus Jenkins case that was referred to was a State action, and it dealt with the 14th amendment. It was not a balanced budget amendment case. So you can raise all sorts of specters, but let me suggest a test for all of these. Many Members honestly and sincerely think it is a mistake to have a limitation on spending. That is a difference between men and women of good spirit. While I am one who thinks the record shows that this country is not going to survive without a change in the way we appropriate money, while I am one who believes that some control on spending is essential to this Nation providing leadership in a world economy in the next century, I recognize that people of good spirit and good intentions may not share that view.

But when the question is put, if this amendment is passed will people who currently oppose the amendment to the Constitution then vote in favor of the constitutional amendment, my understanding is that they will not. I think you have to ask yourself, is this amendment put forward to improve the constitutional amendment to balance the budget? I believe that is the intent of the Senator from Louisiana. It is a sincere effort to deal with a problem of excessive court involvement. I know he is sincere about that. I think the purpose of his amendment is, indeed, to improve this constitutional amendment.

Mr. JOHNSTON. Will the Senator yield briefly on that point?

Mr. BROWN. I will in just a moment.

I think it is important to note that there does not appear to be anyone who is coming forward and saying look, if this amendment is adopted, we are willing to sign on and agree with you; limitations are important.

I yield to the distinguished Senator.

Mr. JOHNSTON. Mr. President, I just want to point out, right before this debate started there were, I believe, two Members who are undecided, on our side, who said in my presence right here that this amendment may determine how they vote. They will have to speak for themselves.

I will tell my colleague privately who they were. I do not think I should use their names. They can speak for themselves. My question is, are there those on your side of the aisle whose votes you lose by making clear the jurisdiction of the court? My guess is you do not, because this is almost identical to the Danforth amendment which was passed in the last Congress without objection.

Mr. BROWN. That is a fair and appropriate question. I suspect I have a responsibility to check on that.

Mr. President, I wonder if the Senator from Louisiana would be willing to respond to a question of mine?

Mr. JOHNSTON. Certainly.

Mr. BROWN. I guess the question that occurs to me is, would it be the Senator's intent, if this constitutional amendment is passed and if Congress refuses to abide by that constitutional amendment, to preclude any enforcement of it through the courts?

Mr. JOHNSTON. No. As a matter of fact, the amendment very specifically allows the Congress to implement the—to authorize judicial relief. But only to the extent that Congress specifically authorizes it.

As I mentioned, the Congress may well want to, for example, say the court shall have declaratory relief; may be able to cut spending but not raise taxes; or you may want to have direct jurisdiction in the Supreme Court—original jurisdiction there, so as to expedite the hearings. There are all kinds of things we may want to do that would help clear up, for example, what happens in the bond market while these cases are moving through ever so slowly from all around the country. We ought to be able to deal with that in congressional legislation. I not only do not preclude that, I specifically authorize it in this amendment.

The difference between that and the way we are now is it is unclear whether or not the courts have that inherent authority. If the Congress does not act, then it is my belief, along with Laurence Tribe and Robert Bork and Professor Dellinger, et cetera, that they would probably have that jurisdiction. I say: Make it clear.

Mr. BROWN. At least my understanding is that Congress does have the ability to deal with that now.

Mr. JOHNSTON. The Congress does have the ability under, I believe it is section 5—section 6, to do that. That is clear.

However, upon failure to act by the Congress, then the courts would probably have this jurisdiction anyway. The difference between section 6 of the amendment as presently stated and under my amendment, my amendment says that unless Congress specifically acts, there is no jurisdiction in the court. Whereas section 6 says the Congress may act, but in the meantime it is unclear what the authority of the courts is.

Mr. BROWN. I wonder if the Senator has thought about spelling out in his amendment the kinds of appeals that he would have in mind? I think part of the concern as we look at the amendment is the concern that this could well end up sabotaging the balanced budget amendment, in that if the Senator spelled out the kinds of appeals he had in mind, it might go a long way toward generating support on it.

Mr. JOHNSTON. What Senator HATCH has stated is that the court would have no jurisdiction. He says that is clear. I think it is demonstrably unclear.

I think the question of how you spell out the jurisdiction and remedies ought really to take up some serious time of the Judiciary Committee: Bring in the legal experts, talk about whether you want to limit it to injunctive relief, whether you want to limit the power to enact taxes. All of those are very close and difficult legal questions that I think take a lot of thought, which are beyond my ability to spell out.

I think you can spell out the broad constitutional terms right here. The court shall or shall not have power. But we would preserve that power of the Congress to do that. The real question is: Should the court have the power to order taxes, provide injunctive relief, make decisions, declaratory judgments, if the Congress does not specifically authorize it?

I believe the answer to that is no. And that is why this amendment clears that up and makes it unambiguous.

Mr. BROWN. I might say, Mr. President, at least my understanding, and the Senator may want to correct me if he feels I have misphrased it, my understanding is Senator HATCH's view is that the courts could not interfere with the budgetary process but that Senator HATCH does feel the courts should be able to give some limited relief.

I think that may be a different way of describing the Senator's position. Obviously, Senator HATCH is quite able to describe his own position.

Mr. JOHNSTON. My description of Senator HATCH's position is that he would like to have it both ways to satisfy those who think there ought to be court relief and to satisfy those who think there should not be court relief, because he has some of those voting for the amendment. I understand the position of my friend, Senator HATCH, which is he wants to pass the amendment, and that is fine.

I have called into question the political calculus that says you lose votes by passing this amendment. I think you endanger, politically, this amendment by not clearing up this fundamental question.

Mr. BROWN. Let me say I am shocked to hear that any Member of the Senate would want to have it both ways. I cannot imagine—it seems unprecedented—that any august Member of this body would take that position.

Mr. JOHNSTON. One wants it this way and one wants it that way. You can sort of be all things to all people by saying: Well, it is clearly a settled question there is no standing to sue, so therefore the court will not get involved. But, on the other hand, there may be some cases that will need to come to the court, where the court will need to order some relief.

The classic, to me, was Attorney General Barr, who said—this is really rich. First of all, he said:

> I do believe the Congress should consider including language in the amendment that would expressly limit judicial review to actions for declaratory judgment.

Then he goes on to say:

> If, however, such a position would prove to be politically unpopular, I believe, for the reasons detailed in my written statement, that Congress can safely pass the amendment in its current form without undue concern that the courts will entertain large numbers of suits challenging Congress' action on the amendment or that, even if the courts do entertain some suits, they will order intrusive injunctive remedies.

I mean, he says well, they are probably not going to do it. If they do, there will not be many. And even if they do a few, they will not order intrusive injunctive relief.

What is intrusive? I would think Missouri versus Jenkins—if they got their foot in the door, and Solicitor General Barr says they might have some suits, having their foot in the door it does not take many orders of the Supreme Court increasing taxes to be pretty intrusive to the American people.

Mr. BROWN. I thank the Senator for his comments. I, of course, am shocked that any Member would try and have it both ways as we go forward.

But let me suggest——

Mr. LEVIN. While the Senator is expressing his shock, I wonder if he will yield for additional comment?

Mr. BROWN. No, I will not yield. Let me finish my statement, and then I will be glad to yield to the Senator.

It is quite clear there is a distinction between remedies that the courts can give and their ability to bring relief. That is well established. I do not think anyone questions it. The courts cannot interfere with the budgetary process because it is a political question. I think that is well established. It would violate the separation of powers. Those are quite clear. The real question I think you get down to with this is do you want to find a way to wiggle out from even the very, very modest levels of discipline that this constitutional amendment would bring?

My belief is that it is quite clear that the courts cannot get involved with a political question, that the talk about a 14th amendment case as applying here when it has not found that kind of action with regard to any of the balanced budget amendments that appear in any of the States is to raise a red herring. I do not mean it is not brought up in good faith. I share the view that the Missouri versus Jenkins case was not decided correctly. But it does not apply to the balanced budget amendments. It dealt with the 14th amendment.

Let me just say one other thing. Any American that honestly believes that we can continue on the way we have been I think is kidding themselves. Any American that can look at the last quarter-century in which we have not balanced the budget one single solitary time and think that we are going to solve this without changing the system is kidding themselves. Whether Democrat, Republican, liberal or conservative, you are driving this train off a cliff. You are taking the future of this Nation, the future of our children and running it off a cliff.

There may be Members who come to this floor and say, look. We can solve this thing. Just let us continue on the way we are, and say it sincerely. But I do not think it is true. I do not think you can look at what has happened and decide in any other spectrum that we have a train wreck ready to happen, that we are unable to help ourselves, that we have to have some discipline.

The question I think that is fairly asked is, is this the right remedy? The American people ought to look at the States that have constitutional amendments that require a balanced budget. In Colorado we have had the constitutional mandate to balance the budget for over 100 years. Of those over 100 years it has been balanced every single year. It has been balanced in good years and it has been balanced in bad years. It has been balanced when we have had a Republican administration and when we have had a Democratic administration. It has been balanced when we have had a Democratic legislature, and it has been balanced when we have had a Republican legislature, and it has been balanced because they had to do it. If you had not required them to do it, I guarantee it would not have gotten done.

In the last 25 years, we have not had a single, solitary year, not one, where you have had a balanced budget. I do not think there is anybody in this Chamber—or at least not very many—who would come to the floor and say we have done a good job setting priorities. If anybody is comfortable with a program to subsidize tobacco at the same time you have a program to urge people not to use it, I want them to come forth and tell me about it. That is ludicrous. Whether you are from a tobacco State or not, to subsidize a crop that you turn around and urge people not to use and bill the taxpayers for both ends of it is stupid. That is what we are doing.

We have a foreign assistance program that buys weapons for one country to counter the weapons we bought for another country which were given to counter the weapons we bought for the other country to begin with. That is nuts. We have refused to set priorities. That is just plain ludicrous.

We have a farm program that results in people growing crops on land that are better suited to other crops. Does that make any sense at all? We literally grow crops on ground that would never be used for that purposes if you did not have a program like that. That is the silliest thing I ever heard of. And we continue to do it.

If you think those examples are out of place, look at the rest of the way we spend our money. Does anybody believe that the Tea Tasting Board is a good idea? The National Jute Association or the International Jute Association? There is not one of these, there is not 10 of these, there is not 1,000 of these. There are thousands and thousands and thousands, and the reason they exist is we have not set priorities.

The facts are these: We have not balanced the budget once in 25 years. We have not balanced it when we have had a recession and we have not balanced it when we have had a boom.

The President who says we can solve this without a balanced budget amendment sent us a budget the other day. The estimates I believe are inaccurate. But even if you accept the estimates, which incidentally include a suggestion that we are not going to have a recession in the next 5 years—and, if anybody wants to make a bet on that one, I would be glad to take their money—even with assumptions that you are not going to have a recession again, even with the assumptions that the rate of inflation is going to have less of an impact on increasing spending than it will on raising revenues. Let me be specific about that.

They assume a rate of inflation that will increase revenue at a higher rate than you will increase the cost of programs. One level of inflation, and they assume that you are going to have a higher level of inflation for increasing revenue than you will have for increasing programs. It would be laughable if it were not so serious. Even with assumptions that by anybody's definition are creative, even with assumptions that say we are not going to have any new spending programs—and we have not had a Congress when you did not have new spending programs that I can recall—even with wild assumptions, even with no new programs, even with no emergencies, even with no waivers for the budget, the deficit continues on for a level of a couple hundred billion dollars. And CBO says that it is going to go up to above $400 billion by 10 years out.

That is from the person who says we can solve this legislatively. It is nonsense. It is nonsense. To say no to a balanced budget amendment to the Constitution is to say no to our future, to gut this constitutional amendment from ever being able to be enforced is a travesty in this Member's view.

Mr. JOHNSTON. Will the Senator yield?

Mr. BROWN. If we are going to deal with this issue, we need an alternative. I have to tell you I think this balanced budget amendment that is before this body is far too weak. Colorado says you have to have a balanced budget. And we balanced it. This says you have to have a balanced budget unless 60 percent of Members vote to waive it. It is the softest, weakest, most ineffective balanced budget amendment I have seen. There may be others in the States that are weaker than this. But I do not know about them.

This very, very, very modest form of discipline apparently is too much for people who believe that the future of our country is on uncontrolled spending. But let me tell you, Mr. President, this issue is a lot more important than Colorado or Louisiana or Michigan. This issue goes to the very heart of the future of this Nation and the future of the men and women who have their children and their grandchildren who are going to be raised in this country.

This issue is a question of whether or not we are able to control the waste that has given us the biggest national deficit in the history of this country or the history of any country in the history of the world.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. BROWN. Let me finish my statement, if I could, because it seems to me we are overlooking the real problem. The real problem here is an appetite by this Congress for uncontrolled spending. The real problem here is an unwillingness to live by any limitation.

Mr. President, I want to relate a fact to the Members in this body, because I think every one of them knows it and shares it. I came to Congress in 1981. We passed a budget, and the budget was not balanced. But what it said is the next year out it is going to be balanced. We are not balanced this year. But give us another year, and we will have it balanced. We had a plan to get there. We had limitations on spending, and projected tax revenue. What happened? What happened was this: Congress appropriated more money than they had allowed for in their own budget. They waived their own Budget Act. The fact was our estimates were overblown, and we exceeded our own spending limits. You would say, OK. That is one year out of one. That is not too bad. But what happened the next year? The next year we adopted a budget with the phony estimates in it. And that is exactly what they were. They were phony, and they were Reagan estimates, and I called them phony at the time. We adopted a budget with phony estimates in it, and Congress exceeded its own spending budget again. And everybody said next year. The next year we adopted a budget, and it said after a couple or 3 years we are going to get down to a balanced budget. It had phony estimates in it, and Congress exceeded the amount that they allowed themselves to spend.

Mr. President, that has happened every single, solitary year. It happened in 1981, it happened in 1982, and it happened in 1983 and 1984, it happened in 1985, 1986, and 1987, 1988, 1989, 1990, 1991, 1992, 1993, and 1994. Does anyone honestly believe it is not going to happen again and again and again? If you do not believe it look at the President's budget. Look at the assumptions that are in the President's budget. Come to this floor and honestly tell me you think we are on the right path.

The simple facts are these: We are hoodwinking America. We have passed budgets every time in the last 15 years, and every time those budgets were not realistic, and every time those budgets were not followed and they are not going to be followed.

We are debating an amendment that says we are going to eliminate the Court's ability to have any discipline here. It does not surprise me that this Congress does not want to have discipline over spending. But if anybody cares about the future of their kids and grandkids and what this country stands for, then they had better figure out a way to bring discipline to this place and figure out a way to have accurate estimates, better figure out a way to have us change our ways, because the reality is that this is shameful. The reality is that we have taken the future of the strongest, greatest Nation on the face of the Earth and we have thrown it in the trash because people did not have the courage and the willingness to stand up and eliminate wasteful spending and set priorities.

I do not know how many people watch Presidential trips, but I can tell you it happens both in Democratic and Republican administrations. You have so many people that go with the President on trips, and it is shameful. Anyone who looks at the way Congress spends its money has to be shocked. Do you really need elevator operators on automatic elevators? Are Members really unable to push the buttons themselves? Do you really need a staff that is nine times bigger than any other country in the world has for its deliberative body? Incidentally, that is what our staff is, said the Congressional Research Service the last time they did a study on it. Does anybody believe we need 1,100 police officers on Capitol Hill? I mean, that is two, 2½ for every Member of Congress.

Mr. President, this Congress is out of control. We desperately need controls. We desperately need discipline. To adopt an amendment that eliminates our ability to have this measure enforced, I think, turns a blind eye to the problem the American people have. I do not know whether this constitutional amendment is going to pass, but I will tell you one thing, the American people are not going to watch their future thrown down the drain.

This is a lot more important than Democrats or Republicans, a lot more important than party. It deals with the future of our country and of our children. I do not think anybody who believes you can continue on with the kind of abuse we have had for this system is looking at the world right. I have listened to the debate on the floor. I hear Members come to the floor say, goodness, the problem is not with Congress. The Congress' budgets have been less than what the President has asked for. That is right, but it is not accurate. The truth is, yes, the budgets Congress has passed have not been as large as what the Executive—sometimes—has asked for, but left unsaid in that is the fact that Congress has appropriated more than either they budgeted or what the President asked for in budgeting.

To say that and describe the problem in that way simply misleads people. Congress has not been responsible when it has come to our budget. Yes, we have adopted budgets that look good at the time, but we did it with phony estimates and we turned around and ignored them.

Mr. JOHNSTON. Will the Senator yield?

Mr. BROWN. I think the point of all of this—and then I will yield—is simply this: If we are looking for an answer to this problem that avoids discipline, that avoids controls, that avoids limits, we are going to fail.

I yield the floor.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. BROWN. I am glad to yield.

Mr. JOHNSTON. My colleague made a powerful speech—and I really mean that—for a balanced budget. But I do not understand him to be saying that the court ought to be the one to order a balanced budget, to order a tax increase, or to order spending cuts; am I correct in that?

Mr. BROWN. Well, my belief is that political questions will not come out of the jurisdiction of the court. It seems to me there is an area for court jurisdiction here—enforcement.

Mr. JOHNSTON. But is the Senator familiar with the fact that, in 1982, two former attorneys general, Senators GORTON and Rudman, offered an amendment of the same import of my amendment today, and that although it was defeated, 12 Republicans who are still serving in the Senate voted for the amendment, including Senators CHAFEE, COHEN, DOLE, GORTON, HATFIELD, KASSEBAUM, LUGAR, MURKOWSKI, PRESSLER, ROTH, SPECTER, and STEVENS—that list includes some of the best lawyers in the Senate—and the point is, on this question of whether the courts ought to have jurisdiction—I think my friend would agree with me—is one that really merits some very serious thought; would the Senator not think?

Mr. BROWN. I certainly agree. In terms of the other Members the distinguished Senator mentioned, I would leave it to them to defend their votes.

I have enough trouble defending my own.

Mr. JOHNSTON. Has the Senator voted on this question before?

Mr. BROWN. I would be glad to check the record and let the Senator know.

Mr. JOHNSTON. I would not think the Senator made the mistake of voting against this kind of amendment before. I do not believe he has, because it was passed in the last Congress, without objection. The Danforth amendment was passed in the last Congress, without objection. It truly has been a bipartisan amendment, where Senators on both sides have seen the real need to limit the intrusiveness of the courts. The power of the courts, once granted, can extend to raising taxes, as well as cutting budgets, and they are not elected. They do not represent the people and they should not be able to do it, except to the extent that we in the Congress give them the power to do it.

I hope the Senator will come to my point of view. That has nothing to do with whether you are for this balanced budget amendment or not—just as those Republican Senators who voted in 1982 for the Rudman-Gorton amendment were supporters of the balanced budget amendment but wanted to limit the intrusive powers of the courts to get involved in this matter.

Mr. BROWN. Let me suggest to my friend that while 1982 was not a long time ago, it was before the Lujan case, which occurred in 1992 and which, obviously, affects thinking in this area. Clearly, these Members will be able to speak for themselves and defend it as they wish. We have other requests for time, so I will yield the floor.

Mr. LEVIN. Will the Senator from Colorado yield for a question?

Mr. BROWN. Our time is limited. I will yield the floor, and I know the Senator will be recognized in due course by the Chair.

Mr. JOHNSTON. Mr. President, I yield 10 minutes to the Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Colorado will respond to some questions that I have of him on my time now. One of the things which the Senator from Colorado epitomizes is honesty and straightforwardness, and he, with great feeling, I think, expressed the view of all of the Members of this body, which is that we should not kid ourselves, that we ought to be honest. Honesty is something which he has reflected throughout his career, and I admire him for what he says, what he believes, what he feels and what he represents.

The Senator has made some statements about the balanced budget amendment and how it is, in some respects, quite weak and not self-enforcing which, frankly, I happen to share, but that is not the purpose of my question. The purpose of my question goes to the Johnston amendment and whether or not we should be honest as to whether or not the courts are going to be able to enforce the balanced budget amendment in the absence of legislation, pursuant to section 6.

The Johnston amendment makes it very clear that we are able to authorize the court, if we adopt enforcement and implementation legislation, pursuant to section 6, to do whatever we authorize that court to do. But in the absence of implementation legislation, setting forth the authority of the court, the question is, honestly, what is the intention of this amendment? There is ambiguity, and if we are looking for honesty—and I believe we all are—we should clarify that issue. There is no reason to write a constitutional amendment which is ambiguous at the heart of the amendment which is: How is it going to be enforced? That is the heart of it. We can make all of the great statements we want about balancing the budget, and we have during the early 1980's.

But the key to a constitutional amendment is how it is going to be enforced. The key to this constitutional amendment, as has been said over and over again by the sponsors, to section 6 which is the implementing legislation, implementing legislation which would be required of a future Congress.

I have problems with laying this on the doorstep of a future Congress, because I think we ought to adopt implementing legislation. I do not think we ought to kick this can down the road up to 7 years. But that is a different speech. That goes to the question of just how effective this is as a budget balancing tool.

My question of my friend from Colorado goes to the intent of the sponsors of this amendment as to court enforcement, and I have two questions. First, is it the intent, is it his understanding of the intent, that Members of Congress would have standing to file suit to enforce this constitutional amendment?

Mr. BROWN. Well, the Senator is asking for a legal interpretation. I would be glad to supply that and I will supply it for both the Senator and for the RECORD.

Let me say I think it is worthwhile noting here that none of the amendments to the Constitution—and, as you know, we have a number—have included the language as suggested by the distinguished Senator from Louisiana. What is being suggested is different from what we have done with any other constitutional amendment.

Second, we did have a proposal last year, I understand, that did limit appeals to declaratory judgments. That is the first time I am aware of—the distinguished Senators may wish to correct me—it is the first time I am aware of that you have had that added to a proposed amendment to the Constitution.

Finally, let me suggest, I think it is section 2 of this amendment that deals with the question of whether or not those questions are left open or vague or unanswered. At least I think a fair reading of that section indicates that there is real guidance within the amendment itself.

Mr. LEVIN. Specifically in section 2, what is the Senator referring to?

Mr. BROWN. Let me get that section for you.

Section 2 reads as follows:

> The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.

That, at least as I read the constitutional amendment, is where the real discipline of this matter is.

Mr. LEVIN. My friend from Colorado points to something which has also been pointed to by other sponsors of this legislation, which is section 2. But is it not true that section 2, in terms of that particular type of debt limit, requires Congress to act?

Mr. BROWN. Sure.

Mr. LEVIN. So that even section 2 depends upon implementation by Congress of a limit on the publicly held debt; is that correct?

Mr. BROWN. I think the value of this, I say to my friend, is that while you are looking for a device that controls this and avoids ways for people to wiggle out of it, by focusing on what people borrow, we think that may be the single most effective enforcement device there can be.

Mr. LEVIN. But my friend from Colorado is not responding to my question, which is: Is it not true that there is no current debt limit, as defined in section 2, which is a debt limit on the publicly held debt and, in order to establish such a debt limit, legislation would have to be passed?

So again, it depends on a future Congress to establish a limit on the so-called publicly held debt, a limit which has not heretofore been established by statute; is that correct?

Mr. BROWN. I think the Senator makes a valid point. There is no question that future Congresses obviously have to be involved in this decision, whether it is the discipline or whether it is the definition.

Mr. LEVIN. The discipline which my friend refers to again depends on future Congress acting.

I ask unanimous consent that a letter from the Attorney General to me stating exactly that, be now printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 14, 1995.
Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a "limit on the debt of the United States held by the public" would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcoll vote of the whole number of each House of Congress.

We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the "debt of the United States held by the public," the type of debt described in Section 2. Rather, there is a limit on the "public debt," which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

Please do not hesitate to contact this Office if we can be of assistance on this or any other matter.

Sincerely,

SHEILA ANTHONY,
Assistant Attorney General.

Mr. LEVIN. Because over and over again we have heard that section 2 is the discipline. In fact, section 2 is only operative if a future Congress establishes something called a limit on publicly held debt—publicly held debt.

Mr. BROWN. I would beg to differ with my friend. I think the language of section 2 is quite clear, not vague. "The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote." Obviously, it involves the Congress in several extents. One, of course, is the waiver should they vote——

Mr. LEVIN. If I could interrupt my friend again. That is not the point I am making. Any increase in that debt would have to be voted by 60 percent of the Senate. That is clear in the language. But the establishment of the limit itself would have to be, in the first instance, created by the Congress, because there is no such limit at the moment. Would the Senator from Colorado agree with that?

Mr. BROWN. I think the Senator is right to point out that defining what the terms "debt of the United States held by the public" is indeed something that requires it.

But I would point out——

Mr. LEVIN. It requires Congress to act; is that correct?

Mr. BROWN. Yes. Indeed, I think the Senator is correct. But I would point out on that that if that is the Senator's concern, let me suggest I think the words of that section are very clear. I do not mean to suggest to the Senator that creative minds that abound in this Congress and our courts could not find a way to misinterpret that. But I suspect that even the most creative minds would be pressed to find that language vague or unreasonable.

Mr. LEVIN. I think it would be quite simple, actually, to have an argument as to what is meant by that term.

Now to get back to my question. Is it the intent of the Senator from Colorado that a Member of Congress would have standing to file suits to enforce this constitutional provision?

Mr. BROWN. That is an appropriate legal question. I would be glad to supply the Senator a legal memo to that effect, and I would be glad to put it in the RECORD.

Mr. LEVIN. In that case, I will ask a second question. I think these are critical questions and I think we should get answers to them from the sponsors.

Is it the intent of the Senator from Colorado that a court could invalidate an individual appropriation or a tax act?

Mr. BROWN. Let me speak in reference to section 2. It seems to me, at least in regard to section 2, the device here that I think is so helpful, at least I like it very much, is that it limits Congress' ability to continue to borrow money in that regard and that indeed does have an impact on one's ability to fund new programs.

The PRESIDING OFFICER. The time yielded to the Senator from Michigan has expired.

Mr. LEVIN. Mr. President, I wonder if the Senator from Louisiana would yield me 5 additional minutes?

Mr. JOHNSTON. I so yield.

Mr. LEVIN. My question to the Senator from Colorado is: Is it the intention under this amendment that courts could invalidate the individual appropriations or tax acts? The Senator from Colorado repeatedly said that it is not the intention of the Congress, it is not the intention of this balanced budget amendment to have courts interfering with the budgetary process. That is what the Senator from Colorado has represented. It is not the intention of this amendment to have courts interfere in the budgetary process?

My question is: Is it the intention of the sponsors or of the Senator from Colorado that a court could invalidate an individual appropriations or a tax act?

Mr. BROWN. I am sorry.

Mr. LEVIN. Does the Senator wish me to repeat the question?

Mr. BROWN. Would you please?

Mr. LEVIN. Is it the intention of the sponsors or the Senator from Colorado that a court could invalidate an individual appropriations or tax act?

Mr. BROWN. It strikes me that the beauty of section 2 is that it places the limit on the amount we can borrow, which places then back in the hands of Congress the discretion as to what we fund and the limit discipline it places on us is our limit to add to the debt. So at least my impression would be Congress would retain the ability to make a decision as to where their limited funds would be allocated.

Mr. LEVIN. Let me ask my friend from Illinois, because I do not think that is responsive to the question.

The Senator from Illinois is on the floor. Is it the intention of the sponsors of this amendment that the court, without further authority under section 6, would have the power to invalidate an individual appropriation or a tax act?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, in response, my instinct is that unless there was a blatant violation of the intent of this amendment, the courts would not get involved. We are not dealing with something like the 14th amendment where it is somewhat amorphous.

Mr. LEVIN. The words "blatant violation" are all that have to be alleged in a suit brought in a court to then allow the invalidation of an appropriation or tax act.

Is that what the Senator from Illinois is saying?

Mr. SIMON. Mr. President, the answer is we can imagine all kinds of scenarios. But the reality is that we want to handle this ourselves. We do not want the courts to get involved. If some future Congress were just to blatantly say, "We will ignore the Constitution," then the courts might get involved.

The courts have only been involved in a tax matter in the Jenkins case in Kansas City where we have a different constitutional principle involved.

In this amendment we are not talking about very precise things, but about a self-enforcing mechanism.

Mr. LEVIN. Mr. President, since we are on my time, I say to the Senator from Illinois, I think the Senator from Pennsylvania wants to comment.

Let me tell Members what the reason is that I am pressing folks on this. The key sponsor of this legislation in the House, Representative SCHAEFER of Colorado, who is the lead sponsor of Schaefer-Stenholm, had the language that we are debating now. He said the following: "A Member of Congress or an appropriate administration official probably would have standing to file suit challenging legislation that subverted the amendment."

I want to read all three of these comments of Representative SCHAEFER and contrast this to the assurances that the Senator from Utah, I think in good conscience, gave as to his intention that there is no standing to sue on the part of Members of Congress, that the courts will not be able to intervene. And yet the sponsor on the House side states a very, very different intent, which is the reason we should adopt the Johnston amendment, because there is not only ambiguity among law professors, there are differences between sponsors on this side and sponsors on the House side.

The second statement of Representative SCHAEFER: "The courts * * * could invalidate an individual appropriation or tax act." Think about that. Here we are told there is no intention for courts to be involved in the budgetary process. The principal sponsor on the House side says under this amendment a court could invalidate an individual appropriation or tax act. If that is not meddling in the budgetary process, I do not know what it is.

Finally—I think my time is run out. I yield the floor.

I ask unanimous consent that a copy of the statements of Representative SCHAEFER, along with the accompanying letters, be inserted in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 14, 1995.
Hon. JANET RENO,
Attorney General of the United States, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: Enclosed is a copy of the proposed Constitutional Amendment relative to the balanced budget. My question is the following:

The Committee Report states (p. 8) that the amendment is "self-enforcing" because of Section 2, which requires a three-fifths vote to increase "[t]he limit on the debt of the United States held by the public." Is Section 2 self-enforcing, or must Congress act pursuant to Section 6 to adopt enforcement and implementation legislation for this provision to be legally enforceable?

I would appreciate your very prompt reply, given the fact that we are debating this amendment at the current time.

Thank you.

Sincerely,
CARL LEVIN.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 14, 1995.
Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a "limit on the debt of the United States held by the public" would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcall vote of the whole number of each House of Congress.

We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the "debt of the United States held by the public," the type of debt described in Section 2. Rather, there is a limit on the "public debt," which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

Please do not hesitate to contact this Office if we can be of assistance on this or any other matter.

Sincerely,
SHEILA ANTHONY,
Assistant Attorney General.

STATEMENTS OF REPRESENTATIVE DAN SCHAEFER, LEAD SPONSOR OF THE SCHAEFER-STENHOLM SUBSTITUTE TO HOUSE JOINT RESOLUTION 1

A member of Congress or an appropriate Administration official probably would have standing to file suit challenging legislation that subverted the amendment.

* * * * *

The courts could make only a limited range of decisions on a limited number of issues. They could invalidate an individual appropriation or tax Act. They could rule as to whether a given Act of Congress or action by the Executive violated the requirements of this amendment.

* * * * *

* * * no role for the courts is foreseen beyond that of making a determination as to whether an Act of Congress * * * is unconstitutional and a court order not to execute such Act. * * *

Mr. JOHNSTON. Mr. President, I yield 15 minutes to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in strong support of the amendment offered by the distinguished Senator from Louisiana which would make it clear that the balanced budget amendment cannot be used to turn over to the judicial system the responsibilities of managing the fiscal obligations and priorities of the United States.

The amendment of the Senator from Louisiana would make clear we do not intend that unelected judges would assume the power to set tax rates or impound Social Security checks of elderly citizens in order to comply with the constitutional mandate that is created through the balanced budget amendment.

Mr. President, there is probably no more significant amendment that will be offered during this entire debate on the balanced budget amendment. It goes to the very heart and structure of our system of government which we established over two centuries ago.

Unless the Johnston amendment is adopted, the constitutional amendment we are debating could be construed to authorize Federal and State courts to intervene into the most political decisions now made by elected officials, including decisions about levying taxes and spending the revenues raised on national priorities that are established through our democratic process.

Instead, Mr. President, individuals appointed, not elected, to lifetime judicial seats could become intimately involved in these matters. The independent judiciary, of course, is as important to our system as any other element, one of the most important. We do intend that our judges be free from partisan pressures. We intend that they make decisions based upon the law, not upon opinion polls or election returns.

That structure is also based on something else, Mr. President. It is based upon the assumption that those courts with unelected leadership will not be given the responsibility for actions which are intended and reserved for elected officials, those in the legislative and executive branches.

If the balanced budget amendment is added to the Constitution without an amendment which clarifies and limits the potential role of the courts in establishing fiscal priorities for the Federal Government, we will have suddenly opened the door to one of the most radical restructurings of our system at any time in our history.

I assume in the last Congress, Mr. President, concerns about this issue led to the adoption of the so-called Danforth amendment which specifically restricted the role of the courts in enforcement of the balanced budget amendment to the issuance only of declaratory judgments. We do not have that here in this amendment now. We do not have that restriction. Indeed, some of the most stalwart proponents of the amendment have conceded that without clear limitations, either in the amendment itself or the implementing legislation, the judiciary could become intimately involved in actually directing compliance with the balanced budget amendment.

Now, of course, the response to these concerns has uniformly been, "Do not worry about the details; we will fix it later." That is what we are told about all of our amendments. Repeatedly it is asserted that this issue can be addressed simply by implementing legislation.

Now, the Judiciary Committee report accompanying Senate Joint Resolution 1 suggests that the silence of the amendment on the issue of judicial review is somehow a good thing, a virtue, asserting that through this silence the authors have refused to establish a congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions while not undermining their equally fundamental obligation to say what the law is.

The proponent goes on to say to the extent that we do have any judicial intrusion, it can be reigned in later on by having implementing legislation.

Mr. President, that is the classic sidestepping of critical decisions that has engendered public disdain for this body and for elected officials in general. It is irresponsible and an abdication of our most awesome duties to have failed to address this issue in a forthright and honest manner.

The role of the courts in enforcement of this amendment ought to be resolved now, not sometime later. This is when we send it out to the States, not later.

Mr. President, this entire debate over the balanced budget amendment has become somewhat troubling. We seem to be rushing the proposal through to meet an arbitrary deadline that was originally set up as a campaigning proposition. There has been little serious debate over the words of the proposed constitutional amendment. We are constantly diverted from any real discussion of the problems that should be addressed before this language is placed in the Constitution to a generalized discussion of Federal deficits and their impact on the national economy.

Mr. President, I suggest that for a moment we set aside these generalities and focus on the language of the balanced budget amendment that we are considering, and specifically the role of the courts. I strongly urge the supporters of the amendment to consider the Johnston amendment on the merits and not just vote it down again because of some prearranged agreement to defeat any and all amendments. That is not appropriate when we are talking about the most fundamental issue of the separation of powers that this country is founded upon. It is not appropriate, not in the U.S. Senate.

This is a constitutional amendment we are debating and we may well be sending on to the States. We better take the time to ensure that we have not created unintended consequences by careless wording of the amendment.

Mr. President, the ratification of the balanced budget amendment without the Johnston amendment will result in judicial involvement in its implementation. I think that is virtually without question.

The Constitution of the United States has been amended only 27 times in over 2 centuries. Ten of those amendments comprise the Bill of Rights. Three others, the 13th, 14th, and 15th, arose out of the Civil War.

Our Founding Fathers made it difficult to amend our great national charter, and rightly so.

A constitution is designed to endure for the ages, not merely reflect the passing issues of the day.

Once altered, it is very difficult to change.

For example, the 18th amendment, Prohibition, was ratified in 1919. It was a mistake. It inserted government into the private lives of citizens. It was widely flaunted and bred disrespect for the law. It was not repealed until 1933 by the 21st amendment. It took 14 years to undo that error.

An amendment to the Constitution is not like any ordinary legislative matter that we can change next year when we find out that it does not work exactly as intended.

The Constitution is not something we can tinker with and adjust from one Congress to the next.

If the 104th Congress is intent upon adding the balanced budget amendment to the Constitution of the United States, then we better do it right.

We better take the time to ensure that we have not created unintended consequences by careless wording of the amendment.

Let us not allow legitimate frustrations over the Federal deficit inadvertently lead to a radical restructuring of our entire system of governance.

Mr. President, that ratification of the balanced budget amendment without the Johnston amendment will result in judicial involvement in its implementation is virtually without question.

Legal scholars from left to right agree that the balanced budget constitutional amendment will force the courts into potentially endless litigation over its enforcement.

Former Solicitor General and Federal Judge Robert Bork said,

> The result * * * would likely be hundreds, if not thousands, of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.

Kathleen Sullivan, professor of law at Stanford University similarly observed,

> * * * enforcement of the Balanced Budget Amendment would inevitably wind up on the doorsteps of the state and federal courts, and ultimately at the Supreme Court.

She further testified,

> * * * the possibilities for litigation over balanced budget compliance are staggering. Judges [might be asked] to enforce balanced budgets either by enjoining excess spending or by ordering tax increases, the latter possibility no mere phantom after recent decisions by the Supreme Court upholding * * * federal judicial power to require the levy of a tax.

Yale University professor of law, Burke Marshall, had this to say:

> I have little doubt that the courts ultimately would, however reluctantly, exercise the power of judicial review over such questions as the meaning of the language [used in the Amendment].

Although some may hope that the dictates of the amendment would be self-enforcing and self-policing by the Congress, there is little basis for such speculation. There is a virtual endless list of situations where litigation is likely to result from efforts to interpret or enforce the amendment.

Courts will be asked to interpret the language of the amendment, including such questions as what constitutes total outlays and total revenues. These terms are not self-evident and are not likely to be self-evident to future generations.

Litigation will surely ensue to determine what activities are or are not covered by the amendment.

Almost unbelievably, the Judiciary Committee report, for example, makes the remarkable observation that the electrical power program of one quasi-public entity, the Tennessee Valley Authority, would not be covered by the amendment since its operations are entirely the responsibility of the electric ratepayers. Not only is the naming of this one agency remarkable, it clearly opens the door to many other quasi-public entities seeking similar status. As the author of legislation introduced on January 4, S. 43, to terminate some of the public funding of TVA programs and develop privatization plans for this entity, because I wanted to identify and show where I would create the balanced budget. I am both intrigued and perplexed by the decision to specifically exempt the Tennessee Valley Authority as a part of this balanced budget amendment process that supposedly is neutral as to what would and would not be included.

Courts will be asked to hear challenges to the executive branch efforts to carry out the constitutional mandates. For example, if outlays exceed revenues in any fiscal year, the President could argue on constitutional grounds that it is necessary to impound funds and take other actions unilaterally to meet the requirements of balanced budget amendment. As Presidents test these powers, surely those affected will seek judicial review.

For example, during the 1970's there was substantial litigation over the Presidential assertion of impoundment authority. Roughly 80 cases were decided by the courts on impoundment questions, generally against the broad interpretation of such power advanced by the Nixon administration. Passage of the Impoundment Control Act of 1974 brought that litigation to rest.

Yet, backed by a new constitutional balanced budget amendment, many believe that the President would have not only the authority to impound appropriated funds, but would have an obligation to do so under the constitutional mandate.

Surely, individuals whose retirement checks are withheld or Federal employees whose salaries are reduced by executive fiat would very likely have standing to sue under this amendment.

Louis Fisher of the Congressional Research Services noted in testimony to the Senate Appropriations Committee that the experience in the States indicates that courts could well be asked to monitor spending, taxing, and indebtedness actions.

Mr. Fisher observed, "If state actions are a guide, judges will not be shy about tackling budgetary and fiscal questions, no matter how complex."

Former Solicitor General Charles Fried also testified before the Appropriations Committee that "[t]he experience of state court adjudication under state constitutional provisions that require balanced budgets and impose debt limitations * * * shows that courts can get intimately involved in the budget process and that they almost certainly will."

Cases will also arise when Members of Congress seek to challenge the actions of the executive branch.

One of my former professors, Prof. Archibald Cox, observed, "There is

* * * substantial likelihood that the Federal courts will be drawn in by congressional suits."

The Supreme Court has recently assumed that either House has standing to sue to enjoin action rendering its vote ineffectual, Burke versus Barnes (1987).

Thus, if the President impounded funds appropriated by Congress on the grounds that anticipated revenues had fallen short of projections, either House might challenge such action and, again, as the Senator from Louisiana so well points out, we have the strong likelihood of the courts being involved. Although the question of when individual Members of Congress might have standing to pursue such actions remains open, the standing of Congress itself to assert its prerogatives seems clearly established.

Finally, there are strong arguments to be made that individual taxpayers could have standing to bring suit to challenge a failure to enforce the amendment.

Harvard Law Prof. Archibald Cox observed in his testimony before the Appropriations Committee last year that if the Supreme Court's formulation of standing in Flast versus Cohen, the seminal taxpayer standing case, is taken at face value, a Federal taxpayer would surely have standing to challenge an expenditure under the proposed amendment upon the allegation that it had resulted or would result in a violation of the specific limitation imposed by section 1 of the amendment.

Certainly, taxpayer suits in the State courts are well-known, and the amendment does not restrict litigation to the Federal court system. Absent a provision placing exclusive jurisdiction in the Federal court system, the issue of State court litigation remains a viable option.

This nightmare of litigation will likely have three major results.

First, it will insert judges into policymaking functions that are unprecedented, for which they have no experience or judicially manageable standards to guide their decisions. That courts would take on such tasks as levying taxes is not mere speculation; the 1990 decision of the Supreme Court in Missouri versus Jenkins, upholding a district court decision directing a local school district to levy a tax in order to support a target school required in a desegregation order makes it clear that this is a very real possibility.

Second, it would entail a radical and fundamental transformation of roles assigned to the different branches of government in this country.

As Nicholas Katzenbach testified,

> * * * to open up even the possibility that judges appointed for life might end up making the most fundamental of all political decision is not only an unprecedented shift of constitutional roles and responsibilities but one that should be totally unacceptable in a democratic society.

Third, and equally important, this shift in power to the judiciary could do incalculable damage to the judiciary itself. As Federal courts take on the task of enjoining the expenditure of funds appropriated by Congress or requiring the levy of specific taxes, the backlash toward judicial fiats could be enormous. Ultimately, the very effectiveness of the courts in preserving constitutional rights and liberties of citizens could be undermined.

The answer to these concerns which has been made by the opponents of this amendment has been singularly unsatisfactory. Repeatedly, we are told, "we will deal with the problem in the implementing legislation."

Well, Mr. President, the short answer is what if Congress fails to agree on implementing legislation?

What if the President vetoes any implementing legislation passed by Congress and Congress lacks the two-thirds majority needed to override such a veto?

Is there any serious doubt that the judicial branch has the ability to enforce a constitutional mandate even in the absence of implementing legislation?

It is hornbook law that the Federal courts have the duty to enforce constitutional requirements.

There is no implementing legislation for the first amendment, or the fourth amendment or the sixth amendment. The power of the courts to enforce the constitution arises from the constitution itself, as was held in Marbury versus Madison, very early in our country's history.

As Assistant Attorney General and former Duke Law School Professor Walter Dellinger testified before the Senate Judiciary Committee last month,

> Section 6 of the Balanced Budget Amendment does give Congress affirmative authority to legislate implementing legislation. But unless that authority is deemed exclusive, it does not oust the courts of jurisdiction to act without any implementing legislation, just as the courts are able to act under section 1 of the 14th Amendment.

Mr. President, before I conclude, let me address one last argument, the political question argument, advanced by proponents of the amendment who believe that judicial intervention into the budget process is not likely to follow ratification of the amendment. The proponents argue that the courts are likely to use the political question doctrine to duck deeper involvement into budgetary decision making. The constitutional scholars, pointed out before the committee that the questions which are likely to arise under the balanced budget amendment simply do not meet the criteria established under Baker versus Carr (1962), which lays out the political question doctrine. Moreover, recent cases have suggested a narrowing of the political question doctrine.

In light of the legislative history of this amendment and the presumption by both proponents and opponents that the courts will have some powers to hear cases involving its implementation, there is little likelihood that the political question doctrine will shield the amendment from judicial review.

Mr. President, in the Federalist No. 78, Alexander Hamilton warned that "there is no liberty, if the power of judging be not separated from the legislative and executive powers."

If the Johnston amendment is not adopted, we run the grave risk of creating precisely the kind of peril against which Hamilton warned: and the peril is allowing unelected judges to decide policy questions that have heretofore been dealt with by the legislative and executive branches of our Government.

To embark in that direction is the height of foolishness.

Those on the other side of this debate who call themselves conservatives ought to be among the first to cosponsor and applaud the amendment of the Senator from Louisiana.

Why leave this important issue of whether unelected judges should have the authority to make economic decisions unresolved?

Why would the Senate abdicate its responsibility? I have authored a lot of amendments here, Mr. President. I may have more. I care about them all—middle-class tax cut, tax expenditures, issues having to do with how this amendment is set up. I would happily drop all those amendments if we could just solve this fundamental problem and if we could just resolve, through the Johnston amendment, the question of whether we are going to turn over this Government to the unelected judges or whether we are going to maintain our right and our responsibility to uphold the Constitution and deal with budgetary matters.

Mr. President, there is no question, of any amendment, this is the one that should be adopted.

Mr. SANTORUM. Will the Senator from Wisconsin yield?

The PRESIDING OFFICER. Will the Senator yield to the Senator from Pennsylvania? Who yields time?

Mr. SANTORUM. Does the Senator have time left?

The PRESIDING OFFICER. The Senator has 2 minutes left.

Mr. SANTORUM. Will the Senator yield for a question?

Mr. FEINGOLD. I yield for a question.

Mr. SANTORUM. The question I have is, given everything the Senator says will happen—all these suits occurring, et cetera—is there not specific authority in section 6 of this amendment for Congress to pass implementing legislation wherein we can specifically limit the ability of taxpayers, Members of Congress and others to sue on this amendment? Is that not the ability of the Congress to do even prior to maybe even ratification by the States? Could we not have legislation moving through the process to do that?

Mr. FEINGOLD. Surely there is a possibility we could try to pass that language and that would help. What I am suggesting here is, under the balanced budget amendment and under the inherent powers of the court to enforce the balanced budget amendment, that that may well be overridden by the power of the courts to take those suits and these folks would have standing.

Mr. SANTORUM. I did not understand, what would be overridden by the courts, our implementing legislation?

Mr. FEINGOLD. I am suggesting that simply barring those particular lawsuits, or attempting to, may not be consistent with the court's ruling of his inherent powers in this situation.

Mr. SANTORUM. The Senator is suggesting the Congress cannot limit suits? That is not within our ability to redress to the courts——

Mr. FEINGOLD. I am suggesting in the situation where the budget is not balanced, where there is a problem with the entire balanced budget amendment and the balancing of the budget, that the courts are going to have a certain amount of inherent power to enforce the amendment. I do not deny Congress certainly has some power.

Mr. SANTORUM. Could we not limit them to simply declaratory judgment? Is the Senator saying the courts could go beyond that even though Congress limits them to simply declaratory judgment?

Mr. FEINGOLD. Is that the Senator's intent?

Mr. SANTORUM. If we did that in the implementing legislation, to limit them to declaratory judgment, is the Senator suggesting the courts can ignore that?

Mr. FEINGOLD. I am suggesting it is possible that subsequently the U.S. Supreme Court could rule that the balanced budget amendment, that would derogate from the balanced budget amendment and take away the power of the people to have a balanced budget by taking away the right to enforce it. If you do not include in the constitutional amendment itself, if you do not specify in the Constitution that statutory provision cannot necessarily be interpreted by the U.S. Supreme Court to derogate to the balanced budget amendment. I am not convinced of that at all.

Mr. SANTORUM. I can read to the Senator, if he would like, example after example—I would like to submit it for the RECORD—of where the Congress has specifically limited the powers of the courts dealing with these kinds of matters.

Mr. FEINGOLD. That is under the current Constitution; this is under a new Constitution, one with a balanced budget amendment in it. The courts do not currently have a balanced budget amendment to deal with.

What I am suggesting is, if you have a balanced budget amendment, and later on you decide that you want to have a statute, it is not certain that the court would rule that that limitation——

Mr. SANTORUM. Does not——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. It may be unconstitutional.

Mr. SANTORUM. Mr. President, I would like to yield myself some time to address this issue.

Section 6 of the constitutional amendment which we are discussing, the balanced budget amendment, specifically states that Congress has the ability to pass implementing legislation. In that legislation we can limit the authority of the courts——

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. To address this question.

Mr. JOHNSTON. Will the Senator yield?

Mr. SANTORUM. Even assuming the worst case, assuming that the sky will fall down——

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. We have the ability here in this Chamber and across the aisle to deal with this issue, and in fact I suspect that as we do pass implementing legislation, which I am sure we will, we will be back on this floor and I think that is the arena for this discussion as to what the appropriate remedies should be.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield for a question.

Mr. FEINGOLD. I would ask the Senator's reaction to the statement of Solicitor General Freed with regard to this issue where he said that if Congress attempted to pass legislation pursuant to section 6 to eliminate Federal court jurisdiction of questions arising in the balanced budget constitutional amendment, that limitation itself might very well be unconstitutional.

That is my point. You may want to pass legislation afterwards. You may hope that the court will accept it. But there is no certainty whatsoever that the court will not say, I am sorry. This is merely a statute. And my question is, how does the Senator react to the question?

Mr. SANTORUM. I disagree. It has been law in this country for as far as I know. The only situation where that could be a problem is if all due process, all other court access is denied. If we provide for some court access, which I am sure we will, if we provide for some court access, then I think it is very clear that they will not have other recourse—as long as we provide an avenue to the courts. We have the power to do that, to direct what avenue they take.

If we say in the implementing legislation that there will be no access, I think the Senator might have a point. But I do not think we are going to do that. But I think that is a discussion for another day, not to insert in the Constitution in this amendment a complete prohibition of all court activity because I think that overreaches.

Mr. JOHNSTON. Will the Senator yield?

Mr. FEINGOLD. Will the Senator yield for a further question?

Mr. SANTORUM. I will briefly yield and then I wish to respond to the Senator from Michigan.

Mr. JOHNSTON. I think the Senator brings up an important and close point and that is whether the phrasing in section 6, where Congress shall enforce and implement the article, whether a denial of jurisdiction, a denial of all remedies would be considered to be enforcing and implementing. This same kind of language is in section 5 of the 14th amendment. I am quite familiar with this because I had an amendment here which I passed twice in the Senate, invoked cloture twice on it, to limit busing under the 14th amendment, and the question was addressed by the then Attorney General as to whether that limitation was implementing the 14th amendment, and the decision of the Attorney General was not altogether satisfactory. Suffice it to say, there would be a real question as to whether that would be implementing and enforcing if you denied all jurisdiction. But it seems to me that is not the important——

Mr. SANTORUM. If I can take my time back, I would agree with the Senator that I think we could run into problems if we denied every access to the courts. I am suggesting that I do not believe that will be the case. I think there will be some sort of relief provided for in the implementing legislation. And if we did not, I think we would have some sort of constitutional question. But I am saying that is an issue we should bring to the floor and discuss, but we should not do a complete ban on any kind of redress to the courts. I think it is unwise just from a policy perspective. But I think it does not have a place in the Constitution as far as I am concerned.

Mr. JOHNSTON. If the Senator will yield just for one statement——

Mr. SANTORUM. Yes.

Mr. JOHNSTON. Which is that under my amendment we do not prohibit the Congress from acting. To the contrary, we say that the court shall have no jurisdiction except to the extent that Congress specifically acts. So we allow that. We contemplate it. We encourage it. And Congress ought to act. On that the Senator and I agree.

The question is if Congress does not act, what is the inherent power of the Court? And we wish to make it clear that they have no inherent power except to the extent we give it to them.

Mr. SANTORUM. All I would suggest is that implementing legislation certainly must follow. It is a certainty that it will follow this legislation, and I think we will provide, I know we will provide some remedies therein to provide for redress of this grievance with respect to the question that the Senator from Michigan brought up. It is a good question. The question is whether a citizen or someone would have standing to bring here.

Standing is one issue. Whether they would be successful is another issue. Standing is the first hurdle that someone must pass.

With respect to that question, there is a three-part test that is used, that has been used for quite some time, and number one, the citizen must show injury in fact. I think that is a very high hurdle, for one individual to show a personal injury due to the fact that we have an unbalanced budget, and in fact we have cases that are very clear on that: Frothingham versus Mellon, a very old Supreme Court case still in effect, a 1923 case, says that allegations that amount to generalized grievance are not justiciable.

That to me is a pretty clear indication that you have a high burden upon just the first leg of this three-part test to cover.

No. 2, you have to show that one particular piece of legislation caused the unbalancing. Well, which one caused the unbalancing? How do you go about attacking that one as the one that did it? I think that also raises a very difficult question.

And finally—and we have talked about this briefly—whether it is a redressable grievance. What can the Court do to solve this problem? And you run into the political question doctrine and a whole lot of other things about whether the Court can reach over into article I and impose taxes under a balanced budget amendment. I think that is a very tall order, for the courts to say that they have that kind of power in that branch of the Government when it is very clear that article I says that Congress has the power to tax and to spend.

Mr. LEVIN. Will the Senator allow a response to that?

Mr. SANTORUM. I promised the Senator from Illinois I would yield him some time, so I will yield to the Senator from Illinois 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. I thank the Chair.

Let me just make a few observations. First—and I do not question the sincerity of my colleague from Louisiana at all on this; I know he is sincere—some who attack this are going to attack it no matter what. One former Member of this body was attacking this because the courts were going to intervene, and then we adopted the Danforth amendment, and he attacked it because it was toothless and it was unenforceable. It is kind of a no-win situation for some of the opponents.

Second, in terms of a precedent for what you are talking about, court intervention, the only real precedent is the Jenkins case in Missouri where you are dealing with individual rights and something that is not real clear. Here you are talking about an institutional situation where we can precisely measure what has happened. I think on balance the risk is very small. And I would quote from former Attorney General Barr.

> I see little risk that the amendment will become the basis for judicial micro-management or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed [vastly outweighed] by the benefits of such an amendment.

We clearly have the ability to determine who has standing. Now, obviously—and I heard my friend from Michigan, Senator LEVIN, quote Congressman SCHAEFER. I differ with Congressman SCHAEFER in terms of what our implementing legislation should be, and I think the majority in the House and Senate will.

I think standing ought to be limited to, perhaps, 10 Senators, 30 House Members, 3 Governors—something along that line—and limited solely to the Federal courts. I think we can pass something like that so there is not going to be, in any event, just a huge amount of litigation even if you try stretching your imagination.

I point out, also, we can avoid all of this by building small surpluses, as Alan Greenspan, Fred Bergsten, and other economists have recommended that we do. If we do not have surpluses, if we have a situation, with a 60 percent vote, we can have a deficit. And it takes a 60 percent vote to add to the debt. These are very precise measurements. We are not talking about individual rights where there may be strong disagreements.

I point out also, and my colleague from Colorado, Senator BROWN, pointed this out in committee when we had the hearing, that States have somewhat similar provisions, 48 of the 50 States, in their State constitutions. There has been almost no litigation on this. So the history of States suggests this will not happen. Senator BROWN mentioned in the history of Colorado's provision, there has been no litigation on this question.

Does that mean the courts cannot ever get involved? The answer is, if we blatantly ignore the Constitution, then there is a narrow window for the courts to get involved. That window, I think, should remain open. I do not think we should close that window. I think it is unlikely that will ever be a problem. But who knows who will be in Congress 50 years from now? Some Congress may decide we just want to ignore the Constitution. I cannot imagine that, but it is possible.

In that kind of case, the courts can intervene. But I think the history of State provisions, the provision that says the Congress shall enforce and implement this article by appropriate legislation, makes it very clear we are not going to have a massive amount of litigation.

I thank my colleague for yielding the time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Will the Senator from Louisiana yield me some additional time?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JOHNSTON. Mr. President, who has the floor?

The PRESIDING OFFICER. You have the floor.

Mr. JOHNSTON. Mr. President, I have been speaking to my colleagues on the other side of the aisle, particularly Senators BROWN and GORTON. I believe we have an agreement as to at least what we could agree to. If my colleagues on this side of the aisle would have no objection to this language, then I will propose to modify my amendment accordingly.

The language is a combination of language originally proposed by Senator GORTON back in 1982, and with the Brown suggestion about section 2. It would read as follows. I am not asking at this point to modify the amendment, but I would like to discuss it before I do.

> The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof or as may be specifically authorized in implementing legislation pursuant to this section.

Section 2, my colleagues will recall, as Senator BROWN talked about, provides that:

> The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

As Senator BROWN pointed out, that is a powerful way to enforce the amendment. That would be exempted from the—in other words, the court would have jurisdiction under section 2, but otherwise would not have jurisdiction—would not—the judicial power would not extend, except as specifically authorized by Congress.

Mr. LEVIN. I wonder if the Senator from Louisiana will yield for a question, a clarification, on this?

Mr. JOHNSTON. Yes, of course.

Mr. LEVIN. As far as I am concerned, any clarification is an improvement because we now, as the Senator so eloquently pointed out, have an ambiguity which is unacceptable in a provision. Whether people favor the provision otherwise or oppose it otherwise, we ought to seek clarity in what we are doing.

As I understand the language the Senator has just read, it would say that basically a court could enforce the section 2 limit on the debt. That limit on the debt held by the public would still have to be defined by Congress, since there is no existing statute that sets that debt held by the public, and that is confirmed by letter from the Attorney General which I put in the RECORD.

Mr. JOHNSTON. I believe that is also in the committee report. They say the debt is a creature of legislation and would be subject to that definition by Congress.

Mr. LEVIN. But my question of the Senator from Louisiana is this. Is the Senator saying that, in the event that the Congress did not adopt a limit on the debt of the United States held by the public—and there is no such statutory limit now, the statutory limit now is on the debt, not just the debt which is held by the public which is part of the national debt—if the Congress did not set such a limit as provided for in section 2, that this language that the Senator just read would authorize a court to legislate that limit?

Mr. JOHNSTON. No. No. The court would have—the judicial power of the United States would extend to that case or controversy, however it arose and whatever remedies the court would feel were appropriate. We do not know what remedies those might be.

Mr. GORTON. Will the Senator yield?

Mr. LEVIN. I am wondering though, if I could clarify this question. Is it the intention of this language—and I think it is important that language be before this body for more than a few minutes so people can study it. This is a critical question. My good friend from Washington has been deeply involved in this question over many, many versions of the constitutional amendment and is really an expert on the subject. So I think this language should be before the body for more than a few minutes.

My question, however, is: Is it intended that a court could order a specific limit on the debt "held by the public," in the event that Congress did not adopt a statute defining such a publicly held——

Mr. JOHNSTON. There is a limit on the debt now.

Mr. LEVIN. That is the importance of the letter from the Attorney General. With the permission of my friend from Louisiana, I would like to read it. It is a short letter.

> DEAR SENATOR LEVIN: This responds to your letter to the Attorney General of February 14, 1995, concerning the proposed Balanced Budget Amendment to the Constitution. In that letter you asked whether legislation setting a "limit on the debt of the United States held by the public" would have to be passed before Section 2 would have any force. Section 2 states that any increase in the limit on such debt must be passed by a three-fifths rollcall vote of the whole number of each House of Congress.
>
> We have consulted the Office of Management and Budget, which has advised us that there is at present no statutory limit on the "debt of the United States held by the public," the type of debt described in Section 2. Rather, there is a limit on the "public debt," which includes debt held by the public and certain other debt, such as debt held by the Social Security Trust Fund. Unless and until Congress passes legislation establishing a limit on the type of debt described in the amendment, the strictures against increasing this debt limit would have no effect.

I cannot say it any more clearly than the Attorney General of the United States. There is no statutory limit on the "debt of the United States held by the public" in current law. It would require a future Congress to establish such a new kind of debt limit, which would exclude debt held, for instance, by the Social Security Administration.

My question, then, is whether or not it is the intention of the framers of this new language that a court could order a Congress, or adopt itself, language which would define "debt of the United States held by the public," since there is no such debt in current law?

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. This amendment has the judicial power of the United States to extend to that case or controversy. I can imagine the number of things the court could do. The court can do what they want to because they are omnipotent. They can say that the public debt, as presently set by limit, was meant to be the same thing as this. But from my standpoint, if the Senator from Colorado and the Senator from Washington would like to redefine that term in light of this letter, that would be suitable with me. But I would say that it is improbable that a court would be able itself to set a limit on the public debt.

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. Yes, of course.

Mr. GORTON. The answer the Senator from Louisiana has given to the Senator from Michigan is accurate insofar as it goes. But I think the more fundamental answer to the Senator from Michigan is that this particular part of the proposed revision does not change the basic balanced budget amendment with respect to section 2 at all. Right now the thrust of the argument of the question raised by the Senator from Michigan is just as valid in the present unamended form to the balanced budget amendment as it would be if this modification were passed. This Senator, as each of the Senators knows, was greatly disturbed by this particular question of judicial review 13 years ago, in 1982, and proposed an amendment to essentially cause these questions to be political questions at that time.

This Senator is very sympathetic with the direction of the amendment Senator JOHNSTON has put forward and would prefer that it be phrased slightly differently, but, nonetheless, I feel that I do not wish to expand the judicial power of the United States to writing budget for the United States. When I proposed that, without the exception for section 2, the Senator from Colorado and others expressed to me a deep concern about a form of violation of the Constitution that I think will never take place. Their comments were directed at our comments, which would simply defy the plain requirements of section 2 and pass a debt limit increase with 55 percent of the votes in the Senate or 55 percent of the votes in the House and just simply flat out ignore the Constitution. They wished to see to it that the courts would have jurisdiction to prevent that blatant violation of the Constitution. I do not believe that it is even remotely conceivable that would ever happen.

The reason I sympathize with the general direction of what the Senator from Louisiana wants to do, what I fear is going to happen under this constitutional amendment is that Congress is going to pass a budget and the President is going to sign a budget, under the same circumstances which happens today, that is invalid according to the estimates by the CBO and the like and that someone or some group will have standing to go into court and say, "No; the CBO estimates are wrong. We have to get the estimates," and that some court which desires to get into this business is going to say, "Yes, you are right. Your estimates are better than Congress," and order the rewriting of a budget. I do not believe anyone, I say to the Senator from Michigan, who was asked this question, believes we are going to get cases under section 2. But, in any event, we are not going to get any more cases under section 2 with this revised amendment than we will get without any amendment at all.

Mr. LEVIN. Will the Senator from Washington yield? I thank him for his clarification. As I understand it, it would be his intention as one of the coauthors of this language, I gather, that the Senator from Louisiana has described, that the jurisdiction is referred to the court, pursuant to section

2, to enforce the 60-vote requirement in that amendment, not to define words that a legislature or Congress would ordinarily be required to define.

Mr. GORTON. Clearly, any controversy arising under section 2 would in fact be justiciable under the modification of the draft working with the Senator from Colorado and the Senator from Louisiana. But the point is that it is true with the original balanced budget amendment, we are not changing that by proposing this. This modification, just as Senator JOHNSTON's original amendment limits the jurisdiction of the courts of the United States, modifies it in this fashion. It does not do it quite as much because it does not limit it with respect to section 2. It just limits with respect to the other section, but nothing, in my view, given the Supreme Court, by this modification that is not there in the present form of the balanced budget amendment that we have been debating for 3 weeks.

Mr. JOHNSTON. Will the Senator yield?

Mr. GORTON. Technically the Senator from Louisiana has the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Louisiana.

Mr. JOHNSTON. I agree with the Senator from Washington. Moreover, there is a legislative limit today on the debt of the United States. So Congress must act, plus act every year to increase the debt. They may act to increase the debt as defined by statute now. But, if you can do that, chances are you will be able to do it to increase it pursuant to the terms of this constitutional amendment.

Mr. GORTON. Yes. As I understand, that was in the letter from the Attorney General. I must say it sounds like chopped logic to me. We have a statute under the deficit now which uses words slightly different from those of section 2 in House Joint Resolution 1.

Mr. LEVIN. It is slightly different. If the Senator will yield, the question is whether or not to include debt held by the Social Security Administration. That is not a slight difference.

Mr. GORTON. I am convinced that the simplest of all implementing legislation for this kind of constitutional amendment, should it become part of the Constitution, will define the debt in a way which is totally consistent with section 2. So as a practical matter, I do not think such a case of controversy will ever arise.

Mr. LEVIN. I wonder if I could ask the Senator from Louisiana this question, the same question, now that we have the letter from the Attorney General. It is the intent, as I understand it, that under the languages which you read that the court could enforce the requirement of 60 votes, and that is the principal purpose of the language.

Mr. JOHNSTON. I do not mean to be evasive. I am just saying that the judicial power of the United States would extend to cases and controversies arising under section 2. The court can do what it thinks is proper, if it finds standing, if it finds there is a justiciable question and it extends to such powers as the court thinks are proper.

Mr. GORTON. Will the Senator yield for just a moment?

Mr. JOHNSTON. Yes.

Mr. GORTON. Since what the Senator from Louisiana has read is in the handwriting of the Senator from Washington, the answer of the Senator from Washington to the Senator from Michigan is yes.

Mr. JOHNSTON. Mr. President, I yield the floor.

If no other Senator is seeking recognition, I suggest the absence of a quorum and ask unanimous consent that it be equally divided.

Mr. THOMPSON. If the Senator will withhold, I will address a question to the Senator from Washington. It has to do with the purpose of this language which I have heard and have not had a chance to read. As I understand it, this would deprive the courts of jurisdiction except with regard to section 2.

Mr. GORTON. The amendment that is before the body now, the amendment of the Senator from Louisiana, does not deprive the court of jurisdiction. The court has no jurisdiction at the present time on a constitutional amendment. It says, in essence, that the court will not have jurisdiction over cases arising out of the balanced budget amendment, except with respect to its enabling legislation. That is the proposal of the Senator from Louisiana.

While this modification has some slight language differences from his original point, its only substantive change in the proposal before the body right now is to allow the court to deal with cases and controversies arising under section 2. The purpose of it, I may say—since while I was the draftsman, I am not the person who thought it up—the purpose of it was to deal with the sincere concerns of the Senator from Colorado, Mr. BROWN, that Congress, without such jurisdiction, literally could define the plain language of section 2 and pass a debt limit increase by less than a 60-percent supermajority vote.

As I have said, I cannot conceive of Members of Congress so blatantly violating their oaths of office under such circumstances. As a consequence, I was perfectly willing to go along with the Senator from Colorado because I do not think any such case or controversy will ever arise. But the purpose is to carve out from the general exemption—which is Senator Johnston's amendment—section 2.

Mr. THOMPSON. So while there is an exemption under the Senator's amendment with regard to enabling legislation, this exemption would apply to part of the language of the constitutional amendment.

Mr. GORTON. Yes, plus enabling legislation.

Mr. THOMPSON. Yes, and that is section 2. Does the Senator consider that if such amended language was agreed to, that might obviate the argument that the courts did not have jurisdiction with regard to section 2? In other words, as I heard the debate here a short time ago, I think very strong arguments were made with regard to the amendment itself, the totality of the amendment, that there were serious questions with regard to the justiciable issue regarding political questions and all of that, with regard to the amendment in totality, including section 2.

I wonder whether or not, if such language were agreed to, this would be an open invitation to the courts that in fact we are inviting you to take on anything that could be a part of section 2 and might in fact go against the intent of the proponents of the amendment of the Senator from Louisiana?

Mr. GORTON. I say to the Senator from Tennessee that he is a shrewd reader of legislative constitutional language, because I think in this case he is precisely correct. The paradox, in my opinion, this year, last year, and in 1982, when we debated this subject, is that those who have opposed adding this kind of judicial review section to a balanced budget amendment have made two totally inconsistent, opposite arguments against including such a section. One is that the courts would never take cases or controversies under this. They do not have any such jurisdiction, and they would not exercise any such jurisdiction. The other argument is that we certainly want the courts to enforce it if Congress violates these constitutional provisions.

I did not understand those arguments in 1982; I did not understand them in 1986; I did not understand them last year; and I do not understand them now. I think those who oppose adding something like the Johnston amendment at least ought to pick one side of that argument or the other. If their sole reason for not wishing to add something like the Johnston amendment is that it is unnecessary because the courts will never, under any circumstances, deal with a case or controversy arising under the balanced budget amendment, then under those circumstances, we have actually created a cause of action by this particular modification with respect to section 2. I think that is the utter logical conclusion.

My own view on the subject is that the fundamental argument is flawed. I am convinced that the courts would in fact exercise jurisdiction under cases or controversies arising under this entire amendment. There is no way in the world we can guarantee that the Supreme Court next year, much less 100 years from now, is not going to decide it wants to write a budget and override our estimate.

My deep concern is not a case or controversy that is going to arise under section 2 as to whether we have invalidly increased the debt limit, or many other sections here; I believe that the history of the Federal courts of the United States clearly indicates that we will be faced very soon—maybe in the first budget that passes after this constitutional amendment becomes a part of the Constitution—with a Congress and a President who have passed what they consider to be a balanced budget, using Congressional Budget Office estimates of revenues, for example, and Joint Tax Committee estimates of receipts, and that some individual withstanding will sue and say the Congressional Budget Office estimates are off, they are phony, this is Congress' own creation, they have fixed the figures, and we think there is a much better estimate of expenditures and those expenditures are a lot higher than the Congressional Budget Office has said and we, therefore, order the Congress either to use our estimates, the estimates of the court, to rewrite the budget, or we will impose a 5-percent surcharge on the income tax this year to bring it into balance.

It is that kind of judicial activism, in my opinion, which has plagued the United States in many respects for the last 50 years, with courts running prisons and school systems and shelters for the homeless and the like, and acting in a legislative fashion. And for anybody, particularly somebody conservative, to state with assurance that the courts will not involve themselves in this field I just think is a faulty argument.

If the argument, on the other hand, is the courts ought to be in this field, I can see someone arguing that they like judicial activism and want courts involved in this field. I just disagree with them. If I thought the courts were going to be in this field, I would not want anything to do with the balanced budget amendment, of which I am a cosponsor and a very, very strong supporter. Under those cases, they would probably rather have it in section 2 than not to have it at all. Personally, I would prefer we not have it at all. Personally, I also want to get something accomplished here, and I do not think this exception for section 2, in my view, is ever going to come up at all.

Mr. JOHNSTON. Will the Senator yield?

Mr. GORTON. The answer to the question of the Senator from Tennessee is that he is absolutely right. It settles that first argument with respect to section 2 and makes it invalid.

The PRESIDING OFFICER. The Senator from Tennessee controls the time.

Mr. JOHNSTON. Who has the time?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. JOHNSTON. Will the Senator yield?

Mr. THOMPSON. Yes.

Mr. JOHNSTON. I wonder if the Senator would not agree with me that section 2 involves, really, a yes or no proposition—that is, that the limit on the debt of the U.S. public shall not be increased except by a three-fifths vote. It is subject only really to a yes or no proposition. That is, you either had the three-fifths or you did not have it. It does not get into all the fiscal questions that might flow from that; rather, it is a yes or no proposition.

So I wonder if the Senator from Washington does not agree that really about all the court could do on that is say, yes or no, you did or you did not, and if you did not, it is not valid and the President could not sign it anyway if it violates the Constitution.

Mr. GORTON. That is certainly the thrust of what the Senator from Colorado was himself concerned with.

Again, it is very important, as the Senator from Michigan said, when we deal with the Constitution that we be as clear as we possibly can in what we say. And it is certainly possible, in the absence of any statute on this subject, that a case or controversy could arise under other provisions in section 2. But, as I said, the first thing we will do will be to make the slight definitional changes that are necessary to use the phrase in this Constitution and the debt limit legislation which we have at the present time.

So, as a practical matter, I think the only time the question would ever come up is the way the Senator from Louisiana states it.

Mr. THOMPSON. Mr. President, I share the concern of both the Senator from Louisiana and the Senator from Washington concerning judicial activism. As the Senator from Washington puts it, on one hand, he is concerned about it, and, on the other, he is concerned about the notion that the courts should indeed be involved.

I think there is probably a middle ground here that many people are struggling with. I think a very good case can be made for the proposition that, indeed, it is unlikely—I am talking about under the original amendment—that it is unlikely that the court would involve itself in the detailed budgeting process of the Congress of the United States.

Now, can anybody say that will not happen with certainty? Absolutely not. We all know that it can happen. It is a possibility.

The question is: What is the likelihood? It has never been done before. You look at what has happened on the State level. You look at what has happened on the Federal level.

I remember the lawsuit against President Nixon back in 1974. The court dealt with a little different situation there, but they were dealing with the powers of the executive branch. If you read that case, you will see how reluctant the Supreme Court is to get into the operations of and put limitations on the power of the other branches of Government.

That case came down requiring the President to give up his tapes, but in doing so really they raised the threshold very substantially as far as any future similar actions against a President. You had to have eyewitnesses in that case, eyewitnesses, in effect, saying the President was involved in criminal activity or very possibly could have been. So they decided against the President in that case. But by their language, they were struggling mightily with it and it had to be very fact specific and it had to be an egregious case by that language for them to step into the affairs of the President of the United States.

I think in all probability that is the way it will be with Congress. My own guess is—and I assume that is all we can acknowledge, that is basically all we are doing here—my own guess is that, absent some egregious case that the Senator from Washington says he does not think will ever happen, and I agree, but absent some very egregious case where the Congress of the United States just blatantly and openly disregards the Constitution, I do not think the Supreme Court would involve itself, even the Supreme Court as we know it today, which too often gets into too many things, as we all know.

I think many of us simply share the concern that if there is no enforcing mechanism at all, if there is no possibility, if we foreclose any possibility under any circumstances that the court cannot decide this, that a future Congress would use that and circumvent the intent of the balanced budget amendment.

So it gets back to how badly do you think our fiscal crisis is; how badly do we need this balanced budget amendment? And I think pretty badly.

We have heard the debate here for many, many days. We are headed down the wrong road at breakneck speed. We are bankrupting the next generation by any objective standard. By any bipartisan analysis that has been made of it, we are in serious, serious circumstances here and we are kind of fiddling around here while Rome is burning and missing the central point that we better keep in mind, and that is we better get our fiscal house in order.

The balanced budget amendment, without being cluttered with a lot of controversial amendments designed primarily by some to kill it and not to improve the amendment so that they could support it, instead of doing that, we ought to refocus and pass the balanced budget amendment.

I intend at this stage of the game to say, let us pass it without this amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

AMENDMENT NO. 272, AS MODIFIED

Mr. JOHNSTON. Mr. President, we have had this discussion.

At this point, I wish to modify my amendment by inserting, in lieu of the present language, the following language, which I send to the desk.

The PRESIDING OFFICER. The Senator has that right, and the amendment is so modified.

The amendment, as modified, reads as follows:

At the end of Section 6, add the following: "The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section."

Mr. LEVIN. Will the Senator yield for two additional questions?

Mr. JOHNSTON. Yes.

Mr. LEVIN. One of the questions I think it would be valuable for us to perk a bit so that others, including members of the Judiciary Committee, could look at the language is a very important change—again, whether you favor or oppose the amendment on other grounds, it is important that we clarify the amendment, and the Senator from Louisiana has done very, very important work in achieving this clarification. I would like to pursue it because there is still some ambiguity.

I have two questions. One is the judicial power of the United States refers to Federal courts. State courts also implement the Constitution and enforce the Constitution. I am wondering whether or not it is the intention of this language that State as well as Federal courts would be prohibited from enforcing this provision except as specifically authorized in implementation legislation? Is that the intent of the authors of this language?

Mr. JOHNSTON. It is not the intent of this language to give State courts the power. I do not believe they would have the power to order a tax increase or give a declaratory judgment or cut a Federal program. I believe that that judicial power adheres only in the United States.

Mr. GORTON. Will the Senator yield?

Mr. JOHNSTON. Yes.

Mr. GORTON. I have to say to the Senator from Michigan, the Constitution of the United States, as it is presently formulated, or formulated here, makes no statements with respect to the jurisdiction of State courts. In a very real sense, State courts interpret the Constitution, but State courts cannot order the Congress of the United States to do anything. They have no such jurisdiction.

So, just as is in the rest of the Constitution, the balanced budget amendment and the debt limit legislation are silent as to the jurisdiction of State courts, which is exactly what they are ought to be.

Mr. LEVIN. As I understand it, however, it is the intent of the Senator from Louisiana that, to the extent that this gives any authority at all under section 2 or otherwise, that section 2 authority exclusively goes to the Federal courts.

Mr. JOHNSTON. That is correct.

Mr. GORTON. The phrase in the Constitution, of course, is the judicial power of the United States. That is the Federal Government.

Mr. LEVIN. My question is, the language here as it authorizes section 2 implementation refers only to Federal courts.

Mr. GORTON. Yes.

Mr. JOHNSTON. Yes.

Mr. LEVIN. The other question relates to a question I have asked the sponsors of the legislation. I sent them a whole list of questions as to the enforcement provisions under section 6, because it raises a whole question as to whether or not there is an enforcement mechanism for this constitutional amendment or whether or not it is just a statement of intent and then has no teeth in it. But that is a different issue for a different argument.

My question, though, is this.

The PRESIDING OFFICER. The time is controlled by the Senator from Louisiana.

Mr. JOHNSTON. Could we answer the questions on the other side's time, because I think we are about to run out?

Mr. LEVIN. Will the Senator from Washington yield for this question?

Mr. GORTON. Yes.

The PRESIDING OFFICER. The Senator from Louisiana controls the time.

Mr. JOHNSTON. Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, will the Senator from Washington——

The PRESIDING OFFICER. The time is expired. Who yields time?

Mr. LEVIN. Would the Senator from Washington ask for a minute or two of time in order to respond to the question of the Senator from Michigan?

Mr. GORTON. The Senator does not have time.

Mr. SANTORUM. Mr. President, I say to the Senator from Michigan, we have a limited amount of time remaining, and we have speakers that we have to accommodate.

Mr. LEVIN. Mr. President, I ask unanimous consent that the questions which I forwarded to the Senators from Utah and Illinois, including section 17 be inserted in the RECORD and specifically any response to section 17 that is obtained today be inserted in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BALANCED BUDGET AMENDMENT QUESTIONS

1. What exactly is the definition of receipts? For example, do receipts include the receipts from Postal Service stamp sales and TVA power sales? Do they include Medicare premium payments? Do they include the receipts of government corporations and quasi-federal agencies which deposit money in non-Treasury accounts? Who will make this determination?

2. What exactly is the definition of outlays? For example, do outlays include federal loans and federally-guaranteed loans? Do they include spending by government corporations and quasi-federal agencies which pay for their activities out of user fees instead of out of Treasury accounts? Who will make this determination?

3. Will estimates or actual levels be used for receipts and outlays? In an instance in which the OMB and the CBO disagree with each other on what outlays or receipts are, how will the dispute be resolved so that it can be determined whether or not outlays exceed receipts?

4. Who will determine whether a bill is 'a bill to increase revenues?' For example, what happens if OMB says the bill is revenue neutral, and CBO says the bill will result in a net increase in revenues? Whose estimate will prevail? How will the dispute be resolved?

5. At what point will it be determined that outlays will in fact exceed receipts, triggering remedial action? August 1? September 15? Who will make that determination—OMB or CBO?

6. At whatever point it is determined that outlays do or will exceed receipts, will automatic spending cuts or tax increases be triggered? When would that happen, and who would be responsible for making it happen? Will cuts affect all programs equally across-the-board, or will certain programs be exempt?

7. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a budget resolution that is not balanced?

8. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to increase spending from some base level without off-setting spending cuts or revenue increases? would it matter whether this was the last appropriations bill of the year, and would result total appropriations exceeding expected receipts? If not, how will we ensure that Congress does not increase spending without paying for it?

9. Would it violate the language of the amendment if Congress passes, with less than 60% of the votes, a bill to cut taxes without off-setting spending cuts or revenue increases? If not, how will we ensure that Congress does not cut taxes without paying for it?

10. What happens if Congress passes a budget resolution which is in balance, and enacts appropriations bills on the basis of that resolution, but part way through the year it appears that outlays will exceed receipts? Would Congress be required to vote separately on whether to authorize or eliminate the excess, even though it voted for budget and appropriation bills in the belief that the budget would be balanced? What mechanism would be created to ensure that such a bill would be considered?

11. At what point during the fiscal year would Congress be required to vote to authorize an excess of outlays or to eliminate that excess? What would happen if Congress did not approve either such measure?

12. Would the amendment be enforced through sequestration or impoundment? If so, when and how would that action take place?

13. What happens if Congress approves a specific excess of outlays over receipts by the required three-fifths vote of each House, but the projection turns out to be wrong—the deficit is greater than expected. Would a second vote be required to approve the revised estimate of the deficit? Who determines the dollar amount of excess that Congress will vote on in each case? Who determines that the estimated excess was wrong? How often would such determinations be made, and such votes be required? Who determines when the votes must take place?

14. The resolution requires that three-fifths of each House vote to approve an excess "by law". Does this mean that the President must sign a bill to approve an excess? What happens if three-fifths of the Members of each House approve a deficit, but the President vetoes the bill? On the other hand, what happens if Congress passes a reconciliation bill to balance the budget and the President vetoes it and there are insufficient votes to override the veto? For example, what if Congress votes to increase taxes to eliminate the deficit and the President says he prefers spending cuts and vetoes the bill. If there are insufficient votes to override the veto, who has violated the Constitution—the Congress or the President?

15. Could Congress shift receipts or outlays from one year to another to meet balanced budget requirements? For example, could paydays for government employees be put off a few days into the next fiscal year to achieve a balance between receipts and outlays? What mechanisms will prevent this type of abuse?

16. Section 2 of the resolution provides that "the limit on the debt of the United States held by the public shall not be increased" without a three-fifths vote. What is the current statutory "limit on the debt of the United States held by the public", if any? If there is currently no such limit, how will such a limit be established?

17. What does the debt of the United States held by the public include? Specifically, does it include the debt of wholly-owned government corporations (like the Commodity Credit Corporation and the Overseas Private Investment Corporation)? Does it include the debt of mixed-ownership government corporations (like Amtrak and the Federal Deposit Insurance Corporation)? Does it include loans guaranteed by the federal government, such as guaranteed student loans, guaranteed agriculture and export loans, or Mexican loan guarantees? If not, could additional government corporations and quasi-governmental agencies be created to conduct federal programs off-budget to evade the amendment? Could new government guaranteed lending programs replace government spending? How would this be prevented?

18. May the President transmit a proposed budget which is not in balance in addition to his balanced budget proposal? May the President transmit a balanced budget, but recommends against its adoption? Can he submit the balanced budget at any time before the fiscal year begins?

19. The Committee report states that the words "bill to increase revenue" covers "those measures whose intended and anticipated effect will be to increase revenues to the Federal Government." Does this mean net revenue? Over what period of time would this be judged?

Would the revenue provision apply to a bill that increases revenues for three years and reduces revenues for the following three years, with a net change of zero over the six-year period? What happens if the amendment is repealed after three years, because it would result in a deficit?

Would a bill to increase the capital gains tax be exempt, since many argue would have the effect of reducing revenue in at least the early years after enactment?

20. Does "revenue" include fees? How do we tell the difference between a revenue measure increasing fees and a spending measure decreasing outlays by requiring users to pay for services provided to them instead of funding the services out of tax revenues?

What about a bill to raise the federal share of receipts from concessions in our national parks?

What if the bill simply required regular competition for national park concessions? Would that be a bill to increase revenue, since it would have the "intended and anticipated effect" of increasing the federal share?

21. Does revenue include tariffs? Would a trade measure which authorizes use of retaliatory tariffs in certain cases be considered a "revenue measure", since it would arguably have the "intended and anticipated effect" of increasing revenues? Who will make this determination?

22. Does revenue include civil and criminal penalties? Would a bill that establishes a new civil or criminal penalty be considered a "revenue" measure? How about a bill that indexes certain penalties for inflation? How about a measure to toughen enforcement of criminal or civil penalties? Would a bill to tighten enforcement of the tax laws or provide more personnel to the IRS be covered, since it would have the "intended and anticipated effect" of increasing revenues? Who will decide what is covered by this provision?

23. Would a statute that requires a new, lower measure for inflation, be considered a bill to increase revenue, since by slowing the adjustment of tax brackets it would have the "intended and anticipated effect" of increasing taxes? Would the elimination of a special, targeted tax break be covered by this provision? Would it cover a bill authorizing the sale of buildings or land?

24. Sponsors of the amendment have said that the social security trust funds will be protected in implementing legislation and that the budget will not be balanced at the expense of the States. How will this result be ensured?

25. The term "fiscal year" is not defined in the amendment. The report indicates that Congress has the power to define the term "fiscal year." Does this mean that Congress could change the effective date of the amendment by legislation, passed by majority vote, which changes the statutory time at which a fiscal year begins and ends?

Mr. SANTORUM. Mr. President, I wanted to make a comment about the practical effect that the amendment of the Senator from Louisiana will have on the process once the balanced budget amendment passes.

I think this may be the serious constitutional infirmities that this amendment could have, and when I say "constitutional infirmities," what I believe the Senator's amendment will do is, by denying access, by denying access to the courts in this constitutional amendment, in a sense what we are doing is modifying the fifth amendment due process clause. You are saying we have no redress to this act—none—until Congress acts.

Now, I think the practical effect of that will be—and I think we are seeing within this body a lot of support for the courts keeping hands off, not reaching in—so what may happen, what I think there is high probability of happening, is we will leave that alone. We, in fact, will not implement. We will not provide. There is no requirement for Members to do so. There is no reason for the Senate now to provide access when, in fact, we have stated constitutionally they have no access.

On the other side, if we do not have the Johnston amendment in place, it is incumbent upon Members to act because I think the Senator is right, we have left a big open question here. Now, it is our duty to define what avenues the court will have to address this constitutional amendment.

I think what we have done here is take the Congress off the hook of having to come back, look at this question, debate it, find out specifically what areas we are going to deal with or provide for the citizenry, for Members of Congress, to address this issue in the courts.

By this amendment we will, in fact, foreclose that discussion. I believe that discussion will not occur, or if it does occur, will not prevail, that we will feel most comfortable leaving the courts completely out of it. It has been passed in the constitutional amendment. There will be no reason for Members to come here because we have taken care of this issue.

If we leave it open, the issue will arise again. And I believe the Senator is absolutely right. There is such a question here. We will be driven to provide specifically for that kind of redress in the court.

I think not only do we have a limitation of the due process clause of the 5th amendment as a result of the amendment of the Senator from Louisiana, which I think is a red flag, No. 1. No. 2, we have in a sense decided this issue now maybe for a long period of time and eliminated any prospect of judicial review for this legislation.

I do not think we are prepared to do that. I think we are prepared, at least what I hope most Members are prepared to do, is say, "Let's leave this question open for us to go and then provide specific redresses in the implementing legislation to deal with this question. Let's be precise about it. Let's be limited about it but have a full and open discussion about it, not foreclose and slam the door for any possibilities of judicial overview," whatever limited amount it may be.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. SANTORUM. Very briefly.

Mr. JOHNSTON. What appropriate role would the Senator think the courts ought to have?

Mr. SANTORUM. Mr. President, I think that is a discussion that we need to have. I think that is a discussion that has to be talked about far beyond the few hours of debate we have here on the Senate floor. We need to look at whether we should limit it to declaratory judgment or whether we should grant injunctive relief. All those kind of avenues. Who should we give standing to move these suits forward. All of those discussions, the particulars, need to be dealt with in the implementing legislation.

If we pass the amendment of the Senator from Louisiana, I do not believe we will get there. I do not believe we get there because we have already settled the issue and the courts do not have a role.

Mr. JOHNSTON. We say the courts do have a role to the extent we specify.

Mr. SANTORUM. But there is no incentive as a result of your amendment to specify. We have now kept them out of our affairs. There is no reason for Members to come back and give them access, where, if we did not pass the amendment, it would be a broad open question as to what extent they could get involved.

It could be incumbent upon the Senate to protect our own viability as a body, for the Senate to specifically chart out where they would. I think any kind of implementing legislation—I think the Senator from Wisconsin was right on this. If we, through implementing legislation, said they have no access, I think we would have constitutional problems with that. We would have to provide some sort of limited access for suit. Your amendment does not do that.

I think you run into very severe limitation on the due process clause. We are telling every citizen of this country that you cannot redress your Government through a constitutional amendment. I think that is a real problem. I think that is one of the reasons I would be opposed to it.

The second is, I think it forecloses any future discussion on this matter. I would be happy at this point to yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I understand the hullabaloo is about the modification of the amendment of the Senator from Louisiana applying only to section 2, because the claim is the budgetary language is different from the constitutional amendment language.

To me, that is such a trivialization of the debate that it is not funny. If we have 67 people who will pass this amendment, we are certainly going to have 51 votes to change any budgetary language we have to in the implementing legislation.

Why should we get into a big scholastic—and by "scholastic," we will call it scholasticism — how-many-angels-stand-on-head-of-a-pin argument in the debate over the constitutional amendment over that issue?

Now, if Members of Congress believe that the issue of standing and the separation of powers and political question are not well defined by the courts and well defined by better than a century of law on this subject, then I can see where they might want to support the distinguished Senator from Louisiana and his amendment here.

The law is so well defined and it is so clear in those areas. I think we made the case earlier in the day that it is clear that I do not need to repeat it again at this particular point. I am hoping all Senators will vote against this amendment. It is a mischievous amendment. It is offered to try to scuttle the balanced budget amendment, knowing that there can always be made some argument about any term in any balanced budget amendment or any amendment to the Constitution that others might agree or disagree on.

What we are talking about here is an amendment passed by 300 Members of the House of Representatives, the two-thirds-plus vote, for the first time in history. In my opinion, we simply cannot amend it further because of that historic vote and the fact that it is a bipartisan consensus amendment by Democrats and Republicans that will work. These frightful occurrences are not going to occur and everybody knows it.

The whole purpose of this amendment is, of course, to try to amend this constitutional amendment which puts Members through the whole process again. Now the original amendment of the distinguished Senator from Louisiana said, "No court shall have the power to issue relief pursuant to any case or controversy arising out of this article except as may be specifically authorized in implementing legislation pursuant to this section."

The modification, as I understand it, would add on to section 6 the following:

> The judicial power of the United States shall not extend to any case or controversy arising out of this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section.

We do not need to have litigation for section 2. We do not need to have litigation for any aspect of it. I think under the rules of law that have existed for well upward of a century, this is a false issue, and we should vote to table this particular amendment. I hope our Senators will do that.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I am indebted to the distinguished Senator from Washington [Mr. GORTON] and the distinguished Senator from Colorado [Mr. BROWN] for helping work out this modification which I think achieves very well the purposes that most Senators want to achieve on this floor, which is to ensure that the real biting enforcement and sanction of section 2 is preserved in this amendment so that, as the Senator from Colorado said, section 2 is the real guts of the enforcement and that remains here with the power of the court to enforce it.

But other than that, Mr. President, this amendment will provide that the courts may not raise taxes and may not substitute their judgment for that of the U.S. Congress.

It is to me an amazing circularity of logic that the opponents of the amendment as modified have. They say, on the one hand, this is absolutely clear, we know there is no standing to sue, we know there is no justiciable question; this is a political question which the courts cannot get into. But, on the other hand, there may be some cases where some people will need to go to court and enforce this. But, on the other hand, it is absolutely clear. But, on the other hand, if we pass this amendment, the Congress will never act because then it will be clear.

Well, Mr. President, it either is clear or it is not clear, and we know what the real answer to that question is: It is intentionally ambiguous, and in that ambiguity, we have mischief, because while what Judge Bork says is thousands of cases matriculating up through the district courts and the courts of appeal of this country, while we are waiting for those to be decided, the capital markets of this country, the bond markets, the very fiscal essence of the country will be held in limbo while the court decides such arcane questions as whether this is a political question, whether there is standing to sue, or whether it is a justiciable issue.

We have the power to decide that issue now, to make it clear and unambiguous, which is, the courts do not have authority, except to the extent we give them authority.

Mr. President, we have between now and 2002—2002—to act to implement this article. Section 6 says:

> The Congress shall enforce and implement this article by appropriate legislation.

If this Senate and this Congress can pass a constitutional amendment by a two-thirds vote, by 67 votes, surely it could pass simple implementing legislation which requires only a simple majority. Why would Congress ignore section 6, ignore its duty when it takes only a majority vote, when we feel so strongly today that we are giving a two-thirds vote to the constitutional amendment? It does not make sense, and it does not add up.

If any Member believes, as I believe, that what the courts would really do if they took jurisdiction is order a tax increase and then maybe say, "Congress, this will go into effect 60 days from now or 4 months from now unless you act"—I think that is what they would do because that is the only thing they have expertise to do. They do not have the expertise to cut budgets, to decide between competing claims in a budget, but they sure do know how to order an income tax increase, because it takes no expertise. This amendment would prevent that; it would deprive the courts of the ability to meddle in this constitutional duty, which is properly the Congress', except to the extent that we authorize them to do so.

Mr. President, it clears up an intentional ambiguity. It loses no votes. I believe this gets votes for this amendment, and it certainly makes a better amendment. I hope my colleagues will go along with it.

I yield the floor.

Mr. HATCH. Mr. President, I would be interested in whether it will get the vote of the distinguished Senator from Louisiana if this amendment passes.

Mr. JOHNSTON. Mr. President, I can tell the Senator from Utah what my concern is about this amendment. There was a Treasury study which showed that my State was more heavily impacted than any other State. It made certain assumptions. It made the assumptions that defense would not be cut, as the contract calls for; that Social Security would not be cut, as everyone promised. It was a nationwide study, and it determined, as I recall, the cuts to Louisiana were something like $3 to $4 billion.

Mr. HATCH. May I ask the Senator to comment on his time?

Mr. JOHNSTON. Until I know what makes up the cuts, I cannot vote for the amendment.

Mr. HATCH. Mr. President, we have been through that argument already, and that is, we have never been able to tell where the cuts are up to now. Until we get this into the Constitution, we never will. That is why we have to get it in the Constitution.

This is a bigger issue than any of our individual States. All of us are concerned about our States, all of us are concerned about what cuts or tax increases, but all of us need to be concerned about the future of this Nation, the future of our children and our grandchildren.

We have a Federal Government that is running away from us; it is out of control. We can debate these things forever. But under the Johnston amendment, allowing suits under section 2 may allow the courts to relax the standing rules that they have. It would be the exact opposite of what everybody in this body would like to see happen. It would be an indication to them we want them to relax standing rules. Presently, courts will not allow standing to give relief that interferes with budgetary processes, and I do not know anybody who would rebut that statement.

Ironically, the Johnston amendment may allow the very thing he fears. I frankly do not know why anybody would want to vote for it who understands the implications of it, but let me just summarize our position on this.

Senator JOHNSTON'S amendment would deny all judicial review to enforce the balanced budget amendment, except for section 2 which may give an indication to the courts that they should relax the standing requirements which means even more litigation all over this society, more than ever before, and there would be no way you could stop it.

I believe it is an overreaction to a problem that simply does not exist, and to apply what happens in States—and there have not been many suits in States—to apply that to this just is inapposite.

The ghost that haunts opponents of the balanced budget amendment is that the judiciary will usurp Congress' power delegated to it by the Constitution over spending, borrowing, and taxing matters.

Mr. JOHNSTON. Would——

Mr. HATCH. I do not have enough time or I would yield.

That horrible phantom will place the budgetary process under judicial receivership, through its equitable powers, cut spending programs, and even order the raising of taxes, they say. But the apparition is simply make believe; it is a bad dream. The courts simply do not have the authority to usurp Congress' role in the budgetary process.

That unfounded phobia has its antidote in the time-honored precept of standing and the political question and separation of powers doctrines. As I said, these jurisprudential doctrines stand as impenetrable barriers to the courts commandeering of the democratic process.

Besides, it is just wrong to think that Congress cannot and will not protect its institutional prerogatives. The framers of the Constitution designed a constitutional system whereby each branch of government would have the power to check the zeal of the other branches. In James Madison's words in the Federalist No. 51:

> [T]he great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of others. The provision for defence must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

Frankly, I find it utterly inconceivable, as a practical matter, that the chairmen of congressional Appropriations, Budget, and Finance Committees and subcommittees, and Congress as a whole, will stand idly by if some district court judge somewhere exceeds his or her authority and allows a case implicating this institution's budget and tax and spending prerogatives to proceed. Why, it defies belief that these Senators like MARK HATFIELD, ROBERT BYRD, PETE DOMENICI, JIM EXON, and leaders like ROBERT DOLE and TOM DASCHLE, and their counterparts in the other body, or any of us, would allow a court to tamper with congressional prerogatives. Congress would do what it would have to do and moot any such case which even hinted at success. Does anyone doubt this?

Moreover, to resist the ambition of the courts, the framers gave to Congress in article III of the Constitution the authority to limit the jurisdiction of the courts and the type of remedies the courts may render. If Congress truly fears certain courts may decide to ignore law and precedent, Congress—if it finds it necessary—may, through implementing legislation pursuant to section 6 of House Joint Resolution 1, forbid courts the use of their injunctive powers altogether. Or, Congress could create an exclusive cause of action or tribunal with carefully limited powers, satisfactory to Congress, to deal with balanced budget complaints.

But Congress should not, as the distinguished Senator from Louisiana proposes, cutoff all judicial review. I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions. At the same time, this balanced budget amendment does not undermine the court's equally fundamental obligation, as first stated in *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803), to "say what the law is" in those cases where standing exists and the separation of powers and political question doctrines do not bar the courts from proceeding. After all, while I am confident that courts will not be able to interfere with our budgetary prerogatives, I am frank to say I cannot predict every conceivable lawsuit which might arise under this amendment, and which does not implicate these budgetary prerogatives. A litigant, in such narrow circumstances, if he or she can demonstrate standing, ought to be able to have their case heard.

JUDICIAL ENFORCEMENT

Nonetheless, I must underscore that keeping open the courthouse door to a litigant who is not seeking to interfere with the spending and taxing powers of Congress, does not license the judiciary to interfere with budgetary decisions. Because this issue is of great importance to my colleagues, I would like at some length to address the concern of some that under the balanced budget amendment courts will become superlegislatures. Indeed, opponents march out a veritable judicial parade of horribles where courts strike down spending measures, put the budgetary process under judicial receivership, and like Charles I of England, raise taxes without the consent of the people's representatives. All of this is a gross exaggeration. This parade has no permit.

I whole-heartedly agree with former Attorney General William P. Barr who stated that if House Joint Resolution 1 is ratified there is "little risk that the amendment will become the basis for judicial micromanagement or superintendence of the federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment."

STANDING, SEPARATION OF POWERS, AND POLITICAL QUESTIONS

There exists three basic constraints which prevent the courts from interfering in the budgetary process: First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of standing, particularly as enunciated by the Supreme Court in *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130 (1992); Second, the deference courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress; third, the limits on judicial remedies which can be imposed on a coordinate branch of government—in this case, of course, the legislative branch. These are limitations on remedies that are self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations, such as the doctrine of separation of powers, prohibit courts from raising taxes, a power exclusively delegated to Congress by the Constitution and not altered by the balanced budget amendment. Consequently, contrary to the contention of opponents of the balanced budget amendment, separation of power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress—which is consistent with the intent of the framers of the Constitution that all budgetary matters be placed in the hands of Congress.

Concerning the doctrine of standing, it is beyond dispute that to succeed in any lawsuit, a litigant must first demonstrate standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements: First, injury in fact—that the litigant suffered some concrete and particularized injury; second, traceability—that the concrete injury was both caused by and is traceable to the unlawful conduct; and third, redressibility—that the relief sought will redress the alleged injury. This is the test enunciated by the Supreme Court in the fairly recent and seminal case of *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130, 2136 (1992). [See, e.g., *Valley Forge Christian College* v. *Americans United for Separation of Church & State, Inc.*, 454 U.S. 464, 482–83 (1982).] In challenging measures enacted by Congress under a balanced budget regime, it would be an extremely difficult hurdle for a litigant to demonstrate the injury-in-fact requirement, that is, something more concrete than a generalized grievance and burden shared by all citizens and taxpayers. I want to emphasize that this is hardly a new concept. See *Frothingham* v. *Mellon*, 262 U.S. 447, 487 (1923). Furthermore, courts are not going to overrule this doctrine since standing has been held to be an Article III requirement. See *Simon* v. *Eastern Ky. Welfare Rights Org.*, 426 U.S. 26, 41 n.22 (1976).

Even in the vastly improbable case where an injury in fact was established, a litigant would find it nearly impossible to establish the traceability and redressibility requirements of the article III standing test. Litigants would have a difficult time in showing that any alleged unlawful conduct—the unbalancing of the budget or the shattering of the debt ceiling—caused or is traceable to a particular spending measure that harmed them. After all, there will be hundreds and hundreds of Federal spending programs even after Federal spending is brought under control. Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify or modify a specific spending measure objected to by the litigant.

As to the redressibility prong, this requirement would be difficult to meet simply because courts are wary of becoming involved in the budget process—which is legislative in nature—and separation of power concerns will prevent courts from specifying adjustments to any Federal program or expenditures. Thus, for this reason, *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), where the Supreme Court upheld a district court's power to order a local school district to levy taxes to support a desegregation plan, is inapposite because it is a 14th amendment case not involving, as the Court noted, "an instance of one branch of the Federal Government invading the province of another." [Jenkins at 67.] Plainly put, the Jenkins case is not applicable to the balanced budget amendment because section 1 of the 14th amendment—from which the judiciary derives its power to rule against the States in equal protection claims—does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes.

Furthermore, the well-established political question and justiciability doctrines will mandate that courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to "rely on estimates of outlays and receipts." See *Baker* v. *Carr*, 369 U.S. 186, 217 (1962). Under these circumstances, it is extremely unlikely that a court would substitute its judgment for that of Congress.

Moreover, despite the argument of some opponents of the balanced budget amendment, the taxpayer standing case, *Flast* v. *Cohen*, 392 U.S. 83 (1968), is not applicable to enforcement of the balanced budget amendment. First, the Flast case has been limited by the Supreme Court to establishment clause cases. This has been made clear by the Supreme Court in *Valley Forge Christian College*, 454 U.S. at 480. Second, by its terms, Flast is limited to cases challenging legislation promulgated under Congress' constitutional tax and spend powers when the expenditure of the tax was made for an illicit purpose. Sections 1 and 2 of House Joint Resolution 1, limit Congress' borrowing power and the amendment contains no restriction on the purposes of the expenditures. Finally, in subsequent cases, particularly the Lujan case, the Supreme Court has reaffirmed the need for a litigant to demonstrate particularized injury, thus casting doubt on the vitality of Flast. [See *Lujan*, 112 S. Ct. at 2136.]

I also believe that there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment. Although the Supreme Court has never addressed the question of congressional standing, the D.C. circuit has recognized congressional standing, but only in the following circumstances: First, the traditional standing tests of the Supreme Court are met, second, there must be a deprivation within the zone of interest protected by the Constitution or a statute—generally, the right to vote on a given issue or the protection of the efficacy of a vote, and third, substantial relief cannot be obtained from fellow legislators through the enactment, repeal, or amendment of a statute—the so-called equitable discretion doctrine. See *Melcher* v. *Open Market Comm.*, 836 F.2d 561 (D.C. Cir 1987); *Riegle* v. *Federal Open Market Committee*, 656 F.2d 873 (D.C. Cir.), cert. denied, 454 U.S. 1082 (1981). Because Members of Congress would not be able to demonstrate that they were harmed in fact by any dilution or nullification of their vote—and because under the doctrine of equitable discretion, Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal or amendment of a statute—it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment.

THE FOURTEENTH AMENDMENT AND THE BALANCED BUDGET AMENDMENT

Furthermore, some of my colleagues contend that because section 6 of House Joint Resolution 1, the section that mandates that Congress enforce the amendment through implementing legislation, is similar to section 5 of the 14th amendment, which permits Congress to enforce that amendment, courts will also be able to enforce the balanced budget amendment to the extent courts enforce the 14th amendment.

This analogy is misleading. First, courts may only enforce an amendment when legislation or executive actions violate the amendment or when Congress creates a cause of action to enforce the amendment. An example of the latter is 42 U.S.C., section 1983, the 1871 Civil Rights Act that implements section 1 of the 14th amendment. Of course, Congress has not created, and need not create, an analogous cause of action under section 6 of the balanced budget amendment, so there is no direct judicial enforcement provision in existence similar to section 1983.

Second, as to the judicial nullification of legislation or executive action that is allegedly inconsistent with a constitutional amendment, the case-or-controversy provision of article III requires that a litigant demonstrate standing. As I have stated at great length already during this debate, it is very improbable that a litigant could demonstrate standing under the balanced budget amendment—that the litigant could demonstrate a particularized injury, different from the generalized harm facing any citizen or taxpayer. Contrast this with cases under the 14th amendment where standing was found because a litigant could demonstrate a particular, individualized, and concrete harm, as in the one man, one vote case. See *Reynolds* v. *Sims*, 369 U.S. 186 (1962).

Third, in this circumstance, as I previously explained, under the separation of powers doctrine, courts will not entertain a suit where they cannot supply relief to the litigant. *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130 (1992). The Constitution under article I delegates to Congress taxing, spending, and borrowing powers. These are plenary powers that exclusively and historically have been recognized as belonging to Congress. The balanced budget amendment does not alter this. Courts, consequently, will be loathe to interfere with Congress' budgetary powers. It is simply an exaggeration to contend that courts will place the budgetary process under receivership or cut spending programs.

Fourth, as I also explained, the political question doctrine will deter courts from enforcing the balanced budget amendment. Budgetary matters—such as where to cut programs or how to raise revenues—are prototypically a political matter best left to the political branches of government to resolve. Courts, under the political question doctrine, will leave these matters to Congress.

CONGRESS' POWER TO RESTRAIN THE COURTS

Finally, it is simply wrong to assume that Congress would just sit by in the unlikely event that a court would commit some overreaching act. Believe me, Congress knows how to defend itself. Congress knows how to restrict the jurisdiction of courts or limit the scope of judicial remedies. But I do not think this necessary. Lower courts follow precedents, and the precepts of standing, separation of powers, and the political question doctrine, effectively limit the ability of courts to interfere in the budgetary process.

Nevertheless, if necessary, a shield against judicial interference is section 6 of House Joint Resolution 1 itself. Under this section, Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall, such as sequestration, rescission, or the establishment of a contingency fund. Pursuant to section 6, it is clear that Congress, if it finds it necessary, could limit the type of remedies a court may grant or limit courts' jurisdiction in some other manner to proscribe judicial overreaching. This is nothing new. Congress has adopted such limitations in other circumstances pursuant to its article III authority. Here are a few: First, the Norris-LaGuardia Act, [29 U.S.C. §§101–115], where the courts were denied the use of injunctive powers to restrain labor disputes; Second, the Federal Tax Injunction Act, [28 U.S.C. sec. 2283], which contains a prohibition on Federal courts from enjoining state court proceedings; and third, the tax Injunction Act, [26 U.S.C. sec 7421(a)], where Federal courts were prohibited from enjoining the collection of taxes.

In fact, Congress may also limit judicial review of particular special tribunals with limited authority to grant relief. For instance, the Supreme Court in *Yakus* v. *United States*, [319 U.S. 182 (1943)], upheld the constitutionality of a special emergency court of appeals vested with exclusive authority to determine the validity of claims under the World War II Emergency Price Control Act. In more recent times, the Supreme Court, in *Dames & Moore* v. *Reagan*, [453 U.S. 654 (1981)], upheld the legality of the Iranian-United States Claims Tribunal as the exclusive forum to settle claims to Iranian assets.

Beyond which, as I have mentioned earlier, in the virtually impossible scenario where these safeguards fail, Congress can take whatever action it must to moot any case in which a risk of judicial overreaching becomes real.

Mr. President, I believe it is clear that the enforcement concerns about the balanced budget amendment do not amount to a hill of beans. The fear of the demon of judicial interference is exorcised by the reality of over a century of constitutional doctrines that prevent unelected courts from interfering with the power of the democratic branch of government and that bestow Congress with the means to protect its prerogatives.

Mr. President, it is very clear. I do not think we should amend this amendment, certainly not with the language the distinguished Senator from Louisiana has brought forth here, which will lead us to more litigation than ever before in worse ways than ever before, and a reduction in the amount of Congress' power that currently exists, especially when we can easily change it in the implementing legislation without any problems.

I suggest the absence of a quorum.

Mr. JOHNSTON addressed the Chair.

Mr. HATCH. I withhold.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield myself 1 minute, just simply to reply to the argument that somehow this language would do away with the requirement for standing.

Mr. President, all this language says is that the judicial power of the United States shall not extend to a case in controversy under this article except for section 2.

Now, I invite a comparison with the present language of the Constitution which says:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made.

Now, under the language of the Constitution which says the judicial power shall extend to cases, controversies, et cetera, the court has required standing. It is the same language that we have in this amendment. Whatever requirement the court will find for standing under this amendment is the same language that inheres under the Constitution. And so, Mr. President, there is no expansion of standing under section 2 under our amendment.

Now, Mr. President, I would yield 2 minutes to the distinguished Senator from Washington.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. It seems to me the argument of my distinguished colleague from Utah comes down to a very simple set of inconsistent propositions. Proposition No. 1, courts are not going to get involved in enforcing this amendment. Proposition No. 2, we ought to have the courts involved in enforcing this amendment.

I just simply do not believe that Members can have it both ways. If, in fact, courts are going to stay out by reason of standing or other various doctrines which are not themselves contained in the Constitution, then it certainly does no harm to see to it that that is the result.

If, in fact, it is the proposition of the proponents of this constitutional amendment, some of the proponents because I am one of them, that courts should be involved, then it seems to me they are doing something in this field that almost without exception they deprecate in other fields. Judicial activism should not be invited into the process of writing budgets of the United States. That is a legislative and executive function.

The reason for the amendment is that the Senator from Louisiana, together with this Senator, wants to make certain that this remains solely a function of Congress and of the executive branch of Government. And all Members who feel that the courts may very well be too active today in many social and political issues should vote in favor of the amendment.

Mr. JOHNSTON. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank the Chair and I thank the Senator from Louisiana for yielding 2 minutes to me.

Mr. President, very quickly, I want to commend my friend from Louisiana, Senator JOHNSTON, for offering this amendment this afternoon. I truly believe that this is one of the most important amendments and one of the most critical decisions that we will make during the debate on the proposed amendment to the Constitution of the United States to have and to require a balanced budget.

Mr. President, I want to make two quick points. First, I think if the amendment of the Senator from Louisiana is defeated by this body this afternoon, two things are going to happen. I think the first thing is that this is going to be seen by the courts as an actual invitation to come forward and start implementing the balanced budget to the Constitution of the United States, assuming that two-thirds of the Senators agree and that three-fourths of the States support the balanced budget amendment.

The second thing, Mr. President, I say in all due respect, that I think is going to happen, is that the courts will look at the defeat of the Johnston amendment that we are now considering and are about to vote on, as having established legislative intent—should we defeat this amendment. And I only assume that the courts would ultimately declare that the Senate had decided, through the process of establishing legislative intent, that the courts would be the proper implementing authority to implement the balanced budget clause of the Constitution of the United States; the balanced budget amendment of the Constitution of the United States.

So I see two very bad things coming as a result, Mr. President.

If I could have 1 additional minute, Mr. President?

I thank my friend from Louisiana.

The PRESIDING OFFICER. The Senator may proceed.

Mr. PRYOR. I see two very bad things happening if we turn down the Johnston amendment. I think the Johnston amendment is sound. I think if you could take a poll of the country today and ask the people if they want the courts to implement a balanced budget amendment to the Constitution of the United States, if they want an unelected lifetime appointed Federal district judge from wherever to raise the taxes necessary to implement a balanced budget amendment to the Constitution, or in the Constitution, most people would say no. I say that if we fail to support, this afternoon, the very fine, clarifying amendment offered by the Senator from Louisiana, there could be a disastrous effect.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. JOHNSTON. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Louisiana has 17 minutes. The Senator from Utah has 11½ minutes.

Mr. JOHNSTON. Mr. President, I yield 4 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan has 4 minutes.

Mr. LEVIN. Mr. President, I commend the Senator from Louisiana and the Senator from Washington. These are two Senators who have different positions on the underlying amendment but who have come in very strong agreement on the need to clarify an ambiguity. Whatever side of the issue we are on, the underlying issue, we cannot in good conscience essentially leave a critical ambiguity in the Constitution as to how it is going to be enforced and whether or not the courts are going to be able to enforce this document.

The Senator from Utah, in whom I have a great deal of confidence and trust as a person of honor, says that it is very clear the courts cannot interfere with the budgetary process. And that is his intent. When he says it, as he has a number of times, I accept this as being his intent.

The difficulty is the lead sponsor of this language in the House seems to have a very different intent. So we are caught in an ambiguity. The ambiguity is not just between law professors. The ambiguity is between the language of the sponsor of this amendment that is before us in the House and the lead sponsor in the Senate, on the very important questions of standing to sue and what a court can do.

Representative SCHAEFER, in a formal answer for the RECORD—not a casual comment but a formal answer for the RECORD—he says the courts could invalidate individual appropriation or tax acts. I read this earlier this afternoon. I had it blown up so we could all see exactly what it is that he has said. "The courts could make only a limited range of decisions on a limited number of issues."

What are they? "They could invalidate an individual appropriation or tax act. They could rule as to whether a given act of Congress or action by the executive violated the requirements of this amendment." Perhaps he describes that as a limited range of decisions but surely that is a major intrusion in the budgetary processes of the U.S. Government.

I wish the intention were clear. I wish it were clear for the sake of a constitutional amendment which may be adopted.

For many other reasons I hope it will not be. I am one of those who opposes it for a number of reasons. But whatever side of the constitutional amendment issue we are on, it is incumbent on us to have language which is clear as to the heart of the matter, which is the enforcement of it. Over and over again we have stated the intention to balance the budget. The heart of the matter is can it be enforced and, if so, how will it be enforced? What is the mechanism to enforce it? The Johnston amendment clarifies the question of whether courts will take over legislative functions, such as individual appropriation acts or tax acts.

This is not a casual comment by one person who is voting for the amendment in the other body. This is a formal statement for the RECORD—one of many, by the way, which differs from the sponsors here—for instance on questions of standing. It is——

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. LEVIN. I will be happy to yield.

Mr. JOHNSTON. Does it not follow, if you have the power to invalidate a tax act, that you also have a power to order a tax?

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. JOHNSTON. I yield 2 additional minutes.

The PRESIDING OFFICER. The Senator may proceed for 2 additional minutes.

Mr. LEVIN. I think that may well follow. But if you can invalidate an appropriation act or a tax act you are deep in the budgetary process.

Representative SCHAEFER has said that a Member of Congress, "probably would have standing to file suit." That is a formal answer to a formal question, "probably would have standing."

Mr. HATCH. Will the Senator yield?

Mr. LEVIN. I will be happy to if I have time.

Mr. HATCH. Just one sentence. Congressman SCHAEFER, as sincere as he was, is not a lawyer. His life's work has been in public relations. He was simply wrong. I do not see anybody—I do not know anybody who would argue that they can invalidate individual appropriations or tax acts. He may have been very sincere making that statement. He was simply wrong.

Mr. LEVIN. I believe the Senator from Idaho put the exact same answers in the RECORD on this side, in the CONGRESSIONAL RECORD.

This is not a casual answer in a colloquy during a debate. These are formal answers, the questions and answers for the RECORD by the chief sponsor of the constitutional amendment that we are voting on. This was not something he threw off on his way to a press conference. This is formal. I am reading the CONGRESSIONAL RECORD in the House, on page 8754 here, and I am reading it precisely. It is—this is a long document of questions and answers for the RECORD.

> The courts could invalidate an individual appropriation or tax act.

On the question of standing, if we could get the other quote up here on the question of standing—this is what Representative SCHAEFER said.

> A Member of Congress or an appropriate administration official probably would have standing to file suit.

The Senator from Utah—and I take his word. I know—it is not his intent. When he looks me in the eye and he tells me what his intent is, no question, I accept it. I know him well. But it is very different from what Representative SCHAEFER, who is the prime sponsor of this amendment, is telling us.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. May I have 1 minute? I am out of time. I do not know if the Senator from Utah wants to ask me a question.

The PRESIDING OFFICER. Who seeks time?

Mr. HATCH. If I could. I do not know Representative SCHAEFER very well. But I do know his experience in these matters is somewhat limited. The fact that somebody puts something in the RECORD, albeit as sponsor of the amendment—this amendment has been around a long time. He was cosponsor of it. That does not mean he, or anyone else, wrote it.

But let us just talk in terms of what is really involved here.

The contention, for instance, that the balanced budget amendment would allow Federal courts to offer the raising of taxes is absolutely without merit. It is based on a misunderstanding of the case of Missouri versus Jenkins, which was a 14th amendment case.

In that case the Supreme Court in essence approved, by a 5-to-4 vote, a lower court remedial order directing State or county political subdivisions to raise taxes to support a court-ordered school desegregation order. The lower court had previously found that the school district had engaged in intentional segregation, in violation of the 14th amendment's equal protection clause.

The concern that the balanced budget amendment would allow a Federal court to order Congress to raise taxes to reduce the deficit is plainly without merit. Why? Because Jenkins is a 14th amendment case. Under the 14th amendment jurisprudence, Federal courts may perhaps issue this type of remedial relief to force the equal protection clause against the States, but certainly not against Congress, a coequal branch of Government. The 14th amendment, of course, does not apply to the Federal Government.

No. 2, separation-of-powers concerns would prohibit the judiciary from interfering with the budgetary, taxing, borrowing, and spending powers that are exclusively delegated to Congress by the Constitution.

And, three, Congress simply cannot be made a party-defendant. To order taxes to be raised, Congress would have to be named a defendant. Presumably, suits to enforce the balanced budget amendment would arise when an official or an agency of the executive branch seeks to enforce or administer a statute whose funding is in question in light of the amendment. In the case of Riegle versus Federal Open Market Committee, the court noted that "when a plaintiff alleges injury by unconstitutional actions taken pursuant to a statute, his proper defendants are those acting under the law * * * and not the legislature which enacted the statute."

So, I respect Congressman SCHAEFER, but he just simply is wrong on those statements, and the law says he is wrong.

Mr. President, let me just switch for a minute. I ask unanimous consent that Senator BIDEN be recognized to offer an amendment on capital budgeting following the disposition of Senator JOHNSTON's amendment and Senator BYRD be recognized to offer an amendment following the disposition of Senator BIDEN's amendment. I also ask unanimous consent that there be a time limit on the Biden amendment prior to a motion to table as follows: 90 minutes under Senator BIDEN's control, 20 minutes under Senator HATCH's control; and, that at the conclusion or yielding of time, the majority leader or his designee be recognized to offer a motion to table the Biden amendment and that no other amendments be in order prior to the motion to table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum and ask that it not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield to the distinguished Senator from Pennsylvania 5 minutes.

How much time do I have left?

The PRESIDING OFFICER. Eleven minutes 7 seconds.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had asked the distinguished Senator from Louisiana to yield me time because the manager of the bill, the distinguished Senator from Utah, asked me if I could get time. I have not made up my mind yet on the matter, but I wanted to express my concerns about the pending issue's repealability and have some ideas from the manager as to where the issue stood.

While this floor debate has been in process, the Judiciary Committee has been meeting in the Antitrust Subcommittee on the baseball issue. The pending amendment makes it plain that there will not be Federal court jurisdiction, that the judicial power of the United States shall not extend in any case or controversy arising under this article except section 2 here, which may be specifically authorized in implementing legislation pursuant to this section. But I inquire of the Senator from Louisiana what the exception for section 2 refers to.

Mr. JOHNSTON. Section 2 provides that the limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide for that.

Mr. SPECTER. I thank my colleague. That is very limited exception. There is no jurisdiction. The issue of jurisdiction concerns me greatly. Earlier this year, I argued a case at the Supreme Court of the United States involving the Base Closure Commission. The issue was whether Federal courts had jurisdiction of the matter. I had the occasion to do very extensive research on the jurisdictional question. It is my view that there ought not to be jurisdiction in the Federal courts on the compliance with the constitutional amendment. This is a duty on the Congress.

There is the possibility of extensive litigation, and we ought to make our position clear on that in one way or another.

If I may have the attention of the Senator from Utah. I understand the concerns the Senator from Utah has in not wanting to have amendments added to the bill because that subjects the issue to conference, but the question I have of the managers of the measure is what is the import of the absence of this amendment? Will there be jurisdiction of the Federal courts, I first inquire of my colleague from Utah?

Mr. HATCH. Well, first of all, it is not just the concern about going to conference, it is a concern about the House wanting to pass the balanced budget again with this amendment in it. We are not sure where everybody is there. Second, if we do go to conference, we are not sure we can hold on to it. Even so, third, the amendment now, as modified, says, "The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof." That has now been put into the amendment, which worries us.

If section 2 is opened up for litigation, then the courts may take that as an implication that we will permit their lessening of the standing requirements and other requirements. So we think that makes it even worse and that would create even more litigation than the Senator is talking about.

Last but not least, we are very concerned that if you cut off litigation rights for cases, which I personally cannot conceive of at this point, but as the distinguished Senator from Pennsylvania understands, with his experience in the law, there may be real rights that may have to be brought in the courts for particularized injuries to individuals. Those are the reasons.

Mr. SPECTER. I ask my colleague from Utah, if the language exception as to section 2 were removed, would the amendment be agreeable?

Mr. HATCH. No, it still would not be because of the other reasons. It still would not be agreeable because we believe it is a false issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSTON. Does the Senator wish another minute?

Mr. SPECTER. It depends on how long Senator HATCH's answer is.

Mr. HATCH. It will be at least a minute. We do not believe that we have to fear the courts in this matter, because of the principle of standing, and the doctrines of justiciability, the political question and separation of powers.

Mr. SPECTER. Well, if I may have 30 seconds more, is it the view of my colleague from Utah, the manager of the measure, that there would be no Federal jurisdiction, no jurisdiction in the Federal courts even without this amendment?

Mr. HATCH. I am not sure I understand the question.

Mr. SPECTER. Well, if this amendment is defeated, could the U.S. courts entertain jurisdiction in a suit that is brought challenging the following or compliance with the constitutional amendment for a balanced budget?

Mr. HATCH. Only if the court is extremely activist and not willing to follow the law.

Mr. SPECTER. Only if the court is——

Mr. HATCH. There may be jurisdiction, but there will not be any standing. That is the difference. It would take a very activist judge, who I think would be slapped down very quickly.

Mr. SPECTER. If you are going to rely on standing, the vagaries of that issue, or a defense that may be advanced to stop somebody from going into court, that is very perilous ground. I think it is advisable for this body to face the jurisdictional issue squarely. I think we ought to say whether or not we wish the Federal courts to have jurisdiction over compliance with the constitutional amendment for a balanced budget.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JOHNSTON. Mr. President, the Senator from Pennsylvania, who has one of the best legal minds in this body, has put his finger directly on the question. It is not clear whether there would be standing, justiciability, or whether it would be a political question. But the majority of the opinions I have seen indicate that there would be such standing. The Harvard Law Review demonstrates, however, that taxpayers probably would have standing to challenge. Professor Tribe, Judge Bork, and on and on, Mr. President. The better view is that there probably is standing that the courts would interfere, but it is not clear and it ought to be cleared up. That is what this amendment does.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Louisiana has 4½ minutes. The Senator from Utah has 7½ minutes.

Mr. HATCH. Can I ask the date of that law review article?

Mr. JOHNSTON. Harvard Law Review, 1983.

Mr. HATCH. That preceded the Lujan case. The law review articles precede that case and are not applicable.

Mr. President, I suggest the absence of a quorum and ask that it not be charged to either side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEFFORDS). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I oppose the Johnston amendment because it is unnecessary and based on false premises. Under the constitutional balanced budget amendment before us, the Congress will have the authority to enforce the balanced budget amendment. All issues regarding the implementation and enforcement of the amendment will be resolved through implementing legislation.

A constitutional amendment necessarily is limited to general principles. It cannot spell out all issues that could arise under that amendment. Many constitutional amendments provide that Congress can enforce the provision through appropriate legislation. House Joint Resolution 1 follows in that tradition.

I agree that any litigation that might be brought under this amendment should be resolved expeditiously. But the amendment offered by the Senator from Louisiana is not necessary to achieve that result. Congress can set the appropriate jurisdiction of the Federal courts. Congress can pass implementing legislation that provides for Federal court actions only. And it can provide for expedited review of lower court decisions and set forth the available relief.

However, Congress cannot adopt the suggestion of the Senator from Louisiana that Congress could give the Supreme Court original jurisdiction to hear a case under the balanced budget amendment. The Supreme Court ruled in Marbury versus Madison that Congress cannot expand the original jurisdiction of the Supreme Court.

Only litigants with standing to challenge governmental action under the amendment would be able to file a lawsuit under the requirements of article III. Some individuals might have standing. Even these individuals, however, would not be able to require a judicial resolution of their cases if the Court concludes that the case raises a political question.

Under the political question doctrine, courts will not decide cases raising issues that appropriately fall within the authority of the other two branches. For example, the Constitution guarantees a Republican form of government.

But the courts have refused to issue decisions in cases raising that constitutional provision because its enforcement appropriately lies within the authority of the political branches. Similarly, courts have refused to intervene in challenges to the President's authority over foreign affairs.

Many of the questions raised under this amendment would also be political ones that courts would not rule on.

All the supporters of the balanced budget amendment are concerned with the idea of courts potentially making tax and spending decisions. We intend that courts not do that. And we will pass implementing legislation to address the process by which any litigation can be brought. There is no need to preclude judicial enforcement pending the enactment of that implementing legislation.

Mr. CRAIG. Mr. President, I rise in opposition to the Johnston amendment.

I am not a lawyer, but legal and constitutional experts I trust and respect have convinced me that the supposed problem with judicial review is, at best, no problem at all; and, at worst, it is a red herring that may give some Senators an excuse to vote no on the BBA.

I start with Senator HATCH, an outstanding constitutional lawyer. If there were a risk of judicial intrusion into legislative matters, he would be the down here arguing for an amendment to restrict the power of the courts.

I am convinced that there is no risk of improper court action. Otherwise, I would be the first Senator down here supporting a limit on judicial review.

I am persuaded by the testimony of former Attorney General William Barr. To summarize what he said:

There is a remote risk of judicial micromanagement; if judicial intrusion arose, Congress could correct it by statute;

The remote, correctable risk was far outweighed by the need for, and the benefits of the balanced budget amendment;

There would rarely—if ever—be standing to sue;

The Constitution, the balanced budget amendment itself, and long-established judicial and constitutional doctrines all require the courts to pay great deference to Congress' handling of legislative business, especially when Congress acts affirmatively to establish statutory processes to enforce and implement the amendment.

Former Attorney General Griffin Bell, a Democrat from the Carter administration appeared before the Judiciary Committee this year to strongly endorse the balanced budget amendment.

In a 1992 memo to Representative L.F. PAYNE on this subject, the Lincoln Legal Foundation said this:

> (T)here is virtually no danger that the constitutional balanced budget amendment . . . would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of federal funds without appropriations.

Last year, in testimony, attorney John C. Armor told the Judiciary Committee:

The balanced budget amendment a suitable addition to the Constitution;

Limited judicial review was appropriate;

Congress is already empowered in the Constitution to limit judicial intrusion appropriately through statute.

Finally, I refer to an excellent brief memo by the U.S. Chamber of Commerce that summarizes how judicial action will be limited appropriately.

I am tired of opponents to the balanced budget amendment citing the Missouri v. Jenkins case.

I agree that Missouri v. Jenkins was decided wrongly; but that case has nothing to do with the legal or constitutional considerations around this amendment.

That was a case of Federal preemption. That was a case of the Federal courts enforcing Federal law on a local school district.

Let us look at our Constitution:

Article I says, "All legislative powers herein granted shall be vested in a Congress of the United States * * *"

Raising taxes is a legislative power.

Writing budgets and setting priorities is a legislative power.

Article III says: "* * * the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

Let us look at the amendment itself:

Section 6 says Congress will enforce and implement the BBA;

Section 6, by expressly allowing good faith reliance on reasonable estimates, allows Congress reasonable flexibility and reduces the likelihood of second-guessing by the courts;

Section 2, by subjecting Congress to 3/5 votes on the limit on debt held by the public, makes the amendment essentially self-enforcing and locates that self-enforcement squarely in Congress.

No other amendment to the Constitution removes the courts from the process of enforcement.

In fact, the very, very slight chance that some case may come before the courts is a good thing; it will motivate Congress to make sure we comply with the amendment and stay out of court. It will reassure American people that the same branches of Government that built up a $4.7 trillion debt, will at least have the legality of their actions subject to fair and impartial interpretation.

At the same time, judicial involvement will be limited to, in the words of Marbury versus Madison, "saying what the law is." They may strike down a piece of budget legislation—we may be told to go back and start over. They may rule whether an action by the President is or is not contrary to the amendment.

It does not mean the courts can write a budget or raise taxes. But interpreting the law is the job of the courts. Congress can enact reasonable limitations on judicial review. All of which is appropriate, limited, and balanced.

As Senator BROWN has pointed out, the experience of the States with that flood of lawsuits has never materialized.

Finally, as Senator SIMON has said, if we balance the budget, if we run small surpluses, if we take care to vote on the issues the amendment says to vote on, we will never be hauled into court.

I ask unanimous consent that the various documents that I have just referred to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM P. BARR, SENATE COMMITTEE ON THE JUDICIARY, HEARINGS ON THE BALANCED BUDGET AMENDMENT, JANUARY 5, 1995

Mr. Chairman and distinguished members of the Committee: I am honored to have been invited today to testify on the Balanced Budget Amendment.

You have asked me to discuss whether judicial enforcement of the Amendment would result in undue interference by the federal courts in the budget process.

In my view, though it is always difficult to predict the course of future constitutional law development, the courts' role in enforcing the Balanced Budget Amendment will be quite limited. I see little risk that the Amendment will become the basis for judicial micromanagement or superintendence of the federal budget process. Furthermore, to the extent such judicial intrusion does arise, the Amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an Amendment.

I believe there are three basic constraints that will tend to prevent the courts from becoming unduly involved in the budgetary process: (1) the limitations on the power of federal courts contained in Article III of the Constitution—primarily the requirement of standing; (2) the deference courts would owe to Congress, both under existing constitutional doctrines, and particularly under section 6 of the amendment itself, which expressly confers enforcement responsibility on Congress; and (3) the limits on judicial remedies running against coordinate branches of government, both that the courts have imposed upon themselves and that, in appropriate circumstances, Congress may impose on the courts.

I will discuss each of these constraints in turn. Before I do, however, let me note that my remarks will focus on sections 1 and 2 of the Amendment. It is these provisions that would create new limits on Congress' power to borrow and to expend borrowed funds, and those new limits may potentially give rise to new opportunities for courts to intrude themselves into the budgetary process in ways they currently cannot. Section 4 of the Amendment, in contrast, presents no such new opportunity or risk for judicial interference in the budgetary process. Section 4 merely adds further procedural requirements for the passage of revenue bills, and courts today already may entertain claims that revenue bills (either taxes or user fees) do not comply with clear constitutional procedures.

I. ARTICLE III LIMITATIONS

Article III of the Constitution confines the jurisdiction of the federal courts to "Cases" or "Controversies." As an essential part of this case-or-controversy limitation, any plaintiff who hopes to invoke the judicial power of the federal courts must demonstrate sufficient "standing."

Although the Court has not been completely consistent is defining this doctrine, its fundamental principles remain clear. At an irreducible minimum, a plaintiff must show three things to satisfy the standing requirement: (1) "injury in fact"—that he personally has suffered some concrete and particularized injury; (2) "traceability"—that the particularized injury was caused by, and is fairly traceable to, the allegedly illegal conduct; and (3) "redressibility"—that the relief sought will likely redress the plaintiff's injury. *E.g., Lujan v. Defenders of Wildlife*, 112 S. Ct. 2130, 2136 (1992); *Valley Forge Christian College v. Americans United For Separation of Church & State, Inc.*, 454 U.S. 464, 482–83 (1982); *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26, 38, 41 (1976).

Basically, we can anticipate two kinds of court challenges relating to sections 1 and 2 of the Balanced Budget Amendment: (1) a claim that a particular budgetary action (such as a spending or borrowing measure) violates the Amendment or its implementing statutes by "unbalancing" the budget or by exceeding the applicable debt limit, or (2) a claim that one of the implementing mechanisms enacted by Congress pursuant to section 6 of the Amendment is itself in violation of section 1 or 2. In either case, I believe, few plaintiffs would be able to establish the requisite standing to invoke federal court review.

The "injury in fact" requirement alone would be an imposing hurdle. It is fundamental that, to establish "injury in fact," a plaintiff cannot rely on generalized grievances and burdens shared by all citizens and taxpayers, but rather must be able to show a particularized injury that he has distinctively sustained. No private citizen or group would have standing to obtain judicial enforcement of the Amendment solely by virtue of their status as a citizen or taxpayer. Their supposed injury—the burden of deficit spending and increased debt—is shared by all taxpayers and is precisely the kind of "generalized grievance" to which the judicial power does not extend. As the Supreme Court recently reiterated: "As an ordinary matter, suits premised on federal taxpayer status are not cognizable in the federal courts because a taxpayer's 'interest in the moneys of the Treasury * * * is shared with millions of others, is comparatively minute and indeterminable; and the effect upon future taxation, or any payments out of the funds, so remote, fluctuating and uncertain, that no basis is afforded for [judicial intervention].'" *Asarco, Inc. v. Kadish*, 490 U.S. 605, 613 (1989) (quoting *Frothingham v. Mellon*, 262 U.S. 447, 487 (1923)).

Moreover, even in the case where a plaintiff could establish "injury in fact"—by showing, for example, that a specific budgetary action causes particularized and distinct harm to him—it would still be difficult for that plaintiff to satisfy the remaining two elements of Article III standing—the traceability and redressibility requirements. Given the myriad components of any budget, most plaintiffs would be unable to show that the putatively illegal conduct—the unbalancing of the budget or the breaking of the debt ceiling—was "caused" by, and hence is fairly traceable to, the particular spending measure that has allegedly harmed them. Moreover, a plaintiff would be hard put to demonstrate redressibility because the political branches would have numerous ways to achieve compliance with the Amendment—other than by eliminating the specific measure harming the plaintiff. There would thus be no legitimate basis for a court to single out and strike down the specific spending measure to which the plaintiff objects.

I should for a moment address the case of *Flast v. Cohen*, 392 U.S. 83 (1968), where the Supreme Court, 27 years ago, allowed a taxpayer to mount an Establishment Clause challenge against federal aid to parochial schools. *Flast* is the only instance where the Court has departed from its rigorous restriction on taxpayer standing. *Flast* plainly has no application to the present context and would not authorize general taxpayer standing to seek judicial enforcement of the Balanced Budget Amendment. First, the Court has never identified any constitutional restriction on the powers of Congress other than the Establishment Clause that might support an exception to the general prohibition on taxpayer standing. Moreover, by its terms, *Flast* is limited to cases challenging congressional action taken under its tax-and-spending power (Art. I, Sec. 8, Cl. 1 of the Constitution) when the expenditure of tax revenue is made for an illicit purpose. In contrast, sections 1 and 2 of the Balanced Budget Amendment limit Congress' *borrowing* power (a separate power, enumerated in Art. I, Sec. 8, Cl. 2) and contains no restriction on the purposes of congressional expenditures. The Court has expressly declined to extend *Flast* beyond the exercise of Congress' power under Art. I, Sec. 8, Cl. 1 to other fiscal provisions. *See, e.g., Valley Forge Christian College*, 454 U.S. at 480. And finally, in subsequent cases, the Supreme Court has consistently reaffirmed to need for *all* plaintiffs to demonstrate particularized injury, thus casting doubt on the continued vitality of *Flast*. I cannot see the Court resurrecting and extending *Flast* in the context of the Balanced Budget Amendment.

There remains the question whether, by virtue of their office, Members of Congress can establish standing where a private citizen could not. The Supreme Court has never recognized congressional standing, and forceful arguments have been advanced against it. *See Barnes v. Kline*, 759 F.2d 21, 41–51 (D.C. Cir. 1985) (Bork, J., dissenting), *vacated as moot sub nom. Burke v. Barnes*, 479 U.S. 361 (1987). Those lower courts that have allowed congressional standing have limited it in ways that would greatly restrict its use in efforts to enforce the Balanced Budget Amendment. First, Members must demonstrate that they have suffered injury in fact by dilution or nullification of their congressional voting power. In addition, Members must still satisfy the other requirements of Article III standing, including the traceability and redressibility requirements. And finally, under the doctrine of "equitable discretion," recognized by the D.C. Circuit, Members must show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal or amendment of a statute. *See Melcher v. Federal Open Market Comm.*, 836 F.2d 561, 563 (D.C. Cir. 1987).

Even if the legitimacy of congressional standing, in principle, were ultimately accepted by the Supreme Court, I would expect that doctrine would have narrow application in the context of the Balanced Budget Amendment. Even if a circumstance arose where a Member could meet the first two requirements, it seems that, absent a serious and clear abuse, the equitable discretion doctrine would militate strongly against allowing congressional standing. This is not like the Pocket Veto cases where the Executive has allegedly "nullified" a Member's vote; here it is Congress itself that is taking the challenged action. If the doctrine of "equitable discretion" has any force, it should apply to limit judicial actions by individual Members who wish to challenge enforcement of the Congress' own budgetary decisions, since the real grievance of the congressional plaintiffs in such a case would be the failure to persuade their fellow legislators of the correctness of their point of view. *See Moore v. United States House of Representatives*, 733 F.2d 946, 956 (D.C. Cir. 1984), *cert. denied*, 469 U.S. 1106 (1985); *Riegle v. Federal Open Market Comm.*, 656 F.2d 873, 881 (D.C. Cir.), *cert. denied*, 464 U.S. 1082 (1981).

It is obvious from this discussion that I view Article III's standing requirement as a principal safeguard against undue judicial activism in this area. But I would be the last to say that the standing doctrine is an iron-clad shield against judicial activism. The doctrine is malleable and it has been manipulated by the courts in the past. There is a clear trend, however, toward narrowing the parameters of constitutional standing. *See Lujan v. Defenders of Wildlife, supra; Valley Forge Christian College, supra*. Furthermore, we can anticipate that the congressional budgetary process is not likely to be a field where the courts would be eager to stretch the doctrine. The federal budget and the public debt limits do not typically implicate sensitive individual rights, and thus there may be less temptation for courts to apply the standing requirements more loosely. In addition, courts are not expert at fathoming the ins and outs of budgetary arcana, and there is no reason to think they would be so inclined to enter that thicket as to manipulate standing principles to do so. Nevertheless, the possibility remains. One way to minimize the risk of such judicial activism is for Congress to take care in the wording of any particular statutes that are enacted in implementing the Amendment so as not to give rise to colorable claims of standing or private rights of action.

Before moving on, I should also point out for the Committee one area that I believe does hold some potential for mischief and that Congress may wish to address. That is the area of state court review. The constraints of Article III do not, of course, apply to state courts, which are courts of general jurisdiction. State courts are not bound by the "case or controversy" requirement or the other justiciability principles, even when deciding issues of federal law, including the interpretation of the Federal Constitution. *Asarco, Inc.*, 490 U.S. at 617. Accordingly, it is possible that a state court could entertain a challenge to a federal statute under the Balanced Budget Amendment despite the fact that the plaintiffs would not satisfy the requirements for standing in federal court. Absent an applicable provision in federal law for exclusive jurisdiction in the federal courts, the state court in such a circumstance would have the authority to render a binding legal judgment. *Ibid*. The only avenue for federal review would be by certiorari to the Supreme Court, which has held that it may exercise its discretionary jurisdiction in such cases "if the judgment of the state court causes direct, specific, and concrete injury to the parties who petition for * * * review, where the requisites of a case or controversy are also met." *Id*. at 623–24.

To avoid the possibility that a federal statute or the federal budgetary process itself might be entangled in such a state court challenge, I would suggest that Congress include a provision for exclusive federal jurisdiction in any implementing legislation enacted pursuant to section 6 of the Amendment. Such a provision should be carefully worded so as not to create inadvertently any implied right of judicial review in federal court and so as not to affect any of the otherwise applicable limitations on justiciability discussed in this statement.

II. JUDICIAL DEFERENCE

Let me now turn to the second factor that will constrain judicial overreaching. In those cases where standing is established and the court proceeds to review the merits of a claim under the Balanced Budget Amendment, there is no reason to believe that the court would readily second-guess decisions made by the political branches. On the contrary, following long-established doctrine, as well as the Amendment's own explicit dictates, a reviewing court is likely to accord the utmost deference to the choices made by Congress in carrying out its responsibilities under the Amendment.

This judicial deference would be strongest in cases challenging the implementing mechanisms adopted by Congress. The Balanced Budget Amendment, in essence, mandates certain results (balanced budgets and capped debt) and leaves it to Congress to put in place mechanisms to achieve those results. It is well-established that where the Constitution requires a certain "end," Congress will be given the widest latitude in selecting "means" to achieve that end. Thus, for example, the courts have accorded broad deference to Congress in its selection of appropriate enforcement mechanisms under section 5 of the Fourteenth Amendment. *See Katzenbach v. Morgan*, 384 U.S. 641 (1966). And in the context of the apportionment process, where the Constitution mandates in fairly precise terms that Representatives shall be apportioned among the several States "according to their respective Numbers" (Art. I, Sec. 2, Cl. 3), the Supreme Court has deferred to Congress' choice of the method for apportionment, even though a State adversely affected could demonstrate that another method might yield a more accurate result. *See U.S. Dep't of Commerce v. Montana*, 112 S. Ct. 1415, 1429 (1992).

The need for deference would be even more compelling in cases under the Balanced Budget Amendment, since the language of the Amendment explicitly confers on Congress, in mandatory terms, the responsibility for implementing the Amendment and specifically allows Congress in so doing to "rely on *estimates* of outlays and receipts" (emphasis added). Unless the implementing and enforcement provisions adopted by Congress are plainly incompatible with the Amendment, it is unlikely a court would substitute its judgment for choices made by Congress.

Even in challenges to specific budgetary actions—for example, a claim that a particular spending measure threatens to unbalanced the budget—the courts would tend to defer to the judgments of the political branches, except where a constitutional violation is clear. Not only do courts start with the general presumption that Congress has acted constitutionally, *see Pension Benefit Guaranty Corp. v. R.A. Gray & Co.*, 467 U.S. 717, 729 (1984), but that general rule of deference is substantially reinforced by the Amendment's explicit assignment of implementation responsibility to Congress in section 6, including the express recognition that Congress may rely on estimates—a process that inherently involves discretionary and expert judgments. It is precisely when reviewing these kinds of technical fiscal issues—matters uniquely within the province and expertise of the political branches—where the courts are most inclined to defer to the sound judgment of the Congress and the Executive.

In sum, then, even where the courts reach the merits of a claim under the Balanced Budget Amendment, we are far more likely to see deference to Congress than heavy-handed second-guessing by the courts. This is not to say that courts will ignore clear instances of abuse; however, it is precisely in such cases—in which the violations are not arguable but palpable—where judicial intervention is most appropriate.

III. LIMITATIONS ON JUDICIAL REMEDIES

For the reason outlined above, I am confident the courts will entertain very few suits challenging congressional actions under the Balanced Budget Amendment, and that, when and if they do, the courts will be inclined to defer to the judgments of Congress and the Executive in the budget area. Assuming, however, that a court might entertain such a suit and might declare a particular budgetary action unconstitutional as a violation of the Amendment, there are still further judicial constraints making it unlikely a court will order intrusive remedies in such a case. As I see it, these constraints fall into two categories: prudential considerations that will limit a court's exercise of its remedial powers and limitations created by section 6 of the Amendment itself.

First, courts are appropriately wary of becoming too deeply involved in superintending decisions and processes that are essentially legislative in character, and for that reason, any court—most certainly the Supreme Court—will hesitate to impose remedies that could embroil it in the supervision of the budgetary process. Indeed, in the context of the Balanced Budget Amendment, the choice of any specific remedy—for example, an order specifying a particular adjustment of expenditures to bring the federal budget back into compliance with the Amendment—would invariably require the court to displace Congress by making a policy decision that is inherently legislative and therefore inappropriate for the courts. I believe it far more likely that a court faced with a violation of the Amendment would take the less intrusive route of simply declaring the particular action at issue unconstitutional and leaving it to Congress to choose the appropriate remedy.

There are plenty of cases in which the Supreme Court has followed this route. For example, in *Buckley* v. *Valeo*, 424 U.S. 1 (1976), the Court declared the composition of the Federal Election Commission unconstitutional as a violation of the Appointments Clause, but stayed the Court's judgment to "afford Congress an opportunity to reconstitute the Commission by law or to adopt other valid enforcement mechanisms" that would remedy the violation. *Id.* at 143. And recently, in *Harper* v. *Virginia Dept. of Taxation*, 113 S. Ct. 2510 (1993), where the Court refused to order refund of the amounts improperly collected and held instead that the fashioning of an appropriate remedy was properly left to state authorities. *See id.* 2519–20.

Even in cases where there has been a proven violation of the Fourteenth Amendment, the Court has required the same respect for a legislature's ability to devise remedies involving the exercise of the legislature's taxing authority. In *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), the Court confirmed that "the imposition of a tax increase by a federal court," even as a remedy for racial segregation by a state school district, must be "an extraordinary event." *Id.* at 51. "In assuming for itself the fundamental and delicate power of taxation," the Court held, "the District Court not only intruded on local authority but circumvented it altogether. Before taking such a drastic step the District Court was obliged to assure itself that no permissible alternative would have accomplished the required task." *Ibid.* According to the Court, "the very complexity of the problems of financing and managing a * * * public school system suggests that * * * the legislature's efforts to tackle the problems should be entitled to respect" and that "local officials should at least have the opportunity to devise their own solutions to these problems." *Id.* at 52 (internal quotation marks removed). The Court in *Jenkins* upheld the district court's power to order a local school district to levy its own taxes because such a levy was the only means by which the school district could raise funds adequate to comply with the court's desegration order. *See id.* at 55–58. That could never be the case with any potential violation of the Balanced Budget Amendment, which imposes a cap on spending and the public debt, rather than an obligation to raise revenues. There will always be a myriad of policy choices available to Congress for avoiding infringement of the budget cap.

Jenkins is also readily distinguishable from the context of the Balanced Budget Amendment on the ground that *Jenkins* did not involve "an instance of one branch of the Federal Government invading the province of another," but instead involved a court order "that brings the weight of federal authority upon a local government and a State." *Id.* at 67 (Kennedy, J., concurring in part and concurring in the judgment). The distinction is critical because under Article I, Section 1, "[a]ll legislative Powers" granted under the Federal Constitution are vested in Congress, and the enumeration of legislative powers begins by providing that "[t]he Congress shall have Power To lay and collect Taxes" (Art. I, Sec. 8, Cl. 1). Based on these provisions, the Court has stated that "[t]axation is a legislative function, and Congress * * * is the sole organ for levying taxes." *National Cable Television Ass'n* v. *United States*, 415 U.S.C. 336, 340 (1974). *See Missouri* v. *Jenkins*, 495 U.S. at 67 (Kennedy, J.).

A second source of limitations on the courts' exercise of their remedial powers is found in the Amendment itself. Under section 6, which provides that "[t]he Congress shall enforce and implement this article by appropriate legislation," Congress will have the authority to adopt remedies for any purported violation of the Amendment. Congress, for example, could provide for correcting a threatened budget imbalance or overspending through sequestration, rescission or other devices. In addition, section 6 logically gives Congress the power to limit the types of remedies that might be ordered by a court. This power is consistent with Article III's delegation of authority to Congress to define and limit the jurisdiction of the federal courts, and would allow Congress, for example, to deny courts the ability to order injunctive relief for violations of the Amendment. Congress has adopted such limitations in other contexts. *See, e.g.*, Norris-LaGuardia Act, 29 U.S.C. §§101–115 (prohibiting courts from entering injunctions in labor disputes); Federal Anti-Injunction Act, 28 U.S.C. §2283 (prohibiting federal courts from enjoining state court proceedings); Tax Injunction Act, 26 U.S.C. §7421(a) (prohibiting suits to restrain the assessment or collection of taxes).

These powers given to Congress will compound the courts' self-imposed prudential concerns, with the result that the courts will be even more hesitant to order intrusive remedies for ostensible violations of the Amendment. Courts regularly defer to remedies that have been crafted by Congress. This deference is shown even in cases involving the vindication of individual rights. The Supreme Court, for example, has held that Congress may adopt procedures limiting the remedies available in so-called *Bivens* actions, which are actions brought against federal officials for the violation of an individual's constitutional rights. *See Bush* v. *Lucas*, 462 U.S. 367, 388-90 (1983). Similarly, in devising a judge-made remedy for violations of the Fifth Amendment privilege against self-incrimination in *Miranda* v. *Arizona*, 384 U.S. 436 (1966), the Court recognized that "Congress and the States are free to develop their own safeguards" to redress violations of the privilege and that such alternative remedies would be respected by the courts. *See id.* at 490. Moreover, even if Congress does not exercise the authority granted to it under section 6, the courts will undoubtedly be aware of Congress' ability to limit the relief that courts may grant, and this awareness in and of itself will likely check any tendency on the part of the courts to develop their own creative remedies for violation of the balanced budget requirement.

IV. THE AMENDMENT'S EFFICACY

Some have suggested that the federal courts' limited role in enforcing the Balanced Budget Amendment makes the Amendment a "paper tiger." Their premise is that, unless the courts are there to coerce compliance at every turn, the political banches will flout their constitutional responsibilities. These critics do not argue for a greater role for the courts so much as they dismiss the Amendment as a feckless exercise. In my view, this critique is mistaken: it is based on a distorted view of the Constitution and ignores the practical experience of over two centuries.

First, of course, the point is not that the courts will never be there; it is that we need not fear an avalanche of litigation, with the courts regularly reviewing fiscal decisions and effectively usurping the proper functions of the political branches. Where the judicial power can properly be invoked, it will most likely be reserved to address serious and clearcut violations.

More importantly, Members of Congress and Presidents seek to conform their actions to constitutional norms, not because of external threats of judicial coercion, but primarily because of their own fidelity to constitutional principles. After all, it is not only judges who must take an oath of allegiance to the Constitution. Just as the vast majority of citizens obey the law because they wanted to—not because they fear the police—so too those who serve in the political branches feel constrained by constitutional requirements and strive to obey them, whether backed by judicial sanction or not. Congress, for example, has dutifully provided for a census every ten years since the 1790s, as required by the Constitution, without court order. Even in an area as unreviewable and murky as the War Powers, the political branches strive to comply with constitutional norms. And the Senate has always administered responsibly its sole power to try cases of impeachment, without allowing such trials to degenerate into Kangaroo courts, even though the exercise of that power is not subject to the check of judicial review. *See Nixon* v. *United States*, 113 S. Ct. 732 (1993). As Judge Williams put it in the *Nixon* case:

"If the Senate should ever be ready to abdicate its responsibilities to schoolchildren, or, moved by Caligula's appointment of his horse as senator, to an elephant from the National Zoo, the republic will have sunk to depths from which no court could rescue it. And if the senators try to ignore the clear requirement of a two-thirds vote for conviction, they will have to contend with public outrage that will ultimately impose its sanction at the ballot box. Absent judicial review, the Senate takes sole responsibility for its impeachment procedures as a full-fledged constitutional actor, just as the framers intended." *Nixon v. United States*, 938 F.2d 239, 246 (D.C. Cir. 1991) (footnote omitted), *aff'd*, 113 S. Ct. 732 (1993).

For over 200 years, day after day, the business of government has gone forward in prescribed channels, with judicial enforcement the exception, not the rule. The Balanced Budget Amendment will be effective without judges hovering at Congress' elbow; the Congress will carry it out and it will achieve its intended results.

Finally, we can rest assured that the Amendment will be policed through the most effective enforcement mechanism of all—the watchfulness and wrath of the American people. After all, the requirements of the Balanced Budget Amendment are not like those of the Appointments Clause or the Emoluments, Clause, which could be violated with virtually no political fallout. Rather, they touch upon one of the core political concerns of the people. Does anyone seriously maintain that Congress could thumb its nose at a constitutional balanced budget requirement with impunity? Or play fast-and-loose with it and escape political retribution? It is precisely in areas like this, where the political check is so potent, that we can safely trust in its efficacy.

Thank you, Mr. Chairman.

STATEMENT OF GRIFFIN B. BELL, SENATE JUDICIARY COMMITTEE, BALANCED BUDGET AMENDMENT TO THE CONSTITUTION, JANUARY 5, 1995

The missing element in our constitutional system is the absence of a provision requiring a balanced budget, provided reasonable safeguards are in place to protect the national defense and to assure the national interest in the event of a depression.

Almost all the states have a balanced budget requirement in their respective State Constitutions. This is the safeguard which assures State financing only for services which are within the states' abilities to pay.

The federal government completely controls the money machine in the sense that it can borrow funds without limit. There is no inherent self-discipline built into the system. The only limit on federal spending is in the collective will of the Congress and the President. The federal debt is now so high that the country is, in effect, under normal rules, in bankruptcy. But the federal government does not have to declare bankruptcy. It can continue to borrow money to pay the interest on the debt and to continue to borrow money over and above the principal amount already owed. We long ago began using Social Security taxes as a part of the general fund to support this debt load, contrary to the belief of most Americans that Social Security taxes were being put into a trust fund for their future needs.

Without a constitutional restraint, there is no hope whatever of paying off the present debt, much less for stopping the creation of additional debt. We should be thankful for today's low interest rates, else we would have a greater economic crisis on our hands.

In the famous letters between Lord McCaulay of England and Henry Stevens Randall, the first Jefferson biographer, and in particularly the letter dated May 23, 1857, Lord McCaulay expressed concerns about the lack of controls on the fisc.

He said, and I quote: "I seriously apprehend that you will, in [a] season of adversity * * * do things which will prevent prosperity from returning; that you will act like people who [would], in a year of scarcity, devour all the seed corn, and thus make the next year a year, not of scarcity, but of absolute famine. There will be, I fear, spoilation. The spoilation will increase the distress. The distress will produce fresh spoilation. There is nothing to stop you. Your Constitution is all sail and no anchor."

McCaulay was correct. Without a constitutional amendment requiring a balanced budget, our Constitution truly is all sail and no anchor. The lack of an anchor has placed our country in the peril that it is now in because of our monstrous and increasing debt and ever escalating entitlements.

I have never heard anyone suggest that we begin to pay off our debt. It would not be out of reason to set the debt aside and retire it on a sinking fund basis, just as is done with state and municipal bonds at the present time. The debt could be gradually reduced once the budget is balanced by including a payment on the principal of the debt, thus reducing interest payments which make up a large part of our federal budget.

In this way, we would pay the debt of our own generation, rather than transferring it to our children and grandchildren.

The other example of lack of discipline on the part of our law makers is the cost-of-living index and its impact on the debt. The cost-of-living index is a self-fulfilling prophecy for annual inflation, particularly when the cost-of-living index seems to produce a figure which is always higher as to most people than actual inflation. The Congress can revamp the cost-of-living index to make it the same or less than the actual rate of inflation. This alone would go a long way toward bringing the budget in balance over a few years.

There is something sinister about basing entitlements of all kinds on an automatic cost-of-living index, particularly when the index is higher than the actual inflation. This is a giveaway scheme of the worst sort and exceeds any reasonable basis of governing.

Thus, a combination of a balanced budget amendment to our Constitution, with savings on interest over time and with a gradual reduction in debt principal, coupled with an adjustment of the cost-of-living index will restore fiscal sanity to our government.

We must begin to speak in plain English when referring to our debt. It will not do to speak of mere reductions in the deficits as savings.

THE LINCOLN LEGAL FOUNDATION,
Chicago, IL, June 5, 1992.

Hon. L.F. PAYNE,
House of Representatives,
Washington, DC.

DEAR MR. PAYNE: On behalf of the Lincoln Legal Foundation, let me extend my thanks to you for providing this opportunity to comment on the proposed Balanced Budget Amendment outlined in H.J. Res. 290. We at the Foundation take pride in serving as advocates for the broad public interest in defending liberty, free enterprise, and the separation of powers. It is in this capacity that we have undertaken our evaluation of the proposed Amendment.

We have confined our remarks to the prospects for judicial enforcement of the Balanced Budget Amendment. Critics have charged that the Amendment will unleash an avalanche of litigation, thereby paving the way for the micro-management of budgetary policy by the federal judiciary. As defenders of the Madisonian system of checks and balances, we at the Foundation take such charges seriously and have scrutinized them in light of the relevant case law.

We begin with a brief overview of standing doctrine and its impact on the justiciability of the proposed Amendment. We then consider the political question doctrine and the barriers it creates to judicial review. We conclude with our recommendations for refining and implementing the Amendment.

I. STANDING UNDER THE BALANCED BUDGET AMENDMENT

Standing refers to a plaintiff's interest in the issue being litigated. Generally speaking, in order to have standing a plaintiff must have a direct, individualized interest in the outcome of the controversy at hand. Persons airing generalized grievances, common to the public at large, invariably lack standing.

Limitations on standing stem from two sources. Article III Section II of the Constitution restricts the jurisdiction of the federal judiciary to "cases" and "controversies." As a result, only plaintiffs with a personal stake in the outcome of a particular case have standing to litigate. The general prohibition against advisory opinions also can be traced to Article III.

In addition to Article III restrictions, federal courts have outlined certain "prudential" restrictions on standing, premised on non-constitutional policy judgments regarding the proper role of the judiciary Unlike Article III restrictions on standing, prudential restrictions may be altered or overridden by Congress.

Standing requirements under the proposed Balanced Budget Amendment will vary according to the type of litigant. Potential litigants fall into three categories: (1) Members of Congress, (2) Aggrieved Persons (*e.g.* persons whose government benefits are reduced or eliminated by operation of the Amendment), and (3) Taxpayers.

A. Members of Congress

The federal courts by and large have denied standing to members of Congress to litigate issues relating to their role as legislators.[1] Only when an executive action has deprived members of their constitutional right to vote on a legislative matter has standing been granted.[2]

Footnotes at end of letter.

Accordingly, Members of Congress are unlikely to have standing under the proposed Balanced Budget Amendment, unless they can claim to have been disenfranchised in their legislative capacity. Assuming that Congress does not ignore the procedural requirements set forth in the Amendment, the potential for such disenfranchisement seems remote.

B. Aggrieved persons

Standing also seems doubtful for persons whose government benefits or other payments from the Treasury are affected by the Balanced Budget Amendment. In order to attain standing, such persons must meet the following Article III requirements: (1) They must have sustained an actual or threatened injury; (2) Their injury must be traceable to the governmental action in question; and (3) The federal courts must be capable of redressing the injury.[3]

Assuming a plaintiff could meet the first two requirements, he still must show that the federal courts are capable of dispensing a remedy. Judicial relief could take the form of either a declaratory judgment or an injunction. A declaratory judgment, stating that Congress has acted in an unconstitutional manner, would do little to redress the plaintiff's injury. On the other hand, injunctive relief could pose a serious threat to the separation of powers.

For example, an injunction ordering Congress to reinstate funding for a particular program would substantially infringe upon Congress's legislative authority. Similarly, an injunction ordering all government agencies to reduce their expenditures by a uniform percentage - would undermine the independence of the Executive Branch. It is unlikely that the present Supreme Court would uphold a remedy that so blatantly exceeds the scope of judicial authority outlined in Article III.

C. Taxpayers

Taxpayers may have a better chance of attaining standing under the proposed Balanced Budget Amendment. Traditionally, the federal courts refused to recognize taxpayer standing. However, in 1968 the Warren Court held in *Flast* v. *Cohen* that a taxpayer plaintiff does have standing to challenge Congress's taxing and spending decisions if the plaintiff can establish a logical nexus between his status as a taxpayer and his legal claim.[4]

The logical nexus text consists of two distinct elements. First, the plaintiff must demonstrate that the congressional action in question was taken pursuant to the Taxing and Spending Clause of Article I Section 8 of the Constitution. Second, the plaintiff must show that the statute in question violates a specific constitutional restraint on Congress's taxing and spending power.[5]

Taxpayers suing under the proposed Balanced Budget Amendment probably could meet both prongs of the logical nexus test.[6] In order to satisfy the first prong, potential litigants would have to tailor their complaint to challenge the unconstitutional enactment of a law by Congress (e.g. an appropriations bill), not the unconstitutional execution of a law by the Executive. Litigants could satisfy the second prong by demonstrating that the statute in question violates the Balanced Budget Amendment, an express restriction on Congress's taxing and spending power.

Even if a taxpayer satisfies *Flast*'s logical nexus test, more recent opinions like *Valley Forge* suggest that the Supreme Court also would expect taxpayer plaintiffs to fulfill the Article III standing requirements. In other words, in order to have standing, a taxpayer would have to demonstrate that he has sustained an actual or threatened injury traceable to a specific congressional action.

In theory, a taxpayer could claim that excess spending in violation of the Balanced Budget Amendment will harm him by undermining the national economy or by increasing the national debt. However, a majority of the Supreme Court probably would find the connection between the excess spending and the alleged injuries too tenuous to grant standing. As a result, standing would be limited to taxpayers with concrete injuries, stemming directly from the congressional action in question.

II. THE AMENDMENT AND THE POLITICAL QUESTION DOCTRINE

Even if a litigant attained standing under the proposed Balanced Budget Amendment, a federal court could refuse to hear the case on the grounds that it raises a political question. The leading case with respect to political questions remains *Baker* v. *Carr*.[7] In *Baker*, the Supreme court held that the constitutionality of a state legislative apportionment scheme did not raise a political question. In doing so, the Court identified a number of contexts in which political questions may arise.

Foremost among these are situations in which the text of the Constitution expressly commits the resolution of a particular issue to a coordinate branch of government. The Judicial Branch will refrain from adjudicating an issue in such circumstances. However, this textual constraint would not preclude judicial review of the proposed Balanced Budget Amendment, since H.J. Res. 290 does not assign responsibility for enforcing the Amendment to either the President or the Congress.

The *Baker* court also identified the following prudential consideration in deciding whether to invoke the political question doctrine as a bar to judicial review:[8]

(A) Is there a lack of discernable or manageable judicial standards for resolving the issue?

(B) Can the court resolve the issue without making an initial policy determination that falls outside the scope of judicial authority?

(C) Can the court resolve the issue without expressing a lack of respect for the coordinate branches of government?

(D) Will judicial intervention result in multifarious pronouncements on the same issue from different branches of government?

Each of these considerations creates an impediment to judicial review of the proposed Balanced Budget Amendment. In particular, courts may find the fiscal subject matter of the Amendment difficult to administer. For example, what happens if "estimated receipts" fall short of projections halfway through a fiscal year? On what data and accounting methods would the courts be expected to rely? Given the lack of concrete standards, apparently rudimentary determinations (e.g. When do "total outlays" exceed "estimated receipts"?) may prove beyond the competence of the judiciary.

Moreover, the potential judicial remedies for violations of the Amendment may undermine the separation of powers. As discussed above, various forms of injunctive relief almost certainly would infringe upon the prerogatives of Congress and the Executive Branch. Given the Supreme Court's structuralistic adherence to the separation of powers doctrine in cases like *I.N.S.* v. *Chadha*[9] and *Bowsher* v. *Synar*,[10] it is almost impossible to imagine a majority of the justices on the present, or a future, Court jumping at the opportunity to become embroiled in a partisan wrangle over the size and scope of the federal budget. Instead, one would expect the Court to make every effort to avoid such an intrusion.

III. CONCLUSIONS

The constraints imposed by standing requirements and the political question doctrine by no means preclude judicial review of the Balanced Budget Amendment. Nevertheless, they do place substantial barriers to litigation. In light of these impediments, the Foundation believes that the prospects for a flood of new litigation and the specter of budgeting by judicial fiat have been greatly exaggerated.

The Amendment proposed in H.J. Res. 290 would clearly invite judicial review of any spending or taxing legislation purportedly enacted in violation of the formal requirements (e.g. a supermajority for increasing the debt limit, a full majority on recorded for a tax increase) set forth in the text. This is no different from the *status quo*, for even now we would expect a court to strike down an act that was somehow enrolled on the statute books without having properly cleared the requisite legislative process of votes, presentment, and the like.

What the Amendment would not do is to confer upon the judiciary an authority to substitute its own judgment as to the accuracy of the revenue estimates, the needfulness of taxes, or the prudence of a debt limit. The courts would merely police the formal aspects of the work of the political branches: Did they enact a law devoted solely to an estimate of receipts? Are all outlays held below that estimate? Were measures passed by requisite majorities voting, when required, on the record?

Sections 2 and 4 of the proposed amendment clearly invite only limited judicial scrutiny of this kind, and then only of the process, and not of the substance, by which the political branches have acted?

Section 3 seems to be purely hortatory, and probably provides no predicate at all for judicial action. Whatever the political ramifications of a failure on the part of a President to propose a balanced budget in any given year may be, there appear to be no legal implications whatsoever. No act of lawmaking depends in any constitutional sense upon the President's compliance with this requirement, let alone upon the substance that any such proposal may contain.[11]

Section 1 is the crucial text, then, but even here the boundaries of justiciability would be tightly limited. A purported enactment might be struck down by the courts if it provided for outlays of funds in excess of the level of estimated receipts established for the year in the annual estimates law, or if it called for such an excessive outlay without having been passed on a roll-call vote by the required super-majority, or if it attempted to avoid the balanced budget limit applicable to the fiscal year of its enactment by purporting to be within the limits of receipts estimated for another year, past or future.

But there is no basis in the text of Section 1 for a court to pick and choose among congressional spending decisions on any basis. That is, the proposed amendment would confer no authority on the judiciary to choose which appropriations would be satisfied from the Treasury and which would not, but only to say that once outlays had reached the level established in the estimates law then the officials of the Treasury must cease disbursing any additional funds.

Because Section 6 of the proposed amendment would define "total outlays" to "include all outlays of the United States Government except for those for repayment of debt principal," the amendment would abolish permanent indefinite appropriations, revolving funds, and the funds, such as the Judgment Fund, from which they are disbursed.[12] This would decisively prevent the courts from invading the Federal fisc in the guise of damages awards against the United States Government. Upon effectuation of this amendment, damages awards against the Government in all cases (except for repayment of debt principal) would have to be part of the outlays voted each year by Congress, and the current congressional practice of waiving the sovereign immunity of the United States on a blanket basis in the adjudication of various kinds of damages against the Government would have to end.

In short, it is our view that there is virtually no danger that the constitutional balanced budget amendment contemplated by H.J. Res. 290 would cede the power of the purse to a runaway judiciary. To the contrary, it would eliminate certain authorities that courts currently have to order the disbursement of Federal funds without appropriations. If ratified and made part of the Constitution, the balanced budget amendment would return responsibility and accountability for all Federal outlays squarely to the Congress.

Sincerely yours,

JOSEPH A. MORRIS,
President and General Counsel.[13]

FOOTNOTES

[1] *Harrison* v. *Bush*, 553 F.2d 19 (D.C. Cir. 1977) (standing denied to a senator seeking declaratory and injunctive relief against the CIA for its allegedly unlawful activities).

[2] *Kennedy* v. *Sampson*, 511 F.2d 430 (D.C. Cir. 1974) (standing granted to a senator challenging the constitutionality of the President's pocket veto).

[3] See, e.g., *Simon* v. *Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976); and *Allen* v. *Wright*, 468 U.S. 737 (1984).

[4] *Flast* v. *Cohen*, 392 U.S. 83 (1968).

[5] *Valley Forge Christian College* v. *Citizens United for the Separation of Church and State*, 454 U.S. 464 (1982) (standing denied because an executive agency's sale of surplus federal land to a religious college was not an exercise of Congress's taxing and spending power).

[6] See Note, *Article III Problems in Enforcing the Balanced Budget Amendment*, 83 Columbia L. Rev. 1064, 1079–80 (1982).

[7] 369 U.S. 186 (1962).

[8] *Baker* v. *Carr*, 369 U.S. at 217.

[9] 462 U.S. 919 (1983) (legislative veto held unconstitutional for violating the Bicameralism and Presentment Clauses of Article I Section 7).

[10] 478 U.S. 714 (1986) (Gramm-Rudman Deficit Reduction Act violated the separation of powers by placing responsibility for executive decisions in the hands of an officer who is subject to control and removal by Congress).

[11] Section 3 would confer constitutional dignity upon a practice that has evolved on an extraconstitutional basis in this century, the submission of a Presidential budget each year. The practical and political wisdom of the practice is debatable, as is the wisdom of the contents of any particular budget. But the practice, even with the constitutional sanction that H.J. Res. 290 would give it, in no way derogates from the responsibility of Congress to account for the power of the purse or from the procedural rules adopted by the Framers for safeguarding the separation of powers respecting the fiscal, such as the requirement that bills for raising revenue originate in the House of Representatives. The President would now have a constitutional duty to propose an annual balanced budget, but his submission would be only a proposal, and the existing groundrules of Articles I and II would continue to define the procedures by which laws are made and the separation of powers maintained.

[12] It is our view that this would also abolish other permanent indefinite appropriations arrangements and revolving funds as they now stand, including those for the Social Security, Medicare, and Civil Service Retirement Systems. They all involve "outlays" within the comprehensive meaning of Section 6, and so would all require affirmative congressional action for each year's disbursements. Congress could continue to provide that outlays be made on formulaic bases (e.g., as "formula payments"), but they would be subject to the total annual ceiling on outlays and mere qualification of an individual to receive a payment would no longer automatically work to raise the spending limit.

[13] I would like to thank Charles H. Bjork, a third-year law student at Northwestern University and a student intern at The Lincoln Legal Foundation, for his invaluable assistance in the preparation of this analysis.

Testimony of John C. Armor, Esq., Before the Constitution Subcommittee of the Senate Judiciary Committee, February 16, 1994

It is always a privilege to testify before a Committee of Congress, but especially so today on this subject before this Subcommittee. The reason is that after almost two decades of effort, the Balanced Budget Amendment to the Constitution now seems on the cusp of success before the Senate, and the BBA is the focus of this hearing. I am not here today on behalf of a client, but on my own.

I am John Armor, a constitutional lawyer who practices before the Supreme Court, a former Professor of Political Science, and author of several books and many articles, usually on political science or constitutional law. Most germane to today's hearing, I have testified for 17½ years now before committees of state legislatures, and occasionally before Congressional Committees, on legal aspects of the BBA.

I will address three subjects, two of them briefly because others will cover them in far more detail, and one at some length, because others are unlikely to address it and it is most important now as the Amendment seems close to passage. The subjects are: the need for the BBA, the appropriateness of constitutional provisions which are economic in nature, and the problems and solutions on the questions of judicial review under the BBA.

THE NEED FOR THE BALANCED BUDGET AMENDMENT

All but one of the 50 states have some form of balanced budget provisions in their laws. Forty-seven have provisions in their constitutions; two have statutory provisions (ones that they abide by, contrary to some statutory solutions which Congress has tried, beginning in 1974); and one state, Vermont, has no such provision. The exception proves the rule; Vermont is not known as a hotbed of wild spending, promoted by representatives of the tour bus and maple syrup industries.

In all the other states, the operation of their various balanced budget provisions demonstrate anew the importance of institutional restraints to guide legislative behavior. Madison, Hamilton and Jay put the issue most succinctly in *The Federalist* over 200 years ago in arguing for adoption of the Constitution. At that time, only the House of Representatives was popularly elected. Writing about the House, they said it would, "balance the willingness to spend against the reluctance to tax."

There is a great deal of political and constitutional wisdom in that short phrase, that Congress (no longer just the House) should "balance the willingness to spend against the reluctance to tax." That is exactly what the balanced budget amendments in the states accomplish for them. Legislators are free to vote for whatever programs they believe are in the interest of their constituents. But, at the same time, they are obligated to impose the taxes to pay for those programs.

Therefore, state legislators every year, or every two years in Kentucky, create two sets of priorities. First are priorities among spending programs—those at the bottom of the list will not be approved, even though in the abstract they might seem to be good ideas. Second are priorities among taxation plans. The ones which are the least desirable and most likely to provoke strong opposition will not be approved, even though in the abstract they could raise substantial funds for worthwhile programs.

In short, legislators become mindful of what the great French Minister, Tallyrand, is credited with saying, "The art of taxation is like plucking a goose, the object is to get the most feathers with the least amount of hissing."

This balancing act between what legislators might want to spend, and what taxes they are willing to impose, all things considered, is continuous in the states. The same balancing act used to be carried out annually by Congress. For 150 years we operated under an unwritten constitutional standard. Spending would not exceed taxes except during time of war or during national emergencies amounting to what we now call "recessions" or "depressions." Once the emergency was over, taxes would be used to pay down the public debt to zero, or close to it.

We abandoned this standard fifty years ago. The "willingness to spend" was disconnected from the "reluctance to tax" in a process that has accelerated in recent years of massive deficit spending every year, not just during wars or emergencies. There is no reason to blame any particular President or Congress. With $4 trillion in known debt, and more than that amount in unfunded, future commitments, there is ample blame for all parties concerned. Ending that process and restoring the connection between taxing and spending is the central purpose of the BBA.

A major argument advanced against the BBA is that there will be attempts to avoid or evade its provisions, no matter how carefully they are drafted. That is absolutely true. History has shown dozens of examples at the state level where creative bookkeeping has been used to bail out state governments which are strapped for funds but find necessary choices among spending on one side and taxation on the other, politically impossible. Sometimes, judicial enforcement applied at the state level.

I urge you not to confuse the question of whether the BBA will work perfectly, with the question of whether it will work substantially. Consider the magnificent guarantees in the First Amendment—freedom of religion, of speech, of the press, and of political activity. Every one of those has been repeatedly assaulted by various laws and ordinances at the federal, state and local level, right from the beginnings of the Republic. There were many individual failures. We once had laws under which newspaper editors were jailed for printing their opinions, until Jefferson became President. We once had established churches supported directly by state funds, until well into the 19th century.

I could run a long list of occasional failures of the First Amendment in all four of its areas of protection. The proper question about the First Amendment is not whether many interests, many times, on many issues, sought to violate it. It is whether the nation is much the better because it has the First Amendment. By analogy, this is also the proper question to ask about the BBA. Will it provide benefits to the nation for the foreseeable future? If you answer that question yes, then you should support it.

One last point. We have the example of another unwritten constitutional provision that we lived by for 150 years. Once it was broken, however, we wrote it into the Constitution. George Washington was responsible for the fact that no limits on Presidential terms were placed in the Constitution. But, he was also the creator of the tradition that Presidents voluntarily leave office after serving two terms. Once that tradition was abrogated by FDR, we placed it in the Constitution as the 22nd Amendment.

The same can apply to the Balanced Budget Amendment. Now that the tradition has been abrogated, it can be written into the language of the Constitution.

APPROPRIATENESS OF ECONOMIC PROVISIONS IN THE CONSTITUTION

The claim has often been made that the Constitution is intended for broad and lofty purposes, that provisions for economic programs have no place in that document. This slogan sounds like it might have merit; it has superficial appeal. However, as soon as one delves into the Constitution, it is clear the Framers included "economic" provisions, whenever and wherever they considered them appropriate as a matter of public policy.

Article I, Section 2, chose to forbid taxes other than per capita. We chose to reverse that decision by the 16th Amendment which permitted income taxes. Article I, Section 8, contains many "economic" clauses: the Commerce Clause, gives Congress the power to regulate interstate commerce and bars the states from taxing or regulating it. (This clause created the first "common market" among sovereign entities in the history of the world. It was magnificently successful.) Clauses 1 and 4, provide the right to borrow money and the regulation of the value of money, with a prohibition against the states minting their own money. (Many states were printing their own money, prior to the adoption of the Constitution. Some just ran the presses and devalued their currency exactly as Congress did with paper money during the American Revolution, giving rise to the phrase, "not worth a Continental.")

Article VI, clause 1, is also economic, providing that all debts contracted under the Confederation would remain "valid against the United States." Preserving the nation's reputation as well as its financial stability were reasons for this clause, which was hotly debated at the Philadelphia Convention of 1787.

My favorite clause to demonstrate the point is the one invented by Dr. Benjamin Franklin as a result of his experiences in Europe, given to James Madison, and inserted in the Constitution with almost no discussion. Franklin had observed that inventions and books were freely copied in Europe, thereby denying those who had created them both the benefits of their labors and the incentives to create more. To solve that problem, Franklin invented clause 7, to secure "for limited Times to Authors and Inventors exclusive Right to their respective Writings and Discoveries."

There is no question that this is an "economic" provision. Given the two century experience of the United States leading the world in discoveries, inventions and intellectual property, there is little doubt this clause in the Constitution lies at the heart of the American economic success story.

So, I suggest that whenever anyone claims that economic provisions do not belong in the Constitution, the reply should be to cite these and other provisions and reject that claim out of hand. The question is not whether economic provisions belong in the Constitution; it is whether the Balanced Budget Amendment is a wise policy at this time in our history, to be written into the Constitution.

JUDICIAL REVIEW OF THE BALANCED BUDGET AMENDMENT

The subject of judicial review of the BBA has hardly been addressed in the continuing public debate over the BBA. When there was little chance that the Amendment would be adopted any time soon, there was little reason to discuss this particular consequence. The situation having changed, it is now time to address this in detail.

Where the Constitution and applicable statutes are silent about judicial review, it is left to the Supreme Court to decide whether judicial review exists, and if so, what remedies may the courts apply for any violations. Not only can the Court set its own standards, it is also free to reverse them. Witness *Baker v. Carr*, 369 US 186 (1962). Until that case, the courts had refused to take up the "political questions" of mal-apportioned state legislatures. In *Baker*, it reversed itself, the consequence was 30 years and counting of court orders that legislatures, city and county councils reapportion themselves.

You could bet either, or both, of these results, if you remain silent on the subject of judicial review of the BBA.

This discussion is based on five assumptions about the results that this Committee, the whole Senate, and the whole Congress may have in mind about judicial review of the BBA. If any of my assumptions are incorrect, I trust I will promptly stand corrected. The assumptions are:

1. There should be judicial review of the Balanced Budget Amendment.
2. It should be brought about by a single set of responsible parties.
3. Enforcement should be extremely swift.
4. Courts should not be involved in choosing between different government programs in enforcing the Amendment. All such policy judgments should be left to Congress.
5. Courts should be prohibited from enforcing the BBA by judicial imposition of new taxes.

Under both Article III, Section I, and under the enabling clause that has been added to the BBA, Congress has the power by legislation to remove, create, or shape the Supreme Court's jurisdiction for review of the BBA. This is a process well known to this Subcommittee; its heritage traces back to the Judiciary Act of 1789. Only the original jurisdiction of the Court as declared in Article III, clause 2 is outside this statutory authority of Congress.

So, you can pass a statute which states what the judicial review of the BBA shall be, and what remedies can be applied. By making those exclusive, you can rule out any other forms of judicial review or remedies. The process of judicial review of the BBA and remedies applied will then be exactly what you say it should be—no more, no less.

To assure only one case, brought by responsible parties, you could provide that any six Senators, or any 25 Representatives, or any three Governors, could bring an action in the Supreme Court if they felt that the BBA had been violated, or was about to be violated if no budget was passed by the first day of the new fiscal year. On the filing of the case, all other Senators, Representatives and Governors would be informed and would be welcome to join the case on either side as they deemed fit.

You do not want thousands of citizens represented by thousands of tin horn lawyers, rushing into courts across the nation to bring their disparate cases to enforce the BBA. By this mechanism you can prevent that. The minimum numbers of Senators, Representatives or Governors to bring the action should be a significant number but a minority, similar to provisions in the Rules of both Houses that protect the interests of minorities, but not necessarily minorities of one.

Placing the case in the Supreme Court, plus providing that the Court must hear the case in 30 days and issue its decision not more than 15 days thereafter, would assure expeditious consideration. The Court would be free, as it has in many of the previous 200 original jurisdiction cases, to appoint Special Masters for fact-finding purposes, with their conclusions subject to challenge before the whole Court.

In order to prevent either judicially-ordered taxes or Court selection between competing programs and public policies, the remedies from the Court could be restricted as follows: (A) The Court could determine only that the budget was, or was not, in balance, and (B) the exact dollar amount of the projected year's income, assuming there is no declaration of war, and Congress has not acted by the supra-majority to remove the budget from the scope of the Amendment. (C) The Court could then order only an across-the-board cut in all programs *without exception* in the percentage required. In other words, if the Court found that the budget was out of balance by 3.4%, its only remedy would be to order a 3.4% cut in *all* programs.

This point is extremely important. Having spent 17 years talking with Members of Congress and with members of state legislators on the subject of the BBA, I believe there is an overwhelming feeling that the Supreme Court should not be involved in choosing between closing down an Air Force base or cutting Aunt Tilly's social security check. That sort of policy judgment should always be made by elected representatives of the people in each level of government.

Once the Court had ordered an across-the-board cut, Congress would then have 20 days to act by statute to adjust the cuts on a policy basis, making greater cuts in some programs, less in others, by staying within the total dollar amount declared by the Court. If Congress fails to act, or if it acts but violates the Amendment a second time, then the Court-ordered across-the-board cuts would be final for that fiscal year.

Congress should have one bite at the apple to make those policy judgments between competing programs, after a declaration of violation of the BBA. But, it should be only one bite, otherwise, every budget could be wrapped up in eternal litigation, every year.

Lastly, what happens if Congress fails to pass a budget by the first day of the fiscal year? Then the Court should have the power to examine the taxes then in effect, and determine the dollar amount that those taxes would raise in the coming year. The amount would be the cap. All programs would be presumed to continue at their current levels of funding (exactly what Congress itself does in Continuing Resolutions). The Court would determine whether that did, or did not, result in balance. Again, Congress would have 20 days to make policy-based adjustments.

I am deliberately not trying to write or offer precise language. You and your staff are far better able to do that. However, approaches such as those outlined could accomplish all the basic purposes that are covered in the assumptions, stated above.

One last point about when such statutory provisions should be passed. Most of my time on this subject over the last 17 years has been spent with state legislators, both in hearings and often in far-reaching, challenging conversations about ramifications of the BBA. If you intend to establish by statute the parameters of judicial review and remedies, you should pass that statute at the same time you pass the BBA and send it out for ratification.

Some of the more far-sighted state legislators are engaging in the same process you are, asking themselves what might the Supreme Court do, or not do, to enforce the BBA. They are especially concerned with two areas—judicially-imposed taxes, and judicially-made choices between different policies and programs. If you pass the statute now, or very soon after you promulgate the BBA for ratification, you will satisfy state legislators, first, that judicial review will occur, and second, that judicial enforcement will not get into either of these areas of grave concern.

If you do not pass such a statute within a few months of promulgating the Amendment, you will engender serious concerns among the state legislators about whether you will ultimately do that, and if so, what provisions you will choose to include. Recalling that ratification requires the approval of 38 state legislatures, or ratifying conventions elected in 38 states under the other Article V method, you will endanger the ratification of the BBA if you do not provide review statute so state legislators can read it side by side with the text of your BBA.

There may be other aspects of enabling legislation that you may want, but do not choose to address until and unless the states ratify the Balanced Budget Amendment. Your own considerations and reflections, together with the responses of the states as they ratify, might be valuable in writing that legislation. However, on judicial review itself, I strongly urge you to consider, write and pass that legislation as soon as possible, once you decide to pass the BBA itself.

CONCLUSION

You have 200 years of history at the state and local level about the importance of making the tough decisions about taxing and spending, about "balancing the willingness to spend against the reluctance to tax." You also have 150 years of experience here in Congress on the same point. If that satisfies you that the nation needs the BBA in the Constitution, now is the time to act.

You should not be reluctant to act on the grounds that this is an "economic" provision. The Constitution has many other provisions intended to effect the economy of the United States, ones which in the fullness of world history have been proven to be basic in the organization of any competent national economy. Consider the fact that Dr. Franklin's invention of the Patents and Trademark clause has become regional through NAFTA, and may shortly become global through GATT. Economic provisions belong in our Constitution, provided they are the right ones for the nation at the right time in our history-whether the year is 1787 or 1994.

Lastly, you should be concerned with judicial enforcement of the Balanced Budget Amendment. If it is correct to place the Amendment in the Constitution, it is also correct to guarantee both that if will be enforced, and to prevent forms of enforcement that would undercut the essential purposes of Congress, namely decisions on taxation and on competing public policies. Fortunately, the Constitution gives Congress the power to shape judicial enforcement to accomplish both purposes.

I welcome your questions on this complex subject with complex ramifications.

[From the U.S. Chamber of Commerce, Washington, DC]

BALANCED BUDGET AMENDMENT: THE ROLE OF THE COURTS

Some lawmakers and commentators have raised questions about the enforcement of a Balanced Budget Amendment to the U.S. Constitution. A primary concern is that Congressional efforts to meet the balanced budget requirement would be challenged in the courts, and the judiciary would be thrust into a non-judicial role of weighing policy demands, slashing programs and increasing taxes.

On the other hand, there is a legitimate and necessary role for the courts in ensuring compliance with the amendment. Congress could potentially circumvent balanced budget requirements through unrealistic revenue estimates, emergency designations, off-budget accounts, unfunded mandates, and other gimmickry. Certainly, the track record of the institution under the spending targets of Gramm-Rudman-Hollings and other statutory provisions is no cause for optimism.

It is our view that the need to proscribe judicial policymaking can be reconciled with a constructive role for the courts in maintaining the integrity of the balanced budget requirement. Congress is expected to address technical issues such as accounting standards, budget procedures and judicial enforcement in followup implementing legislation. By drawing on the existing legal principles of "mootness," "standing" and "non-judiciability," implementing legislation can define an appropriate role for the courts in making the amendment work. The net effect can be to prevent judicial assumption of legislative functions such as selecting program cuts, while allowing the courts to police a framework of accounting standards and budget procedures.

TRADITIONAL LIMITS ON JUDICIAL INTERVENTION

In general, the courts have shown an unwillingness to interject themselves into the fray of budgetary politics. The New Jersey Superior Court observed that "it is a rare case . . . in which the judiciary has any proper constitutional role in making budget allocation decisions."[1] The judiciary has remained clear of most budget controversies through the principles of "mootness" and "standing," as well as the "political question" doctrine.

A case is considered moot, and can be rejected by the court, if the matter in controversy is no longer current. In *Bishop* v. *Governor*, 281 Md. 521 (1977), taxpayers and Maryland legislators claimed that the governor's proposed budget violated the state's balanced budget law, because $95 million was contingent upon enactment of separate federal and state legislation. The Maryland Court of Appeals dismissed the case as moot because by that time the separate legislation had been approved, and the relevant fiscal year had elapsed. Mootness will be a factor in many potential challenges to Congressional action under a federal Balanced Budget Amendment, particularly those based on unplanned expenditures or flawed revenue estimates which become apparent near the end of the fiscal year.

The doctrine of standing limits judicial access to parties who can show a direct injury over and above that incurred by the general public. The logic is that the grievances of the public (or substantial segments thereof) are the proper domain of the legislature.[2] The U.S. Supreme Court has generally held that status as a taxpayer does not confer standing to challenge federal actions[3], and has barred taxpayer challenges of budget and revenue policies in the absence of special injuries to the plaintiffs.[4] A state cannot sue the federal government on behalf of its citizens,[5] and it is doubtful that Members of Congress have standing to challenge federal actions in court.[6]

The political question doctrine is a related principle that the courts should remain out of such matters which the Constitution has committed to another branch of government. The U.S. Supreme Court has held that a "political question" exists when a case would require "nonjudicial discretion."[7] This would be the case with many budgetary controversies, such as the choice to our particular programs, which by their nature require ideological choices and the balancing of competing needs. In theory, at least, Congress brings to this task a "full knowledge of political, social and economic conditions. . .," as well as the legitimacy of elected representation.[8] The New Jersey Supreme Court recognized this in a case where local governments challenged funding decisions made by the governor and legislature, holding that the allocation of state funds among competing constituent groups was a political question, to be decided by the legislature and not the judiciary.[9] The Michigan Supreme Court has likewise held that program cutting decisions are a non-judicial function.[10]

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[1] Footnotes at end of article.

A ROLE FOR THE COURTS

The courts have asserted jurisdiction over politically tinged controversies where they find "discoverable and manageable standards" for resolving them. In *Baker* v. *Carr*, the U.S. Supreme Court reasoned that objective criteria guide judicial decisonmaking and limit the opportunity for overreaching. In the balanced budget context, the "discoverable and manageable standards" principle can help demarcate lines between impermissible judicial policymaking, and the needed enforcement of accounting rules and budget procedures.

In all likelihood, a strong framework of accounting guidelines will emerge from implementing legislation. The Senate Judiciary Committee has interpreted Section 6 of the bill to impose "a positive obligation on the part of Congress to enact appropriate legislation" regarding this complex issue.[11] Judiciary Committee staff on both the House and Senate side have indicated their intention that implementing legislation embrace stringent accounting standards that will minimize the potential for litigation. Should legitimate questions arise concerning the methods by which Congress "balances" the budget, these standards will also provide objective criteria which meet constitutional standards for judicial intervention.

The implementing package is also likely to establish guidelines for judicial involvement defining what issues are judiciable and which parties have standing to challenge Congressional decisions. Where Congress has defined standing within the relevant statue, the courts have generally deferred to this request for judicial input, and entertained suitable cases.[12] This approach has the advantage of defining appropriate controversies and plaintiffs more precisely. In the Balanced Budget context, the right to raise particular arguments could be delegated to specific public officials. State budget officers, for example, could be given standing to contest unfunded federal mandates.

We are satisfied that such enforcement procedures, coupled with budget process and accounting guidelines, will operate against a backdrop of traditional legal principles to rationally limit judicial action. The effect should be to prevent judicial overreaching into legislative functions while providing a check on Congressional attempts to evade the requirements of the BBA through procedural and numerical gimmickry.

FOOTNOTES

1. *Board of Education f. Kean*, 457 A.2d 59 (N.J. 1982).

2. *Flast v. Cohen*, 392 U.S. 83 (1968), (Harlan, J., dissenting).

3. *Massachusetts v. Mellon*, 262 U.S. 447 (1923). The courts have allowed taxpayer claims that public funds were used to support an unconstitutional purpose. The two important decisions in this area are both establishment of religion cases. *Flast v. Cohen*, 392 U.S. 83 (1968); *Valley Forge Christian College v. Americans United for Separation of Church and State*, 454 U.S. 464 (1982).

4. *United States v. Richardson*, 418 U.S. 166 (1974) (plaintiffs challenged a statute allowing the CIA to avoid public reporting of its budget); *Simon v. Eastern Kentucky Welfare Rights Organization*, 426 U.S. 26 (1976) (plaintiffs challenged a Revenue Ruling granting favorable tax treatment to certain hospitals as inconsistent with the Internal Revenue Code).

5. *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

6. *Goldwater v. Carter*, 444 U.S. 996 (1979).

7. *Baker v. Carr*, 369 U.S. 186 (1962).

8. *Id.*

9. *Camden v. Byrne*, 82 N.J. 133 (1980).

10. *Michigan Assn. of Countries v. Dept. of Management and Budget*, 418 Mich. 667 (1984).

11. *S. Rpt. 103–163*, 103rd Congress, 1st Session (1993).

12. Nowak, John E. et al, Constitutional Law, West Publishing Co. (1983), p. 87. In Lujan v. Defenders of Wildlife, 112 Sup. Ct. 2130 (1992), the Court voided a citizen suit under the Endangered Species Act, holding that Congress' power to define standing by statute is limited by Article III of the Constitution. The decision implied that citizen suit provisions must be carefully articulated and supported by clear legislative goals.

Mr. LAUTENBERG. Mr. President, I am going to vote against the motion to table the Johnston amendment.

Mr. President, in my view, courts should not be allowed to enforce the balanced budget amendment by raising taxes, cutting benefits, or otherwise involving themselves in Federal budgetary policy. We live in a democracy. And the power to tax and spend should be granted only to those who are accountable to the public.

Our Nation was founded on the principle of no taxation without representation. It is not time to turn back now.

Unfortunately, Mr. President, unless amended, the balanced budget amendment to the Constitution that is before us today threatens to give the courts unlimited power to raise taxes and cut spending when necessary to ensure a balanced budget. The Johnston amendment would ensure that this power could be exercised only if explicitly authorized by the Congress.

Frankly, Mr. President, I do not even think that Congress should be allowed to give courts the power to increase taxes as a means of enforcing this constitutional amendment. Decisions about taxing and spending should be made by elected officials, and those officials should not be allowed to avoid accountability for those decisions by delegating that power to the judiciary.

So, Mr. President, I seriously considered voting to table the Johnston amendment because it does not go far enough to limit judicial power, and I suspect that some of my colleagues will vote to table the Johnston amendment on that basis. However, I have decided to vote against the motion to table since, although the Johnston amendment does not go far enough, it at least would put some limits on the judiciary's taxing and spending powers under the proposed constitutional amendment.

Mr. JOHNSTON. Mr. President, I believe I am prepared to summarize in 1 minute and I will yield back the balance. Mr. President, I yield myself 1 minute.

Mr. President, this amendment as worked out with the distinguished Senator from Washington [Mr. GORTON] and the distinguished Senator from Colorado [Mr. BROWN] deprives the courts of judicial power to raise taxes, to cut budgets, to be involved in fiscal affairs of this Congress except to the extent that the Congress specifically authorizes that in authorizing legislation.

It is the duty of Congress to implement and enforce this article by authorizing legislation. Section 6 so states, and there is also an exemption made for section 2. That is, the judicial power of the courts can extend to the enforcement of section 2 which in return requires 60 votes to raise the debt of the United States.

Mr. President, this is exactly what the sponsors of this constitutional amendment have said the amendment does. They have stated that the courts may not enforce this amendment. This makes it clear that the courts may not enforce the amendment except in the case of section 2 or unless the Congress specifically authorizes them to do so.

Mr. President, it is unthinkable to have the kind of ambiguity in the Constitution of the United States that is inherent in this amendment unless the Johnston amendment is agreed to.

I urge my colleagues to adopt this amendment.

I believe we are ready to yield back the balance of our time.

Mr. HATCH. Mr. President, I am prepared to yield back the balance of my time.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, I move to table the Johnston amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment (No. 272), as modified, of the Senator from Louisiana.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Faircloth
Frist
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Inhofe

Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Packwood
Pressler
Reid
Robb
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Conrad
Daschle
DeWine
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Gorton
Hollings
Hutchison
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murray
Nunn
Pell
Pryor
Rockefeller
Roth
Sarbanes
Specter
Stevens
Wellstone

NOT VOTING—1

Kassebaum

So the motion to lay on the table the amendment (No. 272), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

IWO JIMA

Mr. BUMPERS. Mr. President, could we have order?

Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes to deliver a eulogy honoring those men who died and who were wounded and who participated in the battle of Iwo Jima, 50 years ago.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. The Senate is not in order, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, 50 years ago, I was stationed at Marine Corps Air Station, Cherry Point, NC, while serving as a radio operator having achieved the rank of sergeant. That was on February 19, 1945. I listened with rapt attention, along with my fellow marines, to radio reports of a massive Marine assault on an obscure Pacific island called Iwo Jima. Though at that time, I doubt whether any one of us could pinpoint that island on a map—

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. BUMPERS. The name Iwo Jima would soon take its place along such hallowed names as Bunker Hill, Gettysburg, Belleau Wood, Normandy, and Tarawa Atoll. As a vast naval armada moved closer to the shores of Iwo Jima, the commanders who would soon send their young marines into battle prepared messages to be read shortly before H-hour on board all ships of the invasion fleet. Maj. Gen. Clifton B. Cates, commanding the 4th Marine Division, reminded his marines of their recent victory on Tinian in the Mariana Islands, where the division's "perfectly executed amphibious operation" resulted in the capture of the island in 9 days, "with a minimum of casualties to our unit, and with heavy losses to the enemy." Similarly, Maj. Gen. Keller E. Rockey, commanding the 5th Marine Division, searched for the proper words to exhort his men. Unable to draw upon past glories, as his division would fight together as a unit for the first time on Iwo Jima, Rockey reminded his men that the "time has now come for us to take our place in the battle line." Noting that "the hopes and prayers of our people go with us," he assured his marines that "we will not fail." The upcoming 36-day battle on Iwo Jima would fully justify the confidence which Generals Cates and Rockey placed in their marines.

One of the most visible and poignant memorials in this city commemorates the flag raising on Mt. Suribachi, the Iwo Jima Memorial, 4 days after the landing, but the battle would rage for 32 more days.

Mrs. BOXER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Arkansas may proceed.

Mr. BUMPERS. The Iwo Jima Memorial is a fitting tribute to the 5,391 men killed, 17,370 men wounded, and the 60,000 men in that total force. But it is a tragedy that there cannot be a statue for every single brave marine who participated in that bloody battle.

Mr. President, I ask unanimous consent I be permitted to proceed for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I cannot tell you how contemptuous I am of the fact that we could not get order in the Senate to deliver this tribute. Some of our own colleagues were heroes during World War II. Senator JOHN GLENN, a brave marine, is on the Senate floor now. Nobody in this body fought longer and harder than he. And in one of the bloodiest battles of all, the battle of Guadalcanal, was Senator JOHN CHAFEE of Rhode Island.

I was asked by the Marine Corps to deliver this memorial, and I was happy to do it. I was not at Iwo Jima. I was just a young marine getting ready to be shipped out to invade Japan.

Mr. President, many people in this body remember very little about World War II and nothing about Iwo Jima. We wanted that island so we could bomb Japan from the islands of Tinian, Guam, and Saipan. We needed Iwo Jima so that disabled planes that could not make it back to Tinian from Japan would have a relatively safe haven on which to land. It is estimated that the landing strip at Iwo Jima saved the lives of 25,000 airmen who would have had to ditch at sea and probably would have been lost if it had not been for those brave, almost 6,000, men who gave their lives there.

I do not intend to criticize my colleagues, but it is tragic that sometimes people do not show more respect for those who provided the liberties for this Nation so we could stand here and debate these issues as free men and women. It is disappointing.

Last night I went to bed, turned on the television set because that is a good way to go to sleep, and just happened to turn to PBS, the station so many people want to get rid of. I started watching a documentary on Iwo Jima, one of the most gut-wrenching documentaries I have ever witnessed. Men who had never talked about that battle, even to their wives and children, poured out their souls and their hearts to those interviewers. One man said that he killed a Japanese and when he went over to him—I do not know whether he killed him or whether he came upon him—and he said he had a wallet sticking out of his top pocket. He reached over and took it out. He was going to take it. He opened it up, and there was a picture of this young Japanese soldier's mother and father and of his wife and child. And he put it back. He said, "I knew that that man was doing exactly what he had been forced to do, what he had been told to do—try to kill me. And I had been programmed to try to kill him." And he said, "What a terrible way to resolve our differences."

One other man said the Japanese were famous for having gold teeth. "So," he said, "I went around taking gold teeth out of Japanese soldiers' mouths. Got a bag full." He said, "I can hardly stand to tell you that, it is so barbaric. But war is barbaric. I was just young. It is a terrible, shameful thing to admit that today. At the time I thought it was OK."

Another man said there was a man in his company who said he went around cutting off the ears of Japanese soldiers—barbaric. Somebody told the company commander. This man, who had gathered a whole sack full of ears, was required by his company commander to dig a hole 6 feet deep and bury them and cover them.

But of all those men of my age and a little older who spoke last night, virtually every one of them said, "I did not hate the Japanese. I knew they were doing what they had to do, just as I was doing what I had to do."

I am honored to have been a Marine, honored to have served in the same war, in the same service, with men like JOHN GLENN, HOWELL HEFLIN and JOHN CHAFEE, and especially honored to be asked by the Marine Corps to deliver this short eulogy to those 6,000 men who died and the 17,000 who were wounded and all of the 60,000 who participated.

One man said last night that he felt almost guilty, after seeing what he had seen, coming home alive. I can sort of relate to that.

Mr. President, I know everybody in this body joins me in paying tribute to these very brave men.

I yield the floor.

Mr. HATCH. Mr. President, I just want to personally express my regard for the senior Senator from Arkansas, for the eloquent way he has paid tribute to those who died for us, to those who were wounded for us, and to those who fought for us, including himself and others in this body. As someone who lost his only brother in the Second World War after his 10th commission, I have to say that I was really moved by what the distinguished Senator had to say.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I served after the opening of World War II, but I can remember Iwo Jima vividly. My political mentor was Paul Douglas, who served in this body, was a great U.S. Senator, was a marine, and proud to be a marine in spirit. I wish I could hear Paul Douglas give a talk today. He was 50 years old when he volunteered to be a marine, went over and was wounded in Okinawa and Iwo Jima.

But I think of people like DALE BUMPERS and JOHN GLENN when we talk about courage. You look about, and HOWELL HEFLIN, he was in the Marines, too. We can be very, very proud of those who served our country. But I think of JOHN GLENN and that little thing that he got into when he was shot into space. It was incredible. I see our colleague, CHUCK ROBB, who was in the Marines, and JOHN CHAFEE, and probably some others here who were in the Marines.

As one who was not in the Marines, who was not in the service during that period—I was in from 1951 to 1953—I just want to say we are very proud of those who served in the Marines, those who served in that Pacific war. It was a war where we were fighting people who were forced, as Senator BUMPERS said, to do the things that we were forced to do. It was a war where there was clear aggression, where we stood up for what we should stand for.

I am proud, as an American who was too young to fight in World War II, of those who did.

Mr. CHAFEE. Mr. President, I would like to express my thanks and appreciation to the senior Senator from Arkansas for the very eloquent remarks he made—and it is so fitting that he did so for this body and for all of us—about what took place in Iwo Jima. I was not at Iwo Jima. I do not know if anybody in this Chamber was in the Battle of Iwo Jima. There is no question that there were fierce battles in the Pacific in World War II.

I think Senator BUMPERS has portrayed it so eloquently—the values, why the whole thing took place. It took place exactly as he said—so that those bombers which were going from Tinian, from Guam, to Japan would have a place, if they were shot up, as they were, to seek a harbor of refuge, as it were.

I can remember. I was a young marine at the time on Guam. For the bombers on Guam, they built two parallel strips for those B–29's to take off. And they would take off on the minute on one runway and on the half minute on the other runway. They assembled some 500 of them on these trips to Japan. It was between a 16- and 18-hour round trip for those bombers. Then, of course, when they completed their mission over Japan, after flying up there, a 7- to 8-hour trip up there with those great loads, then they would start back, many of them badly shot up, and their goal was to get to Iwo Jima.

The time I am talking about was some months after we had secured Iwo Jima. I had a friend in one of those B–29's. He was the pilot. He radioed ahead to Iwo Jima that he was in a condition 3. As I recall, that was a term for the really desperate to land, and that gave him priority. You set your own conditions based upon the number of engines out and the amount of gas you had left. They said to him, "How much fuel do you have? How long can you circle?" He said for 4 minutes. They said, "Circle for 3 minutes. Your priority is set." So he made it safely. But that shows you the congestion that was at Iwo Jima and the value of that.

So, as Senator BUMPERS so eloquently pointed out, 6,000 men were lost, and it was a terrible thing. It was a case where they gave their lives for somebody else. I did not know the figures. But Senator BUMPERS indicated some 25,000—I can well believe that figure—airmen were saved. So it was a dramatic period, when the very best came out in our country and those who were there.

I am so glad Senator BUMPERS called our attention to it.

Mr. HEFLIN. Mr. President, I am in the process of preparing remarks, and have worked on them today, dealing with the Battle of Iwo Jima. I have some remarks that were prepared to deliver tomorrow, probably in morning business.

But I am moved by the eloquence of Senator BUMPERS. It brought back to me a lot of personal feelings that were heightened by his remarks. My division, the 3d division, was in reserve in the landing on Iwo Jima. The 4th and the 5th Marine Divisions landed on D-Day, and they moved inland basically uncontested for awhile. But then the Japanese guns came forth from their pillboxes and from their fortifications that they had worked on for months and months, and complete devastation took place on the beaches of Iwo Jima.

It was decided that the 3d Marine Division, which was being held in reserve, would be committed, and the 3d division was committed. I had been a member of A company, 1st battalion, 9th Marines. That is 9th regiment in Bougainville and Guam. I was wounded in Guam and came back to the United States, and was in a hospital on the day of D-Day that they landed.

I later talked to the survivors of A company. They told me that A company, 1st battalion, 9th Marines, 3d Marine Division, suffered more than 200 percent casualties on Iwo Jima. They sent in replacements at various stages before the island was finally captured. I lost many a friend in that battle. The raising of the flag on Mount Suribachi is symbolic of the battle in the Pacific, where we really, by great military strategy, went through a campaign of island hopping, by which they would select an island that was in a very strategic position and bypass most of the well-fortified islands that the Japanese thought we would be attacking first. This island-hopping strategy reduced the casualties tremendously. But Iwo Jima lay in a position 660 miles off of the coast of Japan. The Japanese had built two airstrips and were in the process of building a third airstrip, primarily to place on that island. Most of their fighter pilot planes were left with the idea of intercepting our bombers as they came through from Guam, or Tinian, or Saipan to Japan. As Senator BUMPERS and Senator CHAFEE have pointed out, the planes that came back, many of them damaged by antiaircraft and fighter pilots of the Japanese, landed in an emergency on land. But it also was very important in our victory against the Japanese in that it destroyed a potential fighter pilot baseline that could have caused tremendous problems relative to that.

But I look back in memory of my friends that I lost, and I would have been on Iwo Jima with my outfit if I had not been back in the United States at that particular time. The words that stick in my mind are the words of Admiral Nimitz following the Battle of Iwo Jima when he said: "Uncommon valor was a common virtue." The marines that participated in that, and the Navy that was involved, and the Air Force, everybody concerned, really were great heroes, and we will be honoring the 50th commemoration of that battle in the near future. I believe Sunday there is a ceremony at the Iwo Jima monument. So I pay tribute to those that lost their lives, to those that were wounded, and to those that helped in that very important battle to bring about V-J Day.

IWO JIMA

Mr. GLENN. Mr. President, I associate myself with the remarks of Senator BUMPERS and the others that have spoken so eloquently about Iwo here today. I was in World War II and in the Pacific but not in the Battle of Iwo Jima. After the war, we were assigned to China. I was stationed for 6 months in Beijing; it was called Peking then. Our squadron flew out later on and landed at Iwo, and this was after the war. We had a chance to walk those same black sand beaches that they came in on during the battle of Iwo.

It is hard to see how anybody could ever make it up those beaches, which were the only landing areas on the island, because the cliffs above that area were all honeycombed with caves back in the rocks. Guns would come out and fire. Machine guns would go out and fire and go back into the hole again. Unless the naval gunfire that supported them there made a direct hit on the tiny openings, they kept coming out and mowing people down, down below them. We walked in those caves and looked down as the Japanese gunners were able to look down on the beach at that time, and how anybody ever got ashore there with that kind of withering fire looking right down their throats is something that is hard to fathom. It was so impressive that I remember it very, very vividly to this very day.

The reasons for the sacrifices have been spoken about here this afternoon. Senator HEFLIN has mentioned the motto that is on the Iwo statue at the other end of Pennsylvania Avenue on the edge of Arlington Cemetery: "Uncommon valor was a common virtue." Indeed it was. It is hard to look at Iwo and to be there on Mount Suribachi, or to go down and be in those caves and look down on the black sand beaches and imagine how anyone could come across those beaches, where the soft rolling sand underfoot—literally, where we tried to walk you would take almost two steps forward and one back, that type of situation. That loose, pebbly type sand was so difficult to even get tracks on. It was hard for them to move at that time. Uncommon valor was indeed a common virtue.

One of my most prized possessions at home is a statue of Iwo. It is a smaller version of the Iwo statue that is over on the edge of Arlington Cemetery. It is not just a curiosity stand type statue you would buy from one of the souvenir stands here in Washington. When I had been on a space flight many years later, Felix de Weldon, the sculptor who designed the Iwo statue—it was his concept—was doing a bust of me later on and we became friends. He had one of his first working models that he had, from which he designed the Iwo statue. It is a one-tenth scale model, exact. If you took a picture of it at the right angle, I doubt that you could tell the difference between that and the big Iwo statue. It is a one-tenth scale model. Because I had been in the Marine Corps, he wanted me to have that. I did not want to take it. I thought it should go to the Smithsonian or Marine Headquarters or someplace. He wanted me to have it, so I finally took it. It is one of my most prized possessions at home. I am sure one day it will wind up exactly there, in the Smithsonian or Marine Headquarters. Every time I see that statue at home, I am reminded of that visit to Iwo and what it must have been like to be there that day when uncommon valor was such a common virtue.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I had not planned to speak this afternoon at all. As a matter of fact, I was just about to part from this Chamber when the senior Senator from Arkansas asked for the floor. I knew he was going to recite a few words that had been prepared officially by the Marine Corps, and it was my privilege to deliver another as a part of that series earlier this week.

I would like to join with all of the colleagues here on the floor, and the many who have been fortunate to be in this Chamber at this particular moment, and say thank you, Marine DALE BUMPERS, for reminding us for a few minutes what is important in life.

I could not help but be drawn back into my own experience. I was, at the time of Iwo Jima, a young boy starting school. But I suspect, if I am honest, I would acknowledge that Iwo Jima probably had a lot to do with my decision to join the Marine Corps. I certainly, like many others, benefited from the heroism that was demonstrated in that particular battle along that tiny eight-square-mile island. And even DALE BUMPERS' description of having talked to those who had examined the photographs and other remains of the enemy that they had taken during the course of the battle rings very true to me in a different conflict later on. But it still happens and you still have that very personal gut-wrenching feeling that there are human beings on both sides of those equations that are not necessarily involved in the political struggles that are involved.

I simply join in saying thank you to my fellow marines here and elsewhere for the legacy that they left to all of us who served later. Those immortal words ring through to all of us. As my friend, JOHN GLENN, talked about his statue, I have a much smaller and much less prestigious copy that sits on the front of my desk in my office to which I will return shortly, which but reminds me of a time when something very important in our history occurred, just 50 years ago.

And for those of you who were fortunate enough to be present in the Chamber today, something important in this Chamber occurred, and it is all too rare that we have a feeling where we have been truly moved by a few words. I would have to say that our distinguished friend from Arkansas has a disproportionate number of those moments to his credit.

In any event, may I join colleagues who are here celebrating that uncommon valor that occurred some 50 years ago and ask others around the country to stop for just a minute or two to think about the consequence of the risks and the sacrifices they made in terms of the quality of life that remains today.

Mr. President, I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I have been sitting here and listening, and I think the distinguished Senator from Virginia has hit the same note that I have been feeling—a little bit emotional; rightly so; beautiful—because I could hear the "Star Spangled Banner" in every voice. I could hear the Pledge of Allegiance to the Flag in every voice. I could hear and feel the tide, why this country is so great and what this institution is.

And I could hear the roll being called here in the Senate—Senator CHAFEE, Senator BUMPERS, Senator GLENN, Senator HEFLIN, Senator ROBB—you go on through. They may have different opinions about the issues on the Senate floor, but none—none—of those would take a step back from the defense of this country and the attempt to do what is right. And it goes across the aisle.

So I do not know. I hope there are a lot of people watching tonight so they could have heard my long and good friend from Arkansas, Senator BUMPERS, and listen to JOHN GLENN and to feel it, and listen to HOWELL HEFLIN.

Why was he back in the States? He was wounded.

And they said those who have experienced war, as some of us in this Chamber have, are those most opposed to it.

And so, I thank all of you. I hope I can get a tape of this. I want my grandkids to see it, because it has been now 50-some-odd years. I was 19. I guess you were about the same age. We were all about the same age. And we were called on.

Oh, you may fuss and fume at me about my political stance. You may fuss and fume at the others about their political stance, but do not doubt their courage or their loyalty to this country.

So this occasion was very beautiful. I am pleased that Senator BUMPERS, my good and loyal friend, was able to get up tonight and remind us and shake us back to the very essence and roots of why we are in this Chamber and why we try our best to do what is good for the children.

I yield the floor.

Mr. BUMPERS. Mr. President, if nobody else wishes to speak, let me just follow up on what Senator FORD has said and perhaps we can get back on the matter we are supposed to be debating. This has nothing to do with the Marine Corps. It has to do with another point I want to make.

Several of us went to Europe on June 6. We went to Anzio in Italy before we went to Utah and Omaha Beaches. And I was really not prepared for the experience. Anzio, a battle I remembered well, was memorialized by roughly 10,000 white crosses and Stars of David in the cemetery there. We were there on June 4.

We went then to Utah Beach and Omaha Beach on June 6. And behind each beach there were roughly 10,000 graves, Stars of David and crosses. Each one of those represented a knock on the door. "We regret to inform you your son, your husband, your brother has been killed in action." That was one of the most traumatic things I ever experienced.

President Clinton, in one of the cemeteries was talking to a man. The man said, "This man who lies under this cross saved my life. He went out on a patrol that I was supposed to go on. I had been doing it every night. He said, "No, you stay. I'm going tonight."

"And I let him go."

That same man asked the President, "Do you know Clayton Little?"

And President Clinton said, "Know him? I should say so. He served in the legislature, both when Senator BUMPERS was Governor of Arkansas and when I was Governor of Arkansas. He was one of the finest men I ever knew."

The man said, "He was one of the best friends I ever had. He was by my side during the entire battle at Anzio."

But like this moment, I say to the people of this body that we ought to do this more often—stop and reflect on what is really important in our lives and in this country.

I looked at all those graves, and I thought of the unbelievable trauma so many families had experienced as a result of each one of them. And I began to think about the things we say and talk about in this Chamber. And so much of it is not very important. And when you get caught up in the experience I had, you begin to get your priorities a little straighter. It is like a cancer diagnosis. You begin to realize what is important and what is not.

But the point I want to close on, Mr. President, as Senator FORD has said very well, nobody should ever question the loyalty or the patriotism of anybody. I deplore that. We are all loyal Americans. We are here debating because we have serious policy disagreements, but we really agree on a lot more than we disagree on.

Somebody came up to me and said, "You know, today's generation would never bare their chest to those German machine guns on those beaches. They'd never get them out of those landing craft to walk up a beach, unprotected, baring their chest to German machine guns."

And I said, "Of course they would."

They thought the same thing about our generation. And I believe that today's generation, if our liberties were at stake, would do the same thing we did.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, this is not a very propitious time for me to send an amendment to the desk.

Let me, while Senator BUMPERS is still here, say one thing to Senator BUMPERS.

I was with Senator BUMPERS and others on the 50th anniversary of D-Day on those beaches, including down in Italy in Anzio.

I was 2 years old when the people of DALE's generation, although I do not feel like he is a different generation than me—and I mean that sincerely, and I do not—until I stood on those beaches.

I came home and said something to my father that I never said before. My father was not on any one of those beaches. As I stood there and watched Senator HEFLIN, Senator BUMPERS, Senator HOLLINGS and Senator GLENN and others with whom I was attending these ceremonies, and the thousands of veterans who were there, I marveled at one thing.

Being a U.S. Senator for 22 years, I have been to a lot of veterans' events. I did not see one bit of revelry. I only saw reverence. I watched these men and their counterparts—civilians—walk out on those beaches—which seemed to be 20 miles wide—in solitude. There were 10,000 individuals there, all lost in their own memories.

It impressed me in a strange way, I say to my friend from Arkansas. Here is what I told my dad. I came back with such a sense of awe. As a student of history, thinking I was a pretty smart, well-educated guy, until you stand on those beaches. Now I understand why they all came in at midtide. I am assuming it was equally as bad or worse at Iwo Jima, and I have never been there.

I not only had a sense of awe and pride in my father's generation and a renewed respect for that generation, but I had an incredible sense of envy, almost a feeling of anger. JOHN KERRY is a veteran. JOHN was a decorated veteran in Vietnam. My generation went to war in Vietnam without the benefit that your generation had.

When you stood there on the beaches of Iwo Jima, or deciding whether or not to get out of the landing craft on Omaha Beach, you knew, had you failed, all of humanity would have suffered. There was no question that the fate of mankind hung in the balance. Had you not prevailed, your wives, mothers, and children would have lived under an oppression unlike anything that had been seen in the previous two centuries.

When JOHN KERRY rode down some god-awful river in Vietnam, he did not know who the hell he was after, was not quite sure why he was there, did not have any idea anymore than my friend from Virginia had as to who might be shooting at him, and I suspect never had the absolute certainty that what they were doing, as difficult as it was, was something that, beyond question, had to be done.

I understand my dad's generation better, having been there, because now I understand why guys like my dad—and God, it seems ridiculous to talk to you as if you were my dad's age because I have worked with you all my professional life—why you have such an incredible sense of optimism. Why on either side of the aisle, whether it is you or JOHN CHAFEE or whomever it is, have this unabating notion that we can, in fact, get things done.

I look at my generation and those who are younger, and I am not nearly as surprised as to why they are as confused as they are about the ability, and not even thinking about it in your generation, why they wonder whether or not this institution makes any sense, whether or not the system works.

It seems to me you not only did something incredibly courageous—and I see DAN INOUYE, and nobody in this whole body have I ever felt closer to than DAN INOUYE, and he knows I am not just saying that. Here is a guy, he goes and loses his arm. He should have gotten the Medal of Honor, in my view, if you read about his exploits. And he acts like he was born with a silver spoon in his mouth. He acts like not a single thing ever happened to him in his life that was difficult. He acts like the world is just a cupcake, and we can make it great for everybody.

It is an incredible, incredible thing that your generation has passed on. I do not know how it gets renewed. But I know one thing: More people should hear you talk about it. More people should go and stand on Omaha Beach or go to Iwo Jima or go up into the hills in Italy where these guys—BOB DOLE and others—got stopped.

I know it sounds corny, but I defy anybody of any generation to have been there on D-Day and not walk away with a deeper understanding of why your generation has done so much for this country and why other generations have been so uncertain about what they can do. The biggest thing it does, it seems to me, is hopefully remind people in this era of bitter politics, of political invective, of the mindless things that are being said on the left and the right, of the personal characterization of political motivation of whatever anybody does, of the era of 30-second personal attacks on anybody that disagrees with you, you must be un-American or must be less dedicated than whomever it is they are arguing with.

I hope they understand that, as corny as it sounds, the women and men who served in this body—and I have been here for 22 years—I have not met a one, I have not met a one in either political party when they walk out of here and get in their car at night or go down to the train station like I do and look in the rear view mirror, they see that Capitol dome, do not still get a chill.

I noticed people when we were over there on D-Day, DALE, there was not anybody watching us. Everybody was the same. I watch people when they play the "Star Spangled Banner." There was not any hometown crowd. I watched peoples' eyes mist and people got goosebumps. I know it is not in vogue to say those things, and probably an editorial will say how corny we were today—or I know I was.

The best thing that can happen in this sick political atmosphere we find ourselves in, is for more people to understand, whether it is the Rush Limbaughs of the world or a left-wing version of Rush Limbaugh on the air who makes everything personal about what people do, there is so much more that we agree on in this Chamber than we disagree on. There is so much more that your generation did for this Nation than you understand and appreciate, if I can say so, so much more.

But you had something that I think we are all still searching for, and that is the absolute certainty that what we were undertaking needed to be done, was noble, was moral, was necessary, and was right. I think that is what everybody is searching for. You paid a horrible price for having found it in your generation, but having found it and survived it, you made this country something that it never had been, because of the growth and the optimism and the absolute enthusiasm you all brought back from having done what you did and literally saved the world for democracy.

I want to tell you I had not planned on speaking on it at all, but my respect for my father has always been great. My respect for his generation and my mother's, as well.

I end with one little story. I was with you, and we split up after the President spoke. I went up to the cemetery. I was walking around the cemetery, just kind of in a daze. My wife and I—my wife was not even born during any portion of World War II—were looking at the crosses, just wandering through, and this guy was being pushed in a wheelchair by his two sons. And I am looking at a grave marker. I did not even see him. And he said, "Is that you, Senator BIDEN?" And I turned around. I did not know the fellow. He was from Indiana. I turned to him and I was like most of us were, somewhat emotional about what we just observed. And I said, "Thank you for what you did." And he said, "Don't thank me, thank my wife." And I turned around, and his wife was not with him. And I said, "Thank your wife?" I said, "Why, sir?"

He said, "My wife did as much to make sure I could get on that landing craft and get here because she made it. She made it at home. She produced the reason we were able to win, because of the industrial might of the people we left behind to produce and outproduce the Germans."

But it was typical. Here is a guy going through a graveyard where his friends are buried. I compliment him and he tells me to thank his deceased wife who made the landing craft.

I sure as heck hope there is some way we can rekindle that kind of notion of sense of duty, sense of responsibility, sense of shared glory that seems to be missing so much in this country today. And I hope in God's name we can do without another war. But I want to compliment you all.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

(Ms. SNOWE assumed the chair.)

AMENDMENT NO. 278

(Purpose: To provide for a capital budget)

Mr. BIDEN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. BRADLEY, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. KERRY, proposes an amendment numbered 278.

Mr. BIDEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 4 through 8, and insert the following:

"SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets."

Mr. BIDEN. Madam President, I ask unanimous consent that Senator KERRY be added as an original cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I rise today on behalf of myself, Senator BILL BRADLEY of New Jersey, Senators DASCHLE, DORGAN, and LAUTENBERG.

The amendment we have sent to the desk—some have suggested, why are we continuing to do this; it looks like the train has left the station and no one is going to listen anymore to the argumentation for any change in this balanced budget amendment. It seems that somehow it was like the tablet that was handed down, chiseled in stone; even though privately Members who are inclined to vote for this amendment but think it is flawed now will say, "Well, why don't you agree to this change?" And they will look at us and say, "Oh, it makes sense, but we can't change it; this is the best we can do."

I do not think it is the best we can do and my colleagues who cosponsor this do not think this present balanced budget amendment is the best we can do. That is why we continue to talk about how we can improve it to make it workable.

I wanted to make the case today that while it would be useful to establish a capital budget under the current budget rules and practices, it will be even more important if the balanced budget amendment is ratified and becomes part of the Constitution.

The main reason budget experts advocate a way of designating specific capital budgets is to assure that we weigh the immediate benefits of spending for current operations against the long-term benefits of investments that pay over the years. They are the hard choices the distinguished Senator from Maine has had to make, as a Congresswoman and now as a Senator. We all make them. And that is, there are tens of thousands of needs out there.

But what we tend not to look at closely enough, in my view, and will not be permitted to look at, as a practical matter, closely enough, is the distinction between short-term investment and long-term investment when we are dealing with limited dollars. Roads, bridges, dams, water, sewer systems, potentially even electronic infrastructures and, yes, even those major defense assets that assure the protection of our private economy and public works, all of these return benefits over more than the single fiscal year that the balanced budget amendment focuses on.

We decide to focus on an immediate need of whether or not we are going to hire 10 more FBI agents. That is an immediate question. That is an operating budget. We are going to pay their salaries, an important consideration. And that focuses legitimately on what we do year to year. But there are others you focus on that have life expectancies and needs that go well beyond a year's time.

Even under current budget rules without this balanced budget amendment passing, many observers believe our budget provides for too few of these long-term investments. We get much pressure on it from our constituents at home, as we should, to deal with the immediate needs that they have. It is a whole lot harder to convince them that maybe we should use some of that money to make a longer term investment for which they will not see immediate benefit but will, in fact, have much greater benefit for them and their children than the short-term investment.

So under our current budget system, we face this difficulty. In recent reports, the General Accounting Office, which has been quoted numerous times by people who are for the balanced budget amendment, against the balanced budget amendment, and not sure of their position on the balanced budget amendment, the GAO report has repeatedly emphasized the need for a budget process that forces clear decisions between our short- and our long-term needs.

In fact, in the 1992 report on the dire consequences of our current deficit policies, the GAO declared, and I quote:

> A higher level of national savings is essential to the achievement of a higher rate of economic growth. But by itself, it is not sufficient to assure that result. * * * In addition * * *, economic growth depends upon an efficient public infrastructure, an educated work force and an expanding base of knowledge, and a continuing infusion of innovations. The composition of Federal spending, as well as the overall fiscal policy, can affect long-term economic growth in significant ways.

Let me repeat the part that they emphasize: The composition of our spending, how we spend it, has as much impact upon our future growth as what we spend in the aggregate.

The composition of Federal spending that was the concern of the GAO report, Madam President, was the mix between operating expenses and capital investment.

Let me wrap up this extended citation of where the GAO comes down on this issue with the conclusion of the report's chapter on long-term priorities, and I quote:

> The recent approach to budgeting, focusing on each year's choices in isolation, has not served the Nation's needs. Only if we change the framework of the debate to emphasize the long-term consequences of both fiscal policy and relative priorities within the budget can we hope to develop a national consensus on the potentially discomforting actions needed to achieve the future we want for ourselves and for the next generation.

How much truer will these words be, Madam President, after the balanced budget amendment passes, if it does, a balanced budget amendment that raises each year's fiscal balance to the level of a constitutional mandate?

Madam President, you and I do not know each other well but we have served together in different bodies for a long time. How many times have we heard, in both political parties, all these experts who have come down and talked to us over the last 10, 12, 15 years, saying things like: "You know, corporate America is shortsighted. The Japanese are farsighted. Corporate Japan is farsighted. They make long-term investments, they forgo short-term gains; they work on long-term profits, not short-term profits.

And how many times have we heard managers from the Harvard business schools and the Wharton School at the University of Pennsylvania and the other great business schools of America tell us the same thing?

That is all we are saying here; that is all the GAO is saying here. As American corporations have begun to retool and not think of what the next quarter's profits will be but think about what the next 4 years' situation will be, and 8 years and 10 years, corporate America has gotten strong. We now, to take one anecdotal example, we now build better cars than Japan; they are higher quality. We are gaining a larger share of the market. We are doing better because the corporate executives stopped thinking about getting the price of the stock up to a certain price by the time they retired so their retirement benefits related to the value of the stock at the time.

All I am suggesting, and others, and GAO is we have to do the same thing as we make this fateful step, which I think we should make, to having a balanced budget amendment. How much more difficult will it be for us to make these long-term decisions when we are operating under the constraint of requiring an absolute balance every year, every time we present a national budget?

Will not our current incentives—what we all agree is a callous disregard for the burden of debt on our children—will not those current incentives just shift to a new incentive?

Right now, rather than make the hard choice of cutting spending or raising taxes, we have an incentive to push off the burden of the debt we are accumulating onto my sons and daughter, onto your children, our children, the next generation.

That is the incentive. That is why we say we need a balanced budget amendment.

Once we pass the amendment, and I hope we do—I hope we pass a balanced budget amendment—once we pass it, the incentive shifts. We may no longer push debt onto our children, but we may well neglect the things we need to do in order to sustain our infrastructure and to raise the level of potential growth in our economy.

Mark my words; when there is a short-term need to deal with an immediate problem when we have to balance the budget, and someone says but if we do not deal with the infrastructure of the country, the highway system or the port system or the sewer system or whatever it may be, or investing in long-term technology in a major growth requirement in the Defense Department, star wars, whatever you want to pick, you know what we are going to do? We are going to make sure we take care of the immediate need because we are going to go back home for election, and we do not want to tell anybody, by the way, the reason I did not vote to continue to fund this or that program is because I believe that if we invest more money in our ports, it will put us in a position to compete better with the Germans and the Japanese in the next generation. And that is why I cut your program and why I invested it in a long-term investment.

Fat chance. Fat chance. If we have an incentive now to push off debt to our children, I think the incentive to neglect future investment under the balanced budget amendment will be even stronger.

Madam President, it would be wrong to shift to a new incentive to balance each year's budget without adequate consideration for investments that are equally important to future generations.

I believe that without a capital budget provision the balanced budget amendment will replace our current shortsighted budget perspectives with another potentially harmful perspective that only rewards current cash-flow balances without regard for the investments that are our generation's responsibility to the next generation.

Madam President, we have heard repeatedly here on the Senate floor that virtually every State in our land has some form of balanced budget requirement in its constitution. We have one in Delaware, one that we added to our Constitution in the year 1980, and it has worked well. But all of the States, including my State, also use their bonding authority to pay for capital projects.

Madam President, as a prudent way of living within the constraints of a constitutional restriction, without neglecting our future, I do not know how we can do anything other than what States do.

I have heard, until I have had it up to here, the States and Governors telling us how they balance their budgets. Let me tell you they do not. They do not balance their budgets. I do not know of a single State that balances its budget, not a single one that I can think of.

I am prepared to state for the RECORD—if any Senator can come to the floor and tell me otherwise, I will apologize—they do not balance their budgets. They balance their operating budgets, their operating budgets. I also hear my friends, who support this amendment a little more stridently than I do, say the following: why can we not balance our budget like the folks back home balance their budgets?

Well, unless you hang out with a really wealthy crowd, I doubt whether you know anybody at home who balances their budget. I will bet you there is not a single person sitting in the gallery here who balances his budget like this amendment will require the Federal Government to do.

I wonder how many people walk out and pay cash for their new house? I wonder how many people who have purchased a house within the last 2, 5, 10, 12 years own the house outright and are not paying a mortgage?

My dad used to be in the automobile business. There were not a whole lot of people who walked in and plunked down cash or a check for a brand new car. If they did, he wondered whether they were drug dealers most of the time. Who comes in and does that? Some people have the money to do it and some people have the discipline to do it, but most people buy their cars on time.

A lot of us, myself included, have to borrow money to send our kids to college—take out loans, second mortgages on our homes.

As long as we pay the mortgage payment, as long as we pay the principal and interest on the college loan, as long as we pay the car payment, we will assume we are balancing our budget. But if we passed a law saying no household in America could operate other than on a balanced budget, as we are about to pass here, there would be an awful lot of people in apartments. There would not be any new homes being built.

I think we should be honest with the American people about what we are doing here.

Now, there are some arguments which I will respond to—I am sure they will come up—about why the Federal Government does not need a capital budget. I respectfully suggest that is not the case. If the example set by the States is an appropriate one, Madam President, as we have heard so often over the years in regards to a balanced budget amendment, then certainly we should learn from the States' universal determination to borrow for those projects that they deem worthy of long-term funding. That is how they do it. The amendment I am offering with my colleagues today will put that lesson into effect.

Madam President, I have here an editorial from the Wall Street Journal, not viewed as a liberal paper. Probably the news portion of that paper, if not the best, is one of the best in America. The editorial page, like many editorial pages, is often very strongly slanted. No one has ever suggested that the editorial writers of the Wall Street Journal are a bunch of liberal big spenders and taxers.

Let me read what they say in an editorial dated November 11 of last year right after the election. The editorial board expressed concern that Congress might move precipitously on a balanced budget amendment.

Let me read a passage from that editorial:

> To understand the economics—

Says the Wall Street Journal.

> If all American households were required to balance their budgets every year, no one would ever buy a house. Of course, households don't think about their budgets that way. They figure balance means meeting the mortgage payment. Similarly, State and local governments with balanced budget requirements can still borrow money for capital improvements. . . .

This amendment offers a simple mechanism to address the lack of a Federal capital budget in the proposed balanced budget amendment.

It introduces the concept of capital investment and says that the Federal Government is not bound to pay for such investments out of operating expenses up to a total of 10 percent of the operating outlays each year. So, to make it simple, let us assume that there is a $100 billion budget—it is more than that, but let us make it easy, a $100 billion Federal budget. No more than $10 billion could be added on to that budget in terms of a capital budget.

We can decide to build the bridges and highways out of operating expenses if we are flush. But we can also decide it makes sense to borrow the money, like we do in States with bonds, essentially saying we will pay it off in 2 years or 5 years or 10 years. And we must balance it, in the sense that States do in that we pay the yearly payment it costs to pay that off—the mortgage payment on the new airport, the new highway, the new exotic aircraft we have to build, the new whatever capital investment we decide upon.

In other words, it permits borrowing, the issuing of bonds for such investments just like the States, up to a maximum of 10 percent of each year's operating expenditures. We would be able to issue bonds without the three-fifths supermajority requirement needed for an excess in outlays over revenues in 1 year.

So, to borrow the money to do that, that is to make a capital investment, it would be a simple majority vote. Yet if we wanted to in effect borrow money, or go in debt in our operating budget, we need a three-fifths vote. And the rationale for that is simple, and that is we should encourage long-term investment and discourage short-term investment, given limited dollars.

Above that 10 percent amount, you could not borrow without a supermajority with 60 votes—just like you have to have now in this amendment to borrow money or increase the debt.

As the Wall Street Journal and many others who have commented on the balanced budget amendment proposal before us here today pointed out—"Borrowing for investments with long-term payoff is the practice of individuals, the practice of cities, the practice of State governments, and the practice of businesses. And it exists in all other advanced economies."

And it ought to be our practice, too. It is sound economic practice.

The 10-percent cap on the investment budget is a rough average of what we have been spending on a restrictive definition of capital investment every year since 1980. I must say, many analysts believe that our investment budget has been inadequate to meet the needs of the future. They say we should be investing a lot more than 10 percent of our operating budget in long-term investment. That may be. But I am not willing to allow more of that to occur with a simple majority vote. If we want to do more than that, then it has to compete on the same basis that an operating deficit would compete.

I think the capital budget should have to compete the same way, once it is beyond 10 percent. But a 10-percent cap on borrowing, without a supermajority needed for extension of the national debt, provides a reasonable minimum above which the approval of three-fifths of both Houses would be required.

So we could have a larger capital budget in the future if we need it. But either borrowing more under the three-fifths requirement, or if we decided to, by putting some big investments in our operating budget, would be the only way we could do it.

By accepting this capital budget amendment we will have established the formal procedure, with constitutional authority, for considering those projects which will have long-term payoffs and that, therefore, merit long-term finance. The capital budget includes only major physical capital assets, the kinds of purchases that individuals, businesses, and our State and local governments make by borrowing. It does not include research or education that many of us may argue are long-term and needed capital—investments in our future. They are important investments but they are more properly handled on a year-to-year basis, in the opinion of the authors of this amendment.

Madam President, let me make it clear again that what constitutes a capital investment will be defined in the amendment. But we do not have to fund a capital investment through borrowing. We can fund a capital investment, if we decide to, through the operating budget. It will take a majority of Senators even to conclude that we should treat it as a capital investment.

So the point is there are several hurdles you would have to cross here. This is not a giant loophole to allow us to continue deficit spending. You would have to meet the definition of a capital expenditure, you would have to get the Senate and House both to agree it was a capital expenditure, and then you would have to get them to agree to the fact it was worth borrowing money to in fact make that capital investment. And if the capital investment that was about to be made would exceed the 10 percent limit on what could be made, it would require a three-fifths vote in both the House and the Senate to do it. But at least the mechanism that is available to every State would be available to the Government.

It can be argued, and accurately, I think, that the balanced budget amendment as currently written permits borrowing and, therefore, future Congress's could engage in a form of capital budgeting. By that same logic, of course, our Constitution now permits us to balance the budget. The point of a balanced budget amendment is not to correct the defect in the Constitution but to correct a defect in our behavior—not the Constitution. We do not need this amendment to balance the budget. There is no amendment now that says you cannot balance the budget. We just do not do it. So many of us think we need an amendment to say we must do it.

I would argue the same rationale applies to those who say with the budget amendment we have up here, JOE, you could have borrowing if you get a three-fifths vote and you can call it whatever you want, capital budget or anything else. That is true. But it begs the question.

It is in that spirit that we offer this amendment. Not because some form of capital budget is impossible under the present amendment, but because we need to provide an explicit mechanism by which we can distinguish between projects that merit long-term financing and those that should be funded year to year.

One more point before I close, Madam President. My colleagues will know that we have provided that any revenue from the sale of public assets will and can be only used to fund capital budgets. So, for example, if we decide in order to raise money we are going to sell off Yellowstone National Park—and no one is suggesting that, that is why I pick it— instead of that money going into the general fund that money would go to reduce the debt that has been accumulated on the capital budget and pay off the mortgage quicker. That is what it would do. This provision removes an incentive to sell off our assets in the name of short-term budget balances.

Again, I want to protect our kids, not only from accumulation of debt and the interest they will pay on it, I want to protect them from the shortsightedness and the incentive to shift away from them the long-term investments they need. So, in order to satisfy our immediate need to balance the budget I do not want them selling off Cape Henlopen State Park, which is supposed to be there for posterity, in order that they not fire people who are on the Federal payroll to meet the balanced budget amendment.

So, Madam President, without an explicit capital provision, our incentive will be to focus only on those spending priorities that have short-term payoffs, economically and politically.

Madam President, I see the minority leader, the Democratic leader is here. I can refrain because I know he is on a very difficult schedule—refrain from delivering the rest of my statement at this point.

I will be happy, with the permission of my friend from Utah, to yield to him to speak on this or any other item he wishes to speak to.

Madam President, this amendment is a genuine improvement, in my view, designed to protect our children just as the overall balanced budget is designed to protect them.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the distinguished minority leader of the Senate, the Senator from South Dakota.

Mr. DASCHLE. Madam President, first let me congratulate the Senator from Delaware for his eloquent presentation and the leadership he has shown once again on this very important issue. No one in the Senate has become more of an expert on this particular question than the junior Senator from Delaware. I applaud him and thank him for offering the amendment.

We all know the purpose of a balanced budget amendment. The purpose, of course, is to free ourselves from our overwhelming debt burden and to promote economic expansion and growth for ourselves and our children. We are here to find a more certain path by which to accomplish that very purpose.

A constitutional requirement to balance the budget is one means to attain that goal of a budgetary balance. But the point of the whole exercise is economic productivity and growth. That is what we seek. We want to be able to tell business and we want to be able to tell families that Government policies will create more of an opportunity to have more economic growth and activity than we have now.

But if we are to ensure future economic growth, we certainly need to craft a balanced budget amendment carefully in a way that meets the objective of strengthening the economy.

I support the idea of forcing the Federal Government to adopt budgetary discipline under which most families and businesses and States must live. As we all know, our current budget rules do not function that way, and we need to correct them.

Today we have an amendment that would address that situation and force the Federal Government to live by the same budget, by the same rules and the same standards that every American family, every American business, and nearly every American in every State is required to live by.

The Biden amendment would establish, for the first time at the Federal budget level, the principle that there is a distinction between capital costs and operating costs. We actually would, for the first time make the distinction between capital costs and operating costs. This is absolutely necessary to allow us to balance the budget and at the same time invest in limited long-term priorities that fall outside the scope of annual operating expenses.

We have to come to the same conclusion that businesses and families and State governments already have: that there are different types of spending. On the one hand we have investments that can generate the economic growth in this country, in this business, or in this family. On the other hand, we have the operating expenses that daily, monthly or annually we have to pay the bills for, to do the work of government or business.

That really is a principle that every family and every successful business has recognized. When a family buys a house or car, or a farmer buys a better tractor, they do not pay cash. If a business expands to a new location or upgrades its computer system or purchases modern machinery, it does not pay cash. People and businesses borrow for long-term investments.

So the Biden amendment suggests that we draw the same distinction, economically and fiscally, between investment and operating expense.

That is really what the vast majority of States do today. States do not finance road construction or new school buildings or State courthouses or prisons solely out of a single year's revenues. They issue State-backed bonds and pay them off over the useful life of these investments. That makes good, common business sense.

So I support the idea of a constitutional budget amendment because I believe its goal is to strengthen our economy. But we do not strengthen the economy simply by writing new words into the Constitution. We strengthen the economy when we focus on the elements that make the economy strong, and shape the constitutional amendment to reflect those elements. We strengthen the economy by concentrating Federal spending on investments that promote long-term economic development, just as business do.

So I have cosponsored the pending amendment because I believe it is a practical way to promote economic growth. The amendment would put the Federal budget on the same footing, and subject the Federal Government to the same requirements that govern most States, businesses, and family budgets today. It would establish a clear distinction between capital costs and operating costs.

The amendment is tightly drawn, as the Senator from Delaware has pointed out, to prevent the Federal Government from sinking deeply into debt to finance capital investments. The capital budget would be limited to no more than 10 percent of the total outlays for each fiscal year.

It would operate under the pay-as-you-go discipline imposed by the requirements of the balanced budget amendment itself. So would the operating budget. Depreciation and debt servicing costs would be assessed to the operating budget, so debt incurred for public investments would have to be repaid within a balanced operating budget.

Just as any family must keep monthly car and mortgage payments affordable, the Government would not be able to take on more debt without cutting spending or increasing revenues in the operating budget.

So the amendment would ensure that the Constitution preserves the ability of the Federal Government to do what it needs to do, to invest in our economic future in a meaningful way. Put simply, it would create a capital budget to clearly distinguish tax dollars used for public investments from tax dollars used for immediate consumption.

It would create a powerful incentive to balance the operating budget—the consumption side—and it would offer an equally powerful incentive to subject all proposed investments to heightened scrutiny.

We hear repeatedly that the States balance their budgets, so why does not the Federal Government do so? It is a good question. But it is a question that compares apples and oranges.

Most States' balanced budgets requirements apply only to their operating budgets. They borrow for long-term investments and pay back the loans. They balance their books, they do not balance their budgets.

The amendment before us provides for a way to make this an apples-to-apples comparison. It would place the Federal budget on the same plane as most State budgets that exist today.

Again, the current Federal budget makes no distinction between operating and capital costs. We treat a highway that lasts 40 years precisely as we treat a traveling bureaucrat's lunch that is eaten and forgotten in 15 minutes. That is a prescription for short-changing investment.

A family does not treat a monthly mortgage payment the same as it treats a night at the movies. When the budget is tight, we clamp down on nights out. But we still pay the mortgage.

So it is time to abandon the idea that we can operate in today's economy out of a cash drawer as we could two centuries ago. For too long, that attitude has forced the Federal Government into costly and senseless solutions that are short term and, frankly, short-sighted. For example, in the mid-1980's, when President Reagan was anxious to avoid the appearance of higher deficits, the General Services Administration spent hundreds of millions of dollars on rental leases around the country, although it would have made more sense to build and own the buildings outright. In some cases, taxpayers are still paying on some of those leases today.

The argument that Government should operate on a more business-like basis is really what this amendment is all about. Every wise business borrows money to make investments that will increase profits. Smart businesses do not have to guess how much of their borrowed capital, how much of their revenue, how much of their future capital is going to be sunk into wages instead of a new warehouse. They know how their money is allocated because they have capital budgets, and they have operating budgets. It is the instinctive response of any normal household to draw the distinction. But, under current law, the Federal Government cannot do what families or businesses do today.

Madam President, a group of 435 leading economists recently called upon Congress and the President to increase public investment now and for the 21st century. They included six Nobel laureates, and their call reflects their professional judgment, not a political one.

They said:

"There is a danger in the current antigovernment tone of our national political discourse that we as a nation will forget the essential economic contribution made by public investment in our people and in our infrastructure. * * * The cost of infrastructure decay, urban squalor, and social polarization is too high."

Nearly every economist agrees that the United States is not investing enough in public infrastructure. Our public capital—roads, bridges, rails, and airports, our water systems, schools, and libraries—are all investments made in the past that support our present standard of living.

Our ability to compete, our ability to improve the quality of life for ourselves, and our ability to prepare for the 21st century depends upon our willingness to make these kinds of investments. But our present budget structure, unchanged, guarantees that we will not be able to do so.

The distinctive mark of American economic growth throughout its history has been productivity. Ours is an economy and a system that has given free rein to the investments, public and private, needed to sustain the productivity growth that we witnessed now for so long. We cannot, we should not, continue to live off our seed corn. We should be planting for our own futures, certainly not eating the very product that has produced the kind of economic vitality that we now enjoy.

The reason these economists and other Americans had to call attention to infrastructure is that investment is not treated by our budget as a distinct budgetary cost separate from consumption, and I daresay that most of the people in the Chamber today would privately agree that it should be. The Biden amendment at long last would achieve just that.

Polls show that Americans want much of what Government provides. They want to eliminate waste, of course. So do all of us. But they also want a strong national infrastructure with safer highways, with safe dams, with safe bridges, and good schools.

Indeed, most of our arguments over Government are not over the investment end of it; they are over the operational costs. Such issues relating to welfare and some of the consumption questions certainly will come up in the coming weeks and months on this very floor. I have not heard much anger, frankly, over capital investments that past generations have made in this country. That is not what this debate is about. We all recognize that public investment continues to decline. We all recognize that someday the bill will come due. We all recognize that if we do not address it now, this problem is going to continue to become more complicated. It will compound and become even more expensive.

The amendment before us is neither radical nor complicated. It is a coming of age for the Federal Government. It would give us the tools that every other competitive trading nation in the world already has.

Twenty years ago, the first Budget Act was passed. Frankly, I think it was regarded as revolutionary. For the first time, Congress would know how much money was being spent, and on what, before it was spent, not afterward.

By now, Congress has done practically everything possible to the Budget Act except to repeal it. But still we do not have a handle on spending.

We cannot agree, between 1990 and today, whether the trust funds allocated to future Social Security benefits should be counted against current deficit spending. We took Social Security off budget 5 years ago. This week, we nullified that decision. No wonder there is budgetary confusion.

It is time for another revolution, similar in scope to the one that brought the Budget Act into being. It is the single step that would give us the tools needed to change business as usual in Washington.

The Biden amendment would make that revolutionary, commonsense change. It would allow us to balance the budget and at the same time promote the long-term investment that we all want, the long-term investment that would give us a real level of confidence that, indeed, we can look to the future in the belief that we can, indeed, improve our productivity and strengthen our economy.

I yield the floor.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized.

Mr. BRADLEY. Madam President, I rise in support of the amendment offered by the distinguished Senator from Delaware and as an original cosponsor. I think this is one of the most important amendments that we will consider in this entire debate on a balanced budget amendment. It goes to the question of truth in budgeting.

I read in the paper constantly how the proponents of the balanced budget amendment say, why can we not balance the budget? Our average citizen in New Jersey has to balance his or her budget, and so does the citizen in Maine or South Dakota or Utah. In fact, I have heard people say, if the factory worker can do it, why can we not do it? If the insurance salesman can do it, why can we not balance our budget?

Madam President, I suggest that average people out there in the country today, by a surprising margin, do not balance their own budgets, in the way we would have to under this balanced budget amendment. I think there is a very important distinction to be made between people who spend money for consumption and people who spend money for investment.

The average person today, assuming that he has a credit card, spends money by using that credit card and piles up debt. This type of spending is primarily for consumption. At the same time, my guess is that there are millions of Americans who have mortgages on their homes. Madam President, under the rules established by this balanced budget amendment, any American who has a mortgage on his or her home would not have a balanced budget. Under the balanced budget amendment, all capital expenditures have to be funded currently, which means that if you were going to buy a home under the balanced budget amendment, you could not get a mortgage; you would have to pay for the whole house in 1 year. How many people in this country do that? Not very many. They go to the bank and they get a mortgage, and as a result of this mortgage, they pay the house off over many years as they use it, and as the benefit of the asset accrues to them. They also pay the interest charges every year.

Madam President, let me suggest that there is a great difference between a mortgage and credit card debt. Similarly, there is a great difference at the Federal level between operating expenses and capital expenditures. Operating expenses fund consumption, the day-to-day costs of running the Government, including everything from veterans' programs to the FBI to employees' salaries. The benefits of this type of spending are used up almost immediately. However, when the Federal Government makes a capital expenditure, meaning an investment in a physical asset such as a building, a highway, or a port, the benefit from that asset does not accrue to the country in that first year. It accrues over time. Yet, the balanced budget amendment, as it currently stands, would require us to put the whole cost in the budget up front, unlike the average citizen.

Therefore, Madam President, the first point I want to make is that there is a real distinction between financing day-to-day expenses and financing long-term investment. American families know that distinction. That is why they have credit cards and mortgages—one to pay for day-to-day expenses; the other, to finance long-term investments. The Federal Government should operate the same way American families do. We should have a Federal budget that balances our operating expenses. We should not have a Federal budget that requires short-term balance on long-term investments.

So that is the first point I would like to make. Under this amendment, capital expenditures are listed in a separate budget from the operating expenditures. And while a three-fifths vote would be needed to allow borrowing for the operating budget, if you want to borrow on the capital budget, it would take only a majority.

The other argument we have heard in this debate, is that States balance their budgets, so why can the Federal Government not balance its budget?

Madam President, States do not balance their budgets as the Federal Government would be required to balance its budget under the terms of this amendment. We all live in different States. Let us take my State of New Jersey. We have a balanced budget requirement in New Jersey. The State must balance the budget. That is what it says. However, we also realize the importance of making long-term investments for our State's future. Therefore, notwithstanding the balanced budget requirement, the State has the authority to borrow to finance capital investments. In addition to general obligation bonds issued directly by the State of New Jersey, we have a number of State authorities that are authorized to borrow to finance long-term investment projects. These authorities include the New Jersey Economic Development Authority, which as of November 1994 had $3.6 billion in debt outstanding; the New Jersey Turnpike Authority, $2.8 billion; the New Jersey Educational Facilities Finance Authority, $1 billion; the New Jersey Sports and Exposition Authority, $900 million; the New Jersey Building Authority, $700 million; the New Jersey Highway Authority, $640 million; the New Jersey Waste Water Treatment Trust, $620 million; the South Jersey Transportation Authority, $590 million; the New Jersey Water Supply Authority, $150 million; and the South Jersey Port Corp., $40 million.

In total, Madam President, New Jersey had 19.8 billion dollars' worth of debt in 1992 which was used to finance capital projects. The total annual New Jersey State budget is around $16 or $17 billion. If New Jersey had to balance its budget as the Federal budget would have to balance its budget under the balanced budget amendment, New Jersey would have to spend more in annual debt payments than it now spends.

Madam President, despite the importance of investing for our Nation's future, the balanced budget amendment does not distinguish between operating and capital expenditures. Instead, the amendment, unlike the balanced budget requirements in New Jersey and 42 other States, lumps both of these categories together by limiting the Federal Government from borrowing to finance long-term investment. The balanced budget amendment would require that the full cost of each investment project be paid immediately regardless of the term of the investment's life. In other words, in New Jersey, $19 billion would be due next year because that is how much New Jersey is in debt with the so-called balanced budget amendment at the State level. If this rule were applied to families, they would be forced to pay off their entire mortgage immediately and they could never again borrow to buy a home, pay for college, or finance any other long-term investment.

Do we really want to hamstring the Federal Government in this manner? I think not. American families do not do it; our States do not do it. What is good for families and States should be good for the Federal Government.

We ought to have a separate capital budget. Therefore, the capital budget amendment that the distinguished Senator from Delaware has offered would do nothing American families, businesses, and States do not already do.

By allowing the Federal Government to borrow to finance long-term investments, this amendment would allow the Federal Government to manage its finances in the same way that most States, families, and businesses manage theirs. That is what this amendment is all about.

Why treat the Federal Government differently? Who would argue that families in this country should be prevented from taking out mortgages? Why should we say to New Jersey taxpayers, "Pony up for the whole State budget plus the total for all State borrowing, all $19 billion worth, to pay that debt off?" Why should we say to businesses that borrow to finance capital investments in plant and equipment, "Nope, you can't do that. You have to pay it all off in the same year you buy it."

The reason that we do not do that, of course, with regard to families, businesses, and State governments, is that we recognize the connection between long-term investment, economic growth, and job creation.

The more investment you have, the more jobs you have. The more long-term investment you have, the broader your foundation for economic growth is over time.

How often do we hear about the balanced budget amendment, "We need to reduce the deficit. We need to eliminate the debt. We need the balanced budget amendment because it is through debt passed on to subsequent generations of taxpayers that the ultimate unfairness comes in."

However, these same concerns about intergenerational cost shifting do not seem to come into play when we discuss the possibility of issuing debt to finance long-term capital projects that provide benefits over a number of years. Why pay for the benefits of a bridge in 1 year when those benefits are going to flow over 50 years? Why pay for the benefits of your home in 1 year when the benefits are going to flow over 50 years? American homeowners do not pay for all those benefits in 1 year. They pay over 10, 20, 30 years.

Why should the Federal Government be different? In short, it should not.

But there is a bigger point here and the bigger point is that capital investment, whether you are running a company or a government, is enormously important because it is through investment that we increase productivity which provides a foundation for long-term economic growth. That increased productivity is critical if we wish to enhance long-term job opportunities, improve our standard of living, and keep our Nation competitive in an increasingly international marketplace.

Capital investments are investments in the long-term productivity of our economy and in the living standards of our citizens. However, because these advantages do not become apparent until several years after the funds have been invested, they are often underfunded, particularly when funds are tight, as they are now. Budget decisions tend to focus on immediate, operating needs. As a result, long-term investments get shortchanged.

By separating capital expenditures from operating expenditures, we ensure that these long-term investments are not overlooked in the budget process. By allowing them to be financed through debt, we can ensure that the long-term economic vitality of our country will be preserved.

The threat of insufficient capital investment is very real. Recently, a group of 435 economists signed a statement that warned:

> There is a danger in the current antigovernment tone of our national discourse that we as a Nation will forget the essential economic contribution made by public investment in our people and in our infrastructure.

"Public investment." Ask anybody who lives on the east coast, west coast, or gulf coast of the United States how important ports are. Those are big capital investments.

Ask anybody that lives anywhere in the United States how important highways are. Ask anybody who lives in a larger metropolitan area how important mass transit is. Ask anybody in the West how important dams are. Ask anybody in the dry West, beyond the 100th meridian, how important irrigation is. Ask anybody beyond the 100th meridian in the West how important public investment in power are.

Ask anybody, and they will tell you that it is on the strength of investment, both public and private, that long-term economic growth is based.

Madam President, I would simply suggest that if we look at the public investments in the 19th century. The distinguished Senator from Idaho is here. He knows how important the dams are in the West. He knows how important the irrigation systems are in the West. Madam President, if we could not finance those systems with debt, we would have to account for it all in the first year. We would have to pay the entire cost upfront. Most of those projects would not have been built had it not been for the Federal Government's ability to borrow and, in the future, many projects such as these will not be built.

We need to liberate capital spending from these requirements. We can do so by having a separate capital budget, a capital budget that would be capped at 10 percent of the total operating budget outlays. If we were able to do that, I believe that we would all benefit—our country would benefit and our children would benefit.

Madam President, I would like to close by emphasizing that the problem we are seeking to resolve by creating a separate capital budget is a real one with significant repercussions for our children and grandchildren. Like those economists said, if we do not make those investments, then our future will not be secure. How we choose to finance long-term public investments will have enormous consequences on the economic well-being of future generations. It is just as irresponsible to leave children and grandchildren with an enormous debt burden as it is to leave them without the infrastructure necessary for them to build their future.

I believe it is this concern about the impact of our decisions on future generations that is really driving the balanced budget amendment. If we are truly concerned about our children and their economic well-being, then it is clear that the time has arrived for a capital budget.

I yield the floor.

Mr. CRAIG. Mr. President, I now yield 5 minutes to the Senator from Illinois.

Mr. SIMON. I thank my colleague. If I may have the attention of my friend from New Jersey and tell him that I agree completely on the need for long-term investment. But I believe the case is not there for carving out this exception for the balanced budget amendment.

It is very interesting that you mention the interstate highway system. President Eisenhower, to his great credit, proposed the interstate highway system. And he suggested that we issue bonds for it. And a U.S. Senator by the name of Albert Gore, Sr., stood up and said we should not issue bonds, we should have a gasoline tax to pay for them. And as of about a year or maybe a year and a half ago, the estimate was we saved $750 billion in interest.

The largest project we have now is a nuclear carrier. $7 billion or so is paid over 5 years. We can do that on a pay-as-you-go basis.

GAO has said we ought to separate investment from consumption in our budget. I agree with them. But they also warn we have no necessity for a capital budget as a local unit of government may have.

It is also interesting, as we look at the history of our budget, as our deficits have grown, our capital investment has diminished so that, if we are interested in capital investment, what we ought to be doing is getting the deficit down and, in fact, we will have more capital investment.

Now, I happen to favor, for example, moving ahead in a massive way for mass transit. I think we could say to the Chicago Transit Authority and the others, "We are going to set aside 2 cents of our gasoline, $2.4 billion, for your capital investment," and then if they want to—because they do not have the ability to do anything—if they want to issue bonds, they can do that.

I would finally point out that this balanced budget amendment, believe it or not, does not prohibit capital investment, in a way that I happen to think is not the desirable thing. The Judicial Building right next to Union Station was a project designed by our colleague, Senator PAT MOYNIHAN. Architecturally, it is one of the most attractive buildings in the Capitol area today. Without my knowledge—because I would have voted against this method of financing—we are leasing that for 20 years, and at the end of 20 years we will own that building. I do not favor that, but I mention that simply to suggest there is flexibility within this amendment.

Mr. BRADLEY. Mr. President, if I could respond to my distinguished colleague from Illinois.

Mr. SIMON. I know we are limited to 20 minutes. If you can respond on the time of Senator BIDEN.

Mr. BRADLEY. Anyway the Senator from Illinois would like—I would like to accommodate him because I think he raises a couple of good points.

He raises the issue of the U.S. highway being built. Why do you need debt? I wonder if the Illinois Turnpike Authority is financed the same way. The New Jersey Turnpike is not financed the same way. We float bonds.

I note that in the 1950's there were a couple of years in which the Federal Government ran a surplus on a current year basis. We had no gigantic national debt, a very minuscule national debt, we ran a surplus. This allowed us the freedom to finance major capital projects on a pay-as-you-go basis.

However, I would say there is a great difference between our situation today and the situation that faced young Senator Albert Gore, Sr. when he proposed his amendment. The difference is about $4.3 trillion worth of debt.

As we try to balance the budget, we will be forced to make dramatic spending cuts. The capital budget amendment would simply cause us to weigh an investment's long-term benefits against its long-term costs. If the benefits outweigh the costs, we should be able to finance the project over its projected lifetime. Without this amendment we will be forced to budget for the entire cost of a capital investment in its first year and compare this cost to the many competing, and frequently legitimate, demands for current consumption spending.

The Senator makes a second point which is that as the deficit has grown, capital investment has dropped, to which I would say, "And the sun comes up in the morning." Of course, as deficits grow, capital investments drop. Capital investments drop because the public sector crowds out the capital markets. Instead, the money goes to finance public sector consumption. As a result, there is relatively little available for private sector investment.

But that is not the point. The point here is the public budget. Unless we act, public investment will continue to drop as we attempt to reduce the deficit. Ask yourself, you are a practicing politician, are you going to respond to the guy that comes in and says you know what we need is a new highway system. What we need is a new dam. Or what we need is a new power plant. Or are you going to say, I will give you the power plants, the bridge, the highway, but all you senior citizens, all you middle-class taxpayers, all you others out there who want to eat into a shrinking amount of available public funding, I will say no to you so I can make this long-term investment? This never happens. It has not happened in the past and is not likely to happen in the future. That is precisely why we need a capital budget.

Now the Senator made one last point about how the balanced budget should be flexible. I agree and would simply ask the question: Why is what is good for the American family not good for the Federal Government? Why is it that American families, when they buy a long-term asset, their home, get a mortgage and pay it off as they benefit from it each year in terms of interest payments? Why is that okay for the American family but not okay for the Federal Government? Why is it that Governors across this country say they have a balanced budget but still assume debt to finance long-term projects?

In my State alone, the State budget is $16 to $17 billion; the amount of amassed debt is $19.8 billion. Why is what is good for the Governors is not good for the U.S. Government? Why is what is good for the American families is not good for the U.S. Government?

So I would simply say, I think the Senator has raised a number of interesting questions, to which there are answers, and I have done my best to try to answer him.

(Mr. DEWINE assumed the chair.)

Mr. DORGAN. Mr. President, I wonder if the Senator will yield for a question. I am going to support the amendment that is on the floor because I think it makes a lot of sense, but I am always interested in this notion of families versus Governors. The major difference here is every American family who has debt is required not only to pay interest on the debt but to pay down the principal payment after payment after payment.

The difference is, the Federal debt keeps increasing because we pay interest and increase the principal year after year after year. That is a very fundamental difference between families and Governors.

Mr. BRADLEY. If I could respond to the Senator, I take his point. At the same time, no family is going to put the full price of the house out. No family is going to be required, as we would be under the balanced budget amendment, to pay this full amount upfront. I think there is a significant difference. I take his point on the narrower issue. On the broader issue, I do not think anybody wants to say to American families, "You can't buy your home with a mortgage, you have to pay for it all up front."

I think that is what we are saying under this balanced budget amendment, that you cannot finance long-term investment out of debt and that, in my view, will be counterproductive; it will lead to lower economic growth and fewer jobs.

Mr. SIMON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SIMON. Mr. President, first of all, I think Senator DORGAN makes a very good point. I will add, that family does not mortgage itself because they want to but that is the only way they can acquire the thing. When you have a $1.6 trillion budget and the biggest capital item is $8 billion, less than 1 percent of that budget, then you do it on a pay-as-you-go basis.

Second, the point that was made for States, I happen to know a little bit about the Illinois toll road. I was in the State legislature. I voted against it. I wanted to do it on a pay-as-you-go basis. We could have done it, and no one in Illinois would be paying tolls today if we had been prudent.

The reality is, we have the lowest gasoline tax of any country outside of Saudi Arabia. If we want to do something in mass transit or highways, we can do it on a pay-as-you-go basis.

Finally, I urge that everyone listen to what the General Accounting Office suggests and that is we ought to divide our budget into investment and consumption but not have a separate capital budget as an excuse for a deficit.

Mr. BRADLEY. If the Senator will yield.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time remains in control of the proponents of the amendment?

The PRESIDING OFFICER. Twenty-three minutes and ten seconds.

Mr. BIDEN. I yield time to my friend from New Jersey.

Mr. BRADLEY. Mr. President, I thank my distinguished colleague. I simply would like to make the point again, the Senator said people would not be able to buy homes if they could not get mortgages. Right, that is true. Why did we decide we would allow them to have mortgages? So they would buy homes, employ people and, at the same time, make an investment that lasts a long time, precisely because it is in the interest of this country to have investments in homes that last a long time.

Mr. BIDEN. If the Senator will yield, why did we allow them to deduct the interest they pay on their mortgage? To further encourage them to buy.

Mr. BRADLEY. Why do we build the roads that got them to the homes in the subdivisions? Same reason. But there is a difference between that and sending somebody a check that they spend tomorrow. That is the operating budget. Send people a check and they spend it tomorrow. You can do debt like that, too.

You can have a credit card as an individual, you can go out and spend, consume, go to the movies, buy your wife dinner, buy some new clothes and put it on the credit card. That is consumption. That is the operating budget. In general, we should not borrow to finance such types of spending. However, when you buy a house, you have a longer-term investment so you do not want to pay $100,000 or $200,000 for that house in 1 year, you want to spread it over time because you are going to derive the benefits of that house over a longer period of time, year by year by year.

All we are saying is treat the American Government the same way that we treat American families. Treat the Federal Government the same way that we treat State governments.

The distinguished Senator from Delaware was not on the floor when I pointed out that in my State of New Jersey, we have public indebtedness—State government and authorities—of $19.8 billion and, yet, the Governor—and every Governor who has been Governor of the State of New Jersey—asserts we have a balanced budget. We balance the operating budget, we do not balance the capital budget. The capital budget is debt for long-term projects that help the economy grow and prosper. It is nonsensical to say, "Well, we don't need that. We are prohibiting it in the balanced budget amendment."

Instead, look what happens when you gain control over spending by balancing the operating budget and capping the capital budget. Under this proposal, the capital budget would be capped at 10 percent of the overall budget over time and the payoff in jobs, investment, economic productivity is immensely greater than that investment. I agree with the Senator from Illinois, it will not be made in the amounts that are available under a capital budget because all those demands of people who want to consume money we send them through the mail will be greater than those people who will be farsighted enough to say, "Build this dam, build that highway or build mass transit."

Mr. BIDEN. Will the Senator yield for a question?

Mr. BRADLEY. I will be pleased to yield for a question.

Mr. BIDEN. One of the reasons why, as I understand it, some of us—myself, I know the Senator from Illinois feels this way and I suspect the Senator from Idaho—feel we need a balanced budget amendment is because now the incentive is to thrust off onto our children the obligation of paying for what we are unwilling to make tough decisions. When the President put his deficit reduction package down, the three of us voted for it but we could not get anybody else to vote for it because we did not dare to say we were raising taxes on the very wealthy among us, we did not dare to go back and say we were going to cap spending for social programs, et cetera. So it was easier to let the debt accumulate and the incentive was to shunt it off to our children.

My question is this: Will we not just be supplanting that incentive to shove off onto our children debt that we do not want to meet and instead shove off on our children the lack of the infrastructure they are going to need to be able to compete?

How many people in here are going to go home and say in New Jersey, Delaware, Illinois, Maine, wherever, "By the way, the reason why I voted against providing more money for education is because we think that the Port of Wilmington and the Port of Camden need an investment of 12 new cranes which are going to cost a half-a-billion dollars, because in order for us to be able to compete with the Germans, we have to be able to export more to Europe of the automobiles that we are building.

How many people are going to find that their town meeting folks are going to say, "Now let me get this straight, you mean to tell me my kid is not going to have as much money for school this year or for a college loan program this year or for tuition this year because you are telling me you invested so my grandkid will be able to compete with the Germans 10 years from now?"

Has anything in the political experience of the Senator from New Jersey led him to believe that will be the norm for American politicians?

Mr. BRADLEY. I will reply to the distinguished Senator from Delaware, there is one simple answer: Those investments will not be made.

Mr. BIDEN. Bingo.

Mr. BRADLEY. There are not profiles in courage enough for people to take longer-term decisions, witness this deficit and debt. The Senator is exactly right.

He points out that we will have a balanced budget amendment that will simply reduce the chances for better jobs, more jobs, higher incomes for our children because we will not be building the kind of infrastructure and the kind of investments that most every State in the Union finances by borrowing.

In my State, the New Jersey Turnpike Authority was financed through borrowing what is probably the best known investment. I guess there is not a Member of this body who has not ridden on the New Jersey Turnpike. That would not have been built if it had not been debt financed. I do not know if anybody has gone to Giant Stadium or to the racetrack built under the auspicies of the the Sports & Exposition Authority. They would not have been built if they had not been debt financed. I do not know if many people know about the incredible dams in the west that would not have been built.

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. I will be happy to yield on the Senator's time.

Mr. CRAIG. Specifically to the point of New Jersey, if you take the capital investment bonded by the State of New Jersey and the surpluses invested in the employment trust funds and you put them into a unified budget with the operating budget of the State of New Jersey, that is, the General Accounting Office report, October 1983, as we do at the Federal level in a unified budget, guess what you have in the State of New Jersey? You have a balanced budget based on revenue, based on the value of the trust funds, based on the capital investment from bonding, and that is why you have the rating you do in the bond system.

Now, what the Senator is saying is true, but we must tell the whole story. And the whole story is the net assets versus the expenditures of the State of New Jersey.

DICK GEPHARDT over in the House asked for that report, and in almost all cases with all States, if you look at it through the eyes of a unified budget, which the Senator is not arguing at this moment——

Mr. BRADLEY. Absolutely.

Mr. CRAIG. But the Federal Government does look at it in the eyes of a unified budget, because that is how we treat Social Security—and that has been argued here in the Chamber—then, I say to my friend, the rest of the story is that when you put it all together, the State of New Jersey, being as fiscally responsible as they are, is balancing capital, capital reserves in the trust funds of the retirement system versus the investment of the bonds they floated and the obligation they get as an A or a AAA rating and their operating fund and they have a near balanced budget. That is the reality of the report.

Mr. BRADLEY. I would say to the distinguished Senator that they might have a AAA rating, but it does not equal the rating of the U.S. Government. And the reason it does not equal the rating of the U.S. Government is because we can print the money. State borrowing is not as secure. There might be a Governor in New Jersey that might make some bad economic decisions. This might result in a bigger deficit than investors had imagined.

Lenders might believe that the State is not making a good investment. At some point they might not be funding the pension funds as they should be funding the pension funds. In fact, right now that is the debate. And indeed that might affect their rating.

But we are talking about the Federal Government. I would say to the distinguished Senator as well, look, I voted to take the Social Security trust funds out. Let us have the trust funds as a separate part of the budget. Let us have an operating budget and then let us have the capital budget. Let us organize it clearly and tell the American people, as the Senator points out, just like the State of New Jersey, so that we can then say we have a balanced budget if we balance the operating expenditures.

Mr. BIDEN. Will the Senator yield for a moment for me to respond?

Mr. CRAIG. I would yield only on the Senator's time.

Mr. BIDEN. Yes, on my time.

As I understand what the Senator just said, put another way, if New Jersey wanted to pay off its bonds, it would have to take all the money it has in its pension funds. Bingo, that is a great idea, is it not? What does that do? I mean look, this is not real complicated.

The Senator from Idaho just laid it out. He said, look, if you take the money that is in here for the pension funds, all that money that is saved up, and you take the revenues that are coming in on a yearly basis and you look at the money that is being paid out and the indebtedness, you are almost balanced. That is almost balanced if you empty the bank account, the bank account being the pension funds, which means those people do not get paid their pensions. What are we talking about here?

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. Sure, on the Senator's time.

Mr. CRAIG. The Senator knows he is not talking about that. The Senator is talking about an annual payment on the bond, not emptying out the trust funds. We are not emptying out Social Security. The bottom line is that GAO agrees with me against the Senator on the concept of a unified budget. Now, the Senator can play the rhetorical games but the reality is States cannot print money. They must borrow.

Mr. BRADLEY. Will the Senator yield?

Mr. CRAIG. No, I will not. They keep their rating by their fiscal responsibility. That is exactly what they do. Interestingly enough, when you put it all together State by State, while we do not have a capital budget—and we know we do not have it, and the reason we do not have it is because we like the pay-as-you-go basis; it controls our ability to spend and we know we cannot control our ability to spend—then States are not in a bad shape. States have been offered this financing mechanism simply because they do not have the ability to print money, because they are a part of the whole.

Now, we know that. Senators know that. And it comes down to the reality of fiscal solvency. States do not borrow beyond their ability to pay.

Mr. BIDEN. Mr. President, on my own time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Let me talk like a good old-fashioned Republican here. Let us talk about how people back home do it.

Now, let us just look at what the Senator said. He said States have debt. Well, they have debt. We are just saying we should not have any debt. But he is saying—let us get this straight—we are going to collect in taxes in New Jersey as we collect in taxes federally from the FICA tax for Social Security and the income tax and excise tax and all the other taxes, the State of New Jersey, the State of Delaware, the State of Illinois, the State of Utah, we are going to collect this money. Now, under the system that they are setting up, the total amount of money we collect cannot be less than the money we pay out. Right? OK, so far so good. New Jersey does the same thing. But what we are doing in our unified budget is we are spending the Social Security pensioners' money.

Mr. BRADLEY. If the Senator will yield at that point.

Mr. BIDEN. Surely.

Mr. BRADLEY. And by the logic of the argument of the Senator from Idaho, he thinks we should continue to raid the Social Security trust funds in order to balance the budget.

Mr. BIDEN. Precisely. If I can say to my friend, and he also thinks the State of New Jersey—I do not know that what they do is different than Delaware; I do not know what New Jersey does, but in most States they do not take that money and spend it to pay for roads. Some States do. Most do not. They have it segregated, their pension funds.

Mr. BRADLEY. Will the Senator yield on that point?

Mr. BIDEN. Surely.

Mr. BRADLEY. New Jersey is the exception in that as well because New Jersey—I do not know what the date of the Senator's economic report is, but in the recent New Jersey budget, the State borrowed $3 billion from the pension funds to fund the deficit.

Mr. BIDEN. Right. Now, let us get it like the homeowner does. Let us say a homeowner decides, I want to retire, and I am just going to leave the State of Delaware or the State of New Jersey. I want to sell all my assets and pay all my debts. OK. Well, what he or she has to do is sell the house, sell everything they own. They take everything, all their income, that year. They pay everything off. And whatever they have left means they are either in debt as they leave town on borrowed money for an Amtrak ticket or they have money in their pocket.

Now, how about if you put the State of New Jersey or any other State, or the Federal Government in the same situation.

What happens now? In order for the State of New Jersey to pay off all that it owes, that is, its bond indebtedness, in 1 year, and all that it costs to operate the State for 1 year, it has to go and take money out of the pension fund. They could, if they took all the money out, settle all their debts. But now there is no money left for my uncle when he retires.

Now, I do not call that solvency. It may be that technically it is solvent, but it sure puts a lot of people in jeopardy.

I do not want to carry this too far except to say, look, there is nothing sacrosanct about the way this amendment is written—this main amendment is written. It makes sense to make sure we do not shift the incentive from accumulating debt on our children's backs so they have to pay interest on the debt, to denying them the ability to have any infrastructure left where they can make this country competitive.

Mr. BRADLEY. Will the Senator yield for one last point?

Mr. BIDEN. I will be delighted to.

Mr. BRADLEY. Again, back to the New Jersey example, the State budget is roughly $16.9 billion, the indebtedness is $19.8 billion. Imagine what would happen to taxes if you had to fund New Jersey investment the way this amendment would require us to fund Federal investment.

Mr. BIDEN. In 1 year.

Mr. BRADLEY. In 1 year.

Mr.BIDEN. Without being able to raid the retirement fund.

Mr. BRADLEY. Right, while protecting the pensions.

Mr. BIDEN. Mr. President, we talked about State total indebtedness. I ask unanimous consent to have printed in the RECORD this survey of State and local governments by the U.S. Bureau of the Census. It is in current dollars. Just going back to 1983, the total indebtedness was $167,289,000,000 for the States. In 1993, 10 years later, it is $387,680,000,000 indebtedness.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State government total indebtedness

[In millions of dollars]

Fiscal year:	*Amount*
1993	387,680
1992	371,901
1991	348,769
1990	318,254
1989	295,500
1988	276,786
1983	167,289

	Amount
1978	102,568
1973	59,374
1968	35,666
1963	23,176
1958	15,394
1953	7,824
1948	3,676

Note.—Amounts are in current dollars. Total indebtedness amounts include both long- and short-term debt. Long-term debt includes full-faith and credit (general obligation) and revenue debt. State government debt total excludes debt obligations of local governments; in fiscal year 1992 local government debt amounted to $598 billion compared with $372 billion for State governments.

Source.—Annual Survey of State and Local Government Finance, U.S. Bureau of the Census.

Mr. BIDEN. Let us just hope everybody does not think we know what we are doing here and decide to pass in every State a balanced budget amendment like we have here, because we will be in chaos. Why, everybody who stood up—the distinguished Senator from Utah, the manager of the bill is here. His Governor, a really solid guy, a guy who is a fiscal conservative I assume, a guy who is straight as an arrow, and I asked him, "Do you balance your budget?"

He said, "No, we have a capital budget."

I said, "Should we have one federally?"

He said, "Well, it is something you should look at. It seems like a pretty good idea to me."

Did anybody go out there and survey the Governors, whom we all think somehow God invested them with some new knowledge now? Governors are in. That is great. Ask them do any of them object to us having a capital budget? This is silly, refusing to do this.

I see my friend from New Jersey is on the floor. Would he like some time yielded?

Mr. LAUTENBERG. I would.

Mr. BIDEN. Please, go ahead. I have 8 minutes left. Is 5 minutes sufficient?

Mr. LAUTENBERG. I will talk fast.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Delaware for his courtesy. I also want to commend my senior colleague from New Jersey because, though our arguments are going to be essentially the same, I thought he did his very well.

I want to talk about this, the notion of separating the Federal budget into capital and operating budgets, and only requiring that the operating budget be balanced, which is what I hear being said here. I come out of the business community. I served as CEO of a major American corporation and got my financial experience there. So as I approach this problem, I see it, perhaps, from a moderately different perspective than some.

Mr. President, I strongly support cutting wasteful spending and reducing the deficit, but I have serious concerns about putting rigid rules for fiscal policy into the Constitution. The balanced budget amendment to the Constitution should be defeated. However, if we are to have such a constitutional requirement, it should at least establish rules that recognize simple and practical realities.

House Joint Resolution 1, unfortunately, does not do this. By continuing commingling of capital and operating budgets, it would incorporate budgetary procedures in our Constitution—the permanent law of the land—that no aware businessperson would ever think about adopting for their business. It flies in the face of common sense and standard business practice.

Mr. President, how many times have we heard the same argument: If ordinary Americans can balance their family budgets, if State governments can balance their budgets, and if businesses can balance their budgets, why can not the Federal Government?

It sounds good, Mr. President. And the real answer is that, yes, families, States and businesses balance their budgets, principally because they are able to borrow for long-term investments and spread that investment over a period of time so it is accounted for in relation to the life of the asset as it is used. Families borrow money to buy a house or a car. For most families the achievement of an asset base is almost exclusively because they are able to mortgage a piece of property, pay it off over a period of time, and accumulate some capital.

States borrow for capital projects that will provide long-term benefits, like roads and bridges. And, every day, businesses borrow to invest in plant and equipment to make them more competitive. If they did not, most would have no future, especially in today's increasingly technological age. They know they need to make investments in the future. That is why they do not balance all receipts and expenditures—they balance only their operating budgets.

By contrast, Mr. President, House Joint Resolution 1 in its current form lumps the capital and operating budgets together, and makes no distinction between investments and operational expenses. As a former CEO of a major cooperation, I can attest that this approach violates the most basic principles of budgeting in the private sector. Virtually no major business in America commingles their capital and operating budgets. Nor do State governments, and for good reason.

Mr. President, too much borrowing is a dangerous thing, that is clear. But borrowing per se is not an evil thing. In fact, it is often the most appropriate way to finance long-term investments.

To illustrate the point, let us consider a town that is trying to attract investment by high technology companies, but which lacks the schools needed to support such companies.

If the town cannot afford to build new schools, its only option would be to borrow. By doing so, and building those schools, the town would promote economic growth, improve the quality of life for years, and spread the costs among all the generations who would benefit. In other words, it would be a win-win situation for everybody.

But now let us assume that this town must live under House Joint Resolution 1. What would happen? The answer is: absolutely nothing. The town could not afford the new schools. It would not attract high technology investment. Jobs would be lost. And the town's long-term future could be threatened. All in all, it would be a lose-lose situation for everybody.

Well, Mr. President, the fate of that town is really a metaphor for what could happen to our country under a balanced budget amendment. Any item that cannot be paid for by today's taxpayers will never be built—even if any borrowed funds would be repaid many times over, and even if the economy would benefit substantially by the investment.

Mr. President, such a constitutional bias against long-term investment is especially troubling since our nation has long underinvested in our infrastructure.

History has shown that investment in infrastructure is directly related to productivity. That is an economic reality that our competitors well understand, but which we have been ignoring. In fact, of the G–7 nations, the United States ranks at the bottom for infrastructure investment as a percentage of GNP.

Japan spends three times more on infrastructure investment than the United States. The Japanese recognize that to stay competitive they need an efficient transportation system. To match Japan's investment level for just 1 year, we would need to invest over $250 billion in infrastructure.

Mr. President, as we meet here today, almost one-fourth of America's highways are in poor or mediocre condition. Another 36 percent are rated only fair. One in five of the Nation's bridges are structurally deficient, meaning that weight restrictions have been set to limit truck traffic. There are unacceptable flight delays at 23 of the Nation's major airports. If no capacity improvements are made, 33 of the Nation's major airports will experience unacceptable delays by the year 2002. The effects of poor roads and limited air traffic capacity cost our economy $45 billion annually.

As we move into the 21st century, which will demand substantial infrastructure investment, we are laying the groundwork for economic disaster.

Mr. President, many of my colleagues have been arguing recently that we ought to shift power from Washington, and rely more on State governments to set policy. So it's instructive to see how State governments budget their resources. And the answer is: They borrow to invest.

Take my State of New Jersey. Some of our Governors have pointed to our State's balanced budget requirement, and said the Federal Government should adopt a similar limitation. But New Jersey's balanced budget requirement applies to our operating budget. It does not prohibit borrowing for investments. In fact, between 1960 and 1992, State debt increased from $914 million to almost $20 billion. That works out to over $2,500 for each State resident.

Mr. President, balanced budget requirements in other States contain similar provisions for capital budgeting. So those of my colleagues who routinely proclaim the superior wisdom of the States should not have to think twice about voting for this amendment. It is entirely consistent with State practices.

Mr. President, investments in our infrastructure are critical to our ability to compete in the global economy and to maintain our country's standard of living. But that investment would be impossible under this balanced budget amendment, which requires today's taxpayers to pay for benefits that only future generations will receive.

That does not make sense. And to put this kind of misguided policy into the Constitution, where it would handcuff our economy in perpetuity, would be irresponsible.

Mr. President, we are talking about the long-term future of our economy. We are talking about the future of our children and grandchildren. I am thinking of my new granddaughter, Mollie, who was born just a couple of weeks ago—and all the children born in New Jersey this year. I want them to have as good a life as they possibly can. And I want our Nation to make the investments necessary to make that happen.

That is not going to be possible if the Constitution establishes budget rules that create a bias against long-term investment and fly in the face of common sense, established business practices, and State budgetary practices.

Mr. President, capital budgeting works for America's businesses. It works for America's families. It works for State governments. It should be incorporated into this balanced budget amendment.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this proposed exemption for a so-called capital budget, in our opinion, could help evade the purpose of the balanced budget amendment. So I urge its defeat for five reasons.

No. 1, this provision opens up a loophole in the balanced budget rule. There would be a powerful incentive for Congress and the President to help balance the budget by placing more programs in the capital budget created by this amendment. An abused or gimmick capital budget exemption could actually endanger capital investments, as falsely styled capital items crowd out real capital investment.

It may also be that with a segregated capital budget Congress may limit itself to spending on capital investment only in the capital budget rather than spending more than 10 percent in the general budget.

But my primary concern is this—that this provision can be used as an escape valve for at least 10 percent of the budget each and every year. Under President Clinton's proposed budget for fiscal year 1996 that would mean that we could have yearly deficits of $160 billion per year, adding to the debt we already have, and growing. That means we would not be improving things very much from the deficit levels currently projected by the President. That is my first objection to this amendment.

No. 2, the loophole problem is aggravated by the fact that there is no standard definition of what a capital budget really is. In President Clinton's proposed fiscal year 1996 budget, the Office of Management and Budget admits this. OMB lists a number of broad categories of programs that may or may not be considered capital expenditures. They include research and development, education and training, and other such categories—very broad categories. Even within these broad categories there are questions about what programs should or should not be included. The amendment's attempt to cure the definitional problem only raises new definitional problems. The definition given is somewhat circular. Just what does "major public physical capital investment" mean? Each term is subject to substantial debate. This is a constitutional amendment. OMB's categories include a subdivision for major public physical capital investment, the same language used in the Biden amendment. This subdivision is broken into so-called direct nondefense and defense investments and grants to States and local governments.

All of this suggests that the capital budget would be easy to manipulate, or as OMB says malleable. This amendment would, in fact, create an incentive to manipulate it. As the President's own budget analysis admits,—this is on page 113 of the Analytical Perspectives Volume of the Budget of the U.S. Government, Fiscal Year 1996, just submitted: It says, "[t]hese and other definitional questions are hard to resolve." It goes on to say

> [t]he process of reaching an answer [to the definitional questions] with the capital budget would open the door to manipulation because there would be an incentive to make the operating expenses and deficit look smaller. By classifying outlays as investment and using low depreciation rates this would justify more spending by the program or the Government overall.

It is particularly inappropriate to place capital budgeting in the Constitution when there is no agreement on what constitutes a capital budget.

The third reason for my urging the defeat of this amendment is that the Constitution is not the place to set budget priorities. The balanced budget amendment seeks to create a process in which programs compete for a limited pool of resources. A constitutional amendment should be timeless and reflect a broad consensus—not make narrow policy decisions.

This exemption creates in the founding document a new constitutional budget subdivision with a percentage cap on it. We should not place technical language or budget programs into the Constitution which undercut its simplicity and universality.

My fourth reason for urging defeat of this amendment is that a capital budget exemption is unnecessary. Total Federal spending has generally been above 20 percent of GDP, and less than 4 percent of Federal outlays are for nondefense physical investment, one of the possible definitions of capital investment.

In President Clinton's fiscal 1996 budget, direct nondefense major public physical capital investment is projected to be only 1.21 percent of total spending. Federal grants to State and local governments is projected to be 2.44 percent of total spending. So, if we add the nondefense capital spending to grants, the total capital investment is only 3.65 percent of projected Federal spending.

Direct major public physical capital investment for national defense is projected to be 3.23 percent of total spending. If you added in the defense category, the total capital investment would be 6.98 percent of the total budget.

Given the relatively small and constant share that such capital expenditures—as usually understood—have in a very large Federal budget, there is no need to remove capital expenditures from the general budget.

One example might illustrate the lack of need for a capital budget. Although President Eisenhower initially proposed that the Federal Interstate Highway System be financed through borrowing, Congress decided to keep it on budget and finance it through a gas tax at the suggestion of Senator Albert Gore, Sr. We are unlikely to have a capital expenditure of this magnitude again. But, if we do, there is no reason to create a standing exemption for such investment.

If Congress decides to borrow for a particular large investment, this avenue is available under the balanced budget amendment as now drafted, and to the extent that the three-fifths vote provision in this amendment for additional capital investments replicates the general provisions of the balanced budget amendment, this amendment of my friend and colleague from Delaware simply is pointless. Under the balanced budget amendment, Congress can borrow to finance any such investments if three-fifths of each House vote to do so. This provision of this amendment is simply duplicative of the underlying amendment's provisions.

The fifth reason I urge my colleagues to vote against this amendment is that capital spending should compete in the budget like all other spending. The balanced budget amendment seeks to foster an atmosphere in which Congress prioritizes spending options within the revenues available. House Joint Resolution 1 does prevent the creation of separate operating and capital accounts to show where federal money is being spent. Any implementing legislation which creates such separate accounts, however, must leave the total budget in balance, since implementing legislation cannot subvert the clear mandate of this amendment. But, Mr. President, accounting techniques should not subvert the prioritizing function of the amendment.

The proposed exemption allows the entire budget to be used for noncapital investment like simple transfer payments, and then allows a 10-percent increase in Federal spending—and the debt to fund it—for capital investments. The General Accounting Office saw the fallacy implicit in this exemption when it said, "The choice between spending for investment and spending for consumption should be seen as setting priorities within an overall fiscal constraint, not as a reason for relaxing that constraint and permitting a larger deficit." GAO, Budget Policy: Prompt Action Required to Avert Long-Term Harm to the Economy, June 1992, p. 79.

The GAO further said, "The creation of explicit categories for Government capital and developmental investment expenditures should not be viewed as a license to run deficits to finance these categories." Id.

Each Congress should make its own decisions about spending priorities each year, but within a rule of fiscal discipline as the balanced budget amendment would require. This is particularly true where this proffered exemption for a so-called capital budget is so large that it nearly maintains the status quo of deficits above $160 billion a year. Under the provisions of this amendment, we could continue to roll up debt almost as fast as we do now, maybe even faster as time goes on. This amendment creates an exception that nearly swallows the rule.

Mr. President, I would also note that the revenue portion of this amendment unduly hamstrings the Federal Government with respect to the sale of assets. If the Government decides to sell off some outdated or unneeded assets, there is no reason not to count the revenue resulting from the sale as revenue to the Federal Government. This provision might even create a disincentive to get fair value from assets we sell because the revenues would not count as revenues, and to me this makes no fiscal or business sense.

Finally, there is a flaw in the analogy to States and private entities that the proponents of this amendment have made. Besides the fact that the Federal Government does not need capital budgeting as much as smaller entities, the analogy to capital budgeting by businesses or States is flawed because the Federal Government is not subject to the same checks as either private businesses or State and local governments. Private businesses are disciplined by markets. State and local governments' capital budgeting is subject to State bond ratings. These checks on the abuse of capital budgets would not exist under a Federal capital budget making it far more likely that a Federal capital budget could be abused.

Mr. President, so that we can move quickly here this evening, or at least adequate speed, I ask unanimous consent that following the disposition of the Biden amendment Senator FEINGOLD be recognized to make a motion to refer, and that time prior to a motion to table be divided in the following fashion: That no amendments be in order prior to the motion to table, 20 minutes under the control of Senator FEINGOLD, 10 minutes under the control of Senator HATCH.

I further ask unanimous consent that following the conclusion or yielding back of time on the Feingold motion the majority leader, or his designee, be recognized to make a motion to table the Feingold motion.

I have been asked to announce by the majority leader that this is not necessarily the final vote.

Mr. ROCKEFELLER. Mr. President, I want to express my support for the concept of a capital budget embodied in this amendment offered by Senator BIDEN and Minority Leader DASCHLE.

This amendment would establish a separate capital budget for the Federal Government, which would be distinct from the general operating budget. It would provide the mechanism to make major physical investments that are necessary to remain internally strong and able to compete with other nations for the jobs and opportunities our citizens deserve.

I think we all realize the benefits and importance of long-term investments in our Nation's infrastructure. In creating a separate capital budget, we would recognize the difference between the government spending that responds to immediate needs and the spending that serves as an investment in America over generations.

Families are familiar with this concept. Millions of households borrow to make very specific investments in their own futures, such as the mortgage required to buy a home. They do this because they realize the long-term benefits of home ownership. They recognize that many of the things they buy will last beyond the time they are done making payments on them. My highly respected friend, the senior Senator from West Virginia, has described how he went into debt to purchase a bedroom set when he and his wife were younger. This very frugal, wise person made a sensible investment to increase his family's standard of living.

The fundamental purpose for a capital budget is to ensure that America's citizens of today are targeting certain resources into our collective needs over future needs. When States issue bonds to pay for things like drinking water purification systems, they are recognizing that the benefits of that new system will go to many people over the course of 25 years of so.

If a balanced budget amendment to the Constitution passes, it should be constructed to treat a one-time, one-year tax break differently than the long-term investments in the necessary pillars of a strong nation. I think of the facilities needed to keep water pure and safe. Airports, highways, and roads are the lifeblood of our economy and are the only way for rural areas to have real opportunities for jobs and industries.

Many of those in favor of a balanced budget amendment point out that 49 States work within a balanced budget requirement. However, most of those requirements allow for State borrowing to fund capital investments.

In West Virginia, while we do not have a formal capital budget process, our State is permitted to borrow to fund long-term investments. The State is allowed to repay these debts over time from general revenues provided that there is a statewide vote granting the authority to do so. The State may also incur debt without this vote if the repayment is something other than general revenues.

In November, the voters in West Virginia held one of these statewide votes and passed what was called amendment 3. It was designed to fund water and sewer projects—an investment they felt will give them and their families benefits over a number of years. Amendment 3 specifically authorized the state legislature to issue and sell up to $300 million in State bonds to be paid for over a period of 30 years.

Mr. President, as a former Governor, I am more than familiar with the difference between operating budgets and capital investments that cannot be neglected. I know the cost all too well of neglecting infrastructure, health, and safety facilities, transportation—when I became Governor, I faced those costs and fought to catch up so our State could compete for the jobs and opportunities that we saw other States win as a result of their superior roads and other assets.

I am afraid that if we pass this balanced budget amendment without allowing for a capital budgeting process, we will make a bad mistake even worse. The idea of using the Constitution to set economic policy is bad enough. Passing such an amendment without allowing for a separate capital budget that recognizes the difference between long and short term investments is short-sighted and could be very costly to future generations.

Mr. President, all of my colleagues should vote for this amendment.

Mr. HATCH. Mr. President, all I can say is I understand what my dear friend and colleague is trying to do. I just disagree, and I think the Senate should disagree because it would be a tremendous loophole. These five reasons that I have listed are reasons why I think and why I believe that this amendment should be defeated.

Mr. BIDEN. Mr. President, in a minute and 20 seconds I will give five reasons why the Senator is wrong, in my view. One, he makes conclusory statements. Two, major physical assets is defined in the amendment, and it is amazing how inventive he is about redefining what is in the amendment. He accurately read everything the GAO said, but that is not what we say in amendment. Four, we want competition to be skewed between long-term investment so we do not have our children paying the same price they are paying for the accumulated debt we have here. And five, nobody else does it the way my friend from Utah wants it done. I think it is time we ask ourselves, "I wonder why."

I urge those of us in this body who agree with the need for a capital budget to vote against tabling.

Mr. SARBANES. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. SARBANES. When the Senator says "nobody else does it the way the Senator from Utah is suggesting," the Senator is referring not only to State and local governments, which borrow in order to fund a capital budget; he is talking about businesses which borrow and about individuals who borrow in order to fund a capital asset; he is talking about all of the other countries in the world. He is absolutely correct.

Mr. BIDEN. Maybe we can be different, but I hope we are not.

Mr. HATCH. Mr. President, how much time remains?

The PRESIDING OFFICER. There are 32 seconds remaining.

Mr. HATCH. I will just say this. I have made the case that borrowing by State and local governments and by businesses is completely different from the borrowing for capital budgets by the Federal Government. I do not think you can make the analogy as simple as has been made by some of my colleagues.

I yield back whatever time remains.

Mr. BIDEN. On behalf of the minority leader, I ask unanimous consent that a list of some of those in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUPPORT THE BIDEN-BRADLEY AMENDMENT TO THE BALANCED BUDGET AMENDMENT

DEAR SENATOR: As currently drafted, the Balanced Budget Amendment (BBA) would create a political straight jacket that could push Congress to sell off our nation's treasured public lands such as national parks, forests and wildlife refuges. To help prevent this consequence, we urge you to support an amendment Senators Biden and Bradley are expected to offer this week to the BBA. The Biden-Bradley amendment would establish a capital budget to assure continued federal investments in major public assets from being counted toward reductions in the operating budget deficit.

Some policy groups have voiced support for selling off public lands as a means of lowering the federal deficit, most recently at a January hearing before the House Interior Appropriations Subcommittee. While such a proposal seems unthinkable to most Americans, the BBA could push Congress in this direction. This possibility is not merely academic. After a previous administration initiated wide-spread sales of public assets to reach deficit reduction targets, Congress approved the Budget Enforcement Act of 1990 (contained in Public Law 101-508), which prohibits the Congressional Budget Office from counting the sale of public assets toward deficit reduction.

The reason for such a prohibition is obvious. While sales of federal assets may help reduce the deficit during the year in which they occur, the resulting one-time revenues do nothing to reduce the persistent spending problems that cause continued federal deficits. Far from reducing spending, selling public lands only results in the exchange of one public asset—say a national park—for another, cash. As such, it amounts to budgetary gimmickry in the name of deficit elimination.

Circumstances may well arise in which it is appropriate for Congress to consider the sale of individual federal land holdings. The Biden-Bradley amendment does nothing to inhibit that. But the Biden-Bradley amendment does assure that the balanced budget amendment does not provide a perverse incentive to sell off large portions of the public estate to produce phony deficit results.

We urge you to support the Biden-Bradley amendment.

Sincerely,

Rodger Schlickeisen, President, Defenders of Wildlife; Brent Blackwelder, President, Friends of the Earth; Paul Pritchard, President, National Parks & Conservation Association; John Adams, President, Natural Resources Defense Council; Beth Millemann, Executive Director, Coast Alliance; Carl Pope, Executive Director, Sierra Club; Peter A. Berle, President, National Audubon Society; Victor M. Sher, President, Sierra Club Legal Defense Fund; Julia A. Moore, Executive Director, Physicians For Social Responsibility; Mike Matz, Executive Director, Southern Utah Wilderness Alliance.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on a motion to table amendment No. 278 offered by the Senator from Delaware.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. ABRAHAM). Are there are other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 38, as follows:

[Rollcall Vote No. 72 Leg.]

YEAS—59

Abraham
Ashcroft
Bennett
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—38

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Wellstone

NOT VOTING—3

Bond
Helms
Kassebaum

So the motion to lay on the table the amendment (No. 278) was agreed to.

The PRESIDING OFFICER. Under the previous order the Senator from Wisconsin is recognized.

MOTION TO REFER

Mr. FEINGOLD. Mr. President, I send a motion to refer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] moves to refer H.J. Res. 1 to the Judiciary Committee with instructions to report back forthwith H.J. Res. 1 in status quo and at the earliest date possible to issue a report, the text of which shall be the following: It is a Sense of the Committee that the language of the report to accompany S.J. Res. 1, Senate report 104-5, which appears on page 19, and states, "Among the Federal programs that would not be covered by S.J. Res. 1 is the Electric Power Program of the Tennessee Valley Authority which will be deemed null and void and have no effect as the legislative history in interpretation of H.J. Res. 1."

Mr. FEINGOLD. Mr. President, the purpose of this motion is pretty straightforward.

The Judiciary Committee report accompanying Senate Joint Resolution 1 has the most extraordinary passage which flatly says that the Electric Power Program of the Tennessee Valley Authority is not—repeating this now—is not covered by the balanced budget amendment, on the grounds that this program is paid for by the Electric Power Program.

Not another single agency in our Government is singled out in the committee report in this manner. Only the Tennessee Valley Authority is exempted. That is right. Not Social Security, that is not exempted. But the Tennessee Valley Authority is exempted.

Mr. President, we have heard of appropriations pork. Now I think we have a new creature—constitutional pork. We are making constitutional history here, and at the same time we are creating a far more sophisticated pork than we have ever had in this institution. We are putting it right into the Constitution.

Not only, then, Mr. President, are the advocates of the balanced budget amendment saying they will not lay out a plan and say what they are going to cut, they are doing it better. They are actually protecting one particular program over all the other programs by writing in committee report language. It is an incredible provision for a committee report.

To put it another way, Mr. President, this is an attempt to put the equivalent of an earmark into a Constitution for a program that is of a concern to particular Members of Congress. Do not let anyone be kidded. The U.S. Supreme Court has to interpret the language of the Constitution. They will be looking at that committee report to get a sense of what was intended. They will see that the most important program apparently in all of our Government, of everything that this Government has ever done or ever will do is one program: The Tennessee Valley Authority. The only one the Judiciary Committee thought should be treated in a special way.

Let me raise just two reasons why I think this language is totally inappropriate. First, the proponents of this language argue that the TVA's Electric Power Program should not be covered by the balanced budget amendment because the financing of that program has been the sole responsibility of its own electric ratepayers, not the U.S. Treasury and the Nation's taxpayers, since 1959.

Now, Mr. President, that is an argument but it is certainly a debatable one. The Congressional Budget Office in its annual report on options on reducing the deficit, has this to say about the TVA Electric Power Program. It says:

> Because many TVA stewardship activities are necessary to maintain its power system, their cost would more appropriately be borne by the users of the power. Direct cost to the Federal Government could be reduced by about $70 million annually if TVA were to increase power rates or fees to cover costs of all stewardship.

Mr. President, CBO thus says that the Federal taxpayers are, in fact, subsidizing the electric power user. It is not just being paid for by the folks in that area of the country.

So, Mr. President, that is not a dispute we need to settle here or now. That is what the advocates will say every time, "We do not have to decide this now."

But the point is that the backers of this language have attempted to tilt the argument on their side by placing this language in the committee report that will be used to interpret the meaning of this amendment to the U.S. Constitution.

So what proposition does this stand for? Apparently, so all agencies are not equal under the balanced budget amendment. Some—in fact, one—just one program gets special treatment.

We will take a look at some of the other quasi-public agencies that could make a pretty good claim as the same status as the TVA. Looking at the U.S. Postal Service—and here is a routine letter I received from the Postal Service in December 1994—that depends exclusively on postage and fees rather than taxpayers' revenue for operations, and has done this since 1982. Each class of mail by law must cover its cost and we must break even over time.

So the argument, Mr. President, that the Postal Service should receive special status under the balanced budget amendment would seem to be very much the same as the argument used to exempt the TVA. Why was the Postal Service not mentioned in the committee report as being exempted from the balanced budget amendment?

Now, if you do not like the Post Office, and a lot of people do not, there are a number of other Federal programs that are operated entirely on revenues produced by users.

For example, the Department of Agriculture's Marketing Service provides grading services on a user-fee basis for meat, poultry, eggs, dairy products, fruits, vegetables, cotton, and tobacco. Should these activities be exempted from any impact of the balanced budget amendment since they are entirely funded by the users and not the Federal taxpayers?

Let us try the Farm Credit Administration. This is an independent agency in the executive branch of the U.S. Government which is responsible for the regulation of the examination of banks and associations and related entities that collectively comprise our farm credit system. The expenses of the Farm Credit Administration are paid through assessments against institutions under its jurisdiction. So, again, here is another one—not the TVA—but another program that operates at no direct cost to the taxpayer.

So I ask again, is the Farm Credit Administration exempt like TVA from the impacts of the balanced budget amendment? If so, why was it not also cited in the constitutional history reported out of the Judiciary Committee's report in the same manner?

What about the Federal Deposit Insurance Corporation, another quasi-Government corporation established in 1933? FDIC does not operate on funds appropriated by Congress but on assessments on deposits held by insured banks and from interest on the required investment of its surplus funds in Government securities. Is FDIC covered or not, and if not, why was it not cited by the Judiciary Committee?

I will tell you why, Mr. President. The answer is clear. The Tennessee Valley Authority was singled out in the committee report because those concerned about its future do not want any budget cuts imposed upon this entity. It is not surprising in light of this whole balanced budget amendment, nobody wants to get cut.

Guess what? The folks who support the TVA are fearful of the Federal budget knife hitting one of the programs they support in part, I suspect, because there have actually been a number of bills introduced in Government to cut off the subsidies to the TVA.

I introduced on the first day of this Congress S. 43 which would terminate several current TVA programs and provide for a report on what remaining functions should be separated from the Federal Government. My Republican colleague from Wisconsin, Representative SCOTT KLUG, has proposed legislation along similar lines in the other body.

TVA supporters know that TVA is on the short list of most deficit reduction advocates, and that is why they want to provide it with special protection that no other program of any kind in the Federal Government is getting.

Mr. President, it is not just the CBO that cited TVA programs as needing reform. Citizens Against Government

Waste include TVA in their prime cuts list for 1994. Reducing funding for TVA was also part of the Kerrey-Brown deficit reduction package, which I cosponsored. The deficit reduction package of a group of Senators led by Senator JOHN KERRY, which I also cosponsored, included it, and also the so-called famous Penny-Kasich plan also listed the TVA. There is no reason why we should allow this program to gain special protection as a result of the language that was put in the committee report.

In fact, Mr. President, I am afraid that this attempt in the committee report begins to make this whole balanced budget process look a little bit like a $3 bill. My motion will not disturb the balanced budget amendment in any way. It simply says that the committee report language that singled this agency out for special protection is null and void and cannot be used for legislative history purposes when we finally get around to achieving a balanced budget.

So to conclude, it is a simple proposition. We just need to ask the committee to come up with an additional report to change this. Otherwise, we will have enshrined a new tradition, something that no Democrat or Republican has ever achieved before, we have created constitutional pork.

I hope that every Senator rejects this attempt to exempt one program while all the others have to be on the chopping table for potential cuts.

I reserve the remainder of my time.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I was unaware that this motion would be made. It caught me by surprise. I would like to go into great detail, and I did not know that there would be a time limitation until it had already occurred in regard to it. I would like to go into detail, which I will later, hoping that this is defeated and then we would have an opportunity to explain the history and the background and the reason why the TVA is a self-operating agency of the Government and, therefore, because of its uniqueness, different than any other agency or body, should be exempt in the balanced budget amendment.

This involves the electrical power program of the TVA, just the electrical power program. Certainly, the electrical power program of the TVA ought to be paid by the power users, by the ratepayers and not by the Government. And the intention of this report language is to guarantee and ensure that the Government does not have to pay for the electrical power system of the Tennessee Valley Authority. That is the purpose it was put in there.

They have variances that occur all the time, and they have to act immediately. They may have a tornado, they may have a downed situation pertaining to the transmission of electrical current and they may have to move. They may have to spend money immediately relative to those matters.

The ratepayers ought to be the ones to pay for it. That is the reason it was put in there. It was put in there for the protection of the taxpayers of the United States. It is put in there to protect the taxpayers so they do not have to pay for the electricity rates of the people in Tennessee and Alabama and Georgia, Mississippi, Kentucky, and the other places.

We have a limited time. Senator FORD, as I understand it, wants to make some remarks. I yield to him at this time.

Mr. FORD. Will the Senator give me 1 minute?

Mr. HATCH. I yield 1 minute to the distinguished Senator from Kentucky.

Mr. FORD. Mr. President, let me associate my remarks with the distinguished Senator from Alabama. TVA is important. TVA rests on its own bottom. TVA serves the ratepayers. The ratepayers pay TVA. It is good for the valley; it is good for economic development. It is a program that works.

I am opposed to using Social Security money. That is fine, we lost that one, but we should not lose this one. This is an amendment that is out of order, in my opinion, as it relates to the budget. And the income to TVA is important.

So, Mr. President, let me just say, this is quick. We did not have an opportunity. We have 10 minutes. It does not give us much time. I just hope that our colleagues will vote against this amendment; that we will have an opportunity then, if it is brought up again, to explain it in more detail.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes fifty-two seconds.

Mr. FEINGOLD. I yield myself such time as is necessary.

Mr. President, I definitely believe the TVA should be given the fair consideration, indeed, that all programs should be given when it comes time to balance the budget. I am willing to look at the arguments as to what aspects of TVA should be continued and what aspects should not—all the arguments.

But it is a little difficult for me to hear Senators from that area of the country get up and talk about how wonderful TVA has been to that part of the country. I recognize the Depression, New Deal, and the history of TVA. I have similar feelings with regard to aspects of our dairy programs and those programs that have helped keep our dairy farmers going all these years. But I have not sought through the committee report or any other mechanism to write a special protection for the dairy program or even some of the other programs that affect our State, such as the Farm Credit Administration, another quasi-public agency that does not rely on taxpayer dollars directly. We do not have an exemption for that.

If there is to be any meaning to the notion that everything has to be on the table and that this is not the time to make the preliminary decisions, it must mean that the TVA cannot be exempt while all these other worthy programs that mean so much to people around the country are not exempt.

All this is—let me be clear, this is not an attack on the TVA—this is just saying there should not be any language in a committee report that is going to be used by the courts and everyone else in the future to interpret the balanced budget amendment that exempts one program.

That is all. It is a very simple proposition. I am sure much later we will get to the merits of the TVA. So I would suggest this is a very mild suggestion that we not mess around with the future of the balanced budget issue by writing in exemptions in a committee report that relate directly to the constitutional provision.

I yield the floor and reserve the remainder of my time.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Tennessee.

Mr. THOMPSON. I thank you, Mr. President.

I agree that it may not be an attack on the TVA. It is an attack on the balanced budget amendment. I think the language of the committee speaks for itself. The financing of the TVA power program has been the sole responsibility of its electric ratepayers, not the U.S. Treasury and the Nation's taxpayers.

That says it all, Mr. President. It is not an annual expenditure. It is not a would-be pork barrel project. It is not the nonpower program which is on the table along with everything else. It has to do with a power program that is self-financing. And, of course, all this is another attempt by those who would defeat the balanced budget amendment to raise a red herring. We have seen time and time again those who would offer amendments, amendment after amendment after amendment, while at the same time stating that if their amendments, or all of their amendments in their totality were adopted they would still oppose the balanced budget amendment.

So I suggest that we analyze this for what it is. It is another attempt to encumber and somehow obfuscate the issue as far as the balanced budget amendment is concerned.

The committee considered this situation. It analyzed the power program of the Tennessee Valley Authority and stated the clear fact. It is not whether or not we want it on budget or we want it off budget or whether it ought to be on or whether it ought to be off. We can debate that at the proper time. But it simply stated the fact that since 1959, the financing of that program has been the sole responsibility of its own electric ratepayers.

So I would urge that we defeat this amendment and not go against the language that was well considered before the committee and we move on with what we are supposed to be here about, and that is bankrupting the next generation. I think we get too balled up in some of these collateral issues sometimes. We forget sometimes what we are about.

Mr. President, with the enactment of the 1959 Self-Financing Act, the TVA Board was given the authority to make power system decisions. In turn, the power system became the sole financial responsibility of TVA ratepayers, not the Treasury or U.S. taxpayers. Since 1959, the power system has not received appropriations and has been funded exclusively with power revenues and proceeds from the sale of bonds which, by law, are not obligations of or guaranteed by the United States.

All taxpayer funds originally invested in the power system, designated as the appropriation investment, are treated on the power system's balance sheet as the Government's equity. Since 1959, TVA has made annual payments to the Treasury—currently $20 million per year—to reduce that investment's balance. TVA also makes an annual return payment on that balance, which is calculated at the Treasury's current interest rate. This covers the Treasury's cost of money and keeps the taxpayers whole.

Since the receipts and outlays of the power system are its alone, it is incorrect and misleading to regard them as receipts and outlays of the United States. This view was shared by Senator Howard Baker while a member of the Senate Environment and Public Works Committee, TVA's jurisdictional committee.

In reporting legislation in both 1975 and 1979 which increased the TVA bond ceiling, the Senate Environment and Public Works Committee expressly agreed that "the obligations represented by bond issues under the increased ceiling will not result in any outlay involving 'Government funds'" and that TVA power funds "are not, however, generated through the general treasury and do not affect Federal fiscal policy." In both the 1975 and 1979 reports, the committee also found that there would be "no cost" to the Government "in implementing this legislation."

Mr. President, there are those of us who think we are bankrupting the next generation, that we need to do some things fundamentally——

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. THOMPSON. Will the Senator yield another minute?

Mr. FEINGOLD addressed the Chair.

Mr. HATCH. I yield one more minute.

Mr. THOMPSON. That we need to do some fundamental things to change the direction of this country. There are those of us who are concerned about the investment rate, which is now one of the lowest in the industrial world; there are some of us concerned about the savings rate, which is the lowest in the industrialized world. We are concerned about the growth. That is what we are supposed to be discussing here with regard to the balanced budget amendment, not singling out some self-financing program by folks who would basically love to defeat the balanced budget amendment in its entirety.

So I would urge that we keep that in mind, and we do defeat this amendment.

I thank the Chair.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself such time as I need.

Mr. President, I am kind of amazed at the comments of the Senator from Tennessee. He is suggesting that this amendment is an attempt to derail the balanced budget amendment. But I think everyone should know that I could be here delaying debate—I have the floor. I could be reading the entire history of the TVA to the Senate, if that is what I wanted to do—just open it up and read and read. That is permitted under the rules as we know.

That is not what I did. I entered into a very brief time agreement, 20 minutes for my side. It is because I am not, Mr. President, trying to hold up the balanced budget amendment. In fact, this will take 2 seconds. All we have to do is vote in a few minutes to strike this ridiculous language from the committee report that tries to protect one program out of all the programs in the Federal budget.

So I want everyone to know who is listening, it is completely false that this is an attempt to delay the balanced budget amendment. It is just 20 minutes, 20 minutes to say why should one program of all the programs in the United States in our budget get special treatment and all the rest, including Social Security, which the Senator from California worked so hard on—

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. FEINGOLD. I yield to the Senator from California for a question.

Mrs. FEINSTEIN. My question is, is the Senator aware that not only TVA is excluded but also the Bonneville Authority, and I believe others as well?

Mr. FEINGOLD. There is only one entity that we are aware of that has been specifically named. If there are others that should be named, I think that should be the subject of similar amendments. And I am very glad to see the senior Senator from California asked that question because she knows very well how hard she fought to try to get an exemption for a program that really probably does deserve the exemption, and that is the contract with the American people in the form of Social Security. But that is not the one that got protected.

Mr. President, this suggestion that this is a delay tactic is very troubling to me. I think it is not fair. In fact, I find it astonishing that the Senator from the very State that gets protected by this thing more than any other State, Tennessee, stands up and says this is a delay tactic.

I am just calling it what it is. It is a great deal for Tennessee. I would love to be able to exempt all the programs in Wisconsin up front in the committee language and then pass a balanced budget amendment. I would get a lot of pats on the back back home for that one. But I did not do it. I would not try to do it because I know very well that is a denial of the very meaning of the balanced budget amendment.

All the folks on the other side talked about the glidepath, about the right to know; we cannot make those decisions now. If we lay out what is going to be cut and is not cut, what happens is that the process falls apart.

I suggest this committee language, if it is not struck, is the beginning of the end of any serious attempt to balance the budget because there would be a tremendous outcry across the country that this and only this program is important enough to be protected and that every other program did not count.

So, Mr. President, I think this is a very, very clear amendment that should not even be controversial. That language should not be in the report. We all know it. And I would certainly hope TVA has to fight the same battle that everybody else does as the coming months go on.

I yield the floor and reserve the remainder of my time.

Mr. HATCH. Mr. President, I yield one minute to the distinguished Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, the language of the report is among the Federal programs, and among the Federal programs where we guarantee bonds are REA's in Wisconsin and Illinois and Minnesota, and other States. We guaranteed Lockheed bonds in California. We guaranteed bonds for New York City, for Chrysler. Only when there is an outlay by the Federal Government is that subject to the balanced budget amendment. That is what the report language says. It is good language, and the amendment should be defeated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself sufficient time.

Let us take a look at the language. It is true, as the Senator from Illinois says, "Among the Federal programs that would not be covered by Senate Joint Resolution 1 is the electric power program of the Tennessee Valley Authority."

But that is all that is mentioned. It is a real valuable thing for a program to be the only program out of the entire U.S. budget that gets exempted specifically. In other words, all the others will have to argue somehow that they are within that language. Maybe they will have to go to court, if they are allowed to go to court. We are not even sure about that.

One program gets named, one program is on this pedestal and even though the Senator from Illinois, Mr. President, intends that others be mentioned, they ought to be mentioned. If we have to do that, let us have the committee issue a new report and list all the programs that are exempt. I am sure it would be as comfortable to the people who support those programs as this language is comforting to those who support the TVA. This is about the sweetest deal you can get, a constitutional exemption for your program while everyone else has to get into the field and has to fight each other for scarce Federal dollars.

Mr. President, I cannot accept this argument of the Senator from Illinois. If it was intended the other programs be mentioned, they should have been mentioned. Only one is mentioned, and that program should not get that kind of special treatment.

I yield the floor and reserve my time.

Mr. HATCH. Mr. President, I yield the final time I have to the distinguished member of the Judiciary Committee, Senator HEFLIN, from Alabama.

Mr. HEFLIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes, 22 seconds.

Mr. HEFLIN. Mr. President, as I mentioned before in my opening argument, I reiterate it because it has not been answered: Really, the purpose of this is to protect the taxpayers. It is to say, and to have in report language—it is not in the language of the constitutional amendment, but in the report language—its purpose is to protect the taxpayers from where the taxpayers might have to pay or subsidize the power program of the Tennessee Valley Authority. It is put there with the idea of protecting the taxpayers, and that is what it has been.

The TVA program has been that the entire power program shall not be subject to appropriations and it is not subject to other types of revenues that come in. The revenues that operate in regard to this are strictly the ratepayers'. They get a bill. The ratepayers get a bill just like every other utility user gets a bill, and they pay it every month. Those revenues do not go into the Treasury of the United States. It is there for the protection of the taxpayers. It is report language and it is different from the language that is in the constitutional amendment. It is not mentioned in there. It is just report language to give some guidance, to show that the taxpayers are not to have to pay in regard to the rates of the utility users.

The PRESIDING OFFICER. The Senator from Utah.

MOTION TO RECONSIDER—ROLL CALL VOTE 72

Mr. HATCH. Mr. President, I move to reconsider the last vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator has 17 seconds remaining. The Senator from Utah.

Mr. HATCH. I yield the remainder of the time.

Mr. DOLE. Mr. President, parliamentary inquiry; is there any time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin controls 3 minutes and 53 seconds.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, just to conclude, this is really a very mild thing to ask. I am just asking that this process be a little bit honest and that we not mention in the committee report that will be used to interpret the constitutional amendment one program. There are many quasi-public agencies. This notion that the TVA is a self-supporting program is just an argument—debatable. It is nothing better than that. The CBO says it is not.

We are going to accept here as a part of the constitutional process we are engaged in this absurd notion that simply because an argument is made by the supporters of the program, it is not going to be on the table? I cannot accept that.

I suggest again, if we are going to go forward with this constitutional pork, it will become the symbol of the lack of seriousness of the balanced budget amendment, the ultimate proof that, when given an opportunity, special interests will be protected even with a balanced budget amendment, the principle being enshrined in the United States Constitution.

I implore my colleague, take a minute or two to strike this language. It has no other consequence. I implore you to get this out of there so the process of balancing the budget can be an honest one, when we finally get to it.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, we will be unable to find any additional amendments to be offered this evening. The Senator from West Virginia plans to lay down an amendment, as I understand it, tomorrow morning?

Mr. BYRD. Yes.

Mr. DOLE. I would like to have another amendment or two tonight. I cannot force Members to offer amendments, so this will be the last vote of the day.

I am not certain how long we will be in session tomorrow, but probably most of the day. I am still prepared, as I have indicated before, if we can get some agreement to bring this to a conclusion, to go out Friday and all next week. We await some response from the Democratic leader, Senator DASCHLE.

So we are prepared to entertain an agreement that might bring this to a conclusion. There will be a cloture vote tomorrow. I will file two cloture motions tonight, so there will be two cloture votes when we return on next Wednesday. So Members will know that there will be votes on Wednesday—probably a goodly number of votes Wednesday.

It is my understanding there are 30-some amendments filed at the desk. I do not know how many of those Members intend to call up. I thought the other day I was informed it would only be three major amendments. Then we were told maybe it will be 8 or 10. Now we are told it is 36. That would mean we have still a long, long time on this balanced budget amendment.

I understand how important it is. I understand you do not amend the Constitution lightly. I think we have now exceeded by a couple of days the longest time we have spent on this issue. I think we passed the balanced budget amendment—in the 97th Congress we passed a balanced budget amendment after 11 days of floor action. There were 31 amendments offered. The resolution passed the Senate by a vote of 69 to 31.

We have not been able to repeat that performance so far on the number of days or the number of amendments. But, hopefully, on the number of votes. And we would settle for that.

This will be the last vote today.

Mr. President, I move to table the motion.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion to lay on the table the motion offered by the Senator from Wisconsin. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New Hampshire [Mr. GREGG], the Senator from North Carolina [Mr. HELMS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Maryland [Ms. MIKULSKI], are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 61, nays 33, as follows:

[Rollcall Vote No. 73 Leg.]

YEAS—61

Abraham
Ashcroft
Bennett
Bond
Breaux
Bryan
Bumpers
Burns
Byrd
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Exon
Faircloth
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Harkin
Hatch
Heflin
Hutchison
Inhofe
Jeffords
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murkowski
Murray
Nunn
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—33

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Brown
Campbell
Chafee
Conrad
Dodd
Dorgan
Feingold
Feinstein
Glenn
Hatfield
Hollings
Johnston
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Moynihan
Nickles
Packwood
Pell
Robb
Rockefeller
Sarbanes
Smith
Wellstone

NOT VOTING—6

Gregg
Helms
Inouye
Kassebaum
Kennedy
Mikulski

So the motion to lay on the table the motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I rise today to speak on behalf of future generations. Our national deficit for fiscal year 1994 stood at $203 billion. Gross interest on the national debt is now the second largest expenditure in the entire budget—higher than Defense spending. The Federal Government, this year alone, will spend an estimated $295 billion in interest on the national debt, which is a 400-percent increase since 1980 and an amount equal to 57 percent of all personal income taxes collected. Our total accumulated Federal debt stands at $4.65 trillion—$18,000 for every man, woman, and child in America. Like every family and business in America, when the Government borrows money it must pay interest on its debts. Given these grim statistics, I believe that we in Congress must amend the Constitution of the United States and pass the balanced budget amendment.

Dr. Robert Reischauer, Director of the Congressional Budget Office, in his cost estimate to the Committee on the Judiciary stated:

> Over the entire 1996–2002 period, the savings in CBO's illustrative path that result directly from policy changes would total more than $1 trillion—in relation to a baseline that includes an inflation adjustment for discretionary spending after 1998.

Amending the Constitution, which represents the very core of American life, a governing principle born of a revolutionary war, withstanding a civil war, two world wars, the war for equality throughout the Nation and endless conflicts, both social and global, is not something to be taken lightly. That said—I believe our current conflict to conquer and eliminate our public debt—a war that we fight against ourselves here in Congress—calls for drastic measures, a call to arms, which the budget amendment answers.

The amendment, House Joint Resolution 1, will set forth in the Nation's governing document the basic principle that the Federal Government must not spend beyond its means.

As Thomas Jefferson said:

> We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves.

These words ring clear today. The American taxpayer will no longer, nor should they, allow us in Washington to continually spend their money with little or no accountability. We in Congress must put political expediency aside—reduce the deficit—remembering that we are to serve the American taxpayer and not vice versa.

Our Founding Fathers knew of the danger of leveraging current political aspiration on the backs of future generations. Congress remains incapable of looking toward the future—we are an entity embedded in the present, unable to look beyond the next election cycle.

James Madison wrote in Federalist Paper No 51:

> Government is the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern man, neither external nor internal controls on government would be necessary.

Well Mr. President, here in Washington there are few, if any, angels cohabiting among us. Accordingly, we do require a control mechanism to reduce our current fiscal dilemma—a balanced budget amendment to the Constitution. This amendment will help restore two important elements left unaddressed by the Constitution: limited government and an accountable deliberative legislative body, both of which are vital to a free America. All too often this legislative body has used the power of the purse for political expediency rather than what is in the best interest of the American people.

Reducing spending in order to balance the Federal budget is something that will require tough decisions, the kind of decisions we in Washington rarely have the courage to own up to and all too often pass on to future generations.

My record with regard to reducing the size and scope of the Federal Government by eliminating excessive spending is clear. I have been cited by numerous grassroots groups like the Concord Coalition, the National Taxpayer's Union, as both a taxpayers' friend and as one of Congress' most frugal Members. I believe the only way to eliminate our Federal deficit is to deal with runaway spending, much like families in New Hampshire deal with life's everyday expenses. If a family is unable to pay for a certain expense, the prudent thing to do would be to do without; not here in Washington where no one and nothing goes without, whether it is funding for Medicare, or to conduct another study to eliminate the screw worm.

The American people are well versed in the way Washington operates—they are not dumb. These past November elections made a strong statement about change; a statement heard loud and clear throughout the hallowed Halls of Congress; one that demands we revert from our past, outdated social policies that govern the Nation and jeopardize the very being of the next generation. The people are screaming, "we have heard enough from you in Washington, now it's your turn to hear from us."

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky, Mr. FORD, is recognized.

UNANIMOUS CONSENT AGREEMENT

Mr. FORD. Mr. President, I ask unanimous consent that following the cloture vote on tomorrow, the Senator from West Virginia, Mr. BYRD, be recognized to make a statement and lay down an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. FORD. I thank the Chair and I thank the majority leader.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry E. Craig, Jon Kyl, Spencer Abraham, Slade Gorton, Connie Mack, Lauch Faircloth, Mike DeWine, Judd Gregg, Jim Inhofe, Kit Bond, Paul Coverdell, Phil Gramm, Trent Lott, Kay Bailey Hutchison, Olympia Snowe, Fred Thompson, Hank Brown, Mitch McConnell, Rick Santorum.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry E. Craig, Jon Kyl, Spencer Abraham, Slade Gorton, Connie Mack, Lauch Faircloth, Mike DeWine, Judd Gregg, Jim Inhofe, Kit Bond, Paul Coverdell, Kay Bailey Hutchison, Trent Lott, Phil Gramm, Olympia Snowe, Fred Thompson, Hank Brown, Mitch McConnell, Rick Santorum.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, not to extend beyond the hour of 9:30 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROFESSIONAL GOLF ASSOCIATION TOUR AND POSSIBLE FTC COMPLAINT

Mr. DOLE. Mr. President, I understand that the Federal Trade Commission is considering filing a complaint challenging the PGA Tour's conflicting event and media rights rules as unfair competition.

I question whether the public interest would be served by eliminating the foundation for the success of the tour, which has worked well for a very long time and enjoys the support of players, fans, and sponsors. I understand that the PGA tour has generated more charitable contributions from its events than all other sports combined. I am concerned that forcing the tour to alter its rules may put these charitable activities at risk.

Mr. President, I have today sent a letter to Federal Trade Commissioner Starek outlining my concerns. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 15, 1995.

Hon. ROSCOE B. STAREK, III,
Commissioner, Federal Trade Commission, Washington, DC.

DEAR COMMISSIONER STAREK: I understand your staff in the Bureau of Competition, after a four and one-half year investigation of PGA TOUR, has recently recommended to the Commission that a complaint be issued challenging the PGA TOUR's conflicting event and media rights rules as unfair methods of competition.

I am familiar with the PGA TOUR's operations and its record of growth, integrity and contributions to charity. PGA TOUR has been able to generate more charitable contributions from its events than all other professional sports combined. More than $30 million in charitable donations were generated through PGA TOUR events in 1994 alone. I am concerned that forcing the PGA TOUR to alter its rules may put these charitable activities at risk.

Through years of experience, the players have learned that the way to accomplish their objectives was to develop rules which include the players' commitment to support their own events. Only through this commitment, as expressed in the conflicting event and media rules, will the sponsors and broadcasters who provide the financial support for PGA TOUR events risk investment in PGA TOUR tournaments. It is because of the sponsors' and broadcasters' financial support that the players, through PGA TOUR, are able to produce a ten-month season of weekly tournaments with significant prize money for not only the world's top money winners, but also young aspiring players and players past their prime. Thus, it appears to be clear that both the purpose and effect of the rules in question are to increase output and competition, not to limit competition unfairly.

As you know, our antitrust laws do not prohibit reasonable limitations among members of a league or organization of competitors where the limitations are required to increase output and competition. It is my understanding that the PGA TOUR was investigated by the Antitrust Division of the Department of Justice in the late 1970's and no action was taken to challenge or change either these rules or other conduct of the PGA TOUR.

I appreciate your consideration of these concerns.

Sincerely,

BOB DOLE,
Republican Leader.

A DIAMOND ANNIVERSARY

Mr. BYRD. Mr. President, one of the vital crusades in American history was the women's sufferage movement—a giant step that, in extending voting power to American women, vitalized our entire democracy as few changes in our political system have.

A complement to the extension of voting rights to women was the founding, 75 years ago, of the League of Women Voters of the United States, a non-partisan organization of more than 1,100 chapters and in excess of 150,000 members and supporters nationwide. In my own State, West Virginians can be particularly proud that the current National President of the League of Women Voters of the United States is Mrs. Becky Cain, St. Albans, WV. She is a woman who has served with great distinction during her 2-year term.

As I suggested, today marks the seventy-fifth anniversary of the League—its "Diamond" Anniversary, as it were. Certainly, throughout those 75 years, the League of Women Voters has more than proved and reproved its value to our democratic way of life in its unflagging efforts to educate voters, to encourage the exercise of our precious franchise, to elevate political debate, and to urge improved quality among the men and women who seek public office.

Mr. President, as we witness the birth pangs of democratic practice around the world—as we observe nations and groups of people within nations struggling to learn and to revere democratic institutions, and to respect honest differences of opinion within their electorates—we can be thankful that America has come so far in little more than two centuries in balancing and preserving those instruments of political and electoral life that have provided us with a long heritage of the peaceful transfer of political power and mutual respect among people with differing political values. In no small part, we owe to the League of Women Voters a large measure of our gratitude for enshrining that tradition of civility in our national electoral life. I believe that for that legacy of peaceful change and spirited debate in lieu of armed conflict, we stand indebted to efforts of groups such as the League of Women Voters—groups devoted to the peaceful and serious practice of democracy.

Mr. President, I salute the League of Women Voters, and I know that I speak for all of our colleagues on the League's anniversary in expressing my appreciation to the League for its record of the enhancement and celebration of our Constitutional rights, privileges, and ordinances.

TRIBUTE TO THE HON. CAL ANDERSON

Mrs. MURRAY. Mr. President, I rise today to pay tribute to a former colleague, a great legislator and a courageous and loyal friend, Washington State Senator Cal Anderson.

I worked with Cal Anderson when I served in the Washington State Senate. He is known throughout my home State as an outstanding legislator. His reputation is one of hard work, of holding true to his beliefs but compromising for the greater good, and of reaching conclusions that work for everyone. Cal is a true believer, as I am, in good government.

I was honored to work with him on open record policies in my home State. I was astounded by his ability to be inclusive, to bring everyone into the debate. Cal made sure that our bill was not just legislation that was good to look at but legislation that was good for people.

Cal is a Vietnam veteran. He earned two Bronze Stars and four Army Commendation medals for meritorious service in that conflict. He is courageous, Mr. President, and he is honest. He has touched so many lives across this country—his very presence in our State legislature shows young people that no matter who they are or where they come from, everybody has a great deal to offer their communities and our country. His very presence tells us that America will be great when we let everybody participate and be an equal voice in our national dialog.

Cal Anderson is one of the highest ranking openly gay elected officials in this country. He continues to break down stereotypes and ignorance. And, he is a champion and a role model for all people. Nobody in the State legislature thought of Cal as the "gay legislator"; we thought of him as an extraordinary man who just happened to be gay.

And, this week, Mr. President, with his characteristic honesty and integrity, Cal Anderson told us he has AIDS. He has been diagnosed with non-Hodgkins lymphoma and is undergoing chemotherapy. I called him today, and was not surprised to find him in his senate office in Olympia. He has a lot of work to do, and is determined to get it done.

Mr. President, Cal Anderson's honestly should inspire all of us who shape public policy to take this epidemic seriously. In my own State, more than 5,500 men, women, and children have been diagnosed with AIDS. More than 1,100 cases have been reported over the previous year. Cases are growing in rural areas, and cases are growing among women.

A few weeks ago, we learned the sad news that AIDS is now the leading cause of death of Americans between the ages of 25 and 44. I fear that everyone in America will soon know someone who is infected with HIV. My friends and neighbors in Washington do now: his name is Senator Cal Anderson.

Mr. President, let me conclude by thanking Cal for everything he does for my home State, and by wishing him and his partner, Eric, only the best with his therapy and in the future.

MINIMUM WAGE INCREASE

Ms. MIKULSKI. Mr. President, I support raising the minimum wage. It helps working Americans improve their standard of living. It moves in the direction of self-sufficiency and away from welfare. It gives help to those who practice self-help.

First, raising the minimum wage will certainly help increase working Americans' standard of living. In this country, a full-time job should not mean full-time poverty. The typical American family is living on less than it did 15 years ago. The current minimum wage of $4.25 an hour for a full-time year-round worker equals only $8,500 per year. This minimum wage is not a living wage.

Second, increasing the minimum wage helps people move toward self-sufficiency and away from welfare. I know that raising the minimum wage 90 cents is not enough to lift a family above the poverty level. But, if a 90 cent increase to $5.15 an hour is the best we can get right now, then we will take it.

Finally, raising the minimum wage will help those who practice self-help. Two-thirds of minimum wage workers are adults over the age of 21. They are reliable, dedicated employees who want a chance to move up in society, or just to get back on their feet.

They believe, as we all do, in the satisfaction that comes from hard work. They do not apologize for not making a lot of money and they are not looking for public hand-outs, but they certainly deserve a decent wage for honest work.

Mr. President, the minimum wage is worth less than it used to be. Because of inflation, the value of the minimum wage has fallen by nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979.

I know in the coming weeks we will see many statistics, graphs, and figures from supporters and opponents of raising the minimum wage. But in this debate, I do not want my colleagues to lose sight of the fact that these statistics represent people, real people who go to work every day so they can pay their bills, and have a decent place to live.

These are real people, who live in Baltimore, Annapolis, Hagerstown, and other American cities who must choose between clothing or food for their kids, between medical care or heat.

A low minimum wage contributes to the notion of "working poor". By raising the minimum wage, we give people a chance to help themselves, to do better for themselves and their families, and to achieve the American dream.

That is why I support this legislation to help make work pay.

THE NATIONAL SECURITY REORGANIZATION ACT

Mr. DASCHLE. Mr. President, every Member of the Senate is concerned about the national security of our country. I know each of my colleagues give serious thought and consideration to the details of how best to provide for our national defense and the strength and well-being of our Armed Forces.

And for that reason call to the attention of my colleagues a recent article by the Secretaries of State and Defense, entitled "Foreign Policy, Hamstrung," which appeared in the February 13 edition of the New York Times. Secretary Warren Christopher and Secretary William Perry have joined together to present what I believe is a most cogent and informative analysis of the National Security Revitalization Act, legislation which the other body is considering today and tomorrow.

Secretaries Christopher and Perry point out that this act which is part of the so-called Contract With America that the Republican leadership of the House is rushing to pass, is in its current form, a deeply flawed piece of legislation. It is their considered opinion that the measure would undermine any President's ability to safeguard our national security and to effectively exercise his or her constitutional role of commanding our Armed Forces.

I believe we should give serious consideration to the concerned views expressed by these two able Cabinet officers, who are directly responsible for overseeing the day-to-day work of guiding our Nation's foreign and defense policies.

They believe that the act's first major flaw is that it would return the United States to a crash-schedule deployment of a costly national missile defense system designed to protect against a nonexistent credible threat to our national security. They correctly point out that such an unwarranted and expensive system would not only divert billions of scarce defense dollars from other more urgent defense needs, such as the readiness and well-being of the men and women of our Armed Forces, but that the unnecessary expenditure of funds on continental defense against a nonexistent ballistic missile threat would also be detrimental to the ongoing development of an effective theater defense system.

It is indeed ironic that while some on the other side of the aisle, both here and in the House, loudly proclaim the need for increased spending on a multi-billion-dollar star wars program to defend against a theoretical intercontinental ballistic missile attack, they are, at the same time, unwilling to support the necessary funding for the Nunn-Lugar program to reduce the threat of nuclear attack by working cooperatively with Russia to dismantle the missiles and nuclear warheads which were once aimed at our cities.

Secretaries Christopher and Perry also point out that the proposed act unilaterally designates certain Eastern European States for NATO membership without consideration of the concerns and desires of other NATO members, or the readiness of the designated States to assume the military and political obligations inherent in NATO membership.

Furthermore, they contend that, by its restrictive language this act would effectively abrogate our U.N. treaty obligations to pay our share of U.N. peacekeeping operations. The end result of such short-sighted restrictive action would be the elimination of the availability to the United States of U.N. burden-sharing resources.

We in the Congress must be extraordinarily careful not to permit overzealous partisanship to encourage the hurried enactment of legislation which restricts the ability of this, or any future President of the United States, to carry out his fundamental constitutional duty to protect the national security of our Nation.

I ask unanimous consent that the article by Secretary Christopher and Secretary Perry be printed in the RECORD, and I commend it to my colleagues' attention.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 13, 1995]

FOREIGN POLICY, HAMSTRUNG

(By Warren Christopher and William J. Perry)

This week Congress is to consider legislation that would undermine this and every future President's ability to safeguard America's security and to command our armed forces. The measure is deeply flawed. It is called the National Security Revitalization Act, but if adopted it would endanger national security.

We are committed to working with Congress in a bipartisan fashion. But if this measure is passed in its current form, we have told the President we will recommend that he veto it.

The bill's first flaw is that it would return the United States to a crash-schedule deployment of a national missile defense, designed to protect the U.S. from missile attacks. That deployment is not justified by any existing threat to our nation's security, and it would divert billions of scarce defense dollars and other resources from more pressing needs, particularly in the area of theater missile defenses.

We are building effective theater defense systems; they will protect U.S. forces abroad, and the ports and airfields they use, from Scud-like missiles in the hands of rogue states like North Korea, Iraq and Iran. The continental U.S. does not now face a ballistic missile attack from these states. But we are not complacement. We are conducting a broad research and development program that will, in a few years, be able to deploy a national missile defense system whenever a threat emerges.

Second, the bill unilaterally and prematurely designates certain European states for NATO membership. NATO should and will expand. NATO expansion will strengthen stability in Europe for members and nonmembers alike. But new members must be ready to undertake the obligations of membership, just as we and our allies must be ready to extend our solemn commitments to them. Our present steady and deliberate approach to NATO expansion is intended to insure that each potential member is judged individually, according to its capacity to contribute to NATO's goals.

That approach gives every new European democracy a strong incentive to consolidate reform. But if we arbitrarily lock in advantages now for some countries, we risk discouraging reforms in countries not named and fostering complacency to countries that are. Indeed, the effect of the measure before Congress could be instability in the very region whose security we seek to bolster.

Third, the bill would effectively abrogate our treaty obligation to pay our share of the cost of U.N. peacekeeping operations that we have supported in the Security Council. The bill would require us to reduce our peacekeeping dues dollar for dollar by the cost of operations we conduct voluntarily in support of U.S. interests. These operations deter aggressors, isolate parish states and support humanitarian relief in places like Bosnia and Iraq.

If we deduct the cost of our voluntary actions against our U.N. dues, it would cancel our entire peacekeeping payment. Other nations—Japan and our NATO allies—would surely follow, and U.N. peacekeeping would end. Under current circumstances, it would end U.N. peacekeeping overnight.

That would eliminate peacekeepers already stationed at important flash points like the Golan Heights on the Israel-Syria border, where U.N. forces support progress in the Middle East peace process. It would pull U.N. forces from the Iraq-Kuwait border, from Cyprus and from the former Yugoslav republic of Macedonia. In short, this bill would eliminate an effective tool for burden sharing that every President from Harry Truman to George Bush has used to advance American interests. It would leave the President with an unacceptable option whenever an emergency arose: act alone or do nothing.

The measure would also impose unnecessary, unsound and unconstitutional restrictions on the President's authority to place our troops under the operational control of another country—even a NATO ally—for U.N. operations. Our forces always remain under the command authority of the President, and we already apply the most rigorous standards when we pass even the most limited responsibility to a competent foreign commander. But the Commander-in-Chief must retain the flexibility to place troops temporarily under the operational control of officers of another nation when it serves our interests, as we did so effectively in Operation Desert Storm and in most other conflicts since the Revolution. By restricting that flexibility, the bill would undercut our ability to get the international community to respond to threats.

Effective American leadership abroad requires that we back our diplomacy with the credible threat of forces. When our vital interests are at stake, we must be prepared to act alone. And in fact, our willingness to do so is often the key to effective joint action. By mobilizing the support of other nations and leveraging our resources through alliances and institutions, we can achieve important objectives without asking American soldiers to bear all the risks, or American taxpayers to pay all the bills. That is a sensible bargain the American people support.

This Administration has worked hard to improve our consultation with the Congress on every issue raised by the National Security Revitalization Act. But in each case, what is at stake is fundamental: the authority of our President to protect the national security and to use every effective option to advance the interests of the U.S. In its present form, the bill unwisely and unconstitutionally deprives the President of the flexibility he needs to make the right choices for our nation's security.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,807,066,615,385.66 as of the close of business Tuesday, February 14. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,247.71.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself, Mr. COHEN, Mr. JEFFORDS, and Mr. LEAHY):

S. 419. A bill to grant the consent of Congress to the Texas Low-Level Radioactive Waste Disposal Compact; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 420. A bill to establish limitations on the use of funds for United Nations peacekeeping activities; to the Committee on Foreign Relations.

By Mr. FORD:

S. 421. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Kentucky, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mr. COVERDELL, and Mr. D'AMATO):

S. 422. A bill to authorize the appropriations for international economic and security assistance; to the Committee on Foreign Relations.

By Mr. COHEN:

S. 423. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to create incentives for greater private sector participation and personal responsibility in financing such services, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO:

S. 424. A bill to provide for adherence with MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. DORGAN, and Mr. WELLSTONE):

S. 425. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SARBANES (for himself and Mr. WARNER):

S. 426. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Con. Res. 7. A concurrent resolution expressing the sense of the Congress that the President should not have granted diplomatic recognition to the former Yugoslav Republic of Macedonia; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL (for himself, Mr. COVERDELL, and Mr. D'AMATO):

S. 422. A bill to authorize the appropriations for international economic and security assistance; to the Committee on Foreign Relations.

FOREIGN AID REFORM LEGISLATION

• Mr. MCCONNELL. Mr. President, it seems to me there are two good reasons for a complete overhaul of foreign aid the world has changed and Congress has changed. The cold war is over replaced by a new, ambitious Russia, a host of violent smaller regimes, ethnic tensions, nuclear concerns, and massive refugee movements affecting even our own borders.

On the bright side, there are former communist nations actively seeking U.S. support, the flourishing of free enterprise and democracy, giant leaps in free trade and real prospects for peace in some of the most war-torn parts of the world.

Since the world has changed so dramatically, our tools of foreign policy must change with it—and one of the key tools is foreign aid.

That is the impetus for the proposal I am introducing today.

Our ability to effectively target foreign aid is crippled in large part by the outmoded and unduly complicated Foreign Assistance Act of 1961.

The 300-plus pages of this document contain 33 conflicting goals, 75 questionable priorities, which effectively tyrannize the 10,000 AID employees who carry out 1,700 projects in 89 countries.

There is no real sense of coherence, strategy, or focus to the law or our aid program. It may seem reasonable to direct the President to support a rural development program, but should we be requiring him to protect "community woodlots"? Maybe the law should define an "increase in foreign crop productivity" as an American national priority, but should we go so far as requiring the President to "strengthen foreign systems to deliver fertilizer to farmers?" Creating national standards for nutrition is one thing, but should the law direct U.S. assistance support a "strategy for breast-feeding"?

While many of the goals enshrined in law may be admirable, I question whether they are American national priorities. My bill presents three clear, supportable goals: first, foreign aid must protect American security; second, foreign aid must promote American economic interests and finally, foreign aid must preserve political and regional stability.

Together with these broad goals, I want to adopt specific conditions and performance criteria. If the conditions can't be met, the program should not be funded. Throughout my tenure on the Foreign Relations Committee and the Foreign Operations Subcommittee, I can't think of a single country that has graduated from U.S. assistance.

This is partly due to the fact that we send money to countries where government policies actually defeat the prospects for real economic growth. It's in our interests to facilitate the transition to free markets, not subsidize failures.

So, as a beginning point, this bill radically changes our approach to bilateral economic aid. In the past development assistance has focused on relieving the symptoms of poverty and despair. No doubt there are people and communities where the quality of life has improved somewhat. But by any standard, the fact is most poor countries are still poor and that is largely because of government practices and policies.

This bill starts from scratch. Development assistance, economic support funds and related programs are eliminated and instead I have established a new, smaller bilateral economic aid account. Funds can only be spent in countries committed to the road to free-market reform.

Aid will flow if a government encourages free trade and investment, protects private property, ownership and interests, limits state control of financial institutions, production and manufacturing and restricts interference in establishing wages and prices.

Several weeks ago at the Miami summit we heard 33 nations extol the merits of trade not aid. Chile's impressive record may have had a great deal to do with this hemispheric shift in emphasis.

In 1970, it had the twin distinction of being the world's largest recipient of U.S. aid per capita and being an economic basket case. Setting aside wrenching internal political events, once cut loose from aid dependency, Chile implemented a comprehensive free-market system, turned an economic corner and the rest, as they say, is history. The success of these reforms is evident in the fact that Chile's economic strength has opened the door to early membership in NAFTA.

Chile offers a good lesson in why foreign aid fails. If countries resist market reforms no amount of aid will improve economic or political conditions.

Absent meaningful reforms, foreign aid, like crack for an addict, only fuels failure.

The only way to break the devastating cycle of dependency is to end foreign aid entitlement programs, to change our economic aid agenda.

We should be contributing to a cure, supporting and energizing economic growth and opportunity, not just offering temporary relief from symptoms.

Why? Well setting aside altruistic motives, it is in our economic interests to encourage countries to embrace free-market principles. As we turn the corner on this century, it is clear our own economic health and progress, improving and expanding American job opportunities are closely tied to export opportunities in developing countries.

This mutually enriching scenario depends upon changing how we administer foreign aid—aid must become performance based.

Beyond defining broad goals and performance based economic aid strategy, the bill also funds specific national priorities. As drafted, the bill creates two separate titles—one for Europe and the NIS and the other for the Middle East.

There is little question in my mind that the security interests of our Nation are directly affected by stability in the Middle East and Europe. In the former, the administration has actively pursued a comprehensive peace agreement. Whether or not negotiations produce sound, durable agreements, the United States has ongoing interests driven by a number of issues including our close alliance with Israel, the important relationship with Egypt, as well as concerns about political extremism, energy security and terrorism.

I believe our assistance supports vital American interests in the region and should be sustained.

Turning to the second region where I think we have vital interest, the bill provides $350 million for Eastern Europe and the Baltics and $750 million for assistance to the New Independent States of the former Soviet Union. Within the NIS account, the bill earmarks funds for Ukraine, Armenia, and Georgia.

I also toughen conditions on Russian aid. No funds can be provided if there is any evidence the government is directing or supporting the violation of another nation's territory or sovereignty.

Beyond the NIS, many of my colleagues share a concern about expanding the sphere of NATO's stabilizing influence. This bill builds on this interest and targets excess defense articles and IMET for the Baltic nations and the Visegrad group.

In addition, as an alternative to Russia's ambition to exercise a unilateral security role in the region, I earmark money for a training and support of a joint peacekeeping battalion for the Baltics. This was a program the President announced in Riga this summer and then immediately told Congress, he was diverting the funding to Haiti. This reversal was a serious mistake which the bill corrects.

This bill not only spells out what needs to be done, but which agency should do it.

There are two major structural changes: first, trade and export promotion efforts are consolidated. The Trade Development Agency and the Overseas Private Investment Corporation are merged and the funding level is boosted.

One clear way to strengthen popular support for foreign aid is to make it more effectively serve American business interests—as I mentioned, American jobs, exports, and income depend on it.

Second, the bill abolishes AID and consolidates the agency's functions under the Secretary of State. This recommendation reflects my view that U.S. foreign aid must better serve U.S. foreign policy interests. The connection between U.S. aid and U.S. interests has been lost with agencies acting wholly independent of our collective interests and common good.

And, there is no more compelling illustration of the problem than the difficulties which plague the NIS program. Here you have the first major initiative since the Marshall plan. It enjoys the President's personal attention and bipartisan support in Congress—if anything was designed to work it should have been our NIS effort.

Instead, bureaucratic redundancy has allowed AID to blame the State Department, State to blame AID—and when all else fails, both blame the host government for not asking for a program in the first place.

But for a combination of these excuses, we could have had an aggressive effort underway 2 years ago—helping lay a foundation for a legal and commercial code protecting citizens and property throughout the NIS.

Instead, Judge Freeh has been put in the unfortunate position of playing catch-up with an international Mafia capable of undermining the successful transition to free markets throughout the region, not to mention engaging in nuclear terrorism against the United States.

Let me add one more point on the need to reorganize the foreign policy bureaucracy.

I have only addressed issues that fall directly within the jurisdiction of the Foreign Operations Subcommittee. Given the opportunity, I would also recommend consolidating USIA activities under the State Department and abolish ACDA altogether.

It makes no sense not to have the agency responsible for communicating U.S. interests separate and apart from the agency it serves. The State Department and USIA are integrated overseas and should be here at home. As for ACDA, it is completely unclear what they do that couldn't be done by the Undersecretary for International Security Affairs. Since these agencies are beyond the jurisdiction of my subcommittee, I will leave their reorganization and funding to the good judgment of Senator HELMS and Senator GRAMM.

This bill is a new lease on life for American assistance programs. Although drafted here in Congress, I should point out that I worked hard to assure that we do not micromanage the process.

Presidential flexibility is clearly preserved in general, by broadening goals and specifically by maintaining various waiver and transfer authorities, although I have restructured them somewhat to address a number of problems which have developed in the past several years.

Recently, the administration has increased its use of waivers to move forward with programs which I think everyone would agree are controversial. The fact that waivers have been so frequently invoked at the last possible minute, suggest one of two things: either the administration is incapable of even short-term planning or they are intentionally undermining the congressional notification and consultation process.

I am not prepared to pass judgment at this stage, but let me point out that waiver authorities included in this bill in sections 208, 701, and 703 must now either meet a national security interests test or Congress must be notified in advance of the use of the waiver.

Let me conclude by summing up where my bill takes foreign aid: First, I clearly define American interests; second, I set standards for performance; third, I fund American priorities in the Middle East and Europe; and fourth, I reorganize the bureaucracy so that foreign aid better serves our foreign interests.

If we don't produce real changes in how we administer foreign aid—soon—we will end up with no foreign aid at all.

In 1961, when he transmitted the Foreign Assistance Act to the Hill, President John Kennedy said:

> No objective supporter of foreign aid can be satisfied with the existing program—actually a multiplicity of programs. Bureaucratically fragmented, awkward and slow, its administration is diffused over a haphazard and irrational structure covering at least four departments and several agencies. The program is based on a series of legislative measures and administrative procedures conceived at different times for different purposes, many of them obsolete, inconsistent and unduly rigid and thus unsuited for our present needs and purposes. Its weaknesses have begun to undermine our confidence in our effort both here and abroad.

Forty-four years later, President Kennedy's words couldn't be more accurate.

Let me conclude by expressing my appreciation to Senator COVERDELL and Senator D'AMATO who have joined in cosponsoring this measure. When I released this bill in December, Senator COVERDELL was quick to point out many features which he supported and one which caused him serious concern. It is in deference to his considerable expertise and strong views that I revised my original draft and removed the Peace Corps from my reorganization plan.

I look forward to working with Senator COVERDELL and his colleagues on the Foreign Relations Committee to reform the foreign aid and policy process. Let me pay special recognition to the committee chairman, Senator HELMS, whose leadership is crucial to changing the way this country carries out both its foreign policy and foreign aid agenda. It is my hope that working together in the authorization and appropriations process we can take advantage of a unique moment in history and complete a comprehensive reorganization of the foreign policy bureaucracy.•

• Mr. COVERDELL. Mr. President, I am pleased to join my friend from Kentucky, Senator MCCONNELL, in introducing legislation to overhaul our current foreign aid program. I commend him on his efforts and his leadership in this matter, and look forward to working with him and others to forge a new foreign assistance framework for the 21st century.

That foreign aid reform is needed is clear. Amazingly, after 34 years, the Foreign Assistance Act of 1961 remains the basic statute for our foreign aid program. Since then, the world has changed in ways few could have imagined. The collapse of Soviet influence, the growing interdependence of markets and the regionalization of conflict are realities that face this Congress and the American people. Reform efforts must be as sweeping as the changes that have made them necessary.

By almost any standard by which Congress evaluates programs, foreign aid has fallen short. Despite years of U.S. assistance, few countries have been able to make the transition from poor to developed. Examples of countries graduating from U.S. assistance to self-sufficiency are few and far between. While many nations have made serious efforts to help themselves, U.S. assistance is all too often a disincentive to economic reform and real growth. As a result, most Americans hold foreign aid in contempt. Their frustration is understandable, but it must be changed if we are to remain world leaders.

The world has changed dramatically, demanding a new foreign aid apparatus to address the new international environment. In this current climate of global unpredictability and shrinking budget resources, a new approach is needed. The bill we are introducing today meets that challenge. It states very simply that foreign assistance should meet three goals: It must protect American security, promote American economic interests, and preserve political and regional stability.

To meet these goals, our bill consolidates bureaucracies originally designed to meet the cold-war reality, and streamlines them in order to meet the new security environment. It provides additional resources to assist and promote U.S. economic interests oversees, creating more jobs and opportunities here at home. Our bill addresses what I believe has been a dangerous trend toward subcontracting our unique military capability to international institutions by prohibiting voluntary peacekeeping funds from being used to support U.S. personnel under U.N. command. Finally, the legislation anchors United States strategic interests throughout the globe by maintaining our commitment to the Middle East and Europe.

Additionally, I would like to thank Senator McCONNELL for his cooperation in another matter regarding this legislation. As originally written, this bill would have folded the U.S. Peace Corps into the State Department. As former Director of the Peace Corps, I believe such a move would ultimately have detracted from the effectiveness and efficiency of the organization. The safety of Peace Corps volunteers, in my judgment, depends on its independent status. I raised these concerns with Senator McCONNELL, and I appreciate his willingness to remove this provision.

To close, I want to commend the Senator from Kentucky for his hard work in this matter. Prudently managed, properly targeted foreign aid serves the national interests of the United States. Our challenge is to build a system that does both. I am proud to be included in this effort, and will continue to work toward the principles and objectives outlined in this legislation.•

By Mr. COHEN:

S. 423. A bill to amend the Internal Revenue Code of 1986 to provide improved access to quality long-term care services, to create incentives for greater private sector participation and personal responsibility in financing such services, and for other purposes; to the Committee on Finance.

THE PRIVATE LONG-TERM CARE PROTECTION ACT OF 1995

• Mr. COHEN. Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

SECTION-BY-SECTION SUMMARY OF THE PRIVATE LONG-TERM CARE PROTECTION ACT OF 1995

Purpose: The Cohen legislation is designed to provide improved access to long term care services. An emphasis is placed on removing tax barriers and creating incentives which encourage individuals and their families to finance their future long term care needs. The bill creates consumer protection standards for long term care insurance, and provides incentives and public education to encourage the purchase of private long term care insurance.

TITLE I—TAX TREATMENT OF LONG TERM CARE INSURANCE

Sec. 101. Qualified long term care services treated as medical expenses

Section 213 of the Internal Revenue Code is clarified to allow qualified individuals to deduct out-of-pocket long term care services as medical expenses subject to a floor of 7.5 percent of adjusted gross income. Qualified long term care services include necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance and personal care performed in either a residential or nonresidential setting. Qualified individuals must be determined by a licensed professional or qualified community case manager to be unable to perform without substantial assistance at least two activities of daily living (ADLs) or suffer from a moderate cognitive impairment.

Sec. 102. Treatment of long term care insurance

Section 213 is also amended to allow qualified long term care insurance premiums to be deducted as medical insurance subject to the 7.5 percent-of-adjusted-gross-income-floor. Qualified long term care insurance premiums are also deductible as a business expense and employer-provided long term care insurance is excluded from an employee's taxable income. A qualified long term care insurance policy must meet the regulatory standards as established in Title II.

Sec. 103. Treatment of qualified long term care policies

Benefits paid under qualified long term care insurance policies would be excluded from income under section 105(c) "Payments Unrelated to Absence from Work", and employer-paid long term care insurance would be a tax free employee fringe benefit.

The daily benefit cap for all long term care policies would be established at $200 per day and indexed for inflation. There is no "cliff" on per diem distributions, meaning that only payments above the established cap are treated as income.

Private long-term care insurance is exempt from the continuation of coverage requirements created by COBRA. In addition, long-term care will be considered a "qualified benefit" that may be included in a cafeteria plan.

Sec. 105. Tax treatment of accelerated death benefits under life insurance contracts

Clarifies that an accelerated death benefit received by an individual on the life of an insured who is terminally ill individual (expected to die within 12 months) is excluded from taxable income as payment by reason of death.

TITLE II—STANDARDS FOR LONG-TERM CARE INSURANCE

Sec. 201. National Long-Term Care Insurance Advisory Panel

Establishes a national advisory board to help implement the long-term care consumer protection standards, and educate the public, insurers, providers and other regulatory bodies of issues related to long-term care insurance.

Sec. 202. Policy requirements

Insurers are required to meet the National Association of Insurance Commissioners (NAIC) January 1, 1993 standards for long-term insurance. Additional federal requirements include: a mandatory offer of nonforfeiture benefits, rate stabilization, minimum rate guarantees, limits and notification of increases on premiums and reimbursement mechanisms for long-term care policies. Policies that do not meet these consumer protection standards would be denied the favorable tax treatment described in Section I.

Sec. 203. Additional requirements for issuers of long-term care insurance policies

A penalty of $100 per day per policy shall be imposed on long-term care issuers failing to meet the minimum federal standards as outlined in this section. The civil monetary penalty per policy may not exceed $25,000 against carriers, and may not exceed $15,000 per policy against insurance agents.

Sec. 204. Coordination with State requirements

A State retains the authority to apply additional standards or regulations that provide greater protection of policyholders of long-term care insurance.

Sec. 205. Uniform language and definitions

The National Advisory Council shall issue standards for the use of uniform language and definitions in long-term care insurance policies, with permissible variations to take into account differences in State licensing requirements for long-term care providers.

TITLE III—INCENTIVES TO ENCOURAGE THE PURCHASE OF PRIVATE INSURANCE

Sec. 301. Public information and education programs

The Secretary of Health and Human Services is directed to establish a program designed to educate individuals on the risks of incurring catastrophic long-term care costs and the coverage options available to insure against this risk. Education should increase consumers knowledge of the lack of coverage for long-term care in Medicare, Medigap and most private health insurance policies and explain the various benefits and features of private long-term care insurance.

Sec. 302. Assets or resources disregarded under the Medicaid program

Amends Section 1917(b) of the Social Security Act, related to Medicaid Estate Recoveries, to allow for States to establish asset protection programs for individuals who purchase qualified long-term care insurance policies, without requiring States to recover such assets upon a beneficiaries death. This provision is aimed at encouraging more middle-income persons to purchase long-term care insurance by allowing individuals to keep a limited amount of assets and still qualify for Medicaid, if they have purchased long-term care insurance.

States that develop asset protection programs to encourage private insurance purchase are required to conform with uniform reporting and documentation requirements established by the Secretary of Health and Human Services.

Sec. 303. Distributions from individual retirement accounts for the purchase of long-term care insurance coverage

Individuals above 59½ are allowed tax-free distributions from an IRA or an individual retirement annuity for the purchase of a long-term policy. This provision also allows individuals below the age of 59½ to withdraw from their individual retirement account without penalty in order to purchase a qualified long-term care plan. Individuals who obtain tax-free distributions from their IRA or individual retirement annuity would be restricted from deducting their long-term care insurance premium as a medical expense under Title I of this act.•

By Mr. D'AMATO:

S. 424. A bill to provide for adherence with MacBride Principles by United States persons doing business in Northern Ireland; to the Committee on Finance.

THE NORTHERN IRELAND FAIR EMPLOYMENT PRACTICES ACT

• Mr. D'AMATO. Mr. President, I rise today to offer the Northern Ireland Fair Employment Practices Act. This legislation seeks to deter efforts to use the work place as an arena of discrimination in Northern Ireland. I am pleased that my colleague from New York, Representative BEN GILMAN, chairman of the House International Affairs Committee has introduced this bill, H.R. 470, in the House.

The Northern Ireland Fair Employment Practices Act incorporates the MacBride Principles, which are modeled after the famous Sullivan Principles, one of the initial efforts to apply United States pressure to change the system of apartheid in South Africa. The MacBride Principles are named in honor of the late Sean MacBride, winner of the Nobel Peace Prize and cofounder of Amnesty International.

This amendment will enlist the cooperation of United States companies active in Northern Ireland in the campaign to force the end of discrimination in the workplace by:

First, eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups;

Second, providing adequate security for the protection of minority employees at the workplace;

Third, banning provocative sectarian and political emblems from the workplace;

Fourth, publicly advertising all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups, and establishing procedures to identify and recruit minority individuals with potential for further advancement, including managerial programs;

Fifth, establishing layoff, recall, and termination procedures which do not favor particular religious groupings;

Sixth, abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religious or ethnic origin;

Seventh, developing and expanding upon existing training and educational programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs; and

Eighth, appointing a senior management staff member to oversee the U.S. company's compliance with the principles described above.

It is at the workplace in Northern Ireland, which can be used to either foster or eliminate discrimination, where improving the employment opportunities for the underprivileged will help factor out the economic causes of the current strife in Northern Ireland and, hopefully, begin the process toward a peaceful resolution of the so-called troubles.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 424

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Ireland Fair Employment Practices Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Overall unemployment in Northern Ireland exceeds 14 percent.

(2) Unemployment in some neighborhoods of Northern Ireland comprised of religious minorities has exceeded 70 percent.

(3) The British Government Fair Employment Commission (F.E.C.), formerly the Fair Employment Agency (F.E.A.), has consistently reported that a member of the minority community is two and one-half times more likely to be unemployed than a member of the majority community.

(4) The Industrial Development Organization for Northern Ireland lists twenty-five firms in Northern Ireland which are controlled by United States persons.

(5) The Investor Responsibility Research Center (IRRC), Washington, District of Columbia, lists forty-nine publicly held and nine privately held United States companies doing business in Northern Ireland.

(6) The religious minority population of Northern Ireland is frequently subject to discriminatory hiring practices by United States businesses which have resulted in a disproportionate number of minority individuals holding menial and low-paying jobs.

(7) The MacBride Principles are a nine point set of guidelines for fair employment in Northern Ireland which establishes a corporate code of conduct to promote equal access to regional employment but does not require disinvestment, quotas, or reverse discrimination.

SEC. 3. RESTRICTION ON IMPORTS.

An article from Northern Ireland may not be entered, or withdrawn from warehouse for consumption, in the customs territory of the United States unless there is presented at the time of entry to the customs officer concerned documentation indicating that the enterprise which manufactured or assembled such article was in compliance at the time of manufacture with the principles described in section 5.

SEC. 4. COMPLIANCE WITH FAIR EMPLOYMENT PRINCIPLES.

(a) COMPLIANCE.—Any United States person who—

(1) has a branch or office in Northern Ireland, or

(2) controls a corporation, partnership, or other enterprise in Northern Ireland,

in which more than twenty people are employed shall take the necessasry steps to insure that, in operating such branch, office, corporation, partnership, or enterprise, those principles relating to employment practices set forth in section 5 are implemented and this Act is complied with.

(b) REPORT.—Each United States person referred to in subsection (a) shall submit to the Secretary—

(1) a detailed and fully documented annual report, signed under oath, on showing compliance with the provisions of this Act; and

(2) such other information as the Secretary determines is necessary.

SEC. 5. MACBRIDE PRINCIPLES.

The principles referred to in section 4, which are based on the MacBride Principles, are as follows:

(1) Eliminating religious discrimination in managerial, supervisory, administrative, clerical, and technical jobs and significantly increasing the representation in such jobs of individuals from underrepresented religious groups.

(2) Providing adequate security for the protection of minority employees at the workplace.

(3) Banning provocative sectarian and political emblems from the workplace.

(4) Advertising publicly all job openings and undertaking special recruitment efforts to attract applicants from underrepresented religious groups.

(5) Establishing layoff, recall, and termination procedures which do not favor particular religious groupings.

(6) Providing equal employment for all employees, including implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.

(7) Developing training programs that will prepare substantial numbers of minority employees for managerial, supervisory, administrative, clerical, and technical jobs, including—

(A) expanding existing programs and forming new programs to train, upgrade, and improve the skills of all categories of minority employees;

(B) creating on-the-job training programs and facilities to assist minority employees to advance to higher paying jobs requiring greater skills; and

(C) establishing and expanding programs to enable minority employees to further their education and skills at recognized education facilities.

(8) Establishing procedures to assess, identify, and actively recruit minority individuals with potential for further advancement, and identifying those minority individuals who have high management potential and enrolling them in accelerated management programs.

(9) Appointing a senior management staff member to oversee the United States person's compliance with the principles described in this section.

SEC. 6. WAIVER OF PROVISIONS.

(a) WAIVER OF PROVISIONS.—In any case in which the President determines that compliance by a United States person with the provisions of this Act would harm the national security of the United States, the President may waive those provisions with respect to that United States person. The President shall publish in the Federal Register each waiver granted under this section and shall submit to the Congress a justification for granting each such waiver. Any such waiver shall become effective at the end of ninety days after the date on which the justification is submitted to the Congress unless the Congress, within that ninety-day period, adopts a joint resolution disapproving the waiver. In the computation of such ninety-day period, there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.

(b) CONSIDERATION OF RESOLUTIONS.—

(1) Any resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(2) For the purpose of expediting the consideration and adoption of a resolution under subsection (a) in the House of Representatives, a motion to proceed to the consideration of such resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SEC. 7. DEFINITIONS AND PRESUMPTIONS.

(a) DEFINITIONS.—For the purpose of this Act—

(1) the term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern);

(2) the term "Secretary" means the Secretary of Commerce; and

(3) the term "Northern Ireland" includes the counties of Antrim, Armagh, Londonderry, Down, Tyrone, and Fermanagh.

(b) PRESUMPTION.—A United States person shall be presumed to control a corporation, partnership, or other enterprise in Northern Ireland if—

(1) the United States person beneficially owns or controls (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the corporation, partnership, or enterprise;

(2) the United States person beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the corporation, partnership, or enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(3) the corporation, partnership, or enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(4) a majority of the members of the board of directors of the corporation, partnership, or enterprise are also members of the comparable governing body of the United States person;

(5) the United States person has authority to appoint the majority of the members of the board of directors of the corporation, partnership, or enterprise; or

(6) the United States person has authority to appoint the chief operating officer of the corporation, partnership, or enterprise.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect six months after the date of enactment of this Act.•

By Mr. ROCKEFELLER (for himself, Mr. AKAKA, Mr. CAMPBELL, Mr. DORGAN, and Mr. WELLSTONE):

S. 425. A bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes; to the Committee on Veterans' Affairs.

THE VA MENTAL HEALTH CARE IMPROVEMENT ACT OF 1995

• Mr. ROCKEFELLER. Mr. President, I am proud to introduce legislation that would establish up to five centers of excellence in the area of mental illness at existing VA health care facilities. These centers, to be known as mental illness research, education, and clinical centers [MIRECC's] would be a vitally important and integral link in VA's efforts in the areas of research, education, and furnishing of clinical care to veterans suffering from mental illness. I am delighted to be joined in introducing this bill by Senators AKAKA, CAMPBELL, DORGAN, and WELLSTONE.

Mr. President, the need to improve services to mentally ill veterans has been recognized for a number of years. For example, the October 20, 1985, report of the Special Purposes Committee to Evaluate the Mental Health and Behavioral Sciences Research Program of the VA, chaired by Dr. Seymour Kety—generally referred to as the Kety Committee—concluded that research on mental illness and training for psychiatrists and other mental health specialists at VA facilities were totally inadequate. The Kety report noted that about 40 percent of VA beds are occupied by veterans who suffer from mental disorders, yet less than 10 percent of VA's research resources are directed toward mental illness.

Little has changed since that report. Information provided to the Committee on Veterans' Affairs at our August 3, 1993, hearing showed that the percentage of VA patients suffering with mental illness continues to hover over the same 40 percent rate found by the Kety Committee. Likewise, VA's research on mental illness has not increased to any appreciable extend and was estimated to be approximately 12 percent.

Mr. President, VA provides mental health services to more than one-half to three-quarters of a million veterans each year, yet in the decade between the time the Kety Committee began its work and now, there has not been a significant effort to focus VA's resources on the needs of mentally ill veterans. Among the recommendations of the Kety Committee was one that VA centers of excellence be established to develop first-rate psychiatric research programs within VA. Such centers, in the view of the Kety Committee, would provide state-of-the-art treatment, increase innovative basic and clinical research opportunities, and enhance and encourage training and treatment of mental illness.

Based on the recommendations of the Kety Committee, the Committee on Veterans' Affairs began efforts more than 6 years ago to encourage research into mental illnesses and to establish centers of excellence. For example, on May 20, 1988, Public Law 100–322 was enacted which included a provision to add an express reference to mental illness research in the statutory description of VA's medical research mission which is set forth in section 7303(a)(2) of title 38.

At that time, the committee—see S. Rept. 100–215, page 138—urged VA to establish three centers of excellence, or MIRECC's, as proposed by the Kety Committee. In March 1992, Senator Cranston, then chairman of the Committee on Veterans' Affairs, noted that the VA had not taken any action to implement those recommendations. I unfortunately must tell you today that the VA still has done little to implement the recommendations of the Kety committee and has made no progress on the establishment of centers of excellence.

Mr. President, I also note that the January 1991 final report of the blue ribbon VA Advisory Committee for Health Research Policy recommended the establishment of MIRECC's as a means of increasing opportunities in psychiatric research and encouraging the formulation of new research initiatives in mental health care, as well as maintaining the intellectual environment so important to quality health care. The report stated that these "centers could provide a way to deal with the emerging priorities in the VA and the Nation at large."

In light of VA's failure to act administratively to establish these centers of excellence, our committee has developed legislation to accomplish this objective. The proposed MIRECC's legislation is patterned after the legislation which created the very successful geriatric research, education, and clinical centers [GRECC's], section 302 of Public Law 96–330, enacted in 1980. The MIRECC's would be designed first, to congregate at one facility clinicians and research investigators with a clear and precise clinical research mission, such as PTSD, schizophrenia, or drug abuse and alcohol abuse; second, to provide training and educational opportunities for students and residents in psychiatry, psychology, nursing, social work, and other professions which treat individuals with mental illness; and third, to develop new models of effective care and treatment for veterans with mental illnesses, especially those with service-connected conditions.

The establishment of MIRECC's should encourage research into outcomes of various types of treatment for mental illnesses, an aspect of mental illness research which, to date, has not been fully pursued, either by VA or other researchers. The bill would promote the sharing of information regarding all aspects of MIRECC's activities throughout VHA by requiring the Chief Medical Director to develop continuing education programs at regional medical education centers.

Finally, beginning February 1, 1997, the Secretary would be required to submit to the two Veterans' Affairs Committees annual reports on the research, education, and clinical care activities at each MIRECC and on the efforts to disseminate the information throughout the VA health care system.

At our committee hearing on August 3, 1993, numerous witnesses, including Dr. John Lipkin, representing the American Psychiatric Association, and Mr. Richard Greer, representing the National Alliance for the Mentally Ill, testified in favor of the MIRECC legislation. All of the veterans service organizations testifying at the hearing—the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and Paralyzed Veterans—supported the enactment of MIRECC legislation.

Mr. President, the VA for too long has made inadequate efforts to improve research and treatment of mentally ill veterans and to foster educational activities designed to improve the capabilities of VA mental health professionals. The establishment of MIRECC's will be a significant step forward in improving care for some of our neediest veterans. I am hopeful that this long recognized need will become more than a forgotten want item for veterans who suffer, in many cases, in silence.

The Committee on Veterans' Affairs has reported, and the Senate has passed, comparable legislation in each of the last three Congresses. I hope to bring this legislation before the Committee on Veterans' Affairs soon and remain optimistic that we can move forward with this important legislation.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MENTAL ILLNESS RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following:

"§7319. Mental illness research, education, and clinical centers

"(a) The purpose of this section is to improve the provision of health-care services and related counseling services to eligible veterans suffering from mental illness, especially mental illness related to service-related conditions, through research (including research on improving mental health service facilities of the Department and on improving the delivery of mental health services by the Department), education and training of personnel, and the development of improved models and systems for the furnishing of mental health services by the Department.

"(b)(1) In order to carry out the purpose of this section, the Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this subsection, shall—

"(A) designate not more than five health-care facilities of the Department as the locations for a center of research on mental health services, on the use by the Department of specific models for furnishing such services, on education and training, and on the development and implementation of innovative clinical activities and systems of care with respect to the delivery of such services by the Department; and

"(B) subject to the appropriation of funds for such purpose, establish and operate such centers at such locations in accordance with this section.

"(2) The Secretary shall designate at least one facility under paragraph (1) not later than January 1, 1996.

"(3) The Secretary shall, upon the recommendation of the Under Secretary for Health, ensure that the facilities designated for centers under paragraph (1) are located in various geographic regions.

"(4) The Secretary may not designate any health-care facility as a location for a center under paragraph (1) unless—

"(A) the peer review panel established under paragraph (5) has determined under that paragraph that the proposal submitted by such facility as a location for a new center under this subsection is among those proposals which have met the highest competitive standards of scientific and clinical merit; and

"(B) the Secretary, upon the recommendation of the Under Secretary for Health, determines that the facility has developed (or may reasonably be anticipated to develop)—

"(i) an arrangement with an accredited medical school which provides education and training in psychiatry and with which the facility is affiliated under which arrangement residents receive education and training in psychiatry through regular rotation through the facility so as to provide such residents with training in the diagnosis and treatment of mental illness;

"(ii) an arrangement with an accredited graduate school of psychology under which arrangement students receive education and training in clinical, counseling, or professional psychology through regular rotation through the facility so as to provide such students with training in the diagnosis and treatment of mental illness;

"(iii) an arrangement under which nursing, social work, or allied health personnel receive training and education in mental health care through regular rotation through the facility;

"(iv) the ability to attract scientists who have demonstrated creativity and achievement in research—

"(I) into the evaluation of innovative approaches to the design of mental health services; or

"(II) into the causes, prevention, and treatment of mental illness;

"(v) a policymaking advisory committee composed of appropriate mental health-care and research personnel of the facility and of the affiliated school or schools to advise the directors of the facility and the center on policy matters pertaining to the activities of the center during the period of the operation of the center; and

"(vi) the capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of mental health services provided by the Department at or through individual facilities.

"(5)(A) In order to provide advice to assist the Under Secretary for Health and the Secretary to carry out their responsibilities under this section, the official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this subsection.

"(B) The membership of the panel shall consist of experts in the fields of mental health research, education and training, and clinical care. Members of the panel shall serve as consultants to the Department for a period of no longer than six months.

"(C) The panel shall review each proposal submitted to the panel by the official referred to in subparagraph (A) and shall submit its views on the relative scientific and clinical merit of each such proposal to that official.

"(D) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

"(c) Clinical and scientific investigation activities at each center may compete for the award of funding from amounts appropriated for the Department of Veterans Affairs medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects and activities relating to mental illness.

"(d) The Under Secretary for Health shall ensure that at least three centers designated under subsection (b)(1)(A) emphasize research into means of improving the quality of care for veterans suffering from mental illness through the development of community-based alternatives to institutional treatment for such illness.

"(e) The Under Secretary for Health shall ensure that useful information produced by the research, education and training, and clinical activities of the centers established under subsection (b)(1) is disseminated throughout the Veterans Health Administration through publications and through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title and through other means.

"(f) The official within the Central Office of the Veterans Health Administration responsible for mental health and behavioral sciences matters shall be responsible for supervising the operation of the centers established pursuant to subsection (b)(1).

"(g)(1) There are authorized to be appropriated for the Department of Veterans Affairs for the basic support of the research and education and training activities of the centers established pursuant to subsection (b)(1) the following:

"(A) $3,125,000 for fiscal year 1996.

"(B) $6,250,000 for each of fiscal years 1997 through 1999.

"(2) In addition to the funds available under the authorization of appropriations in paragraph (1), the Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department of Veterans Affairs medical care account and the Department of Veterans Affairs medical and prosthetics research account such amounts as the Under Secretary for Health determines appropriate in order to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by adding at the end of the matter relating to subchapter II the following:

"7319. Mental illness research, education, and clinical centers.".

(c) REPORTS.—Not later than February 1 of each of 1997, 1998, and 1999, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the mental illness, research, education, and clinical centers established pursuant to section 7319 of title 38, United States Code (as added by subsection (a)). Each such report shall contain the following:

(1) A description of—

(A) the activities carried out at each center and the funding provided for such activities;

(B) the advances made at each center in research, education and training, and clinical activities relating to mental illness in veterans; and

(C) the actions taken by the Under Secretary for Health pursuant to subsection (d) of such section (as so added) to disseminate useful information derived from such activities throughout the Veterans Health Administration.

(2) The Secretary's evaluations of the effectiveness of the centers in fulfilling the purposes of the centers.●

By Mr. SARBANES (for himself and Mr. WARNER):

S. 426. A bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes; to the Committee on Rules and Administration.

REVEREND DR. MARTIN LUTHER KING, JR, MEMORIAL LEGISLATION

● Mr. SARBANES. Mr. President, since 1926 this Nation has designated February as the month to honor the contributions of African-Americans and their proud heritage, which has so powerfully enriched our land. As we honor the accomplishments of African-American citizens throughout the country, I wanted to bring to the attention of my colleagues legislation introduced today by myself and the distinguished Senator from Virginia, Senator WARNER, to recognize and honor Dr. Martin Luther King, Jr.

As you know, Dr. King's life was one of extraordinary accomplishments and has had a significant and lasting impact on our Nation's history. The legislation Senator WARNER and I have introduced today would recognize these accomplishments by authorizing the Alpha Phi Alpha Fraternity, the oldest African-American fraternity in the United States, to establish a monument to Dr. King on Federal land in the District of Columbia. Identical legislation passed the Senate in the 102d Congress with 60 cosponsors, but was unfortunately not passed by the House of Representatives before adjournment sine die.

Pursuant to this proposal, the Alpha Phi Alpha Fraternity of which Dr. King was a member, will coordinate the design and funding of the monument. The bill provides that the monument be established entirely with private contributions at no cost to the Federal Government. The Department of the Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, will select the site and approve the design.

Alpha Phi Alpha was founded in 1906 at Cornell University and has hundreds of chapters across the country and many prominent citizens as members, including the late Supreme Court Justice Thurgood Marshall. Alpha Phi Alpha has strongly endorsed the Martin Luther King, Jr. Memorial project and is committing its considerable human resources to the project's development.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenent of nonviolence reawakened our Nation to the injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

A memorial to Dr. King erected in the nation's Capital will provide continuing inspiration to all who visit it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is much more that still needs to be done. As Coretta King said so articulately:

> Young people in particular need nonviolent role models like him. In many ways, the Civil Rights movement was a youth movement. Young people of all races, many of whom were jailed, were involved in the struggle, and some gave their lives for the cause. Yet none of the youth trained by Martin and his associates retaliated in violence, including members of some of the toughest gangs of urban ghettos in cities like Chicago and Birmingham. This was a remarkable achievement. It has never been done before; it has not been duplicated since.

It is our hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even every fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Mr. President, Martin Luther King, Jr., dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. As we continue to celebrate Black History Month, I urge all of my colleagues to join Senator WARNER and me in this effort to ensure that the essential principles taught and practiced by Dr. King are never forgotten.●

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 218

At the request of Mr. MCCONNELL, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 218, a bill to repeal the National Voter Registration Act of 1993, and for other purposes.

S. 233

At the request of Mr. MCCAIN, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. DOLE], the Senator from South Dakota [Mr. PRESSLER], the Senator from North Carolina [Mr. HELMS], the Senator from Colorado [Mr. BROWN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. LOTT], the Senator from Indiana [Mr. COATS], the Senator from Arizona [Mr. KYL], the Senator from New Hampshire [Mr. GREGG], the

Senator from Kentucky [Mr. MCCONNELL], the Senator from Oklahoma [Mr. INHOFE], the Senator from New Hampshire [Mr. SMITH], the Senator from South Carolina [Mr. THURMOND], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Tennessee [Mr. THOMPSON], the Senator from Georgia [Mr. COVERDELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Utah [Mr. HATCH], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 356

At the request of Mr. SHELBY, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 415

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 415, a bill to apply the antitrust laws to major league baseball in certain circumstances, and for other purposes.

AMENDMENT NO. 248

At the request of Mr. DORGAN his name was added as a cosponsor of Amendment No. 248 proposed to H.J. Res. 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

At the request of Mr. BINGAMAN the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of Amendment No. 248 proposed to H.J. Res. 1, supra.

SENATE CONCURRENT RESOLUTION 7—RELATIVE TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 7

Whereas the United States has strong and enduring economic, political, and strategic ties with the Hellenic Republic of Greece;

Whereas Greece has been a strategic ally of the United States in the Eastern Mediterranean during every major conflict in this century;

Whereas historical and archaeological evidence demonstrates that the ancient Macedonians were Greek;

Whereas Macedonia is a Greek name that has designated the northern area of Greece for over 2,000 years;

Whereas in 1944, the United States opposed the changing of the name of the Skopje region of Yugoslavia by Marshall Tito from Vardar Banovina to Macedonia as part of a campaign to gain control of the Greek province of Macedonia, and the major port city of Salonika;

Whereas the regime in Skopje has persisted in inflaming tensions between it and Greece through a sustained propaganda campaign and the continued use of an ancient Greek symbol, the Star of Vergina, in its flag;

Whereas the Skopje regime has refused to remove paragraph 49 from its constitution, a reference to the 1944 declaration by the then communist regime calling for the "unification" of neighboring territories in Greece and Bulgaria with the "Macedonian Republic";

Whereas Greece has no claim on the territory of the former Yugoslav republic of Macedonia and has repeatedly reaffirmed the inviolability of all borders in the area of the 2 countries; and

Whereas it is in the best interest of the United States to oppose any expansionist or irredentist policies in order to promote peace and stability in the area: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the President should not have extended diplomatic recognition to the Skopje regime that insists on using the Greek name of Macedonia; and

(2) the President should reconsider this decision and withdraw diplomatic recognition until such time as the Skopje regime renounces its use of the name Macedonia, removes objectionable language in paragraph 49 of its constitution, removes symbols which imply territorial expansion such as the Star of Vergina in its flag, ceases propaganda against Greece, and adheres fully to Conference on Security and Cooperation in Europe norms and principles.

AMENDMENT SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

BYRD AMENDMENTS NOS. 252–258

BROWN AMENDMENT NO. 271

(Ordered to lie on the table.)

Mr. BYRD submitted seven amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

AMENDMENT NO. 252

On page 2, line 3, strike beginning with "unless" through "vote" on line 6 and insert "unless the Congress shall provide by law for a specific excess of outlays over receipts".

AMENDMENT NO. 253

On page 2, strike lines 15 through 17.

AMENDMENT NO. 254

On page 2, line 8, strike beginning with "unless" through "vote" on line 10 and insert "unless Congress provides by law for such an increase".

AMENDMENT NO. 255

On page 2, line 14, strike the period and insert "and any alternative proposed budget for the fiscal year that the President determines to be appropriate for that fiscal year.".

AMENDMENT NO. 256

On page 2, lines 24 and 25, strike "', adopted by a majority of the whole number of each House".

AMENDMENT NO. 257

On page 3, line 10, strike "2002" and insert "2000".

AMENDMENT NO. 258

On page 3, line 1, strike beginning with "enforce" through "receipts" on line 3 and insert "implement this article by appropriate legislation".

GRAHAM AMENDMENT NO. 259

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, line 8, strike "held by the public".

LEAHY (AND OTHERS) AMENDMENT NO. 260

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and inserting "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and".

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 261

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of section 6, add the following: "However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.".

WELLSTONE AMENDMENTS NOS. 262–266

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 262

On page 2, line 3, following the word "unless", insert the following:

"(a) compliance with this requirement would result in—

(i) substantial reductions in the quality of, or access to, health care for veterans, or

(ii) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries, or

(b)".

AMENDMENT NO. 263

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would result in—

(i) substantial reductions in the quality of, or access to, health care for veterans, or

(ii) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries, or

(b)".

AMENDMENT NO. 264

On page 2, line 3, following the word "unless", insert the following:

"(a) compliance with this requirement would result in significant reductions in assistance to students who want to attend college, or

(b)".

AMENDMENT NO. 265

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would result in significant reductions in assistance to students who want to attend college, or

(b)".

AMENDMENT NO. 266

On page 2, line 3, following the word "unless", insert the following:

"(a) a majority of the whole number of each House of Congress shall determine that compliance with this requirement would increase the number of hungry or homeless children, or

(b)".

KENNEDY (AND JOHNSTON) AMENDMENT NO. 267

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, between lines 8 and 9, insert the following:

"SEC. 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

GRAMM (AND OTHERS) AMENDMENT NO. 268

(Ordered to lie on the table.)

Mr. GRAMM (for himself, Mr. COATS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike section 4 of the amendment and insert the following:

"SEC. 4. No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number in each House of Congress."

BRADLEY AMENDMENT NO. 269

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following:

"That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:".

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. This article shall be enforced only in accordance with appropriate legislation, which may rely on estimates of outlays and receipts, enacted by Congress.

"SECTION 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

"SECTION 8. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, or any successor trust funds shall not be counted as receipts or outlays for purposes of this article.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

BRADLEY (AND OTHERS) AMENDMENT NO. 270

(Ordered to lie on the table.)

Mr. BRADLEY (for himself, Mr. BIDEN, Mr. DASCHLE, Mr. DORGAN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 4 through 8, and insert the following:

"SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

BROWN AMENDMENT NO. 271

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the resolution, House Joint Resolution 1, supra; as follows:

Ordered to lie on the table and to be printed AMENDMENT intended to be proposed by Mr. BROWN viz:

On page 1, line 3, strike beginning with "(two-thirds" through the end of the resolution and insert the following:

SECTION 1. BALANCED BUDGET OR NO PAY.

(a) REPORT.—On September 30, 1999, the Director of the OMB shall—

(1) determine whether the Federal budget for fiscal year 2000 will be a balanced budget; and

(2) if the Director determines that there will be a budget deficit for fiscal year 2000, notify the President and Congress of the amount of such deficit.

(b) PAY SUSPENDED.—If the Director of OMB notifies the President and Congress that there is a budget deficit pursuant to subsection (a)(2)—

(1) the President shall suspend pay for employees of the executive branch subject to confirmation by the Senate, and the President and Vice President; and

(2) the Speaker of the House of Representatives and the President pro tempore of the Senate shall suspend pay for Members of Congress and congressional staff; until such time as the Director of OMB reports that the deficit for fiscal year 2000 has been eliminated.

SEC. 2. BALANCED BUDGET.

For purposes of this Act, the term "balanced budget" with respect to a fiscal year is a budget in which total outlays for that fiscal year do not exceed total receipts for that fiscal year. Total receipts shall include all receipts of United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SEC. 3. WAIVER.

The Congress may waive the provisions of this Act if a declaration of war is in effect. The provisions of this Act may be waived if the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

JOHNSTON (AND OTHERS) AMENDMENT NO. 272

Mr. JOHNSTON (for himself, Mr. BUMPERS, Mr. LEVIN, Mrs. BOXER, and Mr. PRYOR) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of Section 6, add the following: "No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section."

LEVIN AMENDMENT NO. 273

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and insert "shall be proposed as an amendment to the Constitution and submitted to the States for ratification upon the enactment of legislation specifying the means for implementing and enforcing the provisions of the amendment, which amendment".

FEINSTEIN (AND OTHERS) AMENDMENT NO. 274

(Ordered to lie on the table)

Mrs. FEINSTEIN (for herself, Mr. FORD, Mr. HOLLINGS, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

CONRAD AMENDMENT NO. 275

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, strike line 18 and all that follows through line 25, and insert the following:

"SEC. 5. This article shall be suspended for any fiscal year and the first fiscal year thereafter if a declaration of war is in effect or if the Congress declares an economic emergency. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and it is so declared by a joint resolution, adopted by a majority of the whole number of each House of Congress, that becomes law."

KERRY AMENDMENT NO. 276

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, beginning on line 3, strike "year, unless" and all that follows through line 25 on page 2, and insert the following: "year, unless a majority of the whole number of each House shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SEC. 2. The limit on the debt of the United States held by the public shall not be increased, unless a majority of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SEC. 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SEC. 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SEC. 5. The provisions of this article may be waived for any fiscal year during which the United States suffers from a serious economic recession which causes an imminent and serious threat to the nation's economy and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

KERRY AMENDMENT NO. 277

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him, to a motion to House Joint Resolution 1, supra; as follows:

I move to commit H.J. Res. 1 to the Budget Committee, to report back forthwith the following substitute amendment:

It is the Sense of the Congress that the Congress of the United States currently possesses all necessary power and authority to adopt at any time a balanced budget for the United States Government, in that its outlays do not exceed its receipts, and to pass and submit to the President all legislation as may be necessary to implement such a balanced budget, including legislation reducing expenditures for federally-funded programs and agencies and increasing revenues.

It is further the Sense of the Congress that the Congress should, prior to August 15, 1995, adopt a concurrent resolution on the budget establishing a budget plan to balance the budget by fiscal year 2002 consisting of the items set forth below:

(a)(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with fiscal year 2002 containing—

(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

(B) totals of new budget authority and outlays for each major functional category;

(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

(D) an allocation of Federal revenues among the major sources of such revenues;

(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution, with the cited directives deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974, and with the cited committee submissions combined without substantive revision upon their receipt by the Committee on the Budget into an omnibus reconciliation bill which the Committee shall report to its House where it shall be considered in accord with procedures set forth in section 310 of the Congressional Budget Act of 1974.

(c) the budget plan described in section (a)(1) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).

BIDEN (AND OTHERS) AMENDMENT NO. 278

Mr. BIDEN (for himself, Mr. BRADLEY, Mr. DASCHLE, Mr. DORGAN, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. KERRY) proposed an amendment to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, strike lines 4 through 8, and insert the following:

"SEC. 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets."

WELLSTONE AMENDMENTS NOS. 279–284

(Ordered to lie on the table.)

Mr. WELLSTONE submitted six amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 279

At the end of the amendment, add the following:

"SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want to attend college."

AMENDMENT NO. 280

At the end of the amendment, add the following:

"SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children."

AMENDMENT NO. 281

At the end of the amendment, add the following:

"SEC. . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

(a) substantial reductions in the quality of, or access to, health care for veterans, or

(b) substantial reductions in compensation provided to veterans for service-connected illnesses or injuries."

AMENDMENT NO. 282

Strike all after the first word and insert the following:

"The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want to attend college."

AMENDMENT NO. 283

Strike all after the first word and insert the following:

"The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children."

AMENDMENT NO. 284

Strike all after the first word and insert the following:

"The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

(a) substantial reductions in the quality of, or access to, health care for veterans, or

(b) substantial reductions in compensation for service-connected illnesses or injuries."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, February 15, 1995, at 9:30 a.m. in open session to consider the following nominations for the Defense Base Closure and Realignment Commission: Mr. Alton W. Cornella; Ms. Rebecca G. Cox; General James B. Davis, USAF (ret.) Mr. S. Lee Kling; Rear Admiral Benjamin F. Montoya, USN (ret.); Ms. Wendi L. Steele.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, February 15, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony on the President's fiscal year 2996 budget for the Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Wednesday, February 15, 1995, at 2 p.m., to receive testimony from Carol M. Browner, Administrator, on the Environmental Protection Agency's fiscal year 1996 budget request.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, February 15, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the tax treatment of capital gains.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 15, 1995, at 9:30 a.m. for a hearing on the subject of regulatory reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on S. 141, the Davis-Bacon Repeal Act, during the session of the Senate on Wednesday, February 15, 1995 at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Antritrust, Business Rights, and Competition of the Committee on the Judiciary be authorized to meet during the session of this Senate on Wednesday, February 15, 1995, at 2 p.m. to hold a hearing on the court imposed major league baseball antitrust exemption.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JAMES P. GRANT

• Mr. SARBANES. Mr. President, I was deeply saddened to learn of the recent death of a tireless champion of the world's children, James P. Grant. Most of us knew Jim as the deeply committed and energetic Executive Director of UNICEF, where his enthusiasm, his compassion, and his media savvy were legion. For 15 years he refused to take "no" for an answer, forcing those more accustomed to the high politics of diplomacy to consider the everyday realities for the youngest and most vulnerable members of the world's population. His child survival revolution can be credited with saving and improving the lives of millions of children who otherwise would have fallen victim to malnutrition, dehydration and easily preventable diseases.

While Jim Grant's contributions as UNICEF's Director are unparalleled, it was not only there that he made his mark. In fact he spent his entire lifetime in public service: First with the U.N. Relief and Rehabilitation Administration in China, where he was born, and later at the United States Department of State, the United States Agency for International Development, and the Overseas Development Council. In each of those capacities his concern for those living in poverty and despair lent special significance to his work and distinguished him as an individual.

Even as his own health began to fail him, Jim continued his important work at UNICEF. He enlisted the support of everyone from Hollywood superstars to Members of Congress in helping to realize the ambitious goals of the World Summit for Children—cutting child mortality by one-third, halving malnutrition and maternal mortality rates, providing basic education for all children, and reducing or eradicating childhood diseases by the end of this century. In recognition of Jim Grant's outstanding contributions, President Clinton awarded him the Nation's highest civilian honor, the Medal of Freedom, just last summer.

Mr. President, I am certain that my colleagues join me in extending my deepest sympathies to Jim's family. He is deeply missed but his life and work shall never be forgotten.●

HADASSAH'S WORK IN SARAJEVO

● Ms. MIKULSKI. Mr. President, as a life member of Hadassah, the Women's Zionist Organization of America, I am proud of their humanitarian work around the world. I am also proud that Hadassah's founder, Henrietta Szold, was born in my hometown of Baltimore.

Private philanthropy cannot take the place of public policy. But it can play a vital role in providing aid and comfort in places like Bosnia—where medical facilities have been decimated by war.

I am pleased to share information with my colleagues on Hadassah's international relief work. I ask that Hadassah's report on their work in Sarajevo be printed in the RECORD.

The report follows:

HADASSAH NURSES COUNCILS ORGANIZE MASSIVE RELIEF EFFORT FOR SARAJEVO

Just a year after its founding in 1912, Hadassah, the Women's Zionist Organization of America, sent two intrepid nurses, Rose Kaplan and Rachel Landy, to Palestine to treat the malnourished and diseased mothers and children of Jerusalem, thereby laying the foundation for its ongoing medical work in Israel. More than 82 years later, in August, 1994, Hadassah again sent its nurses on an arduous journey, this time to the besieged city of Sarajevo. Elsie Roth and Kathryn Bauschard of St. Louis, Dianna Pearlmutter of Boston, and Charlotte Franklin of Santa Barbara, all members of Hadassah's nurses councils, went to assess the medical needs of the war-torn city and plan and coordinate the delivery of much needed medical supplies and clothing.

Traveling under the banner of the United Nations High Commissioner for Refugees, the nurses visited Kosevo Hospital and the State Hospital of Sarajevo during their 7-day trip. The nurses met with hospital administrators, doctors, nurses, and other personnel and inspected operating rooms, pediatric wards and pharmacy supply centers. They found deplorable conditions in the hospitals, which lacked even the most basic medical supplies.

At the time of their visit, Deborah Kaplan, Hadassah National President, stated, "Hadassah has a long-standing commitment to providing humanitarian aid throughout the world. We are proud to sponsor these four courageous women and, through the Hadassah Nurses Councils, will work to facilitate aid to Bosnia as identified through this mission."

Within five months of their return, the nurses, with the help of Hadassah Nurses Councils throughout the United States and in coalition with other organizations, churches and synagogues, amassed 30 tons of medical supplies and clothing valued at $3.5 million for transport to Sarajevo.

Since the nurses' trip, close connections have been forged between the coalition and the Jewish community of Sarajevo. About 300 Jews, a remnant of the 2,500 Jews from Sarajevo who survived World War II, remain in the city. Under the auspices of La Benevolencija, the Jewish humanitarian society formed in 1892, the Jewish community in Sarajevo has assumed responsibility for caring for the entire community. They operate the pharmacies and other health facilities, distribute foods, operate a daily soup kitchen, and facilitate the evacuation of the elderly and children.

In this way, the tiny Jewish community, which has existed in Sarajevo for more than 500 years, has been working to save its Catholic, Muslim and Orthodox Christian neighbors. All have been living under increasingly desperate conditions since the Bosnian conflict began nearly three years ago. More than 12,000 residents, including 1,625 children, have been killed and some 60,000 wounded. Medical supplies are not available to treat the sick and injured and restore them to health. Moreover, water, food, gas and electricity are in very short supply. Residents are now resorting to burning what possessions they have left, including old books and family heirlooms, in an effort to survive the winter cold.

The supplies collected by Hadassah and the other coalition members were shipped to New York for storage in a central warehouse provided by Queens, NY Hadassah. Eight tons of clothing are now on their way to Bosnia by cargo ship. The remaining 22-ton shipment, including pharmaceuticals, medical supplies and uniforms, has already been sent from Dover Air Force Base on air force planes to Croatia where it will now be airlifted by the United Nations directly to Sarajevo.

Hadassah members Sherry Hahn of Arlington and Elsie Roth, taking advantage of the cease-fire negotiated by former United States President Jimmy Carter in December, will return to Sarajevo to meet the shipment and help La Benevolencija distribute the supplies. Hearts will beat again when restarted by a perfectly reconditioned defibrillator included in the shipment. Bodies will heal when external fixators will hold them together without invasive surgery. Limbless people, wounded by shell fire, will walk again when more than 100 pieces of prosthetics replace their feet, legs and knees.

In a letter to Hadassah, Sven Alkalaj, the Bosnian Ambassador to the United States, wrote, "The Republic of Bosnia and Herzegovina and its people sincerely offer the American organization Hadassah their thanks for the fine activities of four nurses who, despite the dangerous situation in Sarajevo, had the courage to visit our nation's capital. Their mission was one of humanitarian concern and genuine compassion for our citizens who are in need of desperate medical attention.

"All of these registered nurses displayed an overwhelming desire to help those in need. Their compassion will long be remembered by those of us who had an opportunity to experience their love of humanity and their zeal for the advancement of the human spirit."

Ambassador Stuart E. Eizenstat, representing the European Community, praised Hadassah, saying that this organization should be proud of the relief they are providing in this tragic situation.

Hadassah, the WZOA, sincerely thanks the government of the United States, particularly the Department of Defense, for its cooperation in airlifting the relief goods we were able to gather together into this ravaged land.

For more than 82 years, Hadassah has been recognized for its pacesetting medical care and for the use of its resources and knowledge to benefit all humankind. This is but another example of Hadassah's affirmation of the Mishna's teaching "Whoever saves one life, it is as if he saved the entire world." The women of Hadassah have learned this lesson well. ●

ORDERS FOR THURSDAY, FEBRUARY 16, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Thursday, February 16, 1995; that following the prayer, the Journal of proceedings be deemed approved to date; that following the time allocated to the two leaders, the remaining time prior to 10:30 a.m. be equally divided between the two leaders or their designees for debate on the balanced budget constitutional amendment; and that at the hour of 10:30 a.m. the Senate proceed to the cloture vote, and the mandatory quorum call under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, as indicated by the Senator from Kentucky in his unanimous-consent request, regardless of the outcome of the cloture vote, following the vote, Senator BYRD will be recognized to offer filed amendment No. 252. That consent has already been obtained.

I just say for the information of all Senators, votes are expected to occur throughout Thursday's session of the Senate, with the first vote occurring at 10:30 a.m.

Unless there is some other agreement, we are out tomorrow and we are back next Wednesday. I filed two cloture motions. Votes will occur on next Wednesday, after the reading of Washington's Farewell Address, and we will try to establish that so all Senators will be on notice before we leave here tomorrow.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess, under the previous order.

There being no objection, the Senate, at 9:13 p.m., recessed until Thursday, February 16, 1995, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 15, 1995*

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We heed the words of the Psalmist when we pray, "We give thanks to Thee, O God, we give thanks; we call on Thy name and recount Thy wondrous deeds."

It is our prayer, O gracious God, that we will not let this day or any day pass without having thankful hearts and appreciative spirits for Your goodness and loving kindness to us and to all people. May our crowded hours and sometimes cluttered minds never keep us from the marvelous virtues of gratefulness, gratitude, and thankfulness. With the Psalmists of old we know of the trials of each day and yet we celebrate with all our strength and energy, the wonder of Your creation, the joy of our friendships one with another, and the love and power that Your spirit gives day by day. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Florida [Mr. JOHNSTON] will lead the House in the Pledge of Allegiance.

Mr. JOHNSTON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS TO THE UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 1928a, the Chair appoints to the United States Group of the North Atlantic Assembly the following Members of the House:

Mr. BEREUTER of Nebraska, Chairman; Mr. SOLOMON of New York, Vice Chairman; Mr. REGULA of Ohio; Mr. BATEMAN of Virginia; Mr. BLILEY of Virginia; Mr. BOEHLERT of New York; Mrs. MEYERS of Kansas; and Mrs. ROUKEMA of New Jersey.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will announce there will be 15 1-minutes on each side.

Before recognizing the first one, the Chair will also announce that tomorrow 1-minutes will begin at the end of legislative business in the hopes the House can leave early and have a few days off to go home. The Chair hopes Members will indulge and appreciate that.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; Unfunded mandates legislation—we have done this; Line-item veto—we have done this; A new crime package to stop violent criminals—we have done this; National security restoration to protect our freedoms—we are doing this now; Welfare reform to encourage work, not dependence; Family reinforcement to crack down on deadbeat dads and protect our children; Tax cuts for families to lift Government's burden from middle-income Americans; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; Commonsense legal reform to end frivolous lawsuits; And congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

INTRODUCTION OF THE OLDER WOMEN'S BREAST CANCER DETECTION ACT

(Mr. JOHNSTON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON of Florida. Mr. Speaker, in 1995, 46,000 women will die from breast cancer, and another 182,000 will be diagnosed with this disease. The incidence of breast cancer has increased by 2 percent every year since 1980.

Today I am introducing legislation to help reverse this alarming trend, and give hope to thousands of American women. The Older Women's Breast Cancer Detection Act will change Medicare law to provide yearly mammograms for women over 65. Currently, Medicare only allows for one mammogram every 2 years.

Early diagnosis is often the key to successfully treating breast cancer. In fact, both the American Cancer Society and the American Medical Association explicitly recommend that women over age 50 have a mammogram every year. It is time that Medicare follow this recommendation and allow for yearly mammograms.

This legislation will ensure that women are not denied access to a lifesaving diagnostic tool simply because a birthday has passed.

Please support the Older Women's Breast Cancer Detection Act.

PROGRESS REPORT ON THE CONTRACT WITH AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, this is day 43 of our effort to pass the Contract With America, and, as I did a few weeks ago, we finished passing yesterday the six bills which are our effort to meet contract No. 2 which says stop violent criminals, let us get tough with an effective, believable, and timely death penalty for violent offenders. Let us also reduce crime by building more prisons, making sentences longer, putting more police on the street.

We believe we have met No. 2 with the passage of those six.

So I am now going to have a second hole punched in the card. Over the next 57 days, as we finish it up, I will be back again.

ETHICS COMMITTEE MUST ACT

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I rise again to call on our House Ethics Committee to take steps to name an independent counsel to investigate the ever

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

growing list of possible ethics violations by the Speaker. Only an independent counsel can remove the cloud of disrepute that hangs over this House, and every day this cloud grows darker, larger, and ever more sinister.

Mr. Speaker, this is not a partisan request by me but, rather, an effort to get the House Ethics Committee to act on this important issue which has now been joined by Common Cause. It should not take our ethics committee 100 days to act on this most important of issues.

I hope our Ethics Committee does not spend all their time fighting over stacking the staff this week like they did last week. We need the entire committee to review the X files put together by Common Cause.

THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. BRYANT of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT of Tennessee. Since the end of World War II, the brave men and women of our Armed Forces have worked to guarantee the national security of our country. We should not reward their loyal service by delegating responsibility for their lives to a foreign command.

H.R. 7, the National Security Revitalization Act, would stop the President from unilaterally putting American troops under the U.N. flag. As the United Nations adapts itself more and more for nation-building and peacekeeping operations, the need for restraint on the President's ability to send Americans overseas is needed.

Mr. Speaker, H.R. 7 establishes the proper constitutional balance between the President and the Congress and keeps American troops under U.S. commanders. H.R. 7 will give Congress and the people we represent the means to stop the President from placing our Armed Forces in the hands of a foreign command.

With the National Security Revitalization Act, we can keep all obligations and all the necessary involvement in the world community while adding congressional approval as a check to protect American lives.

Mr. Speaker, I urge you and my colleagues to support H.R. 7.

CUT THE CIA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the CIA said they knew nothing of secret government radiation tests on American guinea pigs in the fifties. Those guinea pigs were American citizens.

Can you believe this, Government documents now reveal the CIA not only knew, they funded a radiation testing lab in California to test American prisoners. Unbelievable. They knew nothing about the mining of the harbors, they knew nothing about the death-threat manuals, they knew nothing about Gary Powers. Stone cold lies.

Now, evidence shows that during the Westmoreland-CBS trial, a secret CIA memo says, "Have we gone beyond reasonable dishonesty?" Reasonable dishonesty, Members? Lies, stone cold lies through their teeth.

If Government is going to reform itself and cut the size of Government, Congress should cut the hell out of the CIA.

ANOTHER PRESENT FOR RONALD REAGAN

(Mr. HERGER asked and was given permission to address the House for 1 minute an to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, last week we celebrated President Ronald Reagan's birthday by giving him the line-item veto. This week we will have the opportunity to give him another present. We will once again return our national defense to a level President Reagan would approve.

Mr. Speaker, under the Clinton administration we have not only seen an attitude of arrogance toward the military, we have also seen a lack of respect, and subsequently, the inability to effectively command our Armed Forces. Mr. Speaker, the only time we have ever allowed U.S. troops to serve under a foreign commander has taken place under the watch of President Clinton.

Mr. Speaker, U.S. Troops should only be under the command of U.S. military officers, and the National Security Revitalization Act mandates just that—no U.S. troops under command of a foreign officer.

THE LINE-ITEM VETO

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, I do not make a habit of defending the Contract With America.

But when this House passed the line-item veto last Monday night, important language from the contract was not included. And that is bad news for the American taxpayer. The bill gives the President broad power to veto any spending provision. But the bill's authors gave the President very narrow authority to veto tax benefits or tax loopholes for special interests. This excludes the vast majority of tax breaks—worth hundreds of billions.

The Contract With America said the President should be able to veto any tax benefit. My Republican colleagues breached their contract by voting against a version of the bill containing the contract's exact language. Apparently, they dislike tax loopholes for special interests only when they are the minority party.

Mr. Speaker, let us remember another pearl of wisdom from the Contract With America. It says, "If we break this contract, throw us out!"

ACT NOW TO REVERSE DECLINE OF OUR ARMED FORCES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary, for the great job he did in shepherding through the House the anticrime package we passed yesterday. Another important component of the contract has been completed.

Now, the scene shifts to defense. When Bill Clinton ran for the Presidency, he promised to cut $60 billion from the Bush defense plan. Once in office, however, that pledge soon became like all the other Clinton promises, dead on arrival. Bill Clinton weakened our military strength by twice that amount.

The result has been disastrous. According to the Pentagon's own audit, 3 of 12 divisions are no longer combat-ready.

Yes, we must balance the budget, but not by dangerously weakening this country's defenses.

We need to act now to reverse the steady decline our forces have endured since the leftover sixties flower children of the Clinton administration came to town, and act we will, starting today.

NATIONAL SECURITY REVITALIZATION ACT ENDANGERS NATIONAL SECURITY

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, what we will take up today is a bill that will cripple America and endanger American military personnel as they have never been endangered before. The bill should be retitled. It should be called the Saddam Hussein Full-Protection Act, because if this piece of legislation that we address today was in place, George Bush could not have pulled the world community together to stop Saddam Hussein's aggression.

But worse than that, in the future it will make every conflict an American conflict. It will make every casualty an American casualty. It will mean every dollar of every conflict will be an American taxpayer dollar.

In the Persian Gulf, 90 percent of the money that that war cost was paid for by other participants, not American taxpayers. It was a world responsibility.

What this legislation will do will cripple the Presidency, leaving him either with the choice of unilateral American action or no action at all.

Defeat this legislation. It endangers our national security.

□ 1115

TURN THE LIGHTS OUT AT THE DEPARTMENT OF ENERGY

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I am heading up one of four teams of the freshman class which was initiated to carry on the work of many who preceded us here in Congress, in an effort to reduce four Government bureaucracies: Department of Education, Department of Commerce, Department of HUD, and Department of Energy.

Mr. Speaker, the Department of Energy is a gas guzzler. Back in the early 1970's the Government imposed price controls and allocation controls, and that contributed to developing a crisis, and the beltway solution here was to come with another bureaucracy, the Department of Energy.

Since then, the Reagan administration eliminated the price controls and removed the crisis. Now it is time to turn the lights out on the Department of Energy.

You can see from the chart I have here that the Department of Energy has reinvented itself so that now 60 percent of it is a bomb factory. Only 20 percent is related to energy.

Once started, it is hard to eliminate a bureaucracy, but we are working with former secretary Don Hodele and others in Congress because we have a new Congress now, a new voice from the people that wants to downsize the Government.

Our President has talked about downsizing and privatizing, but the Department of Energy has actually increased its budget. Now it is time to tighten the belt and trade in this gas guzzler for a more efficient model.

YELTSIN SHOULD END THE CHECHNYAN WAR

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, this week has seen only fragmented progress toward ending the war in Chechnya. It is my hope when President Yeltsin gives his State of the Union Address tomorrow, he will define a clear strategy to end the Chechen conflict. We must do all we can to pressure President Yeltsin to end this costly and potentially protracted guerrilla war. We have invested a great deal in promoting democracy in Russia, and as long as the United States continues to provide aid to Russia, we have an obligation to ensure that Russia continues along this course of reform. The war in Chechnya certainly undermines these efforts, as the Russians have spent over $2 billion in 8 weeks. Future IMF loans seem unlikely.

Please join me and Representative WOLF in sending a letter to President Clinton urging him not to attend the Moscow summit in May unless the Chechen war is ended. Over 56 Representatives have already signed this letter.

THE NATIONAL SECURITY REVITALIZATION ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, I am amazed at the comments by our Secretary of Defense and Secretary of State concerning the fact that they are going to recommend vetoing the National Security Revitalization Act.

This bill addresses a crisis of paramount importance to our Nation, the defense of America.

Not one of our four military services has been left unscathed by the radical defense cuts imposed by the Clinton administration. The numbers are staggering, amounting to almost 65 percent in real spending dollars already. These massive cuts come at a time when the military is being asked to do more with less, in a world that is still very dangerous and unpredictable.

I served in the U.S. Air Force for 29 years, and I remember all too well the hollow forces of the seventies. I remember squadrons being grounded due to lack of spare parts, and I remember air crews dying because they lacked the proper amount of training. Now I am hearing those same stories again and again.

We as a Congress have no right demanding that our service men and women put their lives on the line at the same time we are slashing the funds they need to perform their mission successfully. We must do everything we can to ensure the safety and security of this Nation and the protection of those who risk their lives for us.

HOME ECONOMICS 100

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, our majority leader tells us that the minimum wage is a bad idea, and that he should know. After all Mr. ARMEY was a college economics professor. Well, maybe he should have taught home economics instead. Every home economics teacher knows about food costs and how far you have to stretch dollars to feed your family.

A home economics teacher shows students how to make meals and bake cookies, but also tells that you have to skip some dinners and desserts if you cannot afford them. And, even though it is a concept far too complicated for someone with a Ph.D. in economics, the fact is that you cannot afford those dinners and deserts if your wages never go up, but minimum wage opponents are not looking at you and your family, they are looking at charts and graphs.

They are not looking at your kitchen table, they are looking at tables of statistics. Well, hard-working Americans earning minimum wage are not statistics. They are real people trying to earn a decent, livable wage. So, I say to minimum wage opponents, maybe you got a Ph.D. in economics, but you get an "F" when it comes to the real economics of real families.

TAKING BACK CONTROL

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, yesterday Republicans kept another promise we made to the American people in our Contract With America. We passed a crime package that provides State and local governments the resources and flexibility to effectively fight crime in their communities and take violent criminals off the street.

Today, we bring H.R. 7, the National Security Revitalization Act, to the floor which addresses the military and defense policies of this Nation.

Under President Clinton, we have seen a drift in our foreign policy coupled with a dangerous decline in our military capability. And while the buck used to stop at the Oval Office, we have seen it passed more and more frequently to foreign command. A tragic example of this leadership void ended in the death of American soldiers on the streets of Mogadishu.

Today, we offer a bill that will put limits on placing U.S. troops under U.N. command and it will require prior authorization by Congress, before American troops are used in U.N.-organized nation building operations.

Mr. Speaker, while the President continues to pass the buck, our young men and women of the armed services end up paying the price. I urge all of my colleagues to support this bill.

NATIONAL SECURITY COMMISSION

(Mr. BROWN of Ohio asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, as Republicans rush to enact the Contract With America, they brag about cutting spending, about eliminating agencies, about reducing the size of Government.

But wait a minute; go ahead and listen to what they say, but more importantly watch what they do. As the Republicans call for budget cuts, look at what they have done in H.R. 7. They have written a bill with billions and billions of dollars in new defense spending, new weapons systems. And then they snuck a new little something into the bill, H.R. 7: The Republican Contract With America mandates Congress to spend $1.5 million on a new commission, a task force, a committee, a blueribbon panel, another layer of bureaucracy. Can it be that the Republicans have discovered that one of the problems in this country is a shortage of agencies and commissions and task forces and layers of bureaucracy? Time out for common sense. Do we really need a new commission to study military needs?

This new $1.5 million commission is redundant, it is superfluous, it is another layer of bureaucracy. Mr. Speaker, it is the Full Employment Act for Unemployed Defense Consultants. I urge Members later today to support the Menendez amendment.

CARTERIZING OUR MILITARY

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, remember the Carter military buildup. Something about that statement doesn't ring true. And neither do the claims we have heard from the other side of the aisle about our proposal to strengthen our Nation's military.

Yesterday, we passed the final piece of the crime package that will allow us to take back our streets. The National Security Revitalization Act will allow us to take back our military. Just as we gave the men and women in blue the tools to do their job, we owe it to our men and women in the military the resources to do their job, protect our freedom.

This bill is about accountability. We will ensure that the United States is not a servant to the United Nations. No longer will our troops have to serve under foreign command. They will not serve in a blue baret when they serve the red, white, and blue.

Yesterday, we kept our promises to fight crime. Today, we will keep our promise to fight for those men and women who are protecting our freedom.

NATIONAL SECURITY ACT: DANGEROUS, RECKLESS, ISOLATIONIST

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, if the Congress passes this dangerous, reckless, isolationist bill called the National Security Act there will be no need for a State or Defense Department. There will be 230 House Republicans who can be secretaries of State and Defense, calling the shots for American national security and defense policy. God help us.

Mr. Speaker, we are debating the most radical reversal of U.S. foreign policy in 10 years. That is irresponsible.

Here is what this bill does: It eviscerates the President's conduct and ability to run foreign policy. It brings back the billion-dollar star wars program at the expense of the readiness of our troops. And what is the threat? The Power Rangers?

It destroys our peacekeeping ability at the United Nations, and Persian Gulf would not have been able to happen.

It disrupts NATO by deciding who can join and who cannot.

Mr. Speaker, America's allies, particularly at NATO, at this moment are asking if this is a joke or a bad dream, and our enemies are salivating.

THE HAWKS ARE BACK IN TOWN: FRUGAL, CHEAP

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, yesterday we passed the final piece of the crime package dealing with personal safety, being personal safety, personal security. Today we are going to begin with national security.

Mr. Speaker, tell me what do you think of when you think of the 1970's? Do you think of disco, Watergate, inflation, sky-high interest rates, leisure suits? And, of course, a hollow military? It was not a good time in American history.

But, Mr. Speaker, the hawks are back in town; the hawks are back in town, having been elected by the American people in November. There is something we have to remember about this particular group of hawks: it is not just hawks but frugal hawks, cheapskate hawks, tight-with-a-buck hawks.

We are going to provide a very, very strong national security package, but we are going to do it under the microscope of fiscal responsibility. You can absolutely count on it.

When it comes to the national leadership, one of the things we absolutely know is that in the Congress, in the White House, in this country, just like the rest of the Nation, nature abhors a vacuum. So when we do not have leadership at the top, we have to find it somewhere. That is what this bill is all about.

TAKING CARE OF OUR VETERANS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, if anyone needed any more proof that the Republican majority is prepared to march in lock-step, like lemmings over a cliff, look no further.

Last night, an amendment to the Republican welfare bill, which would have spared legal residents who have served this country in our Armed Forces from being cut off from social service programs, was defeated by the GOP on a strict party-line vote.

That is right, you heard me correctly. Every Republican, save one who so courageously voted "present," voted last night to repay the loyalty, dedication, and service of these veterans with a slap in the face. They made it clear that Republicans view permanent residents who serve their new country in the Armed Forces as immigrants first, and veterans second.

Instead of spending billions for star wars, Republicans should be taking care of their veterans.

Mr. Speaker, this outrageous action against those veterans who risked their lives on behalf of their country, so that we who serve in this body may do so in freedom, marks a dark day in our history.

CONTRACT WITH AMERICA: ANOTHER ONE BITES THE DUST

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Kentucky. Mr. Speaker, as the rock band Queen so gracefully put it, "And another one's gone, and another one's gone, and another one bites the dust."

With the passage of the final part of the crime package last night, the Contract With America smoothly continues on its way toward completion by mid-April.

But we still have plenty of work to do. Today we begin the important task of rebuilding our military after years of neglect under the Clinton administration.

We simply cannot afford to continue on our current path, which will surely lead to a hollow force reminiscent of the Carter years. We simply cannot continue putting U.S. troops under U.N. command. We saw how deadly that can be in Somalia.

And we must increase the readiness and training of our forces while providing them with the hardware they need to do their job properly.

The sad fact is that this administration has ignored the needs of the military and endangered the future of our national security. All that changes today.

□ 1130

BOONDOGGLES IN THE SKY

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, today we take up H.R. 7. If it were a song, we could get Vaughn Monroe to record it, and we would call it "Boondoggles in the Sky." It is, in fact, spending additional moneys in addition to the $36 billion we have already spent on star wars, a system that does not work, and now we are starting to make a decision as to whether or not we put our dollars into troop training, into weapons modernization, into spare parts, or do we put the high priority on this budget-busting fantasy called star wars? Estimates are it would cost anywhere from $11 billion, with a B, to $97 billion, with a B, more dollars.

Now this all came out of the Contract With America, and I say to my colleagues, "You have to remember, ladies and gentlemen, we're talking about our national defense, yet the Contract With America is a political document written by lobbyists, written by special interests who were able to donate tens of thousands of dollars to their favorite political party in order to have a seat at the table."

Now do we want those people setting our national defense policy, or do we want the Joint Chiefs of Staff to decide our defense policy? Do we want the political consultants and the lobbyists deciding our defense policies, or do we want the Secretary of Defense deciding what our policy will be?

SUPPORT THE MISSING SERVICE PERSONNEL ACT OF 1995

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, today I am introducing the Missing Service Personnel Act of 1995 to ensure fairness in resolving any further questions about our missing armed service personnel.

Currently, Mr. Speaker, the Department of Defense relies on outdated legislation and guidelines which have not been changed over the past 50 years in designating those who are missing in action and/or declared dead. As a result, those who are missing are declared dead when there is still a possibility that they could still be alive.

The purpose of the Missing Service Personnel Act is to make certain that any members of the Armed Forces, any civilian officers or any employee serving with or accompanying an Armed Force in a field under orders will be fully accounted for by the Federal Government and may not be declared dead solely because of the passage of time.

Accordingly, I am urging my colleagues to strongly support this legislation. It is the very least we could do to both assist the family members who painfully and frustratingly seek the truth about their loved ones and for those who have chosen to serve and fight for our Nation.

TALK TO ME ABOUT THE BALANCED BUDGET DIVIDEND PLAN

(Mr. BROWDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWDER. Mr. Speaker, the Committee on the Budget during the past months has traveled around the country to listen to the wisdom of the American people. I have asked at these public hearings whether they want us to use budget savings to pay for a tax cut or to apply them to the budget deficit. The overwhelming response has been, "Cut the deficit first."

The tax cut is a big train on a fast track, but Mr. and Mrs. America are right. We should make any tax cuts dependent on our meeting deficit reduction targets pointing toward a balanced budget.

Mr. Speaker, I am circulating a plan to do this, and, if any of my colleagues would like more information, I encourage them to talk with me about the balanced budget dividend plan.

THE CONTRACT WITH AMERICA'S GROWING LIST OF SUCCESSES

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, yesterday we honored yet another promise in our Contract With America by passing a sweeping, comprehensive crime control package once again, we worked hard to add one more piece of legislation to the growing list of successes in the 104th Congress. And through this hard work, Republicans are proving that real change is achievable.

Now we move on to the next contract item—the National Security Revitalization Act. This bill not only provides for a strong national defense to protect America's freedoms, this bill limits the placement of any U.S. troops under U.N. command. Through this bill, we will pledge to our service men and women that their jobs and their lives are important to us—they will not be put at risk under foreign commanders.

Mr. Speaker, I call on all my colleagues to support the National Security Revitalization Act. Let's take an assertive step in the right direction to provide our country its more basic need—defense.

STAR WARS: DO NOT MAKE THE SAME MISTAKE TWICE

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the Iranian hostage crisis and the Soviet invasion of Afghanistan helped produce a consensus for higher defense spending and a landslide victory for the GOP in 1980. But instead of concentrating on the ability to fight terrorism and conventional wars, Ronald Reagan used his mandate for a stronger military indiscriminately. He poured billions into strategic nuclear weapons and space-based missile defenses designed for all-out war against the Soviet Union, and instead of focusing on improving the combat capability of conventional and special operations forces, Reagan chose to fund expensive and complex new weapons programs based on unproven technology. The result was a larger military that required unsustainable levels of resources, and the country is still dealing with the consequences of that debt.

Today, once again, the Republicans are doing little to address legitimate concerns about the readiness of our troops. Instead, they are proposing massive increases in defense spending to field super-sophisticated weapons, including space-based defenses designed for the cold war. I call on my Republican colleagues to stop and think about what the country's real defense needs may be. We need the best trained and equipped soldiers in the world, not another 30–50 billion dollar's worth of work on star wars systems that wouldn't work even if they addressed a real threat. Let us not make the same mistake twice and dig our country deeper into debt.

H.R. 7—A REAL STINKEROO

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, Benjamin Franklin once said, "Fish and visitors smell after three days." He might also have added the National Security Revitalization Act which comes to the House today.

Mr. Speaker, it is no wonder the Republican leadership does not want this bill lying around too long, and do not want it debated and are ramming it through, because it is a real stinkeroo. Assembled by pollsters, this bill is malodorous in many respects, and I say to my colleagues, "It really takes your breath away when it calls for spending billions of dollars on star wars."

I understand that the Republican Caucus gave Dr. Edward Teller, the father of star wars, a standing ovation when he recently addressed the group, a standing ovation for star wars in this bill at the expense of readiness for American troops, a standing O for star wars which jeopardizes START, ABM, and other treaties, including chemical weapons treaties.

Let us get serious, Mr. Speaker, and reject the ghost of star wars past. Support the Edwards amendment, and reject H.R. 7. It is ill-conceived, ill-constructed, and probably unconstitutional.

I say to my colleagues, "Let's get serious about our national defense."

H.R. 7—ATTACK ON OUR NATIONAL SECURITY

(Ms. ESHOO asked and was given permission to address the House for 1 minute.)

Ms. ESHOO. Mr. Speaker, I rise to urge my colleagues to oppose H.R. 7.

This bill zeros out money to improve the technology on proven weapon systems that help save our soldiers' lives and instead wastes it on star wars.

This bill kills the Technology Reinvestment Project and knocks the legs out from under companies which have already started significant technology development projects.

For example, Silicon Video Corp. in California is working on flat panel display technology so in times of war we will not be reliant on other countries for this critical technology.

Now H.R. 7 abandons funding for this key technology which is essential to every one of our weapons systems, and instead reallocates the money to star wars.

The defense application of flat panel displays is not debatable. The cuts in H.R. 7 dangerously reduce our armed services' technological edge over potential enemies, all in the name of star wars.

We need budget priorities based on national security needs, not political manifestos; for our soldiers' safety, not politicians' reelection campaigns.

I urge members to oppose H.R. 7.

It is wrong-minded, and it attacks our national security.

□ 1140

NATIONAL SECURITY LEGISLATION PROMISES EMOTION BUT BIPARTISAN SUPPORT EXPECTED

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I am going to roll up my pant legs because it is too late to save my shoes. As we prepare to debate H.R. 7 today, one thing we are going to do throughout this debate is we are going to call Members on the facts. There is going to be a lot of emotion here, and some say when you do not have the facts on your side, you can resort to emotional arguments like throwing out huge numbers, like throwing out neat-sounding terms.

But, Mr. Speaker, in today's debate and in tomorrow's debate, we are going to call Members on the facts as they are. If we have a clean and open debate on what H.R. 7 is all about, as we did in the committee, we will find that this is not a Republican issue; we will find, as we did in the committee, that 11 Democrats joined with every Republican for the largest bipartisan vote out of committee of any of the contract items. The final vote was 41 to 13.

So as we listen to the rhetoric today, Mr. Speaker, I say to the Members, keep your eyes on your shoes because it is going to be flowing hot and heavy, but we are going to be here to make sure the facts are brought forth and that the arguments that are used to base a decision on the issue will in fact be available for all of our colleagues.

MOTION TO ADJOURN

Mr. WISE. Mr. Speaker, I offer a privileged motion that the House do now adjourn.

The SPEAKER pro tempore (Mr. EWING). The Clerk will report the motion.

The Clerk read as follows:

Mr. WISE moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the privileged motion to adjourn offered by the gentleman from West Virginia [Mr. WISE].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WISE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 150, nays 261, not voting 23, as follows:

[Roll No. 130]

YEAS—150

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Danner
DeFazio
DeLauro
Deutsch
Dicks
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
LaFalce
Laughlin
Levin
Lincoln
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Montgomery
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thurman
Torres
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Wyden
Wynn
Yates

NAYS—261

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley

Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Woolsey
Young (FL)
Zeliff
Zimmer

NOT VOTING—23

Becerra
Blute
Clinger
Dellums
Dornan
Flake
Gephardt
Hilliard
Horn
Kasich
Lantos
Lewis (GA)
Moran
Payne (NJ)
Riggs
Rose
Schumer
Shuster
Tate
Torricelli
Towns
Wilson
Young (AK)

□ 1159

Mr. GUNDERSON and Mr. LUTHER changed their vote from "yea" to "nay."

Mr. GENE GREEN of Texas and Mr. KENNEDY of Rhode Island changed their vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 83 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 83

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 7) to revitalize the national security of the United States. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendment in the nature of substitute made in order by this resolution and shall not exceed two hours equally divided among and controlled by the chairmen and ranking minority members of the Committee on International Relations and the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours. In lieu of the amendments recommended by the Committee on International Relations, the Committee on National Security, and the Permanent Select Committee on Intelligence, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 872. The amendment in the nature of a substitute shall be considered as read. Points of order against the amendment in the nature of a substitute for failure to comply with clause (5)(a) of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instruction.

The SPEAKER pro tempore (Mr. EWING). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Speaker, I thank the gentleman from New York for yielding to me.

My colleagues, this is a very, very busy period of time. We are producing a great deal of legislation. We are doing it always constantly under time constraints.

Certainly, all the Members are to be appreciated for the efforts they make not only on the floor but in their committees. It is a rigorous time period.

We have an opportunity to be out of here by 3 p.m. tomorrow and have a period of time for a rest and family and district work period, where we can perhaps all get a chance to sort of refresh ourselves before we come back to work.

Let me just say, it is the resolve of the leadership that we will complete this bill before we leave here. We believe we have every opportunity to do so in such a manner that Members can make a 3 o'clock flight tomorrow afternoon and begin that rest period. We intend to make that flight period.

We are prepared, on the other hand, if it is necessary, to work through the night. And should we, even under those circumstances, fail to complete the bill by our desired 3 o'clock departure time tomorrow, we are prepared to accept the necessity of keeping Members as late after 3 o'clock tomorrow as is necessary.

The bottom line is that our resolve to pass this bill before we depart town is so great that we will do whatever it takes to do so.

Now, we believe that it should be quite comfortably done by a fairly early rise this evening and a 3 o'clock departure tomorrow, if everything goes smoothly. And that is what we hope and expect. But the Members should be prepared to check their travel arrangements for the unlikely possibility that they may not make their planes tomorrow.

In any event, we will complete this bill. The bottom line point is very clear, and we must not be mistaken. We will complete this bill before we depart town.

I thank the gentleman from New York.

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, House Resolution 83 is a modified open rule providing for the consideration of H.R. 7, the National Security Revitalization Act of 1995. The rule provides for 2 hours of general debate to be equally divided and controlled by the chairmen and ranking members of the Committee on International Relations and the Committee on National Security.

The rule provides for 10 full hours of debate on the amendment process. It makes in order the text of H.R. 872, which is considered as read, as the original bill for amendment purposes.

Mr. Speaker, the rule accords priority recognition to Members who have had their amendments preprinted in the CONGRESSIONAL RECORD, but does not prevent other amendments which were not printed from being considered.

Finally, the rule provides one motion to recommit with or without instructions, a right we guarantee to the minority in our new rules, even though we never received the same guarantees from the Democrats when they were in the majority.

Mr. Speaker, as chairman of the Committee on Rules, I made a good-faith effort, as did the majority leader, Mr. ARMEY, for 3 days running to reach accommodation with our minority colleagues on the amount of time that would be made available for consideration of amendments. We were willing to extend consideration of amendments by several hours, if we were then to be given unanimous consent to come in earlier on Wednesday, that is today, and on Thursday, tomorrow. That offer was not accepted by the Democrat leadership.

I regret that the good intentions of Members on both sides of the aisle did not prove sufficient to overcome the obstacles put up by some other Members. Accordingly, there are 10 hours allocated for the amendment process. That is too bad, because we could have had 14, 15, 16 hours in that process.

There will be other opportunities this session, particularly when the defense authorization bill comes to the floor this summer, to continue the important debate that is starting today with consideration of this bill. This bill is narrowly focused on just a few issues.

Turning now, Mr. Speaker, to the substance of the legislation itself, I would like to begin by reading these words and Members might listen over there by reading words by a great American President. And he was a great American President.

He said, "We, in this country, in this generation, are by destiny rather than choice the watchmen on the walls of world freedom."

□ 1210

He went on to say, this President: "Words alone are not enough. The United States is a peaceful nation. And where our strength and determination are clear, our words need merely to convey conviction, not belligerence. If we are strong, our strength will speak for itself. If we are weak, our words will be of no help."

Mr. Speaker, the words I have just read are as true today as they were a generation ago, when President John F. Kennedy, a man I admire, intended to say them on what turned out to be a fateful day of tragedy in Dallas. He never had the opportunity. That was too bad. It was sad.

Mr. Speaker, the National Security Revitalization Act is the first step toward the recovery of a military posture that will permit our country to defend its vital interests around this world without qualification or reservation, no matter what.

Our country did not seek this responsibility, as President Kennedy noted. The obligation to lead the free world was thrust upon us 50 years ago in 1945, and it continues today. It is our obligation to America and the free world. We have been faithful to that call, and the perimeter of freedom has been expanded to include many more countries today than it did 50 years ago in the ruins of Europe and East Asia. All of this came at a cost, Mr. Speaker, but it has come at a cost which has declined in relative terms. We need to remember that.

Even at the height of President Reagan's military buildup in the 1980's, defense spending consumed a substantially smaller portion of this Federal budget and the gross national product than it did during the 1950's, the last time we had balanced budgets, by the way; that is a shame. That should tell us something about where the deficits have been coming from. They have not been coming because of a defense buildup, they have come because of increased, irresponsible discretionary spending by this body.

Mr. Speaker, I would like to take note, before I conclude my remarks, that there are several portions of the National Security Revitalization Act that are of particular concern to me. I strongly support all of the requirements and the conditions in the bill concerning the participation of U.S. forces in the U.N. peacekeeping missions.

Next week this House will have to consider a supplemental appropriation bill to restore adequate funding to the military readiness accounts that have become so depleted by the indiscriminate involvement of U.S. forces in so-called peacekeeping missions

I also strongly support the withholding of certain U.S. funds to the regular budget of the United Nations, pending the implementation of reforms in that body, including the appointment of an independent inspector general. Ten years ago President Reagan appointed me and our former colleague on the other side of the aisle, Dan Mica, as delegates to the U.N. General Assembly. The two of us fought tenaciously to bring about administrative and budgetary reforms in the United Nations. We succeeded on some fronts, and we did not succeed on others.

However, everything we did accomplish was made possible by the willingness of this Congress to pass my amendments to withhold portions of the U.S. assessment until the United Nations got the message, and they did get the message. They did put through reforms, thanks to Dan Mica and myself, who pursued it on the floor of the General Assembly.

In this bill, we have taken the same approach again. It is the only thing that works. It is the only thing that makes those bureaucrats at the United Nations listen. This time, I hope we will get a truly independent inspector general appointed once and for all. It is absurd that an organization of that size, spending U.S. taxpayer dollars, has taken so long to get an inspector general to oversee them.

Finally, Mr. Speaker, I would just say that I wish the portions of this legislation dealing with the expansion of NATO would go a little farther than they do. Having served as a permanent representative to the political arm of NATO, the North Atlantic Assembly, for the past 15 years, I strongly support the admission of Poland, Hungary, the Czech Republic, and Slovakia to full membership in NATO. I would like to see a date certain for the admission of these four nations. But I am pleased that this bill, thanks to the chairman of the Committee on Foreign Affairs, does make a statutory commitment to the expansion of NATO and for the eventual admission of these nations. In the not-too-distant future, I hope NATO will consider taking in the three Baltic nations, as well as other nations formerly enslaved by the old Soviet Union.

In conclusion, Mr. Speaker, I urge support for this rule, and I urge support for the bill that will be coming up later today.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to House Resolution 83, the rule limiting debate on the National Security Revitalization Act. As my colleague on the other side of the aisle well knows, the bill before us today is the most far-reaching foreign policy legislation to come before the House of Representatives in several years. In addition to radically altering the way we conduct foreign policy, the bill requires the development of a national missile defense system, like star wars, at the earliest practical date. These changes, which are enormous in magnitude, costing taxpayers up to $30 billion, are being rushed to the floor under a rule which allows only 10 hours of debate for amendments.

This time cap, Mr. Speaker, is particularly disappointing when we consider the scope and breadth of this bill. The last major defense bill took 31 hours on the floor of the House. The Desert Storm legislation alone—a single peacekeeping effort—took 30 hours. All our constituents deserve more from this Congress than ramming bills through to meet an arbitrary Contract-With-America deadline. The changes outlined in this bill will have an effect on every single one of our constituents' pocketbooks. It could also affect those Americans with children who could be sent overseas to fight wars. We should slow down the process on this bill and allow major amendments on the many areas of concern.

I understand my colleagues on the other side of the aisle want to have this bill finished by Thursday afternoon. There is no reason on Earth why we could not have this bill carry over until next week and finish it on Tuesday. Our leadership was involved in negotiations which asked for an additional 12–13 hours. That is a single extra day. Unfortunately this request was denied.

Mr. Speaker, I do not believe our Members are aware of the shortcomings of this piece of legislation. As Secretary of State Warran Christopher testified before the International Relations Committee, had this bill been law in 1990, President Bush would not have been able to deploy troops and ships to Operation Desert Shield and Operation Desert Storm. This bill would have blocked President Clinton from deploying 30,000 troops to Kuwait in 1994. It would have even blocked President Truman from deploying troops to Korea in 1950.

I am particularly concerned with title IV and title V of the bill which have to do with U.S. participation in peacekeeping activities. These provisions could have the effect of eliminating U.S. funding for peacekeeping missions. We should be trying to improve the U.N. activities, not eliminate a collective security tool and undermine the

President's authority as Commander in Chief. As former Secretary of State James Baker said before the International Relations Committee, "Attempts at congressional micromanagement were a bad idea when the Democrats were in control. And they remain a bad idea today."

Amendments to all the titles in this bill also deserve ample time for debate. Title II raises fundamental questions about whether we choose star wars over readiness for our national defense strategy. Title III creates a commission which undermines the duties of the Secretary of Defense. Title VI adds new countries to NATO which the United States could be obliged to defend. Who are these countries? What is their background? What is their leadership? We need time to debate this and understand what we are doing here.

Mr. Speaker, these are not small issues. There are a myriad of unanswered questions on the provisions of this bill. This rules does allow us enough time to answer these questions and to sensibly deal with the complicated issues of national security that are radically changed under this bill.

Therefore I oppose this rule and urge my colleagues to join me in voting "no" on this restrictive rule.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentleman from Miami, FL, Mr. LINCOLN DIAZ-BALART, a very distinguished new member of this Committee on Rules.

□ 1220

Mr. DIAZ-BALART. Mr. Speaker, I had a professor in school who would tell us that when you are going to argue a case in court, if you can, first argue the law. If you cannot argue the law, then argue the facts, if you can. And if you cannot do that either, then argue lack of fairness.

And I remember that, because today my distinguished colleagues on the other side of the aisle are arguing, and I think will be arguing, not so much the law or the facts, but we have already begun to hear them argue lack of fairness, lack of equity, and quite frankly, I would submit that that argument is unfair, that the argument that we are not being fair today is unfair when we analyze the facts with regard to this proposed law.

We are calling for in this rule, Mr. Speaker, not only 1 hour, for 1 hour of debate on this rule, which will guide the debate with regard to the remainder of this process, but we are calling for 2 additional hours of general debate on the proposal, and an additional 10 hours for the amendment process. That is for a total today on this one bill of 13 hours, 13 hours in addition to the fact that we had almost 1 hour already of debate on this supposed lack of fairness when we debated just a few days ago on a motion made by the majority leader to permit committees in this House to sit while the House is meeting today on this particular rule.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I would like to ask the gentleman two questions. I would be happy to debate the gentleman.

Mr. DIAZ-BALART. Let me write them down. Your questions tend to be long.

Mr. SOLOMON. The gentleman is going to run out of time. The gentleman should use his own time.

Mr. GEJDENSON. I would be happy to debate you on both substance and process.

The gentleman was a member of the Foreign Affairs Committee for the previous 2 years. Can the gentleman cite an instance where during the debate on a major issue there was a motion to cut off debate and move with a vote in the 2 years the gentleman spent on the Committee on Foreign Affairs? We gave every member an opportunity to fully debate the issue, unlike when this bill was before the committees, where motion after motion was made to cut off debate.

Mr. DIAZ-BALART. Reclaiming my time, I have here a list that the chairman of the Committee on Rules will expand upon of numerous instances where on national security matters your party, sir, limited debate extraordinarily. If I may, sir, if I may, I yielded, and now I have the opportunity to reply, where your party limited debate in an extraordinary fashion, cutting off time, time and time again, on issues such as the strategic defense initiative and Somalia and Haiti and Bosnia, and with regard to this debate today, we have 13 hours.

Let the debate begin.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman for yielding.

I must say as this body rushes this bill through to get out for the Presidents' Day recess, my guess is every prior President will be horrified and ask us to cancel the recess, because this bill goes to the very core, the very core of what this Government is about and our very national security.

I never, never recall a closed rule on any issue of national security or the gulf war or any of those issues. The most precious thing we have are our young people, and how we protect them, how we deploy them, and what we do with the world leadership that has been cast upon us is very critical, and to get out of here real fast and cut this off, I think, is really very tragic.

This bill, when it first appeared in our committee, many of us started screaming, "Author, author," because we could not believe it. We have not found out who the author is. We are beginning to think it was an intern project for the Heritage Foundation or something. They did change it in many ways, because in the two little micro-mini hearings we had, we pointed out all sorts of things that were wrong.

And there are still many things wrong that make this bill rotten to the core. No. 1, do we want to politicize the Pentagon? Do we want to run the committee by a committee? Do you want a committee of political appointees that are not elected running the Pentagon? Well, if you do, vote "yes" on the bill.

Do you want to absolutely end burden-sharing forever and ever? If you do, do this. This is saying we will be the 911 number, we will do whatever it takes.

Do you want to deploy SDI even though no one thinks we should do this crash deployment? It will cost megabucks, gigabucks. Where are you going to get this money? That will only pull more money from readiness that everybody is talking about in the hollow force. If you do, you should vote for this bill.

Do you want to dictate to the United Nations and to NATO as to who they let in, how they run it, like it is our party, and no one else has a role in this new world order? I do not think so.

Do you want to tie the hands of future commanders like Schwarzkopf so they cannot do anything even in a foxhole without calling back to four congressional committees or the President or the committee running the Pentagon or whatever?

I think these are serious issues. America has never dealt with its national security in this way. This is a radical, radical revolution.

Let us be perfectly clear what we are doing here today. I think we ought to slow down and go with the deliberate debate that we had in the committee, that caused them to change many, many of the first areas, and because they did not like what they were hearing, they shut that off, and now they are trying to shut us off on the floor so they can hurry up and punch another hole in a piece of paper.

I think it is wrong. I think we should vote "no" on this rule, and I think America deserves much better.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume, and I say to the gentlewoman that I wish she had been around to get us some time when we debated Somalia, when the House had only 1 hour of general debate and only six amendments allowed. When we sent troops into Haiti, we were allowed a closed rule providing for 2 hours of general debate with only two amendments made in order. The list goes on and on and on.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. HUNTER], my good friend, a member of the Committee on National Security.

Mr. HUNTER. Let me just say to my friend from Colorado, yes, a number of former Presidents would be appalled at what has happened this year, because we have cut defense to the lowest level in terms of percentage of gross national product since Pearl Harbor. That would have upset John Kennedy, that would have upset Harry Truman, and the fact that 17,000 young military families are on food stamps today would have certainly upset those gentlemen and Dwight Eisenhower and Ronald Reagan, and the fact that we have cut $127 billion below the budget that former Chairman of the Joint Chiefs of Staff Colin Powell, Dick Cheney, and former President Bush said was prudent is also a cause for concern.

Let me just say this administration is in disarray in defense. Our own GAO says that the President has underfunded his own plan by $150 billion. There is a sense of urgency, and if we are going to respond to that sense of urgency, we need to put this bill up. We need to debate it. We need to pass it.

We need to protect our troops.

Mr. SOLOMON. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. CUNNINGHAM], another distinguished member of the Committee on National Security and another Californian. Boy, they are all over the place.

Mr. CUNNINGHAM. The gentlewoman says no one wants to do this. In our committee, she is well aware, it was 43 to 13. It was a bipartisan bill that came out of the committee. Those that are upset are those that have tried to defund defense for the great failed society programs, including the gentlewoman from California.

Take a look at the speakers that are opposed to this; they are the same ones that have attempted to dismantle national security.

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. GILMAN], one of the most distinguished Members of this House, the new chairman of the Committee on International Relations who has brought this bill on the floor.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in support of the rule providing for the consideration of H.R. 7. I thank the distinguished chairman of the Committee on Rules, my colleague from New York, Mr. SOLOMON, for his cooperation in providing a fair rule so that we can bring this bill to the floor. And I thank my colleagues in our committees and in the House leadership for their assistance, and participation in bringing this important measure to the floor.

Mr. Speaker, this is a fair rule. It does not limit the consideration of amendments to this bill in terms of what amendments can be offered, when they can be offered, or by whom they can be offered. The issue before us is a matter of degree: How long will the Committee of the Whole be required to sit? I submit that the balance struck in this bill of 10 hours is reasonable.

For our part, Mr. Speaker, on this side of the aisle, we will attempt to limit the time our side takes up in debate. We want to give those who seek to amend the bill the maximum time possible to present their arguments. And if Members want to explore with me, and with Chairman SPENCE, the possibility of our accepting amendments with minimal debate, amendments that can be cleared on both sides, we will certainly be amenable to proceeding in that manner.

The provisions of H.R. 7 have been subject to wide attention, including NATO expansion, restricting command of U.S. Forces, and limiting funding of U.N. peacekeeping.

Before we began our markup, our International Relations Committee held several days of hearings during which witnesses were invited to address the bill.

Our committee considered this bill at length during a 3-day markup.

Mr. Speaker, permit me to address the substance of this bill.

First, it is meant to strengthen American security and to protect its financial interests with respect to U.N. peacekeeping activities. Allegations that this bill undermines U.N. peacekeeping are simply unfounded.

All that this bill does is to establish a truth in budgeting standard. Essentially, if Congress has enacted a law, and the President has signed that law, and that law says "we are going to spend some amount on U.N. peacekeeping then we would not permit any administration to circumvent that decision by providing the United Nations with unlimited in kind services. It is just that fundamental.

Second, this bill limits the subordination of American Armed Forces to the command or operational control of foreign nationals acting on behalf of the United Nations in peacekeeping operations.

Finally, we provide for the adaption of NATO to the modern age by providing a dynamic process for its expansion eastward.

In conclusion, Mr. Speaker, this is a reasonable rule and a good bill.

Accordingly, I urge my colleagues to support this rule.

☐ 1230

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. I thank the gentleman for yielding this time to me.

Mr. Speaker, I support my colleagues on the Democratic side in their efforts here, but not because I am sure that 12 hours is not enough. All of that is relative. It just seems to me there is a larger issue at stake in the Democrats' effort here; that is, to be sure that the Republican effort to market their accomplishments in November 1996 does not drive policy considerations here. And it seems to me that their political marketing is driving their necessity of passing a certain number of bills in 100 days and that that is what they are about. And that is not the way United States gets good policy.

But is 12 hours enough? Well, I do not know. It is relative. Time here is relative. Twelve hours compared to what?

After all, the Constitution says we will promote the national defense, but also it says something about promoting the general welfare of the American people.

Mr. Speaker, I have done a little research. Let me share these bills with my colleagues: Starting back in 1991, the Drop-Out Prevention Act, the National Literacy Act. In 1992, the Children Nutrition Improvements Act; Abandoned Infants Act; Head Start. In 1993, the disability amendments; the School-to-Work Opportunity Act. In 1994, the Nutrition and Health for Children's Act, and the critical Safe Schools Act.

All of those combined did not take up 9 hours of debate from 1991 until today on this House floor. My point, my colleagues, is this: I believe that national defense is absolutely critical and should have the attention of this Congress.

But after 17 years here, I have learned something: The Congress of the United States has more than an interest in national defense, we have a fetish with the Pentagon. And it is diverting our attention from other essential matters such as those I have raised.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. I thank the gentleman for yielding this time to me.

Mr. Speaker, today I come to the well of this Chamber in strong opposition to H.R. 7, the National Security Act. In pursuit of catchy campaign promises, the Republicans will risk our national security by forcing us to spend billions of dollars on an unproven and unnecessary star wars—and all in a mere 10 hours of debate.

Every day in Washington we confront a budgetary climate that demands fiscal restraint. Nevertheless, my colleagues on the other side of the aisle propose to spend billions of dollars to revive a corpse of the cold war that was better left in its grave. They would place a higher priority on building a budget-busting fantasy in the sky than on funding school lunches for our children, and home delivered meals for our elderly.

Mr. Speaker, today the choice is clear: pork in the sky, or food on kids' plates down here on Earth. Let us do the right thing. Let us let a bad idea rest in peace.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to a very valuable member of the Committee on Rules, the gentleman from Sanibel, FL [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of our Committee on Rules for yielding this time.

Mr. Speaker, Americans have not forgotten the last time we allowed our Armed Forces to go unfunded or our foreign policy to become muddled.

Terms from the Carter years, like hollow force and foreign policy quagmire, are terms that we still see and still strike a chord with us and, unfortunately, they are resurfacing in our national dialog.

H.R. 7 attempts to address some of the immediate concerns Americans have about our national security and foreign policy. It does not solve all of the problems, but it starts.

I am pleased that the Committee on Rules gave us a rule for consideration of this bill that allows for 2 hours of general debate and 10 hours of an open amendment process, 10 hours.

Make no mistake, this rule allows for the consideration of any germane amendment by any Member. Unlike consideration of national security in previous years, the Committee on Rules has not excluded specific amendments nor have we singled out certain amendments for special status, placing them above others. Yes, there is an option to prefile, and, yes, there is an overall time limit to help us move reasonably expeditiously on this legislation.

But I am confident that we can have a well-managed and disciplined debate—and the word here is disciplined—that covers all the major issues in the time allotted. H.R. 7 does raise some substantive issues, issues on which it is clear Members have legitimate philosophical differences and deserve debate. One area that I happen to take a strong interest in is Haiti. Right now, upstairs in the Rules Committee, we are determining ways to pay the bills that are now coming due for that misadventure and a result of what I would call muddled foreign policy, characterized by flipflops, suffering, a brutal embargo on a friendly country, an armed invasion in a friendly country, and costing millions and millions and millions of dollars, that we are going to see as we get into the emergency supplemental bill from Department of Defense, and look at that and some other issues.

The lack of coordination, the lack of consistency, and the lack of clarity in foreign policy has a price, and unfortunately we are going to have to pay it. H.R. 7 addresses some of that, and I urge my colleagues to support this rule. I think it is the right rule for the process, and I support H.R. 7.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding.

Mr. Speaker, again this legislation is bad in substance and in process. In committee, oftentimes with barely a few minutes of debate on an issue, motions were made to cut off debate and vote the issue, and virtually always on a party line.

But, in substance, this legislation is worse than it is in process. And I hope in my heart that some of the Members on the other side will take the time to read what this legislation does.

There is a question of whether or not our troops can remain as they are today in Korea. They are not under an American command. The gentleman, the chairman of the Committee on Foreign Affairs. The Committee on International Relations, could explain to me—and I would be happy to yield to him—how it is we retain our activities in Korea under this legislation?

□ 1240

There is a special exemption for Macedonia. There is no exemption for Korea. It is not a unilateral American action where they are under the United Nations. How does the President operate there?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Connecticut [Mr. GEJDENSON] for yielding. All we are saying, that our divisions, our troops, our personnel will be under direct U.S. command——

Mr. GEJDENSON. Reclaiming my time——

Mr. GILMAN. I am trying to respond to the gentleman's inquiry.

Mr. GEJDENSON. Reclaiming my time, our troops in Korea are not under American command at the moment.

Mr. GILMAN. I am saying that our troops, under American command, can work in coordination with any commander in that theater.

Mr. GEJDENSON. It is not what the—reclaiming my time, that is not what the legislation says. What the legislation says is that almost every stage, from the top of the military operation to the bottom there, has to be American commanders. That is not occurring in the Korean theater at the moment, and under this legislation it leaves in real question whether we can continue to operate in Korea.

Mr. GILMAN. Will the gentleman yield?

Mr. GEJDENSON. I say to the gentleman, "I will not yield, and, if you look at what we do here, we take the President—you take the President of the United States, and you give him one option, and that option is unilateral action with American forces, without any support from any of our allies."

That means every crisis around the globe is an American crisis, and like when the Congress prevented the President from joining the League of Nations at the end of World War II, we will sow the seeds of additional disharmony in the world.

Mr. SOLOMON. Mr. Speaker, I yield 5½ minutes to the gentleman from Wisconsin [Mr. ROTH], a very valuable member of the Committee on National Security.

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Speaker, the gentleman is mistaken. I was in charge with fleet core group of all the troops in Korea. There is a four-star Air Force General that is in charge with a brick over all forces, and any Navy force that goes into that gulf is in charge under that four-star except for the direction of the carrier. They are not under U.N. control. The U.S. military is in control, and what we are trying to do is take the control of Boutros Boutros-Ghali and the rest of it away from our troops.

I say to the gentleman, "I was there for 4 years and conducted it, GEJDENSON. Don't you tell me who has control."

Mr. ROTH. Mr. Speaker, I thank my friend, the gentleman from California [Mr. CUNNINGHAM], for clarifying that point.

This is a good rule, and I compliment the Committee on Rules for this fair and honest rule. I know that they deliberated long and diligently on this rule, and I applaud them. I appeared before the Committee on Rules, and, while this is not the rule that I would have drafted, it is a fair and prudent rule.

What this rule does provide for basically is two things. Amendments printed in the RECORD will get preferential consideration; that is only fair; and it provides for a definite time period to complete debate; again only fair. I myself asked for a section-by-section consideration, but the majority, and they are Republicans on the Committee on Rules, thought otherwise is to be more fair to our friends on the other side of the aisle. They felt that, if we would have had a section-by-section debate of the bill, it would have more of a logical progression to the debate, but I know our side of the aisle wanted to be fair to the other side, and so also I say this is a fair rule.

Every Member in this Congress at one point or another has been discussing and debating the issues in this bill for years, some for decades. In our committee hearing we had countless hours of amendments in debate, 21 amendments. Twenty-one amendments were offered and debated and considered in our committee.

In the Contract With America we pledged that in the first 100 days we would vote on 10 specific major issues. Strengthening our national defense is one of these issues; more specifically, on how we interact with the United Nations and the amount of dollars that we, the American taxpayer, put into the U.N. fund, peacekeeping, and other U.N. activities.

I have a premonition that some in this body would consciously or subconsciously use this rule as a way, as a pretext, to attack the Contract With America, to divert attention from the Contract With America, but we have made a commitment with the American people. We have made a pact, a covenant, and when we conservatives give our word, we aim to keep it. Where we made a covenant, it is not campaign rhetoric, it is not grist for the media. We mean it. Therefore we will debate and vote on this bill and move on to the other elements of the Contract With America, but we will do it in fairness, and we will do it judiciously.

This bill is in line with what the American people want. They voted for this Contract With America last November 8. The American people do not want American soldiers being used as pawns in the United Nations designs. They do not want American soldiers to be under other than U.S. command in peacekeeping operations. American taxpayers want and will contribute their fair share to the U.N. operations. But American taxpayers no longer want to be milked by the United Nations.

The United Nations all too often looks at America as a dairy cow to be milked. Well, we conservatives will do our fair share, but we will not allow America to be milked as a dairy cow is milked. We will do our fair share, but we look upon America as a strong horse pulling a heavy load, and then some, but we are no one's dairy cow to be milked, and that includes the United Nations.

If this bill were coming up under the old majority, this bill would be considered under a closed rule. Most of the amendments we will be debating on and voting on in the next 13 hours. Thirteen hours would never have been allowed under the old majority. The tally that the chairman of the Committee on Rules has been keeping over the last several years proves that point. Virtually every major bill in the last few years has been up under a closed rule with limited debate. We, the Republicans, have a greater confidence in this House and the legislative process. We want a full and complete debate, 1 hour on the rule, 2 hours for general debate, 10 hours on the amendments, 13 hours of total work on this legislation, on a bill that all of us have debated.

There is not a Member in this House that does not know both sides of debate on any one of these issues to come up. We also have confidence that the bill will withstand the scrutiny of this House and the American people who voted for the Contract With America.

Yes, this is a fair bill, and I congratulate the Committee on Rules because I know they worked hard. I know they had to make some tough decisions. This is a good rule, and this is an excellent bill. The American people voted for this bill on November 8, and I ask this House to vote for this bill today.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, I find it amazing and unfortunate that the real vestige of the cold war thinking is right here in the U.S. Congress. Now that democracy is at the doorstep of nations formerly a part of the Communist block, this bill takes $30 billion steps backward.

The American taxpayers want every nation to play a role in the global march toward democracy. The tragedy of this bill, however, is that it will force the United States to go it alone when the world finds itself in crisis. This bill hamstrings the President and undermines his constitutional authority as Commander in Chief.

This is just another buzz bill filled with buzz words, cooked up by a Republican pollster to try and make Republicans appear to be responsible in the area of foreign policy. The Devil, however, is always in the details, and this bill is short on details and long on the Devil. If this bill passes, we cannot say, "The Devil made us do it," but "A Republican-led Congress made us do it."

Vote "no" on the rule and vote "no" on the bill.

In fact, Mr. Speaker, this bill could be dubbed the "Terminator" since it will wipe out all supranational options for the United States when peace and democracy are in danger. Just like the Terminator, if this bill passes, we, too, can say "Hasta la vista, baby." And in the process, we'll be saying so long to future contributions to operations like Cyprus, the Sinai, Haiti, and Kashmir. And in the process, this Terminator bill hamstrings the President and undermines his constitutional authority as Commander in Chief.

This bill also has an unfunded mandate for NATO expansion, but sidesteps the fact that it is also committing the United States to defend every country that becomes part of the new NATO.

And let me say a word about this buzz word of foreign command and control. The forces of the United States are never under foreign command. This is just another buzz word cooked up by a Republican pollster to make them appear to be responsible in the area of foreign policy.

This bill paves the way for early NATO entry for a few, but isolates the majority of burgeoning democracies committed to the partnership for peace. Many of those left out are more viable than some of those put in. This is recklessness to say the least.

We must demand that those entering a new NATO must not only uphold our shared values upon entry, but that they continue to uphold human rights, avoid acts of armed aggression, and cease providing lethal weaponry to third parties—in order to remain part of NATO.

The Devil is always in the details. This bill is short on details, but long on the Devil. If this bill passes, we cannot say that the Devil made us do it, but we can lay this reckless piece of foreign policy legislation squarely at the doorstep of a Republican-led Congress. We ought to say "Hasta la vista, baby" to this bill.

☐ 1250

Mr. DIAZ-BALART. Mr. Speaker, I would make an inquiry of the Chair with regard to the time remaining on each side for this rule.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from New York [Mr. SOLOMON] has 4½ minutes remaining, and the gentleman from Ohio [Mr. HALL] has 16 minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of our time.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the former chairman and now ranking minority member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Ohio [Mr. HALL], for yielding time to me.

Mr. Speaker, make no mistake about this rule, it is a closed rule and it keeps Members of Congress from voting on amendments. Just yesterday an identical rule shut out at least a half a dozen Democratic amendments because they just did not have time. The time ran out. There is no reason to think that this rule would be any different.

We are not talking about some inconsequential bill; we are talking about the national security of the United States. This bill limits the commander in chief's ability to direct American troops in conflict.

It redefines the U.S. relationship with our allies, it threatens the future of the United States, and it completely redirects American defense priorities.

Mr. Speaker, the issues it deals with is no small potatoes, and this should be nonpartisan. But Republicans have refused to work with Democrats. They want to hurry up and start the long weekend. They want to get on with the contract.

Mr. Speaker, as far as I am concerned, it is impossible to spend too much time discussing the security of the American people. The chairman of the Committee on Rules said that Members ought to know enough about this bill to vote on it. Yes, Mr. Speaker, I agree with him, we do know enough about this bill. We know enough to realize that it is a rash, irresponsible, extremist mess that needs to be fixed.

But, Mr. Speaker, Members will not get the chance to amend this bill because Republicans just do not have the time. Democrats are willing to work late, to stay in town this weekend, and do whatever it takes to protect our citizens, but instead we are being forced to address this dangerous mix of isolationism and star wars and being told to hurry up or shut up.

Mr. SOLOMON. Mr. Speaker, would my good friend, the gentleman from Massachusetts, yield? And he is my good friend.

Mr. MOAKLEY. I will yield, absolutely, yes, as soon as I finish my statement.

Mr. Speaker, this is no way to treat the defense of this country, and it is no way to govern.

I would also add that this bill revives an incredibly expensive military program that was doomed from the start. To put it simply, star wars will not work. It costs too much money. Furthermore, spending money on star wars will take funds away from protecting our troops in the field.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question so we can get rid of this time cap that will gag Members of Congress and do a straight, open rule on the bill. The safety of American troops is a lot more important than some pie-in-the-sky fantasy, and I think Members ought to be able to offer amendments to that effect.

Mr. Speaker, I ask the Members to vote "no" on the previous question.

Mr. Speaker, I now yield to my friend, the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just say to my very good friend that he seems to infer that I personally have not been cooperative and have not been a gentleman.

Mr. MOAKLEY. No, let me just assure the gentleman.

Mr. SOLOMON. The gentleman has hurt my feelings, because——

Mr. MOAKLEY. No, no. I say this because I look upon the gentleman as the leader of the Rules Committee.

Mr. SOLOMON. Mr. Speaker, I will not belabor the point.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, his bill is the most far-reaching foreign policy bill to come before the House in several years, and we are debating it for 10 hours to meet a political deadline and to make the congressional recess.

This is what this bill does: It would force the United States to take on the world by itself in every instance; it would put excessive conditions and restrictions on the President's conduct of national security affairs; it would cripple U.N. peacekeeping; and it would move the United States toward new security commitments in Eastern and Central Europe at a time of declining resources.

The bill raises significant issues that go to the heart of national security. Title II raises questions about whether we choose star wars over readiness in our national defense strategy; title II creates a National Security Commission that would usurp the role of Congress and the executive branch; and titles IV and V seriously threaten U.S. national security by eliminating an important collective security tool and completely undermines the President's authority as Commander in Chief.

Let us talk about what this means in practical terms. The Democratic Caucus has tried hard to focus on the key issues of this bill. We plan to offer only eight or nine amendments. We have less than an hour per amendment, less than an hour to debate star wars versus readiness, less than an hour to debate whether the United States cuts off participation in U.N. peacekeeping activities, and less than an hour to debate whether the United States dramatically expands its defense commitments in Eastern Europe, as called for in title VI.

Mr. Speaker, there are a lot of issues in this bill that deserve much more time. This bill would cripple American national security policy. It is the wrong signal to send to our NATO allies. If I were a NATO ally and I woke up tomorrow and saw that this bill had passed, I would think it was a bad dream or a joke.

Mr. Speaker, this is wrong. Let us not move ahead with this legislation.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking minority member of the Committee on International Relations.

Mr. HAMILTON. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, H.R. 7 is the most far-reaching foreign-policy bill to come before this House in a number of years. I suspect that Members will not have an opportunity to vote on a more important foreign policy bill than this one, and I do not know of any authorization bill that will follow that will, within the confines of one bill, raise more key national security issues than this bill.

I think the bill does not revitalize our national security; indeed, I think it weakens it. I think the bill overall strikes at the heart of the President's authority and ability and capability to protect the national security and to conduct foreign policy. It ends U.N. peacekeeping, despite the statements that have been made to the contrary. That is the opinion of the Defense Department, it is the opinion of the State Department, and it is the opinion of the Deputy Under Secretary under President Reagan, who said that this bill would hinder and bankrupt U.N. peacekeeping.

I think there is no doubt about the importance of the bill on U.N. peacekeeping. U.N. peacekeeping has been used by every President in recent times to promote American national interests. I think the bill prematurely and unilaterally, designates certain countries for NATO membership, picking winners and losers in a way that could actually slow down the process of NATO expansion.

□ 1300

H.R. 7 micromanages American foreign policy. It undercuts the President's authority. It limits the President's authority to respond to crises and to our national security interests.

Now, all of that is simply to suggest that this is a very, very important bill. Each title raises significant national security concerns, and we are doing it with extremely limited debate, on the most momentous national security issues that we will debate in this Congress.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I come before you mainly on the proposition of peacekeeping. I have been intimately involved in Africa the last 2 years. If this bill is passed, you would not have any such thing as Rwanda, where we went in under the U.N. umbrella immediately and solved the cholera situation. We put 4,000 troops in there and saved probably 200,000 Rwandans and pulled them out without one casualty of American troops there.

You are now tying the hands of the President of the United States. You are setting a precedent here that is unprecedented in the history of the United States, requiring the Chief Executive Officer to come to Congress before they can put in a peacekeeping group.

Let me propose to the Republicans the hypothetical proposed by JIM LEACH, Congressman JIM LEACH, a Republican from Iowa, in the Committee on Foreign Affairs.

Let us assume in August of this year there is a peace agreement between Syria and Israel, and the Syrians and the Israelis ask the United States to put in 100 troops into the Golan Heights to protect each side. We are on leave at that time. The President literally could not move if this bill becomes law.

I think it is irresponsible for us to consider this and go forward with what we are doing to the United States, what we are doing to the United Nations, and what we are doing to peacekeeping in the world.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to my good friend from the other side of the aisle and from Youngstown, OH, the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I support the rule and support the bill. The bill makes sense. The American people are fed up. They are fed up with the United Nations that dials 911, and they are fed up with a Congress that not only pays for the 911 call, but then sends an American Express card to pay for all this business.

I think, Congress, it is about time we start facing the facts. The American people are tired of hearing all the debate about Russia. They want to learn what happened about Rhode Island. They are sick and tired about all of this talk about Mexico and saving Mexico. They are concerned about Mississippi and Massachusetts. We are not listening. I think it is time to take a look at that, ladies and gentleman, and we are not.

All this bill is totally acceptable for me. I am going to vote for it. I have some concerns about star wars, but I have an amendment. We cap our participation and cost contribution to peacekeeping to 25 percent in this bill. The Traficant amendment would reduce it to 20 percent, but would allow the President for need to expand that increase to 25 percent. But the President must notify the Congress of such increase and, second of all, justify the reasons for it.

I think it is time we get some bureaucrat in some dark room of the Capitol with a calculator that keeps track on what we are spending, and that is exactly what my amendment will do.

By the way, I think it is time we start worrying about the people in America. Instead of worrying about patrolling and controlling other countries' borders, I think it is time we start looking at our own borders in our own country and start using our resources to invest in America.

That is only my position. I think it is a good commonsense bill. I am going to support it. And I think we should look at it on the merit. There are amendments that when you disagree with something, you could voice your will.

Mr. HALL of Ohio. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, let us be clear about what the Republicans are trying to do here today. In about the same time it would take to watch the movie "Dumb and Dumber" five times, the Republicans are asking us to totally redefine America's national security interests. In the past 5 weeks alone, this House has spent 14 hours debating the rules of the House, 2 days debating the line-item veto, 2 weeks debating the unfunded mandates bill, and yet in less than 1 day's time the Republicans are asking us to totally rewrite American foreign policy, restructure the Nation's defense policy, and spend tens of billions of dollars more on star wars.

Mr. Speaker, to paraphrase Winston Churchill, this has got to be extremism's finest hour.

Last year we spent over 2 weeks debating the defense appropriations bill, over 200 amendments were submitted to the Committee on Rules and over 100 amendments were made in order on the House floor. Yet today we are going to be allowed to offer just a handful of amendments to a bill that redefines America's national interests.

The Republicans are in such a hurry to punch another hole in their contract that they are willing to blindly rush through a bill that will punch a gaping hole into our national defense. I urge my colleagues, say no to extremism, say no to this rule, and say no to star wars.

CALL OF THE HOUSE

Mr. HALL of Ohio. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 131]

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

☐ 1325

The SPEAKER pro tempore (Mr. GILLMOR). On this rollcall, 419 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. HALL of Ohio. Mr. Speaker, I would ask how much time remains on my side.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. HALL] has 5 minutes remaining, and the gentleman from New York [Mr. SOLOMON] has 2½ minutes remaining, and he has the right to close.

Mr. HALL of Ohio. Mr. Speaker, I yield my remaining time to the gentleman from California [Mr. DELLUMS], the ranking minority member of the Committee on National Security.

Mr. DELLUMS. Mr. Speaker, I rise this morning in sadness and disappointment, but I also rise in resolute opposition to this rule.

Earlier in the course of this debate, one of my distinguished colleagues on this side of the aisle said "In making your case, either argue the facts or argue the law or argue fairness." I choose to accept that challenge, Mr. Speaker, and accept the arduous responsibility of addressing all three of them.

First, to the issue of facts. This rule says there shall be 10 hours of debate for the purposes of amendment. Mr. Speaker, there are 44 amendments printed in the RECORD. In looking at those 44 amendments, 26 of them are independent, nonduplicative amendments.

We have 17 minutes per vote. If there is a vote on all 26 of those amendments, we arrive at a grand total of 7 hours and 22 minutes, leaving us 2 hours and 38 minutes, not 10 hours, for the purposes of debating 26 amendments, an average of 6 minutes per amendment for debate.

Let us pull off the sham of what this is all about, Mr. Speaker.

☐ 1330

Mr. Speaker, to the issue of law. This proposed law has enormous budget implications. If we are talking about star wars and a space-based system we can be talking about between $30 billion and in excess of $40 billion, no small amount.

This has ABM ballistic missile defense treaty implications. We should always walk fragilely and cautiously whenever we speak to a treaty.

The bill has enormous constitutional implications. The Framers of the Constitution gave this body the ability to develop and raise forces, but it correctly gave the President of the United States the right to array those forces.

There are command and control issues here. There is an effort here to dissipate the whole notion of peacekeeping. I would assert to all of my colleagues that the Somalias, the Haitis, the Bosnias, and the Rwandas of the world are the wave of the future, peacekeeping is here. It must be here on the line here.

Finally to the question of NATO, we have never, Mr. Speaker, debated the issue of NATO, never in the 24 years that this gentleman has been here. This has enormous foreign policy implications, implications for our allies.

Finally, to the question of fairness, Mr. Speaker, I do not raise the issue of fairness, but rather I challenge us to a higher level of responsibility. I challenge us to carry out our fiduciary responsibilities, our basic contract as it were, to the American people.

What drives this train? What drives this train is a campaign promise. But in the remaining moments I have, Mr. Speaker, I choose not to denigrate campaign promises but rather to dignify them, and I would attempt to do that by asserting this: When you move, Mr. Speaker, from campaign promise to substantive legislation, a legislative initiative, at that point as Members of Congress, it is incumbent upon us to make sure, to guarantee that the process is deliberative, it is substantive, it is thoughtful, leaving us with our ability to say to our American people, our basic boilerplate contract to you is that we will engage in a procession that is equal to the task that we put before you, that it embraces the substantive nature of the issues that we are engaged in. Anything less than that is a folly.

So if you are going to have a contract for America, fine, no problem. But whatever your politics are, I probably have learned how to lose on this floor more than everybody in here collectively.

That is not the issue, Mr. Speaker. But what is? All 435 of us, Members of Congress and delegates, must come together and be united at one point and that is the issue of openness, that we should be able to return to our constituencies and look them in the eye and say the fundamental contract that we have with you is this: We made decisions that were based on the deliberative process.

Six minutes to debate foreign policy, national security, and intelligence policy of this country belies the reality. It belittles all of us.

Mr. Chairman, 10 hours is absurd.

One final point. A number of my colleagues on this side of the aisle in the last 2 years stood up and complimented this gentleman to the point of my personal embarrassment by saying I do not always agree with the gentleman from California, and I understand that, but they said we appreciate the gentleman's openness and fairness. And the first time that my colleagues had an opportunity not simply to come to compliment with words but to compliment with deeds and gestures, they say take this 10 hours and cram it down your throat. I would never have ever come to this floor advocating a 10-hour amount on a matter of such substance.

Mr. Chairman, Members on this side of the aisle, stand up resolutely and oppose this rule in the name of competence, fairness, and our fiduciary responsibility to the American people.

Mr. HALL of Ohio. Mr. Speaker, I yield to the gentleman from Missouri [Mr. VOLKMER] for the purpose of making a unanimous-consent request.

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that the rule be amended to provide that time used for voting on amendments not count toward the 10 hours of debate.

The SPEAKER. Does the gentleman from New York [Mr. SOLOMON] yield for that purpose?

Mr. SOLOMON. No, Mr. Speaker, and the rule does not allow it. The time was yielded for debate purposes only.

The SPEAKER. The gentleman from New York does not yield for that purpose, and the gentleman from Missouri is not recognized.

Ms. PRYCE. Mr. Speaker, I yield myself our final 2½ minutes.

Mr. Speaker, I rise in strong support of this open and fair rule for the consideration of the National Security Revitalization Act. And I appreciate the statements of my friend from California, but I must disagree. This is a fair rule and a responsible rule. And when the gentleman was at the Committee on Rules, we were close to an agreement as to the time for this debate. And I must commend the gentleman from New York, the distinguished chairman of the Committee on Rules, Mr. SOLOMON, for explaining just why this is an open and fair rule, and the role of the minority leadership in limiting this time.

Many of our Members do not realize that their failure to negotiate and their failure to agree to begin work early each morning helped decide the time lines for this rule. More time had been offered but no agreement could be made because no one would negotiate on the other side of the aisle.

And so, my friends, under this rule we have up to 10 hours to debate amendments, on top of the 2 hours set aside for general debate. We have not had this much concentrated debate in recent history, 40 years I might suggest under an open rule on these matters, and because this is an open rule, any Member can offer a germane amendment to the bill and those who have preprinted in the RECORD will be given priority.

Since the 104th Congress began a few weeks ago our attention has been focused primarily on the domestic side of the American agenda. We tackled such issues as how to cut such spending, and chief among those was balanced budgets and fighting crime, but now by adopting this rule today, Mr. Speaker, we can begin debate on the very important question of how the United States will respond to the emerging security challenges of the next century.

As the United States adjusts to the post-cold-war era we must remain focused, strong, and vigilant. Yet many serious questions have been raised about the status of our present defense strategy, the state of military readiness, and the adequacy of defense spending.

Congress must find the answers to these questions, and the bill before us will take us one step closer to constructively addressing these and many other fundamental issues affecting Americans' national security policy.

☐ 1340

And despite partisan complaints which I have heard about this legislation, enhancing national security should not be a Democrat or Republican issue. It should be a bipartisan issue, and I am pleased to note that the National Security Committee reported H.R. 7 out with strong bipartisan support.

Mr. Speaker, I hope the spirit of bipartisan cooperation will enable us to adopt this fair rule and begin consideration of a very forward-looking proposal to reshape our future national security.

In closing, I would just like to congratulate my chairman, the gentleman from New York [Mr. SOLOMON], for his outspoken leadership, unfailing commitment to maintaining a strong defense, his arduous attempts to negotiate, and I urge the adoption of this fair rule.

Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The Chair announces that, pursuant to clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the adoption of the resolution.

This is a vote on ordering the previous question. This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 199, not voting 6, as follows:

[Roll No. 132]

YEAS—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—199

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Becerra
Flake
Istook
Lantos
Lewis (GA)
Schumer

☐ 1356

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 197, not voting 10, as follows:

[Roll No. 133]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)

Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Becerra
Emerson
Lantos
Lewis (GA)
McIntosh
Royce
Smith (MI)
Talent
Towns
Wilson

□ 1404

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CHANGE IN COUNTING TIME FOR DEBATE ON H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. VOLKMER. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 7 all time used for electronic voting on amendments not count toward the 10 hours for debate.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Missouri?

Mr. GILMAN. Reserving the right to object, Mr. Speaker, I am pleased to yield to the gentleman from Missouri [Mr. VOLKMER] to explain his request.

Mr. VOLKMER. Mr. Speaker, my unanimous-consent request is to facilitate time in which these amendments, the 26 that are independent, would have time to debate.

As was brought out during debate on the rule by the gentleman from California, if we figure it all out, if we are going to take up these 26 amendments, and those are the ones that are separate and nonlubricated, in that 10 hours it will only allow 6 minutes, if we vote on every one on electronic voting. It means there will be approximately 6 minutes time to debate each amendment. Otherwise there are going to be Members, like there were last night, and I include myself and others, that do not have an opportunity to offer their amendments.

Mr. Speaker, what they are telling the House here is every time that we vote during the Committee of the Whole we are cutting Members off from amendments. So all I am asking is that we not count the time for electronic voting when figuring up the debate time.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the distinguished chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, the gentleman must not have been present during the debate on the rule, but the truth is that we were willing to extend this debate by a number of hours if we could have moved up the starting times, today by 2 hours, tomorrow by 1 hour. We are now past that point, so I would respectfully have to object to the gentleman's request.

The SPEAKER pro tempore. Objection is heard.

MOTION TO ADJOURN

Mr. VOLKMER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 291, not voting 9, as follows:

[Roll No. 134]

YEAS—134

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dingell
Dixon
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Klink
Levin
Lofgren
Lowey
Maloney
Manton
Martinez
Mascara
Matsui
McDermott
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder

Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Wyden
Wynn
Yates

NAYS—291

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cardin
Castle
Chabot
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Christensen
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Collins (GA)
Combest
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de la Garza
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Diaz-Balart
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Dooley
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Doyle
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Duncan
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Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
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Hastert
Hastings (WA)
Hayes
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Hefley
Heineman
Herger
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Hobson
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Hoke
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Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kildee
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
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Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Markey
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
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Montgomery
Moorhead
Morella
Murtha
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Ros-Lehtinen
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Schiff
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Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
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Stenholm
Stockman
Stump
Talent
Tanner
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Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Becerra
Camp
Kaptur
Lantos
Lewis (GA)
Meek
Rangel
Rogers
Williams

☐ 1425

So the motion was rejected.

The result of the vote was announced as above recorded.

REFERRAL OF H.R. 10, COMMONSENSE LEGAL REFORM ACT, TO COMMITTEE ON COMMERCE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that title I, section 103 of H.R. 10, the Commonsense Legal Reform Act, be referred to the Committee on Commerce as an additional committee on jurisdiction.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the gentleman from Virginia?

There was no objection.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 7.

☐ 1427

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. GILMAN] will be recognized for 30 minutes, the gentleman from New Jersey, [Mr. TORRICELLI] will be recognized for 30 minutes, the gentleman from South Carolina [Mr. SPENCE] will be recognized for 30 minutes, and the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that we are beginning general debate of a very important segment of the Contract With America, H.R. 7, the National Security Revitalization Act.

H.R. 7 confronts issues of real concern to the American people.

Take, for example, the issue of foreign command of U.S. Armed Forces in U.N. peacekeeping operations.

The Clinton administration broke new ground in this area. Indeed, few aspects of their foreign policy have been pursued with as much vigor as their efforts to promote U.N. peacekeeping operations in which U.S. forces have been placed under foreign command.

They did it in Somalia, they did it in the former Yugoslavia, and they were prepared to do it in Haiti.

H.R. 7 restores a proper balance with regard to foreign command of U.S. forces in U.N. peacekeeping operations.

H.R. 7 doesn't forbid foreign command in all cases; only in those cases where the President is unable to certify that the foreign command arrangement is necessary to protect U.S. national security interests and that the U.S. forces will not be required to comply with illegal or militarily imprudent orders.

The American people would be shocked to learn that the administration and its allies in Congress think the President should have a free hand to put U.S. forces under foreign command, even when it's not in our national interest and even when our forces could be compelled to obey illegal or militarily imprudent orders.

But that is the administration position, and today they will have time to defend it.

The exploding cost of U.N. peacekeeping operations is another matter of concern to the American people that we address in H.R. 7. Last year, our total peacekeeping payment to the U.N. was almost $1.1 billion. In addition, the Department of Defense incurred incremental costs of more than $1.7 billion for U.S. support to or participation in U.N. peacekeeping operations.

That's a total of $2.8 billion for peacekeeping.

H.R. 7 tries to get a handle on these spiraling costs. It insists that at least some of our unreimbursed Defense Department expenditures in support of peacekeeping be deducted from our U.N. assessment.

Critics of H.R. 7 say this is unreasonable. They accuse us of wanting to destroy U.N. peacekeeping.

Nothing could be further from the truth. Peacekeeping is an important tool that can serve our national interests. But because the U.S. taxpayer foots the largest share of the bill, we must ensure that it is only undertaken when it serves our interests and that it is carried out in a cost-effective way.

A final issue addressed by H.R. 7 is the expansion of NATO.

My efforts and those of my colleagues to facilitate the expansion of

NATO—both in H.R. 7 and in the NATO Participation Act passed on the last day of the last Congress—are the final answer to those who claim that the Republican Party stands for a return to isolationism.

To the contrary, we favor continued American engagement in the world, and flexible policies in response to the changes brought about by the end of the cold war.

For these and other reasons, H.R. 7 is a good bill that deserves to be approved.

Mr. Chairman, I am pleased that we are beginning today to debate a very important element of the Contract With America, H.R. 7, the National Security Revitalization Act.

In all probability our consideration of H.R. 7 will occasion a lively debate.

For too long the Congress has avoided debating some of the toughest foreign policy issues confronting our country. Last year, for example, those of us who wanted to debate President Clinton's plan to invade Haiti were muzzled until it was too late.

We're not going to avoid the tough issues any longer.

That's what H.R. 7 is all about. We're going to confront issues of real concern to the American people.

And it's our intention to turn around administration policy where it has been misguided, inept, or simply out of step with the wishes of the American people.

Take, for example, the issue of foreign command of U.S. Armed Forces in U.N. peacekeeping operations.

Before President Clinton took office, no President had ever put significant numbers of U.S. forces in a U.N. peacekeeping operation commanded by a foreign national.

The Clinton administration broke new ground in this area. Indeed, few aspects of their foreign policy have been pursued with as much vigor as their efforts to promote U.N. peacekeeping operations in which U.S. forces have been placed under foreign command.

They did so in Somalia, they did it in the former Yugoslavia, and they were ready to do it in Haiti, until last November's election focused the attention of the U.N. bureaucracy and forced them to agree to put a U.S. commander in charge of the Haiti operation.

H.R. 7 restores a proper balance with regard to foreign command of U.S. forces in U.N. peacekeeping operations. Notwithstanding the rhetoric of administration spokesmen, H.R. 7's approach could hardly be more moderate.

It doesn't forbid foreign command in all cases; only in those cases where the President is unable to certify that the foreign command arrangement is necessary to protect U.S. national security interests and that the U.S. forces will not be required to comply with illegal or militarily imprudent orders.

The American people would be shocked to learn that the Clinton administration and its allies in Congress think the President should have a free hand to put U.S. forces under foreign command, even when it's not in our national interest and even when our forces could be compelled to obey illegal or militarily imprudent orders.

But that is their position, and today they will have the opportunity to defend it.

The exploding cost of U.N. peacekeeping operations is another matter of concern to the American people that we address in H.R. 7. Last year, our total peacekeeping payment to the United Nations was almost $1.1 billion. In addition, the Department of Defense incurred incremental costs of more than $1.7 billion for U.S. support to or participation in United Nations peacekeeping operations.

That is an overall total of $2.8 billion for peacekeeping.

And we all know that much of these funds are simply wasted. The billions of dollars we and the United Nations spent in Somalia accomplished precious little. And this month DOD expects to spend another $15 million so that U.S. forces can cover the withdrawal of the last U.N. peacekeepers from the failed mission in Somalia.

H.R. 7 tries to enable the Congress to get a handle on these spiraling costs. It insists that at least some of our unreimbursed Defense Department expenditures in support of peacekeeping be deducted from our U.N. assessment.

Critics of H.R. 7 contend that this is unreasonable. They say, for instance, that we have no right to expect the United Nations to reimburse us for the $15 million we're spending this month to evacuate the U.N. peacekeepers from Somalia. They accuse us of wanting to destroy U.N. peacekeeping.

Nothing could be further from the truth. Peacekeeping is an important tool that can and does serve our national interests. But because the U.S. taxpayer foots the largest share of the bill, we must ensure that it is only undertaken when it serves our interests and that it is carried out in a cost-effective way.

The critics of H.R. 7 favor the status quo, where the U.S. taxpayer gets double billed for U.N. peacekeeping. We demand a better deal from the United Nations.

We look forward to debating this issue here on the floor.

A final issue addressed by H.R. 7 is the expansion of NATO.

My efforts and those of my colleagues to facilitate the expansion of NATO—both in H.R. 7 and in the NATO Participation Act passed on the last day of the Congress—are the final answer to those who claim that the Republican Party stands for a return to isolationism.

To the contrary, we favor continued American engagement in the world, and flexible policies in response to the changes brought about by the end of the cold war. We seek to adopt NATO to the new security requirements in Central and Eastern Europe, and we are pleased that our efforts have received considerable support from the other side of the aisle.

Even the administration seems to be slowly coming around to our point of view.

We welcome that change, and we look forward to further debate on that issue here on the floor.

For these and other reasons, H.R. 7 is a good bill that deserves to be approved by our colleagues.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman from New Jersey for yielding time to me.

Mr. Chairman, I rise, of course, in opposition to H.R. 7. I think the key point is that H.R. 7 really strikes right at the heart of the President's authority to protect our national security and to conduct American foreign policy. It does that in several different ways, first of all with respect to peacekeeping.

This bill would end peacekeeping overnight. That may not be the intent, but it is the result of the language. That is the judgment of the Congressional Budget Office, it is the judgment of the Secretary of State, the Secretary of Defense, and it is the judgment of the Deputy Secretary of State in the Reagan administration, Mr. Whitehead. It unilaterally abrogates our obligation to the United Nations to pay our share of peacekeeping expenses.

Mr. Chairman, these peacekeeping operations that are in effect across the country are important across the world, not just to other nations, but to the United States. If we come along and unilaterally deduct these expenses, it just cancels our assessment. If we cancel our assessment, other nations are going to cancel their assessments, and peacekeeping is going to be destroyed.

What does that mean? That means in Cyprus, in Jerusalem, in Angola and Kuwait and Rwanda peacekeeping comes to an end. It means the end of sanctions enforcement against Iraq, and it means the end of humanitarian relief in Bosnia.

If we pass H.R. 7, Mr. Chairman, we give the President of the United States a choice: Act alone or do nothing. Often we are going to choose to act alone, and we should, but every single President has wanted the option to act in this collective security system, and we ought not to cut that option off. It is a valuable tool in American foreign policy. All of us agree that the United Nations is not a perfect institution, that it needs all kinds of reform. However, our goal should be to strengthen the United Nations, not to weaken it.

My second concern, Mr. Chairman, with H.R. 7 is that it will lead to a major expansion of U.S. security and assistance commitments in Europe. Here again, Mr. Chairman, we all agree that NATO should expand. The question, however, is whether this Congress should try to dictate the details of that expansion. That is the question. We ought not to try to write that in the statute.

Mr. Chairman, we see going on in Central Europe today a very complex historical process to develop a security regime for Central Europe. It is complex, it is diplomatic. This bill would jeopardize U.S. national security by unilaterally, arbitrarily, prematurely designating certain countries for NATO membership.

This bill begins a vast new foreign aid program, but it does not provide any funding for it. It is an open-ended program of military and economic aid to four countries. It puts them at the top of the list. It makes winners and losers. We risk, then, discouraging the reformers in countries not named, and we risk fostering complacency in the countries that are named. We are trying to pick through legislation the winners and losers for NATO membership, and that will divide Europe into opposing camps.

Mr. Chairman, the bill creates a dangerous gulf between our commitments and our resources. One of the things we ought never to do in foreign policy is to make commitments when we do not have the resources to pick them up.

That is precisely what we do in H.R. 7. We expand our security commitments, or seek to. We provide no resources for it. We do it at a time when we are cutting troop levels from 300,000 down to 100,000 in Europe. We are doing it at a time when every single country in Europe is reducing their NATO and their defense establishments.

How can we meet these new security commitments? Mr. Chairman, I urge Members here to think carefully before voting to set us on a course leading to a vast expansion of U.S. security commitments.

Mr. Chairman, the House today takes up H.R. 7, the National Security Revitalization Act. This is the most far reaching foreign policy legislation to come before the House in several years.

But titles are deceptive. This bill does not revitalize our national security—it weakens it.

It strikes at the heart of the President's authority to protect national security and conduct foreign policy.

It would end U.N. peacekeeping, a tool the President must have available to him in the conduct of foreign policy.

It would force the President to act alone, or do nothing.

It prematurely and unilaterally designates certain countries for NATO membership, picking winners and losers in a way that could actually slow down the process of NATO expansion.

It micromanages foreign policy and undercuts Presidential authority, limiting his ability to respond to crises and protect national security.

DESTROYING PEACEKEEPING

My first concern in peacekeeping. This bill would end peacekeeping overnight. It unilaterally abrogates our treaty obligation to the United Nations to pay our share of peacekeeping expenses.

It would require the United States to deduct from its peacekeeping assessment all costs incurred by the Department of Defense in support of U.N. operations, even when those operations are conducted unilaterally by the United States, with U.S. forces under U.S. command and control.

These expenses more than offset the annual U.S. peacekeeping assessment. if the United States unilaterally deducts these expenses, it cancels our assessment. Other countries would follow suit. U.N. peacekeeping would be destroyed.

That would mean the end of all U.N. peacekeeping missions: in Cyprus, Jerusalem, Angola, Kuwait, and Rwanda. It would mean the end of sanctions enforcement against Iraq, and the end of humanitarian relief in Bosnia.

If we pass H.R. 7, we leave the President with a choice: act alone or do nothing.

Collective security is a tool that has been available to every President since Harry Truman. We must have that option for this President.

The United Nations is not a perfect institution. It needs reform—plenty of it. Our goal should be to strengthen the United Nations to better serve U.S. interests—not weaken it.

PREMATURE NATO EXPANSION

My second concern is that H.R. 7 will lead to a major expansion of U.S. security and assistance commitments in Europe.

Title VI of the bill does two things: it states that it will be U.S. policy to extend NATO membership to Poland, Hungary, the Czech Republic and Slovakia, and it mandates an assistance program to help these countries become NATO members.

We all agree that NATO should expand. The question is whether Congress should seek to dictate the details of that expansion.

NATO expansion is a complex diplomatic process involving 16 NATO members. H.R. 7 interferes with this process in ways that could be harmful both to the very goal the bill seeks—NATO expansion—and to other U.S. national interests:

First, this bill could jeopardize U.S. national security by unilaterally, arbitrarily, prematurely designating countries for NATO membership.

It short circuits the Partnership for Peace initiative, which aims to prepare countries for NATO membership.

Second, this bill mandates an open-ended program of military and economic aid for four countries—Poland, Hungary, the Czech Republic, and Slovakia—without authorizing any funding. Let's be clear about this: if we pass this bill, we will be creating a new, costly, foreign aid program.

Third, if we arbitrarily lock in advantages for some countries, we risk discouraging reformers in countries not named and fostering complacency in countries that are.

By picking winners and losers for NATO membership, we are signaling to potential adversaries which countries we care about most.

We will once again divide Europe into two opposing camps.

Fourth, this bill will create a dangerous gulf between our commitments in Europe and the resources required to meet them. We have cut our military forces in Europe by two-thirds since 1990. Unless we are prepared to redeploy hundreds of thousands of troops, how can we meet new NATO security commitments by any means other than a nuclear commitment?

Finally, there is no threat to European security that warrants speeding up the pace of NATO expansion.

NATO membership involves a solemn treaty obligation. It means we will regard an attack on any member as an attack on the United States, and come to that nation's defense.

I would urge Members to think carefully before voting to set us on a course leading to a vast expansion of U.S. security commitments.

UNDERMINING THE PRESIDENT'S FOREIGN POLICY AUTHORITY

Finally, I am concerned that this bill undercuts the President's authority to conduct foreign policy and undermines his power as Commander in Chief.

As former Secretary of State James Baker told our committee, "Attempts at micromanagement were a bad idea when the Democrats were in control, and they remain a bad idea today."

Let me point out three examples of micromanagement:

This bill requires an act of Congress before the President could send a single U.S. military observer to join a U.N. force.

Yet we know that Congress has never voted to authorize a U.N. peacekeeping mission.

This bill dictates the terms and conditions for U.S. military command and control, telling our military how to do its job.

The bill prematurely picks winners and losers for future NATO membership. That's not our job. It's the job for the President, and other members of NATO. Passing this bill will only make it more difficult.

This bill also undermines the ability of the President to act as Commander in Chief.

It would prohibit the President from deploying a single U.S. soldier to a U.N.-authorized operation without an act of Congress.

It would prohibit the President from placing U.S. troops under foreign command without specific congressional authorization unless he first reports to Congress that such action is not unconstitutional, is necessary to protect U.S. national security—and then meets a series of other requirements, detailed in five pages in the bill.

This is an unprecedented assault on the President's authority as Commander in Chief.

Had this been law, it would have prohibited President Bush's deployment of U.S. troops and ships in Operation Desert Shield and Desert Storm.

It could have blocked President Clinton from deploying 30,000 United States troops to Kuwait in 1994 to counter Saddam Hussein's new threats of aggression against that country.

It would effectively prohibit the President from sending a single soldier to participate in a U.N. peacekeeping activity—even as part of a medical team to help in Cyprus—without specific congressional authorization.

CONCLUSION

I urge the House not to pass this bill today. We cannot solve all the problems of U.S. national security today. The wisest course we can follow is to defeat this bill.

I understand why Members are critical of some aspects of American foreign policy. I cannot remember a time when Members were not. And, of course, it is entirely appropriate that they voice those criticisms.

But it is one thing to criticize. It is quite another to restrict, to constrain, and to hamstring the chief architect of American foreign policy—the President of the United States.

This bill, if enacted, will not expire on the last day of Bill Clinton's Presidency, whenever that comes. It will restrict and constrain and undermine the authority of all future Presidents to protect the national security and conduct U.S. foreign policy.

I urge my colleagues to defeat H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today considering H.R. 872. This legislation responds to the concerns of the American people. We on this side of the aisle listen to the American people in many ways. We listen and we learn, and we are trying to respond to their concerns.

The American people want to restore and revitalize our national security. They are outraged when they find that we have no defense against ballistic missiles, which could do irreparable harm to them and their loved ones in our country.

They cannot understand why we do not have a national missile defense. They want to know who is responsible. We are trying to respond to those concerns and tell them who is responsible, and we will try to fix this. They do not want and do not deserve to be unprotected and naked to something that could destroy all their lives.

I understand that our liberal friends on the other side of the aisle have a real problem with what we are about. Because we are trying to protect the American people, it is difficult for them not to join in with us. So they have to resort to all kind of tactics.

I have always been amazed at the liberal mind, what it can conjure up with a limited vocabulary and fantasize, turn night into day and day into night, wrong into right, right into wrong by using words and smoke screens.

They would have you believe, for instance, that what we are doing is harmful to national security. People who have dedicated their lives to tearing down our national security are now telling us that what we are doing is harmful to national security.

A while ago, I went down in the well, I was sitting back in the back of the Chamber, because down home we have got a saying that "when people say outrageous things, don't stand too close to them because lightning might strike." I don't want to be too close when it strikes.

Mr. Chairman, we are about doing out duty to protect the American people and we are going to do it. We want our colleagues on the other side of the aisle, liberal as they might be, and how they play their game, I do not care. We want their help in protecting the American people. We want them to join us. If they do not want to do it, that is their problem. We are going to do it, anyway. And it is going to be done here on this floor.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself 6½ minutes.

Mr. Chairman, I am shocked at this last comment. The beauty and the brilliance of this system is that we have different perspectives and different points of view. Is that not what we are saying to the entire world? Embrace the principles of democracy. Is that not why our colleagues challenge totalitarian governments because they said there should be competing ideas and competing principles? What is this? Liberal mind. We are all coequals here. We came here by the same process. We were elected by human beings who comprise America, ostensibly the greatest democracy in the world. This debate should not go forward with that kind of rancor.

Mr. Chairman, it is not my prerogative to challenge you, sir. It is my responsibility to challenge ideas. This is about democracy. And what does this mean? If this is how the debate is to begin, my friends, it brings tears to my eyes to think about how it will end, because if this is the top of the mountain, where is the valley on this debate?

We should be about largeness, bigness, dignity, and respect for each other. I would have no problem challenging your ideas, challenging your politics. But let us not be condescending to each other. Let us not engage in this kind of folly with each other. I am prepared to deal with you intellectually. Let us see whether there is bankruptcy or currency in these ideas. But let us not characterize each other. The world is watching us. We should be large enough to be able to handle difference.

I came here in January 1971 from Berkeley, CA, opposing the Vietnam war as a simple human being who tried to raise my voice in the name of peace. I cannot tell the new Members of Congress the scars that I faced from that, the beatings that I took on the floor of Congress for simply being a human being who had the audacity to try in good faith to represent my constituency on these issues. We all have a right to be heard here. Whether one perceives oneself as a liberal or conservative or a moderate or a progressive or whatever, that is the beauty of this process.

Mr. Chairman, I wanted to spend these moments talking about this bill, laying out the points, to engage. I beg of you, deal with each other with some kind of human dignity. I do not want to go back through 24 years ago, where we kept casting aspersions upon each other because you had the audacity to say peace, or challenge nuclear armaments, challenge war, challenge big military budgets, that in some way you are unAmerican or unpatriotic. How incredible.

How incredible, Mr. Chairman, when we can look out at the world and say we oppose totalitarianism and we cannot stand difference and handle and tolerate difference in this Chamber, considered the most deliberative body in the United States, in the world.

We have to respect each other's difference. But let us engage. I have supreme confidence in ideas, and so should you. So let us engage on ideas, not on who has got what mind and how that gets conjured up. That should be beyond us.

Mr. Chairman, it should be beyond all of us. I come to challenge your ideas. I did not come to challenge you. I did not come to challenge your label. But I will say this: In the context of a post-cold war world, let us take off old labels. They do not work anymore. Let us move beyond old paradigms. They do not work anymore. Let us get beyond old ideas. The human mind changes slowly, but the post-cold war world challenges us to a higher order of being, to an imaginative way of looking at the world.

Let us stop trotting out cold war ideas in the context of a post-cold-war world. Let us stop trotting out these ideas of liberal and conservative and moderate. At this point, I do not know what those things mean anymore when we start talking about national security. We have got sides talking about isolationism. A few years ago in my earlier tenure, they would have once wanted to engage in ventures all over the world. Interventionists, now isolationists. Peace advocates sound like hawks when we start talking about peacekeeping and peacemaking. We are standing the world on its head. What should that communicate to us? That the world has substantively and substantially changed and it dictates to us that we change, Mr. Chairman. That we think afresh and we think anew.

Let us stop engaging in the characterization. If you think we ought to have star wars, stand and defend that. If you think we ought to dictate to NATO, stand and defend that. If you think we should not be in the Somalias and the Haitis and the Rwandas and the Bosnias of the world as peacekeepers and peacemakers, stand and defend it. Then the debate can go forward rationally.

Why this mean-spiritedness? It is not necessary, Mr. Chairman. The issues that confront us dwarf us as human beings. Do we have to then add in the folly of characterization, the folly of challenge ideologically? This is no longer an ideological world. It requires imagination and brilliance and the highest and the best in us. Lay down that yesterday madness and let us stand up and face each other on an intellectually honest basis and try to shape this legislation so that it speaks to the reality of a changing world.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. COMBEST], the chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. I thank the gentleman for yielding me the time.

Mr. Chairman, the Intelligence Committee held one hearing on title V of the National Security Revitalization Act, partly in open session. The subsequent markup was conducted entirely in open session. During the markup, the committee unanimously approved amendments to sections 502, 504 and 512.

Section 512 was the focus of the committee's interest. As introduced, the section required that the United States may provide intelligence to the United Nations only pursuant to a written agreement between the President and the Secretary General of the United Nations. The agreement must specify:

The types of intelligence to be provided to the U.N.;

The circumstances under which intelligence may be provided; and

The procedures to be observed by the U.N. concerning persons who shall have access and the procedures to be observed by the U.N. to protect the intelligence against disclosure not authorized by the agreement.

As introduced, section 512 required that no agreement would have been effective for a period exceeding 1 year.

Mr. Chairman, U.S. policymakers working with the U.N. use intelligence information as part of their broader diplomatic efforts to advance U.S. foreign policy interests with other governments and U.N. agencies. A significant portion of intelligence sharing with the U.N. includes support to peacekeeping activities. However, intelligence sharing also involves humanitarian missions, sanctions enforcement, nonproliferation, opposition to ethnic cleansing, and other issues clearly of importance to U.S. foreign policy objectives.

Procedures have been developed by the intelligence community to provide intelligence information to the United Nations. Specific guidelines have been established for consideration on a case-by-case basis of what can be provided without compromising intelligence sources and methods.

The committee recognizes that there are valid concerns about the U.N.'s ability to protect sensitive information, and when intelligence information is provided, these considerations are taken into account. Each request is carefully reviewed to assess the agency or operation involved, and when the United States does provide intelligence information, the least sensitive information is used to satisfy each requirement, and it is provided to a limited number of individuals. Moreover, much of the Intelligence provided has been redacted to include only information that is unclassified.

The practical effect of section 512, as introduced, would have been to shut down intelligence sharing with the United Nations.

A formal agreement would probably not be achieved as the U.N. leadership could find such an agreement with the United States politically unacceptable for a variety of reasons. Flexibility and discretion are afforded the United States under the current intelligence sharing process. A formal agreement would hamper our ability to share intelligence with the U.N. when we want to and how we want to, and might indeed create an obligation on the part of the United States to provide intelligence to the U.N. upon request. Moreover, every year we would face the possibility that a Secretary General unwilling to sign an agreement acceptable to the United States could, by his refusal, prevent our Government from sharing intelligence when it is in our interests to do so. Finally, the United States would be reluctant to accept the possible public disclosure of the details that such an agreement would require.

Given these concerns and others, the committee adopted a substitute to section 512. The amendment sets out two required responsibilities for the President.

First, before intelligence is provided by the United States to the United Nations, the President must ensure that the Director of Central Intelligence, in consultation with the Secretaries of State and Defense, has established guidelines governing the provision of intelligence to the United Nations that protect sources and methods from unauthorized disclosure.

Second, the committee has strengthened its oversight of intelligence sharing arrangements with the U.N. The amendment requires periodic and special reports by the President regarding intelligence provided to the United Nations. These reports must be made not less frequently than semiannually to the Intelligence and International Relations Committees of the House and to the Intelligence and Foreign Relations Committees of the Senate. The reports must specify the types of intelligence provided to the United Nations and the purposes for which the intelligence was provided. The President must also report to the two Intelligence Committees any unauthorized disclosure of intelligence provided to the U.N. within 15 days after the disclosure becomes known to the President.

The amendment further requires the Secretary of State, or the Secretary's designee, in consultation with the Director of Central Intelligence and the Secretary of Defense, to work with the United Nations to improve its handling, processing, dissemination, and management of all intelligence information provided to it by its members.

Mr. Chairman, the committee amendment to section 512 will accommodate the valid need for intelligence sharing with the U.N. where important U.S. national interests are served, while at the same time establishing stronger oversight over these activities.

As amended, H.R. 7 is a good, workable approach to the need for intelligence sharing with the United Nations.

□ 1450

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Washington [Mr. DICKS], as well.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] is recognized for 2 minutes.

Mr. DICKS. Mr. Chairman, I want to indicate my support for section 512 of the bill which will permit the continuation of intelligence-sharing with the United Nations. I think our history shows on certain occasions, the Cuban missile crisis for one, recently a situation in Iraq where sharing intelligence information, satellite imagery, has been vitally important to United States security interests.

I want to compliment the gentleman from Texas. We were able to work out our bipartisan concerns and differences on this legislation. We are working to develop a compromise which I felt was in the best interest of the country. I only regret that this was not achievable in other aspects of the bill.

I think we have worked out most of the concerns that the intelligence community has. We have worked out a sharing relationship which will be on a case-by-case basis with the United Nations, which gives us the option of saying we do not want to share in certain instances, which I think is important.

There is one last concern that I have that I hope we can address in conference, and that is that part of the responsibility here is given only to the President, and it said he cannot delegate this. I understand the concerns of the majority, but I hope that we can work this out so that it will be more acceptable to the President and to the administration. And I hope we can look at that again in the conference committee. But, on section 512, I think we showed that we can have bipartisan support and cooperation.

There are many other reasons I will not be able to support the bill, but one of them clearly is not section 512.

I will include the remainder of my statement in the RECORD.

The statement referred to follows:

The imagery shared with the United Nations revealed to the world the threatening activities of the Soviet Union and forced the Kremlin to acknowledge its placement of offensive missiles in Cuba despite its previous denials.

More recently, it was the United States' contribution of intelligence to the United Nations which proved crucial in assessing Baghdad's post war disarmament activities and to the U.N.'s decision to maintain sanctions against Iraq.

The National Security Revitalization Act as introduced contained a provision which would have required the President and the United Nations Secretary General to enter into a written agreement prior to any U.S. intelligence being provided. The Intelligence Committee received testimony from witnesses representing the State Department, the CIA, and the Joint Chiefs of Staff who were adamant in their opposition to that provision, noting that it would remove the flexibility which currently permits U.S. intelligence to be provided on a case-by-case basis. Additionally, the Acting Director of Central Intelligence informed the committee by letter that the requirement for a written agreement meant that "the proposed legislation will make it difficult, if not impossible, to provide meaningful intelligence support to those U.N. activities which are supportive of U.S. foreign policy goals."

Based on the information it received, the Intelligence Committee rewrote the provision. In its current form, section 512 requires the President to ensure that the Director of Central Intelligence, in consultation with the Secretaries of State and Defense establishes guidelines governing the provision of intelligence to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure. The Director of Central Intelligence has already established such guidelines and is under a statutory duty to protect all intelligence sources and methods from compromise.

The Intelligence Committee is aware of no instance in which the current procedures governing the provision of intelligence to the U.N. has resulted in a compromise of any intelligence source or method. Nevertheless, the committee believes it is important that it be advised if a compromise of intelligence sources or methods should occur. To this end, section 512 requires the President to report to the congressional intelligence committees any unauthorized disclosure of intelligence information provided to the United Nations within 15 days after the disclosure becomes known to the President. Additionally, periodic reports describing the types of intelligence provided to the United Nations and the purposes for which such intelligence was provided are required. These periodic reports must be submitted to the designated committees at least on a semiannual basis.

While I support section 512, which is the product of a bipartisan effort of the Intelligence Committee, I want to note a separation of powers issue which the section raises, and which is of concern to the administration and several members of the committee. Section 512 establishes certain duties for the President which are made non-delegable. While I believe it is essential that the committee be assured that these duties are discharged in a manner which reflects their importance, I hope that we can agree on compromise language in conference which addresses the administration's constitutional concerns.

Mr. Chairman, section 512 represents a substantial improvement over the manner in which this issue was treated in the original version of the National Security Revitalization Act. Although the bill as a whole is still objectionable to me, at least in the narrow area of intelligence support to the United Nations, this legislation, if it passes, will do no harm to a system which is currently working well in support of the national interests of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 7 as reported by the Committee on National Security.

Mr. Chairman, protecting the industrial base of strategic military programs is an issue that our Government must address in identifying a long-term strategy for defense procurement. There are three critical technology programs with an application that is dedicated exclusively to military procurement: conventional munitions, nuclear attack submarines, and long-range strategic bombers. Because these programs have no commercial benefit, it is of paramount importance that the Department of Defense act now to preserve these unique technologies.

As many of us know, the administration requested funding for a third *Seawolf* submarine, largely because of the need to preserve the submarine industrial base in the future. In the area of bombers, however, the administration appears content to cap production of long-range bombers at 20 aircraft, even though there is no successor program in either the research or development stage. Because there is no substitute for the strategic elements of the bomber industrial base, it would cost billions to reestablish existing production lines if these capabilities are allowed to dissipate.

Mr. Chairman, I believe this issue is of extreme national importance and am pleased that H.R. 7 acknowledges the fact that the current bomber force falls woefully short of meeting the baseline established in the bottom-up review.

I urge a favorable vote on H.R. 7.

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, later in the day I will support two amendments printed in the RECORD on this bill. One is by the gentleman from Texas [Mr. EDWARDS] that supports ground missile development but strikes out the star wars in the bill.

H.R. 7 on missiles will cost a lot of money that we really do not have, Mr. Chairman, I worry about if you have to look at other programs; if you look at the National Guard and Reserve and you have this big missile cost, it could come from the National Guard and Reserve, and also it could come from readiness of our forces.

The other amendment that I will support and hope to get and make some remarks on is offered by the gentlewoman from California [Ms. HARMAN]. Her amendment will eliminate title III of H.R. 7. Title III sets up a commission which would cost the taxpayers about $1,500,000. It is not necessary, Mr. Chairman, to have a commission. We have the roles and mission commission which will have a report in May. Basically that does the same thing that is in the commission title III of the bill. So I will be supporting both of these amendments, one by the gentleman from Texas and one by the gentle woman from California.

Mr. Chairman, I reserve the balance of my time.

□ 1500

Mr. GILMAN. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. KIM], a member of the Committee on International Relations.

Mr. KIM. Mr. Chairman, I think the American people would be shocked to find out how much money we were contributing last year to the U.N. peacekeeping mission. The last year, fiscal year 1995, our administration submitted to us $533 million to support this U.N. peacekeeping effort. Halfway through, they asked for an additional $627 million. Added together, we spent $1.2 billion. That is our assessment, just for the U.N. peacekeeping mission alone.

This year they are asking for $445 million. Come on, I know well that they are going to come back midyear asking for another half billion later.

Why do they do this? They are trying to keep overall budget numbers low.

In addition to the $1.2 billion, the U.S. Government contributed a voluntary gift last year alone of $75 million. This year they are asking an additional $100 million gift.

Our Government gets no credit for this voluntary gift contribution.

Let us talk about how much money other countries are contributing for U.N. peacekeeping. Ninety countries paid less than 0.01 percent, one-hundredth of 1 percent. Only 10 nations in the world pay more than 1 percent; 10 countries pay more than 1 percent. Guess how much we pay. Thirty-two percent. Is that fair? Almost one-third of U.N. peacekeeping we pay.

What are we getting back? I do not know.

It used to be 25 percent. Why it has gone up to 32 percent is because we have got to pick up the tab from Russia. Russia was dissolved. They have not been able to pay their share. We pick up the tab. That is why we end up paying 32 percent.

That is 2½ times more than the next highest contributor, which is Japan. They are paying 12½ percent.

The American people did not know this. I know this is shocking to you, not to mention a gift, not to mention an in-kind contribution.

Let me tell you about the in-kind contribution, by the way. We pay $1.7 billion in in-kind contributions in addition to U.S. assessment. Do you know what they are? Transport of foreign military to Somalia, airlift of supplies to Bosnia, Rwandan airlift of supplies, on and on and on. Right now we have got 13 such missions around the world. We spend $1.7 billion in in-kind contributions, which is absolutely no credit to us.

H.R. 7 will send a strong message to the United Nations to shape up. There is no more bottomless pit.

Second, we are asking to reduce to 25 percent from 32 percent. That is fair. Twenty-five percent, in my opinion, is still high. we will accept it.

Finally, we are asking the United Nations to reimburse us those in-kind contributions we made.

Mr. TORRICELLI. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, I rise in opposition to H.R. 7. The authors of the bill claim it will revitalize national security. In fact, the bill does the opposite. This bill undermines the national security of the United States, by mandating extravagant spending on the star wars pipedream; by playing fast and loose with the NATO alliance and our role in the United Nations; and by short-circuiting the bipartisan foreign policy review process.

The bill narrows, weakens, and confuses our national security by mandating huge expenditures for a national missile defense program. There is little justification for these expenditures in terms of our overall security strategy.

Republicans talked the star wars talk in the 1980's, throwing huge amounts of money away with little to show for it. As a famous Republican once said, "There you go again." Star wars II, the sequel, will not only waste money. It will take away from efforts to enhance military readiness.

H.R. 7 also trifles with the pursuit of our national interest through NATO. It trivializes the precious and trusted relations we share with our NATO partners by playing politics with the process of NATO expansion. It names four specific countries, rather than supporting membership for countries only if and when they adhere to the values and goals of the NATO alliance.

The bill also jeopardizes our leadership in the United Nations. The administration and Congress are working to reform the United Nations to improve its administration and peacekeeping operations. However, the bill cuts deeply into our U.N. contributions. It makes U.S. participation in U.N. peacekeeping activities practically impossible, even for small numbers of technical experts.

The way in which H.R. 7 has been pushed through committees also erodes the process of careful debate and bipartisan discussion which has long typified the review of foreign policy in the Congress.

The bill makes fundamental changes which will have potentially serious and dangerous consequences for national security and international peace and stability, but without adequate time for consideration.

I urge my colleagues to vote against H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, this is a terrible bill, my colleagues. We are moving here toward a dangerous isolationism.

Some of my friends think, with the collapse of the Soviet Union, America need not remain engaged in the world. I believe America needs to remain more engaged now than ever before.

If we have quarrels with the United Nations, we ought to fix them. Certainly now, as Ambassador Albright said, we ought to use the United Nations for U.S. purposes. Is that not what President Bush did in the Persian Gulf war?

With this bill, the President has two choices: move alone, or do not move at all. I do not think that is the kind of era we ought to be in.

If we deduct the cost of our voluntary actions against U.N. dues, the United Nations would wind up owing us money, and other nations would surely do the same, leading to the collapse of the U.N.

I want to address the issue of American command of U.S. troops. My colleagues, the President never relinquishes command. The issue is operational control. This bill would not even allow someone from our NATO allies to command U.S. troops.

With that twisted thinking, D-day could not have been possible. Field Marshal Montgomery could not have commanded our troops.

Let us take down all the statutes of General Lafayette, because he could not have helped us fight the Revolutionary War. World War I and World War II could not have been possible, and Desert Storm, which I supported, remember when President Bush mobilized the U.N. and nations for Desert Storm; Desert Storm could not have been fought under the constraints of this bill.

Right now in Korea the Second Infantry Division is currently under operational control of a Korean commander. Should that not be allowed? No NATO commander of our troops at a time when we say we want to expand NATO? What is the sense of expanding the alliance if we are not going to trust the alliance?

Star wars, Mr. Chairman, we need defense dollars in the area of theater missile defense, not in the area of star wars.

We cannot retreat to a dangerous isolationism. The United States must remain engaged.

Mr. Chairman, if this bill passes, President Clinton ought to veto it the way Secretary Christopher and Secretary Perry said they recommend him to veto it.

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the National Security Revitalization Act.

For too long we have been walking down the primrose path of complacency—allowing our military capabilities to deteriorate and our defense priorities to be misplaced. The legislation before us today moves to correct these deficiencies.

Figures from the General Accounting Office and the Congressional Budget Office show that between now and the end of the century, our defense establishment is underfunded by between $65 and $150 billion. H.R. 7 puts Congress on record that these shortfalls are unacceptable, and calls for U.S. forces to be provided with the means to successfully address two simultaneous regional conflicts.

H.R. 7 also calls on the President to move ahead with theater and national ballistic missile defenses. We saw in the Persian Gulf war how devastating even primitive theater ballistic missiles can be if they reach their target. With adversaries around the world increasingly able to obtain sophisticated missiles, we must have viable defenses against these systems.

Although this administration has moved forward somewhat on theater systems, it has not sufficiently focused on the threat to our own homeland from ballistic missiles launched by accident or by a rogue commander. Today we have no effective defense whatsoever against such an attack. H.R. 7 establishes a clear policy on a national missile defense, directing that robust efforts be undertaken now.

H.R. 7 also establishes a clear policy on the involvement of U.S. forces in

U.N. peacekeeping operations and the placement of U.S. forces under foreign command. While still giving the President authority to act unilaterally where a direct threat to U.S. national security exists, the bill establishes much needed Congressional oversight in these areas. It also sets prudent new limits on amounts that U.S. taxpayers provide for U.N. peacekeeping operations.

Moreover, the bill calls for the reestablishment of defense budget firewalls, ensuring that the vital funds budgeted for national defense needs are not redirected to non-defense functions.

Last, H.R. 7 reiterates the U.S. commitment to NATO, setting forth appropriate mechanisms for admitting new members.

Mr. Chairman, H.R. 7 puts the defense policies of our Nation back on track. I urge my colleagues to support it.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I am one of the dozen or so Democrats on the National Security Committee who voted in favor of this bill. That is one indication that I have a somewhat different perspective on this bill than some of my colleagues.

I do not want to get any of my Republican friends in trouble, but I have to confess that the committee leaders worked in the best bipartisan spirit to make this bill better than it was when it was first sent to the committee.

I must also confess that I continue to debate in my own mind whether this bill is good or bad—and at the moment, I lean toward thinking that it is not the best way to achieve what its sponsors want to achieve. Let me tell you why.

For years, one of my greatest concerns has been that legitimate debate about national security would become partisan and political. National security is one issue where I simply do not care about Republican or Democrat, I care about what is best for the country.

I was proud the Armed Services Committee was truly bipartisan. I hope that will be true of the new committee. But bills like H.R. 872 threaten to destroy that bipartisan spirit.

Some say this bill is a partisan, political statement, cultivated like a mushroom in the basement of Republican campaign headquarters. It has been fertilized by sessions with pollsters and focus groups. We saw the results in campaign ads during the 1994 elections.

Focus groups should not determine what we do about national security, and we do not need a new commission to do our job. That is the responsibility of Congress and the National Security Committee.

Secretary of Defense Perry told the committee that if we lacked confidence in him, we should ask him to resign. But I do not see my friends on either side of the aisle calling for him to do so.

That is because most of us know our military is ready, willing, and able to do whatever mission they are given—because Democrats have always worked with Republicans to build a strong defense.

All of us can take pride in having built the strongest, most effective, most ready military in the world. Let us not tear down all we have been able to achieve in a frenzy of partisan politics.

We should not play games by arguing about which side is tougher on U.S. command and control—when there are no U.S. troops under foreign command anywhere in the world.

We should debate ballistic and theater missile defense where we have time to determine the real cost of what we want to achieve. We should not wreck our foreign policy by unilaterally changing U.N. assessment formulas or by forcing the admission of certain countries to NATO.

I was in Munich two weekends ago with Secretary Perry, and I can tell you from firsthand experience: Our attempt to unilaterally redefine the boundaries of NATO has our allies on edge—and maybe even questioning our foreign policy sanity.

When all is said and done, we will all have to go back to work together in the authorization and appropriations process. That is the appropriate forum for deciding these issues.

I ask all my colleagues to think carefully about the votes they cast today. Continue to make decisions in the bipartisan spirit that we have always seen previously. If you take pride in not playing politics with national security—do not start now.

□ 1510

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Arizona [Mr. SALMON], a Member of the Committee on International Relations.

Mr. SALMON. I thank the gentleman for yielding this time to me.

Mr. Chairman, brave young American men and women volunteer in our Armed Forces in order to serve their country and to protect her vital security interests.

But in recent years, those soldiers have increasingly been put under foreign command and operational control—Americans "peacekeeping", or as it often becomes, defending themselves from attack—under the U.N. flag.

Mr. Chairman, not one American should die serving the United Nations.

When an American is sent in harm's way, that American deserves—and we in Washington have a moral obligation to provide—a clear understanding of the vital interests of the United States that justify putting that American at risk.

No Utopian affection for the U.N. on the other side of the aisle should affect this solemn obligation.

And, Mr. Chairman, they say that "nature abhors a vacuum." While that may be true, it is also true that our adversaries love a vacuum.

And now, where there was American leadership under Presidents Reagan and Bush, there is, in its place, a vacuum of leadership.

Presidents Reagan and Bush understood that the United Nations was an important body that we could work with to advance America's vital interests.

This administration believes that America's vital interests—and the safety of its fighting men and women—should take a back seat to the interests of the United Nations.

Well, Mr. Chairman, this administration has it backwards, and we promised the American people we would correct it.

This bill will restore our Nation's interests to the top of the equation.

It does not, as our liberal critics contend, abandon the United Nations. But it does say—loud and clear—that our soldiers serve to protect the vital interests of the American people, not the interests of U.N. bureaucrats.

And as long as I have a vote in Congress, I will oppose Americans going to war, or serving in so-called peacekeeping operations, when America's vital national interests are not present and clearly defined.

I urge my colleagues to vote for H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise today to oppose H.R. 7. I believe it is penny-wise and pound-foolish and also very shortsighted, specifically on the U.N. peacekeeping.

It seems to me the issue has evolved into a question of whether we have legitimate U.S. interests in United Nations peacekeeping. I would submit we do. First, in terms of the global marketplace. We have committed ourselves to NAFTA, we have committed ourselves to GATT. In the post-cold-war era we have hitched our wagon to the notion of a global marketplace. International instability, localized terrorism, all disrupt that global marketplace and those global markets. We have an interest in U.N. peacekeeping to the extent it helps us to maintain the global marketplace.

Second, we have a vital U.S. interest in fighting terrorism on a multilateral basis. Terrorism is perhaps the biggest threat of the coming century. We only have to look to New York City to see the potential.

Clearly, it is in our interest to have the ability to act multilaterally to combat terrorism.

And third, burden sharing: It used to be very much in vogue to suggest that our allies and other countries around the world ought to join with us in bearing some of this responsibility. It seems to the extent we undermine U.N. peacekeeping by reducing our own commitment, we undermine the ability to command a multilateral force to protect U.S. interests.

Now, I am not ignorant of the concern that we may be paying too much. As a matter of fact, this Congress last year reduced our commitment from 30 to 25 percent. But I think if we take the unilateral action suggested in this bill, we will certainly harm our interest because we will set a reverse, negative precedent. Russia will want to decrease its commitment because of the things it has done in the former Soviet Union. France would want to decrease its commitment because of Rwanda.

So the net effect will be that we will have an untenable choice: We will either have to act unilaterally or we will have to take no action at all. I suggest that is shortsighted.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. HEFLEY], the distinguished chairman of the Military Facilities Subcommittee and a key member of our national security team.

Mr. HEFLEY. I thank the gentleman for yielding this time to me.

Mr. Chairman, many of us feel that defense cuts proposed by the Clinton administration during these last couple of years are leading us to a hollow force again. That is the reason for this bill. We want to make a statement that we do not want a hollow force, that defense is an important part of our national security.

There is a perception that defense spending has not been reduced. But nothing could be further from the truth. In 1992, candidate Clinton called for $60 billion in additional defense cuts beyond the cuts President Bush proposed. This year's represents the 11th straight year that we have decreased defense spending.

What we are going to do with this bill, I think, is to make a statement that we are going to have a strong national defense in this country.

Now, it is not the end-all of bills. I would like for it to be much stronger. I would like for it to speak more to the force strength and that kind of thing. But the National Security Restoration Act is a down payment on the Republican promise to restore national security. It does not do all that is needed, but it does begin to add to the blueprint. I would urge support of this legislation.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. As the Representative of a district I call the aerospace center of the universe, I have consistently stood for a strong defense policy on a bipartisan basis, and I do so again today. I have supported the C-17; in fact, I coauthored the amendment to fund it fully; the F-18; the B-2; ballistic missile defense and defense reinvestment programs.

But I would make several points about this bill, which, unless it changes substantially, I will end up opposing. First of all, it is to my mind a campaign pamphlet, not a piece of legislation, and I think we must find more serious vehicles to legislate on defense issues.

□ 1520

Second and sadly, I think some of its advocates tend to label some of its opponents in wrong ways. I must say I was honored to listen to the comments of my colleague, the gentleman from California [Mr. DELLUMS], a few minutes ago in which he said that the labels are misguided. We are not here to attack each other. We are here to address serious policy, and I would reiterate his point, and make it again coming from a very different part of the political spectrum.

Finally let me say this: Some serious amendments will be offered during the course of this afternoon, this evening and tomorrow. I will speak for some of them and against some of them. But I urge all of us to approach this, not as part of a political campaign, but as part of our serious responsibilities to govern this country.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, the first priority of the Federal Government is to protect its citizens by maintaining a military strong enough to fight and defeat any aggressor that threatens the United States. Since the end of the cold war the defense budget has been borrowed from to pay for social welfare programs and U.N. peacekeeping missions. As a result, our defense resources are at dangerously low levels. The Contract With America will put a stop to the practice of borrowing from the defense budget and reverse the past 2 years of neglect on this issue. H.R. 7 includes the strong sense of Congress to restore defense spending firewalls that prohibit the use of Department of Defense funds to pay for social programs unrelated to military readiness and restrict future defense cuts to deficit reduction purposes only.

The thing that stirred me up so much, Mr. Speaker, was the fact in last year's budget we allocated $200 million for displaced Russian soldiers while our own Vietnam veterans are homeless in the streets of the United States of America. We cannot afford to become careless. The Federal Government has a duty to provide for the common defense of its citizens.

I say to my colleagues, "I urge your support of H.R. 7."

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, in my 20 years of public service I have never witnessed anything like what is going on now in the world's greatest deliberate body, the U.S. House of Representatives. And if you love American democracy like I do, you better be worried.

I know that some of my colleagues on the other side of the aisle do not agree with the extremist and isolationist provisions of H.R. 7. Several Republicans voted for a Democratic amendment to this bill that was passed by the International Relations Committee. They then called for a new vote and they all switched their votes.

I know that some of them believe that the greatest and most powerful country in the world should lead, and not retreat, from the international community. I know that some of them do not believe that we need Star Wars II. And all of us know that we simply cannot afford it.

But none of this seems to matter to my Republican colleagues. They have decided that marching in lockstep is in and voting independently is out. For the sake of kneeling before the altar of soundbyte bills written by pollsters, my Republican colleagues have abandoned the great American tradition of independent parliamentary debate. We must put patriotism ahead of polls and be serious about what we bring to the House floor.

If this bill had passed the Democratic Congress of 1992, President Bush would not have been allowed to send a single American soldier to the Persian Gulf for Desert Shield or Desert Storm.

If this bill passes in its present form, America will be forced either to place thousands more of our young soldiers in the line of fire to protect our vital national interest abroad—or not to act at all. America will be forced to spend millions of dollars alone, instead of sharing the costs.

If this bill passes, we will create yet another unneeded commission that wastes $1.5 million for yet another study about military needs. Never mind that we already spend millions upon millions of taxpayer dollars every year to do just that.

That is why I have sponsored an amendment with the gentlewoman from California [Ms. HARMAN] to strike that, and we hope we will get support.

So, say yes to a strong and secure America, but say no to the national insecurity bill. Vote "no" on H.R. 7.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the statement we just heard regarding Desert Storm and other actions is absolutely, totally without merit and untrue. As a matter of fact, 45 minutes ago former Ambassador Jeane Kirkpatrick, a former Democrat turned Republican, just down the hallway totally endorsed this piece of legislation, and said it would have no impact on the President's ability to send our troops abroad.

Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY], one of the newest stars from our committee.

Mr. THORNBERRY. Mr. Chairman, I rise in strong support of this measure.

Mr. Chairman, after more than a year of visiting with folks in my district about where this country is headed, I can tell my colleagues that they are very concerned about what is happening to our military. We are asking our men and women to do more and more and giving them less and less to do it with. This bill does not solve all the problems, but it does make a good start, and there are three areas key to me:

One, establish an inspection commission to evaluate our needs and the resources to meet those needs because the administration has lost total credibility in being able to make that assessment; second, it is important to keep U.S. troops under the command of U.S. commanders, and this drift toward relinquishing control of our security to multinational organizations has got to stop; third, we have got to protect our people from missile attack, and it does not matter whether it's short-range or long-range missiles. It is the fundamental purpose of this body to protect our people, and, if we do not make every effort to meet that threat, then we have not met our responsibilities to our constituents.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS], another one of our bright stars on the Committee on National Security.

Mr. LEWIS of Kentucky. Mr. Chairman, I believe all of us agree that a strong military was a prime factor in the end of the cold war and won a stunning victory in the Persian Gulf, but events over the past few years have shown that though the cold war is over, we still live in a very dangerous world. It is not just our side of the aisle that recognizes our military is stretched too thin. We have cut too far, too fast.

And these massive cuts have been multiplied by our military being ordered to build nations in places where we have no vital national interest.

Places like Somalia and Haiti.

Meanwhile, even top Pentagon officials admit we need to commit more resources to training in places like Fort Knox in my district, facilities vital to keep our service men and women well prepared.

H.R. 7 allows a bipartisan panel to review our military in light of yesterday's mistakes and tomorrow's challenges.

And perhaps most important, H.R. 7 will keep our men and women in the armed services from being placed under command of another country. We are still the leaders of the free world, Mr. Chairman.

The men and women in our armed services have given their all to our country. H.R. 7 is an important step toward ensuring we do the same for them.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, does this debate sound like a time warp? I would not be surprised if I heard evil empire, Iron Curtain, and Berlin Wall. Let me just remind my colleagues that that was yesterday, and now we need to talk about today and tomorrow.

This bill is a prescription for disaster. The Republicans are rushing as a part of their contract to penalize the poor, discriminate against legal immigrants, pander to the rich, and now, through this national security part of their contract, they add insult to injury by also asking this House to invest scarce dollars in yesterday's boondoggle.

☐ 1530

The Republicans have chosen to look through the rearview mirror as if blinded by the light of the future. Instead, they choose to look behind.

This is the same party that says that Government is too big. This is the same party that says that kids do not deserve to eat subsidized lunch in school, that pregnant women do not need to have subsidized nutrition so that they can give birth to healthy babies. This is the same party that said we do not have enough money to put 100,000 cops on the streets. But Government spending for an elaborate and controversial missile defense in space, well, that is all right.

Rather than asking for money for Star Wars, the Republicans could have asked for money to clean up the contaminated bases that coexist within our communities. And rather than railing on about foreign command and control, they could have focused instead on constructive engagement with the rest of the world through multilateralism and collective security. The specter of foreign command is not true. The President is and always has been our Commander in Chief. Finally, they could have looked at promising weapons systems that bear more relation to the type of defense that we need in the future.

This bill does not provide for the forward looking vision of this country. It robs us of our peace dividend, and I say vote "no."

Mr. BEREUTER. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Chairman, I rise in favor of H.R. 7.

Mr. Chairman, the results from the November 8 elections demonstrate the American voter's overall dissatisfaction with Congress. Recognizing this concern, many of us signed the Contract With America, to clearly illustrate our promise to eliminate weak leadership and destructive policies. Since January 4, we have been working very hard to bring 10 bills comprising the contract to the floor during the first 100 legislative days of the 104th Congress. We have passed several of these bills, however, and now we must address the next item, H.R. 7, the National Security Revitalization Act.

Mr. Chairman, I rise in support of this legislation which was successfully voted out of four committees of jurisdiction including the International Relations Committee, of which I am a member. The bill expresses many of my sentiments toward foreign policy, particularly regarding the current administration. Yes, the world of today differs tremendously from that of the 1980's, therefore our foreign policy must change and continue to change as we move into the next century. However, it is time we restore America's reputation as a superpower; we must repair our strength and credibility damaged by the policies of the Clinton Administration.

The Clinton administration's bottom-up review of the U.S. military has severely undermined our readiness by reducing defense funding and personnel. The question that needs to be asked now is: Can the United States defend itself against an attack, or more than one attack? H.R. 7 would address this inadequacy in several ways. First, it would renew the United States' commitment to an effective national missile defense by requiring the Department of Defense [DOD] to develop and deploy antiballistic missile and theater missile defense as early as practicable. Second, the bill would require the creation of the National Security Commission, a bipartisan panel of independent defense experts, to assess force structure, readiness, strategic vision, modernization, and personnel policies. In the end, these provisions would return our military to the level of force that is capable of protecting our shores and projecting our might anywhere in the world.

As we have all witnessed, costly multinational peacekeeping operations, under the auspices of the United Nation in both Somalia and Bosnia have failed to produce the desired outcomes, and support for these operations has declined across America. Currently, the United States pays the cost of these missions sponsored by the United Nations, as well as peacekeeping operations we initiate. The United States is responsible for 25 percent of the U.N.'s normal operating budget and 31.7 percent of the cost of each U.N.-sponsored peacekeeping operation. Our funding of U.N.-sponsored peacekeeping missions is not counted toward our contribution to the U.N. operating budget. Furthermore, although Congress appropriated $1.2 billion in 1994 to pay for peacekeeping, the State Department estimates that the United States could fall behind by another $800 million by the end of fiscal 1995. This arrangement clearly cannot continue. Under H.R. 7, the United States, while continuing to fund peacekeeping mission, we would begin to count this cost as part of our overall contribution to the United Nations. However, under this legislation, the United States will write off the cost of unilateral peacekeeping missions like the one in Haiti, from its U.N. bills.

We have heard arguments that any provision requiring the U.S. Government to subtract costs incurred by the United States for participation in U.N. peacekeeping activities from the United States assessed U.N. contribution could be fatal to U.N. peacekeeping. However, according to a study conducted by the General Accounting Office [GAO], provisions to limit U.S. contributions to U.N. peacekeeping operations will not completely eliminate U.S. funds.

Included in these U.N. provisions is a section that I find very intriguing. Section 511 requires the withholding of 20 percent of assessed U.S. contributions of the regular U.N. budget and 50 percent of all assessed and voluntary U.S. contributions to U.N. peacekeeping operations each year until the President certifies: The creation of an independent office of the Inspector General chosen for his/her ability and integrity; the Inspector General has access to all records and officials at the United Nations; the United Nations will protect whistleblowers who cooperate with the Inspector General, and the reports of the Inspector General are made available to the General Assembly of the United Nations without change.

The United Nations has a record of wasting money and at times has acted in a corrupt manner. However, with an Inspector General's office, we can carefully check to ensure U.S. taxpayers' dollars are put to an honest and proper use, reflecting American perspectives. This section fits perfectly into current efforts by Congress to review all levels of government for efficiency and costs.

H.R. 7 would also make a fundamental change—one that has been advanced by former Joint Chief of Staff Colin Powell—that would restrict the ability of the President to place U.S. troops under foreign command. This step is taken because the American people do not trust nor have confidence in the United Nations. The lives of our young men and women should not be placed at risk somewhere in the world by a foreign commander. H.R. 7 would change this policy.

Lastly, the bill contains provisions to reemphasize the commitment of the United States to a strong and viable NATO alliance, urging that we assist the Eastern European democracies with the transition to full NATO membership. NATO must adapt to the reality of the post-cold-war Europe. Expansion would ultimately benefit these countries by encouraging integration into the West.

In the contract, we made promises—promises we plan to keep. In the post-cold-war period, the passage of the National Security Revitalization Act marks an improvement in our foreign policy by acknowledging the Clinton administration precipitated the decline in military readiness; by restricting future participation in U.N. programs; by developing defense against ballistic missile attack, and pledging American leadership in the North Atlantic Treaty Organization [NATO]. Join me in voting in favor of H.R. 7.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, over the last 10 years, U.S. troops have been deployed for more operations per year than ever before. Currently, the United States has over 48,000 military personnel involved in 13 ongoing operations in unstable areas like Bosnia, Haiti, and Iraq. In Somalia, for example, there was no clear objective, no clear timeframe, and no clear plan to bring our military personnel home. In 1993, Congress appropriated $401.6 million for U.N. operations—President Clinton had requested $597 million.

Mr. Chairman, we are reaching a troubling time in our defense policy. We are spending too much money in situations where we have very little control. The United States is responsible for 25 percent of the United Nations' normal operating budget. We pay 31.7 percent of the cost of missions sponsored by the United Nations.

Mr. Chairman, this is a disturbing trend and patriotic Americans want to stop it. That is why we are asking our colleagues on both sides of the aisle to work with us in passing the National Security Restoration Act. Let's restrict U.S. troops to those missions that are in our national interests, reduce the cost of the United States of U.N. missions, and demand that U.S. troops be only deployed under U.S. commanders. Let us pass H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, as relics of the cold war, when there was a serious nuclear threat, nuclear fallout shelters are being used to store garden tools. Yet the Republicans are suggesting we need to prioritize our national security interest and place greater emphasis on incoming ballistic missiles over the development of Scud defense, which poses certainly a considerably greater threat to U.S. lives. A nuclear warhead weighs about 270 pounds, is slightly larger than a water cooler bottle and does not need a missile for effective delivery. It can be brought across the Mexican border in a pickup truck. And if you doubt that ability, just check the incoming from all over the world with cocaine as it arrives here every day.

So why are we proposing the development of a multibillion dollar national missile defense that will take away resources from very important readiness, modernization, and quality of life programs for our defense? We will spend massive amounts of funds on a system that can be countered by a 1970 El Camino.

What has happened to common sense? H.R. 7 is bad legislation. It directs our national defense priorities away from our troops. It restricts our peacekeeping participation and our capabilities there. It undermines the President's authority as commander-in-chief. It is a reckless expansion of U.S. defense commitments through our NATO participation.

This bill certainly does not represent common sense. The common sense vote is no on this bill.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 7. This bill represents a very appropriate reordering of our priorities. I would like to reemphasize that although we do live in a post-cold-war world, it still is a very dangerous world. Within a decade, we expect some 27 countries will have nuclear weapons with increasing capabilities to deliver them. At this point in time, we have no meaningful defense against ballistic missiles. This bill very appropriately requires a reevaluation in this area. It is a good bill. I urge its support.

Mr. Chairman, I yield back the balance of my time.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes and 15 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, in 1939, the leader of the isolationist wing of the Republican Party, continuing a tradition of 20 years of Republican isolationism that started after the end of World War I, Senator Arthur Vandenburg said:

> We cannot be the world's protector or the world's policeman. The price of such assignment would be the jeopardy of our own democracy. Let us avoid entanglement in any chain of circumstances which may be too strong for us to break.

Seven years later, as the new leader of the internationalist wing of the Republican Party, the one that has dominated the Republican Party for the last 50 years, Senator Vandenburg said:

> If World War III ever unhappily arrives, it will open new laboratories of death too horrible to contemplate. I propose to do everything within my power to keep those laboratories closed for keeps. There are two ways to do it. One way is by exclusive individual action in which each of us tries to look out for himself. The other way is by joint action in which we undertake to look out for each other. The first way is the old way, which has twice taken us to Europe's interminable battlefields within a quarter of a century. The second way is the new way in which our present fraternity of war becomes a new fraternity of peace.

The issue in sections 501 and 508 and title IV, of H.R. 872 no matter how many times it is denied, is do we continue with the internationalist perspective, or do we force ourselves into an isolationist, "either do it alone or don't do it at all" perspective.

The National Security Revitalization Act is a rash and reactive attempt by a Republican congressional majority to supersede presidential prerogatives in the conduct of U.S. foreign and defense policy. Though aimed at circumscribing President Clinton's authority, its unintended consequences will come back to haunt future presidents, regardless of their party.

It is Congress' role to question particular programs and policies of the executive branch, and it is imperative that the executive branch consult with Congress early and often on national security affairs. But the sort of partnership between the executive branch and the Congress necessary to the advance of American national interests cannot be based on hamstringing Presidential prerogatives.

Vote "no" on H.R. 872.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT] a cosponsor of the bill.

Mr. BRYANT of Tennessee. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, tomorrow we have the opportunity to correct today's defense policy problems by passing the National Security Revitalization Act. I think it is important that the American people know what is at stake here and what the current administration is actually fighting against. Very simply, H.R. 7 would prohibit placing our military troops under the command or control of a foreign commander without presidential or congressional approval.

□ 1540

The men and women of the largest fighting force in the world do not want to have their lives placed in the hand of a foreign commander and neither do their families. H.R. 7 would also allow the United States to count our military peacekeeping operations as a contribution to the United Nations.

It is just not right for someone in our districts to see their tax dollars spent on missions that currently are not allowed to be counted as a contribution to the United Nations.

Quite frankly, we can no longer afford to undertake 13 peacekeeping missions with the use of some 48,000 personnel in countries like Bosnia, Haiti and Iraq. I must say that many of the people back in Tennessee that I represent do not agree with these questionable missions our military has been assigned, and they certainly do not believe that they should be paying for them.

Mr. Chairman, H.R. 7 would strengthen our NATO alliance by bringing the countries of Poland, Hungary, the Czech Republic, and Slovakia into the alliance. These countries are working toward democracy, and they deserve the opportunity to earn the protections that NATO could afford them.

I urge my colleagues to support this National Security Revitalization Act.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to this unnecessary, irresponsible and dangerous bill. The Republican defense bill is unnecessary because it is based on the false premise that our military is ill-prepared. That is an insult to our troops and an invitation to would-be aggressors.

The truth is that we face no national security problem so urgent that it cannot be fixed through the much more thoughtful and much more bipartisan approach of the authorization process.

This bill is irresponsible because it completely rewrites our defense and foreign policies after just as few brief hearings and only a limited amount of debate in this Chamber. What is the rush?

The only rush is to check off another item on a political scorecard. Of all the issues, the national security policy of post-cold-war America demands more than that. Most of all, this bill is dangerous because it puts a higher priority on a boondoggle in the sky called star wars than on our troops on the ground, star wars is going to cost billions of dollars and the people who are going to pay the highest price are our men and our women in uniform. The cost of star wars is going to come out of their training. It is going to come out of their salaries and their housing, and it is going to come out of the modern weapons that they need to reduce risk in battle.

Yes, Mr. Chairman, the price of the Republican defense bill may very well be paid with the lives of our troops. With this bill, the Contract With America literally becomes a contract on the men and the women who serve in uniform. It does them a disservice.

Support our troops and vote no on H.R. 7.

Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I would like to comment on command and control. I have the feeling my argument will not change the minds here today, but as someone who traveled to Somalia four times and sincerely cares about what happens there, I would like to provide some information for the historic record of this debate.

Since Somalia seems to be the genesis of the command and control issue, it would be helpful to review the events of the tragic loss of the 18 U.S. Army Rangers.

It is my understanding that the U.N. Commander in Somalia was Turkish General Bir who was in charge.

The operational commander was U.S. General Montgomery, who at the time reported solely to General Bir.

The United States combat forces in Somalia were under the command of General Garrison who reported to General Hoar, Commander in Chief, U.S. Central Command in Miami.

As the Washington Post brought out in their investigative reporting, U.S. General Montgomery assigned to the U.N. command did not encourage the assault on the building where Aideed was thought to be on the day the casualties occurred.

The Post reported U.S. unit commanders were saying "our boys have cabin fever". They want to get out where the action is. The U.S. Rangers force carried out this assault at the initiative of, and with the approval of the U.S. central command in Miami.

In no way should we make the United Nations the scapegoat for this tragic incident that killed 18 of our fine young men.

I would also remind Members that a larger number of Pakistani troops gave their lives in previous actions. Bangladesh, India, Malaysia, Morocco, Nepal, Nigeria and Zimbabwe also lost troops in Somalia.

But they did not call for withdrawal.

I was impressed that at the beginning of the Gulf war when President Bush talked about a new world order in which the strong must protect the weak. Congress also approved similar words.

If these words are to have any meaning, then I feel our participation in peacekeeping and peacemaking is a responsibility the United States must bear.

And, in bearing this responsibility it makes sense to share the burden with other countries through the United Nations.

What are we doing here today is to dismantle the peacekeeping capability of the United Nations which has served with distinction for 50 years.

Surely, this is not the intention of America. I urge the defeat of H.R. 7.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] has 13½ minutes remaining; the gentleman from Indiana [Mr. HAMILTON] and the gentleman from New Jersey [Mr. TORRICELLI] have 11¾ minutes; the gentleman from California [Mr. DELLUMS] has 11¼ minutes remaining; and the gentleman from South Carolina [Mr. SPENCE] has 16¾ minutes remaining.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, men and women do not join the Armed Forces to fight and die for the United Nations. They join to serve their own country, the United States. In the past 2 years, the United States has been involved in more peacekeeping missions under the U.N. flag than ever before. Many of these missions are not in our best national interest, they put our men and women in danger and inflate our budget. Typically, we contribute 32 percent of the total funds of each U.N. operation.

H.R. 7 would force the President to receive the authorization of Congress before a peacekeeping mission and notify them of the expenditures. It would also not allow for U.S. troops to be placed under U.N. command. Mr. Chairman, we need to maintain our autonomy throughout the world. We need to be responsible for securing our national interests. H.R. 7 is a positive step toward a positive goal—keeping our defenses strong. Let us pass H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this bill might be better known as the National Security Retribution Act instead of the National Security Revitalization Act.

It is a travesty of sound defense policy, wasting tens of billions of dollars on a revived star wars effort while shorting funds for readiness or truly needed procurement.

This legislation is a travesty of sound budget policy, proposing to borrow tens of billions of dollars just after we have passed a balanced budget amendment.

And this legislation is a travesty of sound international security policy, undermining START II Treaty ratification and the ABM Treaty, while jeopardizing our ongoing efforts to achieve further arms limitations.

But even more fundamental, this legislation is a constitutional tragedy, putting a power grab, driven by mindless bumper-sticker politics, ahead of the historic and critical authority of the President of the United States to manage our foreign relations and to command our Nation's Armed Forces.

If the Democrats had been so unprincipled as to try a stunt like this when a Republican was in the White House, the Republicans would have been absolutely and rightly outraged. Yet, they have no shame in perpetrating this today.

This bill is so deeply flawed that, if adopted, it would deprive this President, any President, of his ability to protect and promote our national interests. It should be defeated.

This legislation should better be titled the National Security Retribution Act.

This legislation is a travesty of sound defense policy, wasting tens of billions of dollars on a revived star wars effort while shorting funds for readiness or truly needed procurement.

This legislation is a travesty of sound budget policy, proposing to borrow tens of billions for star wars when we just passed a balanced budget amendment.

This legislation is a travesty of sound international security policy, undermining START II treaty ratification and Anti-Ballistic Missile Treaty compliance while jeopardizing our ability to achieve further arms limitations agreements.

But even more fundamental, this legislation is a constitutional tragedy, putting a power grab, driven by mindless bumper-sticker politics, ahead of historic and critical authority of the President to manage the Nation's foreign relations and to command its armed forces. If the Democrats had been so unprincipled as to try a stunt like this against a Republican President, the Republicans would properly have been outraged. Now, they show no shame.

This measure is deeply flawed and, if adopted, would unwisely deprive the President—any President—of the ability and flexibility to protect and promote our national interests. Like so much of the Republican's Contract With America, this bill would shackle the Government and shred the Constitution.

Article II, section 2 of the Constitution states that the "President shall be Commander in Chief" of the U.S. Armed Forces. The bill ignores the Constitution by placing severe limits on the President's ability to carry out his central national security duties. It should be defeated for this reason, if no other.

The bill's prohibition on the placing of U.S. troops under foreign command plays to the frustration many citizens feel about increasing U.S. participation in United Nations, but it ignores the real world requirements of dealing with threats to international security. In most of the conflicts we've been involved in since—and even during—the Revolution, we have conducted joint military operations with allies, and these arrangements have to work in both directions. We can't expect to work effectively with our allies without sharing operational control in appropriate cases.

Most recently in Operation Desert Storm, General Swartzkopf placed a United States brigade under the operational control of the French, just as other allied forces were under the operational control of United States forces. By restricting the President's authority to share operational command, this bill would have greatly hampered President Bush's effort to bring the international community along with us in meeting Saddam Hussein's challenge. Members should also be aware that right now a United States Army division serves under the U.N. flag in Korea under operational control of a South Korean general. If this bill passes, this sort of arrangement, and the essential international cooperation on security matters it facilitates, would be history.

A second huge problem is what the bill would do to U.N. peacekeeping operations. The bill says we must count against our peacekeeping contribution the cost of any separate U.S. military effort pursuant to U.N. Security Council resolutions. The costs of these operations—supporting humanitarian relief and deterring aggression in places like Bosnia and Iraq—far exceed our annual peacekeeping assessment. So this means we would no longer pay any of the peacekeeping costs we have agreed by treaty to pay.

If we take this step, the other nations like France, the United Kingdom, and Japan, who also make major separate expenditures, would almost certainly follow our lead in canceling their peacekeeping payments. And U.N. peacekeeping would end. We would then face the option of doing nothing in the face of serious threats to international peace and security, or going it alone. America would be forced to play global cop alone, or nobody would.

A third flaw in H.R. 7 is its attempt to legislate a timetable for new states to obtain membership in NATO. The bill would attempt to take away from America's most important national defense alliance the ability to decide, through the agreement of the members of the alliance, who can and should join the alliance. The legislative timetable would also prevent the President from acting through normal foreign policy channels to set standards for membership. All this is a patently unconstitutional intrusion of Congress into the foreign policy jurisdiction of the President. Reformers in countries not named would be discouraged, and the governments of those named might become complacent. Finally, by bringing NATO up against Russia's borders too rapidly the bill could have serious unintentional consequences.

A final, and significant failing in this bill is its return to a crash deployment of a national missile defense. More than $30 billion has already been spent on the star wars initiative, and it is estimated by the Congressional Budget Office that at least $30 billion more—probably $50 to $100 billion more—would have to be spent to deploy the system. Although star wars is claimed to promise a defense against missile attacks for rogue states, it could be outflanked by an enemy using any number of alternative delivery systems. The massive cost would divert scarce defense dollars and other resources from more pressing needs such as a theater-missile defense or military-readiness programs. And both the bill and votes in committee, make it clear the Republicans are willing to be cavalier about violations of the Anti-Ballistic Missile Treaty in their rush to test and deploy such a system. That attitude would surely be the undoing of START II, and other pending efforts to restrain weapons of mass destruction.

The National Security Revitalization Act is a hastily constructed attempt to legislate a change in our national security strategy. Rather than revitalize U.S. national security, it would undermine it. If enacted, this bill will politicize national security and destroy the President's ability to make effective foreign policy decisions. If the United States is to remain a leader on the world stage, Congress must continue to allow the President—every President—the constitutionally mandated authority in deciding how to deploy American forces, manage alliances, and set strategic priorities.

This bill goes in precisely the wrong direction on almost all counts. It deserves defeat.

Mr. TORRICELLI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Speaker of the House, Mr. GINGRICH, has, on this date, received a letter from five former members of the Joint Chiefs of Staff. In their correspondence they state, and I quote, "This legislation will impose onerous and unnecessary restrictions on the President's ability to place U.S. forces under the operational control of other Nation's military leaders for U.N. operations."

It continues, "Throughout our history, presidents have found it advantageous and prudent for forces to participate in coalition operations. During the Gulf War, Korea, and during 50 years of the NATO alliance and in multilateral peacekeeping operations, our armed forces have successfully worked side by side with those of other nations."

□ 1550

The letter concludes "Mr. Chairman, this would force the administration to choose between acting unilaterally and doing nothing. Accordingly, we urge rejection of the restrictions on the President's command and control," and his military authority, in this legislation. It is signed by David C. Jones, General, U.S. Air Force; David E. Jeremiah, U.S. Navy; Glenn Otis, General, U.S. Army; W.E. Boomer, General, U.S. Marine Corps; B.E. Trainor, Lieutenant General, U.S. Marine Corps.

For the RECORD, Mr. Chairman, I include this letter in its entirety:

FEBRUARY 15, 1995.

Hon. NEWT GINGRICH,
Speaker of the U.S. House of Representatives,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: As retired flag and general officers, we are writing to express our serious reservations about HR 872, which is now under consideration by the House of Representatives. We are especially concerned about provisions in the bill that would impose onerous and unnecessary restrictions on the President's ability to place U.S. forces under the operational control of other nations' military leaders for UN operations.

As you know, throughout our nation's history Presidents have found it advantageous and prudent for U.S. military forces to participate in coalition operations. During the Gulf War, in the U.S.-led UN operation in Korea, throughout the nearly 50 years of the NATO alliance, and in multilateral peacekeeping operations, our armed forces have successfully worked side-by-side with those of other nations to advance our national security.

In the post-Cold War world, it will remain essential that the President retain the authority to establish command arrangements best suited to the needs of future operations. As commander-in-chief, he will never relinquish command of U.S. military forces. However, from time to time it will be necessary and appropriate to temporarily subordinate elements of our forces to the operational control of competent commanders from allied or other foreign countries. As retired military officers, we can personally attest that it is essential to the effective operation of future coalitions that the President retain this authority. Just as we will frequently have foreign forces serving under the operational control of American commanders, so must we be able to negotiate reciprocal arrangements freely.

HR 872 would place unprecedented and, in our view, burdensome limitations on this authority. By narrowing the President's options and complicating the process of building a coalition during a crisis, the bill could, in effect, force the Administration to choose between acting unilaterally and doing nothing. Accordingly, we urge rejection of the restrictions on the President's command and control authority contained in this portion of HR 872 as unnecessary, unwise, and militarily unsound.

DAVID C. JONES,
General, US Air Force (Ret).
DAVID E. JEREMIAH,
Admiral, US Navy (Ret).
GLENN K. OTIS,
General, US Army (Ret).
W.E. BOOMER,
General, USMC (Ret).
B.E. TRAINOR,
LtGen, USMC (Ret).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, under the current administration, the defense of this country has declined greatly. Defense spending has been dramatically reduced to its lowest level since World War II and modernization programs cut to a 45-year low. These defense cuts have put our military forces at their lowest levels of readiness in over a decade, cut 15,000 reserve and civilian personnel every month and in addition, 1.2 million defense-related private sector jobs will be eliminated. These cuts will be used to fund wasteful social programs. The Republican Congress plans to change all that.

Our Nation's security must not be neglected as it has been the past 2 years. Americans should have faith that their Armed Forces are ready and equipped with the most modern defense systems. We need to keep our promise to the American people. We need to keep our defenses strong. We need to maintain our credibility around the world. We need to pass this bill.

Mr. DELLUMS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to respond to my colleague who just preceded me in the well.

Mr. Chairman, with the end of the cold war, with the demise of the Warsaw Pact and the evisceration of the Soviet Union, what drove 70 percent of the budget is now no longer a major threat. Yet, in fiscal year 1996 we are contemplating spending 75 percent of what we spent in 1990.

Stated a different way, Mr. Chairman, in fiscal year 1996 we will be spending almost as much as the entire world military budget combined in 1 year. If we add what we spend, what our allies in Asia and Europe spend, we will be spending in excess of 80 percent of the world's military budget allocation, so even those persons who potentially could be adversaries to us are spending less than 20 percent of their dollars. Where is the threat? To talk about some weak nation, we are the No. 1 superpower in the world with the greatest military capability in the world, with the greatest readiness in the world, and we are spending exorbitant amounts of money on our military budget.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, title I of this bill professes alarm at the downward spiral of defense spending. It raises the specter of hollow forces. However, when we turn to title II of the bill, to see what it would do, we find what it wants to do is sink billions of dollars into a new national defense missile defense system.

Mr. Chairman, one sure way of fulfilling the dire prophecies in title I, the preamble of this bill, is to sink huge sums into a national defense system, especially if it deploys space-based interceptors at the earliest practical date.

That is why, when the bill comes up for amendment, the gentleman from Texas [Mr. EDWARDS], the gentleman from Missouri [Mr. SKELTON], and I will offer three related amendments.

We support a strong defense. I support and believe in ballistic missile defense. However, I first want to make sure that our forces, although downsized smaller, are ready to fight. I want to make sure that the equipment they fight with is second to none. I want to ensure quality of life to our troops and their families.

Mr. Chairman, we offer these three amendments, because if title II becomes law without them, it could be taken to mean that deployment of a national missile defense system made up of space-based interceptors, such a system could easily cost $25 billion, and that $25 billion can only be funded at the expense of other priorities, like readiness and theater missile defense.

Mr. Chairman, my amendment is to make sure that a national missile defense system is not put ahead of other priorities. I do not mean to preclude it, I simply mean to put it in its right order. My amendment will require that readiness and modernization should be funded first and should take priority over national missile defense; second, that theater missile defense should take priority over national missile defense, because it deals with a threat here and now; third and finally, that any national missile defense system should start with a ground-based system and not a space-based interceptor.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] has a disproportionate amount of time remaining. The Chair would ask if the gentleman would like to yield some time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, I rise in support of H.R. 7. The President has charged this bill will unfairly inhibit the country's ability to respond to international crises, that it will hamper his constitutional responsibility.

However, I am not aware of any clause in the Constitution that states that when the U.N. decides that peacekeeping troops are needed, that it is America that responds. We are not the world's 911 emergency hotline.

Unfortunately, the President has bought into this thinking at grave expense. U.S. troops should not be placed under foreign command. We are not at war. U.S. taxpayers should not be expected to keep paying more than our fair share of U.N. peacekeeping expenses. This bill takes a huge step in curtailing both those misguided policies.

Passage of the National Security Revitalization Act is a good step toward redefining our relationship with the United Nations, redirecting precious U.S. tax dollars toward legitimate national security concerns, and regaining the confidence of the American people. I urge a "yes" vote on H.R. 7.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New York [Mr. QUINN].

Mr. QUINN. Mr. Chairman, as a cosponsor of H.R. 7, I rise today in strong support of its provision to urge the United States to do everything possible to help Poland, Hungary, the Czech Republic, and other Eastern European nations, become members of NATO.

I think it is important to remember NATO's history while considering this necessary resolution. On April 4, 1949, 10 European governments, the United States, and Canada signed the North Atlantic Treaty, creating NATO. The Organization was established to deter potential Soviet aggression in Europe and to provide for the collective self-defense of the alliance.

It is widely recognized that East Central European Nations, particularly Poland, have often been caught between a hammer and an anvil. This was seen not only in the historic expansion of the former Prussian, Austro-Hungarian and Russian Empires, but also during World War II when Nazi Germany and the Soviet Union divided the nations between themselves. More recently, Russia's actions in Chechnya, and its prior reluctance in withdrawing from the Baltic States, show the need for NATO's expansion.

The inclusion of Eastern European Countries in NATO is a crucial step toward creating stability in an important region of the world. Further, it will provide the emerging democracies of those Eastern European countries with an opportunity to flourish.

NATO was a stabilizing influence on Western Europe during the cold war. The expansion of NATO to include Eastern European nations will provide the same stabilizing influence during the post cold war era.

Mr. Chairman, I urge all of my colleagues to support H.R. 7's provision to help Poland, Hungary, and other Eastern European nations gain membership in NATO, while cooperating closely with Russia.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Ohio [Mr. CHABOT], a new member of the Committee on International Relations.

Mr. CHABOT. Mr. Chairman, I rise in support of H.R. 7.

First, let me commend our distinguished chairman, the gentleman from New York [Mr. GILMAN], for his leadership during the International Relations Committee's leadership during the International Relations Committee's consideration of H.R. 7. Our committee put considerable effort into the crafting of this legislation and I believe we've produced a sensible, responsible and much-needed effort to strengthen our national defense and set a clear, new national security policy.

The American people have grave concerns about both the Clinton administration's weakening of our military and its haphazard foreign policy. The National Security Revitalization Act seeks to reverse the dangerous trend of the last two years and refocuses U.S. defense and foreign policy priorities.

Mr. Chairman, when we pass H.R. 7, we will be keeping another promise we made to the American people. And it will serve as further notice that this Congress is serious about revitalizing and strengthening U.S. security policy. I urge support of H.R. 7.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, what we are about today is at the very heart of the freedoms we have enjoyed for over 200 years—our Nation's defense.

I am concerned, Mr. Chairman, that our military has been cut too deeply and too quickly. With U.S. troops being deployed more often and to more locations, it is wrong to expect our military men and women to do more with less.

In September, 1993, the administration released its recommendations within the Bottom-Up Review and called for cuts of an additional 10 percent from the defense budget. I question the conclusions of the Bottom-Up Review based on inconsistencies between the administration's strategy, recommended force structure and projected budgets. The discrepancies have become increasingly evident as readiness problems mount and as reports come in from military leaders in the field.

It is time to call this administration to task for its inadequate efforts to provide for this Nation's defense. Support H.R. 7, support the creation of a review commission, and send a message to the White House.

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Mr. TORRICELLI. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise as a Democrat who has worked very hard for the last 4 years to balance the budget and continue to make that one of my highest priorities in this body. So oftentimes over the last 4 years, balancing the budget has been like trying to take a sip out of a fire hydrant, you are pushed back every time you think you are making some progress.

We have made some progress in the last month. We have passed a constitutional amendment to balance the budget and a line-item veto, both of which I have voted for. But H.R. 7 firmly plants down now additional fire hydrants, opening the gates to spend more money that we do not have and spends this money in ways which is not in the best interests of the taxpayer nor in the best interests of our national defense.

Title II of this bill, the strategic defense initiative says, "It shall be the policy of the United States to deploy at the earliest practicable date." Not evaluate, not analyze, deploy and spend the money. That is $29 to $30 billion, $10 billion more than we currently have in this bill. Where are we getting that $10 billion? Where did it say in the Contract for America to spend $10 billion that you did not have?

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will not yield at this time.

Second, title VI of the bill says that we want to expand NATO to the Czech Republic, Slovakia, Poland, Hungary, provide additional economic support assistance, nonproliferation and disarmament assistance. Where does it say that in the Contract for America, to increase foreign assistance?

You have some good provisions in here that I might be able to support. But if we are going to work on a balanced budget amendment, if we are going to work to take away the fire hydrants of spending more and more money in this place, H.R. 7 is not moving us in that direction.

Let it be clear to Members on both sides of this aisle, this says we are going to spend the money.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, the folks from the other side of the aisle always knew we were different. But they could always put up with it because we could not do anything about it.

The difference in this debate and previous years is that we think our defense policy needs direction, and we think it needs a new direction. Let me tell you why we think it needs direction.

Let me quote from the President's speech of January 25, 1994.

He said, "The budget I send to Congress draws the line against further defense cuts. It protects the readiness and quality of forces. We must not cut defense further."

Republicans on this side of the aisle stood and applauded that night. Now, just 12 short months later, Congress received the President's proposed budget which seeks to cut defense spending by 5.3 percent, to the lowest level since 1950.

At the core of the Clinton national security strategy is a policy which is in conflict with itself. That is why we need to set a new direction.

On the one hand, the President has ordered our military engaged in more peacekeeping missions around the world than any other President in history. On the other hand, he has cut defense spending to the historic and dangerous low.

We need to take care of our armed services, we need to take care of our people, we need to provide for the national security of our country. We note that a 12.8-percent gap exists between military pay and comparable civilian pay. We note that last year the Clinton administration did not request a military pay raise. We note that it is estimated that 17,000 junior enlisted personnel have to rely on food stamps.

How can we provide for the defense of our country and our national security with facts like those emerging?

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON], the chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Chairman, let us cut through all of the rhetoric we have heard here today. Why is H.R. 7 before us in this body today? Is it only because of Republicans?

I think back to last summer when this bill was first drafted. It was not drafted in January of this year. It was drafted because Members of both sides of the aisle said the President made a fundamental mistake. He cut defense spending by $128 billion over 5 years which Democrats and Republicans alike acknowledged was not achievable, and we said we had to do something about that. In fact, here we are today with the General Accounting Office saying we are $150 billion short over 5 years, the Congressional Budget Office saying we are $67 billion short over 5 years and our good colleague and friend IKE SKELTON saying we are $44 billion short over 5 years.

That is why we empower a commission. Because the leadership does not know what shortcomings we have in terms of spending. No one can agree. So we have to have an independent assessment look at that.

The President was wrong in the cuts that he made. While cutting our defense spending over 5 years by 25 percent, he has increased nondefense spending in the defense budget by 361 percent. Can you believe that? The biggest increase in defense spending are non-defense items. We could go through as our good friend suggested just a moment ago who would not yield to me, our good friend from Indiana, we could certainly free up $2 billion to $3 billion a year more just by cutting the waste and the garbage out of the defense bill without adding one dime more money in, and that is where we want to start.

This President also made a fundamental mistake when he abandoned national missile defense. He is shortchanging the American people. They think they are being protected from some kind of a rogue missile attack. They are not. There is no protection.

Lest we misstate what has been said here, no one on our side is talking about star wars. Our colleagues on the minority regret the labeling that is occurring. I am announcing today as we go through this debate, I am donating $1 to the Science Fiction Writers Foundation for every time our colleagues on this side mention the term "star wars." It has nothing to do with this debate.

We are talking about deploying a program that Secretary Perry has said he could deploy over 5 years at a cost not to exceed $5 billion. It is deployable and even the Secretary's own tiger term recommended to him last week that it is doable. It will provide a layer of defense that we do not now have for the entire Nation. We think we should move forward on that.

Mr. Chairman, this debate is not and should not be a partisan debate. This debate should be bipartisan as it was in the committee. Because the reasons why this bill is before us, the reasons are that Members of both sides feel that this administration has been shortchanging our military, has been shortchanging our national defense in terms of missile defense, has been shortchanging us in terms of an isolationist defense budget trying to fund an internationalist foreign policy. It just does not work.

I urge passage of H.R. 7.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. I thank the gentleman for yielding me the time.

Mr. Chairman, America just cannot afford H.R. 7 and it certainly cannot afford star wars 2. Star wars 2 sounds like a movie sequel but unfortunately it is a living nightmare. This is a program——

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentlewoman yield?

Ms. FURSE. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Can the gentlewoman point to me where in H.R. 7 the term star wars is?

Ms. FURSE. Reclaiming my time. This program, this star wars program really makes me go ballistic. It is the biggest waste of taxpayers' money around. We have already spent $30 billion and we have nothing to show for it. What is even worse is, we are not the least bit safe with it, nor safer than we were.

I am sure that all the new Members who put themselves out as security experts would like to tell us why they need star wars.

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But I want to tell you what a real expert has said. Former CIA Director William Colby said, "The most likely way a nuclear warhead will enter the United States in the next 10 to 20 years is in the hold of a tramp freighter."

Instead of wasting billions that the SDI will require, some tough augmentation of antiterrorist intelligence would be a much more direct defense.

Mr. Chairman, throwing money at star wars is like putting 10 locks on the front door when the back door is left open.

Now, if we honestly want to revitalize national security, let us look at some places where we could make our own armed services feel more secure. We could pay them a living wage, for one thing, keep them off food stamps. We could live up to the contract that we signed with our veterans. We could live up to that contract. We could invest in things like college loans; 6½ million students would invest back into this country, make it more secure economically.

Star wars, star wars is a bill of goods. It is a bill of goods I am not willing to pass on to the American people.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH], a distinguished member of our Committee on International Relations.

Mr. LEACH. Mr. Chairman, I would submit that while rooted in a quasi-party platform, the contract, the issues in this bill must not be considered partisan. There is a great Republican as well as Democratic tradition of internationalism.

As a Republican I would stress that my party should take great care not to weaken the Presidency just because we have a weak President; not to eviscerate the United Nations just because of one or another mistaken U.N. policies; and above all, not ignore the Constitution's separation of power doctrine just because we now control the legislature.

For three quarters of a century, the United States has exercised preeminent world leadership in cooperative efforts to build a civilized international policy based on the rule of law. American leadership conceived the League of Nations to replace a shattered European balance-of-power system after World War I. American leadership was crucial to the establishment of the United Nations system in the aftermath of World War II.

Yet there is an ambivalence, if not tension, in the American psyche between isolationism and internationalism, between hubristic go-it-alone-ism and the sharing of global responsibilities. Thus an isolationist America rejected the League in the 1920s. And in this bill this Congress is contemplating the placement of profound roadblocks in multilateral peacekeeping.

Conservatives, in particular, should support the United Nations because it implies burdensharing in security relations as well as development activities, thus shielding the United States from disproportionately being accountable for global woes.

At issue with the philosophical debate covering this bill is whether we want to be the policemen for the world or the leading member of an international highway patrol. The second option is more realistic and, I might add, cheaper.

In America today there should be no dominant place in either party for self-centered isolationism. With a sense of sadness, I accordingly urge the defeat of this legislative vehicle, which not only hamstrings the constitutional prerogatives of the Presidency, but undercuts serious prospects of expanding the rule of law.

In any regard, I would like to express my appreciation to Chairman GILMAN for his efforts to ameliorate some of the extraordinary counter-productivity of earlier drafts of this bill, and to accommodate some of this Member's concerns.

For example, I am appreciative that the Chairman was willing to accept this Member's modest suggestion that the findings section of the bill underscore that credible and effective collective security mechanisms are profoundly in the national interest of the United States. After all, the principle of collective security has been a linchpin of the U.S. national security policy of every administration since 1945.

Nevertheless, I would stress as strongly as I can that the legislation in its current form is in sharp contrast to the philosophical precepts that shape this Member's view of responsible internationalism and the conduct of American foreign policy.

There should be no misunderstanding. The intent of this bill is to constrain U.S. involvement in multilateral military operations under U.N. auspices. The effect of this bill, if left substantially unamended, is to diminish U.S. leadership in the U.N. and elsewhere and force Presidents in emergency settings to either do nothing or rely exclusively on unilateral actions.

Let me just summarize my major disagreements with this bill:

It unnecessarily returns the United States to rapid development and deployment of a costly strategic missile defense system that is not justified by any exigent national security threat and in so doing, gives a false impression that the nuclear beast can be constrained by one technique of defending against one kind of delivery system;

It would cripple, if not destroy, financing for U.N. peacekeeping operations, thus having the effect of requiring the United States either to adopt an isolationist posture of doing nothing or bearing a singular unilateral burden of maintaining international peace and security;

It would impose unprecedented, unconstitutional, unnecessary and capricious restrictions on the office of the presidency and the President's authority to place U.S. troops under the operational control of another country—even a NATO ally—for U.N. operations; and

By mistaking belligerent naysaying for genuine leadership and U.N. reform it risks repudiating our own heritage, undercutting our own self-interest, and tragically rending a half-century of bipartisan consensus that has sustained a generally successful and effective U.S. approach to multilateral diplomacy.

While the United States and other nations have increasingly turned to multilateral institutions to deal with certain of the most intractable problems of our time, the resulting costs and occasional policy failures—such as Somalia—have renewed doubts at home and abroad about the future of the United Nations.

While we may not like all that the United Nations or its individual members do, we no longer have the capacity, even if we so desired, to successfully go it alone. The manifest limits of American power and the contrasting global reach of American interests; they make U.S. leadership in an effective United Nations essential.

The realist critique of the American tradition of responsible internationalism—the suggestion that multilateral diplomacy is doomed to failure, that the United Nations is not a viable global body—offers a profoundly unrealistic prescription for the advancement of American interests. Members must understand that for the United States to default leadership in the world's principal arena of multilateral diplomacy amounts to nothing less than strategic retreat.

In the twilight of the 20th century nothing is more naive than to suggest that the U.S. national interest should rely on the advancement of a narrow, nationalistic foreign policy that shuns cooperative problem solving, pooh-poohs peaceful resolution of disputes, pillories attempts at political and economic institution-building and scorns collective enforcement of the peace based on the rule of law.

With the health of the American and world economy dependent on open markets and free trade, with the potential proliferation of weapons of mass destruction, and with ethnic, religious, and racial divisions rising in the geographic cockpits of historical conflict, U.S. national purpose cannot afford to be diverted by uncertain leadership or ideological posturing.

An unbridled nationalist might contend that expanding international law and building international institutions of conflict resolution is unacceptable because it implies the ceding of slivers of sovereignty by nation-states. Yet the reverse—the refusal to allow law to be established with third-party arbitration and enforcement—entails jeopardizing that very sovereignty because of the greater likelihood that disputes will be resolved only through force. Just as peoples within nation-states have come to understand the need for laws that impinge on individual discretion so that basic liberties can be better safeguarded, governments the world over must come to accept an obligation on behalf of their citizens to accelerate rather than retard the development of civilizing institutions of international polity.

This is not to suggest that the United Nations has an unblemished track record, or that criticism of the world body and its individual members should be stifled.

Yet the U.N. system is more than bricks and mortar in New York, more than General Assembly debate and Secretariat bureaucracy-building. The United Nations is a system based on the assumption that states and peoples can work together to solve transnational problems. In one sense, the United Nations symbolizes as much an idea and ideal as a structure. Nevertheless, institutional arrangements are the crux of governance, and just as shortcomings abound within the system, U.N. institutional achievements stand out.

There is a profound debate in this country and abroad about the nature of the unfolding post-cold-war world: Will it be hallmarked by a strengthening of the bonds of international society or a disintegration of those bonds within and between nation-states? Will forces of localism, nationalism and regionalism abet or curb trends in favor of an international society sharing common values? While the two great "isms" of hate of the century—fascism and communism—have been defeated, a civilized international polity still begs establishment.

Any neutral assessment of the United Nations to date must record the impressive strides that have been taken toward the development of a framework in which international law is advanced and global problems are addressed.

Writing in 1950, the theologian Reinhold Neibuhr noted that the price of our survival was the ability to give leadership to the free world. Today, the price of the prosperity of the free world still depends on the willingness and ability of the United States to lead. No other society has the capacity or inclination to light freedom's lamp in quite the same way; is any other as capable of combining self-interest with a genuine historically-rooted concern for others. For the United States to deny its transnational responsibilities and thwart the development of internationalist approaches to problem-solving is to jeopardize a future of peace and prosperity for the planet.

In a country in which process is our most important product, the challenge is to lead in expanding international law, economic as well as political, to advance new approaches to conflict resolution and to help institutionalize a civil international society capable of peacefully managing change in such a way that all countries derive benefit.

Never in the course of human events has it been more important for individuals in public life to appeal to the highest rather than the lowest instincts of the body politic. Whether the issues be social or economic, domestic or international, the temptation to appeal to the darker side of human nature must be avoided. The stakes are too high. When it comes to national security the realist is always right to prepare for the worst, but a policy rooted in cynicism too easily leads to nihilism. With morality anchored in faith, man's destiny must be understood to be in man's hands. The implicit duty of public officials is to inspire hope rather than to manipulate fear. The health of nations is directly related to the temperance of statecraft.

In the final measure the debate surrounding this bill involves issues of vision, of internationalism, of leadership. This Congress has an obligation, above all else, to understand the past and prepare for the future. This legislation fails on both counts.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, one of the prime functions of the Federal Government of the United States is to maintain a strong national defense. As a cosponsor of this legislation, I rise to voice my wholehearted support for this measure.

Passage of H.R. 7, the National Security Revitalization Act, is a vital step toward maintaining our Nation's military status in the world. Its passage will assure that U.S. troops are only deployed to support missions in the United States national security interests. It also would reinvigorate the national missile defense system, and ensure that there be no threat to our military readiness as we move toward the next century.

U.S. defense spending—as a percentage of GDP—is at its lowest since the end of World War II. Despite severe personnel reductions and shortfalls in funding, U.S. troops are being deployed more often and are taking part in more operations than ever before. This legislation will ensure that our forces will be deployed under American command and not under the flag of the United Nations or any other political entity.

We have the finest and most professional military force in the world, and our country's security depends on their readiness. However, study after study is beginning to describe our forces as "hollow". Enactment of this measure is a good first step toward restoring our national defense back to its proper levels.

As I went door-to-door in Oklahoma's Sixth District last fall, I heard at every corner concerns about this Administration's defense policies. I am sure most of my colleagues heard the same thoughts. I would urge my colleagues to heed their calls for passage of this measure.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I rise in strong support of the National Security Revitalization Act.

This bill is an important first step in the Congress reasserting its constitutional prerogative to control the Nation's purse.

Currently, the American taxpayer is footing over half of the United Nations peacekeeping bill. Last year alone, the American taxpayer paid $2.9 billion to U.N. peacekeeping—$1.2 billion in direct payments, and $1.7 billion in donations through the Defense Department.

Well, Mr. Chairman, enough is enough. The United States can no longer afford to be so generous. We want, and demand more equitable burdensharing at the United Nations. This bill does just that, and I applaud my colleagues, Mr. SPENCE, and Mr. GILMAN, for their leadership on this important issue. But, we must go further.

Some people believe peacekeeping is an entitlement, and are treating it as such. The administration obligates us to a new mission, and sends the Congress the bill, with no concern over whether the funding is available.

Just last week, at the same time the United States was voting for yet another peacekeeping mission, the administration requested that Congress provide a $672 million emergency supplemental for U.N. peacekeeping, without any offsets, because it had run out of money.

Well, peacekeeping is not an entitlement. Peacekeeping, like any other program, must be based on the availability of funds to pay for the program. If the Congress has not already provided funds for the mission, please understand that there can be no assurance that the United States will be able to pay the bill.

In 1945, the Congress passed the U.N. Participation Act on the understanding that we would be a full partner in financing decisions for the United Nations, as our Constitution provides.

This bill represents an important first step in Congress exercising its constitutional prerogative to control the Nation's purse. And, I can assure my colleagues, that, as the subcommittee chairman responsible for U.N. peacekeeping assessments, we will not treat peacekeeping as an entitlement. And, we will continue to exercise our power over the purse as we proceed with the difficult task of matching domestic and international priorities with shrinking budgetary resources.

Mr. TORRICELLI. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

I want to emphasize the point that H.R. 7 undercuts the President's authority to conduct foreign policy, undercuts his ability as Commander in Chief.

Trying to micromanage command-and-control policies as we do in this bill is a bad idea whether it is under a Democrat President or a Republican President. This bill, for example, requires an act of Congress before the President can send a single military observer to join a U.N. force, and the Congress has never, ever authorized a U.N. peacekeeping mission. The bill dictates the terms and conditions for U.S. military command and control.

We try to tell the United States military in this bill how to do their job, and that is why the flag and general officers that the gentleman from New Jersey [Mr. TORRICELLI] cited a moment ago say that H.R. 872 is unnecessary, unwise, and militarily unsound.

Now, we ought not to try to substitute our judgment about military command and write the details into this bill. That is a very unwise thing to do. It is one thing to criticize the policy of the U.S. Government on foreign policies. We all do that. We should do it. It is part of our responsibility.

But it is quite another thing to enact into law constraints, restrictions on the President of the United States to act as Commander in Chief, and that is what we are doing here. Under sections 401 and 402, it prohibits any U.S. troops from serving under U.N. command, even if the U.N. commander is an American, without prior congressional approval. We have got to give them congressional approval before a President can move one soldier into U.N. peacekeeping.

If this were in effect, we would have to pull out our people from Korea, from the Western Sahara, from Georgia, from Kuwait, from Jerusalem. We would have said President Bush could not carry out Desert Storm and Desert Shield. I think we are right about that, because one of the things that happened there is we had the 82d Airborne Brigade which served under French command. That is a judgment our military commanders in the field and in Washington made was in our national interest to let that happen.

Now, I do not know, militarily, whether that was the right or the wrong decision. But the point is let us not restrict our commanders to the point where they do not have these options. I think this bill greatly constrains and restrains the President in the exercise of Commander in Chief powers.

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Mr. SPENCE. Mr. Chairman, I yield 2 minutes to a new member of our committee, the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, in 1992, when this administration took office, they commissioned a study of the military and our defense needs from the bottom up. The Bottom-Up Review sought to identify specifically the objectives that the administration wanted to protect this country against in order that we might have an adequate defense strategy.

Now, 2 years later. Independent studies are showing that that strategy has been unfunded to the tune of anywhere between $65 and $150 billion over the prospective budgets.

At the same time, we were just presented with a defense budget which, for the 11th consecutive year, presented real cuts in defense spending, or $10.6 billion below the current year's fiscal authorization.

That is a real cut in defense spending of almost 40 percent over the last 10 years, at the very same time that vital installations and programs are being threatened because of drastic underfunding. This administration has committed at the end of the last year over 70,000 U.S. personnel in places like Iraq, Kuwait, Bosnia, Macedonia, the Adriatic Sea, Rwanda, Haiti, Cuba; and if the press is to be believed, shortly we will have Americans back on a temporary mission in Somalia.

Mr. President, you cannot have it both ways. If there is a deep concern about defense, let us see that it is adequately funded, and if it is not going to be adequately funded, then let us not send American forces hither and yon all over the world. One way or the other, our defense spending and our needs should be consistent with our resources, or our resources need to be consistent with our commitment. You cannot have one without the other.

The CHAIRMAN. The Chair would like to admonish any Member to keep from making statements instructing the President or making similar references to the President.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. I thank the gentleman from California for yielding this time to me.

Mr. Chairman, this is in fact a very strange debate, and I can fully understand why 62 percent of the American people did not bother to vote in November and why millions and millions of Americans have so little respect for this situation.

Mr. Chairman, as we discuss today spending ten's and ten's of billion dollars more on star wars and other military gadgetry, there are congressional leaders in this building today who are talking about major cutbacks in nutritional programs for hungry children, who are talking about cutbacks in Medicare for the elderly, in Medicaid for the sick, who are talking about cutbacks in veterans programs.

I sincerely hope that my friends who are proposing billions more for star wars tell the veterans of this country why they want to cut back on their programs so that the quality of service in the VA hospitals will deteriorate. Have the courage, get up here and tell the parents of kids who are attending the Head Start Program that we do not have enough money for them but we have more money for military spending.

Mr. Chairman, I have a startling revelation to make which will clearly change the nature of this debate. I am hereby announcing to my friends who have not yet heard about it, the cold war is over. I know you did not know that. The Soviet Union does not exist. China is now our trading ally.

Mr. Chairman, we are now spending 17 times more than all of our enemies—so called enemies—combined. Enough is enough. Let us defeat this bill.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. I thank the gentleman for yielding.

Mr. Chairman, there is an old adage that politics stops at the border. My colleagues, we would all be wise to remember that adage at this time. Do not consider this bill as a Republican bill or as a Democrat bill, but as an American bill.

This bill, in a dramatic and fundamental way, affects American independence and liberty. It puts a stop to the U.N. commanding America's fighting men and women.

Recently, some of our leaders have been lost, they have abandoned the lessons of our past and allegiance to our traditions, and they have forgotten or ignored America's chosen role as freedom's leader in this world. Instead they have made America a follower, much like a dog following its master, always loyal to every whim and command. So have our leaders abandoned our independence and answered the call and the demands of the United Nations, an organization unsuited to military command and unable to take a firm position of principle.

Mr. Chairman, America's pride and tradition demand we assert our independence. America's fallen heroes demand that America no longer serve the whims of foreign tyrannies and dictators. America's destiny to lead must never be compromised.

I urge my colleagues to support this bill.

Mr. TORRICELLI. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. I thank the gentleman for yielding this time to me.

Mr. Chairman, there is a reality check that needs to occur. The original draft to the bill included, frankly, NATO; could not operate American forces under anybody else's command. But then they figured NATO could cause us some trouble, so they restricted it to United Nations. The U.N., where the United States has veto power, where the United States designs most of the major actions of the last 4 decades, and where today American soldiers operate under General Chang. When General Luck is out of the country, American soldiers operating in the Korean Peninsula are under the control operationally of a non-American. You had better come forward and offer an amendment to exempt Korea, or else, if this becomes law, you will find yourself in the position of undercutting our military security on the Korean Peninsula.

If you read the language as you have drafted it from line 9 on page 34 to line 5 on page 36, it clearly states that if the American soldiers are not controlled in every way by American commanders, it is illegal under this act. This act, if it becomes law, is not simply a statement of principles, it says the United States could no longer operate the way we have operated since the Truman administration on the peninsula of Korea.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Jersey [Mr. SMITH], a senior member of our committee.

Mr. SMITH of New Jersey. Mr. Chairman, I want to express my strong support for H.R. 7, the National Security Revitalization Act. The facts and figures set forth in the legislative findings to H.R. 872 make it clear that the United States may well be on its way back to the hollow forces of the 1970's. But this is not the whole story. Even as we have committed less to the national defense, we have spent more and more of these precious resources on operations which are at best peripheral to the mission of the U.S. Armed Forces. During the first 100 days of this Congress we can change this course and put America back on the road to peace through strength—the successful strategy of the Reagan years, which made the world both more peaceful and more free.

Mr. Chairman, we need the things this bill will provide and encourages. We need to seriously pursue an antiballistic missile system, which is not only more practical but also more moral than a system of mutual assured destruction. Most Americans are woefully unaware of the fact that we have no defense against incoming missile attacks. We need to adapt NATO, which Ambassador Jeane Kirkpatrick has described as the most successful collective security arrangement in modern history, to provide for the security of European nations which are newly free. We need a relationship with the United Nations that allows that organization to do the things it does best while also preserving the sovereignty and effectiveness of the United States.

Mr. Chairman, nothing in this world is perfect. Many Americans would say that things designed by Congress are even more imperfect than other things. Members of the International Relations Committee, including this member, made suggestions for improving this bill. Our distinguished Chairman, BEN GILMAN and members of the Committee staff encouraged these suggestions and worked hard to accommodate them. We amended the bill to meet many of the objections that are now being reiterated on the floor. Mr. Chairman, the National Security Revitalization Act as amended will go a long way toward the restoration of a strong America. This, in turn, will make for a safer and freer world. I hope we can move quickly to final enactment.

□ 1630

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], our top gun on the committee.

Mr. CUNNINGHAM. Mr. Chairman, why do many of us object to the stringent control of our forces under the U.N.? First of all, I take a look at Bosnia. We have men and women committed to war, and committed and executed that war, and the President of the United States, the Secretary of Defense, and the Vice President did not know that we had troops at war until after the fact. That was in Bosnia, and that is a fact.

Second, in Somalia. I resent the gentleman that suggested and characterized our rangers as just wanting to get into action in Somalia. A democratic majority extended Somalia. That cost us billions of dollars. The administration changed that policy from humanitarian to go after Aideed. That was wrong. The administration then reduced our troops levels, making us very vulnerable. That was wrong.

Three times the commanders asked for help. Why? For armored help. Because on two different occasions we had our troops captured, and cut and quartered, and their quartered bodies drug through the streets of Somalia. That was wrong.

Mr. Chairman, we had 100 rangers pinned down, that it took us 7 hours to get to, and why? It is a 20-minute car ride to where they are. Take a look at it. Why? Because the U.N. tanks that were there would not commit. The U.N. troops had never used night goggles. Many of them were not English-proficient. It cost us 22 dead rangers and 77 wounded. That is wrong, my colleagues and Mr. Speaker.

I take a look at Haiti. Although a U.S. operation, the great multinational force that we were supposed to have, not a single multinational force was there when we hit Haiti, only U.S. troops. And, Mr. Speaker, there are many of us that feel very strongly about not having U.S. control, and it is logical it is not partisan.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER], a member of our Committee on International Relations.

Mr. ROHRABACHER. Mr. Chairman, this legislation makes a loud and clear statement to the world. As we have heard earlier, the cold war is over. The United States bore the burden for decades. Our troops were put in harm's way to save the peoples of the world from fascism and then communism. In the postcold war world we will no longer require our people to carry an unfair burden for the sake of the rest of humanity.

This is not isolationism. This is America comes first as policy. This is not anti-United Nations. This is pro our national interests. Americans have sacrificed their lives and well-being for an ungrateful world for far too long.

Our troops should not be put under U.N. command because the United Nations does not care as much about them as American commanders will care about them. If our President does put them under U.N. command, we should be informed.

That is what this legislation says, and, if our troops are sent on long-term, costly operations, Congress should be in on the decisionmaking. We will no longer be making military commitments like we did in Somalia, or Rwanda, or Haiti unless Congress approves.

This administration has been depleting our limited defense resources on United Nations and other missions that have little to do with our country's security. The cold war is over. The American people deserve a break. Our military personnel deserve our total support if they are put in harm's way. We will not see the funds for their weapons or their training drained for altruistic international adventurism of a liberal elite.

This is our way of saying that we care about others, but our loyalty is first to the American people, then to our defenders, and the United Nations and international benevolence comes in a distant third.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, before we end this road race to the finish line of H.R. 7, let us stop, look, and listen.

This bill takes something that is not broken and breaks it. This bill moves from peacekeeping to war making. Where peace exists, this bill creates conflict. Where order reigns, this bill creates chaos. This bill makes false assumptions. It says where we have troops under foreign command, and we all know that the President never relinquishes his command. Where Congress has eliminated spending for star wars, billions of dollars, this bill reinstates it. The Republicans say, "Spend it."

The worst part of this bill is to undermine the constitutional role of the President of the United States to conduct foreign policy. It says, "If you don't like the President, cripple his powers."

I say to my colleagues, Don't cripple our country. Don't retreat from leadership. Reject this isolationist bill.

Mr. Chairman, the bill the Republicans bring before the House today destroys the underpinnings of our country's dedication to peace around the world.

By slashing the U.S. commitment to the United Nations, this bill says to the world community: we don't care about maintaining peace. Got a war? That's your problem.

The role of the United States in peacekeeping around the globe, unilaterally and in concert with the United Nations, is far from an exact science, but it is a system that works well and has worked well within the construct of an international community dedicated to conflict resolution.

But in a perverse twist on an old cliche, the Republicans today ask us in H.R. 7 to take something that ain't broken, and break it.

Where peace exists, this bill creates conflict. Where order reigns, this bill creates chaos. This bill begins with a premise that is wholly false, then creates solutions to problems that do not exist. For example:

Though we don't have troops under foreign command, this Republican bill says: stop putting our troops under foreign command.

Though we don't have problems sharing in peacekeeping responsibilities, this Republican bill says: no more peacekeeping—it causes too many problems.

H.R. 7 ignores the Republicans' own plea to reduce the deficit by calling for unnecessary and wasteful spending. For example:

Now that we have eliminated spending billions and billions on star wars weapons system, this Republican bill says: spend it.

The gist of this bill is supposed to be to restore America's leadership role in the world. But it does just the opposite. For example:

Where we have played a leadership role in the United Nations—as we should, given our status as the remaining global power—this Republican bill says: no more United Nations involvement.

The worst part of this bill is that its real purpose is to undermine the constitutional role of the President to conduct foreign policy. In essence, if you don't like the person who is the Command in Chief, this Republican bill says: cripple his powers.

Mr. Chairman, what are we doing here? What in the world is going on? Has this body stooped so low that in order to flex its partisan political muscle it will destroy the framework of peace that this Nation has dedicated itself to for years and years?

This bill makes a mockery of the tenets of peace and accommodation that men and women have died to enforce.

Mr. Chairman, to pass this bill is to bring shame on this House. To pass this bill is to move from disarmament and peace and return to cold war hostilities. To pass this bill is to leave the global community without the benefit of American input to resolving international conflict. To pass this bill is to snub the world community and retreat into our own isolationist shell.

Mr. Chairman, this world has grown too small to ignore our neighbor's problems, for surely if we do, they will spill over into our backyard. America deserves better than what H.R. 7 offers. I urge my colleagues to vote against this bill.

Mr. TORRICELLI. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, through the myriad of provisions of this legislation there is one common thread, one unmistakable common purpose, and that is to reverse nearly one-half century of U.S. leadership, abdicating a leadership that through some of the most dangerous times in history has kept the peace, kept the peace through a system of international security.

This is not, Mr. Chairman, a new debate in this Chamber. Democrats and Republicans through our history exchanged the mantle of isolationist leadership many times. But his legislation makes clear that that unfortunate title of leadership now strongly belongs to the Republican Party.

Our Republican colleagues have every reason to be proud of the international leadership of Presidents Eisenhower, Nixon, Reagan, and Bush. But there was another republican Party of Lodge who argued against a League of Nations and brought it to its death, of Burrow who argued against rearmament before the Second World War, and Vandenberg, to the very day of Pearl Harbor, argued against American involvement in the great international conflict. There is now no other interpretation of H.R. 7 available than that this Republican Party, having abandoned the traditions of the last generation, has returned to that earlier age.

Mr. Chairman, there is no other interpretation because, when the United States refuses to have our forces under international command, not simply the nations of the Third World, with which I could identify and sympathize, but even of our NATO allies, meaning the great struggle in Korea and the Persian Gulf would no longer be possible.

Mr. Chairman in this great Chamber we reserve the honor of a portrait to only two men in the history of our country, George Washington, our first President, and General Lafayette, a French General who came to these shores to secure our independence, but who by this legislation would no longer be allowed to command our forces.

Mr. Chairman, ironically, as we debate this legislation, we celebrate the 50th anniversary of Field Marshal Montgomery who led British and American forces across the Rhine to defeat Nazi Germany. He would be prohibited from leading those forces today under this legislation.

Mr. Chairman, as we speak we celebrate the fourth anniversary of the Persian Gulf war, when Italian and French and British Generals of war led our forces to victory in combined command, but would be prohibited under this legislation.

Mr. Chairman, there is no other interpretation than that we are losing our leadership to isolationism, because under this legislation our U.N. contributions would virtually end for peacekeeping, ending our ability to appeal to the Security Council to undertake peacekeeping in our own national interests, and forgetting that the best defense for the United States is no weapon system, but in the nuclear age it is the ability to preserve the peace.

It is a great irony, Mr. Chairman, that the same people who would spend anything on any weapons system would now propose to spend nothing to keep the peace, even though a generation has proven that the international system of peacekeeping through the United Nations works. Just as we proved with the death of millions, the failure of the League of Nations could consume as many lives.

Mr. Chairman, it is a great tradition in this country that partisanship ends at the water's edge. With this legislation the Atlantic and Pacific are merged, and this Nation is awash in a new partisanship that consumes our foreign policy.

□ 1740

Defeat H.R. 7.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes and 45 seconds to the gentleman from California [Mr. HUNTER], the chairman of the procurement subcommittee.

Mr. HUNTER. Mr. Chairman, I thank the chairman for yielding.

Let me respond to my friend from New Jersey, who mentioned a number of great Americans and characterized the Republicans as isolationists in some way. Let me just respond that I can think of another great American, and I think that his opposition, those who opposed his idea, were in some way analogous to the Democrat Party today.

That gentleman was Gen. Billy Mitchell. And Gen. Billy Mitchell dragged us kicking and screaming into the age of air power. And he did that by proving that aircraft could sink ships. And when he did that, it totally frustrated the thinking inside the Beltway, so-to-speak, in Washington, DC, in the power establishment, when he sunk 4 ships, including a major German battleship, with air power. It was greatly resisted by the politicians of his time. They did not want to hear that. They did not want to hear that we had entered the age of air power.

Now, my friends, we have entered the age of missiles. And I understand that it was the political position of the other side of the aisle, of the Democrat Party, to refer to shooting down incoming ballistic missiles as star wars, as if it was some kind of a divorced contact and conflict that in no way defended people on this Earth. I can remember Walter Mondale standing in the San Francisco convention declaring he would have no part in what he called war in the heavens. But I think that Walter Mondale, great Democrat that he was, if he was watching CNN and watched those American Patriot missiles shooting down ballistic missiles, very slow, but ballistic nonetheless, Scud missiles, incoming to American troops, and he saw those destroyed in midair by our Patriot missiles, would have said instead of saying I will not participate in war in the heavens, he would have said thank heavens.

H.R. 7 pulls the United States squarely into a reality that we live in an age of missiles. And it is just as much a matter of readiness, which a number of the Members on the other side have talked about, clothing for our troops, quality of life for our troops, pay for our troops, fuel and training exercises for our troops, I would offer to my friends that it is just as important to our troops to be defended against incoming ballistic missiles as it is to be well paid, well fed, and have good quarters for their families.

Now, for those who said it would cost tens and tens of billions of dollars to defend against incoming ballistic missiles, let me just refer my friends to the statement made by the Secretary of Defense, William Perry, a few days ago. He said we can have a national missile defense for a relatively small cost, probably about $5 billion, in very round figures; by the end of the decade, he said a few sentences later.

The fact is we are in the age of missiles, H.R. 7 recognizes that, and I would call on all of my friends to support this bill, Democrats and Republicans.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I rise in strong opposition to this legislation.

Mr. Chairman, this legislation is more nostalgia from the same people who in the eighties gave us the skyrocketing Federal deficit.

The Soviet threat is long gone. The Russian military debacle in Chechnya should be a clear reminder of this. Yet, this blueprint for more defense spending would have us waste tens of billions of dollars on cold war weapon systems that make no sense in this new era.

Billions on a star wars missile defense system that is not needed and will never work. Billions on exotic cold war programs, and billions on unnecessary operations funding when our forces are first rate and combat ready. Billions that we all know we just don't have.

The Republican majority would like to have it both ways. They can promise all the money in the world on a shopping spree of unneeded programs and weapons. The hard part is coming up with the funds to do it or a threat to justify spending it.

We have been down this road before. Let's not make the same mistake. I urge my colleagues to vote against this legislation.

Mr. DELLUMS. Mr. Chairman, in closing, let me say to my distinguished colleague from California, each of the last 2 years we have spent nearly $3 billion per year on ballistic missile defense, $400 million on national missile defense, $120 million on Brilliant Eyes, a space-based sensor program, and all of the remaining of that nearly $3 billion has gone to theater ballistic missile defense. The point of the statement is it is presently now the policy that theater ballistic missiles is the priority. So that is my response to the gentleman.

In the remaining comments I would say, Mr. Chairman, this bill is a national security bill, foreign policy bill and national intelligence bill, with enormous budgetary implications, treaty implications, constitutional implications and foreign policy implications. Yet we have been reduced to the absurdity of yielding 1 and 2 minutes to each of our coequal colleagues on the floor of Congress on a bill of this gravity and a bill of this magnitude. I would continue to assert that 2 hours of general debate on a bill of this magnitude with such enormous implications is wholly and totally inadequate, and 10 hours of debate on substantive and critical issues that challenge our budget, challenge our form of government, challenge our Constitution and our relationships with the world, is totally inadequate to deal with these issues. If you could break the crime bill down into six pieces, giving them 10 hours apiece, how can you cram all of this together and give 10 hours of debate apiece and call that maintaining the fiduciary responsibility to the American people. We are not doing it.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from Wisconsin [Mr. ROTH], a senior member of our Committee on International Relations.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2½ minutes.

Mr. ROTH. Mr. Chairman, I thank the chairman for yielding me this time.

Mr. Chairman, I have a question: Do you feel, do you think, that the American people, the people that have placed their trust and confidence in us, are treated fairly under the current system of United Nations funding?

We have today $150 billion trade deficits. Other countries are ravaging us. Other countries are very rich. Yet are you satisfied that last year 80 percent, 80 percent of the U.N. peacekeeping costs, according to your own General Accounting Office, 80 percent was paid by your voters?

It is not only that the people you represent are paying the lion's share of the bills. Their sons and daughters are doing most of the fighting and most of the work, too. The Americans at the behest of this Congress, you have the control, the American taxpayer and the American soldier are doing all of the heavy lifting.

Do you think it is right that the American soldier carries the burden in most of these operations? Do you really believe that all of these peacekeeping activities have anything to do with national security? If you really believe that the current system is fair to America, that it is fair to your voters, that it is fair to your people, then vote for this bill and bring in amendments on this legislation.

□ 1650

But if you believe, as I do, as most of the American people do, that we Americans are carrying just too much of the burden, that we have too much of the cost, that we have too much of the risk, then you should support this bill because this bill is only restoring basic fairness to our role in the United Nations.

The criticisms you have heard here today are totally off the mark. Jeane Kirkpatrick just had a news conference an hour and a half ago where she said in no way does this legislation inhibit the President.

This bill, far from ending our peacekeeping role, merely sets a fair distribution. We will still be paying 25 percent, yes, 25 percent of all of the U.N. peacekeeping under this legislation. We are not hamstringing the President of the United States. He has discretion in every portion of this bill.

But there are some, I fear, in this body who would have our taxpayers pay everything, who would have our soldiers do everything. Short of that, nothing will satisfy the liberal elitists and the American people said there is time for a change.

I and a vast majority of the American people say, yes, it is time for a change. Vote for basic fairness. Vote for our taxpayers. Vote for our troops. Vote for common sense. Vote for this bill.

Mr. PORTMAN. Mr. Chairman, I would like to express my strong support for the Bereuter amendments which passed tonight. I think these amendments remove a significant flaw in an otherwise sensible and balanced approach to enhance the national security of this country. I commend Chairman SPENCE and Chairman GILMAN for their good work on this legislation. As others have eloquently stated, the Bereuter amendments are needed to ensure we do not cross the line—encroaching on the President's constitutional power as Commander in Chief.

Having worked as a lawyer in the White House counsel's office at the other end of Pennsylvania Avenue, I may have a different perspective on this issue than some of my colleagues. I have serious questions about the War Powers Act, and section 508 of this bill seems to go even further by requiring congressional approval of deployment of U.S. troops without any grace period.

As a practical matter, I think this may even create a perverse incentive on the part of the administration not to turn over U.S. operations to the U.N. where such a transfer may well be in our national interest. I give you 2 examples—one recent, one on-going.

In Somalia, I believe it was in our interest to move from unilateral United States occupation to a U.N. operation. More immediately, at the end of this month, it is my understanding that in Haiti the United States command will become a U.N. peacekeeping operation. We don't want to continue to occupy Haiti. The shift to the U.N. is in our national interest and gives us a way out. Yet, were section 508 to be enacted into law, I believe any administration would have every incentive not to discontinue the unilateral U.S. mission in favor of U.N. cooperation.

Mr. Chairman, I believe this is an inadvertent and very realistic effect of section 508. I commend my colleagues for correcting this problem tonight improving an otherwise good bill by passing the Bereuter amendments.

Ms. BROWN of Florida. Mr. Chairman, H.R. 7, as it is written, is bad legislation. It should be defeated. If America insists on spending countless billions on Star Wars at the expense of our troops, if America retreats from global economic and military cooperation, if America refuses to feed, educate, and house her own troops and citizens at risk—the children, the sick, and the elderly—a bankrupt America will fall into economic and social ruin.

For years, respected Members of Congress, such as former Congressman Charles Bennett who represented some of my district, have opposed funding for star wars. Instead, these members believed that troop readiness was a top priority.

Currently, many of our troops live in substandard housing, they are forced to use food stamps, because they cannot stretch their pay to cover even the most basic needs for their families. This does not contribute to our readiness.

Let's reassure America that we in Congress are an intelligent group because we are interested in funding military programs that benefit our troops and our military families. We want our military dollars spent to keep our troops ready in every way.

Mr. HEINEMAN. Mr. Chairman, the Clinton administration has deployed U.S. forces on more humanitarian missions per year than any other administration in history. At the end of last year, over 70,000 U.S. personnel were serving in unstable regions such as Iraq, Bosnia, and Haiti—48,000 military men and women remain in these areas today.

The United States is supposed to be the world's only Super Power, when in fact we are becoming nothing more than a paper tiger. H.R. 7 reverses the Clinton administration's drastic reduction of our Nation's defense and revitalizes the United States military might.

Our military personnel are being stretched to the limit. They are being sent to areas that are not in the United States national security interests. Since Desert Storm, U.S. forces have been cut by 27 percent, which means there are less people to do more jobs.

Some of the finest men and women serve in the Armed Forces in North Carolina from Fort Bragg to Camp Lejeune, and numerous other facilities across the state. U.S. defense spending is at its lowest level since World War II and the President wants to cut $10.6 billion more from defense. Enough is enough. I urge my colleagues to support H.R. 7.

Mr. PACKARD. Mr. Chairman, Republicans are working hard to keep our Contract With America on track. We continue to keep our promises. We passed our crime package to take back our streets. Now we will work to restore our military.

The best defense is a strong defense. H.R. 7, the National Restoration Act, ensures that our Armed Forces will be strong enough to fight and win. Republicans pledge that our defenses will be prepared to protect our country and national interests.

Providing for common defense is the first duty of the Federal Government. The decline in military readiness over the past years must stop. We must act now to prevent our military from becoming a hollow force.

Military readiness funds should be used for just that—to keep our American soldiers ready for military action. Dipping our hand into the cookie jar for dollars to send our troops here, there, and everywhere undermines American security and peace of mind. We cannot be the world's peacekeepers.

Our Armed Forces are the best in the world. Our Republican defense package makes sure that we remain that way. Defense spending has been cut too far and too quickly in order to pay for expensive social programs and frivolous international policing expeditions.

Republicans will set priorities and restore the vital elements our defenses need to maintain our credibility around the world. We are keeping our promise. American troops should not be used as a substitute for sound foreign policy.

Mr. GOODLING. Mr. Chairman, I rise today in support of H.R. 872, the National Security Revitalization Act. This bill serves to curtail the cost and scope of U.N. missions, provide a framework for congressional consultation, and discipline the seemingly haphazard deployment of American troops.

If enacted, this legislation will allow the United Nations to focus on missions and roles it is capable of fulfilling. Recently, the United Nations has expanded its role, perhaps in response to prodding from the Clinton administration, to include peacemaking, nationbuilding, and even chasing warlords. This action does the United Nations and the United States a disservice, as public confidence in international operations declines and questions arise concerning the focus and intent of U.S. foreign policy.

Members supporting H.R. 872 are not opposed to all U.N. operations, because we do believe the United Nations is capable of achieving limited missions on a reduced scale. The United Nations is quite capable of delivering humanitarian aid and acting as a moderator when all sides in a dispute request the U.N.'s presence. The United Nations gets into trouble when it has attempted to expand its mission.

This bill will ensure that we receive credit for our expenditures on behalf of U.N. operations, guarantee that U.S. troops are placed under foreign command only in emergencies or when a pressing U.S. security interest merits such a deployment, and should result in a reassessment of the U.N.'s capabilities and limitations and U.S, involvement with that organization. Throughout the process, we have attempted to compromise on certain details to improve the legislation, but we have refused to compromise on principle issues.

Fundamentally, the administration wants to enhance the power of the United Nations and our participation in that organization. We want to restrict our participation, temper our costs and involvement, and discipline our foreign policy. If you support the aggrandizement of the United Nations at the literal expense of United States, then you should oppose this bill. But if you support a limitation on U.N. missions and our participation in them, and desire the United Nations to focus on missions it is capable of achieving, you should support the bill. I urge all Members to approve this important legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 872 is considered as an original bill for the purpose of amendment and is considered as having been read.

The amendment in the nature of a substitute is as follows:

H.R. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Security Revitalization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FINDINGS, POLICY, AND PURPOSES

Sec. 101. Findings.
Sec. 102. Policy.
Sec. 103. Purposes.

TITLE II—MISSILE DEFENSE

Sec. 201. Policy.
Sec. 202. Actions of the Secretary of Defense.
Sec. 203. Report to Congress.

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

Sec. 301. Establishment.
Sec. 302. Composition.
Sec. 303. Duties.
Sec. 304. Reports.
Sec. 305. Powers.
Sec. 306. Commission procedures.
Sec. 307. Personnel matters.
Sec. 308. Termination of the Commission.
Sec. 309. Funding.

TITLE IV—COMMAND OF UNITED STATES FORCES

Sec. 401. Limitation on expenditure of Department of Defense funds for United States forces placed under United Nations command or control.
Sec. 402. Limitation on placement of United States Armed Forces under foreign control for a United Nations peacekeeping activity.

TITLE V—UNITED NATIONS

Sec. 501. Credit against assessment for United States expenditures in support of United Nations peacekeeping operations.
Sec. 502. Codification of required notice to Congress of proposed United Nations peacekeeping activities.
Sec. 503. Notice to Congress regarding United States contributions for United Nations peacekeeping activities.
Sec. 504. Revised notice to Congress regarding United States assistance for United Nations peacekeeping activities.
Sec. 505. United States contributions to United Nations peacekeeping activities.
Sec. 506. Reimbursement to the United States for in-kind contributions to United Nations peacekeeping activities.
Sec. 507. Limitation on payment of United States assessed or voluntary contributions for United Nations peacekeeping activities.
Sec. 508. Limitation on use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities.
Sec. 509. Codification of limitation on amount of United States assessed contributions for United Nations peacekeeping operations.
Sec. 510. Buy American requirement.
Sec. 511. United Nations budgetary and management reform.
Sec. 512. Conditions on provision of intelligence to the United Nations.

TITLE VI—REVITALIZATION AND EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. United States policy.
Sec. 604. Revisions to program to facilitate transition to NATO membership.

TITLE VII—BUDGET FIREWALLS

Sec. 701. Restoration of budget firewalls for defense spending.

TITLE I—FINDINGS, POLICY, AND PURPOSES

SEC. 101. FINDINGS.

The Congress finds the following:

(1) Dramatic changes in the geo-political and military landscape during the last decade have had significant impacts on United States security.

(2) Those changes include the breakup of the Warsaw Pact alliance, the disintegration of the Soviet Union, and an increase in regional instability and conflict.

(3) While the magnitude and implications of these and other changes continues to evolve, the world remains an unstable and dangerous place. This uncertainty mandates the need for an on-going process to establish an appropriate national security strategy and the forces needed to implement that strategy.

(4) The centerpiece of the defense strategy of the Administration, the review of the Department of Defense conducted by the Secretary of Defense in 1993 known as the "Bottom Up Review", determined that United States forces must be—

(A) prepared to fight and win two nearly simultaneous Major Regional Conflicts;

(B) able to sustain robust overseas presence in peacetime;

(C) prepared for a variety of regional contingencies; and

(D) able to deter and prevent attacks with weapons of mass destruction against United States territory and forces and the territory and forces of our allies.

(5) The Bottom Up Review also recommended significant reductions in military forces, including reduction in the number of Navy ships by one-third, the number of Air Force wings by almost one-half, and the level of funding for missile defenses by over 50 percent.

(6) The General Accounting Office and the Congressional Budget Office have estimated that the mismatch between even the restrictive Bottom Up Review force and the Administration defense budget may be up to anywhere from $65,000,000,000 to $150,000,000,000.

(7) Since January 1993, presidential budgets and budget plans have set forth a reduction in defense spending of $156,000,000,000 through fiscal year 1999.

(8) The fiscal year 1995 budget is the 10th consecutive year of reductions in real defense spending and, with the exception of fiscal year 1948, represents the lowest percentage of gross domestic product for any defense budget since World War II.

(9) During fiscal year 1995, the number of active duty, reserve component, and civilian personnel of the Department of Defense will be reduced by 182,000, a rate of over 15,000 per month or over 500 per day. The Bureau of Labor Statistics estimates that 1,200,000 defense-related private sector jobs will be lost by 1997.

(10) Despite severe reductions and shortfalls in defense funding and force structure, since 1993 United States military forces have been deployed more often and committed to more peacetime missions per year than ever before. Most of these missions involve United Nations peacekeeping and humanitarian efforts. At the end of fiscal year 1994, over 70,000 United States personnel were serving in such regions as Iraq, Bosnia, Macedonia, the Adriatic Sea, Rwanda, and the Caribbean Sea for missions involving Haiti and Cuba.

(11) Despite the dramatic increase in the pace of operations and the diversion of training and exercise funds to cover the costs of unbudgeted contingency operations, the Armed Forces of the United States remain the most capable, motivated, and effective military force in the world. The ability to successfully deploy and maintain support for the range of on-going contingency operations demonstrates the continued quality and professionalism of our troops.

(12) However, persistent indictations of declining readiness demonstrate that military units are entering the early stage of a long-term systemic readiness problem. This downward readiness trend risks a return to the "hollow forces" of the 1970s.

(13) At the end of fiscal year 1994, one-third of the units in the Army contingency force and all of the forward-deployed and follow-on Army divisions were reporting a reduced state of military readiness. During fiscal year 1994, training readiness declined for the Navy's Atlantic and Pacific fleets. Training funding shortfalls also resulted in a grounding of Navy and Marine Corps aircraft squadrons and cancellation and curtailment of Army training exercises. Marine and naval personnel are not maintaining the standard 12- to 18-month respite between six-month deployments away from home.

(14) The significant increase in deployments in support of peacekeeping, humanitarian, and contingency operations has placed great personnel tempo stress on many critical operational units.

(15) A real commitment to equitable compensation and protection of quality-of-life programs for servicemembers and their families is an esssential component to ensuring high personnel morale and sustaining force readiness. However, as of January 1, 1995, military pay is approximately 12.8 percent below comparable civilian levels. As a result, it is estimated that close to 17,000 junior enlisted personnel have to rely on food stamps and the Department of Defense will soon begin providing supplementary food benefits to an estimated 11,000 military personnel and dependents living overseas.

(16) Critical long-term modernization programs continue to be delayed or cancelled as resources are diverted to cover short-term personnel and readiness shortfalls resulting from an underfunded defense budget and an overextended force, threatening the technological superiority of future United States forces.

(17) The fiscal year 1995 defense budget failed to meet the current force structure goal of 184 modern long-range bombers, as established in the Bottom-Up Review. Unless this long-range bomber capability shortfall is addressed promptly, the Nation's ability to project force will be undermined and the existing bomber industrial base may be placed at risk.

(18) The Administration has initially agreed to or proposed treaty limitations, or has unilaterally adopted positions, that prohibit the United States from testing or deploying effective missile defense systems.

(19) United Nations assessments to the United States for peacekeeping missions totaled over $1,000,000,000 in 1994. The United States is assessed 31.7 percent of annual United Nations costs for peacekeeping. The next highest contributor, Japan, only pays 12.5 percent of such costs. The Department of Defense also incurs hundreds of millions of dollars in costs every year for United States military participation in United Nations peacekeeping or humanitarian missions, most of which are not reimbursed by the United Nations. For fiscal year 1994, these Department of Defense costs totaled over $1,721,000,000.

(20) Credible and effective collective action on international security concerns through the United Nations and regional organizations such as the North Atlantic Treaty Organization can, in appropriate cases, advance world peace, strengthen the national security of the United States, and foster more equitable burden-sharing with friends and allies of the United States in military, political, and financial terms.

SEC. 102. POLICY.

The Congress is committed to providing adequate resources to protect the national security interests of the United States, including the resources necessary—

(1) to provide for sufficient forces to meet the national security strategy of being able to fight and win two nearly simultaneously major regional conflicts;

(2) to provide pay and benefits necessary for members of the Armed Forces (including members of the National Guard and Reserve as well as active duty members) to begin closing the gap between rates of civilian pay and rates of military pay;

(3) to maintain a high quality-of-life for military personnel and their dependents;

(4) to maintain a high level of military readiness and take all necessary steps to avoid a return to the "hollow forces" of the 1970s;

(5) to fully provide for the necessary modernization of United States military forces in order to ensure their technological superiority over any adversary; and

(6) to develop and deploy at the earliest practical date highly effective national and theater missile defense systems.

SEC. 103. PURPOSES.

The purposes of this Act are—

(1) to establish an advisory commission to assess United States military needs and address the problems posed by the continuing downward spiral of defense spending;

(2) to commit the United States to accelerate the development and deployment of theater and national ballistic missile defense capabilities;

(3) to restrict deployment of United States forces to missions that are in the national security interest of the United States;

(4) to maintain adequate command and control by United States personnel of United States forces participating in United Nations peacekeeping operations;

(5) to reduce the cost to the United States of United Nations peacekeeping activities and to press for reforms in United Nations management practices; and

(6) to reemphasize the commitment of the United States to a strong and viable North Atlantic Treaty Organization.

TITLE II—MISSILE DEFENSE

SEC. 201. POLICY.

It shall be the policy of the United States to—

(1) deploy at the earliest practical date an antiballistic missile system that is capable of providing a highly effective defense of the United States against ballistic missile attacks; and

(2) provide at the earliest practical date highly effective theater missile defenses (TMDs) to forward-deployed and expeditionary elements of the Armed Forces of the United States and to friendly forces and allies of the United States.

SEC. 202. ACTIONS OF THE SECRETARY OF DEFENSE.

(a) ABM SYSTEMS.—The Secretary of Defense shall develop for deployment at the earliest practical date a cost-effective, operationally effective antiballistic missile system designed to protect the United States against ballistic missile attacks.

(b) ADVANCED THEATER MISSILE DEFENSES.—The Secretary of Defense shall develop for deployment at the earliest practical date advanced theater missile defense systems.

SEC. 203. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of an antiballistic missile system pursuant to section 202(a) and for the deployment of theater missile defense systems pursuant to section 202(b).

(b) CONGRESSIONAL DEFENSE COMMITTEES.—For purposes of this section, the term "congressional defense committees" means—

(1) the Committee on National Security and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Appropriations of the Senate.

TITLE III—ADVISORY COMMISSION ON REVITALIZATION OF NATIONAL SECURITY

SEC. 301. ESTABLISHMENT.

There is hereby established an advisory commission to be known as the "Revitalization of National Security Commission" (hereinafter in this title referred to as the "Commission").

SEC. 302. COMPOSITION.

(a) APPOINTMENT.—The Commission shall be composed of 12 members, appointed as follows:

(1) Four members shall be appointed by the President.

(2) Four members shall be appointed by the Speaker of the House of Representatives, one of whom shall be appointed upon the recommendation of the minority leader of the House of Representatives.

(3) Four members shall be appointed by the president pro tempore of the Senate, three of whom shall be appointed upon the recommendation of the majority leader of the Senate and one of whom shall be appointed upon the recommendation of the minority leader of the Senate.

(b) QUALIFICATIONS.—The members of the Commission shall be appointed from among persons having knowledge and experience in defense and foreign policy.

(c) TERM OF MEMBERS; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(d) COMMENCEMENT.—The members of the Commission shall be appointed not later than 21 days after the date of the enactment of this Act. The Commission shall convene its first meeting to carry out its duties under this section 14 days after seven members of the Commission have been appointed.

(e) CHAIRMAN.—The chairman of the Commission shall be designated jointly by the Speaker of the House of Representatives and the majority leader of the Senate (after consultation with the minority leader of the House of Representatives and the minority leader of the Senate) from among members of the Commission appointed under subsection (a)(2) or (a)(3).

SEC. 303. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of the long-term national security needs of the United States. The review shall include the following:

(1) An assessment of the need for a new national security strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(2) An assessment of the need for a new national military strategy and, if it is determined that such a new strategy is needed, identification of such a strategy.

(3) An assessment of the military force structure necessary to support the new strategies identified under paragraphs (1) and (2).

(4) An assessment of force modernization requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(5) An assessment of military infrastructure requirements necessary to support the new strategies identified under paragraphs (1) and (2).

(6) An assessment of the funding needs of the Department of Defense necessary to support the long-term national security requirements of the United States.

(7) An assessment of the adequacy of the force structure recommended in the 1993 Bottom-Up Review in executing the national military strategy.

(8) An assessment of the adequacy of the current future-years defense plan in fully funding the Bottom-Up Review force structure while maintaining adequate force modernization and military readiness objectives.

(9) An assessment of the level of defense funds expended on non-defense programs.

(10) An assessment of the costs to the United States of expanding the membership of the North Atlantic Treaty Organization.

(11) An assessment of the elements of military pay and allowances constituting the regular military compensation of members of the Armed Forces and the development of recommendations for changes in those elements in order to end the dependence of some members of the Armed Forces and their families on Federal and local assistance programs.

(12) An assessment of the need to revise the command and control structure of the Army Reserve.

(b) MATTERS TO BE CONSIDERED.—In carrying out the review, the Commission shall develop specific recommendations to accomplish each of the following:

(1) Provide members of the Armed Forces with annual pay raises and other compensation at levels sufficient to begin closing the gap with comparable civilian pay levels.

(2) Fully fund cost-effective missile defense systems that are deployable at the earliest practical date following enactment of this Act.

(3) Maintain adequate funding for military readiness accounts without sacrificing modernization programs.

(4) Maintain a strong role for Guard and Reserve forces.

(5) Provide a new funding system to avoid diversions from military readiness accounts to pay for peacekeeping and humanitarian deployments such as Haiti and Rwanda.

(6) Support security enhancing measures in the Asia-Pacific region, including support for the Association of Southeast Asian Nations (ASEAN) Regional Forum.

(7) Reduce the level of defense expenditures for non-defense programs.

SEC. 304. REPORTS.

(a) FINAL REPORT.—The Commission shall submit to the President and the designated congressional committees a report on the assessments and recommendations referred to in section 303 not later than January 1, 1996. The report shall be submitted in unclassified and classified versions.

(b) INTERIM REPORT.—The Commission shall submit to the President and the designated congressional committees an interim report describing the Commission's progress in fulfilling its duties under section 303. The interim report shall include any preliminary recommendations the Commission may have reached and shall be submitted not later than October 1, 1995.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term "designated congressional committees" means—

(1) the Committee on National Security, the Committee on International Relations, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(d) LIMITATION PENDING SUBMISSION OF INTERIM REPORT.—The Secretary of the Army may not, during the period beginning on the date of the enactment of this Act and ending on the date on which the interim report under subsection (b) is submitted, take any action to implement the plan to reorganize the Army Reserve's continental United States headquarters structures that was announced by the Secretary on January 4, 1995.

SEC. 305. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) ASSISTANCE FROM OTHER AGENCIES.—The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this title, as may be necessary to carry out such duties. Upon request of the chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(c) MAIL.—The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY OF DEFENSE.—The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request.

SEC. 306. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet on a regular basis (as determined by the chairman) and at the call of the chairman or a majority of its members.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

SEC. 307. PERSONNEL MATTERS.

(a) COMPENSATION.—Each member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(b) STAFF.—The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this title without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(c) DETAILED PERSONNEL.—Upon request of the chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

SEC. 308. TERMINATION OF THE COMMISSION.

The Commission shall terminate upon submission of the final report required by section 303.

SEC. 309. FUNDING.

Of the funds available to the Department of Defense, $1,500,000 shall be made available to the Commission to carry out the provisions of this title.

TITLE IV—COMMAND OF UNITED STATES FORCES

SEC. 401. LIMITATION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES FORCES PLACED UNDER UNITED NATIONS COMMAND OR CONTROL.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 404 the following new section:

"§ 405. Placement of United States forces under United Nations command or control: limitation

"(a) LIMITATION.—Except as provided in subsections (b) and (c), funds appropriated or otherwise made available for the Department of Defense may not be obligated or expended for activities of any element of the armed forces that after the date of the enactment of this section is placed under United Nations command or control, as defined in subsection (f).

"(b) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (a) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (d).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (d) 15 days before placing an element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (d) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

"(c) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

"(d) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (b)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

"(B) the commander of any unit of the armed forces proposed for placement under United Nations command or control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and

"(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the armed forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the armed forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

"(e) CLASSIFICATION OF REPORT.—A report under subsection (d) shall be submitted in unclassified form and, if necessary, in classified form.

"(f) UNITED NATIONS COMMAND OR CONTROL.—For purposes of this section, an element of the armed forces shall be considered to be placed under United Nations command or control if—

"(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation—

"(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

"(B) is a United States military officer serving on active duty but—

"(i) that element of the armed forces is under the command or operational control of subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

"(ii) that senior military commander does not have the authority—

"(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

"(II) to establish rules of engagement for United States forces involved; and

"(III) to establish criteria governing the operational employment of United States forces involved.

"(g) INTERPRETATION.—Nothing in this section may be construed—

"(1) as authority for the President to use any element of the armed forces in any operation;

"(2) as authority for the President to place any element of the armed forces under the command or operational control of a foreign national; or

"(3) as an unconstitutional infringement on the authority of the President as commander-in-chief.".

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following new item:

"405. Placement of United States forces under United Nations command or control: limitation.".

(b) REPORT RELATING TO CONSTITUTIONALITY.—No certification may be submitted by the President under section 405(d)(1) of title 10, United States Code, as added by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) EXCEPTION FOR ONGOING OPERATIONS IN MACEDONIA AND CROATIA.—Section 405 of title 10, United States Code, as added by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

SEC. 402. LIMITATION ON PLACEMENT OF UNITED STATES ARMED FORCES UNDER FOREIGN CONTROL FOR A UNITED NATIONS PEACEKEEPING ACTIVITY.

(a) IN GENERAL.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

"SEC. 6. (a) AGREEMENTS WITH SECURITY COUNCIL.—(1) Any special agreement described in paragraph (2) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by law.

"(2) An agreement referred to in paragraph (1) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

"(b) LIMITATION.—(1) Except as provided in subsections (c) and (d), the President may not place any element of the Armed Forces under United Nations command or control, as defined in subsection (g).

"(c) EXCEPTION FOR PRESIDENTIAL CERTIFICATION.—(1) Subsection (b) shall not apply in the case of a proposed placement of an element of the armed forces under United Nations command or control if the President, not less than 15 days before the date on which such United Nations command or control is to become effective (or as provided in paragraph (2)), meets the requirements of subsection (e).

"(2) If the President certifies to Congress that an emergency exists that precludes the President from meeting the requirements of subsection (e) 15 days before placing an element of the armed forces under United Nations command or control, the President may place such forces under such command or control and meet the requirements of subsection (e) in a timely manner, but in no event later than 48 hours after such command or control becomes effective.

"(d) EXCEPTION FOR AUTHORIZATION BY LAW.—Subsection (b) shall not apply in the case of a proposed placement of any element of the Armed Forces under United Nations command or control if the Congress specifically authorizes by law that particular placement of United States forces under United Nations command or control.

"(e) PRESIDENTIAL CERTIFICATIONS.—The requirements referred to in subsection (c)(1) are that the President submit to Congress the following:

"(1) Certification by the President that—

"(A) such a United Nations command or control arrangement is necessary to protect national security interests of the United States;

"(B) the commander of any unit of the Armed Forces proposed for placement under United Nations command or control will at all times retain the right—

"(i) to report independently to superior United States military authorities; and "(ii) to decline to comply with orders judged by the commander to be illegal, militarily imprudent, or beyond the mandate of the mission to which the United States agreed with the United Nations, until such time as that commander receives direction from superior United States military authorities with respect to the orders that the commander has declined to comply with;

"(C) any element of the Armed Forces proposed for placement under United Nations command or control will at all times remain under United States administrative command for such purposes as discipline and evaluation; and

"(D) the United States will retain the authority to withdraw any element of the Armed Forces from the proposed operation at any time and to take any action it considers necessary to protect those forces if they are engaged.

"(2) A report setting forth the following:

"(A) A description of the national security interests that require the placement of United States forces under United Nations command or control.

"(B) The mission of the United States forces involved.

"(C) The expected size and composition of the United States forces involved.

"(D) The incremental cost to the United States of participation in the United Nations operation by the United States forces which are proposed to be placed under United Nations command or control.

"(E) The precise command and control relationship between the United States forces involved and the United Nations command structure.

"(F) The precise command and control relationship between the United States forces involved and the commander of the United States unified command for the region in which those United States forces are to operate.

"(G) The extent to which the United States forces involved will rely on non-United States forces for security and self-defense and an assessment on the ability of those non-United States forces to provide adequate security to the United States forces involved.

"(H) The timetable for complete withdrawal of the United States forces involved.

"(f) Classification of Report.—A report under subsection (e) shall be submitted in unclassified form and, if necessary, in classified form.

"(g) United Nations Command or Control.—For purposes of this section, an element of the armed forces shall be considered to be placed under United Nations command or control if—

"(1) that element is under the command or operational control of an individual acting on behalf of the United Nations for the purpose of international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the Security Council under chapter VI or VII of the Charter of the United Nations; and

"(2) the senior military commander of the United Nations force or operation—

"(A) is a foreign national or is a citizen of the United States who is not a United States military officer serving on active duty; or

"(B) is a United States military officer serving on active duty but—

"(i) that element of the armed forces is under the command or operational control of subordinate commander who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty; and

"(ii) that senior military commander does not have the authority—

"(I) to dismiss any subordinate officer in the chain of command who is exercising command or operational control over United States forces and who is a foreign national or a citizen of the United States who is not a United States military officer serving on active duty;

"(II) to establish rules of engagement for United States forces involved; and

"(III) to establish criteria governing the operational employment of United States forces involved.

"(h) Interpretation.—Except as authorized in section 7 of this Act, nothing contained in this Act shall be construed as an authorization to the President by the Congress to make available to the Security Council United States Armed Forces, facilities, or assistance.".

(b) Report Relating to Constitutionality.—No certification may be submitted by the President under section 6(e)(1) of the United Nations Participation Act of 1945, as amended by subsection (a), until the President has submitted to the Congress (after the date of the enactment of this Act) a memorandum of legal points and authorities explaining why the placement of elements of United States Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations does not violate the Constitution.

(c) Exception for Ongoing Operation in Macedonia and Croatia.—Section 6 of the United Nations Participation Act of 1945, as amended by subsection (a), does not apply in the case of activities of the Armed Forces as part of the United Nations force designated as the United Nations Protection Force (UNPROFOR) that are carried out—

(1) in Macedonia pursuant to United Nations Security Council Resolution 795, adopted December 11, 1992, and subsequent reauthorization Resolutions; or

(2) in Croatia pursuant to United Nations Security Council Resolution 743, adopted February 21, 1992, and subsequent reauthorization Resolutions.

TITLE V—UNITED NATIONS

SEC. 501. CREDIT AGAINST ASSESSMENT FOR UNITED STATES EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) In General.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"Sec. 10. (a) Credit Against Assessment for Expenditures in Support of Peacekeeping Operations.—

"(1) Limitation.—Funds may be obligated for payment to the United Nations of the United States assessed share of peacekeeping operations for a fiscal year only to the extent that—

"(A) the amount of such assessed share exceeds—

"(B) the amount equal to—

"(i) the total amount identified in the report submitted pursuant to paragraph (2) for the preceding fiscal year, reduced by

"(ii) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping activities for that preceding fiscal year.

"(2) Annual Report.—The President shall, at the time of submission of the budget to the Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in, directly or indirectly, United Nations peacekeeping activities. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(3) Definitions.—For purposes of this subsection:

"(A) United Nations Peacekeeping Activities.—The term 'United Nations peacekeeping activities' means any international peacekeeping, peacemaking, peace-enforcing, or similar activity that is authorized by the United Nations Security Council under chapter VI or VII of the Charter of the United Nations, except that such term does not include any such activity authorized under chapter VII of such Charter with respect to which the President has certified to the Congress that the activity is of such importance to the national security of the United States that the United States would undertake the activity unilaterally if it were not authorized by the United Nations Security Council.

"(B) Designated Congressional Committees.—The term 'designated congressional committees' includes the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) Effective Date.—The limitation contained in section 10(a)(1) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

SEC. 502. CODIFICATION OF REQUIRED NOTICE TO CONGRESS OF PROPOSED UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) Required Notice.—Section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b) is amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (e) as subsection (f); andH1806

(3) by inserting after subsection (d) a new subsection (e) consisting of the text of subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), revised—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting "in written form not later than the 10th day of" after "shall be provided";

(ii) in subparagraph (A)(iv), by inserting "(including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.))" after "covered by the resolution"; and

(iii) in subparagraph (B), by adding at the end the following new clause:

"(iv) A description of any other United States assistance to or support for the operation (including facilities, training, transportation, communication, and logistical support, but not including intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.)), and an estimate of the cost to the United States of such assistance or support.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3) and in the last sentence of subparagraph (A) of that paragraph by striking "and (ii)" and inserting "through (iv)";

(D) by inserting after paragraph (3) (as so redesignated) the following new paragraph:

"(4) NEW UNITED NATIONS PEACEKEEPING OPERATION DEFINED.—As used in paragraphs (2)(B) and (3), the term 'new United Nations peacekeeping operation' includes any existing or otherwise ongoing United Nations peacekeeping operation—

"(A) that is to be expanded by more than 25 percent during the period covered by the Security Council resolution, as measured by either the number of personnel participating (or authorized to participate) in the operation or the budget of the operation; or

"(B) that is to be authorized to operate in a country in which it was not previously authorized to operate."; and

(E) in paragraph (5)—

(i) by striking "(5) NOTIFICATION" and all that follows through "(B) The President" and inserting "(5) QUARTERLY REPORTS.—The President"; and

(ii) by striking "section 4(d)" and all that follows through "of this section)" and inserting "subsection (d)".

(b) CONFORMING REPEAL.—Subsection (a) of section 407 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), is repealed.

(c) DESIGNATED CONGRESSIONAL COMMITTEES.—Subsection (f) of section 4 of the United Nations Participation Act of 1945 (22 U.S.C. 287b(f)), as redesignated by subsection (a), is amended to read as follows:

"(f) DESIGNATED CONGRESSIONAL COMMITTEES.—As used in this section, the term 'designated congressional committees' has the meaning given such term in section 10(f).".

SEC. 503. NOTICE TO CONGRESS REGARDING UNITED STATES CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (a), as added by section 501, the following new subsection:

"(b) NOTICE TO CONGRESS REGARDING CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

"(1) NOTICE REGARDING UNITED NATIONS BILLING REQUEST.—Not later than 15 days after the date on which the United States receives from the United Nations a billing requesting a payment by the United States of any contribution for United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) NOTICE REGARDING PROPOSED OBLIGATION OF FUNDS.—The President shall notify the designated congressional committees at least 15 days before the United States obligates funds for any assessed or voluntary contribution for United Nations peacekeeping activities, except that if the President determines that an emergency exists which prevents compliance with the requirement that such notification be provided 15 days in advance and that such contribution is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such obligation.".

SEC. 504. REVISED NOTICE TO CONGRESS REGARDING UNITED STATES ASSISTANCE FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d-1) is amended—

(1) in subsection (a), by inserting "other than subsection (e)(1)" after "any other law"; and

(2) by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraphs (2) and (3), at least 15 days before any agency or entity of the United States Government makes available to the United Nations any assistance or facility to support or facilitate United Nations peacekeeping activities, the President shall so notify the designated congressional committees.

"(2) Paragraph (1) does not apply to—

"(A) assistance having a value of less than $1,000,000 in the case of nonreimbursable assistance or less than $5,000,000 in the case of reimbursable assistance; or

"(B) assistance provided under the emergency drawdown authority contained in sections 506(a)(1) and 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1), 2348a(c)(2)).

"(3) If the President determines that an emergency exists which prevents compliance with the requirement in paragraph (1) that notification be provided 15 days in advance and that the contribution of any such assistance or facility is in the national security interests of the United States, such notification shall be provided in a timely manner but not later than 48 hours after such assistance or facility is made available to the United Nations.

"(4) For purposes of this subsection, the term 'assistance'—

"(A) means assistance of any kind, including logistical support, supplies, goods, or services (including command, control or communications assistance and training), and the grant of rights of passage; and

"(B) includes assistance provided through in-kind contributions or through the provision of support, supplies, goods, or services on any terms, including on a grant, lease, loan, or reimbursable basis; but

"(C) does not include the payment of assessed or voluntary contributions or intelligence activities reportable under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

SEC. 505. UNITED STATES CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

Section 4(d)(1) of the United Nations Participation Act of 1945 (22 U.S.C. 287b(d)(1)) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D) A description of the anticipated budget for the next fiscal year for United States participation in United Nations peacekeeping activities, including a statement of—

"(i) the aggregate amount of funds available to the United Nations for that fiscal year, including assessed and voluntary contributions, which may be made available for United Nations peacekeeping activities; and

"(ii) the aggregate amount of funds (from all accounts) and the aggregate costs of in-kind contributions that the United States proposes to make available to the United Nations for that fiscal year for United Nations peacekeeping activities.".

SEC. 506. REIMBURSEMENT TO THE UNITED STATES FOR IN-KIND CONTRIBUTIONS TO UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Section 7 of the United Nations Participation Act of 1945 (22 U.S.C. 287d-1), as amended by section 504, is further amended—

(1) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) by striking "United States: *Provided,*" through "*Provided further,* That when" and inserting "United States. When"; and

(C) by adding at the end the following:

"(2) The Secretary of Defense may waive the requirement for reimbursement under paragraph (1) if the Secretary, after consultation with the Secretary of State and the Director of the Office of Management and Budget, determines that an emergency exists which justifies waiver of that requirement. Any such waiver shall be submitted to the designated congressional committees, as defined in section 10(a)(3)(B), at least 15 days before it takes effect, except that if the President determines that an emergency exists which prevents compliance with the requirement that the notification be provided 15 days in advance and that the provision under subsection (a)(1) or (a)(2) of personnel or assistance on a nonreimbursable basis is in the national security interests of the United States, such notification shall be provided in a timely manner but no later than 48 hours after such waiver takes effect."; and

(2) by adding at the end the following new subsection:

"(f) The Secretary of State shall ensure that goods and services provided on a reimbursable basis by the Department of Defense to the United Nations for United Nations peacekeeping operations under this section or any other provision of law are reimbursed at the appropriate value, as determined by the Secretary of Defense.".

(b) INITIAL REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Representative of the United States to the United Nations shall submit to the designated congressional committees a report on all actions taken by the United States mission to the United Nations to achieve the objective described in section 7(f) of the United Nations Participation Act of 1945, as added by subsection (a)(2).

(2) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this subsection, the term "designated congressional committees" has the meaning given such term in section 10(a)(3)(B) of the United Nations Participation Act of 1945, as added by section 501.

SEC. 507. LIMITATION ON PAYMENT OF UNITED STATES ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (b), as added by section 503, the following new subsection:

"(c) LIMITATION ON PAYMENT OF ASSESSED OR VOLUNTARY CONTRIBUTIONS FOR PEACEKEEPING ACTIVITIES.—

"(1) LIMITATION.—Appropriated funds may not be used to pay any United States assessed or voluntary contribution during any fiscal year for United Nations peacekeeping activities until the Secretary of Defense certifies to the designated congressional committees that the United Nations has reimbursed the Department of Defense directly for all goods and services—

"(A) that were provided to the United Nations by the Department of Defense on a reimbursable basis during a previous fiscal year after fiscal year 1994 for United Nations peacekeeping activities, including personnel and assistance provided under section 7 (except to the extent that the authority of subsection (b)(2) of such section to waive the reimbursement requirement was exercised with respect to such personnel or assistance); and

"(B) for which a request for reimbursement has been submitted to the United Nations in accordance with paragraph (2).

"(2) REQUEST FOR REIMBURSEMENT.—The President shall establish procedures for the submission to the United Nations of requests for reimbursement for goods and services provided to the United Nations by the Department of Defense on a reimbursable basis for United Nations peacekeeping activities. Such procedures shall ensure that each such request for reimbursement is submitted in a timely manner.".

(b) EFFECTIVE DATE.—The limitation in section 10(c)(1) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 508. LIMITATION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR UNITED STATES SHARE OF COSTS OF UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by inserting after section 405, as added by section 401 of this Act, the following new section:

"§ 406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation

"(a) PROHIBITION ON USE OF FUNDS FOR PAYMENT OF ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.—(1) Funds available to the Department of Defense may not be used to make a financial contribution (directly or through another department or agency of the United States) to the United Nations—

"(A) for the costs of a United Nations peacekeeping activity; or

"(B) for any United States arrearage to the United Nations.

"(2) The prohibition in paragraph (1)(A) applies to voluntary contributions, as well as to contributions pursuant to assessment by the United Nations for the United States share of the costs of a peacekeeping activity.

"(b) LIMITATION ON USE OF FUNDS FOR PARTICIPATION IN UNITED NATIONS PEACEKEEPING ACTIVITIES.—Funds available to the Department of Defense may be used for payment of the incremental costs associated with the participation of elements of the armed forces in a United Nations peacekeeping activity only to the extent that Congress has by law specifically authorized the use of those funds for that purpose.

"(c) COVERED PEACEKEEPING ACTIVITIES.—In this section, the term 'United Nations peacekeeping activity' means a peacekeeping activity carried out pursuant to a resolution of the United Nations Security Council for which costs are met (in whole or in part) through assessments by the United Nations to its member nations.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"406. Use of Department of Defense funds for United States share of costs of United Nations peacekeeping activities: limitation.".

(b) EFFECTIVE DATE.—Section 406 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1995.

SEC. 509. CODIFICATION OF LIMITATION ON AMOUNT OF UNITED STATES ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) IN GENERAL.—Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (c), as added by section 507, the following new subsection:

"(d) LIMITATION ON ASSESSED CONTRIBUTION WITH RESPECT TO A PEACEKEEPING OPERATION.—Funds authorized to be appropriated for 'Contributions for International Peacekeeping Activities' for any fiscal year shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total amount of all assessed contributions for that operation, and any arrearages that accumulate as a result of assessments in excess of 25 percent of the total amount of all assessed contributions for any United Nations peacekeeping operation shall not be recognized or paid by the United States.".

(b) EFFECTIVE DATE.—The limitation contained in section 10(d) of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to funds authorized to be appropriated for "Contributions for International Peacekeeping Activities" for fiscal years after fiscal year 1995.

(c) CONFORMING AMENDMENT.—Section 404(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking paragraph (2).

SEC. 510. BUY AMERICAN REQUIREMENT.

Section 10 of the United Nations Participation Act of 1945 is amended by adding after subsection (d), as added by section 509, the following new subsections:

"(e) BUY AMERICAN REQUIREMENT.—No funds may be obligated or expended to pay any United States assessed or voluntary contribution for United Nations peacekeeping activities unless the Secretary of State determines and certifies to the designated congressional committees that United States manufacturers and suppliers are being given opportunities to provide equipment, services, and material for such activities equal to those being given to foreign manufacturers and suppliers.

"(f) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term 'designated congressional committees' means—

"(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

SEC. 511. UNITED NATIONS BUDGETARY AND MANAGEMENT REFORM.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 11. (a) WITHHOLDING OF CONTRIBUTIONS.—

"(1) ASSESSED CONTRIBUTIONS FOR REGULAR UNITED NATIONS BUDGET.—At the beginning of each fiscal year, 20 percent of the amount of funds made available for that fiscal year for United States assessed contributions for the regular United Nations budget shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(2) ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—At the beginning of each fiscal year, 50 percent of the amount of funds made available for that fiscal year for United States assessed contributions for United Nations peacekeeping activities shall be withheld from obligation and expenditure unless a certification for that fiscal year has been made under subsection (b).

"(3) VOLUNTARY CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING.—The United States may not during any fiscal year pay any voluntary contribution to the United Nations for international peacekeeping activities unless a certification for that fiscal year has been made under subsection (b).

"(b) CERTIFICATION.—The certification referred to in subsection (a) for any fiscal year is a certification by the President to the Congress, submitted on or after the beginning of that fiscal year, of each of the following:

"(1) The United Nations has an independent office of Inspector General to conduct and supervise objective audits, inspections, and investigations relating to programs and operations of the United Nations.

"(2) The United Nations has an Inspector General who was appointed by the Secretary General with the approval of the General Assembly and whose appointment was made principally on the basis of the appointee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

"(3) The Inspector General is authorized to—

"(A) make investigations and reports relating to the administration of the programs and operations of the United Nations;

"(B) have access to all records, documents, and other available materials relating to those programs and operations;

"(C) have direct and prompt access to any official of the United Nations; and

"(D) have access to all records and officials of the specialized agencies of the United Nations.

"(4) The United Nations has fully implemented, and made available to all member states, procedures that effectively protect the identity of, and prevent reprisals against, any staff member of the United Nations making a complaint or disclosing information to, or cooperating in any investigation or inspection by, the United Nations Inspector General.

"(5) The United Nations has fully implemented procedures that ensure compliance with recommendations of the United Nations Inspector General.

"(6) The United Nations has required the United Nations Inspector General to issue an annual report and has ensured that the annual report and all other reports of the Inspector General are made available to the General Assembly without modification.

"(7) The United Nations has provided, and is committed to providing, sufficient budgetary resources to ensure the effective operation of the United Nations Inspector General.".

(b) EFFECTIVE DATE.—Section 11 of the United Nations Participation Act of 1945, as added by subsection (a), shall apply only with respect to fiscal years after fiscal year 1995.

SEC. 512. CONDITIONS ON PROVISION OF INTELLIGENCE TO THE UNITED NATIONS.

(a) IN GENERAL.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is further amended by adding at the end the following new section:

"SEC. 12. (a) PROVISION OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—Before intelligence information is provided by the United States to the United Nations, the President shall ensure that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established guidelines governing the provision of intelligence information to the United Nations which shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

"(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than semiannually, to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate on the types of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. The President shall also report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, within 15 days after it becomes known to him, any unauthorized disclosure of intelligence provided to the United Nations.

"(2) The requirement for periodic reports under the first sentence of paragraph (1) of this subsection shall not apply to the provision of intelligence that is provided only to, and for the use of, United States Government personnel serving with the United Nations.

"(c) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

"(d) IMPROVED HANDLING OF INTELLIGENCE INFORMATION BY THE UNITED NATIONS.—The Secretary of State (or the designee of the Secretary), in consultation with the Director of Central Intelligence and the Secretary of Defense, shall work with the United Nations to improve the handling, processing, dissemination, and management of all intelligence information provided to it by its members.

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 45 days after the date of the enactment of this Act.

TITLE VI—EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the "NATO Expansion Act of 1995".

SEC. 602. FINDINGS.

The Congress makes the following findings:

(1) Since 1949, the North Atlantic Treaty Organization (NATO) has helped to guarantee the security, freedom, and prosperity of the United States and its partners in the alliance.

(2) NATO has expanded its membership on three different occasions since its founding in 1949.

(3) The steadfast and sustained commitment of the member countries of NATO to mutual defense against the threat of communist domination played a significant role in precipitating the collapse of the Iron Curtain and the demise of the Soviet Union.

(4) Although new threats are more geographically and functionally diverse and less predictable, they still imperil shared interests of the United States and its NATO allies.

(5) Western interests must be protected on a cooperative basis without an undue burden falling upon the United States.

(6) NATO is the only multilateral organization that is capable of conducting effective military operations to protect Western interests.

(7) The valuable experience gained from ongoing military cooperation within NATO was critical to the success of joint military operations in the 1991 liberation of Kuwait.

(8) NATO is an important diplomatic forum for discussion of issues of concern to its member states and for the peaceful resolution of disputes.

(9) Admission of Central and East European countries that have recently been freed from Communist domination to NATO could contribute to international peace and enhance the security of those countries.

(10) By joining the Partnership for Peace, a number of countries have expressed interest in NATO membership.

(11) The Partnership for Peace program is creating new political and military ties with countries in Central and Eastern Europe and provides the basis for joint action to deal with common security problems. Active participation in the Partnership for Peace will also play an important role in the evolutionary process of NATO expansion.

(12) In particular, Poland, Hungary, the Czech Republic, and Slovakia have made significant progress toward establishing democratic institutions, free market economies, civilian control of their armed forces, police, and intelligence services, and the rule of law since the fall of their previous Communist governments.

SEC. 603. UNITED STATES POLICY.

It should be the policy of the United States—

(1) to continue the Nation's commitment to an active leadership role in NATO;

(2) to join with the Nation's NATO allies to redefine the role of the alliance in the post-Cold War world, taking into account—

(A) the fundamentally changed security environment of Central and Eastern Europe;

(B) the need to assure all countries of the defensive nature of the alliance and the desire of its members to work cooperatively with all former adversaries;

(C) the emerging security threats posed by the proliferation of nuclear, chemical, and biological weapons of mass destruction and the means to deliver them;

(D) the continuing challenges to the interests of all NATO member countries posed by unstable and undemocratic regimes harboring hostile intentions; and

(E) the dependence of the global economy on a stable energy supply and the free flow of commerce;

(3) to affirm that NATO military planning should include joint military operations beyond the geographic bounds of the alliance under Article 4 of the North Atlantic Treaty when the shared interests of the United States and other member countries require such action to defend vital interests;

(4) to expeditiously pursue joint cooperation agreements for the acquisition of essential systems to significantly increase the crisis management capability of NATO;

(5) that Poland, Hungary, the Czech Republic, and Slovakia should be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area in the near future, and, in accordance with Article 10 of such Treaty, should be invited to become full NATO members, provided these countries—

(A) meet appropriate standards, including—

(i) shared values and interests;

(ii) democratic governments;

(iii) free market economies;

(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

(B) remain committed to protecting the rights of all their citizens and respecting the territorial integrity of their neighbors;

(6) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of Poland, Hungary, the Czech Republic, and Slovakia to full NATO membership;

(7) to reaffirm article X of the North Atlantic Treaty and the policy decision of the North Atlantic Council on December 1, 1994, that—

(A) each new member nation may be admitted to NATO only by amendment to the North Atlantic Treaty; and

(B) each current NATO member nation will have to complete the treaty amendment ratification process for the admission of each new member nation to NATO, subject to the internal legal processes of each current NATO member nation, and that in the case of the United States, the treaty amendment ratification process will require advice and consent of two-thirds of the members of the United States Senate present and voting;

(8) that the expansion of NATO should be defensive in nature and should occur in a manner that increases stability for all nations of Europe, including both NATO member nations and non-NATO member nations;

(9) that NATO and its member nations should cooperate closely with Russia on security issues and work to strengthen other structures of security cooperation in Europe, including the Organization on Security and Cooperation in Europe; and

(10) that other European countries emerging from communist domination may be in a position at a future date to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, and at the appropriate time they should receive assistance to facilitate their transition to full NATO membership and should be invited to become full NATO members.

SEC. 604. REVISIONS TO PROGRAM TO FACILITATE TRANSITION TO NATO MEMBERSHIP.

(a) ESTABLISHMENT OF PROGRAM.—Subsection (a) of section 203 of the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note) is amended to read as follows:

"(a) ESTABLISHMENT OF PROGRAM.—The President shall establish a program to assist in the transition to full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia and any other European country emerging from communist domination that is designated by the President under subsection (d)(2).".

(b) ELIGIBLE COUNTRIES.—

(1) DESIGNATED COUNTRIES.—Subsection (d) of such section is amended to read as follows:

"(d) DESIGNATION OF ELIGIBLE COUNTRIES.—

"(1) SPECIFIED COUNTRIES.—The following countries are hereby designated for purposes of this title: Poland, Hungary, the Czech Republic, and Slovakia.

"(2) AUTHORITY FOR PRESIDENT TO DESIGNATE OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The President may designate other European countries emerging from communist domination (as defined in section 206) to receive assistance under the program established under subsection (a). The President may make such a designation in the case of any such country only if the President determines, and reports to the designated congressional committees, that such country—

"(A) has made significant progress toward establishing—

"(i) shared values and interests;

"(ii) democratic governments;

"(iii) free market economies;

"(iv) civilian control of the military, of the police, and of the intelligence and other security services, so that these organizations do not pose a threat to democratic institutions, neighboring countries, or the security of NATO or the United States;

"(v) adherence to the rule of law and to the values, principles, and political commitments set forth in the Helsinki Final Act and other declarations by the members of the Organization on Security and Cooperation in Europe;

"(vi) commitment to further the principles of NATO and to contribute to the security of the North Atlantic area;

"(vii) commitment and ability to accept the obligations, responsibilities, and costs of NATO membership; and

"(viii) commitment and ability to implement infrastructure development activities that will facilitate participation in and support for NATO military activities; and

"(B) is likely, within five years of such determination, to be in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.".

(2) CONFORMING AMENDMENTS.—

(A) Subsections (b) and (c) of such section are amended by striking "countries described in such subsection" and inserting "countries designated under subsection (d)".

(B) Subsection (e) of such section is amended—

(i) by striking "subsection (d)" and inserting "subsection (d)(2)"; and

(ii) by inserting "(22 U.S.C. 2394)" before the period at the end.

(C) Section 204(c) of such Act is amended by striking "any other Partnership for Peace country designated under section 203(d) of this title" and inserting "any country designated under section 203(d)(2)".

(c) TYPES OF ASSISTANCE.—

(1) ECONOMIC SUPPORT ASSISTANCE.—Subsection (c) of section 203 of such Act is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the Economic Support Fund).".

(2) ADDITIONAL ASSISTANCE.—

(A) IN GENERAL.—Subsection (f) of such section is amended to read as follows:

"(f) ADDITIONAL ASSISTANCE.—In carrying out the program established under subsection (a), the President may, in addition to the security assistance authorized to be provided under subsection (c), provide assistance to countries designated under subsection (d) from funds appropriated under the 'Nonproliferation and Disarmament Fund' account.".

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) does not apply with respect to funds appropriated before the date of the enactment of this Act.

(d) DISQUALIFICATION FROM ASSISTANCE FOR SUPPORT OF TERRORISM.—Section 203 of such Act is further amended by adding at the end the following new subsection:

"(g) PROHIBITION ON PROVIDING ASSISTANCE TO COUNTRIES THAT PROVIDE DEFENSE ARTICLES TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM.—The President may not provide assistance to a country under the program established under subsection (a) if such country is selling or transferring defense articles to a state that has repeatedly provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979.".

(e) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Section 203 of such Act (as amended by subsection (d)) is further amended by adding at the end the following:

"(h) REPORT PRIOR TO OBLIGATION OR EXPENDITURE OF FUNDS.—Prior to providing assistance to a country for the first time through the program established under subsection (a), the President shall transmit to the designated congressional committees a report with respect to that country that contains a description of the following:

"(1) The cost of membership in NATO for the country and the amount that the country is prepared to contribute to NATO to pay for such cost of membership.

"(2) The amount that the United States will contribute to facilitate transition to full NATO membership for the country.

"(3) The extent to which the admission to NATO of the country would contribute to the security of the United States.

"(4) The views of other NATO member nations regarding the admission to NATO of the country and the amounts that such other NATO member nations will contribute to facilitate transition to full NATO membership for the country.".

(f) ANNUAL REPORT.—Section 205 of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended—

(1) by inserting "annual" in the section heading before the first word;

(2) by inserting "annual" after "include in the" in the matter preceding paragraph (1); and

(3) in paragraphs (1) and (2), by striking "and other" and all that follows through the period at the end and inserting "and any country designated by the President pursuant to section 203(d)(2).".

(g) DEFINITIONS.—The NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note) is amended by adding at the end the following new section:

"SEC. 206. DEFINITIONS.

"For purposes of this title:

"(1) NATO.—The term 'NATO' means the North Atlantic Treaty Organization.

"(2) OTHER EUROPEAN COUNTRIES EMERGING FROM COMMUNIST DOMINATION.—The term 'other European countries emerging from communist domination' means any full and active participant in the Partnership for Peace that—

"(A) is located—

"(i) in the territory of the former Union of Soviet Socialist Republics; or

"(ii) in the territory of the former Socialist Federal Republic of Yugoslavia; or

"(B) is among the following countries: Estonia, Latvia, Lithuania, Romania, Bulgaria, or Albania.

"(3) DESIGNATED CONGRESSIONAL COMMITTEES.—The term 'designated congressional committees' means—

"(A) the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.".

TITLE VII—BUDGET FIREWALLS

SEC. 701. RESTORATION OF BUDGET FIREWALLS FOR DEFENSE SPENDING.

It is the sense of the Congress that, in order to protect against the diversion of defense funding to domestic discretionary accounts, so-called "budget firewalls" between defense and domestic discretionary spending should be established for each of fiscal years 1996, 1997, and 1998.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The time for the 10-hour debate is beginning at 4:50 p.m., and we will keep track of that.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment, No. 39, printed in the CONGRESSIONAL RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPENCE: At the end of title II (page 12, after line 25), add the following new section.

SEC. 204. SENSE OF CONGRESS ON THEATER MISSILE DEFENSE AND THE ANTI-BALLISTIC MISSILE (ARM) TREATY.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles that are currently deployed or are being developed (such as the Chinese CSS–2 missile and the North Korean Taepo Dong-2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing or deployment of missile defense systems, system upgrades, or system components that

are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposal in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that would significantly compromise the United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

Mr. SPENCE. Mr. Chairman, I rise to offer an amendment to title II of H.R. 872.

One of the highest priority defense capabilities currently under development by the Department of Defense is theater missile defense. The U.S. theater missile defense systems are designed to defend our U.S. military forces deployed overseas, along with friendly forces and allies, from ballistic missile attack.

The threat posed by the proliferation of ballistic missiles is expanding. Several countries, including North Korea, are developing missiles of increasing range and accuracy. Others, such as Iran, have purchased missiles and production technology from North Korea. Such proliferation underscores the importance of fielding, at the earliest practical date, advanced TMD systems, as advocated in title II of this bill.

Unfortunately, our ability to field high-effective TMD systems is in jeopardy. Specifically, under the guise of "clarifying" the terms of the 1972 antiballistic treaty, this administration has proposed in talks with Russia and others to impose specific design limitations on two theater missile defense systems that will significantly compromise our United States capability.

They have also proposed to multilateralize the ABM Treaty, making future amendments or changes to the treaty, such as those to deploy an effective missile defense of our country, more difficult.

Based on these concerns, I cosigned a letter to President Clinton on January 4, along with the entire House Republican leadership, suggesting that further negotiations be suspended until the new Congress had an opportunity to examine those issues in detail. Unfortunately, the President's reply rejected our suggestion and stated his intention to continue negotiating such an agreement.

I would note that, according to a February 13, 1995, Washington Times article, Deputy Secretary of Defense John Deutch also has grave misgivings about the current U.S. negotiating approach, as does our Chairman of the Joint Chiefs of Staff, John Shalikashvili. According to the Times, Mr. Deutch in a February 6 memorandum, affirmed that countering missile proliferation was "an urgent defense requirement." But he also suggested that in light of Russian intransigence in these negotiations, we should "shift our proposal to a more principled demarkation position." I strongly agree with Secretary Deutch's alleged statements.

It is, therefore, incumbent upon us to more explicitly communicate our deep concerns about the administration's position in these negotiations and the adverse impact they would have on our missile defense programs.

My amendment does just that. Specifically, the amendment expresses the sense of Congress that further formal negotiations in the standing consultative commission and any informal discussions or negotiations on either the demarkation between the theater missile defense systems and ABM systems or any other effort that bears on the viability of the ABM Treaty, including multilateralization of the ABM Treaty, should be suspended until the 104th Congress has had the opportunity to review those matters. It is a statement of principle and not binding language. Nevertheless, my hope is that the President will listen more carefully this time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the amendment offered by our committee chairman.

This is a sense-of-the-Congress amendment so it is not binding, but it is a very important one because it gets at the heart of what is now going on between our administration and Russia in terms of the ABM Treaty.

As our chairman pointed out, both the Deputy Secretary of Defense, in a memo that I will include for the RECORD, as well as the comments by General Shalikashvili that we are concerned about the administration policymakers not adopting treaty changes which would prohibit the Defense Debarment from deploying new theater defense systems that meet U.S. requirements.

What is important for our colleagues on the minority side is that one of their basic contentions is that theater missile defense is of the highest priority.

Now, your Deputy Secretary of Defense, or, I should say, ours and our Chairman of the Joint Chiefs are both raising a red flag saying, let us not let those negotiators move too fast. So this is an extremely important amendment.

I want to get at the heart of why I think it is so important. My first amendment on the floor of this House in 1987, when many of the more liberal Members of our Congress were saying that we should adhere to the strictest possible interpretation of the ABM Treaty, I offered an amendment that acknowledged that the Kransnowarsk radar system in Siberia was in fact a direct violation of the ABM Treaty.

Guess what we have found out, Mr. Chairman, after in fact the Russian military leaders have retired and reported what their intent was with that radar?

In a recent article in the Russian military historical journal, written by retired General Votintsev, who said the ABM and space defense troops of the National Air Defense Forces, from 1967 until 1985, he states that it was clearly the Soviet Union's intent to break out and violate the ABM Treaty.

Many of the more liberal Members in this body, during that debate, were saying, oh, this is wrong. It is just an accident. It is just being used for radar. It is not being used for defensive operations. In fact, here is the general, who was in charge of that system at the time, not publicly stating what we said on this House floor.

He said, furthermore, that he was ordered to do this by the Chief of Staff, Marshall Ogarkov and was told that if he did not locate this radar in Krasnowarsk that General Ustinov, the Minister of Defense, directed that anyone who continued to object would be removed of his duties.

Mr. Chairman, all of us want to work with the Russians. I cochair the Russian Energy Caucus. I am working with them on their nuclear waste problem.

But as Ronald Reagan said, we must trust but verify.

□ 1700

What we are saying is that should be the hallmark of our negotiations with the Russians now. We should not let our negotiators bargain away the ability for us to develop a continued theater defense system which the minority side feels so strongly about. This amendment protects that. I applaud my chairman for the amendment, and I would be happy to support it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for his hard work and leadership on this issue.

I think it is important for Members to realize what we are doing here. The administration, according to our own senior military officials, is trying to negotiate into the ABM Treaty, which is between the United States and the Soviet Union, some limitations on our ability to put out systems that will defend our troops, like those that were in Iran or in Iraq, against incoming theater ballistic missiles.

There are two parties to the ABM Treaty, us and the Soviet Union, yet there are countries like Libya, North Korea, China, and others that are developing theater ballistic missiles that could be targeted on our troops. They are not signatories to the ABM agreement and they do not care what kind of restrictions we must put on. In fact, they would like us to put restrictions on our defensive systems.

What the gentleman is talking about, Mr. Chairman, is a total curtailment of theater ballistic missile defense systems that Democrats and Republicans agree are very, very important to the survivability of our troops. That means that when we have a troop concentration, whether it is Marines or Army units in the Middle East, in Europe, in Southeast Asia, and we need to put a footprint, a defensive footprint around them, whether it is the THAAD system or a Patriot system, upgraded Patriot, or the Navy lower tier system, all those systems are little theater missile defense systems that can shoot down incoming missiles. When we try to put those up, we are now going to be facing limitations.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. MONTGOMERY. Reserving the right to object, Mr. Chairman, we are trying to figure out exactly what this amendment does. We are kind of worried, when the gentleman is taking a lot of time here, and we really do not have a chance to do that.

Mr. HUNTER. I will be happy to strike the requisite number of words on my own.

Mr. MONTGOMERY. I appreciate very much the gentleman doing that.

Mr. HUNTER. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. WELDON of Pennsylvania. Mr. Chairman, I include for the RECORD these articles and this information.

The information referred to is as follows:

DEPUTY SECRETARY OF DEFENSE,
Washington, DC, February 7, 1995.

Memorandum for: Under Secretary of Defense for Acquisition and Technology; Under Secretary of Defense for Policy; Principal Deputy Under Secretary of Defense for Policy; Assistant Secretary of Defense for International Security Policy; Director, Ballistic Missile Defense; Senior Deputy General Counsel, International Affairs and Intelligence.

Subject: BMD program logic.

Here is a revised outline based on your inputs and pulled together by Ash Carter. As always, your suggestions have been helpful.

Attachment.

BALLISTIC MISSILE DEFENSE

I. BMD Program is determined by:

A. The threat—present and anticipated.

B. Technical and Program Options.

C. Cost and affordability—more resources for BMD means some other modernization opportunities must be forgone.

D. ABM (and other) treaty implications.

II. The Threat

A. Present threat against CONUS (AK and HI slightly different)

1. Russian ICBM and SLBM threat.

2. China—CSS4.

3. No Rest of World (ROW) BM threat to CONUS expected before 2005 at the earliest. (Clapper testimony)

4. Vulnerability to surreptitiously delivered or air-delivered nuclear device.

B. Future threat against CONUS

1. Russia and China.

2. ROW Proliferator indigenous development, e.g., North Korea, Iran, Libya.

3. Delivery by BM or air breathers, e.g., cruise missile.

C. Effective CONUS defense against determined Russian attack (several thousand RVs) problematic. Responses to this threat are vigorous deterrent (NPR) plus priority on preventing reemergence of threat (CTR). against accidental or small attack (< 50 RVs without sophisticated penaids) possible.

D. Theater Ballistic Missile Threat

1. Here today—for US and Allies; SCUDs NO DONG, CSS-2, etc.

2. TBM can carry nuclear or unitary/submission CW/BW warheads.

3. If unchecked, significant problem for U.S. forward operations, esp. SWA, ROK.

4. ROW by purchase or SLV conversion.

5. Urgent defense requirements for US and Allies.

III. TBM Defense first priority ($2 billion/year)

A. Core Program (deployment planned):

1. PAC-3 First Unit Equipped (FUE) 1998

2. THAAD FUE 2002

3. Navy Lower Tier FUE 2000

B. Enhanced Program (technology development):

1. Navy Upper Tier

2. Boost Phase Intercept

3. Corps SAM (MEADS)

C. International cooperation emphasized.

D. Depending upon performance, any effective TBM system (especially with the over-the-horizon threat cueing) will have some marginal capabilities against faster strategic incoming BM targets in one-on-one engagement.

E. U.S. will not accept limitations on TMD capabilities that pose no threat to the basic principles of the ABM Treaty.

IV. Technical and Program Options for National Missile Defense (NMD)

A. System components include:

1. Early warning/Surveillance

2. Target acquisition and track—mix of ground based multifunction radars, early-warning radars, space based EO/IR sensors.

3. Interceptors—number, location, and performance.

4. Battle Management C3

B. An NMD system requires significant RDT&E before deployment and the system may be either compliant or not compliant with the ABM (and other) treaties.

C. The DoD NMD program consists of two elements

1. BMD Technology. R&D on BMD components that could eventually be part of an advanced NMD or TMD system and growth of TMD system for limited NMD capabilities.

a. Technology; Kinetic energy Boost Phase Interceptors, advanced sensors, high powered lasers, advanced lightweight projectile (LEAP), small business innovative research, and innovative science and technology

b. Expenditures: $170M/year.

2. The Baseline Program. A treaty compliant three year R&D program that will provide the option for deployment over an additional three years, of an initial NMD system which might or might not be treaty compliant. There is room for further growth in system capabilities.

a. The system consists of a ground-based radar (GBR), ground-based interceptor (GBI), and space based sensors (SBIR-LEO) for cueing.

b. Expenditure: $520M/year (including $120M for SBIR-LEO).

D. The DoD budget does not fund an emergency response NMD program that could be more rapidly deployed in case an unanticipated threat emerges or capability was desired, against accidental or inadvertent launch.

1. Such a system consists of 20-50 exo-kill vehicles (EKVs) on MINUTEMAN II or III boosters with DSP, early warning radar, and multifunction radar cueing.

2. This Emergency Response System would take two years to develop (at a cost of $1 billion to the baseline) and two years to deploy (at an additional cost of $2-4 billion to the baseline)

3. The Emergency Response System would not be compliant with either the ABM or START treaty.

4. ERS would be more effective to degree we know what threat it would meet; therefore not wise to commit to deployment until threat is clearer.

E. Summary Chart

NMD PROGRAM OPTIONS [1]

	R&D phase	Deployment phase
1. BMD technology:		
Advanced sensors	Ongoing	Not defined.
KE boost phase	$170M/year	
DE boost phase	Treaty compliant	
Innovative science and technology.		
2. Baseline NMD: Ground-based KE interceptors with ground and space-based cueing.	3 year; $520M/year; treaty compliant	3 years; not funded; possibly treaty compliant.
3. Emergency response: Ground-based KE interceptors with early warning radar cueing.	2 years; not funded; possibly not treaty compliant	2 years; not funded; not treaty compliant.

[1] Treaty issues subject to review by Compliance Review Group.

F. Choices include:

1. Adding funds for NMD technology, to create more choices for the future, such as strategic application of Navy uppertier technology.

2. Adding funds for baseline system—risk reduction and, schedule acceleration.

3. Adding funds for R&D phase of Emergency Response System.

V. Treaty Compliance

A. Purpose of ABM Treaty was to assure strategie stability by prohibiting ABM deployment that had significant capabilities against a retaliatory strategic missile attack. The US stands by this purpose.

B. The 1972 ABM Treaty does not reflect either the changed geopolitical circumstances or the new technological opportunities of today. We should not be reluctant to negotiate treaty modifications that acknowledge the new realities provided we retain the essential stabilizing purpose of the treaty.

1. The ABM Treaty permits one particular "thin" system—100 interceptors at Grand Forks ND with GBR and space based sensor adjuncts. May be possible to deploy a satisfactory NMD within these limits.

2. Other NMD configurations or TMD systems that do not meet specific prohibitions of the treaty but are comparable to the permitted "thin" system, e.g., the Emergency Response system, would not undermine the Treaty and should be permitted.

C. TMD Demarcation—TMD is an essential defense capability and we should pursue these programs diligently: we cannot let Russian foot dragging on TMD demarcation issue slow TMD programs.

1. Present US position proposes limits on demonstrated capability of components (no testing against targets with velocity 5 KM/sec or range 3500 km) and interceptor velocity. This approach aimed at negotiability and prompt Russian acceptance.

2. If Russians do not accept essential elements of U.S. TMD demarcation proposal soon, we should consider shifting our proposal to a more technically straight forward position based on the actual capability of a deployed TMD system to defend against a substantial Russian retaliatory missile strike.

Background.—The Spence amendment would modify Title II by adding a new section that expresses the Sense of Congress that negotiations with Russia and others to extend the ABM Treaty to theater missile defense (TMD) systems be suspended until the 104th Congress has had an opportunity to review this matter.

Talking Points.—The U.S. ability to field effective TMD systems is being jeopardized by the Clinton Administration.

In negotiations with Russia, the Administration has proposed turning the 1972 Anti-Ballistic Missile (ABM) Treaty into an "ABM-TMD Treaty".

Additionally, they seek to "multilateralize" the Treaty, so that instead of just two parties to the Treaty, there could be ten or more. This would give Belarus or Uzbekistan a veto or modifications/amendments to the Treaty, making it more difficult to amend the Treaty were the U.S. to request such changes.

They have also proposed to impose specific design limitations on U.S. TMD systems (e.g., setting "speed limits" on how fast U.S. TMD systems can fly). Such self-imposed design limitations would have the effect of "dumbing down" U.S. TMD systems and compromising the effectiveness of U.S. TMD systems.

Deputy Secretary of Defense John Deutch in a recent memorandum warned against the dangers of the Administration's current approach to these negotiations.

Secretary Deutch suggested that, in light of Russian intransigence in these negotiations, the U.S. should "shift our proposal to a more principled [demarcation] position". This clearly underscores the folly of the Administration's current approach.

In a January 4 letter to the President, Mr. Spence, Mr. Livingston, Mr. Gilman and the Republican Leadership in the House suggested that these negotiations be suspended temporarily. Unfortunately, the President has thus far refused to budge.

The Spence amendment once again puts the Congress on record as having deep concerns about the Administration plans and the adverse impact they would have on national security.

I urge my colleagues to vote YES on the Spence amendment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1995.

DEAR COLLEAGUE: One of the highest priority defense capabilities currently under development and being fielded by the Department of Defense (DoD) is theater missile defense (TMD). U.S. TMD systems are designed to defend U.S. military forces deployed overseas, along with friendly forces and allies, from ballistic missile attack.

The threat posed by the proliferation of ballistic missiles is expanding. Several countries, including North Korea, are developing missiles of increasing range and accuracy. Others, such as Iran, have purchased missiles and production technology from North Korea. Such proliferation underscores the importance of fielding, at the earliest practical date, advanced TMD systems—as advocated in Title II of H.R. 872, the National Security Revitalization Act.

Unfortunately, the U.S. ability to field highly-effective TMD systems is being jeopardized by the Clinton Administration. Specifically, under the guise of "clarifying" the terms of the 1972 Anti-Ballistic Missile (ABM) Treaty, U.S. negotiators have proposed in talks with Russia and others to impose specific design limitations on U.S. TMD systems that will significantly compromise U.S. TMD capability. They have also proposed to "multilateralize" the ABM Treaty, making future amendments or changes to the Treaty, such as those to deploy an effective ABM defense of the United States, more difficult.

Based on these concerns, we sent a letter to the President on January 4 suggesting that further negotiations be suspended until the new Congress has had an opportunity to examine these issues in detail. The President's reply rejected our suggestion and stated his intention to continue negotiating such an agreement. (The January 4 letter and the President's response are attached for your information.)

It is incumbent upon us, therefore, to again communicate our deep concerns about the Administration's position in these negotiations and the adverse impact they would have on U.S. missile defense programs. The amendment offered by Rep. Floyd Spence, Chairman of the National Security Committee, does just that. (A copy of the Spence amendment is printed below.)

We strongly urge your support of both the Spence amendment and Title II of H.R. 872 regarding missile defense.

Sincerely,

NEWT GINGRICH.
FLOYD SPENCE.
BOB LIVINGSTON.
DICK ARMEY.
BEN GILMAN.
BILL YOUNG.

AMENDMENT OFFERED BY REPRESENTATIVE SPENCE

At the end of Title II (page 12, after line 25), add the following new section:

SEC. 204. Sense of Congress on Theater Missile Defense and the Anti-Ballistic Missile (ABM) Treaty.

(a) FINDINGS.—The Congress makes the following findings:

(1) The United States and its allies face existing and expanding threats from ballistic missiles capable of being used as theater weapon systems that are presently possessed by, being developed by, or being acquired by a number of countries, including Iran, Iraq, Syria, Libya, and North Korea.

(2) Some theater ballistic missiles currently deployed or are being developed (such as the Chinese CSS-2 missile and the North Korean Taepo Dong-2 missile) have capabilities equal to or greater than the capabilities of missiles that were determined to be strategic missiles more than 20 years ago under the Strategic Arms Limitation Agreement I (SALT I) Interim Agreement of 1972 entered into between the United States and the Soviet Union.

(3) The Anti-Ballistic Missile (ABM) Treaty was not intended to, and does not, apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(4) It is a national security priority of the United States to develop and deploy highly effective theater missile defense systems capable of countering the existing and expanding threats posed by modern theater ballistic missiles at the earliest practical date.

(5) Current United States proposals in the Standing Consultative Commission (SCC) would multilateralize the ABM Treaty, making future amendments or changes to the Treaty more difficult, and would impose specific design limitations on United States theater missile defense (TMD) systems that will significantly compromise United States TMD capability.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that further formal negotiations in the Standing Consultative Commission (SCC) and any informal discussions or negotiations on either the demarcation between theater missile defense (TMD) systems and anti-ballistic missile (ABM) systems, or any other efforts that bear on the viability of the ABM Treaty, including multilateralization of the ABM Treaty, should be suspended until the One Hundred Fourth Congress has had the opportunity to review those matters.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 1995.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We appreciate your letter of October 22, 1994 responding to the letter of September 19, 1994 signed by a bipartisan group of legislators regarding the 1972 Anti-Ballistic Missile (ABM) Treaty and constraints on theatre missile defenses.

We welcome your assurances that your Administration is "not going to rush" the process of negotiating changes to the 1972 ABM Treaty. It is our expectation that the new Congress and relevant Congressional committees will want, as an early order of business, to examine the wisdom of expanding the ABM Treaty's limitations in the name of "demarcating" strategic and theatre missile defenses and multilateralization this agreement. We also anticipate that there will be considerable interest in reviewing the more fundamental issue whether a treaty that is intended to prohibit an effective defense of the United States against missile attack is consistent with our Nation's vital security interests and emerging threats.

Therefore, we respectfully suggest that further negotiations on either the demarcation or multilateralization efforts, or any other efforts that bear on the viability of the ABM Treaty, be suspended until the new Congress has had an opportunity to examine these questions with care.

Sincerely,

RICHARD K. ARMEY.
FLOYD SPENCE.
NEWT GINGRICH.
C.W. BILL YOUNG.
HENRY J. HYDE.
BENJAMIN A. GILMAN.
CHRISTOPHER COX.
LARRY COMBEST.
TOM DELAY.
SUSAN MOLINARI.
JOHN A. BOEHNER.
BOB LIVINGSTON.
JERRY LEWIS.
JOE SKEEN.
BILL PAXON.
JOE BARTON.
JOSEPH M. MCDADE.

THE WHITE HOUSE,
Washington, DC, January 26, 1995.

DEAR MR. LEADER: Thank you for your recent letter concerning theater missile defenses and the ABM Treaty. I believe it is important for the Administration and the new Congress to continue our dialogue on these important issues.

The Administration is firmly committed to two fundamental objectives in the area of missile defenses. First, we believe it is critical to preserve the viability and integrity of the ABM Treaty. This important Treaty remains a cornerstone of U.S. security policy and our new relationship with Russia. It is also essential if we are to continue implementing the dramatic reductions in strategic nuclear forces negotiated during the Reagan and Bush Administrations (START I and START II). Second, we are committed to deploying highly effective theater missile defense systems (TMDs).

The key to preserving both the ABM Treaty and a robust TMD program is the successful conclusion of ongoing negotiations in the Standing Consultative Commission (SCC). These negotiations seek to clarify the distinction in the ABM Treaty between TMDs (which are not limited by the Treaty) and strategic ABMs (which are limited by the Treaty). This is not a question of "expanding" the ABM Treaty's limitations. Rather, we are acting in consonance with the sense of Congress, as clearly expressed in the Missile Defense Act of 1991 (P.L. 102-190) and recently reaffirmed in the National Defense Authorization Act for Fiscal Year 1995, that we pursue negotiations to clarify the boundary between TMDs and ABMs. The U.S. position in these negotiations is intended to ensure that advanced U.S. TMD systems can proceed, even though some of them may have a theoretical capability under certain scenarios to intercept certain ballistic missiles.

Over the past year, we have made considerable progress in the SCC towards achieving these objectives. All parties to the negotiations agree on the need to clarify the TMD/ABM boundary, and there appears to be an emerging consensus that such important TMD systems as THAAD, CORPS SAM, Navy Lower Tier and PAC-3 do not cross this boundary. There are, however, still a number of substantive issues that need to be resolved, including our commitment to secure specific deployment options related to air-based TMD and Navy Upper Tier. As I said in my letter of October 22, we will not rush this process or enter into any agreement that does not meet our national security requirements for highly effective TMDs. This commitment was underscored by my recent decision to proceed with demonstration/validation testing of the THAAD TMD system.

I look forward to working closely with Congress as we pursue our common objectives in this area.

Sincerely,

BILL CLINTON.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise first of all, along with a number of other Members on this side, to make inquiries as to exactly what the purpose of this particular proposal is.

First of all, could I ask the gentleman from California [Mr. HUNTER], the particular objection we have, other than the fact that we are multilateralizing the ABM Treaty, and I do not think we multilateralized it, they did, when they splintered into a number of different countries.

The former Soviet Union is no more, so countries which have missile weapons, that missile defense system is still there.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the administration, by the President's own admission, because he has sent a letter back to the Republican leadership after they initiated a letter essentially asking the President, having heard reports from the Pentagon that senior arms negotiators were attempting to expand or were discussing with the Soviet Union, with their negotiation team, the expansion of the ABM Treaty to include limitations on theater defenses, and concerns with that negotiation position were expressed by the Chairman of the Joint Chiefs, General Shalikashvili.

They were expressed at the hearing in which the gentleman sat in with me when the Secretary of Defense appeared before us. My understanding of his words, the transcript speaks for itself, is that he, too, was concerned with negotiating limitations on theater defenses.

The Republican leadership sent a letter to the President and asked him not to engage in negotiations that would limit theater defensive systems. Let me say that the President responded with a letter, and I can get the letter and we will have it before me, but as I recall, the letter did not say or did not alleviate the concerns of the Republican leadership.

Mr. SPRATT. Reclaiming my time, Mr. Chairman, just to clarify the question, the gentleman's real concern is not multilateralizing it, because that is sort of a fact accomplished by the breakup of the Soviet Union, but it is the fact that this administration seems to have expressed concerns about the THAD in particular.

Mr. HUNTER. No, Mr. Chairman. If the gentleman will continue to yield, there were two concerns expressed by the Republican leadership. One is multilateralization, bringing in the former Soviet States, Byelorus, Kazakhstan, Ukraine and others, but it was also the limitations that are projected to be placed on the development of theater defensive systems that has upset both our own military people, who are concerned about protecting American military contingents in theater, and a number of people, I think, on both sides of the aisle.

Therefore, the Chairman's resolution, as I understand, is a sense of the Congress resolution advising the President that we do not wish him to place constraints on theater ballistic missile systems through the ABM Treaty.

Mr. SPRATT. The provision that is printed in the RECORD ends by saying "These negotiations should be suspended until the 104th Congress has had the opportunity to review these matters."

I would ask the gentleman, Mr. Chairman, does he have in mind simply a hearing? What is the opportunity of review?

Mr. HUNTER. If the gentleman will continue to yield, since I am the world's greatest expert on my own opinion and my own perception, I think it is a terrible mistake to enter in, when Navy upper tier, I think the best theater defense system that the Navy is developing, is possibly going to be constrained under what the President's negotiators have proposed, I think it is a mistake to impose limitations on theater defensive systems when we have a rapidly evolving threat coming from China, from North Korea, from other sources.

My own opinion is I think we should not constrain theater defensive systems. I think we need to have our intelligence personnel appear before us. I think we need to see if Secretary Perry is going to prevail, and if General Shalikashvili is going to prevail.

Mr. SPRATT. What the gentleman is seeking is just a hearing with the relevant parties and interests before the committee so we could better understand what is going on and express our opinion?

Mr. HUNTER. If the gentleman will continue to yield, I would advise my friend, the gentleman from South Carolina, also to work with the administration and try to change their opinion.

What I would like to do and what others would like to do is change the position of the administration and not constrain theater missile defense. I think it is a very difficult thing to do right now when the threat is evolving rapidly, and I think also the multilateralization is a problem.

Mr. SPRATT. Mr. Chairman, I thank the gentleman for expressing some clarification of what it is they seek. I have no particular problem with it. I propose simply that we accept it and move on.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the gentleman's amendment. I believe it is important to send a clear message to President Clinton that a majority of Members in this Chamber do not agree with the administration's position with respect to the ABM Treaty.

Along with a number of other senior Republicans, including Members of the Republican leadership, I requested the President to suspend ongoing negotiations with regard to the ABM Treaty until he consulted with the 104th Congress.

The President respectfully declined to do that. That's because the administration is in the midst of negotiating changes to the treaty that could undercut our ability to deploy highly effective TMD's.

The administration is also seeking to add other countries as signatories to the ABM Treaty. That could pose an obstacle to deployment of effective missile defenses for our national territory.

This amendment is a shot across the bow to the administration, sending a clear signal that we are serious about this issue.

Accordingly, I urge my colleagues to support Mr. SPENCE's amendment.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us move on. This is about hearings. We ought to have them. We are on the record saying we ought to explore these insignificant questions.

Let us not debate this matter. Let us accept it, and move on to other more substantial and substantive amendments. We are prepared to deal with it. I would have hoped that my colleague would have alerted me earlier about this amendment and we could have talked about it in committee, we could have looked at it thoroughly in committee.

Notwithstanding that, let us get beyond this, accept the amendment, and let us move on to other items.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, this is an important policy decision that the administration is undertaking right now with respect to theater defense limitations.

□ 1710

I think it is an extremely important issue. I would like to get a vote on it because I think it is important to have a sense of the House, regardless of the final outcome of the bill, on this issue. I think it is a very important arms control limitation amendment. And I would like to have a vote.

Mr. SPRATT. We accept the amendment. Is that not sufficient?

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has the time.

Mr. DELLUMS. Let me first respond to my colleague by saying, look, we all know there are very significant amendments here. Take the amendment. Every time you call for a vote, you take out of the debate much more significant amendments that we need to debate here. You are going to win today. We thought you had written the bill the way you wanted to write it in the first place. You have got the votes to do it. Why now trample upon the little bit of time that we have to try to make up for it here? You could have written this bill any way you wanted to. We accept the amendment, and let us go forward.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. DORNAN. Is the distinguished and esteemed gentleman acknowledging, or am I hearing something incorrectly, that the policy is flawed as stands and should be changed?

Mr. DELLUMS. The gentleman knows that both of us are very articulate people. We need not put words in each other's mouth. I am saying very specifically, you have got the votes. Go on and accept the amendment. Let's not filibuster this issue. Let's get on to other amendments that are very important. That is exactly what the gentleman is saying.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend the gentleman for yielding.

Let me just say to him that if this were a motion to adjourn or some kind of a delaying motion, I would agree with him completely. I am just saying to my friend, and I hope he will accept this, I think this is a very important part of arms limitation. It got a lot of us riled up when we saw it happening. You and I know the difference between having a vote in which you have real numbers on the scorecard instead of an acceptance where we say, "Well, we accepted it to get it off the table and under the carpet."

I do intend to call a vote on it because I think it is important to have a vote. I guarantee my friend I will be short of words for the rest of the day.

Mr. DELLUMS. If I might reclaim my time, Mr. Chairman, then let's get on with it. Call for the vote and let's do it.

Mr. DORNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the need to move on when both sides are in agreement about who is going to win today here on an important amendment. I have not criticized anybody on the other side of the aisle for raising a little ruckus around here about the Republican Contract With America and having the most unusual 100-day period we have ever had here. The reason I have not objected to the passion of anybody on the other side, from the new conscience of the minority, HAROLD VOLKMER, or to any other passion is that I spent one-third of my adult life, no, one-third of my entire 60 years in the minority on this side and I feel your pain, and I mean it. But this is a moment I have waited for, for a long time.

Look, Mr. Chairman. We all know that over 1 million Americans are following this debate on C-SPAN. That is the Rose Bowl filled 100 times, or 10 times. That is the Coliseum filled 10 times. And they don't have close-up cameras all the time.

I want to make a few points as the self-appointed historian of this body, and I don't know who takes that role in the Senate.

Fifty years ago today, the Nazi empire of Hitler's Fortress Europe was pushing buttons and launching in this month of February, 50 years ago, hundreds of ballistic missiles. Their guidance systems were rudimentary, but they were good enough to kill innocent men, women, and children all over southern England. And those that did not make the route killed innocent people as they fell on the Netherlands or Belgium working their way to wreak havoc. Hitler's V-1, a cruise missile in today's terminology, and his V-2, a ballistic missile, were not named V for victory, they were named V for vengeance. Believe me, we can, God forbid, have in the future what one of the great liberal papers of America calls a "rogue missile" coming at us.

Listen to what one of America's 3 major newspapers says in closing in an editorial that I found much exception to on technological points, but listen to this closely. And I will tell who it is afterward:

"While it remains a global power and within the limits of technological and financial sense," and this is what we will debate with the gentleman from California [Mr. DELLUMS] in his forceful and articulate manner in hearings later in the year, "the United States must be able to protect forces that it sends on distant missions. And also to protect our allies. There lies the irreducible rationale for an effective theater missile defense."

That is the liberal great Washington Post.

Now, while we possess the technology to defeat a threat, certainly at the level of Hitler's vengeance weapons, we now have the ability to detect, to intercept, and to destroy incoming missiles, but we still do not have the ability to protect one single American city, not a village, hamlet, or town, not an innocent man or woman anywhere in the continental United States or our possessions from Guam, where our day begins, to the Virgin Islands, from Alaska to Hawaii, nowhere can we defend ourselves from missiles. And we still hear voices in this Chamber defending the ABM treaty signed with an evil empire, an entity that is gone. It does not exist anymore.

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has expired.

(By unanimous consent, Mr. DORNAN was allowed to proceed for 1 additional minute.)

Mr. DORNAN. We must later in the year address this ghastly problem of us failing the Preamble to our great Constitution, the original contract, to provide for the common defense.

There are lots of statements people make around here out of polling, from all sorts of great pollers on both sides of the aisle, and we say it is true that most Americans are opposed to most abortions, then we debate that ad nauseam.

Then we have all sorts of things, we say do Americans want this, do they want that?

Here is a statement that I say that I know cannot be refuted. Not 0.1, not 1 percent of this Nation knows that with the trillions of dollars spent under Reagan-Bush or a quarter of a trillion that we are going to spend every year into the future, that is $1 trillion during the Clinton years, that we are unable to defend ourselves from some rogue missile sent by some terrorist group.

I know the gentleman from California [Mr. DELLUMS] carefully talks——

The CHAIRMAN. The time of the gentleman from California [Mr. DORNAN] has again expired.

Mr. DORNAN. Mr. Chairman, I ask unanimous consent to proceed for 30 additional seconds.

Mr. PETERSON of Florida. Mr. Chairman, reserving the right to object, with all due respect, we are operating here with a very tight time constraint. We do appreciate your historical perspectives. But I think we do have to move on and get to the substance of this bill. We have real concrete concerns that we have got to view here with the American public and with our colleagues and we have got to move on. We would ask that we call for a vote on this amendment.

Mr. HUNTER. If the gentleman would yield, I would ask my colleagues since we are going to call for a vote, I think a vote is important to send a message to the President. I would ask my colleagues to refrain from making more speeches so there is time left for the other side to offer the amendments that they have planned in the next several hours.

Mr. PETERSON of Florida. Mr. Chairman, with the caveat that this would be the last 30 seconds, that we are going to restrain ourselves from the unanimous consent and ask for the vote immediately following this 30 seconds, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DORNAN. The gentleman is so gracious, I will cut it to 15 seconds to finish my point.

I look forward to a debate with one of the fairest former chairmen ever, the gentleman from California [Mr. DELLUMS] on the danger of suitcase bombs being dumped out of old freighters into the mud of our harbors. That is equally as dangerous as a rogue missile. We will discuss that later. But we must fulfill this part of the contract on theater missile defense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 320, noes 110, not voting 4, as follows:

[Roll No. 135]

AYES—320

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOES—110

Abercrombie
Ackerman
Barrett (WI)
Beilenson
Bentsen
Bonior
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Evans
Farr
Fattah
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennelly
LaFalce
Leach
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McKinney
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Nadler

Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Serrano
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—4

Becerra
Lantos
Lewis (GA)
Young (AK)

□ 1738

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Lewis of Georgia, against.

Mr. OWENS, Mrs. KENNELLY, and Messrs. ROSE, PALLONE, LaFALCE, FOGLIETTA, DOGGETT, MATSUI, LUTHER, MOAKLEY, WARD, and EVANS changed their vote from "aye" to "no."

Mr. WILSON, Mr. POMEROY, and Mrs. LINCOLN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1740

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer amendment No. 41.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SPRATT:

Strike out title II (page 11, line 12 through page 12, line 25) and insert the following:

TITLE II—POLICY REGARDING PRIORITY FOR MISSILE DEFENSE PROGRAMS

SEC. 201. POLICY.

The following, in the order listed, shall be the policy of the United States with respect to the priority for development and deployment of missile defense programs:

(1) First, ensuring operational readiness of the Armed Forces and accomplishing programmed modernization of weapons systems.

(2) Second, as part of such modernization, completing the development and deployment at the earliest practicable date of more effective theater missile defense (TMD) systems by adequately funding essential theater missile defense programs.

(3) Third, developing as soon as practicable, subject to the availability of funding, a ground-based interceptor system capable of destroying ballistic missiles launched against the United States.

Mr. SPRATT. As I said earlier, one sure way of fulfilling the dire prophecies set out in the preamble of this bill in title I is to do what is called for in title II of the bill and sink huge sums of money into a so-called national missile defense system, especially if this missile defense system employs space-based interceptors at the earliest practical date. That is why I am offering this amendment to title II of the bill.

Mr. Chairman, I support a strong defense, I believe in and support ballistic missile defense, but I think we need to get our priorities in order. I first want to make sure that our forces—and they are going to be downsized and smaller—are ready to fight. I want to make sure the equipment they take to battle is the best we can possibly give them and I want to assure them off the battlefield, they and their families, a quality of life.

Title II can be read to mean many things. If it means a missile defense system that envelops the whole Nation and employs space-based interceptors, the cost will put at risk all of our other priorities.

During markup of this bill, I tried to clarify title II with an amendment which I filed in the RECORD, an amendment stating exactly what sort of system it calls for, and specifying a system with a ground-based interceptor.

What happened? The amendment that I offered was rejected by every Republican member of the committee.

I filed that same amendment in the RECORD for consideration on the floor, but rather than offering it, I have taken it and boiled it down. I am offering instead the boiled-down version that really tries to set straight the priorities set forth in title II.

I offer this amendment because I think if title II becomes law without it, it could be taken to mean deployment of a national defense system made up of space-based interceptors. Such a system could easily cost $25 billion to deploy, and that $25 billion can only be funded at the expense of other priorities, like readiness and theater missile defense, with which we are all concerned. My amendment is to make sure that a national missile defense system is not put ahead of other, higher priorities. It requires, very simply, this: One, that readiness and modernization should be funded first and should take priority over national missile defense. Second, that theater missile defense should take priority over national missile defense because it deals with a threat that is here and now, one our forces will face if deployed to almost any theater in the world today.

The third priority my amendment states is that any national missile defense system developed should start with a ground-based, and not space-based, interceptor.

I am not opposed to space-based interceptors, but if they are to be used for ballistic missile defense, they should come later rather than sooner. The right place to start with missile defense technically and in terms of cost is on the ground.

So I offer this amendment to correct several concerns I have about title II of the bill.

First, Mr. Chairman, I am concerned about national defense and about national defense spending. I would like to see more money be spent on national defense, but I also think that $250 billion a year is real money and that it will fund our requirements, provided we spend it wisely.

In the 1980's we spent $25 billion on the strategic defense initiative without fielding a single system. In the 1970's we spent $115 billion, in today's money, fielding the Spartan and Sprint, only to stand them down once they had been deployed. We cannot afford such excesses in the 1990's. That is why we have to be sensible, prudent and cost-effective and amend title II and set our priorities straight.

Readiness first and foremost, that is the first priority; theater missile defense over national missile and national missile defense must start with ground-based interceptors rather than space-based interceptors.

Mr. Chairman, I am concerned about ballistic missile defense. I believe in it, and I think we should perfect a ground-based missile defense system. The amendment I offered in committee would call for just such a system. But the system I called for would be complied with the ABM Treaty. I think the time is coming when we will want to change the ABM Treaty, amend it by agreement with the Russians. But now since START–II sits in the Russian Duma waiting to be ratified, now is not the time to talk of abandoning or scrapping the ABM Treaty. We believe that we can develop the capability of intercepting incoming missiles, but we cannot be certain. We can be certain of this: If START–II is ratified, 4,000 to 5,000 warheads aimed at us will be intercepted, taken down, their delivery systems destroyed, their silos filled up. Why risk ratification of START–II by even obliquely proposing, as title II does, that we scrap the ABM Treaty?

My amendment does not preclude national missile defense; far from it, it simply puts funding for missile defense in the right order, and I urge support of the amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word, and I rise in opposition to the gentleman's amendment.

First of all, I have the highest respect for our colleague on the other side who has offered this amendment.

Mr. Chairman, perhaps few in this body have spent as much time on missile defense as our colleague from South Carolina. I want to acknowledge that up front, and his leadership role.

I do have a clarifying question I would like to ask of our colleague who offers this amendment, because there has been a lot of rhetoric spoken on the House floor in terms of what we are talking about.

□ 1750

If my colleagues listen to our gentleman speak, he never once used the words "star wars" during his eloquent statements on the House floor. Now I have counted at least over 60 times the Members on the other side have used that term, which means I am donating $60 to the Science Fiction Writers Foundation to help them in their activities, but our distinguished colleague never used that because he understands what we are talking about here, I think, as well as anyone. But what he does not mention in his amendment when he talks about a ground-based interceptor system is whether or not that includes or even allows for space-based sensors.

Would the gentleman qualify that for me, please?

My question is, as we have heard all this rhetoric about space-based and all, the gentleman knows well what we talk about when we say space-based sensors which are not actual weapons, but is a method of detecting when missiles are actually launched.

Does the gentleman's motion, for the RECORD, his amendment—in fact does he intend to acknowledge it even though he does not say it?

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from South Carolina.

Mr. SPRATT. As the gentleman knows, when I offered an amendment in committee, it was very specific as to what the system I would propose would be, and it is in the RECORD. It includes a ground-based system, and it includes sensors, either ground-launched, pop-up systems, or space-based systems, so called——

Mr. WELDON of Pennsylvania. I think——

Mr. SPRATT. Those two are necessary to this. I voted for the last particular amendment because I think that probably the theater missile defense, to reach its optimal efficiency, will need some satellite assistance to cue the missiles.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for that point, and I think that is a very important point for us to begin on, that the gentleman from the other side offering this amendment agrees that space-based sensors are important for what the Minority side wants to pursue, and that is a theater missile defense system.

I say to my colleagues, "So, when you hear rhetoric on the floor, people talking about space-based weapons, even this amendment calls for space-based sensors, which I think our colleague would also acknowledge the Russians already have, and in fact have been using, as a part of their operational ABM system around Moscow."

Let me say the reasons why I have to—my added point would be:

"Why did not the gentleman include that in the text of the amendment?"

Mr. SPRATT. I was simply trying to simplify. In my opinion, if the gentleman will read the other amendment which I filed in the RECORD, a ground-based system includes by definitions spaced-based sensors. It could have ground pop-up sensors, as the gentleman knows. At one time the ground-based system had pop-up sensors that would have been launched only at a time of threatened attack.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman from South Carolina [Mr. SPRATT] for that, and I take back my time.

The key problem that I have with this amendment, Mr. Chairman, is that it does not get at the heart of what this debate is all about, and that is asking the Secretary to report back to us within 60 days for as soon as practicable deployment of the beginning of a national ballistic missile system.

Now we have it on the RECORD, the tiger team that did the research for Secretary Perry looked at three options and, in fact, reported to the Secretary last week that they can begin to deploy a limited national defense system for approximately $5 billion over 5 years. It is not 10, it is not 20, it is not 25; $5 billion.

Furthermore, they have stated that technology will give us a 90-percent effective rate for the kinds of targets that it would focus on, namely the SS-25 and a conglomeration of three missiles with three warheads.

But we do not want to specifically limit what the Secretary can go back and recommend to us, which is one of the further reasons why I have to object to this. We do not want to tell him what he should, in fact, be looking at. We want to leave that up to him, and we have confidence in the Secretary that within 60 days he will come back and tell us what the parameters of that system should look like.

Mr. SPRATT. Excuse me; will the gentleman yield?

The gentleman is saying that title 2 should be read to be carte blanche to the Secretary of Defense. Waiting on him to write the check and say what is needed?

Mr. WELDON of Pennsylvania. Reclaiming my time, what we are saying is we want the Secretary to come back to us within 60 days to tell us as soon as practicable when he can deploy the national missile defense system, and he acknowledges publicly he can deploy for not $10 billion, not $20 billion, but $5 billion over 5 years.

Now, in terms of the first title of this, readiness, we are all for readiness. As a matter of fact, we were extremely critical of the Secretary when we acknowledged in the committee when he came before us that his defense budget for this year is $5 billion less than the acquisition accounts, than what he told us it would be last year. So we acknowledge that.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. Weldon] has expired.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the amendment offered by the gentleman from South Carolina [Mr. SPRATT] and hope I can add some clarity to this debate.

I think that the gentleman from South Carolina [Mr. SPRATT] has shown great leadership on this subject, and what he offers today is intended to take the inexact language of H.R. 7 and help us go in a much more constructive direction.

I am an unabashed supporter of ballistic missile defense which I know is in our national security. In fact, last year I joined with our former colleague, Now Senator KYL, to add money to the BMD account. We were successful in committee, but lost on the House floor.

The Spratt amendment does the sensible thing, particularly because it makes clear that our priority for the short term is theater missile defense and not national missile defense. I would urge that we deploy at the soonest practicable day TMD, not NMD, and I worry that if and when this Contract passes, we will skew our priorities and spend our money on the wrong thing first.

Missile proliferation is here. One only has to go to the country of Israel to realize how vulnerable that ally is. A missile launched from Syria can land anywhere on the continental soil of Israel in 1 minute. A missile launched from Iran takes 5 minutes. Our ballistic missile defense capability is not adequate, not adequate. But what we must do first is protect against short- and medium-term launches, and we are proceeding to do that.

I also believe I heard my colleague, the gentleman from South Carolina [Mr. SPRATT], say—I hope he said—that space-based interceptors, interceptors, should come later. I am not against space-based interceptors in our future, but I am against them right now as a priority.

□ 1800

I believe that that is the intent of the gentleman's amendment, and I will oppose any amendment that would ban space-based interceptors for the future.

I would say to my colleague, the gentleman from Pennsylvania [Mr. WELDON], who is now running his interesting contest here, that the "S" word I intend to use here is space-based, and not star wars.

Mr. Chairman, I urge support for the Spratt amendment.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, to my colleagues I would like to comment on this. I agree with the gentleman from California

[Mr. DELLUMS] when he talked about the seriousness of what we are debating. We are debating really a change in policy in this country. So I was disturbed as I was sitting in my office and kept hearing all the comments about Star Wars, Star Wars, Star Wars.

I was not around. I was not here in the Congress when Star Wars came up, and I know there is some political gamesmanship being used with regard to a national missile ballistic defense. I can only share with you from personal experience. The gentlewoman cited Israel. All of you know I served in the Gulf war, and the first Scud that came in in Dhahran was exploded by a Patriot interceptor above our head, and the fuselage landed in a John Deere implement plant. So I understand what theater missile ballistic defense is about, and I congratulate the gentleman for his sincerity in his effort to move in further development of theater ballistic defense. But I also share a concern about national ballistic defense, and the present vulnerability that we have and the present policy that this President has undertaken.

So I think that there is a major shift in policy, and one which this Congress should debate about and one which we should in fact change.

To the reference to Star Wars, I do have to add this though to my colleagues, that science fiction becomes science fact. Think of that. Science fiction does become science fact. So when you use the word "Star Wars" and you throw that out there as if you are trying to say we are going to throw some money down some rat hole and we never know what is going to happen, I want you to think about a couple of things.

Those that say that a national missile ballistic defense is some flight into fantasy, think of this: The use of a submarine I am sure was a flight into fantasy for John Paul Jones; and I am sure that the use of air power in the land battle was a flight into fantasy for General Sherman, to utilize balloons in the Civil War; and I am sure the use of an atomic weapon would have been a flight into fantasy for General Pershing and General Summerall in World War I. And I am sure that the use of satellites and unmanned aerial vehicles was a flight into fantasy, that we used in the Persian Gulf war, to in fact General Eisenhower.

Mr. Chairman, Jules Verne turned science fiction into science fact when he foresaw man walking on the bottom of the ocean, for which we have today. My gosh, even those of us that grew up in the George Jetson era saw teleconferencing in the early 1960's on TV.

But the reason I bring that up is when you use star wars out there, I think you are complementing America. You really are. You think you are trying to tear down something. But when you refer to star wars, you are buying into something. You are buying into the saying yes, America has the innovation and the initiative and the drive to develop new technologies.

So you can use star wars. Some people get offended by it. I think it is a compliment. You are complimenting those of us that want to pursue the development of technology. So use it. I am not offended.

I know what it is like to be there on the ground floor, under a missile attack, and have it intercepted by a Patriot. Thank God there were people here in this body that had the willingness to develop such technologies. And if any of you were here that made those decisions, God bless you, and I am thankful to you.

Mr. BISHOP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from South Carolina [Mr. SPRATT], requiring that readiness, modernization of equipment and quality of life for military personnel and their families are adequately funded and given priority over national missile defense.

The cold war is over, and the threat of a large-scale nuclear war has been greatly diminished. While I agree with my colleagues that there is a need for missile defense programs, I do not believe that additional funding should be placed in a space-based interceptor system at this time.

Mr. Chairman, in the two previous administrations, we poured over $30 billion into programs like Brilliant Pebbles, gamma ray lasers, neutral particle beams, and more, and all we have to show for it are the engineering view graphs. After spending $30 billion we do not have one weapons system to show for the Strategic Defense Initiative.

I have four military installations either in or on the edge of my district. Moody Air Force Base, Albany Marine Logistics Base, Fort Benning, the Army's premier infantry center, and Robins Air Force Base. Most importantly, the military personnel, these young men and women, are the first to deploy and leave their families in time of conflict. They always stand ready to go on the call of the Commander-in-Chief, professionals, trained to execute their military orders, and, if necessary, they are willing to pay the ultimate price.

When visiting these installations, my conversations with the troops focus around the issues of readiness, of modernization of equipment, and the quality of life for their families. Many of them are concerned about sufficient support for our military effectiveness. They question whether we will truly be able to adequately fight two major conflicts anywhere in the world at one time. They further question me about the commitment of this Congress to replace outdated equipment, weapons systems, computer systems, software and hardware, and, last but not least, they express concern about the lack of adequate housing and the other support for the welfare of their young military dependent families.

Let there be no misunderstanding, Mr. Chairman. These young men and women are not complaining about serving their country. In fact, they serve this country with great pride, dignity, and honor. At a time when we pledge to balance the budget and to be more responsible in our spending, let us be responsible to the readiness and the welfare of our troops and their families.

Support the amendment that invests in readiness, in modernization, and quality of life for our military personnel and their military dependent families. Support the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

Mr. Chairman, I rise today to support the amendment offered by the gentlemen from South Carolina requiring that readiness, modernization of equipment, and quality of life for military personnel and their families are adequately funded and given priority over national missile defense.

The cold war is over and the threat of a large scale nuclear war has been diminished. While I agree with my colleagues that there is a need for a Missile Defense Program, I do not believe that additional funding should be placed in a space-based interceptor system at this time. Mr. Speaker, in the two previous Administrations we poured over $30 billion dollars into programs like Brilliant Pebbles, Gamma Ray Lasers, Neutral Particle Beams, and more, and all we have to show for it are the engineering view graphs. After spending $30 billion, we do not have one weapon system to show for the Strategic Defense Initiative.

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At a time when we've pledged to balance the budget and be more responsible in our spending, let's be responsible to the readiness and welfare of our troops and their families. Support the amendment that invests in readiness, modernization, and quality of life.

Mr. HUNTER. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, like all members of our Committee on National Security, I have the greatest respect for my friend from South Carolina, and I want to thank him for all of his efforts and work with respect to missile defense.

I want to also thank Members on the Republican side, and I know I am looking at Mr. WELDON, and I think of him and Mr. HEFLEY and HAL ROGERS and others that signed a letter to Israel in 1987 saying that although you have great fighter aircraft and you have great armor and great ground troops, if a missile was launched, a Russian missile from a neighboring Arab country, you would have no defense against it, and we asked them to drop the LAVI fighter system and start developing a theater ballistic missile defense system.

I want to thank them for that letter to our SDI leaders and to Israel, because it had an effect in turning Israel away from building fighter aircraft and doing what they knew they had to do for national survival, and that is defend against incoming missiles. And I might say to my colleagues that that projection turned out to be an accurate projection. While we projected Russian missiles might come from Syria, they came from another Arab country. The truth of the matter that we have to be able to stop incoming ballistic missiles was not lost on them.

Let me go straight to what I think are the fatal defects in the Spratt amendment. First, it competes readiness and missile defense, and readiness and missile defense should not be competed. I can tell the gentleman that under this Republican House, and I think with the gentleman's help, the readiness budget that the President submitted will be increased this year. I can say as the chairman of the procurement subcommittee that the procurement budget that Secretary Perry cut again, just 12 months ago, from $48 billion to $39 billion, will be increased this year. I think I can tell the gentleman that with some confidence. This is not an either/or situation. In competing these systems, it is like telling an infantry commander, you cannot have any defense against mortars until you can certify to me you have a total defense against machine guns. The point is that missile defense does contribute to readiness because your soldiers in the rear area, if it is theater defense, know they have some knowledge they are going to be defended against incoming missiles. I would submit there also is an increase in morale if they know their communities back home have some defense against a Libya or against an Iraq or against another adversarial country.

So the point is we are not going to decrease readiness, we are not shopping readiness versus theater defense, we are not going to decrease procurement, shopping procurement against theater defense. And, lastly, the gentleman leaves out the word "deploy." The Republican policy is to deploy a national missile defense.

Mr. Chairman, we have heard a lot of talk about the cost. This is a statement that Secretary Perry made, and I have tried to give it a couple of times. But he said:

> We have a national missile defense program. That is the program the Secretary is funding, which will lead I think in a timely way to a deployed system. It will be at a relatively small cost, probably $5 billion in very round figures for the cost of the system.

Mr. Chairman, we are spending 10 times that amount in environmental costs in the defense budget. So if the gentleman put up something that said maybe we should shop environmental costs off in favor of national missile defense, I might be inclined to accept the Spratt amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

□ 1810

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank my colleague for yielding.

I just want to add that in that assessment done for the Secretary, General O'Neill tells us that we can get a 90 percent effective rate against three SS-25s that would be the likely scenario of a third world nation getting SS-25 capability. Some would argue that is not possible.

I would remind my colleagues, as I know my colleague in the well knows, that it was just a few short months ago that the Russians offered to Brazil to take an SS-25 and use it for a space launch effort. So they in fact are looking at the availability of making the SS-25 architecture available for other countries.

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me tell my colleagues also that two representatives from two of our national nuclear laboratories were here last week stating that they can build a space system for about 50 percent more. That is about $7.5 billion. And that, once again, is roughly less than 1/100th of the defense budget on an annual basis and less than half of what we spend on environmental matters in the defense budget.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. I just wanted to have the gentleman clarify, as he just did, that the chart does not refer to star wars. It is a ground-based missile defense system and that some estimates for a star wars space-based system go from $11 billion to $50 billion and even Gen. Colin Powell has said that the national missile defense system would take away funds from other important defense programs.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, let me just answer the gentleman by saying that two of the most prestigious scientists in this country, one from Livermore National Laboratory, one from Los Alamos, said that a space-based system could be achieved for $7.5 billion.

Let me just say further to the gentleman that the term "star wars," at least as used by a lot of people who have used it for the last 20 years, means anything that shoots down an incoming ballistic missile. If they have a problem with that, I do not understand it. But certainly this system that Dr. Perry talked about is a system that engages incoming missiles in space.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. I want to clarify what Dr. Evers, the Deputy Director of the Ballistic Missile Defense Office with the administration said yesterday in my office. The maximum amount for a full-blown ballistic missile defense system for our Nation would be $20 billion. So where these numbers are coming from, I do not know. But using the estimates of your officials in your administration, Dr. Evers, he said the maximum amount would be $20 billion, Dr. Evers, in my office.

Mr. HUNTER. Let me just say to my friend, we have people with varying ideas. Our point to the gentleman from South Carolina is, doggone it, let us have some hearings. Let us bring the Secretary in. Let us bring our experts from the national labs in. And let us make a decision. But let us not go with the gentleman from South Carolina's own choice, his own favorite choice, a ground-based system.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from South Carolina.

Mr. SPRATT. Does the gentleman know the cost of the Patriot system, all of them, from 1967 forward? He is not here to tell the gentleman from Indiana [Mr. BUYER] that it was LBJ's program.

Mr. HUNTER. I would answer my friend that the Patriot system probably cost us a fortune. Almost everything that we did under our procurement regulations did.

Mr. SPRATT. Over $16 billion.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Listening to all this, I was wondering, about where these missiles come from, I was wondering if the gentleman from California has even seen the movie "The Russians are Coming, The Russians are Coming"?

Mr. HUNTER. Let me just answer my friend and tell him that when our troops were in Desert Storm, had incoming ballistic missiles, although those were not Russians, those were Russian-made missiles. And according to our best estimates of our intelligence officers, the weapon of choice of these Third World terrorist nations is missiles. And the Russians have let the technology out of the box.

There are Middle Eastern nations shopping in the Soviet Union right now for scientists who will sell anything, including fissile materials for a few bucks. If you believe your own Director of the CIA, Mr. Woolsey, it is time for us to move forward. Mr. Woolsey, it is time for us to move forward. Mr. Woolsey said that a number of these terrorist nations will have some ICBM capability. That means the ability to reach American cities a little bit after the beginning of this next decade. That means within 6 or 7 years.

As the gentleman from South Carolina [Mr. SPRATT] just pointed out, it took us 20 years to develop the Patriot missile. So I think the message for us is, let us get started. That is what the Republican contract does. It says, "shall deploy." And the fatal flaw of the amendment of the gentleman from South Carolina [Mr. SPRATT] is it does not say shall deploy. It simply says "develop."

Mr. VOLKMER. Mr. Chairman, if the gentleman will continue to yield, it appears to me that this whole agenda that I am seeing here and all these scare tactics and everything reminds me that perhaps I am right in the conclusion that the John Birch Society now controls the Republican agenda on the floor of the House.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his remarks.

I yield to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. I just wanted to ask the gentleman, who had generously offered to reduce environmental funding in order to fund ballistic missile defense, if he had seen the letter from his Governor of California, Governor Wilson, chastising the Secretary of Defense for not fully funding environmental restoration in this budget and for rescinding some environmental money and saying that he would pursue the Secretary of Defense to the full extent of the law. I do not want to pit the gentleman against his own Governor.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, let me say to the gentleman from South Carolina, I think when Governor Wilson looks at what this member of the committee has done with defense funding and in the defense bill, he is going to be very disappointed on an environmental basis. He is going to be very happy on a strategic defense basis.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my distinguished colleague from California made a very important statement. He said that there are a number of figures floating around here, so let us hold hearings. Let us talk about that for a moment.

When the Secretary of Defense came before the House Committee on Armed Services at this gentleman's request, the Secretary of Defense said that to put in place a limited ground-based system would cost between $5 and $10 billion. That is one figure. My distinguished colleague in the well from southern California said $20 billion for a space-based system. Some of our staff came to the conclusion that it would be in excess of $25 billion.

The Pentagon said that to go into space, a system could cost anywhere between $30 and $40 billion. The point is that we do not know.

But what does this bill say? This bill says, Mr. Chairman, it "shall" be the policy. We are able to handle the English language. It does not say it "may be" the policy. It says it "shall be" the policy of the United states to deploy at the earliest practicable date a national missile defense system, and it says that within 60 days the Secretary of Defense shall report back to Congress on a plan to implement such a policy.

But when asked, are you embracing the present administration's policy with respect to ballistic missile defense, they say no. We want to go beyond that.

So let us not be disingenuous with each other. Let us be candid.

Now, if we are saying that we want the present administration's limited ground-based ballistic missile defense system for $5 or $10 billion, then say that and not quote it out of context. If we want a space-based system, then say that as well. But my colleagues said, let us hold hearings.

This gentleman's entire argument on the committee and on the floor has been, when we move from campaign promise to legislative initiative, allow the process to be deliberative and substantive and thoughtful.

This is not a deliberative and substantive process, Mr. Chairman. We only had one half-day hearing on this issue at this gentleman's request and calling of the Secretary of Defense. We got another half-day hearing that, in part, dealt with this and the entire range of the bill, H.R. 7, which was the original vehicle, for 2 half-days of hearings. That is not a substantive deliberative process.

□ 1820

Mr. Chairman, this gentleman knows, and so does this gentleman, a more deliberative process would be to raise these issues in the context of the DOD authorization bill allowing the gentleman's subcommittee and others in a deliberative, substantive, thoughtful way to hold detailed hearings, to look at the implications, and arrive at a more intelligent view as to what it is we want and how much it is going to cost.

We are sitting here today, Mr. Chairman, in the afternoon looking at $5 or $10 billion on the low end and $40 billion on the high end. We are just throwing figures around. I would want to underscore what my colleague, the gentleman from California, said. Why not slow down this process and let us hold hearings, and let us carry out our fiduciary responsibilities to the voters and the taxpayers that we quote so regularly around here, and do something responsible.

Mr. Chairman, what this bill does is place the policy before the budget consideration. That just flies in the face of logic and rationality. It makes no sense.

In a few minutes, Mr. Chairman, on the next amendment, there is going to be a motion to prohibit funds for a space-based interceptor. That is either a laser system or Brilliant Pebbles. That is something that shoots down weapons systems. We all know that, if we go to space-based interceptors, we are talking about tens of billions of dollars. The Secretary of Defense said that and so did the Chairman of the Joint Chiefs. That is a verbatim quote in the transcript that we all know, because we were all there and we all heard it.

Why, Mr. Chairman, should we be rushing to judgment, putting the cart before the horse? This can be dealt with in the normal course of things, and my distinguished colleague, the gentleman from California [Mr. HUNTER], and I can deliberate intelligently, rationally, and substantively.

Why do we have to rush to judgment in the context of this contract with a 10-hour debate on the substantive initiative?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Mr. Chairman, the one place where I disagree with the gentleman in his statement is this. It was a judgment, a political judgment, I think of this Nation, I think it is the will of this Nation, and it was I think a major referendum in the election.

It is the will of the Republican Party in putting the contract together and I think the will of Republicans and Democrats across the country to do one thing that does not require hundreds of hearings and does not require our participation in the process, and that is this.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I continue to yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the one thing is manifested in two words, "shall deploy." I would say to the gentleman, once we have made the policy decision to deploy, at that point we then go through the process of what type of deployment will take place. I think that is reasonable and logical.

I would offer to my friend that when President Kennedy said "We are going to go to the moon," he did not first try to decide what kind of rocket it was going to take, he did not have the analysts come in and try to cost the thing out for 20 years. He set that as a policy, and we fleshed the policy out. I do think it is relevant that the Secretary of Defense said "You can fulfill this thing for $5 billion if you do it against a thin attack," so once we have made the policy judgment to deploy, and this is a very important amendment, because the Republican bill, the House bill, the Armed Services bill, does say "shall deploy," and we then flesh that out.

Mr. DELLUMS. Reclaiming my time, Mr. Chairman, I have given the gentleman the opportunity to fully discuss this.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. Mr. Chairman, I would like to have a colloquy here.

Mr. Chairman, the gentleman did not react adversely to the assertion that this gentleman made that we are throwing figures around here and we ought to have a hearing, but the gentleman said it was a political judgment. Let me speak to that for a moment.

If they walk into a room of people and say to them "Did you know we do not have a defense against a ballistic missile system," I would bet my last dollar they would say, "Wow, no." Then they would say, "And we don't have one." They would say, "Gee, we don't? Maybe we should."

However, if I were able to enter the room, I could say several things: One, "Folks, we are spending $3 billion a year on theater and national ballistic missile defense, $400 million on national missile defense, $120 to $130 million on Brilliant Eyes, a space-based sensor program that my distinguished colleague from Pennsylvania alluded to earlier, and over $2 billion on theater ballistic missile defense."

The last time I looked that was not chump change. That was a significant commitment of billions of taxpayer dollars.

The second point, Mr. Chairman, if I entered that room and said to the American people assembled "Look, folks, what makes you think that some third world country, even if they had the capacity to spend billions of dollars to develop an intercontinental ballistic missile capacity, would launch a missile toward the United States?"

We could see it on radar. Within seconds we could pinpoint who it is and render them a hole in the planet Earth, within seconds. Do you know what they could do? The easiest thing they could do? Hide a nuclear bomb in a bale of marijuana. We have not been able to catch that very well. It is easy to sneak it into the country.

You can backpack a nuclear missile into this country. You can bring a nuclear weapon into the coast of the United States with a commercial carrier. You can bring a nuclear weapon into the United States piece by piece, put it in the Empire State Building, and explode it.

What makes anyone think that spending billions of dollars on some absurd program with dubious value is going to deal with the terrorist effort? If we do, and heaven forbid if we ever do, if we do experience a nuclear bomb, it is not going to come from some international effort, it is going to come from a terrorist attack. This program does not address that issue whatsoever.

When Mr. Perle, one of their witnesses, came before the committee, I asked Mr. Perle "Wouldn't it be easy to bring a nuclear weapon in a bale of marijuana," and his exact response was "That would be the safest way to bring it into the United States."

They can go into these kaffeeklatsches and scare people, but our responsibility, once you have knowledge, you have the burden of your knowledge. There are people in this room who know what the facts are and who have knowledge.

We have the burden of the responsibility not to exploit ignorance, but to communicate education.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. The gentleman, I think, supports theater defenses. That is the capability in theater to shoot down slow-moving ballistic missiles, Scud type ballistic missiles that are coming into troop concentrations.

Mr. DELLUMS. We have theater ballistic missile programs coming out of the ears. The gentleman knows it, and so do I.

Mr. HUNTER. Let me just ask my friend, if he relies on a policy of deterrence based on the idea that we are going to destroy anyone who launches a ballistic missile against the United States, why wouldn't he use the same rationale and rely on the policy of deterrence against anyone who would shoot a slow-moving missile, and say to Iraq, "If you shoot a slow-moving missile at Rijadh, we are going to use a nuclear weapon against you?"

Mr. DELLUMS. Reclaiming my time, Mr. Chairman, it is fascinating, because the gentleman is shifting ground.

Mr. HUNTER. No, I am asking a question.

Mr. DELLUMS. The gentleman is now talking about theater ballistic missiles, and Mr. Chairman we already just pointed out that we are spending in excess of $2 billion.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

PARLIAMENTARY INQUIRY

Mr. ROEMER. Reserving the right to object, I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. ROEMER. Is this debate taken off the 10-hour time?

The CHAIRMAN. The gentleman is correct, it is carving into the 10 hours.

Mr. ROEMER. I thank the Chair, and I withdraw my reservation of objection.

Mr. DELLUMS. Mr. Chairman, I again ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DELLUMS. Mr. Chairman, the gentleman now raises a question about theater ballistic missiles. The proponent of the amendment before the body at this point has squarely put that issue before us, saying that that is a significant priority.

However, the gentleman's discussion in this bill is about national missile defense systems, and we are saying that is tens of billions of dollars, and it is going in the wrong direction, because it does not speak to the likelihood of what might be a provocation. That is a terrorist provocation, not an over the horizon missile.

Mr. HUNTER. Mr. Chairman, would my friend yield for one brief question?

Mr. DELLUMS. I am happy to yield to the gentleman from California.

Mr. HUNTER. My question was, Mr. Chairman, if we are going to rely on deterrence, as the gentleman has suggested with national missile defense, and not have a national missile defense, why does not that same reliance on deterrence, why is it not being used in the theater, and why does the gentleman not endorse it in the theater?

Instead of having a theater ability to shoot down an incoming missile, why not just say "We are going to launch on Baghdad when you send a Scud at us?" I think that is a legitimate question.

Mr. DELLUMS. My quick response to the gentleman is that deterrence has worked. We have not thrown nuclear weapons at each other, but we are fighting out there in regions of the world. We fought in Desert Storm. That is a reality.

This missile exchange between us and some other person is a serious flaw. There has been no nuclear exchange.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, because I believe it embraces the policy of vulnerability. We have heard over and over that the cold war is over, that the threat is gone, but Mr. Chairman, the public does not believe that.

They realize that the former countries within the U.S.S.R. still have developed and deployed threats, missiles out there, to the tune of tens of thousands. How many of those have been taken out of service since the breakup of the U.S.S.R.? Dozens, or perhaps hundreds?

No, Mr. Chairman, they have not. They are still out there, they are still deployed. We are still vulnerable to those missiles.

□ 1830

Not only that, their technology is now for sale. We know that it has been sold. There is enough evidence that it has been sold to Third World countries and that is has been deployed. We saw it during Desert Storm. So we have a deployed threat in Third World countries.

Over the last couple of years, Mr. Chairman, even this country has sold high-speed processors, computers capable of designing better and better guidance systems, once again increasing the vulnerability of this country. This does not cover all the threats that are out there. We know how quickly the mood can change internationally. We know that this is a big problem.

But one of the problems with this amendment is that it addresses only the development and not the deployment. We know that the threat is deployed, not only in the former U.S.S.R. but in Third World countries.

So knowing that the threat is deployed and that we are vulnerable, I think it makes a very simple choice. If you favor this, you favor a continued policy of vulnerability. So if you vote for this amendment, then you continue to vote for this policy of vulnerability.

It is time to vote "no" on this amendment offered by the gentleman from South Carolina.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is an awful lot of debate, hot debate on the House floor these days about where our priorities should be, and what the threats to this country are, both domestic and internationally.

One of the major concerns of the American people is our national security. I do not question that their concerns are going to be addressed fully in this bill. But the fact is that this country can never be completely secure. There are always going to be threats.

The question before the committee that has to make these decisions is whether or not the threat that is being posed by missile attacks is going to be suitably addressed by the $2.9 billion that is currently in the bill. You have got $400 million that is going to be spent on national missile defense. What this legislation will do if the Spratt amendment is not included will be to uncontrollably add to the cost of the national missile defense program.

You talk about deploying a system. Nobody has any problem, it seems to me, with suggesting that if there is a real threat to the United States that can come either from a Third World country or it can come from another nation that happens to have thousands of nuclear missiles that can attack this country, that we ought not to take every step possible to deter that attack. But if in fact the cost of that deterrence rises so quickly that it cannot actually be achieved by any reasonable level of defense spending, and if second to that there is no technology that exists in the Nation or in the world today to be able to offset that threat, then are we not just playing pie in the sky with the emotions of the American people? That is ultimately what goes on here.

I voted with many Republicans for a balanced budget amendment. But I did not do that to see this kind of irresponsible spending take place in this Chamber. We have got to be reasonable about what our priorities are and stop suggesting that we are going to be able to pay for the kinds of additional costs that this bill will have if we do not contain both the Spratt amendment and the Edwards amendment that is going to be coming up that say, yes, we ought to have a national defense against nuclear missiles that can attack this country, but we ought to do it with smarts, we ought to do it assessing what the existing technologies are, and we ought to do it with the costs in mind that are going to cripple this economy and cripple the people of this country, if we do not in fact keep in mind the escalating costs of national defense.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank the gentleman for yielding.

What this bill simply says, we do not put a dollar amount. We simply say to the Secretary, come back to us within 60 days and tell us what is doable in terms of implementing national missile defense. We then have to take his recommendations and put them into the context of all of our other priorities and there is an authorization process that allows us to go through that. We are not saying spend any amount of money. All we are saying is come back and tell us, that's all.

Mr. KENNEDY of Massachusetts. Reclaiming my time, if that is what this bill said, I think you would get a lot more support.

What this bill says is that you are going to deploy the system.

Mr. WELDON of Pennsylvania. No, it does not.

Mr. KENNEDY of Massachusetts. Yes, it does say that you are going to deploy the system.

Mr. WELDON of Pennsylvania. It does not say "we."

Mr. KENNEDY of Massachusetts. And you do not have a system, there is not a system that is designed in this country that can be deployed today that will in fact in any way deter the Russians or the Brazilians or anybody else for attacking America if they so desire through a nuclear missile system.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from South Carolina.

Mr. SPRATT. Let me introduce an objective source. We passed in 1991 the Missile Defense Act calling for the deployment of a limited defense system by 1996. It originated in the Senate. It also called for a study by the Strategic Defense Initiative Office and by the Secretary of Defense to be submitted to Congress in 6 months, and I have that study here. It came in 1992 from the Bush administration.

On page 41, here is the conclusion: For a limited defense system, according to SDIO estimates, acquiring six limited defense sites in brilliant eyes is expected to raise the total cost of the limited defense system, they recommended six sites, on the order of $35 billion, 1991 money.

This is a limited defense system, Bush administration, $35 billion, and they say this is a preliminary estimate.

What happens if you add brilliant pebbles, which was not included, next page?

The anticipated incremental cost of acquiring such a space-based interceptor system involving 1,000 brilliant pebbles as part of the overall architecture would be about $11 billion in 1991 money, including associated technology-based activities. That is $46 billion. This came from the Bush Defense Department, officially submitted to Congress.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(At the request of Mr. HUNTER and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Let me just respond to my friend, if you accepted his numbers, and once again we have representatives from the two laboratories saying we can now do a brilliant pebbles deployment for about $7.5 billion. But if you accept that, we spend more money in the defense budget for the environment, for environmental compliance, than the total number that the gentleman just put together.

I would say to you that I think this is a Republican position that has been manifested ultimately in this contract that the American people consider putting a missile defense up being more important than spending environmental money in the Department of Defense bill.

Mr. KENNEDY of Massachusetts. Reclaiming my time, the fact of the matter is, and the gentleman makes a good argument in terms of what the priorities of the national defense of the country are. But the reality is, there simply is not a technology available that can actually deter the kind of threat that the gentleman is suggesting that we deploy a system to combat. It just does not make any sense.

I do not have any problem, and I do not think that even people in as liberal a district as mine have a problem with defending the United States of America. We have to have the research done that this bill calls for to end up designing a system that can actually accomplish the threat.

What you are walking around doing is talking to everybody in the American public about this threat that is going to occur to this country and that you want to go ahead and deploy a system and you have not even thought through what your system is. That is the problem that you have got to end up solving.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from California.

Mr. HUNTER. I just say to my friend, Secretary Perry just appeared before us with the words I just showed him that said we can defend against an attack for $5 billion——

Mr. KENNEDY of Massachusetts. A theater.

Mr. HUNTER. Not theater. National missile attack.

Mr. KENNEDY of Massachusetts. Against 20 missiles.

Are you telling me for $5 billion you can defend an all-out attack from the Russians?

Mr. HUNTER. No. But Secretary Perry did not say a theater missile attack. He said a national missile attack.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has again expired.

(At the request of Mr. ROSE and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentleman from North Carolina.

Mr. ROSE. I would like to ask the freshman Republicans to answer a question for me. Did you all not meet with Edward Teller? Did you not meet with Edward Teller, the father of the hydrogen bomb, and did Edward Teller not tell you freshman Republicans, "You have got to build star wars"? Is that not what this is all about?

Edward Teller knows tonight that the physics has not even been discovered, ladies and gentlemen, to build this thing you are asking the American taxpayer to deploy.

What in the world is this you are trying to sell to the American people? I would like to be a subcontractor in this part of the Contract With America. My God, it would be a great contract, ladies and gentlemen.

Let us be careful here. Star wars is not what this country needs right now.

☐ 1840

It is cops on the street, it is education for our children, it is the other things that we know are on this planet that we need.

Please, support the amendment of my colleague from South Carolina and my colleague from Texas.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield back my time.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just would like to make a couple of points. Mr. Chairman, in spite of all of the rhetoric and the issues that have been discussed here in terms of dollars and all of these Star Wars pronouncements and redirecting priorities and all of these things, this debate really I think boils down to two subjects. The gentleman from Massachusetts just suggested I think, as the gentleman from Missouri did earlier, that there is no threat, and, therefore, we do not have to worry, and we should be doing other things.

I would just like to remind the Members on the other side who may not even be aware of this that on January 18 of this year the acting Director of the Central Intelligence Agency said these words. He said:

> The proliferation relates to the nonproprietary nature of technology. This means that what will be proliferated will be new and more diverse forms of lethality, increasing threat reach, that is longer ranges including ultimately ranges from problem states that can reach the United States, toward the end of this decade.

That is an appointment by President Clinton, the head of our Central Intelligence Agency.

So, for the gentleman from Missouri and the gentleman from Massachusetts to say we should not worry about this threat flies in the face of the statement made by the chief intelligence officer of the United States.

There is a threat. We all know there is a threat. Dick Cheney said there would be a threat in 1991 when he predicted that the Soviet Union was going to go away and we would have a whole new set of problems to face, one of which is the proliferation of nuclear technology and intercontinental ballistic missile technology.

The other issue that I would like to address has to do with the misrepresentation of what this bill does. It is true that the bill currently says it shall be the policy of the United States to deploy at the earliest practical date an antiballistic missile system. I would say to the gentlemen on the other side and the gentlewomen on the other side that it is the unofficial policy of the United States today to ignore this whole subject. And then the bill gets to saying what the requirement is. That is the policy.

Now what is the requirement? It says the Secretary of State shall be required to, in not later than 60 days after the date of the enactment of this act, the Secretary of Defense shall submit to the Congress, to the congressional defense committees, a plan for the deployment of an antiballistic missile system. And when we receive that system, that recommendation, Mr. Chairman, it will be our duty to decide whether we want to move forward with it, whether we want to accept it, whether we want to authorize it, whether we want to fund it, and the representatives of the American people will have that choice.

So, as my colleagues talk about $5 billion to $60 billion and all of the numbers in between, we do not know what those numbers might be because we are asking the Secretary of Defense to use his best judgment to suggest to us the most appropriate path to take.

So, this bill does not spend any money for these things. It does change the policy of the country from one that leaves us vulnerable to a threat that your chief of the intelligence agency says exists, to a policy to protect our country. And along the path to getting there we will have many decisions to make, like the ones my colleagues talked about today.

So, Mr. Chairman, I hope that this debate, I know we are probably reaching a point where we are going to have a vote on this, but I want to say these things just from at least my point of view to clarify these issues.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I know that when we talk about these different technologies that this debate at times can be extremely confusing and very complicated. But I think that these two approaches that we take, one in the bill and one in the Spratt amendment, can be described, I think, pretty easily and pretty simply.

The bill can be described as a blank check policy. It can be described as saying putting the contract and everything else before the horse and saying we are not sure how much this is going to cost, it might be $5 billion, it might be $8 billion, it might be $15 billion or $20 billion, but we shall deploy this system at the earliest possible date.

You might even guess from the debate so far that we are not spending a dime on this system, and I would remind everybody in the Chamber that we are currently spending $2.9 billion each year, already, on these systems. So we are spending money on pursuing these different systems and giving a blank check to go forward with a system that is unproven, extremely costly and untested.

Now what the Spratt amendment simply does is it says we are not going to give you a blank check, we are going to have some checks and balances to this system. It says two things: that the system should be based on a ground-based interceptor, and second, that if this ends up costing $5 or $10 or $15 billion, with a deficit of $180 billion, we should not take this money out of defense and threaten modernization, force structure, training to land fighters on aircraft carriers and so forth and so on. This is the reasonable approach.

I look over at this side of the aisle and many of the Members over there on the Science Committee with me, and we have just finished marking up legislation on risk assessment.

The gentleman from California was talking about environmental problems in this country. I voted for legislation that will begin to assess how much it is going to cost us to clean up the environment and what the risks are. But now in this legislation, when it comes to this very sophisticated technology, we are talking absolutely the opposite approach, saying we are not really sure what it is going to cost, we are not really sure if it is $5 billion or $15 billion but we shall deploy this system.

And I have heard the argument from the gentleman over there too that this does not really spend the money. How often have we heard that over the last 4 or 5 years, this does not really spend the money? This tells the authorizers and the appropriators what to do with a brand new policy on a national missile defense system.

So I would encourage my colleagues, this is the commonsense approach. This is the checks-and-balances approach to make sure we do not waste precious taxpayers' money to make sure we balance our budget by the year 2002, to make sure we do cost effectiveness and risk analysis study on some of these things, that we do not bring a blank check. We are spending billions each year on this already.

I would encourage from the commonsense point of view, from a practical point of view, from a point of view where we make sure that our fighting forces are ready and that if it is, that this $10 billion or $15 billion not come out of their hide, that we take our time in analyzing this and do not throw more money at the billions we are already spending.

□ 1850

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when, some years ago, Henry David Thoreau was lamenting what he thought was harm being done to the environment by mankind, he said that if they could fly they would lay waste to the skies. It was inconceivable to Henry David Thoreau that at one time mankind could fly.

I submit that we are about in the position of Henry David Thoreau relative to what is potentially available in terms of a defense against ballistic missiles.

I think that it is just not credible to stand here today in the midst of an exploding technology to say there is no way we could ever protect ourselves against the threat of the second, third, and fourth largest nuclear powers in the world.

I just think that this threat is so potentially real that the consequences to our country are so overwhelmingly great that it is incumbent upon us to do what we can, and I would submit that there is no way that we should stand here today to say that there is no way we can protect ourselves, therefore, we should not do anything, that we should not do anything to study, to plan, to look at what technology is available so that we can protect ourselves against this.

You know, the No. 1 requirement, I think most people agree, that we have in representing our people is to protect them. If you look at the Constitution, article I, section 8, you see there is probably more space taken up with this requirement on the part of this Congress than any other requirement in the Constitution, and I think it is absolutely incumbent on us to take advantage of the opportunities that this exploding technology provides, and that is all that this says.

It does not say as soon as we can do it. It says practicable. That word is in there. What it means is we are not going to go off half cocked. We are not going to do something totally irresponsible. I think the totally irresponsible thing is to deny this threat exists.

That is in this bill.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding to me. I will be very brief.

This bill has elicited a great deal of rather passionate and emotional debate. As important as the subject matter is, I think there has been more passion and more emotion than the bill, by its terms, certainly warrants. It is a bill that says we perceive there are certain threats to the national security of the United States, and it is a policy consideration that they should be addressed by the deployment of a system as soon as practicable.

I can assure my friends throughout the Chamber, as the chairman of the Readiness Subcommittee, I am not going to preside over the sacrifice of our readiness to a ballistic missile system, theater or national, that is not ready for deployment, is not proven, and demonstrated to be practical and affordable in the context of our other national security needs.

There is nothing in H.R. 7 that indicates otherwise. Were that not the case, I would be joining you in opposition to this provision of H.R. 7. But there is nothing in this bill that dictates any requirement that we sacrifice other programs of priorities as we separate them out as we go through the authorizing and appropriations process. This you need not fear.

The language in this bill, whatever it started off to do, speaks in terms of a practical deployment of a theater and a national missile system. And in fact, with reference to the national missile system, defensive system, it speaks in terms of its being cost-effective and operationally effective. Now if that does not meet those standards, if that does not come back to us as something that is doable, you do not have anything to worry about. It will not go forward, because it will be proven it is not practical.

So I would suggest that we calm down a little bit, deal with the bill in terms of what it, in fact, says and contemplates and what the hearing record and what the debates in committee made clear, that we are talking about practical systems being deployed, only practical systems, being deployed, and practical is in the context that includes whether or not we are stripping other defense priorities of what they should receive.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 212, not voting 4, as follows:

[Roll No. 136]

AYES—218

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Laughlin
Leach
Levin
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOES—212

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Velazquez
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—4

Becerra
Lantos
Lewis (GA)
Wilson

□ 1912

Mrs. JOHNSON of Connecticut, Mr. LAZIO of New York, Mrs. CUBIN, Mr. WHITFIELD, and Mr. SMITH of Michigan changed their vote from "aye" to "no."

Mrs. CLAYTON, Mr. SHAYS, Mr. GANSKE, Ms. MCKINNEY, and Ms. FURSE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENTS OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, in order to facilitate the debate on title 2, to assure that all of the amendments are considered in consecutive fashion so that we have a rational debate on the issue, I ask unanimous consent that my amendments numbered 10 and 12 be considered en bloc and passed.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. BEREUTER: At the end of title V (page 60, after line 25), insert the following new section:

SEC. 513. REPORT REGARDING REIMBURSEMENT LEVELS PAID BY UNITED NATIONS FOR COSTS INCURRED BY NATIONS AND CONTRACTORS FURNISHING PERSONNEL FOR PEACEKEEPING ACTIVITIES.

(a) INFORMATION RELATING TO NATIONS FURNISHING FORCES.—The Secretary of State shall submit to the Congress a report on the amounts paid by the United Nations during 1994 as compensation for expenses incurred by nations which have provided forces for United Nations peacekeeping activities. The report shall set forth—

(1) the total amount paid to each such nation by the United Nations during 1994 for such purpose; and

(2) with respect to each such nation, the total amount that such nation spent for peacekeeping activities for which it received a payment from the United Nations during 1994, with separate displays for the portion of that amount spent for pay and allowances for personnel of that nation's armed forces (including credit for longevity and retirement), for other perquisites relating to the duty of such personnel as part of such peacekeeping activities, and to the extent possible for related incremental costs incurred by such nation as part of such peacekeeping activities.

(b) INFORMATION RELATING TO CONTRACTORS.—

(1) COMPENSATION LEVELS.—The Secretary shall include in the report under subsection (a) a separate report on amounts paid by the United Nations during 1994 under contracts entered into by the United Nations for the provision of civilian management services relating to United Nations peacekeeping activities. The report shall include information as the level of individual compensation received by those contractors, or employees of those contractors, with respect to those peacekeeping activities, including the level of salary, benefits, and allowance.

(2) CONTRACTING PROCESS.—The Secretary shall include in the report a review of the process by which the United Nations selects contractors for the provision of civilian management services relating to United Nations peacekeeping activities. That review shall

describe the extent to which that process permits competitive bidding.

(c) PLAN FOR REFORM.—The Secretary shall include in the report under subsection (a) a plan for actions the United States can take to encourage the United Nations to reform the existing system for reimbursement to nations which provide forces for United Nations peacekeeping activities. The plan shall include recommended steps leading to a reimbursement system in which nations contributing forces to a United Nations peacekeeping activity are compensated by the United Nations in a manner that more accurately reflects their actual costs incurred in participating in that activity.

(d) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act.

Page 51, beginning on line 16, strike "FOR PAYMENT" and all that follows through "CONTRIBUTIONS".

Page 51, line 18, strike "(1)".

Page 51, line 22, strike "(A)" and insert "'(1)".

Page 51, line 24, strike "(B)" insert "(2)".

Page 52, line 1, strike "(2)" The prohibition in paragraph (1)(A)" and insert "(b) APPLICATION OF PROHIBITION.—The prohibition in subsection (a)".

Page 52, line 4, strike "activity." and insert "activity.'.".

Page 52, strike line 5 and all that follows through line 19.

The CHAIRMAN. The gentleman from Nebraska [Mr. BEREUTER] has asked unanimous consent that his two amendments be considered en bloc.

Is there objection to that request of the gentleman from Nebraska?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska has also asked unanimous consent that the two amendments be passed.

The question is on the amendments offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. EDWARDS: Page 11, line 18, after "missile attacks" insert the following: "and that is deployed without the inclusion of any space-based interceptors".

Page 12, line 6, after "missile attacks" insert the following: "without the inclusion of any space-based interceptors".

Mr. EDWARDS. Mr. Chairman, I am a defense hawk, and I believe national defense should be a nonpartisan issue.

□ 1920

Even though defense should be a nonpartisan issue, I am disappointed that the Republican rule has resulted in 204 Democrats only having 15 minutes to present our side on the issue of star wars, a multibillion-dollar defense program. I think that is unfair, and I think it is wrong.

But the good news is, Mr. Chairman, that some programs and some ideas are so bad, they should not take that long to defeat, and star wars is right at the top of that list.

My friend who spoke awhile ago, the gentleman from Pennsylvania [Mr. WELDON], suggested that Republicans are not interested in building star wars. If that is correct, then every Republican should vote for my amendment. My amendment does not stop a ground-based missile defense system to protect the United States. It does not even stop space based sensors. All my amendment does is say no to the deployment of a space-based missile system known as star wars.

Mr. Chairman, the fact is that our military leaders in this Nation do not even want star wars, and our taxpayers cannot afford it. American taxpayers have already spent $30 billion on this pie-in-the-sky boondoggle, and we do not even have one brilliant pebble to show for it. Thirty billion dollars, and 12 years later we do not even know if star wars will work.

Let me put this in perspective. A blue collar worker paying $10,000 in taxes a year would have to work for 3 million years to pay for what we have already wasted in star wars. The original cost estimates for Brilliant Pebbles have been increased 200 fold. That is not twofold, that is not 20 percent, but 200 fold. So nobody knows the ultimate cost of the star wars deployment.

A star wars cost of $25 billion, a generally accepted estimate by many experts, would basically fund the direct operating costs of the United States Armored Army Division for some 200 years.

To put that $25 billion figure in perspective, Mr. Chairman, all the talk about welfare reform, the AFDC program at the Federal level, if reformers were to save 20 percent of that welfare program's cost, it would take 10 to 15 years to pay for that star wars cost program.

Mr. Chairman, to promise a balanced budget, to reduce taxes, and to say you are going to build star wars in space, is nothing but voodoo economics, Part II. It does not add up, it does not make sense, and it certainly will not work.

Star wars is not just fiscally irresponsible though. It presents a false sense of security. It is like putting a $5,000 burglar alarm on the front door of your house, and yet keeping the front windows of your house open and the back door of your house locked. Now, surely some thug or some terrorist smart enough to put a nuclear warhead on the top of an ICBM missile, would have the intelligence to take that warhead, rent a U-Haul truck, and deliver it to any city within the United States.

Mr. Chairman, star wars will suck billions of dollars away from theater missile defense, desperately needed dollars, from military pay raises and weapons modernization, the reasons why so many military leaders oppose star wars.

Republicans on the one hand are saying cut child nutrition, yes, even cut education funding for the children of military families, but yet let us write a blank check for star wars.

Mr. Chairman, that is wrong, and it is wrong-headed. Even Adm. William Crowe, the former Chairman of the Joint Chiefs of Staff under President Reagan from 1985 to 1989, said star wars does not make sense.

Mr. Chairman, star wars is a budget buster, star wars is bad for defense, star wars is an idea whose time has come and gone. It is time to say no to star wars, and that is what this amendment does.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, is there a time limit on this amendment?

The CHAIRMAN. The Chair would say to the gentleman he is not aware of a time limit.

Mr. CUNNINGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have heard several times we are cutting children's nutrition. That is in my subcommittee on education. I have kept children's nutrition out of the welfare block grant so we will not cut it, and I have protected it. If I hear it one more time, I am going to include it.

Mr. Chairman, I yield back the balance of my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, once again I rise unfortunately to object to this amendment offered by my good friend and colleague.

Mr. Chairman, what we are asked to vote on right now is an amendment that in fact would specifically detail to the Secretary what type of plan he would bring back to us. We have heard from the other side that the Congress should not be micro-managing what our defense posture should be. What this amendment does is specifically state what kinds of architecture in fact can be recommended by the appropriate people in the Clinton administration.

Mr. Chairman, there is no one on the floor of the House tonight advocating star wars, as we said earlier. What we are advocating is a logical, systematic approach to ballistic missile defense technologies that are recommended by those appropriate officials within the Clinton defense establishment. That is in fact what we are asking for.

To say that we are somehow turning around and asking for some pie-in-the-sky thing, with no dollar assessments, is absolutely wrong. And as our good friend and colleague knows, whatever comes back in the form of a recommendation has to go through an authorization process and an appropriations process. As we heard from our colleague from Virginia, the chairman of the Subcommittee on Readiness, state, none of us on this side, who fought to get the pay raise put in when the President did not include it, who fought to up the acquisition accounts, none of us are going to jeopardize raises. We are going to fight to make sure funds are put back in for those cuts that were made by the President in this year's budget. What we are saying is allow the Secretary to come back and tell us what he would recommend in terms of time and dollars and an architecture to allow us to move toward a missile defense system. That is it. What this amendment does is it limits it.

Let me just say for the RECORD, while I have been as critical as any on the spending of dollars for SDI and programs in the past, we cannot say there has been nothing achieved. That is really a misstatement that I think all of our colleagues should acknowledge.

Any soldier who fought in Desert Storm and saw the benefit of the Patriot system knows that was paid for. One of our colleagues earlier said it was only a small amount of money. Well, let us talk about the two upgrades to the Patriot. There is one of which is being announced this week and another will be announced in a short period of time that will quadruple the effectiveness of the Patriot system. That money was obtained through the programs that the gentleman says nothing happened.

The Aegis system upgrades that are currently under way with our Navy were all funded through these programs in the past.

A program called Talon Shield, many of our colleagues perhaps do not realize that during Desert Storm the command officers had to keep in touch with the theater by telephone. They had to stay on a telephone line 24 hours a day. But because we have employed Talon Shield, we now have the system in place that will avoid that in the future. Talon Shield was directly developed by the dollars invested over the past several years in ballistic missile defense. The Joint Tactical Air Ground System will give us one further capability. So there have been improvements, and these improvements are technologies that have in fact given us dividends.

□ 1930

But we are not saying that we should have a bottomless pit. All we are saying is, allow the administration to come back to us and give us their best recommendations. That is all. If they tell us that they do not want to deploy in outer space, fine. That will be their recommendation.

What the gentleman's amendment does is limits them even to the point that if the Russians would break out and immediately pose a threat, under the gentleman's amendment, we could not respond.

I think that is shortsighted.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I think the gentleman is agreeing with me in his earlier comments when he says he is not really interested in deploying in the near term a star wars space-based interceptor system. If that is correct and if that is the view of the majority side, the Republicans in this body, then let us simply accept this amendment and move on. My amendment simply stops star wars. It does not affect space-based sensors. It does not stop the deployment.

Mr. WELDON of Pennsylvania. Mr. Chairman, reclaiming my time, if in a year or two the Russians proceed to develop the capability of space-based interceptors, would the gentleman still be supportive of his amendment?

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, in a year or two we will be debating the next year's authorization bill. In a year or two, I will be happy, in the authorization bill, to debate changes in it.

Mr. WELDON of Pennsylvania. The gentleman's amendment further ties the hand of the gentleman's administration and the Defense Department. What we are saying is, let Secretary Perry come back and tell us what he wants and then we can respond.

Mr. EDWARDS. I would just like to know, genuinely, whether the gentleman is either interested in keeping open and wanting to build and deploy Star Wars or not interested? If he does not want to build star wars, then accept the amendment. If he does want to build it, then admit that and let us continue the debate.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

(By unanimous consent, Mr. WELDON was allowed to proceed for 1 additional minute.)

Mr. WELDON of Pennsylvania. Mr. Chairman, what I would say to the gentleman is, I do not know what the future holds. If I could somehow have a crystal ball, perhaps I could predict that. What I am saying is I am not the defense expert. The people in the Pentagon and our joint chiefs are. If they come back and tell us that they want to have a system that within 5 years we should deploy some kind of system in space, that is something we will have to debate then. But we should not handicap them. We should not tie their hands. That decision should be left for another day.

Mr. EDWARDS. Mr. Chairman, if the gentleman will continue to yield, so the gentleman is saying he wants to keep open the option of star wars, that is what I am trying to——

Mr. WELDON of Pennsylvania. What I said is what I said. Do not put words in my mouth. What I said is I want the Secretary of Defense to come back within 60 days and make recommendations to us that we can act on.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we are considering whether we go back to the cold war.

Mr. Chairman, I have supported this SDI research. I represent the Los Alamos Laboratories. But today we do not need SDI. There is no justifiable threat. The technology is not there. And we cannot afford it. And we cannot afford readiness.

So the decision today is do we proceed with a system that we cannot afford and we do not need? The answer is no.

Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman very much for yielding to me.

I rise in support of the Edwards amendment. The point I want to make to the gentleman in the well and to my colleagues is that I am worried about where will we get the billions of dollars to pay for this new weapons system. I know where you are going to get it. We are going to take part of the money from the National Guard and Reserve. We are going to take it from the readiness of active forces.

We need the Edwards amendment. It will pin it down. It will be ground-based missiles, and it will not be interceptors. And I am worried again about taking the money away from the Reserves and from the active forces on readiness.

I thank the gentleman for yielding to me.

I rise in support of the Edwards amendment.

This amendment precludes the deployment of space-based interceptors as part of a national missile defense system such as Brilliant Pebbles.

This does not preclude the development of a national ballistic missile system, it just limits it to ground-based missiles.

We don't need to return to the old so-called star wars concept of past years. To do so would cost billions on a system that has a very high-risk technology and limited potential.

I am told whatever elaborate star wars system you have, the engineers cannot guarantee that an enemy ABM will not get through the screen.

We cannot afford to pour billions into space-based interceptors when readiness of forces is being stretched to the limit, when modernization of equipment is being delayed, and the quality of life of our personnel is not up to even minimum standards.

What type of missile systems might be developed by Iran or Iraq? The Chinese already have missile technology. Let's prevent the costly mistakes of the past and vote yes on the Edwards amendment.

When you move billions of dollars into a new weapons system, you have to take it from something else. I worry now about the National Guard and Reserve getting enough funds to be in a category of readiness. Listen to the figures: 38 percent of our military forces in 1996 will be in the National Guard and Reserve, and the Reserve budget for 1996 is 7.6 percent of the defense budget.

The Guard and Reserve is a terrific buy for the taxpayer, but there is a tendency when the active forces might need equipment or additional funding you look at reducing the Reserve. Talking about this star wars add-on in H.R. 7 could directly or indirectly affect the Reserve forces.3

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, those of us who support the Edwards amendment take a back seat to no one in supporting a strong national defense. But we believe that setting the wrong priorities diverts needed funding in a deleterious way for necessary technology and equipment for our front-line men and women. Effective theater missile defense systems are being built to protect our people here at home and our U.S. and allied forces abroad.

Research and development must continue so we will be able to deploy a national missile defense system whenever a threat to our shore emerges. I strongly support that, research and development.

But this Contract With America provision will risk national security when deployment of space-based interceptors diverts billions of scarce defense dollars and resources from acquisition funds that provide our soldiers' and sailors protection from Scuds and other theater missile attacks.

That is what our military leaders will tell us and that is what is real national security.

Those of us who support the Edwards amendment take a back seat to no one in supporting a strong national defense but we believe that setting the wrong priorities diverts needed funding in a deleterious way from necessary technology and equipment for our frontline men and women.

Effective theater missile defense systems are being built to protect our people here at home, U.S. and allied forces abroad.

Research and development must continue so we will be able to deploy a national missile defense system whenever a threat to our shores emerges and I strongly support that—research and development.

But, this Contract With America provision will risk national security when deployment of space-based interceptors diverts billions of scarce defense dollars and resources from acquisition funds that provide our soldiers and sailors protection from Scuds, and other theater missile attacks. That's what our military leaders will tell you and that is what is real national security.

I urge support for the Edwards amendment.

Mr. RICHARDSON. Mr. Chairman, I yield to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, this bill clearly changes the direction of national defense. We do not need star wars. Readiness is subordinate to star wars in this bill. Modernization is held hostage to star wars. Troop and military family quality of life programs are held hostage. And we think we need to make the message clear.

Troops are our responsibility. We absolutely must ensure their readiness.

Now, the threat does not support deployment of a national missile defense, but do not take my word for it.

The former Chief of the Joint Chiefs of Staff, Colin Powell said, "at the moment the threat does not warrant a national missile defense. Political, budget and security factors have combined to make national missile defense a thing of the past."

Let us not live in the past. Let us live in the future in the military strategy of this Nation.

Mr. RICHARDSON. I yield to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, it is not bad enough that H.R. 7 represents a radical assault on the ability of the President of the United States to conduct foreign policy. But here we are, after all these years, revisiting the issue of star wars when there is no appetite across this land for taking up the star wars mechanism at this particular time.

I find it astounding that the Joint Chiefs of Staff could suggest that this proposal is ill-conceived, and ill-timed and at the same time we are bringing it up here tonight.

I am proud to stand here tonight in support of the amendment of the gentleman from Texas [Mr. EDWARDS]. He has spoken time and again in support of a strong national defense system in this country, as have other speakers tonight. At the same time, they both have suggested that this proposal is unwise and unwarranted.

Mr. RICHARDSON. I yield to the gentleman from Pennsylvania [Mr. WELDON].

PARLIAMENTARY INQUIRY

Mr. WELDON of Pennsylvania. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELDON of Pennsylvania. The amendment that is being offered is to a section that is no longer in existence because of the passage of the previous resolution. So what in fact are we amending?

Maybe I should address that to the parliamentarian. What are we amending?

The CHAIRMAN. It is the Chair's understanding that the gentleman from Texas has prepared a modification of his amendment to conform with the Spratt amendment's adoption.

Mr. WELDON of Pennsylvania. Where is that amendment? May I see it? I have not seen it.

The CHAIRMAN. It has not been presented yet. This amendment is pending and no point of order was raised against it.

Mr. WELDON of Pennsylvania. A further parliamentary inquiry, Mr. Chairman: Is it the correct understanding that the Chair is ruling that this amendment is amending a section that is no longer in existence and that is allowable?

The CHAIRMAN. At this point the Chair is not ruling on the consistency or form of the amendment.

Mr. WELDON of Pennsylvania. What section are we amending with this amendment?

The CHAIRMAN. The modification may correct that amendment, but no point of order was raised against the amendment when it was offered.

Mr. WELDON of Pennsylvania. It is allowable now to waive a point or order?

The CHAIRMAN. No point of order was raised at the time the amendment was offered. It is not appropriate to raise one now.

Mr. WELDON of Pennsylvania. Can a point of order be raised when a changed amendment is offered?

The CHAIRMAN. It is not appropriate to raise one now.

□ 1940

Mr. EDWARDS. If the gentleman will yield, I have a parliamentary inquiry, Mr. Chairman.

Mr. RICHARDSON. I yield to the gentleman from Texas.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDWARDS. I would like to say this to my friend, the gentleman from Pennsylvania [Mr. WELDON].

The CHAIRMAN. The time of the gentleman from New Mexico [Mr. RICHARDSON] has expired.

(By unanimous consent, Mr. RICHARDSON was allowed to proceed for 1 additional minute.)

Mr. RICHARDSON. I yield to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. To answer the question of the gentleman from Pennsylvania [Mr. WELDON] about the passage of the previous amendment, in good faith, Mr. Chairman, I approached the Parliamentarians and asked them if it would be necessary to have a perfecting amendment, so my amendment would be in order.

At one point, I can say in good faith, the interpretation I received was that would not be necessary. It is presently my intent to ask for consent to have simply a technical, conforming amendment to see that the exact same language we had had in my previous amendment would apply correctly to this language.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, did the gentleman also apply to the majority side for that technical change?

Mr. EDWARDS. In the 30 or 40 seconds I had, I simply went to the Parliamentarian to see if technically, because of the passage of the previous amendment, any changes needed to be made.

I was told, I believe in good faith, at one point it might not be necessary.

Mr. WELDON of Pennsylvania. Mr. Chairman, we have no idea what the gentleman is amending. That is our problem.

Mr. RICHARDSON. Mr. Chairman, today, we consider going back to the cold war. Today, we consider spending billions on a system to defend against a threat that no longer exists.

WHAT IS THE USE OF A SPACE-BASED SYSTEM?

Who are we defending against? What is the threat that demands a space-based missile defense system?

The last time star wars was considered in 1983 the Reagan administration estimated its cost at $120 billion.

The threat to our security at home and abroad is not an ICBM attack; it is tactical missiles. Our experience in the Persian Gulf war proves the point.

A star wars system would have been useless to defend our troops against Scud attacks in the gulf.

This political proposal has no legs. The Joint Chiefs do not consider star wars a priority.

BUDGET QUESTIONS

We are talking about building a system that would cost billions without having a hearing on it and with more glaring defense needs.

Ensuring funding for training, development, pay raises, and housing will be impossible if we force feed this political program down DOD's throat.

Since 1983, we have spent $30 billion on a space-based defense system and there are few tangible results.

This is fiscal irresponsibility. This is jeopardizing troop readiness and force modernization.

I would like to remind my colleagues what Gen. Colin Powell recently stated about this issue: "A national missile defense system would be too expensive and impractical * * *" He went on to say that "* * * at the moment the threat does not warrant a national missile defense."

Today, we are considering a political proposal that puts both U.S. security and global interests at risk. There have been no hearings. There will not even be time to discuss the issues properly.

STAR WARS VS. READINESS

H.R. 7 threatens the readiness of our service women and men and gambles on a star wars space based defense system. Star wars was an idea born out of cold war concerns about an intercontinental missile attack. Today, the risk of an all-out nuclear blitz is significantly reduced but smaller threats have proliferated. This bill requires us to make a blind wager on star wars. How much will it cost? What does it mean to readiness? Will we have money to handle the real threats?

U.N. PEACEKEEPING

This bill will needlessly put American soldiers at risk. By tying the executives hands this political proposal would hinder U.S. involvement in conflicts like the Persian Gulf war. This political proposal forces the U.S. to act unilaterally when a global crisis erupts. It puts more American lives at stake and, in the end, the U.S. will bear the entire financial burden of any military actions.

EXPANDING NATO

This bill will force the U.S. to create an unspecified military assistance program for former East European countries. How much will it cost? Which countries will we allow into NATO? NATO should be expanded in concert with our European allies. We must ensure collective security and that the U.S. is not unilaterally committed to ensuring a secure Europe.

Mr. BATEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is difficult to know precisely what we are dealing with in terms of the parliamentary questions and responses just made.

However, leaving aside those problems, and I know that the gentleman from Texas [Mr. EDWARDS] has proceeded in nothing but good faith, and I would say also that the gentleman from Texas is one of the most steadfast supporters of a strong national defense for this Nation, and I commend him for it. I am grateful to him for that reason.

I cannot, however, Mr. Chairman, support his amendment. The reason I cannot support the gentleman's amendment is it seeks to bar something that no one has proposed to do.

I would support his amendment, Mr. Chairman, if all that he says as a rationale for it is demonstrated to be correct at a point when someone says "We propose to go forward and deploy a space-based system." However, there is nothing in this bill that says "Deploy a space-based system." It says "Deploy a practical system that is cost-effective."

If a space-based system fits that criteria, I will be for it. If it does not, and I suspect, Mr. Chairman, that it does not, then I will be against it, and I will support the gentleman's effort not to authorize or fund it at that point.

However, at this juncture, Mr. Chairman, we are simply saying to the Department of Defense "We want you to come back to us with recommendations for the deployment at the earliest practical time of a cost-effective, functional anti-ballistic missile system."

There is nothing in it that says space-based or not space-based. If space based is impractical, if that is not cost-effective, if that is not the best technology and the most economical, then the heck with it. We do not do it.

I support the gentleman in that. However, we are not at that point. I would suggest that the amendment is actually not necessary.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I appreciate the gentleman's comments. He and I have worked together on many issues. I respect the gentleman's leadership on our committee.

I would just say in this particular case, Mr. Chairman, I happen to believe that after having spent already $30 billion and some 12 years on star wars, enough is enough. Finally here is a time to say no. I understand the gentleman's comments, but I would say to the Members, I just think that after 12 years and $30 billion, and not one brilliant pebble in space, it is time to end the program.

Mr. BATEMAN. Reclaiming my time, Mr. Chairman, if this little bill proposed a nickel's worth further right now for star wars, I could see the gentleman's point. However, it does not expend anything. It does not put us at risk of expending anything.

I think genuinely the amendment, however well conceived and supportable it may be at another time, really is unsupportable at this time.

Mr. REED. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, of all the dubious proposals that are contained in this particular bill, perhaps the most dubious is the space-based star wars system which we are debating. I learned at West Point and in 8 years as an infantry officer in the Army that you build a strategy around a realistic assessment of the threat and then you use that strategy to allocate scarce resources. This proposal does neither.

They do not have to take just my word for it. This is what the Defense Budget Project has said about this particular proposal. I think most Members are conversant with the fact that this is one of the most well-respected, nonpartisan, analytical military think tanks operating today in the United States.

Here is what they said, Mr. Chairman. Point 1, "There is no significant long-range ballistic missile threat to the United States, nor is there likely to be such a threat over the foreseeable future."

Point 2, "A military revolution is underway. Information technologies that are critical to the ballistic missile defense activities, such as sensing, discrimination, and battle management, are progressing rapidly. There is a danger that if we buy into national missile defense too soon, it may rapidly obsolesce, leaving us with another huge capital investment to make if and when a long-range missile threat does emerge."

Point 3, "Perhaps nowhere is this danger greater than in the case of space-based interceptors. A national missile defense system that included space-based interceptors could cost tens of billions of dollars to acquire and deploy. This is clearly not a commitment that the United States should consider entering into in the foreseeable future."

Mr. Chairman, the final point, "With deficit and tax reductions a priority, funds for defense will almost certainly remain tight. A national military defense system is an expensive proposition, and defense systems often end up costing substantially more than projected by initial estimates. This mix could, over time, have the effect of presenting the Defense Department with an unfunded mandate; that is, with a program requirement that cannot be fully offset with additional resources necessitating substantial cuts from worthy DOD programs already under considerable stress."

Mr. Chairman, this is a nonpartisan group that thinks closely and well about defense issues. Their conclusions are very dramatic. I urge that they be considered and this amendment by the gentleman from Texas [Mr. EDWARDS] be supported.

Ms. MCKINNEY. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield to the gentlewoman from Georgia.

Ms. McKINNEY. Mr. Chairman, I thank the gentleman for yielding.

The question I want to ask is, why in the world would the Republicans want to revive star wars? They'll use any euphemism to fool the American people, but the bottom line is that among the other foolish ideas presented in this bill, probably the most foolish idea is that we need to knee-jerk ourselves all the way back to star wars.

Aside from totally upsetting all of the arms control agreements that both Democratic and Republican Presidents have been able to hammer out with nuclear nations, this bill might just encourage those missiles that no longer are aimed at us, to make an about face.

The subject matter of national security policy is much too serious to be cooked up by a few pollsters and spinmeisters.

Remember star wars. For the $36 billion already spent did we get our invisible, global, protective shield against missiles? No.

For the $36 billion already spent, did we protect ourselves from terrorist acts like the World Trade Center bombing? No.

And do we really want to go back to space-based ballistic missile defense when there are other critical domestic needs that are tearing at our own social fabric?

It was Dwight D. Eisenhower who said:

> Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children.

This group of Republicans that came up with this bill make Dwight D. Eisenhower look like a flaming liberal. The fact of the matter is, however, that:

When we choose star wars over feeding the hungry; and

When we choose star wars over housing the homeless; and

When we choose star wars over even our own children.

We surely make a grave mistake. Let us support the Edwards amendment.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield to the gentleman from Texas.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that my amendment be modified by the form at the desk to conform to the adoption of the Spratt amendment.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

> Modification to the amendment offered by Mr. EDWARDS: At the end of title II, add the following:
>
> **SEC. 203. DEPLOYMENT WITHOUT SPACE-BASED INTERCEPTORS.**
>
> The national missile defense system developed for deployment shall be developed and deployed without the inclusion of any space-based interceptor.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. WELDON of Pennsylvania. Mr. Chairman, reserving the right to object, if I might inquire of the author of the amendment, is it his intent that that inclusion of "any space-based interceptor" also includes the development and deployment of a ballistic missile system?

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Texas.

Mr. EDWARDS. I am sorry, Mr. Chairman, did the gentleman say of a ballistic missile system?

Mr. WELDON of Pennsylvania. A theater ballistic missile system.

□ 1950

Mr. EDWARDS. In no way is this amendment intended to affect either a national missile, continental ground-based national missile defense system or—in fact, if anything it is intended to help save more money to put into theater missile defense instead of putting it into star wars.

Mr. WELDON of Pennsylvania. In other words, the gentleman is saying that if it is determined that the theater ballistic missile system should have space-based interceptors, it is OK?

Mr. EDWARDS. If the theater missile defense system would require space-based interceptors, on that issue I am not aware of a particular program that is recommending that.

Mr. WELDON of Pennsylvania. I am asking if that is in fact——

Mr. EDWARDS. Rather than deal with hypotheticals, let me let the words speak for themselves. They basically would prohibit space-based interceptors for a ballistic missile defense system.

Mr. WELDON of Pennsylvania. Including theater ballistic missiles?

Mr. EDWARDS. Yes.

Mr. WELDON of Pennsylvania. So it would apply across the board to theater and ballistic. So the amendment is actually going further than what we originally thought?

Mr. EDWARDS. No. In this perfecting amendment, as I mentioned a few minutes ago based on the gentleman's request, this amendment does not change the intent or the content in any way of my original amendment. The only purpose of this change is to adapt my language to the Spratt amendment that had been recently adopted.

Mr. WELDON of Pennsylvania. Mr. Chairman, further reserving the right to object, and I will not object because I respect the collegiality and the past cooperation of the gentleman with whom we have worked. Even though I may disagree with his amendment, I want him to have the right to amend it. But I think it further shows that there is confusion about what the intent of the language is, not in the gentleman's mind but the application of the language of this amendment which I think comes about when you try to micromanage what it is that is going to come back in the form of a recommendation to us, but I will not object.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of the amendment, as modified, is as follows:

> Amendment as modified, offered by Mr. EDWARDS: Page 11, line 18, after "missile attacks" insert the following: "and that is deployed without the inclusion of any space-based interceptors".
>
> Page 12, line 6, after "missile attacks" insert the following: "without the inclusion of any space-based interceptors".
>
> At the end of title II, add the following:
>
> **SEC. 203. DEPLOYMENT WITHOUT SPACE-BASED INTERCEPTORS**
>
> The national missile defense system developed for deployment shall be developed and deployed without the inclusion of any space-based interceptors.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Secretary Perry came before us a few weeks ago and he asked us not to micromanage his programs and he asked us to give him a chance to bring forth his programs and explain them, explain the options, and then we would make some decisions on exactly what we would do with our spending authority.

We are cutting out options with this amendment by the gentleman from Texas. What he is saying is this: It is okay to shoot down an incoming ballistic missile with a missile that is launched from the ground.

I want everybody to understand the collision takes place in space. So you do not stay out of space. So if your objection is doing something in space, you cannot do that with any system. Because the collision between the incoming ballistic missile and the defensive missile takes place in space. It is above the Earth's atmosphere.

So if you believe, like Walter Mondale, that there should be "war in the heavens," then nothing fits your pistol on this particular amendment.

Let me just say this to the gentleman from Texas, whom I respect greatly. We are on the cutting edge of technology in many areas, miniaturization of electronics, capability of our systems in space.

We had several experts from two of our national laboratories come and tell us about a week ago that they could make space-based interceptors very inexpensively.

What the gentleman from Texas is saying is, "I don't even want to hear your arguments. I don't even want to have a scientist come up and testify to me as to what he can do with technology today."

That is like President Kennedy saying, "We are going to shoot a missile to the Moon, we're going to land people on the Moon, but I don't think we should use solid rocket fuel. I've been told that's very expensive so I'm going to put in a prohibition against using solid rocket fuel to go to the Moon."

It does not make any sense. It does not make any sense to limit our options.

We are asking Secretary Perry to come out and testify to us. We are also going to ask people from our national laboratories. We are going to ask these very intelligent people, who are a national resource, "What's new in technology? How can you shoot down an incoming missile better and cheaper than the guy who just testified?"

What the gentleman from Texas is saying is, "I've seen it all. I don't want to have anything in space because I heard that 'War in the Heavens' speech and it makes sense to me, and the only thing that I'll go with is the old 6-gun shot from the ground. That's the only thing I believe in."

He is asking 435 of us to accept his judgment and not even allow testimony on any other system before we make a decision.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. EDWARDS. I am not asking this House to accept my judgment. I can pull out all the experts you would like: Gen. Colin Powell who said a national missile defense system is a waste and would take money away from important defense priorities.

I could quote Admiral Crowe who was Chairman of the Joint Chiefs of Staff for 4 years under President Reagan who said that this would be a dangerous program.

This is not CHET EDWARDS' idea on February 15, 1995. This was debated for 12 years, $30 billion was spent. This program was stopped. And now in a short debate it is trying to be revived.

Mr. HUNTER. Let me take back my time and remind the gentleman, you can buy about a million times as much computing power today as you could in the 1960's for the same amount of money.

Now, when we have experts from our national laboratories that we put there to come up with ideas on defending the country and they come to us and say we would at least like to be heard on the issue of how we have made it a lot more effective and a lot less expensive to shoot down this incoming missile with a different idea, I think we should listen to them. And I would just say to the gentleman, I go back to my Billy Mitchell argument. You had a lot of people saying you cannot sink ships with planes and we do not even want to hear General Mitchell. They tried to scrub the test.

This is a democracy. These Members who are representatives want to hear the evidence. I say let's let the evidence be put out there. And if the gentleman sits with me in Armed Services hearings and hears the evidence and then says, "I'm not going to change my mind," then fair is fair.

But let's hear the evidence. This amendment precludes us from even hearing the evidence.

Mr. PETERSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. PETERSON of Florida. The gentleman makes a great point. Had we had adequate hearings in committee, we could have gone through all of these details. That is exactly the point here. We are rushing to conclusion as opposed to examination we could have done in committee. We are doing committee work on the floor of the House of Representatives.

Mr. HUNTER. Let me take back my time one more time and say the gentleman is wrong.

When President Kennedy said, "We're going to put somebody on the Moon," he did not go through all the hearings first. He said, "That's our goal, that's our policy." Then he convened his scientists to tell him how to most effectively do that.

We are saying let's defend against incoming ballistic missiles and let's convene our scientists in the Capitol in these hearings and decide the most effective way to do it.

Mr. HEFNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to approach this from a different perspective. You cannot have it all. We just passed a balanced budget amendment in this House that was part of the contract. We are coming with a supplemental very soon now that violates the balanced budget amendment. We do not pay for it. The Speaker of this House said, even though the balanced budget constitutional amendment will not be passed we are going to operate just as if it were passed.

I have been chairman of Military Construction for many, many years, up until this year. I also sit on the Subcommittee on National Security Defense of the Committee on Appropriations. I have been all over this country. We need to talk about readiness here. Star Wars is an idea whose time has passed and is not appropriate to be talked about.

If you want to talk about some of the things that are affecting our people and our readiness and our retention, you start talking about quality of life.

As you talk with the people, the commanders of all of these bases across the country, and the gentlewoman from Nevada [Mrs. VUCANOVICH] and I were in Fort Bragg a couple of weeks ago and we talked to the wives and the husbands who are living in conditions that people were living in in World War II, in barracks they were living in in World War II. We are talking about retention and we are talking about asking our troops to go out and operate the most sophisticated weapons that man has ever invented and we are asking them to live in conditions that prevailed in World War II.

If you buy something like Star Wars, it is going to come from someplace, and it is going to come from the unsexy sector, like barracks. You can go to any base in this country and have a ribbon-cutting for barracks and you cannot even get the press to come out and cover it. But if you talk about Star Wars and B–1's and B–2's, and they are sexy items, but they do not get the job done.

Several years ago I went to Fort Hood, TX, and we had some ladies there at Fort Hood that were trying to clean up an old cafeteria to put in a day-care center for our children that belonged to the parents of our armed services people.

We need to concentrate on quality of life and retention for our armed forces and we need to stress all of our efforts on readiness. To spend $40 billion on Star Wars, that is going to be taken out of the hides of readiness, and our military quality of life is going to be affected drastically. I think it is the wrong-headed way to go.

I strongly support the Edwards amendment.

Mr. ABERCROMBIE. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Hawaii.

□ 2000

Mr. ABERCROMBIE. Mr. Chairman, I want to follow up on Mr. Hefner's quality of life admonitions to us and I want to speak to Members like my good friend, the gentleman from Pennsylvania [Mr. WELDON], with whom I have worked on these issues. I do not think on this issue there ought to be a hawk or a dove or those kind of designations. We are all responsible members of the Committee on National Security, the Committee on Armed Services and we operate on the basis of that responsibility.

And in this particular instance, no matter what designation I might come under to suit the convenience of the newspaper, Members know that we work together on these issues like the theater missile defense. I am fully in accord with that.

But at the same time, I take no second place to those who want to see a quality of life. I have a special responsibility to all of the Members in the House of Representatives, I almost said in our congregation because that is the way I feel about it on the armed services and the National Security Committee; that is the way we work with one another.

Out in Hawaii it is not my constituents that are being housed in these barracks and in these housing projects that the gentleman from North Carolina [Mr. HEFNER] is referring to, it is your constituents, it is our friends, our neighbors all around the country. And I have had to struggle year in and year out and I have had the support of the people, no matter what kind of convenient designations are used, to try to upgrade this housing, to try to upgrade the quality. The gentleman from North Carolina [Mr. HEFNER] is correct and if we are being honest with one another we know if we move into what has been called Star Wars, into this missile defense in the heavens kind of system, we are going to be cutting the ground out from underneath those men and women now serving and their families who serve with them throughout our country.

So, my plea is let us be sane and sensible about what we are doing with missile defense.

Mr. HEFNER. Make no mistake about it, with the limited resources that we have, if we embark on Star Wars, it is going to impact drastically on quality of life and readiness for our troops and readiness for our military.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding. I just want to point out we are not in disagreement. And in fact if we look as we have cut defense spending over the past 5 years by 25 percent, we have increased nondefense discretionary spending.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. HEFNER] has expired.

(By unanimous consent, Mr. HEFNER was allowed to proceed for 3 additional minutes.)

Mr. HEFNER. Mr. Chairman, I did not yield for a chart show.

Mr. WELDON of Pennsylvania. I am making a statement.

Mr. HEFNER. Mr. Chairman, let me remind the gentleman that when his administration was on Pennsylvania Avenue, on quality of life we had a pause. We have lost money, we have lost money in military construction for our quality of life and for our barracks and for living conditions for our military folks, and it has not been a priority because our priorities was B–1s and B–2s and we did not stress military construction. We have lost in the quality of life, and today we are reaping the benefits because retention is suffering among our services and we have had testimony to that effect. And if we spend $40 billion for Star Wars we are going to suffer further and we are going to suffer quality of life and we are going to suffer in readiness.

Mr. WELDON of Pennsylvania. I do not disagree with the gentleman. In fact I applaud his leadership on the issue of military installations and facilities.

My point is we are taking a bigger and bigger chunk out of the defense budget for nondefense items, up 361 percent over 40 years.

Mr. HEFNER. I take my time back. We are debating priorities except in quality of life and Star Wars and readiness. The argument is are we going to stress readiness in this country and are we going to look after quality of life of our troops and get them off of food stamps, or are we going to spend $40 billion in space for Star Wars where there is not one person in this House that knows whether it will even begin to work or not?

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, we have come here through long, national discussion. It began in our time, in 1981, when T.K. Jones, who was the Assistant Secretary of Defense in charge of strategic and theater nuclear forces made a statement. He said that we would be able to protect our country against nuclear war if everyone dug a hole 6 feet deep, we put a door over that hole, and with enough shovels and enough dirt, everyone would be able to make it. That was the assistant Secretary of Defense for theater and strategic nuclear weapons in 1981.

Now, as you can imagine, that caused quite a controversy in this country, but that was the civil defense plan for our Nation in the event of a nuclear war.

Now it took 2 years to come up with an alternative plan; it was called star wars. We were Luke Skywalker, they were Darth Vader, and we were going to go to the heavens to knock down their intercontinental ballistic missiles. That is what we are talking about here.

Now, there were cartoon versions of what that system would do. There was a moonbeams and stardust vision of what it would do, but in reality there was never even the remotest approximation of a working model of it, $30 billion later.

What we have before us today is the latter day version of it, but this is no longer moonbeams and stardust, this is the giant pork barrel in the sky for defense contractors. This is just a follow-on to all of those contractors that want to continue on the gravy train without having produced anything yet.

Even as we know it is going to put tremendous pressure on the resolution the rest of our budgets, we have to make very tough decisions in this Congress and the next. We are going to have very tough ceilings placed on us, we are not going to continue to support the things that do not work.

I was not paying that close attention, but I am not aware of an amendment that passed on the floor earlier today that put the Soviet Union back together again. We won, Darth Vader lost, he is gone, he is not in the heavens, he is in Chechnya, and he is losing on the ground to a Third World power. We cannot afford an additional $40 billion in order to continue to pursue a defense strategy that might have made some sense at the height of the cold war but in the aftermath of the cold war and the present condition of Russia no longer makes sense, given the other constraints upon our limited fiscal resources.

So, my argument to you would be this: that just as a practical fact of the matter, this system does not work, from Brilliant Pebbles to smart rocks to the nuclear bomb that was going to go off over our heads and stop the incoming missiles, none of this ever worked. If we want to continue to flow money into it, and the gentleman from North Carolina and many other Members out here on the floor made the point over and over, we are going to have to cut other things and cut them dramatically. It might be military readiness, it might be Medicare, it might be student loans, it might be Meals on Wheels.

Mr. DORNAN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I am glad to yield to the gentleman from California.

Mr. DORNAN. I will get time for 1 more minute.

I just wanted to see if we could get on the historical record something very important from the book of the former minister from the old Soviet Union in its dying days, from Shevardnadze, Edward, nice man. I will get an autographed copy for you. He says in his book that Ronald Reagan pushing SDI broke the will, along with Afghanistan, of the Evil Empire, and when they realized that they could not combat, this is Shevardnadze again, the unraveling of the Soviet Union, whatever the technological merits are about star wars, moonbeam, Darth Vader, it did accomplish a 30 million dollars' worth of the freedom for all of the so-called 15 Soviet Republics.

Mr. MARKEY. If I may reclaim my time, it is only to make one point.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

(At the request of Mr. DORNAN and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. DORNAN. I yield back to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman very much. Notwithstanding the arguments which the gentleman makes, and we can debate over whether that was an accurate assessment or not, but just for the sake of the discussion let us say it was accurate and let us say that the Soviets did panic, and let us say that the Soviets did go to the table and we were able to gain those strategic nuclear weapons, treat all of that as being conceded for the sake of this discussion, what possible gain would it offer us now to spend an additional $40 billion? We have won the concessions which are necessary in order to have these treaties put in place.

We now have an inexorable and inevitable decline on both side's missiles, we have no technological proof that this system works. If they went for the bluff, so be it. But for the future, we have to now make our decisions based upon the technological capacity of this, of the technology.

Mr. DORNAN. Will the gentleman yield for one short question?

Mr. MARKEY. I am glad to yield to the gentleman from California.

□ 2010

Mr. DORNAN. Where are you getting this $40 billion, off the planet Glatu Barato Niktu? Nobody is suggesting that kind of money expenditure. We are talking about rogue missiles. I am conceding we have got a bigger problem with suitcase missiles in the mud of our harbors. Where does this $40 billion come from?

Mr. MARKEY. I am only using the Bush administration numbers that there would be $35 billion that would need to be spent in order to finish this project, and additional tens of billions of dollars if an alternative Brilliant Pebbles project was adopted as well. We are only using the Republican administration numbers in this debate. The only question we have now is whether or not, given our success in basically destroying the Soviet Union, there is an identifiable enemy in the world that can justify this kind of expenditure.

I would argue not, given the other tremendous pressures on our military and on our civilian budget that is going to become more evident as this unfolds.

Mr. MCKEON. Mr. Chairman, I move to strike the requisite number of words.

I am opposed to the amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from California.

Mr. CUNNINGHAM. I would ask the gentleman, everyone has said that the Soviet Union is gone. Is the gentleman aware of how many Typhoon-class nuclear submarines Russia built last year and what they plan on doing with those nuclear tubes? They built five nuclear Typhoon-class submarines last year. Why?

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from New Jersey.

Mr. SAXTON. Earlier obviously some people were not here, but there was a discussion about whether or not there was a threat and what the gentleman points out with regard to submarine construction and what was quoted by or what was said by Bill Studeman, the Director of the Central Intelligence Agency on January 18, pointed out quite clearly that we have a problem or that we soon will have.

Let me read this quote once again. Bill Studeman said, "The proliferation relates to the nonproprietary nature of technology," meaning that technology is not hardware or software, it is know-how, and he says, "This means that the proliferation will be new and more diverse forms of lethability, increasing threat reach, that is, longer ranges including ultimately ranges from problem states that can reach the United States toward the end of this decade."

So the gentleman makes a good point with regard to submarines, and your director of your Democrat-controlled administration says clearly on the record there is a problem that we have to face.

Mr. CUNNINGHAM. If the gentleman will yield further to me, I would also like to point out that Russia today, who is no longer the Soviet Union, just sold to Iran two Kilo-class nuclear submarines. They also sold to Iran and to China rocket-based missiles and long-range missiles.

I am not sure if we need to spend all the money that the gentleman is talking about either, but I am saying that at least I would like to give the President and the Secretary of Defense, whoever he is in 1996, the option to take a look and see if that is an option.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCKEON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. One further point besides the sale of Russian submarines to Iran, which we now have documented, we also know that the Russians offered to take the SS-25, which is their mainstay nuclear intercontinental ballistic missile, and offer that technology to Brazil to be used for space flight. We know that.

So somehow we are thinking that this technology for nuclear capability is staying within Russia. That is just not borne out by the facts.

I thank my colleague for yielding.

Mr. CUNNINGHAM. If the gentleman will yield further, I would like to bring out one other point. When we are talking about quality of life, let us take a look at the broad class, when we cut $177 billion out of the defense budget, that hurts quality of life, and my colleagues on the other side of the aisle passed that Clinton tax package that did that.

In that budget was also a COLA for veterans, and you take a look at how many of the billions of dollars it is costing us for Haiti, and then we take a look at quality of life that our soldiers were ripped out, our sailors, after a 6-month cruise, ripped out with a 30-day turnaround and shipped off to Haiti. Then we had two people commit suicide.

So when we talk about quality of life, let us really take a look at quality of life across the board.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

I know most of the discussion here tonight has been on the readiness and the defense aspects of this amendment, and that is appropriate. But I do want to point out the foreign policy ramifications of it as well, and just simply to say that the nationwide missile defense system, in my view, does jeopardize American foreign policy interests.

A nationwide defense missile system abrogates the antiballistic missile treaty. That treaty has been the most successful treaty we have ever had in the strategic area, the most successful arms control treaty. It saved a very, very costly missile race for the world.

I think a nationwide missile defense system jeopardizes the implementation of START 1, which is an enormously important foreign policy interest of this Nation right at this moment, and likewise, the ratification of START 2.

I think you are quite right to say that there is a threat to the Nation from long-range missiles, but I also think that threat is secondary to the theater missile threat. Nationwide missile defense, in effect, reverses what our defense priorities, it seems to me, ought to be. The missile threat today is in the short- and medium-range missiles, and that is what our priority ought to be on in the defense program. I think that is what it is on.

We must not be complacent, as others have pointed out, with respect to the possibility of an attack on the continental United States, and we should proceed, in my judgment, with a research and development program for that, but the priority ought to be on the area missile defense.

I think the Edwards amendment has it exactly right. I commend him for it.

Mr. LAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Texas.

Mr. LAUGHLIN. Mr. Chairman, I support the Edwards amendment. I am one of the few Members of Congress to serve in the signal intelligence area of our armed services, and I spent time looking at this very matter we are talking about.

If we are seriously concerned about defense of America to all threats, the first thing we need is a military force that is prepared and ready and trained to go to war, and the next thing we need is for them to have the good quality of life every Member of this body has spoken in support of.

Part of the time I worked as a signal intelligence officer. I looked at this very project because it was an assignment I had, and I fully support and will vote continuously for research and development for star wars. But I am absolutely opposed to spending money that we need for the defense of this Nation to look at putting these intercepts in space.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a freshman, but I am a sad freshman tonight, because I think that the last vote, and if we pass this amendment, has in large part broken the Contract With America, not a Contract With America that was formed just in this last election cycle, but a Contract With America that was formed in the formulation of this Nation.

When we talk about quality of life, there is no quality of life if this country is vulnerable to missile attack, and you and I all know that the entire dynamics of the debate changed in 1984 when SDI became a potential reality.

The quality of life in America was more peaceful, because the Iron Curtain came down.

I have trouble with H.R. 7, but it was President Reagan who said in 1984 that history teaches that wars begin when governments believe the price of aggression is cheap.

□ 2020

Mr. Chairman, upon the formation of this country was John Jay in the Federalist Papers No. 4, who reminds us that—

> Wisely, therefore, do they consider union and a good national government as necessary to put and keep them in such a situation as, instead of inviting war, will tend to repress and discourage it. That situation consists in the best possible state of defense, and necessarily depends on the government, the arms, and the resources of the country.

I wish I felt this strongly about a few other parts of the bill, but I must stand firm on my principles. First, I feel that the United States should not become involved in any "peacekeeping" activities of the United Nations. This includes provision of troops, funding, in-kind contributions. Such activities are beyond the scope of the Constitution, and if vital U.S. interests are involved, the Constitution provides the proper avenue for dealing with those interests in a national, rather than international manner. We are walking on a very slippery slope when we involve our troops with U.N. "peacekeeping" activities, and I caution all of the relevant committees to scrutinize any action very carefully before we consider any actions with the United Nations.

Second, there are a number of waivers in this bill that concern me. I point to page 47, line 19. This section gives the Secretary of Defense a waiver to decide that in the case of an emergency the United Nations will not be required to reimburse the United States for in-kind contributions to "peacekeeping" activities. I believe that Congress, not the Secretary of Defense, should decide if the United Nations should foot the bill. This loophole has the ability to be abused.

Lastly, I mention section 512 of the bill, conditions on the Provisions of Intelligence to the United Nations. I realize that this strengthens the conditions of intelligence being provided to the United Nations. However, I object to any U.S. intelligence being provided to the United Nations. In principle, providing classified intelligence information to any international body is undesirable. A government-to-government action has been possible with adequate controls, known to the Congress. However intelligence provided to the United Nations is the same as publishing it in the National Enquirer.

I thank the gentleman for the time to voice these concerns. I hope that the committees with jurisdiction on these issues will take careful consideration of these concerns when these issues arise again. This is a very important issue to the people of Idaho and to the people of America, very sensible people, and they deserve the proper consideration, and they deserve a good strong defense, and they remember what happened in 1994, 1984, when SDI possibly became a reality. Even if this body does not remember, the American people do, and I will cast my vote for this bill and encourage all of my colleagues from both sides of the aisle to join me.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to comment briefly on the threat.

I have heard several comments here tonight like "the threat does not warrant the development of an ABM defense system." I have heard words like "there is no conceivable threat." I have heard the question, the statement, made, that we have no threat because who could put the Soviet Union back together?

Let me remind our colleagues that Zhirinovsky, possibly the second-most popular, maybe the most popular, politician in Russia, he wants to have a child in every one of the provinces of what used to be the U.S.S.R. and then when he assumes power, the first thing he wants to do is take back Alaska. He will have at his command 25,000 nuclear weapons and the ability to deliver them. If they are targeted somewhere else now, within less than 2 minutes he can target every one of them back here, and we do not have a threat, a potential threat?

Come on now. Let us get real.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, let me say to the distinguished ranking member of the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], that I listened to his statements about the possible destabilization of our armed situation with the Soviet Union, and let me just remind my colleagues that this amendment eliminates some possibilities of working together with the Soviet Union.

Mr. Yeltsin said in two speeches, January 29 and January 31, 1992, that the strong possibility existed of the Soviet Union teaming up with the United States and using Soviet technology and U.S. SDI technology to develop what Mr. Yeltsin, not President Reagan and not President Bush, but what Mr. Yeltsin described as a global protection system.

Now we are giving up that possibility. We are giving up that opportunity, if we adopt this amendment, that we are not going to hear any evidence about anything except the system that the gentleman from Texas [Mr. EDWARDS] thinks will work. That is a ground-based system. It does not make sense to give up not only the possibilities that our technicians offer us and our scientists say they want to testify about, but also to give up the possibilities that have been offered to us by the Soviet Union.

Since Mr. Yeltsin made that statement, Mr. Chairman, a number of our technical people have been working with Soviet scientists, Soviet diplomats, and talking about the opportunity to have a partnership. I say to my colleagues, "You give that up, you limit yourself, you limit the United States, if you go with this Edwards amendment."

Let me tell my colleagues what else they give up. As my colleagues know, it has been suggested by all of our experts that we might want to have a layered defense. I say to my colleagues, "That means, if you have a ballistic missile coming in, you try to shoot it down first when it launches. That's the best time to get it, before all of the multiple warheads, if it has multiple warheads, break away from the bus, and then you have 10 problems instead of 1 problem. So you try to get it when it boosts up. Second, if it survives, that you might want to get it when it's up high in space. If you can get it then, you don't have to worry about it coming down and having to deal with it with your terminal defense. Last, if everything fails and that missile is coming into San Diego, CA, or New York, or Mr. EDWARDS' district in Texas, then you have one last shot at it, and that's with this ground-based system."

I would suggest it does not make much sense for us as Members of the House to limit our technical experts and say we have adopted the idea of the gentleman from Texas [Mr. EDWARDS] of the best technology, and he says the only thing that works is the stuff that is launched from the ground. We are not going to try to shoot that missile down when it first boosts up, and we sure do not want to shoot it down in space because that would be a war in the heavens. But we will go with that good old six-gun that the gentleman from Texas says we have got. We can shoot it as it is coming in on our cities.

Mr. Chairman, I say to my colleagues, "So you give up, my colleagues, the chance to have a layered defense, and all we are asking here is not that you choose one. We are asking that you let the committee process take its course, and you listen to our scientists, and experts, and military leaders as they come in and testify as to the cheapest, most cost effective way to shoot down incoming ballistic missiles."

I think that the Edwards amendment, as much as I respect my friend from Texas, is one that limits us in a way that we should not be limited.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is true that the real threat to our security does come from the former Soviet Union, nuclear threat to our security does come from the former Soviet Union, but not in the way that some of our friends and colleagues imagine. It does, in fact, come in a way that was described for us an hour or two ago by the former chairman of the Committee on Armed Services, the gentleman from California. He talked about the ability to smuggle into the country, in the tons of contraband that cross our borders daily, a nuclear device, or parts of a nuclear device, to be assembled here and then set off possibly by terrorist or terrorist organization. That constitutes the real most immediate threat to our security.

Now coincidentally, just within the last several weeks in Czechoslovakia authorities seized an automobile and the contents of that automobile. In that care were approximately 6 pounds of highly enriched uranium which were smuggled out of the Soviet Union by a Russian, a Ukrainian, and a citizen of Belarus. They were trying to take that 6 pounds of enriched uranium and sell it to terrorists on the open market. Now there are within the former Soviet Union at least 150 sites that contain enriched uranium from which those people, or people like them, can obtain that fissionable material, take it out of the former Soviet Union and put it on the marketplace for terrorist organizations.

□ 2030

We are not paying any attention whatsoever to this most immediate, most serious threat to the security of the United States and in fact our allies, and we fail to recognize this threat at our peril. That is the most serious threat and the most immediate threat, and that is the one we need to pay attention to.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, when this debate began some time ago, some of my Republican colleagues said on this Floor they are not interested in Star Wars. My friend, the gentleman from Pennsylvania [Mr. WELDON], volunteered to donate to charity for every instance when the word "Star Wars" were used. Now, a few minutes later, other Members are arguing for a Star Wars deployment.

Well, this amendment is simple and it is straightforward: If you want to say no to Star Wars, vote yes on this amendment. If you think $30 billion and 12 years is enough on one program, then simply vote yes on this amendment.

On the other hand, if you believe in Star Wars and you want to spend more money on its deployment and good faith, then simply vote no on this amendment. It is that simple.

But this amendment is not about whether today or some day there might be a threat to the continental United States. Nothing in this amendment stops a ground-based national missile defense system or even continued research for some space-based system. It simply says no to the deployment of Star Wars, a $30 billion boondoggle, after 12 years, for which there is no evidence that the technology would even work.

Finally, I am not asking that you agree with CHET EDWARDS' opinions, because mine are not important. I am asking that this House agree with the opinions of our top military leaders and past leaders such as Colin Powell and Admiral Crowe, who was Chairman of the Joint Chiefs of Staff under President Reagan, to say enough is enough, and tonight it is time to say no to star wars.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to compliment the gentleman. A ground-based system is treaty compliant. Anything that we do in space would abrogate the antiballistic missile agreement. This would then lead to a reconsideration by the Russians of the START I-START II agreements, which called for a two-thirds reduction in our offensive ballistic missiles on both sides. They are not going to go out and approve START II if we are rushing to deploy a space-based system.

So I think we made a lot of progress with the Spratt amendment, and if we could get this amendment through, I think we would have done a good job for our country. I believe a space-based missile system is extremely expensive, is not treaty-compliant, it violates the ABM agreement on a prime facia basis, and it is not something we should do on this point.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to ask the Members to pay strict attention to what they are doing here this evening. You know, you have to be very careful because these guys on this side of the aisle are very cagey. The next thing you know, you have a bill and you have got nothing to it, and it will be like cotton candy. You know what happens when you get cotton candy. They come over here and talk about Star Wars and you have all this debate, and in the meantime your bill is slipping away from you. None of you paid strict attention the last vote you had where you had to strike a clause dealing with congressional funding. Do you know what you just gave away? You gave away a key portion of this bill. Because under this bill, DOD funds under this bill had to be approved by Congress for peacekeeping. Under Amendment 12 that you just passed, you gave it all away. You gave up a major portion of your bill.

You have got to pay attention to what is going on here on the floor. My dear friends here on the floor and back in your offices, watch these amendments when you are voting on them. You are getting cotton candy, my friends. You are getting a bill that is going to have nothing to it.

For example, when you look at this bill, there is $1.7 billion by Congress last year for peacekeeping. It did not have to have the approval of Congress. You pass this amendment now, you are not going to have to need the approval of Congress either. And that is the entire point of this bill. That is what the Contract With America is all about. You are putting Congress back in the game. And you just took Congress out and no one even paid any attention.

Look at these amendments. Look at this amendment. They make a lot of noise over here. They wave to you up here and underhandedly take it all away from you. You got to watch these guys or they will hornswoggle you. So I am asking you, watch these amendments or you are going to end up with cotton candy.

Mr. SCARBOROUGH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have been hearing talk about Darth Vader being dead and Star Wars and all of these comical type figures, when we really need to be looking at what we are facing in this world today.

The fact of the matter is, we are not facing Darth Vader, even if you want to call the Soviet Union Darth Vader and say that Darth Vader is dead. If we want to talk about it in those simplistic terms, if we want to talk about something that is this important, national security, in those comical terms, fine, let us talk about it. Darth Vader has had children now and they have spread across the world.

The fact of the matter is, the world is not safer today than it was 5 years ago before the collapse of the Soviet empire. The fact of the matter is we now have, it has been estimated, 20 to 25 countries that are going to have nuclear capability within the next 5 to 10 years, and have that ability to launch nuclear missiles across continents.

We are not talking about Darth Vader; we are not even talking about the former Soviet Union. The nuclear club is going to be expanded beyond the Britains and beyond the Chinas and beyond the Russias and beyond the Americas, and beyond the Indias, and instead the people who are going to be possessing nuclear capability are going to be the Kadafis and the Saddam Husseins and the North Koreas. I keep hearing all this concern about all these wonderful treaties, START I, START II, all these treaties that are going to be thrown out the window.

Well, I am only a freshman and I suppose I did not recall the full debate, but I did not think Saddam Hussein or anybody in North Korea had anything to do with these treaties. They are not signatories to these treaties, they are not concerned about these treaties. And if we sit back and continue to frame this debate in comical terms such as Darth Vaders and Star Wars and all these other things that are not relevant to the debate tonight, that is not relevant to what is going on inside of North Korea, does anybody in this Chamber know what is going on inside of North Korea? Does anybody inside this Chamber? If the gentleman from New Mexico [Mr. RICHARDSON], knows about North Korea's nuclear capability, then I will gladly yield to him and let him talk about the nuclear capability. But the fact of the matter is the gentleman does not know any more than the rest of us know.

And yet we are not talking about North Korea. We are not talking about North Korea tonight. We are not talking about the problems that we may be facing with Kadafi. We are not talking about the unknowns that we are going to be facing with Saddam Hussein. Instead, we are hearing talk about Darth Vader and these other things that demean the process and trivialize in the end what I am the most concerned about, and that is my seven-year-old son and my four-year-old son, my children, my grandchildren. I am concerned about them.

□ 2040

I am concerned about the homeless in the inner cities, and I am concerned about those who are going to bed tonight in south central L.A. afraid they are not going to wake up in the morning because of violence. But their threat not only comes from the inner cities, the threats in South Bronx not only come from the problems in the South Bronx, it comes from threats across the globe. And they are just as dead in the morning, if we do not defend them nationally, as they would be from the spread of violence and poverty.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, the gentleman makes an excellent point. Over the past 30 years we have had two wars in America. We had the war on poverty, and we spent $6 trillion and we lost. And we had a strong buildup with support from Democrats and Republicans, and we spent $5 trillion during that same period of time. And what happened? The world is a safe and secure place because we won that.

What we are saying is, we want to continue to be strong to deter aggression. We lost the war on poverty where we spent more money, but certainly our investment in defense allows all of us to be here where we are today.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, last March I was in Israel and talked to mothers and fathers who have had to hide their children.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SCARBOROUGH] has expired.

On request of Mr. BILBRAY, and by unanimous consent, Mr. SCARBOROUGH was allowed to proceed for 2 additional minutes.

Mr. BILBRAY. Mr. Chairman, if the gentleman will continue to yield, last March, when I talked to mothers and fathers who had lived in fear of their home being bombed by ballistic missiles, the comments they made were very strongly saying, we need not only this for Israel, we need this for the entire world so every country has it.

My problem I am having is, I am hearing my colleagues from both sides of the aisle agree that we need to develop the technology. We need to be able to address the point that the facts are that there is more of a threat of a ballistic missile crossing into the United States territory than it is a foreign enemy tank coming in. But we have antitank technology. But we have not developed the technology.

I think the issue comes down to the fact, I keep hearing the dialogue going back and forth of what not to do. I think the people of the United States say, if we are going to develop this technology to protect foreign countries, doggone it, the taxpayers have the right to have their country, America, defended with the same technology.

I think that is all we are saying here. As this technology is developed to protect other countries, let us darn well make sure that we are protecting our children, our neighborhoods and our homes in the same way.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I want to be sure the gentleman's comments are not misunderstood to misrepresent my amendment. My amendment does not stop research and development of any program. And, furthermore, I hope those same Members that have some concern for ballistic missile attack on the United States understand that those same minds can take a thousand-pound missile, rent a U-haul truck and deliver that missile to any city in the United States.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, I would ask the gentleman to consider that when we secure our borders, I hope that the gentleman understands that same threat when we talk about Border Patrol.

And Border Patrol, because I live one mile from the border, it does not take a long distance missile to hit me. My family is under that threat. So let us remember the national defense.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think what we are missing here is, we are talking about what our priorities should be. And I think the Spratt amendment makes it very clear. Our priorities should be readiness and theater missile defense.

I was out with the gentleman from Pennsylvania, Mr. MURTHA, now ranking minority member, to the Gulf War twice. And it was very apparent to me that when we deploy our kids to the Gulf, maybe someday it will be the gentleman's children, we want to have for them theater missile defense to defend them against incoming SCUD missiles which would carry chemical, biological warfare weapons.

That is a priority. Readiness is a priority. And we would argue that we are spending $400 million of the taxpayers' money to do research and development about a national ballistic missile defense system. That seems to me to be a rational program. We ought to stay with that program.

The problem is, we have passed a balanced budget amendment. The comptroller of the Department of Defense tells us that under the most favorable scenario, defense will be cut by $110 billion over the next 7 years. Under the worse case, if there are no tax increases and if there are no cuts in entitlements, the cuts in defense will be up to $520 billion over the next 7 years.

So what we are saying is, we have got to take care of business first. The most important thing we have learned over the years is to have our troops ready and prepared so that if they have to go into harm's way, they can do an effective job as they did in the Gulf.

And second, if we are going to send them to the Gulf, then we have to protect them against the threats that they could face. And theater missile defense is crucial to that.

I believe that out of the 400 million and what we are learning about theater missile defense, we someday will have the capability to give the country a treaty-compliant land-based system. The question is, should we rush out and say within 60 days we are going to have demand from the secretary of defense for a plan to deploy some system? And I am told if there were such a system to be deployed, it would have to be something that would not be treaty compliant. I think that is a mistake, because we are at the very point when we are asking the Russians to dismantle two-thirds of their land-based ICBM's. And believe me, that is the biggest threat that is out there.

Let me remind all of my colleagues of something else that we forget, that even though we do not have a national ballistic missile defense system, we still possess tremendous offensive nuclear capabilities against these countries. So if somebody attacks us, they better think through whether they want to completely destroy their country because it would be my judgment that the President, the commander in chief, would retaliate using nuclear weapons against somebody who used that kind of a weapons system against us.

What I am arguing is that this amendment today is a good one. It puts us in a position where we can go forward, do the development for a land-based missile defensive system. And it is treaty-compliant. It makes sense.

To rush out and try to do some space-based thing today would get us in trouble with Russia, undermine our arms control agreements, cost of a lot more, and return us to a cold war fronting with the Russians.

It does not make any sense. I think the Edwards amendment should be adopted.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

I just wanted to make a couple of remarks. I did not intend to speak on this amendment, but I, as I listened to the debate and noted that there was a great deal of concern about whether or not Members who are against this amendment and for developing and deploying, whether or not we care about other things, I think the fact of the matter is that we care a lot.

The fact of the matter is we care a lot about our country. The fact of the matter is we care a lot about our national security, and that is all for the people we represent. If we did not care as a country during the 1950's, we would not have developed the technology and bought the hardware that led us to send in very rapid order, very quickly, 450,000 troops by air to the gulf. That technology today is almost worn out, C–141's and C–5's. But that was developed in the 1950's, and we bought it and put it in place in the 1960's.

If we did not care about this thing, we would not have developed the technology in the 1960's that resulted in the M1A1 tank that was used in the gulf which, believe it or not, Iraqi soldiers let us look through clouds of dust and look through clouds of fog and look through rains, rain storms and allowed us to fire on and hit enemy tanks, when they could not see us.

If we did not care about these subjects, we would not have developed during the 1970's munitions that we saw used in the Gulf war that were so accurate that the old saying today, and today it is an old saying, it is kind of neat, those smart munitions went right down the chimneys of the Iraqi houses. If we did not care, we would not have developed those technologies.

I want to make a point. The point is this, that if we do not get serious about this issue, based on what I know about development of weapons systems and development of technology, we are going to find ourselves dead behind the eight ball.

☐ 2050

I do not want to find ourselves there. Mr. Chairman, again, and I do not want to overuse this statement, but today the Director of the CIA says that this threat is imminent; that by the turn of the century we are going to have to be concerned about this issue from unfriendly countries in far off parts of the world, not the old Soviet Union, but other people.

It was neat when we had the Soviet Union. They were rational folks and we could sit and talk with them. They understood that they had a gun pointed at us and we had a gun pointed at them, and they cared about that issue, so deterrence worked.

I wanted to ask the gentleman, does he think deterrence will work the same way with countries in the Middle East that are trying very desperately to gain this technology? Will it work with the Koreans? I do not want to bet on it, Mr. Chairman. I would rather develop and buy this technology that works, when it works, and that is what our position on this side of the aisle is all about.

Mr. Chairman, finally, one point: Secretary of Defense Perry just last week or the week before came to the Committee on National Security and said, "Please do not micromanage my programs." The amendment just recently passed speaks to a ground-based missile defense system. We have made the judgment that that is the way we want to go.

This amendment goes further and says, "Don't buy space-based." I do not feel like I am in a position to make those decisions, and Secretary Perry just last week said, "Please don't make those decisions for us," so I think this is an ill-advised amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would add, Mr. Chairman, this is the only case I can think of where we are going to see an amendment offered that eliminates a specific type of technology that may or may not be requested by the Pentagon. We could say, "Why don't we limit the nuclear capability of our aircraft carriers?," or

"Why don't we build our nuclear-powered submarine?"

We are talking one technology that may or may not be requested by the Defense Department and saying, "Do not explore this even if it may down the road provide protection for our citizens." I do not understand that mentality. What we are saying is not to force them to deploy a space-based system, we are saying, "Come back and tell us what it is that you think we should do and how quickly can we do it." That is what we are suggesting.

I think it is ill-advised in this case to limit the technology.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a few days ago this Congress in its wisdom passed a Balanced Budget Amendment. Two-thirds of the Members in this body said that "We want to balance the budget," and I understand that. I realize the deep concern of the American people about the deficit.

On the Subcommittee on Defense of the Committee on Appropriations, for years we have been trying to reduce the size of the expenditure because we know that the pressure is on defense versus domestic. We recognize that we have to do it in a way that we do not have the same debacle we had after World War II, after Korea, and after Vietnam. I think we have done a pretty good job. There is no question many of the things that my good friend, the gentleman from California, DUKE CUNNINGHAM, has said are true. Many of the things that each of the Members have said today are true. There is a threat from the former Soviet Union.

However, Mr. Chairman, more of a threat to our viability is the readiness of the troops. I think this Congress spoke absolutely correctly when it said "Readiness is first, theater missile is second, and third is a space-based national missile ballistic system." When we go to a base and 60 percent of the kids are on food stamps, when you have a billion dollar backlog in real property maintenance, which is the heart of readiness, when you have a $2 billion backlog in depot maintenance, when you deploy troops to Iraq or to Korea and cannot sustain that deployment, and I know the chiefs say they can deploy to two different theaters. They cannot deploy to two different theaters and sustain that for any length of time, in my estimation.

Mr. Chairman, if we do not adopt this amendment, the thrust of this amendment, I believe that we will be hurting the very thing that all us are trying to improve and keep.

I have been working 7 years trying to make sure that the medical facilities and the quality of life for the men and women under arms is at a higher level, and it is no easy task, because every time I turn around, the military finds a way to reprogram that money, finds a way to use it for something else.

The Members will be facing the supplemental in a few days. My good friend, the gentleman from Florida, BILL YOUNG, and I have worked out the best type of supplemental we can possibly work out. I do not think the money should be offset because it is paying for extraordinary operations.

I think it ought to be money that is emergency money, as the President asked for, but because of the pressure of the budget, it is going to be offset. I understand that. I do not agree with it, but I understand that.

There is nobody in this Congress that knows more about the effects of missile attacks than I do. As Members will remember, I am one of the 80 Democrats, and I led the fight for the authorization to go to war in Saudi Arabia. A unit from my home town, one young fellow a block and a half away from me, was killed in a missile attack.

I lost more people in the Saudi Arabia war than any other Member of Congress, so there is nobody that understands the importance of a theater missile system more than I do. There is nobody who understands the importance of protecting this great country against any threat.

However, we do not have the money to protect against any threat in the world. Anybody on our Subcommittee on Defense on the Committee on Appropriations will remember the difficulties we face every year.

Somebody got up a few minutes ago and they said that the Committee on Armed Services put a pay raise in for the Members of the Armed Forces. Half the people I have talked to have been deployed over 50 percent of the time, and the Administration had not asked for a pay raise.

I forced the issue, and the Committee on Armed Services did in fact put the pay raise in. The tally for that pay raise was $11 billion, one of the most important things we could have done last year, because it had such a beneficial impact on the men and women serving in our Armed Forces.

Certainly, if we ask them to go forth and spend so much time away from home, as many of the Members have done, the least we can do is make sure they have the quality of life.

Mr. Chairman, I rise in strong support of what we are trying to do today to take a reasonable position, continue the research, but do not make people believe that we can deploy this system prematurely. I would hope the Members would consider very seriously supporting the Edwards amendment and keeping the readiness of this great country at the highest level possible.

Mr. LONGLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I respect the gentleman from Pennsylvania [Mr. MURTHA] and I know from whence he speaks. I know that he, probably more than any Member of this Chamber, knows the price that is paid in our Nation's defense.

However, Mr. Chairman, I am reminded, and I think we all ought to be reminded, by the fact that it is now February of 1995, and 50 years ago we were ending one of the bloodiest conflicts in world history, where we were defeating two totalitarian regimes, one in the Pacific, one in Europe.

One of the key systems that resulted in the defeat and a victory for this country was a little-known system called radar. I do not know very much about radar and I do not know very much about the history of radar, but I wonder what the debate was in the late twenties or early thirties when people probably just as committed and honorable as those who are in this Chamber were debating the feasibility of whether or not we were going to use a radar system, or even develop it.

Given the fact that in the thirties defense spending was at an all-time low, in fact, I am advised that our current level of funding is the lowest since the thirties, but at that time, how many other competing demands were there?

□ 2100

What other issues relating to quality of life were there? And what system ultimately saved more lives in that conflict than that one system of radar? In fact, I kind of wonder whether or not the perceptions of radar in the 1930's equate with the perceptions that exist today in this body relative to space-based systems.

I would point as evidence of that to the attack on Pearl Harbor in December 1941. We had an early radar system that was in fact deployed in Hawaii. I do not know what went through the minds of those two technicians who saw those flights of aircraft coming towards that harbor. I do not know whether they thought it was a big joke. I do not know whether they thought it really was a flight of B-12's, B-29's coming from the United States. But whatever it was, they did not take it seriously and the net result was one of the greatest naval defeats in American history.

I rise in opposition to the amendment, because I think we would be ill-advised to preclude a system that potentially could play a role in the defense of this country.

I certainly appreciate and understand and would agree with the comments that have been urged on this Chamber by those who suggest the possibility that we could be facing attacks from barges, or taxis or border crossings or whatever means that someone could use to deliver some means of mass destruction. But the fact remains we must defend against those threats as well as any other, particularly a threat that can be activated on a massive scale by some one individual bent on destruction pushing a button.

When I look, and I heard the comments earlier this evening from the gentleman talking about Russia. And, yes, they are being hammered by a Third World country. But at the same time they are taking their missile technology and selling it to China, they are taking their submarine technology and selling it to Iran and to China, and we are finding that briefcases are being found with plutonium in western Europe, and there are thousands of nuclear warheads and missiles that are not accounted for as we speak on the floor of this Chamber.

All I would suggest is that I think that there are some issues here that go beyond our immediate perceptions of reality. I think that when I look, for instance, at my own district and the men and women who produce the Aegis destroyers and yes, it is part of our theater missile defense system but very definitely it could be linked into a satellite or a space-based system that potentially could play a valuable role, not only in protecting our men and women in uniform but protecting the shores of this great country.

I urge on this Chamber the defeat of the amendment. I think that, yes, we need to act reasonably and prudently. But I think to preclude one system would be a grave mistake and a grave danger to the future of this country.

Mr. SCARBOROUGH. Mr. Chairman, will the gentleman yield?

Mr. LONGLEY. I yield to the gentleman from Florida.

Mr. SCARBOROUGH. I certainly appreciate your comments. The question really should be framed not whether they funded radar in the 1920's and 1930's leading up to World War II but whether they were open-minded enough to be willing to look into funding radar technology. I certainly appreciate the comments of the gentleman from Pennsylvania, but it seems to me that you can be for readiness, you can understand the troubles, the readiness troubles that we are having, that there are unfortunately men and women in our armed services who are on food stamps, without excluding this, without saying we are just not going to even consider looking into this technology that can save our lives in the future.

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent that all debate on this amendment end in 5 minutes.

Mr. SAWYER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SAWYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the full 5 minutes. The gentleman, the previous speaker, raised a question that is entirely relevant to the question at hand today but in the wrong historic context.

The fact of the matter is that radar was developed in England in the 1930's. It was developed as an alternative to a weapons system that had been proposed by a variety of military thinkers in England at that time to create an airborne system of barrage balloons armed with explosives designed to stand in the way and provide a shield against the invading air forces from Germany.

Radar was proposed as an alternative to that in one of the most interesting chapters in public policy thinking that has been talked about in this country in recent years. It was the subject of a series of lectures at Harvard by E.B. White in the early 1960's. I commend it to the gentleman. It is a real illustration in sound scientific military policymaking.

Mr. LONGLEY. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Maine.

Mr. LONGLEY. This is precisely the point. What if that system of barrage balloons as ill-advised as it might have been had precluded the development of radio electronic detection?

That is what I am saying, is that I think we are ill-advised to preclude one form of technology until we understand where it might lead. That, I think, is precisely the issue.

Mr. SAWYER. I understand the gentleman's point, he has made it several times. I think it is in the wrong historic context. It is the reason I rose to try to correct the point, that the radar was not developed in this country, was not developed in the 1920's, it was done for a vastly different purpose.

Mr. EDWARDS. Mr. Chairman, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Texas.

Mr. EDWARDS. Mr. Chairman, I will be brief. I think we have had an honest debate today and it is time to vote. Both sides have been heard on the floor of this House. I simply want to conclude by saying this is not a debate about who cares about protecting the American people. Every Member of this House cares deeply about protecting our national security and every American family.

This debate on this amendment is simply an issue of do you want to deploy Star Wars after we have already spent $30 billion researching it over 12 years and do not even have the capability of saying the technology will work? Or do you want to save that money, perhaps use it for theater missile defense, use it for a ground-based national missile defense system, use it for pay raises for members of the military, use it for quality of life issues for the military, use it for deficit reduction.

You are either for Star Wars deployment or against. It is that simple. It is not a question of integrity or who cares or who does not. I would urge that the Members of this House vote.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we are fixing to take a vote, and the gentleman from Massachusetts on the Democratic side I think framed the entire issue from here, and I think that if you believe him, you should vote for this amendment. If you do not believe him, you should oppose this amendment with every fiber in your body.

Let me repeat what the gentleman from Massachusetts said. He said, "There is no more Darth Vader." He said, "The world is not the dangerous place that it used to be."

If I believed that there were no Darth Vaders in the world today, I would probably vote for this amendment.

But, Mr. Chairman, before we take this vote, every Member of this House needs to remember what the Central Intelligence Agency has advised this Congress. It says there are 25 Nations in this world presently pursuing the technology to build a ballistic missile capable of hitting, not Kuwait, not our carriers, not eastern Europe, capable of hitting the United States.

I recently read that a poll in this country conducted of American citizens said 58 percent of Americans believe that we have the technology to stop such a missile attack. I believe that an equal number in this House apparently are under that misconception.

Ladies and gentlemen, we do not have the technology to stop a long-range ballistic missile attack. That is what this bill is about.

If this amendment passes, then among those 25 nations, we have Iran, we have North Korea, and we have Libya, 3 nations that have said, "We will destroy America if we can." And they are building the technology to do just that.

So we are fixing to vote. You can vote to give the military the technology and the ability to stop such an attack, or, as the gentleman from Massachusetts said, you can say there is no Darth Vader.

□ 2110

You can say that Russia is stable and that Russia is our friend, and you can ignore one of the lead stories on NBC News tonight that said Yeltsin is unstable. Or you can vote against this amendment, vote for the safety of the American public that you represent.

If you believe that this world is safe, and that those 25 countries that the CIA says exist, if you do not believe that, then vote for this amendment. But if you want to protect your families, your neighbors, and those people you represent, you will vote against this amendment and you will vote for this bill.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the gentleman's amendment and I would like to briefly outline the consequences of proceeding down the path that the bill H.R. 7 suggests.

We find ourselves today again debating the merits of a space-based multi-billion-dollar ballistic missile defense system. For those of us who participated in these same debates a decade ago this has a ring of great familiarity. Yet, the context of this debate today is vastly different than March of 1983 when then President Reagan presented his vision. We are facing deficits of over $200 billion as a result of the Defense buildup of that era. We no longer live in fear of Russian space and missile technology—in fact we are jointly building a space station using that very technology. Simply said, there is no threat and there is no money. We cannot afford to embark on such an expensive fantasy.

The bill before us reverses the path that we have followed over the past two administrations—that is, to develop a lower cost theater defense system that addresses the very real threat posed by potentially hostile Third World nations. Now we spend roughly $3 billion per year and will continue to do so for the next 5 years according to the President's budget. This is a rational program which is aimed at the deployment of a theater high altitude area defense system which will provide a moderately reliable defense against ballistic missiles with ranges up to 3,000 km.

To undertake the national missile defense program required by this bill will require doubling this spending level almost immediately with substantial increases in future years with outyear costs exceeding about $35 billion by the end of the decade. It is intended to engage a ballistic missile capability which does not now exist.

As my colleagues well know, we have already spent about $35 billion on star wars over the past dozen years and have precious little to show for it. There is no question that the financial burden of a new program will be placed exclusively on the American taxpayer. Other nations including Israel, South Korea, and Japan have balked at even paying a share of a theater missile defense system. They do not perceive the risks to be sufficient to justify the costs.

There is no question that the development of a substantial long-range missile capability by potentially hostile nations would take at least a decade of highly visible testing. I have no doubt that the most cost effective approach here is simply to intervene through diplomacy, economic pressure, or ultimately through force. Our missile technology control regime has been highly successful over the past decade and it hasn't cost the taxpayer a dime.

The question of achievability of a national missile defense system—and any cost—should be a major consideration for this body. After extensive development and testing of the Patriot missile we have learned that it faced substantial difficulties during Desert Storm. Despite the enormous psychological comfort this system provided, the hard evidence calls into question how many Scud missiles were actually intercepted. Simply said, we have a long way to go in perfecting even this relatively unambitious capability. The challenges posed by a national missile defense system are orders of magnitude beyond a theater missile defense system.

We must face the reality that President Reagan's vision is simply not achievable in the foreseeable future. There is a continuum of ground-based technology development beyond THAAD that could make sense and perhaps should be pursued in favorable economic times. The quantum leap to a space-based long range missile defense system makes no sense now and perhaps never will.

I ask my colleagues to join me in voting for this amendment.

Ms. HARMAN. Mr. Chairman, I enthusiastically supported the Spratt amendment—to fund and deploy a theater missile defense system first. I also agree with Mr. Spratt that a ground-based system is the place to start.

And I agree with the author of this amendment, Mr. EDWARDS, that a lot of money has been wasted on space-based systems that were poorly designed and extravagantly funded.

But I am not prepared to support an amendment that prohibits deployment of space-based interceptors which, using new technology, we may need to defend against future threats.

And so, with reluctance, I will cast my vote against the Edwards amendment.

The CHAIRMAN. The question is on the amendment, as modified offered by the gentleman from Texas [Mr. EDWARDS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 206, noes 223, not voting 5, as follows:

[Roll No. 137]

AYES—206

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaTourette
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—223

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher

Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—5

Becerra
Lantos
Lewis (GA)
McCollum
Pickett

□ 2127

Mr. HOUGHTON changed his vote from "aye" to "no."

Mr. DIXON changed his vote from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 2130

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: At the end of title II (page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

Mr. SKELTON. Mr. Chairman, I offer this amendment to title 2. This afternoon I had the opportunity to speak on the telephone to a friend of mine from Jefferson City, MO, Bob Hyder, who shared with me that 50 years ago today, as an American frogman, he went to the beaches of Iwo Jima to prepare that island for an attack by the American forces. Bob Hyder, besides being courageous, was fully trained, and ready, and competent at what he did.

This evening I appear here in support of the finest in America, those who wear the uniform of the United States, the men and women who lay their lives on the line, if that be the case.

Members should realize that I speak for a strong national defense. Members should realize, particularly my friends on the other side of the aisle, that I have not made myself overly popular in the White House as a result of a recent budget proposal which exceeds that of the administration by some $44 billion because in my opinion we need more funds for readiness for those in uniform.

I speak on this amendment which would require that before there is an increase in spending for accelerated development and deployment of a national missile defense, the Secretary of Defense must certify to Congress, to us, that the armed forces are properly sized, equipped, and structured and fully ready; that is the readiness issue; to carry out assigned missions as required by the national military strategy.

The national military strategy is set forth in the bottom-up review. It has been our strategy for at least 2 years, and we should understand fully what it is. The national military strategy calls for us having the capability to fight, to win 2 nearly simultaneous major regional conflicts such as a Desert Storm and a defense of South Korea.

That is our national military strategy.

That is why I have said before, and I say again, that we must do a better job in funding the young men and women to carry out this strategy for our country.

What this amendment does limits the amount for the national military defense, as opposed to theater defense, to this same amount that was expended and authorized in 1995. That sum is $400 million. It keeps it at that level for 1 year. It is a very simple amendment.

I think that we should understand that we need to put our funds into readiness and into the troops. I visited field commands, I have spoken with military personnel and their families from our country both here in the continental United States and abroad, and let me share with my colleagues that, although our nation possesses the most able military force in the world, our country is at a crossroads in readiness. We should not ignore these signs. We do so at the peril of the young man and young woman wearing the American uniform.

Some units are reporting a C-3 in training. Exercises have been canceled. Quality of life has been degraded. The increased load of peacekeeping, humanitarian relief and forward presence have stretched our military so very thin. As we debate this tonight, young men and young women in uniform are in Guantanamo, Alaska, South Korea, Macedonia, Germany, elsewhere in this globe, standing tall for us. We should not degrade the readiness, the quality of life, the equipment and the modernization for them one iota.

That is why we should keep, that is why we should keep, the figure at $400 million as a cap for 1 year. We need to do more for the readiness of our troops.

I certainly hope, Mr. Chairman, that we will understand this issue and that we will ask that the Secretary of Defense certify to us that this national military strategy can be performed.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. SKELTON] has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. SKELTON was allowed to proceed for 2 additional minutes.)

Mr. SKELTON. All it says, Mr. Chairman, is that the Secretary of Defense certify to us, to my colleagues and I, that the armed forces are properly sized, equipped and structured to carry out this national military strategy which is a major undertaking. This is not pie-in-the-sky. This is our strategy. It is our design for 2 years. It is being strained at the seams, and that is why we should pass this amendment, because it puts the troops first, it allows national missile defense research, it allows $400 million a year. Let us not take that money from readiness, from fixing the refrigerators and the roofs for the day care centers, for the equipment, for the backed-up backlogs of materiel for the spare parts shortage. That is why we are today.

□ 2140

Consequently, I urge quite sincerely that we adopt this amendment, because it is reasonable, it is fair, and it stands tall for the troops of the United States of America.

AMENDMENT OFFERED BY MR. SPENCE TO THE AMENDMENT OFFERED BY MR. SKELTON

Mr. SPENCE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment Offered by Mr. SPENCE to the Amendment Offered by Mr. SKELTON:

Strike out all after "SEC." in the matter proposed to be inserted by the amendment and insert the following:

204. BALLISTIC MISSILE DEFENSE AS A COMPONENT OF MILITARY READINESS.

(a) USE OF FISCAL YEAR 1996 FUNDS.—Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may exceed the amount made available for national missile programs for fiscal year 1995.

(b) FINDINGS.—In carrying out program execution of national missile defense programs using funds appropriated for fiscal year 1996, the Secretary of Defense shall consider the following findings by Congress:

(1) A critical component of military readiness is whether the Armed Forces are properly sized, equipped, structured, and ready to carry out assigned missions as required by the national military strategy.

(2) In testimony before the Committee on Armed Services of the House of Representatives on February 22, 1994, the Chairman of the Joint Chiefs of Staff testified that "modernization is the key to future readiness and it is the only way to provide our next generation with an adequate defense".

(3) Given the growing ballistic missile threat, the deployment of affordable, highly effective national and theater missile defense systems is an essential objective of a defense modernization program that adequately supports the requirements of the national military strategy.

(c) SENSE OF CONGRESS.—In light of the findings in subsection (b), it is the sense of Congress that an effective national and theater missile defense capability is essential to ensuring that United States Armed Forces are ready to meet current and expected threats to United States national security.

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. SPRATT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

POINT OF ORDER

Mr. VOLKMER. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. VOLKMER. Mr. Chairman, the amendment offered by the gentleman from South Carolina [Mr. SPENCE] is not germane to the amendment that is presently pending. This amendment will completely turn around the amendment of the gentleman from Missouri and make it completely inoperative. It will also provide actually that the amendment previously adopted by the House by the gentleman from South Carolina [Mr. SPRATT] would be obviated, and therefore I feel that it is not in order. It is basically a game that is being played by the majority to try to rid themselves of that amendment.

The CHAIRMAN. The Chair would indicate that comments should be confined to the point of order.

Mr. VOLKMER. Fine. Mr. Chairman, this is an obvious attempt to do just the opposite of what the gentleman from Missouri's amendment proposes to do, and also to reinstate the language of the bill basically as it was before the Spratt amendment.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. SPENCE] seek to be heard on the point of order?

Mr. SPENCE. Mr. Chairman, the gentleman is incorrect in his point of order, period. It does not. The germaneness question is up to the Chair, but it is germane to the bill.

The CHAIRMAN pro tempore (Mr. LINDER). Does any other Member desire to be heard on the point of order?

If not, the Chair is prepared to rule. The amendment offered by the gentleman from Missouri [Mr. SKELTON] limits obligations of funds for fiscal year 1996 for missile defense to the level of such obligations for fiscal year 1995 until such time as the Secretary of Defense renders a specified readiness certification.

The amendment offered by the gentleman from South Carolina [Mr. SPENCE] to the amendment offered by the gentleman from Missouri [Mr. SKELTON] permits obligations of funds for fiscal year 1996 for missile defense to exceed the level of such obligations for fiscal year 1995 on the basis of legislative findings concerning readiness. The amendment and the amendment thereto share a common subject. Each proposition addresses the relationship between 1996 funding levels for missile defense and readiness.

The amendment and the amendment thereto also are alike in both purpose and method. Each proposition seeks to enhance missile defense without impairing readiness. Although the two propositions may reflect differing perspective as to what constitutes readiness, each bears a germane relationship to the other.

The Chair finds that the amendment offered by the gentleman from South Carolina [Mr. SPENCE] is germane to the amendment offered by the gentleman from Missouri [Mr. SKELTON], and the point of order is overruled.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE] for 5 minutes.

Mr. SPENCE. Mr. Chairman, needless to say, I have tremendous respect for the gentleman from Missouri [Mr. SKELTON]. I always have.

Mr. Chairman, the gentleman from Missouri [Mr. SKELTON] and I are friends. We have been for a long time. We have both labored in the same vineyard. I have tremendous respect for the gentleman. We are both dedicated to providing the best kind of defense we can provide for this country. I have tried to accommodate the gentleman and the committee on other occasions in pursuit of the gentleman's views.

But I have to say that no one in this body is more concerned about readiness than I am. I will say that to the gentleman or anybody else. This issue, if you remember, was raised by this Member the latter part of last year, and indeed some of the things the gentleman quoted in his remarks came from the report that we issued.

I take no back seat to anyone on this Earth to the readiness of our Armed Forces. All I am simply saying in my amendment to the gentleman's amendment is that we also consider missile defense and other modernization things as part of readiness, as they indeed are.

No one can say that modernization is not a part of readiness. All of our leaders tell us, that is readiness. That is a matter of life or death. The readiness will depend on our modernization.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the chairman for yielding.

Mr. Chairman, I want to echo the comments of our chairman about our good friend and colleague, the gentleman from Missouri [Mr. SKELTON]. No one has ever questioned his integrity when it comes to the support of our troops, and his leadership in coming up with the budget that is in fact very thoughtful and looks at increasing defense spending over 5 years by $44 billion is a tremendous help in this debate to move the problems that we have with our military forces, and we thank the gentleman for that.

We are in agreement that readiness and acquisition and modernization are key issues. The key thing is that we do not think that we have to jeopardize readiness to support missile defense. We would hope that the leadership would come back to us and tell us how we can do it together.

We have made the arguments that in fact there are areas of the defense budget where we have to take money that is being spent on nondefense categories. The gentleman's budget is in fact based on the fact that we would take $2 billion a year from the almost $20 billion a year that we are currently spending on nondefense items. We think we can take more. $13 billion for environmental costs.

☐ 2150

Some $4.7 billion for add-ons that the Pentagon never requested, that are not important to our national security, that were added in; $3 billions of which could be questioned regarding defense conversion. And then look at the savings from acquisition reform and from the base closing savings that should occur.

We are not necessarily arguing one against the other. We are saying we can do both. We want to work with the gentleman. We want to work with the administration.

If it means we have to raise the top line for defense, then so be it. But we are not talking about big numbers. We are talking about, first of all, cutting into the 361-percent increase in nondefense spending. While we all agree with cancer research, should the Department of Defense fund the bulk of it? Should the Department of Defense be asked to pay for programs that should be funded through the Committee on Commerce, through Transportation, through Public Works?

What we are saying is, let us spend the defense budget on defense. And if we do that, we will have enough money to up the readiness accounts. We will be able to recapture that $9 billion in the acquisition accounts that we lost just in 1 year. But we will also be able to work with the administration on the beginnings of their missile defense program.

We think we can have both, and we want to work with the gentleman on the budget that he put together as a first step because it certainly is a move in the right direction.

I support the amendment of our chairman, and I urge our colleagues to support it as well.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me say to my friend, and I have a lot of affection for our friend from Missouri also.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. SPENCE] has expired.

(On request of Mr. HUNTER, and by unanimous consent, Mr. SPENCE was allowed to proceed for 2 additional minutes.)

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, we need balance. The key is balance.

In 1987, a number of members of this committee wrote to the Israeli Defense Minister and said, you can defend against air attacks. You can defend against land attacks. But you have no defense against missiles.

Their response has been to build the Arrow missile that will shoot down incoming ballistic missiles coming into Israel. They did not hesitate, because they knew that was an important part of national security.

We have the ability to repel land attacks. We have the ability to repel naval attacks. We have the ability to repel bomber attacks. We have no defense at all against incoming ballistic missiles.

I say to my friend, who is on the Procurement Subcommittee with me, that this subcommittee will pass out a bigger, better, more efficient modernization budget than the President has proposed us. So modernization will not go begging. I know readiness will not go begging. I know research and development will not go begging.

We need a balanced approach. That is why the chairman's amendment is appropriate.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. LIVINGSTON], chairman of our Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for yielding to me.

I regret that I was not here for the earlier debate when this issue arose, but I thoroughly support the gentleman's amendment at this point.

I think it is important that we not tie our hands with the amount of money that we spend on missile defense. There are only a couple of threats that the American people are faced with. We are not going to get an invasion from the sea or from land or even from space. But the fact is that we could get that rogue missile coming in to the United States from Mu'ammar Qadhafi or Saddam Hussein or some other character around the world who thinks that he will get to Valhalla a little bit faster when he lobs a big one on New York.

We cannot defend against that. That is insane.

So what is the President of the United States telling us today? In order to defend against that, we are going to cut spending on missile defense. We are going to start going to Geneva and negotiate with the Russians to limit the size, the lethality, the speed of our missile defenses.

Mr. Chairman, I urge the passage of the gentleman's amendment and the defeat of the previous one.

AMENDMENT OFFERED BY MR. MONTGOMERY AS A SUBSTITUTE; FOR THE AMENDMENT OFFERED BY MR. SKELTON

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY as a substitute for the amendment offered by Mr. SKELTON: At the end of title II (Page 12, after line 25), insert the following new section:

SEC. 204. READINESS CERTIFICATION.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile defense programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the Armed Forces are properly sized, equipped, and structured and are ready to carry out assigned missions as required by the national military strategy.

Mr. WELDON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY] for 5 minutes in support of his substitute.

Mr. MONTGOMERY. Mr. Chairman, I offer this substitute to the Skelton amendment in order to make a technical correction of the underlying amendment before us tonight, to limit fiscal 1996 spending on national missile defense to fiscal year 1995 spending levels on our national missile defense effort.

Now, Mr. Chairman, the substitute would make certain that we spend for national missile defense an amount of money that is both sufficient to continue to develop that program and not so much that it threatens our readiness.

I strongly support the efforts of the gentleman from Missouri [Mr. SKELTON] to ensure that the readiness of our troops is of paramount importance for our national security.

In order to ensure that they are ready, we must make sure, Mr. Chairman, that they have the right equipment, that they have the proper personnel that are serving in our forces. And this is a difficult job to have readiness. We have talked about it tonight. We certainly cannot afford to spend less money on these essential elements of our readiness.

Mr. Chairman, my substitute ensures that we are using the proper measure to gauge the appropriate level of funding for national missile defense. And this is the key to it. If we have full funding for our readiness needs, then we can spend more money on missile defense. If we do not have full funding for readiness, then the national missile defense program will have to get by on $400 million.

In effect, what we are saying is that we have got to do readiness first and then if we have any money left over, then we can increase the $400 million. That is why it is a substitute to the Skelton amendment.

I urge my colleagues to support the Montgomery substitute.

Mr. WELDON of Pennsylvania. Mr. Chairman, I withdraw my point of order.

PERFECTING AMENDMENT OFFERED BY MR. DELLUMS TO THE AMENDMENT OFFERED BY MR. MONTGOMERY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. SKELTON

Mr. DELLUMS. Mr. Chairman, I offer a perfecting amendment to the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. DELLUMS to the amendment offered by Mr. MONTGOMERY as a substitute for the amendment offered by Mr. SKELTON: In the matter proposed to be inserted by the amendment, insert "housed," after "equipped,".

□ 2200

Mr. DELLUMS. Mr. Chairman, I shall not take the 5 minutes.

My distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY] is an ardent proponent of quality of life, and I am sure that in his amendment he inadvertently left out the term "housing." This gentleman's perfecting amendment simply includes the term "housing" so that it is very clear that he is also talking about the quality of life.

With that brief explanation, Mr. Chairman, I will conclude.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I apologize to the gentleman. I did leave that out about housing. I think this is a good perfecting amendment, and I will accept the amendment.

The CHAIRMAN. The Chair thinks this would be a good time to put the question on the Spence amendment. If it fails, another perfecting amendment would be in order.

Is there further debate on the Spence amendment?

PARLIAMENTARY INQUIRY

Mr. DELLUMS. I have a parliamentary inquiry, Mr. Chairman. The debate is now occurring on the Spence amendment?

The CHAIRMAN. Four amendments are pending. The first one to receive a vote is the Spence amendment to the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my good friend, and he is my good friend, the gentleman from South Carolina [Mr. SPENCE], the chairman, offered an amendment to mine which, as a result of the amendments of the gentleman from Mississippi [Mr. MONTGOMERY] and the gentleman from California [Mr. DELLUMS], the substitute and perfecting amendments, brings us back for all intents and purposes on a vote on my amendment.

Mr. Chairman, I understand there are those that do not wish to vote on my amendment, because it places those at the crossroads of choosing readiness for the troops or for national defense missiles. The choice is clear. We should look out for the troops. We should vote for my amendment or the substitute amendment of the gentleman from Mississippi [Mr. MONTGOMERY] and the perfecting amendment of the gentleman from California [Mr. DELLUMS], for that is the same as mine.

Mr. Chairman, let us take up for those in uniform tonight as they stand guard for our interests.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I know the gentleman is a person of great comity and likes to get along with everybody.

Mr. Chairman, I would just like to point out that there are endeavors going on right now by the majority to try to get an amendment in order after the amendment of the gentleman from California [Mr. DELLUMS] to the substitute amendment of the gentleman from Mississippi [Mr. MONTGOMERY] in order to change it around.

What concerns me about this whole thing is the gentleman had a very simple amendment, straightforward. Now we have started on this progress, and Mr. Chairman, I am sorry to say it, and I have not taken much time tonight, but we are going to spend a whole bunch of that 10 hours on this little game that is being played. That is what it is, a big game that is being played.

Instead of letting the gentleman from Missouri have his amendment and have it be voted on, straight up-or-down, then we have an amendment to it, and the gentleman from Mississippi offered basically the same thing, to try and get that straight vote.

Now we are going to try and get another amendment, so we never get that vote. I just wanted to let the gentleman from Missouri know what kinds of games they are playing.

Mr. SKELTON. Mr. Chairman, reclaiming my time, I speak strongly in favor of the perfecting amendment offered by the gentleman from California [Mr. DELLUMS]. It includes housing. What is more important than taking care of our troops? I think that is very, very important. I thank him for that perfecting amendment to the substitute amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Spence amendment and against the other pending amendments.

Mr. Chairman, it is important to understand what we are doing here. I agree with the gentleman, if he wants a straight shot on his amendment, because I think his amendment is fatally defective in the same way that the Edwards amendment was fatally defective. It removes balance from our defense structure.

I want to tell the Members what we are doing here. The Bush administration, including Dick Cheney and the chairman of the Joint Chiefs, Colin Powell, put together before President Bush left office an outline of the defense spending pattern they would have followed, that they thought was prudent.

The Clinton administration has cut 80 percent of the national missile defense money out of the Bush baseline. They have cut it by 80 percent. That is not adequate to continue with decent funding for research and development. It is not adequate to bring the scientists from our National Laboratories and from DOD and ask them what we can do.

If Members vote yes on the Skelton amendment, on basis that Members want to help readiness, they have done exactly what President Clinton wants them to do. He is forcing us to shop off two important aspects of national defense against each other. He has done that by cutting $127 billion out of the defense budget.

Let me just say, as chairman of the Subcommittee on Procurement, I am going to be voting and putting together a Chairman's mark that is much higher than President Clinton's, so don't worry, I would say to the gentleman from Missouri [Mr. VOLKMER] who I respect greatly, he will have a higher modernization budget.

The gentleman from Virginia I feel surely will present a better readiness budget than what President Clinton has offered us, so do not let them shop off two important aspects of defense against each other. Vote against the amendment of the gentleman from Missouri, and vote for the amendment of the chairman, and Members will be offering a balanced defense budget.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to my great friend and general.

Mr. MONTGOMERY. Mr. Chairman, I would ask the gentleman, what is wrong with trying to help the troops and improve conditions for them? That is all our amendments do. I am really surprised that the gentleman is opposed to it.

We are saying if the missile systems run over a certain amount in 1995, that they will have to go into readiness. Then if the money is there, the gentleman can move ahead with missile defense.

Mr. HUNTER. Mr. Chairman, let me offer my general a lieutenant's perspective. It is very important to have the security of your loved ones at home in good shape because you have a national missile defense. That is important to the Israelis, it is important to the British, and it should be important to American soldiers.

There are a lot of aspects of readiness. One aspect of morale is having good protection of your family at home in their community. I think most American service people would feel good about their family in Mississippi or their family in San Diego or Chicago being protected against a rogue missile attack, and I think they would be very upset about the idea that somehow the defense budget had that aspect of defense cut out of it so we could have more money for readiness.

Mr. MONTGOMERY. If the gentleman will continue to yield, I think what the gentleman from Pennsylvania [Mr. MURTHA] said tonight, and he understands readiness and understands the troops, when he said American soldiers, some of them are on food stamps, the housing is no good, and I am really kind of surprised that the lieutenant would have any problem with that.

Mr. HUNTER. I want to tell the general that the cavalry has arrived. It is a Republican majority and we are going to increase the defense budget as well as national defense.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, does the gentleman really see anything wrong with all of our troops being ready to fulfill the national military strategy as set forth in the Bottom-Up Review? That is all in the world I want.

Mr. HUNTER. I will answer my friend in this way. First, we have numerous reports from the field and from some of the leadership itself in the DOD that the Clinton defense budget has slashed readiness, but second, I think that question is akin to saying "Would you as an infantry commander want to certify that you have a perfect defense against machinegun fire before you do anything against mortars?"

We need balance. A national missile defense is an important part of that balance. I think it is foolhardy for us to foreclose missile defense until we get a certification from some other aspect of defense.

Once again, we will increase the Clinton readiness budget, I assure the gentleman, so we are going to do more than the President has offered.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I agree that we need balance. I am one Member on this side of the aisle who supported the balanced budget amendment, which most of the Members on the gentleman's side did, too. We need to make some tough choices.

We cannot have everything. We cannot fully fund every single line item in the defense budget. My choice is for these amendments.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

☐ 2210

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. I just wanted to say to the gentleman from Missouri [Mr. SKELTON], I am not sure what this amendment does, if it really does anything.

You say if it is not certified by the Secretary of Defense that we are ready. And what does he do every time he comes before our committee? He certifies that we are ready.

We know that we are not ready. The gentleman cited the litany of deficits that we have and yet every time the Secretary of Defense comes down there, he says we are ready.

The reason he says that is because the Commander in Chief tells him to say we are ready because the Commander in Chief wants a certain level.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I continue to yield to the gentleman from Colorado.

Mr. HEFLEY. When Les Aspin was before us, when he was Secretary of Defense and we asked him about the Bottom-Up Review if it came out of the air or if it was a threat assessment, he looked at the ceiling a minute, and he said, "Well, it really came out of the air."

Then when we got the Bottom-Up Review finished, we discovered that it complied with his initial estimates of that. So they are going to certify that we are ready, so I do not know what good this amendment does.

Mr. HUNTER. Mr. Chairman, in closing let me say to my friends, this cuts the President Bush, Powell and Cheney baseline for national missile defense by 80 percent, and this vote, if you vote for Skelton, will lock in that 80 percent cut. Vote no on all of the amendments pending except for the chairman's amendment.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPENCE] to the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote. Under rule XXIII, the Chair may reduce to 5 minutes the following recorded votes if there is no intervening debate or business.

The vote was taken by electronic device, and there were—ayes 221, noes 204, not voting 9, as follows:

[Roll No. 138]

AYES—221

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—204

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Goodling
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—9

Becerra
Burton
Clay
Collins (IL)
Lantos
Lewis (GA)
Stark
Thurman
Yates

□ 2228

Messrs. BISHOP, NEY, and LAUGHLIN changed their vote from "aye" to "no."

Mr. HALL of Texas and Mr. CRAMER changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2230

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from California [Mr. DELLUMS] to the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended.

The perfecting amendment to the amendment offered as a substitute for the amendment, as amended, was agreed to.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief, but I think Members on both sides of the aisle, especially the freshmen Members on both sides of the aisle, better realize what they are getting ready to do if they vote against the Montgomery-Dellums substitute.

Now, if this situation comes up, it boils down to this: If you want to protect readiness and you want our troops to have decent living quarters, if you want to have them off of food stamps, then you will vote aye on the Montgomery-Dellums substitute.

If you are determined to increase the spending on missiles and star wars, then you ought to vote no. But I tell you, you are making a mistake if you do not support the Montgomery substitute that looks after the troops of this country, and that is what we are trying to do We are not going Democrat or Republican. We are trying to look after the human beings that represent this country.

Mr. Chairman, I ask for an aye vote on the Montgomery substitute.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us make this very clear. The Montgomery amendment is the exact opposite of the Spence amendment that we just voted on. It essentially guts the Spence amendment. It cuts national missile defense by 80 percent below the baseline that was set by Secretary Chaney and Chairman of the Joint Chiefs Colin Powell. As much as we love our friend from Mississippi, this would absolutely gut what we have just done. So if you voted "yes" on Spence, vote "no" on this amendment, the Montgomery amendment.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there is probably no one who helped me more than three Democrat Members, especially when I was a freshman and sophomore Member of this House, than the gentleman from Missouri [Mr. SKELTON], the gentleman from Mississippi, and the gentleman from Pennsylvania [Mr. MURTHA].

Mr. Chairman, I want to tell Members something: This whole debate is about how we are going to cut readiness in the future. That totally distracts from what the readiness is today. It is lousy. I spent the last 4 years of my life fighting on this side of the aisle the liberal leadership that has been gutting defense and cutting readiness levels, time after time after time again. I take a look at the Bottom-Up Review, and the gentleman from Mississippi [Mr. MONTGOMERY] said "Don't you support the Bottom-Up Review?"

Remember history, my friend. The Bottom-Up Review came up after the President cut defense $177 billion, and was there to justify that $177 billion cut that gutted defense and gutted readiness.

I look at Haiti, Somalia, Bosnia, and Mandela given billions of dollars and Russia billions of dollars that detracted away from defense. I take a look at the A–6's and F–14's. Kara Holtgreen, the first female naval aviator, I pinned on her wings, was killed, and they are looking at it, because of an F–100 engine that stalled in Desert Storm, and we could not replace them because we did not have the money to replace the engines. The first female F–14 pilot. And you are talking about readiness now?

Mr. Chairman, we have air wings that are not flying right now, today. Navy fighter weapons school top gun did not fly against his class because he did not have the fuel to fly against one class. The Navy lost five airplanes in the last 2 weeks, Mr. Chairman. An Air Force general lost his son, who was a good friend of mine. And when I hear that we are fighting to cut readiness, I look at today. I hate it with a passion, the same liberals that culled us in Vietnam. The same type of nonsupport.

All we are asking to do is to have the support of the readiness that we want, and in the past we have not been able to do that. This side of the aisle, time after time and time again has prevented us from doing that. And I take a look at operation Proud Deep, in which we lost a lot of good friends. I still bear the scars from it, because we did not have the support of this body, and I still bear the pain of that.

Mr. Chairman, the chairman of the committee, Mr. HUNTER, has stated we are going to plus-up readiness with him as the chairman of procurement. We are going to do that. We are going to do what you and the gentleman from Missouri [Mr. SKELTON] and the gentleman from Pennsylvania [Mr. MURTHA] have not been able to do with the liberal leadership of this party.

□ 2240

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(On request of Mr. MFUME, and by unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, in the moment that we have remaining, I would suggest that we join together in opposing the Dellums-Montgomery substitute in order to support our colleague on this side of the aisle.

Mr. MFUME. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. MFUME. Mr. Chairman, surely the distinguished gentleman did not mean to suggest by his comments, which are now public record, that President Nelson Mandela is responsible for readiness or the lack thereof of our armed services.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CUNNINGHAM. Mr. Chairman, I did not. I say it is all part of the problem that we are taking away from the readiness of this country by devoting billions of dollars to foreign countries, and it is causing the lives of our people right now.

Mr. MFUME. Mr. Chairman, if the gentleman will continue to yield, I understand the gentleman named countries, but in this particular case, lifted the name of President Mandela as if he were responsible somehow. This gentleman seeks clarification.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

The question is on the amendment, as amended, offered by the gentleman from Mississippi [Mr. MONTGOMERY] as a substitute for the amendment offered by the gentleman from Missouri [Mr. SKELTON] as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MONTGOMERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 225, not voting 6, as follows:

[Roll No. 139]

AYES—203

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—225

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Becerra
Clay
Collins (IL)
Lantos
Lewis (GA)
Yates

□ 2256

Mr. BROWDER changed his vote from "aye" to "no."

So the amendment, as amended, offered as a substitute for the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

□ 2300

The CHAIRMAN. Will the Members please clear the aisles and take their conversations out of the Chamber.

Will Members on this side please clear the aisles and take your conversations out of the Chamber.

For what purpose does the gentleman from South Carolina [Mr. SPENCE], chairman of the committee, seek recognition?

Mr. SPENCE. Mr. Chairman, we are waiting to see if we have another amendment right now.

The CHAIRMAN. Will Members please clear the aisles.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. Is all this dead time coming out of the 10 hours for which we have to debate this important issue?

The CHAIRMAN. As a matter of fact it is, and that is why the Chair is trying to get order.

For what purpose does the gentlewoman from California rise?

Ms. LOFGREN. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. For what purpose does the gentleman from South Carolina rise?

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SENSENBRENNER) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to revitalize the national security of the United States, had come to no resolution thereon.

PERSONAL EXPLANATION

Mrs. THURMAN. Mr. Speaker, during rollcall vote No. 138 on H.R. 7, I was unavoidably detained. Had I been present I would have voted "no."

REQUEST FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 7 in the Committee of the Whole: subject to the 10-hour overall consideration limit in the rule, the following amendments be considered in the following order, with these amendments and all amendments thereto debatable for the time specified, equally divided and controlled by the proponent and a Member opposed:

Title III: Hefley No. 5 for 10 minutes:

Harman amendment No. 1 or Menendez amendment No. 2 for 20 minutes;

Title IV: Leach amendment No. 32 for 20 minutes;

Title V: amendments No. 13, 21, 24, 30, or 33, or a germane modification of one of those amendments for 45 minutes;

Johnson amendment No. 31 for 5 minutes;

Title VI: Durbin amendment No. 22 or Gilman amendment No. 23 for 10 minutes;

Bateman amendment No. 8 for 5 minutes;

Amendments No. 20, 28, or 43 for 45 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. TRAFICANT. Mr. Chairman, reserving the right to object, I have an amendment that was not mentioned by the gentleman and I want to ensure that my amendment has the right to be offered.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, would he specify his amendment.

Mr. TRAFICANT. It is to peacekeeping and it in fact deals with the ceiling that is placed in the language; the 25-percent ceiling in the Traficant amendment deals with that. I want an opportunity to have that be included in the amendments to be offered, with a time period reserved for that.

Mr. GILMAN. How much time will the gentleman require?

Mr. TRAFICANT. Whatever time the gentleman deems necessary would be fine with the gentleman from Ohio.

Mr. GILMAN. We will grant the gentleman 5 minutes on his proposed amendment, at the end of all of the other consideration.

Mr. TRAFICANT. Mr. Chairman, that is fine with this gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. SKELTON. Mr. Speaker, reserving the right to object, I also will not object, but I did not hear the amendment which we have discussed which I intend to offer on the list.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, the order of amendments was cleared by the gentleman's leadership on his side of the aisle.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. ENGLE. Mr. Speaker, reserving the right to object, I am wondering if I could ask this of this chairman: I have an amendment which was brought up at the committee in chapter 4. I did not hear it read off. I wonder if, at the end of debate after all the other amendments have been read, there will be time for others to submit amendments.

Mr. GILMAN. If the gentleman will yield, Mr. Speaker, in response to the gentleman's inquiry, again the order of amendments was cleared by the leadership on the gentleman's side of the aisle. I suggest the gentleman take that up with his leadership.

Mr. ENGEL. Will there be time? With amendments that the gentleman mentioned, will there be time at the end of those amendments for other amendments to be submitted?

Mr. GILMAN. The order of amendments that were read consumes all of the remaining time.

As a further response to the gentleman, the remaining time is all consumed by the order of amendments. However, if there is any remaining time, we will be pleased to consider the gentleman's request tomorrow.

Mr. ENGEL. Mr. Speaker, with all due respect, I object.

The SPEAKER pro tempore. Objection is heard.

HOUR OF MEETING ON TOMORROW, THURSDAY, FEBRUARY 16, 1995

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that when the House adjourn today, it adjourn to meet at 9 a.m. on Thursday, February 16.

The Speaker pro tempore. Is there objection to the request of the gentleman from New York?

Mr. MFUME. Reserving the right to object, Mr. Speaker, in an effort to try to make sure that we operate with some sense of comity, I direct this inquiry to the gentleman from New York [Mr. GILMAN].

There was one Member on our side of the aisle, the gentlewoman from California, who had wanted to offer an amendment in the title that has just been concluded and was not allowed to do that while she was on the floor seeking recognition. In an effort to try to move us off the impasse that we are on, would the gentleman from New York be open to this: as I understand it, the rule calls for the allowing of this amendment since amendments can be offered at any time, as I understand it, regardless of section?

Mr. GILMAN. If the gentleman would yield, Mr. Speaker, I believe that the gentlewoman was offering an amendment to title III. We have not arrived at that title yet.

Mr. MFUME. I am going to ask the gentlewoman now if it was title III or not. I thought it was the current title. It is my understanding, I say to the gentleman from New York [Mr. GILMAN], that it was title II that she was offering the amendment for.

Mr. GILMAN. The gentlewoman can offer her amendment at any time that she desires providing there is time remaining.

Mr. MFUME. Could the gentleman also by unanimous consent perhaps, as he seeks his request that was previously not agreed to, indicate her amendment as part of those amendments that will be considered?

Mr. GILMAN. We are going to have to revisit the schedule since there was an objection to the schedule.

Mr. MFUME. I do not know if the gentleman who raised the objection is still objecting or not.

Mr. ENGEL. Mr. Speaker, if the gentleman will yield, I am still objecting. I would like to know that I can get some definite time for my amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 2310

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SENSENBRENNER). The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Speaker, would it be appropriate for the gentleman from New York to reoffer his unanimous-consent request at this particular time?

Mr. GILMAN. I will be pleased to.

The SPEAKER pro tempore. The Chair will entertain a request from the gentleman from New York.

REQUEST FOR CONSIDERATION OF ADDITIONAL AMENDMENTS TO H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I will be pleased to reoffer the unanimous-consent request with regard to the order of amendments and the time allocation.

Mr. Speaker, I ask unanimous consent that my previous unanimous-consent request be agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The Chair would ask the gentleman from New York [Mr. GILMAN] if the request is just as it was stated the last time, with the modification involving the proposed amendment of the gentleman from Ohio [Mr. TRAFICANT].

Mr. GILMAN. Yes, to include the request of the gentleman from Ohio.

The SPEAKER pro tempore. It is the same request with that modification?

Mr. GILMAN. Yes, with that modification.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BONIOR. Reserving the right to object, Mr. Speaker, under my reservation I would ask the gentleman from New York [Mr. GILMAN] if we could accommodate the gentleman from New York [Mr. ENGEL] with a 5-minute request as we have accommodated the gentleman from Ohio [Mr. TRAFICANT].

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I will be pleased to modify the request allocating 5 minutes to the gentleman from New York, with the understanding that it will be deducted from the title VI amendment, No. 28 or 43.

Mr. BERMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from California.

Mr. BERMAN. Mr. Speaker, under the reservation of objection, if I might, I just want to make sure I understand.

We have a bipartisan agreement on the remaining time in the 10 hours. It has been modified to provide an additional 10 minutes, 5 minutes to discuss—divided equally to discuss——

Mr. GILMAN. Mr. Speaker, if the gentleman would yield, no, it is not an additional 10 minutes. We will have to adjust the times accordingly from the times set forth.

Mr. BERMAN. Excuse me. The gentleman is stating it correctly: to be subtracted from the agreed upon time, 5 minutes on the amendment of the gentleman from Ohio, 5 minutes on the amendment of the gentleman from New York, and can I suggest an additional 1 minute for an amendment from the gentleman from Missouri [Mr. SKELTON] that is noncontroversial? And this will all come off of titles III, IV, V, and VI?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. GILMAN. Are any of these amendments pre-filed?

Mr. BERMAN. They are all pre-filed, as I understand it. They are all pre-filed.

Mr. GILMAN. And do we have a number on the amendments? Does the gentleman from New York [Mr. ENGEL] have a number on his amendment?

Mr. ENGEL. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. ENGEL. The amendment has been filed. I do not know what the number is, but it has been filed, and it is in title IV, not in title VI.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I discussed this amendment, my amendment number 7 to title VI, with the gentleman from New York. He indicated it was acceptable.

By inadvertence, Mr. Speaker, it was left off the list. I just learned a few moments ago it was left off the gentleman's list as well.

Mr. Speaker, I will not need more than 60 seconds to present it tomorrow.

Mr. BONIOR. Further reserving the right to object, Mr. Speaker, and I do not plan to do so, but this is a classic example, with all due respect to my friend, the gentleman from New York [Mr. SOLOMON], a classic example of what happens when rules are not structured to allow Members to offer amendments, and, further reserving the right to object, this will continue to happen until we do that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. GILMAN], as modified, 5 minutes for the amendment to be offered by the gentleman from Ohio [Mr. TRAFICANT], 5 minutes for the amendment to be offered by the gentleman from New York [Mr. ENGEL], and 1 minute for the amendment to be offered by the gentleman from Missouri [Mr. SKELTON]?

Mr. GILMAN. Mr. Speaker, I withdraw my unanimous-consent request with regard to this.

The SPEAKER pro tempore. The gentleman from New York withdraws his unanimous-consent request.

PARLIAMENTARY INQUIRIES

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. Could the Chair advise the Members approximately how much time is still left on the bill, H.R. 7?

The SPEAKER pro tempore. Three hours and fifty minutes.

Mr. VOLKMER. Three hours and fifty minutes.

We are starting tomorrow morning at 9 o'clock?

The SPEAKER pro tempore. The gentleman from Missouri is correct.

Mr. VOLKMER. It is just so the Members may be alerted because there is a little uproar.

Mr. Speaker, I have another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. At the end of the bill, when the bill is finally concluded and reported back to the House, is it possible that we can have a revote, 15 minutes each on each amendment that has been adopted in the House?

The SPEAKER pro tempore. The gentleman from Missouri is partially correct. It is a 15-minute vote for the first amendment, and then, at the discretion of the Chair, 5 minutes for each additional amendment for which a revote is requested.

Mr. VOLKMER. Can any Member make that request?

The SPEAKER pro tempore. Any Member can make the request, but the House must order the recorded vote by having a sufficient number of Members stand to order that vote.

REQUEST FOR REALLOCATION OF TIME LIMITS ON AMENDMENTS TO H.R. 7 TO BE OFFERED BY MR. TRAFICANT, MR. ENGEL, AND MR. SKELTON

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment to be offered by myself, the amendment to be offered by the gentleman from New York [Mr. ENGEL], and the amendment to be offered by the gentleman from Missouri [Mr. SKELTON], be considered in a time frame tomorrow not in excess of a total of 10 minutes or 9 minutes, 3 minutes for each amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. BERMAN. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

VACATION OF REFERRAL OF H.R. 10 TO COMMITTEE ON COMMERCE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent to vacate the order of the House previously agreed to with regard to H.R. 10 being referred to the Committee on Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of Georgia (at the request of Mr. GEPHARDT), for today, on account of a death in the family.

ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, February 16, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

372. A letter from the Head of Each Department and Agency, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

373. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for quarter ending December 31, 1994, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

374. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the United Nations for use in Bosnia (Transmittal No. 11-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

375. A letter from the Auditor, District of Columbia, transmitting a copy of report entitled, "Review of the District's Emergency Assistance Services' Program," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

376. A letter from the Executive Director, Federal Retirement Thrift Investment

Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Report and Oversight.

377. A letter from the Chairman, Railroad Retirement Board, transmitting congressional justification of budget estimates for fiscal year 1996, pursuant to 45 U.S.C. 231f; to the Committee on Transportation and Infrastructure.

378. A letter from the Comptroller General, General Accounting Office, transmitting a report on the assignment or detail of GAO employees to congressional committees as of January 27, 1995; jointly, to the Committees on Appropriations and Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 9. A bill to create jobs, enhance wages, strengthen property rights, maintain certain economic liberties, decentralize and reduce the power of the Federal Government with respect to the States, localities, and citizens of the United States, and to increase the accountability of Federal officials; with an amendment (Rept. 104-33 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 535. A bill to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas; with an amendment (Rept. 104-34). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 584. A bill to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa (Rept. 104-35). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 614. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; with an amendment (Rept. 104-36). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 830. A bill to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; with amendments (Rept. 104-37). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself, Ms. MOLINARI, Mrs. THURMAN, and Mr. HAMILTON):

H.R. 945. A bill to amend title 10, United States Code, to establish procedures for determining the status of missing members of the Armed Forces and certain missing civilians, and for other purposes; to the Committee on National Security.

By Mr. ANDREWS (for himself and Mr. PETRI):

H.R. 946. A bill to amend the Fair Labor Standards Act of 1938 relating to minimum wage and overtime exemption for employees subject to certain leave policies; to the Committee on Economic and Educational Opportunities.

By Mr. ARCHER (for himself and Mr. MINETA):

H.R. 947. A bill to exempt semiconductors from the country of origin marking requirements under the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. BARTON of Texas:

H.R. 948. A bill to prohibit aircraft from flying over the ballpark in Arlington, TX, during certain times, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BUNNING of Kentucky (for himself, Mr. ROHRABACHER, Mrs. SEASTRAND, Mr. WAMP, Mr. NETHERCUTT, Mr. FORBES, Mr. GUTKNECHT, Mr. SOUDER, Mr. KINGSTON, Mr. HANCOCK, Mr. ISTOOK, Mr. FOX, Mr. BARR, Mr. EWING, and Mr. COOLEY):

H.R. 949. A bill to refocus the mission of the Federal Reserve System on stabilization of the currency and provide greater public scrutiny of the operations of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HALL of Ohio (for himself, Mr. EMERSON, Mrs. COLLINS of Illinois):

H.R. 950. A bill to amend title IV of the Social Security Act to remove the barriers and disincentives in the program of aid to families with dependent children that prevent recipients of such aid from moving toward self-sufficiency, and to provide for the establishment of demonstration projects designed to determine the social, psychological, and economic effects of providing to individuals with limited means an opportunity to accumulate assets, and the extent to which an asset-based welfare policy may be used to enable individuals with low income to achieve economic self-sufficiency; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLINGER:

H.R. 951. A bill to amend title 49, United States Code, to authorize the Secretary of Transportation to reduce under certain circumstances the percentage of voting interests of air carriers which are required to be owned or controlled by persons who are citizens of the United States; to the Committee on Transportation and Infrastructure.

By Mrs. FOWLER (for herself, Mr. BAKER of Louisiana, Mr. BUYER, Mr. CLEMENT, Mr. COX, Mr. GOODLATTE, Mr. GOSS, Mr. KNOLLENBERG, Mrs. MEEK of Florida, Mrs. MEYERS of Kansas, Ms. PRYCE, and Mr. STEARNS):

H.R. 952. A bill to repeal the Medicare and Medicaid coverage data bank, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 953. A bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home; to the Committee on Ways and Means.

H.R. 954. A bill to amend the Internal Revenue Code of 1986 to increase the cost of property which may be expensed by small businesses to $50,000; to the Committee on Ways and Means.

By Mr. HYDE:

H.R. 955. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on the Judiciary.

By Mr. HYDE (for himself and Mr. HOKE):

H.R. 956. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, Mr. NEAL of Massachusetts, Mr. JACOBS, and Mr. JEFFERSON):

H.R. 957. A bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSTON of Florida (for himself, Mr. MEEHAN, Mr. PASTOR, Mr. YATES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FOGLIETTA, Mr. SERRANO, Mrs. MINK of Hawaii, Mr. ACKERMAN, Mr. FRAZER, Mr. GENE GREEN of Texas, Mr. FROST, Mr. BOUCHER, Mr. STUDDS, Mr. DEUTSCH, Mr. WAXMAN, Mr. DELLUMS, Mr. BEILENSON, Mr. PETERSON of Florida, Mr. COLEMAN, Mr. MCDERMOTT, Mrs. KENNELLY, Mrs. MEEK of Florida, Mrs. CLAYTON, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mr. MARTINEZ, Mr. VENTO, Mrs. MALONEY, Ms. LOWEY, Mr. MOAKLEY, Ms. PELOSI, Mr. HOYER, Mrs. COLLINS of Illinois, Ms. SLAUGHTER, and Mr. EVANS):

H.R. 958. A bill to amend title XVIII of the Social Security Act to provide for coverage of an annual screening mammography under part B of the Medicare Program for women age 65 or older; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT:

H.R. 959. A bill to amend the Internal Revenue Code of 1986 to clarify that conservation expenditures by electric and gas utilities are deductible for the year in which paid or incurred; to the Committee on Ways and Means.

By Mr. PAYNE of Virginia:

H.R. 960. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 Federal income tax rate increases on trusts established for the benefit of individuals with disabilities; to the Committee on Ways and Means.

By Mr. SHUSTER (for himself, Mr. HAYES, Mr. CLINGER, Mr. PARKER, Mr. EMERSON, Mr. LAUGHLIN, Mr. ZELIFF, Mr. POSHARD, Mr. EWING, Ms. DANNER, Mr. HUTCHINSON, Mr. DEAL of Georgia, Mr. MICA, Mr. BARCIA, Mr. DUNCAN, and Mr. PETE GEREN of Texas):

H.R. 961. A bill to amend the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas:

H.R. 962. A bill to amend the Immigration Act of 1990 relating to the membership of the U.S. Commission on Immigration Reform; to the Committee on the Judiciary.

By Mr. STUPAK (for himself and Mr. FIELDS of Texas):

H.R. 963. A bill to amend the Communications Act of 1934 in order to permit recreational radio operations without radio licenses; to the Committee on Commerce.

By Mr. TORRICELLI (for himself, Mr. SHAYS, Mr. ROMERO-BARCELO, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. PELOSI, Mr. ACKERMAN, Mr. NADLER, and Ms. LOWEY):

H.R. 964. A bill to amend title 18, United States Code, to prohibit the transfer of two or more handguns to an individual in any 30-day period; to the Committee on the Judiciary.

By Mr. TRAFICANT:

H.R. 965. A bill to designate the Federal building located at 600 Martin Luther King, Jr. Place in Louisville, KY, as the "Romano L. Mazzoli Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mr. ABERCROMBIE, Mr. BEILENSON, Mr. BOEHLERT, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. CHRYSLER, Mrs. COLLINS of Illinois, Mr. CRAPO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DOGGETT, Mr. DURBIN, Mr. FRANK of Massachusetts, Mr. FROST, Ms. FURSE, Mr. HINCHEY, Mr. JACOBS, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mrs. MORELLA, Mr. OBERSTAR, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. REED, Mr. REYNOLDS, Mr. RICHARDSON, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SAXTON, Mr. SCHIFF, Mr. SERRANO, Ms. SLAUGHTER, Mr. TORRICELLI, Mr. WARD, Mr. WATT of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. YOUNG of Alaska, and Mr. FILNER):

H.R. 966. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on International Relations.

By Mr. CLAY (for himself, Mr. OWENS, Mr. MILLER of California, Mr. KILDEE, Mr. WILLIAMS, Mr. MARTINEZ, Mr. PAYNE of New Jersey, Mrs. MINK of Hawaii, Mr. ROEMER, Mr. ENGEL, Mr. GENE GREEN of Texas, Ms. WOOLSEY, Mr. REYNOLDS, Mr. ROMERO-BARCELO, and Mr. KENNEDY of Rhode Island):

H.R. 967. A bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standard for coverage under that act, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mrs. MINK of Hawaii (for herself, Mrs. COLLINS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LOWEY, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. PELOSI, Ms. RIVERS, Ms. WATERS, Ms. WOOLSEY, and Ms. BROWN of Florida):

H.R. 968. A bill to establish comprehensive early childhood education programs, early childhood education staff development programs, model Federal Government early childhood education programs, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. OBERSTAR:

H.R. 969. A bill to amend title 49, United States Code, to prohibit smoking on any scheduled airline flight segment in intrastate, interstate, or foreign air transportation; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself, Mr. OBERSTAR, Mr. MILLER of California, Mr. FROST, Mr. LAFALCE, Mr. HINCHEY, Mr. FILNER, Ms. MCKINNEY, Mr. OWENS, Ms. WOOLSEY, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. BARRETT of Wisconsin, Mr. LEWIS of Georgia, and Mr. FALEOMAVAEGA):

H.R. 970. A bill to improve the administration of the Women's Rights National Historical Park in the State of New York, and for other purposes; to the Committee on Resources.

By Mr. THOMAS:

H. Res. 86. Resolution electing members of the Joint Committee on Printing and the Joint Committee of Congress on the Library; to the Committee on House Oversight.

MEMORIALS

Under clause 4 of rule XXII,

16. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to S. 131; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. BURTON of Indiana.

H.R 26: Mr. FORBES, Mr. WATT of North Carolina, Mr. WARD, and Ms. LOWEY.

H.R. 28: Mr. TAYLOR of North Carolina.

H.R. 29: Mr. LIGHTFOOT.

H.R. 38: Mr. SKEEN, Mrs. SCHROEDER, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. CUNNINGHAM, Mr. HALL of Ohio, Mr. VOLKMER, Mr. WELDON of Florida, Mr. PICKETT, Mr. JONES, Mr. WILSON, Mr. COLLINS of Georgia, Mr. MINETA, Mr. MANTON, Mr. HANSEN, Mr. ROSE, Mr. DAVIS, Mr. HANCOCK, Mr. GEJDENSON, Mr. BILBRAY, Mr. MCHUGH, Mr. WHITFIELD, Mr. SCHAEFER, Mr. KENNEDY of Rhode Island, Mr. HAMILTON, Mr. DICKEY, Mr. CALLAHAN, Mr. DOOLITTLE, Mr. BATEMAN, Mrs. CLAYTON, Mr. McCollum, Mr. LIGHTFOOT, Mr. ABERCROMBIE, Mr. CALVERT, Mr. FOX, Mr. DEUTSCH, Mr. BARTON of Texas, Mr. GORDON, Mr. HUNTER, Mr. PETRI, Mr. LAUGHLIN, Mr. BROWN of Ohio, Mr. INGLIS of South Carolina, Mrs. THURMAN, Mr. FARR, Mr. HASTINGS of Washington, Mr. JOHNSON of South Dakota, Mr. MCCRERY, Mr. DUNCAN, Mr. FROST, Mr. ORTIZ, Mr. HOLDEN, Mr. WOLF, Mr. NORWOOD, and Mr. OBERSTAR.

H.R. 47: Mr. WELLER.

H.R. 58: Mr. TALENT.

H.R. 70: Mr. EHRLICH.

H.R. 117: Mr. ANDREWS, Mr. MILLER of Florida, and Mr. FIELDS of Texas.

H.R. 118: Mr. FOLEY, Mr. WELLER, Mr. TORKILDSEN, Mr. ACKERMAN, Mr. CALVERT, and Mrs. MEYERS of Kansas.

H.R. 125: Mr. BRYANT of Tennessee, Mrs. CHENOWETH, Mr. COOLEY, Mr. DICKEY, and Mr. HASTINGS of Washington.

H.R. 216: Mr. HOSTETTLER.

H.R. 260: Mr. COOLEY.

H.R. 310: Mr. PAXON.

H.R. 312: Mr. RAMSTAD and Mr. MINGE.

H.R. 313: Mr. PAXON.

H.R. 325: Mr. ROYCE, Mr. LIGHTFOOT, Mr. TAYLOR of North Carolina, Mr. JONES, Mr. QUILLEN, Mr. BARRETT of Nebraska, Mr. MOORHEAD, Mr. HERGER, Mr. ZELIFF, Mr. HEINEMAN, Mr. CHABOT, Mr. TATE, Mr. BARTON of Texas, Mr. HANSEN, Mr. SKEEN, Mr. GREENWOOD, Mr. HASTINGS of Florida, Mr. KASICH, Mr. ROTH, Mr. DELAY, Mr. HEFLEY, Mr. BEREUTER, Mr. HOUGHTON, Mr. KING, and Mr. COMBEST.

H.R. 490: Mr. BRYANT of Tennessee.

H.R. 493: Mr. FALEOMAVAEGA.

H.R. 532: Mr. THOMAS, Mr. HANCOCK, Mr. CAMP, Mr. BREWSTER, Mr. STUMP, Ms. DANNER, Mr. HOUGHTON, Mr. SKEEN, Mr. MCHUGH, Mr. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. SHUSTER, Mr. COMBEST, Mr. WALSH, Mr. FOX, Mr. SAXTON, Mr. MCCRERY, Mr. COX, Mr. ALLARD, Mr. DORNAN, and Mr. TAYLOR of Mississippi.

H.R. 552: Mr. SAXTON, Ms. WOOLSEY, Mr. GALLEGLY, Mr. BILBRAY, Mrs. THURMAN, Mr. SHADEGG, and Mr. MOORHEAD.

H.R. 564: Mr. ROHRABACHER and Mr. BAKER of Louisiana.

H.R. 571: Mr. HERGER, Mr. COOLEY, Mr. PACKARD, Mr. LEWIS of Kentucky, and Mr. HASTINGS of Washington.

H.R. 608: Mr. DELLUMS.

H.R. 609:Mr. NADLER and Mr. OWENS.

H.R. 612: Mr. BAESLER.

H.R. 619: Ms. PELOSI, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. DELLUMS.

H.R. 620: Ms. PELOSI, Mr. HINCHEY, and Mr. DELLUMS.

H.R.628: Mr. FLANAGAN, Mr. GILMAN, Ms. LOFGREN, Mrs. MEYERS of Kansas, and Ms. RIVERS.

H.R. 645: Mr. WATT of North Carolina and Mr. MEEHAN.

H.R. 658: Ms. LOWEY, Mr. STUPAK, and Mr. MILLER of California.

H.R. 682: Mr. ROHRABACHER, Mr. EMERSON, Mr. QUILLEN, and Mr. CHRISTENSEN.

H.R. 697: Mr. KNOLLENBERG, Mr. LAHOOD, and Mr. LATOURETTE.

H.R. 698: Mr. QUILLEN, Mr. HANCOCK, Mr. SAM JOHNSON, and Mr. TALENT.

H.R. 753: Mr. ROYCE, Mr. BLUTE, Mr. SCHAEFER, Mr. SCHIFF, Mr. EHLERS, Mrs. ROUKEMA, and Mrs. KELLY.

H.R. 759: Mr. BARTLETT of Maryland.

H.R. 777: Mr. ACKERMAN, Mr. BAKER of California, Mr. BEILENSON, Mr. BOUCHER, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. DELLUMS, Mr. DORNAN, Ms. ESHOO, Mr. EVANS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mr. ORTON, Ms. PELOSI, Mr. PETRI, Ms. RIVERS, Mr. WOLF, and Mr. YATES.

H.R. 778: Mr. ACKERMAN, Mr. BAKER of California, Mr. BEILENSON, Mr. BOUCHER, Mr. BROWN of Ohio, Mrs. CLAYTON, Mr. DELLUMS, Mr. DORNAN, Ms. ESHOO, Mr. EVANS, Mr. GIBBONS, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HORN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSTON of Florida, Ms. KAPTUR, Ms. LOFGREN, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mrs. MINK of Hawaii, Mr. MORAN, Mr. ORTON, Ms. PELOSI, Mr. PETRI, Ms. RIVERS, Mr. WOLF, and Mr. YATES.

H.R. 779: Mr. ACKERMAN, Mr. BEILENSON, Mr. BLUTE, Mr. BOUCHER, Mr. BROWN of Ohio, Ms. ESHOO, Mr. EVANS, Mr. FRISA, Mr. GIBBONS, Mr. GENE GREEN of Texas, Mr. HORN, Ms. KAPTUR, Mr. KING, Ms. LOFGREN, Mrs.

Mink of Hawaii, Ms. Pelosi, Mr. Petri, and Mr. Yates.

H.R. 780: Mr. Ackerman, Mr. Beilenson, Mr. Blute, Mr. Boucher, Mr. Brown of Ohio, Ms. Eshoo, Mr. Evans, Mr. Frisa, Mr. Gibbons, Mr. Gene Green of Texas, Mr. Horn, Ms. Kaptur, Mr. King, Ms. Lofgren, Mrs. Mink of Hawaii, Ms. Pelosi, Mr. Petri, and Mr. Yates.

H.R. 784: Mr. Blute.

H.R. 822: Mr. Portman, Mr. Bartlett of Maryland, and Mr. Weller.

H.R. 839: Mr. Smith of Texas, and Mr. Solomon.

H.R. 860: Mr. Christensen, Mr. Hostettler, Mr. Knollenberg, and Mrs. Chenoweth.

H.R. 873: Mr. Barrett of Wisconsin, Mr. Schiff, Mr. Weller, Mr. Castle, Mr. McHugh, Mr. Ramstad, Mr. Bilbray, Mr. Lipinski, Mr. Hostettler, Ms. Pelosi, Mr. Bartlett of Maryland, Mr. Petri, Mrs. Maloney, Mr. Talent, Mr. Gordon, Mr. Roberts, Mr. Ehrlich, Mr. LaHood, and Mr. Doyle.

H.R. 920: Mr. Tanner.

H.R. 922: Ms. Lowey and Mr. Stark.

H.R. 939: Mr. Cunningham.

H.J. Res. 3: Mr. McInnis.

H.J. Res. 8: Mr. McInnis.

H. Con. Res. 10: Mr. Vento, Mr. Martinez, Mr. Gallegly, Ms. Lowey, Mr. Deutsch, and Mr. Canady.

H. Con. Res. 12: Mr. Cunningham.

H. Con. Res. 27: Mr. Baker of Louisiana.

H. Res. 25: Mrs. Vucanovich, Mrs. Chenoweth, Mr. Doolittle, and Mr. Taylor of Mississippi.

H. Res. 56: Mr. Horn and Mr. Weller.

H. Res. 58: Mr. Calvert and Mr. Bartlett of Maryland.

H. Res. 80: Mr. Stearns and Mr. Burton of Indiana.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 7

Offered By: Mr. Engel

(Page and line references are to H.R. 872)

Amendment No. 45: Page 27, line 1, after "foreign national" insert "(other than an individual who is a military officer of a NATO member nation serving on active duty)"

Page 27, line 9, after "foreign national" insert "(other than an individual who is a military officer of a NATO member nation serving on active duty)"

Page 34, line 22, after "foreign national" insert "(other than an individual who is a military officer of a NATO member nation serving on active duty)"

Page 35, line 6, after "foreign national" insert "(other than an individual who is a military officer of a NATO member nation serving on active duty)"

H.R. 7

Offered By: Ms. Lofgren

(Page and line references are to H.R. 872)

Amendment No. 46: Page 11, line 12, strike "Title II—Missile Defense" and all that follows through page 13, line 1, and insert in lieu thereof the following:

TITLE II—EXTENSION OF SCHOOL DAY FOR ELEMENTARY AND SECONDARY EDUCATION IN AMERICA

SEC. 201. FINDINGS.

The Congress finds that—

(1) the increasing prevalence of single parents and families with two working parents has forced many of our nation's children to be at home without supervision after school;

(2) performance of our nation's schoolchildren must increase markedly in the future for our country to be competitive in the global market;

(3) our economic competitors have significantly longer school days, allowing for greater learning and educational experiences for a child, and making for a higher level of literacy and education in the general population; and

(4) our nation's priorities should focus on the needs of children and of working families.

SEC. 202. EXTENSION OF THE NATIONAL SCHOOL DAY.

(1) To remain eligible for funding pursuant to the Elementary and Secondary Education Act a school must institute a policy whereby its school day will last until 5 o'clock p.m., local time.

(2) In instituting a policy extending the lateness of its school day, no school may begin its school day later than 9:00 o'clock a.m., local time.

(2) The Secretary of Education shall establish a formula grant program to provide funds to States to carry out section (1) above.

SEC. 203. FUNDING.

Notwithstanding any other provision of this Act, of the funds available to the Department of Defense, $49,000,000,000 shall be made available to the Department of Education to carry out this Title.

H.R. 7

Offered By: Mr. McHale

(Page and line references are to H.R. 872)

Amendment No. 47: Page 9, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) to provide for sufficient forces to meet the national security strategy of using forward-deployed and forward-based forces to promote regional stability, deter aggression, improve joint/combined operations among United States forces and allies, and ensure timely crisis response;

H.R. 7

Offered By: Mr. Torricelli

(Page and line references are to H.R. 872)

Amendment No. 48: Page 68, line 4, strike out "shall" and insert "may".

H.R. 7

Offered By: Mr. Traficant

(Page and line references are to H.R. 872)

Amendment No. 49: Page 53, beginning on line 15, strike out "25 percent" and insert "20 percent".

Page 53, line 18, strike out "25 percent" and insert "20 percent".

Page 53, line 21, after "the United States." insert the following new sentences:

For any United Nations peacekeeping operation that is initially authorized by the United Nations Security Council before the date of the enactment of this section, the applicable percentages under the preceding sentence shall be 25 percent. For United Nations peacekeeping operations that are initially authorized by the United Nations Security Council on or after the date of the enactment of this section, the President may increase the percentage limitations under the first sentence of this subsection to a percentage not greater than 25 percent. The President may exercise the authority under the preceding sentence only after transmitting to Congress a report providing notice of the percentage increase under the preceding sentence and a statement of the reasons for the increase.

EXTENSIONS OF REMARKS

COMMEMORATING BLACK HISTORY MONTH

HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. WARD. Mr. Speaker, in recognition of February as Black History Month, a tradition dating back to 1926 when Carter C. Woodson set aside 1 week in February in order to honor the contributions and achievements of African-Americans, I would like to take this opportunity to honor the African-American men and women who have contributed so much to my hometown of Louisville, KY, our Nation, and to the world.

In Louisville, there have been many in the African-American community who have made invaluable contributions not just to their community, but to society as a whole. Judge Janice R. Martin, appointed to the bench by Governor Jones in March 1992, is the first African-American woman jurist to serve in the Commonwealth of Kentucky. Judge Martin brings to the court a long history of involvement in many organizations, including: the Metro United Way; the Kentucky Women's Leadership; the Urban League; Dare to Care; and the Kentucky Task Force on Racial Fairness in the courts.

Dr. Joseph H. McMillan, a professor in the University of Louisville's Department of Early and Middle Childhood Education, has contributed greatly to educating all Kentuckians on matters of racial tolerance and understanding. in 1950, Dr. McMillan began his teaching career in Lake County, MI, and later became the first African-American principal in the Grand Rapids Public Schools system. Dr. McMillan has been active with the Annual National Black Family Conference in America. He has also served as chairman of the Louisville/Jefferson County Human Relations Commission, president of the Louisville Urban League, and as chairman of the Kentucky Rainbow Coalition. Dr. McMillan currently serves as a commissioner to the Kentucky State Human Rights Commission under Governor Jones.

Eleanor Forman, one of Louisville's first African-American real estate agents, focused her efforts on integrating the Louisville real estate market. At the time Ms. Forman entered the real estate profession, the white-dominated real estate market, for Ms. Forman, was a hostile environment in which to work. Prior to Ms. Forman's work, areas of the city were marked as being reserved for white real estate agents or African-American real estate agents only. Ms. Forman was also recognized as the 1994 Women of Achievement by the Business and Professional Women's group.

Other individuals who, through civic participation and education, have strived to ease tensions and empower others to follow their example include: Lyman T. Johnson, the first African-American ever to graduate from the University of Kentucky, whose case for admittance was argued by former Supreme Court Justice Thurgood Marshall; Ann Elmore, who, in 1994, became the first African-American women elected to the Jefferson County Board of Education; and Evelyn L. Waldrop, whose work with the NAACP, the Urban League, the Public Works Association, and the National Council of Negro Women has set the standard for community involvement.

History shows us that as our Nation was struggling for freedom and democracy, African-Americans played invaluable roles and contributed greatly to our efforts. These contributions have been largely overlooked and such recognition is long over due.

When our Nation was in the midst of a Revolutionary War, African-Americans, such as Crispus Attucks, who died in the Boston Massacre, heeded the call to arms and did so without reservation—these men and women served as infantryman, laborers, cooks, and also as part of the Minutemen brigade. African-Americans, such as Sgt. William H. Carney, who was the first African-American to receive the Congressional Medal of Honor for his efforts in the Civil War. Again, in World War I, World War II, in Korea, and in Vietnam, African-Americans served their country with honor and dedication. The memories of these men and women who have served so dutifully must never be forgotten.

Throughout our history as a nation, African-Americans answered our Nation's call to arms; however, in the area of civil rights, it took our Nation a longer period of time to answer their calls for justice and equality. Throughout the civil rights era of the 1950's and 1960's, our Government created roadblocks in the path of equality for African-Americans. These roadblocks were in the overt form of "whites only" signs in bus stations, restaurants, theaters, and hotels; in the overt form of denying African-Americans the right to vote; in the overt form of segregated schools; in the overt form of African-Americans being forced to ride in the back of the bus.

Through such legislation as the Civil Rights Act of 1964, which prohibited any public establishment from discriminating on the basis of race, and the Voting Rights Act of 1965, we, as a nation, have reached a greater level of equality among all people; however, we do have far to go in this effort.

Today, we do not see the overt forms of racism and discrimination that we saw in the 1950's and 1960's, rather, we see a more covert form of discrimination in the form of glass ceilings in hiring practices and a vast disparity between African-Americans and whites in the areas of income, education, and crime statistics. We also see this covert discrimination in the efforts of many to defeat a minimum wage increase. The current minimum wage of $4.25 per hour provides the full-time worker an annual salary of $8,500, which is less than one-half the current poverty line for a family of four. With inflation, the minimum wage has decreased almost fifty cents since 1991 and is currently three-quarters of what it was in 1979.

How can we encourage people to get off welfare when we do not provide a decent wage for them to live? How can we say that we reward work over welfare when we do not provide the means by which an individual can achieve this goal.

Today, it is an honor to pay tribute to these African-Americans, who serve as testament to the fact that as a nation we have come far. However, I believe that is also appropriate to remind ourselves how much further we must go in order to achieve total equality among all in our richly diverse society. I hope that we all can make this journey together.

THE PRESIDENT'S 1996 BUDGET

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 15, 1995 into the CONGRESSIONAL RECORD.

THE PRESIDENT'S 1996 BUDGET

President Clinton recently sent to Congress his $1.61 trillion budget for 1996. The President says his budget will allow simultaneously leaner government and sufficient funds for popular and expensive social programs. He claims it cuts middle-class taxes, keeps the deficit down, and does not cut education, Social Security, or Medicare. The budget has come under fire on Capitol Hill.

SUMMARY

The President's budget calls for $1.612 trillion in spending and $1.415 trillion in revenues. That leaves a $197 billion deficit, up slightly from the $192 billion he projects for 1995. The biggest spending goes for Social Security ($315 billion), Medicare and Medicaid ($270 billion), defense ($262 billion), and interest on the national debt ($257 billion). The budget proposes few new initiatives. The most important is the middle-class tax cut, which is actually three cuts: a children's tax credit, a college tuition deduction, and a liberalization of individual retirement accounts. On the spending side, the President seeks to eliminate 131 programs and reduce funding for another 86. He calls for the restructuring of five agencies: Housing and Urban Development, Transportation, Energy, General Services Administration, and Office of Personnel Management. He also proposes merging 271 separate programs into 27, including the consolidation of 69 job training programs. The number of federal employees will continue to decline under the President's budget. The total reduction will reach 173,300 in 1996, nearly two-thirds of the 272,900 required by 1999 under existing law.

He requests increases in discretionary spending for crime reduction, national service, Goals 2000, education, Headstart, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

WIC. His budget only includes limited changes in entitlement programs and makes no changes in Social Security and only modest changes in Medicare. He calls for a slight reduction in defense spending in 1996 but increases starting in 1998. He keeps foreign aid at current levels (1% of budget) to help maintain U.S. commitments overseas.

CHALLENGE TO CONGRESS

Members from both sides of the aisle have taken aim at President Clinton's budget for not being aggressive enough in reducing federal spending and reducing the deficit. The argument of the President that the deficit is now under control because it has shrunk by $100 billion over the past two years has not been well received. The President did not identify deep spending cuts for the new leadership in Congress, and in a sense his budget challenges them: "It's your turn, show me where you're going to cut the budget."

The big question now is what the budget of the new congressional leadership will look like. We may not know for another few months. The leadership's strategy seems to be to keep everything very quiet and secret and then spring a surprise on the country and the interest groups that might be affected. It remains to be seen whether Congress will be serious about eliminating the deficit.

DEFICIT REDUCTION

The good progress that has been made on deficit reduction in the first two years of the Clinton administration seems to be replaced by a strategy of deficit control. The President and Congress were right to attack the budget deficit in the last two years, and the reasons for doing so are still compelling today. The key issue here is the country's future standard of living. The deficit preempts investment that would otherwise go into expanding the economy. That is one major reason for the stagnation of wages and incomes for many Americans since the mid-1970s.

I believe that any serious effort to cut the deficit will inevitably have to deal with health care costs. The political judgement behind the President's budget is that the electorate offers little thanks to those who make a serious run at deficit reduction. Many Members of Congress continue to play on the overwhelming belief among the public that the budget can be balanced just by cutting out waste, fraud, and abuse, and that all it takes is cutting foreign aid, taking young mothers off welfare, and ending congressional perks. At some point we will have to be honest and specific with the American people. Difficult choices are needed, and anyone who takes a hard look at the budget knows it. One of the most important things that has to happen in this country is improving public understanding about the budget.

Too many Members of Congress favor a balanced budget but are unwilling to offer any specifics. Indeed many go in the opposite direction. They want larger tax cuts and more spending on defense and other popular programs. They list only the spending they will not cut, like Social Security. They also try to assure the governors and mayors that they will be held harmless in the process. I do not want to repeat the experience of the 1980s when the country was told it was possible to cut taxes and balance the budget by cutting domestic spending. The spending cuts were never found and the national debt, as well as our interest payments, quadrupled.

TAX CUTS

Basically I believe that for the sake of our children we should cut the deficit first and then cut taxes, not the other way around. At the same time, I am prepared to support tax cuts that are deficit neutral-cuts that are offset with spending reductions so there is no impact on the deficit. I would target tax cuts to savings and investment because that is what the country really needs to grow and to increase standards of living.

I am inclined to think the tax cuts are being oversold to the American people. Middle-class Americans are in economic pain, but I doubt the tax cuts being proposed are a genuine cure for their afflictions. And unless offset by equivalent reductions in government spending, the measure might end up costing middle-class taxpayers more money in the form of higher interest rates on their mortgages, credit cards, and loans.

CONCLUSION

A President's budget is simply the opening ante in an annual game between Congress and the President. President Clinton's budget comes to a hostile Congress. It is not a dead-on-arrival budget, but a document for bargaining. Congress understands that. Significant changes are expected in the weeks and months ahead.

THE SPRATLY ISLAND GRAB

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. GILMAN. Mr. Speaker, I was alarmed but not surprised to read in Saturday's Washington Post that Communist China used its growing military strength to take over a large area of disputed territory in the Spratly Islands.

Many of our friends in that region, including our important Filipino allies, have been warning us of the dangers of understating the People's Republic of China [PRC] military buildup as a moderate modernization program. As anyone knows who seriously studies the issue, the PRC's military budget, recent acquisitions, technology transfers—legal and otherwise—and their expanded espionage program in the United States is a cause for the highest concern.

The Spratly Island grab occurred just 2 days after the Wall Street Journal reported that the PRC raised tensions in the region by buying four Russian submarines. The PRC already has over 100 submarines. Taiwan has only two and yet our State Department will not allow our democratic friends on Taiwan to purchase any submarines from the United States.

Time and time again the Communist leaders have refused to work with the ASEAN nations to defuse the Spratly tensions. All attempts to get Beijing to address specific issues such as: A regional arms registry, maritime surveillance, various military transparency proposals, and contentions regional security and territorial disputes have been ignored. The result is that Beijing's rulers incrementally grab what it wants and without a peep from the State Department.

Some 40 years ago, when the Communists sought to create a buffer between themselves and democratic India, it expanded its territory by swallowing up Tibet, a country the size of Western Europe. In 1989, when the Communists felt threatened by a possible democracy emerging on its border with Burma, it sent $1.4 billion in military assistance to the State Law and Order Restoration Council [SLORC] is Rangoon. Due to SLORC's rule, opium production has doubled and perhaps quadrupled in Burma and New York's streets are awash in cheap, almost pure heroin.

Taiwan, Tibet, the Philippines, India, New York—people all over the world, including the United States, have good reasons to be concerned about the PRC's aggressive acts. Regrettably, the State Department does not have any strategy for dealing with it other than to enhance its trading capacity in the hopes that its economic growth will bring about positive political changes. In the meantime, the PRC uses its booming economy fueled by its exports to the United States to make bold and substantive strategic gains.

The basic lesson that some policy makers in the State Department have yet to learn is that if you give in to a bully he will keep coming back for more.

ISCC AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. DAVIS. Mr. Speaker, It gives me great pleasure to rise today and pay tribute to some very special people in Virginia's 11th District. These are individuals who put the good of their community above their own needs. These people will be receiving awards from the Springfield Inter-Service Club Council ISCC on February 15, 1995.

The Inter-Service Club Council of Springfield, Virginia was established in 1986 to coordinate the good works of the numerous service clubs and civic organizations in the community. Today there are more than 60 clubs, groups, organizations and agencies from Springfield, Franconia, Annandale, Burke, Lorton, and Fairfax Station affiliated with the Inter-Service Club Council.

Since 1987 the ISCC of Springfield has honored individuals for their exceptional service to the community. On Wednesday, February 15, 1995, eight outstanding citizens of "Greater Springfield" will be awarded honors for their distinguished service.

Receiving certificates for their distinguished service to the community are:

Karen and Bill Brown, Rotarian Bill Brown and his wife Karen have dedicated themselves to helping children of the community in need at Christmas. Their efforts, in memory of their daughter Kristi who died in a tragic automobile accident, bring joy and giving to disadvantaged children of the community. The Breakfast Rotary, the Springfield K-Mart, and Student Volunteers from West Springfield High School assist in this project.

The Central Springfield Little League, the Central Springfield All Star Team are recognized for their remarkable advance to the Little League World Series in 1994. Their exceptional abilities, their team spirit, and their high degree of sportsmanship was an inspiration to all and a credit to the community.

Jerry Corbin, as the president of the Springfield Plaza Merchants Association, Jerry has been instrumental in the organization of the Springfield Days Weekend and the annual Halloween Parade for Children. Jerry's leadership and ability serves as an inspiration to a corps of volunteers and has been instrumental in attracting thousands of participants to these fine community activities. An active member of the Central Springfield Area Revitalization Committee [C–SPARC] and the Springfield-Franconia Midday Lions, Jerry is always helping people with his guidance, resources and funds; however he gives the credit to others.

The Springfield-Franconia Host Lions Club, for 40 years, our Host Lions have been raising money for charity, supporting sight and hearing programs, supporting the youth programs of Hayfield and Lee High Schools, and supported ECHO and Kolnonia.

Honored as people of the year for 1994 are: Kari Colburn, local business leader, and member of the Springfield Rotary Club, Kari has been instrumental in leading the efforts of the Rotary Club in service to the Fairfax County Women's Shelter for abused women and their children.

Captain Frederick E. Ellis, Fairfax County Police Department. In addition to the stellar leadership that Captain Ellis has provided as the chief of the Franconia Station FCPD, he has served our community as a volunteer leader in Boy Scout Troop 1343. In 1994 he served as the chairman of the Scouting for Food Drive conducted by the George Washington District, National Capital Area Council, Boy Scouts of America. Under his leadership the Scouts collected more than 70 tons of food for the less fortunate citizens of the Washington area. Through his leadership our streets are safe, our homes secure, we enjoy an atmosphere of fair play and citizen's rights, and our hungry are fed.

Beth Smith, a member of the Friends of Pohick Regional Library, Beth has been personally responsible for coordinating and performing all landscape maintenance for the Pohick Regional Library since the summer of 1993. Stepping in as a volunteer, in the face of the severe cutbacks in county funding, Beth recruited a corps of volunteer labor, attracted the efforts of five Eagle Scout candidates, and inspired an entire community. The results of Beth's effort have brought prominence to the Burke-Springfield area by proclaiming to the world that our citizens care about their public facilities and are willing to maintain them, without using public funds.

John Sustar, a Knight of Columbus, John has served many years as an outstanding volunteer in Boy Scouts, youth sports, and in his church. A community leader, John has organized joint contracting for driveway and roofing repairs, and led the effort to install natural gas lines in this neighborhood. He is a former Grand Knight and is the editor of the monthly newsletter.

Mr. Speaker, I know my colleagues join me in congratulating these fine citizens on their outstanding work. It is citizens like these, scattered across America, that provide this country with our margin for excellence, in providing services to those in need, keeping our communities clean and beautiful and restoring the American dream to our young people. The Springfield Inter Service Club Council and its member organizations deserve our thanks and efforts.

IN HONOR OF WARREN FLOWERS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. HALL of Texas. Mr. Speaker, it is a privilege for me today to honor Warren Flowers of Gainesville, Cooke County, TX, who recently announced his retirement as publisher of the Gainesville Daily Register following 58 years of service to the newspaper. I join his many friends in Gainesville in paying tribute to his distinguished career and to the many contributions that he has made to his community.

Warren Flowers was born in Shattuck, OK, on August 3, 1922, the oldest of six children born to Charlie and Hallie Flowers. His family moved to Texas when he was 4, and 9 years later, at the age of 13, he began his career at the Register as a paperboy. He later worked in the pressroom for 10 cents a day and, by his senior year in high school, he was the city circulation manager.

A graduate of Gainesville public schools and Cooke County College, Warren met his wife, Quade Little, while in college, and they were married September 1, 1942. He joined the Army Air Corps in October of 1942 and served with Archie Bunker and others in World War II until 1946. Warren then returned to the newspaper as circulation manager, a position he held until 1976, when he took the publisher's job.

Donrey Media Group purchased the Register in 1973, which resulted in the newspaper beginning to update its printing process. Warren watched the paper progress from an 8-page flatbed printing press that printed off hotlead type to its current 24-page electronic offset printing press with heated aluminum page plates, and from manual typewriters and linotype machines to video display terminals and computerized typesetters.

Warren helped celebrate the newspaper's 50th anniversary edition in 1940 and also its 100th anniversary edition in 1990. Throughout this time he has played a role in chronicling the news events in his town and county and in promoting projects that would benefit his community.

Over the years Warren has been active in many civic organizations—as a charter member of the Gainesville Optimist Club, a charter member of Scottish Rite Valley of Fort Worth, 32nd degree, and a life member of the Texas Circulation Managers Association. He also has been active in the PTA, Commander, American Legion, Chamber of Commerce, Little League baseball, Girl Scouts and Camp Fire Girls, Cooke County College Ex-Students Association, and Gainesville Shrine Club.

Warren credits his wife, Quade, for supporting him through good times and bad for 52 years—almost as long as he worked for the Register. He also gives much credit for his successful tenure to his associates on the newspaper. In 1993 he received the Sam C. Holloway Memorial Award from the North and East Texas Press Association and also received the Golden 50 Award from the Texas Press Association in commemoration of 50 years of service to journalism.

He and Quade have three children—Janice of Wharton, Donna of Sherman, and Max of Oklahoma City, and seven grandchildren—six boys and a girl, who will occupy some of his retirement time. He also plans to do some traveling and a little fishing and hunting along the way.

More importantly, Mr. Speaker, as he begins this new phase of his life, he can look back with satisfaction on a lifetime of accomplishments in his hometown of Gainesville. His efforts on behalf of his hometown newspaper and on behalf of his community will always be appreciated. As his friend and admirer for many years, I commend his many successes, his distinguished career, and his civic contributions. I join many other friends in Gainesville and in Cooke County who wish him well.

BEREUTER AMENDMENT TO H.R. 728

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. BEREUTER. Mr. Speaker, this Member would like to express his dissatisfaction with the rule granted for consideration of H.R. 728. This rule placed a 10-hour time limit on debate on any amendments. According to the rule, preference was to be given to amendment preprinted in the CONGRESSIONAL RECORD. Preference was also given to members of the Judiciary Committee, whether their amendments had been printed in the RECORD or not. Over 1 hour and 47 minutes were taken for votes, leaving many Members who are not members of the Judiciary Committee without an opportunity to offer their amendments. If the time for votes had not been included in the 10 hours for debate, many other Members would have been able to offer amendments.

Specifically, this Member tried throughout the day on Tuesday, February 14, to offer his amendment No. 22, which was printed in the CONGRESSIONAL RECORD on February 13. A copy of the amendment follows:

AMENDMENT TO H.R. 728, AS REPORTED, OFFERED BY MR. BEREUTER OF NEBRASKA

Page 12, after line 7, insert the following:

"(10) the unit of local government will spend not more than 50 percent of the funds received under this title to purchase law enforcement equipment and hardware, including but not restricted to vehicles, machinery, communications equipment, and computer equipment, that assist law enforcement officials in reducing or preventing crime and improving public safety unless the Attorney General certifies that extraordinary and exigent circumstances exist that make the use of more than 50 percent of such funds for such purposes essential to the maintenance of public safety and good order in such unit of local government.

The Bereuter amendment was simple and straightforward. It would have prohibited the use of more than 50 percent of the grant for law enforcement equipment and hardware, including but not restricted to vehicles, machinery, communications equipment, and computer equipment. This amendment also had a waiver provision so that in extraordinary circumstances a local government may make a request to the Attorney General for an exemption from the 50-percent restriction.

The 50-percent restriction would be a very minimal requirement. It was not unreasonable in any way and would not have imposed a burden or hardship on local governments. It is interesting to note that a 1976 study of the LEAA grants indicates that the percentage of LEAA grants spent on equipment from 1969 to 1971 range from 39.2 to 22.2 percent. The Bereuter amendment was very generous perhaps to a fault, by limiting equipment expenditures to 50 percent.

The Bereuter amendment would have gone a long way to improve H.R. 728 by placing greater emphasis on funding for personnel and locally supported and locally effective crime programs. This amendment also provided some answer and some assurance to those concerned that there would be a decrease in the numbers of new cops on the street by ensuring that only half of the funds could be used for equipment and hardware. This restriction also provided some restraint against excesses by local governments.

The Schumer amendment accept in the Judiciary Committee would not have been affected by this amendment. The prohibition on the use of grant funds for tanks, limousines, planes, real estate, and yachts would have remained in place. Another Schumer amendment offered during Floor debate added the prohibitions on the use of funds for consultants and for vehicles not intended for police use.

The last general block grant program to fight crime was the Law Enforcement Assistance Administration block grant program in the 1970's. There were many documented cases of outright abuse and waste of taxpayers' funds. During debate on H.R. 728, many examples were given and many comparisons were made to that now defunct program. LEAA was grately revised in 1979, and eventually eliminated during the Reagan administration in 1982.

This Member has first-hand knowledge of some of the excesses of the LEAA grants as a result of his service on the Nebraska State Crime Commission from 1969 to 1971. While there were many criticisms of the LEAA program, the source of the most flagrant abuses of Federal funds was the use of the LEAA grants for crime fighting equipment and hardware. For example, LEAA funds were used to purchase a tank in Louisiana, an airplane for the personal use of the Governor of Indiana, a $2 million prototype that did not work, and $1.3 million fingerprint computer never used in the 7 years it was owned by the State of Illinois.

In 1979, the House and Senate prohibited the use of grant funds for the purchase of equipment or hardware, except for information and telecommunications systems and bullet proof vests. Hardware and equipment could only be purchased if the purchase or payments are incurred as a incidental and necessary part of an of improvement program or project. This allowed an exception for necessary purchases but indeed it was a very wide loophole.

This Member's amendment to H.R. 728 would have allowed local communities to use no more than 50 percent of the grant for equipment and hardware; this limitation would have precluded the use of a disproportionate share of funds for equipment and hardware.

The Bereuter amendment was necessary to assist in avoiding the mistakes made during the existence of the Law Enforcement Assistance Administration. We should have learned those lessons before through the LEAA experience, after millions of taxpayer dollars were wasted. We have the power to establish a new grant program that effectively fights crime, is a formula that would reduce waste and abuse. This Member believes it is most unfortunate that this Member was not allowed to offer his amendment for a vote. It would have greatly improved the block grant program created by H.R. 728 and answered numerous arguments that personnel needs like cops on the beat and local attuned prevention programs would not be ignored or downgraded.

CONGRATULATIONS TO JERREL D. SMITH ON HIS RETIREMENT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. GEPHARDT. Mr. Speaker, I am pleased to recognize the contributions and work of Jerrel D. Smith of St. Louis, MO, on the occasion of his retirement.

Jerrel Smith, vice president—Environmental, Safety, and Health for the Union Electric Co. of St. Louis, MO, retired on January 31. He will assume a new role as environmental policy consultant to the senior management of the Union Electric Co.

In his 37 years of service to Union Electric Co., Mr. Smith has played an active role in assisting Federal, State, and local legislative and regulatory entities in establishing environmental protection. During his career, he has participated in the formation and implementation of many environmental laws. Of particular note was his work with us on the Clean Air Act, which will help us achieve reductions in air pollution in a way that achieves tough new standards in a cost-effective manner. This work will save ratepayers in eastern Missouri many millions of dollars.

The 104th Congress acknowledges the many achievements of Jerrel Smith. We thank him for his continuing contributions to the development of effective national policies—and wish him best of luck in his new endeavors.

GAO REPORT—FORMER SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. HAMILTON. Mr. Speaker, on February 7 the GAO issued Report GAO/NSIAD–95–10, entitled "Former Soviet Union: U.S. Bilateral Program Lacks Effective Coordination." As the report puts it:

> [w]hile the Freedom Support Act gives the State Department Coordinator broad responsibility for U.S. bilateral programs with the Former Soviet Union . . . We found that, in practice, the Coordinator's role is much more limited. Other groups within the executive branch have equal or greater influence and authority over assistance to the FSU or function autonomously outside the Coordinator's purview.

A new Coordinator has now been named to replace Ambassador Simons. While his charter will be signed by the President instead of the National Security Advisor, and he will report directly to the Secretary of State instead of the Deputy Secretary, it is not clear that his legal authority has been broadened.

I believe the GAO report is evidence that the coordinator of aid to the former Soviet Union should be in the White House and should have authority over all agencies involved in assistance to the FSU. The text of the report's Results in Brief follows:

RESULTS IN BRIEF

This report points out that the coordination process has not always worked smoothly—as could be expected for an undertaking of this magnitude. Disputes have arisen between the Coordinator, USAID, and other federal agencies over the appropriateness of various projects. We have not judged the appropriateness of positions taken by various agencies in these disputes. Although the various parties agree that problems exist in the coordination process, there is no consensus as to how the coordination process should change. We are not making any recommendations in this report.

For fiscal years 1990 through 1993, 19 U.S. government agencies committed a total of $10.1 billion for bilateral grants, donations, and credit programs to the FSU. During the period, federal agencies obligated $1 billion and spent $434 million of the $1.8 billion authorized by Congress for grant programs, obligated $1.6 billion, and spent $1.22 billion for the donation program, and made $6.7 billion available for direct loans, guarantees, and insurance agreements.

The structure for coordinating and managing U.S. bilateral programs for the FSU starts with the National Security Council's Policy Steering Group chaired by the Deputy Secretary of State. This is the only place where all U.S. government policies and programs involving the FSU come together and where all agencies report. The National Security Council Directorate for Russian, Ukrainian, and Eurasian Affairs, which provides staff support to the Policy Steering Group, has itself played a coordinating role and was key in developing the U.S. package of assistance first presented at the 1993 Tokyo Economic Summit. The Policy Steering Group approved the package but has very limited involvement in grant and credit program implementation.

Pursuant to the Freedom Support Act, in May 1993, the President designated a Coordinator within the Department of State and charged him with (1) designing an overall assistance and economic cooperation strategy for the FSU; (2) ensuring program and policy coordination among agencies implementing the act; (3) pursuing coordination with other countries and international organizations with respect to assistance to the FSU; (4) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the FSU; and (5) resolving policy and assistance program disputes among U.S. agencies participating in the assistance program. The Coordinator reports to the Deputy Secretary of State.

While the Freedom Support Act gives the State Department Coordinator broad responsibility for U.S. bilateral programs with the

FSU—and calls on him to coordinate with other countries and international organizations on aid programs to the FSU—we found that, in practice, the Coordinator's role is much more limited. Other groups within the executive branch have equal or greater influence and authority over assistance to the FSU or function autonomously outside the Coordinator's purview. In addition, the Coordinator has limited or no authority to direct activities of the Cooperative Threat Reduction program or worldwide programs with the FSU components, such as those of the Export-Import Bank, the Overseas Private Investment Corporation, and Department of Agriculture, and thus has no way of ensuring that all programs for the FSU complement one another.

The only bilateral program wholly within the Coordinator's purview is the program funded by the Freedom Support Act. All agencies, even those with programs that are not under the purview of the Coordinator, generally report on their activities in the FSU to the Assistance Coordination Group, which the Coordinator chairs. However, the Group is not a decision-making body but is essentially a forum for sharing information and giving greater transparency to the program.

Although the Coordinator has issued strategy papers on assistance to and economic cooperation with the FSU and Russia, these documents focus primarily on technical assistance. They do not develop a clearly articulated strategy for achieving the overarching goals of the Freedom Support Act or for helping the countries of the FSU achieve their reform objectives. For example, the strategy papers do not discuss what role programs of the Export-Import Bank, the Overseas Private Investment Corporation, or the Department of Defense will play in achieving U.S. objectives in the FSU.

Other participants involved with U.S. assistance to the FSU have at times resisted, hindered, or overruled the Coordinator's efforts to develop a coherent and comprehensive assistance program for the FSU. These include Cabinet and other agencies, the Gore-Chernomyrdin Commission and Congress through congressional earmarks. Regardless of the merits of individual cases, the numerous efforts to work outside the coordination process dilutes the Coordinator's ability to coordinate the broad range of the bilateral program and to develop a strategy that covers the full scope of U.S. economic cooperation activities. (See apps. I and II for further information on the coordination structure and process.)

The Coordinator's role has been further complicated by the existence of serious disagreement between agencies over various aspects of the program. USAID, a primary implementing agency for Freedom Support Act programs, has been involved in numerous disputes with other government agencies over money and policy.

Agencies complained that USAID often attempted to hinder their participation in the program despite the Coordinator's instructions, would not cooperate with them, and often ignored or overlooked experience other government agencies had with the issues at hand.

USAID officials disagreed with this characterization. They said that other agencies often want to use Freedom Support Act assistance funds for purposes that are not consistent with priorities USAID believes are appropriate. USAID believes it is responsible for maintaining accountability over the program; however, USAID officials said that sometimes other agencies do not understand USAID's accountability requirements.

According to an official at the Coordinator's Office, disputes between USAID and other agencies have required the Coordinator's Office to spend an excessive amount of time dealing with high-level political battles over small amounts of money instead of spending time developing program goals and objectives. (See app. III for information on implementation problems and app. IV for the status of program obligations and expenditures.)

HUNTINGTON BEACH, CA: SAFEST CITY U.S.A.

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. ROHRABACHER. Mr. Speaker, for the past several years, the great State of California has seen a series of unparalleled disasters, both natural, manmade, and economic. These have included earthquakes, floods, fires, civil unrest, and even bankruptcy. Even my own constituency in Orange County has been dramatically affected by recent floods and economic reversals. All of this has led to the impression that the State and the county's once great image of prosperity and a high quality of life has diminished.

Despite all of this, I am pleased to report that my home town of Huntington Beach was recently honored as America's "Safest City." The Morgan Quitno Publishing House of Lawrence, KS, in its book "City Crime Rankings" looked at the 100 largest cities in America and discovered that Huntington Beach was the safest place to live. It is with great pride and honor that I commend and applaud each and every citizen and employee in the city of Huntington Beach for their efforts at crime reduction. We are all aware that no one person or event could ever be singled out as a deciding factor in receiving such an award. It takes the patience and commitment of everyone within the community.

For several years, now, the city of Huntington Beach has progressed in exciting and new directions. The advent of Community Oriented Policing, downtown redevelopment, and many other progressive concepts have helped to insure a low crime rate and high quality of life.

Congratulations to Huntington Beach for your efforts! It is nice to have factual verification of what I have known all along, that the Orange County and Huntington Beach area is a great place to live and work.

The police department in Huntington Beach is obviously one of the finest in the Nation. Also important is that the community likes and supports their police and consider law enforcement every citizen's job. So the city, the police, and the people of Huntington Beach have every reason to be proud of their designation as the country's safest city.

1994 TOP 10 LIST OF INSURANCE FRAUD

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. NEY. Mr. Speaker, I commend the following top 10 list of insurance fraud to my colleagues. However, before I proceed, I would like to thank the Coalition Against Insurance Fraud for their hard work and unwavering dedication in bringing insurance fraud to the public's attention.

As a State senator and cochair of the Ohio Insurance Fraud Task Force, I was active in fighting fraud in Ohio. Insurance fraud cost American consumers more than $68 billion last year. That's more than $800 a year out of each family's pockets in higher insurance premiums.

In order to give my colleagues a better understanding of the scope and breadth of insurance fraud, I submit the following "1994 Top Ten" list of insurance fraud cases in the United States.

1994 TOP 10 LIST OF INSURANCE FRAUD

1. *Stable Slayings.* Hired killers destroyed an unknown number of show horses. Owners collected on insurance policies which usually covered a horse for more than it was worth—$25,000 and up. The scheme had been going on for decades, and some top names in the horse world are alleged to be involved. Twenty-three people were indicted in Chicago in July for their roles: 17 pled guilty, three were jailed and fined, and six await trial.

2. *Minus One.* Dr. John Rende, a 38 year-old Florida dentist, agreed to allow two brothers, Kenneth and Robert Alberton, to cut off a finger with an axe and claim it was an accident. He collected a $1.3 million lump sum settlement through one brother's homeowner policy. He also filed under his practice's disability policy. Rende used some of the money to buy a boat he named "Minus One." Rende and the Albertons pled guilty. All are in jail and under orders to make restitution. Mary Rende, John's wife, is expected to plead guilty soon.

3. *An Empire of Scams.* William Loeb set up a phony labor union to sell health insurance from Empire Blue Cross/Blue Shield in 1988. When Empire terminated the insurance contract two years later, the union moved the policies to bogus insurers. More than 8,000 consumers lost $43 million in premiums on worthless policies. Total unpaid claims could be as much as $24 million. Insurers for more than 600 agents named as defendants in the case have agreed to pay out more than $8 million to settle unpaid claims. More settlements may come in March. Loeb is serving seven years in jail.

4. *Coker's Coveted.* Stephen D. Coker is on the run following his September indictment in Alabama on 35 fraud-related counts. He's accused of siphoning at least $30 million in premiums, passing them through a network of offshore insurers and reinsurers. Coker's accused of looting a British Virgin Islands insurer via a sham reinsurance agreement, filing false financial statements with regulators, selling policies on behalf of bogus insurance companies run by the late fraud artist Alan Teale, and reinsuring several of Teale's own sham operations, taking in at least another $4 million.

5. *The Eye's on Him.* Dr. Jeffrey J. Rutgard, a San Diego eye surgeon, was indicted in

March on 217 counts alleging he bilked Medicare and private insurers out of millions of dollars. He allegedly performed unnecessary operations on mostly elderly patients who were often unable to give informed consent. He was paid $20.8 million over five years.

6. *A Blue Bel-Aire*. Arthur Blumeyer III was convicted of 27 counts of conspiracy, money laundering and fraud in February. Blumeyer was accused of using St. Louis based Bel-Aire Insurance Co. to bilk policy holders out of about $43.5 million over six years. He pocketed at least $4.9 million. Blumeyer's conviction was overturned on a technicality and he's currently in the insurance business awaiting a new trial.

7. *Gypsy Truckers*. Ronnie Lee Johnson of Fort Myers, Florida, pled guilty to two felonies for his role in a multi-state insurance fraud case involving the diversion of at least $7 million in premiums. The scammers obtained minimal insurance policies by misrepresenting the firms as small ones with only a handful of trucks. The operators then charged hundreds of unwary independent truckers as much as $5,000 a year to use fraudulently obtained liability insurance. Johnson currently is serving a 46 month prison term and cooperating with a expanded investigation.

8. *Senior Swindlers*. Retired Floridians William and Phyllis Lenahan were convicted of conning workers' compensation and physicians' malpractice insurance for $3 million. William claimed surgery for a work-related back injury was botched, leaving him totally dependent on his wife. In an investigation initiated and paid for by the surgeon, William was videotaped dancing, among other activities. The two each were sentenced to seven year prison terms and ordered in June to pay $1.6 million in restitution.

9. *Chiropractic Couple*. A Boston chiropractor, Dr. Alan Rosenthal, and his wife, Caterina, were charged with 36 counts as part of a scheme worth an estimated $2 million. They allegedly made false or inflated claims, subjected clients to unnecessary tests, required a minimum number of visits, and engaged in other conduct. Dr. Rosenthal and his wife's trial is scheduled for February 13 in federal court.

10. *The Atlanta 57 and Counting*. Georgia officials in September arrested 57 people in two counties on 258 counts of insurance fraud. Included in the arrests were two "major runners" (those who refer patients in staged accidents) and a chiropractor. At least 150 false or inflated claims were filed with 15 insurers and costs more than $1 million. Officials are continuing the investigation and more arrests are expected.

COMMEMORATION OF THE 97TH ANNIVERSARY OF THE DESTRUCTION OF THE BATTLESHIP U.S.S. "MAINE" AND RECOGNITION OF THE CREATION OF THE U.S.S. BATTLESHIP "MAINE" CENTENNIAL COMMISSION IN KEY WEST, FL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. DEUTSCH. Mr. Speaker, I rise today to ask that my colleagues in the House join me in commemorating the 97th anniversary of the destruction of the battleship U.S.S. *Maine* in Havana Harbor, Cuba, on this day, February 15, 1898.

Today in the city of Key West, FL, a prominent group of citizens has gathered to announce the formation of the U.S.S. Battleship *Maine* Centennial Commission. They are meeting at the historic Key West Custom House where on the second floor a naval court of inquiry convened by President William McKinley met to hear testimony from all the survivors, officers and crew, of the U.S.S. *Maine*, on several occasions in March 1898.

The centennial commission, under the sponsorship of the Key West Art & Historical Society, and Richard Warren, chairman, City Commissioner Joseph Pais, vice chair, and Radm. Ret. Nick Gee, vice chair, wish to call to the attention of all Americans the importance of commemorating the 100th anniversary of this tragic event that destroyed the proud battleship, that killed 260 crew and officers out of 350, and that propelled this great Nation into a war with Spain to the cry of "Remember the *Maine*." This war, the Spanish-American War, that "splendid little war," would lead to the freedom of the Philippines, Puerto Rico, Guam, and the island of Cuba.

Today in Key West, this group of citizens prepares to honor the men of the *Maine* who died without the ability to defend themselves in Havana Harbor on February 15, 1898. They will honor that great steel battleship that had celebrated Christmas of 1897 in Key West Harbor and been ready to sail forth to Cuba on January 24, 1898, to assist, if necessary, Americans in the city on Havana, Cuba. These citizens will proudly remember the *Maine* and all of the great naval vessels that have visited the port of Key West and the near waters. Today they will recall the great Cuban patriots that gathered in Key West throughout the 1890's in the long struggle to cast off the yoke of Spanish tyranny that had laid waste to Cuba. Key West will remember those days in which journalists, war correspondents, Members of Congress, and military leaders strode to the dusty streets following the story that war always unfolds. These were people like Frederic Remington, Robley D. Evans, Stephen Crane, Randolph Hearst, Richard Harding Davis, Admirals Sampson and Schley, and Clara Barton of the Red Cross.

Presidents Bill Clinton and Jimmy Carter have, thus far, joined me as honorary members of the U.S.S. *Maine* Centennial Commission. During the next several months the commission will be seeking members from throughout the United States, the great State of Florida, and that little bit of paradise called Key West. I call on all of us here assembled to join Key West and the centennial commission in recognizing their proud efforts. And, together, let us all remember that battleship U.S.S. *Maine* and her crew.

FACTS CONGRESS SHOULD NOT IGNORE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. JACOBS. Mr. Speaker, when the Congress acts on factual information, it usually does a pretty good job.

Here are some facts which Congress would be ill-advised to ignore.

CHARITIES CANNOT FILL THE GAP THAT SUBSTANTIAL CUTS IN FEDERAL FUNDING OF SOCIAL PROGRAMS WOULD CREATE

We, the 116 undersigned organizations, urge you to consider the following facts carefully and fully before taking any actions that would make charitable organizations responsible for filling the gap that substantial cuts in federal funding of social programs would inevitably cause.

Independent Sector is a national coalition founded 15 years ago, comprised of over 800 voluntary organizations, foundations, and corporate-giving offices with national interest and impact in philanthropy and voluntary action.

We are deeply concerned about suggestions, originating in Congress, that charities fund a substantial share of some of the social programs now financed by the Federal government.

While we would welcome additional tax incentives to stimulate private giving, the increase in gifts they would generate—even by the rosiest projections—would do precious little to offset huge cuts being suggested in the funding of social programs.

SPENDING BY CHARITIES ON SOCIAL PROGRAMS IS ONLY A FRACTION OF GOVERNMENT SPENDING

Government spending on social welfare programs at the federal, state, and local levels totals about $950 billion a year. Charities as a whole—excluding only churches—spend approximately three-eighths the sum of government outlays: about $360 billion.

Since the 1960s, charities and government agencies have often worked as partners in addressing critical social needs. In fact, charities receive roughly 30 percent of their revenues—about $105 billion—from government sources.

If governments were suddenly to stop their funding of social programs through nonprofit charities, the $105 billion cutback would amount to less than one-eighth of total government spending of $950 billion. But if the charities as a result were forced to cut their budgets by $105 billion, it would amount to a drastic nearly one-third reduction in their spending.

Alongside the 30 percent of total revenues that charities receive from government, they receive only 22 percent—about $80 billion—from private contributions. To offset the loss of all their government funding, the charities would have to increase private gifts to 230 percent of present levels. To offset the loss of half their government funding—$52 billion—they would have to increase giving to 165 percent of present levels.

Assuming that government agencies slashed their budgets for direct funding of social programs as well as their $105 billion of indirect funding through charities, the charities would be further burdened in trying to aid former recipients of those direct government services.

CHARITIES WILL NOT BE ABLE TO REPLACE LOST FEDERAL REVENUE AND MEET NEW NEEDS

As for increasing private giving through tax incentives, one major proposal—to restore the charitable deduction for non-itemizing taxpayers—is expected to increase individuals giving by only about $3 billion a year, or less than 5 percent.

Recent trends in charitable giving offer little basis for optimism. Government reports tell us that individual giving from 1963 to 1993 rose an average 2.4 percent, or $2.6 billion, a year after inflation. But between 1988 and 1993 the average annual increase was only 1.2 percent. Including contributions by foundations and corporations and individual bequests as well as gifts of living individuals, the average increase between 1988 and 1993 was still only 1.2 percent.

While the percentage of American households giving to charity has remained steady over the years at close to 75 percent, average household contributions dropped between 1989 and 1993 by a disturbing 23 percent after inflation. Likely reasons were worries about the national economy and personal financial security.

Private foundations, which mostly make grants from their endowment incomes, provide about $10 billion a year to charitable purposes—a relatively small portion of total charity revenues. Moreover, foundations tend to use grants as risk capital to underwrite innovations rather than for general operating purposes. Many must limit their funding to special types of projects.

HIGHER FEES AND DUES WILL PUT CHARITABLE SERVICES BEYOND THE REACH OF THOSE THEY ARE SUPPOSED TO SERVE

Charities receive about 40 percent of their revenues—double what they get from private giving and one-third more than they get from government—through dues, fees, and other charges. Relentlessly rising costs and dwindling government revenues have forced many charities to charge more for services, or start charging for formerly free services.

Charities cannot increase their charges above certain levels, however, without putting their services beyond reach of the very people whose needs they serve. Moreover, in some sectors at least, efforts to begin or expand the sale of related goods and services may encounter complaints from for-profit suppliers claiming unfair competition.

IN SUMMARY

Certainly, charities and their donors will do whatever they possibly can to increase gift revenues and services to compensate for reduced government spending.

But we can only do so much. We cannot begin to do it all.

These are facts of life. We, the undersigned organizations, urge you to take these facts carefully and fully into account in your deliberations, decisions, and votes.

American Arts Alliance, American Association of Museums, American Cancer Society, American Foundation for Vision Awareness, The American Indian College Fund, American Jewish Congress, American Lung Association, American Social Health Association, American Symphony Orchestra League, American Tinnitus Association.

Arrow, Incorporated, Arthritis Foundation, Association for Healthcare Philanthropy, Association of Jesuit Colleges and Universities, Battle Creek Community Foundation, The Boston Foundation, Otto Bremer Foundation, California Association of Nonprofits, Camp Berea, Inc., Camp Fire Boys and Girls.

Cancer Care, Inc., CARIE (Coalition of Advocates for the Rights of the Infirm Elderly), Catholic Health Association, Catholic Social Serivce—Kansas City, KS, Center for Applied Linguistics, Center for Community Change, Chesapeake Bay Foundation, Children's Aid International, Church Women United, The Community Foundation Serving Coastal, S.C.

Compeer Inc., Compton Foundation, Council for Advancement and Support of Education, Dance/USA, Direction Center, Grand Rapids, MI, Donors Forum of Chicago, Epilepsy Foundation of America, Eureka Communities, Evangelical Lutheran Church in America, Maurice Falk Medical Fund.

Families International, General Conference of Seventh Day Adventists, General Federation of Women's Clubs, General Services Foundation, Girls Scouts of the USA, Greater Worcester Community Foundation, Alan Guttmacher Institute, Holland Home, Grand Rapids, MI, Hudson—Webber Foundation, Illinois Association of NonProfit Organizations.

Illinois Literacy Resource Development Center, InterAction, International Primate Protection League, Jewish Community Centers Association of North America, Jewish Federation of Metropolitan Chicago, Harris and Eliza Kempner Fund, Albert Kundstadter Family Foundation, Lakeshore Lung Society, Laubach Literacy, Leukemia Society of America.

March of Dimes, Maryland Association of Nonprofit Organizations, Mental Health Association in Texas, Mercy Medical Airlift, Metropolitan Association for Philanthropy, Minnesota Community College System, Nagle & Associates, National AIDS Fund, National Asian Pacific American Legal Consortium, National Association for Visually Handicapped.

National Association of Homes and Services For Children, National Association of Service and Conservation Corps, National Benevolent Association, National Committee for Responsive Philanthropy, National Committee to Prevent Child Abuse, National Council of Catholic Women, National Council of Churches of Christ in USA, National Council of Jewish Women, National Council of Nonprofit Associations, National Easter Seal Society.

National Humanities Alliance, National Multiple Sclerosis Society, National Neighborhood Coalition, National Resource Defense Council, National Society of Fund Raising Executives, National Wildlife Federation, National Women's Law Center, Native American Rights Fund, NC Center for Nonprofits, New York Regional Association of Grantmakers.

Noble Centers, Inc., Nokomis Foundation, OMB Watch, OPERA America, Options for Independence, The Park Ridge Center for the Study of Health, Faith, and Ethics, People's Place—Milford, DE, The Pittsburgh Foundation, Recording for the Blind, Inc., Research! America.

School for Field Studies, Second Harvest, Stepping Stones-Morgantown, WV, Theatre Communications Group, The Union Institute, United Church of Christ, Office for Church in Society, United Way of Michigan, Warren Village, The Wesleyan Church, Wichita Industries and Services for the Blind.

Women's College Coalition, World Emergency Relief, YMCA of the USA, YWCA of Chemung County, Elmira, NY, YWCA of the USA.

TRIBUTE TO THE LEAGUE OF WOMEN VOTERS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. DINGELL. Mr. Speaker, I am honored to rise today in recognition of the 75th anniversary of one of this Nation's most unique and venerable political institutions—the League of Women Voters. Founded in 1920, 6 months prior to passage of the 19th amendment, the League of Women Voters is dedicated to furthering the active and informed participation by citizens in the democratic process.

Today, the League of Women Voters boasts more than 1,100 chapters and 150,000 members, men and women. The hallmark of this nonpartisan organization, which does not support political parties or their candidates, is its grassroots approach to action. Official policy positions advocated by the league are based upon the collective ideas and opinions of its members. In addition, individual chapters consistently put forward innovative community-based strategies to encourage citizen participation at the local level.

As we look back on many of the most important legislative accomplishments of the past 75 years, it is clear that the involvement of the League of Women Voters has had a lasting impact. Individuals such as Eleanor Roosevelt, who was a very active member of the New York League, have fought on countless occasions for the enactment of measures to improve working conditions for the American worker; ensure that our children are well fed and properly educated; guarantee equal rights for all; strengthen our health care system; and protect our environment for this and future generations.

I am pleased to join with my colleagues in honoring this exceptional organization committed to responsible citizenship. By encouraging the enlightened debate of vital national, State, and local issues, the League of Women Voters has contributed greatly to the representative system of government envisioned by our Founding Fathers.

THE ENERGY EFFICIENCY AND CONSERVATION ACT OF 1995

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. McDERMOTT. Mr. Speaker, today I am introducing the Energy Efficiency and Conservation Act of 1995. This is the same legislation that I introduced in the 103d Congress as H.R. 784.

Energy experts across the Nation recognize conservation as the most environmentally responsible and cost-effective source of energy available today. Under the direction of the Northwest Power Planning Council, the States of Washington, Oregon, Idaho, and Montana are committed to achieving 1,500 megawatts of energy conservation over the next decade. This effort will save enough energy to meet the electricity demands of a city half again as large as Seattle.

This legislation will overturn the Internal Revenue Service practice that discourages private utilities from pursuing the kind of effective conservation programs that are vital to the Nation's energy future. Longstanding IRS policy has allowed electric and gas utilities to deduct from their tax liabilities the costs of their energy conservation programs in the year incurred. However, the Service has begun to pressure private utilities to spread these deductions over a period of several years. The Puget Sound Power & Light Co. estimates that this could reduce its annual conservation expenditures by up to 10 percent. That amount is equivalent to the loss of electricity conserved when 4,500 homes participate in the company's residential weatherization program.

I want to emphasize that this legislation is nothing more than an affirmation of longstanding tax policy, and a rejection of the Service's recent attempts to modify it. Utilities have deducted conservation expenditures in the current year since the beginning of these programs in the 1960's. As recently as 1991, the IRS acknowledged in a technical memorandum that conservation expenditures are, in fact, allowable as a current deduction.

Investor owned utilities are the key to the success of conservation programs across the country. Of the 1,500 megawatts of energy savings the Pacific Northwest has committed to achieve in this decade, over half of that will come from private utilities. I am committed to supporting these companies in this important effort, and this legislation is a vital first step.

CONTRIBUTIONS IN AID OF CONSTRUCTION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I am introducing revenue neutral legislation to reinstate the exclusion from gross income of Contributions In Aid of Construction—known as CIAC—to a water or wastewater utility. Joining me as original cosponsors are Representatives ROBERT MATSUI, RICHARD NEAL, ANDY JACOBS, and WILLIAM JEFFERSON.

Utilities are capital intensive industries. Historically, they have received the capital for the construction of a utility extension directly from new customers—typically through the developer or small municipality. The customer contributes this property, or a cash equivalent, equaling the cost of the extension to the utility. In this manner, existing customers will not face rate increases every time the utility gains new customers.

Prior to enactment of the Tax Reform Act of 1986, CIAC were not included in the gross income of an investor-owned utility and therefore were not subject to Federal income tax. On the other hand, utilities could not take tax depreciation or investment tax credits on CIAC.

The 1986 act repealed Internal Revenue Code section 118(b) and thus forced utilities to include CIAC in gross income and pay Federal income tax on them. Removing the exclusion from gross income of CIAC was intended as a tax on utilities. In practice and by regulation in most States, the CIAC tax is not a tax on utilities, but a tax on utility customers, primarily developers, home buyers, small municipalities, and even the Federal Government.

State utility regulatory bodies, referred to as PUC's, generally require utilities to pass tax costs onto their customers. This is done in one of two ways. The most common approach is to require the new customer to pay the cost of the tax, plus the tax on the tax known as the gross-up. Depending on the State, a gross-up can add as much as 70 percent to a customer's cost of the contribution. Alternatively, the PUC's may allow the utility to recover the tax cost over a period of time from the new rate base.

Whichever method is chosen, utilities do not pay the tax, they pass it on. But passing the tax on has detrimental effects, not only on the utility's ability to bring in new business, but on the environment and—most significantly—on the price of new housing.

A developer ultimately will pass the cost of the CIAC and the gross-up on to the new home buyer. The National Association of Home Builders has estimated that the CIAC tax can increase the cost of new housing by as much as $2,000 per unit. This additional cost is enough to end the dream of homeownership for a young couple.

The CIAC tax also has some important environmental effects. New customers can avoid paying the CIAC tax by building their own independent water systems. This leads to a proliferation of systems that may not have the financial, technical, or managerial ability to comply with the rigorous requirements of the Safe Drinking Water Act. Such systems are referred to as nonviable. According to the EPA, in fiscal year 1990, over 90 percent of the violations of Safe Drinking Water Act were made by systems serving fewer than 3,300 individuals. By encouraging the proliferation of nonviable systems, the CIAC tax frustrates the environmental policy goal of consolidating these systems into exiting, professionally managed systems.

Mr. Speaker, repeal of the tax on CIAC for water and wastewater utilities will have a noticeable effect on both housing prices and environmental policy. It is supported by the National Association of Water Companies, the National Association of Regulatory Utility Commissioners, and the National Association of Home Builders. I urge my colleagues to cosponsor this important legislation.

50TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. GILMAN. Mr. Speaker, I want to take this opportunity to call to the attention of my colleagues the upcoming 50th Anniversary of the Battle of Iwo Jima.

Fifty years ago this month, our American Marines from the Third, Fourth, and Fifth United States Marine Divisions courageously battled in a struggle which lasted 30 days, to capture the Japanese occupied island of Iwo Jima. With over 25,000 American casualties, including over 6,000 killed, the Battle of Iwo Jima was one of the bloodiest battles in all of American history. This Pacific island later provided bases for fighter support for raids over Japan, as well as an emergency landing field for damaged aircraft. It was planned that Iwo Jima would be used as a major launching facility for the Allied invasion of Japan. The invasion, of course, never took place because the atomic bomb brought about a rapid surrender of Japan prior to any invasion being necessary.

However, I can attest from my own personal experience that the capture of Iwo Jima, although extremely dear, resulted in the saving of countless American lives and hastened the end of the war.

Joe Rosenthal's Pulitzer Prize winning photograph of five men raising the American flag on Suribachi summarizes the spirit of the battle. Some authorities believe that this is the most duplicated photograph in all of history. In the classic words of Fleet Admiral Chester Nimitz: "Uncommon Valor Was a Common Virtue".

As a World War II staff sergeant stationed at Guam, I flew many missions over Tokyo. On several of these missions our aircraft was hit by enemy fire. We were forced on several occasions to make emergency landings, and were extremely grateful that the base on Iwo Jima was available to use. If these courageous Marines had not captured this island from Japan, myself and thousands of other American Marines would not have survived.

The capture of Iwo Jima made it possible for the United States to successfully protect bombers flying from Saipan, Tinian, Guam and other points to Japan. The airfields at Iwo Jima provided an important emergency landing field for 2,251 damaged Superforts carrying 24,761 crewmen. Thousands of American veterans, including myself, owe our lives to those who courageously captured the island of Iwo Jima.

Few battles in our history have captured the imagination of the public as has Iwo Jima. Immortalized in movies, novels, and other productions, all Americans are well aware that the name of Iwo Jima is emblazoned forever in the pantheon of glory. Unfortunately, few Americans are aware of why the courage of the Iwo Jima heroes was so significant to all of us.

It is in the spirit of gratitude and patriotism, Mr. Speaker, that I would like to call to the attention of my colleagues a Reunion of Honor for the 50th Anniversary of Iwo Jima. The reunion will take place March 10–16, 1995. The surviving veterans of Iwo Jima, among the greatest heroes in our history, will be returning to Iwo Jima, Guam, and Saipan.

Mr. Speaker, this is an appropriate time to salute the brave dedicated men who fought in the Battle of Iwo Jima.

OPEN FOREIGN CAPITAL MARKETS TO U.S. AIRLINES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. CLINGER. Mr. Speaker, during the three previous Congresses I served as the ranking member of the Aviation Subcommittee. While in that role it became very clear to me that U.S. carriers had tremendous difficulty raising capital to sustain their operations as well as meeting the high cost of acquiring expensive new equipment. Over the past 5 years the commercial air carrier industry has lost $12.5 billion. That number far exceeds all profits earned by the industry since the Wright Brothers first flew.

High taxes, fare wars, burdensome regulations have all taken their toll. A lingering aftereffect of this bloodletting has been an inability on the part of most carriers to attract new capital. One of the biggest problems now facing the airlines is the dearth of available capital. This is a capital intensive industry. One step we can take to help assure their future is to address this capital crisis.

Under current law, foreign investors cannot hold more than a 25 percent stake in the voting stock of a U.S. carrier. The bill I am introducing today would be more favorable to foreign investment while retaining enough discretion with the Secretary of Transportation so that deals that were clearly not in the public interest could still be blocked.

Under my bill, foreign investments below the current 25 percent threshold could continue as before without restriction. Investments above 25 percent would be permitted as long as: first, the key officers and two-thirds of the airline's board of directors would still be U.S. citizens; second, U.S. citizens would still control at least 51 percent of the airline's stock; and third, the Secretary found that the investment would be in the public interest.

The first two requirements are objective standards that should be easy to apply in specific cases and would give some assurance of continued U.S. control. The third requirement, the public interest test, is intended to give continued discretion to the DOT Secretary.

In applying the public interest test, the Secretary is directed to consider seven factors. No one factor is meant to be an absolute bar to the transaction. Rather, the Secretary is to give the proper weight to each factor in each individual case in deciding whether the deal should be consummated.

Under the bill, the Secretary would be expected to look favorably upon an investment that would help a weak carrier survive and effectively compete, that would help preserve U.S. jobs, or that would enhance domestic or international competition.

In addition, the Secretary would consider whether the foreign country would allow a similar investment in one of its airlines. If so, that would be a plus. On the other hand, if the foreign investor was controlled or subsidized by a foreign government, that would be a minus as it could tend to distort competition.

Another factor the Secretary must consider is the issue of foreign control. I share the desire of many of my colleagues to prevent our airlines from falling under the control of foreign nationals. But I am also mindful that a recent GAO report indicated that continuing the current control restrictions would discourage foreign investment and limit the benefits that might otherwise be achieved by this legislation. The issue of foreign control would be one factor among the others mentioned for the Secretary to consider.

The final factor for DOT to consider would be whether the foreign investor's home country has a procompetitive bilateral with the United States. While this is clearly important, it should not be the controlling factor as it seems to have been in recent transactions. Proponents of open skies should keep in mind that more liberal foreign investment rules may be the best way to achieve their goal. Only when the nationality lines of carriers are blurred so that it is not clear which nation is benefiting from a negotiation will some of the protectionist countries be willing to remove their aviation trade barriers and allow free competition on international routes.

In evaluating these factors, the bill gives the Secretary 90 days. A time limit is important so that investors do not have to deal with the uncertainties of Government approved for an unreasonable length of time.

The issue of national security has also been raised with respect to foreign investment. Clearly we do not want an enemy of the United States taking control of one of our airlines. Moreover, our experience with Operation Desert Shield and Desert Storm demonstrated that U.S. carriers play an important role by ferrying troops and supplies to a war zone under the Civil Reserve Air Fleet (CRAF) program. It is important that the viability of this program be preserved.

My bill would address the national security issue by giving the President 30 days to review a DOT-approved foreign investment. The President could disapprove an investment only on national security grounds such as a transaction that would undermine the CRAF program. Limiting the President's authority in this way is similar to his role in the awarding of international routes under section 801 of the Federal Aviation Act. This portion of my bill is patterned after that provision.

Mr. Speaker, I am aware that there are airlines who would like to close the door on foreign investment. Some have already themselves taken advantage of that source of capital and would now deny it to others. Others can still access the U.S. capital markets and would probably be just as happy to see their competitors wither and die.

But I believe they are being short-sighted. The airline industry is becoming increasingly global. I do not think an arbitrary 25 percent limit on foreign investment in U.S. carriers any longer makes sense in a worldwide economy where capital flows freely across borders.

Moreover, it should be noted that foreign investment is nothing new in the airline industry. Several foreign airlines now have substantial financial stakes in U.S. airlines. In addition, there are foreign banks, leasing companies, and other entities that hold debt obligations or other financial interests in our airlines. In some cases, these interests may be substantial. So we have already crossed the bridge on the foreign investment issue. Now it is time to raise the artificial limit on foreign investments in U.S. airline voting stock so that capital can more freely flow to U.S. airlines.

Accordingly, I am pleased to introduce this bill that would allow foreign investment in airlines up to 49 percent. Perhaps some day we can go further. For now I invite my colleagues to join me in supporting this measure.

INTRODUCTION OF THE CLEAN WATER AMENDMENTS OF 1995

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. SHUSTER. Mr. Speaker, with several of my colleagues, I introduce the Clean Water Amendments of 1995.

The bill is based on last year's draft legislation known as the bipartisan alternative. As many of you know, a large coalition of Members of the Public Works and Transportation Committee developed this alternative in response to other Clean Water Act proposals that were either unnecessary or unnecessarily prescriptive. We worked closely with State and local officials and the regulated community to develop the alternative bill.

Original cosponsors of today's bill include some of the key supporters of the bipartisan alternative. We envision adding many more cosponsors after the bill's introduction and after our series of hearings with the Water Resources and Environment Subcommittee of the Transportation and Infrastructure Committee.

Let me emphasize the legislation to be introduced today is only a starting point. It does not represent extensive negotiation among or input from all the key interests to reflect new developments or positions since circulation of the bipartisan alternative last year. Nor is it meant to frame the debate in such a way as to prevent other issues or initiatives from arising. Instead, its purpose is merely to start the debate and to focus testimony and input from Members and interests over the coming weeks.

For example, we anticipate significant revisions to the bill's provisions on unfunded mandates, risk assessment, and cost benefit analysis. We developed these provisions before circulation of the Contract With America, H.R. 5, and other proposals pending in Congress. We will certainly want to revisit some of these issues to reflect more current thinking.

We also anticipate significant revisions to last year's provisions on nonpoint source pollution and stormwater. In fact, Mr. Speaker, some of the provisions could be viewed as unfunded or unfounded mandates. We plan to review more comprehensive proposals to overhaul the programs, remove redtape and unnecessary requirements, and increase flexibility for State and local governments.

With regard to wetlands, we have followed the same approach as in last year's bipartisan alternative: Include as a separate title provisions from H.R 1330, the Comprehensive Wetlands Conservation and Management Act. This, too, is not meant as the final, consensus approach. We anticipate debate over various alternative approaches and revisions. However, we do not expect meaningful debate over the bill's underlying premise: The current section 404 wetlands program is broken and needs to be fixed.

We also anticipate new proposals and initiatives in other areas. For example, we want to maximize flexibility for State and local governments, minimize Federal redtape and command-and-control regulations, and pursue market-based and risk-based approaches to efficient and effective water quality measures. Innovative technologies and pollution prevention efforts, as well as nonregulatory approaches to watershed planning and protection, also offer great promise.

In the area of funding, we expect various proposals and revisions. We all know the value of clean water and the public and private costs in not having it. We also know the Federal Government has an important role in providing and maintaining this Nation's clean and safe drinking water infrastructure. What we don't know at this point is how best to meet those needs when Federal fiscal constraints are greater than ever before. We hope today's bill will serve as a starting point to identify answers in the end.

I urge my colleagues to cosponsor this legislation and to become actively involved in the debate. Congress needs to renew and reform the Clean Water Act this year. The Clean Water Amendments of 1995 will get us started. Let me reiterate again, however, that we are not embracing any particular provisions in the bill. We are simply using today's bill as a starting point. All reasonable suggestions and revisions, both large and small, are on the table for consideration.

INTRODUCTION OF HOME OFFICE DEDUCTION LEGISLATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, today, I am introducing legislation to restore the home office deduction for taxpayers who work out of their homes. I am pleased to note that this measure is included in the Republican Contract With America and, additionally, has been introduced in the other body of Senator ORRIN HATCH—S. 327.

This legislation is made necessary by a 1993 Supreme Court decision, *Commissioner* v. *Soliman* (113 S.Ct. 701), that greatly reduced the availability of the deduction. Previously, home office expenses were deductible if the space in the home was devoted to the "sole and exclusive use" of the office; the taxpayer used no other office of business; and, the business generated enough income to cover the deduction. The Court, in effect, added two additional conditions: the customers of the home-based business must physically visit the home office, and the business revenue must be produced within the home office itself.

Clearly, these requirements are excessive and prior law must be reinstated and clarified. I believe today's bill helps achieve that goal and I look forward to prompt approval of this measure in the Committee on Ways and Means.

150 YEARS OF PUBLIC SERVICE

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. FORBES. Mr. Speaker, this Saturday, February 18, 1995 marks the 150th Annual Greenport Fire Department Celebration. Eastern Long Island is proud of the many years of dedicated service by the 190 volunteers of the Greenport Fire Department, and it is an honor to tell my colleagues in the House about their big day on Saturday. These volunteers are the essence of good citizenship, ready with a helping hand no matter how large the task. Organized in 1845, the department was formed after incorporation of the Village of Greenport and it represents all that is good about Greenport. Today, it is always on call for fires and local disasters. Since the village of Greenport is a waterfront community, the men and women of the department are also well skilled at emergency evacuation. Their selfless work as volunteers has been the backbone of the entire community. The department has held an annual celebration for 150 years, and it includes the inspection of members and equipment, parade, tournament, and firemen's ball.

I take this opportunity to salute the wonderful volunteers of the Greenport Fire Department and extend the respect of the whole community.

TRIBUTE TO SENATOR ROBERT PRESLEY 36TH SENATORIAL DISTRICT—RIVERSIDE, CA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. CALVERT. Mr. Speaker, I take to the floor of the House today to praise a great legislator, a lifelong public servant, a combat veteran, and a personal friend. It may come as a surprise to those listening here in Washington, DC, but I am talking about one man—Senator Robert Presley of Riverside, CA.

Senator Presley represented the 36th State senatorial district of the great State of California. He was first elected to the senate in 1974. To give an idea of the span of his career, I note that I have staff in my office who were just learning to walk then, a first-class stamp cost about 15 cents, and the State budget was at the incredible level of $20 billion.

Having graduated from the FBI Academy, Senator Presley went on to a successful career in law enforcement. He maintained that interest in protecting and serving the public in the senate by concentrating on anticrime legislation, prison construction, and child-protective services. Though that is not all, Mr. Speaker. Bob authored major legislation on clean air, wildlife conservation, toxic-materials control, education reform, attorney discipline, parks and recreation, and domestic violence.

Known as one of the hardest-working legislators, Senator Presley's committee service was comprehensive. He was chairman of the senate appropriations committee and the senate select committee on children and youth. He served on and was chairman of the senate natural resources and wildlife committee. He sat on the judiciary local government and agriculture and water resources committees. He also headed the joint committee on prison construction and operations. Not only did Bob work hard, he worked openly and fairly with all, regardless of party affiliation. He was, and is, interested in the improvement of California as his first, second, and third priorities.

Knowing that the wellspring of leadership is found in the local community, Bob is a member of the Riverside Lions, Elks and Moose lodges, American Legion, Air Force Association, and VFW.

Mr. Speaker, people here in Washington will often be introduced as the member from the "great State of California." Yet, who is it that makes California great? Who is it that makes our State that wonderful place in which we want to raise our families, grow our businesses, build our dreams.

It is citizen leaders like Bob Presley who consistently listen and learn, and then lead our communities to reach their full potential. It is the personal friend who without regard to mere party, will gladly and fruitfully guide younger politicians and community leaders. It is the decorated combat veteran who returns victorious, only to dedicate himself to keeping the peace at home. It is the enlightened legislator who serves his fellow citizens for two decades in the senate. It is Senator Robert Presley, a true original who is worthy of the sincerest form of flattery—imitation. Fortunately, we will still enjoy the expertise and concern of Senator Presley. He is now affiliated with our wonderful University of California, Riverside. We all look forward to working with Bob in this next chapter of his public service.

Thank you Bob for all you've done and the example you've set. All of your neighbors and fellow citizens owe you more than we can say.

VOICE OF AMERICA ANNIVERSARY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. GILMAN. Mr. Speaker, on February 24th the Voice of America begins its 54th year on the world's airwaves. From its first broadcast in 1942—begun with the words "The news may be good; the news may be bad. We shall tell you the truth—through to today, VOA has been a beacon of hope and constant source of reliable information to people around the world.

The past year was no exception. From Rwanda to Haiti, Bosnia to Chechnya, Washington Beijing, and from Northridge to Kobe, the Voice of America was there providing a uniquely American perspective in 47 languages. The year also saw the important new connection of VOA and the Internet.

VOA is still needed as democratization unevenly proceeds in several countries. The world is smaller than ever for those on the information superhighway. While CNN reaches some parts of the world, it does not reach VOA listeners—in places such as Chechnya, Rwanda, Iraq, Iran, Tibet, Nigeria, China, Burma, and North Korea—who don't understand English, have no access to cable or satellite TV, the Internet or fax machines, or for whom democracy remains only a dream.

VOA reaches these people every day, some 100 million each week, in their homes and in their languages. As they have since 1942, these listeners tune in for news of the United States, clear explanations of its policies and information about their own countries. VOA broadcasts are valuable proponents of our democratic values reaching people with the story of America and our own struggle for democracy. These broadcasts are a way to try to promote peaceful solutions through information and bridging of cultures.

Listeners have told VOA that they want practical "how to" advice on grass roots democracy, the free market economy, and the protection of human rights as they nurture their own fledgling democracies. VOA has responded. These are staples of its programming, along with science and health, agriculture, American society and culture, and the enormously popular English teaching programs. And VOA is a promoter of free enterprise, free trade and tourism, in the United States. It reports every day about American products and services.

In an era of turbulence, where the world is torn by ethnic and religious and nationalistic hatred, there is a need for an honest and credible voice of sanity and reason.

At our best that can be our voice. At our best that is the voice of America. I salute the Voice of America as it begins year 54.

CONGRATULATIONS NICHOLE HOLMES, MISS USA SECOND RUNNER-UP

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. POSHARD. Mr. Speaker, I rise today to congratulate Nichole Lynn Holmes of Marion, Illinois. Nichole was named second runner-up in the 1995 Miss USA Pageant which was held in South Padre Island, Texas. One of twelve finalists, Nichole was selected by a panel of celebrity judges from the fields of acting, athletics and psychology. The judges saw what people in Marion have known for years: Nichole is a talented young woman from whom we will hear great things in the future.

Nichole is a graduate of Marion High School, John A. Logan College, and presently attends Southern Illinois University at Carbondale. The people of southern Illinois are proud to have one of the area's best and brightest represent the entire state in this prestigious event. Since being crowned Miss Illinois USA on November 27, 1994, she has been busy fulfilling the duties of her position and preparing for the 1995 Miss USA pageant. Obviously the long hours of preparation and dedication to achieving her goals have paid off for Nichole and her family. She has accomplished this with the continued love and support of her parents, Lynn and Mikie Holmes, who are understandably proud of with Nichole's achievements.

I am honored to represent the Holmes family in Congress and congratulate them for achieving this recognition.

TRIBUTE TO LAUREN A. HOROWITZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an outstanding young woman and a prized constituent, Lauren Horowitz.

Lauren is a student at La Entrada School and recently played the lead role of Diana in the production of "Anne of Green Gables."

This outstanding performance was put on by the California Theatre Center in Sunnyvale—the only child-centered theater program in the region—and exemplifies the very best of what the arts have to offer our young people. Lauren was inspired to pursue her interest in acting by her teachers. Several little girls attending the play were inspired, in turn, by Lauren's ability to bring the role of Diana to life and asked for her autograph—the highest form of appreciation for any artist. By showing succeeding generations of young Americans a productive way to use their talents, energy, and self-discipline, the arts have proven to be a valuable asset for our children, our community, California, and our country.

Mr. Speaker, Lauren Horowitz is a young woman with a bright future ahead of her in whatever profession she may choose. I ask my colleagues to join me in congratulating her for her winning performance and showing all of us the true value of the arts.

DAVIS-BACON ACT REFORM

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. CLAY. Mr Speaker, today I am reintroducing legislation to reform the Davis-Bacon Act. The bill I am introducing is identical to legislation reported by the Committee on Education and Labor in the 103d Congress.

When Government enters the construction industry through federally funded contracts, its monopoly risks skewing this unique market unfairly. Construction wages vary greatly across the country, reflecting differences in communities' cost of living and business environments. The uncertain nature of construction work, however, where employees move constantly from job to job and employer to employer and regularly face periods of unemployment, makes the industry more susceptible to cutthroat business practices than most. The Davis-Bacon Act was enacted in 1931 by a Republican Congress in order to correct a procurement system that otherwise disrupted local employment practices and encouraged the exploitation of workers.

By law, the Federal Government awards contracts on the basis of the lowest qualified bid. Absent the protection of prevailing wage statutes, such as the Davis-Bacon Act and the Service Contract Act, the requirement that contracts be awarded on a low-bid basis, particularly in labor intensive economic sectors such as the construction industry, would inevitably result in contracts being awarded to the contractor bidding the lowest wages. In effect, Government procurement policy would act to undermine locally prevailing labor standards and reward those employers who pay the least to their employees. The Davis-Bacon Act serves the vital function of ensuring that Federal procurement policy does not act to drive down the wages of working Americans.

Opponents of the Davis-Bacon Act have created a number of inaccurate and misleading myths about the law. The most outrageous myth is that minority workers will somehow benefit from repeal. Our colleague from Texas, Mr. DELAY, has contended that repeal of the Davis-Bacon Act will "reduce discrimination against women and minorities that so often occurs within the construction industry." George Will has purported similar nonsense in his column. Mr. Will begins this fabrication by misrepresenting the circumstances that led to enactment of the Davis-Bacon Act, contending the law was enacted "to impede blacks competing for federally funded construction jobs." In fact, the law was supported by and enacted to protect contractors from the exploitative and predatory practices that were driving legitimate contractors out of the Federal construction market. Mr. Will goes on to claim that the law has a "disparate impact disadvantageous to minorities." The plain and simple truth is that the disadvantage under which minorities typically suffer is not that they are paid the prevailing wage, the same money for the same work that most workers receive, but that historically and continually they have been paid less. Implicit in both Mr. Will's and Mr. DELAY'S assumptions are that minority workers are not as productive and therefore not worth the same wages as white, male workers.

The second myth that opponents of the law have perpetuated is that the law requires union wages or somehow protects unions. In fact, the law requires employers to pay the same wages that are found to be prevailing in the local area. A union wage prevails only if most workers in the area are union employees. Seventy-one percent of all wage-based determinations issued by the Department of Labor in 1994 were based on nonunion scales.

The final falsehood being perpetuated by opponents of the Davis-Bacon Act is that repeal is sound Government fiscal policy. As leading construction industry economists have recognized, however, there is a direct correlation between wage levels and productivity. Well-trained workers produce more value per hour than poorly trained workers, low wage workers. Economic studies have demonstrated that construction projects built by undertrained and under-paid workers cost more to build than those using trained workers. Recent studies clearly illustrate the impact that repeal of the Davis-Bacon Act will produce. When Utah's prevailing wage law was repealed, there was a decrease in apprenticeship training, the availability of skilled workers, and a decline in average construction wages. More importantly, lowering the standard of living of American workers by cutting their wages and fringe benefits will not translate to lower costs for any government, be it Federal, State or local.

The legislation I am introducing strikes a balance between two important goals. While retaining the protection the law affords to ensure that the Government policy does not undermine the living standards of our citizens, it also updates and modernizes several provisions of the Davis-Bacon Act, including limiting some of its reporting requirements and raising the coverage threshold. I urge my colleagues to join me in supporting this legislation.

RECOGNITION OF THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. BARRETT of Wisconsin. Mr. Speaker, I am honored today to commemorate the 75th anniversary of the League of Women Voters and to express my pride and appreciation for the organization's work. The league was founded in 1919 by Carrie Chapman Catt, president of the American Women's Suffrage Association, at the organization's final convention.

The league's history actually began in 1948 at Seneca Falls, NY, the site of the first women's rights convention and the beginning of the struggle for women to obtain the right to vote.

As president of the Women's Suffrage Association, Carrie Chapman Catt led the final fight for the 19th amendment. Her brilliant strategy enabled women to receive the right for which they had fought so hard and so long. After 75 years, women won the right to vote.

Ms. Catt is a fitting symbol of the league, which is known for its outstanding research and commitment to keeping voters informed. Voters in my home town of Milwaukee and throughout the country depend on the league's information to make informed voting choices. It is said, "If you have a question, ask a member of the league."

The league continues to keep alive the legacy of Ms. Catt and the thousands of men and women who worked for women's suffrage. In Ms. Catt's words: "Winning the vote is only an opening edge * * * but to learn to use it is a bigger task."

FRIENDS OF BOSNIA

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. OLVER. Mr. Speaker, I rise today to call the attention of my colleagues to the efforts of the people of western Massachusetts to alleviate the suffering of the Bosnian people, who are the victims of a vicious war waged by the last Communist regime in Europe, while the United Nations, European Community, an even the United States Government has stood idly by and engaged in a disgraceful policy of appeasement.

I am very proud to be a part of this community which is reaching out to the people of Bosnia in every way which it can. Friends of Bosnia is a local group which has been active in trying to make people aware of what has happened, to call for greater international action to prevent genocide in Bosnia, and to provide concrete help to the people in Bosnia who have been forced from their homes, or as in Sarajevo, have lived in constant fear of death at the hands of Serbian artillery and sniper fire.

Friends of Bonsia has collected 9 tons of food, clothes, and medical supplies which, working with the Scottish humanitarian group Edinburgh Direct aid, they are attempting to deliver to Sarajevo and Bihac. These cities, as my colleagues may recall, are two of the so-called safe havens which the UN and the international community have promised—and failed miserably—to protect.

This trip is anything but a vacation or a junket. Edinburgh Direct Aid supplies its volunteers with flack jackets and helmets and has suffered sniper fire during a past trip out of Sarajevo. During the time this group has been crossing the countryside of this bitterly divided area, there has remained the possibility that Serbian troops would not allow them entry into the "safe havens." In spite of the danger and the uncertainties, Sharon Webb and Glenn Ruga, cofounders of Friends of Bonsia, are traveling with the caravan in an effort to get the supplies to the people who need it the most.

Mr. Speaker, Edinburgh Direct Aid is today preparing to enter Sarajevo to distribute food and supplies. The 9 tons of food, clothes, and medical supplies from western Massachusetts will be used to meet a small part of the deep need for relief supplies in the safe havens. I am proud of the support from Friends of Bosnia. These efforts remind us of the best America has to offer, as well as the continuing suffering of the people of Bonsia. In contrast to the disgraceful dithering and appeasement of the international community, the efforts of the people of western Massachusetts give me a small measure of hope that we can learn from the past, and better our future.

A SPECIAL TRIBUTE TO BISHOP PHILLIP A. BROOKS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Bishop Phillip A. Brooks. Bishop Brooks, Pastor of the New Saint Paul Tabernacle Church of God in Christ, has touched many lives nationally, locally and personally. Through his commitment to community service his contributions to the State of Michigan have pronounced him one of Detroit's most influential church leaders. He ministers to the poor, the rich, the elderly, the young, the homeless, and the jobless, improving the quality of their lives.

Bishop Brooks will be a guest speaker at Delta College on February 20, 1995 in celebration of African American History Month. He will speak on, "The Impact of the Black Church on Social, Political, and Economic Change—1895–1995," an issue on which Bishop Brooks has had great impact. He will be honored for his contributions to the community of Saginaw, and will be recognized for his contributions to the whole State of Michigan.

Since founding the New Saint Paul Tabernacle Church of God in 1956, Bishop Brooks has reached out to people throughout Michigan. The Bishop helped the St. Paul Tabernacle apply for a Head Start Grant and under his leadership and guidance the New Saint Paul Head Start Agency was bought to life in 1993. As a result of this effort, four satellite centers in West Detroit assist needy families by providing over 340 children with educational instruction and hot meals. The program provides children with almost one third of their nutritional needs.

In order to promote African-American business ownership, Bishop Brooks joined with prominent African-American business and religious leaders to seek half ownership in channel 62, a historically black owned station established in 1975. The African-American community wanted channel 62, which was being sold to CBS, to remain in their hands.

Bishop Brooks is concerned about the spiritual, physical and mental wellbeing of his church, his neighbors, his friends and strangers. The Bishop transformed a 32-year-old building, threatened with destruction, into a first class senior citizen home. Attempts to revive the building by prominent business leaders failed, but under the leadership of Bishop Brooks, a $3.6 million grant was awarded to the group from the Department of Housing and Urban Development. Today, the home provides seniors with a safe and secure living environment.

Bishop Brooks opened his arms to the young by establishing the Grandmont-Rosedale Park Christian Day School in 1990. The school provides a Christian education to students from preschool through 12th grade. Bishop Brooks also operates a private school to train African-American entrepreneurs. Both of these are nonprofit organizations which demonstrate his commitment to education.

Mr. Speaker, as you can see, Bishop Phillip A. Brooks is not just a leader in his church—providing family counseling, tutoring, singles ministry and senior outreach programs for congregation—but in his community and throughout the State. His generous contributions in a society fraught with growing social and economic difficulty should be applauded. I commend Bishop Brooks for his many accomplishments. He has truly made our world a better place.

INTRODUCTION OF BUSINESS MEALS DEDUCTION FAIRNESS LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. NEAL. Mr. Speaker, today Mrs. JOHNSON, Mr. JEFFERSON, and I are introducing legislation which will repeal an unintended tax on hard-working, middle income Americans—truckers, long-haul bus drivers, train conductors, and other people regulated by the Department of Transportation.

The Omnibus Budget Reconciliation Act of 1993 [OBRA] contained a provision which reduced the deductible portion of business meals and entertainment expenses from 80 percent to 50 percent. This legislation would allow employees who are required by Federal law and regulations for safety reasons to make mandatory rest periods away from home. Simply, this legislation restores the deduction to 80 percent for truckers, long-haul bus drivers, train conductors, and others regulated by the Department of Transportation.

When the meals deduction was reduced from 100 percent to 80 percent, the crews of commercial vessels and people working on oil rigs were exempted. The reason for this exemption was that these individuals are required by law to be away from home and "eat out." This reasoning should continue to apply because those required by Federal law and regulations for safety reasons to take mandatory rest benefits away from home should be allowed to deduct these expenses. These meals are for safety reasons, not social reasons.

We need to pass this legislation to correct this tax injustice. This legislation allows the deduction of legitimate expenses required by Federal regulations. These are ordinary and necessary businesses, not lavish or extravagant expenses. I urge you to support this legislation.

SMALL BUSINESS ASSISTANCE ACT OF 1995

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am pleased to introduce today legislation to give small businesses greater incentive through the Internal Revenue Code to purchase equipment and machinery.

Under current law, section 179 of the Tax Code allows a deduction of up to $17,500 for certain depreciable assets used in a trade of business. In view of the enormous costs encountered by businesses in these competitive times, this deduction is far too low.

I have pressed for increases in section 179 expensing for the last several years and believe that, as the cost of productivity-improving devices like machine tools and sophisticated testing equipment grows, the ability to deduct those costs should be enhanced.

My bill is very straightforward in increasing section 179 deductibility to $50,000. Though it probably should be much higher to reflect its job-creating possibilities, its impact on tax revenues is not insignificant and must be dealt with in the Ways and Means Committee. I look forward to prompt action in the committee and trust that my colleagues will consider this measure during the upcoming debate.

77TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 15, 1995

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate the Lithuanian American Council of Lake County, IN, and the Lithuanian community on the 77th anniversary of Lithuanian independence.

The Lithuanian American Council will celebrate Lithuanian independence, which occurred in 1918 as the Lithuanians were freed from the Soviet Union. They will mark this joyous occasion on Sunday, February 19, 1995, at St. Casimir's Church in Gary, IN. Following tradition, the anniversary ceremony will begin with a church service starting at 11:30 a.m. After the church service, the Lithuanian American Council will hold a flag raising ceremony outside of St. Casimir to honor those Lithuanians who pledged their allegiance to independence for their people. The event will then conclude with a dinner in the church hall.

I would like to take this opportunity to commend the Lithuanian American Council of Lake County's officers, including: Vincent J. Gumulauskis, who has been president for 3 years; Pete D. Auksel and Casimir Balt, both of whom are vice presidents; Birute Vilutis, secretary; and Walter Ruzga, treasurer. Allow me to also commend the board of directors, whose members include Rev. Ignatius Urbonas, Aleksas Degutis, Alex Navardauskas, Dan Pauls, Frank Petrites, Brone Tampauskas, and Izidorius Tavaras. Finally, I would like to commend every member of the Lithuanian American Council for the loyalty and enthusiasm they have displayed toward their ethnicity.

The Lithuanian American Council of Lake County, IN is a branch of the Lithuanian American Council. It was founded in 1940 and originated in large cities such as Boston, Chicago, and New York. The organization in Lake County initially was headquartered at St. Francis in East Chicago, IN, until recently when the building was demolished. The organization was then moved to St. Casimir where its home is today.

It is my sincere hope that 1995 will bring renewed prosperity for all members of the Lithuanian community and their families. May this 77th anniversary celebration prove to be a most joyous occasion.

JESSIE WILLIAMS PRIDDLE

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. EMERSON. Mr. Speaker, there are so many who serve on Capitol Hill who contribute to the fabric of what this place is, but who never receive a great deal of public attention or acclaim.

For 18 years Jessie Williams Priddle, remembered by most of us as "Miss Williams," taught English in the Page School at the Library of Congress. Several of us serving here now, who had the privilege of having been pages in the House in our youth, have fond memories of Miss Williams as one who left a positive, good, and enduring mark on our lives.

She was a terrific teacher and had a sparkly personality, and was one of those teachers you never forget because she made it all so interesting.

Miss Williams passed away several days ago. She had a long and fruitful life and touched so well and favorably so many people, especially her students.

Her nephew, Paul Hays, the House Reading Clerk, has shared with me a brief biography of Miss Williams, which I in turn wish to share for the benefit of her former students and all who knew her.

JESSIE WILLIAMS PRIDDLE

Jessie Lutetia Williams Priddle, 90, a former teacher at the Capitol Page School, died February 4 of heart and lung ailments at an Alexandria nursing home. Born in Hutchinson, KS, she attended public schools there, graduated from Southwestern College in Winfield, KS, and earned a masters degree in education from Columbia University.

She taught in elementary and secondary schools in Kansas and New York, and worked for the United Nations Works and Relief Agency [UNWRA] following the Second World War.

She moved to Washington in 1948, and with the exception of 1 year, taught English at the Page School in the Library of Congress until her retirement in 1967. Among her many students over the years were BILL EMERSON, PAUL KANJORSKI, JIM KOLBE, and TOM DAVIS among sitting Members, as well as former Members Bob Bauman and Doug Bosco, and the former Clerk of the House, Donn Anderson. She was granted a Fulbright fellowship for the 1955–56 school year to teach English as a foreign language in the southern Netherlands towns of Goes and Middelburg.

During her teaching years in Washington she was an active member of the National Presbyterian Church, singing regularly in its choir, and played violin with the Washington Civic Orchestra.

After her retirement from the Page School, she donated one semester of service as a visiting professor of English at her alma mater, Southwestern College. At the end of the semester the college hired her for the balance of the school year.

Returning to Washington in 1968, she became active in the D.C. League of Republican Woman. She recalled her election to the league's board as having been the result of the organization's desire for some "younger" officers. She also volunteered in the local Daughters of the American Revolution chapter's program of teaching English to the predominantly Spanish-speaking foreign nurses in several local hospitals.

In 1973, she married Horley Priddle, a high school classmate with whom she had renewed her acquaintance at their class 50th reunion the previous summer. It was her first marriage. They traveled together widely, including an around-the-world tour shortly after their marriage.

Mr. Priddle died last July. She is survived by several nieces and nephews, including Paul Hays, the House Reading Clerk. Private services were held on February 11 in Clarksville, TN.

TRIBUTE TO BRYAN WITTMAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. QUINN. Mr. Speaker, I rise today in recognition of Mr. Bryan Wittman of Hamburg, NY.

It gives me great joy to share with everyone in the Congress the outstanding achievements of one of my constituents. Bryan is the son of Mrs. Norma Wittman of North Hampton Brook Drive.

Bryan, a native of my hometown of Hamburg, NY, attended St. Peter and Paul Grade School and St. Francis High School. He graduated from Ashland University with a bachelor of arts degree in radio and television.

Bryan began his career in 1976 for the Erie County Fair and as entertainment director of the Darien Lake Theme Park in New York. He then moved on to become promotions director for the Ice Capades.

In 1985 Bryan began his adventure with Disney. While serving as manager of advertising and promotions for Marriott's Great America Theme Park in Chicago, IL, Wittman was recruited to Disney World in Orlando, FL, as senior promotions representative. In 1988 he was relocated to Disneyland in Anaheim, CA, where he became manager of promotions.

Continuing in his career advancement in 1991, Bryan became director of marketing for Disney.

As of February 2, 1995, he has been promoted to vice president for promotions, publicity, and special events.

Bryan's energy and imagination have been praised by Disney executives as his hard work and abundant successes are a testament to his strong character.

Speaking as a President of western New York, and as a Member of Congress, I applaud the outstanding accomplishments of Bryan Wittman.

THE MISSING SERVICE PERSONNEL ACT OF 1995, H.R. 945

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 15, 1995

Mr. GILMAN. Mr. Speaker, today I rise to introduce the Missing Service Personnel Act of 1995, an important bill for those who care deeply about the POW/MIA issue.

This legislation will make important changes to sections 555 and 556 of the Missing Service Personnel Act of 1942 by reforming the Department of Defense's process for determining whether any member of the Armed Forces should be listed as missing in action. In so doing this bill will unveil the curtain of secrecy which currently surrounds any DOD decision concerning a person's status as missing in action.

Mr. Speaker, legislation pertaining to those missing in action have not changed over the past 50 years. As all of us who care dearly about this important issue know, the Department of Defense and the U.S. Government have been continually criticized for their handling of the POW/MIA issue since the Vietnam war. Accordingly, the time has come to make appropriate corrections in how the Government determines who in the Armed Forces should be classified as missing in action.

The bill I am introducing today will, in turn, ensure fairness to all concerned by involving family members, requiring legal representation, and by permitting Federal court review of all determinations. These significant changes will ensure that no soldier or sailor, currently listed as missing in action, will be declared dead without a full and fair review of all available evidence and until all possible considerations have been examined.

Accordingly, I urge my colleagues who share their concern with the POW/MIA issue to support this important and fair legislation. This legislation is supported by the American Legion, by the Vietnam Veterans of America, the National Alliance of Families, and other POW/MIA organizations.

Mr. Speaker, I am submitting supporting letters from these organizations to be printed in the RECORD following by statement.

THE AMERICAN LEGION,
Washington, DC, February 1, 1995.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE GILMAN: The American Legion is extremely appreciative of your past efforts and actions to obtain the fullest possible accounting of American prisoners of war and those missing in action from previous conflicts and the Cold War. We are pleased to hear that you are again leading an effort to introduce legislation that will go even further toward addressing the plight of the missing and the concerns of their families.

The American Legion has supported the POW/MIA issue as a matter of the highest priority for many years. Your sponsorship of such a bill is significant for all who served in the past, those who now serve and those who will serve in the future. It also comes at a time when concern for our missing is becoming obscured by potentially lucrative business contacts with former adversaries. We must not let those who are missing be forgotten.

We recognize that the families of the missing and other veterans organizations have pertinent and valid views that may be considered for incorporation into any legislation dealing with the missing. It is also the opinion of the Legion that it is most imperative a bill be introduced as soon as possible on this issue.

The American Legion believes such legislation will provide a more equitable basis for making status determinations for all who are missing, and those who may be captured or otherwise become missing in future military operations.

Sincerely,

JOHN F. SOMMER, JR.,
Executive Director.

VIETNAM VETERANS OF AMERICA, INC.,
Washington, DC, February 6, 1995.

Hon. BENJAMIN A. GILMAN,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILMAN: Vietnam Veterans of America (VVA) salutes you for introducing "the Missing Service Personnel Act of 1995." VVA's Board of Directors voted unanimously to put the full force of our organization in support of this legislation.

No group of veterans knows more about how divisive and bitter the unsettled questions about the fate of missing-in-action military personnel can be. Had such a law been in place during the Vietnam War, many of the over 2,200 unresolved POW/MIA cases would have been resolved long ago, and their families allowed a sense of closure and dignity for the loss of their loved ones.

Because the Missing Service Personnel Act of 1995 would spell out in law a procedure for handling the very delicate question of how and when a member of the Armed Forces considered missing in action can be declared legally dead, we believe this legislation will correct mistakes realized in past wars. Although the new procedure could take a year, it is a relatively short time compared to the decades of uncertainty MIA families have experienced in the past. We believe the process is not excessively complex, and does not create undue burdens upon the Department of Defense. Most importantly, families would know what to expect and would be spared years of turmoil and pain.

Quick action on the Missing Service Personnel Act of 1995 will assure that the men and women of our nation's Armed Forces will not be subjected to the mistakes of the past. Vietnam Veterans of America will lobby actively in support of this bill, and we appreciate your introducing it.

Sincerely,

JAMES L. BRAZEE, JR.,
President.

N.Y. STATE POW/MIA
ACTION GROUP,
Utica, NY, January 20, 1995.

Re letter of support for your introduction of the Missing Service Personnel Act of 1995.

Hon. BENJAMIN A. GILMAN,
Chairman, International Relations, Washington, DC.
Representative SUSAN MOLINARI,
Representative LEE HAMILTON,
Representative KAREN THURMAN.

DEAR REPRESENTATIVES GILMAN; MOLINARI; HAMILTON; and THURMAN: On behalf of the members and supporters of the N.Y. State POW/MIA Action Group, I extend to you all our profound gratitude for your bipartisan sponsorship and cosponsorship, of the Missing Service Personnel Act of 1995.

This Act is both long overdue, and well crafted. The MIA and their families deserve the peace of mind, and respect, that the Act provides.

Our support for this legislation is longstanding and we look forward to the entire New York State delegation's support, if not cosponsorship, for the Act.

We stand ready to assist you in your efforts on behalf of the Act, and hope and expect swift passage of this most important legislation. Thank you again.

MR. JOSEPH AMEROSA,
President.

AMERICAN DEFENSE INSTITUTE,
January 19, 1995.

Hon. BENJAMIN A. GILMAN,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN GILMAN: The Missing Service Personnel Act of 1995 is the most important piece of legislation written to comprehensively protect service members from wars past and future. Passage of this legislation, which you, Senator Dole, and Senator Lautenbery are sponsoring in the House and the Senate, will protect the service member's legal status from arbitrarily being changed from POW to MIA to "presumptive finding of death." This measure will also permit families to be better informed and give them authority to challenge adverse decisions in court.

Congressman, I want to thank you for introducing this bill, which is near and dear to my heart. I have personally seen many friends from years past "written off" by our government, despite their families' objections. You have performed a valuable service to the families of our missing men and to those members of the armed forces who are or will be missing in action. This bill has my full support.

Sincerely,

EUGENE "RED" MCDANIEL,
CAPT, USN (Ret).

VIETNOW,
Rockford, IL, December 23, 1994.

Hon. BENJAMIN A. GILMAN,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: We, as Veterans of the Armed Forces of the United States of America, realize the importance and the immediate need for "The Missing Service Personnel Act," which is long over due.

The practice of changing the classification of those listed as Prisoner of War or Missing In Action to Killed In Action based on the presumption of death, due solely to the passage of time, is an outrage! In the proposed "Missing Service Personnel Act," "conclusive proof of death" is required to be established and based upon evidence that death is the only plausible explanation for the absence of the missing person.

Important provisions of this legislation, are the inclusion of family members in the review process, their access to information gained during the investigation and a set time frame for the review process.

Passage of the "Missing Service Personnel Act" is vital and will restore a sense of confidence not only to those effected by previous wars, but to those who may become Prisoner Of War or listed as Missing In Action as a result of future wars.

Congressman Gilman, we thank you for your support and would encourage you to re-introduce the "Missing Service Personnel Act" as one of the first items to be introduced before the House Of Representatives of the 104th Congress.

Sincerely,

RICH TEAGUE,
ViewNow National POW/MIA Chairman.

MARINE CORPS LEAGUE,
January 20, 1995.

Hon. BENJAMIN GILMAN,
International Relations, Rayburn HOB, Washington, DC.
Representative SUSAN MOLINARI.
Representative LEE HAMILTON.
Representative KAREN THURMAN.

Re: Support for the Missing Service Personnel Act of 1995

DEAR MEMBERS GILMAN, MOLINARI, HAMILTON, and THURMAN: The Marines and Auxiliary of the Department of New York, want to make clear our deep and widespread thanks to you all for your introduction of the Act of 1995. Individually, you are to be congratulated for your vision and courage to address this element of the POW/MIA issue.

We are aware of all the work put into developing the language of this bill and salute you for an excellent piece of legislation. This Act of 1995, must pass as introduced. We also recognize the work by staff and veteran and POW/MIA organizations.

On behalf of those who have worn the uniform of the United States, those who wear it today, and those who will wear it in the future, and their families, may I express my sincere gratitude for the introduction of the Act of 1995, and your efforts to secure passage. We stand ready to assist you in this effort.

Yours truly,

JOSEPH WISE,
Commandant.

TASK FORCE OMEGA INC.,
Glendale, AZ, January 10, 1995.

Hon. BENJAMIN A. GILMAN,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: The purpose of this letter is to thank you for agreeing to re-introduce The Missing Service Personnel Act in the House of Representatives and to encourage you, in the strongest possible terms, to introduce the bill early this legislative year.

I am the father of an Air Force pilot, Lt. Col. Earl P. Hopper, Jr. who became Missing in Action in North Vietnam on 10 January 1968—27 years ago this day. Statements of pilots who were escorting him and his crippled aircraft out of North Vietnam towards Laos verify that he safely ejected from his aircraft and was alive when he reached the ground. There is other information to support the fact that my son survived his incident and was captured to become a Prisoner of War. In fact, a three-man Commission of the Department of Justice reviewed my son's case in 1982 and ruled that he was captured and was a Prisoner of War based upon information provided by it by the United States Air Force and other Government agencies.

I gave 30 years of my life to my country in the United States Army. I am a veteran of World War II, Korea and Vietnam. Until I became involved actively in the POW-MIA issue upon my retirement in November 1969, I had never witnessed the military services nor the United States Government treat its service men and women, and their families, in such a blatant—and openly perfidious—manner as they have the Prisoners of War and Missing in Action of the Vietnam War.

In February 1980 I represented my son before a Status Review Hearing Board at Randolph Air Force Base, Texas. In order to represent my son at this hearing, I had to pay for the travel, meals and lodging for my civilian attorney, my wife and myself. Across the table I faced three Air Force Colonels, each of whom had set on a minimum of twelve previous Status Review Boards. In each of the previous Status Review Board hearings in which these Colonels participated, each of them voted in favor of changing the man's status from a living category of Prisoner of War or Missing in Action to a deceased category of Killed in Action. Interestingly, in every status review case, none of the Colonels ever voted to keep the man in a POW-MIA status. In each of the hearings, including my son's, there was never any presentation of "proof of death" by the Air Force.

In my son's case, it is a matter of record that classified documents/information were provided to the three Board members, but neither I nor my attorney were allowed to see them. This was also true at those Status Review Board hearings held by the other branches of the service.

The ruse of the military services to have Status Review Board hearings was simply to meet the minimal requirements set down by the First Federal District Court of New York in 1975 when it ruled that the old Missing Persons Act of 1942 was unconstitutional—both on its face and in the manner in which it was being implemented by the military services. The burden to prove a man is alive rested upon the shoulders of the primary next of kin of the POW-MIA. There is no requirement, under the old act, to force the military service to prove the individual is dead before his status is changed to Killed in Action. This action constitutes a procedure wherein an individual is legally dead but could very well be physically alive—a major violation of the individual Prisoner of War or Missing Person's civil rights.

Further, the old law does not provide the next of kin the right to appeal an adverse ruling by the military services. This violates the principle used in the civilian justice system, therefore the 1942 Act is prejudiced against the POW-MIAs (a living category) and their next of kin.

The manner in which the military services have administered the Missing Persons Act of 1942, and the Act itself, is arbitrary, capricious and very biased against the missing Serviceman. In each case, without exception, the Status Review Boards have recommended a change of status for each and every one of the POWs and MIAs from the Vietnam War. (Note: One man was maintained in a POW status by the direction of the Secretary of the Air Force only for "symbolic" purposes after the review board recommended a change in his status.) These decisions were made with complete disregard of the great volume of intelligence available to—and presented to—the Review Boards before and during these individual hearings.

Your bill, The Missing Service Personnel Act, allows all of the direct next of kin, wives, mothers, fathers, brothers, sisters, sons, and daughters the rightful access to government information and intelligence which it receives on their respective loved one. This is only correct and logical since each of the principal relatives has the right to know and to receive information on their family member as well as the privilege—and responsibility—to seek that knowledge.

The bill also brings into line the protection of the civil rights of a military person equal to that provided to civilian citizens of the United States. The Missing Persons Act of 1942 does not provide that protection, therefore it is unconstitutional and must be changed.

I can safely say that this bill, and its counterpart in the United States Senate, would be enthusiastically supported by a vast majority of the POW-MIA families. I also can safely state that a large majority of the veterans of this country would support these Bills.

Rescinding the old law and the passage of a new one by Congress would not only right a wrong which has hovered over the heads of military personnel since 1942, but would also provide an assurance that the rights of a serviceman or woman would be equal to that granted to the civilian citizens of the United States.

In view of the above, Congressman Gilman, again I strongly urge you to re-introduce The Missing Service Personnel Act in the House of Representatives.

Respectfully,

EARL P. HOPPER, Sr.,
Colonel, United States Army, Retired.

LIVE POW LOBBY OF AMERICA,
Stewartstown, PA, December 21, 1994.

Re the Missing Service Personnel Act.

Representative BEN GILMAN (NY),
Longworth HOB, Washington, DC.

DEAR MR. GILMAN, I understand that you are prepared to introduce in 1995, The Missing Service Personnel Act. My organization completely and 100% supports and induces The Missing Service Personnel Act, as we are a membership advocacy group, for a full accounting of the POWs, who were captured alive, but not released or accounted-for. Our 3,000 members, all, have asked me to forward this letter to request your help in changing the way in which we declare dead the once captured prisoner cases.

The 83 U.S. Senators signed a letter to the Postmaster General requesting that he have a POW/MIA POSTAGE STAMP approved and issued by May 1995—Memorial day. And, several veterans groups, MIA family groups and POW/MIA advocacy groups have asked that a POW/MIA POSTAGE STAMP be issued.

The current Administration and the Department of Defense have made the accounting for the POW/MIA's a matter of the Highest National Priority and are committed to all efforts of show the American voters—that not all of the Americans who went missing, are yet accounted-for. The Department of Defense employs over 250 people, who work full time on trying to find missing Americans, lost in wars. The Russians and Americans have set up a task force that is working to find missing Americans, who after capture, ended up in the old Soviet Union. There are about 2,200 from Vietnam, 8,100 from Korea and 76,000 from WWII who are still missing—all who have been declared dead under an old out dated process. To honor the price POWs paid for freedom and their country, a more effective way of changing their status needs to be approved. Please feel free to share the Live POW Lobby of America's views with other Congressmen and Senators, so that they might take our views into consideration in support of this bill.

Sincerely,

MICHAEL VAN ATTA,
Chairman.

ALLENTOWN, PA,
February 2, 1995.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE GILMAN: Thank you for your support of the Missing Service Personnel Act of 1995. I believe that this important legislation will greatly improve the availability of information to the families of our M.I.A.'s both in the past and in the future.

We, as a government, owe to our armed forces the knowledge that any and all information on an M.I.A. will be communicated to that person's family. I urge you to please bring this bill to the House floor for a vote as soon as possible.

Sincerely,

DAVID E. BEGLEY,
U.S.M.C., Bien Hoa V.N. 1972.

GEOFFREY BRUEN,
Easton, PA, February 1, 1995.

Hon. BENJAMIN A. GILMAN,
U.S. House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE GILMAN: It is with great relief and pleasure that I write this short letter to you sir.

I want to thank you for being a champion to our cause and supporting the "Missing Service Personnel Act of 1995". Without you and your help to introduce this important bill, it might have gone by the wayside.

As a member of a Viet Nam Veterans Organization in Pennsylvania, I would like to extend our heartfelt thanks and gratitude on behalf of all of us.

God bless you.

Sincerely yours,

GEOFFREY BRUEN.

TASK FORCE OMEGA OF COLORADO,
Colorado Springs, CO, January 31, 1995.

Hon. BENJAMIN A. GILMAN,
Chairman, International Relations, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN GILMAN: The membership of Task Force Omega of Colorado is made up of veterans, family members of those still listed as missing in action during the Vietnam War, and concerned citizens. Many of the members live in the Colorado Springs area, home of the U.S. Air Force Academy, Ft. Carson Army Base, Peterson Air Force Base and U.S. Space Command and the North American Air Defense Command (NORAD).

Your efforts introducing the "Missing Service Personnel Act" to the 104th Congress are most appreciated by all of us here. We are proud of our men and women who currently serve in the military and want to see their rights protected, if ever any of them goes missing in defense of our Country.

The provisions of this piece of legislation will guarantee them their individual rights as members of this Nation's military force and as citizens of the United States of America. We applaud your diligence and express our gratitude for the work accomplished by you and your staff on this critical bill.

Thank you, congressman Gilman.

Very truly yours,

DAWN D. LINDSEY,
Chairman.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 16, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 17

10:00 a.m.

Commission on Security and Cooperation in Europe Briefing to assess the goals of United States assistance to Central and Eastern Europe and the New Independent States of the former Soviet Union.

2200 Rayburn Building

FEBRUARY 22

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Corporation for National and Community Service, the Selective Service System, the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.

SD–138

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Ryan White Care Act of 1990.

SD–430

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the state of the Federal Reserve System.

SD–106

FEBRUARY 23

9:30 a.m.

Armed Services

To resume hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on the military strategies and operational requirements of the unified commands.

SR–222

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the National Foundation on the Arts and Humanities Act of 1965.

SD–430

2:00 p.m.

Indian Affairs

To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.

SR–485

FEBRUARY 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the American Battle Monuments Commission, and Cemeterial Expenses, Army.

SD–138

FEBRUARY 28

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service.

SD–116

MARCH 1

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Arts.

SD–192

Governmental Affairs

To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.

SD–342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Commodity Futures Trading Commission, Farm Credit Administration, and the Food and Drug Administration of the Department of Health and Human Services.

SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of State.

S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Humanities.

SD–192

MARCH 2

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.

SD–192

MARCH 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation-Inspector General.

SD–138

MARCH 6

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Office of National Drug Control Policy.

SD–192

MARCH 7

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.

345 Cannon Building

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Commerce.

S–146, Capitol

Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.

SR–485

MARCH 8

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Geological Survey, Department of the Interior.

SD–116

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.

SD–342

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for rural economic and community development services of the Department of Agriculture.

SD–138

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.

SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Secret Service, Federal Law Enforcement Training Center, and the Financial Crimes Enforcement Network, Department of the Treasury.

SD–192

MARCH 10

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Science Foundation, and the Office of Science and Technology Policy.

SD–138

MARCH 15

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.

SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.

Room to be announced

MARCH 16

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice.

S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.

SD–192

MARCH 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD–138

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.

SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).

SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.

SD–192

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.

SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.

SD–138

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116

MARCH 29

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

MARCH 31

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

APRIL 6

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–192

HOUSE OF REPRESENTATIVES—*Thursday, February 16, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. LAHOOD].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
February 16, 1995.

I hereby designate the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, of the force of the words we say and the power of the statements that we make. May our expressions reflect the truth of what we mean and the reality of what we are endeavoring to communicate. Above all else, may what we say make a contribution to the common good and elevate all conversation to a level of respect and mutual consideration, so that our words bring harmony and understanding and healing and always reveal that we are Your people created by Your image. Bless us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from New York [Mr. QUINN] will lead the membership in the Pledge of Allegiance.

Mr. QUINN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ORDER OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 7 in the Committee of the Whole, subject to the 10-hour limitation on debate, the following amendments be considered in the following order, with these amendments and all amendments thereto debatable for the time specified, equally divided and controlled by the proponent and Member opposed:

In title I, the McHale amendment, No. 47, for 2 minutes; in title III, the Hefley amendment, No. 5, for 10 minutes; the Harman amendment, No. 1, or the Menendez amendment, No. 2, for 16 minutes; in title IV, the Leach amendment, No. 32, for 20 minutes; in title V, amendments No. 13, 21, 24, 30, or 33, or germane modifications of one of those amendments for 36 minutes; the Johnson amendment, No. 31, for 5 minutes; the Traficant amendment, No. 49, for 5 minutes; in title VI, the Durbin amendment, No. 22, or the Gilman amendment, No. 23, for 10 minutes; the Bateman amendment, No. 8, for 3 minutes; the Torricelli amendment, No. 48, or amendments Nos. 28 or 43 for 36 minutes; the Skelton amendment, No. 7, or the Spratt amendment, No. 42, for 2 minutes; the Engel amendment, as modified, for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ADDITIONAL DEBATE TIME DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. VOLKMER. Mr. Speaker, I have a unanimous-consent request.

The SPEAKER pro tempore. The gentleman will state the unanimous-consent request.

Mr. VOLKMER. The unanimous-consent request is that the leader of both sides, Republican and Democratic leaders, be allowed 3 minutes each for debate on H.R. 7.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I am taking the time to ask the gentleman if he could spell it out for us. Is that for debate purposes only?

Mr. VOLKMER. Yes. I said, for debate only.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Notwithstanding the time limitation?

Mr. BERMAN. Reserving the right to object, Mr. Speaker, I have one question. I assume this is not within the 10-hour limit?

Mr. VOLKMER. If the gentleman will yield, Mr. Speaker, that is correct. This is in addition to the other time. It does not come out of the time.

Mr. BERMAN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7.

□ 0905

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 15, 1995, the amendment offered by the gentleman from Missouri [Mr. SKELTON], as amended, had been disposed of, and the bill was open for amendment at any point.

Three hours and fifty minutes remain for consideration of amendments under the 5-minute rule, pursuant to the order of the House today.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. MCHALE

Mr. MCHALE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MCHALE: Page 9, after line 21, insert the following new paragraph (and redesignate the succeeding paragraphs accordingly):

(2) to provide for sufficient forces to meet the national security strategy of using forward-deployed and forward-based forces to promote regional stability, deter aggression, improve joint/combined operations among United States forces and allies, and ensure timely crisis response:

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MCHALE] will be recognized for 1 minute, and a Member opposed will be recognized for 1 minute.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Chair recognizes the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Mr. Chairman, I yield myself the 1 minute.

My hope is there is no Member opposed.

This amendment is being offered with the consent and approval of the leadership on both sides. I particularly want to thank the chairman of the committee, the gentleman from South Carolina [Mr. SPENCE], for his agreement in allowing me to offer this amendment. I also want to emphasize, Mr. Chairman, that I offer this amendment with my good friend and colleague, the gentlewoman from Florida [Mrs. FOWLER], because on this issue, she and I absolutely see eye to eye.

Mr. Chairman, it was President Kennedy who said only when our strength is sufficient beyond doubt can we be certain beyond doubt that it will never be employed. This amendment simply says that we guarantee to particularly our naval forces the military resources necessary for peacetime deployment so that when a crisis occurs, when our Nation must quickly deploy forces into a combat theater, that the U.S. Navy and embarked forces will have the opportunity for crisis response. That is what the Navy typically does during peacetime.

Mr. Chairman, I yield back the balance of my time, and suggest perhaps a few comments from my colleague, the gentlewoman from Florida [Mrs. FOWLER], would be appropriate at this time.

The CHAIRMAN. Does any Member seek the 1 minute in opposition?

Hearing none, the Chair recognizes the gentlewoman from Florida [Mrs. FOWLER] for 1 minute.

Mrs. FOWLER. Mr. Chairman, I yield myself the 1 minute.

Mr. Chairman, I am pleased to cosponsor this amendment with my colleague, the gentleman from Pennsylvania [Mr. MCHALE].

As he stated, this just puts into this bill the policy that in order to provide sufficient forces to meet our national security strategy of using forward-deployed and forward-based forces to promote regional stability, that it is very important that we have this policy in our bill, because this is what our U.S. Navy does, and we want to make sure that this language is spelled out clearly in this bill.

I am pleased to be a cosponsor with my colleague, the gentleman from Pennsylvania [Mr. MCHALE].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MCHALE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment. It is amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Strike out section 309 (page 21, lines 19 through 22) and insert the following:

SEC. 309. FUNDING.

Funds for the activities of the Commission shall be made available to the Commission by the Secretary of Defense from funds appropriated for activities of the Office of the Secretary of Defense.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we marked up this bill in the National Security Committee, I had concerns about spending additional money on a commission. I did not want an additional $1.5 million being taken away from our troops.

The chairman of our committee, the gentleman from South Carolina [Mr. SPENCE], and his staff have worked diligently to calm my fears.

My amendment would simply state that the commission shall be paid for by funds appropriated for the Office of Secretary of Defense. This is appropriate since the Office of the Secretary of Defense is the one that generally has money to do studies of various kinds. It is also appropriate because these funds will not be coming out of training or readiness accounts, and I think that is the real key, Mr. Chairman, is that we do not want this money coming out of the hides of our fighting forces as we prepare them to meet whatever contingency is out there.

So we are asking that this come out of the Office of the Secretary of Defense. It is my understanding that the chairman is willing to accept this amendment, and I would ask support for the Hefley amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone seek recognition in opposition?

Ms. HARMAN. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from California [Ms. HARMAN] for 5 minutes.

Ms. HARMAN. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the Hefley amendment.

First, let me thank my colleague for supporting an amendment I offered in the National Security Committee to strike the entire commission including its funding. I think that is the way to go, and in just a few minutes, my colleague, the gentleman from New Jersey [Mr. MENENDEZ], and I will offer an amendment again to do that.

I think the gentleman from Colorado [Mr. HEFLEY] is correct in pointing out the $1.5 million that would be appropriated for this commission should not come from new funds, nor should it come from existing funds. We should not spend it.

I am a supporter of the balanced budget amendment, as is he, and it is time to get serious about cutting out unnecessary funding. This is a point I made last night, too, as we made the difficult balance between more funds for national missile defense and readiness.

There is no free lunch, Mr. Chairman, and unfortunately this amendment would seem to be asking for one.

Mr. SKELTON. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Missouri.

Mr. SKELTON. I would like to again speak for the troops: $1.5 million will take care of a lot of taking care of their homes, their roofs, their refrigerators, the bathrooms, the quality of life. It will take care of a lot of ammunition for them to shoot on the rifle range. I think this is really a usurpation of our job here. The Constitution tells us we are in charge, not a commission.

I speak for the troops again.

Ms. HARMAN. I appreciate that. Mr. Chairman, I yield to my colleague, the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. I thank the gentlewoman for yielding.

I, too, oppose the Hefley amendment. I think it is an obvious attempt to try to deflect from the upcoming amendment that the gentlewoman from California [Ms. HARMAN] and I are offering. The fact of the matter is $1.5 million out of the taxpayers' money, wherever you do it, is still $1.5 million out of the taxpayers' money, and it goes and flies against the spirit of the contract.

If you are for smaller government, you do not add another commission. If you are for less bureaucracy, you do not add another commission. If you are for less spending, you do not add another commission.

And so when we have the entire resources of the Congress, all the committees that review it, and ultimately the bottom-up review that has been had, the last thing we need to do is to continue to add another layer of bureaucracy, another $1.5 million.

You can shift the costs. You can shift the costs, but ultimately it is coming out of the average taxpayer's pocket.

Vote against the Hefley amendment.

Ms. HARMAN. Reclaiming my remaining time, I will just say this, let us balance the budget. Let us vote "no" on the Hefley amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I would just, in response, point out that if the Office of the Secretary of

Defense has $5 million to buy Korean oil, they can certainly have the money to do this.

I think the question which we will be debating in a few minutes of whether or not the commission is appropriate is a different question.

Mr. Chairman, I yield to my friend, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding to me.

I think he made an interesting statement there with respect to Korean oil. It is my understanding we did make this major Korean oil purchase out of the purse, if you will, of the Office of the Secretary of Defense. It is a massive, massive pool of money. Is that right?

Mr. HEFLEY. It is, indeed. In fact, I think the figure is about $80 million that they have for studies, and that kind of thing, in the Office of the Secretary of Defense. I am not sure what the total budget is.

Mr. HUNTER. Let me offer to my friend that his idea that this comes out of the Secretary of Defense's office, I think, is a good one, because the Secretary of Defense himself commissions literally dozens and dozens of studies from outside groups. That is where the term "Beltway Bandit," I think, came into being.

□ 0915

Those are all the thousands of consultants that live in this city that do studies, and we are going to get into the heart of this commission shortly. But $1.5 million coming out of the OSD pot is going to be less, I understand, approximately 1 percent of that money that the Secretary has to run his office and to pay for commissions.

I think it is appropriate. I thank the gentleman.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding to me.

Mr. Chairman, the Secretary of Defense came before us, and he said, "I don't want this study. Leave me alone. I don't want to spend $1.5 million." He did not want it. So why does the gentleman want to give it to him?

Mr. HUNTER. If the gentleman will yield further, we are going to get into this. But the Secretary of Defense has some real problems. As my friend, the gentleman from Mississippi [Mr. MONTGOMERY], knows, my friend from Mississippi, who always has the interest of the troops at heart and was arguing passionately and eloquently last night for more readiness for troops, for more housing, the Secretary of Defense has to come before our committee every time and say, "I have enough." And we know that he does not have enough money. We know that GAO just did this report that says he is underfunded, his own plan, by $150 billion. So we are going to get into the heart of this commission.

But my suggestion is the gentleman from Mississippi has a great tradition, has established a tradition a lot of us have followed of not always accepting everything the Secretary's office tells us, and having our own ideas.

I think this is going to help the Secretary to have some outside analysis on a number of these questions where there is so much difference in what the Secretary's position is and what other reliable agencies, like GAO, says. He and GAO were $150 billion apart. I think it is appropriate to figure out why they have a big difference.

Mr. HEFLEY. Mr. Chairman, if I might respond to my friend, the gentleman from Mississippi [Mr. MONTGOMERY], as well, the Secretary of Defense does not want 10 or 12 guard armories every year either. Yet I know the gentleman feels strongly about that, as many of us do. We have an oversight responsibility. Now, whether or not we need the commission, the argument for the commission is there is some question because of what the gentleman from California [Mr. HUNTER] said about the Bottom-Up Review and whether that really is a clear picture, and how do we get a clear picture?

The answer in this bill is we get an independent kind of commission that can look.

Mr. MONTGOMERY. Mr. Chairman, will the gentlemen yield further?

Mr. HEFLEY. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman once again.

What we ought to be doing is not closing these military bases, which comes under the gentleman's subcommittee. We ought to save this $1.5 million in order to keep some of the bases open.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 180, not voting 43, as follows:

[Roll No. 140]

AYES—211

Allard
Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chenoweth
Christensen
Chrysler
Clinger
Coble
Combest
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—180

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayes
Hefner
Hilliard
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Laughlin
Levin

Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—43

Armey
Becerra
Bilbray
Chambliss
Chapman
Clay
Coburn
Collins (GA)
Collins (IL)
Collins (MI)
Cox
Dixon
Dornan
Fattah
Green
Gutierrez
Hastings (FL)
Herger
Hinchey
Kleczka
Lewis (GA)
McDade
Meyers
Mfume
Moakley
Morella
Ortiz
Regula
Richardson
Rose
Roukema
Scarborough
Shadegg
Skeen
Thornton
Torres
Vucanovich
Wamp
Waters
Waxman
Wilson
Young (AK)
Young (FL)

☐ 0937

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. Lewis of Georgia against.

Mr. Scarborough for, with Mr. Moakley against.

Messrs. GILCHREST, NEY, BUYER, and McINTOSH changed their vote from "no" to "aye."

So, the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, I was unavoidably delayed, and I did not record my vote on rollcall No. 140. Had I been here, I would have voted "no."

PERSONAL EXPLANATION

Mr. WAMP. Mr. Chairman, this morning I was attending an event away from Capitol Hill to which I had been committed before the change in meeting time of the House to 9 a.m. Unfortunately, when the bells rang for the vote on the Hefley amendment, I was unable to return in time and I would therefore ask that the RECORD reflect that I would have voted "yes" on the Hefley amendment to H.R. 7.

PERSONAL EXPLANATION

Mr. SKEEN. Mr. Speaker, on February 16, 1995, I was unavoidably delayed, and I did not record my vote on rollcall No. 140. Had I been present, I would have voted "aye."

The CHAIRMAN. Under the order of the House of today, it is now in order to consider the amendment to be offered by the gentlewoman from California [Ms. HARMAN].

AMENDMENT OFFERED BY MS. HARMAN

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HARMAN: Strike title III (page 13, line 1, through page 2), line 2..

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] will be recognized for 8 minutes, and a Member opposed will be recognized for 8 minutes.

The Chair recognizes the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I yield myself 2 minutes.

My colleagues, the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Massachusetts [Mr. MEEHAN] and I are offering an amendment today that every deficit hawk should love. Balanced budget supporters should unite around it because it would strike a section of this bill, title 3, which would establish an Advisory Commission on National Security Revitalization that we simply do not need.

Let me make three quick points:

First, the commission is a waste of money. Even if we reprogram the money, its timetable is absurdly short, and its $1.5 million estimated budget wastes taxpayer funds that could be better spent on readiness or quality of life for our troops and their families.

In comparison to other Government expenditures, $1.5 million is not much. However, the challenge is for all of us in this economic environment to reduce wasteful Government expenditures, not increase them. If we are serious about balancing the budget, this money must not be spent.

Second, the commission usurps the responsibilities of the Secretary of Defense, the Joint Chiefs of Staff, and the congressional defense committees. Defense Secretary Perry emphatically stated that, "the proposed commission usurps the responsibilities of the Secretary of Defense." At the same time this independent commission would interfere with the ability of the Committee on National Security to fulfill its responsibilities. Secretary Perry also correctly advised that we should not dilute the responsibilities of the Secretary of Defense by turning a key part of them over to an independent commission.

Third, the commission is redundant. I am holding up a list prepared by supporters of this commission. This 2-page list prepared by supporters of this commission shows 14 other commissions that are already doing work on overlapping subjects. This commission would duplicate tasks of the Rolls Admission Comission, the Quality of Life Task Force, the Reserve Forces Policy Board, the Task Force on Readiness, among others. It is a waste of time and money.

To sum up, Mr. Chairman, I agree with the recent comment of a senior member of the other body who said, "the commission is a real loser."

The CHAIRMAN. Does any Member seek time in opposition?

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from California [Ms. HARMAN].

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina [Mr. SPENCE] for 8 minutes.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to this amendment despite my admiration for the gentlewoman from California [Ms. HARMAN] in her leadership role on the Committee on National Security.

Why do we need this commission Mr. Chairman? Well, let us look at the facts as they are.

We have a Secretary of Defense who tells us we need one fund level for the defense needs over the next 5 years. We have the General Accounting Office tell us, no, we need $150 billion more than what the Secretary said. We have the Congressional Budget Office saying, no, we need $67 billion more than what the Secretary said. And then we have one of the most respected Members of the minority side, the gentleman from Missouri [Mr. SKELTON], saying, no, we need $44 billion more over the next 5 years.

☐ 0945

No one knows what we need over the next 5 years.

Now, some would say let us let the Secretary go back and tell us. We know what he is going to tell us. He is going to tell us what he already told us, we are OK the way we are, which if I talk to almost every member of the minority party on the Committee on National Security, they will agree with us. They do not think there is enough money in there. What we are saying is we need an independent commission to look at that.

Now, we are not saying a political commission, because we adjusted the makeup and markup process to suit the needs of the minority to make sure it would be six Democrats and six Republicans appointees, and that is in fact what this commission will be, a bipartisan effort to come back to us and give us the real needs in terms of dollars and in line with the problems and challenges that are out there in the next 5 years.

Some of our colleagues are saying this will be a money saver. You want to save money? Boy, we will give you a list. Look at what the President put out. A nice glossy color brochure in two-part form entitled "A Time for Peace." Save money? Eliminate that garbage. We do not need it. It is a total waste of money. Eliminate the L.A. Youth programs in the defense bill, $10 million. How about electric vehicles? Believe it or not, it is in the defense bill, $15 million. Cancer research, even though it is important, I would support it if it were part of the health bill, over $200 million. This commission does not take away the authority of the Secretary. It lets us play our rightful role.

Now, let us look at what the minority party did when they were in power. These are just a few of the commissions that the minority party put into place, in many cases, in most cases, over the objections of the then Secretary of Defense. Everything from women in the military to bottom-up review, total force structure, everything you can think of established through an independent commission, in some instances where the commissioners were actually paid.

In this piece of legislation, no commissioner is paid. The only expenses involved will be those incurred, and they will be reimbursed for that. We are not taking the money from readiness; we are taking the money from the Secretary of Defense's account. What part of it? He will have a few less lunches, a little less money to go on trips overseas maybe. That is where it will come from.

So this in fact is a vote to let us play our rightful role and to see where we in fact can go in terms of the spending needs of the military for the next 5 years, and I urge my colleagues to oppose the Harman amendment and to support the need for the establishment of this.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Pennsylvania. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, does this commission you want established have any authority; can it do anything?

Mr. WELDON of Pennsylvania. The commission has the same authority these commissions had, which is basically to come back to Congress and do what the Secretary has not been able to do, and that is give us the straight scoop on what our defense needs are.

Mr. MONTGOMERY. He is a good Secretary.

Mr. WELDON of Pennsylvania. A Secretary being misled by an administration that does not support the facts.

Mr. MONTGOMERY. The commission does nothing. He does not want it. He is not being misled.

Mr. WELDON of Pennsylvania. The Secretary would like to have it, because it would end up supporting his needs for additional money for readiness that his President will not give in to because he pulls his defense budget number out of the air, as you know.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, is this not something? They did it when they were in power, so we can do it. They did it, so we can do it. Let us get serious. Here we are creating a commission to spend money to figure out how we are going to spend more money. We pass a balanced budget amendment, we talk about downsizing Government, we talk about reinventing Government. And what are we doing here today? Let us create a political commission, because we do not want to do our jobs.

We in Congress do not want to do our jobs on the Committee on National Security. We do not want to hold the Secretary of Defense back. Get real, If we are going to cut the size of Government, we cannot begin to create more commissions, created by politicians to appoint politicians to have more partisan rhetoric. National security is more important than partisan politics. This commission is a joke and everyone in the country knows it.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, there is an enormous discrepancy between our own institution, the GAO and the Secretary of Defense's office. The GAO says the secretary of Defense has underfunded his own budget by $150 billion. The Chief of Staff of the Army has made statements to the effect that the Army is on the razor's edge of readiness, meaning they cannot cut another dime, that they are in very difficult shape. General Mundy, the Commandant of the Marine Corps, June 1994, last year, said that the Marine Corps was inadequately funded to carry out the President's own Bottom-Up Review requirements. So we have questions all over the place.

If you are satisfied with the $150 billion difference in funding projections, then vote no on this commission. If you are not satisfied, vote yes. We still authorize, we still legislate. But we are not going to say we refuse to see the evidence. Let us let this commission come up and try to resolve this $150 billion difference.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS], a great deficit hawk.

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, here is why the Harman-Menendez amendment makes sense. When we go back to our districts this afternoon, if we stood in line at the supermarket this weekend, and we had to say to the person next to us "I am going to take $20 out of your pocket to pay for this program," could we look them in the eye and tell them they were getting their $20 worth for this program?

What would we tell them when they said, "Congressman, there were 14 other of these commissions that were supposed to do something like the same thing." What would we tell them when they say, "Congressman, do you not have committees already set up in the House and Senate supposed to do the same thing?" I do not have a good answer to that, and I think neither do you.

Let me just say this to my friends from the other side: Part of your Contract With America is to shed lockstep allegiance to partisan leadership and to do the right thing. The right thing is to vote for Harman-Menendez.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to point out that the reason we are setting up this commission is to reveal the flaws in the previous commission that was set up, the Bottom-Up Review, and point out how wrong it was. That is simply what is going to be. In other words, how can the other side say it is all right for them to have a commission set up and for us not to do the same thing?

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. BUYER].

The CHAIRMAN. The gentleman from Indiana [Mr. BUYER] is recognized for 2½ minutes.

Mr. BUYER. Mr. Chairman, it is amazing how we can debate an issue of $1.5 million and interject all the rhetoric as if it is $1.5 billion. Well, gentleman that have particular defense contractors in their districts may be asking for particular things, but come to the House floor and then want to talk about what things are particular, what things are a joke, and what is not a joke.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. BUYER. No, not at this particular time. If you became sensitive, that is your particular problem.

In regard to the gentlewoman from California [Ms. HARMAN], I have great respect for you, and you have been a hawk with us on a lot of issues. But on this particular issue I am in agreement with the gentleman from South Carolina [Mr. SPENCE].

The Bottom-Up Review became suspect. It became suspect because of how it came about. We have talked about this on the Committee on National Security often. And that is, and I have to say it again, when Bush-Powell put together the numbers for defense cuts, they cut the $50 billion. Les Aspin said I can go $60 billion further on top of the $50 billion. Then all of a sudden Bill Clinton is a candidate for President, endorses Les Aspin's $60 billion in cuts. None of us were surprised when Les

Aspin became the Secretary of Defense. Low and behold, when we did the 5-year budget resolution, it was $127, $128 billion, on top of the existing $50 billion.

Then all of a sudden, quickly, to cover themselves, Les Aspin comes to our committee and talks about having to do the Bottom-Up Review, a review of how to justify the numbers after the fact. That then made the Bottom-Up Review a very politically suspect document, and those of us then in the committee of the gentleman from Missouri [Mr. SKELTON] last year then had to deal with the difficult decisions about the open secret in this town.

The open secret is, my friends, and to those in our country, it is that we do not have a force structure to even meet the national security objectives and being able to fight and win two nearly simultaneous major regional conflicts.

So what we are saying is right now, time out. Let us not deal with the politics. Let us have the independent commission to give a real assessment. I understand the politics between the White House and the Secretary, and those are the chiefs that must salute constitutionally.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Chairman, I appreciate the compliment and thank the gentleman for it. I would just say this: That our committee and its composition are competent to do what you are suggesting. Why do we need to interpose a commission between us and the policymakers and the executive branch? Why do not we do this ourselves?

Mr. BUYER. Mr. Chairman, reclaiming my time, we have many advisory committees and task forces to help us through the process, and that is exactly what this is. I think it is an excellent compliment to how we want to govern.

The CHAIRMAN. The gentlewoman from California [Ms. HARMAN] has 4 minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio, [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, the Republican Contract on America mandates Congress to spend $1.5 million on a new commission to study our Nation's military needs. Great. A new idea for more government. Do not we already have people studying the Nation's military needs and reporting to the legislative branch and the executive branch? Is not that what the Pentagon does? Is not that what the House Committee on Armed Services under the gentleman from South Carolina, Chairman SPENCE, has been doing? Is not that what the Committee on International Relations has been doing under the gentleman from New York, Chairman GILMAN?

Why do we need to spend $1.5 million on a commission to do what the Pentagon and Congress already should be doing and already are doing? Why do we need to spend money so we can find ways to spend more money? It is the full employment act for unemployed defense consultants. It is a bad idea. Vote for the Menendez-Harman amendment.

Ms. HARMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DELLUMS], one of the most honorable and impressive Members of this House, and the ranking member of the Committee on National Security.

Mr. DELLUMS. Mr. Chairman, let me make one point of why I oppose this commission. It is not just that it is something we can do. The Framers of the Constitution gave us this responsibility. From time to time, Mr. Chairman, it is wholly appropriate that we establish commissions to engage until giving their expertise with respect to discrete items. This commission goes far beyond that. This commission attempts to establish the totality of our national security policy.

Set up a commission on roles and missions. But this is something far beyond that. We are being paid, my colleagues, in excess of $130,000 per annum to do this job fundamentally required by the Constitution of the United States. The Framers of the Constitution said do your job. Do not give it to an independent commission for the purposes of establishing the totality of our national security policy. That is our job.

Ms. HARMAN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. MENENDEZ], the cosponsor of this amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

Mr. MENENDEZ. Mr. Chairman, if the Contract With America means anything, it means we do not want to waste the taxpayers' money by establishing an unneeded commission to tell us what Republicans both in the bill and on their language on the floor already know they wanted to save. The amendment we offer seeks to strike this unnecessary money for the taxpayers. Whether you spend it out of the Secretary of Defense's budget or through an appropriation, it is still taxpayers' money, and I challenge my Republican colleagues to honor your contract vows to cut wasteful spending, to cut bureaucracy, to make Government smaller and eliminate the commission.

During the last Congress, the House of Representatives spent nearly $20 million on the budgets of congressional committees with oversight over this issue—Foreign Affairs, Armed Services, Government Operations, Permanent Select Committee on Intelligence.

Do you think you can tell the constituents back home that $20 million was not enough? And if you add the Members who in fact have served on those committees and who have great experience, offer 200 Members, it comes to $40 million in the House alone, without the Senate. If that is not enough to determine what it is that we need for national defense and security, I do not know what is. And as it relates to the secretary, let us hear what he had.

So to say. He said, "You are my commission," meaning the committee. "I do not need an independent commission interposing itself between myself and you, and you do not need to have an independent commission interposing yourself with me."

If you want to vote for smaller Government, if you want to have less spending, if you want to have less bureaucracy, if you want to save the taxpayers money, you will be voting yes on this amendment, you will vote for the Harman-Menendez amendment, and in fact you will be living with the Contract.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentlewoman from California [Ms. HARMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. HARMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 211, not voting 16, as follows:

[Roll No. 141]

AYES—207

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (WI)
Barton
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey

Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOES—211

Allard
Archer
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Armey
Becerra
Chapman
Clay
Collins (MI)
Conyers
Green
Gutierrez
Hastings (FL)
Kennelly
Lewis (GA)
Mfume
Roberts
Thornton
Wilson
Young (AK)

□ 1016

The Clerk announced the following pair:

On this vote:

Mr. Armey for, with Mr. Lewis of Georgia against.

Mrs. ROUKEMA and Mr. WILLIAMS changed their vote from "aye" to "no."

Messrs. ROTH, WARD, and LAUGHLIN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MFUME. Mr. Chairman, I was unfortunately detained in my congressional district in Baltimore earlier today and thus forced to miss two record votes. Specifically, I was not present to record my vote on rollcall vote No. 140, the amendment offered by Mr. HEFLEY of Colorado and rollcall vote No. 141, the amendment offered by Ms. HARMAN of California.

Had I been here I would have voted "nay" on rollcall No. 140 and "yea" on rollcall No. 141.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Chairman, on vote No. 141 I am recorded as voting "no." My intention was to vote in favor of the amendment.

The CHAIRMAN. Under the order of the House previously agreed to, it is now in order to consider the amendment of the gentleman from Iowa [Mr. LEACH].

AMENDMENT OFFERED BY MR. LEACH

Mr. LEACH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LEACH: On page 28, strike line 4 and all that follows through line 12 and insert in lieu thereof the following:

"(g) INTERPRETATION.—Subject to the power of the Congress to declare war under article I, section 8, clause 11 of the Constitution of the United States, nothing in this section shall be construed to derogate or limit the authority of the President as Commander-in-Chief of the United States Armed Forces under article II, section 2, clause 1 of the Constitution of the United States."

Beginning on page 28, strike line 16 and all that follows through page 29, line 2.

ON page 29, line 3, strike "(c)" and insert in lieu thereof "(b)".

□ 1020

The CHAIRMAN. The gentleman from Iowa [Mr. LEACH] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume. This is a self-explanatory amendment. It is designed to protect the constitutional authority and responsibility of the President as Commander in Chief from unprecedented and improper congressional tampering with the separation of powers doctrine.

The Commander in Chief clause of the Constitution supports two key policy precepts. First, it gives the President broad authority to command the military forces of the United States, thereby securing civilian command over the military. Second, and most relevant to this debate, the framers also sought to ensure that one commander had sole authority to direct the Nation's fighting forces.

The colonists had learned the difficulties of prosecuting war via committee during the American Revolution. Naming the President Commander in Chief was intended to assure consistent orders, plans, and decisions.

The President was not given the authority to make the political decision to declare war, but he was granted the authority to command the troops in day-to-day operations.

In its present form, this bill, with unbridled gall, undercuts the separation of powers doctrine by limiting the well-established constitutional authority of the President to decide upon the command arrangements for U.S. military personnel.

Title IV, for instance, attempts to prevent the expenditure of funds for any element—even an individual soldier—of U.S. Armed Forces under the command or operational control of a foreign national acting on behalf of the United Nations unless certain commitments are made to Congress.

As a matter of constitutional law, I believe that the Constitution does not permit the President to derogate his power as Commander in Chief to another body. Period. Certification requirements are inappropriate; indeed, they are constitutionally unseemly.

Here, let me stress, there is a distinction between U.S. command, which no President can give up, and operational control, which both constitutionally and as a matter of established military practice, the President may delegate to others.

Yet this bill brazenly attempts to strip the President of his constitutional authority and responsibility for deciding upon the command arrangements for U.S. military personnel lawfully participating in U.N. operations.

Indeed, this bill would deny the President the authority to place U.S. troops under the operational control of another country even a NATO ally for U.N. operations.

In this regard, a fair reading of the Constitution and any understanding of history suggests that the Commander-in-Chief should properly retain the flexibility to place troops temporarily under the operational control of officers of another nation when it serves U.S. interests, as we have done in a number of military conflicts since the American Revolution.

Accordingly, my amendment strikes the existing interpretation section found on page 28 of title IV to the bill and inserts instead a new clause recognizing that subject to the power of the Congress under article I of the Constitution to declare war, nothing in this section of the bill shall be construed to derogate or limit the President's article II powers as Commander-in-Chief.

Title IV, as currently crafted, is poor constitutional law; it is also doubtful policy.

The principle of collective security has been a linchpin of U.S. national security policy of every administration since Franklin Roosevelt.

The effect of title IV, unless amended, is to diminish U.S. leadership in the U.N. and elsewhere and force Presidents in emergency settings to either do nothing or rely exclusively on unilateral actions.

At issue is whether we want to be the policeman for the world or the leading member of an international highway patrol. The second option, in more than a few instances, is more realistic and, I might add, cheaper.

So that there is no misunderstanding, this title is more constraining than the War Powers Resolution.

The War Powers Resolution, passed over President Nixon's veto, deals with Congressional assertions of power to declare war.

Because of modern practices of prosecuting but not declaring war, the war powers resolution was offered to check the President's authority as Commander-in-Chief to direct U.S. Armed Forces in the event of imminent hostilities which might lead to war.

But this bill goes beyond the reach of the war powers resolution by attempting to trench upon and limit the command authority of the President before hostilities are threatened and in instances of actions designed to deter conflict rather than lead to war.

On this point, let me quote from a recent Wall Street Journal editorial:

> Yes we should check the exorbitant costs of U.N. peacekeeping by rectifying the accounting and limiting the U.S. share of the burden. But diminishing the legitimate powers of the presidency, even in this particular way, is poor precedent.

In the background of this debate is Somalia. In this Members' view it is a widely misunderstood circumstance. In earlier debate on this bill the minority pointed out that the problem was not command and control of U.S. Armed Forces, in that U.S. military personnel at all points were under U.S. command. This is true, but it begs the larger policy questions.

What happened in Somalia, and it was by no means a totally failed operation, was that President Bush called upon the U.S. military to take part in one of the most idealistic foreign policy interventions in the history of the world. The U.S. military because of its extraordinary organization and logistic capabilities was sent to a foreign country to feed a people whose social infrastructure had broken down. In a high-risk environment, a succeeding U.S. administration chose out of frustration to take sides in a civil war. This decision, made without intellectual rigor, profoundly changed American policy because it caused United States forces in the field to become diverted from the professionalism of their original mission and enmeshed in the history and sociology of internal Somalian politics.

Responsibility for the change of mission rests in the White House. This Congress has every reason in retrospect to be critical, but care should be taken to hold decision-makers, not the system, accountable. What is warranted is consideration of the need for new leadership, not a change in the constitutional framework of decision-making.

The character of modern international affairs is that decision need to be made quickly. What, for instance, would happen if when Congress was out of session a peace agreement were signed between Israel and Syria which included United States participation in peacekeeping in the Golan? Would a President be hamstrung by legal niceties in authorizing the movement of several hundred U.S. troops?

More consequentially, the character of modern Congressional politics is an unwillingness to share accountability with the executive branch. I don't know which is more remarkable: the fact Congress barely authorized the gulf war, giving President Bush much less of a mandate than he received from assorted rivals in the Security Council, or the fact that Congress almost didn't vote at all. The obvious conclusion that has been reached in modern Congresses is that there are no liabilities in standing by and many for taking sides in controversial questions of foreign affairs. Congress simply can't be relied on to share executive authority. Our Founding Fathers had it right then and now.

Finally, a personal note. When I signed the Contract With America last fall, I publicly made clear that I differed with several parts, particularly that which applied to a prospective bill on this subject. The Republican commitment was to raise the issues of the contract in a measured way. But the oath we all take is to uphold the Constitution. Just because we have little confidence in this President, just because we now control the Congress is insufficient rationale to turn the Constitution upside down.

A strong Presidency is in the national interest whether or not we have divided government.

Let's be measured and reasonable. I urge adoption of this amendment which conforms this title to constitutional stricture, historical experience, and the requirements of future national security.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 10 minutes.

Mr. GILMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, the gentleman from Nebraska rises in strong opposition to the Leach amendment. It is not what the gentleman from Iowa [Mr. LEACH] adds that is the problem. It is what he deletes. As the gentleman may recall, I did something like this in the committee without success, but without deleting language. The amendment would take out of the statement in section 401 the phrase "that nothing in this section may be construed, one, as authority for the President to use any element of the Armed Forces in any operation, two as authority for the President to place any element of the Armed Forces under the command and operational control of a foreign national, or, three, as an unconstitutional infringement on the authority of the President as Commander in Chief."

The third element in this phrase is exactly what the Committee on National Security added to assure that we are not infringing upon the constitutional rights of the President as Commander in Chief.

Without these statements, it would be argued that section 401 is intended by Congress as a grant of authority to the President to place U.S. forces under foreign operational control in those circumstances where it has not been forbidden. I for one do not ever want my vote on this legislation to be criticized as a vote in favor of authorizing the President to place U.S. forces under foreign command. It is to ensure that our approval of this measure is never interpreted as an authorization of foreign command that this language is found in section 401. But the Leach amendment will delete it. He will also delete the report requirement which is in a following subsection.

I would point out that this report language is not a gratuitous requirement. There is a serious question whether foreign command arrangements can ever be constitutional.

A recent article in the Washington Times by distinguished former officials in the U.S. Justice Department, Mr. Casey and Mr. Rivkin, set forth the constitutional problems with foreign command, and I will add that op-ed piece for the RECORD.

The reporting requirements which the amendment would delete provide us further insulation from the charge that we are authorizing something in section 401 that is unconstitutional.

☐ 1030

I would say to the gentleman respectfully that his arguments, while learned, do not go to what the gentleman is really doing through his amendment, because what the Armed Services Committee or National Security Committee has done is put in the phrase to assure that we are not violating the constitutional powers of the President, again it is the following:

> Nothing in this section may be construed as an unconstitutional infringement on the authority of the President as commander in chief.

I urge my colleagues to reject the Leach amendment.

(The article referred to follows:)

[From the Washington Times, Jan. 30, 1995]

CONGRESS, THE PRESIDENT AND THE UNITED NATIONS

(By Lee A. Casey and David B. Rivkin Jr.)

When American troops began to arrive in France in 1917, the Allied High Command demanded that they be immediately assigned to fill the gaps (created by the kaiser's machine guns and the Allies' own idiocy) in the French and British formations on the Western Front.

Gen. John "Black" Jack Pershing said no. As commander of the American Expeditionary Force, he insisted that American troops would fight under American officers, in American formations, pursuant to the direction of the American president. American troops were in Europe as the representatives of a great power, fighting to make the world safe for democracy, not as modern-day Hessians.

Pershing's decision was both politically wise and constitutionally correct. It is a precedent that has been honored in the observance more than the breach, and Sen. Bob Dole would like to keep it that way. The new Senate majority leader is so concerned with President Clinton's affection for U.N. peacekeeping missions (and suggestions that American troops may actually be assigned to serve under U.N. commanders) that he has introduced legislation to require congressional approval of any such arrangement.

Ironically, Mr. Dole's bill—S.5 the "Peace Powers Act of 1995"—has provoked criticism from usually sympathetic quarters. For example, The Washington Times suggested that the bill would unwisely limit the president's power to deploy American troops as necessary around the world. More broadly, a number of senior Republicans (including former Secretary of State James Baker) have admonished the Republican-controlled Congress not to continue their Democrat predecessors' destructive policy of interfering with the president's foreign policy powers. In principle, these admonitions are well-placed. However, as applied to S.5, they miss the mark.

Mr. Dole's bill might well tie the president's hands in certain instances, but it does not interfere with his constitutional prerogatives. In fact, Mr. Dole's instinct—to try to limit the president's ability to place American troops under foreign command—is constitutionally sound, and the bill has much to recommend it. As a start, it would repeal the War Powers Resolution, replacing that provision's constitutionally impermissible limits on the president's use of American forces abroad with simple consultation and reporting requirements.

Contrary to the claims of its critics, the bill's major flaw is not that it would prohibit the president from assigning American forces to U.N. command, but that it purports to allow such arrangements if Congress gives its consent. Under the Constitution the president does not have the authority, either as commander-in-chief or as chief executive, to subordinate American troops to foreign command—and Congress cannot vest him with that authority.

The president's authority as chief executive to make foreign policy is broad (in the Curtiss-Wright Export case the Supreme Court called it "plenary"), and the Constitution admits of few limits on his ability to command the armed forces as commander in chief. The Supreme Court also has made clear that these powers are at their height when the president acts with the specific authorization of Congress. These powers are not, however, entirely without limit. (It was not the Framers' habit to grant absolute power, with respect to any subject, to any branch of government.) In this instance, the president's authority over the armed forces (and the authority of Congress) is limited by the Constitution's requirement that anyone exercising the legal authority of the United States must be an "officer" of the United States, appointed in accordance with the "Appointments Clause."

The Constitution's Appointments Clause (Article II, section 2, clause 2) provides that the president "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States." Congress may vest the authority to appoint less important or "inferior" officers in the president alone, the courts of law, or with the heads of federal agencies. "Principal" officers, however, must be appointed by the president with the advice and consent of the Senate. The Supreme Court made clear in the landmark case of Buckley vs. Valeo that only individuals appointed in accordance with this provision may exercise "significant" federal authority.

Although the Appointments Clause is more often analyzed in terms of civilian appointments, it is fully applicable to military appointments—a point the Supreme Court reaffirmed only last term in a case styled Weiss vs. United States. Indeed, it is difficult to think of a more significant federal authority than the right to command American troops and, unlike the civilian service, Congress has required that even very junior military officers be appointed by and with the consent of the Senate. Neither the president nor Congress can waive the applicability of the Appointments Clause. As a result, no individual, whether the secretary general of the United Nations or a U.N. commander in the field, who is not a properly appointed officer of the United States can direct the actions of American troops.

There have, of course, been instances when American troops did indeed serve under foreign command. Pershing himself was forced to relent—for a time—in the face of a massive German offensive, and allow American troops to serve under Allied command. GIs also fought—again for a time—under British Field Marshal Montgomery during World War II. These are, however, exceptions to the rule, expedients undertaken in the very gravest circumstances of world war. Such instances do not alter the Constitution's clear requirement that only officers of the United States may command U.S. troops; that document cannot be amended by its own violation. Nor do they justify further violation of the Constitution's requirements.

Naturally, there are many possible arrangements for cooperation with the United Nations, and between American and allied troops on the ground, that would not violate the Appointments Clause. A prime example is NATO's practice, where the Supreme Allied Commander Europe—the Alliance's top military officer—has always been a U.S. general, an arrangement that is fully consistent with the Appointments Clause. In this respect, as in other military and foreign policy areas, the president has very great discretion in making agreements with the United Nations, or other international organizations. He is free to consult with the U.N. hierarchy in formulating American foreign policy. He can dispatch American forces to trouble spots at the request of the United Nations, and he can instruct those forces to cooperate fully with the U.N. command structure and with any other forces U.N. members contribute. He can subordinate the interests of the United States to those of the international community if he chooses.

The president is answerable for each of these actions to the electorate, and may well face congressional retaliation in the form of slashed budgets, legislative gridlock or even impeachment, if Congress objects. The Constitution, however, does not forbid any of these actions. What the president cannot do is to interpose a U.N. (or any other foreign) official into the chain of command. The president can delegate his authority only to a duly appointed officer of the United States. Any arrangement for international cooperation that includes the actual subordination of American military command to individuals who are not duly appointed officers of the United States, interposing those officials between the president and American troops, must fail.

If Mr. Clinton persists in placing American troops under U.N. command, Congress would be perfectly within its rights to remind the president that the Constitution forbids such an arrangement. Congress cannot, however, remove the constitutional impediment simply by giving its consent. The branches of government cannot among themselves agree to ignore the Constitution's mandates.

Congress could, of course, remove the constitutional impediment in accordance with the terms of Appointments Clause itself, by allowing the president to commission U.N. officials into the federal service. Senior officers (and junior ones if Congress chooses) would have to undergo Senate confirmation, but there is no constitutional requirement (although there currently is a statutory one) that officers of the United States also must be U.S. citizens. Under these circumstances, U.N. or foreign military officers could command American forces. They would, of course, be subject to the direction of the president, to the Uniform Code of Military Justice and accountable for their actions as are other American officers.

Such an arrangement might or might not be acceptable to the United Nations (probably not), and it is likely that there would be considerable congressional opposition (snowballs in hell come to mind). But Congress does have the authority to accomplish this within the bounds of the Constitution. What it cannot do is to agree with the president to ignore the Constitution's requirements—and the accountability they ensure—by allowing him simply to assign American troops to foreign command.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BEREUTER) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7) to revitalize the national security of the United States, had come to no resolution thereon.

ADDITIONAL TIME FOR DEBATE DURING FURTHER CONSIDERATION OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the 10-hour time limit for consideration of amendments to H.R. 7 be extended for 26 minutes, and that the debate time for amendment No. 13, 21, 24, 30, or 33, or a germane modification of one of those amendments be extended from 36 minutes to 44 minutes equally divided and controlled by the proponent and a Member opposed, and that the debate time for the Torricelli amendment No. 48, or amendment Nos. 28 or 43 be extended from 36 to 44 minutes equally divided and controlled by the proponent and a Member opposed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WELDON of Pennsylvania. Mr. Speaker, reserving the right to object, and I will not object, I wish to take this time to pay tribute to the chairman, both chairmen, who have gone out of their way to make sure we accommodate the minority on time that was lost in a previous vote. This effort, I think, shows a commitment on our part to make sure that we do not take time away. There was a vote that was not anticipated in the past, and with the cooperation of the gentleman from California, who I know wants to speak, and the chairman, it has been worked out. I think that speaks to our wanting to work together and allow for a full and open debate of these remaining issues.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I appreciate the gentleman's yielding.

I was not planning to speak. I will simply say I accept the offer as appropriate given the inadvertence of what happened. It does not deal with the fundamental problem of a 10-hour time limit.

Mr. WELDON of Pennsylvania. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL SECURITY REVITALIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 83 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 7.

☐ 1033

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 7) to revitalize the national security of the United States, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, pending was the amendment offered by the gentleman from Iowa [Mr. LEACH].

The gentleman from Iowa [Mr. LEACH] has 3 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 7½ minutes remaining.

Mr. GILMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment would cut a key provision of this bill. The reason we have a Contract With America is because we want to put Congress back into the loop in the decisionmaking process when it comes to peacekeeping. But this amendment would say that Congress is meaningless whenever the President claims that he is acting as Commander in Chief.

The consequence is that the President can keep sending troops into Somalia, Haiti, Rwanda, the Balkans without congressional approval. What we are saying in the Contract With America is that Congress must be involved. We cannot abdicate our power.

Now, this is a key provision of this bill. The American people on November 8, when they voted for the Contract With America, one of the key provisions was that Congress was going to get more involved in our peacekeeping decisions. How the tax dollars are spent is important, also when young Americans are put into harm's way. This Congress has an obligation, speaking for the American people, to give either our approval or nonapproval, but under this amendment, Congress would be totally irrelevant.

Do you remember the Somalia debacle where we lost some 44 young Americans? When the bodies were dragged through the streets of Mogadishu? Do you remember that? This House went wild, and the Senate went wild. Does the gentleman from California remember we all went over to HC-5, had a big confab, and Congress said, "Why were we not involved?" That is what the American people were asking. That is why we have a Contract With America. That is why we are putting the Congress back in.

I remember the meeting at HC-5 that day. You know, we cannot just abdicate our power to the President and then, when things go bad, we all meet at HC-5 and we scream at the Secretary of Defense and we holler at the Secretary of State, and one of them has to lose his job. Then it is too late.

If we are going to be there for the crash landing, we have got to be there for the takeoff, too, and that is all we are saying in the Contract With America.

I want Congress to no longer abdicate its power. We made a commitment. We made a commitment on November 8. We said that Congress would be involved, but with this amendment, we would renege. We are stepping back. We cannot renege on our promises.

Mr. LEACH. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of the Leach amendment. The Leach amendment, I think, simply restates the President's constitutional power as Commander in Chief.

The language that he seeks to strike from this bill can certainly be construed as a limitation on the President's Commander in Chief powers. It says specifically, "Nothing in this section may be construed as authority for the President to use any element of the armed forces in any operation." That is a limitation on the President's power.

It also says nothing in the section may be construed as authority for the President to place any element of the Armed Forces under the command or operational control of a foreign national. A President has done that over and over and over again in our history. The implication of this language that the gentleman from Iowa seeks to strike is to limit the President's Commander in Chief powers. It micromanages and restricts the President's powers.

The Pentagon says if this language had been in effect you would not have been able to have D-Day, because you would not have been able to put together a collective effort that was so successful there.

The point here, my friends, is we have our job to do. The gentleman from Wisconsin stated that quite accurately. We have our constitutional responsibilities. But in exercising our responsibilities, we must not cut into the Commander in Chief powers. We need to allow the President to do his job as Commander in Chief.

I support the gentleman's amendment, and I commend him for offering it.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I am the last Member of the House or Senate to have been in Haiti. I am the last Member of the House or Senate to have been in Somalia.

I did not bring out the flag in either case. I wish I had in Somalia.

I went to Somalia within a few days following my distinguished colleague, the gentleman from Pennsylvania [Mr. MURTHA], to find out why 18 of America's best-trained soldiers had died in what they called the firefight from hell.

Three days later, Sergeant Matthew Rierson was killed with an unlucky mortar shot at the headquarters of the Rangers, and a dud landed at the feet of a U.S. two-star general, or we would have lost one of our best Special Forces major generals.

Now, I am standing here to tell you and to tell about 12 to 18 to 20 Republicans, including 2 or 3 freshmen, that we are starting to lose some of you on the Contract With America.

□ 1040

Please pay attention to why this is one of the core items of our Contract With America. The gentleman from New York [Mr. GILMAN] had this chart made up. This is as of about May 1994. I do not want to distract you from my remarks, but please come down and take a look at this utter madness, what happens when our troops are under foreign command. Here is what I discovered within an hour of landing in Somalia, that we had a two-track chain of command. Major General Montgomery, with whom I just had lunch in Bastogne just a couple of weeks back at the 50th anniversary of the Battle of the Bulge, an excellent general, now one of the 3-star deputy commanders of our forces in Europe.

But I asked him about where was the rescue column? I told him I had just come back with him from an overflight in a Black Hawk, taking pictures with my camera, of Russian-license, built-in-India T-72 main battle tanks, 14 of them, and I said where were these Indian tanks to blow through the road blocks? He said, "You will have to talk to the other commander."

The whole thing is so complicated we simply must vote against the Leach amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1½ minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding this time to me.

Mr. Chairman and my colleagues, Article 1, section 8 of the Constitution includes this language: "The Congress has the power to make rules for the government and regulation of the land and naval forces." That is to say that what we are doing in the Contract is completely consistent with the Constitution and with our right to say as Representatives of those families who are visited by Navy and Marine Corps and Army teams when they have sons who are killed in combat, that that is to say to those families, "We will have a direct chain of accountability, you can always count on that up to an American commander and down from that American commander right down through the platoon and squad level to your son when he is in combat."

Let me just say there has been a lot of confusion about this. The gentleman from Indiana [Mr. HAMILTON] talked about not being able to have D-day. D-day was not a United Nations operation. There has been confusion about Korea. The commander in Korea, General Luck, has a straight American chain of command. If we go into some type of a preemptive operation, should there be an invasion from the north then you move to a joint American-Korean command, but that is not under United Nations sanctions. So that section, that operation, is not applicable to this section with the Contract With America.

This is constitutional, it is appropriate, in response to our people.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 45 seconds to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. I thank the chairman for yielding to me.

Mr. Chairman, I rise in strong opposition to the Leach amendment.

As stated by Mr. BEREUTER a few minutes ago, the defect of this amendment is not contained in its actual text but rather in the deletion it makes to the underlying bill.

I have no objection, Mr. Chairman, if American forces are integrated at the strategic level into an overall command structure. We have heard references made to D-Day. I participated in Operation Desert Storm, which was indeed an operation involving the integration of international cooperation.

Mr. Chairman, at the battlefield level, where American forces are under fire, it requires a shared patriotism and peacetime training. That bond between American forces requires American leadership.

I rise in opposition to the Leach amendment.

Mr. LEACH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I conclude with two points: First, I think everybody in this room must understand there is an emotive aspect of this issue that we all share a common sympathy.

But also at stake is the Constitution of the United States, which is very precise on who the commander in chief is and what the command function is.

This is a constitutional issue.

The second point I make is it is also a policy issue. Let there be no misunderstanding, this bill, as currently crafted, drives a stake into the United States leadership in multilateral diplomacy. If this kind of approach happened in all other countries in the world, peacekeeping comes to an end, burden sharing comes to an end. We do not have a prospect of expanding the rule of law in a reasoned way.

So I would urge the Members of this body to understand that there is a symbolism as well as a constitutionalism with regard to this particular amendment.

Mr. GILMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let us be clear about just what is at issue with regard to this amendment. The Leach amendment waters down the restrictions on foreign command of U.S. forces in this bill. While couched as an effort to protect the President's constitutional authority, it deletes other language in the bill and effectively creates loopholes in the foreign command restrictions.

This bill includes language in section 401 protecting the President's constitutional authority. Accordingly, the new language added by the Leach amendment is unnecessary.

The fact is that the foreign command restrictions in the bill have been carefully crafted so as not to unduly constrain the President's authority. Let us not upset this carefully crafted balance.

I urge a vote against the Leach amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Iowa [Mr. LEACH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEACH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 267, not voting 9, as follows:

[Roll No. 142]

AYES—158

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn

Coleman
Collins (IL)
Conyers
Costello
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hefner
Hilliard
Hinchey
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lofgren
Lowey
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Porter
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—267

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Becerra
Clay
Collins (MI)
Green
Hastings (FL)
Lewis (GA)
Maloney
Thornton
Wilson

□ 1105

Mr. METCALF, Mrs. THURMAN, and Messrs. JOHNSON of South Dakota, BROWDER, DE LA GARZA, and LAUGHLIN changed their vote from "aye" to "no."

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under a previous order of the House, it is now in order to consider the amendments of the gentleman from California [Mr. BERMAN]: amendments Nos. 13, 21, 24, 30, 33, and a germane modified amendment No. 13.

The Clerk will designate amendments Nos. 13, 21, 24, 30, and 33.

MODIFIED AMENDMENT OFFERED BY MR. BERMAN

Mr. BERMAN. Mr. Chairman, pursuant to the previous order of the House, I offer amendment No. 13, as modified, which is at the desk.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified Amendment No. 13 offered by Mr. BERMAN: Beginning on page 37, strike line 7 and all that follows through page 39, line 24, and insert in lieu thereof the following:

SEC. 501. CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) PEACEKEEPING OPERATIONS.—The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq) is amended by adding at the end the following new section:

"SEC. 10. (a) CREDIT AGAINST ASSESSMENT FOR EXPENDITURES IN SUPPORT OF PEACEKEEPING OPERATIONS.—

"(1) ANNUAL REPORT.—The President shall, at the time of submission of the budget to Congress for any fiscal year, submit to the designated congressional committees a report on the total amount of incremental costs incurred by the Department of Defense during the preceding fiscal year to support or participate in United Nations peacekeeping operations. Such report shall include a separate listing by United Nations peacekeeping operation of the amount of incremental costs incurred to support or participate in each such operation.

"(2) QUARTERLY REPORTS.—(A) In addition to the annual report required under paragraph (1), the President shall submit quarterly reports to the designated congressional committees on—

"(i) all assistance provided by the United States during the preceding quarter to the United Nations to support peacekeeping operations; and

"(ii) all assistance provided by the United States for any operation conducted by the Department of Defense in support of activities authorized by United Nations Security Council resolutions, including the identification of the element within the Department of Defense that provided such assistance.

"(B) Each report submitted pursuant to subparagraph (A) shall describe—

"(i) the assistance provided for each such operation, listed by category of assistance; and

"(ii) copies of all billings requesting payment by the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

"(B) the amount of any reimbursement or credit to the United States of any contribution for United Nations peacekeeping activities.

"(C) The report for the fourth calendar quarter of each year shall be submitted as part of the annual report required by section 4(d) and shall include cumulative information for the preceding calendar year.

"(3) LIMITATION.—Funds may be obligated for payment to the United Nations of the United States assessed share of United Nations peacekeeping operations for a fiscal year only to the extent that the amount of such assessed share exceeds the amount equal to—

"(A) the total amount identified in the report submitted pursuant to paragraph (1) for the preceding fiscal year, reduced by

"(B) the amount of any reimbursement or credit to the United States by the United Nations for the costs of United States support for, or participation in, United Nations peacekeeping operations for the preceding fiscal year.

"(4) EXEMPTIONS.—Paragraph (3) shall not apply to—

"(i) costs for which the Department of Defense has been otherwise reimbursed;

"(ii) the costs of deployments under the auspices of the United Nations Security Council which the United States has undertaken to support its national security interests, in which United States Armed Forces served under United States command, and for which the United States has sought the approval of the Security Council under the United Nations Charter;

"(iii) the enforcement of United Nations sanctions and enforcement of no-fly zones which are in the national security interest of the United States;

"(iv) the provision of humanitarian assistance; or

"(v) the costs of deployments related to the provision of emergency medical care rendered by United States Armed Forces when United States Armed medical personnel or medical care facilities are in the theater of operations in which a United Nations peacekeeping mission is being conducted.

"(5) WAIVER.—(A) The President may waive the application of paragraph (3) for a United Nations peacekeeping operation if the Secretary of Defense reports to the President that support for such peacekeeping operation will not endanger the readiness of the United States Armed Forces and if the President consults with the Consultative Group 15 days in advance of such waiver.

"(B) If the President determines that an emergency exists which prevents compliance with the requirement of subparagraph (A) and such waiver is in the national security interests of the United States, such consultation shall occur as soon as practicable but no later than 48 hours after such obligation.

"(6) DEFINITION.—For purposes of this subsection, the term 'designated congressional committees' shall include the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate.".

(b) EFFECTIVE DATE.—The provisions of section 10(a) of the United Nations Participation Act of 1945, as added by subsection (a) shall apply only with respect to United Nations assessments for peacekeeping operations after fiscal year 1995.

(c) Definitions.—For purposes of the amendments made by this section—

(1) the term "incremental cost" shall mean those additional costs incurred directly as a result of a peacekeeping operation, but shall not include personnel costs or other costs that would have been incurred otherwise in the regular course of peacetime operations, such as training exercises, maintenance, and logistical support; and

(2) the term "Consultative Group" means the Standing Consultative Group established by section 501A of this Act.

SEC. 501A. CONSULTATION.

(a) STANDING CONSULTATIVE GROUP.—There is hereby established a Standing Consultative Group (hereinafter in this Act referred to as the "Consultative Group").

(b) PURPOSE.—

(1) IN GENERAL.—(A) The purpose of the Consultative Group shall be to facilitate improved consultation between the executive branch and the Congress with respect to United States participation in peacekeeping activities.

(B) Consultations in accordance with this section shall occur prior to the United States making commitments to the United Nations, any regional organization in which the United States participates, or any other countries, on United States participation in peacekeeping operations, including in particular any participation under Chapter VII of the United Nations Charter.

(C) Such consultations shall also include details of operational command and control arrangements governing United States participation in peacekeeping operations.

(2) REGULAR CONSULTATIONS.—In carrying out paragraph (1), the Consultative Group and the President or his designee shall meet regularly for discussions and consultation, but in no event less frequently than once a month.

(c) RULE OF CONSTRUCTION.—The conduct of consultation pursuant to subsection (b)(2) with respect to possible or ongoing United States participation in a peacekeeping operation which may involve the use of United States Armed Forces shall not be construed as a grant of authority to the President under the War Powers Resolution (87 Stat. 555).

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modified amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Under a previous order of the House, the gentleman from California will be recognized for 22 minutes, and a Member in opposition will be recognized for 22 minutes.

The Chair recognizes the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, I yield myself such time as I may consume up to 5 minutes.

Mr. Chairman, this amendment is addressed to section 501 of the bill. I am not going to spend a lot of time talking about the amendment because I am not going to ask for a recorded vote on the amendment, but for the reasons I will state, I believe in and of itself section 501 as put forth in this bill is reason enough for every Member in this Chamber to oppose this legislation.

Section 501, if it were ever signed into law, would totally wipe out—let me repeat that—totally wipe out every single regularly assessed peacekeeping operation now incurred or which may ever in the future be incurred by the United Nations.

□ 1110

Let me repeat that one more time: Not one single current U.N.-assessed peacekeeping operation now in place would continue if section 501 were to pass, because section 501, by requiring an automatic offset. For every dollar that is spent on U.S. voluntary contributions, incremental costs to U.N. peacekeeping activities would be deducted from our assessment. We would pay zip, zero, nothing to the United Nations for the regularly assessed peacekeeping operations. They would fall apart. They would end.

I say this in the context of trying to explain the kinds of operations we are talking about. We are talking about U.N.-assessed peacekeeping operations which, as the chart next to me shows utilize, of all the operations and the forces utilized, only 1.4 percent are American Forces. We are talking about a U.N.-assessed contribution that we pay that was legislated by the bill that the majority last year passed and was signed into law by President Clinton, that unilaterally reduces our assessed contribution from the extraordinarily high 31 percent to the 25 percent that we regularly pay for all other U.N. dues.

We are talking about a series of operations, and I want to just tell you the kinds of operations we are involved in, that will be eliminated if this were to happen. We are talking about the peacekeepers on the Golan Heights that help preserve the peace between Israel and Syria. We are talking about the U.N. peacekeepers on the Kuwait border, not American, mind you, who continue to constrain Saddam's ability to threaten his neighbors. We fought Desert Storm, Saddam still survives. Are we going to walk away from that Kuwait border before he is in full compliance with the U.N. resolutions, before it is clear that we have an Iraq that no longer has any aggressive intentions on its neighbors?

We are talking about U.N. peacekeepers who have been for 30 years in Cyprus to help prevent war between two NATO allies, Greece and Turkey. In former Yugoslavia, the United Nations is providing critical humanitarian assistance and helping prevent the conflict from spreading to other parts of Europe. In Mozambique, El Salvador, Nicaragua, and Namibia we have U.N. observers. Out of the total forces I have just talked about, 1.4 percent are American Forces. The rest are other countries' contributions through the assessed contribution scheme.

Now, these issues were raised in the Committee on National Security, and I want to take one moment to just compliment the gentleman from Nebraska [Mr. BEREUTER], because one other part of title IV which was clearly unconstitutional on its face has been deleted by virtue of an amendment passed unanimously last night. But 501, while it does not raise constitutional problems, is the most foolish, self-defeating kind of provision we could want to adopt.

When we raised these issues in the Committee on National Security, people scrambled around, they made an adjustment, they added a waiver. What kind of waiver did they add? They added a waiver that said that we will not deduct those voluntary contributions that the United States now pays, those incremental costs, if the President can certify, and only if the President can certify, that those chapter 7 operations, there is no waiver for chapter 6 operations, those chapter 7 operations he would have undertaken on his own.

What foolishness that waiver is. That waiver, talk about enforcing a boycott against Iraq. By definition an economic boycott enforced by a blockade cannot be done unilaterally. One has to get Turkey to stop letting Iraq use its pipeline for oil. One has to bring in the multilateral nations.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. BEREUTER. Mr. Chairman, I seek to control the time in opposition.

Mr. Chairman, it is my pleasure to yield 5 minutes to the gentleman from Wisconsin [Mr. ROTH], the senior member of the Committee on International Affairs.

Mr. ROTH. Mr. Chairman, Liddell Hart, in writing about strategy and how you win wars, said, "Never do directly what you can do indirectly." So I want to compliment the gentleman from California, because what he is doing is gutting this bill; but he is not doing it directly, he is doing it indirectly.

You know, in this Contract With America we say we will reduce our peacekeeping spending to a fair share. Last year, according to the General Accounting Office, the investigative arm of Congress, the American taxpayer paid 80 percent of the expense for peacekeeping. We are projected now to pay about 31.7 percent. What we are saying in the Contract With America is we are reducing it to 25 percent. Out of the 182 countries in the world, we will still be paying one-fourth of all the peacekeeping.

Now, what this amendment does is put in exceptions. By the time you get done with all the exceptions, you have gutted the bill. So it is an indirect way of gutting it. Let me say that the issue here is: Do you believe that we are paying our fair share, or do you think that we are paying more than our fair share? Let me repeat again. One hundred and eighty-two countries in the world; one Nation, ours, pays 31.7 percent. What we are saying is we want to reduce it to 25 percent.

We are still paying 2½ times more than any other nation. Last year, again, we paid 80 percent, and that is according to the General Accounting Office. I want to underscore that.

There are those who believe that the U.S. taxpayer should go on paying more and more for all of these peacekeeping missions. In the Contract With America we pledged fairness. For one Nation to pay 80 percent and for its soldiers to do most of the heavy lifting, to do the fighting, I do not think is fair, and the American people do not think it is fair. Eighty percent of the money, our soldiers. That is why on November 8 the American people did affirmatively vote for the Contract With America.

Now, I want to say that you win wars not with op-ed pieces; you win wars with treasury and with soldiers. And that is why it is very important for us to look at this particular bill.

The issue here is whether you want to put the American taxpayer ahead of the United Nations. Do you? Or do you believe that the American taxpayer must automatically keep on paying more and more and more for whatever operations are dreamed up at the UN.

If we vote for this amendment, we will be reneging on our Contract With America. Keep that in mind. We will be retreating from our Contract With America.

Did you read the headlines this morning in the Washington Times? You do not read the Washington Times? Let me tell you, there it is. "George Stephanopoulos, senior adviser to President Clinton, said yesterday that the Republicans in this House are retreating from their promises." And my dear friends, do not think for 1 minute, not on the 110th day or the 105th day, but on the 101st day, and in fact it is already started and we are only in the 43rd day.

My friends, we are not even at the 50th day. Can you imagine what is going to happen on the 101st day?

Do not be hornswoggled by these amendments. I have been telling you these guys are very deceptive over here. What does he go on to say? He says, "The Republicans are retreating from their promises they made in their Contract With America," and it says "He accused them of tackling easy elements of the pact and ducking the tougher votes."

Mr. Chairman, this is only the 43d day. The President's senior adviser went on to say that he is predicting that the voters will enact punishment on the Republicans for being reticent and not enacting their provisions of the Contract With America

Mr. Chairman, let us stick with the Contract With America That is what the people voted for. Let us not jump up and vote for these amendments that would indirectly gut the Contract With America. Believe me, you will be shown no mercy on the campaign trail or in the 1-minutes or at any other time, any time we step away from the Contract With America. We do not want to end up with the contract just enumerating 10 issues and having it gutted, do we? No. Do not vote for the Berman amendment. Stick with the contract.

☐ 1120

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, in the 8 years that I chaired the Subcommittee on Foreign Operations of the Committee on Appropriations, I received three letters from Presidents Reagan and Bush, threatening to veto the foreign aid bills which we reported out of our subcommittee because they said we did not spend enough money. So I think my record in trying to save dollars in foreign aid is clear.

Section 501, just defended by my colleague from Wisconsin, is intended to reduce cost. That is obvious. But the fact is, it will have just the opposite effect. In fact, it will raise costs, because section 501 applies unless, unless the President certifies that a peacekeeping operation is so important that we would do it alone.

That is an open invitation to other countries to simply step back and say: "OK, let Uncle Sam go it alone, let Uncle Sam be uncle sucker." Just brilliant.

I tell you what confuses me about this proposal. I cannot figure out whether this bill was designed to be so dumb or whether it just happened that way by accident.

What when I see it coming from the party of Vandenberg, I do not know whether to cry or laugh.

Mr. BEREUTER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], a member of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Chairman, the criticisms that have been leveled against section 501, I believe, are misplaced. The Committee on International Relations carefully considered the objection and amended the reimbursement formula in an effort to ensure that funds would be available for true peacekeeping operations even after the offsets. We have received preliminary estimates from GAO of the amount of unreimbursed incremental chapter 6 peacekeeping expenses from fiscal year 1994. These are the only true peacekeeping expenses and the only ones for which legislation, as amended, would strictly require and offset. The total amount of these expenses is about $227 million. This is some $300 million less than the administration's budget request for peacekeeping in fiscal year 1996, and about $800 million less than the peacekeeping budget for fiscal year 1995, including the supplemental appropriation.

The remaining $1.5 billion in unreimbursed chapter 7 expenses for operations such as Desert Storm, Operation Deny Flight, and Uphold Democracy, which are more aptly described as peacemaking, would not require an offset provided that the President provided the necessary certification to Congress. In essence, this is a certification that the U.S. role in these operations was in its own strategic interest and not solely at the behest of the United Nations. As long as the United States remains prepared to contribute between $300 and $800 million per year to true international peacekeeping operations, it is inaccurate, and I would submit it is unfair, to say that we have removed peacekeeping as an option.

The second way in which the administration's criticism misses the mark is that it incorrectly assumes that the President would be required to certify in advance that we would unilaterally undertake the action in order to exempt it from the offset requirements. The administration then argues that if other nations knew the United States would undertake an operation of its own, there would be no need for them to cooperate in such inaction. This argument simply misreads the bill. There is no requirement that we act unilaterally, or even that we certify after the fact that we did act unilaterally, in order to avoid the offset requirement.

Rather, the President need only certify after the operation that it was the sort of operation that we would have undertaken in the strategic interest of the United States, even if we had been able to secure U.N. cooperation.

This formula, Mr. Chairman, leaves the President the flexibility he needs to protect the U.S. interests wherever he can certify in good conscience that such interests are at stake. Provided only that he can make such a certification, he need not fear that the cost of an operation will be offset against next year's peacekeeping budget.

Some of the proposed amendments would even go further, exempting practically everything from the offset, but that is something we did not have to deal with today.

Mr. Chairman, I ask for Members to vote against this amendment. I believe that the underlying language is sufficient and will positively serve peacekeeping for the United States and our allies.

Mr. BERMAN. Mr. Chairman, I yield myself 30 seconds.

Under the theory that inaccurate statements should be refuted as quickly as possible, I ask everyone to read the waiver section of section 501. There is an automatic deduction unless the President certifies as to chapter 7 only, not chapter 6, operations, that the activity is of such importance to the national security the United States will undertake the activity unilaterally. Not in our strategic interest. Not in our national interest. Unilaterally.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just stress I think the big question is not whether there is a modification—it is probably too harsh to call it a retreat—from a quasi-party platform, the contract.

The big question is whether there is going to be a retreat from international leadership, from the traditions of at least half a century of American involvement in world affairs.

I would only ask, as we look at this particular amendment that has been offered by the distinguished gentleman from California [Mr. BERMAN], two questions:

Is it cheaper and more effective to advance the interests of the United States through international burden sharing, or is it cheaper and more effective to go it alone?

The second question is, How can we, in times of trauma, ask others to serve with us if we refuse to serve with them?

It is in this context that I think this particular amendment would add modestly to the bill and make it something that would be more acceptable to more Members of this body.

But I would stress to everyone, this has become a flawed bill in the final measure. With great regret, I am going to have to vote against it.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BURTON], the distinguished chairman of the Subcommittee on Western Hemisphere.

Mr. BURTON of Indiana. Mr. Chairman, one of the things I think that needs to be stressed is how much money the United States is paying for U.N. operations, peacekeeping and otherwise.

According to the General Accounting Office, the United States paid 80 percent, 80 percent of the worldwide peacekeeping operations for the United Nations last year. Out of $3.4 billion, we paid, the American taxpayers ponied up $2.7 billion.

And on the regular administrative cost of the United Nations, we pay between 25 and 33 percent. Of all the countries in the world, we are picking up almost a third of all the costs. I do not think it is unreasonable to want a complete accounting for the President to tell us about all these costs. And if we feel it is extremely high, we should be able to do something about it. This is a very, very good amendment.

The American people want us to participate and do what we can to make sure there is peace and harmony in this world, but they do not want to pay the whole enchilada. And 80 percent of the cost last year was paid for by the U.S. taxpayer.

In addition to that, the year before that, we paid 44 percent of the peacekeeping cost. Think about that. Forty-four percent is a lot when we consider all the countries in the world that are in the U.N. But it was almost doubled last year. This is a move that should be taken.

I think it is a good amendment. I hope my colleagues will support it.

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Mr. BERMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking member of the committee.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding me the time, and I certainly commend him for his amendment, which I strongly support.

Section 501, as it is drafted in H.R. 7, limits the U.S.-assessed contributions to U.N. peacekeeping to only the amount that exceeds DOD's costs in support of U.N.-authorized operations.

Mr. Chairman, the provision says in effect that DOD costs include not only DOD support to regular U.N. peacekeeping operations, such as Cyprus, but to any U.N. peacekeeping activity. By that definition, Mr. Chairman, we would include a lot of things that the United States today is doing under the rule; for example, 15,000 United States personnel enforcing no-fly zones in Iraq, very much in the interests of the United States; troops in Operation Provide Comfort, helping the Kurds in Iraq; troops in South Korea, and many other areas.

Therefore, Mr. Chairman, the impact of all of that would be that, as drafted, it would prohibit the United States from making its assessed U.N. peackeeping contribution, and will, in effect, kill U.N. peacekeeping. That is the judgment, I think, of all of the experts in the administration that have looked at it carefully. One of the problems here is that the language is so broadly drawn that it includes all kinds of DOD costs.

Another problem here, Mr. Chairman, is we simply do not know what the costs are, so we have very vague language, and the result is that U.N. peacekeeping, our assessment, we would be owed money by the United Nations.

We would not pay our assessment, other countries would note that, they would not pay their assessment, and we would effectively destroy U.N. peacekeeping.

Mr. Chairman, what the Berman amendment does is to define those DOD costs much more narrowly. We have two purposes that are sought here, it seems to me. The first is that the Defense Department be fully reimbursed for these reasonable expenses. That is the concern that the majority is emphasizing, and it is a perfectly legitimate concern, but they have overdrawn their amendment much, much too broadly.

The second concern, I think, is that we maintain U.N. peacekeeping capabilities. The advantage of the Berman amendment is that it accomplishes both purposes, DOD reimbursement on a reasonable basis, a limited basis, but at the same time not destroying American national interest.

Mr. Chairman, I strongly urge support of the Berman amendment.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and the Judiciary of the Committee on Appropriations.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we are not anti-United Nations, we are not anti-reasonable peacekeeping operations. There are some good peacekeeping operations, we have to say. There have been some bungled ones, obviously. Those are the ones we need to focus on.

However, let me say this, Mr. Chairman, three points. There must be some fairness in the sharing of the burden of peacekeeping in the world. The Untied States is being overburdened in this process. The direct contribution that we make is, as has been noted, almost a third of the total cost, not to mention the extra costs of the Department of Defense and the others in support of those missions.

It is reasonable to say we are paying upwards of 60 to 70 percent of the total cost of peacekeeping missions. That is unfair. That must be addressed by the United Nations. The only way to get them to address those kinds of questions is for this Congress to be obstinate on funding. That is what we will be doing.

Two, the ineptitude of the United Nations operations, both its regular operations and peacekeeping. There are some 40,000 employees of the United Nations in New York alone. Until recently, only 40 of those people were trying to oversee 17 peacekeeping military operations with 70,000 soldiers around the globe, 5 days a week, 8 hours a day. It absolutely was inept; there is some improvement, but not nearly enough.

Fairness to the Congress, fairness from the administration to the Congress. The administration votes for these peacekeeping missions in the United Nations. We do not know in the Congress how much it is going to cost, when it is going to cost it, when we are going to get out, how we are going to get out, how we are going to pay for it.

They simply—the United Nations—simply sends the U.S. Congress the bill, after the fact. In former years it was a fairly small amount, $40 million a year 5 years ago. Now it is $1.2 billion for 1995 plus another $672 million supplemental they have just sent up here, so that is $1.8 or $1.9 billion, not counting DOD expenses. That is a significant figure.

We have to regularize this process. We simply cannot run the Government in that fashion. The Congress has to be in on the operation from the outset, so we can plan, at least financially, how to deal with it.

Mr. Chairman, the $672 million supplemental they have just set up for what the United Nations says are 1995 cost overruns is not offset. The administration says "We are not going to ask you to cut other spending, just give us out of the clear blue sky this money."

I say, "This must be offset. You have to pay for it. Then we will think about it."

Mr. BERMAN. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I think again we have to understand the fundamental principle. What the U.N. does in the post-cold-war era is carry out American foreign policy interests. If it is not in America's foreign policy interests, we use our veto to stop it.

Therefore, the choice here is we continue to operate within the United Nations or we will end up having to do these things unilaterally; or even worse, we will wait until a crisis in a region explodes to a far greater crisis, to far greater costs in both human life and dollars.

Mr. Chairman, the principal impact of this piece of legislation and this section would be that Saudi Arabia would not pay its U.N. dues for the next 50 years. Japan, France, and the Soviet Union, along with the United States, would ask for additional payment from Bangladesh and other impoverished countries.

Think about what we are saying here. These are our national policy interests. The President of the United States, President Bush, mobilizes the world through the United Nations to stop Saddham Hussein's cut off of oil. Because it is a United Nations operation, rather than an American unilateral operation, we are able to get the Saudis and the Japanese and others to pay for the major portion of this activity.

Now we would all go back to the United Nations and ask the most impoverished countries of the world to pay for our military action, to protect the West's oil supplies.

Mr. Chairman, it would not just stop with the French and the British and the Americans and the Japanese and the Saudis. The Russians would be at the U.N. immediately as well, because they would say "Look what the Americans have done. We are in Tajikistan and we are in Georgia under U.N. authorization. We want to be paid for that."

Now we would have the Saudis, the Japanese, the French, the British, the Russians, and the Americans coming to the United Nations telling Bangladesh that they owe more dues to pay us for our involvement in the gulf war.

Mr. Chairman, let us be straight about it. If Members are where Congress was at the end of World War I and they believe we should not have been in the League of Nations and they believe we should not be in the United Nations, then get up and tell us to get out of the United Nations, but do not continue to try to either hamstring the President's ability to operate within multilateral organizations, or bankrupt the organization through this budget maneuver.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I am happy to yield to the gentleman from Indiana.

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Mr. BURTON of Indiana. All of it or half of it or three-fourths of it, how much?

Mr. GEJDENSON. I think that the present law that we passed in the previous year is adequate, 25 percent. I think we are heading in the right direction on our payments. But clearly it should not be Bangladesh subsidizing the Saudis.

Mr. GILMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WELDON], chairman of the Subcommittee on Research and Development of the Committee on National Security.

Mr. WELDON of Pennsylvania. Mr. Chairman, let us be straight with the American people our colleagues. This amendment is not about getting out of the United Nations nor is it against peacekeeping. It is about fairness, to our taxpayers and military.

We heard debate earlier today about saving $1.5 million for a commission. Two hundred two Members, largely of the minority party, voted "yes" for that huge savings in defense spending for the readiness of our troops. We had a big vote on missile defense. The key issue was savings. This year we are spending almost $2 billion of American taxpayer money on the United Nations and its operations around the world, $2 billion. We simply want to have some accounting and we want to have some credit for what we put in.

Let me use Haiti as an example. We had no debate before our troops were committed to Haiti, I might add, not 1 minute of debate on this floor before the troops went in. Yet we have in fact spent $1.5 billion of American taxpayers' money. Even more outrageous and the purpose of the three flags in my lapel, Bangladesh, Guatemala, and Nepal. Here we are right now paying the full salaries, benefits, and housing costs of the troops of these three countries. Yes, my colleagues we are paying with DOD dollars the benefits, the salaries, and the expenses of the troops from these nations in Haiti. At the same time that 600 troops from the Second Armored Division of Fort Hood, TX, had to conduct 10 training exercises in the range walking together pretending they were in tanks because we do not have enough money for fuel and maintenance.

The new slogan of that battalion of 600 troops that used tanks in training is to march together and say, "Clank, clank, I'm a tank." While we are paying the full benefits of troops from Bangladesh, Nepal, and Guatemala.

This has got to stop, Mr. Chairman, We want fairness. That is all we want. We are not saying pull out of the United Nations. We are not saying isolate ourselves. We are saying what our colleagues said. Let us have some concern about the taxpayers' money. It is not a bottomless pit. Two billion dollars is what we are spending. Is that enough? I think it is too much.

I think the provision in the bill allows us to get a hold of the money that we are spending and better use those dollars for American troops so that from time to time we can go together with out allies. But I really have a problem using American DOD dollars to pay the salaries and benefits of foreign troops when we cannot even take care of our own readiness needs as so many of our National Security colleagues mentioned today.

I might add for the RECORD, I just have to insert this letter from one of my constituents serving in Haiti who is absolutely outraged at what role he is paying there now.

Mr. Chairman, the letter referred to is as follows:

HONORABLE CURT WELDON: I am stationed here in Port-au-Prince Haiti, with the U.S. Army. As a local constituent I am writing you concerning several issues about the armed forces and our involvement here in Haiti.

First I would like to mention about our military mission here in Haiti. Several of my fellow service members and I find no purpose in Clinton's administration policy to reinstall Aristide, a communist leader, back into this country. Since when do the U.S. forces work for a communist leader who has always denounced the United States as evil. A leader who has stolen tens-of-millions of dollars from his citizens, which the U.S. tax payers may have to pay back to the people of Haiti. This also does not include the enormous expenses of this entire military operation, to the American tax payers to which there will be no benefits. Now, since this military operation is done and over with, and our mission of restoring Aristide finished, we all should be getting back home. But, now due to the effort of the United Nations and the Joint Staff Commanders, several thousand U.S. service members are staying and we shouldn't be. Staying because the United Nations and the Joint Task Force commanders say they need us. This country is now safer to walk the streets than most cities back in the states. The Joint Task Forces, under the United Nations are fully capable of keeping the peace here. What my fellow service members and I want to know from you, is what are you doing to end Clinton's U.S. involvement here in Haiti. And to keep future U.S. forces out of the control of the United Nations.

Mr. BERMAN. Mr. Chairman, I yield myself 30 seconds.

When the gentleman talks about Haiti, he talks about a United States decision that we went to the United Nations and obtained authorization for under chapter 7. It is an incremental cost. There is nothing in 501 that would do anything about who pays for that. What would happen is every dollar of that would deduct and wipe out the peacekeeping costs for every regularly assessed operation which we supported in the United Nations.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from California for yielding me the time.

Mr. Chairman, it is time we accept the reality. We are a world power. We are a world power. We defeated communism, and no, we cannot expect Nepal and Bangladesh to pay the same amount of money that we do. Yes, we are going to have to take the leadership, and part of that burden means we are going to have to pay more.

But, Mr. Chairman, I would submit that this is a very wise investment, which is why I believe this bill is mistaken when it attempts to undermine funding for U.N. peacekeeping activities. The point I am trying to make is that we have very legitimate and vital national interests which are protected by U.N. peacekeeping.

What are our interests? We have an interest in the global marketplace, that markets are allowed to thrive and not be disrupted by localized aggression and by petty dictators. We do not want to set the precedent that might makes right. We do not want to see our markets disrupted by petty dictators. We want to have the ability to work collectively within the world community to thwart these kinds of efforts.

We have an interest in oil. Our recent efforts in Desert Storm magnify the fact that we need to work collectively and we need to have the resources of other countries join with ours to fight to help protect our specific interests.

We have a very important interest, Mr. Chairman, in fighting terrorism internationally. With the exception of the very unfortunate bombing in New York, we have had the good fortune of not having very much terrorism on our shores. It is better, I submit, to fight terrorism on other shores in a preemptive manner rather than have it come to this country.

What does this have to do with U.N. burdensharing? The gentleman was saying that we are paying for Napalese soldiers. I would submit that is probably a wise investment. Better to have other soldiers involved in the fight than to have all U.S. soldiers, because this bill provides us with an unfortunate option. We either go it alone or do not go at all. We have got interests that mean we have to go. I submit we are better off if we go with others.

Mr. GILMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], the chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Chairman, a lot has been said about this subject and I think there may be some confusion, but I hope some Members focused on the remarks of the gentleman from Indiana [Mr. BURTON] a few minutes ago when he said that recently the United States, when you consider all costs, was paying over 80 percent of the peacekeeping operations of the United Nations. It is incredible.

What I am suggesting and what I was able to do in the committee is to assure that at least incremental costs are to be offset. We have a tremendous expenditure of funds.

We have an important role to play in peacekeeping. But as I suggested to the Secretary of State when he appeared before us, the status quo is not acceptable. We have to have some changes in the way our assessments are calculated.

Mr. Chairman, I would be absolutely convinced that even though our peacekeeping assessment is 30.7 percent, and even though the last Congress said by resolution that we are going to reduce it to 25 percent, supporters of the United Nations, perhaps even the Clinton administration, will come to us later this year and say again next year, and perhaps next year, "You are in arrearage," even though we had expressed our clear intent to pay no more than 25 percent.

That is a very generous share, because when we consider all of our other calculated costs, incremental costs and others, we are paying far, far beyond 25 percent. We are paying more than 50 percent. Recently we paid 80 percent. I think it should be clear to our colleagues that we can ask for some different procedures to be established when it comes to our contributions to peacekeeping.

I urge opposition to the amendment.

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I thank the gentleman from California for his allowance of time.

Make no mistake about it. Title V is a gilt-edged, hand-engraved invitation to adventurism. It would effectively end U.N. peacekeeping with catastrophic consequences. It would be an open invitation to would-be aggressors and rogue states all around the world. Wars and conflicts with all their suffering and chaos would multiply. Gorazde and Sarajevo would be just a hint of things to come. We would be left with a stark choice, intervene unilaterally or do nothing at all.

Mr. Chairman, the fundamental problem with the measure as it is written is that it presents a false tradeoff, fulfilling our collective security obligations versus maintaining the readiness of our Armed Forces. In reality, as a practical matter, they are two sides of the same coin.

By leveraging our forces through the United Nations, we ease the demands on our Armed Forces in the same way a high state of readiness bolsters the credibility of a collective security system. But trying to maintain a high state of readiness when we are constrained to unilateral action is simply untenable.

In the period between the wars, we had neither an adequate state of readiness nor credible collective security. The result was unprecedented global disaster.

☐ 1150

It was in that period that arch-isolationist, Arthur Vandenberg, was transformed into one of the most formidable advocates of collective security through the United Nations. Today we discard the lessons we learned at our great peril. The conflicts, no matter where they are, no matter how distant, left unattended can affect us all.

John Dunne was absolutely right. The bill's greatest flaw is that it fails to recognize that U.N. peacekeeping promotes our national interests.

Arthur Vandenberg said it best. Let me just share this observation from him.

> Much as we might crave the easier way of lesser responsibility, we are denied this privilege. We cannot turn back the clock. We cannot fail by the old and easier charts. That has been determined for us by the march of events. We have no choice as to whether we shall play a great part in the world. We have to play that part. We have to play it in sheer defense of our own self-interest. All that we can decide is whether we shall play it well or ill.

Mr. GILMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Berman amendment. It fails the minimal truth-in-labeling standard required for any provision that calls itself a credit against our peacekeeping assessment.

After all the exemptions in this amendment are added up, the U.S. taxpayer will still be paying roughly the same amount for U.N. peacekeeping.

Our legislation merely seeks to get a handle on our spiraling direct and indirect costs for peacekeeping which amounted to some $2.8 billion last year. Our bill provides that a portion or our unreimbursed Defense Department expenditures in support of peacekeeping will be deducted from our U.N. assessment.

What we are now considering in this amendment is a so-called credit that has so many loopholes that virtually every peacekeeping mission we support in the world today would be exempted. It guts the provisions now in the bin.

Adopting this amendment would move us further from our goal of getting credit for the rapidly escalating indirect costs—$1.7 billion at last count—of DOD support for U.N. peacekeeping. Accordingly, I urge my colleagues to defeat this amendment.

This amendment does not in any manner end our support for U.N. peacekeeping. It does undertake a modest first step in ensuring that we get credit for all of our direct and indirect support for any U.N. peacekeeping operations.

I urge my colleagues to delay the Berman amendment.

Mr. BERMAN. Mr. Chairman, I yield myself the remainder of our time.

The CHAIRMAN. The gentleman from California is recognized for 2½ minutes.

Mr. BERMAN. Mr. Chairman, to try to put the debate in perspective of the language in section 501, if 501 had been in place in 1990, $60 billion that we spent in incremental costs on Desert Storm, $60 billion that was authorized by the United Nations because we went to the United Nations and got them to authorize it, would have been deducted and wiped out every peacekeeping cost for the next 50 years, even though the vast majority of that money was reimbursed by other countries.

This inflexible, silly language makes no provision for costs that are reimbursed for other countries that have to be reimbursed for the United States.

Second, yes, we can construe U.N.-authorized operations and attribute percent of the costs. It does not cover what is wiped out. You have wiped out U.N.-assessed costs where after this fiscal year we will only pay 25 percent. The other costs are operations we want to help ourselves diplomatically, politically, and militarily in terms of enforcing embargoes we got the United Nations to authorize so other countries would help us, help us. Penny-wise, pound-foolish, this amendment.

Finally, to remind Members, nothing is undertaken by the United Nations unless the United States decides it. If we do not like a specific U.N. operation, whether it is Somalia or Haiti, fight on that issue. Do no wipe out all of the good because of one thing you do not like.

It is the end of the cold war. We are at a point where America's security environment is more complicated than ever, and we are asked with this language in 501 to choose isolationism.

This so-called National Security Revitalization Act is billed as a cost-saving move to limit foreign adventurism, but its effect would be to undermine our national security by gutting our ability to use the United Nations as a tool to pursue U.S. interests.

Vote for the amendment. Defeat the bill. H.R. 501 is wrong.

Mr. GILMAN. Mr. Chairman, I am pleased to yield the balance of our time to the gentleman from California [Mr. HUNTER], the distinguished chairman of the Subcommittee on Procurement of the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I thank the chairman of the committee for yielding me the time and for his great work.

My colleagues, let us look at this part of the Contract With America for what it is. This is a taxpayers' credit, and here is what it says: It says if you have U.N. operation going on, and we are paying almost 30 percent of that, or almost a third of that, we are helping the U.N. operation. We may be undertaking at the same time an American airlift that we are paying entirely out of U.S. taxpayer funds. We have undertaken this airlift in Bosnia now longer than the Berlin airlift, and all we are saying is that we would like to get a little credit for this in-kind contribution.

We spent about $1.4 billion in DOD airlifts and incremental costs, and at worst case, if the President exercises his exemptions, the U.S. taxpayers are only going to the credited for about $240 million out of the fiscal year 1994 incremental costs for peacekeeping requirements, we are only getting a credit of 240 million. The gentleman from California [Mr. BERMAN] wants to cut the $240 million credit down lower.

The U.S. taxpayers have a right to get this tax credit. They are paying two ways. They are paying through the United Nations and they are also paying for U.S. unilateral actions.

Please reject the Berman amendment or we are going to water this doggone thing down to the point where U.S. taxpayers do not get any credit at all for American unilateral actions carried out by DOD.

Please vote "no" on the Berman amendment.

The CHAIRMAN. All time has expired.

The question is on the modified amendment offered by the gentleman from California [Mr. BERMAN].

The modified amendment was rejected.

The CHAIRMAN. Under a previous order of the House, it is now in order to consider an amendment by the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from New York [Mr. GILMAN] and others have talked about the costs of the United Nations, but what has not been talked about is we are talking about percentages, 25 percent of an already bloated budget. They are not cutting back on their costs, they are not addressing budget reductions.

I had planned to offer an amendment which would have placed a monetary cap of $250 million for the U.S. contribution to the United Nations. Here at home we are making painful budget cuts, we are eliminating wasteful spending and abolishing unnecessary bureaucracies. The taxpayers have insisted that we change the way we do business here in Washington, and I think that we can accept no less from the United Nations.

I believe we have the right and indeed the obligation to require the United Nations to do this, because the American taxpayer provides it with a quarter of its $1 billion plus budget. When we add in peacekeeping, as the gentleman from New York [Mr. GILMAN] has already said, $2.8 billion, we are already at $3 billion plus. That is too much money, and as the largest donor we are the only country capable of effecting positive change at the United Nations.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SAM JOHNSON of Texas. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the gentleman from Texas [Mr. SAM JOHNSON] certainly raises a pertinent point on the issue of the U.S. contribution to the U.N. regular budget, and I share the gentleman's concerns about the level of our contributions, particularly in light of the poor management practices and inefficiencies that have been characterizing the U.N. organization. And I can assure the gentleman from Texas that our International Relations Committee will continue to press for reforms and hold the United Nations to no real growth in their budgets.

If the gentleman is willing, I would be pleased to work with him on this issue as part of the State Department authorization process. Our Committee on International Relations will be considering the authorization for the State Department for fiscal years 1996 and 1997 in the next few months, and this is a bill that authorizes the funding for the United Nations and the international organizations.

□ 1200

I am certain our Members would welcome the views of the gentleman from Texas [Mr. SAM JOHNSON] on the U.S. contribution to the U.N. budget, so we would look forward to being of assistance to you in addressing your concerns and interest in the U.N. regular budget consideration.

Mr. SAM JOHNSON of Texas. I thank the Chairman. I appreciate him yielding time to me to discuss this, and I will take the chairman's suggestion and not offer the amendment today but will, instead, bring it up at the appropriate time, which will be during the State Department authorization process.

The CHAIRMAN. Under a previous order of the House, it is now in order to consider the amendment of the gentleman from Ohio [Mr. TRAFICANT].

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT:

Page 53, beginning on line 15, strike out "25 percent" and insert "20 percent".

Page 53, line 18, strike out "25 percent" and insert "20 percent".

Page 53, line 21, after "the United States." insert the following new sentences:

For any United Nations peacekeeping operation that is initially authorized by the United Nations Security Council before the date of the enactment of this section, the applicable percentages under the preceding sentence shall be 25 percent. For United Nations peacekeeping operations that are initially authorized by the United Nations Security Council on or after the date of the enactment of this section, the President may increase the percentage limitations under the first sentence of this subsection to a percentage not greater than 25 percent. The President may exercise the authority under the preceding sentence only after transmitting to Congress a report providing notice of the percentage increase under the preceding sentence and a statement of the reasons for the increase.

The CHAIRMAN. The gentleman from Ohio [Mr. TRAFICANT] will be recognized for 2½ minutes, and a Member opposed will be recognized for 2½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

I listened very carefully during this debate.

I would just like to offer my little assessment. I think the American people are fed up, fed up knowing that Uncle Sam has become the policeman for the entire world. But what they are really galled about is Uncle Sam then sticks around and organizes a neighborhood crime watch everywhere around the planet.

We happen to have 25,000 murders a year in America. Now, I know that is not germane to this debate. There are 25,000 murders, it is approaching, a year in America and everybody is talking about the borders overseas, controlling borders and patrolling and helping foreign nations.

Somebody better take a look at our borders.

The bill sets a cap of 25 percent for U.N. peacekeeping operations, our share. The Traficant amendment says that it shall be a 20-percent cap as a target, and the President can go to the 25 percent, but he must notify the Congress that they have reached 20 percent expenditure, and he is going to increase it and give us the reasons why the President wants those additional moneys.

Now, I have heard everybody saying we are a world power. Ladies and gentleman, we are an almost bankrupt world power, and a bankrupt America does not have much world power in the future. So I do not want the Contract With America to accept the Traficant amendment, go to conference, and throw it out.

I want to take another second to explain it. The Traficant amendment says that somebody in the White House or the Pentagon has to get out an adding machine or a calculator and figure out what they are spending and say, "Mr. President, we are approaching 20 percent. Now, we have got to send it to the Congress, notify them we are going to use the full 5."

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. GILMAN. Mr. Chairman, I seek the time.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILMAN] for 5 minutes.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to say to the gentleman from Ohio [Mr. TRAFICANT], "You are right on target." I support this amendment.

This amendment further reduces the cap of the U.S. share of U.N. peacekeeping from 25 to 20 percent, and when you see what is taking place in our country, you are right on target. It permits two exceptions, I think, that the Members should know. It grandfathers existing operations and it permits the President the flexibility of increasing it to 25 percent where he believes it is necessary.

This is a very well thought out amendment, and the value of this amendment is that it makes it clear a congressional policy is in order that the U.S. taxpayer should not be paying more than 20 percent of the tab. It is time to ensure that the U.S. taxpayer is no longer fleeced.

I want to thank the gentleman from Ohio for pointing that out. Eighty percent of the tab, like the Clinton administration paid last year, is grossly unfair to the American taxpayer, and this is a fair amendment. It is a just amendment, and it deserves the support of this House.

Mr. TRAFICANT. Mr. Chairman, I yield the remainder of my time to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. I rise in support of this amendment. A few months ago the front page of the Washington Post said we had our troops in Haiti picking up garbage and settling domestic disputes. Those should not be the mission of the American military, yet those are the kinds of things we are doing in these peacekeeping operations.

I support the amendment.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment which I believe is in keeping with the other provisions of this title providing greater scrutiny and congressional oversight of the funding of U.N. peacekeeping operations. This amendment would establish a 20-percent assessment for new peacekeeping operations which the administration could raise up to the prevailing level of 25 percent to the extent it reports to Congress on the reasons for our increased financial support.

I would like to commend the gentleman for offering this amendment and the majority accepts the Congressman's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Under a previous order of the House, it is now in order to consider the amendment of the gentleman from Illinois [Mr. DURBIN].

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 63, line 4, strike "In particular," and insert "Numerous Central and East European countries, particularly"

Page 63, line 5, insert a comma after "Slovakia"

Page 66, after line 12, insert the following few paragraphs (and redesignate the succeeding paragraphs accordingly):

(7) that, when any other European country emerging from communist domination is in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area, it should, in accordance with Article 10 of such Treaty, be invited to become a full NATO member, provided it—

(A) meets appropriate standards, including each of the standards specified in clauses (i) through (vii) of paragraph (5)(A); and

(B) remains committed to protecting the rights of all its citizens and respecting the territorial integrity of its neighbors;

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time.

Page 67, line 8, strike the semicolon and insert "including Russia, and"

Page 67, strike line 10, beginning on line 11, strike "cooperation" and beginning on line 12, strike "including the Organization on Security and Cooperation in Europe, and" and insert a period.

Page 67, strike line 14 and all that follows through line 21

(8) that the United States, other NATO member nations, and NATO itself should furnish appropriate assistance to facilitate the transition of other European countries emerging from communist domination to full NATO membership at the appropriate time;

Page 67, line 8, strike the semicolon and insert ", including Russia, and"

Page 67, strike line 10, beginning on line 11, strike "cooperation", and beginning on line 12, strike "including the Organization on Security and Cooperation in Europe, and" and insert a period.

Page 67, strike line 14 and all that follows through line 21.

The CHAIRMAN. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

I would like to say at the outset I want to express my appreciation to the chairman, the gentleman from New York [Mr. GILMAN], as well as the ranking member, the gentleman from Indiana [Mr. HAMILTON], who have cooperated in the reparation of this amendment.

Let me try to describe this amendment in very express and succinct terms. This bill envisions the possibility that NATO will be expanded in the future. The North American Treaty Organization, which has been the bedrock of democracy in Europe since World War II, has been a major factor in American foreign policy.

Many countries which were not members of NATO after World War II were under Communist domination and were thereby precluded from participation. Now that we have seen the elimination of the Soviet Union per se and the emergence of new countries in the region, many of them new democracies, we are envisioning the possibility that NATO in the future will embrace these same democracies.

The bill is express in its terms and suggests that we should consider enlarging NATO to include Poland, Hungary, the Czech Republic, and Slovakia. I have absolutely no objection to that, and feel they are appropriate candidates to be considered for NATO.

Unfortunately, the bill does not list many other nations which were formerly under Communist domination, and I think immediately, but not exclusively, about the Baltic States, Estonia, Latvia, Lithuania, and Ukraine.

What my amendment does is to open the possibility, the potentiality, that other formerly Communist-dominated nations will also be considered for NATO membership.

This a great boost to these countries to know that they, too, are considered potential allies of the United States and all freedom-loving nations.

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I claim the other 5 minutes.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. GILMAN] for 5 minutes.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of the amendment offered by Mr. DURBIN which amends title VI regarding NATO.

This amendment makes clear that there are a number of Central European countries beyond the Visegrad Four which should, at some point, be in a position to become full NATO members. I believe this is a very useful addition to the bill.

As I understand it, this is a consensus amendment worked out by the gentleman from Illinois in cooperation with the Central and East European Coalition which consists of those prominent organizations that represent Americans of East European lineage.

That coalition has reportedly obtained the approval of Baltic-Americans, Ukrainian-Americans, Armenian-Americans, Hungarian-Americans, Czech-Americans, Polish-Americans, and others for this amendment as introduced.

I would also like to note the amendment includes language urging other NATO nations to furnish appropriate assistance to facilitate the transition of these countries to NATO membership. This is a key point. The U.S. cannot be the sole source of assistance for these countries.

This amendment also deletes language in the bill that has been interpreted—I am certain, inadvertently—as giving Russia a veto over NATO expansion in Central and Eastern Europe.

I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to take further time. I understand there are other amendments and other debates that need to be considered.

I certainly thank my colleague, the gentleman from New York, He has been a pleasure to work with, on a very important issue. I also want to salute the gentleman from Michigan [Mr. KNOLLENBERG] and the gentleman from Ohio [Mr. HOKE], who share our feelings on this important issue, as well as my colleague from Chicago, the gentleman from Illinois [Mr. LIPINSKI], who is a cosponsor of this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. I rise to express my strong support for the amendment offered by Mr. DURBIN to include other European countries along with Poland, Hungary, the Czech Republic, and Slovakia, for NATO membership in the future.

In particular I support restoring the eligibility of the Baltic states of Estonia, Latvia, and Lithuania, as well as Ukraine to join NATO when they are able to meet the necessary requirements.

Since their independence from the Soviet Union, these nations have been working diligently to rebuild internally and establish democratic and free governments. By reaching out to the West, the Baltic states have been striving to develop peaceful relations throughout the global community.

Lithuania, Latvia, Estonia, and Ukraine cannot ignore their neighbor to the east, the Russian Federation. We too cannot help but realize that Russia continues to present a potential threat to these countries. Certainly we all can see that the instability and actions of Russia have heightened tensions within its neighbors who remember all too clearly the history of the past 70 years.

In its current form H.R. 7 sends a message to these nations of Central and Eastern Europe that they are on their own in security matters. This is a message we surely do not mean and one we cannot risk sending. It threatens to destabilize this region through the implication that NATO expansion would be limited to the four named countries, Poland, Hungary, the Czech Republic, and Slovakia. Certainly we should not imply that consideration of NATO membership will be limited to just these four countries. When the Baltic states or Ukraine meet the appropriate requirements they should be permitted to, at the least, be considered for NATO membership.

The Durbin amendment resolves this problem in a fair and suitable manner. This language making numerous Central and Eastern European countries eligible for consideration in future NATO expansion extends the same criteria for NATO integration to all the nations of Central and Eastern Europe. I support this amendment and urge my colleagues to do so as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The amendment was agreed to.

□ 1410

The CHAIRMAN. Under a previous order of the House, it is now in order to consider the amendment of the gentleman from Virginia [Mr. BATEMAN].

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN: Page 74, after line 16, strike all through line 20; Redesignate current paragraph (B) as the (A); Add after (A) the following new paragraph (B):

(B) certain countries that were a part of the former Union of Soviet Socialist Republics or that were part of the former Socialist Federal Republic of Yugoslavia, which the President may designate pursuant to Section 203(d)(2) of the NATO Participation Act of 1994.

The CHAIRMAN. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] will be recognized for 1½ minutes, and a Member opposed will be recognized for 1½ minutes.

The Chair recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, in the bill as it comes to the floor, there are terms within the bill, or a phrase, "certain other European countries emerging from communist domination." In a section of the bill thereafter this phrase is defined legislatively. The legislative definition now in the bill is written so as to make eligible for participation in programs that bring additional countries into NATO, territories of the former Soviet Union and territories of the former Federal Socialist Republic of Yugoslavia.

My amendment changes that definition of that phrase, "certain European countries which have emerged from communist domination." But the nature of the amendment makes no substantive difference in the bill. What it does do, however, is to remove that blanket invitation to have someone possibly construe this that we are thinking in terms of countries as remote from NATO as Kazakhstan or Azerbaijan or Armenia or Turkistan, which I do not think anyone really contemplates is what we have in mind.

Similarly, if you say all of the former territories of the Federal Socialist Republic of Yugoslavia——

The CHAIRMAN. The time of the gentleman from Virginia [Mr. BATEMAN] has expired.

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent for 2 additional minutes.

The CHAIRMAN. The Committee is under a unanimous-consent agreement of the House where it is not in order to ask for additional minutes.

If the gentleman from New York [Mr. GILMAN] would like to control the time, he can yield.

Mr. GILMAN. Mr. Chairman, I would be pleased to yield 1½ minutes to the gentleman from Virginia.

Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the gentleman's amendment.

I believe it helps to clarify the fact that the President has the discretion to identify certain countries in the former Soviet Union and in the former Yugoslavia which may be eligible for assistance.

Some countries may be designated in those regions. Others may not. It's the President's decision.

I urge my colleague to support Mr. BATEMAN's amendment.

Mr. BATEMAN. Mr. Chairman, it is my understanding it is also acceptable by the gentleman from Indiana [Mr. HAMILTON], the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to make sure this language does not preclude the possibility of a country like Slovenia, which is independent, has a privatized economy, had had successful free democratic elections, from joining, having the same status as the already named countries in the legislation.

Mr. Chairman, I greatly appreciate the positive response of the gentleman from Virginia [Mr. BATEMAN], as well as the concurrence and affirmation by the chairman of the Committee on International Relations, Mr. GILMAN, that the amendment of the gentleman from Virginia and the amendment of the gentleman from Illinois [Mr. DURBIN], clearly open the door for admission of Slovenia to NATO membership without specifically mentioning that country by name.

Slovenia clearly deserves equal standing with the other countries already named in the pending bill and merits membership on a full equality basis in NATO, because Slovenia obviously has taken its place in the family of nations as a democratic, free market-based, privatized economy. In a December 1990 plebiscite, Slovenes voted 96 percent for independence from what was then Yugoslavia. That plebiscite directed the Slovene Parliament to craft a constitution, based on democratic, representative, government principles and set June 26, 1991, as the date on which independence from Yugoslavia should be formally declared.

Those directives were carried out by the Slovene Parliament, independence was declared; the Yugoslav army invade Slovenia to stifle independence, but, after a 9-day military confrontation with minimal loss of life, the Yugoslav army retreated and the Slovene people prevailed. The United States formally recognized the Republic of Slovenia on April 7, 1992.

Immediately upon the successful establishment of its independence, the Slovene Government began a very intensive privatization of its national economy, much of which already was operating on a market basis.

In January 1993, an international trade journal, International Trade Reporter, said this about Slovenia: "Of all the countries of eastern Europe, Slovenia has the best preconditions for the transition to a market economy and a fast start toward dynamic economic development."

Now, a fully privatized economy, Slovenia is the 20th largest exporter in the world, exporting over $7 billion in goods each year, which accounts for 60 percent of Slovenia's GNP. Slovenia now enjoys a lively trade with the United States, shipping $229 million worth of goods to the United States each year and importing some $180 in United States goods annually.

However, for Slovenes, these are not surprising numbers. Prior to separation from the former Yugoslavia, Slovenia, with a population of 2.4 million, just over 8 percent of the total population of the former Yugoslavia, represented 40 percent of former Yugoslavia's overall GNP and 36 percent of its total tax base. Slovenes are industrious, hard working, committed to democratic principles and a vigorous market economy. They deserve to have their rightful place in the family of nations and, should they choose to do so, a seat in NATO and in the Western European Alliance.

Not only would such status be emphatically embraced by the Slovene Government and its people, but it would also fill with pride the three-quarter million or so of Americans of Slovene descent, including me, who are scattered throughout nearly every one of these United States.

Mr. BATEMAN. Mr. Chairman, I would say to the gentleman he is correct. It is written so as not to exclude the possibility of Slovenia.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding, and I commend him on his work. It has indeed taken care of some clarification both with respect to the Soviet Union and the Socialist Republic of Yugoslavia. I thank the gentleman for his work, it is very fine work.

I hope we can support it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment was agreed to.

The CHAIRMAN. Under a previous order of the House of today, it is now in order to consider the amendment of the gentleman from New Jersey [Mr. TORRICELLI].

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TORRICELLI: Page 68, line 4, strike out "shall" and insert "may."

The CHAIRMAN. Under a previous order of the House, the gentleman from New Jersey [Mr. TORRICELLI] will be recognized for 22 minutes, and an opponent will be recognized for 22 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, never in my memory has a more simple amendment been brought before this institution. It hangs largely on one word, "may" the United States establish the new military aid program and expansion of foreign aid in eastern Europe, or "shall" it do so? Is it mandatory?

In my memory of this institution, I have never known this Congress in its enthusiasm for foreign aid to mandate an expansion of that program to other countries. But indeed, unless my amendment is accepted, that is exactly what we will do today: Add 4 countries in eastern Europe on a mandatory basis, requiring military aid.

Now, I know this is a large institution and we represent very different districts with different electoral experiences. But I cannot believe that anyone in this institution feels that it is a mandate from their constituents in the second month of this new Congress as a matter of the highest priority to come here to this floor to expand foreign aid. I do not think anybody knew it was in the contract. I do not think anyone would have been for it if they did.

But you have got one opportunity to take it out today; change the word "shall" expand foreign aid to "may," based on the judgment of the administration.

Now, I know that the intentions of the authors of the legislation are sound, to bring into the western alliance for security purposes the nations of eastern Europe.

And indeed under the Partnership for Peace, $100 million has already been authorized to work with eastern Europe nations so that one day they might coordinate their defense policies and perhaps eventually enter NATO.

But this is beyond coordinating defense programs. This is providing direct assistance.

Now, the authors may claim that the $100 million of the Partnership for Peace can be used to fund this new foreign aid program. But indeed there is no reason to believe that this money would be sufficient. It is already being used with other nations. It may already be entirely consumed.

The simple truth is that if we vote to expand this foreign aid program, that money either has to come from withdrawing other eastern European nations from the Partnership for Peace, coming back to expand overall foreign aid money, or taking it from current recipients, most notably the biggest recipients, the Russian program, the Israeli program, or the Egyptian program.

Indeed, those countries could not possibly be unaffected if we are to mandate this foreign aid program because there are no other sources.

I find myself, Mr. Chairman, in a peculiar position. Having served on the Committee on Foreign Affairs all these years, I have come to this floor previously to argue for foreign aid, for poor nations, for nations with security problems, for nations working with the United States on a bilateral basis for our own defense, but considering our other budgetary problems and the other needs before this Congress, our domestic priorities, I cannot argue that we should add any nation on a mandatory basis for American foreign aid.

My amendment would simply allow the administration to look at each of these countries, Slovakia, Czech Republic, Hungary, and Poland, gauge the strengths of their democracies, the liberalization of their economies, what they are doing for their own security needs, and then make a determination whether or not we want to expand our military assistance.

It is a discretion that makes sense. Indeed, in the underlying legislation, on page 68 and page 69, this is exactly the formula that the authors use for expanding this to other countries beyond the four I just mentioned. They would gauge the progress of democracy in those countries, Ukraine, Baltics. That is what we should do for these.

□ 1220

Indeed, frankly I think of no better evidence than of the four countries mandated for an expansion of military aid, two of them are now led by former communists. One has an authoritative government. All have declining defense budgets.

So the majority would have us have a mandated foreign aid program for countries led by two former communists? Where they themselves are decreasing their defense spending? With all due respect, Mr. Chairman, who is doing the thinking here? This cannot make any sense.

Let us work together with the administration to determine whether or not they are making progress, and they should be brought into the program.

There are times, Mr. Chairman, when this Congress feels so strongly and the merits are so overwhelming for foreign assistance programs in our security needs that this Congress should mandate, and we do, for Israel, for Egypt. But if I might paraphrase the words of former Senator Bentsen, Slovakia is no Israel. There is no need at this point to write into the law this which in my judgment is the largest expansion in terms of naming the countries involved with American foreign aid in my memory.

I cannot believe that any Member of this institution wants to go home this evening, meet their constituents on the streets and say to them, "You can be proud. I recognized our needs. I just voted to on a mandatory basis add four countries to the American foreign aid program."

Mr. Chairman, I reserve the balance of my time.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] is recognized for 22 minutes.

Mr. GILMAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], a senior member of the Committee on International Relations and chairman of the Subcommittee on International Operations.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today to voice my strong support for the underlying provisions of the legislation, namely title 6, which squarely addresses the issue of NATO expansion. At the outset, let me dispel the notion that this section would somehow hamstring the administration's foreign policy, assuming it has one. Nothing in the National Security Revitalization Act mandates NATO membership for any country or group of countries. Changes in the membership of NATO are determined on the basis of consensus among the alliance's member states as stipulated under article 10 of the North Atlantic Treaty, a point reaffirmed in the pending legislation and known to Members on both sides of the aisle.

The crux of the matter is how best to consolidate and build upon the fundamental political changes which have occurred in many of the countries of Central Europe, the Baltics, and some of the New Independent States of the Former Soviet Union. On the security front, a veritable "no-man's-land" has emerged between Germany and Russia following the demise of the Warsaw Pact, and the ensuing moves toward democracy and market economy by many in the region.

The Clinton administration, like the administration before it, the Bush administration, has been slow to move to fill this vacuum. Mr. Chairman, this has been a source of great consternation to the emerging democracies in the region who rightly view it as a source of potential instability.

I think my colleagues would agree that the Partnership for Peace initiative launched a year ago has failed to fill this void. By making the program mandatory, as we do in title 6, we are ensuring that the job gets done. I would urge my colleagues to read the legislation. The legislation clearly states that the program is to assist in the transition to full NATO membership of Poland, Hungary, the Czech Republic, Slovakia, and any other European country emerging from Communist domination that is designated by the President, and so on and so forth.

The amendment offered by the gentleman from New Jersey [Mr. TORRICELLI], making the transition optional would make this entire section a sense-of-the-Congress resolution. Mr. Chairman, title 7 of the National Security Revitalization Act I believe provides a reasonable framework for addressing the concerns consistent with U.S. interests in ensuring stability in Europe. Very clearly delineated in the bill is a list of criteria, such as respect for democratic principles and human rights enshrined in the Helsinki Final Act, against which to evaluate the suitability of prospective candidates for NATO membership. In addition, it establishes a program to provide the emerging democracies with the necessary tools to facilitate their transition to full NATO membership, which, as I pointed out earlier, will ultimately be up to the members of NATO to decide.

Given the broad range of our political, economic, and security interests in Europe, strengthening new free markets and democracies in that region benefits the United States. Interestingly two of the most prominent members of the foreign policy establishment, Henry Kissinger and Zbigniew Brzezinski, are ardent supporters of the timely expansion of NATO.

Dr. Kissinger sees the existing vacuum as a threat, not only to NATO cohesion, but the very existence of NATO as a meaningful institution, and he writes, "NATO expansion represents a balancing of two conflicting considerations the fear of alienating Russia against the danger of creating a vacuum in central Europe. A wise policy," he counsels, "would proceed with the membership for Poland, Hungary, the Czech Republic and Slovakia, and to reject a Russian veto." Dr. Kissinger concludes, "NATO cannot long survive if the borders it protects are not threatened while it refuses to protect the borders of adjoining countries that do feel threatened."

Zbigniew Brzezinski recently urged NATO to formally declare its "criteria for expansion and indicate which countries appear to meet them. This would end the counterproductive debates with Russia over whether NATO should expand. The longer this step is delayed, the more vociferous Moscow's objections are likely to be."

Mr. Chairman, this is precisely the purpose of title 6 of the National Security Revitalization Act.

Rather than dodging the issue of NATO expansion, as it has largely done to date, the Clinton administration, should move on the membership issue before more time is lost. But that requires leadership. We must seize upon today's opportunities which could be gone tomorrow. A steady and deliberate course of action is one thing, obfuscation, which has characterized the Clinton administration's approach to date is another.

Russia, perhaps sensing a certain timidity within the administration, has sought to block NATO expansion. It is instructive to recall that the Soviet Union vehemently opposed German membership in NATO in 1955 and attempted to deny unified Germany continued participation in the Alliance. A democratic Russia has nothing to fear from a defensive alliance founded on democratic principles. It would be foolhardy and dangerous, as Henry Kissinger rightly pointed out, to give Russia a veto over NATO expansion, and, as Dr. Brzezinski observed, failure to act now will only make matters worse.

Let's look at the earlier inclusion of new countries. As my colleagues know, when we look at countries that were included into NATO, Greece and Turkey were hardly stellar democracies when they joined in 1952. I remind Members that Portugal, one of the founding members of NATO, was under a dictatorship in 1949. In this bill we lay out clear markers which we think have to be achieved before this program goes forward. We are trying to promote and push these countries in the direction of democracy, free markets, respect for human rights. I believe title 6, as a mandatory program, goes much further to ensure those objectives, and, hopefully, a safer world, rather than making this title a sense-of-the-Congress resolution by amending it to an optional program.

□ 1230

Mr. TORRICELLI. Mr. Chairman, I am proud to yield 4 minutes to the gentleman who coauthored this amendment with me, the gentleman from Indiana [Mr. ROEMER].

I want to remind the body, however, that this amendment does not impact NATO expansion, only the question of whether there should be a mandatory foreign aid program.

Mr. ROEMER. Mr. Chairman, I would encourage especially the new freshmen of this body to read this title, pages 61 through 75. All the amendment that the gentleman from New Jersey [Mr. TORRICELLI] and I have offered would do is say that the President may establish this program, not that he has to establish this program as a mandate.

As we read through the next 14 pages, as Members are on the floor or in their offices and they decide whether or not to vote for this amendment, let me say that in title IV what we have been debating is whether or not there should be some accountability and limits to U.S. participation in Somalia, in Haiti, in Bosnia, and other places around the world.

Title VI then says it completely unties that, completely undoes it, and says we are going to possibly send troops and foreign aid to Poland, Hungary, Slovakia, Albania, or Romania.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will not yield until I have finished.

It opens up all these possibilities by mandating to the President that he has to expand NATO and he has to look at providing foreign aid and disarmament aid to these qualifying countries.

I would also argue to my colleagues that in reading through what this legislation says, we read through this and find that on page 71 of title VI, at the top of the page, these countries would be eligible for economic support assistance, they would be eligible for security assistance, and they would be eligible for nonproliferation and disarmament funds.

Where in the Contract for America does it say that we are going to mandate that we expand NATO, that we list to the President of the United States all these countries that have to join, according to this legislation, in title VI, and that the American taxpayer is then going to fund this new expanded NATO? I do not think that that is what the elections in November were about.

I would further argue that whether or not we intended this, the gentleman from New Jersey and I are in complete adherence to what the contract says. The Contract With America at page 108 says, and I quote, "With respect to this program, the President is given authority to establish a program to assist Poland, Hungary, the Czech Republic," et cetera, not mandate it to the President.

That is exactly what the Torricelli-Roemer amendment does. It does not mandate. It says the President may. It gives the President authority. It is in complete agreement with what the contract says. It gives the President authority.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I will not yield yet.

I will just conclude by saying that I am delighted that somebody did not stick Chechnya in this. What would that mean? Where would we be then? What would that commit us to? What about Albania and Romania? Will the gentleman answer that question? They do not even have an organized military. Yet Title 5 of the NATO treaty requires mutual cooperation between the countries.

How much does this cost? What would be the financial burden to the United States to start funding this under these three or four different accounts, and would the United States be required to send troops to Albania and Slovakia?

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

The CHAIRMAN pro tempore (Mr. HOBSON). The time of the gentleman from Indiana [Mr. ROEMER] has expired.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, first of all, perhaps we have had too many discussions on the floor about mandates because mandates seem to be on the brain.

There is nothing in this bill that mandates that any country join NATO. That has to be made very clear. What we are doing is saying that the program that would assist nations like Poland, Hungary, the Czech Republic, and Slovakia and other European nations means that these nations would be designated for transitional help. There is $100 million being requested for the President by the President for this kind of thing. We want to encourage expansion—that is what we are talking about.

As I have said, we have had a lack of leadership with regard to this, and we are saying that Congress should speak up and say these countries are worth it. A window of opportunity exists and we do not want to see that window closed.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. If I have the time, I will yield to the gentleman from Indiana.

Mr. ROEMER. Again I ask, what is the cost of this? Have we had hearings on this?

Mr. SMITH of New Jersey. As the gentleman knows, there is no cost figure stated in the legislation.

Mr. ROEMER. There certainly is not.

Mr. SMITH of New Jersey. At a later date we will talk about it, but already we have $100 million for the fiscal year requested by the President in the Partnership For Peace.

Mr. ROEMER. Mr. Chairman, will the gentleman yield for another question?

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Chairman, I rise in strong opposition to the Torricelli amendment.

There is a lot of confusion around here. Nowhere is there a requirement that the President enlarge NATO. Nowhere is there a requirement that the United States support an enlargement of NATO under all conditions. Section 604 tries to provide some leadership. It is assisting, and it would encourage NATO expansion.

This has been unfairly characterized as mandatory foreign aid, even mandatory military aid. There is nothing about it that is mandatory. If the President decides to create an office but uses no funds, he has that authority.

But what has the President done? He has offered the Warsaw Initiative last July, and in the budget document we submitted, we have $100 million for the Warsaw Initiative. We would expect that under section 604 as written the Warsaw Initiative funds would be channeled through this source.

Nowhere is it restricted to military assistance. If in fact we talk to the State Department, they will talk to us about transportation improvements and other kinds of ESF related expenditures. There may in fact not be a single penny spent on military aid as a result of this.

What I think we are doing is trying to provide some guidance. If in fact we are going to enlarge into the Visegrad Four countries or other eligible countries for a period of time when they meet the criteria spelled out in title VI, then we would have an opportunity to expand NATO, with the approval of our 15 additional NATO allies.

But what we are attempting to do with this program is to provide some guidance to the executive branch. That is an entirely appropriate activity of the Congress of the United States. The President is proposing to spend $100 million on the Visegrad Four and other Partnership For Peace countries. We are going to give some direction through section 604.

Mr. Chairman, I urge rejection of the Torricelli amendment.

Mr. TORRICELLI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. JOHNSTON], a member of the committee.

Mr. JOHNSTON of Florida. Mr. Chairman, I rise in strong support of the Torricelli amendment. I believe that the mandated-funding provision and other policies contained in title VI of this bill are severely flawed.

Mandating a funding program for these four countries is a serious mistake. Congress should not attempt to legislate the expansion of NATO—NATO expansion must be handled flexibly, in close consultation with our allies, as circumstances in Europe evolve. In addition, NATO expansion would be at an enormous expense—tens of billions of dollars. This bill mandates an expansion of our commitments overseas, yet it doesn't say how we should pay for them—and all during a period of declining foreign assistance resources.

Specifying countries that are to be fast-tracked into NATO membership is also a mistake. As Secretaries Christopher and Perry recently wrote in the New York Times, "If we arbitrarily lock in advantages now for some countries, we risk discouraging reformers in countries not named and fostering complacency in countries that are."

In general, this bill micromanages U.S. foreign policy to an unacceptable extent. Any policy of NATO expansion should be closely responsive to the very fluid political landscape in Europe—the President should decide how and when NATO is expanded. Members on both sides know well that this sort of micromanaging simply does not work.

Mr. Chairman, I must also question the wisdom of the underlying policy of NATO expansion as expressed in this bill. At the very least, I believe the Nation needs a broad national debate on NATO expansion, a debate that has hardly begun.

This policy of NATO expansion would draw clear new lines across Europe. It would prejudge, and I believe adversely affect, the outcome of transitions underway in Russia and throughout the region. Moreover, I am not convinced that NATO expansion is viable politically. Do the American people truly understand the legal and financial implications of providing security guarantees to Bratislava and Budapest? Are we ready to sacrifice the lives of our sons and daughters to defend Slovakia and the other countries? Once the public debate begins in earnest, the expansion of NATO by treaty obligation may well be politically impossible.

I strongly support the Torricelli amendment to this bill.

☐ 1240

Mr. GILMAN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Chairman, I just wanted to respond to a couple of the points that have been made in this debate. I am very familiar with Poland, Hungary, the Czech Republic and Slovakia, having visited and examined some of their emergence from the former Soviet bloc, and I can tell you that this amendment by the gentleman from New Jersey is a grave mistake at this time.

The point was made here that this is some extension of foreign aid, and that is not correct. There is foreign aid already in all of these countries, United States foreign aid. This amendment says the President shall establish a program to assist in the transition to full NATO membership. He says "may."

Well, the President already may. That is what we are suffering from, is a lack of leadership, a lack of direction. And what this Congress is trying to do is say that we shall assist these emerging nations to reach NATO status. And that is the clear intent.

That is what has been lacking here, and that is what will be lacking if we miss this opportunity. We will make a grave mistake if we pass this amendment and put us back in the situation we are in, because these countries, Poland, Hungary, the Czech Republic and Slovakia want this status and want to work toward this status, and this directs from the Congress, providing leadership, to say that we will establish a program and the President will cooperate with us to bring these people into NATO. And that can only be in the long-term interests of the security and peace of not only this Nation, but the entire world.

If we adopt this amendment, we are voting for the status quo, and we are voting to make a great mistake in the history of these emerging nations. I urge its defeat.

Mr. TORRICELLI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, if I were a NATO ally, I would be scratching my head in wonderment and asking has the U.S. Congress gone mad, or is this a joke? Did the Americans hear that the cold war is over, or is this a time warp?

Whatever happened to consultation with our NATO allies? What does the President think about this initiative? Oh, I forgot, we now have 230 Secretaries of State and Defense, and we do not need an executive branch. We now have an imperial Congress with a constitutional authority to run foreign policy.

Mr. Chairman, this is a bad bill. It is an attempt to dictate the terms of NATO expansion with no criteria for membership. England is against this, France is against this, Germany is against this. Russia is going to think we are indicating aggression. Slovakia is run by an authoritarian leader. Poland is run by a former Communist Party member. Should we not be discussing these issues with others, rather than dictating to NATO and the executive branch?

We are also starting a new military assistance program, an entitlement program. This is going to take money from other strategic allies like Israel, like Turkey, like Pakistan.

Mr. Speaker, let us not allow this amendment of the gentleman from New Jersey [Mr. TORRICELLI] to go down. It corrects a serious flaw. This bill is not going to become law, but it sends a chilling signal to our allies that the United States is divided, that there is no cohesion between the executive and congressional branches.

Mr. Chairman, let us debate NATO expansion within the Congress, within the American public, but with our allies. Let us pass the Torricelli amendment and correct a very, very chilling signal that is going to arrive in Europe and NATO tomorrow that the United States is divided.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, I would just say to the gentleman, I hope the gentleman is aware there is no entitlement program created by this. The President, of course, is proposing to spend $100 million for the Warsaw Initiative, part of which could go for the countries which would be eligible. There is no mandatory timeframe, of course.

We have by the action of the framers of H.R. 7 and by action of the Committee on International Relations taken additional criteria that ought to be considered, giving some guidance to these countries on how we ought to proceed. But we certainly are not forcing our allies or the President to take them in.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, the gentleman is an expert on many of these issues, NATO especially. The gentleman knows our allies are seriously concerned about this initiative, and you are going to be taking money from other strategic allies. You are setting forth a military assistance program. The language is very clear.

Mr. TORRICELLI. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana [Mr. HAMILTON], the ranking member of the Committee on International Relations.

Mr. HAMILTON. Mr. Chairman, I rise in support of the Torricelli amendment. It calls on NATO membership for four countries in the near future. It mandates an assistance program of all kinds to aid in the transition to NATO membership. It specifically designates four countries. Now, there are a lot of things wrong with that.

First of all, it prejudges and dictates the pace and direction of NATO expansion. What you have got going on in this part of the world is a very elaborate historical process to determine the security regime of Europe in the years ahead, and the Congress of the United States comes in with this provision in H.R. 7 and tries to dictate what that result would be.

Furthermore, this is just gratuitous advice, because NATO expansion cannot be dictated by a statute of the Congress. We short-circuit the partnership for peace initiative, which is supported by all of our allies today. That establishes closer military and political ties between NATO and the nations of central and Eastern Europe. We ought to let that evolve.

Now, there has been a lot of talk in here about this bill providing guidance to the President. This dose not provide guidance to the President. This tells the President what to do. It mandates the President shall establish a program. That is not providing guidance. That is mandating. And you are telling the President to assist in the transition, and furthermore, you are not giving him any resources to do what you tell him to do.

That is no way to conduct American foreign policy. You are mandating an ambitious program of military and economic assistance here. You are picking out winners and losers in this historical process that is going on. You are creating a dangerous gulf between our commitments on the one hand and the resources that we provide on the other hand.

We are extending U.S. security commitments under the plan you put into H.R. 7, and that is an unwise thing to do. I strongly support the Torricelli amendment.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I would ask if the distinguished gentleman from New York [Mr. GILMAN] would engage in a brief colloquy with my regarding the U.S. policy toward NATO as spelled out in clause 4 of section 603, which is language I worked with the chairman and his committee to develop.

Mr. GILMAN. Mr. Chairman, I would be happy to engage in a colloquy with the gentleman from Louisiana.

Mr. HAYES. Mr. Chairman, it is my understanding that this provision addresses NATO's current lack of an airborne ground surveillance system to provide allied forces with essential, timely, and reliable enemy movement and targeting information.

Mr. GILMAN. If the gentleman would yield, Mr. Chairman, the gentleman is correct. In 1991, the United States recommended to NATO that it consider procuring an airborne ground surveillance capability to complement the air surveillance capability of the NATO AWACS fleet. The AWACS system has effectively provided our pilots with a map of the skies, however, it is not designed to observe real-time movement of ground forces on the battlefield at extended ranges. It is, therefore, in the best interests of the United States and the NATO alliance to expedite a program which will provide our ground forces with the same ability to see the battlefield that our pilots currently enjoy with the AWACS fleet.

□ 1250

Mr. HAYES. Mr. Chairman, is it not correct that the United States has already developed such a system which is called JSTARS and demonstrated its battle management capabilities during Desert Storm?

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield, the gentleman is again correct. In fact, the JSTARS program has been nominated by our Nation as the best candidate to meet the needs of NATO. I am confident that the JSTARS program will provide NATO with a significant operational advantage that will strengthen the capabilities of our allied forces.

Mr. HAYES. I thank the gentleman.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, all sides including the administration, envision the eventual expansion of NATO. The problem is that the administration has been unwilling to spell out in clear terms what conditions candidates would have to meet. This ambiguity does not serve any good purpose and, in fact, plays into the hands of the Russians who want to block any expansion.

Let me remind Members and assure Members the bill does not mandate that the countries listed or any others would be invited to even join NATO. There is a separate process for that. The process for expansion is qualified by article 10 of the NATO treaty. There is a specific process for that. We are talking about a program to assist in the transition.

I urge Members to read on page 69 the kinds of things we are talking about that we would like to see happen: shared values and interests, democratic governments, free market economies, civilian control of the military, and so on and so forth.

Let us not just be passive and reactive. I believe we need to be proactive for the sake of security for Europe and for the rest of the world.

Mr. TORRICELLI. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me and for his leadership in presenting this amendment, because I think that if it passes, it will vastly improve H.R. 872.

I am very, very concerned about the language contained therein, which would expand NATO membership. We must remember that NATO membership means that our security alliance would be expanded, that we would expand the guarantee of security to many more countries.

And this may be appropriate, as my colleague and friend, the gentleman from New Jersey [Mr. SMITH] said, we all envision a time when that would happen. But right now, 16 governments are involved in any decision to expand NATO. The United States, we do not make this decision alone. The situation in Eastern Europe and in the New Independent States is a delicate one, the balance of which could be very disturbed by this legislation.

The administration's partnership for peace was designed to enhance the security of our allies in this region while providing incentives for reform for the new European democracies. If we move forward with these NATO provisions, we will run the risk of alienating the countries not named and the greater risk of developing a bunker mentality with Russia.

I urge my colleagues to support the Torricelli amendment.

Mr. Chairman, I rise today in strong opposition to H.R. 872, which poses a significant threat to our national security. The bill before us violates basic tenets of our national defense strategy; it abrogates international treaties; and, it violates the U.S Constitution. The National Security Revitalization Act is fundamentally flawed. It is also dangerous.

H.R. 872 is dangerous because it would revive the old star wars project, an ineffective, unnecessary, and costly project which was, after significant public and congressional debate under previous administrations, deemed to be not worthy of funding.

The Congressional Budget Office [CBO] has estimated that the system proposed by the Republicans in this bill could cost $29–$30 billion over the next 5 years. Others have estimated that the costs could range as high as $39 billion. In today's budget climate, funding one projects means not funding something else. If star wars goes forward, troop readiness and weapon modernization will be cut.

In addition, restarting star wars would actually make the world less safe. The passage of this bill could abrogate the Anti-Ballistic Missile Treaty, threaten START II negotiations, and terminate existing Nunn-Lugar agreements to dismantle nuclear warheads with Russia, Ukraine, Byelarus, and Kazakhstan. These actions do not increase our security, they undermine it by threatening the real progress which is being made toward diminishing the threat of nuclear destruction.

H.R. 872 is dangerous because it would tie the hands of the President, any President, in international crisis when he or she determines it is in our national interest to place our troops under the operational control of another country, including NATO allies. My Republican colleagues must know that with this law on the books, President Bush would not have been able to deploy the troops he deemed necessary to carry out Operations Desert Shield and Desert Storm against Saddam Hussein; President Clinton would not have been able to respond to Hussein's threats by deploying troops to Kuwait in 1994. For that matter, if constrained by this law, President Truman would not have been able to deploy troops to Korea in 1950.

This provision is unnecessary. Today, our forces always remain under the command of the President of the United States. We already apply the most rigorous standards when we pass even the most limited responsibility to a competent foreign commander—an action which has been done throughout this great Nation's history from the Revolutionary War through the Persian Gulf war. I frankly do not understand why my Republican colleagues, who have steadfastly defended the President's prerogatives for years, would choose to tie his hands in what is a very dangerous way.

H.R. 872 is dangerous because it undermines the very viability of international peacekeeping efforts. Many argue that the United States cannot and should not be the world's policeman. We cannot afford to intervene everywhere; we do not want to put American lives at risk. However, conflicts do not go away and in this post-cold-war world, there seem to be an evergrowing number of global hot spots. If we want to retain our role as the world's only superpower and if we do not want to be the world's policeman, it is critical for us to work to strengthen, not to weaken, multinational institutions.

If this bill passes, we are going in the wrong direction. The U.N. peacekeeping provisions contained in this legislation would cripple multinational efforts to address international crises. If we reduce our assessed peacekeeping dues dollar-for-dollar by the costs of peacekeeping operations which we conduct voluntarily and in support of U.S. interests, we would force the cancellation of peacekeeping activities, undermine U.N. peacekeeping efforts, and ultimately devastate the United Nations. If the United States changes the way it funds U.N. peacekeeping, other countries will follow suit.

As much as some would like to believe this country can survive in isolation, it cannot. If we pass this bill, we will be forced either to be the world's sole policeman or to ignore conflicts which could threaten our national security. I do not believe this choice is what the American people really want.

H.R. 872 is also dangerous because it unilaterally designates certain candidates for NATO membership. Sixteen governments are involved in any decision to expand NATO; the United States does not make this decision alone. The situation in Eastern Europe and the New Independent States is a delicate one, the balance of which can be disturbed by H.R. 872. The Administration's Partnership for Peace was designed to enhance the security of our allies in the region while providing incentives for reform for the new European democracies. If we move forward with these NATO provisions, we run the real risk of alienating the countries not named by the Republicans for NATO membership and destabilizing an already precarious region. These NATO provisions are imprudent also because it sends the wrong message to Russia. The last thing we need is for Russia to adopt a bunker mentality as the security guarantee is extended to all of their neighbors. Against what country.

H.R. 872 contains a number of other objectionable provisions, some of which are dangerous and some of which are just plain silly. One of the themes of my colleagues on the other side of the aisle has been that government should be downsized, reduced, and eliminated. It is therefore with some perplexity that I note the inclusion in this bill of an unnecessary and duplicative commission to review national security.

Why do people who claim to be opponents of government agencies, bureaucracies, and departments, propose to establish a brand new one, one which would duplicate services which are already being provided by the Secretary of Defense and Members of Congress?

American taxpayers already pay the salaries of people to review U.S. security needs. We have a Department of Defense and defense specialists in other Government agencies and here in Congress. But, this bill would spend an additional $1.5 million of American workers' hard-earned dollars to copy what people in Government are already doing. This Commission does not make sense.

Mr. Chairman, for all of the above reasons and others, I believe that the National Security Revitalization Act should be defeated. If it passes, U.S. national security will be weakened significantly.

Mr. TORRICELLI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at this point I would like to engage the distinguished chairman of the Committee on International Relations in a colloquy, the gentleman from New York [Mr. GILMAN].

Mr. Chairman, I wondered if the gentleman could succinctly tell us, does he have some estimation of exactly how much we would be spending in new foreign assistance to help these poor countries? Is there a dollar amount he has in mind?

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, the President has to evolve a program and then send the program to us. We are not mandating.

Mr. TORRICELLI. Reclaiming my time, Mr. Chairman, so in fact, we would be mandating a foreign assistance program without knowing a number?

Mr. GILMAN. Mr. Chairman, if the gentleman will continue to yield——

Mr. TORRICELLI. Reclaiming my time, if the gentleman would then answer, is there a reason, a theory in mind, why when each of these four countries is declining in their defense spending, spending less of their dollars, we would take the American taxpayers' dollars in foreign aid to substitute for their military spending? Is there a rationale there I am missing?

Mr. GILMAN. I thank the gentleman for his comment. We await the President's program before we can analyze what the costs would be.

Mr. TORRICELLI. Reclaiming my time, Mr. Chairman, this is evidence that if one lives long enough, they can see anything.

The majority has come to this Congress to establish a mandatory foreign aid program at a time of enormous domestic problems and mounting deficits in this country.

They have done so claiming that our current program to help these same foreign nations is not working, even though it is only 90 days old. We have asked the President for 90 days to begin working militarily for NATO expansion with these countries. Now in our impatience we tell him on a mandatory basis, he must do so, that we do not know what it would cost. We overlook the fact that two of the four countries have former Communists running their governments. One is becoming an authoritative government. But we want to expand foreign aid to help them. Even though the same countries, every one of them, has a declining defense budget. But in our enthusiasm to help them, even when we do not have enough money for our own armed forces, we are going to throw our money upon them.

Mr. Chairman, the simple truth is, this has not been well thought through. We have a program that is working. We tell the President of the United States, you may have a program to help these countries if they are democratic, they are pluralistic, it would help the security interests of the United States, our NATO allies agree.

It is a good program. It is under way, and we should remain with it. Our differences indeed are narrow, whether we apply those criteria to those four countries, do so on a basis of the President's discretion or, in my judgment, have the largest mandatory expansion of the American foreign assistance program that I have ever witnessed.

Mr. Chairman, I urge the Members of this institution to vote for my amendment. It is consistent with bipartisan foreign policy, the actions of the 103d Congress, and indeed, as the gentleman from Indiana [Mr. ROEMER] has pointed out, the Contract With America, which itself talks about a permissive expansion of our foreign assistance program, not a mandatory expansion.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from Indiana.

Mr. ROEMER. I would just like to remind my colleagues, on page 108 of the contract, it says "the President is given authority to establish this program."

If the Torricelli-Roemer amendment is adopted, we say he "may establish" this program, not as the current language reads, he "shall establish" a program, which is mandatory. The other side even lists the countries that should be in NATO.

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman from Indiana. I urge a yes vote. I thank Members of the majority party, the new members in the committee who voted for this amendment in committee.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, section 604(a) of H.R. 872 directs the President to establish a program to assist in the transition of full NATO membership of Poland, Hungary, the Czech Republic, and Slovakia and any other country emerging from Communist domination that is designated by the President.

The author of this amendment, Mr. TORRICELLI and the administration opposes the mandatory establishment of this program. That is no surprise to me. This administration, and in fact, any administration, nearly always opposes congressionally mandated initiatives.

I am reminded of the Bush administration's vociferous objections to the establishment of the Nunn-Lugar program. And also to the establishment of the nonproliferation and disarmament fund which was a part of the Freedom bill.

In fact, I am quite confident that each and every Member here can point to examples of congressional initiatives which this and other administrations have opposed. It seems to me that if it is not their idea then it is not a good idea.

Permit me to explain why I think it is so important to direct that this program be established. The answer is quite simple.

It is clear that this administration wants to provide assistance to certain Central European countries. This administration has been trying to find a way for more than a year to make additional countries eligible for excess defense articles.

In fact, the administration recently briefed staff of the International Relations Committee about the President's fiscal year 1996 budget request for $100 million for military cooperation with Central European states. We want to work with the President to support that assistance.

But I want to make clear that we want that done in a proper framework. The establishment of a program under this provision provides a framework for the Committee on International Relations to carry out its fundamental oversight responsibilities. It will provide us a framework for accounting purposes. It will provide us a framework for hearing purposes. I don't know why any Member would oppose that provision.

One final point and it is a key one, let me be clear that although section 604 directs that the program be established it does not in any way, shape, or form, mandate that the President provide assistance to these countries. Not one penny is earmarked in this legislation. The decision to provide assistance under this program is left entirely up to the administration.

Accordingly, I urge my colleagues to defeat the Torrecelli amendment.

□ 1300

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. TORRICELLI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 232, not voting 11, as follows:

[Roll No. 143]

AYES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ensign
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hayes
Hefner
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lofgren
Lowey
Luther
Manton
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Maloney
Manzullo
Markey
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Becerra
Clay
Ewing
Green
Hastings (FL)
Lewis (GA)
McHugh
Roukema
Stark
Thornton
Wilson

☐ 1318

The Clerk announced the following pair:

On this vote:

Mr. Lewis of Georgia for, with Mr. McHugh against.

Mr. EVANS changed his vote from "aye" to "no."

Ms. HARMAN, Mr. NADLER, and Mr. COOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under a previous order of the House, it is now in order to consider the amendment of the gentleman from Missouri [Mr. SKELTON].

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKELTON: Page 73, line 15, strike the close quotation marks.

Page 73, after line 15, insert the following new paragraphs:

"(5) The number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of United States Armed Forces that would be required as part of such a NATO force.

"(6) Whether the United States is prepared to provide a nuclear guarantee to the country.

"(7) The likelihood that the country may become involved in disputes or armed conflict with neighboring countries in the region.".

The CHAIRMAN. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] will be recognized for 1 minute, and a Member opposed will be recognized for 1 minute.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, my amendment would add a section to 604 requiring the President to assess the number, types, and costs of NATO armed forces that would be required to defend the country and the number, types, and costs of U.S. Armed Forces; also whether the United States is prepared to provide a nuclear guarantee to the country; and also the likelihood that the country may become involved in disputes or armed conflict in neighboring countries in that region.

I would hope that the majority will accept this amendment. We have discussed it.

The CHAIRMAN. Does any Member seek time in opposition?

Mr. GILMAN. Mr. Chairman, the majority is prepared to accept the gentleman's amendment to title VI regarding NATO. The information requested from the administration will be useful to the committee and the Congress in determining just how fast and under what circumstances NATO should be expanded.

The CHAIRMAN. The question is the amendment offered by the gentleman from Missouri [Mr. SKELTON].

The amendment was agreed to

The CHAIRMAN. Under a previous order of the House today, it is in order for the consideration of the amendment of the gentleman from New York [Mr. ENGEL].

AMENDMENT, AS MODIFIED, OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, pursuant to the previous order, I offer an amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 23, strike line 12 and insert the following:

"(c) ADDITIONAL EXCEPTIONS.—

"(1) EXCEPTION FOR AUTHORIZATION BY LAW.—

Page 23, after line 17, insert the following new paragraph:

"(2) EXCEPTION FOR NATO OPERATIONS.—Subsection (a) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

Page 31, strike line 8 and insert the following:

"(d) ADDITIONAL EXCEPTIONS.—

"(1) EXCEPTION FOR AUTHORIZATION BY LAW.—

Page 31, after line 14, insert the following new paragraph:

"(2) EXCEPTION FOR NATO OPERATIONS.—Subsection (b) shall not apply in the case of a proposed placement of any element of the armed forces in an operation conducted by the North Atlantic Treaty Organization.

Mr. GILMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1320

The CHAIRMAN. Pursuant to a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 1 minute.

Mr. ENGEL. Mr. Chairman, I have been troubled by the fact that this bill would prohibit U.S. troops from serving under a military commander from a NATO country. The NATO alliance is very, very, important and I think that that is really not what ought to be.

This amendment, and I thank the chairman of the committee, goes a step in the direction not quite as far as I would like it to go, but needless to say it goes a step in the right direction in saying that U.S. troops would be able to serve under a military commander of NATO, in a NATO operation.

I think that at a time when we are talking about expanding NATO we ought to respect it.

I wanted to say, Mr. Chairman, that the process really is terrible, it is terrible because we have to operate under this majority-imposed ridiculous 10-hour constraint and it is terrible, frankly, because some people on this side of the aisle were unhelpful and less than frank with me in terms of helping me to bring my amendment for a vote. However, in the 10 or so seconds I have left, I want to say that the chairman has tried his best and I appreciate the fact he has worked with me to bring this amendment forward.

If we did not have something like this, we could not have had D-day, fought World War I or II or Desert Storm, and that is why I think the amendment is a step in the right direction.

Mr. GILMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON] for a colloquy.

Mrs. JOHNSON of Connecticut. In view of the tremendous progress toward establishing democratic political institutions and market economies made by the Baltic States and their keen interests in NATO memberships, I want to clarify my understanding that this bill in no way compromises their opportunity for future NATO membership.

It is my understanding that today's bill includes language recognizing the transformation toward economic, political, and military reform in Poland, the Czech Republic, Slovakia, and Hungary. These states have taken the necessary steps toward democratic reforms and I support the recognition of their efforts and continued U.S. assistance.

Mr. GILMAN. The gentlewoman is absolutely correct.

Mrs. JOHNSON of Connecticut. I thank the gentleman.

The expansion of NATO will foster continued economic growth and political stability in these regions. Moreover, the declining defense budgets of European and American forces necessitate expansion of the NATO security umbrella and the military cooperation it fosters.

It is also my understanding that this bill authorizes the President to designate "other European countries emerging from communist domination" who might receive assistance. Title VI of H.R. 872 specifically designates the Baltic States of Estonia, Latvia, and Lithuania as eligible to be considered for future NATO membership. These countries will be required to continue to develop their democratic political structures, market economies, and military reforms while contributing to the security of the North Atlantic area.

To date, the Baltic States have made significant progress in these areas. Estonia, Latvia, and Lithuania all have progressed toward democratic institutions by adopting Western-style constitutions and holding free and fair elections. In addition, these states have moved toward a market economy by following tight fiscal and monetary policies, creating strong currencies, and moving toward privatization of housing, small businesses, and industry.

Estonia, Latvia, and Lithuania also constitute the Baltic Peacekeeping Battalion. This force is currently receiving assistance from the U.S. Military and should be operational for security and mutual defense by 1996. As members of the Partnership of Peace, these states hope to maintain cooperation in the areas of defense and peacekeeping while adopting NATO military hardware standards.

Further, the Baltic States have been admitted to the Conference on Security and Cooperation in Europe [CSCE] and the United Nations. Besides being members of the International Monetary Fund [IMF] and the European Bank for Reconstruction and Development [EBRD], the Baltic States hope soon to be members of the European Union [EU], with which they have free-trade agreements.

I am pleased with the language of H.R. 872 regarding the expansion of the North Atlantic Treaty Organization. This provides the United States a historic opportunity to ensure future regional security by taking appropriate actions now. We can no longer adhere to lines drawn during the cold war. NATO expansion and admissions will lend stability to the entire region, promote U.S. interests, and provide security against a possible resurgence of nationalism.

I thank the gentleman from New York for entering into this colloquy with me and am glad that we were able to clarify this important issue.

Mr. GILMAN. Mr. Chairman, the majority is prepared to accept the gentleman's amendment to title VI regarding NATO.

The CHAIRMAN. All time has expired.

The question is on the amendment, as modified, offered by the gentleman from New York [Mr. ENGEL].

The amendment as modified was agreed to.

Mr. GILMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The minority leader is recognized for 3 minutes.

Mr. GEPHARDT. Mr. Chairman, I rise today in disappointment and sorrow that this bill which I think is terribly ill-advised will be passed by our House of Representatives.

I have served in this House for 18 years and I have witnessed the fiercest debates on both domestic and foreign policy. But I have seen that even though we have differed sometimes on foreign and defense policy, that for all the time that I have been here and before, this has been a country, this has been a House of Representatives that could find its way to support a bipartisan internationalist foreign and defense policy for our country.

I think back to the 1920's when there were isolationists in both parties, but America finally rejected isolationism and fought World War II, and after World War II came together in the greatest act of compassion in the world, and sensibility, and supported the Marshal Plan. Republicans and Democrats together.

We formed the United Nations, whereas in the early part of the century we decided we did not want the League of Nations and backed out of the world after World War II and in a bipartisan way we created a multilateral action for world peace.

After the Marshal Plan and the United Nations, we fought a cold war for 45 years, and together, Republicans, Democrats, Americans, we stayed involved as the leader of this world and rejected isolationism, rejected pulling back into our borders, rejected the idea that we could be self-sufficient, alone in this world.

The crowning achievement of these years was no matter how much we squabbled about our internal domestic policies, when it came to the shores of the United States we came together, and we decided together with the American people what our policy would be.

I believe that if this bill passes today we put all of that history, all of that partnership, and all of that progress at risk.

When you try to politicize the actions of the United Nations and our relationship with the United Nations, when you strain to reinvent a cold war that no longer exists, when you politicize NATO and who should be in NATO, and who should be out, and who should decide it, when you politicize the decisions in NATO between the Congress and the President, and when you politicize arms control and try to reinvent nostalgically a weapon system that may have been appropriate 10, 15 years ago but is not appropriate to the threats we meet today, then you put at risk all of that progress, all of that achievement which is the crowning achievement of our country.

Theodore Roosevelt once said we have no choice, we the people of the United States, as to whether we shall play a great part in the world. That has been decided for us by fate, by the march of events. All that we can decide is whether we play it well, or ill.

□ 1330

My friends in the House, I think if this bill passes, we will play it ill and not well.

This bill is not about campaigns and about pollsters and what may achieve some more votes or some more popularity among some in the country or in the world. It is about our conscience. It is about our achievement together of a foreign and defense policy that has made the American people secure. It is not about campaigns. It is about our conscience, and if we allow that conscience to be dictated by opinion polls, if we allow it to be bought and sold for votes, then God help this Congress and God help this United States of America.

The CHAIRMAN. The Chair recognizes the majority leader, the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, ladies and gentlemen, yes, this has been an important bill. It has been an important debate.

It has not been the most important bill, nor the most important debate on this Nation's role in protecting the peace and freedom and dignity of nations as well as ourselves across the globe. In the 10 years I have been here, I have seen more exciting debate. I have seen more fitful differences of opinion. I have seen more important and more immediate and more pressing issues with extraordinarily more sharply divided and heartfelt differences of opinion. The debate we had for so many years over Nicaragua, for example, comes to mind.

It has been a strange debate. People have been lining up in positions that we have not been accustomed to seeing them in over these past few years.

There is no need to hyperbolize this. This is not this Congress' last word. This is not the last word on defense of this session of Congress. There will be a defense authorization bill later.

What is this bill about today within this contract period? It's a course correction. It is a statement by this Congress that, yes, we, too, have heard the voices of the American people. These voices have said it is necessary to this Nation and to this world for this Nation to have a strong, independent, and able defense—first and foremost of its own national interest and then also, and importantly, the interest of peace and freedom across the globe. It is important that this Nation's strong defense be deployed when necessary in support of our NATO allies—and even to the U.N. peacekeeping efforts—but they must be deployed in a balanced, thoughtful way, and never, never when the interests of this Nation, nor the safety and security of this Nation's troops, are made subservient to some other cause.

It is a mid-course correction that recognizes that this Nation is and must be the world's champion for democracy, the world's guardian against tyrants, in concert with alliance with the United Nations at times, NATO at times, and other nations in the world and other theaters in the world.

It is a bill that says this Nation has a duty even in the post-cold-war era to recognize new and different kinds of threats and to be ready and able to change deployment schemes.

This is a good bill. It is a bill that has enjoyed the jurisdiction of three of our most important committees. It has had thoughtful debate. It has had thoughtful markup. It does deserve our thoughtful consideration, and it does deserve our vote.

I am saddened to see even the intimidation by anybody in the debate that this is a political effort. This is a serious effort and an effort that has commanded the serious attention of the people on those committees that have taken their most serious professional commitment to the task. Their work product needs to be respected. Their motives need to be understood to be decent and honorable motives. The product is important to reaffirm Congress' standing with the American people, for us to say to America at this time, "Yes, we agree, and we understand what you have told us." The Nation has gone too far in the direction of globalism and has lost sight of its essential footing, and we intend to correct that before we go on to the larger task of this year's defense authorizations and appropriations bills.

I want to give my best regards to and appreciation for all three of the committees of jurisdiction. I want to thank everybody who has participated in the debate. I want to appreciate everybody for their different point of view at times, and ask my colleagues, vote for this product, reaffirm our standing with the American people.

Mrs. COLLINS of Illinois. Mr. Chairman, in the words of our former President, here we go again. Believe it or not, after spending billions of dollars on a defense system with questionable results, the Republicans are now asking that we immediately build up a new arsenal to fend off who? Darth Vader? The star wars missile defense system made a modicum of sense when we were worried that the Soviet Union would launch missiles against us. But now, with the Soviet Union disintegrated and no other significant long-range ballistic missile threat existing, I cannot fathom why we should direct millions of Federal dollars toward this far-out defense system.

Thousands of families in my congressional district desperately need improved schools, housing, job training, and so forth. Over half of the public schoolbuildings in Chicago were built before World War II and 15 percent were built before the turn of the century. And yet there is no funding for our children, our future? Mr. Speaker, I simply cannot accept the whimsy explanations offered by the other side of the aisle for promoting this over-the-top star wars system.

Even worse, Mr. Chairman, is that this bill calls for the reestablishment of the budget firewalls between defense and domestic spending. This means that should we one day realize that our priorities are completely distorted, our hands will be tied. Should we one day regret that we are spending billions of dollars to fight off fictional foes that never materialize, we will be hamstrung. When we finally take a look around and realize that teenagers are being shot in the streets, families are working full time and still aren't able to climb out of poverty and young children are attending pitifully under-funded schools with almost no chance to afford a college education, it will simply be too bad. We will not be able to redirect our billion dollar star wars budget to here at home where it is needed the most.

And finally, Mr. Chairman, this bill is heading directly for a Presidential veto because it completely destroys our current military operation system which allows the President to respond quickly to threatening situations. I urge my colleagues to join me in rejecting this ill-prepared bill and voting against H.R. 7.

Mr. LIPINSKI. Mr. Chairman, passage of the Durbin, Lipinski, Gilman, Knollenberg amendment will encourage stability in Central Europe. As written, H.R. 7 mentions only the visegrad nations. We need to make it clear that other European countries emerging from communist domination should receive assistance and be welcomed into NATO when they meet appropriate standards.

Expressing an interest in having these countries join NATO one day will create stability and provide for the growth of democracy and economic prosperity. We will be encouraging these countries to expedite the promotion of democratic principles within their respective governments. It follows that a less volitle political environment will provide fertile ground for foreign investors.

With the end of the cold war, the United States is the largest single investor in this part of the world. Our investment creates employment and encourages stability and the strengthening of democracy.

By assisting our friends in Central Europe, we will bring continued stability and prosperity in Western Europe, and thus secure United States interests in all of Europe.

Mr. FAZIO of California. Mr. Chairman: Yesterday the House of Representatives reversed course on resurrecting the star wars anti-missile defense system, demonstrating clearly how out of step the Republican contract is with the views of the American public. This misguided effort to further bankrupt our defense coffers with wasteful spending simply reflects failed policies of the past rather than a fresh vision for the future.

Little acknowledgement is given in this measure for the changing world view we face and the types of regional conflicts likely to arise. With the end of the cold war we need to reevaluate the role of the United States as a world leader and the types of alliances that will support our efforts abroad. This bill chooses to relinquish our involvement with strategically important allies that in the past have fostered political and economic as well as military cooperation. An unfounded fear of United Nations control of American forces belies the fact that since World War I the President has only on occasion allowed purely operational control—not military command—of U.S. troops by a foreign commander.

Now more than ever the United States has an obligation and an opportunity to promote peace and democracy world-wide. This effort to hamstring and second guess the President's authority as Commander in Chief is not only short-sighted but dangerous. Asking the President to jump through hoops in order to execute vital military actions diminishes the U.S. stature as a world power and jeopardizes the effectiveness of our foreign policy.

Times have changed and a return to isolationism and a star-based missile defense system is a return to foreign policy based on fear rather than readiness. Let us take advantage of the fall of the Soviet Union to make the kind of changes which prepare us against the redefined threats that realistically may occur. Allowing Congress to undermine the President's position as world leader subjects us to the kind of divisiveness that makes effective foreign policy decision-making impossible. While not every foreign policy decision may be universally supported, the current checks and balances serve adequately to preserve our ability to act responsibly when needed.

Now that we have shown the foresight not to once again take the path to frivolous defense spending with the reinvention of the star wars missile defense system, let us also reject a return to isolationist policy centered on imaginary fears and insecurity. Our true national security interest lies in our ability to assert our leadership and to focus our defense dollars on combat readiness. To be successful in dealing with the end of the cold war, we need to look to the future—not to the past.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today to voice my strong support for the provisions of the pending legislation which squarely addresses the issue of NATO expansion. At the outset let me dispel the notion that this section would somehow hamstring the administration's foreign policy—assuming it has one. Nothing in the National Security Revitalization Act mandates NATO membership for any country or group of countries. Changes in the membership of NATO are determined on the basis of consensus among the Alliance's member states as stipulated under article X of the North Atlantic Treaty, a point reaffirmed in the pending legislation and known to Members on both sides of the aisle.

The crux of the matter is how best to consolidate and build upon the fundamental political changes which have occurred in many of the countries of central Europe, the Baltics, and some of the New Independent States of the former Soviet Union. On the security front, a veritable no-man's-land has emerged between Germany and Russia following the demise of the Warsaw Pact, and the ensuing moves toward democracy and market economy by many in the region.

The Clinton administration, like the one before it, has been slow to move to fill this vacuum. Mr. Chairman, this has been a source of great consternation to the emerging democracies of the region, who rightly view it as a source of potential instability. I think my colleagues would agree that the Partnership for Peace initiative, launched by the administration a year ago, has failed to fill this void.

The National Security Revitalization Act provides a reasonable framework for addressing these concerns consistent with U.S. interests in ensuring stability in Europe. It lists a variety of criteria, such as respect for democratic principles and human rights enshrined in the Helsinki Final Act, against which to evaluate the suitability of prospective candidates for NATO membership. In addition, it establishes a program to provide the emerging democracies with the necessary tools to facilitate their transition to full NATO membership, which, as I pointed out earlier, will ultimately be up to the current members to decide.

Given the broad range of our political, economic, and security interests in Europe, strengthening new free markets and democracies in that region benefits the United States. Two of the most prominent members of the foreign policy establishment, Henry Kissinger and Zbigniew Brzezinski, are ardent supporters of the timely expansion of NATO.

Kissinger sees the existing vacuum as a threat not only NATO cohesion but the very existence of NATO as a meaningful institution. "NATO expansion," he observed, "represents a balancing of two conflicting considerations: the fear of alienating Russia against the danger of creating a vacuum in central Europe * * *." "A wise policy," he counsels, "would proceed with membership for the Visegrad countries [Poland, Hungary, the Czech Republic, and Slovakia] and reject a Russian veto." Dr. Kissinger concluded, "NATO cannot long survive if the borders it protects are not threatened while it refuses to protect the borders of adjoining countries that do feel threatened."

Brzezinski recently urged NATO to formally declare its "criteria for expansion and indicate which countries appear to meet them. This would end the counterproductive debates with Russia over whether NATO should expand. The longer this step is delayed, the more vociferous Moscow's objections are likely to be."

Mr. Chairman, this is precisely the purpose of title VI of the National Security Revitalization Act.

Rather than dodging the issue of NATO expansion, as it has largely done to date, the Clinton administration, should move on the membership issue before more time is lost. But that requires leadership. We must seize upon today's opportunities which could be gone tomorrow. A steady and deliberate course of action is one thing, obfuscation, which has characterized the Clinton administration's approach to date is another.

Russia, perhaps sensing a certain timidity within the administration, has sought to block NATO expansion. It is instructive to recall that the Soviet Union vehemently opposed German membership in NATO in 1955 and attempted to deny unified Germany's continued participation in the Alliance. A democratic Russia has nothing to fear from a defensive alliance founded on democratic principles. It would be foolhardy and dangerous, as Henry Kissinger rightly pointed out, to give Russia a veto over NATO expansion. And, as Dr. Brzezinski observed, failure to act now will only make matters worse.

Our approach to NATO expansion is steady and deliberate, not the sketchy and indecisive path proposed by some.

Some are critical of the fact that four countries—Poland, Hungary, the Czech Republic, and Slovakia—are mentioned as leading candidates for NATO membership at some point in the near future. This reference is a testament to the great strides which these countries have, in fact, made since the fall of communism. It neither ensures their membership nor precludes others from joining. It does not, as some claim, arbitrarily lock in advantages from some countries. Instead of fostering complacency in these countries as some warn, the reference should serve as an incentive for continued progress as those named should be subjected to more, not less, scrutiny as they move toward membership in NATO. The reference is simply an acknowledgement of the fact that reform in the region is uneven. Rather than serving as a discouragement, this should spur others to redouble their efforts if they are seriously interested in pursuing NATO membership.

Mr. Chairman, my endorsement of an expanded NATO should not be read as a failure to understand that each of the countries considered here has residual problems with its transition to democracy. On the contrary, I believe that NATO membership, and the integration and cooperation with Western countries it entails, increases the opportunities for addressing outstanding concerns. There are, in fact, specific areas where I believe the United States should weight in to seek further reform. As Chairman of the Helsinki Commission, I am very much aware of need for further progress in these and other countries in the region. I believe the Czech citizenship law, for example, is deeply flawed and should be amended; the newest Slovak government has signaled in word its commitment to continuing reform, but has yet to follow through in many specific areas where reform has been slow or altogether lacking thus far, and the Hungarian government would do well to lead by example in improving its relations with many of its neighbors.

Mr. Chairman, nothing in the pending legislation diminished the fact that each candidate will be individually judged on its own merits on a case-by-case basis.

It is also instructive to recall that this is not the first expansion of NATO. In 1952 Greece and Turkey acceded to the North Atlantic Treaty joining the 12 NATO countries in common security system. The Federal Republic of Germany joined the Alliance in 1955 and in 1982, Spain also became a member of NATO. Besides its contribution to collective security in Europe, NATO has served as an important vehicle for bolstering democracy among its members as these cases demonstrate.

Finally, critics assert that the course we have proposed could lead to instability in Europe. Mr. Chairman, one thing is clear: continued ambiguity and foot-dragging will not enhance European security but will, as Kissinger and Brzezinski point out, be counterproductive. The National Security Revitalization Act, provides a much needed action plan for seizing new opportunities as NATO and its members face new challenges.

Given the implications for our own national security, the future of NATO demands our immediate attention.

Mr. LAZIO of New York. Mr. Chairman, I am opposed to the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

This bill does not actually authorize any specific missile defense system. But this amendment seeks to tie our hands despite whatever technologies may develop. If there is a problem with a particular missile defense system, the normal authorization and appropriation process is the proper forum for this type of program restriction.

I am personally opposed to committing, at the present time, to a space-based antiballistic missile defense system because we are not at a point technologically where such a system makes sense. But it does make sense to continue doing the research necessary to develop this important defense option. I am committed to making the necessary funding investment to determine the feasibility of such a program.

This amendment is too restrictive and raises concerns about whether this option could be even explored. Congress needs to be very careful that we do not act in a precipitous way which would preclude this research option.

Therefore, I urge my colleagues to reject the Spratt amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise today in strong support to Congress reaffirming its commitment to a strong national defense.

The world is a changing place, Mr. Chairman. If you had told me 15 years ago that the Soviet Union would be dissolved and the Berlin Wall would vanish by the 1990's, I certainly would have had trouble accepting your claims. However, as time passed on during the eighties, our late nemesis, the Soviet Union, eventually splintered and the Berlin Wall was reduced to dust. Since the Soviet Union has been disintegrated, we have discovered other situations and crises in the realm of foreign affairs. Within the last 4 years, there have been crises with nations such as Kuwait, Bosnia, Somalia, Haiti, Korea, and Rwanda which have required the aid, in one form or another, of the United States.

This example alone should serve as a reminder to my colleagues that our planet is in a constant state of evolution and flux. Events happen which cause the world to be sometimes turbulent and volatile and it is up to our Nation to take the lead. With this in mind, it is important that our country stay in its position of strength and leadership within the world community while protecting our own national interests.

Mr. Chairman, I believe H.R. 7, the National Security Revitalization Act, is a measure which our body should adopt to achieve these purposes.

The National Security Revitalization Act has been written to refocus the priorities of our military so it may keep in step with a world that is constantly changing.

H.R. 7 would direct the leaders of our Nation to address questions and situations which should have been dealt with during the past several years. For example, H.R. 7 would direct that the Department of Defense establish a comprehensive review of American defense needs by commissioning a bipartisan panel of independent defense experts to assess our Nation's military readiness, process and status of modernization, force structure, and strategic vision. Mr. Chairman, this commission will play a most essential role in maintaining our security needs which are so vital to our Nation's well-being.

This bill would also reassert our Nation's commitment to an effective national missile system to having the Department of Defense cultivate and create mature ballistic missile defense systems in the future. American intelligence officers such as Lt. Gen. James Clapper of the Defense Intelligence Agency and Adm. William Stuedeman, the Acting Director of the Central Intelligence Agency have alerted Congress to the possibility of a rogue regime possessing the capability of attacking the United States with ballistic missiles toward the end of this decade. With effective antimissile defenses, I believe we can ensure basic protection for the citizens of America. Mr. Chairman, there may be chronic opponents of defense spending who will complain that we are trying to create star wars II by implementing this part of H.R. 7. This is not true. What we are trying to do is build upon the technology we have now and the vision of Clinton Defense Secretary Perry who claims we can create a ground-based missile system by the end of the decade at a reasonable price over 5 years. I believe the Department of Defense should pursue this objective and I would support the Department's efforts.

H.R. 7 also addresses new guidelines for restrictions in regard to U.N. operations. In the past, the American Ambassador to the United Nations would make commitments to United Nations without either the House or Senate being consulted. Mr. Chairman, with H.R. 7, we state that before we send our troops under the command of the United Nations, the President must make it clear to both Houses that the U.N. operation is vital to our own interests, that the commander of the American forces be allowed to report to our own Nation's military authorities and decline to partake in actions which he may deem to be illegal, imprudent or beyond what the U.N. mission is supposed to do. Also, this bill also dictates that American forces will remain under American administrative command. Mr. Chairman, our troops have been trained by American commanders in the ways of American military procedure with the best American military equipment available. I feel that it is in the interests of our Nation, our soldiers, and even the U.N. operation to enact the certain amount of autonomy and the certain amount of legislative and executive responsibility as dictated by this bill.

I also want to point out that H.R. 7 would state that it should be the policy of the United States to include the former Soviet bloc nations Poland, Hungary, the Czech Republic, and Slovakia as full members of the North Atlantic Treaty Organization [NATO]. Mr. Chairman, by allowing these countries to join NATO, we will be able to help them to continue their maturing into full-fledged democracies.

Mr. Chairman, H.R. 7 is not the ultimate panacea in regard to our foreign affairs and defense matters, as we will have to continue debate and consideration of these matters in our authorization and appropriation bills. Rather, I feel that it is a responsible first step toward a sounder foreign policy and a sturdier defense policy in a constantly changing world. I urge my colleagues to support H.R. 7 and oppose any amendments which can be deemed as weakening the bill.

Mr. PORTMAN. Mr. Chairman, over the last several years, the world has changed dramatically, and with it, the role of the United States, as well as the activities required of the U.S. military to carry out that role. Since the breakup of the Soviet Union and the end of the cold war, United States defense policy has shifted its primary, concentrated focus to a widely dispersed number of potential threats. At the same time, peacekeeping operations have greatly increased. Since 1988, the United States has entered into 21 new peacekeeping missions compared to only 13 missions in the previous 40 years. In light of these dramatic changes, it is necessary to redefine U.S. defense and foreign policy.

In my view, H.R. 7 takes a sound and balanced approach to clarifying the new U.S. position in the world. It calls for a commission to evaluate U.S. defense needs and assess force structure, readiness, strategic vision, modernization, and personnel policies, requires the President to identify our national security interests before deploying United States troops, wisely restricts the ability of the Commander in Chief to place troops under foreign control or command, promotes the expansion of NATO to include fledgling democracies in Central and Eastern Europe, and encourages the deployment of a workable national missile defense system.

I would like to draw attention to the provision that prohibits U.S. troops from being under U.N. or foreign command. The measure is vital to our goal of maintaining the integrity of our military force. As Speaker Gingrich noted: "We invest a lot of money in the best command and control, the best communications and the best training in the world * * *. When you take a unit from that level of speed and effectiveness and you reduce it by putting them under the command of somebody who has never practiced the tempo and complexity of American operations, you are raising the risk of young Americans getting killed * * *."

The missile defense provisions in the bill have precipitated a significant amount of debate, and, I'm afraid, a fair amount of misunderstanding. The original language in the bill states that "it shall be U.S. policy to deploy at the earliest practical date an anti-ballistic missile system" to ensure the security of the United States. Last night, the House properly rejected an amendment offered by Representative EDWARDS that would have prohibited the Department of Defense from deploying a missile defense system that included space-based interceptors. It is bad policy for Congress to tie the hands of DOD before giving the agency the time to make recommendations to Congress on how best to protect the American people. By rejecting this amendment, Congress has allowed for the opportunity for an analysis of the effectiveness and costs of both ground- and space-based systems before mandating which one should be deployed.

I opposed another amendment, offered by Representative SPRATT, for largely the same reasons. The amendment requires that operational readiness and modernization of existing forces take fiscal priority over developing and deploying an effective theater missile defense. Modernization of defenses is absolutely necessary to maintain a reasonable level of readiness in the face of ever-improving offensive systems in regions of potential conflict, such as North Korea and Iraq. The Spratt amendment will tie the hands of our military in ensuring such readiness. Unfortunately, the Spratt amendment passed by a narrow margin of 218–212.

I should note that two important amendments were passed en bloc Wednesday night that I believe removed a flaw in an otherwise sound approach to national security. These amendments removed from H.R. 7 language that prohibits the use of defense funds to pay the cost of participating in the U.N. peacekeeping missions unless such action is specifically authorized by Congress. I believe this provision imposes unfair and counterproductive restrictions on the President as Commander in Chief, violating his constitutionally granted powers. In certain situations, I believe it has been in our interests to move from unilateral occupation to a U.N. operation. For example, at the end of this month it is my understanding that in Haiti the United States command will become a U.N. peacekeeping operation. We do not want to continue to occupy Haiti. The shift to the United Nation is in our national interest and gives us a way out. The Bereuter amendments remove language in the original bill that would have given the administration an incentive to maintain the unilateral U.S. mission instead of moving to a more sensible, cooperative effort with the United Nation. I am pleased that my colleagues on both sides of the aisle were able to come to agreement on this issue and eliminate this inadvertent but realistic effect of this bill.

In the end, I believe H.R. 7 successfully enhances the national security of the United States in a balanced and appropriate manner. It affirms our commitment to a strong, modern defense force and properly limits our role in United Nations operations. I commend Chairman SPENCE and Chairman GILMAN for their good work on this legislation.

Mr. BEREUTER. Mr. Chairman, this Member would take this opportunity to explain the two Bereuter amendments to title V of H.R. 872, the National Security Restoration Act, that were accepted under unanimous consent during yesterday's debate.

The first of these amendments addresses concerns raised about section 508 of the bill. This amendment deletes language that would prohibit the President from spending Department of Defense funds on any operation that was authorized by the U.N. Security Council unless Congress specifically authorizes the use of funds for that purpose.

This body should know that section 508, as drafted, would be an extraordinary limitation on the President as Commander in Chief. This limitation has its origins in what many on our side of the aisle view as legitimate concerns about the judgment of the current Commander in Chief, but that does not, ipso facto, mean that this body should limit the prerogatives of the Commander in Chief. If enacted, this statute would limit the actions of any future administration—Republican and Democrat alike.

There is a need to separate our understandable frustration about some policy decisions made by this administration from the act of legislating restrictions.

Constitutional questions have been raised. Can the legislative branch limit the actions of the President as Commander in Chief by withholding funds until a specific authorization has been approved? for decades, Members on both sides of the aisle have complained about constitutional infringements through the War Powers Act and the Boland amendments. This body should be very careful about placing further limitations, however well intended.

This body needs to be aware that crises do occasionally occur when Congress is not in session. The President still must have the flexibility to act as Commander in Chief after this body has recessed.

Lastly, section 508 reflects a genuine and bipartisan indignation regarding the manner in which this administration went to the U.N. Security Council for approval of nonemergency peacekeeping operations in Haiti without coming to Congress for prior approval; nor did the Clinton administration come to Congress when they escalated the humanitarian operation in Somalia into a peace-enforcement operation. But we should remember that this provision is not central to the Contract With America.

Members on this side of the aisle should recall that section 508 is not a part of the contract document that many House Republicans signed. The important peacekeeping provisions of Contract With America deal with: maintaining U.S. command of U.S. troops; making sure the United States is no longer to be grossly exploited through exorbitant assessments; and ensuring that the United States reimbursed for all of incremental costs in our peacekeeping expenditures.

We should not permit the very good peacekeeping provisions in this legislation to be obscured by raising this an unnecessary constitutional question. Failing to address this issue would leave the administration with a legitimate excuse for challenging the constitutionality of this legislation and thereby justifying a Presidential veto.

The second amendment that was approved under unanimous consent addresses this Member's concern regarding the level of reimbursements that nations should receive for peacekeeping activities.

This Member raised the issue in committee, seeking at that time to set U.S. policy on this matter. While both majority and minority generally expressed sympathy for my concern, this Member was persuaded by the argument that it was not yet time to establish a new U.S. Government policy on reimbursement matters.

But the problem remains. It is only proper that Congress understand the full extent of the problem. Hence, the reporting requirement.

We know how much the United Nations pays nations who supply peacekeepers—slightly over $980 per month for enlisted, and around $1,300 for officers. It is also clear that some of the lesser developed nations that provide a higher proportion of the peacekeeping troops in many U.N. operations are paying their troops far less than this amount—sometimes less than 10 percent of the U.N. personnel payments—in other words a 1,000 percent mark up.

The personnel payments, of course, don't go to the individual soldiers—but, yes, you guessed it, to the treasury of the country sending that underpaid soldier.

It might be one thing if these nations were plowing their reimbursements back into their military to augment training. But this does not appear to be the case. Rather, it would seem that this is a case of take the money and run. This is a poor reason to be involved in peacekeeping operations.

We also have indications that the civilian managers and general-purpose police officers, international cops on the beat, attached to peacekeeping operations from some accounts are making obscene amounts of money—over $100,000 per year.

The International Relations Committee has heard tales, which I have reason to believe are accurate, of mid-level civilian employees making six figure salaries, with an extraordinary package of perks that would make even the most jaded individuals blush.

Regrettably, I have concluded that it is premature, in H.R. 7, to set U.S. policy on these issues until this body has the facts, but it is entirely appropriate to expect to receive the facts so that we can strenuously demand reforms. This amendment requires the Secretary of State to present these facts.

The United Nations probably may object to supplying some of this information. After all, some at the United Nations and certainly some member nation may find it to be in their interest to keep us in the dark as to how our peacekeeping dollars are being spent.

But the United States—indeed any nation—should be able to get such information from the United Nations.

Again, this amendment is a vehicle to require this information and to ask our Government to recommend the kind of reforms it will push in the United Nations or which we in the Congress can demand next year.

Mr. BENTSEN. Mr. Chairman, I will vote against this bill because it infringes on the constitutional authority of the President to use the military command and control structure that is essential to our Nation's strategic interests.

The bill's provision prohibiting the President from deploying U.S. troops in peacekeeping operations without an explicit authorization by Congress for such purpose is unacceptable and quite possibly unconstitutional. Under such a provision, President Bush would not have been able to deploy troops and equipment to Operation Desert Storm, President Clinton would have been blocked from deploying troops to Kuwait in 1994 to stop an Iraqi threat, and even President Truman would have been prevented from sending troops to Korea in 1950. Such prohibitions would not have been in our strategic interest.

By dictating how the President should conduct foreign policy, the bill both micromanages U.S. actions and denies the President the flexibility needed in times of crisis.

In the post-cold-war world, it remains essential that the President retains his authority to establish command arrangements best suited to meet the needs of future operations. U.S. troops will always and ultimately be under U.S. command as per the Constitution. No Presidential action can change this fact. This bill undermines the power of the President as Commander in Chief, and I cannot support it.

Ms. BROWN of Florida. Mr. Chairman, H.R. 7 is bad legislation and should be defeated. In the stated opinion of DOD, H.R. 7 is "dangerous, wasteful, and unconstitutional." It is a Republican tactic to provide "defense welfare" for military contractors who seek lucrative Government contracts.

H.R. 7 is dangerous because it sacrifices American military readiness for star wars. It is a wasteful Republican effort to spend $30 to $40 billion on star wars at the price of military readiness. These billions of dollars should be spent to make life better for American families and for decreasing the deficit. H.R. 7 is a Republican boondoggle.

H.R. 7 is unconstitutional because it limits the ability of the President of the United States to fulfill his constitutional role as Commander in Chief of our military forces. It restricts his ability to utilize troops in a most effective manner by limiting the amount the United States can spend on operations with the United Nations. H.R. 7 cripples U.N. peacekeeping and destroys the idea of collective security. If H.R. 7 had been law during Desert Storm, America would have been prevented from successfully deploying necessary troops.

If America insists on spending countless billions on star wars at the expense of our troops, if America retreats from global economic and military cooperation, if America refuses to feed, educate, and house her own troops and citizens at risk—the children, the sick, and the elderly—a bankrupt America will fall into economic and social ruin.

For years, respected Members of Congress, such as former Congressman Charles Bennett who represented Jacksonville, have opposed funding for star wars. These Members believed that troop readiness was a top priority. Their efforts were focused on conventional warfare requirements and on providing all that was necessary for our troops to perform their duties with excellence.

Today it is shameful that many U.S. troops live in substandard housing and use food stamps because they cannot stretch their pay to cover even the most basic needs for their families. This does not contribute to military readiness.

We in Congress should demonstrate our interest in funding military programs that benefit our troops and our military families. We want our military dollars spent to keep our troops ready in every way.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 7, the National Security Revitalization Act of 1995. While I am aware of the current fashion in the Congress to increase defense spending at the expense of our domestic programs, I am also mindful of my duty as a Member of Congress to act in the best interest of the people I represent and in the best interest of the U.S. Constitution I have sworn to uphold. This shortsighted and rushed legislation will not only try to resurrect cold war programs long not needed, but will endanger the delicate balance of domestic and defense spending.

The National Security Revitalization Act of 1995 that we are considering here today is completely out of balance. H.R. 7 seeks to isolate the United States by restricting America's role in peace keeping operations, and misguidedly redirects billions of dollars to a star wars missile defense system whose time passed with the end of the cold war. It would be an abdication of congressional responsibility if we support this legislation at the expense of our most important efforts to improve the quality of life for all Americans.

Mr. Chairman, there is no doubt that our military if by far among the world's best. This was demonstrated by our leadership of international forces during the war in the Gulf. Over the past 20 years, our military has undergone a massive undertaking to build a defense infrastructure which has allowed us to effectively provide an international show of strength.

While I believe that we must maintain a strong military presence in an era of low intensity global conflicts, I am an avid believer that a healthy balance must be reached between domestic and defense spending. The importance of striking this balance is especially true in light of recent world events such as the end of the cold war. Because of these changes in world politics, the United States is faced with an unprecedented opportunity to redirect funds to relieve problems here at home.

Contrary to the arguments that have been made by the supporters of H.R. 7, President Clinton has proposed a budget that reasonably addresses the defense needs of this Nation. President Clinton's fiscal year 1996 defense budget, which is strongly supported by the Pentagon, has two key initiatives: Enhancement of military readiness, and improvement of quality of life for our men and women in uniform and their families. The ironic truth about H.R. 7 is that it will actually weaken our national defense. The bill directs massive amounts of defense dollars to a star wars missile defense system that will certainly undermine the more legitimate funding goals outlined in the President's budget.

Mr. Chairman, I have always been in favor of a balanced approach to our domestic and foreign affairs interests, and the Constitution's separation of powers. H.R. 7 requires that U.S. Forces may not be placed under control of any foreign commander. Such actions would effectively end U.S. involvement in multilateral peacekeeping operations. This is contrary to the principle of separation of powers and the clear language of the Constitution. The Constitution permits the President as Commander in Chief of the U.S. Armed Forces the power to place U.S. Forces under the operational control of other nations' military leaders for United Nations operations.

Mr. Chairman, I think it is important for me to point out that under the current congressional leadership, U.S. policy has taken a direction that will adversely affect the essence of each and every one of our lives. The majority party's plan ignores quality of human life questions, and in order to finance additional military spending, we have been expected time and time again to sacrifice already substantially depleted health, housing, education, and employment budgets.

As opposed to spending billions of dollars to immunize American children, revitalize our urban centers, provide jobs to the jobless or homes for the homeless, this bill seeks to divert funds from these essential services to fund star wars and other unworkable initiatives. H.R. 7 is an essential part of the Republican strategy to force through a series of bills that will gut the chances for many Americans to live the American dream.

A review of the Contract With America's plan to slash domestic discretionary programs reveals that many programs serving the most needy will be cut. Legislation such as H.R. 7, would result in defense spending on Reagan era star wars gimmicks. This misdirection of funds would greatly harm the American people, the strength of our Nation's defense and the future of our Nation.

Mr. Chairman, in closing, I would like to say that while the pursuit of peace is a noble and necessary objective, it is no easy task—especially when certain Members of Congress are determined to promote antiquated notions left over from the cold war. This legislation clearly reflects the new majority's desire to sacrifice the domestic interests of the American people in pursuit of isolationism and star wars.

Mr. DOOLITTLE. Mr. Chairman, I rise in support of H.R. 7, the National Security Revitalization Act. I think this legislation is an important step toward restoring America's reputation as a superpower. In addition, this legislation preserves our ability and reaffirms our intent to defend America's national security interests around the globe.

Mr. Chairman, I am especially glad that H.R. 7 includes language restricting the placement of U.S. troops under the control of foreign nationals acting on behalf of the United Nations. The language included in H.R. 7 is almost identical to a bill I introduced last year (H.R. 3334), and reintroduced again this year (H.R. 631).

I strongly believe this legislation is necessary in order to counter the Clinton administration's proposed policy directives that would allow U.S. military forces to be placed under foreign command, on a regular basis, for U.N. peacekeeping operations.

Mr. Chairman, the people in my district, especially the war veterans, demand that when we send our young men and women overseas to battle that they will do so under the American flag, not the blue helmet of the United Nations.

Some argue that this legislation will hamstring the President's ability to act as Commander in Chief. This is simply not true. My proposal, included in H.R. 7, requires the President to certify to Congress that such foreign operational control is necessary to protect vital national security interests of the United States. The President must provide Congress with a report setting forth the following: a description of the interest that requires placing U.S. troops under foreign operational control; the mission and objectives of the U.S. Armed Forces, and an estimate of the duration they will serve under such foreign operational control; the expected size and composition our forces involved; the cost of U.S. participation in the proposed operation; the precise command and control relationship between the U.S. forces and the United Nations; and the extent to which the U.S. forces will rely on non-U.S. military forces for security and self-defense and an assessment of the ability of those forces to provide adequate security to the U.S. forces involved.

In addition to being unconstitutional, Mr. Speaker, putting U.S. troops under U.N. control can be very dangerous as the Clinton administration learned in Somalia.

Last, I would include a letter I received from the commander in chief of the Veterans of Foreign Wars of the United States, Mr. Allen F. "Gunner" Kent. His outstanding organization supports inclusion of my proposal in H.R. 7, as do millions of people across the country.

Mr. Chairman, I urge my colleagues to support H.R. 7.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, February 2, 1995.

Hon. JOHN T. DOOLITTLE,
House of Representatives, Washington, DC.

DEAR MR. DOOLITTLE: On behalf of the 2.1 million members of the Veterans of Foreign Wars of the U.S., I want to endorse your proposed legislation, H.R. 631 which would limit the placing of U.S. military forces under command of foreign officers acting for the United Nations.

At our 95th National Convention last August, this issue was considered and the delegates overwhelmingly approved VFW Resolution 437 opposing U.S. forces under foreign command. I have enclosed a copy of this resolution for your information and use.

Also I would urge you and the Congress to examine Presidential Decision Directive 25 to determine if Constitutional authority has been misused and if so, to find an appropriate remedy.

If the VFW can be of any assistance or support in moving H.R. 631 to passage, please feel free to contact our Washington Office Executive Director Bob Currieo at the earliest opportunity.

Sincerely,
ALLEN F. "GUNNER" KENT,
Commander in Chief.

Enclosure.

RESOLUTION NO. 437—OPPOSE U.S. FORCES UNDER FOREIGN COMMAND

Whereas, Presidential Decision Directive 25 states as follows: "The President retains and will never relinquish command authority over U.S. forces. On a case by case basis, the President will consider placing appropriate U.S. forces under the operational control of a competent U.N. Commander for specific U.N. operations authorized by the Security Council;

Whereas, if U.S. military forces were to be placed under foreign command (as they now are in Macedonia) they could be removed from their primary missions of defending the United States, its citizens and its territory;

Whereas, by permitting U.S. military forces to operate under the orders of any international organization, these forces could find themselves executing military operations which are not in the national interest of the United States; and

Whereas, we believe the American people will not support the deployment of American soldiers, sailors, airmen, Marines and Coast Guardsmen in dangerous, life-threatening missions that do affect the security of the United States, its citizens or its territory; Now, therefore, be it:

Be it resolved, by the 95th National Convention of the Veterans of Foreign Wars of the United States, that we oppose any play or directive placing U.S. military forces under the command of foreign military officers including those who are operating exclusively under orders from the United Nations; and

Be it further resolved, that Congress be urged to examine Presidential Decision Directive 25 to determine if any constitutional authority has been misused, and if so, to find an appropriate remedy.

Mr. SMITH of New Jersey. Mr. Chairman, recent events in Somalia and elsewhere have raised serious questions about when, if ever, members of the United States Armed Forces should be commanded not by fellow Americans but by officials of the United Nations. The surrender of command and control may set a precedent for further diminution of American sovereignty, at a time when most Americans believe that too many decisions affecting their lives are already made by unaccountable institutions in faraway places.

I share these concerns. They are reflected and addressed in sections 401 and 402 of the National Security Revitalization Act, relating to command and control of U.S. forces.

Let us make some crucial distinctions.

First, this legislation would not interfere with U.S. participation in multinational military efforts. Such efforts have a long and honorable history in U.S. foreign policy. For instance, in World War I some 2 million Americans served under the ultimate direction of a great French general, Marshall Ferdinand Foch. In World War II, American units worked under British commanders in Italy, in Normandy, and in the China-Burma-India theatre of operations. In the post-war era several multilateral peacekeeping operations, including some under United Nations auspices, have included U.S. Armed Forces under the temporary and limited operational control of foreign officers. It is a dramatically different matter however, to take the step that has been the subject of recent discussion: that the United States should contribute its soldiers to a standing U.N. army whose commanders, whatever their own national origins, are part of the command structure of the United Nations itself.

It is important to note that sections 401 and 402 allow the President substantial flexibility to act in the national interest. They do not absolutely prohibit the President from placing U.S. forces under the command or control of foreign commanders in U.N. operations, or even under the command and control of the United Nations itself. Rather, they simply require the President to explain the necessity of such arrangements, and to assure the Congress that United States officers involved in the operation will retain sufficient authority to protect their forces and to prevent them from being used illegally or inconsistently with the terms of the U.S. mandate. The requirement of advance certification by the President may be waived in an emergency. Finally, the requirements of sections 401 and 402 did not apply at all to specifically authorized by law. So, in effect, Congress can waive the reporting requirements of sections 401 and 402 whenever it discerns an emergency that makes this prudent.

The role of U.S. troops in U.N. operations is steadily expanding. A year ago we had 15 troops in the post-Desert Storm U.N. peacekeeping operation in Iraq, 29 in the Western Sahara, 647 in former Yugoslavia, 33 in Cambodia, and almost 2,000 in Somalia. Some of these operations have prevented bloodshed. The Somalia operation, which began as a genuine peacekeeping effort, was somehow allowed to become a war. It then claimed the lives of 26 Americans.

Sections 401 and 402 achieve a balance between the need to protect U.S. sovereignty and the need to give the President the necessary flexibility for handling international crises. Section (a) creates a presumption against the legality of placing any elements of our Armed Forces under the command or control of a foreign national acting on behalf of the United Nations. But this presumption is overcome if the President invokes the certification process that is announced in section (b), and for which section (d) gives the substantive requirements. The President is given 15 days before the start of the operation in question to certify to Congress that the operation is necessary to protect our national security interests, and that the arrangements of the operation are such that U.S. sovereignty will be protected. Furthermore, as I noted a moment ago, even this reasonable requirement does not apply when the operation in question is already authorized by law, or when the President certifies that he is acting in response to an emergency that precludes compliance with the 15-day rule just mentioned. In an emergency situation, the certification requirement detailed in section (d) is postponed until 48 hours after U.S. participation in the U.N. operations begins.

Section 402 amends the United Nations Participation Act so that U.S. participation in Security Council "special agreements," as set forth in chapters VI and VII of the U.N. Charter, is subject to the same certification requirements as in section 401.

There must be clear rules governing the exposure of U.S. service personnel to mortal danger. Such exposure should be related to U.S. interests, and the extend and urgency of those interests should be determined by officials who are accountable to the people of the United States. This is not just the principle of sovereignty; it is also the principle of democracy. Sections 401 and 402 are designed to uphold these principles. They would prohibit commitments of U.S. troops only in cases where the President of the United States cannot or will not articulate to the Congress the justifications and the limitations of such commitments.

At U.N. headquarters in New York City, the flags of all the member nations fly proudly over First Avenue. No national flag is higher than any other, signifying that despite diversities of power, wealth, and territory, the principle of sovereignty means that every nation may deal equally with every other under international law.

One flag in front of the U.N. building does fly higher than the national flags: the flag of the United Nations itself. This signifies that in joining together to form the United Nations, the sovereign member states have recognized that the ideals of human rights, peace, and cooperation for which the United Nations stands may in some circumstances transcend national sovereignty itself.

Even a limited surrender of sovereignty, however, is fraught with risks. One of those risks is that this great international body whose flag flies higher than the others may someday cease to be the instrument of its member nations and become instead master of their policies—and increasingly of their destinies.

American participation in multinational military operations is, has been, and will remain a sound policy option for particular cases. But American participation in the standing armies of another power—especially a power that claims to supersede that of the United States—is an abdication of our sovereignty and a threat to the democratic values that our sovereignty ultimately protects.

Mr. WATT of North Carolina. Mr. Chairman, H.R. 7 didn't come out of a committee on which I sit. So I'm sure my colleagues are happy that I have not been especially active in debating or trying to amend this bill. Before I exit stage right following my high level of involvement on the series of crime bills, however, I want to talk about this bill and about the outrageous inconsistency of my Republican colleagues.

First, last week my Republican colleagues told the Congress and the courts to get out of the way of police and let the police kick in the doors of American citizens, search and seize their homes and papers whenever police officers thought that reasonable. They said the 4th amendment and the rules the Supreme Court took years to spell out micromanaged the police. Today, under H.R. 7, my Republican colleagues want us to micromanage the Secretary of Defense, the Secretary of State, the Joint Chiefs of Staff and even the Commander in Chief, the President of the United States.

Second, for weeks my Republican colleagues have told us here on this House floor and have told the American people that the top national priority we have is getting rid of the national deficit. Yet this bill (H.R. 7) sets the stage for revitalization of the outdated cold war, star wars program at a cost of $40 billion or more.

Well, I've concluded that there are two things my Republican colleagues are consistent about:

First, they don't believe in the principle that debate and deliberation are important parts of democracy. That's evident from the rule under which H.R. 7 is being considered which deprives the Members, and more importantly the American people, of the kind of debate and deliberation such important matters as the safety and security of our Nation deserve.

Second, they'll do anything to undermine, not uphold, the Constitution of the United States. Last week it was the 4th amendment and habeas corpus. Today, it's an attack on the principle that the President is the Commander in Chief of our military forces. I thought it was the Soviet Union which had a central committee. This is the United States of America. My Constitution doesn't provide for a central committee or for any kind of commission to govern our military. Mine says in article II, section 2 that "The President shall be Commander in Chief of the Army and Navy of the United States * * *".

I can't help but believe that we're doing our Nation and our Constitution a major disservice today by the passage of this bill. I can't help but believe that this is a political decision, that there is no way this bill would be passed if we had a Republican President today. But, again, my Republican colleagues don't worry about consistency. For them, politics is far more important than public policy and politics is far more important than consistency.

National defense should never be a partisan issue. This is a truly sad day for America.

Mr. ARMEY. Mr. Speaker, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BUNNING) having assumed the chair, Mr. LINDER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7), to revitalize the national security of the United States, pursuant to House Resolution 83, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SKELTON. Absolutely.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SKELTON moves to recommit the bill, H.R. 7, to the Committee on National Security with instructions to report the same back to the House forthwith with the following amendment:

Strike out the last section of title II (relating to the ballistic missile defense as a component of military readiness) and insert the following:

Section 204. Readiness Certification.

Of the total amount of funds appropriated or otherwise made available for the Department of Defense for fiscal year 1996, the amount obligated for national missile defense programs may not exceed the amount made available for national missile defense programs for fiscal year 1995 until the Secretary of Defense certifies to the Congress that the armed forces are properly sized, equipped, housed, and structured and are ready to carry out the assigned missions as required by the national military strategy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. SKELTON] for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise with this motion to recommit with instructions with a heavy heart. I do so with the background, Mr. Speaker, of having stood with my friends on the other side of the aisle, lo, those many times in the cause of national defense. I stood with those on the other side of the aisle concerning the Nicaragua crisis. I stood with those on the other side of the aisle in the gulf war issue that was so important to our then President George Bush and to the American people and to freedom throughout this globe.

I find, though, there are parts of this bill I would individually vote for; the part concerning the command and control of American troops is to be commended, but the weight of this bill overall, Mr. Speaker, causes me to offer this motion to recommit.

□ 1340

This motion to recommit is in favor of the troops. This morning we had the sad news of 4 soldiers giving their lives in training in Eglin Air Force Base in the Ranger course. The job that we call those in uniform to do is a dangerous job. This is a motion to stand by those young men and those young women from whom we ask so much and who should be given the very best of our efforts.

Mr. Speaker, this is the Montgomery/Skelton language that states that the Secretary of Defense must certify to us, to us the Congress of the United States, that the Armed Forces are properly sized, equipped, housed, structured, and filled with readiness to do the job that the Commander in Chief and our national interest requires of them. This is putting the troops first. This is saying to those young men and women in uniform, "We care for you. We want to stand by you."

This does not cut off national missile defense programs, it allows for the year 1996 to have a $400 million program, where we make sure that those troops are ready and able to do their job.

My case was made by my friends on the other side of the aisle when they said that we are not ready. My friend from California [Mr. CUNNINGHAM] spoke eloquently of the need for readiness. That was my speech. That was my point. That is what we need to do to stay ready. We never know how much. It was Winston Churchill who once said that war comes very suddenly. This past year we came within an eyelash of having armed conflict three times, once involving North Korea, once involving Haiti, and one with Saddam Hussein. These young men and young women we send in harm's way should be fully ready and every penny should go toward their training, readiness, their quality of life. We should not, as we have seen, have young men and young women on the rifle range, who do not have enough bullets to fire, cancel training so that they are not able to fulfill their duties.

In Europe we learned just a few weeks ago that the Army had taken from its training account in Europe $300 million to put in the maintenance account. That is a lack of readiness. We need to pay attention to that and not offer these dollars up to something in excess of what we can fairly spend.

I ask everyone here, Mr. Speaker, to vote for this motion to recommit. It will send the message to the young men and young women we are so proud to call Americans, those in uniform that "we want you to get the best training, the best possible advantage should you have to walk onto that battle field." And if there is a lack of training, if there is someone that is injured or sadly loses his or her life because of lack of readiness, let it not be a reflection of today, let us stand with them, let us work with them, let us vote to recommit this with the instructions on the Montgomery-Skelton language. It is the least we can do for those fine young Americans.

The SPEAKER. Is the gentleman from South Carolina opposed to the motion?

Mr. SPENCE. Yes, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] is recognized for 5 minutes.

Mr. SPENCE. Mr. Speaker, I urge my colleagues to defeat this motion and vote "yes" on final passage of this bill.

Mr. Speaker, last evening we voted twice on this particular amendment. It was defeated on both occasions. We need not say anything more about that.

I want, just for a minute, Mr. Speaker, to tell this body that in referring to this legislation we are responding, as I have said earlier, to the concerns of the American people. In putting together this contract, we listened to the American people and the concerns they have concerning a number of issues, and then we proceeded to put those things down in the form of a contract.

The American people, for instance, are concerned about the state of our defenses. They think we have cut too much from our defense, readiness is suffering, modernization needs to be fixed, a number of things. We are responding to those concerns because we entitled this legislation the revitalization or the restoration of national security.

The people of this country are outraged when they find that we have no defense against ballistic missiles, protecting them and their families from certain death. They want to know who is responsible for leaving them unprotected. But most of all they want it fixed, and we are trying to fix that for them in this contract, this legislation.

Again, I repeat, we are responding to the concerns of the American people. The American people are concerned about the fact that this administration had a threat assessment conducted after the fact, called a Bottom-Up Review, which is not sufficient. And even if it were, it is underfunded. And so they want to have a new threat assessment of the threats we are facing in this world.

So we are proposing a bipartisan commission advise us as to the course of action to take. Again, we are responding to the American people.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in opposition to the motion to recommit and I urge my colleagues to defend this motion and to support this vitally important legislation which we have fully debated in the International Relations Committee and on the House floor over the past 2 days.

Our committee held numerous briefings and hearings on the issues we have debated today.

Contrary to some of the assertions made in this debate, this bill does not end our support for the United Nations and it most certainly does not end our support for the United Nations and it most certainly does not signal a retreat from our security commitments and our international obligations around the world.

The provisions in this bill simply reaffirm that our foreign policy and our role at the United Nations and in all U.N. peacekeeping operations must serve our national interests.

The bill for example, ensures that we receive credit for our ongoing and extensive support for the U.N. peacekeeping operations around the world.

Presently, we are spending several billions a year on direct and indirect costs in support of these peacekeeping operations. To the extent that the Department of Defense is spending a disproportionate share of its declining resources on U.N. peacekeeping we should be recouping some of those costs against our U.N. peacekeeping assessments.

This bill does set strict limits on any U.S. troops serving in U.N. operations and promotes the expansion of the North Atlantic Treaty Organization. Our provisions on NATO will ensure that all countries in Europe deemed eligible to be included in an expanded NATO will be given the political support and the military assistance they need to join this transatlantic security alliance. Accordingly, I urge my colleagues to join in supporting this bill which provides a strong national defense and a clear foreign policy road map for our Nation.

☐ 1350

The SPEAKER pro tempore. (Mr. BUNNING). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 197, nays 225, not voting 12, as follows:

[Roll No. 144]

YEAS—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)

Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Becerra
Chenoweth
Clay
Green
Hastings (FL)
Lewis (GA)
McHugh
Radanovich
Schumer
Stokes
Thornton
Wilson

□ 1408

The Clerk announced the following pairs:

On this vote:

Mr. Lewis of Georgia for, with Mrs. Chenoweth against.

Mr. Stokes for, with Mr. McHugh against.

Mr. JACOBS changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1410

The SPEAKER pro tempore (Mr. BUNNING). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 181, not voting 13, as follows:

[Roll No. 145]

AYES—241

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Payne (VA)
Pombo
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—181

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver

Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Becerra
Chenoweth
Clay
Green
Hastings (FL)
Johnston
Lewis (GA)
McHugh
Petri
Schumer
Stokes
Thornton
Wilson

□ 1425

The Clerk announced the following pairs:

On this vote:

Mrs. Chenoweth for, with Mr. Johnston of Florida against.

Mr. McHugh for, with Mr. Stokes against.

Mr. Petri for, with Mr. Lewis of Georgia against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 7, NATIONAL SECURITY REVITALIZATION ACT

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 7, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical, clerical, grammatical, and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 7.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 10

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] and the gentleman from Texas [Mr. TEJEDA] be removed as cosponsors from the bill, H.R. 10.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMISSION ON GOVERNMENT REFORM AND OVERSIGHT TO FILE REPORT ON H.R. 450, THE REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight have until midnight tonight, February 16, to file a report on H.R. 450, the Regulatory Transition Act of 1995.

It is my understanding that this request has been approved by the minority leadership.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 831, PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–38) on the resolution (H. Res. 88) providing for consideration of the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain and sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 450, THE REGULATORY TRANSITION ACT OF 1995

(Mr. SOLOMON asked and given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Rules Committee plans to meet the week of February 20 to consider a rule for H.R. 450, the Regulatory Transition Act of 1995.

The Rules Committee anticipates reporting an open or modified open rule for the bill. The rule will likely accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, though this would be optional and not mandatory.

If Members wish to avail themselves of this preprinting option, amendments should be titled, "Submitted for printing under clause 6 of rule XXIII," signed by the Member, and submitted at the Speaker's table. Amendments must still be consistent with House rules since neither the rule nor printing in the RECORD will afford any special protection against points of order for such amendments.

It will not be necessary for Members to submit their amendments to the Committee on Rules or to testify on them.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute.)

Mr. GEPHARDT. Mr. Speaker, the purpose of my request is to inquire about the schedule for next week.

I yield to the gentleman from Texas, the distinguished majority leader.

Mr. ARMEY. I thank the gentleman for yielding.

With respect to next week, Mr. Speaker, the House will not be in session on Monday, February 20.

The House will be in session on Tuesday, February 21. Subject to unanimous-consent request, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. At 5 p.m., we will take up the rule for H.R. 831, the Permanent Extension of the 25 Percent Health Insurance Deduction for Self-Employed Individuals. We will then move into general debate and complete consideration of the bill. This is important, Mr. Speaker: We expect no votes until 5 p.m. on Tuesday. However, we will complete consideration of H.R. 831 on Tuesday. Members should be advised that the House may work late on Tuesday night.

On Wednesday, February 22, the House will meet at 11 a.m. for the legislative business. We will take up the rule for the Department of Defense supplemental and the rescission package which accompanies it, and then move into general debate. We will complete consideration of the two bills and then possibly take up H.R. 830, the Paperwork Reduction Act, subject to the House's approval of a rule. Members should be advised that the House may work late on Wednesday night.

On Thursday, February 23, the House will meet at 10 a.m. for legislative business, and pending the outcome of the previous day's action on H.R. 830, we will take up the rule for H.R. 450, the Regulatory Transition Act of 1995, and then move into general debate on the measure.

On Friday, February 24, the House will meet at 10 a.m. for legislative business. At that time we will complete consideration of H.R. 450. It is our hope to complete legislation by 3 that afternoon.

Mr. GEPHARDT. Mr. Speaker, reclaiming my time, perhaps I could ask a few questions.

First on staying late. The gentleman said perhaps on Tuesday and on Wednesday. By "late," can you give Members a sense of about what time?

Mr. ARMEY. If the gentleman will yield further, these things are always problematic. But I think I generally hope when I say "late," that I mean around 9 p.m.

What we try to do is measure the rate at which we are getting the work done, juxtapose that against what must need be done the next day, and then set a mark as early as we can that will assure us to be able to complete the next day's work. But by "late," I hope that I can always have some confidence that that means 9. As the gentleman knows, that has not always worked out that way.

Mr. GEPHARDT. Can the gentleman say that he expects to start amendments on H.R. 450 on Thursday? Do you intend to get to the amendments on that bill on Thursday?

Mr. ARMEY. If the gentleman will yield, the answer is yes.

Mr. GEPHARDT. The other question really involves the rules and maybe the distinguished gentleman from the Committee on Rules could be involved in this discussion.

We last week met with the requirement to deal with an open rule but in a constrained time period of 10 hours. I don't want to go over that debate again. I think we have well covered that from both viewpoints. But I guess I am asking what we can expect on the rules next week.

What kind of a rule would the gentleman expect on the defense supplemental and the rescission bills? Will they be governed under one rule and will that rule be open and be time limited? And the rule on the regulatory transition moratorium, would that be an open rule and would it be time limited?

Mr. SOLOMON. If the gentleman will yield, the two rescission bills, we have not put out a rule as the gentleman knows and we will not be doing that until a rule meeting that I will call sometime late Tuesday afternoon or evening. We would probably have a time constraint on that.

The rule that we will be putting out as far as the regulatory reform, we have not discussed that yet. I assume there would be an open rule with time constraints, again because of the problem as we approach the April 8 date. The gentleman from Texas [Mr. ARMEY] our majority leader, and the gentleman from Georgia [Mr. GINGRICH] our Speaker, have said we have to stick to the schedule to make sure we are going to get the Members out by that 3-week break period.

Mr. GEPHARDT. Reclaiming my time, you are saying in both the case of the supplemental and the rescission bills and the case of regulatory transition, you are anticipating, and I understand you have not done it yet, but you are anticipating open rules with time restraints?

Mr. SOLOMON. That is what we have in mind. Again, with consultation with the minority, we will keep in touch with you and make that determination early next week.

Mr. GEPHARDT. Finally, maybe I did not hear it. I was asking about whether the defense supplemental and the rescission bills would be governed under one rule.

Mr. SOLOMON. Yes, they will. They will be brought to the floor under one rule, and debated the same day.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. For purpose of inquiry to the majority leader, Mr. Leader, as you know last week I expressed my great concern about having markups on very important bills in the committee and having amendments on the floor to legislation going at the same time and I felt that we were losing the benefit of the deliberative nature of the House of Representatives.

I have conceded as I have indicated before that we will probably suffer that as long as we are under the constraints to accomplish something for public relations over 100 days as opposed to substantive legislative purposes.

Knowing that to be the case, however, the rumors circulating in the House, it is the intention of the majority to interfere with what I call communications of representatives with their district, in that you intend to hold the House in session on Saturdays during the month of March. Is that correct?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. Let me begin by observing that the gentleman's point is taken.

Mr. Speaker, we are working on a March schedule. We have a great deal of work to do and we have, as you know, a very compressed time period in which to do it. We are working on a March schedule. We are trying to consult with everybody and take into consideration a very wide range of concerns, not the least of which are the physical demands of the schedule on our Members. We have every hope and intention of avoiding working on weekends, Saturdays and Sundays in March, or for that matter we would hope at all.

Clearly it is our hope and our design to avoid that. We think that is possible and I am very optimistic.

Mr. KANJORSKI. Mr. Speaker, will the gentleman further yield?

Mr. GEPHARDT. I yield to the gentleman.

Mr. KANJORSKI. That is not quite the Shermanesque statement I had hoped to get from the majority leader. It seems to me the majority leader is saying that the 100 days is more important than allowing the membership to communicate with our constituents. We have given up the thought process in the House, we have given up our deliberative activity in the House. I do not think it is fair to the American people or the traditions of this institution to give up the ability to communicate with our constituents on weekends.

Is there some magic in this 100 days that we could not continue and not have a 3-week break in April, and make it a 2-week break or a 1-week break so that we could continue over the period of March and April to communicate with our constituents?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman.

Mr. ARMEY. Again the gentleman's point is taken.

I can only tell the gentleman, we have made it very clear, we have a contract, we feel strongly about our commitment. We are certainly committed to doing a big job, a big change. We know it is hard work. We intend to keep that commitment.

The gentleman should be advised that it should hardly come as any new news to anyone that these circumstances are existent and they will be met.

We intend to meet the completion of this legislative agenda in the appointed time with all due respect and with every bit of sensitive consideration for the needs of the Members.

☐ 1440

And we will do the best we can do to get that done. And again, I do the best, if the gentleman will yield further, Mr. Speaker, I do the best I can to control what I can control and to deal with what I cannot control.

Mr. KANJORSKI. Just a final request.

Mr. GEPHARDT. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. I indicated about 2 weeks ago on the floor that I do not think there is going to be any surprise that the majority entertains a majority of approximately 240 votes more or less, and that all of the legislation the majority wishes to adopt in the House of Representatives will be able to be completed and concluded to its intentions.

It seems to me that rather than now interfere with our relationship and our communications with our constituents, since the debate process really is not for the purposes of communicating with our constituents, or educating our constituents or ourselves for that matter, why do we not just move along with the 100-day contract over the next 2 weeks, bring it in under an hour closed rule and have it adopted so that we can get this foolishness out of the way and get on to the serious substantial business of the House of Representatives.

Mr. ARMEY. Mr. Speaker, will the Speaker yield?

Mr. GEPHARDT. I yield to the gentleman from Texas.

Mr. ARMEY. If the gentleman could get his leadership on his side to endorse his procedural recommendation, I would be happy to take it under consideration.

CONTINUATION OF ORDER OF THE HOUSE RELATING TO MORNING HOUR DEBATE AND SPECIAL ORDER SPEECHES UNTIL MAY 12, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the order of the House of January 5, 1995, relating to morning hour debates be continued through May 12, 1995, with the understanding that the format for recognition for special order speeches first instituted on February 23, 1994, be continued for the same period.

The SPEAKER pro tempore (Mr. BUNNING). Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION AS MEMBER AND ELECTION OF MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 15, 1995.

Hon. NEWT GINGRICH,
Speaker of the House, Capitol Building, Washington, DC.

DEAR MR. SPEAKER: As of this date, I hereby submit my resignation as a member of the Veterans' Affairs Committee for the following reason.

Due to the time restraints and heavy work load associated with Banking and Financial Services, along with the Science Committees, I do not have adequate time to meet the demanding work load associated with the duties required of the Veterans' Affairs Committee in a satisfactory manner.

Thank you, Mr. Speaker, for your time and consideration of my request.

Sincerely,

STEVE STOCKMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. ARMEY. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution, House Resolution 89, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That the following named Member be, and is hereby, elected to the Committee on Veterans' Affairs of the House of Representatives: Representative Dan Schaefer of Colorado.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 21, 1995, the Speaker and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by one of his secretaries.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will: Require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget. We have done this.

It goes on to state that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have done this; unfunded mandates legislation—we have done this; line-item veto—we have done this; a new crime package to stop violent criminals—we have done this; and national security restoration to protect our freedoms—we have done this.

In the next 50 days or so we will pass welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for families to lift Government's burden from middle-income Americans; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; Government regulatory reform; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

AMERICA NO LONGER NEEDS STAR WARS

(Ms. LOFGREN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. LOFGREN. Mr. Speaker, many Congressmen more senior than I have expressed concern that a topic as serious as the revision of the laws and procedures governing the national security of the United States deserved more than a day and a half of debate. I agree, and last night, after I was recognized to offer an amendment, I was cut off and not allowed to do so.

Consideration of my proposal was prohibited by the majority, but I want to let the American people know what my proposal was.

Many people back home in my district have expressed total amazement to me that we would even consider resumption of the star wars missile defense program. We all remember when the Berlin Wall fell and the cold war ended. In light of that fact, why would we want to spend $30 to $60 billion on star wars now? We've already spent $30 billion and we have nothing to show for it.

With the cold war over, it is time American families get something concrete and useful for their tax dollars.

For the same amount of money that we would spend on star wars, we could extend the school day to 5 p.m. for every child in America. That would be useful to the families that I represent and to families across the country. Working parents could stop worrying about their kids at loose ends, unsupervised from the time school is out until their weary parents return home from work.

And wouldn't this help our country immeasurably? We will not be competitive in the global economy unless today's children become the best educated and most productive work force of the future.

We should take the money we would spend on star wars and extend the school day in America to 5.

We do not need star wars—but we do need today's children to become the rocket scientists of the future.

I include for the RECORD a copy of my amendment, as follows:

Amendment to H.R. 872, as Reported Offered by Ms. Lofgren

Page 11, line 12, strike "Title II—Missile Defense" and all that follows through page 13, line 1, and insert in lieu thereof the following:

TITLE II—EXTENSION OF SCHOOL DAY FOR ELEMENTARY AND SECONDARY EDUCATION IN AMERICA.

SEC. 201. FINDINGS.

The Congress finds that—

(1) the increasing prevalence of single parents and families with two working parents has forced many of our Nation's children to be at home without supervision after school;

(2) performance of our Nation's schoolchildren must increase markedly in the future for our country to be competitive in the global market;

(3) our economic competitors have significantly longer school days, allowing for greater learning and educational experiences for a child, and making for a higher level of literacy and education in the general population; and

(4) our nation's priorities should focus on the needs of children and of working families.

SEC. 202. EXTENSION OF THE NATIONAL SCHOOL DAY.

(1) To remain eligible for funding pursuant to the Elementary and Secondary Education Act a school must institute a policy whereby its school day will last until 5 o'clock p.m., local time.

(2) In instituting a policy extending the lateness of its school day, no school may begin its school day later than 9 o'clock a.m., local time.

(3) The Secretary of Education shall establish a formula grant program to provide funds to States to carry out section 1 above.

SEC. 203. FUNDING.

Notwithstanding any other provision of this Act, of the funds available to the Department of Defense, $49,000,000,000 shall be made available to the Department of Education to carry out this title.

ANOTHER HOLE PUNCHED IN THE CONTRACT WITH AMERICA

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, as Members know, the country voted in November for the Contract With America, and I carry with me on a regular basis a copy of the contract. And as we begin to get them completed, I try to have a hole punch here.

No. 6 was strong national defense. We need to ensure a strong national defense by restoring the essential parts of our national security funding. I am delighted that by a bipartisan vote we in fact passed this today.

This is the third part of the contract we have completed, and so I am going to symbolically put a hole in my laminated copy of the contract.

We will be back next week to do another one.

OPENING DAY OF SPRING TRAINING

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, it is official—with or without the first-string players, spring training is now underway in Florida and other warmer climes across the country. This morning's national news featured reports from my home district cities of Fort Myers and Port Charlotte—reports tinged with regret and resentment about the lost opportunities and lost dollars caused by the protracted baseball strike. Americans really are fed up with the fighting and all agree it is time for both sides to come back to the bargaining table and resolve their differences to save the season. But most still think it would be a mistake for Congress to interject itself into this dispute and impose a settlement. I agree—but I believe there are legitimate issues to discuss about whether the antitrust exemption has outlived its purpose—and Congress is reviewing that issue. But in the meantime, we all ask players and owners—can't we just play ball?

REPUBLICAN CONTRACT WITH AMERICA

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, before we leave town for Presidents Day, I just want to reflect on all of the successes we have experienced since we convened the 104th Congress on January 4.

Cutting congressional budgets and staff, making Congress live under the same laws it passes on the private sector, passing a balanced budget amendment, stopping the practice of unfunded mandates, giving the President a line-item veto, passing a tough crime package, and most recently, today, passing a strong national defense bill.

☐ 1450

Mr. Speaker, what we have seen in the past 44 days is not only historic but phenomenal. Through the Contract With America, Republicans are proving that hard work can, indeed, produce real change.

As we approach our 50-day mark, let me assure you that the Republican majority will continue to keep our promises with the people by bringing to the floor regulatory reform, welfare reform, term limits, legal reform, tax cuts for middle-income families, and a senior citizens' equity bill.

WE ARE KEEPING OUR PROMISE

Mr. FOX of Pennsylvania. Mr. Speaker, we made a promise, we signed a contract, and we kept our promise—it is as simple as that.

We just passed the National Security Revitalization Act, a component of our Contract With America. In fact, in the past 44 days, we have been keeping a lot of promises. Congressional reform, a congressional accountability act, a balanced budget amendment, unfunded mandates reform, and a strong crime package. We are working hard to produce real change in Congress and America.

But our hard work does not stop here. After the President's Day recess, we will be bringing to the floor legal reform, regulatory reform, term limits, tax cuts for middle income families, a senior citizens' equity bill, and welfare reform. We are on the road to restoring the long-lost credibility and trust people have in their elected officials.

The Republican majority is moving forward. We are making Government smaller, less costly, and more accountable to the American people. I am proud to be a part of this historic time.

ADJOURNMENT FROM FRIDAY, FEBRUARY 17, 1995, TO TUESDAY, FEBRUARY 21, 1995

Mr. WALKER. Mr. Speaker, I ask unanimous consent that when the House adjourns on Friday, February 17, 1995, it adjourn to meet at 12:30 p.m. on Tuesday, February 21, 1995, for morning hour debates.

The SPEAKER pro tempore (Mr. BUNNING). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REPORT RELATING TO ACTIVITIES AND COSTS PURSUANT TO DECLARATION OF NATIONAL EMERGENCY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT FROM SEPTEMBER 29, 1994 TO NOVEMBER 14, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On September 29, 1994, in Executive Order No. 12930, I declared a national emergency under the International Emergency Economic Powers Act [IEEPA] (50 U.S.C. 1701 et seq.) to deal with the threat to the national security, foreign policy, and economy of the United States posed by the continued proliferation of nuclear, biological, and chemical weapons, and their means of delivery. Specifically, this order provided necessary authority under the Enhanced Proliferation Control Initiative [EPCI], as provided in the Export

Administration Regulations, set forth in Title 15, Chapter VII, Subchapter C, of the Code of Federal Regulations, Parts 768 to 799 inclusive, to continue to regulate the activities of United States persons in order to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction and their delivery means.

I issued Executive Order No. 12930 pursuant to the authority vested in me as President by the Constitution and laws of the United States of America, including the IEEPA, the National Emergencies Act [NEA] (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)).

Executive Order No. 12930 was revoked by Executive Order No. 12938 of November 14, 1994. Executive Order No. 12938 consolidates a number of authorities and eliminated certain redundant authorities. All authorities contained in Executive Order No. 12930 were transferred to Executive Order No. 12938.

Section 204 of the IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President: (1) within 90 days after the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration; or (2) within 90 days after the termination of an emergency, transmit a final report to the Congress on all expenditures. This report, covering the period from September 29, 1994, to November 14, 1994, is submitted in compliance with these requirements.

Since the issuance of Executive Order No. 12930, the Department of Commerce has continued to administer and enforce the provisions contained in the Export Administration Regulations concerning activities by United States persons that may contribute to the proliferation of weapons of mass destruction and missiles. In addition, the Department of Commerce has conducted ongoing outreach to educate concerned communities regarding these restrictions. Regulated activities may include financing, servicing, contracting, or other facilitation of missile or weapons projects, and need not be linked to exports or reexports of U.S.-origin items. No applications for licenses to engage in such activities were received during the period covered by this report.

No expenses directly attributable to the exercise of powers or authorities conferred by the declaration of a national emergency in Executive Order No. 12930 were incurred by the Federal Government in the period from September 29, 1994, to November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 16, 1995.*

REPORT RELATING TO ACTIVITIES AND COSTS PURSUANT TO DECLARATION OF NATIONAL EMERGENCY UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT FROM NOVEMBER 16, 1990 TO NOVEMBER 14, 1994—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–37)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the Federal Register and transmits to the Congress a notice of its continuation.

On November 14, 1994, I issued Executive Order No. 12938, which revoked and superseded Executive Order No. 12735. As I described in the report transmitting Executive Order No. 12938, the new Executive order consolidates the functions of Executive Order No. 12735, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery. The new Executive order continued in effect any rules, regulations, orders, licenses, or other forms of administrative action taken under the authority of Executive Order No. 12735. This is the final report with respect to Executive Order No. 12735.

This report is made pursuant to section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act regarding activities taken and money spent pursuant to the emergency declaration. Additional information on chemical and biological weapons proliferation is contained in the annual report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons [CBW] or unmanned delivery systems for weapons of mass destruction.

During the final 6 months of Executive Order No. 12735, the United States continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

At the termination of Executive Order No. 12735, 158 nations had signed the Chemical Weapons Convention [CWC] and 16 had ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. The United States continues to press for prompt ratification of the Convention to enable its entry into force as soon as possible. We also continue to urge those countries that have not signed the Convention to do so. The United States has remained actively engaged in the work of the CWC Preparatory Commission headquartered in The Hague, to elaborate the technical and administrative procedures for implementing the Convention.

The United States was an active participant in the Special Conference of States Parties, held September 19–30, 1994, to review the consensus final report of the Ad Hoc Group of experts mandated by the Third Biological Weapons Convention [BWC] Review conference. The Special Conference produced a mandate to establish an Ad Hoc Group whose objective is to develop a legally binding instrument to strengthen the effectiveness and improve the implementation of the BWC. The United States strongly supports the development of a legally binding protocol to strengthen the Convention.

The United States maintained its active participation in the Australia Group [AG], which welcomed the Czech Republic, Poland, and Slovakia as the 26th, 27th, and 28th AG members, respectively. The Group reaffirmed members' collective belief that full adherence to the CWC and the BWC provides the only means to achieve a permanent global ban on CBW, and that all states adhering to these conventions have an obligation to ensure that their national activities support these goals.

The AG also reiterated its conviction that harmonized AG report licensing measures are consistent with and indeed actively support, the requirement under Article I of the CWC that States Parties never assist, in any way, the manufacture of chemical weapons. These measures also are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the Convention, as they focus solely on preventing assistance to activities banned under the CWC. Similarly, such efforts also support existing nonproliferation obligations under the BWC.

The United States Government determined that one foreign individual and two foreign commercial entities—respectively, Nahum Manbar, and Mana International Investments and Europol Holding Ltd.—had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against them, effective on July 16, 1994. A separate determination was made and sanctions imposed against Alberto di Salle, an Italian national, effective on August 19, 1994. Additional information on these determinations will be contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12735 during the period from November 16, 1990, through November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 16, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

FACTS THAT ARE MISUNDERSTOOD WITH REGARD TO H.R. 7

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, the people in my district in California do not have any luxury to subscribe to the Washington Post and the Washington times, which have extensive coverage of what is happening inside the Beltway.

There is a lot of rhetoric, especially about the U.N. peacekeeping mission. This bill that we just passed, H.R. 7, which is named the National Security Revitalization Act, the people are saying if this is passed, that will be the end of the U.N. peacekeeping mission.

I would like to clarify this. I would like to urge all my people in my district, people in California, to contact Mr. Clinton not to veto this important bill.

Let me tell you what this really truly says. In the last year, 1995, fiscal year, our administration came to Congress to ask for $533 million for the U.N. peacekeeping mission, just peacekeeping. That is our assessment. At 6 months later, they come back asking an additional $672 million. Adding it together, our assessment was actually $1.2 billion last year alone, cash assessment to the United Nations.

This year our administration asked again for only $445 million.

Now, who is trying to fool who this time? This is a very unrealistic request to try to trick the system by grossly underestimating our peacekeeping assessment numbers so that the overall budget looks smaller. I can bet you that they are going to come back halfway through this year asking another $1/2 billion.

Anyway, in addition to $1.2 billion we paid to the United Nations, we also paid an additional $75 million last year as a gift, as a gift, voluntary gift. This year they are asking an additional $100 million as a voluntary gift.

It is beyond my comprehension why we are paying gifts in addition to $1.2 billion.

The U.S. Government gets no credit for these voluntary contributions.

Let us talk about other countries. How much do they pay? Ninety countries How much do they pay? Ninety countries pay less than one-hundredth of 1 percent, 0.01 percent, nothing; 90 countries pay less than that. Only 10 countries pay more than a lousy 1 percent. Let me repeat only 10 countries in the world pay more than 1 percent on this U.N. peacekeeping mission.

How much do we pay? Thirty-two percent.

□ 1500

We used to pay only 25 percent. What happened? Because Russia dissolved and were unable to pay, we have to pick up the tab. Is that not ridiculous?

We are paying 32 percent while only 10 countries pay more than 1 percent. Now, that means we are paying more than 3½ times more than the second largest contributing nation, which is Japan. Japan pays 12.5 percent. Not to mention the gifts and not to mention the in-kind contributions.

Let me tell you what it is. We spent $1.7 billion in-kind contributions to support of this U.N. peacekeeping mission. What are they? Let me give an example: Sending military forces to Somalia, millions and millions of dollars is what it cost us. Also the airlift of supplies to Bosnia.

We are now involved in 13 different places on peacekeeping and humanitarian support in this world.

Altogether we spent $1.7 billion in addition to the $1.2 billion cash assessment, in addition to the gifts.

Now, this $1.7 billion we spent as in-kind contributions was not credited to us. Added altogether we are about $30 billion a year that we are donating to the United Nations under the name of peacekeeping mission.

Now, what this bill will do, let me explain: Under section 509 it says the United States shall not pay more than 25 percent. Is that not fair?

Second, section 506 says that all the in-kind donations shall be credited, credited to the United States. That is exactly what it says.

Section 507, no more voluntary gifts unless it is some kind of emergency or national security interest.

Finally, section 511 says U.N. management must be reformed. You cannot just go around and asking us for money like we were a bottomless pit. They have to reform, they have to shape up. That is what this bill does, asking the U.N. to shape up. We are asking them to hire an inspector general so they can audit the books and find out exactly who pays what and how much.

We are not against peacekeeping. I understand we all believe in human rights, but, by golly, it has to be fair. This bill provides for a more equivalent sharing of the real cost of such activities, something that all the American people deserve. That is what it is all about. We are not talking against peacekeeping. It is about time for us to get a fair share and a better accountability.

FOREIGN COMMAND OF U.S. TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. SALMON] is recognized for 5 minutes.

Mr. SALMON. Mr. Speaker, one of my staff was in a grocery store, local grocery store, just a few days ago and happened to be in the toy section of the store and lo and behold here is what he found and picked up. These are little toy soldiers, just like we used to play with when we were little boys and girls. It says "U.N. troops."

Mr. Speaker, how far have we gone? How far has this madness gone? It used to be, when I was a little boy, I would play with my G.I. Joe. They were American soldiers we used to play with. They were not United Nations troops.

I think maybe the reason these kinds of toys are being marketed now is because maybe it is becoming acceptable that we no longer have our sovereignty any more, we no longer have control. We have given control of U.S. troops, our young men and young women, put them in harm's way, put them under the direct jurisdiction of the United Nations.

In fact, in 1988, there were only 5 peacekeeping operations being operated by the United Nations across the world. Today the United Nations supports 17 peacekeeping operations. More and more, these missions involved internal unrest, including ethnic clashes as opposed to conflicts between nations.

Mr. Speaker, today is a landmark day. We passed a wonderful piece of legislation that redirects our attention, that refocuses our priority on America, on America's vital interests, what is beneficial to this country and not the world at large.

This is a wonderful day, and I think it was one of the most impactful bills, but unfortunately the media out there has decided to neglect any discussion of this bill. I will not comment as to why. But I will comment that these toy soldiers, they are meaningless, you can throw them away, they can end up in the wastebasket, it does not matter. But young men and young women, their lives do matter. When they are fighting on foreign soil, we have an obligation in this body to be sure they are standing up for our interests, our vital national security interests, and not for some utopian concepts of peacekeeping in areas that we really cannot keep the peace.

This bill, H.R. 7 that we just passed, is very impactful in that it restricts the deployment of U.S. troops to missions that are in our interest. It demands that U.S. troops be commanded by U.S. commanders, not by U.N. bureaucrats.

It reduces the cost to the United States for U.N. peacekeeping missions and demands that the United States Representatives to the United Nations press for reforms in the management practices of the United Nations.

Mr. Speaker, I have also got to mention that I believe we have got to keep our eye on that one big ball that is out there, that $5 trillion Federal debt that we have. Not only do we not have human lives to waste abroad for needless causes, but we do not have the capital as well. We have a debt to pay off. As Mr. KIM pointed out adequately, we have paid a disproportionate share of the cost of peacekeeping. We pay 33 percent. The next highest country, Japan, pays in the neighborhood of 13 percent. That is unreasonable.

We pay 25 percent of the costs for upkeep and maintenance of the United Nations. If we were getting what we paid for, it might be a different story. But I do not think we are.

Mr. Speaker, I want to congratulate this body for doing some wonderful work today, and, hopefully, the measure will pass the other body and President Clinton will get significant support from the people out there, the voters, calls from the real people out there, the voters, calls from the real people out there who do not want their young people's lives wasted in the future needlessly.

Maybe these soldiers, these toy soldiers, it is okay to risk their lives because they do not mean much, but our young men and women, they do matter.

President Clinton, please do not veto this legislation.

WITH APOLOGIES TO DR. SEUSS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana [Mr. WILLIAMS] is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker and my colleagues, during much of the debate on the defense bill just passed, I listened either here in the Chamber or watched it on television from my office and spent some time between debates composing a little doggerel.

With apologies to Dr. Seuss, I would like to share it with you:

On the eighth of November, Election Day last fall.
The voters decided to take a look over the wall.
At first, Democrats stood silent, but finally we said,
With a very sad shake of our collective head,
"On this side of the wall we are all Dems,
But on the far side of the wall live the thems.
But the voters said it's high time we knew,
What kind of things the thems would do.
Even after 40 years, the wall isn't so high.
Why, the voters can look the thems square in the eye.
And when the thems came close, the voters heard 'em say, "Star Wars, Star Wars, it's up, up and away."
And at that very instant, voters remembered the reason they had stayed on their own side of the wall season after season.
The thems love to spend and spend, but only on weapons that skewer.
Not Head Start or Pell grants or highways or sewers.
So, on tiptoe the voters stand quizzically watching the thems,
As the thems dash about in their 100-day fit,
So, on 101 they can at last sit.
And the voters note that the thems look frightfully mean,
As they try to spend billions on their Star Wars machine.
Voters had walked to the wall with great vim and vigor,
Only to find the thems as always with their hands on the trigger.
For 2 more years the voters will watch and the voters will wonder,
Why the thems spend tax money that might blow the world all asunder.
At the end of the time, the voters will step back from the wall,
Hoping a little look didn't hurt much after all.
And then they will remember when all is said and done,
These are the very same thems that scared the voters back in 1981.

□ 1510

FRIVOLOUS LAWSUITS IMPACT AMATEUR SPORTS, LEGAL REFORM NEEDED

The SPEAKER pro tempore (Mr. BUNNING). Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, I read with great interest an editorial found in Monday's Wall Street Journal article by Creighton Hale.

Mr. Hale is the CEO of Little League Baseball and he made a very good case for the need for legal reform.

One example he gave was this:

Imagine the situation: The batter hits a pop fly to center, but your centerfielder is playing the position for the first time. He moved there because the regular kid has the flu. The pop fly hits him in the eye.

As the coach, what do you do?

Pull the infield in and play for the plate?

Call time and head for the pitcher's mound?

How about try calling a lawyer?

You see, in a real life case similar to the one just described, the centerfielder's parents filed suit against the coach who stationed their child under the ill-fated pop fly. They sought compensation for pain and suffering, as well as punitive damages.

In another case described by Mr. Hale was litigation that resulted from two boys colliding in the outfield.

They picked each other up—and then sued the coach.

Another player sued when a stray dog intruded on the field of play and bit him.

And in one of the most outrageous cases I have heard of a woman won a cash settlement when she was hit by a ball that a player failed to catch.

The irony here is that the player was her own daughter.

The Little League has seen its liability insurance skyrocket 1,000 percent over a 5-year period. From $75 per league annually to $795 per league.

We, in effect, have asked little league coaches to take on major league liability risk.

Our legal reform umbrella must cover civil defendants of all stripes whether it be the Little League team that plays in the park down the street or the large corporation that employs the little leaguer's parents.

Frivolous litigation has reached the point that we cannot even measure it with dollars anymore.

Already the special interests are mobilizing to stop any attempt to help the Little Leaguers and Girl Scouts.

George Bushnell, president of the American Bar Association, has resorted to name calling.

The rules of this body will not even allow me to repeat what he called congressional Members who would dare attempt legal reform of this nature.

I say we have struck a nerve.

We are not here to pander to the special interest within the legal community.

Rather, we are here to enact real legal reform for the American people.

And reform we shall have.

THE SO-CALLED PERSONAL RESPONSIBILITY ACT

The SPEAKER per tempore. Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, I rise in strong opposition to the so-called Personal Responsibility Act.

For years now, Mr. Speaker, Democrats, Republicans, welfare recipients, and Americans on opposite ends of the political spectrum have all agreed on two things; No. 1: The welfare system is broken, and No. 2: We as Americans must change welfare as we know it.

This bill as I read it, Mr. Speaker, fails in several ways to address the problem.

First, the bill erroneously assumes that the problem with welfare is that these people just do not want to work.

The reality, however, is that 70 percent of those who receive welfare benefits are children. The remaining 30 percent are the mothers of these children and disabled persons.

Second, and most importantly—this body, as it has done in the past, is attempting to base new public policy on the same false premise—that these people just do not want to work! Therefore, to encourage them to work—cut them off.

The reality, Mr. Speaker, is that the problem with welfare is this body's total abdication of its responsibility to deal openly and forthrightly with the cause of welfare—the lack of a real job paying a livable wage.

If we did address this problem openly, Mr. Speaker, we would find that what most welfare recipients want is an opportunity to work—not a welfare check!

This bill, Mr. Speaker, does nothing to empower people. It does nothing to address those very important secondary impediments to welfare mothers going to work, the need for day care for their children so they can go to work, and the need for health care for their children.

Further, Mr. Speaker, the bill fails to invest the resources in job training and education necessary to equip welfare mothers to compete for the jobs that are available.

In fact, Mr. Speaker, the only thing this bill guarantees to our children, is that once their parents have used their allotted benefits—that's it! There is no other safety net for these families or their children.

So no matter what happens to the Nation's economy or the economy of your State, no matter what happens with your personal circumstances, regardless of your efforts to secure employment, that is it—no more benefits.

Mr. Speaker, this bill would abolish the entitlement status of those essential programs that protect our children from hunger and homelessness.

What this means, Mr. Speaker, is that no longer are poor children guaranteed that they will grow up with a roof over their head and food in their mouths.

In fact what our children are guaranteed, Mr. Speaker, is that their basic health and nutrition needs will now be subject to individual State priorities and each new Congress views about their mothers and their willingness to work.

What we have done in this bill, Mr. Speaker, is to decide that welfare and single mothers and their children are the root of all evil in this society and if we are to ever balance the budget we must get these pariahs off the rolls.

The reality, Mr. Speaker, is that 70 percent of all welfare recipients are off welfare in 2 years and only 12 percent of all welfare recipients stay on welfare more than 5 years. So why this body would base welfare policy on the 12 percent of people who have not, will not or cannot get off welfare is beyond me.

This bill would require, or as we like to say in Washington—mandate—that States deny AFDC permanently to families where the children were born after this bills passage to unmarried mothers younger than 18. States would also have the option to deny assistance to children born to unmarried mothers younger than 21.

Mr. Speaker, this bill would allow States to eliminate all cash benefits to families who have received aid for 2 years and—permanently—bar such families from any future aid if the parent had participated in the work program for at least 1 year. After 5 years, States would be required/or mandated to terminate permanently the family from cash assistance.

The State even if it wanted to continue cash payments would be directed by Washington to deny this benefit.

In both of these cases, Mr. Speaker, the Contract on Americans would allow children and families to be left without any cash help or a public service job even when the parent was willing to work but unable to find private sector employment.

An even more ominous provision in this assault on America's children, Mr. Speaker, would take the savings generated by denying assistance to unmarried teens and their children, and use those same funds to build orphanages for those children or group homes for those children and their teen parents rendered destitute by this bill.

Mr. Speaker, it is open season on poor American children and the people sent here to protect them are running roughshod over them with careless indifference or conscious disregard.

My district, Mr. Speaker, has 61,000 children living below the poverty line. I am not interested in orphanages and group homes, I am interested in jobs that will employ the parents of these children.

What is required, Mr. Speaker, is an honest appraisal, free of finger pointing, free of race baiting, free of vitriolic attacks on lobbyless women and children, and most important, Mr. Speaker, a real commitment to creating jobs.

□ 1520

An even more ominous provision in this assault on America's children is that it would take the savings generated by denying assistance to the unmarried teens and their children. As we debate this issue coming up next week on the floor of the House, let's take a hard look at the Personal Responsibility Act and hold it responsible.

PROVIDING FOR CONDITIONAL ADJOURNMENT OF HOUSE FROM TODAY UNTIL TUESDAY NEXT AND ADJOURNMENT OR RECESS OF THE SENATE FROM TODAY UNTIL WEDNESDAY NEXT

Mr. SCARBOROUGH. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 30) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 30

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 16, 1995, it stand adjourned until 12:30 p.m. on Tuesday, February 21, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 16, 1995, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, on Wednesday, February 22, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ACCOMPLISHMENTS OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it is certainly exciting to see what has been happening in this town since January 4. It seems for the past 40 or so years we have had an institution in Congress that was not responsive to the needs of Americans across the country; that did not seem to care about what was going on in the lives of middle class Americans, from Maine to California, from Florida to Washington State. In fact, things had gotten so bad that just a few months back only 18 percent of Americans thought Congress was doing a good job.

Today, only a month and a half after the 104th Congress convened on January 4th, almost 50 percent of Americans now believe Congress is doing a good job and we are on the right track. And for good reason. Look what has happened.

Of course, there are things we have not addressed yet. There are problems we have not had time to work out. But let us look at what we have done in just a few short weeks.

We have undertaken real institutional reform, reform that all Americans are in favor of, even the most simple basic reform that Congresses in the past have ignored. They have not listened to what Americans have wanted.

We started with the Shays Act. The first day it was passed, and it is an act that makes Congress abide by the same rules and regulations that they force on individuals, on families, on businesses, on States, on the rest of America. I cannot tell you how many times I heard people across my district and across the country pound their fist into their hands, angry, saying why can they pass laws, and then conveniently exempt themselves from it? What makes Congress and the Members of Congress feel so arrogant that they somehow believe that they are above the law? Why does Congress not do what the overwhelming majority of the American people want them to do. Is this not a representative democracy?

Well, the 104th Congress answered the call quickly, and before we were out the first day, we passed the Shays Act, which pushed forward a very simple proposition, and that is Congress abides by the same laws that the rest of us have to abide by. That was a great first day.

But if that was the only thing we had done the first day, it would have been an unqualified success. But we went further. We also cut staff by one-third. Committee staff was cut by one-third. And we did more than that. We cut congressional staff. Members now were restricted by the number of staff they had working in their offices and back in their individual districts.

We have recently passed regulations that will cut franking by one-third. It is a reform that Americans have called for, for years, and it is a reform that the 104th Congress answered.

We also finally put term limits on committee chairmen. So many people were disgusted with what they saw in the last few Congresses, by the power amassed by the Dan Rostenkowskis of the House, and the people said enough is enough. And once again the 104th Congress answered the people's call and put term limits on committee chairmanships.

But they went a step further. They even put term limits on the Speaker of the House, something that is absolutely unprecedented.

You hear so much from the other side of the aisle, trying to build up these monsters and trying to vilify Members of the 104th Congress. Some have even suggested that our Speaker is setting up this strong Sam Rayburn style speakership, as if he is power hungry. The fact of the matter is Sam Rayburn would have never agreed to put term limits on himself. We have leadership that is moving forward, we have got Members on both sides of the aisle that are moving forward toward institutional reform. And I for one say it is about time.

I know, because this time last year, I was not a Congressman, I was not a State senator, I was not in the State legislature, I was not a county commissioner or a city councilman. I was a citizen. I was a citizen who decided I was sick and tired of what was going on in Washington, DC, and I wanted to be part of a real and dramatic change.

As the election returns came in November 8, 1994, it became clear to every body across the country that there were a lot of citizens like myself that had gotten off the couch. They did not have special interests behind them; they did not have power brokers behind them; they did not have powerful party leadership behind them. They only had simple ideas behind them. They only had reform on their side. And in 1994 when all Americans got up off the couch and said enough is enough, the ideals that we put forward in our campaign was enough. People called for reform, we got elected, we came to this Congress, and we have put forward great reform.

We also passed a limitation on tax increases. We have to have a three-fifths supermajority now to pass any tax increases on middle class citizens across this country. Let me tell you something: That is incredibly important, when you consider that in 1993 the 103d Congress ignored their constituents and ignored Americans from coast to coast and passed the largest tax increase in the history of this country by one vote.

We now require a supermajority, and because of it, the taxpayers have received what I call a taxpayer protection plan, to make sure that Congress stops stealing money from citizens across the country to feed their own special interest pork-barrel projects. And that was a great step forward, when you consider that the average American spends 50 percent of his or her time working to pay off taxes, fees and regulations imposed on them by Government.

Think about that. When you go to work on Monday morning, you are going to work for the Government to pay off taxes, fees and regulations. When you go to work Tuesday morning, you are still working for the Government.

□ 1530

When you go to work Wednesday morning, you are still working to pay off taxes, fees and regulations put on you by the Government. It is not until you come back from lunch on Wednesday afternoon that you actually start putting money into your own pocket, into your own savings account for what you need to get by.

Let's put it another way. None of us will be working for ourselves until July 1. We will be working to pay off taxes, fees and regulation put on us by the Government until July 1. That means we all have more months to work to pay off taxes, fees and regulations put on us by the Government. Before we are able to put aside 1 cent for ourselves, before we are able to put aside money to pay off our cars, or to pay off our mortgage, or to put money aside for our children's educational plans or, heaven forbid, until we can put aside any money for retirement.

Our tax system is a system that punishes productivity. It is a system that tells individuals and businesses and families, "The harder you work, the more you're going to be punished."

We finally put in a taxpayers' protection plan. Our leader now is talking about a flat tax that will tax all Americans evenly and fairly at the same percentage rate to make sure that you are not punished, that you do not pay at a higher percentage if you dare to be productive, if you dare to invest, if you dare to do things that this country was founded upon.

We are finally moving toward encouraging hard work and productivity and personal sacrifice. I say it is about time, and I am honored to be a part of that process. Again, it is something that we have already passed in this 104th Congress.

We passed a line-item veto. That is something that President Ronald Reagan had been calling for for years. That is something that the American people have been calling for for years. Look at the polls in the USA Today and in Time and Newsweek and these other magazines. They all say an overwhelming majority of Americans have supported a line-item veto so the President can look through these huge budgets filled with pork and be responsible and cut out line items of wasteful spending. It is about time.

Again, it is something Americans have wanted this Congress to do for a long time, and yet it is something that was ignored until the 104th Congress came to town and we have passed it.

Some people have said, "Well, a line-item veto is great, I was for it when Ronald Reagan was President, I was for it when George Bush was President. But now that Bill Clinton is President, I don't know if I'm for the line-item veto anymore or not."

Let me tell you something. It does not matter who the President is. It finally brings accountability to the process.

For too long we have had people on both sides of Pennsylvania Avenue pointing at each other. We have had people from the White House blaming the Congress, saying, "Hey, they've never sent us a balanced budget." The same thing was argued the other way around.

Finally the buck stops at the White House, and we have something in place where the President will finally not be able to blame Congress or blame anybody else if these pork-barrel projects go through. He simply takes out his pen, lines through the appropriation, and we have accountability in the budget process, and we have it because the 104th Congress also passed it.

We have a balanced budget amendment that is passed from this House and is now over in the Senate. That is another thing that Americans have been for for years and another thing that Congress has ignored.

I have got to tell you when you start lining up all these things that Americans have been for and you start realizing that Congresses in the years past have covered their ears and shut their eyes and pretended that Americans did not count, that they were above the law, that they were above public opinion, that they were above being in a representative democracy, a constitutional republic, you can now see why the revolution took place.

People demanded accountability. Republicans and Democrats and Independents demanded accountability. The Republican Party has come to town and with the help of people on both sides of the aisle and Independents across the country, we have passed these reforms through. But this is not simply a Republican revolution.

In my district, 60 percent of the people who voted in the 1994 election were Democrats. Sixty percent. I am a Republican. Yet I received 62 percent of the total vote. That is overwhelming. It is overwhelming because it shows that the issues that unite Americans are not about whether you are Republican or Democrat or conservative or liberal or independent. It is about accountability. It is about listening to Americans and voting your conscience and voting the way Americans want you to vote, the way that our Founding Fathers wanted us to vote. We have done it. We did it today on H.R. 7. We have taken a crucial step forward in once again making our shores safe and our military strong.

There is no doubt we have had the strongest military in the history of the world. But unfortunately we have continued cutbacks. Many believe now that we are close to having a hollow force. Beyond that, there has been another danger. There has been a danger of shifting control from U.S. military men and women, from our generals and admirals and our Commander in Chief to the U.N.

Just think about it. Think about the fact that we have men and women who may go into combat, and when they go into combat, they will not be fighting under American generals or American admirals.

Is there a problem with having them under the U.N. flag? Is there a problem with our service men and women serving under foreign leaders? Yeah, there is.

Our troops fight to protect and defend the Constitution of the United States of America. There is a real problem when the Constitution is bypassed in military exercises. I want to point out what happened in Haiti a few months back.

We had a President who wanted to push for an invasion of Haiti, but he could not get it passed through Congress. He could not garner the sufficient support in this constitutionally elected body to have support to send men and women, mothers and fathers to Haiti into a conflict where they could die.

Our Founding Fathers knew how important it was that our President could not sent Americans into war without approval of this Congress. But what did the President of the United States do when he could not do it through constitutional channels, through the Congress? He went to the United Nations. There is a real problem with that as far as I am concerned. It usurps essential powers that were given to this Congress over 200 years ago by the Founders of this great Republic.

You need to go through a democratically elected body if you are going to put Americans' lives at risk. H.R. 7 finally steps up to the plate and puts an end to some of this madness. It is a first step down a road where we will finally consolidate power where it needs to be, and, that is, with American generals, admirals and our Commander in Chief.

But there is more than the U.N. We have the Mexico problem. It does not matter where you stand on Mexico, you have got to look and see what the President did, and it has to cause you a great deal of concern. Because just like in Haiti, when he could not get approval in Congress, he wanted to push this Mexican bailout plan, this loan guarantee. He said he was going to get it approved in Congress. He could not get it approved in Congress, so what did he do? He bypassed Congress again, as if we do not matter, as if the 250 million or so Americans that this institution represents are somehow irrelevant. Instead he turned and used a fund that was set up to keep the dollar strong across the world.

□ 1540

But he did not use it for the dollar. He used it to prop up the peso. It certainly violated the spirit, if not the actual letter of the law, and I would encourage the President of the United States to read his Constitution and once again bring these matters to an elected body so they can be debated and discussed the way they need to, before they are implemented.

H.R. 7 also helps answer a big lie that has been spread, and let me tell you what the big lie is. The big lie has been spread over the past 5 years that somehow this country is safer today than it was before the collapse of the Soviet empire. Even though it sounds great, even though we hear about the demise of the Evil Empire and that somehow is supposed to make us feel that we are in a safer world today, the facts point out something very different.

The fact of the matter is there are still nuclear missiles in Russia, they are still pointed our way, but there is a big difference between now and 5 years ago. Now we have madmen like Zhirinovsky, a neo-Nazi ascending to power in the former Soviet Union. He is a man who is so unstable that he threatened to nuke Germany after he ascended to power because they would not let him in their country.

We have got economic and political and military and social chaos in the Soviet Union, the former Soviet Union. We cannot afford to let down our defenses because Boris Yeltsin may be in power today, but all indications show that a very powerful totalitarian force could easily overtake the former Soviet Union again and launch us into another cold war.

It is constitutionally our first responsibility as a Government, as a Federal Government, to protect the men and women and children in this country from foreign attack. And that is what H.R. 7 does.

Another fact that concerns all of us, or should concern all of us, is the growth of China. In the 1980's, China was the second fastest growing economy in all of Asia, a region that is booming economically. In fact, last year China's economic growth grew at a staggering 19-percent clip, and make no mistake of it, China is using this new-found economic prowess to develop, build, and export weapons technology to Third World countries. We have got to keep our guard up.

And we have got to keep our guard up because a recent Foreign Affairs article, which I do not subscribe to everything I read in Foreign Affairs, that is for sure, but a recent Foreign Affairs article stated that in 5 years over 20 countries are going to have intermediate missile range capability, and they are not going to be the select nuclear club that we used to have: the United States, England, France, China, India; it is going to expand and all of a sudden we might find 5 years down the road that people like Saddam Hussein and Qadhafi and our North Korean leaders will have this weapons technology and the ability to launch those weapons across continents.

Let me tell you something. The world is more dangerous today than it was 5 years ago, and anybody who tells you anything different is either ignorant of the facts that are out there to be read and studied or else they are glossing over the truth for their own political reasons.

We live in a dangerous world, and H.R. 7 was the first step to answer the call of all Americans across this country who said do not let our forces become hallow like they were in the late 1970's.

We are rebuilding this country because our children's lives are at stake. We have welfare reform coming up, something that all Americans or a majority of Americans have supported for a long time. And more importantly, we are not only talking about these basic reforms in the Contract With America, we are talking about moving beyond those reforms and restructuring the way this government works.

But I want to ask before we talk about our next step, let us examine what we have done in 50 days. Let me read through this again because it is absolutely incredible. In 50 days or less we have made Congress accountable by making them abide by the same laws that all Americans have to abide by. We have cut committee staff by one-third. We have cut congressional staff. We have cut franking by one-third. We have put term limits on committee chairmen, we have put term limits on the Speaker of the House. Actually the Speaker put term limits on himself and adopted that.

We have passed three-fifths tax limitation. I call it the taxpayer protection plan. I do not care what you call it; what it does is it guarantees this Federal Government is not going to be reaching in your pocket for the next 2 years, and when we pass the rest of the three-fifths balanced budget amendment next year we will be protected for years to come.

We have passed line-item veto, we have passed a balanced budget amendment, and we have passed H.R. 7, an act that will once again keep our military strong and guarantee us that we will be able to answer the challenges that are facing us in this extremely dangerous world.

This past week Members of the freshman class stepped forward, some have called us new Federalists and they have called us new Federalists because we have read the Federalist Papers. We have read the writings of James Madison, Alexander Hamilton and John Jay and other Founding Fathers, and we are committed to return this government to be the type of government our Founding Fathers intended it to be.

I am moved by the words of James Madison who over 200 years ago as he was framing this Constitution wrote, "We have staked the entire future of the American civilization not upon the power of government." Did you hear that? "We have staked the entire future of American civilization not upon the power of government, but upon the capacity of each of us to govern ourselves, to control ourselves, and sustain ourselves, according to the Ten Commandments of God." That was James Madison, a man who helped frame the Constitution. And it was Thomas Jefferson who wrote the government that governs least governs best.

And our own tenth amendment, our own tenth amendment, the poor, forgotten tenth amendment says all powers not specifically given to the Federal Government are reserved to the States and to the people. Think about that. Read through your Constitution, I urge all of you. I carry a Constitution. Get a hand copy of the Constitution. If you do not have it call my office, again Congressman JOE SCARBOROUGH. We will get you a copy of the Constitution. Read through it and read the 10th amendment and circle it and look through that Constitution and see what the Federal power is empowered to do and what it is not empowered to do. And if you force your representative to live by the words of the 10th amendment, to live by the constraints of the 10th amendment, then this Federal Government will once again be accountable.

We have started down that path. We need to continue. We need to be constitutionally accountable, and that is what the new Federalists, that is what freshmen reformers have been intending to do this past week when we announced bold proposals to move this Congress forward towards a 10th amendment vision.

I would like to recognize for a few minutes a man who helped lead a very critical portion of the new Federalists agenda, and that is the Honorable SAM BROWNBACK from Kansas. SAM.

Mr. BROWNBACK. Mr. Speaker, I appreciate the gentleman yielding to me for a moment. I would just like to talk to Members, the Chamber and those listening about what we did this past week. It was on Wednesday we came forward with a proposal announcing task forces that would develop the proposals to eliminate 4 Cabinet-level agencies, the agencies of Commerce, Education, Energy, and HUD.

☐ 1550

And the proposals are that we would look at these agencies and we would ask the questions: Do they perform essential functions? And if not, can they be eliminated? Can we get many of these solutions and these issues back to the people? Can we give these things back to the people, back to local units of government? Can we consolidate some of these functions? Can we eliminate others? And getting back to what the Founding Fathers had envisioned for our Nation.

It is interesting to me to note Alice Rivlin, the current Director of the Office of Management and Budget, in a 1992 book, said she does not think the Federal Government ought to be involved in education. It should not be involved in economic development. It should not be involved in some of these centralized planning functions that are taking place. And that is what we are talking about here.

You know, most of these Cabinet agencies, three of the four, were created since 1965. Housing and Urban Development was created in 1965. Energy and Education were created in the late 1970's. They were created at a time when we had a crisis. In the urban areas in the mid-1960's, we had a crisis in urban America.

What was our solution in that time period? Our solution was let us build a government bureaucracy. We built one. In the late 1970's we said we have a crisis in energy. What is the solution? Let us build a government bureaucracy. We have a crisis in education. What was the solution? Let us build a government bureaucracy.

So we focused centrally in Washington for all the solutions to these problems, and we put our energy and our focus and our efforts and intensity here when the problem was out there, and our urban cities were decaying in New York and in Washington, DC, as the city, not the capital, and in Los Angeles and in our classrooms is where the problem was. It was not we needed more bureaucracy. It is we needed more help in the classroom, and we needed to liberate and free people.

In housing areas, the problem was not the need for a centralized planning agency. The need was for more housing in communities and to free people up to be able to deal with the problems they had in their communities.

We say these experiments have not worked, that centralized planning, whether in the former Soviet Union or in the United States of America, does not work in a large, diverse nation like the United States.

We think that these agencies, that four things will guide our purposes in developing the proposals to eliminate these four agencies. No. 1 will be to privatize. Wherever we can privatize functions and get them out to the private sector, we will do that in the efficiency of the private sector.

Second will be localize. Anytime we can send these issues to the States or local units of government to handle, closer to the people, closer to the people, that is what we will do.

We will consolidate. Where two agencies grew that we will have one in the future so we can consolidate a number of these functions and that we can eliminate whatever functions are outmoded, outdated, or antiquated, that those would be eliminated.

So at the end of the day that we empower people, we empower communities, we empower the States to be able to really deal with these issues, and we think that is where actual solutions will occur. That is where homes are built. They are built across this Nation. They are not built in bureaucracies in Washington. Kids are taught in classrooms across this Nation. They are not taught in a bureaucracy in Washington. Energy is dealt with in the marketplace and by individual decisions, by 250 million Americans. They are not dealt with by a bureaucracy in Washington.

We will free and liberate people. We will be realigning the relationship of the Federal Government to the people, and it will be a very powerful thing for growth and for actually dealing with our problems, for actually accomplishing solutions to our problems, and it is desperately needed.

You quote one of the early Federalists. I quote Thomas Jefferson. Thomas Jefferson was quoted a saying that moments for great innovation in history are few and far between. We stand at one of those moments of great innovation in the history of this country, of the ability to realign the relationship of the Federal Government to the people, of making the Federal Government the servant once again and not the master of the people. We are supposed to be able to help and encourage, not to direct, command, and control, and that is what we seek to do, and we will be a better country, and we will be a growth country. It will be a better society. It will be a government for the people, not commander of the people. And that is what we seek to do. We will be developing our plans and proposals, bringing those out sometime in the springtime.

I would encourage the American people to contact their Congressmen if they are interested and encouraged about that. It has been interesting to me, the early feedback we have received has not been you cannot do that; it has been, "Well, would you look at the other agencies? What about the Department of Labor? What about some of the other agencies?" I think that is very encouraging to open the floodgate of ideas and liberation for the people in this country and get the Federal Government back to its core functions that it should do rather than all the far-flung areas.

Mr. SCARBOROUGH. You mentioned something very interesting. You kept talking about these different agencies and you kept saying it does not work. I never heard you say it is about ideology or some right-wing radical philosophy. I did not hear that at all.

It reminds me of when I wanted to get involved with this. It was not about any deep-seated philosophy or any philosophical ax I had to grind. It was about what works and what does not work.

I have got a 7-year-old boy that is in public schools, and I am very concerned about what type of educational system he is going to be growing up in. You look at the statistics of what has happened since the Department of Education was established in 1979, and every single statistic points to a decay in educational standards across this country. The Department of Education has been an absolute and total abject failure.

You know, they only provide 8 percent of funding to local schools, and yet they dump on them 55 percent of their paperwork. And people talk about, well, what is the problem with having this bureaucracy; gee, it is a great symbolic gesture. It is robbing money from my child, from your children, and from children all across the country.

A perfect example I read on the front of USA Today about a week ago the Department of Education has cut funding by $100 million for the upkeep of public schools to make them safe across the country, by $100 million, and yet at the same time, they are increasing funding on their own infrastructure, their own bureaucracy down the road by $20 million.

So let us get this straight, they take your money and my money and our constituent's money, tax money, they send it up to Washington, they put a brokerage fee on it. Of course, everybody takes their little chunk of the pie out of the brokerage fee, and then they claim to send it back to the States.

But now it has gotten so bad they say, "We are not even sending the $100 million to the States for upkeep of schools to make them safe. Instead, we are cutting that out, and we are going to spend $20 million of those dollars fixing up our bureaucracy in Washington, DC."

Now, that is a sham. That does not work, and it is about what does not work.

You know, Peggy Noonan, who was Ronald Reagan's speech writer, talked about an encounter she had with the President in the early seventies when he was then Governor of California, and she asked the President, she said, "How could you be a conservative?" because she had just gotten out of college, and she was a liberal. I do not know if you would call Peggy Noonan a hippie. I do not know if she is ever capable of being a hippie. Peggy Noonan said, "Mr. Reagan, how can you be a conservative? Why aren't you a liberal?" And Ronald Reagan said, "Because it doesn't work." And that is the truth. It does not work.

This is not about ideology. It is about what works.

Mr. BROWNBACK. If the gentleman will yield further, and that is absolutely what it is. It is not about the ideology or the left or right or center or the middle or whatever the case might be. What this is about is what has failed.

I do not think that we can stand here and at all say to the American people, "Look, we have not tried this. We have not tried centralized planning from Washington on these areas." We have. We have tried it up to 30 years in HUD. We tried it for 15 years in these other agencies. It has not worked. It does not work.

The American people want to be liberated, and I will tell you what will happen when that does occur. If we say, as far as the Department of Housing and Urban Development, look, we are not going to do this in Washington anymore. We have got some funds we are going to block grant to the States, local units of government. We want it generally used for housing, "but you figure out your problems." There will be thousands of different solutions that will come forward because we have millions of different people and thousands of different ideas and how we solve it; Topeka, KS, is different than they solve it in New York City or Austin, TX. It is just we are different people in a different nation, a diverse nation, and will come up with different solutions, because one size does not fit all in America, and the same will work in education. People were saying, well, if we do not have somebody in Washington looking out for our children, well, what is going to happen to them in education. I think what will happen to them in education is things will get better, because parents care more for their children than somebody running a government agency does, and people on a local school board know those families much more than somebody working in a government office building in Washington.

One final point, and then I will yield back the rest of the time.

□ 1600

The final point is that there are a number of good people that work in government, and that is what Jack Kemp said at our press conference, who was the former Secretary of HUD, who is also on board in supporting us. We have former cabinet secretaries of all these agencies working with us to dismantle all these agencies. They run them. They know they do not work.

Jack was saying, "Well, these are good people; there's just too many of them, and we shouldn't be doing this. It should be happening out in the communities and the individuals," and that is what we are about, having people doing these things to where the answers really occur and not just command and control out of Washington.

Mr. SCARBOROUGH. You know, again you talked about Jack Kemp and saying that they are good people. I have been asked the question of what is going to happen to all these good workers, especially in the education field because that is what I do. That is a task force I am heading up, the education task force.

I was also struck by Jack Kemp's comments, and I thought, and again getting back to the fact this is not ideological, this is not a battle over ideology. It is a battle over what works and what does not work.

Well, Mr. Kemp's comments remind me of the Alice Rivlin book you cite, and I read the book and I know you have, and I certainly hope the President of the United States reads Ms. Rivlin's book and follows her suggestions because they are great suggestions. But Ms. Rivlin talked about the drain, the talent drain, the brain drain, that this huge bureaucracy has caused, that from 1932 to 1980, when we had this explosion of growth in the government, not only does that suck up all the money across the country to Washington, it also sucked up all the talent we have, extremely talented people working in Washington, DC.

So what happens when we downsize these agencies, when we do away with these bureaucracies that are preventing them even from showing their true talents, stifling them, that are handcuffing them? What happens? They go home, and they enrich their communities, and they enrich the neighborhoods from whence they came. Washington, DC, does not need another bureaucrat, but that bureaucrat in Washington, DC will be a productive member of the community, and that is something Alice Rivlin wrote about in her book. She said, "So much of the talent is now concentrated in Washington, we need to spread it across the country, just like we need to spread the money back across the country and send it back to the people, send it back to the communities, because our Founding Fathers intended us to be a Nation of communities and not a Nation of bureaucracies."

And I am just struck. Let us talk about some of the people briefly that are supporting this. The gentleman mentioned Jack Kemp. We have mentioned Alice Rivlin. I know Leon Panetta once endorsed abolishing some of these agencies.

Who are some of the others?

Mr. BROWNBACK. Secretary Mossbacher that used to run the Department of Commerce was there at the press conference endorsing this. Don Hodel, who used to run the Department of Energy I talked to today is strongly supporting us. Henson Moore that used to be the secretary in command at the Department on Energy, I visited with him today and working with him on this particular project as well. Those are people both at HUD and Energy. At Education, Dr. Bennett and Lamar Alexander have publicly endorsed doing away with the Department of Education as a way we can create better education and innovation across the country. They both have publicly endorsed this as well in that field.

So, you have got secretaries in Commerce, in HUD, in Energy, in Education, all saying "Look, folks. We tried it. We tried it hard. We tried it with billions and trillions of dollars. Centralized planing in the Soviet Union, former Soviet Union or the United States, doesn't work. You got to get it back home, and this is the way you do it."

And we are just starting, and I hope the American people lean in toward this concept and help us move this on forward to get the government back out to the people.

Mr. SCARBOROUGH. If I could, and I know the gentleman needs to be going on, but could you just tell me if your experience coming to Washington, DC was the same as mine because I know we were both citizens and removed from this process, but were you not filled with the sense of awe when you came up here and saw freshmen, and sophomores, and so-called old bulls that all want to move in this direction of reform and bringing power back to the States? I never in a million years expected to find so many allies in this cause to downsize the Federal Government, and it just amazes me that we have done more in 50 days than the past Congresses have been able to do in the past 50 years as far as institutional reform, and I yield to the gentleman.

Mr. BROWNBACK. That is obviously the case, and that is what I am getting as well, and we had at that same press conference the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on the Budget, the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], all of which acted as if their soul was having a chorus of angels singing to it, but they were ecstatic that here were people willing to stand up and say, "Enough is enough. We tried it. It doesn't work. It's time to try something else."

And then they were all saying that, and that is what I continue to get from people all across the Government and across the Nation. Look, we have tried it, and we have really tried it. It is time to move on, and let us try something different that we think really can work and can be liberating to the people across the country, and you are seeing it take place from this freshman reform group, 73 of us coming in strong at this time, many of us elected on the type of agenda I was, reduce the Federal Government, reform the Congress, return to the basic values that built the country, those being the watch words for us.

And I cannot help but think the original Federalists are saying, "It's about time."

Mr. SCARBOROUGH. It is about time, and I thank the gentleman from Kansas [Mr. BROWNBACK] for his leadership in this area because it is long overdue, and I hope this Congress will move forward, and more than that I hope that the American people that stood up and said, "Enough is enough," on November 8 will continue to take a proactive role and say, "We're not going to sit back anymore; we are going to change this Government," and they will continue to use whatever means possible, whether it is the fax machine, or talk radio, or mail, or e-mail, or the town hall meetings that we are all doing. I hope they will continue to use that and put external pressure on this institution and their own Representative to say enough is enough.

I yield to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. I wanted to jump in the conversation for a moment because you are hitting on, I think, a nerve out in America. What I found when I went home, the average citizen, not the political pundit, not the editorial writer, the citizen I saw at the south Florida fair came up to me and said, "Keep doing what you're doing. Make Government more accountable." They had their little children with them, and the detailed stories of trying to get information out of the school board or trying to call Tallahassee for information about their student's performance, their child's performance. It was unavailable.

So what I am hearing from the citizenry out there:

It's not about being a Republican or Democrat. It is about being American, about making a Government work.

I served with you both on the restructuring, if you will, of some of these agencies; I am on the Energy Committee, the subcommittee, working on reform. It is ironic in one of the committees the other day I am reading the material about the Energy Department and how they have a clean coal study, and this clean coal study is to allow us to use a variety of fossil fuels to diversify away from just gas, and oil, petroleum, to use coal. Well, clean coal, we are spending millions of dollars on technology to make it available and efficient. At the same time in my district in Florida Carol Browner, who is at EPA, has canceled the program to build a clean coal facility in Okeechobee, so you have one agency making rules saying, "We want to have this technology," and one agency of the same branch of the Government appointed by the same President of the United States and saying, "No, but we don't want to do that."

So the dilemma here for all of us as new Representatives, as freshmen of the 104th Congress, is to figure out how we break down the difficulty that every American faces when they approach Government.

I did not know this job when I came was about running interference for constituents and problems that they were having with agencies regarding laws that we have created. That was not the job that I ran for, to really be a clerk, if you will, of taking their complaints, and running to an agency and saying, "The law that was passed in the 103d, 102d, 101st Congress is now having this onerous burden on business, on the human race."

□ 1610

That is what it has become. So the effort amongst us as freshmen and sophomores and all the Members of the 104th Congress is really about making Government more efficient.

I want to make one other comment, because the gentleman from Florida [Mr. SCARBOROUGH] did such a tremendous job in explaining the issue that is so important on national security. I think probably one of the most passionate speeches I heard on this floor was Mr. DELLUMS from California, about ideas, about making America work, about making our interest, our national interest a priority to this Congress. So I thank the gentleman from Florida, because I think he has capsulized what the debate on national security was about. That is what we are here for in the 104th Congress.

Mr. SCARBOROUGH. You bring up Mr. DELLUMS. You talked about your surprises when coming to Congress. I am going to tell you one of my surprises coming to Congress. I had campaigned, I am from northwest Florida, we believe in a very strong national defense down there, and RON DELLUMS has been perceived as a super liberal. And somebody during the campaign, quite frankly I heard a lot of questions about it. People said what is the deal with this RON DELLUMS guy? When I came up and started talking to people on the Committee on National Security, I would be talking about him, and I was amazed that these hawks that were always on the opposite side of RON DELLUMS it seemed like on every issue, spoke in the most glowing terms of Mr. DELLUMS because he is a very articulate speaker, he has very deep convictions, and he says what he means.

That is what I was alluding to before, we can have disagreements on issues, we can disagree on the best way to have welfare reform, we can have disagreements on what is the best way to protect our shores. As long as we keep the debate at the level that Mr. DELLUMS always keeps the debate and other Members on our side of the aisle always keep the debate, we will be fine. Because in the end it is not about an ideological argument. It is not about who is going to win, whether Bill Buckley or Mike Kinsley or whoever is on whatever side of what issue as a commentator. They can do that on TV and they can yell at each other and get high ratings. But we have to hold ourselves to a higher standard. We need to be interested in what works.

Let me tell you, the reforms we have undertaken in the first 50 days have worked, and have put this country back on track for the first time in a very long time. I am hearing that where I am going, and you have alluded to the fact that you are hearing about that where you are going. Are all the constituents you talk to, are they all in one accord about that?

Mr. FOLEY. I don't know if they agree philosophically on everything we are doing, but they agree there is a serious problem. On welfare, they know there is a problem. They know it is not working. They know if you spent $5 trillion and the poverty level is higher than it was when the war on poverty was enacted, they know there is a significant difficulty.

You were talking about education with the gentleman from Kansas [Mr. BROWNBACK]. In Tallahassee, as the gentleman knows, we have a 17-story building designed by I.M. Pei, the internationally renowned architect. That building is as out of character with the landscape of Tallahassee as anything I have seen. It is not about ideas, it is people in that building who have never taught a classroom. That is a fundamental problem with the Department of Education in our State, that people are processing papers about our children. But the results never change for our children. The hands-on experience of the classroom will never get any better if we run it from our capitals of Tallahassee and Washington.

What I am hearing from people again is the fact that they feel that this is the greatest Nation on Earth, but they want to have pride in the people they have sent here. They do not want us yelling across the aisle and screaming at a Democrat. As Mr. DELLUMS said, it is about ideas. I will challenge you on your ideas, on your convictions, on what matters for this Government, but I will not challenge you personally.

What I am hearing when people call when we have been on C-SPAN and have been talking about the very issue of the day, they are delighted we are responding to what is their opinion. Mr. SCARBOROUGH, as you know, we have been accused with the contract of propaganda, of Republican streamrolling everybody on ideas.

The premises of the contract, the 10 points of the contract were designed from surveys throughout America of what people were asking for, about term limits, about a balanced budget. These are not ideas we sat around at Republican party headquarters and thought up ourselves. This is the American public saying these are the changes we want. We are acting. We are working on an agenda. There is considerable reason for disagreement on some of the premises, but we are working in a collegial body that makes this body so effective and efficient.

Mr. SCARBOROUGH. Reclaiming the time, anybody who has seen the Department of Education in Tallahassee, as I know you have, knows that that is enough of a bureaucracy for our children in the State of Florida, and I have got to tell you it is a duplication of services, not only in Florida, but all across the country.

It is the same thing with a lot of other departments. We do not need two departments of education to teach our children. We need to free up tax dollars for individuals across this country that educate their children and once again give them choice and give them freedom to have their children taught in the way that they want to have them be taught. And if we listen to the ideas of Madison and Jefferson and the Founders of this great Republic, and if we once again look at the 10th amendment that once again says all powers not specifically given to the Federal Government in the Constitution are reserved to States and citizens, if we follow that path, we will once again become the type of nation we were intended to be, and that is a nation of communities, a nation of families, and a nation of individuals who once again take control of their own lives and can decide the way they want their community to be run, the way they want their family to be protected and taught, and the way they want their own life to be run.

It is a very constitutional premise, and I for one am honored and feel very privileged to be part of this process and to be part of the 104th Congress that actually dares to debate the great issues of the day. If we continue to do this, the second 50 days of our 100-day plan, and of the next 2 years, then this country will see change like it has never seen change before, and citizens across this country, men and women, will be empowered, and once again will have confidence in their country and believe that their elected leaders came here for a reason, and that reason was to serve.

Mr. Speaker, I yield back the balance of my time.

A DISCUSSION OF THE CRIME PROBLEM IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to request the House for 5 minutes and revise and extend my remarks.

Mr. Speaker, I thank the gentlewoman from North Carolina for giving me an opportunity to proceed ahead.

I also want to commend the gentleman from Pensacola [Mr. SCARBOROUGH] for his brilliant testimony before the House and his compassion with which he has brought his efforts from the great State of Florida to this body.

But I want to spend a moment of the discussion on crime. We have had a great deal of debate over the last week and a half on an issue that plagues America, and that is the crime in our country. A murder is committed in the United States every 21 minutes, a rape every 5 minutes, a robbery every 46 seconds, an aggravated assault every 29 seconds, a burglary every 10 seconds, and a larceny theft every 4 seconds.

That is a sad commentary on our country. That is a sad part of America's heritage that we must change.

On average, violent offenders are released from prison, receive a sentence and serve an average of 7.8 years, but they only serve 3.1. More than 40 percent of murderers released from State prisons are arrested for a felony or serious misdemeanor within 3 years. A 40-percent recidivism rate. More than 20 percent are arrested for violent crimes within 3 years, and 1 in 15 is arrested for another homicide. At least 30 percent of murders are committed by people on probation, parole, or bail.

Another sad commentary is violent crimes by juveniles. Of those arrested for violent crimes between 1987 and 1992, 29 percent were under the age of 19. Between 1985 and 1991, the number of 15-year-olds arrested for murder jumped 217 percent. We had the sad tragedy in Florida of a British tourist being killed. The perpetrator, alleged perpetrator, of that crime had been arrested 53 times. Fifty-three times he had been arrested. Sadly enough, the person was 13 years old that is accused of committing the murders on those British tourists.

☐ 1620

How are we going to change the statistics in our country? How are we going to ensure that our young people are safe on our street? How can we look at our families and our communities across America and give them some assurance that they can walk to the mall in their local communities, that they can take the dog out for a walk? That they can feel comfortable going to their car in a parking garage in an office structure throughout our cities? How can we be as certain of that safety for America?

We have enacted some very, very strong issues this week on the floor:

H.R. 3, Victim Restitution Act. I told you on the floor of what happened to me when my home was broken into years ago, and the young fellow, the juvenile, had been arrested 17 times, 17 separate occasions. The father came to the courtroom and said, "Your honor, we're trying, our son's a good boy." And each time the judge would allow probation for the child who had robbed 17 homes.

On this particular occasion, the judge looked down from the bench, the father started that same excuse, the judge looked down and said,

> Let me make you a deal, sir. Mr. Foley has lost $3,000 because of your son and he can't seem to remember where the merchandise is from his home. I'll make you a deal. You be here with a check made payable to the clerk for $3,000 by noon tomorrow. If you're not here at 12:01, there will be a bench warrant issued for you and your son and I'll put you both in jail until you decide who's going to be boss of the family.

With that the father hits the kid in the head and said, "Look what you got me into." It took money out of the father's pocket to make him recognize he was responsible for his son.

That is what we are doing with victim restitution, making the victim whole from their tragedy, from their loss, having the criminal repay not only their debt to society by serving time but paying the victim back for their losses.

The Criminal Alien Deportation Act is something very important to me, because 5,500 people that are locked in the prisons of Florida are illegally in our country. The bill we passed last week will allow for deportation prior to their sentence completion back to their countries.

What do we do now? We allow them to serve the time in jail, then we release them and give them a hearing date to come back for a deportation hearing. They are criminals, they are not returning to a courtroom to be deported out of this country. They disappear; 48,000 failed to appear last year alone under that scenario.

Our bill provides that they can be deported from inside the jail cell to their countries, not allowed to roam the street, not allowed to commit other crimes. That is going to make big headway in the problems in America. It will also open up beds so that we can keep the rapists and murderers out of our prisons.

Local government law enforcement block grants, sending the money to the States and allowing them to decide what is the most important crime-fighting mechanism within their community.

These are a number of the things that we enacted this week. But something strikes me that we did not discuss what we need to discuss in America and we need to discuss it forcefully, is the protection of our children from sexual exploitation and sexual violence.

Sean from my office told me that there is an incident that is going to be reported tomorrow morning in the paper in our community about child pornography and the people that were involved. Once again we read in the headlines of another child dying or being abused or used in such a nasty and disgusting way that we allow our children to fall prey to these types of people.

These are the things that we must fight as Americans. We must protect our children from sexual violence, sexual abuse. We need to act together as a Congress to make certain that the children today and in the future know that they are safe, know that they will not be abused and feel comfortable in this great country of ours, in America.

FEDERAL FOOD ASSISTANCE

The SPEAKER pro tempore (Mr. GOSS). Under the Speaker's announced policy of January 4, 1995, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 40 minutes as the designee of the minority leader.

Mrs. CLAYTON. Mr. Speaker, there is a provision in H.R. 4, the Personal Responsibility Act of 1995, that is irresponsible. As written, that provision would convert Federal food assistance programs into block grants. Block grant funds are free funds to State and local governments. They may not be used as intended. This irresponsible provision thus puts at risk various nutritional programs, such as food stamps, school breakfast and lunches, Meals on Wheels, and the Commodity Supplemental Program.

When H.R. 4 comes to the floor, I will offer an amendment to restore the Federal food assistance program. The block grant proposal does not take into account increased school enrollments, changing economic conditions, and national food nutrition standards. Confronting hunger in America is a serious matter. It should not be left to artificial time pressures and blind budget bludgeoning. It is not responsible to put the health of our seniors and children at risk. I invite my colleagues to join me in amending H.R. 4 to make it responsible on the issue of hunger. I will say more about that later. On the first day of this, the 104th Congress, I pointed out to my colleagues, that as we begin our work this year, we must remember that our first responsibility is not to the parties to which we belong, but to the people we represent.

It is for that reason that I supported many of the early votes on reform and several parts of the proposed rules package put forth by the new majority party. I believe the majority structured some important changes to the way we function, and those changes should not have been rejected by Democrats simply because they were offered by Republicans. At the same time, I reminded my colleagues that we must be forever mindful that no Member in this Chamber has a premium on what's best for this Nation. We all have a Contract With America. What makes us a great Nation is the compassion we show for those who live in the shadows of life. We are strong because historically we have been able to make a place for all who live here, including those least able to help themselves—the young, the poor, the disabled.

In this time of increased scrutiny, we must examine each and every program, but we must also consider each and every person affected by our changes. We must ask the question: Who is helped and who is hurt? And, at the end of each day, we must be honest about whether our actions helped the many in need or the few in clover. President Kennedy said it best, 34 years ago, when he stated, "A country that cannot help the many who are poor cannot help the few who are rich." The contract to which each Member is bound, is to work in the best interest of the American people. On election day, we offered our services to this great country, and voters accepted our offer, from Rocky Mount, NC, and across the United States.

We all have a Contract With America. That contract involves being open to the challenge of change. We, in the Congress, must get beyond partisan politics and move to the high ground of principle. This is a new day and a new time. There are problems which we face that transcend party and politics. Teenage pregnancies stifle an entire community. Violence of any kind, whether driven by drugs or propelled by deep philosophical differences, can not and must not be tolerated. Economic justice must ring true this Congress. No child and no senior citizen should face hunger in this land of plenty.

If welfare reform is to have any significance, we must combine with it a meaningful jobs program. And, welfare reform without minimum wage reform is no reform. With a meaningful jobs program, there would be less urgency for another crime bill. Instead of calls to take back our streets, there should be calls to give our streets back to the average, hard-working, God fearing citizen. Unfortunately, on this issue, Congress has failed to heed the call. Last week and this week, the majority pushed through radical changes in our law enforcement system. They sliced fourth amendment rights, eliminating habeas corpus protections, cut prevention programs, community cops program eliminated and put money in to build more jails. It is a sad and difficult time for our Nation.

I too believe we can make our Government smaller, yet more efficient and more effective. That is why I applauded and supported several of the reforms offered by the majority. But, real reform must include an end to gag rules. There are important amendments that those of us in the new minority party have wanted to offer, amendments designed to improve and perfect the legislation presented. But Members have been muzzled by a majority determined to press their 100-day agenda under any and all circumstances. I will continue to stand up as part of the loyal opposition when I believe pomposity, audacity, and duplicity confront us. No party or person has en exclusive on such things as family values and personal responsibility. Those are standards I absolutely hold dear. And, no party or person should be able to take the right to speak from any of us. Too many have sacrificed for that precious liberty. Let no one forget. We all have a Contract With America. That is why I support the call of President Clinton for an increase in the minimum wage by 90 cents, over the next 2 years. This increase would raise the minimum wage from its current level of $4.25 to $5.15. This is a much-needed increase.

There has been much talk about welfare reform recently. I support welfare reform. The current system does not work well, and it does not promote self-sufficiency. Reform, however, does not mean change for the sake of change. Reform means change for the sake of improvement. As we move to reform the welfare system, we must make sure that we make a better system, not just a different system. Welfare reform without wage reform will not work. The gap in income is growing between those who have a lot of money and those who have a little money. That is unacceptable. According to Business Week magazine, the income gap "hurts the economy." Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes.

The bottom 20 percent has less than 5 percent of the money in their hands. A modest increase in the minimum wage could help the bottom 20 percent, and, it will not hurt the top 20 percent. Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise. By 1993, families in the top 20 percent had an average income of $104,616. Families in the bottom 20 percent in America had an average income of just $12,964.

That is a gap of more than $90,000. That amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for, and educate their children. That amount of money makes the difference between families with abundance and families in poverty. An increase in the minimum wage won't provide abundance, but it can raise working families out of poverty. As income dropped for low income families during the decade of the 1980's, costs escalated. While the income for the bottom 20 percent was declining, the rate of inflation for food, shelter, heating fuel, clothing, transportation, and medical care, was increasing. In other words, the cost of break, milk, eggs, a place to sleep, heat, clothing to wear, a bus ride, and a visit to the doctor went up, as the income of poor people went down. The rate of inflation for each of those items increased, on average, 60 percent, with a low of 36 percent and a high of 117 percent. Despite these spiraling prices, Congress did not take any steps to increase the minimum wage, and poor people, the bottom 20 percent of America, became poorer. That deep valley remains with us today.

The bottom 20 percent of our citizens can have a full-time employee in the family, working at least 40 hours a week, and still not be able to make ends meet. The earnings of that family could place them below the poverty line. It makes little sense to discuss welfare reform when working full time does not make a family any better off than being on welfare full time. Work should be a prize. It should not be a penalty. Work is a penalty when, despite an individuals best efforts, living is an unrelenting, daily struggle. Work is a prize when enough is earned to pay for essentials. Other nations, around the world, have been faced with the gap between high- and low-income workers. Those that have been able to close the gap are the nations that have enacted minimum wage increases for their workers.

We can learn from the experience of Germany, Japan, and France, for example. It should be noted that 62 percent of all minimum wage workers are women. Welfare reform, in the absence of minimum wage reform, will hurt women in a lopsided way. The Contract With America proposes to put 1.5 million welfare recipients into below minimum wage jobs by the year 2001. Most of those will be women. The number of working poor increased by 42 percent between 1980 and 1992. Many of those were women. In fact, income inequality in America is higher than it has been since 1947. Forty-eight percent of all poor children have parents who work full time. In addition, a recent study indicates that job growth in America is lowest where the income gap is widest. Closing the gap helps create jobs rather than reduce jobs.

Those who argue that an increase in the minimum wage will cause job losses, fail to look at the facts. First, no increase has caused job losses. But, more importantly, other recent studies have shown that an increase in the minimum wage tends to cause an increase in jobs, rather than a loss of jobs. The States of Pennsylvania and New Jersey, subject of one of those studies, provide a classic example. New Jersey raised its minimum wage to $5.05. Pennsylvania kept its minimum wage at the required level, $4.25. Jobs increased in New Jersey. There were no job increases in Pennsylvania. I want my State of North Carolina to benefit from the New Jersey example. Indeed, a recent survey of employment practices in North Carolina, after the 1991 minimum wage increase, found that there was no significant drop in employment. The survey also found that there was no measurable increase in food prices. In addition, the survey found that workers' wages actually increased by more than the required change.

There are an estimated 117,000 minimum wage workers in North Carolina. Those workers are not just numbers. They are people, with families and children. They are farmers and food service workers, mechanics and machine operators. They are in construction work and sales, health, and cleaning services, and a range of other occupations. Their families helped build America, and they can help rebuild it. They do not need charity, they need a chance. A chance is a reasonable increase in the minimum wage, as proposed by the President. We should reward work. The economy is hurt by the income gap between the rich and the poor in America. If we want to help the economy, help women achieve a level of equality, help our children and help all Americans achieve a better quality of life, we should pass a bill to increase the minimum wage. The best welfare reform is minimum wage reform.

Mr. Speaker, I would like now to turn to the primary topic of my discussion for today. As I indicated at the outset, the Personal Responsibility Act of 1995 [PRA], a part of the Contract With America, would convert all Federal food assistance programs into block grants. I have many concerns with that proposal. My concerns are:

First, providing for block grants for the various nutrition programs would require the development of a formula for the distribution of the block grant funds. Is there a way to develop a formula that is fair and works?

Second, Federal food assistance programs would be cut by $17.5 billion in the first 4 years under the Contract With America. Can those programs sustain such cuts and be effective?

Third, according to a Department of Agriculture study, the formula proposed by the Contract With America resulted in big winners and big losers. Is it possible to develop a formula that meets the needs of the intended beneficiaries?

Fourth, under the block grant program, States could use food assistance funds in any way, including cash grants and for purposes other than food purchases. I have two concerns about that: Won't the use of cash grants make fraud and abuse easier and won't allowing the cash grants to be used for purposes other than food purchases defeat the intent of the program?

Fifth, a major limitation of a block grant program is its inflexibility, particularly when the economy changes. How would such a program compare to the existing Food Stamp Program and other programs, like school breakfast and school lunch?

Sixth, in North Carolina, the nutrition programs serve as an economic stimulus and stabilizer for the State, especially for the farm community. Have changes to these programs taken into account the negative impact such changes might have on State and local economies?

Seventh, what will happen when States use up funds that have been provided under a block grant program?

Eighth, elementary and secondary school enrollments are expected to rise by 8 percent over the next 5 years. What will happen when school populations grow, and the money runs out?

Ninth, will we have waiting lists and lines of people who may have missed an opportunity to participate in a program?

Tenth, can we truly expect administrative savings through block grants when the various nutrition programs are so different that they will need to be administered separately?

Eleventh, the WIC Program has worked and worked well. Why are we trying to fix something that isn't broke?

Mr. Speaker, the Children's Defense Fund has prepared an excellent briefing book on welfare reform, which was published in January of this year. I want to especially draw my colleagues' attention to the section of the briefing book entitled, "Why Safety Net Entitlements Must Not Be Converted Into Block Grants." Let me share with you the findings of the Children's Defense Fund from that section:

> WHY SAFETY NET ENTITLEMENTS MUST NOT BE CONVERTED INTO BLOCK GRANTS
>
> A number of proposals are being circulated that would transform key means-tested "entitlement" programs (food stamps, school lunches and other child nutrition programs, Medicaid, AFDC, and Foster Care and Adoption Assistance, among others) into block grants. Such a transformation of these key safety net programs would do incalculable damage to America's children and families, states' finances, and the nation's future.

Mr. Speaker, we must reform our welfare system but we should improve the system for the people and the Nation. We should do more than slogans.

□ 1640

Mr. Speaker, yes, we should reform our welfare system, because our welfare system is not working. But we should not reform the system just for change itself. We should reform the system to make it a better system.

We are called on to have a contract with our citizens that we represent. We were called to be faithful to our promise that we would obey the Constitution. I urge us to go beyond slogans, just slogans. Personal responsibility also takes in responsibility from this Congress. We have a responsibility to make sure these programs are administered efficiently as well as effectively.

Slogans will not feed the poor. Only our working to make sure these programs work will. And I urge my citizens, I urge my colleagues as well as citizens, to understand the nutrition programs have worked well for America.

RECESS

Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 48 minutes p.m.) the House stood in recess subject to the call of the Chair.

□ 1654

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GOSS] at 4 o'clock and 54 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 30. Concurrent resolution providing for an adjournment of the two Houses.

The message also announced that pursuant to Public Law 86–380, the Chair, on behalf of the Vice President, appoints Mr. KEMPTHORNE to the Advisory Commission on Intergovernmental Relations, vice Mr. Durenberger.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY), for after 12:30 p.m. today, on account of official business at Fort Drum, NY, with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff;

Mrs. CHENOWETH (at the request of Mr. ARMEY), for today after 1:30 p.m., on account of family illness;

Mr. GENE GREEN of Texas (at the request of Mr. GEPHARDT), for today, on account of official business;

Mr. HASTINGS of Florida (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CLAYTON and to include extraneous matter:)

Mr. HALL of Texas.
Mr. ROHRABACHER.
Mr. YOUNG of Florida.
Mr. WARD.
Mr. CALVERT.
Mrs. SCHROEDER.
Mr. HOKE.
Mr. LUCAS.
Mrs. COLLINS of Illinois.
Mr. WYDEN.
Mr. LARGENT.
Mr. BRYANT of Texas.
Mr. WILLIAMS.
Mr. YOUNG of Alaska.
Mr. SHUSTER.
Mr. BONILLA.
Mr. SAXTON.
Mr. HAYES.

(The following Members (at the request of Mr. TUCKER) to revise and extend their remarks and include extraneous material:)

Ms. DELAURO, for 5 minutes, today.
Mr. WILLIAMS, for 5 minutes, today.
Ms. RIVERS, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.
Mr. TUCKER, for 5 minutes, today.

(The following Members (at the request of Mr. SALMON) to revise and extend their remarks and include extraneous material:)

Mr. KIM, for 5 minutes, today.
Mr. SALMON, for 5 minutes, today.
Mr. CHRISTENSEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TUCKER) and to include extraneous matter:)

Mr. HAMILTON, in two instances.
Mr. MCDERMOTT.
Mr. DEUTSCH.
Mr. DINGELL.
Mr. JACOBS, in two instances.
Mr. GEPHARDT.
Mr. BARCIA.
Ms. ESHOO.
Mr. POSHARD.
Mr. CLAY.
Mr. BARRETT of Wisconsin.
Mr. OLVER.
Mr. NEAL of Massachusetts.
Mr. VISCLOSKY.
Mrs. THURMAN, in two instances.
Mr. OBERSTAR.
Mr. VENTO.
Mr. LIPINSKI.
Mr. KENNEDY of Massachusetts.
Mr. MFUME.
Mr. STOKES.
Ms. DELAURO.
Mr. MOAKLEY, in two instances.
Mr. MONTGOMERY.

(The following Members (at the request of Mr. SALMON) and to include extraneous matter:)

Mr. DAVIS.
Mr. GILMAN in four instances.
Mr. BALLENGER.
Mr. NEY.
Mr. CUNNINGHAM.
Mr. BEREUTER.
Mr. CLINGER.
Mrs. JOHNSON of Connecticut.
Mr. SHUSTER.
Mr. QUINN.
Mr. EMERSON.
Mr. RADANOVICH.
Mr. MOORHEAD.
Mr. HORN.
Mr. FORBES.
Mr. SAXTON.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 30 of the 104th Congress, the House stands adjourned until 12:30 p.m., Tuesday, February 21, 1995, for morning hour debates.

Thereupon (at 4 o'clock and 55 minutes p.m.), pursuant to House Concurrent Resolution 30, the House adjourned until Tuesday, February 21, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

379. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the third quarter of calendar year 1994, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

380. A letter from the Comptroller General of the United States, transmitting the January listing of new investigations, audits, and evaluations; to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. QUILLEN: Committee on Rules. House Resolution 88. Resolution providing for consideration of the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes (Rept. 104–38). Referred to the House Calendar.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 450. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; with an amendment (Rept. 104–39 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself and Mr. GILCHREST):

H.R. 971. A bill to ensure that homeowners receive adequate notice of and opportunity to comment on activities likely to adversely affect the value of their home; and to create procedures for homeowners to receive financial compensation for development which produces pollution and other impacts adversely affecting the value of their homes; to the Committee on Government Reform and Oversight.

By Mr. MONTGOMERY (for himself, Mr. EVANS, Mr. KENNEDY of Massachusetts, Mr. EDWARDS, Mr. FILNER, Mr. TEJEDA, Mr. GUTIERREZ, Mr. BISHOP, Mr. CLYBURN, Ms. BROWN of Florida, Mr. DOYLE, and Mr. MASCARA):

H.R. 972. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans benefits; to the Committee on Ways and Means.

By Mr. MONTGOMERY:

H.R. 973. A bill to amend the Internal Revenue Code of 1986 to provide that the statute of limitations shall not bar a claim for credit or refund based on a retroactive determination of an entitlement to receive military disability benefits; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Mr. OBERSTAR, and Mr. ROTH):

H.R. 974. A bill to amend the Internal Revenue Code of 1986 to restore a 100 percent deduction for business meals and entertainment and the deduction for the travel expenses of spouses and others accompanying the taxpayer on business; to the Committee on Ways and Means.

By Mr. BAKER of Louisiana:

H.R. 975. A bill to amend title XIX of the Social Security Act to make optional the provision of nonemergency medical transportation services under the Medicaid Program and to deny Federal financial participation for such services; to the Committee on Commerce.

H.R. 976. A bill to amend title 18, United States Code, to prevent price gouging during disasters; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 977. A bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. BLUTE:

H.R. 978. A bill to amend the formula for determining the official mail allowance for Members of the House of Representatives; to amend the provisions of title 39, United States Code, relating to the franking privilege for Members of Congress and provide that the provisions of law preventing Members from sending mass mailings within the 60-day period immediately before an election be expanded so as to prevent Members from mailing any unsolicited franked mail within that period, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWDER (for himself and Mr. HANSEN):

H.R. 979. A bill to require the Secretary of the Army to submit to Congress a report regarding the management of the Chemical

Stockpile Emergency Preparedness Program and to require that additional emergency warning sirens be provided for communities near chemical stockpile sites; to the Committee on National Security.

By Mr. GEPHARDT (for himself and Mr. Gibbons) (both by request):

H.R. 980. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the middle class; to the Committee on Ways and Means.

H.R. 981. A bill to amend the Internal Revenue Code of 1986 to modify the eligibility criteria for the earned income tax credit, to improve tax compliance by U.S. persons establishing or benefiting from foreign trusts, and for other purposes; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself, Mr. Clement, Mr. Tanner, Mr. Stenholm, Mrs. Lincoln, Mrs. Thurman, Mr. Brewster, Mr. Hayes, Mr. Holden, Mr. Laughlin, Mr. Lipinski, Mr. McHale, Mr. Minge, Mr. Montgomery, and Mr. Peterson of Minnesota):

H.R. 982. A bill to reconnect welfare families to the world of work, make work pay, strengthen families, require personal responsibility, and support State flexibility; to the Committee on Ways and Means, and in addition to the Committees on Economic and Educational Opportunities, Commerce, Agriculture, Banking and Financial Services, the Judiciary, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DeFAZIO (for himself, Mr. Brown of Ohio, Mr. Barrett of Wisconsin, Mr. Evans, Ms. Furse, Mr. Hinchey, Mr. Gejdenson, Mrs. Maloney, Mr. Pallone, Mr. Sabo, Mrs. Schroeder, Mr. Serrano, Mr. Stark, Ms. Woolsey, and Mr. Miller of California):

H.R. 983. A bill to further establish the ballistic missile defense policy of the United States; to the Committee on National Security.

By Mr. GORDON:

H.R. 984. A bill to expand the boundaries of the Stones River National Battlefield in Tennessee, and for other purposes; to the Committee on Resources.

By Mr. LARGENT (for himself, Mr. Istook, Mr. Brewster, Mr. Lucas, Mr. Watts of Oklahoma, and Mr. Coburn):

H.R. 985. A bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. LOWEY (for herself, Ms. Molinari, Mr. Miller of California, Mrs. Maloney, Ms. Woolsey, Ms. Pelosi, Mr. Frost, Ms. Norton, Mrs. Mink of Hawaii, and Mr. Martinez):

H.R. 986. A bill to establish a program to provide child care through public-private partnerships; to the Committee on Economic and Educational Opportunities.

By Mr. LUCAS (for himself, Mr. Coburn, Mr. Brewster, Mr. Watts of Oklahoma, Mr. Istook, Mr. Largent, and Mr. Poshard):

H.R. 987. A bill to encourage production of oil and gas within the United States by providing tax incentives and easing regulatory burdens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, Resources, the Judiciary, Commerce, Science, Government Reform and Oversight, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORHEAD (for himself, Mr. Hyde, and Mr. Goodlatte):

H.R. 988. A bill to reform the Federal civil justice system; to the Committee on the Judiciary.

By Mr. MOORHEAD (for himself, Mrs. Schroeder, Mr. Coble, Mr. Goodlatte, Mr. Bono, Mr. Gekas, Mr. Berman, Mr. Nadler, Mr. Clement, and Mr. Gallegly):

H.R. 989. A bill to amend title 17, United States Code, with respect to the duration of copyright, and for other purposes; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 990. A bill to require the National Park Service to encircle the Washington Monument with the flags of the individual States; to the Committee on Resources.

By Ms. WOOLSEY (for herself and Mr. Shays):

H.R. 991. A bill to provide for the termination of further production of the Trident II (D–5) missile; to the Committee on National Security.

By Mr. WYDEN:

H.R. 992. A bill to amend the Food Stamp Act of 1977 to require the Secretary to reauthorize participating retail food stores and wholesale food concerns biennially; to require such stores and such concerns to provide documentation to the Secretary for approval and reauthorization; to provide for the forfeiture of proceeds and property resulting from certain violations of such act; and for other purposes; to the Committee on Agriculture.

By Mr. SCARBOROUGH:

H. Con. Res. 30. Concurrent resolution for the adjournment of the two Houses; considered and agreed to.

By Mrs. MALONEY (for herself and Mr. Bilirakis):

H. Con. Res. 31. Concurrent resolution expressing the sense of the Congress that the United States should support the efforts of Greece, in its negotiations with the Former Yugoslav Republic of Macedonia, to find a solution which promotes a solid, cooperative relationship between these two neighboring countries and that the United States should not establish formal diplomatic relations with the Former Yugoslav Republic of Macedonia until this relationship is established; to the Committee on International Relations.

By Mr. THOMAS:

H. Res. 87. Resolution providing amounts for the expenses of the Committee on House Oversight in the 104th Congress; to the Committee on House Oversight.

By Mr. ARMEY:

H. Res. 89. Resolution electing Representative Schaefer of Colorado to the Committee on Veterans' Affairs; considered and agreed to.

By Mr. KASICH:

H. Res. 90. Resolution providing amounts for the expenses of the Committee on the Budget in the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 56: Mr. Weller, Mr. Manzullo, Mr. Funderburk, Mr. Bunn of Oregon, Mr. Zeliff, Mr. Walker, Mr. Hostettler, Mr. Minge, Mr. Holden, Mr. Shuster, Mr. Crapo, Mr. Knollenberg, Mr. McDade, Mr. Bryant of Tennessee, Mr. Bass, Mr. Pombo, Mr. Souder, Mrs. Waldholtz, Mr. Oxley, Mr. Moran, Mr. LaTourette, and Mr. Bilbray.

H.R. 159: Mr. Fields of Texas, Mr. Knollenberg, Mr. Forbes, and Mr. Bartlett of Maryland.

H.R. 163: Mr. Leach.

H.R. 217: Mr. Weller.

H.R. 221: Mr. Waxman and Mr. Kennedy of Massachusetts.

H.R. 227: Mr. Rogers.

H.R. 324: Mr. Klink, Mr. Tucker, Ms. Rivers, Mr. Thompson, Ms. McKinney, and Mr. Farr.

H.R. 328: Mr. Solomon.

H.R. 335: Ms. Slaughter, Mr. Ehlers, Mr. Fields of Texas, and Mr. Evans.

H.R. 357: Mr. Mascara, Mr. Sanford, Mr. Moran, Mr. Wise, Mr. Sanders, Mr. Mollohan, Mr. Rogers, Mr. Durbin, Ms. Lofgren, Mr. Dingell, Mr. Filner, Ms. Eshoo, Mr. Boucher, and Mr. Mfume.

H.R. 370: Mr. Hilleary and Mr. Souder.

H.R. 373: Mr. Quillen.

H.R. 438: Ms. Rivers, Mr. Baker of Louisiana, Mr. Knollenberg, Mr. Cox, Mrs. Meyers of Kansas, and Mr. Sensenbrenner.

H.R. 491: Mr. Radanovich and Mr. Quinn.

H.R. 517: Mr. Hayworth.

H.R. 526: Mr. Hamilton, Mr. Emerson, Mr. Leach, Mr. Lightfoot, Mr. English of Pennsylvania, Mr. Minge, Mr. Montgomery, Ms. Danner, Mr. Dooley, Mr. Chapman, Mr. Ewing, and Mr. Sisisky.

H.R. 534: Mr. Murtha, Mr. Shays, Mr. Bryant of Texas, Mr. Peterson of Minnesota, Ms. Rivers, Ms. Danner, Mr. Hilliard, Mr. Skeen, Mr. Levin, Mr. Talent, Mr. Herger, Mr. Bilirakis, Mr. Porter, Mr. Quillen, Mr. Boehlert, and Mr. Solomon.

H.R. 549: Mr. Quillen and Mr. Bilirakis.

H.R. 553: Mr. Torres.

H.R. 559: Mr. Romero-Barcelo, Mr. Evans, and Mr. Watt of North Carolina.

H.R. 612: Mr. Andrews.

H.R. 645: Mr. Thompson, Mr. Towns, and Mr. Wynn.

H.R. 674: Mrs. Schroeder, Mr. LaFalce, and Mr. Frost.

H.R. 677: Mr. Blute.

H.R. 710: Mr. Ehlers.

H.R. 734: Mr. Shays and Ms. Pryce.

H.R. 739: Mr. Crane and Mr. Cooley.

H.R. 783: Mr. Orton, Mr. Leach, Mr. Paxon, Mr. Baker of Louisiana, Mr. Lightfoot, Mr. Tejeda, and Mr. McHugh.

H.R. 789: Mr. Quinn and Mr. Collins of Georgia.

H.R. 791: Mr. Smith of Texas, Mr. Weller, Mr. Royce, Mr. Hastings of Washington, Mr. Manzullo, Mr. Petri, and Mr. Bono.

H.R. 809: Mr. Evans and Mr. Hansen.

H.R. 841: Mr. Emerson, Mr. Knollenberg, and Mr. Paxon.

H.R. 866: Mr. Gene Green of Texas, Mr. Gejdenson, Mr. Ackerman, Ms. Eddie Bernice Johnson of Texas, Mrs. Meyers of Kansas, and Mr. Richardson.

H.R. 949: Mr. Metcalf.

H.R. 958: Ms. Harman, Ms. Furse, and Mr. Rangel.

H. Con. Res. 12: Mr. Hall of Texas.

H. Con. Res. 23: Mr. Pallone, Mrs. Johnson of Connecticut, Mr. Oberstar, Mr. Stump, Mr. Hayes, Mr. Filner, Mr. Bryant of Texas, Mr. Brown of Ohio, Mr. Thompson, Mr. Farr, Mr. Tejeda, Mr. Abercrombie, Mr. Jefferson, Mr. Hefner, Mr. Shays, Mr.

REED, Mr. PARKER, Mrs. SCHROEDER, Mr. NEY, Mr. LATOURETTE, Mr. DEFAZIO, Mr. MURTHA, Mr. HUTCHINSON, Mr. RANGEL, Mr. VENTO, Mr. BEREUTER, Mr. REGULA, Mr. WILLIAMS, Mrs. MEEK of Florida, Mr. HOKE, Mr. SKELTON, Mrs. WALDHOLTZ, Mr. YOUNG of Alaska, and Mr. DURBIN.

H. Res. 80: Mr. MYERS of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 10: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. TEJEDA.

SENATE—*Thursday, February 16, 1995*

(Legislative day of Monday, January 30, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington.

PRAYER

The guest chaplain, the Reverend Barbara D. Henry, of the Episcopal Diocese of Washington, offered the following prayer:

Let us pray:

Almightly and everlasting God, Creator of the universe with all its marvelous order and complexity; You have made us in Your image and given us dominion over all the Earth. Give us reverence for all Your creation—for the Earth which supports us, for all the myriad forms of life which inhabit this planet, and especially for the wonderful diversity of people and cultures in this world.

Give to all those who hold authority in this land, we pray, an awareness of the many blessings You have bestowed upon them. May our Senators be blessed, in all their deliberations, with ever new insight into Your purposes for the human race, and with wisdom and determination in making provisions for the future of our Nation. Direct and guide them in their words, which are heard by so many, and in their decisions, which will affect so many.

For You, O God, are the source of all wisdom, all power, all grace, and we give You glory for ever and ever. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning following the time for the two leaders, the time until 10:30 will be equally divided between the two leaders or their designees for debate on the motion to invoke cloture on the constitutional balanced budget amendment.

For the information of all our colleagues, at the hour of 10:30 this morning, there will be a rollcall on invoking cloture on the balanced budget amendment.

I now ask unanimous consent that at the hour of 10 a.m., Senator DASCHLE be recognized for up to 15 minutes, to be followed by Senator DOLE for up to 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I further ask, Mr. President, that Senators have until 10:30 this morning to file any second-degree amendments to House Joint Resolution 1, the constitutional balanced budget amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to observe once again, as the leader pointed out last night, he did file cloture motions last night. Two of them were filed. Those would ripen or be available next Wednesday, the 22d, and the leader indicated that we should expect votes on those two cloture motions, if necessary to have the second one, and other amendments during that day unless some other agreement is reached. I yield the floor.

RECOGNITION OF DEMOCRATIC LEADER

The PRESIDENT pro tempore. Under the previous order, the Democratic leader is recognized.

Mr. DASCHLE. I thank the President pro tempore. I wish him a good morning.

(Mr. COVERDELL assumed the chair.)

COMMITMENT TO HONEST BALANCED BUDGET AMENDMENT

Mr. DASCHLE. Mr. President, the first legislative action I took when I came to Congress in 1979 was to introduce a constitutional amendment to require a balanced budget.

I believed 16 years ago, as I believe today, that Government must learn to live within its means. I believed then, as I believe now, that we must trim the fat, cut the waste, and make the tough choices necessary to control spending.

I supported a balanced budget amendment then and I remain committed to an honest, fair, and forthright amendment now.

However, I have concluded I cannot support the one which is now being pushed through the body, without amendment or compromise.

The magnitude of the decision about how we propose to amend the Constitution should not be lost on anyone. A balanced budget amendment, if passed and ratified, will have a dramatic effect on the very nature of government and its relationship to the American people in all perpetuity. We cannot come back next year or next Congress and clean up our mistakes.

When we embark on such a path—to amend the Constitution—we must know that it is the best amendment we can write, that it incorporates the best ideas and the most carefully written words we have to offer.

It is critical now, as we contemplate amending the Constitution for only the 28th time, that we refuse to succumb to the notion that what we do is, as the old adage goes, "good enough for Government work."

This effort had a noble beginning. It was the result of the tireless work of the Senator from Illinois, the Senator from Utah, the Senator from Idaho, and many others to enforce fiscal discipline, something we all recognize is necessary.

The refusal to consider legitimate amendments, amendments that would make this constitutional amendment even stronger, has reduced this effort to something far less than our best.

When this debate began I expressed my concerns about the balanced budget amendment proposal before Members. I expressed a sincere hope that we could work together to address them and craft the best constitutional amendment this Senate could write on behalf of all the American people.

First, as many argued last year, Social Security should be viewed as an indelible contract between the Government and the American people, funded by a dedicated trust fund that should be left out of budgetary calculations. As written, it is clear that the current proposal uses the Social Security trust fund to mask the true size of the deficit, something that is patently inconsistent with our goal to balance the budget.

As a result it is estimated that $705 billion of Social Security trust fund revenue will be used to mask the real size of the national deficit between now and the year 2002. In fact, that very issue was confirmed again this morning in the Wall Street Journal.

A speech that the majority leader gave yesterday to a group indicated that he saw the size of the deficit over the course of the next 7 years to be somewhere in the vicinity of $685 billion, which would require some form of health care reductions to reduce that deficit to below the $685 billion mark he suggests. Mr. President, $685 billion, if that is the size of the deficit as my Republican colleagues would see it,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

clearly implies that the $705 billion for Social Security is still on the table in spite of all of the best efforts made by many Members on the other side to indicate the contrary.

Second, I believe that budgetary discipline, common sense, and our long-term investment goals warrant the establishment of a budget that distinguishes between investment and consumption. We ought to use this opportunity once and for all to establish the same budgetary principles used by businesses and by most State governments.

Finally, as we have argued at some length during this debate, the American people have an absolute right to know how we plan to fulfill the promise of a balanced budget before they are called upon to ratify it. Working with my Democratic colleagues, we have proposed three balanced budget constitutional amendment approaches in a good-faith attempt to address those concerns and make the underlying amendment more sound.

Unfortunately, each of those amendments has been rejected essentially along party lines. The only way I can interpret those votes is that the majority is saying, "We want our balanced budget amendment or no amendment at all." They are telling the American people to put their trust in good intentions and to live with consequences that are yet unknown.

We should support a balanced budget amendment. But we should never violate America's contract with its senior citizens merely because we are unwilling to make the tough choices now. Balancing the budget by cutting Social Security is no balanced budget at all.

Making tough choices is also an important part of what every family and every business must do. When a family balances its budget, we separate investments in our future, our home, our savings for our children's education, from the day-to-day expenditures on things like food and clothing. We are willing to borrow money to buy a home or pay for college but we cannot afford to take on too much debt because the interest is part of our day-to-day expenses and cannot exceed our income.

In short, we separate our capital budget from our operating budget. Nearly every State, nearly every business, small or large, does exactly the same thing. Everybody separates these two budgets except for the Federal Government. Just yesterday we proposed an amendment that said, let's be honest with the American people about the budget process. Separate investment from daily operating expenses. Do at the Federal level what has always been done in the States. But that proposal, too, was rejected.

I support a balanced budget amendment, but I also share the belief that we owe it to the American people to tell them how we will do what the amendment requires. We must not substitute political slogans for straight talk. We must not cover up the reality with rhetoric. We must not ask South Dakotans, or any Americans, to trust us or future Congresses if we are not willing to give them good reason to do so.

We cannot build a house of credibility if we do not produce the blueprint first. Neither can we build that house without knowing what tools to use. The American people have a right to know how we are going to achieve a balanced budget by the year 2002.

Two years ago when a Democratic Congress cut $500 billion from the deficit, we gave the Congress and the country a blueprint of our list of budget-cutting tools—page after page of painful cuts. Everyone recognizes what an unpopular vote that was, how difficult it was to make those choices, to lay out with specificity, line by line, item by item, exactly what we were going to do over the course of the next 5 years to reduce spending by $500 billion. And because it was tough, because it was specific, it passed by a single vote.

Today the American people have the same right to know. They have a right to know what is in the plan. They have a right to know whether the majority plans to cut Medicare, student loans, or veterans benefits.

Our deficit reduction target is at least $1.2 trillion—$1.2 trillion—over the course of the next 7 years. It is not going to get smaller, and with each year of delay, it is going to be exacerbated. It is a daunting goal, we all recognize that, but we all recognize, too, that it must be met.

The question, frankly, is how. How are we going to do it? How are we going to do what the speech by the majority leader yesterday suggested? Are we going to keep Social Security on the table and talk about a debt that is only $685 billion? Are we going to include everything, put it on the table, recognize that if we are going to increase defense spending, if we are going to cut taxes, if we are going to protect Social Security and do all of this in the next 7 years, that we are going to do it using the tools that we have available to us?

Americans have a right to know. We have a responsibility to tell them.

I proposed the right-to-know amendment to the Constitution that would both require a balanced budget and require Democrats and Republicans to work together to draft a plan and make it public. But the amendment was defeated, and the result will be that this Congress will collectively say "no" to being honest with the American people, leaving us with only the hope—only the hope—that we can accomplish our goals. No blueprint, no mechanism in place, no real plan. Just a hope that somehow we can do something in 7 years that we have not been able to do in decades.

Everyone would agree that the idea of a balanced budget in the abstract has universal support. But no budget is balanced in the abstract. Budgets are balanced in the context of existing circumstances. We have a new majority in Congress that claims it will cut taxes, increase defense spending and balance the budget, but refuses to explain how and refuses to guarantee that it will be accomplished fairly.

Last year, I supported a balanced budget amendment. This year, in this context, I cannot.

Last year, a Democratic Congress was committed to protecting Social Security and Medicare. This year, the new majority has been unwilling to do so in law. Last year, Congress honored the people's right to know. Last year, Congress was committed to an open, honest debate about how to reduce Government spending.

Last year, Congress leveled with the American people. This year, the majority refuses to acknowledge Americans' right to know.

This country is in need of a serious, principled debate about our future and our increasing national indebtedness. It should be a debate about the generational debt that we owe our children and how best to discharge it. It should be a debate about the ways past Government commitments to Americans will always be kept. It should be a debate about rational fiscal policy, about consumption versus investment, savings over spending, and all of the elements that together make up a sound basis for future economic growth. It should be a debate about what we hold to be most important now and in the future.

That debate may never come. Yet, I deeply hope it will come, and when it does, I hope we will have an opportunity to write an amendment to the Constitution that represents our best effort, one which will stand the test of time, a balanced budget amendment that honors our past commitments, protects our future investment, and tells the American people the truth. It must be a serious obligation, not merely a statement made of good intentions.

Finally, while I believe we need an honest and fair balanced budget amendment, I know we need an honest and fair balanced budget even more. We can and we must get immediately to the real work of deficit reduction. I know I speak for my Democratic colleagues when I say we are ready to work with the majority right now to develop a budget resolution that cuts spending and balances the budget. It is an effort which requires bipartisan cooperation as well as concentration.

So, Mr. President, whatever the fate of this amendment, it is time for us to work together to fulfill that promise and renew the hope of all American people that at long last—at long last—

we can accomplish what we all want and what our children deserve.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I ask unanimous consent that I be allowed to proceed for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. LOTT. Mr. President, I listened very carefully to the distinguished Democratic leader's remarks. I know he is very serious about the issue of debts and the deficit that we have each year. I know he is serious about a constitutional amendment for a balanced budget because he voted for it just 1 year ago. And I believe and certainly hope that in the end, he will vote for the balanced budget amendment this year.

I believe this has been a very serious, principled debate. This legislation, which is identical to the balanced budget amendment the Democratic leader voted for last year, has been carefully drafted. I remind my colleagues that it passed the other body by a vote of 300 to 132—an overwhelming bipartisan vote after serious consideration in the debate before the House of Representatives. Our own Senate Judiciary Committee reported it out after careful consideration on a bipartisan vote.

A number of amendments have been offered, considered, debated, and voted on, and all of them have been defeated by bipartisan votes. On one of the votes yesterday, there were actually nine Democrats who voted to table it, while eight Republicans voted against tabling it. So we are having a very serious debate here with Members voting their conscience.

We are now in the 18th day of debate on this constitutional amendment for a balanced budget. Last year, we had an extended floor debate and a vote on this exact amendment. I think the high water mark, up until this year, for debate on a constitutional amendment for a balanced budget has been about 11 days. So we certainly are giving it plenty of time for thoughtful consideration. And because of delays in getting an agreement when we might bring this to a conclusion, we apparently will still be on this amendment next week. It will have been a full month that we have taken to consider this legislation. That is fine because, in the end, I believe we are going to pass it with a good, strong bipartisan vote.

Let me quote some very strong words in support of the balanced budget amendment:

> To remedy our fiscal situation, we must stop spending beyond our means. This will not require the emasculation of important domestic priorities as some suggest.
>
> In this debate on a balanced budget amendment, we are being forced to face the consequences of our inaction. Quite simply, we are building a legacy of debt for our children and grandchildren and hamstringing our ability to address pressing national priorities.

Those are the words of the distinguished Democratic leader just last year, February 28, 1994, in support of a balanced budget amendment to the Constitution.

With regard to the right to know, we need to work together on this. We cannot say today everything that we are going to do in a budget resolution this year or next year or in 5 or 7 years. It will depend on the Budget Committee, the vote and actions on the floor of the Senate. It will take all of us working together, no matter where we are from, what party or what philosophy.

With regard to the right to know, this is what the distinguished Democratic leader said just last year:

> Congress and the President will have 7 years to address the current deficit and reach a consensus on our Nation's budget priorities. We will have time to find ways to live within our means and still meet existing obligations to our citizens, particularly the elderly.

I agree.

But this year, we debated the right-to-know amendment, and it was rejected with 56 votes against it—again a bipartisan vote.

With regard to protecting our seniors, minority leader DASCHLE last year said:

> Requiring the Government to operate within its budget does not mean * * * we would be forced to renege on our current obligations to America's seniors. For my part, such a requirement would not lessen our commitment to * * * protecting Social Security.

I agree. Last year, the minority leader also said:

> By the year 2020, most of the baby boom generation will have retired, and those retirees will be supported by a smaller working population. In order to ensure that we can meet our commitments to future retirees without jeopardizing the standard of living of working men and women, we must seek to maximize economic growth during the early 21st century. Our current budget deficit is eating away at that growth and undermining our economic potential.

The point the minority leader made last year is that if we do not have a balanced budget amendment, if we do not get our fiscal house in order, the people who will suffer the most are our seniors. So I think the minority leader's comments—and I have many others—just 1 year ago on the constitutional amendment for a balanced budget were excellent. I agree with them. I voted with him then, and I hope we are going to vote together this time because this is exactly the same amendment we both voted for just last year.

I remind my colleagues, too, that just 1 year ago when I offered an amendment to try to block tax increases on Social Security retirees, some of the same people who are now pleading their concern for our seniors and their Social Security benefits, where were they when we were trying to block on a bipartisan vote tax increases on their retirement benefits? Where were they last year? Why were they not worried about Social Security retirees, Medicare and Medicaid, then?

Where were they last year when the President proposed billions of dollars in cuts in Medicare in his health care proposal? President Clinton proposed to cut Medicare by $124 billion over 5 years in his health care plan. And in 1993, the President cut $53 billion from Medicare as a part of his tax bill. Were they not worried about the seniors then? Were they not worried about Medicare then?

Look, the issue of right-to-know is another red herring; it is simply an attempt to scare seniors about Social Security. It boils down to a very simple question: Are you for a constitutional amendment for a balanced budget or not? If you are, you vote yes. If you are not, vote no. And the people will know how you feel about this. Are you prepared to explain how this year you are against the balanced budget amendment but last year you voted for it? Why? Is it because there is a different majority? I cannot believe that.

We have an opportunity here to do what is right for our country—to have the additional pressure on Congress to control spending, not raise taxes.

Everybody keeps saying, Oh, we reduced the deficit in 1993. The so-called 1993 deficit reduction bill was attempted to reduce the deficit through massive tax increases. We can move this whole debate in a different direction. And I have been here through 22 years of trying to deal with the deficit—through Gramm-Rudman, through the Gang of 17, and through the budget negotiations at Andrews Air Force Base. Congress has tried time and time again to balance the budget, but we never quite carry through with it.

We need this constitutional amendment for a balanced budget. The American people support it overwhelmingly. This is our opportunity. And we must, must find a way to come together to pass it. I know it is going to be a bipartisan vote; one of our key proponents of the balanced budget amendment has been the distinguished Senator from Illinois, Senator SIMON.

The balanced budget amendment has already passed the House. It is up to the Senate. If we vote now, it goes to the States. The people will have a chance to decide. The only thing standing between the people's opportunity to vote on this and its passage is how the Senate will vote.

I urge my colleagues, let us begin to bring this to a conclusion. Let us quit talking about red herrings. Let us face up to the real issue and vote for a constitutional amendment for a balanced budget.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader.

Mr. DASCHLE. My friend, the distinguished Senator from Mississippi, made reference to some comments I made last year. Let me respond briefly because I know there are others waiting.

I made them in earnest last year, and I stand by them this year. Nothing the Senator from Mississippi said with regard to my comments last year are any less true this year. What I said then applies now, and that is my whole point. If we are going to have a balanced Federal budget, good intentions are not enough. It is not enough to just say we are going to do it. We must be serious about it, and that is the question.

When I made those comments last year, we were serious, and we proved we were serious with a $500 billion deficit reduction plan that laid out with specificity exactly what we were going to do.

Where is the plan this year? How are we going to do it this year? On just a hope, somehow the expectation that it is all going to magically come together?

That is what we are saying. That is why this right to know amendment is so important.

The PRESIDING OFFICER. The Chair might intervene for a moment to say to the distinguished Democratic leader, his time has expired under the previous order, and the time is now under the control of the acting majority leader. If he chooses to yield time to the minority leader to complete his remarks, up until 10 o'clock, he may do so.

Mr. LOTT. Mr. President, I know our two leaders will be speaking at 10 a.m. for 15 minutes each. Unless there is a problem with his other colleagues, I will be glad to yield the remaining 4 minutes to the leader to conclude his remarks.

Mr. DASCHLE. I appreciate very much the willingness of the whip to do so.

The PRESIDING OFFICER. The Democratic leader may proceed, then.

Mr. DASCHLE. Let me finish very briefly.

Mr. President, I agree with exactly what the distinguished Senator from Mississippi said about what the issue is, with the exception of one word. He said the issue is very simply do we support a balanced Federal budget, a constitutional amendment to balance the budget.

I think that is a legitimate question, and the answer should be yes. But it should not be are we willing to support any constitutional amendment to balance the Federal budget, any constitutional amendment. The answer is no. This is going to be with us for all perpetuity, all posterity, and if it is going to be with us that long and if it is that important and will have that far-reaching a consequence, we had better do it right because we will not get a second chance.

With that, again, I thank the Senator for yielding, and I yield the floor.

Mr. LOTT. Mr. President, if I may respond.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Again, I refer to the distinguished Democratic leader's comments last year because they were so persuasive then, and I believe they are now. I will just quote these two paragraphs and yield the time for others.

> Some of my colleagues feel, as does President Clinton—

This is Senator DASCHLE speaking.

> that we can make these tough budget choices without amending the Constitution. I wish they were right, but history indicates they are not.
>
> By adding a balanced budget amendment to the Constitution, we as a nation are embracing the principle that government should not spend beyond its means. This is a principle worthy of inclusion in the document that sets forth the limits of governmental power and protects the rights of individual citizens.

Those are the words of Senator DASCHLE, the distinguished Democratic leader. They were only 1 year ago. They were right then, and they are right now. We must pass this balanced budget amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. HEFLIN. I ask the minority leader if he will yield me about 6 minutes of time to speak on the Iwo Jima anniversary.

Mr. DASCHLE. Mr. President, I will be happy to yield to the Senator from Alabama.

Mr. LOTT. Mr. President, may I inquire whether this would be from the 15 minutes the leader has?

Mr. DASCHLE. That would be my expectation, that I will yield 6 minutes I have available on the cloture vote to the Senator from Alabama to speak on an issue of his choosing.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

THE DEADLY BATTLE ON IWO JIMA

Mr. HEFLIN. Mr. President, I rise today to remind Americans of one of the costliest battles of World War II, and the sacrifices made by the men of the United States Marine Corps. This Sunday will be the 50th anniversary of the Marine Corps landing on Iwo Jima, a place where, as Admiral Nimitz said "Uncommon valor was a common virtue."

After 36 days of fighting and at a cost of 6,821 Americans killed and 19,217 wounded, the island was captured. The cost to the Japanese defenders was over 22,000 lives. Only about 1,000 Japanese survived the battle.

The Japanese had long prepared for the February 19, 1945, invasion. After the battle was over, it was revealed that the enemy had constructed 642 blockhouses, pillboxes, and other gun positions. The marines landing on Iwo Jima were certainly stepping into the very jaws of the enemy—and I might say, the very jaws of hell.

At 9 o'clock in the morning, the massive assault wave of the 4th and 5th Marine Divisions hit the beach at Iwo Jima. A Japanese observer watching the drama unfold from a cave on the slopes of Mount Suribachi reported: "At 9 in the morning, several hundred landing crafts with amphibious tanks in the lead rushed ashore like an enormous tidal wave." Within minutes, 6,000 marines were ashore, and initial casualties were lighter than expected.

Then the pounding started as the Japanese commander unleashed hundreds of heavy artillery pieces, giant mortars, rockets, and antitank weapons that had been carefully arranged around the landing beaches now clogged with troops and materials. The ensuing bombardment was as deadly and terrifying as the marines had ever experienced. Casualties mounted appallingly on what would become the costliest single day in the U.S. Marine Corps history. By the day's end, nearly 2,500 Marines were killed or wounded.

Typical of the marine heroism and sacrifice of that first day on Iwo Jima, and not unlike what I had witnessed while serving in the Marine Corps with the 9th Regiment in the Pacific, were the actions of legendary Marine Gunnery Sergeant John Basilone. "Manila John," as he was fondly called by his fellow marines, had been awarded the Congressional Medal of Honor in recognition of his outstanding heroism at Guadalcanal. On Iwo Jima, Basilone single-handedly destroyed a Japanese blockhouse while braving the deadly assault of enemy heavy caliber fire. For his exploits he was posthumously awarded the Navy cross.

The battle for Iwo Jima raged for 36 long days, and on many days the advances of the American forces could be measured in yards. Though I was not there because I was recovering from a wound I received during the battle of Guam, my outfit, the 3rd Division, served as the floating reserve for this battle.

Entering the fray on February 21, when the fighting was at its worst, the soldiers of the 3rd Marine Division were tasked with clearing the central plateau of the island. This area held many prepared enemy defensive positions, but very little cover for the advancing Marines. By the time the plateau was taken, the regimental casualties exceeded 50 percent. Some companies suffered casualty rates in excess of 200 percent, including my old company, A Company, of the 9th Regiment.

Considering the magnitude of these casualties, one may wonder what drove these men to carry on. From my own experience, I would say these men drew their strength from the support of their fellow marines, an esprit de corps that is unique in military history, and the knowledge that taking this island was important to the war effort. Most important, however, they fought because they knew they had to fight. They had to take that hill, that they had to take that island. The Commander in Chief had said it, and these men knew it in their hearts, victory was the only way home.

On March 26, 1945, finally, the Japanese were defeated and the island was ours.

On Sunday, the 50th anniversary of the landing on Iwo Jima, approximately 5,000 survivors of the battle will gather at the Iwo Jima Memorial here in Washington to remember and to pay reverence to those who gave their lives.

Mount Suribachi, and the flag raising on that mount, stands as a symbol of the courage of the U.S. Marine Corps. Mount Suribachi was 556 feet high. It bristled with over 200 guns, and 21 blockhouses. It had to be taken, because it was delivering devastating fire on the beaches and to the marines that were below. The marines assigned were willing to risk their lives for the sake of their comrades and their country. So, through personal courage and esprit de corps, on February 23 the Japanese defending Mount Suribachi were overcome and the Stars and Stripes were raised.

And as the flag was raised on that mount, it gave additional strength to the marines below to move forward, on to victory. We salute the survivors of Iwo Jima and wish them well as they commemorate that very important battle of World War II.

The PRESIDING OFFICER (Mr. INHOFE). The Democratic leader.

THE CLOTURE VOTE

Mr. DASCHLE. Mr. President, at 10:30, in less than 25 minutes, there will be a vote on the majority leader's cloture motion. I want to take a couple of minutes to comment on that prior to the time we vote.

I regret we have to take a vote at this time. I believe, frankly, as I said the other day, it is unnecessary. I am concerned that it sends the wrong message to the American people about how seriously we consider the process of amending the U.S. Constitution.

The implicit suggestion behind the motion is that shutting off debate on this very serious and complicated issue is necessary because Democratic Senators are filibustering the balanced budget amendment and obstructing the debate, when the truth is just the opposite. There is no filibuster here. There have been very few quorum calls over the last several days. The Senate floor has been busy, virtually every minute. Senators have been on the floor. They have been here offering amendments, debating the issues. They have been busy doing exactly what we are all elected to do, to consider carefully some of the most far-reaching issues that they and the American people face.

Democratic Senators have not employed dilatory tactics. To the contrary, we have offered legitimate and very serious amendments that ought to be given serious consideration by all Senators—several amendments that, in my view, as I said just a moment ago, would have made this particular balanced budget amendment much stronger. Unfortunately, the obstruction has come from the other side. Every Democratic amendment has been tabled—virtually along party lines. Anyone who has been on or watched this debate over the last several days knows very well that the substance of these amendments has been seemingly of little concern. They have been tabled, not because of their content, but simply because they were offered.

This issue is far too serious to simply step aside and avoid the stampede. Amending the Constitution is just about the most serious step the Congress and States can take. It should not be taken lightly. And it should reflect the most thoughtful and inclusive debate that we have to offer. It should reflect the best ideas we have to offer. A vote to cut off this debate artificially is a vote to obstruct that thoughtful and inclusive process. It is premature, it is unnecessary, and, under these circumstances, I view it as a disservice to the American people.

It is also a direct threat to the rights of all Democratic Senators, each of whom have a right to offer amendments. As I said, there have been virtually no quorum calls; virtually every amendment has been relevant. In recent days nearly every Democratic Senator has agreed to a time limit on the debate on his or her amendment. And these have been important amendments.

We debated, as we again talked this morning, about the right to know, and spelling out to the American people how we are going to accomplish a balanced Federal budget—what kind of blueprint we are going to use, what kind of tools we will acquire and utilize to accomplish a balanced budget in just 7 years.

We talked about Social Security and the need to protect it, to take it off the table to ensure that we are not going to mask the size of the debt with the size of the Social Security trust fund.

We talked about enforcement. Simply saying we are going to balance the budget with no legal mechanism in place to ensure that we are going to enforce what we say we are going to do makes anyone wonder just how serious we are about doing it in the first place.

We talked about the need to separate operating capital from investments in the future—how we do that in business, how we do that in State governments, how we need to compare apples and apples when we compare the Federal Government to the State government and how a capital budget would allow us to do that.

We talked about circumstances relating to natural disasters. The Senator from California raised a very difficult issue. How do we address serious problems relating to the disasters that occur in every part of the country all too frequently once we have a balanced Federal budget?

It is very disconcerting that virtually every amendment was defeated on a near party-line vote. Regardless of the vote, there are many more very important, relevant amendments that deserve our careful consideration. Not all amendments that are pending will be offered. I know that mention was made yesterday about how many amendments are still pending. Some of those amendments were offered just to protect Democratic Senators in case there is a cloture vote and it passes. We know what happens when cloture votes are filed. Amendments are also filed simply to ensure that every Senator has a right to protect himself or herself. That is really what has gone on in the last couple of days. Senators want to know that they have the opportunity to be involved in this debate and to commit to a process by which these issues can be raised. That is what filing amendments is all about in situations as we have this morning.

We may be able to come to some agreement. In fact, I would almost ensure, to our colleagues on the other side, that we will come to some agreement with regard to a finite list of amendments and some way with which to work through them as we have done in several of our bills already this year.

The point is no one is trying to delay a final vote. We know that the final vote will come in the not too distant future. But it is absolutely critical, especially on an issue of this importance, that all Members have a right to be heard.

So this cloture vote is not necessarily reflective of how one will ultimately vote on the balanced budget amendment. This vote is about whether Democratic Senators have a right to raise legitimate issues that they believe would improve the amendment before us.

So I certainly urge my colleagues to reject the motion to invoke cloture at this time.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have a great deal of affection for the minority leader, both as a person and as a leader. I think he is doing a very good job for his side of the floor. I understand that this is an important vote and that it is more of a procedural vote this morning. We all know how it is going to turn out. But I will just say this. As someone who has conducted a few filibusters in my 18 years, some of which have been successful and some of which have not, I know a filibuster when I see one. I am sure the distinguished minority leader does not feel that his side is filibustering or the opposition to the amendment is filibustering. But last evening, for instance, we wanted to go to one more amendment before the evening was up. We could not find one person to offer an amendment that we could vote on that evening.

Be that as it may, I am not going to criticize what the distinguished minority leader has said, and we will have more days of debate. That is only fair. This is a very, very important amendment. And it involves the future of our country. It involves the future of our children and our grandchildren. It is going to make a difference, if we pass it, whether our children and grandchildren have a future. If we do not pass it, I just say, "Katie, bar the door."

Just to make that point a little bit better, we are now in our 18th day on this amendment. There are very few things in the history of the Senate that take 18 days. We are now in our 18th day on our balanced budget amendment debt tracker, the increase as we debate. There is a $4.8 trillion national debt that we start with, and we are now in our 18th day. I will put up the information indicating the additional debt that is going to accumulate by the end of this day for the taxpayers to pay and pay interest on it. It is almost $15 billion, just the amount of debt that has accumulated since we started 18 days ago.

Mr. President, what about the vote to bring this debate to a close? I think we need to stop talking and start working on getting our fiscal house in order by passing the balanced budget amendment and working together to balance the budget. The American people want and need us to do this.

Mr. President, our large national debt and the yearly deficits that help it grow hurt real people, average working people all across our country. And continuing down the path we are on will only make matters worse for all of us and our children.

Last week there was an article in the Washington Post by James Glassman, a person I have a great deal of regard for, who I believe did an excellent job of stating in an understandable way how and why the deficit hurts the average working American. He called this discussion "The Plain English Guide to the Federal Budget," and it began with the sage assertion that "Big deficits can make you poor. They tend to retard the growth of the private sector, raise interest rates, and weaken our economy."

We are talking about $15 billion just in the 18 days that we have debated here. We are fiddling while the country is burning. That is really what is happening.

He says, "They tend to retard the growth of the private sector, raise interest rates, and weaken our economy."

This is exactly why we need the balanced budget constitutional amendment—because Congress' fiscal madness is destroying the ability of the working American to make enough money to survive.

Every year hard-working Americans pay the price for our profligacy. The Tax Foundation has calculated that in 1994 the average American worked from January 1 to May 5 just to pay his or her taxes—January 4 to May 5. They did not get to keep 1 cent of the money they earned until May 6. Is not that incredible? Put another way, in an 8-hour work day, the average American works the first 2 hours and 45 minutes just to pay taxes. So for 8 hours we are working almost 3 to pay taxes. This is bad enough. But it is not the end of the story.

The increasing Federal debt will force us to raise taxes to astronomical rates just to keep the country solvent. The National Taxpayers Union has estimated that a child born today, on average, will pay over $100,000 in extra taxes over the course of his or her lifetime just to pay the interest on the national debt which accumulated in the first 18 years of that child's life. Just think, Mr. President. By the time the child becomes old enough to vote—I am talking about our children and our grandchildren—there will be a $100,000 tax bill looming on his or her horizon. And that is only to pay the interest on the debt accumulated in that child's first 18 years. That is pathetic. That is the legacy we are leaving to our children and grandchildren.

The National Taxpayers Union has determined that for every year we endure another $200 billion deficit—and the President's budget says we are going to endure them ad infinitum, $200 billion budget deficits for 12 years—for every year that we endure that, it costs the average child over $5,000 over his or her lifetime—every year we do that.

Mr. President, the budget submitted by President Clinton projects $200 billion deficits for each of the next 5 years—actually, each of the next 12 years. By conceding defeat on deficit reduction, President Clinton is condemning every child in America to an additional $25,000 in taxes racked up just over the next 5 years. There is no refuting that unless we do something about it. We are, too, as a Congress, unless we do something about it and change.

But the bad news about the debt does not end there either. The Competitiveness Policy Council has shown that rising budget deficits have led to a 15 percent decline in real wages in the last 15 years, and the National Taxpayers Union has further calculated that in the next 45 years, unless we get spending under control, after-tax incomes will rise over that 45 years, cumulatively rise, $125—average incomes—unless we get the debt under control or our spending under control. Can you imagine? In 45 years the most you are going to get out of the whole 45 years is an additional $125. That is not a year; that is over 45 years.

These deficits are strangling middle-class Americans throughout our country. How can people expect to bear the burden of stagnating wages and higher tax rates?

We simply cannot continue blindly down this road to economic oblivion. Look at those 18 days on the chart; 18 days, just going up like that. That is the debt that is accumulating while we fiddle here in Washington.

We must get the Government spending under control, and the only way to do that is to change the way Congress does business with a permanent unavoidable rule, and the only rule we can get is the balanced budget amendment. It will force Congress to consider the costs as well as the benefits of every program in the Federal Government. We will lower the unbelievable amount of Government spending and bring the deficit under control.

All other attempts to balance the budget have failed, and they have failed miserably. Over the full 19 years I have been here, we have had attempt after attempt, and they have all failed because they have been statutes and the minute somebody passes a 51-percent majority vote, they are changed. Every year the debt grows, relentlessly sapping the life of the American economy as it does. Under the President's latest plan, the debt is going to grow—under his best assertions, and these are assuming optimistic assertions—another $1 trillion. By the end of the next 5 years we will be over $6 trillion in debt, and we are complaining about $4.8 trillion now. Because it is going up almost $1 billion a day, we will be $6 trillion in debt. His budget is not an attempt to reduce the deficit. It is a recognition that unless we change the budget process to eliminate Congress spending bias, it is going to be impossible to reduce the deficit.

Mr. President, we have the opportunity to make a historic change here.

We can pass the balanced budget amendment and preserve the future for our children, our grandchildren, and this country. We can stop this runaway Federal train of spending and taxing that is out of control right now. I urge my colleagues to support the balanced budget amendment today so that we and our children will have a prosperous tomorrow.

This morning will end our third full week of debate on this amendment. We started debate on the subject matter even before the bill was brought to the floor during the unfunded mandates debate. We have had 11 votes on amendments and spent 14 days on floor debate on this constitutional amendment so far, more than we have ever spent debating a balanced budget amendment before. Back in 1982, which was the next toughest debate, we debated 11 days before passing the balanced budget amendment by 69 votes. I hope that our longer debate this year will mean our margin of victory will be proportionately higher.

As we have said, every day while we talk, the debt we leave our children and grandchildren continues going up to a shocking point. This must end and must end soon. Mr. President, let us tell the American people in this cloture vote when we will stop talking and start acting to bring this country to fiscal sanity. Let us pass the balanced budget amendment to the States for ratification and get on with balancing the budget.

We have had 11 votes, and every one we have won on a bipartisan vote. Democrats and Republicans have voted with us, every one. There is nothing partisan about this. Anybody who tries to say this is a partisan debate just has not watched it and has not looked at the voters and has not realized that this balanced budget amendment is a bipartisan consensus, a Democrat-Republican effort, to save our country, and to help our children and grandchildren have the futures that we all had when we were born.

I was born in poverty. We did not have indoor facilities. We lost our first home shortly after I was born. We did not have indoor facilities in the second home for years. I thought all homes were kind of brown and dark because my dad built our home out of a torn-down old burnt-out building. Frankly, I thought everyone had a Pillsbury flour sign on the side of their home. I thought that was a pretty unique thing, and it really was.

To make a long story short, I had a future even though I was born in the Depression, because Congresses had not run the country totally into the ground from a national debt standpoint. But we have done it now, and we have to change our way of doing things around here.

I emphasize again that the first vote was 56 to 44. There were a number of Democrats voting with us. The Dole amendment passed 87 to 10, a lot of Democrats. The Reid amendment was defeated on a motion to table, 57 to 41, a lot of Democrats with us. The next was 70 to 28, a lot of Democrats. Then 66 to 32, 52 to 45, Senator HOLLINGS, that was a close vote. Still a number of Democrats helped to defeat that. Then 59 to 40, 59 to 40, and 52 to 47 last night; eight or nine Democrats voted with us on that. Then 51 to 38, 61 to 33, the last vote, and a lot of Democrats voted on that. This is a bipartisan effort. There is no reason for a filibuster or delay here. There is no reason not to get about business. There is no reason not to come up with amendments when the time comes.

I am willing to proceed and happy to proceed in any way our colleagues want to do this. But do not try to present this as partisan, a Democrat-Republican difference here. This is a bipartisan effort. We have made it that. I am proud of my Democratic colleagues that are standing up on this amendment. All we need are 15 to stand up and we will pass this, 15 out of 47. That is all we need. Gee, there ought to be 15 Democrats in the Senate out of 47 who will help us. I know of 13. I think I know of 14. Who is going to be that 15th vote, or the one that defeats this, if that is what happens? I do not believe it will.

I do not believe that our colleagues, when we put forth this kind of a bipartisan, heartfelt, eager effort, are going to shoot this down for the one time in history, after the House of Representatives had the guts to pass it, with the help of I believe 78 courageous Democrats in the House. We need 15 courageous Democrats here and I think we will get them. I believe we will get them, because this is the time in history when we can make a statement against what has been going on, this runaway train of Federal spending, this abdication of responsibility, this rejection of our children's and grandchildrens' future. Let us do something about it and quit talking partisan politics, and let us work together to get it done.

To the extent that this delay and a final vote will continue after today, let us do the best we can to bring up as many amendments as we can and debate them, and we are happy to do that. I think the debate has been healthy. I commend Senators on both sides of the aisle for the excellent debate they have given to us, and I hope our colleagues will vote for cloture today so that we can end the delay and have the responsible amendments that are left brought up. And let us vote on them and then let us pass the balanced budget amendment for the benefit of everybody—Democrats, Republicans, all loyal Americans—but most of all, for our children and grandchildren.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. The Senate will resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Ms. MIKULSKI. Mr. President, I rise today to oppose invoking cloture on the balance budget amendment. Mr. President, the Senate should not rush to finish this measure—we are amending the Constitution of the United States and there is still much we do not know. We still do not know the impact of the balanced budget amendment on Social Security, Medicare, and many other vital programs. I am voting to continue with robust and vigorous debate so the American people fully understand the ramifications of what we are doing and how it will affect their lives.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on House Joint Resolution 1, the constitutional balanced budget amendment:

Bob Dole, Orrin G. Hatch, Larry Craig, Trent Lott, Bill Frist, R.F. Bennett, Kay Bailey Hutchison, Alfonse D'Amato, Jon Kyl, Fred Thompson, Ted Stevens, Olympia J. Snowe, John Ashcroft, Craig Thomas, Conrad Burns, Mike DeWine, Judd Gregg, Rick Santorum, Rod Grams, Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on House Joint Resolution 1, the balanced budget amendment to the Constitution, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 57, nays 42, as follows:

[Rollcall Vote No. 74 Leg.]

YEAS—57

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—42

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—1

Kassebaum

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 42. Three-fifths of the Senators duly chosen and sworn, not having voted in the affirmative, the motion is rejected.

Under the previous order, the Senator from West Virginia is recognized to offer an amendment.

Mr. BYRD. I thank the Chair. Mr. President, it is my understanding that the Senator from Nevada [Mr. BRYAN] wishes to speak for not to exceed 7 minutes. I ask unanimous consent that I may yield to the distinguished Senator for that purpose, not to exceed 7 minutes, and that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Nevada is recognized for 7 minutes.

Mr. BRYAN. I thank the Chair.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 429 are located in today's RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the Chair.

May I take just a moment here to compliment the Republican Senators who have been sitting in the chair from the very beginning of this session. In the main, I think they have done very well. They have presided over the Senate with dignity, except in a few cases when there probably ought to be a little less talking up there at the desk because the cameras are often focused right on that desk. State legislators, professors, students, and the people at large expect this Senate to be the premier deliberative body in the world. It is not a State legislature. And I do not say that to cast any aspersions on State legislatures. I have been a member of both houses many years ago in West Virginia.

Generally speaking, the presiding officers have been alert and have been paying attention to the debate, as they should.

Madam President, the original Constitution and the amendments heretofore adopted serve two basic functions: One, they create a structure of government and establish three departments thereof: the Legislative, the Executive, and the Judicial, and they allocate the powers of government among the three branches of the Federal Government and between the two Houses of Congress.

The Constitution also prohibits the States from taking certain actions, and all powers that are not delegated to the Congress by the Constitution shall be reserved to the States or the people.

So this is a Constitutional system, with checks and balances and a separation of powers, thus establishing an equilibrium between and among the three departments—the Legislative, the Executive, and the Judicial.

Two, the original Constitution and the amendments thereto, protect the most fundamental individual rights, such as life, liberty, and property; free speech; freedom of assembly; freedom of religion; freedom of the press; and equal justice under law.

So the Framers wisely left the determination of fiscal policy to the elected representatives of the people. Deciding when or whether to balance the budget, and whether and when to risk a deficit, calls for a judgment of policy, the kind of political judgment left by the Founding Fathers to the majoritarian processes of representative democracy. The Constitution and the amendments thereto do not undertake to resolve questions of fiscal policy. And for 206 years, that Constitution has not been amended to include fiscal policy.

Under the constitutional amendment that the Senate has been debating, such a judgment of fiscal policy, and when or whether to apply countercyclical measures would, to a considerable degree, be inhibited. Section 3 of the amendment, for example, would fetter and hamstring the President in the proper exercise of his powers.

Let me read section 3 of the proposed amendment to the Constitution.

I quote. This is section 3, from the constitutional amendment to balance the budget.

> Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

I think it is important that we recognize that this amendment to the Constitution, by virtue of section 3, would, if adopted, hamper the President. It would fetter the President. It would hamstring the President in the proper exercise of his powers by requiring him to submit a balanced budget even though he may consider a deficit to be necessary as a countercyclical measure to combat a recession that may be already underway. Countercyclical stabilizers are rendered even more difficult in a period of economic decline by the requirement of a supermajority vote to waive the section 1 mandate for a balanced budget in every fiscal year. Such requirement for a supermajority can prove to be a very troubling recipe for gridlock.

The amendment now being debated by the Senate provides that outlays in any given year shall not exceed receipts; that Congress may appropriate money in excess of anticipated revenues only by a three-fifths vote of the full membership of both Houses, and not by lesser majorities; that Congress may enact revenue increases only by majority votes of the full membership of both Houses on rollcall votes, and not by lesser majorities.

Let me state that again.

The constitutional amendment that is before the Senate requires that Congress may enact revenue increases only by majority votes of the full membership of both Houses—of both Houses—on rollcall votes.

In other words, in the Senate that would mean by no less than 51 votes and in the House that would mean no less than 218 votes.

The amendment also provides that Congress may raise the ceiling on the national debt, but only by a three-fifths vote of the full membership of both Houses, and not by lesser majorities.

Justice Oliver Wendell Holmes was right when he warned that the Constitution ought not "embody a particular economic theory." In keeping with that wisdom, the Framers remitted Federal fiscal policy, not to special supermajorities, but rather to the crucible of ordinary majoritarian democratic politics. Article I, Section 8, Clause 1, gives Congress the power to tax and spend for the common defense and general welfare, and to borrow money on the credit of the United States—all obviously by simple majorities.

So basic is the majoritarian premise of Article I of the United States Constitution that it is barely mentioned, except for the statement in Article I, Section 5, Clause 1, that "a majority of each House shall constitute a quorum to do business." The contemporaneous history supports the majoritarian premise, for the Framers entertained, but rejected, the idea requiring that ordinary legislation on any particular subject matter be passed by a supermajority. For example, Alexander Hamilton, in the Federalist No. 22, warned:

> To give a minority a negative upon the majority—

Which is always the case where more than a majority is requisite to a decision—

> is, in its tendency, to subject the sense of the greater number to that of the lesser number. . . . The public business must in some way or other go forward.

This is Hamilton speaking.

> If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it—

Meaning the public business.

> the majority, in order that something may be done, must conform to the views of the minority; and thus—

Says Hamilton.

> the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence, tedious delays—continual negotiation and intrigue—contemptible compromises of the public good. . . . For upon some occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes—

This is Hamilton speaking. Let me begin again that sentence.

> It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savour a weakness—sometimes border upon anarchy.

That was Alexander Hamilton. Where are all these Senators who are proponents of this amendment? It would not hurt them to hear the Constitution read today, from the beginning to the end. I do not intend to inflict that kind of punishment on them, but they certainly would do well to read and to hear read those portions of the Constitution which impact upon this constitutional amendment on the balanced budget.

Madison added his warning against supermajorities, in the Federalist No. 58:

> It has been said that more than a majority ought to have been required for a quorum, and in particular cases, if not in all, more than a majority of a quorum for a decision. . . . [But] . . . In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule;

This is Madison speaking.

> the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences.

That is Madison.

That is James Madison. He referred to particular emergencies and the supermajorities that are included in this nefarious constitutional amendment to balance the budget to deal with "particular emergencies." I am using Madison's words—"particular emergencies."

Let me read again what Madison said.

> Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or in particular emergencies, to extort unreasonable indulgences.

Where are the proponents of this amendment? Why do they not interrogate James Madison? Why do they not hearken to his words and Hamilton's words? No. They do not want to hear. As was said in Homer's Iliad, "Not if I had 10 tongues and 10 mouths, a voice that could not tire, lung of brass in my bosom," would they hear me. They have eyes that cannot see and ears that cannot hear, and minds that are unwilling to comprehend the warnings of the Framers of the Constitution. Should one conclude that they pretend to be wiser men than those who wrote the Constitution?

Mr. President, the balanced budget amendment would reject the wisdom both of Hamilton and Madison by adopting supermajority requirements that would transfer power from majorities to minority factions. And George Washington in his Farewell Address warned against parties and factions. Sections 1 and 2 of the constitutional amendment to balance the budget would require that deficit spending and increases in the statutory debt limit be approved by three-fifths of the whole number of each House. Section 4 would impose a minisupermajority requirement, in that revenue increases must be authorized by a majority of the whole number of each House. Meaning in the Senate, 51 votes would be required to increase revenues, and in the House 218 votes would be required, 217 would not be enough, 218 votes would be required to pass legislation in the House to increase revenues—rather than, as is usual, by a majority of Members present and voting. Were the Framers wise? To ask the question is to answer it. This minisupermajority that is required for revenue increases flies in the face of Madison's warning against a requirement of "more than a majority of a quorum for a decision."

Defenders of the balanced budget amendment often say, what is so bad about supermajority requirements? After all, the Senate in its own rules requires a supermajority for cloture on filibusters. So why is it so bad to have in the Constitution a requirement of a supermajority? The proponents also refer to the supermajorities that are mentioned in the Constitution and the amendments thereto. But these existing supermajority requirements furnish no precedent for those in the balanced budget amendment, for they are fundamentally different in kind.

Rules on parliamentary procedures that the Senate adopts for its own governance are surely no model for an alteration of the Nation's fundamental charter. Anybody who argues that point simply does not, and has not stopped to think, knows very little about the Senate rules, and very little, in all likelihood, about the Constitution. Such rules of the Senate can be changed by the Senate acting itself alone, and are not comparable to an amendment to the Constitution, which requires the support of both Houses of Congress by a two-thirds vote and three-fourths of the State legislatures for adoption.

Although the Constitution does impose some supermajority requirements, it does so quite sparingly, and only for good reasons, namely, to provide one branch a check upon another branch—for example, treaty ratification and veto overrides. In the case of a treaty approval, the legislative branch—one component thereof; namely, the Senate—acts as a check upon the executive, in the ratification of treaties that bind this Nation in its relations with other nations. It is a check and balance. A supermajority is also required for a veto override, and again provides a check and balance between the executive and the legislative branch. One of the Framers stated that the one reason for the veto itself was that the President, the Executive, could provide protection for himself and his office, against the legislative branch. So he was given the veto. That is check and balance. Other supermajorities in the original Constitution were to protect individual rights. For example, in the case of the expulsion of a Member of the Senate or of the House, a Member cannot be expelled by a simple majority. It requires two-thirds of the Senate to expel a Senator, two-thirds of the House to expel a House Member. These supermajorities are provided for the protection of individual rights, the individual rights of the Members of the two bodies, else a simple majority could expel Members of the minority, get rid of them, send them home, expel them by a simple majority. A supermajority is there for the protection of the individual rights of the elected representatives of the people.

The same is the case with impeachment. Were there not a supermajority required, then an impulsive and partisan majority in the Senate could convict a President in an impeachment trial. That almost happened with Andrew Johnson, as we all know. So that supermajority is required to protect individual rights, the rights of a President, the rights of other officers who may be impeached, the rights of Federal judges who may be impeached. The supermajority required in article V is to insure that the fundamental charter of this Republic not itself be too freely amended.

Amending the Constitution is provided for, but the Framers wisely established that amendments not be adopted and ratified too freely. Thus, we have only seen 17 amendments added to the original Constitution and Bill of Rights. They were wise men.

Then there are certain other supermajorities. Amendment XII of the Constitution deals with the election of a Vice President by the Senate. In the 14th amendment, a supermajority is required to waive the disability upon individuals who, having previously taken the oath of office to support the Constitution, later engage in rebellion against the United States. It requires a supermajority in both Houses to lift that disability from such individual. I am not against amending the Constitution. Our forefathers provide for that situation, and I have voted for five constitutional amendments to the Constitution.

Hence, there are nine supermajorities of one kind or another in the original Constitution and the amendments thereto. I think it is very unwise, however, to provide a constitutional amendment that requires a supermajority in the enactment of a fiscal policy.

There is one other supermajority, and that is the supermajority written into the original Constitution that dealt with the matter of a quorum in the election of a President when such election is thrown into the House of Representatives.

So there you have it. These are all structural concerns or, as I say, they provide basic protections for individual rights. They are structural concerns that deal with the structure of this form of government as established by the original Framers—and the States and people thereof, who ratified the Constitution—or they deal with rights of individuals.

The supermajority requirements of this balanced budget amendment embody no such structural concerns and no protections of individual rights. Rather, the supermajority requirements to the balanced budget amendment would for the first time in our constitutional history—the first time in 206 years—inject a minority veto into the ordinary processes of the determination of fiscal policy within the legislative branch. The danger of supermajority requirements in this policymaking context is that a minority of either House can hold the legislative agenda hostage, blocking majority choices until the minority factions obtain the policy concessions that they want. James Madison described this very danger in Federalist No. 58, where he warned that supermajority requirements permit the minority—permit the minority—to "extort unreasonable indulgences" from the majority. In the business of budget balancing, permitting such minority vetoes might actually be counterproductive if it fostered minority demands for expensive pet programs as the price of deficit spending authorizations.

The rules laid down, therefore, are those of parliamentary procedure, which may belong in the rules of the Senate and the House of Representatives, but not in the Constitution. To insert parliamentary rules into the Constitution cheapens—cheapens—that basic charter and erodes the respect upon which its vitality and usefulness depend.

There would be years in which three-fifths majorities of the full membership of both Houses of Congress authorized spending in excess of receipts, and there would be years in which expenditures outran receipts because actual receipts fell short of honest and careful estimates, or because actual expenditures exceeded the best and most careful estimates. As these deficit years occur down the road, what would be the reaction of the citizens who supported this amendment and who were told that the amendment would produce a balanced budget each year? The result surely would be disillusionment, cynicism, distrust of those who govern, and loss of confidence in our basic, fundamental, organic law: the Constitution of the United States.

The operation of the budget, appropriations, and revenue processes are so highly complex that disputes are bound to arise. Forecasts with regard to both receipts and outlays vary so widely that violations of the requirement that outlays shall not exceed receipts in a given year are bound—bound—to occur.

I have shown that. I have shown charts that demonstrate that fact time and time again.

Old disputes about the separation of powers, reminiscent of the impoundment controversy of the Nixon administration, would be reopened.

How many Senators here today were Members of this body when that controversy occurred? Very few.

The powers of the executive vis-a-vis the legislative branch will, in all likelihood, be substantially enlarged.

Who are the proponents of this balanced budget amendment? Are they monarchists? Are they monarchists who want to see the power shifted to the executive? Do they want an all-powerful, imperial President?

To rivet into the Constitution this amendment calling for a balanced budget annually would be to constitutionalize fiscal policy, and would give rise to disputes cast in Constitutional terms, which must either go unresolved or bring the courts into the determination of fiscal policy. Few judges, if any, have expertise in such matters as fiscal policy, budgets, and appropriations, and lack the experience to guide their decisions. The courts would lack judicially manageable standards to guide their decisions, and drawing the Judiciary into budgetary, appropriations, revenue and other fiscal matters would mean an intrusion—an intrusion—into an area that Congress and the President have long regarded as their—their—exclusive domain. As a result, the stage would be set to injure the prestige and authority of the courts, as well as to impair the effectiveness of the Judiciary in preserving the ancient framework of republican government and protecting the Constitutional liberties of the nation's citizens. The people's faith in both the Judiciary and the Constitution would be seriously damaged.

Hence, the implications of an amendment for the constitutional structure of our Government and for the status of our Constitution as partisan law would be very, very serious.

That is what this amendment is. It is a partisan amendment. It is a political amendment supported by a political party. It is the Republican Party as of today in the Senate and the House that is pressing for this amendment. And they want to do it now, do it here—"Do it now; do it here; we can't wait"—because they have it in their so-called Contract With America. That so-called contract is supposed to supplant the Constitution when it comes to this amendment.

Should the measure be enforced by the judiciary, it would produce an unprecedented restructuring of the balance of power among the three branches of Government. There are no two ways about it. It would produce an unprecedented restructuring of the balance of power among the three branches of Government.

To crucify the Constitution upon the cross of the so-called Contract With America is of little consequence, provided you will give us the Barabbas of temporary partisan and political gain!

That Constitution bears the stains of blood from thousands of men and women throughout the history of this Nation—men and women who gave their lives at Valley Forge, at Saratoga, at Yorktown, at Lexington, and Concord.

Nathan Hale. Who is he? Never heard of him. Who was Nathan Hale?

Well, Nathan Hale was a young man, 21 years of age, who was a schoolteacher.

He responded to General George Washington's request for a volunteer to go behind the British lines and to bring back the drawings of fortifications. Nathan Hale responded as that old patriarch did in biblical times, "Speak Lord, thy servant heareth." Nathan Hale responded, knowing that that task was fraught with danger and might cost him his life.

He went behind the British lines, disguised as a Dutch schoolmaster. His mission was almost finished when, on the night before he was ready to return to the American lines, he was discovered with notes and letters on his person, and he was arrested. The next morning, on September 22, 1776, he was brought before the gallows. He saw before him the gallows. He saw to one side, the wooden coffin which would soon claim his lifeless body. He requested a Bible. His request was refused.

The British officer, who was a major by the name of Cunningham said, "Do you have anything to say?" Nathan Hale replied, "I regret that I have only one life to lose for my country." The British officer angrily commanded, "String the rebel up," and Nathan Hale died. He only had one life to give for his country.

Yet, there are some who are unwilling to give one vote for their country—one vote. Not everybody sees this as I do, of course. I see it through the context of many, many years of dedicated service to this institution, having sworn 13 times to support and defend the Constitution—13 times over a period of 48 years. Some of those who support this amendment are undoubtedly—undoubtedly—sincere, and they conscientiously believe that this is the only way to get deficits under control.

But not all, I would say—and I attempt to be the judge of no man and no woman, but I have talked with many Senators around here on this matter, and some have expressed strange reasons for not supporting this amendment. Some think that we ought to just wash our hands of it, let it go to the States. "The States will not ratify it," they say. Some say if the States ratify it, the backlash will destroy the Republican Party in time.

Madam President, we cannot say, "Let this cup pass from me." Harry Truman, even if he were in the White House today, could not say, "The buck stops here." This constitutional amendment does not stop on its way to the President. It does not go to the President's desk. So where does the buck stop? The buck stops here—right here in the Senate.

I hope that Senators will think again, those who may be guided by political motives to vote for this amendment. I hope they will think again. Nathan Hale gave one life, and thousands have given their lives to sustain the freedoms that are guaranteed by the Constitution of the United States. That Constitution, as I say, is stained with the blood of thousands.

There is not one proponent of this amendment to the Constitution against whom the blood of that Constitution will not cry out as loudly as did the blood of Abel against Cain, if it is adopted. Not one!

There are those who say, "Well, he is the chairman of the Appropriations Committee. He is the chairman of the Appropriations Committee. You would not expect him to do anything else. He is the 'king of pork.' No wonder he is against this amendment."

Fie on such little men who think in such little terms, who have themselves, in all likelihood, never taken an oath to support and defend the Constitution of the United States. I have taken that oath, and every other Member here—man and woman—has taken that oath.

Montesquieu said when it came to the oath, the Romans were the most religious people on Earth. Marcus Atilius Regulus, a Roman consul, captured by the Carthaginians in the year 258 B.C., was sent by the Carthaginians with an embassy to Rome to plead the case of the Carthaginians before the Roman Senate and to attempt, if possible, to arrange for an exchange of prisoners, also, to endeavor to bring about a truce on terms that would be favorable to the Carthaginians. Marcus Atilius Regulus, however, when he spoke to the Roman Senate, advised the Senate against entering into any such arrangement or agreement or treaty with the Carthaginians, because such an arrangement would not be beneficial to Rome.

Regulus said, "I know that they will know what I have said here and that I will pay with my life." The Roman Senate offered to protect Regulus against his being returned to Carthage. But Regulus said, "No, I gave them my word. I swore an oath to them, which they made me do. I swore an oath to them that I would return." And he said, "I will keep my oath, even when given to the enemy."

Against the pleadings and the tears of his wife and children, Marcus Atilius Regulus returned to Carthage, and he was tortured. He was forced to lie on spikes in a specially-built enclosure from which he could only see the Sun. The Carthaginians cut off his eyelids, and he was forced to look at the Sun all day long. He soon perished!

He was a Roman who believed in keeping his oath. So we can understand what Montesquieu meant when he said that when it comes to the oath, the Romans are the most religious people in the world. I, too, am from a generation that believed in keeping its oath, when sworn before God and with one hand on the Bible.

Mr. President, if this constitutional amendment proves to be unenforceable, it would create an equally troubling hazard; namely, by inscribing an empty promise into the fundamental charter of our Government, thus breeding cynicism both toward our Government and the Constitution as well for the rule of law.

Before I diverted my thoughts to the Romans, I talked about what our constitutional form of Government would suffer in the event that the balanced budget amendment were to be ratified and enforced.

But now I say, on the other hand, if the amendment proved to be unenforceable, it would create an equally troubling hazard; namely, by inscribing an empty promise into the fundamental charter of our Government, thus breeding cynicism both toward our Government and the Constitution, as well as for the rule of law.

Keep in mind that not only would Federal judges—keep in mind that not only would Federal judges—become involved in fiscal policy, but State judges would also be required to make fundamental decisions about taxing and spending. And these are issues, I say to my friend from Georgia, these are issues that judges on both the State and Federal levels lack the institutional capacity to decide in any remotely satisfactory manner.

Some proponents of the amendment may be of the opinion that the "political question" doctrine or limitations on standing would preclude litigation that would ensnare the judiciary in the thicket of budgetary politics.

Some recent decisions of the Supreme Court, however, suggest that the Court is prepared—is prepared—to resolve questions that might once have been considered political. For example, in *Missouri* v. *Jenkins*, 1990, the Supreme Court upheld the power of a Federal district court to order a local board of education to levy higher taxes to build magnate schools in order to promote desegregation. And the Court even held open as a last resort the possibility that the district court might itself levy the taxes.

Now get that. "Oh," they say, "the courts won't enter that political thicket." It is not so much that it is a thicket, it is political. It is political. Judges are not elected by the people. Judges are not out there rubbing shoulders and elbows with the American people and hearing from them as to their advice on making law. But it is otherwise with the elected representatives of the people, who daily work and move in a political thicket.

It might not happen, but if the proposed amendment is adopted and ratified, no one, no man, no man—it reminds me, may I say to my good friend, one of the fine Senators who is on the "Republican response team"—and I love him, I think a lot of the senior Senator from New Hampshire, I really do—but it reminds me of Odysseus.

Odysseus, Senators will recall from that great story, the "Odyssey," written by Homer, who supposedly lived circa 800 years before Christ, was blind,

blind like Milton who wrote "Paradise Lost." Homer was blind. But he went around singing songs and poetry. Perhaps Homer's words have come down to us through the centuries, the early, early centuries, by repetition, by other men relating, speaking, and conveying the thoughts and words of Homer.

But let us say it was "written" by Homer. I think that is fair enough. The "Odyssey." In the "Odyssey," we will remember that Odysseus found himself imprisoned in a cave by the Cyclops, the giant with one eye in the middle of his forehead. He probably still had more vision than some of the proponents of this amendment. In any event, the Cyclopean giant asked Odysseus his name. Odysseus said, "No Man." His name was Noman. No-man.

Well, I will not proceed with the story, but let me just say that no man, and no woman, no one should be very surprised to find a Federal court made up of unelected judges, appointed for life, enjoining expenditures selected by the court or requiring the levy of a tax. People up in New Hampshire would not stand still for that, for unelected judges levying a tax. We fought one war over taxation without representation, and the people of New Hampshire know about that.

Even if taxpayers and Members of Congress were not granted standing, the amendment could lead to litigation by recipients whose benefits, mandated by law, were curtailed by the President through impoundment of funds or a line-item veto, in reliance upon the amendment. The President might well conclude that the Constitutional command that "total outlays for any fiscal year shall not exceed total receipts" must take precedence over mere statutes, including appropriation bills, entitlement laws, and the Impoundment Act of 1974.

If a Presidential decision were made to order a reduction in pension payments, or in social security payments, or in Medicare payments, or in veterans compensation payments, the President could argue in defense of his action that there was a conflict between the statutes requiring these outlays and the Constitutional provision commanding that "total outlays shall not exceed total receipts," and that to execute the spending statutes would result in the Constitution's being violated.

Assuming that a President concludes that his duty to comply with the Constitutional amendment implicitly includes the impoundment power or enhanced rescissions power or a line-item veto power necessary to ensure that the budget is in fact balanced, the result would be an inevitable shift of power from the Legislative Branch to the Executive Branch. At the very heart of our Constitutional system of government is the proposition that power over the raising of revenues and the appropriation of funds rests with the people's elected representatives in Congress. The shift to unrestrained Presidential impoundment and line-item veto or rescissions authority would effectively take from Congress the "power over the purse" and confer that power on the President.

The placing of the power of the purse in the hands of the Legislative Branch—and not in the hands of the Executive or Judicial Branches—was a decision that was not lightly made by the Framers of the Constitution. James Madison wrote in the 58th Federalist:

> This power over the purse may, in fact, be regarded as the most effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

That was Madison. Let me state it again. James Madison wrote in the 58th Federalist:

> This power over the purse may, in fact, be regarded as the most effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

So the Framers, Mr. President, explicity rejected the notion that such a crucial power should rest either with the Executive or with the Judiciary.

As I have already stated, the Courts lack not only the experience and the resources, but also the close link to the general public needed for responsible budgetary decisions. It would be a profound—a profound—mistake for Congress to adopt an amendment to the Constitution that could transfer such a vital Legislative power to an unelected Judiciary.

The Framers were well acquainted with the history of England. They were very familiar with the long and bloody struggle in which the English people had wrested from tyrannical monarchs the power of the purse and vested that power in the elected representatives of the people in Parliament. The Framers, consequently, considered that the appropriations of money were a bulwark against Executive usurpations, and they, therefore, carefully wrote into the organic law the provisions of Article I, Section 9, which guarantee that no monies shall be drawn from the Treasury but in consequence of appropriations made by the laws of Congress. It is hard to imagine that the possibility of such a dramatic reform of the basic structure of our government would be contemplated in this amendment, by the Members of both Houses of Congress, all of whom have sworn an oath to support and defend the Constitution of the United States.

On the other hand, if the amendment is to be only an empty promise welded into the fundamental charter of our government, only to have this new provision of the Constitution routinely violated, it would inevitably make all other provisions of the Constitution seem far less inviolable. Let us soberly reflect on that.

As Alexander Hamilton noted in Federalist No. 25:

> Wise politicians will be cautious about fettering the government with restrictions that cannot be observed, because they know that every breach of the fundamental laws, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers toward the Constitution of a country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable.

Mr. President, unless a Senator has a question of me, I am prepared to yield to the Senator from Arkansas for not to exceed 15 minutes without losing my right to the floor. I do not intend to hold the floor all afternoon, but I do have some other things that I wish to say in opposition to the amendment to balance the budget.

Do not forget, I support a balanced budget. I supported lowering the deficits in the 1993 deficit reduction bill. So I support the goal of achieving balanced budgets. But I do not support the prostitution and rape of the Constitution of the United States by a Constitutional amendment that will not achieve a balanced budget but will destroy the very form of our government with its separation of powers and checks and balances.

Mr. President, I ask unanimous consent that I may yield to the Senator from Arkansas [Mr. PRYOR], for not to exceed 15 minutes without losing my right to the floor.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Is there objection? The Chair hears none, and it is so ordered.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the Chair, and I thank the distinguished Senator from West Virginia for yielding this amount of time to me.

The other afternoon I was down visiting on the steps, the steps in the Senate where the pages sit. I gathered up four or five of the pages who diligently serve us around here and perform many, many wonderful duties for this institution and for us individually and collectively. I gathered them up and I said:

> Ladies and gentlemen, I want you to remember something. When I speak, or when a lot of us speak in the Senate, maybe from time to time you do not have to listen too carefully to what some of us have to say. But remember that when Senator BYRD of West Virginia speaks, you take time, and you listen, and listen intently to what he has to say, because you will learn something. You will learn something about this body, you will learn something about this country, you will learn something about the Constitution, and you will learn something about what makes the Senate one of the unique institutions in the world. I learn from the Senator constantly.

I thank him not only for his message today but his continuing message on this issue, relative to the balanced budget amendment.

When I was young and growing up in Camden, AR, I remember at birthday parties we used to play a game. In fact, when I raised my sons, they played the same game. Perhaps other Members of this body played a game called pin the tail on the donkey. One of us would be blindfolded, and we would be given the donkey's tail and someway or another we would try to go up to the wall or the board and find the proper place to attach the tail on the donkey. Sometimes, because we could not see it—we were blindfolded—we would not even be near our destination, or near our target.

In the last several weeks, relative to this debate—not only in this Chamber but in the other body and on the talk shows, in the media, in the public, wherever—somehow or another I am reminded of that game once again, of pin the tail on the donkey.

I think there is a lot of blame being passed around—the Democrats blame the Republicans, the Republicans blame the Democrats. We might blame this Senator or that Congressman, we blame this act or this particular time or effort or law or regulation as to why we got to this point and how we got to this point at this time in our country's history.

We are in trouble. We are in deep trouble. And this morning I heard the distinguished majority whip, Senator LOTT, as he quoted a statement that Senator DASCHLE had made 1 year ago in this debate on the constitutional amendment. At that time, Senator DASCHLE voted for that amendment, and Senator DASCHLE was quoted as giving the reasons why he was supporting that amendment.

Mr. President, I invite the distinguished Republican whip to go back to 1982, to go back to 1986, and he can find some statements of this Senator from the State of Arkansas who at that time also not only spoke on this floor but back in my home State, as to why at that moment in our history, that window of opportunity, that I thought we had to support a balanced budget amendment to the Constitution. I believed it then. I believed it in 1982. I believed it in 1986.

Not long after those votes, I also voted for two extremely far-reaching, extremely strict, you might say, proposals that would have frozen spending across the board. In the early 1980's, I supported those particular freezes.

But, Mr. President, something has happened since that period of time. Something has happened to have dramatically and drastically changed the economic and fiscal landscape of America. What has happened is very simple, and I will use the analogy that after the mid-1980's we let the horse get out of the barn.

The horse got out of the barn, and today, we are being asked for support by our wonderful friends, like Senator SIMON of Illinois, who believes with all of his heart that this constitutional amendment is the way to get this horse back in the barn.

Mr. President, I respect my friend from Illinois. I respect my friend from New Hampshire. I respect my friend from Utah—in their belief that a constitutional amendment, where we would balance the budget in the next 7 years is the proper way to get the horse back in the barn. I truly believe it is wrong to attempt to amend the Constitution to bring the horse back in the barn. I think what we are doing, if I may use this analogy, is we are attempting with a constitutional amendment to lasso an elephant with a piece of thread. It cannot be done.

The trouble is not in the Constitution. This is not where the trouble is. It is not in the Constitution that was passed in Philadelphia over 200 years ago. The trouble is in us. That is where the problem lies.

The problem is in me, Senator PRYOR from Arkansas. In 1981, I voted for then-President Ronald Reagan's proposal to increase spending and to decrease taxes. There were 11 Members of the U.S. Senate who voted against that package, and I wish I could say today I had been one of those 11, or that I had made number 12. I was not. I bought on to the idea: We have a new President, let us give him an opportunity to show us what he can do. And I supported President Reagan's package.

In retrospect, I was wrong. So I would like to stand here today and take blame. I will take the blame for making a mistake that helped cause these massive deficits and this gargantuan, absolutely awesome national debt.

So here we are, almost on the eve of voting whether or not we want to refer to the States an amendment to cause, demand, and mandate a balanced budget.

Last Friday morning, I happened to be in this body, fortunately enough, as the Senate was opened with a prayer by Rev. Richard C. Halverson, Jr. I thought the prayer was timely, and I thought it was poignant. I would like to quote, if I might, Mr. President, from that prayer of Dr. Halverson.

> Once again, in the urgency of this hour, we beseech Thee for divine assistance. We pray for a hedge of enlightened restraint around this "necessary fence" of the Senate. For through this body, regulations must pass that will either strengthen or weaken our country.

Dr. Halverson's "necessary fence," of course, is a reference to James Madison who called the Senate, this body, this institution, "a necessary fence to protect the rights and property of its citizens against an impetuous public."

Mr. President, James Madison feared that the Congress from time to time might act impetuously to please the public. Reverend Halverson continued in his prayer last Friday morning, and once again I quote.

> As pressures mount for instant solutions to complex problems, grant those who hold this "senatorial trust" the calm resolve to be not driven by public restlessness, nor drifting in stubborn idleness, but drawn by Thy vision of righteousness—which upholdeth the Nation.

That was an insightful prayer, Mr. President. I hope that Dr. Halverson's prayer are the words that set the tone for this debate. The public is restless. They are demanding instant solutions. They are demanding action, and one instant answer is this very imperfect balanced-budget amendment is before us today.

It is like a bottle of snake oil because it promises to solve all of our budget problems. But what it delivers are loopholes and false hopes. It gives politicians the easy and the temporary cover to go back home and to say we have voted to balance the budget.

There are loopholes, Mr. President, throughout this proposal. And their inclusion assures that false hopes will be created and this is just what our country and just what Americans do not need right now.

Loophole No. 1. Right at the top of this balanced-budget amendment is the three-fifths loophole. Section 1 says that three-fifths of the House and three-fifths of the Senate can vote to completely waive the balanced-budget requirement for a year. I believe the framers of the Constitution placed provisions in the Constitution which they held inviolate.

For example, in the first amendment of the Constitution, it does not say that "Congress shall make no laws respecting an establishment of religion unless three-fifths of each House passes legislation specifying otherwise."

The 13th amendment, for example, does not provide that slavery or involuntary servitude shall exist in the United States unless three-fifths of each House passes legislation specifying otherwise.

Mr. President, the reason that the three-fifths requirement sounds ridiculous is because it is ridiculous.

I do not believe that we should pass this amendment. I do not believe we should pass it with or without this particular loophole. But if the supporters of the balanced budget amendment think it is the panacea to all of our problems, why create a three-fifths loophole? Why not, if we are going to require a balanced budget? Why do we not require a balanced budget, period?

This is the second loophole, Mr. President. That loophole is the definitions game. Section 6 of the balanced budget amendment provides that estimates of outlays and receipts may be used by Congress when drafting legislation to enforce and implement the provisions of this amendment. Nowhere in this amendment before this body today, and nowhere in the Constitution, are the words "outlays or receipts" defined.

Why would the word "outlays" need to be defined? Because outlays are the moneys that the Government spends. And without an airtight definition of what constitutes spending we had better realize that clever lawyers are going to find many ways to circumvent the intention of this amendment, whatever it may be.

The same goes for the definition of "receipts."

Take the example of sales of Government assets. If someone were to propose that we sell Mount Rushmore, would the money collected when we sold Mount Rushmore represent a receipt under this amendment? It might and it might not.

How about user fees? Will moneys collected from new user fees be considered a receipt? They might. But they might not.

It is no wonder that Judge Bork has recently said that we had better anticipate not only hundreds but perhaps thousands of lawsuits and other forms of litigation in this particular area.

Mr. President, I wonder if the distinguished Senator will yield me perhaps 5 additional minutes?

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield an additional 5 minutes to the distinguished Senator from Arkansas [Mr. PRYOR] under the same terms as heretofore agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. The Senator is very generous. I thank him.

Mr. President, what we are doing today is looking at a possibility of adopting perhaps the greatest sea change in the relationship between the judiciary, the executive branches of Government, and the legislative branches of Government that we have ever concerned ourselves with. The definitional games are going to be played necessarily on what is or is not an outlay or what is or is not a receipt. But the definition games will not be limited to just these issues. And I can say, in my opinion, there are not going to be any winners in this definitional game under these false promises.

Mr. President, there is a third loophole. There are many loopholes. But No. 3 is, I think, one of the more serious—determining what an estimate is.

Who makes those estimates? If one estimator's "estimate" comes out one way, the budget may be in balance. If we use another estimator's estimate, we will no doubt have different estimates and then be out of balance. More lawsuits will ensue.

It sounds like estimators, not Congress, would control the measure of our outlays and receipts, and ultimately, the decisions effecting our lives.

The point is that estimates can differ, and they can differ drastically. Estimates can be flat wrong. Human nature being what it is, estimates can also be manipulated. In any case, do we really want something as unreliable as economic estimates to become the underpinning of the United States Constitution? I do not believe, notwithstanding that the people of our country want us to balance the budget, that they want to underpin the U.S. Constitution with something this illusory.

The estimation game is one more loophole through which runaway Government spending is going to continue. It will take the decisionmaking process out of the hands of the people and the Congress, and place it in the hands of the economists and the estimators who seldom agree on anything.

The fourth loophole, Mr. President—Let us assume that all of our numbers, estimates, statistics and forecasts are correct, and we are struggling to meet the requirement of a balanced budget. Then what Congress will do is probably start playing budget games.

Is there not one of us who has been here for any length of time who has seen the game of putting certain functions of Government on budget or off budget? Mr. President, I predict under this constitutional amendment, if it were a part of our Federal Constitution, that we would spend the majority of our time not balancing the budget, but figuring out which Government programs were on budget and off budget, which programs raise money, and which programs cost money. And we will have many, many heated debates on what should and should not be included in that budget.

The temptation to take deficit programs "off budget" is going to be great. For example, today under section 13301 of the Budget Enforcement Act, we forbid the use of Social Security trust fund surpluses to offset the Federal deficit.

However, under this constitutional amendment, we are going to apparently use Social Security surpluses for that purpose. Many, many experts are predicting that in the year 2013, Social Security will begin to run its own deficit. At that point, the temptation will be to put Social Security off budget in order to meet the balanced budget constitutional requirement.

Nothing in this amendment prevents this chicanery, and we all know it will occur. Will this inspire confidence? No. Will it balance the budget? No.

Mr. President, there are big questions about this amendment. I have discussed just a few loopholes and gimmicks. This amendment to the Constitution deserves as much time as necessary to clear the air.

I am almost out of time. But I want to simply state that I think this has been a splendid debate. I think that we have not, in any way, caused anyone to truly believe that we are attempting a filibuster on this side of the aisle. We have had very few quorum calls. We have had, in my opinion, a debate that is one that will go down in the record books. I truly believe it is one of the better debates that the U.S. Senate has ever engaged in.

Once again, Mr. President, I do not feel that our situation today with regard to these awesome Federal deficits is the fault of the Constitution. It is our fault and it is our obligation to cure those problems by making the hard decisions, the tough decisions that all of us know we have to make to balance the budget.

Mr. BYRD. I thank the distinguished Senator from Arkansas [Mr. PRYOR] for his lucid, incisive observations.

Mr. President, I yield to the distinguished Senator from New Hampshire, [Mr. SMITH] with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SMITH. Mr. President, I do appreciate the Senator yielding briefly to me. In the spirit of friendly debate, I ask the Senator if there was any significance to the fact that when I happened to come on the floor to give relief to Senator HATCH, who has been out here many hours during this debate, he mentioned Cyclops. I wondered whether there was any significance to that fact that when he saw me on the floor, immediately the debate went to Cyclops. I think he is a better expert on history than I am, for sure, but the Cyclops had one eye, as I remember. I suppose there is some relevance here, because it is going to take more than one eye to stay focused on where this debate is going and where this debt is going in this country.

I do not know if the Senator wishes to respond, but I did take notice of that fact that immediately, Cyclops became the topic of discussion when I came on the floor.

Mr. BYRD. If the Senator will indulge me briefly.

Mr. President, I will try to answer the Senator's question. Indeed, the Senator's appearance did not have any part in my reference to the Cyclopean giant. I just wish that, if I ever became involved in a street brawl in this city, the distinguished Senator from New Hampshire would be around close by. If I could have him and Senator HOLLINGS there to help me, I would feel like fighting rather than running. He is a genuinely congenial Senator and I have enjoyed my service here with him. We have often talked and discussed matters together. I value his friendship and his advice and counsel. I do not always follow it, but I certainly listen to what he has to say. I will say that I really was pleased to see him come on the floor, because he is one of those distinguished Members of the "Republican response team," and he is a very worthy one. He has been around here a while. I consider him as a formidable and respectable protagonist of the constitutional amendment to balance the budget.

I think that answers the question, except there is one further matter he mentioned, the matter of having one eye. The giant in the story by Homer had one eye, and the distinguished Senator referred to the national debt, namely that an individual would need more than one eye to see the national debt because it is so high.

I remember that during the early first administration of President Reagan, I saw the President on television. He was very effective. He had a chart and he pointed to that chart which had a line drawn to represent the national debt at that time, in terms of $1,000 bills. He said, if I recall, that if one had $1,000 bills stacked 4 inches high, the stack of $1,000 bills would represent $1 million. Mr. Reagan indicated by the chart that the stack of $1,000 bills necessary to reach the then sum of the national debt, which at that time was just a little under $1 trillion, would require a stack of $1,000 bills 63 miles high.

That was the last time Mr. Reagan ever appeared on television using that chart, because when he left office at the conclusion of his second administration, that stack of bills, using his chart, would bythen have reached about 237 or 240 miles into the stratosphere—because the Nation had added to its debt almost an additional $3 trillion during his 8 years in office. And then, of course, under the administration of Mr. Bush, the debt continued to grow.

I thank the Senator for reminding me of that chart.

Mr. SMITH. Will the Senator continue to yield to me?

Mr. BYRD. Yes.

Mr. SMITH. The Senator mentioned he might like to have me on his side in a fight at some point. This is my fifth year in the Senate. It does not come anywhere near the number of years the distinguished Senator has served here, but I am hoping that someday before either one of our terms is over in the Senate we might be on the same side on an issue, as he is a very worthy adversary.

The Senator referred to a comment that I made a few days ago that made the national press; that it was our goal to wear the Senator from West Virginia out so we could get the balanced budget amendment to a vote. And the Senator is a very worthy adversary, because we have not been able to do that yet. Even though we have had a number of us out here relieving one another, the Senator still stands on his feet and still continues to debate, which is really the great thing about the Senate.

Over behind my desk, there is the desk of Daniel Webster, one of the greatest orators in the Senate. The Senator from West Virginia certainly ranks up there in oratorical skills with those great Senators of that time—Clay, Webster, Calhoun, and so many others.

But it does remind you that the time we spend here is very fleeting; that we are only temporary stewards of this country.

But I think, in that perspective, if the Senator would continue to yield just for a moment, it is important to realize the significance of this debate. I think this is a debate of historical significance.

The Senator from West Virginia and the Senator from Arkansas mentioned the fact that the debt went up significantly during the Reagan years when Reagan was President. That is accurate.

However, during those years, there were a lot in the Senator's party in Congress who certainly contributed to that. All of the Reagan budgets, at least from when I was here from 1985 through 1988–89 during the Reagan years, they were always dead on arrival and so predicted before they got here. And then they were increased by the party in power in the Congress. So the debt went up, true, while Reagan was President, but whether or not it went up all because of Ronald Reagan I think is something that I would take pretty sharp issue on with the Senator.

Mr. BYRD. Will the Senator yield on that point?

Mr. SMITH. It is the time of the Senator from West Virginia.

Mr. BYRD. Number one, the Senator has stated that all of the Reagan budgets were dead on arrival. I call the distinguished Senator's attention to the fact that some of those budgets were subjected to a vote in this body or the other body or both and the Republican Members did not vote for those Reagan budgets. I believe I am correct in that. If I am not, I will be glad for someone to correct me.

Second, the Senator is in error—I know this to be a fact—when he indicated, as I thought I understood him to so indicate, that in the case of all of Mr. Reagan's budgets the Congress increased those budgets. That is not the case, if I understood the Senator correctly.

Mr. SARBANES. The Congress reduced them.

Mr. BYRD. The Congress reduced Mr. Reagan's budgets in some of those years, in some of the Reagan years.

Going back to 1945, the accumulated requests of all the Presidents exceeded the accumulated appropriations by the Congress—exceeded the accumulated appropriations by the Congress—over that same period.

But precisely under Mr. Reagan, I say again, the Congress did not exceed his budgets in every year. In fact, in some years Congress appropriated less than the budget requests.

Mr. SARBANES. Will the leader yield?

Mr. SMITH. But the Senator knows, as an expert on the Constitution, that the Congress of the United States controls the purse strings. The President does not spend any money without the approval of Congress.

So I think, to be fair about it, it would be fair to say that Congress is ultimately responsible, not the President, for increasing the debt. The President's budget is purely advisory. We do not have to agree to it. We can increase it, decrease it, ignore it, kill it, do whatever we want to do with it. But the Congress appropriates the money. The Congress authorizes the spending. And it is the spending that drove the debt up over that period of years.

And I would accept that there is certainly enough blame to go around between the two parties. But my point is, I think it is unfair to say that Ronald Reagan alone was responsible for the debt that we have today.

Mr. BYRD. As the Senator says, there is enough blame to go around. But the President, Mr. Reagan, never once submitted a balanced budget to the Congress.

Mr. SMITH. That is accurate. He should have, but he did not. The Senator is right. And neither did the Congress.

Mr. BYRD. Pardon?

Mr. SMITH. Neither did the Congress.

Mr. BYRD. Well, President Carter did. President Carter once submitted a balanced budget.

I sat right over here in room 211. I was then the majority leader of the Senate. I sat over in room 211 on a weekend, brought my little paper bag, with some coal miner's "steaks"—slices of baloney—in that little paper bag. We had the Secretary of the Treasury, the Director of the Office of Management and Budget, and others. We had the President's men in that room, and we sat through Saturday and Sunday—and I believe Senator SARBANES of Maryland, who is now on the floor, was there at that time—and we hammered out a balanced budget.

But, the President also has a veto pen. And Mr. Reagan never once vetoed any appropriation bill for that reason, in particular. He vetoed some bills for other reasons.

Mr. SMITH. Will the Senator yield for just a brief response to that?

Mr. BYRD. Yes.

Mr. SMITH. That is true. But, as the Senator knows, the Congress during those years rolled these huge continuing resolutions in to the President with everything from Social Security to defense and every little program that could possibly hurt anybody in America all rolled into one, essentially saying, "Well, Mr. President, if you veto this, then we will shut the Government down and stop the Social Security checks."

So, as I say, I think the reason we are here today is because of the irresponsibility, essentially, of the Congress, not any President, over the years.

As we debate today right now on the floor of the Senate, $9,600 a second the national debt increases. It increases $576,000 a minute, $34,560,000 an hour, and $829 million a day—almost a $1-billion-a-day increase as this debate continues.

Mr. BYRD. Senator, "You cram these words into mine ears against the stomach of my sense."

The Senator spoke of the omnibus continuing resolution. I have a little grandson who would say, "Do you know what?"

Well, do you know what? On that continuing resolution that was so heavy and that Mr. Reagan dropped on the table before a joint session of the Congress, do you know what? He asked that those appropriations be sent to him in one bill. I was here. I know. He asked that they be given to him in one bill.

Any further questions?

Mr. SMITH. Well, you did not give him any choice.

(Mr. KYL assumed the chair.)

Mr. BYRD. Oh, yes. He asked for it.

Mr. SMITH. Not really. If Congress controls the purse strings, I say to the Senator from West Virginia, and the national debt increased $3 trillion during those years, how can we blame the President? I mean, whose responsibility is it?

Mr. BYRD. Well, there is enough to go around, but in the case of the 1993 budget deficit reduction package, I would shift the blame in large measure, to those who did not support that deficit reduction package.

They sat here in the Senate. They sat in the House. We had a 1993 deficit reduction package that reduced the deficit over a period of 5 years by $482 billion. Somewhere between $450 and $500 billion. Not one Republican Senator voted for that deficit reduction package.

Actually, the deficits have been reduced more than that. They have come down 3 consecutive years. Not one Republican Senator voted for that package. Why?

Mr. SMITH. Mr. President, I would be happy to answer on behalf of the Senator from New Hampshire. The Senator from New Hampshire voted against that package for a number of reasons.

One, $250 billion in increased taxes on the American people was in it. No. 2, the projections beyond the 5 years in that budget that the Senator mentioned, the deficits go up. As we see from the follow-on budget that the President has sent, we are looking at an annual average increase of $200 billion a year. And the deficits will add $1.5 trillion more to the debt by the turn of the century. He did not take the corrective action that was necessary to continue the downward spiral.

True, deficits went down for over a 5-year projected period, largely due to the tax increases, not a lot of spending cuts. When we look at the outyears, the six, seventh, the eighth, they go like this, and under the President's projections those deficits will be over $350 billion as we turn into the 21st century.

That is not making the corrective decisions that need to be made to turn the country around, which is why we need the amendment. If Congress had the discipline we would not be here. They do not have the discipline. This chart proves it.

There are a number of attempts at balancing the budget of congressional action over the years that were taken but they never got the job done. One of the more recent ones is Gramm-Rudman-Hollings. Lot of fanfare. What happened? We walked away from it because Congress did not have the discipline to do it.

A comparison or analogy would be the Base Closing Commission. Congress did not have the courage to close bases that we did not need, so they created a commission. Some said we should create a commission to balance the budget. The point is the amendment forces us. It is unfortunate, I agree with the Senator. I wish we would not have to be here saying we needed a balanced budget amendment to clutter the Constitution to balance the Federal budget. We should do it. But we do not do it, and we will not do it until we have the amendment.

That is why we have to have it. If we do not, I would say to the Senator, our grandchildren are going to have a country that I cannot imagine. I can imagine a press conference by a President in the future, maybe not too many years, where he comes on television and says, "My fellow Americans, I have some very dismal news to share. We cannot meet our fiscal obligations, and I will go to Mexico and Japan and China, who knows where, and see if I cannot borrow some money to meet our obligations."

That is going to happen, I say to the Senator from West Virginia, because he knows we have to meet obligations. We are going to get to the point where we cannot. Interest is consuming us. Interest is now 16 percent of our budget. Sixteen percent of our budget, and defense is 16 percent of our budget. Interest is going this way and defense is going this way.

I would say to the Senator, where do we stop it?

Mr. BYRD. Will the Senator allow me to answer the question?

Where do we stop? We have to, in order to stop it, we will have to swallow some tough medicine. We have already seen the Republican Senators turn tail and run when it came to tough medicine in the 1993 budget deficit reduction package.

Well, that was tough medicine. I assume, by what my friend has said, it was tough medicine because it raised taxes. The Senator must come to a conclusion at some point in time that this budget cannot be balanced simply by cutting, cutting, cutting. Discretionary spending has been cut to the bone.

There has to be at some point in time, a combination of cuts and tax increases. There has to be.

I heard a Senator on the Republican side of the aisle the other day say he would never, never vote for a tax increase. Well, he has the right to take that position if that is the way he feels.

That kind of an attitude is never going to get this budget in balance. The Senator talks about our children and grandchildren. I suppose then, that rather than vote for a tax increase we should just put this burden of debt over on our children and grandchildren. I have children, I have grandchildren. Are we going to stand here and say to them, "You children, you future generations will have to raise taxes because we do not have the guts to do it"?

We have been on a national credit card since 1981. I can remember those good-feel messages that used to be issued during the Reagan years from the oval office. Every morning. "Good morning in America, everything is fine." There really is a free lunch.

But we say we will not raise taxes. We have more than one tool by which to bring budgets into balance. That effort must not be limited simply to cutting programs. I have voted to cut spending programs. I will vote further to cut spending programs. But we cannot put aside the tool of revenue increases. The men who framed the Constitution provided for revenues to be increased to pay the debts to provide for the common defense and the general welfare.

But if we are going to take the position that the only thing we will support is to cut, cut, cut, programs but we will not raise taxes, then we are cheating our children and grandchildren.

I say we have to combine these tools if we really, really, really mean business.

Mr. SMITH. Mr. President, would the Senator yield for one more point?

Mr. BYRD. Mr. President, let me first yield to Mr. SARBANES. He has been asking me to yield, and then I will be happy to yield to the Senator.

Mr. SARBANES. Mr. President, I wanted to direct an inquiry to the distinguished Senator from West Virginia with respect to the supermajorities that are provided for in this amendment.

As the distinguished Senator has very ably pointed out, the Founding Fathers rejected supermajorities. Both Hamilton and Madison are very explicit in the Federalist Papers about the dangers of supermajorities and the power we place in the hands of minorities.

The argument has been made here on the floor by proponents of this amendment that they have certain waiver provisions in the amendment and if we ever found ourselves in the difficult circumstance clearly a waiver would be obtained and we would be able to address issues of national importance.

The Senator earlier talked about the fiscal provisions, but I wanted to direct his attention to another section, and that is the national security section. I submit to my colleagues that this is very serious business and it is time to stop playing games. The Senator from West Virginia just pointed out one game. People are for the balanced budget amendment but they will not vote for the deficit reduction package. There is a tough deficit reduction package and they say, "No, I cannot vote for that but I am for amending the Constitution to require a balanced budget."

Let me leave that for a moment and let me talk about the national security section which is section 5. I want Members to stop and think about this very carefully because we obviously need to stop, look, and listen before we place ourself into any framework that could conceivably endanger the national security of our country.

The provision says that Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect.

We do not have many declarations of war. We can get involved in a situation we have to deal with, but we do not have a declaration of war. It then goes on to say:

> The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and if so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

In other words, if you are facing a threat, an imminent threat the amendment may be waived. The amendment does not even address the situation in which we are not yet engaged in military conflict.

I ask the distinguished Senator from New Hampshire, who is on the floor, suppose we are not engaged in a military conflict, there is just the danger of a military conflict breaking out which requires us to take action involving the expenditure of moneys. Could you waive that with a joint resolution? I ask the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Maryland for the purpose of his engaging in a colloquy, if they so wish, with the Senator from New Hampshire, without my losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. I ask the Senator. It says, if engaged in military conflict, you may waive it. Suppose you are not engaged in military conflict but you need to prepare for a possible engagement in military conflict; you need to take actions which will cost money, which will unbalance your budget, in order to deter the potential of a forthcoming military conflict. Can you waive that under this provision?

Mr. SMITH. Would the Senator like me to respond to that?

Mr. SARBANES. Certainly.

Mr. SMITH. The Senator knows very well that this debate is simply an attempt to divert attention from the real problem. You just mentioned a moment ago the tough deficit reduction——

Mr. SARBANES. No, no, I yield to the Senator to respond to my question. The question is on the national security issue. The question is specifically addressed to section 5 of House Joint Resolution 1, and it specifically goes to the question of whether you could have a waiver where we were not engaged in military conflict but needed to take action in order to address a potential military conflict.

Mr. SMITH. Well, since the Senator wants me to respond to certain parameters rather than the parameters I prefer to respond, I say: "Declaration of war is intended to be construed in the context of the powers of the Congress to declare war under article I, section 8. The committee intends that ordinary and prudent preparations for a war perceived by Congress to be imminent would be funded fully within the limitations imposed by the amendment, although the Congress could establish higher level of spending or deficits for these or any other purposes under section 1."

Mr. SARBANES. I know the Senator from New Hampshire is reading the report, but it does not really answer the question. The first provision says that Congress may waive it for any fiscal year in which a declaration of war is in effect. I am addressing a situation in which a declaration of war is not in effect.

Mr. SMITH. I can read it——

Mr. SARBANES. I am addressing a situation in which we are not actually engaged in military conflict, but we want to take actions to forestall a military conflict. Can you waive it?

Mr. SMITH. Is that not ordinary and prudent preparations for war? Yes, that is ordinary and prudent.

Mr. SARBANES. You can waive it?

Mr. SMITH. It did not say waive it. "The committee intends that ordinary and prudent preparations for a war perceived by Congress to be imminent would be funded fully * * *" There is nothing to waive.

Mr. SARBANES. Fully funded; in other words, you can violate the requirements of the balanced budget amendment.

Mr. SMITH. Not at all. That is not what this says. The truth of the matter is, there will not be any funds even to conduct war if we continue along the lines that the Senator from Maryland would like to go, which is literally to bankrupt the United States of America. We will not have any money to spend on defense.

Mr. SARBANES. What does the Senator make of this waiver provision? What is its intention to be in section 5?

Mr. SMITH. This is the time of the Senator from West Virginia. I am not going to engage the Senator on the time of the Senator from West Virginia.

Mr. SARBANES. I see. I regret the Senator does not want to respond. If the Senator from West Virginia will continue to yield?

Mr. BYRD. Yes.

Mr. SARBANES. I regret the Senator from New Hampshire does not want to address that question. Let me just point out to the Senate that when you really get down to some of these hard questions, the proponents of this amendment just slide off them and they say, "Oh, well, we would get a waiver."

The waiver that is required here is declared by joint resolution adopted by a majority of the whole number of each House and, as the very able Senator from West Virginia has pointed out, this is contrary to what the Constitution now requires.

What this waiver means is that you would have to have 51 votes in the Senate and 218 votes in the House. I have heard the proponents stand on the floor and say, "Don't worry, no problem. If a situation arises, clearly the Members will vote for the waiver and we will be able to address it, we will get these votes, there is no problem."

I just want to recount one story, because this is very serious business, I suggest to the Members.

On August 12, 1941, the House of Representatives was confronted with the issue of extending the time of service of those members of the armed services who had been drafted the year before.

In the summer of 1940, the Congress had passed the Selective Training and Service Act, and, under it, people called up were to serve for 1 year—the President could extend the period indefinitely if Congress declared that the national interest is in peril.

On July 21, 1941, with the prospect of war increasing, President Roosevelt acted. In a special message to Capitol

Hill, he asked Congress to declare a national emergency that would allow the Army to extend the service of draftees. The President came to the Congress and asked them to make this extension. Everyone is telling us that "if we had a national emergency, surely the Congress would act." The measure regarding the draft for World War II passed the House of Representatives by a vote of 203 to 202. It passed the Senate by a vote of 45 to 30.

Now, just think of this. We are literally a few months away from the outbreak of World War II. The President has said to the Congress, "There is a national emergency. I ask you to extend the time of duty of those who had been drafted the previous year for a 12-month period. The storm clouds are on the horizon for all to see. We need to take action."

In many ways, it is comparable to envisioning a waiver situation for national security under this amendment for which the proponents say, "Oh, if there is a real problem, we'll get the waiver and we'll address our national security situation."

At that time, the vote in the Senate was 45 to 30; in the House of Representatives, 203 to 202. Neither of those votes meets the requirement of section 5 of this balanced budget amendment proposal. Even though in both instances a majority of those voting on this draft question voted to extend it, 45 to 30 in the Senate, 203 to 202 in the House, with Speaker Rayburn going into the well of the House in order to bring about that vote, neither of those votes is a majority of the whole number of each House, which is what this amendment requires.

So I ask my friends, the proponents of this proposition, how have they provided for the national security of the Nation? I am giving you an absolute, specific demonstration of an instance in which anyone looking back upon it would say clearly there was an important national security question that needed to be addressed and yet the vote to address it would not carry the day under the requirements of section 5 of this balanced budget amendment. The section states "So declared by a joint resolution adopted by a majority of the whole number of each House," which means you have to have 218 votes in the House—it carried in the House 203 to 202; it did not have 218 votes—and means you would have had to have 49 votes in the Senate. It carried in the Senate 45 to 30, but it did not have the necessary 49 votes in the Senate. There were 48 states in the Union during World War II and 96 Senators; therefore, the whole number would be 49.

Now, this is the absolute harm which supermajorities can potentially do to the national security of our Nation.

Mr. SMITH. Will the Senator allow me to respond to that?

Mr. SARBANES. Sure.

Mr. SMITH. The point is, it is very clear in the language that I have just indicated on the amendment as well as article I of the amendment. The Senator is correct that it does take a three-fifths vote. Now, the point is——

Mr. SARBANES. Will the Senator yield at that point? This requirement, as I understand it, does not take a three-fifths vote.

Mr. BYRD. Right, it does not.

Mr. SARBANES. This requirement requires the supermajority in the sense that it required that it be adopted by a majority of the whole number of each House.

You see, this is very important, and I am glad we are having this discussion because it is important to know exactly what this resolution provides and how it would work in real-life situations. There is a great tendency to just brush it all aside, and in fact I think this exchange illustrates that because I am not now focusing on the three-fifths requirement. That is a different issue.

Mr. SMITH. It is not a different issue.

Mr. SARBANES. I am focusing on the section 5 provision, and its supermajority requirement of the majority of the whole number of each House.

Mr. SMITH. But the Senator is focusing on that and ignoring article I, which allows you to raise the debt if you need to raise the debt in order to deficit spend, in order to deal with the emergency that the Senator is talking about.

Mr. SARBANES. By a three-fifths vote.

Mr. SMITH. That is what the Senator chooses to ignore, because that answers his question.

Mr. SARBANES. By a three-fifths vote.

Mr. SMITH. That is right.

Mr. SARBANES. That underscores my point even more. If the Senator's answer to me is you can waive it on a three-fifths vote, then in neither of these instances in the Senate or the House for the extension of the draft did they come anywhere close to the three-fifths vote. They did not have the three-fifths vote.

Mr. SMITH. It goes right back to the issue of priorities, which is why we are dealing with a balanced budget amendment to begin with, I say to the Senator from Maryland. Priorities are, if you are at war or need to go to war to defend the national interest of the United States of America, and you need a three-fifths vote to do it and you cannot get it, you will cut spending somewhere else; you will take out some pork or some wasteful spending that we never can get out of this budget, which is the reason we are in this mess.

You set priorities. What is more important, the national security of the United States or funding the Education Department or funding the Commerce Department or HUD? You make decisions, just like everybody else has to do in America.

That is the problem. The Senator has gone right to the heart of it. That is exactly why we are here today, because of this mess, because of the point the Senator makes. Nobody wants to set priorities anymore.

You set priorities. If I am a Senator and this happens, and the President of the United States, whoever he or she may be, needs money, needs forces, needs to protect the national security of the United States or the troops in the field, I am going to cut somewhere; you bet I am going to cut somewhere, and I am going to do it quickly if I cannot get the three-fifths.

I say to the Senator, I think we would get the three-fifths because the Senate and the House of Representatives, speaking on behalf of the American people, with our Armed Forces in jeopardy, are certainly not going to deny them the protection they need and the materials they need to protect themselves in the field or the national security interests of the United States.

It is a weak argument, and the Senator knows it. It is just a way to obfuscate this issue, to deny those who are out here saying we need this amendment. We do need it, and that is exactly why we do need it, because nobody wants to set priorities. No priorities can be set here—only in the household budgets, only in business, only in the cities of America, only in the States but not in the Congress of the United States. Oh, no; we have to spend more than we take in, year after year after year, $18,500 per American. That is the share of the national debt. It goes up, up, up, up.

The Senator talked about the guts to support the President's budget. The President's budget did not resolve it. If it resolved it, why are we looking at $200 billion more in annual deficits? How are you going to defend America when we get $20 trillion in debt? Where do you draw the line? Where do you draw the line?

The Senators talked about taxes. We can raise the tax rate, the Senator from West Virginia said—36 percent, 50 percent, 70 percent, 100 percent? That is what is going on in Washington, DC, right now. The taxes are so high they cannot pay them anymore. They are asking the Federal Government to come in and take over the city.

Mr. SARBANES. Let me bring the Senator back to the very real-life problem that I wish to discuss with him based on a very clear example in history, because what the Senator has just done is what is consistently done here. If we try to focus, in a tough-minded way, on a particular problem they say, "Oh, well, don't worry about it; somehow or other it is going to be taken care of."

Now, I want the Senator to come with me for just a moment or two and to look at some history, and I want to read from this article that appeared in the summer of 1991.

> Fifty years ago last Monday, on August 12, 1941, House Speaker Sam Rayburn saved the draft from legislative defeat and kept the U.S. Army intact to fight a war that was only 4 months away.

The reason I am citing this story is because we are constantly told that if we have an emergency situation, we will get this waiver. The Senator from New Hampshire has just told me we are going to get a three-fifths waiver. He left the section I was focusing on that required a majority of the whole number, namely you had to actually have 218 votes in the House or actually have 51 votes in the Senate, and he has now gone to three-fifths of the whole number. So you have to have 290 votes in the House and 60 votes in the Senate in order to address the crisis. He says if we have a crisis, we obviously will address it. I am going to point to a lesson in history in which I think people would now agree we had a crisis that had to be addressed. We did address it. But if we had been operating with these requirements, either one of them, we would not have addressed it because we would not have gotten the vote that was necessary to do it.

Let me read on from the article.

> The margin of victory was a single vote. And the battle could have been lost as easily as won except for Rayburn's personality and leadership and mastery of parliamentary procedure. If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three-fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the Army, thousands of others being inducted every day, and the active-duty term of several thousand National Guardsmen and Reservists who had been called up for 1 year. Without an extension, the obligations of both the draftees and the Guardsmen and Reservists would begin expiring in the fall. The United States had adopted its first peacetime draft during the previous summer after weeks of heated and acrimonious debates in both congressional Chambers.

The article then goes on to point out:

> Although the legislation limited the draftees' terms of service to 12 months, it provided that the President could extend the period indefinitely if Congress declared that the national interest is imperiled.
>
> On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a Special Message to Capitol Hill, he asked Congress to declare a national emergency that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.
>
> Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on August 7, declaring the existence of a national emergency and authorizing the President to extend the service of most Army personnel by 18 months.

The vote was 45 to 30, I say to my good friend from New Hampshire; 45 to 30. That vote would not have qualified under the amendment that he is proposing. That vote was inadequate. You needed 49 now you would need 51, if you did it by the whole number, or 60 if you are doing the three-fifths. I am now quoting the article.

> In the House it was a different story. The Republican leadership viewed opposition to draft extension as a political opportunity too good to ignore. Others had their own reasons for opposing the measure.

It then discusses what Rayburn went through, and of course the final vote was 203 to 202. Mr. President, I say to the distinguished Senator from New Hampshire, 203 votes is not enough under the provisions of the proposal that he is now seeking to place in the Constitution of the United States.

So, here we have a real situation. This is not hypothetical. This was a critical issue. It was carried under the provisions of the Founding Fathers, which the very distinguished Senator from West Virginia has been expounding. Under the provisions of the Founding Fathers, the Congress was able to make a decision. You had a majority in both Houses for it, 45 to 30 in the Senate, 203 to 202 in the House of Representatives. They addressed the situation. Under this proposal, we would not have been able to address that crisis.

Mr. SMITH. If I might just respond to the Senator, his point is well taken. However we have a situation where I think we are mixing apples and oranges. The Senator is assuming—we did not have an amendment at the time, we did not have a $5 trillion national debt in 1941. We did not have a situation where the Members who were debating knew that they would need a certain number of votes to get over the top to be able to declare war. It is an entirely different situation. You cannot compare 1941 with 1995—you can, but I do not believe it is a fair comparison.

I think things were different then. The situation was different. The debate was different. The issues were different. I think in this particular case if the emergency was such, under the amendment—if the emergency were such that we needed to do something in the area of national security, it could be done either by a three-fifths vote of both parties to deficit spend to take care of it—which is one option. If they do not want to do that, then they have other options. But I think to say 1941 when Roosevelt declared war is the same as it is today is simply wrong.

The issue is, we can deficit spend. That is the first option. Or we can cut spending somewhere else. And that is exactly what most responsible people would do in the future, who are here on the floor of the Senate or in the House, wherever the debate takes place—in both places. They would make the responsible decision, surely, to protect the national security of the United States. They would cut something if they did not agree to go the three-fifths route to deficit spend to do it. I think that is very well protected under the Constitution. It makes complete sense. It is common sense. We are the representatives of the American people. If we decide we cannot muster three-fifths votes then I assume the American people do not feel it is a national security problem for us.

If we still believe that they are wrong, we can then cut spending somewhere else with a simple majority. I do not see what the Senator's problem is.

Mr. SARBANES. Mr. President, I say to my colleague we are just being given these kind of bland assurances. "Surely this would happen. No question this would be done. It is common sense that we would respond." Yet I am giving you a real, live, historical example. There was nothing hypothetical about it, nothing conjectural about it. It happened at a critical time in American history. We were faced in the Congress with a very fateful decision. We are talking literally months before Pearl Harbor. Literally months. And the Congress was faced with this difficult decision.

The Congress reacted, I think, appropriately. But by very narrow margins. And neither of the margins in the Senate nor the House are adequate to meet the requirements contained in your proposal, which only dramatizes the point that the Senator from West Virginia has made so effectively here this morning about the danger of going against the Founding Fathers, against Madison and Hamilton, and writing in these supermajority requirements.

The real danger to the Republic is that you will not be able to deal with crisis situations when they emerge.

The Senator says, "Oh, no, we will take care of those. Do not worry about it. Do not worry about it. Surely we would respond."

I am saying to the Senator: I am giving an example right out of history where we, under his standards, would not have taken care of it. Fortunately the standard was the one laid down by the founders, the one that the Senator from West Virginia propounded here. In other words, we decide things by majority. We were able to address the situation. But with your provisions here that situation could not have been addressed. It is clear on its face.

Mr. SMITH. Mr. President, if the Senator will yield for a response, there are a couple of points here. First of all, the Senator is assuming something he does not know to be the fact. In 1941 we did not have a three-fifths situation. In 1941, I would assume that the American people would have wanted us to support the President of the United States, which we did, to go to war when we were attacked.

Mr. SARBANES. Will the Senator yield on that? Is the Senator telling me that on a measure that passed the

House 203 to 202, that if at the time there had been a three-fifths requirement of the entire membership of the House of Representatives—which would be 261 votes?

Mr. SMITH. I did not do the math. I will take the Senator's word for it.

Mr. SARBANES. It is 261.

Mr. BYRD. Let me tell the Senator, 175 votes could defeat it; two-fifths could defeat it.

Mr. SARBANES. It is 261. Are you telling me that a good number of the 202 who voted against it then would have voted for it, so you would have had 261 votes? Where are you going to come up with these? You barely got 203 votes. It almost lost. It passed by one vote. And now you are telling me, "They did not have the three-fifths requirements then. If they had the three-fifths requirement somehow, miraculously they would have gotten the other votes in order to do it when they voted against it at the time?" They almost beat it. They almost beat it on a straight up or down vote: 203 to 202. And now you are telling me, "Well, they did not have the three-fifths requirements. If they would have had the three-fifths requirement, namely that he had to get 261 votes then a big chunk of these 202 who voted against it then, to prevent it from happening, would have switched over and voted for it?" Is that what the Senator is telling me? I cannot believe it.

Mr. SMITH. The Senator did not listen to me very carefully. That is not exactly what I said. What I said is there are two options. One, those people, if they had the three-fifths provision, I think, would have looked at it a lot differently, and they may have gotten more votes.

Let us assume the Senator's position and say that did not happen. If it did not happen and this amendment were, in 1941, part of the Constitution, we then would have gone and spent money by taking money from someplace else in the budget because we would have believed that the national security interests of the United States should come first ahead of subsidies to apples or whatever else.

Mr. SARBANES. How do you know they would have done that?

Mr. SMITH. Because it takes 51 percent to do it. That is why.

Mr. SARBANES. My dear friend.

Mr. SMITH. That is exactly why. It is the same numbers.

Mr. SARBANES. The Senator from New Hampshire is my dear friend. But how can the Senator stand here and say, "We easily would have gone somewhere else and found the money" when at the time, on the very issue itself without that constraint, without that additional complication in terms of getting support for the measure, without the further complication of the dynamics of trying to achieve a majority vote, when at the time they only passed it by one vote, 203 to 202? That was the vote.

Mr. HATCH. Will the Senator yield?

Mr. SARBANES. Speaker Rayburn walked the Halls of the Congress. I am now quoting this article.

> The vote was set for Monday, August 11. But Rayburn put it off for one day out of respect for a Republican Member who had died over the weekend.

I must say those were the days when there was a degree of civility that prevailed in the workings of the Congress.

> With the President out of town meeting secretly in New Foundland with British Prime Minister Winston Churchill to frame the Atlantic Charter, Rayburn spent the additional day roaming the corridors of Capitol Hill trying to win over recalcitrant Democrats and wavering Republicans. His lobbying style was like the man himself, honest, direct and intensely personal without a hint of intimidation. The debate went on for 10 hours in the House. Finally at 8:05 p.m. the reading clerk began calling the roll.

I reach back into history to try to bring you a real, live example.

Mr. HATCH. Will the Senator yield?

Mr. SARBANES. Certainly.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield for such colloquy without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I apologize. I did not realize my distinguished friend from West Virginia had the floor.

Let me just say this. That is what was created 203 to 202. There were times when that could have happened. It was extraordinary. In the Senate, there were only 96 Senators sitting at that time. The vote was 45 to 30. So there were 21 Senators that were missing. We could have had a constitutional majority in this case.

Mr. SARBANES. How could you have had it? Those votes could not qualify under your amendment. Is that correct? Neither of those votes qualifies under your amendment.

Mr. HATCH. You could not with those two votes.

Mr. SARBANES. Either in the Senate or the House.

Mr. HATCH. The Senator was talking about Senators walked. They walked there. There were 30 that walked in the House. There were 21 in the Senate; 96 in the Senate; only 75 voted. So even under a minority vote, people can walk, if they want to.

But the point is we have a constitutional majority in here for one reason, and it has been accepted by both Democrats and Republicans in the House and the Senate; and that is so that we would have tax-limiting effect. I think it is going to be a tax-limiting effect. That is the purpose of it.

Mr. SARBANES. If the Senator will yield, you have it in section 5 to do a waiver for a military conflict you require a whole number of each House.

Mr. HATCH. That is right.

Mr. SARBANES. The whole number.

Let me go back. There were only 48 States then. So there were 96 Senators.

Mr. HATCH. Right.

Mr. SARBANES. The whole number would be 49 in that circumstance. Is that correct?

Mr. HATCH. That is right.

Mr. SARBANES. The vote in the Senate was 45 to 30. That does not qualify. Correct?

Mr. HATCH. Right.

Mr. SARBANES. In the House, they had 218.

Mr. HATCH. 203 to 202.

Mr. SARBANES. 218.

Mr. HATCH. No. It was 203 to 202.

Mr. SARBANES. In any event, it will not qualify there either.

Mr. HATCH. It would have, had they not walked.

My point is the Senator is saying they might walk under this constitutional majority. They walked then under a regular majority vote.

Mr. SARBANES. That is right.

Mr. HATCH. But in both cases, had they not walked, you could have had a constitutional majority. I think these votes are going to be heightened votes, and nobody is going to miss them.

Mr. SARBANES. If I could say to my dear friend from Utah, the Founders specifically discussed this. They debated whether the quorum should be more than a majority of the body and they rejected the notion that it should be more than a majority. They said then that you would prevail on a measure by majority of those present and voting.

Mr. HATCH. That is right.

Mr. SARBANES. Assuming you had a quorum. You have escalated the number, and you have done it in such a way as to negatively effect very critical decisions, as I have indicated by the history of World War II. A measure that was before the body that I would argue very strenuously was needed to provide for the national security of our Nation would have failed, not because a majority of those present and voting did not support it—they did support it—but because you have introduced supermajority requirements. And these votes would not have met your supermajority requirements.

Mr. HATCH. Will the Senator from West Virginia yield once more to me?

Mr. BYRD. Mr. President, yes. I do.

Mr. HATCH. Keep in mind, I do not think that we can use votes in 1941. There was not a constitutional amendment in effect then. Keep in mind, one of the other things our Founding Fathers did—they did it very carefully—was to put article V into the Constitution which provides for constitutional amendments, and for changes that are needed. We are asserting that this change is needed because of the way Congress has been profligate over the last 60 years.

But let us say the last 26 years during which time we have—could I finish?

Let me finish this one thought. The point is that one of the most important aspects of the balanced budget amendment is that these two votes, if they are taken every year, are going to be the votes nobody is going to be able to miss. If you vote on increasing taxes, there are going to have to be 100 Senators here because it is going to be a vote that everybody in the country is going to pay attention to. If you vote on increasing the deficit, there had better be 100 Senators here. There are not going to be any walks. Anybody who walks is not going to be there in the next Congress.

That is one thing this amendment will do.

Mr. SARBANES. Let us assume that. Let us assume in 1941 in the House of Representatives that everyone who walked would have voted for the measure. It is a big assumption. Let us assume that. Everyone who did not vote would have voted for it.

Mr. HATCH. You would have had a constitutional majority——

Mr. SARBANES. No, you would not have had the three-fifths——

Mr. HATCH. Not to increase spending.

Mr. SARBANES. Which the Senator from New Hampshire was making reference to.

Mr. HATCH. I said a constitutional majority for increasing taxes.

Mr. SARBANES. The point I want to get across to my colleague is that there is the assumption that issues of national security will not be a matter of controversy. In other words, he is saying clearly, if there is a problem, we are going to get these supermajorities in order to do what needs to be done. I am demonstrating that we had an instance in which there was clearly a national security question and you are not commanding the supermajority.

Mr. HATCH. The fact that you cannot command a supermajority is part of what is going to happen here. What we are saying is, look.

I think a better illustration, if the Senator wants me to substitute one for him, would be the vote last year on the tax package which the President brought up here. It is an interesting constitutional question that I know will intrigue my dear friend from West Virginia who has spent a lifetime studying the Constitution—for whom I have a lot of respect—in that area, among many others. That is, that vote last year did not have one Republican. We have been excoriated by Members of the other side of the floor as Republicans because we did not vote for that tax increase, or the deficit reduction part of it either. We did not because we did not want taxes to increase. And some stood up and said, "We stood up and did something about the deficit." Well, I suspect that is true. We just did not happen to agree. But now that vote was a 50–50 tie in the Senate.

I want the attention of my dear friend from West Virginia. It was a 50–50 tie. Had this constitutional amendment been in effect, would that bill have become law today? Or would it have become law at that time? We did not have a majority of the whole number of the U.S. Senate. It took the Vice President to break the tie.

There are two ways of looking at that. One is that 50 of us could have thwarted the tax increase. I think that would have been a terrific thing to do, and that is what we tried to do. We lost because of the fact that under the Constitution the Vice President could vote. But the other point would be—

Mr. SARBANES. Will the Senator yield?

Mr. HATCH. Let me finish and I will be glad to. The other point—with the delegation given to me from our colleague—is that, from your standpoint, a simple majority was not allowed to win, and that this would make it even more difficult because you would have to have 51 actual votes of the whole number here.

Mr. SARBANES. Is that your reading of section 4 of this balanced budget amendment?

Mr. HATCH. Not necessarily. I am raising—

Mr. SARBANES. What is your interpretation? What does it mean? Section 4 says, "No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote." Take the situation you just described. It is a 50–50 split. The Vice President is entitled to cast his vote. Would this negate the vote-casting power of the Vice President?

Mr. HATCH. No. He could cast his vote, but since you did not have 51 votes of the majority of the whole number, the tax bill would have gone down to defeat.

Mr. SARBANES. That is your understanding of the meaning of that?

Mr. HATCH. That is my interpretation. I thought I would give you a good illustration.

Mr. SARBANES. I wanted to have that on the record.

Mr. HATCH. We would not have had that highest tax increase in history had this amendment been in effect.

Mr. SARBANES. That is right. You are saying if this amendment were passed, the August vote would have been negated.

Mr. HATCH. That is my interpretation. It would have meant that we would have had to have gotten that 51 votes to increase taxes, and we probably would have been faced with having to reduce the deficit more.

Mr. BYRD. Mr. President, what it also means is that in a situation such as the distinguished Senator from Maryland has raised—and he has focused on a section which I am going to reach a little later, but he has done it much better than I would have done it. What my Republican friends are saying—and I hope I will have the attention of both of my friends—what our friends here have just said is that in the event we are in a situation which jeopardizes the national security——

Mr. HATCH. No, that is not what I said.

Mr. BYRD. Wait. That is, in essence, what you are saying. You have not let me finish what I am going to say. How do you know what I am going to say? Be a little patient.

Mr. HATCH. I will.

Mr. BYRD. What they are, in essence, saying is that you have to have 51 votes in the Senate—no matter how many take a walk; you have to have 51 Senators, not including the Vice President, who would be willing to stand up and vote for a resolution which authorizes the Commander in Chief in a situation where there is a declaration of war or——

Mr. HATCH. No, no——

Mr. BYRD. Just let me finish. This is one Senator who is not going to be befuddled or frustrated by interruptions. I will be very happy to yield to my friend when I have finished.

Let me start again. We will learn over a period of time that there are some Senators who will just not be rushed.

"Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." In the last 48 years, this country has fought three wars and engaged in several military conflicts that were of a lesser nature. Not one time was there a declaration of war. Not one time.

> The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution adopted by a majority of the whole number of each House which becomes law.

Therein lies a tale—many tales, as a matter of fact. First, there has to be a resolution passed. There has to be a joint resolution passed, even considering the fact that we might have a filibuster conducted on such a resolution because the opposition could be very strong in the Senate on that occasion There could be a filibuster. The President could veto the resolution when it reaches him. How much time do we have? My friend from New Hampshire—I believe, if I did not misunderstand him—said in that kind of a situation, we would make cuts, we would make cuts from other programs. We would adjust priorities.

We do not have time to make cuts when the Nation is faced with a military threat. We do not have time to search through various programs and come up with cuts. And besides, the domestic discretionary programs have already been pared to the bone. When the Nation is put in jeopardy, there must be a resolution passed. It must be enacted into law by the President's signature, and the Nation's security is in the balance. We do not have time to make cuts. It takes time.

Secondly, in the event there is a 50–50 tie, under the Constitution as it is written, the Vice President could cast a vote breaking the tie. Under this section of the amendment, the Vice President, representing the President and his administration, is not permitted to cast a vote to break a tie, while the Nation's security is in the balance. No, it has to be a Senator. The amendment says you have to have 51 Senators.

Mr. President, this section 5, plays Russian roulette with the national security of this country. You do not have the time to look at some programs providing research on apples, or mushrooms, or whatever it may be. You do not have time for that. And that is small chicken feed, that is small; you are talking about pennies in comparison with the billions of dollars that military threats to our security will cost. It puts the Nation's security into a gamble.

Mr. President, does the distinguished Senator wish me to yield to him again?

Mr. HATCH. I would appreciate it. I appreciate what the Senator is saying. This amendment is not going to allow business as usual. It is going to require a constitutional majority to increase taxes, which is a tax-limiting approach. I suspect that that will be more difficult to get than a three-fifths majority to increase the debt. I really suspect that that is so.

The distinguished Senator from West Virginia—as he always is—was very accurate in stating that section 5 says that during a declared war, Congress can waive this provision. That only takes a majority vote. However, if you get into a military conflict which causes an imminent and serious military threat, then it will take a constitutional majority.

I cannot imagine any Congress that would not grant a constitutional majority under those circumstances. But be that as it may, if it does not, then that will be the right of the Congress.

(Mr. GREGG assumed the chair.)

Mr. SARBANES. Will the Senator yield for a question?

Mr. HATCH. Yes, I will.

Mr. SARBANES. The people who are against it do not even have to show up; is that correct?

Mr. HATCH. Yes.

Mr. SARBANES. Now the way the Constitution is written, if a matter is put to a vote, let us say four or five Members are missing, they may be ill, they may be in the hospital, they may be sick, they may have gone to a family funeral, so they cannot be here. It is not unheard of. In fact, it has happened on occasion. You take a vote amongst those that are here. It passes 47 to 46, and that is that. Under your provision you need 51 votes.

Mr. HATCH. Right.

Mr. SARBANES. Suppose you had a vote 50 to nothing, just to draw the most extreme hypothetical, 50 are for, zero against. The rest are all absent. That does not carry; is that correct?

Mr. HATCH. You would wait until the next day when you had 51. You can come up with hypotheticals in every situation, but that does not change reality. This body has increased the debt ceiling.

Mr. SARBANES. But the people that are against do not have to vote; right?

Mr. HATCH. That is right.

Mr. SARBANES. They are not required to be here to make a difference. Because the standard is not between those that are for and those that are against, you have to get so many affirmative votes; is that correct?

Mr. HATCH. You could use the same logic. It does not—

Mr. SARBANES. Or it could be the three-fifths where you have —

Mr. HATCH. You have to have 51 here to constitute a quorum, so it would not have passed anyway. That could be under any hypothetical.

Mr. BYRD. No, no, no. You can have 51 here, which is a quorum, under the constitutional amendment that presently obtains and 26 Senators would be a majority.

Mr. SARBANES. If you had 51 present so you had a quorum and the vote was say 48 to 3.

Mr. HATCH. Then you would not have the requisite number.

Mr. SARBANES. It would not pass; right?

Mr. HATCH. No.

Mr. SARBANES. You would have a quorum and you would not pass it.

The more you probe into this, the more of a Rube Goldberg contraption it is.

Actually what happens is, the more we debate this section, the more you come to understand and a appreciate the perceptions and the wisdom of the drafters of the Constitution.

It is incredible that we are out here playing games with a document that has withstood 206 years of scrutiny and was put together by a group of men whom Gladstone, the great British Prime Minister, regarded as the greatest assemblage of statesmen in the history of the world. That was his comment about them in framing the Constitution of the United States. Yet, we are playing games with it all throughout here.

You have a three-fifths of the whole number requirement, you have a majority of the whole number requirement, you have a waiver requirement. You are negating the tie-breaking vote given to the Vice President of the United States, as I understand it, under another provision of the Constitution.

Mr. HATCH. Not really.

Mr. SARBANES. The Senator told me on a vote of 50 to 50, in which the Vice President sought to cast the tie-breaking vote, would not qualify under your proposal.

Mr. HATCH. Only under that instance. In other instances it who qualify.

Let me make this point. The game that is being played is business as usual. We are running this country right into bankruptcy.

Mr. SARBANES. No, that is not the case.

Mr. HATCH. Let me finish.

Mr. SARBANES. No, I am going to reclaim my time. I am not going to let the Senator——

Mr. HATCH. He yielded to me.

The PRESIDING OFFICER. Does the Senator from West Virginia yield the floor?

Mr. BYRD. Let me get it perfectly clear. I yielded to both Senators for a colloquy, with the understanding that I would not lose my right to the floor, into which colloquy I presume I can intervene at any point I wish.

Mr. HATCH. That is right.

If I could finish my remarks, I would be happy to allow the Senator from Maryland to respond.

My problem is, you can find fault with almost anything. The reason we brought this balanced budget amendment before us is because we have a runaway train of Federal spending. We have a runaway train that is not treating our taxpayers fairly. The answers always seem to be more spending and more taxing.

This amendment is an amendment that does not require a balanced budget, but it does require us to at least make priority choices.

If we are going to spend, then we are going to have to stand up and vote to do so. You have to vote. We do not have to now. If we are going to tax, then you have to stand up and vote to tax. We do not have to do that right now. We can do it through voice votes.

I just want to add this to it: If you are going to tax more, by gosh, I think you are going to find these two votes—a vote to increase taxes, a vote to increase the deficit—from this point on, if this balanced budget amendment passes both Houses and becomes ratified, you are going to find that those two votes are going to have 100 Senators every time, because nobody could fail to vote on them. And if they do, they are in jeopardy of losing their seat. It is going to highlight the importance of these votes around here. We will not have any more of these 51 votes or 26 to 25. We have not had any of those as long as I have been here.

The point is that when the Senator mentioned that in his hypothetical, he said 50 votes. I am saying that would not have been acceptable; 51, if you have 26 votes, yes.

Mr. SMITH. Will the Senator from West Virginia yield?

Mr. SARBANES. If I could just engage in this colloquy further.

The game that is being played, I say to my friend, is very clear today because the other side has been very clear that they have drafted this in a way that would have knocked out the deficit reduction package of August 1993.

Now, I understand that the Senator was not for that. I was for it. I disagree with him. The Senator portrays it as a tax increase on all the American people. The fact of the matter is, it was a tax cut on the top 2 percent of the income, other than the gasoline tax. But the income tax rates affected the top 2 percent.

Now, I understand the Senators on the other side have a very soft spot for the top 2 percent, but it seemed to me reasonable to do this and to try to address some of our Nation's problems.

In any event, the situation could have been reversed. You could have been trying to push through a deficit reduction package that I opposed for one reason or another.

The question is whether you are going to skew the Constitution in a way that a majority is not going to be able to make decisions. The Founding Fathers very carefully constructed this document and they are very explicit, both Madison and Hamilton in the Federalist Papers, in pointing out in the documents about a supermajority.

Let me just read what Madison said in Federalist 58. Because he is the father of our Constitution and a man of great reason and fairness. He would recognize the other arguments and try to deal with them rationally, which is what we are trying very hard to do here today. Let me just quote him.

This is Madison now, in the Federalist 58:

> It has been said that more than a majority ought to have been required for a quorum; and in particular cases, if not in all, more than a majority of the quorum for a decision. That some advantages might have resulted from such a precaution cannot be denied. It might have been an additional shield to some particular interests, and another obstacle generally to hasty and partial measures. But these considerations are outweighed by the inconveniences in the opposite scale. In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free Government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority. Were the defensive privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general weal, or, in particular emergencies, to extort unreasonable indulgences.

Now, I agree with Gladstone's evaluation of the Founding Fathers. This amendment is fraught with peril. The more we go into it and the more we develop it and the more we measure it against historical experience, the more I find wrong with the amendment.

The Senator asserted earlier that surely three-fifths would vote to raise the debt limit. I invite my colleague to go back through the votes on raising debt limits in the past to spot the ones where three-fifths did not. It is not so obvious.

In many of these issues it is a struggle to get the simple majority to make the decision. These are controversial issues. They are recognized as controversial. The August 1993 package was controversial. You disagreed with it. I supported it. I think it has proven itself out. I think all the subsequent history supports a decision to have passed it.

Those decisions ought to be made by majority vote. That is what the Founding Fathers intended. That is what I think we should stick with.

I yield the floor.

Mr. SMITH. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Mr. President, I yield.

Mr. SMITH. The Senator has been very generous for all Members here on his time for which this Senator is grateful.

I would like to pick up on something that Senator HATCH said, and say to the Senator from Maryland, the Senator has pointed out some points which are well taken regarding this debate and this amendment. I would also say to the Senator that Winston Churchill once said, "Democracy is not perfect, but it is the best thing going."

The issue here is the Founding Fathers were not infallible. We are not infallible. There are reasonable decisions that have to be made from time to time. The Dred Scott decision in 1857 when a Supreme Court said a slave was property and therefore could not sue in Federal court. That came in under the Constitution. Is that right? No. But it happened. So we are an infallible people.

So my point is, what Senator HATCH was alluding to, if we look at what is happening we are talking about a situation where a national emergency might emerge. The Senator is correct. He made some very good points about what might happen if that national emergency were to come about.

The other point is, if we are looking at where the debt is going and how much of the debt is being consumed, how much of the budget is being consumed by interest on the debt, and looking at where it is today, 16 percent roughly of that budget is interest on the debt and 16 percent is national defense.

I would say to the Senator, with all due respect, if we did not stop it, if we do not stop this runaway train of debt and deficit spending, we are not going to have any money for national defense. We are not going to have any money for any emergency under any situation because, and the Senator knows, that the commission, which was a bipartisan commission, on entitlements headed by Senator Bob KERREY, Democrat, and Senator Jack DANFORTH, Republican, said by the year 2013 at the latest, this country will be spending 100 percent of its budget on interest on the debt and entitlements. There is not going to be any money for defense.

I would just say to the Senator if this is fallible, this amendment, then tell me what the alternative is when we get to 2013 and we do not have any money—none, zero—to defend our national security or our national interests.

Mr. SARBANES. Mr. President, I will tell the Senator. First of all, it boggles the imagination that we are hearing this argument from someone who voted against the 1993 deficit reduction package. All of the situation that the Senator is talking about would be far worse had the Senator prevailed on that vote.

There are tough decisions to be made. Everyone recognizes that. Because they are tough to make it is very difficult to get a majority for them. What the Senator is doing is escalating the standard from a majority to a supermajority. So the Senator is making it even tougher to make the tough decisions, not easier. The Senator is putting more power into the hands of the minority to frustrate or to thwart the effort.

Where I disagree with the Senator is, in his assumption, that all of these waivers will be granted in a time of crisis. If we go back through our history, it does not support the Senator. Historically, when we come up against these situations they are often very divisive and very controversial and action in the end is taken by a bare majority. I went through at great length earlier the example of the extension of the service requirement under the draft in 1940.

Clearly, that was important to the national security of the country. I am quoting from that article:

> In an effort to depoliticize the issue as much as possible, Roosevelt and Secretary of War Henry Stimson designated Army Chief of Staff George Marshall as the administration's point man on the Hill. Marshall worked tirelessly but found converts difficult to come by despite his tremendous prestige on Capitol Hill. "You put the case very well," one Republican Congressman told him, "but I will be damned if I am going to go along with Mr. Roosevelt."
>
> The vote was set for Monday August 11, but Rayburn put it off for one day out of respect for a Republican Member who had died over the weekend. With the President out of town meeting secretly in Newfoundland with British Prime Minister Winston Churchill, to nail the Atlantic Charter, Rayburn spent the additional day roaming the corridors of Capitol Hill trying to win over recalcitrant Democrats and wavering Republicans. His lobbying style was like the man himself, honest, direct, and intensely personal without a hint of intimidation.

Here is Rayburn himself, walking the corridors. Here is General Marshall, one of the really great statesmen of

American history, a man for whom I have enormous respect and admiration, working—as they say here "Worked tirelessly but found converts difficult to come by despite his tremendous prestige on Capitol Hill." When the vote came, it was 203-202. That vote would not qualify under the provisions of your balanced budget amendment proposition here.

We would not have been able to respond to this national crisis. The Senator earlier said to me if they had known they needed a three-fifths requirement they would have gotten more votes. I said to the Senator, it defies belief that a sizable chunk of the 202 who voted against it would switch over because they knew there was a three-fifths requirement. They voted against it when there was a simple majority requirement and the thing would have gone down, and it would have been a disaster for the Nation had it happened.

All I am saying is that these tough decisions need to be made by majority vote just as is provided for in the Constitution. The Founding Fathers could foresee these things and that is why they provided it. This is, as the distinguished Senator from West Virginia said, playing Russian roulette with the national security of the United States.

Mr. SMITH. Mr. President, if I could have a last response, I promise the Senator from West Virginia.

The Founding Fathers also provided for an amendment process to the Constitution because they knew that it would need that flexibility, because it could not predict the future nor foresee the future. The Senator knows that. That is why we are here.

I also would respond to the Senator on the point of the budget agreement of 1993. This debate is, essentially, a nonpartisan debate on the issue of whether or not we need an amendment, constitutional amendment, to balance the Federal budget. But the Senator introduced a partisan matter on the issue of the budget agreement.

Just because this Senator and the remaining Republican Senators in the Senate at the time did not agree with the Senator from Maryland that the way to bring the deficit down was to increase taxes $250 billion, but rather bring spending down $250 billion to move the budget deficit down, that does not make me opposed to bringing the deficit or the debt down.

The truth of the matter is, those on this side who voted against that wanted to cut spending, not raise taxes.

The second point is, which we have already gone into on the floor many times before, not only during this debate, but the truth of the matter is the correction that needed to be taken to reduce the debt was not taken with that budget agreement, for the same reason it was not taken with any of these other agreements that are on this chart from 1921 all the way up to Gramm-Rudman-Hollings and the budget agreement of 1993. The truth of the matter is, Congress walks away from them.

The President of the United States, President Clinton, just submitted a budget, the follow-on to this budget, which increases the national debt by $1.6 trillion over the next 5 years. Since this agreement has been passed, we have increased the national debt another one-half trillion dollars. So where is the progress?

This Senator fails to understand where the progress is being made. I hear about all these great agreements, we have had all these budget agreements, we are bringing the debt down, bringing the deficit down. We are not bringing it down. It is going up, up, up, up, and the reason why is because we need this amendment because Congress will not do it without it. That is absolutely evident.

The Senator talks about a national emergency. I do not know whether he has a commission out there somewhere that defines a national emergency or whether he has to read it in the newspaper that it is a national emergency. If the Congress of the United States does not think it is a national emergency or the President does not think it is, I do not know how you define a national emergency.

So I assume, by definition, if the Congress does not vote to say it is a national emergency and provide the funding to go to war, maybe they do not think we should go to war. That is the prerogative of the U.S. Congress. That is the prerogative. That is exactly what the Founding Fathers meant that "Congress shall have the power to declare war."

This argument that somehow we are going to defend the right of the United States to protect itself by voting against the balanced budget amendment is the most nonsensical thing I heard since I have been here.

By the time this debate is over, we are going to add tens of billions, hundreds of billions of dollars to the national debt; $9,600 per second as we debate the debt goes up. Interest on the debt is now going to pass defense. What we spend on defense and interest is going this way, just like that, and defense is going this way. And by the year 2013, by most admissions of a bipartisan commission, we will be spending 100 percent on interest and 100 percent on entitlements.

Mrs. BOXER. Will the Senator yield?

Mr. SMITH. That is what is going to threaten the national security of the United States of America, not a constitutional amendment to balance the budget.

Mrs. BOXER. Will the Senator yield to me to ask a question?

The PRESIDING OFFICER. The Senator from West Virginia has the time.

Mrs. BOXER. If the Senator will yield for a short period of time.

Mr. BYRD. Mr. President, I ask that I may continue to yield with the understanding that I not lose the floor for the purpose of a colloquy to include now the distinguished Senator from California [Mrs. BOXER].

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank you very much. I was not planning to participate, but something the Senator said makes me want to, and that is during the discussion with the Senator from Maryland on the vote on the deficit reduction package, which the Senator from New Hampshire says is, in fact, not working, every expert in the country says that the deficit would have been $500 billion higher. But let us not even get into that because what I want to ask the Senator are two basic questions.

First of all, the Senator said at that time he did not like the package that the President sent over, the deficit reduction package, because it contained some tax increases of which he did not approve. We also know it contained a large tax cut for the working poor and far many more people are affected in a positive way from that tax cut. But let us put that aside.

The Senator said he would have preferred instead of raising taxes—and he puts it at $250 billion—he would have cut spending $250 billion.

So my question is, did the Senator offer an amendment to cut $250 billion and show us how he was going to cut $250 billion from the deficit? I do not recall it.

Mr. SMITH. If the Senator will allow me to respond, you know the situation as well as I do with regard to the debate and the politics, what was going on. The truth of the matter is, there were many discussions on our side, many attempts to redirect that in committee. The distinguished Senator from New Hampshire, who is in the chair, was involved in a number of efforts in the Budget Committee to reprioritize that whole budget, and the Senator from California knows that.

The truth of the matter is, the position of the President and the majority in the Senate at the time, and in the House, was that the best way to deal with the deficit was to raise taxes on the American people. My point is, the best way to deal with the deficit would be to reduce spending and to continue that spending on a downward trend.

Mrs. BOXER. So the answer to my——

Mr. SMITH. My final point. My only point is we did not do what we needed to do to correct it. Even with the tax increase you did not correct it. If you want to take the position, which I happen to disagree with, that we can continue to raise taxes forever until we balance the budget, you have a right to that position. But there is only so much you can get.

Mrs. BOXER. My question to the Senator was, he said at the time he would have preferred to cut spending $250 billion instead of raising the taxes. The President's plan did raise taxes on the wealthy, and it also cut taxes much more broadly on the working poor.

Mr. SARBANES. It also cut spending.

Mrs. BOXER. And it cut spending the other $250 billion. But the point I want to make, in conclusion, and then I will yield back the time to the good Senator and thank him once again for his leadership on this: The Senator himself said he was working on some plans. I am sure he is. I have never seen that plan.

I wrote to every single Republican who is in the leadership, heads committees when this debate started. I said, "Show me your plan. You want this balanced budget to go into effect. I want to know if it is going to hurt the people of California, the people I represent. I want to know what is going to happen if there is a disaster or a war."

You have a three-fifths supermajority built into this, as the Senator from West Virginia and the Senator from Maryland have stated. They do not agree with it. I do not agree with it. I think it shows a mistrust for the people, that is what I think about supermajorities. They show a mistrust for the people. They give too much power to the minority, and I do not think that is what America is all about.

But putting all that aside for this conversation, I have to stand up and say to my friend from West Virginia that when Senators on that side criticize those of us on this side for voting for deficit reduction, which was the largest package in history and it is working, for them not to show what their plan is and to hide behind this figleaf of a balanced budget amendment, trying to tell the American people, because of that, they are going to be the ones to balance the budget, I find it very problematical. And I rose today to add my voice.

They did not vote for the right to know. They did not vote to exclude Social Security. I think this is a dangerous, dangerous balanced budget amendment.

By the way, I wanted to vote for a balanced budget amendment. I wanted to vote for one over on the House side, I say to my friend from West Virginia. He would not have agreed with me. I did, in fact, do that because it was flexible, it took Social Security off the table, it did not have a supermajority, and we tried to fix this amendment.

As the Senator from Maryland has stated so eloquently, the more you look at this amendment—and that is why I appreciate the time we have here in the Senate to do that—the worse it gets for the American people and the people that I came here to fight for, the people of California.

Mr. SMITH. May I ask the Senator one question?

Mrs. BOXER. Does the Senator continue to yield?

Mr. SMITH. One final question. Under your definition of "exemption," if Social Security and other entitlements get to 100 percent of the budget, do you still support the exemption?

Mrs. BOXER. Let me say to——

Mr. SMITH. Answer yes or no.

Mrs. BOXER. I will answer it. I agree with the Republicans who have said over and over again by vote, "You're not going to touch Social Security."

Mr. SMITH. But when you exempt it——

Mrs. BOXER. The answer is I am not for touching Social Security either, and because I believe that, I think it is a compact with the people who paid into it.

Mr. SMITH. You are going to destroy it without the——

Mrs. BOXER. No.

Mr. SMITH. You certainly are.

Mr. SARBANES. If the Senator will yield, the Social Security System is paying its way.

Mrs. BOXER. Exactly right.

Mr. SARBANES. The Social Security System is not only paying its way, it is, in fact, running a surplus.

Mr. SMITH. And the Treasury is borrowing all the money to fund the debt, and the Senator knows it.

Mr. SARBANES. That has nothing to do with the Social Security System. It is terribly important for the American people to understand this because a game may well be played with the Social Security trust fund, as was just indicated, in effect, by my colleague from New Hampshire, if they do not understand.

The Social Security trust fund is more than paying for itself. People receiving Social Security owe no apology on the deficit question, because the trust fund currently is not only paying its way, it is running surpluses, which in an accounting sense are used to offset the size of the deficit.

Now, the other side would obviously want to use those, and many of us feel that should not be done. In the 1980's, when the Social Security trust fund ran into some difficulties, we took the measures of reducing benefits and raising Social Security taxes in order to put the Social Security trust fund back into a healthy position.

That is exactly what we did. This is an effort to raid the Social Security trust fund. It is implicit in this balanced budget amendment, and to some extent was made explicit the other day with the tabling of the Reid amendment, which sought to make it very clear that it could not be tapped or drawn on. It needs to be understood the Social Security system is paying its way. We have other so-called entitlements that are not, but the Social Security trust fund is more than paying its way. That needs to be understood, and this assault on the Social Security system needs to be repudiated.

Mrs. BOXER. I say to my friend—and I thank him for continuing to yield—the reason I answered the question the way I did to my friend, the good Senator from New Hampshire, is because the Republicans are trying to have it both ways.

It is really extraordinary, and I am glad we have this chance, because on the one hand they have passed motion after motion stating that they will never touch Social Security or the benefits and it is off the table and they are not going to look at it. On the other hand, they vote against the Reid amendment, the Reid-Feinstein amendment, which would have clearly taken Social Security out of this balanced budget requirement.

So they are talking two ways. And what was so interesting right here this afternoon just a few minutes ago is the good Senator from New Hampshire says to me, Senator, are you saying that even if Social Security and the other entitlements are 100 percent of the problem, that you are not going to touch them?

Well, that is what they have been saying. They have been saying they are not going to touch them. But if you listen very carefully, it is a very clear threat to Social Security, as clear as the nose on your face.

I say that this amendment is very dangerous. It is very dangerous to the stability of this Nation because it is so inflexible, and my Republican friends have voted almost unanimously—we came close on the Johnston amendment on the Court issue, but basically they have walked down the aisle with this rigid supermajority requirement amendment that puts Social Security in jeopardy, it puts our States in jeopardy, and it puts our people in jeopardy.

I wish to thank the Senator from West Virginia for his generosity in yielding to me.

Mr. BYRD. I thank the distinguished Senator from California [Mrs. BOXER].

Mr. President, when all is said and done, our friends on the other side of the aisle have not answered the question put to them by Senator SARBANES. He brought up the language in section 5 of the constitutional amendment to balance the budget:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Of course, then the proponents of the amendment, not wishing to focus on section 5 and the questions asked by the distinguished Senator from Maryland related thereto, wish to talk about the seriousness of the budget deficits and the seriousness of the debt, and so on.

We are all concerned about those deficits and the debt. There is no disagreement as to the desired goal to reach a balanced budget and to reduce the deficits and ultimately to begin paying the principal on the debt and hopefully reducing the interest that is paid on that debt.

The proponents do not want to focus on this section 5. I will ask the question: If the country "is engaged in a military conflict," short of a war that has been declared, "engaged in a military conflict that causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority number of the whole number of each House, which becomes law," does that language mean that once the joint resolution referred to in that section is adopted by a majority of the whole number of each House and becomes law, and in the event that the military conflict which causes an imminent and serious military threat to national security continues over a period of another year or 2 years or subsequent years, does this language mean that Congress will have to waive the provisions of this article by way of a joint resolution in each and every subsequent fiscal year in which that threat to the national security exists? Does that mean we have to do it over and over again?

I am waiting on the Republican response team to respond. Does that mean that we have to go through this obstacle course every year, every subsequent year after that first year, or that first occasion in which the joint resolution is adopted by a majority of the whole number of each House? Do we have to do that over and over again?

Suppose the support for the Commander in Chief's position, suppose the national support wavers?

Initially, people having been supportive, through their representatives, of adopting the joint resolution are—suppose that threat to the national security continues into a subsequent fiscal year, and then again into another fiscal year? Does this language make it incumbent upon the Congress to continue, with each new fiscal year, to pass a joint resolution by a majority of the whole number of each House? What does this mean?

The Commander in Chief and the military forces which he may have committed as he did in Desert Storm, or as President Truman did in Korea—suppose that initial support of the people lessens? What does the Commander in Chief do? He is left out there hanging. He has men on distant battlefields. He has ships plying the waves of the several seas. He has planes transporting Marines and soldiers. He has an Air Force out there that is flying in various areas of the world. What does it mean? Do we have to pass another joint resolution in the next fiscal year?

Suppose this emergent situation should arise in August, with the close of the fiscal year imminent on September 30. There is not time to pass a joint resolution and look for cuts in other areas of the budget, to which my friends on the other side of the aisle have alluded. What happens? The fiscal year is closed on September 30 and the total outlays have exceeded the total receipts for that fiscal year. You have men out there in the field facing danger. Their lives are on the line, their lives are in jeopardy, and the security of this country is in jeopardy. What are we going to do? Are we going to be entertained by a wide-ranging debate in both Houses on a joint resolution every fiscal year that that situation continues? And, in addition, we have to have a majority of the whole number elected to each House for passage.

Mr. THOMAS. Will the Senator yield for a question?

Mr. BYRD. Yes, I yield.

Mr. THOMAS. Senator, I am not as familiar as you are with the process, but it seems to me that now there has to be approval, there has to be approval annually for the budget, there has to be approval for the President's move in terms of military activities.

Mr. BYRD. There was not any approval in the case of his invasion of Haiti. The invasion actually started.

Mr. THOMAS. There was in Desert Storm, as you will recall.

Mr. BYRD. Wait just a second. The invasion of Haiti started. The President called it off—in midair, almost. I was not supportive of that invasion.

Mr. THOMAS. Nor was I.

I guess further I would say, I am not sure I am confounded by the Congress each year approving this. I do not think that is an unusual kind of thing. Do you not think the Congress represents the people——

Mr. BYRD. When the Senator is around here long enough he may find himself confounded. If we get into a situation where the Nation's security is in the balance, we may all feel confounded by the necessity of acting expeditiously, because we have the lives of men and women in dire peril. And then, under this amendment, we are going to require a majority of the Senators who are chosen and sworn to pass a resolution in a situation like that—we are going to explain that away by talking about the budget deficits?

Mr. THOMAS. I have a little more confidence in the Members of this body than to ignore an issue of that kind. It just seems to me that the evidence is that we need to do something different than we have been doing. I constantly hear we cannot change things. But the record is, we have to if we want different results.

Mr. BYRD. Senator, I am talking about section 5.

Mr. THOMAS. I understand.

Mr. BYRD. Let us stay with it. Let us not talk about, at the moment—I will be glad to yield later to the Senator, if he wants to broaden the discussion.

We are talking about section 5. As Napoleon said, there were men on his council who were far more eloquent than he, but that he won every argument simply by saying 2 plus 2 equals 4. It is pretty simple.

So I want to say to my friend, as Napoleon might have, he would say let us stick with the question. Let us stick with section 5. That is the question that has been raised this afternoon, in the main, on this floor.

So, is the Senator telling me that we should run the risk of adopting a joint resolution each fiscal year in which our national security is in jeopardy? We should run the risk of adopting a joint resolution and that he is willing to subject this country's security to the necessity of a supermajority vote—a mini-supermajority vote, a majority of those Senators chosen and sworn?

Mr. THOMAS. I have, I guess—and I do not suggest I know the answers—but I have a good deal of confidence. What does it say? It says, "* * * this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious militarily threat * * *" I have a hunch that most of us, a supermajority of us, would respond to that.

Mr. BYRD. Is that the Senator's answer?

Mr. THOMAS. Yes, sir.

Mr. BYRD. Well, Mr. President, that is the kind of answer that the proponents of this ill-advised constitutional amendment continue to make. "Well, I have confidence that the Congress would do thus and so." Or "The intent of the proponents of this constitutional amendment is thus and so—the intent." Or "That would never happen." Or "I am sure that the Senate and House will rise to meet the needs of providing—by providing supermajorities."

Senators do not know that. Senators do not know what the intent of a future Congress may be. Senators do not know with enough certitude to give me confidence that Congress will act in a given situation that may be years away, as it might act at this moment or in this year of Our Lord 1995.

Mr. President, this is the typical response: "I have confidence." That is it. "I have confidence. I am willing to trust our colleagues." Well, I am willing to trust colleagues also. I am willing also to trust the good judgment of a majority of the representatives of the people, if the people are adequately informed. I am willing to trust the opinions of the American people if they are properly informed. But we cannot cavalierly push away this sobering question nor the serious questions that arise with respect to this Constitutional amendment simply by saying, "Well, I am sure it won't happen," or "I am willing to trust" so and so and "a future Congress" and "this is not the intent."

Read what the amendment says. That is what the court is going to go by. It is going to first look at the four corners of the document.

Section 1:

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

Then in section 5:

The provisions of this article—

Meaning section 1.

may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security.

Who is going to determine what is an "imminent and serious military threat" to the national security? Obviously, there are going to be differences of opinion.

Mr. THOMAS. That is what I am suggesting; that is, that is the role of Congress, and I think it is a legitimate role and one that is not unusual, one that I have perceived has been done for a number of years.

Mr. BYRD. Absolutely. But for a number of years it has not been required.

Mr. THOMAS. It should be required.

Mr. BYRD. For 206 years it has not been required that there be a majority of the whole number in each House to pass a resolution.

Mr. THOMAS. Where does the President get the money, if the majority of the Congress does not agree?

Mr. BYRD. Where does he get the money?

Mr. THOMAS. Yes.

Mr. BYRD. Let me ask the Senator. Suppose the President needs a new tax. Suppose he needs to raise taxes to meet that serious military conflict, that serious military threat to the United States. Suppose he needs to increase taxes. Then what? Would the Senator be willing to raise taxes?

Mr. THOMAS. The President does not raise taxes.

Mr. BYRD. That is not the question which I asked the Senator.

Mr. THOMAS. I think there is a system in which the President can move. But the President then comes to the Congress for either a declaration or for the money, or he, as he is doing now, comes for a supplemental budget. The Congress has to be involved to make this decision.

Mr. BYRD. Of course. This Senator has never said the Congress should not be involved. This Senator is saying simply that the Congress ought to continue to be involved under the present Constitution which has provided very well for congressional actions to meet all emergencies that have occurred throughout the 206-year history of this country.

Mr. THOMAS. I understand that.

Mr. BYRD. But now we are going to be in a very different situation if this Constitution is going to be amended. And it will not be amended for just a year or so; it will be changed from now until kingdom come, unless the American people and Congress repeal this amendment once it is in the Constitution. The Senator knows that. It is not easy once it is in there. It is not like a statute which can be repealed by the same Congress that enacted it in the first place.

I am asking the Senator. Suppose we get into a situation where this Nation's security is in peril and more money is needed and the necessity arises for an increase in taxes. Then what are my friends on the other side going to do in that situation?

Mr. THOMAS. That is why this provision is there to waive.

Mr. BYRD. Yes. By what vote?

Mr. THOMAS. By a supermajority vote.

Mr. BYRD. Yes. That is just the question. Why subject this country's security to the necessity of a supermajority vote when the Nation's very life is in danger, the security of the American people are in danger, the security of the troops in the field are in danger, and the security of the planes in the air is in danger? Why subject a decision at that critical moment to a supermajority? The Framers, in their wisdom, did not do it. And we have fought a good many wars.

Mr. THOMAS. I understand. This is the basis of what we are talking about. Of course, the Senator says leave it as it is. Others say we need to change it. That is what it is, whether we change or whether we do not. Many people think that there needs to be a change. Many people think the performance is such that there needs to be a change. And I respect greatly the Senator's wisdom and knowledge. But that is the issue. And the Senator does not want it changed. I understand that. Others do. That is what it is all about.

Mr. BYRD. It is about more than that. That is why we need to take the time to probe and to explore these provisions that are in this amendment to balance the budget. We are all in agreement, I say to the Senator, with the goal of a balanced budget. We are all in agreement. I am in agreement that we need to reduce the deficits. And I agree that it is going to require some pain. I also am of the opinion that we do not need to wait 7 years. We started in 1990. We took a great step beyond that in 1993. We need to do more.

Why cannot we continue on that course of enacting multiyear budget deficit reduction bills? Do you know why? Because of the pain, and part of that pain may just have to be an increase in taxes. I do not like to vote to increase taxes. I have been in political office 48 years, and I know it is not easy to vote to increase taxes. It is always easy to cut taxes. It was easy to cut taxes in 1981 when Mr. Reagan asked for a tax cut in one package involving 3 successive years of cuts, 5 percent the first year, 10 the next, and 10 the next. It does not take courage to vote to cut taxes.

But in a situation—I keep getting back to this section 5. What is the Senator's answer? Is he willing to put this Nation's security in peril by requiring a supermajority consisting of a majority of the Senators and House Members elected? The Framers did not think that was wise. We had just come through the Revolutionary War. We had still ahead of us the War of 1812. We had ahead of us the Mexican War of 1848, the Civil War, the war with Spain in 1898, the First World War, the Second World War, Korea, Vietnam, and the Persian Gulf. In addition to these, there were several military conflicts that were not wars, of that magnitude, by any stretch of the imagination.

There was never, until this amendment comes along, any thought of requiring a mini-supermajority to pass a resolution in a moment of dire peril to deal with our Nations's security. We get nothing from the proponents when we direct the question at them, "Would you be willing to raise the revenues to meet the needs in that moment of peril?" "Would you be willing to raise taxes?"

Mr. LEVIN. Will the Senator yield for a question.

Mr. BYRD. Yes, shortly. What we get is what the Senator from Maryland got a while ago when he tried to pin Senators down on the other side of the aisle with his questions concerning section 5. Section 5 has not been talked about much in the Senate. It needs to be talked about. What we get are speciocities, irrelevancies, platitudes, well-wishes, and expressions of good intent. We do not know what the "intent" of the Senators who sit at these desks will be 2 years from now, 3 years from now. Perhaps they will be the same Senators. How can we say what their intent will be? We need to read the words of the amendment. They speak for themselves when they say "total outlays shall not exceed total receipts in any fiscal year." That does not leave any wiggling room. The proponents say, yes, it does, because you can waive that by a three-fifths majority.

It is a dangerous amendment. Section 5—I would not want to risk the lives of my grandsons on that kind of language, requiring 51 Senators in this Chamber to pass such a resolution, denying the Vice President of the United States his vote to break a tie, if there should be a tie. This amendment would deny the Vice President of his vote that is accorded him in the current Constitution——

Mr. LEVIN. Will the Senator yield?

Mr. BYRD. To vote to break a tie. I yield.

Mr. LEVIN. I understand that the Senator from Utah said that the Vice President would be denied, in his opinion, a vote to break a 50–50 tie. But he also said it was an "open question." I do not think we ought to have an open question in a constitutional amendment, because this is a life and death matter.

Mr. BYRD. You have a constitutional crisis when you have this open question.

Mr. LEVIN. It will, in fact, plunge this constitutional amendment into the courts to interpret as to whether or not the Vice President can break a tie. It should not be left open. It should be resolved in this amendment as to whether or not the Vice President's vote counts to break a 50–50 tie. I think it is irresponsible to write a constitutional amendment knowing that that question is left open.

By the way, that is not some theoretical question. Last year's deficit reduction bill, as it has been debated here this afternoon, was a 51–50 vote, based on the Vice President's vote. So this is not some theory that we are arguing here in a civics class. This is the reality of the U.S. Senate, and life and death matters can be resolved on whether or not the Vice President's vote counts to break a tie.

It was the opinion of the Senator from Utah, as I understand it, stated earlier this afternoon, that the Vice President's vote would not count in this provision. And yet, the chief sponsor of this language that is in front of us, Representative DAN SCHAEFER of Colorado, says the Vice President's vote would count. Yesterday, we had the same problem. We had, on this side, the chief sponsor saying that there would be no standing, do not worry about it. We had the chief sponsor on the other side—this is the Schaefer-Stenholm substitute. Representative SCHAEFER has said that there would be standing for Members of Congress to sue. I had a big board up, and my friend from Pennsylvania who is managing the bill now saw where we had the prime sponsor of this language quoted in a very formal document, by the way, these were not casual comments. These were questions and answers he submitted for the RECORD, in the HOUSE CONGRESSIONAL RECORD, where he made statements which were exactly contrary to what the opinion of the Senator from Utah is—exactly contrary on critical issues on the role of the court.

Representative SCHAEFER said, in a formal answer, that a court could throw out an appropriations bill or a tax bill, as being unconstitutional. But we were told by the Senator from Utah that it was his opinion that a court could not involve itself in the budgetary process.

My question of my friend from West Virginia is this—and I want to read now into the RECORD the statement of Representative SCHAEFER on the question of whether or not the Vice President's vote counts. It is on page 758 of the CONGRESSIONAL RECORD of January 26. This is a formal interpretation of section 4. And, again, this is a formal question and answer presentation that was supplied for the RECORD by Representative SCHAEFER:

> This language is not intended to preclude the Vice President in his or her constitutional capacity as President of the Senate from casting a tie-breaking vote that would produce a 51–50 result.

He goes on to say:

> Nothing in section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

Mr. SARBANES. Will the Senator yield?

Mr. LEVIN. I do not have the floor, but——

Mr. BYRD. Mr. President, the courts are going to decide that. It does not make any difference what my intent is or what the intent of the House Member was who was addressing himself to that question, or what he intent of any other Senator is. It is the court, and it will be a constitutional crisis. Once we constitutionalize this fiscal policy by writing this amendment into the Constitution, it is an open invitation to the courts to come into this equation. There is nothing in this amendment that prohibits or forbids the courts from intervening.

Mr. SARBANES. Will the Senator yield on that point?

Mr. BYRD. Yes.

Mr. SARBANES. I think the Senator from West Virginia is absolutely correct. But what is going to draw the court in even more is the fact that two principal sponsors of this measure give absolutely contrary views as to the meaning of this clause, as the Senator from Michigan has pointed out. One of the chief House sponsors says that under section 4 the Vice President would have the tie-breaking vote. The distinguished Senator from Utah, chairman of the Judiciary Committee and the lead manager for this bill, very explicitly stated on the floor of the Senate not too long ago that you would have to produce 51 votes out of 100 in this body in order for section 4 to apply. A 50–50 vote with the Vice President supposedly casting a tie-breaking vote would not work. In effect, you have negated the tie-breaking vote of the Vice President.

This is important in underscoring all of the pitfalls that are contained in this provision. I am certain it will bring about what the Senator from West Virginia has just stated, and that is the involvement of the courts, because the legislative history on this is absolutely contradictory on the part of its proponents.

Mr. LEVIN. I thank the Senator from Maryland. My point here is that this is being left——

Mr. BYRD. I ask unanimous consent that I may continue to yield the floor, retaining my rights to the floor, for colloquies. I do not intend to hold the floor all afternoon. My feet are getting tired.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I call attention to the fact that we have a fresh new Member here from the Republican response team. They are sending them in in relays.

Yes, I would be glad to yield.

Mr. LEVIN. The Senator has eloquently pointed out the reasons why we should not require majorities, and on that there is a difference of opinion. I happen to share the opinion of the Senator from West Virginia for the reasons that he has given that we should not require a supermajority.

But the issue that I raise, the Senator from Maryland has raised, and the Senator from Utah has raised relates to that question. It is, what is a supermajority and whether the Vice President's vote counts? And on that one, I think 100 of us ought to agree.

Maybe there is a disagreement as to whether or not we should have a supermajority—and there is a disagreement—but there should be no disagreement, there ought to be absolute unanimity on a determination that this constitutional amendment be clear on the question as to whether or not the Vice President can break a tie and count towards the 51 votes. We should not leave that ambiguous.

This is not a matter where there is a difference of opinion as to whether or not a supermajority is appropriate in order to raise revenues or not. This is a question of writing a constitutional amendment, knowing that a question, a critical question, is left open. It should not be left open.

Because if it is, this constitutional crisis, which the Senator from West Virginia and the Senator from Maryland talked about, is something that we are inviting. And we should not only not invite it, we should close the door on any such constitutional crisis by making that clear.

That will not resolve the question that the Senator from West Virginia has raised as to whether or not it is desirable that there be a requirement for a supermajority, and I happen to, again, share his view on that. But, again, we should clarify the question.

I ask unanimous consent at this point, Mr. President, that the statement of the prime sponsor of the joint resolution in front of us, Representative SCHAEFER, that appears on page H758 of the CONGRESSIONAL RECORD of January 26 of this year, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> This language is not intended to preclude the Vice President, in his or her constitutional capacity as President of the Senate, from casting a tie-breaking vote that would produce a 51-50 result. This is consistent with Article I, Section 3, Clause 4, which states: "The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided." Nothing in Section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

Mr. LEVIN. Mr. President, I do not have the floor, but I think it would be very desirable for the Senator from Pennsylvania to respond, should the Senator from West Virginia so yield.

Mr. BYRD. Mr. President, of course, I would not want to shut out from this electrifying moment in this very illuminating debate a Member of the "Republican response team."

I ask unanimous consent that my previous request include the Senator from Pennsylvania and any other Member of the response team.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Senator and I thank the Chair.

I was going to refer you to the 12th amendment that uses the same language that is used in section 5 and section 2, which refers to the whole number of the Senate. In one case, it says the whole number or two-thirds of the whole number of the Senators, the same language that we use here only we say in each House.

If you have questions about the ability of the Vice President to cast votes with respect to this, then I suspect you have questions as to whether the Vice President can cast votes under the 12th amendment, because it is word for word what is put in this document.

Mr. LEVIN. If the Senator will yield, I do not have a question about it.

The Senator from Utah, who is the principal sponsor on that side, said that the Vice President's vote would not count. Now that is coming from a pretty authoritative source here.

Senator HATCH said—and I was not on the floor, but I understand that he said—two things about this question. Number one, it is an open question. That means what it says. It is an open question, presumably left for the courts or left for somebody to decide. But then Senator HATCH said—it was reported to me, and I was not on the floor; I believe the Senators from West Virginia and Maryland were here—Senator HATCH apparently then said that, in his opinion, in his opinion, the Vice President's vote would not count toward the 51 votes. And I think that is what the Senator from West Virginia reflected in his statement.

Mr. BYRD. Yes.

Mr. LEVIN. So it is not the Senator from Michigan who is raising the question—I think we ought to button down the issue—it is the principal sponsor of the amendment here in the Senate who has rendered that opinion.

Mr. SARBANES. Will the Senator yield to me? Because the analogy—

Mr. BYRD. Before I yield, may I point out to the Member of the response team who just, I believe, indicated that the supermajority in amendment No. 12 would be a parallel to the situation which we have been discussing—namely, as the Vice President's vote would be involved—I point out to the junior Senator from Pennsylvania, who perhaps has not read the 12th amendment lately, that that is what that amendment is all about. There is no Vice President.

Mr. SANTORUM. Right.

Mr. BYRD. There is no Vice President to cast a vote under the 12th Amendment. The reason for that amendment is to provide for the election of a Vice President by the U.S. Senate when the Vice President's seat is vacant.

Mr. SARBANES. If the Senator will yield, that was exactly the point I was going to make.

The Senator from Pennsylvania got up and said, "Well, if you want to know what this language means here of the majority of the whole number, just refer to amendment 12."

Now, amendment 12 has to deal with picking the Vice President. There is not a Vice President. And it says——

Mr. SANTORUM. Does that not make it obvious.

Mr. SARBANES. It says:

> The Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

But the choice is picking the Vice President. It does not answer the question that the Vice President can cast the tie-breaking vote.

Mr. SANTORUM. If the Senator will yield, I think it makes that very point. Obviously, the Vice President is not considered part of it because there is no Vice President. So the whole number must mean that it is the Members of the Senate, absent the Vice President. Otherwise, this would make no sense. I mean, I think that is the reason I used it, because it is apparent.

Mr. SARBANES. Once a Vice President has been chosen——

Mr. SANTORUM. The Vice President is a Member of the Senate.

Mr. SARBANES. Once the Vice President has been chosen——

Mr. BYRD. He is not a Member of the Senate. The Vice President is never a Member of the Senate.

Mr. SANTORUM. I rest my case.

Mr. SARBANES. We take a vote——

Mr. BYRD. That is not the case.

Mr. SARBANES. Once the Vice President is chosen and we take a vote, a 50–50 vote, can the Vice President break the tie?

Mr. LEVIN. Under this amendment.

Mr. SANTORUM. If we compare it to the language in the amendment it parallels, my opinion would be no.

Mr. LEVIN. He cannot?

Mr. SANTORUM. Correct.

Mr. LEVIN. So you disagree with Congressman SCHAEFER?

Mr. SANTORUM. I do.

Mr. LEVIN. Then in that case, we have the prime sponsors in the Senate and we have the prime sponsor in the House, whose name is on top of this constitutional amendment—this is the Schaefer amendment—we have the sponsors here and the sponsor there in total disagreement on an absolutely fundamental question as to whether or not the Vice President's vote can be counted to break a 50–50 tie. And that determines the outcome of the whole deficit reduction package last year.

That should not be an open question. Whatever side of this issue you are on, whether or not you believe in supermajorities or you do not, we should not leave an ambiguity that huge in the Constitution as to whether or not the Vice President's vote counts. And I think it ought to be clarified. It ought to be clarified one way or the other, but it ought to be clarified because, otherwise, it is an invitation for a constitutional crisis.

I yield the floor and I thank my friend.

Mr. BYRD. Mr. President, I have been unable to get a question answered here, and perhaps the Senator from Pennsylvania can answer it.

My question being: If the threat to our national security should continue into the next fiscal year, or the next calendar year after the year in which the joint resolution referred to in this section is adopted by a minimajority of a majority of all the Members of the Senate and all the Members of the House chosen and sworn, if that threat continues, and we are in a second fiscal year does such a joint resolution have to be passed again by both Houses?

If not, do both Houses have to waive the requirements of section 1, which requires a three-fifths majority? Does Congress have to continue to waive for each fiscal year during which we have the military threat? Does that mean that every new fiscal year in which the threat continues, we have to have three-fifths to waive the requirements of section 1? Or does it require that every fiscal year we pass another joint resolution requiring a majority of the total membership of both Houses as referred to in section 5? Or does it require that both sections be waived?

Mr. President, I ask unanimous consent that I may propound a question to the Senator, even though I hold the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, section 5 reads: "The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect." So it would seem very obvious to me the Congress has the availability to raise it for the fiscal year or any subsequent fiscal year in which the war is in effect.

That is pretty much what it says.

Mr. BYRD. I am glad we are going by what the amendment says for once.

Now, what do you think it says? What does the Senator think it says?

Mr. SANTORUM. I think that is what it says.

Mr. SARBANES. I ask the Senator, what does it mean? What is your understanding of the meaning? Would you have to have a waiver for each fiscal year?

Mr. SANTORUM. I am stupefied that the plain reading of this language is not apparent to the Senator from Maryland. I think it is very serious.

Mr. SARBANES. I have to say to the Senator from Pennsylvania perhaps I am not as quick as he is to pick up the plain language. I thought the question was a good question. The question, as I understood it is, must you have a waiver in each fiscal year since?

Mr. SANTORUM. It says, "The Congress may waive in any year."

Mr. SARBANES. For any fiscal year in which the United States is engaged.

So, we may waive it for that fiscal year.

Mr. SANTORUM. Or next fiscal year.

Mr. SARBANES. The next fiscal year comes along. Then what?

Mr. SANTORUM. It says we may waive for any fiscal year. It does not say we have to waive for this fiscal year. We could pass—it says "any fiscal year." It could be for next fiscal year, the one afterward, as long as the declaration of war is in effect, we can raise for any fiscal year.

Mr. SARBANES. So you think it means any and all?

Mr. SANTORUM. As long as the declaration of war is continuing, I assume that is what the Congress can do.

Mr. SARBANES. What about the next sentence?

Mr. BYRD. There are two different situations there.

Mr. SARBANES. What about the next sentence? Same interpretation.

Mr. SANTORUM. Obviously, in one case we have declaration of war. That is, a declaration of war has a certain time limit, then the declaration of war ceases.

In this case——

Mr. BYRD. Would the Senator say that again?

Mr. SANTORUM. The declaration of war at some point ends.

Mr. BYRD. What causes it to end? What terminates a war?

Mr. SANTORUM. A signing of a treaty to end the war.

Mr. BYRD. What terminates the declaration of war?

Mr. SANTORUM. I ask the Senator, since I was not around the last time we declared war, I assume it would be some act of Congress to end the declaration.

Mr. SARBANES. But it was the Senator that asserted that the declaration of war would end. How does that happen?

Mr. SANTORUM. I just responded.

Mr. BYRD. The Senator was responding to a question. His response, I do not understand.

Mr. SANTORUM. As long as a declaration is in effect, however long that may be, that Congress can, under this provision, waive this amendment.

Mr. BYRD. How long was the declaration of war in World War II in effect?

Mr. SANTORUM. I yield to the Senator from West Virginia.

Mr. BYRD. I am asking a question. I want to be informed.

Mr. SANTORUM. I do not know the answer.

Mr. BYRD. The ready response team should have all the answers.

How long was the declaration of war in World War I in effect? The war is over. Suppose declaration of war is still in effect. What happens in a situation like this?

Mr. SANTORUM. I think it would be apparent that at some point the Congress would rescind the declaration of war and then this article would no longer be operative.

Mr. BYRD. Congress did not rescind all previous declarations of war. Why does the Senator not help me find the answer to that question?

Mr. SANTORUM. I will do my best.

Mr. SARBANES. Would the Senator address the second question? Let us move beyond the declaration of war. What is your understanding of the second sentence? This is not a declaration of war in which the United States is engaged in military conflict, so declared by a joint resolution. Would we have to get a joint resolution the following year?

Mr. SANTORUM. My opinion on that is that the—according to the plain reading of the constitutional amendment—Congress would have to, each year, go through the process of exempting itself from this provision because of that conflict.

Mr. SARBANES. How can the phrase "for any fiscal year," which is identically the same phrase in sentence 1 and sentence 2, be given diametrically opposite definitions?

You just told me that the phrase "for any fiscal year" in sentence 1, linked to a declaration of war, means that it can be waived for not only the current fiscal year but fiscal years beyond that.

Now the Senator tells me in sentence 2, "waive for any fiscal year" means only the fiscal year in which you find yourself and not subsequent fiscal years.

Now, how can the Senator give that phrase an entirely different interpretation?

Mr. SANTORUM. Let me give you the committee report which says: "For any fiscal year, in effect, is intended in the first sentence of this section to require a separate waiver of the provisions of any amendment each year."

Mr. SARBANES. For which sentence?

Mr. SANTORUM. For the first usage.

Mr. SARBANES. In section 5.

That is not what you told me a few minutes ago.

Is that right?

Mr. SANTORUM. That is correct.

Mr. SARBANES. Which is correct then, your answer or the committee report?

Mr. SANTORUM. I refer to the committee report.

Mr. SARBANES. So, the answer you gave me earlier is not correct?

Mr. SANTORUM. According to the committee report, that is correct.

Mr. SARBANES. Well, what is your view? Is your view the committee's report or is your view the answer which you gave yourself just a couple minutes ago?

Mr. SANTORUM. My view is that the committee report, having had the time to study it longer than I, is probably the accurate view.

Mr. BYRD. Was there a minority view on this particular question in that report?

Mr. SANTORUM. Not that I am aware. I will have someone check.

Mr. BYRD. Let me ask the Senator.

Mr. SANTORUM. By the way, I would further read that the meaning in the second sentence, the second use, is also the same, that in every fiscal year the Congress would have to extend this waiver.

Mr. SARBANES. I say to the Senator that is certainly a consistent reading of the meaning "for any fiscal year." At least it is being read the same way in the second sentence as it was read in the first sentence according to the committee report.

Now, that is not the answer the Senator was giving us because he was giving a completely opposite view of the meaning "any fiscal year" in sentence 1 and in sentence 2. But it only underscores the problems with this amendment.

The distinguished Senator from Pennsylvania came to manage the bill during this time period. The Senator had—I assume now it has changed—a perception of the meaning of this proposed amendment to the Constitution which I am now told he is withdrawing.

Mr. SANTORUM. If the Senator will yield, that is why it is very important to have committee reports and implementing legislation that is called for in the article; that we have implementing legislation to clear up these kinds of doubts that may exist with respect to specific provisions of the act.

So I suggest to the Senator that a lot of this debate is useful. In fact, it is illuminating. I find it to be such, not just on this point, but on many others.

But what is important to note is the ability of this Senate to come back, as it will, and implement this act and further specify the meanings of how this constitutional amendment will be implemented.

Mr. SARBANES. I ask the Senator from Pennsylvania, do you think that the implementing legislation could be used to clarify the discrepancy in view that was outlined here earlier on the floor as to whether a Vice President has the power to break a tie? Could that be clarified by the implementing legislation?

Mr. SANTORUM. I guess I would defer to answer on that. I do not know whether the implementing legislation would do that or not, to be honest. I think that would be a matter of interpretation.

Mr. SARBANES. Let me just carry the question a step further. Do you think that implementing legislation can rewrite provisions of a constitutional amendment?

Mr. SANTORUM. Obviously not, but they certainly can clarify points of a constitutional amendment. Obviously, constitutional amendments, particularly of this nature, are not meant to stand on their own. There has to be some legislation that is going to allow this to be complied with.

Mr. BYRD. Will the Senator allow me on that point?

Mr. SARBANES. Certainly.

Mr. BYRD. Implementing legislation may be repealed in the very same session—for that matter, in the very same month—in which the original legislation was enacted. Does this mean then that we are going to trust to the hands of shifting opinions in the country and in this body the interpretation of the amendment if we are going to do it by implementing legislation?

Does this mean that we are going to put at risk the Nation's security by leaving this up to the implementing legislation, which can be changed, as I say, by even the same Senators in a subsequent year? Are we going to place the Nation's security at risk by falling back on the language that talks about implementing legislation?

Mr. SARBANES. Will the Senator yield?

Mr. BYRD. Yes.

Mr. SARBANES. He is making an extremely important point. Suppose one Congress comes along and passes implementing legislation saying that the Vice President cannot cast a tie-breaking vote. Then a new Congress comes in and they pass implementing legislation saying the Vice President can cast a tie-breaking vote.

I say to the Senator from Pennsylvania, I do not see how this particular provision can bounce back and forth with the implementing legislation. I just do not understand how that could happen. It is obvious that a court would have to come in to decide it if it is not decided here, and we have directly conflicting views.

Let me just read you—I do not know whether the Senator is acquainted with what Congressman SCHAEFER on the House side said about this.

Mr. SANTORUM. If the Senator will yield, again, I am a little bit perplexed. I look at, for example, section 8 powers under article I that are given to the Congress to borrow money, to regulate commerce. Does it say how we regulate commerce or do we leave that to implementing legislation? And if we do change that, does that mean we somehow violate the Constitution, or is that somehow dangerous upon our society? The Constitution, as the Senator will tell you, is a contract of principles, not as to how to.

Mr. SARBANES. Will the Senator yield on that very point?

Mr. SANTORUM. We continually change how to.

Mr. SARBANES. That is absolutely wrong. That is absolutely wrong. The Constitution is very specific in describing how, in terms of the process, decisions will be made. It is not specific about the substance of the decision to be made, but it is very specific about how we are to do our business. The Framers were very careful about that. They spelled out what would be a quorum, then a majority of the quorum could pass the legislation. It is all laid out.

I want to give you a real-life situation. A bill is before this body. It is a controversial, closely fought bill. We take a vote on it. The vote is 50–50, and the Vice President is sitting in the chair.

Now, it is very clear under current procedure in that circumstance, the Vice President can cast a tie-breaking vote. It does not have to be 50–50, it can be 48–48, whatever. And I have been in this body when that has happened, not only on the 1993 deficit reduction bill, but on other measures as well. I have seen the Vice President in the chair casting a tie-breaking vote.

What is the outcome in that situation?

Let me read to you what Congressman SCHAEFER says the outcome would be. This is the Republican lead sponsor on the House side:

> This language is not intended to preclude the Vice President in his or her constitutional capacity as President of the Senate from casting a tie-breaking vote that will produce a 51-to-50 result. This is consistent with article I, section 3, clause 4 which states: "The Vice President of the United States shall be President of the Senate but shall have no vote unless they be equally divided." Nothing in section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

The Senator, I take it, has told us that he disagrees with that; is that correct? That is not his view of the meaning of article 4.

Mr. SANTORUM. It is apparent from the committee report that refers to, as I did, the 12th amendment and refers to that being similar to what the 12th amendment would be. That would be my answer.

Mr. BYRD. In the 12th amendment there is no Vice President——

Mr. SANTORUM. It is obvious as to what——

Mr. BYRD. To cast any kind of vote, whether it is a deciding vote or anything else. That is why we have the 12th amendment, to fill the vacancy in the Vice Presidency.

Mr. SARBANES. What is the reference in the committee report to which the Senator is referring?

Mr. SANTORUM. Page 15, about three-quarters of the way down, "the whole number of each House."

Mr. SARBANES. That does not answer the question. That just makes a statement.

> The whole number of each House is intended to be consistent with the phrase "the whole number of Senators" in the 12th amendment to the Constitution * * *

But that does not answer my question, since the 12th amendment to the Constitution was a situation in which there was no Vice President. It addresses a situation in which you are choosing a Vice President, not the situation after which the Vice President has been chosen. And once the Vice President is chosen under article I, section 3, clause 4 of the Constitution, he has a vote in an equally divided situation.

So what the Senator from Pennsylvania is doing is drawing an analogy from a situation that governs circumstances in which a Vice President has not been picked and you are picking a Vice President. It does not then answer the question of the vote-casting power of the Vice President once he has been chosen.

Mr. SANTORUM. If the Senator will yield, I think the Senator from West Virginia, in fact, helped me answer this question when, if you look at, again, what the committee report says, "The whole number of each House is intended to be consistent with the phrase 'the whole number of Senators * * *'"

The Vice President is not a Senator. I quote the Senator from West Virginia, just a few minutes ago. So it would be obvious to any reader that a whole number of Senators must be 51, assuming there are 100 Senators.

Mr. SARBANES. I just make this observation to my friend.

You must be desperate about the 1993 legislation to be so driven that you want to deny the Vice President of the United States his tie-breaking power to cast a vote which has been in the Constitution from the very beginning.

Now, I know Members on the other side are unhappy about that legislation, but it seems to me it is carrying your differences over the substance of a piece of legislation much too far when you start tinkering, really assaulting, the Constitution of the United States in this fashion. We end up getting two completely differing interpretations of the application of this provision as interpreted by the lead House Republican sponsor of this measure and by the answers that I am now receiving in the Chamber of the Senate.

Mr. BYRD. Mr. President, I ask unanimous consent that notwithstanding the fact that I have the floor, I may propound a question to another Senator without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Let me ask the distinguished Senator from Pennsylvania, in a situation in which in a given fiscal year the United States is engaged in military conflict which causes an imminent and serious military threat to national security, and that threat continues into the next fiscal year, is it section 1 that would have to be waived in the subsequent fiscal year or years? Would section 1 have to be waived in the subsequent fiscal year or years?

Mr. SANTORUM. I am not too sure—if the Senator is asking for an answer, I am not too sure I understand what the question is. Is he suggesting that the second year would be treated differently than the first year of the conflict?

Mr. BYRD. Why would it not? It is a new fiscal year. And the constitutional amendment on the balanced budget requires that the outlays not exceed receipts in any fiscal year. So we are into a new fiscal year. And yet the threat to the security of this country is still in effect. What do we do? Do we have to waive section 1 again in the new fiscal year?

Mr. SANTORUM. According to the committee report, a joint resolution of Congress would be required in order to have this provision be eligible to be waived, this amendment to be waived.

Mr. BYRD. The Senator is talking about two things there. The Senator is talking about the joint resolution in section 5 that would have to be enacted into law which would require a majority of the whole number of Members in each House. But section 1 requires a vote, in order to be waived, of three-fifths of the whole number of each House.

Mr. SANTORUM. And section 5 provides an exception to section 1.

Mr. BYRD. To section 1.

Mr. SANTORUM. In other words, section 1 binds us with the exception of, as outlined in section 5, when we have a declaration of war or——

Mr. BYRD. But my question is, if that military threat continues into a second fiscal year——

Mr. SANTORUM. We would be required then to pass a separate waiver of this amendment.

Mr. BYRD. Congress would have to pass a joint resolution in each and every fiscal year that ensued following the fiscal year of the first joint resolution?

Suppose there is not a declaration of war in effect. The first sentence of section 5 addresses the situation in which there is a declaration of war. Now, I will read it:

> Congress may waive the provisions of this article—

Meaning section 1——

> for any fiscal year in which a declaration of war is in effect.

Now, the country has fought three major wars and engaged in several military conflicts during the past 48 years without declaring any war. Suppose there is not a declaration of war in effect. Then let us see what it says.

> Provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Now, I have two or three questions I wish to ask the Senator. I will ask them singly or I will ask them en bloc.

One. Does this mean that in each subsequent fiscal year—let us imagine that a military threat develops in August, which is only 2 months preceding the close of the fiscal year. A threat is imminent. The Commander in Chief asks for a resolution, and Congress, notwithstanding the rules providing for unlimited debate in the United States Senate, quickly passes such a joint resolution for that fiscal year.

Then let us imagine that the threat continues over into the next fiscal year, January, February, March, April. Is another joint resolution required by the Congress?

Third question. Suppose that the response of the Congress to the President's request is favorable and the President launches his planes and ships, his troops, and vast expenditures of money are entailed. The fiscal year ends. The outlays exceed the receipts. The threat continues throughout the next fiscal year. There is no declaration of war but expenditures run into the billions of dollars—billions. What are we going to do?

This amendment says outlays shall not exceed receipts in any fiscal year. What are we going to do about the fact that the deficits rose greatly in the previous fiscal year, the one in which the threat first made itself clear and the deficit of the second year amounted to billions of dollars? What are we going to do? And suppose that passions within the Congress and in the country in the early-on support for the war dwindled away and left the Commander in Chief out there with his men in far-flung seas and lands, with their lives on the line. What do we do? No war has been declared.

Do we require that in order to waive—in order to waive section 5 there must be a majority of the Members elected in both bodies to waive. And you do not have that majority. What are you going to do? You have already run in excess, many—$10 billion, $15—who knows what? It cost billions, the Persian Gulf War, what do you do, Senator?

Mr. SANTORUM. I would answer the question——

Mr. BYRD. Are you going to raise taxes?

Mr. SANTORUM. I would answer that question the same as I would with any war. The Congress has the responsibility of funding the war and appropriating the dollars. The President cannot continue to execute a war if the Congress does not provide the funds to do so by a majority vote. So we already have, already, an existing requirement that Members of Congress vote by a majority to fund the war.

So I guess I do not see the complication. If we are going to go ahead by a majority vote and fund the war through an appropriations process, and we have the support to do that, why would we not continue very consistently, almost an afterthought, to go ahead and waive this provision of the Constitution, recognizing the imminent threat to our national security?

Mr. BYRD. Except that a majority is not a majority, under this new amendment to the old Constitution. A majority under the current Constitution is not a majority under this constitutional amendment to balance the budget.

So the deficits have been increased, the debt has gone through the stratosphere, and we have people overseas with their lives on the line. What are we going to do?

You have an administration under the control of one party and the leadership of the Congress under the control of the other. You are putting our Nation's security in peril——

Mr. SANTORUM. Senator, what you are suggesting——

Mr. BYRD. Requiring a mini-supermajority for such a critical time.

Mr. SANTORUM. Is what the Senator is suggesting that this body or the other body would pass appropriations bills to fund the conflict, our participation in the conflict, and then not come back and waive the requirement for a balanced budget to allow us to do that? Is that what the Senator is suggesting?

Mr. BYRD. I am not suggesting it. The Senator——

Mr. SANTORUM. Same vote——

Mr. BYRD. The amendment the Senator is so avidly supporting requires that in each fiscal year——

Mr. SANTORUM. As we do with appropriations——

Mr. BYRD. Outlays shall not exceed receipts.

Mr. SANTORUM. Except——

Mr. BYRD. Suppose that in order to make that work, we had to have a tax to fund this threat—to protect us against the threat to the security of the Nation. I have heard Senators on that side of the aisle say they will not vote for a tax, ever. What about the deficits that have already been run up in the previous fiscal years, for which a majority of the Members chosen and sworn have voted to waive? Does that mean we have to go back and put on a retroactive tax? How would the Senator feel about that?

Mr. SANTORUM. How I would feel about it is, as you know, every year we have to appropriate money for the Defense Department. Particularly in time of war we would have to appropriate money through an appropriation process; we would have to go through both sides, it would have to be passed by a majority vote. In addition, we have put an additional hurdle—yes, of this section—which requires a simple majority, not a three-fifths or constitutional majority, but a majority of the whole number of each House——

Mr. BYRD. That is not a simple majority.

Mr. SANTORUM. A majority of the whole number of each House.

Mr. BYRD. Which is not a simple majority.

Mr. SANTORUM. Which would be slightly higher, possibly slightly higher burden in the House, and potentially higher, depending on interpretation, vote here in the Senate. But certainly consistent with the passage of the appropriations bill.

Mr. BYRD. Slightly higher, but it does not necessarily mean it would be slightly easier.

Would the Senator recommend that in order to deal with the deficits that had been built up as a result of the waiver of the article in previous fiscal years—does he suggest there might have to be a retroactive tax?

Mr. SANTORUM. There is nothing here in this constitutional amendment that requires us to pay back deficits that have been incurred since the enactment of this constitutional amendment, that have occurred as a result of a waiver of this amendment. So there is no requirement in the constitutional amendment to require the payment of existing debt.

Mr. BYRD. Oh, there is not? There is not?

The other day, the Senator from Pennsylvania stated with reference to dealing with the deficit for a year that has ended, the Senator stated: "We could, as has been done here, retroactively tax." I do not believe the Senator would have made that statement without having given it long and serious thought. So the question that naturally occurred to me today, again, is would the Senator be willing, in that situation, to vote for a retroactive tax? We are talking about a fiscal year or fiscal years that have ended and the estimate for the deficits for that year or those years have gone wrong by virtue of the sudden imminence of a serious military threat to our national security.

Is the Senator willing—he would not be willing, I do not believe, to vote for a package to reduce the deficits, such as the one we enacted in 1993. But in a situation like this, in which the Nation's security is imperiled, would he be willing to vote to increase taxes? I heard a Republican Senator stand over there on the floor and say he would not vote to increase a tax, ever.

I do not believe the Senator from Pennsylvania's feet are in such concrete. But I am just wondering, in the light of what he said about a retroactive tax the other day, whether or not he would suggest that, in a situation like this? In order to go back and wipe out those deficits?

Mr. SANTORUM. Would I in fact vote for a retroactive tax? If we needed to tax in order to meet the needs of war, I think we would have broad bipartisan support, as we would—as we do now, with appropriations bills.

Mr. BYRD. And he would vote for a retroactive tax?

Mr. SANTORUM. I do not know what the need would be for a retroactive tax but if that is what would be required, I would certainly consider it, if our country was at war. Certainly.

Mr. BYRD. How would the taxpayers of this country ever know how to fill out an income tax form, if we are going to go back and enact retroactive taxes? How are they going to know what the tax requirements are when they fill out their income tax forms and whether they may have to pay back taxes?

Mr. SANTORUM. That was our argument against the retroactive tax in 1993.

Mr. BYRD. But the other day—I am talking about the Senator's statement the other day, when he suggested there might be a retroactive tax.

Mr. SANTORUM. I said that is an option available to future Congress, if necessary.

Mr. BYRD. And I am asking the Senator.

Mr. SANTORUM. I would not recommend that option.

Mr. BYRD. But you would be willing——

Mr. SANTORUM. In a time of war, Senator, I would be willing to do things that otherwise I would not be willing to do at other times.

Mr. BYRD. What I am concerned about is in a time of serious military threat to this country, under this amendment a majority of the Senators and House Members elected and sworn would be required in order to waive the requirements of this amendment, under such dire extremities, and could not do so by a simple majority vote.

May I say, for the information of the Senate, I have an amendment which is at the desk.

I would be willing to agree to a vote on that amendment on the day that the Senate returns following this weekend—be willing to agree to a vote on or in relation to the amendment. I say "in relation" because the amendments around here to this constitutional amendment do not get up-or-down votes. Motions to table are made. There have been several amendments offered and debated to this constitutional amendment. There have been no up-or-down votes, and all of the amendments succumbed to the motion to table. That certainly is within the right of Senators to move to table.

I would be willing to offer my amendment, and it will be germane, if cloture is invoked. I would be willing to offer that amendment today, and agree to a time on it for debate and vote on or in relation to it, which includes the tabling motion, to take place on next Wednesday. I have not offered the amendment yet. So it cannot be tabled today. But I can offer it. So if the manager of the bill would like to respond, I will yield.

Mr. HATCH. Mr. President, will my dear friend yield?

Mr. BYRD. Yes. I am happy to yield.

Mr. HATCH. As I understand it, the Senator from West Virginia is willing to lay down his amendment as long as it is not tabled today, and willing to have the vote on it at a time certain when we get back on Wednesday.

Mr. BYRD. Yes.

Mr. HATCH. Can the Senator tell me what time the distinguished Senator would desire? Could we keep it short?

Mr. BYRD. Let me modify my request. Let me offer this modification, or possible modification. I believe a unanimous-consent order was entered for the recognition of the Senator from West Virginia immediately upon the disposition of the cloture vote today to call up amendment No. 252, and that amendment would eliminate the three-fifths supermajority contained in section 1.

I would like to have the privilege of calling up that amendment, laying it down today, or calling up instead an amendment which is equally germane, in the event cloture is invoked, to deal with section 5, which the Senators from Maryland and Michigan and I and other Senators have been discussing this afternoon—with the understanding that there would be no tabling motion offered today, and that the vote on or in relation to that amendment, whichever of the two it is, would not occur until next Wednesday.

There is a cloture vote, I believe, that will occur, possibly even two of them, on that day. As I understand it, the majority leader laid down two cloture motions last night—say 2 hours of debate, equally divided. Of course, if cloture is invoked, we will operate under the rule.

Mr. HATCH. Will the Senator be willing, if our side takes only 15 minutes, to reduce that time to an hour? He would almost have the same amount of time as 2 hours equally divided. It would be 15 minutes less. But I would be 45 minutes less.

Mr. BYRD. The Senator is most generous.

Mr. HATCH. I have tried. What I am trying to do with my dear colleague is get moving on the amendment process, face whatever we have to face on this amendment, and try to bring this matter to a close sometime within the near future so that we can alleviate delays as much as possible. We are willing. As the Senator from West Virginia can see, we have been willing to take very little time on our side and allow plenty of time on the opposite side of this issue as an accommodation to try to move things along.

Mr. BYRD. Mr. President, accommodations do not matter to this Senator——

Mr. HATCH. I understand that. It is just a request.

Mr. BYRD.—When it comes to amending the Constitution. There is probably too much accommodation around here, in any event. But, nevertheless, it is characteristic of the distinguished Senator to want to accommodate.

What I was amused about was the offer to let the proponents of my amendment have 1 hour of debate and the opponents have 15 minutes. That is an indication to me that there is not much serious thought being given to my amendment. It is going to suffer the same fate as have other amendments around here—that they have been debated a little bit, and a motion to table is then made. They are not accorded serious debate.

Mr. HATCH. Will the Senator yield on that?

Mr. BYRD. I am not directing this at the Senator. I am simply saying that it says something about the debate on this constitutional amendment.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATCH. No, it does not, because the amendment the Senator is going to call up we are fully cognizant of. We spent a lot of time analyzing it. We believe we can answer it in a reasonable period of time. I feel we can answer it in 15 minutes. If we cannot, I would be happy to—but I think we can.

On the second amendment, I do not know what amendment that would be. So we might have to grant some more time on that. But our problem is not so much that we do not want to give enough time on this. We have been giving hours and hours. We have given. It is now 14 days of Senate floor time; long hours. I am not complaining. I am willing to be here as long as the distinguished Senator wants to debate any of these issues. But we have spent 14 days, which is 3 more than was spent on any balanced budget amendment in history.

Like I say, I am willing to spend more, but it is to accommodate my colleagues who are on the other side of this issue. So it is not a matter of giving a short shrift. We believe some of the amendments in the past have not deserved a lot of consideration from a constitutional standpoint. And we felt as though we had full debate, even with the limited amount of time we have allocated to ourselves, and we felt as if we made the case enough. But so far, we have been successful in tabling motions.

One last thing. Every amendment that has been brought forth has been a significant amendment, in my eyes.

I have wondered why some were brought forth, perhaps, but I still hope that they are substantively significant amendments. We cannot constitutionally answer some of them in less time than it takes for others. We are hopeful that on the amendment that we believe the Senator will call up before the end of today we can shorten the time. If the Senator wants 2 hours equally divided, I am not sure that the majority leader would not grant him that. But I am trying to accommodate the Senate and accommodate the opponents so they can bring up their amendments and yet still make sure that the record is made constitutionally on these important issues.

I add that the distinguished Senator from West Virginia always brings up important, substantive issues that are important not only to himself but to others as well, and they are certainly important to me. I admire and appreciate his desire to at all times uphold the Constitution and at all times do what is right, in his view, under the Constitution. That is all we are trying to do here—to do what is right.

We have spent 14 days of full Senate floor time, and compared to other balanced budget amendment debates, we have had far less amendments. So we have given adequate time to these amendments, and we have spent far more time than on prior amendments. But we cannot be governed just by prior debates. I am happy to spend whatever time it takes. I am sure the Senator understands the majority leader is asking me to try to move it along as fast as I can.

Mr. BYRD. Let me say——

Mr. HATCH. I am trying to accommodate the Senator. I will have to ask the majority leader. I felt like it was an attempt to accommodate by giving the Senator most of the time, almost as much as he would get with 2 hours equally divided, while we would try to make our arguments—as feeble as they might be—in a shorter time.

Mr. SARBANES. Why could the Senator not—if the request was 2 hours equally divided and the Senator's suggestion is that the Senator from West Virginia have 1 hour and he have 15 minutes, why would the Senator not agree to the 2 hours and not use all his time if it was not necessary in the debate? I mean, give the Senator from West Virginia time to debate at the time, and you might discover on that occasion that you might need more than 15 minutes. You can always yield back your time.

Mr. HATCH. This is not a demand. This is a suggestion. If the Senator from West Virginia does not agree—

Mr. SARBANES. I was just seeing a way where you could get where you want to go.

Mr. HATCH. Anything that will move the debate forward I am happy to try to do. In any event, we will have to see what the majority leader wants to do next Wednesday. We have that cloture vote, and I am not sure when he is going to have that cloture vote; I am not aware. But we will have to put in a quorum call and decide. I understand the Senator's request, that he would like to bring up one of two amendments——

Mr. BYRD. At this point.

Mr. HATCH. Could the Senator inform us what the other amendment is? I believe you said it is No. 252.

Mr. BYRD. I said it pertained to section 5. That has been discussed all afternoon here.

Mr. HATCH. I thought you mentioned there might be two amendments and you would make your choice between the two.

Mr. BYRD. I mentioned amendment No. 252 and an amendment No. 256. Amendment No. 256 deals with section 5. I believe I have 7 or 8 or 9 or 10 amendments at the desk.

Mr. HATCH. You would choose whichever one you want, but there would be no amendments to the amendment in order by either side?

Mr. BYRD. Well, if cloture is invoked, I suppose if I were able to qualify, or if other Senators were able to qualify, they could have second-degree amendments at the desk.

Mr. HATCH. Unless we agree to a time agreement with those terms. That is what I am asking.

Mr. BYRD. I am not quarreling with the hour that I am to be given. I have had a good bit of time this afternoon. But I think it is indicative of the lack of interest on the part of the proponents in seriously trying to improve the constitutional amendment that is before the Senate when they say, well, we will take 15 minutes, you can have your hour. I know what is going to happen; the amendment is going to be tabled. That is certainly the right of the manager of the resolution, or the leader, or any other Senator.

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Yes.

Mr. HATCH. Surely, I do not believe the Senator is suggesting that I am not taking his amendment seriously or that I have not taken any amendment seriously, is he? I have taken them all extremely seriously. This is the Constitution we are working on and nobody takes it more seriously than the distinguished Senator from West Virginia, unless it is the Senator from Utah. I would not claim to take it more seriously than the Senator, but I do not think anybody takes it more seriously than either of us. I will try to do my best to answer.

Mr. SARBANES. If the Senator will yield, can I be included in that duo, to make it a trio of people who take the Constitution seriously?

Mr. HATCH. We just do not feel that people on the east coast—I am kidding. Yes.

Mr. SARBANES. Let us make it a trio.

Mr. HATCH. Let us make it 100 of us. We are all serious. The fact of the matter is let us see what we can do to get Senator DOLE to resolve this.

Will the Senator yield for a unanimous-consent request?

Mr. BYRD. Yes.

PROVIDING FOR AN ADJOURNMENT OF THE TWO HOUSES—HOUSE CONCURRENT RESOLUTION 30

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate temporarily lay aside the pending business and turn to the consideration of House Concurrent Resolution Res 30, the adjournment resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that concurrent resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (H. Con. Res. 30) was agreed to; as follows:

H. CON. RES. 30

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, February 16, 1995, it stand adjourned until 12:30 p.m. on Tuesday, February 21, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, February 16, 1995, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, it stand recessed or adjourned until noon, or at such time on that day as may be specified by the Majority Leader or his designee in the motion to recess or adjourn, on Wednesday, February 22, 1995, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. HATCH. I ask that the Senate resume the pending bill.

Mr. BYRD. While the distinguished Senator is making an inquiry of the majority leader, let me just say for the RECORD that the distinguished Senator from Utah talks about this amendment that is presently before the Senate as having had 14 days of debate.

Mr. HATCH. Will the Senator yield, and I will make a unanimous consent request on the Senator's request, if it is all right?

Mr. BYRD. On the request that we have been discussing, yes.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the time prior to a motion to table amendment No. 252, the Byrd amendment, be limited to 2 hours to be equally divided, and that no amendments be in order prior to the motion to table. As I understood it, the Senator wanted it after the cloture vote?

Mr. BYRD. Yes. Would the Senator provide for the alternative of amendment No. 256, either/or?

Mr. HATCH. Could the Senator give me a copy of amendment No. 256?

Mr. BYRD. I ask that the clerk state, for the edification of the Senate, amendment No. 256.

The PRESIDING OFFICER (Mr. SMITH). The clerk will report the amendment for the information of the Senate.

The assistant legislative clerk read as follows:

Amendment 256: On page 2, lines 24 and 25, strike "adopted by a majority of the whole number of each House."

Mr. HATCH. Would the Senator agree to bring up the amendment and have the 2 hours, if there are two cloture votes, after the second cloture vote, if necessary?

Mr. BYRD. Yes. I have no desire to interfere with cloture votes.

Mr. HATCH. Then let us add either No. 252 or No. 256 to the request. The Senator will have his choice on amendments.

Mr. BYRD. Yes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator.

May I say briefly that I want to yield to Senator PELL for 10 minutes and then I am going to yield the floor.

The distinguished Senator from Utah—and he is a distinguished Senator—has talked about the 14 days that we have spent on this constitutional amendment. Well, so what? The constitutional Framers spent 116 days—116 days in closed session at the Constitutional Convention—116 days. And now we have spent, the Senator said, 14 days. So what? What is 14 days as between us Senators, 14 days to amend the Constitution in a way which can destroy the separation of powers and checks and balances—14 days.

The other body spent all of 2 days on this constitutional amendment. I believe that is right, 2 days. What a joke! Two days in adopting this constitutional amendment. Why, any town council in this country would spend 2 days in determining whether or not it should issue a permit to build a golf course.

Two days to amend the Constitution. I will not say any more than that now.

I ask unanimous consent that I may yield to the distinguished Senator from Rhode Island. He has an ambassador waiting on him in his office. I understand he wishes 10 minutes.

Mr. PELL. Thank you very much.

Mr. HATCH. Reserving the right to object, would the distinguished Senator allow me just a few seconds to just make a closing comment on what the distinguished Senator just said?

Yes, they did spend over 100 days to arrive at the full Constitution, without the Bill of Rights. And we have spent 19 years working on this amendment. This amendment is virtually the same as we brought up in 1982, 1986, and last year. We have had weeks of debate on this amendment. It is a bipartisan amendment. It has been developed in consultation between Democrats and Republicans in the House and in the Senate. It has had a lot of deliberation, consideration, negotiation, and debate on the floor.

Admittedly, I am sure the distinguished Senator from West Virginia would agree that the constitutional convention did not debate this on the floor of the Senate at the time, nor would it have taken that much time had there been a debate on the floor of the Senate. But be that as it may, if it had, we are living today with an amendment that is one amendment to the whole Constitution that, if adopted, would become the 28th amendment to the Constitution.

We have spent 14 days on the floor. I am willing to spend more. I am not complaining, and I do want to have a full and fair debate, but I also believe that we are reaching a point where there is deliberate delay here, not by the distinguished Senator from West Virginia necessarily, but I believe reasonable people can conclude that there is a desire to delay this amendment for whatever purpose that may be and that is the right of Senators if they want to do it.

The majority leader has filed a cloture motion which we voted on today. We had 57 Senators who wanted to end this debate and make all matters germane from this point on. Next Wednesday, we will vote on cloture again. And if there are 60 Senators who vote for cloture, then that will bring a large part of this debate to a closure.

I think I would be remiss if I did not say, on behalf of the majority leader and others on our side who are working hard to move this amendment, that we believe that is a reasonable period of time and we believe that every person here has had a chance to bring up their amendments.

We tried to get to an amendment up last night. We were willing to work later. We could not get one person to put up an amendment.

So we have reached a point where we can go along with more amendments. But once cloture is invoked then only those that are germane will be considered and then only for a limited period of time.

But I just want to make the record straight that this is not a rewriting of the whole Constitution, although it is important and it will have a dramatic imprint and impact on how we spend and how we tax in America from that point on if this amendment is passed through both Houses of Congress by the requisite two-thirds vote and ratified by three-quarters of the States. It is very important. Those who are for it are very concerned about it and those who are opposed are rightly very concerned about it.

We have had a very healthy debate. We intend to continue as long as is necessary to bring this matter to closure. But I do not want anybody thinking that anybody has been cut off here or that anybody has been mistreated or that anybody has not been given their chance to bring up amendments, because they have. We have tabled those amendments. We feel that that is certainly within our right to do that. We have tried to treat every amendment with the dignity and the prestige that it deserves.

Finally, I would like to encourage my colleagues next Wednesday to vote for cloture. Because we all know where it stands. We all know the arguments on both sides. This is not just 14 days. Since I have been here, we are in our 19th year debating this matter, in the Judiciary Committee now four times and stopped a number of other times in the Judiciary Committee before we could even get it to the floor.

So this is not an unusual situation. We actually have worked hard. Everybody here knows what is involved in this amendment. Everybody here knows the arguments against it. And everybody here knows that we voted on some very substantial and very important amendments thus far, and those who are in a bipartisan way thus far have been successful in maintaining the integrity of the House-passed amendment; I might add just one more time, a House-passed amendment for the first time in the history of this country. And I have to say that is historic.

Now we have the opportunity of passing it through here and submitting it to the States. And those of us who support it hope that 38 States will ratify it. We hope all 50 will, but at least 38, three-quarters. And if they do, then this will become the 28th amendment to the Constitution.

But I just wanted to make those points. I am sorry I delayed the distinguished Senator from Rhode Island.

Mr. BYRD. Mr. President, I do not want to leave the record standing as the distinguished Senator from Utah has left it. I believe he indicated he thought there was a deliberate effort to delay.

Mr. HATCH. I said not by the distinguished Senator from West Virginia. I would not impute that to you and I hope that is not the case.

But I do not think many reasonable people would conclude that we have not given an extensive amount of time to this debate. And I think people might conclude that now that we have gone through one cloture vote that there may be a desire of some here to delay this matter from a filibuster standpoint. I hope that is not true. But that is the way it looks to me.

I admit that I am not nearly as experienced here as the distinguished Senator from West Virginia, but I have been here 19 years and I have observed. I can remember the majority leader, Senator Mitchell, calling filibusters filibusters in less than a day. And here we have had 14 days, so it is 3 solid weeks of Senate debate on this, and extensive amendments, although not as many as the 1982, where there were 31 amendments. But we did that in 11 days. I think people could reasonably conclude that there is a filibuster going on.

Mr. BYRD. Mr. President, I disagree with that statement.

The Senator from Utah was not here during the debate on the Civil Rights Act, which lasted 103 days, covered a total of 103 days between the date of the motion to proceed on March 9, 1964, and the date on which the final vote occurred on the civil rights bill on June 19. March 9, June 19th—103 days transpired. The Senate was on the bill itself 77 days and debated the bill 57 days in which there were included six Saturdays.

The Senator implies that there may be a deliberate effort here to delay this measure. Nobody has engaged, that I know of, in obstructionist tactics. Imagine what one could do if he wanted to. There have been no dilatory quorum calls. There have been no dilatory motions to reconsider, and the asking for the yeas and nays on a motion to reconsider, and then put in a quorum call and send for the Sergeant at Arms and have the Sergeant at Arms arrest Members, as I had to do. Nothing dilatory has been done.

Nobody has objected to any time limits on amendments. Not one objection that I know about. I have had every amendment that has been called up here and time request that has been brought to me, brought to me because I am a Senator. I have not objected to any such request.

The majority leader has a right to offer cloture motions. I think he has been fairly reasonable in this situation. He has not been pressing out here daily for action on this constitutional amendment.

I am not against Senator HATCH. I am not against Senator DOLE. I am just against this amendment. Nobody has attempted to deliberately delay this. Let me debunk that idea from any Senator's mind.

I want to see this come to an end. It is going to come to an end. I will have no more to say unless the Senator wants to carry on this bit of subject matter further.

Mr. HATCH. Mr. President, I appreciate my colleague offering that opportunity. All I have to say is that the rules today are considerably different than they were during the civil rights debates when they went 103 days. Cloture can be invoked. There is no such thing as a postcloture filibuster today.

Mr. BYRD. There could be.

Mr. HATCH. But a lot different from the old days.

Mr. BYRD. Does the Senator know why it is different? Because I, as majority leader, laid down certain points of order that were upheld by the then Presiding Officer, and we established precedents that make it much more difficult to carry on a postcloture filibuster.

Mr. HATCH. How well aware I am, and I compliment the distinguished Senator from West Virginia for his knowledge of the rules.

Mr. BYRD. I thank the Senator for that compliment. I hope I have a little knowledge of a few things other than just the rules of the Senate.

Mr. HATCH. I have to confess that I think the distinguished Senator is a fine Senator, a great Senator.

I know that he knows the rules very well and I think he knows the Constitution quite well, although I do think earlier in the day he said there were no amendments dealing with the economy.

Mr. BYRD. No, no. I said no amendments dealing with fiscal policy.

Mr. HATCH. I believe the contract laws, I believe the 16th amendment do deal with fiscal policy.

Mr. BYRD. It does not attempt to write fiscal policy, fiscal theory, about which Justice Oliver Wendell Holmes said there is no place in the Constitution for fiscal theory.

Mr. HATCH. I agree with that, if you consider that fiscal policy.

Mr. BYRD. I consider this amendment which, by the way, I think contains about 465 words.

Mr. HATCH. It does.

Mr. BYRD. The entire first 10 amendments in the Bill of Rights contain only about 385 words. This amendment alone contains about 465 words. The entire 10 amendments in the Bill of Rights contained only around 385.

What I am saying is this nefarious amendment that is proposed here has only about 80 fewer words than do the 10 amendments to the Bill of Rights. The 10 amendments contain, I think, about 465 words, and this monstrosity contains about 385. So there are only about 80 words difference.

My math may be off a little bit this afternoon. I have not had any lunch, and my feet are getting a little tired.

Mr. HATCH. I am happy to yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that Mr. PELL be recognized for 10 minutes, and that he be followed by Senator MURRAY, not to exceed 5 minutes.

I thank Senator HATCH for his gracious manner and his characteristic friendliness and conviviality. He is a fine Senator. I enjoy working with him.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAJORITY RULE

Mr. PELL. Mr. President, I rise in support of the amendment offered by the distinguished and learned Senator from West Virginia [Mr. BYRD] to amend the proposed constitutional amendment to allow a majority, rather than a supermajority to determine when a deficit can be incurred.

The concept of majority rule is so deeply embedded in our society and in almost every organized group proceeding—from fraternal and social groups to corporations large and small and government at the village, county, city, and State level—that many Americans might be very surprised to realize the extent to which the Congress of the United States is sometimes ruled by a minority, and could become more so in the future.

We have before us the balanced budget amendment which contains not just one but two supermajority requirements—one requiring a three-fifths vote of the entire membership of each House to permit outlays to exceed receipts and the other a three-fifths vote of the entire membership of each House to increase the public debt limit.

And we may soon have before us a line-item veto proposal which would subject congressional disapproval of a rescission to a two-thirds supermajority veto override, as opposed to an alternative plan under would a simple majority could block a rescission.

If approved, these supermajority requirements would join others already in place: the Senate cloture rule, the new rule of the House of Representatives on votes of that body to raise income taxes, and the statutory supermajority requirement for waiving points of order under the Balanced Budget and Emergency Deficit Control Act of 1985, better known as Gramm-Rudman-Hollings.

Mr. President, these flirtations with supermajorities are leading us astray from the apparent intent of the wise men who wrote the Constitution two centuries ago. For them the principle of majority rule was so self-evident that they apparently saw no need to state it explicitly.

Since the Constitution provides for supermajorities only in specific instances—such as overriding vetoes, Senate consent to treaties, Senate verdicts on impeachment, expulsion of Members, determination of Presidential disability and amending the Constitution itself—it seems clear that the Framers intended that all other business should be transacted by a majority.

And since the Constitution gives the Vice President the power to break ties when the Senate is "equally divided," Framers again evidenced a clear intent that business was to be transacted by a majority. We carry forward that intent in the structural organization of Congress itself, whereby the party that controls 50 percent plus one seat assumes control.

The time may be coming when the only way to prevent further violence to the Framers intent will be to enshrine this most basic principle of governance—majority rule itself—as a constitutional provision.

Mr. President, I offer these reflections today from the vantage point of 34 years service in this body. As I stated here a few days ago, I have cast 327 votes for cloture during those years, so I am no stranger to the impact and consequences of a supermajority requirement in the Senate.

I would point out, in that regard, that cloture by majority rule would not cancel out rule XXII of the Senate—it would simply lower the margin for invoking cloture to the threshold envisioned by the Founding Fathers for the transaction of business. And we should make no mistake about the fact that the rules of proceedings now have such sweeping substantive effect that they do in fact constitute an important element in the business of the Senate.

Mr. President, in the haste to fulfill the expectations and promises of this new Congress, many of which are of great merit, we must take special care to preserve basic principles of our democracy which may be brushed aside in the rush to reform. The principle of majority rule is the basic cornerstone of the edifice, whether it applies to rules of proceedings or the substance of legislation. It must be preserved and protected from all assaults. Perhaps the time is coming when it too should be enshrined in the Constitution.

I ask unanimous consent that three articles entitled "The Three-Fifths Rule: A Dangerous Game" by David Broder, "Super-Majority Simple-Mindedness" by Lloyd N. Cutler, and "On Madison's Grave" by Anthony Lewis, be printed in the RECORD.

There being no objection, the articles are ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 30, 1995]

ON MADISON'S GRAVE

(By Anthony Lewis)

BOSTON.—"Miracle at Philadelphia," Catherine Drinker Bowen called her book on the Constitutional Convention of 1787. And it was a political miracle. The delegates produced a document that has ordered a huge country for 200 years, balancing state and nation, government power and individual rights.

The Constitution has been amended 27 times. Some of the changes have been profound: the Bill of Rights, the end of slavery. But none has altered the fundamental structure, the republican systems designed by James Madison and the others. Until now.

Now the House of Representatives has approved an amendment that would make a revolutionary change in the Madisonian system. It is call the Balanced Budget Amendment. A more honest name would be the Minority Rule Amendment.

The amendment does not prohibit unbalanced budgets. It requires, rather, that a decision to spend more in any fiscal year than anticipated receipts be made by a vote of three-fifths of the whole House and Senate. The same vote would be required to increase the debt limit.

The result would be to transfer to minorities effective control over many, perhaps most, significant legislative decisions. For the impact would not be limited to the overall budget resolution. Most legislation that comes before Congress bears a price tag. If a bill would unbalance a budget, a three-fifths vote would be required to fund it.

In short, a minority of just over 40 percent—175 of the 435 representatives, 41 of the 100 Senators—could block action. It takes no great imagination to understand what is likely to happen. Members of the blocking minority will have enormous power to extract concessions for their votes: a local pork project, a judgeship for a friend. * * *

Just think about the debt-ceiling provision. Even with the best of intentions to stay in balance, the Government may find itself in deficit at any moment because tax receipts are lagging. Then it will have to do some short-term borrowing or be unable to meet its obligations. Instead of a routine vote for a temporary increase in the debt ceiling, there will be a session of painful bargaining for favors.

The amendment is also a full-employment measure for lawyers. Suppose the figures that produce a balanced budget are suspect, or suppose the demand for balance is ignored. How would the amendment be enforced? Sponsors say it would be up to the courts. So this proposal, labeled conservative, would turn intensely political issues over to judges!

It is in fact a radical idea, one that would subvert majority rule and turn the fiscal debates that are the business of democratic legislatures into constitutional and legal arguments. How did a conservative polity like ours ever get near the point of taking such a step?

The answer is plain. The enormous Federal budget deficits that began in the Reagan years have frightened us—all of us, conservative and liberal. We do not want our children and grandchildren to have to pay for our profligacy. We are not strong-minded enough to resist deficit temptation, so we are going to bind ourselves as Ulysses did to resist the lure of the Sirens.

The binding would introduce dangerous economic rigidities into our system. In times of recession government should run a deficit, to stimulate the economy. But the amendment would force spending cuts because of declining tax receipts, digging us deeper into the recession.

The rigidities of the amendment would also inflict pain on millions of Americans. The target year for balancing the budget, 2002, could not be met without savage cuts in middle-class entitlements such as Social Security and Medicare.

"It's a bad idea whose time has come," Senator Nancy L. Kassebaum, Republican of Kansas, said. "It's like Prohibition; we may have to do it to get it our of our system."

If someone as sensible as Nancy Kassebaum can succumb to such counsels of despair, we have truly lost Madison's faith in representative government. Madison knew that majorities can go wrong; that is why he and his colleagues put so many protections against tyranny in their Constitution. But they also left government the flexibility to govern.

Their design, the miracle that has sustained us for 200 years, is now at risk.

SUPER-MAJORITY SIMPLE-MINDEDNESS

(By Lloyd N. Cutler)

The Republican majority has proposed amending House Rule XXI to require the affirmative vote of three-fifths of the members present to pass a bill "carrying a federal income tax rate increase." If all 435 members show up, 261 votes would be needed for passage. As Post columnist David Broder and Rep. David Skaggs (D-Colo.) have already observed, such a rule would be unconstitutional. Even if it were constitutional, it would still be unworkable.

It would be unworkable because tax bills usually contain multiple provisions reducing some rates of tax, increasing other rates and adjusting the base numbers—e.g., wages, profits and capital gains less various credits, exemptions and deductions—to which these rates are applied. Almost every two-year Congress enacts major tax revision laws to close loopholes, correct inequities, adjust rates, hold down the budget deficit and manage the economy for noninflationary growth.

If the rules are changed to require a three-fifths affirmative vote, it may not be practicable to pass any major tax bill. Any such bill is bound to contain some provisions that can be called tax rate increases. What about a tax bill that reduces rates for incomes below, say, $200,000 and raises rates for incomes above that figure? What about tax bill provisions eliminating charitable or home mortgage interest deductions, or reducing the allowed exemptions for dependents or lengthening the required holding period for long-term capital gains? Any one of these would have the same effect on many taxpayers as an increase in income tax rates. As a result, the proposed three-fifths requirement could well apply to any major income tax revision bill that follows adoption of the proposed rules change.

Let us suppose that a stubborn minority of 175 members will be mustered to prevent a three-fifths majority and thus defeat any bill including some income tax increases. Let us also suppose that a simple majority (218 if all 435 are present) will vote against an amendment that eliminates any such increase. There is still a budget deficit to contend with, and 218 members may think that a broad reduction in income tax rates should be at least partially offset by some tax increases. In that event, no major tax bill could be passed at all, and the government would be unable to make needed changes in national fiscal policy.

With the House floor debate on the proposal about to begin, it may also be useful to spell out the main reasons why a super-majority requirement for the vote on passage of a bill is unconstitutional. In *United States v. Ballin*, decided a century ago, the Supreme Court said that a simple majority governs "all parliamentary bodies," except when the basic charter requires some form of super-majority, which our Constitution does in five cases (plus two added by subsequent amendments) and no others. The seven exceptions are: the overriding of a presidential veto, the Senate's consent to a treaty, the Senate's verdict on an impeachment, the expulsion of a senator or congressman, an amendment of the Constitution, the 14th Amendment vote on removing the disqualification for office of participants in a rebellion and the 25th Amendment vote on whether to allow a disabled president to resume his office. All of these are special cases, not involving the mere passage of a bill or resolution for presentation to the president.

Except in these cases, the Framers were against allowing a minority of either house to block legislative action. That is the reason why Article I, Section 5, states that "a Majority of each [house] shall constitute a quorum to do Business." As James Madison explained, the Framers rejected a proposal that a super-majority be required for a quorum because: "In all cases where justice or the general good might require new laws to be passed, or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule: the power would be transferred to the minority." (The Federalist Papers, No. 58.)

The vote of the House on whether to pass a bill is certainly the doing of "Business." And contrary to the Framers' intent, a super-majority requirement would certainly give a minority the power to rule over such business.

Another constitutional provision confirms this understanding of the Framers. Article I, Section 3, states that the vice president shall be the president of the Senate, "but shall have no vote unless they be equally divided." The Framers must have intended that in the Senate at least, a simple majority was sufficient to pass a bill. The Federalist Papers strongly support this view. According to Hamilton, the vice president was given the tie-breaking vote in the Senate "to secure at all times the possibility of a definitive resolution of that body." (Federalist No. 68.) There is no logical reason why the Framers would have thought differently about the House. And a "definitive resolution" of the House could not be "secured" under the proposed three-fifths rule.

Proponents of a super-majority requirement will make two points in rebuttal. One is to say that they are following a precedent of Senate Rule XXII, which has long required super-majority votes to close debate and proceed to a vote on a bill or an amendment of a Senate rule. As I have argued on a previous occasion, Rule XXII itself is constitutionally suspect. But even if Rule XXII passed constitutional muster, that would not save the proposed House rule. It applies to the up-or-down vote on a bill, while Senate Rule XXII, as its defenders take pains to point out, applies only to a procedural motion to *close debate* on a bill. Here is arch-defender George Will, writing on this page in April 1993:

"The Constitution provides only that, other than in the five cases, a simple majority vote shall decide the disposition by each house of business that has consequences beyond each house, such as passing legislation or confirming executive or judicial nominees."

Will Newt Gingrich flout George Will?

The proponents' second point will be that the Gramm-Rudman-Hollings Act includes Senate and House rules changes that require a super-majority to pass any bill that "breaks" a budget law or resolution previously enacted. This provision is also constitutionally suspect, but at least it lacks the critical vice of making it impossible to enact any budget resolution in the first place. This still requires only a simple majority.

The biggest question of all is why a majority party with 230 of the 435 seats would want to adopt a super-majority rule requiring 261 votes to pass a tax bill. Such a rule could prevent the Republicans from passing a major tax bill favored by a simple majority it could readily muster, even though it might be unable to muster a super-majority of 261. One is tempted to conclude that the present majority party does not expect to keep its majority for very long.

The Republicans have also proposed an even more egregious change in House Rule XXI, one that would prevent the House from even considering any measure that would retroactively increase tax rates, even if three-fifths of the members were in favor. This would deprive the House, and therefore the entire Congress, of its most fundamental express power under the Constitution, the power to lay and collect revenues including taxes on income. It would also have the effect of overruling the numerous Supreme Court decisions upholding the constitutionality of retroactive tax laws, subject only to a due-process standard.

Both of these proposed rules changes are so manifestly unconstitutional that they should not be adopted. If the Republicans use their majority to adopt them anyway, the courts would have ample reason to set them aside.

[From The Washington Post, Dec. 18, 1994]

THE THREE-FIFTHS RULE: A DANGEROUS GAME

(By David S. Broder)

Among many useful and well-designed reforms proposed by the new Republican majority in the House, one suggested change bespeaks neither confidence nor foresight. It is the proposal that future income tax rate increases would require a three-fifths vote for passage.

The purpose is plainly to make it harder for Congress to boost taxes. Since revenue measures must originate in the House of Representatives, the three-fifths, rule would hamper future majorities in both the House and Senate from enacting such measures.

Some question the constitutional propriety of such a rule. Rep. David Skaggs (D-Colo.) has circulated a letter to his colleagues arguing that "the principle of majority rule has governed this nation for over two centuries and is fundamental to our democracy." Skaggs asserts that the three-fifths rule is unconstitutional. Bruce Ackerman, a professor of law and political science at Yale, has expressed the same view in a New York Times op-ed article. Common Cause and congressional scholar Norman Ornstein also have taken up that side of the argument.

Others disagree. Rep. Jerry Solomon (R-N.Y.), who will be the new chairman of the Rules Committee, argues that when the Constitution says that "each house [of Congress] may determine the rules of its proceedings," the authority is intentionally broad. Lawyers and experts inside congress and out, to whom I put the question, say it would be difficult to predict how the courts would regard such a rule—or even whether they would accept jurisdiction if its constitutionality were challenged.

The experts I consulted agree that there is no precedent for Congress requiring a supermajority for final action on any measure, except where specified by the Constitution. The Constitution says it takes a two-thirds majority to override a presidential veto, ratify a treaty, remove an official from office, expel a representative or senator or propose an amendment to the Constitution.

The other instances in which Congress itself has required more than a majority for some action all involve procedural matters. The House requires a two-thirds vote to suspend the rules and pass a measure without delay; the Senate requires a three-fifths vote to impose cloture or end debate. In the last decade, budget resolutions have required a three-fifths vote to override a point of order against any change that would increase the deficit beyond the agreed-upon target for the year. This is a procedural motion, but it clearly affects the substance of economic policy decisions, and sponsors of the new House rule claim it as a model for their proposal.

But abandoning the principle of majority rule on final passage of a bill is not something the House should do lightly—or rest on a questionable precedent. If the three-fifths rule is intended as a safeguard against rash tax-raising by this incoming Congress, it seems unnecessary. Republicans will have a 25-seat majority in January and they have promised tax cuts, not increases. The president has joined them and so has the leader of House Democrats, Rep. Richard Gephardt (Mo.). So where is the threat?

Fiddling with the rules always arouses suspicion. Two years ago, when the majority Democrats changed the rules to allow the delegates from the District of Columbia, American Samoa, Guam and the Virgin Islands and the resident commissioner from Puerto Rico (all Democrats) to vote on the House floor on everything but final passage of bills, I said they were tampering with the game. Such criticism forced the Democrats to agree that there would be another vote—without the five delegates—on any issue where their votes decided the outcome. The federal courts upheld that version of their rule, saying that the change the Democrats had made was merely "symbolic" and essentially "meaningless."

That cannot be said of the proposed three-fifths rule. It is consequential—and unprincipled. The Republicans themselves juggled the wording to create loopholes for shifting other tax rates by simple majority.

The precedent they will set is one they will come to regret. If this Congress puts a rules roadblock around changes in income rates, nothing will prevent future Congresses with different majorities from erecting similar barriers to protect labor laws, civil rights laws, environmental laws—or whatever else the party in power wants to put off-limits for political purposes.

There is something fundamentally disquieting and even dishonorable about the majority of the moment rewriting the rules to allow a minority to control the House's decisionmaking. You can easily imagine future campaigns in which politicians will promise that if they gain power, they will abolish majority rule on this issue or that—a whole new venue for pandering to constituencies that can be mobilized around a single issue.

This is a dangerous game the Republicans are beginning. And it raises questions about their values. Let them answer this question: Why should it be harder for Congress to raise taxes than declare war? Does this proud new Republican majority wish to say on its first day in office: We value money more than lives?

Mr. PELL. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. By a previous order of the Senate, the Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DR. HENRY FOSTER, SURGEON GENERAL NOMINEE

Mrs. MURRAY. Mr. President, Dr. Henry Foster has been nominated by President Clinton to be the U.S. Surgeon General. I rise today to express my support for Dr. Foster, and to urge my colleagues to give him a full and fair hearing.

Yesterday, I had the pleasure of meeting with Dr. Foster, and I am very impressed.

Dr. Foster is a physician with vast experience who has dedicated his life to maternal and child health. He is a man who speaks from the heart, a person who cares deeply about the health of families across this Nation.

Dr. Foster is one of the country's leading experts on preventing teen pregnancy and drug abuse, as well as reducing infant mortality. He is a public health professional with vision.

I urge my colleagues to meet with Dr. Foster, to talk with him, to ask him tough questions. I have. I believe they too will be very impressed.

Dr. Foster has tested his ideas about public health interventions that can greatly benefit this Nation. He wants to continue his career-long focus on maternal and child health, on adolescents, and then on prevention of teen pregnancy. He wants to fight AIDS, and combat the epidemic of violence that has taken hold across our Nation.

I also want to stress the importance and relevance of Dr. Foster's practice area. For far too long, women's health concerns have been neglected by this Nation. I am heartened that our next Surgeon General can be a physician who has dedicated his life to women's health—an obstetrician/gynecologist.

Women's health is critical to every family—every man, woman, and child—in this Nation. As a woman, and a mother with a son and daughter, I find the selection of Dr. Foster reassuring. I urge my colleagues to stop and think about the importance of women's health to families everywhere.

I look forward to working with my colleagues on the Labor Committee as they prepare hearings for Dr. Foster. I believe when my colleagues and the American public get to know Dr. Foster, they will be as excited as I am to have him as our Nation's next Surgeon General. You, too, will recognize his honesty, his passion, and his commitment to children and families.

I thank you and yield back the remainder of my time.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. HATCH. Mr. President, we are now in our 14th day of debate. I was very interested in the chart of the distinguished Senator from New Hampshire, "Statutes Don't Work."

I hear people on the other side constantly saying we ought to just do it; we ought to just balance the budget; we ought to have the guts to do it. Almost invariably they are the people who are the biggest spenders around here. Almost invariably.

It is the biggest joke on Earth, after 26 straight years of not balancing the budget, to have these people tell us, we just have to do it ourselves. That is the biggest joke around here to everybody who knows anything about budgetary policy in the Federal Government.

Do not think the people are stupid out there. They know what is going on. They know doggone well that if we do not have this balanced budget amendment, we will never get fiscal control of this country, we will never make priority choices among competing programs, and we will just keep spending and taxing like never before.

I have heard Senators on the other side of this issue, and some who even support us, beat their breast on how they voted for that large tax increase last year, and that deficit spending thing they did. Anytime you increase taxes, if you can hold on to spending at all, you are going to bring down the budget deficit. The problem is that at best, their approach starts up dramatically in 1996 and really dramatically at the turn of the century to a $400 billion annual deficit.

These people are always saying we just have to do it. They are the same people who say we could do it with the Budget and Accounting Act of 1921, the Revenue Act of 1964, the Revenue Act of 1968, Humphrey-Hawkins in 1978, the Byrd amendment in 1978. I was here for most of those. From 1978 on, I was certainly here, and I have to tell you, I voted for that Byrd amendment and I was really thrilled. Here is the U.S. Senate, this august body of people who mean so much to this country, voting to say that in 1980, we are going to balance this budget.

Back then, we probably could have if we had really gotten serious about it. But it was almost the next bill that came up that a 51 percent majority vote changed that. The distinguished Senator from New Hampshire really makes a great point here.

The debt limit increase, why, I was here for that, too. We promised, "Boy, we're going to balance the budget."

The Bretton Woods Agreement; again, Byrd II; recodification of title 31; Byrd III; Gramm-Rudman-Hollings, I remember what a fight that was to get that through. My gosh, at last we are going to do something for this country; we are going to get spending under control; we are going to help our country. It helped a little bit, darn little.

We had to go to Gramm-Rudman-Hollings II, II because the little it did help was just too much for these people around here, just too much for these budget balancers who say we simply ought to do it.

Let me tell you, I am tired of saying we simply ought to do it. I heard it from the White House. What do we get from the White House? A budget for the next 5 years that will put us over $6 trillion; that the annual deficits for the next 12 years are $190 billion a year plus.

Now tell me they mean business. No way in this world. This game is up. Those who vote for this are people who are serious about doing something for our country, about getting spending and taxing policies under control. I said spending and taxing. We are not just worried about spending, we are worried about these people who think the last answer to everything is to tax the American people more. And anybody who thinks that last tax policy was just the upper 2 percent, they just have not looked at what they have done. They even taxed Social Security.

People just do not realize because sometimes the big lie is told around here so much that people cannot figure out what is going on. That is why baseball is the No. 1 issue in this country right now. I happen to know. I happen to be in the middle of that one, too. But I have to tell you, as important as baseball is, it is not a fly, a flea on the backside of an elephant compared to what this problem is.

When we went to Gramm-Rudman-Hollings II, that did not work, either. It was a simple statute that we just amended and amended.

We have done some things here. There are some heroes here to me on both sides of the floor who are trying to do their best. I do not mean to find any fault with any individual Senator. We all have our problems. But, by gosh, the point I am making is, we are not going to do it unless we have a fiscal mechanism in the Constitution that requires us to at least make priority choices among competing programs before we spend this country into bankruptcy. That is what this amendment will do. This chart is a beautiful illustration of why statutes do not work. They may work for a short period of time, but sooner or later we are going to spend us just blind again.

In fact, there are those who worry even if we put the balanced budget into the Constitution, there will be some in this body and certainly some in the other who will try to find every excuse they can to get around it.

That is fine. But they are going to have a rough time because a lot of us are going to be here to make sure that there are no ways of getting around it; that we have to face the problems of this country. And right now I have to say we are not facing them. As much as people feel they are, we are not. We are with $200 billion deficits ad infinitum, well into the next century, and we are selling our kids into bankruptcy. It just makes me sick.

Elaine and I have 6 children and 15 grandchildren—the 15th is on its way, but I count that child as if it has been born. It is only a month or so away—15 grandchildren. The fact of the matter is every one of those kids is going to be saddled with irresponsible debt because we keep fiddling while Rome is burning. Our balanced budget tracker poster sure shows that. We are now up to $15 billion in increased debt just in the 18 days we have been on this amendment—18 days.

We have runaway spending in this country. We have a destructive welfare system that is tearing the fabric of our country apart, our families apart, that encourages immorality and promiscuity and children born out of wedlock to the point where today in this country in some cities there are more children born out of wedlock than there are in. As a matter of fact, in some cities in this country there are more kids aborted than there are kids that are born. And you wonder why we are losing our moral fiber? You wonder why this country has problems?

We have a Tax Code that does not work. Everybody knows it. We all feel picked on. Most people in this country hate the IRS. Those are loyal, dedicated public servants just trying to enforce what is a ridiculous set of incomprehensible, massive laws. We can make it simpler. We could put a lot of the tax lawyers out of business and a lot of the tax accountants out of business and get more revenues in the process because people would feel more like paying them because they would be treated fairly.

However, we will not do it because we do not have a fiscal mechanism in the Constitution that requires us to do it, or at least point us in the right direction.

This Washington bureaucracy has grown every year. I get a kick out of some saying how much they are going to cut it back. It just goes on and on at tremendous cost, to the point where welfare in this country, by the time we get our tax dollars set aside for welfare to the people who need them, you have 28 percent of the dollar left, 28 cents on a dollar because it is eaten up right here in the bureaucracy because we will not do anything about it. We have these people standing around saying we will do it; we have the guts to do it. And invariably they are the very same people who are against this amendment. They do not want to do it.

Oh, I should not be so harsh. There are some who really do want to do it, but they just do not have the capacity to do it, and I think we all know who they are. We have to get Washington put together. We have to restore the American dream and give our kids a chance. We have to give our grandchildren a chance.

If there is any big, bloated, amorphous mass I would like to put on a diet, it would be this Federal budget, and I think we would all be better off. We would have more money with which we would be able to do more things. We could expand businesses, have more jobs, actually have more revenues if we just got incentives restored again.

I said early in the debate that the Federal Government could really stand being anorexic for a while. It would probably do this country good. We could cut the fat, cut the waste, get rid of a lot of things that really do not work, and reform and improve those things that do.

Now, if people do not think I know what I am talking about, when I became chairman of the Labor Committee back in 1981, the youngest committee chairman in the history of a major committee, my ranking member was none other than Ted KENNEDY, the distinguished Senator from Massachusetts, with six other very liberal Senators. So there were seven liberals on the Democrat side. We had seven conservatives on my side, plus two liberal Republicans whose hearts, in many ways, were with the liberal Democrats on the committee.

But we were challenged to cut back on the most liberal committee in the Senate's jurisdiction, the most liberal committee in the Senate. We were challenged to cut back on spending. We went to work. We block granted in part six of the seven block grants. We worked to refine and reform the thousands of programs that they had in that committee. We cut that committee's multibillions of dollars of budgetary jurisdiction by 25 percent in real terms over the 6 years I was chairman, with all of those liberals on the committee. And I have to give Senator KENNEDY and others a lot of credit for helping us to do it. They were willing to work with us. They knew we had the majority and they were fair. But we cut that jurisdiction 25 percent in real terms over those 6 years. And if every other committee in the Congress had done that, we would have had a $150 billion surplus by the end of those 6 years.

So I know what I am talking about. It can be done. And do you know what else? Even though we cut the jurisdiction 25 percent in real terms, because we went to work and reformed the system, reformed those thousands of programs, we actually got more money to more people in better ways than ever before. You cannot tell me we could not do with a good haircut of the Federal Government today in all of these programs.

Almost all of them are well intentioned, almost all of them are well meaning. The fact of the matter is that we are unwilling to do what needs to be done, and the reason we are is not because we are awful people or we are not good people or that it is just Democrats or just Republicans. It is both of us. Frankly, it is because we do not have a fiscal mechanism that encourages us to do it.

Now, this balanced budget amendment is that fiscal mechanism. It is not perfect. I have said it is not. There is nothing that is perfect in the eyes of all 535 Members of Congress. There is no way you can do that. But it is as perfect as we can get—worked on for a decade or more, about 14 years, by Democrats and Republicans. I know; I have been right in the middle of those negotiations every step of the way. And nobody in particular should be able to take complete credit for it or blame for it.

Mr. President, I have to tell you something. It is the hope of millions out there in America, a high percentage of people who may be with the balanced budget amendment and we can get this mess under control.

I just hope with everything I have that we can get those 15 Democrats that we need to vote with us—15 out of 47. That is all we need. Go ahead, 32 of you vote against it, but 15 of you we need to pass this balanced budget amendment. That is all; 52 out of 53 Republicans are going to vote for this. That is really something. I think we will get those 15, and we may even get more. I am going to do everything in my power to see that we do so that we have to face the music, so that we have to face reality, so that we have to understand more than ever before it is time to quit selling the future of our children and our grandchildren down the drain. I want them to have at least close to the opportunities that our generation had when we were coming up and not born in poverty. I just want them to have the same chance.

I notice the distinguished Senator from New Mexico is here. I did not mean to take so much time. I will be happy to yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I spoke yesterday about my concerns regarding the context in which we find ourselves debating the constitutional amendment to balance the budget this year. I would like to take a few minutes of the Senate's time to elaborate on those concerns and to announce how I will vote when this matter comes to a vote, finally, next week.

Mr. President, during the time I have served here in the Senate, from January 1983 until the present, one of the great shortcomings in our national policy has been our failure to pursue sound fiscal policy. During the 1980's and continuing now into the 1990's the Federal Government, each year, has operated substantially in deficit.

During the last 12 years there have been several serious efforts to deal with that problem and I have supported each of those. The deficit reduction efforts in 1987, 1989, 1990, and 1993 have all had my support. Those were deficit reduction efforts under President Reagan and President Bush, and now under President Clinton.

If another serious deficit reduction effort occurs, as I hope it will during this term of my service in the Senate, I expect to support that as well. I share the goal of most Americans to reach a balanced budget at the earliest possible date.

But the question we have to answer is: Will the passage of this amendment in the context it is presented today advance our prospects for achieving sound and fair fiscal policy, or retard those prospects?

As I stated yesterday, the amendment comes to us in a very politicized environment where many of its proponents clearly see the amendment as a way to advance their political agenda of less taxation for certain taxpayers.

In the much discussed Contract With America the Republican leadership in the House of Representatives promised to pass the balanced budget amendment with a three-fifths supermajority requirement for any tax increase. That supermajority requirement was not in fact included in the amendment sent to the Senate by the House in the form of House Joint Resolution 1. However, those who put the Contract With America together have not abandoned their commitment.

There are troubling indications that the effort still goes forward not only to reach a balanced budget, which we all support, but to reach it in a particular way, and to reach it in a way that shields certain Americans from sharing equitably in that pain.

I discussed at length yesterday the House rule adopted before the balanced budget amendment was sent to the Senate—which requires three-fifths supermajority vote to raise income tax rates and income tax rates alone.

Under the House rule other taxes can still be raised by a simple majority—taxes that impact many of the people I represent most heavily—the working families of my State.

The gas tax, for example, the social security tax, various excise taxes. In order for a bill to become law it must pass in both Houses.

This House rule gives the minority in the House a veto over efforts by either House to use the income tax our most progressive tax to raise revenues for deficit reduction.

This rule undermines genuine efforts at deficit reduction. The purpose of this rule is clearly to protect individuals and corporations in the upper tax brackets and to regain any increases in revenue to occur by increases in regressive taxes that affect middle-income families most directly.

I proposed yesterday to amend the proposed constitutional amendment to correct this problem—but unfortunately my amendment was defeated.

So with that defeat, we are faced with a proposed constitutional amendment being presented while the House has in place a rule which makes it clear that middle-income families will likely see their taxes raised to balance the budget—but unlikely that wealthy individuals and corporations will share in that sacrifice to the same extent.

A second troubling indication that the balanced budget amendment is seen by its proponents as a device to pursue a political agenda to advantage certain groups in our society—is the commitment of the Republican leadership in the House to bring the proposed constitutional provision for three-fifths supermajority requirement for tax increases to the House floor for a vote prior to April 15 of next year.

And in fact yesterday there was a colloquy here on the Senate floor where the Senator from Utah agreed to proceed here in the Senate with hearings on a constitutional amendment imposing that same supermajority requirement for tax increases.

So the context in which we are considering this amendment has changed from what it was in previous Congresses. We now are not just talking about how to balance the budget, we are now talking about writing into the constitution, provisions which will determine whose ox will be gored as we proceed to balance the budget. In this context and with these ground rules in place the people whose ox will be gored are the working people—those who pay the most gas taxes, the Social Security taxes, and those who pay excise taxes.

What are the consequences that would flow from the balanced budget amendment in this new environment with this new change in the House rules.

I believe we can predict three consequences from proceeding with the amendment given percent groundworks.

First, with a three-fifths supermajority requirement in place to raise income taxes it will be much more difficult for us to reach the goal of a balanced budget by 2002. As I stated yesterday, almost all the experts who have looked at the issue seriously agree that a balanced budget will only be reached as other deficit reduction efforts have been achieved, with a combination of spending cuts and revenue increases. And with this provision in place those revenue increases will come from regressive taxes, rather than from the only progressive tax we have, the income tax.

Second, if we do take steps to reach a balanced budget, with that supermajority for income tax increases in place, most of the burden of deficit reduction will fall on working families who can least afford to carry that additional burden.

And the third consequence is that States like my home State of New Mexico with relatively low per capita income will be those most badly hurt.

At this very time our State legislature in Santa Fe is struggling with the question of a gasoline tax. A balanced budget amendment adopted, with the House Rule in effect protecting incomes taxes from change, almost certainly ensures that we in Washington will be adding substantially to the gas tax as one of the only available sources of revenue. The same can be said of Social Security taxes and other regressive taxes.

Mr. President, if I represented a wealthy State with many high income taxpayers, I could see an argument for why I should vote for the amendment—in spite of the House rule. But my State is not wealthy and we have very few taxpayers who will be treated fairly under this new set of ground rules.

CONCLUSION

Mr. President when the final vote is called on the balanced budget amendment next week I will vote "no."

I will do so because I believe we should leave the question of how to achieve sound fiscal policy to a vote of a majority here in Congress at any particular time. We should not try, by rule or other provision, to determine how future Congresses choose to reduce the deficit: We should not dictate whether they cut spending or raise taxes. We should not try to predetermine for future Congresses which group of taxpayers will pay the taxes and which group will suffer the spending cuts.

The Framers of the Constitution were wise to limit the use of the supermajority requirement in the Constitution. They chose to leave the Constitution neutral as to how we accomplish sound fiscal policy at any particular time in our history. We are well advised to defer to their good judgment on that subject, to cease our efforts to solve this problem by changing the Constitution, and, instead, to solve it as all previous generations have, by demonstrating the political courage to make unpopular decisions about spending cuts and taxes.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold his quorum call request?

Mr. BINGAMAN. I withhold.

Mr. DORGAN. Mr. President, I understand the Senate is near the completion of its business today. I will not take a great length of time, I was intending to offer today an amendment but I was intending to offer an amendment today and now obviously I intend to offer an amendment when we reconvene, whenever that might be, on this constitutional amendment to balance the budget.

I spoke the other day on the floor of my concern about the process by which we are selecting a new Director of the Congressional Budget Office. I made it clear when I spoke that it is not my intent to tarnish the image of the person who apparently has been advanced as the one to be selected. I do not know the person. I do not have a judgment about the person's qualifications because I have not met with that person. But I certainly have a judgment about the way this process has worked and I am concerned about it, and sufficiently concerned that I want the Congress to be able to evaluate this appointment in a more considered way.

This is not just the usual appointment. It is not just a run-of-the-mill appointment. The head of the Congressional Budget Office, in effect, becomes the referee on a wide range of budget questions and on a wide range of scoring issues. As all of us know, how a proposal is scored can have an enormous impact on whether or not that proposal meets with favor or disfavor in the U.S. Senate. For example, one might say, "I have a certain budget proposal that recommends certain things." And CBO says, "Well, we would score that in a dynamic way, or a static way." You would reach very different results perhaps. So you develop scoring rules, and how you select the people to perform these duties is very, very important.

I can remember in 1981, the first year I served in the Congress, in which we had some very dynamic scoring by the Office of Management and Budget. David Stockman, a fresh, new face, was selected to head the Office of Management and Budget. They came up with a strategy that said, "Well, if we do the following things, we will produce enormous new revenue, and we will balance the budget by 1984." He subsequently wrote a book after he left the Government that said none of that was realistic and it was a horrible mistake. I have sometimes used quotes from his book because he gave an interesting insight into what the mindset was when they were using these dynamic scoring approaches to come up with these results. It seemed wildly unrealistic at the time anyway. But, nonetheless, dynamic scoring was used to justify a new fiscal policy.

The point is we have been through periods where people have developed new scoring approaches, new devices, that have been unrealistic and have caused this country great problems and left us with significant debt and deficits. Especially given this constitutional amendment to balance the budget and the vigorous battles that will occur, I am sure, over budget resolutions that come before the Senate, our referee, the Congressional Budget Office, must be led by someone who commands universal respect, someone whose methods do not lead to questions about judgment.

Again, I do not know the circumstances of the person who has apparently been tapped to be the new Director of the CBO. So I do not know whether that person meets this test. But I do know this: We have had people who have led the Congressional Budget Office—Alice Rivlin, Rudy Penner, Bob Reischauer—all of whom, Members of the Senate would almost universally say, are people at the top of their field whose impartiality allows them to call them as they see them. These previous Directors have, I think, received nearly universal respect and support.

The selection of these three Directors was generally a process in which the two parties together make a judgment. In fact, I am told—I will not recite the chapter and verse on this, I will do that later—that previously the minority had difficulty with several candidates, and really, said, "Well, this is not acceptable to us." And that just meant that candidate did not go forward. That was the way it was because there was a need to develop a consensus on a candidate.

I am told that this process on this candidate resulted in an announcement in the House of Representatives, of who the appointee would be, prior to the ranking minority member in the House

Budget Committee ever meeting the person. That is not a process, it seems to me, that is consultative. That is not a process in which both sides have come together to jointly figure out who has the stature and the ability and the authority to do this job.

So I am concerned about the process. I do not think this is the right process. I really think with the Director of the Congressional Budget Office, there ought to be a resolution of approval by both the House and the Senate. I know that is not the current circumstance. But I intend to offer an amendment that would require that. I hope very much that at this juncture the majority would not appoint a Director at this point until I have had an opportunity to offer the resolution. I probably will offer it and discuss it on this amendment, although it would be better to offer it to the very next bill that comes to the floor of the Senate after the balanced budget amendment.

But I, as others, am concerned and want to speak on it. I want to make a case about the process. My case is not a case that says this person is the wrong person. I do not know. But I know that whoever heads CBO is going to have an impact on my legislative life and an impact on the legislative life of everyone in this body and in the House. And I would like very much for the selection of the new head of the CBO to be a selection that represents a consensus between the majority and the minority; a consensus on two points:

First, that this person is someone of great quality, who is at the top of the field and has the credentials to command respect;

And, second, that this person is someone who will provide an impartial analysis of the type that we have been used to.

I must admit that I, like probably the Senator in the chair, have from time to time had to hold my brow as I received something from CBO. I have said, "Lord, I do not agree with that. That is not the answer I was looking for." But I respect Mr. Reischauer. I respect Mr. Penner. I respect Alice Rivlin. I do not know the current candidate. And I am not making judgments here. But I am making judgments about the process. This process is wrong. It is a flawed process when we have circumstances where the appointment is announced prior to the minority ranking member even being able to discuss particulars with the candidate.

I am not going to talk about the process on the Senate side. But I do know that the minority on the Senate side of the Budget Committee sent a letter saying we think we should look further for other candidates. So they obviously were making some kind of a judgment. I think that we ought not proceed until we have responded to this as a body. I hope very much that prior to my offering the amendment when we return, that the majority will not proceed to make this appointment.

Again, let me emphasize for the third time as I take the floor that I do not intend to make a judgment about this candidate at this point. I may at some point. But I do not know enough to make a judgment. I know what I have read in the papers. I have been in politics long enough to understand that that is not enough. I want to understand the facts. I want to understand the circumstances and the quality of this candidate. But I also want to understand that when we finish this process the selection of this very important person will be a selection by consensus among the majority and minority of the House and the Senate. I do not think that is the case today.

So, I had intended to offer this amendment today and because other amendments took most of the day, this will be put over until next week, or whenever we return—I guess the first legislative day when we return. But I wanted to take the floor at this moment to alert my colleagues that I intend to do this, and to urge the majority not to proceed until we have had a chance to express ourselves on this issue.

Mr. President, I appreciate the Senate's indulgence.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to talk as we end this third week of debate on the balanced budget amendment about the importance of this vote and what it really means to America.

I have listened for the last 3 weeks to the debate, and I want to say that I think we are in a filibuster. I think there can be no doubt of it. Our leader has been patient. Senator DOLE wanted everyone to have an opportunity to have his or her say to talk about the issue, because it is a major issue. It is probably the most important vote I will ever make in my career.

I think the leader has given ample time for every person to talk about views, to differ on views, and to put in amendments. I think Senator HATCH and Senator CRAIG, who are the distinguished managers of this joint resolution, have been very patient. But this is a filibuster, and there is a fundamental difference about whether we should move forward with the mandate that we have to change the things we have been doing in Washington, or whether we are in fact doing what we have been doing year after year after year in this Congress—that is, spending beyond our means. That is what has been happening.

We are at the end of the third week of debate. All of us who support the balanced budget amendment thought we would be finished, thought we would leave town for a 3-day recess knowing that we had done the most important thing we could do for the future of our children and grandchildren. But we are not there yet. We are not there because there is a fundamental difference and because many who disagree with the balanced budget amendment have decided to delay it through filibuster.

I support the right of everyone to delay. That is part of the Senate rules. But I think it is time to call it what it is. I think it is time that people realize this is a delaying tactic, that we are no longer into substantive differences—and reasonable people can differ—we are into trying to delay what clearly the majority of this body wants to do, and that is to say that we are going to amend this Constitution and say to future generations: You are not going to have to pay our bills.

Every baby that is born into this country has an $18,000 debt to pay. That is what we have racked up with our over $4 trillion of debt. Some people say, "Let us do it by statutes. We can pass laws, we can act responsibly." And, of course, we point out that over the last 30-plus years we, in fact, have not been able to do that. So if you put the practical experience in the mix, it is clear that we are not going to do it by statute.

But let us talk about what is the role of the Constitution of our country. The Constitution of our country should not be something that we can do by statute. It should be the framework of our Government. It should be what we think the parameters of our Government should be, not for the 104th Congress, but for all the Congresses in the future—something that is so well settled in our policies that it should not be subject to change. That is what we are debating, whether we will amend our Constitution with a fundamental policy decision that should not be changed by future generations.

Mr. President, that is what a balanced budget amendment is, and it does meet the test. It should be a fundamental policy of this country that we will not spend money we do not have, unless we are in a crisis, in a war, and that is the exception—the one exception—that all of us would agree to. Other than that, we are not going to spend money we do not have for programs that we would like, for programs that are good programs, but programs we do not have the money to pay for.

It comes down to the fundamentals that every State, every city, every business, and every household in America understands, and that is: I would like to take my family to dinner tonight, but maybe I do not have the money to do it and I have to make that decision based on whether I have the discretionary money to do it. I would like to send my child to college. Do I have the funds to do it? I would like to have many things that, perhaps, I cannot afford and therefore I do not acquire. That is a fundamental decision that every American makes every day. The only American institution that really does not is the United States Government. That is a fundamental policy that we must put in place that should not change with the wind or the times—that is, that my priorities are more important than the priorities of future Congresses.

I think it is very important, as we leave today for this recess, that the people of America understand that this is a filibuster. The people who are doing it have the perfect right to do it, but they are delaying this vote; they are delaying what I think the people of America want, what they have said repeatedly they want, and that is for us to start the very tough process of balancing our budget over the next 7 years, so that by the year 2002, if we start right now, we will be able to then begin the adventure of being able to pay back the $4 trillion debt, so that we will not be in that continuing deficit position.

In fact, I think that if we do not act on this in the next week when we get back, it is not that it will pass in time and we will not pass it ever again. I disagree with people that say this is our only chance. I think if we do not pass it this time, we will have a bigger mandate in 1996 and we will pass it. The difference will be, Mr. President, that we will have 2 more years of accumulating debt, and we have seen the charts for the last week showing every day that we have been debating and talking and talking in the Senate debating society, the debt has gone up because we have not begun to turn that ship on a different course.

So if we do not do it this year, we will do it 2 years from now, 3 years from now, because we will have the mandate. But we will have missed 2 years of opportunity to begin this process of responsibility for our future generations. That is what we will miss if we fail to do so.

So as we leave these hallowed halls, I hope all of us will think carefully about the monumental decision that we will make next week to stop this filibuster, to stop the delays, to stop the nuance differences and say that we are going to take this first step of amending the greatest Constitution that has ever been written in any society in all of civilization; that we are going to amend it with a fundamental policy decision of responsible spending, to protect our future generations from our decisions, which may not be theirs.

So it is a great opportunity for us, and I hope all of us will go home and come back next week ready to make the decision that is ours to make, to change the course of this country and begin the process of responsible governing.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BREAUX. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, and I be allowed to speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL RELIANCE THREATENS NATIONAL SECURITY

Mr. BREAUX. Mr. President, and my colleagues, I would think that if any government is presented with evidence that their country is under a national security threat that they would institute immediately a full-scale investigation to determine what the threat is and what action is needed to prevent that threat from becoming an all-out emergency, or a conflict that we could not ultimately solve. That is the purpose of government. Ultimately to protect the security of the citizens of our country.

Therefore, when I read a release that I received today from the United States Department of Commerce which clearly states that they have made a finding that growing U.S. reliance on oil imports threatens the national security of the United States by making it vulnerable to interruptions in foreign oil supplies, I would immediately gather all of my advisers around me and say, "All right, what are we going to do about this?"

I am deeply disturbed that as I read the release and talk to people who know about this problem and find that, essentially, nothing is being done. I think we as a Nation are making a terrible mistake.

Let me try and point out what I think the problem is in a very clear fashion. If we in this Nation were suddenly told that we are now importing 50 percent of all of the food that we consume in this country, and much of it from nations that are very undependable as far as being allies of the United States, I would predict that the next day there would be lines of people surrounding the White House and surrounding this Capitol saying, "My goodness, this is a terrible threat that we are now having to import half of the food that we consume from countries that are not dependable as allies of the United States."

Yet this is exactly what is happening when it comes to energy security. I will tell Members how this came about, Mr. President. That is, that the Department of Commerce, under existing rules and regulations, were responding to a petition that was filed by the Independent Petroleum Association of America that was filed on March 11, 1994, alleging that "Increasing U.S. dependence on foreign oil threatened the national security of the United States."

They pointed out in their request that imports of crude oil products were estimated through 1994 to average 8.8 million barrels of foreign oil coming into the United States every day. This represents a 200,000-barrel-a-day increase compared to 8.6 million barrels a day in 1993.

The estimated import ratio has now, for the first time ever, broken the peril point level of 50 percent of foreign imports coming into this country.

There is no dispute about that fact. The IPAA presented information. No one objected to that. The Commerce Department finds, after looking at all this information, clearly that U.S. reliance on oil imports now threatens national security by making us vulnerable to interruptions in foreign oil supplies.

The Commerce Department recommended, however, that the President not use his authority that he has under section 232 of the Trade Expansion Act of 1962 to adjust these foreign oil imports through the imposition of tariffs, because the economic costs of such a move outweigh the potential benefits and because current administration energy policies will limit the growth of imports.

Mr. President, I disagree with that, and I disagree with it strongly. I think current administration energy policies in this administration, in the last administration and in the administration before that, in Republican administrations and in Democratic administrations, have clearly allowed us to get to the point where today we are importing half of the oil that we use in this country.

I guess it has been an easy thing for administrations to do because we have been getting cheap oil, but does anybody remember what happened in the early 1970's when we had lines of Americans sitting in their cars waiting to buy the precious gas that was left at the stations to run their cars and run this country? Because at that time, the Middle Eastern oil suppliers turned the faucets off just a little bit and literally brought this country to our knees, because at that time, we were importing about 30 percent of the oil we use.

Today, we are importing 50 percent, and just turning that faucet a little bit in 1995 will bring this country to our knees in a much more serious fashion than we were brought to our knees in 1973.

Unfortunately, it seems that all the administrations since then did not learn the lesson, and the lesson is very simple: That we should never be dependent on something that is important to our national security; we should never be dependent on other nations to supply it, particularly nations that are not necessarily our friends nor our allies, that we cannot trust to be reliable when we have a need for a product that they have, whether it be food, as I mentioned earlier, or whether it be energy to run our plants, our factories, to heat our homes, to cool our homes in the summer, to run our cars, to run our trucks, to keep up with the commerce demands of a great Nation.

Yet today, for all of those needs, we are now dependent on foreign nations for over half of those energy needs. And the thing that bothers me the most is that after recognizing that there is a national security threat—and these are not my words, these are the words of the Commerce Department when they made the findings—that the situation today presents a national security threat to the United States but we are not going to do anything in terms of setting a tariff to try and reduce the amount of imports coming in in order to encourage greater domestic exploration and production right here in this country.

I think that that is something that is not acceptable, because there are some things that we can do. I do not suggest that maybe oil import tariffs are the only answer. I have advocated them for a number of years. But there are a lot of other things that they could have said we are going to recommend that needs to be done, other than just saying we are going to rely on current policy. Because, folks, it is clear that current policy has us in the predicament we are in. Current policy has allowed us to have imports increase up to the point where they now constitute 50 percent of all the energy we have in this country.

Imports increased this year from last year by 200,000 barrels a day more than the year before. That is under current policy. And to say that we are going to continue to stay with current policy, there is no trend line to suggest that is going to solve the problem. The trend line is that imports will continue to increase under current policy.

So I suggest to my friends in this administration that they take the Commerce Department's findings that there is a national security threat to make some recommendations on new things that should be done in order to prevent a national catastrophe from falling on this country.

I suggest that there are a number of things that I would have hoped that the administration would have been able to say we are recommending instead of maintaining the status quo.

First, they could have recommended that the administration will actively support what the industry calls geological and geophysical expensing, which simply says that oil and gas operators in this country would be able to expense the cost of exploring and producing a well, whether that well is a dry well, a dry hole, which they can do now, or whether it is a producing well. That would encourage a substantial increase in domestic production in this country to reduce that 50 percent number to what would be a more acceptable number.

I look over the recommendations and that is not there.

They could have, second, suggested that we move toward and support OPRA 90 reform. OPRA is the Oil Pollution Act that this Congress passed in 1990, but the way it is being implemented is not the way this Congress intended it to be implemented, and legislation is necessary to clarify what we meant. Here is the simple problem:

Congress never intended when we passed that Oil Pollution Control Act that onshore facilities would have to carry insurance of $150 million per well. We were talking about major offshore activity that had the potential to pollute if a catastrophic event occurred. We never intended that any facility onshore that may be very, very small, with only very limited potential to cause any pollution, would also have to have $150 million of liability insurance. But that is how our folks in the bureaucracy have interpreted it.

An amendment, a legislative fix for this problem would allow independent operators who produce oil onshore to do it in a fashion that they could afford. We are going to run independents out of business if we do not do something legislatively to fix this problem. That would have been the second thing that could have been recommended and should have been recommended.

The third is to have recommended some type of broad-based royalty reform to encourage exploration and production in difficult areas where it is more expensive to find oil, where many times a day it costs more to explore than it would pay them if they found a producing well, because the price of oil per barrel, partly because of cheap foreign imports, is less than it costs to find that oil. Broad-based royalty relief would have made a major impact on helping to increase domestic production. But there is no recommendation for that type of activity.

The fourth is to do something about the Alaska export ban on oil that is produced in Alaska. When Congress passed that law saying that oil that is found in Alaska could never be exported outside the United States, it probably made sense at that time. But it does not make sense today.

If oil from Alaska can be sold in other areas at a higher price, it would give companies greater amounts of money to explore for and find additional fields domestically in North America—in Alaska, in the gulf coast area—which would increase the domestic production and thereby lower that 50 percent import figure that we have.

Mr. President, not one of those proposals, not one of those initiatives is found in the Commerce Department's finding and recommendation as to what should be done.

I will just close by saying that it is insufficient, in my opinion, for a department of our Government to make a finding that there is a national security threat to this Nation, which they have made, and then to say we are not going to recommend anything new to address that threat. That is an abdication of responsibility. It is unacceptable. This Member, and I know other Members, will take their finding and offer constructive suggestions to, in fact, address what is now clearly established as a national security threat to the United States of America.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

Mr. CONRAD. Mr. President, I will be very brief so that colleagues will know that we can end the day, especially the desk staff will know that they can get home to their loved ones.

I did want to bring to the attention of my colleagues that yesterday in the Budget Committee, when Secretary Christopher was there, inadvertently a Republican staff document was attached to part of his testimony and was handed out. I might say that it is a very interesting document. The document that has been prepared by the majority on the Budget Committee shows function 150, International Affairs. It is headlined, "Fiscal Year 1996 Balanced Budget Resolution." Down in the corner it says, "For Internal Purposes Only." But it was handed out inadvertently.

What I think is interesting about this document is it suggests that the majority has a plan to move towards a balanced budget, and I commend them for that. I hope they do have a plan. But I would say to my colleagues that if they have a plan, then we should revisit the question of the right to know provision that we sought to add to the balanced budget amendment.

We sought to add a provision that called on the Republican majority to produce their plan on how they intended to balance the budget so that the States could be advised of that before they had to vote to ratify it, and so that our colleagues who are about to vote on a balanced budget amendment could know what was the outline of the plan.

The Republican majority resisted that right-to-know effort by saying they could not say what a long-term plan was because there were so many things, it would be hard to determine and hard to project and hard to forecast. And yet we find in this document, which was released inadvertently, that at least with respect to one function of the budget they do have a detailed plan, very specific as to what they have in mind; terminating a set of programs, reducing other programs in order to reduce the 150 function, which, of course, is the international affairs function.

This suggests at the very least that other functions for other areas have a plan, something that is in the works, something that is available, that could provide some guidance as to where the majority is going with respect to a plan to balance the budget over the next 7 years.

I would just say to my colleagues that if in fact there are plans for other functional areas, as there clearly is for the international affairs section, we ought to have a chance to see it. We ought to have a chance before we vote on a balanced budget amendment. The American people ought to have a chance to see what the plan is.

What does the Republican majority have in mind for how they intend to balance this budget? I think that would certainly influence some votes in this debate.

Let me just say that I am one Member who is undecided on the question of how I will vote on a balanced budget amendment. I am not being coy. I am seriously undecided at this point. I want to see what is the final provision on which we will vote.

Let me just add that I am absolutely convinced we must balance the budget in the next 7 years. It is absolutely imperative that we do so. Whether we have a balanced budget amendment to the Constitution or not, this Senator believes we have to balance the budget because we have a window of opportunity here before the baby boomers retire, at which time Government spending will skyrocket. And that will put enormous pressure on the economy of this country.

So we have a chance here in the next 7 years to get our fiscal house in order. That must be done. But I have reservations about the elements of this constitutional amendment in terms of the provision that would provide for looting the Social Security trust fund in order to balance the operating budget, the involvement of courts. The last thing I wish to see happening is the Supreme Court of the United States writing the budget of the United States. No judge was ever elected to do that.

I am also concerned about the lack of a capital budget. The vast majority of States that have a balanced budget requirement provide for a capital budget. You can pay for big investments over a period of time. That is what State governments do. That is what we do in our own personal lives. I know very few people who buy a house for cash. Most people take out a mortgage.

So those are, I think, legitimate concerns. But beyond that, I think we also have the question of how we do it. How do we balance the budget? And if our Republican colleagues, in fact, have a plan, one that they have not released and not revealed—and I think the fact that they clearly have one with respect to one function of the budget suggests they probably have it for other functions of the budget—that is something that could form the basis for an important discussion and debate about how we accomplish a balanced budget.

Let me just conclude by saying I would very much like to see us structure a means to require both sides to put down a plan to balance this budget simultaneously.

What is going on is we have a bit of Alphonse and Gaston, the chicken and the egg; nobody wants to go first. And I am working on legislation now that would require us, if the balanced budget amendment fails, to have the budget committees of both Houses and the President put down a plan to balance the budget over the next 7 years and to lay it down by May 1—have both sides be required to come to the table and lay down their plans to balance the budget. It is clear to me now the Republican majority is working on such a plan. Perhaps they have one completed, at least in preliminary outline. I think it would be very important for that to be shared with our colleagues and with the rest of the country as we consider this very important matter of a balanced budget amendment to the Constitution.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR J. WILLIAM FULBRIGHT

Mr. BYRD. Mr. President, I was sworn in as a Member of this body on January 7, as I recall, 1959, the 1,579th Member to have been elected or appointed to the Senate since its beginning on March 4, 1789. As of today, 1,826 men and women have borne the title of United States Senator. When I came to the Senate, some of the other Members were Clinton P. Anderson of New Mexico, Styles Bridges of New Hampshire, Paul Douglas of Illinois, Allen Ellender of Louisiana, Hubert Humphrey of Minnesota, Lyndon Johnson of Texas, Estes Kefauver of Tennessee, Richard Russell of Georgia, Lister Hill of Alabama, George Aiken of Vermont, Everett McKinley Dirksen of Illinois, Carl Hayden of Arizona, Wayne Morse of Oregon, Harry Flood Byrd, Sr. of Virginia, Spessard Holland of Florida, Henry Jackson of Washington, John F. Kennedy of Massachusetts, William Langer of North Dakota, Robert Kerr of Oklahoma, and others, including J. William Fulbright of Arkansas.

All of these men have now passed from this earthly stage and gone on to their eternal reward. The last of these whom I have mentioned, Bill Fulbright, died last week.

J. William Fulbright was born in Sumner, MO, on April 9, 1905, and moved with his parents to Fayetteville, AR, the following year. He attended the public schools in Arkansas and graduated from the University of Arkansas at Fayetteville in 1925; as a Rhodes Scholar from Oxford University, England, in 1928, and from the Law Department of George Washington University, here in Washington, DC, in 1934. He was admitted to the District of Columbia Bar in 1934, and served as an attorney in the U.S. Department of Justice, Antitrust Division, in 1934–1935. He was an instructor in law at the George Washington University in 1935, and he was a lecturer in law at the University of Arkansas during the years 1936–1939. He served as President of the University of Arkansas from 1939 to 1941. He was engaged in the newspaper business, in the lumber business, in banking, and in farming, and was elected as a Democrat to the 78th Congress, where he served from January 3, 1943, to January 3, 1945. He was not a candidate for renomination to the House, but was elected to the United States Senate in 1944, and re-elected in 1950, 1956, 1962, and in 1968, where he served until his resignation on December 31, 1974. He was an unsuccessful candidate for renomination in 1974. He served on the Committee on Banking and Currency in the Senate and on the Committee on Foreign Relations.

Bill Fulbright was an outstanding Senator. He served with many other outstanding Senators, some of whom I have named as having ended their sojourn in this earthly life, and there were other extraordinary men such as John Pastore of Rhode Island, Mike Mansfield of Montana, and Russell Long of Louisiana, all of whom are still among the living. But I have taken the floor today to say that one by one, the old landmarks of our political life have passed away. One by one, the links which connect the glorious past with the present have been sundered.

"Passing away!
'Tis told by the leaf which chill autumn breeze,
Tears ruthlessly its hold from wind-shaken trees;
'Tis told by the dewdrop which sparkles at morn,
And when the noon cometh

'Tis gone, ever gone.''

It was my pleasure to serve with Senator Fulbright. I always held him in the highest esteem. He was a gentleman with great courage and unwavering patriotism, a wise and courageous statesman, affable in his temperament, and regarded as one of the outstanding lawyers in the Senate and one of the best informed upon questions regarding international affairs. He was both morally and intellectually honest, simple in his habits, and devoid of all hypocrisy and deceit. He never resorted to the tricks of a demagog to gain favor and, although he was a partisan Democrat, he divested himself of partisanship when it came to serving the best interests of his country. Peace to his ashes!

The potentates on whom men gaze
When once their rule has reached its goal,
Die into darkness with their days.
But monarchs of the mind and soul,
With light unfailing, and unspent,
Illumine flame's firmament.

Socrates, Plato, Aristotle, Cicero, and other great Grecian and Roman philosophers, by pure reason and logic arrived at the conclusion that there is a creating, directing, and controlling divine power, and to a belief in the immortality of the human soul. Throughout the ages, all races and all peoples have instinctively so believed. It is the basis of all religions, be they heathen, Mohammedan, Hebrew, or Christian. It is believed by savage tribes and by semi-civilized and civilized nations, by those who believe in many gods and by those who believe in one God. Agnostics and atheists are, and always have been, few in number. Does the spirit of man live after it has separated from the flesh? This is an age-old question. We are told in the Bible that when God created man from the dust of the ground, ''He breathed into his nostrils the breath of life, and man became a living soul.''

When the serpent tempted Eve, and induced her to eat of the forbidden fruit of the tree of knowledge, he said to her, ''ye shall not surely die.''

Job asked the question, ''If a man die, shall he live again?'' Job later answered the question by saying, ''Oh, that my words were written and engraved with an iron pen upon a ledge of rock forever, for I know that my redeemer liveth and someday He shall stand upon the Earth; and though after my skin worms destroy this body, yet in my flesh shall I see God; whom I shall see for myself and mine eyes shall behold, and not another; though my reins''—meaning my heart, my kidneys, my bodily organs—''be consumed within me.''

Scientists cannot create matter or life. They can mould and develop both, but they cannot call them into being. They are compelled to admit the truth uttered by the English poet Samuel Roberts, when he said:

''That very power that molds a tear
And bids it trickle from its source,
That power maintains the earth a sphere
And guides the planets in their course.''

That power is one of the laws—one of the immutable laws, the eternal laws—of God, put into force at the creation of the universe. From the beginning of recorded time to the present day, most scientists have believed in a divine creator. I have often asked physicians, ''Doctor, with your knowledge of the marvelous intricacies of the human body and mind, do you believe that there is a God?'' Not one physician has ever answered, ''No.'' Each has answered, readily and without hesitation, ''Yes.'' Some may have doubted some of the tenets of the theology of orthodoxy, but they do not deny the existence of a creator. Science is the handmaiden of true religion, and confirms our belief in the Creator and in immortality.

''Whoever plants a seed beneath the sod
And waits to see it break away the clod
Believes in God.''

Mr. President, as Longfellow said, ''It is not all of life to live, nor all of death to die.'' Rather, as Longfellow says:

''There is no death! What seems so is transition;
This life of mortal breath
Is but a suburb of the life Elysian,
Whose portal we call death.''

Mr. President, life is only a narrow isthmus between the boundless oceans of two eternities. All of us who travel that narrow isthmus today, must one day board our little frail barque and hoist its white sails for the journey on that vast unknown sea where we shall sail alone into the boundless ocean of eternity, there to meet our Creator face to face in a land where the rose never withers and the rainbow never fades. To that bourne, from which no traveller ever returns, J. William Fulbright has now gone to be reunited with others who once trod these marble halls, and whose voices once rang in this Chamber—voices in this earthly life that have now been forever stilled. Peace be to his ashes!

I recall the words of Thomas Moore:

''Oft, in the stilly night,
Ere slumber's chain has bound me,
Fond Memory brings the light
Of other days around me:
The smiles, the tears
Of boyhood's years,
The words of love then spoken;
The eyes that shone,
Now dimm'd and gone,
The cheerful hearts now broken!
Thus, in the stilly night,
Ere slumber's chain has bound me,
Sad Memory brings the light
Of other days around me.

When I remember all
The friends, so link'd together,
I've seen around me fall
Like leaves in wintry weather,
I feel like one
Who treads alone
Some banquet-hall deserted,
Whose lights are fled,
Whose garlands dead,
And all but he departed!
Thus, in the stilly night,
Ere slumber's chain has bound me,
Sad Memory brings the light
Of other days around me.''

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I ask unanimous consent to speak as in morning business for a reasonable period.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASED DEPENDENCE ON IMPORTED OIL

Mr. MURKOWSKI. Madam President, I just have been advised of the release by the White House of the Department of Commerce's findings concerning the question of our increased dependence on imported oil. Today in that report, our President reported to the Congress that, indeed, our growing dependence on imported oil is a threat to our national security. However, it is rather disturbing to note that the President failed to propose any new action, direct or indirect, to alleviate this threat. It is the opinion of this Senator from Alaska that such action is unprecedented and wholly unacceptable.

I ask unanimous consent that the press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the White House, Office of the Press Secretary, Feb. 16, 1995]

STATEMENT BY THE PRESIDENT

I am today concurring with the Department of Commerce's finding that the nation's growing reliance on imports of crude oil and refined petroleum products threaten the nation's security because they increase U.S. vulnerability to oil supply interruptions. I also concur with the Department's recommendation that the Administration continue its present efforts to improve U.S. energy security, rather than to adopt a specific import adjustment mechanism.

This action responds to a petition under Section 232 of the Trade Expansion Act of 1962, which was filed by the Independent Petroleum Association of America and others on March 11, 1994. The Act gives the President the authority to adjust imports if they are determined to pose a threat to national security. The petitioners sought such action, claiming that U.S. dependence on oil imports had grown since the Commerce Department last studied the issue in response to a similar, 1988 petition.

In conducting its study, the Department led an interagency working group that included the Departments of Energy, Interior, Defense, Labor, State, and Treasury, the Office of Management and Budget, the Council of Economic Advisers, and the U.S. Trade Representative. The Commerce Department also held public hearings and invited public comment. Following White House receipt of the Commerce Department's report, the National Economic Council coordinated additional interagency review.

As in the case of its earlier study, the Commerce Department found that the potential costs to the national security of an oil import adjustment, such as an import tariff, outweigh the potential benefits. Instead, the Department recommended that the Administration continue its current policies, which are aimed at increasing the nation's energy security through a series of energy supply enhancement and conservation and efficiency measures designed to limit the nation's dependence on imports. Those measures include:

Increased investment in energy efficiency.

Increased investment in alternative fuels.

Increased government investment in technology, to lower costs and improve production of gas and oil and other energy sources.

Expanded utilization of natural gas.

Increased government investment in renewable energy sources.

Increased government regulatory efficiency.

Increased emphasis on free trade and U.S. exports.

Maintenance of the Strategic Petroleum Reserve.

Coordination of emergency cooperation measures.

Finally, led by the Department of Energy and the National Economic Council, the Administration will continue its efforts to develop additional cost-effective policies to enhance domestic energy production and to revitalize the U.S. petroleum industry.

Mr. MURKOWSKI. Madam President, if we look at the specifics of the recommendation, as indicated in the press release, the specific highlights include increased investment in energy efficiency, certainly a worthy and laudable goal; increased investment in alternative fuels, likewise; increased Government investment in technology to lower costs and improve production of gas and oil and other energy resources; expanded utilization of natural gas; increased Government investment in renewable energy sources; increased Government regulatory efficiency; increased emphasis on free trade and U.S. exports; maintenance of the Strategic Petroleum Reserve which, obviously, is there for emergencies; and coordination for emergency cooperation measures.

Notable by its absence is any mention of efforts to stimulate domestic drilling and production in the United States. I find that extraordinary. I wonder just who is advising the President. I cannot believe that the President himself does not support domestic exploration, development, the creation of jobs. One of the bases of America's industrial might has been our ability to produce energy sources, specifically oil and gas. But there is no mention of exploration for oil. There is no mention of stimulating exploration in the Gulf of Mexico where a good portion of our current resources are coming from.

As we go deeper out in the gulf and invest in new technology, it requires greater engineering, greater risk, but, obviously, the industry is willing to make those commitments and that investment. This is what we call deepwater drilling. It requires substantial capital and substantial incentives.

Furthermore, we have frontier areas where onshore there are no pipelines, no infrastructure, and to encourage the industry to go in those areas and explore, again, may require some concessions, some type of moratorium relative to the application of taxation.

None of these are mentioned, and I find that rather curious. We have the overthrust belt; no mention of opening up areas for oil and gas exploration.

It is rather curious, and I guess it is appropriate, that I be a little sensitive on this because my State of Alaska has been supplying this country with about 24 percent of the total crude oil that is produced in the United States for the last 16 to 17 years. That area where most of that oil comes from is called Prudhoe Bay. It is a huge investment by three major international companies—Exxon, BP, and ARCO. They operate the fields. They produce about 1.6 million barrels of oil per day. That is down from approximately 2 million barrels a few years ago. The field is declining. But the significance is, as it declines we are increasing our imports.

Where do our oil imports come from? Why, it comes from the Mideast. It comes to our shores in foreign flag ships, manned by foreign crews. Many of the corporations that operate those ships are relatively alike in their corporate structure. Some suggest they are even shell corporations.

It is interesting to look at our trade deficit, Madam President, of about $167 billion. A good portion of that is Japan, a portion of it is China, but almost half is the price of imported oil. So we are exporting our dollars, exporting our jobs and becoming more and more dependent on other parts of the world.

I find this trend relatively unnerving; that we should have to depend to such an extent on imported petroleum products and then recognize that it is called to our attention by this special study done by the Department of Commerce that we have been waiting for an extended period of time to identify that, indeed, our national security interests are at stake.

I look at my State of Alaska with the potential to supply more oil as Prudhoe Bay declines, and it is rather ironic, Madam President, that on this floor today was a bill to take the most promising area in North America, namely, ANWR, and put it in a permanent wilderness.

We have always had a difficult time trying to keep Alaska in perspective relative to its size and the type of development and the control that our State as well as the Federal agencies have in developing the resources from the North Slope and the Arctic. And as we reflect on that, the technology that developed Prudhoe Bay is now 20 to 25 years old, but some new technology came along about 10 years ago and resulted in the development of a field called Endicott. Endicott was an expansion of Prudhoe Bay in one sense, but the technology was entirely new. It came on as a production facility, the 10th largest producing field in the United States, at about 107,000 barrels a day. Today it is the seventh largest at about 120,000 barrels a day. But that technology, Madam President, resulted in a footprint of 56 acres. That is a pretty small area. That is the size of the footprint. But the contribution to our energy security, our jobs, was significant.

The last area that has been identified by geologists as potentially carrying the capability of a major discovery is ANWR, but what are the parameters of ANWR?

First of all, there are about 19 million acres in the area. Over 17 million acres are basically set aside in wilderness in perpetuity. That is a pretty good-sized chunk of real estate. We are looking at an area the size of Oregon and Washington put together. Industry tells us that if they can find the oil necessary to develop the field—and they have to find a lot of oil because you do not develop small fields in the Arctic—the footprint would be about 12,500 acres. To put that in perspective, that is about the size of the Dulles International Airport complex in Virginia, assuming the rest of Virginia were a wilderness.

The arguments against opening ANWR are the same arguments that prevailed nearly 20 years ago when we talked about opening Prudhoe Bay: What is going to happen to the caribou? What is going to happen to the moose? What is going to happen to the wildlife?

Well, we have had some 17 or 18 years to observe the process. The caribou herds in Prudhoe Bay were 4,000 to 5,000; now they are 17,000 to 18,000. The growth of those herds is as a consequence of the realization that those areas are absolutely off limits to subsistence hunting of any kind. The Eskimo people in the region do not hunt in those areas, and caribou is a very adaptable animal. If chased down by a snow machine or hunter, obviously it runs away. The common sight of modest activity associated with exploration and development has absolutely no effect. A person can go up there today and observe this process.

So as we reflect on what some of the alternatives are, I wonder if we are really not selling America short. As I said before, they are the same arguments of 17 years ago we are hearing today, that somehow this is the

Serengeti of the Arctic—12,500 acres out of 19 million acres is what we are talking about—somehow the native people of the area will be affected. But I can tell you, Madam President, the native people of the area have been given an opportunity that they never had before, and many of them have chosen the opportunity to have gainful employment, have a tax base, have first-class schools. Schools in Barrow, AK, are the finest schools in the United States, bar none. In areas where we have intense climates, we have indoor play areas. As a consequence of the contribution of oil and the fact that the native people have been able to tax the oil, have been able to tax the pipeline, they have been able to have an alternative to a subsistence lifestyle which jobs offer but never would have been prevalent in the area.

I think we are shortchanging America's ingenuity to suggest we cannot open it safely. There is absolutely no scientific evidence to suggest that we cannot open it safely. The technology is advanced. The footprint is smaller. The environmental concerns, the restoration, are all set in place by the State and the Federal Government. So the risk is diminished dramatically. So why the hesitation?

Well, to some degree, Madam President, it is associated with a cause, and that cause is that Alaska is far away. ANWR has been identified by many of the national environmental groups as an issue where they can challenge; people cannot go up there and see for themselves. It generates revenue. It generates a cause. And as a consequence, they would suggest to you that this area cannot be opened up safely. They do not address the opportunities for employment, the opportunities for new engineering technology and expertise but, rather, that Americans cannot meet a challenge. I find this very, very distressing, but it is something that perhaps Alaskans and others who come from energy States have become uncomfortably accustomed to.

Now, where do we go from here, Madam President? Well, I happen to be chairman of the Energy and Natural Resources Committee, and we are going to hold a number of hearings on this matter as we look at our growing dependence on imported oil and the effect that it has on our national security and look to alternatives.

But, Madam President, we are not going to look to the alternatives suggested by the White House, which are nothing but words.

I can remember coming into this body in 1981 when we were running in the high 30's, low 40's percentile dependence on imported oil. There was concern then. There was an expression if it ever got to the area where it would be approaching 50 percent we would have to do something drastic, we would have to stimulate our industry somehow with incentives. But we went on and on and became more dependent and now 51 percent of our total consumption is imported oil. And now we are told that our national security is at stake.

Out of these hearings I hope we get the experts—not the wordsmiths from the White House who are simply selling America short, relative to its capability to produce additional discoveries of oil and gas within the United States. It is truly distressing to read this report. We knew it was coming. We suspected what it said. And each time we made an inquiry we were advised that the report was still under review because the administration chose, for obvious reasons, to put it off as long as they could. I find it rather coincidental that it comes in at a time when we are almost out for the Presidents' Day extended weekend.

But I think it is time for this body and the other House to reflect on the reality associated with a segment of America's traditional industrial might that the administration proposes to remove from the passing scene and become more dependent on imports and export more dollars and more jobs offshore.

This is not unique to the oil industry. To some extent it follows with the administration's attitude towards domestic mining. But I will save that analysis for another day.

I am pleased the Independent Petroleum Association of America has pursued this matter. I think their President, Mr. Dennis Bode, has made a very commendable and meaningful contribution to bring this report before us. I hope the Energy Coalition, that is made up of both Members of the House and Senate, will reflect upon this report in the very near future. I know they will.

It is interesting to look at the attitude of other nations as they observe our increasing dependence on imports. My many friends in Japan cannot understand. They simply say how unfortunate it is that Japan has no natural resources and must import its entire resources, whether energy or mineral. They only have the human work ethic and the efficiencies associated with Japanese industry that have been perfected over an extended period of time, since the Second World War. We helped them basically during the reconstruction period. They simply cannot understand our mentality and lack of our commitment to use our resources wisely, for the benefit of our people and our economy.

In summary, Madam President, I am disappointed. It is ironic that we should be confronted on the same day with a bill to close the most promising area in North America from exploration and put it into an additional permanent wilderness—and I might add, Madam President, we have 56 million acres of wilderness in our State. There are some who would like to put the whole State in a wilderness. There are others who would like to buy the State back from the United States and go it alone. But that is probably another story, for another day as well. To suggest this is the time to put it in wilderness when we get a report that says our national security interest is at stake is, indeed, ironic.

I know Senator STEVENS will be joining me in commenting on the significance of this report and the lack of responsible—and I stress responsible—analysis of the alternatives that we have available to us, alternatives that are practical, and certainly in the national security interest.

I think that is enough for tonight, Madam President. I wish you a good holiday and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, in a move that defies principle and logic, the Clinton administration has proposed lifting the sanctions on Serbia and Montenegro, while it maintains an illegal and unjust arms embargo on Bosnia and Herzegovina. As the Washington Post editorial page put it today, "the United States and its partners in dealing with the old Yugoslavia have got it upside down."

For 7 months, the Bosnian Serbs have said "no" to the contact group peace plan. Despite their promises last summer of tough measures, the contact group countries have pursued a concessions only approach. And so, instead of putting on more pressure on Serbia and its allies in Bosnia and Croatia, the contact group is now ready to offer an enormous concession to Serbia by agreeing to remove the only real leverage we still have, that is, sanctions. Sanctions provide leverage not only on the situation in Bosnia, and in Croatia, but in Kosova—where Albanians are the latest victims of ethnic cleansing.

Sure, the administration says that Serbian President Milosevic will have to make promises in return. We have seen what his promises are worth. Last August Milosevic promised to cut off the Bosnian Serbs, but what really happened is that support was reduced, not ended. Yes, the administration has managed to see that conditions are attached to this lifting of sanctions, noting that the Europeans and Russians would make such a deal even sweeter for Milosevic. But the bottom line is that this is an ill-conceived policy and any tinkering by the administration on the margins does not change that fact.

The message this action sends is that the contact group countries are incapable of pressuring anyone but the victims of this brutal aggression. That message is a green light to the Bosnian Serbs and to the Krajina Serbs. There are warnings of a wider war, but now we see how the contact group hopes to avoid such a scenario, namely by withholding the Bosnians' right to self-defense. Anyone outside the contact group can see clearly that this is a formula for wider war, not a formula for preventing wider war. As the Washington Post concluded, "seeking a phony peace, the United States and its partners may be stoking a greater war."

Madam President, this is a policy of desperation. This is a policy that highlights the lack of American leadership. This is a policy that puts the United States on the side of rewarding aggression and against the forces of freedom and democracy.

Madam President, I ask unanimous consent that the text of the Washington Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 16, 1995]

PHONY PEACE

The United States and its partners in dealing with the old Yugoslavia have got it upside down. What they should be doing is putting more pressure on Serbia and the Serb rebels it supports in Bosnia and Croatia. What they actually are doing is putting on less pressure by prematurely opening up the possibility of ending the already partly suspended, porous sanctions on Serbia that are in place.

This new sweetener concocted by the five-nation Contact Group takes as its stated purpose to draw the Serbian regime of Slobodan Milosevic into formal acceptance of international peace plans for Bosnia and Croatia. But it was always implicit anyway that if Mr. Milosevic decided to rein in his wild ambitions for a Greater Serbia, the sanctions on him would fade away. Now to make it explicit—while he still cheats on his pledges, before he has shown a commitment to restraint—is to invite him to bargain the Contact Group down; to extract a large concession for a minimal policy change.

It is easy enough to grasp why the Contact Group finds itself in the weird position of proposing to suspend not the military embargo on the chief victim, Bosnia, but the economic sanctions on the chief offender, Serbia. It's because none of the group's five members (United States, Russia, France, Britain, Germany) has a taste for employing the force it would take to stiffen their lowest-common-denominator collective diplomacy. To prevent their diplomacy from becoming altogether laughable, they should at the least be stiffening it with tougher sanctions on Serbia. But this they decline to do.

A tragic irony is building. The danger now perceived by the Contact Group is that the war will spread. But the burden of constraining it is being put largely on the Muslims and, to a lesser extent, the Croats. They can fairly wonder whether they are not being asked to swallow huge Serb incursions on their territory, viability and sovereignty for the geopolitical convenience of states far from the battlefield and substantially unaffected by its flows. Feeling abandoned even as their fundamental interests are threatened, Muslims and Croats may yet be confirmed in a judgment that they can satisfy their legitimate political goals only by military means. Seeking a phony peace, the United States and its partners may be stoking a greater war.

(Mr. DEWINE assumed the chair.)

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it is my hope that we will be able to complete our business in the next few minutes. We are trying to reach some agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY ASSAULT ON RIVA RIDGE

Mr. DOLE. Mr. President, 50 years ago tomorrow, the legendary 10th Mountain Division successfully assaulted Riva Ridge in northern Italy's Appennine Mountains. Tomorrow, 12 of my World War II comrades from the 10th Mountain Division will stage a 50th anniversary climb of Riva Ridge to reenact the division's historic capture of this heavily fortified German stronghold.

Using ropes, pitons, and other mountaineering equipment to scale the cliffs, and wearing replicas of our World War II white camouflage suits, this team of ski troop veterans will follow the same route used by 10th Mountain Division units in seizing the strategic 4,500-foot peak a half century earlier.

This assault group of World War II combat veterans—all of whom are now in their early seventies—will be joined in the commemorative operation by mountain soldier veterans of the German gebirgstruppe and the Italian Alpini. This peaceful ascent of Riva Ridge reflects the founding purposes of the International Federation of Mountain Soldiers, an eight-nation organization which represents more than 500,000 mountain soldier veterans, many of whom fought on opposing sides during World War II. Tomorrow's climb is actually a coming together of wartime foes on a rugged mountain summit in Italy.

In addition, these climbers will be joined by today's soldiers. During recent years, we veterans of the wartime 10th Mountain Division have established close bonds of friendship with our young counterparts of today's 10th Mountain Division—light. Following their recent return from Haiti, 10 young soldiers of the 10th Mountain—light—from Fort Drum, NY, will be participating in the reenactment climb. Joining these active duty soldiers will be two climbing experts from the 172d Mountain Battalion, Vermont National Guard.

The reenactment teams are headquartered in the small mountain village of Lizzano, which was the scene of intense fighting during my division's breakthrough from the Apennines northward into the Po River Valley and the Dolomite Mountains. During the 10th Mountain Division's decisive combat operations in northern Italy, nearly 1,000 of my fellow soldiers lost their lives to enemy action, another 4,000 were wounded.

As our Nation observes the 50th anniversary of the end of World War II during 1995, I am tremendously proud to know that a handful of my fellow 10th Mountain Division veterans have undertaken such a meaningful way of commemorating one of their victories in the final months of the war. I salute them for their endeavor, and I am sure that all other Members of the Congress will do the same.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

TRIBUTE TO DONALD "COOTIE" MASTERS

Mr. PRESSLER. Mr. President, I rise to pay tribute to Donald "Cootie" Masters, the newspaper publisher in my hometown, who recently passed away. D.J. Masters was not only a publisher of a weekly newspaper, he was also a State legislator. He was a fine man, and an inspiration to me.

I think that the role of the weekly editor in America has been overlooked. The importance of the women and men who run our smalltown newspapers is seldom recognized.

Our weekly newspapers have almost been forgotten in this telecommunications age, when we have satellite TV, when we have all the various modern technologies. But our weekly newspapers are still there at the heart of their communities.

I received the Humboldt Journal even when I was in the Army in Vietnam. My mother bought me a subscription and sent it. I received the Humboldt Journal when I was away at the University of South Dakota and later when I was a student at Oxford University in England, and then at Harvard Law School. I still get the Humboldt Journal at home.

You cannot get the weekly hometown paper out of the boy, I suppose you could say.

D.J. Masters was a true South Dakotan. He took great pride in his work, his family, his community, and his faith. He was an example and inspiration to many.

I do not know if many people really understand the positive impact on the lives of South Dakotans that the editors of our weekly papers have.

As the editor of my hometown newspaper, the Humboldt Journal, Cootie Masters was part of the lives of thousands of South Dakotans.

Born on July 7, 1906, Cootie began his rich and fulfilling life in the town of Humboldt, SD. This small town upbringing and his strong family ties instilled in him a deep respect for traditional values. He graduated from Humboldt High School in 1924 and went on to attend the University of South Dakota. I would like to note that in 1924 it was quite an accomplishment for a young student from a small town to attend college. This was only the beginning of Cootie's many achievements.

In addition to his studies at USD, Cootie participated in basketball and was a fraternity brother in Delta Tau Delta. He demonstrated at a young age the importance in life of social involvement and balance between intellectual and physical pursuits.

After Cootie graduated from college, he became involved in his family business. His father owned and operated the Humboldt Journal and passed on his business knowledge to Cootie. Cootie's father died suddenly in 1936, leaving Cootie as the sole owner and editor of the Journal. Anyone you may know in a family business will tell you that successfully passing on a family business to the next generation is much more difficult than most people realize. Cootie not only succeeded in taking over the Journal in 1936, but also was successful in operating it until well after his official retirement. That is no small feat.

Cootie's life involved much more than his newspaper work. He contributed to the whole State of South Dakota by serving in the State house as a representative from Minnehaha County from 1936 to 1941.

Cootie balanced his successful business and political careers with devotion to his family and friends. On June 12, 1933, he began his family by marrying Mildred Newton. Cootie and Mildred had three sons: Neal, Tom, and Bob. Today, the Masters family includes 7 grandchildren and 11 great-grandchildren. I know that Cootie considered his family to be the most precious blessing in his life.

Aside from his children, grandchildren and great-grandchildren, what may have kept Cootie young for so long was his robust enjoyment of life. After college, he continued to participate in baseball and basketball. He also loved the outdoors. An avid sportsman, Cootie enjoyed fishing and hunting. He certainly picked the right State for enjoying the great outdoors.

What is most impressive about Cootie is that with all of his public activities, he is still described as a man with not one enemy.

Cootie was a true friend to me, to our community, and to our State. I will always remember him fondly.

I extend my deepest sympathies to the Masters family on the loss of their beloved Cootie.

Mr. President, I pay tribute not only to him but to the weekly newspapers of South Dakota and to the South Dakota State House of Representatives from which he served during his career.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that the following be the only amendments or motions in order to House Joint Resolution 1 and that all amendments or motions be subject to relevant first and second degree amendments and all first-degree amendments or motions on the list must be filed at the desk with the bill clerk by 12 noon Wednesday with the exception of first-degree amendments to motions. I will submit the list. I will not read the list. I think both the distinguished Democrat leader and I have the same list. I will submit that list.

I further ask that no further amendments be in order to the joint resolution after 3 p.m. on Friday February 24, and that any amendments, motions, or motions pending at that time be disposed of without debate in a stacked sequence beginning at 2:15 p.m. on Tuesday, February 28.

I further ask that the time on Monday, February 27 and on Tuesday, February 28, prior to 12:30 p.m. be equally divided between the two leaders or their designees, and a vote on final disposition of House Joint Resolution 1 occur following the stacked votes beginning at 2:15 on February 28, 1995.

I further ask that no votes occur during the session of the Senate on Friday, February 24, and on Monday, February 27, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I send the list to the desk, and also ask that it be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Bumpers:

1. Motion to commit to budget to amend the Budget Act.

Johnston:

1. Impoundment.

Leahy:

1. GAO study.

Feingold:

1. Budgetary surplus; 2. Budgetary surplus; 3. T.V.A.; 4. T.V.A. like agencies.

Wellstone:

1. Children; 2. Education; 3. Veterans; 4. Relevant; 5. Relevant; 6. Relevant; 7. Motion to refer to Budget Committee.

Rockefeller:

1. Veterans (do today).

Graham:

1. Regarding debt; 2. Regarding debt; 3. Effective date.

Kennedy:

1. Impoundment.

Levin:

1. Implementing language; 2. Relevant; 3. Relevant; 4. Relevant.

Conrad:

1. Exemption for recessionary periods.

Kerry:

1. Motion to commit Budget Committee; 2. Exemption for economic recession.

Hollings:

1. Relevant.

Daschle:

1. Relevant; 2. Relevant.

Feinstein:

1. Substitute amendment.

Byrd:

1. Increase taxes by majority vote; 2. Increase debt by majority vote; 3. President to submit an alternative budget; 4. Waiver for war by majority vote; 5. Effective date of 2000; 6. Strike reliance on estimates; 7. Increase revenues by 3/5's vote of both houses; 8. Increase tax revenues by 3/5's vote of both houses; 9. Relevant.

Nunn:

1. National economic emergencies; 2. Judicial powers.

Dorgan:

1. Motion to refer regarding C.B.O. appointment.

Pryor:

1. Relevant.

Dole:

1. Five motions.

Daschle:

1. Three motions.

CLOTURE MOTION VOTES VITIATED

Mr. DOLE. Mr. President, I ask that the two cloture votes scheduled for Wednesday, February 22, be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

INDIAN EDUCATION

Mr. DOLE. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from consideration of S. 377, a bill relating to Indian education and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 377) to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

Mr. DOLE. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 377) was deemed read the third time and passed, as follows:

S. 377

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TECHNICAL AMENDMENT.

Section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965 (as added by section 101 of the Improving America's Schools Act of 1994 (Public Law 103-382)) is amended by striking "and" and inserting "or".

S. 377

Mr. McCAIN. Mr. President, S. 377 is a technical corrections bill in its truest form. S. 377 would amend section 9112(a)(1)(A) of the Elementary and Secondary Education Act of 1965. S. 377 would amend section 9112(a)(1)(A), otherwise referred to as the Indian Education Act, by striking the word "and" and inserting the word "or." This technical change would correct an oversight that occurred during the conference of the bill.

Last Congress, the Committee on Indian Affairs received testimony from both Indian educators and tribal organizations on proposals for the reauthorization of the Indian Education Act. These proposals were integrated into the Improving America's School Act of 1994. Among these proposals was a program providing formula grants to schools enrolling Indian children.

During the House and Senate conference regarding this particular section of the act, discussions ensued on whether a minimum of 10 or 20 Indian children would be required in order to be eligible for these programs. The House bill would have required that a school have at least 20 Indian children or that the Indian children make up at least 25 percent of the student body of the school. The Senate bill would have required that a school have a minimum of 10 Indian children or that Indian children make up 25 percent of the student body of the school. The House and Senate Conferees agreed upon the Senate version which required a minimum of 10 Indian students or that Indian students make up 25 percent of the school's enrollment.

The congressional intent behind section 9112 clearly supports the enactment of this technical amendment. The House and Senate debate on this section only contemplated the number of Indian children that would be required for funding pursuant to this section. The conferees did not debate over the conjunction "or." The side-by-side analysis used by both the Senate and House conferees supports this point. However, an apparent error occurred in the redrafting process of the conference approved bill. The drafters inadvertently substituted the word "and" for "or." As a result, the law currently states that "in order for a school to be eligible for an Indian Education Act formula grant, it must have 10 eligible students and have 25 percent of its student population eligible for the program." among these proposals.

This minor oversight will have major ramifications in the education of American Indian and Alaska Native children. The current language unnecessarily restricts a schools eligibility for grant funding by requiring schools to meet both criteria. Consequently, the existing language will result in the disqualification of many schools that serve American Indian and Alaska Native children. The Department of Education is in the process of promulgating regulations which do not accurately reflect the true intent of the Congress. Therefore, it is imperative that this amendment be promptly enacted to clarify and fulfill the true intent of the act, to improve schools for all Americans, including Indians and Alaska Natives.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 19

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On November 16, 1990, in light of the dangers of the proliferation of chemical and biological weapons, President Bush issued Executive Order No. 12735, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*). Under section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), the national emergency terminates on the anniversary date of its declaration unless the President publishes in the *Federal Register* and transmits to the Congress a notice of its continuation.

On November 14, 1994, I issued Executive Order No. 12938, which revoked and superseded Executive Order No. 12735. As I described in the report transmitting Executive Order No. 12938, the new Executive order consolidates the functions of Executive Order No. 12735, which declared a national emergency with respect to the proliferation of chemical and biological weapons, and Executive Order No. 12930, which declared a national emergency with respect to nuclear, biological, and chemical weapons, and their means of delivery. The new Executive order continued in effect any rules, regulations, orders, licenses, or other forms of administrative action taken under the authority of Executive Order No. 12735. This is the final report with respect to Executive Order No. 12735.

This report is made pursuant to section 204 of the International Emergency Economic Powers Act and section 401(c) of the National Emergencies Act regarding activities taken and money spent pursuant to the emergency declaration. Additional information on chemical and biological weapons proliferation is contained in the annual report to the Congress provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The three export control regulations issued under the Enhanced Proliferation Control Initiative are fully in force and continue to be used to control the export of items with potential use in chemical or biological weapons (CBW) or unmanned delivery systems for weapons of mass destruction.

During the final 6 months of Executive Order No. 12735, the United States continued to address actively in its international diplomatic efforts the problem of the proliferation and use of CBW.

At the termination of Executive Order No. 12735, 158 nations had signed the Chemical Weapons Convention (CWC) and 16 had ratified it. On November 23, 1993, I submitted the CWC to the Senate for its advice and consent to ratification. The United States continues to press for prompt ratification of the Convention to enable its entry into force as soon as possible. We also continue to urge those countries that have not signed the Convention to do so. The United States has remained actively engaged in the work of the CWC Preparatory Commission headquartered in The Hague, to elaborate the technical and administrative procedures for implementing the Convention.

The United States was an active participant in the Special Conference of States Parties, held September 19–30, 1994, to review the consensus final report of the Ad Hoc Group of experts mandated by the Third Biological Weapons Convention (BWC) Review conference. The Special Conference produced a mandate to establish an Ad Hoc Group whose objective is to develop a legally binding instrument to strengthen the effectiveness and improve the implementation of the BWC. The United States strongly supports the development of a legally binding protocol to strengthen the Convention.

The United States maintained its active participation in the Australia Group (AG), which welcomed the Czech Republic, Poland, and Slovakia as the 26th, 27th, and 28th AG members, respectively. The Group reaffirmed members' collective belief that full adherence to the CWC and the BWC provides the only means to achieve a permanent global ban on CBW, and that all states adhering to these conventions have an obligation to ensure that their national activities support these goals.

The AG also reiterated its conviction that harmonized AG export licensing measures are consistent with and indeed actively support, the requirement under Article I of the CWC that States Parties never assist, in any way, the manufacture of chemical weapons. These measures also are consistent with the undertaking in Article XI of the CWC to facilitate the fullest possible exchange of chemical materials and related information for purposes not prohibited by the Convention, as they focus solely on preventing assistance to activities banned under the CWC. Similarly, such efforts also support existing nonproliferation obligations under the BWC.

The United States Government determined that one foreign individual and two foreign commercial entities—respectively, Nahum Manbar, and Mana International Investments and Europol Holding Ltd.—had engaged in chemical weapons proliferation activities that required the imposition of trade sanctions against them, effective on July 16, 1994. A separate determination was made and sanctions imposed against Alberto di Salle, an Italian national, effective on August 19, 1994. Additional information on these determinations will be contained in a classified report to the Congress, provided pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

Pursuant to section 401(c) of the National Emergencies Act, I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order No. 12735 during the period from November 16, 1990, through November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 16, 1995.*

REPORT RELATIVE TO NUCLEAR, CHEMICAL AND BIOLOGICAL WEAPONS—MESSAGE FROM THE PRESIDENT—PM 20

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On September 29, 1994, in Executive Order No. 12930, I declared a national emergency under the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.) to deal with the threat to the national security, foreign policy, and economy of the United States posed by the continued proliferation of nuclear, biological, and chemical weapons, and their means of delivery. Specifically, this order provided necessary authority under the Enhanced Proliferation Control Initiative (EPCI), as provided in the Export Administration Regulations, set forth in Title 15, Chapter VII, Subchapter C, of the Code of Federal Regulations, Parts 768 to 799 inclusive, to continue to regulate the activities of United States persons in order to prevent their participation in activities that could contribute to the proliferation of weapons of mass destruction and their delivery means.

I issued Executive Order No. 12930 pursuant to the authority vested in me as President by the Constitution and laws of the United States of America, including the IEEPA, the National Emergencies Act (NEA) (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. At that time, I also submitted a report to the Congress pursuant to section 204(b) of the IEEPA (50 U.S.C. 1703(b)).

Executive Order No. 12930 was revoked by Executive Order No. 12938 of November 14, 1994. Executive Order No. 12938 consolidates a number of authorities and eliminated certain redundant authorities. All authorities contained in Executive Order No. 12930 were transferred to Executive Order No. 12938.

Section 204 of the IEEPA requires follow-up reports, with respect to actions or changes, to be submitted every 6 months. Additionally, section 401(c) of the NEA requires that the President: (1) within 90 days the end of each 6-month period following a declaration of a national emergency, report to the Congress on the total expenditures directly attributable to that declaration; or (2) within 90 days after the termination of an emergency, transmit a final report to the Congress on all expenditures. This report, covering the period from September 29, 1994, to November 14, 1994, is submitted in compliance with these requirements.

Since the issuance of Executive Order No. 12930, the Department of Commerce has continued to administer and enforce the provisions contained in the Export Administration Regulations concerning activities by United States persons that may contribute to the proliferation of weapons of mass destruction and missiles. In addition, the Department of Commerce has conducted ongoing outreach to educate concerned communities regarding these restrictions. Regulated activities may include financing, servicing, contracting, or other facilitation of missile or weapons projects, and need not be linked to exports or reexports of U.S.-origin items. No applications for licenses to engage in such activities were received during the period covered by this report.

No expenses directly attributable to the exercise of powers or authorities conferred by the declaration of a national emergency in Executive Order No. 12930 were incurred by the Federal Government in the period from September 29, 1994, to November 14, 1994.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 16, 1995.*

MESSAGES FROM THE HOUSE

At 3:49, p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 30. Concurrent resolution providing for the adjournment of the two Houses.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services.

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of January 6 and 23, 1995 and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 6 and 23, 1995 at the end of the Senate proceedings.)

(*) Lt. Gen. Dale W. Thompson, Jr., U.S. Air Force to be placed on the retired list in the grade of lieutenant general (reference No. 160).

(*) Lt. Gen. Jerry R. Rutherford, U.S. Army to be placed on the retired list in the grade of lieutenant general (reference No. 161).

(*) Rear Adm. John A. Lockard, U.S. Navy to be vice admiral (reference No. 162).

(**) In the Air Force there are 5 promotions to the grade of colonel and below (list begins with Alan L. Christensen) (reference No. 166).

(**) In the Army Reserve there are 29 promotions to the grade of colonel and below (list begins with Rodger T. Hosig) (reference No. 167).

(**) In the Army Reserve there is 1 appointment to the grade of lieutenant colonel (Frederick B. Brown) (reference No. 168).

(**) In the Navy there are 3 appointments to the grade of ensign (lists begins with the James P. Screen III) (reference No. 169).

(**) In the Air Force there are 662 promotions to the grade of colonel and below (list begins with Barrett W. Bader) (reference No. 170).

(**) In the Air Force Reserve there are 60 promotions to the grade of colonel (list begins with Jonathan E. Adams) (reference No. 171).

(**) In the Air Force Reserve there are 202 promotions to the grade of colonel (list begins with Timothy L. Anderson) (reference No. 172).

(**) In the Army Reserve there are 1,371 promotions to the grade of lieutenant colonel (list begins with Ronnie Abner) (reference No. 173).

Total: 2,336.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 427. A bill to amend various Acts to establish offices of women's health within certain agencies, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. FEINGOLD, Mr. DODD, Mr. HARKIN, Mr. JEFFORDS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, and Mr. WELLSTONE):

S. 428. A bill to improve the management of land and water for fish and wildlife purposes, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRYAN (for himself and Mr. REID):

S. 429. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 430. A bill to amend XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the medicaid program, and for other purposes; to the Committee on Finance.

S. 431. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize the Secretary of Commerce to prepare fishery management plans and amendments to fishery management plans under negotiated rulemaking procedures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 432. A bill to amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies (groundfish) fishery under negotiated rulemaking procedures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY:

S. 433. A bill to regulate handgun ammunition, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL:

S. 434. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service; to the Committee on Finance.

By Mr. FAIRCLOTH:

S. 435. A bill to provide for the elimination of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. MCCAIN, and Mr. DASCHLE):

S. 436. A bill to improve the economic conditions and supply of housing in Native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE:

S. 437. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

S. 438. A bill to reform criminal laws, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. INHOFE, Mr. COATS, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 439. A bill to direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, Mr. BOND, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. INHOFE, Mr. REID, Mr. SMITH, Mr. LUGAR, Mrs. BOXER, Mr. GRAHAM, and Mr. PELL):

S. 440. A bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MCCAIN:

S. 441. A bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes; to the Committee on Indian Affairs.

By Ms. SNOWE (for herself and Mr. DOLE):

S. 442. A bill to improve and strengthen the child support collection system, and for other purposes; to the Committee on Finance.

By Mr. GRAMS:

S. 443. A bill to reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 444. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. D'AMATO (for himself, Mr. MACK, Mr. BENNETT, Mr. FAIRCLOTH, and Mr. BRYAN):

S. 445. A bill to expand credit availability by lifting the growth cap on limited service financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INOUYE (for himself, Mr. HATFIELD, Mr. LEVIN, Mr. D'AMATO, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. ROBB, and Mr. SIMON):

S. 446. A bill to require the Secretary of the Treasury to mint coins in commemoration of the public opening of the Franklin Delano Roosevelt Memorial in Washington, D.C; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. INHOFE (for himself and Mr. NICKLES):

S. 447. A bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. PRYOR, and Mr. REID):

S. 448. A bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes; to the Committee on Finance.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 449. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; to the Committee on Armed Services.

By Mr. GRASSLEY:

S. 450. A bill for the relief of Foad Miahi-Neysi and his wife, Haiedeh Miahi-Neysi; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, Mr. INHOFE, and Mr. DOLE):

S. 451. A bill to encourage production of oil and gas within the United States by providing tax incentives and easing regulatory burdens, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. DASCHLE) (by request):

S. 452. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the middle class; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. DASCHLE) (by request):

S. 453. A bill to amend the Internal Revenue Code of 1986 to modify the eligibility criteria for the earned income tax credit, to improve tax compliance by United States persons establishing or benefiting from foreign trusts, and for other purposes; to the Committee on Finance.

By Mr. MCCONNELL (for himself, Mr. LIEBERMAN, and Mrs. KASSEBAUM):

S. 454. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KEMPTHORNE (for himself and Mr. CRAIG):

S. 455. A bill to clarify the procedures for consultation under the Endangered Species Act on management plans for, and specific activities on, federal lands, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself, Mr. DODD, Mr. ROCKEFELLER, Mr. CHAFEE, Mrs. FEINSTEIN, Ms. SNOWE, Mr. LIEBERMAN, Mr. DORGAN, and Mr. KENNEDY):

S. 456. A bill to improve and strengthen the child support collection system, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. SNOWE:

S. Con. Res. 8. A concurrent resolution expressing the sense of the Congress on the need for accurate guidelines for breast cancer screening for women ages 40–49, and for other purposes; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 427. A bill to amend various acts to establish offices of women's health within certain agencies, and for other purposes; to the Committee on Labor and Human Resources.

THE WOMEN'S HEALTH OFFICES ACT OF 1995

• Ms. SNOWE. Mr. President, today I am introducing legislation to focus attention on the special health needs of women by establishing offices of women's health within the Office of the Assistant Secretary for Health, the Centers for Disease Control, the Agency for Health Care Policy and Research, the Health Resources and Services Administration, and the Food and Drug Administration.

The directors of these offices of women's health will assess the current level of activity regarding women's health within their respective agencies, established short-range and long-range goals and objectives for women's health, identify projects in women's health that should be conducted or supported, consult with health professionals, nongovernmental organizations, consumer organizations, and other appropriate groups on their agency's women's health policies, and coordinate agency activities on women's health.

Congress has already taken a first step in recognizing that women's unique health needs should be addressed separately. In the 103d Congress, the 1993 NIH revitalization bill established an Office of Woman's Health within the National Institutes of Health. We must build upon that progress in the 104th Congress.

For too long, women have been systematically excluded from medical research studies, received less aggressive treatment for heart disease and other serious ailments, and lacked access to important preventive services. By statutorily establishing offices of women's health in Federal agencies which research and disseminate information about health, we ensure that women's needs and concerns will be given the consideration they deserve.•

By Mr. ROTH (for himself, Mr. BAUCUS, Mr. BIDEN, Mrs. BOXER, Mr. FEINGOLD, Mr. DODD, Mr. HARKIN, Mr. JEFFORDS, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LIEBERMAN, Mrs. MURRAY, Mr. PELL, and Mr. WELLSTONE):

S. 428. A bill to improve the management of land and water for fish and wildlife purposes, and for other purposes; to the Committee on Environment and Public Works.

THE FISH AND WILDLIFE MANAGEMENT ACT OF 1995

• Mr. ROTH. Mr. President, I read recently that "the best thing we have learned from nearly 500 years of contact with the American wilderness is restraint," the need to stay our hand and preserve our precious environment and future resources rather than destroy them for momentary gain.

With this in mind, I offer legislation today that designates the coastal plain of Alaska as wilderness area. At the moment this area is a national wildlife refuge, one of our beautiful and last frontiers. By changing its designation, Mr. President, we can protect it forever.

And I can't stress how important this is.

The Alaskan wilderness area is not only a critical part of our earth's ecosystem—the last remaining region where the complete spectrum of arctic and subarctic ecosystems comes together—but it is a vital part of our national consciousness. It is a place we can cherish and visit for our soul's good. It offers us a sense of well-being and promises that not all dreams have been dreamt.

The Alaskan wilderness is a place of outstanding wildlife, wilderness and recreation, a land dotted by beautiful forests, dramatic peaks and glaciers, gentle foothills, and undulating tundra. It is untamed—rich with caribou, polar bear, grizzly, wolves, musk oxen, Dall sheep, moose, and hundreds of thousands of birds—snow geese, tundra swans, black brant, and more. In all, about 165 species use the coastal plain. It is an area of intense wildlife activity. Animals give birth, nurse and feed their young, and set about the critical business of fueling up for winters of unspeakable severity.

The fact is, Mr. President, there are parts of this Earth where it is good that man can come only as a visitor. These are the pristine lands that belong to all of us. And perhaps most importantly, these are the lands that belong to our future.

Considering the many reasons why this bill is so important, I came across the words of the great western writer, Wallace Stegner. Referring to the land we are trying to protect with this legislation, he wrote that it is "the most splendid part of the American habitat; it is also the most fragile." And we cannot enter "it carrying habits that [are] inappropriate and expectations that [are] surely excessive."

The expectations for oil exploration in this pristine region are excessive. There is only a one-in-five chance of finding any economically recoverable oil in the refuge. And if oil is found, the daily production of 400,000 barrels per day is less than .7 percent of world production—far too small to meet American's energy needs for more than a few months.

In other words, Mr. President, there is much more to lose than might ever be gained by tearing this frontier apart. Already, some 90 percent of Alaska's entire North Slope is open to oil and gas leasing and development. Let's keep this area as the jewel amid the stones.

What this bill offers—and what we need—is a brand of pragmatic environmentalism, an environmental stewardship that protects our important wilderness areas and precious resources, while carefully and judiciously weighing the short-term desires or our country against its long-term needs.

Together, we need to embrace environmental policies that are workable and pragmatic, policies based on the desire to make the world a better place for us and for future generations. I believe a strong economy, liberty, and progress are possible only when we have a healthy planet—only when resources are managed through wise stewardship—only when an environmental ethic thrives among nations and only when people have frontiers that are untrammeled and able to host their fondest dreams.•

By Mr. BRYAN (for himself and Mr. REID):

S. 429. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

THE INDEPENDENT SPENT NUCLEAR FUEL STORAGE ACT OF 1995

Mr. BRYAN. Mr. President, I rise today to introduce again legislation I have introduced in each of the past two Congresses, the Independent Spent Nuclear Fuel Storage Act.

As many of my colleagues are aware, since 1987, contrary to Nevada State law, and against the wishes of the vast majority of Nevadans, Nevada has been the sole site considered for the ultimate disposal of the United States' high-level nuclear waste.

Today, in spite of the expenditure of billions of dollars, the Yucca Mountain site is no closer to accepting waste from our Nation's nuclear reactors than it was 13 years ago, when the Nuclear Waste Policy Act of 1982 was enacted.

I strongly oppose the purely political decision made by Congress in 1987 to identify Yucca Mountain as the sole site to be characterized for a permanent repository. Now that the permanent repository program is an obvious failure, with the Department of Energy saying there is no hope of opening any type of storage facility before 2010, the nuclear power industry and its allies have conceived a new strategy.

Contrary to all objective scientific judgment, and general common sense, the nuclear industry's new effort is to instruct the DOE to build an interim storage facility at the Yucca Mountain site. As offensive as the 1987 act, commonly referred to in Nevada as the "screw Nevada bill," was, the new effort of the nuclear power industry is even more of an outrage to Nevadans.

The nuclear power industry's newest proposal is nothing less than a direct assault on the health and safety of Nevadans. Frustrated by its inability to overcome the insurmountable safety concerns raised in relation to a permanent repository, the industry is now seeking to circumvent the objections of credible, objective scientists to a permanent repository at Yucca Mountain.

I am convinced, like many others, that any centralized interim storage facility will become the de facto permanent repository.

Funding for an interim storage program will necessarily come at the expense of the permanent repository program. The expression "out of sight, out of mind" could not be truer. Once the waste is removed from the reactor sites, the nuclear industry's commitment to finding a permanent solution to the waste problem will vanish. And since it is the nuclear power industry's obsession with moving this waste off the reactor sites that drives the Federal Civilian Nuclear Waste Program, the Federal commitment to permanent storage will vanish as well.

The nuclear power industry as much as concedes this—every version of their interim storage legislation I am aware of provides for licensing the interim site for 100 years, subject to renewal.

The permanent repository program is a failure. The nuclear power industry and its advocates, including the Department of Energy, have created a program which was bound to fail. Careless science, poor management, unreasonable deadlines and timetables, and the ill-fated decision to pursue only one site for characterization, thus leaving the program with no options or alternatives, have all contributed to the failure of the program.

The industry's suggestion to build an interim storage facility in Nevada is simply one more in a long series of irresponsible and ill-founded proposals by the nuclear power industry to solve their high level waste problem at the expense of the health and safety of all Nevadans.

I will concede that the nuclear power industry has a waste problem. I strongly object, however, to the industry's solution, which is simply to send their problem, their waste to Nevada.

The question arises, do we need a centralized interim storage site? If we are truly talking about interim storage, the answer is obviously no.

A few nuclear utilities, looking at the future uncertainty of the Federal nuclear waste program, have done the responsible thing and built interim dry cask storage at the reactor site. In dry cask storage, spent fuel assemblies are removed from the reactor pools and stored in various systems of canisters, casks, and concrete shells.

I recently visited one of these dry cask storage facilities, at Calvert Cliffs in Maryland, and, I must say, I was impressed by the simplicity and efficiency of the spent fuel management operation. It is a responsible action taken by the industry, and I commend their example to others. The Calvert Cliffs dry cask storage program provides a reasonable solution to the interim storage problem, the spent fuel is stored on site, where security and safety precautions already exist, until a safe plan for the long-term disposition of the waste can be finalized.

A centralized interim storage facility is simply not needed, or desirable. The original Nuclear Waste Policy Act recognized this fact, and placed restrictions on the DOE's authority to accept responsibility for interim storage. The nuclear power industry, faced with the reality of the failure to build a permanent repository at Yucca Mountain, is now engaged in yet another exercise of political muscle with one purpose: To make Nevada the final destination for their toxic and highly dangerous waste.

Even if we concede, which we do not, that there is a need for a centralized interim storage facility, there is no defensible reason to site the facility in Nevada. A simple look at a map easily shows that Nevada is one of the least central sites to store nuclear waste. The great majority of the reactor sites producing high-level waste are east of the Mississippi—93 reactors out of the U.S. total of 118.

Shipping thousands of tons of high level waste to Nevada will create dramatic threats to the safety of communities throughout the United States. An analysis of one proposal supported by the nuclear power industry reveals that interim storage in Nevada will require 15,000 shipments by rail and truck through 43 States to begin as early as 1998 and continue for 30 years.

Interim storage in Nevada is not the answer to the nuclear power industry's waste problem. The responsible answer to the waste problem, if the nuclear utilities choose to continue to run their reactors, is on-site, dry cask storage.

Unfortunately, most nuclear utilities appear to be unwilling to develop dry cask storage facilities for a variety of reasons, both political and financial.

There is not much we can do about the local political opposition faced by utilities. The utilities, and communities, that benefited from the operation of the powerplant should bear responsibility for their own waste. High-level waste storage is not popular, and there are political costs to the utilities for living up to their responsibilities.

Asking Nevada to solve the political problems in the communities they serve places the nuclear utilities on completely indefensible ground. The outright hypocrisy of the nuclear power industry's advocates, and their shameless attempts to exert political influence to solve complex scientific and environmental problems, has created an atmosphere of complete distrust and antagonism for the industry in Nevada.

There are also financial barriers to on-site, dry cask storage. Ratepayers have been making contributions to the nuclear waste trust fund with the exception that the Federal Government will dispose of their nuclear waste. I am somewhat sympathetic to the ratepayers' concerns. The Federal disposal program is a failure.

The civilian nuclear waste program has been so poorly managed, and so misguided, that Congress has had good reason not to release the full balance of the trust fund to the program. The ratepayers deserve some financial relief while the Federal Government attempts to meet its obligations, and while the utilities invest the needed capital to store their own waste.

The legislation I am introducing today recognizes the nuclear power industry's need for interim storage, as well as the financial impact on ratepayers caused by delays in the repository program. The legislation provides credits against utilities' payments to the nuclear waste trust fund for costs incurred for on-site, dry cask storage.

The legislation provides an equitable solution to a difficult problem. It recognizes the financial contributions of the utilities' ratepayers to the trust fund, and recognizes the reality that a permanent repository will not be available to meet the needs of the nuclear power industry.

Mr. President, together with their advocates in Congress and the Department of Energy, the nuclear power industry has spared no expense or effort in moving its waste to Nevada. I have attempted to fight the industry at every turn.

I hope that Congress will not take the failure of the permanent repository program as a signal to bow to the nuclear power industry once again, and accelerate plans to store nuclear waste in Nevada, but instead to take this opportunity to find an equitable solution to a difficult problem which does not threaten the health and safety of future generations of Nevadans.

I urge my colleagues to support the legislation I am introducing today.

By Ms. SNOWE:

S. 430. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE GUARDIANSHIP RIGHTS AND RESPONSIBILITIES ACT

• Ms. SNOWE. Mr. President, today I am introducing the Guardianship Rights and Responsibilities Act of 1995, which establishes a bill of rights for adults who, because of physical or mental incapacity, become wards of the courts.

Wards are individuals whose legal rights, decisionmaking authority and possessions have been transferred to the control of a guardian or conservator based on a judgment that the person is no longer capable of handling these affairs. This legal system severely limits an individual's personal autonomy and has considered problems and widespread abuses. Horror stories abound about guardians who force unnecessary nursing home care, embezzle assets, or otherwise abuse their wards.

The Guardianship Rights and Responsibilities Act of 1995 would require States to adopt and enforce laws to provide basic protection and rights to wards as a condition of receiving Federal Medicaid funds. It would assure due process protections such as counsel, the right to be present at their proceedings and to appeal decisions. Also required would be: Clear and convincing evidence to determine the need for a guardianship; adequate court monitoring; and standards, training and oversight for guardians.

This legislation will help to protect the most vulnerable elderly and disabled from exploitation, and will help to assure them the highest possible autonomy. I hope my colleagues will join me in supporting this bill.•

By Ms. SNOWE:

S. 431. A bill to amend the Magnuson Fishery Conservation and Management Act to authorize the Secretary of Commerce to prepare fishery management plans and amendments to fishery management plans under negotiated rulemaking procedures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 432. A bill to amend the Magnuson Fishery Conservation and Management Act to require the Secretary of Commerce to prepare conservation and management measures for the northeast multispecies—groundfish—fishery under negotiated rulemaking procedures, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NEGOTIATED RULEMAKING FOR FISHERIES LEGISLATION

• Ms. SNOWE. Mr. President, as many stories in the national media have reported, the New England groundfish industry is now facing the most difficult challenges in its long history. Scientists report that once plentiful stocks of cod, haddock, flounder, and other fish species have reached historic lows. In response to these stock assessments, the New England Fishery Management Council has approved severe restrictions on fishing that will probably force many fishermen out of business. These restrictions include a 5-year program to cut fishing efforts in half, mandatory use of large-mesh nets, a moratorium on new entrants into the fishery, and the emergency closure of large areas on the George's Bank fishing grounds off Massachusetts.

Most fishermen in Maine recognize that the groundfish stocks are low and that effective conservation measures are needed to help rebuild the fishery. But too many fishermen also believe that the specific program approved by the council will not succeed at restoring groundfish populations, and will place unnecessary economic burdens on working fishermen. In their view, the council, despite public hearings, dismissed too many of their recommendations despite the fact that they and others before them have been fishing the waters off New England for three centuries. In short, they have no support for or confidence in the council-developed management program under which they must operate.

The success of any regulatory program depends in large part on the confidence of the regulated community that the action takes their views into account, will achieve its ends, and is sensible and necessary. I am introducing legislation today that aims to restore the confidence of New England fishermen in the credibility of the Federal fisheries management process by giving them and other citizens with an interest in fisheries the ability to participate directly in that process.

My bills bring the concept of negotiated rulemaking or regulatory negotiation to fisheries management. The concept was established in Federal law by the negotiated Rulemaking Act of 1990. Under negotiated rulemaking, representatives of all stakeholder groups involved in a dispute negotiate directly on the regulatory solution with the aid of a professional facilitator. It provides a collaborative, consensus-based dispute resolution tool that agencies can use to develop potentially controversial regulations. If the negotiating group can reach consensus, then the agency can propose the agreement as a new regulation or rule. Negotiated rulemaking has been used—sometimes successfully, sometimes unsuccessful—by other Federal agencies, and it is time that this tool be made available in the fisheries management process.

The first bill that I have introduced today gives the Secretary of Commerce explicit authority to use negotiated rulemaking to develop fishery management plans or plan amendments. Under the Magnuson Act, the Secretary can only submit management plans or plan amendments under limited circumstances which preclude his flexibility in using this important tool effectively. Also, negotiated rulemaking is specifically used to develop rules, but fishery management plans are not technically rules. My bill removes these potential obstacles and clears the way for the Secretary to use this dispute resolution tool on controversial issues.

The second bill directs the Secretary to use negotiated rulemaking in the specific case of the New England groundfish fishery. Alternative dispute resolution is used more and more commonly in lieu of the traditional adversarial regulatory process, and I believe that it should be tried in the case of the New England groundfish issue.

These bills do not directly affect any existing fisheries management programs, or impose new management measures. They only offer an alternative route for devising plans that will restore fish stocks off the coast of New England and other parts of the country. They could lead to new management measures that not only do a better job of rebuilding fish stocks, but do so in a manner that minimizes the economic impact on fishermen and coastal communities, and in a manner that gains the confidence and support of most fishermen. Surely, given the extremely high stakes in an area like New England these days, we must explore every opportunity, every possibility, for achieving such critically important results.•

By Mr. KERRY:

S. 433. A bill to regulate handgun ammunition, and for other purposes; to the Committee on the Judiciary.

THE AMMUNITION SAFETY ACT OF 1995

• Mr. KERRY. Mr. President, no gun works without a bullet. Yet for no good reason, Congress in the early 1980's repealed laws that regulate ammunition. And while a background check is required to stop felons from purchasing guns, no such background check is required to stop them from buying ammunition for the guns they may already have.

In the meantime, bullets are getting meaner and more deadly. Law enforcement officers know all too well of the danger they face each and every time a gun is pointed at them.

Advances in technology only promise to make matters worse. When a large percentage of gun-related deaths involve handguns, and a large percentage of gun related deaths is accidental, it is insane for the public to fear the creation of new, more destructive bullets.

The fact is 157 police officers and State troopers were killed in this country last year. Five lost their lives in my home State of Massachusetts.

And more than 200 people die from the accidental use of handguns every year. In 1992 alone, 233 accidental deaths occurred because of handguns. This included 6 babies, 36 kids under the age of 14, and 8 senior citizens, 2 of whom were over the age of 80.

In light of these sad and disturbing facts, there is no good reason to have ever more dangerous bullets on the market. And there is every good reason to keep off our streets and out of our homes bullets that supply handguns with the destructive power of assault weapons.

That is why the Ammunition Safety Act of 1995 does two things: it reestablishes reasonable regulations for the sale of handgun ammunition, and it outlaws all exceedingly destructive handgun ammunition—whether or not such ammo has been invented yet—by expanding and updating the ban on armor-piercing handgun ammunition.

This bill would provide a weapon for law enforcement to crack down on crime and would make ordinary people safer from handgun violence and accidental shootings. The bill accomplishes these goals in three steps.

First, the bill reinstates and strengthens ammunition control language that Congress repealed during the Reagan era. It would require dealers of handgun ammunition to be licensed by the Federal Government. It would restrict interstate sale and transportation of handgun ammunition to licensed dealers. And it would double the maximum penalties for sale to and for possession of handgun ammunition by felons and persons under age 21.

Second, the bill would apply Brady bill provisions to handgun ammunition. To prevent the sale of handgun ammunition to felons, once the nationwide, instantaneous background check the Brady bill created is in place, every purchaser of ammunition will have to pass a background check before ammunition could be sold to him or her. These regulations would be a vital tool to law enforcement in investigating crime, and would provide equity to a system that currently monitors and restricts the flow of guns, but—inexplicably—not of ammunition.

Third, the bill expands the definition of illegal armor-piercing handgun ammunition to include any new conceivable kind of armor-piercing bullet. The bill establishes a new method to accomplish this goal.

To date, no law has been able to effectively ban all armor-piercing bullets. You can't ban what you can't define because vague laws are constitutionally void—and definitions to date have failed to cover all armor-piercing bullets. All that existing law does is ban bullets based on the materials of which they are made—consequently, bullets made of hard metals are illegal—in the hope that this definition will blanket most armor-piercing bullets. But the existing composition-based definition fails to prevent the sale of certain bullets that pierce armor—like large lead bullets that aren't intended for handguns but can be used in them—or the invention of new armor-piercing bullets—for example, a plastic bullet hard enough to pierce armor.

This bill calls on the Treasury Department to define armor-piercing bullets not by what they are but by what they are not. Fulfilling this new responsibility would entail four steps.

First, within 1 year, the Treasury Department is charged with determining a standard test to ascertain the destructive capacity of any and all bullets. This will probably result in something along the lines of a rating system equal to the width times the depth of the hole a projectile bores in a block of gelatin when it is shot with no extra powder from a standard Colt .45 at a distance of 10 feet.

Second, utilizing this destructive rating test, the Treasury Department would then determine a rating threshold which would be the rating of the least destructive bullet to pierce today's standard body armor.

Third, all manufacturers of bullets for sale in the United States would be required to cover the costs incurred by the Treasury Department in testing and determining the destructive rating of every existing bullet available on the market.

Fourth, this bill would make it illegal to manufacture, sell, import, use, or possess any bullet—existing or newly invented—that has a destructive rating equal to or higher than the armor-piercing threshold. This would be in addition to the existing composition-based definition.

This bill contains reasonable exemptions. Those bullets exclusively manufactured for law enforcement would be exempt; so would be those bullets designed for sporting purposes that Congress specifically exempts by law; and those bullets that are proven by their manufacturer at its expense to have a destructive rating below the armor-piercing threshold.

By setting the legal standard at the armor-piercing threshold, all armor-piercing bullets would be illegal. And there is an additional advantage to setting a legal threshold in this fashion: The threshold would ban more than armor-piercing bullets. It would ban any new, sick, perverse bullet that has yet to be invented that explodes on impact, that turns to shrapnel, that does things today's technology cannot yet fathom, or that by any other means is exceptionally destructive.

Setting a legal standard this way draws a hard and fast line between those bullets currently on the market and future bullets that do more damage than we can imagine today. This bills says that America is satisfied that the bullets of today are dangerous enough, and America will tolerate no greater likelihood of accidental death as a result of new bullets.

This bill recognizes the fact that regulating only weapons is naive. Among other reasons, guns last centuries, but ammunition has a shelf-life of not much more than 20 years. Felons who want to kill will always be able to find guns, but have to come out of the woodwork to purchase ammunition. When they do, this bill will be there to stop them.

Of course, felons can make bullets at home, but it isn't easy, it isn't cheap, and it isn't safe. Mr. President, I recognize that there is a limit to what the Government can do to stop gun violence and accidental death. But today, the Government is shirking its responsibility. This bill is a vital first step toward ensuring that the Government does what is necessary to save lives.

The law enforcement community and the public will never again have to react to advertisements like the one for the infamous Rhino bullet. This add states:

> The Rhino inflicts a wound of 8 inches in diameter. Each of these fragments becomes lethal shrapnel and is hurled into vital organs, lungs, circulatory system components, the heart and other tissues. The wound channel is catastrophic. * * * Death is nearly instantaneous.

If this bill is enacted, opportunistic manufacturers like the man who created the Rhino will have nothing to gain from advertising the dramatic innovations of their bullets. If an advertisement claims that a new bullet is unusually destructive, the public will know that the advertisement is either an outright lie or that the product is illegal. Either way, the public will know in advance that no such bullet will ever hit the street, and the public will have no cause for hysteria.

When this bill becomes law, no new bullets that are more dangerous than those of today will make it to market. When this bill becomes law, those bullets that are on the market won't end up in the wrong hands.

This bill is a solid step toward returning sanity and safety to our Nation's streets and household. The Government has no greater responsibility than to work toward this goal.

I welcome the support of colleagues who share my concerns, as many do. I urge them to join me in sponsoring this legislation.

Mr. President, I ask unanimous consent that the full text of the legislation appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 433

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ammunition Safety Act of 1995".

SEC. 2. DEALERS OF AMMUNITION.

(a) DEFINITION.—Section 921(a)(11)(A) of title 18, United States Code, is amended by inserting "or ammunition" after "firearms".

(b) LICENSING.—Section 923(a) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking "or importing or manufacturing ammunition" and inserting "or importing, manufacturing, or dealing in ammunition"; and

(2) in paragraph (3)—

(A) in subparagraph (A), by striking "or" the last place it appears;

(B) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(C) by inserting the following new subparagraph:

"(C) in ammunition other than ammunition for destructive devices, $10 per year.".

(c) UNLAWFUL ACTS.—Section 922(a)(1)(A) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting "or ammunition" after "firearms"; and

(ii) by inserting "or ammunition" after "firearm"; and

(B) in subparagraph (B), by striking "or licensed manufacturer" and inserting "licensed manufacturer, or licensed dealer";

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting "or ammunition" after "firearm";

(3) in paragraph (3), by inserting "or ammunition" after "firearm" the first place it appears;

(4) in paragraph (5), by inserting "or ammunition" after "firearm" the first place it appears; and

(5) in paragraph (9), by inserting "or ammunition" after "firearms".

(d) PENALTIES.—Section 924 of title 18, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (A)(i), by striking "1 year" and inserting "2 years"; and

(B) in subparagraph (B)—

(i) in clause (i), by striking "1 year" and inserting "2 years"; and

(ii) in clause (ii), by striking "10 years" and inserting "20 years"; and

(2) by adding at the end the following new subsection:

"(o) Except to the extent a greater minimum sentence is otherwise provided, any person at least 18 years of age who violates section 922(g) shall be subject to—

"(1) twice the maximum punishment authorized by this subsection; and

"(2) at least twice any term of supervised release.".

(e) APPLICATION OF BRADY HANDGUN VIOLENCE PREVENTION ACT TO TRANSFER OF AMMUNITION.—Section 922(t) of title 18, United States Code, is amended by inserting "or ammunition" after "firearm" each place it appears.

SEC. 3. REGULATION OF ARMOR PIERCING AND NEW TYPES OF DESTRUCTIVE AMMUNITION.

(a) TESTING OF AMMUNITION.—Section 921(a)(17) of title 18, United States Code, is amended—

(1) by redesignating subparagraph (D), as added by section 2(e)(2), as subparagraph (E); and

(2) by inserting after subparagraph (C) the following new subparagraph:

"(D)(i) Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 1 year after the date of enactment of this subparagraph, the Secretary shall—

"(I) establish uniform standards for testing and rating the destructive capacity of projectiles capable of being used in handguns;

"(II) utilizing the standards established pursuant to subclause (I), establish performance-based standards to define the rating of 'armor piercing ammunition' based on the rating at which the projectiles pierce armor; and

"(III) at the expense of the ammunition manufacturer seeking to sell a particular type of ammunition, test and rate the destructive capacity of the ammunition utilizing the testing, rating, and performance-based standards established under subclauses (I) and (II).

"(ii) The term 'armor piercing ammunition' shall include any projectile determined to have a destructive capacity rating higher than the rating threshold established under subclause (II), in addition to the composition-based determination of subparagraph (B).

"(iii) The Congress may exempt specific ammunition designed for sporting purposes from the definition of 'armor piercing ammunition'.".

(b) PROHIBITION.—Section 922(a) of title 18, United States Code, is amended—

(1) in paragraph (7)—

(A) by striking "or import" and inserting ", import, possess, or use";

(B) in subparagraph (B), by striking "and";

(C) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition."; and

(2) in paragraph (8)—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) the manufacture, importation, or use of any projectile that has been proven, by testing performed at the expense of the manufacturer of the projectile, to have a lower rating threshold than armor piercing ammunition.".●

By Mr. KOHL:

S. 434. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitation on hours of service; to the Committee on Finance.

THE BUSINESS MEAL DEDUCTION FAIRNESS ACT OF 1995

● Mr. KOHL. Mr. President, in 1993, the 103d Congress took a crucial and difficult stand on the deficit. In August of that year we passed the omnibus budget reconciliation bill. I am proud to stand here today and say that that legislation has helped to produce falling deficits and sustained economic growth.

As my colleagues know, I am one of this body's strongest advocates for deficit reduction. I attribute much of my deep commitment to this goal to my days in business. As a businessman, I learned that you must balance your books and live within your means. I also learned that you must treat people fairly, and admit when you make a mistake. I have come to the floor today to once again acknowledge that a mistake was made in the 1993 reconciliation bill; a mistake which must be corrected.

During consideration of the reconciliation bill, I opposed tax increases on working middle- and lower-income Americans. However, in fighting to eliminate increases in broad taxes on middle- and lower-income Americans, Congress overlooked a provision which places a hidden tax on those hard-working Americans who work in the transportation sector. It is for this reason that I rise today to reintroduce the business meal deduction fairness bill.

Included in the 1993 reconciliation bill was a provision which lowered the deductible portion of business meals and entertainment expenses from 80 to 50 percent. On the surface, this seems only a tax on those rich enough to spend their lunchtimes in luxury restaurants and their nighttimes on luxury yachts. But contrary to popular belief, the business meal deduction is not only used by lobbyists and fat cats for three-martini lunches. Due to regulations limiting travel hours, many transportation workers must eat out. That means the reduced business meal deduction is a tax on workers who have no control over the length of their trips, the amount of time they must rest during a delivery, or, in many cases, the places they can stop to eat.

Let me provide you with a brief example to illustrate my point. The average truck driver earns approximately $30,000 a year. The reduced deduction will cost that driver between $750 and $1,000 per year. This is just one of many examples I could give to demonstrate the burden this change has placed on hard-working, middle-income Americans. The legislation I am introducing today, will lift this burden and restore some common sense to the tax code.

Mr. President, the business meal deduction fairness bill repeals the hidden tax created last year by restoring the business meal deduction to 80 percent for those individuals covered by the Department of Transportation hours-of-service limit. This legislation is simple, straightforward, and most importantly, fair.

Mr. President, I would like to remind my colleagues of a similar bill we worked on to correct another mistake which hurt tens of thousands of hard-working, middle-income Americans. As my colleagues remember, the 1990 deficit reduction bill imposed a surtax on specific luxury items. At the time, it was argued that the surtax would only affect the wealthiest segment of society. However, after it went into effect, it became clear that, instead of paying the tax, the wealthy decided not to buy the new boat or the diamond ring. As a result, the middle- and lower-income Americans producing and selling those luxury items ended up bearing the burden of the tax through lost wages and jobs.

Once it was apparent that the luxury tax was not achieving its intended goal, I began working with a number of my colleagues to repeal it. Fortunately, we were successful in getting a repeal in the 1993 reconciliation bill. Unfortunately, far too many people were hurt by this mistake because we did not correct it quickly enough. We cannot let that happen again. Therefore I am requesting the support and assistance of my colleagues to ensure that the business meal deduction fairness bill becomes law. Mr. President, I ask unanimous consent that a copy of my legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASED DEDUCTIBILITY OF BUSINESS MEAL EXPENSES FOR INDIVIDUALS SUBJECT TO FEDERAL LIMITATIONS ON HOURS OF SERVICE.

(a) In General.—Section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(3) Special rule for individuals subject to federal limitations on hours of service.—In the case of any expenses for food or beverages consumed by an individual during, or incident to, any period of duty which is subject to the hours of service limitations of the Department of Transportation, paragraph (1) shall be applied by substituting '80 percent' for '50 percent'."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1994.●

By Mr. FAIRCLOTH:

S. 435. A bill to provide for the elimination of the Department of Housing and Urban Development, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATION TO ABOLISH HUD

Mr. FAIRCLOTH. Mr. President, today I am pleased to introduce legislation that will abolish the Department of Housing and Urban Development.

Mr. President, HUD was created in 1965. When it was created, the purpose of this Department was to revitalize our urban areas and provide more housing for America.

Mr. President, in short, HUD has been a collosal failure. Since 1965, HUD has spent hundreds of billions of dollars—that adjusted to inflation—probably exceeds a trillion dollars. Yet today, despite this massive spending, our Nation's urban areas are more decayed and more dangerous today than ever. Homelessness, hardly a problem 30 years ago, is now a major concern.

Public housing has been a disaster and home ownership is down.

Solving these problems was supposed to be HUD's mission. In each, it has failed miserably.

Imagine if we applied a performance standard like this to other Federal agencies. Suppose that when we created NASA with the purpose of putting a man on the Moon, that 30 years later, they still had not done it. We might consider abolishing them. That is exactly what we should do with HUD because they failed to accomplish their mission.

Suppose that instead of creating HUD, we had given a trillion dollars to an entrepreneur like Bill Gates. Do you think our inner cities would be any worse off, or do you think that they would be more livable places today? I think the answer is clear.

Take Fannie Mae for example. Fannie Mae plans to spend $1 trillion on affordable housing before the end of the decade. The plan will finance homes for 10 million people. This would provide a home to one in three renters in America. This plan, however, unlike HUD, won't cost American taxpayers one cent, and yet it will provide homes for millions of Americans.

Mr. President, I have no faith that HUD can be reinvented. Thirty years of failure is too much. Since the November 8 election, HUD Secretary Henry Cisneros has put on a masterful public relations plan to save his Department. I for one am not fooled. If he really believed in what he was doing, he would have done it 2 years ago.

Most importantly, what are the savings from the Cisneros plan? There are none. The only clearly identified savings will amount to one-half of 1 percent over 5 years. Mr. President, let me repeat that, the total savings in the Cisneros plan amount to only one-half of 1 percent over 5 years.

Of course, there are promises of more savings, but they are just that—promises.

Actually, if you look at the projected outlays by HUD in the fiscal year 1996 budget for the years 1995–99, spending is $3 billion more than was projected in last year's budget. Yes, that's right, spending will actually increase despite the reorganization.

Furthermore, my favorite line from the President's budget is on page 190. It is a chart about HUD's program consolidation. It says:

"Net impact, HUD consolidations"—spending of $29.4 billion in 1995 to $30.3 billion in 1996.

Yes, that's right. Spending will actually go up by $1 billion because of HUD's consolidations—not down.

The Wall Street Journal reported on February 15, 1995, that HUD's projected savings may have been oversold, and that down at HUD they knew this before they submitted their plan to Congress.

For these reasons, I am introducing a bill to abolish HUD. The bill will abolish HUD, effective January 1, 1998. The bill will direct the Secretary to make one housing block grant available to States and localities; transform all rental assistance into vouchers; and make FHA a Government-controlled corporation with income targeting and risk sharing.

By Mr. CAMPBELL (for himself, Mr. Inouye, Mr. McCain, and Mr. Daschle):

S. 436. A bill to improve the economic conditions and supply of housing in native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION ACT

Mr. CAMPBELL. Mr. President, today I am introducing legislation entitled the Native American Financial Services Organization Act. I am pleased to add my distinguished colleagues, the chairman and vice-chairman of the Indian Affairs Committee, Senators McCain and Inouye, and Senator Daschle, as cosponsors of this important legislation.

Mr. President, there is a continued need for assistance to improve the housing conditions that exist in many Indian reservation communities, Alaska Native villages, and native Hawaiian communities. Statistics from the Bureau of Indian Affairs estimated in 1993 that as many as 90,000 native American families were in need of improved housing and nearly 50,000 families need new homes.

Further, a study completed by the Commission on American Indian, Alaska Native, and Native Hawaiian Housing, found that housing shortages and deplorable living conditions are at crisis proportions in many native American communities. In its study the commission documented several obstacles that stand between Indian people and affordable, adequate, and available housing.

The Commission found there is currently little, if any, conventional lending available to native people seeking to purchase a home.

In addition, many Indian housing authorities lack the expertise to manage, coordinate, and maintain viable programs.

And importantly, tribal governments have had to rely primarily on Federal Government grant and loan programs to finance housing and economic development projects.

As a result of the study, the Commission recommended the creation of an entity that could serve as an intermediary financing institution with the authority to package mortgage loans, provide technical assistance, and serve as a clearinghouse of information for alternative financing programs.

Mr. President, the Native American Financial Services Organization Act is the culmination of extensive deliberations between officials from the Department of Housing and Urban Development, the Department of Treasury, the USDA, members of my staff, and staff of the Senate Committee on Indian Affairs. The purpose of this legislation is to create a financial infrastructure for commercial financing opportunities by and for Indian people. The primary mechanism that will bridge Indian tribes with the commercial lending markets will be the creation of a Native American Financial Services Organization.

The Native American Financial Services Organization would establish a limited Government-chartered corporation. A Federal grant would capitalize the federally chartered organization, which would cease to exist upon a designated date. At that point the charter would become a private corporation.

More specifically, the legislation is designed to:

First, establish and organize native American community lending institutions, that will be called Native American Financial Institutions. These lending institutions could be any type of financial institution, including community banks, credit unions and saving banks, that together, could provide a wide range of financial services;

Second, develop and provide financial expertise and technical assistance to the Native American Financial Institutions, including methods of underwriting, securing, and selling mortgage and small commercial and consumer loans; and

Third, develop and provide specialized technical assistance on how to overcome barriers to primary mortgage lending on native American lands, including issues related to trust lands, discrimination, and inapplicability of standard underwriting criteria.

Importantly, this legislation will work in conjunction with the Community Development Financial Institutions [CDFI] fund established in the Reigle Community Development Banking and Regulatory Improvement Act, signed into law by the President last year. Under a cooperative agreement with the CDFI fund, this legislation will provide technical assistance and other services to Native American Financial Institutions.

This week, Secretary Cisneros testified before the Committee on Indian Affairs. In his remarks, he stated that this legislation will "neither conflict nor duplicate the functions of CDFI or any other Government-sponsored enterprise, but is intended to supplement the efforts of existing organizations."

In short, the Native American Financial Services Organization would help provide financial independence to the native American community and would begin to address the housing deficiencies by working to attract private capital into the Indian housing market.

Mr. President, I would like to conclude my remarks by making reference to a letter I recently received from the chairperson of the Ute Mountain Ute Tribe, that I believe illustrates the great necessity for this legislation. The letter states that the shortage of housing in the community is so severe that among the approximately 1,500 tribal members, 400 are without a permanent home and that a waiting list for new housing approaches 300 people.

It is for this reason, that I believe the Native American Financial Services Organization is much needed. Statistics such as this merit the need for an innovative financing mechanism the Native American Financial Services Organization can provide.

Mr. President, in closing, I ask unanimous consent that the bill be printed in the RECORD immediately following the full text of my statement and that the statements of Senators MCCAIN and INOUYE, who are both original cosponsors, appear in the RECORD immediately following the bill.

I also ask unanimous consent to include letters from the Ute Mountain Ute Tribe, the Native American Indian Housing Council, and HUD's Secretary Henry Cisneros to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) SHORT TITLE.—This Act may be cited as the "Native American Financial Services Organization Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—STATEMENT OF POLICY; DEFINITIONS

Sec. 101. Policy.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.

TITLE II—NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION

Sec. 201. Establishment of the organization.
Sec. 202. Authorized assistance and service functions.
Sec. 203. Native American lending services grant.
Sec. 204. Audits.
Sec. 205. Annual housing and economic development reports.
Sec. 206. Advisory Council.

TITLE III—CAPITALIZATION OF ORGANIZATION

Sec. 301. Capitalization of the organization.
Sec. 302. Obligations and securities of the organization.
Sec. 303. Limit on total assets and liabilities.

TITLE IV—REGULATION, EXAMINATION, AND REPORTS

Sec. 401. Regulation, examination, and reports.
Sec. 402. Authority of the Secretary of Housing and Urban Development.

TITLE V—FORMATION OF NEW CORPORATION

Sec. 501. Formation of new corporation.
Sec. 502. Adoption and approval of merger plan.
Sec. 503. Consummation of merger.
Sec. 504. Transition.
Sec. 505. Effect of merger.

TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 601. Authorization of appropriations for Native American Financial Institutions.
Sec. 602. Authorization of appropriations for organization.

TITLE I—STATEMENT OF POLICY; DEFINITIONS

SEC. 101. POLICY.

(a) IN GENERAL.—Based upon the findings and recommendations of the Commission on American Indian, Alaska Native and Native Hawaiian Housing established by the Department of Housing and Urban Development Reform Act of 1989, the Congress has determined that—

(1) housing shortages and deplorable living conditions are at crisis proportions in Native American communities throughout the United States; and

(2) the lack of private capital to finance housing and economic development for Native Americans and Native American communities seriously exacerbates these housing shortages and poor living conditions.

(b) POLICY OF THE UNITED STATES TO ADDRESS NATIVE AMERICAN HOUSING SHORTAGE.—It is the policy of the United States to improve the economic conditions and supply of housing in Native American communities throughout the United States by creating the Native American Financial Services Organization to address the housing shortages and poor living conditions described in subsection (a).

SEC. 102. STATEMENT OF PURPOSES.

The purposes of this Act are—

(1) to help serve the mortgage and other lending needs of Native Americans by assisting in the establishment and organization of Native American Financial Institutions, developing and providing financial expertise and technical assistance to Native American Financial Institutions, including assistance concerning overcoming—

(A) barriers to lending with respect to Native American lands; and

(B) the past and present impact of discrimination;

(2) to promote access to mortgage credit in Native American communities in the United States by increasing the liquidity of financing for housing and improving the distribution of investment capital available for such financing, primarily through Native American Financial Institutions;

(3) to promote the infusion of public capital into Native American communities throughout the United States and to direct sources of public and private capital into housing and economic development for Native American individuals and families, primarily through Native American Financial Institutions; and

(4) to provide ongoing assistance to the secondary market for residential mortgages and economic development loans for Native American individuals and families, Native American Financial Institutions, and other borrowers by increasing the liquidity of such investments and improving the distribution of investment capital available for such financing.

SEC. 103. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term "Native" by section 3(b) of the Alaska Native Claims Settlement Act.

(2) BOARD.—The term "Board" means the Board of Directors of the Organization established under section 201(a)(2).

(3) CHAIRPERSON.—The term "Chairperson" means the chairperson of the Board.

(4) COUNCIL.—The term "Council" means the Advisory Council established under section 206.

(5) DESIGNATED MERGER DATE.—The term "designated merger date" means the specific calendar date and time of day designated by the Board under section 502(b).

(6) DIRECTOR.—The term "Director" means the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development.

(7) FUND.—The term "Fund" means the Community Development Financial Institutions Fund established under section 104 of the Riegle Community Development and Regulatory Improvement Act of 1994.

(8) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act that is recognized as eligible for the special programs and services provided by the Federal Government to Indians because of their status as Indians.

(9) MERGER PLAN.—The term "merger plan" means the plan of merger adopted by the Board under section 502(a).

(10) NATIVE AMERICAN.—The term "Native American" means any member of an Indian tribe.

(11) NATIVE AMERICAN FINANCIAL INSTITUTION.—The term "Native American Financial Institution" means a person (other than an individual) that—

(A) qualifies as a community development financial institution under section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994;

(B) satisfies the requirements established by the Riegle Community Development and Regulatory Improvement Act of 1994 and the Fund for applicants for assistance from the Fund;

(C) demonstrates a special interest and expertise in serving the primary economic development and mortgage lending needs of the Native American community; and

(D) demonstrates that the person has the endorsement of the Native American community that the person intends to serve.

(12) NATIVE AMERICAN LENDER.—The term "Native American lender" means a Native American governing body, Native American housing authority, or other Native American Financial Institution that acts as a primary mortgage or economic development lender in a Native American community.

(13) NEW CORPORATION.—The term "new corporation" means the corporation formed in accordance with title V.

(14) NONQUALIFYING MORTGAGE LOAN.—The term "nonqualifying mortgage loan" means a mortgage loan that is determined by the Organization, on the basis of the quality, type, class, or principal amount of the loan, to fail to meet the purchase standards of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation in effect on September 30, 1994.

(15) ORGANIZATION.—The term "Organization" means the Native American Financial Services Organization established under section 201.

(16) QUALIFYING MORTGAGE LOAN.—The term "qualifying mortgage loan" means a mortgage loan that is determined by the Organization, on the basis of the quality, type, class or principal amount of the loan, to meet the purchase standards of the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation in effect on September 30, 1994.

(17) TRANSITION PERIOD.—The term "transition period" means the period beginning on the date on which the merger plan is approved by both the Secretary of Housing and Urban Development and the Secretary of the Treasury and ending on the designated merger date.

TITLE II—NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION

SEC. 201. ESTABLISHMENT OF THE ORGANIZATION.

(a) CREATION; BOARD OF DIRECTORS; POLICIES; PRINCIPAL OFFICE; MEMBERSHIP; VACANCIES.—

(1) CREATION.—

(A) IN GENERAL.—There is established and chartered a corporation to be known as the Native American Financial Services Organization.

(B) PERIOD OF TIME.—The Organization shall be a congressionally chartered body corporate until the earlier of—

(i) the designated merger date; or

(ii) the date on which the charter is surrendered by the Organization.

(C) CHANGES TO CHARTER.—The right to revise, amend, or modify the Organization charter is specifically and exclusively reserved to the Congress.

(2) BOARD OF DIRECTORS; PRINCIPAL OFFICE.—

(A) BOARD.—The powers of the Organization shall be vested in a Board of Directors. The Board shall determine the policies that govern the operations and management of the Organization.

(B) PRINCIPAL OFFICE; RESIDENCY.—The principal office of the Organization shall be in the District of Columbia. For purposes of venue, the Organization shall be considered to be a resident of the District of Columbia.

(3) MEMBERSHIP.—

(A) IN GENERAL.—

(i) NINE MEMBERS.—Except as provided in clause (ii), the Board shall consist of 9 members, 3 of whom shall be appointed by the President and 6 of whom shall be elected by the class A stockholders, in accordance with the bylaws of the Organization.

(ii) THIRTEEN MEMBERS.—If class B stock is issued under section 301(b), the Board shall consist of 13 members, 9 of whom shall be appointed and elected in accordance with clause (i) and 4 of whom shall be elected by the class B stockholders, in accordance with the bylaws of the Organization.

(B) TERMS.—Each member of the Board shall be elected or appointed for a 4-year term, except that the members of the initial Board shall be elected or appointed for the following terms:

(i) Of the 3 members appointed by the President—

(I) 1 member shall be appointed for a 2-year term;

(II) 1 member shall be appointed for a 3-year term; and

(III) 1 member shall be appointed for a 4-year term;

as designated by the President at the time of the appointments.

(ii) Of the 6 members elected by the class A stockholders—

(I) 2 members shall each be elected for a 2-year term;

(II) 2 members shall each be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(iii) If class B stock is issued and 4 additional members are elected by the class B stockholders—

(I) 1 member shall be elected for a 2-year term;

(II) 1 member shall be elected for a 3-year term; and

(III) 2 members shall each be elected for a 4-year term.

(C) QUALIFICATIONS.—Each member appointed by the President shall have expertise in 1 or more of the following areas:

(i) Native American housing and economic development programs.

(ii) Financing in Native American communities.

(iii) Native American governing bodies and court systems.

(iv) Restricted and trust land issues, economic development, and small consumer loans.

(D) CHAIRPERSON.—The Board shall select a Chairperson from among its members, except that the initial Chairperson shall be selected from among the members of the initial Board who have been appointed or elected to serve for a 4-year term.

(E) VACANCIES.—

(i) APPOINTED MEMBERS.—Any vacancy in the appointed membership of the Board shall be filled by appointment by the President, but only for the unexpired portion of the term.

(ii) ELECTED MEMBERS.—Any vacancy in the elected membership of the Board shall be filled by appointment by the Board, but only for the unexpired portion of the term.

(F) TRANSITIONS.—Any member of the Board may continue to serve after the expiration of the term for which the member was appointed or elected until a qualified successor has been appointed or elected.

(b) POWERS OF THE ORGANIZATION.—The Organization may—

(1) adopt, alter, and use a corporate seal;

(2) adopt bylaws, consistent with this Act, regulating, among other things, the manner in which—

(A) the business of the Organization shall be conducted;

(B) the elected members of the Board shall be elected;

(C) the stock of the Organization shall be issued, held, and disposed of;

(D) the property of the Organization shall be disposed of; and

(E) the powers and privileges granted to the Organization by this Act and other law shall be exercised;

(3) make and perform contracts, agreements, and commitments, including entering into a cooperative agreement with the Fund;

(4) prescribe and impose fees and charges for services provided by the Organization;

(5)(A) settle, adjust, and compromise; and

(B) with or without consideration or benefit to the Organization, release or waive in whole or in part, in advance or otherwise, any claim, demand, or right of, by, or against the Organization;

if such settlement, adjustment, compromise, release, or waiver is not adverse to the interests of the United States;

(6) sue and be sued, complain and defend, in any tribal, Federal, State, or other court;

(7) acquire, take, hold, and own, and to deal with and dispose of any property;

(8) determine the necessary expenditures of the Organization and the manner in which such expenditures shall be incurred, allowed, and paid, and appoint, employ, and fix and provide for the compensation and benefits of officers, employees, attorneys, and agents as the Board determines reasonable and not inconsistent with this section;

(9) incorporate a new corporation under State, District of Columbia, or tribal law, as provided in section 501;

(10) adopt a plan of merger, as provided in section 502;

(11) consummate the merger of the Organization into the new corporation, as provided in section 503; and

(12) have succession until the designated merger date or any earlier date on which the Organization surrenders its Federal charter.

(c) INVESTMENT OF FUNDS; DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—

(1) INVESTMENT OF FUNDS.—Funds of the Organization that are not required to meet current operating expenses shall be invested in obligations of, or obligations guaranteed by, the United States or any agency thereof, or in obligations, participations, or other instruments that are lawful investments for fiduciary, trust, or public funds.

(2) DESIGNATION AS DEPOSITARY, CUSTODIAN, OR AGENT.—Any Federal Reserve bank or Federal home loan bank, or any bank as to which at the time of its designation by the Organization there is outstanding a designation by the Secretary of the Treasury as a general or other depositary of public money, may—

(A) be designated by the Organization as a depositary or custodian or as a fiscal or other agent of the Organization; and

(B) act as such depositary, custodian, or agent.

(d) ACTIONS BY AND AGAINST THE ORGANIZATION.—Notwithstanding section 1349 of title 28, United States Code, or any other provision of law—

(1) the Organization shall be deemed to be an agency covered under sections 1345 and 1442 of title 28, United States Code;

(2) any civil action to which the Organization is a party shall be deemed to arise under the laws of the United States, and the appropriate district court of the United States shall have original jurisdiction over any such action, without regard to amount or value; and

(3) any civil or other action, case, or controversy in a tribal court, court of a State, or in any court other than a district court of the United States, to which the Organization is a party, may at any time before the commencement of the trial be removed by the Organization, without the giving of any bond or security and by following any procedure for removal of causes in effect at the time of the removal—

(A) to the district court of the United States for the district and division in which the action is pending;

(B) or, if there is no such district court, to the district court of the United States for the District of Columbia.

SEC. 202. AUTHORIZED ASSISTANCE AND SERVICE FUNCTIONS.

(a) TECHNICAL ASSISTANCE AND SERVICES.—The Organization may—

(1) assist the Fund in the establishment and organization of Native American Financial Institutions;

(2) assist the Fund in developing and providing financial expertise and technical assistance to Native American Financial Institutions, including methods of underwriting, securing, servicing, packaging, and selling mortgage and small commercial and consumer loans;

(3) develop and provide specialized technical assistance on overcoming barriers to primary mortgage lending on Native American lands, including issues related to trust lands, discrimination, high operating costs, and inapplicability of standard underwriting criteria;

(4) assist the Fund in providing mortgage underwriting assistance (but not in originating loans) under contract to Native American Financial Institutions;

(5) work with the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and other participants in the secondary market for home mortgage instruments in identifying and eliminating barriers to the purchase of Native American mortgage loans originated by Native American Financial Institutions and other lenders in Native American communities;

(6) obtain capital investments in the Organization from Indian tribes, Native American organizations, and other entities;

(7) assist the Fund in the operation of the Organization as an information clearinghouse by providing information on financial practices to Native American Financial Institutions; and

(8) assist the Fund in monitoring and reporting to the Congress on the performance of Native American Financial Institutions in meeting the economic development and housing credit needs of Native Americans.

(b) PURCHASES AND SALES OF MORTGAGES AND MORTGAGE-BACKED SECURITIES.—

(1) IN GENERAL.—

(A) AUTHORIZATION.—If a determination is made in accordance with subparagraph (B), the Organization may, upon receipt of a written authorization from the Secretary of Housing and Urban Development under this paragraph, carry out any activity described in paragraph (3).

(B) DETERMINATION.—For purposes of subparagraph (A), a determination made under this section is a determination by the Secretary of Housing and Urban Development that the combined purchases by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation of residential Native American nonqualifying mortgage loans originated by Native American Financial Institutions and other lenders on housing consisting of between 1 and 4 dwelling units—

(i) in the second year following the establishment of the Organization, total less than $20,000,000 (unless the Organization can demonstrate to the Secretary of Housing and Urban Development that such purchase goal could not be met); or

(ii) in any succeeding year, total less than that amount that the Secretary of Housing and Urban Development has determined and published as a reasonable Native American mortgage purchase goal (in accordance with paragraph (2)) for such combined purchases by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation in such year.

(2) FACTORS CONSIDERED.—In determining the purchase goal described in paragraph (1)(B)(ii), the Secretary shall take into account the study by the Fund of Native American lending and investment conducted pursuant to section 117(c) of the Riegle Community Development and Regulatory Improvement Act of 1994.

(3) POWERS OF THE ORGANIZATION.—Upon receiving a written authorization from the Secretary of Housing and Urban Development under paragraph (1), the Organization may, at any time—

(A) with respect to residential mortgage loans originated by Native American Financial Institutions that are qualifying mortgage loans—

(i) purchase such qualifying mortgage loans;

(ii) hold such qualifying mortgage loans for a period of not to exceed 12 months; and

(iii) resell such qualifying mortgage loans to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or other secondary market participants, as provided in section 303(b);

(B) with respect to residential mortgage loans originated by the Native American Financial Institutions that are nonqualifying mortgage loans—

(i) purchase such nonqualifying mortgage loans from the Native American Financial Institutions for such terms as the Organization determines to be appropriate, including the life of the mortgage loan, if, with respect to any such loan—

(I) the Organization has reasonable assurance that the loan will be repaid within the time agreed;

(II) the Native American Financial Institution selling the loan retains a participation of not less than 10 percent in the mortgage;

(III) the Native American Financial Institution selling the loan agrees for such period of time and under such circumstances as the Organization may require, to repurchase or replace the mortgage upon demand of the Organization in the event that the loan is in default; or

(IV) that portion of the outstanding principal balance of the loan which exceeds 80 percent of the value of the property securing such loan is guaranteed or insured by a qualified insurer, as determined by the Organization; and

(ii) issue mortgage-backed securities or other forms of participations based on pools of such nonqualifying mortgage loans, as provided in section 303(c); and

(C) purchase, service, sell, lend on the security of, and otherwise deal in—

(i) residential mortgages that are secured by a subordinate lien against a property consisting of 1 to 4 dwelling units that is the principal residence of the mortgagor; and

(ii) residential mortgages that are secured by a subordinate lien against a property consisting of five or more dwelling units.

(4) RIGHTS AND REMEDIES.—

(A) IN GENERAL.—The rights and remedies of the Organization, including any rights and remedies of the Organization on, under, or with respect to any mortgage or any obligation secured thereby, shall be immune from impairment, limitation, or restriction by or under any State, District of Columbia, or tribal—

(i) law that becomes effective after the acquisition by the Organization of the subject or property on, under, or with respect to which such right or remedy arises or exists or would so arise or exist in the absence of such law; or

(ii) administrative or other action that becomes effective after such acquisition.

(B) QUALIFICATION.—The Organization may conduct its business without regard to any qualification or similar requirement in the District of Columbia, or any State or tribal jurisdiction.

SEC. 203. NATIVE AMERICAN LENDING SERVICES GRANT.

(a) INITIAL GRANT PAYMENT.—If the Fund and the Organization enter into a cooperative agreement for the Organization to provide technical assistance and other services to Native American Financial Institutions, such agreement shall, to the extent that funds are available as provided in section 602, provide that the initial grant payment, anticipated to be $5,000,000, shall be made when all members of the initial Board have been appointed under section 201.

(b) PAYMENT OF GRANT BALANCE.—The payment of the grant balance of $5,000,000 shall be made to the Organization not later than 1 year after the date on which the initial grant payment is made under subsection (a).

SEC. 204. AUDITS.

(a) INDEPENDENT AUDITS.—

(1) IN GENERAL.—The Organization shall have an annual independent audit made of its financial statements by an independent public accountant in accordance with generally accepted auditing standards.

(2) DETERMINATIONS.—In conducting an audit under this subsection, the independent public accountant shall determine and report on whether the financial statements of the Organization—

(A) are presented fairly in accordance with generally accepted accounting principles; and

(B) to the extent determined necessary by the Director, comply with any disclosure requirements imposed under section 401.

(b) GAO AUDITS.—

(1) IN GENERAL.—Beginning after the first 2 years of the operation of the Organization, unless an earlier date is required by any other statute, grant, or agreement, the programs, activities, receipts, expenditures, and financial transactions of the Organization shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General.

(2) ACCESS.—To carry out this subsection, the representatives of the General Accounting Office shall—

(A) have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Organization and necessary to facilitate the audit;

(B) be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians; and

(C) have access, upon request to the Organization or any auditor for an audit of the Organization under subsection (a), to any books, accounts, financial records, reports, files, or other papers, or property belonging to or in use by the Organization and used in any such audit and to any papers, records, files, and reports of the auditor used in such an audit.

(3) REPORTS.—The Comptroller General of the United States shall submit to the Congress a report on each audit conducted under this subsection.

(4) REIMBURSEMENT.—The Organization shall reimburse the General Accounting Office for the full cost of any audit conducted under this subsection.

SEC. 205. ANNUAL HOUSING AND ECONOMIC DEVELOPMENT REPORTS.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Organization shall collect, maintain, and provide to the Secretary of Housing and Urban Development, in a form determined by the Secretary, such data as the Secretary determines to be appropriate with respect to the Organization's—

(1) mortgages on properties consisting of between 1 and 4 dwelling units;

(2) mortgages on properties consisting of five or more dwelling units; and

(3) activities relating to economic development.

SEC. 206. ADVISORY COUNCIL.

(a) ESTABLISHMENT.—The Board shall establish an Advisory Council in accordance with this section.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of 13 members, who shall be appointed by the Board, including 1 representative from each of the 12 districts established by the Bureau of Indian Affairs and 1 representative from the State of Hawaii.

(2) QUALIFICATIONS.—Not less than 6 of the members of the Council shall have financial expertise, and not less than 9 members of the Council shall be Native Americans.

(3) TERMS.—Each member of the Council shall be appointed for a 4-year term, except that the initial Council shall be appointed, as designated by the Board at the time of appointment, as follows:

(A) Four members shall each be appointed for a 2-year term.

(B) Four members shall each be appointed for a 3-year term.

(C) Five members shall each be appointed for a 4-year term.

(c) DUTIES.—The Council shall advise the Board on all policy matters of the Organization. Through the regional representation of its members, the Council shall provide information to the Board from all sectors of the Native American community.

TITLE III—CAPITALIZATION OF ORGANIZATION

SEC. 301. CAPITALIZATION OF THE ORGANIZATION.

(a) CLASS A STOCK.—The class A stock of the Organization shall—

(1) be issued only to Indian tribes;

(2) be allocated on the basis of Indian tribe population, as determined by the Secretary of Housing and Urban Development in consultation with the Secretary of the Interior;

(3) have such par value and other characteristics as the Organization shall provide;

(4) be vested with voting rights, each share being entitled to 1 vote;

(5) be nontransferable; and

(6) be surrendered to the Organization if the holder ceases to be recognized as an Indian tribe under this Act.

(b) CLASS B STOCK.—

(1) IN GENERAL.—The Organization may issue class B stock evidencing capital contributions in the manner and amount, and subject to any limitations on concentration of ownership, as may be established by the Organization.

(2) CHARACTERISTICS.—Any class B stock issued under paragraph (1) shall—

(A) be available for purchase by investors;

(B) be entitled to such dividends as may be declared by the Board in accordance with subsection (c);

(C) have such par value and other characteristics as the Organization shall provide;

(D) be vested with voting rights, each share being entitled to 1 vote; and

(E) be transferable only on the books of the Organization.

(c) CHARGES AND FEES; EARNINGS.—

(1) CHARGES AND FEES.—The Organization may impose charges or fees, which may be regarded as elements of pricing, with the objectives that—

(A) all costs and expenses of the operations of the Organization should be within the income of the Organization derived from such operations; and

(B) such operations would be fully self-supporting.

(2) EARNINGS.—All earnings from the operations of the Organization shall be annually transferred to the general surplus account of the Organization. At any time, funds in the general surplus account may, in the discretion of the Board, be transferred to the reserves of the Organization.

(d) CAPITAL DISTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Organization may make such capital distributions (as such term is defined in section 1303 of the Federal Housing Financial Safety and Soundness Act of 1992) as may be declared by the Board. All capital distributions shall be charged against the general surplus account of the Organization.

(2) RESTRICTION.—The Organization may not make any capital distribution that would decrease the total capital (as such term is defined in section 1303 of the Federal Housing Financial Safety and Soundness Act of 1992) of the Organization to an amount less than the capital level for the Organization established under section 401, without prior written approval of the distribution by the Director.

SEC. 302. OBLIGATIONS AND SECURITIES OF THE ORGANIZATION.

(a) IN GENERAL.—

(1) AUTHORIZATION.—The Organization may—

(A) borrow funds to give security or pay interest or other return; and

(B) issue upon the approval of the Secretary of the Treasury, notes, debentures, bonds, or other obligations having maturities and bearing such rate or rates of interest as may be determined by the Organization with the approval of the Secretary of the Treasury;

if such borrowing and issuing of obligations qualifies as a transaction by an issuer not involving any public offering under section 4(2) of the Securities Act of 1933.

(2) RESTRICTIONS.—

(A) IN GENERAL.—Obligations issued by the Organization under this section shall not be obligations of the United States or any agency of the United States.

(B) NO GUARANTEES.—Payment of the principal of or interest on such obligations shall not be guaranteed by the United States or any agency of the United States. The obligations issued by the Organization under this section shall so plainly state.

(b) RESALES OF QUALIFYING MORTGAGE LOANS.—The sale or other disposition by the

Organization of qualifying mortgage loans under section 202(b) shall be on such terms and conditions relating to resale, repurchase, substitution, replacement or otherwise as the Organization may prescribe, except that the Organization may not guarantee or insure the payment of any mortgage loan sold under section 202(b).

(c) SECURITIES BACKED BY NONQUALIFYING MORTGAGE LOANS.—Securities in the form of debt obligations or trust certificates of beneficial interest, or both, and based upon nonqualifying mortgage loans held and set aside by the Organization under section 202(b)—

(1) may be issued upon the approval of the Secretary of the Treasury; and

(2) shall have such maturities, and shall bear such rate or rates of interest, as may be determined by the Organization with the approval of the Secretary of the Treasury;

if such issuance qualifies as a transaction by an issuer not involving any public offering under section 4(2) of the Securities Act of 1933.

(d) PROHIBITIONS AND RESTRICTIONS; CREATION OF LIENS AND CHARGES.—

(1) IN GENERAL.—The Organization may, by regulation or by writing executed by the Organization—

(A) establish prohibitions or restrictions on the creation of indebtedness or obligations of the Organization or of liens or charges upon property of the Organization, including after-acquired property; and

(B) create liens and charges, which may be floating liens or charges, upon all or any part or parts of the property of the Organization, including after-acquired property.

(2) EFFECT.—Any prohibition, restriction, lien, or charge established under paragraph (2) shall—

(A) have such effect, including such rank and priority, as may be provided by regulations of the Organization or by any writing executed by the Organization; and

(B) create a cause of action which may be enforced by action in the United States district court for the District of Columbia or in the United States district court for any judicial district in which any of the property affected is located.

(3) JURISDICTION; SERVICE OF PROCESS.—Process in any action described in paragraph (2) may run to or be served in any judicial district or in any place subject to the jurisdiction of the United States.

(e) VALIDITY OF PROVISIONS; VALIDITY OF RESTRICTIONS, PROHIBITIONS, LIENS, OR CHARGES.—This section and any restriction, prohibition, lien, or charge referred to in subsection (b) shall be fully effective notwithstanding any other law, including any law of or relating to sovereign immunity or priority.

SEC. 303. LIMIT ON TOTAL ASSETS AND LIABILITIES.

The aggregate of—

(1) the total equity of the Organization, including all capital from any issuance of class B stock; and

(2) the total liabilities of the Organization, including all obligations issued or incurred by the Organization;

shall not at any time exceed $20,000,000.

TITLE IV—REGULATION, EXAMINATION, AND REPORTS

SEC. 401. REGULATION, EXAMINATION, AND REPORTS.

(a) EFFECTIVE DATE OF SECTION.—This section shall take effect on the date on which the Secretary of Housing and Urban Development makes a determination in accordance with section 202(b) that the Organization may purchase and sell mortgages and mortgage-backed securities.

(b) IN GENERAL.—The Organization shall be subject to the regulatory authority of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development with respect to all matters relating to the financial safety and soundness of the Organization.

(c) DUTY OF DIRECTOR.—The Director shall ensure that the Organization is adequately capitalized and operating safely as a congressionally chartered body corporate.

(d) POWERS OF DIRECTOR.—The Director shall have all of the exclusive powers granted the Director under subsections (b), (d), and (e) of section 1313 of the Housing and Community Development Act of 1992, as determined by the Director to be necessary or appropriate to regulate the operation of the Organization.

(e) REPORTS TO DIRECTOR.—

(1) ANNUAL REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Organization shall submit to the Director a report describing the financial condition and operations of the Organization. The report shall be in such form, contain such information, and be submitted on such date as the Director shall require.

(2) OTHER REPORTS.—In addition to the reports submitted under paragraph (1), the Organization shall submit to the Director any report required by the Director pursuant to section 1314 of the Housing and Community Development Act of 1992.

(3) CONTENTS OF REPORT.—Each report submitted under this subsection shall contain a declaration by the president, vice president, treasurer, or any other officer of the Organization designated by the Board to make such declaration, that the report is true and correct to the best of such officer's knowledge and belief.

(f) FUNDING OFHEO OVERSIGHT.—

(1) ASSESSMENT AND COLLECTION.—The Director shall assess and collect from the Organization such amounts as are necessary to reimburse the Office of Federal Housing Enterprise Oversight for the reasonable costs and expenses of the activities undertaken by the Office of Federal Housing Enterprise Oversight to carry out the duties of the Director under paragraph (2), including the costs of examinations and overhead expenses.

(2) REQUIREMENTS.—Annual assessments imposed by the Director shall be—

(A) imposed prior to October 1 of each year;

(B) collected at such time or times during each assessment year as determined necessary or appropriate by the Director;

(C) deposited into the Federal Housing Enterprises Oversight Fund established by section 1316(f) of the Housing and Community Development Act of 1992; and

(D) available, to the extent provided in appropriations Acts, for carrying out the responsibilities of the Director under this section.

SEC. 402. AUTHORITY OF THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Except for the authority of the Director under in section 401, the Secretary of Housing and Urban Development shall—

(1) have general regulatory power over the Organization; and

(2) issue such rules and regulations applicable to the Organization as determined necessary or appropriate by the Secretary to ensure that the purposes specified in section 102 are accomplished.

TITLE V—FORMATION OF NEW CORPORATION

SEC. 501. FORMATION OF NEW CORPORATION.

(a) IN GENERAL.—In order to continue the accomplishment of the purposes specified in section 102 beyond the terms of the charter of the Organization, the Board shall, not later than 10 years after the date of enactment of this Act, cause the formation of a new corporation under the laws of any tribe, any State, or the District of Columbia.

(b) POWERS OF NEW CORPORATION NOT PRESCRIBED.—Except as provided in this section, the new corporation may have any corporate powers and attributes permitted under the laws of the jurisdiction of its incorporation which the Board shall determine, in its business judgment, to be appropriate.

(c) USE OF NAFSO NAME PROHIBITED.—The new corporation may not use in any manner the name "Native American Financial Services Organization" or "NAFSO" or any variation of thereof.

SEC. 502. ADOPTION AND APPROVAL OF MERGER PLAN.

(a) IN GENERAL.—Not later than 10 years after the date of enactment of this Act, the Board shall prepare, adopt, and submit to the Secretary of Housing and Urban Development and the Secretary of the Treasury for approval, a plan for merging the Organization into the new corporation.

(b) DESIGNATED MERGER DATE.—

(1) IN GENERAL.—The Board shall establish the designated merger date in the merger plan as a specific calendar date on which and time of day at which the merger of the Organization into the new corporation shall take effect.

(2) CHANGES.—The Board may change the designated merger date in the merger plan by adopting an amended plan of merger.

(3) RESTRICTION.—Except as provided in paragraph (4), the designated merger date in the merger plan or any amended merger plan shall not be later than 11 years after the date of enactment of this Act.

(4) EXCEPTION.—Subject to the restriction contained in paragraph (5), the Board may adopt an amended plan of merger that designates a date later than 11 years after the date of enactment of this Act if the Board submits to both the Secretary of Housing and Urban Development and the Secretary of the Treasury a report—

(A) stating that an orderly merger of the Organization into the new corporation is not feasible before the latest date designated by the Board;

(B) explaining why an orderly merger of the Organization into the new corporation is not feasible before the latest date designated by the Board;

(C) describing the steps that have been taken to consummate an orderly merger of the Organization into the new corporation not later than 11 years after the date of enactment of this Act; and

(D) describing the steps that will be taken to consummate an orderly and timely merger of the Organization into the new corporation.

(5) LIMITATION.—The date designated by the Board in an amended merger plan shall not be later than 12 years after the date of enactment of this Act.

(6) CONSUMMATION OF MERGER.—The consummation of an orderly and timely merger of the Organization into the new corporation shall not occur later than 13 years after the date of enactment of this Act.

(c) GOVERNMENTAL APPROVALS OF MERGER PLAN REQUIRED.—The merger plan or any amended merger plan shall take effect on the date on which the plan is approved by both the Secretary of Housing and Urban Development and the Secretary of the Treasury.

(d) REVISION OF DISAPPROVED MERGER PLAN REQUIRED.—If either the Secretary of Housing and Urban Development or the Secretary of the Treasury, or both, disapprove the merger plan or any amended merger plan—

(1) each Secretary that disapproves the plan shall notify the Organization of such disapproval and indicate the reasons for the disapproval; and

(2) not later than 30 days after the date of notification of disapproval under paragraph (1), the Organization shall submit to both the Secretary of Housing and Urban Development and the Secretary of the Treasury for approval an amended merger plan responsive to the reasons for the disapproval indicated in such notification.

(e) NO STOCKHOLDER APPROVAL OF MERGER PLAN REQUIRED.—The approval or consent of the stockholders of the Organization shall not be required to accomplish the merger of the Organization into the new corporation.

SEC. 503. CONSUMMATION OF MERGER.

The Board shall ensure that the merger of the Organization into the new corporation is accomplished in accordance with—

(1) the merger plan approved by the Secretary of Housing and Urban Development and the Secretary of the Treasury; and

(2) all applicable laws of the jurisdiction in which the new corporation is incorporated.

SEC. 504. TRANSITION.

(a) CONTINUATION OF RIGHTS, DUTIES, AND RESTRICTIONS.—Except as provided in this section, the Organization shall, during the transition period, continue to have all of the rights, privileges, duties, and obligations, and shall be subject to all of the limitations and restrictions, set forth in this Act.

(b) COLLATERALIZATION OF OUTSTANDING OBLIGATIONS.—

(1) IN GENERAL.—The Organization shall provide for all debt obligations of the Organization that are outstanding on the date before the designated merger date to be secured as to principal and interest by obligations of the United States held in trust for the holders of such obligations.

(2) REQUIREMENTS, TERMS, AND CONDITIONS.—The collateralization and the trust referred to in the preceding sentence shall be subject to such requirements, terms, and conditions as the Secretary of the Treasury determines to be necessary or appropriate.

(c) ISSUANCE OF NEW OBLIGATIONS DURING TRANSITION PERIOD.—As needed to carry out the purposes for which it was formed, the Organization may, during the transition period, continue to issue obligations under section 303. Any new obligation issued during the transition period shall mature before the designated merger date.

SEC. 505. EFFECT OF MERGER.

(a) TRANSFER OF ASSETS AND LIABILITIES.—

(1) TRANSFER OF ASSETS.—On the designated merger date, all property, real, personal, and mixed, all debts due on any account, and any other interest of or belonging to or due to the Organization shall be transferred to and vested in the new corporation without further act or deed, and title to any property, whether real, personal, or mixed, shall not in any way be impaired by reason of the merger.

(2) TRANSFER OF LIABILITIES.—On the designated merger date, the new corporation shall be responsible and liable for all obligations and liabilities of the Organization and neither the rights of creditors nor any liens upon the property of the Organization shall be impaired by the merger.

(b) TERMINATION OF THE ORGANIZATION AND ITS FEDERAL CHARTER.—On the designated merger date—

(1) the surviving corporation of the merger shall be the new corporation;

(2) the Federal charter of the Organization shall terminate; and

(3) the separate existence of the Organization shall terminate.

(c) REFERENCES TO THE ORGANIZATION IN LAW.—After the designated merger date, any reference to the Organization in any law or regulation shall be deemed to refer to the new corporation.

(d) SAVINGS CLAUSE.—

(1) PROCEEDINGS.—The merger of the Organization into the new corporation shall not abate any proceeding commenced by or against the Organization before the designated merger date, except that the new corporation shall be substituted for the Organization as a party to any such proceeding as of the designated merger date.

(2) CONTRACTS AND AGREEMENTS.—All contracts and agreements to which the Organization is a party and which are in effect on the day before the designated merger date shall continue in effect according to their terms, except that the new corporation shall be substituted for the Organization as a party to those contracts and agreements as of the designated merger date.

TITLE VI—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 601. AUTHORIZATION OF APPROPRIATIONS FOR NATIVE AMERICAN FINANCIAL INSTITUTIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Fund, without fiscal year limitation, $20,000,000 to provide financial assistance to Native American Financial Institutions.

(b) NOT MATCHING FUNDS.—To the extent that a Native American Financial Institution receives a portion of an appropriation made under subsection (a), such funds shall not be considered to be matching funds required of the Native American Financial Institution under section 108(e) of the Riegle Community Development and Regulatory Improvement Act of 1994.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS FOR ORGANIZATION.

The Secretary of Housing and Urban Development may, to the extent provided in advance in an appropriations Act, provide not more than $10,000,000 to the Fund for the funding of a cooperative agreement to be entered into by the Fund and the Organization for technical assistance and other services to be provided by the Organization to Native American Financial Institutions.

UTE MOUNTAIN UTE TRIBE
TOWAOC, COLORADO,
January 26, 1995.

Senator BEN NIGHTHORSE CAMPBELL,
Russell Office Building, Washington, DC.

DEAR SENATOR CAMPBELL: Thank you for your letter of January 25, 1995 requesting my comments on the draft Native American Financial Services Organization Act (NAFSO) attached thereto. Based on this Tribe's experience and on the House Committee on Banking, Finance and Urban Affairs report referenced in the draft, this type of assistance to Tribes is desperately needed. Your efforts to remedy the current housing situation for Native Americans is greatly appreciated.

After a brief review of the draft NAFSO, I have some initial observations. First, with respect to governance of NAFSO, it will be important to ensure that financial services experts are either on the Board of Directors or in a position to directly advise them. The issue here is that such experts will be required for a successful NAFSO and to assist in the establishment of NAFIs. Experts are necessary for the fiscal management of NAFSO itself.

Second, along these same lines, there probably should be some federal oversight, but not necessarily regulatory control, consistent with the United States's trust responsibility, to make sure NAFSO and NAFIs are properly established and operated. This oversight would be in addition to that required by the draft if NAFSO is authorized to purchase and sell Native American mortgages. Please advise if NAFIs would be subject to banking and lending laws as other such institutions are. Third, a more detailed explanation of what the "tribal contribution" will amount to in NAFSO's future would be beneficial. Many tribes with limited financial resources will have concerns about this facet of the legislation and some indication of what such contributions will entail may help to alleviate apprehension about them. Nevertheless, some tribes may oppose any tribal contributions at all. One would hope that the NAFSO could operate on its own resources if it is indeed successful.

To sum up, my primary concern involves ensuring that NAFSO will be successful, particularly considering it will be up to the Tribes in large part to do so. Some expert or federal representation on the Board of Directors would be helpful in this regard.

Coupled with this consideration is the importance of oversight for operations of NAFIs. This seems appropriate since the draft implies these institutions will be very similar to banks, institutions which are already highly regulated.

As you may be aware, the Department of Veteran's Affairs entered into a Cooperative Agreement with the Tribe on November 15, 1993 to assist us in obtaining home loans for veteran tribal members. To date, no loans have been processed under this Cooperative Agreement. At the same time, I have some concern about HUD's involvement in this program based on their inability to resolve this problem on its own. Nevertheless, surely HUD has learned much from its mistakes and should add to the process. Whether that agency should be a majority voice in the decision-making or policy formulating process is something that should be examined.

The shortage of suitable housing on this Reservation is severe. We currently have close to 400 individuals without a permanent home and near 300 which have placed themselves on the waiting list for housing. Out of the 1500 or so tribal members which reside here, this means over 25% of our people are without a permanent home. We also have information which indicates that upwards of 200 families are forced to share their homes with other families to provide the most basic of human needs, shelter. As you can understand, this desperate situation seriously affects tribal member's sense of self-worth and self-esteem.

Although this Tribe operates a Casino as well as other successful enterprises, we must utilize those funds for operation of the Tribal budget and economic development to keep our people working and reduce unemployment. It is for this reason that your draft NAFSO/NAFI legislation is urgently needed. Again, I cannot stress enough how much your efforts in this regard are appreciated. The Tribe acknowledges this effort and will endeavor to help where we can.

Thank you very much for the opportunity to comment. Please contact my office if you require anything further.

Sincerely,

JUDY KNIGHT FRANK,
Chairperson.

NATIONAL AMERICAN INDIAN
HOUSING COUNCIL,
Washington, DC, January 24, 1995.
Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR: On behalf of the NAIHC's Board of Directors and membership, I am writing to thank you for supporting legislation that is very important to the Native American community. In particular, your support for the Native American Financial Services Organization (NAFSO) is greatly appreciated as NAIHC believes this legislation will bring much needed relief to solving the housing problems for Native Americans.

The housing needs in Indian Country remain acute and we recognize that we must move beyond housing assistance from the federal government. NAFSO will help us do so. We believe that allowing the creation of Native American Financial Institutions (NAFIs) will also stimulate local economies and encourage privately financed housing.

Your recognization that NAFSO will have a positive affect on Indian Country is appreciated and valued. Please feel free to contact me if I can be of further support regarding this legislation.

Sincerely,

RUTH A. JAURE,
Executive Director.

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, DC, September 22, 1994.
Hon. ALBERT GORE, Jr.,
President of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit to you the "Native American Financial Services Organization Act of 1994." For the past several months, the Department of Housing and Urban Development has been working with the Departments of the Treasury, the Interior, Agriculture and Veterans' Affairs, in consultation with the Native American Community to develop this bill.

Based upon the findings and recommendations of the Commission on American Indian, Alaska Native and Native Hawaiian Housing, established by Public Law 101-235, HUD believes that housing shortages and deplorable living conditions have reached crisis proportions in Native American communities throughout the United States.

Historically, financing for most Native American housing and economic development has been provided through government programs. These federal programs, however, do not fully meet the needs of Native American communities. Furthermore, there are few financial institutions that provide financial services to these communities.

To begin to address this crisis, the Department is proposing this legislation to improve the conditions and supply of housing in Native American communities by creating the Native American Financial Services Organization. This legislation would establish a limited government-chartered corporation to be known as the Native American Financial Services Organization (NAFSO). A Federal grant would capitalize the federally-chartered, for-profit NAFSO through a cooperative agreement. Under the agreement, NAFSO could assist Native Americans in creating local financial institutions to address their capital needs. The Federal NAFSO charter would cease to exist upon a designated date, by which time it would be merged into a private corporation. The legislation also provides for an "asset cap" that is designed to limit the size of the NAFSO to $20 million. It is anticipated that the NAFSO will be privatized in order to grow beyond this limit. It also is anticipated that tribal contributions would assist the NAFSO in becoming self-sufficient over time.

The governance of the NAFSO would be vested in a Board of Directors that would be representative of the Native American community. Shares would be equitably distributed among federally-recognized tribes; the Board could elect to distribute additional shares on an investment basis.

It is the purpose of this Act—

(1) to help serve the mortgage, economic development, and other lending needs of Native Americans by assisting in the establishment and organization of Native American community lending institutions that would be called Native American Financial Institutions (NAFIs); NAFIs would be any type of financial institution, including community banks, credit unions and savings banks, and therefore could provide a wide range of financial services;

(2) to develop and provide financial expertise and technical assistance to NAFIs, including assistance on how to overcome barriers to lending on Native American lands, and the past and present impact of discrimination;

(3) to promote access to mortgage and economic development credit throughout Native American communities by increasing the liquidity of financing for housing and improving the distribution of investment capital available for such financing, primarily through NAFIs;

(4) to direct sources of public and private capital into housing and economic development for Native American individuals and families, primarily through NAFIs; and,

(5) to provide ongoing assistance to the secondary market for residential mortgages and economic development loans for Native American individuals and families, NAFIs, and other borrowers by increasing the liquidity of such mortgage investments and improving the distribution of investment capital available for such residential mortgage financing.

At the outset, it is contemplated that the NAFSO itself will not purchase and sell Native American mortgages originated by the NAFIs, but rather will work with the existing secondary market for residential mortgages to increase the liquidity for such investment. However, if it is later determined that the secondary market is not meeting reasonable mortgage purchase goals established by this department, the NAFSO will be authorized to purchase and sell such mortgages.

The Secretary of Housing and Urban Development would be authorized to provide up to $10 million, subject to appropriations, for the funding of a cooperative agreement for technical assistance and other services to be provided by the NAFSO to NAFIs. In addition, there would be authorized, without fiscal year limitation, $20 million to provide financial assistance through the NAFSO to NAFIs. Funding would be made available from the Community Development Financial Institution (CDFI) fund. NAFIs are not eligible for additional funding under the CDFI fund if the NAFI elects to receive funding under this Act.

This legislation further provides that the Office of Federal Housing Enterprise Oversight would regulate matters pertaining to the financial safety and soundness of the NAFSO in the event that the NAFSO is authorized to purchase and sell Native American mortgages and the Department of Housing and Urban Development would have general regulatory authority.

The "Native American Financial Services Act of 1994" would provide financial independence to the Native American community that has never been enjoyed before. It provides the structure to marry private financial resources with Federal and tribal resources in a way that benefits all parties. The creation of the NAFSO would have the ripple effect of opening avenues to economic development and housing that have not been available heretofore.

The Office of Management and Budget has advised that it has no objection to the transmittal of this legislation to Congress.

I request that the bill be referred to the appropriate committee and urge its early consideration. I am sending a similar letter to the Speaker of the House of Representatives, Thomas S. Foley.

Sincerely,

HENRY G. CISNEROS,
Secretary.

Mr. INOUYE. Mr. President, I rise today to express my support for a measure being introduced by my esteemed colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL. This measure, the Native American Financial Services Organization Act of 1995, is being introduced at the request of the administration. It is the end-product of a multiagency Federal working group whose goal was to craft a legislative proposal which would encourage, promote, and foster the delivery of housing and economic development financing to native American families and communities.

Mr. President, it is difficult for many of us here to comprehend the sheer magnitude of the housing needs of this Nation's native communities. In 1993, the Bureau of Indian Affairs of the U.S. Department of Interior estimated that 88,689 native American families were in need of housing assistance. But anyone familiar with Indian country would agree that these figures reflect a gross underestimation. I am pleased to note that in the next few months, the Department of Housing and Urban Development will be releasing the results of an assessment of Indian housing needs and programs. This survey is one of the most ambitious and comprehensive ever undertaken, and it is my hope that we in the Congress will finally be provided with a more accurate picture of the housing needs and conditions of native American families.

The Native American Financial Services Organization Act has its genesis in the finding and recommendations of the National Commission on American Indian, Alaska Native, and Native Hawaiian housing. The Commission, established pursuant to Public Law 101-235, documented that native American Families and communities were overwhelmingly and consistently access to conventional financing mechanisms, often due to the unique legal status of Indian trust lands. The Commission recommended the creation of a Native American Finance Authority to direct sources of capital to native Americans, native American families, and other eligible mortgagors in order that they might meet their housing and related infrastructure needs.

Mr. President, this administration heeded the Commission's call for action. The Department of Housing and Urban Development spearheaded a multi-departmental effort, which included representatives for the Department of the Treasury, the Bureau of Indian Affairs, and the Office of Management and Budget. The working group began with the Commission's legislative proposal, and ended with the measure which I am honored to be co-sponsoring today. This administration deserves to be commended for recognizing the distressed housing conditions under which many of our native American families live and for taking deliberate and meaningful steps to change and improve these circumstances.

In many, many respects, the measure being introduced today addresses the concerns of the National Commission on American Indian, Alaska Native, and Native Hawaiian Housing and embodies the spirit of the Commission's recommendations. But Mr. President, I wish to point out one very fundamental difference between this measure, and the Commission's legislative proposal. The omission—one which I have just cause to be concerned about—is a glaring one, for while the original proposal included native Hawaiians, the bill before us today does not.

Mr. President, the Commission's final report documented that native Hawaiians are among the neediest in the State of Hawaii—they have the worst housing conditions and the highest percentage of homelessness, representing over 30 percent of the State's homeless population. Under any circumstances, the figures would be deplorable, but the truth is that this situation can only worsen. I surely do not need to point out that Hawaii is one of the most expensive States in which to build, rent, or purchase a home, and that, according to a recent survey conducted by the National Association of Home Builders, Honolulu ranked 179th out of 185 places in home affordability.

Mr. President, I stand here, not only as a co-sponsor, in support of this measure, but as the senior Senator from the State of Hawaii and one who has long sought to address the housing needs of the native Hawaiian people. I must express for the record my disappointment that this bill departs from the recommendation of the very Commission which was the genesis for the concept of a financial service organization—namely that native Hawaiians should be included in this measure. I assure you that I will seek to honor the Commission's recommendations.

Mr. McCAIN. Mr. President, today I am pleased to join as an original cosponsor of a bill to establish a Native American Financial Services Organization [NAFSO] that will provide financial incentives to increase homeownership opportunities in Indian and Alaska Native communities.

Indian housing problems have reached crisis proportions with seriously deteriorating conditions and severe overcrowding. The latest U.S. Census report indicates that 18 percent of Indian reservation homes are overcrowded, while the comparable data for the Nation as a whole is 2. The shortage of housing is made even more acute by the deplorable condition of existing housing in native American communities. Many Indian homes lack running water, indoor bathrooms, sufficient heat, or weatherization.

To date, most of the housing construction done on reservations has been financed directly by the U.S. Government. But Indian housing needs have far out-stripped the capacity of Federal housing construction efforts. Everyone who has looked at the problem agrees that one main reason for the Indian housing disaster is an absence of private capital participation in financing housing in Indian and Alaska Native communities.

The bill I am cosponsoring today would begin to change the Federal role in Indian housing in ways that strengthen and empower local tribal governments in their efforts to increase housing opportunities in their communities. The bill would do this by federally chartering a limited, for-profit corporation to be known as the Native American Financial Services Organization [NAFSO]. NAFSO would assist Indians and Alaska Natives to create local financial institutions that will attract capital investment in housing in Indian communities. It would also work within the existing secondary market to increase the liquidity of mortgages placed on housing located on land held in trust for Indians by the United States. If sufficient levels of private lending are not achieved, at a later date NAFSO could enter the secondary market itself to purchase and sell portages.

I am particularly pleased that the bill contains a sunset-type provision under which the Federal charter would cease and NAFSO would be merged into a private corporation to permit further growth and attract private contributions, including those of tribes with funds to invest in Indian and native American housing.

I look forward to a hearing on this bill because it will provide an opportunity for the Committee on Indian Affairs to evaluate this proposal to ensure that it is properly designed to accomplish its goals. While a commission on Indian and native American housing recommended the concepts underlying this bill, and while many tribal governments already are on record in support of the bill as introduced, I will ask tribes and tribal organizations to scrutinize the bill and provide the committee with recommendations to improve it and sharpen its focus on the serious problems plaguing Indian housing.

I commend HUD Secretary Cisneros for his increased support for Indian housing efforts, one of which is reflected in the Department's development of this NAFSO proposal, and I look forward to working with the administration to enact this important legislation.

By Ms. SNOWE:

S. 437. A bill to establish a Northern Border States-Canada Trade Council, and for other purposes; to the Committee on Finance.

ESTABLISHMENT OF A NORTHERN BORDER STATES COUNCIL ON UNITED STATES AND CANADIAN TRADE

• Ms. SNOWE. Mr. President, today I am introducing legislation that would establish the Northern Border States Council on United States-Canada Trade. The purpose of this Council is to oversee cross-border trade with our Nation's largest trading partner—an action that I believe is long overdue. The Council will serve as an early warning system to alert State and Federal trade officials to problems in cross-border traffic and trade. And the Council will help the United States more efficiently manage the administration of its trade policy with Canada by applying the wealth of insight, knowledge and expertise that resides in our northern border States on this critical policy issue.

Yes, we already have the Department of Commerce and a U.S. Trade Representative. But the fact is that these both are federal entities, responsible for our larger, national U.S. trade interest. Too often, they do not look after the interests of the 12 Northern States that share a border with Canada. The Northern Border States Council will provide State trade officials a mechanism to share information about cross-border traffic and trade. The Council will then advise the Congress, the President, the United States Trade Representative, the Secretary of Commerce, and other Federal and State trade officials on United States-Canada trade policies, practices, and relations.

Canada is America's largest trading partner. Trade with Canada accounts for approximately one-fifth of total United States exports and Canada is the top purchaser of U.S. exports. Canada is also the largest supplier of United States imports. Canada needs to maintain close trade ties with the United States to assure its survival. The Canadian economy is heavily oriented on exports, and most—roughly 75 percent—of that trade is directly with the United States.

Over the last decade, Canada and the United States have signed two major trade agreements—the United States-Canada Free-Trade Agreement in 1989, and the North American Free-Trade Agreement in 1993. Notwithstanding these trade accords, numerous disagreements have caused trade negotiators to shuttle back and forth between Washington and Ottawa. Most of the more well-known trade disputes with Canada have dealt with agricultural commodities such as durum wheat, peanut butter, dairy products, and poultry products, and these disputes have impacted more than just the 12 northern border States.

But each and every day an enormous quantity of trade and traffic crosses the United States-Canada border. There are literally thousands of businesses, large and small, that rely on this cross-border traffic and trade for their livelihood. Any disruption in that flow of traffic and trade, whether intentional or not, would have traumatic economic consequences on hundreds of thousands, if not millions, of people in the 12 northern border States.

The people best qualified to monitor that cross-border traffic and trade live in the States along our northern border—States that share that border with Canada. This is why it is important that the members of this Council be from those States.

My own State of Maine has had a long-running dispute with Canada over that Nation's unfair policies in support of its potato industry. Specifically, Canada protects its domestic potato growers from United States competition through a system of nontariff trade barriers, such as setting container size limitations and a prohibition on bulk imports from the United States. This bulk import prohibition effectively blocks United States potato imports into Canada. At the same time, Canada artificially enhances the competitiveness of its product through domestic subsidies for potato growers.

Another trade dispute with Canada, specifically with the province of New Brunswick, served as the inspiration for this legislation. In July 1993, Canadian Federal Customs Officials began stopping Canadians returning from Maine and collecting from them the 11-percent New Brunswick provincial sales tax [PST] on goods purchased in Maine. Canadian Customs Officers had already been collecting the Canadian Federal sales tax all across the United States-Canada border. The collection of the New Brunswick PST was specifically targeted against goods purchased in Maine—not on goods purchased in any of the other provinces bordering New Brunswick. The premier of New Brunswick even admitted that his province had no intention of trying to collect the PST along any of its provincial borders. Only along the border with Maine.

After months of imploring the United States Trade Representative to do something about the imposition of the unfair tax, Ambassador Kantor agreed that the New Brunswick PST was a violation of NAFTA, and that the United States would include the PST in the NAFTA dispute settlement process. It has languished in that process for almost a year because Canada and Mexico have been stubbornly refusing to finalize the details of the NAFTA dispute resolution process.

Throughout the early months of the PST dispute, we in the State of Maine had enormous difficulty convincing our Federal trade officials that the PST was in fact an international trade dispute that warranted their attention action. We had no way of knowing if the PST was a national problem, or a localized one. If a body like the Northern State Trade Council had been in existence when the collection of the PST began, if would have immediately started investigating the issue to determine its causes and make recommendations on how to deal with it.

In short, the Northern Border States Council will serve as the eyes and ears for our States that share a border with Canada, and are vulnerable to fluctuations in cross-border trade and traffic. The Council will be a tool for Federal and State officials to use in monitoring their cross-border trade. It will help ensure that national trade policy regarding America's largest trading partner will be developed and implemented with an eye toward the unique burdens and opportunities present to the northern border States.

The Northern Border States Council will be an advisory body, not a regulatory one. Its fundamental purpose will be to determine the nature and course of cross-border trade issues or disputes, and to recommend how to resolve them.

The duties and responsibilities of the Council will include, but are not limited to, providing advice and policy recommendations on such matters as taxation and the regulation of cross-border wholesale and retail trade in goods and services; taxation, regulation and subsidization of food, agricultural, energy, and forest-products commodities; and the potential for Federal, State, and Canadian provincial laws and regulations—including customs and immigrations regulations—to act as nontariff barriers to trade.

As an advisory body, the Council will review and comment on all Federal and/or State reports, studies, and practices concerning United States-Canada trade, with particular emphasis on all reports from the dispute settlement panel established under the North American Free Trade Agreement. These Council reviews will be conducted upon the request of the U.S Trade Representative, the Secretary of Commerce, any Member of Congress from a Council State, and the Governor of a Council State.

If the Council determines that the origin of a cross-border trade dispute resides with Canada, the Council must determine, to the best of its ability, if the source of the dispute is the Canadian Federal Government or a Canadian provincial government.

My goal is not to create another Federal trade bureaucracy. The Council will be made up of individuals nominated by the Governors and approved by the Secretary of Commerce. Each Northern border State will have two members on the Council. The Council members will be unpaid, and serve a 2-year term.

The Northern Border States Council on United States-Canada Trade will not solve all of our trade problems with Canada. But it will ensure that the voices and views of our northern border States are heard in Washington by our Federal trade officials. For too long their voices were ignored, and the northern border States have had to suffer severe economic consequences at times because of it. This legislation will restore our northern border States to their rightful position as full partners in administering and managing cross-border trade and traffic with America's largest trading partner.

I urge my colleagues to join me in supporting this important legislation.●

By Ms. SNOWE:

S. 438. A bill to reform criminal laws, and for other purposes; to the Committee on the Judiciary.

LEGISLATION TO STRENGTHEN AMERICA'S ANTI-CRIME LAWS

● Ms. SNOWE. Mr. President, today I am introducing legislation to address the serious problem of crime in America, while offering stronger protection to the victims of crime. My legislation will propose mandatory minimum sentences for criminals who use a firearm while committing violent State crimes; require truth-in-sentencing provisions so that criminals complete at least 85 percent of their sentences; eliminate prison luxuries that coddle prisoners, and require courts to order restitution for the victims of crimes.

Many of these proposals—which are designed to strengthen the crime package passed by Congress last year—are not new. Some have already won passage in the Senate as part of the Senate-passed crime bill. But they are important proposals—and it is important for our citizens and especially for our children—that we include these plans to get tough on crime.

When 23 million households will suffer from crimes this year, it is no wonder that crime is the number one concern of most Americans, whether in a relatively safe State like Maine, or here in the District of Columbia. As Americans scan the front page of the newspapers every morning, word of crimes right in our own neighborhoods catches our eye, puts us on guard—and keeps the American people on edge. We have been raised in a humane and advanced nation—and our citizens place a premium on safety, security. For too many Americans, the home is no longer a castle. Too many Americans must lock up their homes like a fortress, and walk through our streets with fear because of the scourge of violent crime.

Indeed, Americans no longer feel safe in their own neighborhoods. In the 35 years since 1960, the population of the United States has increased by 44 percent. Over that same time, violent crime in America has increased by more than 500 percent. Our Nation has lost its edge in law enforcement and in humane social efforts that meet the root causes of crime. Indeed, according to a recent study published in Business Week, crime bears an enormous cost: The total direct and indirect cost of crime in America is a staggering $425 billion.

Sadly, crime does not discriminate across regional or social boundaries. Crime reaches to us all—and exacts a devastating personal toll on its victims and their families and loved ones. Few among us have escaped the devastating impact of crime. Every day, 14 Americans are murdered, 48 are raped, and 578 are robbed. In our lifetimes, one-third of all Americans will be robbed. Three-fourths will be assaulted.

In the course of the average day in America, there is a murder every 21 minutes. Rape is committed once every 5 minutes. Robberies occur every 46 seconds. Burglaries occur every 10 seconds. Imagine: A boy born in 1978 stands a greater chance of being murdered in the United States than one of our brave soldiers in World War II stood of dying in combat.

Last year, Congress passed the President's crime bill—a package that took steps to punish violent criminals and keep them off the streets, and to address the root problems of crime. Unfortunately, however, the President's bill stopped short of proposals that I believe will give our Nation's anticrime laws teeth.

My legislation includes tough provisions to provide mandatory minimum sentences for violent State crimes, or State drug trafficking crimes involving the use or possession of a firearm. Clearly, we must crack down on the violent offenders who have been proven responsible for the vast majority of crimes.

Studies by the criminologist Marvin Wolfgang show that just 7 percent of each age group was responsible for two-thirds of all violent crime, including three-fourths of all rapes and robberies—and virtually every murder. According to Mr. Wolfgang's study—conducted in Philadelphia over a 13-year period—this 7 percent of the population had five or more arrests by the age of 18. For every arrest, each individual had gotten away with another dozen crimes.

Indeed, it is estimated that last year, more than 1,100 convicted murderers did not go to prison; more than 6,900 convicted rapists did not go to prison; more than 37,000 individuals convicted of aggravated assault did not go to prison.

My proposal will impose tough mandatory minimum sentences on violent criminals. For first-time offenders, we will direct the courts to impose sentences of 10 years for those who possess a firearm; 20 years if they discharge that firearm with the intent to harm another person; and 30 years for possession of a machine gun or other weapon equipped with a firearm silencer or muffler.

Too often, however, even a tough first sentence is not enough to stop the endless cycle of crime. More than 40 percent of murderers released from State prisons are re-arrested for a felony or serious misdemeanor within 3 years—more than 20 percent for another violent crime. Of the 50,000 violent criminals who are put on probation this year, more than 9,000 will not learn their lesson. They will be re-arrested in the same State within 3 years for another violent crime. An astonishing 10 percent of America's jail population—39,000 people in 1989—committed their current crime while out on parole.

So for second-time offenders, we will make our mandatory minimum sentences tougher; 20 years for possession of a firearm, 30 years for discharge of a firearm with the intent to injure another person, and life in prison for possession of a machine gun.

And for a third offense? Three strikes and they're out—for life imprisonment for any violent offender.

My provisions for mandatory minimum sentences will prohibit States from offering probation or suspended sentences, and we will direct the courts that sentences cannot run concurrently. This legislation also provides for Good Samaritans or for citizens who act in self-defense: the provision will not apply to those acting in defense of person or property during the course of a crime committed by another person.

Criminals have also learned, over times, that the odds in sentencing are in their favor. For every 100 violent crimes reported, only 4 criminals go to prison. The risk of punishment for a serious criminal offense has declined by two-thirds since 1950, while the annual number of serious crimes is seven times greater than it was then. This fact is not lost on criminals, who know that if they scoff at the criminal justice system—and hire a good lawyer—they can go free in little, if any time. Even when criminals are convicted and sent to prison after appeals, they know that the average violent offender—who in 1990 received a sentence of 7.8 years—will serve just over 3 years in jail.

To make sure that convicted criminals serve their time, my legislation will enact truth-in-sentencing provisions. In order to be eligible for prison funding under the 1994 crime bill, this legislation will require that States change their laws to require violent offenders to serve a minimum of 85 percent of their required sentence.

Prison is not meant to be a pleasant experience: it is meant, instead, to serve as both a deterrent to crime and to rehabilitate criminals so that they can again become productive members of society. Too often, however, our criminal justice system has coddled prisoners with luxury items that even hard-working Americans can not afford. Indeed, our Federal prison system has earned the nickname "Club Fed" because of its luxury. I believe our Federal prison system must instead address the root causes of crime as it rehabilitates prisoners. We should eliminate the luxuries in our prisons from expansive weight lifting equipment to X-rated movies, cable television, computer, even miniature golf.

Instead, we should require every able-bodied prisoner to work, and begin to return to society part of what the prisoner has taken. My legislation will give the Attorney General 120 days to implement and enforce regulations mandating prison work for able-bodied inmates in Federal penal and correctional institutions.

In addition to these provisions that get tough on criminals and make our tough sentences stick, my legislation includes provisions to require increased fairness—and awareness—of the victims of crimes. For the 5 million people each year who are victims of violent crimes—such as rape, murder, robbery or assault—these provisions will provide increased security and peace of mind. While criminals can pursue one legal remedy after another, victims of crimes quickly exhaust their options and are frequently forced to quietly bear the brunt of the crime, alone, and without restitution.

Victim restitution presently can be ordered by courts, at the discretion of the court. My legislation will require courts to order restitution, and extends to the victims of crimes the same sort of safeguards that we extended to women in the Violence Against Women Act, which I cosponsored in the House.

This legislation will state that victims should be reimbursed for all necessary expenses related to the investigation and prosecution of crime, whether child care, transportation or other expenses. No longer will the economic cost of prosecution serve as a deterrent that could keep victims from vigorously pursuing justice.

This legislation also will require reimbursement to the victim for medical services resulting from physical, psychiatric or psychological care, physical and occupational therapy costs due to rehabilitation, and all other losses suffered by the victim because of the crime. I believe that these provisions provide basic fairness for the victims of crime, and begin to balance our criminal justice system again by keeping in mind the needs of crime victims.

Mr. President, the people of Maine and America have a right to be personally secure, free from the fear of violent crime. My legislation combines positive steps that punish criminals and keep them off the streets, and to meet the often-overlooked needs of the victims of crime. This is legislation that is overdue, and will improve our Nation's crime-fighting efforts.

I urge my colleagues to join me in supporting this legislation.•

By Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. INHOFE, Mr. COATS, Mr. MURKOWSKI, and Mr. COCHRAN):

S. 439. A bill to direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

REGULATORY REFORM COMMISSION ACT

• Mr. THOMAS. Mr. President, it is well known that Federal regulations stifle economic growth. The cost of complying with Federal regulations alone is estimated to be between $300 and $500 billion per year—$4,000 to $6,000 for every working man and woman in America. The private sector spends 6.6 billion hours year complying with Federal paperwork requirements. The number of pages in the Federal Register last year was 45 percent higher than the number in 1986—without the Clinton health care bill going anywhere.

These excessive and misguided mandates impose enormous economic costs that limit economic growth and job creation. Small and medium-sized businesses—which are the businesses in my State of Wyoming—are disproportionately hurt by overregulation because they have fewer resources to allocate for compliance.

Mr. President, the 1994 elections were about change. The American people want less government in their lives. They don't want OSHA inspectors breathing down their necks, they don't want to pay for unnecessary EPA mandated facilities and they don't want Washington bureaucrats telling them how to live their lives.

That is why I am introducing the Regulatory Reform Commissions Act. This measure is designed to look back, review, and reduce existing regulations. My legislation would establish three bipartisan Regulatory Review Commissions, one for each selected Federal department or agency. Initially, I have selected the Departments of Interior, Labor, and the Environmental Protection Agency [EPA]. Over a 2-year period, the commissions will examine all regulations within the selected Federal department or agency and determine if the regulations are justified and report all appropriate changes to Congress, the department, and the Director of the Office of Management and Budget [OMB]. The commissions will examine the department's or agency's rules based on the following criteria: Whether the regulations are within the scope of authority of the statutes under which the regulations were issued; whether the regulations are consistent with the original intent of Congress; whether the regulations are based on cost/benefit analysis; and whether the regulations are subject to judicial review.

There have been several different proposals, which I support, to prevent new onerous regulations. This legislation is a perfect fit with those efforts, because it reviews the rules already on the books.

I urge my colleagues to join me in the effort against overregulation.•

By Mr. WARNER (for himself, Mr. CHAFEE, Mr. BAUCUS, Mr. MOYNIHAN, Mr. BOND, Mr. FAIRCLOTH, Mr. KEMPTHORNE, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. INHOFE, Mr. REID, Mr. SMITH, Mr. LUGAR, Mrs. BOXER, Mr. GRAHAM, and Mr. PELL):

S. 440. A bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; to the Committee on Environment and Public Works.

THE NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

• Mr. WARNER. Mr. President, I am pleased to be joined today by Chairman CHAFEE, Senator BAUCUS, Senator LAUTENBERG, Senator BOND, and others.

We are here today to provide assurances to the States, to commercial activities dependent on a viable transportation system, and to the motoring public that the Congress will enact the National Highway System legislation this year.

The legislation I am introducing to designate the National Highway System is sponsored by 14 of my colleagues.

The National Highway System is the cornerstone of the 1991 ISTEA statute which preserves a Federal role in a core surface transportation network.

As we come to the completion of the Eisenhower Interstate System, the NHS is the next generation of Federal focus to meet transportation challenges into the 21st century.

This system of 159,000 miles—although only a small fraction of highways in this country—consists of the 44,000-mile Interstate System and other primary routes.

Today, we affirm that Federal responsibility by ensuring a consistency of road engineering and safety among the States to provide for the free flow of commerce and to efficiently move people.

Ideally, Congress has only to approve the map which is the product of a joint effort between the Department of Transportation and our States. But, pragmatically, we all know that this legislation will be the 18-wheeler that will carry other issues.

We must not, however, be detoured from our mission.

Without passage of this bill, we know that our States will be crippled by the sanction of a loss of $6 billion until Congress does its job.

The NHS also will allow States to benefit from the flexibility and intermodalism which is the hallmark of ISTEA.

For the first time, States will focus their investments on connecting our rail, air, commercial water ports, and highways so that performance of the entire system can be maximized.

The NHS also provides an opportunity for States to target their future investments on these routes which carry high volumes of commuter traffic and commercial truck traffic.

Improving the safety of the motoring public must remain a Federal priority.

Routes on the NHS must be among the first to benefit from the application of new and emerging technologies to improve safety and reduce congestion.

In Virginia, the twin problems of congestion and safety in major urban/suburban areas have been the focus of our transportation policies for some time.

We only need to look at Sunday's Washington Post to remind us of the dangers of driving on the Capital Beltway.

Again this morning, our commuters and commerce suffered extensive delays on the Capital Beltway when a tractor-trailer accident at the Cabin John Bridge closed a large segment of the beltway for hours.

As a result of this gridlock, commuters cannot get to work and interstate commerce is delayed. That translates into reduced productivity and wasted resources for all Americans.

The legislation we are introducing today also includes modest provisions to provide uniformity and flexibility to States as they continue to implement ISTEA.

As States enter the fourth year of ISTEA and we have sufficient information and experience to support these modifications.

As we move this legislation forward, my focus will be to reduce mandates on our States, without jeopardizing the safety of the traveling public, and to increase flexibility for States to allocate funds to meet their own needs.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995—SECTION BY SECTION ANALYSIS

Sec. 1: Short Title.

Sec. 2:

Section 2 approves the most recent National Highway System submitted to Congress by the Secretary of Transportation. The section also specifies the procedure for future changes and modifications to the NHS after Congress has adopted the initial system. At the request of a State, the Secretary may add a new route segment to the NHS or delete an existing route segment and any connection to the route segment, as long as the segment or connection is within the jurisdiction of the requesting State and the total mileage of the NHS (including any route segment or connection proposed to be added) does not exceed 165,000 miles.

If a State requests a modification to the NHS as adopted by Congress, the State must establish that each change in a route segment or connection has been identified by the State in cooperation with local officials. This cooperative process between the State and local officials will be carried out under the existing transportation planning activities for metropolitan areas and the statewide planning processes established under ISTEA.

Congress will not approve or disapprove any subsequent modifications made to the NHS. The cooperative planning process between State and local officials, along with the approval of the Secretary, is the appropriate forum for considering modifications to the NHS following enactment of this legislation.

Sec. 3:

Section 3 amends section 103(i) of title 23 to permit States to use National Highway System and Congestion Mitigation and Air Quality funds for operational expenses of Intelligent Vehicle Highways System (IVHS) projects for an unlimited period of time rather than the two years currently stipulated.

Sec. 4:

Section 4 amends section 104 of title 23 to permit a State to transfer 60 percent of its bridge apportionments to its National Highway System or Surface Transportation Program categories.

Sec. 5:

Section 5 amends section 129(a)(5) of title 23 to provide that the Federal share for participation in toll highways, bridges, and tunnels shall be a percentage as determined by the State but not to exceed 80 percent. Depending on the facility, the federal share currently ranges from 50 to 80 percent.

Sec. 6:

Section 6 amends 217(f) of title 23 to permit states to apply the federal lands sliding scale match to bicycle and pedestrian projects.

Sec. 7:

Section 7 amends section 323 of title 23 to allow private funds, materials and services to be donated to an activity eligible under title 23 and permits a state to apply 100 percent of such donated funds, materials or services to the State's matching share under title 23.

Sec. 8:

Section 8 states that notwithstanding any requirements of the Metric Conversion Act of 1975, no state is required to erect signs which establish speed limits, distance or other measurements using the metric system. If a state chooses to use its federal-aid highway funds for such a purpose, it may do so.

Sec. 9:

Section 9 requires states to receive U.S. Department of Transportation approval for Intelligent Vehicle Highway System (IVHS) projects within two years of receiving funds for this purpose. If after two years the Secretary has not approved a plan, the DOT may redirect unobligated funds to another IVHS project. Prior to such redirection, the Secretary shall notify the intended recipient that they are in danger of losing their funds.•

• Mr. CHAFEE. Mr. President, I am pleased to join Senator WARNER in introducing legislation today that will approve the designation of the National Highway System.

As my colleagues will remember, the Environment and Public Works Committee fashioned what I believe is a landmark surface transportation bill now known as the Intermodal Surface Transportation Efficiency Act of 1991 or ISTEA. The purpose of this surface transportation law is to provide mobility for all our citizens, to enable our country to be competitive internationally, to promote economic development, and to provide transportation facilities that are sensitive to the environment and the communities they pass through.

The National Highway System, established by the surface transportation law, is an important part of our country's National Transportation System. The National Highway System, which includes the Interstate System represents 4 percent of the highway system but carries 40 percent of the Nation's highway travel. Even more importantly, it connects intermodal and strategic facilities including our ports, airports, train stations, and military bases.

The U.S. Department of Transportation worked with the States and local governments to develop the National Highway System. In December of 1993 the Department transmitted the proposed System to Congress. Congress must approve the National Highway System by September 30 of this year, or States will not receive over $6 billion in highway funds.

The NHS legislation we are introducing today maintains the important principles that ISTEA established for the National Highway System.

First, it maintains the flexibility of the NHS so that the System can change as our transportation needs change. The legislation enables States, in consultation with local officials, and the Secretary of Transportation to add to and delete routes from the System.

Second, the amount of funding a State receives for the NHS program is not tied to the number of miles it has on the NHS System. There is no incentive to pad the System with a lot of miles in hopes of receiving more of the Federal money.

And third, the NHS funds retain their flexibility. States continue to have the ability to transfer NHS funds to other categories to target their highest priority needs.

In addition to the approval of the National Highway System, the legislation we are introducing today includes several other provisions that are in keeping with the principles of ISTEA to provide flexibility wherever possible.

Stability is very important in the Federal-aid highway program. States need the assurance of long-term funding to efficiently manage their transportation programs. As the NHS legislation makes its way through Congress this year, there may be a temptation to reopen the surface transportation law and debate items that are controversial. To disrupt this program and make significant changes in midstream will damage the transportation program. If we are to meet the September 30 deadline for approval of the National Highway System, contentious issues must be postponed until ISTEA is reauthorized in 1997.

I am pleased to join my colleagues in introducing the National Highway System bill and will work with them for its early approval.•

By Mr. McCAIN:

S. 441. A bill to reauthorize appropriations for certain programs under the Indian Child Protection and Family Violence Prevention Act, and for other purposes; to the Committee on Indian Affairs.

THE INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PROTECTION ACT

• Mr. McCAIN. Mr. President, today I am introducing a bill to reauthorize Public Law 101-630, the Indian Child Protection and Family Violence Prevention Act. This bill will provide a 2-year reauthorization of appropriations pursuant to sections 409, 410, and 411 of the act. These sections are critical to Indian tribal governments in preventing and treating incidents of child abuse and family violence at the local level. Specifically, section 409 requires the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA] to cooperatively establish an Indian Child Abuse Treatment Grant Program, section 410 requires the BIA to establish Indian child resource and family services centers to provide technical assistance, training, and to develop policies and procedures on child abuse for Indian tribes, and section 411 requires the BIA to establish an Indian Child Protection and Family Violence Prevention Program.

Mr. President, the Indian Child Protection and Family Violence Prevention Act was enacted into law on November 28, 1990 to address concerns raised by the findings of the Senate Select Committee on Indian Affairs and the Special Committee on Investigations. What these committees found through public hearings was that Indian country was literally a safe haven for child abuse perpetrators to prey upon Indian children. I'm sure that many of my colleagues in the Congress will recall the notorious cases of multiple child sexual abuse that rose within the Hopi, Navajo, and Cherokee Indian reservations. These crimes were perpetrated over the course of many years, and in some cases, the crimes were perpetrated upon generations of families. The Federal investigation and prosecution of these crimes provided insight into the purposeful plan of the perpetrators in committing their crimes in Indian communities. Child abuse perpetrators were aware that the conditions of detecting, reporting, investigating, and preventing crimes upon children were in such a sorry state that there crimes would rarely be detected. As a result, hundreds of Indian children, their families, and communities needlessly suffered.

Both the Special Committee on Investigations and the Committee on Indian Affairs held numerous hours of testimony in which both tribal and Federal witnesses testified about the serious deficiencies in the Federal Government's efforts to assist tribal governments in preventing and treating child abuse and family violence. The hearings disclosed that the BIA's failure to implement effective background checks on potential employees having contact with children resulted in negligent hiring practices, and child abuse reporting procedures deterred employees from reporting suspected child abuse. Tribal witnesses testified that law enforcement and social services lacked coordinated approaches to address child victimization. As a result, victims were often further traumatized by repeated interviews by physicians, social workers, investigators, and prosecutors. The hearings also revealed that due to scare resources, tribal social workers and mental health professional experienced case loads exceeding national standards. It also became very clear that both the IHS and the BIA lacked the professional experience necessary to treat incidents of child sexual abuse.

The Indian Child Protection and Family Violence Prevention Act was intended to give the Federal Government an opportunity to meet it's responsibility to Indian children and families by establishing policies and programs which would prevent the tragedies of child abuse and family violence. To accomplish the goals of the act, appropriations were authorized per fiscal year from 1990 through 1995 to establish prevention and treatment programs within the BIA and IHS. The act also authorized the BIA and IHS to assist tribes in establishing on-reservation child abuse prevention and treatment programs. The act also created mandatory Federal child abuse reporting and prescribed a process by which child abuse allegations would be handled to prevent further trauma to a victim.

Mr. President, the implementation of this act has had positive results in Indian country. Indian tribal governments have initiated local public education programs on the prevention and detection of child abuse and domestic violence. However, these local efforts have been so successful that reports of child abuse and domestic violence incidents have increased substantially. Therefore, the need for funding for treatment of these victims has also substantially increased. Last Congress, the Committee on Indian Affairs received testimony from tribal governments which documented these needs, and which called for more vigorous implementation of the act by the Federal agencies.

Finally, I believe that the possible benefits of the act have not been fully realized. Neither the BIA nor the IHS have successfully requested or received appropriations to fully implement the programs that are so critical to the protection of vulnerable Indian children and families. As a result, Indian tribal governments that are in desperate need of these services have had to rely on special appropriations and congressional earmarks to fund their efforts. Those tribes that are unable to obtain earmarks must struggle to provide child abuse and family violence prevention and treatment services using existing resources and piecemeal grants.

Mr. President, I strongly believe that extending the authorization of appropriations for the Indian Child Protection and Family Violence Prevention Act will enable the Federal agencies and Indian tribal governments the opportunity to continue and enhance the work that has begun on behalf of Indian children and families.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF PROGRAMS.

Sections 409(e), 410(h), and 411(i) of the Indian Child Protection and Family Violence prevention Act (25 U.S.C. 3208(e), 3209(h), and 3210(i), respectively) are each amended by striking "and 1995" and inserting "1995, 1996, and 1997".•

By Ms. SNOWE (for herself and Mr. DOLE):

S. 442. A bill to improve and strengthen the child support collection system, and for other purposes; to the Committee on Finance.

THE CHILD SUPPORT RESPONSIBILITY ACT OF 1995

• Ms. SNOWE. Mr. President, I am pleased to introduce, on behalf of myself and Senator DOLE, the Child Support Responsibility Act of 1995.

This bill improves upon existing child support enforcement mechanisms and establishes new enforcement systems where none currently are in place. Furthermore, it recognizes that the issue of child support enforcement goes far beyond parochial interests or state lines, that as a national problem for our children and their families, child support enforcement merits a national solution.

When two people, whether married or not, have a baby, they incur an obligation to provide for and care for their child. When parents live apart, the parent not living with, and providing day-to-day care for, the parent is expected to provide financial assistance for the child.

Consider the facts: millions of American single parents and children continue to suffer from the consequences of a parent who financially and emotionally abandons them. For mothers who have obtained a child support order—and more than 40 percent have not—only half of those actually receive what is owed—the other half receives partial payments or nothing. Never-married single parents have a particularly difficult time obtaining child support—1990 census data indicates that of all never-married custodial mothers, 75 percent did not have child support orders and more than 50 percent had household incomes below the poverty line. These statistics add up to significant economic and emotional burdens for single parents and their dependent children.

The Child Support Enforcement Program was first created in 1975 and significantly modified in 1984 and 1988. The program's purpose is to strengthen existing State and local efforts to locate noncustodial parents, to establish paternity for them, to obtain child support orders and collect child support payments. My proposed legislation, a companion to the House bill introduced by Congresswomen JOHNSON and ROUKEMA, would assist the Child Support Enforcement Program with each of these goals.

To strengthen efforts to locate parents, it expands the Federal parent locator system and provides for State-to-State access of the network. To increase paternity establishment, the bill simplifies paternity procedures, facilitates voluntary acknowledgment, and encourages outreach. To facilitate the setting of effective child support orders, it calls for the establishment of a National Child Support Guidelines Commission to develop a national child support guideline for consideration by Congress, and provides for a simplified process for review and adjustment of child support orders. And to facilitate child support enforcement and collection, the bill expands the penalties for child support delinquency to include the denial of professional, recreational, and driver's license to deadbeat parents, the imposition of liens on real property, and the automatic reporting of delinquency to credit unions. It also grants families who are owed child support the right of first access to an IRS refund credited to a deadbeat dad and permits the denial of a passport for individuals who are more than $5,000 or 24 months in arrears.

Other provisions include developing a national registry of child support orders, developing centralized State registries, and requiring States to adopt the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August 1992.

Through the enactment of this child support legislation I would like to begin to ease, and eventually lift, the economic and emotional burdens caused by delinquent child support payments. Noncustodial parents must begin to accept and bear responsibility for their children, who will reap the support they so justly deserve and desperately need.•

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 444. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet region, and for other purposes; to the Committee on Energy and Natural Resources.

THE ALASKA NATIVE CLAIMS ACT AMENDMENT ACT OF 1995

• Mr. MURKOWSKI. Mr. President, I am pleased to introduce a bill to amend the Alaska Native Claims Act of 1971 at the request of Cook Inlet Region, Inc. [CIRI] to allow CIRI to purchase stock from their shareholders and retire the stock.

Congress enacted the Alaska Native Claims Settlement Act [ANCSA] in 1971 to address claims to lands in Alaska by the Eskimo, Indian, and Aleut Native people. Lands and other benefits transferred to Alaska Natives under the act were conveyed to corporations formed under this act. CIRI is one of the corporations formed under ANCSA and has approximately 6,262 Alaska Natives enrolled, each of whom were issued 100 shares of stock in CIRI, as required under ANCSA.

ANCSA stock, unlike most corporate stock, cannot be sold, transferred, or pledged by the owners of the shares. Rather, transfers can only happen through inheritance, or in limited case, by court decree.

To date, no Native corporation has sought to lift the restriction. For the most part, this is because Native shareholders continue to value Native ownership of the corporations and Native control of the lands and other assets held by them. These shareholders, whose numbers consistently register at the 70- 80-percent level, see economic benefits in the continuation of Native ownership, and also value the important cultural goals, values, and activities of their ANCSA corporation. However, a minority of shareholders favor assessing some or all of the value of their CIRI stock through the sale of that stock. These shareholders include, but are not limited to, elderly shareholders who have real current need yet doubt that sale of stock will be available to them in their lifetime; holder of small, fractional shares received through one or more cycles of inheritance; non-Natives who have acquired stock through inheritance but without attendant voting privileges; and shareholders who have few ties to the corporation or to Alaska, 25 percent of CIRI shareholders live outside of Alaska.

Under current law, these two legitimate but conflicting concerns cannot be addressed, because lifting restrictions on the sale of stock in an all or nothing proposition. In order to allow the minority of shareholders to exercise their desire to sell some or all of their stock, the majority of shareholders would have to sacrifice their important desire to maintain Native control and ownership of CIRI.

CIRI believes this conflict will eventually leave the interests of the majority of its shareholders vulnerable to political instability. In addition, CIRI recognizes that responding to the desire of those shareholders who wish to sell CIRI stock is a legitimate corporate responsibility. CIRI believes there is a way to address the needs and desires of both groups of shareholders, those who wish to sell stock and those who desire to maintain their Native ownership. The method embodied in this legislation is one that other companies routinely use, buying back of its own stock. The acquired stock would then be retired.

Mr. President, I have discussed this bill at length with CIRI and I am convinced this is the best solution. This bill is identical to one that passed the House, and was approved by the Senate Energy Committee last session, and I look forward to its passage.•

By Mr. D'AMATO (for himself, Mr. MACK, Mr. BENNETT, Mr. FAIRCLOTH, and Mr. BRYAN):

S. 445. A bill to expand credit availability by lifting the growth cap on limited service financial institutions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE LIMITED-PURPOSE BANK GROWTH CAP RELIEF ACT

• Mr. D'AMATO. Mr. President, I am today introducing the Limited-Purpose Bank Growth Cap Relief Act with Senators MACK, BENNETT, FAIRCLOTH, and BRYAN as cosponsors.

Mr. President, this bill would lift the 7-percent cap on the annual asset growth of limited-purpose banks. This growth cap, which was imposed temporary under the 1987 Competitive Equality Banking Act [CEBA], imposes an arbitrary and unnecessary regulatory burden. The removal of this cap would enhance the ability of limited-purpose banks to serve their customers, increase the availability of credit, and allow such banks to maintain assets on their balance sheets.

By way of background, the ownership of limited-purpose banks by certain non-banking holding companies was protected by a grandfather provision in CEBA. A grandfathered non-bank holding company was permitted to maintain its ownership of limited-purpose bank if the bank, first, did not both accept demand deposits and engage in commercial lending; second, limited its cross-marketing of financial services with affiliates; third, did not participate in activities in which the bank did not already engage prior to the passage of CEBA; fourth, did not provide daylight overdrafts to affiliates; and fifth, limited its annual asset growth to 7 percent. Except for these restrictions, limited-purpose banks were subjected to the same capital requirements, regulatory supervision, community reinvestment obligations, consumer protection laws and banking laws as full-service banks.

Mr. President, Congress intended these CEBA restrictions on limited-purpose banks to be only a temporary measure coexistent with the moratorium on the ability of the bank regulators to permit banks to engage in additional securities, insurance and real estate activities. The legislative history is clear that these restrictions would be reconsidered as part of comprehensive banking legislation. The overall purpose of CEBA was merely to preserve the opportunity for Congress—not the regulators or the courts—to define more precisely regulatory supervision over financial service institutions and competition among financial service providers.

Mr. President, Congress has not enacted comprehensive banking legislation, although I am hopeful this important national policy objective can be accomplished in this Congress with the enactment of S. 337, the Depository Institution Affiliation Act of 1995, which I introduced on February 2. Despite the significant changes in the laws and regulation governing the financial services industry over the past 8 years that have enhanced the diversification opportunities of banks, securities firms, insurance companies and other financial providers, the temporary and arbitrary restrictions CEBA imposed on limited purpose banks remain in place.

The number of limited-purpose banks has sharply dropped from nearly 160 to only 23. And the remaining institutions are forced to labor under severe restrictions that cannot be justified from a regulatory, public policy, or competitive standpoint.

Mr. President, limited service banks have been frozen in time. Congress has enacted numerous laws to render full-service banks more competitive, efficient and financially strong. The growth cap is no longer necessary from a regulatory perspective. In 1989 and 1991, Congress enacted legislation to increase the ability of regulators to ensure that all banks are run in a safe and sound manner, including the authority to freeze bank asset growth if capital levels decline significantly. And the restriction is not necessary from a competitive standpoint. The 103d Congress enacted interstate banking legislation. Finally, bank regulators and the courts continue to approve a growing list of securities, insurance, and other financial services activities for banks.

Mr. President, only a small category of specialized and limited purpose banks remain subject to onerous limitations on their growth, activities, products, and customer relationships. This situation is both unfair and unnecessary.

Mr. President, the Limited-Purpose Bank Growth Cap Relief Act would lift the 7-percent asset growth cap for limited-purpose banks. It would not remove any of the other CEBA restrictions and it would not allow the chartering of additional limited-purpose banks from a statutory requirements that has outlived its usefulness.

Mr. President, the repeal of the growth cap is entirely consistent with the objectives of the Depository Institutions Affiliation Act, which I introduced several weeks ago. Both bills seek to enhance the global competitiveness of the U.S. financial services industry and to ready the regulation of that industry for the next century.•

• Mr. BRYAN. Mr. President, today I am introducing legislation which repeals a restriction on the ability of limited-purpose banks to increase their assets by more than 7 percent per year. I believe that a removal of this restriction will promote increased credit availability, and will enhance the safety and soundness of the 22 institutions that are subject to the growth limitation.

This asset growth limitation was adopted in 1987, in legislation which stated that the restriction was being imposed temporarily. It remains in place nearly 8 years later, although the objectives it was intended to accomplish have been achieved by subsequent legislation, regulatory act on and judicial decisions. For example, supporters of this limitation said that it would help offset full-service banks' inability to establish interstate branches, an issue that has now been addressed.

Today, the growth restriction is not needed to protect the banks, their customers, or competitors. To the contrary, the growth cap harms these banks, by imposing enormous and unnecessary compliance costs and by forcing them to dispose of assets despite adverse marketplace conditions and negative safety and soundness implications. It hurts their depositors and borrowers—and other consumers—by reducing limited-purpose banks' ability to offer competitive banking services. And it provides no legitimate benefit to full service banks, whose ability to compete will not be impaired if a small number of limited-purpose banks are permitted to grow assets on their balance sheets rather than outside of the banks.

The legislation I am introducing addresses only one of the restrictions on limited-purpose banks: The 7-percent asset growth cap. These banks will continue to be subject to the same requirements as other banks, including the provision enacted in 1991 requiring the asset growth of any undercapitalized institution to be curtailed. And they will remain subject to additional restrictions unique to limited-purpose institutions, such as a limitation on engaging in new banking activities, and a restrictions on cross marketing with affiliates. The need to retain these restrictions is an issue that should be addressed in the near future, as we consider broader legislation addressing bank ownership, affiliations and permissible powers. But the asset growth restriction is a regulatory burden unrelated to these issues, and needs to be addressed now.

In the last Congress, a number of my colleagues on both sides of the aisle supported the removal of the 7-percent growth cap. I am especially pleased that the distinguished chairman of the Committee on Banking, Housing, and Urban Affairs and others are joining me today as original cosponsors of their bill. I look forward to prompt action on this legislation.•

By Mr. INOUYE (for himself, Mr. HATFIELD, Mr. LEVIN, Mr. D'AMATO, Mr. AKAKA, Mr. COCHRAN, Mr. DODD, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. HOLLINGS, Mr. KENNEDY, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. ROBB, and Mr. SIMON):

S. 446. A bill to require the Secretary of the Treasury to mint coins in commemoration of the public opening of the Franklin Delano Roosevelt Memorial in Washington, DC; to the Committee on Banking, Housing, and Urban Affairs.

THE FRANKLIN DELANO ROOSEVELT COMMEMORATIVE COIN ACT

• Mr. INOUYE. Mr. President, today, I introduce the Franklin Delano Roosevelt Commemorative Coin Act. I am joined by Senator HATFIELD, Cochair of the FDR Memorial Commission, Senators LEVIN and D'AMATO, FDR Memorial Commissioners, and Senators AKAKA, COCHRAN, DODD, GRASSLEY, HATCH, HEFLIN, HOLLINGS, KENNEDY, MIKULSKI, MOYNIHAN, ROBB, and SIMON.

The Franklin Delano Roosevelt Commemorative Coin Act authorizes the Secretary of the Treasury to mint 500,000 half dollar silver coins bearing the likeness of our great leader, President Franklin Delano Roosevelt, in the year 1997, to celebrate the public opening of the Franklin Delano Roosevelt Memorial in Washington, DC.

A surcharge of $3 will be applied to each coin. Proceeds from the sale of the coin will be used to finance the construction of the memorial. In 1992, the Congress mandated the FDR Memorial Commission to raise $10 million in private funds to supplement the Federal appropriations for the memorial.

The American people are deeply indebted to Franklin Delano Roosevelt for his leadership in America's struggle for peace, well-being, and the assurance of human dignity. Personally, I will never forget the pride I felt in looking to President Roosevelt as my Commander in Chief as he led us in the worldwide struggle for freedom during World War II.

All Americans enjoy more secure lives and a higher standard of living because of this great President. The Civilian Conservation Corps helped restore America's forests and land; the National Rural Electric Cooperative gave farmers a decent life; the Federal Highway Program developed a national system upon which the automobile and the trucking industries depend; the Works Progress Administration built schools and hospitals throughout the country and every American who receives Social Security owes a debt of gratitude to President Roosevelt.

The commemorative coin will do more than honor one of our greatest Americans; it will also help ensure that an extraordinary era of our Nation's history will live on as a legacy for future generations. I want to assure my colleagues that this bill will not place any burden on the American taxpayer. The profits generated by the sale of this coin will cover all costs incurred by the Department of the Treasury.

I urge my colleagues to support this important legislation which will honor one of America's greatest Presidents by establishing a magnificent and historic national memorial in our Nation's Capital.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "1997 Franklin Delano Roosevelt Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the people of the United States feel a deep debt of gratitude to Franklin Delano Roosevelt for his leadership in America's struggle for peace, well-being, and human dignity;

(2) Franklin Delano Roosevelt served his country as the thirty-second President from 1932 until his death in 1945, and is the only United States President elected to 4 terms in office;

(3) Franklin Delano Roosevelt served the State of New York as Governor from 1928 through 1932;

(4) Franklin Delano Roosevelt served his country as the United States Assistant Secretary of the Navy from 1913 through 1920;

(5) Franklin Delano Roosevelt piloted the American people through the economic chaos of the Great Depression;

(6) Franklin Delano Roosevelt, as our commander in chief, led the American people through the turmoil of World War II;

(7) Franklin Delano Roosevelt established Social Security, thus providing all Americans with a more abundant and secure life;

(8) Franklin Delano Roosevelt was the author of "The Four Freedoms: Freedom of Speech, Freedom of Worship, Freedom from Want, and Freedom from Fear";

(9) Franklin Delano Roosevelt was the founder of the National Foundation for Infantile Paralysis, parent organization of the March of Dimes;

(10) Franklin Delano Roosevelt was the chief architect of the United Nations;

(11) after many years of planning, the Franklin Delano Roosevelt Memorial will soon join the memorials of Washington, Jefferson, and Lincoln as a tribute to another great American leader;

(12) the Franklin Delano Roosevelt Memorial will be a series of 4 large outdoor rooms encompassing over 7 acres, and will be situated between the Lincoln and Jefferson memorials in Washington, D.C.; and

(13) in 1997, the Nation will celebrate the public opening of this magnificent memorial, honoring one of our greatest Presidents.

SEC. 3. COIN SPECIFICATIONS.

(a) Half Dollar Silver Coins.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 half dollar coins, each of which shall—

(1) weigh 12.50 grams;

(2) have a diameter of 30.61 millimeters; and

(3) contain 90 percent silver and 10 percent copper.

(b) Legal Tender.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) Numismatic Items.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 5. DESIGN OF COINS.

(a) Design Requirements.—

(1) In general.—The obverse side of each coin minted under this Act shall bear a likeness of Franklin Delano Roosevelt, the thirty-second President of the United States. The reverse side of each coin shall be emblematic of the Franklin Delano Roosevelt Memorial in Washington, D.C.

(2) Designation and inscriptions.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1997"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) Selection.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Franklin Delano Roosevelt Memorial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(c) Additions and Alterations.—No addition or alteration to the design selected in accordance with subsection (b) shall be made without the approval of the Franklin Delano Roosevelt Memorial Commission.

SEC. 6. ISSUANCE OF COINS.

(a) Quality and Mint Facility.—The coins authorized under this Act may be issued in uncirculated and proof qualities and shall be struck at the United States Bullion Depository at West Point.

(b) Period for Issuance.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 1997, and ending on December 31, 1997.

SEC. 7. SALE OF COINS.

(a) Sale Price.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) Bulk Sales.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) Prepaid Orders.—

(1) In general.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) Discount.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) Surcharges.—All sales shall include a surcharge of $3 per coin.

SEC. 8. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) In General.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) Equal Employment Opportunity.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 9. DISTRIBUTION OF SURCHARGES.

(a) In General.—All surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary as follows:

(1) An amount equal to 50 percent of the total surcharges shall be paid to the National Park Foundation Restricted Account for the Franklin Delano Roosevelt Memorial.

(2) An amount equal to 50 percent of the total surcharges shall be paid to the National Park Service Restricted Construction Account for the Franklin Delano Roosevelt Memorial.

(b) Audits.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the accounts referred to in subsection (a) as may be related to the expenditures of amounts paid under such subsection.

SEC. 10. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) Payment for Coins.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.●

By Mr. INHOFE (for himself and Mr. Nickles):

S. 447. A bill to provide tax incentives to encourage production of oil and gas within the United States, and for other purposes; to the Committee on Finance.

THE DOMESTIC OIL AND GAS PRODUCTION TAX INCENTIVES ACT

● Mr. INHOFE. Mr. President, I introduce legislation that is designed to help the domestic oil and gas industry not only in my own State of Oklahoma, but also the multitude of energy producing States throughout the United States. We are all very much aware that a healthy and competitive oil and gas industry is critically important to the U.S. economy. The petroleum industry alone is burdened with the highest tax rates in corporate America. Changes fostered by this bill only level the playing field with businesses throughout the United States that are trying to attract capital.

Through tax incentives for new and existing marginal wells, small producers in Oklahoma, as well as throughout the United States, will be the primary benefactors of my legislation. Independents find more than half of all new oil and natural gas reserves, and they drill almost 85 percent of all domestic wells—both exploratory and development—onshore and offshore.

The U.S. oil and gas industry is one of the Nation's major economic assets and has long been recognized as a world leader in size, scope, and technology. As such a vital national industry, we cannot afford to continue down the road we have become accustomed to for so long. We need to focus our energies inward and try to help the industry restimulate its growth. As a nation we must face up to the threat posed by mounting U.S. dependency on foreign energy imports from such regions as the Middle East.●

By Mr. GRASSLEY (for himself, Mr. Pryor and Mr. Reid):

S. 448. A bill to amend sections 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes, to the Committee on Finance.

THE CONTRIBUTIONS ON AID OF CONSTRUCTION LEGISLATION

• Mr. GRASSLEY. Mr. President, today I am here to reintroduce revenue neutral legislation to reinstate the exclusion from gross income of contributions in aid of construction—known as CIAC—to a water or wastewater utility. Joining me as cosponsors are Senators PRYOR and REID. Senator REID has taken the lead on this issue for a number of years.

This legislation has passed as an amendment in the Senate on two occasions. It is my hope that this year we will finally be successful in passing this legislation and having the President sign it into law.

Utilities are capital-incentive industries. Historically, they have received the capital for the construction of a utility extension directly from new customers, either through the developer or small municipality. The customer contributes this property, or a cash equivalent, to the utility. In this manner, existing customers will not face rate increases every time the utility gains new customers.

Prior to enactment of the Tax Reform Act of 1986, CIAC were not included in the gross income of an investor-owned utility and therefore were not subject to Federal income tax. In addition, utilities could not take tax depreciation or investment tax credits on CIAC. The 1986 act repealed section 118(b) of the Internal Revenue Code and thus subjected CIAC to tax as gross income. As we all remember, the 1986 act had two basic premises as its core. One, the tax base would be broadened and rates would be lowered. Two, cuts in individual rates would be offset by increases in the corporate tax burden. Clearly the authors of the 1986 act intended to ensure that the burden of corporate taxes was spread to all industries including utilities.

The removal of the exclusion from gross income of CIAC was intended as a tax on utilities. In practice, the CIAC tax is not a tax on utilities, but a tax on utility customers, primarily on developers and home buyers. State utility regulatory bodies, referred to as PUC's, generally require utilities to pass tax costs onto their customers. This is done in one of two ways. The most common approach is to require the new customer to pay the cost of the tax. But this is not a simple dollar-for-dollar charge. In order for utility to be made whole, it must pay on the CIAC, plus a tax on the tax. The phenomenon is known as gross-up. Depending on the State, a gross-up can add as much as 70 percent to the customer's cost of the contributions. In other words, a contribution of water mains valued at $100,000 would cost a customer $170,000.

Alternatively, the PUC's may allow the utility to recover the tax cost from existing customers or over a period of time from the new ratepayers. Not only does this defeat the purpose of a contribution, it also means a rate increase. And with many water utilities seeking rate increases of as much as 25 percent in order to pay for Safe Drinking Water Act requirements, additional rate increases can lead to calls for condemnation.

Whichever method is chosen, utilities do not pay the tax, they pass it on. Passing the tax on has detrimental effects, not only on the utility's ability to bring in new business, but on the environment, and most significantly, on the price of new housing.

Any developer faced with a large gross-up will have to evaluate its effect on the bottom line. Depending on conditions in the local housing market, a developer will ultimately pass the cost of the CIAC and the gross-up on to the new home buyer. The National Association of Home Builders has estimated that the CIAC tax can increase the cost of new housing by as much as $2,000 a unit. This additional cost is enough to end the dream of home ownership for a young couple.

The CIAC tax also has some important environmental effects. New customers can avoid paying the CIAC tax by building their own independent water systems. This leads to a proliferation of systems that may not have the financial, technical, or managerial ability to comply with the rigorous requirements of the Safe Drinking Water Act. Such systems are referred to as nonviable. According to the EPA, in fiscal year 1990, more than 90 percent of the violations of the Safe Drinking Water Act were made by systems serving less than 3,300 individuals. By encouraging the proliferation of nonviable systems, the CIAC tax frustrates the environmental policy goal of consolidating these systems into already existing, professionally managed systems.

Mr. President, section 118(b) of the Internal Revenue Code, exempting CIAC from the gross income, should be restored. It is a tax on capital, not income. It is not a tax on utilities, it is a tax on their customers. The CIAC tax increases the price of new homes, leads to the development of environmentally unsound water and sewage facilities, and reduces the tax base for all levels of government.

Most important in my opinion, elimination of the CIAC tax will help home buyers, not by fueling real estate speculation, but by removing another barrier to the purchase of a new home. Anyone who has bought a house recently knows you don't just pay the price of the house. You pay closing costs, title costs, title insurance fees, attorney's fees, and points. And when you buy a house hooked up to privately owned utilities, you also pay the CIAC tax—as much as $2,000 per unit.

This legislation was most recently estimated to cost $106 million over 5 years. I have included a revenue offset in the bill as introduced that raises $140 million over the same period, thus netting $34 million for the Federal Government. The offset extends depreciation on new water utility plant from 20 to 25 years and switches from 150 percent declining balance to straight-line depreciation. This offset was suggested by the investor-owned water industry and is indivisible from the substance of the legislation which is the restoration of the exclusion of CIAC from gross income. The industry suggested it only for the purpose of repealing the CIAC tax, and that is its only intended use.

Mr. President, repeal of the tax on CIAC for water and wastewater utilities will have a noticeable effect on both housing prices and environmental policy. It is supported by the National Association of Water Companies, the National Association of Regulatory Utility Commissioners, and the National Association of Home Builders. I urge my colleagues to cosponsor this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 448

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION.

(a) TREATMENT OF CONTRIBUTIONS IN AID OF CONSTRUCTION.—

(1) IN GENERAL.—Section 118 of the Internal Revenue Code of 1986 (relating to contributions to the capital of a corporation) is amended—

(A) by redesignating subsection (c) as subsection (e), and

(B) by inserting after subsection (b) the following new subsections:

"(c) SPECIAL RULES FOR WATER AND SEWAGE DISPOSAL UTILITIES.—

"(1) GENERAL RULE.—For purposes of this section, the term 'contribution to the capital of the taxpayer' includes any amount of money or other property received from any person (whether or not a shareholder) by a regulated public utility which provides water or sewerage disposal service if—

"(A) such amount is a contribution in aid of construction,

"(B) in the case of contribution of property other than water or sewerage disposal facilities, such amount meets the requirements of the expenditure rule of paragraph (2), and

"(C) such amount (or any property acquired or constructed with such amount) is not included in the taxpayer's rate base for ratemaking purposes.

"(2) EXPENDITURE RULE.—An amount meets the requirements of this paragraph if—

"(A) an amount equal to such amount is expended for the acquisition or construction of tangible property described in section 1231(b)—

"(i) which is the property for which the contribution was made or is of the same type as such property, and

"(ii) which is used predominantly in the trade or business of furnishing water or sewerage disposal services,

"(B) the expenditure referred to in subparagraph (A) occurs before the end of the second taxable year after the year in which such amount was received, and

"(C) accurate records are kept of the amounts contributed and expenditures made, the expenditures to which contributions are allocated, and the year in which the contributions and expenditures are received and made.

"(3) DEFINITIONS.—For purpose of this subsection—

"(A) CONTRIBUTION IN AID OF CONSTRUCTION.—The term 'contribution in aid of construction' shall be defined by regulations prescribed by the Secretary, except that such term shall not include amounts paid as service charges for starting or stopping services.

"(B) PREDOMINANTLY.—The term 'predominantly' means 80 percent or more.

"(C) REGULATED PUBLIC UTILITY.—The term 'regulated public utility' has the meaning given such term by section 7701(a)(33), except that such term shall not include any utility which is not required to provide water or sewerage disposal services to members of the general public in its service area.

"(4) DISALLOWANCE OF DEDUCTIONS AND INVESTMENT CREDIT; ADJUSTED BASIS.—Notwithstanding any other provision of this subtitle, no deduction or credit shall be allowed for, or by reason of, any expenditure which constitutes a contribution in aid of construction to which this subsection applies. The adjusted basis of any property acquired with contributions in aid of construction to which this subsection applies shall be zero.

"(d) STATUTE OF LIMITATIONS.—If the taxpayer for any taxable year treats an amount as a contribution to the capital of the taxpayer described in subsection (c), then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such amount shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of—

"(A) the amount of the expenditure referred to in subparagraph (A) of subsection (c)(2),

"(B) the taxpayer's intention not to make the expenditures referred to in such subparagraph, or

"(C) a failure to make such expenditure within the period described in subparagraph (B) of subsection (c)(2); and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(2) CONFORMING AMENDMENT.—Section 118(b) of such Code is amended by inserting "except as provided in subsection (c)," before "the term".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts received after the date of the enactment of this Act.

(b) RECOVERY METHOD AND PERIOD FOR WATER UTILITY PROPERTY.—

(1) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(F) Water utility property described in subsection (e)(5)."

(2) 25-YEAR RECOVERY PERIOD.—The table contained in section 168(c)(1) of such Code is amended by inserting the following item after the item relating to 20-year property:

"Water utility property .... 25 years".

(3) WATER UTILITY PROPERTY.—

(A) IN GENERAL.—Section 168(e) of such Code is amended by adding at the end the following new paragraph:

"(5) WATER UTILITY PROPERTY.—The term 'water utility property' means property—

"(A) which is an integral part of the gathering, treatment, or commercial distribution of water, and

"(B) which, without regard to this paragraph, would be 20-year property."

(B) CONFORMING AMENDMENT.—Subparagraph (F) of section 168(e)(3) of such Code is amended by adding at the end the following new sentence: "Such term does not include water utility property."

(4) ALTERNATIVE SYSTEM.—Clause (iv) of section 168(g)(2)(C) of such Code is amended by inserting ", water utility property," and "grading".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act, other than property placed in service pursuant to a binding contract in effect on such date and at all times thereafter before the property is placed in service.•

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 449. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; to the Committee on Armed Services.

ILLINOIS LAND CONSERVATION ACT

• Mr. SIMON. Mr. President, I rise today to introduce a most unique piece of legislation—the Illinois Land Conservation Act. This bill is the result of a broad-based, bipartisan consensus involving Federal, State, county and municipal concerns. It is a model for the land reuse challenges faced by so many communities throughout the country who are impacted by military base closures. I believe this to be one of the most significant conservation and economic development efforts ever attempted.

The closing of the Joliet Army Ammunition Plant in northeastern Illinois has provided a once-in-a-lifetime opportunity to recapture and preserve the tallgrass prairie that once covered most of the Prairie State.

The Illinois Land Conservation Act will create the Midewin National Tallgrass Prairie. The term "Midewin" commemorates the grant medicine society of the Potawatoni Indian Tribe—the original inhabitants of this area of Illinois. This prairie will comprise 19,000 acres of land, which is home to 16 State endangered and threatened species, all within an easy drive of metropolitan Chicago.

A 910-acre tract adjacent to the Midewin Prairie will become our country's largest national veterans' cemetery. Under the auspices of the Department of Veterans Affairs, this long-awaited site will provide a dignified place of rest for the many veterans in this region who sacrificed so much for our country.

The remaining acreage will be developed as an industrial park and a county landfill by the local communities.

Mr. President, the impact of the Joliet Arsenal closing has been profound on the entire region—particularly the small communities. The municipalities surrounding the arsenal have sustained the military presence here for the last 50 years, with several generations of families involve in the important work of defending our freedom. The Illinois Land Conservation Act is our opportunity to provide a true peace dividend to those who have supported this vital facility over the years.

I hope all my colleagues will support this innovative effort that recaptures an important part of our past, and addresses our needs for the future.•

• Ms. MOSELEY-BRAUN. Mr. President, I am pleased to join the distinguished senior Senator from Illinois, Senator SIMON, in introducing the Illinois Land Conservation Act of 1995.

This bill transfers land from the former Joliet Army Ammunition Plant to the Forest Service in order to establish a national grasslands. This bill also turns over land to the Veterans Administration for a new national veterans cemetery, and converts a number of former munitions production areas at the arsenal to local purposes.

Illinois is known as the Prairie State. This name commemorates a younger Illinois, a region of rolling prairies, seas of butterflies, grazing wildlife, and pioneers seeking out new lands to settle. At one time, more than 43,000 square miles of prairie existed in Illinois.

Over the course of 175 years, however, development has crept over these open lands. Farms, highways, and cities have been built to such an extent that today, only 0.01 percent of original prairie is left. Little evidence remains of, in the words of Charles Chamberlain, the author of the Illinois State song, this "wilderness of prairies."

That is one reason why the bill we are introducing today is important, Mr. President—so important that it has attracted support from a broad, bipartisan array of Illinois groups, from industrialists to environmentalists, and from researchers to hunters.

The Illinois Land Conservation Act is more than just a bill to create a national veterans cemetery, although it will address critical needs long awaited by Chicago veterans. It is more than just a bill to create a conservation area, although it will establish the largest in northern Illinois.

The Illinois Land Conservation Act, once enacted, gives Illinois a rare opportunity to preserve one of the last remaining areas of natural prairie. It's a once-in-a-lifetime chance to set aside such a large, undeveloped tract of property for environmental and recreational purposes. In a sense, this bill helps to protect a slice of ecological history, and in doing so, creates a legacy for future generations of Illinoisans to study and enjoy.

In April 1993, the U.S. Army, after announcing its intentions to close the Joliet Arsenal, approached former Illinois Congressman George Sangmeister to develop a concept plan for reutilization of the property. Congressman Sangmeister formed a commission of 24 local and Federal representatives, who, after several years of detailed planning, countless meetings, and extensive negotiations, carefully formulated and unanimously adopted a land reuse plan. The Illinois Land Conservation Act is the culmination of the commission's work.

At the heart of this bill is the creation of a 19,000-acre national grasslands, to be known as the Midewin National Tallgrass Prairie.

Located approximately 60 miles southwest of the Chicago metropolitan area, the grasslands will be a recreational treasure for city residents, accessible to millions for outdoor activities such as camping, horseback riding, hunting, hiking, and environmental education.

The grasslands designation also will help to protect and improve upon what already is considered an ecological wonderland. Hundreds of types of plants and animals are found here, including plants indigenous to the area for more than 10,000 years, and many threatened and endangered species. Many future projects are under consideration for the grasslands, such as the restoration of wetlands and the reintroduction of bison.

Another cornerstone of this bill is the establishment of a 1,000-acre national veterans cemetery. Identified as the leading location by the Veterans Administration, this cemetery, proposed for the center of the arsenal property, will be a landscape rich in streams, marshes, and hardwood forests—a magnificent and tranquil setting for veterans. When complete, the cemetery will honor over 92,000 Chicago veterans through the year 2030.

Mr. President, the Illinois Land Conservation Act is based upon a plan that has been carefully crafted by key representatives of the local community who have worked closely with Federal agencies and the State of Illinois. It deserves to move forward quickly.

This bill is an excellent opportunity to establish a monument to the fertile soils which cultivated the agricultural and commercial prosperity Illinois enjoys today.

It's an excellent opportunity to create the first and the largest tallgrass prairie ecosystem east of the Mississippi River.

And, most importantly, this bill is the last opportunity of our lifetimes to preserve a largely untouched, expansive tract of ecologically unique land in the State of Illinois. In the words of the Chicago Tribune, this is our chance to "save Joliet Arsenal land for the ages." I agree, and urge the quick approval of this bill.•

By Mr. NICKLES (for himself, Mr. INHOFE, and Mr. DOLE):

S. 451. A bill to encourage production of oil and gas within the United States by providing tax incentives and easing regulatory burdens, and for other purposes; to the Committee on Finance.

THE DOMESTIC OIL AND GAS PRODUCTION AND PRESERVATION ACT

• Mr. NICKLES. Mr. President, today I am introducing The Domestic Oil and Gas Production and Preservation Act along with Senators INHOFE and DOLE. A companion bill is also being introduced in the House by Congressman LUCAS and the rest of the Oklahoma delegation. We are introducing this bill today in an effort to help revive our domestic oil and gas industry which plays such a vital role in our national security. If our domestic industry is to survive domestically, then Congress needs to act now to provide incentives and regulatory reforms to encourage production in America.

Since the early 1980's oil and gas extraction employment has been cut in half. Employment in the oil and gas industry has declined by 500,000 since 1984. Imports of crude oil products have increased by 200,000 barrels a day over the last year and the import dependency ratio now exceeds 50 percent. In December 1994, crude oil production dropped to 5 million barrels per day in the lower 48 States which is the lowest level since 1946. We must take action now to save domestic production not only for the sake of the oil and gas industry but for the sake of the national security of this Nation.

I understand that today the administration released an investigative report conducted under section 232 of the Trade Expansion Act of 1962 on the threat to national security from the rising tide of oil imports. I have not yet seen this report but previous Commerce Department reports have found that oil imports threaten the national security and they were conducted when our foreign oil dependence was much lower. The question now is not whether oil imports threaten national security; everyone agrees that is the case. The question now is what are we going to do about it.

To date, the Clinton administration has done nothing to encourage domestic production. In fact, in 1993, crude oil reserves continued to decline by 788 million barrels. Natural gas reserves fell by 2,600 Bcf to 162,415 Bcf. I have been asking the Secretary of Energy for 3 years now, what she intends to do to help preserve the domestic oil and gas industry. In the President's 1996 budget there is nothing to aid this industry. That is why I am introducing this bill today.

The Domestic Oil and Gas Production and Preservation Act is intended to do just what its name implies—encourage oil and gas production and preserve and revitalize the domestic oil and gas industry. This bill would accomplish these goals in several ways. In title 1, we provide for tax incentives. One of the cornerstone pieces of this legislation is a tax credit to preserve marginal production and to encourage new drilling. This provision would make it more economical to keep a marginal well producing during times of low prices and would provide incentives to producers not to shut in their marginal wells due to economics resulting in a permanent loss of the remaining unproduced reserves.

This legislation also includes a tax credit for production from new wells that have been drilled after June 1, 1995. This provision is meant to encourage domestic exploration which has fallen dramatically in recent years. During the early 1980's the average rig count was around 2,929. In 1994 the rig count averaged 775. This is less than one-third the average during the boom years of the 1980's. If domestic production does not increase, our reliance on imported oil will only continue to grow.

In addition to the tax credit, this bill provides for several depletion reforms. There are provisions to repeal the net income limitation for computing percentage depletion, exclude marginal production from the current 1,000 barrels per day limitation, repeal the property allocation rule for computing depletion, and freeze the percentage depletion rate at current marginal levels.

Until 1976, percentage depletion was designed to operate as risk-weighted depreciation for mineral properties. Since then, the multiple limitations on the availability of percentage depletion as an effective capital cost recovery provision has diminished our proven reserves. The time has come to revise U.S. energy depletion policy. The circumstances that prevail in today's crude oil market are precisely the opposite of those that led to change to the depletion deduction in 1976. The world crude oil market is now glutted with overproduction from Kuwait and unsold Iraqi supplies are threatening another oil market crash. When prices decline, many wells are lost forever and many other wells cannot be drilled.

Percentage depletion should be reformed so that more U.S. production qualifies. Ensuring an adequate depletion allowance can reverse the falling U.S. energy resource base. These reforms will encourage new technology investments, provide economic stimulus to a major U.S. industry and create new, high-quality jobs.

In addition to the tax credit and the percentage depletion reforms, this legislation provides that geological and geophysical expenditures shall be treated as deductible expenses, it expands the existing enhanced oil recovery tax credit and makes it AMT creditable, it provides an election for optional 5-year write-off of intangible drilling costs, and it increases the amount of intangible drilling costs that can be expended without being treated as a preference item for AMT purposes. All these provisions will help encourage continued production from marginal wells, thus saving a valuable national resource from being lost.

Title II of this legislation calls for several regulatory reforms. It has provisions that address the enormous and unnecessary financial responsibility provisions of the Oil Pollution Act of 1990 [OPA '90]. This bill clarifies that the definition of "navigable waters" under OPA '90 only applies to true "offshore facilities," not facilities onshore. It also changes the amount of financial responsibility required under OPA '90 from $150 to $35 million with discretion given to the Secretary to establish a higher amount (but not higher than $150 million) taking into account factors relevant to risks posed by a facility.

This legislation also addresses two oil and gas royalty issues. First, it establishes a 6-year statute of limitations on actions commenced by the United States for recovery of royalties due under an oil and gas lease on Federal lands unless a lessee has made a false or fraudulent statement with the intent to evade the payment of royalties due. This provision is intended to give some finality to the royalty collection process and require the government to be prompt and timely in their pursuit of any underpayment of royalties. Second, it provides the Secretary discretion to lower royalties on oil and gas leases on Federal lands. This is intended to be used to help marginal wells, when prices are low, from being shut in as uneconomical.

In addition to the aforementioned regulatory reforms, this bill addresses two critical areas of reform, private property rights and risk assessment. Private property rights are protected by the fifth amendment to the U.S. Constitution. Unfortunately, the Federal bureaucracy has increasingly used environmental laws to trample on these rights. Two of the worst offenders are the Endangered Species Act and the wetlands permitting program established by section 404 of the Clean Water Act. This legislation incorporates the provisions of a separate bill that I have introduced for the last 3 years entitled the Property Owners Bill of Rights. The provisions of this bill require a landowner's written consent before Federal agents could enter private property, guarantee a landowner's access to information gathered about their property, guarantee a landowner's right to dispute that information's accuracy, guarantee a landowner's right to appeal decisions made under endangered species or wetlands law, and guarantee that a landowner be compensated if federal actions under the Endangered Species Act or wetlands permitting program devalue their property by 33 percent or more.

The risk assessment provisions of this bill requires Federal agencies to use sound scientific data when risk criteria and benefits are determined. It also requires the agencies to make public the scientific basis for each risk criteria and full disclosure of all assumptions and uncertainties. It also provides for a petition process to require an agency to review an existing regulation to ensure that benefits exceed the costs.

Finally, title III of this bill abolishes the existing prohibitions against the export of domestic crude oil production. This provision would also help encourage production in the lower 48 States.

Together, the provisions of this bill provide much needed incentives and regulatory relief to an industry that is vital to our national security. The sooner the administration and Congress acknowledge the critical importance of the domestic oil and gas industry and stop burdening this industry with high taxes and regulatory obstacles, the sooner we can take the necessary actions to preserve and revitalize this important sector of our economy.•

By Mr. MOYNIHAN (for himself and Mr. DASCHLE) (by request):

S. 452. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the middle class; to the Committee on Finance.

THE MIDDLE-CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995

Mr. MOYNIHAN. Mr. President, as ranking member of the Committee on Finance, I am today joining with the Democratic leader in introducing a bill, at the request of the administration, containing the statutory provisions that implement the middle-income tax cuts contained in the President's fiscal year 1996 budget submission. Secretary Rubin appeared before the Finance Committee last week to testify concerning these proposals.

By making statutory language available early in the legislative process, the administration has aided the process of Senate consideration of these provisions. This legislation also will serve to answer many of the questions that the public may have with respect to the President's tax proposals.

I want to thank the administration for providing this level of detail in so timely a fashion, and I look forward to working with them on these proposals in the coming months.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Middle-Class Bill of Rights Tax Relief Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code.

TITLE I—MIDDLE CLASS TAX RELIEF

Sec. 101. Credit for families with young children.

Sec. 102. Deduction for higher education expenses.

TITLE II—PROVISIONS RELATING TO INDIVIDUAL RETIREMENT PLANS

Subtitle A—Retirement Savings Incentives

PART I—IRA DEDUCTION

Sec. 201. Increase in income limitations.

Sec. 202. Inflation adjustment for deductible amount and income limitations.

Sec. 203. Coordination of IRA deduction limit with elective deferral limit.

PART II—NONDEDUCTIBLE TAX-FREE IRA'S

Sec. 211. Establishment of nondeductible tax-free individual retirement accounts.

Subtitle B—Penalty-Free Distributions

Sec. 221. Distributions from certain plans may be used without penalty to purchase first homes, to pay higher education or financially devastating medical expenses, or by the unemployed.

Sec. 222. Contributions must be held at least 5 years in certain cases.

TITLE I—MIDDLE CLASS TAX RELIEF

SEC. 101. CREDIT FOR FAMILIES WITH YOUNG CHILDREN.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 (relating to nonrefundable personal credits) is amended by inserting after section 22 the following new section:

"SEC. 23. FAMILIES WITH YOUNG CHILDREN.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to $300 multiplied by the number of eligible children of the taxpayer for the taxable year.

"(2) INCREASE IN CREDIT.—In the case of taxable years beginning after December 31, 1998, paragraph (1) shall be applied by substituting '$500' for '$300'.

"(b) LIMITATIONS.—

"(1) PHASE-OUT OF CREDIT.—

"(A) IN GENERAL.—The amount of the credit allowed under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the credit (determined without regard to this subsection) as—

"(i) the excess of—

"(I) the taxpayer's adjusted gross income for such taxable year, over

"(II) $60,000, bears to

"(ii) $15,000.

Any amount determined under this subparagraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(C) ADJUSTED GROSS INCOME.—For purposes of this paragraph, adjusted gross income of any taxpayer shall be increased by any amount excluded from gross income under section 911, 931, or 933.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed by subsection (a) for the taxable year (after the application of paragraph (1)) shall not exceed the excess (if any) of—

"(A) the taxpayer's regular tax liability for the taxable year reduced by the credits allowable against such tax under this subpart (other than this section) determined without regard to section 26, over

"(B) the sum of—

"(i) the taxpayer's tentative minimum tax for such taxable year, plus

"(ii) the credit allowed for the taxable year under section 32.

"(c) ELIGIBLE CHILD.—For purposes of this section, the term 'eligible child' means any child (as defined in section 151(c)(3)) of the taxpayer—

"(1) who has not attained age 13 as of the close of the calendar year in which the taxable year of the taxpayer begins,

"(2) who is a dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151 for such taxable year, and

"(3) whose TIN is included on the taxpayer's return for such taxable year.

"(d) INFLATION ADJUSTMENTS.—In the case of a taxable year beginning in a calendar year after 1999—

"(1) IN GENERAL.—The $500 and $60,000 amounts contained in subsections (a)(2) and (b)(2) shall each be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1998' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) INCREASE IN PHASEOUT RANGE.—If the amount applicable under subsection (a) for any taxable year exceeds $500, subsection (b)(2)(B) shall be applied by substituting an amount equal to 30 times such applicable amount for '$15,000'.

"(3) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $100, such amount shall be rounded to the next lowest multiple of $100.

"(e) SPECIAL RULES.—

"(1) AMOUNT OF CREDIT MAY BE DETERMINED UNDER TABLES.—The amount of the credit allowed by this section may be determined under tables prescribed by the Secretary.

"(2) CERTAIN OTHER RULES APPLY.—Rules similar to the rules of subsections (c)(1)(E) and (F), (d), and (e) of section 32 shall apply for purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 22 the following new item:

"Sec. 23. Families with young children."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 102. DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) DEDUCTION ALLOWED.— Part VII of subchapter B of chapter 1 (relating to additional itemized deductions for individuals) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. HIGHER EDUCATION TUITION AND FEES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amount of qualified higher education expenses paid by the taxpayer during the taxable year.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—

"(A) IN GENERAL.—The amount allowed as a deduction under subparagraph (a) for any taxable year shall not exceed $10,000.

"(B) PHASE-IN.—In the case of taxable years beginning in 1996, 1997, or 1998, '$5,000' shall be substituted for '$10,000' in subparagraph (A).

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under paragraph (1) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $70,000 ($100,000 in the case of a joint return), bears to

"(ii) $20,000.

"(C) MODIFIED ADJUSTED GROSS INCOME.—The term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 219 and 469.

For purposes of sections 86, 135, 219, and 469, adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(D) INFLATION ADJUSTMENTS.—

"(i) IN GENERAL.—In the case of a taxable year beginning after 1999, the $70,000 and $100,000 amounts described in subparagraph (B) shall each be increased by an amount equal to—

"(I) such dollar amounts, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1998' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $5,000, such amount shall be rounded to the next lowest multiple of $5,000.

"(c) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of this section—

"(1) QUALIFIED HIGHER EDUCATION EXPENSES.—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees charged by an educational institution and required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) any dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151,

as an eligible student at an institution of higher education.

"(B) EXCEPTION FOR EDUCATION INVOLVING SPORTS, ETC.—Such term does not include expenses with respect to any course or other education involving sports, games, or hobbies, unless such expenses—

"(i) are part of a degree program, or

"(ii) are deductible under this chapter without regard to this section.

"(C) EXCEPTION FOR NONACADEMIC FEES.—Such term does not include any student activity fees, athletic fees, insurance expenses, or other expenses unrelated to a student's academic course of instruction.

"(D) ELIGIBLE STUDENT.—For purposes of subparagraph (A), the term 'eligible student' means a student who—

"(i) meets the requirements of section 484(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(1)), as in effect on the date of the enactment of this section, and

"(ii)(I) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education, or

"(II) is enrolled in a course which enables the student to improve the student's job skills or to acquire new job skills.

"(E) IDENTIFICATION REQUIREMENT.—No deduction shall be allowed under subsection (a) to a taxpayer with respect to an eligible student unless the taxpayer includes the name, age, and taxpayer identification number of such eligible student on the return of tax for the taxable year.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means an institution which—

"(A) is described in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088), as in effect on the date of the enactment of this section, and

"(B) is eligible to participate in programs under title IV of such Act.

"(d) SPECIAL RULES.—

"(1) NO DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowed under subsection (a) for qualified higher education expenses with respect to which a deduction is allowable to the taxpayer under any other provision of this chapter unless the taxpayer irrevocably waives his right to the deduction of such expenses under such other provision.

"(B) DEPENDENTS.—No deduction shall be allowed under subsection (a) to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(C) SAVINGS BOND EXCLUSION.—A deduction shall be allowed under subsection (a) for qualified higher education expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135 for the taxable year.

"(2) LIMITATION ON TAXABLE YEAR OF DEDUCTION.—

"(A) IN GENERAL.—A deduction shall be allowed under subsection (a) for any taxable year only to the extent the qualified higher education expenses are in connection with enrollment at an institution of higher education during the taxable year.

"(B) CERTAIN PREPAYMENTS ALLOWED.—Subparagraph (A) shall not apply to qualified higher education expenses paid during a taxable year if such expenses are in connection with an academic term beginning during such taxable year or during the 1st 3 months of the next taxable year.

"(3) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS BENEFITS.—The amount of qualified higher education expenses otherwise taken into account under subsection (a) with respect to the education of an individual shall be reduced (before the application of subsection (b)) by the sum of the amounts received with respect to such individual for the taxable year as—

"(A) a qualified scholarship which under section 117 is not includable in gross income,

"(B) an educational assistance allowance under chapter 30, 31, 32, 34, or 35 of title 38, United States Code, or

"(C) a payment (other than a gift, bequest, devise, or inheritance within the meaning of section 102(a)) for educational expenses, or attributable to enrollment at an eligible educational institution, which is exempt from income taxation by any law of the United States.

"(4) NO DEDUCTION FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(5) NONRESIDENT ALIENS.—If the taxpayer is a nonresident alien individual for any portion of the taxable year, this section shall apply only if such individual is treated as a resident alien of the United States for purposes of this chapter by reason of an election under subsection (g) or (h) of section 6013.

"(6) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this section, including regulations requiring recordkeeping and information reporting."

(b) DEDUCTION ALLOWED IN COMPUTING ADJUSTED GROSS INCOME.—Section 62(a) is amended by inserting after paragraph (15) the following new paragraph:

"(16) HIGHER EDUCATION TUITION AND FEES.—The deduction allowed by section 220."

(c) CONFORMING AMENDMENT.—The table of sections for part VII of subchapter B of chapter 1 is amended by striking the item relating to section 220 and inserting:

"Sec. 220. Higher education tuition and fees.
"Sec. 221. Cross reference."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 1995.

TITLE II—PROVISIONS RELATING TO INDIVIDUAL RETIREMENT PLANS

Subtitle A—Retirement Savings Incentives

PART I—IRA DEDUCTION

SEC. 201. INCREASE IN INCOME LIMITATIONS.

(a) IN GENERAL.—Subparagraph (B) of section 219(g)(3) is amended—

(1) by striking "$40,000" in clause (i) and inserting "$80,000", and

(2) by striking "$25,000" in clause (ii) and inserting "$50,000".

(b) PHASE-OUT OF LIMITATIONS.—Clause (ii) of section 219(g)(2)(A) is amended by striking "$10,000" and inserting "an amount equal to 10 times the dollar amount applicable for the taxable year under subsection (b)(1)(A)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 202. INFLATION ADJUSTMENT FOR DEDUCTIBLE AMOUNT AND INCOME LIMITATIONS.

(a) IN GENERAL.—Section 219 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) COST-OF-LIVING ADJUSTMENTS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1996, each dollar amount to which this subsection applies shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) DOLLAR AMOUNTS TO WHICH SUBSECTION APPLIES.—This subsection shall apply to—

"(A) the $2,000 amounts under subsection (b)(1)(A) and (c), and

"(B) the applicable dollar amounts under subsection (g)(3)(B).

"(3) ROUNDING RULES.—

"(A) DEDUCTION AMOUNTS.—If any amount referred to in paragraph (2)(A) as adjusted under paragraph (1) is not a multiple of $500, such amount shall be rounded to the next lowest multiple of $500.

"(B) APPLICABLE DOLLAR AMOUNTS.—If any amount referred to in paragraph (2)(B) as adjusted under paragraph (1) is not a multiple of $5,000, such amount shall be rounded to the next lowest multiple of $5,000."

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 219(c)(2)(A) is amended to read as follows:

"(i) the sum of $250 and the dollar amount in effect for the taxable year under subsection (b)(1)(A), or".

(2) Section 408(a)(1) is amended by striking "in excess of $2,000 on behalf of any individual" and inserting "on behalf of any individual in excess of the amount in effect for such taxable year under section 219(b)(1)(A)".

(3) Section 408(b)(2)(B) is amended by striking "$2,000" and inserting "the dollar amount in effect under section 219(b)(1)(A)".

(4) Subparagraph (A) of section 408(d)(5) is amended by striking "$2,250" and inserting "the dollar amount in effect for the taxable year under section 219(c)(2)(A)(i)".

(5) Section 408(j) is amended by striking "$2,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 203. COORDINATION OF IRA DEDUCTION LIMIT WITH ELECTIVE DEFERRAL LIMIT.

(a) IN GENERAL.—Section 219(b) (relating to maximum amount of deduction) is amended by adding at the end the following new paragraph:

"(4) COORDINATION WITH ELECTIVE DEFERRAL LIMIT.—The amount determined under paragraph (1) or subsection (c)(2) with respect to any individual for any taxable year shall not exceed the excess (if any) of—

"(A) the limitation applicable for the taxable year under section 402(g)(1), over

"(B) the elective deferrals (as defined in section 402(g)(3)) of such individual for such taxable year."

(b) CONFORMING AMENDMENT.—Section 219(c) is amended by adding at the end the following new paragraph:

"(3) CROSS REFERENCE.—

"For reduction in paragraph (2) amount, see subsection (b)(4)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

PART II—NONDEDUCTIBLE TAX-FREE IRA'S

SEC. 211. ESTABLISHMENT OF NONDEDUCTIBLE TAX-FREE INDIVIDUAL RETIREMENT ACCOUNTS.

(a) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 (relating to pension, profit-sharing, stock bonus plans, etc.) is amended by inserting after section 408 the following new section:

"SEC. 408A. SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.

"(a) GENERAL RULE.—Except as provided in this chapter, a special individual retirement account shall be treated for purposes of this title in the same manner as an individual retirement plan.

"(b) SPECIAL INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this title, the term 'special individual retirement account' means an individual retirement plan which is designated at the time of establishment of the plan as a special individual retirement account.

"(c) TREATMENT OF CONTRIBUTIONS.—

"(1) NO DEDUCTION ALLOWED.—No deduction shall be allowed under section 219 for a contribution to a special individual retirement account.

"(2) CONTRIBUTION LIMIT.—The aggregate amount of contributions for any taxable year to all special individual retirement accounts maintained for the benefit of an individual shall not exceed the excess (if any) of—

"(A) the maximum amount allowable as a deduction under section 219 with respect to such individual for such taxable year, over

"(B) the amount so allowed.

"(3) SPECIAL RULES FOR QUALIFIED TRANSFERS.—

"(A) IN GENERAL.—No rollover contribution may be made to a special individual retirement account unless it is a qualified transfer.

"(B) LIMIT NOT TO APPLY.—The limitation under paragraph (2) shall not apply to a qualified transfer to a special individual retirement account.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as provided in this subsection, any amount paid or distributed out of a special individual retirement account shall not be included in the gross income of the distributee.

"(2) EXCEPTION FOR EARNINGS ON CONTRIBUTIONS HELD LESS THAN 5 YEARS.—

"(A) IN GENERAL.—Any amount distributed out of a special individual retirement account which consists of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution shall be included in the gross income of the distributee for the taxable year in which the distribution occurs.

"(B) ORDERING RULE.—

"(i) FIRST-IN, FIRST-OUT RULE.—Distributions from a special individual retirement account shall be treated as having been made—

"(I) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(II) then from other contributions (and earnings allocable thereto) in the order in which made.

"(ii) ALLOCATIONS BETWEEN CONTRIBUTIONS AND EARNINGS.—Any portion of a distribution allocated to a contribution (and earnings allocable thereto) shall be treated as allocated first to the earnings and then to the contribution.

"(iii) ALLOCATION OF EARNINGS.—Earnings shall be allocated to a contribution in such manner as the Secretary may by regulations prescribe.

"(iv) CONTRIBUTIONS IN SAME YEAR.—Except as provided in regulations, all contributions made during the same taxable year may be treated as 1 contribution for purposes of this subparagraph.

"(C) CROSS REFERENCE.—

"For additional tax for early withdrawal, see section 72(t).

"(3) QUALIFIED TRANSFER.—

"(A) IN GENERAL.—Paragraph (2) shall not apply to any distribution which is transferred in a qualified transfer to another special individual retirement account.

"(B) CONTRIBUTION PERIOD.—For purposes of paragraph (2), the special individual retirement account to which any contributions are transferred shall be treated as having held such contributions during any period such contributions were held (or are treated as held under this subparagraph) by the special individual retirement account from which transferred.

"(4) SPECIAL RULES RELATING TO CERTAIN TRANSFERS.—

"(A) IN GENERAL.—Notwithstanding any other provision of law, in the case of a qualified transfer to a special individual retirement account from an individual retirement plan which is not a special individual retirement account—

"(i) there shall be included in gross income any amount which, but for the qualified transfer, would be includible in gross income, but

"(ii) section 72(t) shall not apply to such amount.

"(B) TIME FOR INCLUSION.—In the case of any qualified transfer which occurs before January 1, 1997, any amount includible in gross income under subparagraph (A) with respect to such contribution shall be includible ratably over the 4-taxable year period beginning in the taxable year in which the amount was paid or distributed out of the individual retirement plan.

"(e) QUALIFIED TRANSFER.—For purposes of this section

"(1) IN GENERAL.—The term 'qualified transfer' means a transfer to a special individual retirement account from another such account or from an individual retirement plan but only if such transfer meets the requirements of section 408(d)(3).

"(2) LIMITATION.—A transfer otherwise described in paragraph (1) shall not be treated as a qualified transfer if the taxpayer's adjusted gross income for the taxable year of the transfer exceeds the sum of—

"(A) the applicable dollar amount, plus

"(B) the dollar amount applicable for the taxable year under section 219(g)(2)(A)(ii).

This paragraph shall not apply to a transfer from a special individual retirement account to another special individual retirement account.

"(3) DEFINITIONS.—For purposes of this subsection, the terms 'adjusted gross income' and 'applicable dollar amount' have the meanings given such terms by section 219(g)(3), except subparagraph (A)(ii) thereof shall be applied without regard to the phrase 'or the deduction allowable under this section'."

(b) EARLY WITHDRAWAL PENALTY.—Section 72(t) is amended by adding at the end the following new paragraph:

"(6) RULES RELATING TO SPECIAL INDIVIDUAL RETIREMENT ACCOUNTS.—In the case of a special individual retirement account under section 408A—

"(A) this subsection shall only apply to distributions out of such account which consist of earnings allocable to contributions made to the account during the 5-year period ending on the day before such distribution, and

"(B) paragraph (2)(A)(i) shall not apply to any distribution described in subparagraph (A)."

(c) EXCESS CONTRIBUTIONS.—Section 4973(b) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1)(B) and (2)(C), the amount allowable as a deduction under section 219 shall be computed without regard to section 408A."

(d) CONFORMING AMENDMENT.—The table of sections for subpart A of part I of subchapter D of chapter 1 is amended by inserting after the item relating to section 408 the following new item:

"Sec. 408A. Special individual retirement accounts."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

Subtitle B—Penalty-Free Distributions

SEC. 221. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PURCHASE FIRST HOMES, TO PAY HIGHER EDUCATION OR FINANCIALLY DEVASTATING MEDICAL EXPENSES, OR BY THE UNEMPLOYED.

(a) IN GENERAL.—Paragraph (2) of section 72(t) (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR FIRST HOME PURCHASES OR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan—

"(i) which are qualified first-time homebuyer distributions (as defined in paragraph (7)); or

"(ii) to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (8)) of the taxpayer for the taxable year."

(b) FINANCIALLY DEVASTATING MEDICAL EXPENSES.—

(1) IN GENERAL.—Section 72(t)(3)(A) is amended by striking "(B),".

(2) CERTAIN LINEAL DESCENDANTS AND ANCESTORS TREATED AS DEPENDENTS AND LONG-TERM CARE SERVICES TREATED AS MEDICAL CARE.—Subparagraph (B) of section 72(t)(2) is amended by striking "medical care" and all that follows and inserting "medical care determined—

"(i) without regard to whether the employee itemizes deductions for such taxable year, and

"(ii) in the case of an individual retirement plan—

"(I) by treating such employee's dependents as including all children, grandchildren and ancestors of the employee or such employee's spouse and

"(II) by treating qualified long-term care services (as defined in paragraph (9)) as medical care for purposes of this subparagraph (B)."

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 72(t)(2) is amended by striking "or (C)" and inserting ", (C) or (D)".

(c) DEFINITIONS.—Section 72(t), as amended by this Act, is amended by adding at the end the following new paragraphs:

"(7) QUALIFIED FIRST-TIME HOMEBUYER DISTRIBUTIONS.—For purposes of paragraph (2)(D)(i)—

"(A) IN GENERAL.—The term 'qualified first-time homebuyer distribution' means any payment or distribution received by an individual to the extent such payment or distribution is used by the individual before the close of the 60th day after the day on which such payment or distribution is received to pay qualified acquisition costs with respect to a principal residence of a first-time homebuyer who is such individual or the spouse child (as defined in section 151(c)(3)), or grandchild of such individual.

"(B) QUALIFIED ACQUISITION COSTS.—For purposes of this paragraph, the term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. Such term includes any usual or reasonable settlement, financing, or other closing costs.

"(C) FIRST-TIME HOMEBUYER; OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if—

"(I) such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this paragraph applies, and

"(II) subsection (h) or (k) of section 1034 did not suspend the running of any period of time specified in section 1034 with respect to such individual on the day before the date the distribution is applied pursuant to subparagraph (A).

In the case of an individual described in section 143(i)(1)(C) for any year, an ownership interest shall not include any interest under a contract of deed described in such section. An individual who loses an ownership interest in a principal residence incident to a divorce or legal separation is deemed for purposes of this subparagraph to have had no ownership interest in such principal residence within the period referred to in subparagraph (A)(II).

"(ii) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 1034.

"(iii) DATE OF ACQUISITION.—The term 'date of acquisition' means the date—

"(I) on which a binding contract to acquire the principal residence to which subparagraph (A) applies is entered into, or

"(II) on which construction or reconstruction of such a principal residence is commenced.

"(D) SPECIAL RULE WHERE DELAY IN ACQUISITION.—If any distribution from any individual retirement plan fails to meet the requirements of subparagraph (A) solely by reason of a delay or cancellation of the purchase or construction of the residence, the amount of the distribution may be contributed to an individual retirement plan as provided in section 408(d)(3)(A)(i) (determined by substituting '120 days' for '60 days' in such section), except that—

"(i) section 408(d)(3)(B) shall not be applied to such contribution, and

"(ii) such amount shall not be taken into account in determining whether section 408(d)(3)(A)(i) applies to any other amount.

"(8) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition and fees required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse,

"(iii) a dependent of the taxpayer with respect to whom the taxpayer is allowed a deduction under section 151, or

"(iv) the taxpayer's child (as defined in section 151(c)(3)) or grandchild, as an eligible student at an institution of higher education (as defined in paragraphs (1)(D) and (2) of section 220(c)).

"(B) EXCEPTIONS.—The term 'qualified higher education expenses' does not include expenses described in subparagraphs (B) and (C) of section 220(c)(1).

"(C) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135.

"(9) QUALIFIED LONG-TERM CARE SERVICES.—For purposes of paragraph (2)(B)—

"(A) IN GENERAL.—The term 'qualified long-term care services' means necessary diagnostic, curing, mitigating, treating, preventive, therapeutic, and rehabilitative services, and maintenance and personal care services (whether performed in a residential or nonresidential setting) which—

"(i) are required by an individual during any period the individual is an incapacitated individual (as defined in subparagraph (B)),

"(ii) have as their primary purpose—

"(I) the provision of needed assistance with 1 or more activities of daily living (as defined in subparagraph (C)), or

"(II) protection from threats to health and safety due to severe cognitive impairment, and

"(iii) are provided pursuant to a continuing plan of care prescribed by a licensed professional (as defined in subparagraph (D)).

"(B) INCAPACITATED INDIVIDUAL.—The term 'incapacitated individual' means any individual who—

"(i) is unable to perform, without substantial assistance from another individual (including assistance involving cueing or substantial supervision), at least 2 activities of daily living as defined in subparagraph (C), or

"(ii) has severe cognitive impairment as defined by the Secretary in consultation with the Secretary of Health and Human Services.

Such term shall not include any individual otherwise meeting the requirements of the preceding sentence unless a licensed professional within the preceding 12-month period has certified that such individual meets such requirements.

"(C) ACTIVITIES OF DAILY LIVING.—Each of the following is an activity of daily living:

"(i) Eating.

"(ii) Toileting.

"(iii) Transferring.

"(iv) Bathing.

"(v) Dressing.

"(D) LICENSED PROFESSIONAL.—The term 'licensed professional' means—

"(i) a physician or registered professional nurse, or

"(ii) any other individual who meets such requirements as may be prescribed by the Secretary after consultation with the Secretary of Health and Human Services.

"(E) CERTAIN SERVICES NOT INCLUDED.—The term 'qualified long-term care services' shall not include any services provided to an individual—

"(i) by a relative (directly or through a partnership, corporation, or other entity) unless the relative is a licensed professional with respect to such services, or

"(ii) by a corporation or partnership which is related (within the meaning of section 267(b) or 707(b)) to the individual.

For purposes of this subparagraph, the term 'relative' means an individual bearing a relationship to the individual which is described in paragraphs (1) through (8) of section 152(a)."

(d) PENALTY-FREE DISTRIBUTIONS FOR CERTAIN UNEMPLOYED INDIVIDUALS.—Paragraph (2) of section 72(t) is amended by adding at the end the following new subparagraph:

"(E) DISTRIBUTIONS TO UNEMPLOYED INDIVIDUALS.—A distribution from an individual retirement plan to an individual after separation from employment, if—

"(i) such individual has received unemployment compensation for 12 consecutive weeks under any Federal or State unemployment compensation law by reason of such separation, and

"(ii) such distributions are made during any taxable year during which such unemployment compensation is paid or the succeeding taxable year."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1995.

SEC. 222. CONTRIBUTIONS MUST BE HELD AT LEAST 5 YEARS IN CERTAIN CASES.

(a) IN GENERAL.—Section 72(t), as amended by this Act, is amended by adding at the end the following new paragraph:

"(10) CERTAIN CONTRIBUTIONS MUST BE HELD 5 YEARS.—

"(A) IN GENERAL.—Paragraph (2)(A)(i) shall not apply to any amount distributed out of an individual retirement plan (other than a special individual retirement account) which is allocable to contributions made to the plan during the 5-year period ending on the date of such distribution (and earnings on such contributions).

"(B) ORDERING RULE.—For purposes of this paragraph, distributions shall be treated as having been made—

"(i) first from the earliest contribution (and earnings allocable thereto) remaining in the account at the time of the distribution, and

"(ii) then from other contributions (and earnings allocable thereto) in the order in which made.

Earnings shall be allocated to contributions in such manner as the Secretary may prescribe.

"(C) SPECIAL RULE FOR ROLLOVERS.—

"(i) PENSION PLANS.—Subparagraph (A) shall not apply to distributions out of an individual retirement plan which are allocable to rollover contributions to which section 402(c), 403(a)(4), or 403(b)(8) applied.

"(ii) CONTRIBUTION PERIOD.—For purposes of subparagraph (A), amounts shall be treated as having been held by a plan during any period such contributions were held (or are treated as held under this clause) by any individual retirement plan from which transferred.

"(D) SPECIAL ACCOUNTS.—For rules applicable to special individual retirement accounts under section 408A, see paragraph (8)."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions (and earnings allocable thereto) which are made after December 31, 1995.

PRESIDENTIAL MESSAGE REGARDING THE MIDDLE-CLASS BILL OF RIGHTS

To the Congress of the United States:

I am pleased to transmit today for your immediate consideration and enactment the "Middle-Class Bill of Rights Tax Relief Act of 1995." I am also sending you an explanation of the revenue proposals of this legislation.

This bill is the next step in my Administration's continuing effort to raise living standards for working families and help restore the American Dream for all our people.

For 2 years, we have worked hard to strengthen our economy. We worked with the last Congress to enact legislation that will reduce the annual deficits of 1994–98 by more than $600 billion; we created nearly 6 million new jobs; we cut taxes for 15 million low-income families and gave tax relief to small businesses; we opened export markets through global and regional trade agreements; we invested in human and physical capital to increase productivity; and we reduced the Federal Government by more than 100,000 positions.

With that strong foundation in place, I am now proposing a Middle Class Bill of Rights. Despite our progress, too many Americans are still working harder for less. The Middle Class Bill of Rights will enable working Americans to raise their families and get the education and training they need to meet the demands of a new global economy. It will let middle-income families share in our economic prosperity today and help them build our economic prosperity tomorrow.

The "Middle-Class Bill of Rights Tax Relief Act of 1995" includes three of the four elements of my Middle Class Bill of Rights. First, it offers middle-income families a $500 tax credit for each child under 13. Second, it includes a tax deduction of up to $10,000 a year to help middle-income Americans pay for post-secondary education expenses and training expenses. Third, it lets more middle-income Americans make tax-deductible contributions to Individual Retirement Accounts and withdraw from them, penalty-free, for the costs of education and training, health care, first-time home-buying, long periods of unemployment, or the care of an ill parent.

The fourth element of my Middle Class Bill of Rights—not included in this legislation—is the GI Bill for America's Workers, which consolidates 70 Federal training programs and creates a more effective system for learning new skills and finding better jobs for adults and youth. Legislation for this proposal is being developed in cooperation with the Congress.

If enacted, the Middle Class Bill of Rights will help keep the American Dream alive for everyone willing to take responsibility for themselves, their families, and their futures. And it will not burden our children with more debt. In my fiscal 1996 budget, we have found enough savings not only to pay for this tax bill, but also to provide another $81 billion in deficit reduction between 1996 and 2000.

This legislation will restore fairness to our tax system, let middle-income families in our economic prosperity, encourage Americans to prepare for the future, and help ensure that the United States moves into the 21st Century still the strongest nation in the world.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *February 13, 1995.*

GENERAL EXPLANATION OF THE MIDDLE-CLASS BILL OF RIGHTS TAX RELIEF ACT OF 1995

TAX CREDIT FOR DEPENDENT CHILDREN

Current law

A tax exemption, in the form of a deduction, is allowed for each taxpayer and for each dependent of a taxpayer. A dependent includes a child of the taxpayer who is supported by the taxpayer and is under age 19 at the close of the calendar year or is a student under age 24. The deduction amount is $2,500 for tax year 1995. This amount is indexed annually for inflation.

In addition to an exemption for each child, three other tax benefits may accrue to taxpayers with dependent or otherwise qualifying children: the credit for child and dependent care expenses, the exclusion for employer-provided child and dependent care benefits, and the earned income tax credit (EITC).

The EITC is a refundable tax credit based on the earnings of the taxpayer. The EITC is restricted to lower-income taxpayers and is phased out when earnings exceed specified levels. Although the EITC is available for taxpayers without dependents or otherwise qualifying children, the credit rate and income range of the credit are far greater when the taxpayer has one or more qualifying children. In addition, the rate and income range are higher for taxpayers with two or more qualifying children than for taxpayers with only one qualifying child.

Reasons for change

Tax relief for middle-class families has been and continues to be an important goal of this Administration. In 1993, the Administration faced a projection of ever-increasing deficits. Bringing the deficit under control and providing tax relief for the working poor through an expansion of the EITC were the first priorities. Having achieved more favorable than projected results from the deficit reduction program introduced in 1993, the Administration can now turn to providing tax relief to middle-income families.

Tax relief to taxpayers with children is needed to adjust the relative tax burdens of smaller and larger families to reflect more accurately their relative abilities to pay taxes. Available resources should be targeted to those in greatest need and at greatest risk.

Proposal

A nonrefundable tax credit, which would be applied after the EITC, would be allowed for each dependent child under age 13. It would be phased in, at $300 per child for tax years 1996, 1997, and 1998, and $500 per child for 1999 and thereafter. The credit would not reduce any alternative minimum tax liability. The credit would be phased out for taxpayers with adjusted gross income between $60,000 and $75,000. Beginning in the year 2000, both the amount of the credit and the phase-out range would be indexed for the effects of inflation.

Taxpayers claiming the dependent child credit would be required to provide valid social security numbers for themselves, their spouses, and their children who qualify for the credit. The procedures that would apply for determining the validity of social security numbers under the EITC, discussed below, would apply for purposes of the dependent child credit.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal years—						Total
	1995	1996	1997	1998	1999	2000	
Tax credit for dependent children	0	−3.5	−6.8	−6.6	−8.3	−10.1	−35.4

EDUCATION AND JOB TRAINING TAX DEDUCTION

Current law

Taxpayers generally may not deduct the expenses of higher education and training. There are, however, special circumstances in which deductions for educational expenses are allowed, or in which the payment of educational expenses by others is excluded from income.

Educational expenses may be deductible, but only if the taxpayer itemizes, and only to the extent that the expenses, along with other miscellaneous itemized deductions, exceed two percent of adjusted gross income (AGI). A deduction for educational purposes is allowed only if the education maintains or improves a skill required in the individual's employment or other trade or business, or is required by the individual's employer, or by law or regulation for the individual to retain his or her current job.

The interest from qualified U.S. savings bonds is excluded from a taxpayer's gross income to the extent the interest is used to pay qualified educational expenses. To be qualified, the savings bonds must be purchased after December 31, 1989, by a person who has attained the age of 25. Qualified educational expenses consist of tuition and fees for enrollment of the taxpayer, the taxpayer's spouse, or the taxpayer's dependent at a public or non-profit institution of higher education, including two-year colleges and vocational schools.

Reasons for change

Deductions for educational expenses combine needed tax relief with preparation for new economic imperatives. The expenses of higher education place a significant burden on many middle-class families. Grants and subsidized loans are available to students from low- and moderate-income families; high-income families can afford the costs of higher education.

Well-educated workers are essential to an economy experiencing technological change and facing global competition. The Administration believes that reducing the after-tax cost of education for individuals and families encourages investment in education and training while lowering tax burdens for middle-income taxpayers.

Proposal

A taxpayer would be allowed to deduct qualified educational expenses paid during the taxable year for the education or training of the taxpayer, the taxpayer's spouse, or the taxpayer's dependent. The deduction would be allowed in determining AGI. Therefore, taxpayers could claim the deduction even if they do not itemize and even if they do not meet the two-percent AGI floor on itemized deductions.

Qualified educational expenses would be defined as tuition and fees charged by educational institutions that are directly related to an eligible student's course of study (e.g., registration fees, laboratory fees, and extra charges for particular courses). Charges and expenses associated with meals, lodging, student activities, athletics, health care, transportation, books and similar personal, living or family expenses would not be included. The expenses of education involving sports, games, or hobbies would not be qualified educational expenses unless the education is required as part of a degree program or related to the student's current profession.

Qualified educational expenses would be deductible in the year the expenses are paid, subject to the requirement that the education commences or continues during that year or during the first three months of the next year. Qualified educational expenses paid with the proceeds of a loan generally will be deductible (rather than repayment of the loan itself). Normal tax benefit rules would apply to refunds (and reimbursements through insurance) of previously deducted tuition and fees.

In 1996, 1997, and 1998, the maximum deduction would be $5,000. In 1999 and thereafter, this maximum would increase to $10,000. The deduction would be phased out ratably for taxpayers with modified AGI between $70,000 and $90,000 ($100,000 and $120,000 for joint returns). Modified AGI would include taxable Social Security benefits and amounts otherwise excluded with respect to income earned abroad (or income from Puerto Rico or U.S. possessions). Beginning in 2000, the income phase-out range would be indexed for inflation.

Any amount taken into account as a qualified educational expense would be reduced by educational assistance that is not required to be included in the gross income of either the student or the taxpayer claiming the deduction. Thus, qualified educational expenses would be reduced by scholarship or fellowship grants excludable from gross income under section 117 of the Internal Revenue Code (even if the grants are used to pay expenses other than qualified educational expenses) and any educational assistance received as veterans' benefits. However, no reduction would be required for a gift, bequest, devise or inheritance within the meaning of section 102(a).

An eligible student would be one who is enrolled or accepted for enrollment in a degree, certificate, or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution. The student must pursue a course of study on at least a half-time basis (or be taking a course to improve or acquire job skills), cannot be enrolled in an elementary or secondary school, and cannot be a nonresident alien. Educational institutions would determine what constitutes a half-time basis for individual programs.

"Eligible institution" is defined by reference to section 481 of the Higher Education Act. Such institutions must have entered into an agreement with the Department of Education to participate in the student loan program. This definition includes certain proprietary institutions.

This proposal would not affect deductions claimed under any other section of the Code, except that any amount deducted under another section of the Code could not also be deducted under this provision. An eligible student would not be eligible to claim a deduction under this provision if that student could be claimed as a dependent of another taxpayer.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal years—						
	1995	1996	1997	1998	1999	2000	Total
Education and job training tax deduction	0	−0.7	−4.7	−5.0	−5.8	−7.6	−23.7

EXPANDED INDIVIDUAL RETIREMENT ACCOUNTS

Current law

Under current law, an individual may make deductible contributions to an individual retirement account or individual retirement annuity (IRA) up to the lesser of $2,000 or compensation (wages and self-employment income). If the individual (or the individual's spouse) is an active participant in an employer-sponsored retirement plan, the $2,000 limit on deductible contributions is phased out for couples filing a joint return with adjusted gross income (AGI) between $40,000 and $50,000, and for single taxpayers with AGI between $25,000 and $35,000. To the extent that an individual is not eligible for deductible IRA contributions, he or she may make nondeductible IRA contributions (up to the contributions limit).

The earnings on IRA account balances are not included in income until they are withdrawn. Withdrawals from an IRA (other than withdrawals of nondeductible contributions) are includable in income, and must begin by age 70½. Amounts withdrawn before age 59½ are generally subject to an additional 10 percent penalty tax. The penalty tax does not apply to distributions upon the death or disability of the taxpayer or withdrawals in the form of substantially equal periodic payments over the life (or life expectancy) of the IRA owner or over the joint lives (or life expectancies) of the IRA owner and his or her beneficiary.

Reasons for change

The Nation's savings rate has declined dramatically since the 1970's. The Administration believes that increasing the savings rate is essential if the United States is to sustain a sufficient level of private investment into the next century. Without adequate investment, the continued healthy growth of the economy is at risk. The Administration is also concerned that many households are not saving enough to provide for long-term needs such as retirement and education.

The Administration believes that individuals should be encouraged to save, and that tax policies can provide a significant incentive. Under current law, however, savings incentives in the form of deductible IRAs are not available to all middle-income taxpayers. Furthermore, the present-law income thresholds for deductible IRAs and the maximum contribution amount are not indexed for inflation, so that fewer Americans are eligible to make a deductible IRA contribution each year, and the amount of the maximum contribution is declining in real terms over time. The Administration also believes that providing taxpayers with the option of making IRA contributions that are nondeductible but can be withdrawn tax free will provide an alternative savings vehicle that some middle-income taxpayers may find more suitable for their savings needs.

Individuals save for many purposes besides retirement. Broadening the tax incentives for non-retirement saving can be an important element in any proposal to increase the Nation's savings rate. Expanding the flexibility of IRAs to meet a wider variety of savings needs, such as first-time home purchases, higher education expenditures, unemployment and catastrophic medical and nursing home expenses, should prove to be more attractive to many taxpayers than accounts limited to retirement savings.

Proposal

Expand Deductible IRAs: Under the proposal the income thresholds and phase-out ranges for deductible IRAs would be doubled; therefore, eligibility would be phased out for couples filing joint returns with AGI between $80,000 and $100,000 and for single individuals with AGI between $50,000 and $70,000. The income thresholds and the present-law annual contribution limit of $2,000 would be indexed for inflation. As under current law, any individual who is not an active participant in an employer-sponsored plan and whose spouse is also not an active participant would be eligible for deductible IRAs regardless of income.

Under the proposal, the IRA contribution limit would be coordinated with the current law limits on elective deferrals under qualified cash or deferred arrangements (sec. 401(k) plans), tax-sheltered annuities (sec. 403(b) annuities), and similar plans. The proposal also would provide that the present-law rule permitting penalty-free IRA withdrawals after an individual reaches age 59½ does not apply in the case of amounts attributable to contributions made during the previous five years. This provision does not apply to amounts rolled over from tax-qualified plans or tax-sheltered annuities.

These provisions would be effective January 1, 1996.

Special IRAs: Each individual eligible for a traditional deductible IRA would have the option of contributing an amount up to the contribution limit to either a deductible IRA or to a new "Special IRA." Contributions to a Special IRA would not be deductible, but if the contributions remained in the account for at least five years, distributions of the contributions and earnings thereon would be tax-free. Withdrawals of earnings from Special IRAs during the five-year period after contribution would be subject to ordinary income tax. In addition, such withdrawals would be subject to the 10-percent penalty tax on early withdrawals unless used for one of the four purposes described below.

The proposal would permit individuals whose AGI for a taxable year did not exceed the upper end of the new income eligibility limits to convert balances in deductible IRAs into Special IRAs without being subject to the 10-percent tax on early withdrawals. The amount transferred from the deductible IRA to the Special IRA generally would be includable in the individual's income in the year of the transfer. However, if a transfer was made before January 1, 1997, the transferred amount included in the individual's income would be spread evenly over four taxable years.

The Special IRA provisions would be effective January 1, 1996.

Penalty-Free Distributions. Amounts could be withdrawn penalty-free from deductible IRAs and Special IRAs within the five-year period after contribution, if the taxpayer used the amounts to pay post-secondary education costs, to buy or build a first home, to cover living costs if unemployed, or to pay catastrophic medical expenses (including certain nursing home costs).

a. *Education expenses:*

Penalty-free withdrawals would be allowed to the extent the amount withdrawn is used to pay qualified higher education expenses of the taxpayer, the taxpayer's spouse, the taxpayer's dependent, or the taxpayer's child or grandchild (even if not a dependent). In general, a withdrawal for qualified higher education expenses would be subject to the same requirements as the deduction for qualified educational expenses (*e.g.*, the expenses are tuition and fees that are charged by educational institutions and are directly related to an eligible student's course of study).

b. *First-time home purchasers:*

Penalty-free withdrawals would be allowed to the extent the amount withdrawn is used to pay qualified acquisition, construction, or reconstruction costs with respect to a principal residence of a first-time home buyer who is the taxpayer, the taxpayer's spouse, or the taxpayer's child or grandchild. A first-time home buyer would be any individual (and if married, the individual's spouse) who (1) did not own an interest in a principal residence during the three years prior to the purchase of a home and (2) was not in an extended period for rolling over gain from the sale of a principal residence.

c. *Unemployment:*

Penalty-free withdrawals could be made by an individual after the individual is separated from employment if (1) the individual has received unemployment compensation for 12 consecutive weeks and (2) the withdrawal is made in the taxable year in which the unemployment compensation is received for the succeeding taxable year.

d. Medical care expenses and nursing home costs:

The proposal would extend to IRAs the present-law exception to the early withdrawal tax for distributions from tax-qualified plans and tax-sheltered annuities for certain medical care expenses (deductible medical expenses that are subject to a floor of 7.5 percent of AGI) and expand the exception for IRAs to allow withdrawal for medical care expenses of the taxpayer's child, grandchild, parent or grandparent, whether or not such person otherwise qualifies as the taxpayer's dependent.

In addition, for purposes of the exemption from the 10 percent tax on early withdrawals for distributions from IRAs, the definition of medical care would include expenses for qualified long-term care services for incapacitated individuals. Qualified long-term care services generally would be services that are required by an incapacitated individual, where the primary purpose of the services is to provide needed assistance with any activity of daily living or protection from threats to health and safety due to severe cognitive impairment. An incapacitated individual generally would be a person who is certified by a licensed professional within the preceding 12-month period as being unable to perform without substantial assistance at least two activities of daily living, or as having severe cognitive impairment.

These provisions would be effective January 1, 1996.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal years—						
	1995	1996	1997	1998	1999	2000	Total
Expanded individual retirement accounts ...	0	0.4	−0.3	−0.8	−1.0	−2.0	−3.8

Mr. DASCHLE. Mr. President, I am pleased to join my distinguished colleague from New York, the ranking member of the Finance Committee, in introducing the President's Middle-Class Bill of Rights, a modest package of measures that will make it easier for middle-income Americans to raise their children, educate themselves and/or their children, and save for retirement.

These proposals are in stark contrast to the tax cut proposals advanced by Republicans. The tax cuts in the Republican Contract With America would cost four times as much as the President's tax cuts over the next 10 years, with the overwhelming majority of the benefit going to those making more than $100,000.

According to a recent report prepared by the Joint Committee on Taxation, while the Republican tax cuts would cost $200 billion over the first 5 years, that cost would balloon to $704 billion over 10 years. The President's Middle-Class Bill of Rights would cost less than a quarter of that amount—$171 billion—over a 10-year period.

In other words, Republicans are proposing tax cuts that will benefit the middle class, while at the same time asking those same middle-income Americans to pay for tax cuts for high-income taxpayers that are three times as large. That doesn't sound like a fair deal to me.

While there are some similarities between the President's tax cuts and those contained in the Contract With America, the principal difference is that the contract includes tax cuts for high-income people and large corporations. And, as far as their impact on the budget and middle-income taxpayers is concerned, it is an exceedingly large difference.

Another way the President's tax cuts can be distinguished from Republican proposals is that the President would provide middle-income tax relief specifically for higher education and job training. Education and job training expenses are among the largest costs faced by middle-income families. Yet, education and job training are critical tools needed by middle-class Americans to build more quality of life for themselves and their children.

Mr. President, I understand that the Finance Committee already has held hearings on the President's proposal, and I look forward to reviewing the committee's report on the testimony presented at those hearings.

By Mr. MOYNIHAN (for himself and Mr. DASCHLE) (by request):

S. 453. A bill to amend the Internal Revenue Code of 1986 to modify the eligibility criteria for the earned income tax credit, to improve tax compliance by U.S. persons establishing or benefiting from foreign trusts, and for other purposes; to the Committee on Finance.

THE TAX COMPLIANCE ACT OF 1995

Mr. MOYNIHAN. Mr. President, as ranking member of the Committee on Finance, I am today joining with the Democratic leader in introducing a bill, at the request of the administration, containing the statutory provisions that implement the tax compliance proposals in the President's fiscal year 1996 budget submission.

By making statutory language available early in the legislative process, the administration has aided the process of Senate consideration of these provisions. This legislation also will serve to answer many of the questions that the public may have with respect to the President's tax proposals.

I want to thank the administration for providing this level of detail in so timely a fashion, and I look forward to working with them on these proposals in the coming months.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Tax Compliance Act of 1995".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; amendment of 1986 Code.

TITLE I—PROVISIONS RELATING TO THE EARNED INCOME CREDIT

Sec. 101. Earned income tax credit denied to individuals not authorized to be employed in the United States.

Sec. 102. Earned income tax credit denied to individuals with substantial unearned income.

TITLE II—PROVISIONS RELATING TO INTERNATIONAL TAXATION

Sec. 201. Revision of tax rules on expatriation.

Sec. 202. Improved information reporting on foreign trusts.

Sec. 203. Modification of rules relating to foreign trusts having one or more United States beneficiaries.

Sec. 204. Foreign persons not to be treated as owners under grantor trust rules.

Sec. 205. Gratuitous transfers by partnerships and foreign corporations.

Sec. 206. Information reporting regarding large foreign gifts.

Sec. 207. Modification of rules relating to foreign trusts which are not grantor trusts.

Sec. 208. Residence of estates and trusts.

TITLE III—ADDITIONAL EMPOWERMENT ZONES

Sec. 301. Additional empowerment zones.

TITLE I—PROVISIONS RELATING TO THE EARNED INCOME CREDIT

SEC. 101. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT AUTHORIZED TO BE EMPLOYED IN THE UNITED STATES.

(a) IN GENERAL.—Section 32(c)(1) (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse."

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act)."

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) (relating to the definition of mathematical or clerical errors) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) an omission of a correct taxpayer identification number required under section 23 (relating to credit for families with younger children) or section 32 (relating to the earned income tax credit) to be included on a return."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 102. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS WITH SUBSTANTIAL UNEARNED INCOME.

(a) IN GENERAL.—Paragraph (1) of section 32(c) (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(G) EXCEPTION FOR INDIVIDUAL WITH SUBSTANTIAL INTEREST AND DIVIDEND INCOME.—The term 'eligible individual' shall not include any individual if the aggregate amount of interest and dividends includible in the gross income of the taxpayer for the taxable year exceeds $2,500."

(b) CONFORMING AMENDMENT.—

(1) Paragraph (2) of section 32(i) (relating to inflation adjustments) is amended to read as follows:

"(2) UNEARNED INCOME LIMITATION.—In the case of a taxable year beginning in a calendar year after 1996, the dollar amount contained in subsection (c)(1)(G) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $50, such dollar amount shall be rounded to the nearest multiple of $50."

(2) Paragraph (1) of section 32(i) is amended by adding at the end the following new flush sentence:

"If any amount as adjusted under the preceding sentence is not a multiple of $10, such dollar amount shall be rounded to the nearest multiple of $10."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TITLE II—PROVISIONS RELATING TO INTERNATIONAL TAXATION

SEC. 201. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) CITIZENS.—If any United States citizen relinquishes his citizenship during a taxable year, all property held by such citizen at the time immediately before such relinquishment shall be treated as sold at such time for its fair market value and any gain or loss shall be taken into account for such taxable year.

"(2) CERTAIN RESIDENTS.—If any long-term resident of the United States ceases to be subject to tax as a resident of the United States for any portion of any taxable year, all property held by such resident at the time of such cessation shall be treated as sold at such time for its fair market value and any gain or loss shall be taken into account for the taxable year which includes the date of such cessation.

"(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any taxpayer by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

"(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

"(1) all property which would be includible in his gross estate under chapter 11 were such individual to die at the time the property is treated as sold,

"(2) any other interest in a trust which the individual is treated as holding under the rules of section 679(e) (determined by treating such section as applying to foreign and domestic trusts), and

"(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the date the individual relinquishes his citizenship or ceases to be subject to tax as a resident, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(d)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(e) DEFINITIONS.—For purposes of this section—

"(1) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the date the United States Department of State issues to the individual a certificate of loss of nationality or on the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

"(2) LONG-TERM RESIDENT.—

"(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States and, as a result of such status, has been subject to tax as a resident in at least 10 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a) is treated as occurring.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

"(i) any taxable year during which any prior sale is treated under subsection (a) as occurring, or

"(ii) any taxable year prior to the taxable year referred to in clause (i).

"(f) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a)—

"(1) any period deferring recognition of income or gain shall terminate, and

"(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable.

"(g) ELECTION BY EXPATRIATING RESIDENTS.—Solely for purposes of determining gain under subsection (a)—

"(1) IN GENERAL.—At the election of a resident not a citizen of the United States, property—

"(A) which was held by such resident on the date the individual first became a resident of the United States during the period of long-term residency to which the treatment under subsection (a) relates, and

"(B) which is treated as sold under subsection (a),

shall be treated as having a basis on such date of not less than the fair market value of such property on such date.

"(2) ELECTION.—Such an election shall apply to all property described in paragraph (1), and, once made, shall be irrevocable.

"(h) DEFERRAL OF TAX ON CLOSELY HELD BUSINESS INTERESTS.—The District Director may enter into an agreement with any individual which permits such individual to defer payment for not more than 5 years of any tax imposed by subsection (a) by reason of holding any interest in a closely held business (as defined in section 6166(b)) other than a United States real property interest described in subsection (d)(1).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

"(j) CROSS REFERENCE.—

"For termination of United States citizenship for tax purposes, see section 7701(a)(47)."

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(1)."

(c) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply to any individual who is subject to the provisions of section 877A."

(2) Paragraph (10) of section 7701(b) is amended by adding at the end the following new sentence: "This paragraph shall not apply to any individual who is subject to the provisions of section 877A."

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) United States citizens who relinquish (within the meaning of section 877A(e)(1) of the Internal Revenue Code of 1986, as added by this section) United States citizenship on or after February 6, 1995, and

(2) long-term residents (as defined in such section) who cease to be subject to tax as residents of the United States on or after such date.

SEC. 202. IMPROVED INFORMATION REPORTING ON FOREIGN TRUSTS.

(a) IN GENERAL.—Section 6048 (relating to returns as to certain foreign trusts) is amended to read as follows:

"SEC. 6048. INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) NOTICE OF CERTAIN EVENTS.—

"(1) GENERAL RULE.—On or before the 90th day (or such later day as the Secretary may prescribe) after any reportable event, the responsible party shall—

"(A) notify each trustee of the trust of the requirements of subsection (b), and

"(B) provide written notice of such event to the Secretary in accordance with paragraph (2).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1)(B) shall contain such information as the Secretary may prescribe, including—

"(A) the amount of money or other property (if any) transferred to the trust in connection with the reportable event,

"(B) the identity of the trust and of each trustee and beneficiary (or class of beneficiaries) of the trust, and

"(C) a statement that each trustee of the trust has been informed of the requirements of subsection (b).

"(3) REPORTABLE EVENT.—For purposes of this subsection, the term 'reportable event' means—

"(A) the creation of any foreign trust by a United States person,

"(B) the transfer of any money or property to a foreign trust by a United States person, including a transfer by reason of death,

"(C) a domestic trust becoming a foreign trust,

"(D) the death of a citizen or resident of the United States who is a grantor of a foreign trust, and

"(E) the residency starting date (within the meaning of section 7701(b)(2)(A)) of a grantor of a foreign trust subject to tax under section 679(a)(3).

Subparagraphs (A) and (B) shall not apply with respect to a trust described in section 404(a)(4) or 404A.

"(4) RESPONSIBLE PARTY.—For purposes of this subsection, the term 'responsible party' means—

"(A) the grantor in the case of a reportable event described in subparagraph (A) or (E) of paragraph (3),

"(B) the transferor in the case of a reportable event described in paragraph (3)(B) other than a transfer by reason of death,

"(C) the trustee of the domestic trust in the case of a reportable event described in paragraph (3)(C), and

"(D) the executor of the decedent's estate in the case of a transfer by reason of death.

"(b) TRUST REPORTING REQUIREMENTS.—If a foreign trust, at any time during a taxable year of such trust—

"(1) has a grantor who is a United States person and—

"(A) such grantor is treated as the owner of any portion of such trust under the rules of subpart E of part I of subchapter J of chapter 1, or

"(B) any portion of such trust would be included in the gross estate of such grantor if the grantor were to die at such time, or

"(2) directly or indirectly distributes, credits, or allocates money or property to any United States person (whether or not the trust has a grantor described in paragraph (1)),

then such trust shall meet the requirements of subsection (c) (relating to trust information and agent) and subsection (d) (relating to annual return).

"(c) CONTENTS OF SECTION 6048 STATEMENT.—

"(1) IN GENERAL.—The requirements of this subsection are met if the trust files with the Secretary a statement which contains such information as the Secretary may prescribe and which—

"(A) identifies a United States person who is the trust's limited agent to provide the Secretary with such information that reasonably should be available to the trust for purposes of applying sections 7602, 7603, and 7604 with respect to any request by the Secretary to examine trust records or produce testimony related to any transaction by the trust or with respect to any summons by the Secretary for such records or testimony, and

"(B) contains an agreement to comply with the requirements of subsection (d).

"(2) SPECIAL RULE.—A foreign trust which appoints an agent described in paragraph (1)(A) shall not be considered to have an office or a permanent establishment in the United States solely because of the activities of such agent pursuant to this section. For purposes of this section, the appearance of persons or production of records by reason of the creation of the agency shall not subject such persons or records to legal process for any purpose other than determining the correct treatment under this title of the activities and operations of the trust.

"(d) ANNUAL RETURNS AND STATEMENTS.—The requirements of this subsection are met if—

"(1) the trust makes a return for the taxable year which sets forth a full and complete accounting of all trust activities and operations for the taxable year, and contains such other information as the Secretary may prescribe; and

"(2) the trust furnishes such information as the Secretary may prescribe to each United States person—

"(A) who is treated as the owner of any portion of such trust under the rules of subpart E of part I of subchapter J of chapter 1,

"(B) to whom any item with respect to the taxable year is credited or allocated, or

"(C) who receives a distribution from such trust with respect to the taxable year.

"(e) TIME AND MANNER OF FILING INFORMATION.—Any notice, statement, or return required under this section shall be made at such time and in such manner as the Secretary shall prescribe.

"(f) MODIFICATION OF RETURN REQUIREMENTS.—The Secretary is authorized to suspend or modify any requirement of this section if the Secretary determines that the United States has no significant tax interest in obtaining the required information."

(b) PENALTIES.—Section 6677 (relating to failure to file information returns with respect to certain foreign trusts) is amended to read as follows:

"SEC. 6677. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) FAILURE TO REPORT CERTAIN EVENTS.—

"(1) IN GENERAL.—In the case of a reportable event described in any subparagraph of section 6048(a)(3) for which a responsible party does not file a written notice meeting the requirements of section 6048(a)(2) within the time specified in section 6048(a)(1), the responsible party shall pay a penalty of $10,000. If any failure described in the preceding sentence continues for more than 90 days after the day on which the Secretary mails notice of such failure to the responsible party, such party shall pay a penalty (in addition to the $10,000 amount) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period.

"(2) 35-PERCENT PENALTY.—In the case of a reportable event described in subparagraph (A), (B), or (C) of section 6048(a)(3) (other than a transfer by reason of death), the aggregate amount of the penalties under paragraph (1) shall not be less than an amount equal to 35 percent of the gross value of the property involved in such event (determined as of the date of the event).

"(3) RESPONSIBLE PARTY.—For purposes of this subsection, the term 'responsible party' has the meaning given to such term by section 6048(a)(4).

"(b) FAILURE TO MAKE CERTAIN STATEMENTS AND RETURNS.—

"(1) IN GENERAL.—In the case of any failure to meet the requirements of section 6048(b), the appropriate tax treatment of any trust transactions or operations shall be determined by the Secretary in the Secretary's sole discretion from the Secretary's own knowledge or from such information as the Secretary may obtain through testimony or otherwise.

"(2) MONETARY PENALTY.—In the case of any failure to meet the requirements of section 6048(b) with respect to a trust described in such section by reason of paragraph (1) thereof, the grantor described in such paragraph (1) shall pay a penalty of $10,000 for each taxable year with respect to which the foreign trust fails to meet such requirements. If any failure described in the preceding sentence continues for more than 90 days after the day on which the Secretary mails notice of such failure to such grantor, such grantor shall pay a penalty (in addition to any other penalty) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the requested documentation is not reasonable cause.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section."

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by striking the item relating to section 6048 and inserting the following new item:

"Sec. 6048. Information with respect to certain foreign trusts."

(2) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6677 and inserting the following new item:

"Sec. 6677. Failure to file information with respect to certain foreign trusts."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply—

(A) to reportable events occurring on or after February 6, 1995, and

(B) to the extent such amendments require reporting for any taxable year under section 6048(b) of the Internal Revenue Code of 1986 (as added by this section), to taxable years beginning after the date of the enactment of this Act.

(2) NOTICES.—For purposes of section 6048(a) of such Code, the 90th day referred to therein shall in no event be treated as being earlier than the 90th day after the date of the enactment of this Act.

SEC. 203. MODIFICATION OF RULES RELATING TO FOREIGN TRUSTS HAVING ONE OR MORE UNITED STATES BENEFICIARIES.

(a) IN GENERAL.—Section 679 (relating to foreign trusts having one or more United States beneficiaries) is amended to read as follows:

"SEC. 679. FOREIGN TRUSTS HAVING ONE OR MORE UNITED STATES BENEFICIARIES.

"(a) TRANSFEROR TREATED AS OWNER.—

"(1) IN GENERAL.—A United States person who directly or indirectly transfers property to a foreign trust (other than a trust described in section 404(a)(4) or section 404A) shall be treated as the owner for his taxable year of the portion of such trust attributable to such property if for such year there is a United States beneficiary of such trust.

"(2) EXCEPTION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any sale or exchange of property to a trust if—

"(i) the trust pays fair market value for such property, and "(ii) all of the gain to the transferor is recognized at the time of transfer.

"(B) CERTAIN OBLIGATIONS NOT TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), in determining whether the transferor received fair market value, there shall not be taken into account—

"(i) any obligation of—

"(I) the trust,

"(II) any grantor or beneficiary of the trust, or

"(III) any person who is related (within the meaning of section 643(i)(3)) to any grantor or beneficiary of the trust, and

"(ii) except as provided in regulations, any obligation which is guaranteed by a person described in clause (i).

"(C) TREATMENT OF DEEMED SALE ELECTION UNDER SECTION 1057.—For purposes of subparagraph (A), a transfer with respect to which an election under section 1057 is made shall not be treated as a sale or exchange.

"(3) SPECIAL RULES APPLICABLE TO FOREIGN GRANTOR WHO LATER BECOMES A UNITED STATES PERSON.—A nonresident alien individual who becomes a United States resident within 5 years after directly or indirectly transferring property to a foreign trust shall be treated for purposes of this section and section 6048 as having transferred such property, and any undistributed income (including all realized and unrealized gains) attributable thereto, to the foreign trust immediately after becoming a United States resident. For this purpose, a nonresident alien shall be treated as becoming a resident of the United States on the residency starting date (within the meaning of section 7701(b)(2)(A)).

"(b) BENEFICIARIES TREATED AS TRANSFERORS IN CERTAIN CASES.—For purposes of this section and section 6048, if—

"(1) a citizen or resident of the United States who is treated as the owner of any portion of a trust under subsection (a) dies,

"(2) property is transferred to a foreign trust by reason of the death of a citizen or resident of the United States, or

"(3) a domestic trust to which any United States person made a transfer becomes a foreign trust,

then, except as otherwise provided in regulations, the trust beneficiaries shall be treated as having transferred to such trust (as of the date of the applicable event under paragraph (1), (2), or (3)) their respective interests (as determined under subsection (e)) in the property involved.

"(c) TRUSTS ACQUIRING UNITED STATES BENEFICIARIES.—If—

"(1) subsection (a) applies to a trust for the transferor's taxable year, and

"(2) subsection (a) would have applied to the trust for the transferor's immediately preceding taxable year but for the fact that for such preceding taxable year there was no United States beneficiary for any portion of the trust,

then, for purposes of this subtitle, the transferor shall be treated as having received as an accumulation distribution taxable under subpart D an amount equal to the undistributed net income (as determined under section 665(a) as of the close of such immediately preceding taxable year) attributable to the portion of the trust referred to in subsection (a).

"(d) TRUSTS TREATED AS HAVING A UNITED STATES BENEFICIARY.—

"(1) IN GENERAL.—For purposes of this section, a trust shall be treated as having a United States beneficiary for the taxable year unless—

"(A) under the terms of the trust, no part of the income or corpus of the trust may be paid or accumulated during the taxable year to or for the benefit of a United States person, and

"(B) if the trust were terminated at any time during the taxable year, no part of the income or corpus of such trust could be paid to or for the benefit of a United States person.

To the extent provided by the Secretary, for purposes of this subsection, the term 'United States person' includes any person who was a United States person at any time during the existence of the trust.

"(2) ATTRIBUTION OF OWNERSHIP.—For purposes of paragraph (1), an amount shall be treated as paid or accumulated to or for the benefit of a United States person if such amount is paid to or accumulated for a foreign corporation, foreign partnership, or foreign trust or estate, and—

"(A) in the case of a foreign corporation, more than 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote is owned (within the meaning of section 958(a)) or is considered to be owned (within the meaning of section 958(b)) by United States shareholders (as defined in section 951(b)),

"(B) in the case of a foreign partnership, a United States person is a partner of such partnership, or

"(C) in the case of a foreign trust or estate, such trust or estate has a United States beneficiary (within the meaning of paragraph (1)).

"(e) DETERMINATION OF BENEFICIARIES' INTERESTS IN TRUST.—

"(1) GENERAL RULE.—For purposes of this section, a beneficiary's interest in a foreign trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(2) SPECIAL RULE.—In the case of beneficiaries whose interests in a trust cannot be determined under paragraph (1)—

"(A) the beneficiary having the closest degree of kinship to the grantor shall be treated as holding the remaining interests in the trust not determined under paragraph (1) to be held by any other beneficiary, and

"(B) if 2 or more beneficiaries have the same degree of kinship to the grantor, such remaining interests shall be treated as held equally by such beneficiaries.

"(3) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a foreign trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(4) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(A) the methodology used to determine that taxpayer's trust interest under this section, and

"(B) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending on or after February 6, 1995.xxxxx

(2) SECTION 679(a).—Paragraphs (2) and (3) of section 679(a) of the Internal Revenue Code of 1986 (as added by this section) shall apply to—

(A) any trust created on or after February 6, 1995, and

(B) the portion of any trust created before such date which is attributable to actual transfers of property to the trust on or after such date.

(3) SECTION 679(b).—

(A) IN GENERAL.—Paragraphs (1) and (2) of section 679(b) of such Code (as so added) shall apply to—

(i) any trust created on or after the date of the enactment of this Act, and

(ii) the portion of any trust created before such date which is attributable to actual transfers of property to the trust on or after such date.

(B) SECTION 679(b)(3).—Section 679(b)(3) of such Code (as so added) shall take effect on February 6, 1995, without regard to when the property was transferred to the trust.

SEC. 204. FOREIGN PERSONS NOT TO BE TREATED AS OWNERS UNDER GRANTOR TRUST RULES.

(a) IN GENERAL.—So much of section 672(f) (relating to special rule where grantor is foreign person) as precedes paragraph (2) is amended to read as follows:

"(f) SUBPART NOT TO RESULT IN FOREIGN OWNERSHIP.—

"(1) IN GENERAL.—Notwithstanding any other provision of this subpart, this subpart shall apply only to the extent such application results in an amount being included (directly or through 1 or more entities) in the gross income of a citizen or resident of the United States or a domestic corporation. The preceding sentence shall not apply to any portion of an investment trust if such trust is treated as a trust for purposes of this title and the grantor of such portion is the sole beneficiary of such portion."

(b) CREDIT FOR CERTAIN TAXES.—Paragraph (2) of section 665(d) is amended by adding at the end the following new sentence: "Under rules or regulations prescribed by the Secretary, in the case of any foreign trust of which the settlor or another person would be treated as owner of any portion of the trust under subpart E but for section 672(f), the term 'taxes imposed on the trust' includes the allocable amount of any income, war profits, and excess profits taxes imposed by any foreign country or possession of the United States on the settlor or such other person in respect of trust income."

(c) DISTRIBUTIONS BY CERTAIN FOREIGN TRUSTS THROUGH NOMINEES.—

(1) Section 643 is amended by adding at the end the following new subsection:

"(h) DISTRIBUTIONS BY CERTAIN FOREIGN TRUSTS THROUGH NOMINEES.—For purposes of this part, any amount paid to a United States person which is derived directly or indirectly from a foreign trust of which the payor is not the grantor shall be deemed in the year of payment to have been directly paid by the foreign trust to such United States person."

(2) Section 665 is amended by striking subsection (c).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(e) TRANSITIONAL RULE.—If—

(1) by reason of the amendments made by this section, any person other than a United States person ceases to be treated as the owner of a portion of a domestic trust, and

(2) before January 1, 1996, such trust becomes a foreign trust, or the assets of such trust are transferred to a foreign trust,

no tax shall be imposed by section 1491 of the Internal Revenue Code of 1986 by reason of such trust becoming a foreign trust or the assets of such trust being transferred to a foreign trust.

SEC. 205. GRATUITOUS TRANSFERS BY PARTNERSHIPS AND FOREIGN CORPORATIONS.

(a) IN GENERAL.—Subchapter C of chapter 80 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. PURPORTED GIFTS BY PARTNERSHIPS AND FOREIGN CORPORATIONS.

"(a) IN GENERAL.—Any property (including money) that is purportedly a direct or indirect gift by a partnership or a foreign corporation to a person who is not a partner of the partnership or a shareholder of the corporation, respectively, may be recharacterized by the Secretary to prevent the avoidance of tax. The Secretary may not recharacterize gifts made for bona fide business or charitable purposes.

"(b) STATEMENTS ON RECIPIENT'S RETURN.—A taxpayer who receives a purported gift subject to subsection (a) shall attach a statement to his income tax return for the year of receipt that identifies the property received and describes fully the circumstances surrounding the purported gift.

"(c) EXEMPTION.—Subsection (a) shall not apply to purported gifts received by any person during any taxable year if the amount thereof is less than $2,500.

"(d) REGULATIONS.—The Secretary may prescribe such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter C is amended by adding at the end the following new item:

"Sec. 7874. Purported gifts by partnerships and foreign corporations."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 206. INFORMATION REPORTING REGARDING LARGE FOREIGN GIFTS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 is amended by inserting after section 6039E the following new section:

"SEC. 6039F. NOTICE OF LARGE GIFTS RECEIVED FROM FOREIGN PERSONS.

"(a) IN GENERAL.—If the value of the aggregate foreign gifts received by a United States person (other than an organization described in section 501(c) and exempt from tax under section 501(a)) during any taxable year exceeds $100,000, such United States person shall furnish (at such time and in such manner as the Secretary shall prescribe) such information as the Secretary may prescribe regarding each foreign gift received during such year.

"(b) FOREIGN GIFT.—For purposes of this section, the term 'foreign gift' means any amount received from a person other than a United States person which the recipient treats as a gift or bequest. Such term shall not include any qualified transfer (within the meaning of section 2503(e)(2)).

"(c) PENALTY FOR FAILURE TO FILE INFORMATION.—

"(1) IN GENERAL.—If a United States person fails to furnish the information required by subsection (a) with respect to any foreign gift within the time prescribed therefor (including extensions)—

"(A) the tax consequences of the receipt of such gift shall be determined by the Secretary in the Secretary's sole discretion from the Secretary's own knowledge or from such information as the Secretary may obtain through testimony or otherwise, and

"(B) such United States person shall pay (upon notice and demand by the Secretary and in the same manner as tax) an amount equal to 5 percent of the amount of such foreign gift for each month for which the failure continues (not to exceed 25 percent of such amount in the aggregate).

"(2) REASONABLE CAUSE EXCEPTION.— Paragraph (1) shall not apply to any failure to report a foreign gift if the United States person shows that the failure is due to reasonable cause and not due to willful neglect.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by inserting after the item relating to section 6039E the following new item:

"Sec. 6039F. Notice of large gifts received from foreign persons."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act in taxable years ending after such date.

SEC. 207. MODIFICATION OF RULES RELATING TO FOREIGN TRUSTS WHICH ARE NOT GRANTOR TRUSTS.

(a) MODIFICATION OF INTEREST CHARGE ON ACCUMULATION DISTRIBUTIONS.—Subsection (a) of section 668 (relating to interest charge on accumulation distributions from foreign trusts) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of the tax determined under section 667(a)—

"(1) SUM OF INTEREST CHARGES FOR EACH THROWBACK YEAR.—The interest charge (determined under paragraph (2)) with respect to any distribution is the sum of the interest charges for each of the throwback years to which such distribution is allocated under section 666(a).

"(2) INTEREST CHARGE FOR YEAR.—Except as provided in paragraph (6), the interest charge for any throwback year on such year's allocable share of the partial tax computed under section 667(b) with respect to any distribution shall be determined for the period—

"(A) beginning on the due date for the throwback year, and

"(B) ending on the due date for the taxable year of the distribution,

by using the rates and method applicable under section 6621 for underpayments of tax for such period. For purposes of the preceding sentence, the term 'due date' means the date prescribed by law (determined without regard to extensions) for filing the return of the tax imposed by this chapter for the taxable year.

"(3) ALLOCABLE PARTIAL TAX.—For purposes of paragraph (2), a throwback year's allocable share of the partial tax is an amount equal to such partial tax multiplied by the fraction—

"(A) the numerator of which is the amount deemed by section 666(a) to be distributed on the last day of such throwback year, and

"(B) the denominator of which is the accumulation distribution taken into account under section 666(a).

"(4) THROWBACK YEAR.—For purposes of this subsection, the term 'throwback year' means any taxable year to which a distribution is allocated under section 666(a).

"(5) PERIODS OF NONRESIDENCE.—The period under paragraph (2) shall not include any portion thereof during which the beneficiary was not a citizen or resident of the United States.

"(6) THROWBACK YEARS BEFORE 1996.—In the case of any throwback year beginning before 1996—

"(A) interest for the portion of the period described in paragraph (2) which occurs before the first taxable year beginning after 1995 shall be determined by using an interest rate of 6 percent and no compounding, and

"(B) interest for the remaining portion of such period shall be determined as if the partial tax computed under section 667(b) for the throwback year were increased (as of the beginning of such first taxable year) by the amount of the interest determined under subparagraph (A)."

(b) RULE WHEN INFORMATION NOT AVAILABLE.—Subsection (d) of section 666 is amended by adding at the end the following: "In the case of a distribution from a foreign trust to which section 6048(b) applies, adequate records shall not be considered to be available for purposes of the preceding sentence unless such trust meets the requirements referred to in such section. If a taxpayer is not able to demonstrate when a trust was created, the Secretary may use any reasonable approximation based on available evidence."

(c) ABUSIVE TRANSACTIONS.—Section 643(a) is amended by inserting after paragraph (6) the following new paragraph:

"(7) ABUSIVE TRANSACTIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this part, including regulations to prevent avoidance of such purposes."

(d) TREATMENT OF USE OF TRUST PROPERTY.—Section 643 (relating to definitions applicable to subparts A, B, C, and D) is amended by adding at the end the following new subsection:

"(i) USE OF FOREIGN TRUST PROPERTY.—

"(1) GENERAL RULE.—For purposes of subparts B, C, and D, if, during a taxable year of a foreign trust a trust participant of such trust directly or indirectly uses any of the trust's property, the use value for such taxable year shall be treated as an amount paid to such participant (other than from income for the taxable year) within the meaning of sections 661(a)(2) and section 662(a)(2).

"(2) EXEMPTION.—Paragraph (1) shall not apply to any trust participant as to whom the aggregate use value during the taxable year does not exceed $2,500.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) USE VALUE.—Except as provided in subparagraph (B), the term 'use value' means the fair market value of the use of property reduced by any amount paid for such use by the trust participant or by any person who is related to such participant.

"(B) SPECIAL RULE FOR CASH AND CASH EQUIVALENT.—A direct or indirect loan of cash, or cash equivalent, by a foreign trust shall be treated as a use of trust property by the borrower and the full amount of the loan principal shall be the use value.

"(C) USE BY RELATED PARTY.—

"(i) Use by a person who is related to a trust participant shall be treated as use by the participant.

"(ii) If property is used by any person who is a related person with respect to more than one trust participant, then the property shall be treated as used by the trust participant most closely related, by blood or otherwise, to such person.

"(D) PROPERTY INCLUDES CASH AND CASH EQUIVALENTS.—The term 'property' includes cash and cash equivalents.

"(E) TRUST PARTICIPANT.—The term 'trust participant' means each grantor and beneficiary of the trust.

"(F) RELATED PERSON.—A person is related to a trust participant if the relationship between such persons would result in a disallowance of losses under section 267(b) or 707(b). In applying section 267 for purposes of the preceding sentence—

"(i) section 267(e) shall be applied as if such person or the trust participant were a pass-thru entity,

"(ii) section 267(b) shall be applied by substituting 'at least 10 percent' for 'more than 50 percent' each place it appears, and

"(iii) in determining the family of an individual under section 267(c)(4), such section shall be treated as including the spouse (and former spouse) of such individual and of each other person who is treated under such section as being a member of the family of such individual or spouse.

"(G) SUBSEQUENT TRANSACTIONS REGARDING LOAN PRINCIPAL.—If any loan described in subparagraph (B) is taken into account under paragraph (1), any subsequent transaction between the trust and the original borrower regarding the principal of the loan (by way of complete or partial repayment, satisfaction, cancellation, discharge, or otherwise) shall be disregarded for purposes of this title."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) INTEREST CHARGE.—The amendment made by subsection (a) shall apply to interest for throwback years beginning before, on, or after the date of the enactment of this Act.

SEC. 208. RESIDENCE OF ESTATES AND TRUSTS.

(a) TREATMENT AS UNITED STATES PERSON.—Paragraph (30) of section 7701(a) is amended by striking subparagraph (D) and by inserting after subparagraph (C) the following:

"(D) any estate or trust if—

"(i) a court within the United States is able to exercise primary supervision over the administration of the estate or trust, and

"(ii) in the case of a trust, one or more United States fiduciaries have the authority to control all substantial decisions of the trust."

(b) CONFORMING AMENDMENT.—Paragraph (31) of section 7701(a) is amended to read as follows:

"(31) FOREIGN ESTATE OR TRUST.—The term 'foreign estate' or 'foreign trust' means any estate or trust other than an estate or trust described in section 7701(a)(30)(D)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to taxable years beginning after December 31, 1996, and

(2) at the election of the trustee of a trust, to taxable years beginning after the date of the enactment of this Act and on or before December 31, 1996.

Such an election, once made, shall be irrevocable.

TITLE III—ADDITIONAL EMPOWERMENT ZONES

SEC. 301. ADDITIONAL EMPOWERMENT ZONES.

(a) IN GENERAL.—Paragraph (2) of section 1391(b) (relating to designations of empowerment zones and enterprise communities) is amended—

(1) by striking "9" and inserting "11",

(2) by striking "6" and inserting "8", and

(3) by striking "750,000" and inserting "1,000,000".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

DEPARTMENT OF THE TREASURY,
Washington, DC, February 15, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
Ranking Democratic Member, Committee on Finance, U.S. Senate, Washington, DC.

DEAR SENATOR MOYNIHAN: I am pleased to transmit the enclosed Tax Compliance Act of 1995 for your immediate consideration. The provisions contained in this bill, which were described in the budget submitted by the President to Congress February 6, 1995, include a number of compliance and related measures. Several proposals are aimed at curbing offshore tax abuses. One proposal would close a tax loophole that allows wealthy Americans to renounce their citizenship and avoid paying tax on appreciated assets. Another would tighten tax rules governing foreign trusts set up by U.S. taxpayers and foreigners. In addition, the earned income tax credit would be denied to undocumented workers and individuals whose interest and dividend income exceeds $2,500. Finally, the bill would authorize the designation of two additional urban empowerment zones.

An identical bill has been sent to Representative Gibbons of the House Ways and Means Committee, Senate Democratic Leader Daschle, and House Democratic Leader Gephardt. I urge Congress to give the attached bill prompt and favorable consideration.

The Office of Management and Budget advises that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT E. RUBIN,
Secretary of the Treasury.

GENERAL EXPLANATION OF THE TAX COMPLIANCE ACT OF 1995

EARNED INCOME TAX CREDIT COMPLIANCE PROPOSALS

Current law

To be eligible for the Earned Income Tax Credit (EITC), a taxpayer must reside in the United States for over six months. Nonresident aliens are not entitled to the EITC beginning in 1995. Other non-U.S. citizens are eligible for the EITC if, among other things, they meet a six-month residency requirement and do not file an income tax return as a non-resident alien.

To claim the higher EITC amounts available to taxpayers with qualifying children, those taxpayers are required to provide taxpayer identification numbers (TINs) for each qualifying child. Unless otherwise proscribed by regulation, social security numbers serve as TINs. Some taxpayers are unable to obtain social security numbers. Under section 205(c) of the Social Security Act, social security numbers are generally issued only to individuals who are citizens or who are authorized to work in the U.S. Undocumented workers may not be able to obtain social security numbers.

The IRS must follow deficiency procedures when investigating questionable EITC claims. First, contact letters are sent to the taxpayer. If the necessary information is not provided by the taxpayer, a statutory notice of deficiency is sent by certified mail, notifying the taxpayer that the adjustment will be assessed unless the taxpayer files a petition in Tax Court within 90 days. If a petition is not filed within that time and there is no other response to the statutory notice, the assessment is made and the EITC is denied.

Reasons for change

The Administration believes that the EITC should not be available to individuals who are not authorized to work in the United States. During the past year, the Administration and Congress have taken steps to improve the administration of the EITC. Further steps are desirable to ensure that only the intended beneficiaries receive the EITC.

Proposal

Only individuals who are authorized to work in the United States would be eligible for the EITC. Taxpayers claiming the EITC would be required to provide a valid social security number for themselves, their spouses, and qualifying children. Social security numbers would have to be valid for employment purposes in the United States. Thus, eligible individuals would include U.S. citizens and lawful permanent residents. Taxpayers residing in the United States illegally would not be eligible for the credit.

In addition, the IRS would be authorized to use the math-error procedures, which are simpler than deficiency procedures, to resolve questions about the validity of a social security number. Under this approach, the failure to provide a correct social security number would be treated as a math error. Taxpayers would have 60 days in which they could either provide a correct social security number or request that the IRS follow the current-law deficiency procedures. If a taxpayer failed to respond within this period, he or she would be required to refile with correct social security numbers in order to obtain the EITC.

These provisions would be effective for tax years beginning after December 31, 1995.

REVENUE ESTIMATE

[In billions of dollars][1]

	Fiscal year—						
	1995	1996	1997	1998	1999	2000	Total
EITC compliance proposals	0	0	0.4	0.5	0.5	0.5	1.9

[1] Includes reduction in outlays.

INTEREST AND DIVIDEND TEST FOR EARNED INCOME TAX CREDIT

Current law

To be eligible to receive the Earned Income Tax Credit (EITC), an individual must have earned income. To target the EITC to low-income workers, the amount of the credit to which a taxpayer is entitled decreases when the taxpayer's earned income (or, if greater, adjusted gross income (AGI)) exceeds certain thresholds. The earned income and AGI thresholds are indexed for inflation and are also adjusted to take into account qualifying children. In 1995, a taxpayer with two or more qualifying children will not be eligible for the EITC if his or her income exceeds $26,673. The income cut-offs decline to $24,396 for a taxpayer with one qualifying child and $9,230 for a taxpayer with no qualifying children.

Reason for change

Under current law a taxpayer may have relatively low earned income, and therefore may be eligible for the EITC, even though he or she has significant interest and dividend income. The EITC should be targeted to families with the greatest need. Most EITC recipients do not have significant resources and must rely on earnings to meet their day-to-day living expenses, but taxpayers with high levels of interest and dividend income can draw upon the resources that produce this income to meet family needs.

Proposal

Beginning in 1996, a taxpayer would not be entitled to the EITC if his or her aggregate interest and dividend income during a taxable year exceeds $2,500. This threshold would be indexed for inflation thereafter.

REVENUE ESTIMATE

[In billions of dollars] [1]

	Fiscal year—						
	1995	1996	1997	1998	1999	2000	Total
Interest and dividend test for earned income tax credit	0	*	0.3	0.3	0.4	0.4	1.4

[1] Includes reduction in outlays.

* Revenue gain of less than $50 million.

TAX RESPONSIBILITIES OF AMERICANS WHO RENOUNCE CITIZENSHIP

Current law

Under current law, worldwide gains realized by U.S. citizens and resident aliens are subject to U.S. tax. Existing rules recognize that the United States has a tax interest in preventing tax avoidance through renunciation of citizenship. These rules continue to tax former U.S. citizens on U.S. source income for ten years following renunciation of citizenship if one of the principal purposes of the renunciation was to avoid U.S. income tax. A similar rule applies to aliens who cease to be residents.

Reasons for change

Wealthy U.S. citizens and long-term residents sometimes abandon their U.S. citizenship or status as residents. Existing rules to prevent tax avoidance through expatriation have proven largely ineffective because departing taxpayers have found ways to restructure their activities to avoid those rules, and compliance with the rules is difficult to monitor. Consequently, existing measures need to be enhanced to ensure that gains generally accruing during the time a taxpayer was a citizen or long-term permanent resident will be subject to U.S. tax at the time the taxpayer abandons citizenship or residency.

Proposal

Existing rules would be expanded to provide that if a U.S. person expatriates on or after February 6, 1995, the person would be treated as having sold his or her assets at fair market value immediately prior to expatriation and gain or loss from such sale would be recognized and would be subject to U.S. income tax. A U.S. citizen would be considered to expatriate if the citizens renounces or abandons U.S. citizenship. A resident alien individual would be taxed under this proposal if the alien has been subject to U.S. tax as a lawful permanent resident of the United States in at least ten of the prior fifteen taxable years and then ceases to be subject to U.S. tax as a resident.

For this purpose, a taxpayer would be treated as owning those assets that would be included in the taxpayer's gross estate (determined as if the taxpayer's estate had been created on the date of expatriation) as well as, in certain cases, the taxpayer's interest in assets held in certain trusts (defined below in Section II of the foreign trust discussion). Exceptions to the tax on expatriation would be made for most U.S. real property interests (because they remain subject to U.S. taxing jurisdiction) and interests in qualified retirement plans. An expatriating individual also would be entitled to exclude $600,000 of gain as determined under the proposal.

The IRS may allow a taxpayer to defer payment of the tax on expatriation with respect to interests in closely-held businesses. In those cases, the taxpayer would be required to provide collateral satisfactory to the IRS. Payment of tax could not be deferred for more than five years, and an interest charge would be imposed on the deferred tax.

Solely for purposes of determining gain or loss subject to the tax on expatriation, a resident alien individual would be permitted to elect to determine basis using the fair market value (instead of historical cost) of assets owned on the date when U.S. residence first began. If made, this election would apply to all of a taxpayer's property.

This proposal would replace existing income tax rules with respect to expatriations on or after February 6, 1995. Existing rules that apply to taxes other than income taxes would continue to apply.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal year—						
	1995	1996	1997	1998	1999	2000	Total
Tax responsibilities of Americans who renounce citizenship	0.1	0.2	0.3	0.4	0.5	0.7	2.2

REVISE TAXATION OF INCOME FROM FOREIGN TRUSTS

U.S. tax rules applicable to foreign trusts have not been revised for nearly two decades. New rules are needed to accommodate changes in the use and incidence of foreign trusts and to limit the avoidance and evasion of U.S. taxes. The Administration proposals would reform the taxation of foreign trusts in five respects.

I. Information reporting and foreign trusts

Current law

Under current law, most foreign trusts established by U.S. persons are grantor trusts, the income of which is taxed to the grantor. U.S. persons who create or transfer property to foreign trusts are required to report transactions with the foreign trust to the IRS.

Reasons for change

The existing information reporting statute predates the significant expansion of the foreign grantor trust rules in 1976. In general, penalties for noncompliance with reporting requirements are minimal. U.S. grantors of foreign trusts often do not report the income earned by foreign trusts and often do not comply with required information reporting. These foreign trusts are frequently established in tax haven jurisdictions with stringent secrecy rules. Consequently, the IRS's attempts to verify income earned by foreign trusts are often unsuccessful. Existing penalties have not proven adequate to encourage some U.S. taxpayers to comply with existing rules.

Proposal

Notice of Transfer: Section 6048 would require U.S. persons transferring property to foreign trusts to notify the IRS. This notice would identify the trustee of the foreign trust, indicate the property transferred to the trust, and identify the trust beneficiaries.

If a transferor did not file the required notice, a penalty would be imposed equal to 35 percent of the gross value of the property transferred, valued as of the date of transfer. This penalty would not be less than $10,000, and could be further increased for continuing noncompliance.

Trustee Statements: Section 6048 would require trustees of any foreign trust with a U.S. grantor or a U.S. beneficiary to file two types of statements: a "Section 6048 Statement" and an annual information return. In the Section 6048 Statement, the trustee would be required to:

(1) appoint a U.S. agent (whether or not a trustee) who has the ability to provide any information that reasonably should be available to the trust in response to requests by the IRS; and

(2) agree to file an annual information return for the foreign trust.

The annual information return would be required to include a full accounting of trust activities, including separate schedules (K-1s) for income attributable to U.S. grantors or U.S. beneficiaries, as appropriate. The foreign trust would not be considered to have an office or permanent establishment in the United States merely because of the section 6048 activities of its U.S. agent.

There would be two consequences if the trustee of the foreign trust did not file a Section 6048 Statement or the required annual information return. First, the U.S. settlor of a foreign trust would be subject to a $10,000 penalty for each failure to file a Section 6048 Statement or annual information return. This penalty would be increased for continuing noncompliance. Second, the IRS would be authorized to determine, in its discretion, the tax consequences of any trust transactions or operations to a U.S. grantor or U.S. beneficiary. Thus, for example, the IRS could impose a gift tax on property transferred to the foreign trust. In appropriate circumstances, the IRS could also impute taxable income to the U.S. settlor based on the value of assets transferred to or held in the foreign trust. A distribution to a U.S. beneficiary could be deemed to come from income accumulated in the year the trust was organized (or an alien beneficiary's first year of U.S. residence, if later). Although the trustee would have an incentive to file the trustee statements to avoid adverse U.S. tax consequences to U.S. grantors and U.S. beneficiaries, there would be no penalties directly imposed on a trustee for the failure to file those statements.

The Secretary would be authorized to waive any information reporting requirements when there was no significant U.S. tax interest in obtaining the information. Penalties would not be imposed if the taxpayer acted with reasonable cause and not willful neglect.

These proposals generally would be effective for trust taxable years beginning after the date of enactment.

II. Outbound foreign grantor trusts

Current law

Under section 679, a foreign trust established by a U.S. person for the benefit of U.S. persons generally is a "grantor trust", and the grantor is treated as owner of property transferred to the trust. There are, however, some transfers that are not covered by this general rule. First, transfers by reason of death are not subject to section 679. Second, sales of property to a foreign trust at fair market value are not subject to section 679. Third, if a foreign person transfers property to a foreign trust for the benefit of a U.S. person and then becomes a resident of the United States, section 679 does not apply to the transfer. Finally, current rules do not clearly address the tax consequences for a domestic trust that becomes a foreign trust.

Reasons for change

Tax planning to avoid or defer recognition of income from foreign trusts often utilizes the exceptions to section 679. For example, a foreign trust may be established by will upon the death of a U.S. person for the benefit of U.S. persons. Because the trust is not a grantor trust, the income of the trust is not subject to U.S. tax until distributed to a U.S. person, even though the trust was created by a U.S. person for the benefit of a U.S. person.

U.S. persons also sometimes attempt to avoid section 679 by selling property to a foreign trust in exchange for a note from the trust. Often, the U.S. transferor does not intend to collect on the note. In such a case, the purported seller of the assets should be treated as owning the assets transferred to the trust. (If there is no *bona fide* debt, these transactions are subject to challenge under current law, because the exchange would not be at fair market value.)

Prior to becoming residents of the United States, foreign persons often put their assets into irrevocable trusts in tax haven jurisdictions for the benefit of U.S. persons. As a result, the trust income escapes U.S. tax until distribution.

Further, as tax haven jurisdictions enact legislation to enable U.S. trusts to move to those jurisdictions, trust migrations are becoming more common. Taxpayers should not be able to achieve tax results through migration of a domestic trust that they could not achieve directly by creating a foreign trust.

Finally, the inadequacy of the existing attribution rules as they apply to discretionary beneficiaries encourages taxpayers to avoid the appropriate tax consequences of their transactions by disguising true economic ownership of assets through the use of foreign discretionary trusts.

Proposal

The Administration proposes several changes to section 679, described below.

Transfers at Death: Property transferred to a foreign trust at the death of a trust grantor (including property in a foreign grantor trust at the grantor's death) would be treated as having been transferred to the trust by the beneficiaries in accordance with their respective interests in the trust (described below) in a transaction in which no gain or loss would be recognized. U.S. beneficiaries therefore would become grantors for purposes of section 679. These proposals would be effective for assets transferred to foreign trusts after the date of enactment.

Sales to Foreign Trusts: The sale of property to a foreign trust by a U.S. person would be considered a transfer to a grantor trust under section 679 unless the trust pays the grantor full fair market value for the property without regard to any debt obligation received by the transferor issued by the trust, the grantor, a beneficiary, or a person related to the grantor or beneficiary or guaranteed by any such person. Exceptions would be provided for legitimate commercial transactions, such as credit extended by unrelated persons. A transferor would not be treated as receiving fair market value for property transferred in a deemed sale (pursuant to an election under section 1057 or otherwise). These proposals would be effective for assets transferred to foreign trusts on or after February 6, 1995.

Pre-immigration Trusts: If a foreign person transfers property to a foreign trust and becomes a U.S. person within five years of the transfer, the trust would be considered a grantor trust under section 679 with respect to such transferred assets if the trust has U.S. beneficiaries after the grantor becomes a U.S. person. This proposal would be effective for assets transferred to foreign trusts on or after February 6, 1995.

Outbound Trust Migrations: For purposes of section 679, if a domestic trust becomes a foreign trust, the trust assets would be deemed to have been transferred to the trust by the beneficiaries in accordance with their respective interests in the trust (defined below) in a transaction in which no gain or loss is recognized. Thus, any U.S. beneficiaries would be considered to be grantors of their respective interests in the foreign trust for purposes of section 679. However, if the IRS determines that the domestic trust was established pursuant to a plan to retransfer assets to a foreign trust, the IRS would be permitted to treat the U.S. settlor of the domestic trust as grantor of the foreign trust for purposes of section 679. The proposal would be effective for assets transferred to foreign trusts on or after February 6, 1995.

Determination of Respective Interests: For purposes of presenting abusive transactions designed to avoid section 679 and the tax on expatriation, a beneficiary's respective interest in a trust would be based on all relevant facts and circumstances, including the terms of the trust instrument. Other relevant factors may include letters of wishes or similar documents, patterns of historical trust distributions, and the existence of and functions performed by a trust protector or any similar advisor. If the respective interests of beneficiaries in a discretionary trust cannot otherwise be determined, those beneficiaries with the closest degree of family affiliation to the settlor could be presumed to have equal proportionate interests in the trust.

The proposed would apply the attribution rules of discretionary beneficiaries only to the abusive situations under section 679 described above and to the tax on expatriation of U.S. citizens and residents, but would not directly apply the attribution rules for other purposes (e.g., to determine if a discretionary beneficiary is a U.S. shareholder of a controlled foreign corporation that is owned by the trust). The determination of respective interests for purposes of the tax on expatriation by U.S. citizens and residents would be effective for expatriations occurring on or after February 6, 1995.

III. Inbound foreign grantor trusts

Current law

The United States disregards certain "grantor" trusts for income tax purposes. This treatment is designed to prevent abuses arising from attempts to shift income to beneficiaries who are likely to be paying taxes at lower rates than the grantor of the trust. Consequently, under existing anti-abuse rules, the grantor of such a trust is taxed as if he owned the trust assets directly. Trusts generally are considered grantor trusts if (1 the grantor has a reversionary interest in trust income or corpus, (2) the grantor or a nonadverse party holds certain powers over the beneficial enjoyment of trust income or corpus, (3) certain administrative powers are exercisable for the grantor's benefit (e.g., the grantor can reacquire trust assets by substituting assets of equivalent value), (4) the grantor or a nonadverse party has the power to revest trust assets in the grantor, or (5) trust income may be paid or accumulated for the benefit of the grantor or the grantor's spouse in the discretion of the grantor or a nonadverse party. A person other than the grantor is treated as owning trust assets if that person has the power to withdraw trust income or corpus.

The IRS has issued a revenue ruling in which a foreign person funded a foreign grantor trust for U.S. beneficiaries. The ruling holds that since the foreign person is treated as the owner of the grantor trust, a U.S. beneficiary is not taxable on trust distributions.

Reasons for change

Existing law inappropriately permits foreign taxpayers to affirmatively use the domestic anti-abuse rules concerning grantor trusts. Although current law treats a foreign grantor as the owner of the trust assets, the foreign grantor generally is not subject to U.S. tax on income of the trust. These rules therefore permit U.S. beneficiaries, who enjoy the benefits of residing in the United States, to avoid U.S. tax on trust income. U.S. beneficiaries should be appropriately taxed in the United States.

Proposal

Under the proposal, a person would be treated as owning trust assets under the grantor trust rules only if that person is a U.S. citizen, U.S. resident, or domestic corporation. The IRS may prescribe rules for applying the grantor trust rules to settlors that are partnerships, trusts, and estates to the extent that the beneficial interests in such entities are owned by U.S. citizens, U.S. residents, or domestic corporations. A U.S. person receiving distributions of trust income as result of this provision would be allowed to claim a foreign tax credit for foreign taxes paid on trust income by the trust or the foreign grantor.

Several related provisions are proposed to enforce these rules. First, enhanced authority would be granted to the IRS to prevent the use of nominees to evade these rules. For this purpose, a bona fide settlor of a trust with power to withdraw income or corpus from the trust would normally not be considered a nominee. Second, new rules would harmonize the treatment of purported gifts by corporations and partnerships with the new foreign grantor trust rules. Third, U.S. persons would be required to report the receipt of what they claim to be large gifts from foreign persons in order to allow the IRS to verify that such purported gifts are not, in fact, disguised income to the U.S. recipients.

If a trust that is a grantor trust under current law becomes a nongrantor trust pursuant to this rule, the trust would be treated as if it were resettled on the date the trust becomes a nongrantor trust. Neither the grantor nor the trust would recognize gain or loss. If a resettled domestic trust that has a foreign grantor became a foreign trust before December 31, 1995, the section 1491 excise tax on outbound transfers of assets would not be applied to the transfer by the domestic trust to the new foreign trust. Otherwise, this proposal would be effective on the date of enactment of this provision. These rules would not apply to normal security arrangements involving a trustee (including the use of indenture trustees and similar arrangements).

IV. Foreign nongrantor trusts

Current law

Accumulation distributions: U.S. beneficiaries of foreign trusts are subject to a nondeductible interest charge on distributions of accumulated income earned by the trust in earlier taxable years. The charge is based on the length of time the tax was deferred by deferring distributions of accumulated income. Under existing law, the interest charge is equal to six percent simple interest per year multiplied by the tax imposed on the distribution. If adequate records are not available to determine the portion of a distribution that is accumulated income, the distribution is deemed to be an accumulation distribution from the year the trust was organized.

Constructive Distributions: The tax consequences of the use of trust assets by beneficiaries is ambiguous under current law. Taxpayers may assert that a beneficiary's use of assets owned by a trust does not constitute a distribution to the beneficiary.

Reasons for change

Accumulation distributions: Interest paid by U.S. beneficiaries of foreign trusts should reflect market rates of interest.

Constructive distributions: If a corporation makes corporate assets available for a shareholder's personal use (e.g., a corporate apartment made available rent-free to a shareholder), the fair market value of the use of that property is treated as a constructive distribution. Further, if a controlled foreign corporation makes a loan to a U.S. person, the loan is treated as a deemed distribution by the foreign corporation to its U.S. shareholders. The use of foreign trust assets by trust beneficiaries should give rise to tax consequences that are similar to those associated with the use of corporate shareholders.

Proposal

Accumulation distributions: For periods of accumulation after December 31, 1995, the rate of interest charged on accumulation distributions would correspond to the interest rate taxpayers pay on underpayment of tax. If a trust does not provide information required under section 6048, the distribution would be deemed to be from income accumulated in the year the trust was organized (or an alien beneficiary's first year of U.S. residence, if later). If a taxpayer is not able to demonstrate when the trust was created, the IRS may use any approximation based on available evidence.

Taxpayers have used a variety of methods (e.g., tiered trusts, divisions of trusts, mergers of trusts, and similar transactions with corporations) to convert a distribution of accumulated income into a distribution of current income or corpus. The proposal would authorize the IRS to recharacterize such transactions, effective for transactions or arrangements entered into after the date of enactment. Transactions that may be entered into to avoid the interest charge on accumulation distributions (e.g., excessive "compensation" paid to trust beneficiaries who are directors of corporations owned by the foreign trust) may be subject to recharacterization.

The proposal also clarifies existing law by providing that if an alien beneficiary of a foreign trust becomes a U.S. resident and thereafter receives an accumulation distribution, no interest would be charged for periods of accumulation that predate U.S. residency.

Constructive distributions: If a beneficiary uses assets of a foreign trust, the value of that use would be a constructive distribution to the beneficiary. Thus, if a foreign trust made a residence available for use by a beneficiary (or a related person), the difference between the fair rental value of the residence and any rent actually paid would be treated as a constructive distribution to that beneficiary. If a foreign trust purported to loan cash (or cash equivalents) to a U.S. beneficiary, the loan would be treated as a constructive distribution by the foreign trust to the U.S. beneficiary. These provisions would not apply if constructive distributions did not exceed $2,500 during a taxable year. The provisions would be effective for taxable years of a trust that begin after the date of enactment.

V. Residence of trusts

Current law

Under current law, a "foreign estate or trust" is an estate or trust the "income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business within the United States, is not includable in gross income under subtitle A" of the Internal Revenue Code. This definition does not provide criteria for determining when an estate or trust is foreign.

Court cases and rulings indicate that the residence of an estate or trust depends on various factors, such as the location of the assets, the country under whose laws the estate or trust is created, the residence of the fiduciary, the nationality of the decedent or settlor, the nationality of the beneficiaries, and the location of the administration of the trust or estate. *See e.g., B.W. Jones Trust v. Comm'r*, 46 B.T.A. 531 (1942), *aff'd*, 132 F.2d 914 (4th Cir. 1943).

Reasons for change

Present rules provide insufficient guidance for determining the residence of estates and trusts. Because the tax treatment of an estate, trust, settlor, or beneficiary may depend on whether the estate or trust is foreign or domestic, it is important to have an objective definition of the residence of an estate or trust. Reducing the number of factors used in determining the residence of estates or trusts for tax purposes would increase the flexibility of settlors and trust administrators to decide where to locate and in what assets to invest. For example, if the location of the administration of the trust were no longer a relevant criterion, settlors of foreign trusts would be able to choose whether to administer the trusts in the United States or abroad based on non-tax considerations.

Proposal

An estate or trust would be considered a domestic estate or trust if two factors were present: (1) a court within the United States is able to exercise primary supervision over the administration of the estate or trust; and (2) a U.S. fiduciary (alone or in concert with other U.S. fiduciaries) has the authority to control all major decisions of the estate or trust. A foreign estate or trust would be any estate or trust that is not domestic.

The first factor would be fulfilled only if a U.S. court had authority over the entire estate or trust, and not if it merely had jurisdiction over certain assets or a particular beneficiary. Normally, the first factor would be satisfied if the trust instrument is governed by the laws of a U.S. state. One way to satisfy this factor is to register the estate or trust in a state pursuant to a state law which is substantially similar to Article VII of the Uniform Probate Code as published by the American Law Institute. The second factor would normally be satisfied if a majority of the fiduciaries are U.S. persons and a foreign fiduciary (including a "protector" or similar trust advisor) may not veto important decisions of the U.S. fiduciaries. In applying this factor, the IRS would allow an estate or trust a reasonable period of time to adjust for inadvertent changes in fiduciaries (*e.g.*, a U.S. trustee dies or abruptly resigns where a trust has two U.S. fiduciaries and one foreign fiduciary).

The new rules defining domestic estates and trusts would be effective for taxable years of an estate or trust that begin after December 31, 1996. The delayed effective date is intended to allow estates and trusts a period of time to modify their governing instruments or to change fiduciaries. Moreover, taxpayers would be allowed to elect to apply these rules to taxable years of an estate or trust beginning after the date of enactment.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal year—						
	1995	1996	1997	1998	1999	2000	Total
Revise taxation of income from foreign trusts (sections I–V)	0.1	0.3	0.5	0.5	0.5	0.6	2.4

INCREASE IN NUMBER OF EMPOWERMENT ZONES

Current law

The Omnibus Budget Reconciliation Act of 1993 (OBRA '93) authorized a federal demonstration project in which nine empowerment zones and 95 enterprise communities would be designated in a competitive application process. Of the nine empowerment zones, six were to be located in urban areas and three were to be located in rural areas. State and local governments jointly nominated distressed areas and proposed strategic plans to stimulate economic and social revitalization. By the June 30, 1994 application deadline, over 500 communities had submitted applications.

On December 21, 1994, the Secretaries of the Department of Housing and Urban Development and the Department of Agriculture designated the empowerment zones and enterprise communities authorized by Congress in OBRA '93.

Among other benefits, businesses located in empowerment zones are eligible for three federal tax incentives: an employment and training credit; an additional $20,000 per year of section 179 expensing; and a new category of tax-exempt private activity bonds. Businesses located in enterprise communities are eligible for the new category of tax-exempt bonds. OBRA '93 also provided that federal grants would be made to designated areas.

Reasons for change

Because of the vast number of distressed urban areas and the need to revitalize these areas, the Administration believes that the number of authorized empowerment zones should be expanded, subject to budgetary constraints. Extending the tax incentives to economically distressed areas will help stimulate revitalization of these areas.

Proposal

The proposal would authorize the designation of two additional urban empowerment zones and would be effective on the date of enactment. No additional federal grants would be authorized. The sole effect of the proposal would be to extend the empowerment zone tax incentives to two additional areas.

REVENUE ESTIMATE

[In billions of dollars]

	Fiscal Year—						
	1995	1996	1997	1998	1999	2000	Total
Increase in number of empowernment zones	−0.1	−0.1	−0.1	−0.1	−0.1	−0.1	−0.7

By Mr. McCONNELL (for himself, Mr. LIEBERMAN, and Mrs. KASSEBAUM):

S. 454. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1995

• Mr. McCONNELL. Mr. President, I am pleased to introduce the Health Care Liability Reform and Quality Assurance Act of 1995. Last year, Congress spent many days and weeks considering a dramatic overhaul of the finest health care system in the world. But the vast majority of Americans concluded we didn't need to reinvent our medical system. So, Congress, with good reason, laid aside health care and vowed to come back this year and make some needed incremental changes to the health care system.

Health care liability is one issue on which there was bipartisan consensus about the need to make some significant change. This bill which I am introducing today with the co-sponsorship and assistance of Senators LIEBERMAN and KASSEBAUM represents this bipartisan effort.

The purpose of our bill is to promote patient safety, compensate those who suffer injuries fully and fairly, without enriching lawyers and bureaucrats, make health care more accessible, gain some cost containment in health care, strengthen the doctor-patient relationship and encourage medical innovation. Our present system, unfortunately, does none of the above.

First of all, patients don't get compensated. The Rand Corp. has reported that only 43 cents of every dollar spent in the liability system goes to the injured party. That means lawyers, experts, and court fees eat up 57 percent of all dollars spent in the liability system.

Second, the prohibitive cost of liability insurance means some doctors won't provide care to those in our society who need it most. Half a million rural women can't get an obstetrician to deliver their babies. Because of high malpractice premiums, African-American doctors are avoiding the practice of medicine in high-risk areas—generally urban areas, making it more difficult for minority communities to get necessary care.

Third, companies that invent new products are discouraged under the current system from putting them on the market. Medical device manufacturers are finding it more difficult to get raw materials to produce life saving devices because of the risk of lawsuits.

Fourth, doctors are less likely to explore risky treatment because of the proliferation of lawsuits. A doctor has a better than 1 in 3 chance of being sued during his practice years. And the likelihood of suit has nothing to do with whether the doctor was negligent. GAO reports that almost 60 percent of all suits are dismissed without a verdict or even a settlement.

So, something is very wrong with our liability system and our bill will help solve the problem. It contains many of the provisions that were considered, on a bipartisan basis, in the Finance Committee last year, during the health care debate. I have included a summary of the bill's provisions and I ask that the full text of the bill be printed in the RECORD.

Mr. President, I am hopeful that health care liability will get full consideration and action in this Congress. There will be at least two opportunities—when we consider some targeted health care reform and when we consider legal reform. It is very important that we tackle this issue and I look forward to prompt action.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Liability Reform and Quality Assurance Act of 1995".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE LIABILITY REFORM

Subtitle A—Liability Reform

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Applicability.
Sec. 104. Statute of limitations.
Sec. 105. Reform of punitive damages.
Sec. 106. Periodic payments.

Sec. 107. Scope of liability.

Sec. 108. Mandatory offsets for damages paid by a collateral source.

Sec. 109. Treatment of attorneys' fees and other costs.

Sec. 110. Obstetric cases.

Sec. 111. State-based alternative dispute resolution mechanisms.

Sec. 112. Requirement of certificate of merit.

Subtitle B—Biomaterials Access Assurance

Sec. 121. Short title.

Sec. 122. Findings.

Sec. 123. Definitions.

Sec. 124. General requirements; applicability; preemption.

Sec. 125. Liability of biomaterials suppliers.

Sec. 126. Procedures for dismissal of civil actions against biomaterials suppliers.

Subtitle C—Applicability

Sec. 131. Applicability.

TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS

Sec. 201. Health care quality assurance program.

Sec. 202. Risk management programs.

Sec. 203. National practitioner data bank.

TITLE III—SEVERABILITY

Sec. 301. Severability.

TITLE I—HEALTH CARE LIABILITY REFORM

Subtitle A—Liability Reform

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—That the civil justice system of the United States is a costly and inefficient mechanism for resolving claims of health care liability and compensating injured patients and that the problems associated with the current system are having an adverse impact on the availability of, and access to, health care services and the cost of health care in this country.

(2) EFFECT ON INTERSTATE COMMERCE.—That the health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States affect interstate commerce by contributing to the high cost of health care and premiums for health care liability insurance purchased by participants in the health care system.

(3) EFFECT ON FEDERAL SPENDING.—That the health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide them with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reform that is designed to—

(1) ensure that individuals with meritorious health care injury claims receive fair and adequate compensation, including reasonable non-economic damages;

(2) improve the availability of health care service in cases in which health care liability actions have been shown to be a factor in the decreased availability of services; and

(3) improve the fairness and cost-effectiveness of our current health care liability system to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty and unpredictability in the amount of compensation provided to injured individuals.

SEC. 102. DEFINITIONS.

As used in this subtitle:

(1) CLAIMANT.—The term "claimant" means any person who commences a health care liability action, and any person on whose behalf such an action is commenced, including the decedent in the case of an action brought through or on behalf of an estate.

(2) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, except that such measure or degree of proof is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(3) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action in a State or Federal court—

(A) against a health care provider, health care professional, or other defendant joined in the action (regardless of the theory of liability on which the action is based) in which the claimant alleges injury related to the provision of, or the failure to provide, health care services; or

(B) against a health care payor, a health maintenance organization, insurance company, or any other individual, organization, or entity that provides payment for health care benefits in which the claimant alleges that injury was caused by the payment for, or the failure to make payment for, health care benefits, except to the extent such actions are subject to the Employee Retirement Income Security Act of 1974.

(4) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by Federal or State laws or regulations to be licensed, registered or certified to provide such services or who is certified to provide health care services pursuant to a program of education, training and examination by an accredited institution, professional board, or professional organization.

(5) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care items or services in a State and that is required by Federal or State laws or regulations to be licensed, registered or certified to engage in the delivery of such items or services.

(6) HEALTH CARE SERVICES.—The term "health care services" means any services provided by a health care professional or health care provider, or any individual working under the supervision of a health care professional, that relate to the diagnosis, prevention, or treatment of any disease or impairment, or the assessment of the health of human beings.

(7) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a health care liability action.

(8) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of consortium, and other nonpecuniary losses incurred by an individual with respect to which a health care liability action is brought.

(9) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not for compensatory purposes, against a health care provider, health care organization, or other defendant in a health care liability action. Punitive damages are neither economic nor noneconomic damages.

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 103. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (c), this subtitle shall apply with respect to any health care liability action brought in any Federal or State court, except that this section shall not apply to an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act applies to the action.

(b) PREEMPTION.—The provisions of this subtitle shall preempt any State law to the extent such law is inconsistent with the limitations contained in such provisions. The provisions of this subtitle shall not preempt any State law that—

(1) provides for defenses in addition to those contained in this subtitle, places greater limitations on the amount of attorneys' fees that can be collected, or otherwise imposes greater restrictions on non-economic or punitive damages than those provided in this subtitle;

(2) permits State officials to commence health care liability actions as a representative of an individual; or

(3) permits provider-based dispute resolution.

(c) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to actions brought by a foreign nation or a citizen of a foreign nation; or

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss an action of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum.

(d) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this subtitle shall be construed to establish any jurisdiction in the district courts of the United States over health care liability actions on the basis of sections 1331 or 1337 of title 28, United States Code.

SEC. 104. STATUTE OF LIMITATIONS.

A health care liability action that is subject to this Act may not be initiated unless a complaint with respect to such action is filed within the 2-year period beginning on the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that such an action relating to a claimant under legal disability may be filed within 2 years after the date on which the disability ceases. If the commencement of a health care liability action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

SEC. 105. REFORM OF PUNITIVE DAMAGES.

(a) LIMITATION.—With respect to a health care liability action, an award for punitive damages may only be made, if otherwise permitted by applicable law, if it is proven by clear and convincing evidence that the defendant—

(1) intended to injure the claimant for a reason unrelated to the provision of health care services;

(2) understood the claimant was substantially certain to suffer unnecessary injury, and in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; or

(3) acted with a conscious disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid in a manner which constitutes a gross deviation from the normal standard of conduct in such circumstances.

(b) PUNITIVE DAMAGES NOT PERMITTED.—Notwithstanding the provisions of subsection (a), punitive damages may not be awarded against a defendant with respect to any health care liability action if no judgment for compensatory damages, including nominal damages (under $500), is rendered against the defendant.

(c) REQUIREMENTS FOR PLEADING OF PUNITIVE DAMAGES.—

(1) IN GENERAL.—No demand for punitive damages shall be included in a health care liability action as initially filed.

(2) AMENDED PLEADING.—A court may allow a claimant to file an amended complaint or pleading for punitive damages in a health care liability action if—

(A) the claimant submits a motion to amend the complaint or pleading within the earlier of—

(i) 2 years after the complaint or initial pleading is filed, or

(ii) 9 months before the date the matter is first set for trial; and

(B) after a finding by a court upon review of supporting and opposing affidavits or after a hearing, that after weighing the evidence the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(d) SEPARATE PROCEEDING.—

(1) IN GENERAL.—At the request of any defendant in a health care liability action, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award, or

(B) the amount of punitive damages following a determination of punitive liability.

(2) ONLY RELEVANT EVIDENCE ADMISSIBLE.—If a defendant requests a separate proceeding under paragraph (1), evidence relevant only to the claim of punitive damages in a health care liability action, as determined by applicable State law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(e) DETERMINING AMOUNT OF PUNITIVE DAMAGES.—In determining the amount of punitive damages in a health care liability action, the trier of fact shall consider only the following:

(1) The severity of the harm caused by the conduct of the defendant.

(2) The duration of the conduct or any concealment of it by the defendant.

(3) The profitability of the conduct of the defendant.

(4) The number of products sold or medical procedures rendered for compensation, as the case may be, by the defendant of the kind causing the harm complained of by the claimant.

(5) Awards of punitive or exemplary damages to persons similarly situated to the claimant, when offered by the defendant.

(6) Prospective awards of compensatory damages to persons similarly situated to the claimant.

(7) Any criminal penalties imposed on the defendant as a result of the conduct complained of by the claimant, when offered by the defendant.

(8) The amount of any civil fines assessed against the defendant as a result of the conduct complained of by the claimant, when offered by the defendant.

(f) LIMITATION AMOUNT.—The amount of damages that may be awarded as punitive damages in any health care liability action shall not exceed 3 times the amount awarded to the claimant for the economic injury on which such claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(g) RESTRICTIONS PERMITTED.—Nothing in this section shall be construed to imply a right to seek punitive damages where none exists under Federal or State law.

SEC. 106. PERIODIC PAYMENTS.

With respect to a health care liability action, no person may be required to pay more than $100,000 for future damages in a single payment of a damages award, but a person shall be permitted to make such payments of the award on a periodic basis. The periods for such payments shall be determined by the adjudicating body, based upon projections of future losses and shall be reduced to present value. The adjudicating body may waive the requirements of this section if such body determines that such a waiver is in the interests of justice.

SEC. 107. SCOPE OF LIABILITY.

(a) IN GENERAL.—With respect to punitive and noneconomic damages, the liability of each defendant in a health care liability action shall be several only and may not be joint. Such a defendant shall be liable only for the amount of punitive or noneconomic damages allocated to the defendant in direct proportion to such defendant's percentage of fault or responsibility for the injury suffered by the claimant.

(b) DETERMINATION OF PERCENTAGE OF LIABILITY.—The trier of fact in a health care liability action shall determine the extent of each defendant's fault or responsibility for injury suffered by the claimant, and shall assign a percentage of responsibility for such injury to each such defendant.

(c) PROHIBITION ON VICARIOUS LIABILITY.—A defendant in a health care liability action may not be held vicariously liable for the direct actions or omissions of other individuals.

SEC. 108. MANDATORY OFFSETS FOR DAMAGES PAID BY A COLLATERAL SOURCE.

(a) IN GENERAL.—With respect to a health care liability action, the total amount of damages received by an individual under such action shall be reduced, in accordance with subsection (b), by any other payment that has been, or will be, made to an individual to compensate such individual for the injury that was the subject of such action.

(b) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under subsection (a) shall be—

(1) the total amount of any payments (other than such award) that have been made or that will be made to such individual to pay costs of or compensate such individual for the injury that was the subject of the action; minus

(2) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in paragraph (1).

(c) PRETRIAL DETERMINATION OF AMOUNTS FROM COLLATERAL SERVICES.—The reductions requires under subsection (b)(2) shall be determined by the court in a pretrial proceeding. At such proceeding—

(1) no evidence shall be admitted as to the amount of any charge, payments, or damage for which a claimant—

(A) has received payment from a collateral source or the obligation for which has been assured by a third party; or

(B) is, or with reasonable certainty, will be eligible to receive payment from a collateral source of the obligation which will, with reasonable certainty be assumed by a third party; and

(2) the jury, if any, shall be advised that—

(A) except for damages as to which the court permits the introduction of evidence, the claimant's medical expenses and lost income have been or will be paid by a collateral source or third party; and

(B) the claimant shall receive no award for any damages that have been or will be paid by a collateral source or third party.

SEC. 109. TREATMENT OF ATTORNEYS' FEES AND OTHER COSTS.

(a) LIMITATION ON AMOUNT OF CONTINGENCY FEES.—

(1) IN GENERAL.—An attorney who represents, on a contingency fee basis, a claimant in a health care liability action may not charge, demand, receive, or collect for services rendered in connection with such action in excess of the following amount recovered by judgment or settlement under such action:

(A) 33⅓ percent of the first $150,000 (or portion thereof) recovered, based on after-tax recovery, plus

(B) 25 percent of any amount in excess of $150,000 recovered, based on after-tax recovery.

(2) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the contingency fee under paragraph (1) shall be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

(b) CONTINGENCY FEE DEFINED.—As used in this section, the term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

SEC. 110. OBSTETRIC CASES.

With respect to a health care liability action relating to services provided during labor or the delivery of a baby, if the health care professional against whom the action is brought did not previously treat the pregnant woman for the pregnancy, the trier of fact may not find that the defendant committed malpractice and may not assess damages against the health care professional unless the malpractice is proven by clear and convincing evidence.

SEC. 111. STATE-BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISMS.

(a) APPLICATION TO HEALTH CARE LIABILITY CLAIMS UNDER HEALTH PLANS.—Prior to or immediately following the commencement of any health care liability action, the parties shall participate in the alternative dispute resolution system administered by the State under subsection (b). Such participation shall be in lieu of any other provision of Federal or State law applicable to the parties prior to the commencement of the health care liability action.

(b) ADOPTION OF MECHANISM BY STATE.—Each State shall—

(1) maintain or adopt at least one of the alternative dispute resolution methods satisfying the requirements specified under subsection (c) and (d) for the resolution of health care liability claims arising from the provision of (or failure to provide) health care services to individuals enrolled in a health plans; and

(2) clearly disclose to enrollees in health plans (and potential enrollees) the availability and procedures for consumer grievances, including a description of the alternative dispute resolution method or methods adopted under this subsection.

(c) SPECIFICATION OF PERMISSIBLE ALTERNATIVE DISPUTE RESOLUTION METHODS.—

(1) IN GENERAL.—The Attorney General, in consultation with the Secretary and the Administrative Conference of the United States, shall, by regulation, develop alternative dispute resolution methods for the use by States in resolving health care liability claims under subsection (a). Such methods shall include at least the following:

(A) ARBITRATION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (d), result in a final decision as to facts, law, liability or damages. The parties may elect binding arbitration.

(B) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(C) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(D) EARLY OFFER AND RECOVERY MECHANISM.—

(i) IN GENERAL.—The use of early offer and recovery mechanisms under which a health care provider, health care organization, or any other alleged responsible defendant may offer to compensate a claimant for his or her reasonable economic damages, including future economic damages, less amounts available from collateral sources.

(ii) BINDING ARBITRATION.—If, after an offer is made under clause (i), the claimant alleges that payment of economic damages under the offer has not been reasonably made, or the participants in the offer dispute their relative contributions to the payments to be made to the claimant, such disputes shall be resolved through binding arbitration in accordance with applicable rules and procedures established by the State involved.

(2) STANDARDS FOR ESTABLISHING METHODS.—In developing alternative dispute resolution methods under paragraph (1), the Attorney General shall assure that the methods promote the resolution of health care liability claims in a manner that—

(A) is affordable for the parties involved;

(B) provides for timely resolution of claims;

(C) provides for the consistent and fair resolution of claims; and

(D) provides for reasonably convenient access to dispute resolution for individuals enrolled in plans.

(3) WAIVER AUTHORITY.—Upon application of a State, the Attorney General, in consultation with the Secretary, may grant the State the authority to fulfill the requirement of subsection (b) by adopting a mechanism other than a mechanism established by the Attorney General pursuant to this subsection, except that such mechanism must meet the standards set forth in paragraph (2).

(d) FURTHER REDRESS.—Except with respect to the claimant-requested binding arbitration method set forth in subsection (c)(1)(A), a claimant who is dissatisfied with the determination reached as a result of an alternative dispute resolution method applied under this section may, after the final resolution of the claimant's claim under the method, initiate or resume a cause of action to seek damages or other redress with respect to the claim to the extent otherwise permitted under State law. State law shall govern the admissibility of results of any alternative dispute resolution procedure and all statements, offers, and other communications made during such procedures, at any subsequent trial. An individual who indicates or resumes a health care liability action shall only prevail if such individual proves each element of the action beyond a reasonable doubt, including proving that the defendant was grossly negligent or intentionally caused injury.

SEC. 112. REQUIREMENT OF CERTIFICATE OF MERIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—Except as provided in subsection (b) and subject to the penalties of subsection (d), no health care liability action may be brought by any individual unless, at the time the individual commences such action, the individual or the individual's attorney submits an affidavit declaring that—

(1) the individual (or the individual's attorney) has consulted and reviewed the facts of the claim with a qualified specialist (as defined in subsection (c));

(2) the individual or the individual's attorney has obtained a written report by a qualified specialist that clearly identifies the individual and that includes the specialist's determination that, based upon a review of the available medical record and other relevant material, a reasonable medical interpretation of the facts supports a finding that the claim against the defendant is meritorious and based on good cause; and

(3) on the basis of the qualified specialist's review and consultation, the individual, and if represented, the individual's attorney, have concluded that the claim is meritorious and based on good cause.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a health care liability action without submitting an affidavit described in such subsection if—

(A) despite good faith efforts, the individual is unable to obtain the written report before the expiration of the applicable statute of limitations;

(B) despite good faith efforts, at the time the individual commences the action, the individual has been unable to obtain medical records or other information necessary, pursuant to any applicable law, to prepare the written report requested; or

(C) the court of competent jurisdiction determines that the affidavit requirement shall be extended upon a showing of good cause.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action to which paragraph (1) applies, the action shall be dismissed unless the individual submits the affidavit described in subsection (a) not later than—

(A) in the case of an action to which subparagraph (A) of paragraph (1) applies, 90 days after commencing the action; or

(B) in the case of an action to which subparagraph (B) of paragraph (1) applies, 90 days after obtaining the information described in such subparagraph or when good cause for an extension no longer exists.

(c) QUALIFIED SPECIALIST DEFINED.—

(1) IN GENERAL.—As used in subsection (a), the term "qualified specialist" means, with respect to a health care liability action, a health care professional who has expertise in the same or substantially similar area of practice to that involved in the action.

(2) EVIDENCE OF EXPERTISE.—For purposes of paragraph (1), evidence of required expertise may include evidence that the individual—

(A) practices (or has practiced) or teaches (or has taught) in the same or substantially similar area of health care or medicine to that involved in the action; or

(B) is otherwise qualified by experience or demonstrated competence in the relevant practice area.

(d) SANCTIONS FOR SUBMITTING FALSE AFFIDAVIT.—Upon the motion of any party or on its own initiative, the court in a health care liability action may impose a sanction on a party, the party's attorney, or both, for—

(1) any knowingly false statement made in an affidavit described in subsection (a);

(2) making any false representations in order to obtain a qualified specialist's report; or

(3) failing to have the qualified specialist's written report in his or her custody and control;

and may require that the sanctioned party reimburse the other party to the action for costs and reasonable attorney's fees.

Subtitle B—Biomaterials Access Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Biomaterials Access Assurance Act of 1995".

SEC. 122. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life-enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe

and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 123. DEFINITIONS.

As used in this subtitle:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR.—With respect to an action brought on behalf or through a minor, such term includes the parent or guardian of the minor.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services; or

(ii) a manufacturer, seller, or biomaterials supplier.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant nonimplant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)).

(8) QUALIFIED SPECIALIST.—With respect to an action, the term "qualified specialist" means a person who is qualified by knowledge, skill, experience, training, or education in the specialty area that is the subject of the action.

(9) RAW MATERIAL.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(10) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(11) SELLER.—

(A) IN GENERAL.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 124. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this subtitle, a biomaterials supplier may raise any defense set forth in section 125.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this subtitle is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 126.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this subtitle applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this subtitle; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This subtitle supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this subtitle establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this subtitle and that is not governed by a rule of law applicable to

the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this subtitle may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 125. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section; or

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if the biomaterials supplier—

(1) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(A) the manufacture of the implant; and

(B) the entrance of the implant in the stream of commerce; and

(2) subsequently resold the implant.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii)(I) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j); and

(II) have received clearance from the Secretary,

if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 126. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this subtitle, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 125(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 125(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 125(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—The procedural requirements described in paragraphs (2) and (3) shall apply to any action by a claimant against a biomaterials supplier that is subject to this subtitle.

(2) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(A) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(B) an action against the manufacturer is barred by applicable law.

(3) AFFIDAVIT.—At the time the claimant brings an action against a biomaterials supplier the claimant shall be required to submit an affidavit that—

(A) declares that the claimant has consulted and reviewed the facts of the action with a qualified specialist, whose qualifications the claimant shall disclose;

(B) includes a written determination by a qualified specialist that the raw materials or component parts actually used in the manufacture of the implant of the claimant were raw materials or component parts described in section 125(d)(1), together with a statement of the basis for such a determination;

(C) includes a written determination by a qualified specialist that, after a review of the medical record and other relevant material, the raw material or component part supplied by the biomaterials supplier and actually used in the manufacture of the implant was a cause of the harm alleged by claimant, together with a statement of the basis for the determination; and

(D) states that, on the basis of review and consultation of the qualified specialist, the claimant (or the attorney of the claimant) has concluded that there is a reasonable and meritorious cause for the filing of the action against the biomaterials supplier.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 125(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 125(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (3) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 125 on the grounds that the defendant is not a manufacturer subject to such subsection 125(b) or seller subject to subsection 125(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 125(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 125(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 125(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists.

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 125(d) or the failure to establish the applicable elements of section 125(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 125(b) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this subtitle shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

Subtitle C—Applicability

SEC. 131. APPLICABILITY.

This title shall apply to all civil actions covered under this title that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this Act.

TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS

SEC. 201. HEALTH CARE QUALITY ASSURANCE PROGRAM.

(a) FUND.—Each State shall establish a health care quality assurance program, to be approved by the Secretary, and a fund consisting of such amounts as are transferred to the fund under subsection (b).

(b) TRANSFER OF AMOUNTS.—Each State shall require that 50 percent of all awards of punitive damages resulting from all health care liability actions in that State be transferred to the fund established under subsection (a) in the State.

(c) OBLIGATIONS FROM FUND.—The chief executive officer of a State shall obligate such sums as are available in the fund established in that State under subsection (a) to—

(1) license and certify health care professionals in the State;

(2) implement health care quality assurance programs; and

(3) carry out programs to reduce malpractice-related costs for health care providers volunteering to provide health care services in medically underserved areas.

SEC. 202. RISK MANAGEMENT PROGRAMS.

(a) REQUIREMENTS FOR PROVIDERS.—Each State shall require each health care professional and health care provider providing services in the State to participate in a risk management program to prevent and provide early warning of practices which may result in injuries to patients or which otherwise may endanger patient safety.

(b) REQUIREMENTS FOR INSURERS.—Each State shall require each entity which provides health care professional or provider liability insurance to health care professionals and health care providers in the State to—

(1) establish risk management programs based on data available to such entity or sanction programs of risk management for health care professionals and health care providers provided by other entities; and

(2) require each such professional or provider, as a condition of maintaining insurance, to participate in one program described in paragraph (1) at least once in each 3-year period.

SEC. 203. NATIONAL PRACTITIONER DATA BANK.

Section 427 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11137) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by inserting after subsection (a), the following new subsection:

"(b) DISCLOSURE OF INFORMATION.—The Secretary shall promulgate regulations providing for the disclosure of information reported to the Secretary under sections 422 and 423, upon request, to any individual."; and

(3) in subsection (c) (as so redesignated)—

(A) in the first sentence of paragraph (1), by striking "under this part" and inserting "under section 421"; and

(B) in paragraph (3), by striking "subsection (a)" and inserting "subsections (a) and (b)".

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SUMMARY OF MCCONNELL-LIEBERMAN-KASSEBAUM HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1995

TITLE I—LIABILITY REFORM

Subtitle A—Health Care Liability Reform

1. Scope:

a. Applies to any action, filed in federal or state court, against a health care provider, professional, payor, hmo, insurance company or any other defendant (except vaccine-related injuries);

b. Preempts state law to the extent it is inconsistent with the provisions herein; no preemption for state laws which:

(1) provide additional defenses;

(2) greater limitations on attorneys' fees;

(3) greater restrictions on punitive or noneconomic damages;

(4) permit state officials to institute action;

(5) permit provider-based dispute resolution.

c. Does not create federal jurisdiction for health care liability actions.

2. Uniform Statute of Limitations:

Two years from the date injury discovered or should have been discovered, except that any person under a legal disability may file within two years after the disability ceases.

3. Limit on Punitive Damages:

a. Awarded if proved by clear and convincing evidence defendant:

(1) intended to injure;

(2) understood claimant was substantially certain to suffer unnecessary injury and deliberately failed to avoid injury; or

(3) acted with conscious disregard of substantial and unjustifiable risk which defendant failed to avoid in a way which constitutes a gross deviation from the normal standard of conduct.

b. No punitive damages where compensatory damages of less than $500 are awarded.

c. Punitive damages may not be pleaded in original complaint. A complaint may be amended within, the earlier of, 2 years of original complaint or 9 months before the case is set for trial, and after court finds substantial probability that claimant will prevail on the claim for punitive damages.

d. At the defendant's request, punitive damages must be considered in a separate proceeding and, if so requested, no evidence relevant to the claim for punitive damages may be admitted in the proceedings for compensatory damages.

e. In determining the amount, court must consider only:

(1) severity of harm;

(2) duration of defendant's conduct and any concealment;

(3) profitability of defendant's conduct;

(4) number of products sold/procedures rendered which caused similar harm;

(5) similar awards of punitive damages in similar circumstances;

(6) prospective awards of compensatory damages to similarly situated persons;

(7) criminal penalties imposed on defendant;

(8) civil fines imposed.

f. No award may exceed the greater of 3 times the amount of economic damages or $250,000.

4. Periodic Payment of Damages:

No more than $100,000 may be required to be paid in one single payment. The court will determine the schedule for payments, based on projection of future losses and reduced to present value. This requirement may be waived, in the interests of justice.

5. Several, not Joint, Liability:

Defendant liable only for the amount of non-economic and punitive damages allocated to defendant's direct proportion of fault or responsibility. The trier of fact determines percentage of responsibility of each defendant. No vicarious liability for direct acts or omissions.

6. Collateral Source:

Total damages must be reduced by payments from other sources made, or to be made, to compensate individual for injury that is the subject of the health care liability action. The offset is reduced by any amount paid by the injured party (or family member) to secure the payment. The reductions must be determined by the judge in a pretrial proceeding.

7. Attorneys' Fees:

Limits attorney contingent fees to 33⅓% of the first $150,000 and 25% of any amount in excess of $150,000.

8. Obstetric Cases:

No malpractice award against a health care professional relating to delivery of a baby, if the health care professional did not previously treat the woman during the pregnancy, unless malpractice proved by clear and convincing evidence.

9. State Based Alternative Dispute Resolution:

a. Prior to the filing, or immediately following the filing of the action, the parties must participate in a state administered alternative dispute resolution system.

b. The Attorney General will develop ADR methods for use by the states, including arbitration, mediation, early neutral evaluation, early offer and recovery. The parties may elect binding arbitration.

c. ADR must promote resolution of health care liability claims in an affordable, timely, fair and convenient manner. States may be granted waivers if they have programs that meet these standards.

d. Any party dissatisfied (except where binding arbitration selected) may continue the action in court and may prevail only if each element of the case is proved beyond a reasonable doubt, including that the defendant was grossly negligent or intentionally caused injury. State law governs the admission of ADR proceedings.

10. Certificate of Merit:

Requires that, prior to bringing a lawsuit, an individual (or his or her attorney) to submit an affidavit declaring that the individual reviewed the facts with a qualified specialist and that the specialist has concluded the claim is meritorious. A qualified specialist means a health care professional with expertise (the specialist practices or teaches or has experience or demonstrated competence) in the same or substantially similar area of practice as that involved in the case. A court may impose sanctions for the submission of a false affidavit.

Subtitle B—Biomaterial Access Assurance

1. Summary:

The Biomaterial Access Assurance Act would allow suppliers of the raw material (biomaterial) used to make medical implants, to obtain dismissal, without extensive discovery or other legal costs, in certain tort suits in which plaintiffs allege harm from a finished medical implant.

The Act would not affect the ability of plaintiffs to sue manufacturers or sellers of medical implants. It would allow raw materials suppliers, however, to be dismissed from lawsuits if the generic raw material used in the medical device met contract specifications, and if the biomaterial supplier cannot be classified as either a manufacturer or seller of the medical implant.

2. Scope:

a. Establishes that any biomaterial supplier may seek its dismissal from a civil action within the parameters of the Subtitle.

b. Applies to any civil action brought by a claimant in Federal or State court against a manufacturer, seller, or biomaterial supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

c. Preempts State law to the extent the bill establishes a rule of law.

3. Grounds for Dismissal:

a. Requires dismissal of a biomaterial supplier unless the claimant establishes that the supplier:

(1) was itself the manufacturer of the implant;

(2) was itself the seller of the implant; or

(3) furnished raw materials that failed to met applicable contractual requirements or specifications.

b. A supplier may be deemed to be a manufacturer only if the supplier registered as such with the FDA pursuant to medical device requirements or if the HHS Secretary issues a declaration that the supplier should have registered as such. Establishes a procedure for the Secretary to issue such a declaration.

c. A supplier may be deemed to be a seller if the supplier itself resold the implant after it had been manufactured and had entered the stream of commerce.

d. With respect to contractual requirements, a supplier may be liable for harm only if the claimant shows that the biomaterial were not the actual product for which the parties contracted or the biomaterial failed to meet certain specifications and that failure was the cause of the injury. The relevant specifications are those:

(1) provided to the supplier by the manufacturer,

(2) provided by the manufacturer (either published, given to the manufacturer, or included in an FDA master file), or

(3) included in manufacturer submissions that had received clearance from the FDA.

4. Procedures for Dismissal:

a. A supplier named as a defendant or joined as a co-defendant may file a motion to dismiss based on the defenses set forth above.

b. A plaintiff must sue a manufacturer directly whenever jurisdiction over the manufacturer is available. A plaintiff must submit an expert's affidavit certifying that the biomaterial were actually used and were the cause of the alleged harm and that the case has merit.

c. Specific rules are established for the handling of a motion to dismiss, including discovery limitations, summary judgment procedures, and staying the proceedings.

d. The manufacturer, not the supplier, may conduct the proceeding on the motion if an appropriate contractual indemnification agreement exists. The possibility of frivolous claims against a supplier is reduced by permitting the court to require the plaintiff to pay attorney fees if the plaintiff succeeds in making the supplier a defendant, but ultimately is found to have a meritless claim.

5. Effective Date: The bill will apply to civil actions commenced on or after the date of enactment.

TITLE II—PROTECTION OF PATIENT HEALTH AND SAFETY

1. Quality Assurance:

Requires each State to establish a health care quality assurance program and fund, approved by the Secretary of HHS. Allocates 50% of all punitive damage awards to be transferred to the fund for the purpose of licensing and certifying health care professionals, implementing programs, including programs to reduce malpractice costs for volunteers serving underserved areas.

2. Risk Management Programs:

Professionals and providers must participate in risk management program to prevent and provide early warning of practices which may result in injuries. Insurers must establish risk management programs and require participation, once every 3 years, as a condition of maintaining insurance.

3. National Practitioner Data Bank:

Requires that information on the discipline of health care practitioners, including suspension or revocation of licenses or hospital privileges, be accessible to the public.•

• Mr. LIEBERMAN. Mr. President, I am pleased to join Senators McCONNELL and KASSEBAUM today in introducing the Liability Reform and Quality Assurance Act of 1995. I thank Senator McCONNELL for his leadership on the bill.

Mr. President, our present system for compensating patients who have been injured by medical malpractice is ineffective, inefficient, and in many respects, unfair. The system promotes the overuse of medical tests and procedures, and diverts too much money away from victims. The Rand Corp. has estimated that injured patients receive only 43 percent of spending on medical malpractice and medical product litigation. And victims often receive their awards after many years of delay.

Our medical malpractice system is a stealth contributor to the high cost of health care. The American Medical Association reports that in the 1980's liability insurance premiums grew faster that other physician practice expenses. The cost of liability insurance has been estimated at $9 billion in 1992.

So called defensive medicine costs are an even greater concern. The Office of Technology Assessment has found that as many as 8 percent of diagnostic procedures are ordered primarily because of doctors' concerns about liability. These defensive practices present a hidden but significant burden on our health care system. The health care consulting firm, Lewin-VHI, has estimated that physician and hospital charges for defensive medicine were as high as $25 billion in 1991.

Taxpayers and health care consumers bear the financial burden of these excessive costs. Liability insurance and defensive medicine premiums drive up the cost of Medicare and Medicaid and of private health care premiums. Further, in some specialties, such as obstetrics, where malpractice premiums have skyrocketed, malpractice liability may be reducing access to quality health care. The American College of Obstetricians and Gynecologists report that malpractice costs for ob/gyns increased 350 percent between 1982 and 1988, and that by 1988, 41 percent of those ob/gyns surveyed indicated that they had made changes in their practice patterns, such as ceasing to serve high-risk patients, because of malpractice concerns.

The bill we're introducing today will begin to address these inefficiencies and perverse effects of our malpractice system by directing a greater portion of malpractice awards to victims, by discouraging frivolous lawsuits, and by enhancing quality assurance programs. Key provisions of this malpractice reform bill include:

Establishing a uniform statute of limitations, 2 years from the date the injury was discovered.

Allowing periodic payments for awards greater than $100,000.

Applying several, not joint and several liability for noneconomic and punitive damages.

Limiting attorneys' contingency fees to 33⅓ of the $150,000 of an award and 25 percent of any amount above $150,000.

Establishing a clear and convincing evidence standard for doctors delivering a baby who had not previously treated the pregnant women.

Requiring States to establish mandatory alternative dispute resolution.

Strengthening the standard for awarding punitive damages and establish State health care quality assurance programs funded with 50 percent of punitive damage awards.

Requiring providers and insurers to participate in risk management programs every 3 years to better detect and prevent practices which may result in patient injury.

Increasing consumer access to the National Practitioner Data Bank which contains information on disciplinary actions against health care providers.

The bill also incorporates legislation I introduced earlier this year with Senator MCCONNELL and others, S. 303, the Biomaterials Access Assurance Act of 1995. That bill seeks to ensure that raw materials continue to be available for use in life-saving medical devices. It allows suppliers of raw materials or biomaterials used to make medical implants to obtain dismissal, with minimal legal costs, from certain tort suits in which plaintiffs allege harm from a finished medical product containing the biomaterial.

Many of the reform ideas in the legislation we are introducing today were proposed or cosponsored by Democrats and Republicans in the last Congress as part of comprehensive health care reform bills. A number of these ideas were embraced last year by a group of us participating in the bipartisan Senate mainstream coalition. But we had little chance to debate these issues in the last Congress. I am optimistic that we will have the opportunity in this Congress to pass a bipartisan medical malpractice reform bill. I encourage my colleagues to consider this legislation and join Senator MCCONNELL, Senator KASSEBAUM, and me as we seek to improve our medical malpractice system.●

By Mr. KEMPTHORNE (for himself and Mr. CRAIG):

S. 455. A bill entitled the "Consultation Clarification Act"; to the Committee on Environment and Public Works.

CONSULTATION CLARIFICATION ACT

Mr. KEMPTHORNE. Mr. President, today I am introducing a bill to amend the Endangered Species Act. I am introducing a bill critical to the people of this country who are held hostage by the inappropriate implementation of a provision of the Endangered Species Act.

One abuse in particular has caused me to rise today with an urgent need to make a clarification to the Endangered Species Act.

Late last month a Federal judge issued an injunction to protect an endangered strain of salmon. This action resulted in the shutting down of all mining, logging, and grazing in six Idaho national forests. It didn't cover just the activities that would affect the salmon, it included all activities on lands that represent 30 percent of the land in the State of Idaho. And worse, it adversely affected people's lives and jobs in half of the States.

Mr. President, this is the area of the State of Idaho where people's jobs are needlessly at risk because of the vagaries of the courts and Federal agencies. The court imposed a 5-day injunction on all activities on the national forests covering 30 percent of the area of the State of Idaho and jeopardizing the jobs of nearly 5,000 workers, workers on projects that have been in continuous operation that the Forest Service has determined will not jeopardize the endangered salmon runs. And adding uncertainty to another 5,000 workers whose jobs are influenced by the project work.

Mr. President, 2,500 people rallied in Challis, ID, January 21 to let their Government know that they are frustrated that no one is considering their plight. They are facing loss of jobs, not having money for food and clothing, and the uncertainties of having to move from their homes. I got a letter from Russell Ebberts who is an eighth grader in Challis, ID. He's facing having to move if his Dad loses his job. And Danny Fisher and Karena Turpin were planning on getting married in June. Their wedding and future plans have been shattered. And as long as there is a threat of a recurrence of that injunction, they must continue to be worried.

The current injunction, when it was in effect, affected mainly mining operations, but future injunctions, when they come will affect grazing, timber harvest including salvage, and other activities. We have estimated that if the injunction is put in place again in March, it will cost $65,000 per day in the loss of folks' wages across Idaho. That is intolerable.

The insanity of this injunction was that many of the projects that would be shut down had already been the subject of consultation under the Endangered Species Act and had been determined to not harm the salmon.

Let me repeat that important point, Mr. President. These are projects that had already been the subject of consultation, and had been found to have no effect on the salmon. Nonetheless, just because these projects were contained within a national forest management plan, and the plan had not yet been consulted upon for the salmon, the projects were subject to immediate cessation.

Why, you ask, had the plan not been made subject to consultation? That is the irony of this judge's order. The plans in the six national forests had been consulted upon, in addition to the projects within the plans. The problem was that the salmon was listed under the Endangered Species Act after the forest plans had been consulted upon.

Well, Mr. President, the injunction was temporarily lifted, until March 15. Hopefully this will be enough time for the National Marine Fisheries Service to complete consultation on the forest plans. But, if anything goes wrong, the injunction may be imposed again. As the year progresses, more and more people's jobs will be at risk. These uncertainties in folks' lives are not necessary.

The legislation my colleague from Idaho and I are sponsoring does only one thing, it clarifies that it has never been the intent of Congress to give the regulatory agencies two opportunities to consult on the same project. It was never the intent to cause a project that has already been approved under the Endangered Species Act to come to a halt while the plan of which it is a part goes through a second review.

Since the enactment of the Endangered Species Act, Congress has enacted laws requiring agencies to do broad plans for their activities. These agencies are required by Federal law to have different levels of planning—a broad scale long term plan and then site specific plans.

Court decisions like this one have begun to force an interpretation that there must be consultation on both levels of planning and that both these plans and the resulting projects may be held up if the consultation on both has not been completed.

This is double jeopardy. We cannot afford to allow our Federal Government to waste taxpayers dollars in essentially looking at the same project twice. We can no longer throw out years of planning and community involvement on these plans every time a new species is listed. The laws and regulations for both the Forest Service and the BLM allow for these kinds of updates—they are called amendments and require the kinds of public involvement that put people back into the management of their public lands.

Mr. President, it is time that Congress is clear about what we intended for the consultation process. My bill amends section 7 of the Endangered Species Act to clarify that when a consultation has been completed on a project, the project does not need to stop while consultation is done on the overriding plan.

This is a necessary clarification of the intent of Congress on this issue. Its intent is to avoid unnecessary multiple consultations on a project. We envision that it will help with existing situations in Oregon, Idaho, New Mexico, and California and it will prevent many other States from getting in the same situation that we are currently facing in Idaho.

Mr. President, I want to make it clear that we are not intending to reform the Endangered Species Act with this bill. That reform effort is one that I feel needs careful consideration, constructive debate, and substantive suggestions over the months ahead. We are planning hearings on this broader reform bill and are looking to submit a comprehensive reauthorization bill in the fall.

Mr. President, my bill will fix a small, but critical part of the frustrations caused by liberal interpretations of the Endangered Species Act. And, it will head off potential catastrophes in the short run that will bog down the kind of innovative discussions that are needed to bring forth the best possible bill reauthorizing the Endangered Species Act, to benefit the species truly at risk and to help, not hinder the American people.

By Mr. BRADLEY (for himself, Mr. DODD, Mr. ROCKEFELLER, Mr. CHAFEE, Mrs. FEINSTEIN, Ms. SNOWE, Mr. LIEBERMAN, Mr. DORGAN, and Mr. KENNEDY):

S. 456. A bill to improve and strengthen the child support collection system, and for other purposes; to the Committee on Finance.

THE INTERSTATE CHILD SUPPORT RESPONSIBILITY ACT

• Mr. BRADLEY. Mr. President, the crucible of American society is the family. Today the family faces stresses and injuries that we have never seen before in this country. Almost every child is affected by these pressures: the 40 percent of children who go home to an empty house every afternoon because both parents work as well as the 27 percent of children who live with only one parent. Our efforts as a nation must address these stresses by seeking to recouple sexual behavior and childbearing with family responsibility. That responsibility involves giving time, love, care, and attention, but it also includes food, clothing, and medical care. We should send a clear message, above all to young men: If you father a child, whether or not you are married to the mother of that child, be prepared to set aside one-sixth or more of your earnings every year for 18 years to help that child grow up healthy, educated, and responsible.

That's the principle of child support. Today, Mr. President, I rise to introduce a bill that will reinforce that principle by repairing all the holes in the tattered, State-based system of child support enforcement. That system has not worked well. It left $5.1 billion in court-ordered child support uncollected last year. It succeeds in establishing paternity for less than 40 percent of out-of-wedlock births. Still, the complex Federal-State system succeeds in collecting $3.98 for every dollar spent on enforcement. We face a choice. We can throw out the State system and replace it with a Federal bureaucracy, which might be more cumbersome but would be as hard to run away from as the IRS. Or, we can try to repair the State system, help States work together better, require some uniformity, and help the States by creating national databases of child support orders and new hires. That is the path that I and a number of my colleagues of both parties have chosen in developing the bill we introduce today.

About 17.6 million children live with just one parent. There are almost 10 million women who are raising children on their own. Almost one-third of them live below the poverty level. Less than 60 percent have child support orders. Only half of those who have child support orders receive the full amount due.

Mothers who do not receive child support do all they can to remain off of welfare. By definition, almost every family receiving Aid to Families with Dependent Children should be receiving child support, except in cases where one parent is deceased or in the small number of two-parent families participating in the AFDC–UP program. When we talk about welfare, we have to recognize that for every woman who is raising children, receiving welfare and not working, there is a father who is not raising the children and who may or may not be working. Either way, he is exploiting welfare as much or more than the mother who is receiving welfare. Tougher child support enforcement has resulted in collections for 873,000 families on welfare in 1993, and much of that money went back to the taxpayers to make up for welfare payments already made.

If this Congress undertakes a serious effort at welfare reform, child support enforcement along the lines we propose today must be a part of it. I am very pleased that my colleagues in the House of Representatives, especially Congresswomen MARGE ROUKEMA and NANCY JOHNSON, were able to persuade the leadership of the Ways and Means Committee to expand the Contract With America's welfare reform bill to include comprehensive child support reform. But as I said last year, if welfare reform continues to be delayed by controversy, we must not allow child support to be delayed along with it. There is consensus on child support, and there are also three times as many mothers due child support who are not eligible for welfare as are. They should not have to wait until we fix the welfare system before they receive the support due them.

The link to welfare makes child support a valid concern of the Federal Government, but it is also a Federal concern because one-third of all child support cases are interstate cases, which means that the parents live in different States. These cases are the most difficult to resolve. By moving from State to State and changing jobs, parents can systematically avoid paying child support, or even being located so that their wages can be withheld, for about a year at a time. These deliberate evasions occur against a backdrop of inconsistent State laws, inadequate staff and computer resources, and a continually growing caseload due to the tremendous rise in out-of-wedlock births.

Expanded paternity establishment is key to improving interstate child support enforcement. Every year more than 1 million children are born to unmarried women, about one-fourth of all births that year. About 57 percent of black children, 23 percent of Hispanic children, and 17 percent of white children born in 1990 were born to unwed mothers. In 1990, 68 percent of all births to women between the ages of 15 to 19 were out of wedlock.

Out-of-wedlock births need not automatically consign a mother and children to poverty. They can be handled like a divorce; support can be ordered and enforced. But in about one-quarter of the cases, the State cannot even get started, because they cannot obtain any information about the father.

Many of the paternity establishment provisions of my earlier bill were passed in the 1993 budget package, which required States to establish hospital-based paternity establishment programs. These programs are now up and running, and are demonstrating a significant increase in the number of child support cases in which the father can be identified, so that support can be ordered and the other enforcement mechanisms can kick in. About 85 percent of fathers are in touch with the child and mother at, or soon after, the birth. Many fathers visit their children in the hospital or birthing center. Programs that target these fathers and provide opportunities for them to acknowledge paternity can do a lot to cut down on the number of children for whom paternity has not been established.

For the situations where the father was not targeted at the hospital, this bill contains provisions which would make it easier for paternity to be established by courts or administrative agencies. It makes it less difficult to locate out-of-State fathers by expanding the locate information and services available to custodial parents and child support professionals. It mandates changes in evidence standards which remove many of the obstacles that now exist to paternity establishment across State lines. It provides State child support agencies for the first time with a Federal incentive to work on establishing paternity, not just collecting child support that has already been ordered.

Even when parentage is established, custodial parents always seem to be one step behind noncustodial parents. If a noncustodial parent gets a job in another State, child support officials do not usually learn about the job change until the next quarter in which the employer has to report payroll information. By the time child support officials in the custodial parent's State learn the information, the noncustodial parent has often moved to another job. A year can pass. This scenario is played out over and over in interstate cases.

This bill requires information on every new hire to be filed in a national database, which States can regularly search for the names or Social Security numbers of parents who owe support to children in their States.

To eliminate the problems associated with establishing a support order across State lines, my bill requires the States to expand their long-arm statutes to reach more out-of-State noncustodial parents. It requires States to recognize and enforce child support orders from other States, and it also requires all States to adopt the Uniform Interstate Family Support Act, adopted by the National Conference of Commissioners on Uniform State Laws, verbatim so that inconsistencies between the States in case processing and enforcement can be eliminated.

Even where a support order has been established, custodial parents still have problems collecting money, especially in interstate cases. In response, this bill requires the States to take tougher measures against parents who do not pay their child support. It requires them to pass laws making it possible for delinquent parents to lose their professional and occupational licenses, hitting them in a sense at their livelihood. It requires the States to hold off issuing driver's licenses to delinquent parents. It calls for the expanded use of credit reporting—it is interesting that a noncustodial parent can be delinquent on a car loan and that fact can be reported on a credit report, but the fact that he or she is delinquent on child support might not be reported. In addition, this bill requires the States to intercept lottery winnings, money judgments, and other income of noncustodial parents who owe child support. This bill also requires the States to make it easier to freeze the bank accounts of delinquent parents, and requires the States to make it a State crime to willfully fail to pay child support.

Finally, this bill responds to staffing the training issues which have plagued child support professionals for decades. In a GAO report I and the other congressional members of the commission requested, it was reported that the average caseload per child support case worker is 1,000 cases. Can you imagine, Mr. President, 1,000 cases? This bill requires the Department of Health and Human Services to conduct staffing studies in every State and report such findings to this body and the States. It also requires the Office of Child Support Enforcement to make training assistance available to State child support agencies.

Mr. President, this bill represents a consensus, an overdue consensus, about the kinds of repairs that are needed in the child support system. It began with the recommendations of the U.S. Commission on Interstate Child Support Enforcement, of which I was a member. I put those recommendations forward as legislation in 1992, as did my colleagues on the commission, Representatives MARGE ROUKEMA and BARBARA KENNELLY. Last year, the administration took those central recommendations and added some detail about the national databases of child support orders and new hires. Late last year and early this year, the House Caucus on Women's Issues took up the subject, and earlier this month introduced a bill modeled on the administration's and my earlier bill. The bill we introduce today is intended to be the Senate companion to H.R. 785, the Johnson bill in the House, with only minor differences.

I ask unanimous consent that the text of the bill and a summary be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 456

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Interstate Child Support Responsibility Act of 1995".

(b) REFERENCE TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, wherever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; reference; table of contents.

TITLE I—IMPROVEMENTS TO THE CHILD SUPPORT COLLECTION SYSTEM

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

Sec. 101. State obligation to provide paternity establishment and child support enforcement services.
Sec. 102. Distribution of payments.
Sec. 103. Rights to notification and hearings.
Sec. 104. Privacy safeguards.

Subtitle B—Program Administration and Funding

Sec. 111. Federal matching payments.
Sec. 112. Performance-based incentives and penalties.
Sec. 113. Federal and State reviews and audits.
Sec. 114. Required reporting procedures.
Sec. 115. Automated data processing requirements.
Sec. 116. Director of CSE program; staffing study.
Sec. 117. Funding for secretarial assistance to State programs.
Sec. 118. Data collection and reports by the Secretary.

Subtitle C—Locate and Case Tracking

Sec. 121. Central State and case registry.
Sec. 122. Centralized collection and disbursement of support payments.
Sec. 123. Amendments concerning income withholding.
Sec. 124. Locator information from interstate networks.
Sec. 125. Expanded Federal parent locator service.
Sec. 126. Use of social security numbers.

Subtitle D—Streamlining and Uniformity of Procedures

Sec. 131. Adoption of uniform State laws.
Sec. 132. Improvements to full faith and credit for child support orders.
Sec. 133. State laws providing expedited procedures.

Subtitle E—Paternity Establishment

Sec. 141. State laws concerning paternity establishment.
Sec. 142. Outreach for voluntary paternity establishment.

Subtitle F—Establishment and Modification of Support Orders

Sec. 151. National Child Support Guidelines Commission.
Sec. 152. Simplified process for review and adjustment of child support orders.

Subtitle G—Enforcement of Support Orders

Sec. 161. Federal income tax refund offset.
Sec. 162. Internal Revenue Service collection of arrearages.
Sec. 163. Authority to collect support from Federal employees.
Sec. 164. Enforcement of child support obligations of members of the Armed Forces.
Sec. 165. Motor vehicle liens.
Sec. 166. Voiding of fraudulent transfers.
Sec. 167. State law authorizing suspension of licenses.
Sec. 168. Reporting arrearages to credit bureaus.
Sec. 169. Extended statute of limitation for collection of arrearages.
Sec. 170. Charges for arrearages.
Sec. 171. Denial of passports for nonpayment of child support.
Sec. 172. International child support enforcement.

Subtitle H—Medical Support

Sec. 181. Technical correction to ERISA definition of medical child support order.

Subtitle I—Access and Visitation Programs

Sec. 191. Grants to States for access and visitation programs.

TITLE II—EFFECT OF ENACTMENT

Sec. 201. Effective dates.
Sec. 202. Severability.

TITLE I—IMPROVEMENTS TO THE CHILD SUPPORT COLLECTION SYSTEM

Subtitle A—Eligibility and Other Matters Concerning Title IV–D Program Clients

SEC. 101. STATE OBLIGATION TO PROVIDE PATERNITY ESTABLISHMENT AND CHILD SUPPORT ENFORCEMENT SERVICES.

(a) STATE LAW REQUIREMENTS.—Section 466(a) (42 U.S.C. 666(a)) is amended by adding at the end the following new paragraph:

"(12) Procedures under which—

"(A) every child support order established or modified in the State on or after October 1, 1998, is recorded in the central case registry established in accordance with section 454A(e); and

"(B) child support payments are collected through the centralized collections unit established in accordance with section 454B—

"(i) on and after October 1, 1998, under each order subject to wage withholding under section 466(b); and

"(ii) on and after October 1, 1999, under each other order required to be recorded in such central case registry under this paragraph or section 454A(e), if requested by either party subject to such order.".

(b) STATE PLAN REQUIREMENTS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking paragraph (4) and inserting the following new paragraph:

"(4) provide that such State will undertake—

"(A) to provide appropriate services under this part to—

"(i) each child with respect to whom an assignment is effective under section 402(a)(26), 471(a)(17), or 1912 (except in cases in which the State agency determines, in accordance with paragraph (25), that it is against the best interests of the child to do so); and

"(ii) each child not described in clause (i)—

"(I) with respect to whom an individual applies for such services; or

"(II) on and after October 1, 1998, with respect to whom a support order is recorded in the central State case registry established under section 454A, if application is made for services under this part.";

(2) in paragraph (6)—

(A) by striking "(6) provide that" and all that follows through subparagraph (A) and inserting the following:

"(6) provide that—

"(A) services under the State plan shall be made available to nonresidents on the same terms as to residents;";

(B) in subparagraph (B)—

(i) by inserting "on individuals not receiving assistance under part A" after "such services shall be imposed"; and

(ii) by inserting "but no fees or costs shall be imposed on any absent or custodial parent or other individual for inclusion in the central State registry maintained pursuant to section 454A(e)";

(C) in each of subparagraphs (B), (C), (D), and (E), by indenting such subparagraph and aligning its left margin with the left margin of subparagraph (A); and

(D) in each of subparagraphs (B), (C), and (D), by striking the final comma and inserting a semicolon.

(c) CONFORMING AMENDMENTS.—

(1) PATERNITY ESTABLISHMENT PERCENTAGE.—Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended by striking "454(6)" each place it appears and inserting "454(4)(A)(ii)".

(2) STATE PLAN.—Section 454(23) (42 U.S.C. 654(23)) is amended, effective October 1, 1998, by striking "information as to any application fees for such services and".

(3) PROCEDURES TO IMPROVE ENFORCEMENT.—Section 466(a)(3)(B) (42 U.S.C. 666(a)(3)(B)) is amended by striking "in the case of overdue support which a State has agreed to collect under section 454(6)" and inserting "in any other case".

(4) DEFINITION OF OVERDUE SUPPORT.—Section 466(e) (42 U.S.C. 666(e)) is amended by striking "or (6)".

SEC. 102. DISTRIBUTION OF PAYMENTS.

(a) DISTRIBUTIONS THROUGH STATE CHILD SUPPORT ENFORCEMENT AGENCY TO FORMER ASSISTANCE RECIPIENTS.—Section 454(5) (42 U.S.C. 654(5)) is amended—

(1) in subparagraph (A)—

(A) by inserting "except as otherwise specifically provided in section 464 or 466(a)(3)," after "is effective,"; and

(B) by striking "except that" and all that follows through the semicolon; and

(2) in subparagraph (B), by striking ", except" and all that follows through "medical assistance".

(b) DISTRIBUTION TO A FAMILY CURRENTLY RECEIVING AFDC.—Section 457 (42 U.S.C. 657) is amended—

(1) by striking subsection (a) and redesignating subsection (b) as subsection (a);

(2) in subsection (a), as redesignated—

(A) in the matter preceding paragraph (2), to read as follows:

"(a) IN THE CASE OF A FAMILY RECEIVING AFDC.—Amounts collected under this part during any month as support of a child who is receiving assistance under part A (or a parent or caretaker relative of such a child) shall (except in the case of a State exercising the option under subsection (b)) be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) the amounts received in a month which represent payments for that month; and

"(B) the amounts received in a month which represent payments for a prior month which were made by the absent parent in that prior month;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;";

(B) in paragraph (4), by striking "or (B)" and all that follows through the period and inserting "; then (B) from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and then (C) any remainder shall be paid to the family.".

(3) by inserting after subsection (a), as redesignated, the following new subsection:

"(b) ALTERNATIVE DISTRIBUTION IN CASE OF FAMILY RECEIVING AFDC.—In the case of a State electing the option under this subsection, amounts collected as described in subsection (a) shall be distributed as follows:

"(1) an amount equal to the amount that will be disregarded pursuant to section 402(a)(8)(A)(vi) shall be taken from each of—

"(A) the amounts received in a month which represent payments for that month; and

"(B) the amounts received in a month which represent payments for a prior month which were made by the absent parent in that prior month;

and shall be paid to the family without affecting its eligibility for assistance or decreasing any amount otherwise payable as assistance to such family during such month;

"(2) second, from any remainder, amounts equal to the balance of support owed for the current month shall be paid to the family;

"(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to the State making the collection shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned, pursuant to part A, to any other State or States shall be paid to such other State or States and used to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

"(5) fifth, any remainder shall be paid to the family.".

(c) Distribution to a Family Not Receiving AFDC.—

(1) In general.—Section 457(c) (42 U.S.C. 657(c)) is amended to read as follows:

"(c) Distributions In Case of Family Not Receiving AFDC.—Amounts collected by a State agency under this part during any month as support of a child who is not receiving assistance under part A (or of a parent or caretaker relative of such a child) shall (subject to the remaining provisions of this section) be distributed as follows:

"(1) first, amounts equal to the total of such support owed for such month shall be paid to the family;

"(2) second, from any remainder, amounts equal to arrearages of such support obligations for months during which such child did not receive assistance under part A shall be paid to the family;

"(3) third, from any remainder, amounts equal to arrearages of such support obligations assigned to the State making the collection pursuant to part A shall be retained and used by such State to pay any such arrearages (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing); and

"(4) fourth, from any remainder, amounts equal to arrearages of such support obligations assigned to any other State pursuant to part A shall be paid to such other State or States, and used to pay such arrearages, in the order in which such arrearages accrued (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing).".

(2) Effective date.—The amendment made by paragraph (1) shall become effective on October 1, 1999.

(d) Distribution to a Child Receiving Assistance Under Title IV-E.—Section 457(d) (42 U.S.C. 657(d)) is amended, in the matter preceding paragraph (1), by striking "Notwithstanding the preceding provisions of this section, amounts" and inserting the following:

"(d) Distributions In Case of a Child Receiving Assistance Under Title IV-E.—Amounts".

(e) Regulations.—The Secretary of Health and Human Services shall promulgate regulations—

(1) under part D of title IV of the Social Security Act, establishing a uniform nationwide standard for allocation of child support collections from an obligor owing support to more than 1 family; and

(2) under part A of such title, establishing standards applicable to States electing the alternative formula under section 457(b) of such Act for distribution of collections on behalf of families receiving Aid to Families with Dependent Children, designed to minimize irregular monthly payments to such families.

(f) Clerical Amendments.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (11)—

(A) by striking "(11)" and inserting "(11)(A)"; and

(B) by inserting after the semicolon "and"; and

(2) by redesignating paragraph (12) as subparagraph (B) of paragraph (11).

(g) Mandatory Child Support Pass-Through.—

(1) In general.—Section 402(a)(8)(A)(vi) (42 U.S.C. 602(a)(8)(A)(vi)) is amended—

(A) by striking "$50" each place it appears and inserting "$50, or, if greater, $50 adjusted by the CPI (as prescribed in section 406(i));"; and

(B) by striking the semicolon at the end and inserting "or, in lieu of each dollar amount specified in this clause, such greater amount as the State may choose (and provide for in its State plan);".

(2) CPI adjustment.—Section 406 (42 U.S.C. 606) is amended by adding at the end the following new subsection:

"(i) For purposes of this part, an amount is 'adjusted by the CPI' for any month in a calendar year by multiplying the amount involved by the ratio of—

"(1) the Consumer Price Index (as prepared by the Department of Labor) for the third quarter of the preceding calendar year, to

"(2) such Consumer Price Index for the third quarter of calendar year 1996,

and rounding the product, if not a multiple of $10, to the nearer multiple of $10.".

SEC. 103. RIGHTS TO NOTIFICATION AND HEARINGS.

(a) In General.—Section 454 (42 U.S.C. 654), as amended by section 102(f), is amended by inserting after paragraph (11) the following new paragraph:

"(12) establish procedures to provide that—

"(A) individuals who are applying for or receiving services under this part, or are parties to cases in which services are being provided under this part—

"(i) receive notice of all proceedings in which support obligations might be established or modified; and

"(ii) receive a copy of any order establishing or modifying a child support obligation, or (in the case of a petition for modification) a notice of determination that there should be no change in the amount of the child support award, within 14 days after issuance of such order or determination;

"(B) individuals applying for or receiving services under this part have access to a fair hearing or other formal complaint procedure that meets standards established by the Secretary and ensures prompt consideration and resolution of complaints (but the resort to such procedure shall not stay the enforcement of any support order); and

"(C) the State may not provide to any noncustodial parent of a child representation relating to the establishment or modification of an order for the payment of child support with respect to that child, unless the State makes provision for such representation outside the State agency;".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on October 1, 1997.

SEC. 104. PRIVACY SAFEGUARDS.

(a) State Plan Requirement.—Section 454 (42 U.S.C. 454) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding after paragraph (24) the following:

"(25) provide that the State will have in effect safeguards applicable to all sensitive and confidential information handled by the State agency designed to protect the privacy rights of the parties, including—

"(A) safeguards against unauthorized use or disclosure of information relating to proceedings or actions to establish paternity, or to establish or enforce support;

"(B) prohibitions on the release of information on the whereabouts of 1 party to another party against whom a protective order with respect to the former party has been entered; and

"(C) prohibitions on the release of information on the whereabouts of 1 party to another party if the State has reason to believe that the release of the information may result in physical or emotional harm to the former party.".

(b) Effective Date.—The amendment made by subsection (a) shall become effective on October 1, 1997.

Subtitle B—Program Administration and Funding

SEC. 111. FEDERAL MATCHING PAYMENTS.

(a) Increased Base Matching Rate.—Section 455(a)(2) (42 U.S.C. 655(a)(2)) is amended to read as follows:

"(2) The applicable percent for a quarter for purposes of paragraph (1)(A) is—

"(A) for fiscal year 1997, 69 percent,

"(B) for fiscal year 1998, 72 percent, and

"(C) for fiscal year 1999 and succeeding fiscal years, 75 percent.".

(b) Maintenance of Effort.—Section 455 (42 U.S.C. 655) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking "From" and inserting "Subject to subsection (c), from"; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Notwithstanding the provisions of subsection (a), total expenditures for the State program under this part for fiscal year 1997 and each succeeding fiscal year (excluding 1-time capital expenditures for automation), reduced by the percentage specified for such fiscal year under subsection (a)(2) shall not be less than such total expenditures for fiscal year 1996, reduced by 66 percent.".

SEC. 112. PERFORMANCE-BASED INCENTIVES AND PENALTIES.

(a) Incentive Adjustments to Federal Matching Rate.—Section 458 (42 U.S.C. 658) is amended to read as follows:

"INCENTIVE ADJUSTMENTS TO MATCHING RATE

"Sec. 458. (a) Incentive Adjustment.—

"(1) In general.—In order to encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State under section 455(a)(1)(A), for each fiscal year beginning on or after October 1, 1998, shall be increased by a factor reflecting the sum of the applicable incentive adjustments (if any) determined in accordance with regulations under this section with respect to Statewide paternity establishment and to overall performance in child support enforcement.

"(2) Standards.—

"(A) In general.—The Secretary shall specify in regulations—

"(i) the levels of accomplishment, and rates of improvement as alternatives to such levels, which States must attain to qualify for incentive adjustments under this section; and

"(ii) the amounts of incentive adjustment that shall be awarded to States achieving specified accomplishment or improvement levels, which amounts shall be graduated, ranging up to—

"(I) 5 percentage points, in connection with Statewide paternity establishment; and

"(II) 10 percentage points, in connection with overall performance in child support enforcement.

"(B) Limitation.—In setting performance standards pursuant to subparagraph (A)(i) and adjustment amounts pursuant to subparagraph (A)(ii), the Secretary shall ensure that the aggregate number of percentage point increases as incentive adjustments to all States do not exceed such aggregate increases as assumed by the Secretary in estimates of the cost of this section as of June 1995, unless the aggregate performance of all States exceeds the projected aggregate performance of all States in such cost estimates.

"(3) DETERMINATION OF INCENTIVE ADJUSTMENT.—The Secretary shall determine the amount (if any) of incentive adjustment due each State on the basis of the data submitted by the State pursuant to section 454(15)(B) concerning the levels of accomplishment (and rates of improvement) with respect to performance indicators specified by the Secretary pursuant to this section.

"(4) FISCAL YEAR SUBJECT TO INCENTIVE ADJUSTMENT.—The total percentage point increase determined pursuant to this section with respect to a State program in a fiscal year shall apply as an adjustment to the applicable percent under section 455(a)(2) for payments to such State for the succeeding fiscal year.

"(5) RECYCLING OF INCENTIVE ADJUSTMENT.—A State shall expend in the State program under this part all funds paid to the State by the Federal Government as a result of an incentive adjustment under this section.

"(b) MEANING OF TERMS.—

"(1) STATEWIDE PATERNITY ESTABLISHMENT PERCENTAGE.—

"(A) IN GENERAL.—For purposes of this section, the term 'Statewide paternity establishment percentage' means, with respect to a fiscal year, the ratio (expressed as a percentage) of—

"(i) the total number of out-of-wedlock children in the State under 1 year of age for whom paternity is established or acknowledged during the fiscal year, to

"(ii) the total number of children requiring paternity establishment born in the State during such fiscal year.

"(B) ALTERNATIVE MEASUREMENT.—The Secretary shall develop an alternate method of measurement for the Statewide paternity establishment percentage for any State that does not record the out-of-wedlock status of children on birth certificates.

"(2) The term 'overall performance in child support enforcement' means a measure or measures of the effectiveness of the State agency in a fiscal year which takes into account factors including—

"(A) the percentage of cases requiring a child support order in which such an order was established;

"(B) the percentage of cases in which child support is being paid;

"(C) the ratio of child support collected to child support due; and

"(D) the cost-effectiveness of the State program, as determined in accordance with standards established by the Secretary in regulations.".

(b) ADJUSTMENT OF PAYMENTS UNDER PART D OF TITLE IV.—Section 455(a)(2) (42 U.S.C. 655(a)(2)), as amended by section 111(a), is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding after and below subparagraph (C), flush with the left margin of the paragraph, the following:

"increased by the incentive adjustment factor (if any) determined by the Secretary pursuant to section 458.".

(c) CONFORMING AMENDMENTS.—Section 454(22) (42 U.S.C. 654(22)) is amended—

(1) by striking "incentive payments" the first place it appears and inserting "incentive adjustments"; and

(2) by striking "any such incentive payments made to the State for such period" and inserting "any increases in Federal payments to the State resulting from such incentive adjustments".

(d) CALCULATION OF IV-D PATERNITY ESTABLISHMENT PERCENTAGE.—

(1) OVERALL PERFORMANCE.—Section 452(g)(1) (42 U.S.C. 652(g)(1)) is amended in the matter preceding subparagraph (A) by inserting "its overall performance in child support enforcement is satisfactory (as defined in section 458(b) and regulations of the Secretary), and" after "1994,".

(2) DEFINITION.—Section 452(g)(2)(A) (42 U.S.C. 652(g)(2)(A)) is amended, in the matter preceding clause (i)—

(A) by striking "paternity establishment percentage" and inserting "IV-D paternity establishment percentage"; and

(B) by striking "(or all States, as the case may be)".

(3) MODIFICATION OF REQUIREMENTS.—Section 452(g)(3) (42 U.S.C. 652(g)(3)) is amended—

(A) by striking subparagraph (A) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively;

(B) in subparagraph (A), as redesignated, by striking "the percentage of children born out-of-wedlock in the State" and inserting "the percentage of children in the State who are born out of wedlock or for whom support has not been established"; and

(C) in subparagraph (B), as redesignated—

(i) by inserting "and overall performance in child support enforcement" after "paternity establishment percentages"; and

(ii) by inserting "and securing support" before the period.

(e) REDUCTION OF PAYMENTS UNDER PART D OF TITLE IV.—

(1) NEW REQUIREMENTS.—Section 455 (42 U.S.C. 655) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection:

"(e)(1) Notwithstanding any other provision of law, if the Secretary finds, with respect to a State program under this part in a fiscal year beginning on or after October 1, 1997—

"(A)(i) on the basis of data submitted by a State pursuant to section 454(15)(B), that the State program in such fiscal year failed to achieve the IV-D paternity establishment percentage (as defined in section 452(g)(2)(A)) or the appropriate level of overall performance in child support enforcement (as defined in section 458(b)(2)), or to meet other performance measures that may be established by the Secretary, or

"(ii) on the basis of an audit or audits of such State data conducted pursuant to section 452(a)(4)(C), that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; and

"(B) that, with respect to the succeeding fiscal year—

"(i) the State failed to take sufficient corrective action to achieve the appropriate performance levels as described in subparagraph (A)(i) of this paragraph, or

"(ii) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable,

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program is in compliance with such performance requirement, shall be reduced by the percentage specified in paragraph (2).

"(2) The reductions required under paragraph (1) shall be—

"(A) not less than 3 nor more than 5 percent, or

"(B) not less than 5 nor more than 7 percent, if the finding is the second consecutive finding made pursuant to paragraph (1), or

"(C) not less than 7 nor more than 10 percent, if the finding is the third or a subsequent consecutive such finding.

"(3) For purposes of this subsection, section 402(a)(27), and section 452(a)(4), a State which is determined as a result of an audit to have submitted incomplete or unreliable data pursuant to section 454(15)(B), shall be determined to have submitted adequate data if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's performance.".

(2) CONFORMING AMENDMENTS.—

(A) PAYMENTS TO STATES.—Section 403 (42 U.S.C. 603) is amended by striking subsection (h).

(B) DUTIES OF SECRETARY.—Subsections (d)(3)(A), (g)(1), and (g)(3)(A) of section 452 (42 U.S.C. 652) are each amended by striking "403(h)" and inserting "455(e)".

(f) EFFECTIVE DATES.—

(1) INCENTIVE ADJUSTMENTS.—

(A) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall become effective on October 1, 1997, except to the extent provided in subparagraph (B).

(B) EXCEPTION.—Section 458 of the Social Security Act, as in effect prior to the enactment of this section, shall be effective for purposes of incentive payments to States for fiscal years prior to fiscal year 1999.

(2) PENALTY REDUCTIONS.—

(A) IN GENERAL.—The amendments made by subsection (d) shall become effective with respect to calendar quarters beginning on and after the date of the enactment of this Act.

(B) REDUCTIONS.—The amendments made by subsection (e) shall become effective with respect to calendar quarters beginning on and after the date 1 which is year after the date of the enactment of this Act.

SEC. 113. FEDERAL AND STATE REVIEWS AND AUDITS.

(a) STATE AGENCY ACTIVITIES.—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (14)—

(A) by striking "(14)" and inserting "(14)(A)"; and

(B) by inserting after the semicolon "and";

(2) by redesignating paragraph (15) as subparagraph (B) of paragraph (14); and

(3) by inserting after paragraph (14) the following new paragraph:

"(15) provide for—

"(A) a process for annual reviews of and reports to the Secretary on the State program under this part—

"(i) which shall include such information as may be necessary to measure State compliance with Federal requirements for expedited procedures and timely case processing, using such standards and procedures as are required by the Secretary; and

"(ii) under which the State agency will determine the extent to which such program is in conformity with applicable requirements with respect to the operation of State programs under this part (including the status of complaints filed under the procedure required under paragraph (12)(B)); and

"(B) a process of extracting from the State automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment (and rates of improvement) with respect to applicable performance indicators (including IV–D paternity establishment percentages and overall performance in child support enforcement) to the extent necessary for purposes of sections 452(g) and 458.".

(b) Federal Activities.—Section 452(a)(4) (42 U.S.C. 652(a)(4)) is amended to read as follows:

"(4)(A) review data and calculations transmitted by State agencies pursuant to section 454(15)(B) on State program accomplishments with respect to performance indicators for purposes of section 452(g) and 458, and determine the amount (if any) of penalty reductions pursuant to section 455(e) to be applied to the State;

"(B) review annual reports by State agencies pursuant to section 454(15)(A) on State program conformity with Federal requirements; evaluate any elements of a State program in which significant deficiencies are indicated by such report on the status of complaints under the State procedure under section 454(12)(B); and, as appropriate, provide to the State agency comments, recommendations for additional or alternative corrective actions, and technical assistance; and

"(C) conduct audits, in accordance with the government auditing standards of the United States Comptroller General—

"(i) at least once every 3 years (or more frequently, in the case of a State which fails to meet requirements of this part, or of regulations implementing such requirements, concerning performance standards and reliability of program data) to assess the completeness, reliability, and security of the data, and the accuracy of the reporting systems, used for the calculations of performance indicators specified in subsection (g) and section 458;

"(ii) of the adequacy of financial management of the State program, including assessments of—

"(I) whether Federal and other funds made available to carry out the State program under this part are being appropriately expended, and are properly and fully accounted for; and

"(II) whether collections and disbursements of support payments and program income are carried out correctly and are properly and fully accounted for; and

"(iii) for such other purposes as the Secretary may find necessary;".

(c) Effective Date.—The amendments made by this section shall be effective with respect to calendar quarters beginning on or after the date which is 1 year after the enactment of this section.

SEC. 114. REQUIRED REPORTING PROCEDURES.

(a) Establishment.—Section 452(a)(5) (42 U.S.C. 652(a)(5)) is amended by inserting ", and establish procedures to be followed by States for collecting and reporting information required to be provided under this part, and establish uniform definitions (including those necessary to enable the measurement of State compliance with the requirements of this part relating to expedited processes and timely case processing) to be applied in following such procedures" before the semicolon.

(b) State Plan Requirement.—Section 454 (42 U.S.C. 654), as amended by section 104(a), is amended—

(1) by striking "and" at the end of paragraph (24);

(2) by striking the period at the end of paragraph (25) and inserting "; and"; and

(3) by adding after paragraph (25) the following:

"(26) provide that the State shall use the definitions established under section 452(a)(5) in collecting and reporting information as required under this part.".

SEC. 115. AUTOMATED DATA PROCESSING REQUIREMENTS.

(a) Revised Requirements.—

(1) State plan.—Section 454(16) (42 U.S.C. 654(16)) is amended—

(A) by striking ", at the option of the State,";

(B) by inserting "and operation by the State agency" after "for the establishment";

(C) by inserting "meeting the requirements of section 454A" after "information retrieval system";

(D) by striking "in the State and localities thereof, so as (A)" and inserting "so as";

(E) by striking "(i)"; and

(F) by striking "(including, but not limited to," and all that follows and to the semicolon.

(2) Automated data processing.—Part D of title IV (42 U.S.C. 651–669) is amended by inserting after section 454 the following new section:

"AUTOMATED DATA PROCESSING

"Sec. 454A. (a) In General.—In order to meet the requirements of this section, for purposes of the requirement of section 454(16), a State agency shall have in operation a single statewide automated data processing and information retrieval system which has the capability to perform the tasks specified in this section, and performs such tasks with the frequency and in the manner specified in this part or in regulations or guidelines of the Secretary.

"(b) Program Management.—The automated system required under this section shall perform such functions as the Secretary may specify relating to management of the program under this part, including—

"(1) controlling and accounting for use of Federal, State, and local funds to carry out such program; and

"(2) maintaining the data necessary to meet Federal reporting requirements on a timely basis.

"(c) Calculation of Performance Indicators.—In order to enable the Secretary to determine the incentive and penalty adjustments required by sections 452(g) and 458, the State agency shall—

"(1) use the automated system—

"(A) to maintain the requisite data on State performance with respect to paternity establishment and child support enforcement in the State; and

"(B) to calculate the IV–D paternity establishment percentage and overall performance in child support enforcement for the State for each fiscal year; and

"(2) have in place systems controls to ensure the completeness, and reliability of, and ready access to, the data described in paragraph (1)(A), and the accuracy of the calculations described in paragraph (1)(B).

"(d) Information Integrity and Security.—The State agency shall have in effect safeguards on the integrity, accuracy, and completeness of, access to, and use of data in the automated system required under this section, which shall include the following (in addition to such other safeguards as the Secretary specifies in regulations):

"(1) Policies restricting access.—Written policies concerning access to data by State agency personnel, and sharing of data with other persons, which—

"(A) permit access to and use of data only to the extent necessary to carry out program responsibilities;

"(B) specify the data which may be used for particular program purposes, and the personnel permitted access to such data; and

"(C) ensure that data obtained or disclosed for a limited program purpose is not used or redisclosed for another, impermissible purpose.

"(2) Systems controls.—Systems controls (such as passwords or blocking of fields) to ensure strict adherence to the policies specified under paragraph (1).

"(3) Monitoring of access.—Routine monitoring of access to and use of the automated system, through methods such as audit trails and feedback mechanisms, to guard against and promptly identify unauthorized access or use.

"(4) Training and information.—The State agency shall have in effect procedures to ensure that all personnel (including State and local agency staff and contractors) who may have access to or be required to use sensitive or confidential program data are fully informed of applicable requirements and penalties, and are adequately trained in security procedures.

"(5) Penalties.—The State agency shall have in effect administrative penalties (up to and including dismissal from employment) for unauthorized access to, or disclosure or use of, confidential data.".

(3) Regulations.—Section 452 (42 U.S.C. 652) is amended by adding at the end the following new subsection:

"(j) The Secretary shall prescribe final regulations for implementation of the requirements of section 454A not later than 2 years after the date of the enactment of this subsection.".

(4) Implementation timetable.—Section 454(24) (42 U.S.C. 654(24)), as amended by sections 104(a)(2) and 114(b)(1), is amended to read as follows:

"(24) provide that the State will have in effect an automated data processing and information retrieval system—

"(A) by October 1, 1996, meeting all requirements of this part which were enacted on or before the date of the enactment of the Family Support Act of 1988; and

"(B) by October 1, 1999, meeting all requirements of this part enacted on or before the date of the enactment of the Interstate Child Support Responsibility Act of 1995 (but this provision shall not be construed to alter earlier deadlines specified for elements of such system), except that such deadline shall be extended by 1 day for each day (if any) by which the Secretary fails to meet the deadline imposed by section 452(j);".

(b) Special Federal Matching Rate for Development Costs of Automated Systems.—Section 455(a) (42 U.S.C. 655(a)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "90 percent" and inserting "the percent specified in paragraph (3)";

(B) by striking "so much of"; and

(C) by striking "which the Secretary" and all that follows through "thereof"; and

(2) by adding at the end the following new paragraph:

"(3)(A) The Secretary shall pay to each State, for each quarter in fiscal year 1996, 90 percent of so much of State expenditures described in paragraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16), or meeting such requirements without regard to subparagraph (D) thereof.

"(B)(i) The Secretary shall pay to each State, for each quarter in fiscal years 1997 through 2001, the percentage specified in clause (ii) of so much of State expenditures described in paragraph (1)(B) as the Secretary finds are for a system meeting the requirements specified in section 454(16) and 454A, subject to clause (iii).

"(ii) The percentage specified in this clause, for purposes of clause (i), is the higher of—

"(I) 80 percent, or

"(II) the percentage otherwise applicable to Federal payments to the State under subparagraph (A) (as adjusted pursuant to section 458).".

(c) CONFORMING AMENDMENT.—Section 123(c) of the Family Support Act of 1988 (102 Stat. 2352; Public Law 100–485) is repealed.

SEC. 116. DIRECTOR OF CSE PROGRAM; STAFFING STUDY.

(a) REPORTING TO SECRETARY.—Section 452(a) (42 U.S.C. 652(a)) is amended in the matter preceding paragraph (1) by striking "directly".

(b) STAFFING STUDIES.—

(1) SCOPE.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall, directly or by contract, conduct studies of the staffing of each State child support enforcement program under part D of title IV of the Social Security Act. Such studies shall—

(A) include a review of the staffing needs created by requirements for automated data processing, maintenance of a central case registry and centralized collections of child support, and of changes in these needs resulting from changes in such requirements; and

(B) examine and report on effective staffing practices used by the States and on recommended staffing procedures.

(2) FREQUENCY OF STUDIES.—The Secretary shall complete the first staffing study required under paragraph (1) not later than October 1, 1997, and may conduct additional studies subsequently at appropriate intervals.

(3) REPORT TO THE CONGRESS.—The Secretary shall submit a report to the Congress stating the findings and conclusions of each study conducted under this subsection.

SEC. 117. FUNDING FOR SECRETARIAL ASSISTANCE TO STATE PROGRAMS.

Section 452 (42 U.S.C. 652), as amended by section 115(a)(3), is amended by adding at the end the following new subsection:

"(k)(1) There shall be available to the Secretary, from amounts appropriated for fiscal year 1996 and each succeeding fiscal year for payments to States under this part, the amount specified in paragraph (2) for the costs to the Secretary for—

"(A) information dissemination and technical assistance to States, training of State and Federal staff, staffing studies, and related activities needed to improve programs (including technical assistance concerning State automated systems);

"(B) research, demonstration, and special projects of regional or national significance relating to the operation of State programs under this part; and

"(C) operation of the Federal Parent Locator Service under section 453, to the extent such costs are not recovered through user fees.

"(2) The amount specified in this paragraph for a fiscal year is the amount equal to a percentage of the reduction in Federal payments to States under part A on account of child support (including arrearages) collected in the preceding fiscal year on behalf of children receiving aid under such part A in such preceding fiscal year (as determined on the basis of the most recent reliable data available to the Secretary as of the end of the third calendar quarter following the end of such preceding fiscal year), equal to—

"(A) 1 percent, for the activities specified in subparagraphs (A) and (B) of paragraph (1); and

"(B) 2 percent, for the activities specified in subparagraph (C) of paragraph (1).".

SEC. 118. DATA COLLECTION AND REPORTS BY THE SECRETARY.

(a) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 452(a)(10)(A) (42 U.S.C. 652(a)(10)(A)) is amended—

(A) by striking "this part;" and inserting "this part, including—"; and

(B) by adding at the end the following indented clauses:

"(i) the total amount of child support payments collected as a result of services furnished during such fiscal year to individuals receiving services under this part;

"(ii) the cost to the States and to the Federal Government of furnishing such services to those individuals; and

"(iii) the number of cases involving families—

"(I) who became ineligible for aid under part A during a month in such fiscal year; and

"(II) with respect to whom a child support payment was received in the same month;".

(2) CERTAIN DATA.—Section 452(a)(10)(C) (42 U.S.C. 652(a)(10)(C)) is amended—

(A) in the matter preceding clause (i), by striking "with the data required under each clause being separately stated for cases" and all that follows through "part:" and inserting "separately stated for cases where the child is receiving aid to families with dependent children (or foster care maintenance payments under part E), or formerly received such aid or payments and the State is continuing to collect support assigned to it under section 402(a)(26), 471(a)(17), or 1912, and all other cases under this part—";

(B) in each of clauses (i) and (ii), by striking ", and the total amount of such obligations";

(C) in clause (iii), by striking "described in" and all that follows through the semicolon and inserting "in which support was collected during the fiscal year;";

(D) by striking clause (iv); and

(E) by redesignating clause (v) as clause (vii), and inserting after clause (iii) the following new clauses:

"(iv) the total amount of support collected during such fiscal year and distributed as current support;

"(v) the total amount of support collected during such fiscal year and distributed as arrearages;

"(vi) the total amount of support due and unpaid for all fiscal years; and".

(3) USE OF FEDERAL COURTS.—Section 452(a)(10)(G) (42 U.S.C. 652(a)(10)(G)) is amended by striking "on the use of Federal courts and".

(4) ADDITIONAL INFORMATION NOT NECESSARY.—Section 452(a)(10) (42 U.S.C. 652(a)(10)) is amended by striking all that follows subparagraph (I).

(b) DATA COLLECTION AND REPORTING.—Section 469 (42 U.S.C. 669) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) The Secretary shall collect and maintain, on a fiscal year basis, up-to-date statistics, by State, with respect to services to establish paternity and services to establish child support obligations, the data specified in subsection (b), separately stated, in the case of each such service, with respect to—

"(1) families (or dependent children) receiving aid under plans approved under part A (or E); and

"(2) families not receiving such aid.

"(b) The data referred to in subsection (a) are—

"(1) the number of cases in the caseload of the State agency administering the plan under this part in which such service is needed; and

"(2) the number of such cases in which the service has been provided."; and

(2) in subsection (c), by striking "(a)(2)" and inserting "(b)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to fiscal year 1996 and succeeding fiscal years.

Subtitle C—Locate and Case Tracking

SEC. 121. CENTRAL STATE AND CASE REGISTRY.

Section 454A, as added by section 115(a)(2), is amended by adding at the end the following new subsections:

"(e) CENTRAL CASE REGISTRY.—

"(1) IN GENERAL.—The automated system required under this section shall perform the functions, in accordance with the provisions of this subsection, of a single central registry containing records with respect to each case in which services are being provided by the State agency (including, on and after October 1, 1998, each order specified in section 466(a)(12)), using such standardized data elements (such as names, social security numbers or other uniform identification numbers, dates of birth, and case identification numbers), and containing such other information (such as information on case status) as the Secretary may require.

"(2) PAYMENT RECORDS.—Each case record in the central registry shall include a record of—

"(A) the amount of monthly (or other periodic) support owed under the support order, and other amounts due or overdue (including arrearages, interest or late payment penalties, and fees);

"(B) all child support and related amounts collected (including such amounts as fees, late payment penalties, and interest on arrearages);

"(C) the distribution of such amounts collected; and

"(D) the birth date of the child for whom the child support order is entered.

"(3) UPDATING AND MONITORING.—The State agency shall promptly establish and maintain, and regularly monitor, case records in the registry required by this subsection, on the basis of—

"(A) information on administrative actions and administrative and judicial proceedings and orders relating to paternity and support;

"(B) information obtained from matches with Federal, State, or local data sources;

"(C) information on support collections and distributions; and

"(D) any other relevant information.

"(f) DATA MATCHES AND OTHER DISCLOSURES OF INFORMATION.—The automated system required under this section shall have the capacity, and be used by the State agency, to extract data at such times, and in such standardized format or formats, as may be required by the Secretary, and to share and match data with, and receive data from, other data bases and data matching services, in order to obtain (or provide) information necessary to enable the State agency (or Secretary or other State or Federal agencies) to carry out responsibilities under this part. Data matching activities of the State agency shall include at least the following:

"(1) DATA BANK OF CHILD SUPPORT ORDERS.—Furnishing to the Data Bank of Child Support Orders established under section 453(h) (and updating as necessary, with information, including notice of expiration of orders) minimal information specified by the Secretary on each child support case in the central case registry.

"(2) FEDERAL PARENT LOCATOR SERVICE.—Exchanging data with the Federal Parent

Locator Service for the purposes specified in section 453.

"(3) AFDC AND MEDICAID AGENCIES.—Exchanging data with State agencies (of the State and of other States) administering the programs under part A and title XIX, as necessary for the performance of State agency responsibilities under this part and under such programs.

"(4) INTRA- AND INTERSTATE DATA MATCHES.—Exchanging data with other agencies of the State, agencies of other States, and interstate information networks, as necessary and appropriate to carry out (or assist other States to carry out) the purposes of this part.".

SEC. 122. CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS.

(a) STATE PLAN REQUIREMENT.—Section 454 (42 U.S.C. 654), as amended by sections 104(a) and 114(b), is amended—

(1) by striking "and" at the end of paragraph (25);

(2) by striking the period at the end of paragraph (26) and inserting "; and"; and

(3) by adding after paragraph (26) the following new paragraph:

"(27) provide that the State agency, on and after October 1, 1998—

"(A) will operate a centralized, automated unit for the collection and disbursement of child support under orders being enforced under this part, in accordance with section 454B; and

"(B) will have sufficient State staff (consisting of State employees), and, at State option, contractors reporting directly to the State agency to monitor and enforce support collections through such centralized unit, including carrying out the automated data processing responsibilities specified in section 454A(g) and to impose, as appropriate in particular cases, the administrative enforcement remedies specified in section 466(c)(1).".

(b) ESTABLISHMENT OF CENTRALIZED COLLECTION UNIT.—Part D of title IV (42 U.S.C. 651–669) is amended by adding after section 454A the following new section:

"CENTRALIZED COLLECTION AND DISBURSEMENT OF SUPPORT PAYMENTS

"SEC. 454B. (a) IN GENERAL.—In order to meet the requirement of section 454(27), the State agency must operate a single, centralized, automated unit for the collection and disbursement of support payments, coordinated with the automated data system required under section 454A, in accordance with the provisions of this section, which shall be—

"(1) operated directly by the State agency (or by 2 or more State agencies under a regional cooperative agreement), or by a single contractor responsible directly to the State agency; and

"(2) used for the collection and disbursement (including interstate collection and disbursement) of payments under support orders in all cases being enforced by the State pursuant to section 454(4).

"(b) REQUIRED PROCEDURES.—The centralized collections unit shall use automated procedures, electronic processes, and computer-driven technology to the maximum extent feasible, efficient, and economical, for the collection and disbursement of support payments, including procedures—

"(1) for receipt of payments from parents, employers, and other States, and for disbursements to custodial parents and other obligees, the State agency, and the State agencies of other States;

"(2) for accurate identification of payments;

"(3) to ensure prompt disbursement of the custodial parent's share of any payment; and

"(4) to furnish to either parent, upon request, timely information on the current status of support payments.".

(c) USE OF AUTOMATED SYSTEM.—Section 454A, as added by section 115(a)(2) and as amended by section 121, is amended by adding at the end the following new subsection:

"(g) CENTRALIZED COLLECTION AND DISTRIBUTION OF SUPPORT PAYMENTS.—The automated system required under this section shall be used, to the maximum extent feasible, to assist and facilitate collections and disbursement of support payments through the centralized collections unit operated pursuant to section 454B, through the performance of functions including at a minimum—

"(1) generation of orders and notices to employers (and other debtors) for the withholding of wages (and other income)—

"(A) within 2 working days after receipt (from the directory of New Hires established under section 453(i) or any other source) of notice of and the income source subject to such withholding; and

"(B) using uniform formats directed by the Secretary;

"(2) ongoing monitoring to promptly identify failures to make timely payment; and

"(3) automatic use of enforcement mechanisms (including mechanisms authorized pursuant to section 466(c)) where payments are not timely made.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 1998.

SEC. 123. AMENDMENTS CONCERNING INCOME WITHHOLDING.

(a) MANDATORY INCOME WITHHOLDING.—

(1) FROM WAGES.—Section 466(a)(1) (42 U.S.C. 666(a)(1)) is amended to read as follows:

"(1)(A) Procedures described in subsection (b) for the withholding from income of amounts payable as support in cases subject to enforcement under the State plan.

"(B) Procedures under which all child support orders issued (or modified) before October 1, 1996, and which are not otherwise subject to withholding under subsection (b), shall become subject to withholding from wages as provided in subsection (b) if arrearages occur, without the need for a judicial or administrative hearing.".

(2) REPEAL OF CERTAIN PROVISIONS CONCERNING ARREARAGES.—Section 466(a)(8) (42 U.S.C. 666(a)(8)) is repealed.

(3) PROCEDURES DESCRIBED.—Section 466(b) (42 U.S.C. 666(b)) is amended—

(A) in the matter preceding paragraph (1), by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)";

(B) in paragraph (5), by striking "a public agency" and all that follows through the period and inserting "the State through the centralized collections unit established pursuant to section 454B, in accordance with the requirements of such section 454B.";

(C) in paragraph (6)(A)(i)—

(i) by inserting ", in accordance with timetables established by the Secretary," after "must be required"; and

(ii) by striking "to the appropriate agency" and all that follows through the period and inserting "to the State centralized collections unit within 5 working days after the date such amount would (but for this subsection) have been paid or credited to the employee, for distribution in accordance with this part.";

(D) in paragraph (6)(A)(ii), by inserting "be in a standard format prescribed by the Secretary, and" after "shall"; and

(E) in paragraph (6)(D) to read as follows:

"(D) Provision must be made for the imposition of a fine against any employer who—

"(i) discharges from employment, refuses to employ, or takes disciplinary action against any absent parent subject to wage withholding required by this subsection because of the existence of such withholding and the obligations or additional obligations which it imposes upon the employer; or

"(ii) fails to withhold support from wages, or to pay such amounts to the State centralized collections unit in accordance with this subsection.".

(b) CONFORMING AMENDMENT.—Section 466(c) (42 U.S.C. 666(c)) is repealed.

(c) DEFINITION OF TERMS.—The Secretary of Health and Human Services shall promulgate regulations providing definitions, for purposes of part D of title IV of the Social Security Act, for the term "income" and for such other terms relating to income withholding under section 466(b) of such Act as the Secretary may find it necessary or advisable to define.

SEC. 124. LOCATOR INFORMATION FROM INTERSTATE NETWORKS.

Section 466(a) (42 U.S.C. 666(a)), as amended by section 123(a)(2), is amended by inserting after paragraph (7) the following new paragraph:

"(8) Procedures ensuring that the State will neither provide funding for, nor use for any purpose (including any purpose unrelated to the purposes of this part), any automated interstate network or system used to locate individuals—

"(A) for purposes relating to the use of motor vehicles; or

"(B) providing information for law enforcement purposes (where child support enforcement agencies are otherwise allowed access by State and Federal law),

unless all Federal and State agencies administering programs under this part (including the entities established under section 453) have access to information in such system or network to the same extent as any other user of such system or network.".

SEC. 125. EXPANDED FEDERAL PARENT LOCATOR SERVICE.

(a) EXPANDED AUTHORITY TO LOCATE INDIVIDUALS AND ASSETS.—Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (a), by striking "information as to the whereabouts" and all that follows through the period and inserting ", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations—

"(1) information on, or facilitating the discovery of, the location of any individual—

"(A) who is under an obligation to pay child support;

"(B) against whom such an obligation is sought; or

"(C) to whom such an obligation is owed,

including such individual's social security number (or numbers), most recent residential address, and the name, address, and employer identification number of such individual's employer; and

"(2) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

"(3) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "social security" and all that follows through "absent parent" and inserting "information specified in subsection (a)"; and

(B) in paragraph (2), by inserting before the period ", or from any consumer reporting agency (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))"; and

(3) in subsection (e)(1), by inserting before the period ", or by consumer reporting agencies".

(b) Reimbursement for Data From Federal Agencies.—Section 453(e)(2) (42 U.S.C. 653(e)(2)) is amended in the fourth sentence by inserting before the period "in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data)".

(c) Access to Consumer Reports Under Fair Credit Reporting Act.—

(1) In general.—Section 608 of the Fair Credit Reporting Act (15 U.S.C. 1681f) is amended—

(A) by striking ", limited to" and inserting "to a governmental agency (including the entire consumer report, in the case of a Federal, State, or local agency administering a program under part D of title IV of the Social Security Act, and limited to"; and

(B) by striking "employment, to a governmental agency" and inserting "employment, in the case of any other governmental agency)".

(2) Reimbursement for reports by state agencies and credit bureaus.—Section 453 (42 U.S.C. 653) is amended by adding at the end the following new subsection:

"(g) The Secretary is authorized to reimburse to State agencies and consumer credit reporting agencies the costs incurred by such entities in furnishing information requested by the Secretary pursuant to this section in an amount which the Secretary determines to be reasonable payment for the data exchange (which amount shall not include payment for the costs of obtaining, compiling, or maintaining the data).".

(d) Disclosure of Tax Return Information.—

(1) By the secretary of the treasury.—Section 6103(*l*)(6)(A)(ii) of the Internal Revenue Code of 1986 (relating to disclosure of return information to Federal, State, and local child support enforcement agencies) is amended by striking ", but only if" and all that follows to the period.

(2) By the social security administration.—Section 6103(*l*)(8) of the Internal Revenue Code of 1986 (relating to disclosure of certain return information by Social Security Administration to State and local child support enforcement agencies) is amended—

(A) in subparagraph (A), by striking "State or local" and inserting "Federal, State, or local"; and

(B) in subparagraph (C), by inserting "(including any entity under contract with such agency)" after "thereof".

(e) Technical Amendments.—

(1) Sections 452(a)(9), 453(a), 453(b), 463(a), and 463(e) (42 U.S.C. 652(a)(9), 653(a), 653(b), 663(a), and 663(e)) are each amended by inserting "Federal" before "Parent" each place it appears.

(2) Section 453 (42 U.S.C. 653) is amended in the heading by inserting "FEDERAL" before "PARENT".

(f) New Components.—Section 453 (42 U.S.C. 653), as amended by subsection (c)(2), is amended by adding at the end the following new subsections:

"(h) Data Bank of Child Support Orders.—

"(1) In general.—Not later than October 1, 1998, in order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated registry to be known as the Data Bank of Child Support Orders, which shall contain abstracts of child support orders and other information described in paragraph (2) on each case in each State central case registry maintained pursuant to section 454A(e), as furnished (and regularly updated), pursuant to section 454A(f), by State agencies administering programs under this part.

"(2) Case information.—The information referred to in paragraph (1), as specified by the Secretary, shall include sufficient information (including names, social security numbers or other uniform identification numbers, and State case identification numbers) to identify the individuals who owe or are owed support (or with respect to or on behalf of whom support obligations are sought to be established), and the State or States which have established or modified, or are enforcing or seeking to establish, such an order.

"(i) Directory of New Hires.—

"(1) In general.—Not later than October 1, 1998, in order to assist States in administering their State plans under this part and parts A, F, and G, and for the other purposes specified in this section, the Secretary shall establish and maintain in the Federal Parent Locator Service an automated directory to be known as the directory of New Hires, containing—

"(A) information supplied by employers on each newly hired individual, in accordance with paragraph (2); and

"(B) information supplied by State agencies administering State unemployment compensation laws, in accordance with paragraph (3).

"(2) Employer information.—

"(A) Information required.—Subject to subparagraph (D), each employer shall furnish to the Secretary, for inclusion in the directory under this subsection, not later than 10 days after the date (on or after October 1, 1998) on which the employer hires a new employee (as defined in subparagraph (C)), a report containing the name, date of birth, and social security number of such employee, and the employer identification number of the employer.

"(B) Reporting method and format.—The Secretary shall provide for transmission of the reports required under subparagraph (A) using formats and methods which minimize the burden on employers, which shall include—

"(i) automated or electronic transmission of such reports;

"(ii) transmission by regular mail; and

"(iii) transmission of a copy of the form required for purposes of compliance with section 3402 of the Internal Revenue Code of 1986.

"(C) Employee defined.—For purposes of this paragraph, the term 'employee' means any individual subject to the requirement of section 3402(f)(2) of the Internal Revenue Code of 1986.

"(D) Paperwork reduction requirement.—As required by the information resources management policies published by the Director of the Office of Management and Budget pursuant to section 3504(b)(1) of title 44, United States Code, the Secretary, in order to minimize the cost and reporting burden on employers, shall not require reporting pursuant to this paragraph if an alternative reporting mechanism can be developed that either relies on existing Federal or State reporting or enables the Secretary to collect the needed information in a more cost-effective and equally expeditious manner, taking into account the reporting costs on employers.

"(E) Civil money penalty on noncomplying employers.—

"(i) In general.—Any employer that fails to make a timely report in accordance with this paragraph with respect to an individual shall be subject to a civil money penalty, for each calendar year in which the failure occurs, of the lesser of $500 or 1 percent of the wages or other compensation paid by such employer to such individual during such calendar year.

"(ii) Application of section 1128a.—Subject to clause (iii), the provisions of section 1128A (other than subsections (a) and (b) thereof) shall apply to a civil money penalty under clause (i) in the same manner as they apply to a civil money penalty or proceeding under section 1128A(a).

"(iii) Costs to secretary.—Any employer with respect to whom a penalty under this subparagraph is upheld after an administrative hearing shall be liable to pay all costs of the Secretary with respect to such hearing.

"(3) Employment security information.—

"(A) Reporting requirement.—Each State agency administering a State unemployment compensation law approved by the Secretary of Labor under the Federal Unemployment Tax Act shall furnish to the Secretary extracts of the reports to the Secretary of Labor concerning the wages and unemployment compensation paid to individuals required under section 303(a)(6), in accordance with subparagraph (B).

"(B) Manner of compliance.—The extracts required under subparagraph (A) shall be furnished to the Secretary on a quarterly basis, with respect to calendar quarters beginning on and after October 1, 1996, by such dates, in such format, and containing such information as required by that Secretary in regulations.

"(j) Data Matches and Other Disclosures.—

"(1) Verification by social security administration.—

"(A) Transmission of data.—The Secretary shall transmit data on individuals and employers in the registries maintained under this section to the Social Security Administration to the extent necessary for verification in accordance with subparagraph (B).

"(B) Verification.—The Commissioner of Social Security shall verify the accuracy of, correct or supply to the extent necessary and feasible, and report to the Secretary, the following information in data supplied by the Secretary pursuant to subparagraph (A):

"(i) the name, social security number, and birth date of each individual; and

"(ii) the employer identification number of each employer.

"(2) Child support locator matches.—For the purpose of locating individuals for paternity establishment and establishment and enforcement of child support, the Secretary shall—

"(A) match data in the directory of New Hires against the child support order abstracts in the Data Bank of Child Support Orders not less than every 2 working days; and

"(B) report information obtained from a match established under subparagraph (A) to concerned State agencies operating programs under this part not later than 2 working days after such match.

"(3) DATA MATCHES AND DISCLOSURES OF DATA IN ALL REGISTRIES FOR TITLE IV PROGRAM PURPOSES.—The Secretary shall—

"(A) perform matches of data in each component of the Federal Parent Locator Service maintained under this section against data in each other such component (other than the matches required pursuant to paragraph (1)), and report information resulting from such matches to State agencies operating programs under this part and parts A, F, and G; and

"(B) disclose data in such registries to such State agencies,

to the extent, and with the frequency, that the Secretary determines to be effective in assisting such States to carry out their responsibilities under such programs.

"(k) FEES.—

"(1) FOR SSA VERIFICATION.—The Secretary shall reimburse the Commissioner of Social Security, at a rate negotiated between the Secretary and the Commissioner, the costs incurred by the Commissioner in performing the verification services specified in subsection (j).

"(2) FOR INFORMATION FROM SESAS.—The Secretary shall reimburse costs incurred by State employment security agencies in furnishing data as required by subsection (i)(3), at rates which the Secretary determines to be reasonable (which rates shall not include payment for the costs of obtaining, compiling, or maintaining such data).

"(3) FOR INFORMATION FURNISHED TO STATE AND FEDERAL AGENCIES.—State and Federal agencies receiving data or information from the Secretary pursuant to this section shall reimburse the costs incurred by the Secretary in furnishing such data or information, at rates which the Secretary determines to be reasonable (which rates shall include payment for the costs of obtaining, verifying, maintaining, and matching such data or information).

"(l) RESTRICTION ON DISCLOSURE AND USE.—Data in the Federal Parent Locator Service, and information resulting from matches using such data, shall not be used or disclosed except as specifically provided in this section.

"(m) RETENTION OF DATA.—Data in the Federal Parent Locator Service, and data resulting from matches performed pursuant to this section, shall be retained for such period (determined by the Secretary) as appropriate for the data uses specified in this section.

"(n) INFORMATION INTEGRITY AND SECURITY.—The Secretary shall establish and implement safeguards with respect to the entities established under this section designed to—

"(1) ensure the accuracy and completeness of information in the Federal Parent Locator Service; and

"(2) restrict access to confidential information in the Federal Parent Locator Service to authorized persons, and restrict use of such information to authorized purposes.

"(o) LIMIT ON LIABILITY.—The Secretary shall not be liable to either a State or an individual for inaccurate information provided to a component of the Federal Parent Locator Service and disclosed by the Secretary in accordance with this section.".

(g) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV OF THE SOCIAL SECURITY ACT.—Section 454(8)(B) (42 U.S.C. 654(8)(B)) is amended to read as follows:

"(B) the Federal Parent Locator Service established under section 453;".

(2) TO FEDERAL UNEMPLOYMENT TAX ACT.—Section 3304(16) of the Internal Revenue Code of 1986 (relating to approval of State laws) is amended—

(A) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services";

(B) in subparagraph (B), by striking "such information" and all that follows through the semicolon and inserting "information furnished under subparagraph (A) or (B) is used only for the purposes authorized under such subparagraph;";

(C) by striking "and" at the end of subparagraph (A);

(D) by redesignating subparagraph (B) as subparagraph (C); and

(E) by inserting after subparagraph (A) the following new subparagraph:

"(B) wage and unemployment compensation information contained in the records of such agency shall be furnished to the Secretary of Health and Human Services (in accordance with regulations promulgated by such Secretary) as necessary for the purposes of the directory of New Hires established under section 453(i) of the Social Security Act, and".

(3) TO STATE GRANT PROGRAM UNDER TITLE III OF THE SOCIAL SECURITY ACT.—Section 303(a) (42 U.S.C. 503(a)) is amended—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting "; and"; and

(C) by adding after paragraph (9) the following new paragraph:

"(10) The making of quarterly electronic reports, at such dates, in such format, and containing such information, as required by the Secretary under section 453(i)(3), and compliance with such provisions as such Secretary may find necessary to ensure the correctness and verification of such reports.".

SEC. 126. USE OF SOCIAL SECURITY NUMBERS.

(a) STATE LAW REQUIREMENT.—Section 466(a) (42 U.S.C. 666(a)), as amended by section 101(a), is amended by adding at the end the following new paragraph:

"(13) Procedures requiring the recording of social security numbers—

"(A) of both parties on marriage licenses and divorce decrees;

"(B) of both parents, on birth records and child support and paternity orders; and

"(C) on all applications for motor vehicle licenses and professional licenses.".

(b) CLARIFICATION OF FEDERAL POLICY.—Section 205(c)(2)(C)(ii) (42 U.S.C. 405(c)(2)(C)(ii)) is amended by striking the third sentence and inserting "This clause shall not be considered to authorize disclosure of such numbers except as provided in the preceding sentence.".

Subtitle D—Streamlining and Uniformity of Procedures

SEC. 131. ADOPTION OF UNIFORM STATE LAWS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 101(a) and 126(a), is amended by adding at the end the following new paragraph:

"(14)(A) Procedures under which the State adopts in its entirety (with the modifications and additions specified in this paragraph) not later than January 1, 1997, and uses on and after such date, the Uniform Interstate Family Support Act, as approved by the National Conference of Commissioners on Uniform State Laws in August 1992.

"(B) The State law adopted pursuant to subparagraph (A) shall be applied to any case—

"(i) involving an order established or modified in one State and for which a subsequent modification is sought in another State; or

"(ii) in which interstate activity is required to enforce an order.

"(C) The State law adopted pursuant to subparagraph (A) of this paragraph shall contain the following provision in lieu of section 611(a)(1) of the Uniform Interstate Family Support Act described in such subparagraph (A):

"'(1) the following requirements are met:

"'(i) the child, the individual obligee, and the obligor—

"'(I) do not reside in the issuing State; and

"'(II) either reside in this State or are subject to the jurisdiction of this State pursuant to section 201; and

"'(ii) in any case where another State is exercising or seeks to exercise jurisdiction to modify the order, the conditions of section 204 are met to the same extent as required for proceedings to establish orders; or'.

"(D) The State law adopted pursuant to subparagraph (A) shall recognize as valid, for purposes of any proceeding subject to such State law, service of process upon persons in the State (and proof of such service) by any means acceptable in another State which is the initiating or responding State in such proceeding.".

SEC. 132. IMPROVEMENTS TO FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B of title 28, United States Code, is amended—

(1) in subsection (a)(2), by striking "subsection (e)" and inserting "subsections (e), (f), and (i)";

(2) in subsection (b), by inserting after the first undesignated paragraph the following:

"'child's home State' means the State in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support and, if a child is less than 6 months old, the State in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month period.";

(3) in subsection (c), by inserting "by a court of a State" before "is made";

(4) in subsection (c)(1), by inserting "and subsections (e), (f), and (g)" after "located";

(5) in subsection (d)—

(A) by inserting "individual" before "contestant"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(6) in subsection (e), by striking "make a modification of a child support order with respect to a child that is made" and inserting "modify a child support order issued";

(7) in subsection (e)(1), by inserting "pursuant to subsection (i)" before the semicolon;

(8) in subsection (e)(2)—

(A) by inserting "individual" before "contestant" each place such term appears; and

(B) by striking "to that court's making the modification and assuming" and inserting "with the State of continuing, exclusive jurisdiction for a court of another State to modify the order and assume";

(9) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(10) by inserting after subsection (e) the following new subsection:

"(f) RECOGNITION OF CHILD SUPPORT ORDERS.—If 1 or more child support orders have been issued in this or another State with regard to an obligor and a child, a court shall apply the following rules in determining which order to recognize for purposes of continuing, exclusive jurisdiction and enforcement:

"(1) If only 1 court has issued a child support order, the order of that court must be recognized.

"(2) If 2 or more courts have issued child support orders for the same obligor and child, and only 1 of the courts would have continuing, exclusive jurisdiction under this section, the order of that court must be recognized.

"(3) If 2 or more courts have issued child support orders for the same obligor and child, and only 1 of the courts would have continuing, exclusive jurisdiction under this section, an order issued by a court in the current home State of the child must be recognized, but if an order has not been issued in the current home State of the child, the order most recently issued must be recognized.

"(4) If 2 or more courts have issued child support orders for the same obligor and child, and none of the courts would have continuing, exclusive jurisdiction under this section, a court may issue a child support order, which must be recognized.

"(5) The court that has issued an order recognized under this subsection is the court having continuing, exclusive jurisdiction.";

(11) in subsection (g) (as so redesignated)—

(A) by striking "PRIOR" and inserting "MODIFIED"; and

(B) by striking "subsection (e)" and inserting "subsections (e) and (f)";

(12) in subsection (h) (as so redesignated)—

(A) in paragraph (2), by inserting "including the duration of current payments and other obligations of support" before the comma; and

(B) in paragraph (3), by inserting "arrears under" after "enforce"; and

(13) by adding at the end the following new subsection:

"(i) REGISTRATION FOR MODIFICATION.—If there is no individual contestant or child residing in the issuing State, the party or support enforcement agency seeking to modify, or to modify and enforce, a child support order issued in another State shall register that order in a State with jurisdiction over the nonmovant for the purpose of modification.".

SEC. 133. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

(a) STATE LAW REQUIREMENTS.—Section 466 (42 U.S.C. 666), as amended by section 123(b), is amended—

(1) in subsection (a)(2), in the first sentence, to read as follows: "Expedited administrative and judicial procedures (including the procedures specified in subsection (c)) for establishing paternity and for establishing, modifying, and enforcing support obligations."; and

(2) by adding after subsection (b) the following new subsection:

"(c) The procedures specified in this subsection are the following:

"(1) Procedures which give the State agency the authority (and recognize and enforce the authority of State agencies of other States), without the necessity of obtaining an order from any other judicial or administrative tribunal (but subject to due process safeguards, including (as appropriate) requirements for notice, opportunity to contest the action, and opportunity for an appeal on the record to an independent administrative or judicial tribunal), to take the following actions relating to establishment or enforcement of orders:

"(A) To order genetic testing for the purpose of paternity establishment as provided in section 466(a)(5).

"(B) To enter a default order, upon a showing of service of process and any additional showing required by State law—

"(i) establishing paternity, in the case of any putative father who refuses to submit to genetic testing; and

"(ii) establishing or modifying a support obligation, in the case of a parent (or other obligor or obligee) who fails to respond to notice to appear at a proceeding for such purpose.

"(C) To subpoena any financial or other information needed to establish, modify, or enforce an order, and to sanction failure to respond to any such subpoena.

"(D) To require all entities in the State (including for-profit, nonprofit, and governmental employers) to provide promptly, in response to a request by the State agency of that or any other State administering a program under this part, information on the employment, compensation, and benefits of any individual employed by such entity as an employee or contractor, and to sanction failure to respond to any such request.

"(E) To obtain access, subject to safeguards on privacy and information security, to the following records (including automated access, in the case of records maintained in automated data bases):

"(i) Records of other State and local government agencies, including—

"(I) vital statistics (including records of marriage, birth, and divorce);

"(II) State and local tax and revenue records (including information on residence address, employer, income and assets);

"(III) records concerning real and titled personal property;

"(IV) records of occupational and professional licenses, and records concerning the ownership and control of corporations, partnerships, and other business entities;

"(V) employment security records;

"(VI) records of agencies administering public assistance programs;

"(VII) records of the motor vehicle department; and

"(VIII) corrections records.

"(ii) Certain records held by private entities, including—

"(I) customer records of public utilities and cable television companies; and

"(II) information (including information on assets and liabilities) on individuals who owe or are owed support (or against or with respect to whom a support obligation is sought) held by financial institutions (subject to limitations on liability of such entities arising from affording such access).

"(F) To order income withholding in accordance with subsection (a)(1) and (b) of section 466.

"(G) In cases where support is subject to an assignment under section 402(a)(26), 471(a)(17), or 1912, or to a requirement to pay through the centralized collections unit under section 454B) upon providing notice to obligor and obligee, to direct the obligor or other payor to change the payee to the appropriate government entity.

"(H) For the purpose of securing overdue support—

"(i) to intercept and seize any periodic or lump-sum payment to the obligor by or through a State or local government agency, including—

"(I) unemployment compensation, workers' compensation, and other benefits;

"(II) judgments and settlements in cases under the jurisdiction of the State or local government; and

"(III) lottery winnings;

"(ii) to attach and seize assets of the obligor held by financial institutions;

"(iii) to attach public and private retirement funds in appropriate cases, as determined by the Secretary; and

"(iv) to impose liens in accordance with paragraph (a)(4) and, in appropriate cases, to force sale of property and distribution of proceeds.

"(I) For the purpose of securing overdue support, to increase the amount of monthly support payments to include amounts for arrearages (subject to such conditions or restrictions as the State may provide).

"(J) To suspend drivers' licenses of individuals owing past-due support, in accordance with subsection (a)(16).

"(2) The expedited procedures required under subsection (a)(2) shall include the following rules and authority, applicable with respect to all proceedings to establish paternity or to establish, modify, or enforce support orders:

"(A) Procedures under which—

"(i) the parties to any paternity or child support proceedings are required (subject to privacy safeguards) to file with the tribunal before entry of an order, and to update as appropriate, information on location and identity (including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer); and

"(ii) in any subsequent child support enforcement action between the same parties, the tribunal shall be authorized, upon sufficient showing that diligent effort has been made to ascertain such party's current location, to deem due process requirements for notice and service of process to be met, with respect to such party, by delivery to the most recent residential or employer address so filed pursuant to clause (i).

"(B) Procedures under which—

"(i) the State agency and any administrative or judicial tribunal with authority to hear child support and paternity cases exerts statewide jurisdiction over the parties, and orders issued in such cases have statewide effect; and

"(ii) in the case of a State in which orders in such cases are issued by local jurisdictions, a case may be transferred between jurisdictions in the State without need for any additional filing by the petitioner, or service of process upon the respondent, to retain jurisdiction over the parties.".

(c) EXCEPTIONS FROM STATE LAW REQUIREMENTS.—Section 466(d) (42 U.S.C. 666(d)) is amended—

(1) by striking "(d) If" and inserting "(d)(1) Subject to paragraph (2), if"; and

(2) by adding at the end the following new paragraph:

"(2) The Secretary shall not grant an exemption from the requirements of—

"(A) subsection (a)(5) (concerning procedures for paternity establishment);

"(B) subsection (a)(10) (concerning modification of orders);

"(C) subsection (a)(12) (concerning recording of orders in the central State case registry);

"(D) subsection (a)(13) (concerning recording of social security numbers);

"(E) subsection (a)(14) (concerning interstate enforcement); or

"(F) subsection (c) (concerning expedited procedures), other than paragraph (1)(A) thereof (concerning establishment or modification of support amount).".

(c) AUTOMATION OF STATE AGENCY FUNCTIONS.—Section 454A, as added by section 115(a)(2) and as amended by sections 121 and 122(c), is amended by adding at the end the following new subsection:

"(h) EXPEDITED ADMINISTRATIVE PROCEDURES.—The automated system required under this section shall be used, to the maximum extent feasible, to implement any expedited administrative procedures required under section 466(c).".

Subtitle E—Paternity Establishment

SEC. 141. STATE LAWS CONCERNING PATERNITY ESTABLISHMENT.

(a) STATE LAWS REQUIRED.—Section 466(a)(5) (42 U.S.C. 666(a)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking "(B)" and inserting "(B)(i)";

(B) in clause (i), as redesignated, by inserting before the period ", where such request is supported by a sworn statement—

"(I) by such party alleging paternity setting forth facts establishing a reasonable possibility of the requisite sexual contact of the parties; or

"(II) by such party denying paternity setting forth facts establishing a reasonable possibility of the nonexistence of sexual contact of the parties;"; and

(C) by inserting after clause (i) (as redesignated) the following new clause:

"(ii) Procedures which require the State agency, in any case in which such agency orders genetic testing—

"(I) to pay the costs of such tests, subject to recoupment (where the State so elects) from the putative father if paternity is established; and

"(II) to obtain additional testing in any case where an original test result is disputed, upon request and advance payment by the disputing party.";

(2) by striking subparagraphs (C), (D), (E), and (F) and inserting the following:

"(C)(i) Procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and a putative father can sign an acknowledgment of paternity, the putative father and the mother must be given notice, orally, in writing, and in a language that each can understand, of the alternatives to, the legal consequences of, and the rights (including, if 1 parent is a minor, any rights afforded due to minority status) and responsibilities that arise from, signing the acknowledgment.

"(ii) Such procedures must include a hospital-based program for the voluntary acknowledgment of paternity focusing on the period immediately before or after the birth of a child.

"(iii) Such procedures must require the State agency responsible for maintaining birth records to offer voluntary paternity establishment services.

"(iv) The Secretary shall prescribe regulations governing voluntary paternity establishment services offered by hospitals and birth record agencies. The Secretary shall prescribe regulations specifying the types of other entities that may offer voluntary paternity establishment services, and governing the provision of such services, which shall include a requirement that such an entity must use the same notice provisions used by, the same materials used by, provide the personnel providing such services with the same training provided by, and evaluate the provision of such services in the same manner as, voluntary paternity establishment programs of hospitals and birth record agencies.

"(D)(i) Procedures under which a signed acknowledgment of paternity is considered a legal finding of paternity, subject to the right of any signatory to rescind the acknowledgment within 60 days.

"(ii)(I) Procedures under which, after the 60-day period referred to in clause (i), a signed acknowledgment of paternity may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenger, and under which the legal responsibilities (including child support obligations) of any signatory arising from the acknowledgment may not be suspended during the challenge, except for good cause shown.

"(II) Procedures under which, after the 60-day period referred to in clause (i), a minor who signs an acknowledgment of paternity other than in the presence of a parent or court-appointed guardian ad litem may rescind the acknowledgment in a judicial or administrative proceeding, until the earlier of—

"(aa) attaining the age of majority; or

"(bb) the date of the first judicial or administrative proceeding brought (after the signing) to establish a child support obligation, visitation rights, or custody rights with respect to the child whose paternity is the subject of the acknowledgment, and at which the minor is represented by a parent, guardian ad litem, or attorney.

"(E) Procedures under which no judicial or administrative proceedings are required or permitted to ratify an unchallenged acknowledgment of paternity.

"(F) Procedures requiring—

"(i) that the State admit into evidence, for purposes of establishing paternity, results of any genetic test that is—

"(I) of a type generally acknowledged, by accreditation bodies designated by the Secretary, as reliable evidence of paternity; and

"(II) performed by a laboratory approved by such an accreditation body;

"(ii) that any objection to genetic testing results must be made in writing not later than a specified number of days before any hearing at which such results may be introduced into evidence (or, at State option, not later than a specified number of days after receipt of such results); and

"(iii) that, if no objection is made, the test results are admissible as evidence of paternity without the need for foundation testimony or other proof of authenticity or accuracy."; and

(3) by adding after subparagraph (H) the following new subparagraphs:

"(I) Procedures providing that the parties to an action to establish paternity are not entitled to a jury trial.

"(J) Procedures which require that a temporary order be issued, upon motion by a party, requiring the provision of child support pending an administrative or judicial determination of parentage, where there is clear and convincing evidence of paternity (on the basis of genetic tests or other evidence).

"(K) Procedures under which bills for pregnancy, childbirth, and genetic testing are admissible as evidence without requiring third-party foundation testimony, and shall constitute prima facie evidence of amounts incurred for such services and testing on behalf of the child.

"(L) At the option of the State, procedures under which the tribunal establishing paternity and support has discretion to waive rights to all or part of amounts owed to the State (but not to the mother) for costs related to pregnancy, childbirth, and genetic testing and for public assistance paid to the family where the father cooperates or acknowledges paternity before or after genetic testing.

"(M) Procedures ensuring that the putative father has a reasonable opportunity to initiate a paternity action.".

(b) NATIONAL PATERNITY ACKNOWLEDGMENT AFFIDAVIT.—Section 452(a)(7) (42 U.S.C. 652(a)(7)) is amended by inserting ", and develop an affidavit to be used for the voluntary acknowledgment of paternity which shall include the social security number of each parent" before the semicolon.

(c) TECHNICAL AMENDMENT.—Section 468 (42 U.S.C. 668) is amended by striking "a simple civil process for voluntarily acknowledging paternity and".

SEC. 142. OUTREACH FOR VOLUNTARY PATERNITY ESTABLISHMENT.

(a) STATE PLAN REQUIREMENT.—Section 454(23) (42 U.S.C. 654(23)) is amended—

(1) by striking "(23)" and inserting "(23)(A)";

(2) by inserting "and" after the semicolon; and

(3) by adding at the end the following new subparagraph:

"(B) publicize the availability and encourage the use of procedures for voluntary establishment of paternity and child support through a variety of means, which—

"(i) include distribution of written materials at health care facilities (including hospitals and clinics), and other locations such as schools;

"(ii) may include pre-natal programs to educate expectant couples on individual and joint rights and responsibilities with respect to paternity (and may require all expectant recipients of assistance under part A to participate in such pre-natal programs, as an element of cooperation with efforts to establish paternity and child support);

"(iii) include, with respect to each child discharged from a hospital after birth for whom paternity or child support has not been established, reasonable follow-up efforts, providing—

"(I) in the case of a child for whom paternity has not been established, information on the benefits of and procedures for establishing paternity; and

"(II) in the case of a child for whom paternity has been established but child support has not been established, information on the benefits of and procedures for establishing a child support order, and an application for child support services;".

(b) ENHANCED FEDERAL MATCHING.—Section 455(a)(1)(C) (42 U.S.C. 655(a)(1)(C)) is amended—

(1) by inserting "(i)" before "laboratory costs", and

(2) by inserting before the semicolon ", and (ii) costs of outreach programs designed to encourage voluntary acknowledgment of paternity".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall become effective October 1, 1997.

(2) EXCEPTION.—The amendments made by subsection (b) shall be effective with respect to calendar quarters beginning on and after October 1, 1996.

Subtitle F—Establishment and Modification of Support Orders

SEC. 151. NATIONAL CHILD SUPPORT GUIDELINES COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "National Child Support Guidelines Commission" (in this section referred to as the "Commission").

(b) GENERAL DUTIES.—

(1) IN GENERAL.—The Commission shall determine—

(A) whether it is appropriate to develop a national child support guideline for consideration by the Congress or for adoption by individual States; or

(B) based on a study of various guideline models, the benefits and deficiencies of such models, and any needed improvements.

(2) DEVELOPMENT OF MODELS.—If the Commission determines under paragraph (1)(A) that a national child support guideline is needed or under paragraph (1)(B) that improvements to guideline models are needed, the Commission shall develop such national guideline or improvements.

(c) MATTERS FOR CONSIDERATION BY THE COMMISSION.—In making the recommendations concerning guidelines required under subsection (b), the Commission shall consider—

(1) the adequacy of State child support guidelines established pursuant to section 467;

(2) matters generally applicable to all support orders, including—

(A) the feasibility of adopting uniform terms in all child support orders;

(B) how to define income and under what circumstances income should be imputed; and

(C) tax treatment of child support payments;

(3) the appropriate treatment of cases in which either or both parents have financial obligations to more than 1 family, including the effect (if any) to be given to—

(A) the income of either parent's spouse; and

(B) the financial responsibilities of either parent for other children or stepchildren;

(4) the appropriate treatment of expenses for child care (including care of the children of either parent, and work-related or job-training-related child care);

(5) the appropriate treatment of expenses for health care (including uninsured health care) and other extraordinary expenses for children with special needs;

(6) the appropriate duration of support by 1 or both parents, including

(A) support (including shared support) for post-secondary or vocational education; and

(B) support for disabled adult children;

(7) procedures to automatically adjust child support orders periodically to address changed economic circumstances, including changes in the consumer price index or either parent's income and expenses in particular cases;

(8) procedures to help non-custodial parents address grievances regarding visitation and custody orders to prevent such parents from withholding child support payments until such grievances are resolved; and

(9) whether, or to what extent, support levels should be adjusted in cases in which custody is shared or in which the noncustodial parent has extended visitation rights.

(d) MEMBERSHIP.—

(1) NUMBER; APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of 12 individuals appointed jointly by the Secretary of Health and Human Services and the Congress, not later than January 15, 1997, of which—

(i) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate, and 1 shall be appointed by the ranking minority member of the Committee;

(ii) 2 shall be appointed by the Chairman of the Committee on Ways and Means of the House of Representatives, and 1 shall be appointed by the ranking minority member of the Committee; and

(iii) 6 shall be appointed by the Secretary of Health and Human Services.

(B) QUALIFICATIONS OF MEMBERS.—Members of the Commission shall have expertise and experience in the evaluation and development of child support guidelines. At least 1 member shall represent advocacy groups for custodial parents, at least 1 member shall represent advocacy groups for noncustodial parents, and at least 1 member shall be the director of a State program under part D of title IV of the Social Security Act.

(2) TERMS OF OFFICE.—Each member shall be appointed for a term of 2 years. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(e) COMMISSION POWERS, COMPENSATION, ACCESS TO INFORMATION, AND SUPERVISION.—The first sentence of subparagraph (C), the first and third sentences of subparagraph (D), subparagraph (F) (except with respect to the conduct of medical studies), clauses (ii) and (iii) of subparagraph (G), and subparagraph (H) of section 1886(e)(6) of the Social Security Act shall apply to the Commission in the same manner in which such provisions apply to the Prospective Payment Assessment Commission.

(f) REPORT.—Not later than 2 years after the appointment of members, the Commission shall submit to the President, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate, a recommended national child support guideline and a final assessment of issues relating to such a proposed national child support guideline.

(g) TERMINATION.—The Commission shall terminate 6 months after the submission of the report described in subsection (e).

SEC. 152. SIMPLIFIED PROCESS FOR REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS.

Section 466(a)(10) (42 U.S.C. 666(a)(10)) is amended to read as follows:

"(10)(A)(i) Procedures under which—

"(I) every 3 years, at the request of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) if the amount of the child support award under the order differs from the amount that would be awarded in accordance with such guidelines, without a requirement for any other change in circumstances; and

"(II) upon request at any time of either parent subject to a child support order, the State shall review and, as appropriate, adjust the order in accordance with the guidelines established under section 467(a) based on a substantial change in the circumstances of either such parent.

"(ii) Such procedures shall require both parents subject to a child support order to be notified of their rights and responsibilities provided for under clause (i) at the time the order is issued and in the annual information exchange form provided under subparagraph (B).

"(B) Procedures under which each child support order issued or modified in the State after the effective date of this subparagraph shall require the parents subject to the order to provide each other with a complete statement of their respective financial condition annually on a form which shall be provided by the State. The Secretary shall establish regulations for the enforcement of such exchange of information.".

Subtitle G—Enforcement of Support Orders

SEC. 161. FEDERAL INCOME TAX REFUND OFFSET.

(a) CHANGED ORDER OF REFUND DISTRIBUTION UNDER INTERNAL REVENUE CODE.—Section 6402(c) of the Internal Revenue Code of 1986 (relating to offset of past-due support against overpayments) is amended—

(1) by striking "The amount" and inserting "(1) IN GENERAL.—The amount";

(2) by striking "paid to the State. A reduction" and inserting "paid to the State.

"(2) PRIORITIES FOR OFFSET.—A reduction";

(3) by striking "has been assigned" and inserting "has not been assigned"; and

(4) by striking "and shall be applied" and all that follows and inserting "and shall thereafter be applied to satisfy any past-due support that has been so assigned.".

(b) ELIMINATION OF DISPARITIES IN TREATMENT OF ASSIGNED AND NON-ASSIGNED ARREARAGES.—

(1) IN GENERAL.—Section 464(a) (42 U.S.C. 664(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking "which has been assigned to such State pursuant to section 402(a)(26) or section 471(a)(17)"; and

(ii) in the second sentence, by striking "in accordance with section 457 (b)(4) or (d)(3)" and inserting "as provided in paragraph (2)";

(B) in paragraph (2), to read as follows:

"(2) The State agency shall distribute amounts paid by the Secretary of the Treasury pursuant to paragraph (1)—

"(A) in accordance with subsection (a)(4) or (d)(3) of section 457, in the case of past-due support assigned to a State pursuant to section 402(a)(26) or section 471(a)(17); and

"(B) to or on behalf of the child to whom the support was owed, in the case of past-due support not so assigned.";

(C) in paragraph (3)—

(i) by striking "or (2)" each place it appears; and

(ii) in subparagraph (B), by striking "under paragraph (2)" and inserting "on account of past-due support described in paragraph (2)(B)".

(2) NOTICES OF PAST-DUE SUPPORT.—Section 464(b) (42 U.S.C. 664(b)) is amended—

(A) by striking "(b)(1)" and inserting "(b)"; and

(B) by striking paragraph (2).

(3) DEFINITION OF PAST-DUE SUPPORT.—Section 464(c) (42 U.S.C. 664(c)) is amended—

(A) by striking "(c)(1) Except as provided in paragraph (2), as" and inserting "(c) As"; and

(B) by striking paragraphs (2) and (3).

(c) TREATMENT OF LUMP-SUM TAX REFUND UNDER AFDC.—

(1) EXEMPTION FROM LUMP-SUM RULE.—Section 402(a)(17) (42 U.S.C. 602(a)(17)) is amended by inserting before the semicolon at the end the following: ", but this paragraph shall not apply to income received by a family that is attributable to a child support obligation owed with respect to a member of the family and that is paid to the family from amounts withheld from a Federal income tax refund otherwise payable to the person owing such obligation, to the extent that such income is placed in a qualified asset account (as defined in section 406(j)) the total amounts in which, after such placement, does not exceed $10,000".

(2) QUALIFIED ASSET ACCOUNT DEFINED.—Section 406 (42 U.S.C. 606), as amended by section 102(g)(2), is amended by adding at the end the following new subsection:

"(j)(1) The term 'qualified asset account' means a mechanism approved by the State (such as individual retirement accounts, escrow accounts, or savings bonds) that allows savings of a family receiving aid to families with dependent children to be used for qualified distributions.

"(2) The term 'qualified distribution' means a distribution from a qualified asset account for expenses directly related to 1 or more of the following purposes:

"(A) The attendance of a member of the family at any education or training program.

"(B) The improvement of the employability (including self-employment) of a member of the family (such as through the purchase of an automobile).

"(C) The purchase of a home for the family.

"(D) A change of the family residence.".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1999.

SEC. 162. INTERNAL REVENUE SERVICE COLLECTION OF ARREARAGES.

(a) AMENDMENT TO INTERNAL REVENUE CODE.—Section 6305(a) of the Internal Revenue Code of 1986 (relating to collection of certain liability) is amended—

(1) in paragraph (1), by inserting "except as provided in paragraph (5)" after "collected";

(2) by striking "and" at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ", and";

(4) by adding at the end the following new paragraph:

"(5) no additional fee may be assessed for adjustments to an amount previously certified pursuant to such section 452(b) with respect to the same obligor."; and

(5) by striking "Secretary of Health, Education, and Welfare" each place it appears and inserting "Secretary of Health and Human Services".

(b) EFFECTIVE DATE.—The amendments made by this section shall become effective October 1, 1997.

SEC. 163. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) CONSOLIDATION AND STREAMLINING OF AUTHORITIES.—

(1) Section 459 (42 U.S.C. 659) is amended—

(1) in the heading, by inserting "INCOME WITHHOLDING," before "GARNISHMENT";

(2) in subsection (a)—

(A) by striking "section 207" and inserting "section 207 and section 5301 of title 38, United States Code"; and

(B) by striking "to legal process" and all that follows through the period and inserting "to withholding in accordance with State law pursuant to subsections (a)(1) and (b) of section 466 and regulations of the Secretary thereunder, and to any other legal process brought, by a State agency administering a program under this part or by an individual obligee, to enforce the legal obligation of such individual to provide child support or alimony.";

(3) in subsection (b), to read as follows:

"(b) Except as otherwise provided herein, each entity specified in subsection (a) shall be subject, with respect to notice to withhold income pursuant to subsection (a)(1) or (b) of section 466, or to any other order or process to enforce support obligations against an individual (if such order or process contains or is accompanied by sufficient data to permit prompt identification of the individual and the moneys involved), to the same requirements as would apply if such entity were a private person.";

(4) by striking subsections (c) and (d) and inserting the following new subsections:

"(c)(1) The head of each agency subject to the requirements of this section shall—

"(A) designate an agent or agents to receive orders and accept service of process; and

"(B) publish—

"(i) in the appendix of such regulations;

"(ii) in each subsequent republication of such regulations; and

"(iii) annually in the Federal Register,

the designation of such agent or agents, identified by title of position, mailing address, and telephone number.

"(2) Whenever an agent designated pursuant to paragraph (1) receives notice pursuant to subsection (a)(1) or (b) of section 466, or is effectively served with any order, process, or interrogatories, with respect to an individual's child support or alimony payment obligations, such agent shall—

"(A) as soon as possible (but not later than 15 days) thereafter, send written notice of such notice or service (together with a copy thereof) to such individual at his duty station or last-known home address;

"(B) not later than 30 days (or such longer period as may be prescribed by applicable State law) after receipt of a notice pursuant to subsection (a)(1) or (b) of section 466, comply with all applicable provisions of such section 466; and

"(C) not later than 30 days (or such longer period as may be prescribed by applicable State law) after effective service of any other such order, process, or interrogatories, respond thereto.

"(d) In the event that a governmental entity receives notice or is served with process, as provided in this section, concerning amounts owed by an individual to more than 1 person—

"(1) support collection under section 466(b) must be given priority over any other process, as provided in section 466(b)(7);

"(2) allocation of moneys due or payable to an individual among claimants under section 466(b) shall be governed by the provisions of such section 466(b) and regulations thereunder; and

"(3) such moneys as remain after compliance with subparagraphs (A) and (B) shall be available to satisfy any other such processes on a first-come, first-served basis, with any such process being satisfied out of such moneys as remain after the satisfaction of all such processes which have been previously served.";

(5) in subsection (f)—

(A) by striking "(f)" and inserting "(f)(1)"; and

(B) by adding at the end the following new paragraph:

"(2) No Federal employee whose duties include taking actions necessary to comply with the requirements of subsection (a) with regard to any individual shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by him in connection with the carrying out of such duties."; and

(6) by adding at the end the following new subsections:

"(g) Authority to promulgate regulations for the implementation of the provisions of this section shall, insofar as the provisions of this section are applicable to moneys due from (or payable by)—

"(1) the executive branch of the Federal Government (including in such branch, for the purposes of this subsection, the territories and possessions of the United States, the United States Postal Service, the Postal Rate Commission, any wholly owned Federal corporation created by an Act of Congress, and the government of the District of Columbia), be vested in the President (or the President's designee);

"(2) the legislative branch of the Federal Government, be vested jointly in the President pro tempore of the Senate and the Speaker of the House of Representatives (or their designees); and

"(3) the judicial branch of the Federal Government, be vested in the Chief Justice of the United States (or the Chief Justice's designee).

"(h) Subject to subsection (i), moneys paid or payable to an individual which are considered to be based upon remuneration for employment, for purposes of this section—

"(1) consist of—

"(A) compensation paid or payable for personal services of such individual, whether such compensation is denominated as wages, salary, commission, bonus, pay, allowances, or otherwise (including severance pay, sick pay, and incentive pay);

"(B) periodic benefits (including a periodic benefit as defined in section 228(h)(3)) or other payments—

"(i) under the insurance system established by title II;

"(ii) under any other system or fund established by the United States which provides for the payment of pensions, retirement or retired pay, annuities, dependents' or survivors' benefits, or similar amounts payable on account of personal services performed by the individual or any other individual;

"(iii) as compensation for death under any Federal program;

"(iv) under any Federal program established to provide 'black lung' benefits; or

"(v) by the Secretary of Veterans Affairs as pension, or as compensation for a service-connected disability or death (except any compensation paid by such Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if such former member has waived a portion of his retired pay in order to receive such compensation); and

"(C) worker's compensation benefits paid under Federal or State law; but

"(2) do not include any payment—

"(A) by way of reimbursement or otherwise, to defray expenses incurred by such individual in carrying out duties associated with his employment; or

"(B) as allowances for members of the uniformed services payable pursuant to chapter 7 of title 37, United States Code, as prescribed by the Secretaries concerned (defined by section 101(5) of such title) as necessary for the efficient performance of duty.

"(i) In determining the amount of any moneys due from, or payable by, the United States to any individual, there shall be excluded amounts which—

"(1) are owed by such individual to the United States;

"(2) are required by law to be, and are, deducted from the remuneration or other payment involved, including Federal employment taxes, and fines and forfeitures ordered by court-martial;

"(3) are properly withheld for Federal, State, or local income tax purposes, if the withholding of such amounts is authorized or required by law and if amounts withheld are not greater than would be the case if such individual claimed all the dependents that the individual was entitled to (the withholding of additional amounts pursuant to section 3402(i) of the Internal Revenue Code of 1986 may be permitted only when such individual presents evidence of a tax obligation which supports the additional withholding);

"(4) are deducted as health insurance premiums;

"(5) are deducted as normal retirement contributions (not including amounts deducted for supplementary coverage); or

"(6) are deducted as normal life insurance premiums from salary or other remuneration for employment (not including amounts deducted for supplementary coverage).

"(j) For purposes of this section—".

(b) TRANSFER OF SUBSECTIONS.—Subsections (a) through (e) of section 462 (42 U.S.C. 662), are transferred and redesignated as paragraphs (1) through (4), respectively of section 459(j) (as added by subsection (a)(6)), and the left margin of each of such paragraphs (1) through (4) is indented 2 ems to the right of the left margin of subsection (j) (as added by subsection (a)(6)).

(c) CONFORMING AMENDMENTS.—

(1) TO PART D OF TITLE IV.—Sections 461 and 462 (42 U.S.C. 661) are repealed.

(2) TO TITLE 5, UNITED STATES CODE.—Section 5520a of title 5, United States Code, is amended, in subsections (h)(2) and (i), by striking "sections 459, 461, and 462 of the Social Security Act (42 U.S.C. 659, 661, and 662)" each place it appears and inserting "section 459 of the Social Security Act (42 U.S.C. 659)".

(d) MILITARY RETIRED AND RETAINER PAY.—Section 1408(a)(1) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and";

(B) in subparagraph (C), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) any administrative or judicial tribunal of a State competent to enter orders for support or maintenance (including a State agency administering a State program under part D of title IV of the Social Security Act).";

(2) in paragraph (2), by inserting "or a court order for the payment of child support not included in or accompanied by such a decree or settlement," before "which—";

(3) in subsection (d)—

(A) in the heading, by inserting "(OR FOR BENEFIT OF)" after "CONCERNED"; and

(B) in paragraph (1), in the first sentence, by inserting "(or for the benefit of such spouse or former spouse to a State central collections unit or other public payee designated by a State, in accordance with part D of title IV of the Social Security Act, as directed by court order, or as otherwise directed in accordance with such part D)" before "in an amount sufficient"; and

(4) by adding at the end the following new subsection:

"(j) RELATIONSHIP TO OTHER LAWS.—In any case involving a child support order against a member who has never been married to the other parent of the child, the provisions of this section shall not apply, and the case shall be subject to the provisions of section 459 of the Social Security Act.".

(e) EFFECTIVE DATE.—The amendments made by this section shall become effective 6 months after the date of the enactment of this Act.

SEC. 164. ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS OF MEMBERS OF THE ARMED FORCES.

(a) AVAILABILITY OF LOCATOR INFORMATION.—

(1) MAINTENANCE OF ADDRESS INFORMATION.—The Secretary of Defense shall establish a centralized personnel locator service that includes the address of each member of the Armed Forces under the jurisdiction of the Secretary. Upon request of the Secretary of Transportation, addresses for members of the Coast Guard shall be included in the centralized personnel locator service.

(2) TYPE OF ADDRESS.—

(A) RESIDENTIAL ADDRESS.—Except as provided in subparagraph (B), the address for a member of the Armed Forces shown in the locator service shall be the residential address of that member.

(B) DUTY ADDRESS.—The address for a member of the Armed Forces shown in the locator service shall be the duty address of that member in the case of a member—

(i) who is permanently assigned overseas, to a vessel, or to a routinely deployable unit; or

(ii) with respect to whom the Secretary concerned makes a determination that the member's residential address should not be disclosed due to national security or safety concerns.

(3) UPDATING OF LOCATOR INFORMATION.—Not later than 30 days after a member listed in the locator service establishes a new residential address (or a new duty address, in the case of a member covered by paragraph (2)(B)), the Secretary concerned shall update the locator service to indicate the new address of the member.

(4) AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make information regarding the address of a member of the Armed Forces listed in the locator service available, on request, to the Federal Parent Locator Service.

(b) FACILITATING GRANTING OF LEAVE FOR ATTENDANCE AT HEARINGS.—

(1) REGULATIONS.—The Secretary of each military department, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to facilitate the granting of leave to a member of the Armed Forces under the jurisdiction of that Secretary in a case in which—

(A) the leave is needed for the member to attend a hearing described in paragraph (2);

(B) the member is not serving in or with a unit deployed in a contingency operation (as defined in section 101 of title 10, United States Code); and

(C) the exigencies of military service (as determined by the Secretary concerned) do not otherwise require that such leave not be granted.

(2) COVERED HEARINGS.—Paragraph (1) applies to a hearing that is conducted by a court or pursuant to an administrative process established under State law, in connection with a civil action—

(A) to determine whether a member of the Armed Forces is a natural parent of a child; or

(B) to determine an obligation of a member of the Armed Forces to provide child support.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "court" has the meaning given that term in section 1408(a) of title 10, United States Code.

(B) The term "child support" has the meaning given such term in section 462 of the Social Security Act (42 U.S.C. 662).

(c) PAYMENT OF MILITARY RETIRED PAY IN COMPLIANCE WITH CHILD SUPPORT ORDERS.—Section 1408 of title 10, United States Code, as amended by section 163(d)(4), is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively;

(2) by inserting after subsection (h) the following new subsection:

"(i) CERTIFICATION DATE.—It is not necessary that the date of a certification of the authenticity or completeness of a copy of a court order or an order of an administrative process established under State law for child support received by the Secretary concerned for the purposes of this section be recent in relation to the date of receipt by the Secretary."; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting after the first sentence the following: "In the case of a spouse or former spouse who, pursuant to section 402(a)(26) of the Social Security Act (42 U.S.C. 602(26)), assigns to a State the rights of the spouse or former spouse to receive support, the Secretary concerned may make the child support payments referred to in the preceding sentence to that State in amounts consistent with that assignment of rights."; and

(B) by adding at the end the following new paragraph:

"(6) In the case of a court order or an order of an administrative process established under State law for which effective service is made on the Secretary concerned on or after the date of the enactment of this paragraph and which provides for payments from the disposable retired pay of a member to satisfy the amount of child support set forth in the order, the authority provided in paragraph (1) to make payments from the disposable retired pay of a member to satisfy the amount of child support set forth in a court order or an order of an administrative process established under State law shall apply to payment of any amount of child support arrearages set forth in that order as well as to amounts of child support that currently become due.".

SEC. 165. MOTOR VEHICLE LIENS.

Section 466(a)(4) (42 U.S.C. 666(a)(4)) is amended—

(1) by striking "(4)" and inserting "(4)(A)"; and

(2) by adding at the end the following new subparagraph:

"(B) Procedures for placing liens for arrearages of child support on motor vehicle titles of individuals owing such arrearages equal to or exceeding 1 month of support (or other minimum amount set by the State), under which—

"(i) any person owed such arrearages may place such a lien;

"(ii) the State agency administering the program under this part shall systematically place such liens;

"(iii) expedited methods are provided for—

"(I) ascertaining the amount of arrears;

"(II) affording the person owing the arrears or other titleholder to contest the amount of arrears or to obtain a release upon fulfilling the support obligation;

"(iv) such a lien has precedence over all other encumbrances on a vehicle title other than a purchase money security interest; and

"(v) the individual or State agency owed the arrears may execute on, seize, and sell the property in accordance with State law.".

SEC. 166. VOIDING OF FRAUDULENT TRANSFERS.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 101(a), 126(a), and 131, is amended by adding at the end the following new paragraph:

"(15) Procedures under which—

"(A) the State has in effect—

"(i) the Uniform Fraudulent Conveyance Act of 1981,

"(ii) the Uniform Fraudulent Transfer Act of 1984, or

"(iii) another law, specifying indicia of fraud which create a prima facie case that a debtor transferred income or property to avoid payment to a child support creditor, which the Secretary finds affords comparable rights to child support creditors; and

"(B) in any case in which the State knows of a transfer by a child support debtor with respect to which such a prima facie case is established, the State must—

"(i) seek to void such transfer; or

"(ii) obtain a settlement in the best interests of the child support creditor.".

SEC. 167. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a) (42 U.S.C. 666(a)), as amended by sections 101(a), 126(a), 131, and 166, is amended by adding at the end the following new paragraph:

"(16) Procedures under which the State has (and uses in appropriate cases) authority (subject to appropriate due process safeguards) to withhold or suspend, or to restrict the use of driver's licenses, professional and occupational licenses, and recreational licenses of individuals owing overdue child support or failing, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings.".

SEC. 168. REPORTING ARREARAGES TO CREDIT BUREAUS.

Section 466(a)(7) (42 U.S.C. 666(a)(7)) is amended to read as follows:

"(7)(A) Procedures (subject to safeguards pursuant to subparagraph (B)) requiring the State to report periodically to consumer reporting agencies (as defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) the name of any absent parent who is delinquent in the payment of support, and the amount of overdue support owed by such parent.

"(B) Procedures ensuring that, in carrying out subparagraph (A), information with respect to an absent parent is reported—

"(i) only after such parent has been afforded all due process required under State law, including notice and a reasonable opportunity to contest the accuracy of such information; and

"(ii) only to an entity that has furnished evidence satisfactory to the State that the entity is a consumer reporting agency.".

SEC. 169. EXTENDED STATUTE OF LIMITATION FOR COLLECTION OF ARREARAGES.

(a) In General.—Section 466(a)(9) (42 U.S.C. 666(a)(9)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking "(9)" and inserting "(9)(A)"; and

(3) by adding at the end the following new subparagraph:

"(B) Procedures under which the statute of limitations on any arrearages of child support extends at least until the child owed such support is 30 years of age.".

(b) Application of Requirement.—The amendment made by this section shall not be interpreted to require any State law to revive any payment obligation which had lapsed prior to the effective date of such State law.

SEC. 170. CHARGES FOR ARREARAGES.

(a) State Law Requirement.—Section 466(a) (42 U.S.C. 666(a)), as amended by sections 101(a), 126(a), 131, 166, and 167, is amended by adding at the end the following new paragraph:

"(17) Procedures providing for the calculation and collection of interest or penalties for arrearages of child support, and for distribution of such interest or penalties collected for the benefit of the child (except where the right to support has been assigned to the State).".

(b) Regulations.—The Secretary of Health and Human Services shall establish by regulation a rule to resolve choice of law conflicts arising in the implementation of the amendment made by subsection (a).

(c) Conforming Amendment.—Section 454(21) (42 U.S.C. 654(21)) is repealed.

(d) Effective Date.—The amendments made by this section shall be effective with respect to arrearages accruing on or after October 1, 1998.

SEC. 171. DENIAL OF PASSPORTS FOR NONPAYMENT OF CHILD SUPPORT.

(a) HHS Certification Procedure.—

(1) Secretarial responsibility.—Section 452 (42 U.S.C. 652), as amended by sections 115(a)(3) and 117, is amended by adding at the end the following new subsection:

"(*l*)(1) If the Secretary receives a certification by a State agency in accordance with the requirements of section 454(28) that an individual owes arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, the Secretary shall transmit such certification to the Secretary of State for action (with respect to denial, revocation, or limitation of passports) pursuant to section 171(b) of the Interstate Child Support Responsibility Act of 1995.

"(2) The Secretary shall not be liable to an individual for any action with respect to a certification by a State agency under this section.".

(2) State CSE agency responsibility.—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), and 122(a), is amended—

(A) by striking "and" at the end of paragraph (26);

(B) by striking the period at the end of paragraph (27) and inserting "; and"; and

(C) by adding after paragraph (27) the following new paragraph:

"(28) provide that the State agency will have in effect a procedure (which may be combined with the procedure for tax refund offset under section 464) for certifying to the Secretary, for purposes of the procedure under section 452(*l*) (concerning denial of passports) determinations that individuals owe arrearages of child support in an amount exceeding $5,000 or in an amount exceeding 24 months' worth of child support, under which procedure—

"(A) each individual concerned is afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and

"(B) the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.".

(b) State Department Procedure for Denial of Passports.—

(1) In general.—The Secretary of State, upon certification by the Secretary of Health and Human Services, in accordance with section 452(*l*) of the Social Security Act, that an individual owes arrearages of child support in excess of $5,000, shall refuse to issue a passport to such individual, and may revoke, restrict, or limit a passport issued previously to such individual.

(2) Limit on liability.—The Secretary of State shall not be liable to an individual for any action with respect to a certification by a State agency under this section.

(c) Effective Date.—This section and the amendments made by this section shall become effective October 1, 1996.

SEC. 172. INTERNATIONAL CHILD SUPPORT ENFORCEMENT.

(a) Sense of the Congress That the United States Should Ratify the United Nations Convention of 1956.—It is the sense of the Congress that the United States should ratify the United Nations Convention of 1956.

(b) Treatment of International Child Support Cases as Interstate Cases.—Section 454 (42 U.S.C. 654), as amended by sections 104(a), 114(b), 122(a), and 171(a)(2) of this Act, is amended—

(1) by striking "and" at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting "; and"; and

(3) by inserting after paragraph (28) the following new paragraph:

"(29) provide that the State must treat international child support cases in the same manner as the State treats interstate child support cases under the plan.".

Subtitle H—Medical Support

SEC. 181. TECHNICAL CORRECTION TO ERISA DEFINITION OF MEDICAL CHILD SUPPORT ORDER.

(a) In General.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended—

(1) by striking "issued by a court of competent jurisdiction";

(2) in clause (ii) by striking the period and inserting a comma; and

(3) by adding after clause (ii), the following flush left language:

"if such judgment, decree, or order (I) is issued by a court of competent jurisdiction or (II) is issued by an administrative adjudicator and has the force and effect of law under applicable State law.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall become effective on the date of the enactment of this Act.

(2) Plan amendments not required until January 1, 1996.—

(A) In general.—Any amendment to a plan required to be made by an amendment made by this section shall not be required to be made before the first plan year beginning on or after January 1, 1996, if—

(i) during the period after the date before the date of the enactment of this Act and before such first plan year, the plan is operated in accordance with the requirements of the amendments made by this section; and

(ii) such plan amendment applies retroactively to the period after the date before the date of the enactment of this Act and before such first plan year.

(B) No failure for compliance with this paragraph.—A plan shall not be treated as failing to be operated in accordance with the provisions of the plan merely because it operates in accordance with this paragraph.

Subtitle I—Access and Visitation Programs

SEC. 191. GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS.

(a) In General.—Part D of title IV is amended by adding at the end the following new section:

"GRANTS TO STATES FOR ACCESS AND VISITATION PROGRAMS

"Sec. 469A. (a) Purposes; Authorization of Appropriations.—For purposes of enabling States to establish and administer programs to support and facilitate absent parents' access to and visitation of their children, by means of activities including mediation (both voluntary and mandatory), counseling, education, development of parenting plans, visitation enforcement (including monitoring, supervision, and neutral drop-off and pickup), and development of guidelines for visitation and alternative custody arrangements, there are authorized to be appropriated $5,000,000 for each of fiscal years 1996 and 1997, and $10,000,000 for each succeeding fiscal year.

"(b) Payments to States.—

"(1) In general.—Each State shall be entitled to payment under this section for each fiscal year in an amount equal to its allotment under subsection (c) for such fiscal year, to be used for payment of 90 percent of

State expenditures for the purposes specified in subsection (a).

"(2) SUPPLEMENTARY USE.—Payments under this section shall be used by a State to supplement (and not to substitute for) expenditures by the State, for activities specified in subsection (a), at a level at least equal to the level of such expenditures for fiscal year 1994.

"(c) ALLOTMENTS TO STATES.—

"(1) IN GENERAL.—For purposes of subsection (b), each State shall be entitled (subject to paragraph (2)) to an amount for each fiscal year bearing the same ratio to the amount authorized to be appropriated pursuant to subsection (a) for such fiscal year as the number of children in the State living with only 1 biological parent bears to the total number of such children in all States.

"(2) MINIMUM ALLOTMENT.—Allotments to States under paragraph (1) shall be adjusted as necessary to ensure that no State is allotted less than $50,000 for fiscal year 1996 or 1997, or $100,000 for any succeeding fiscal year.

"(d) FEDERAL ADMINISTRATION.—The program under this section shall be administered by the Administration for Children and Families.

"(e) STATE PROGRAM ADMINISTRATION.—

"(1) IN GENERAL.—Each State may administer the program under this section directly or through grants to or contracts with courts, local public agencies, or non-profit private entities.

"(2) STATEWIDE PLAN PERMISSIBLE.—State programs under this section may, but need not, be statewide.

"(3) EVALUATION.—States administering programs under this section shall monitor, evaluate, and report on such programs in accordance with requirements established by the Secretary.".

TITLE II—EFFECT OF ENACTMENT

SEC. 201. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise specifically provided (but subject to subsections (b) and (c))—

(1) provisions of title I requiring enactment or amendment of State laws under section 466 of the Social Security Act, or revision of State plans under section 454 of such Act, shall be effective with respect to periods beginning on and after October 1, 1996; and

(2) all other provisions of title I shall become effective upon the date of the enactment of this Act.

(b) GRACE PERIOD FOR STATE LAW CHANGES.—The provisions of title I shall become effective with respect to a State on the later of—

(1) the date specified in title I, or

(2) the effective date of laws enacted by the legislature of such State implementing such provisions,

but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

(c) GRACE PERIOD FOR STATE CONSTITUTIONAL AMENDMENT.—A State shall not be found out of compliance with any requirement enacted by title I if it is unable to comply without amending the State constitution until the earlier of—

(1) the date which is 1 year after the effective date of the necessary State constitutional amendment, or

(2) the date which is 5 years after the date of the enactment of this Act.

SEC. 202. SEVERABILITY.

If any provision of title I or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of title I which can be given effect without regard to the invalid provision or application, and to this end the provisions of title I shall be severable.

INTERSTATE CHILD SUPPORT RESPONSIBILITY ACT OF 1995—BILL SUMMARY

The Interstate Child Support Responsibility Act of 1995 is a comprehensive effort to repair the state-based system of child support. It would establish uniform procedures among states; create state and national databases to locate absent parents and garnish the wages of parents who owe child support; improve paternity establishment; and make it easier to modify child support orders as necessary.

The legislation is based on recommendations of the U.S. Commission on Interstate Child Support Enforcement, the Office of Child Support Enforcement at HHS, and child support administrators from many states. Its provisions are comparable to those of S. 689 in the 103d Congress (the Bradley bill) and the child support section of S. 2224, the Work and Family Responsibility Act, updated to account for more recent innovations in enforcement at the state level. It also parallels H.R. 785, with exceptions as noted below.

STATE UNIFORMITY

States would be required to adopt the Uniform Interstate Family Support Act (UIFSA) in its entirety. This model legislation, already adopted by 20 states, sets a framework for determining jurisdiction of interstate cases, and governs the relationship among states.

The Full Faith and Credit Act, signed into law last year, which requires every state to respect child support orders from other states, would be modified to follow UIFSA.

States would establish administrative procedures for paternity establishment, subpoenas, liens, access to financial information, and suspension of drivers' and professional licenses for parents in arrears on child support. Custodial parents would not have to go to court.

ENFORCEMENT OF SUPPORT ORDERS

Outlines the procedures by which a state may suspend the licenses (including driver's, professional and occupational) of delinquent non-custodial parents, as well as procedures through which the state may place liens on the delinquent parent property.

Requires states to report to credit bureaus delinquencies that exceed 30 days.

Grants families who are owed child support the right to first access to an IRS refund credited to a delinquent non-custodial parent, except for amounts due from time the family received AFDC.

Subjects federal employees to the same withholding and enforcement rules as other workers. Clarifies rules for active-duty military personnel.

Extends the statute of limitations for the collection of child support arrearage to the child's 30th birthday.

Permits the denial of a passport for individuals who are more than $5,000 or 24 months in arrears.

Establlishes state-based demonstration projects to address non-custodial parents' visitation and custody issues.

STATE AUTOMATED SYSTEMS

Each state would establish a database of basic information about every child support order opened in that state. This data would be sent to a national registry on a regular basis to aid in enforcement of interstate cases.

States would centralize the collection and disbursement of information and payments. Employers would be able to send withheld income to one state location, even if a county has jurisdiction over the child support order. States may contract the collection and distribution system out to private firms.

NATIONAL SYSTEMS—EXPANDED FEDERAL PARENT LOCATOR SYSTEM

The modified Federal Parent Locator System would contain three components: a databank of Child Support Orders; directory of new hires, and expanded locator.

The Databank of Child Support Orders contains information on child support orders, as obtained from the individual states.

The Directory of New Hires will record basic information supplied by employers. This data will be compared against the child support data in order to better track down parents evading payment of child support, especially on the interstate level.

The expanded locator component allows states to access federal information to not only enforce orders, but also to establish paternity and establish and modify orders.

VOLUNTARY PATERNITY ESTABLISHMENT

The process of determination of paternity would be simplified, and voluntary paternity processes enhanced. These provisions would strengthen the hospital-based paternity establishment provisions enacted into law in the 1993 budget reconciliation.

For parents who voluntarily acknowledge paternity, a signed affidavit would be presumed to be a final judgement of paternity 60 days after signature. Both parents must be informed of their rights and responsibilities before signing the acknowledgement. Exceptions to the final judgement status include fraud, duress, or material mistake of fact.

Minor parents who sign the voluntary acknowledgement not in the presence of a parent or guardian may rescind that acknowledgment at any time until turning 18, or until court proceedings in which the teen and his or her attorney, parent or guardian is present.

At state option, states may waive fees charged to fathers who cooperate with the state, e.g. for genetic testing.

MODIFICATION AND ESTABLISHMENT OF SUPPORT ORDERS

Requires that child support orders may be reviewed by a state at the request of either parent every three years or when there is a substantial change in the financial circumstances of either parent.

Requires parents to exchange financial information annually.

Establishes a National Child Support Guidelines Commission, which will develop support order guidelines which states may adopt of Congress may consider adopting nationally.

PROGRAM ADMINISTRATION AND FUNDING

Increases the base federal matching rate for child support services from 66% to 75%. Creates an incentive payment to state of up to 15% for paternity establishment and overall performance of a state IV-D program. Strengthens penalties on states for failure to comply with program requirements.

COSTS

Increased match rate will cost approximately $300 million over five years. Other costs to federal and state taxpayers have not been scored by CBO, but all will be offset by increased collections. (The existing program, despite flaws, collects $3.98 for every $1 spent.)

DIFFERENCES BETWEEN SENATE BILL AND H.R. 785

Senate bill authorizes a demonstration in several states of innovative procedures to mediate disputes over visitation and custody.

Senate bill is slightly less prescriptive to states.

Senate bill includes more specific instructions to the Commission on Child Support Guidelines, and permits the Commission to conclude that national guidelines are not needed.•

• Mr. CHAFEE. Mr. President, I am pleased to support the Child Support Act of 1995, introduced by Mr. BRADLEY.

With over half of our marriages ending in divorce in the United States, and more and more children being born out-of-wedlock, single parent households have become more and more common. Most of the children in these homes grow up to be healthy and happy contributors to our society. Too many, however, are abandoned by a parent at a young age and struggle into adulthood. Mom or Dad, while raising a child, is working to make ends meet—without the help of the child's other parent.

We have spent a great deal of time talking about family and the role of the State in preserving traditional families. We have talked at great length about how to help poor unwed and single mothers become independent from government handouts. Certainly, a central factor as to why these mothers are on welfare in the first place and may not be able to get off, is because of the lack of support coming from their child's father.

Only 58 percent of single mothers had a child support order in 1990—the vast majority of single mothers had applied for such an order but were unsuccessful in receiving one. The numbers are quite stark: over half of the 17.2 million children in single parent homes in our Nation are living in poverty.

I think there is consensus on this issue—Republican or Democrat, Rhode Islander or Mississippian—we all agree that the time has come for Congress to become more involved in ensuring that children are not cheated out of a healthy childhood. This legislation does an admirable job of addressing the problems of "dead-beat" parents.

Currently, States have a rather haphazard way of collecting child support. With the ease in which citizens move from one State to another, there is a real need to have strong and efficient communication between the States in collecting child support. This legislation addresses this problem through the creation of a national data base of child support orders. States will be required to periodically contribute new child support orders to this registry which may then be accessed by other states. Clearly, such a program aids greatly in tracking down interstate cases. In addition, by requiring parents to exchange financial information annually and streamlining the collection and distribution policy of the States, this legislation will make it far less complicated to ensure that those families deserving of child support moneys will get it.

I would urge my colleagues to support this crucial legislation. By some estimates, in 1990, if we had enforceable child support orders reflecting ability to pay, single mothers and children would have received nearly $50 billion in child support. I am sure that you would agree that such a number is astounding. This money is wilfully being kept from the children who need it. We cannot, in good conscience, talk about reforming our welfare system without discussing more effective ways to ensure that poor children are in fact receiving the fiscal and emotional support that they need in order to grow and to thrive. Thank you very much for your time and consideration.•

• Mr. LIEBERMAN. Mr. President, I am pleased to join Senator BRADLEY today as a cosponsor of the Interstate Child Support Responsibility Act of 1995. My esteemed colleague from Connecticut, Representative JOHNSON, introduced a similar bill in the House, and I thank them both for their leadership on this issue. The bill will greatly strengthen our child support enforcement system. This year, as Congress debates dramatic changes to our welfare system, we should make child support enforcement a key part of our welfare reform agenda and should pass the comprehensive reforms set forth in this act.

A tough child support enforcement system has three far-reaching benefits for our society. First, child support directly improves the lives of millions of children. An increasing number of our children depend on child support. Thirty years ago the vast number of children lived with both of their parents. But an astounding 50 percent of all children born in the 1980's will spend some time in a single-parent family. Children living with only one parent are all too likely to experience poverty. In 1992, half of the children living in single-parent families—over 8 million children—were poor. Improving child support enforcement will directly improve the quality of these children's lives and their chances for a bright future.

Second, enhancing child support enforcement will help keep families off of public assistance. About 45 percent of families enter our welfare system as a result of a divorce or separation, and another 30 percent seek welfare assistance after having a child out-of-wedlock. Receiving support from the absent parent can make the difference for many families between self-sufficiency and dependency.

Third, strengthening child support enforcement sends a critical message of responsibility to parents. The decision to have a child has profound moral content. Our child support policies must clearly signal that our society will hold all parents accountable for their children. In an era of skyrocketing out-of-wedlock births and rising teen pregnancy rates, child support enforcement payments must become a well known and unavoidable fact of life for absent fathers and mothers. Would-be "dead-beat" dads must know that they can't simply cross a State border to escape support payments.

For too many parents today, child support collection is not a certainty. Less than 60 percent of custodial mothers establish a child support order. And only half of support orders are paid in full. The Urban Institute estimates that the gap between the amount of child support parents should be paying and the amount we are actually collecting is $34 billion a year.

The bill we are introducing today will help close that child support collection gap. It will help States at each step of the child support collection process. The bill will make it easier for States to locate absent noncustodial parents; establish paternity; establish a court order; and enforce payment of court orders.

To help States locate parents and collect child support the bill, among other things: Requires States to automate and centralize child support order data to aid in enforcement of interstate cases; requires employers to notify States of new hires and establishes a Federal directory of new hires to aid in locating parents; streamlines procedures for voluntary paternity establishment; provides States with greater financial incentives to establish paternity; requires more frequent modification of child support orders so awards will increase with parents' earnings; requires States to have procedures for suspending drivers licenses and professional licenses of deadbeat parents; and provides greater incentives for States to increase child support collection.

The bill will also support State demonstration projects to address an underlying cause of some parents' failure to pay child support because access or visitation rulings limit their involvement in their children's lives. The bill will help States try new ways of working with families to increase noncustodial parents' visitation privileges and their financial commitment to their children.

While the bill will impose modest administrative costs on States and the Federal Government, it will also save both levels of government money over the long term. That is why State welfare administrators support it. The U.S. Department of Health and Human Services Reports that for every $1 spent on child support enforcement, $4 is collected. The collected funds are delivered to families and are used in part to reimburse Federal and State governments for welfare expenditures. This bill's provisions will increase the rate of return on our investment, benefiting children, families, and taxpayers.

Mr. President, let me reiterate that child support enforcement must be a part of our welfare reform strategy. Last month I introduced S. 246, the Welfare Reform That Works Act—a bill that would help States make bold changes to their welfare systems to move welfare recipients into the work force and strengthen families. I stated when I introduced the bill, and I want to reiterate now, that the States ability to achieve our welfare reform goals will be limited if we do not improve our child support enforcement programs. States' welfare caseloads will be higher and their budgets lower if deadbeat parents can continue to evade their responsibilities, if teenagers know that they can continue to have babies without consequences.

Mr. President, I urge my colleagues to join Senator BRADLEY and the bill's other cosponsors in supporting the act.●

ADDITIONAL COSPONSORS

S. 31

At the request of Mr. McCAIN, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 31, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 47

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. CAMPBELL], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 160

At the request of Mr. SHELBY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 160, a bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens.

S. 227

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 227, a bill to amend title 17, United States Code, to provide an exclusive right to perform sound recordings publicly by means of digital transmissions and for other purposes.

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 270

At the request of Mr. SMITH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 270, a bill to provide special procedures for the removal of alien terrorists.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 356

At the request of Mr. SHELBY, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

SENATE JOINT RESOLUTION 24

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of Senate Joint Resolution 24, a joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN the names of the Senator from Arizona [Mr. McCAIN], the Senator from Maryland [Ms. MIKULSKI], the Senator from Wisconsin [Mr. KOHL], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Amendment No. 274 intended to be proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

SENATE CONCURRENT RESOLUTION 8—RELATIVE TO MAMMOGRAPHY SCREENING GUIDELINES

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 8

Whereas the National Cancer Institute is the lead Federal agency for research on the causes, prevention, diagnosis, and treatment of cancer;

Whereas health professionals and consumers throughout the Nation regard the guidelines of the National Cancer Institute as reliable scientific and medical advice;

Whereas it has been proven that intervention with routine screening for breast cancer through mammography can save women's lives at a time when medical science is unable to prevent this disease;

Whereas there are statistical limitations to evaluating the efficacy of mammography in a 5–10 year age range of women, using existing studies designed to test the efficacy of mammography in a 25–30 year age range of women;

Whereas there were numerous shortcomings identified in a Canadian study designed to address reduction of mortality from breast cancer in the 40–49 age range;

Whereas to date, it is not possible to have the same degree of scientific confidence about the benefit of mammography for women ages 40–49 as exists for women ages 50–69 due to inherent limitations in the studies that have been conducted;

Whereas meta-analysis (combining the results of several studies) is sometimes useful, and the studies used to reach the National Cancer Institute's conclusions were not easily combined because of variations in design, technology, screening interval, the inclusion or exclusion of clinical breast examination, and quality;

Whereas the existing clinical trial data are inadequate to provide a definite answer to the efficacy of early detection in the 40–49 age group and there has been a dramatic change in technology during the 30-year period since the initiation of the first study of breast cancer screening;

Whereas the majority, approximately 80 percent, of women who are diagnosed with breast cancer have no identifiable risk for this disease;

Whereas breast cancer is the leading cause of cancer death among women in the age group 15–54;

Whereas the American Cancer Society and 21 other national medical organizations and health and consumer groups are at variance with the recently rescinded guideline of the National Cancer Institute for mammography for women ages 40–49; and

Whereas the statement of scientific fact on breast cancer screening issued by the National Cancer Institute on December 3, 1993, will cause widespread confusion and concern among women and physicians, erode confidence in mammography, and reinforce barriers and negative attitudes that keep women of all ages from being screened: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) adequately designed and conducted studies are needed to determine the benefit of screening women ages 40–49 through mammography and other emerging technologies;

(2) the National Cancer Institute's statement of scientific fact on breast cancer screening should clearly state that the uncertainty of evidence for women in this age group is due to the limitations of existing studies (as of the date of issuance of the statement); and

(3) the National Cancer Institute should reissue the recently rescinded guideline for mammography for women ages 40–49 or direct the public to consider guidelines issued by other organizations.

• Ms. SNOWE. Mr. President, breast cancer is the most common form of cancer in American women. One out of every eight women in the United States will develop breast cancer in her lifetime—a staggering increase from the 1-out-of-14 rate in 1960. An estimated 2.6 million women in America are living with breast cancer—1.6 million who have been diagnosed and an estimated 1 million do not yet know they have the disease. And every 12 minutes, a woman will die from breast cancer.

We do not know what causes breast cancer, or how to cure it. Women with breast cancer are dying at the same rate today as they did in the 1930's, and the same basic methods of treatment are being used—surgery, chemotherapy, and radiation. Clearly, we need to promote research into the cause of, optimal treatment of, and cure for breast cancer.

However, another important weapon in fighting the battle against breast cancer is detecting breast cancer in its early stages. Survival rates drop dramatically the later the disease is diagnosed. And one of the most important tools for early detection is mammography, a low-dose x ray used to examine a woman's breasts.

Recognizing the importance of consistent guidelines on breast cancer screening, the American College of Radiology convened a series of meetings in 1987. As a result of those meetings, in June 1989, 12 U.S. medical organizations including the American Medical Association, the American Cancer Society, and the National Cancer Institute endorsed breast cancer screening guidelines which advised that asymptomatic women should begin having mammograms at age 40.

However, in 1993, the National Cancer Institute rescinded its guidelines stating that there was no evidence that the examinations significantly reduced breast cancer deaths in that age group. It seems clear, upon closer inspection, that studies used to reach the National Cancer Institute's conclusions did not warrant a rescission of the guidelines because there were significant variations in design, technology, screening intervals, the inclusion or exclusion of clinical breast examination, and quality between studies. Furthermore, the National Cancer Institute's statement has caused widespread confusion and concern among women and physicians, eroded confidence in mammography, and reinforced barriers and negative attitudes that discourage women from seeking mammograms.

Consequently, I am introducing this resolution expressing the sense of the Congress that adequately designed and conducted studies are needed to determine the benefit of screening women ages 40 to 49 through mammography and other emerging technologies, that the National Cancer Institute's statement on breast cancer screening should clearly state that the uncertainty of evidence for women in this age group is due to limitations of studies conducted prior to the rescission of its guidelines, and that the National Cancer Institute should reissue its guidelines.

Hopefully, by reducing the barriers which presently discourage women from seeking mammograms, the adoption of this resolution will add to our limited arsenal of weapons to fight breast cancer.•

AMENDMENTS SUBMITTED

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

GRAMM AMENDMENTS NOS. 285–286

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

AMENDMENT NO. 285

In lieu of the matter proposed to be inserted, insert the following:

"No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number in each House of Congress."

AMENDMENT NO. 286

At the appropriate place, in the amendment, insert the following:

"Section . No bill to increase receipts shall become law unless approved by a three-fifths majority of the whole number in each House of Congress."

KERRY AMENDMENT NO. 287

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to amendment No. 276 submitted by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, beginning on line 4, strike "unless a" and all that follows through line 7 on page 2, and insert the following:

"unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless a majority of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. The provisions of this article may be waived for any fiscal year during which the United States experiences economic distress or a natural or manmade disaster the injurious effects of which are likely to be exacerbated by adherence to this article, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

KERRY AMENDMENT NO. 288

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to amendment No. 277 submitted by him to the joint resolution House Joint Resolution 1, supra; as follows:

On page 1, beginning on line 1, strike "Sense of the Congress" and all that follows through line 1 on page 3, and insert the following:

"Sense of the Congress that the Congress of the United States currently possesses all necessary power and authority to adopt at any time a balanced budget for the United States Government, in that its outlays do not exceed its receipts, and to pass and submit to the President all legislation as may be necessary to implement such a balanced budget, including legislation reducing expenditures for federally-funded programs and agencies and increasing revenues.

"It is further the Sense of the Congress that it is the responsibility of members of the House of Representatives and the Senate to do everything possible to use the power and authority the Congress now possesses in order to conduct the fiscal affairs of the nation in a prudent fashion that does not permit the federal government to provide the current generation with a standard of services and benefits for which that generation is unwilling to pay, thereby passing the repsonsibility for meeting costs of those services and benefits to later generations, which is the result of approving budgets which are significantly deficit financed.

"It is further the Sense of the Congress that all members of the House and the Senate who vote to approve submission to the states of a proposed amendment to the United States Constitution requiring a balanced budget, have a responsibility to their constituents to support a budget plan to balance the budget by no later than 2002.

"It is further the Sense of the Congress that the Congress should, prior to August 15, 1995, adopt a concurrent resolution on the budget establishing a budget plan to balance the budget by fiscal year 2002 consisting of the items set forth below:

"(a)(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with fiscal year 2002 containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues;

"(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

"(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution, with the cited directives deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974, and with the cited committee submissions combined without substantive revision upon their receipt by the Committee on the Budget into an omnibus reconciliation bill which the Committee shall report to its House where it shall be considered in accord with procedures set forth in section 310 of the Congressional Budget Act of 1974.

"(c) the budget plan described in section (a)(1) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2)."

BYRD AMENDMENTS NOS. 289-290

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 289

On page 2, strike lines 15 through 17, and insert the following:

"SECTION 4. No bill to increase revenue shall become law unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

AMENDMENT NO. 290

On page 2, strike lines 15 through 17, and insert the following:

"SECTION 4. No bill to increase tax revenue shall become law unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

FEINGOLD AMENDMENTS NOS. 291-294

(Ordered to lie on the table.)

Mr. FEINGOLD submitted four amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 291

On page 3, line 8, after "principal." insert "The receipts and outlays of the Tennessee Valley Authority shall be counted as receipts or outlays for purposes of this article."

AMENDMENT NO. 292

On page 3, line 8, after "principal." insert "The receipts and outlays of the Tennessee Valley Authority shall be counted as receipts or outlays for purposes of this article."

AMENDMENT NO. 293

On page 3, line 8, after "principal." insert "The receipts and outlays of all quasi-Federal agencies created under authority of acts of Congress shall not be counted as receipts or outlays for purposes of this article."

AMENDMENT NO. 294

On page 3, line 8, after "principal." insert "The receipts and outlays of all quasi-Federal agencies created under authority of acts of Congress shall not be counted as receipts or outlays for purposes of this article."

GRAHAM AMENDMENTS NOS. 295-296

(Ordered to lie on the table.)

Mr. GRAHAM submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 295

On page 2, lines 7 and 8, strike "limit on the debt of the United States held by the public" and insert "public debt limit of the United States".

AMENDMENT NO. 296

On age 2, line 8, insert "on the effective date of this article" after "public".

NOTICE OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public a hearing which has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, March 1, 1995, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC. The purpose of the hearing is to receive testimony on S. 391, the Federal Lands Forest Health Protection and Restoration Act.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at 202-224-2878.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 2, 1995, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony regarding S. 443, the Electric Consumers and Environmental Protection Act of 1995, S. 167, the Nuclear Waste Police Act of 1995, and draft legislation being considered by the full Committee.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Karen Hunsicker at (202) 224-3543.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the public that a joint hearing has been scheduled before the Subcommittee on Parks, Historic Preservation and Recreation and the Subcommittee on National Parks, Forests and Lands of the House Committee on Resources.

The hearing will take place Tuesday, March 7, 1995, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony from officials of the General Accounting Office regarding their ongoing study on the health of the National Park System. For further information, please call Jim O'Toole at (202) 224-5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, February 16, 1995, in open session (and possibly closed session), to receive testimony from the unified commanders on their military strategies, operational requirements, and the defense authorization request for fiscal year 1996, including the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, February 16, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony on the President's fiscal year 1996 Budget for the Department of the Interior.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SMITH. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Thursday, February 16, 1995, at 10:30 a.m. to receive testimony from Dan M. Berkovitz, nominated by the President to be member, Nuclear Regulatory Commission; and Shirley Ann Jackson, nominated by the President to be member, Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SMITH. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Thursday, February 16, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on indexation of assets, and on the nominations of Mr. Maurice Foley, to be a judge on the U.S. Tax Court for a term of 15 years; Mr. Juan Vasquez, to be a judge on the U.S. Tax Court for a term of 15 years; Dr. Shirley Chater, nominated to be Commissioner of Social Security for a term expiring January 19, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 16, 1995, at 2 p.m. to hold a nomination hearing for Mr. Johnnie Carson to be Ambassador to Zimbabwe and Mr. Bismarck Myrick to be Ambassador to the Kingdom of Lesotho.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 16, 1995, at 2:30 p.m. to hold a hearing on Trade and Investment in Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, February 16, at 2 p.m., in room SR-428A, to conduct a hearing focusing on small business owner's perspective on the Small Business Administration.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON INDIAN AFFAIRS

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, February 16, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on the fiscal year 1996 budget oversight hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. SMITH. Mr. President, I ask unanimous consent that the Subcommittee on Children and Families of the Committee on Labor and Human Resources be authorized to meet for a hearing on the child care and development block grant, during the session of the Senate on Thursday, February 16, 1995, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EROSION OF U.S. ELECTRONIC WARFARE CAPABILITY

• Mr. D'AMATO. Mr. President, the Air Force and Navy are quietly scrapping our electronic warfare [EW] squadrons. At best, the Services are making penny wise and pound foolish decisions. At worst, the Air Force and Navy are attempting to force Congress into funding an all-stealthy tactical aviation fleet. Either way, America is on the verge of losing its decisive edge in EW.

Reviewing the "Conduct of the Persian Gulf War," one is struck by the crucial role EW played in achieving air superiority:

> The attacks on the Iraqi electronic order of battle [EOB] affected every aspect of [the] air supremacy operation. Coalition aircraft conducting air defense suppression missions saturated Iraqi airspace with jammers, shooters, and bombers. Iraqi defense that attempted to engage were disrupted, and risked being destroyed. EF-111A's and EA-6B's were used in stand-off and close-in orbits to jam early warning, acquisition, and [Ground Control Intercept] GCI radars. EC-130H Compass Call aircraft jammed radio communications, data links, and navigation systems. F-4G's, F-16's, EA-6B's, A-6E's, A-7E's, and F/A-18's used [High-Speed Anti-Radiation Missiles] HARMs to destroy acquisition, GCI, and target tracking radars. Various aircraft dropped bombs on air defense emplacements and control facilities. [Suppression of Enemy Air Defenses] SEAD forces and bomb droppers caused confusion, hesitation, and loss of capability, which degraded Iraqi air defense capability.

This confusion, hesitation, and loss of capability was directly responsible for the spectacular success of our air and ground campaigns. More importantly, air superiority was a key element in reducing Coalition losses in men and material. Yet, a mere 4 years since Desert Storm, our EW capability is rapidly wasting away for lack of funds.

The most immediate dilemma facing Congress is the proposed termination of the EF-111A System Improvement Program (SIP). EF-111 performance, pre-SIP, was described in glowing terms in the "Conduct of the Persian Gulf War:"

> [EF-111As] were part of the initial surge of aircraft across the Iraqi border the first night of the war, and established orbits to escort strike packages into the H-3 and Baghdad areas. They jammed EW, height finder, GCI, and target-acquisition radars, and were effective in tricking the enemy into opening fire at fake radar returns in areas where there were no Coalition aircraft.

It should be noted that only F-117's were cleared for Baghdad, a point that I will return to in a moment.

The SIP will significantly enhance the effectiveness, reliability, and maintainability of the already proven EF-111. Unfortunately, the Air Force proposed, and the Office of the Secretary of Defense accepted, the termination of the SIP in fiscal year 1996 for budgetary reasons preparatory to retiring the aircraft in fiscal year 1997.

To compensate for the loss of EW capability that will result from the termination of the SIP and retirement of the EF-111A, the Air Force has suggested a number of alternatives:

> Navy EA-6B's can handle EW duties: Jointness at its most cynical. The EA-6B Advanced Capability (ADVCAP) upgrade was cancelled by the Navy in February 1994. The future of Navy EW is in disarray, and it is likely that EA-6B modernization will be limited to safety of flight improvements until the retirement of the aircraft;
>
> Stealthy aircraft require less EW support: Perhaps, but, as mentioned before, F-117's benefited from EW support in the skies over Baghdad. Stealth is actually an EW force multiplier, because the jamming power and techniques needed to hide an aircraft with the radar cross section (RCS) of a B-52 will be many times more effective hiding an aircraft with the RCS of a sparrow; and,
>
> Jamming pods can replace stand-off jammers: This is, at best, only a partial solution. Pods provide only self-protection, frequencies, power output, and techniques are limited, man-in-the-loop responsiveness is lost, and aircraft maneuverability, payload, speed, and range are reduced.

The menu of options presented by the Air Force is hardly ideal, and, taken separately, or in some combination, represent a significant diminution of U.S. EW capability. Worse yet, the use of prior year EF-111A SIP funds as a source for the supplemental by the House Appropriations Committee may foreclose our opportunity to debate the wisdom of the EF-111A SIP cancellation. If prior year EF-111A SIP funds are rescinded, the termination of the program will be irreversible.

So what do we do? First, drop EF-111A SIP funds as a source for the supplemental. Second, pry loose the congressionally mandated Joint Tactical Electronic Warfare Study. Third, if the study says what I think it will, ensure that the fiscal year 1996 defense authorization and appropriations bills include funds to maintain and modernize the EF-111A, EA-6B, and F-4G ("Wild Weasel") fleets.

The alternative is to let the services have their way, and let America's EW advantage erode. This erosion will have profound implications for Congress. Without proper EW support, conventional aircraft are almost immediately obsolete. For Members vaporlocking over the cost of the F-22, it is worth considering that the 442 F-22's proposed will only fill out 4 of the 20 Fighter Wing Equivalents (FWE's) in the Bottom Up Review Force. That means one of two things: First, we buy 17 more FWE's worth of stealthy tactical aircraft, or second, we accept considerably higher losses among conventional aircraft in the next conflict. For Congress, an ugly choice.●

RULES OF SELECT COMMITTEE ON ETHICS

● Mr. McCONNELL. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, I ask that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and the Interim Procedures for Requests for Review Under Section 308 of the Government Employee Rights Act of 1991 be printed in the CONGRESSIONAL RECORD for the 104th Congress.

The material follows:

SELECT COMMITTEE ON ETHICS—

RULE 1. GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its Members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee Member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all Members. If all Members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any Member of the Committee desires that a special meeting of the Committee be called, the Member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the Members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all Members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the majority Party and one Member of the quorum is a Member of the minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 6 and any deposition taken outside the presence of a Member under Rule 7, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the majority Party and the Vice Chairman has designated a Member of the minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance by decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the Members and the staff of the Committee. On the motion of any Member, and with the approval of a majority of the Committee Members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each Member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A Member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) the Member's own conduct;

(B) The conduct of any employee or officer that the Member supervises, as defined in paragraph [12] of rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the Member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a Member, or by any employee or officer that the Member supervises.

(2) If any Committee proceeding appears to relate to a Member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the Member may be ineligible, the Member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the Member may be ineligible to participate in it. If the Member agrees that he or she is ineligible, the Member shall so notify the Chairman or Vice

Chairman. If the Member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the Member is not ineligible, the Member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the Member is ineligible, while the Member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The Member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a Member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the Member in question not participating.

(3) A Member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligibility or disqualification of any Member from any initial review, investigation, or other proceeding requiring the appointment of another Member in accordance with subparagraph (k)(5).

(5) Whenever a Member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of rule XXIV of the Standing Rules of the Senate, to serve as a Member of the Committee solely for the purposes of that proceeding.

(6) A Member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff Member's own conduct;

(B) the conduct of any employee that the staff Member supervises;

(C) the conduct of any Member, officer or employee for whom the staff Member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff Member. At the direction or with the consent of the staff director or outside counsel, a staff Member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any Member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent Member's vote may be announced solely for the purpose of recording the Member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee Member has been informed of the matter on which the vote occurs and has affirmatively requested the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) Sworn Complaints: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) Form and Content of Complaints: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including, if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) Processing of Sworn Complaints:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of the determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) Unsworn Allegations or Information: Any Member or Staff Member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employees of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee Member, or a Committee staff Member.

(b) Sources of Unsworn Allegations or Information: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Preliminary Inquiry:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions:

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Chairman and Vice Chairman deem appropriate to obtain information upon which to make any determination provided for by this Rule.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and the Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether To Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a Member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) An initial review may include any inquiries, interviews, sworn statements, depositions, and subpoenas that the Committee deems appropriate to obtain information upon which to make any determination provided for by this Rule.

(c) Opportunity for Response: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practical following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, explusion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four Members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the CONGRESSIONAL RECORD.

(4) The Committee may determine, by recorded affirmative vote of at least four Members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the

Committee, by recorded affirmative vote of at least four Members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquiries or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) Notice to Respondent: The Committee shall give written notice to any know respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from Members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) Progress Report to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Report of Investigation:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigation and which may recommend disciplinary action, if appropriate. Findings of the fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four Members of the Committee.

(3) Promptly, after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) Right to Hearing: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(d).)

(b) Non-Public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee Member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee Member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no Member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right To Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee Member, staff Member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for adjudicatory hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or legal rights during the testimony.

(5) Right to cross-examine and call witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by the party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness' counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any Member of the Committee, or by any Committee staff Member if directed by a Committee Member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of Evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rules shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of a majority of the Members of the full Committee that the interests of justice require that such evidence be admitted.

(7) Supplementary hearing procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any Member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any Member of the Committee, Committee staff Member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the Member, staff Member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any Member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the Member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a Member or witness if they determine that such Member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS AND DEPOSITIONS

(a) Subpoenas:

(1) Authorization for Issuance: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding.

(2) Signature and Service: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) Withdrawal of Subpoena: The Committee, by majority vote, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) Depositions:

(1) Persons Authorized To Take Depositions: Depositions may be taken by any Member of the Committee, designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) Deposition Notices: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff Member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time before a preliminary inquiry, for the purpose of obtaining information to evaluate unsworn allegations or information, or at any time during a preliminary inquiry, initial review, investigation, or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) Counsel at Depositions: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) Deposition Procedure: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any Member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any Member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no Member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) Filing of Depositions: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may

stipulate with the witness to changes in this procedure.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) Applicable Rules and Standards of Conduct:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former member, officer, or employee of the Senate; to allegations or accusation of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff Member.

(b) Procedures for Handling Classified Materials:

(1) Classified information on material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff Member cleared for access to classified information.

(3) Each Member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff Members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each Member of the Committee shall have access to all materials in the Committee's possession. The staffs of Members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a Member of the Committee staff to the office of a Member of the Committee for his or her examination, but the Committee staff Member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by the Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a Member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a Member of the Committee, or to a staff person of a Committee Member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-Disclosure Policy and Agreement:

(1) Except as provided in the last sentence of this paragraph, no Member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No Member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee Members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11 PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions Are Rendered:.

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the Members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining and rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written, interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the Members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings; The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) Reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority To Receive Complaints; The Committee is directed by section 6(b) of Public Law 9309191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(a) Each Member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each Member of the staff shall perform all official duties in a nonpartisan manner.

(4) No Member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No Member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No Member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff Members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff Members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff Member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee Membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff Member.

(d) Staff Works for Committee as Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons To Testify: Each Member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire Membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each Member of the Committee.

(b) Publication: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

ETHICS COMMITTEE INTERIM PROCEDURES UNDER TITLE III OF PUBLIC LAW 102–166, THE GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991

RULE 1. AUTHORITY

The Senate Select Committee on Ethics (the Committee) is authorized by section 308(a) of the Government Employee Rights Act of 1991 (the Act), Title III of the Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1088, to review hearing board decisions in employment discrimination cases filed with the Office of Senate Fair Employment Practices (the Office) under the Act, and by section 307(f) (2) and (3) of the Act to receive referrals for rulings on testimonial objections arising in connection with such cases, and to recommend to the Senate civil or criminal enforcement of hearing board subpoenas.

RULE 2. TIME

2.1 *Computation of Time.*

(a) *Counting days.* A day means calender day. In computing the time for taking any action required or permitted under these rules to be taken within a specified time, the first day counted shall be the day after the event from which the time period begins to run and the last day counted is the last day for taking the action. When the last day falls on a Saturday, Sunday, or federal government holiday or any other day, other than a Saturday or a Sunday, when the Office is closed, the last day for taking the action shall be the next day that is not a Saturday, Sunday, or federal government holiday or a day when the Office is closed. Where a prescribed time period is less than seven days, then Saturdays, Sundays, and federal government holidays shall be excluded from the computation of the time period. Federal government holiday means New Year's Day, Birthday of Martin Luther King, Jr., Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day, any other day appointed as a holiday by the President or Congress of the United States.

(b) *Added days for mail.* Whenever a party or the Office has the right or is required to do some act within a prescribed period after the date of service of a notice or other paper and the notice or other paper is served upon the party by mail through the United States Postal Service, 3 days shall be added to the prescribed period. This additional 3 days does not apply to the request for Committee review under Rule 3.

2.2 *Service and filing.* Except as otherwise provided in Rule 3.1, a document required under these rules to be submitted to or filed with the Committee or the Office, or served on a party or the Office within a specified time shall be deemed timely submitted, filed, or served if it is received by the Committee, the Office or the party, or if mailed, it is postmarked, on or before the last day of the applicable time period.

2.3 *Extension of time.* Upon written request of the Office or a party, the Committee may extend the time for taking action under these rules, except that the Committee may not extend the time for taking any action for which the Act specifies a time limit.

2.4 *Where to File.* Documents required to be filed with the Committee shall be filed at the offices of the Senate Select Committee on Ethics, Hart Senate Office Building, Room 220, Washington, D.C. 20510. Documents required to be filed with or served on the Office shall be filed or served at the Office of Senate Fair Employment Practices, Hart Senate Office Building, Suite 103, Washington, D.C. 20510.

RULE 3. REQUESTS FOR COMMITTEE REVIEW OF HEARING BOARD DECISION

3.1 *Requirements for Filing a Request for Review.*

(a) *Who May Request Review of a Hearing Board Decision.* An employee or the head of an employing office with respect to whom a hearing board decision was issued is a party entitled to request Committee review of that decision. The Office may also request review of a decision.

(b) *Request by a party.* Not later than 10 days after receipt of a decision of a hearing board, including any decision following a remand of the case as provided in Rule 4.2(c), a party may file with the Office a request that the Committee review the decision. A request for review shall specify the party requesting review, and shall designate the decision, or part thereof, for which review is requested. A request for review must be received in the Office not later than the 10th day after the date of receipt of the hearing board decision [a postmark on the 10th day will not satisfy this timeliness requirement.] Within 24 hours after receipt of a request for review, the Office shall transmit a copy of such request to the Committee and serve a copy on any other party.

(c) *Request by the Office.* The Office, at the discretion of its Director, on its own initiative and for good cause, may file with the Committee a request for review of a hearing board decision, including any decision following a remand of the case as provided in Rule 4.2(c), not later than 5 days after the time for the parties to file a request for review with the Office has expired. A request for review shall specify that the Office is requesting review, shall designate the decision, or part thereof, for which review is requested, and shall specify the circumstances which the Office asserts constitute good cause for the request. A request for review by the Office must be received in the Committee's office not later than the 5th day after the time for the parties to file a request for review with the Office has expired [a postmark on the 5th day will not satisfy this timeliness requirement.] Within 24 hours after filing a request for review with the Committee, the Office shall serve a copy of such request on all parties.

3.2 *Transmittal of Record.* As soon as possible, and in no event later than 10 days after receipt by the Office of a request for review or the Office's filing of a request for review with the Committee, the Office shall transmit to the Committee the full and complete record of the hearing board connected with the decision for which review has been requested. The Chief Clerk of the Committee shall promptly serve notice of the Committee's receipt of the record on all parties.

RULE 4. PROCEDURES UPON RECEIPT OF A REQUEST FOR REVIEW OF A HEARING BOARD DECISION

4.1 *Briefs and Arguments.*

(a) *Petitioner brief.* A party who filed a request for review, or the Office if it requested review, may file a brief in support of its position. The brief shall be filed with the Committee and a copy served on any other party and the Office, if it requested review, within 10 days of the filing of the request for review with the Office, or the Committee if the Office requested review.

(b) *Respondent brief.* A party may file a brief in response to a petitioner's brief. Such respondent brief shall be filed with the Committee and a copy served on any other party and the Office, if the Office filed a request for review, within 15 days after service of the petitioner brief. If no petitioner brief is filed, such respondent brief shall be filed within 20 days of filing of the request for review. The Office may file a respondent brief only if it failed a request for review.

(c) *Reply brief.* Any reply brief shall be filed with the Committee and served on all parties and the Office if it requested review, within 5 days after service of the respondent brief to which it replies. No one may file a reply brief who did not file a petitioner brief.

(d) *Alternative briefing schedule.* With notice to all parties and the Office, if it requested review, the Committee may specify a different briefing schedule than that prescribed by subsections 4.1 (a), (b) and (c).

(e) *Additional briefs.* At its discretion, the Committee may direct or permit additional written briefs.

(f) *Requirements for briefs.* Briefs shall be on 8½ inch by 11 inch paper, one side only, and 15 copies shall be provided. No brief shall exceed 50 typewritten double spaced pages, excluding any table of contents, list of authorities, or attached copies of statutes, rules, or regulations. Footnotes shall not be used excessively to evade this limitation. All references to evidence or information in the record must be accompanied by notations indicating the page or pages where such evidence or information appears in the record.

(g) *Oral argument.* At the request of a party or the Office, the Committee may permit oral argument in exceptional circumstances. A request for oral argument must specify the circumstances which are asserted to be exceptional.

4.2 *Remand.*

(a) *Only one Remand.* There are two kinds of remand. The Committee may remand the record respecting a decision, or it may remand the case respecting a decision, but in no event can there be more than one remand with respect to a decision of a hearing board. If the Committee remands the record respecting a decision, there can be no further remand of any kind with respect to such decision. If the Committee remands the case respecting a decision, there can be no remand of any kind with respect to a hearing board decision issued following remand. A Committee decision remanding to the hearing board shall contain a written statement of the reasons for the Committee decision.

(b) *Remand of the Record.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the record of a decision to the hearing board for the purpose of supplementing the record. After the hearing board has supplemented the record as directed by the Committee, the hearing board shall transmit the record to the Office, and the Office shall immediately notify the parties of the hearing board's action and transmit the supplemented record to the Committee. The Committee retains jurisdiction over a request for review during remand of the record, and no new request for review is needed for further Committee consideration under section 308 of the Act. A record shall be deemed remanded to the hearing board until the day the Committee receives the supplemented record from the Office, and the Committee shall transmit a written final decision to the Office not later than 60 calendar days during which the Senate is in session after receipt of the record as supplemented on remand. The Committee may extend the 60 day period for 15 days during which the Senate is in session.

(c) *Remand of the Case.* Within the time for a decision under subsection 308(d) of the Act, the Committee may remand the case to the hearing board for the purpose of further consideration. After further consideration, the hearing board shall issue a new written decision with respect to the matter as provided in section 307 of the Act. If the Committee remands the case to the hearing board, the Committee does not retain jurisdiction, and a new request for review, filed in accordance with Rule 3, will be necessary if a party or the Office seeks review of a decision issued following remand.

4.3 *Final Written Decision.* All final decisions shall include a statement of the reasons for the Committee's decision, together with dissenting views of Committee members, if any, and shall be transmitted to the Office not later than 60 calendar days during which the Senate is in session after filing of a request for review. The period for transmission to the Office of a final decision may be extended by the Committee for 15 calendar days during which the Senate is in session. A final written decision of the Committee with respect to a request for review may affirm, modify, or reverse the hearing board decision in whole or in part. The Committee may decide not to grant a request for review of a hearing board decision. The Committee will serve a copy of any final decision on all parties.

RULE 5. HEARING BOARD REFERRAL OF TESTIMONIAL OBJECTIONS

5.1 *Procedure for Ruling on Testimonial Objections.* If any witness to a hearing board proceeding appearing by subpoena objects to a question and refuses to testify, or refuses to produce a document, a hearing board may refer the objection to the Committee for a ruling. Such referrals may be made by telephone or otherwise to the Chairman or Vice Chairman of the Committee who may rule on the objection or refer the matter to the Committee for decision. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman or Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee, or the Chairman or Vice Chairman, shall rule on objections as expeditiously as possible.

5.2 *Enforcement.* The Committee may make recommendations to the Senate, including recommendations for criminal or civil enforcement, with respect to the failure or refusal of any person to appear or produce documents in obedience to a subpoena or order of a hearing board, or for the failure or refusal of any person to answer questions during his or her appearance as a witness in a proceeding under section 307 of the Act. The Office shall be deemed a Senate committee for purposes of section 1365 of Title 28 of the United States Code.

RULE 6. MEETINGS AND VOTING

6.1 *Quorum, Proxies, Recorded Votes.* A majority of the members of the Committee shall constitute a quorum for purposes of issuing a decision under section 308 of the Act, and for purposes of hearing oral argument if such argument is permitted. Proxy votes shall not be considered for the purpose of establishing a quorum, nor for purposes of decisions under section 308 (c) and (d) of the Act. Decisions of the Committee under section 308 (c) or (d) of the Act shall be by recorded vote.

6.2 *Meetings.* Meetings to consider matters before the Committee pursuant to the Act may be held at the call of the Chairman or Vice Chairman, if at least 48 hours notice is furnished to all Members. If all Members agree, a meeting may be held on less than 48 hours notice.

RULE 7. CONFIDENTIALITY OF PROCEEDINGS

Confidentiality. The final written decision of the Committee shall be made public if the decision is in favor of a Senate employee who filed a complaint or if the decision reverses a decision of the hearing board which had been in favor of the employee. The Select Committee may decide to release any other decision at its discretion. All testimony, records, or documents received by the Committee in the course of any review under these rules shall otherwise be deemed "Committee Sensitive Information" and subject to the "Non-Disclosure Policy and Agreement" as prescribed in Rule 9 of the Committee's Supplemental Rules of Procedure.

RULE 8. AUTHORITY TO DISCIPLINE

Official Misconduct. None of the provisions of the Act or these rules limit the authority of the Committee under S. Res. 338, 88th Cong., 2d Sess. (1964), as amended, to otherwise review, investigate, and report to the Senate with respect to violations of the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate.•

VIOLENCE ON TELEVISION INITIATIVE

• Mr. GRAHAM. Mr. President, a recent report by the Journal of American Medicine estimates that the average American child has watched 100,000 acts of violence by the end of elementary school—including 8,000 murders. By 18, the average child has watched 200,000 acts of violence and 40,000 murders.

Parents are rightly concerned. As a father of four and a grandfather of four, with four more on the way, I am concerned.

Over the past year, Congress has begun to respond. We are asking whether it is appropriate to get involved on behalf of the interests of Children. Broadcasters are also beginning to pay attention. Last year, cable and broadcasting outlets agreed, with encouragement from Congress, to allow an independent monitor to review their programming for violence. While the monitoring project is underway, the debate continues over whether Congress should regulate violence on television.

I believe that if the Federal Government plans to become involved in this issue—which may be appropriate—the Federal Government must first lead by example.

That's why I have asked the three agencies, or federally related companies, that spend the most money per year on TV advertising, to join me in developing a uniform policy regarding advertising on violent television programming.

The three groups are the Department of Defense, which spent $37.3 million last year on television advertising, the U.S. Postal Service, which spent $22.9 million on television advertising last year, and Amtrak, which spent $8.1 million.

I was glad to learn that the Department of Defense, the Postal Service, and Amtrak all have existing policies in place to monitor their advertising. Our goal in asking these three entities to sign this pledge is to reaffirm their commitment by agreeing on a uniform policy defines violence and establishes a common goal for spending their advertising dollars.

We define violence as "an act perpetrated on another person or persons with the specific intent to cause physical harm, injury and/or death."

And we consider programs violent if they contain violence which is inappropriate or unnecessary to the story.

Generally, our definition excludes documentary programs, including news and sporting programs.

This is not censorship. This is a voluntary agreement among Federal, or federally related entities to act in the best interest of Americans.

In voluntarily signing this pledge, the Department of Defense, the Postal Service, and Amtrak are sending an important message—that various elements of the Federal Government can work effectively together in the best interests of Americans. And they are saying we can accomplish worthwhile goals—such as limiting violence on television—without new legislation and regulations.

Our next goal is to encourage other agencies, and private companies to follow this example, and to take responsibility for the placement of their television advertisements.

Four reputable groups with an interest in the TV violence issue support our initiative. They are: Americans for Responsible TV; the National Coalition on TV Violence; the National Education Association; and the National PTA.

Finally, Mr. President, I would like to thank the representatives from the Department of Defense, the Postal Service, and Amtrak for attending this morning's announcement. Their cooperation and leadership in this initiative testifies to their concern about violence on television.•

TRIBUTE TO KELLER GEORGE

• Mr. D'AMATO. Mr. President, I rise today to pay tribute to Keller George, who was recently elected president of the United South and Eastern Tribes.

Mr. George, a resident of Oneida, NY, is a member of the Onieda Indian Nation, a nation whose triumphant history includes playing an integral part in the victory of the colonists during the American Revolutionary War. Onieda Indians brought food to the American Army during the harsh winter at Valley Forge, and fought by their side at the Battle of Oriskany. The epic battle that took place at Oriskany represented a partnership between native Americans, Europeans, and Americans for freedom and self-determination. The battle was the bloodiest in the revolution.

Mr. George has quite an impressive and extensive résumé in serving both the United States of America and the Onieda Indian Nation. For over 20 years he was a member of the U.S. Air Force. Mr. George has been a businessman, managing the Onieda Nation's first smokeshop. He currently holds the position of special assistant to Onieda Nation representative Ray Halbritter. But that only scratches the surface of Mr. George's substantial role as a leader in the Onieda Nation. He is also first representative for the Onieda Nation's sovereign housing authority, first representative and treasurer for the Onieda Indian Nation Gaming Commission, a member of the Onieda Nation's men's council, a member of the board of directors for the National Indian Gaming Association, and vice president of the northeastern area of the National Congress of American Indians.

Now Mr. George has risen to the position of president of the United South and Eastern Tribes. The United South and Eastern Tribes is composed of 21 tribes whose purpose is to provide leadership for its member tribes and to advance the causes of all native Indians. Mr. President, all Americans can related to these causes. They include providing educational opportunity and promoting understanding among the general public of the achievements of their member tribes. I can think of no other person who is more qualified and more deserving of such a position as Keller George.

I congratulate him on this tremendous achievement, and wish him the best of luck in his new position.•

PUBLIC BROADCASTING CLARIFICATION

• Mr. PRESSLER. Mr. President, I wish to correct an error in my statement from the CONGRESSIONAL RECORD of January 24, 1995. In a discussion of the financial potential of public broadcasting, my statement as published stated that, according to the viewer magazine of WETA Washington, this public television station's viewers have an average household net worth of $627,000 plus an average investment portfolio of $249,000. My statement should have been recorded as saying WETA's contributors, not its viewers, have that financial status.•

MORNING BUSINESS

SENATE RESOLUTION 78—RECOGNIZING HALEYVILLE, AL, THE BIRTHPLACE OF "911"

Mr. HEFLIN. Mr. President, since communication is crucial to acting in any emergency, the familiar 911 emergency telephone system has been recognized throughout the country as a key factor in fire, police, medical, and rescue personnel being able to respond quickly. Often, there are only a few precious minutes separating life and death. In many cases, quick action means life.

Back on February 16, 1968, a historic first test call of the 911 system was made to a red telephone located at the Haleyville, AL, police dispatch office, a call that marked the beginning of a service that has helped save lives and protect property for 27 years. The call was answered by Congressman TOM BEVILL. The town's 911 system has been in continuous service ever since, longer than anywhere else in the Nation.

Haleyville's telephone switching wiring, which required little modification in order to accommodate 911, was the main reason it worked here first. Haleyville is located in Winston County, in the northwest corner of Alabama.

Alabamians are justifiably proud of the contribution they have made to public safety, and the resolution I introduced commends Haleyville for its unique place in the history of the 911 service that we often take for granted today.

I thank my colleagues for their support of this resolution.

THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Mr. BRADLEY. Mr. President, this afternoon, in New York, Ambassador Madeleine Albright will sign the U.N.

Convention on the Rights of the Child. This marks a small, but long overdue step toward improving the lot of the world's children. I urge the President to take a much larger, and equally overdue step, and submit the convention at once to the Senate for advice and consent to ratification.

I have stood on the Senate floor many times over the past 6 years to discuss the importance of this convention and to urge its ratification. There are many arguments in favor of the convention, but they all boil down to one basic point—children in less-fortunate circumstances deserve the same rights and protections we demand for our own kids.

In addition, whether we ratify it or not, the convention is a reminder that we ourselves have much to do to make sure that every American child enjoys the full benefits of the principles enshrined in this convention. It is a standing reproach to our own unsuccessful efforts to end the tragedy of infant mortality, the terror of child abuse, the scourge of drugs, and the wasted potential of school dropouts.

The U.N. Convention on the Rights of the Child recognizes, as does U.S. law, that children need special protections. It states that every child has the right to a name and nationality, stresses the importance of child survival measures, pledges the signatories to work to abolish traditional practices harmful to children's health, recognizes the importance of education, and prohibits sexual exploitation.

Opponents of the convention argue that it would insert government into the parent-child relationship. They assert that it would take children away from parents. This simply is not true. The convention is explicit on the primacy of the parents in the life of the child. For example, article 5 states:

> States Parties shall respect the responsibilities, rights and duties of parents . . . to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

But, as a practical document, the convention also recognizes that there will be times when the parents are unable to fulfill their responsibilities. In these cases, the convention requires the State to step in, in accordance with the best interests of the child. This is already the practice in the United States. But, for the first time, the convention lays down commonsense guidelines to make sure that, in those extraordinary cases in which the State must intervene, its actions are in fact in the best interests of the child.

So far, 176 nations have ratified the U.N. Convention on the Rights of the Child. The list of countries that have not is a rogue's gallery of international pariahs such as Libya and Iraq. It is an embarrassment to the United States to be on this list.

But ratification is more than a matter of appearances. The lives of children are at stake. Until we ratify this convention, we will be unable to exert the leadership necessary to make a difference in the lives of the world's children. President Clinton has done the right thing by instructing Ambassador Albright to sign the convention. He should now submit it to the Senate, and we should ratify it without delay.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not pledged to do something about the enormous Federal debt run up by the Congress during the past half-century or more. But Congress, both House and Senate, have never up to now even toned down the deficit spending that sent the Federal debt into the stratosphere and beyond.

We must pray that this year will be different, that Federal spending will at long last be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business Wednesday, February 15, the Federal debt stood (down to the penny) at exactly $4,828,675,772,079.58. This means that on a per capita basis, every man, woman and child in America owes $18,329.74 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about two years ago (January 5, 1993) when the debt stood at exactly $4,167,872,986,583.67—or averaged out, $15,986.56 for every American. During the past 2 years (that is, during the 103d Congress) the Federal debt increased over $6 billion.

This illustrates, Mr. President, the point that so many politicians talk a good game (at home) about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

WILLIAM F. LACKMAN, JR. (1929–1995)

Mr. WARNER. Mr. President, I rise today to pay respect to the memory of William F. Lackman, Jr., a resident of Middleburg, VA, who died last week at the age of 65. Mr. Lackman was a distinguished public servant to whom the Nation owes its most profound respect and gratitude.

Bill Lackman served his country for more than 40 years—first as an Army officer and then as a distinguished civilian member of the Defense Intelligence community. Graduating from West Point in 1951, Mr. Lackman served in the Army for 22 years, retiring in 1973 with the rank of colonel. He was a battle-hardened officer who led soldiers in combat during two different wars, Korea and Vietnam. Among a number of other prominent decorations, he won the Silver Star and twice earned the Combat Infantryman's Badge.

Of profound significance is the fact that he was twice felled by battlefield wounds, meriting two awards of the Purple Heart. Nevertheless, he continued his military service because he was dedicated to the ideals embodied in the United States Constitution to which he had sworn an oath to support and defend.

In addition to his wartime uniformed service, Mr. Lackman worked in a number of diversified and important military assignments. He held policy-related positions in both the Office of the Secretary of Defense and the Joint Staff. He also had the unusual distinction of having instructed cadets at both the U.S. Military Academy and at the U.S. Air Force Academy. Long before the Goldwater-Nichols Act officially recognized the need and codified a requirement for outstanding officers to serve in joint positions, Bill Lackman was walking point as a "purple suit" officer.

Starting in 1976, Bill Lackman continued his devoted service to the Nation as a Department of Defense civilian. He worked in positions of increasing responsibility within the Defense Intelligence network culminating with his service, from 1992 to 1994, as the Director of the Central Imagery Office in the Department of Defense. In that capacity, he was responsible for all aspects of imagery reconnaissance, including satellite photography, for the Department of Defense and various other national intelligence agencies. The importance and complexity of that position in this high tech age, replete with numerous and diverse threats to our security, is unmistakable. Yet Bill Lackman was more than worthy of the job and he accomplished his mission with integrity, dedication and professionalism.

Over the years, I had a number of opportunities to work with Bill. Particularly in my capacity as a member of the Senate Intelligence Committee, I often sought out insights and advice from him on a variety of intelligence matters. In every instance, his input was thorough and accurate. Suffice it to say that my respect for Bill Lackman, as both a person and an intelligence adviser, was profound.

Mr. President, I believe my colleagues will agree that William F. Lackman, Jr., was an extraordinary public servant whose dedicated service to the people of the United States, spanning more than 40 years, is worthy of our eminent praise and respect. On behalf of all Virginians and a grateful

Nation, I wish to extend my sympathies and gratitude to Bill's wife, Anne, his seven children, and his parents, Mr. and Mrs. William F. Lackman.

TRIBUTE TO VIRGINIA'S AIR FORCE RESERVE

Mr. WARNER. Mr. President, I rise to pay tribute to nearly 900 Virginians who are some of the most dedicated members of our society. They voluntarily serve our Nation as individual mobilization augmentees in the Air Force Reserve. Virginians have always served our Nation in times of peace and war. I take pride in these Air Force reservists because they are twice serving our country, as productive citizens and as citizen airmen. There are 12,000 individual mobilization augmentees in the Air Force Reserve. They serve with the active Air Force for their training, bringing the expertise from their civilian jobs to the military. Most served on active duty, so we are keeping this valuable, experienced investment in trained people for about 10 cents on the dollar.

I am especially proud to recognize the 900 individual mobilization augmentees of the Commonwealth of Virginia because of their dedicated service. They balance family, civilian career, and military service in a manner in which we can all take pride and carry on traditions that go back to George Washington and Lighthorse Harry Lee. It is an honor to commend these Air Force reservists and thank them for their service to the United States.

RETIREMENT OF MILTON H. HAMILTON ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY

Mr. THURMOND. Mr. President, the Secretary of the Army has announced the retirement of a dedicated public servant, Mr. Milton H. Hamilton, Administrative Assistant to the Secretary of the Army, at the end of February. Mr. Hamilton has distinguished himself throughout his long career with the Army, especially during the last 15 years when he served as the Administrative Assistant. The Army and the Nation will miss him.

Mr. Hamilton became the Administrative Assistant to the Secretary of the Army, the Army's senior career civilian position, on March 31, 1980. The position of Administrative Assistant is established by statute and dates back to 1789 when the only other civilian position authorized for the War Office was that of Secretary of War.

As the Administrative Assistant, Mr. Hamilton has been responsible to the Secretary for the administration of the Department of the Army; served as a focal point for transitions between administrations; and, authenticated all departmental regulations and related publications. During a vacancy in the Office of the Secretary, he has had charge and custody of all records, books, and papers of the Department.

Mr. Hamilton was born June 17, 1925, in Elkins, WV. He graduated from the U.S. Military Academy in 1946 with a B.S. in military engineering. He earned an M.B.A. from Syracuse University in 1959 and an M.S. in international affairs from George Washington University in 1965. Mr. Hamilton has completed the residence requirements for a Ph.D. in business administration at American University; is a graduate of the Army War College (1965); the Federal Executive Institute (1978); and, Senior Managers in Government Program, Harvard University (1983). He has been awarded the Army's Decoration for Distinguished Civilian Service; Decoration for Exceptional Civilian Service; the Meritorious Civilian Service Award; as well as DOD's highest award, the DOD Medal for Distinguished Public Service. Mr. Hamilton has also been twice awarded the Presidential Ranks of Distinguished Executive and Meritorious Executive.

Before leaving active military service as a colonel in 1972, Mr. Hamilton served in a wide variety of command and general staff positions, to include brigade commander, comptroller, program/budget manager, researcher in personnel management, service school instructor, and politico-military policy formulator at the national level. He served in combat with the 3d Infantry Division in Korea, and the 25th Infantry Division in Vietnam.

From 1972 to 1975, Mr. Hamilton was a project manager/principal scientist with General Research Corp. in McLean, VA. In this capacity, he directed research and analyses pertaining to: organizational effectiveness and program evaluation; manpower utilization and development; resource allocations for forces and systems; national security policy; military readiness; and planning, programming, and budgeting.

Returning to Government service in December 1975, Mr. Hamilton was the principal adviser in the Department of Defense on political military economic aspects of United States relations with southern and western African countries. In May 1977, he became the Deputy Director for Programming, Office of the Chief of Staff, U.S. Army, and served in that capacity until his appointment as Administrative Assistant to the Secretary of the Army. As the Army's top civilian programmer, he had a major role in the shaping and resourcing of the Army's Future Years Defense Program which underlies the readiness of today's Army.

We honor Mr. Hamilton's selfless service, in peace and war, to the Nation and the U.S. Army. We wish him and his family Godspeed and a healthy and rewarding retirement.

THE 75TH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS

Mr. ROCKEFELLER. Mr. President, I am proud to join my distinguished colleagues in honoring the 75th anniversary of the founding of the League of Women Voters of the United States of America this week. This organization has a tremendous record of encouraging women to be active in their communities and involved in promoting good public policy. The League of Women Voters can be very proud of its history of public education and leadership that has helped to strengthen our Government and country over the years.

I also am extremely proud that a native West Virginian and a good friend of mine, Becky Cain, is president of the league during its 75th anniversary celebration.

As we all know, the League of Women Voters is a nonpartisan political organization with 1,100 chapters and over 150,000 members and supporters around the country. Open to both women and men, the league encourages the informed and active participation of citizens in Government through education, advocacy, and organization at the local, State, and national levels.

I know how important the league is for America. I have seen how their grassroots efforts helped pass legislation such as the 1993 National Voter Registration Act, the historic motor-voter bill, which is making it easier for more Americans to register to vote and perform one of the essential acts in a democracy. Helping to enfranchise millions of Americans is a fundamental effort to strengthen the fabric of our country.

In addition, the league has launched national campaigns such as the 1992 Take Back the System Program that actively sought to increase voter confidence and involvement in the electoral system. And as we all know, the league is active at the State and local level in educating voters and getting people involved in Government.

On many occasions, I have been proud to work with league, join in their nonpartisan debates, and participate in their events in West Virginia and Washington to debate the issues.

As we think about our country and the future, I believe that Americans need organizations like the League of Women Voters more than ever to help develop the links and communication between people and public servants that are so essential for our government to be responsive and effective. The league and its members deserve our deep appreciation for their steadfast commitment to educating voters in a nonpartisan way about the tough choices and issues that we all must face and should try to resolve together.

WILLIAM LACKMAN

Mr. SPECTER. Mr. President, I cannot allow the passing of an American whose unsung contributions over 44 years have served to enhance, in ways that cannot be measured, the national security and well-being of this country. I speak of Bill Lackman.

The name Bill Lackman is not known to the American public. But in the intelligence community, his is a household name. I know Bill only from his many trips to the Senate Intelligence Committee to testify on the complex and necessary business of intelligence programs and budget. If I were asked to select one word which would best describe Bill, it would be a professional—in the finest sense of the word. Bill knew his business better than anyone and he was an articulate spokesman. It goes without saying that his wife Anne and his family will miss him. It will also go without commentary that the intelligence community and his country will miss him.

At this point, I can think of no greater tribute to Bill than to recount his career and contributions to his country.

Bill graduated from the U.S. Military Academy at West Point, NY, in 1951 and served in the U.S. Army from 1951 to 1973, rising to the rank of colonel in the Infantry. During his military career, he served combat tours in Korea and Vietnam. He served as assistant professor of Russian history at the U.S. Military Academy, and he also served as assistant professor of international relations at the U.S. Air Force Academy. His military decorations include the Silver Star, three awards of the Legion of Merit, four Bronze Stars, the Army and Air Force commendation medals, two Purple Hearts, and two awards of the Combat Infantryman's Badge.

In 1976, Bill joined the intelligence community staff and rose to become the principal spokesman for the entire national intelligence community budget. In 1986, he became deputy director of the intelligence community staff. For this service and his many contributions, Bill was awarded the National Intelligence Distinguished Service Medal in January 1993.

Bill was appointed the first Director of the Central Imagery Office by Secretary of Defense Cheney on May 22, 1992, where he pioneered many management innovations in the provision of imagery to national defense.

Bill gave unselfishly to a country he loved. His contributions can never be adequately repaid. He shall be missed.

ORDERS FOR WEDNESDAY, FEBRUARY 22, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10:30 a.m, on Wednesday, February 22, 1995, that following the prayer, the journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; and immediately following the prayer, the Senator from Wyoming, Senator THOMAS, be recognized to read Washington's Farewell Address pursuant to the consent agreement of January 20, 1995. I further ask that immediately following the conclusion of the reading, the Senate immediately resume consideration of House Joint Resolution 1, the Constitutional Balanced Budget Amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. DOLE. Mr. President, I further ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 p.m. on Wednesday in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, let me thank the distinguished Democratic leader. I think we worked out an arrangement that will be accommodating to many of the desires of our Members on both sides of the aisle with reference to amendments and the scheduling problems that we have on both sides of the aisle, in some cases.

I would just state for the information of all of my colleagues, under the provisions of the agreement reached earlier, any Senator intending to offer an amendment or motion from the list must do so by 12 noon on Wednesday; also, Senators should be aware that although no further amendments will be in order after 3 p.m. on Friday, February 24, it is my intention not to have any rollcall votes on Friday, February 24th, or Monday, February 27th.

It will be my intention to stack votes ordered on Friday, February 24, to occur at 2:15 on Tuesday—it will be Friday or Monday—to occur at 2:15 on Tuesday prior to the vote on final disposition of the constitutional amendment for a balanced budget.

Mr. DASCHLE. Mr. President, I also want to commend the majority leader for cooperation over the last several hours as we have negotiated this agreement. It is a fair agreement. It gives Senators an opportunity to present their amendments.

We have two days with which to present these amendments, and I hope Senators will avail themselves of the opportunities. We will have rollcall votes throughout those two days and certainly on Tuesday. So I hope that we can maximize the use of this time, and I am sure that all Senators will take advantage of the opportunity that this accords it.

I think it is a good agreement and I hope we can get to work on Wednesday.

Mr. DOLE. Mr. President, again, I thank the democratic leaders and all others on both sides of the aisle who have been involved in working on the agreement.

ADJOURNMENT UNTIL 10:30 A.M., WEDNESDAY, FEBRUARY 22, 1995

Mr. DOLE. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment until 10:30 a.m, Wednesday, February 22nd, under the provisions of H. Con. Res. 30.

There being no objection, the Senate, at 8:07 p.m., adjourned until Wednesday, February 22, 1995, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 16, 1995:

IN THE COAST GUARD

PURSUANT TO THE PROVISIONS OF 14 USC 729, THE FOLLOWING-NAMED COMMANDERS OF THE COAST GUARD RESERVE TO BE PERMANENT COMMISSIONED OFFICERS IN THE COAST GUARD RESERVE IN THE GRADE OF CAPTAIN.

To be captain

JAMES M. BEGIS
JOHN T. EGBERT III
RODNEY M. LEIS
JOHN R. SHANNONHOUSE
JAMES M. OLSEN
JOHN J. PITTA
DANIEL J. ZEDAN
DAVID L. POWELL
ROBERT W. WEST III
DANIEL V. HAGAN
ROBERT C. GRANT
JON W. MINOR

THE FOLLOWING INDIVIDUAL FOR APPOINTMENT AS A PERMANENT REGULAR COMMISSIONED OFFICER IN THE U.S. COAST GUARD IN THE GRADE OF LIEUTENANT COMMANDER:

To be lieutenant commander

LOUISE A. STEWART

IN THE AIR FORCE

THE FOLLOWING STUDENTS OF THE UNIFORMED SERVICES UNIVERSITY OF HEALTH SERVICES CLASS OF 1995, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF CAPTAIN, EFFECTIVE UPON THEIR GRADUATION UNDER THE PROVISIONS OF SECTION 2114, TITLE 10, UNITED STATES CODE, IF OTHERWISE FOUND QUALIFIED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

MEDICAL CORPS

To be captain

SAKET K. AMBASHT [redacted]
ERIC J. ASHMAN [redacted]
MATT A. BAPTISTA [redacted]
TODD M. BERTOCH [redacted]
JAMES E. BOYD [redacted]
THATCHER R. CARDON [redacted]
STEVEN L. CLARK [redacted]
GEORGE A. CLARKE [redacted]
JIM D. CROWLEY [redacted]
WILLIAM H. DUNN, JR. [redacted]
JEFFREY J. FREELAND [redacted]
JOHN D. HALLGREN [redacted]
DEREK G. HERBERT, [redacted]
MARK A. HINTON [redacted]
JAY D. KERECMAN [redacted]
THOMAS E. KOLKEBECK [redacted]
KRISTOPHER E. KORDANA [redacted]
MICHAEL R. KOTELES [redacted]
JENNIFER L. LAPOINTE [redacted]
JESSICA T. MITCHELL [redacted]
ROBERT M. MONBERG [redacted]
ANOTHONY B. OCHOA, [redacted]
STEVEN L. OLSEN [redacted]
MARK D. PACKER [redacted]
TERESA M. PAULSEN [redacted]
STEVEN E. RASMUSSEN [redacted]
ROBBY C. RIDDLE [redacted]

SCOTT A. RIISE [redacted]
DOUGLAS M. ROUSE [redacted]
ELIZABETH A. ROUSE [redacted]
CHRISTINE G. SANDAAL [redacted]
LARRY R. SCHATZ [redacted]
DARLENE P. SCHULTZ [redacted]
JON R. SHERECK [redacted]
PETER R. SILVERC [redacted]
DANIEL T. SMITH [redacted]
MICHAEL D. STEVENS [redacted]
MAUREEN J. SWEZEY [redacted]
ANTHONY A. TERRERI [redacted]
BONNIE C. VAN DER SLUYS [redacted]
CHARLES N. WEBB [redacted]
MATTHEW P. WONNACOTT [redacted]
JON B. WOODS [redacted]
RANDALL C. ZERNZACH [redacted]

IN THE ARMY

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 1220 AND 3385:

ARMY PROMOTION LIST

To be colonel

BEN W. ADAMS, JR. [redacted]
LOUIS J. ANTONETTI [redacted]
BENNIE J. COTTLE [redacted]
JAMES R. MC INTYRE [redacted]
GLEN D. ODOM [redacted]

MEDICAL CORPS

To be colonel

LEROY L. MERRING [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

MIKEL W. ANTHONY [redacted]
JACK L. DAVIS [redacted]
LAWRENCE W. KIMMEL, JR. [redacted]
MARK C. KIRKWOOD [redacted]
RICHARD D. LIGON [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICERS OF THE MARINE CORPS FOR PROMOTION TO THE GRADE OF MAJOR, UNDER THE PROVISIONS OF SECTIONS 642 AND 628 OF TITLE 10, UNITED STATES CODE:

To be major

DONOVAN E.V. BRYAN [redacted]
CHISTOPHER J. WAGNER [redacted]

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 2107:

To be second lieutenant

JONATHAN M. AADLAND [redacted]
RICHARD M. ACKERSON [redacted]
JEFFREY M. AGNON [redacted]
STEPHEN D. ALBERTS [redacted]
PATRICK E. ALLEN [redacted]
BRIAN C. ANDERSON [redacted]
GARRETT D. ANDERSON [redacted]
DOMINIC S. ARMIJO [redacted]
MIGUEL A. AVILA [redacted]
RAYMOND P. AYRES III [redacted]
MICHAEL A. BAHE [redacted]
DAVID M. BANNING [redacted]
GEOFF H. BARKER [redacted]
STEVEN K. BARRIGER [redacted]
WILLIAM J. BARTOLOMEA [redacted]
CHRISTA M. BOWDISH [redacted]
ROBERT G. BREITBIEL, JR [redacted]
BRADLEY S. BRENNAN [redacted]
GREGORY L. BRYSON [redacted]
TOBY P. BUCHAN [redacted]
SHANE P. CARR [redacted]
JOSEPH V. CARROLL [redacted]
LARRY S. CARVER [redacted]
TIMOTHY D. CAVANAUGH [redacted]
STEVEN J. CHOJNACKI [redacted]
JOHN M. CONNER [redacted]
CHRISTIAN P. CORRY [redacted]
DEXTER R. COSTIN [redacted]
KEITH S. CRABTREE [redacted]
THOMAS A. DEAN [redacted]
JASON M. DECOTEAU [redacted]
LANLE T. DESPAIN [redacted]
JONATHAN D. DIAMOND [redacted]
MARK T. DONAR [redacted]
ELIZABETH J. DONNELL [redacted]
SEAN M. DORSEY [redacted]
JUSTIN W. DYAL [redacted]
NATHANIEL T. EARLES, [redacted]
BRIAN W. EVANS [redacted]
BRIAN FALDETTA [redacted]
ROBERT B. FANNING [redacted]
RICKY B. FEE [redacted]
ANDREW H. FELDMAN [redacted]
RICHARD A. FERONTI [redacted]
ALEXANDER E. FLORES [redacted]
CARLETON D. FORSLING [redacted]
MICHELLE E. FRATICELL [redacted]
JOSEPH B. FREEDLE [redacted]
NORMAN D. FREEMAN [redacted]
TODD A. FUJIMOTO [redacted]
RICHARD J. GANNON [redacted]
JOHN P. GILLIS [redacted]
MATTHEW M. GIOIA, [redacted]
JASON P. GLOWACKI [redacted]
MICHAEL S. GOODWIN [redacted]
JASON T. GREEN [redacted]
WOODROW J. HALSTEAD [redacted]
CHAD HANSEN [redacted]
JESSE A. HARDIN [redacted]
DANIEL P. HARVEY [redacted]
JEFFREY H. HAURY [redacted]
EDWARD J. HEALEY [redacted]
BRUCE M. HEMPHILL [redacted]
SHAWN R. HERMLEY [redacted]
SAMUEL S. HINKSON [redacted]
JOHN D. HIOTT [redacted]
MATTHEW A. HORSLEY [redacted]
CHARLES A. HULME [redacted]
MICHELLE R. INMAN [redacted]
JASON J. JACKSON [redacted]
JIMMY L. JACKSON [redacted]
JOHN K. JARRARD [redacted]
MICHAEL G. JOHANNES [redacted]
JIMMIE J. JOHNSON [redacted]
LEE A. JOHNSON [redacted]
SAMUEL L. JOHNSON [redacted]
ESTHER F. JULICHER [redacted]
IVAN J. KANAPATHY [redacted]
PHILLIP B. KENDRO [redacted]
SCOTT M. KENFIELD [redacted]
BRIAN M. KIBEL [redacted]
JOHN R. KING [redacted]
JAMES E. KOKOSZYNSKI [redacted]
ERIC V. KRIENERT [redacted]
WILLIAM LANGENHEIM [redacted]
KRISTEN A. LASICA [redacted]
CHRISTOPHER LAVELLE [redacted]
DANNY R. LEDFORD [redacted]
MATTHEW D. LEIGEBER [redacted]
JOHN C. LEWIS [redacted]
JOHN H. LEWIS [redacted]
MELANIE J. LIVINGSTON [redacted]
CHRISTOPHER T. LOUKS [redacted]
JOHN J. LYNCH II [redacted]
PAUL D. MACKENZIE [redacted]
GIAN F. MACONE [redacted]
DEBONY L. MAFFETT [redacted]
PETER J. MAHONEY [redacted]
SEAN K. MANGAN [redacted]
PHILLIP M. MATA [redacted]
SOCRATES S. MAROUDIS [redacted]
JOHN J. MAZZARELLA, [redacted]
KATIE L. MC SHEFFREY [redacted]
KEITH W. MC WHORTER [redacted]
SCOTT O. MEREDITH [redacted]
ALAN B. MILLER [redacted]
CHRISTOPHER A. MILLER [redacted]
PAUL R. MILNE [redacted]
KEITH B. MISHOE [redacted]
DARAN M. MIZELL [redacted]
MARTA J. MOLLENDICK [redacted]
ROSS A. MONTA [redacted]
CHARLES MONTGOMERY [redacted]
COBY M. MORAN, [redacted]
PATRICK MORAN [redacted]
PETER J. MORENO, JR [redacted]
CHARLES A. MORRISON [redacted]
DAVID C. MORZENTI [redacted]
JAMES E. MOSSBERG, JR [redacted]
ROBERT G. MUCKLEROY [redacted]
JOHN F. MUNSELL [redacted]
CHRISTOPHER MYERS [redacted]
PROVIDANCE J. NAGY [redacted]
JAMES F. NALL III [redacted]
BRIAN S. NELSON [redacted]
SHAWNNA L. NILES [redacted]
JOHN T. NGUYEN [redacted]
GEORGE NUNEZ [redacted]
MICHAEL R. O'CALLAGHAN [redacted]
JOSEPH I. O'HARA [redacted]
STEPHEN OLSON [redacted]
ROBERT B. ORR [redacted]
JAMES D. PARKER [redacted]
LAURENCE PARKER [redacted]
BYRON L. PATE [redacted]
GREGG A. PEEPLES [redacted]
DONALD C. PLAISTED, JR [redacted]
TIMOTHY B. POCHOP [redacted]
GILBERT A. POLENDO [redacted]
MICHAEL D. PORTER [redacted]
ANOOP PRAKASH [redacted]
MICHAEL J. RADER [redacted]
KARENA A. REDD [redacted]
CHRISTOPHER J. REED [redacted]
CHESTER T. REESE [redacted]
SCOTT T. REESE [redacted]
ALBERTO J. RIVERA [redacted]
CESAR RODRIGUEZ [redacted]
BRIAN E. RUSSELL [redacted]
JAMES A. RYANS [redacted]
DAVID F. SADLIER [redacted]
TODD B. SANDERS [redacted]
JAMES P. SCHAEFER [redacted]
MARIO F. SCHWEIZER [redacted]
JIMMY SCOTT [redacted]
EDWARD J. SHEA [redacted]
BRYAN J. SHELLEBY [redacted]
LADD W. SHEPARD [redacted]
KELVIN D. SHERMAN [redacted]
BRIAN J. SHORTSLEEVE [redacted]
CHRISTOPHER C. SIMPSON [redacted]
JENNIFER L. SIMPSON [redacted]
RALPH S. SMITH [redacted]
DAMIAN L. SPOONER [redacted]
JOHN F. STANN [redacted]
CASEY L. STREETS [redacted]
GARY W. THOMASON, [redacted]
MICHAEL B. THOMPSON [redacted]
PHILIP J. TREGLIA [redacted]
MATTHEW E. TUNE [redacted]
ELENA S. UMANSKY [redacted]
JOHN P. VALENCIA [redacted]
GREGORY S. VALLHONRAT [redacted]
BRIAN J. VAUGHT [redacted]
JOSE A. VERDUZCO [redacted]
DANIEL S. VERNA [redacted]
ROBERT S. VOLKERT [redacted]
STEVEN O. WALLACE [redacted]
DAVID J. WALSH [redacted]
JORDAN D. WALZER [redacted]
JEFFREY B. WARD [redacted]
MELVIN M. WARD [redacted]
ROBERT D. WARD [redacted]
TROY WARE [redacted]
MICHAEL B. WARREN [redacted]
ROBERT S. WASHINGTON [redacted]
DANIEL S. WESTON [redacted]
ADAM N. WILLIAMS [redacted]
BILLY J. WOFFORD [redacted]
MATTHEW A. WOODHEAD [redacted]
MICHAEL R. Y'BARBO [redacted]
MATTHEW W. Y'LITALO [redacted]

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

To be second lieutenant

DARREL V. ALLEN [redacted]
TROY L. ALLEN [redacted]
JESUS ALVAREZ, JR [redacted]
TERRANCE L. ANTONY [redacted]
KELVIN M. ARTIS [redacted]
JAMES S. BARKLOW [redacted]
LONNIE BEBERNISS [redacted]
STEVEN D. BICKFORD [redacted]
ROBERT R. BRUNKALLA [redacted]
JAMES E. BUCK [redacted]
TITUS R. BURNS [redacted]
DARREN A. CANAVAN [redacted]
FELIX CANO III [redacted]
RONALD G. CAPES [redacted]
NICK J. CHALKO [redacted]
DAVID W. CLAPP [redacted]
COREY M. COLLIER [redacted]
KEVIN G. COLLINS [redacted]
LAURA L. CORPORON [redacted]
MICHAEL DELGROSSO [redacted]
ERIC R. DENT [redacted]
EDWARD J. DEVEAU [redacted]
BARRY A. DOWDY [redacted]
THOMAS J. DUNN II [redacted]
ROBERT D. DUNSTON [redacted]
TROY J. EWART [redacted]
HAYTHAM FARAJ [redacted]
THOMAS S. FIDEL [redacted]
GEORGE Q. FINNEY II [redacted]
PAUL A. FUNK [redacted]
GILBERT O. GARCIA [redacted]
MICHAEL A. GAVRE [redacted]
DAVID GOMEZ, JR. [redacted]
DANIEL GRANADA [redacted]
TRACY D. GRAY [redacted]
JAMES C. GREENLY [redacted]
STANLEY M. HORTON [redacted]
KEVIN C. HUMMONS [redacted]
LINWOOD L. JONGEMA [redacted]
NICHOLAS E. KONICKI [redacted]
JOSEPH G. LAPAN, JR [redacted]
ERIC J. LEHMAN [redacted]
FRANK Q. MARILAO [redacted]
ALEXANDER K. MC CRAIGHT [redacted]
GREGORY L. MC DOWELL [redacted]
JEREMY S. MC ELROY [redacted]
MANUEL A. MERINO [redacted]
ROBERT G. PALMER [redacted]
BRYAN S. PITCHFORD [redacted]
WESLEY T. PRATER [redacted]
JAMES D. PURDIE [redacted]
DAVID H. REUSCHLING [redacted]
JULIET B. RUSSELL-CLAPP [redacted]
BRENT R. RUTH [redacted]
GREGORY I. SMITH [redacted]
DAVID C. SUMMERS [redacted]
WESLEY E. TERRY [redacted]
MARK A. THIEME [redacted]
GERALD A. THOMAS [redacted]
VICTOR T. TORRICO [redacted]
RUDY J. URIBE [redacted]
CHARLES VALENCE [redacted]
MATT J. VALIQUETTE [redacted]
RICHARD W. VARACALLE [redacted]
DAVID T. WALLACE [redacted]
WALTER YATES [redacted]

EXTENSIONS OF REMARKS

MISSING SERVICE PERSONNEL ACT

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mrs. THURMAN. Mr. Speaker, because I proudly display a POW/MIA flag outside my office door, I am reminded on a daily basis of the importance and immediate need for the Missing Service Personnel Act. This bill is long overdue.

This legislation will provide a procedure for handling the difficult question of how and when a member of the Armed Forces who is considered missing in action can be declared legally dead.

Important provisions of this legislation include: bringing family members into the review process; giving families access to information gained during the investigation; and establishing a definite timeframe for the review process. Families will know what to expect from the process and would be spared years of waiting under this legislation.

The evidence is clear that soldiers from past wars were declared dead when they were very much alive. This act will assure that our military personnel will be accounted for without question.

There is strong bipartisan consensus in support of this bill. I look forward to working with my colleagues in assuring that this legislation quickly becomes law. Finally, the hard work of many fine people and veterans' groups have gone into creating this legislation. We should all be working for the welfare of the men and women in our armed services. By supporting this bill we are telling them that yes, the time has come to answer the tough questions that the families of missing members of the Armed Forces face every day.

TRIBUTE TO COL. ALBERT S. WYNOT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. MOAKLEY. Mr. Speaker, I rise to share with my colleagues some sad news from my district in Massachusetts. Retired Army Col. Albert S. Wynot passed away on January 27, 1995. Colonel Wynot, a resident of Walpole, MA, served in the Army from 1938 until his retirement in 1950, and then continued his service as a member of the Army reserves until 1980. A graduate of the Massachusetts Institute of Technology [MIT], Colonel Wynot fought in World War II with the 329th Engineering Battalion and was intimately involved in the planning and execution of the D-day invasion in Normandy on June 6, 1944.

Colonel Wynot was the proud recipient of the Purple Heart, the Bronze Star, the Bronze Star Cluster, the American Defense Medal, Distinguished Unit Medal, the Order of the French Army, and the United States Victory Medal.

I last saw Colonel Wynot during a district swing this fall when I visited him in the New Pond Village residences in Walpole, MA. Even then, during a question and answer session that I hosted with the residents, Colonel Wynot had strong opinions about national issues ranging from the collapse of the Soviet Union and its empire in Eastern Europe to the local sludge issue in the town of Walpole. Colonel Wynot loved debate and discussion and was, in every sense of the word, a colonel until the end.

I extend my sympathies to his wife Dorothy, his family and all of his friends and neighbors at New Pond Village.

CLARIFY THAT VETERANS' BENEFITS ARE TAX-EXEMPT

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. MONTGOMERY. Mr. Speaker, today I am introducing H.R. 972 to clarify that veterans benefits are not taxable. A number of members of the Committee on Veterans' Affairs have joined me as cosponsors of this legislation.

Mr. Speaker, as far as we know, veterans' benefits have never been subject to taxation, either at the Federal or the State level. We have long had laws which prohibited these benefits from being taxed. However, over the course of the last several years, some doubt about the tax-exempt status of veterans' benefits has arisen. In 1992, the IRS Chief Counsel's office concluded that some benefits might be taxable under amendments made to the Internal Revenue Code in 1986.

To its credit, this administration responded to this possibility by proposing that new language be enacted exempting all veterans' benefits and allowance from taxation. The Subcommittee on Select Revenue Measures of the Committee on Ways and Means received favorable testimony on a proposal which I introduced last Congress, H.R. 786, which would have done the same thing as the administration proposal. However, the committee failed to act on any technical tax bills last Congress.

I think that we should clear up any remaining confusion on this issue by enacting this legislation, and the administration has indicated its support for my position in the past. Since there is no tax now being collected on veterans' benefits, thee shouldn't be any revenue loss from its enactment. I urge all my colleagues to support this measure.

BAN SMOKING ON INTERNATIONAL FLIGHTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. OBERSTAR. Mr. Speaker, today I have introduced the Airliner Cabin Air Quality Act of 1995, to prohibit smoking on international flights to and from the United States. Congress banned smoking on all domestic flights of 6 hours or less in 1990. However, smoking is still legal on U.S. carriers on international flights. Most foreign carriers serving the U.S. permit smoking as well.

To protect flight attendants and passengers, I introduced similar legislation last year—H.R. 4495. The bill passed the House on October 4, under Suspension of the Rules. The bill I introduce today is identical in intent to the one passed by the House last fall.

Briefly, the bill requires the Department of Transportation to issue regulations requiring U.S. and foreign air carriers to prohibit smoking in passenger cabins and lavatories on flights between points in the United States and foreign points, that is, the last point of departure prior to landing in the U.S., and the first point of arrival when leaving the U.S. Additionally, the bill would prohibit smoking in the cockpits of U.S. airliners.

Mr. Speaker, this bill is extremely timely. International flights between the United States and Canada are already smoke-free. Three U.S. carriers, Delta, American and Northwest, offer nonsmoking flights on some international routes. Our Government is negotiating with others to arrange bilateral or multilateral smoking bans.

The latest sign of progress came last month, when the Department of Transportation gave the green light to eight airlines—six U.S. carriers and two foreign—to discuss a mutual ban on smoking on transatlantic flights without fear of antitrust action being taken against them. Those airlines are American, Continental, Northwest, Trans World, and United Airlines, USAir, British Airways and KLM Royal Dutch Airlines.

Finally, the nations belonging to the International Civil Aviation Organization [ICAO], which includes most countries, have agreed to end smoking on airlines by July 1996.

With all these moves to ban smoking, why is my bill needed?

Simply, because relief can not come too fast for flight attendants and passengers who without my bill will have to fly for another year and a half in those cabins where smoking is still permitted.

Flight attendants assigned to long international smoking flights are forced to spend their working lives in smoke-filled galleys at the back of aircraft. At hearings the Subcommittee on Aviation held last year, flight attendant representatives detailed ailments

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which they and their colleagues incur in the small, enclosed, smoke-filled cabin environment. They described health problems ranging from eye, nose and throat irritation, headache, nausea, dizziness, blurred vision, shortness of breath, and heart palpitations to permanent disability and even death for the occupational hazards of their jobs in airplanes. Nonsmoking flight attendants are suffering and dying from diseases common to smokers—the penalty of an honest day's work.

Equally unacceptable is the plight of children stuck in the smoking section with their parents. And businessmen who must be at their peak when they arrive at their destination, but stagger off, jet-lagged and debilitated by smoke-caused allergies and sensitivities. And pleasure travelers whose vacations are ruined by smoke-induced illnesses. And the millions of nonsmoking passengers who cannot really get away from the smoke, no matter where they sit in the airplane.

This bill is also needed from a safety standpoint. At our hearing, flight attendant witnesses showed us photographs of cigarette butts all over the floor of the airplane. They testified to passengers falling asleep in their seats, dropping lighted cigarettes on the floor. More than one attendant has thrown coffee on a smoldering butt to escape the horror of an in-flight fire.

Mr. Speaker, I am very pleased that airlines have decided to take dramatic action on their own. In banning smoking they have shown great courage, and I believe will be rewarded with increased passengers. And I commend the Department of Transportation for granting them antitrust immunity to discuss the issue. I believe these airlines, and others, would like to go farther than ban smoking on all routes and flights. They cannot, in some cases, for competitive reasons. Therefore it makes eminent sense to ban smoking on all flights, now, to protect the health of flight attendants and passengers alike.

Another year and a half can make a lot of difference in the lives of many, many, people. I believe that airlines, as well as the vast majority of their employees and passengers, will welcome enactment of this bill.

C–17 WINS COLLIER TROPHY

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. HORN. Mr. Speaker, the McDonnell Douglas C–17 Globemaster III transport plane has again received recognition in the aeronautical community for its extraordinary capabilities.

The C–17 has been awarded the prestigious Collier Trophy, symbolizing the top aeronautical achievement of 1994. The trophy is awarded by the National Aeronautic Association [NAA] for "the greatest achievement in aeronautics or astronautics in America, the value of which has been demonstrated by actual use in the previous year."

This award is yet another reaffirmation of the commitment to excellence on the part of the dedicated craftsmen and women who manufacture the C–17 at 0McDonnell Douglas' plant in Long Beach, CA. These talented individuals, through their efforts, are directly contributing to the Nation's defense—as well as to the ability to provide humanitarian assistance to those in need throughout the world.

The NAA, in announcing the award, said it was bestowed "for designing, developing, testing, producing and placing into service the C–17 Globemaster III whose performance and efficiency makes it the most versatile airlift aircraft in aviation history."

The C–17 has already demonstrated its tremendous value, and it will continue to do so well into the 21st century. I am proud to represent the district in which it is built.

At this point in the Record, I would like to include a McDonnell Douglas news release telling of the award and outlining some of the extraordinary capabilities of this remarkable aircraft.

The news release follows:

C–17 WINS COLLIER TROPHY

LONG BEACH CA., February 15, 1995.—The U.S. Air Force/McDonnell Douglas C–17 Globemaster III transport has been awarded the prestigious Collier Trophy, symbolizing the top aeronautical achievement of 1994.

The trophy, established in 1911, is awarded each year by the National Aeronautic Association (NAA) for "the greatest achievement in aeronautics or astronautics in America, the value of which has been demonstrated by actual use in the previous year."

The NAA said the award was bestowed "for designing, developing, testing, producing and placing into service the C–17 Globemaster III whose performance and efficiency make it the most versatile airlift aircraft in aviation history."

Named as recipients of the 1994 Collier Trophy were the U.S. Air Force, McDonnell Douglas Corporation, and the C–17 industrial team of subcontractors and suppliers. The C–17 was nominated for the award by the Air Force Association (AFA).

"We are highly honored that the C–17 has been selected by the NAA for this most famous of all aviation awards," said Harry Stonecipher, McDonnell Douglas president and chief executive officer. "This honor recognizes the dedication and commitment at our company and its employees—along with our supplier teammates—in designing, producing and delivering to the Air Force the best military transport plane ever built."

In its nomination, the AFA cited the McDonnell Douglas C–17 as "the linchpin airlift modernization" and said that it "demonstrated in 1994 that it had the versatility to create a new era in military airlift." AFA pointed out that the C–17 landed four times the payload of the C–130 into less than 3,000 feet of runway and carried large Army equipment only the large C–5 could carry.

While approximately the same external size of the C–141B, the C–17 carries twice the payload. It also exceeded "demanding reliability and maintainability standards during an intensive two week test period in November 1994," AFA said.

"These remarkable achievements prove that the C–17 is the world's most versatile airlift aircraft and will be the new core airlifter to support the U.S. national security needs in war and peace," the association said.

The first test flight of the C–17 was on Sept. 15, 1991. The C–17's developmental flight test program was completed in December 1994 as scheduled.

Eight production C–17s were delivered to the Air Force in 1994, the last five ahead of schedule. A total of 18 C–17s have been delivered to the Air Force to date.

The McDonnell Douglas C–17 is the only transport aircraft in the world that can provide direct, long-distance delivery of large combat equipment and troops, or humanitarian aid, across intercontinental distances and land at small, unimproved airstrips. It offers strategic and theater lift, and is the only aircraft that can airdrop large armored vehicles and engineering equipment.

The first production aircraft delivered to an operational unit arrived at the 437th Airlift Wing, Charleston AFB, S.C., on June 14, 1993. The unit's first squadron of 12 C–17s were declared ready for worldwide operations in January 1995. To date, the C–17 Globermaster III fleet has accumulated 10,000 flying hours.

TRIBUTE TO WILLIAM P. JOYCE, SR.

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, this weekend a native of my home city of Boston, Mr. William P. "Bill" Joyce, marks a special milestone in his life as he celebrates his 80th birthday with family and friends.

One of six children, Mr. Joyce graduated from South Boston High School and went on to study at Boston University. He was devoted to his wife, Joanna, whose tragic loss at an early age left him with a young son to raise alone. He faced the challenges that life presented him with great courage and determination, and today his son, Bill, Jr., serves as a special assistant U.S. attorney.

Mr. Joyce moved to Washington, DC in the early 1960's, during the Kennedy administration. Proud of his Irish and south Boston roots, he made many friends and found abundant compatriots here during that era. In recent years, he had the privilege of escorting the Grand Marshal of the St. Patrick's Day Parade in Washington. Trained as a certified public accountant, his long career included service in both the government and the private sector. Although he retired from the Armed Forces Institute of Pathology in recent years, he now volunteers his time at the Touchdown Club in Washington, where he is an active member.

In Boston and Washington, Mr. Joyce is known as a generous, outgoing man who loves people and makes friends easily. Whenever he walks into any of his favorite haunts, he is greeted by a chorus of "Hi, Bill!" He is especially proud of his 7-year old granddaughter, Laura, who will celebrate with him this weekend.

Mr. Speaker, I know my colleagues join me in wishing Bill Joyce a very happy birthday and many more to come.

A SPECIAL SALUTE TO MARTHA E. BOLDEN: CELEBRATING A LIFE OF ACTIVISM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. STOKES. Mr. Speaker, I take pride in rising today to salute a resident of my Congressional District, Mrs. Martha E. Bolden, who was recently profiled in the Plain Dealer newspaper. In the article which is entitled, "Four Score and Ten: A Life of Activism," the reporter explores the life of this outstanding individual and her contributions to our city. Mrs. Bolden is well known for her commitment to improving the lives of others. I want to share with my colleagues and the Nation some information regarding this outstanding individual.

Mrs. Bolden was the operator of a beauty shop in Mobile, AL, during the 1930's when she was encouraged to vote because she was a business owner. Her $200 poll tax fee was paid by one of the city's black physicians. In order to register to vote, Mrs. Bolden was also required to memorize the Seventh Amendment to the Constitution. With determination, she overcame this obstacle and became a registered voter, achieving celebrity status in the black community. This action and determination on the part of Martha Bolden represented the beginning of a lifetime of activism.

Mr. Speaker, Mrs. Bolden moved to Cleveland, OH, in 1953. Over the years, the Cleveland community has benefited greatly from her strong leadership. Upon arriving in Cleveland, Mrs. Bolden immediately became active in the Hough community, encouraging her neighbors to vote and work in political campaigns. When riots destroyed city neighborhoods in the mid-1960's, Mrs. Bolden was instrumental in helping to rebuild the city. She was a founding member of the Hough Area Development Corp., which was one of the first community-based development corporations in the country. The organization played a key role in revitalizing the neighborhood, including the development of shopping facilities and housing estates for residents.

Mr. Speaker, I am proud to salute Martha Bolden on the House Floor today. I can recall that she was one of my first clients when I began practicing law in Cleveland. As an attorney, I represented her when she purchased her home in the city. I also recall that Mrs. Bolden was an active worker in my political campaigns. At the age of 90, she is still politically involved as one of the "101 Women for Stokes."

Mr. Speaker, Martha E. Bolden is a hero to many, and an inspiration to all of us. Throughout her life, she has given unselfishly of her time and talent in an effort to make our city better and empower the community. Her political activism has made the difference in the lives of many. We salute her for her dedication and commitment. I want to share with my colleagues the article regarding Mrs. Bolden which appeared in the Plain Dealer. I ask them to join me in paying tribute to this exceptional individual.

FIGHT CUTS IN STUDENT FINANCIAL AID

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mrs. SCHROEDER. Mr. Speaker, I urge my colleagues to take note of the article in the February 15, 1995, Washington Post entitled, "College Students Spending More Time Earning Than Learning." I include a copy of the article for the RECORD.

At a time when education is more necessary than ever to compete for good jobs, financial aid is failing to keep pace with steadily rising college costs. As a result, an increasing number of students are forced to work more. While a certain amount of work can be valuable, as the article points out, it also can detract from studies and drag out the time it takes to complete an education, at additional expense to the students and their parents.

Now comes the Republicans, saying they want to eliminate the government subsidy for interest on tuition loans while students are in college, which would burden students and their families with additional debt.

Republicans also say they want to either abolish direct lending or limit it. Meanwhile, I have students telling me they love the program because it cuts out the middlemen, delivers the money fast and helps prevent defaults. Under guaranteed student loans, students have a hard time keeping track of which bank owns their loan this week. Republican efforts in this area fly in the face of their rhetoric about listening to the grassroots and simplifying bureaucracy. They seem to be listening to the bankers and loan guarantors instead of the middle class.

[From the Washington Post, Feb. 15, 1995]

COLLEGE STUDENTS SPENDING MORE TIME EARNING THAN LEARNING

(By Fern Shen)

Steve Long started school at the University of Maryland in College Park with an ambitious, 17-credit course load and a goal of graduating in less than four years.

The Richmond native never imagined that he would have to spend so much time working—cataloguing books at the school library, writing tickets in campus parking lots, driving campus shuttle buses—that it would take him seven years to get his bachelor's degree.

"It got so bad one semester that I had to drop out of all my classes. I was working 30 hours a week driving the bus and taking five classes," said Long, 25, a full-time shuttle bus supervisor and part-time student who hopes to graduate this year with a degree in government and politics. "It's tough. I learned you can work so hard to pay for school that you don't do well in school."

During the last decade, the number of students working on and off campus has steadily increased, a stark contrast to the stereotype of today's twentysomethings as latte-sipping slackers.

And according to students and college officials in the Washington area and nationwide, an increasing number of students are working more hours, often holding down two and even three jobs because they must make money while pursuing college credits.

Figures from the U.S. Bureau of Labor Statistics show a significant increase in the proportion of full-time college students ages 16 to 24 who work, from 35 percent in 1972 to 51 percent in 1993. Full-time students now work an average of 25 hours a week.

The reasons for the rise are varied, but most observers blame the way tuition increases have outpaced inflation while financial aid, loans and grants have become more difficult to obtain.

"We have shifted so much of the financial burden to students [who] know they have to get that degree, that college is a life preserver, the difference between a comfortable life and a considerably rougher one," said Rick Kincaid, coordinator of student employment at the State University of New York at Brockport and editor of the Journal of Student Employment. "So they work, and they struggle to do it all. It's really pretty grim."

The trend has extended the time it takes students to obtain their degrees. It also has fueled fears among college administrators that students's academic and personal lives are suffering, though there is contradictory evidence on whether and how much grades fall when students work.

College presidents are using work statistics to buttress their pleas to Congress against cutting student loan funding.

"If we don't sustain the current aid program, students are going to have to work even more hours, and they'll be more likely to drop to part-time or just drop out," said David L. Warren, president of the National Association of Independent Colleges and Universities.

Jeff Blundin, 23, a full-time student at College Park who works 40 hours a week, said he recently had to financially "cut myself off from my parents so I could qualify for a loan."

Blundin attends classes during the day, and at 5 p.m., he puts on a green apron and waits on tables at a restaurant in a nearby shopping center. After finishing his shift about midnight, he comes home to read, study and write papers. On Saturdays, he often works double shifts.

"I know my grades would be better if I could stop working, but I just don't have that luxury," said Blundin, who said he came to college resigned to the prospect of working long hours to pay for tuition, rent, books and other expenses. As for maintaining a social life or strolling under the elms discussing philosophy, Blundin said dryly, "That would be great, but college hasn't been like that for a long time."

Many parents "start out planning to pay for college but lose their jobs, and then they just can't do it," said Patricia T. van der Vorm, executive director of the Career Center at American University.

Yomphana Adams, 20, a University of Maryland student, said her family recently had just such a "run of bad luck," Her stepfather lost his job as an air traffic controller at Andrews Air Force Base, and her mother, who has poor English skills, also lost a manual labor job recently because her employer moved, she said.

Adams, like Blundin, has cut herself off financially from her parents in hopes of qualifying for loans.

"It's a gigantic Catch-22: Either you don't have enough money to make it or you make the money but then your grades stink," said Adams, who takes four classes, works 22 hours a week at the information desk at the student center and rises at 5 a.m. to catch a train to College Park from Baltimore. When she first came to the college, she worked as many as three jobs, including a stint as a telemarketer. Her grades dipped, "and I became this massive introvert."

"In high school, I graduated with a 3.5 [grade-point] average, and I was involved in all these clubs," she said. "Coming here, I really had to learn how to manage my time. I go to sleep earlier than most people's grandparents."

The student employment picture has changed so much in recent years that students laugh when they learn that school counselors traditionally recommend that students seek career-related (but lower-paying) internships and limit their work to 20 hours a week.

"Yeah, right—do they also 'recommend' that I eat nothing but Minute Rice and rob banks?" asked Jason Putnam, 21, a full-time student at College Park, as he stocked the shelves of a College Park liquor store. Between that job and a side enterprise, doing automotive repairs for students, he figures he works 30 hours a week.

At College Park, there were so many complaints last year about how jobs were interfering with academics, prolonging college careers and making students' lives miserable, that President William E. Kirwan ordered a committee to study the problem.

"I see it all the time," said committee member Barbara Jacoby, director of commuter affairs and community service programs. "I teach French from 2 to 4 on Tuesdays and Thursdays, and last semester this student came to me and said she needed to leave at 3:45 because it took her that long to get across campus to her car and make it in time for her shift at the restaurant at 4:30.

"This priority is just wrong. It's the kind of thing that really raises faculty ire," Jacoby said.

As a result of the study, the school is creating a Student Employment Center designed in part to advocate for students with off-campus jobs. The center might persuade employers, for instance, to adjust students' hours to coordinate better with class schedules and the academic calendar.

Acknowledging those problems represents a change for college administrators, who have been arguing for years that holding down a job during college enhances students' character, academic progress and future job marketability.

"Yes, students are working for the money, but they get so much more out of it. They learn job skills, improve their résumés, learn how to budget their time," said Dennis Chavez, director of the student employment program at Cornell University. In 1992, Chavez conducted a study of 4,500 students at 18 colleges and universities and found little difference in the grades of working and nonworking students. Kincaid said he'd seen studies "that found that if a student gets a job, the first thing they reduce is the hours spent watching TV."

University of Maryland officials agree that work is valuable, but they are trying to balance school and work demands and to steer students toward fewer hours and more on-campus and career-related jobs.

Many students there and at other U.S. colleges are taking advantage of programs in which their salaries from campus jobs are credited directly to their college tuition accounts. Lori Spevak, for instance, whose family income makes her ineligible for loans, is paying her $1,700-a-semester tuition primarily out of her 16-hour-a-week job driving a shuttle bus. One night a week, she doesn't sleep, working the graveyard shift. The 19-year-old sophomore from Bowie also works 20 to 25 hours selling musical instruments and sheet music at a Bowie store.

"I'm doing it right now to give my parents a break. My sister will be starting school, and they're going to have that expense," Spevak said.

Will she be able to keep up that pace and finish in four years? Spevak said she hopes to, but perpetual sleep-deprivation and granola-bar suppers sometimes get her down. Hers is the kind of situation that worries school officials.

"I know they need that paycheck," said John van Brunt, who directs the student counseling center. "I know they've got to work, but if it undercuts their whole experience of school, what's the point?"

JAMES P. GRANT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. JACOBS. Mr. Speaker, the world has lost one of the noblest of God's noblemen, James P. Grant, executive director of UNICEF until his untimely death on January 28.

UNICEF, I dare say, is the least controversial of all United Nations functions. There are many religions represented in the United Nations but none is represented better than the Sermon on the Mount when it comes to UNICEF. All thoughtful Americans will mourn the passing of Mr. Grant.

CROATIA ACTS TO REINVIGORATE PEACE PROCESS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. RADANOVICH. Mr. Speaker, on December 11, 1991, in response to Serbian aggressions against the neighboring Republic of Croatia resulting in Serbian occupation of one quarter of Croatia, the international community put forward the Vance plan, a framework to work toward peace in the region. Since that time, more than 3 years ago, Croatia has continuously cooperated with the United Nations and, along with Bosnia, has accepted numerous peace initiatives. The Serbian side, on the other hand, has rejected repeated offers of peace and remains recalcitrant in progress toward further peaceful negotiations.

The Vance plan, confirmed by U.N. Resolution 724 and 740, had six major goals: First, the cessation of hostilities and demilitarization of regions where military conflict had taken place; second, the withdrawal of the Yugoslav Army from Croatia; third, the maintenance of public order by supervision of local police made up based on prewar ethnic percentages; fourth, the protection of minorities in these areas; fifth, the placement of military observers along Croatia's border with Bosnia and Herzegovina; and sixth, the facilitation of the return of displaced persons and refugees. Pursuant to the Vance plan, the United Nation created protection areas [UNPA's] in Serb-occupied areas of Croatia, and introduced a protection force [UNPROFOR] in those UNPA's in order to carry out the objectives of the Vance plan and reestablish peace in the region.

During the more than 3 years since the institution of the Vance plan, the Republic of Croatia has renewed and extended the original 12-month mandate seven separate times. While some sort of public order has been maintained and the Yugoslav Army has partially departed, the UNPA's have not been demilitarized. Heavily armed Serbian paramilitary units remain, the local non-Serbian population continues to be expelled and in some cases killed, and it has not been possible for a single displaced person to return to these areas. According to the 1991 census, there were 261,942 non-Serbs in the UNPA's. Since the arrival of UNPROFOR at least 39,000 non-Serbs have been forced to flee, 347 have been killed, 26 women raped, and 1,618 tortured at the hands of the Serbian occupiers. This is an intolerable situation.

With the intransigence of the Serbs to engage in serious discussions of peace, Crotia's mandate renewals have amounted to no less than tacit U.N. support for the indefinite continued Serb occupation of Croatian lands seized by aggression. In real terms, the positive economic contributions of the U.N. presence in the occupied territories have actually provided support for the Serbian occupiers and proven a major hindrance to forcing the Serbs to the negotiating table.

In this light, I ask my colleagues to review Croatia's U.N. Ambassador Nobilo's discussion reprinted below about Croatia's refusal to renew the UNPROFOR an eighth time, and invite Members to take a good hard look at some of the causes of the deadlock and suffering which Crotia and Bosnia and Herzegovina have endured for too long. Moreover, my colleagues, this action by the Coratian Government is completely supported by the Croatian people as evidenced by two resolutions by the Croatian Parliament authorizing the Government's decision and a third binding the Government to this course.

[From the Washington Post, Feb. 3, 1995]

CROATIA'S MOVE TOWARD PEACE

(By Mario Nobilo, Croatian Ambassador to the U.N.)

Last month, the Republic of Croatia decided to terminate the mandate of the United Nations Protection Force (UNPROFOR) in the occupied territories of Croatia. The decision is designed to reinvigorate the negotiating process and to reach a peaceful settlement of the territories, which are internationally-recognized as part of Croatia but illegally occupied by Serbia, with the cooperation of local Serbs.

Contrary to the views held by some, including speculation in The Post's editorial of Jan. 18 ("Another Balkan War?") Croatia did not take this action in order to pursue war with the local Serbs or their patrons in Belgrade. Our objectives are the exact opposite.

The departure of UNPROFOR will shift the total cost of Serbian occupation from the international community to the Belgrade government. The $1 billion per year cost of maintaining UNPROFOR in Croatia has essentially become an "occupation fee" paid by U.N. member nations, including the United States, which itself contributes about $300 million.

The presence of UNPROFOR provides the occupying forces with economic sustenance through a continued stream of hard currency, through aid deliveries, through UNPROFOR-paid rents, through fuel brokering, and through infrastructure maintenance and development. UNPROFOR is probably the largest employer in the occupied territories.

Because Serbia is weakened from the effect of international sanctions, it cannot afford to fund both its activities in Bosnia and its support of Serbs occupying parts of Croatia. That makes it more likely that Serbia's President Milosevic will be compelled to work with the international community and Croatia to reach a negotiated settlement regarding Crotia's occupied territories.

It is clear that UNPROFOR is not a real deterrent to war, in Croatia or in Bosnia and Herzegovina. If Crotia were indeed intent on reintegrating its occupied territories by force, it could have done so already.

Croatia is further convinced that solving the problem of its occupied territories first can greatly improve the chances of a settlement in Bosnia along with the lines of the internationally-accepted Contact Group proposals. Here's why: A strong, reintegrated Croatia can better assist the Bosnian government through the Federation of Bosnian Muslims and Bosnian Croats, thus forging a more effective balance of power in the region.

Additionally, without having to maintain a 15,000-troop presence in Croatia, UNPROFOR can transfer resources to Bosnia and Herzegovina, where they are badly needed. U.N. Secretary General Boutros-Boutros Ghali has recently called for an additional 7,000 UNPROFOR troops for Bosnia. He is unlikely to meet that need without tapping existing U.N. assets.

There are risks associated with our decision regarding UNPROFOR. But Mr. Milosevic and his dependents in Croatia's occupied territories have used U.N. soldiers as a buffer to reaching an expeditious settlement of a situation which could go unsolved for years to come under the current circumstances. Croatia views such a statement as far more dangerous than taking a pragmatic, albeit dramatic, action that we are confident will result in an accelerated peace in the entire region of southeastern Europe.

PERSONAL EXPLANATION

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mrs. THURMAN. Mr. Speaker, during rollcall vote No. 138 on H.R. 7, I was unavoidably detained. Had I been present I would have voted "no."

SUMMARY OF RULES COMMITTEE VOTES

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. MOAKLEY. Mr. Speaker, on January 4, 1995, the House adopted a new rule, clause 2(l)(2)(B) of rule XI, which requires that committee reports on any bill or other matter include the names of those voting for and against on rollcall votes taken on any amendment and on the motion to report. During consideration of the rule on the first day of the 104th Congress, an explanation included in the CONGRESSIONAL RECORD by Chairman SOLOMON states:

> It is the intent of this rule to provide for greater accountability for record votes in committees and to make such votes easily available to the public in committee reports. At present, under clause 2(e)(1) of rule XI, the public can only inspect rollcall votes on matters in the offices of the committee. It is anticipated that with the availability of committee reports to the public through electronic form the listing of votes in reports will be more bill-specific than earlier proposals to publish all votes in the CONGRESSIONAL RECORD twice a year.

Upon examining the Rules Committee report to accompany House Resolution 44, the rule for House Joint Resolution 1—balanced budget constitutional amendment, I found it lacking in the type of information which I believe is vital for public understanding of what the members of the committee were actually voting on. The report under the heading of "summary of motion" gives so limited an account as to be almost meaningless. While the rule does not explicitly require the report to contain a description of the motion and amendment being offered, the intent of better informing the public seems to have been lost. The lack of information will force the public to search in other publications for information vital to understanding what the issue is for which the votes are being cast. There is no way that the public, unless present at the Rules Committee markup, could understand what, for example, "Make in order Frank amendment No. 27 from Record" means without going to the Rules Committee transcript or other informational sources such as the CONGRESSIONAL RECORD. How would anyone know which CONGRESSIONAL RECORD the amendment was printed in? There is no date indicated. Also, the public would never know from the report that the Frank amendment would protect Social Security from cuts. The public would be better served if adequate information were included in the committee report.

With that in mind, I am, for the benefit of the public and the membership of this body, including the following summary of the rollcall votes which were taken in the Rules Committee on January 24, 1995:

COMMITTEE VOTES

RULES COMMITTEE ROLLCALL NO. 9

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Moakley.

Summary of Motion: To report an open rule.

Results: Rejected, 4 to 8.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Not voting; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 10

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Conyers Truth-in-Budgeting Amendment No. 23, requiring Congress to spell out the spending cuts and tax increases necessary to achieve a balanced budget, printed in the Record on January 20, 1995.

Results: Rejected, 3 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Not voting; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 11

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Strike language that provides for the substitute with most votes wins and insert language to provide that the last substitute adopted wins.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 12

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Franks of (NJ) amendment No. 7, prohibiting unfunded mandates, printed in the Record of January 19, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 13

Date: January 24, 1995

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Hoke amendment No. 8, requiring ⅗ vote on raising debt limit or tax revenues, printed in the Record of January 19, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay-Pryce—Nay; Linder—Nay; Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 14

Date: January 24, 1995

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Istook amendments No. 10 and No. 32 printed in the Record of January 19, 1995 and January 20, 1995, respectively. Both amendments would sunset the ⅗ vote to increase revenues after two years.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay-Pryce—Nay; Diaz—Linder—Nay; Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEER ROLLCALL NO. 15

Date: January 24, 1995

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Schiff amendment No. 13, requiring special treatment for any trust fund with a surplus printed in the Record of January 19, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay;

Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 16

Date: January 24, 1995

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Frank amendment No. 27, protecting Social Security from cuts, printed in the Record of January 20, 1995

Results: Rejected, 4 to 9.

Vote by Members: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 17

Date: January 24, 1995.

Measure: Rules for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Hall.

Summary of Motion: Make in order the Nadler amendment No. 35, exempting from ⅗ vote requirement for tax increases resulting from the withdrawal of most favored nation status, printed in the Record of January 20, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 18

Date: January 24, 1995.

Measure: Rules for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Hall.

Summary of Motion: Make in order the Hilliard amendments No. 30 and No. 31 printed in the Record of January 20, 1995. Amendment No. 30 protects Civil Rights Act of 1964 and Americans with Disabilities Act of 1990. Amendment No. 31 protects Aid to Families with Dependent Children.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 19

Date: January 24, 1995.

Measure: Rules for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Hall.

Summary of Motion: Make in order the Foglietta amendment No. 28, requiring ⅗ vote to reduce funding for low-income health, education or employment programs, printed in the Record of January 20, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 20

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Hall.

Summary of Motion: Make in order the Traficant amendment No. 43, requiring ⅗ vote to reduce Social Security benefits, printed in the Record of January 20, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 21

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Waters amendment No. 20, protects capital investments in criminal justice, personal security, and fire prevention, printed in the Record of January 19, 1995.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 22

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Make in order the Orton amendments No. 36 and 37 printed in the Record of January 20, 1995. Amendment No. 36 requires sequestration to bring budget back to balance and amendment No. 37 requires ⅗ vote to waive balanced budget requirement.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ON ROLLCALL NO. 23

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Skaggs amendments No. 41 and 42 printed in the Record of January 20, 1995. Both amendments prohibit Federal and State judicial review.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 24

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Nadler amendments No. 33 and No. 34 printed in the Record of January 20, 1995. Amendment No. 33 exempts from ⅗ vote measures that promote enforcement of tax laws and amendment No. 34 exempts from ⅗ vote measures that reduce tax credits and deductions for corporations.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 25

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Frost.

Summary of Motion: Make in order the Jackson-Lee amendments No. 45 and No. 46 printed in the Record of January 23, 1995. Amendment No. 45 takes Medicare and Medicaid off-budget and amendment No. 46 protects Medicaid payments from cuts.

Results: Rejected, 4 to 9.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Yea; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 26

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Skaggs amendment No. 14, waiving balanced budget requirement during periods of national security emergency or national economic emergency, printed in the Record of January 19, 1995.

Results: Rejected, 2 to 7.

Vote by Member: Quillen—Nay; Dreier—Not voting; Goss—Nay; Linder—Not voting; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholz—Nay; Moakley—Not voting; Beilenson—Yea; Frost—Not voting; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 27

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Thornton amendment No. 18, protecting capital investments which provide long-term economic returns, printed in the Record of January 19, 1995.

Results: Rejected, 3 to 7.

Vote by Member: Quillen—Nay; Dreier—Nay; Goss—Nay; Linder—Not voting; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Not voting; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 28

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Beilenson.

Summary of Motion: Make in order the Volkmer amendment No. 44, striking the ⅗ vote for revenue increases, printed in the Record of January 20, 1995.

Results: Rejected, 3 to 7.

Vote by Member: Quillen—Nay; Dreier—Not voting; Goss—Nay; Linder—Not voting; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Not voting; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 29

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Moakley.

Summary of Motion: Make in order en bloc the Conyers amendment No. 24, the Coleman amendment No. 2, the Jacobs amendment No. 3, the Watt amendment No. 21, the Kleczka amendment No. 5, the Stupak amendment No. 17, and Fattah amendment No. 26. Amendments No. 2 and No. 3 were printed in the Record of January 17, 1995, amendment No. 5 on January 18, 1995, amendments No. 17 and No. 21 on January 19, 1995, and amendments No. 24 and No. 26 on January 20, 1995. Amendment No. 2 protects Social Security and Medicare, amendment No. 3 requires the national debt be paid off, amendment No. 5 and amendment No. 17 take Social Security off-budget, amendment No. 21 waives article provisions by majority vote, amendment No. 24 truth in budgeting with ⅗ vote requirements, and amendment No. 26 provides waiver by majority in the event of natural disaster or fiscal or social infrastructure deterioration.

Results: Rejected, 3 to 9.

Vote by Member: Quillen—Nay; Dreier—Not voting; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Waldholtz—Nay; Moakley—Yea; Beilenson—Yea; Frost—Not voting; Hall—Yea; Solomon—Nay.

RULES COMMITTEE ROLLCALL NO. 30

Date: January 24, 1995.

Measure: Rule for H.J. Res. 1, Balanced Budget Amendment.

Motion By: Mr. Quillen.

Summary of Motion: To report rule to the House.

Results: Adopted, 9 to 3.

Vote by Member: Quillen—Yea; Dreier—Yea; Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Waldholtz—Yea; Moakley—Nay; Beilenson—Nay; Frost—Not voting; Hall—Nay; Solomon—Yea.

LIFELONG INVOLVEMENT, DEVOTION, AND COMMITMENT DURING A DISTINGUISHED CAREER HAVE RESULTED IN A MAJOR AWARD FOR DR. DONALD CUSTIS

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. MONTGOMERY. Mr. Speaker, my good friend and former Chief Medical Director of the VA, Dr. Donald Custis, was recently honored by the American Medical Association. On February 7, 1995, Dr. Custis received the prestigious Nathan Davis Award at a gala AMA presentation dinner at the Mayflower Hotel, attended by a large number of family, friends, and colleagues.

Although our work in the House prevented me from attending the dinner ceremony, I did have the great honor and pleasure to be one of those who recommended that Dr. Custis be considered for the award.

There follows an articles that appeared in the February issue of PN/Paraplegia News highlighting the distinguished career of this great American public servant:

[From the PN/Paraplegia News, February 1995]

THE CONSUMMATE ADVOCATE

The American Medical Association (AMA) has selected PVA Senior Medical Advisor Donald L. Custis, M.D., as a 1994 recipient of its prestigious Nathan Davis Award. A former surgeon general of the U.S. Navy and chief medical director of the Department of Veterans Affairs (VA), Dr. Custis joined PVA as director of medical affairs in 1984. He served as associate executive director of the Health Policy Department and continues as a consultant on a wide variety of healthcare issues. PVA Immediate Past President Richard Johnson nominated Dr. Custis for the AMA award in August 1994.

The Nathan Davis Award is given in the name of the founder of the approximately 290,000-physician member organization. It is presented each year to leaders in Congress and federal, state and local governments for outstanding contributions "to promote the art and science of medicine and the betterment of the public health." Dr. Custis received the award in the category of "Lifetime Service in Federal Government Executive Branch Career Public Service." Senator John Chaffee (R-R.I.), Congresswoman Nancy Johnson (R-Conn.), and Governor Michael O. Leavitt (R-Utah) were selected in other categories.

On February 7, members of PVA's Executive Committee and invited guests from the U.S. House of Representatives, Senate, and Departments of Veterans Affairs and Defense attended a gala AMA presentation dinner to honor Dr. Custis and his family.

The AMA award is one more achievement in Dr. Custis's career, which has spanned 50 years and included numerous honors and distinctions in federal medicine. Following the outbreak of World War II in Europe, he registered early for the draft and applied for a Naval Reserve commission while attending Northwestern University Medical School in Chicago. He completed his internship and residency in general surgery at Presbyterian Hospital, Chicago, in 1944, entered active duty, and served in the Pacific Theater of Operations for the duration of the war, most notably on hospital ships during the Okinawa campaign and the initial occupation of Japan.

After a brief period of private practice following the war, Dr. Custis reentered active duty to pursue a career as a Navy surgeon and quickly rose in the ranks of executive medicine. He was appointed executive officer at the Philadelphia Naval Hospital (1967); commanding officer of the Naval Combat Hospital, Danang, Vietnam (1969); commanding officer of Bethesda Naval Hospital in 1970; and surgeon general of the Navy (Navy medicine's top post) in 1973. He retired with the rank of vice admiral in 1976.

In 1976, Dr. Custis continued his commitment to federal medicine by joining VA. He served as deputy assistant chief medical director for academic affairs, deputy chief medical director in 1978, and chief medical director from 1980 to 1984. He assumed this latter position at a crucial point in the VA healthcare system's history. Cumulative shrinking budgets in the Carter and Reagan administrations placed considerable strain on VA, the nation's largest healthcare provider—a trend that continues today.

Still, Custis's goal was to streamline. He strove to find ways to "do more with less" while gaining a reputation as a real fighter for every dollar he could find in the budget battles with Congress and the Office of Management and Budget. His skill and tenacity as an advocate for the VA health-care system—and the veterans it was designed to serve—won lasting admiration from friend and potential foe alike in the so-called "iron triangle" of veterans affairs: the House and Senate Committees on Veterans Affairs, VA itself, and the veterans' service organizations (VSOs). These friendships last to this day.

On August 19, 1994, in support of Dr. Custis's nomination for the AMA award, Senator Jay Rockefeller (R-W.VA), then chairman of the Senate Committee on Veterans Affairs, wrote, ". . . I rely on Dr. Custis' advice and counsel on a regular basis. . . . His insights and understanding about the Federal Government's role in health care, especially as a provider of care . . . have been invaluable to me. . . . He studies and analyzes, writes and speaks, leads, persuades, cajoles, and makes a difference on the role of the Federal Government in health care. And through all of his work, he remains the quintessential gentleman and professional."

Despite tight budgets, Dr. Custis drove VA—long centered on the traditional bearing of providing services for World War II and Korea War—veterans—to adapt itself to respond more readily to the needs and expectations of the new generation of service men and women from the Vietnam War. The Readjustment Counseling Program for Vietnam Veterans (Vet Center Program) was designed and implemented under his tenure.

In his farewell remarks to the VA Department of Medicine and Surgery, Dr. Custis wrote about his fellow Vietnam veterans: "My memories are made of this. I'll remember Vietnam. The brave men who fought and so often died there remain indelible on my mind. Not that their sacrifice exceeded those in previous conflicts, but because there was so little unity of national purpose to sustain them. How sad. It was the poignancy of that recall which brought me into VA as I left the Navy. How crass and cruel the accusation that we who care for him who has borne the battle, do so without empathy!"

Responding to the obvious needs of a rapidly aging veteran population, Dr. Custis nurtured the beginnings of VA's well-suited foray into geriatric medicine; he instituted training programs, research, education, and long-term-care services that have made VA the leader in geriatric medicine in the United States today. He strengthened the agency's long-standing role as the nation's largest partner in academic medicine through its affiliations with 126 medical schools. He expanded its award-winning research programs and saw the department's duty as backup to Department of Defense medicine in time of national emergency or crisis codified by Congress.

Dr. Custis remains an active, consummate advocate for the men and women who have served in defense of the United States. On joining PVA's staff, he conceived, directed, and implemented The Independent Budget Project, which publishes yearly detailed analyses of VA budget trends and needs. He forged the unprecedented coalition of VSOs (AMVETS, Disabled American Veterans, Veterans of Foreign Wars, and PVA) to draft "The Independent Budget" and disseminate the document on Capitol Hill and to federal budget policymakers. The report continues to be published each year and is widely respected as a definitive statement of VA budget policy and needs.

In the early 1990's, Dr. Custis foresaw the battles that would be waged over national reform. He judged that sweeping changes calling for universal health-care, or even state reforms, could impose a direct threat to the survival of the VA system unless the department was allowed to compete and interact with those new national forces of change. To prepare PVA and the entire veterans' community for the storm that was coming, Dr. Custis convened a blue-ribbon panel of nationally recognized health-policy experts to review various scenarios for national reform and identify the appropriate VA response to those changes. Published in 1992, "Strategy 2000: The VA Responsibility in Tomorrow's National Health Care System" was a "first-of-its-kind" analysis showing that unless VA reformed itself in light of national changes, the department could lose its traditional reason for existence.

"Strategy 2000, Phase II: Meeting The Specialized Needs of Americans Veterans," the sequel published in 1994, challenged this same theory against the pending national reforms under consideration by Congress. The document's message, however, stated that with or without major congressional reforms and because of rapidly changing healthcare systems in the public and private sectors, VA should move swiftly to streamline and improve its own systems—or face the consequences. At risk were most VA healthcare programs, especially specialized services such as spinal-cord-injury medicine, advanced rehabilitation, prosthetics, mental health, long-term-care, and others that had been designed to meet the unique needs of the veteran population.

While veterans' needs may change along with VA's ability to meet those requirements, Dr. Custis has remained an alert watchman and a tenacious advocate. Writing of his commitment, Representative G. V. (Sonny) Montgomery (D-Miss.), long-time chairman of the House Committee on Veterans Affairs and currently ranking minority member of the committee, said, "Don Custis has dedicated his life to helping those who served in our armed forces. His work as a physician in the Navy and his involvement both as Surgeon General of the Navy and Chief Medical Director (of VA) allowed him to be involved in every major healthcare-policy decision in recent years."

Fortunately for PVA members (and all veterans) that involvement, level of devotion, and commitment continues.

MORRIS K. UDALL WILDERNESS ACT

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. VENTO. Mr. Speaker, I am pleased to join with Senator ROTH and other "true" conservatives who want to preserve our natural heritage in introducing the Morris K. Udall Wilderness Act. This legislation is needed to provide permanent wilderness designation and protection for Alaska, a magnificent and special place, the Northern Coastal Plain, the Arctic National Wildlife Refuge [ANWR].

The ANWR coastal plain is a unique ecosystem, long recognized for its rich biological diversity. Today over 200 notable species of wildlife depend upon the coastal plain for survival. The conspicuous—Muskoxen, wolves, polar and grizzly bears and the countless inconspicuous yet complex fauna and flora create a web of life, a substrata, like no place else on the face of the Earth.

One of my first assignments in Congress was to serve on the Alaska Lands Subcommittee with then-Chairman Mo Udall and John Seiberling. Over a 4 year period, Congress debated the appropriate disposition, designation and use of the Federal land in Alaska.

The final version of H.R. 39, signed into law by President Carter, is one of the most significant pieces of environmental laws ever enacted. While this legislation protected many of Alaska's unique resources, the final disposition of the Arctic National Wildlife Refuge [ANWR] was left with limited safeguards, but not resolved. The House of Representatives strongly supported wilderness designation for ANWR, however, the compromise left open the possibility that this area could be opened for further exploration and development.

For the past 14 years the coastal plain has been in a twilight zone enjoying the status of wilderness without the full force and protection of the law. Today, the failure to designate the coastal plain as wilderness haunts us and places this unique ecosystem at risk. Opening the coastal plain is a top legislative priority for the oil and mineral industries and their advocates in the U.S. Congress. The developers have kept the pressure on today to proceed and are mounting an aggressive offensive to enact legislation which would open this special area. If we allow such a policy to be implemented, the unique ANWR ecosystem will be irreparably harmed. America's natural legacy would be significantly diminished by such a policy path.

The wilderness legislation which Senator ROTH and I are introducing today is intended to challenge and defeat the concerted effort for a short term boom and bust exploitation policy. Our initiative is certainly the policy path supported by the American people. The public recognizes and supports a strong national stewardship role by our Federal Government to save our natural legacy, our future generation's inheritance.

The American people want adequate protections for those special natural resources such as ANWR. The Udall Wilderness Act finally provides sound protection for ANWR.

Serving with Mo Udall was a distinct pleasure and honor. Chairman Udall was dedicated to protecting our Nation's crown jewels for future generations. He took such responsibilities seriously but always had a knack for making his points with wit and poignancy. In talking about the Alaska lands legislation. Mo spoke eloquently to all Americans: "not in our generation, not ever again, will we have a land and wildlife opportunity approaching the scope and importance of this one. In terms if wilderness preservation, Alaska is the last frontier. This time, given one great final chance, let us strive to do it right."

We couldn't do better than to honor Chairman Udall with this designation that he fought so hard to achieve. The American reservoir of values, vision and inspiration that Mo Udall evoked will be enlisted today as the 104th Congress acts to determine the fate of ANWR.

The wilderness designation of ANWR is indeed our last chance. Hopefully we will follow Mo's wise counsel and do it "right", as real conservatives.

EXTENSION OF COPYRIGHT TERM

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. MOORHEAD. Mr. Speaker, I am today introducing legislation which would extend the term of ownership of a copyrighted work from the life of the author plus 50 years to the life of the author plus 70 years. I am pleased that the gentlelady from Colorado, Mrs. SCHROEDER and Messrs. COBLE, GOODLATTE, BONO, GEKAS, BERMAN, NADLER, and CLEMENT are cosponsoring this legislation. This change will bring U.S. law into conformity with that of the European Union whose member states are among the largest users of our copyrighted works.

The last time the Congress considered and enacted copyright term extension legislation was in 1976. At that time the House report noted that copyright conformity provides certainty and simplicity in international business dealings. The intent of the 1976 act was twofold: First, to bring the term for works by Americans into agreement with the then minimum term provided by European countries; and second, to assure the author and his or her heirs of the fair economic benefits derived from the author's work. The 1976 law needs to be revisited since neither of these objectives is being met.

In October 1993, the European Union [EU] adopted a directive mandating copyright term protection equal to the life of the author plus 70 years for all works originating in the EU, no later than the first of July this year. The EU action has serious trade implications for the United States.

The United States and EU nations are all signatories of the Berne Copyright Convention which includes the so-called rule of the shorter term which accords copyright protection for a term which is the shorter of life plus 70 years or the term of copyright in the country of origin. Once this directive is implemented, U.S. works will only be granted copyright protection for the shorter life plus 50 year term before falling into the public domain. The main reasons for this extension of term are fairness and economics. If the Congress does not extend to Americans the same copyright protection afforded their counterparts in Europe, American creators will have 20 years less protection than their European counterparts—20 years during which Europeans will not be paying Americans for their copyrighted works. And whose works do Europeans buy more of than any other country? Works of American artists. This would be harmful to the country and work a hardship on American creators. I intend to schedule hearings on this issue in early summer.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues an outstanding young individual from the Third Congressional District of Illinois who has completed a major goal in his scouting career. Douglas Pratt of Chicago, IL, has completed the requirements required to attain the rank of Eagle Scout. Douglas will be honored at an Eagle Scout Court on February 26, 1995.

The eagle rank is one of the highest and most prestigious ranks a Boy Scout can earn. It is important to note that less than 2 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those Scouts demonstrating extraordinary leadership abilities. Douglas worked long and hard to learn and perform all the skills necessary to achieve this rank.

Douglas has been active in Scouting for several years at St. Mary Star of the Sea. In addition to being an outstanding member of Boy Scout Troop 1441, Douglas served as a den chief for the younger Cub Scout troops for 2 years. Because of his patience and skill with the younger boys, Douglas proved to be a natural leader and an excellent role model.

Douglas has also excelled in activities outside of Scouting. He is currently a sophomore at the Illinois Math and Science Academy. He is a writer on the school paper and editor for the satire paper. In the spring, he plans to join the basketball team. At the Ted Lenard Gifted Center, he graduated with honors and an impressive list of achievements. For example, in eighth grade, he was a member of the Academic Olympics team and also won the City Competition Science Fair.

For his Eagle Scout project, Douglas did an excellent job cleaning and repairing the area around Bachelor's Grove cemetery. In fact, Douglas in such an ambitious and talented Scout that has earned enough merit badges to attain the honor of Eagle Palm, a honor even more prestigious than the Eagle Scout. Douglas is an outstanding young man who deserves to be commended for his leadership, hard work, and service. I ask my colleagues to join me in congratulating Douglas on his achievement as Eagle Scout. Let us also wish him the very best in all his future endeavors.

THE DOMESTIC OIL AND GAS PRODUCTION TAX INCENTIVE ACT

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. LARGENT. Mr. Speaker, today, I am pleased to introduce along with my Oklahoma colleagues the Domestic Oil and Gas Production Tax Incentive Act.

Recently, the Secretary of Commerce reported the results of an investigation conducted, under the Trade Expansion Act, into the impact of crude oil imports on the national security of the United States. The investigation determined that oil imports threaten to impair the national security of the United States. Clearly, it is vital that we take immediate action to remove this threat to our national security. By removing unnecessary impediments to domestic exploration and development we can fortify our domestic oil and gas industry and begin to correct this dangerous oil trade deficit.

The preservation of marginal well production and the encouragement of new oil and natural gas production provides a blueprint for fast, effective action to protect our Nation's vital economic and security interests.

Currently, nationwide we plug a marginal well about every 30 minutes. Since 1983, some 450,000 petroleum jobs have been lost, and nearly half of our independent oil companies have gone out of business during the same time period. In 1993, nearly 17,000 domestic oil wells were abandoned, an average of 46.3 per day. Plugging an oil well is permanent. After a well has been plugged it is then cost prohibitive and not always technically feasible to re-lease and reequip the well to recover the remaining oil and gas.

It is my belief that this bill provides a positive first step toward revitalizing our Nation's dwindling energy industry. I encourage my colleagues to join me in this effort to decrease our reliance on foreign crude imports and reinvigorate a vital component of our economy—the domestic oil industry.

RICHARD DEMARY: A FLIGHT ATTENDANT ON USAIR FLIGHT 1016

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. SHUSTER. Mr. Speaker, sometimes, when confronted with appalling circumstances beyond our most ardent imagination, individuals summon forth courage and fortitude that nearly defies belief.

Such is the case of Richard DeMary, a flight attendant from Coraopolis, PA, who was aboard the doomed USAir Flight 1016 which crashed near Charlotte, NC, on July 2, 1994.

Flight 1016 took off from Charlotte/Douglas International Airport in heavy rain and wind. Moments later, the DC–9 plummeted into the woods, broke apart, and burst into a fireball.

No Hollywood screenwriter could devise a more compelling story that what Mr. DeMary did in the next few minutes. An official account later read:

> After the aircraft came to a rest, DeMary first freed a severely injured fellow flight attendant from her seat and carried her from the wreckage. Despite the threat of secondary explosions. DeMary returned to the aircraft and rescued a small child from the tail section. He re-entered the torn fuselage to pull the child's injured mother to safety and returned a third time to rescue another passenger.
>
> His efforts did not stop there. He kicked open the door of a house in which part of the aircraft was embedded and attempted to reach other trapped passengers until heavy smoke forced him to withdraw. Despite burns on his arms and an injured ankle . . . DeMary helped move a downed telephone pole that was blocking a street and preventing fire fighting equipment from getting closer to the wreckage.

Through the sound and fury, Richard DeMary was brave and selfless; for his actions, he as awarded the Flight Safety Foundation's Heroism Award.

Deeds such as this summon within all of us a feeling of elation and humility. They are deeds that ask us to pause a moment and attempt to truly grasp the heights of human pathos and its deliverance, human courage.

SEVENTY-FIFTH ANNIVERSARY OF THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mrs. LOWEY. Mr. Speaker, I rise today to congratulate the League of Women Voters on 75 years of extraordinary service to our democracy.

In 1920, women throughout the Nation cast their first ballot for Congress and President of the United States, forever changing the character of our country and of our politics. It was the League of Women Voters which informed and engaged these millions of newly enfranchised citizens.

Today, the League of Women Voters has over 1,000 chapters with some 150,000 members, both women and men. It continues to shape our public dialogue through study of major policy questions, and through the encouragement of community service and participation.

In Westchester County, where I live, the League of Women Voters is a leading sponsor of progressive reforms. Each year, the league produces thousands of voter guides to help us make informed decisions, publishes a directory of elected officials, and sponsors scores of debates with ample opportunity for citizen involvement.

That vibrant tradition has helped produce leaders such as Ruth Hinerfeld, who rose to lead the national league organization after a long and successful experience with the Westchester chapter.

I am also very proud to say that the founder of the League of Women Voters, Carrie Chapman Catt, chose to spend the last decades of her life in New Rochelle. Today, the city of New Rochelle and its local league chapter are temporarily renaming Paine Avenue, where Mrs. Catt lived, League of Women Voters Avenue. It is a fitting tribute to a leader whose remarkable works continue to shape our lives.

Mr. Speaker, 75 years after its founding, the league's mission is as essential as ever. For though the right to vote is secure, the responsible exercise of that right remains an ideal for which we shall ever strive.

It is a pleasure to thank the league for all it has done, and all it will do.

THE MADISONVILLE METEOR'S CENTENNIAL

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. BRYANT of Texas. Mr. Speaker, I am delighted to call to this body's attention the history of one of the most enduring institutions in the Fifth Congressional District of Texas, which I am privileged to serve in this House of Representatives.

For the last century one of the major agricultural centers of this district has been Madison County and its county seat of Madisonville. And, not coincidentally, during the last 100 years that beautiful section of our State has been served, informed, and led by the Madisonville Meteor.

The Meteor publishes its centennial edition on the very appropriate date of February 22. That is, of course, the birthday of George Washington, the father of our country. While this part is pure coincidence, I am proud to note that George Washington, the Madisonville Meteor and I share the observance of the same birth date; however, I do stipulate that my birthday was several decades later than the Meteor's and a full 215 years after President Washington's.

Despite all of its accomplishments under the leadership of a century of dedicated publishers, editors, and staffers, the Meteor could be most proud of its biggest and longest-running error—the mistake it made in selecting its own name.

The story goes that the newspaper's founder, Thomas J. Stevens, showed up amid the rolling, tree-lined hills of Madison County with a wagon full of printing equipment and a plan to produce a newspaper that would be so full of local news and advertising that area residents would find it indispensable. Maybe so, Mr. Stevens' first hired man observed, but he personally figured the paper would be a short flash and then disappear, leaving no more than a footnote to the history of Madison County. Kind of like a meteor causing a quick flash, then disappearing forever, he reckoned.

So why not call it the Madisonville Meteor, reasoned the amused publisher?

A succession of publishers have enjoyed the irony of the name and the call to civic duty. Edna Keasling now publishes this venerable weekly that manages to retain its down-home charm and interests, while more than holding its own on the electronic lanes of the post-nuclear information superhighway.

Publisher Keasling has noted that of more than 5,000 issues of the Meteor, the two most popular and most consulted are the ones marking the centennial of Madison County, created in 1853 and organized in 1854, and the 50th anniversary of the Meteor.

There will be a strong new light glowing at the Meteor as Ms. Keasling, editor Daniel Humphries, sports editor Mark Kuchera, typesetter Melissa Fautheree, compositor Marta Nichols, bookkeeper-circulation staffer Deenna Tobias, circulation staffer Carolyn Standley and darkroom operator Martha Fautheree pool their talents on Wednesday, February 22, to present Volume 101, No. 1, of the Madisonville Meteor.

I join the Meteor's many other friends in anticipating the first edition of the misnamed but well-placed newspaper's second century.

As an enduring example of our Nation's unique marriage of free speech and the free market, the meteor has earned our thanks and congratulations. just as it will when our descendants celebrate Volume 201, No. 1, of the Meteor as it begins its third century.

BIPARTISAN INITIATIVE TO REAUTHORIZE THE CLEAN WATER ACT

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. HAYES. Mr. Speaker, I am proud to be a part of a bipartisan coalition of Members who have come together to present a balanced and reasonable strategy to reauthorize the Clean Water Act.

The legislation we are introducing today is the consequence of months of hard work last year building consensus among disparate parties to this debate. The States, cities, and counties, and the business and agricultural communities had significant input into our development process. The resultant product for the most part tracks language circulated as an alternative to last year's failed attempt to reauthorize, and just like our effort last year, its intent is to open up an honest dialog to draft a progressive and pragmatic plan. This proposal is just the starting point, and the continued participation and thoughtful analysis of all of the interested players is critical to helping us perfect this important legislation as it moves through the committee markup process.

This bill seeks to address the shortfalls as well as enhance the strengths of the current CWA programs. First and foremost, our proposal provides an affordable authorization level of $10 billion for the State revolving fund over the next 6 years. In doing so, we propose, in a fiscally responsible manner consistent with the current budgetary climate, to provide needed funds to States to improve water quality, presenting a more accurate picture of what the Federal Government can afford in these areas, while maintaining high enough allocations to allow the programs to remain viable.

Another crucial area that this bipartisan initiative also intends to address is the nonpoint source section 319 program. Developing innovative strategies to address our nonpoint source problems without the onerous and often-counterproductive command and control regulatory overkill will be important to the future effectiveness of the entire Clean Water Program.

Finally, among the other important provisions of the bill is a long overdue effort to comprehensively resolve the enigma that is our Federal Wetlands Program. The obscure and burdensome section 404 permitting program would be revised to establish a system of multiclassifications that protects the most pristine wetlands and coastal marshes, while also preserving the rights of property owners to utilize those lands that are less valuable.

I firmly believe that too often—and the section 404 wetland permit program is a prime example—the institutional arrogance and ignorance of bureaucrats and government agencies has spawned ineffective and inflexible programs beyond the scope of their intended authorizations. These programs are neither cost effective nor improve the quality of our waters. We have forgotten that properly motivated individuals and businesses, rather than bureaucrats and politicians, are much better equipped to efficiently allocate financial and human resources toward the economic and environmental well-being of their land. We must give them the tools to do so.

Therefore, I welcome my colleagues and the affected parties to the clean water debate to comment on this legislation because only with substantive and constructive deliberation will the right balance between the economy and the environment be reached.

LEGISLATION AUTHORIZING SALE OF ALASKA POWER ADMINISTRATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. YOUNG of Alaska. Mr. Speaker, I rise to introduce legislation to sell the Alaska Power Administration's two hydroelectric projects.

This legislation will authorize the sale of the Alaska Power Administration. The Alaska Power Administration is different from the other Federal Power Marketing Agencies of the Department of Energy. Its two hydroelectric projects, Eklutna and Snettisham, were never intended by Congress to remain indefinitely under Federal control. The Eklutna Project Act, for example, states that "Upon completion of amortization of the capital investment allocated to power, the Secretary is authorized and directed to report to the Congress upon the feasibility and desirability of transferring the Eklutna project to public ownership and control in Alaska." Moreover, these two projects were created specifically to promote economic and industrial development in Alaska, and they are not the product of a water resource management plan.

I am a strong advocate of insuring that Alaskans control their own destiny, which is what this bill is all about. It will put the management of these two hydroelectric projects into the hands of those who best know Alaska. One project will be sold to the State of Alaska, and the other will be sold to a group of three Alaskan public electric utilities.

Equally as important, this legislation will relieve the Federal Government of the expense of operating and maintaining these two projects. It also provides for the termination of the Alaska Power Administration once the sale is complete, further saving money for taxpayers.

It is important to note that this legislation provides necessary safeguards for the environment. It requires the State of Alaska and the Eklutna purchasers to abide by the memorandum of agreement they entered into regarding the protection and enhancement of fish and wildlife. The legislation makes this legally enforceable.

Last year a similar provision was included in the H.R. 300, the Re-inventing Government package and the Senate Committee on Energy and Natural Resources reported S. 2383, the Alaska Power Administration Sale Authorization Act. The administration testified in strong support of this legislation. Unfortunately, there was little time to consider them late in the session. With early introduction this Congress, I am hopeful that we will see this legislation enacted into law.

There is one provision which needs to be included in the Alaska Power Administration legislation before it is sent to the President for signature, but I have not included it because it addresses the Internal Revenue Code. I hope to have that issue addressed in other legislation.

TRIBUTE TO THE CITIZENS OF MARFA, TX

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. BONILLA. Mr. Speaker, I stand before my colleagues today to pay a tribute to the citizens of Marfa, TX, for their courage and commitment in the face of adversity. Recently, the community suffered a tremendous loss when an important, historical building on Marfa's main street was devastated by fire.

For more than half a century, the old building was part of Marfa's landscape. At the time of the fire, the city hall, the police department and emergency medical services were located in the building. It also housed most of Marfa's important records. Not only did the fire ruin these important offices and documents, but it also destroyed a piece of the town's history.

Although most of you have never been to Marfa, you might recall the town as the setting of the famous silver-screen classic, "Giant." One of the landmarks from the movie, the Palace Theater, also suffered extensive smoke and water damage. However, the destruction this fire caused hasn't slowed the town down one bit.

The fire occurred even as Marfa was preparing for a big spring festival celebrating "Giant." Yet, instead of letting the fire ruin their celebration, the citizens of Marfa have pulled together to repair and restore the Palace Theater in time for the May event.

Since the fire, the town has pretty much returned to business as usual, although that business is being taken care of in temporary offices. This would not have been possible without the outpouring of help and generosity from so many Marfa citizens. Special thanks goes to Marfa Mayor Fritz Kahl, whose leadership and determination helped the folks of Marfa pull together to get through this sad situation. In addition, such people as County Judge Jake Brisbin Jr., Glenn Garcia, Abe Gonzalez, David and Ellen Kimble, Judy Ledbetter, Charles Mertz, Teryn Muench, Floyd Neal, Carolyn and Bill Renfroe, Blaine Shuffield, Rusty Taylor and many others have made this situation a lot more bearable for the town. The services offered by the Big Bend Regional Medical Center and the Marfa Border Patrol Sector were also very helpful.

And the generosity didn't stop at the Marfa City limits. Folks from other west Texas towns came to lend a helping hand and bring extra emergency equipment. Firefighters from Alpine, Fort Stockton, and Fort Davis valiantly fought the blaze right alongside the Marfa Volunteer Fire Department. The spirit of comradery in west Texas is unmatched.

I salute the citizens of Marfa for preserving their history and protecting their future. Although a fire destroyed documents and a historical building, it could never shatter the spirit of pride and optimism which runs deep in the hearts of Texans.

THE DOMESTIC OIL AND GAS PRODUCTION AND PRESERVATION ACT

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. LUCAS. Mr. Speaker, today I rise to bring my colleagues' attention to a growing threat to our national security—our increased reliance on foreign oil. Last year, for the first time in the history of our Nation, we imported over half the oil that we consumed. By the year 2010, the Department of Energy [DOE] estimates that imports could makeup as much as 60 percent of our Nation's petroleum needs.

While imports are rising, U.S. oil production is on a drastic decline. Crude oil production in 1994 averaged 6.6 million barrels per day, in comparison to the 6.8 million barrels per day in 1993—this represents one of the lowest oil production levels in the history of our country. Oil prices continue to fluctuate and natural gas prices are on a steady decline.

The truth is, that it's just plain tough for domestic oil and gas producers to operate in today's market. The cost of operation, high taxes, and costly environmental regulations make it difficult to continue to drill for oil and gas. It's time for us to start paying attention and provide some relief and incentives for the American energy industry. Everyone talks a good game about "America first" * * * buy American products * * * hire American labor * * * and I agree. But, those same people don't seem to have a problem pouring foreign gasoline in our American cars.

Earlier today I, along with Representatives COBURN, BREWSTER, ISTOOK, LARGENT, and WATTS, introduced a plan that would help boost domestic production and lessen our reliance on foreign oil. The Domestic Oil and Gas Production and Preservation Act, would provide tax incentives for new and marginal well production; relief from burdensome Federal regulations; and would abolish existing bans on the export of U.S. crude oil. This bill will put people back to work, boost revenues, and help make the domestic oil and gas industry more competitive in world markets.

According to a recent investigation conducted by the U.S. Department of Commerce, this bill is needed now more than ever. The Commerce investigation, conducted under the Trade Expansion Act, apparently determined that increased oil imports could impair the national security of the United States. The Trade Expansion Act requires the President to respond to the report within 90 days of the Commerce Department's findings. It is imperative that Congress and the President take action to alleviate this threat to our national security.

Many of my colleagues will turn a blind eye to this report. However, I believe it is a warning signal that we must not ignore. This is not just an oil State problem, the energy crisis is a national concern that everyone should be worried about.

U.S. marginal wells—or low-income wells—are particularly at risk. Most people don't understand that each time a marginal well is plugged, jobs are lost and we increase our reliance on foreign oil and run the risk of losing one of our Nation's natural resources forever. Plugging a well is like shutting down a small business. When we plug marginal wells, we also lose jobs in our communities back home. Plugging a well is permanent. The only way to recover these resources is to drill a new well, which is extremely costly.

Nationally, we plug a marginal well every 30 minutes. In Oklahoma, we plug eight marginal wells per day. In 1993, the State of Oklahoma had over 70,000 marginal wells in operation. The same year, nearly 1,356 marginal wells were abandoned. As a result, my State of Oklahoma lost nearly $20 million in gross revenues.

This bleak situation has forced businesses to close, imperiled thousands of jobs, and caused States to lose large amounts of production and income taxes. Over the last decade, this country has lost nearly 500,000 jobs as a result of low domestic oil and gas productivity.

It's time for the U.S. Government to open its eyes and support a plan to help restore our domestic industry. I believe that the bill we introduced today marks the first step in this plan. It will help stop the abandonment of wells, pump revenues back into State and Federal budgets, and preserve our Nation's natural resources.

It is in the best interest of our country to support this bill and protect our Nation's oil supplies. It would be one of our Nation's darkest days should we awaken to find ourselves with a depleted oil supply, leaving us totally at the mercy of the world's unstable oil producing nations. Our Nation's oil and gas supplies are a national treasure that must be preserved and maintained. I look forward to working with my colleagues and I urge them to support this critical legislation.

LONG ISLAND'S OWN EINSTEINS

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. FORBES. Mr. Speaker, it is quite an honor for any Representative to have one finalist from the Westinghouse science competition from their district. I have the unique honor to represent two budding scientists recently named finalists for the Westinghouse science competition.

Neil Catillo Srivastava, 17, of Ward Melville High School in East Setauket researched nitric oxide and its effect on cell movement and wound healing.

Debleena Sengupta, 17, also of Ward Melville High School, completed a project in biochemistry that was designed to remove toxic metals, such as uranium, cost-efficiently from water.

Their outstanding results were made possible by the effort of local high schools to establish and maintain intensive research courses, staffed by experienced teachers. Since the 1980's the number of high schools on Long Island offering such research courses have more than tripled; now 40 of 114 public high school are in my eastern Long Island district.

High-technology medicine and environmental sciences are the wave of the future. On eastern Long Island, from Smithtown to Montauk and across the Nation, parents and teachers are working together to foster and support student's natural interest in the sciences. It is this natural interest that we must cultivate for the future of this Nation. Budding young scientists, like Neal and Debleena, illustrate the possibilities for years to come.

Please, join me in recognizing the incredible success not only of Neil and Debleena, but also their teachers and all of eastern Long Island's quality schools. I submit for the RECORD an article in Newsday from January 25, 1995, that details their accomplishments.

[From Newsday, Jan. 25, 1995]

LONG ISLAND'S EINSTEINS

(By John Hildebrand)

Long Island led the nation yesterday in the number of students named finalists in the

Westinghouse science competition, capturing nine slots out of 41, nearly double the number produced by traditional powerhouse New York City.

Honored for their research in fields ranging from genetics to treatment of municipal wastewater, the Long Island high-school seniors were hailed by teachers and principals as persistent, self-motivated students who had helped their schools "come of age." The nine finalist positions are the most ever won by students on the Island, and surpassed the city's total for the first time.

Three of the Island's schools produced two finalists each—the same number as New York City's legendary Bronx High School of Science. Island schools with twin finalists were Ward Melville High School in East Setauket, John F. Kennedy High School in Bellmore and Paul D. Schreiber High School in Port Washington.

Three other Island schools—Jericho, Long Beach and Lawrence High Schools—had one finalist each. Jericho's Soo Yeun Kim, who died in a car crash Nov. 28, was honored posthumously—the first such award in the competition's history.

Results were announced yesterday from the science competition's Washington, D.C., headquarters. All finalists will receive cash awards of at least $1,000, and the top 10 will receive larger scholarships including a first prize of $40,000.

As news of the latest honors swept through school hallways, results were attributed to efforts by local high schools to establish intensive research courses, staffed by teachers experienced in prepping students for competition. Since the 1980s, the number of high schools in the region offering such opportunities to students has more than tripled, to a total of about 40 of 114 public high schools on the Island.

"This says something about the caliber of Long Island schools—we've come of age here in terms of the programs we're offering," said Steven Kussin, principal of Lawrence High School. He formerly taught at Brooklyn's Midwood High School, another city school that traditionally excels in the Westinghouse contest.

Lawrence High School's winning student, Joel Wollman, 18, had submitted a project involving extensive psychological research.

Like many colleagues, Kussin views the focus on science research in his school as part of a broader movement that also involves encouraging larger number of students to take college-level Advanced Placement courses. "Standards are back, and the proof is in the pudding," the principal added.

Local educators say this year's Westinghouse results are all the more remarkable since the national contest has grown increasingly competitive. Since 1985, the number of science projects submitted by high-school seniors nationwide has jumped more than 60 percent, to 1,660 this year. Local teachers and principals generally voice satisfaction over results, though some worry the competition and publicity surrounding it could put undue pressure on some students.

Finalists themselves accepted the backslaps of classmates and teachers yesterday, while also trying to focus their attention on midterm exams that are being administered this week across New York State. Many school authorities said official recognition would be extended to finalists as soon as normal classes resume.

"I was just totally shocked," said one winner, Supinda Bunyavanich, 17, of Port Washington, who received the news by phone on Monday afternoon. "I was having a snack and watching TV, and then I was nearly screaming."

Another finalist, Daniel Sims, 17, of Bellmore said that school officials "went nuts" when he called them with the news after being notified himself by contest officials.

For Lawrence's Joel Wollman, finalist status brought special satisfaction The teenager long had endured good-natured ribbing from classmates over his psychological research, which involved efforts to discover why one person's yawning prompts the same behavior in others. "Once I entered the finals, all that stopped," the teenager said.

Finalists were drawn from 300 national semifinalists, including 41 on the Island. They will be flown to Washington in March to compete before panels of eminent researchers for $205,000 in scholarships. The competition, known as Science Talent Search, draws funding from a foundation established by Westinghouse Electric Corp.

New York City, as usual, produced far more semifinalists than the Island this year, with 84. But the advantage shifted with the announcement of finalists—New York had five—an irony not lost on educators who have seen Long Island schools draw upon the experience of city high schools.

"What suburban schools are beginning to understand is that if you want to win, you have to give teachers enough time to work with students on their projects," said Stan Teitel, coordinator for student research at Manhattan's Stuyvesant High School. Stuyvesant produced 29 semifinalists, the highest number for any school. It had two finalists.

Directors of school research programs on the Island acknowledge their debt to the city's schools, while adding that their recent success is due to other factors as well. Among these are the support of parents with enough money to send their teenagers to summer research institutes on college campuses, and the presence of local research centers, such as the State University at Stony Brook, which supplement the training provided by high schools. A majority of the Long Island finalists attended such summer programs.

"It's Long Island coming into its own," said Melanie Krieger, research coordinator at Ward Melville High School, which produced 12 semifinalists this year. The schools' finalists are Debleena Sengupta, 17, whose project dealt with removal of metal contaminants from wastewater, and Neil Castillo Srivastava, 17, who examined the use of nitric oxide in healing wounds.

Some of this year's local finalists drew on personal experience for their projects. Reed Levine, 17, of Bellmore, did an extensive study of ski accidents in an attempt to improve safety, after a neighbor died in an accident. Tracy Phillips, 17, of Long Beach, developed an electronic sensor to help the sight-impaired count currency, in memory of a brother who was blind and died young.

But there was no award more poignant than that given posthumously to Jericho's Soo Yeun Kim. Jericho High School will receive a special $5,000 grant in her name. The school's principal, Mathew Mandery, said the news of Soo's award was welcome, but it also brought back the sadness of her loss.

"I guess in moments like this, we are undeniably proud of her accomplishments, but just wish she were here for us," he said.

As the number of students entering the Westinghouse competition has mounted, teachers in both city and suburban schools have tried to encourage students to look upon research as an activity to be enjoyed for its own sake, rather than for winning prizes. Ward Melville High School's research program has adopted the motto, "To Be In It Is to Win It." The Bronx High School of Science takes a similar approach.

Some educators worry, nonetheless, that students who don't win at least semifinalist status might become discouraged, especially in light of the fact that many devote two or more years to their projects. "Kids who might have the potential to be wonderful researchers later on might come away from this experience with a bad taste in their mouth," said Carole Greene, an assistant principal at Bronx Science.

Others insist that most students involved in Westinghouse competitions have wide enough interests that they are unlikely to become unraveled over a single contest.

TRIBUTE TO MARIA VICTORIA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. ORTIZ. Mr. Speaker, I rise today to commend and pay tribute to Ms. Maria Victoria, the newly selected Mr. Amigo.

Every year, members of the Mr. Amigo Association, who represent the city of Brownsville, TX, travel to Mexico City to select a new Mr. Amigo to serve as honored guest of the Mr. Amigo festivities in Brownsville, TX. The Mr. Amigo festivity is a 4-day international event in which the United States and Mexico are joined in celebration of the cultures of these neighboring countries. During the Mr. Amigo celebration, which originated as a pre-Lenten festival, Brownsville citizens participate in a series of parades, dances, and parties to demonstrate the goodwill of both countries. It is a well planned, major function which is enjoyed and eagerly anticipated by many south Texans as well as our winter visitors.

Ms. Maria Victoria is the 31st Mexican citizen to be honored by the Mr. Amigo Association. She has been a successful artist whose talent dates back to the Golden Cinema Era of Mexican music and films. At the tender age of 9, with the encouragement of her two sisters, Maria debuted in "La Carpa Mexico" for which she was paid 9 pesos. In 1949, however, she launched her enormously successful adult career at the Teatro Margo in Mexico City. Her first hit, "Soy Feliz", catapulted her to the top of the popularity charts. Then there followed an avalanche of musical hits, to name but a few: "Esta Sellado", "Eso", "Como un Perro", "Mi Ultimo Fracaso", "Mil Besos", "Sabes Que Te Tengo Ganas" . . . She has appeared in such classic Mexican films as: "Serenata de Acapulco", "Sí mi Vida", "Mujeres de Teatro", "No me Vuelvo a Enamorar", "Monte De Piedad". For 14 uninterrupted years, Maria Victoria has turned to comic roles such as TV series, "La Criada Bien Criada". Maria Victoria has made 48 movies, turned out more than 100 albums, starred in numerous TV programs, and has made five theater performances on the stage of Mexico City.

Ms. Maria Victoria is the perfect recipient of the Mr. Amigo award, for she has, over the long period of her career, taken her unique song, screen, and stage performances to numerous countries, including sold-out performances in the United States. A true ambassador of her country and her culture, she has been praised by numerous organizations for her unconditional commitment to improve mutual understanding and cooperation between Mexico and the United States. Ms. Maria Victoria should be recognized for both her artistic ability, and for her contribution to the commitment of understanding between nations.

Mr. Amigo, Ms. Maria Victoria, will receive the red-carpet treatment when she visits Brownsville as the city's honored guest during the upcoming Mr. Amigo celebration. During her stay on the border, she will make personal appearances in the parades and at other fiesta events. Official welcome receptions will be staged by organizations in Cameron County, TX, and the cities of Brownsville, TX, and Matamoros, Tamaulipas, Mexico.

I ask my colleagues to join me in extending congratulations to Ms. Maria Victoria for being honored with this special award.

IN HONOR OF SGT. LEWIS J. PERRY, JR.

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Ms. DELAURO. Mr. Speaker, today I'm pleased to honor a distinguished citizen from Hamden, CT, Sgt. Lewis J. Perry, Jr. After 25 years of exemplary service, Sergeant Perry will retire this week from the Hamden Police Department.

I have known Lew Perry for many years and have always found his dedication and compassion inspiring. Lew is well known to our community for his extraordinary commitment to his public responsibilities. An exemplary police officer and a caring individual, Lew finds the time to help at every level. During his long career, Sergeant Perry has received over 35 commendations and letters of recognition for exemplary performance.

In 1982, he was honored as the Police Officer of the Year and earned the respect of his superiors who promoted him in September 1992 to administrative assistant to the chief of police. Lew Perry stands out as a shining example of the positive effect that one person can have in his community.

Sergeant Perry is also a prominent leader in his hometown of Clinton, CT. He serves as a selectman and as chairman of the Democratic Town Committee. He has given of his time in the past as a member of the Board of Finance and the Planning and Zoning Commission.

Lew Perry has compiled a remarkable public record and I know that his wife, Pamela, and his two sons, Michael and Lewis, take great pride in his many accomplishments. Sergeant Perry is admired by all who benefit from his work and his public commitment.

Mr. Speaker, I am proud to salute and honor Sgt. Lewis J. Perry, Jr. I commend him on a lifetime of invaluable service to the citizens of our community and wish him well in his new position as associate director of public safety at Southern Connecticut State University.

GO AFTER THE CROOKS AND CHISELERS WHO ARE DEFRAUDING THE FEDERAL FOOD STAMP PROGRAM; SUPPORT THE FOOD STAMP TRAFFICKING AND PENALTY ACT OF 1995

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. WYDEN. Mr. Speaker, today I introduce the Food Stamp Trafficking and Prevention Act of 1995, a measure which will step up the penalties levied on criminals intent on tearing large holes in this Nation's most valuable social safety net.

Each year, waste, fraud and abuse in the Food Stamp Program costs taxpayers as much as $2 billion. Laundering for cash, or exchanging food stamps for contraband items such as guns or drugs, accounts for hundreds of millions of dollars of that total. Occasionally, this activity occurs through retailers who have been initially certified as bona fide grocery stores, but which are, in effect, no more than fronts for the processing of illegal stamp transactions.

This activity not only denies fundamental nutrition to some of our Nation's most vulnerable citizens. It also destroys public confidence crucial to the continuation of a very valuable program.

I have long been a critic of our Government's lackluster efforts to investigate food stamp fraud, and bring to justice persons who are ripping off the system. Our investigative strength at the Food and Consumer Services Division, for example, is about half of what it was a dozen years ago—despite steady growth in food stamp use and fraud. These personnel cuts make no sense. We need more cops on the beat. Improvements in antifraud technology such as the electronic benefits transfer program will not produce maximum results until we have more people to make cases and bring the crooks to trial.

I have recently pressed my case on this subject with White House domestic advisors. I am hopeful that the administration's welfare reform efforts will improve our capacity to police fraud in this important program. I believe my position has strong, bi-partisan support in this House.

Beyond increasing our investigative effort, we must also look to establishing real penalties that will cause real pain for the chiselers who are, quite literally, taking food from the mouths of this Nation's poverty-stricken elderly, working poor and defenseless, destitute children.

The Food Stamp Trafficking Prevention and Penalty Act has three important elements.

First, we will strengthen current forfeiture provisions to allow the Government to take all assets resulting from, or involved in the commission of food stamp trafficking. I have devised this language in close cooperation with the inspector general of the Department of Agriculture. We are both convinced that this toughened penalty is absolutely necessary to discourage trafficking, and close down what amounts to a nearly no-fault avenue to criminal success now present in the system.

Second, we allow the Secretary of Agriculture to require that owners of food stores certified to exchange food stamps submit a valid business license. The intent of this section is to verify that persons in the food stamp networks are actual retailers, and not criminal fronts set-up primarily to illegally launder the stamps.

Third, the bill requires periodic reporting by certified stores to ensure that they are indeed in a bona fide business, and are not merely fronts for laundering. This can be accomplished in a user-friendly way by requesting copies of Federal tax forms which delineate volume and scope of business activity.

Again, the inspector general has argued that this verification procedure is crucial to the program's sound and honest functioning, and I believe my bill creates a system that will be relatively easy and inexpensive for retailers certified for food stamp business.

Mr. Speaker, as Congress moves forward with the welfare reform debate, the holes in system integrity must be closed. Effective welfare reform must be built on a strong foundation in order to guarantee taxpayer support and ensure that resources go not to the crooks but to the people who are most in need.

WASHINGTON MONUMENT FLAGS OF THE STATES ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. WILLIAMS. Mr. Speaker, I am today introducing legislation to assist in the observation of the Washington Monument's 110th anniversary. My legislation would ring the Washington Monument with the flags of each of our 50 States. This was the original intent of the planners of the Mall and I believe an appropriate way of demonstrating our unique Federal and State partnership.

All Americans are rightfully proud of the beauty and symbolism of the Nation's Capital and its national monuments. The designers of our Capital City, from L'Enfant since, have sought not only to present our national monuments but also to present with them expression of American ideals. For example, as one stands in the Jefferson Memorial one has an unobstructed view of the White House. This symbolizes that Jefferson is considered to have given the Presidency the context it has held since his time. As one stands at the feet of Lincoln in the Lincoln Memorial, one can see the U.S. Capitol, as a symbol of the necessary linkage of the executive with the legislative branch of Government.

The Capitol grounds are rich with this type of symbolism, adding to each American's understanding.

I have noted that the flags of our 50 States are not exhibited together anywhere within the Capitol or monument grounds. Around the base of the Washington Monument, one finds

50 flag poles. However, the poles, not inappropriately, fly American flags. Flying State flags would provide the symbolism of the cooperation between and among the various States and the Federal Government.

Americans owe our stability and strength to our system of government—a system that clearly established a constant dynamic between local and Federal jurisdiction. It is the defining and reexamining of these basic strengths which provides the appropriate tension to our system. The foundation of our Democracy is in the understanding that folks from Butte, MT to Charlottesville, VA, from Hillsboro, OR to Greenville, MS sustain a common bond: Through the orderliness of representative government they can truly determine their own destiny; and that of their country.

I urge my colleagues to join me in this celebration of the 110th anniversary of the Washington Monument by having the flags of their States flown at the base of the monument to America's first President.

MIDDLE-CLASS TAX RELIEF AND JOB CREATION ACT

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. ABERCROMBIE. Mr. Speaker, I rise today with the cochairs of the Tourism Caucus, Mr. OBERSTAR and Mr. ROTH, to introduce legislation based on a commitment to fairness for the working people of this Nation and a sense of the profound need for job creation. Specifically, this legislation would restore a 100-percent deduction for business meals and entertainment [M&E] and the spousal travel deduction.

The decision to cut the M&E deduction and the spousal travel deduction is one of those fair-sounding ideas that can have unintended and undesirable consequences.

Travel, tourism and entertainment constitute the third-largest industry in the United States. Its 1990 payroll was $83 billion and it is an industry that employs 6 million people. This is an industry whose growth Washington should support and promote.

The next time you are eating lunch in a restaurant, take a look around at the business types. Here's what you probably won't see: the stereotype of obscenely rich tycoons sipping three-martini lunches. What you will see are sober, serious middle-class people doing business the American way: in face-to-face meetings.

Meetings are a legitimate cost of doing business. And until 1986, the cost was fully tax-deductible. At that time, the deduction was reduced to 80 percent. The effect that has on a business may be as simple as making phone calls instead of airline flights. Yet, the ramifications are enormous.

After all, when business takes its act on the road, there's a big supporting cast: airline pilots, mechanics, luggage handlers, flight attendants, waiters, waitresses, cooks and restaurant owners, food service companies and truck drivers, convention caterers and service employees, and hotel bell captains and receptions clerks.

They're all middle-class working people. The people who have been victims of misguided economic policy since the 1980's.

Furthermore, we don't want to give our foreign competitors an advantage over American workers and American businesses. Thousands of foreign travelers criss-cross the country every day. They and their employers know they've got to talk to Americans face-to-face to make sales here. That's why their governments—Japan, South Korea, Taiwan, France—permit 100-percent deductibility for business expenses. If we're to be competitive, we must level the playing field for our own businesses.

In September 1994, a survey conducted on behalf of American Express examined the impact of the M&E deduction on company spending, and the ultimate impact on the restaurant industry. The study was taken among small and mid-sized companies where the impacts would be more pronounced.

The findings indicated there is a high propensity or willingness to enforce behavioral change as the financial impact of the tax law is felt.

I am sure that if a study was conducted on the spousal travel deduction the results would be similar.

I ask my colleagues to support us in this effort and work with us to ensure that it is included in any middle-class tax relief legislation that comes before the 104th Congress.

CAROLINE COX AND CHRISTIAN SOLIDARITY INTERNATIONAL BRINGING HOPE TO THE SUFFERING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. WOLF. Mr. Speaker, I commend to our colleagues' attention a speech given recently by Baroness Caroline Cox, Deputy Speaker of Britain's House of Lords, when she received the William Wilberforce Award.

The award, named after the great 19th century political reformer who dedicated his career to outlawing the slave trade in England, is given to a person who exhibits moral witness and willingness to stand up for unpopular causes.

Lady Cox is a woman with a heart for the suffering, the oppressed, and the persecuted. Her work and that of Christian Solidarity International, an interdenominational Christian human rights organization, has brought hope to thousands. I have travelled with Lady Cox and have been a witness to the way she ministers—showing love, respect, and compassion equally for the little children and high-level government officials. She is a woman who lives out her faith in Jesus Christ by doing what He admonishes in Matthew 25:

> When I was hungry you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was in prison and you came to visit me. * * * Whatever you do for the least of these, you also do for me.

The work of Christian Solidarity International may not be well-known to us here, but it is well-known to the Armenians in war-torn Nagorno-Karabakh who had their pain relieved when CSI brought desperately needed medical supplies to the tiny beleaguered enclave. It is well-known to the thousands of Russian orphans who without the help of CSI would have been left in mental institutions devoid of hope for a productive future. It is well known to the suffering people in southern Sudan whose voice has been heard due to the constant advocacy of Baroness Cox and the CSI team. And it is well-known to the Karen Christians in Burma who, as I am speaking, are fighting for their lives against the military junta that is battling for control in that country.

Baroness Cox responds in faith to bring hope to countless millions. She stands up for justice for the persecuted. In the words of Prison Fellowship founder Chuck Colson, "As William Wilberforce was a voice for the voiceless and stood against his party and fellow Parliamentarians in his campaign to end the slave trade in eighteenth-century England, so is Baroness Cox. With Christian compassion fused with fierce courage, Lady Cox continues to shun mere observation for frontline participation." William Wilberforce would have been proud.

WILBERFORCE AWARD BANQUET—PRESENTED BY CHUCK COLSON, PRISON FELLOWSHIP

The following speech was given by the Baroness Caroline Cox of Queensbury, Deputy Speaker of Britain's House of Lords, on February 1, 1995 in Washington, DC, during the events surrounding the National Prayer Breakfast, Baroness Cox was honored for her courageous acts and stand for justice on behalf of the suffering and oppressed people of the world. In the words of Chuck Colson: "As William Wilberforce was a voice for the voiceless and stood against his party and fellow Parliamentarians in his campaign to end the slave trade in eighteenth-century England, so is Baroness Cox. With Christian compassion fused with fierce courage, Lady Cox continues to shun mere observation for frontline participation."

Mr. Chairman, Distinguished Guests, Brothers and Sisters in Christ,

I stand before you this evening filled with deep emotions. First, I feel both humble and proud to be associated with the name of William Wilberforce. Wilberforce used to be described as a "shrimp"; I feel about the same size as a shrimp in comparison with him and also with the distinguished predecessors who have been honored with the Award in previous years.

But I am also full of gratitude for the opportunity this occasion gives me to pay tribute to those in Christian Solidarity International (CSI) who make my work possible and, above all, I value the opportunity to honour the suffering people whom it has been our privilege to be with in dark and difficult days—people suffering from oppression, persecution, slavery and attempted genocide.

I would therefore like to spend some of my allotted time saying a few words about the work of CSI, without whom I would not be here tonight, and then to spend the rest of my time honouring those people whom we try to serve, who always inspire us with their courage, generosity, graciousness, faith and dignity.

CSI is an interdenominational Christian human rights organization which tries to help victims of repression, regardless of their colour, creed or nationality. But as Christians, we have an additional concern; we are reminded of St. Paul's message to the church in Corinth, that when one part of the body of Christ suffers, all suffer.

CSI's particular focus is on forgotten peoples in forgotten lands; on places which do not appear on your TV screens or the front pages of newspapers. We try to be with those who feel—and are—forgotten by the rest of the world, including often, by the rest of the Christian church.

Many of the big humanitarian organizations have to respect political constraints, in order to accomplish their work. This means there are some people who are suffering in repressive regimes whom they cannot help. But we are free to put human rights and humanitarian need before political constraints and to go where others may not. This may involve some unorthodox behavior and some unofficial travel—but it gives us the priceless privilege of, as the British advertisement for a certain brand of lager beer claims, "Reaching those parts where others cannot reach."

Thus it is that CSI has made it possible for us to make several visits, for example, to some of the people of Southern Sudan, many of them have been cut off from other aid organizations by the brutal policies of the fundamentalist Islamic Government in Khartoum. The magnitude of the sufferings of the Sundanese people must rank amongst the greatest in the world today: with perhaps 1.5 million killed and over 5 million displaced by civil war. Many Southerners have been captured and enslaved by Northerners—so I believe the spirit of Wilberforce would be striving for their freedom as much as he strove for those who suffered as slaves in his own day. Just 2 Weeks ago, CSI organized another mission to people so cut off that they had absolutely no medicines; many were literally starving, many were naked and very cold as the temperatures fall steeply at night. We took medicines and we plan to return with more urgently needed supplies. We were also able to take with us the exiled Roman Catholic Bishop of El Obeid; I am not a Catholic, but I wish you could have shared with me the happiness of seeing the rejoicing of people who had not seen a Bishop or been able to celebrate mass for 20 years.

It was CSI who made it possible for me to visit the Karen people of Burma last November, an ethnic minority ferociously persecuted by the SLORC regime. Many have been forced into slave labour, others live as stateless, displaced people, trapped in the jungle. Recently, the SLORC Regime has stepped up its military offensive against the Karen, forcing tens of thousands more to flee as refugees to Thailand, and trapping many more behind their own lines, where capture will mean a fate worse than death.

It was CSI which reached the Armenian people in January 1992, when they were blockaded, besieged, bombarded in their ancient homeland of Nagorno Karabakh, a beautiful part of historic Armenia cruelly relocated by Stalin as an Isolated enclave in Azerbaijan. Azerbaijan has adopted an explicit policy of ethnic cleansing of the Armenians from Karabakh. Karabakh is a beautiful land with some of the most ancient Christian churches in the world, the Armenians being the first nation to accept Christianity. The Armenians who live there have been fighting for the survival of their families, homes, homeland and their—and our—Christian heritage. It has been a battle against impossible odds, like David and Goliath. 150,000 Armenians are defending their land against 7 million-strong Azerbaijan, helped by Turkey and literally thousands of mujahadeen mercenaries. In that bitter January, we found the besieged and blockaded Armenians suffering casualties caused by constant bombardment, without any anesthetics or pain-killing drugs, with only vodka to try to relieve the suffering. Returning to Britain, I could not sleep thinking about their predicament; and it was CSI which, without the requisite money, responded in faith and enabled us to obtain supplies of morphine, cocaine powder (for eye injuries), omnopon and fentanyl. The challenge of taking this consignment of drugs, street value incalculable, across Europe to the depths of Karabakh was rather daunting. God sometimes asks us to do strange things: I had to turn myself into an unofficial drug runner! But we were able to return to Karabakh within 12 days with those desperately needed supplies. If anyone would like to know how we did it, I am prepared to tell you the secret, for a contribution to our next consignment to Karabakh—our 24th—when we will be taking a team of Christian volunteers to build a rehabilitation center for amputees, because there are no facilities for artificial limbs in Karabakh, for the hundreds of people, including children, with amputations caused by the war.

And it was CSI which reached another, different kind of forgotten people: orphans suffering in the Soviet Union. During a Human Rights Conference in Leningrad in 1990, newly elected Russian Deputies asked us to investigate the plight of children taken into care, whom they suspected were incorrectly diagnosed as mentally handicapped or "oligophrenic". Once classified, they were shut away in special orphanages, deprived of a proper education, often abused physically and by drugs. As they grew up, they were denied all basic human rights, could not vote or drive, and were forced to work in conditions which were, in effect, slave labour.

Children who resisted or ran away were sent to psychiatric hospitals, where they were often subjected to torture by drugs. I visited some of these children and returned to Britain full of anguish. Many seemed to be bright, able youngsters, but doomed to lives without hope. I will never forget the pale, haunted faces of Serge and Dmitri, two articulate 14-year-old boys in a grim psychiatric hospital, not mentally ill, but tanked-up with drugs and Dmitri's heartbreaking plea, 'Please will you find me a mother? I want to get out of here!"

It was CSI who again reacted in faith and responded to a request from Russian colleagues who were deeply worried about the situation, by funding a visit by a multidisciplinary team to undertake research in orphanages in Moscow and St. Petersburg. The findings shook the system; over ⅔ of those classified and treated as "oligophrenic" were of average or above average mental ability. We published the findings in a report called "Trajectories of Despair: Misdiagnosis and Maltreatment of Soviet Orphans." This has since been translated into Russian and is serving as a basis for policy reform. Many children previously classified as oligophrenic have now been reclassified and can lead normal lives. We are also trying to establish projects in Moscow, with Russian colleagues, to help change the policy of child care throughout the Russian Federation.

So I would like to emphasize that I am honored to receive this award, not for myself, but on behalf of CSI. I was recently reading a biography of William Wilberforce and was struck by this sentence: "The man who resembled a shrimp . . . had shown the world that a righteous cause, coupled with determination and motivated by faith in a loving God, can produce miracles." (He Freed Britain's Slaves', Charles Ludwig, p. 203.)

We in CSI always feel so inadequate; we are inadequate. But we hope God can use our efforts. I remember on my way into Burma, I was feeling acutely depressed as I thought, "What on earth can we do with our meager resources to begin to help the Karen people with their massive problems?" Then in my morning Bible reading I found the message in Second Kings 4:42–44, the Old Testament forerunner of the parable of the loaves and the fishes. A man with 20 loaves of bakery barley bread was told by Elisha to distribute them to feed a crowd of 100 hungry people. In a crisis of confidence, he asked what use they could be among so many; but Elisha replied, "Give it to the people to eat. For this is what the Lord says: They will eat and have some left over." And indeed they did eat and some left over. That message was a comfort. We in CSI hope that God can use our pathetic, meager resources in ways we cannot understand. At times it seems that the message on a notepad given me by my daughter could be our motto, "I do not believe in miracles, I rely on them."

Before I conclude, I wish to pay especial tribute to those whom we have been privileged to meet and to be with in their dark and difficult days. I wish I had longer to tell you about their courage, generosity, graciousness and dignity. A few examples must speak for many more.

Come with me to Southern Sudan, where the people are dying around us from starvation and disease; those who are still alive are suffering from hunger, thirst, nakedness and the constant fear of attack and enslavement. But despite their suffering, they still smile with the famous Sudanese smile. Join me as the Bishop speaks to his people at mass in what they called their "cathedral" under a tamarind tree:

"This most beautiful cathedral, not built with human hands, but by nature and by God, is filled with the people of God, and especially with children.

"We must tell our brothers and sisters that the people here are still full of hope and that they still smile in spite of suffering and persecution.

"Those smiles put us to shame. Your people have suffered slavery, but you are not slaves to the world but children of God, our God who has told us we can call Him "Abba" or "Father". Christianity gives us liberty; therefore we are no longer slaves but free: children of liberty, freedom and truth. But we live in a bad world. Many of your people have been sold into slavery. But for me that is not to become a slave. Slavery is not a matter of the colour of the skin. The real slave is a person who lives in sin; who does injustice to brothers and sisters; and who kills them. That person is a slave to sin.

"Some people feel naked because they have no clothes and they try to cover themselves because of their embarrassment. But this is not real nakedness. True nakedness is to be without love. Therefore to be clothed in love: this is Christianity. It is not a shirt that you can take on or take off; but to wear the faith and love of the Christian faith is as a way of life and witness to it, even to those who do not believe in Christ.

"So as we go away, do not think we leave you or forget you. There are still many good people in the world and you will be remembered as people who are closest to God because you are carrying the cross, every day obeying Christ's command to take up His cross and to follow Him. We will pray for you. But prayer without action is dead, as faith without deed is dead. Our love will be in action for you. I came, saw, heard, touched, and I am enriched."

Now please come for a brief glimpse of the Christian church amongst the persecuted Karen people of Burma. Just one image: I and my CSI colleagues (a splendidly interdenominational mixture of Pentecostal, Evangelical, Russian Orthodox and myself (Anglican 'Unorthodox'), went to worship at the nearest church in the jungle—a Baptist church. A Bell was sounding out—a bell made from a Burmese bomb. A modern-day symbol: instead of swords into ploughshares, bombs into bells. But sadly, now, the bombs are raining down on the Karen and they need our prayers as many suffer the afflictions of war, or as slaves inside Burman, or as refugees in Thailand.

Finally, our Armenian Christian brothers and sisters in Karabakh. Those who have heard me speak before will have heard examples of their faith and their witness to a love which transcends suffering. I only have time for one vignette. At the beginning of the process of attempted ethnic cleansing, Azerbaijan undertook a series of deportations of entire villages. They were brutal operations, in which innocent villagers were rounded up, many were maltreated, some murdered; homes were ransacked; then the people were forcibly driven off their land, unable to take anything with them. After one of these terrible events, at Getashen, a farmer managed to escape into the mountains. On top of a hill there he saw a fruit tree in blossom and looked for solace under this tree; only to find as he approached the tree a little five year old girl hanging from its branches, her tiny body cut in two. As he looked upon the little girl, he swore revenge. Two years later, he and his comrades had the opportunity to take back an Armenian village taken by the Azeris. He now had the opportunity for revenge. With tears steaming down his face, he told me: "But I couldn't make myself harm a child—I failed and was unable to keep my vow." I replied, your reward will be crown of glory. He in turn replied, "That crown we wear is a crown of thorns."

Those whom we are privileged to meet during CSI's ministry are indeed wearing their crown of thorns with great dignity. They suffer from man's inhumanity to man, like those for whom William Wilberforce felt so deeply and for whom he fought so valiantly. These words of the Bishop of Karabakh speak for them all, with their affirmation of faith, their challenge to us, and their magnificent, resounding commitment to that love which must be the hallmark of Christian faith and witness:

"The help of God is great and immeasurable when the human heart turns to Him with fervour. Our nation has again begun to find its faith and is praying in churches, cellars and in the field of battle, defending its life and the life of those who are near and dear. It is not only the perpetrators of crime and evil who commit sin, but also those who stand by—seeing and knowing—and who do not condemn it or try to avert it. Blessed are the peacemakers, for they will be called sons of God. We do not hate: we believe in God. If we want God's victory, we must love. Even if there are demonic forces at work, not only in this conflict, but in other parts of the world, we must still love."

So, I finish by thanking you for the great honour you have given me, and for the opportunity to honour others who carry forward the spirit of William Wilberforce. May I leave you some lines by John Harriott, SJ, quoted by Max Warren in an article in "New Fire" (Winter, 1975, p. 453):

Let us open the clenched fish and extend the open palm.

Let us mourn till others are comforted, weep till others laugh.

Let us be sleepless till all can sleep untroubled.

Let us be frugal till all are filled.

Let us give till all have received.

Let us make no claim till all have had their due.

Let us be slaves till all are free.

Let us lay down our lives till all have life abundantly.

FIFTY YEARS OF RESEARCH ON THE MINIMUM WAGE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 16, 1995

Mr. SAXTON. Mr. Speaker, for many years it has been a matter of conventional wisdom among economists that the minimum wage causes fewer jobs to exist than would be the case without it. This is simply a matter of price theory, taught in every economics textbook, requiring no elaborate analysis to justify. Were this not case, there would be no logical reason why the minimum wage could not be set at $10 or $400 per hour.

Historically, defenders of the minimum wage have not disputed the disemployment effects of the minimum wage. Rather, they argued that there was a redistributive effect that left the working poor better off. In other words, the higher incomes of those with jobs offset the lower incomes of those without jobs, as a result of the minimum wage.

Now, the Clinton administration is advancing the novel economic theory that modest increases in the minimum wage will have no impact whatsoever on employment. Some administration officials have even hinted that raising the minimum wage can raise employment. This proposition in based entirely on the work of three economists: David Card and Alan Krueger of Princeton, and Lawrence Katz of Harvard. Their studies of increases in the minimum wage in California, Texas, and New Jersey apparently found no loss of jobs among fast food restaurants that were surveyed before and after the increase.

It is not yet clear how or why Card, Katz, and Krueger got the results that they did. It is clear, however, that their findings are directly contrary to virtually every empirical study ever done on the minimum wage. These studies were exhaustively surveyed by the Minimum Wage Study Commission, which concluded that a 10-percent increase in the minimum wage reduced teenage employment by 1 to 3 percent.

The following survey of the academic research on the minimum wage is designed to give nonspecialists a sense of just how isolated the Card, Krueger, and Katz studies are. It will also indicate that the minimum wage has wide-ranging negative effects that go beyond unemployment. For example, higher minimum wages encourage employers to cut back on training, thus depriving low-wage workers of an important means of long-term advancement, in return for a small increase in current income. For many workers this is a very bad tradeoff, but one for which the law provides no alternative.

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HOUSE OF REPRESENTATIVES—*Tuesday, February 21, 1995*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. DOOLITTLE].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
February 21, 1995.

I hereby designate the Honorable JOHN T. DOOLITTLE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 377. An act to amend a provision of part A of title IX of the Elementary and Secondary Education Act of 1965, relating to Indian education, to provide a technical amendment, and for other purposes.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

RECESS

The SPEAKER pro tempore. There being no Members listed for morning hour, pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Help us to realize, O gracious God, that Your will is for all Your people to live in peace and harmony and in appreciation and respect. We know that there have been differences in philosophy and outlook from the beginning of time and we all have our opinions and ideas. Yet, remind us, O God, that we should do what we can to truly act and speak toward others by honoring their background and history, by communicating honestly and reliably, and by seeing others with a consideration and thoughtfulness that is worthy of every person of Your vast creation. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. CHABOT asked and was given permission to address the House for 1 minute).

Mr. CHABOT. Mr. Speaker, our Contract With America states the following: On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise.

And here is what remains to be done in the next 50 days, Government regulatory reform; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle income families; Senior Citizens Equity Act to allow our seniors to work without Government penalty; commonsense legal reform to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

WELFARE REFORM

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, the Contract With America was just read to us. And it is rather incredible that in the provision dealing with welfare reform, the Republicans have no requirement in their bill either that the States provide the ability of people on welfare to go from welfare to work, but providing job opportunities, job training, or employment or that a person who is on welfare not have to do something in the way of work to receive that check. That was pointed out by the minority leader, the gentleman from Missouri [Mr. GEPHARDT] the other day in a press conference that what the Democrats want to do is move somebody from welfare to work, but the Republicans and the Governors have no requirement that people go to work.

I am delighted to read today in the press that the subcommittee chairman, the gentleman from Florida [Mr. SHAW] is now considering whether or not the Republicans will try to define a work condition in their bill realizing that what the American taxpayers want is people to go to work for the assistance they receive and what welfare recipients want is a job, not a check.

So I wish the Republicans well. If they cannot come up with one, maybe they can adopt the Democratic substitute that will move people from welfare to work.

THE NATIONAL LANGUAGE ACT

(Mr. KING asked and was given permission to address the House for 1 minute.)

Mr. KING. Madam Speaker, for the first 180 years of our Nation, immigrants who came to this country were encouraged to maintain their identity, their culture, their religious beliefs, their traditions. Just as importantly,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

they were encouraged to learn to speak the English language. This was the glue that bound us together as a nation. This was the common theme that all of us shared as Americans.

However, for the past 25 years, our social engineers in Washington have actually been encouraging people not to learn English. We have billions of dollars being spent on bilingual education. We have citizenship ceremonies being conducted in languages other than English. We have signs in government buildings in languages other than English.

That is why today, Madam Speaker, I am introducing the National Language Act which will declare English to be the official language of this country. This will require all government publications to be in English. It would end bilingual education. It would end bilingual voting ballots, and it would require all government business to be transacted in English.

In doing this, I intend to work with such distinguished Members of this body as the gentleman from Wisconsin [Mr. ROTH], the gentleman from Missouri [Mr. EMERSON], the gentleman from California [Mr. DOOLITTLE], who have similar type legislation so that we can work together to restore the American dream of all immigrants and allow them to become part of American society.

CONTRACT SILENT ON MIDDLE-CLASS ISSUES

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Madam Speaker, tomorrow when people are passing out the grades for the first 50 days of this Congress, ask yourselves this question: How can it be that we have met for 50 days and cast nearly 150 votes and yet we have not passed a single amendment that addresses jobs, incomes, health care, education, or job training?

Madam Speaker, these issues are central to the lives of working middle-class families. Yet the Contract on America has been silent on each and every one of these issues. Instead, the Republicans in this House have voted to pull 100,000 police officers off the street, protect free gifts from lobbyists, slash Social Security and Medicare, and they have even tried to add another $50 billion to star wars.

In their rush to extremism, the Gingrich Revolution seems to have forgotten the values of working middle-class families. And their contract has not made a dime's worth of difference on these issues that really matter to people.

PRAISE FOR THE 104TH CONGRESS

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Madam Speaker, each weekend, when I am back in my district, I am always pleasantly amazed at the positive comments people share with me concerning Congress. The voters are pleased that we are finally acting on our promises and passing commonsense laws. This past weekend, I spoke with many people who praised the numerous accomplishments of the 104th Congress.

People's opinions of Congress are changing. We are making history each and every day by returning integrity and honesty to the people's Chamber. It is really no surprise that Congress approval rating has improved from 18 to 43 percent.

Madam Speaker, we are at the halfway point of the contract and we will continue to work hard and make the necessary changes to get this Government back on track.

This week, we will curtail and streamline the excessive regulations this Government imposes on everyday Americans. We will return the Government back to its rightful owners, the American citizens.

TRADE POLICY AND JOBS LOST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, did you ever wonder why America's trade and tax policies seem to kill American jobs and force companies to move overseas and all these foreign governments do so great under America's laws. Check this out.

Former chief counsel of the Committee on Ways and Means, responsible for a lot of these laws, Joe Dawley and John Salmon, they now represent Turkey and Great Britain. How about the Trade Representative, former Trade Representative Bill Brock? He represents Taiwan. How about his assistants, used to be Julia Bliss and Cliff Gibbons? They represent Japan. This is not hard to figure out.

We have a $153 billion trade deficit because our Government workers, who were paid by Uncle Sam, went on the payroll of these foreign governments. I would say they were quite cozy before they left.

All you have to do is look at the trade deficit and look at the laws. It kills American jobs and forces American companies to move overseas.

Wake up, America. Wake up, Congress.

EXTEND THE 25-PERCENT HEALTH CARE TAX DEDUCTION FOR THE SELF-EMPLOYED

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Madam Speaker, today, the House will debate H.R. 831, a bill to permanently reinstate the 25-percent health care tax deduction for the self-employed. I urge my colleagues to support this legislation.

For too long, 9 million self-employed individuals have been held hostage to the shell games of Congress. This tax deduction has expired several times and been reinstated several times, leaving millions of Americans unsure what Congress is really going to do.

And now, with the March 1 filing deadline for farmers fast approaching, Congress must act immediately to permanently restore this tax deduction and put an end to this cruel game.

I am pleased the Ways and Means Committee has sent to the floor a bill that ends the shell game.

I urge my colleagues to support H.R. 831. The clock is ticking and we cannot afford to wait much longer.

CHILD NUTRITION PROGRAMS THREATENED

(Ms. DELAURO asked and was given permission to address the House for 1 minute.)

Ms. DELAURO. Madam Speaker, on Friday, I visited a School Lunch Program in my district and met with school officials and State food service directors to talk about the devastating impact that the Contract With America will have on child nutrition programs.

Under the Republican welfare reform plan, Connecticut will lose $49 million in Federal food aid in 1996 alone. And, the program that will take the biggest hit? The School Lunch Program. Each day, 104,000 children in my State receive reduced or free meals through the School Lunch Program. It is a proven nutritional program that helps keep our kids healthy and ready to learn.

Madam Speaker, the Contract With America is a political document. It was written to meet the advertising deadline of TV Guide, but it does not meet the needs of our children.

We can reform welfare without hurting our kids, if we work together. But, Democrats will not stand idly by while Republicans trample on the rights of children in a relentless march to meet NEWT GINGRICH's 100-day deadline.

AN APOLOGY DUE THE SPEAKER AND THE HOUSE

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Madam Speaker, two Members of this great body have likened Republicans and the Speaker of this House "to something worse than Adolf Hitler." For that I cannot even begin to express my outrage.

The gentleman from Manhattan, NY [Mr. RANGEL] said, regarding the Contract With America, "when I compare this to what happened in Germany, I hope you will see the similarities."

His colleague, the gentleman from New York [Mr. OWENS], in referencing Republicans, said, "these people who are practicing genocide with a smile, they are worse than Hitler."

Madam Speaker, protectors of the same old order, the failed policies of the past, rely on gross distortions and outlandish scare tactics. But comparisons to the Holocaust, to the barbarism of Hitler and to his atrocious crimes is beyond the bounds of civility.

Our initiatives to restore compassion, common sense, and responsiveness to government will not be dissuaded, no matter how intemperate the remarks of the other side. The gentlemen owe the Speaker and this great body an apology.

MORE ON WELFARE REFORM

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, America's working families have always had terrific compassion for those in need. That has been characteristic of America. America is family. And so we approach this welfare debate, one of the great problems is American families want welfare to be a safety net and not a hammock. But to make it a safety net and not a hammock, we have to help people have the skills they need to be able to work. And so that means teaching them to fish rather than giving them a fish. That is what the issue is.

And at a time when we are talking about not only killing student loans but knocking out student lunches, we obviously are going in the wrong direction. We ought to be doing everything we can to invest in our young people and to say to everyone, we are all in the same boat, but everybody has to pull an oar.

Let us get a welfare reform that is fair and in the great tradition of America, treating us all in the same manner.

THE REVOLUTION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, a revolution began last November 8—a revolution which continues today. The essence of our new revolution is not hard to understand: the American people have decided that the Federal Government has grown so huge and so pervasive that it has displaced our freedoms.

Our Government taxes too much, it spends too much, and it regulates too much. And in the process it has become a burden to our personal liberties, to our livelihood, to our markets, and especially to our future generations.

Madam Speaker, through our Contract With America, Republicans have promised to do something about this problem. In 50 days we have passed legislation that will redefine the relationship between the Federal Government and the people.

The Washington establishment may not like it but the revolution has taken root even in the hallowed Halls of Congress. Over the next 50 days Republicans will complete our contract and keep our promise to deliver real change.

□ 1415

DEMOCRATS SHOULD GET ON BOARD AND HELP CHANGE AMERICA, NOT CONTINUE FINGER-POINTING

(Mr. SCARBOROUGH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCARBOROUGH. Madam Speaker, I could not help but hear a former speaker up here talk about the Republicans rushing to extremism in the first 50 days of our Contract With America.

Madam Speaker, the fact of the matter is if they are viewing what we have been doing for the first 50 days a rush to extremism, that explains better than any poll will ever explain why they are now in the minority and we are in the majority.

The overwhelming majority of Americans wanted a balanced budget amendment. We gave them one. The overwhelming majority of Americans wanted a line-item veto. We gave them one. The overwhelming majority of Americans wanted this Congress to live by the same laws that they make everybody else live by. We did it. We will keep doing it the next 50 days.

If all they can do is compare us to Hitler and Goebbels and everybody else in their rush to extremism, because they have no new ideas, so be it.

Madam Speaker, this train has left the station. If they want to get on board and help us make real change in this country, we will accept their help, but they are not helping by rushing to extremism and pointing fingers. We have to make a difference. That is why we were sent here.

AMERICA NEEDS REGULATORY REFORM AND RESTRUCTURING OF OSHA

(Mr. NORWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NORWOOD. Madam Speaker, Joe Dear is at it again. I ran for Congress not only because imperial Washington was hopelessly out of touch with normal Americans, but also because many of the rules and regulations imperial Washington imposes on the rest of us help so little while costing so much. To cite one example that hits very close to home for me, in 1991 OSHA announced a standard on infection control for dental offices. OSHA projected that the annual expense of compliance would be $87.4 million. However, according to a recent study by RRC Inc., it turns out that actual yearly compliance costs exceeds $2.7 billion. The OSHA regulations ended up costing $2.7 billion, but produced no measurable improvement in worker safety. How I wish we had done a cost-benefits analysis. Madam Speaker, rarely have so few done so much to harm so many. This is one more example of why we need regulatory reform and a moratorium on new regulations until we can sort all this out. OSHA is one agency that needs to be restructured, reinvented, or just plain removed.

MEMBERS URGED TO SUPPORT BUDGET-NEUTRAL APPROACH TO APPROPRIATIONS AND RESCISSIONS

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Madam Speaker, this week, the House will take up consideration of H.R. 889 and H.R. 845, the emergency supplemental appropriations and rescissions measures for fiscal year 1995.

Several weeks ago in his annual budget proposal, the President sent a $2.5 billion supplemental spending request to this Congress—funds to cover the costs associated with unplanned and unbudgeted military operations abroad.

Aside from the question of how vital these military missions were to the national security of our great Nation, the President failed to include in his request the necessary rescissions to pay for the missions.

Well, Madam Speaker, this President's supplemental request is nothing more than another rubber check written by the Federal Government. And in this case, it is the armed services and the American people who will pay the overdraft charges.

Fortunately, House appropriators have insisted on a budget-neutral approach to supplemental spending. Support H.R. 889 and 845.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. SCARBOROUGH. Madam Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Wednesday, February 22, 1995.

The SPEAKER pro tempore (Mrs. VUCANOVICH). Without objection, pursuant to the order of the House of today, the Chair, without objection, announces the Speaker's appointment of the following Members to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday, to be held on Wednesday, February 22, 1995: Mr. HORN of California and Mr. RICHARDSON of New Mexico.

There was no objection.

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Madam Speaker, hundreds and hundreds of North Carolinians have written to me in recent days. They are concerned about a provision in the Personal Responsibility Act of 1995 that would convert Federal food assistance programs into block grants. Their concern is well placed. If the provision remains in the bill, Federal nutrition programs for our seniors and our young will not be the same. Thousands who we now feed will no longer be fed. However, the impact of this proposed change goes even deeper. Retail food sales will decline by $10 billion, farm income will be reduced by as much as $4 billion, and unemployment will increase by as many as 138,000. The stability of America's economy is at stake. From the grocery stores, large and small, to the farmer and food service worker—everyone will suffer. Most States will lose money. That is why I will offer an amendment to restore the Federal food assistance programs when H.R. 4 comes to the floor. The nutrition of our citizens should not be left to chance. We have a choice.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m.

Accordingly (at 2 o'clock and 21 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. HEFLEY] at 5 p.m.

PERMANENT EXTENSION OF THE HEALTH INSURANCE DEDUCTION FOR THE SELF-EMPLOYED

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 88 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendment made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as read. No further amendment shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Gibbons of Florida or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. All points of order against that amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 88 is a modified closed rule providing for the consideration of H.R. 831, which makes permanent the 25-percent deduction for health insurance costs of self-employed individuals. The rule waives all points of order against consideration of the bill and provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole, and all debate shall be confined to the bill and the amendment made in order by this resolution.

No amendment shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative GIBBONS of Florida or his designee. Such amendment shall be debatable for 1 hour equally divided and controlled by a proponent and an opponent of the amendment, and shall not be subject to amendment. All points of order against that amendment are waived.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, normally I would be opposed to this type of restrictive rule. However, it has been customary in the House to consider tax measures under partially or even completely closed rules. And this practice has been acceptable by both sides of the aisle. Chairman ARCHER and ranking member GIBBONS both requested a restrictive rule from the Rules Committee, and this is one of the rare instances when I agree that a restrictive rule is necessary.

Additionally, although the rule provides a blanket waiver, it is my understanding that only two technical budget act waivers are needed for this bill. Section 303(a) of the budget act prohibits revenue changes starting in a year other than the year of the current budget resolution. Because the changes in this bill to the earned income tax credit are effective in fiscal year 1996, a waiver of section 303(a) is required. Also, section 311(a) requires that revenues not fall below the levels in the current budget resolution. The bill is paid for over the 5-year period, but it is estimated to run a deficit in the first year. So it is necessary to waive this section also.

Mr. Speaker, H.R. 831 will help more than 3.2 million self-employed Americans by restoring the 25-percent deduction for health insurance costs of the self-employed. Currently, larger businesses can deduct the entire cost of health insurance for their employees as this is a legitimate business expense. There is no equivalent provision for the self-employed. This bill retroactively and permanently restores the 25-percent deduction, which expired at the end of 1993. By passing this legislation, we are making it economically possible for many self-employed to obtain health insurance coverage, thus reducing the number of uninsured Americans.

I am particularly pleased that this measure makes the deduction permanent so that our farmers, doctors, hairdressers, and so many others do not have to worry from year to year whether or not they can afford to keep their health insurance coverage.

Although there is wide bipartisan support for this effort, this bill is unfortunately not without controversy. To offset the loss of tax revenue, the bill terminates a program that allows the Federal Communications Commission to give tax breaks to corporations that sell their broadcast facilities to minority purchasers. Additionally, the bill phases out eligibility for the earned income tax credit to anyone who has more than $2,500 per year in interest and dividend income.

We will hear strong arguments against changing the FCC provisions, but the substitute amendment allowed under the rule, along with the motion to recommit with instructions, provides opportunities to address this issue. Mr. Speaker, I urge adoption of this rule, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, although no one expects an open rule on a tax bill, at the very least I had hoped Republicans would allow us to offer the three or four other major amendments debated at the Rules Committee.

In committee, Democrats offered a number of constructive amendments to improve the health care deduction and to change the financing provisions—to find some way besides a retroactive tax increase to pay for this.

At the Rules Committee, Democrats consolidated their proposals into four amendments:

First, the amendment by Mr. RANGEL funds the health deduction by preventing Americans who renounce their citizenship from avoiding their taxes;

Second, the amendment by Mr. CARDIN increases from 25 to 80 percent the portion of the cost of health care insurance that a self-employed individual could deduct from his or her taxes;

Third, the amendment by Mr. STARK extends protections under existing law to make health insurance portable. People leaving a job would still be able to purchase their insurance at the same cost plus 2 percent; and

Fourth, the amendment by Mr. MFUME allows the self-employed to deduct 100 percent of their health insurance costs. It is paid for by modifying estate and gift taxes.

At Rules, three amendments were defeated on straight party line votes.

Mr. Speaker, one of the biggest problems with this bill is that it includes a retroactive tax increase. Companies acting on good faith are about to have their tax deductions yanked out from under them simply because we cannot find the money to pay for the health insurance tax deduction.

Even though this is technically not a rate increase it is a retroactive tax increase and it will still cause tremendous financial shock to a great number of business people who trusted their Government not to go back on its word.

This retroactivity is completely contrary to the promises made on opening day. But Mr. Speaker, this should not surprise us. So what is new.

On January 5, the Republicans said committees could not meet when the House was considering amendments under the 5-minute rule; they said the contract would be considered under open rules; they said rules would only contain specific waivers, and they said there could be no retroactive tax rate increases.

But these days, committees meet all the time while the House is in session under the 5-minute rule.

There have been a whole lot of closed rules.

This rule waives all points of order.

And, this bill, the very first tax bill out of the gate, includes a retroactive tax increase.

I want to emphasize that I am very supportive of the major goal of this legislation, which is to restore the deductibility for the cost of health insurance premiums paid by self-employed individuals.

It is absolutely critical that this deduction be available to ease the financial burden that the self-employed must bear because of the high cost of health care coverage.

One of the reasons I was very disappointed we failed to enact a comprehensive health care bill last year was because of the difficulties the self-employed face trying to find affordable health insurance.

But I oppose this closed rule, and I urge defeat of this rule.

Mr. Speaker, I submit the following items:

First, a statement of the administration's policy supporting the tax deduction but opposing the outright repeal of the FCC tax break, and

Second, a description of rules granted to date.

STATEMENT OF ADMINISTRATION POLICY

H.R. 831—Permanently Extend the Tax Deductibility for Health Insurance Costs for Self-Employed Individuals (Archer (R) TX and 3 others):

As stated previously, the Administration supports the primary purpose of H.R. 831—to extend permanently the 25 percent tax deduction for health insurance premiums for self-employed individuals.

The Administration opposes one of the bill's offsets—i.e., the outright repeal of the current tax treatment for the sale of radio and television broadcast facilities and cable television systems to minority-owned businesses. The Administration has expressed its willingness to work with Congress to review what actions are necessary to ensure proper use of the provision but continues to oppose its outright repeal.

The Administration will work with the Congress to identify appropriate offsets to extend this important health insurance tax deduction.

Scoring for Purposes of Pay-As-You-Go:

H.R. 831 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act (OBRA) of 1990.

The Administration's preliminary scoring estimates of this bill are presented in the table below. Final scoring of this legislation may deviate from these estimates. If H.R. 831 were enacted, final OMB scoring estimates would be published within five days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

PAY-AS-YOU-GO ESTIMATES

[Receipts in millions]

	1995	1996	1997	1998	1999	2000	1995–2000
SE Tax	−493	−437	−474	−516	−563	−613	−3,096
FCC	+399	+449	+213	+220	+226	+233	+1,740
EITC	....	+14	+277	+295	+309	+332	+1,227
Other	+12	+31	+34	+37	+40	+43	+197
Totals	−82	+57	+50	+36	+12	−5	+68

Note:

SE Tax=25 percent tax deduction for self-employed persons.

FCC=Repeal of current tax treatment on sale of broadcast facilities to minority-owned businesses.

EITC=Modification of the Earned Income Tax Credit.

Other=Change in Section 1033 of the Internal Revenue Code.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets perference	N/A.
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10hr. Time Cap on amendments	N/A.
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision.	N/A.
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A.
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A.
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments.	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order.	1D.

73% restrictive; 27% open. These figures use Republican scoring methods from the 103rd Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar: H.R. 101, H.R. 400, H.R. 440.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS], a very valuable member of the Committee on Rules.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman emeritus of the Committee on Rules, the gentleman from Tennessee [Mr. QUILLEN], for yielding time to me, and let me first, at the request of the leadership, make a unanimous consent request.

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House on the State of the Union under the 5-minute rule:

The Committee on Commerce;

The Committee on Government Reform and Oversight;

The Committee on Science; and

The Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted, and that there is no objection to these questions.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GOSS. Mr. Speaker, the House is moving expeditiously in meeting the pledges it made with the American people under the Contract With America. We continue to progress on issues of major importance to a clear majority of our constituents. Today we will act on legislation of great concern to many Americans—and one that has some sense of urgency with tax season upon us—the permanent extension of a 25-percent health insurance deduction for self-employed individuals. While this is a modified closed rule, all Members of this House seem to agree that certain types of highly complex bills—especially those involving the Tax Code—must be considered under carefully structured debate. I am pleased that we are able to provide for one amendment in the nature of a substitute to be offered by Mr. GIBBONS or his designee, which will allow those Members who came to the Rules Committee seeking changes in H.R. 831, a chance to have their views debated and voted upon.

I am delighted that H.R. 831 achieves a goal supported overwhelmingly by Members on both sides of the aisle. The deduction for the self-employed was unfortunately allowed to expire at the end of 1993, leaving many individuals and small businesses in limbo and at a distinct disadvantage under the Tax Code.

H.R. 831 takes an important step in providing some certainty to these folks, by making the extension of the deduction permanent. The goal is to establish the right mix of carrots and sticks so more people can secure health insurance. It was clear judging from the debate in the Rules Committee meeting last Thursday, that Members are eager to rejoin the larger issue of health care reform—of which H.R. 831 is only one small piece. I share that eagerness and look forward to a substantive debate on the whole picture of health reform in the coming months. In the meantime, I know there are some tangential issues raised by H.R. 831 that will prompt lively discussion on this floor—especially the side issue of minority preferences and the FCC—but I hope that the purpose of H.R. 831, providing a degree of fairness and reliability to the Tax Code for the self employed, will not be lost.

Mr. Speaker, I urge our colleagues to support this rule and to participate in this debate. I think it is going to be a good debate, with a good result.

Mr. MOAKLEY. Mr. Speaker, let me say that I am sure if I had the number of Members on this side that the gentleman has on his side, I would be sure it would be a good result also.

Mr. Speaker, I yield 7 minutes to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I thank our colleague, the former chairman of the Rules Committee and presently ranking minority member, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. Speaker, I guess we ought to call this bill the clean-up of the messes of World War II.

I think the biggest accident that occurred in World War II—and I am talking now about political accidents or economic accidents—happened around this area of health insurance. As we may recall, early in 1942 the Congress decided that since wages and prices were going up so fast because of the number of people entering the military and because of the number of people who had to go into the new jobs that were being created to fill the war effort, there was a great push on wages and prices, so wage-and-price controls were instituted in the United States. But American business people being the ingenious people they are found a way around all that by granting fringe benefits.

There fringe benefits had largely been nonexistent prior to World War II, but with the increases in taxes, and the impact of wage-and-price controls, and the shortage of labor, fringe benefits became very popular. They became the popular way of enticing people to work in a particular industry. So out of all of those fringe benefits, at the top of the fringe benefits came health care coverage. Health care insurance sprung out of all that wage-and-price control push in the early 1940's.

Let me explain this to those who are not fully familiar with how these benefits work. They work essentially like this: If you are the beneficiary of a policy, the person who provides it to you, your employer, usually a corporation, gets a tax deduction for that policy. There are some abuses in that tax deduction. Some people get very, very generous benefits with these insurance policies, something bordering on vacations, and there are others who get practically nothing. There is no requirement that the low-paid employees get the same amount as the bosses or the members of the board of directors.

□ 1720

So we need to straighten all that up, and we should have done it long before this time, and we need to do it as rapidly as possible.

That is one deduction. Then there is an exclusion from income. Remember, we were trying to find a way around wage-price controls, and these were not wages, they were not income to the employee, so they gave the employee an exclusion from income of this big benefit, which was just the same as wages, but the Congress did not catch it in time and they got excluded from income of the employee.

So there are two huge tax benefits. The largest tax benefits you will find in the Internal Revenue Code revolve around this insurance arrangement I have just described here. So that is one of the things we are going to take a small step in straightening out today.

The gentleman from Washington [Mr. MCDERMOTT] will have a provision in there that extends the deduction and exclusion to those people in the country who are self-employed, in other words, a secretary or helper of a self-employed, or someone whose corporation or business does not give them a health insurance policy. He will allow those people who have been discriminated against horribly in our tax system and horribly in our health care system, if the substitute amendment passes, and I think it ought to pass, to get a tax deduction. It will have to be phased in, because we are talking about a lot of money, but it is the right and just thing to do for the self-employed who are covered by this bill, and the employees of the self-employed and by those employees who work for businesses who do not furnish health insurance. They ought to get the same kind of treatment of their income that employees do who work for a company who provides health insurance. If they buy the health insurance themselves, these employees will get an exclusion and a deduction. That is a good measure. It ought to be approved. It is in the amendment.

The other part of World War II that we are straightening out here has to do with a tax benefit that was granted because the Government had to seize certain radio channels for wartime purposes. Since the person that had their channel seized had no chance to reinvest their money right away in a new radio station, they got a rollover. Somewhere along the line, this rollover got turned into a benefit for minorities. That will be amply discussed in the debate to come.

A substitute will be available, and Mr. MCDERMOTT sitting right back here will handle the substitute. I have designated him to handle the substitute for the Democratic members of the Committee on Ways and Means, and he can adequately explain his substitute. I think it is a good substitute and I urge you all to vote for that.

I would urge Members in the process here to vote for the motion to recommit, because it really does right by people who have been hurt and hurt badly and unfairly, and to vote also for the McDermott substitute, because it does a fine job in making the necessary corrective efforts in the other tax benefit.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 8 minutes to the gentleman from Texas [Mr. ARCHER], the distinguished chairman of the Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank my friend for yielding and for bringing this rule before the floor. I think it is a fair rule. It gives the minority an opportunity to have an hour debate on their substitute and also gives them another opportunity to make a motion to recommit with instructions. I believe that this issue can be fully developed under that framework.

As the gentleman from Florida [Mr. GIBBONS] just completed saying, until December 31, 1993, the self-employed were permitted to deduct for tax purposes 25 percent of their health insurance costs. At that time, it was permitted to expire, and was not extended last year.

H.R. 831 not only restores the self-employed's 25-percent deduction for 1994, but also makes the deduction permanent, so it does not continue to go down this roller coaster road of being on again, off again without the certainty that the self-employed should have.

It is vital so that millions of self-employed individuals can avoid the expense of having to file an amended tax return for 1994. Hopefully we will get this bill out of the House today, pass it to the Senate, and hopefully it will be passed rapidly over there.

The $2.9 billion revenue cost of permanently extending the self-employed health insurance deduction is fully funded in this bill by several provisions that will greatly improve our Nation's tax laws. Because it is fully funded, it will not in any way increase the deficit.

First, H.R. 831 repeals the Internal Revenue Code section 1071, under which the Federal Communications Commission can grant, at its discretion, tax certificates deferring tax on the sale or exchange of broadcast facilities.

Section 1071 was enacted in 1943 to address problems arising from new Federal regulations forcing the sale of radio stations. Under general tax principles, gain on dispositions of property that is involuntarily converted, that is, property that is destroyed or taken by the government in a condemnation proceeding, is excluded from taxable income if the proceeds are reinvested in similar replacement property.

However, the involuntary conversion rules in effect at the time in 1943 did not apply to the sales of radio stations because of the scarcity of stations and there was no opportunity for reinvestment.

Congress believed, therefore, it was appropriate to liberalize the rules for the FCC-ordered sales and code section 1071 was enacted. The time has come to repeal section 1071 because the FCC has expanded the purposes for which it issues tax certificates far beyond Congress' original intent of addressing problems relating to involuntary sales of broadcast facilities.

More important, I believe it is wrong for the Congress to give authority to any agency to administer what is in essence an open-ended entitlement program with no constraints on the extent to which the agency can hand out tax benefits.

Clearly, this leaves a large tax loophole in the code. H.R. 831 would repeal this loophole and not, as my friend from Massachusetts said, retroactively, but rather to January 17, at which time notice was given by public press release that whatever action we took would begin on that date. It is prospective beginning January 17, and I would say to my friend from Massachusetts that if he supports the Democrat substitute, it has the same effective date of January 17. So we should disabuse ourselves of any charges of retroactivity that might occur in what we do today.

The bill's other offset for the cost of making the 25-percent deduction permanent is a tax change proposed by the Clinton administration to deny the earned income tax credit to persons with more than $2,500 of taxable interest and dividend income. The administration stated in its proposal that under current law a taxpayer may have low earned income and therefore be eligible for the EITC, even though he or she has significant interest or dividend income. The EITC should be targeted to families with the greatest need.

The Committee on Ways and Means agrees with the administration. However, rather than deny the entire EITC when interest and dividend income reaches $2,500 as the administration proposed, H.R. 831 would phase out the credit as interest and dividend income increases from $2,500 to $3,150.

Thus, not only does H.R. 831 reinstate the self-employed's 25-percent deduction for health insurance costs, it also makes several other needed changes in our Tax Code. I urge my colleagues to support this rule.

Mr. MOAKLEY. Mr. Speaker, it gives me great pleasure to yield 7 minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. My colleagues, I hope we take a good look at what is going on here today and see whether or not we want to project this type of conduct in the future.

First of all, the health benefits that we are talking about expired in December, and there should be very few, if any, Members in this House that would not want to continue to make certain that we give a deduction and we encourage the self-employed to have health insurance.

Now, the committee had notice that we were going to take care of this from last year, but then comes the question of how we are going to pay for this. And would Members believe the committee had no notice of how we were going to pay for this until a day or two before the actual meeting to markup.

Now, we have had the subcommittee of the Committee on Ways and Means study the question of Viacom and to report back to the full committee. Well, we have not had any report on this Viacom deal and how all of a sudden this was selected to pay for the extension of the health benefits.

Now, Members will tell you that Viacom received $400 million, $500 million as a result of selecting a minority, that a contract was signed and that this was not the intention of the legislation because originally it had something to do with radio and television people getting rid of their property because of the law.

But we also know that this law was amended. And the person that was the beneficiary of getting the minority station was working for the FCC under President Carter. And he has subsequently gotten four pieces of TV and/or radio stations as a result of the law.

And this one he was about to do except someone said it did not pass the smell test. No one said it was illegal. No one said it was immoral. No one said that it violated any regulations. And I assumed it would be just out of taste to say that because this guy was black and was enjoying the benefits of the law that was written by this Congress, that we have now said we are going to stop the deal.

Now, if we have been doing this type of thing all along with every S&L contract that did not pass the smell test, I would join in and say, anything that Congress does not like, let us get involved and stop it. It does not sound too Republican to me, keep the Government out of business. Let the free marketplace work its will. But I just wonder if we can issue a press release and put people on warning, is that the type of reliance that we want on our Tax Code?

My good friend, the gentleman from Texas, Chairman ARCHER, says we should not have the FCC making these determinations, that it should be with the Treasury or should be with the IRS. I do not have any problem with that. I never said it should be the FCC. But if we want to knock out preferences that minorities get so that they, too, would be able to be proud to see their images on the airwaves, that they would not have to look at themselves as being clowns and walking slowly and telling jokes and being demeaned as criminals or people on welfare, if we want Hispanics to be able to say that they can look with pride at their own programs, if we want the world to say that the United States is not sterile, it is not white, it is not male, it is a beautiful combination of a whole lot of cultures and the whole world is made up of these people and we should make certain that we are not talking about affirmative action and preferential treatment, we should have our board rooms and our airwaves reflect what America really is, people of all colors.

And if we are going to knock out the minority provision, we should at least have hearings on it and do it in the open rather than look at this one deal, knock this out retroactively and then say that, hey, by the way, we have got to knock out the whole section because we do not like the FCC involved in making the decision.

We could reform this. If we in our hearts wanted to make certain that everyone had an equal chance, maybe this law was bad. Maybe we should substitute it with something else. Maybe we could have hearings and come up with something. But, no, they say that they want to make certain that this does not happen again and they wipe it out completely.

Now, I want Members to think with me, because I am not an economist, but what we are saying here now is that somehow this Viacom was going to make something from $400 million to $500 million in tax benefits and deferred payments of their capital gains tax.

All I want to know is, if this deal was going to cause us to lose $400 million in revenue, how does canceling the deal, where there is no transaction, raise the money to pay for the health bill? We cannot have it both ways. If the Viacom deal was based on taxes, and it was, and we shattered the Viacom deal to Washington, where in the heck is the money being raised? There is no transaction here.

I submit to my colleagues, if we have to do health, do health. If we want to knock out set-asides, knock out set-asides. If we want to set aside the hopes and the dreams of minorities that had this, well, go ahead and do it. We have the votes to do it. But I am suggesting that we do not have to do it in the middle of the night. This is the beginning of a folly. It started in the campaign.

We now find some gentlemen who are running for President in the other body suggesting that if elected they will strike out all preferences, that 62 percent of angry white males voted for the Republican party. Well, I tell my colleagues this: close to 50 percent of the American people did not vote for anybody. I think America has gone a long way in getting rid of the vestiges of racism. We have a long way to go. But if we have differences in how to get along as brothers and sisters, if we have differences in how all of us should make certain that we are treated with equality, I say, do not do it in the middle of the night. Come up. If we differ, let us fight about it. But this is no place to be wiping out a minority tax preference and color it under the cloud that we are trying to improve the quality of health for the self-employed.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I hope that this body today passes the rule and the bill. This is real working people's legislation. We always talk about helping middle-class America; this will truly help middle-class America.

Mr. Speaker, if Mobil Corp. can deduct 100 percent in health insurance costs, then why cannot Ann Kirchner, a farmer in Shiocton, WI, deduct just 25 percent of her health insurance?

The answer is that Congress allowed the 25 percent health insurance deduction for small business to expire last year.

Under the current Tax Code, big businesses may deduct the cost of health insurance from their taxes. The self-employed farmer, shopkeeper, entrepreneur, or small business owner, however, cannot deduct a penny of their insurance costs.

Congress can right this wrong by passing this bill, H.R. 831, to allow 25 percent deduction for the 1994 tax year and to make it permanent thereafter.

Since 1986, we have always had this annual renewal. Let us make it permanent, and we are going to do that with this legislation.

H.R. 831 will take us one step closer to the goal of leveling the playing field between big business and the ordinary self-employed American.

I would like to add that today's legislation should be just a starting point in making our health care system fairer for the average American. Congress must expand on today's work by making health insurance 100 percent tax deductible for all Americans.

I hope that my fears are not well-founded, that we are going to go with the 25 percent and then forget it. If 100 percent is good enough for Mobil Corp., the big corporation in America, why is not 100 percent good enough for the farmer, the shopkeepers and others?

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Missouri.

□ 1740

Mr. VOLKMER. Mr. Speaker, I agree with the gentleman that 100 percent is only the fair way to do it.

Would the gentleman, if given the opportunity, support an amendment to make it 100 percent?

Mr. ROTH. Mr. Speaker, I would say to the gentleman, I would be happy to do that. That is exactly the goal I am shooting for. I want to make it 100 percent deductible for all Americans, from the farmer from rural Wisconsin to the boardrooms of urban America.

There are 3.2 million people affected by this, and this is going to be the first step in the Republican plan to restructure health care in America so we have a fair Tax Code, and I hope we pass this legislation to give the people a 25-percent deduction.

Then let us not forget that we want to make it as fair for the average American as we have made it for corporate America, and go ahead and have 100 percent deductibility for health care costs.

I thank the gentleman from Tennessee for yielding time to me.

Mr. VOLKMER. The gentleman can do it today, Mr. Speaker.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Because of the plea of the gentleman at the mike, Mr. Speaker, I think we will have a vote on the previous question, so the gentleman can vote against the previous question, and then put the amendment the gentleman wants in the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, I thank the gentleman for yielding me this time.

This is a good follow-up to the last comment, Mr. Speaker. I went to the Committee on Rules on H.R. 831, to put in order an amendment that would increase the deduction for self-employeds to 80 percent, starting in the second year.

First, I want to congratulate the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. GIBBONS] for bringing this bill forward. This is a very important bill for self-employed individuals. They are filing their tax returns now. We do not want them to have to file amended returns, so it is important that we act promptly on this legislation.

Mr. Speaker, I support the bill. I supported the bill in the committee, and I will support the bill on the floor, but I was disappointed that the Committee on Rules did not make in order an amendment that would have allowed us to increase the 25 percent for the self-employed deductions to 80 percent. It could have been made in order. It was not.

Mr. Speaker, the tradition has been to protect many of the tax bills that come out of the Committee on Ways and Means, but there are only three other individuals was came forward to the Committee on Rules and asked for amendments to be made in order.

It would not have made it disorderly for those amendments to be placed in order by this rule, and I hope that we will not approve the rule in its current form. This bill is different than the bill filed by the gentleman from California [Mr. THOMAS] to extend the 25 percent for 1994 only. Many of us thought that would be the bill we would be acting on promptly. This bill extends it permanently, but at 25 percent.

My concern, Mr. Speaker, is if we extend it permanently at 25 percent, we are never going to get it up to the level of 80 percent, which I think is the right level.

Why 80 percent? Because the average business in this country pays 80 percent of the insurance premiums of its workers and it is entitled to deduct that entire 80 percent. To provide parity for self-employed people, if we allow them to deduct 80 percent of their premiums, we will have parity between the self-employed and the people who work for companies.

Mr. Speaker, is it important? Yes, it is. In 1986 we adopted a 25 percent deduction for the self-employed. It is estimated that 400,000 more people are insured as a result of that tax provision. However, there are still 3.1 million self-employed individuals who have no health insurance.

They are one and a half times more likely to have no health insurance than a company that can use the deduction of 80 percent, or what they can deduct on their insurance premiums. If the Committee on Rules would have made in order an amendment to increase this to 80 percent, we could have gotten more people insured.

I do not understand the logic for why that was not made in order. It was paid for in the amendment, it was in compliance with the rules, and in a sense of fairness, where the House can decide whether it should be 25 percent or 80 percent, why not let that amendment come before the House and be voted on by the House?

That is what my amendment and the amendment of the gentleman from Massachusetts [Mr. NEAL] provided for, and I would urge my colleagues to defeat the rule or the previous question so we can make that amendment in order, giving us the opportunity to vote for a higher percentage than 25 percent.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] has the right to close.

The Chair recognizes the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to my dear friend, the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time to me.

Mr. Speaker, I rise in opposition to the rule for H.R. 831. This legislation would restore and make permanent the 25 percent tax deduction for health insurance premiums for the self-employed. The deduction is paid for by a very controversial tax change.

This rule makes in order one and only one substitute. The markup originally scheduled on this Committee on Ways and Means was to restore the 25 percent deduction for 1994. It was my understanding at that time that the committee wanted to act on this legislation quickly in order to prevent individuals from filing amended returns. We are fast approaching the tax filing deadline for 1994, and in fact for farmers the tax filing deadline is on March 1.

It is also my belief that at a later date the committee was to address the issue of making the deduction permanent and increasing the amount of the deduction. However, the day before the markup we received notice that the markup was to make the deduction permanent, and it would be paid for with two tax provisions.

One of the revenue provisions, the repeal of Code section 1071, gives the Federal Communications Commission the authority to grant tax certificates deferring capital gains taxes on the sale or exchange of broadcast facilities to minority individuals or minority-controlled entities.

I am pleased the committee took action on restoring the 25 percent deduction for 1994. However, I am very concerned that the 25 percent deduction should be made permanent, but we should move on this very quickly with additional changes that the gentleman from Maryland [Mr. CARDIN] and I have proposed. The deduction should be increased.

During the committee markup, the gentleman from Maryland [Mr. CARDIN] and I offered a specific amendment to restore the deduction for 1994 and to increase the deduction to 80 percent for 1995 and 1996. This proposal would be financed by the same revenue offsets. The amendment unfortunately failed on a party-line vote.

Mr. Speaker, we have testified in front of the Committee on Rules about our amendment. The Committee on Rules did not make our amendment in order, although they gave us a very courteous hearing, and there seemed to be general sympathy in the committee on both sides for our proposal.

This legislation is very straightforward. The amendments presented to the Committee on Rules by Committee on Ways and Means members were germane and substantially related to 831. This was not a situation where there were complicated issues in the legislation, or the amendment contained new revenue offsets.

The 25-percent deduction is extremely important as an issue for the self-employed. One quarter of self-employed Americans, 3.1 million farmers, and craftsmen, professionals, and small business proprietors have no health insurance. The self-employed are one and a half times more likely to lack essential health care coverage.

Mr. Speaker, the Tax Code should encourage the self-employed to pursue health insurance. The deduction would allow businesses to spend more on health care. There are approximately 41 medically uninsured.

We need initiatives to encourage working people to provide for health care coverage. An individuals's employment should not determine the tax treatment of their health insurance. Most importantly, on this occasion, this full House is fully capable of debating this issue tonight.

This is important to self-employed Americans across this Nation, and we should not have been denied the opportunity to offer the amendment proposed by the gentleman from Maryland and I.

Mr. Speaker, I firmly oppose this rule, and I urge those on both sides to proceed with a full debate and vote against this rule this evening.

The SPEAKER pro tempore. The Chair would ask the gentleman from Tennessee [Mr. QUILLEN] if he has additional request for time.

Mr. QUILLEN. Mr. Speaker, I have one additional speaker.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there may be a lot more acrimony, if we hear any more of this rhetoric about closed rules around here.

Mr. Speaker, I just want to tell the Members in the minority, they never had it so good. No other minority in the history of this Congress was ever treated as good as they have been treated.

Mr. Speaker, let me tell the Members something else. We Republicans said to the minority, we said to my very good friend, the gentleman from Florida [Mr. GIBBONS], the ranking member of the Committee on Ways and Means, whatever he wants we will make in order. We want to be fair.

We made in order a rule that says the gentleman from Florida [Mr. GIBBONS] or his designee can offer any amendment that he wants. What is more fair than that? Then I hear all this talk, Mr. Speaker, about how some few Members are going to try to offer another amendment to shorten this exemption for the self-employed that we are making permanent here today.

□ 1750

Let me tell you something. We Republicans are not going to foul up the American people anymore. We are going to make this exemption permanent forever. And no other amendments are going to be offered on this floor that change that.

There is nothing more aggravating to a small businessman or to a farmer than to have Congress continue to micromanage their life. And that includes procrastinating and letting this exemption run out.

We should have done this bill last year, but, no, this Congress was too busy fooling around trying to get reelected. It is about time we got down to business. That is what this bill does.

I hear all this talk that some few Members are going to try to change the funding provision in this bill so as to wipe out the estate tax exemption. Nobody more than me, with 5 children and 4 grandchildren, resents that more.

Members are not going to reduce the inheritance tax exemption that citizens now have. We ought to be raising it to $1.2 million, not cutting it down to $200,000, which is what some few Members want to do.

Let me tell you something. Let's get this rules debate over. Let's get this bill out on the floor, and let's get up and vote for it one way or the other. We know what we are voting for. We don't need all this rhetoric.

Mr. NEAL. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to my good friend the gentleman from Springfield, MA, whom I have a lot of respect for.

Mr. NEAL of Massachusetts. I thank the gentleman for yielding. By the way, you were up for reelection last year, were you not, Mr. Chairman?

Mr. SOLOMON. I don't even remember it has been so long ago.

Mr. NEAL of Massachusetts. You are so confident, you do not have to worry about reelection. Those of us on our side, we have to worry about it.

Mr. SOLOMON. Let me tell the gentleman something. I represent a district that is 45 percent Republican, and I get 75 percent of the vote. That is how confident I am, because I represent the people. I don't come down here and talk out of both sides of my mouth.

Mr. NEAL of Massachusetts. Let me ask the gentleman a specific question if I might. I just want to say that in 7 years here I have never received a more courteous hearing from anybody on my proposals, when members on both sides of that committee agreed entirely with the proposal, at least verbally, that the gentleman from Maryland [Mr. CARDIN] and I offered, and then, despite the fact that everybody said, "Yes, this is the correct posture, this is the right position, you're demonstrating the right attitude," and then we were told we could not offer our alternative.

Everybody there in that room that day agreed with us, I say to the gentleman from New York [Mr. SOLOMON]. Then they said, "No, but you can't offer it." But I do thank the gentleman for receiving me in a courteous manner.

Mr. SOLOMON. If I had been in your shoes, I would have gone to my minority leader, and I would have said, "This is what I want in that substitute." And I would have got it.

Mr. MOAKLEY. Mr. Speaker, I think the gentleman from New York [Mr. SOLOMON] will have to apologize to a lot of Members that he could not get their amendments through when he was the minority leader on the committee.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. I thank the gentleman from Massachusetts for yielding me this 2 minutes.

Here we go again, folks, another gag rule, just like we have been having right along. I can well remember the day after we were sworn in, the gentleman from New York said we were going to do open rules, at least 70 percent open rules.

Let us look at this week. We have got a gag rule tonight, tomorrow we get another gag rule, Thursday and Friday we get another gag rule. That does not sound like very much openness. How about a good amendment? The best amendment I have heard. "You can't offer it."

Some way, folks, you should realize that this House should be able to determine whether or not our small-business people, my farmers, who are paying $7,000, $8,000, $9,000 a year on health insurance but cannot deduct a penny, they ought to be able to do like big business. Big business controls down here. Big business gets a 100-percent deduction. But they do not allow my small-business people and my farmers to do that.

How can we do it? We can do it by defeating the previous question, and once the previous question has been defeated, that amendment will be in order. So a vote on the previous question is a vote whether or not you want 100-percent deductibility for your farmers, for your small-business people or if you do not want it. That is what it amounts to, I say to the gentleman from New York, very clearly. It is very clear for everybody. Nobody can deny the fact that if we defeat the previous question, that amendment will be made in order.

So if you want to vote on it, now is the time, when we get right to the previous question, vote down the previous question, get the amendment in order, let the House decide this matter, and don't let it be stymied by the Committee on Rules.

Mr. THOMAS. Mr. Speaker, will the gentleman yield briefly?

Mr. VOLKMER. I yield to the gentleman from California.

Mr. THOMAS. I would ask the gentleman from Missouri that if the amendment to fund self-employed at 100 percent is offered, what will be the revenue source to cover the cost?

Mr. VOLKMER. The gentleman from Maryland and others who have developed the amendment have it. I do not know exactly, but they do have it developed.

Mr. THOMAS. I see.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. DREIER], a very valuable member of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman emeritus for yielding me this time.

Mr. Speaker, I rise in strong support of this rule. It is a fair and balanced approach to a very important issue, trying to make permanent this very important deduction which farmers and small business men and women need if they are going to survive in this economy.

We have by addressing this apparently opened up the issue of health care reform. Mr. Speaker, we plan, when we get beyond the first 100 days, to move meaningful market-oriented health care reform legislation. But this is not the place to do that.

The measure here is very specific, it is being done under a fair and balanced process. Everyone has acknowledged that we should not be opening up the Tax Code for all kinds of amendments which could create many serious problems. This is the way that it should be done. I hope very much that my colleagues will join in supporting this balanced rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Speaker, I thank the ranking member of the Committee on Rules for yielding me the time.

It was once suggested that what would it really mean if you won the world and lost your soul. It seems as though the great debate in the majority party's camp has been won by the David Duke faction. Because tonight under the guise of trying to help self-employed individuals, they want to snatch the rug out from up under a program that has been very meaningful for the tens of millions of African-Americans and Hispanic Americans throughout this country.

Today in America, there are over 18,655 broadcast licenses for radio, TV, and cable. Out of these 18,000 licenses, 332 are owned by minorities. When this program was put in place in 1978, 0.5 percent of these licenses were owned by minority group members. It is now 3 percent, a sixfold increase. Three percent of the 18,000 licenses, some 300 of them, because we encouraged through the Tax Code a process in which some of the sales of radio and TV stations could move from the old boys' network to a circumstance in which other people in this country could participate.

So we have this sneak attack this evening on the floor of the U.S. Congress. I guess even David Duke would not be proud because he was making it very plain about what his position was.

I guess now the majority, as the chairman, as the gentleman from New York suggests, is why don't they just be more open about what it is they attempt to do. Their Presidential candidates have suggested that this is going to be a critical issue and they want to win votes by dividing our country.

It is an unfortunate hour for this Congress and for our country.

Mr. MOAKLEY. Mr. Speaker, I urge a "no" vote on the previous question to make in order the Rangel amendment, the Cardin amendment, the Stark amendment, and the Mfume amendment.

Mr. Speaker, I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, to close the debate on this side, I yield 2 minutes to the gentleman from Illinois [Mr. WELLER].

□ 1800

Mr. WELLER. Mr. Speaker, I wish to thank the gentleman from Tennessee for the courtesy of yielding me 2 minutes of his time.

Mr. Speaker, I rise today to express my strong support for this rule and for H.R. 831 which will bring tax fairness to the little guy and especially millions of middle-class working Americans. This bill will restore the 25 percent health care deduction insurance for the self-employed. This sorely needed tax deduction was held hostage, as many will remember, by the Clinton government-run health care plan that was eventually rejected by the voters this past fall.

As a result 3.2 million families, including my own parents, self-employed farmers, will now be unable to deduct even 25 percent of the cost of health insurance for themselves and their families, unless we enact this legislation.

Major corporations are able to write off 100 percent of the costs of their health insurance. Yet, self-employed individuals, like my parents who run a fifth generation hog farm, may have to forgo insuring their family because they cannot afford the added cost. This situation will undoubtedly lead to thousands of Americans being added to the millions of those already uninsured.

H.R. 831 will restore at least part of the tax break that is currently available to corporations which the self-employed have come to rely on. This bill not only restores the deduction for last year, but also makes it permanent so that the self-employed do not have to travel down this road again, year in and year out.

Mr. Speaker, finally we have a Congress which is committed to bringing tax fairness to all Americans. Restoring the 25 percent health care deduction for the self-employed will help make health care more affordable. H.R. 831 is an important first step that must not be delayed.

Let us make the right vote and vote aye for the rule and H.R. 831.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. It is time that we get down to full debate on this measure and consider the substitute and go on with our business.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

PARLIAMENTARY INQUIRY

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman will state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, it is my understanding that all points of order have been waived by the Committee on Rules, and my parliamentary inquiry is that if in fact there is no funding mechanism for the provision of extending health care for the self-employed, does the waiver of the point of order prevent anyone from going into the funding mechanism as it relates to the Budget Act?

The SPEAKER pro tempore. The rule does indeed waive all points of order against consideration of the bill.

Mr. RANGEL. I knew that.

But I am asking the Chair, when we have a violation of the Budget Act, and this is something that is very sacred to Republicans and Democrats, that the only thing that we have to do when we do not provide the funding for a particular piece of legislation is go to the Committee on Rules and ask them to waive any violation that we have as relates to the Budget Act? I mean is that the Chair's ruling?

Mr. SOLOMON. Mr. Speaker, I do not believe that is a parliamentary inquiry.

The SPEAKER pro tempore. The Chair will respond that the waiving of all points of order includes waiving of points of order when it concerns rules under the Budget Act.

Mr. RANGEL. So my last parliamentary inquiry is if we want a bill funded and we do not have the money for it, all we have to do is go to the Committee on Rules and tell them to waive it, and then we do not even have to fund it, is that correct? Is that correct, Mr. Speaker?

The SPEAKER pro tempore. The Committee on Rules does have the authority to waive all necessary points of order.

Mr. RANGEL. My point, Mr. Speaker, is that you can bust the budget.

The SPEAKER pro tempore. Does the gentleman have a further inquiry? The gentleman should not restate the inquiry over and over again. If the gentleman has another inquiry let him state it.

Mr. RANGEL. Then the Budget Act is not relevant when the point of order is being waived by the Committee on Rules?

Mr. SOLOMON. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provision of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 191, not voting 13, as follows:

[Roll No. 146]

YEAS—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Borski
Brown (FL)
Cooley
Crapo
de la Garza
Dingell
Ehlers
Gallegly
Gonzalez
Meek
Radanovich
Rush
Williams

☐ 1823

Ms. DANNER, and Messrs. OWENS, SPRATT, and FAZIO changed their vote from "yea" to "nay."

Mr. FLANAGAN and Mr. CHRYSLER changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 188, not voting 17, as follow:

[Roll No. 147]

YEAS—229

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley

Packard
Parker
Pastor
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—188

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Brewster
Browder
Brown (CA)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Green
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefley
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—17

Borski
Brown (FL)
Crapo
de la Garza
Dingell
Ehlers
Gallegly
Gonzalez
Goodling
Jacobs
Meek
Pickett
Radanovich
Rush
Spence
Talent
Williams

□ 1831

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 88 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 831.

□ 1834

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes, and the gentleman from Florida [Mr. GIBBONS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud that the first bill out of the Committee on Ways and Means in this Congress is one that is so important to our Nation's small business community. H.R. 831 will finally make the self-employed's 25-percent deduction for health insurance costs permanent, ending the uncertainty that is accompanied in this provision since its enactment in 1986. H.R. 831 enjoys strong bipartisan support and strong support from the Nation's small business community. In fact, the National Federation of Independent Businesses has strongly endorsed H.R. 831 and opposes the McDermott substitute, and the NFIB will consider a vote on this bill as a key vote for the 104th Congress.

Mr. Chairman, I reserve the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, my colleagues, some time ago some remarks were attributed to me indicating that I was calling my colleagues Hitler or suggesting that they were Nazis, and I want to publicly apologize to anyone that was offended or thought that the inference, as related to Hitler or to Nazis, had anything at all to do with the people I work with every day.

The point that I was trying to make and I make today, and perhaps not as well as I wish I could, is that during the time of the Holocaust, when the Jews were the targets of the failure of the German Government to provide a decent economy, he decided that he was going to scapegoat the Jews, but so many people that were also on his list, they never heard about what was going on. They did not believe that they were involved. The Christians were not involved. The Pope did not know what happened. Even Franklin Roosevelt never knew what happened. And today there are some people who say it did not happen at all.

An analogy that I was making, as bad as it may have been, is that there is an assault today on the poorest of the poor in the United States, an assault on Medicaid, an assault on our aged. There is an assault now even for minorities who are trying so desperately hard to be on an even playing field.

□ 1840

It is not that I am talking about affirmative action. Heck. White folks have had affirmative action all their lives and their daddy's lives and granddaddy's lives. The only time blacks get affirmative action really is when it is time to go to combat and you see who is in the infantry and see who is flying the planes.

All we are saying is those airwaves belong to us just like they belong to you. And we are not asking for you to give us the money to buy them. This is some scheme that was created that allowed the seller to look for minorities, so that they would be able to be the beneficiary of what they do in the old boys club.

Now, I am saying if you do not like the scheme, let us come up with a better one. But do not use health care as a reason to knock out a preference that we have to allow Hispanics and Asians and native Americans just to be able to look at television and see on it something that we like to see for your wives an our families.

How dare anyone say that it is fair to tie up a good bill to extend health care to the self-employed with this vicious act without a hearing, without a report, just because someone says that this black guy got too big a deal.

I am telling you, if you do not like this deal and you feel that retroactively you can put out a press release or pass a law and knock out the deals, I wish I had known this when we had the savings and loan thing coming across, because we had some deals there that never passed the smell test. But this is what we are doing for the future.

Let me tell you this: You are firing the first shot across the bow regarding knocking out affirmative action and preferential treatment. We can use that tax code for other things too.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume, simply to reply to the gentleman that there was a full and open hearing in the oversight subcommittee of the Committee on Ways and Means on January 27 where all witnesses who were interested in the subject were invited to come and present their views.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Texas, Mr. SAM JOHNSON, who has fought for the interests of all Americans, who nearly gave his life, and who holds the record for the longest period of time in solitary confinement of any military person in the history of this country, who sacrificed not just for one type of American, but for all types of Americans.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I want to clear the air. This bill is not about race or about a Republican plan to dismantle affirmative action. This is about providing a permanent 25-percent deduction for health insurance to the 3.2 million hard-working self-employed Americans.

In order to provide funding for this deduction the Ways and Means Committee repealed section 1071 which is simply an FCC tax give away.

Section 1071 was created in 1943 by the FCC to give tax certificates to radio station owners that were forced to sell one station. Under FCC regulations, at that time, an owner could not have two stations in one market.

Since 1943, the FCC has ballooned section 1071 into a voluntary, loosely defined, unsupervised, open-ended tax giveaway entitlement program.

They have kept sparse records of the tax loss to the taxpayers, and how if at all, the program has enriched minority ownership. It is a program that has outlived its usefulness. Not to mention the fact that an independent agency should never be in the position of implementing tax policy, this has and will invite disaster. Tax policy is only made by Congress and should be carried out by the IRS.

Mr. Chairman, it is time to focus on the real issue at hand, giving the self-employed a richly deserved deduction to help cover their health costs for themselves and their families. Americans want, need and deserve relief. We say support the self-employed, support the passage of this bill.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, we will be offering a motion to recommit, and I would like to talk with you a little bit about what this will do and what it will not do.

It will provide some peace of mind to 3.5 million Americans who, as we debate tonight, are counting the months until they lose their health insurance. If nothing else, Mr. Chairman, this changes nothing in the bill except to extend their coverage as we granted them in 1985 by a unanimous vote of the Committee on Ways and Means.

These people will lose their extended coverage because it expires between 18 and 36 months from the time they had a change in family status or lost their jobs for other reasons, and thereby would have lost their employee health insurance. No one will have to subsidize anyone. This is merely allowing those people to pay the full cost of their insurance, at no cost to the employer, no cost to the taxpayer.

How can we deny these people, 16 million families have taken advantage of this since 1985. There are each year 3 or 4 million people who because of divorce, disability, the plant closes, would not have insurance, voluntary private sector insurance. How can we deny those people the opportunity to extend their insurance, protect their families in the best American way?

Mr. Chairman, I urge you to consider this amendment. It has had bipartisan support. It is humane. It will not deter us from giving the deductibility to the self-employed.

So I ask my friends on both sides of the aisle to consider tonight a motion to recommit which will not deter us from what many of us support, and that is the deductibility of insurance cost for the self-employed. But let us take the fear out of the hearts of 3.5 million Americans tonight who will know that they may extend this coverage for their families, themselves, their disabled children, whomever, at no cost. No cost to the budget, no cost to the employer, no cost to anyone except those people who will have to work hard to pay the premiums to the private insurance company under which they are covered.

I urge Members to think hard and long about bipartisan support for the motion to recommit.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the respected gentlewoman from Connecticut, [Mrs. JOHNSON], the chairman of the Subcommittee on Oversight of the Committee on Ways and Means, who so ably conducted the hearings that brought this bill before the House today.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of H.R. 831, a bill that permanently extends the 25-percent deduction for health insurance costs to the self-employed.

Mr. Chairman, for too long, millions of self-employed workers have lived with the uncertainty of not knowing whether they could deduct some portion of their health insurance costs from year to year. Enacted on a temporary basis in 1986, the deduction was extended several times, expired at the end of 1993 and was not renewed throughout 1994. Today, we finally have an opportunity to provide the certainty of a permanent deduction to the millions of small business men and women who form the backbone of our economy, driving its inventiveness and job growth.

I also want to emphasize that the cost of making the 25-percent deduction permanent is fully funded by tax changes that make our Tax Code fairer and simpler.

The major change is repeal of code section 1071, which allows the Federal Communications Commission to grant tax benefits with respect to sales of radio, television, and other properties. Enacted in 1943 to address problems with respect to the involuntary sales of radio stations arising from wartime restrictions on the availability of new radio property, this provision has been significantly expanded by FCC action to cover television stations, cable TV systems, personal communications services, and in 1978 to promote minority ownership of broadcast facilities by offering tax certificates to those who voluntarily sell stations to minority individuals or minority-controlled entities.

Not only has the FCC changed the purpose of tax certificates, but also increased the size of the transactions they are allowed to cover.

The size of transactions receiving tax benefits under section 1071 has also expanded. The total Federal and State tax benefits for one transaction, Viacom's sale of its cable TV systems recently in the news, may be in excess of half a billion dollars.

The Subcommittee on Oversight, which I chair, found in hearings that section 1071 gives the FCC unfettered authority to hand out tax breaks to promote whatever policies it deems appropriate. No other Federal agency has such authority and no Federal agency should have such authority.

In fact, when the FCC sought to review the worthiness of its tax certificate program, Congress stepped in and literally forbade the FCC from any oversight work at all. In sum, 1071 provides big bucks for a few with no demonstrative effect on minority ownership or program diversity.

The other major financing provision in this bill is a variation on a proposal in President Clinton's fiscal year 1996 budget to deny the EITC to individuals who have more than $2,500 in taxable interest and dividend income. The Ways and Means Committee believed it was more appropriate to phase out the credit, rather than have it end abruptly when dividend and interest income hits $2,500. H.R. 831 phases out the credit for taxpayers who receive between $2,500 and $3,150 of dividend and interest income.

To achieve this level of dividend and interest income, a taxpayer would need to have over $50,000 in savings assets. The administration believes—and I strongly agree—that the benefits of the EITC should go to low-income workers. It should not go to taxpayers with significant assets who otherwise have low earned income.

Mr. Chairman, making the 25-percent deduction permanent is extremely important. In addition, the funding provisions in H.R. 831 are changes that will improve the fairness or administration of our tax laws. H.R. 832 deserves your strong support.

□ 1850

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding time to me.

This is important legislation that we need to pass. The 25-percent deduction for self-employed individuals is an important tool for self-employed to have health insurance. And we need to pass it. I regret that the Committee on Rules and the rule that we passed does not allow me to offer an amendment, a bill that I have filed that would have increased the 25 percent to provide parity for the self-employed individual to what a business can deduct on the insurance premiums that they have for their employees.

We still have 3.1 million people who are self-employed who do not have health insurance. The 25 percent provision is important, but we should have had the opportunity to increase that to a fairer level so that self-employed people could have the same type of a tax advantage as those people who run businesses.

But we will have two other opportunities during this debate to expand access to health insurance to allow the private sector to provide more health insurance for their employees. The first will be on the Gibbons-McDermott substitute, which incorporates an amendment offered by the gentleman from California [Mr. STARK] that will allow the employees of the self-employed companies to be able to deduct their insurance premiums if their employer does not provide it up to the 25 percent.

This gives the employees the same parity as the company self-employed person has, and I would urge my colleagues to support the substitute for that reason to expand access to health care.

The second opportunity will be on the motion to recommit that will be offered by the gentleman from California [Mr. STARK]. That will extend COBRA beyond the 18-month period current law. This is at no cost to the employer. An employee who no longer is employed of a company, who wants to continue that health insurance in that group at 100 percent, actually it is 102 percent, by the cost of the employee would be able to continue that health insurance protection.

When we are seeing more and more people without health insurance today, why should not Congress, why should not this House provide greater opportunities for an individual to be able to get health insurance at no cost to the employer or government? So I would urge my colleagues to support the Gibbons-McDermott substitute. Support the motion to recommit that will be offered by the gentleman from California [Mr. STARK] so that we can expand health access with health insurance.

This bill is an important bill. We need to take care of this current tax year for the self-employed. But we also have the opportunity to go further, and I urge my colleagues to do that.

Mr. ARCHER. Mr. Chairman, will the gentleman yield?

Mr. CARDIN. I yield to the gentleman from Texas.

Mr. ARCHER. I thank the gentleman for his interest in raising the percentage of deductibility for the self-employed. I can assure the gentleman, as we move on into this year and we get into health care overall, it is intention of the chairman to try to move that percentage up.

Mr. CARDIN. I thank the gentleman very much. I know he is interested in that issue.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. CRANE], a member of the Committee on Ways and Means.

Mr. CRANE. Mr. Chairman, first I would like to salute my distinguished chairman for his efforts here to restore and make permanent the 25-percent health insurance deduction for the self-employed, something that should have occurred a long time ago, and he has finally adroitly addressed it.

Second, another reform in it is repeal of section 1071 of the tax code which has permitted an unconstitutional usurpation of the exclusive jurisdiction on the part of Congress and more specifically the House to originate tax policy. Tax policy has degenerated over a period of years and the lack of appropriate oversight into something that has been taken over in part in this instance by a Federal agency.

Finally, it ends the discriminatory provision that falls under the definition of affirmative action, because if affirmative action is dealing with minority rights, then what are the rights of minorities who are of Polish descent, of Irish descent, of Italian descent, German descent, Hungarian descent? It is long since overdue. I salute my distinguished chairman for having done it.

Mr. Chairman, I am proud to say that the first bill that has been reported to the House floor by the Ways and Means Committee this year, H.R. 831, sets us on a good course for tax policy in the 104th Congress.

The primary purpose of this bill is to permanently extend for the self-employed the 25-percent tax deduction for health insurance expenses. I would put emphasis on the word "permanently" because it raises a point that is worth noting in terms of tax policy. There are a number of deductions/credits in the tax code that are temporary in nature. Rather frequently, the Ways and Means Committee must decide whether to extend various expiring provisions. Consequently, every year hundreds of proponents flock to the Hill to lobby in support of the various provisions. This process is not only time consuming, costly, and unnecessary, but the temporary nature of these provisions is frankly unfair to the taxpayer. Taxpayers and businesses often never know from year to year whether they can count on a particular deduction or credit. In this case, the self-employed deduction expired December 31, 1993, meaning that those filing their returns for the 1994 taxable year with the April 15, 1995, deadline, still do not know whether they can take the deduction. This legislation will ensure that these hard-working individuals will not have to go through this kind of uncertainty again.

In my view, either these temporary deductions/credits are worthwhile or they aren't. If they are, let's make them permanent, and if they are not, let's eliminate them from the code altogether. I believe it is the intention of the Ways and Means Committee under the leadership of our fine new chairman, BILL ARCHER, to move in that direction. I will certainly do all I can to encourage the membership of the committee and the House to proceed accordingly. Moreover, I will look forward to the opportunity at a later date to consider raising the 25-percent deduction to a higher percentage. In the meantime, having the certainty that the deduction is going to be there is critical. As a member of the Ways and Means Committee who has dealt with this issue for many years, I can say with confidence that this credit helps literally thousands of individuals by encouraging health insurance coverage without the heavy hand of Federal bureaucrats.

Having touched on the principal purpose of this legislation, another aspect of the bill must be discussed. There are two items in H.R. 831 that have been incorporated into the bill to pay for the extension of the self-employed deduction. One of these items, specifically that portion of the bill which repeals section 1071 of the Internal Revenue Code, deserves further comment.

The history of this section is fully recited in the Ways and Means Committee Report 104–32. In a nutshell, current law attempts to promote minority ownership of broadcast facilities "by offering an FCC [Federal Communications Commission] tax certificate to those who voluntarily sell such facilities to minority individuals or minority-controlled entities." This tax certificate results in substantial tax savings for the sellers in the transaction and that fact alone should be enough for those little imagination to realize how such a provision might be utilized.

Basically, as section 1071 has evolved, it is designed to work as an affirmative action program to encourage minority ownership of broadcast facilities. To be blunt, I view affirmative action programs as reverse discrimination and believe that in the long run they are detrimental to the efforts of minorities to break down some of the discrimination barriers that still exist because of the resentment such policies generate in the various classes of people not given the benefit. However, even if one supports the concept of affirmative action, it is not all clear that this program has actually resulted in long-term minority ownership of broadcast facilities as was intended. Rather, from the information that is available on the FCC program, it would appear that many of the deals are accomplished purely to take advantage of the certificate because we find the minority interest evaporating in a short period of time after the transaction has been triggered. Put another way, many of the deals that take advantage of section 1071 are consummated with little or no interest in ensuring long-term minority ownership. Finally, I would contend that the FCC should not be making these type of decisions anyway—I do not believe it is wise to give the FCC the authority to carry out Federal tax policy. In short, it is my strong opinion that section 1071 of the code is ill-advised and must be eliminated.

Mr. Chairman, I urge my colleagues to vote in favor of this important legislation because it embodies sound tax policy.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in support of the Gibbons-McDermott substitute to H.R. 831. This substitute provides an appropriate alternative to H.R. 831.

H.R. 831 extends the deduction for the health insurance costs of self-employed individuals. However, this provision is paid for with a controversial provision. This legislation would repeal Code section 1071, a provision giving the Federal Communication Commission [FCC] authority to grant tax certificates deferring capital gain taxes on the sale or exchange of broadcast facilities. The FCC has offered tax certificates to those who voluntarily sell facilities to minority individuals or minority-controlled entities.

We can successfully argue that there are some problems with Code section 1071. It has been estimated that a recent proposed sale of cable systems could result in deferred gain of $1.1 billion to $1.6 billion. Code section 1071 does need improvement, but it does not need to be eliminated.

I do not believe the original intention of this proposal was to give billion dollar tax breaks to the wealthy. The gentleman from Florida [Mr. GIBBONS] and the gentleman from Washington [Mr. MCDERMOTT] have developed an alternative which provides a much better solution. The Gibbons-McDermott substitute gives the section 1071 tax certificate program a smaller scope by limiting the amount of gain on the tax certificate to $50 million. This proposal would transfer administration of the program to the IRS.

The proposal adds several important safeguards to the certificate program. These changes are appropriate. We should try to fix section 1071 before we enact an outright repeal. The Gibbons-McDermott substitute preserves the purpose of the program and will eliminate the abuses.

We can all agree the 25-percent deduction for health insurance is important. This proposal also creates a 25-percent deduction for the purchase of health insurance by employees who do not receive employer-sponsored health insurance. I urge you to support the Gibbons-McDermott substitute. This substitute is a responsible vote. The self-employed will receive the deduction they deserve and the FCC certificate program will not be repealed without the proper consideration.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CAMP], a valued member of the committee.

Mr. CAMP. Mr. Chairman, I thank the distinguished gentleman for yielding time to me, and I rise in support of H.R. 831.

Mr. Chairman, I rise in support of H.R. 831. This measure is a critical first step in eliminating a severe injustice to the self-employed in this country.

By allowing small business people, farmers, and entrepreneurs to deduct 25 percent of health care costs for them and their families, we are taking a first step to encourage people to provide health care for themselves and their families.

It is time that this Government realize that self-reliance is something to be encouraged, not discouraged.

This legislation will help provide a good environment for self-employed people, particularly in my district where many farm families are self-employed and desperately need this provision so they can afford adequate health care.

I also contend that we must view this as a beginning. I hope my colleagues will not only support this measure to permanently extend this deduction but also join me in pursuing legislation that will allow a 100-percent deduction for these vital members of our community.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to another valued member of the committee, the gentleman from Ohio [Mr. PORTMAN].

Mr. PORTMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

As a former member of the small business committee who worked hard to get to this point last year, I can just say it is my great privilege to stand here tonight in support of the bill of the gentleman from Texas, Chairman ARCHER.

I am very pleased that we are here. In talking to people in my district, the two things I hear about the most is the need for fairness and consistency in our tax laws.

I think this bill goes a long way to ensure both. It is fair because here finally we are helping those people who have taken the risk, pursued the American dream and been out working for themselves and in turn have provided jobs for others.

These are the hairdressers, barbers, farmers, small business owners, shopkeepers, the self-employed. If corporations can duck their health care insurance costs, it is only fair that these people can as well, so this bill is about fairness.

It is also about certainty and consistency, certainty because it permanently reinstates the deductibility, which is extremely important, as the gentlewoman from Connecticut [Mrs. JOHNSON has noted previously.

At a time when we are trying to figure out how to get as many people as possible covered by health insurance, this is exactly the sort of thing we should be doing. This gives an incentive to the 3.2 million people out there who are self-employed who would like to get into health care insurance. It gives them an incentive to do so, and takes away the current disincentive.

Rather than just proposing a Government takeover of health care, we are actually trying to give the American people what I think they want, which is the ability to help themselves.

In Ohio alone this bill will make health insurance more affordable to more than 50,000 farm families, not to mention, again, the self-employed plumbers, mechanics, mom and pop grocery store owners, and so on.

The bottom line is that by beginning to level the playing field between individuals and businesses, we will allow many of the self-employed to purchase health insurance who would not do so otherwise.

This is not just theory. I have had plenty of farmers come up to me in my district and say it is worth taking the risk of not going with coverage because their families are relatively healthy, without the deduction.

With the deduction, doing their own cost-benefit analysis, which they do, they would in fact buy health insurance. Therefore, it is going to help, and it is exactly what we should be encouraging in health care. I am particularly pleased to see we are moving quickly to put this before the 1994 returns.

Again, I congratulate the gentleman for bringing this bill to the floor.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Chairman, I rise in opposition to H.R. 831; more specifically, the section of the legislation that deals with the repeal of section 1071 of the Internal Revenue Code, tax assistance for minority broadcasters. The bill represents the beginning of a war waged by the Republican Party against any program that even suggests a hint of minority assistance.

Mr. Chairman, I am simply amazed by the level of hypocrisy exhibited by the majority leadership with regard to this particular issue. The Republican leadership claims that the repeal of section 1071 is necessary to offset the expenses created by the 25 percent tax deduction of health insurance costs for self-employed individuals, which is also proposed in H.R. 831.

This is totally false. The repeal of 1071 will not raise tax revenues. Most communications transactions, such as AT&T-Lin Broadcasting, Time-Warner, Viacom, and at least a dozen other enormous television transactions have been accomplished on a tax deferred basis.

Eliminating the minority tax certificate program will not result in additional tax revenue. Rather, sellers of communications properties will simply employ other tax deferred techniques, such as mergers, stock swaps, and public offerings.

If the tax certificate program is killed, minority sales will not occur. They will be restructured and accomplished by only large corporations.

Mr. Chairman, I heard someone mention, what about the Hungarians, what about the Romanians, what about the other people? There are 11,303 licenses so far. 300 of these are in the hands of minorities. When the question is asked, where are all these other people, they are in the 11,000 licenses which are held by the majority of people.

As we look at this proposed agreement between Viacom and Mr. Frank Washington, it was an opportunity for a minority entrepreneur to become 321 out of the numbers.

Mr. Chairman, I urge defeat of H.R. 831.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in support of this very important legislation which will permanently extend the 25 percent health care deduction for the self-employed, and retroactively implement the deduction so that our small business people can use this deduction in preparing their 1994 tax returns.

This legislation is very similar to a bill I introduced last year, and again in January, and I commend the chairman of the Ways and Means Committee for his expeditious handling of this important and much-needed legislation.

Our Small Business Committee held a hearing on this issue on January 20, and witnesses testified that approximately 400,000 people are able to purchase health insurance because of this deduction.

As important as it is to make this deduction available to our small business people for 1994, just as important is the provision to make the deduction permanent. In the past, Congress has dangled the deduction over the self-employed every year, temporarily extending the deduction since 1986. In passing this bill, we will be assuring small owners that they will be able to deduct 25 percent of their health premiums in the future. They can plan on it. We have heard from Small Business that because of lower cash-flows, the ability to plan is imperative if they are going to offer health insurance. Making this bill permanent and retroactive is probably the number one business issue that we have heard about this year.

But it is important to remember that even with a permanent 25-percent deduction, small owners are not given the same benefits which the Federal Government provides to corporations: The ability to deduct 100 percent of their health care premiums.

Later this week, I will be introducing legislation which will incrementally increase the 25-percent deduction for self-employed to 100 percent. Incentives to provide health insurance should be equitable, and my bill will increase the 25-percent deduction to 50 percent in 1997 and 1998, to 75 percent in 1999 and 2000, and 100 percent of premiums would be deductible beginning in 2001 and thereafter. Our small entrepreneurs deserve the same breaks we provide for large corporations. Please join me as a cosponsor of this bill. It is another real step toward a goal we all support—providing health care coverage for everyone.

Mr. GIBBONS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida, Ms. ILEANA ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Chairman, I support the Gibbons-McDermott substitute protecting section 1071, which has helped to open up broadcast licenses to minorities. It will also tighten the provisions of this tax incentive to prevent potential abuse and insure that it will truly benefit minority owners.

If we fail to adopt this substitute, Mr. Chairman, we will be sending a message that we do not wish to continue this effort to encourage greater ownership by African-Americans, Hispanic-Americans, and other minorities in broadcasting. This provision was aimed at strengthening the FCC's efforts to make scarce broadcast air waves available to all Americans.

Minority participation in the ownership of radio and television stations has increased dramatically under this policy. Before 1978, minorities owned less than one-half of 1 percent of broadcast licenses. Today, 3 percent of all radio and television stations are owned and controlled by over 300 minority owners.

Many minority owners have testified that without this tax program, it would be difficult, if not impossible, for them to secure broadcast facilities. Section 1071 has made it possible for many to experience the American dream. By better serving the needs of the marketplace, it is truly a successful way of allowing our free enterprise to work for the benefit of all Americans.

Mr. Chairman, let us not participate in a rush to judgment to destroy this program, which has helped to open up access to the Nation's air waves for all of us.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, I rise to offer my support to H.R. 831, the bill to restore the 25-percent tax deduction for health care premiums of the self-employed.

Mr. Chairman, as we know, President Clinton and the Democrat Congress got together in 1993 and passed the largest tax increase in our history. Their claim was that it only raised taxes on the richest 1 percent.

Yes, it did raise taxes on the rich, along with many others. It also raised taxes on some senior citizens who collect Social Security. It also raised taxes on self-employed individuals who pay for their own health insurance.

Last year, Mr. Chairman, Congress took away, with the President's approval, the 25-percent tax deduction for the health care premiums of the self-employed. It somehow conveyed the message that we care about the cost of corporations providing health care, we care about the employees of the corporations, but we do not care about the self-employed.

Mr. Chairman, it was a bad idea to remove the 25-percent deduction, and what we are doing today rights that wrong. I am pleased with our action.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in support of permanently extending the health care deduction for individuals, those that are self-employed, and I particularly salute the committee for making this change in the Tax Code permanent. There should be no doubt about that deduction and the existence of that deduction.

I also salute the committee for perfecting the Earned Income Tax Credit tax preference so it is much better written, so those who really, truly are in need will get what they have to have in order to be able to work and continue to take care of their family.

However, Mr. Chairman, I do disagree with the third part of this piece of legislation before us. We will have a substitute later in the evening that strengthens this program to assure that minorities have a real stake in the ownership that they want so desperately. It transfers this program from the FCC to the Internal Revenue Code, where it belongs, and it makes it possible for us to have fairness in our communications.

□ 1910

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT], who has spent so much time and effort in seeing that the self-employed would continue to get this 25-percent tax deductibility on their insurance premiums.

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this legislation. It addresses a matter of fairness. For years now corporations have been able to deduct the full cost of health care premiums for their employees. The self-employed have been able to deduct only 25 percent. In the future we need to address this inequity. But tonight we address even a worse inequity. That is, that even this 25 percent is not now available. This is because this was a casualty of the failed health care debate in the last Congress.

When we look at who this affects and recognize that companies that had from zero to 4 employees produced more than 90 percent of all of the new jobs during the past recovery, we see that this is a group that can ill-afford this kind of discrimination.

For this reason I submitted H.R. 696 and am delighted that this bill to reinstate this for 1994 is incorporated in the present legislation. Now self-employed people all across the country can file their tax returns and take the 25-percent deduction for their health care premiums.

Again I would like to thank the chairman of the committee. We have now interrupted our 100-day contract legislation to enact this legislation. This sends a message how important we think this is for the American people.

Mr. GIBBONS. Mr. Chairman, I yield 1½ minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise in strong support of taking immediate action to restore the 25-percent deduction on health insurance. This deduction has long been available, should never have been allowed to expire last year, and prompt action tonight can retroactively reinstate this important deduction for self-employed people. Swift action will allow them to take the deduction without having to go through the expense and hassle of amending their returns.

We must recognize, however, Mr. Chairman, that this action is but step 1 of the road to parity in treatment of health insurance. Businesses, corporations have a 100-percent deduction. Individuals should be allowed no less. That is the concept implicit in H.R. 52, legislation I drafted on the first day of the 104th Congress which now enjoys the cosponsorship of 74 additional Members of this Chamber, both Republican and Democrat in roughly equal measure.

The reasons are clear. It will first of all restore tax fairness and tax equality, corporation to individual. Second, it promotes the affordability of health insurance coverage so that in this time when too many people cannot afford the coverage, coverage becomes more affordable through allowing the deduction.

Action is necessary tonight on this measure. Because while many people, most Americans face an April 15 tax filing deadline, the farmers I represent in North Dakota and throughout the country face a March 1 filing deadline. Prompt action this measure will allow this deduction. That is why I so strongly support this bill.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH], a valued new member of the Committee on Ways and Means and a New Member of the House.

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I rise in strong support of H.R. 831. In it we propose to permanently expand access to health care for farmers and other small business people and to finance it by closing a grotesque tax loophole whose time has come and gone. The tax preference we are eliminating does not help the underclass. It does not help the poor and disadvantaged. It only helps the rich and well-connected who know how to game the system.

The American people cannot understand why we have a tax loophole that allows investors in a $2.3 billion conglomerate to save over $500 million on their taxes in order to give a $2 million profit to one businessman who happens to be a minority. That businessman as it turns out is the same retired Federal bureaucrat who designed this tax program in the first place.

Mr. Chairman, I urge my colleagues to end this abuse, improve health care for the self-employed, and pass this bill.

Mr. GIBBONS. Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Chairman, I rise today in favor of H.R. 831, a bill to permanently restore the 25 percent tax deduction for health care premiums paid by the self-employed.

The last Congress refused to renew this provision and it is important to the small business community. On eastern Long Island, small businesses are the job creators, the staple of our local economy. From Montauk to Smithtown and Patchogue to Port Jefferson, the hard-working, self-employed owners of small businesses are struggling under excessive taxes and burdensome regulations. These entrepreneurs cannot afford to hire new employees and rejuvenate our lagging local economy while the Federal Government demands more and more of small business earnings. Permanently restoring the 25 percent health care deduction for the self-employed is a good step in the right direction.

The issue is really about fairness. Currently large businesses are allowed to deduct the entire cost of health care premiums for their employees and their families. On the other hand, self-employed business owners must pay 100 percent. It is basically unfair and this reverses that unfairness.

The Nation's small businesses are the backbone of our economy, and it is time we gave them this break. I urge my colleagues to embrace H.R. 831.

Mr. GIBBONS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to H.R. 831. My colleagues have pointed out that this is the right problem to attack. As a member of the Committee on Small Business, I certainly appreciate the need for a 25-percent deduction for self-employed business owners.

Mr. Chairman, this may be the right problem, but it is certainly the wrong solution. It is the wrong approach and the wrong attempt to corret this problem.

I have heard people talk about fairness. Certainly this is totally unfair. We are talking about trying to address one situation on the backs and on the burden of something that is totally unrelated. What I call it is laser-beam legislation. We have reached throughout the whole mass of laws and of matters and have zeroed in on one particular transaction dealing with Viacom and said that it would now be retroactive in order to repeal minority preferences and minority set-asides in order to fund this particular need for health care insurance for self-employed or businesses.

Once again, Mr. Chairman, it is the right problem but it is the wrong solution. As has been pointed out by my colleague, the gentleman from New York [Mr. RANGEL], certainly these savings are not savings at all. The reasoning is fallacious. So the $400 million that my colleagues have said would be saved are chickens that are really not counted.

In actuality what we are talking about is a very egregious attempt to dismantle and to disempower minority businesses and minority access to the FCC.

Mr. Chairman, it is for these reasons that I strongly oppose H.R. 831.

Mr. ARCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvaniva. Mr. Chairman, I rise to speak in behalf of H.R. 831. Recently a Member of this body compared in a press commentary the actions of Congress to those of Adolf Hitler and the Third Reich.

As a Member of the Congress of Jewish faith, I am personally troubled by those kinds of inappropriate comparisons. Invoking the image of Hitler, especially in contrast to this great body, is an insult, I believe, to Jews and anyone who respects the American Congress and the important work we were sent here to do.

As the gentleman from Texas [Mr. ARCHER], the chairman, has stated, "By the use of inflammatory comments, you do democracy a deep injustice." This is all the more surprising with the fact that the Holocaust Museum is only 1 mile from the Capitol.

□ 1920

The United States in 1995 is vastly different from Germany in 1941 when people were exterminated for simply being who they were.

I support this legislation, a sound measure which will benefit the people of all races and is not intended to harm anyone. We need to pass this legislation, Mr. Chairman, so all people without regard to race, creed, national origin, or sex can afford health care insurance.

This bill permanently extends the now lapsed 25-percent deduction for health insurance costs. This is not an assault on the poor nor an issue of us and you. This is not about race. This is an opportunity for millions of Americans to have health care which they would not otherwise be able to afford.

Small business owners throughout my district of Montgomery County, PA come to me and ask for assistance to acquire health care. That is a good bill which benefits all people and deserves our support.

Mr. GIBBONS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, how pained I am to have to stand here this evening to be able to talk about two jangled chords again. I certainly do appreciate the gentleman from Texas in his effort to deal with issues that all of us wholeheartedly agree on, and that is working men and women. But I have to rise to support the Gibbons and McDermott substitute which is not yet on the floor, which is about to raise the issue of health insurance suggesting that we can do this in a better way.

We clearly can provide for those who are self-employed, but in addition to that we can provide a tax deduction for employees whose employers do not subsidize their health care. We can do this in conjunction with not turning back the clock that has been so evenly supported by Republican and Democratic Presidents alike, Reagan, Clinton, and Bush.

I think it is important to realize, as William Raspberry said in his column in the Washington Post, are we really there yet, the kind of question your little one would ask you on a 100-mile trip. We are not there yet for equal opportunity for minorities. Why would we want to match and mix-match the issues of self-employed and working Americans with the question of opportunity in the purchase of Broadcast media for minorities which is long overdue?

We really need to emphasize that the electronic media and the opportunity to access purchasing media by minority business persons is a good thing to have happen. It is a good thing to have happen under conditions established by the Federal Government because it can document that minorities have a long way to go to own these stations.

Let us do the right thing; be fair to the self-employed. Let us be fair to those who are employed by the self-employed and let us be fair to minorities who would seek an opportunity to buy these wonderful stations that would serve the American people.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I thank the gentleman from Texas for yielding me this time. I rise in strong support of H.R. 831, the bipartisan bill to restore the permanent 25-percent health insurance deduction for self-employed Americans.

Presently, self-employed Americans cannot deduct any of their health insurance premiums. In contrast, corporations, both large and small, enjoy 100 percent deductibility, as a cost of doing business.

This deduction is a positive first step to help the self employed provide themselves with health insurance, while providing a boost to our economy and adding a small degree of fairness to the tax code. Eventually, I hope we will increase this deduction to 100 percent for the self employed.

Self-employed business owners are not asking for a government hand-out. They are simply asking for fairness and the same tax break that every corporation receives.

Perhaps the most positive part of this legislation is that it is permanent. As any business owner knows, the ability to plan long-term and set business priorities over time is critical to not only growth and prosperity, but also survival. In the past, self-employed business men and women have been at the mercy of congressional reauthorization.

I urge my colleagues to vote for this bill.

Mr. GIBBONS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, so far the debate has been about the proposed 25-percent health deduction for the self-employed. Now I support that. And I support that part of the substitute that allows for tax deduction for workers whose employers do not contribute to their health plans.

But let me speak about the unspeakable. I am opposed to this bill because it dismantles an extremely viable and important program that allows participation by minorities in the broadcast industry. And the concept is now new.

Back in 1943 the U.S. Government created an affirmative action program which authorized the FCC to provide tax relief for broadcast owners who were essentially part of monopolies. That was during World War II. This was not an affirmative action law for programs for blacks or Hispanics or women. It was affirmative action for white broadcast owners.

Twenty years later the FCC used the same framework, the same law to provide the tax preference for those broadcast companies who would sell to minority-owned firms. This was done to open up ownership opportunities to minorities and to basically promote diversity in an all white, male-dominated industry.

Now today we are asked to vote to dismantle this program. There are those who would argue it is too expensive and those who would say it is race-based. Is it too expensive that the Viacom deal will respond to get these tax benefits? They are only using the law in the way that it was framed. It is only fair that we continue to allow those who are playing by the rules to do so. Viacom will get its tax deferments. They should not be looked on as someone who is doing something wrong.

I ask Members to oppose this bill because it is basically unfair and it attempts to eliminate those who are simply trying to play by the rules.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to commend our Ways and Means Committee Chairman, the gentleman from Texas, Mr. BILL ARCHER on his outstanding efforts to retroactively reinstate the 25 percent deductability of health insurance for self-employed. Small business people and farmers.

This is one of the most important issues in my congressional district where tens of thousands of working families must purchase their own health insurance policies. More than a dozen other freshmen representatives joined me late last week in sending a letter to the leadership in both Houses requesting the earliest possible movement on this issue.

I understand that there are great time pressures we have imposed on ourselves with the Contract With America and members of the minority party want to delay our timetable with a motion to recommit.

However, restoring this tax deductability before March 1, in time for farm families to file their returns should be a point of bipartisan cooperation, and I hope we can move forward quickly.

Mr. GIBBONS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Chairman, I rise in support of the McDermott substitute, and against any rescissions of preference for minority broadcasters.

I rise today to speak on H.R. 831, the health insurance deduction/minority broadcast preference.

Mr. Chairman, by all means, I support extending health care benefits to all Americans. However, the question now becomes how do we pay for this measure?

Mr. Chairman, I believe that it is extremely cynical for this Republican Congress to propose eliminating the minority broadcast preference in order to fund an important health care provision when just last year they killed the health care bill.

Mr. Chairman, sometime in the near future, we will visit the welfare reform debate, and I can assure you that the deficit hawks will favor reducing entitlement programs and converting funds into block grants to the States in an effort to reduce moneys spent on welfare programs.

Mr. Chairman, my colleagues on the other side consistently argue that Americans should work hard and play by the rules. However, Mr. Chairman, it appears from this bill that when some Americans work hard and play by the rules the rules are arbitrarily changed.

Mr. Chairman, this bill is being rushed through this Congress with virtually no debate. But more appalling, this bill is retrospective to January 17, 1995 for the sole purpose of eliminating the viacom deal.

Mr. Chairman, let us as Americans rise above the racial divisiveness that cripples our great nation.

Mr. GIBBONS. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, for our national broadcasting communications system, which operates on the public airwaves, to serve our diverse population, ownership of broadcast stations must reflect that diversity.

The purpose of the minority tax certificate program is to offer minorities a means to own broadcasting facilities.

This is not a quota system and it is not a setaside. It is the use of tax law to achieve a desirable social goal—opportunity for minorities to buy and operate broadcasting stations.

One such minority-owned station, KBJR-TV in Duluth, MN, in my district, is owned by Granite Broadcasting Corp. KBJR-TV has long offered thoughtful, informative coverage of native Americans in northeastern Minnesota.

□ 1930

If there are abuses with the program, they ought to be assessed, addressed, and repaired. They should not be an excuse to eliminate this program, which the committee bill would do.

The Gibbons-McDermott substitute will retain and reform the existing tax preference for sales of broadcast companies to minority-owned firms.

I fully support the health insurance deduction provisions of the bill and especially support the McDermott substitute.

Mr. ARCHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana [Mr. MCCRERY], a very valued member of our committee.

Mr. MCCRERY. Mr. Chairman, I rise in support of H.R. 831, a bill which will make permanent the 25 percent deduction for health insurance for the self-employed. We should strive to make health insurance more affordable, and this bill does that. It will make business expenditures by small businesses more certain, as they will be able to rely on the 25 percent deduction for purchase of their health insurance, unlike past years when the temporary deduction expired, leaving the self-employed in doubt as to their true costs.

Should we go further by increasing the percentage of the health insurance costs of the self-employed which are deductible, or by extending this deduction to workers whose employers do not provide them with health insurance? Yes, and some of us will be working hard in the months ahead to include those even more attractive incentives in the Tax Code. But for now, it is important that we take this step in the right direction, important to make permanent this tax deduction that the self-employed have come to rely on.

And a quick word, Mr. Chairman, about the proposal in Mr. STARK's motion to recommit to extend indefinitely the period of time which a former employee may remain on his former employer's health insurance.

Mr. CARDIN stated that such an extension would impose no additional costs on employers. In fact, Mr. Chairman, an indefinite extension of Cobra benefits not only imposes increased costs on employers, but, either directly or indirectly, imposes increased costs on the remaining employees in the business. The data shows that, when faced with paying their own premiums, former employees who are healthy seldom opt to continue their insurance, taking a chance that they will not require substantial medical care before getting another job which provides insurance. On the other hand, former employees with health problems continue on their former employer's insurance which drives up the cost for the whole group.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Chairman, I rise to oppose section 2 of H.R. 831 regarding the "Repeal of Nonrecognition on FCC Certified Sales and Exchanges." I strongly support the objectives of H.R. 831 concerning the need to permanently extend the deduction for health insurance costs of self-employed individuals, however, I oppose the funding mechanisms suggested.

Passing H.R. 831 would in effect repeal the FCC's Tax Certificate Program that the FCC administers under I.R.C. section 1071. The Tax Certificate Program was implemented to allow sellers of broadcast or cable facilities to defer capital gains taxes on the sales of broadcast or cable facilities. Because this is only a deferral of tax and not a waiver or elimination of it, ultimately, all parties involved will pay capital gains tax on the profits.

The mischaracterization of this program as one which is a tax exemption is incorrect.

I.R.C. section 1071 was enacted to effectuate the FCC's policies and goals relating to: First, promoting a diversity in obtaining broadcast licenses, second, preventing possible monopoly ownership of broadcast facilities, and third, stimulating reinvestment in the broadcasting business.

Despite the efforts of the FCC to achieve diversity, the results have been less than impressive. Specifically, when the FCC implemented the provision relating to minority ownership, minorities owned less than 1 percent of all broadcast licenses. Since the adoption of the Tax Certificate Program, approximately 300 tax certificates have been awarded by the FCC for broadcast licenses and cable sales in the 17-year history of the program. During the same period, however, there have been approximately 15,000 broadcast license transactions. These figures demonstrate that although the program has led to an increase in minority ownership, the increase only represents approximately 3 percent of ownership since the enactment of the Tax Certificate Program. Clearly, more must be done to provide an opportunity for minorities to fully participate in the ownership of broadcast licenses, thereby providing programming diversity. More importantly, the number of licenses issued to minority-owned business would likely be far less without the Tax Certificate Program.

Mr. Chairman, there has been no reliable documentation demonstrating that the repeal of the Tax certificate Program will result in any additional tax revenue in the future. It is far more likely that sellers will find alternative methods to structure broadcast license sales that minimize the tax impact of the transaction. Additionally, cancellation of the program will eliminate a vital means for minorities to acquire ownership of broadcasting licenses, thereby reducing the FCC's goals of providing programming diversity.

To ensure achievement of these goals and policies of the FCC, the FCC should be allowed to reform the current tax certificate program to provide implementation as provided in the Gibbons—McDermott substitute.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS], a valued new member of the committee.

Mr. COLLINS. of Georgia. Mr. Chairman, I thank the gentleman, the chairman of the Committee on Ways and Means, for yielding me this time.

Mr. Chairman, I rise in support of H.R. 831, and I commend the chairman and the members of the Committee on Ways and Means for brining this measure to the floor of the House. It is an important issue, that of restoring and making permanent the deduction for the self-employed, those who purchase health care insurance for them and their families.

I am pleased, too, to hear the chairman say that later on this year we are going to address the issue again, and we are going to increase that deductibility from 25 percent upward to hopefully 80 or 100 percent.

Also I support repealing the authority of the FCC to grant special tax favors to those who sell communications assets. I regret there are those in this body who want to lead others to believe that this is going to prevent the sale of any asset or any communications system. There is no provision in H.R. 831 that will prevent the sale to anyone.

H.R. 831 will, though, require anyone who does sell such assets to pay taxes on the gain of that sale, just the same as any other working American pays taxes on the profits that they earn or the income that they earn or any business, who sells an asset and has a gain.

Mr. Chairman, I urge the support of the passage of 831, and I urge opposition to any substitute or any motion to recommit.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said earlier in the debate, we are cleaning up some messes that began way back in World War II. They need to be corrected. I am sorry we did not get to them sooner. Some of them just became apparent recently.

In the McDermott-Gibbons substitute, and I have designated the gentleman from Washington [Mr. MCDERMOTT] to handle that time and that proposal under the rule, we will make some substantial and some equitable changes in the broadcast licenses provision and also in the health care provision. The McDermott-Gibbons substitute takes the licensing provision and makes it a true minority participation device and not the kind of device that now exists. It is an improvement on the spirit of the provision as it was inculcated in the law way back in the 1940's.

Also, the Gibbons-McDermott, or McDermott-Gibbons, substitute provides for a more equitable distribution of the health care benefits that we are passing out here. As I pointed out in general debate, this is largely a leftover event from World War II where the whole idea of fringe benefits and the exclusion of health care insurance benefits from taxation all came about in a World War II accident that occurred here on the floor.

□ 1940

So, cleaning up those matters—and they ought to be done—and then Mr. STARK will come in with a motion to recommit that helps us by extending the COBRA benefits indefinitely to people who want to pay, out of their own pocket, the health insurance they had when they were an employee.

So those are the kinds of things we are advocating here.

Mr. Chairman, I yield the remaining time to the gentleman from South Carolina [Mr. CLYBURN].

The CHAIRMAN. The gentleman from South Carolina [Mr. CLYBURN] is recognized for 30 seconds.

Mr. CLYBURN. I thank the gentleman for yielding time to me.

Mr. Chairman, I wish to support the alternative to what is being proposed. As Members know, all of us agree that there ought to be a way to pay for the 25-percent deduction of health insurance. This issue is not about that at all. I think that we know, from those of us who have been dealing with health insurance and its reform, that this is something we support.

Mr. Chairman, I rise in opposition to this legislation. Let me first make this clear, I strongly support a 25-percent deduction for health insurance costs for self-employed individuals. This deduction has long been allowed and should continue. However, the financing for the permanent extension should not come from the repeal of the minority tax certificate program administered by the Federal Communications Commission.

Since 1978, the FCC has developed its program of tax certificates, under Internal Revenue Code section 1071, which encourages minority ownership of telecommunications properties. The program has led to a five-fold increase in minority ownership of radio and television broadcast stations, and to an increase in minority ownership of cable systems, as well.

This program, which allows a seller of a telecommunications property to defer gain on an FCC-approved sale to a minority interest, has enjoyed bipartisan support. In 1982, a Reagan administration-controlled FCC both extended the policy to cable systems and expanded the program to include investors who contribute to the stabilization of a capital base of a minority enterprise. Every year, from 1987 to 1994, Congress has repeatedly supported this program in annual appropriations legislation. Through a legislative rider, Congress has, among other edicts, prohibited the FCC to retroactively apply changes to this program. The current rider expires at the end of the 1995 fiscal year.

While the FCC is currently forbidden by law to retroactively affect the tax certificate program, this legislation is now asking Congress to do just that: Repeal the minority tax certificate program retroactively to January 17, 1995, which we all know is targeted at a deal between the Viacom company and an African-American businessman. This request comes after lightning-quick and less than adequate consideration of this program by the Committee on Ways and Means. On February 8, 1995, the full committee, acting solely on the one hearing on the issue, reported H.R. 831 without amendment.

Tax certificates make it possible for minorities to gain access to two vital ingredients needed to achieve ownership: information available about broadcast properties and access to capital. Tax certificates encourage brokers to seek out minorities as prospective buyers of broadcast properties. Without the program, minorities are less likely to be informed of prospective sales.

The importance of the tax certificate program to all participants in the telecommunications field, the inadequate consideration by the Committee on Ways and Means, the bill's retroactive effect raise serious questions about the direction this body is going in, with respect to affirmative action.

Mr. Chairman, I urge my colleagues to vote against this legislation.

Mr. ARCHER. Mr. Chairman, to close debate, I yield the balance of our time to the gentleman from California [Mr. THOMAS], chairman of the Subcommittee on Health, who has done such an outstanding job already in this Congress.

Mr. THOMAS. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

Mr. Chairman, I have to say to my colleagues over on this side of the aisle in the minority that this is not your only opportunity to solve the health care problem. I know some of you may be anxious. We waited the entire 103d Congress for a health care measure to reach the floor. We waited in vain. Here we have an opportunity to deal with health care in the first month or so, and you may be thinking this is the only train. To that I say no; you will get ample opportunity to make changes to solve our health care problems in subcommittee, in committee, and, yes on the floor.

I think this underscores the fact that we are under new management. I want to make three points about being under new management.

First, the Democrats, in 1986, gave the self-employed a token 25 percent deduction for health care. And kept them on a hot skillet dancing ever since.

In 1994, the self-employed deduction expired. And now, as tax time comes, the self-employed are wondering whether or not they are going to be made whole since the provision expired in 1993. The answer is "yes."

In subcommittee we heard ample testimony that this is absolutely needed.

Is it enough? Of course not. But all we are trying to do in this measure is extend current law and cover those people who, through no fault of their own, were left exposed last year. That is all we are doing. A modest measure.

We are not trying to rethink the inequities of the tax code for all people, including those individuals who work for a corporation who are not provided their health insurance by that corporation.

The self-employed are second-class citizens, the McDermott amendment wants to make those individuals who work for corporations who do not provide health care third-class citizens. They do not even get the self-employed level of deduction up front. So, clearly, you have concerns, Gee, I wish your concerns had been made more apparent in the last Congress; we could have moved legislation in this area.

The second point I want to make is the rules under which we are examining this legislation. Not only was the minority afforded a substitute of their choice, but; my colleagues on the Democratic side have said we want this and this and this. You had an opportunity to put your package together. You did that.

Not only that, the majority provided the motion to recommit. So you get two bites of the apple. That is something that we on this side of the aisle in the minority of the past would like to have had but often times were denied. We are not denying that to you. Clearly, there has been a change.

In committee, you had in front of you the legislative language that is in front of you now, and you had it ahead of time. That rarely occurred under the old management. The complaint that you only had the legislative language a day or two ahead of time pales when we used to deal with conceptual approaches announced the day of the hearing.

Third, what November was really all about.

The election in November was about change, not just doing the positive things legislatively as we are doing now and will do more of, but it was also to examine laws on the books that do not make any sense and get rid of them. And that is exactly what we are doing here tonight.

You have heard this provision, which is funding health care for the self-employed, characterized a number of different ways.

I think you need to know that, one, we are talking about turning what is now a tax break for millionaires, not minorities, the people who have the companies get the tax break, not the people who are buying them; and we are turning those tax breaks into health care for ordinary citizens.

When you look at all of those self-employed, you are talking about millions of Americans but, more importantly, you are talking about a provision that on average provided benefits for 14 millionaires every year and converting that to 350,000 African-Americans and Hispanic-American business owners getting provided some health insurance. That, it seems to me, is what November was all about, take a tax break for the rich and provide benefits for the many. That is what November was all about. That is what H.R. 831 is all about.

Support H.R. 831.

Mrs. LINCOLN. Mr. Chairman, as the author of my own bill to extend a tax deduction to the self-employed for health insurance, I rise today in support of the efforts of the House to restore and permanently extend the tax deduction for 25 percent of health insurance costs for self-employed individuals. However, it is my opinion that we should go even further by providing a 100-percent tax deduction.

During this Congress, I introduced the Health Insurance Equity Act of 1995, which would have given this 100 percent deduction to our self-employed. I believe that the small businessmen and farmers who are the economic backbone of my district, and rural America in general, should enjoy this same privilege that corporate America currently enjoys.

However, if we are to provide relief to our self-employed workers who are paying high prices for health insurance, we must support the legislation that is presented before us tonight. In addition, we have an opportunity to vote to extend the 25 percent tax deduction for health insurance premiums to employees whose employers do not subsidize their health insurance. If our goal is to help people help themselves, then I see no reason why we should not support this provision.

Mr. Chairman, it is time to face the facts about purchasing health coverage today. Many of the 37 million uninsured are small business owners. Health care costs averaged $3,160 per person in 1992, with current increases projected to run in double digits through the end of the century. Prescription drug costs in many cases have risen more than 60 percent since 1985. My constituents are asking for relief.

It is imperative that we enact this piece of legislation today to show our constituents that we understand the problems they are facing. Therefore, I urge my colleagues to support congressional efforts to provide much-needed relief by helping to make health insurance more affordable for the hard-working citizens of our country.

Mr. ORTON. Mr. Chairman, I rise in strong support of H.R. 831, legislation to restore and make permanent the 25-percent deduction for health insurance costs for the self-employed.

In fact, I have cosponsored and supported similar legislation since first being elected to Congress. I cosponsored H.R. 784 in the 102d Congress and H.R. 162 in the last Congress. Both bills would have made this deduction permanent and expanded it to 100 percent over time.

Mr. Chairman, this is a simple matter of fairness. When Chapter C corporations provide health insurance benefits for their officers and other employees, they enjoy full tax deductibility. However, if individuals take the initiative and start their own business, we deny them the right to deduct health insurance premiums.

Prior to the end of 1993, we did allow a 25-percent deduction for health benefits. However, due to congressional infighting and the need to comply with PAYGO requirements, this meager 25-percent deduction expired. Last summer proposals to reinstate and expand this to 100-percent deductibility were incorporated into comprehensive health care reform proposals. When health care reform died, so did chances for reinstatement of this provision.

We need to do two things. First, we need to pass H.R. 831 and get it enacted into law quickly. The odds are overwhelming that we will pass this eventually. Let's do it quickly to avoid the burden of taxpayers having to file first without the deduction, then refile at a later date, claiming a refund.

Second, we should move to enact 100-percent deductibility in the very near future. There is no policy justification for a mere 25-percent provision. That has come about from our inexcusable failure to resolve this issue on a permanent basis. As we consider a wide range of tax proposals this spring, I hope we will make enactment of a 100-percent health care deduction for the self-employed a high priority.

Mrs. KELLY. Mr. Chairman, I rise in strong support of H.R. 831, which will take the long-overdue step of permanently extending the 25 percent deduction for health insurance costs for the self-employed.

Small business is the country's most important motivator for innovation, job creation and economic growth. Creating a successful small business takes guts, determination, and hard work, but it represents the very best of the American dream.

I know this firsthand, Mr. Chairman. Both myself and my husband are small business owners. We both have experienced the satisfaction of creating successful small businesses, creating new jobs, and contributing to our community.

However, we have also felt the onerous tax and regulatory burdens that stand in the way of successful small businesses today. Self-employed small business owners face a number of very unique problems, and the disparity in the tax treatment of health insurance costs represents one of the more troublesome of these.

I believe tonight's vote is a referendum on tax fairness. Our Tax Code currently provides large corporations with a 100 percent deduction for health care insurance premiums. Unless we act and pass this legislation, however, self-employed entrepreneurs will be forced to shoulder the full cost of their insurance premiums.

Making permanent the 25-percent deduction will take a small but needed step toward restoring a degree of equity in the manner in which we treat small business in this country.

Let's support our small businesses, Mr. Chairman, by passing H.R. 831. And once we have accomplished this goal, I believe we should take the next logical step and raise the deductibility for the self-employed to 100 percent.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 831. I must first make it clear that I have consistently supported the extension of a health insurance deduction for self-employed individuals, but I cannot support the unacceptable way this bill seeks to pay for such a deduction. This legislation represents the majority's first direct attempt to attack affirmative action. If is cynical and repugnant to me that this bill seeks to—under the guise of helping Americans—attack an equal opportunity for all Americans. This flawed and hurried legislation should not only be defeated because it fails to consider the consequences of the bill, but represents a clear attack on equal opportunity for minorities in America.

The bill before us will not only attempt to undo an important civil rights accomplishment of the U.S. Congress, but also seeks to undermine the spirit of legislation intended to promote freedom of speech and economic opportunities for minorities.

The stated purposes of H.R. 831 is to extend health insurance benefits. This bill would retroactively eliminate section 1071 of the Internal Revenue Code, that authorizes the Federal Communications Commission to provide certificates to sellers of broadcast properties to minorities. These certificates allow the seller to defer taxation on the gain from the sale, and encourage minority participation in broadcasting. Section 1071 creates a preference that is designed to achieve a remedial and legitimate public policy goal.

While I agree that Congress should make health care available to all Americans, the despicable attempt to play self-employed workers in need of health insurance against minorities in need of business opportunities is reprehensible. This tactic represents the worst in politics and I am ashamed that such a racially divisive measure has even been proposed. This legislation goes well beyond its legitimate objective of providing health care. In fact, this bill is specifically designed to inhibit the will and conscience of the American people by eliminating financial incentives for a program the current majority has long sought to weaken, if not totally eliminate: Affirmative action.

A measure of this kind requires detailed analysis of the impact it may have on the American people, but no such review has or will take place. The facts show that this bill is now before us without the requisite hearings, subcommittee oversight or even sufficient time to review the bill itself.

Adding to the cynical approach employed by this legislation, I am sad to see that this law is retroactive and has been engineered to take the unprecedented step of eliminating a particular transaction. This kind of legislation against individuals establishes a dangerous precedent.

As a representative of the urban district of Cleveland, OH, I have witnessed the severity of the racial and economic problems this Nation and its inner cities now face. The need for diversity in the media is clear. Ending monopoly ownership by a single community of the primary means for informing, educating and entertaining Americans is essential in a free society that seeks the free and diverse expression of ideas. Prior to the implementation of section 1071, the FCC unsuccessfully attempted to diversify broadcast ownership. It has only been with the implementation of section 1071 that many minorities who grew up in segregated America have had a real chance to participate in broadcasting.

All Americans loose with the legislation because the elimination of opportunities to make broadcasting look more like America perpetuates the stereotypes, racist attitudes, and misunderstandings that always accompany ignorance. In today's global economy we must overcome such ignorance in favor of a more open and inclusive broadcast system.

Perhaps the most negative impact of this proposed legislation will be on congressional efforts to end discrimination and exclusion through affirmative action. Within the last two decades, affirmative action has been the primary tool that has allowed minority and women workers to break through the many barriers of discrimination that have helped to keep them unemployed, underpaid, and in a place where there is little or no opportunity for advancement.

Despite the steps our Nation has taken to move forward in the area of affirmative action, this legislation represents a new onslaught on civil rights. Congressional opponents of affirmative action should realize that equal opportunity does not belong specifically to one race of people. Black Americans born in this country also have a contract with America. That contract, by virtue of birth, is rooted in both the Constitution and the Declaration of Independence. When it comes to opportunity in this country they have every right to believe in the doctrine, "We hold these truths to be self evident, that all men are created equal."

Mr. Speaker, the truth of affirmative action programs is that they do not grant preferential treatment to selected Americans, but provide for a means of equal opportunity employment for members of our society whose voices have been choked off by the destructive and brutal oppression of racism and exclusion.

It is my belief that H.R. 831 and the circumstances under which it is presented in this House attempt to mislead and American people to believe that cookie cutter, simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces and epidemic discrimination and poverty, the solution to these problems will not be found in quick fixes like this bill. The American people elected us to act in their best interest, not compromise their welfare because government refuses to have the courage to meet its obligation to maintain equal opportunity for the citizens who need it the most. I urge my colleagues to vote against this bill.

Mrs. MEEK of Florida. Mr. Chairman, the bill on the floor today, H.R. 831, is a thinly-veiled effort to muzzle the voices of minorities in this country.

For the past two decades, under Democratic and Republican administrations, the policy of the United States has been to provide tax benefits to encourage and promote the sale of radio, television, and cable companies to minority-owned firms.

The present leadership of the House talks a lot about empowerment, but it is obvious from this bill that empowerment does not extend to minorities who want to break into the broadcast industry—an industry which has extraordinary barriers to entry. Minorities are still vastly underrepresented in the broadcast business. More than 97 percent of all broadcast licenses are held by white men. The number of licenses issued to minority-controlled businesses would be even less without this program.

The goal of the tax provision that H.R. 831 would repeal is to allow African-Americans, Hispanic-Americans, Asian-Americans and other minorities the opportunity to break into the relatively closed society of broadcast entrepreneurs and to promote the diversity of broadcast viewpoints. There is a great national need for American minority communities to have the media outlets and the opportunity to express themselves.

However, under the guise of providing help to self-employed people by allowing them to deduct from their taxes part of their expenses for health insurance, H.R. 831 would wipe out the minority ownership incentives in the tax law—incentives that have led to a five-fold increase in minority ownership of radio and television broadcast stations, and to an increase in minority ownership of cable systems as well.

Mr. Chairman, I strongly favor legislative changes to tighten up the administration of this tax incentive program to make ironclad certain that minority Americans demonstrate real equity ownership in the media properties they buy. Diversity is important, and I want to insure that real gains are made by minorities in the broadcast industry.

But repeal is not reform. It is merely a muzzle on voices straining against great odds to be heard.

Mr. FOGLIETTA. Mr. Chairman, I rise today against this legislation which seeks to dismantle the minority preference program run by the FCC.

We all know that the best way to get people out of poverty's reach is to provide them with jobs and opportunity. However, my Republican colleagues want to pay for one valid tax provision by repealing another which assists in empowering so many minority entrepreneurs across the country. This is dead wrong.

I know that this small sector of the economy is especially successful for minorities, because my hometown of Philadelphia is home to a number of African-American-owned radio, television, and cable networks. They empower people through employment. As we are closing down so many roads to opportunity, I want to see this avenue remain open. The Gibbons-McDermott substitute will make it work better.

Maybe my Republican colleagues have tuned in and they don't like what they're hearing—broad opposition to the Contract With America.

I urge my colleagues not to turn down the volume on these minority voices. Vote against H.R. 831.

Mr. EMERSON. Mr. Chairman, I rise today in strong support of H.R. 831. In the 103d Congress I cosponsored legislation to make this deduction permanent, thus eliminating the need for yearly self-renewal. Unfortunately, this legislation fell victim to end-of-the-session wrangling. This deduction is very important to residents of the Eighth District of Missouri. Ideally, I would like to see this deduction increased to 100 percent, the amount currently enjoyed by most large corporations. It is my hope that we can increase the deduction to this amount in the future.

The House Small Business Committee estimates that the 25-percent tax deduction enabled as many as 400,000 Americans to obtain health care coverage which otherwise was out of their economic reach. Most small business owners, including farmers and ranchers, need coverage as much as folks who work in

Fortune 500 firms, but oftentimes are without the on-hand economic resources to pay for preventive care—let alone the costs should an illness occur.

Over the last 2 years, we have learned what Americans want and don't want when it comes to health care reform. Providing access to coverage through our tax code seems to be an easily accomplished option and one that should cross party lines. It is a bit of an insurance policy to help small businesses bolster our Nation's economic engine and provide jobs for more Americans, while looking after some vital health care interests at the same time. I urge passage of this important legislation.

Mrs. VUCANOVICH. Mr. Chairman, I rise in support of H.R. 831, to reinstate and make permanent the 25-percent tax deduction for health insurance to self-employed individuals.

For too long, a disparity has been in existence in our tax system. Our system has given a preference to employees of large corporations, harming the self-employed individuals in the process. Small businessowners, farmers, ranchers, have had to come to Congress time and time again to ask that a tax deduction be granted and extended to them. Unfortunately, the 103d, Congress dropped the ball, allowing this important deduction to expire in 1993. Promises were made that the deduction would be reinstated, but intertwined in the debacle of national health care reform—no action was taken.

Well, its been over a year since then and the new team is taking possession of the ball and going all the way with a slam dunk with this legislation. It is time we give tax fairness to our self-employed and H.R. 831 is the right vehicle to do just that. I give my support to this measure and I encourage my colleagues to back their constituents by supporting the measure too.

Mr. BUYER. Mr. Chairman, H.R. 831, a bill to allow permanent deductibility of health insurance costs for the self-employed is long overdue and I enthusiastically support it. The old saying, "It may be late but it's not too late," is so true in this case.

I applaud my colleague from Texas, Mr. BILL ARCHER, for recognizing the huge injustice that would fall upon many self-employed if this legislation would not pass. It is my belief that the Tax Code should be fair to all. Under current law, employees of a company that provides health benefits are allowed to exclude those benefits from their taxable incomes; the self-employed enjoy no such benefit.

To the estimated 3 million who would file for the 25-percent deduction, H.R. 831 prevents a tax increase many self-employed would most likely incur on this year's returns.

Mr. Chairman, restoring the deductibility for small businessowners, the self-employed, and family farmers is of great interest to residents of the Fifth District of Indiana. They are the backbone to the rural economy and should be provided the same benefits that the big corporations are permitted in major metropolitan areas. The Tax Code must not be discriminatory.

Furthermore, I support Mr. ARCHER'S scrutiny of our current tax law and the Ways and Means Committee's efforts to establish a system of law and public policies that are indifferent to race or gender.

Mr. Chairman, it is becoming more and more clear that section 1071 of the Internal Revenue Code has increasingly been abused. For example, of the minority-owned radio stations that received FCC tax certificates between 1979–92, only 29 percent of those stations were still controlled by the original minority purchaser at the end of 1992.

In many cases, such investors often turn around and sell their stake in the company for millions of dollars above their initial interest. Thus, by allowing a section 1071 in many of these cases, hundreds of millions of dollars—even billions of dollars—have been lost to the American taxpayer. Section 1071 has been abused for too long. It has become one of the most grotesque abuses of our tax system I have seen in all my years.

Let us close the loopholes, reform our Tax Code so it is race and gender blind, and allow our small businessmen, self-employed, and family farmers to receive the same benefits the giant corporations are privy to. In short, H.R. 831 is a beginning to make the Tax Code more friendly and fair.

Mr. KLECZKA. Mr. Chairman, I would like to express my support for H.R. 831, the health premium deduction for the self-employed. This bill would permanently extend the 25-percent health insurance deduction for the self-employed, and would do so retroactively so that these individuals may take advantage of it when they file their tax returns this Spring. My colleagues, self-employed individuals are waiting for us to act, and we owe it to them to pass this legislation expeditiously.

This much needed deduction has been extended, and extended, and extended again. It is time to provide some stability for the many small employers who rely on this assistance by extending it once and for all. If this deduction is good policy—and I believe it is—then let us give it the credibility it deserves and make it a stable part of our tax law.

Restoring the 25-percent deduction is a matter of simple fairness. Corporations can deduct 100 percent of the costs of providing insurance to their employees, but self-employed people, mostly small businesses and farmers, can no longer deduct even the meager 25 percent that they used to be able to deduct. The least we can do is restore this minimal assistance to them. While the 25-percent amount is not nearly what the large employer receives, it is an important first step toward leveling the playing field in a responsible manner.

Permanently restoring this deduction is also consistent with the goal of encouraging health insurance coverage for all Americans. According to the Small Business Administration, there are 2.6 million uninsured self-employed Americans—making that group one of the largest groups of uninsured citizens. Without the 25-percent deduction, the number of uninsured in this segment of the population would likely increase. Hopefully, by making the tax break permanent, we can encourage more of the self-employed to buy insurance.

Passing H.R. 831 is the fair thing to do. It is good for small business and will help encourage health care coverage. Moreover, the bill enjoys bipartisan support. Mr. Chairman, I urge that we adopt this provision.

Mr. YOUNG of Florida. Mr. Chairman, I rise in strong support of H.R. 831, and urge my colleagues to join with me in approving this important legislation.

As one who has previously cosponsored legislation that would extend the 25-percent personal income tax deduction for health insurance cost for individuals who are self-employed, I am pleased that the Ways and Means Committee and the House leadership have brought this bill forward in such an expedient manner. It is important that we move quickly in approving this legislation, which lapsed on December 31, 1993, because the American taxpayers deserve to know that they can count on this deduction as they prepare their taxes before the April 15 filing deadline.

Fairness dictates that we restore this deduction. We should not punish individuals based solely on the fact that they are self-employed. Fairness also dictates that this deduction be made permanent so that the taxpayers know year to year that they can count on this deduction. This Congress should be encouraging individuals to purchase health care insurance, and H.R. 831 will play a significant role in reaching this goal.

It is my hope that our colleagues in the other body will move expeditiously in approving this legislation, so that self-employed individuals in our Nation are able to prepare their tax returns before the April 15 filing deadline and know that they will not have to file amended returns, and also secure in the knowledge that this important deduction will not lapse again. I urge my colleagues to join with me in strong support of this legislation.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in the bill is considered as adopted, and the bill, as amended, is considered as having been read.

The text of the bill, as amended, is as follows:

H.R. 831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT EXTENSION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) In General.—Subsection (l) of section 162 of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking paragraph (6).

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 2. REPEAL OF NONRECOGNITION ON FCC CERTIFIED SALES AND EXCHANGES.

(a) In General.—Subchapter O of chapter 1 of the Internal Revenue Code of 1986 is amended by striking part V (relating to changes to effectuate FCC policy).

(b) Clerical Amendment.—The table of parts for such subchapter O is amended by striking the item relating to part V.

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) Binding contracts.—

(A) In general.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term "FCC tax certificate" means any certificate of the Federal Communications Commission for the effectuation of section 1071 of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of this Act).

SEC. 3. NONRECOGNITION OF INVOLUNTARY CONVERSIONS NOT TO APPLY IF REPLACEMENT PROPERTY ACQUIRED FROM RELATED PERSON.

(a) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) NONRECOGNITION NOT TO APPLY IF REPLACEMENT PROPERTY ACQUIRED FROM RELATED PERSON.—Subsection (a) shall not apply if the replacement property or stock acquired is acquired from a related person. For purposes of the preceding sentence, a person is related to another person if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to replacement property or stock acquired on or after February 6, 1995.

SEC. 4. PHASEOUT OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF TAXABLE INTEREST AND DIVIDENDS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) PHASEOUT OF CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF TAXABLE INTEREST AND DIVENDENDS.—If the aggregate amount of interest and dividends includible in the gross income of the taxpayer for the taxable year exceeds $2,500, the amount of the credit which would (but for this subsection) be allowed under this section for such taxable year shall be reduced (but not below zero) by an amount which bears the same ratio to such amount of credit as such excess bears to $650."

(b) INFLATION ADJUSTMENT.—Subsection (j) of section 32 of such Code (relating to inflation adjustments), as redesignated by subsection (a), is amended by striking paragraph (2) and by inserting the following new paragraphs:

"(2) INTEREST AND DIVIDEND INCOME LIMITATION.—In the case of a taxable year beginning in a calendar year after 1996, each dollar amount contained in subsection (i) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1995' for 'calendar year 1992' in subparagraph (B) thereof.

"(3) ROUNDING.—If an amount as adjusted under paragraph (1) or (2) is not a multiple of $10 such dollar amount shall be rounded to the nearest multiple of $10."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

The CHAIRMAN. No further amendment is in order except the amendment in the nature of a substitute printed in House Report 104–38.

The amendment in the nature of a substitute may be offered only by the gentleman from Florida, Mr. GIBBONS, or his designee. It shall be considered as having been read and is not subject to amendment.

The debate on the amendment will be equally divided and controlled by the proponent and an opponent of the amendment in the nature of a substitute.

Mr. GIBBONS. Mr. Chairman, I rise to yield my time to the gentleman from Washington [Mr. MCDERMOTT]. I endorse the amendment. I would like to give the gentleman from Washington credit for having worked this out. I yield my time and the ability to yield such time as he may deem necessary to the gentleman from Washington [Mr. MCDERMOTT].

The CHAIRMAN. Does the gentleman from Florida [Mr. GIBBONS] designate the gentleman from Washington [Mr. MCDERMOTT] as his designee?

Mr. GIBBONS. I do so designate the gentleman from Washington [Mr. MCDERMOTT] as the Member to handle the amendment, and I yield to him at this time.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. Mr. Chairman, I offer the amendment in the nature of a substitute, printed in House Report 104–38.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The CLERK. The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. MCDERMOTT.

Strike all after the enacting clause and insert the following:

TITLE I—PROVISIONS RELATING TO HEALTH CARE

SEC. 101. RETROACTIVE RESTORATION OF DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Paragraph (6) of section 162(l) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended by striking "December 31, 1993" and inserting "December 31, 1995".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1993.

SEC. 102. PERMANENT DEDUCTION FOR HEALTH INSURANCE COSTS OF EMPLOYEES AND SELF-EMPLOYED INDIVIDUALS.

(a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions) is amended by redesignating section 220 as section 221 and by inserting after section 219 the following new section:

"SEC. 220. HEALTH INSURANCE COSTS.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a deduction an amount equal to 25 percent of the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, his spouse, and dependents.

"(b) LIMITATION BASED ON EARNED INCOME.—No deduction shall be allowed under subsection (a) to the extent that the amount of such deduction exceeds the sum of—

"(1) the taxpayer's wages, salaries, tips, and other employee compensation includible in gross income, plus

"(2) the taxpayer's earned income (as defined in section 401(c)(2)).

"(c) OTHER COVERAGE.—Subsection (a) shall not apply to any taxpayer for any calendar month for which the taxpayer is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the spouse of the taxpayer.

"(d) PHASEIN OF DEDUCTION FOR EMPLOYEES.—In the case of taxable years beginning before January 1, 2000, to the extent that the amount paid for insurance referred to in subsection (a) is allocable to coverage for a month for which the individual has no earned income (as defined in section 401(c)(2)), subsection (a) shall be applied with respect to such amount by substituting the percentage determined in accordance with the following table for '25 percent'.

"In the case of taxable years beginning in calendar year:	**The percentage is:**
1996	15 percent
1997	15 percent
1998	20 percent
1999	20 percent.

"(e) SPECIAL RULES.—

"(1) COORDINATION WITH MEDICAL DEDUCTION, ETC.—Any amount paid by a taxpayer for insurance to which subsection (a) applies shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 213(a).

"(2) TREATMENT OF CERTAIN S CORPORATION SHAREHOLDERS.—This section shall apply in the case of any individual treated as a partner under section 1372(a), except that—

"(A) for purposes of this section, such individual's wages (as defined in section 3121) from the S corporation shall be treated as such individual's earned income (within the meaning of section 401(c)(1)), and

"(B) there shall be such adjustments in the application of this section as the Secretary may by regulations prescribe.

"(3) DEDUCTION NOT ALLOWED FOR SELF-EMPLOYMENT TAX PURPOSES.—The deduction allowable by reason of this section shall not be taken into account in determining an individual's net earnings from self-employment (within the meaning of section 1402(a)) for purposes of chapter 2."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (l) of section 162 of such Code is hereby repealed.

(2) Subsection (a) of section 62 of such Code is amended by inserting after paragraph (15) the following new item:

"(16) HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—The deduction allowed by section 220 but only to the extent that the amount of the deduction does not exceed the taxpayer's earned income (as defined in section 401(c)(2)) for the taxable year."

(3) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking the last item and inserting the following new items:

"Sec. 220. Health insurance costs.

"Sec. 221. Cross reference."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

TITLE II—MODIFICATION OF RULES FOR NONRECOGNITION OF GAIN UNDER F.C.C. TAX CERTIFICATE PROGRAM AND FOR INVOLUNTARY CONVERSIONS

SEC. 201. LIMITATIONS ON NONRECOGNITION OF GAIN UNDER F.C.C. TAX CERTIFICATE PROGRAM.

(a) IN GENERAL.—Section 1071 of the Internal Revenue Code of 1986 (relating to gain from sale or exchange to effectuate policies of F.C.C.) is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

"(b) LIMITATIONS.—

"(1) IN GENERAL.—Subsection (a) shall apply only if the sale or exchange is a qualified telecommunications transaction.

"(2) LIMITATION ON AMOUNT OF NONRECOGNITION.—The amount of gain which is not recognized under subsection (a) with respect to a qualified telecommunications transaction (or a series of related transactions) shall not exceed $50,000,000.

"(3) QUALIFIED TELECOMMUNICATIONS TRANSACTION.—For purposes of this subsection, the term 'qualified telecommunications transaction' means any sale or exchange of property if—

"(A) the Commission certifies that the sale or exchange is in furtherance of the Commission's Minority Ownership Policy, and

"(B)(i) such property is owned by an eligible person at all times during the 3-year period beginning on the date of such sale or exchange, or

"(ii) if the property sold or exchanged was acquired by the taxpayer by reason of a qualified contribution to the capital of an eligible corporation or an eligible partnership, such corporation or partnership was an eligible person at all times during the 3-year period beginning on the date of such contribution.

"(4) ELIGIBLE PERSON.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'eligible person' means—

"(i) any eligible individual,

"(ii) any eligible corporation, and

"(iii) any eligible partnership.

"(B) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual if an FCC tax certificate could have been issued under the Commission's Minority Ownership Policy for any sale or exchange of property to such individual.

"(C) ELIGIBLE CORPORATION.—The term 'eligible corporation' means any corporation in which eligible individuals directly or indirectly own—

"(i) stock possessing more than 50 percent of the total voting power of the stock of such corporation, and

"(ii) stock having a value equal to more than 20 percent of the total value of the stock of such corporation.

"(D) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means any partnership in which eligible individuals directly or indirectly—

"(i) have actual control of the partnership, and

"(ii) own partnership interests having a value equal to more than 20 percent of the total value of the partnership interests of such partnership.

"(5) TREATMENT OF BUY-SELL ARRANGEMENTS, ETC.—For purposes of paragraphs (3) and (4)—

"(A) IN GENERAL.—Property held by an eligible person shall be treated as held by an ineligible person if—

"(i) an ineligible person has an option or other right to acquire such property, or

"(ii) the eligible person has an option or other right to require an ineligible person to acquire such property.

"(B) TREATMENT OF WARRANTS, ETC.—If an ineligible person holds a warrant, convertible security, or similar instrument issued by any entity, such person shall be treated as holding the interest in the entity which such person could have acquired on the exercise of his rights under the instrument.

"(C) INELIGIBLE PERSON.—For purposes of this paragraph, the term 'ineligible person' means any person who is not an eligible person.

"(6) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) FCC TAX CERTIFICATE.—The term 'FCC tax certificate' means any certificate of the Commission for the effectuation of this section for purposes of carrying out the Commission's Minority Ownership Policy.

"(B) MINORITY OWNERSHIP POLICY.—The term 'Minority Ownership Policy' means the Commission's policy, as in effect on January 16, 1995, to encourage ownership of telecommunications facilities and licenses by women and members of minority groups.

"(C) QUALIFIED CONTRIBUTION TO CAPITAL.—The term 'qualified contribution to capital' means any contribution to the capital of an eligible corporation or an eligible partnership pursuant to the contribution to capital provisions of the Commission's Minority Ownership Policy.

"(D) COMMISSION.—The term 'Commission' means the Federal Communications Commission.

"(7) EXTENSION OF STATUTE OF LIMITATION.—

"(A) DEFICIENCIES.—The statutory period for the assessment of any deficiency attributable to any failure to meet the requirements of paragraph (3)(B) shall not expire before the close of the 3-year period beginning on the date that the taxpayer certifies to the Secretary that such requirements have been met, and such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment.

"(B) OVERPAYMENTS.—A refund or credit of any overpayment of tax attributable to any failure to meet the requirements of paragraph (3)(B) may be allowed or made (notwithstanding the operation of any law or rule of law (including res judicata)) if claim therefor is filed before the close of the 3-year period referred to in subparagraph (A).

"(8) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out the purposes of this subsection, including regulations aggregating transactions for purposes of paragraph (2)."

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to—

(A) sales and exchanges on or after January 17, 1995, and

(B) sales and exchanges before such date if the FCC tax certificate with respect to such sale or exchange is issued on or after such date.

(2) BINDING CONTRACTS.—

(A) IN GENERAL.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written contract which was binding on January 16, 1995, and at all times thereafter before the sale or exchange, if the FCC tax certificate with respect to such sale or exchange was applied for, or issued, on or before such date.

(B) SALES CONTINGENT ON ISSUANCE OF CERTIFICATE.—A contract shall be treated as not binding for purposes of subparagraph (A) if the sale or exchange pursuant to such contract, or the material terms of such contract, were contingent, at any time on January 16, 1995, on the issuance of an FCC tax certificate. The preceding sentence shall not apply if the FCC tax certificate for such sale or exchange is issued on or before January 16, 1995.

(3) FCC TAX CERTIFICATE.—For purposes of this subsection, the term "FCC tax certificate" has the meaning given to such term by section 1071(b) of the Internal Revenue Code of 1986, as amended by this section.

SEC. 202. NONRECOGNITION ON INVOLUNTARY CONVERSIONS NOT TO APPLY IF REPLACEMENT PROPERTY ACQUIRED FROM RELATED PERSON.

(a) IN GENERAL.—Section 1033 of the Internal Revenue Code of 1986 (relating to involuntary conversions) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) NONRECOGNITION NOT TO APPLY IF REPLACEMENT PROPERTY ACQUIRED FROM RELATED PERSON.—Subsection (a) shall not apply if the replacement property or stock acquired is acquired from a related person. For purposes of the preceding sentence, a person is related to another person if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to replacement property or stock acquired on or after February 6, 1995.

TITLE III—REVENUE INCREASES

Subtitle A—Denial of Earned Income Credit for Individuals Having More Than $2,500 of Investment Income

SEC. 301. DENIAL OF EARNED INCOME CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF INVESTMENT INCOME.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

"(i) DENIAL OF CREDIT FOR INDIVIDUALS HAVING MORE THAN $2,500 OF INVESTMENT INCOME.—

"(1) IN GENERAL.—No credit shall be allowed under subsection (a) for the taxable year if the aggregate amount of disqualified income of the taxpayer for such taxable year exceeds $2,500.

"(2) DISQUALIFIED INCOME.—For purposes of paragraph (1), the term 'disqualified income' means—

"(A) interest, dividends, rents, and royalties to the extent includible in gross income for the taxable year, and

"(B) interest which is received or accrued during the taxable year and which is exempt from tax."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1995.

Subtitle B—Provisions Relating to International Taxation

SEC. 311. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) CITIZENS.—If any United States citizen relinquishes his citizenship during a taxable year, all property held by such citizen at the time immediately before such relinquishment shall be treated as sold at such time for its fair market value and any gain or loss shall be taken into account for such taxable year.

"(2) CERTAIN RESIDENTS.—If any long-term resident of the United States ceases to be subject to tax as a resident of the United States for any portion of any taxable year, all property held by such resident at the time of such cessation shall be treated as sold at such time for its fair market value and any gain or loss shall be taken into account for the taxable year which includes the date of such cessation.

"(b) EXCLUSION FOR CERTAIN GAIN.—The amount which would (but for this subsection) be includible in the gross income of any taxpayer by reason of subsection (a) shall be reduced (but not below zero) by $600,000.

"(c) PROPERTY TREATED AS HELD.—For purposes of this section, except as otherwise provided by the Secretary, an individual shall be treated as holding—

"(1) all property which would be includible in his gross estate under chapter 11 were such individual to die at the time the property is treated as sold,

"(2) any other interest in a trust which the individual is treated as holding under the rules of section 679(e) (determined by treating such section as applying to foreign and domestic trusts), and

"(3) any other interest in property specified by the Secretary as necessary or appropriate to carry out the purposes of this section.

"(d) EXCEPTIONS.—The following property shall not be treated as sold for purposes of this section:

"(1) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the date the individual relinquishes his citizenship or ceases to be subject to tax as a resident, meet the requirements of section 897(c)(2).

"(2) INTEREST IN CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—Any interest in a qualified retirement plan (as defined in section 4974(d)), other than any interest attributable to contributions which are in excess of any limitation or which violate any condition for tax-favored treatment.

"(B) FOREIGN PENSION PLANS.—

"(i) IN GENERAL.—Under regulations prescribed by the Secretary, interests in foreign pension plans or similar retirement arrangements or programs.

"(ii) LIMITATION.—The value of property which is treated as not sold by reason of this subparagraph shall not exceed $500,000.

"(e) DEFINITIONS.—For purposes of this section—

"(1) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the date the United States Department of State issues to the individual a certificate of loss of nationality or on the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

"(2) LONG-TERM RESIDENT.—

"(A) IN GENERAL.—The term 'long-term resident' means any individual (other than a citizen of the United States) who is a lawful permanent resident of the United States and, as a result of such status, has been subject to tax as a resident in at least 10 taxable years during the period of 15 taxable years ending with the taxable year during which the sale under subsection (a) is treated as occurring.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), there shall not be taken into account—

"(i) any taxable year during which any prior sale is treated under subsection (a) as occurring, or

"(ii) any taxable year prior to the taxable year referred to in clause (i).

"(f) TERMINATION OF DEFERRALS, ETC.—On the date any property held by an individual is treated as sold under subsection (a)—

"(1) any period deferring recognition of income or gain shall terminate, and

"(2) any extension of time for payment of tax shall cease to apply and the unpaid portion of such tax shall be due and payable.

"(g) ELECTION BY EXPATRIATING RESIDENTS.—Solely for purposes of determining gain under subsection (a)—

"(1) IN GENERAL.—At the election of a resident not a citizen of the United States, property—

"(A) which was held by such resident on the date the individual first became a resident of the United States during the period of long-term residency to which the treatment under subsection (a) relates, and

"(B) which is treated as sold under subsection (a),

shall be treated as having a basis on such date of not less than the fair market value of such property on such date.

"(2) ELECTION.—Such an election shall apply to all property described in paragraph (1), and, once made, shall be irrevocable.

"(h) DEFERRAL OF TAX ON CLOSELY HELD BUSINESS INTERESTS.—The District Director may enter into an agreement with any individual which permits such individual to defer payment for not more than 5 years of any tax imposed by subsection (a) by reason of holding any interest in a closely held business (as defined in section 6166(b)) other than a United States real property interest described in subsection (d)(1).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.

"(j) CROSS REFERENCE.—

"For termination of United States citizenship for tax purposes, see section 7701(a)(47)."

(b) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) of such Code is amended by adding at the end the following new paragraph:

"(47) TERMINATION OF UNITED STATES CITIZENSHIP.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(1)."

(c) CONFORMING AMENDMENTS.—

(1) Section 877 of such Code is amended by adding at the end the following new subsection:

"(f) TERMINATION.—This section shall not apply to any individual who is subject to the provisions of section 877A."

(2) Paragraph (10) of section 7701(b) of such Code is amended by adding at the end the following new sentence: "This paragraph shall not apply to any individual who is subject to the provisions of section 877A."

(d) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 of such Code is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) United States citizens who relinquish (within the meaning of section 877A(e)(1) of the Internal Revenue Code of 1986, as added by this section) United States citizenship on or after February 6, 1995, and

(2) long-term residents (as defined in such section) who cease to be subject to tax as residents of the United States on or after such date.

SEC. 312. IMPROVED INFORMATION REPORTING ON FOREIGN TRUSTS.

(a) IN GENERAL.—Section 6048 of the Internal Revenue Code of 1986 (relating to returns as to certain foreign trusts) is amended to read as follows:

"SEC. 6048. INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) NOTICE OF CERTAIN EVENTS.—

"(1) GENERAL RULE.—On or before the 90th day (or such later day as the Secretary may prescribe) after any reportable event, the responsible party shall—

"(A) notify each trustee of the trust of the requirements of subsection (b), and

"(B) provide written notice of such event to the Secretary in accordance with paragraph (2).

"(2) CONTENTS OF NOTICE.—The notice required by paragraph (1)(B) shall contain such information as the Secretary may prescribe, including—

"(A) the amount of money or other property (if any) transferred to the trust in connection with the reportable event,

"(B) the identity of the trust and of each trustee and beneficiary (or class of beneficiaries) of the trust, and

"(C) a statement that each trustee of the trust has been informed of the requirements of subsection (b).

"(3) REPORTABLE EVENT.—For purposes of this subsection, the term 'reportable event' means—

"(A) the creation of any foreign trust by a United States person,

"(B) the transfer of any money or property to a foreign trust by a United States person, including a transfer by reason of death,

"(C) a domestic trust becoming a foreign trust,

"(D) the death of a citizen or resident of the United States who is a grantor of a foreign trust, and

"(E) the residency starting date (within the meaning of section 7701(b)(2)(A)) of a grantor of a foreign trust subject to tax under section 679(a)(3).

Subparagraphs (A) and (B) shall not apply with respect to a trust described in section 404(a)(4) or 404A.

"(4) RESPONSIBLE PARTY.—For purposes of this subsection, the term 'responsible party' means—

"(A) the grantor in the case of a reportable event described in subparagraph (A) or (E) of paragraph (3), "(B) the transferor in the case of a reportable event described in paragraph (3)(B) other than a transfer by reason of death,

"(C) the trustee of the domestic trust in the case of a reportable event described in paragraph (3)(C), and

"(D) the executor of the decedent's estate in the case of a transfer by reason of death.

"(b) TRUST REPORTING REQUIREMENTS.—If a foreign trust, at any time during a taxable year of such trust—

"(1) has a grantor who is a United States person and—

"(A) such grantor is treated as the owner of any portion of such trust under the rules of subpart E of part I of subchapter J of chapter 1, or

"(B) any portion of such trust would be included in the gross estate of such grantor if the grantor were to die at such time, or

"(2) directly or indirectly distributes, credits, or allocates money or property to any United States person (whether or not the trust has a grantor described in paragraph (1)),

then such trust shall meet the requirements of subsection (c) (relating to trust information and agent) and subsection (d) (relating to annual return).

"(c) CONTENTS OF SECTION 6048 STATEMENT.—

"(1) IN GENERAL.—The requirements of this subsection are met if the trust files with the Secretary a statement which contains such information as the Secretary may prescribe and which—

"(A) identifies a United States person who is the trust's limited agent to provide the Secretary with such information that reasonably should be available to the trust for purposes of applying sections 7602, 7603, and 7604 with respect to any request by the Secretary to examine trust records or produce testimony related to any transaction by the trust or with respect to any summons by the Secretary for such records or testimony, and

"(B) contains an agreement to comply with the requirements of subsection (d).

"(2) SPECIAL RULE.—A foreign trust which appoints an agent described in paragraph (1)(A) shall not be considered to have an office or a permanent establishment in the United States solely because of the activities of such agent pursuant to this section. For purposes of this section, the appearance of persons or production of records by reason of the creation of the agency shall not subject such persons or records to legal process for any purpose other than determining the correct treatment under this title of the activities and operations of the trust.

"(d) ANNUAL RETURNS AND STATEMENTS.—The requirements of this subsection are met if—

"(1) the trust makes a return for the taxable year which sets forth a full and complete accounting of all trust activities and operations for the taxable year, and contains such other information as the Secretary may prescribe; and

"(2) the trust furnishes such information as the Secretary may prescribe to each United States person—

"(A) who is treated as the owner of any portion of such trust under the rules of subpart E of part I of subchapter J of chapter 1,

"(B) to whom any item with respect to the taxable year is credited or allocated, or

"(C) who receives a distribution from such trust with respect to the taxable year.

"(e) TIME AND MANNER OF FILING INFORMATION.—Any notice, statement, or return required under this section shall be made at such time and in such manner as the Secretary shall prescribe.

"(f) MODIFICATION OF RETURN REQUIREMENTS.—Secretary is authorized to suspend or modify any requirement of this section if the Secretary determines that the United States has no significant tax interest in obtaining the required information."

(b) PENALTIES.—Section 6677 of such Code (relating to failure to file information returns with respect to certain foreign trusts) is amended to read as follows:

"SEC. 6677. FAILURE TO FILE INFORMATION WITH RESPECT TO CERTAIN FOREIGN TRUSTS.

"(a) FAILURE TO REPORT CERTAIN EVENTS.—

"(1) IN GENERAL.—In the case of a reportable event described in any subparagraph of section 6048(a)(3) for which a responsible party does not file a written notice meeting the requirements of section 6048(a)(2) within the time specified in section 6048(a)(1), the responsible party shall pay a penalty of $10,000. If any failure described in the preceding sentence continues for more than 90 days after the day on which the Secretary mails notice of such failure to the responsible party, such party shall pay a penalty (in addition to the $10,000 amount) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period.

"(2) 35-PERCENT PENALTY.—In the case of a reportable event described in subparagraph (A), (B), or (C) of section 6048(a)(3) (other than a transfer by reason of death), the aggregate amount of the penalties under paragraph (1) shall not be less than an amount equal to 35 percent of the gross value of the property involved in such event (determined as of the date of the event).

"(3) RESPONSIBLE PARTY.—For purposes of this subsection, the term 'responsible party' has the meaning given to such term by section 6048(a)(4).

"(b) FAILURE TO MAKE CERTAIN STATEMENTS AND RETURNS.—

"(1) IN GENERAL.—In the case of any failure to meet the requirements of section 6048(b), the appropriate tax treatment of any trust transactions or operations shall be determined by the Secretary in the Secretary's sole discretion from the Secretary's own knowledge or from such information as the Secretary may obtain through testimony or otherwise.

"(2) MONETARY PENALTY.—In the case of any failure to meet the requirements of section 6048(b) with respect to a trust described in such section by reason of paragraph (1) thereof, the grantor described in such paragraph (1) shall pay a penalty of $10,000 for each taxable year with respect to which the foreign trust fails to meet such requirements. If any failure described in the preceding sentence continues for more than 90 days after the day on which the Secretary mails notice of such failure to such grantor, such grantor shall pay a penalty (in addition to any other penalty) of $10,000 for each 30-day period (or fraction thereof) during which such failure continues after the expiration of such 90-day period.

"(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed by this section on any failure which is shown to be due to reasonable cause and not due to willful neglect. The fact that a foreign jurisdiction would impose a civil or criminal penalty on the taxpayer (or any other person) for disclosing the requested documentation is not reasonable cause.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section."

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6048 and inserting the following new item:

"Sec. 6048. Information with respect to certain foreign trusts."

(2) The table of sections for part I of subchapter B of chapter 68 of such Code is amended by striking the item relating to section 6677 and inserting the following new item:

"Sec. 6677. Failure to file information with respect to certain foreign trusts."

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply—

(A) to reportable events occurring on or after February 6, 1995, and

(B) to the extent such amendments require reporting for any taxable year under section 6048(b) of the Internal Revenue Code of 1986 (as added by this section), to taxable years beginning after the date of the enactment of this Act.

(2) NOTICES.—For purposes of section 6048(a) of such Code, the 90th day referred to therein shall in no event be treated as being earlier than the 90th day after the date of the enactment of this Act.

SEC. 313. MODIFICATION OF RULES RELATING TO FOREIGN TRUSTS HAVING ONE OR MORE UNITED STATES BENEFICIARIES.

(a) IN GENERAL.—Section 679 of the Internal Revenue Code of 1986 (relating to foreign trusts having one or more United States beneficiaries) is amended to read as follows:

"SEC. 679. FOREIGN TRUSTS HAVING ONE OR MORE UNITED STATES BENEFICIARIES.

"(a) TRANSFEROR TREATED AS OWNER.—

"(1) IN GENERAL.—A United States person who directly or indirectly transfers property to a foreign trust (other than a trust described in section 404(a)(4) or section 404A) shall be treated as the owner for his taxable year of the portion of such trust attributable to such property if for such year there is a United States beneficiary of such trust.

"(2) EXCEPTION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to any sale or exchange of property to a trust if—

"(i) the trust pays fair market value for such property, and

"(ii) all of the gain to the transferor is recognized at the time of transfer.

"(B) CERTAIN OBLIGATIONS NOT TAKEN INTO ACCOUNT.—For purposes of subparagraph (A), in determining whether the transferor received fair market value, there shall not be taken into account—

"(i) any obligation of—

"(I) the trust,

"(II) any grantor or beneficiary of the trust, or

"(III) any person who is related (within the meaning of section 643(i)(3)) to any grantor or beneficiary of the trust, and

"(ii) except as provided in regulations, any obligation which is guaranteed by a person described in clause (i).

"(C) TREATMENT OF DEEMED SALE ELECTION UNDER SECTION 1057.—For purposes of subparagraph (A), a transfer with respect to which an election under section 1057 is made shall not be treated as a sale or exchange.

"(3) Special rules applicable to foreign grantor who later becomes a United States person.—A nonresident alien individual who becomes a United States resident within 5 years after directly or indirectly transferring property to a foreign trust shall be treated for purposes of this section and section 6048 as having transferred such property, and any undistributed income (including all realized and unrealized gains) attributable thereto, to the foreign trust immediately after becoming a United States resident. For this purpose, a nonresident alien shall be treated as becoming a resident of the United States on the residency starting date (within the meaning of section 7701(b)(2)(A)).

"(b) Beneficiaries Treated as Transferors in Certain Cases.—For purposes of this section and section 6048, if—

"(1) a citizen or resident of the United States who is treated as the owner of any portion of a trust under subsection (a) dies,

"(2) property is transferred to a foreign trust by reason of the death of a citizen or resident of the United States, or

"(3) a domestic trust to which any United States person made a transfer becomes a foreign trust,

then, except as otherwise provided in regulations, the trust beneficiaries shall be treated as having transferred to such trust (as of the date of the applicable event under paragraph (1), (2), or (3)) their respective interests (as determined under subsection (e)) in the property involved.

"(c) Trusts Acquiring United States Beneficiaries.—If—

"(1) subsection (a) applies to a trust for the transferor's taxable year, and

"(2) subsection (a) would have applied to the trust for the transferor's immediately preceding taxable year but for the fact that for such preceding taxable year there was no United States beneficiary for any portion of the trust,

then, for purposes of this subtitle, the transferor shall be treated as having received as an accumulation distribution taxable under subpart D an amount equal to the undistributed net income (as determined under section 665(a) as of the close of such immediately preceding taxable year) attributable to the portion of the trust referred to in subsection (a).

"(d) Trusts Treated as Having a United States Beneficiary.—

"(1) In general.—For purposes of this section, a trust shall be treated as having a United States beneficiary for the taxable year unless—

"(A) under the terms of the trust, no part of the income or corpus of the trust may be paid or accumulated during the taxable year to or for the benefit of a United States person, and

"(B) if the trust were terminated at any time during the taxable year, no part of the income or corpus of such trust could be paid to or for the benefit of a United States person.

To the extent provided by the Secretary, for purposes of this subsection, the term 'United States person' includes any person who was a United States person at any time during the existence of the trust.

"(2) Attribution of ownership.—For purposes of paragraph (1), an amount shall be treated as paid or accumulated to or for the benefit of a United States person if such amount is paid to or accumulated for a foreign corporation, foreign partnership, or foreign trust or estate, and—

"(A) in the case of a foreign corporation, more than 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote is owned (within the meaning of section 958(a)) or is considered to be owned (within the meaning of section 958(b)) by United States shareholders (as defined in section 951(b)),

"(B) in the case of a foreign partnership, a United States person is a partner of such partnership, or

"(C) in the case of a foreign trust or estate, such trust or estate has a United States beneficiary (within the meaning of paragraph (1)).

"(e) Determination of Beneficiaries' Interests in Trust.—

"(1) General rule.—For purposes of this section, a beneficiary's interest in a foreign trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar advisor.

"(2) Special rule.—In the case of beneficiaries whose interests in a trust cannot be determined under paragraph (1)—

"(A) the beneficiary having the closest degree of kinship to the grantor shall be treated as holding the remaining interests in the trust not determined under paragraph (1) to be held by any other beneficiary, and

"(B) if 2 or more beneficiaries have the same degree of kinship to the grantor, such remaining interests shall be treated as held equally by such beneficiaries.

"(3) Constructive ownership.—If a beneficiary of a foreign trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(4) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(A) the methodology used to determine that taxpayer's trust interest under this section, and

"(B) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(f) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) Effective Date.—

(1) In general.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending on or after February 6, 1995.

(2) Section 679(a).—Paragraphs (2) and (3) of section 679(a) of the Internal Revenue Code of 1986 (as added by this section) shall apply to—

(A) any trust created on or after February 6, 1995, and

(B) the portion of any trust created before such date which is attributable to actual transfers of property to the trust on or after such date.

(3) Section 679(b).—

(A) In general.—Paragraphs (1) and (2) of section 679(b) of such Code (as so added) shall apply to—

(i) any trust created on or after the date of the enactment of this Act, and

(ii) the portion of any trust created before such date which is attributable to actual transfers of property to the trust on or after such date.

(B) Section 679(b)(3).—Section 679(b)(3) of such Code (as so added) shall take effect on February 6, 1995, without regard to when the property was transferred to the trust.

SEC. 314. FOREIGN PERSONS NOT TO BE TREATED AS OWNERS UNDER GRANTOR TRUST RULES.

(a) In General.—So much of section 672(f) of the Internal Revenue Code of 1986 (relating to special rule where grantor is foreign person) as precedes paragraph (2) is amended to read as follows:

"(f) Subpart Not To Result in Foreign Ownership.—

"(1) In general.—Notwithstanding any other provision of this subpart, this subpart shall apply only to the extent such application results in an amount being included (directly or through 1 or more entities) in the gross income of a citizen or resident of the United States or a domestic corporation. The preceding sentence shall not apply to any portion of an investment trust if such trust is treated as a trust for purposes of this title and the grantor of such portion is the sole beneficiary of such portion."

(b) Credit for Certain Taxes.—Paragraph (2) of section 665(d) of such Code is amended by adding at the end the following new sentence: "Under rules or regulations prescribed by the Secretary, in the case of any foreign trust of which the settlor or another person would be treated as owner of any portion of the trust under subpart E but for section 672(f), the term 'taxes imposed on the trust' includes the allocable amount of any income, war profits, and excess profits taxes imposed by any foreign country or possession of the United States on the settlor or such other person in respect of trust income."

(c) Distributions by Certain Foreign Trusts Through Nominees.—

(1) Section 643 of such Code is amended by adding at the end the following new subsection:

"(h) Distributions by Certain Foreign Trusts Through Nominees.—For purposes of this part, any amount paid to a United States person which is derived directly or indirectly from a foreign trust of which the payor is not the grantor shall be deemed in the year of payment to have been directly paid by the foreign trust to such United States person."

(2) Section 665 of such Code is amended by striking subsection (c).

(d) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(e) Transitional Rule.—If—

(1) by reason of the amendments made by this section, any person other than a United States person ceases to be treated as the owner of a portion of a domestic trust, and

(2) before January 1, 1996, such trust becomes a foreign trust, or the assets of such trust are transferred to a foreign trust,

no tax shall be imposed by section 1491 of the Internal Revenue Code of 1986 by reason of such trust becoming a foreign trust or the assets of such trust being transferred to a foreign trust.

SEC. 315. GRATUITOUS TRANSFERS BY PARTNERSHIPS AND FOREIGN CORPORATIONS.

(a) In General.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7874. PURPORTED GIFTS BY PARTNERSHIPS AND FOREIGN CORPORATIONS.

"(a) IN GENERAL.—Any property (including money) that is purportedly a direct or indirect gift by a partnership or a foreign corporation to a person who is not a partner of the partnership or a shareholder of the corporation, respectively, may be recharacterized by the Secretary to prevent the avoidance of tax. The Secretary may not recharacterize gifts made for bona fide business or charitable purposes.

"(b) STATEMENTS ON RECIPIENT'S RETURN.—A taxpayer who receives a purported gift subject to subsection (a) shall attach a statement to his income tax return for the year of receipt that identifies the property received and describes fully the circumstances surrounding the purported gift.

"(c) EXEMPTION.—Subsection (a) shall not apply to purported gifts received by any person during any taxable year if the amount thereof is less than $2,500.

"(d) REGULATIONS.—The Secretary may prescribe such rules as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter C of such Code is amended by adding at the end the following new item:

"Sec. 7874. Purported gifts by partnerships and foreign corporations."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 316. INFORMATION REPORTING REGARDING LARGE FOREIGN GIFTS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by inserting after section 6039E the following new section:

"SEC. 6039F. NOTICE OF LARGE GIFTS RECEIVED FROM FOREIGN PERSONS.

"(a) IN GENERAL.—If the value of the aggregate foreign gifts received by a United States person (other than an organization described in section 501(c) and exempt from tax under section 501(a)) during any taxable year exceeds $100,000, such United States person shall furnish (at such time and in such manner as the Secretary shall prescribe) such information as the Secretary may prescribe regarding each foreign gift received during such year.

"(b) FOREIGN GIFT.—For purposes of this section, the term 'foreign gift' means any amount received from a person other than a United States person which the recipient treats as a gift or bequest. Such term shall not include any qualified transfer (within the meaning of section 2503(e)(2)).

"(c) PENALTY FOR FAILURE TO FILE INFORMATION.—

"(1) IN GENERAL.—If a United States person fails to furnish the information required by subsection (a) with respect to any foreign gift within the time prescribed therefor (including extensions)—

"(A) the tax consequences of the receipt of such gift shall be determined by the Secretary in the Secretary's sole discretion from the Secretary's own knowledge or from such information as the Secretary may obtain through testimony or otherwise, and

"(B) such United States person shall pay (upon notice and demand by the Secretary and in the same manner as tax) an amount equal to 5 percent of the amount of such foreign gift for each month for which the failure continues (not to exceed 25 percent of such amount in the aggregate).

"(2) REASONABLE CAUSE EXCEPTION.—Paragraph (1) shall not apply to any failure to report a foreign gift if the United States person shows that the failure is due to reasonable cause and not due to willful neglect.

"(d) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section.".

(b) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by inserting after the item relating to section 6039E the following new item:

"Sec. 6039F. Notice of large gifts received from foreign persons."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after the date of the enactment of this Act in taxable years ending after such date.

SEC. 317. MODIFICATION OF RULES RELATING TO FOREIGN TRUSTS WHICH ARE NOT GRANTOR TRUSTS.

(a) MODIFICATION OF INTEREST CHARGE ON ACCUMULATION DISTRIBUTIONS.—Subsection (a) of section 668 of the Internal Revenue Code of 1986 (relating to interest charge on accumulation distributions from foreign trusts) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of the tax determined under section 667(a)—

"(1) SUM OF INTEREST CHARGES FOR EACH THROWBACK YEAR.—The interest charge (determined under paragraph (2)) with respect to any distribution is the sum of the interest charges for each of the throwback years to which such distribution is allocated under section 666(a).

"(2) INTEREST CHARGE FOR YEAR.—Except as provided in paragraph (6), the interest charge for any throwback year on such year's allocable share of the partial tax computed under section 667(b) with respect to any distribution shall be determined for the period—

"(A) beginning on the due date for the throwback year, and

"(B) ending on the due date for the taxable year of the distribution,

by using the rates and method applicable under section 6621 for underpayments of tax for such period. For purposes of the preceding sentence, the term 'due date' means the date prescribed by law (determined without regard to extensions) for filing the return of the tax imposed by this chapter for the taxable year.

"(3) ALLOCABLE PARTIAL TAX.—For purposes of paragraph (2), a throwback year's allocable share of the partial tax is an amount equal to such partial tax multiplied by the fraction—

"(A) the numerator of which is the amount deemed by section 666(a) to be distributed on the last day of such throwback year, and

"(B) the denominator of which is the accumulation distribution taken into account under section 666(a).

"(4) THROWBACK YEAR.—For purposes of this subsection, the term 'throwback year' means any taxable year to which a distribution is allocated under section 666(a).

"(5) PERIODS OF NONRESIDENCE.—The period under paragraph (2) shall not include any portion thereof during which the beneficiary was not a citizen or resident of the United States.

"(6) THROWBACK YEARS BEFORE 1996.—In the case of any throwback year beginning before 1996—

"(A) interest for the portion of the period described in paragraph (2) which occurs before the first taxable year beginning after 1995 shall be determined by using an interest rate of 6 percent and no compounding, and

"(B) interest for the remaining portion of such period shall be determined as if the partial tax computed under section 667(b) for the throwback year were increased (as of the beginning of such first taxable year) by the amount of the interest determined under subparagraph (A)."

(b) RULE WHEN INFORMATION NOT AVAILABLE.—Subsection (d) of section 666 of such Code is amended by adding at the end the following: "In the case of a distribution from a foreign trust to which section 6048(b) applies, adequate records shall not be considered to be available for purposes of the preceding sentence unless such trust meets the requirements referred to in such section. If a taxpayer is not able to demonstrate when a trust was created, the Secretary may use any reasonable approximation based on available evidence."

(c) ABUSIVE TRANSACTIONS.—Section 643(a) of such Code is amended by inserting after paragraph (6) the following new paragraph:

"(7) ABUSIVE TRANSACTIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this part, including regulations to prevent avoidance of such purposes."

(d) TREATMENT OF USE OF TRUST PROPERTY.—Section 643 of such Code (relating to definitions applicable to subparts A, B, C, and D) is amended by adding at the end the following new subsection:

"(i) USE OF FOREIGN TRUST PROPERTY.—

"(1) GENERAL RULE.—For purposes of subparts B, C, and D, if, during a taxable year of a foreign trust a trust participant of such trust directly or indirectly uses any of the trust's property, the use value for such taxable year shall be treated as an amount paid to such participant (other than from income for the taxable year) within the meaning of sections 661(a)(2) and section 662(a)(2).

"(2) EXEMPTION.—Paragraph (1) shall not apply to any trust participant as to whom the aggregate use value during the taxable year does not exceed $2,500.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) USE VALUE.—Except as provided in subparagraph (B), the term 'use value' means the fair market value of the use of property reduced by any amount paid for such use by the trust participant or by any person who is related to such participant.

"(B) SPECIAL RULE FOR CASH AND CASH EQUIVALENT.—A direct or indirect loan of cash, or cash equivalent, by a foreign trust shall be treated as a use of trust property by the borrower and the full amount of the loan principal shall be the use value.

"(C) USE BY RELATED PARTY.—

"(i) Use by a person who is related to a trust participant shall be treated as use by the participant.

"(ii) If property is used by any person who is a related person with respect to more than one trust participant, then the property shall be treated as used by the trust participant most closely related, by blood or otherwise, to such person.

"(D) PROPERTY INCLUDES CASH AND CASH EQUIVALENTS.—The term 'property' includes cash and cash equivalents.

"(E) TRUST PARTICIPANT.—The term 'trust participant' means each grantor and beneficiary of the trust.

"(F) RELATED PERSON.—A person is related to a trust participant if the relationship between such persons would result in a disallowance of losses under section 267(b) or

707(b). In applying section 267 for purposes of the preceding sentence—

"(i) section 267(e) shall be applied as if such person or the trust participant were a passthru entity,

"(ii) section 267(b) shall be applied by substituting 'at least 10 percent' for 'more than 50 percent' each place it appears, and

"(iii) in determining the family of an individual under section 267(c)(4), such section shall be treated as including the spouse (and former spouse) of such individual and of each other person who is treated under such section as being a member of the family of such individual or spouse.

"(G) SUBSEQUENT TRANSACTIONS REGARDING LOAN PRINCIPAL.—If any loan described in subparagraph (B) is taken into account under paragraph (1), any subsequent transaction between the trust and the original borrower regarding the principal of the loan (by way of complete or partial repayment, satisfaction, cancellation, discharge, or otherwise) shall be disregarded for purposes of this title."

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) INTEREST CHARGE.—The amendment made by subsection (a) shall apply to interest for throwback years beginning before, on, or after the date of the enactment of this Act.

SEC. 318. RESIDENCE OF ESTATES AND TRUSTS.

(a) TREATMENT AS UNITED STATES PERSON.—Paragraph (30) of section 7701(a) of the Internal Revenue Code of 1986 is amended by striking subparagraph (D) and by inserting after subparagraph (C) the following:

"(D) any estate or trust if—

"(i) a court within the United States is able to exercise primary supervision over the administration of the estate or trust, and

"(ii) in the case of a trust, one or more United States fiduciaries have the authority to control all substantial decisions of the trust."

(b) CONFORMING AMENDMENT.—Paragraph (31) of section 7701(a) of such Code is amended to read as follows:

"(31) FOREIGN ESTATE OR TRUST.—The term 'foreign estate' or 'foreign trust' means any estate or trust other than an estate or trust described in section 7701(a)(30)(D)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

(1) to taxable years beginning after December 31, 1996, and

(2) at the election of the trustee of a trust, to taxable years beginning after the date of the enactment of this Act and on or before December 31, 1996.

Such an election, once made, shall be irrevocable.

The CHAIRMAN. The gentleman from Washington [Mr. MCDERMOTT] will be recognized for 30 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. MCDERMOTT].

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, you have heard a lot of talk today about fairness. The amendment I propose today is as simple as it is fair. It simply extends to employees who must buy their own health insurance exactly the same tax deduction that the majority has proposed for the self-employed.

In other words, it gives employees the same 25-percent deduction of the cost of health insurance that the Contract on America offers to employers.

Now, how can Congress justify giving a deduction to small employers, but not to the people who work for small employers? Would you give a tax break to a self-employed lawyer who must buy his own health insurance, but not to his secretary who works for the lawyer and who also must buy his or her own insurance? Both are engaged in exactly the same conduct of purchasing health insurance. Providing tax incentives to purchase health insurance serves the same policy goals for both employers and employees.

For many, this tax deduction will be the difference between being able to afford health insurance and not. To provide a deduction for the employer but not for the employee cannot be defended. We must be the Congress of all the people.

The question you ask then is how do we pay for it? How do we pay for those hard-working Americans who are shut out by the Republican proposal?

□ 1945

The lion's share of the money to pay for the employee getting the same deduction as their employers comes from changing the capital gains tax rules on Americans who renounce their citizenship for tax purposes. What better way could there be to enable hard-working, patriotic Americans to purchase health insurance than by increasing the capital gains on extraordinarily wealthy individuals who renounce this country?

Certainly, Mr. Chairman, no one can vote to protect tax breaks for those who turn their backs on America. The remainder of the money comes from changing the tax rules on foreign trusts and on reforming the FCC minority ownership program Members have heard talked about.

The reform of the FCC program will assure that the original purpose of the incentive program is fulfilled, to encourage the communications industry to sell minority businesses interested in entering the communications field. When this program started in 1978, less than a half of a percent of broadcasts were done by minorities. Today we are up to 3 percent. It is not a perfect program, but it has worked.

To assure the long-term viability of this program, my substitute caps the amount of the capital gain deferral each transaction can receive at $50 million.

This reform in the FCC program preserves the highest goals of equal opportunity and retains an incentive, this word "incentive," that great market tool consistently advocated by the Speaker and the majority leader and the whole majority, an incentive to develop new business opportunities.

The total elimination of the FCC program initiated at the last minute by the chairman of the Committee on Ways and Means has nothing to do with the ostensible purpose of H.R. 831, whichever everyone on this floor agrees with, which is to provide a tax deduction to enable people to buy insurance on their own.

The overriding purpose of this amendment is to return the bill to its original purpose, one which would give a unanimous vote and include hard-working employees who do not get health insurance through their jobs.

The number of Americans without health insurance increased by 1 million last year, mainly because more employers either dropped health insurance or failed to offer it.

The number of employees offering health insurance has been steadily declining since 1980. Nobody on this floor should have any illusions that these deductions to employers and employees will solve the overwhelming problem we have.

At best, it is a lottery, whether anybody could actually buy insurance as an individual. But these deductions give people a small margin that enables them to hold onto some health insurance until the Congress, as we are promised by the gentleman from California [Mr. THOMAS] and others, will be ready to address the fundamental problem of health insurance.

I hope we can show the American people that every Member of the House will act today to assure that all Americans who cannot obtain health insurance through their job will get a 25-percent deduction to assist their own efforts to insure themselves. The line drawn by this bill between employers and employees as proposed is a false one and cannot be defended. For that reason, I have offered this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] is recognized for 30 minutes.

Mr. ARCHER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, the McDermott substitute would continue the FCC's policy of promoting minority ownership of broadcast facilities through special individualized tax breaks for millionaire sellers of those facilities. This loophole of up to $17 million per seller under the McDermott amendment has no justifiable place in the tax code and cries out for repeal.

In essence, the FCC awards or denies tax benefits based on the race or ethnic background of the buyer. This is wrong. Tax benefits should not be conditioned on classifications such as race or ethnicity. Our Nation's tax laws should be, as I am, color blind.

Those supporting the McDermott substitute argue that repeal of section 1071 represents, and I quote them, "the driving of a wedge within our society between people based on racial and ethnic grounds."

But is that not exactly what the FCC minority policies do? The minorities favored under the FCC tax certificate program are black, Hispanic, Asian, Alaska Natives and American Indians. Does it make any sense for our tax laws to be used to favor one person because he is African American or Asian while disfavoring another because he is white? Does this not in fact drive a wedge in our society between people based on racial and ethnic grounds?

Under the FCC's policies, a family descended from Spanish Jews, forced from Spain in 1492 by Ferdinand and Isabella, thereby qualified for the minority tax certificate program because they were judged by the FCC to be Hispanic. Yet non-Hispanic Jewish Americans perhaps driven from Europe by the Holocaust do not qualify. Is this not exactly the kind of racial and ethnic wedge the proponents of section 1071 say they are worried about? But McDermott would continue this. What is a minority? Should the FCC look into the family tree as to the ancestors of every American before determining whether they qualify or not?

The FCC minority tax certificate program is not even needs based. Indeed some of the minority investors who have reportedly benefited from the program are millionaires like Oprah Winfrey, Bill Cosby, and Dave Winfield. You cannot convince me that radio and TV station owners will not sell to these individuals without the benefit of a special rifle shot tax loophole.

Unfortunately, despite the progress that has been made in recent decades, yes, there still can be discrimination in our society. And I strongly believe that remedies must be available to provide redress to individuals who experience discrimination because of their race. But the discrimination inherent in the FCC's minority ownership policy is not intended to remedy racial discrimination. In fact, the FCC has never claimed that there was any discrimination in the allocation of radio or TV licenses.

Does the FCC believe there is a particular minority viewpoint that will be expressed only by minority owners? Such a concept implies that people's thoughts and views are based on the color of their skin, a concept which I would have thought most Americans would find offensive today.

Greater minority participation in all of the bounty our Nation has to offer is a goal shared by every Member of Congress, but the way to achieve that goal is not by giving special preference to some at the expense of opportunity to others.

Programs which try to achieve an ideal racial mix in ownership of businesses by discriminating in the name of anti-discrimination are doomed to failure.

I urge a vote against the McDermott substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentleman from Washington for yielding time to me.

This is obviously a very serious issue. It is an issue that is not to be taken lightly, and I have extraordinary respect for Members on both sides of this issue.

I think that what we are facing here really is something that is somewhat the use of a hatchet or an axe or a sword, when we can and we should use a scalpel.

The reality of the matter is that in 1978, it has been stated, less than half a percent of radio and television stations in this country were owned by blacks or Hispanics. Not 20 percent, which should be the quota, that is not what we sought by this FCC policy permitted under this section of the law. No one is talking about a quota. But, rather, an encouragement for people like in my community, who literally got off the boat a couple of decades ago, have been saving and with a lot of hard work and perseverance, are able to buy, a couple of them, have been able to buy radio stations because of 1071. So I am not an expert on this, but I know that it worked with regard to people that have the ability to permit the first amendment to be a reality and not simply a piece of paper in the telecommunications age.

□ 1950

Therefore, Mr. Chairman, with the decibels low, with respect for all points of view in this issue, without raising the decibels with accusations, which I think are unwarranted, like racism and this kind of thing, I do think, though, that this is a very serious issue, and that we should address it seriously.

Like Kondracke, Morton Kondracke said just a week ago in Roll Call, and I agree with him:

> We would do well to approach the coming conflict in a spirit of reform. . . . We would be better off to amend preferences rather than sweep them away. . . . This society is already angry enough.

I think we should remember those words as we face these issues, especially with successful programs that have permitted, as I have said before, the first amendment to be a reality in the telecommunications age.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS], chairman of the Subcommittee on Health of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, as we look at this McDermott substitute, I think it is really important to keep in mind recent history.

For example, Mr. Chairman, the gentleman from Washington [Mr. MCDERMOTT] offered legislation in the last Congress in the area of health care reform. He criticized the Republican offer because he demanded fundamental reform before the year 2000. By 1998, he said we had to have the system completely reformed.

He stands before us tonight in the name of equity, and he said, Mr. Chairman, he said these folks who work for corporations who do not provide health insurance are going to be treated the same as self-employed.

I just did a reality check. I thought what we were doing, Mr. Chairman, was reaching back to the last year and giving the self-employed 25 percent. That would be 1994. In 1995 we are going to give them 25 percent. In 1996 we are going to give them 25 percent, in 1997, and so on.

What I found out in the McDermott amendment is that these folks do not get anything for 1994, nor for 1995. He starts them out at 15 percent for 1996. What do they do in 1997? Another 15 percent. In the year 1998, when he demanded fundamental reform for everybody or the program was not any good, he is going to give them 20 percent.

Let us look at this for what it is. It is a gimmick. Mr. Chairman, I urge the Members, come to my subcommittee as we offer full health care reform. I want to hear all the ideas. I would say to the gentleman from Washington [Mr. MCDERMOTT], I did not hear this idea in subcommittee.

I am looking forward to testimony so we can make sure that all Americans are treated fairly and equally, rather than trying some token gimmick to try to head off the first measure coming to the floor. I do hope people look at the specifics and understand why the McDermott amendment is being offered. Support H.R. 831. It is a fairness issue.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, I thank my friend, the gentleman from Washington, for attempting to really try to help the self-employed in getting deductions for their insured, for insurance.

The truth is, Mr. Chairman, health insurance has nothing to do with what is on the floor today. Health insurance is the sugarcoating for repealing the FCC provision.

Mr. Chairman, I do not mind that happening, but if they are going to shoot me down, do it with a hearing. My distinguished chairman tells me that he is color blind. Mr. Chairman, I thought he was putting me on when he first said it, but then I checked with some of his friends, and I understand he does have a physical problem in detecting color.

However, when we go into the board rooms in these great United States, and let me make it abundantly clear, there is no greater country in the world for anybody than these great United States, but somehow, Mr. Chairman, we have to believe that not everyone has the same defect. They are not color blind. If we go into the television board rooms, the editorial board rooms, the people that tell us what America is all about, they are not color blind.

If we want to correct the injustices that are here, let us have hearings and let us do it right. To do it in the middle of the night is not fair, and to make it retroactive is not good law.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BUNNING], a respected member of the committee.

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in strong support of H.R. 831 and in opposition to the McDermott substitute.

With H.R. 831, the House is for once doing the right thing. It permanently extends the health insurance deduction for the self-employed and repeals an aberration in the Tax Code. It is a clean simple bill that deserves to sail through this House.

Mr. Chairman, our Tax Code should be color blind. Neither Congress nor the IRS should be in the business of passing out tax breaks or tax increases based on creed or color. H.R. 831 repeals the only provision in the Tax Code that bases its treatment on skin color.

H.R. 831 is a straightforward bill that is paid for without smoke or mirrors. On the other hand, the McDermott substitute offers up one revenue raiser dealing with foreign trusts that its sponsor could not even explain to the Rules Committee.

The McDermott substitute also proposes that we keep intact the only provision in the Tax Code that passes out tax breaks based on creed or color.

Mr. Chairman, the 25 percent deduction for the self-employed lapsed over a year ago, but after a lot of hemming and hawing the House is only now getting around to extending it permanently. The administration and the then-Democratic majority talked the talk all last year about helping the self-employed, but they never got around to really doing anything about it.

Now that the new majority is walking the walk the new minority wants to delay things again. It's time to help the self-employed by permanently extending the deduction and to help the taxpayers by closing a loophole.

Mr. Chairman, over 3 million Americans are relying on us to extend the law that allows them to deduct their health insurance costs. The farmers and the self-employed in my district are counting on us to do the right thing.

I strongly urge my colleagues to support H.R. 831 and to oppose the McDermott substitute.

Mr. Chairman, I rise in strong support of H.R. 831. For once, the House is doing the right thing.

The Tax Code provision that gives over 3 million self-employed workers the ability to deduct their health insurance costs lapsed over a year ago. Since then those people have been slowly twisting in the wind, wondering if Congress was going to step up and restore their deduction for the 1994 tax year.

This is an issue of the utmost importance to the many small farmers and other self-employed individuals in my congressional district. If Congress does not act before April 15, these individuals will not be able to deduct these costs from their 1994 taxes and will be left high and dry.

The House now has the chance to step in and help extract these people from tax limbo. A strong vote today will hopefully help convince those in the other body to take up this matter quickly so that we can get a bill to the President's desk as soon as possible.

Mr. Chairman, H.R. 831 also gives us the chance to kill two birds with one stone. To pay for the 25 percent deduction, the bill repeals section 1071 of the Tax Code that allows the FCC to issue tax certificates to companies that sell telecommunications properties to businesses with minority interests. The selling companies are allowed to indefinitely defer taxes on any gains on the sale of radio broadcast facilities. It's part of the code that needs to be repealed.

The legislative history of section 1071 makes it clear that Congress originally passed this provision to provide tax deferrals only in instances where a sale or exchange of communications-related property was an involuntary divestiture to comply with the FCC's rules regarding ownership of broadcast facilities.

But, in the 1970's, without congressional approval, the FCC broadened the meaning of section 1071 and began allowing tax deferrals for voluntary divestitures that met certain criteria. In 1978, the FCC adopted a policy in which it would grant tax deferrals to companies or individuals who voluntarily sold their broadcast facilities to an entity that had a minority controlled interest.

Now, section 1071 is the only provision of the tax code that allows a Federal agency to administer what is essentially an entitlement program to big businesses that understand how to unfairly manipulate the rules that promote minority control of media outlets.

For instance, under this provision of the code, a recent deal between Viacom, the minority controlled Mitgo Corp., and InterMedia Partners qualifies for a tax deferral and would end up costing the American taxpayers over $600 million.

The upshot of the Viacom deal is that Viacom will get an indefinite tax deferral of $640 million, and the African-American owner of Mitgo will walk away from the deal in several years with roughly $5 million in profits after having sold his interest in Viacom's cable television systems to Telecommunications, already the largest cable TV operator in the country. Everybody wins but the taxpayers.

The bottom line is that the FCC is now using section 1071 to promote a policy that was never part of the original congressional intent for that part of the code. Without congressional approval, the agency expanded its power to grant tax breaks, and it's now time for Congress to rein in the FCC.

Mr. Chairman, I think that the Internal Revenue Code should be color blind. Individuals should not get tax breaks nor should they get taxed more because of their skin color; there should not be carve-outs in the code for businesses just because a minority interest is involved. I see no reason why the Tax Code should not be used as another arm of Affirmative Action and it's time to remove section 1071 from the code.

As a side note, Mr. Chairman, I need to note how ironic I find that the House is only now getting around to extending the self-employed health insurance deduction after haggling for over 2 years about how to pass a health care reform that provides health care coverage to more Americans.

Ever since the 25-percent deductibility for the self-employed lapsed at the end of 1993, the administration and the then-Democratic majority lamented how they wanted to help these individuals with their health insurance costs.

But because of the administration's all-or-nothing strategy on health care reform last year, the self-employed got just that—nothing. At any point over the past 14 months, the administration or the then-majority could have moved legislation at any time to permanently, or even temporarily, extend the 25 percent deduction for the elf-employed. They did not do so.

The 25 percent deduction for the self-employed was held hostage because the President refused to consider any health-related legislation except for a radical health care bill. When health care reform legislation died at the end of the last Congress, so did any hopes for passing the 25 percent deduction.

Now, finally, it is getting passed. The administration and the then-majority talked a pretty good talk about helping the self-employed pay for health insurance, but it is the new majority that is walking the walk.

Frankly, I would like to see the self-employed be able to deduct 100 percent of their health insurance costs. Businesses can claim the full deduction for their employees' insurance costs, and I see no reason why the self-employed should be treated any differently under the Tax Code. There just is not any reason for this disparate treatment.

H.R. 831 is only the first step in permanently establishing parity in this area between the self-employed and every other business in America. The sooner that Congress gives the self-employed workers in this country the same tax break that it gives to other businesses, the better. I expect that Chairman ARCHER will eventually move to give the self-employed the ability to deduct 100 percent of their health insurance costs, and I will do what I can to support him.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise in strong support of the McDermott substitute. It represents a balanced compromise that extends the benefits of tax deductions for health insurance to millions more Americans, and carefully preserves the best aspects of the tax provisions related to the sale of broadcast facilities to minority owners.

Mr. Chairman, the rhetoric of empowerment flows freely from the same lips that today have condemned section 1071, and the irony is almost overpowering. Section 1071 is designed expressly to empower minorities to build businesses that employ people, serve the market, and generate revenue.

Minority buyers pay market price for the broadcast facilities purchased under this provision. There are no subsidies. These provisions have encouraged sales to minorities without distorting the market, precisely the kind of empowerment that is so pervasive in Republican rhetoric these days.

Mr. Chairman, there is no special gain or advantage for minority bidders. Instead, it is the seller who enjoys the tax break. What could be more Republican? Vote for the McDermott substitute.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER], a valued new member of the committee.

Mr. ZIMMER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the supporters of section 1071 have characterized this debate as the first battle in an impending war over affirmative action. As someone who personally believes very strongly that the Federal Government has a decisive role to play in promoting civil rights and equal opportunity, I ask the defenders of this tax giveaway, do they really want to do battle on this battlefield? Even if they believe in affirmative action, they have to concede that section 1071 is a particularly goofy program, even by the standards of the tax code, and it is an incredible waste of taxpayer dollars.

It will continue to be a waste of taxpayer dollars, even if the Gibbons-McDermott amendment is adopted. The Gibbons-McDermott amendment would not change the essential character of section 1071. Every cent of the tax benefit would still go to the sellers of communications properties; generally speaking, rich white guys.

Not one cent of this taxpayer subsidy would have to go to the minority purchaser. The minority purchaser still would not have to show that he or she is economically disadvantaged, or that he or she needs help economically to make the purchase.

Mr. Chairman, even if the purchaser is a millionaire himself, he would not have to contribute a single dollar to the purchasing entity. Is this what we mean by affirmative action? By tying the future of affirmative action to this misbegotten program, Members are making a dreadful mistake and doing a real disservice to their cause.

My Democratic colleagues who inveigh against corporate welfare and trickle-down economics ought to recognize them when they see them, and not try to perpetuate this giveaway. Evidently, the sponsors of the Gibbons-McDermott amendment understand that the Viacom deal is indefensible, because they would block it, too, under their own proposal.

Although they propose scaling back the maximum size of this loophole, they have not attempted to change its essential nature.

□ 2010

It is still basically a subsidy for rich white people.

In the course of this debate, in the committee and on the floor, we have heard a lot of heated rhetoric. We have heard about Adolf Hitler. We have heard about David Duke. We have heard about playing the race card. I urge the champions of civil rights in this Chamber not to expend your rhetorical heavy artillery on this cause, to save it for a more worthwhile cause. I urge this House to reject the Gibbons-McDermott amendment.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. MFUME].

Mr. MFUME. Mr. Chairman, let me say to you and remind myself that this debate really is not about the deductibility of health insurance for the self-employed. That might be the intent by some, but the effect is something altogether different, and at some point in time we ought to stand up and admit that. Because if we were really serious about doing away with this second-class citizenship that they now enjoy, we would have approved the Cardin amendment, which was an 80-percent deduction, or the Mfume amendment, which has a 100-percent deduction and paid for with surplus funds. Or we would even now support the McDermott substitute. But we are not doing that. This is not about them. This is about a charade, a bigger smoke screen. Because this makes the 25 percent permanent. It says, "You're going to permanently be second-class citizens, those of you who are self-employed." So if we are real and if we are serious, we ought to give them what everybody else has, and that is an 80- or 100-percent deduction.

Second point. This is not about what this bill allows. It is about what it disallows. It disallows an incentive. There are those who would argue that we should not be giving incentives to businessmen. I do not ever remember hearing that argument from the other side of the aisle until today.

If we are going to talk seriously and be frank, let's say what people are thinking. People are looking at this, ladies and gentlemen, and seeing this as a race debate. That is how people are seeing it around the country. Not me. Not the chairman. Not the one who has got the substitute. The people are seeing it. Because we are playing it that way. We are. Someone said this is about affirmative action. This is not the fight about affirmative action. I want to be very clear about this. This is the flare that goes up before the firefight, that lights the horizon, that shows the way.

Let me suggest that the real fight is on the horizon. I would hope and I would remind individuals who are here today who think that affirmative action will go down quietly that that is not the case.

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HERGER], a valued member of the committee.

Mr. HERGER. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Washington. Recently I participated in a Ways and Means subcommittee hearing on this very program which basically rewards individuals buying communications properties for at least nominally including minority partners. Over the last 17 years, this Federal Program which defers taxation of gains in a sale to a minority purchaser has cost American taxpayers over $2 billion while the number of minority-owned communications businesses has grown very little.

Further, 71 percent of all radio stations purchased by minority-controlled groups were resold within an average of 3½ years. Even proponents of affirmative action admit that this program does nothing for the poor or uneducated.

Mr. Chairman, I believe that minority buyers are entitled to every advantage available to nonminorities. However, I strongly oppose creating special racial subgroups of Americans in the tax code. Of all the government-run-amok Federal programs, this has got to be one of the very worst. It is just not equitable that average citizens should pay taxes while multibillion-dollar communication firms and a select few upper class minorities get a free ride on up to $50 million. Clearly, this law creates a hole in the Internal Revenue Code that tax attorneys can drive a truck through.

Mr. Chairman, let's treat all citizens equally under the Tax Code. Vote "no" on this amendment.

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in support of the McDermott substitute to allow both the self-employed and employees, employees who are not covered, not insured by their employers, to deduct a portion of the cost of their health insurance.

The McDermott substitute is both sensible and fair. Allowing uninsured employees who purchase their own coverage to take the same deduction that we are giving their employer may reduce the number of Americans who are not insured. The McDermott substitute will encourage individuals who are currently uninsured to buy health insurance. And the McDermott substitute does this at no cost to employers. What could make better sense?

Mr. Chairman, we have a long way to go to reform health care in America and to achieve universal coverage for all Americans. But the McDermott substitute is a step in the right direction.

I urge my colleagues to vote for the McDermott substitute.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, H.R. 831 is a tax bill and the race card has been played and that is very unfortunate.

I happen to be an American of Hispanic descent who grew up in a family where my father often worked 3 jobs to put food on the table and my grandmother worked for 30 years as a maid in a hospital to support herself.

In my family, no one ever expected to be treated differently. All we ever expected was a fair shot. People who play the race card sadly have no substance in their arguments. This is a tax break that has not worked. It was originally designed to increase minority participation in broadcasting but this has not happened. In fact, the percentage of minority ownership has actually decreased.

If you want to play the race card, look at it this way. You are helping hundreds and maybe thousands of minorities in this country who are self-employed, like José Cuevas, small businessman in Midland who needs this tax break; people like Julius Brooks, an African-American small businessman in my district.

Let's vote for this bill and against the McDermott substitute because it helps all Americans.

When I was young, the Bible taught us and we sang in church that red or yellow, black or white, we are all precious in his sight.

Mr. MFUME. Will the gentleman yield?

Mr. BONILLA. H.R. 831 is color-blind. We should vote for it and against the McDermott amendment.

Mr. MFUME. Will the color-blind gentleman yield?

Mr. BONILLA. I will not yield.

Mr. MFUME. Will the gentleman yield for a moment?

The CHAIRMAN. The time of the gentleman from Texas [Mr. BONILLA] has expired.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind all Members to address their remarks through the Chair.

Mr. MCDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, this is a wedge issue. This is the opening salvo on the Contract With America's war on minorities. Next it is affirmative action, and it is going to cover women.

Mr. Chairman, we could have financed this provision through the compliance provisions in the administration package. The tax certificate was specifically targeted.

What is wrong with this provision? It has been on the books since 1978. No Republican President has gone after it. What we have here is diversity in the airwaves, allowing minorities to compete.

□ 2020

Is there quotas when it is only 3 percent of minorities that own stations, 323 radio-television stations owned by minorities? What is wrong with in a ghetto or Indian reservation or Hispanic area for minorities within those communities to have a chance to own some of these radio stations? What is wrong if somebody has made money out of these provisions? Are loopholes only going to go to the nonminorities? Do we have an opportunity here to undo this legislation?

The McDermott amendment is a good provision. This is a bad amendment, but it is the first in a salvo of many initiatives that are wrong and should not happen, and it should be rejected by this House.

H.R. 831 reinstates the 25% health insurance deduction for self-employed persons. H.R. 831 is in large part paid for by repealing the Federal Communications Commission (FCC) Sect. 1071, the minority broadcasting tax certificate, that allows sellers to defer capital gains on the sale of media properties to minorities.

Broadened in 1978 to include minorities, the FCC minority broadcasting tax certificate allows sellers to defer capital gains on the sale of media properties to minorities.

The FCC tax certificate has enabled scores of minorities to own and control broadcast cable businesses. It has made for a five-fold increase in minority control of radio and television stations, and to a lesser extent cable systems.

Before 1978, minorities owned less than one-half of one percent (0.5%) of the total broadcast licenses issued by the FCC. A 1994 study reports that there are 323 radio and television stations owned and run by minorities, nearly 3%.

It is doubtful that repeal will raise promised revenues or result in savings, since many sales would never take place without the tax certificate. There are other alternatives—such as stock swaps—that allow sellers to benefit from tax-free exchanges.

The FCC Sect. 1071 simply gives minority businesses that may not have stocks or other capital the opportunity to compete. Most sellers would not take a chance on minority buyers without the FCC Sect. 1071 tax certificate and would look instead to other tax-free transactions.

The FCC tax certificate is a true "empowerment" program for the Hispanic market. It provides business development in minority communities, self-sufficiency, and creates jobs.

The FCC tax certificate promotes diversity in the airwaves. For millions of Latinos, for example, having immediate Spanish language information could mean the difference between life and death in a disaster situation.

IMPACT OF MCDERMOTT AMENDMENT ON FCC TAX CERTIFICATE PROGRAM

H.R. 831

Section 1071 of the Internal Revenue Code allows the Federal Communications Commission to issue tax certificates to companies that sell communications properties as a result of changes in FCC policy, allowing the seller to defer tax on the gain if the proceeds are reinvested in qualifying communications properties.) The FCC policy has been principally used to accomplish diversity in broadcast ownership. Since 1978, the FCC has issued tax certificates to firms that sold properties to qualified minority buyers.

H.R. 831 would abolish the Section 1071 tax certificate program outright.

THE MC DERMOTT AMENDMENT

Section 1071 is retained only for "qualified transactions" under the FCC's Minority Ownership Policy.

Tax could only be deferred on gain up to $50 million per transaction or group of related transactions. (The $50 million cap allows minority buyers to use tax certificates in major markets, but bars "mega-deals" from qualifying for tax certificates. The restriction on "related transactions" ensures that sellers cannot break up sales into $50 million parcels to evade the cap.)

The FCC must certify that the sale is in furtherance of the FCC's Minority Ownership Policy.

The sale must be made to an "eligible" individual, corporation, or partnership, i.e.:

an individual qualifying under the FCC's Minority Ownership Policy (Black, Hispanic, Native American, Alaska Native, Asian, and Pacific Islander);

a corporation in which eligible individuals—directly or indirectly—own more than 50% of the voting stock and stock representing more than 20% of the value of the corporation;

a partnership in which eligible individuals directly or indirectly—have actual control and own at least 20% of the value of the partnership.

Permitting indirect ownership recognizes that there may be intermediate owners (e.g., the corporation may be a subsidiary of a minority-controlled corporation).

Property must be held by the minority buyer for at least 3 years. Buyout or repurchase agreements by ineligible persons would be prohibited.

ESTIMATED REVENUE EFFECTS OF POSSIBLE DEMOCRATIC SUBSTITUTIONS TO H.R. 831—FISCAL YEARS 1995–2000

[Millions of dollars]

Provision	Effective	1995	1996	1997	1998	1999	2000	1995–00
1. Limit gain section 1071 transactions to $50 million	1/17/95	295	344	82	77	98	121	1,016
2. Modify section 1033[1]	2/16/95	13	30	40	53	74	106	316
3. Disallow the EITC to taxpayers with income over $2,500 from the following sources; Interest, tax exempt interest, dividends, and gross revenues from rents and royalties	tyba 12/31/95	....	56	562	608	641	686	2,553
4. Health insurance deductions:								
a. Self-employed individuals, 25% deduction	tyba 12/31/93	−487	−398	−435	−484	−536	−584	−2,925
b. Employees not eligible for employer-subsidized insurance: 15% in 1996, 15% in 1997, 20% in 1998, 20% in 1999, and 25% thereafter	tyba 12/31/95	....	−208	−644	−774	−997	−1,159	−3,782
5. a. Revise taxation of income from foreign trusts	2/6/95	88	182	195	210	226	242	1,142
b. Revise tax treatment of renouncers of citizenship	2/6/95	60	181	248	323	405	494	1,711
Total	....	−31	187	48	13	−89	−94	31

[1] This estimate includes adjustment to account for interaction with limiting the gain on section 1071 transactions to $50 million

Note: Details may not add to totals due to rounding.

Joint Committee on Taxation.

PROJECT FOR THE REPUBLICAN FUTURE,
Washington, DC, February 21, 1995.

Memorandum to: Republican leaders.
From: William Kristol.
Subject: Moving Forward on Affirmative Action

"I think the worst thing that could happen is you take an issue like affirmative action or the whole issue of civil rights and race relations in this country and make it a political issue. That's the most dangerous thing that could happen . . . On affirmative action, we clearly oppose moving backwards. Where you have discrimination, you need to have a remedy. That includes affirmative action."—White House Chief of Staff Leon Panetta, on "Meet the Press," February 12, 1995.

"Affirmative action was never meant to be permanent, and now is truly the time to move on to some other approach. You can try to paint Republican opponents as having been captured by the far right and the like, but that's not going to make the Democratic Party the majority party again. In fact, there's a bad potential for this issue to drive a wedge right through the Democratic Party, if it doesn't yield some."—Democratic strategist Susan Estrich, in The New York Times, February 16, 1995.

Ironies abound in politics; large issues have a way of forcing themselves into public debate in unexpected form, on an unpredictable schedule. We're now halfway through the Republican Contract's 100-day legislative calendar. The GOP House and Senate have already achieved some notable successes. But neither chamber has yet cast, to the best of our knowledge, a floor vote on any bill that directly undoes an existing government program. Until now, that is. And the bill and program in question aren't mentioned in the Contract at all. In fact, the bill the House is scheduled to vote on (and will likely pass) today, Ways and Means Committee Chairman Bill Archer's H.R. 831, would actually kill a large tax break.

Now as it happens, the tax break involved is preposterous and Chairman Archer's legislation is self-evidently necessary. It would pay for a permanent extension of the 25 percent deduction for self-employed health insurance costs. That's a good cause. But the bill's true subject is affirmative action. And we'd be for it, and for doing it now, even if it paid for nothing—because it represents a strategically intelligent first step in what should be a major element of the Republican Party's larger, post-Contract agenda: a rollback of the massive system of racial preferences and setasides that has come to infect federal law and American life over the past 25 years.

Chairman Archer's bill repeals section 1071 of the Internal Revenue Code, which since 1978 has been interpreted by the Federal Communications Commission to allow companies selling broadcast properties to "minority controlled" enterprises to defer taxes on any capital gain. Mr. Archer's principal complaint against this provision is that its World War II-era provisions have been oozily transformed by the FCC into an agency-granted tax break—a usurpation of Congressional prerogative and authority. He's right. But there's also a much deeper ugliness at work in the FCC program, as recent news accounts of an attempt by the Viacom Corporation to take advantage of it make clear.

Viacom, the world's second largest media and entertainment company, plans to sell off its cable television stations to a group of investors dominated by InterMedia Partners and Tele-Communications Inc., the giant cable company. It's a $2.3 billion deal. But because, technically speaking, the investor of record in this deal is a minority, Viacom would be permitted to defer hundreds of millions of dollars—maybe more than a billion—in taxes. And the real purchasers here won't be inconvenienced at all; the deal's investor of record is allowed to cash out his $1 million stake at a hefty profit after just a few years. He is, incidentally, one Frank Washington, who as a Carter Administration FCC attorney in 1978 designed the whole "minority ownership program" in the first place.

Not to put too fine a point on it, Viacom is engaged in a particularly vulgar, though perfectly legal, affirmative action scam. But it's not a new one; again, this particular FCC initiative has been in place, doling out more than 300 such tax certificates, for 17 years. And the program isn't an isolated affirmative action grotesquerie, either. There is the huge 8(a) set-aside program at the Small Business Administration, for example. And hundreds of other programs and provisions, written into the sinews of federal law and administrative practice, make similar distinctions among American citizens on the basis of their skin color—with ever-increasingly questionable effects on their ostensible beneficiaries, and to the obvious detriment of race relations nationwide.

What's interesting, then, is that all of a sudden it seems possible that mere scrutiny of these programs will be enough to demolish them. Many of us long ago came to the conclusion that affirmative action, at this point in American history, is virtually indefensible. What's striking about the current political situation, in the aftermath of November 8, is how many other people apparently think so, too. Consider this: Charlie Rangel, second-ranking Democrat on Ways and Means, could produce only 10 of 15 possible Democratic votes against Chairman Archer's bill in committee, and was reduced to invoking Adolf Hitler in his churlish post-vote press release. Or this: Susan Estrich, no right-winger she, tells The New York Times (as quoted above) that the statute of limitations on slavery and segregation has run out, and that affirmative action should be scrapped. Period.

Of course, it's easy for Ms. Estrich to speak so bluntly and candidly; she has no current institutional responsibility to the Democratic Party, whose alignment of constituencies is such that any debate on affirmative action may blow it completely apart. Which is why Leon Panetta (also quoted above) is so eager to deny that affirmative action is a legitimate political issue at all—what kind of issue does he think it is, we wonder?—and why he wants us to understand that any near-term political movement on the question of race preference will be movement "backwards."

Republicans are not obliged to alter or trim their principles for the convenience of Democratic Party voter mobilization, of course, which is why we say: move forward—it's the right thing to do. Men like California state assembly Speaker Willie Brown will decry any rollback as "totally and completely racist" (USA Today, February 16). Jim McDermott (D-WA) will try to muddy the waters with a substitute to H.R. 831 that blocks the Viacom tax break while otherwise preserving the FCC program. And Mr. Panetta will probably warn, again, that "discrimination" needs a "remedy." But the guessing here is that neither Congress nor ordinary voters will be fooled. Discrimination does have a remedy; it's illegal. Affirmative action—counting citizens by race, and allocating benefits accordingly—is something else, something that increasingly strikes more and more Americans of all colors as fundamentally unfair and incompatible with their own best traditions and highest hopes. Witness the spectacular early success of the California Civil Rights Initiative (CCRI), whose sponsors haven't even begun collecting the requisite signatures for ballot approval in 1996, but is already considered a virtually sure thing for passage.

Congressional Republicans need not immediately reach for a CCRI-like magic bullet that would in one fell swoop erase every offensive jot of race consciousness from federal practice. Constructing such a law would be a complicated undertaking, in any case, so thoroughly has affirmative action buried itself in our laws and regulations. And the effort need not be rushed. It wouldn't be a bad thing to have the affirmative action debate again and again, program by program and law by law, as the next several months go by. It's only through such revealing debate, after all, that a full public consensus about the need to close our affirmative action era can be achieved. Bill Archer has done us the service of beginning such a responsible and level-headed debate by readying Congress, for the first time in a quarter century, to dismantle a race-conscious federal program. Republicans should continue the service by doggedly pursuing the subject in the future.

The sudden willingness, even courage, of American politicians to challenge what was until very recently unchallengeable—racial preferences—is a clear sign of how completely November's Congressional election has altered our national landscape. Almost every American political piety of the past few decades is now squarely on the table, open for debate at last. These are debates that the Democratic Party, defender of the status quo, can only fear. And those Republicans who might privately worry over what to do once our first 100 days are complete can take heart: there is a broader, just as popular, just as principled agenda available for our future pursuit. Establishing a system of color-blind law and public policies is a not inconsiderable case in point.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the McDermott substitute.

The outright repeal of IRS section 1071 is essential if we are to start dismantling the failed system of race-based preferences and move toward the goal of a colorblind society.

The inherent flaws in the system which section 1071 perpetuates—a system which provides benefits to some members of our society and denies benefits to others based solely on their race or ethnicity—are undeniable.

Justice Sandra Day O'Connor, writing about the racial preference system in the case of Richmond versus J.A. Croson Co., said of such systems:

> They endorse race-based reasoning and the conception of a Nation divided into racial blocs, thus contributing to an escalation of racial hostility and conflict . . . Such policies may embody stereotypes that treat individuals as the product of their race, evaluating their thoughts and efforts—their very worth as citizens—according to a criterion barred to the Government by history and the Constitution.

According to studies at Rutgers and George Washington Universities, FCC minority preference programs, including the application of section 1071, have done little to foster diversity in programing. Moreover, of the minority-owned radio stations that received FCC tax certificates between 1979 and 1992, only 29 percent of those stations were still controlled by the minority purchaser at the end of 1992. Many minority investors choose to quickly divest their interests and reap significant profits.

Under section 1071, we have the worst of both worlds: we perpetuate a system of racial classification—and at the same time provide enormous benefits to individuals who are far from disadvantaged.

By repealing IRS Code Section 1071, we will save the taxpayers $1.4 billion over 5 years. But just as importantly, we will eliminate a Federal program that has not only failed in its intended goal, but given credence to the idea that we should deal with people on the basis of the color of their skin.

I encourage my colleagues to oppose the McDermott substitute.

Mr. McDERMOTT. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I support the bill but the substitute makes it much better. Speaker after speaker on both sides of the aisle have spoken about the need to pass legislation in the interest of tax fairness, giving self-employed a partial deduction, representing equitable treatment for the total tax deduction allowed businesses and corporations.

Tax fairness also makes it imperative we allow a deduction not just for the self-employed, but to all others who purchase their coverage because they are not covered at their place of employment. No one has offered one word of defense for treating businesses differently than self-employed or for treating self-employed different from all other employees.

Clearly all of us must believe when it comes to health insurance, corporations and those who are self-employed are no more entitled to tax breaks than all other men and women who purchase their health insurance. This substitute improves the bill and should be passed. I urge the Members of this House not to discriminate between business and self-employed or self-employed and all other employees. Pass the substitute.

Mr. ARCHER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. RAMSTAD], a valued member of the committee.

Mr. RAMSTAD. Mr. Chairman, I rise in strong opposition to the McDermott amendment and in strong support of H.R. 831.

This measure restores the extremely important 25-percent deduction for health insurance costs for self-employed.

Mr. Chairman, it is grossly unfair that farmers, small business owners, and other self-employed Americans can't fully deduct health care expenses like other businesses.

Hundreds of thousands of self-employed Americans across the country are already preparing their 1994 tax forms. They need relief now.

This measure also rectifies a problem in the current tax code that has given a Federal agency unprecedented authority to craft tax policy.

That is why it is important to vote against the McDermott amendment, which fails to adequately close the section 1071 loophole, which costs taxpayers hundreds of millions of dollars a year.

Let us move quickly to pass the legislation and restore certainty and fairness to the lives of America's self-employed

I urge my colleagues to vote in favor of H.R. 831.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in opposition to the McDermott substitute amendment. While the McDermott substitute also restores a small health insurance tax deduction for self-employed, it pays for it in a desperate and haphazard manner.

Both Republicans and Democrats alike realize the importance of the 25 percent health insurance deduction. This deduction restores an element of fairness to the system. For too long, self-employed individuals have faced daunting circumstances when attempting to obtain health insurance for themselves and their family. Because the 25 percent insurance deduction expired on December 31, 1993, self-employed individuals are facing a tax filing on April 15 without any deduction at all.

The very least this Congress can do is reinstate this deduction; more importantly, make it permanent. Do not play around with it, do not make it political just make it permanent.

I commend the chairman and the members of the committee for doing this so quickly because it will actually put money back in the hands of small businesses to pay for their own families' health insurance, which is what they need to do with this money instead of giving it to the Government.

I guess I want to conclude by saying it amazed me that a bill that seemed so good that came at the request of so many in my State of Washington would have so much political rhetoric behind it. It seemed so reasonable to pay for this bill by a tax loophole that has become a front by using minorities to be able to use them, so white billionaires could actually take advantage of a tax loophole. It amazed me that my colleagues, some from Washington, would actually support big business welfare and using people of minorities as a front.

Let us get back to the bill and the purpose of this bill.

Mr. McDERMOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in full support of the McDermott substitute and against H.R. 831 as currently written.

Mr. Chairman, I rise in opposition to H.R. 831 and in support of the McDermott substitute.

Mr. Chairman, I strongly question the particular method by which my Republican friends purport to pay for the costs of the legislation before us—by retroactively eliminating the Federal Communications Commission's [FCC] minority tax certificate program to simply target a straightforward, legal transaction between an African-American entrepreneur, Frank Washington, and Viacom, Inc.

Ironically, eliminating the tax certificate program will have the effect of dooming this particular transaction and, therefore, any expected revenue to the Treasury as a result. In other words, yes that's right, my GOP colleagues will actually increase the deficit with this legislation given the fact that the revenue estimates from the Joint Committee on Taxation rely heavily on the Viacom deal, which is moot given the repeal of section 1071 of the Tax Code.

This retroactively smacks of political posturing, pure and purposefully.

The tax certificate program has been a key element in expanding the number of minority-owned and operated television, radio, and cable stations across our country and bringing more citizens into the great public policy debates of our time.

Despite the fact that diversity in these industries has been constitutionally upheld as a vital goal of U.S. telecommunications policy, despite the fact that today only 2.9 percent of broadcast firms are minority-controlled, despite the fact that undercapitalization continues to be a major impediment to minority representation in all telecommunications-related fields, the Republican leadership of this body sees the FCC minority tax certificate program as a needless initiative.

It was a sad commentary on the Republican party when it chose this undemocratic action of preventing minorities who wish to own and operate TV, radio, cable, satellite, et cetera from embarking upon the information superhighway. This clearly is a despicable undertaking to sever lines of open communication and to silence those who might counteract the debatable rhetoric of the rightwing airwave wordsmiths.

All the minority tax certificate program does is seek to create a fair opportunity for minority entrepreneurs that have, unfortunately, been historically locked out of the broadcasts and cable markets.

Do my colleagues on the other side of the aisle believe that diversity of ownership in the telecommunications arena is not a valid objective? I think not.

I urge my colleagues to vote no on H.R. 831, and reject this blatant Republican step in an inevitable series of attempts to roll back the clock on equal opportunity for America's minorities.

Mr. McDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in support of the McDermott substitute.

Mr. Chairman, I rise in support of the Gibbons-McDermott amendment. I rise also to express my deep concern about H.R. 831.

I strongly support the efforts of the Committee on Ways and Means to restore and make permanent the tax deduction for 25 percent of the health insurance costs for self-employed individuals. I cosponsored legislation to achieve that goal in the 103d Congress, as well as in the present Congress.

However, it is extremely unfortunate that the majority has chosen to pay for the deduction with the elimination of the minority preference program in broadcasting. If ever there was a situation where the best interests of one group of Americans is pitted against those of another—this is it.

From both a symbolic and practical standpoint, this is bad policy. For 17 years the Federal Government has sought to encourage minority entrepreneurs to enter the telecommunications market through the preference program. Now the committee has sent a signal that it is no longer necessary to work in an affirmative fashion to enhance minority ownership in the broadcasting industry.

Nothing could be further from the truth.

While there has been a fivefold increase in minority ownership of broadcasting stations since inception of the preference program, minority ownership currently stands at only 2.9 percent. Minorities are still vastly underrepresented in the broadcasting industry. Elimination of the preference program will serve to sanction that situation.

There was no legitimate rationale for the committee to eliminate the preference program. The substitute now before us was offered in committee to address criticisms of the program—but retain its basic goals. The majority chose instead to completely dismantle the program.

I take strong issue with the majority's contention that the Tax Code should be colorblind. Enhancing access to capital and encouraging minority entrepreneurship should be viewed as an essential element in this Nation's efforts to revitalize minority communities and empower Americans long denied opportunity. The Tax Code is an appropriate vehicle to achieve those objectives.

Enough has not been done; the playing field is not level, and preferences for certain groups of Americans historically denied opportunity are as relevant and necessary in 1995 as they were in 1978 when this program began.

The Republican majority is clearly committed to using the Tax Code to encourage a range of economic goals. I regret that expanding access to capital in the minority community is not one of them.

While I support making permanent the extension of the deduction for health insurance costs for the self-employed, I cannot support legislation that accomplishes that goal by denying opportunity to another group of Americans.

The Gibbons-McDermott substitute not only expands the health care deduction to employees whose employers do not subsidize their health care—it does so without elimination of minority preference in broadcasting.

I urge my colleagues to support the substitute.

Mr. McDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I rise in strong opposition to the bill and in support of the substitute.

Mr. Chairman, while I rise in favor of the permanent extension of the current 25-percent health insurance deduction for the self-employed, I strongly object to the means by which the legislation proposes to replace the $2.9 billion in revenue which will be lost with a deduction for health care cost.

This bill is a double edged sword in that supporting a tax deduction for working Americans will injure other hard working Americans.

This legislation brings us to a crossroad, on one hand the self-employed benefit from deduction, and on the other we take away a policy the Federal Communications Commission established over 20 years ago. The tax incentives provided to businesses giving minority-owned firms has given opportunities to over 300 minority-owned firms increasing minority ownership from 0.5 percent to 2.9 percent. Repealing this law, today, severely effects the highly innovative and forward moving communications industry. While there is no proof that dismantling section 1071 will provide more revenues to make up for the 25-percent self-employed health insurance deduction there are facts to back up the need for this program. This program provides for program diversity which must not be abandoned. We can not let the bill stand as is.

Mr. Speaker, we must work to not allow the vying of one group of working Americans against another. It is not fair to ask us to support this and I hope Members will act responsibly and vote down H.R. 831.

Mr. McDERMOTT. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, we must pass legislation to assure deduction of health costs for the self-employed. We also need to make sure that the present section 1071 is not violated in letter or spirit.

I believe that the Viacom transaction is so large that it goes beyond an appropriate use of section 1071, and the Gibbons amendment provides a reasonable middle path. It is appropriate to review programs that aim to encourage opportunities for minorities as to their specific purposes, their structure, and their effectiveness or lack of it. But there has not been a comprehensive review of section 1071. There was no hearing at all at full committee.

The facts are that since the FCC began to apply the tax certificate program to minorities, minority ownership has risen from a tiny half present to 3 percent. The vast majority of transactions have been quite small and the average holding period by the new owners has been 5 years, and in more than 100 transactions the original owners still hold the license. The McDermott language limits the use of 1071 to transactions with these characteristics.

It is said the law should be colorblind. That does not mean it should be blind to racial or other discrimination.

If the House does not adopt the Gibbons-McDermott amendment it will be up to the Senate to take a more comprehensive look at section 1071. It deserves that careful look, just as the deduction for health insurance deserves action tonight.

I support the Gibbons-McDermott amendment.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. WATTS], a new and respected Member.

Mr. WATTS of Oklahoma. Mr. Chairman, I have great respect for the men and women on both sides of this debate on H.R. 831. However, in my opinion, I think much of the opposition's debate on H.R. 831 and repeal of 1071 is off point.

Many of my colleagues think that this repeal is pointed toward minorities. If we do away with this provision, then minorities would somehow lose out on benefits that could help them prosper.

In fact, the unintended consequence of this well-intentioned policy is to benefit the business that sells to a minority rather than the minority.

Moreover, since 1941 minority ownership of broadcast outlets has increased by less than 2.2 percent. We can encourage minority ownership by supporting measures other than this warped method of taxation.

□ 2030

This abuse of the system is the worst example of administrative interpretation gone awry. I think the intent was good, but clearly this was not its intended purpose. The purpose was not to allow companies to avoid millions of dollars in taxes. I ask those who agree and those who disagree with this bill and really want to make a difference in the prosperity of the minority community to join me and support free enterprise with capital formation and relaxing lending regulations. We need to support enterprise zones and give tax incentives for business development in areas that do not produce revenues now.

Most of all, we need to renew our culture and encourage basic education, and I take this opportunity to say, Mr. Chairman, give Americans a flat tax.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and members of the committee, I rise in strong support of the Gibbons-McDermott substitute to extend the 25-percent deduction to employees who are not eligible to participate in employer-sponsored health plans.

I noted with interest yesterday that the Republicans on the Committee on Ways and Means are looking for a definition of work. Well, they have to understand that that is what millions of Americans do every day when they get up out of bed; they go to work. Millions of Americans go to work and work every day, but they are not able to provide health insurance for themselves or for their family.

What the McDermott bill would do is to say that those workers are every bit as noble as self-employed individuals. This would make sure that we would have equity and fairness in providing the deduction so that people who take it upon themselves to go out and try to provide health insurance for themselves would get the same deductions as the self-employed individual.

When you find the definition of work, you will find there are millions of Americans that do it every day, and they ought to be extended the same dignity that you give to self-employed individuals.

Mr. ARCHER. Mr. Chairman, I yield 5 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], chairman of the Subcommittee on Oversight and a valued member of our committee.

Mrs. JOHNSON of Connecticut. I thank the chairman for yielding this time to me.

Mr. Chairman, repeal of section 1071 is not a retreat from our commitment to equal opportunity for minorities in America. In fact, the case for repeal is clear and convincing. No one can defend the deals that have been made under section 1071. Clarence McGee got a 29-percent stake in a station for the investment of $290 plus $106 million in borrowed money collateralized by the station's assets and cash flow.

Washington Redskins owner Jack Kent Cooke purportedly has received tens of millions of dollars of tax breaks from the FCC, using minority tax certificates four times in recent years.

In 1993, the Times Mirror sold four TV stations for $335 million to a "minority partnership," in which the minority partner invested $153,000 in borrowed money.

The Times Mirror, on the other hand, reportedly received a tax break of somewhere between $35 million and $80 million in the transaction.

Now, remember, folks, we had testimony in hearings over and over again that these deals are done at the market rate. The tax benefit goes to the seller, to the Times Mirror. That is who got the tax break. It is not the disadvantaged poor, it is the affluent rich, no matter what color their skin, that are getting the tax breaks from these deals.

Mr. RANGEL. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from New York briefly.

Mr. RANGEL. I thank the gentlewoman for yielding. I will be brief.

Let me make it abundantly clear that the only reason that the big, rich, white folks get the tax benefits is because the minorities are not a part of understanding when these benefits are there. This is given to them to search out for minorities so we can get our foot in the door.

Mrs. JOHNSON of Connecticut. Reclaiming my time, there are many examples of very rich, affluent minority members who are benefiting from this program and others who are being made rich because they have the inside track on how to be part of these big deals. It is not your ordinary folk out there who on the whole are benefiting from these deals.

Let me address the issue of restructure and reform.

If the program is benefiting the wrong people, why not restructure it in form? First of all, there is no evidence that this approach works.

Over the almost 20 years of this approach, minority ownership has gone from 0.5 percent to under 3 percent. Over about 20 years, that growth is far more rationally attributable to the growth in wealth in the minority community than to this program.

Second, because the substitute continues the practice of a Federal agency handing out tax breaks, it perpetuates a loophole that will continue to benefit primarily the affluent doing big deals in America.

We heard over and over again how this program functions. We heard over and over again that there is very little evidence of any of its benefits, in part because the Congress would not allow the oversight work to proceed because it seemed to be demonstrating that the program was ineffective.

Restructuring cannot help a program that in fact does not work.

Furthermore, restructuring a program that gives a Federal agency the right to, on its own hook, hand out millions of dollars of subsidies is bad in principle.

I for one do not believe the day has come when we can eliminate affirmative action policies. But I also agree with Justice Sandra Day O'Connor that, "Because racial classifications themselves are inherently divisive, they must always be narrowly tailored to remedy the effects of past racial discrimination." As Johnathan Rauch, the author of an article on FCC programs, which recently appeared in the New Republic put it best:

> The policy, however admirable the intentions, makes a mockery of Justice Lewis Powell's pronouncement in Bakke: "Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids."

I urge a "no" vote on the amendment and a "yes" vote on the bill.

Mr. McDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. I thank the gentleman for yielding this time to me.

I rise in opposition to H.R. 831 and in support of the McDermott substitute.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman for yielding.

Mr. Chairman, let me thank the gentleman for yielding some time and acknowledge to the rest of the Members what I think we all know: Most of the people that have taken to this well to speak are here to support the health insurance tax deduction for self-employed, something we all believe should be extended.

But, unfortunately I do not believe a number of us could support H.R. 831 the way it is. That is why we wish to speak on behalf of the McDermott amendment.

When you take a look at what we are doing here. We are cutting out opportunity for some to provide it to others. That is not the way to do it, to rob from Peter to give to Pauline.

If you take a look at your radio stations and your television stations, if you turn on that radio and change that dial or change the channel on that TV, everywhere across the Nation you can count up every radio station and every TV station, and you can only count up 323 stations that are minority owned. You can virtually count 323 stations just on your radio dial in Los Angeles alone, but throughout the Nation we have 323 that are minority owned.

☐ 2040

And that is because we have this tax certification program that has helped raise that level of ownership five times. And now we are here to eliminate it without even having held a public hearing to discuss the merits of the program. Well, there are some in this House who would support the media magnate by the name of Rupert Murdoch and give him tax breaks but are not unwilling to support people who have been closed out from media altogether for far too long.

I would say we take a look at what we are doing here, take a look at who we are trying to give opportunity to and say yes to the McDermott amendment and no to H.R. 831.

Mr. McDERMOTT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, it is obviously a good idea to allow people who are self-employed to deduct the cost of their health insurance premiums. And for that measure, this is a good bill.

The problem is, it does not go nearly far enough. Why only 25 percent? Why are we not allowing people who are self-employed to deduct the full cost of their health insurance premiums? This bill ought to do that.

There is another deficiency as well. This bill does not relate to the insurance premiums of employees. The McDermott substitute would correct that deficiency. People who are out working, working every day, carrying lunch pails, standing in line, working in supermarkets and checkout counters and factory situations, many of them do not have health insurance. We ought to make it possible for them to get health insurance, too. They ought to be able to deduct the cost of their health insurance, a minimum of 25 percent. They ought to be able to deduct the full cost of that health insurance. We really have not done our job unless we do that.

The McDermott substitute would provide at least the beginnings of that kind of allowability for deduction of those health insurance premiums. I very strongly support the McDermott substitute, because it will allow employees also to deduct the cost of their health insurance premiums.

Yes, let us do it for people who are self-employed. Let us not stop at 25 percent. Let us go to the full cost of that health insurance. But let us take the first step here tonight by passing the McDermott substitute and providing that people who are employees will also have the opportunity to get health insurance by deducting the cost of those health insurance premiums.

Let us pass the McDermott substitute.

Mr. McDERMOTT. Mr. Chairman, do I have the right to close?

The CHAIRMAN. The right to close rests with the gentleman from Texas [Mr. ARCHER].

Mr. McDERMOTT. Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, as the Chair actually stated, we have the right to close, and I reserve the balance of my time.

Mr. McDERMOTT. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I rise in support of the McDermott-Gibbons amendment.

Mr. Chairman, I rise in support of the Gibbons-McDermott substitute for H.R. 831. Not only does the substitute provide for equitable tax treatment for the people most adversely affected by the absence of health care insurance, it also addresses, at least partially, a problem that Congress has failed to adequately address—the absence of health care insurance for hard-working Americans.

Why we continue to "stick our heads in the sand" and pretend we don't see or feel the cost of health care to people without insurance is beyond me. After we allow them to fall into financial ruin and poorer health due to exhorbitant health care costs, we then pay a lot more through government health care provisions and higher health insurance and service costs to those who still can pay for it. We will pay much more through these methods than we will for a 25-percent deduction for uninsured or underinsured individuals.

Employees in small businesses who are paying for health insurance are generally paying a lot more than employees in large group plans. The substitute will ensure that they can acquire more insurance or at least continue the limited coverage they already have.

I also believe that the modifications of the nonrecognition of gain for involuntary conversions under the FCC Tax Certificate Program in the Gibbons-McDermott substitute are also reasonable ways to address any perceived short-comings in a program that has proved highly successful in bringing minorities clearly into the mainstream.

Mr. Chairman, it is time that we face up to the cost of health care we are already paying indirectly. We should adopt the Gibbons-McDermott substitute as a part of directly recognizing and partially addressing a serious and ever-growing crisis for American families.

Mr. McDERMOTT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of the Gibbons-McDermott substitute.

Mr. Chairman, I rise in strong support of the Gibbons-McDermott substitute to H.R. 831.

Throughout the past Congress it was made unmistakably clear that our health care system and the way in which it is financed must be significantly reformed. Health care costs are escalating, placing a considerable burden upon the Federal and state governments, as well as the private sector. Additionally, the number of working Americans who lack any form of health insurance continues to increase. At last count, there were 37 million working Americans without health insurance—surely there are many more now. People without insurance do not cease to get sick, however, and someone—usually the doctor or hospital—must pay the bills. This causes prices to go up for all of us, making health insurance even less affordable than it is now. The Gibbons-McDermott substitute, however, takes steps to remedy this problem.

The Gibbons-McDermott substitute would expand the number of insured Americans in two ways. First, like H.R. 831, it would restore and extend the 25-percent deduction for self-employed individuals, which expired in 1993. Secondly, and most importantly, it would allow a 25-percent deduction for health insurance purchased by individuals whose employers do not provide health insurance. In this way, many of the more than 37 million uninsured Americans would have a new incentive to purchase health insurance. Again, only by increasing the number of insured people, can health care costs be reduced and health insurance be made affordable to all.

H.R. 831, however, unlike the Gibbons-McDermott substitute, would not add any additional incentives which were not already in place in 1993. H.R. 831 only reinstates and extends the then existing 25-percent deduction for health care insurance purchased by a self-employed individual. H.R. 831 does nothing to expand the number of individuals who have health insurance. The Gibbons-McDermott substitute, on the other hand, addresses the root cause of our health care crises—the fact that many working Americans cannot afford health insurance. By allowing those whose employer do not provide health insurance to receive the same deduction as the self-employed, all workers are put on a level playing field and have an equal incentive to purchase health insurance.

In addition to taking real steps to solve our health care crisis, the Gibbons-McDermott substitute significantly reforms, but does not eliminate the tax preferences which have been used to encourage increased minority ownership of broadcasting companies.

The Gibbons-McDermott bill would place stringent limits upon individuals who seek to benefit from tax laws encouraging the sale of broadcasting companies to minority-owned firms. The Gibbons-McDermott bill would: limit the seller's deferrable gain on sale to $50 million; require minority purchasers to prove equity ownership; require minority purchasers to show voting control and management control; demand that minority purchasers hold their property for three years following its sale; and, prohibit ineligible parties from having the right to buy out minority investors. These provisions will not only allow minorities to participate in the largely white-controlled communications industry, but they will also provide safeguards against fraud and abuse by both the seller and the minority buyer.

H.R. 831, however, would completely gut this program. Its proponents argue that this program is costly and widely abused. The Gibbons-McDermott substitute, however, solves these problems. It limits costs by reducing the allowed deferrable gain to $50 million, and it adds significant protections against fraud by purchasers and sellers.

Most importantly, now is not the time to eliminate laws which encourage minority ownership of broadcasting companies. Because of this law, minority ownership has risen since 1978 from 0.5 percent to 2.7 percent of all broadcast stations. This more than 500 percent increase represents success by small, minority-owned businesses, which provide economic opportunities in their communities, add greater diversity in local broadcasting. Removing this protection would destroy all of the progress which has been achieved thus far, and would make it virtually impossible to achieve the goal of fairly integrating the ownership and operation of the broadcast media.

For the above stated reasons, I strongly urge that we vote to pass the Gibbons-McDermott substitute.

Mr. McDERMOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today on a fundamental decision that nobody disagrees with. Everybody here believes that we ought to extend the 25-percent deduction for self-employed people for buying health insurance. But that is not the issue. The real issue here is how are we going to pay for it.

And when we brought this bill to committee, I offered a whole series of tax exemptions that we could have used to pay for it, but we chose the one that we are here dealing with today, which is section 1071 of the Tax Code.

Members may ask why we chose that one, and I will quote here from a memo from the Project for a Republican Future to the Republican leaders by William Kristol, dated February 21, in which he says, "the bill's true subject is affirmative action."

Now, this is like that story about the small boy standing next to the road when the King went by who said, the Emperor has no clothes. Mr. Kristol took the clothes off because he says:

> It represents a strategic, intelligent first step in what should be a major element of the Republican party's larger post-contract agenda, a roll back of the massive system of racial prejudices and set-asides that have come to infect federal law and American life over the last 25 years.

That is what this issue is about. That is why this was chosen as the way to fund this. There is no question. The consultants told them to do it, and that is what they did.

Now, I wish more than anything standing here, I wish this was a color-blind society. I wish that the gentleman from Texas [Mr. ARCHER] was absolutely correct. I wish we were not having this debate. But we all know this is not a color-blind society. The reason why we have these preferential tax credits and why they are there, everybody figured out, well, if we want minorities to know when a radio station or television station is up for sale, we got to have somebody who owns one go looking for them. Otherwise the decisions will all be made in the board rooms or at the local club or the golf course. And they will never ever know it was for sale in the first place. So when we put in this tax deduction, it is true, the minorities do not get it. They do not get it at all. But it gives them access, like we wanted to give last year, access in health care.

I accept a certain amount of, well, I do not know what, from Members about this being a rather modest health care reform proposal. I could make a much larger one here tonight. I would be glad to put it out here. But the fact is this is a modest proposal to give people access to buy radio, television, cable networks, personal communication. And the reason why this program is here is because of some words that Justice Blackmun said in a dissenting opinion. He said that "arrangements of successful affirmative action programs by race-neutral means is impossible." This means you cannot have a successful effort to bring women and minorities into the telecommunications industry without taking into consideration race and gender.

Now, nobody says this has been a roaring success. But it is a way that has worked. In my city there are two black-owned radio stations. There is one native American-owned radio station. And they came through this program. And there are 300 of them across the country that would not have been there had it not been for this program.

I am saying that I gave people a choice. Do we want to destroy this program, or would we like to tighten it up? All of us agree on this side that that was an egregious deal. Nobody is standing up here defending the Viacom deal, get that straight. But we do think that there is room for this program. It has a purpose and a place in our trying to deal in this society with the problems that we have had in the past.

For that reason, I urge the adoption of this substitute amendment.

Mr. ARCHER. Mr. Chairman, I yield the balance of our time to the gentleman from Texas [Mr. ARMEY], the respected majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me just reiterate several points that the gentleman from Texas [Mr. ARCHER] has made earlier in this debate, because I think they are very important to our decision on the McDermott substitute.

First, the legislative history of section 1071 clearly shows that Congress originally intended the statute to apply only to involuntary sales of radio stations. The FCC itself has admitted that this rationale no longer applies.

Second, there is no requirement that one must be actually disadvantaged to qualify for the FCC minority tax certificate. Scarce Federal resources should be used to help those who are truly in need, not multibillion dollar telecommunications companies.

Third, there is no substance to the FCC's policy rationale of promoting programming diversity.

□ 2050

Our Nation's air waves carry abundant programming, directed at people of different races and ethnic backgrounds. In addition, public access channels have been set aside on the cable systems of every community to ensure that everyone in America has access to the Nation's air waves.

More important, studies show that minority broadcasters are driven by the same motives as any other broadcasters, to make money by maximizing ratings. Under our free market system, broadcasters have two basic choices. They can either design programming that will appeal to their audiences, or they can go out of business.

Mr. Chairman, the fact is that the diversity of programming premise is a red herring. The FCC uses tax certificates in its Personal Communications Services licensing program, and this has nothing to do with the originating or programming for the air waves.

Mr. Chairman, after we strip off all the veneer, what we are left with is this: the FCC is using the tax code to promote racial and ethnic diversity in the ownership of broadcast facilities, period. Although the FCC has not yet fixed a number on what it believes to be the ideal racial and ethnic mix, its policies come dangerously close to sounding like a quota system for minority ownership of communications companies.

Mr. Chairman, what is truly amazing is that in the mid eighties the FCC itself tried to examine whether its programs were constitutionally permissible. However, in 1987, the Democrat-controlled Congress stepped in and actually prohibited the agency from conducting such an examination, or addressing even the abuse in the tax certification program.

Section 1071 has already cost the Nation's taxpayers a bundle, and will cost them another $1.4 billion over the next 5 years.

Mr. Chairman, if someone came before the Congress today to propose giving a Federal agency the power to hand out tax breaks to carry out whatever policies that agency decided to adopt, they would be laughed out of the building. Imagine the uproar that would be heard across this land if the Pentagon asked for such authority.

Moving the authority to issue the tax certificate to the Internal Revenue Service does not cover up that basic flaw. All that the substitute will do is eliminate the type of abusive transactions which prior congresses essentially forced the FCC to approve. It still keeps the FCC's basic policy in place, and that policy is offensive to the principle that our tax code should be color blind.

The time has come to repeal section 1071. I urge my colleagues to defeat the McDermott substitute, pass the committee bill, and demonstrate that the time has come in America where we dare to respect the best dreams of the true civil rights leaders in this Nation's history.

Ms. PELOSI. Mr. Chairman, I rise today to support the Gibbons/McDermott substitute to H.R. 831.

Mr. Chairman, this substitute would establish a 25-percent deduction for health insurance costs to employees not eligible to participate in an employer-sponsored health plan. For those employees whose health insurance is not employer-sponsored, this 25-percent deduction is an issue of fundamental fairness which deserves our support.

Denying employees who must buy their own health insurance the same deduction we give their employers ignores real need.

Had the Republicans on the Rules Committee allowed the rule for H.R. 831 to be open, rather than completely closed, we could be considering other meritorious amendments to this legislation, such as the proposal to extend the current deduction to 80 percent. Unfortunately this rule, like so many others we have seen was closed.

In addition, Mr. Chairman, the McDermott substitute would narrow the tax preference for sales of radio, T.V. and cable companies to minority-owned firms, rather than repealing it as under the bill.

Before section 1071 was enacted minorities owned virtually to TV or radio stations in this country. Thanks to this provision of the Internal Revenue Code, the numbers of minority owned media properties, while still very small, are growing.

Repeal of this section will completely undo the progress this Nation has made to provide opportunities for African-Americans, Asian-Americans, Hispanic-Americans, and others to fully participate in the economic and social fabric of our Nation.

I urge my colleagues to vote for the Gibbons/McDermott substitute.

Mr. BISHOP. Mr. Chairman, I rise in support of the Gibbons-McDermott substitute for H.R. 831. Unlike the committee bill, the substitute provides for both a permanent 25-percent health insurance deduction for the self-employed and a tax preference for persons who sell broadcast facilities to minorities.

Congress has provided for a health insurance tax deduction for the self-employed since 1986. As a freshman Member in 1993, I supported this deduction because it is good for business. It is good for farmers and for all who are self-employed. A self-employed individual should be permitted the same health insurance deduction that is provided to the Fortune 500 businesses. But at the least 25 percent.

Mr. Chairman, I feel strongly, however, that a vote in support of the health insurance deduction should not mean a vote against the tax preference for sales of broadcast companies to minority-owned firms. These two worthwhile policies should not be mutually exclusive. In 1978, Congress recognized the need for a tax preference for persons who sold broadcast facilities to minorities. The tax preference was developed in order to increase minority ownership of radio and television stations. Since that time, Congress has repeatedly reaffirmed this policy through annual appropriations legislation and the Reagan administration extended the policy to cable systems.

Today, nearly 20 years later, the need for incentives to increase broadcast diversity is even greater. Opponents of the tax preference program point to one apparently legal transaction and allege the absence of real minority ownership in that transaction. If the program is subject to this type of abuse, then let us engage in corrective measures rather than act as extremists and repeal the entire program. Don't throw out the baby with the bathwater. The Gibbons-McDermott substitute provides for such corrective measures. In addition to requiring that minorities demonstrate real equity ownership, it also requires minorities to prove voting and management control.

Mr. Chairman, I urge my colleagues to support the substitute bill which allows two beneficial policies to coexist.

Mr. BENTSEN. Mr. Chairman, I rise in support of the McDermott substitute to the bill. This amendment will restore and make permanent the 25 percent health insurance tax deduction for the self-employed and extend it to hardworking employees. This benefit will help small business owners, farmers and other self-employed individuals contend with rising health care costs. It will also help those working individuals who do not have health benefits without burdening businesses.

We must act now to help small business owners and employees who face real hardship when it comes to health insurance costs. As a member of the small business committee, I have seen and heard firsthand how much this deduction means to people who have to make ends meet solely for themselves.

Under the McDermott substitute, we have an opportunity to extend this deduction to individuals whose employers do not subsidize their health insurance. While I have publicly stated that we should treat the small business as we treat large corporations, the same should be true for employees who do not currently receive health insurance through their workplace.

We must ease the financial burden of employees without asking employers to pay. The McDermott substitute does that. This deduction, if enacted before the April 15 deadline, will provide substantial relief to over 9 million self-employed business owners, many millions more of employees, and hundreds of thousands of Texans who face their 1994 tax returns with real concern.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of the Gibbons-McDermott substitute to H.R. 831. Not only does the substitute amendment restore the 25 percent health insurance tax deduction, but it also expands the benefit to employees who are currently ineligible to participate in employer-sponsored health plans.

Just as importantly, this substitute would expand the health insurance deduction without sacrificing the FCC's section 1071 program. In an increasingly diverse society, it is alarming that women and persons of color play such a small role in the broadcasting industry. We can never be guided by the truth if we turn a deaf ear to this Nation's many voices.

The section 1071 program's tax provisions have proven effective for enhancing the voices of women and minority individuals. Women and minorities held less than 1 percent of the total broadcasting licenses 16 years ago, before section 1071 was enacted. Although women and minority broadcasters still struggle, they now control 3 percent of all broadcast licenses.

Like any other program, section 1071 is subject to abuse. The Gibbons-McDermott substitute deals with these concerns as well. It would minimize minority ownership scams by requiring women and minority owners to both demonstrate equity ownership and substantiate voting and management control over their broadcast company. The substitute would also require minority owners to retain their FCC license for a minimum of 3 years.

Mr. Chairman, only the Gibbons-McDermott substitute offers both health and fairness. It will expand health insurance coverage, without sacrificing diversity on the airwaves. I urge support for the Gibbons-McDermott substitute.

Ms. BROWN of Florida. Mr. Chairman, I rise in strong support of the Gibbons-McDermott substitute to H.R. 831, the Health Premium Deduction for the Self-Employed. We all agree with the purpose of this bill which is to permanently extend the tax deduction for 25 percent of health insurance costs of self-employed individuals. This is an issue that was supposed to be addressed in comprehensive health care legislation in the last Congress. So while I support this tax deduction, I would ask that we not forget about the need in this country for health care reform.

This is a bill that should not have been controversial. I believe that it would have been passed without any opposition. Unfortunately, Members of the majority are using this bill to begin their assault on affirmative action programs. This is clearly just the beginning of a larger effort to dismantle efforts to assure that minorities can truly have an equal opportunity in the American society.

I stand before you tonight outraged and offended by the Republicans' decision to pay for this program by repealing the FCC's minority preference program. We all know that the tax code is filled with tax breaks for wealthy white men, and yet the Republicans have picked the only tax provision affecting minorities to repeal.

Nearly 20 years ago, the FCC established a policy of providing tax preferences for sales of radio, television, and cable companies to minority-owned firms. This policy has been supported by the past four administrations, both

Democrat and Republican. The aim of the program is to increase minority ownership of radio and television stations and thus promote the diversity of broadcast views.

Since this program went into effect, there have been over 300 sales to minority-owned firms, and minority ownership has increased from 0.5 percent to 2.9 percent. However, it is clear that more must be done. Minorities are still vastly underrepresented in the broadcast business with more than 97 percent of all broadcast licenses being held by white men. Without this program, the number of licenses issued to minority-controlled businesses would be far less as would the diversity of broadcast views.

That's why I would urge my colleagues to carefully consider the Gibbons-McDermott substitute. It's a good bill. The substitute finances the health care tax deduction by levying a punitive tax on wealthy people who give up their U.S. citizenship in an effort to avoid taxes and revises the rules governing foreign trusts. In addition, the substitute addresses legitimate concerns about the FCC's minority preference program. It requires minorities to demonstrate real equity ownership in the company; to prove voting control and management control of the purchasing company; and to hold the property for 3 years after the sale.

My colleagues, I look forward to the day when we don't have to have these laws, but it is clear and evident from the data and statistics that affirmative action is still needed to reverse past racial and sex-based discrimination.

I urge you to support the Gibbons-McDermott substitute.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Washington [Mr. McDERMOTT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GIBBONS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 234, not voting 10, as follows:

[Roll No. 148]

AYES—191

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Reynolds
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Borski
Crapo
de la Garza
Ehlers
Gallegly
Gonzalez
Lewis (GA)
Meek
Metcalf
Rush

□ 2111

Mrs. MORELLA changed her vote from "aye" to "no."

Mr. TAYLOR of Mississippi changed his vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 2113

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore [Mr. WALKER] having assumed the chair, Mr. McINNIS, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H.R. 831) to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes, pursuant to House Resolution 88, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered and the amendment is adopted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STARK

Mr. STARK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STARK. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. STARK moves to recommit the bill H.R. 831 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill insert the following:

SEC. 5. REPEAL OF MAXIMUM PERIOD OF MANDATORY CONTINUATION COVERAGE UNDER GROUP HEALTH PLANS.

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 is amended by redesignating subsection (o) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(o) GROUP HEALTH PLANS NOT PROVIDING EXTENDED CONTINUATION HEALTH COVERAGE.—

"(1) IN GENERAL.—No deduction shall be allowed under this chapter for any amount paid or incurred by an employer for any group health plan to which section 4980B applies if such plan fails to provide extended continuation coverage with respect to any qualified beneficiary (as defined in section 4980B(g)).

"(2) EXTENDED CONTINUATION COVERAGE.—For purposes of paragraph (1), the term 'extended continuation coverage' means coverage which would be required to be provided under section 4980B but for subsection (f)(2)(B)(i) thereof."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to qualifying events (as defined in section 4980B of the Internal Revenue Code of 1986) occurring before, on, or after the date of the enactment of this Act, but shall not apply if the period of continuation coverage required under section 4980B of the Internal Revenue Code of 1986 with respect to the qualifying event has expired before such date.

Mr. STARK (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, as I indicated, I am opposed to H.R. 831 in its present form. We can do better and we can go home tonight, and without any cost to the Federal Government and without any cost to American employers we can lift the fear from 3½ or 4 million American families, the fear that they may lose their extended coverage which they received under a bill that we passed unanimously.

This is a bill we passed unanimously in the Ways and Means Committee in 1985, under which over 36 million Americans have had continuation of group health insurance after they lost their employer- or would have lost their employer-based health insurance because of a change in family status, because of disability, because of a transfer, because a branch factory or factory closed.

This is a bipartisan amendment which adds to every word in the Republican bill. And all it does is extend permanently these extensions that are known as COBRA to nearly 4 million Americans so that the time clock will stop ticking and they will stop worrying about losing this protection.

Let me quickly address two concerns and they have only been raised modestly. One concern is it will take a little extra time. It will take 5 minutes of your time tonight, ladies and gentlemen, for a quick vote to add this amendment and to bring to thousands of people in your districts the peace of mind that their insurance will not end if they are currently under a group insurance plan with extended coverages.

Second, it has been claimed that employers might be saddled with additional costs under a complicated thing known as adverse selection. That is not true. The reverse is true.

Four million people becoming uninsured will add more costs through cost shifting to the total cost of all of our paying for health care coverage than a few people who might try and game the system. There will be no change in rate to employers. They will continue their same payment. The employee will pay 102 percent of the coverage instead of perhaps the 20 or 30 percent that he or she is paying now. It is as if I am paying $101 a month for Blue Cross under my Federal plan, just like many of you. If I were disabled and had to leave and did not have the generous continuation, I would then have to pay 400-some dollars plus $8 a month to the Clerk to bill me and I could continue my Blue Cross low option.

I want to extend that peace of mind to every American. And as I say, this does not have a partisan difference in it.

I ask Members' support for this so we can walk out of here tonight. This is a bipartisan bill. I subject this is a bipartisan motion to recommit, and I would ask Members to think about the people that will receive the good news that they will have a small tax deduction, those who are self-employed. Let us expand that. Both sides of the aisle have talked about the desirability of portability. This is not quite portability, but it is a step, it is a modest step toward getting the kind of health reform that we agreed last year was needed.

This is a modest proposal that was agreed to in some of the bills last year on both sides of the aisle.

□ 2120

So for a few minutes of inconvenience tonight, for one extra vote tonight, you can go home and say this, that for the 3,600,000 to 4 million people in America who sometime in the next 18 to 20 months will lose their health insurance—they are paying for it out of their own pockets, at no cost to the Federal budget, at no cost to their employer—we can extend that privilege.

If there ever was a time for us to come together to help those people, it is tonight.

Ladies and gentlemen, I implore you, we have our own Members who have children who are not covered because they are over 22 and they have to go off health insurance, buy COBRA insurance.

We have many cases throughout the land where this insurance will help families. I urge you to think tonight that we have no partisan difference, we have no cost to the budget, we can only help a few Americans who will be desperate to find health insurance if we do not.

Mr. Speaker, as stated, I am opposed to H.R. 831 in its present form.

We can do better. We can do better for American workers—without cost to the Federal Government, without cost to employers, and without delay.

Both the reason for moving this motion, and the remedy it contains, are very simple.

The purpose of this motion is simply to help Americans keep the health insurance coverage they have when they lose their job or have a change in their family status—in insurance lingo this is referred to as "portability."

This motion would improve health insurance portability through a very simple means—by eliminating the time restrictions contained in the current Federal health insurance continuation protections. These protections are often referred to as "COBRA" protections after the 1985 authorizing legislation.

Today, nearly 4 million Americans have coverage because of these Federal protections. But under current law, the protections are limited, to a maximum of 18 to 36 months depending upon the qualifying event. For these Americans, the clock is ticking. Their protections may soon lapse. Supporting this motion would stop the clock, and lock these protections in place.

Let me quickly address two concerns I have heard regarding this motion. Neither hold merit, and neither should delay us in protecting American workers and their families.

First, supporting the motion to recommit would in no way delay or jeopardize the underlying bill. If my motion is agreed to, it will require one vote on the motion and one vote on final passage. But if we exclude these protections, there will still be one vote on my motion and one on final passage. The assistance to be provided the self-employed will not be delayed one minute by the inclusion of these protections for workers.

It makes no sense to leave behind one group of Americans—America's workers—when we have a chance to simply and quickly pass legislation to give them all greater peace of mind.

Second, some claim that employers will be saddled with additional costs if this amendment passes. Just the opposite will actually result. This motion will reduce the cost-shift from uninsured Americans on to employers.

The individual or family member that chooses to continue coverage would pay 100 percent of the premium—150 percent in the case of disabled persons—plus a 2 percent administrative fee. The key for the former employee or their family member is having continued access to health insurance coverage at group rates. If this protection is allowed to lapse, these individuals and families are forced into the individual insurance market where rates easily become unaffordable as they can jump by 100 to 500 percent.

We can all agree that the cost of health care for those without health insurance often ends-up in the premiums of employers and other who purchase health insurance. My motion would reverse this cost-shift trend. Rather than become a drain on business or on government insurance programs, those allowed to continue purchasing health insurance at the more affordable group rate will continue to pay for their coverage. By keeping more Americans under the umbrella of health insurance, businesses would see a drop, not an increase, in the burden of uncompensated care.

We have been told of the need to take immediate action on H.R. 831 because the Federal income tax filing deadline is approaching. For the nearly 4 million Americans that have insurance as a result of the current time-limited insurance continuation protections, their deadlines are passing every day, and they are losing coverage. We need to act quickly on both of these measures.

I ask your support for this motion. A vote in favor of this motion is a vote to strengthen the health insurance protections of all Americans, not just the self-employed. For literally millions of Americans, time is running out.

The SPEAKER pro tempore (Mr. WALKER). The gentleman from Texas [Mr. ARCHER] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. ARCHER. Mr. Speaker, I rise to oppose Mr. STARK's motion to recommit H.R. 831. His proposal was fully debated in the Ways and Means Committee markup on this bill and was defeated on a vote of 22 to 13.

Mr. STARK's proposal may appear to be a minor expansion of current law. However, the Stark instructions ignore the purpose of COBRA continuity coverage, place an unfair burden on business, and will almost certainly result in higher insurance premiums for both employers and their employees.

The intent of the COBRA continuity provisions in the Tax Code is to offer a transitional benefit for employees and their dependents when they lose health coverage as a result of a qualifying event. This transitional coverage is intended to extend only for a reasonable period of time, with the expectation that individuals would shortly become eligible for coverage under another health plan. Under current law, this coverage can extend for up to 18 months for former employees and 36 months for their families. Removing the limitation on an employers obligation is essentially a mandate to provide coverage forever. So, plain and simple, the Stark proposal is nothing more than a back door employer mandate.

This mandate on employers to cover people who are no longer connected to that employer in any way, for an unlimited period of time, is unreasonable and unfair. Furthermore, Mr. STARK's unlimited mandate would even require employers to permanently track individuals, who have never had a direct relationship with the employer.

It is also the case, that COBRA continuity coverage is generally used by people who expect to have major medical expenses.

Studies have shown that these former employees and dependents do not pay the true costs of their coverage. Instead, employers subsidize the cost of health care for former employees and dependents. This increases health insurance costs for employers as well as those employees who are contributing to their own premiums.

Extending COBRA continuity beyond its intended purpose would not only increase health care costs for employers and employees, but may even make coverage unaffordable for some employers now offering coverage.

That is why the NFIB and other small business groups so strongly oppose the Stark motion to recommit.

Mr. Speaker, there has been sufficient time for debate on this bill. The House Ways and Means Committee and the full House have expressed their will. We need to complete our work now to provide for those self-employed Americans who expect, and deserve to take this health deduction in April and not have to file amended returns.

Mr. STARK wants to reignite the debate over health reform at this most untimely point, and raise the issue of employer mandates. We will turn to health care reform as the schedule permits, but at this moment we should move with dispatch to reinstate the expired tax provisions.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. STARK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 245, not voting 9, as follows:

[Roll No. 149]

AYES—180

Abercrombie
Ackerman
Bachus
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—245

Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann

Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—9

Borski
Crapo
de la Garza
Ehlers
Gallegly
Gonzalez
Lewis (GA)
Meek
Rush

□ 2142

Messrs. CRAMER, HALL of Texas, STENHOLM, and BARCIA changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 381, noes 44, not voting 9, as follows:

[Roll No. 150]

AYES—381

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—44

Abercrombie
Becerra
Bishop
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dixon
Engel
Evans
Fattah
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Hastings (FL)
Hilliard
Jackson-Lee
Jefferson
Johnson, E. B.
McKinney
Mfume
Mink
Owens
Payne (NJ)
Rangel
Reynolds
Roybal-Allard
Scott
Serrano
Stokes
Thompson
Towns
Tucker
Velazquez
Waters
Watt (NC)
Wynn

NOT VOTING—9

Borski
Crapo
de la Garza
Ehlers
Gallegly
Gonzalez
Lewis (GA)
Meek
Rush

□ 2150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RADANOVICH. Mr. Speaker, due to unavoidable travel delays I missed two votes taken Tuesday, February 21, 1995.

Had I been present I would have made the following votes:

First, yea on the previous question on Rule H.R. 831.

Second, yea on the rule on H.R. 831.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 830, PAPERWORK REDUCTION ACT OF 1995

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–43) on the resolution (H. Res. 91) providing for the consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS, 1995

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 104–44) on the resolution (H. Res. 92) providing for consideration of the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, WEDNESDAY, FEBRUARY 22, 1995, DURING 5-MINUTE RULE

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on Judiciary; Committee on National Security; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from Texas?

Mr. WISE. Mr. Speaker, reserving the right to object, and I shall not object, the distinguished majority leader is correct. The minority has been consulted. We wish to express our appreciation for the willingness of the Committee on the Judiciary, I believe, or whomever is handling the product liability legislation, to defer that until after the Democratic Caucus is able to meet with the President of the United States tomorrow.

I would also note, continuing my reservation of objection that as the welfare reform bill moves, there is going to be a need for negotiation on that as well, in terms of the committees sitting, but that is a subject for tomorrow, and this unanimous-consent request, of course, only extends for tomorrow. I know other negotiations will take place.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 831, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE MINIMUM WAGE AND REAL WORLD EXPERIENCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. SAXTON] is recognized for 5 minutes.

Mr. SAXTON. Mr. Speaker, I would like to tell you about a letter that was sent to me from Mr. Edward Satell. Ed is the president of Progressive Business Publications, a small company in Pennsylvania that publishes newsletters for business executives.

The letter Ed sent to me was dated August 1993 and was addressed to Professors David Card and Alan Kruger of Princeton University, and interestingly associates of Secretary of Labor Reich. The letter was a response to a New York Times article which hailed Card and Kruger's studies on the minimum wage.

And, I might add, these are the same studies conducted by the same professors that the Clinton administration has been glorifying in their efforts to push a higher minimum wage through this House.

In the letter, Ed noted that the 6 branches of his company provide about 300 full-time summer jobs to college students in the greater Philadelphia area.

He said he was thinking about setting up two offices in south Jersey, where my constituents live, but instead he decided to open a couple of more offices in Pennsylvania.

You see, New Jersey had just increased their minimum wage and kept these jobs away from my constituents.

I am going to read some excerpts from Ed's letter that demonstrate how a successful entrepreneur can expand his business and reward his workers without government intervention.

He said,

> Our employees have income incentives in addition to the base salary. The result is the vast majority make substantially more than the minimum wage. But the minimum wage is important to us as it sets the base from which the incentives begin.
>
> We give three incentives, all of which work well:
>
> A. 25 cents per hour if the employee comes to work on time each day during a given week. With my workers this incentive influences the work ethic and helps productivity.
>
> B. 50 cents per hour [is added] if the employee works for ten weeks like they agree to do at the time they are hired. This cuts down on turnover and adds to productivity.
>
> C. Performance bonuses that can add an additional $6.50 per hour [think of it, a total of $11.50 per hour].

□ 2200

He goes on to say: "If the minimum wage were higher, it would have to be offset by lower incentives or fewer workers or both."

Madam Speaker, Ed has shown us exceptional creativity in increasing the productivity of your business by rewarding your best workers and helping them develop a strong regard for their work. I only wish that New Jersey's minimum wage hadn't inhibited our ability to attract these jobs to southern New Jersey.

By the way, since Ed sent his letter to Professors Card and Kruger, not even 2 years ago, his business doubled its employment, from 300 to 600 employees. I guess I should add that I wish New Jersey's minimum wage hadn't inhibited Ed's jobs from coming into my State.

Ed's experience supports the bulk of scholarly evidence. The losses in jobs incurred by an increase in the minimum wage are concentrated among young, and low-skilled workers.

Ed also points out that Card and Kruger's study was with the fast-food industry, an industry that is "a rather healthy, fundamental, and pervasive business." He adds, "This distorts the picture. I don't think the results would be the same with businesses that are not as fundamental and are thus more optional." Business, "like mine," he said.

What is more amazing, Madam Speaker, is that Card and Kruger seem to acknowledge these facts. In a reply to Ed's letter, they admit that there are job losses which accompany minimum wage increases.

Then they thanked him for sharing his real world experiences.

Well, I'm no Princeton economist, but I do know that in business, there are nothing but real world experiences. It's pretty sad that these two Ivy League professors, trapped in the ivory tower, have completely lost touch with reality.

They make no sense to me at all.

They admit that job losses result from minimum wage increases, but then they turn around and insist that their narrow, error-laden studies about fast-food restaurants in New Jersey demonstrate that a minimum wage increase results in job gains. What's even sadder is that the Clinton administration is buying it.

Madam Speaker, with a national minimum wage increase, Ed Satell won't have the choice between New Jersey and Pennsylvania any more and many of his young workers will just be out of luck.

TRADE

The SPEAKER pro tempore (Ms. MOLINARI). Under a previous order of the House, the gentlewoman from Ohio [Mr. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, the U.S. merchandise trade deficit widened last year to $166 billion, the worst performance in the history of the United States. What does that $166 billion deficit mean? It means $166 billion worth of U.S.-made goods were lost to import sales in our own marketplace. It means jobs lost here in America. And it means in order for us to pay the bills, more foreign investment here in the United States on which our people end up owing principal and dividends to others off shore, not ourselves.

Incredible as it may seem, what does the executive branch's Trade Ambassador say about all of this? Well, he just turns his back. He said, "It is not the worst." He says he is happy as a clam that exports rose 12 percent last year.

But, my friends, that is only half the ledger, because imports rose even more, nearly 16 percent. The flow is heavier and heavier in the wrong direction. If you are $166 billion more in the hole, how can it be a good outcome?

In fact, the trade numbers for last year were worse than they were in 1993 and worse than in 1992 and worse than in 1991. If this administration's trade policies are so good, why are the numbers worse than even in the Bush years which, by the way, back then were the worst ever in the history of the United States? Remember, each lost billion represents 20,000 jobs the United States shuttled out to somewhere else.

Think about this. Last year the United States sucked in a staggering $800 billion worth of foreign-made goods, much of the goods we used to make here. And have you noticed prices have not gone down?

We sucked in $66 billion more from Japan than we exported from them. That has been a continuing hemorrhage through our adult lifetimes. We sucked in $26 billion more from China than we exported there, a nation not known to respect political freedoms for a free market or the rule of law. And this year it is anybody's guess how many billions more we will suck in from Mexico that we export down there. Our former trade surplus with Mexico bit the dust late last year, even before the peso devaluation.

So, when you look at your paycheck and wonder why you have not been keeping pace with price increases, ask yourself what would happen if the United States and your community made $800 billion more of goods right here in the U.S.A.? Think about it. For those of us old enough to remember, we would be in Ozziet and Harriet land once again.

MEXICAN BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, a lot of news is about trade today and it is all bad or it is bad if you care about the economic future in the United States and you care about the conditions of working people and wages in the United States. Might be good if you are a multinational corporation and looking for cheap labor elsewhere and looking for ways to profit. But not to further the future and the economic prosperity of our own Nation.

The administration is very proud they finally struck a deal on the Mexico bailout. Great deal: $20 billion, $20 billion up front from the United States of America. Mr. Kantor, the special trade representative, is downright proud that we were able to get this deal. And it is a really bad deal for people on both sides of the border, it is an incredibly bad deal for the people of Mexico. It is expected that it will cause a recession in Mexico, it will drive interest rates up to 50 percent in Mexico, it will cause businesses to fold in Mexico because most of them have adjustable loans so their rates are going up dramatically and quickly.

Banks will fold in Mexico. And wages are now at 40 percent of the level of 1980, despite the increases in productivity.

Well, maybe it is a good deal on our side of the border and that is why he is so happy. Well, maybe not.

First off, $20 billion at least. We do not know how much money the Federal Reserve has secretly shipped to Mexico, how much we are involved in the funds coming from the international institutions.

But it is a lot of money. And money that could have been spent productively here at home.

But beyond that we have some analysis now, analysis by DRI McGraw Hill, a private consulting firm in Lexington, Massachusetts. It says that U.S. exports to Mexico will drop by $10 billion this year, leading to a loss of 350,000 U.S. jobs. So we are going to pay $20 billion of our taxpayers' money to ship 350,000 family-wage jobs to Mexico. Now that is a great policy.

But they tell us do not worry, it is all short term, it all will get better. In fact, Chase Manhattan has a memo and it says quite frankly they can fix the problems down there in Mexico, they just have to do a couple of things. The government will need to eliminate the zapatistas to demonstrate their effective control of the national territory and of security policy, if they want to encourage further investment in Mexico.

□ 2210

It seems Chase Manhattan is pretty upset that they wagered—and that is what this is about—wagered a huge amount of money in Mexico trying to get obscene rates of return. Now they are upset that the junk bonds they bought have turned truly to junk and are worthless.

These are policies that are not in the long-term interests of the United States of America, nor the people of Mexico. It is time that we began to get straight about our trade policy in this country.

I introduced legislation earlier this year to repeal the benighted NAFTA Agreement, and at the time people thought, "Well, that is a pretty far-out thing." I would say, given the events since then, given the massive bailout, given the huge loss of jobs we now admit we are going to suffer into the indefinite future, is it not time to revisit that agreement?

It is not good for people on either side of the border. It causes tremendous harm.

Let us rip it up and start over again.

UPDATE ON THE PERSONAL RESPONSIBILITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GREEN] is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Madam Speaker, I take the floor to continue the discussion about the Personal Responsibility Act. The Goodling substitute of the Personal Responsibility Act which will be taken up in the Economic and Educational Opportunities Committee tomorrow will cut funding for child care in the State of Texas from fiscal year 1996 through 2000 over $485 million.

The Personal Responsibility Act will repeal all Federal programs that deal with nutrition, including the school breakfast and lunch programs, and restrict nutrition programs under the Older Americans Act.

I am happy that the Republicans realized that being "penny wise and pound foolish" with the cuts in senior nutrition programs was not good policy and were simply unworkable. However, senior nutrition programs are not the only programs which should be taken out of the Personal Responsibility Act.

I suggest that all nutrition programs be withdrawn from the Personal Responsibility Act and discussed in the context of the people participating in the programs. For example, school breakfast and lunch programs should be discussed in education or health reform along with nutrition programs for women, infants, and children. Not simply in terms of reforming welfare.

School nutrition programs provide food assistance in a school setting, such as the Port Houston Elementary School with Principal Maria Sierra, and not cash paid directly to any individual person. Recently, I had a town hall meeting at Port Houston Elementary. Feeding hungry children is not welfare when it is at school and providing a nutrition meal to start the day. Studies show that hungry children cannot learn. We are endangering our future by not providing nutrition to children. We should be using nutrition programs to encourage children to learn.

Again, I suggest to my colleagues on the other side that all nutrition programs which do not go directly to individuals should be taken out of this act.

Finally, under summaries provided by the Republicans of the Goodling substitute, several references are made to the funds being increased. However, estimates provided to my office by the State of Texas show the states' school nutrition programs taking a 6.5 percent cut in funding. This is when we have more children every year needing food.

I leave on this last note. Do we wish to be the Congress which cuts funds to feed even one hungry child? This may be reform but at what cost. Are we hard hearted enough to deny food to children?

FEBRUARY 22, 50TH DAY OF THE 104TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Madam Speaker, Wednesday, February 22d marks the 50th day of the 104th Congress—the half-way point of the most successful "100 Days" periods in decades. We have conducted more committee hearings, held more votes, and debated the issues longer and harder than any Congress in recent memory. We made real progress on the Contract With America we pledged to enact. But most important is what all this activity means to families in our communities and our districts.

It means with the passage of our crime bills that our communities and states will have the flexibility to decide how best to spend federal crime prevention grants. We put an end to playing games with promises of 100,000 new police. Let us be clear—the 1994 crime bill never fully funded 100,000 new police. In six years, the money runs out and our communities are stuck with the bill. This year we reformed that law, so local municipalities have the flexibility to spend that money however it suits their crime-fighting needs—new police, crime prevention programs, new equipment, community policing, even a patrol car if that is the best way to fight crime. Those communities that have received initial grants will be funded under the current program.

Our new crime bill goes even further. We provide incentive for States to ensure that violent criminals are incarcerated and we're requiring criminals convicted in Federal court to make restitution to their victims.

This new Republican Congress promised a back-to basics approach in Washington, and we have been keeping that promise. We cut our budget, and slashed committee staff on our first day. We passed a bill requiring Congress to live under the same laws that every small business lives under.

The House passed a balanced budget amendment to force Congress to live within its means. This is more than an accounting device to make some bureaucrats in Washington feel good. It is about our children and grandchildren and their futures, and about putting an end to the immoral practice of piling the national debt on our future generations. I hope the Senate follows the House's lead and passes the balanced budget amendment.

For more than a decade, Republican Presidents have asked Democrat Congresses to grant them a line-item veto to control wasteful spending and outrageous pork projects. The Democrat-controlled Congresses never gave Presidents Reagan or Bush this tool. Just a few weeks ago, the Republican-controlled Congress extended this power to a Democrat President.

We also passed the unfunded mandates proposal. That will prohibit the Federal Government from passing on the costs for each program to local and State Governments without Washington, DC, participating in the program at all.

Last week, also restored some common sense to our national security and international relations policies. We passed a bill restricting the use of U.S. soldiers in U.N. missions. And we're requiring that U.S. soldiers be deployed to support missions only in our national interests. We have so few defense resources, we must ensure that we use them wisely. Our most precious national security resource—our men and women in uniform—must have the tools and training to be ready for any conflict.

What has been most impressive about all these successes has been our ability to attract significant bipartisan support. These have not been razor-thin partisan fights that we have seen in past Congresses. The reason? We have passed these policies as supported by the American people and by a bipartisan Congress. We are not just passing bills, we are trying to get communities and families the tools to make their lives a little safer and the children a little less saddled with national debt. We are making government smaller, less costly and less intrusive.

In the first 50 days of this Congress we have met that challenge, and we are looking forward to the future to finishing this, to get the contract finished in the next 50 days.

MORE ON THE DEDUCTION FOR HEALTH CARE COSTS OF THE SELF-EMPLOYED

The SPEAKER pro tempore (Ms. MOLINARI). Under a previous order of the House, the gentleman from Illinois [Mr. EWING] is recognized for 5 minutes.

Mr. EWING. Madam Speaker, I come here tonight to talk for a few minutes about the action that this body took tonight in passing the deduction for health care costs, insurance costs for the self-employed. It was something that many Members on our side of the aisle wanted to discuss, and there was not literally time for all of us who wanted to debate this important issue to talk and to express to our constituents our support for this important measure.

First of all, this was a tax fairness issue. Most people who work for major corporations get their health care insurance paid for, and that corporation deducts that from the bottom line. It comes out of the profits before they pay taxes. But the self-employed did not get that benefit. We have had it in the past, but it expired at the beginning of 1994. And here we are, in 1995, renewing a tax benefit for the small people in this country, for the self-employed in this country. And we are not doing it until February 1995.

Certainly, what we did here tonight was right. By the very vote, the overwhelming vote that it got from this body, it was correct. And I hope that the other body will soon follow suit and pass that tax deduction for health care costs and make it permanent. But we are not very taxpayer-friendly when we wait until February to pass a tax benefit for the little people in America for the year before.

I come from a rural part of Illinois, and many of my constituents have to file their tax returns by March. Farmers file their tax returns by March. Unfortunately, many of them have had their appointments, have come in and done their tax work and now today we are going to find they have a new tax deduction which they can take. That is what I mean when I say what we did here was not very taxpayer-friendly.

But I am pleased that this deduction, which will cost the Treasury, is being paid for by reduction in other Government expenses.

What we do to help small business helps support the very backbone of this country. Small business creates more jobs than all the big industries in America, and what we did today to make health care more affordable is the type of health care reform we need in this country, paid for by the private sector, health care reform that is not Government controlled.

Madam Speaker, I cannot tell my colleagues how pleased I am that this passed with such an overwhelming bipartisan vote on both sides of the aisle.

REINVENTING GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. ORTON] is recognized for 5 minutes.

Mr. ORTON. Madam Speaker, tonight I will talk about efforts taken by the Department of Housing and Urban Development to revitalize and reinvent the FHA single family housing program.

Created in 1934, the Federal Housing Administration—also known as FHA—has played a critical role in making homeownership a reality for more than 21 million Americans. Last year alone, FHA insured over 1.3 million single family loans, including 450,000 for first-time homebuyers. FHA carries out its mission of expanding homeownership through private sector lenders who have direct contact with borrowers. And, it does so without costing the taxpayer a single dollar, since homeowner premiums fully fund a reserve against future losses and pay all related administrative costs.

Commendably, however, FHA has not been content to rest on its record of accomplishments. It has aggressively developed and implemented changes in line with the overall reinventing government program. Let me tell you what has been done, and what is yet to be done.

Several years ago, largely as a result of regional recessions in some parts of the country, some concern developed over the long-term health of the FHA single family mortgage fund. This problem was promptly resolved through a change in the premium structure—the source of revenues for the program. As a result, the FHA reserve account easily exceeds required capital ratios, and Price Waterhouse has attested to the financial health of the fund.

As part of the reinventing government program, FHA has moved recently to cut costs, streamline operations, and improve customer service through consolidation of loan processing offices. Last year, FHA announced the opening of a regional loan processing center in Denver, CO. This center will perform loan processing that had been carried out by 17 HUD field offices in the Rocky Mountain and Southwest portions of the country. This consolidation should save approximately $4 million a year. It is also expected to reduce loan processing time—from an average of about 5 weeks down to an average of about 5 days.

Just recently, FHA also announced changes in underwriting guidelines, to keep pace with procedures in the private sector. These changes more fully recognize second job and overtime income—a reflection of the increased importance that family earnings power plays in qualifying for mortgages. FHA will also permit automated credit reports that provide faster turnaround time, at a lower cost to the borrower. The result of these changes should be a more responsive and market-oriented FHA.

Finally, there are changes FHA has proposed which cannot be accomplished by administrative action, but rather will require statutory legislation. For example, last year, FHA made recommendations which included a proposal to allow private mortgage lenders who underwrite FHA loans to issue their own mortgage certificates. I have heard from many FHA lenders who have complained bitterly about long bureaucratic delays in the actual paper issuance of these certificates—a delay that would be eliminated by this HUD proposal. Last year, the House responded by including this proposal in the housng bill. However, the Senate did not act on this bill, and the proposal died. This change alone could result in a substantial reduction in FHA personnel and improve responsiveness to lenders and borrowers.

This change is just one provision included in legislation I have recently introduced to modernize the FHA program. Other provisions in my bill—H.R. 487, the FHA Modernization and Efficiency Act—include an elimination of the current prohibition against parental loans to help their children buy a home; a simplification of the down payment formula, permitting two-step mortgages; and others. I believe we should pass these provisions, to continue the effort to keep FHA an aggressive, innovative provider of homeownership opportunities.

Finally, the future of FHA itself appears to be in question. We are beginning to hear calls for the end of HUD and the privatization of FHA. I believe this would be a serious mistake. Privatization of FHA would almost surely mean an end to the public mission to serve moderate income, first-time homebuyers. It would also mean an end to FHA's continued presence in geographic areas buffeted by recession.

That is why I strongly support the administration's reinventing government proposal to make FHA an independent public corporation. This would maintain FHA's mission of increasing homeownership. It would accelerate the efforts I have discussed here tonight to modernize FHA, to make it more responsive to market demands and innovative products, and less like a bureaucracy. And, it would reaffirm the principle that creating opportunities for all Americans is what government should really be about.

Mr. Speaker, I thank you for my time.

THE SELF-EMPLOYED DEDUCTION FOR HEALTH CARE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Madam Speaker, to my colleagues, I would like to say, let me acknowledge this evening my recognition and appreciation for the Houston Livestock and Rodeo Show, an entity in the city of Houston and the county of Harris in the State of Texas that has worked so hard to provide opportunities for inner-city youth and youth throughout our community by providing not only entertainment with real cowboys but also scholarships for greater opportunity. And they seek to provide those scholarships to a wide diversity of individuals in our city and in our county and in our State.

But as well tonight I want to speak just a moment about the vote that I took this evening. Tonight I voted for working Americans from all backgrounds. Specifically I voted to extend permanently the current 25-percent health insurance deduction for the self-employed. However, in addition, I voted for more hard-working Americans, employees whose employers do not subsidize their health care, having a deduction beginning now in 1996. This deduction would be phased in. In 1996, the deduction would be 15 percent of the employee's health insurance premiums and by 2000, the deduction would increase to 25 percent of the premium just like the deduction for self-employed individuals. The McDermott-Gibbons substitute was clearly the better deal for the needs of working Americans, the self-employed, and for employees with no health insurance. We fixed what was broken, a good deal. However, what the McDermott-Gibbons legislation did not do was give a raw deal to a valuable goal to allow minorities to access fairly ownership of radio and television broadcast stations and to increase minority ownership of cable television systems as well.

Certainly, the Republicans know what controlling the media is all about, while they will blast the talk shows with the misrepresentation that their bill helped Americans with health care, false. It leaves out secretaries and clerks and other workers without health insurance, and it does so by breaking the backs of hard-working minority entrepreneurs who, since 1978 and with the FCC's section 1071, have moved from less than one-half percent minority radio and TV broadcast ownership to now about 3 percent.

Why slam all of our desires for good health care with the divisive dismantling of the mere empowerment of minority purchases of broadcast media? Let us reform FCC section 1071. I want to do that. I am a taxpayer, and I support taxpayer reform.

However, let us not stop the access to the first amendment of hard-working business persons never before given such a chance. This is simply a back door attempt, poised to further undermine racial cooperation in this country. If it was not, we would not have heard the Republicans raising the high platitudes of color blindness and the raising of Hispanic and African-American self-employed persons as a reason for their support of busting a program that would allow minorities for the first time to own radio and TV stations. The money to pay for the health insurance deductions for the self-employed and hard-working employees, as I voted for, is already there. Without the talk show fodder already being prepared for tomorrow, "we won the first blow to show those minorities that we live in a color-blind society." Well, the headline will already be stated and will read tomorrow, and should really be reading, "The Republicans do it again. Real working Americans, secretaries, clerks, and others left with no health insurance deductions and, yes, minorities again sent into media darkness, again, another blow to the first amendment."

REINVENTING GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from New York [Mrs. MALONEY] is recognized for 46 minutes as the designee of the minority leader.

Mrs. MALONEY. Madam Speaker, I am very pleased to convene tonight's special order to discuss dramatic improvements in how the Federal Government does business. These improvements have come thanks to the Clinton administration and the 103d Congress' efforts to reinvent government. The American people's faith in government is at a historic low. Recent surveys show that only 17 percent of Americans believe in the ability of their government. Outcries for change in both the 1992 and 1994 elections speak for themselves. But stump speeches denouncing government have successfully obscured the fact that government is changing. It is getting smaller, more efficient and more user friendly.

For the past 2 years, we have been working to implement the recommendations of Vice President GORE's National Performance Review. Implementation of these major reforms involves hard and patient work in the nuts and bolts of government management.

It is not flashy or eye-catching, but it is getting results.

Tonight my colleagues and I will offer real-life examples of how government for the first time in a generation is actually working better with less people and fewer resources than it did the year before. As I mentioned earlier, the restructuring was first announced by Vice President GORE in a report of the National Performance Review from redtape to results, creating a government that works better and costs less.

□ 2230

This ongoing initiative has four main themes: customer service, procurement reform, eliminating obsolete programs, and reducing the Federal workforce.

Think back for a minute to a memorable sporting event, the Super Bowl or the World Cup. Think about the size of the stadium, like the Rose Bowl, one of America's largest, filled to capacity. That is the net number of people, over 100,000 to date, that the Clinton administration has taken off the Federal payroll, 100,000 people whose salaries and benefits the taxpayers no longer have to pay.

Madam Speaker, 2 years from now, that number will grow to 272,000, enough people to fill nearly three Rose Bowls. This year, Penn State won the Rose Bowl, but Vice President GORE deserves the national championship for leading this downsizing effort.

Today the number of employees of the Federal Government is at the lowest level since the Kennedy administration. Because of this action taken by President Clinton and the Democrats in Congress, there are fewer Federal employees than under the so-called Republican fiscal conservatives: Presidents Nixon, Ford, Bush, and even the Gipper. This, Mr. Speaker, is an amazing accomplishment.

I just want to show it on this chart. This was in 1963, the Kennedy years; it has gone up, and for the first time it is going down, and we have reduced government by over 100,000 employees.

Due to other initiatives in reinventing government. Employees still working for the Federal Government are able to interact with the public in a more intelligent and friendly manner. I will give one example from my district in New York City.

For years, the Veterans Administration has carried a terrible reputation among veterans. Notorious even within the VA was the New York regional office. Before Clinton and GORE, an application for veterans benefits would be handled by at least 12 employees working in 4 separate operations.

However, if a veteran actually showed up in person, they would not meet with any of the 12 people who handle the application. Instead, he or she would meet with a benefits counselor, employee No. 13, but the benefits counselor would not have access to all the necessary information. The counselor would have to go to yet another unit of the office on a different floor and get the file from another clerk, employee No. 14. That is the way it used to work.

Today the application is handled by a single team responsible for processing, filing, and dealing with the veteran face to face. When a veteran comes in, he or she deals with someone who knows their file, their history, and can tell the veteran exactly what is going on. This change has brought a tremendous increase in customer satisfaction for the veterans.

We have reduced the Federal workforce, and we are doing more with less. But taxpayers should be most excited about procurement reform. I know that the word "procurement" can put a lot of people to sleep, but there are more than 200 billion reasons for taxpayers to stay awake and be very concerned about procurement. That is because the Federal Government spends over $200 billion on procurement every year. That is $800 for every American spent on goods and services.

There is no more important area in which to control spending and better manage our limited resources. The Federal Government's record on procurement before 1993 was terrible. We all remember stories about the $600 hammer or the $2000 toilet seat, but one you may not have heard occurred during Operation Desert Storm in 1991.

During the Gulf war, the Air Force needed 6,000 standard, commercial Motorola radios for the troops, like this one. They wanted to order them so they could communicate with each other. But even in that emergency, the Government could not just buy commercial products at competitive prices.

Under the regulations at the time, Motorola would have had to supply records of what it cost to make these, and documents, proving they had never charged anyone less for them. For quite a while, the U.S. Government could not purchase these radios.

It is hard to believe, but finally, Japan had to buy the radios from Motorola and give them to the Air Force. That is how bad it was.

Last year's procurement reform legislation solved this problem by eliminating requirements that the Pentagon obtain cost and pricing data for commercially available items. In other words, if they are commercially available, you can buy them and cut out the redtape.

I am certain that this historic law will simplify and streamline the Federal procurement process, while ensuring fairness, accountability, and integrity.

Let me give you another example about how procurement reform is making the Government work more intelligently and effectively. For a long time, the Government, particularly the Pentagon, spent enormous amounts of time and money developing its own specifications for easily available products, like salad dressing.

Instead of being able to buy commercial brands of salad dressing, like this one, off the shelf, like every other American, the Government ended up buying products like this one, paying more for less quality, but this salad dressing was designed for Government specs. No more. If it is available on the shelf, you can buy it off the shelf.

As a result of changes initiated by the Vice President and the 103d Congress, the Defenses Personnel Supply Center, which buys all the food, clothing, and medical supplies for our troops has been able to undertake commonsense procurement techniques that make ordinary commercial products like this Wishbone dressing available to the troops like it is to every other American.

To date, the supply center has realized savings between 5 and 10 percent, and for those lower prices, our troops get better tasting, nationally recognized products.

Lastly, we also save money because we now get our commercial products delivered when they are needed, so there is no longer any need to warehouse enormous quantities of Government-designed salad dressings.

In addition to this commonsense program, this new law will reduce paperwork, especially for contracts under $100,000, and encourage the Federal Government to buy commercial products at the fairest prices. It will strengthen oversight and procurement, improve integrity, and standardize the procurement code by eliminating obsolete and redundant laws.

It incorporates many of Vice President GORE'S National Performance Review recommendations, such as providing for multi-year contracts, promoting excellence in vendor performance, and allowing State and local governments to use Federal supply centers. In a nutshell, the law is going to save the taxpayers billions of dollars.

This is what is projected to be saved: from the downsizing, $46 billion; procurement reform, $12 billion; and in other areas, five, coming to a total of $63 billion.

However, President Clinton plans to reform the procurement process even more. Today there was a hearing in the Committee on Government Reform and Oversight to outline the administration's plans for more improvement to America's procurement laws.

I would like to enter the entire record of that committee hearing today into the RECORD, so that the American taxpayers can have easy access to read everything that took place in this hearing today.

As I said earlier, Mr. Speaker, reinventing government means one more thing, abolishing obsolete programs. Senator James Byrne once said "The closest thing in this world to immortality is a government agency." But President Clinton has demonstrated that immortality for Federal programs is no longer a sure thing.

For example, more than 50 years ago, wool and mohair were deemed important for making Army and Navy uniforms, so a Government subsidy was started. That program survived and grew under every President from Roosevelt to Bush until Bill Clinton.

In 1993, the President and Congress affirmed eliminating the wool, mohair, and honey subsidies, thus saving the taxpayers $695 million. That is a lot of money. We are just getting started reviewing other obsolete programs. That was just 1 of the more than 300 programs that have been eliminated so far.

What does this reform add up to? It adds up to $46 billion in savings to the American taxpayer, and an estimated $60 billion over the next 2 years.

Madam Speaker, we have more obsolete programs to abolish, and more procurement reforms to achieve, but thanks to the Reinventing Government program, the American people have reason to believe that their Government can work again, and America can compete and win again in the world economy.

We have taken important first steps toward the day when business as usual in Washington will actually have positive connotations.

On that note, Mr. Speaker, I am very happy to yield to my distinguished colleague, the gentleman from Maryland [STENY HOYER].

□ 2240

Mr. HOYER. I thank the gentlewoman from New York for yielding.

Madam Speaker, I rise tonight with my colleagues to highlight the many achievements thus far of the reinventing government efforts under the Clinton administration.

With the leadership of the Vice President and the strong support of the House Democrats and, I might say, the Republicans, we were able to enact many more reforms which have already had a positive impact on the people they were designed to help, the American people, the taxpayers. Congresswoman MALONEY has cited a number of examples. The opportunities for reinvention in the Treasury Department under the jurisdiction of the appropriations subcommittee I chaired were great. As a result of our efforts, the Treasury Department and related agencies are more customer-friendly, more cost-effective, and much, much more efficient. Where we could eliminate waste, we have. Before reinvention, every time the Government made a small purchase, it spent on an average $50 in paperwork over and above the cost of the item. This obviously accounted for tens of millions of purchases last year, totaling hundreds of millions of dollars in paperwork costs.

I want to show this Visa card, which has Bill Clinton's name on it. Now with this purchase card, the very same purchases are made with no paperwork cost at all. Let me reiterate that. No paperwork cost at all. Eliminating an average $50 cost on millions of purchases. That is tens of millions of dollars instantly saved by our Government because of this little card that all of us use all the time.

Let me show you what that meant. We used to purchase this stapler for $54. Outrageous. That did not mean that the stapler cost $54, but in order to purchase it, we had to spend $54 on the paperwork.

Bill Clinton and AL GORE came to town and said, "That is done." Bill Clinton and AL GORE said we can save the American taxpayers millions and millions of dollars if we cut out all that paperwork and simply use this little card.

Now with Bill Clinton and AL GORE's reinvention of government, we pay $4 for this stapler, which is what we ought to pay for this stapler. Fifty dollars on just one item. That is the kind of government American taxpayers expect and want.

The American people have asked us to cut our pork and justify Federal projects. As a result of reinventing government, the General Services Administration now carefully reviews all Federal construction projects in a program called Time-Out and Review. They assess the Federal need and appropriate size and design of these projects and ensure that the costs are fully justified.

Very frankly, Mr. Johnson, who is the administrator of that agency, was asked by President Clinton and Vice President GORE to look at these projects, see if we can save some money. Some of these projects are in districts that are represented by Democrats, some in districts represented by Republicans. This was not a political matter. This was a commonsense matter. How can we exercise common sense and save our people money?

Madam Speaker, I know you will be pleased to hear that so far over 200 projects have been reviewed and, you are not going to believe this, a $1.2 billion savings has been effected, now that Bill Clinton and AL GORE are looking at these things very carefully.

These reforms have taken what was wasteful and inefficient and reinvented these programs into efficient successes.

Madam Speaker, how many times have we heard tragic stories of people who have never received or lost their Government checks and have had to wait for countless weeks for their new checks to be processed? A critical problem, a crisis for some. Many times these checks, often Social Security checks, are vital to pay for medical expenses, rent, food, medicine. Checks missed that created crisis in home.

Because of reforms instituted as part of Vice President GORE and President Clinton's reinventing government initiatives, the Financial Management Service office of the Treasury located in my home State of Maryland has turned their once horrible 54-day turnaround into a more customer-friendly less than 2-week turnaround and alleviated the concerns of many average working Americans and Americans who are retired and concerned and reliant on those checks. This office now processes 8,000 check requests a month, over 400,000 claims each year, quickly, efficiently, and in a way that is customer friendly.

Perhaps, Madam Speaker, what is most surprising about this success story is that this office improved their customer service and productivity with 32 percent less staff, which is what the gentlewoman from New York [Mrs. MALONEY] was talking about in terms of that little graph going down. And in the face of a 28 percent workload increase. Twenty-eight percent increase in workload, 32 percent decrease of staff, and doing it in 25 percent less time than it used to take. Those Federal workers should be commended, Madam Speaker, for their efforts at not only taking part in initiating these reforms but also for successfully implementing the new techniques and procedure.

As the Vice President has correctly pointed out on many occasions:

> We don't have bad workers, we have bad systems. We have worked hard and succeeded at reinventing the bad systems into systems that work and work well.

Madam Speaker, I want to close with one of the biggest examples of wasted paper and inefficiency. During the previous 12 years prior to Mr. Clinton and Mr. Gore coming to town, the Federal personnel management manual had been thousands of pages. They spell out many of the policies and procedures for Federal employees. But unfortunately it contains too much unnecessary information and redtape.

Because of our efforts last year, and I want to show a picture here of Mr. King, Jim King, who is the director of OPM. He has a wheelbarrow full of paperwork.

I know all of us on both sides of the aisle have talked about, "We need to get rid of all this paper." Well, here is a wheelbarrow that Mr. King is pushing full of paper. We have reduced those forms.

Madam Speaker, you will recall when our President was talking about the Federal budget. This is the paperwork that we had when we came to town. Mr. Gore and Mr. Clinton, this is what they have gotten rid of.

We no longer have that to deal with. Luckily, the table withstood the impact of all that paper. We are getting rid of it.

Why? Not just for the sake of having a gimmick that I can put on the table here and make sort of a funny little demonstration of, but because all of us know that America is drowning in paper. Business complains about it, educators complain about it, citizens complain about it, and we are doing something about it.

The Vice President in his leadership of reinventing government at the direction of President Clinton has said, we hear you, Mr. and Mrs. America. We hear that you want a smaller, more efficient, less costly government. We hear you, that you want your government reinvented so it does more with less and does it better, like those checks getting to recipients in a much quicker fashion.

I am very pleased to join my colleague from New York in saying that we are not there yet. We have more to do. There is still 10 percent. Ninety percent of the paperwork we have gotten rid of. But there is 10 percent left.

□ 2250

We are still looking at that to make sure that manual is as lean and effective as we can make it.

As important, Madam Speaker, as these reforms and other reforms are, it is equally crucial that we continue to build on these many successes and continue to enact more reforms in this Congress.

We are pleased that our Republican colleagues are joining us in the effort to reinvent government. Yesterday's government is behind us now and we must continue the task of doing our share in developing the government of the 21st century.

I have high hopes that the success of reinventing government in the 103d Congress that the Democrats so proudly enacted with the help of many of our Republican colleagues is only the beginning and that the second National Performance Review will be as successfully implemented in the months ahead.

I thank my colleague from New York, Mrs. MALONEY, for her leadership on this issue and for yielding to me for this time.

Mrs. MALONEY. I thank the gentleman so much.

Madam Speaker, our next speaker is Congresswoman ROSA DELAURO, and I yield to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Madam Speaker, I am very pleased to join my colleagues here tonight to talk about what we have been doing over the course of the past 2 years to address a major concern of the American people—reducing the size of the Federal Government and making it work better for them. I want to associate myself with the remarks of Mr. HOYER, Mrs. MALONEY, and Mrs. THURMAN, who have already spoken. And I want to add my voice to theirs in welcoming our House Republican colleagues who have joined the efforts of congressional Democrats and the Vice President to remake our Federal Government.

While some of our efforts have been mentioned by previous speakers, I believe they bear repeating because I'm not sure the magnitude of our successes has gotten the attention it merits. Why? Because there are those who, in order to try to score political points, would have the American people believe nothing has changed. But President Clinton and Vice President Gore ran on a platform of change in 1992, and together, change is what we have delivered.

We passed legislation that has produced a record amount of deficit reduction—more than $600 billion. For the first time since the Truman administration, we have reduced annual deficits for 3 consecutive years. And the deficit will soon be the smallest it's been in nearly 20 years relative to the size of our total economy.

We have enacted legislation that will reduce the number of Federal employees by 272,000. Already, we have cut more than 100,000 jobs and we will soon have the smallest Federal Government workforce in nearly 40 years.

We have cut 300 programs, eliminated others altogether, and we have cut more than one-quarter of a trillion dollars in spending.

My colleagues, we should all be proud of these accomplishments. We are delivering on what we set out to do.

But these numbers don't tell the whole story. Not only have we made dramatic cuts, but we have set out to fundamentally re-tool the way our Government conducts its business so that it provides better service to its customers—the American people—while it gets more for each tax dollar it spends. Let me give you one example from my home State.

The Defense Contract Management Area Operations office in East Hartford, CT, manages Department of Defense contracts in parts of four northeast States, including most of Connecticut, Vermont, Massachusetts and part of New York. Recently, this office overhauled its method of operation to improve oversight of defense contracts by changing to a team approach to customer service. Under this new system, whenever a contractor has a problem, with one phone call it gets rapid assistance from one team of expert professionals whose job is to solve the problem. In the old days, that contractor might have had to make several phone calls to people with overlapping responsibilities before it could get that same problem resolved.

As a result of this new system, 23 fewer employees are covering the same 33,000 square miles of territory. So the taxpayer wins—to date nearly $1 million has been saved—and the Government wins—it is better assured of receiving high quality products that can be delivered on time.

For their efforts, the employees of the Hartford Defense Contract Management Office have been recognized by the Vice President as heroes of reinvention and they received the Hammer Award for doing their part in responding to the National Performance Review. And their success in reinventing Government has been accomplished by Federal employees in dozens of agencies all across our country. These dedicated men and women have proven that they are a far cry from the stereotyped lazy unproductive Federal worker. They have taken their cue from the Vice President, embraced his call for change and are producing for all of us.

But we cannot rest on our laurels. Our task of making Government smaller and more effecient continues. I remain committed to working with my colleagues to carry on with this effort, and I look forward to hearing about more success stories this evening.

I want to thank the gentlewoman from New York for spearheading this effort tonight and really being in the forefront of the fight not only to reinvent government but about trying to get the message out and the word out about what has been done over these past 2 years. And I want to compliment the gentlewoman for her efforts tonight.

Mrs. MALONEY. Our next speaker is a member of the committee, and I yield to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Madam Speaker, I think that has a wonderful ring to it and to the gentlewoman from New York who is my colleague and who came with me to Congress in 1992, and we have worked very hard together on the Governmental Operations Committee, I want to take this opportunity to thank the gentlewoman for doing this tonight.

It is not a sexy issue, or not one of those pounding issues that people want to do all of the time and raises the spirit, but I think it is a great story that needs to be told and I certainly think that it is one that I think that the American people just are not aware of because it does not happen every day in their districts, or things that are happening to them. But it is something that I believe that ought to be talked about to give our American people the idea that there is a changing government and it is going to take some time, but it is changing and we are working to their betterment and we are trying to really achieve what many of us believe is a good idea in downsizing our government.

We are eliminating burdensome red tape which we think is important, and at the same time we understand that the primary focus of reinventing government programs still is remaining by putting customers, the American taxpayers first.

During the last Congress, we passed over 30 bills containing reinventing government proposals, and I just want to kind of go through some of that legislation.

We looked at reducing the Federal work force by 100,000 full-time positions, which has already been talked about. It is a work force that is going to be the smallest since the Kennedy administration. We had a thing up here a little while ago on that.

We consolidated education programs under the Improving America's Schools Act of 1994. In doing so, we have created multipurpose technical assistance centers while eliminating 49 categorical centers and 50 State national diffusion network contracts.

We also improved overall government management under the Government Management Reform Act of 1994 and the Federal Management Act of 1994. In addition, we simplified the Federal procurement procedures under the Federal acquisition Streamlining Act of 1994.

In the Federal agencies there are numerous examples of reinvention at work, and I am going to give some examples of that.

□ 2300

The Federal Aviation Administration recently started using the quality through partnership process to design and implement a new radar facility in southern California that will eventually consolidate 35 existing facilities. In Miami the Customs Office—and this is in my home State—has developed a government-industry partnership where major exporters are instructed on how to do their own inspections. By allowing companies to conduct their own routine inspections, Custom agents are free to do more spot checks. But, more importantly, exporters now make more than 40 percent of the drug busts in Miami alone while moving the entire process at a much more efficient pace.

NASA has provided technology to test for lazy eye in children through another government-private sector partnership. A Marshall space flight engineer and a private sector scientist developed a testing system now available commercially under an exclusive license from NASA. In 1993, one of our natural resources, our children, over 300,000 children were tested for lazy eye at 5 major test projects in Florida, Alabama, North Carolina, and Ohio.

This is a type of Federal-private partnership that not only reduces bureaucracy but also produces a beneficial result for all Americans.

Madam Speaker, since the House will be considering the reauthorization of the Paperwork Reduction Act this week, here is an example of an actual paperwork reduction. The Small Business Administration loan application went from a stack of forms 1.5 inches thick to a single page. Since the reinventing Government program began, over a quarter trillion dollars in spending and 300 domestic programs have been slashed. And I know we all talked about this, but this is a monumental achievement that we have come this far.

But I have to tell you we still have more to do.

Today, in the Committee on Government Reform, we actually had Steven Kelman, who is administrator for Federal procurement policy, come before the committee, the Government Reform and Oversight Committee, and in about, I would have to say, 7 or 8 pages here, he told us some great stories of what is going on in our Federal Government.

But what was important was that he talked about real-life people who made a difference.

You know, I remember when reinvention started and we kept saying, "You know, we need to let these employees have a little bit of room, we need to let them think, because they have been out there, they have been on the front line, they know best how to make things happen in our government."

We just never gave them any leeway which allowed them to be creative and use those ideas.

I am going to name a couple of areas in procurement particularly that they really did some good things.

Increasing reliance on commercial practices: We had Tony DiCioccio; we had Col. Craig Weston from the space-based program office; we had Jim Bednar, with the Federal Highway Administration.

Madam Speaker, when they had the earthquake, through using incentives to motivate contractors, they took what was supposedly going to be a 104-week project down to 10 weeks to rebuild the Santa Monica Freeway, 10 weeks instead of 104 weeks, through incentives to motivate contractors.

In the area of increasing use of purchase cards, we actually—and I think Mr. HOYER from Maryland mentioned this—for any purchases under $2,500, we saved $54 every time we used this.

But let me tell you what it does, more importantly: How many times in your districts have you heard, "You know, if you went over to so-and-so and bought this, you could buy it for half-price." You have heard it, I have heard it. It is incredible to me.

Now, here is one. At a Customs Service field office, the Government was able to purchase privacy panels from an office, from a liquidator, for $2,450 compared to a low bid which they had received of $4,000. We saved $1,550 by using this particular card. That was done, by the way, by Annelie Kuhn, of the Department of Treasury.

In the area of "expanding the use of past performance," Paul Zebrowski, of the Defense Personnel Supply Center, DLA; "using multiple-award contracting," Kay Walker; "increasing use of performance-based service contracting," John Richardson, of the Law Enforcement Training Center, Department of Treasury; and in the area of "streamlining the award process," Harry Schulte, Lydia Butler.

These are all real people who have had these ideas, have had these concerns, and finally somebody said, "We want to hear what you have to say. We want to know what your experiences are, and we want to put them to work because we believe you offer us something in this government."

I think it is working. I just want to say that I have enjoyed the time I have spent on the Committee on Government Operations. We get an awful lot of time to look at GAO reports, learn about all the bad things about Government. Those are the ones that make the sound bites, they are the ones that get the headlines in the newspapers and stuff. I just hope as we go through this next couple of months that we all remember we have done some changes. We have done it on a bipartisan group basis. Most of these bills, I believe, were passed probably by the majority of this House. But we need to continue this on. Let us not make sound bites, let us not do it for political gain, let us do it for American taxpayers because they come first.

I thank the gentlewoman from New York [Mrs. MALONEY] for the time afforded me, and I appreciate the gentlewoman's leadership and look forward to working with her again.

THE AMERICAN LEGAL SYSTEM

The SPEAKER pro tempore (Ms. MOLINARI). Under the Speaker's announced policy of January 4, 1995, the gentleman from Nebraska [Mr.

CHRISTENSEN] is recognized for 46 minutes as the designee of the majority leader.

Mr. CHRISTENSEN. Madam Speaker, the American legal system is in serious need of repair. Frivolous litigation and overzealous litigators are stifling entrepreneurship, damaging competitiveness of American products on international markets and draining the U.S. economy.

The American people are tired of hearing about multimillion-dollar awards given to someone who has been injured due to their own negligence and then goes looking for the pot of gold at the end of the legal rainbow.

Commonsense legal reform is the needle that will sew up unrestrained access to the deep pockets of corporate America and the shallow pockets of nonprofit groups like the Little League and the Girl Scouts.

The American civil justice system needs reform and needs it now.

Last month an article on legal reform by the Los Angeles Times stated that in California alone lawyers made $16.3 billion in legal fees in 1992.

My colleagues, $16.3 billion is more than the gross domestic product of nearly three dozen Third World nations.

Madam Speaker, in the late 1970's two men illegally entered a remote section of the Miramar Naval Station through a breach in the fence. You all know Miramar as the place where "Top Gun" was filmed.

Now, ignoring numerous Government property no-trespassing signs, the two set out on their mission to steal valuable copper cable, attached to power poles throughout the base. After being assured by one of the men that the power lines were dead, his partner in crime climbed the pole. As he began cutting the cable, he touched an exposed wire which knocked him unconscious, but he still clung to the pole. In an attempt to rescue his friend, the other thief began climbing the pole and also touched the live wire, which threw him to the ground and paralyzed him for life.

Well, obviously, this case went to trial, and plaintiffs' lawyers pleaded their case to a sympathetic jury, and, guess what: The verdict. The two thieves won. The court was found to say that the United States, as owner of the naval base, had a duty to protect the two thieves because it was reasonably foreseeable that they or thieves like them would enter and steal the copper cable.

Absurdity, you say? Yes, indeed. But it is the reality of the American civil justice system as we know it today.

Let me tell you another story about our civil justice system in the 1990's. There is probably not a Member today who has not enjoyed meeting with a visiting Girl Scout troop from their district, gathering excited and enthusiastic youngsters who come to the Capitol for the first time, and maybe the only time in their lives, to learn firsthand the meaning of that time-honored phrase, "A government of the people, by the people, and for the people."

☐ 2310

You know how they pay for their trips here and all the other activities of their individual troop? They sell cookies. As a matter of fact, they delivered to my office today my order of Girl Scout cookies. But there is probably something you do not know about these legendary cookies. I have been told that the Girl Scouts of Illinois have to sell over a million cookies just to pay their liability insurance premiums. Why? Because they have been getting sued by overzealous plaintiff lawyers.

This organization known for teaching our Nation's youth about teamwork, community, and the value of volunteering has been beset by predatory lawyers looking for anybody with pockets to pick. My fellow colleagues, it is time that this stop. We stand ready to pass H.R. 10, the common sense legal reform bill and to shore up those organizations that teach our children about honesty and integrity as well as the corporations that employ their parents.

It is an important measure and one that we will have an opportunity to debate fully over the next 3 weeks.

Madam Speaker, I yield to the gentleman from Chattanooga, TN [Mr. WAMP], who sits on the Transportation and Science and Small Business Committees.

Mr. WAMP. Madam Speaker, I come tonight, thanking the gentleman from Nebraska, slightly under the weather tonight but I wanted to take the opportunity to come and talk about two institutions in this country, Madam Speaker, that are really not in very good shape. One is this institution, an outstanding heritage this institution of Congress has had, but today we are not in favor among the voters out there still looking at this institution as arrogant and out of touch. But you know, we are doing something about that. We came on the very first day and passed the Accountability Act, holding us to the same laws as the people in this country have to live under. And we are making major strides in the last few weeks here in Congress, to clean up our act and to be honest with the American people about what goes on here and be good stewards of the tax dollars, once again.

But another institution that I have to bring to the well tonight that is in dire need of a jump start right now is the legal institution in this country, where our lawyers have taken on the same kind of arrogance in many ways. I would argue that much like we have led the reforms of the last few weeks here and tried to clean up our act, the bar association and the attorneys in this country need to lead the way for tort reform.

I encourage our attorney friends to join us on substantive and positive reform of this system which the American people need to count on.

One of the basic tenets of our Constitution is the notion of a fair and speedy trial. If you are an American citizen that has been unfortunate enough to either be sued or have to sue somebody to pursue justice, you know that the concept of a fair and speedy trial is not easy to come by in this day and age. We have a system in this country of insurance law, where the attorneys actually work for an insurance company instead of the defendant, sometimes even instead of the plaintiff.

Once they work for that insurance company, that insurance company is just going to keep paying them until that amount that they designated that they would pay for legal fees is completely drained. And through that deep pockets theory, everybody sues everybody until everybody's insurance company is working with an attorney, and they keep working until all the money is gone. And the case is not going to be settled until the money is all gone.

We should not be about bashing lawyers. I do not want to do that. I do not want lawyers bashing Members of Congress. I think we need to uphold this institution and promote the institution and encourage our friends in the legal community to help us with their reform.

Lawyers are good people. Many of my friends are attorneys. Many of the people who helped me come to Congress are attorneys. Even some trial lawyers, I think, are good folks. But for too long they have made all the rules in this country. And it is time for the people to run the show again.

More than a decade ago, an outstanding barrister from my home city of Chattanooga, Don Warner, told me that in most construction lawsuits everybody loses, plaintiffs, defendants, and all, except the attorneys. And they all win. They get paid, get paid good. They go home. Everybody else loses. Attorneys split up the money and the plaintiffs and defendants share what is left. Most of the time that is not hardly anything.

You know, Madam Speaker, I believe in this country we must preserve the right to petition the court for justice, but we must also encourage and have a system of laws that encourage the settlement of our disputes without litigation.

I thank the Speaker tonight, and I thank the gentleman from Nebraska for his leadership on this issue. I encourage all those in this body to support H.R. 10 as we try to clean up the legal mess in the United States of America.

Mr. BRYANT of Tennessee. Madam Speaker, speaking as an attorney who also is a freshman Member of this 104th Congress, I wanted to just add to what my colleague said about all lawyers. There are some mighty good lawyers out there, both on the civil side, the defense side, and on the trial lawyer side, too. Unfortunately, like any other business or profession, there are a few out there that make some bad judgments, whether negligently or intentionally, and bring a lot of heat to bear on the lawyers.

I think most of us that practiced law for a living before coming up here would agree with Vice President Quayle that there are some improvements, some reasonable changes that can be made that need to be made and, as the gentleman from Nebraska, JON CHRISTENSEN, has said, H.R. 10, which has now been divided into two different bills by our Committee on the Judiciary, on which I serve, is coming up actually tomorrow for markup in our Committee on the Judiciary.

And both of these bills, while not perfect, are very strong improvements in the rules that govern our courts. They make some changes to some of the laws, I think, that, again, provide a fairer balance to our civil justice system.

Only recently, this House passed six criminal bills. And as a former U.S. attorney, as a Federal prosecutor, I felt very strongly about those. In fact, like most of you, probably campaigned on those types of issues. And we talked there about swinging that pendulum in the criminal system back away from the rights of the criminal more to the middle, back toward the society and to the victims. And much as we did in the criminal side now, we are looking to do that in the civil side through a reasonable set of tort reform laws. Again, bringing that balance back to a more fairer standard for both sides and to society, because I think there are legitimate complaints there.

I know you all campaigned the way I did, and that was one of the major complaints I heard. I used to laugh, and they would ask me what I did for a living. I would kind of mumble that I was a lawyer, at that I was trying to improve the status of my occupation so I was running for Congress. So I do not know if any of you had that same problem, but that certainly was there.

Mr. CHRISTENSEN. During my campaign, even though I am a licensed attorney, people would always ask me what I did. And I never would tell them that I was a licensed attorney because that was usually a strike against me.

Mr. BRYANT of Tennessee. Well, it is. I think, hopefully, as we go through this hour, we are going to talk in more detail about what these two bills do, some of the details, and how they change and, hopefully, as a result of what we do in Congress. I see the gentleman from Arizona [Mr. HAYWORTH] down there. And I think he has something we wants to say.

But people will be pleased that we will get the type of bipartisan support that we are seeing in some of our other bills. We will get our colleagues in the other House to go along with us and have the President sign a bill that will vastly improve our legal system.

Mr. CHRISTENSEN. Madam Speaker, I thank the gentleman from Tennessee for his comments earlier.

I yield to my friend, the gentleman from Scottsdale, AZ [Mr. HAYWORTH], who is on the Committee on Resources, Banking, and Veterans' Affairs.

□ 2320

Mr. HAYWORTH. Madam Speaker, I thank the gentleman from Nebraska, and as I look around this Chamber and think about what has been transpiring in these first 50 days of the Contract With America, I would be remiss if I did not pause to state my very genuine admiration, not only for my friend, the gentleman from Nebraska, but his dynamic duo from Tennessee. In fact, there is a terrific trio, when we think about our good friend, Mr. HILLEARY, also serving with this distinction in this Congress.

I look here and I see my friend, the gentleman from Washington State, RICK WHITE, here in the Chamber, I am also aware of the fact that there of us in this room are blessed with spouses from the great State of Mississippi, all born down there.

It is kind of interesting here, and I look to the Chair, and there is the gentlewoman from New York [Ms. MOLINARI], and Madam Speaker, thank you for being here at this late hour, an hour that is still relatively early in my home district, but in a very real sense, for this Nation, Madam Speaker, the hour is growing late.

Madam Speaker, let me start with this simple statement. The American people want to hold wrongdoers accountable. No one in this Chamber would disagree with that statement. It is a truism, and certainly, as my good friend, the gentleman from Tennessee [Mr. BRYANT], the former U.S. attorney in Memphis, would point out, it is the basis of our legal system, the notion of accountability.

The Common Sense Legal Reform Act restores accountability to product laws. Manufacturers should not be hit with a massive lawsuit because someone deliberately misuses their product.

We are bringing an end to the misuse of punitive damages, an aberration in our system that was increasingly used to give plaintiffs a $1 million plus windfall that they could share with their attorneys.

However, these changes will have little meaning unless we apply them to the notorious cases that are still wreaking havoc within our legal system. It is here where the outrageous punitive damage awards are making a mockery of justice. Wrongdoers are not being held accountable. What is happening, quite sadly, in my opinion, is that some attorneys are milking the system for every cent they can get.

Madam Speaker, to illustrate what I'm taking about, let us focus on the insurance industry for just a moment. I understand that the insurance industry is not going to get a lot of sympathy. I'm not out here searching or hoping to be a defender of the insurance industry. But what is happening with insurance, a service to our society in a real sense, and a product that our society depends on in order to function, should make us think twice before we pass a bill ignoring the problems.

Take the insurance industry within the great State of Alabama, for example. The Prudential Insurance Company, a large, well-established company we all know, had an agent in Alabama. That agent sold an annuity policy to a couple. Nothing unusual there.

But the company soon learned that their own agent had greatly overstated the value of this policy. The agent had deceived the couple, which was trying to legitimately plan for its retirement. What did Prudential do? Prudential did the right thing, alerting the couple about the agent's deception, and offering to return all the premiums the couple had paid.

The company realized that the couple had been mistreated, and the company took steps to repair all the economic damage that had been done to the couple. But instead, the couple chose to sue the company, and like many of these civil justice cases, this one went to trial by jury.

The jury awarded the couple $430,000 in compensatory damages, and then, then a staggering $25 million in punitive damages, $25 million, against a company that tried to right a wrong.

I understand the facts of the case. An elderly couple was deceived. They deserved compensation, no one would argue about that. But under what code of right and wrong does a jury decide that $25 million is justice?

This is what is going on in the great State of Alabama. I conferred with one of our colleagues who hails from that great State. He confirmed it. During the first 9 months of last year, Alabama juries handed down 11 separate multi-million dollar punitive damage verdicts.

Let me quote now from one of our Nation's top legal and criminal experts, professor George Priest of Yale University Law School. He said "The System is totally out of control in Alabama."

Now, we understand full well what will transpire. A lot of the trial lawyers' lobbyists will come down here and say "This is a state issue. The Federal Government has no business passing a national punitive damages cap." Tell that to the people who provide services or sell insurance within the great State of Alabama.

It is worth noting that the Alabama State Legislative did pass a cap, a $250,000 limit on punitive damages. What happened? In the wake of that decision by the Alabama state legislature, elected judges in that State struck it down. No wonder many attorneys want this left as a State issue.

My point is simple, Madam Speaker. If we fail to extend the punitive damage provisions of H.R. 10 to all civil justice cases, then we are fooling ourselves that we have created a far-reaching legal reform within the system.

Madam Speaker, it is simply insufficient to bring reform to one corner of the system while blissfully ignoring the outrages going on in every other aspect of civil law. How many more million dollar awards will have to be handed down before we realize our system is out of kilter with reality, and ultimately, with justice?

We all want to see wrongdoers held accountable but it is worth noting that accountability means restoring a sense of proportion and responsibility to our entire legal system.

I say to my colleagues, Madam Speaker, we are moving in the right direction, but let us not stop before we really get started. Let us work, toward real reform, genuine reform, that will truly touch every American.

Undergirding a variety of these questions, whether they deal with our civil system of law, or, really, any other question that comes before this 104th Congress is this simple notion of the law. I believe my colleagues, the gentleman from Tennessee, Mr. BRYANT, and the gentleman from Nebraska, Mr. CHRISTENSEN, both trained as attorneys, would readily admit this.

It is this simple noting that undergirds, really, the entire legal system, if you will, of Western civilization. That is the question of what is reasonable, the test of what a reasonable persons would apply.

I think it has been shown with stunning clarity, not only in the context of my remarks but, indeed, as we move now into other questions, as we take a look at regulatory reform, as we take a look at so much that has gone on with our Federal Government, we see that that sense of reasonableness has been, if not completely abandoned, then certainly neglected.

Madam Speaker, I welcome the opportunity to join with you for a revolution that is not radical, but one that is reasonable. I look forward to working together to adopt commonsense legal reform.

Mr. BRYANT of Tennessee. Madam Speaker, will the gentleman yield?

Mr. HAYWORTH. I am glad to yield to the gentleman from Memphis.

Mr. BRYANT of Tennessee. I appreciate the gentleman from Arizona articulating his position so well.

I want to, if we could, Madam Speaker, perhaps digress a minute and talk about exactly what punitive damages are. A lot of times, Madam Speaker, in the legal system people may not understand what drives up our verdicts to these ridiculously high figures, in some cases.

Most of the time, those figures are based on punitive damages. Generally, under the laws of all States, as well as the Federal system in civil cases there are two types of damages that a jury or a judge can award. One type is called compensatory damages, and that simply means that a victim of an accident, of any type of lawsuit, is entitled to be fairly compensated, hence, compensatory damages.

Generally that is the type of damages that involves an injury, hospital bills, the pain and suffering, the loss of income, loss of wages; again, things that you can value, things that you can measure, as a general rule.

The law also recognizes the other type of damages, punitive damages, which arose as a philosophical, as a policy issue to punish, hence the word "punitive damages," to punish the defendant, the wrongdoer, in the sense that you want to teach that person a lesson, teach that company a lesson.

You want to deter that type of conduct, and the way society through the courts has recognized that has been simply to award these punitive damages, which really have no measure.

□ 2330

Often they are a pie in the sky. It is whatever a jury feels like giving that particular day under the emotion of a particular trial. As a former defense attorney who defended cases, I can tell you that these are the most difficult types of damages to measure. Again, there are usually no standards, no guidelines, it is just something that a jury is asked to do that day, in whatever mood they might be in and, of course, sometimes you get some rather large figures. But the punitive damages typically under our systems go to the victims and to the victims' attorneys.

It has been suggested that perhaps if punitive damages are awarded, they ought to go not to the lawyer and not to the victim but to society or to some third party. After all, the victim is not necessarily to be compensated with punitive damages since they have already received their compensatory damages. The real purpose is not to pay the victim any more but to deter and to punish that wrongdoer. So that has been suggested.

In our bill, which has now been redesignated as H.R. 956, we talk about punitive damages. This bill will apply throughout both the State and the Federal courts in most civil cases, and it limits, it puts a cap on, if you will, the amount of monetary punitive damages that can be awarded. It limits them to $250,000, or 3 times the compensatory damages given in that particular case, whichever figure is greater.

Mr. CHRISTENSEN. Madam Speaker, will the gentleman yield?

Mr. BRYANT of Tennessee. I yield to the gentleman from Nebraska.

Mr. CHRISTENSEN. So we are not talking in H.R. 956 about taking away that right, or the right to sue or the right to compensatory damages or even the right for punitive damages where there have been examples of egregious conduct on the parts of individuals or corporations. We are just talking about bringing some commonsense legal reform to bear here, three times your economic loss, is that not correct?

Mr. BRYANT of Tennessee. That is right, JON. It is basically heretofore what I have called pie in the sky. Even in criminal law where you actually punish directly a crime, a piece of misconduct, the criminal knows ahead of time or very quickly discovers when he goes to trial what the limitations are. There is a certain sentence, a certain maximum sentence they can receive. But in our civil system with punitive damages, the particular defendant, whether it be an individual or whether it be a company, has no idea other than what the plaintiff's attorney might sue for, which is usually a large amount because, at least in my State, you cannot get any more than you ask for, so they ask for huge sums of money. It really is not fair.

The effect we have seen in our judicial system and in our economy is that when companies are hit with these large punitive damage awards, it acts as a chilling effect. It discourages companies from not only the research and development but primarily the development to new products. Even though they pass certain government standards, they are still in a lot of cases subject to potential liability. So a lot of times the companies had rather not go to that risk and put a new product on the market if they know they are going to be sued and hit with huge sums of money. It has the effect sometimes of stifling growth in not only the new types of products we might get but jobs. Companies all around the country have to deal with ever-increasing insurance premiums which are driven up in large part by again these large verdicts that the insurance companies have to pay out.

It is primarily I think because of that reasoning that we want to see an economy in America that is growing and going, we want to see our companies creating new jobs in the private sector and developing new products that we have taken this approach.

Again, when you look at it in the scheme of why we have punitive damages, and, that is, again to deter companies from doing bad things, and most of the time that is malicious, intentional type of wrongdoing, to me it no longer has the place in our judicial system that it has had in the past. I think reasonable caps which would be fair to both sides, again a reasonable balance in this, is exactly what we need.

Mr. CHRISTENSEN. At this time, I would like to yield to may colleague the gentleman from Seattle, WA [Mr. WHITE], an attorney.

Mr. WHITE. I thank my friend from Nebraska for yielding, I thank the Speaker, and I thank all the other Members of the House who were kind enough to stay here tonight and listen to my humble remarks.

I would like to confess something tonight that really is not too popular these days. That is, ever since I was in grade school, I have wanted to be a lawyer. I finished grade school, high school and college, went on to law school and for the last 15 years or so, I have been a practicing lawyer in the Seattle area and I have enjoyed my practice a great deal. As a lawyer, I have great respect for the law. But I have also discovered something during these 15 years of law practice that I think is very important for us to consider today. That is, the fact that our legal system is badly out of balance and badly needs to be fixed.

Let me just give a couple of examples. Madam Speaker, if you go to Seattle today, you will find some people working in high-rise office buildings with computers that are tied into the financial markets. Every time a stock goes up or down, these computers register what is happening in the marketplace. You think that is not surprising, because there are stockbrokers in every large city. But the fact is, Madam Speaker, many of these people are not stockbrokers. These people are attorneys and they have their computers programmed so that when a stock falls by a certain amount, immediately a complaint can be filed alleging a securities violation.

There is a company in my district who had its stock drop because of an erroneous report about 9 a.m. one morning last year. By 1 p.m. that very afternoon, two 60-page complaints had been filed in the Federal District Court in Seattle. It turns out the announcement was wrong, the complaints later were quietly withdrawn. But the fact is these lawsuits are driven not by the merits of the case but by lawyers out to make a buck.

There are other examples. We have all heard the story of the woman in Arizona who spilled coffee on herself and received a judgment of some $2 million because the restaurant made the coffee too hot.

In the crime area, another example from my own district. A man named Charles Campbell, in 1982, slit the throat of an 8-year-old girl, slit the throat of her mother, slit the throat of the next-door neighbor who just happened to be there at the time. Under very painstaking, elaborate procedures, he was sentenced to death by a Snohomish County jury. Yet for the following 12 years, he evaded his sentence in 3 separate Federal appeals, raising a different issue each time, none of which had any merit. These are problems, my colleagues, that have to be fixed.

I am proud to say that we are starting to make some progress fixing these problems. We have already marked up in one of my committees the securities litigation reform bill. We have passed in this House the crime bill which will solve some of the criminal law problems. This next week we will be seeing some more legislation designed to reform the legal system.

I have been happy to support, as my friend from Nebraska has and others have, even more far-reaching reforms in the legal system. So I think we are making progress.

But as I stand here today, I think back, more than a year ago, probably about a year and a half ago. When I sat down with my wife in our home in Bainbridge Island, Washington, and I explained to her that I was thinking about leaving my law practice and running for Congress. She asked me what I think was a very revealing question. She said, "Why in the world do you want to go from the second most hated profession in the world to the most hated profession in the world?"

I think that is a good question, but I think today we are starting to see the answer. Because if we pass these reforms that we are talking about today, I think we can restore some honor to both professions, to our profession in Congress, and to the profession of the law.

I urge every single one of my colleagues, those that are here and those that are not here tonight, to give careful consideration to each of these legal reform bills as they come before the House and to vote for them to strike a blow for improving our legal system.

Mr. CHRISTENSEN. Madam Speaker, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from Nebraska.

Mr. CHRISTENSEN. The case you brought up earlier about the spilled coffee, and this is a perfect example of how out of control our system is. The hundreds of thousands of dollars and possibly even millions of dollars to try to send a message to the corporation that made that coffee too hot is just an example.

Under our H.R. 956, what we are going to do is bring some reform into that area, to try to bring some common sense into that area. We are not going to take the right away from that individual to bring that lawsuit, but for a spilled coffee, maybe her car was hurt a little bit, maybe she was burned to a significant amount, but to have a multi-thousand-dollar, and I do not even know what the final judgment was. Does anyone know what the final amount was at this time?

Mr. BRYANT of Tennessee. As I recall it was over $3 million awarded. It may have been reduced somewhat by a judge, but it was still a million-dollar judgment.

Mr. CHRISTENSEN. A million-dollar judgment for a spilled coffee because it was too hot and burned someone. That is an example of how out of control our system is. That is why the American people are crying out and saying, "You have got to do something. You have got to address this problem."

□ 2340

I appreciate my colleague from Seattle, because one of the things you have been involved in for so many years up there with a lot of software development companies and you have seen firsthand some of the abuses that have gone on.

Mr. WHITE. If the gentleman will yield, my district is home to some of the most innovative new companies in the United States. Microsoft is in our district, McCall Cellular, many other small companies, and these are the companies that are subject in particular to the kind of securities lawsuits that are brought not by honest plaintiffs trying to recover damages, but by law firms. And I might point out to my colleague who did not have the experience of being in our committee hearings in the Committee on Commerce in the last few weeks, we have heard a lot of talk primarily from the other side of the aisle about the innocent plaintiffs and how they had to be taken care of, our colleagues using many colorful metaphors used by our colleagues referring to the people as Widow Murphy and Widow Goodbody or things of that nature. I would like to bring up another metaphor because these bills are not aimed at a plaintiff who has a legitimate cause, but are aimed at law firms that abuse the profession. But instead of talking about Widow Goodbody or Widow Murphy, we should be talking about do we cheat them, how the plaintiffs' law firms abuse the system in hopes of retaining a large fee and really not having much to do with the benefits to the paintiff.

Mr. CHRISTENSEN. Madam Speaker, I yield to my friend and colleague from Georgia [Mr. BARR], the former U.S. attorney.

Mr. BARR. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, there is a case I read about recently, called Jarndyce versus Jarndyce, and the case of Jarndyce versus Jarndyce was written about in a book and was set forth as an example of a case, a lawsuit, civil lawsuit which droned on and on and on and on, for years, as a matter of fact. And the author described how this lawsuit had generations of lawyers born into it and who died out of it. And every member of this particular bar sooner or later became involved in the case of Jarndyce versus Jarndyce.

That case was written about by one Charles Dickens well over 100 years ago, and it epitomized at that time as it would today the problems with our legal system.

It cannot be the purview and it is not our aim in this 104th Congress to reform everything that is wrong with our legal system. I daresay if that were a goal we might not have enough time in the 104th Congress. But more importantly, it is not the role of the Federal Government to completely restructure the minutia of our legal system.

It is important, for example, to realize that our legal system is one of the tremendous strengths of our society. The access that we have, that our citizens have to our court system is something that all of us in this body, all of us as attorneys, all of us as citizens of this land know is very special and is indeed one of the strengths of America. And it is not our desire nor our goal nor would we stand by and see that system of justice, based as it is on documents as magnificent as the Magna Carta, on documents as magnificent as our Declaration of Independence and our own Constitution, with its amendments, but all of us have a role, all of us have a stake in the credibility of that system, for that system of justice. If it lacks support of the public, if it has no credibility with the public, then we all do indeed suffer.

That is why we in this 104th Congress have undertaken as a very special charge, a charge given to us both explicitly and implicitly by the voters of this country on November 8 to take a look at that system, to do what we can to make sure that it runs more efficiently, that the system is not clogged with frivolous lawsuits, that cases that truly have merit not only find their way into the courts, but are heard on a timely basis by our judges and by our juries.

It is important for us, to the greatest extent possible to streamline that system, and to ensure that the problems that have been written about for ages, such as those written about by Charles Dickens in Jarndyce versus Jarndyce, which although a fictional case both back in his day as well as our day could very well be a case taken directly from almost any superior court or almost any U.S. district court across this land.

What we are about in the 104th Congress and what we have been doing and will be doing in the Committee on the Judiciary, recently, and this week, is to take a look at at least some aspects of our civil judicial system to determine how can it be made better, so that cases are heard on a timely basis, so that cases that truly do have merit are heard and are adjudicated on a timely basis. But also to do what we can to weed out those cases that do not have the merit that brings credibility to our judicial system.

Some claim that this is not within the purview of the 104th Congress or any Congress, and I say to them that flies in the face of our whole system of laws as embodied in our laws, our Constitution, and our rules of procedure and our courts. Clearly there is a role for the Federal Government, for Federal laws to address problems in that legal system as they affect all of our citizens across State boundaries, as so many of our lawsuits necessarily do.

We do not seek and I would not stand here before you, my colleagues, and say we should be in the business of cutting off access to our legal system by citizens who truly have claims that need to be heard, rights or wrongs that need to be made right.

But there are problems, and those problems do need to be addressed and that is why legal reform, rational legal reform, reasonable legal reform, commonsense legal reform, was an important part in the November 8 elections, an explicit part of those elections, and is an important and an explicit and a well-supported and well-documented part of the Contract With America.

I yield to my distinguished colleague from Tennessee.

Mr. BRYANT of Tennessee. Also as a former U.S. attorney and comember of the Committee on the Judiciary I wanted to sort of turn this around a little bit and ask you a question that my good friend from Washington raised, sort of out of the context of what we are talking about tonight, but I think it deserves a further explanation in terms of his talking about a particular set of murders that occurred in Washington State and of the endless death row appeals.

As a part of our Contract With America, and I have already referred to it earlier that we had dealt with some criminal issues, and I would like the gentleman to use his expertise and perhaps explain how we have addressed that situation of these habeas corpus petitions that again have the effect of delaying endlessly death row inmate cases.

Mr. BARR. We could probably look through the annals of any of the appellate books in any of the 50 States or the District of Columbia, certainly; it would not take long to find death penalty cases, not just death penalty cases where we have inmates and defendants who have abused our very cherished habeas corpus system to string out beyond any rational basis, beyond any stretch of the imagination to really tackle the legitimate legal issues involved with a conviction, to the extent that it is not uncommon at all to see 5-, 10-, 12-, 15-, 18-year delays in the time between either the commission of a crime or indeed the imposition of a death sentence and the carrying out of that sentence. That detracts tremendously from the credibility of our criminal justice system.

This is not a new phenomena, this has been going on for years and years and years, yet previous Congresses, as my distinguished colleague from Tennessee full well knows, failed to come to grips, did not have the guts to come to grips with this problem. Whether it was pressure from the ACLU, whether it was fear of prisoner lawsuits or whatever, the problem simply was not addressed by these past Congresses, despite our colleagues on the Republican side raising it over and over again as something that was not only very timely but essential to maintain the credibility or restore the credibility of our criminal system.

So what we have done already as part of the legal reforms, as part of the Contract With America, is to address square on, head first, eye to eye, the problem of habeas corpus reform particularly, but not only as it relates to death penalty cases.

☐ 2350

We have set very finite limits within which habeas corpus which, as my colleagues know, are indirect attacks on criminal sentences such as the death sentence, we have set very strict limitations on the number of petitions that can be filed and the time limits within which those petitions can be filed. But I think it is also important for the American public to know that we have not cut off in any way, shape, or form legitimate avenues of appeal to raise legitimate issues on a timely basis that go to the heart of a case.

We have simply said those matters must be raised in a timely fashion. They must have true merit. And if they do, they will be heard. But if they do not, they will not be heard. And I think this will assist greatly to restore the credibility in our criminal justice system that really reflects on the entire judicial system that is so sorely lacking these days.

Mr. BRYANT of Tennessee. I think, as our colleague, the gentleman from Nebraska, JOHN CHRISTENSEN, has been talking about all night, in that area, we have restored credibility, common sense, as we are attempting to do, as we are beginning to attempt to do in this area of civil justice and tort reform. And it is kind of the whole concept I think that we as freshmen brought up here. And one of the most enjoyable things, I guess, that offsets these long hours we work, it is almost midnight here in Washington, is the fact that we are able to do and in fact our leadership is allowing us to do what we said we would do. We are meeting our obligations. We are fulfilling our promises under the Contract With America and that is exciting.

Mr. CHRISTENSEN. And I believe it is refreshing and exciting for the American people to have two former U.S. attorneys involved in the legal reform fight to bring common sense back to America and to have you a part of not just the criminal reform but also of this civil tort reform. That is what I think the American people can relish, is that Members from our own body are going to try to bring some common sense back to our own, to our own brethren, to try to realign where we have gotten off stray. It is exciting to be part of this and what I hope to see would be a grassroots swell of support from the people in Nebraska and Omaha, in Memphis, TN, and in Georgia to see it happening from the grassroots up. So I am privileged to be part of this.

I thank my colleagues for their colloquy tonight.

Madam Speaker, I have a few comments before we close this evening. I thank you for your indulgence through this evening. In a few weeks we will be taking on this fight, this fight to expand our tort reform to take a look at all civil areas and so that we can expand in to take tort reform not just to product liability but to all areas of civil torts. One of the things that I am most encouraged about is that there is over 75 signatures on a sheet that we circulated today, just 1 day of circulation, that there is a lot of support in grassroots America and in the House of Representatives for what we are talking about.

And if there was ever a time to bring some common sense to legal reform, it is now.

Mr. HEINEMAN. Mr. Speaker, meaningful tort reform is of great importance to all Americans—not just big business as the trial lawyers would have you believe. By limiting runaway punitive damage awards, we have the opporutnity to help local groups such as Little League and the Boy Scouts, city and town government, enterpreneurs, small businesses, doctors, and other providers of services.

The great majority of States have no standards or guidelines that juries or the courts can use to determine the maximum possible award in a case. As a result, the frequency, and more importantly, the size of punitive damage awards have increased markedly in the past years.

A Rand Corp. study found that in Cook County, IL, there was a 2000 percent increase in punitive damage awards over a 20-year period. Perhaps even more startling was the size of the awards. Over that same period, the average punitive damage award increased from $7,000 to $729,000.

Dr. Peter Huber of the Manhattan Institute estimates that our tort liability system, in effect, imposes a direct tax upon us all to the tune of $80 billion a year.

However, the primary impact is not in the courtroom, but at the settlement table, where more and more defendants settle out of court to bypass arbitrary awards.

Punitive damage awards are not only unfair to corporate defendants, they hurt the consumers of products and services. A recent study of the economic impact of punitive damages in Texas found that huge punitive damage awards penalize everyone across the board as costs are shifted to the consumer in the form of higher prices and fewer innovative goods being produced. Without innovation we cannot compete in the global marketplace.

However, punitive damage reform limited to product liability cases addresses only a small part of the current abuses in litigation. There is a compelling need for a Federal standard for all cases in which punitive damages are sought.

In last week's Wall Street Journal, Creighton Hale, the CEO of Little League Baseball, chronicled how frivolous litigation seriously threatens Little League. The astronomical cost of litigation and the fear of being sued scares away volunteer coaches, umpires, and even the kids.

Little League has seen its liability insurance skyrocket 1000 percent—from $75 per league to $795. So, instead of buying protective equipment to enable more children to bat, throw, run and catch, Little League subsidizes those who take advantage of the current system.

Unbearable litigation, insurance costs, and fear of being sued unnecessarily is a common problem to all nonprofits. That is why expansion of the substantive reforms contained in the Commonsense Legal Reform Act will provide the predictability and proportionality in all civil tort cases.

My 38 years in law enforcement taught me that those accused of a crime have the constitutional protection to have notice of the charges and what punishment they face. Similarly, we should afford businesses, municipalities, and charitable organizations the same protection.

I certainly don't seek to avoid just compensation for those who have suffered legitimate losses as the result of neglect, misconduct, or indifference. Injured parties should be promptly and fairly compensated. The Commonsense Legal Reform Act allows equitable awards and in no way proscribes compensatory damages in any tort action.

Nor am I attempting to eliminate punitive damages. But fairness requires that damages bear a reasonable relationship to the person's actual injury. Unfortunately, in today's litigious society that simply is not the case.

Passage of the Commonsense Legal Reform Act is a vital step forward to provide equity throughout our civil justice system for all Americans. Let's rein in those who are abusing the system and are shutting down small businesses, the YMCA, the United Way, the Boy Scouts, and Little League.

GENERAL LEAVE

Mr. CHRISTENSEN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Ms. MOLINARI). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRAPO (at the request of Mr. ARMEY) for today, on account of illness in his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. ORTON, for 5 minutes, today.

(The following Members (at the request of Mr. CHRISTENSEN) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes, today.

Mr. TORKILDSEN, for 5 minutes, on February 22.

Mr. BRYANT, for 5 minutes, on February 22.

Mr. GRAHAM, for 5 minutes, on February 22.

Mr. HILLEARY, for 5 minutes, on February 22.

Mr. BURTON of Indiana, for 5 minutes, today and on February 22.

Mr. SCARBOROUGH, for 5 minutes, today and on February 22, 23, and 24.

Mr. MICA, for 5 minutes, on February 22 and 23.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. EWING, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. MOAKLEY, and to include extraneous matter, on House Resolution 88 today.)

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. BECERRA.

Mrs. MEEK of Florida.

Mr. UNDERWOOD.

Ms. RIVERS.

Mr. KLECZKA.

Mr. COYNE.

(The following Members (at the request of Mr. CHRISTENSEN) and to include extraneous matter:)

Mr. CRANE.

Mr. PACKARD.
Mr. BURTON of Indiana.
Ms. HUNTER.
Mr. TATE.
Mr. DAVIS.
Mr. GOODLING.
Mrs. JOHNSON of Connecticut.
Mr. BUNNING of Kentucky.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 257. An act to amend the charter of the Veterans of Foreign Wars to make eligible for membership those veterans that have served within the territorial limits of South Korea; to the Committee on the Judiciary.

ADJOURNMENT

Mr. CHRISTENSEN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 22, 1995, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

381. A communication from the President of the United States, transmitting his request to make available emergency appropriations totaling $145 million in budget authority for the Department of Housing and Urban Development and the Department of Commerce, and to designate these amounts as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104–38); to the Committee on Appropriations and ordered to be printed.

382. Acting Director, Defense Security Assistance Agency, transmitting notification concerning a collaborative counterterrorism research and development effort with the United Kingdom (Transmittal No. 02–95), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

383. Assistant Secretary for Human Resources and Administration, Department of Energy, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

384. Secretary, Department of Energy, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1994, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

385. Secretary, Resolution Trust Corporation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

386. Deputy Administrator, General Services Administration, transmitting an informational copy of the report of building project survey for Hilo, HI; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 421. A bill to amend the Alaska Native Claims Settlement Act to provide for the purchase of common stock of Cook Inlet Region, and for other purposes; with an amendment (Rept. 104–40). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 622. A bill to implement the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (Rept. 104–41). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 715. A bill to amend the Central Bering Sea Fisheries Enforcement Act of 1992 to prohibit fishing in the Central Sea of Okhotsk by vessels and nationals of the United States (Rept. 104–42). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 91. Resolution providing for the consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public; and for other purposes (Rept. 104–43). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 92. Resolution providing for consideration of the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes (Rept. 104–44). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 993. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support; to the Committee on International Relations.

By Mr. CHAPMAN (for himself, Mr. MICA, Mr. DELAY, Mr. DEAL of Georgia, and Mr. PETE GEREN of Texas):

H.R. 994. A bill to require the periodic review and automatic termination of Federal regulations; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. ARMEY, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HOEKSTRA, Mr. MCKEON, Mrs. MEYERS of Kansas, Mr. TALENT, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. WELDON of Florida, and Mr. MCINTOSH):

H.R. 995. A bill to amend the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, claims, and other consumer protections and freedoms for workers in a mobile workforce; to increase purchasing power for employers and employees by removing barriers to the voluntary formation of multiple employer health plans and fully-insured multiple employer arrangements; to increase health plan competition providing more affordable choice of coverage by removing restrictive State laws relating to provider health networks, employer health coalitions, and insured plans and the offering of medisave plans; to expand access to fully-insured coverage for employees of small employers through fair rating standards and open markets; and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HOEKSTRA, Mr. MCKEON, Mrs. MEYERS of Kansas, Mr. TALENT, Mr. GREENWOOD, Mr. HUTCHINSON, Mr. KNOLLENBERG, Mr. GRAHAM, Mr. WELDON of Florida, and Mr. MCINTOSH):i

H.R. 996. A bill to improve portability, access, and fair rating for health insurance coverage for individuals; to the Committee on Commerce and in addition to the Committee on Economic and Educational Opportunities.

By Mr. CRANE:

H.R. 997. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the Medicare Program of certain chiropractic services authorized to be performed under State law; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be sebsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON:

H.R. 998. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for certain individuals who work at or live in the community of a plant, facility, or enterprise that is scheduled to close or undergo significant layoffs, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. GOODLING:

H.R. 999. A bill to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants in States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VENTO (for himself, Mr. ACKERMAN, Mr. BECERRA, Mr. BEILENSON, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Mr. CARDIN, Mr. CLAY, Mr. COLEMAN, Mr. CONYERS, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DURBIN, Ms. ESHOO, Mr. EVANS, Mr. FARR, Ms. FURSE, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HOLDEN, Mr. JACOBS, Mr. JOHNSTON of Florida, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. LANTOS, Mr. LIPINSKI, Mr. MARKEY, Mr. MATSUI, Mr. MINGE, Mrs. MINK of Hawaii, Mr. MORAN, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RAMSTAD, Mr. REED, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SANDERS, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SPRATT, Mr. STARK, Mr. TORRES, Ms. VELAZQUEZ, Mr. WAXMAN, Mr. WILLIAMS, Ms. WOOLSEY, Mr. YATES, and Mr. ZIMMER):

H.R. 1000. A bill to designate certain lands in Alaska as wilderness; to the Committee on Resources.

By Mr. GEJDENSON:

H.R. 1001. A bill to deauthorize a portion of the project for improving the Mystic River, CT; to the Committee on Transportation and Infrastructure.

H.R. 1002. A bill to amend the Oil Pollution Act of 1990 to exempt marinas from the financial responsibility requirements applicable to offshore facilities under that act; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut (for herself, Mr. NEAL of Massachusetts, and Mr. JEFFERSON):

H.R. 1003. A bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal hours of limitation; to the Committee on Ways and Means.

By Mr. JOHNSON of South Dakota:

H.R. 1004. A bill to protect the public from the misuse of the telecommunications network and telecommunications devices and facilities; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING (for himself, Mr. ISTOOK, Mr. SAM JOHNSON, and Mr. FORBES):

H.R. 1005. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. DAVIS, Mr. RANGEL, Mr. DOYLE, Mr. FROST, and Mr. ACKERMAN):

H.R. 1006. A bill to amend title 38, United States Code, to provide housing benefits for the purchase of residential cooperative apartment units; to the Committee on Veterans' Affairs.

By Mr. ROBERTS:

H.R. 1007. A bill to amend title 23, United States Code, to permit a maximum speed limit of 65 miles per hour on any highway within a State's jurisdiction located outside an urbanized area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. THOMPSON:

H.R. 1008. A bill to require periodic maintenance dredging for the Greenville Inner Harbor Channel, MS; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. DAVIS introduced a bill (H.R. 1009) for the relief of Lloyd B. Gamble; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. MCKEON, Mr. SOUDER, Mr. FIELDS of Texas, Mr. FRELINGHUYSEN, Mr. BROWNBACK, Mr. LIVINGSTON, Mr. WHITE, Mr. MONTGOMERY, Mr. BRYANT of Tennessee, Mr. BARRETT of Nebraska, and Mr. GILLMOR.

H.R. 28: Mr. BAKER of Louisiana.

H.R. 29: Mr. FOX, Mr. SAXTON, Mrs. SEASTRAND, and Ms. LOFGREN.

H.R. 44: Mr. LEACH, Mr. TORRES, Ms. PELOSI, Mr. KING, Mr. BILBRAY, and Mr. BEREUTER.

H.R. 52: Mr. ORTON, Mr. EHLERS, Mrs. CHENOWETH, Mr. MINETA, and Mr. SAXTON.

H.R. 70: Mr. BARTLETT of Maryland, Mr. PAXON, and Mr. BONILLA.

H.R. 86: Mr. SAXTON.

H.R. 104: Mr. ROYCE and Mr. BACHUS.

H.R. 216: Mr. BARTLETT of Maryland, Mr. BAKER of California, and Mr. FOLEY.

H.R. 259: Mr. COX, Mr. KNOLLENBERG, Mr. PAXON, and Mr. BAKER of Louisiana.

H.R. 304: Mr. FOX and Mr. STUMP.

H.R. 305: Mr. SERRANO, Mr. OWENS, Mr. QUINN, and Mr. ACKERMAN.

H.R. 312: Mr. ORTON and Mr. GOSS.

H.R. 325: Mr. CRAPO, Ms. DUNN of Washington, Mr. ENGLISH of Pennsylvania, Mr. BRYANT of Tennessee, Mrs. CHENOWETH, Mr. BAESLER, Mr. TIAHRT, Mr. NORWOOD, Mr. SOUDER, Mr. CALVERT, Mr. MARTINI, Mr. MCCOLLUM, Mr. COLLINS of Georgia, Mr. FOLEY, Mr. THORNBERRY, and Mr. WAMP.

H.R. 359: Mr. KILDEE and Mr. GENE GREEN of Texas.

H.R. 370: Mr. RADANOVICH.

H.R. 390: Mr. GEJDENSON, Mr. HILLIARD, Mr. OLVER, Mr. NETHERCUTT, Mr. LEACH, and Mrs. MEYERS of Kansas.

H.R. 404: Ms. MOLINARI.

H.R. 426: Mr. THORNBERRY, Mrs. CLAYTON, Mr. EVANS, and Mr. BARTON of Texas.

H.R. 427: Mr. THORNBERRY, Mr. DOOLITTLE, Mr. ROHRABACHER, Mr. COOLEY, and Mr. STUMP.

H.R. 450: Mr. EVERETT.

H.R. 479: Mr. STUMP.

H.R. 483: Mr. SAM JOHNSON, Mr. EHLERS, Mr. HALL of Texas, Mr. ACKERMAN, Mr. RAMSTAD, Mr. LUTHER, Mr. ROGERS, Ms. MOLINARI, Mr. HILLIARD, and Mrs. MORELLA.

H.R. 493: Mr. EVANS.

H.R. 521: Ms. LOFGREN.

H.R. 559: Mr. MINETA, Ms. LOFGREN, and Mr. KILDEE.

H.R. 564: Mr. FOX.

H.R. 571: Mr. HUNTER, Mr. SKEEN, Mr. BARRETT of Wisconsin, and Mr. JONES.

H.R. 587: Mrs. MEYERS of Kansas, Ms. ESHOO, and Mr. BLUTE.

H.R. 592: Mr. STEARNS, Mr. SAXTON, and Mr. BAKER of Louisiana.

H.R. 593: Mr. BAKER of Louisiana.

H.R. 600: Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. LOWEY.

H.R. 607: Mr. DOOLITTLE, Mr. COX, Mr. GUNDERSON, Mr. BASS, Mr. ENGLISH of Pennsylvania, Mr. LARGENT, Mr. WILLIAMS, Mrs. WALDHOLTZ, Mr. SANDERS, and Mr. HOSTETTLER.

H.R. 658: Mr. VENTO and Mr. BONIOR.

H.R. 682: Mr. ENSIGN, Mr. BAKER of Louisiana, Mr. SAXTON, Mr. BLUTE, and Mr. FUNDERBURK.

H.R. 696: Mrs. MINK of Hawaii, Mr. TORRES, Mr. SISISKY, Mr. BACHUS, Mr. PETRI, Mr. CASTLE, and Mr. THOMPSON.

H.R. 697: Mr. BAKER of Louisiana and Mr. PETRI.

H.R. 707: Mr. BARTLETT of Maryland.

H.R. 708: Mrs. LINCOLN, Ms. VELAZQUEZ, Ms. ESHOO, Mrs. SMITH of Washington, Mr. BAKER of Louisiana, and Mr. BACHUS.

H.R. 752: Mr. SAM JOHNSON, Mr. HERGER, Mr. CRANE, and Mr. TATE.

H.R. 771: Mr. ACKERMAN, Mr. GENE GREEN of Texas, Mr. FROST, Mr. BRYANT of Texas, and Mr. RANGEL.

H.R. 789: Mr. BACHUS.

H.R. 803: Mr. ORTON, Mr. SAM JOHNSON, Mr. HOUGHTON, Mr. FORBES, Mr. MINETA, Mr. BAKER of Louisiana, and Mr. SAXTON.

H.R. 809: Mr. SAXTON and Mr. WYNN.

H.R. 858: Mr. RAHALL, Mr. ABERCROMBIE, Mr. TORRES, Mr. GENE GREEN of Texas, Mr. RANGEL, and Mr. NEY.

H.R. 860: Mr. NEY, Mr. ROHRABACHER, Mr. FOX, Mr. SOLOMON, Mr. HERGER, Mr. CHAMBLISS, Mr. COX, Mrs. SMITH of Washington, Mr. LUCAS, Mr. COBLE, and Mr. FORBES.

H.R. 899: Mr. ROYCE, Mr. EWING, Mr. LOBIONDO, Mr. MYERS of Indiana, Mr. MCINTOSH, Mr. CRAPO, Mr. DOOLITTLE, Mr. SAM JOHNSON, Mr. MINGE, Mr. CHRYSLER, Mr. REED, Mr. SAWYER, Mr. KIM, Mr. COOLEY, Mr. PACKARD, Mr. BAKER of California, Mr. BONO, Mr. MORAN, Mr. GUTKNECHT, Ms. PRYCE, Mr. LEWIS of California, Mr. BUYER, Mr. BURTON of Indiana, Mr. HYDE, Mrs. SEASTRAND, Mr. ISTOOK, Mr. DAVIS, Mr. PETE GEREN of Texas, Mr. BAKER of Louisiana, Mr. TIAHRT.

H.R. 922: Mr. RANGEL, Mr. WAXMAN, and Mr. BRYANT of Texas.

H.R. 923: Mr. UPTON, Mr. SOUDER, Mr. SANFORD, Mr. INGLIS of South Carolina, and Mr. JACOBS.

H.R. 924: Ms. PELOSI.

H.R. 949: Mr. STUMP.

H.R. 989: Mr. BECERRA.

H. Con. Res. 12: Mr. POMEROY, Mr. SAXTON, Mr. JOHNSON of South Dakota, Mr. FRANK of Massachusetts, Mr. LIVINGSTON, Mr. SHUSTER, and Mr. KLUG.

H. Con. Res. 22: Mr. GENE GREEN of Texas, Mr. BRYANT of Texas, Mr. FILNER, Mr. PALLONE, Ms. SLAUGHTER, Mr. VENTO, Mr. NADLER, Ms. PELOSI, Mr. GEJDENSON, Mr. ROMERO-BARCELÓ, and Mr. MASCARA.

H. Con. Res. 27: Mr. FOX and Mr. GILMAN.

H. Con. Res. 28: Mrs. SMITH of Washington, Mr. STUPAK, Mr. CHAPMAN, Mr. METCALF, Mr. MCHUGH, Mr. BALDACCI, and Mr. ORTIZ.

H. Res. 15: Mrs. LOWEY.

H. Res. 30: Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Ms. ESHOO, Mr. QUINN, Mr. ORTON, Mr. CRAMER, Mr. THOMPSON, Mr. ROMERO-BARCELÓ, and Mr. BAKER of Louisiana.

H. Res. 45: Mr. STARK, Ms. ESHOO, Mr. DEUTSCH, Ms. RIVERS, Mr. WILLIAMS, Mr. RAHALL, and Mr. DELLUMS.

H. Res. 56: Mr. STEARNS and Mr. LAZIO of New York.

H. Res. 80: Mr. HUTCHINSON, Mr. BAKER of California, Mr. DORNAN, Mr. KINGSTON, Mr. DELLUMS, Mr. FUNDERBURK, and Mr. FOLEY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 450

OFFERED BY: MR. BAKER OF LOUISIANA

AMENDMENT NO. 1: At the end of section 5 (page , line), add the following new subsection:

(c) MIGRATORY BIRD HUNTING SEASON REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Department of the Interior relating to establishing or conducting a hunting season for migratory birds.

H.R. 450

OFFERED BY: MR. BENTSEN

AMENDMENT NO. 2: At the end of section 5 (page , line), add the following new subsection:

(c) REGULATORY RULEMAKING ACTIONS BY SECURITIES AND EXCHANGE COMMISSION.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Securities and Exchange Commission.

H.R. 450

OFFERED BY: MR. FATTAH

AMENDMENT NO. 3: At the end of section 5 add the following new subsection:

(c) SPECIFIC RULEMAKING RELATING TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act, Public Law 103-297.

H.R. 450

OFFERED BY: MR. FATTAH

AMENDMENT NO. 4: At the end of section 2 add the following new sentence: "The Congress also finds that it is important to improving the efficiency and proper management of Government operations that the moratorium not hinder the efforts by both States and the Federal Government to reduce fraud.".

H.R. 830

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 1: Page 6, beginning at line 23, strike "soliciting, or requiring the disclosure to third parties or the public," and insert "or soliciting,".

Page 9, beginning at line 18, strike "records," and all that follows through page 10, line 2, and insert "records.".

Page 49, beginning at line 12, strike "maintain, provide, or disclose information to or for any agency or person" and insert "maintain or provide information to or for any agency".

Page 54, beginning at line 5, strike "obtaining," and all that follows through line 7 and insert "the collection of information—".

Page 55, beginning at line 3, strike "obtaining," and all that follows through "opinions" on line 5, and insert "the collection of information".

H.R. 830

OFFERED BY: MR. CRAPO

AMENDMENT NO. 2: Page 48, strike line 24 and all that follows through line 8 on page 49, and insert the following:

"(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to—

"(1) a private right of action to enjoin, set aside, or vacate such action, which may be pursued in a United States district court under section 1331 of title 28; or

"(2) a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

H.R. 830

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 3: At the end of the bill, add the following new section:

SEC. . SUNSET.

(a) REPEAL OF CHAPTER.—Chapter 35 of title 44, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The tale of chapters at the beginning of title 44, United States Code, is amended by striking the item relating to chapter 35.

(c) EFFECTIVE DATE.—This section shall take effect 5 years after the date of the enactment of this Act.

EXTENSIONS OF REMARKS

AFRICAN-AMERICAN HISTORY MONTH: MARKING A CENTURY OF ACHIEVEMENT AND STRUGGLE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. COYNE. Mr. Speaker, I am pleased to join in this year's celebration of African-American History Month which provides an opportunity to consider the theme of "Reflections on 1895: Douglass, DuBois, Washington."

The 100 years since 1895 have been marked by some of the greatest advancements in the struggle for civil rights for the African-American community. An ability to look into the past reveals clear markers of significant progress in the status of African-American within the political, economic, and cultural life of the United States. A review of our Nation's past also leads us to identify certain heroic individuals who made a unique and lasting contribution to the great march forward toward equal rights for all Americans, regardless of color.

Individuals like Frederick Douglass, William Edward Burghardt DuBois, and Booker T. Washington are clearly outstanding heroic figures in the struggle for African-American dignity. What is less clear to many Americans is the fact that their lives were characterized by both triumphs and setbacks. The great strides they made on behalf of African-American civil rights did not always follow straight lines.

What is important to stress, however, is the fact that these three great African-Americans remain focused with their "eyes on the prize" even during periods of great challenge. The example they provide of commitment and perseverance is one that should continue to inspire African-Americans and Americans of all colors who are dedicated to the idea of equality.

The year 1895 marked a period of reconstruction and reaction in our Nation's history when African-Americans faced new oppression and violence. Hopes for the attainment of African-American civil and economic rights were being shattered by a resurgent racism no longer constrained by leadership from the Federal Government. An environment of violent oppression existed which was characterized by nightriders and lynchings. Legalized oppression took the form of poll taxes and Jim Crow segregation laws. Efforts by white political groups to deny African-Americans their civil rights would be given the sanction of the U.S. Supreme Court 1 year later in the 1896 Plessy versus Ferguson decision upholding the principle of separate but equal.

The year 1895 also marked the passing of Frederick Douglass who was an outstanding leader of the highest rank in the abolitionist movement. Frederick Douglass, who was born in slavery, dedicated his life to ending slavery and then securing the full legal rights of freed African-Americans. He confronted the harshest reality of his time—a brutal and dehumanizing slave system—with an unending commitment to winning freedom for all African-Americans.

Frederick Douglass was a man of his time but he was not constrained by the attitudes and expectations of his time. He spoke boldly in the cause of abolition to both Presidents and slaveowners. He challenged all Americans to stand by the promises made with adoption of the 13th, 14th, and 15th amendments to the U.S. Constitution. Frederick Douglass passed away in 1895 after a long lifetime in which he could still see both uncorrected injustices and signs of dramatic progress.

W.E.B. DuBois and Booker T. Washington both benefited from the legacy of Frederick Douglass but would make their own distinct contributions to African-American history. W.E.B. DuBois chose to take up the challenge of securing full political rights that had been left behind by Frederick Douglass. Booker T. Washington advocated setting aside political rights as a primary agenda so that full attention could be focused on achieving economic standing for African-Americans. They shared, however, a commitment to addressing the realities faced by African-Americans in 1895 and dedicated their lives to changing the times in which they lived.

Booker T. Washington was already well recognized as an African-American leader and founder of the Tuskegee Institute in 1895 when he gave a landmark speech at the Atlanta Exposition. He was an advocate of a ruralist agenda for African-Americans that steered clear of political activism in favor of economic attainments. Booker T. Washington believed that African-Americans could best secure a position in American society through industrial education and vocational training. While this position was controversial among many African-Americans, Booker T. Washington's views were instrumental in shaping relations among white Americans and African-Americans in the decades immediately following 1895.

In 1895, W.E.B. DuBois became the first African-American to receive a Ph.D. degree from Harvard University. He embarked on a lifelong commitment to using his writings and public remarks to advance the political liberties of fellow African-Americans. His many books and articles served to document the violence and injustice experienced by African-Americans. This work served to focus attention on the status of African-Americans to challenge the injustice of the system in which they lived.

Dr. DuBois emerged as a political leader in the tradition of Frederick Douglass and played a central role in the establishment of the NAACP. He helped to convince a generation of African-Americans that Booker T. Washington's vision of economic sufficiency would not be adequate to secure a proper respect for African-Americans as U.S. citizens. Dr. DuBois provided a new focus on political action that would bear its fruits in the civil rights movement of the 1950's and 1960's.

The lives of Douglass, DuBois, and Washington were characterized by over 70 years collectively of commitment to the advancement of African-Americans. The passing of Frederick Douglass in 1895 marked a time when succeeding African-American leaders like Washington and DuBois would take on in turn the mantle of leadership. these were men who responded to political realities and provided the vital leadership necessary to create a new realities that advanced the standing of African-Americans in our society.

Mr. Speaker, 100 years ago in 1895, the United States looked to the leadership of individuals like Douglass, DuBois, and Washington at a time when reaction and retreat characterized the attitude of many white Americans toward their fellow African-American citizens. Today, we also have leaders in the African-American community who are ready to confront the forces of reaction and retreat wherever they may be found. The men and women active in the civil rights movement today have a right to be proud of the accomplishments of leaders like Douglas, DuBois, and Washington.

It is my hope that African-Americans will also be inspired by the example of Douglass, DuBois, and Washington as a new generation continues to work for the equality and civil liberties that should be available to all Americans.

TRIBUTE TO COL. AARON BANK

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. PACKARD. Mr. Speaker, I rise to pay tribute to a military legend, 92-year-old Col. Aaron Bank of San Clemente, CA. Heralded as the father of the Green Berets, Colonel Bank was instrumental in developing one of this country's most respected and renowned military divisions.

As a member of a small group of senior officers in the Department of the Army, Colonel Bank recognized the need for an unconventional warfare organization within the framework of the U.S. Army. His unique military vision and experience earned him the role as commander of the first special forces group in the history of the U.S. Army.

Colonel Bank translated the concept of a U.S. Army unconventional warfare organization into a practical reality. This elite fighting force represents some of the bravest, toughest, most resourceful, accomplished men in the world. Colonel Bank led the charge in organizing one of the most prestigious special

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

force organizations in the world. He truly is the father of the Green Berets.

His unique, daring military experiences span the globe and history: executing operations within the French resistance; the three-man guerrilla team air-dropped behind enemy lines to pave the way for the Allied invasion; an incredible secret plot to capture Hitler; his remarkable meeting with Ho Chi Minh in Indochina. Colonel Bank was instrumental in changing the course of history and making the world a safer place for people everywhere. He truly is an extraordinary leader.

Mr. Speaker, I hope you and my colleagues will join me in recognizing the contributions and accomplishments of Col. Aaron Bank. I join friends and family who salute him.

THE STRANGE CASE OF EFRAIN BAMACA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. BURTON of Indiana. Mr. Speaker, the democratic Government of Guatemala has been put under a great deal of pressure to resolve the case of Efrain Bamaca, a commander of the URNG, a Marxist terrorist group that has been fighting for power in Guatemala for 34 years.

The Government says Mr. Bamaca was killed in combat in 1992. Jennifer Harbury, an American citizen who says she is Mr. Bamaca's widow, claims he is being held in a clandestine military prison.

As we weigh Ms. Harbury's claims, I urge my colleagues to take the following into account.

First, Ms. Harbury is a strong partisan of the URNG. In the press, this is seldom mentioned. But she makes it no secret. In fact she published a book, "Bridge of Courage," portraying the struggle of this Marxist movement in glowing, heroic terms. On the back cover, the top endorsement comes from one of the worst violators of human rights in the hemisphere, Daniel Ortega. In one chapter, entitled "How You Can Make A Difference," she points out that Americans are legally barred from aiding the military efforts of the URNG, but strictly humanitarian aid is legal. Given her intense commitment to the URNG cause, it is plausible that her campaign on behalf of Mr. Bamaca is, like the URNG's military and political actions, designed first and foremost to weaken the democratically elected Government of Guatemala.

Second, Ms. Harbury is seeking far better treatment than Guatemalans in her position.

Ms. Harbury demands that the government of President Ramiro de Leon Carpio—which took office over a year after the fateful military engagement involving Comandante Bamaca—produce her husband or his remains. This is in the context of a guerrilla war with countless human rights violations on both sides and no record of prisoner exchanges. Bamaca is one of thousands whose fate is unknown.

In fact, there have been so many abuses that the Guatemalan Government and the URNG agreed last June on a way to address them all. A special Historical Commission will conduct a sweeping investigation and issue a public report, as Chile's Government did after the Pinochet era.

So, even though her case received special attention last year, Ms. Harbury continues to demand higher priority than the thousands of Guatemalan widows of soldiers and guerrillas, who will await the Historical Commission.

Out of all this, a few things are clear.

First, Ms. Harbury will be back in the headlines next month with her second hunger strike, pressuring President Clinton to take action against Guatemala.

Second, she is hoping for a second free ride in the media. Human interest coverage brings few hard political questions. Her marriage alone provides a wealth of questions for a good political reporter. There are no photos of her with her husband, and records of her marriage in Texas can only be described as bizarre. When the URNG sought investigators' help locating Bamaca in 1992, their documents didn't mention that he was married. When Harbury has travelled to Guatemala, Bamaca's parents have declined to meet her.

Third, Harbury's campaign helps the URNG at a critical time. The rebels are in the process of abandoning U.N.-mediated peace talks, after those talks made major progress in 1994. The URNG doesn't want to face the next major issue—ceasefire and demobilization—so it is walking away from the table. Its futile military struggle, with the suffering it brings to the Guatemalan people, will continue.

That is the real crime in Guatemala—the trashing of a peace process that is close to ending a 34-year conflict. If U.S. media attention stays on a guerrilla commander lost in combat 3 years ago, it's a crime that won't get the attention it deserves.

WORK IS THE MAIN THING

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. HUNTER. Mr. Speaker, I rise today to call the attention of the House to an article by Mr. Lewis Lehrman that appeared in the Wall Street Journal on Friday, February 10. In the spirit of President's Day, Mr. Lehrman's article on Abraham Lincoln is something I believe that we as an institution should remember about a man who has taught us so much. I submit Mr. Lehrman's article for the RECORD.

[From the Wall Street Journal, Feb. 10, 1995]

WORK IS THE MAIN THING

(By Lewis E. Lehrman)

Abraham Lincoln, whose birthday we celebrate on Sunday, is generally remembered for winning the Civil War and freeing the slaves. He should be. But the great lost truth about our 16th president is that during most of his political career he focused, not on slavery, but on a policy for economic growth and equal opportunity for the new nation. As Lincoln explained over and over, slavery was an involuntary economic exchange of labor, based on coercion; and, therefore, it was theft. Slavery, in short, was the antithesis of free labor, and thus Lincoln opposed it on moral and economic principle.

One of the hidden strengths of Lincoln's political philosophy was its grounding in a thorough grasp of economic theory and policy. That Mr. Lincoln had a coherent economic philosophy is one of the most obvious facts that emerges from Roy Basler's definitive 11-volume edition of the 16th president's original writings, speeches and state papers. Anyone who doubts this should read Gabor Boritt's pathbreaking book on "Lincoln and the Economics of the American Dream."

Though Jeffersonian populist in sentiment, Mr. Lincoln's economics were, paradoxically, Hamiltonian in policy. We can see this when, on his way to Washington in early 1861, he declared in Philadelphia, "I have never had a feeling politically that did not spring from the sentiment embodied in the Declaration of Independence." This idea he later vindicated at Gettysburg in 1863 by upholding "a new birth of freedom" in an America "dedicated to the proposition that all men are created equal." One year later he explained to Ohio soldiers visiting the White House that the Civil War itself was a struggle to create "an open field and a fair chance for your industry, enterprise, and intelligence; that you may all have equal privileges in the race of life. * * *"

EQUALITY OF OPPORTUNITY

Lincoln's equality was equality of opportunity. He denied explicitly that American equality was equality of result. In 1857 at Springfield, he said: "I think the authors [of the Declaration] intended to include all men, but they did not intend to declare all men equal in all respects. They did not mean to say all were equal in color, size, intellect, moral developments, or social capacity. They defined with tolerable distinctness, in what respects they did consider all men created equal—equal in certain inalienable rights, among which are life, liberty and the pursuit of happiness."

He also opposed direct federal taxation, except by necessity of war, because, as he said, "the land must be literally covered with assessors and collectors, going forth like swarms of locusts, devouring every blade of grass. * * *" Like Alexander Hamilton, he preferred a tariff because, Lincoln suggested, customs collectors on the coast would do less harm to the people than tax collectors roaming their neighborhoods.

He believed that government should be pro-labor by being pro-business; thus for 20 years, he advocated government help in creating canals, railroads, banks, turnpikes and other public institutions needed to integrate a free national market, to increase opportunity and social mobility, and to make the American economy more productive. As the economic historian Bray Hammond has noted, Lincoln was also a sophisticated student of banking and monetary policy, arguing throughout his political career that "no duty is more imperative on government, than the duty it owes the people of furnishing them a sound and uniform currency."

His economic philosophy, above all, was based upon "his patient confidence in the ultimate justice of the people." He was an authentic populist. But he saw no necessary conflict between labor and capital, believing them to be cooperative in nature. Only cooperation could, in a society of free labor, produce economic growth and increasing opportunity for all. Lincoln argued that capital was, itself, the result of the free labor of mind and muscle. People were the most important resource, not wealth. In fact this idea was so important that President Lincoln argued in his first annual message of 1861 that "labor is prior to, and independent of capital. Capital is the fruit of labor, and could never have existed if labor had not first existed. Capital has its rights, which are as worthy of protection as any other rights."

He went even further and, once and for all, defined the essence of the American dream: "There is not, of necessity, any such thing as the free hired laborer being fixed to that condition for life. * * * The prudent, penniless beginner in the world labors for wages a while, saves a surplus with which to buy tools or land for himself; then labors on his own account for a while, and at length hires another new beginner to help him. This is the just, and generous, and prosperous system, which opens the way to all—gives hope to all, and * * * energy, and progress, and improvement of conditions to all."

Born poor, Mr. Lincoln was probably the greatest of truly self-made men, believing that "work, work, work is the main thing." His economic policy was designed not only "to clear the path for all," but to spell out incentives to encourage entrepreneurs to create new products, new wealth, and new jobs. He himself had applied for and obtained a patent, declaring in 1859 the patent and copyright protection of intellectual property to be one of the greatest incentives to innovation of Western civilization.

While today many Americans would dispute some of Mr. Lincoln's economic policies, it is manifestly true that his proposition—based on the right of every American to rise on his or her merits—defined the colorblind American dream of Martin Luther King. "I want every man to have the chance," Lincoln announced in New Haven in March 1860. "And I believe a black man is entitled to it * * * when he may look forward and hope to be a hired laborer this year and the next, work for himself afterward, and finally to hire men to work for him! That is the true system."

This was Lincoln's American system, where government fosters growth, where equal opportunity leads to social mobility, where intelligence and labor lead to savings and entrepreneurship. The black abolitionist Frederick Douglass pronounced a fitting tribute when he said of President Lincoln that he was "the first great man that I talked with in the United States freely, who in no single instance reminded me of the difference of color." He attributed Lincoln's open attitude to the fact that he and Lincoln were both, in Douglass's phrase, "self-made men."

Lincoln's economic legacy has had a powerful effect on world history. Without our 16th president there would have been separate slave states and free states; and thus no integrated North American economy in which emerged the most powerful, free-market, commercial civilization the world has ever known. Without pre-eminent American industrial power—which Lincoln self-consciously advocated—the means would not have been available to contain Imperial Germany in 1917 as it reached for European hegemony. Neither would there have been a national power strong enough to destroy its global successor, Hitler's Nazi Reich in 1945, nor to crush the aggressions of Imperial Japan. And, in the end, there would have been no world power to oppose and overcome the Soviet Communist empire during the second half of our century. World conquest—based on the invidious distinctions of race and class, the goal of the malignant world powers of our era—was prevented by the force and leadership of a single country, the perpetual union of the American states.

THE ENIGMA

Hovering over the whole of this history, there lingers still the enigma of the private man and the shadow of his personality. We scrutinize Lincoln; but we see him through a glass darkly. We mine his papers, sap the memoirs left by those who knew him, plumb his personal relationships. But he escapes us.

Surely we know about his humble parents, his lack of formal education, his discreet but towering ambition. But we wonder that, unlike the Adamses, the Roosevelts, the Kennedys, he left no descendants to carry on his legacy of great deeds. It is as if, like a luminous comet, he thrust himself in front of our eyes, the eyes of the world—for a brief moment—then to dissolve into the vasty deep of the cosmos from which he came.

This archetypal American, born poor of the South in Kentucky, elected of the North from Illinois—his professional achievement the very epitome of the American dream—this man Lincoln is the elusive inspiration we should be looking for as we commemorate his birth, 186 years ago, on Feb. 12, 1809.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. BECERRA. Mr. Speaker, as I stated on February 13, 1995, my wife and I were recently faced with a sudden and unexpected family emergency which has required my presence at home in Los Angeles. We are expecting our second child this May, and under doctor's orders, my wife has been confined to bed rest until she has completed her pregnancy.

As a result, I regretfully missed a number of recorded floor votes during the past few days. For the record, I would like to take this opportunity to indicate my position on each amendment and bill:

Watt amendment of H.R. 667, Violent Criminal Incarceration Act of 1995 (rollcall 112)—"aye."

Cardin amendment to H.R. 667 (rollcall 113)—"aye."

Chapman amendment to H.R. 667 (rollcall 114)—"aye."

Scott amendment to H.R. 667 (rollcall 115)—"aye."

On motion to recommit with instructions (rollcall 116)—"aye."

On final passage of H.R. 667 (rollcall 117)—"no."

On final passage of H.R. 668, Criminal Alien Deportation Improvements Act of 1995 (rollcall 118)—"no."

Quorum call (rollcall 119)—"present."

Watt amendment to H.R. 728, Local Government Law Enforcement Block Grants Act (rollcall 120)—"aye."

Mfume amendment to H.R. 728 (rollcall 121)—"aye."

On ordering the previous question (rollcall 122)—"no."

On motion by Mr. ARMEY to allow committees to meet on February 14 and for the remainder of the week when the House is meeting under the 5-minute rule (rollcall 123)—"no."

Schumer amendment to H.R. 728 (rollcall 124)—"aye."

Schroeder amendment to H.R. 728 (rollcall 125)—"aye."

Hoke amendment to H.R. 728 (rollcall 126)—"aye."

On motion to agree to the committee substitute (rollcall 127)—"no."

On motion to recommit with instructions (rollcall 128)—"aye."

On final passage of H.R. 728 (rollcall 129)—"no."

On motion by Mr. WISE to adjourn (rollcall 130)—"aye."

Quorum call (rollcall 131)—"present."

On ordering the previous question on H. Res. 83 (rollcall 132)—"no."

On final passage of H. Res. 83 (rollcall 133)—"no."

On motion by Mr. VOLKMER to adjourn (rollcall 134)—"aye."

Spence amendment to H.R. 7, National Security Revitalization Act (rollcall 135)—"no."

Spratt amendment to H.R. 7 (rollcall 136)—"aye."

Edwards amendment to the Spratt amendment, as modified (rollcall 137)—"aye."

Skelton amendment, as amended by the Spence substitute amendment (rollcall 138)—"no."

Montgomery substitute to the Skelton amendment, as amended by the Dellums amendment (rollcall 139)—"aye."

Hefley amendment to H.R. 7 (rollcall 140)—"no."

Herman amendment to H.R. 7 (rollcall 141)—"aye."

Leach amendment to H.R. 7 (rollcall 142)—"aye."

Torricelli amendment to H.R. 7 (rollcall 143)—"aye."

On motion to recommit with instructions (rollcall 144)—"aye."

On final passage of H.R. 7 (rollcall 145)—"no."

FAIRNESS FOR WORKERS "ON THE ROAD"

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mrs. JOHNSON of Connecticut. Mr. Speaker, the legislation I introduce today, along with Representatives RICHARD NEAL and WILLIAM JEFFERSON, restores to 80 percent the business meal deduction for long-haul truck drivers, bus drivers, airline flight crews, railroad conductors, and other federally regulated transportation workers who fall under the Department of Transportation hours-of-service regulations. They symbolize the hard-working, middle-class American who struggles for his or her family, abides by the rules, and deserves fair treatment.

As part of the Omnibus Budget Reconciliation Act of 1993, the business meal deduction was reduced from 80 percent to 50 percent. Though Congress was correct in addressing this provision in the Tax Code, it erroneously assumed that it was going to affect only the so-called three martini lunches. In fact, the diminution of this deduction has hurt many hard-working, middle-income Americans, especially in the transportation industry, who find themselves away from their homes and families for extended periods of time.

For example, long-haul truck drivers spend over 200 days per year away from home. They eat at roadside diners and truckstops and sleep in their trucks or modest motels. In doing so, they incur the legitimate and necessary business expenses required in their work and do not enjoy the expense-account lifestyles of the individuals originally targeted in the 1993 legislation.

My bill restores some fairness to the Tax Code by reinstating the 80-percent business meal deduction for certain transportation workers, and I urge my colleagues to lend their support for its enactment.

CONGRESS ON ROAD TO BALANCING BUDGET

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. TATE. Mr. Speaker, at the beginning of each month, my wife and I sit down together and balance our family budget. Balancing a budget is something that all American businesses and families must do. It's time Congress follows the lead of its citizens.

Congress has the ability to balance the budget. It simply hasn't had the will. Only once in the last 30 years has the Federal Government had the backbone to balance the budget.

The tax limitation balanced budget amendment, introduced by Representative JOE BARTON, Republican from Texas, House Judiciary Committee Chairman HENRY HYDE, Republican from Illinois, and me, is exactly the tool needed. The tax limitation balanced budget amendment is the change in the way Government does business that the American people have demanded.

Our balanced budget amendment requires a three-fifths majority vote to raise taxes, borrow money, or add to the deficit.

If a three-fifths vote had been required during the 103d Congress, the Clinton budget, which contained one of the largest tax increases in history, would not have passed. Instead, it passed by 1 vote leaving another Congress that took more of your money and still didn't balance the budget.

On the historic first day of the 104th Congress, the House overwhelmingly passed a rule that requires a three-fifths majority vote to increase income tax rates. We need that same strong, bipartisan support in order to pass this needed constitutional amendment.

If we are sincere about shrinking the size and scope of our Federal Government, as the people asked us to do last November, then we must pass the tax limitation balanced budget amendment.

The national debt is over $4.5 trillion. Your share exceeds $13,000. To save future generations, this reckless accumulation of debt must stop.

The tax limitation balanced budget amendment is not a quick fix to our financial problems. Instead, it is a bold and needed measure that will restore fiscal sanity and discipline to a free-spending Congress.

This is the highest priority of the new Republican House majority. We must make it harder for Congress to dip into your wallet, not easier. By requiring a three-fifths majority vote, Congress will be forced to cut spending before reaching into your pockets and raising your taxes first.

There are cries from some who say that a constitutional amendment is not needed—that fiscal discipline alone can balance our budget. Wrong.

The tired policies of the past have failed before and will fail again. It is time to make Congress accountable to the people we serve.

There is nothing terrible about asking the Federal Government to live within its means.

But there are some that are still opposed to fiscal responsibility and reduced spending. Sunday, Secretary of Labor Robert Reich said on "Meet the Press" that the President is "against simply balancing the budget," and that the goal of a balanced budget was not his goal. Even after the voters have demanded spending cuts and fiscal responsibility, the Clinton administration seems content to spend more money it doesn't have—a luxury that American families can't afford.

Americans are demanding that we shrink Government and act responsibly. Many are shocked to see opposition to such a commonsense solution as our amendment. We will fight against those special interests that insist on the status quo.

If 49 States can operate under balanced budget requirements, so can Congress.

The answer to our Nation's problems is not spending more money and raising taxes. The answer is a tax limitation balanced budget amendment that will force Congress to make the same tough choices you and your family make every day.

SERVICE WITH A SMILE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. CRANE. Mr. Speaker, Mayor Charlene Beyer of Round Lake Park, IL, exemplifies the many qualities which all Americans today should strive to attain. Mrs. Beyer embodies a sound work ethic, profamily values, and she is an upstanding citizen as well as a fellow public servant.

I commend to the attention of my colleagues the following article entitled, "Service With a Smile," found in the January 8, 1995, issue of the Chicago Tribune. May we all adopt and practice these superior values in the hopes of setting the appropriate pattern for future generations in America and our Government.

[From the Chicago Tribune, Jan. 8, 1995]

SERVICE WITH A SMILE—MEET CHARLENE BEYER, WAITRESS AND MAYOR OF ROUND LAKE PARK

(By Lauren May)

Round Lake Park Mayor Charlene Beyer has been serving her community for about a year and a half, but she's been serving customers at Mers restaurant in Wauconda longer than that.

To supplement her mayoral income which averages out to be about 50 cents an hour, Beyer waits tables every weekend at the family eatery.

To Beyer, 37, mother of five, it's a living.

"I wake up with a bad back like every other waitress does," Beyer said. "To me, it's my life. I don't think it's an easy one, but I know that that's the life I'm living, and I would work five nights if I had to to get my kids where they need to go. And that's basically what I'll have to do."

Beyer said waiting tables is probably the best way to earn some extra cash in a short period of time.

"I can make on the weekends what girls in an office make in a whole week," she explained. "I can't take 40 hours out of my week and go work for something I can do in two nights."

Time constraints dictate the type of second job Beyer can have, because she home-schools three of her children. About six to eight hours of each weekday is devoted to her three youngest children, ages 8, 10 and 12. She also has a 16-year-old in high school and a 15-year-old who attends a performing-arts school in Michigan.

Most nights during the week she is off to a board meeting, and on some weekend days she attends village events, so her mayoral duties can occupy from 15 to 30 hours of her time each week. She also is the Avon Township chairwoman of the Republican Party.

Beyer said she thinks most people in her village do not know about her moonlighting job as a waitress, but regular patrons of the Wauconda landmark on the shores of Bangs Lake know her well.

"I think she's a wonderful lady," said Rep. Al Salvi (R-Wauconda), whose office is just down the street from the restaurant. "She is a real genuine person."

Like many of the restaurant's "regulars," Salvi said he often requests Beyer to be his waitress. He said the job gives her the opportunity to mingle with people, including local politicians who frequent the establishment. But most of all, Salvi said, it proves that she is just a regular person.

"She's one of us," he said. "She's the kind of mayor every village should have."

Round Lake Park Village Board member June Bessert sees Beyer's dual jobs as "proof that you can hold a higher office no matter what your calling in life is. I really see nothing wrong in that; it's an honest way of earning a living. She's very intelligent."

And according to her boss, Beyer is the kind of mayor every restaurant should have.

"She's good PR for us." Rosemary Mers said, "We like telling everybody that the mayor will "wait on you tonight.""

Customers at first don't always believe that the mayor of a nearby town is serving them dinner. "At first they think we're teasing," Mers said. "They're flattered."

Mers hired Beyer about five years ago, before Beyer had any aspirations of becoming Round Lake Park mayor. After she was elected, Mers said she was not surprised when Beyer told her she wanted to keep her waitressing position.

"A long time ago, that's how government was," Beyer said. "It wasn't the attorneys and the professional people that were doing it; it was just the common people that went in and made a difference."

Although heading a town with a population of about 4,500 and serving steak and lobster to restaurant patrons may seem to be on opposite ends of the employment spectrum, Beyer contends that there are few differences between her dual occupations.

"I feel [they're] very similar," she said, listing their likenesses."The customer is always right. You're there to serve them. The demands are many. They want, as most people want now, instant solutions to the problems that they have."

And, in fact, the frustration of not getting any answers herself as a new resident of Round Lake Park ultimately drove Beyer to seek office. She served as a trustee from 1989 to 1991 and was elected mayor in 1993, taking office in April, she said.

"I just wanted to be listened to," Beyer said. "So I guess you can say that I was frustrated and decided that my frustration would be turned into determination. When I look at something and get frustrated, I don't turn around and walk away."

That determination to make a difference had been passed on to Beyer not only by her family, which also has roots in politics, but also by her first boss.

At age 15, Beyer worked as a carhop at Dog 'n Suds in Wauconda, where she grew up. The owner of the drive-up restaurant was—not surprisingly—the then-mayor of Wauconda, Ken Potter.

"He, along with others, had at an early age been instilling in me ideas and the concepts of government," Beyer said. "So I worked on my first campaign when I was 15 years old to elect him to be mayor."

Beyer married her Wauconda High School sweetheart, Skip Beyer, a carpenter, when she was 18, and they have five children. The decision to teach her children at home is one Beyer is glad she made. Considering the amount of time spent working as mayor and a waitress, Beyer said she feels lucky to be able to spend the entire day with her kids.

"[Home schooling] is a lot of work, but I see a lot of benefit out of it, too," she said. "There's not a right way or a wrong way [to educate your kids]. With my schedule, it has served in a real positive way because I have been able to stay home with my kids."

Skip said his wife's long hours can be difficult, but "it's what she wants to do and what she likes to do best," he said. "She's just very tenacious on what she does."

With a mayoral salary of about $6,000 a year, Beyer certainly is not in it for the money, she said. She admitted, however, that her title has come in handy.

As a mayor, her calls get answered.

"When I was just Charlene Beyer, without a title, I had the same ideas, the same thoughts, the same opinions. They haven't changed," she said. "But then when they put a title behind my name, my calls get answered. People have respect for me."

Beyer said some politicians' abuse of their titles and power has caused people to be intimidated by them, but that's not the image she is trying to project.

"I would rather people know me for me and my actions, other than me saying who I am," she said.

Her actions, starting with her first two months in office, speak for themselves. Only a week after Beyer began her mayoral duties, her mother died unexpectedly. The following week, a resident committed suicide, and about a month and a half later, the town flooded.

"It was a very emotional thing for me, because my wounds were very fresh," she said. "And yet, there's a part of me that greets every negative, every negative situation, knowing that somewhere in there is a positive."

Crediting basic common sense, Beyer met her new challenges head-on. She arranged to have meals sent to the family of the suicide victim, and when the flooding crisis hit, Beyer met it with planning and organization.

She and her staff of volunteers monitored all calls coming into the village hall and called all of the senior citizen residents to check if they needed assistance and to help prepare them for the next storm.

"We were not crushed by this wave," she said. "We greeted it with a lot of planning. It was a very frustrating time, but we never had one resident, through both of the floods, come here and be upset at the board for what they weren't doing.

"It was a basic common-sense thing. People want to be informed, they want to be communicated to, and they want to be educated. And when you've done those three things, sometimes there are no solutions. Sometimes there is no quick fix, but when you've done that, they feel comfortable that you're doing the best that you can do."

Joyce Weissmueller, a village trustee, thinks Beyer has performed well as mayor. "She delegates, but she personally is out there doing things," Weissmueller said. "The personal touch is Charlene."

Weissmueller said Beyer's strength is getting people to work together. Her dedication to the village is apparent by the new committees she has established, including an economic development committee to revitalize the downtown area, as well as a beautification committee to clean it up, Weissmueller said.

Beyer said that techniques she uses in dealing with people as mayor also work at her weekend job. Most customers understand. "That's the part of being a waitress that is very difficult," she said. "It's no different than being a mom. And it's no different than being a mayor, because there's lots of people that don't understand what I'm doing and what the board's decisions are because they're not involved and they falsely accuse.

"You have to be so convinced of your position and your standards and your decisions that that doesn't bother you."

Beyer said the pressure at her waitressing job sometimes increases when she is serving her political peers.

She recalled a situation in which an elderly man accused her of stealing the credit card he had used to pay his tab, when in fact he had inadvertently placed it in his glasses case.

"He stood up, and the whole restaurant heard," she said. "It was very humbling, because I was being accused falsely."

All the while, Beyer had to maintain her composure.

"It's a very humbling thing to be in that kind of environment," Beyer said. "It's not that there's anything wrong with being a waitress, but it's not normal that a mayor of a village is waitressing in a restaurant."

But she is quick to defend the profession that is plagued by a misconception that those who work in it are not intelligent.

"Waitresses, I think, are very gifted people," Beyer said. "They're almost like housewives to me because they're able to do many things at one time.

"They're very educated people," she said of her coworkers, who include several teachers. "Most people I work with have college degrees. I don't. But we're all equal."

Beyer said she has no plans to get her college degree because she does not have the time or the money.

"If I had the money for a college education, it's going to be going to my children, not myself," she said.

Beyer sees her lack of education as a plus for her job as mayor.

"When I look at an issue, I'm not clouded by what I've been taught, what is politically correct," she said. "I can deal with a situation probably differently than most people do because I greet it differently. I greet it from the people's perspective.

"I hope I always stay that way. I intend to."

TRIBUTE TO SANDRA C. BOJTOS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. UNDERWOOD. Mr. Speaker, I am pleased to announce to the House of Representatives the winner of Guam's 1993–94 Top Teacher Award, Mrs. Sandra C. Bojtos.

Mrs. Bojtos is a 7th and 8th grade science teacher at Untalan Middle School. Her unique educational and motivational technique as well as her desire to reach out to every student have distinguished her among her hard working colleagues. Mrs. Bojtos also makes extra efforts to see that her classes are learning to their potential and preparing themselves for the 21st century. Her students are introduced to the information highway and know first hand the usefulness of modern computer technology. But, her commitment to education goes beyond her science teaching.

Mrs. Bojtos is also an American Red Cross HIV/AIDS instructor and a member of the Kappa Delta Pi International Reading Association. These activities did not win her this distinction but rather typify the energy and spirit that set her apart and make her a role model for others. Mrs. Bojtos will receive $10,000 from Citibank for this award. She has already said that she may partially use this award to upgrade her class' computer equipment.

I would also like to take this opportunity to thank the Citibank corporation who sponsored this event for the second consecutive year. Citibank has made itself a leader in corporate support of education in the Asia-Pacific region and I commend their efforts.

Congratulations, Sandra Bojtos, for being recognized as Guam's Top Teacher.

HONORING ROBERT SPILLANE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. DAVIS. Mr. Speaker, I rise today to honor Fairfax County School Superintendent Robert "Bud" Spillane. Bud Spillane was selected as Superintendent of the Year on February 10, 1995. The announcement was made in New Orleans, LA, at the American Association of School Administrators' National Conference. Spillane was one of four finalists in the national competition, which was sponsored by the ServiceMaster Co. of Downers Grove, IL. Spillane was originally selected as a finalist among this year's State superintendents of the year, each of whom represents one of the States or U.S. schools overseas.

AASA will award a $10,000 scholarship in Spillane's name to a student attending the high school from which he graduated, which is Windham High School in Willimantic, CT.

Spillane also received a gold medallion and a $2,000 savings bond.

For the past 10 years, Spillane has served as superintendent of the Nation's 10th largest school system, which has approximately 140,000 students in 224 schools and centers, located in a 399-square-mile area. With recent demographic trends in Fairfax County that include an increasing minority student population, more students from lower income families, student achievement in Fairfax County public schools has improved. The percentage of minority students taking SAT's and advanced placement courses has substantially increased, as have minority students' and overall students' test scores. The school system's overall dropout rate has declined to 1.9 percent. Fairfax County public schools' magnet school for science and technology has had more National Merit Scholarship semifinalists than any other school in the country every year for the past 5 years. The percentage of special education students employed after graduation is 87 percent, compared to 46 percent nationally.

Spillane continually implements programs that improve the achievement of all students, encouraging creative and instructional approaches, and strengthens the core academic program of the average student. In a time of rapidly changing demographics and financial recession, Spillane has continued to focus on high expectations and achievement for all students, sending increasingly well-prepared students to higher education and to the work force.

A native of Lowell, MA, Spillane holds a bachelor's degree from Eastern Connecticut State University and a master's and doctoral degree from the University of Connecticut in Storrs, CT. He has attended the Advanced Administrative Institute at Harvard University. Spillane began his teaching career in Connecticut and served as both elementary and a secondary school principal in districts there. From 1965 to 1966, he was a school superintendent successively in three communities of increasing size: Glassboro, NJ; Roosevelt, Long Island, NY; and New Rochelle, NY. In 1978, the New York Board of Regents appointed Spillane as deputy State commissioner of education for elementary, secondary, and continuing education. From 1981 to 1985, he held the post of superintendent of schools in Boston. He took the post of superintendent of Fairfax County public schools in July 1985.

Mr. Speaker, I know my colleagues join me in recognizing and congratulating Dr. Spillane for his remarkable achievements.

TRIBUTE TO JUSTINE BARNS

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Ms. RIVERS. Mr. Speaker, I am pleased today to recognize Justine Barns. The Wayne-Westland School District in Michigan recently renamed a school in her honor. The school has been named the Jefferson-Barns School in recognition of two great American patriots, Thomas Jefferson and Justine Barns.

Mrs. Barns retired late last year from her seat as the representative from Michigan's 18th district to the State legislature, a post that she held for the past 12 years. In the State House, Representative Barns served on the economic development and education committees, as well as chairperson of the senior citizens committee. Mrs. Barns, through her legislative posts, advanced causes she felt strongly about, in particular seniors issues and education.

Justine Barns' record of service spans five decades. In 1966, Mrs. Barns was elected to the Westland City Council and has continued to serve that city faithfully ever since. Justine Barns' commitment to her community has reached far beyond the elected offices she has held. Mrs. Barns served as president of the PTA demonstrating her strong dedication to education. She also served as the chairperson of the Westland United Fund drive and currently is a member of the Westland Goodfellows and the Westland rotary club.

Mrs. Barns' undying commitment to her community has brought her much recognition. She has been named Westland Woman of the Year, Citizen of the Year by Ford Motor Co., Leader of the Year by the Westland YMCA and Legislator of the year by the Michigan Association of Police Chiefs. It gives me great pleasure to recognize and commend Justine Barns, her fervent commitment to public service serves as an outstanding example for us all.

TRIBUTE TO ST. MARY'S PARISH SCHOOL

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 21, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to recognize St. Mary's Parish School in Hales Corners, WI, as one of seven national finalist teams in the National Engineers Week Future City Competition.

This competition strives to introduce youth to engineering through practical applications of math and science. Teacher Jeannette Van Hecke, advising engineer Clark Wantoch, and students Ryan Kukor, Craig Roush, and Todd Wallschlaeger comprise the regional team which used graphic software to design their future city on the computer. All teams then built table-top models of the cities illustrating their futuristic ideas, and wrote essays describing how they would encourage residential and industrial recycling.

During the national finals this week, these teams will present their designs for 21st century cities before some of our Nation's most prominent engineers.

George Washington had the educational background of an engineer and of a land surveyor, and is considered the Nation's "First Engineer." As President, Washington led a growing society toward technical advancements, invention, and education. He promoted the construction of roads, canals, the U.S. Capitol, and the development of manufacturing resources. As you all know, this American tradition of excellence in infrastructure and engineering has been maintained over the years. It is alive and well in these unique young men and women.

Mr. Speaker, I congratulate St. Mary's team on their achievements, and wish them luck in the finals. I commend them on their aspirations, and hope they continue to follow in the footsteps of our first President—displaying remarkable ingenuity, and always looking to build a more promising future.

SENATE—*Wednesday, February 22, 1995*

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest Gibson, pastor of First Rising Mount Zion Baptist Church, offered the following prayer:

Let us pray:

This is the day the Lord hath made; we will rejoice and be glad in it.—Psalm 18:24.

Heavenly Father, we thank You for this day and the opportunity for service that it offers.

We thank You, O God, for Your Senators, representatives of Your people. We thank You for their deep concern for the welfare of this country. We ask Your guidance, O God, as this body works with today's responsibilities. May their decisions reflect Your will for this Nation and its people.

We thank You, O God, for our democratic Government. May the skill, knowledge, and commitment of this elected body protect and preserve its peace, liberty, and justice.

May the joy of service always be with these, the representatives of Your people.

In the name of our Sovereign God, Ruler of Men and Nation. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the order of the Senate of January 24, 1901, as modified on February 16, 1995, the Senator from Wyoming [Mr. THOMAS] is recognized to read Washington's Farewell Address.

Mr. THOMAS, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern—Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions—that experience is the surest standard by which to test the real tendency of the existing constitution of a country—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of factions, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding of them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one party against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The assistant legislative clerk read as follows:

> A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, we are continuing the balanced budget amendment debate, and I am happy that we will have a final vote next Tuesday, the 28th—at some time probably later in the day that day, because we will be stacking votes following the 2:15 return from our weekly meeting breaks.

Mr. President, the proposed constitutional amendment will help us to end this dangerous deficit habit in a way that past efforts have not. It will do this by correcting a bias in the present political process which favors ever-increasing levels of Federal Government spending.

In seeking to reduce the spending bias in our present system—the unlimited availability of deficit spending—the major purpose of House Joint Resolution 1 is to ensure that, under normal circumstances, votes by Congress for increased spending will be accompanied either by votes to reduce other spending programs, or to increase taxes to pay for such programs. For the first time since the abandonment of our historical norm of balanced budgets, Congress will be required to cast a politically difficult vote as a precondition to a politically attractive vote to increase spending.

Section 1 of the proposed amendment would address the spending bias—unlimited access by Members of Congress to deficit spending—by requiring a three-fifths vote of each House of Congress before the Federal Government could engage in such spending.

Such a procedure would not prohibit deficit spending, but would simply reestablish, as a norm, a budget in balance rather than one in deficit. A consensus greater than a normal majority would be required to violate this norm.

Unless such a consensus exists, Congress would be bound in its spending by its available revenues and would be forced to account for new spending in one program or budget area by either reduced spending in another area or by increased taxes. The political advantages resulting from support for new spending then would be matched, at least to some degree, by countervailing political disadvantages.

Section 4 of the proposed amendment would reinforce section 1 and further link tax spending and tax raising by requiring both Houses of Congress to approve any bill to increase revenues by a constitutional majority. While section 1 would ensure, as a norm, that Federal spending is matched by Federal revenues, section 4 would ensure that such revenues are not raised without political accountability for Members of Congress. It would also make it less likely that the budget would be regularly balanced by increasingly high levels of taxation. This balanced budget amendment, then, is a spending limit/tax limit resolution.

As a result, House Joint Resolution 1 effects a subtle, but important, change in the psychology of the budget process. Under the present system, each spending interest, in effect, competes with the taxpayers to raise the total ante in the Federal treasury.

Under a system, however, in which some form of spending ceiling is in effect, these same interests suddenly will be competing with one another in order to ensure themselves a certain portion of a fixed ante in the Federal treasury. Not only will spending interests have to convince Congress that their favored programs merit funding at a certain level, but they will, in addition, have to establish the priority of their programs.

A spending ceiling comprised of something beyond mere congressional self-restraint will force Members of Congress to view spending requests in terms of relative desirability, not simply in terms of whether or not a program is desirable at all, which is currently our rule. It is safe to conclude, I believe, that every program authorized by Congress is considered important and desirable, or it would not have passed into law in the first place. Presumably, we do not pass bills that no one wants at all.

The balanced budget amendment, however, will introduce an element of competition among the spending interests into the budget process. Congress will be forced to look at the whole spending pie, not just a piece of it.

In summary, the purpose of House Joint Resolution 1 is to eliminate a political process that allows Members to avoid having to vote for higher taxes in order to pay for higher spending and to establish a more genuinely neutral environment within which the budget competition occurs. The proposed amendment does not define what constitutes or what does not constitute a responsible budget, but only defines the institutional framework within which such budgets could be put together.

It is a necessary and appropriate step toward putting our fiscal house in order.

ACCOUNTABILITY

While it is true that much of the enormous growth in Federal Government spending over the past two decades may be a response to evolving notions of the role of the public sector on the part of the American citizenry—that is, a genuine shift in the will and desire of the people—it is my contention that a substantial part of this growth stems from far less benign factors.

In short, the American political process is defective insofar as it is skewed toward artificially high levels of spending, that is, levels of spending that do not result from a genuine will and desire on the part of the people. It is skewed in part because the people often do not have complete information about the cost of programs or about the potential for cost growth of many programs. It is skewed in this direction because of the characteristics of the fiscal order that have developed in this country in recent decades. It is a fiscal order in which Members of Congress have every political incentive to spend money and almost no incentive to forego such spending. It is a fiscal order in which spending decisions have become increasingly divorced from the availability of revenues.

The balanced budget amendment seeks to restore Government accountability for spending and taxing decisions by forcing Congress to prioritize spending projects within the available resources and by requiring tax increases to be done on the record. In this way, Congress will be accountable to the people who pay for the programs and the American people—including the future generations who must pay for our debts—will be represented in a way they are not now. Congress will be forced to justify its spending and taxing decisions as the Framers intended, but as Congress no longer does. No longer can Congress just say yes to every special interest group and shove the costs onto our children or pretend that there are no costs. Every spending decision will be forced to compete with others and subjected to rigorous cost/benefit analysis.

Mr. President, this is the essence of responsible fiscal decisionmaking, and is the essence of the balanced budget amendment.

Mr. President, we have just heard the address of our first President of the United States, which we have read to us on an annual basis during the time we celebrate Washington's birthday.

I have to say, Mr. President, that that first President, as well as most all subsequent Presidents, would not believe what is going on today with regard to our taxing and spending policies. They would not believe that for 26 straight years, we have failed to balance the budget. They would not believe that we have put our country into almost $5 trillion of debt, and they would not believe that a current President would have submitted a budget that has approximately a $200 billion deficit for each of the next 12 years. They would not believe that we are spending and taxing the American people the way we are.

They expected that perhaps, during times of war or during times of severe recession or depression, that there might be some deficits run. But they never expected, at the Founding, that we would run deficits every year for 26 straight years, and for most of the last 60 years. I think some of them must be rolling over in their graves.

This is a chance for us—because the House of Representatives for the first time in history has passed a balanced budget amendment, essentially the same one that we called up in 1982 and 1986 and last year—to follow suit and for the first time in history submit a balanced budget amendment to the States for their ratification. It is worth the effort. It is worth the pain. It is something we simply must do.

Eighty percent of the American people realize it. We just need 67 percent of the U.S. Senate to realize it and vote for it.

Mr. President, I urge my colleagues in the strongest terms to support this constitutional amendment to help us to restore sound government to the American people. I think it is the only way we are going to get there and it is the only way we can protect the future or even have a future of any great value for our children and grandchildren. We owe it to them.

This is an important vote. It is probably the single most important vote of this century. All we need are 67 of those who sit in this hallowed body to stand up and say, "We've had it. We've had enough. We're going to do something about it." It is a bipartisan resolution. It is a Democrat and Republican resolution. It has been hammered out between both sides. It is the first time in history we can do it, and we are going to do something about it. So I urge my colleagues to join with us in passing this balanced budget amendment on to the people in the States to ratify it as part of the Constitution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I have some good news and good news for the Senate.

I can report—and I know that my distinguished friend, our President pro tempore in time and my very dear friend, the chairman of the Judiciary Committee, will want to know—that I have just returned from Phoenix, AZ, where I had the honor to deliver the Goldwater Lecture at Arizona State University. I can report that Senator Goldwater is in great spirits, thriving, active, and irreverent, as usual.

I do not want to get any politics into this matter, but just now it is the Republicans in Arizona who are mad at him. But, no doubt, those reversals will come and go, as they have always done in his wonderful long and still very creative life.

The other thing to say is that I gave the lecture on the subject of the matter before us, a balanced budget amendment, and trying to relate, as I have done on the floor earlier, the extraordinary achievement which we have had in this country and to a considerable degree the members of the OECD, the Western industrial nations, Japan, and others, in modulating to a degree that they have almost disappeared, those huge swings in the economy that seem to be destabilizing the industrial world.

Industrialism brought with it a business cycle which was baffling. People could not understand how one day everybody is at work and a year later everybody is out of work. And unlike the farm—where you are always working whether you are making much or you are starving or not—the unemployed were standing on street corners. The banks were closed, industries padlocked their gates, all sorts of symbolisms of trouble, disorder, instability, which indeed gave rise to hugely radical assertions about the need to change the very structure of property, of management, of the social order.

In a chart which I displayed for the Senate on Monday a week ago, I showed the real growth, the change of GDP that had taken place between 1890 and 1990. This data, Mr. President, is provided by the Department of Commerce, the Bureau of Economic Analysis, and the chart was prepared by the Joint Economic Committee.

It is striking the way in which economic growth goes up, crashes down; up, down; up, crashes down; swoops up, down.

In the period between 1890 and 1938, which we will call a half century, the real GDP dropped almost 5 percent on three occasions: in 1893, in 1914, and in 1938. The exact numbers: 1893, 4.89 percent; 1914, 4.4 percent; and 1938, 5.1 percent; the 1938 date being well remembered as the occasion in which President Roosevelt, the New Deal seeming to have revived the economy somewhat, crashed down again regardless.

Then on two occasions the GDP dropped almost 10 percent. In 1908 it dropped 8.2 percent; in 1921 it dropped 8.7 percent. Then in 1932, as we know, it crashed 14.8 percent and we went into the Great Depression, a period which put at issue the question of whether a liberal, capitalist economy could continue to exist. It was said that obviously it cannot. It cannot provide stability in the economy and cannot provide for its people.

I mention these occasions—three times we dropped 5 percent or near to, twice 10 percent, once 15 percent in a half century. We do not drop from a zero level; we go down from heights. So, for example, in 1893, we were growing at about 12 percent a year in GDP, and in an instant real growth has dropped below zero to 4.8 percent, a 15-, 16-, 17-percent plunge. It was known as the panic of 1893. People were thrown into the streets.

Then in 1908, for no reason that any person understood and nothing the Government could do—our Government was too small to make much difference in the affairs of the economy at large. We had no national banking system. The Reserve had not yet been created by Carter Glass in this Chamber. Of the great issue of the 19th century, of all the great issues we struggled with, the only one we never resolved in the 19th century was the issue of the banking system. So there was no Federal Reserve and no monetary policy. It took a long time to get monetary policy, but we could not think about it until we had an instrument to do it.

There was also a big drop in GDP in 1946, but that was merely associated with the conversion from a wartime economy. We stopped building battleships, which are part of GDP, and down went the economy, and in no time you are building Chevrolets and up went the economy.

Now, the depression of the 1930's was the great trauma of American capitalism, of free enterprise, and all over the world political movements came to power that said it could not work; fascism in Germany; Leninism, Marxism, and similar movements pervaded every country, not least our own. Their common refrain: this system—capitalism—does not work.

If we could look at these swings, we could say there is a case to be made; human beings had never experienced this. But, if we could go back to millennia, we would see a rise and fall in the economic production associated with how good the crops were, did it rain, was it a wet spring. If the Mongols invaded, there was not much in the way of economic growth in Hungary that year. If the Black Death came along, it would have some effect, but not much. There was not much growth to begin with. Only with industrialism came great ups and downs, and people started saying that this will not work.

Then in the middle of the 1930's, the work which we associate with John Maynard Keynes was done which hit upon the key explanation of what was taking place. Classical economics held that "all markets clear." That, Mr. President, is a technical term. It means that whatever is offered for sale will be bought—at a price, not necessarily what the seller would wish. But, Mr. President, wages will drop, prices will drop, and markets will clear and there will be full employment and full utilization of resources.

Economists were able to show that not necessarily. We could reach an equilibrium in which a large public of men were out of work, a large number of plants closed, a large number of mines were not operating. What classical economics could not account for, suddenly, was explicable. We began, finally, to break the code of the business cycle. And it is a nice piece of information, if I may say.

The first use of this economics, which was associated with the idea of underconsumption, you had to stimulate consumption, first use was made in World War II when the problem was overconsumption. And price levels came down in World War II. In 1944, the inflation rate was 2.2 percent. Not bad. But Government controlled, to be sure. And then they broke up in 1945.

In 1946, with this information at hand beginning to be understood, beginning to be numerate, we started to be able to get numbers for these things. We did not know what the unemployment rate was in the Great Depression. We took the unemployment rate in the census, decennial census. We took it in the spring of 1930, not much unemployment. In the spring of 1940, rearmament had begun, and in the official statistics there was no depression. But people knew otherwise.

The Employment Act of 1946 stated as the goal of the U.S. Government the full utilization of resources, fullest possible—meaning men and women entering the work force, meaning capital, meaning plant and equipment which was capital, and so forth.

The Council of Economic Advisers was established. In the early years the economic report of the President was a pretty thin volume, but they were getting the hang of it. By 1946 we had an unemployment rate which was published. We will have the economic report shortly now and we will see that the series as statistics begins in 1946.

May I interject here to offer the congratulations of the Senate, if I may so presume, to Dr. Tyson, who the President has announced will leave the position of Chairman of the Council of Economic Advisers and become head of economic policy within the White House, a position Mr. Rubin had until he became Secretary of the Treasury.

They began to work on this notion of countercyclical behavior by the Federal Government. They began to realize—as John Kenneth Galbraith has shown this in his work—when the 1929 stock market crash took place, the Federal Reserve had acted in a way to deepen the decline rather than to counter it, the idea of countercyclical spending.

I have said before on the floor, Mr. President, that in the early years, the problem that the economists faced, or thought they faced, and Presidents agreed and Congress pretty much agreed, was that the Federal revenues were too large in the early stages of the business cycle; that as the economy began growing, revenues grew. In those days, before we had indexed the Internal Revenue Code and the tax rates, why, they would grow very fast. Congress did not spend them quickly enough. And, indeed, there emerged a problem. The Kennedy administration was the first to deal directly with this question—or more correctly, problem—called fiscal drag. Because in 1958, there had been a recession which took growth just a tiny tick below, into a negative position, not 1 percent, but one-half of 1 percent. And then the recovery had begun.

But in 2 years, it stalled so that another tick—not the big crashes, smashes, panics but not quite what we wanted. President Kennedy's economic advisers said, "What do we do?" They concluded that we had to put in place some countercyclical spending. Then I was to be an Assistant Secretary of Labor for Policy and Planning Research. It is a moment we all remember in our lives, if it comes to us. On my first visit to the Oval Office, I accompanied Secretary Arthur Goldberg, and we had a proposal to raise the pay of Federal employees. The President said, "Good idea, we need that." And he also decided everybody should get at least $100 a year. And we went on like that. It was very early on. We moved the date of the dividend of the Veterans Administration life insurance forward. Then we gave a double dividend.

Then Joseph Pechman at the Brookings Institution, in conjunction with Walter Heller, Chairman of the Council, proposed revenue sharing with the States. We proposed a tax cut and, Mr. President, it worked. We went right through. When Arthur Okun gave the last report of the Council under President Johnson, he said, "Look, 6 years of unbroken economic growth."

They should have tamped down the economy, given the inflationary effects of the Vietnam war spending. And, indeed, when President Nixon came into office, although I believe he had a balanced budget, he also had a recession. But that came out of that.

And George Shultz, his first Director of the Budget, in his fiscal 1973 budget said, "I am sending a full employment budget which will have a deficit, but the deficit will be the difference between what will be revenue at full employment and less than full employment." We were still stimulating.

So it went. We had one more tick in the seventies. Then in 1982, we had the only real decline in economic growth in the postwar period. Economic growth, GDP, gross domestic product, dropped 2.2 percent, one time in half a century. There was another slight tick in 1991. But again, just a tick. That had never happened before in the history of industrial societies. It is an immense achievement. It is not a Democratic achievement. It is not a Republican achievement. It is an achievement of applied analysis.

That is what is threatened. That achievement is what is threatened by this amendment to the Constitution. If it were a statute, I would not be spending my days on the floor. Statutes come and statutes go. This is the Constitution; the basic law of the land.

Mr. President, when I spoke last Monday, I recounted how in 1979, when there was a movement among the States to petition Congress to call a constitutional convention for this purpose, I had asked the then Chairman of the Council of Economic Advisers, Charles Schultze, a distinguished economist from the Brookings Institution, if he would run the numbers from the 197: recession—a fairly serious recession, which President Ford had to live with—with a balanced budget amendment. He wrote me back to say the computer blew up; we had no countercyclical forces we could use, and so the hypothetical economy spiraled down to that equilibrium when there is a high rate of unemployment and a low rate of utilization of capital.

I mentioned also that we had simulated on our own on a back-of-the-envelope sort of thing. Dr. David Podoff, sometime chief economist on the Finance Committee, more recently minority chief economist, using Arthur Okun's principles developed in the early sixties, estimated that if we had a 3-percent increase in unemployment, some exogenous event—Mexico goes to ruin, oil prices spiral, whatever—we could end up with a drop of GDP of 18 percent. That is a depression figure. That was last Monday.

I see the distinguished sometime once and future President pro tempore on the floor. I would like to report to him that in yesterday's New York Times, there is a report of a simulation made in the Treasury Department. I take the liberty of saying this on the Senate floor. I know where it was made. I know it came about in response to some of our arguments. And, Mr. President, the story, by Mr. Louis Uchitelle, an able reporter, is headed "The Pitfalls of a Balanced Budget. "Dismantling a Decades' Old System for Softening Recessions."

Here is the interesting event. I just say that they have simulated the 1991 decline and say, with a balanced budget amendment, unemployment would have reached 9 percent. A laid-off worker who collected $12,000 in unemployment pay might have received only $7,000, and so forth.

Now, sir, I said earlier that the new economics, the learning we went through, was not a Democratic thing or a Republican thing. It was applied social science learning, a collective learning.

And so the fascinating thing is that Mr. William Hoagland, the Republican staff director for the Senate Budget Committee, and a very able public servant, is quoted as saying—he is in fact, the first person quoted:

> There are risks associated with a balanced budget, and I don't think anyone should deny that. Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be.

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate—although the Senator from New York and my distinguished colleague from Maryland have called attention to this risk in several floor speeches.

This is Mr. Hoagland making the statement.

They go on to quote a whole series of economists, a sequence of economists saying, "Does not Congress know what it is doing?"

"Does it not realize what we have achieved?"

And now, Mr. President, as I have been talking here long enough, and I know others wish to speak, particularly the distinguished Senator from West Virginia, I said I came back from Arizona last evening with good news and good news.

First, the good news is that I gave the Barry Goldwater lecture at Arizona State University. Senator Goldwater is in great spirits, good health, active, and being as much a torment to his fellow Republicans as to his fellow Democrats.

But the second event was on the way to deliver the lecture, the very able president of the university, Dr. Coor, picked me up at the hotel. We had about a 20-minute drive to the university, and I told him what I was going to say. He said, "Well, now, we all know that, don't we?" That we went through this great achievement of learning to break out; that capitalism did not disappear; it is the same; and it is not even questioned in the world by this new economics. He said, "Everyone knows that, surely. What's the problem with the Congress?"

Now, perhaps I do not want to put those words in his mouth per se. But he said, "What is the problem?" I had an idea, and I put it to him at the time. And I will say again, if I get one idea a week at this point, I feel that is a pretty good week. The idea is a very simple one: There are not enough people around old enough to remember what it used to be like. Sir, if you are under 60, you do not know anything about the economic world before we understood countercyclical financing by the Federal Government, before the Federal Government got the tools: It has to have a sizable budget. You have to have unemployment insurance, Medicaid, things like that, which automatically happen, a Federal Reserve that can take action. I said it has been in place so long that we forgot the pain with which it had to be put in place, the hard intellectual work, the accusations. To be a Keynesian was to be a Red, somehow. John Maynard Keynes was a liberal, sir. He was not a member of the Tory Party, nor a member of the Labor Party; he believed completely in the free market, private enterprise. He just wanted the free market to produce lots more goods and keep doing it.

Mr. LEAHY. Will the Senator yield for a question at that point?

Mr. MOYNIHAN. I am happy to yield.

Mr. LEAHY. Would the Senator accept the fact, however, that there are some Members in this body under 60 who at least understand the concept, if they have not felt the pain directly?

Mr. MOYNIHAN. Because they are learned Senators who have read their history.

Mr. LEAHY. Will the Senator yield further? And I am delighted to hear he was with my friend, Dr. Coor——

Mr. MOYNIHAN. Oh, yes.

Mr. LEAHY. Who served previously as president of the University of Vermont, and also with our mutual friend, of course, Senator Barry Goldwater, with whom we both had the opportunity to serve here in this body.

But I tell my learned friend and neighbor from New York something I just said to my dear friend from West Virginia, the senior Senator from West Virginia. A poll was taken very recently, in the last few days, in my State of Vermont, where a majority of Vermonters said, "Yes, pass the balanced budget amendment." But then a very significant proportion said, "But we don't expect it to do anything."

I might say to my learned friend, because I listened to his discussions and I heard him lay out very much for the President of the United States at a small gathering a week ago that we should have a sense of history, probably the biggest sense of history we ought to have is that this country has amended the Constitution only 17 times since the Bill of Rights. We have done it very carefully. Now we have 60 or 70 proposals made in the last few weeks to amend the Constitution, all of which would fit nicely on a bumper sticker, none of which, I would add, would do anything to improve the greatest democracy in the world and many of which I feel would damage greatly this wonderful country.

I thank the Senator for yielding.

Mr. MOYNIHAN. I want to say, Mr. President, that the Senator has made a very important statement. When the painful process, the creative process of the economic system was taking place in the thirties, democracy was under assault the world over, and there were more than a few who had given up on it in this United States, and capitalism was thought to have been discredited forever; free enterprise was thought to be a selfish doctrine put forward by a privileged few, and full employment a nostrum of dreamers, idealists, and probably subversives.

Oh, what a time we had, and it was a close-run thing. I joined the Navy 50 years ago last July 1. I joined in the middle of a world war in which the forces we were contending against and with were as opposed to our system as any that ever existed in the world, and it was a close thing.

We have been going on about the *Enola Gay*. May I say to the Presiding Officer that the real issue was, was Hitler going to get that bomb first, because the people working on it here knew the people working on it there. And we knew what we could think up, they could think up. And the British destroying the heavy water plant in Norway may have made the real difference.

It was that close. Do you want to go back to that world? We could do it on this floor next Tuesday.

I see the distinguished Senator from West Virginia has risen.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. MOYNIHAN. I am happy to yield, Mr. President. I yield, whatever.

Mr. BYRD. The distinguished Senator from New York is making a very important statement. He discusses the countercyclical forces that come into play automatically in a time of recession. The distinguished Senator from Vermont has stated that there are many people who say that we ought to vote for this amendment, but who privately tell him that it will not work.

It is a sad commentary—and there are those of our colleagues who say that we need this in the Constitution in order to give us discipline, in order to enforce discipline upon us—that statement is a sad commentary on the character of the elected officials of our country——

Mr. MOYNIHAN. Yes, sir.

Mr. BYRD. To say that we need a new constitutional amendment to enforce discipline upon us, so we will balance the budget.

This constitutional amendment will have been before the Senate 30 days come next Tuesday. That is the final day of decision. The amendment was passed in the House, I think, in 2 days.

Mr. LEAHY. I believe so.

Mr. MOYNIHAN. Two days.

Mr. BYRD. Two days! And there have been some complaints about the time that we have taken in the Senate to debate it.

My good friend from Utah, the other day—if the Senator may yield, Mr. President, without losing his right to the floor, to me?

Mr. MOYNIHAN. I am happy to yield.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. BYRD. Our good friend, the Senator from Utah, stated that, essentially, there appeared to be some indications that there was a deliberate attempt to delay the vote. Well, there has been a deliberate attempt to delay the vote, in order that we can take time to explore this amendment and dissect it, probe into it carefully. But then there was some expression that it was obvious that this was now becoming a filibuster. Of course, anybody who knows anything about filibusters knows that this is not a filibuster. There are people in this town who would not know what a filibuster is if they met it on the street. But there is kind of a mental—there is a mindset here in this town, that if you discuss a bill 4 or 5 days, or a week or 2 weeks, then there is a filibuster. I thank God for the United States Senate! I thank God for the United States Senate!

If the Senator will be patient—because I do not want him to discontinue his statement in this very important subject area, which will be vitally affected if we were, God avert, to lose our senses to the point that we would adopt this constitutional amendment. When Rome, the western seat of the Roman Empire, fell in 476 A.D. and the German, Odoacer, deposed the impotent, unfortunate, diminutive emperor, whose name was Romulus Augustus, the center of authority moved to the eastern seat of empire, namely, Constantinople. In Constantinople, there was no independent Senate. There was no independent Senate to challenge the emperor's claim of authority over even the church and theology. When Justinian, in 532 A.D., ordered his top general, Belisarius, to massacre citizens of Constantinople during the Nika rebellion, Justinian——

Mr. MOYNIHAN. In the stadium, I believe.

Mr. BYRD. Yes, Justinian had 30,000 of the citizens of Constantinople murdered. There was no independent Senate to challenge his authority to do so. With an autocrat like Justinian ruling in the Golden Horn, one need not wonder that the people of Russia, when they formed the Russian state some centuries later, had no Senate to teach them the lessons regarding checks and balances and separation of powers, and human rights, and limited monarchy.

When Ivan the Terrible, Ivan IV, in the year 1570 A.D. massacred hundreds—hundreds of citizens in the city of Novgorod, there was no independent Senate to challenge his right to exact such a revenge on those people. Muscovy had no Senate.

When Peter the Great built the city of St. Petersburg on the marshes and swamps near the Neva River, he brought in tens of thousands of slave laborers who met their deaths in the building of that city. Each worker was paid 1 ruble per month. But there was no independent Senate with control over the purse and with the power to challenge Peter the Great; no independent Senate to debate at length and to challenge the authority of Peter the Great.

When Stalin, in our own time—you do not have to go very far back in history to remember Stalin and Lenin—when they created the monstrous tyranny that spread its tentacles into Poland, Hungary, Czechoslovakia, East Germany, and the Baltic States, there was no independent Senate with power over the purse and the right of unlimited debate to challenge Lenin and Stalin. How many millions of people died under Stalin? More than 20 million—more than 20 million.

So here in America we have a Senate that takes all of 30 days, all of 30 days, mind you, in discussing an amendment which will forever—forever destroy the constitutional system of separation of powers and checks and balances, and the power over the purse, lodged in the legislative branch, as we know that system.

Mr. MOYNIHAN. Yes.

Mr. BYRD. I thank the distinguished Senator for taking the floor today. I wish I could have had the privilege of sitting in his classes. Perhaps I would know a little something about economics. But I am very thankful that I have the opportunity here to listen to him. And I listened carefully.

I thank the Senator for yielding.

Mr. LEAHY. I wonder if the distinguished Senator will yield to me for just a moment on this point?

Mr. MOYNIHAN. I will be happy to do so.

Mr. LEAHY. Mr. President, I associate myself, first with the remarks just made by the distinguished senior Senator from West Virginia, but also with the remarks made earlier by the distinguished senior Senator from New York.

At the risk of dealing with two of the foremost historians of the Senate, I would make a slight addition to what was said by the distinguished Senator from West Virginia and what was concurred in by the distinguished Senator from New York. The distinguished Senator from West Virginia said, "Thank God for the U.S. Senate." I would add to that: Thank God for some individuals in the U.S. Senate.

The Senate gives us the right, under our rules and according to our history, to speak on these matters. But only if individual Senators do it. I applaud the distinguished Senator from West Virginia and the distinguished Senator from New York, for they, as Senators, utilized the opportunity. The Senate, while a great institution, is still made up of 100 individuals.

I have said, as my friends know, time and time again on this floor that the U.S. Senate should be, and can be, the conscience of the Nation, but only if individual Members exercise that conscience. I have said many times on this floor—and I will speak many more times on this constitutional amendment, as I will on some others coming up—let us look back on our 200 years of history. We are the greatest, most powerful democracy history has ever known. But we have become so because we followed our Constitution. We have amended it only 17 times since the Bill of Rights.

Frankly, Mr. President, I have not seen anything that has occurred in the 54 years of my lifetime that is so important and in such a need of change in our country that we must have this pell-mell rush to amend the Constitution—in just 2 days in the other body. Mr. President, that is a shame; that is a disgrace; that is not something to be proud of—to say to the American people that in 2 days we took this precious Constitution, this great cornerstone foundation of our democracy and we amended it.

Are we not doing a wonderful thing? No. To that I say, for shame. I have no idea how the vote will come out on this. But at least let us as Senators stand up and say to the American people that you heard a full discussion of it, not that it was rushed through because somebody wants to make a check mark.

I applaud my good friend from West Virginia with whom I have had the pleasure of serving my 20 years and my friend from New York with whom I have served 18 years, for standing up and reminding people of history. The history lesson does not fit on a bumper sticker or in a 12-second spot on the evening news or in a headline. And, unfortunately, I must say it does not fit often enough in the classrooms of the schools of this country. It should, and maybe the U.S. Senate will help bring it back.

Mr. MOYNIHAN. Mr. President, I want to express my great appreciation to the Senator from Vermont and my revered colleague, the Senator from West Virginia. If he was not in my classrooms, I have been in his classroom for 18 years. I hope it shows, at least to some extent.

I mean to propose to act in the manner that the Senator from West Virginia spoke of earlier Senate's having done because the emperor. We have a Chief Executive and we owe him our counsel, whether he welcomes it or not.

Sir, I have to tell you that the Treasury Department analysis of the calamitous potential of this measure, in terms of deepening recessions and leaving us with prolonged periods of unemployment, under utilization, bringing on crises between groups, between regions—the Treasury Department has prepared an analysis of this and that analysis is now in the White House waiting to be cleared or released. I say again, that analysis is now in the White House waiting to be cleared.

There is a simple fact hereabouts in this city—it is almost a secret but everybody knows it—which is that there are those who would like to see this issue go away. Pass the amendment, see what happens in 5 year's time or 3 year's time, not in 2 year's time. That would be the most profoundly irresponsible act I can imagine. I say, sir, that we are not asking for anything. Whether it is associated with executive privilege, this is simply the economic analysis that the profession will produce at this time. But we have not heard from the White House. There was one op ed article by Dr. Tyson that was not bad. But we have not heard from the White House what every President since John F. Kennedy has known and understood, that this would strip the Federal Government and particularly the executive branch of those automatic stabilizers which have kept us from plunging and trashing and dropping into ruin in the century that preceded the Employment Act of 1946.

Mr. President, I hope I am heard. I will know better by the end of the day. If I have not been heard, I will be on the floor first thing in the morning. I will stay here until it is clear that our request has been refused or what I hope is that it be granted so that we can help the President and avoid a calamity, which may be decided by one or two votes.

Finally, Mr. President, I ask unanimous consent that the text of the New York Times article, "The Pitfalls of a

Balanced Budget, Dismantling a Decades-Old System for Softening Recessions," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 21, 1995]

THE PITFALLS OF A BALANCED BUDGET—DISMANTLING A DECADES-OLD SYSTEM FOR SOFTENING RECESSIONS

(By Louis Uchitelle)

The unemployment rate, which peaked at 7.7 percent after the last recession, could have reached 9 percent if a balanced budget had been required, Government and private economists estimate. And a laid-off worker who collected $12,000 in unemployment pay might have received only $7,000 or so.

Such estimates of the potential economic impact are not emphasized very much, however, in the debate over the balanced budget amendment. So far, the battle has focused on its value as a tool to shrink government or to discipline spending. But if the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.

"There are risks associated with a balanced budget, and I don't think anyone should deny them," said William Hoagland, the Republican staff director for the Senate Budget Committee. "Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget amendment might be."

Mr. Hoagland expressed surprise that the biggest risk—deeper, more painful recessions—had not figured significantly in the debate, although Senator Daniel P. Moynihan, Democrat of New York, and Senator Paul S. Sarbanes, Democrat of Maryland, had called attention to this risk in several floor speeches. "The reason must be that the advocates of a balanced budget see the benefits to the economy as far outweighing the negatives associated with cyclical downturns," Mr. Hoagland said.

"That must be what is going on."

No benefit seems to hold more sway than the view that the amendment would shrink the Federal Government by restricting its power to tax and to spend. A dollar not collected and spent by the Government is a dollar left in the hands of the private sector. And the private sector invariably invests money more efficiently than the Government, this view holds.

"The people have spoken clearly that government is too big and we need to do something about it," said Robert Hall, a Stanford University economist who favors smaller government. "The problem is that the balanced budget amendment is a heavy-handed solution and risky."

The biggest risk is to the nation's "automatic stabilizers," which have made recessions less severe than they were in the century before World War II. The stabilizers, an outgrowth of Keynesian economics, work this way: When the economy weakens, outlays automatically rise for unemployment pay, food stamps, welfare and Medicaid. Simultaneously, as incomes fall, so do corporate and individual income tax payments. Both elements make more money available for spending, thus helping to pull the economy out of its slump.

The problem, of course, is that the stabilizers make the deficit shoot up—by roughly $65 billion as a result of the 1990–1991 recession, according to the Treasury Department. Under the balanced budget amendment, Congress and the Administration would be required to get the budget quickly back into balance, through spending cuts, higher tax rates, or a combination of the two—perhaps even in the midst of a recession.

"The Government would become, almost inevitably, a destabilizer of the economy rather than a stabilizer," said Joseph Stiglitz, a member of the President's Council of Economic Advisers. Many economists share that view.

Absent the stabilizers, every 73-cent drop in national income in the last recession would have become a $1 drop, said Bradford DeLong, deputy assistant Secretary of the Treasury, who as a Harvard economist studied this dynamic and recently updated his research. Of the 27 cents in cushioning, 20 cents came from falling tax revenue and 7 cents from the higher spending.

Economists outside the Government offer similar estimates. Ray Fair of Yale University, for example, said for every $10 billion decline in national income during a recession, the deficit rises by $2 billion, as the stabilizers kick in with their higher spending and lower tax revenue.

"We ought not to give up the stabilizers," Professor Fair said. "That would be very Draconian."

Nearly every economist agrees that the American economy requires, if not stabilizers, some substitute method for offsetting recessions in an era of balanced budgets. And those who favor the amendment are no exception.

"It would be a disaster to lose the stabilizers," said C. Fred Bergsten, director of the Institute for International Economics, who endorses the amendment as a necessary step if the nation is to afford the high cost of Social Security and Medicare for the baby boom generation, which reaches retirement age early in the next century.

Mr. Bergsten notes that the amendment, as now worded, would permit Congress to bring back the stabilizers by a three-fifths vote in both houses. The vote would permit the necessary deficit spending to finance the stabilizers.

While a three-fifths vote is a big hurdle, Mr. Bergsten and others argue that Congress would get used to authorizing the necessary deficits during recessions. Nevertheless, he would prefer a different solution. Once through the painful process of balancing the budget by 2002, as required by the amendment, then the Government should run budget surpluses in years of strong economic growth and full employment, Mr. Bergsten said.

The surpluses would cover the rising costs of the stabilizers during recessions. "You could go down to a balanced budget in the hard years, and still give the economy a little stimulus," he said.

The Congressional Budget Office has estimated that the surplus needed to pay for the stabilizers during a recession as severe as that of 1981-1982, the worst since World War II, would be 1 percent of the national income during robust periods of full employment, and perhaps as much as 1.5 percent.

That would mean an annual surplus in today's dollars of $70 billion to $100 billion, rather than the nearly $200 billion or so in annual deficits expected under current policy. Most of the $200 billion is to help pay for programs like highway construction and new weaponry that have fixed costs and do not fluctuate with the ups and downs of the economy, as unemployment pay, food stamps, tax revenues and the other stabilizers do.

Some economists—including Milton Friedman, a Nobel laureate in economics who is with the Hoover Institute—hold that the stabilizers, despite the ballyhoo, are no longer so important. The Federal Reserve, through monetary policy, can more than offset their disappearance by lowering interest rates an extra notch or two to give the economy an additional stimulus in hard times.

"I have looked at many episodes in the world in which monetary policy went one way and fiscal policy the other, and I have never found a case in which monetary policy did not dominate," Mr. Friedman said. He favors a balanced budget amendment that would shrink the Federal Government by putting a ceiling on the tax increases that could be enacted to balance the budget.

But the Clinton Administration and even Federal Reserve officials question whether monetary policy could alone handle the task of reviving an economy in recession. The stabilizers, they note, kick in automatically—before the Federal Reserve and most economists often realize that the economy is falling toward recession.

A recession might be well along and getting deeper before the Fed recognized the problem and began to drop rates. The lower rates, in turn, would not be felt in the economy for a year to 18 months, the traditional lag. And even if the Fed acted quickly enough, the economy would behave in new and different ways without the stabilizers.

"My guess is that we would get it wrong the first time we went into recession, making that recession much deeper than it should be," said a Federal Reserve official, who spoke on condition that he not be identified. "But we would learn from that experience and do a better job thereafter."

Mr. MOYNIHAN. Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am, as I have said, going to speak again on the question of the balanced budget. I think that the speeches made by the distinguished senior Senator from West Virginia and the distinguished senior Senator from New York are such that I hope a lot of people will listen to them.

Obviously, I myself am in great agreement. As I have stated, the Senate owes thanks to both of them. But more than that, the United States owes thanks. This is a matter that should be debated.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Vermont and the distinguished Senator from New York for their comments.

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business on another subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CHANCE FOR PEACE IN NORTHERN IRELAND

Mr. LEAHY. Mr. President, this is an historic day in the Republic of Ireland and Northern Ireland. I want Senators and the American people to be aware of the significance of what the people of that island have done today.

For the past quarter of a century, Unionists who favor continued British control over Northern Ireland, and Catholics who favor unification of Northern Ireland with the Irish Republic, have been locked in a cruel war over the status of the North. Over 3,200 people have died, many of them innocent civilians caught in the crossfire between the IRA and Protestant paramilitary groups.

Mr. President, as an American of Irish descent, the violence in Northern Ireland has had a profound effect on me. I have always unequivocally opposed the use of violence by both sides in Northern Ireland. Irish-Americans who care about the land of our ancestors condemn violence without reservation and support a peaceful settlement.

My father felt he would never live to see real peace in Northern Ireland, and he did not. But I believe that my father's son will see it, both as an American and as a U.S. Senator.

In December 1993, our hopes were raised for an end to the bloodshed, when former Irish Prime Minister Reynolds, and British Prime Minister Major, declared that the future status of Northern Ireland should be decided by agreement of the people there. That declaration began a peace process that led to the IRA cease-fire last August. Two months later Protestant paramilitary groups stopped shooting, and the cease-fire has held.

Since then, the British Government has taken several steps to reduce tensions in the North, including ending daytime military patrols in Belfast. In the Irish Republic, a Peace and Reconciliation Forum has brought Sinn Fein, the political wing of the IRA, into informal talks with representatives of the Government and other parties.

Today in Belfast, in what I believe offers the best hope for peace in the 25-year history of the conflict, Irish Prime Minister Bruton and Prime Minister Major announced the publication of a long-awaited Framework Document which provides a basic for future negotiations on a peace settlement.

Mr. President, late yesterday afternoon, I returned from Dublin, Belfast, and London, where I met with leaders and individuals representing all points of view on the future of Northern Ireland. I went there over the weekend because I knew the peace process was at a decisive point.

I wanted to give encouragement. I also wanted to pay tribute to the people of both Northern Ireland and the Republic, Catholic and Protestant, who are courageously trying to find a way to a better future.

The Framework Document, which sets out a joint vision for the future of both Irish and British Governments, is a tremendous step forward. It reaffirms the principles of self-determination, of the consent of the governed, of democratic and peaceful means, and of full respect and protection for the rights and identities of both traditions.

From the conversations I had, both in the Republic of Ireland and Northern Ireland, with people of all political and religious traditions, I realized the importance of the document and of bringing people together who so fervently want to be brought together. Members of my staff, Tim Rieser and Kevin McDonald, who accompanied me, heard the same thing.

Since the framework's aim is to encourage all parties to come to the negotiating table, nobody is going to be content with all of it. If it were written in such a way that any one group found it totally acceptable, it would guarantee that the rest would find it totally unacceptable. The Unionists with whom I met condemned the Framework Document long before its release. I suggested they recognize it for what it is—a basis for discussion, not a final blueprint. I urged them to come to the negotiating table with their own ideas, not to condemn the process before even giving it a chance.

Mr. President, in Belfast I got a sense of the fear Unionists feel. For centuries they have thought of themselves as British, and today they fear that the British Government is abandoning them. Some longed for a past that never was, dreamed of a future that never would be, and they fear a present they do not understand.

It made a profound impression on me. Change in Northern Ireland is inevitable, but the Framework Document should threaten no one. It would give a majority of the people of Northern Ireland the right to decide their future. It is equally important to recognize that any lasting piece, any healthy society, muse be rooted in equal justice. The fundamental civil rights of both Catholics and Protestants must be protected in Northern Ireland.

Everywhere I went, I heard praise for the role President Clinton has played in supporting the peace process in Northern Ireland. I was told that not since the days of President John F. Kennedy has an American President been so interested in what is happening. It is clear that without his personal involvement we would not have seen this day.

I want to praise our Ambassador, Jean Kennedy Smith, who has taken up the cause for peace and encouraged the parties to move forward. And I want to praise especially those parties, many of whom have been enemies for decades, perhaps for centuries, who are willing to come together.

In Dublin and Belfast I told Unionists and Nationalists the same thing, that the U.S. Government will support this effort fully, and with even-handedness.

But the real work of peace will be done by them. Both have legitimate aspirations, and both traditions must find a way to accommodate one another. We cannot, nor can any other country dictate what that outcome will be. The parties must find it for themselves.

Mr. President, I am under no illusion that a peaceful future in Northern Ireland is assured. Immense difficulties lie ahead. To put the past behind, to build peace out of bloodshed, to find common ground where there has been so much hatred and distrust. But from all that I heard during my brief visit there, there is a new spirit emerging; a wide recognition that violence has failed; a new determination to find another way.

When mothers in Belfast sat with me and told me they did not want their children to face the kind of horror and violence that they have, it is not a feeling of Protestants or Catholics, it is a feeling of mothers throughout Northern Ireland. It is a feeling that should be listened to by the leaders, because the people do not want to go back to the violent days of the past.

Those mothers spoke of their children, who are going to live most of their lives in the next century. The leaders must decide what kind of a life they will have. The children cannot, but it is they who will be most affected. And if you have hatred and violence, prejudice and bias directed toward a child, does it make any difference whether that child is Protestant or Catholic? Those children have a right to expect their leaders to show courage and a sense of responsibility for the future and to give them a chance to live in peace.

Lasting peace means urgently dealing with the terrible problem of unemployment in the north. People need to have confidence in their government, but they also need jobs; they need economic security as well as physical security.

In Belfast, I saw some of the accomplishments of the International Fund for Ireland which the United States and European countries have supported since 1983. I can attest to the important work the Fund is doing to provide jobs in areas where unemployment among Catholics runs as high as 60 percent. The Fund's efforts have also brought together Catholics and Protestants in common endeavors where in the past there was virtually no contact between them.

And in speaking to members of the Orange Order in Comber near Belfast, I encouraged Unionists there to apply to the Fund and work together to bring jobs and a sense of security and a sense of hope in the future for their people.

President Clinton, in recognition of the Fund's accomplishments and the critical stage the peace process has reached, has proposed increases in our contributions in 1996 and 1997.

The Fund is a transitional program until real investment can take root in the north. A trade and investment conference is planned for May in Washington, and it is eagerly awaited by people in both Northern Ireland and the Republic. President Clinton's selection of Senator George Mitchell as his Special Adviser on Economic Initiatives in Ireland is not only indicative of the President's commitment to support peace there, it also ensures the success of the conference.

Again, in the Republic of Ireland, in Northern Ireland, and in the United Kingdom, I heard person after person praise the choice of George Mitchell, knowing the respect that is felt for him by both Republicans and Democrats in our country and by the President of the United States.

I am reminded of what Senator Mitchell, quoting Franklin Roosevelt, said to an audience in Dublin: In the dark days of our Great Depression, President Roosevelt said "the only thing we have to fear is fear itself." He also said, "the best social program is a job." That will be Senator Mitchell's work as the Presidents Special Adviser, and the work of all the people there.

Mr. President, the island of my ancestors is at an historic turning point. Today's publication of the Framework Document offers a real chance for an end to a conflict that has horrified so many for decades.

I want to commend the Irish and British Governments and all the parties who are seeking a better future for the people of Northern Ireland.

Mr. President, for the first time I have a sense of hope that peace is at hand in Northern Ireland, which my late father so desperately wanted. I have a belief that his son and his grandchildren will see it.

Mr. President, I ask unanimous consent that statements of Prime Ministers Bruton and Major and a summary of the Framework Document be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

SUMMARY—A NEW FRAMEWORK FOR AGREEMENT

These proposals:

Reaffirm the guiding principles of self-determination, the consent of the governed, exclusively democratic and peaceful means, and full respect and protection for the rights and identities of both traditions;

Provide for an agreed new approach to traditional consitutional doctrines on both sides:

The British Government will propose changes to its constitutional legislation, so as to incorporate a commitment to continuing willingness to accept the will of a majority of the people living in Northern Ireland, and a commitment to exercise their jurisdiction with rigorous impartiality on behalf of all the people of Northern Ireland, in a way which does not prejudice their freedom to determine Northern Ireland's constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland;

The Irish Government will introduce and support proposals for changes in the Irish Constitution, so that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, and so that the Irish Government recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status;

Commend direct dialogue with the relevant political parties in Northern Ireland in developing new internal structures;

Propose a North/South body, comprising elected representatives from, and accountable to, a Northern Ireland Assembly and the Irish Parliament, to deal with matters designated by the two Governments in the first instance in agreement with the parties;

Describe ways in which such a body could work with executive harmonising or consultative functions, by way of authority delegated to its members by the Assembly;

Envisage that all decisions within the North/South body would be by agreement between the two sides;

Set out criteria for the designation of functions, and suggest a range of functions that might be designated from the outset, for agreement with the parties;

Envisage the Northern Ireland Assembly and the Irish Parliament being able, by agreement, to designate further functions or to move functions already designated between the three categories;

Envisage that the body will have an important role in consultation with the two Governments in developing an agreed approach for the whole island in respect of the challenges and opportunities of the European Union;

Envisage a Parliamentary forum, with representatives from new Northern Ireland institutions and the Irish Parliament to consider matters of mutual interest;

Envisage a new and more broadly based Agreement between the British and Irish Governments to develop and extend co-operation;

Envisage a standing Intergovernmental Conference which would consider matters of mutual interest, but not those transferred to new political institutions in Northern Ireland;

Envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference;

Provide for a complementary undertaking by both Governments to ensure protection for specified civil, political, social and cultural rights.

These proposals do not provide for joint authority by the British and Irish Governments over Northern Ireland. They do not predetermine any outcome to the Talks process. Agreement by the parties, and then by the people, is the key.

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER), MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs on this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British peoples, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgment of what might be an agreed outcome future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May I at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are, we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic with of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland;

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation;

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people;

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary public—here, in the rest of Ireland and in Britian—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgement of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

Opening Statement by the Prime Minister, the Rt. Hon. John Major, MP, at a Joint Press Conference With the Taoiseach, John Bruton, TD, To Launch the Joint Framework Document, Belfast, Wednesday 22 February 1995

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

We seek to help peace, but only the people of Northern Ireland can deliver it.

So let me say to them:

These are our ideas, but the future is up to you;

You have an opportunity now which has not been there for many years;

An opportunity to work together to build a better future and a lasting peace.

Our proposals stem from the talks process launched four years ago, in March 1991.

It was agreed then by the two Governments and the four participating parties that the process would have three strands. It would seek a new beginning for:

Relationships within Northern Ireland;

Relations between the North and South of the island of Ireland;

And relations between the United Kingdom and the Republic.

We agreed that it was only by addressing all these relationships together that agreement would be found across the community in Northern Ireland.

At this press conference, the Taoiseach and I are publishing the document "A New Framework for Agreement" which deals with the second and third of these strands. A little later this morning I shall put forward a separate document proposing new arrangements within Northern Ireland—which is of course a matter for the British Government and the Northern Ireland parties alone.

Our proposals are based on several principles: self-determination, consent, democratic and peaceful methods, and respect for the identities of both traditions.

Consent is and will remain paramount in our policy.

It is the democratic right and the safeguard of the people of Northern Ireland.

No proposals for the future would be workable, let alone successful, without the consent and active support of all Northern Ireland's people. For they are the people who would carry them out and whose lives would be affected.

That is why any eventual settlement must be agreed by the parties; supported by the people of Northern Ireland in a referendum; and approved by Parliament—a triple consent procedure.

Our constitutional matters, each Government has offered crucial new commitments in this Framework Document:

As part of a balanced agreement the British Government would enshrine its willingness to accept the will of a majority of the people of Northern Ireland in British Constitutional legislation. We shall embody the commitments we made in the Downing Street Declaration;

The Irish Government would introduce and support proposals to change its Constitution, so that "no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted". This is a very important proposal that I welcome unreservedly;

These changes would offer Northern Ireland a constitutional stability which it has not hitherto enjoyed. Its future status, by agreement between the two Governments, would be irrevocably vested in the wishes of a majority of its people

In line with the three-stranded approach, we propose new institutions for North/South cooperation.

The North/South body which we outline would comprise elected representatives chosen from a new Northern Ireland Assembly and from the Irish Parliament. It would draw its authority from these two bodies. It would operate by agreement, and only by agreement.

On the UK side, the North/South body would initially be set up by legislation at Westminster, as part of a balanced agreement. It would come into operation following the establishment of the new Assembly. Thereafter, it would be for the Assembly and the Irish Parliament both to operate the body and to decide whether its functions should be extended.

Like all of our proposals, the new North/South institutions will be a matter for negotiation. But the way should now be open for beneficial cooperation between North and South without the constitutional tensions which have been such impediments in the past. We have made suggestions about areas which might be covered in this cooperation, to the advantage of both sides. Like all aspects of the document, they will be for discussion and agreement between all concerned.

The European Union already operates cross-border programmes between Northern Ireland and the Republic, as it does elsewhere. We propose that North and South could usefully work together in specific areas, to take advantage of what the EU has to offer. But the making of United Kingdom policy and the responsibility for representing Northern Ireland in the European Union will remain solely in the hands of the UK Government.

In the third of our Strands, we outline a new broader-based agreement to take the place of the 1985 Anglo-Irish Agreement.

The 1985 Agreement was criticised because the Northern Ireland parties had not contributed to it. Our new proposals are offered for discussion in the talks process. We want to hear the views of the parties; and we envisage that their representatives would be formally associated with the future work of the Intergovernmental Conference.

The Intergovernmental Conference would allow concerns to be expressed about any problems or breaches of the Agreement. But there would be no mechanism for the two Governments jointly to supervise or override either the Northern Ireland Assembly or the North/South body. It would be for each Government to deal on its own with any problems within its own jurisdiction. This would not be a question for joint decision, still less joint action. It is important to be clear about this, as there have been concerns on this score.

Our two Governments have worked with patient determination to agree on this Framework, and I am grateful to the Taoiseach, his predecessor, and the Tanaiste for their efforts and their spirit of accommodation.

Our proposals seek to stimulate constructive and open discussion and give a fresh impetus to the political negotiations. The outcome of those negotiations will depend, not on us, but on the consent of the parties, people, and Parliament.

It is not for us to impose. But what we propose is an end to the uncertainty, instability and internal divisions which have bedeviled Northern Ireland.

For over four years as Prime Minister, I have listened intently to the people of Northern Ireland. I have visited them, consulted them, travelled more widely than any predecessor throughout the Province, and held meetings with political leaders, church leaders, council leaders, community leaders, and people from all walks of life.

It is my duty as Prime Minister of the United Kingdom to maintain the Union for as long as that is the will of the people. It is a duty in which I strongly believe, and one which these proposals protect. Just as people cannot be held within the Union against their will, so equally they will never be asked to leave it in defiance of the will of the majority.

Consent and free negotiation are fundamental to me, and they are the foundation stones of this Joint Document.

In the four years of the Talks process, we have travelled a long way, but not yet far enough.

I know that many people will be worried, perhaps even pessimistic, about the future.

But, as we look at the hurdles ahead, let us also consider where we have come from.

The dialogue of the deaf has ended.

For four years, we have been engaged in talks.

The three-stranded approach is becoming a reality.

The Joint Declaration has been accepted.

The British Government is engaged in talks with paramilitaries on both sides.

We have had nearly six months of peace.

Prosperity and a normal life are returning to Northern Ireland.

The principle of consent, once accepted only by Unionists and the British Government, is today accepted almost everywhere.

These are some of the gains for everyone in Northern Ireland.

More gains can lie ahead if we have the courage to conduct ourselves with patience, with foresight and with consideration.

Mr. WELLSTONE. Mr. President, I wonder whether I could ask unanimous consent to speak for 7 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank the Chair.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 458 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:39 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The Senate continued with the consideration of the joint resolution.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Mr. President, I yield to the distinguished Senator without losing my right to the floor.

Mr. HATCH. Mr. President, I appreciate my colleague from West Virginia, and I appreciate his courtesy at all times.

This has been a very interesting and energetic debate. We used up almost all the time. There have been very few quorum calls. I want to compliment people on both sides of the aisle and both sides of the issue. It has been a hard-fought debate. But it has been fought fairly. I believe that those on the other side of this issue feel very deeply just like those of us who want this balanced budget amendment feel very deeply ourselves. So I appreciate it.

We have had an extensive debate. I think it has been fair. It has been many, many days. We are now in our 15th day of actual debating, 3 solid weeks of time on the floor, and actually more if you talk about the normal running of the Senate. We have debated a whole raft of issues. In the next few days, the final days of this debate leading up to next Tuesday when we finally vote on this matter, we will have a number of amendments and give every Senator an opportunity to speak again or to bring up his or her amendments.

There has not been—I just want to remind everybody in this country today—that there has not been one balanced budget since 1969; not one in 26 years. There have been only seven balanced budgets in the last 60 years. Only seven. The national debt is now over $4.8 trillion. That is more than $18,500 for each man, woman, and child in America. Every one of us is in debt better than $18,500 and going up every day.

The national debt has increased $3.6 trillion since the Senate last passed this balanced budget amendment back in 1982 when I, as chairman of the Constitution Subcommittee, along with Senator THURMOND and others, brought it to the floor for the first time in history. We passed it through the Senate by the requisite two-thirds vote plus two. But the House killed the amendment, and since that date in 1982, the national debt has gone up $3.6 trillion.

In 1994, last year, gross interest against the national debt exceeded $296 billion. Just to put that in perspective, that interest that we paid last year was more than the total Federal budget or total Federal outlays in 1974. Just think about it. We spent more just paying interest against the national debt—that is money down the drain—than all of the outlays of the Federal budget, all of the spending of the Federal budget, in 1974. And that $296 billion interest payment last year is more than the total revenues of our Government were in 1975.

In 1994, gross interest consumed about one-half of all personal income taxes. One-half of all personal income taxes paid just went to pay interest against the national debt in fiscal year 1994. We spent an average of $811.7 million each day just on gross interest. That is $33.8 million each hour and $564,000 each minute that we were spending on gross interest alone.

Net interest payments in 1994 were 5½ times as much as outlays for all education, job training, and employment programs combined. Just think about that. Net interest payments—that is net interest payments—in 1994 were 5½ times as much as all we spent for education, job training, and employment programs in this country in the Federal Government.

In the 24 days since we first began this debate on the balanced budget amendment, the amendment that we have debated for years, the national debt has increased—I guess I better put that up here—has increased $19,906,560,000.

I have to put these indicators up because we have not done so. This is the 19th day. Here is the 20th day since we started the debate. That is $16.5 billion. Here is the 21st day since we started the debate. That is $17.5 billion, almost. The next one is the 22d day since we started this debate. That is $18,247,680,000, and last but not least is the—excuse me, this is the 23d day, $19 billion—$19,077,000,000—and finally, on the 24th day, just since we started the debate on this matter, we are now up to $19,906,560,000 in national debt that increased over those 24 days. Now, that is about $75 for every man, woman, and child in the United States of America.

I hope they have enjoyed this debate. It is not as good as "Les Miserables," but it is about as expensive. Now, can you imagine what we are doing on an annual basis? We are going up by leaps and bounds—almost $1 billion a day in national debt. So this is really important. This is important stuff.

I do not find any fault with those who feel otherwise except that I think they are wrong. Something has to be done. We can no longer fiddle while Washington burns. We have to change the old way of doing things around here. We have to start doing things in a better way.

This amendment, as imperfect as it may be, is still the most perfect we have ever brought to either House of Congress, and it is a bipartisan consensus amendment. This amendment is something that would get us to make priority choices among competing programs and force us toward trying to live within our means. And it does it in a reasonable and worthwhile way.

So I hope our colleagues will realize this because we have 52 of 53 Republicans who are going to vote for this. All we need are 15 Democrats out of the 47. We are hopeful we will find 15 of them, and if we do, we will be on our way to solving some of these terrible problems that are besetting our country, and we will be on our way to helping the future of all of our children and grandchildren.

I thank my dear friend from West Virginia. I look forward to his amendment, and I thank him for allowing me this time just to set the tone for the debate beginning this afternoon.

(Mr. COATS assumed the Chair.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Utah for his many courtesies and also for the work that he has done on this amendment.

I do not expect everybody to agree with me by any means on this or anything else, but I sometimes find it hard to understand why others disagree with me especially on this subject. But every person has a mind of his own, and I do not set myself up as a paradigm of thought or action. I do think, however, that when the distinguished Senator from Utah makes reference to the need for a constitutional amendment in order to force us to exercise the discipline to balance the budget, it seems to me that that is a very sad commentary on the character of elected public officials; to say that we have to have a constitutional amendment to give us the discipline. I remember the words of H.L. Mencken, who was a great American writer and author and editor, who said that "There is always an easy solution to every human problem—neat, plausible, and wrong."

This constitutional amendment, in my estimation, falls into that category of being an easy solution to a very serious problem; it is neat, sounds plausible, but it is wrong.

> The devil knew not what he did when he made man politic; he crossed himself by 't: and I cannot think but in the end the villanies of man will set him clear.

Mr. President, this constitutional amendment unequivocally states that:

> Total outlays for any fiscal year shall not exceed total receipts for that fiscal year—

That means every year.

> unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

The two must balance, "unless three-fifths of the whole number of each House of Congress shall provide by law," meaning passed by both Houses and signed by the President, "for a specific excess of outlays over receipts by a rollcall vote."

It cannot even be done by unanimous consent.

Of course, there is nothing in the present Constitution which says that we have to have a rollcall vote on everything that passes either body. The Constitution does require a rollcall vote if one-fifth of those present in either House request a rollcall vote. I have no problem with requiring a rollcall vote. I do not mind that. And I do not think other Senators mind it. I have not missed a rollcall vote now in over 10 years. I have cast around 13,500 rollcall votes since I have been in the Senate, not counting the rollcall votes that I answered when I was in the House of Representatives. The waiver has to be by a rollcall vote.

And what of the economic effects of this mandate for yearly budget balance? In fact, larger spending cuts or tax increases would be required in slow growth periods than in periods of robust growth, exactly the opposite of what is needed to stabilize a weak economy and prevent recessions—exactly the opposite.

The amendment, therefore, not only risks making recessions of greater frequency, depth, and duration, but mandating a balanced budget by fiscal year 2002—a year for which a deficit of $322 billion is projected by CBO—or within 2 years following ratification, whichever is later—would also impose constraints on the economy far in excess of those entailed in the 1993 budget law—a double whammy—a double whammy—that can stifle economic growth and cause unemployment to soar. The three-fifths waiver provision would prove ineffective as most recessions are already underway before they are recognized as such.

So, any recession may already be upon us. It may have been several months in duration already before it is recognized as such. Recessions often are not recognized as recessions until a month, 2 months, several subsequent months are passed. How are we, then, going to waive, by a three-fifths vote, this requirement, so as to pass a resolution for a specific excess of outlays over receipts? How are we going to do it?

Suppose we have already passed the close of the fiscal year before we realize that we are in a recession? The end of the fiscal year, September 30, has gone. How are we, then, going to waive by a three-fifths vote this requirement so as to provide a law for a specific excess of outlays over receipts for that fiscal year which has just passed. How are we going to do that?

We hear it said that the American people have to balance their personal budgets. That is one of the shibboleths that we have heard so often: The American people balance their budgets. Every family has to balance its budget, we hear. States have to balance their budgets—that is another shibboleth. States have to balance their budgets, why can the Federal Government not balance its budget? Let us take a closer look at these popular notions. First, I do not think anyone would argue that businesses should not be able to borrow. We all know that businesses borrow to finance the purchase of high technology and equipment. Businesses borrow to modernize plants and equipment.

They would go under if they could not borrow. They have to keep their equipment modernized in order to compete with the other businesses in the community or nearby. They have to borrow in order to finance the purchase of high technology and other equipment. Businesses borrow to modernize plants and equipment. States borrow. My State of West Virginia borrows. Other States borrow to pay for roads and schools and other capital projects.

The chart to my left sets forth the total State government debt, fiscal years 1960 through 1992. And the source of the data on which the chart is based is the Bureau of The Census. Viewing the chart to my left, the viewers will note that in 1960, the total of State government debt for 1960 is $18.5 billion, of which the amount shown in the red coloring, $9.2 billion, was nonguaranteed debt. The portion that is shown in the yellow color is that portion of the debt which is backed up by the full faith and credit of the State.

Now, notice how the State debt has grown, both the nonguaranteed debt and the full faith and credit portion of the debt. In 1992, the total State government debt was $371.9 billion, of which $272.3 billion was not backed up by the full faith and credit of the State but was nonguaranteed debt. That nonguaranteed debt costs the State taxpayers more than the guaranteed debt, in terms of interest. That portion that is colored yellow on the chart, that portion of the total State debt was backed up by the full faith and credit of the State.

Therefore, one will see that in the course of 32 years, 1960 to 1992, State debt in this country increased from $18.5 billion to $371.9 billion. In other words, roughly, as I calculate in my cranium, the total State debt had increased about 20 times—20 times. State debt in 1992 was 20 times greater than it was in 1960.

Who says that States balance their budgets? The States do not balance their budgets. They are in debt. They are heavily in debt. They borrow to invest, in most cases; but they borrow to pay for roads and schools and other capital projects. Many of the Governors will say, "My State balances its budget, why can the Federal Government not balance its budget?" Those Governors know better than that. They know that the States operate on two budgets, a capital budget and an operating budget. So why attempt to mislead the people into thinking that oranges are apples or that apples are oranges or that black is white or that white is black, when the case is plainly not such?

The Federal Government operates on a unified budget. It does not have two budgets, a capital budget and a operating budget. So the States are different. But do not let anybody ever tell you that the States are not in debt. They are heavily in debt and they are going more into debt all the time, as we can see from this chart to my left.

Then there are those who say that the American families balance their budgets—a lot of people believe that. But when they stop to think seriously about the matter, they will come to the conclusion that most American families really do not balance their budgets. They borrow. They borrow to buy what? To buy an automobile. What else? To buy a home. I know, because I have had to borrow in my lifetime to buy a home. My wife and I have worked hard to pay off the mortgage on the home. We were in debt. We did not balance our budget.

We balanced our operating budget, but we did not balance our total budget. We had to borrow. We borrowed the money. We did not balance our budget, did we, in the sense that we are talking about here when we say that the Federal Government ought to balance its budget? No. We borrowed the money, and we paid back, over a period of years, the principal and the interest on that borrowed money.

We hear much these days about a so-called Contract With America. The so-called Contract With America. That is a big joke. In pursuance of that so-called Contract With America, the other body adopted this constitutional amendment to balance the budget in 2 days—2 days! There is not a town council in this country anywhere that would not spend 2 days—at least 2 days—in determining whether or not to issue a permit to build a golf course. Two days! Our Founding Fathers spent 116 days, from May 25, 1787, to September 17, both inclusive—116 days, behind closed doors. They stationed sentries at the door, and the windows were kept shut to prevent eavesdropping on what was being said on the inside. George Washington instructed the delegates to not leave any papers lying on the desks and to not discuss the proceedings with anyone on the outside. We cannot even have a caucus without someone having to come out of the caucus and spill his guts to the press.

At that Constitutional Convention, on one occasion, someone carelessly left his convention notes on the desk overnight. George Washington, the next day, called attention to the fact that someone had left his notes, and Washington was upset. He threw the notes onto a table and said: "Let him who owns it take it." Nobody claimed the notes. Washington walked out of the room. It was serious. The Framers met for 116 days; yet here, in 2 days time—2 days—the other body adopts this constitutional amendment.

Thank God for the U.S. Senate! The Founding Fathers certainly knew what they were doing when they created the Senate, a place where we can have unlimited debate. It can only be limited by a cloture motion or by the willful entering into a unanimous-consent agreement on the part of all of the Members.

This constitutional amendment is part of the so-called Contract With America. I read about it every day. The newspapers keep a running marker on the so-called contract—how many days have gone by, and what has passed the House, and all that.

Well, I once signed a contract myself. But not the so-called Contract With America. I signed a contract once upon a time and I have a replica of it here on this chart. This was entered into on May 25, 1937, almost 58 years ago. Let us see what this contract says. Mind you, now, one of the shibboleths in this debate is that the American families balance their budgets. I consider myself as being an average American. I once had to work in a gas station, which was my first job after graduating from high school in 1934. Then I became a produce salesman. I sold cabbage, turnips, rutabagas, watermelons, peaches, pears, apples, radishes—all those nice things. I used to spread them on my produce counter. Then I became a meat cutter. I worked as a meat cutter for a number of years.

While I was working in this meat shop for Koppers Stores, I entered into this contract. It is not the so-called Contract With America, you understand. This contract cost me $189.50. What did I get out of this contract? No Contract With America is as bona fide as this contract was. If I had broken this contract, I would never have come to the U.S. Senate. Here is what it said:

"Store number 30." You see, Koppers Stores was an organization that had a number of stores in Pennsylvania, West Virginia, and some other States. The customer, who was he? ROBERT BYRD. Date, May 25, 1937. That was 4 days before I got married. I am still married to my first wife. On May 25, 1937, I entered into that contract. What does it say?

> This conditional sales agreement between Koppers Stores, Division of Koppers Coal Company, a Delaware Corporation, hereinafter called Vendor—

I probably did not know what "vendor" meant at that time. I had just graduated from high school three years before. I was out of high school 16 years before I started to college.

> and Robert Byrd, residing at Stotesbury, House No. 207 . . . in the County of Raleigh, State of West Virginia . . .—

Here is what was in the contract: A five-piece bedroom suite consisting of one vanity, one bed, one chest, one night table, and one bench, valued at $189.50. Here is what the contract said.

> . . . which articles Purchaser agrees to use and keep in like good order and for which Purchaser agrees to pay in cash or scrip of the above-named company as follows: $5 on delivery of this agreement, the receipt of which is hereby acknowledged, and the sum of $7.50, twice each month, payable on the two Saturdays which are nearest to the tenth and twenty-fifth days of each month at the offices of the above named company, for 13 months . . .
>
> . . . or until the total amount of $189.50 shall have been paid, and Purchaser hereby assigns to Vendor out of any wages due to Purchaser from Purchaser's employer, semimonthly, the said sums so payable semimonthly to Vendor under the terms hereof until said total amount shall have been paid, and hereby authorizes and directs his employer to deduct said sums on the days aforementioned from wages due him on such days, and to pay the same to Vendor, after which total payment the title to the above listed property shall pass to Purchaser without encumbrance.

See, not until I have paid that $189.50 did the title pass to this poor old butcher boy.

> It is understood, however, that pending such total payment, title to said property is reserved and remains in Vendor. And it is agreed that Purchaser shall not, without the consent of Vendor, remove said articles from Raleigh County, nor sell, mortgage, or otherwise dispose of Purchaser's interest in them.
>
> And it is agreed that if Purchaser should be in default—

Get this.

> in the payment of any of the installments of purchase money due hereunder, without the written consent of Vendor, or if Purchaser should sell, mortgage, or otherwise dispose of purchaser's interest in any of the above listed property, or remove any of said property from Raleigh County, then the Vendor, its successors and assigns, shall have the right to retake possession of said articles and deal with them in accordance with the statutes for such cases made and provided and in so doing, enter and, if necessary, break into any house, place or premises where said articles may be, provided the same may be done without breach of the peace; or the said company may, at its option, rescind this sale.
>
> Witness the following signatures and the seal of Purchaser this 25th day of May, 1937.

And here is yours truly, "sign here," it says, "ROBERT BYRD." This is it! That was my contract—$189.50.

Now, that is about what every family in America has to experience from time to time in buying a house, buying a car, buying a bedroom suite, buying a refrigerator, buying a farm.

My foster father bought a farm in the mid-1920's. Did he pay for it in cash? No. He had to go in debt for it. I remember that we lived in Mercer County at that time. He had a gentleman sign his note. The man's name was Eads—a Mr. Eads. I forget the first name, but he lived at Camp Creek in Mercer County, West Virginia. He signed the note for $1,800. It was a 26-acre farm. It was not a great farm; just two hillsides that came together down in the hollow where a creek meandered its way down the valley. Sometimes it became a swirling treacherous stream when the rains came.

But he went into debt for that farm, $1,800, along about 1925–1926. I was in about the fifth grade. My dad had to go in debt.

So that is the story as to how American families "balance" their budgets.

So don't let it be said that the Federal Government should balance its budget like "every family in America balances its budget." Only a few fortunate families, relatively speaking, are able to balance their budgets. Families borrow to buy a farm, or farm equipment, or to finance a college education. Many parents borrow money to finance the college education of their sons and daughters. In fact, the American people have borrowed billions of dollars, as shown on the chart to my left, for myriad reasons.

This chart to my left indicates the consumer debt from installment loans in billions of dollars. This excludes real estate, which amounts to over $3.5 trillion.

In 1980, the consumer debt in this country was $292 billion. It has gone up every year, has increased, with the exception of 2 years. In 1991 and 1992 there was a slight drop. In 1992, it dropped to $731 billion. But in 1994, September, the consumer debt in this country from installment loans was $880 billion. That does not count real estate debt. Real estate debt that the American people owe is over $3.5 trillion—over $3.5 trillion—for their homes and farms. But other than real estate, consumer debt itself from installment loans went from $292 billion in 1980 to $880 billion in 1994. In other words, in 14 or 15 years, it increased from close to $300 billion to almost $900 billion, almost three times as much.

Those peoples are borrowing to make an investment, for the most part. They are investing in a roof over their heads when they borrow money for their homes. They are investing in a brighter future for their children when they borrow money for college loans. These are investments that families make in the future. Surely no one would advocate passing a law that would prohibit that type of borrowing. Surely no Senator would stand on this floor and offer a bill that mandated that a family or a business or a State of this Union would be denied all loans unless those loans could be paid in full within 12 months.

Yet, under this amendment, unless three-fifths of the whole number of both Houses vote to allow Federal borrowing on an annual basis, the Federal government will be denied the methods that most businesses, State and local governments, and families use to finance investments critical to their proper functioning, economic prosperity, stability, and well-being. We would be making it nearly impossible for the Federal government to ever again make a substantial investment in its people, and in their future unless it could be totally paid for each and every year. Never mind the merit of the investment. Never mind the wisdom or the need of the investment. There is only one standard which must be met and that is the standard of ability to completely offset any costs yearly.

I know there is the out, there is the escape hatch, of three-fifths of the Members may vote to waive this mandate.

What about the argument that 49 States have some type of statutory or constitutional balanced budget requirement, so why should we not have a balanced budget amendment to the Federal Constitution? This argument is simplistic, perhaps interesting, but really not relevant. The States, unlike the Federal government, are not required to raise and support armies, not required to provide and maintain a navy, not required to provide for the common defense and general welfare of the United States. Nor do they carry the responsibility for the conduct of international relations or for the fiscal and economic policy of the Nation. Moreover, there are fundamental differences in Federal and State fiscal and budgeting structures. Balanced budget requirements for States generally affect operating budgets but not capital budgets, whereas the Federal government operates on a unified budget. Operating and capital budgets are not separate and distinct in the Federal budget as they are in State budgets. This proposed balanced budget amendment to the U.S. Constitution would require the total Federal budget to be balanced, including capital investment, pension funds, and operating expenditures, and it would require such a budget each and every year.

Furthermore, balanced budget requirements and practices at the State levels leave much room for evasion, so that not everything meets the naked eye. Revenues and expenditures are often shifted from one fiscal year to the next, off-budget agencies are often used, program and funding responsibilities are shifted to county and local governments, short-term borrowing and borrowing from pension funds are common at the State level.

Much State borrowing is made through off-budget, non-guaranteed debt instruments which require higher interest payments. The States are in debt. We better believe it. The Governors say, "We balance our budgets." Mr. Reagan used to say, "Well, we balanced our budget in California, the States have to balance their budgets." "The States have it, why not let me have it?" Mr. Bush would say the same thing. "They balance their budgets, why not the Federal Government?" But in fact, they do not. The States are in debt, but they hide it.

On another front, Mr. President, the three-fifths requirement to waive the requirements of section 1 would have the real effect of diluting the power of the small States of this country. I hope that the rural States and smaller States will take a long, hard look at this provision. If this amendment is ratified, we are going to have to balance this budget, come—I will not say the word "hell," I will use the word Abaddon or Sheol, but as some would say—hell or high water, in any and every fiscal year—recession, depression or not, unless "three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote." Now, that dilutes the voting strength of the small- and medium-sized States in this country. It puts into the hands of the large States vast bargaining power.

Let me illustrate my point. I will take only six States. How many votes would be required to defeat any waiver? It only takes two-fifths plus one vote of either House. The Senate might unanimously support a waiver of section 1 in a given year. In the Senate, all the States are equal. This is the only forum in this Government in which all the States—large States, small States, middle-sized States—are equal. Little West Virginia is equal to the mighty State of California. West Virginia has three votes in the other body. Three votes. California has 52. Two-fifths plus one of the other body, can thwart the waiver. That is where the voting strength of the small States would be diluted. There are 435 Members of the other body. One-fifth is 87. Two-fifths is 174. All that is needed in the House to block the waiver of section 1 would be 175 votes. Now, on the chart to my left. Viewers will recognize six States that have a total of 177 votes; California, with 52; New York, with 31; Texas, with 30; Florida, with 23; Pennsylvania, with 21; and Illinois, with 20. That adds up to 177 votes. Two votes to spare. It only takes 175 votes in the other House to thwart a waiver of this requirement in this new constitutional amendment. We could substitute Ohio for Illinois, substitute 19 for 20, and if we do that we have 176 votes. So we still have one vote to spare.

Remember that 175 votes will block the waiver of section 1, or the waiver of section 2. If we substitute Ohio for Pennsylvania, Ohio with 19, Pennsylvania with 21, and put Ohio in with 19 votes, we hit it right on the nose—right on the nose, 175 votes.

Therefore, under this scenario, 6 States have by virtue of the provision in the proposed constitutional amendment outvoted the other 44 States.

How do small States feel about that? The big States can have the ability to band together and bargain. If those six States stood solidly in the House, they could say to the whole Senate, they could say to the rest of the Members of the House "We will not budge unless you give to us this or that." The voting power of the other 44 States will be rendered nugatory. Small States had better take a good, hard look at the fine print with this constitutional amendment. And Senators who represent small States had better take a hard look because in the other body, small States will not wield nearly the power as would the large States. The people of the small States and the newspapers in the small States had better take notice. Small States are going to be left out in the cold. It will be a perpetual winter of discontent. Perhaps it would only be in an extreme situation, and it would be, that six States would line up as they are lined up on the charts, but it is possible. Small States would be penalized under this amendment.

It might not be 6 States, it might be 8, might be 10, it might be 15. Make no bones about it, small States will be penalized under the amendment. Make no bones about it.

Now let us take a look at the sections of the amendment involving limit on the debt. Under House Joint Resolution 1, the debt limit cannot be increased unless three-fifths of the whole number of each House votes to do so by rollcall.

I will read it:

> Section 2, the limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

Increases in the debt limit often muster only a bare majority, and then, with some difficulty. In fact, the debt limit has been raised 29 times over the period February 1981 through August of 1993 and in only two of those instances did three-fifths of the whole number of both Houses vote to increase the debt limit. But, on only two of those occasions did three-fifths of the whole number of both Houses vote to increase the debt limit over the period of February 1981 through August of 1993. This means that on only two occasions did the Congress meet the supermajority requirements of this balanced budget amendment. To further illustrate the difficulties of requiring a supermajority vote to raise the debt limit I quote from a letter which I received from the Director of the Office of Management and Budget, Dr. Alice Rivlin. She writes in part "* * * the amendment's debt limit provisions would lead to financial brinkmanship. It would permit a minority, in the House or the Senate, to hold the Federal Treasury hostage whenever the nation's finances require the issuance of additional debt." This is an exceedingly irresponsible requirement. It is a "doomsday" device. Using the debt ceiling to force Congress and the President to come together on spending cuts or revenue increases in order to avoid a presumed deficit, while holding the American people hostage is fraught with problems. So what happens if Congress fails to extend the debt limit? The Treasury would cease to issue new debt. Writing checks for any purpose would be severely curtailed. There could be no assurance that social security checks could be issued. There could be no assurance that payments could be made to our military men and women, or our judges, the President, Congress, or anyone else. Even interest payments on our current debt obligations could not be assured. Payments for unemployment benefits, farm price supports, Medicare bills, and child nutrition programs would be, at best, intermittent, if made at all—if made at all. Even basic government services could not be assured. The Federal government would be in chaos.

A vote for this constitutional amendment is a vote for delay, at least until the year 2002. It is as phony as a $3 bill. I have never seen a $3 bill, just as I will never see a balanced budget through this amendment. It is a cop out. It will straitjacket the Government in recession, and it will force us to overload services and programs on the States, and, in the end, it will open the way to litigation, and the invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse.

This could be rightly named the "lawyer's amendment" or the constitutional amendment for the benefit of lawyers. "The first thing we do, let's kill all the lawyers," Shakespeare said in the second part of Henry VI. "The first thing we do, let's kill all the lawyers." The lawyers are going to have a field day on this amendment, because it is going to open up the way to litigation, and it will be an open invitation to the courts of this country to become the super-Offices of Management and Budget and involve themselves in the legislative control over the purse. It would enthrone the judges of this country with the power to tell the people where the money will be spent and how revenues will be raised. These judges will become unelected representatives of the people appointed for life. The end result would be taxation without representation, and we fought one war over that principle a little over 200 years ago.

The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law. This is section 5.

I am going to read section 5 of the constitutional amendment to balance the budget:

> The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

Mr. President, if the Nation found itself in a situation so serious that the Congress passed a declaration of war, then certainly the Congress would exercise this waiver, I should think. No doubt about it.

Declarations of war have been known to be in effect for many years following the termination of the actual fighting war—which might create a problem here.

However, as a practical matter, the United States has been involved in three wars and numerous other military engagements over the past 50 years and none of them has been conducted under a declaration of war.

The Korean war under the auspices of the United Nations; the war in Vietnam; the Persian Gulf war, and numerous other military engagements in the past 50 years were conducted without a declaration of war.

Section 5 goes on to provide for a waiver of the balanced budget requirement if the Congress passes a joint resolution, by a majority of the whole number of each House, declaring that the United States is engaged in a conflict that poses imminent and serious military threat to the national security. This would appear to provide the flexibility required, but it is easy to envision scenarios where this scheme would break down.

If a military emergency develops late in a fiscal year and the President, as Commander in Chief, takes immediate steps to address the crisis, such as happened in Operation Desert Shield, then how would the funding be affected? Even if the Congress passed a resolution supporting the President's initial action, the situation might not clearly meet the test of "imminent and serious military threat to national security." The Congress might be deeply divided on the policy, with no majority of the whole number of either House supporting the President's action. Let us remember that the resolution authorizing the use of force in the Persian Gulf passed the Senate by a vote of 52 to 47. If such a situation did not meet the test of section 5 and three-fifths of the Congress would not vote to waive this amendment as provided in section 1, then the Nation could find itself with a Commander in Chief forced to operate in violation of this constitutional requirement. Unfortunately it is a very possible outcome. Moreover, America's ability to respond to national emergencies even if a waiver were granted could be seriously impaired because, for the first time in the history of our nation, we will be shackling our defense preparedness to other unrelated factors.

America's defense preparedness could, if this amendment becomes law, be determined by shifts in the overall economy or cost growth in entitlement programs. This would inject great uncertainty and very likely chaos into our defense planning when what is needed, especially in the area of defense, is long-term dependability, predictability, and stability. Budgeting for defense under the balanced budget amendment is especially unwieldy because of the long-lead time needed for our important weapons systems. Many years of research and development are needed to ensure that our forces can respond to emergencies and are never outgunned. Programs cannot be started and stopped at the whim of an out-of-balance budget, caused by a rise in interest rates or unforeseen growth in entitlement programs. We cannot recruit and train military professionals adequately in a climate of constant budget uncertainty. Defense preparedness and effectiveness cannot result when the funds for a strong defense are uncertain or in peril from year to year.

Mr. President, this balanced budget amendment is plagued with problems. They are problems which cannot be rectified because they impose fiscal rigidity upon the nation's economic and fiscal policies. The amendment promotes a paralysis of the nation's ability to act to protect itself in a crisis. It amounts to a lockjaw, a tetanus economic policy both now and forevermore. It is a bad idea whose time never was, and it deserves to be soundly defeated.

It seems to me that some of the most disturbing flaws in this most disturbing Constitutional amendment are to be found in section 5 because section 5 sets up an obstacle course—deliberately constructs hurdles and traps—which must be conquered before we can deal with a threat to our national security. Additionally, when section 5 is coupled with section 1 and section 3, the President and the Congress can both be put in a perfectly ludicrous situation with regard to the protection of our fighting men and women and the national security interest.

Section 1 states that three-fifths, "* * * of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote." Suppose we are involved in a military conflict which crosses from one fiscal year to another. But, then let us also suppose that the conflict appears to be winding down, and for a time it appears that there is not "an imminent and serious military threat to national security," and so the Congress does not waive the provisions of the article.

Then let us further suppose that the conflict flares up toward the end of the fiscal year and our fighting men and women are at risk and the battle is raging. The President of the United States is forced under this amendment and under section 3 to submit a balanced budget every year. He is forced to try to guess at what the costs of the conflict might be and, if they are going to be large, to salvage some other part of the budget in order to try to pay for the conflict. Or he can just ignore the situation and trust that the Congress will bail him out and either muster the three-fifths vote to pay for the costs of the conflict at the end of the fiscal year or pass a joint resolution waiving the appropriate provisions of the amendment.

I would not want to be a President charged with protecting American lives under those circumstances. I would not want to be a President charged with protecting the national security under those circumstances. I would not want to be a general in the field under those circumstances. I would not want to be the father of a son or a daughter or grandfather of a grandson or granddaughter fighting in that conflict. I would not want to be an ally of a nation with that kind of convoluted uncertainty lurking behind its ability to make good on its commitments.

I think we have a right to believe that other nations likewise would have some qualms about being our ally under those conditions. Nations that are our allies would certainly not feel that they could count on this Nation in a moment of criticality.

A dedicated minority could so hamstring a President that he is unable to continue his commitment to our fighting men and women and to our allies in a conflict. A devious enemy could use the hurdles and traps which we are constructing with this ill-conceived proposal to affect this Nation's ability to wage a war.

Why in the world would any nation want to set up such a vicious snare for its own national security interests?

Why would any other nation want to line up with us, knowing that it, the other nation, could not depend upon us to deliver the three-fifths requirement or to deliver the majority of the total membership of both Houses in a critical situation?

I wonder if the authors of this amendment really sat down and thought about the impact of this ill-conceived idea upon our nations security interests? We have heard all of this talk about protecting the defense budget from cuts under the amendment, but have the proponents really played out the consequences of sections 1, 3, and 5 in the event that we are engaged in lengthy military operations?

I believe that the proponents have become so obsessed with the idea of ramming through a constitutional amendment to balance the budget that they have put all other concerns on the back burner. They are wearing huge and heavy blinders. While blinders may be useful to help a nervous horse run a race, they serve human beings, who must keep their eyes on many priorities, very poorly indeed.

This amendment so rewrites the constitution, so shifts the balance of power among the three branches, and so thoroughly rearranges the checks and balances that it is in effect anticonstitutional.

Now, obviously, it will not be unconstitutional if the Congress adopts it and it is ratified by three-fourths of the States. It will not be unconstitutional because it will then be part of the Constitution. But it will be anticonstitutional in the sense that our framers had in mind when they created a system of mixed powers, checks and balances, with the power of the purse, power to tax, power to appropriate funds lodged in the legislative branch.

I believe that the adoption of this amendment will have the impact of shredding the constitution as we have traditionally known it. Such confusion will abound, such litigation will occur, such unintended snares and bottlenecks will arise that we will most assuredly suffer a constitutional crisis of large proportions if it is adopted.

Now, those are the nightmares if this constitutional amendment is enforced. Of course, if it is not enforced, then it creates a different nightmare, that being the nightmare of the amendment's being nothing more than an empty promise written into the Constitution of the United States, an empty promise, in which event the confidence of the American people in the Constitution will be shattered and their confidence in their Government will suffer further.

To mandate such an unrealistic criterion for a great nation is in effect to chain its most vital function—its ability to protect its citizens and its national interests—to the fluctuations of a giant economy, to the unpredictability of the whims of public opinion and to a green eyeshade view of national priorities.

Balancing the budget is a laudable goal. I share that goal. We all share that goal. But absolute budget balance, each and every year, is neither laudable nor, in every case, wise.

Surely, we do not want to go down this dark and murky road. It is more than apparent that the wisdom of the Framers is not manifest in this latest proposed addition to the Constitution.

If we have not the "wisdom" in the crafting of the proposal, let us at least have the wisdom to reject it.

AMENDMENT NO. 256

(Purpose: To permit waiver of the article when the United States is engaged in military conflict by majority vote)

Mr. BYRD. Mr. President, I believe I have an amendment at the desk, No. 256. I call up that amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 256.

On page 2, lines 24 and 25, strike ", adopted by a majority of the whole number of each House".

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the effect of this amendment is as follows. It would strike from section 5 the words, "adopted by a majority of the whole number of each House."

It would leave standing all of the foregoing words, namely:

> Section 5, the Congress may waive the provision of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law.

So it eliminates the requirement that such a joint resolution be adopted by a majority of the whole number of each House, which becomes law.

I call attention to the fact that to require a majority of the whole number of each House would preclude the Vice President of the United States from casting a deciding vote on a given motion to waive this section. If the votes were tied—tied at 40–40, he might as well not vote because his vote would not count. If they were tied at 50–50, as we have seen occur in the case of the 1993 reconciliation bill—the 1993 reconciliation bill, that was to reduce the budget deficits over the period of the following 5 years by something like $482 billion—the votes were tied: 50 votes for and 50 votes against. Not a single Republican Senator voted for that package. They all voted against it because they said taxes were increased in it. But they all voted against it. The vote was 50–50. The Vice President cast the deciding vote in that instance.

In this situation, if we find that our country is faced with an imminent and serious military threat to its security, Congress can waive the requirements of the amendment, namely that the outlays in a given year not exceed the receipts. But Congress can waive that requirement only if a joint resolution is passed, which is adopted by a majority of the whole number of each House. There is no such requirement now in the law or in the Constitution. But, with past experience vividly in view, it is not untoward to conceive that there could be a future time when the vote in the Senate is a tie—when there are 50 for and 50 against a joint resolution to lift the waiver imposed by this constitutional amendment at a time when our country's very security is in serious jeopardy, and the lives of our fighting men and women are on the line. The vote is tied, 50–50.

Normally, under the Constitution as it now exists, the Vice President could cast a vote to break that tie. What about this situation? He may still cast a vote, but the resolution on that occasion has to be adopted by a majority of the whole number of each body. The "whole number" in the Senate is presently 100 Senators. A majority of the whole number is 51. Consequently, if this amendment is riveted into the Constitution, a resolution waiving the strictures of this constitutional amendment in a time of serious peril to our Nation cannot pass on a tie vote. It cannot be adopted by this Senate by a majority of 50 to 49 or 50 to 40 or 50 to 30 or 50 to 20 or 50 to 10 or 50 to 1. There must be 51 votes cast to adopt the resolution waiving the requirements that are imposed by this constitutional amendment. There must be 51, no less. And the 51 votes have to be cast by Members of the body.

The Vice President is not a Member of this body. If the vote is 50–50, as it was in the case of the deficit reduction package, the reconciliation bill in 1993, the Vice President cast the deciding vote there, but in this situation his vote would not count because he is not a "Member" of the Senate. There must be 51 Senators, and in the House there must be a majority of the whole number of the House. The whole number there being presently 435, there would have to be 218 votes in the House by a rollcall vote. If that is not straitjacketing the Nation when the Nation's security is at stake, I do not know what a straitjacket is.

It seems to me what would happen in an event like that—aside from what may happen to our national security and what may happen to the men and women whose lives are at stake out there—what would happen would be a constitutional crisis. Do not think that the court would not enter into that political thicket. If the Constitution is amended by this monstrosity—the original portion of the Constitution says that the Vice President may cast the deciding vote. The courts are going to intervene, because you have the original Constitution saying on the one hand, that the Vice President, in the case of a tie, may cast the deciding vote. On the other hand we have this balanced budget amendment which says that a joint resolution, to be adopted, must be adopted by a majority of the "whole number" of each House before that resolution can become law. The Vice President is not a Member of either House.

So the Vice President's vote cannot count in the Senate in that situation. Hence, if you have a 50–50 vote, the Vice President's vote cannot count, because the joint resolution must be supported by 51 Members of the Senate in any occasion involving the language of this amendment, section 5 thereof—it has to have the support of at least 51 Senators; 49 votes are not good enough; 50 votes are not good enough. It must be 51. All Senators opposed to the joint resolution can just stay home. Their votes do not count anyhow in a sense, because it takes at least 51 votes of Senators. What is the court going to say? What is the court going to say? The court will not say that that is a political question. The courts are going to say, "That is a constitutional question, and we are going to decide it." The court will go into that thicket, because two provisions of the Constitution will now be in direct conflict.

The same thing would be true in the case of raising revenues. Section 4 says, "No bill to increase revenues shall become law unless approved by a majority of the whole number of each House by rollcall vote." Again, the Vice President is not a Member of the Senate and, if the vote results in a tie, the Vice President may cast a vote if he wishes to do so, but his vote will not count. He is not a Member of the Senate, and the supporting votes of at least 51 Senators will be required. A vote of a simple majority of the Senators present and voting—as is now the case under the Constitution and the rules—will no longer prevail.

Section 4 of the balanced budget amendment reads:

> No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

I would like for somebody to come and explain this. Where is that "Republican response team," that noble, noble response team? Come over and explain to this Senator from the hill country how we shall interpret that section. The Vice President—the Vice President's vote again will not count. He is not a Member of this body.

I believe I am limited to 1 hour under my control on this amendment?

The PRESIDING OFFICER (Mr. BURNS). The Senator is correct.

Mr. BYRD. I do not want to utilize my time further in, waiting on the valiant and noble members of the "response team" of nine Senators to respond to this poor little old Senator from West Virginia. I suppose it is legal for them—and constitutional—for them to gang up on me like that, but I am not going to use up my hour waiting on them.

So, Mr. President, I reserve the remainder of my time. I have called up the amendment. It has been read.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I ask the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HATCH. Mr. President, on behalf of the majority leader, I ask unanimous consent that following the disposition of the pending Byrd amendment, Senator ROCKEFELLER be recognized to call up his amendment No. 306, and that time prior to a motion to table be divided as follows: 60 minutes under the control of Senator ROCKEFELLER; 30 minutes under the control of Senator HATCH or his designee; and that following the conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table amendment No. 306.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 256

Mr. HATCH. Mr. President, I am always interested in the arguments of our distinguished colleague from West Virginia who has raised issues concerning section 5 that he feels are prominent and important. But section 5 of this amendment, which in part provides for a waiver of the amendment's requirements for any fiscal year in which the United States is involved in a military conflict that presents a serious threat to national security by a constitutional majority of both Houses of Congress, does not in any way, shape or form hinder the ability of this Nation to protect itself, as Senator BYRD, the distinguished Senator from West Virginia, and certain opponents of the balanced budget amendment contend.

Does anyone really suggest that Members of Congress would vote against a waiver for an ongoing military engagement which presented a threat to national security? I really do not think that argument can be made with a straight face.

This is not a situation analogous to the situation before the Haiti invasion, where there was no imminent threat to the United States and where congressional and public opinion was in fact split. This is more like the situation in the Persian Gulf and in Kuwait back in 1991.

Thus, after the gulf war began, H.R. 1282, the Operation Desert Shield/Desert Storm Supplemental Act passed the House by a vote of 380 to 19, on March 7, 1991. It passed the Senate 98 to 1, on March 19, 1991, and was signed into law by President Bush on April 10 of the same year. This amply demonstrates that Congress will overwhelmingly take measures to protect our troops and to protect our country, where national security interests really are involved.

Moreover, even before hostilities are commenced and where our Nation faces a real and imminent military or national security threat, I am confident that the U.S. Congress would raise revenue by the requisite constitutional majority of section 4, or find the three-fifths majority needed to waive the debt ceiling under section 2 of the amendment, or a combination of both, to provide the needed funding for our young men and women in the military. I have no doubt about that and I do not think anybody else does either.

We are not going to allow our young people to be placed in harm's way without the backing of the Constitution of the United States. So this is kind of a red herring.

The constitutional majority requirement of section 5, on the other hand, is necessary for two reasons. It retards Congress from labeling mere spending programs as national security or emergency measures. Witness President Clinton's so-called 1993 stimulus program, most of which was defeated and which contained things like $1 billion for summer youth employment—nothing to do with the national security, just another spending program—$1.3 billion for infrastructure improvements, which again has nothing to do with national security; $735 billion for compensatory education.

The Clinton package was labeled the Emergency Supplemental Appropriations Act of 1993. No matter what one's view as to the importance of these programs, they cannot be considered emergencies that needed immediate funding. In fact, if you take the summer youth program, we would have all kinds of summer youth programs and have them then. We have over 150 job training programs, a number of which are used for unemployed youth, including Job Corps, which I have helped to save, an expensive but working program that really does save us millions of dollars over the long run with regard to each person that they place in work life positions. As far as compensatory education programs, we have all kinds of those as well. They were clearly not emergency programs.

So, No. 1, Congress has to be retarded from labeling regular spending programs as emergency programs, or Congress will call everything an emergency measure, just as this administration tried to do so in its emergency stimulus program.

The second reason is, the constitutional majority requirement does force a rollcall vote. That is something we do not always do around here. We have what is known as a voice vote situation that saves Members of Congress, and especially Members of the Senate, from making the tough economic votes around here. This provision requires a rollcall vote.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. I will be pleased to yield.

Mr. BYRD. I do not want to interrupt him in the middle of a sentence. But why do we have to write in the Constitution a provision to require a rollcall vote? The Constitution that we now have says that on the request of one-fifth of the Members present, we will have a rollcall vote. Why do we have to write a new constitutional amendment to get a rollcall vote?

Mr. HATCH. Well, in this particular case, to answer my distinguished colleague from West Virginia, we have had countless illustrations of voice votes on matters as important as real emergency matters. And what this does, it just says, "Look, you are going to have to have a rollcall vote if you want to call something an emergency, and you are going to have to have a constitutional majority in order to succeed on that rollcall vote."

If it is an emergency, I do not see any problem getting a constitutional majority which, after all, just means one thing, and that is that before this measure can pass, Congress is going to have to stand up and vote, at least 51 Senators in the Senate, 218 Members of the House, in order to do so.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, that would not be any blue ribbon accomplishment that is worth going through the throes of getting a new constitutional amendment written into the present Constitution, to say that Members will have to stand up and vote.

Who minds that? I have not missed a vote in over 10 years. I am sure other Senators have not missed many votes. I daresay, may I say to the distinguished Senator from Utah, that practically every Senator in this body, I would say, without having looked at the record recently, has better than a 90 percent voting record.

Mr. HATCH. I think that is right. When they are called upon to vote, Senators generally vote. And in these instances, they will have to vote. Where, as the distinguished Senator knows, we have many very tough votes that are cast by a voice vote where the rollcall is not recorded, because there is no rollcall.

Mr. BYRD. Why? Because no Senator requests the yeas and nays in those cases.

Mr. HATCH. And there is reason for that.

Mr. BYRD. If a Senator requests the yeas and nays, he is going to get a sufficient show of seconds, or he will put in a quorum call until he does get a sufficient number to require a rollcall vote.

Mr. HATCH. That is true. The Senator makes a good point. I think the Senator from West Virginia has been one of those who is willing to vote on everything. He has always had the courage to stand up and vote.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Yes, I am delighted to yield.

Mr. BYRD. Mr. President, the Senator has not answered the main point of my reasoning; that being, that the requirement that a joint resolution, in section 5, be adopted by a majority of the whole number of each House. That provision calls into serious question the vote of the Vice President in the case of a tie vote. How do we get around that?

Mr. HATCH. Well, I think I have answered the distinguished Senator from West Virginia. The reason we are putting that in there is because we want to make it difficult for the Congress to hide any spending program under the "emergency" designation.

Mr. BYRD. That is not an answer to my question.

Mr. HATCH. Well, it is an answer to your question.

Mr. BYRD. No, it is not. What does the Senator have to say to my question, which goes right to the point of allowing the Vice President of the United States to cast a deciding vote?

Mr. HATCH. Let me get to that.

Mr. BYRD. Very well.

Mr. HATCH. First of all, what we are trying to do is to make it difficult to hide behind the word "emergency" in passing whatever they want to by a simple rollcall vote.

Second, there are other supermajority votes already in the Constitution where the Vice President's vote is not essential in the Senate. Veto overrides are certainly illustrations where the Vice President's vote is not going to count for anything.

What we are doing here is providing a means whereby you have to have a constitutional majority of the whole number of each House in order to pass legislation pursuant to section 5, among others. The purpose of the constitutional majority, or 51 within the Senate, makes it clear that there is not going to be any tie. If you are going to have an emergency, you want to vote on it, you are going to have to have 51 Senators vote for it at least, and at least 218 Members of the House.

In other words, it has been contemplated by the Founding Fathers, who put in majorities in some instances into the constitution, the veto override being just one illustration of something in the Constitution that says you do not have simple democratic majoritarian rule in all matters in the Constitution. In this particular case, so that we do not have a continuous hiding behind the word "emergency," we are saying that you must have a constitutional majority of the whole number of each House in order to waive the provisions of article V.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. I am delighted to yield.

Mr. BYRD. Mr. President, there are supermajorities in the Constitution. We have discussed those on previous occasions.

Mr. HATCH. That is right.

Mr. BYRD. But nowhere, nowhere, do we find a supermajority required in connection with the great substantive powers granted to the Congress in article I, section 9, or article I, section 8. None of those great substantive powers turns on a supermajority vote. We have gone over those—I see the "response team" gathering.

But the question is, where we have a 50–50 vote, you cannot squeeze another drop of blood out of that turnip, because there are only 100 Senators. You have a 50–50 tie. If the Vice President casts a vote, you do not have the 51 Members, you do not have a majority of the whole number of the Senate. Now, I am still waiting for the Senator's answer on that.

Let me read from Federalist No. 68, by Hamilton, in reference to the Vice President.

Mr. HATCH. May I ask my colleague from West Virginia if he will do so on his own time.

Mr. BYRD. Yes, I will read this on my time.

Mr. HATCH. Not that I mind yielding my time, because I am happy to do it. This is a good debate. This is a good interchange. But it would allow me to save some time.

Mr. BYRD. This, it seems to me, is one of the critical points that is raised by section 5 of this amendment. I hope to have more than an hour, and that we could take a little more time if needed.

Hamilton said in Federalist No. 68, with reference to the Vice President:

> The appointment of an extraordinary person, as Vice-President, has been objected to as superfluous, if not mischievous * * *. But two considerations seem to justify the ideas of the convention in this respect. One is that to secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote.

Meaning the President of the Senate.

Now, how can the requirements of the original Constitution be lived up to? How can the principles as expressed by Hamilton in the Federalist No. 68 be obeyed if we deprive the President of this body, the Vice President of the United States, the opportunity of casting a deciding vote?

I will read that again: One consideration "is that to secure at all times"—all times, not just part of the times, not just on certain occasions—"secure at all times the possibility of a definitive resolution of the body, it is necessary that the President should have only a casting vote." He can only cast that vote to break a tie so as to bring about a definitive resolution of a given matter.

Now, otherwise in this amendment here, if we have a tie vote, may I say, it seems to me that we are not going to have a "definitive resolution" by this body.

Mr. HATCH. Mr. President, if I may answer, the Founding Fathers not only provided for the Vice President to break a tie vote when we have a simple majority vote—which would continue to be the law, it would continue to be constitutional law—but they provided means in article V where we could amend the Constitution of the United States. They expected there would be amendments, and they made it very difficult for Members to amend. That is why we have only had 27 amendments to the Constitution of the United States of America.

This amendment, if it passes by the requisite two-thirds majority, if we are able to keep other amendments off and pass it by the requisite two-thirds majority and it is ratified by three quarters of the States, would become the 28th amendment to the Constitution, assuming there are no other intervening amendments that go through the same process.

That means that what we are doing here is saying that we are amending the Constitution because of the extraordinary danger of the continually rising national debt and deficits.

To be honest, they contemplated that we might want to do that from time to time.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Mr. President, I yield.

Mr. BYRD. The Senator still has not answered my question.

Of course, the framers provided for the amending of the organic law. They did that in article V. But that is no answer to my question.

Say we adopt this amendment, the States ratify it by the necessary three-fourths, it becomes a part of the Constitution. We will then have two different provisions of the Constitution in direct conflict with each other.

One says that the Vice President shall cast a deciding vote, and the reason for that is "to secure at all times the possibility of a definitive resolution of the body;" but on the other hand, we have an amendment now that is about to go into the Constitution which says, in the case of section 5, when the Nation's security is in danger, we have to have 51 votes of Senators. In essence, that is what it says. We have to have 51 votes in the Senate to adopt that joint resolution, and they have to be cast by Senators. We cannot count the Vice President's vote, cast to break a tie.

So what do we do in that situation?

Mr. HATCH. I yield.

Mr. SIMON. Mr. President, if I may suggest to my friend from West Virginia, and he is my friend for whom I have a very high regard, this is no more in conflict with the other provision in the Constitution than the requirement that we have a two-thirds vote for a treaty.

That does not permit the Vice President to cast that deciding vote. Or a two-thirds vote for impeachment. So we put the entire Constitution together. This particular provision was added by our colleague, Senator HEFLIN, for a national emergency.

Mr. BYRD. Mr. President, I do not know what Constitution the Senator from Alabama was reading. Or what Constitution the Senator from Illinois is reading.

Mr. HATCH. Mr. President, he is clearly amending this Constitution.

Let me just say that the idea of a supermajority vote—in this case, I would not call it supermajority, just a constitutional majority vote—is not new in the Constitution.

Let me mention a few. Article I, section 3, says that the Senate may convict on an impeachment with a two-thirds vote. The Vice President has no role in that.

Article I, section 5, says that each House may expel a Member with a two-thirds vote, a supermajority vote. The Vice President has no say in that matter.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Utah.

Mr. HATCH. If I may just finish this line of statement, I will be happy to yield.

Article I, section 7, involves the Presidential veto. It can only be overridden by a two-thirds vote of each House. The Vice President has no say in the Senate.

Article 2, section 2, the Senate advises and consents to treaties with a two-thirds vote. Article V, the constitutional amendment requirement requires two-thirds of each House or a constitutional convention can be called by two-thirds of the State legislatures, and if three-quarters ratify, then it becomes an amendment to the Constitution.

In other words, article V itself acknowledges that we have to have a two-thirds vote to amend.

So we are amending the Constitution. And, yes, I personally believe that the Vice President's vote will not count in this situation because we will have to have 51 Senators of the whole number of 100 actually vote.

Mr. BYRD. So then what happens? The joint resolution falls.

Mr. HATCH. It falls unless we have——

Mr. BYRD. And we have men in peril. We have the Nation's security in peril.

Mr. HATCH. I do not think so. I pointed out in that resolution last year, there were a number of features that were certainly not emergency features. They might have had to have been taken out.

Also, I might mention that I think under those circumstances, that highlights and augments and I think makes even more important the consideration by Members of the Senate.

Let me just finish this. Article VII of the Constitution, required ratification by 9 of the 13 States. This is not a new concept. The 12th amendment requires a quorum, two-thirds of the States in the House, to choose a President. And a majority of States is required to elect a President.

The same requirement exists for the Senate choosing the Vice President. The 25th amendment dealing with the President's competency and removal requires that if Congress is not in session, within 21 days after Congress is required to assemble, it must determine by a two-thirds vote of both Houses that the President is unable to discharge the duties of his office.

Now, there is an excellent letter which was printed from one of our colleagues, the distinguished Senator from Michigan, Senator SPENCER ABRAHAM, which was written in Washington, February 15, 1995, but published in the New York Times under the editorial letter section on Monday, February 20, 1995, which I think directly addresses what the distinguished Senator from West Virginia is saying.

So I ask unanimous consent that that letter be printed in the RECORD at this particular point, because I think it would be very enlightening.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FOUNDERS PROVIDED FOR BUDGET AMENDMENT

(Spence Abraham)

To the Editor: In "Would Federalists Like Their Fans?" (Week in Review, Feb 12), David Lawsky maintains that James Madison and Alexander Hamilton would not be amused by the proposed balanced-budget amendment Well and good. As a founder of The Federalist Society, I am well aware that amending the Constitution is serious business. But Madison and Hamilton would be amused by Mr. Lawsky's use of their words.

To claim that "The Federalist" and the Constitution rest on the conviction that all Congressional actions should be approved by a simple majority of members present is ridiculous. Amending the Constitution requires approval of the two-thirds of both houses of Congress, then of three-fourths of the states.

Federalist 41 makes clear that amendments will at times be necessary. The Founders' genius was to find an amending process that "guards equally against that extreme facility, which would render the Constitution too malleable; and that extreme difficulty, which might perpetuate its discovered faults."

The Founders felt that acts that should be taken only with great deliberation and after establishing broad consensus should require more than a simple majority for approval. Thus the Constitution requires a two-thirds vote to expel a member of the legislature, a two-thirds vote of senators present to convict a President of wrongdoing after impeachment by the House and a two-thirds vote of both houses to override a Presidential veto.

The Founders certainly feared, as Mr. Lawsky suggests, an "anarchy" from the rule of minority factions. But this is what we have today. Special interest groups get government money because there is no longer any spending discipline in Congress. The result is an anarchic growth of Federal government and spending.

The balanced-budget amendment will go a long way toward restoring order. It will require that three-fifths of all members of Congress approve deficit spending and that a majority of members voting approve new taxes. We in Congress would have to exercise self-discipline in budgeting because we could run deficits or raise taxes only if a substantial majority thinks them necessary.

As to Mr. Lawsky's claim that the balanced-budget amendment "offers no course of action" if Congress disobeys it and racks up more deficits, November's election results show how false the view is.

As stated in Federalist 51, "A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions."

Auxiliary precautions like the balanced-budget amendment and term limits will make Congress more responsive to the people's will. Term limits will insure that Senators and Representatives do not serve so long that they lose touch with the people and begin treating their offices like private fiefdoms. The balanced-budget amendment will teach Congress that it must be honest with the American people, making clear not only what programs it likes but also the cost and whether and how we can pay for them.

Mr. BYRD. How does that letter address the point?

Mr. HATCH. Mr. President, it does not address the point directly of the Vice President, but it does address that the founders did expect Members to audibly come up with additional amendments.

Mr. BYRD. Of course, I have voted for five constitutional amendments during my time in the Senate.

Mr. HATCH. What we are doing here is we are doing a new amendment that does change the regular parliamentary majority vote with regard to section 5 and requires a vote of the whole number of both Houses, which is different from—as all of these provisions—from the one provision that would still exist with regard to other votes, that if a Senate is equally divided, the Vice President can break the tie.

I yield to the distinguished Senator from Illinois, who I think on this point had a statement.

Mr. SIMON. Mr. President, I thank my colleague for yielding.

Let me just go back to 1787 again for a moment. They spent a great deal of time on the fact that Congress had to declare war because they did not want Members to get arbitrarily, at the whim of a President, into a war.

We are living in a very different world today. We have not formally declared war since World War II. We did not declare war in the Korean war; we did not declare war in the Vietnamese war. In Desert Storm, we had a resolution. We had, in Vietnam, the Gulf of Tonkin resolution.

To say that a simple majority of those in the House and the Senate would have to approve our getting involved in some conflict is certainly in line with what they talked about in 1787 when they drafted the Constitution.

Mr. BYRD. Mr. President, they did not say this.

Mr. SIMON. They did not say that.

Mr. BYRD. The Framers did not say "has to be adopted by a majority of the whole number of each House."

Mr. SIMON. But they contemplated a world in which we can sit around and debate for 2 or 3 weeks whether or not to declare war. The President is going to have to make some fast decisions. And I think ordinarily we could get 60 votes for any kind of an emergency. But this contemplates doing less than that or the President living within the budget constraints.

I think the amendment Senator HEFLIN drafted is sound, and I am going to support the amendment rather than the motion to defeat.

Mr. HATCH. I yield to my colleague.

Mr. BYRD. Mr. President, why would the proponents of the amendment want to make it difficult for this Nation to respond to a national security threat? Why set up this additional hurdle? There has to be a majority of the whole number. Why do they not just say a simple majority? But they are saying it has to be 51; in essence that is what they are saying. The Senator can talk all he wishes about the framers of 1787 and how we are living in a different world, but John Marshall said, this "Constitution was intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." Here we are treating that Constitution almost like a scrap of paper. That is a marvelous document. It is a document to be revered, and we talk as though Marshall's words mean nothing.

Mr. HATCH. If I could take back my time, nobody reveres it more than I. As you know, we provide Congress can simply waive the provisions if there is a declaration of war. Number one, declared wars are going to require just a simple majority. But the reason we have done this is the distinguished Senator from Alabama wanted to take care of any "emergencies," but he recognized that we should not just do a simple majority because that word "emergency" would be used for everything. So that is why we went to a constitutional majority which requires the whole number of each House.

I yield to the Senator from Illinois.

Mr. BYRD. But what do we do with the Vice President's vote?

Mr. HATCH. The Vice President would not vote in that instance. It is my opinion that the Vice President is not a Member of the Senate.

Mr. BYRD. We agree on that, he is not a Member of the Senate.

Mr. HATCH. If he is not a Member of the Senate, it is going to take 51 Members of the Senate.

Mr. BYRD. You cannot get it.

Mr. HATCH. I think we will on a real emergency.

Mr. BYRD. You think we will.

Mr. HATCH. I have no doubt we will. If not, it will not be a real emergency.

Mr. SIMON. If the Senator will yield, with all due respect to my friend from West Virginia, I think his argument is with the framers of the Constitution rather than with Senator HATCH and myself, because they spent a great deal of time to see that we would avoid using this matter of the military and national security as an excuse to get into wars excessively.

Washington's Farewell Address is on our desk. This was not put out here by those of us who happen to favor this constitutional amendment. Washington warned about that, just as Washington in this farewell address warned about acquiring debts.

I think this particular amendment is completely consistent with the discussions of 1787.

Mr. HATCH. I agree with the Senator. Let me just say this. It will not be an emergency unless you get a majority of the whole number of each House. But if you look at the other side of the coin, the distinguished Senator from West Virginia, if you want to stretch the philosophy here, is really arguing that emergencies can be solved by as few as 25 Members of the Senate.

Mr. BYRD. Will the Senator yield?

Mr. HATCH. Plus the Vice President.

Mr. BYRD. Will the Senator yield? The Senator says, I understood him to say, there would not be an emergency unless it was decided by a majority of the whole number of each House. Is this how we are going to determine what an emergency is? An emergency is an emergency only when it is decided by a majority of the whole number of each House? That is what my friend seems to be saying?

Mr. HATCH. Under this provision, that is true, and we are talking about an imminent and serious military threat to national security, not just any emergency.

Mr. BYRD. That is right.

Mr. HATCH. Any emergency is going to have to meet either the three-fifths vote to increase the deficit or a constitutional majority to increase taxes. There are lots of ways of meeting emergencies, but what we are saying here is, we are going to have people vote and they are going to have to. If they want to call something an imminent and serious military threat, they are going to have to have a majority of the whole number of each House, and we think that is right.

Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Senator from Utah has 31 minutes 36 seconds. The Senator from West Virginia has 43 minutes 54 seconds.

Mr. HATCH. I will be happy to yield the floor at this point to my colleague or answer more questions.

Let me yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. HATCH. I reserve the remainder of my time.

Mr. BYRD. Mr. President, the distinguished Senator from Utah has referred to the six instances in the original Constitution in which a supermajority is required, and he has referred to the three instances in the amendments thereto—amendment XII, amendment XIV, and amendment XXV, in all of which supermajorities are required, either supermajorities that constitute a quorum, or a supermajority required on a vote.

Mr. President, those supermajorities go either to the structure of our form of government or to the protection of individual rights. It is a quite different supermajority. There is not one, as I said a while ago, there is not a single supermajority involved in any of the great substantive powers enumerated in section 8 of article I or in section 9 of article I of the Constitution.

Now we are talking about including a supermajority requirement in a matter involving fiscal policy, and we are talking about including that in the Constitution. And besides, may I say to my friend from the great State of Utah, there can be no tie vote anticipated in the supermajority that is required in the Senate for the approval of the ratification of a treaty. Two-thirds of the Senators present and voting are required to approve the ratification of a treaty. There can be no tie therein in which the Vice President would cast a vote.

The same thing is true with regard to the expulsion of a Member of the Senate. Two-thirds of the Senators are required to expel a Member of the Senate. There can be no tie vote for a Vice President to break.

I had reference a moment ago to the two-thirds vote for approval of the ratification of a treaty. That is a check and balance situation. The framers spoke of it in the Federalist Papers. They spoke of the necessity of having the Senate involved in treaties as a way of checking against a President who is only elected for a 4-year term, or perhaps for a second term, where the possibility of corruption being involved. So, the protection against corruption and intrigue came in the form of including the Senate in matters involving treaties and requiring a two-thirds vote.

With respect to the expulsion of a Senator or a Member of the other body, that involves the individual right of a Member who is about to be expelled. That is for the protection of all Members and also to protect against a majority eliminating the minority. If a bare majority can expel the senior Senator from West Virginia, then the next thing that that majority could do would be to expel a Senator from Virginia or some other State. They would not expel the second Senator from West Virginia, because that would deprive a State of an equal vote in the Senate, and nobody can change that guarantee in the Constitution. Gradually, a majority could eliminate a minority. But a two-thirds vote is required for protection against such an event.

Now, the proponents continue to say, well, there are other supermajority situations; the framers required two-thirds for this; they required two-thirds for that; they required two-thirds for something else. But, Mr. President, there cannot be a tie in a two-thirds vote. In a two-thirds requirement, there cannot be a tie for a Vice President to break.

Here we are talking about the possibility of such a tie.

May I say to the Senator from Utah, as I understand it, in last Thursday's RECORD, a statement by Mr. SCHAEFER was included by Mr. LEVIN. Mr. SCHAEFER, the prime sponsor of this joint resolution in the other body, this constitutional amendment, stated on page H 758 of the CONGRESSIONAL RECORD of January 26—now I shall read it:

> This language is not intended to preclude the Vice President—

This is what Mr. SCHAEFER said. It does not square with what the distinguished Senator from Utah has said.

> This language is not intended—

Says Mr. SCHAEFER—

> This language is not intended to preclude the Vice President, in his or her constitutional capacity as President of the Senate, from casting a tie-breaking vote that would produce a 51–50 result. This is consistent with article I, section 3, clause 4, which states: "The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided." Nothing in section 4 of the substitute takes away the Vice President's right to vote under such circumstances.

Thus, you have the House sponsor differing with Senators who have spoken on this matter. Even if the Vice President casts a vote, he is not a Member of the Senate. Consequently, the requirement under section 5 of this balanced budget amendment would not have been met.

I am still waiting for someone to tell me how this section 5 can be made to work. How does this language square with the provision in the original Constitution that gives the Vice President the power, the authority and the right to cast the deciding vote, the deciding vote, so as to secure "a definitive resolution" in this body. He may cast a vote, but it is not going to be the deciding vote. It is not going to secure "a definitive resolution" of this body.

Well, I do not suppose I will get a clear answer to my question, but I hope Members will carefully study this question when they vote on this amendment. This section creates a very serious question, a very serious question.

Let me read what Hamilton says in the Federalist 22 with regard to minority rule. All of these supermajorities in the balanced budget amendment create a minority veto. They set up the possibility of a minority veto in this body and in the other body. In other words, we are getting away from the democratic majoritarian concept of our governmental system as laid down by the framers of the Constitution. Here is what Hamilton said in Federalist 22 with respect to minority rule.

> In those emergencies of a nation, in which the goodness or badness, the weakness or strength of its government, is of the greatest importance, there is commonly a necessity for action. The public business must in some way or other go forward. If a pertinacious minority can control the opinion of a majority respecting the best mode of conducting it; the majority in order that something may be done, must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater, and give a tone to the national proceedings. Hence tedious delays—continual negotiation and intrigue—contemptible compromises of the public good * * *. For upon such occasions, things will not admit of accommodation; and then the measures of government must be injuriously suspended or fatally defeated. It is often, by the impracticability of obtaining the concurrence of the necessary number of votes, kept in a state of inaction. Its situation must always savor of weakness—sometimes border upon anarchy.

Hamilton goes on to say in the Federalist 22:

> Suppose for instance we were engaged in a war, in conjunction with one foreign nation against another. Suppose the necessity of our situation demanded peace, and the interest or ambition of our ally led him to seek the prosecution of the war, with views that might justify us in making separate terms. In such a state of things, this ally of ours would evidently find it much easier by his bribes and intrigues to tie up the hands of government from making peace, where two thirds of all the votes were requisite to that object than where a simple majority would suffice.

This does not require two-thirds in the case of the second sentence in section 5, but it does require more than an ordinary simple majority.

> In the first case he would have to corrupt a smaller number; in the last a greater number. Upon the same principle it would be much easier for a foreign power with which we were at war, to perplex our councils and embarrass our exertions. And in a commercial view we may be subjected to similar inconveniences.

What Hamilton is saying there, Mr. President, goes to the point that I have raised. Mr. President, I have raised a question here which has not been answered. This section 5 requires more than a simple majority. And when the vote comes out as a tie, it precludes the Vice President of the United States from casting a deciding vote, because under this amendment his vote would not count, if it were cast to break a tie. The requisite number of 51 votes would not have been produced.

> O, that my tongue were in the thunder's mouth!
> Then with a passion would I shake the world:

I have not gotten an answer to my question.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. BYRD. I wonder where the other noble members of the response team are? Somebody, please come to the floor and answer this question for me. If not, the court will answer it at some day and time.

This is a serious constitutional question. We may find ourselves in a situation in which the country's security is in jeopardy and, in order to waive the strictures of this balanced budget amendment, which says that outlays and receipts have to balance every year, a joint resolution can be introduced to lift these strictures, in other words, to waive the requirements of this balanced budget amendment, in each fiscal year. But that resolution must be "adopted by a majority of the whole number of each House, which becomes law."

I ask the Senator from Utah again, how is he going to respond to the necessity of that moment when 50 Senators vote for that resolution and 50 against? We are in danger. Our country's security is involved. Planes are flying in distant countries. Ships are plying the several seas. Mothers and fathers are wondering about their sons and daughters. And here we have a Senate with a vote of 50–50 on that resolution to waive the amendment.

So, what is going to happen? We do not have time. We do not have time to wait, in a situation like that. We do not have time. We need to act quickly.

Mr. HATCH. Mr. President, to answer the distinguished Senator from West Virginia, if we do not get 51 Members of the Senate, in my opinion we will not have had an imminent and serious military threat. I cannot imagine—I do not really believe the distinguished Senator from West Virginia can imagine—

Mr. BYRD. Oh, yes, I can.

Mr. HATCH. The serious, imminent and serious military threat to our national security that would go unaddressed by either or both Houses of Congress. But more important, if that very unlikely situation occurred, then what I would do is look for contingent moneys. I would try to cut spending—which is what the purpose of this amendment is—or I would go and try to increase taxes or I would try to get a three-fifths vote to increase spending. But I would try to cut spending before I would say that the country cannot survive.

Mr. BYRD. Senator, we do not have time to cut spending.

Mr. HATCH. If we do not have time and it is that imminent and serious a military threat, then we will vote to sustain it.

Mr. BYRD. This is an emergency.

Mr. HATCH. We will vote for a tax increase to take care of it if we do not have the money.

Mr. BYRD. How much of a majority does the constitutional amendment require for a tax increase?

Mr. HATCH. Well, now, let me just propose back to the distinguished Senator. If we have an imminent and serious military threat, we do have a military budget of almost $275 billion. If it is a large, imminent and serious military threat that would require all of our military, I just cannot conceive of one instance in the history of the country where we could not get 51 Senators to stand up and do something about it.

But if it is a small one, and something that involves one theater or involves, say, Cuba, or some small imminent and serious military threat, we have enough money in our military to take care of that problem.

We have enough money in our military to take care of that problem.

Mr. BYRD. Mr. President, the Senator is really on the ropes.

Mr. HATCH. No, I am not.

Mr. BYRD. He is really on the ropes. He is trying to use the old rope-a-dope on me here. But he is not Mohammad Ali.

Mr. HATCH. I learned it from him.

Mr. BYRD. This section does not say anything about the military threats being large, small, middle-size, or whatever. I will read the language of the section——

Mr. HATCH. Will the Senator yield?

Mr. BYRD. Let me read this. "For any year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security"—there is the threat. Somebody determines that it is serious. Perhaps it is the President.

But the point is, in order to lift the strictures of this amendment, there must be a majority of the whole number of each House that casts such a vote. In other words, there must be at least 218 in the House and there must be at least 51 in the Senate. The Senator said he could not imagine such a situation. If Senator SARBANES were here, he would tell you. He read this into the RECORD the other day. Let me pick up on what he said. He said:

> Let me bring the Senator back to the very real-life problem—

He is talking with reference to the Senator from New Hampshire [Mr. SMITH], at that time.

> that I wish to discuss with him.

Senator SARBANES was reading from an article that appeared in the New York Times, I believe, in the summer of 1991. Senator SARBANES read this article:

> Fifty years ago last Monday, on August 12, 1941, House Speaker Sam Rayburn saved the draft from legislative defeat and kept the U.S. Army intact to fight a war that was only 4 months away. The margin of victory was a single vote.

Now, this is a real-life situation, Senator.

Mr. HATCH. I am aware of that.

Mr. BYRD. This is not a hypothetical situation.

> And the battle could have been lost as easily as won except for Rayburn's personality and leadership and mastery of parliamentary procedure. If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three-fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the army, thousands of others being inducted every day, and the active duty term of several thousand National Guardsmen and Reservists who had been called up for 1 year. Without an extension, the obligations of both the draftees, Guardsmen and Reservists would begin expiring in the fall. The United States had adopted its first peacetime draft during the previous summer after weeks of heated and acrimonious debate in both congressional Chambers.

The article went on to point out:

> Although the legislation limited the draftees' terms of service to 12 months, it provided that the President could extend the period indefinitely if Congress declared that the national interest is imperiled.
>
> On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a Special Message to Capitol Hill, he asked Congress to declare a national emergency that would allow the Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.
>
> Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on August 7 declaring the existence of a national emergency and authorizing the President to extend the service of most Army personnel by 18 months.

So there was a real-life situation, a real-life situation. And we can very well face that kind of situation again. Mr. SARBANES pointed out that the vote on that occasion was 45–30 in the Senate. So it fell short of the required 51 votes that would be necessary under this section 5; 45–30. This shows you are going to need 51 here. And in the House the final vote was 203–202. It passed by one vote. One vote. It passed by a vote of 203–202, only after Rayburn walked the Halls and went door to door over there, talking with Members of the House individually. That was not a hypothetical situation. That can happen again.

So what did the proponents have in mind? Did they think of this possible problem? What did they have in mind when writing that language that requires a majority of the whole number of each House, which means that the Vice President could not cast a tie-breaking vote?

Mr. HATCH. Under this amendment, a majority vote would win today in both of those cases—a simple majority vote.

Mr. BYRD. No, no, no. It says a majority of the whole number.

Mr. HATCH. No, no. We are talking about either increasing spending or increasing taxes. In that situation, they increased the number of months, extending the Selective Service Act. So it would still—today, if you had the same vote, it would still be a simple majority vote. The difference is this——

Mr. BYRD. I am saying in that situation—forgetting about the draft, setting up this situation in which there is a serious military threat.

Mr. HATCH. My point is that the Senator is using a poor illustration because it does not apply in this situation.

Mr. BYRD. It applies in that it indicates that a situation can come down to a vote with only a one-vote difference.

Mr. HATCH. Not really.

Mr. BYRD. You could not get the three-fifths in the House.

Mr. HATCH. It did not involve an increase in spending or taxes, which is what is involved here.

Mr. BYRD. When you talk about increasing revenues, you are going to run into the same problem.

Mr. HATCH. Let me just say this.

Mr. BYRD. No bill to increase revenues shall become law unless approved by a majority of the whole number of each House.

Mr. HATCH. What do those have to do with increasing taxes or spending? Those——

Mr. BYRD. The Senator is the one who brought up raising revenues. He raised that subject.

Mr. HATCH. The point is, if that came up today and we wanted to institute the draft and extend it for another 12 months, we can do that by a simple majority vote. You do not have to have a constitutional majority on every vote here—only on those that either increase taxes or increase spending.

Mr. BYRD. But under this section, if our country is confronted by a serious military threat to national security, the Senator says you can raise taxes. It runs under the same probability.

Mr. HATCH. You either have to cut spending or increase spending or increase taxes. If you want to increase spending under the balanced budget amendment, or increase taxes, then you have to stand up and vote to do so. And in the case of increasing spending, you have to have a three-fifths vote. In the case of increasing taxes, you have to have a constitutional majority. But we could have a majority of each House vote today on extending for 12 months the selective service.

What is important here, as I see it, is that if the balanced budget amendment is in place, then the political posturing is going to be lessened by a great deal. You will find people—if we are really confronted with an imminent, serious military threat under section 5, I do not think there is going to be any difficulty getting that vote. Anybody who puts the country at jeopardy at a time like that is not going to be sitting here the next time his or her election comes around. People know that.

Mr. BYRD. Senator, that is not the answer to the question. I am sure the Senator would not be hesitant to cast the vote.

Mr. HATCH. I would increase spending or taxes if I had to.

Mr. BYRD. But the Senator controls only one vote, as I do. When this happens, neither the Senator nor I may be in this Chamber. We do not know what the intent of Senators will be 5, 10, or 20 years from now. This is a very difficult obstacle—in the event of a serious situation arising that involves a military threat.

Nobody—not one Senator—has been able to explain why the proponents have written into section 5 a provision that virtually deprives the Vice President of the United States from casting a deciding vote in a certain given situation.

Mr. HATCH. If the Senator will yield on that, many of us did not want this provision in the balanced budget amendment. We wanted only a three-fifths vote to increase spending or a constitutional majority to increase taxes, and we only wanted the above part of that that said Congress may waive the provision of this article for any fiscal year for which a declaration of war is in effect.

Mr. BYRD. I am going to offer an amendment that will strike that out. I hope the Senator will vote for that amendment.

Mr. HATCH. No, not at this point. One of the reasons this amendment is important—and this is the only time in history we can pass it—is because it is a consensus, a bipartisan amendment. One of the things we did was take Senator HEFLIN's provision. He was very concerned about any imminent and serious military threat that fell short of a declaration of war and, I think, rightly so. Personally, I have grown to prefer the language that he has put in here. But in order to prohibit the Congress from just using that loophole by calling everything an imminent and serious military threat to national security, we provided for a constitutional majority which does alleviate the necessity of having the Vice President vote to break a tie. Now, this being a new constitutional amendment, this being in addition to the Constitution, fits the same mold as the supermajority required that I read off before and read into the RECORD.

Mr. BYRD. Except, as I have said, those supermajorities the Senator read off before, and which I read off some days ago in this Chamber, have absolutely nothing to do with the substantive powers that are granted in article I, sections 8 and 9 of the Constitution. And those instances go to the structural parts of the Constitution and to the protection of individual rights. This balanced budget amendment has nothing to do with such. We are talking about fiscal policy here, and that has never been written into the Constitution. The Senator tries to explain this dilemma by saying, well, it requires a constitutional majority.

Mr. President, my problem goes not only to the fact that it requires three-fifths in two instances, and a constitutional majority in two other instances—section 4 and section 5—but it also deprives the Vice President of the United States from casting his deciding vote. Nobody has explained why the proponents would do that.

Mr. President, if any Senator wishes me to yield, I would be happy to.

Mr. SARBANES. Will the Senator yield for a question without losing his right to the floor?

Mr. BYRD. Yes. How much time would the Senator need? Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 12 minutes 40 seconds.

Mr. SARBANES. I will need just 3 minutes.

Mr. BYRD. I yield 3 minutes to the Senator.

Mr. SARBANES. Mr. President, I underscore what the very distinguished Senator from West Virginia has been saying here on the floor. Section 5 of this article is fraught with danger, and I hope Members will consider it very, very carefully.

It says:

> The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security.

The first thing I want Members to think of in their own minds is this: If we could face an imminent and serious military threat to our national security at a time when we were not yet engaged in military conflict. We may recognize that we are going to become engaged in military conflict and we need to take measures to address that situation.

Under this provision, no waiver is available in that circumstance because this provision requires that you be engaged in military conflict. I listened to the distinguished chairman of the committee, who made reference to the imminent and serious military threat to national security, as though that was what you needed to show in order to get the waiver. That is not the case.

The way this sentence is structured, you have to be engaged in conflict, already engaged in conflict which causes an imminent and serious threat to national security. So you would not be able to react to what I regard as a very pressing situation.

Second, even in those situations in which you are able to act according to a waiver, in order to invoke the waiver you have to have the whole number of each House. Now what that means, simply put, in the House of Representatives with 435 Members, you have to have 218 votes to invoke the waiver.

Everyone says, "Surely the Members of the Congress will invoke the waiver in a dire situation of this sort and there will not be any problem with it. Of course, you will get the waiver." And my response to that is, "Don't be so sure." And then I say, "If you go back through our history, there are numerous instances in which very critical votes were carried by bare majorities not meeting the requirement of a majority of the whole number."

The example I used the other day in the course of the debate was the extension of the draft before World War II. In that instance, the extension in the summer of 1941 came on a vote of 203 to 202. Now, that is a majority of those present and voting and it is clearly a quorum, but it was not adequate to meet the standard that is contained in this amendment. That waiver, therefore, would not have taken place. You would not have been able to make the expenditures necessary in order to carry through this provision.

What was at stake then is our national security. As you will recall, in the summer of 1940 we put in place a draft, but the term of service of those who had been drafted was a year and it was due to expire. President Roosevelt sent a message to the Congress to extend the time of the draftees and the guardsmen and the reservists and that had to be enacted in a joint resolution. The joint resolution barely carried on a vote of 203 to 202. It was not a majority of the whole number of each House.

Mr. BYRD. Which would have been 218 votes.

Mr. SARBANES. It would have been 218 votes. The 203 votes fell well short of the 218 votes which this amendment would require in order to invoke the waiver.

Now I submit to you, it seems to me that is a clear example where the national security interests of the United States were at stake. Literally 4 months later, we were in World War II. Had that extension not carried, more than 600,000 draftees already in the Army, their obligation would have begun to expire that fall and they would have been departing from the service. Four months later, Pearl Harbor occurred.

So I do not see how people can be so almost glib in the sense of asserting that surely this waiver will be invoked in a time of crisis. Clearly then, had the standard applied, we would not have met it and I think we would have been in dire circumstances. Therefore, I very strongly support the amendment which the able Senator from West Virginia has offered.

Mr. President, I ask unanimous consent that the article "How Mr. Sam Saved the Draft; One Vote and a Quick Gavel Rescued the Army on the Eve of War," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 18, 1991]

HOW MR. SAM SAVED THE DRAFT; ONE VOTE AND A QUICK GAVEL RESCUED THE ARMY ON THE EVE OF WAR

(By John G. Leyden)

Fifty years ago last Monday—on Aug. 12, 1941—House Speaker Sam Rayburn saved the "draft" from legislative defeat and kept the U.S. Army intact to fight a war that was only four months away.

The margin of victory was a single vote, and the battle could have been lost as easily as won except for Rayburn's personality, leadership, mastery of parliamentary procedure and—when push came to shove—lightning-fast gavel.

If Rayburn had failed, the Army stood to lose about two-thirds of its strength and three fourths of the officer corps. At issue was whether to extend the 12-month service obligation of more than 600,000 draftees already in the Army and thousands of others being inducted every day, and the active-duty term of several hundred thousand National Guardsmen and reservists who had been called up for one year. Without an extension, the obligations of both the draftees and the Guardsmen and reservists would begin expiring in the fall.

The United States had adopted its first peace time draft during the previous summer after weeks of heated and acrimonious debates in both congressional chambers. In the House, tempers became so frayed that two Democratic members got into a fist fight on the floor until both were ejected with bloody noses and bruised egos.

Congress finally passed the Selective Training and Service Act, authorizing the Army to induct up to 900,000 draftees annually. President Roosevelt signed it into law on Sept. 16, 1940. One month later—on "R" Day—some 16½ million men between the ages of 21 and 36 registered for the draft. The first lottery drawing was held Oct. 29, and the dreaded "Greeting" from local draft boards was in the mail shortly thereafter.

Although the legislation limited the draftees' terms of service to 12 months, it provided that the president could extend the period indefinitely if Congress "declared that the national interest is imperiled." On July 21, 1941, with the prospect of war increasing, Roosevelt acted. In a special message to Capitol Hill, he asked Congress to declare a "national emergency" that would allow the

Army to extend the service of draftees, guardsmen and reservists for whatever period the legislators deemed appropriate.

Despite the measure's unpopularity and strong lobbying by isolationist forces, the Senate approved a joint resolution on Aug. 7 "declaring the existence of a national emergency" and authorizing the president to extend the service of most Army personnel by 18 months. The vote was 45–30.

In the House, it was a different story. The Republican leadership viewed opposition to draft extension as a political opportunity just too good to ignore. Others had their own reasons for opposing the measure.

As summarized by Time magazine, they included 17 Irish congressmen whose votes were based on anti-British sentiments; Tammany Hall Democrats upset that the administration was supporting nonpartisan New York Mayor Fiorello LaGuardia for re-election; a large group of Democrats who believed draft extension violated the commitment given to those already in service; straight-out pacifists who opposed all defense bills; and a "big group in both parties who vote blindly against anything Franklin Roosevelt is for."

In an effort to "depoliticize" the issue as much as possible, Roosevelt and Secretary of War Henry L. Stimson designated Army Chief of Staff George C. Marshall as the administration's point man on the bill. Marshall worked tirelessly but found converts difficult to come by despite his tremendous prestige on Capitol Hill.

"You put the case very well," one Republican congressman told him, "but I will be damned if I am going along with Mr. Roosevelt."

The vote was set for Monday, Aug. 11 but Rayburn put it off for one day out of respect for a Republican member who had died over the weekend. With the president out of town—meeting secretly in Newfoundland with British Prime Minister Winston Churchill to frame the "Atlantic Charter"—Rayburn spent the additional day roaming the corridors of Capitol Hill, trying to win over recalcitrant Democrats and wavering Republicans. His lobbying style was like the man himself—honest, direct and intensely personal without a hint of intimidation.

"I wish you would stand by me because it means a lot to me," he would say. Mr. Sam, up close and personal, was a hard man to refuse.

Shortly after 10 a.m. on Aug. 12, the House began debating the joint resolution already passed by the Senate. A largely anti-draft crowd looked on sullenly from the packed visitor gallery. Included among the spectators were many servicemen in uniform and "delegations of mothers clutching little American flags."

The debate dragged on for 10 hours, through lunch and dinner. Amendments designed to weaken the bill were defeated with the help, ironically, of isolationists who wanted an "all or nothing" vote on the joint resolution. Finally, at 8:05 p.m., the reading clerk began calling the roll. Then, as required, the clerk went back through the list, repeating the names of members who had not answered the first roll call.

After 45 minutes of "grinding suspense," the vote was completed—204 to 201 in favor of the draft extension. But before it could be announced, New York Democrat Andrew Sommers was on his feet demanding recognition. Rayburn obliged and quickly regretted the move: Sommers changed his vote from aye to nay, opening the door for further defections.

To forestall this, Rayburn turned from other Democrats who were calling for the floor and recognized Missouri Republican Dewey Short, a leader of the anti-draft forces and thus a known quantity. Short requested a recapitulation but committed a fatal error—by not insisting that the recount precede announcement of the original vote.

Sensing his opportunity, Rayburn quickly read the results: "On this roll call, 203 members have voted aye, 202 members nay, and the bill is passed."

In so doing, Rayburn had frozen the vote. Under House rules, the recapitulation would be limited to those who already had responded, and they were proscribed from changing their vote. When the recount was completed, validating the original results, Rayburn announced (some say "mumbled"):

"No correction to the vote. The vote stands, and the bill is passed. Without objections, a motion to reconsider is laid on the table."

It was all over but the shouting, because the words "laid on the table" meant the subject of reconsideration had been decided adversely and could not be revived except by unanimous consent. Still, there was plenty of shouting from both the floor and the galleries.

The outvoted and outflanked Republican leaders denounced the speaker's tactics and accused him of short-circuiting the reconsideration process. Rayburn kept his composure. He was patient with members who seemed not to understand that only those who voted with the winning side could move for reconsideration—and stern with those who challenged his integrity. "The Chair does not intend to have his word questioned by the gentleman from Minnesota or anyone else," he told one member icily. Opponents got the message, and the debate fizzled out.

Three days later, after the Senate had approved the slightly different House bill and thus prevented another confrontation in the lower chamber, Rayburn decided he and his colleagues deserved a rest.

"I want to go home [to Bonhom, Tex.]," he said in calling for adjournment. "I live on a broad highway, in a white house where everyone can find me; but I have another little place. * * * When I start toward that place—and it is about 13 miles from my home farm—the road gets narrower and narrower every mile I go; and when I get to the end of the narrowest part of the road, there is a gate and there is no telephone out there."

Another gavel stroke emptied the chamber and brought an end to Rayburn's first year as speaker. The battle over draft extension was one of his finest hours in a long and distinguished congressional career. Any reservations or ill feelings about the outcome would disappear on Dec. 7, 1941.

Mr. BYRD. I thank the distinguished Senator from Maryland, Mr. SARBANES, for his resourcefulness and his diligence in going back, searching for, and finding this real-life record of what actually happened; not something that may have happened, not something that someone said would happen, but a real-life emergency occurred.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6 minutes and 30 seconds.

Mr. BYRD. How much time does the Senator from Utah have remaining?

The PRESIDING OFFICER. The Senator from Utah has 31 minutes.

Mr. BYRD. I yield the floor.

Mr. KYL. Mr. President, I would like to respond to a couple of comments that have been made and respond to the Senator from West Virginia, who I know makes this suggestion with the integrity of the Constitution and the institution and the defense of the United States very much in mind, and we all do.

I served in the House of Representatives for 8 years on the Armed Services Committee and have been criticized for being a hawk, so I appreciate arguments that could negatively impact our ability to carry out our defense functions as much as anyone.

But with all due respect to the distinguished Senator from West Virginia, I think this argument overstates a potential problem. In fact, I think there is no potential problem.

Essentially, what we are arguing about here in the U.S. Senate is the difference between 51 votes and 50 votes. And in the U.S. House of Representatives, it is the same 218 votes as would be required in any case to carry a majority issue if all of the Members are present and voting. So the only question is whether some Members may be absent or not voting and therefore you still have to have the constitutional majority of 218.

In my experience, in very few instances did you not have, on the major, important votes, almost all of the Members present and voting.

Mr. SARBANES. Will the Senator yield on that point?

Mr. KYL. Of course, I am happy to yield.

Mr. SARBANES. I think it is instructive that there are many, many close votes in the House of Representatives in which the prevailing side did not obtain 218 votes. The fact of the matter is that, on most votes in the House of Representatives, rarely are all the Members present. After all, there are 435 of them. On many votes, 5, 10, 15, perhaps even 20 Members are absent. And there are a lot of votes in the House that are decided by very close margins—208 to 204, 211 to 205, et cetera, et cetera. Close votes, but they do not reach this level of the 218 votes.

I sought to cite what I thought was a really on-point example in terms of the national security being at stake, a 203 to 202 vote with respect to extending the obligation under the draft before World War II.

Mr. KYL. I appreciate the example that the Senator has cited.

In recent years, on important votes, most Members of the House of Representatives are present. It is only in situations of illness or in situations where there has been a family emergency or something of that kind that Senators and Representatives do not care enough to be in the Chamber voting on very important national security matters.

If it is the argument of the Senator from Maryland that this is such an important point that the national security of the United States of America is jeopardized but he suggests, on the other hand, that a lot of Members will not bother to be present to vote, I suggest the argument fails. On important votes, Representatives and Senators do their duty.

Mr. SARBANES. Will the Senator yield?

Mr. KYL. If I may just finish this thought.

By definition, if it is an important vote, they are there doing their duty.

It does not seem to me to be an unreasonable requirement that, for a matter of this magnitude, one would require a majority of both the House and the Senate to approve exceeding the requirement for a balanced budget. And especially on matters as important as those suggested by the Senator from Maryland and the Senator from West Virginia, Members will be present, will reflect on the matter seriously, and therefore will vote.

I am happy to yield further to the Senator.

Mr. SARBANES. I only point out to my colleague that you could have virtually all the Members of the House there. Let us say you could have 98 percent of the Members there, which would mean nine Members are missing. You could have a very close vote, since the issue may well be very controversial and divisive, and you would not reach the 218 benchmark.

So the way this possibility is simply being brushed aside concerns me greatly. The situation I am outlining could easily happen. It has happened in the past.

By allowing it at that level, suppose we have ten Members absent?

Mr. KYL. Mr. President, if I may interrupt, the Senator from Maryland said this has happened in the past. I am not aware of a situation where the Congress has refused to fund an ongoing military operation of the United States of America.

Mr. SARBANES. Because Congress was never required to produce a majority of the whole number. All we had to produce in order to do that was a majority of those present and voting.

Mr. KYL. Mr. President, has the Congress ever refused to fund an ongoing military operation of the United States? Not to my knowledge.

Mr. SARBANES. But it has funded such operations on occasions when it carried the vote without having a majority of the whole number.

Mr. KYL. Of course.

Mr. SARBANES. Mr. President, if we go back through the Vietnam experience, there were instances in which the funding was carried through, but the vote by which it was done represented a majority of those present and voting, but that number did not represent a majority of the whole number of the House.

Mr. KYL. Mr. President, if I could reclaim my time. I am not aware of a situation. There may very well be one. I have not heard of any one situation in which fewer than a constitutional majority but a majority, a simple majority, voted to fund an important military operation of the United States, ongoing military operation.

I think it is important to put this in context. Throughout the entire year the Congress can fund operations of the Government, including the Defense Department or the State Department, where we are involved in military conflict. We are involved in military situations around the globe today, some of which can involve conflict.

As a matter of fact, if something occurs in Haiti or one of the other countries in which we have troops today, that is a military conflict. We are funding those operations. We are not voting on that. We do not take a vote every time we send another ship or more jeeps or tanks to one of these places of military conflict.

This question of funding only arises in a few situations. It may arise with regard to a supplemental appropriation where we will, in effect, refund the money to the Defense Department, or it may arise in connection with a defense authorization bill, which we do once a year, or a defense appropriation bill.

So we can deal with these issues throughout the year. The only thing we are talking about in the constitutional amendment is the question at the end of the year when we have to either be in balance or vote to exceed that balanced budget requirement. At that one critical moment in the year when we decide to let an ongoing military operation continue with the funding it has rather than to override or to exceed the balanced budget requirement, in that case we have to have a constitutional majority rather than a simple majority, meaning 51 Senators out of 100, 218 Representatives out of 435.

Mr. President, I just suggest in closing the debate on this amendment from our side that while the seriousness of the Senator from West Virginia is always apparent and issues of national security are known to all Members to be of utmost importance, I suggest that this is much ado about nothing. A constitutional amendment that says we should have 51 Senators out of 100 or 218 Representatives out of 435, a mere majority, is not too high a requirement. It is not too much to ask. If we are going to be putting our young men and women in harm's way we better have the support of half of the Senate and half of the House of Representatives. That is all that the balanced budget amendment requires with respect to the requirements for funding.

I really do not think this is a significant matter. It certainly is not something that would suggest the appropriateness of an amendment to our proposed constitutional amendment here.

Mr. SARBANES. Would the Senator yield for a question, Mr. President?

Mr. KYL. Mr. President, I yield.

Mr. SARBANES. I am looking at the report for votes dealing with the SDI. This was a motion to table an amendment which would have cut the amount of money for SDI, so the tabling motion in effect would have kept the higher figure for the SDI Program.

I do not want to argue the substance of the SDI Program. As I recall, the Senator was in favor of it when he was in the House. I want to get at the point of the close votes and the assumption that there is no problem. That vote was 50-50. The Vice President voted "yea" to break the tie. In other words, he voted to table this amendment which would have cut the SDI. He wanted the higher SDI figure. This was Vice President Bush at the time.

Now, I take it, under your provision, that would not work. We would have had a different outcome, correct, under this amendment?

Mr. KYL. It all depends on whether or not the expenditure—first, whether this was an expenditure of funds, whether it would put Members over the balanced-budget-limit requirement, and whether it was done in furtherance of support for our activities in an ongoing military conflict.

Mr. SARBANES. Assuming none of those factors were met, I take it that this vote, then, under this amendment we would have a different outcome than we had at the time?

Mr. KYL. Mr. President, no, no.

Mr. SARBANES. Mr. President, I thought the Vice President's vote would no longer count.

Mr. KYL. The vote the Senator is talking about is to fund the strategic defense initiative, not a vote to support an ongoing military conflict or ongoing military operation. It simply has no relevance to the amendment that the Senator from Maryland is espousing.

Mr. SARBANES. If it is related to addressing an imminent and serious military threat, it would be relevant.

Mr. KYL. Mr. President, if it were.

Mr. SARBANES. Mr. President, just on the factual situation, that is a very close vote.

I take it under this amendment, assuming all the other factors were met, we would have a different outcome. Is it your view we have to produce 51 Senators? Or can the Vice President cast the deciding vote in cases of a tie under this amendment?

Mr. KYL. In the amendment, we have to have 51 Senators to exceed the balanced budget requirement in situations in support of an ongoing military conflict.

Mr. SARBANES. So the Vice President's casting a vote is nullified.

Mr. KYL. In this situation, the Vice President—just as in any other situation where we do not have a tie—the Vice President is not casting a tie vote.

It is very rare that the Vice President has to cast a tie vote, but we are aware of the fact he has on occasion. No one will suggest that there are not occasions where we have a tie vote. What we are saying is, if we are talking about supporting an ongoing military conflict involving a U.S. interest, we have American men and women sacrificing or at least risk their lives in support of this operation, if we cannot muster 51 votes in support of those young men and women, then presumably the Senate has said we do not want them over there taking whatever risks they are taking. If we cannot trust the U.S. Senate, 51 Senators, to make that kind of decision, it seems to me there are not very many other judgments we could make.

Mr. SARBANES. Could the Nation go to war with a declaration of war on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. Mr. President, yes, the Nation could.

Mr. SARBANES. The Nation could do that. But the Nation could not then fund the war which it has declared on the basis of a tie-breaking vote by the Vice President?

Mr. KYL. It most certainly could. If I could finish.

Only in the event that we did not find the money to fund the war effort and all of the other obligations of Government, would we have to exceed this balanced-budget-requirement limitation.

Obviously, in a case of a World War II we would be spending a lot more money. We probably would go into deficit. One would assume the votes would be there. But, for example, the conflict of Haiti, which is not a declared war and obviously would not necessarily require that we break the bank in order to support the operation in Haiti, it does not seem to me to be an unreasonable requirement to require 51 Senators.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Maryland.

Mr. SARBANES. Mr. President, the crux of the problem was the Senator's comments that we just assume that we would fund these items. I do not know how we can make that assumption when one can show that there had been close votes in the past which would not meet the requirement of the amendment and, in fact, would give the opposite result from what occurred in situations in which I think it can be argued very reasonably there were important national security interests at stake.

Mr. KYL. I want to yield to the Senator from Idaho, but I will make a point first. The Senator is correct, I am assuming that in important matters where funding was necessary, 51 Senators would be willing to do that.

But the Senator from Maryland is assuming that that is the right thing to do, as am I in this situation. If 51 Senators said, "No, we're not going to break the budget; we're not going to unbalance the budget to fund your operation in Haiti," or wherever it might be, I cannot assume that that is a wrong decision, if 51 Senators have made that decision.

I yield to the Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague for yielding. This most certainly is a serious discussion about the amendment of the Senator from West Virginia. Every time in our Constitution we have established a vote, in this case a constitutional majority, and in other cases a supermajority, we know that is the standard. That is the level we have to reach to perform in certain ways, to respond in certain ways, as so prescribed by the Constitution.

The validity of analyzing prospectively a situation by the comparative of other situations done in an entirely different environment really has no context in this debate. This debate is about an amendment that sets new standards, constitutional requirements that we will meet. Certainly, the Senator from Maryland and I know that on certain votes on this floor, we have watched our leadership orchestrate votes. Some votes are very tough and some Members really do not care to vote. I have been on the floor on occasion when it was well known in advance that the vote more than likely would occur in which the Vice President would have to break the tie, simply because it was a tough vote. But we do know that in instances where, if that did not occur, there is a strong likelihood that if it was the position of the majority party or the majority of those here that this was the kind of vote required, and it was by Constitution the vote necessary, that it could be gained if it was of that importance.

But as the Senator from Arizona has so clearly stated, if the priorities rested that we would not break the budget to fund an ongoing military operation that was outside the declaration of war, my guess is the Senator from Maryland and the Senator from Idaho, if we agreed that it was important to fund that, and certainly the Senator from West Virginia, if he were in his past role as chairman of the Appropriations Committee, would change or shift the priorities necessary and move money from other programs of less importance to the program of high importance, in this instance military funding, for the purposes of doing those kinds of ongoing funding.

That is the real role of this Congress and the most important role under a balanced budget amendment. That is, to establish priorities, not just to get enough votes to bust the budget or to go beyond balance, but in the environment of a declared war, which is distinctively different and we all know that because it is then the decision of this country to put its men and women at risk because our very freedom is at risk, that we go back to the majority necessary to do so under that context, the simple majority.

That is why those who have spent their time crafting this amendment have argued so and, therefore, established section 5 of this article to make sure that we force the priorities of spending the way they have never been forced before in the Congress of the United States.

If we had had that kind of prioritizing before, most certainly we would not have the $4.8 trillion debt, the $18,000-plus debt per citizen, the $300 billion interest charge—it simply would not be here, because the Senator from Maryland and the Senator from Idaho would have been operating during their presence here under a different mindset. We know our standards and levels of performance, and we may have argued very loudly over what the priorities of spending ought to be, but in the end, we know that those priorities would have to have been established under a balanced budget.

So I am suggesting that the Senator from Arizona is absolutely right. To pull a vote from 1941 and argue that that is the context in which article V fits is to argue that every circumstance, every emotion, every understanding of the time and the situation would be identical and we, of course, know that is not the case.

How do you justify that 21 Senators did not vote on that critical day? Well, probably because there may have been a few pacifists, there may have been a few who could not vote either way because they simply could not make such a critical decision as to send this Nation to war or, in this case, the draft. Those are the realities of the moment and time and the emotion and the politics of that vote, and certainly the Senator from West Virginia, who is senior to all of us with his experience on the floor, knows that every vote has its own chemistry, its own politics, and its own emotion.

What we are saying here is this is a minimal standard to force the Senate to prioritize under fiscal matters which we think are terribly and critically important to maintaining the stability of the economy of this country and the fiscal responsibility of this Senate and our Government.

I thank the Senator from Arizona.

Mr. SARBANES. Will the Senator yield for one further question?

Mr. KYL. Mr. President, I know that we have some additional time. I would be happy to have the colloquy continue on our time, if that is the preference.

Mr. SARBANES. Let us assume that two Members of the Senate are in the hospital. We take a vote on this waiver and the vote is 50 to 48 in favor of making an expenditure to address a national security threat. So a clear majority of those present and voting have voted to do it. That does not meet the standard in this article; is that correct?

Mr. KYL. The Senator is correct.

Mr. SARBANES. And, therefore, that effort would fail, even though a majority were in favor of it.

I have difficulty with understanding how one can be so quick to dismiss that possibility. I have seen many close votes on the floor of the Senate. I have seen instances in which Members have been absent because they are in the hospital, or for other good reasons, in which the sentiment is very closely divided and you get a majority in favor of a position but it does not rise to the level of a majority of the whole number of a House.

I think the problem is even more pressing in the House of Representatives where you often have votes when all Members are not present. In fact, if a seat is empty that, in effect, is a vote against. Let me ask the Senator this question: Is the majority of the whole number reduced if there are absent seats? There are occasions in the House of Representatives where you may have three, four, five seats that are not filled at one time. That happens on occasion. Is the majority to get reduced from the 218, or does the number stay at 218 even though there may be 4 or 5 empty seats in the House?

Mr. KYL. The answer, as I understand it, is the requirement would be 218 irrespective, but I do think it is a mischaracterization to say not infrequently there are 3, 4, or 5 vacant seats in the House. In my 8 years there, the most ever at one time was three, and very rarely were there any.

I think if I could get back and conclude my part of the debate on my time, then I will be happy to hear from the Senators from West Virginia and Maryland.

I think we have to put this back in context. We have a very important issue before our country right now. It is the runaway Federal budget deficit and the accumulating debt that we are consigning to our children and our grandchildren. All of us understand the importance of dealing with that. We have some disagreement about precisely how to deal with it.

But those of us who support the balanced budget amendment believe that one thing we should do is to say that if we are going to exceed that balanced budget limit, even in a time of military conflict, it should require a constitutional majority, meaning 51 Senators, 218 Representatives. That is hardly too much of a burden in that situation. Why? Because in that situation, we have already put young American men and women in harm's way by definition. Therefore, the seriousness of that commitment should require an equally serious commitment on the part of the House and Senate in providing for the funding for those operations.

We provided, in a case of declaration of war, of course, which, as the Senator from Maryland correctly pointed out, only requires a majority vote, you should only require a majority vote to fund that operation beyond the requirement of the balanced budget amendment.

But in those cases where you have not made a declaration of war, such as the situation in Haiti, just to cite one example, if the funding cannot occur any other way than by breaking the budget, then we suggest that a mere 51 votes in the Senate and 218 in the House is not too much to ask for.

The amendment of the Senator from West Virginia would change that to a simple majority of those here and voting, however many decide to vote. We think that that is not a substantial enough requirement to break the balance of the budget that we are trying to achieve by the passage of the balanced budget amendment.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. May I say to the Senators, we get the same kind of answers to every question. They say, well, we will readjust priorities. We will transfer funds from some other program in order to fund the military needs during an emergency.

I have been chairman of the Senate Appropriations Committee, and may I say to my friends, I am now in my 37th year on the Appropriations Committee. We do not have time to adjust priorities in emergency situations.

Suppose you are near the close of the fiscal year when a threat to our military security occurs. The funding that has been provided for various and sundry agencies is almost spent for that fiscal year. How are you going to dip around and readjust priorities and pay for the military emergency that is confronting you at the end of that fiscal year, as envisioned by this language? You do not have time. We are going soon to be into a new fiscal year.

There are those here who cannot conceptualize of our being in a situation in which we will have a tie vote here in this Senate, 49 to 49, 48 to 48, or 50 to 50. If the President of the Senate—the Vice President—casts a vote, it will not count, because only the votes of Senators will count.

We get the same old answers from the proponents all the time: Oh, I cannot conceive of this event; I cannot believe that this will happen; or the intent is not thus and so.

Mr. President, that's a bountiful answer that fits all questions.

> It is like a barber's chair, that fits all buttocks—the pin-buttock, the quatch-buttock, the brawn-buttock, or any buttock.

That is not original with me. That was Shakespeare, but it makes my point. The proponents have an answer that fits all questions. It is just that easy. They just brush aside these real-life questions, and I think that this afternoon proves our point. This is a constitutional amendment which is not well thought out, and I say that with the utmost respect for those who were engaged in the writing of it. It was not well thought out.

I believe that if it is welded into this Constitution, those who have supported it in "reaching to take of the fruit" will "chew dust and bitter ashes."

I regret that questions I have raised, and those that have been raised by the distinguished senior Senator from Maryland, have been, not necessarily treated with a cavalier attitude, but those who responded to the questions cannot seem to conceive that real-life situations can occur such as we have tried to present here. And if those situations do occur—and there is no question but that they will in the long years ahead—the country is going to be faced with a dilemma. We seem to be observing a very, very lax attitude here by the proponents of the amendment.

Why would they want to make it difficult for the Nation to respond to our Nation's security? Why set up a hurdle like that in section 5?

The point here, again, is that we will be hamstringing the ability of the Chief Executive, the Commander in Chief, to deal with a national security emergency, a real-life national security emergency, by insisting on 51 votes of Senators and by disallowing the Vice President to vote to break a tie. That is reckless—reckless. I am sure it is not intentionally reckless, but it is thoughtlessly reckless. It defies logic. It counters simple common sense. If we ever reach a real-life situation that confronts us and this language is nailed into the Constitution, then we will have found that a great disservice has been the result—disservice to our fighting men and women—and it ought to be changed. Why not strike out this sentence? Why not change it to say adopted by a majority?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I thank the Chair and I thank all Senators.

Mr. KYL. Mr. President, we are prepared to yield the remainder of time on this side.

Mr. President, at this time, I move to table the amendment of the Senator from West Virginia and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table the amendment of the Senator from West Virginia. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 41, as follows:

[Rollcall Vote No. 75 Leg.]

YEAS—55

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—41

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—4

Hatfield
Heflin
Inhofe
McCain

So the motion to table the amendment (No. 256) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia [Mr. ROCKEFELLER] is recognized to propose an amendment.

AMENDMENT NO. 306

(Purpose: To protect the disability and death benefits of veterans)

Mr. ROCKEFELLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE, proposes an amendment numbered 306.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 6, add the following: "However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article."

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls 60 minutes. The Senator from Utah controls 30 minutes.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, the amendment I am proposing is extremely simple and very straightforward. Should the balanced budget amendment go forward—and it is very close—and actually become part of the Constitution, which is a result that I continue to strongly oppose, the benefits furnished by the Federal Government to those particular veterans suffering from service-connected disabilities, and to their survivors, will be protected by my amendment.

Specifically, my amendment provides that the balanced budget amendment may not be implemented by impairing any benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces—service connected.

Mr. President, at the outset, I want to be clear that while my amendment is targeted on benefits and services directed to service-disabled veterans, I in fact wanted very much to be able to protect all veterans and all benefits from the kind of meat-ax cutting that I think will take place if the balanced budget amendment becomes part of our Constitution. However, I have to be realistic and I have to target—and I am forced to do that by the circumstances—in an effort to focus most directly on the most critical parts of our commitment to veterans. I have settled on those with service-connected disabilities, those with the greatest call for our protection.

All who serve in the military deserve our thanks and our support. If I had my way, I repeat, they would also continue to benefit from the full range of programs that have been developed over the years. Unfortunately, those who favor deficit reduction over all else have significant support today, and no Federal expenditure is secure. Therefore, while I intend to continue my strong support for all veterans programs as long as I am in a position to do so, my amendment is crafted narrowly. Specifically, the benefits that would be protected by my amendment are the most vital benefits administered by the VA: compensation paid to service-connected veterans; dependency and indemnity compensation paid to the survivors of those who die in service or from service-connected disabilities; vocational rehabilitation provided to disabled veterans, who are disabled because of their service; health care furnished by the treatment of service-related disabilities; burial allowances paid when the veteran dies in service or from service-related causes; and certain other ancillary benefits provided to service-connected disabilities.

Mr. President, these benefits are at the core of the mission of the VA. Stated simply, the principal mission of the Department of Veterans Affairs is to ensure that we, as a Nation, honor the commitments to those who have served us and protected us, often in times of need and often at enormous sacrifice to themselves, and most especially those who were injured or disabled during that service.

Too often, this commitment and this obligation to those who have answered the Nation's call and suffered as a consequence, frankly, sort of gets lost, glossed over, forgotten. Sometimes issues relating to the appropriate benefits and services for these brave men and women who have served, who defended us and are now disabled by virtue of having done so, get lumped with other obligations of Government, as though all of the things the Federal Government does are kind of on an equal basis, that everything is equal. Plainly, this is not so.

We must never diminish the obligation that is owed to those who have served in the armed forces, and especially to those who have suffered disability or death from that service. Taking care of those who join the military, so as to defend the general population, is a tradition that goes way, way back in our Nation's history. In the history of America, this imperative can be seen from our earliest days. One of the first American veterans benefits laws on record was enacted in 1636 by the members of the Plymouth Colony.

That law provided that, in the event one who served in defense of the Colony returned "maimed and hurt," the Colony would maintain the soldier "competently" during the soldier's life.

This commitment to care for the veteran who returned disabled from service has remained strong, remained vital down through our time, and it must continue to be honored.

Mr. President, if we are to amend the Constitution in the name of fiscal policy in the mindless way that is proposed in the underlying resolution, then at a minimum we must ensure that disabled veterans and their survivors are protected in that same action in the Constitution.

President Lincoln would be, I suppose, the President with the greatest sense of depth and immediacy of the obligation of those who served. He spoke of this in 1864. He said:

> All that a man hath, will he give for his life. While all contribute of their substance, the soldier, the soldier, puts his life at stake and often yields up in his country's cause. The highest honor then is due the soldier.

That was Lincoln.

The terms of this obligation, which is the guiding principle of the VA, was characterized no better than when, again, President Lincoln spoke of the obligation to "care for him who shall have borne the battle and for his widow and orphan." That is what is written beside the front door of the VA. That was a long time ago that he said that, but these words ring no less true today.

Indeed, as we enter into this new era with the cold war behind us, we should pause and recall how, in fact, we came to be where we are. We should pause and remember those who served from the world wars through Korea, Vietnam, to the Nation's most recent conflict in the Persian Gulf and reflect on what their service has gained for all of us and what they are owed by a grateful nation for that service, most especially those disabled by that service and the survivors of those who gave the last full measure.

We must keep faith with those who served. It is a simple sentence, but it is a strong one. We must keep faith with those who served for that is the sort of people that we are.

And on a far more pragmatic level, we must honor the commitments to those who served in the past so that those who are considering entering the service today know that the promises made to them today will be kept when their service ends. To fulfill our fundamental obligation, we as a nation have established a wide range of veterans benefits that are provided to those with service-connected disabilities, and we must remain true to those commitments.

Mr. President, the Senate recently engaged in an extended debate on the relationship between Social Security and the balanced budget amendment. I agreed fully that Social Security deserves to be protected from the vagaries of the sort of mindless budget-cutting exercise that will have to take place if the Constitution is amended to require a balanced budget. I think the benefits of service-disabled veterans deserve protection just as well.

There is no question that the Social Security benefits are in the nature of a contract. And it is equally appropriate to identify some Government benefits, you know, these days as mere gifts or giveaways, so as to contrast those benefits with Social Security.

But that is not the nature of benefits for service-disabled veterans. The contract that relates to these benefits was one signed in blood and many, many times over. Veterans paid for these benefits with their limbs, their sight, their mobility, their mental and physical health, indeed, with their very lives.

Benefits paid to veterans who are injured while in service to their country are valued perhaps more than any other in the VA. And veterans in general would agree with that. Why? Because our Nation recognizes and respects, as we should, the commitment we made to those who gave up their livelihood, left their homes, agreed to risk their lives for their country, asked no questions and suffered an injury while in the course of their service. Many never came home.

Who here intends to break our contract with the disabled men and women who have served their country and risked so much? Who would do that?

Cutting benefits to those who served us all and who became disabled during that service is simply not the sort of thing we should allow to happen in a country called America. I can think of no population with a greater claim on our concern and our love and our protection than those who sacrificed their well-being in our common defense.

Mr. President, I will not repeat the legal analysis that was presented during the debate on Senator REID's amendment on Social Security as to why this provision needs to be a part of the amendment itself and not a mere afterthought in other and separate legislation. It is enough to note the obvious. Since some of our colleagues believe that it is necessary to amend the Constitution in the name of fiscal policy, then surely in the same amendment they can be clear that they do not intend, for whatever mischief is to follow in the name of fiscal policy, to have an adverse impact on disabled veterans and the survivors of those veterans who gave, as I say, their all.

Mr. President, I want to believe that this is the point of view of those who support the balanced budget amendment, but I must confess to having some serious worries. Being able to see the words that would provide the protection included in the amendment itself would remove any lingering doubt on my part and on the part of America's veterans.

Mr. President, I have more to say about my amendment and in its defense, but at this point I notice the Senator from Maryland is on the floor.

The PRESIDING OFFICER. Does the Senator from West Virginia yield time to the Senator from Maryland?

Mr. ROCKEFELLER. I do.

The PRESIDING OFFICER. Would the Senator indicate how much time?

Mr. ROCKEFELLER. How much time would the Senator require?

Ms. MIKULSKI. Five minutes.

Mr. ROCKEFELLER. I yield 5 minutes to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Ms. MIKULSKI. Thank you very much, Mr. President.

I rise with great enthusiasm to support the Rockefeller amendment. I believe that we should under no circumstances balance the red ink of the Federal budget by using the red blood of America's veterans.

Americans have served the United States of America proudly with honor, with dignity and enormous self-sacrifices.

We are at the 50th anniversary of the commemoration of World War II—World War II in which ordinary people were called to do extraordinary things, and they did them. They did it at Normandy, they did it at Okinawa, they did it at the Battle of the Bulge.

And when, at the Battle of the Bulge, a message was sent to our troops to surrender, our military sent back a message and said, "Nuts."

Well, that is exactly what we are saying on the floor today for those who would not be willing to exempt veterans with service-connected disabilities from the balanced budget amendment. We say, "Nuts" to those who wish to use veterans funding and make them vulnerable to these swashbuckling kinds of issues that we are discussing here.

We know that the veterans appropriation for medical care alone numbers about $15 billion to $16 billion. I know that, Mr. Chairman, because I once was the Chair of the subcommittee that appropriates those. Though I am now in a sabbatical from the chairmanship, I am not in a sabbatical from fighting for American veterans.

That $15 billion is designed to meet the needs of America's veterans in order to be able to meet their acute care, provide primary care connected to service-connected disabilities, and long-term care for those who bear the permanent wounds of war.

Do we really want to make that vulnerable to budget cuts, mandatory budget cuts that will obviously come through a balanced budget amendment?

The other part that the VA funds is disability pensions for those, again, who were wounded in the war and for those who are also now applying for those, who served in Desert Storm and other recent conflicts. Because of inadequate funding, we have a backlog that needs to be addressed, because our veterans now have to wait several months in order for that backlog to be able to be processed.

Mr. President, I believe that the veterans who have already served the United States of America should not be called to do double duty by placing those programs related to the deficit—those veterans with service-connected disabilities being exempted from that.

When we think of those veterans, they are the men and women of the Armed Forces who fought over there so we could be safe there. People like my Uncle Pete, my Uncle Fred, my Uncle Richie, who left banks, shops, and grocery stores to fight the Nazis and the war in the Pacific. They were the brave men who fought in Korea in an undeclared war, and in Vietnam in an unpopular war, and in Desert Storm in a high-technology war, and countless other contingencies, so when a President dials 911 they are there to answer, ready and fit for duty.

Then what do we say? Thank you. We always say a grateful Nation will never forget. Well, I am absolutely concerned that we will forget and those who we will forget the most are those who wear the green eyeshades rather than military epaulets, as they look down at the Federal budget.

That is why I support the Rockefeller amendment. Each and every one of those men and women in the military is a symbol and living testament to the principles that have kept this country strong and free: loyalty, self-sacrifice, and patriotism. When we think of our enlisted people, we think of everything that is good about this country—courage, loyalty.

Our responsibility now is to live up to the kinds of promises we made to them when they were called to duty.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Ms. MIKULSKI. Mr. President, I support the Rockefeller amendment.

Mr. President, I ask unanimous consent for 1 additional minute to conclude.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I hope that my colleagues will think long and hard, that when they go to Veterans Day observances, when they go to Memorial Day, when they rise at Fourth of July parades and give the V sign or the thumbs up, and when we vote we should never, ever balance the red ink of the Federal budget on the backs of American veterans who have served so well.

I yield the floor.

Mr. HATCH. Mr. President, veterans' benefits and veterans' programs will continue to compete very well under a balanced budget amendment.

But this constitutional amendment is not the place to set budget priorities. We cannot put statutory programs into the Constitution. Constitutional and statutory confusion will result if we include references to statutory programs in the text of the Constitution. It would create a new type of law somewhere between constitutional law and statutory law. Would we need to amend the Constitution to increase veterans' benefits? Would we really want to give quai-constitutional status to the technical language of the veterans' benefits statutes? Would we want to allow those statutes to be a loophole to let off the pressure of balancing the budget? This could pose a risk to veterans' programs as Members of Congress would have an incentive to redefine spending programs as veterans' programs.

Mr. President, this amendment is yet another attempt by opponents of the balanced budget amendment to use a worthy group of beneficiaries—in this case our Nation's veterans—to start putting loopholes in the balanced budget amendment. This poses risks to the balanced budget amendment, could engender constitutional confusion, and might hurt veterans' programs.

Let me repeat that veterans' benefits hold a priority place and will be well protected. But we should not start exempting statutory programs from the broad universal mandate of the balanced budget amendment.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I rise in opposition to the amendment of the Senator from West Virginia, and I resist in saying the words "Here we go again," for the simple reason that I now have the privilege of serving on the Veterans' Affairs Committee of this Senate and, by the outcome of the last election, missed the opportunity to serve under the chairmanship of the Senator from West Virginia of this critical and important committee.

So when the Senator from West Virginia stands up to speak about veterans and veterans issues, I know he speaks with the utmost sincerity as to his concerns, as does the Senator from Maryland.

Because of that sincerity, because of the commitment that this Senator has, we will prioritize at the top of nearly every budget the responsibility we have to honor the commitment that this Government made to the men and women who put their lives in harm's way to provide for our safety and security as a nation.

But there is no question that as we debated the Social Security issue and as we now debate veterans issues, that we find our services falling into the GRAMM-Rudman trap of taking away or exempting from any budget consideration, under a controlled scenario and under this instance of a balanced budget, these programs.

What does that say? I guess it could say they are at the top of our priority list, but it says we can also spend in a lot of other areas that have less priority, and we exempt these programs from any budgetary consideration that is fair and responsible.

Two weekends ago, Mr. President, I visited a new veterans home in Idaho that I am very proud of. I helped gain the money for that home and the State of Idaho moved that money. It now is the residence for 70 veterans who served their country well but find the need to have shelter provided by this unique and beautiful home. I visited with most of them, spoke to them. We were talking about the very issue that we are debating on the floor tonight, the balanced budget amendment.

All of them said, "Senator, get the budget under control. I am really worried about the future of this country and I am worried about my grandchildren. So I hope you win. I hope you balance the Federal budget," because what those members of that Idaho veterans home knew was that the commitment their Senator had was to always put their issues at the front, to prioritize, as the history of this Congress has always demonstrated that we will treat fairly and responsibly those who served our country, because of the commitment we made when they took the oath. That does not mean we move them outside of the arena of budgetary considerations or the intent to be fiscally responsible.

If we allow but one exemption, then there are a lot of other priority areas that many other Senators would find necessary. I would have to say to the Senator from West Virginia, what about his coal miners? What about our rail workers? What about my farmers and ranchers? No, they did not put their lives in harm's way to ensure the safety and security and freedom of this country. But we have said for a long, long time we have an obligation to them for a variety of reasons.

Yet, we have not chosen to exempt them, nor should we choose to exempt anyone, but to force this Congress to maintain the priorities we think are critically necessary. We believe that that has to be done under the context of a balanced budget. As I said when we debated the Social Security amendments, the threats to veterans benefits is not this amendment, the threat to veterans benefits is the debt and the deficit. The deficit itself is crowding out the benefits, because we have to pay interest on that debt.

I say now if we did not have the $300 billion deficit payment, interest on debt payment on an annualized basis, the Senator from West Virginia and I would not have to make the critical decisions we are going to be making in this budgetary cycle, with or without a balanced budget requirement, which will entail reductions in growth rates of certain veterans benefits, not because of a balanced budget amendment, but because for too long this Senate has not been fiscally responsible, and we are now crowding out the very real programs that are extremely valuable.

Mr. President, at this time, I yield to the Senator from Wyoming and the chairman of the Veterans' Affairs Committee here in the Senate, such time as he might require.

Mr. SIMPSON. Mr. President, this is one of the periodic missions assigned to those who chair the Veterans' Affairs Committee or who serve as ranking member during the debate on any issue that has anything to do with veterans.

I am a veteran. There are 27 million veterans. I know some get tired of me quoting the statistics. But I do not get tired of it, because the American people have been forced, in this debate on the balanced budget, to wake up and figure what is going to happen to them.

My wake-up call came during service on the Entitlements Commission, the bipartisan Entitlements Commission, chaired so ably by Senator BOB KERREY and Senator Jack Danforth. And 30 of the 32 of us—a very diverse group ranging from Rich Trumka, Malcolm Wallop, my fine senior colleague in those days, JOHN DINGELL, Tom Downey, Senator CAROL MOSELEY-BRAUN, Senator GREGG—a wonderful group of people—and 30 of the 32 of us have agreed and presented to the President the fact that in the year 2012, with no increase in taxes, that there would be only sufficient revenue to fund Social Security, Medicare, Medicaid, and Federal retirement and interest on the national debt and that there will be nothing—absolutely nothing—to be used to fund transportation, education, defense, Head Start or NEA or any other discretionary program of the Federal Government, and everybody knows it.

I would think the veterans would have picked up on it. Veterans are a bright group. They have powerful organizations in this community. But I must say, in my 16 years here, and having served as ranking member under a fine able chairman, Senator Al Cranston—people often confuse us and say, "You're Al Cranston." "No, I'm AL SIMPSON." I have to clear that up daily. Nobody ever calls him AL SIMPSON but many call me Al Cranston. But it was difficult. That was the only thing difficult in that relationship because I enjoyed him thoroughly.

There is nobody I enjoy more than JAY ROCKEFELLER. He is a splendid friend. I watched the chairman through the years, Senator FRANK MURKOWSKI, and the wonderful work that he has done, and on it goes.

Always we get into this wretched excess about veterans: "What are we doing for the veterans of our country?" And the answer is everything. I am telling you, when I came to this body, the veterans budget was $20 billion in 1978, and today it is double—double, $39.5 billion proposed for 1996. And in 1978 it was $20 billion. It has doubled. And every year I have to come here and listen to what we are doing to the veterans of America. It is a tedious exercise, a truly tedious exercise.

It comes from the veterans' groups. The organizations gin the rhetoric up all day long. The average increase for veterans is over $1 billion a year. When every other program in America is taking a hit, the veterans do not take a hit. They have not taken a hit in any way. We keep adding things.

What we really tragically do is add new things in the Veterans' Affairs Committee and on the floor, because you do not dare vote against any kind of bill that has the word "veteran" in it. So we come here and we have voted for entitlement programs that we cannot fund, and then the veterans groups come back in and say, or the veterans themselves come back in and say, "How come I couldn't get into the VA Hospital in Cheyenne or Miles City?" Or "Why couldn't I do this" or "Why couldn't I do that"?

The answer is, "Well, we didn't fund that."

"Well," they said, "you should have funded it."

So all I can tell you is that if anyone can tell me that the people of the United States, through their elected representatives, have not supported the veterans of America, that is plain erroneous information.

I suppose we are going to have some charts about GDP and increases in this and or the increases in that. It is like dealing with Medicare. If you want to deal with another power group, other than the veterans organizations, deal with the AARP, who have managed to tell the American public that we have cut Medicare $200 billion in the last 10 years. Well, I would like to see that one on paper because Medicare was $37 billion 10 years ago, and it is now $157 billion. So if somebody can tell me where the $200 billion dropped off the table, just drop a fax or something or slip it under the door and I will be glad to read it if I can to see how $200 billion simply disappeared. It is absurd to say that the veterans have not been taken care of in some way.

There is a terrible confusion here, a very unfortunate confusion, a fuzzing—unintentional, I am sure—about the difference between a combat disabled veteran and a service-connected disabled veteran. I know this may be inside baseball to some, but it is critical, very critical, because this well-intentioned amendment will do some serious things.

You have to remember, as Senator ROCKEFELLER says, those who enter service must know that their commitments will be met. Each Congress we have added to the benefits available to veterans—each year.

Not a year has gone by in my presence as chairman or ranking member that additional presumptive diseases have not been added. I know that is inside baseball, too. People say, "What is a presumptive disease?" Well, there are now 86, I believe, presumptive diseases. Some of them obviously are connected with service in the U.S. military and the majority of them are simply connected with being alive: Ulcers, hypertension, stress, high blood pressure, the things that happen to every other person in society. If you have been in the military, they are presumed to have happened to you because of your service in the military. For example, the list includes lupus. I can get the list. It is an extraordinary list.

Ninety-three presumptive diseases are called to my attention—93. If you saw the list you would see that it includes every malady—and some are serious and some are not as serious. But every malady on that list affects every other person in society.

We do that every year. We have made additions to the cost-of-living allowance. We have every year increased accessibility for services and benefits, and benefits have been expanded in each and every year of my being here.

Hear this: The argument is that we need to care for those injured as a result of their service. The amendment of my friend from West Virginia, by freezing benefits for many who are being paid for injuries or illness unrelated to their service, would impair the ability of a future Congress to respond to the needs of those actually harmed as a result of their service. This is, I am sure, a highly unintended consequence.

Furthermore, Senator MIKULSKI—and she did a yeoman job as chairman of the HUD and VA subcommittee. She and Senator Jake Garn worked so well on that. She is a spirited advocate of the amendment. She cites many combat veterans. No one—please—no one, not a soul in the land questions our obligation to those injured in the performance of their duty. But this amendment goes far beyond that. This amendment would include—hear this—it would include the 19 percent of service-connected veterans with ordinary diseases unrelated to duty.

There is a 19 percent cadre of people who I do not think were ever intended to be included here. It would include the 6 percent of service-connected vets who are injured off base in accidents unrelated to duty. I do not think that was ever intended.

It is a remarkable, periodic thing that we go through here, and some of it is, believe it or not, politically motivated. I know that is a shocking statement. I am not attributing that here, but over the years I have attributed it because I can remember very well one time when I came to the floor of the U.S. Senate many years ago and there was a Senator—he is not in our midst, he is no longer in the Senate—who was railing about the veterans of America and how they have been cheated, short sheeted, ripped off, treated like bums. I have never heard a speech quite like it. It was a ringing thing. In fact, it is still ringing.

Afterward, we were riding the subway back and I said, "I have a question to ask: Have you ever been in the service?"

And our colleague, now not with us, said, "No."

I said, "How come it is that a person like you who has never been in the U.S. military will give a speech like that when you haven't even been in the Civil Air Patrol?" I said, "I get tired of that. And the next time you do it, I'm going to get out there and rip one, and we're not going to listen to that kind of stuff again."

He said, "You wouldn't do that. It would ruin the comity of the Senate." I said, "Well, you are already ruining it by getting out and pretending we don't do anything for the veterans in the United States."

That was 1979. That gentleman never spoke again on the issue of veterans because I just kept a big drawer full of the statistics about what we do for veterans in this country.

People cannot understand that there are 27 million veterans, and only 3 million of us have ever had a live shell go past our head in combat. Now, they will say, "Oh, we can't tell how many saw combat." Well, I say you could get pretty close. We have a form, a DD–214, that tells where you were, where you served. It is a great ploy to assert that you cannot tell where someone served or what they did. I do not believe that one anymore either.

The VA does not want to provide that information because you can use the word "veteran" to cover, literally cover, people who served 6 months—6 months. There were thousands of veterans, when I came to the committee, who had served 6 months, never left the United States, and did not know a mortar tube from either end. They received every benefit this country had, and I said, "This is absurd." And Al Cranston helped me change that. We at least put in a requirement for 2 years service, and I believe that is where we are now.

So you can serve 2 years, never leave the United States, and not know a mortar tube from either end and still draw every single benefit that a disabled veteran or a veteran of combat receives.

Now, people do not like to hear that, and they say, "SIMPSON, you are not doing that again." I almost can feel my staff pulling on my clothing as I bring it up again. But it is true.

And then I ask you to remember another one. This will get me in deep trouble. You can be a service-connected disabled veteran by busting up your knee playing special services basketball at Heidelberg, ladies and gentlemen. Hear that. Hear it. Because if I get to have horror stories used on me, then I get to throw the horror stories going the other way back into the box.

You can really be a service-connected disabled veteran for hooking your knee over a bayonet stuck in a tree, saying, "I want to draw a green check for the rest of my life." I saw a guy do that in the woods of Germany, and he said, "I'm out of here, see you." I said, "Boy, this is great. That's not what I had in mind when I put in my 2 years." He said, "Well, that's what I have in mind."

I do not know where that man is now. But just to believe that every single veteran is "deserving of everything out of the Federal Treasury" is to believe that every lawyer is deserving—I am one of those in life—or that every politician is wholly deserving, or that every person deserves a Federal check. That is not so.

Veterans served, you bet they did, and with honor and distinction, and they sometimes fought, and, tragically, some were maimed and many died. Does anyone believe that we do not all know that, and have tremendous passion and compassion for what they did. How absurd to have to come and get into a debate and hear that some of us do not care about those veterans or for those who bore the battle and for their widows and orphans. Their service and sacrifice gave their children and their grandchildren a chance to live in freedom.

But today, our country's future, and the freedom of our descendants, face threats that are every bit as dangerous as the foreign enemies that America's 27 million veterans defeated. The victories won by America's veterans in war will be lost in peace if our Nation is brought to her knees by the burden of our national debt.

All of us know what we are doing. We will all vote on April 1, or thereabouts, to raise the debt limit to $5 trillion. Now, when we get the debt limit to $5 trillion and the interest on the national debt to $300-plus billion, you could do a lot of things for veterans with the $300-plus billion interest payment that will instead have to be sent down the rathole. You could do a lot of things for veterans with a $300 billion payment down the rathole as interest on the national debt.

The budget this year is $1.6 trillion, and $40 billion of it is going to go to the veterans of America. And I have not the slightest qualm about that. I am ready to vote that. And the veterans will get to watch along with the rest of our American citizens as the deficit goes $200 billion a year out into eternity, but that is nothing, because in 1997 it will begin to go to $250 billion, and then it will go to $300 billion per year.

I think the veterans' organizations would want to pay attention to that. And then the debt in the year 2003 will be $6.3 trillion. I think the veterans' organizations would really want to pay attention to that because, if our country goes belly up and we monetize the debt, veterans are going to get stuck along with everybody else, along with everybody on Social Security, along with the seniors and Head Start and everybody else. That is the way that works.

If that happens, the sacrifice of service members who died or were wounded protecting the future of our country will have been in vain. Their service will have been absolutely in vain if the future of our country is dictated by the demands of an ever-increasing debt and deficit. And the commitment of the Congress and this country to care for those who bore the battle, their widows and orphans will count for nothing if the economy that supports all of the veterans' benefits collapses under the weight of the deficits we incur today.

Does anyone believe that will not occur? If we continue business as usual, we continue to spend based on desires and pressure from the interest groups; rather than budget based upon our resources, the future is very clear and the outcome is inevitable. And I have described to you what will occur in the year 2012. And, of course, there is another fact to throw in the pot. The Social Security system will be broke in the year 2029. That nightmare is not just a vision of some mad Reagan supporter somewhere or Jimmy Carter or George Bush or anyone you wish to name who served our country with distinction as President.

No. We are told that the system will go broke by the trustees of the Social Security system, who are not exactly off the wall. They are people like Lloyd Bentsen, Robert Reich, Donna Shalala, and two members of the general public. And they are saying that in the year 2029 the system will be broke. And they moved the doomsday up from 2036 to 2029 just last year. Next year, when they meet again, will they move the doomsday from 2029 down to 2025? I do not know. But those of us on the Finance Committee are asking those questions. People like Senator MOYNIHAN are asking those questions. Senator PACKWOOD, the chairman, is asking those questions. These are real issues, absolutely, totally real concerns.

So when we come to the point of monetizing the debt, or whatever you have to do when you have a debt of $6 trillion, and you put Federal borrowing in short-term securities because the interest rate is less. When we have to roll over that short term debt, as the occupant of the chair knows so well, a one-point increase in the interest rate translates to, I think, $48 billion; 1 point in the interest paid by the Government costs that much.

So, when that happens we do not need to worry about little things like this amendment. When that happens, there will be no money to pay the salaries of VA employees who would process the benefits this amendment proposes to protect. There will be no money to pay the salaries of VA doctors or nurses to care for any nonservice-connected illness—any nonservice-connected illness. This is an important distinction.

If any Senator offered any proposal to limit VA health care only to service-connected disabilities he would face the ultimate, immediate and undisguised wrath of the veterans organizations. But that would be the full effect of allowing the continued growth of the deficit.

A Federal budget with no room for discretionary spending, I can assure you, will have no room for nonservice-connected health care—believe me. It will not. Because, if you want to get into a description of nonservice-connected health care, there are some things in there that you really don't want to see.

I thought the most interesting part of the debate, at least as some of the material has come out, is that I had a very pleasing letter from the Paralyzed Veterans of America. If we want to continue to talk about people who gave their all and do their all, then I think we would want to listen to the Paralyzed Veterans of America. Let me read this letter dated February 14, saying:

> On behalf of the Members of the Paralyzed Veterans of America I urge you to oppose an amendment, which we understand will be offered today by Senator Jay Rockefeller.

Then they go on to describe, and I would certainly subscribe to the description also—they describe the amendment, as being "motivated by a heartfelt desire to attempt to safeguard benefits and services."

Boy, I believe that about my friend from West Virginia, that this is heartfelt. I subscribe to that and I believe that. But this attempt to do this—and again I am reading from the Paralyzed Veterans Association letter

> . . . will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized.

I believe that. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which the PVA members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PARALYZED VETERANS OF AMERICA,
Washington, DC, February 14, 1995.

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Office Building, Washington, DC.

DEAR SENATOR SIMPSON: On behalf of the members of the Paralyzed Veterans of America (PVA), I urge you to oppose an amendment, which we understand will be offered today by Senator John D. "Jay" Rockefeller, IV, to H.J. Res. 1, the Balanced Budget Amendment. PVA also requests your opposition to H.J. Res. 1 itself. Neither of these initiatives is in the best interests of the veterans of this Nation.

Senator Rockefeller's amendment, while motivated by a heartfelt desire to attempt to safeguard benefits and services for veterans disabled in military service, will fragment veterans' programs and seriously weaken the veterans' health care system. By protecting only a portion of the funding needed to maintain the VA health care system, the future of the entire system could well be jeopardized. The VA health care system, and particularly its specialized services such as spinal cord injury medicine, upon which PVA's members rely, will be faced with a drastically eroded patient base and diminished resources necessary for its continued existence.

If this Nation is to maintain its commitment to the men and women who have served in the defense of freedom, then the merits of veterans' benefits and programs should be judged on their merits in an open, ongoing Congressional process. Senator Rockefeller's amendment recognizes the service and needs of some veterans, while leaving the benefits of millions of other subject to the arbitrary cost-cutting mechanism which a balanced budget amendment will no doubt entail.

The Balanced Budget Amendment, H.J. Res. 1, is itself a fiscal artifice which in the name of expediency is touted as a promise to cut federal spending with no regard for the purposes, merits or rationales of the programs and benefits which will be reduced. It is our strong belief that fiscal constraint and balancing federal spending must be achieved in open Congressional action, with the value and purpose of each benefit of service independently judged. Not all federal programs are of equal value, nor are they an equal reflection of our national commitments.

Again, on behalf of the members of Paralyzed Veterans of America, I request your strong opposition to both Senator Rockefeller's amendment, and to the Balanced Budget Amendment which motivated it. Thank you.

Sincerely,

RICHARD GRANT,
National President.

Mr. SIMPSON. Mr. President, a balanced budget does not require a reduction in any benefit or program. It would require only a reduction in the rate of increase of entitlement spending.

I commend those who desire to ensure that our Nation remembers her obligation to those who are injured as a result of their military service.

But I urge them to remember that the best way to protect the future of veterans' benefits—is to protect the future of the Nation that provides those benefits.

If we are serious about our obligation to veterans—we have to be serious about protecting economy that supports the benefits veterans receive.

I have no fear for the strength and persistence of our Nation's commitment to veterans. I do fear for the ability of our Nation to convert that commitment into the reality of effective and enduring programs—unless we make a commitment to protect the future of our Nation, and the future of our economy, by bringing our appetite for debt under control.

It is by happy coincidence that the Washington Post published on Tuesday, February 15, contains two columns illustrating my point.

The first piece, by Robert J. Samuelson, provides one blueprint for balancing the budget. Samuelson's plan does not reduce veterans' benefits. I am sure there are many others. Thus, we can lay to rest the notion that balancing the budget must reduce veterans' benefits by 30 percent, or—for that matter—by any other percentage.

The second piece, by James K. Glassman, reminds us that, if the Congress makes no change in spending and entitlement policy, future generations will face "net lifetime tax rates" that average 84 percent.

Think about that.

If we continue with business as usual, future generations will have to pay 84 percent of their net lifetime income—that's what's left after allowing for Government payments back to the taxpayers, to pay for this generation's spending. The source of Mr. Glassman's calculations? The President's budget for 1995.

Does anyone doubt that such a taxation rate would bring down the economy, and the veterans' benefits that depend upon it? These articles are so illustrative of the point I am trying to make that I ask unanimous consent that they be printed in the RECORD of this debate.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE BUDGET WITH THE HIDDEN GENERATION GAP

(By James K. Glassman)

For the past three years, the most frightening part of the president's budget has been a section discussing something called "generational accounting."

The economists who wrote last year's section calculated that if the government didn't change its policies on spending and entitlements, future generations would face a net tax rate of 94 percent!

That figure was buried deep inside last year's 2,000-page budget, and it caused a small sensation when it surfaced in the press. It reminded Americans that, while President Clinton was indeed cutting the deficit, government spending—especially on Social Security and Medicare—would still overwhelm the young and children yet unborn.

So when the president's new budget came out last week, I naturally searched the four volumes for this year's section on generational accounting.

It wasn't there.

I phoned Laurence Kotlikoff, the Boston University economist who developed the idea of looking at the federal budget from the point of view of the age groups that pay the bills.

A mild-mannered fellow who voted for Bill Clinton in 1992, Kotlikoff was distraught. "I think it's a big scandal," he said. "We'd assisted OMB [the Office of Management and Budget] on this through the fall. Then, at the last minute, some of the political types in the White House threw it out."

Kotlikoff sent me the new analysis that he and Alan Auerbach of the University of California at Berkeley and Jagadeesh Gokhale of the Federal Reserve Bank of Cleveland had worked out for OMB.

They calculated that, if current policies continue, future generations will face "net lifetime tax rates" that average 84 percent.

Gross tax rates—the percentage of their pay that members of these generations send the government—will be even higher. The "net" figures represent the difference between their taxes and what they'll receive in transfer payments like Social Security.

Using more optimistic assumptions about health care spending, the net rate could be 59 percent to 74 percent. But that's little comfort.

"Levying such high net tax rates on future Americans is not only unconscionable, it's also economically unfeasible," wrote Kotlikoff and Auerbach.

But what to do? There are, as the Congressional Budget Office has noted, infinite paths to a balanced budget—cutting Medicare, freezing spending, raising taxes. "The real question," write Kotlikoff and Auerbach, "is not whether, but when." Yet, in this dire emergency, Clinton has proposed a budget that projects deficits of $1 trillion over the next five years. And Republicans, so far, have been practically silent.

Which brings us back to the omission of the generational accounting section from this year's budget. Was it cut because of fears it would prove embarrassing? That it would turn the spotlight on the deficit-cutting left undone?

OMB spokesman Lawrence J. Haas insists the section wasn't suppressed. He says it wasn't included in the budget simply because it wasn't "in the kind of shape it needed to be in to be printed." He added: "We have committed to publishing a paper of some sort down the road on long-term issues facing the nation, of which generational accounting will be one issue addressed."

When that paper is finally presented, I hope it shows that the 84 percent tax rate for future generations is only a symptom of the real disease—which is the spectacular, but largely unnoticed, disparity of wealth that's developed between the young and the old in America.

Consider, for example, what Capital Research Associates recently discovered about households with incomes of $30,000 or more: Families headed by a person aged 35 to 44 had an average net worth of $66,000 while those headed by a person 65 to 74 had $222,000.

Eliminate real estate and the disparities are even greater. The net financial assets of a family headed by someone under age 45 averaged less than $8,000 while those of a family headed by someone over 65 averaged more than $77,000.

But, even though the old are richer than the young, it's the old who receive the government benefits. "There has been a huge redistribution" over the past 30 years, says Kotlikoff. And that shift in wealth helps explain why the U.S. personal savings rate has fallen from 6.1 percent in the 1970s to a dangerously low 3.9 percent in the 1990s.

As Nobel prize-winning economist Franco Modigliani demonstrated with his life-cycle model, young people save and old people consume. So, if the government takes 15 percent out of the paycheck of a saver and sticks it in the bank account of a consumer, the nation as a whole will get less saving and more consumption.

But if old people are getting more of the wealth, aren't they giving some of it back to their kids? Alas, says Kotlikoff, research shows that altruism doesn't operate much in economic life, even within extended families. Old people spend what they have—on travel, shelter, medical care.

Last week, Sen. Bob Packwood (R-Ore.), the Finance Committee chairman, warned that, if Congress did not pass a balanced-budget amendment, the nation would face "a cataclysmic clash between the generations when Social Security begins running out in the next century." Yes, just imagine the nightmare when we self-centered Baby Boomers reach retirement age.

HERE'S HOW TO BALANCE THE BUDGET

(By Robert J. Samuelson)

In 1,000 words, I am going to balance the budget. I am going to do it without sweeping reductions in basic services, crippling tax increases or major cuts in Social Security. The point of the exercise is to puncture the bipartisan myth—the whining by both parties—that balancing the budget involves staggering sacrifices that would somehow change the face of America. It doesn't.

I don't mean this would be fun. Balancing the budget does require a ruthless elimination of marginal or ineffective programs, such as farm subsidies. My plan also involves abolishing some grants to states and localities for local services (schools, police, mass transit); for example, it is not the federal government's job "to put 100,000 cops on the street." Finally, a sensible budget-balancing plan cannot afford new middle-class handouts (a k a, "tax cuts") and would impose modest tax increases.

Still, most Americans would hardly notice the needed changes. Our budget deficits now equal 2 to 3 percent of gross domestic product (GDP), our economy's output. Almost any mix of spending cuts or tax increases would leave the government doing just about what it does now: taxing and spending about 20 percent of GDP. Spreading changes over five years—to allow people to adjust—would make them even less jarring.

I start with Clinton's deficit projection for the year 2000; nearly $195 billion. This includes $20 billion for middle-class tax cuts; I disregard this and use the $20 billion as a cushion against optimistic estimates. To balance the budget, I would do the following. (All deficit savings are annual and are culled from documents of the Office of Management and Budget and the Congressional Budget Office.)

End outdated or marginal programs: Get rid of farm subsidies (including the Farmers Home Administration), culture subsidies (public broadcasting, the arts and humanities endowments), Amtrak, the Small Business Administration and Cold War propaganda agencies. Deficit savings: $16 billion.

End some subsidies for local governments: Community Development Block Grants should be axed; so should subsidies for mass transit, "special education" and "local impact" school aid. Ditto for law enforcement grants. Deficit savings: $15 billion.

End inept programs: Federal job training programs don't do much good; the Clinton administration admits as much by proposing to end most existing programs and use the savings for training "vouchers." Just end the programs. Deficit savings: $12 billion.

Trim Medicare and Medicaid: Reimbursement rates for doctors, hospitals and laboratories can be cut. Clinton made similar proposals to finance his health care plan but now has dropped them. Deficit savings: $40 billion (by the year 2000).

Raise taxes: A 12-cent a gallon oil tax (introduced over three years, or 4 cents a year) would raise $23 billion by the year 2000. Taxing capital gains (profits on stocks, bonds) when people die would raise $10 billion. Eliminating tax-exempt bonds for some private investment (some housing, for instance) would raise $2 billion. Cigarette taxes could be raised modestly; other tax preferences could be ended. Deficit savings: $50 billion.

Cost-of-living adjustment (COLA): Cut 0.5 points annually from the COLA; a 3 percent change would become 2.5 percent. Most economists think the consumer price index—used to adjust tax brackets and spending for Social Security and other programs—overstates inflation, though there's disagreement on how much. Deficit savings (by the year 2000); $22 billion ($13 billion in lower spending, $9 billion in higher taxes).

All these spending cuts ($96 billion) and tax increases ($59 billion) total $155 billion. But lower deficits mean that government would borrow less and pay less interest. By the year 2000, the annual interest savings would reach about $40 billion. Total savings: $195 billion. If Clinton's estimates are accurate, there would be a small surplus and, if not, a small deficit.

You will notice the absence of defense cuts. This is not because the Pentagon has no waste. But defense has already been sharply cut and is still declining; as a share of GDP, it will soon be lower than any time since 1940. I doubt whether further cuts are wise, though we could improve how well we spend. Nor have I included sweeping cuts in programs for the poor. Before savaging the safety net, I would want a major debate. But we do not need to wait for that to balance the budget.

Although I don't say other cuts couldn't be made, I do say that this plan involves no genuine national hardship. Food would be grown without farm subsidies. Public broadcasting would survive without federal aid. Older Americans would not starve if their benefits rose 2.5 percent instead of 3 percent. States and localities would howl about lost grants; but these equal only one percent to 2 percent of their revenues. And federal taxes? Well, the tax burden in 2000 would be only slightly higher (19.5 percent of GDP) than now (19.3 percent of GDP in 1995). Most tax "increases" offset a slow erosion of taxes under present law.

Harder choices do loom for the future. The retirement of the baby boom, beginning about 2010, will require either steep tax increases or benefit cuts. In my view, retirement ages need to be raised over the next 20 years; benefits for affluent elderly need to be trimmed. Somehow, Medicare will have to be reformed; doctor and hospital fees cannot be cut forever. But these steps require ample advance warning and do not involve today's budget deficits.

On these, Republicans and Democrats talk differently but behave similarly; both act as if the process would involve gut-wrenching changes. Democrats (led by Clinton) won't say how they'd balance the budget—now or ever. Mostly, they peddle false rhetoric about the harsh cuts in Social Security or Medicare that would be needed for balance. Meanwhile, most Republicans hide behind the constitutional balanced budget amendment.

The press has adopted the same attitude, treating a balanced budget as a feat beyond mortals. All programs are considered permanent. Any spending cut or tax increase is seen as political suicide. Genuine debate about government's role or competence is thought naive. The supposed horror of deficit reduction rationalizes inaction and creates a self-fulfilling prophecy.

Mr. SIMPSON. Mr. President, the balanced budget amendment is not a

threat to veterans and their benefits. In fact, the balanced budget amendment may be the last and best opportunity we will have to protect the future economy upon which those benefits will depend.

For that reason, for veterans, and for veterans' children, and for the grandchildren of veterans, I urge my colleagues to join me in protecting the integrity of the balanced budget amendment by opposing the well intentioned, but counterproductive, amendment of my friend from West Virginia

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMPSON. What is the situation with regard to time?

The PRESIDING OFFICER. The Senator from West Virginia controls 14 minutes and 42 seconds. The time controlled by the Senator from Utah has expired.

Mr. SIMPSON. All time has expired?

The PRESIDING OFFICER. There was originally 30 minutes; and 1 hour.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I will yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I rise to support this amendment proposed by Senator ROCKEFELLER from West Virginia, which would protect the service-connected benefits received by our Nation's 2.2 million veterans from cuts that might be required—or may be required in the balanced budget amendment. We have been hearing a lot about contracts, contracts with America, but we have not heard that much about what is, I think, an irrevocable contract with America's veterans who have often, all too often, risked their lives for our country.

Abraham Lincoln, with his characteristic eloquence, laid out the terms of this contract with America. It was 130 years ago when he spoke of our obligation: "to care for him who shall have borne the battle and for his widow and for his orphan."

I might add that President Lincoln did not say that this was an obligation that would or could be subordinated to our need to balance the budget. When Americans from all walks of life have periodically volunteered to serve our Nation, no one ever told them that if they were injured or disabled or they died that they and their survivors could count on Government assistance only if that funding was not needed to balance the budget. That is what is so important about this amendment proposed by the Senator from West Virginia.

Let there be no mistake about it. What this amendment addresses is earned entitlements. Let me repeat that—earned entitlements. These are not mere gifts to be given or withdrawn or curtailed at the whim of the Congress, but entitlements earned with the blood and the sweat and the tears of American servicemen and women, as well as with the anguish and the pain and the tears of their loved ones.

These service-connected programs for veterans and their survivors run the gamut from compensation to injured veterans to health care for service-connected injuries to vocational rehabilitation to burial allowances for those who die from service-connected conditions.

I want to speak to one particular group of veterans I feel very close to. By the way, when I hear the Senator from Wyoming—and I have no doubts about his commitment to the veterans in this country, no doubt whatsoever. This is one of those debates where people honorably just have a different perspective.

Mr. President, I received a poem that I would like to read from a 13-year-old daughter of a Vietnam veteran suffering from PTSD, Post-Traumatic Stress Disorder. I wish every citizen in the country knew what it was:

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says "he's numb."
What will I become
Without my father to guide me.

I say to my colleague from Wyoming, this was not a poem written in opposition to the balanced budget amendment. This was not a poem written in behalf of the amendment proposed by the Senator from West Virginia. I do not want to decontextualize this poem, but it was one of those moments we have as Senators that we just do not forget.

We have veterans calling in all the time—this is not an exaggeration—especially veterans who are suffering from PTSD. All the time we get calls from veterans saying "I do not have a place to stay. I am living in the streets." They suffer from PTSD and they are not receiving the support, they are not receiving the help. Veterans who call, "I am going to blow my head off. I am going to take my life." They are not receiving the support, the assistance they need. Veterans who call suffering from PTSD who say, "I have these flashbacks and violent thoughts and I feel like I am going to kill someone." They are not receiving the support that they need.

I was at the VA medical center in Minneapolis on Sunday. We were able to obtain several hundred thousand dollars more for some additional treatment programs for vets that are suffering from post-traumatic stress syndrome.

I have to say, I read the poem from this 13-year-old girl about her dad. She lives in Glenwood, MN. There are some veterans out there who served this Nation who, as a matter of fact, right now are not receiving the kind of support they really need. These are just unmet human needs that cry out, I think, for assistance. These are men and women who served the country, and they deserve the support.

So when Senator ROCKEFELLER proposes this amendment that there should not be cuts in needed service-connected programs, I am thinking that the existing programs right now do not meet the need. This is, if you will, a very personal issue for me. It is to obtain more assistance for these veterans that are dealing with PTSD.

Yet, we are talking about the potential of all sorts of deep cuts. We know that. One more time. Let me give context. We are talking about $1.3 trillion worth of cuts. We are going to increase the Pentagon budget. We have not talked about decreasing it. We have not talked about decreasing military contractors. In addition, we are going to pay the interest on the debt. We have this bidding war to cut taxes when we say we are for more deficit reduction.

Senator FEINGOLD and I had an amendment last week on the floor that said at least consider $425 billion of tax expenditures. These loopholes and deductions quite often are dodges when it gets down to the question of how we are going to balance the budget. That was voted down. We do not lay out where we are going to make the cuts. So once you see what is off the table and then you see what is left, we know there are going to be some deep cuts in veterans programs.

That, I believe, is the importance of this amendment of the Senator from West Virginia. That is why I rise to the floor to support this amendment.

I really believe that we would be making a terrible mistake if we made cuts in these service-connected programs, especially when we can make a lot of cuts and balance the budget in a whole lot of other ways. In the sense of holding us accountable with an amendment like this, I believe we are going to go back on a very sacred promise that was made to veterans in this country and veterans in the State of Minnesota.

I thank the Senator for his amendment. I am very pleased to be an original cosponsor. I certainly hope the U.S. Senate will vote for it.

Mr. ROCKEFELLER. I thank the Senator from Minnesota for coming to the floor and speaking the truth.

Mr. WELLSTONE. Might I ask my colleague for a moment? I ask unanimous consent that the poem from the

13-year-old daughter of a Vietnam vet suffering from post-traumatic stress syndrome be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

For someone to share
Is only to care.
He was in the war
And never opens his door.
He lives in a shell
And that must be like hell.
He used to be my dad
But now he looks so sad.
If only he knew
It makes me feel blue.
I know he loves me
Why won't he hug me.
My mom says "he's numb."
What will I become
Without my father to guide me.

Mr. WELLSTONE. I thank my colleague.

Mr. ROCKEFELLER. Mr. President, the Democratic leader is about to come onto the floor. So I will not get started on a number of things that I have to talk about. But I note that the Senator from Wyoming, my good friend, Senator SIMPSON, mentioned that the Paralyzed Veterans spoke out against this amendment, which is something that saddened me very much. They wanted all veterans included. So did I. They want all their members included. They have 16,000 members of Paralyzed Veterans nationwide. Their chapter in West Virginia actually does not agree with them. The head of the West Virginia chapter is nonservice disabled, in a wheelchair. He said that he did not agree with his national organization's position, that he wanted me to do whatever I could to preserve veterans benefits.

On the other hand, let's turn to the Disabled American Veterans (DAV). They represent 1.4 million veterans, and DAV very much supports the amendment.

Mr. President, last week was Valentine's Day. That is a day, of course, we remember to set aside for those we love. Valentine's Day has another meaning altogether for a certain West Virginia veteran who served in World War II through the Korean war. He is a friend of mine, Ezra Miller. I want to talk about him.

It was on Valentine's Day, in fact, in 1943 that Ezra Miller was captured by the Germans and began his own private war, which was a private war to survive. Ezra grew up on a farm in Lincoln County, WV. That is a rural county. Like so many of our mountaineers, he never hesitated when he thought that his country needed him.

Before the bombing of Pearl Harbor, Ezra had enlisted in the Army. In early 1943, Ezra found himself close to the front lines in North Africa. His unit's mission was to go ahead as foot soldiers, and blow up a pass that would prevent the Germans from entering into North Africa. He got this assignment on the 2d day in combat. His description of the event goes like this. This is one of the men that we will be protecting.

He said:

> On that day, a small American observation plane flew over our gun emplacements and dropped a message from headquarters that said, "Destroy everything and get out on foot, if you can. The Germans have you surrounded." After taking the message to the outpost, I tried to get out of the area on foot but I never made it because I got pinned down by dive bombers. I laid down in a slit trench and a 500-pound bomb exploded very close to me and pushed an enormous amount of dirt all over me.

Ezra goes on to say that a German tank rolled right over that slit trench now filled by dirt and by Ezra, and after it passed, he got up and found himself looking into the barrel of a German rifle. Ezra spent the next 2 years, 3 months, and 27 days as a prisoner of war. During that time he lived in five different prison camps, one of which was called Dachau. At one point, he and his fellow prisoners traveled in boxcars. We have heard about those things, have we not? The boxcars, Mr. President, should have held only 40 men. The Germans crammed 84 POW's and Ezra into a boxcar, and they rode like that for 4 days and 3 nights. They had to remain standing because they were packed in there so tightly that they were unable to move. Ezra called it "pitiful." He said they could hear the planes passing overhead, but had no idea whose they were or what was happening.

When Ezra enlisted in the Army, he was in his early twenties. He stood 5 feet 11 inches tall and he weighed 174 pounds. When he was freed, he weighed less than 90 pounds. Yet, he remained in the military, and he went on to fight in Korea.

For the last 2 years, Ezra has made his home at the West Virginia Veterans Home in Barboursville, something I started when I was Governor. He tells me that he loves living there, and I as a Senator and as his friend am delighted that Barboursville is there for Ezra and the many deserving veterans like him.

But I want to make a very important point that I think cannot be overlooked. One would expect that our Government is paying a sizable benefit to Ezra, I would think a large one, and the others like him who were prisoners of war. No, not so. Ezra Miller is only 10 percent "service-connected." That is the terminology for it. That means his monthly check to compensate him for injuries he received during his military service—do you know how much per month? Eighty-seven bucks.

If we pass this balanced budget amendment and we do not pass this amendment to it, and we take 30 percent of that, Ezra will receive 61 bucks per month. Are we going to tell Ezra that it is his time to sacrifice again, for him to pull in his belt? He is back up to over 90 pounds again. Not this Senator from West Virginia, not me.

Our country had almost 150,000 Americans who were captured and interned from World War I through the Persian Gulf war. Can we ask our POW's to take a cut in benefits, our prisoners of war?

Mr. President, I notice the presence of the Democratic leader on the floor. I will address a question to the Democratic leader. Would he care to proceed? I know he wanted to say something on this amendment.

Mr. DASCHLE. Yes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from West Virginia and thank him for the leadership he has exhibited on this issue. I rise in support of his amendment and urge my colleagues to support it when it comes up for a vote later this evening.

Mr. President, earlier in this debate on the balanced budget amendment, I offered a proposal called the right-to-know amendment. That measure would have required Congress to spell out how it would get to a balanced budget before sending the amendment to the States for ratification.

I offered my proposal so that the American people would understand the kinds of cuts in Federal spending that will be needed to zero out the deficit.

But the Republican majority rejected my proposal. In doing so, they indicated that everything except Social Security would be on the table.

Let us be clear: Everything except Social Security includes the benefits that are paid to veterans who were disabled as a result of their military service.

There are currently 2.2 million American veterans with service-connected disabilities. They are men and women from all walks of life with all kinds of injuries. But they all have one thing in common—they were injured while serving our Nation in the Armed Forces.

When they joined the service, they made a simple pact with the Federal Government. Their part of the bargain was to defend this Nation and protect its national interests. In return, the Government promised to care for them should they be injured during their military service—or for their survivors should they be killed.

This commitment to our veterans is one which our Nation must uphold.

It is a commitment that we have upheld for decades. It is a commitment that goes back virtually to the very foundation of this country. And we have renewed this commitment after each conflict, to each new group of veterans. This commitment has withstood the test of time, and it has withstood the many forces that have sought to erode our firm promise to those who have defended this Nation so gallantly on so many occasions throughout our history.

The amendment offered by my friend Senator ROCKEFELLER, the ranking member of the Veterans' Affairs Committee, is simple and straightforward. It says that Congress cannot cut the benefits that were promised to our disabled veterans in order to balance the budget.

I know my colleagues on the other side of the aisle will argue that this amendment is not necessary. They will say that Congress would never cut these benefits, and indeed I hope that is true.

But I say to the American people—and to our veterans—how can we be so sure?

How can we be sure that these benefits will be protected if we do not spell it out in the amendment itself? How can we be sure if we are not willing to put our intentions in writing? The only way we can be sure is if we are willing to put in writing, in the amendment itself, our determination to protect service-connected veterans from the budget axe. We must spell out that we will honor the commitment we made to the men and women who risked and gave their lives for this Nation.

The disability compensation payments and the health care we provide to these veterans can never make them whole again. But it can help take care of them in their time of need, just as they answered the call when this Nation needed them.

Veterans should not be asked to give up the benefits they so rightly deserve in the name of deficit reduction.

They have sacrificed enough for this Nation already.

I certainly hope that my colleagues will appreciate this commitment to our veterans and will agree to put into writing what we all say we want: protection for disabled veterans at a time when they need it the most. We need to support the Rockefeller amendment.

I yield the floor.

Mr. KOHL. Mr. President, I greatly appreciate the comments made on this amendment by my friend, the Senator from West Virginia, regarding the extreme importance of benefits for veterans with service-connected disabilities. I could not agree more.

I have heard the compelling arguments that veterans with service-connected disabilities are the most deserving and most honorable population in our society. Again, I could not agree more. These citizens have served their Nation, and have served well.

However, I must respectfully disagree with the notion that we should exclude these benefits from the strictures of the balanced budget amendment.

Mr. President, I am committed to the concept of the balanced budget amendment. I am committed to the idea that the financial security of this Nation rests on the ability of the Federal Government to curb the practice of spending beyond its means. In reviewing the fiscal history of this Nation over the past 25 years, it has become clear to me that the will to exercise the necessary spending restraint does not exist within this body without a strict requirement that we do so. I believe that the balanced budget amendment provides such a framework, and that is why I support it.

Clearly the Rockefeller amendment is difficult to vote against. But in listening to the debate, I believe strongly that the very arguments made by the proponents of this amendment are exactly those that will insulate veterans disability benefits from future budget cuts.

I am certain that every Senator in this body would put veterans' disability benefits high on the list of expenditures to be protected. But if we are serious about passing a meaningful balanced budget amendment, then we must reject efforts to dismantle that effort through piecemeal exclusions of programs, however worthy they may be.

When it comes to the annual appropriations process, of which I am an active participant as a member of the Senate Appropriations Committee, I will be at the front of the line to protect veterans' disability benefits. But as a supporter of the balanced budget amendment, I must object to this exclusion.

Mr. AKAKA. Mr. President, I rise in support of the amendment offered by the Senator from West Virginia which seeks to protect our Nation's veterans from the cataclysmic impact of the balanced budget amendment.

The bill currently under consideration requires the Federal budget to be balanced each year, beginning in the year 2002. If Congress is unable to balance the budget each year, across-the-board cuts would probably be implemented to meet this balanced budget mandate. If this occurs, veterans programs, especially the Veterans Administration [VA] health care programs, would be decimated.

On October 6, 1994, Secretary of Veterans Affairs Jesse Brown testified that an across-the-board cut in veterans programs would result in a decrease of 44,000 VA medical personnel. In addition, 250,000 veterans could no longer be treated at VA hospitals, 5.4 million outpatient visits could not be provided, and many of the VA medical facilities would have to be shut down.

Other programs, including treatment of Persian Gulf veterans and veterans with PTSD, would not be receiving the level of quality care they currently receive. Thousands of veterans who are leaving the services due to the reductions and budgetary cut-backs would not be able to receive transitional services, which have been successful in integrating our Nation's veterans back into the civilian work force.

More importantly, however, is the devastating impact the effects of the balanced budget amendment would have on our Nation's service-connected disabled veterans. Over 2,000 VA personnel, who counsel veterans and process claims, including service-connected disabilities and pensions, would have to be terminated. The current claims backlog will only escalate without resources, which will directly impact the service-connected benefits entitled to our disabled veterans.

Disabled veterans, often times, our most vulnerable citizens who barely live above the poverty level would experience the greatest impact. The balanced budget amendment would result in dramatic decreases in health care service and financial assistance to our service-connected disabled veterans. This would result in many disabled veterans and their survivors to live below the poverty level. Those who were wounded defending our Nation deserve better treatment—they deserve our appreciation and support. We should not be taking away their service-connected benefits in their time of need.

We need to balance our budget, however, I do not believe we need a balanced budget amendment to do so. We must make difficult policy decisions to reduce our spending and eliminate our deficit. We should not do so on the backs of our Nation's service-connected veterans.

As a cosponsor, I urge my colleagues to support the Rockefeller amendment.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. I ask unanimous consent to have printed a letter I referred to from the Disabled American Veterans.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DISABLED AMERICAN VETERANS,
NATIONAL SERVICE AND LEGISLATIVE
HEADQUARTERS
Washington, DC, February 16, 1995.
Hon. JOHN D. (JAY) ROCKEFELLER IV,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR ROCKEFELLER: On behalf of the more than 1.4 million members of the Disabled American Veteran (DAV) and its Women's Auxiliary, I take this opportunity to thank you for your efforts to protect the VA benefits and services provided to our nation's 2.5 million service-connected disabled veterans, their dependents and survivors from additional cuts.

While we in the DAV certainly understand the need to balance our nation's budget, we do not support doing so on the backs of America's service-connected disabled veterans and their families. As you know, the Omnibus Budget Reconciliation Acts of 1990 and 1993 alone cut VA benefits and services by nearly $7 billion. In addition, the budget recently sent to Congress by President Clinton proposes to cut veterans' benefits by an additional $3 billion to the year 2000.

Senator Rockefeller, we believe all veterans benefits and services deserve the highest priority in this country and should be protected from further cuts. Inasmuch as your amendment to H.J. Res. 1 protects the benefits of those veterans who became disabled during service in this nation's military, we fully support it.

Again, thank you for your continued efforts to protect the benefits earned by our nation's service-connected disabled veterans.

Sincerely,

Donald A. Sioss,
National Commander.

Mr. ROCKEFELLER. Mr. President, am I going to have to tell approximately 21,000 service-connected veterans and their dependents who receive benefits in my State of West Virginia that the promises made to them will no longer be kept, that the amount of money they are receiving for their injuries received while dutifully serving their country, or the survivors' benefits they are receiving, because they lost their husband or their father, will be cut by 30 percent?

Zeke Trupo, in my home State of West Virginia, would be a good reference for us today and I advise my colleagues on the floor, particularly as we celebrate the 50th anniversary of Iwo Jima.

Zeke, a Marine, had been wounded once, treated and returned to his battalion just in time to make the Iwo Jima landing. And engaged in one of the best known battles of World War II. Zeke describes the battle much like this: It was around the clock combat with flamethrowers, K-bar knives and trenching tools when the ever-present sand jammed the rifles. It was pitching grenades and point-blank artillery fire and sometimes even using the dead for cover. That is what he said.

He was wounded in the face, in the hands, arms and legs. He said he was scared to death. He thinks about his buddies who did not make it. This World War II U.S. Marine veteran from West Virginia, who earned two purple hearts, Zeke Trupo, as a service-connected veteran, is receiving compensation for his injuries. He injured four parts of his body, but he is rated 10-percent service-connected. He is a good example of one of those service-connected veterans whose compensation some think we should stop.

Raymond LaPointe lives in Mannington, West Virginia. He is a 70 percent service-connected veteran. Raymond served in the army, entered the service in the late 1940's, was sent to the Pacific to help with cleanup after the war. He recalls searching caves for Japanese, who as you may remember, many of them did not know that the war was over.

So it may have been after the war but was it? He then went on to Korea, where he was a combat veteran, earning a Purple Heart, two Bronze Stars for valor and the Distinguished Service Cross.

Today, Raymond is not living out a happy-go-lucky life in Mannington, West Virginia. He has PTSD, post traumatic stress disorder, one of the worse things that can happen to any human being, and he has it. He just recently returned home from the hospital where he had been for 63 days for the treatment of PTSD.

He is unable to work. He cannot be left alone for any extended period of time. He has intrusive recollections, he has nightmares, and he is considerably angry and focuses his anger on the war. His wife and grown children can readily explain how turbulent and sad the past years have been because of what Raymond has gone through.

Now, as a 70-percent service-connected veteran, this man, who has virtually had no life of his own for so many years, receives $915 a month from what we are talking about here, service-connected disability—$915 a month.

Without my amendment being adopted, Raymond and his wife, June, will see their check drop from $915 a month to $614 a month. That is called below poverty.

George Zutaut is a 100-percent service-connected veteran—100 percent—who lives in Beckley, West Virginia. George is an Air Force veteran who served in Vietnam. His company would fly in and out of Vietnam repairing our C–130's, which were our cargo planes.

George has multiple sclerosis. He has been in a wheelchair now for almost 20 years. He tells me he does not know how he would have made it without the services he received from VA.

George receives a service-connected compensation check that allowed him to raise his family—it is one way you pay back a debt—and he got help under the adaptive housing benefit in the VA that enabled him to adapt his home—he has to have adaptive housing help—so he could continue to live there, because of his wheelchair, and continue his life in spite of his disability.

What are we going to do about those benefits, Mr. President? Going to cut them, too.

Mr. President I must remind everybody that the benefits a service-connected veteran is receiving is something that he or she is receiving to compensate—that is the key word—compensate—for an injury received. It is payback, as promised.

I yield the floor and yield the remainder of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the Senator's amendment.

Mr. SIMPSON. Mr. President, may I ask a question, please?

Mr. HATCH. I withdraw my motion.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an inquiry.

Mr. SIMPSON. Mr. President, I wonder if I might direct it to the Senator from West Virginia, through the Chair. If this amendment should be adopted, will my friend, the Senator from West Virginia, vote for the balanced budget amendment?

Mr. ROCKEFELLER. My record has been very clear from the very beginning that I oppose the balanced budget amendment for a lot of reasons, of which my concern for veterans is a main one.

I have no illusions as to what is going to happen to this amendment and neither does the chairman of my committee, on which I am the Ranking Member. My good friend Alan Simpson knows what is going to happen to this.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Utah [Mr. Hatch], to table the amendment of the Senator from West Virginia [Mr. Rockefeller]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. Bond], the Senator from Oregon [Mr. Hatfield], and the Senator from Oklahoma [Mr. Inhofe] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. Hatfield] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. Heflin] and the Senator from Louisiana [Mr. Johnston] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 76 Leg.]

YEAS—62

Abraham
Ashcroft
Bennett
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feingold
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—33

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle

Dodd
Dorgan
Feinstein
Ford
Glenn
Inouye
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Wellstone

NOT VOTING—5

Bond
Hatfield
Heflin
Inhofe
Johnston

So the motion to table the amendment (No. 306) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

MOTION TO REFER

Mr. DORGAN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

> The Senator from North Dakota [Mr. DORGAN] moves to refer H.J. Res. 1 to the Budget Committee with instructions to report back forthwith H.J. Res. 1 in status quo, and at the earliest date possible report to the Senate a report containing the following text:
>
> Pursuant to section 201(a)(2) of the Congressional Budget Act, the Committee on the Budget recommends that the President pro tempore of the Senate and the Speaker of the House of Representatives do not appoint a Director of the Congressional Budget Office for the term expiring January 3, 1999, until the Senate and House have had an opportunity to consider legislation amending section 201 of the Congressional Budget Act to require that the Director be appointed by concurrent resolution of the Senate and House.

Mr. DORGAN. Mr. President, for my colleagues' information, I shall discuss this motion and then withdraw the motion. I intend to offer this as an amendment on the next piece of legislation that comes to the floor of the Senate following the disposition of the constitutional amendment to balance the budget. But I do wish to speak about it for a few moments, and I am pleased to see the chairman of the Budget Committee is on the floor.

I want to make a couple of comments about the appointment of a Director for the Congressional Budget Office. Let me state again, as I have stated several times, my comments are not comments that are directed to the capabilities of Prof. June O'Neill, who has been announced by the chairmen of the two Budget Committees as their recommendation for the post of Director of the Congressional Budget Office.

My concern is about the process. I do not know much about Professor O'Neill, but at least from what I understand about this process, it is not in keeping with the process that has been used in the past.

Frankly, this is an extraordinarily important appointment. The person selected to head the Congressional Budget Office, in effect, becomes a referee on a whole range of important economic and budget issues that are presented to the floor of the Senate and the House. We know from having seen many statements and heard a lot of discussion, some of it political, some of it policy, that there are people who are enormously frustrated with the way things are scored by the Congressional Budget Office.

Some say if we could just get a Congressional Budget Office that uses dynamic scoring rather than static scoring, well, then we would have a much different set of numbers to work with. I understand why people feel that they would like numbers that are more satisfactory to them, that better reflect their own views. Some people strongly believe in dynamic scoring and want to see it used.

I recall the discussion back in the early 1980's about dynamic scoring. They say if we do the following several things, it will produce various kinds of incentives that will lead to other results. For example, if you cut the tax rates, you will, in fact, increase the tax yield.

That is dynamic scoring. They produced the Laffer curve and a whole series of things to describe what the dynamic scoring meant.

Well, Prof. June O'Neill is someone who has been designated now as the person they want to head the Congressional Budget Office. My ears perked up when I heard the discussion about the appointment. The discussion in news reports indicated that Prof. O'Neill tried to be diplomatic on the question of dynamic scorekeeping. She said, "I expect I will be dynamic when that's called for and static when that's called for." And then the chairman of the House Budget Committee jumped in and said, "I think it's fair to say we would not have selected somebody who is in concurrence with everything that's been done up until now. I'm personally comfortable," the chairman of the House Budget Committee said, "with the fact that June O'Neill will begin to upgrade the models within CBO."

The point is, he said, "I wouldn't have selected somebody who is in concurrence with everything that's been done up until now."

I happen to know that on the House side at least the ranking minority member of the Budget Committee had a chance to visit with Professor O'Neill the afternoon following the morning that her selection was announced by the chairman of that Budget Committee.

Well, we have in the past selected Alice Rivlin. We have selected Rudy Penner. We have selected Bob Reischauer. Generally speaking, the appointment process has been a consultative process; it has been a bipartisan selection process in which each side respects the other's judgment about these things.

I have seen the letter in which the minority members on the Senate side indicated they felt that the Budget Committee should seek additional applicants before reaching a decision.

So my point is not that this person is necessarily the wrong person. My point is this person was selected without wide consultation. I do not know about the Senate as much as I do about the House on the minority side, but I do know that the minority side in the other body, the lead minority Member, did not get a chance to talk to Professor O'Neill until after the announcement was made that she was going to be selected.

Well, that is not, in my judgment, the process that we would like. I personally think that the CBO Director should be subject to the approval of the full House and Senate. Let us go ahead and have a vote on it. I am going to offer an amendment that will provide for that kind of process. I intend to offer that amendment to the very next legislative bill that comes to the floor of the Senate.

I hope very much that the majority will withhold the appointment of Professor O'Neill and let the House and the Senate express their will on this appointment.

Now, I understand that many people have very strong feelings about this. Some people think Professor O'Neill is exactly the right person for this job. That may be the case. I do not know. I do know this, that we have had plenty of debate around here by people who say we are going to change things down at CBO. "No more of this static scoring nonsense," people have said. "We are going to get somebody in there who sees this the way we see it. We want somebody who scores it our way."

Well, I do not know whether this is a candidate who would do that. If she is, I would be greatly concerned. If she is not a dynamic scorer, maybe we have more discussion about it and maybe everybody is comfortable, and that is just fine. But my point is that it is not just fine the way it rests now because I do not think this process has produced a consensus among people who should develop a consensus on this on both sides of the political aisle.

So that is why I raise this issue today. This is not just some other old, ordinary appointment. This is the selection of a referee. I want that referee to have the respect of everyone in the House and the Senate. I want that referee to be someone in whose judgments the full Senate can have confidence. We need to know that a CBO Director's judgment will be impartial, and that the judgment is not biased due to some notion about how one side or the other in this Congress will be affected by the decision coming from CBO.

I think most of us believe that has been the case with the past several Directors of the Congressional Budget Office. I hope it will be the case with the next several Budget Directors. But I do not have confidence that is the case now, given the lack of consultation during this appointment process. Again, my hope is that we will not proceed with this appointment until I have an opportunity on the next piece of legislation to make a change in the process by which the appointment is made.

I know my colleague from North Dakota, Senator CONRAD, wishes to speak. Let me indicate again I intend to withdraw this on this particular measure because this is not the place to do this, and I will offer it on the next legislative measure before this body.

Mr. President, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to join Senator DORGAN, my colleague from North Dakota, in raising this issue. I do so because I genuinely believe that the appointment of the Director of the Congressional Budget Office ought to be a bipartisan undertaking. Both sides need to have confidence in the fairness and objectivity of whoever is the Director of the Congressional Budget Office. And it seems to me the appropriate way to reach a decision is for both sides to have input and both sides to participate in the conclusion as to who should hold that office.

I serve on the Budget Committee. I serve on the Finance Committee. I think all of us recognize the critical importance the Director of CBO plays. We saw last year that Director Reischauer, who was put in place when the Democrats controlled the House and the Senate, disagreed with a central part of the President's presentation on health care. The President believed that should be treated as an off-budget matter, and the Director of CBO felt differently and ruled differently. It had a significant impact on that debate. I personally think Dr. Reischauer was correct. I told him at the time I thought he had done the right thing by ruling as he did, even though it was adverse to the interests of a President of my own party.

And yet I think that is what distinguishes the Congressional Budget Office for all of us, that we have an ability to have confidence in the decisions of that person, and that person is above partisanship; that person is above weighting the evidence; that person is above changing projections for political purposes.

Mr. President, when I was in my previous life before I came to the Senate, I was the tax commissioner of the State of North Dakota. In that position, I had a responsibility for estimating the revenues that were under my administrative direction for the State of North Dakota. We had one requirement in my office, and that was we were going to do our level best to make an objective determination as to projections for the fiscal types that were under our control and authority.

I am very concerned that Dr. O'Neill, Professor O'Neill, may be willing to shade her opinion. And I say that because of the press reports of what Chairman KASICH indicated he believed were commitments that he had from Professor O'Neill.

I am also deeply concerned about the process we have gone through here, because I do not think we have a circumstance in which there is a meeting of minds between the two sides. I do not for one moment take away from the majority that they have the lead in this matter. I think they have that obligation and that responsibility. But I think there ought to be at least a concurrence on the other side, and I believe that ought to be the case if my party were in control, because ultimately both sides must have confidence in the judgments made by the Director of the Congressional Budget Office. That is absolutely critical to the success of the work that we do here.

I have great regard for the chairman of the Budget Committee. There are very few people who do their homework around here as seriously as the chairman of the Senate Budget Committee. We sometimes disagree on policy, but I have never questioned his commitment to fairness. I have never questioned his commitment to making certain that both sides are dealt with in an equal and even-handed way.

Mr. President, I must say, I rise on this matter to say I do have sincere reservations about the way this has been handled. I do not think it is something that should be repeated, and I say that whether it is the Democrats who are in control or the Republicans in control. With respect to this position I believe both parties ought to have an ability to contribute to the selection of the person named.

We have had people of, really, I think, broad reputation, people who were held in high regard by both parties in that position since I have been here. Dr. Reischauer, Rudy Penner, Alice Rivlin—all of them came to that position held in high regard, were taken seriously and I think respected on both sides of the aisle.

Mr. DORGAN. Will the Senator yield for a moment?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. Mr. President, if the Senator will yield to me, my understanding was when you take a look at this process you see how unusual it was. On the House side in the Budget Committee when they began to have a short discussion on this potential appointment, and apparently not too far into the discussion, a Member of the majority party moved the previous question—which is almost unprecedented in the Budget Committee, to move the previous question to cut off discussion.

So there are a whole series of things that are unusual here. I wonder why, especially the statement when the chairman of the House Budget Committee jumps in and says, "Well, I think it would be fair to say that we would not have selected somebody who is in concurrence with everything that has been done up until now." This coming from the person who has led the way here in the last few months talking about the need to change the way we score. We need to have dynamic scoring, we are told. I do not understand what he understands about this nominee because I am not on the Budget Committee. But this at least says something to me that is of interest. I just wonder why. Why move the previous question when they began a short discussion about the subject in the House Budget Committee?

All I am saying is this process somehow has broken down, if it is supposed to be a process, as the law says, that results in "the appointment of a director without regard to political affiliation" et cetera. The process has broken down. It needs to be a process that engenders trust on both sides that this person is a fair person. Maybe this person is but I am just saying the process does not lead us to achieve that result at this point.

I appreciate the Senator yielding.

Mr. CONRAD. I just say in conclusion, perhaps this person is fair. I do not know that. But I do know the process we have gone through is not an appropriate process, certainly not in the eyes of this Senator. I hope very much that we revisit this issue before it is concluded and have a chance to do it in a way that will engender respect and support on both sides of the aisle.

I thank the President and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not take a lot of time. It is late. I say to my good friends, both of the Senators who have spoken with reference to the selection of Dr. June O'Neill for CBO Director, I greatly respect their opinions. I just happen not to agree with them tonight.

I would like to share with the Senate what this is really all about. First, the biggest issues with reference to dynamic versus static scoring have come with reference to taxes, for some contend that the Republicans intend to pass a capital gains tax and to use some kind of miraculous scoring to make it easier to pass it than it would otherwise be from the standpoint of budgets and fiscal policy. Everybody should understand that the Congressional Budget Office director, whether it be Rudy Penner, who was a Republican when the Republicans controlled, or whether it be Dr. Alice Rivlin, when the Democrats controlled, or Dr. Reischauer, when the Democrats controlled both Houses—in none of those events, as will be the case for this new director, do they have anything to say about dynamic scoring of taxes.

There was a formal decision made by the Senate and the House of Representatives that the estimation of taxes, both the loss of revenue and the increases in revenue, the extent to which they are dynamic versus static, is totally within the judgment call of the Joint Tax Committee. So, No. 1, whatever our friends on the House side say—either for real or in exuberant state—that they expect the new budget director to change the way they have done business, of course, I do not have anything to say about what they say. I cannot control that. But the truth of the matter is this new director will have nothing to say about dynamic or static, with reference to tax changes by the U.S. Congress in the tax codes of this country. So I think one must understand that.

That is just the first few remarks. Let me make sure the Senate understands, and I greatly appreciate that we are not going to vote on this issue, that Rudy Penner, once this decision was made, said: She will be a good director. I recommend her. The Senate should know that.

Bob Reischauer, one of the esteemed current operatives within public service in Washington, DC, when some on the other side started the flap over Dr. June O'Neill, got ahold of one of the Senators on that side—I think it is common knowledge now, and has since gotten ahold of a number of them—and said: Nothing is wrong with Dr. June O'Neill. If she is the one being recommended she is a competent economist and deserves an opportunity to serve.

Dr. Alice Rivlin contacted the candidate, the nominee, and said: I congratulate you. I think you will do a good job.

Just tonight I went to a reception for the esteemed Dr. O'Neill, who will be the budget director of the United States—and the Senate can count on that. That will happen. She will be. At the reception were two of the liberal-to-moderate economists, renowned in this city for their positions opposite to many currently serving in the majority in the U.S. Congress. And they were there as members of the community of economists to wish her well.

How does this process go? Frankly, I have been part of the process for each of the budget directors that have been chosen previously, and intimately involved in two out of the previous three. I know on the Senate side there is consultation between Democrat and Republican, majority and minority—whichever the case may be. In the House they do things differently and I do not stand before the Senate and account for that process. They vote and in that committee they voted after JOHN KASICH, chairman, did some interviewing and concurred with Senator DOMENICI on this side, the chairman, that we ought to recommend Dr. June O'Neill.

I understand some Democrats on that committee voted for Dr. O'Neill. I do not know that, but if a vote occurred I think some Democrats did. If I am mistaken please correct me right now.

Mr. DORGAN. Mr. President, I might say the majority of the Democrats either abstained or voted against her. I believe 4 voted for her, 4 against her, and most abstained, and they did that because of the process.

Mr. DOMENICI. I thank the Senator very much for the clarification. But I think my statement was right. It was not a purely Republican vote, even though the consultative process is much narrower in the House than it is here. Knowing of the need for consultation and input, let me put in the RECORD a letter dated November 21, 1994. This was written by myself to every Senator. This is a copy of the one I sent to the leader. Every Senator can go look in his or her files. Perhaps they did not check, perhaps they do not know. I asked them to please submit suggestions, ideas, concerns they might have as to who might be budget director for the United States.

I might state not a single one recommended a single person nor had a single comment to submit to the chairman of the committee which I am privileged to be at this point.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE BUDGET,
Washington, DC, November 21, 1994.

Hon. ROBERT DOLE,
Republican Leader's Office,
Washington, DC.

DEAR LEADER: CBO Director Bob Reischauer's term of office expires on January 3, 1995. Dr. Reischauer has served Congress in a highly professional and nonpartisan manner these last six years. Because of his leadership, CBO has maintained its high degree of professionalism and integrity. I believe we in the Congress, and the country as a whole, owe Dr. Reischauer our sincere thanks for his years of dedication to public service.

By statue the Director is appointed by the Speaker of the House and the President pro tempore of the Senate after considering recommendations from the Committees on the Budget of both the House and Senate. According to the law, political affiliation is not to be considered in the appointment, but by precedent the next Director will be Republican.

It is my hope that the Senate Budget Committee can act quickly to make its recommendation. Dr. Reischauer may continue to serve until his successor is appointed.

This letter is to invite your recommendations for this important position. The Budget Committee will establish a Search Committee to review all recommendations, conduct appropriate interviews, and come to one recommendation for the President pro tempore. This entire procedure is being coordinated with the incoming House Budget Committee Chairman John Kasich.

Please forward any recommendations or resumes no later than December 9th. Thank you for your cooperation in this important matter.

Sincerely,

PETE V. DOMENICI

Mr. DOMENICI. Second, I suggest the Washington Post, on Friday last, had it right. Anybody you select for budget director, they decide they are going to call them all skunks, because they are skunks at the lawn party, so as to speak. They indicated in their editorial that we once again succeeded for we have selected another skunk who is not going to be beholden to anyone and will most positively, as they view it—because of her excellence in economics, her being part of that community and her reputation therein—that she will be an excellent overseer to this very important body.

I ask unanimous consent that editorial be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 17, 1995]

AN EXCELLENT SKUNK

In the 21 years since it was founded to help Congress take back the power of the purse from the executive branch, the Congressional Budget Office has become among the most valuable and widely trusted agencies in the government. The trust reflects not just the consistently high quality of its work but also its carefully guarded reputation for independence. The symbols of that independence have been the agency's gifted directors, Alice Rivlin, Rudy Penner and Robert Reischauer.

Now Mr. Reischauer is to be succeeded by June O'Neill, an economics professor at Bernard Baruch College in New York who herself once served on the CBO staff under Ms. Rivlin as well as on the staff of the Council of Economic Advisers in the Nixon-Ford administrations. She has also over the years been a research associate at both the Brookings Institution and Urban Institute. It's a reassuring appointment. Mrs. O'Neill appears to be well within the tradition that it will be her responsibility to carry on. The Democrats complaining without any basis that she will toe a Republican line and the Republicans muttering likewise that she won't toe it enough should both back off.

Some leading House Republicans had threatened just after the election to politicize the agency. They wanted to use their new majority status to appoint not just a new director—Mr. Reischauer's term was expiring—but one who could be counted upon to switch to a "dynamic" method of scoring or estimating the cost of tax cuts. The charge was that CBO had over the years exaggerated such costs—and thereby made tax cuts harder to pass—by failing to allow for the revenue the cuts would generate by stimulating the economy.

In fact, it's a false issue. CBO has traditionally allowed for all the stimulative effects that mainstream economic theory would permit; it just hasn't been willing to go beyond, and rightly so. The threat to turn the agency into a rubber stamp for policy that sound analysis might thwart set off alarms among other Republicans, particularly in the Senate. The O'Neill appointment indicates that they prevailed.

We once wrote about a particular piece of testimony by Mr. Reischauer that CBO's job, and his, was to be the skunk at the congressional picnic. Someone has to be willing when it is required to spoil the party—to say that no, these things aren't free, that they can't be done at no cost or, when the occasion arises, that the numbers being put forward are really suspect. Mr. Reischauer was an excellent skunk, as were his Democratic- and Republican-appointed predecessors and as his successor will likely be too. Congress itself has been the principal beneficiary of their disciplined analysis. The good news is that the discipline and benefits both seem likely to continue.

Mr. DOMENICI. I greatly respect the proposal that the U.S. House and the U.S. Senate vote in confirmation of the Congressional Budget Office in the future.

But I must say, when it is offered, if it is offered, I will resist it. It is not because I will be part of choosing very many more CBO directors; maybe one more; maybe no more. Who knows? I frankly do not think an open vote in the U.S. House and the U.S. Senate is the inviolate way to protect and assure impartiality and to assure that there is a neutrality of the type sought by my colleagues on the other side. In fact, it is one of a number of ways.

I might submit, while it is part of our Constitution for many appointments and nominees, I am not at all sure that it is even the best way. It is also riddled with opportunities for candidates to lose who should win and nominees who should lose to win. Frankly, I think a smaller circle representing the entire group might just as well work their will and do better for the people of this country.

So I do not think that I want to change because we have had excellent budget directors, and we have not had the entire Senate vote on them ever before. Who would deny that they have been good, that they have been impartial, and that they are professional? Not a single one came before the U.S. Senate for a confirmation vote to make sure that they were good, that they were neutral, and that they would do a good job.

Lastly, nobody is truly challenging my reputation here. I thank both Senators for their kind remarks with reference to this Senator. But in a sense, they have said in this case you did not do it very well. I think we did it under the circumstances very well. Things are very different. Things are very different than they were 6, 8 or 10 years ago. Clearly, everybody knows that. I mean when the chairman of the House Budget Committee says at a press conference, at which I am with the nominee we have both chosen—he chooses to say what he expects, and I choose to say what I expect. And we are very different in what we expect. But it surely does not mean that what either of us expect is what a well-reputed economist is going to do taking on the mantle of the predecessors, which is excellence personified.

So JOHN KASICH, chairman of the House committee, says that he expects something different out of the budget director than past directors, I said I do not come here to this meeting with the press expecting anything other than a good job and integrity, honesty and a full-faith implementation of your responsibility.

So in a sense, if you add to that the fact that we interviewed a number of candidates, that I did not shut out Democrats from the interviewing process—in the House they do not let them interview. Here we did. I regret in this instance that I did not get the full concurrence of Senator EXON of Nebraska, the ranking member, but actually the letter that he sent, right at the end in one sentence at least, acknowledges that perhaps she is a competent economist, and then suggests we should look at some more. I made a decision that looking for some more was not worthwhile. I will not divulge all the details. But I will tell you it is not very easy anymore to get people to want to come to be interviewed for jobs like this. And I think we ended up with a splendid candidate. I am proud of her.

I respect my fellow Senators on the other side for their feelings. But she is going to be the CBO director, and she is going to do a good job. That is all I can tell the Senate in the same kind of sensitive approach that I have taken in the past, whether I was leader of the crew, or whether I was in the minority helping the process along. She will be a good one.

For those who do not like some of her writings, let me remind the U.S. Senate that every CBO director that we appointed had some writings that some Senators did not like. Some were too liberal in their writings. Some were too conservative in their writings. Some were too supply oriented. But if we are going to judge them as competent economists schooled in American economics from the best of our schools managing different jobs—in this case having worked 4 years for the CBO—and then to second guess with reference to whether they are going to be fair or right or prejudiced, I just do not think we can work all of that out.

So I regret that I cannot agree with those who seek to delay this. It will not be delayed. It should not be delayed. She will be the CBO director. If she is not already, she will be very, very soon.

I yield the floor.

Mr. DORGAN. Mr. President, I intend to withdraw this. Let me make a couple of observations quickly.

The Senator from New Mexico is very able and makes his case aggressively. I must say that I smiled a bit when he reached for the Washington Post for a measure of support for his position. It is not usual to see that coming from that side of the aisle. But, nonetheless, I understood his citation of that editorial.

This is different. The Senator from New Mexico will understand and know when I say that we have not chosen a CBO director in these circumstances where you have people calling for a vote on the previous question in the Budget Committee, not having the ranking minority member on the Budget Committee even having the opportunity to interview the appointee before the decision is made. I think anybody would agree that this process is different.

Again, I would have said to the Senator from New Mexico that I am not making a judgment about Professor O'Neill. I do not know Professor O'Neill. I know economists get in the room, and they like each other and speak well of each other. I am not surprised. I used to teach a little economics. So the fact that the Senator argues that some other economists think well of this economist, that probably is not surprising.

But I must say that I also spoke with Dr. Reischauer, and he told me the same thing the Senator from New Mexico suggested; that his view is that this is a good candidate. I said, "What do you think of this process?" He said he did not think much of the process. The other side of it, at least in my discussions with Dr. Reischauer—and I hope he will not mind my disclosing that—was as to process.

We are going to vote on this. We will not vote on it this evening. But I intend to offer this amendment to the next bill, and then I intend to ask for a vote because I think in the future, if we have people who on the one side or other decide they are going to call the previous questions and do these kinds of things, then I think those of us who believe that we ought to have somebody who ought not have questions about them raised after the fact, we ought to have someone who is subject to a vote of approval by the House and the Senate.

So that would be my intention on the next legislation that comes before the Senate. I appreciate the indulgence of the Senator from Utah.

I ask unanimous consent to withdraw the motion that I have previously offered.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

So the motion was withdrawn.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRED STROBLE: EXCELLENCE IN PUBLIC SERVICE

Mr. HOLLINGS. Mr. President, I rise today to salute Fred Stroble for his 33 years of truly exceptional public service as a law enforcement officer in South Carolina—including more than 23 years as a deputy marshal with the U.S. Marshals Service in Charleston.

As the deputy marshal with the longest continuous service in South Carolina, Fred has been a superb marshal, a public servant whose career epitomizes dedication and loyalty. In all the years that I've known Fred, he has been kind and helpful to everyone, from hard-working citizens to the prominent people he has protected, such as the Reverend Martin Luther King, the Reverend Jesse Jackson, former U.N. Ambassador Andrew Young, U.S. Supreme Court Chief Justice William F. Reinquist, and Associate Justice Thurgood Marshall.

Mr. President, Fred Stroble started his law enforcement career in January 1962 in Charleston as a walking patrolman with the city police department. He came to be known as the nice cop because of his compassion for people who didn't understand the law or hold it in particularly high esteem. After walking a beat for a year, he was assigned to the vice squad. In January 1964, Fred became the city of Charleston's and South Carolina's first African-American motorcycle patrolman. A year later, he was promoted to detective. In October 1969, he became the first African-American deputy sheriff for Charleston County.

Fred left the sheriff's department for the Marshalls Service in January 1972. Since then, he has served with great distinction and honor. Anybody at the Federal courthouse in Charleston will tell you that no matter what has happened, Fred has been there to help. I, like many other leaders and judges across South Carolina, am grateful for his dedication over the years. If it were not for a requirement that made his retirement mandatory, I'm sure Fred would provide many more years of outstanding and professional service.

Mr. President, Fred Stroble is held in such high esteem today because of the more than 30 years that he has helped people across South Carolina. I appreciate this opportunity to express my respect and gratitude, and to wish Fred many happy years of retirement, new challenges, and exciting opportunities.

MEXICAN ECONOMIC AGREEMENT

Mr. PELL. Mr. President, after weeks of intense negotiation, the United States and Mexico yesterday agreed on a package of guarantees and swap transactions to help restore investor confidence in the Mexican economy while addressing United States concerns about the fundamental soundness of the Mexican economy and the level of risk to American taxpayers. I commend the President for his efforts to respond to this crisis while ensuring that adequate safeguards and conditions are in place to protect U.S. national interests.

I must say that, when the administration first proposed, in the immediate aftermath of the peso devaluation, a major U.S. response, I was quite skeptical. In many discussions with the administration I raised my concerns and urged that tough questions be asked about the wisdom of United States involvement and tough conditions be applied on Mexico as a precondition to any aid package.

Mr. President, I believe the administration has negotiated tough-minded terms for the package. I commend them for this and now believe it is both appropriate and in our national interest for this program to be put into operation.

In all candor, I continue to have some concerns about the possible long-term negative consequences of this whole crisis to our national economy and national economic interest. But I do believe as a nation we had to act and that the administration has acted skillfully. And if we did not act, real economic disaster could result.

The economic stabilization package signed Tuesday by Treasury Secretary Robert Rubin and Mexican Finance Minister Guillermo Ortiz actually consists of four separate agreements. The framework agreement sets the overall terms and conditions for U.S. support. These include commitments on the part of Mexico to reduce inflation, strengthen the peso, and encourage new investment by cutting Government spending, pursuing tight monetary policy, and raising short-term interest rates. Mexico is also committed to accelerate structural reforms in the transportation, telecommunications, and banking sectors, speed privatization, and improve financial transparency.

The Medium-Term Exchange Stabilization Agreement provides the basis for currency swap transactions, under which Mexico can exchange pesos for dollars for a period of up to 5 years. The interest rate charged for these swaps is to cover the U.S. risk for such transactions.

Under the guarantee agreement, the United States will provide guarantees for the issuance of Mexican debt securities with maturities of up to 10 years. This portion of the package is intended to convince investors to lend money to Mexico for longer terms at lower interest rates, thus alleviating the short-term debt burden that precipitated this crisis.

Finally, the oil proceeds facility agreement establishes the mechanism by which the United States is assured substantial repayment should Mexico default on its obligations. The agreement would set up a bank account in the United States into which foreign purchasers of Mexican oil would be required to make their payments. If Mexico fails to repay the United States under any of the financing agreements, the Treasury Department would be able, in effect, to take over that bank account.

All told, these agreements total $20 billion in United States support for Mexico—a bold and comprehensive package designed to prevent an immediate shortfall from leading to long-term economic and political instability. This support is designed to entail no direct costs to our taxpayers. Mexico will be charged fees for the guarantees and interest for the medium-term swaps, and all of Mexico's obligations to the United States will be backed by proceeds from the export of Mexican crude oil and oil products.

Moreover, the U.S. action is more than matched by the international response. The IMF has offered an unprecedented $17.8 billion in medium-term assistance, while the other G–10 countries plan to provide another $10 billion in short-term credit through the Bank of International Settlements.

Mr. President, I believe it is essential that we continue to monitor this situation closely, and the agreements that were signed yesterday provide the means and expand our ability to do just that. Even with this assistance, Mexico will face difficult economic choices, many of which could have an impact upon us.

I look forward to working with my colleagues and with the administration to ensure that Mexico lives up to its commitments under this package and that broad United States interests continue to be served through its implementation.

THE QUALIFICATIONS OF PETER EDELMAN TO BE A FEDERAL JUDGE

Mr. KENNEDY. Mr. President, an unfair, unfortunate, and negative campaign of distortions and preposterous character attacks has been under way for some time by partisans on the extreme right to prevent the nomination of an excellent lawyer, Peter Edelman, to the U.S. Court of Appeals for the District of Columbia Circuit.

I have known Peter Edelman well for more than three decades, ever since his years as an outstanding Senate staff member for my brother, Senator Robert Kennedy. A magna cum laude graduate of Harvard Law School, Peter served as a law clerk for Judge Henry Friendly on the Second Circuit Court of Appeals and Justice Arthur Goldberg on the Supreme Court.

In his subsequent career, he has consistently earned great distinction and respect for his service—in the Civil Division at the Department of Justice, as a vice president of the University of Massachusetts, as director of the New York State Division for Youth under Gov. Hugh Carey, as a partner in the Washington, DC, law firm of Foley & Lardner, as professor and associate dean at Georgetown University Law Center, and currently as counselor in the U.S. Department of Health and Human Services.

By virtue of his outstanding ability, background, experience, judgment, and temperament, Peter Edelman is clearly and well-qualified to serve on the U.S. Court of Appeals. As much as anyone I know, Peter Edelman understands that our laws are the wise restraints that make us free. He also very clearly understands the proper constitutional role of Federal judges in our Federal system.

I am confident that he would be an excellent Federal judge. I hope that President Clinton nominates him, and I believe he will be confirmed by the Senate. I urge my colleagues in the Senate to keep an open mind about this distinguished lawyer.

Last week, many of us received a letter in strong support of Peter Edelman, signed by 71 distinguished law professors, including 19 law school deans and 8 former law school deans. Because an editorial in the Washington Times earlier last week grossly distorted the letter, I ask unanimous consent that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator EDWARD KENNEDY,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR KENNEDY: Enclosed please find a letter that we have sent to Senator Hatch. As you will see, it is a letter from more than seventy law professors and deans who are upset about the tactics being used by some who are attempting to stop the nomination of Peter Edelman to the United States Court of Appeals for the District of Columbia Circuit. We are concerned that the current specter of distorted prenomination sniping is undermining the integrity of the constitutionally prescribed appointment process and we cannot stand by silently while this is occurring.

We appreciate your consideration.

Sincerely yours,
SUSAN BLOCH,
Georgetown University Law Center.
BARBARA BABCOCK,
Stanford Law School.

GEORGETOWN UNIVERSITY LAW CENTER,
February 9, 1995.

Senator ORRIN G. HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATCH: As law professors concerned with protecting the Constitution and the judiciary, we are troubled to see orchestrated attempts to distort the record of potential nominees even before they have been nominated. In particular, we are very troubled by the attacks on Peter Edelman, a respected scholar with an extensive record of public service who has exactly the kind of qualifications the nation should look for in nominees for the Courts of Appeals. We urge you to remain open-minded so as not to encourage those seeking to derail the appointment process.

As you know, before joining the Administration, Peter Edelman was Associate Dean at the Georgetown University Law Center. In his outstanding career, Professor Edelman has been a clerk to Supreme Court Justice Arthur Goldberg, a key aide to Senator Robert F. Kennedy, and Director of the New York State Division for Youth. As respected within academia as in public service, Professor Edelman has shown himself to be a sensitive, thoughtful, and responsible counselor, policymaker, and scholar. The judiciary and the nation would be well served by his presence on the Court of Appeals for the District of Columbia Circuit.

To single out for attack, as his critics have, one article that Professor Edelman wrote in 1987 in an effort to provoke thought about the growing inequities in income distribution in this country is grossly distorting in at least two ways. First, it overlooks the fact that Professor Edelman has produced a body of work on poverty issues that sets out his framework for understanding the 1987 article. Second, the attack ignores the rest of his record of excellent service in all three branches of government.

Our constitutional system will be severely damaged if an organized campaign of misrepresentation can block the nomination of someone so clearly qualified. The President should nominate Professor Edelman and let the Senators decide whether or not to confirm. Peter Edelman should have the chance to explain his views and set forth his entire record in the framework of a confirmation hearing. We are confident that if you will receive his nomination with an open mind, you will find that he is one of the most well qualified nominees you have seen in your tenure on the Judiciary Committee.

Professor Lee Albert, State University of New York at Buffalo, School of Law; Dean Barbara Bader Aldave, St. Mary's University of San Antonio, School of Law; Professor Ellen P. Aprill, Loyola Law School; Dean Judith C. Areen, Georgetown University Law Center; Professor Charles E. Ares, University of Arizona, College of Law; Professor Barbara Allen Babcock, The Ernest W. McFarland Professor of Law; Sanford Law School.

Professor Steven R. Barnett, University of California at Berkley; Dean Daniel O. Bernstine, University of Wisconsin Law School; Professor Vincent A. Blasi, Columbia University School of Law; Professor Susan Low Bloch, Georgetown University Law Center; Provost Lee Bollinger, Dartmouth College; Dean Barry B. Boyer, State University of New York at Buffalo, School of Law.

Dean Paul Brest, Stanford Law School; Professor Robert A. Burt, Alexander M. Bickel Professor of Public Law, Yale Law School; Professor Alexander Morgan Capron, University Professor of Law and Medicine, University of Southern California; Associate Dean Catherine L. Carpenter, Southwestern University School of Law; Professor Stephen Lisle Carter, William Nelson Cromwell Professor of Law, Yale Law School; Professor David P. Currie, University of Chicago Law School.

Dean Colin S. Diver, University of Pennsylvania Law School; Professor David Feller, University of California at Berkeley; Professor Mary Louise fellows, University of Minnesota Law School; Professor David B. Filvaroff, State University of New York at Buffalo, School of Law; Professor Leslie Pickering Francis, University of Utah College of Law; Associate Dean George E. Garvey, The Catholic University of America.

Professor Carole E. Goldberg-Ambrose, University of California at Los Angeles, School of Law; Professor Jesse A. Goldner, Saint Louis University School of Law; Associate Dean Robert A. Gorman, University of Pennsylvania Law School; Dean David Hall, Northeastern University School of Law; Dean Joseph D. Harbaugh, University of Richmond, The T.C. Williams School of Law; Professor Phillip B. Heymann, Harvard University Law School; Professor Robert E. Hudec, University of Minnesota Law School.

Professor Stanley Ingber, Drake University Law School; Professor John H. Jackson, University of Michigan Law School; Professor Yale Kamisar, University of Michigan Law School; Dean John Robert Kramer, Tulane University School of Law; Dean Thomas G. Krattenmaker, College of William and Mary, Marshall-Wythe School of Law; Dean Jeffrey S. Lehman, University of Michigan Law School; Professor Howard Lesnick, University of Pennsylvania Law School.

Dean Lance M. Liebman, Columbia University School of Law; Professor Michael Melsner, Northeastern University School of Law; Dean Elliott S. Milstein, American University; Dean Gene R. Nichol, Jr., University of Colorado School of Law; Professor Robert O'Neil, University of Virginia School of Law; Professor Daniel H. Pollitt, University of North Carolina School of Law; Professor Burnele Venable Powell, University of North Carolina School of Law.

Dean Henry Ramsey, Jr., Howard University School of Law; Professor Deborah L. Rhode, Stanford Law School; Dean John C. Roberts, De Paul University College of Law; Professor Jonathan Rose, Arizona State University; Professor Laura F. Rothstein, University of Houston Law Center; Professor Mark A. Rothstein, University of Houston Law Center; Associate Dean David Rudenstine, Yeshiva University, Benjamin N. Cardozo School of Law.

Associate Dean Frank E.A. Sander, Bussey Professor of Law, Harvard University Law School; Professor George Schatzki, University of Connecticut; Professor Philip G. Schrag, Georgetown University Law Center; Professor Peter H. Schuck, Yale Law School; Professor Teresa Moran Schwartz, George Washington University, National Law Center; Dean John A. Sebert, Jr., University of Baltimore; Professor Steven H. Shiffrin, Cornell Law School; President Emeritus Michael I. Sovern, Columbia University School of Law; Associate Dean Steven H. Steinglass, Cleveland State University, Cleveland Marshall College of Law; Professor Richard B. Stewart, New York University School of Law.

Professor Theodore J. St. Antoine, University of Michigan Law School; Professor David A. Strauss, University of Chicago Law School; Professor Peter L. Strauss, Columbia

University School of Law; Professor Gerald F. Uelmen, Santa Clara University School of Law; Professor James Vorenberg, Harvard University Law School; Dean Harry H. Wellington, New York Law School; Professor Patricia White, University of Utah, College of Law; Dean Richard S. Wirtz, University of Tennessee College of Law; Associate Dean Leah Wortham, The Catholic University of America School of Law.

Professors signing this letter, including the Deans, are signing as individuals and not as representatives of their schools.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the incredibly enormous Federal debt is a lot like television's well-known energizer bunny—it keeps going and going—at the expense, of course, of the American taxpayers.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which perhaps is a primary factor in the new configuration of U.S. Senators.

This is a rather distressing fact as the 104th Congress gets down to business. As of Tuesday, February 21, 1995, the Federal debt stood—down to the penny—at exactly $4,834,640,034,065.84 or $18,352.38 per person.

Mr. President, it is important that all of us monitor, closely and constantly the incredible cost we incur each week due to this debt. As a matter of fact, in the past week the debt has increased over $25 billion.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

THE EXTRAORDINARY LIFE OF WALTER SHERIDAN

Mr. KENNEDY. Mr. President, all of us who knew him, respected him, and loved him were saddened by the death last month of Walter Sheridan. Walter was the outstanding investigator on the staff of the Senate Labor and Human Resources Committee for nearly two decades, and before that, he had been one of Attorney General Robert Kennedy's most trusted and effective aides in the Department of Justice.

Walter Sheridan lived an extraodinary life, and all of us who worked with him have many warm memories of his achievements and his friendship.

I ask unanimous consent that my tribute to Walter last month at Holy Trinity Church in Georgetown, an earlier tribute I made to Walter on the occasion of his final hearing at the Labor Committee in 1990, and other materials may be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

TRIBUTE TO WALTER SHERIDAN, BY SENATOR EDWARD M. KENNEDY, HOLY TRINITY CHURCH, WASHINGTON, DC, JANUARY 17, 1995

"Some men see things as they are and say, 'Why?' I dream things that never were and say 'Why not?' "

These words that Robert Kennedy loved were words that Walter Sheridan lived by. And what a magnificent life he lived.

Walter and my brother were exact contemporaries, born on the same day, November 20th, 1925. It took them a little over thirty years to find each other. But it was inevitable that they would, and now they have found each other again.

I suspect some grand investigation is under way in heaven, and that Bobby and Carmine Bellino finally decided last week, "We need Walter up here on this one."

My brother loved to tease Walter about his mild demeanor and quiet manner. But as Bobby wrote in "The Enemy Within," Walter's angelic appearance hid a core of toughness. As any wrongdoer well knew, the angelic quality also represented the avenging angel.

All the Kennedys have lost one of the finest friends we ever knew. Walter Sheridan was an extraordinary investigator and an extraordinary human being. He had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone. Everything he touched he left better than he found it.

Walter was also family, far and wide. His wife, Nancy, his daughter Hannah, his sons Walter, John, Joseph, and Donald, and all their families and all his fourteen grandchildren know how much Walter loved them and how deeply he cared for them. The Sheridan home was always warm and welcoming, a continuously open house and gathering place for the legions of friends he made across the years.

Everyone Walter worked with loved him too. He lit up every room he entered, and there was an obvious mutual affection that made people not only want to work with him, but work harder because of him. He had a famous and well-deserved reputation from the Hoffa years for ability, integrity and loyalty—and he was a legend for his modesty about it.

He lived up to the Sheridan mystique all his life and in everything he later did. You could sense the power of his commitment to justice and honesty in public and private life. You knew he would go to the end of the earth to sustain those standards against any who tried to undermine them. The cynical view that everyone has his price met its match and its defeat in Walter Sheridan.

As Bobby knew, and as those on the other side learned to their dismay, when the going got tough, Walter Sheridan got going. His highly principled convictions about the public trust ensured the criminal convictions of those who violated that trust. His book about those years is among his lasting legacies—a call for constant vigilance to protect the public interest against corruption.

In any fight, my brother said, he would always want Walter on his side. You wanted Walter with you in any foxhole, and that is why he always seemed to get the most difficult assignments. He had been in the service in World War II, and his exploits reminded me of a famous slogan of those years—the difficult we do immediately; the impossible takes a little longer.

In the Senate years, each time we settled on the subject of a new investigation, Walter would do his famous disappearing act. He'd be away for three or four weeks. "Walter's gone fishing," we would wink and say, and everyone knew what that meant. When Walter surfaced with his catch, all the networks and reporters were there, ready to record it at our hearings.

Walter knew how to follow a paper trail, find the unfindable document, and make it speak truth to power. Once, when the mine owners persuaded the federal agency to drastically weaken protections for health and safety, it was Walter who uncovered the irrefutable document. The agency had simply tried to write the mine owners' wish list into law—complete with the same spelling and grammatical mistakes.

Walter was also a hero to workers in the many industries he investigated. I especially think of his coal mine safety investigations. Miners and mine safety officials who testified in our Labor Committee hearings would continue to call up Walter for many years, eager to tell him about the new births and marriages and grandchildren in their lives. They knew Walter never stopped caring about them, and they loved him for it and made him part of their family too.

For all his warmth and wit, Walter was rightly feared by certain kinds of industry leaders and government officials—by anyone misusing their position or abusing their high office. His mission in many of his Senate investigations was to see that federal regulators did not become captives of the industry they regulated.

Once, a mine worker who worshipped Walter told us that an official of the Mine Safety and Health Administration had walked into his agency office one day and resigned immediately—when he saw the pink message slip with the notation that "a Mr. Walter Sheridan" had called.

His unique combination of high intelligence, low-key manner, and warm personality was an irresistible asset in all his work, and he loved to tell his war stories. During his investigation of the pharmaceutical industry, two drug company executives told him extensive details they never intended to disclose about their company's operations. They said Walter just kept asking simple, understated questions and nodded politely at their responses. As one of the officials later said, "It took us about ten minutes after we walked out of the room to realize that Walter Sheridan had just picked both our pockets clean."

He had a flair for the dramatic too. For several years, he served as a Special Correspondent for NBC and made documentaries on many issues, including crime and gun control. He liked to tell of the time he went into a gun shop, plunked down a couple hundred dollars, and walked out with an anti-tank weapon. He later loaded and fired it on camera to demonstrate the shocking laxity of our gun control laws. He said he couldn't remember what finally happened to the weapon, but he kept it stored somewhere around the house for a while and thought Nancy finally threw it out.

Another of his documentaries dealt with organized crime. Walter persuaded a key informant to speak on camera for the first time about the activities of one of the crime families. Later, a few of Walter's friends who had gathered to watch the broadcast at the Sheridans' home thought the informant on the screen looked familiar, and he was. He was sitting on the couch in Walter's living room, watching the program too. He told Walter it was the first time he felt truly safe, because no one would dare try to harm him while Walter was on the case.

Of course, all of us who knew Walter understood something else as well—that we would never know everything he knew. Business or pleasure, secrets were safe with Walter. Whether working on an investigation or planning a surprise party, nothing ever leaked. On that point we all agreed—Walter Sheridan kept his mouth shut.

Genius, it is said, is the capacity for taking infinite pains, and Walter passed that test with flying colors. No one worked harder or longer or more effectively. But sometimes even that wasn't enough. One of my brother's and Walter's favorite stories from the McClellan Committee days was about the time they were driving home together after working very late one evening. As they drove past the Teamsters Building, they saw the light still on in Hoffa's office. So they turned the car around and went back to work themselves.

It has been said that all men are dust, but some are gold dust. And that was true of Walter. In those great years with my brother on the McClellan Committee and in the Justice Department, he was a regular for touch football at Hickory Hill. Everyone wanted to be on Walter's team, including Bobby. To new friends there, he was always "Walter," never "Mr. Sheridan," even though they felt the first name was somehow disrespectful after reading about Mr. Sheridan in "The Enemy Within." Walter made sure that everyone got to play, no matter how young or unathletic. He also mastered the most important rule for those games, which was that there were no rules.

And in the sad months and years after June of 1968, Walter continued to be a fixture at Hickory Hill, helping Ethel, helping all of us, to carry on. We loved you, Walter, as a brother and as a member of our family.

In a sense, Bobby lived on through Walter. In the nearly 20 years that he worked with me in the Senate, I never met with Walter or talked with Walter or laughed with Walter that I didn't think of Bobby. As the poet wrote: "Think where man's glory most begins and ends, and say my glory was I had such friends." Our glory is that we had Walter as a friend.

In so many ways, he lived up to the ideals of dedication to family, country, and service to others. His contributions to integrity in government and the private sector are immense. His achievements are proof that each of us can make a difference—and what a difference Walter Sheridan made.

His life is symbolized in the inspiring words my brother used: "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

You left us too suddenly and too soon, Walter, and we miss you all the more.

Closing Statement of Senator Edward M. Kennedy, Hearing on Advertising, Marketing and Promotional Practices of the Pharmaceutical Industry, Senate Committee on Labor and Human Resources, Washington, DC, December 12, 1990

The testimony in these hearings raised troubling questions about the marketing practices of the pharmaceutical industry and their corrupt relationship with physicians.

Commendably, as the committee investigation began to uncover these abusive relationships, both the AMA and the PMA endorsed new guidelines on the eve of the hearings, in order to correct these problems and ensure the confidence of patients and the public.

The committee intends to monitor these reforms closely, in order to determine whether the abuses covered by the guidelines are truly corrected.

Finally, I want to pay tribute to the person who deserves the real credit not only for these hearings—but a thousand other contributions to the Senate, the country, and the public interest.

In a sense, these hearings are his swan song. But he'll never really retire. He was also our chief investigator in the initial committee hearings on this issue in the 1970's. And I have no doubt he'll come out of retirement in the year 2000, or whenever the industry steps out of line again.

There's a famous saying that there's no limit to what you can accomplish in this town if you're willing to give someone else the credit. That may be the secret of how he's been able to accomplish so much.

We've known each other for over 30 years, and worked together for nearly 20. Robert Kennedy discovered him in the 1950's in the McClellan Committee investigations. It turned out they were both born on the same day in the same year.

My brother took him with him to the Justice Department in the 1960's. He may well have been the best and most tenacious investigator the Senate or the Department ever had. I inherited him from my brother, and he's been the same way ever since.

As Robert Kennedy once said in the 1950 investigations, "Investigators are the backbone of the hearings. Without their work, we'd have nothing." Those words are still true, and all these years he has continued to make them true.

We'll have a chance to pay a proper tribute to him at another time. But I wanted to make at least these few remarks now.

He's also a beautiful human being. His family and some of his children and grandchildren are here today, and I think they know how much we admire him and love him—Walter Sheridan. We'll miss him.

[From the Washington Post, Jan. 14, 1995]

Walter Sheridan Dies; Helped To Investigate Hoffa

(By Martin Weil)

Walter Sheridan, 69, a prominent federal investigator for many years who played a key role in the epic struggle between the government and Teamsters union leader Jimmy Hoffa, died of lung cancer Jan. 13 at his home in Derwood.

He was a staff member of the Senate rackets subcommittee of which Robert F. Kennedy was chief counsel and on which John F. Kennedy served as a senator. He was also an associate of Sen. Edward M. Kennedy (D-Mass.), who lauded him yesterday as "an extraordinary investigator and an extraordinary human being."

By 1960, years of contentious investigation and dramatic, nationally televised hearings had made celebrities of the Senate subcommittee's lawyer, Robert kennedy, and Hoffa. Hoffa had become one of the best-known labor leaders of the postwar era.

After John Kennedy became president in 1961 and his brother became attorney general, Robert Kennedy asked Mr. Sheridan to become his special assistant. In that job, he and a small group of lawyers were made responsible for prosecuting federal crimes associated with the Teamsters.

The lawyers in the unit described themselves as the "Get Hoffa Squad;" and Mr. Sheridan, though himself not a lawyer, was their chief, Arthur A. Sloane wrote in "Hoffa," his 1991 biography of the labor leader. In his 1971 book "Kennedy Justice," Victor Navasky also described Mr. Sheridan as the unit's chief.

In 1962, Hoffa was brought to trial in Nashville. The chief prosecutor and his assistants, accoring to Sloane's book, operated "under the overall direction of . . . Walter Sheridan . . . who himself was in daily telephone contact with Attorney General Kennedy."

In a brief interview last night, Navasky said Mr. Sheridan "knew the worst things there were" about Hoffa and "devoted those years to doing something about that."

The trial, on a misdemeanor charge, ended in a hung jury.

But that trial led to a second trial on a charge of jury tampering, based at least in part on evidence gathered and investigated by Mr. Sheridan, according to Sloane's book. In 1964, Hoffa was convicted of jury tampering and began serving a prison term three years later.

In 1960, Robert Kennedy published a book called "The Enemy Within," based on his Senate committee investigations into labor matters. In it, he described Mr. Sheridan this way: "A slight, quiet friendly-faced man" who "was one of our best and most relentless investigators."

"His almost angelic appearance hides a core of toughness and he takes great pride in his work," Kennedy said.

"In any kind of fight, I would always want him on my side."

Mr. Sheridan was born in Utica, N.Y., served in the Submarine Service during World War II and later graduated from Fordham University. He was an FBI agent for four years and spent three years with the National Security Agency.

He was a regional coordinator for John Kennedy in the 1960 presidential campaign and had key roles in the political campaigns of Robert and Edward Kennedy.

As a Senate investigator in the 1980s, he helped show that clinical data submitted to the Food and Drug Administration had been tampered with, which led to new safeguards. He also led investigations into improper payments to physicians to influence how they prescribed medicines. His investigations into mine and on-the-job safety and health and into exploitation of farm workers also were credited with leading to new federal protections.

From 1965 to 1970, he was a special correspondent for NBC and his unit received a Peabody Award for a documentary on the 1967 Detroit riots.

He was the author of "The Fall and Rise of Jimmy Hoffa."

In his statement yesterday, Edward Kennedy said Mr. Sheridan "had a heart as large as his ability, and his courage and dedication to justice and the public interest were unmatched by anyone."

Survivors include his wife, Nancy; five children, Walter Sheridan of Gaithersburg, Hannah Shorey of Dallas, John Sheridan of Germantown, Joseph Sheridan of Lansdale, Pa., and Donald Sheridan of Harrisburg, Pa.; and 14 grandchildren.

[From the New York Times, Jan. 15, 1995]

WALTER J. SHERIDAN IS DEAD AT 69; HELPED BUILD CASE AGAINST HOFFA

(By David Stout)

Walter J. Sheridan, a Federal investigator who was an associate of the Kennedy family and pursued the teamsters' union leader James R. Hoffa, died on Friday at his home in Derwood, Md. He was 69.

The cause was lung cancer, friends said.

Mr. Sheridan worked closely with Robert F. Kennedy in the 1950's when Mr. Kennedy was chief counsel to the Senate rackets committee and John F. Kennedy was a committee member. Mr. Sheridan and Robert Kennedy spent much time investigating labor corruption, especially in the International Brotherhood of Teamsters.

When Robert Kennedy became Attorney General, he recruited Mr. Sheridan as a special assistant to investigate Federal crimes, particularly involving the teamsters.

In March 1964, a Federal Court jury in Chattanooga, Tenn., convicted Mr. Hoffa of tampering with a Federal jury two years earlier, and he went to prison. He was released in 1971 when his sentence was commuted by President Richard M. Nixon.

Mr. Sheridan was the author of a 1972 book, "The Fall and Rise of Jimmy Hoffa." Mr. Hoffa disappeared in 1975.

Mr. Sheridan was an agent for the Federal Bureau of Investigation for four years but resigned, he said later, because J. Edgar Hoover's fierce brand of anti-Communism made him uneasy. He was also an investigator for the National Security Agency for three years.

As a principal aide for the Senate Judiciary and Labor and Human Resources Committees in the 1970's and 80's, Mr. Sheridan led investigations into drug companies that tampered with data submitted to the Food and Drug Administration, working conditions in mines and exploitation of farm workers.

Mr. Sheridan was a regional coordinator for John F. Kennedy's 1960 Presidential campaign. He also worked in the senatorial and Presidential campaigns of Robert and Edward M. Kennedy.

From 1965 to 1970, he was a special correspondent for NBC, producing documentaries on crime, gun control and other issues.

He is survived by his wife, Nancy; four sons, Walter, of Gaithersburg, Md., John, of Germantown, Md., Joseph, of Lansdale, Pa., and Donald, of Harrisburg, Pa.; a daughter, Hannah Shorey of Dallas, and 14 grandchildren.

[From the Utica Observer-Dispatch, Jan. 14, 1995]

SHERIDAN, FORMER FBI AGENT DIES AT 69

Utica native Walter Sheridan—once listed among possible successors to J. Edgar Hoover to head the FBI and a close friend of the Kennedy family—died yesterday. He was 69.

Sheridan worked side by side with the late Sen. Robert Kennedy to fight racketeering, particularly to bring James R. Hoffa to justice. His career as an investigator included four years as a special agent with the FBI, three years each with the National Security Agency and the Senate Rackets Committee.

Sheridan died at his home in Derwood, Md., of lung cancer. He was born in Utica, Nov. 20, 1925.

"He was one of the finest men I ever met in my life. He was sincere, honest, upright," said Michael McGuirl of Ballantyne Brae, Utica.

"I can't tell you the grief I feel" over his death, said McGuirl, who has maintained a friendship with Sheridan's family.

Through his career—which included working five years as a special correspondent for NBC and publishing a book on Hoffa—Sheridan kept his links to Utica.

McGuirl, who worked 14 years as commissioner for Oneida County Social Services, said Sheridan helped the county receive the country's first Work Experience Program, which helped put people in jobs.

Sheridan returned to Utica to speak at his class reunion in 1973 and the Knights of Columbus in 1977.

"He was a fine assistant to Robert Kennedy and a very intelligent and capable individual," said Vincent J. Rossi, Sr., a Utica lawyer who worked with Sheridan on Democratic politics in Utica.

In response to his death, Sen. Edward Kennedy said yesterday "all the Kennedys have lost one of the finest friends we ever had. Walter Sheridan was an extraordinary investigator and an extraordinary human being. He had a heart as large as his ability and his courage and dedication to justice and to the public interest were unmatched by anyone."

Sheridan graduated from Utica Free Academy in 1943, was president of the senior class and a quarterback on the football team.

Sheridan is survived by his wife, Nancy, and five children, Walter, of Gaithersburg, Md., Hannah Shorey of Dallas, Texas, John, of Germantown, Md., Joseph of Lansdale, Pa., and Donald, of Harrisburg, Pa. and 14 grandchildren.

FROM "THE FALL AND RISE OF JIMMY HOFFA" (1972)

(By Walter Sheridan and Introduction by Budd Schulberg)

A specter is haunting America. No, it is not communism. Despite Wallace, Goldwater and the right-wing doomsday criers, it is not even creeping socialism. It is, as readers of this book will find alarmingly documented, an altogether different sort of creeping disease. Creeping, hell, it's now boldly up on two feet and running. Toward what goal? More. More houses? More schools? More daycare centers? Forget it. More money. More power. Power to do what? Enjoy life, liberty and the pursuit of happiness? Not as Jefferson and our eighteenth-century idealists imagined it in those simpler times. today it is the high life, the deal that brings liberty in the form of "commutation" from the federal pen and the pursuit of the easy buck—be it at the gangster Xanadus of Las Vegas, or at millionaire retreats built with Teamster money like Moe Dalitz's La Costa Country Club, or at the various White Houses, Dicknixon style. There the Big Money, that unholy alliance of over-and-under-the-table, has enjoyed the friendship of the man who grasped early in his checkered career the sharp-edged triangle of money, power and politics.

Throughout our history Big Money has been decried, by Andrew Jackson, William Jennings Bryan, both the Roosevelts. . . . There are periodic appeals to our idealism, compassion and sense of community. Reform movements rise and fall like the tides. Today our children's crusade turns its back on the sources of wealth and power and wanders into the desert to smoke its pot and live the good life to the music of Led Zeppelin, James Taylor and Joe Cocker. They have chosen to abandon the system rather than reshape it. The old system, their gypsy life-style is telling us, is a rat-race, is a money-game, is a war-machine conceived in materialism and dedicated to the proposition that the race is to the swift and the poker pot to the swift at hand.

Left behind to fight the network of graft-organized greed that has infected our profit system are the Walter Sheridans of this land, unlikely Don Quixotes who tilt not at windmills but at syndicates and are willing to take on single-handed an army of hoodlums, fixers, purchasable politicos and business opportunists, to go it alone if their leaders are shot down and a Mitchellized Justice Department moves to deliver them and their witnesses to the enemy.

I first came to know Walter Sheridan in the early sixties when I went to Washington to discuss with the then Attorney General, Robert Kennedy, the possibility of adapting his book, The Enemy Within, as a motion picture. Our irrepressible producer, the late Jerry Wald, had called me in Mexico to say that Kennedy had chosen me from a list of film writers Wald had submitted. Kennedy had been impressed with On the Waterfront and The Harder They Fall and felt that I would be particularly responsive to the job of dramatizing corruptive power in America.

It is true that the subject had fascinated me from my high school days. And The Enemy Within, a hard-hitting account of Kennedy's experiences as chief counsel for the Senate Rackets Committee, would give me the chance to write not merely a sequel to Waterfront but a significant extension of that film on a national scale. Kennedy's book presented startling evidence of the collusion between Jimmy Hoffa (plus other crooked union leaders), Mafia racketeers and their "respectable" allies in the world of business.

At Kennedy's home in McLean, Virginia, it took time to break the ice, but gradually we established good rapport. Then, characteristically, young Kennedy asked me when I could begin and how soon my screenplay would be ready. I told him that I had researched the New York waterfront for more than a year before I had begun that script; I would not feel ready to plunge into the writing of Enemy until I had fully absorbed this even more complicated material. "But it's all in the book," Kennedy said with an author's pride. I told him I would like to read the entire hearings of the Senate Committee. "That's fifty-nine volumes," Kennedy warned. "Millions of words." When I held out, he passed me on to his lieutenant in charge of the Hoffa investigation, Walter Sheridan.

Sheridan turned out to be the most unlikely of G-men. Television and movie fans accustomed to Lee Marvin or Rod Steiger and Efrem Zimbalist as their gangbuster heroes would be badly let down by Mr. Sheridan. So quiet-spoken you literally have to lean forward to hear him, on the surface a diffident, even shy and eminently gentle man.

But Kennedy's book had indicated the tiger that lurked within the deceptively bland exterior, praising Walter as tireless and unbendable, committed to the principle of integrity in government and labor-management. Outraged by the labor racketeering encouraged by political and business connivance, he would work around the clock day after day to stitch together a collar of evidence to fit even the thick, tough necks of the Jimmy Hoffas.

Until the Kennedy investigations, the robber barons of the labor movement had carved up their million dollar pies with impunity. It is one thing merely to dream the impossible dream, quite another to gather together for a convincing indictment all the little jigsaw facts buried by professional deceivers. How Walter Sheridan persevered in this quest, despite bribes, threats and government roadblocks, provides an encouraging lining for an essentially discouraging story.

For months, after Walter sent me the Rackets Committee material, I immersed myself in the testimony of thousands of witnesses who talked (or balked) about pension funds looted of millions of dollars, with a majority of those six- and seven-figure loans going to notorious Mafiosi, of "sweetheart" contracts arranged between greedy company executives and union officials on the take (including, as this book makes clear, President Hoffa himself), of once respectable industries and unions infiltrated by a blatant army of extortionists and enforcers, terrorizing the would-be honest into silence or connivance. It was material, I realized, that made waterfront crime-evil as that was—seem like very small potatoes.

Now I understood more clearly the conclusion Bob Kennedy had reached in his book—that the real enemy within was the increasingly effective alliance of big money, labor racketeers, the mob, and dishonest prosecutors, judges and government officials, without whom billions could not be stolen from our economy—and that this nationwide conspiracy was poisoning the wellspring of the nation. From my talks with Bob Kennedy, Walter Sheridan and their colleagues in the Justice Department, I was convinced of their passionate devotion to this theme—and to the conviction that we could never defeat an external enemy unless we first cut from our body politic the growing cancer of corruption that would finally destroy our society as Rome was eaten away from within two thousand years ago.

When I returned to Washington with all fifty-nine volumes of testimony buzzing in my head, I outlined a possible story line to Bob Kennedy and his staff. But now I felt a further step in research was necessary: to move on from the transcripts to the people behind the transcripts, those who had endured the pressure of belonging to a union whose dictatorship they despised and whose goon-squad violence they feared.

When I discussed this request with Kennedy he again passed me on to Walter, who, in his calm, cautious way, put me in touch with a fascinating union leader, a highly placed officer who had been secretly cooperating with the Kennedy investigation because he had lived his life as an honest trade unionist and had become disgusted with the wholesale looting of union funds, the terrorizing of union members who protested, the Mafia leaders allowed to pass themselves off as union leaders. The roster of Teamster vice presidents read like a Who's Who in American Crime, and "Max," as we shall call our inside contact, had had a bellyfull.

Here, through Walter's sensitive liaison, I was to get a one-on-one insight into the ongoing drama—the tension that runs through so much of Walter's book—a man's conscience struggling to keep afloat in a sea of fear. For the next few months I was to meet Max under conditions that reminded me of my World War II days in the O.S.S. We met in Los Angeles, in a small town in Florida, and in Mexico—using pseudonyms and even taking the precaution of meeting in a third, neutral room in case we were being followed or bugged. His nerves were shot and he was drinking himself through the day, terrified of Hoffa and his henchmen, yet driven by the gut-conviction that mobsters like Johnny Dio and Red Dorfman and Joey Glimco and Tony Provenzano and all the rest of the tribe were poison to the labor movement to which he had dedicated his life. Through Max, I met other Teamster dissidents, all hating Hoffa's guts and all afraid to face his wrath.

Thanks to Max, I was able to personify in my script a reluctant, tormented thorn in the tough hide of the composite labor boss I call Pete Bonner. Alas, the film for reasons that bring me very close to the spirit of this uncompromising book, has never reached the screen. Jerry Wald, who alone had had the courage to produce it, died suddenly, at a time when 20th Century-Fox was fighting for survival after its spendthrift *Cleopatra*. A labor tough walked right into the office of the new head of the studio to warn him that if the picture was ever made drivers would refuse to deliver the prints to the theaters. And, if they got there by any other means, stink bombs would drive out the audiences.

With Bob Kennedy's encouragement, I tried to produce the film myself. One film star phoned to say he loved the script, then came to my house drunk to tell me he was afraid he might be killed if he did it. There have been ever-increasing ties between the mob and some of the film studios and, of course, those studios rejected it out of hand. Finally, I had firm interest from Columbia, the company that had released *On the Waterfront*. On the eve of the meeting with Columbia executives to which I had been invited, every one of the people who was to attend that conference received a letter from William Bufalino, whose activities on behalf of Hoffa are a matter of record (as Sheridan's book confirms). Bufalino is, among other things, a lawyer, but this letter was disturbingly extra-legal. It stated flatly that 20th Century-Fox had wisely abandoned the project as soon as all the possible eventualities had been pointed out to them, and he felt confident that Columbia would be smart enough to do likewise. On the morning of the meeting, a studio secretary called to tell me that it had been canceled, indefinitely. Apparently Hoffa and Bufalino had decided what the American people could and could not see. And the Hollywood "front office"—notorious for its vincibility—had meekly complied.

But that was only a taste of the frustration that Walter Sheridan had suffered over the years as he battled against the invisible empire. The jury tampering in Nashville reads like *Police Gazette* fiction, but it's all too true. The Chicago trial, in which Jimmy Hoffa was finally convicted of stealing more than a million dollars from his Teamsters Pension Fund, is the stuff of high social drama. And the trials and tribulations of Ed Partin, the big and tough Teamster from Baton Rouge who turned on Hoffa, helped to convict him, and then was offered a million dollars if he would perjure himself and retract his testimony—or be destroyed if he refused; all of this must be read, and then reread and digested, to be believed. And remembered. The incredible cast of those working to gain a pardon for Hoffa, and a buy-off or conviction of Partin, includes governors, federal judges, Louisiana Mafiosi, Chicago gangsters, Pension Fund lawyer-grafters, senators, congressmen, administration officials, con-men, sleazy go-betweens. Even Audie Murphy and George Murphy get into the act, not to mention gun-totin' William Loeb and his infamous Teamsters-financed Manchester Union Leader.

Here is the enemy within, in all its star-spangled unglory.

The enemy walks among us, not as an underworld fugitive but as an adornment of cafe society, enjoying the best tables in New York and Miami, Las Vegas, Hollywood and Acapulco. You'll find him chumming with the celebrities at Le Club or "21" or the Sands, or in the Polo Lounge at the Beverly Hills Hotel. Instead of fearing government pressure, he'll boast of his in with the White House. And the "cream" of our society don't shun him, they invite him to their parties. And they hope he will return the favor.

In this painstaking book, Sheridan faces up to the reality that, after all the convictions and sensational disclosures, corruption flows on. George Jackson rotted in jail for nearly a decade for heisting $70. Jimmy Hoffa cops a million, bribes juries, runs with the most dangerous gangsters in America and, thanks to the intervention of his good friend Dick Nixon, does an easy five. This, after the parole board had rejected Hoffa's appeal three times in a row. This, in an election year when Nixon has become anathema to the legitimate labor movement and the Teamsters wind up as his only big-labor support.

The Nixon-Hoffa friendship, beginning when Nixon was Vice President, was emphasized again by his recent attendance at the executive board meeting of the Teamsters. And his Secretary of Labor gave fulsome praise to that gang-ridden union at its most recent convention. "A strange love affair," The New York Times has described it. One might call it something even stranger. Sheridan doesn't go in much for adjectives. He's fact man and his step-by-step account of the Hoffa-Nixon romance will make you want to weep for an America that is now challenged—as Bob Kennedy had begun to challenge her—to reach deep down and rediscover her soul.

Will the dry rot of moral decay leave the field to the Hoffas, the J.T.T. and the Syndicate? The enemy within seems to grow stronger every day. Whether or not a Jack Anderson, a Ralph Nader, a Walter Sheridan can arouse our people from their complacency is the question on which the future course of America may depend.

TRIBUTE TO MR. ELLAND ARCHER

Mrs. HUTCHISON. Mr. President, I am pleased to pay tribute to the exemplary life of Mr. Elland Archer of Mesquite, TX. Mr. Archer was born on December 17, 1932 to Frank and Jimmie Archer of Van Zandt County. His early years were spent in Terell and Van Zandt Counties during the Depression. In order to assist his family, he quit school in the eighth grade and later received his GED in the U.S. Army.

He served our Nation honorably in the U.S. Army from 1953 until 1955 and completed his Army Reserve obligation in 1961 in the rank of private first class. He graduated from Baylor University Law School in 1963.

Following his work for the Dallas County attorney and district attorney, he served as city attorney for the city of Mesquite from 1970–87. From 1989–93, he was the city manager and attorney for the city of Balch Springs. He was married for 35 years to the late Virginia Lois Archer.

Elland Archer passed away on September 1, 1994 and is survived by five children and two grandchildren in addition to his mother and six brothers and sisters.

Mr. Archer will be remembered by his family and friends for his dedication to our Nation, our State, and to the many citizens he served during his career. In setting high standards during his public service, his life was a model for others to follow.

HOMICIDES BY GUNSHOT IN NEW YORK CITY

Mr. MOYNIHAN. Mr. President, I rise today, as I have done each week of the 104th Congress, to announce to the Senate that 14 people were killed by gunshot in New York City this past week, bringing the total for 1995 to 89.

Mr. President, in an introduction to a published series of editorials on America's gun epidemic, Los Angeles Times editorial writer and research director Molly Selvin, writes:

> People do kill people—but they can do it more efficiently, more potently and more massively with guns. And guns, these days, are killing more people on the streets and in the homes, schools and workplaces of America than ever before * * * We can let the gun violence continue unabated, or we can do something and do something dramatic, effective, historic.

Ms. Selvin is quite correct. It will take dramatic measures to bring an end to the plague of gun violence. But the Senator from New York is compelled to point out that the solution proposed by the editorial series—a near-total ban on ownership and possession of guns—is simply not plausible. We have a two-century supply of guns. Unless abused, guns last almost indefinitely. Even if we could succeed in banning further production and sale of guns, it is unrealistic to think that we could reclaim the 200 million guns already in circulation today.

On the other hand, we have a very limited supply of bullets—perhaps only a four-year supply. I have repeatedly attempted to make the case that it is here we should focus our attention. By banning or taxing out of existence those calibers of bullets used most often in crime, the millions of guns already in the hands of criminals would soon be rendered useless.

To date, I have had difficulty convincing the Congress and past and present administrations of the merits of ammunition control. But as we sit idly by and watch bullets take the lives of nearly 40,000 Americans each year, I urge my colleagues to consider this sensible approach.

U.S. ARMY 2D LT. CURT SANSOUCIE—A NEW HAMPSHIRE HERO

Mr. SMITH. Mr. President, I rise today to salute U.S. Army Second Lieutenant Curt Sansoucie, from Rochester, NH, who died February 15, 1995, during a training exercise at Eglin Air Force Base Ranger School in Florida.

The accident that took the life of this fine young man was a terrible tragedy for his family and for the State of New Hampshire. Curt is the son of Gary and Theresa Sansoucie. He graduated from Somersworth High School where he was a member of the National Honor Society and a varsity football player.

I had the privilege of nominating Curt to West Point in December 1989. After graduating in June 1994, he attended Infantry Officer Basic School in Fort Benning, GA, where he completed a Master of Trainer's Fitness School. Curt then began Ranger School, where soldiers undergo the toughest training in the forest, mountains, desert, and swamps to prepare them for extreme war conditions.

Curt died doing exactly what he wanted to do; serving his country in the U.S. Army. I extend my deepest sympathies to Curt's family and friends. As a member of the Senate Armed Services Committee, I am honored to have represented Second Lt. Sansoucie and his family in the U.S. Senate. Second Lt. Curt Sansoucie joins a distinguished list of New Hampshire patriots who have given their lives in service of their country.

HONORING SENATOR PAUL SIMON'S WORK ON IMMIGRANTS AND REFUGEES

Mr. KENNEDY. Mr. President, tomorrow evening our friend and colleague, Senator PAUL SIMON, will be honored by the Lutheran Immigration and Refugee Service for his many distinguished years of commitment and achievement on behalf of immigrants and refugees.

This honor is eminently deserved. Senator SIMON has served with great distinction on the Immigration Subcommittee of the Senate Judiciary Committee since he first came to the Senate in 1985. Throughout his service, he has been an outstanding leader and defender of our Nation's long and proud history as a nation of immigrants and a haven for refugees. He has challenged all of us to honor this heritage, and to do all we can to alleviate the plight of victims of oppression throughout the world. PAUL has pursued this vision with integrity, dignity, fairness, and great intelligence and common sense.

In many respects, he has been the conscience of the Senate on immigration and refugee issues. The 10 yeas in which he has so ably served on the subcommittee have been years of major reform. His steady hand and deep moral conviction have been felt throughout this process of change.

In his book, "The Glass House," Senator SIMON observed: "There are morally preferred options, and . . . it is the responsibility of humanity and of government to strive toward the good, no matter how erratic and tortuous that path might be". PAUL SIMON exemplifies that good, and all of us who have worked with him are proud of his leadership.

His presence in the Senate will be deeply missed when he retires at the end of next year. In all his achievements, he has reminded us that America is at its best when it upholds the traditions of fairness, opportunity, and compassion which made our country great.

I commend the Lutheran Immigration and Refugee Service for this tribute to our friend and colleague, and join with my colleague Senator SIMPSON, the chairman of our Immigration Subcommittee, in congratulating Senator SIMON on this well-deserved honor.

Mr. SIMPSON. Mr. President, our colleague, Senator PAUL SIMON, will be honored tomorrow evening by the Lutheran Immigration and Refugee Service for his tireless devotion to the plight of refugees throughout the world. I want everyone to know how special this award is and how special PAUL SIMON is.

PAUL and I have worked together on the Immigration Subcommittee since he came to the Senate in 1985. He has become a dear friend. But PAUL SIMON is also a friend to the millions who suffer the devastation of tyranny and war. He is the unknown benefactor of the refugees who have found a safe haven on our shores. And he has been a benefactor of our Nation, for these refugees are a revitalizing force among us.

We enjoy the warm glow of bipartisanship on our subcommittee, and we need it. The issue of immigration is political dynamite and must be dealt with fairly. PAUL SIMON has been a persistent voice of justice and compassion on the subcommittee.

The Lutheran Immigration and Refugee Service has served thousands of those new to our shores, and their award is an honor and a trust. PAUL SIMON has lived up to that trust.

The Statue of Liberty enlightens the world, but her torch does not burn untended. PAUL SIMON has helped keep her lamp fueled and lit for America's newest immigrants.

I am so pleased that PAUL'S hard work has been recognized with such an honor, and I know our colleagues share that pleasure.

PEACE IN NORTHERN IRELAND—THE FRAMEWORK DOCUMENT

Mr. KENNEDY. Mr. President, today the Irish and British Governments released their much-anticipated Framework Document, which offers a fair and balanced approach to moving the Northern Ireland peace process forward.

The document imposes nothing on anyone. It reaffirms the solemn guarantee that the consent of the people of

Northern Ireland is the indispensable condition for any future settlement.

The great virtue of the document is that it provides exactly what was promised—a thoughtful and comprehensive analysis of the fundamental issues. Above all, it offers a solid basis for moving to the next step—which is talks among all the parties, and which I hope will begin soon.

Mr. President, I ask unanimous consent that today's statements by Irish Prime Minister John Bruton and British Prime Minister John Major and the text of the framework document may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTRODUCTORY REMARKS BY THE TAOISEACH (IRISH PRIME MINISTER) MR. JOHN BRUTON, TD, AT BELFAST LAUNCHING OF JOINT FRAMEWORK DOCUMENT, FEBRUARY 22, 1995

Today's new framework for agreement is a landmark event in the affairs of this island.

The two Governments are presenting to the political parties in Northern Ireland, and to the Irish and British people, a document which is the most detailed expression to date of our views on the subject of Northern Ireland.

The Prime Minister and I hope that the Framework Document will receive calm and measured consideration over the days and weeks ahead.

It is an important and serious text, offered as an aid to discussion and negotiation. It presents our best judgement of what might be an agreed outcome from future talks involving the two Governments and the political parties.

We commend it to the parties for their careful consideration and we look forward to discussing it in detail with them at the earliest opportunity.

May at this point pay a special tribute to my colleague the Tánaiste and his officials and to the Northern Ireland Secretary of State Patrick Mayhew and his team. Their determined efforts over many months have brought us to today's new framework for agreement.

The proposals which it contains are; we believe, balanced and fair and threaten nobody. No party need fear this document.

To the nationalist and republican people, the document:

Reaffirms that the British Government have no selfish, strategic or economic interest in Northern Ireland and that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland.

Says that the British Government will enshrine in its constitutional legislation the principles embodied in this new framework for agreement by the amendment of the Government of Ireland Act of 1920 or by its replacement by appropriate new legislation.

It will also be important to nationalists that both Governments consider that new institutions should be created to cater for present and future political, social and economic inter-connections within the island of Ireland. These institutions will enable representatives of the main traditions, North and South, to enter agreed relationships. This is the purpose of the North/South body proposed in this document.

To the unionist and loyalist people, I would point out that the document commits the Irish Government to ask the electorate to change the Irish Constitution. The change proposed will address Articles 2 and 3 in the following ways:

It would remove any jurisdictional or territorial claim of legal right over the territory of Northern Ireland contrary to the will of its people.

It would provide that the creation of a sovereign united Ireland could therefore only occur in circumstances where a majority of the people of Northern Ireland formally chose to be part of a united Ireland.

It is also important to unionists that the document also contains a recognition by both Governments of the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

The proposals will challenge the two traditions on this island but it will do so in an even-handed way. Neither tradition need fear its contents. As I have emphasized at every appropriate opportunity, it is a framework for discussion and not a blueprint to be imposed over the heads of anyone. Its purpose is to facilitate, not pre-empt, dialogue. At the end of the day, the people of both North and South respectively will have the final say.

The document is our carefully considered response to many suggestions, from the parties and others, that it would be helpful to have the view of the two Governments as to what might be an agreed outcome from future talks.

We are asking the parties to come and talk to us, openly and candidly, about these proposals. We believe that, taken in the round, they offer a basis for structured discussions leading to a new agreement.

We believe that they do. It is our hope that the political parties, having given them the attention they deserve, will take a similar view.

There can be no doubt about the enormous desire on the part of the ordinary pubilc—here, in the rest of Ireland and in Britain—for the earliest possible resumption of political dialogue.

The ending of all campaigns of paramilitary violence last autumn has created an unrivalled opportunity for such dialogue to take place with a reasonable prospect of a successful conclusion.

I join the Prime Minister in appealing to all the parties concerned to grasp this opportunity.

The Framework Document is our judgment of how things can best be taken forward. We have, in our view, the best opportunity in a generation for a lasting political settlement. We owe it to the peoples of both of these islands to put that opportunity to the test.

OPENING STATEMENT BY THE PRIME MINISTER, MR. JOHN MAJOR, AT A JOINT PRESS CONFERENCE WITH THE TAOISEACH, MR. JOHN BRUTON, TO LAUNCH THE JOINT FRAMEWORK DOCUMENT, BELFAST, WEDNESDAY, FEBRUARY 22, 1995

JOINT FRAMEWORK DOCUMENT

There is one reason, above all, why the Taoiseach and I have come to Belfast today.

We wish to offer our proposals here in Northern Ireland—to Northern Ireland's people and their representatives.

We seek to help peace, but only the people of Northern Ireland can deliver it.

So let me say to them:

These are our ideas, but the future is up to you;

You have an opportunity now which has not been there for many years;

An opportunity to work together to build a better future and a lasting peace.

Our proposals stem from the talks process launched four years ago, in March 1991.

It was agreed then by the two governments and the four participating parties that the process would have three strands. It would seek a new beginning for:

Relationships within Northern Ireland;

Relationships between the North and South of the island of Ireland;

And relations between the United Kingdom and the Republic.

We agreed that it was only by addressing all these relationships together that agreement would be found across the community in Northern Ireland.

At this press conference, the Taoiseach and I are publishing the document 'A New Framework for Agreement' which deals with the second and third of these strands. A little later this morning I shall put forward a separate document proposing new arrangements within Northern Ireland—which is of course a matter for the British Government and the Northern Ireland parties alone.

Our proposals are based on several principles: self-determination, consent, democratic and peaceful methods, and respect for the identities of both traditions.

Consent is and will remain paramount in our policy.

It is the democratic right and the safeguard of the people of Northern Ireland.

No proposals for the future would be workable, let alone successful, without the consent and active support of all Northern Ireland's people. For they are the people who would carry them out and whose lives would be affected.

That is why any eventual settlement must be agreed by the parties; supported by the people of Northern Ireland in a referendum; and approved by Parliament—a triple consent procedure.

Our constitutional matters, each Government has offered crucial new commitments in this Framework Document:

As part of a balanced agreement the British Government would enshrine its willingness to accept the will of a majority of the people of Northern Ireland in British Constitutional legislation. We shall embody the commitments we made in the Downing Street Declaration.

The Irish government would introduce and support proposals to change its Constitution, so that "no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted". This is a very important proposal that I welcome unreservedly.

These changes would offer Northern Ireland a constitutional stability which it has not hitherto enjoyed. Its future status, by agreement between the two governments, would be irrevocably vested in the wishes of a majority of its people.

In line with the three-stranded approach, we propose new institutions for North/South cooperation.

The North/South body which we outline would comprise elected representatives chosen from a new Northern Ireland Assembly and from the Irish Parliament. It would draw its authority from these two bodies. It would operate by agreement, and only by agreement.

On the UK side, the North/South body would initially be set up by legislation at Westminster, as part of a balanced agreement. It would come into operation following the establishment of the new Assembly.

Thereafter, it would be for the Assembly and the Irish Parliament both to operate the body and to decide whether its functions should be extended.

Like all of our proposals, the new North/South institutions will be a matter for negotiation. But the way should now be open for beneficial co-operation between North and South without the constitutional tensions which have been such impediments in the past. We have made suggestions about areas which might be covered in this co-operation, to the advantage of both sides. Like all aspects of the document, they will be for discussion and agreement between all concerned.

The European Union, already operates cross-border programmes between Northern Ireland the Republic, as it does elsewhere. We propose that North and South could usefully work together in specific areas, to take advantage of what the EU has to offer. But the making of United Kingdom policy and the responsibility for representing Northern Ireland in the European Union will remain solely in the hands of the UK Government.

In the third of our Strands, we outline a new broader-based agreement to take the place of the 1985 Anglo-Irish Agreement.

The 1985 Agreement was criticised because the Northern Ireland parties has not contributed to it. Our new proposals are offered for discussion in the Talks process. We want to hear the views of the parties; and we envisage that their representatives would be formally associated with the future work of the Intergovernmental Conference.

The Intergovernmental Conference would allow concerns to be expressed about any problems or breaches of the Agreement. But there would be no mechanism for the two Governments jointly to supervise or override either the Northern Ireland Assembly or the North/South body. It would be for each Government to deal on its own with any problems within its own jurisdiction. This would not be a question for joint decision, still less joint action. It is important to be clear about this, as there have been concerns on this score.

Our two Governments have worked with patient determination to agree on this Framework, and I am grateful to the Taoiseach, his predecessor, and the Tanaiste for their efforts and their spirit of accommodation.

Our proposals seek to stimulate constructive and open discussion and give a fresh impetus to the political negotiations. The outcome of these negotiations will depend, not on us, but on the consent of the parties, people, and Parliament.

It is not for us to impose. But what we propose is an end to the uncertainty, instability and internal divisions which have bedevilled Northern Ireland.

For over four years as Prime Minister, I have listened intently to the people of Northern Ireland. I have visited them, consulted them, travelled more widely than any predecessor throughout the Province, and held meetings with political leaders, church leaders, council leaders, community leaders, and people from all walks of life.

It is my duty as Prime Minister of the UK to maintain the Union for as long as that is the will of the people. It is a duty in which I strongly believe, and one which these proposals protect. Just as people cannot be held within the Union against their will, so equally they will never be asked to leave it in defiance of the will of the majority.

Consent and free negotiation are fundamental to me, and they are the foundation stones of this Joint Document.

In the four years of the Talks process, we have travelled a long way, but not yet far enough.

I know that many people will be worried, perhaps even pessimistic, about the future.

But as we look at the hurdles ahead, let us consider where we have come from.

The dialogue of the deaf has ended.

For four years, we have been engaged in talks.

The three-stranded approach is becoming a reality.

The Joint Declaration has been accepted.

The British Government is engaged in talks with paramilitaries on both sides.

We have had nearly six months of peace.

Prosperity and a normal life are returning to Northern Ireland.

The principle of consent, once accepted only by Unionists and the British Government, is today accepted almost everywhere.

These are some of the gains for everyone in Northern Ireland.

More gains can lie ahead if we have the courage to conduct ourselves with patience, with foresight and with consideration.

To reach our destination, all concerned must be ready to look to the future rather than to the past. We must put aside old shibboleths. We must show fairmindedness and imagination.

The destination I seek is a lasting and peaceful settlement. It is attainable, and I believe we have taken a very important step towards it today.

A NEW FRAMEWORK FOR AGREEMENT

(A shared understanding between the British and Irish Governments to assist discussion and negotiation involving the Northern Ireland parties)

1. The Joint Declaration acknowledges that the most urgent and important issue facing the people of Ireland, North and South, and the British and Irish Governments together, is to remove the causes of conflict, to overcome the legacy of history and to heal the divisions which have resulted.

2. Both Governments recognize that there is much for deep regret on all sides in the long and often tragic history of Anglo-Irish relations, and of relations in Ireland. They believe it is now time to lay aside, with dignity and forbearance, the mistakes of the past. A collective effort is needed to create, through agreement and reconciliation, a new beginning founded on consent, for relationships within Northern Ireland, within the island of Ireland and between the peoples of these islands. The Joint Declaration itself represents an important step towards this goal, offering the people of Ireland, North and South, whatever their tradition, the basis to agree that from now on their differences can be negotiated and resolved exclusively by peaceful political means.

3. The announcements made by the Irish Republican Army on 31 August 1994 and the Combined Loyalist Military Command on 13 October 1994 are a welcome response to the profound desire of people throughout these islands for a permanent end to the violence which caused such immense suffering and waste and served only to reinforce the barriers of fear and hatred, impeding the search for agreement.

4. A climate of peace enables the process of healing to begin. It transforms the prospects for political progress, building on that already made in the Talks process. Everyone now has a role to play in moving irreversibly beyond the failures of the past and creating new relationships capable of perpetuating peace with freedom and justice.

5. In the Joint Declaration both Governments set themselves the aid of fostering agreement and reconciliation, leading to a new political framework founded on consent. A vital dimension of this three-stranded process is the search, through dialogue with the relevant Northern Ireland parties, for new institutions and structures to take account of the totality of relationships and to enable the people of Ireland to work together in all areas of common interest while fully respecting their diversity.

6. Both Governments are conscious of the widespread desire, throughout both islands and more widely, to see negotiations underway as soon as possible. They also acknowledge the many requests, from parties in Northern Ireland and elsewhere, for both Governments to set out their views on how agreement might be reached on relationships within the island of Ireland and between the peoples of these islands.

7. In this Framework Document both Governments therefore describe a shared understanding reached between them on the parameters of a possible outcome to the Talks process, consistent with the Joint Declaration and the statement of 26 March 1991. Through this they hope to give impetus and direction to the process and to show that a fair and honourable accommodation can be envisaged across all the relationships, which would enable people to work constructively for their mutual benefit, without compromising the essential principles or the long-term aspirations or interests of either tradition or of either community.

8. Both Governments are aware that the approach in this document presents challenges to strongly-held positions on all sides. However, a new beginning in relationships means addressing fundamental issues in a new way and inevitably requires significant movement from all sides. This document is not a rigid blueprint to be imposed but both Governments believe it sets out a realistic and balanced framework for agreement which could be achieved, with flexibility and goodwill on all sides, in comprehensive negotiations with the relevant political parties in Northern Ireland. In this spirit, both Governments offer this document for consideration and accordingly strongly commend it to the parties, the people in the island of Ireland and more widely.

9. The primary objective of both Governments in their approach to Northern Ireland is to promote and establish agreement among the people of the island of Ireland, building on the Joint Declaration. To this end they will both deploy their political resources with the aim of securing a new and comprehensive agreement involving the relevant political parties in Northern Ireland and commanding the widest possible support.

10. They take as guiding principles for their co-operation in search of this agreement:

(i) the principle of self-determination, as set out in the Joint Declaration;

(ii) that the consent of the governed is an essential ingredient for stability in any political arrangement;

(iii) that agreement must be pursued and established by exclusively democratic, peaceful means, without resort to violence or coercion;

(iv) that any new political arrangements must be based on full respect for, and protection and expression of, the rights and identities of both traditions in Ireland and even-handedly afford both communities in Northern Ireland party of esteem and treatment including equality of opportunity and advantage.

11. They acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep divisions between the members of the two main traditions living there over their respective sense of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands. However, the two Governments also recognize that the large majority of people, in both parts of Ireland, are at one in their commitment to the democratic process and in their desire to resolve political differences by peaceful means.

12. In their search for political agreement, based on consent, the two Governments are determined to address in a fresh way all of the relationships involved. Their aim is to overcome the legacy of division by reconciling the rights of both traditions in the fullest and most equitable manner. They will continue to work towards and encourage the achievement of agreement, so as to realise the goal set out in the statement of 26 March 1991 of "a new beginning for relationships within Northern Ireland, with the island of Ireland and between the peoples of these islands".

13. The two Governments will work together with the parties to achieve a comprehensive accommodation, the implementation of which would include interlocking and mutually supportive institutions across the three strands, including:

(a) *Structures within Northern Ireland (paragraphs 22 and 23)*—to enable elected representatives in Northern Ireland to exercise shared administrative and legislative control over all those matters that can be agreed across both communities and which can most effectively and appropriately be dealt with at that level;

(b) *North/South institutions (paragraphs 24-38)*—with clear identity and purpose, to enable representatives of democratic institutions, North and South, to enter into new, co-operative and constructive relationships; to promote agreement among the people of the island of Ireland; to carry out on a democratically accountable basis delegated executive, harmonising and consultative functions over a range of designated matters to be agreed; and to serve to acknowledge and reconcile the rights, identities and aspirations of the two major traditions;

(c) *East-West structures (paragraphs 39-49)*—to enhance the existing basis for co-operation between the two Governments, and to promote, support and underwrite the fair and effective operation of the new arrangements.

CONSTITUTIONAL ISSUES

14. Both Governments accept that agreement on an overall settlement requires, inter alia, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.

15. Given the absence of consensus and depth of divisions between the two main traditions in Northern Ireland, the two Governments agree that such an accommodation will involve an agreed new approach to the traditional constitutional doctrines on both sides. This would be aimed at enhancing and codifying the fullest attainable measure of consent across both traditions in Ireland and fostering the growth of consensus between them.

16. In their approach to Northern Ireland they will apply the principle of self-determination by the people of Ireland on the basis set out in the Joint Declaration: the British Government recognise that it is for the people of Ireland alone, by agreement between the two parts respectively and without external impediment, to exercise their right of self-determination on the basis of consent, freely and concurrently given, North and South, to bring about a united Ireland, if that is their wish; the Irish Government accept that the democratic right of self-determination by the people of Ireland as a whole must be achieved and exercised with and subject to the agreement and consent of a majority of the people of Northern Ireland.

17. New arrangements should be in accordance with the commitments in the Anglo-Irish Agreement and in the Joint Declaration. They should acknowledge that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of the people of Northern Ireland. If in future a majority of the people there wish for and formally consent to the establishment of a united Ireland, the two Governments will introduce and support legislation to give effect to that wish.

18. Both Governments recognize that Northern Ireland's current constitutional status reflects and relies upon the present wish of a majority of its people. They also acknowledge that at present a substantial minority of its people wish for a united Ireland. Reaffirming the commitment to encourage, facilitate and enable the achievement of agreement over a period among all the people who inhabit the island, they acknowledge that the option of a sovereign united Ireland does not command the consent of the unionist tradition, nor does the existing status of Northern Ireland command the consent of the nationalist tradition. Against this background, they acknowledge the need for new arrangements and structures—to reflect the reality of diverse aspirations, to reconcile as fully as possible the rights of both traditions, and to promote co-operation between them, so as to foster the process of developing agreement and consensus between all the people of Ireland.

19. They agree that future arrangements relating to Northern Ireland, and Northern Ireland's wider relationships, should respect the full and equal legitimacy and worth of one identity, sense of allegiance, aspiration and ethos of both the unionist and nationalist communities there. Consequently, both Governments commit themselves to the principle that institutions and arrangements in Northern Ireland and North/South institutions should afford both communities secure and satisfactory political, administrative and symbolic expression and protection. In particular, they commit themselves to entrenched provisions guaranteeing equitable and effective political participation for whichever community finds itself in a minority position by reference to the Northern Ireland framework, or the wider Irish framework, as the case may be, consequent upon the operation of the principle of consent.

20. The British Government reaffirm that they will uphold the democratic wish of a greater number of the people of Northern Ireland on the issue of whether they prefer to support the Union or a sovereign united Ireland. On this basis, they reiterate that they have no selfish strategic or economic interest in Northern Ireland. For as long as the democratic wish of the people of Northern Ireland is for no change in its present status, the British Government pledge that their jurisdiction there will be exercised with rigorous impartiality on behalf of all the people of Northern Ireland in their diversity. It will be founded on the principles outlined in the previous paragraph with emphasis on full respect for, and equality of, civil, political, social and cultural rights and freedom from discrimination for all citizens, on parity of esteem, and on just and equal treatment for the identity, ethos and aspirations of both communities. The British Government will discharge their responsibilities in a way which does not prejudice the freedom of the people of Northern Ireland to determine, by peaceful and democratic means, its future constitutional status, whether in remaining a part of the United Kingdom or in forming part of a united Ireland. They will be equally cognizant of either option and open to its democratic realization, and will not impede the latter option, their primary interest being to see peace, stability and reconciliation established by agreement among the people who inhabit the island. This new approach for Northern Ireland, based on the continuing willingness to accept the will of a majority of the people there, will be enshrined in British constitutional legislation embodying the principles and commitments in the Joint Declaration and this Framework Document, either by amendment of the Government of Ireland Act 1920 or by its replacement by appropriate new legislation, and appropriate new provisions entrenched by agreement.

21. As part of an agreement confirming the foregoing understanding between the two Governments on constitutional issues, the Irish Government will introduce and support proposals for changes in the Irish Constitution to implement the commitments in the Joint Declaration. These changes in the Irish Constitution will fully reflect the principle of consent in Northern Ireland and demonstrably be such that no territorial claim of right to jurisdiction over Northern Ireland contrary to the will of a majority of its people is asserted, while maintaining the existing birthright of everyone born in either jurisdiction in Ireland to be part, as of right, of the Irish nation. They will enable a new Agreement to be ratified which will include, as part of a new and equitable dispensation for Northern Ireland embodying the principles and commitments in the Joint Declaration and this Framework Document, recognition by both Governments of the legitimacy of whatever choices is freely exercised by a majority of the people of Northern Ireland with regard to its constitutional status, whether they prefer to continue to support the Union or a sovereign united Ireland.

STRUCTURES IN NORTHERN IRELAND

22. Both Governments recognize that new political structures within Northern Ireland must depend on the co-operation of elected representatives there. They confirm that cross-community agreement is an essential requirement for the establishment and operation of such structures. They strongly favour and will support provision for cross-community consensus in relation to decisions affecting the basic rights, concerns and fundamental interests of both communities, for example on the lines adumbrated in Strand 1 discussions in the 1992 round-table talks.

23. While the principles and overall context for such new structures are a recognized concern of both Governments in the exercise of their respective responsibilities, they consider that the structures themselves would be most effectively negotiated, as part of a comprehensive three-stranded process, in direct dialogue involving the relevant political parties in Northern Ireland who would be called upon to operate them.

NORTH/SOUTH INSTITUTIONS

24. Both Governments consider that new institutions should be created to cater adequately for present and future political, social and economic inter-connections on the island of Ireland, enabling representatives of the main traditions, North and South, to enter agreed dynamic, new, co-operative and constructive relationships.

25. Both Governments agree that these institutions should include a North/South body involving Heads of Department on both sides and duly established and maintained by legislation in both sovereign Parliaments. This body would bring together these Heads of Department representing the Irish Government and new democratic institutions in Northern Ireland, to discharge or oversee delegated executive, harmonising or consultative functions, as appropriate, over a range of matters which the two Governments designate in the first instance in agreement with the parties or which the two administrations, North and South, subsequently agree to designate. It is envisaged or overseen by the North/South body, whether by executive action, harmonisation or consultation, account will be taken of:

i the common interest in a given matter on the part of both parts of the island; or

ii the mutual advantage of addressing a matter together; or

iii the mutual benefit which may derive from it being administered by the North/South body; or

iv the achievement of economies of scale and the avoidance of unnecessary duplication of effort.

In relevant posts in each of the two administrations participation in the North/South body would be a duty of service. Both Governments believe that the legislation should provide for a clear institutional identity and purpose for the North/South body.It would also establish the body's terms of reference, legal status and arrangements for political, legal, administrative and financial accountability. The North/South body could operate through, or oversee, a range of functionally-related subsidiary bodies or other entities established to administer designated functions on an all-island or cross-border basis.

26. Specific arrangements would need to be developed to apply to EU matters. Any EU matter relevant to the competence of either administration could be raised for consideration in the North/South body. Across all designated matters and in accordance with the delegated functions, both Governments agree that the body will have an important role, with their support and co-operation and in consultation with them, in developing on a continuing basis an agreed approach for the whole island in respect of the challenges and opportunities of the European Union. In respect of matters designated at the executive level, which would include all EC programmes and initiatives to be implemented on a cross-border or island-wide basis in Ireland, the body itself would be responsible, subject to the Treaty obligations of each Government, for the implementation and management of EC policies and programmes on a joint basis. This would include the preparation, in consultation with the two Governments, of joint submissions under EC programmes and initiatives and their joint monitoring and implementation, although individual projects could be implemented either jointly or separately.

27. Both Governments envisage regular and frequent meetings of the North/South body:

To discharge the functions agreed for it in relation to a range of matters designated for treatment on an all-Ireland or cross-border basis:

To oversee the work of subsidiary bodies.

28. The two Governments envisage that legislation in the sovereign Parliaments should designate those functions which should, from the outset, be discharged or overseen by the North/South body; and they will seek agreement on these, as on other features of North/South arrangements, in discussion with the relevant political parties in Northern Ireland. It would also be open to the North/South body to recommend to the respective administrations and legislatures for their consideration that new functions should be designated to be discharged or overseen by that body; and to recommend that matters already designated should be moved on the scale between consultation, harmonization and executive action. Within those responsibilities transferred to new institutions in Northern Ireland, the British Government have no limits of their own to impose on the nature and extent of functions which could be agreed for designation at the outset or, subsequently, between the Irish Government and the Northern Ireland administration. Both Governments expect that significant responsibilities, including meaningful functions at executive level, will be a feature of such agreement. The British Government believe that, in principle, any function devolved to the institutions in Northern Ireland could be so designated, subject to any necessary savings in respect of the British Government's powers and duties, for example to ensure compliance with EU and international obligations. The Irish Government also expect to designate a comparable range of functions.

29. Although both Governments envisage that representatives of North and South in the body could raise for discussion any matter of interest to either side which falls within the competence of either administration, it is envisaged, as already mentioned, that its designated functions would fall into three broad categories:

consultative: the North/South body would be a forum where the two sides would consult on any aspect of designated matters on which either side wished to hold consultations. Both sides would share a duty to exchange information and to consult about existing and future policy, though there would be no formal requirement that agreement would be reached or that policy would be harmonized or implemented jointly, but the development of mutual understanding or common or agreed positions would be the general goal;

harmonising: in respect of these designated responsibilities there would be, in addition to the duty to exchange information and to consult of the formulation of policy, an obligation on both sides to use their best endeavors to reach agreement on a common policy and to make determined efforts to overcome any obstacles in the way of that objective, even though its implementation might be undertaken by the two administrations separately;

executive: in the case of these designated responsibilities the North/South body would itself be directly responsible for the establishment of an agreed policy and for its implementation on a joint basis. It would however be open to the body, where appropriate, to agree that the implementation of the agreed policy would be undertaken either by existing bodies, acting in an agency capacity, whether jointly or separately, North and South, or by new bodies specifically created and mandated for this purpose.

30. In this light, both Governments are continuing to give consideration to the range of functions that might, with the agreement of the parties, be designated at the outset and accordingly they will be ready to make proposals in that regard in future discussions with the relevant Northern Ireland parties.

31. By way of illustration, it is intended that these proposals would include at the executive level a range of functions, clearly defined in scope, from within the following broad categories:

Sectors involving a natural or physical all-Ireland framework;

EC programmes and initiatives;

Marketing and promotion activities abroad;

Culture and heritage.

32. Again, by way of illustration, the Governments would make proposals at the harmonising level for a broader range of functions, clearly defined in scope (including as appropriate, relevant EU aspects; from within the following categories:

Aspects of—agriculture and fisheries; industrial development; consumer affairs; transport; energy; trade; health; social welfare; education; and economic policy.

33. By way of example, the category of agriculture and fisheries might include agricultural and fisheries research, training and advisory services, and animal welfare; health might include co-operative ventures in medical, paramedical and nursing training, cross-border provision of hospital services and major emergency/accident planning; and education might include mutual recognition of teacher qualifications, co-operative ventures in higher education, in teacher training, in education for mutual understanding and in education for specialized needs.

34. The Governments also expect that a wide range of functions would be designated at the consultative level.

35. Both Governments envisage that all decisions within the body would be by agreement between the two sides. The Heads of Department on each side would operate within the overall terms of references mandated by legislation in the two sovereign Parliaments. They would exercise their powers in accordance with the rules for democratic authority and accountability for this function in force in the Oireachtas and in new institutions in Northern Ireland. The operation of the North/South body's functions would be subject to regular scrutiny in agreed political institutions in Northern Ireland and the Oireachtas respectively.

36. Both Governments expect that there would be a Parliamentary Forum, with representatives from agreed political institutions in Northern Ireland and members of the Oireachtas, to consider a wide range of matters of mutual interest.

37. Both Governments envisage that the framework would include administrative support staffed jointly by members of the Northern Ireland Civil Service and the Irish Civil Service. They also envisage that both administrations will need to arrange finance for the North/South body and its agencies on the basis that these constitute a necessary public function.

38. Both Governments envisage that this new framework should serve to help heal the divisions among the communities on the island of Ireland; provide a forum for acknowledging the respective identities and requirements of the two major traditions: express and enlarge the mutual acceptance of the validity of those traditions; and promote understanding and agreement among the people

and institutions in both parts of the island. The remit of the body should be dynamic, enabling progressive extension by agreement of its functions to new areas. Its role should develop to keep pace with the growth of harmonization and with greater integration between the two economies.

EAST-WEST STRUCTURES

39. Both Governments envisage a new and more broadly-based Agreement, developing and extending their co-operation, reflecting the totality of relationships between the two islands, and dedicated to fostering co-operation, reconciliation and agreement in Ireland at all levels.

40. They intend that under such a new Agreement a standing Intergovernmental Conference will be maintained, chaired by the designated Irish Minister and by the Secretary of State for Northern Ireland. It would be supported by a Permanent Secretariat of civil servants from both Governments.

41. The Conference will be a forum through which the two Governments will work together in pursuance of their joint objectives of securing agreement and reconciliation amongst the people of the island of Ireland and of laying the foundations for a peaceful and harmonious future based on mutual trust and understanding between them.

42. The Conference will provide a continuing institutional expression for the Irish Government's recognized concern and role in relation to Northern Ireland. The Irish Government will put forward views and proposals on issues falling within the ambit of the new Conference or involving both Governments, and determined efforts will be made to resolve any differences between the two Governments. The Conference will be the principal instrument for an intensification of the co-operation and partnership between both Governments, with particular reference to the principles contained in the Joint Declaration, in this Framework Document and in the new Agreement, on a wide range of issues concerned with Northern Ireland and with the relations between the two parts of the island of Ireland. It will facilitate the promotion of lasting peace, stability, justice and reconciliation among the people of the island of Ireland and maintenance of effective security co-operation between the two Governments.

43. Both Governments believe that there should also be provision in the Agreement for developing co-operation between the two Governments and both islands on a range of "East-West" issues and bilateral matters of mutual interest not covered by other specific arrangements, either through the Anglo-Irish Intergovernmental Council, the Conference or otherwise.

44. Both Governments accept that issues of law and order in Northern Ireland are closely intertwined with the issues of political consensus. For so long as these matters are not devolved, it will be for the Governments to consider ways in which a climate of peace, new institutions and the growth of political agreement may offer new possibilities and opportunities for enhancing community identification with policing in Northern Ireland, while maintaining the most effective possible deployment of the resources of each Government in their common determination to combat crime and prevent any possible recourse to the use or threat of violence for political ends, from any source whatsoever.

45. The Governments envisage that matters for which responsibility is transferred to new political institutions in Northern Ireland will be excluded from consideration in the Conference, except to the extent that the continuing responsibilities of the Secretary of State for Northern Ireland are relevant, or that cross-border aspects of transferred issues are not otherwise provided for, or in the circumstances described in the following paragraph.

46. The Intergovernmental Conference will be a forum for the two Governments jointly to keep under review the workings of the Agreement and to promote, support and underwrite the fair and effective operation of all its provisions and the new arrangements established under it. Where either Government considers that any institution, established as part of the overall accomodation. Is not properly functioning within the Agreement or that a breach of the Agreement has otherwise occurred. The conference shall consider the matter on the basis of a shared commitment to arrive at a common position or, where that is not possible, to agree a procedure to resolve the difference between them. If the two Governments conclude that a breach has occurred in any of the above circumstances, either Government may make proposals for remedy and adequate measures to redress the situation shall be taken. However, each Government will be responsible for the implementation of such measures of redress within its own jurisdiction. There would be no derogation from the sovereignty of either Government; each will retain responsibility for the decisions and administration of government within its own jurisdiction.

47. In the event that devolved institutions in Northern Ireland ceased to operate, and direct rule from Westminster was reintroduced, the British Government agree that other arrangements would be made to implement the commitment to promote co-operation at all levels between the people, North and South, representing both traditions in Ireland, as agreed by the two Governments in the Joint Declaration, and to ensure that the co-operation that had been developed through the North/South body be maintained.

48. Both Governments envisage that representatives of agreed political institutions in Northern Ireland may be formally associated with the work of the Conference, in a manner and to an extent to be agreed by both Governments after consultation with them. This might involve giving them advance notice of what is to be discussed in the Conference, enabling them to express views to either Government and inviting them to participate in various aspects of the work of the Conference. Other more structured arrangements could be devised by agreement.

49. The Conference will also be a framework for consultation and coordination between both Governments and the new North/South institutions, where the wider role of the two Governments is particularly relevant to the work of those institutions, for example in a coordinated approach on EU issues. It would be for consideration by both Governments, in consultation with the relevant parties in the North, or with the institutions after they have been established, whether to achieve this through formal or ad hoc arrangements.

PROTECTION OF RIGHTS

50. There is a large body of support, transcending the political divide, for the comprehensive protection and guarantee of fundamental human rights. Acknowledging this, both Governments envisage that the arrangements set out in this Framework Document will be complemented and underpinned by an explicit undertaking in the Agreement on the part of each Government, equally, to ensure in its jurisdiction in the island of Ireland, in accordance with its constitutional arrangements, the systematic and effective protection of common specified civil, political, social and cultural rights. They will discuss and seek agreement with the relevant political parties in Northern Ireland as to what rights should be so specified and how they might best be further protected, having regard to each Government's overall responsibilities including its international obligations. Each Government will introduce appropriate legislation in its jurisdiction to give effect to any such measure of agreement.

51. In addition, both Governments would encourage democratic representatives from both jurisdictions in Ireland to adopt a Charter or Covenant, which might reflect and endorse agreed measures for the protection of the fundamental rights of everyone living in Ireland. It could also pledge a commitment to mutual respect and to the civil rights and religious liberties of both communities, including: The right of free political thought, the right to freedom and expression of religion, the right to pursue democratically national and political aspirations, the right to seek constitutional change by peaceful and legitimate means, the right to live wherever one chooses without hindrance, the right to equal opportunity in all social and economic activity, regardless of class, creed, gender or colour.

52. This Charter or Covenant might also contain a commitment to the principle of consent in the relationships between the two traditions in Ireland. It could incorporate also an enduring commitment on behalf of all the people of the island to guarantee and protect the rights, interests, ethos and dignity of the unionist community in any all-Ireland framework that might be developed with consent in the future, to at least the same extent as provided for the nationalist community in the context of Northern Ireland under the structures and provisions of the new Agreement.

53. The Covenant might also affirm on behalf of all traditions in Ireland a solemn commitment to the exclusively peaceful resolution of all differences between them including in relation to all issues of self-determination, and a solemn repudiation of all recourse to violence between them for any political end or purpose.

CONCLUSION

54. Both Governments agree that the issues set out in this Framework Document should be examined in the most comprehensive attainable negotiations with democratically mandated political parties in Northern Ireland which abide exclusively by peaceful means and wish to join in dialogue on the way ahead.

55. Both Governments intend that the outcome of these negotiations will be submitted for democratic ratification through referendums, North and South.

56. Both Governments believe that the present climate of peace, which owes much to the imagination, courage and steadfastness of all those who have suffered from violence, offers the best prospect for the Governments and the parties in Northern Ireland to work to secure agreement and consent to a new political accommodation. To accomplish that would be an inestimable prize for all, and especially for people living in Northern Ireland, who have so much to gain from such an accommodation, in which the divisions of the past are laid aside forever and differences are resolved by exclusively political means. Both Governments believe that a

new political dispensation, such as they set out in this Framework Document, achieved through agreement and reconciliation and founded on the principle of consent, would achieve that objective and transform relationships in Northern Ireland, in the island of Ireland and between both islands.

57. With agreement, co-operation to the mutual benefit of all living in Ireland could develop without impediment, attaining its full potential for stimulating economic growth and prosperity. New arrangements could return power, authority and responsibility to locally-elected representatives in Northern Ireland on a basis acceptable to both sides of the community, enabling them to work together for the common welfare and interests of all the community. The diversity of identities and allegiances could be regarded by all as a source of mutual enrichment, rather than a threat to either side. The divisive issue of sovereignty might cease to be symbolic of the domination of one community over another. It would instead be for decision under agreed ground-rules, fair and balanced towards both aspirations, through a process of democratic persuasion governed by the principle of consent rather than by threat, fear or coercion. In such circumstances the Governments hope that the relationship between the traditions in Northern Ireland could become a positive bond of further understanding, co-operation and amity, rather than a source of contention, between the wider British and Irish democracies.

58. Accordingly the British and Irish Governments offer for consideration and strongly commend these proposals, trusting that, with generosity and goodwill, the peoples of these islands will build on them a new and lasting agreement.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A DEFERRAL AND RESCISSIONS AFFECTING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES—MESSAGE FROM THE PRESIDENT—PM 21

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; referred jointly to the Committee on the Budget, the Committee on Appropriations, the Committee on Finance, the Committee on Labor and Human Resources, and the Committee on Environment and Public Works; as follows:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $7.3 million, and two revised rescission proposals, totaling $106.7 million.

The revised deferral affects the Department of Health and Human Services. The revised rescission proposals affect the Department of Education and the Environmental Protection Agency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1995.*

WORKING WAGE INCREASE ACT—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, a draft of proposed legislation to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act; which was referred to the Committee on Labor and Human Resources; as follows:

To the Congress of the United States:

I am pleased to transmit for your immediate consideration and enactment the "Working Wage Increase Act of 1995."

This draft bill would amend the Fair Labor Standards Act to increase the minimum wage in two 45 cents steps—from the current rate of $4.25 an hour to $4.70 an hour on July 4, 1995, and to $5.15 an hour after July 3, 1996. The pattern of the proposed increase is identical to that of the last increase, which passed the Congress with a broad bipartisan majority and was signed by President Bush in 1989. The first increment of the proposal simply restores the minimum wage to its real value following the change enacted in 1989.

If the Congress does not act now, the minimum wage will fall to its lowest real level in 40 years. That would dishonor one of the great promises of American life—that everyone who works hard can earn a living wage. More than 11 million workers would benefit under this proposal, and a full-time, year-round worker at the minimum wage would get a $1,800 raise—the equivalent of 7 months of groceries for the average family.

To reform the Nation's welfare system, we should make work pay, and this legislation would help achieve that result. It would offer a raise to families that are working hard, but struggling to make ends meet. Most individuals earning the minimum wage are adults, and the average worker affected by this proposal brings home half of the family's earnings. Numerous empirical studies indicate that an increase in the minimum wage of the magnitude proposed would not have a significant impact on employment. The legislation would ensure that those who work hard and play by the rules can live with the dignity they have earned.

I urge the Congress to take prompt and favorable action on this legislation.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 13, 1995.*

MESSAGE FROM THE HOUSE

At 2:24 p.m., a message from the House of Representatives, delivered by one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 7. An act to revitalize the national security of the United States;

H.R. 667. An act to control crime by incarcerating violent criminals;

H.R. 728. An act to control crime by providing law enforcement block grants; and

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes.

The message also announced that pursuant to the provisions of 22 United States Code, 1928a, the Speaker appoints the following Members to the United States Group of the North Atlantic Assembly on the part of the House: Mr. BEREUTER, Chairman, Mr. SOLOMON, Vice Chairman, Mr. REGULA, Mr. BATEMAN, Mr. BLILEY, Mr. BOEHLERT, Mrs. MEYERS of Kansas, and Mrs. ROUKEMA.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 7. An act to revitalize the national security of the United States; to the Committee on Foreign Relations.

H.R. 667. An act to control crime by incarcerating violent criminals; to the Committee on the Judiciary.

H.R. 728. An act to control crime by providing law enforcement block grants; to the Committee on the Judiciary.

H.R. 831. An act to amend the Internal Revenue Code of 1986 to permanently extend the deduction for the health insurance costs of self-employed individuals, to repeal the provision permitting nonrecognition of gain on sales and exchanges effectuating policies of the Federal Communications Commission, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 376. A bill to resolve the current labor dispute involving major league baseball, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

General James B. Davis, United States Air Force, Retired, of Florida, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Beverly Butcher Byron, term expired.

Wendi Louise Steele, of Texas, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Harry C. McPherson, Jr., term expired.

Benjamin F. Montoya, of New Mexico, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Arthur Levitt, Jr., term expired.

S. Lee Kling, of Maryland, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Hansford T. Johnson, term expired.

Alton W. Cornella, of South Dakota, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress, vice Peter B. Bowman, term expired.

Rebecca G. Cox, of California, to be a Member of the Defense Base Closure and Realignment Commission for a term expiring at the end of the first session of the 104th Congress. (Reappointment)

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GORTON:

S. 461. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environmental and Public Works.

By Mr. BREAUX:

S. 463. A bill to amend title 28, United States Code, with respect to the treatment of certain transportation and subsistence expenses of retired judges; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. D'AMATO, Mr. PACKWOOD, and Mr. HATFIELD):

S. 457. A bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws; to the Committee on the Judiciary.

LEGISLATION TO FACILITATE INTERNATIONAL ADOPTIONS

Mr. SIMON. Mr. President, I rise today to introduce legislation to help individuals trying to adopt a child from a foreign country.

The adoption landscape has changed dramatically in this country over the past 25 years. While international adoptions continue to be a small part of total U.S. adoptions—about 15 percent—thousands of Americans pursue them every year.

Our law regarding international adoption is in a state of some confusion. U.S. law requires that a child be certified as an orphan in order to be eligible for adoption by an American and for an immigrant visa to the United States. This can be accomplished in one of two ways: proof that both parents are dead or; irrevocable release by a sole parent for adoption and emigration. Under U.S. law, a sole parent is the mother of an illegitimate child. Many countries, however, have stopped using the term illegitimate, as have many States in this country. Children born in such countries to parents who are not married are now considered legitimate but born out of wedlock. Technology, these children are no longer eligible for adoption and emigration to the United States, even if the child's father has abandoned him or her.

Despite this quirk in our international adoption law, the INS until recently allowed the adoption and emigration of children who were legitimate but born out of wedlock under their native countries' laws. Last fall, however, the INS issued a new interpretation of the law that required written notice of abandonment from both biological parents. U.S. Consular offices in host countries began disapproving visa applications for children who do not fit the statutory sole parent of an illegitimate child definition, even when it was clear that the biological father had abandoned a child. Around the world, adoptions by U.S. families ground to a halt.

There is a simple and easy fix to this problem and this legislation will do just that. My bill would change the current use of legitimate and illegitimate in the section of the INS Act that defines "child" for immigration purposes to born out of wedlock. With this relatively simple change, we can ensure that hundreds of Americans will be able to proceed with international adoptions that are legitimate and meet the legal definitions of both a host country and of the United States. Both INS and the State Department strongly support this bill.

I request that this legislation be printed in full in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF CHILD.

Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "legitimate child" and inserting "child born in wedlock"; and

(B) in subparagraph (D), by striking "an illegitimate child" and inserting "a child born out of wedlock"; and

(2) in paragraph (2), by striking "an illegitimate child" and inserting "a child born out of wedlock".

By Mr. WELLSTONE (for himself and Mr. HARKIN):

S. 458. A bill to protect the opening of the 1995 season for the hunting of migratory birds, and for other purposes; to the Committee on Environment and Public Works.

LEGISLATION PROTECTING THE OPENING OF THE 1995 HUNTING SEASON

Mr. WELLSTONE. Mr. President, I rise on the floor of the Senate to introduce a bill which protects the opening of the 1995 season for the hunting of migratory birds. This is a hugely important issue in my State of Minnesota and I believe in some other States as well.

Mr. President, I ask unanimous consent that a letter that I sent to Chairman ROTH, as well as the ranking minority member of the Governmental Affairs Committee, Senator JOHN GLENN, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 21, 1995.
Hon. WILLIAM V. ROTH, Jr.,
Chairman.
Hon. JOHN GLENN,
Ranking Minority Member, Governmental Affairs Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN ROTH AND RANKING MEMBER GLENN: I am writing to you regarding the regulatory moratorium bill, S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.

As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my state's hunting enthusiasts.

Under the Migratory Bird Treaty Act of 1918, the hunting season is closed unless the responsible federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.

As Minnesota is home to some of America's best waterfowl hunting, I must oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the "local shoot," when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means that the birds would likely have already migrated south.

The result would be unacceptable to Minnesotans. In Minnesota, the waterfowl hunting season is eagerly awaited by hundreds of thousands of hunting enthusiasts, in addition to being responsible for millions of dollars of economic activity. Therefore, I request that when the Governmental Affairs Committee considers this legislation, it attach an amendment to exempt from the moratorium any rulemaking necessary and appropriate to allow the annual migratory bird hunting season to go forward as usual.

Sincerely,
PAUL D. WELLSTONE,
U.S. Senator.

Mr. WELLSTONE. Let me read the relevant portions of this letter:

> I am writing to you regarding the regulatory moratorium bill S. 219, to ask for your assistance in eliminating what I believe would be a harmful effect of this legislation.
>
> As you are aware, S. 219 would impose a moratorium on governmental rulemaking retroactive to last November. While I do agree that some Federal rules may be needlessly intrusive, I want to bring to your attention the extreme impact this blanket moratorium would have on my State's hunting enthusiasts.
>
> Under the Migratory Bird Treaty Act of 1918—

I need to be clear about this, Mr. President—

> the hunting season is closed unless the responsible Federal agency opens it by regulation. Each year the U.S. Fish and Wildlife Service completes a long, complex rulemaking that opens the waterfowl hunting season and specifies the limits of the hunt. Under S. 219, the USFWS would be delayed in proceeding with this rulemaking and in opening the season in Minnesota this fall.
>
> As Minnesota is home to some of America's best waterfowl hunting, I would oppose any legislative measure that would limit or eliminate the annual migratory bird hunting season. As introduced, S. 219 would have the effect of delaying the 1995 migratory bird hunting season for at least a month; such a delay would be tantamount to cancellation of at least part of the season (the "local shoot," when the vast majority of Minnesotans do their hunting), since Minnesota's colder climate means the birds would likely have already migrated south.

Now, Mr. President, let me be crystal clear about it. This bill that I introduce today makes it clear that this moratorium on rules would include an exemption for hunting season rules. I am not talking about an exception for agency administration rules. I am simply saying that the Fish and Wildlife Service has made it crystal clear that they have to do the rulemaking for us to have our hunting season.

Best-case scenario, it would be delayed too long a period of time for the early, local shoot, and worst-case scenario, we would not have the season.

The bill I introduce is very clear:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* notwithstanding a law that imposes a moratorium on the issuance of regulations, or any other law (except a law that specifically refers to this Act), that is in effect or comes into effect on or after the date of enactment of the Act, the Secretary of the Interior may issue such regulations as are appropriate under section 3 of the Migratory Bird Treaty Act to establish the framework for and to open the migratory hunting season for 1995.

Mr. President, some Senators have said there is no problem. But we are lawmakers. And we have to be crystal clear in our language. Sometimes haste makes waste. As I look at S. 219 right now, there is absolutely no provision whatever in this piece of legislation which makes it clear that Fish and Wildlife Service will be able to go forward with the rulemaking so we will have this hunting season.

Mr. President, there are at least 100,000 active duck hunt participants each year in Minnesota—100,000. And as many as 170,000 in a good year. And the DNR officials estimate that waterfowl hunting directly contributes between $35 to $40 million each year to the Minnesota economy. Tim Bermicker, section chief of the Minnesota Department of Natural Resources, summed up this issue better than I ever could: "Duck hunting is more than just an annual event. It is the cherished way of life in Minnesota, part of the fabric of the State."

I just say, Mr. President, I fully expect for there to be a debate on this bill. But with some Senators haste makes waste and some may have moved forward too quickly on this blanket moratorium and did not take this into account with their current legislation. I am fully prepared to be a part of this debate.

I see no reason why my bill cannot be accepted as an amendment at the markup of this piece of legislation in committee, and there is absolutely on my part as a Senator from Minnesota a commitment to make sure that we get the language to make it clear that the rulemaking goes forward so we have this hunt, so that we have our duck hunting season.

Now, other Senators have said there is nothing to worry about. There will not be anything to worry about when we get our language included and make the exemption clear. There will not be anything to worry about when we do our work as legislators. But I will not accept word of mouth assurances, or arguments that all this is scare tactics.

What I know is what I read in the legislation. I am a legislator. I understand legislation. And I know right now we do not have the necessary language that will enable the agency to go forward with this hunting season or the necessary language to make sure that Minnesotans will be able to fully participate.

This bill I introduced today is extremely important, and it is my fervent hope that the language in this bill will find its way into what happens on the House side and what also happens in the U.S. Senate. This is no small issue, and it is a perfect example of what happens when we are not careful in the legislative work that we do.

By Mr. BOND:

S. 459. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Labor and Human Resources.

BIRTH DEFECTS PREVENTION ACT

Mr. BOND. Mr. President, birth defects are the leading cause of infant death in this country, and a national research and prevention strategy is desperately needed. The infant mortality rate in the United States is higher than in most other industrialized nations and higher than some Third World countries. One out of every five infant deaths results from a birth defect. Birth defects cause more infant deaths in this country than any other single factor. In Missouri, birth defects account for 21 percent of total infant deaths.

Today, I am introducing the Birth Defects Prevention Act. This bill lays out a national strategy to prevent birth defects. Congressman SOLOMON ORTIZ is simultaneously introducing this bill in the other body.

In 1991, I introduced the Families in Need Act, S. 1380, to address many important health, nutrition, and housing needs of families in crises. In that bill, I proposed efforts that would lead to a coordinated effort to reduce the incidence of birth defects. Simultaneously, I worked in the Appropriations Committee to obtain funding for this effort at the Centers for Disease Control and Prevention. This funding is the basis for CDCP's efforts in this area today. This bill is a continuation of efforts in this area.

More than 100,000 children are born each year with a serious birth defect. Many more children have serious disorders from a birth defect that are discovered later in life. Birth defects are the leading cause of disability in infants who survive their first birthday. Infants of all races, economic classes, and in every State are at risk. This is a serious public health problem.

More children die before their first birthday because of birth defects than from any other cause. More infant deaths result from birth defects than from prematurity and low birth weight. In 10 States, over 25 percent of infant deaths were caused by birth defects. Birth defects are also a leading cause of childhood disability that leads to a lifelong suffering. This is a serious problem that has a terrible impact on the well-being of many children in our Nation.

It may surprise you to learn that the United States has no coordinated strategy for reducing the incidence of birth defects. It is shocking how few resources are devoted to preventing this devastating problem. That must change.

A tragic situation in the State of Texas a few years ago exemplifies how the lack of a coordinated birth defects prevention strategy can affect a community. The result was a delayed response to an outbreak of birth defects and the needless cost of innocent lives. In the incident in Texas, health professionals observed that six infants were born with anencephaly over a 6-week period. Anencephaly is a fatal birth defect in which the infant is born without a brain.

The Texas Department of Health conducted a thorough study after this information was reported. This study revealed that, since 1989, at least 30 infants in south Texas had been born without any or with very little brain tissue. However, like many States, Texas does not have a birth defects surveillance program. As a result, the severity of the problem was not recognized until the incidence of anencephaly was so high that it was difficult to miss. It is only because so many infants were born without any brain tissue that this terrible catastrophe was discovered.

This tragic story from south Texas underlines the need for a coordinated national effort to research the causes of birth defects and develop prevention strategies. Infants are being born today somewhere in America with serious birth defects that could have been prevented. Without a coordinated surveillance system, we may not discover these defects and discover how to prevent them.

Many birth defects are preventable. Tragically, many opportunities at prevention are missed because few States have prevention strategies.

One example of a serious, yet preventable, birth defect is fetal alcohol syndrome or FAS. Pregnant mothers cause FAS when alcoholic beverages are consumed. Fetal alcohol syndrome is a leading cause of mental retardation. It affects an estimated 8,000 newborns each year plus, 36,000 who suffer a related set of birth defects. It is completely preventable.

Neural tube defects are one of the top three causes of birth defects that result in the death of the infant. Neural tube defects are severe defects of the brain and spinal cord. They include spina bifida and anencephaly. This birth defect is also preventable. The majority of neural tube defects could be prevented through the consumption of a simple folic acid vitamin supplement by pregnant women and women of childbearing age.

The Birth Defects Prevention Act lays out a strategy to prevent children from being born with defects and to find possible cures for those already afflicted with certain defects.

Under this bill a national birth defects surveillance and prevention research system would be established. Regional birth defects research programs would be established as centers of excellence to provide the comprehensive surveillance data and epidemiological research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals. The surveillance and monitoring of birth defects would be carried out using vital records, hospital records, and other data while protecting privacy.

This bill would develop and implement birth defects prevention and intervention programs. When the cause of a birth defect is known, we must have a prevention strategy. This bill would authorize prevention demonstration programs to develop new strategies to reduce the incidence of birth defects. This bill would also provide funding and technical assistance to State health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

And finally, this bill would broaden public and professional awareness of birth defects and prevention opportunities. To do this, a clearinghouse at the Centers for Disease Control would be established for the collection, storage, and interpretation of data generated from State birth defects surveillance programs and regional birth defects centers. This bill would also enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent fetal alcohol syndrome.

Without a strategy to discover the causes of birth defects and prevent them, the terrible tragedy of birth defects will continue. Too few resources are devoted to reducing birth defects which are the leading cause of infant morality. We cannot reach the national goal of reducing infant morality to 7 death per 1,000 live births by the year 2000 without a national birth defects prevention strategy.

The March of Dimes has done such important and tireless work toward the prevention of birth defects. This country and its children certainly owe the March of Dimes a heartfelt thank you. In particular, Kay Johnson and Vivian Gabore of the March of Dimes staff deserve a special thank you for their seemingly never-ending efforts to get the Birth Defects Prevention Act passed. It is their research, study, and work that has resulted in this bill, and I am exceedingly grateful to them.

In addition to the March of Dimes, this bill also has the endorsement of 18 organizations, including the American Academy of Pediatrics, the American Public Health Association, the Epilepsy Foundation, the National Easter Seal Society, the Spina Bifida Association, and many others.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE BIRTH DEFECTS PREVENTION ACT

PURPOSE

To prevent birth defects by developing and implementing new prevention strategies, targeting research into the causes of birth defects, monitoring the incidence of clusters of birth defects, and increasing the collection of national data on birth defects.

THE NEED

More children die from birth defects in the first year of life in the U.S. than from any other cause including prematurity and low birth weight. Birth defects are also a leading cause of childhood disability. Each year, over 100,000 children are born with serious defects, and many more are found later in life to have disorders. Medical care and special education made necessary by birth defects cost billions of dollars each year.

Recent research shows that a significant proportion of common birth defects are preventable, although the causes of most birth defects remain unknown. Few states have prevention strategies and many opportunities are being missed. Despite the fact that birth defects are the leading cause of infant mortality, research and prevention has not received priority attention.

ESTABLISH A NATIONAL BIRTH DEFECTS SURVEILLANCE AND PREVENTION RESEARCH SYSTEM

A. Establish regional birth defects research programs as "centers of excellence" to provide the comprehensive surveillance data and epidemiologic research needed to study clusters of birth defects, identify their causes, and develop and evaluate prevention efforts. Such centers also would provide training and education to health professionals.

B. Improve the surveillance and monitoring of birth defects using vital records, hospital records and other data.

DEVELOP AND IMPLEMENT BIRTH DEFECTS PREVENTION AND INTERVENTION PROGRAMS

A. Authorize demonstration projects for the prevention of birth defects to develop new strategies to reduce the incidence of birth defects.

B. Providing funding and technical assistance to state health departments to implement programs of proven effectiveness and safety in prevention of birth defects.

BROADEN PUBLIC AND PROFESSIONAL AWARENESS OF BIRTH DEFECTS AND PREVENTION OPPORTUNITIES

A. Establish a clearinghouse at the Centers for Disease Control for the collection, storage, and interpretation of data generated from state birth defects surveillance programs and regional birth defects centers.

B. Establish an Advisory Committee for Birth Defects Prevention to gather the views and recommendations of experts.

C. Enhance public information and education programs for the prevention of birth defects, such as programs using folic acid vitamin supplementation to prevent spina bifida and alcohol avoidance strategies to prevent Fetal Alcohol Syndrome (FAS).

By Mr. FORD:

S. 460. A bill to amend title 23, United States Code, to ensure equity in the extent to which businesses located near Interstate and Federal-aid primary highways may erect outdoor advertising signs, displays, and devices, and for other purposes; to the Committee on Environment and Public Works.

HIGHWAY ADVERTISING EQUITY ACT

Mr. FORD. Mr. President, today I am introducing Senate Bill 460, entitled Highway Advertising Equity Act, to amend section 131 of title 23, United States Code. Enacted on August 28, 1958, 23 U.S.C. 131, Control of Outdoor Advertising, was designed to protect public investment, promote safety and recreational value, and preserve natural beauty along the interstate system. Therefore, the statute reflects a socioeconomic and demographic environment of 36 years ago.

Roadways that were once rural, narrow, and sparsely populated are now multilane highways bordered with burgeoning businesses and linking the Nation in a well-traveled web. This growth in commercial and industrial use areas has increased the need to inform the motoring public of available services, food, lodging, and attractions of special interest.

Current law allows only on-premises advertising by business owners whose property is adjacent to the interstate system. Restricting advertising to owners of businesses adjacent to the interstate system to advertise on-premise services discriminates against property owners in the same commercial area who wish to advertise off-premise services near the interstate system.

Commercial and industrial areas have expanded beyond the properties which were once only found adjacent to interstate systems. However, the need for businesses, no matter where they are located, to advertise along the interstate system is imperative to their success.

Senate bill 460 is offered to bring the law up to date with the needs of our growing business communities. I think it is fitting that we address this issue in today's environment where the Federal Government has said it intends to give more power back to the localities and stop placing mandates on middle class Americans who spend everyday honestly trying to make a decent living for their family.

By Mr. FEINGOLD:

S. 462. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Environment and Public Works.

REFORMULATED GASOLINE REQUIREMENTS

Mr. FEINGOLD. Mr. President, I rise today to introduce legislation to temporarily suspend enforcement of the reformulated gas requirements as mandated by the Clean Air Act Amendments of 1990. I do so, Mr. President, as a supporter of the Clean Air Act, the reformulated fuels program, and of the Environmental Protection Agency. However, the situation over the past few weeks in Milwaukee, since the introduction of reformulated fuel on January 1, 1995, has caused me great concern. In introducing this measure, I am joined today by two of my colleagues in the other body, Representative KLECZKA and Representative BARRETT, who have introduced similar legislation.

The EPA Regional Office in Chicago has received at least a thousand calls from individuals in Milwaukee who are experiencing problems using reformulated fuels. During the first week of February, 1995 phone calls to my Milwaukee office were coming in at rates of 5–8 per hour, and several hundred constituents have contacted me to share their experiences. Among the concerns that these individuals express, and of primary concern to me, is that this gasoline is making them ill. Additionally, Mr. President, citizens of Milwaukee want to know what the EPA knows about how the gasoline will perform both in their cars and in two stroke-engines such as snow blowers and snowmobiles, when the price, which is currently running between 10 and 15 cents more than regular gas will come down, and how to identify the various blends of gasoline at the pump. I wrote to Administrator Browner on February 10, 1995 expressing these concerns and have not yet received a response.

While price and performance are significant problems that need to be examined, the health of the citizens of Milwaukee, Mr. President, simply cannot wait. Administrator Browner, in a meeting with the Wisconsin delegation last Friday, February 17, 1995, announced that the Agency would not make a final decision on suspending the fuels until after they went to Wisconsin. The Agency believes, Mr. President, that Wisconsin's problems could best be addressed by switching fuels among different reformulated blends.

In response to the calls and inquiries from the Wisconsin delegation and Governor Thompson, and in line with the EPA's announced position, the Agency did hold a public meeting in Milwaukee this past Monday, February 20, 1995 on reformulated gasoline. The Milwaukee Sentinel reported that more than 400 people showed up for the meeting, overflowing the room. The Agency has pledged to stay in Wisconsin as long as it takes to address my constituents' concerns.

It seems, Mr. President, that these concerns are significant and that the Agency should suspend its enforcement of the rule until it completes its on the ground assessment, particularly while people's health is potentially at risk. Gasoline blended with three different oxygenates is being sold in Milwaukee, some containing MTBE derived from methane, some containing ETBE derived from ethanol and natural gas, and some containing ethanol. The EPA knows from more than $2 million in health studies, Mr. President, that one of the oxygenates, MTBE, has the potential to produce both cancer and other health effects—and the jury is still out on the ethanol blends. The current data that the Agency has on Milwaukee's overall air quality and on specific situations my constituents face every day such as refueling, riding inside their cars, and having their vehicles sit in enclosed garages, is too limited for a quantitive estimate of population exposure to the host of oxygenates used in the six county area. At best, the data have been used to estimate a broad range of potential exposures. However, Mr. President, we are no longer in a potential exposure situation—people are putting this stuff into their tanks.

While I understand that actual epidemiological experiences in Milwaukee may be difficult for EPA to interpret, I cannot as a responsible policymaker rule out the fact that Milwaukee's topography and temperature results in exposures in my State that are different than the other parts of the country. I also understand, Mr. President, that Milwaukee is not alone in experiencing problems with reformulated fuels. Several of the nine other cities required to use the fuels are facing similar concerns.

I believe that these requirements should be suspended until the health concerns can be fully investigated. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 462

SECTION 1. SUSPENSION OF REFORMULATED GASOLINE RULES.

Upon the enactment of this Act, the Environmental Protection Agency rules under section 211(k) of the Clean Air shall be suspended. Such suspension shall remain in effect until such time as the Administrator—

(1) demonstrates, after notice and opportunity for hearing, that reformulated gasoline manufactured and distributed in accordance with such rules does not cause adverse health effects; or

(2) revises such rules to eliminate any such adverse health effects, and

submits a report to the appropriate committees of Congress setting forth the steps taken under paragraph (1) or (2).

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 3, a bill to control crime, and for other purposes.

S. 38

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 38, a bill to amend the Violent Crime Control and Law Enforcement Act of 1994, and for other purposes.

S. 219

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 219, a bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes.

S. 252

At the request of Mr. LOTT, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 252, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 254

At the request of Mr. LOTT, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 277

At the request of Mr. D'AMATO, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 277, a bill to impose comprehensive economic sanctions against Iran.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 343

At the request of Mr. DOLE, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mr. GRAMM], the Senator from Florida [Mr. MACK], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 343, a bill to reform the regulatory process, and for other purposes.

S. 356

At the request of Mr. SHELBY, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 360

At the request of Mr. SMITH, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 360, a bill to amend title 23, United States Code, to eliminate the penalties imposed on States for noncompliance with motorcycle helmet and automobile safety belt requirements, and for other purposes.

S. 381

At the request of Mr. HELMS, the names of the Senator from Connecticut [Mr. LEIBERMAN], the Senator from Virginia [Mr. WARNER], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 381, a bill to strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes.

S. 425

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 425, a bill to amend title 38, United States Code, to require the establishment in the Department of Veterans Affairs of mental illness research, education, and clinical centers, and for other purposes.

SENATE CONCURRENT RESOLUTION 3

At the request of Mr. SIMON, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Florida [Mr. MACK], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Concurrent Resolution 3, a concurrent resolution relative to Taiwan and the United Nations.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of amendment No. 274 intended to be proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

AMENDMENTS SUBMITTED

BALANCED BUDGET AMENDMENT

CONRAD AMENDMENT NO. 297

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him, to the joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States; as follows:

On page 2, strike line 18 and all that follows through line 25, and insert the following:

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which—

"(1) a declaration of war is in effect;

"(2) the United States is engaged in military conflict which causes an imminent and serious military threat to national security, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law; or

"(3) the United States suffers from a serious economic recession that causes an imminent and serious threat to the nation's economy and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

GRAHAM AMENDMENT NO. 298

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, line 8, after "increased," insert "except for increases in the limit on the debt of the United States held by the public to reflect net redemptions from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund,".

NUNN AMENDMENTS NOS. 299-300

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 299

On page 2, strike lines 18 through 25 and insert the following:

"SECTION 5. The provisions of this article shall not apply to any fiscal year—

"(1) if at any time during that fiscal year the United States is in a state of war declared by the Congress pursuant to section 8 of article I of this Constitution; or

"(2) if, with respect to that fiscal year, the Senate and the House of Representatives agree to a concurrent resolution stating, in substance, that a national economic emergency requires the suspension of the application of this article for that fiscal year.

In exercising its power under paragraph (2) of this section, the Senate and House of Representatives shall take into consideration the extent and rate of industrial activity, unemployment, and inflation, and such other factors as they deem appropriate.

AMENDMENT NO. 300

On page 3, line 3, after the period insert "The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.".

BYRD AMENDMENT NO. 301

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, line 8, strike "principal." and insert "principal and those for law enforcement and the reduction and prevention of violent crime.".

LEAHY (AND OTHERS) AMENDMENT NO. 302

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DASCHLE, and Mr. BUMPERS) submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and inserting "shall be proposed as an amendment to the Constitution of the United States and submitted to the States for ratification upon the completion by the General Accounting Office of a detailed analysis of the impact of the article on the economy and budget of each State and".

WELLSTONE AMENDMENTS NOS. 303–305

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 303

At the end of the article add the following:

"SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in significant reductions in assistance to students who want an opportunity to attend college."

AMENDMENT NO. 304

At the end of the article, add the following:

"SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in an increase in the number of hungry or homeless children."

AMENDMENT NO. 305

At the end of the article, add the following:

"SECTION . The provisions of this article may be waived if a majority of the whole number of each House of Congress determines that compliance with the first clause of Section 1 would result in—

"(a) significant reductions in the quality of, or access to, health care for veterans, or

"(b) significant reductions in compensation provided to veterans for service-connected illnesses or injuries."

ROCKEFELLER (AND OTHERS) AMENDMENT NO. 306

(Ordered to lie on the table.)

Mr. ROCKEFELLER (for himself, Mr. DASCHLE, Mr. AKAKA, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

At the end of section 6, add the following: "However, no legislation to enforce or implement this Article may impair any payment or other benefit based upon a death or disability incurred in, or aggravated by, service in the Armed Forces if such payment or other benefit was earned under a program established before the ratification of this Article.".

PRYOR AMENDMENT NO. 307

(Ordered to lie on the table)

Mr. PRYOR submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 3, between lines 8 and 9, insert the following:

"SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 308

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. FORD, Mr. HOLLINGS, Mr. BUMPERS, Ms. MIKULSKI, Mr. KOHL, Mr. MCCAIN, Mr. HARKIN, Mr. DASCHLE, Mr. DORGAN, and Mr. GRAHAM) submitted an amendment intended to be proposed by them to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

LEVIN AMENDMENTS NOS. 309–311

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 309

Strike all after "*Assembled*" and insert the following: "(two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-forths of the several states within seven years after the date of its submission to the States for ratification:

ARTICLE —

SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which the total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later."

AMENDMENT NO. 310

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have a vote, ".

AMENDMENT NO. 311

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have no vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have no vote, ".

DASCHLE AMENDMENTS NOS. 312–313

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

AMENDMENT NO. 312

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 9 of the article. The article is as follows:

"ARTICLE —

"SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 9, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

"SECTION 9. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

"(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues;

"(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

"(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

"(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

"(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).".

AMENDMENT NO. 313

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification. The article shall be submitted to the States upon the adoption of a concurrent resolution as described in section 10 of the article. The article is as follows:

"ARTICLE —

"SECTION 1. Upon the adoption by the Congress of a concurrent resolution on the budget establishing a budget plan to balance the budget as required by this article, and containing the matter required by section 10, total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, which becomes law, or if pursuant to the legislation referred to in Section 6 the Congress determines an economic emergency exists, and is so declared by a joint resolution adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. No court shall have the power to order relief pursuant to any case or controversy arising under this article, except as may be specifically authorized in implementing legislation pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget.

"The capital budget shall include only major public physical capital investments. For each fiscal year, the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for a capital budget in excess of 10 percent for a fiscal year.

"The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.

"SECTION 10. (a) In order to carry out the purposes of this article, the Congress shall adopt a concurrent resolution setting forth a budget plan to achieve a balanced budget (that complies with this article) not later than the first fiscal year required by this article as follows:

"(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with that first fiscal year (required by this article) containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues;

"(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

"(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution.

"(b) The directives required by subsection (a)(3) shall be deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974. Upon receiving all legislative submissions from committees under subsection (a)(3), each Committee on the Budget shall combine all such submissions (without substantive revision) into an omnibus reconciliation bill and report that bill to its House. The procedures set forth in section 310 shall govern the consideration of that reconciliation bill in the House of Representatives and the Senate.

"(c) The budget plan described in subsection (a) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2).".

KERRY AMENDMENT NO. 314

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

On page 2, beginning on line 3, strike "year, unless" and all that follows through line 11 on page 3, and insert the following: "year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 5. The provisions of this article may be waived for any fiscal year during which the United States experiences serious economic distress or a natural or manmade disaster the injurious effects of which are likely to be exacerbated by adherence to this article, and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

HOLLINGS AMENDMENT NO. 315

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 1, supra; as follows:

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal and those dedicated to a capital budget. The capital budget shall include only major public physical capital investments. For each fiscal year, outlays dedicated to the capital budget shall not exceed an amount equal to 10 percent of the total outlays for that year, which amount shall not be counted for purposes of section 2. Three-fifths of each House may provide by law for capital budget outlays in excess of 10 percent for a fiscal year.

"Total receipts shall include all receipts of the United States Government except those derived from borrowing and the disposition of major public physical capital assets.

"SECTION 8. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 9. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 11 a.m. on Wednesday, February 22, 1995, in closed session, to vote on the nominations of the Base Closure and Realignment Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 22, 1995, to conduct a hearing on the Federal Reserve's first monetary policy report for 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, February 22, 1995, at 9:30 a.m. for a hearing on S. 219, the Regulatory Transition Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Ryan White Care Act reauthorization, during the session of the Senate on Wednesday, February 22, 1995 at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 22, 1995 at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday, February 22, 1995, at 9:30 a.m., in Senate Dirksen room 226, on S. 343, the Comprehensive Regulatory Reform Act of 1995 and regulatory relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THROWING SAND IN SOCIETY'S MACHINERY

• Mr. SIMON. Mr. President, Jim Wright served as Speaker of the House of Representatives and, prior to that, majority leader of the House.

I had the privilege of working with him on a number of things and found him to be a genuine leader, not just someone who holds the title of leader.

Not long ago, I read a reference about a column that he had done for the Fort Worth Star Telegram on the subject of civility.

I wrote to him and asked for a copy of a column, and it is the kind of enlightened common sense that you would expect from Jim Wright.

The first paragraph of his column sums up our situation beautifully:

> Civility. The word is little used these days, the quality it describes too little practiced. It is a necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.

I ask that the entire Jim Wright column be printed in the RECORD.

The column follows:

> [From the Fort Worth Star-Telegram, Oct. 23, 1994]
>
> THROWING SAND IN SOCIETY'S MACHINERY
>
> Civility. The word is little used these days, the quality it describes too little practiced. It is the necessary lubricating oil for the machinery of a free society. In its absence, the gears of democracy grind in noisy dissonance to a screeching halt.
>
> Webster's New Twentieth Century Dictionary defines civility as the state of being civilized. Its marks, the dictionary notes, are politeness, consideration, courtesy. The modern term grew from a Latin word, civilitas. In its original form, it signified "the art of government."
>
> The preservation of liberties—free speech, free press, free religious expression—has always exacted a price. Part of that price is civility, respect for the institutions of our government and fellow citizens with whom we disagree. Deprived of its oxygen, the lungs of a democratic society would ultimately collapse.
>
> Too much of what passes for debate in this election year, protected by the liberties to which we pay homage, pollutes the public dialogue as noxiously as carbon monoxide contaminates a living environment.
>
> The hallmark of a civilized human order is the ability to disagree without being disagreeable. We seem to be losing this. Instead of reasoned disputation, we hear increasingly hateful and unreasoning allegations brandished like weapons designed to inflict injury and mortal hurt.
>
> The mail last week brought astonished recipients a fund-raising appeal so rotten and rancid with hate as to offend the very garbage cans into which it should be forthrightly consigned.
>
> On an official-looking letterhead with a Washington address, the plea for contributions begins with the following outrageous claim: "I have in my possession compelling evidence that proves beyond all shadow of a doubt that White House aid [sic] Vincent Foster was murdered * * * vital clues that lead right to the Oval Office."
>
> Begging for money to spew out more such bile, the writer promises to prosecute a case of impeachment against President Clinton, presumably for the murder of his lifelong friend.
>
> Really, this is beyond the pale. No president of the United States should have to contend with such inflammatory and unfounded libel. It is not enough that special counsel Robert B. Fiske, a Republican and no friend of Clinton's looked carefully into this bizarre allegation concerning poor Foster's suicide and reported it to be just that.
>
> Tasting blood and heedless of the proven emptiness of their brazen claim or the hurt it inflicts upon loved ones and friends of the late presidential aide, professional purveyors of venom continue their calculated campaign of calumny against the president.
>
> Hate-Clinton solicitation letters have become a cottage industry. For some the good is political power. For others it's just a way to fill greedy coffers with contributions bilked from innocent, well-meaning Americans gullibly alarmed by the strident claims of right-wing media personalities such as Rush Limbaugh and the Rev. Jerry Falwell.
>
> Preachments of hate, prejudgments of guilt and eagerness to repeat the vilest slanders are not new to American society. But they do seem to have reached preposterous proportions in this election year.
>
> Twenty-six years ago, Lyndon B. Johnson deplored the incivility of some anti-war demonstrators who shouted slogans to drown out opposition. "They are chiefly united in the certainty with which they advance their views," he said, "and in the vehemence with which they mock the views of others."
>
> Thomas Jefferson 160 years earlier compared political extremists to "patients of Bedlam, needing medical more than moral counsel." He despaired of "any attempt to set one of these zealots to right, either in fact or principle."
>
> Presently, things are going better. American policy is working. In Haiti and Iraq our will prevails without war. North Korea, after 40 years of implacable hostility, agrees to remove its nuclear threat. World tensions abate. Israel and Jordan proclaim a historic peace. At home the economy grows, unemployment falls, prices are stable. We should rejoice, but we don't.
>
> Pollsters report a sour mood, agitated to anger by apostles of discontent. Seldom have political partisans so boldly boasted of obstruction, so viciously attacked colleagues and their own institutions. What's missing is civility.
>
> The assault on mutual respect has pervaded Congress. Republicans, desperate after 40 years in the minority, are turning ever more negative. Some nervous Democrats follow suit. Not only do dissident members attack the personal integrity of our president, but they seem out to weaken and destroy Congress itself. Absurdly, they think this is what the public wants.
>
> Senate Republican Leader Bob Dole and House Whip Newt Gingrich recently pledged support on the Capitol steps for a constitutional amendment to limit congressional terms. House members should not be trusted, the argument goes, to serve faithfully for more than six years, nor senators for more than 12.
>
> But at the heart of this gimmicky assault on the Constitution lies an unspoken assumption that the public cannot be trusted to choose wisely. The hypocrisy of the position that these two publicly profess is transparent in the fact that Dole has been in Congress continuously since 1960, and Gingrich, who would limit future colleagues to no more than three terms, is seeking his ninth.
>
> If their logic should ever prevail, the legislative branch will be vastly weakened, bereft of strong and experienced leaders, much more at the mercy of an authoritative executive branch. There will be no Sam Rayburns, no Robert A. Tafts, no Arthur Vandenbergs or Barry Goldwaters to curb the presidential appetite for power or to soften its occasional rashness with their wisdom. And civility.•

NATIONAL VOTER REGISTRATION ACT

• Mr. SARBANES. Mr. President, I rise today to draw to the attention of the Senate my concern about declines in recent decades in voter participation in local and national elections. In the 1988 election, only about half of those citizens eligible to vote went to the polls. While turnout improved during the last Presidential election, voter participation remains low in this country compared to other advanced democratic countries. According to the Congressional Research Service, only 61 percent of U.S. citizens eligible to vote are registered. While there are many reasons why people do not vote, studies indicate that the major reason is that they are not registered. In fact, the Bureau of Census reports that voter turnout of registered voters in Presidential elections typically exceeds 85 percent.

Recognizing the need to establish uniform national voter registration procedures to allow greater opportunities for all eligible citizens to participate in the electoral process, the U.S. Congress adopted the National Voter Registration Act early in the 103d Congress, legislation I was proud to support. The National Voter Registration Act, also known as the motor-voter bill, provides greater opportunities for all eligible citizens to participate in the electoral process.

The methods for voter registration established by the legislation—by mail, as part of drivers license renewal, and when visiting Government agencies—are well tested and successful methods for registering voters. And, in fact, States which have implemented the motor-voter provisions have experienced significant increases in voter registration. About 3,700 voters were registered in Washington State within the first 7 days of motor-voter operation. Florida has been averaging more than 3,000 new voter registrations per day from people obtaining drivers licenses. The successes continue to be documented in other States such as Georgia, where more than 18,000 people have been registered under the new procedures since January 1, 1995, and in Kentucky where 10,000 new voters were registered in the first 10 days of implementation. In my own State of Maryland, approximately 90,000 people have been registered through the Motor Vehicle Administration in 1995 alone, and Maryland election officials expect an additional 900,000 citizens to register under the new system.

While some critics of this legislation have charged that by making voter registration easier, there may be increased opportunities for fraud, the bill includes important safeguards to prevent such fraud. The mail registration form requires a statement of eligibility to vote, an attestation that the applicant meets each requirement of eligibility to vote, and the signature of the applicant under penalty of perjury.

Mr. President, there are further misconceptions surrounding this bill that should be clarified. First, though agencies are required to provide registrants with assistance when requested, the National Voter Registration Act does not require agency personnel to fill out registration forms—it is the applicant who fills out the form. Second, the legislation requires that an applicant be informed that the quality and quantity of Government assistance they receive will not be affected by their willingness or refusal to register. Third, the legislation protects the privacy of the applicant by restricting the use of voter registration information. An applicant has the option of completing the form at home and returning it by mail, and agency employees may not force an individual to register or attempt to persuade an applicant to join a particular political party.

I understand that concerns have also been raised about potential additional costs for State and local governments to implement this legislation. I would simply note that any increased costs for a State to comply with the uniform voter registration standards provided by this legislation would be relatively small, particularly in those States, such as Maryland, that have already taken steps to increase the opportunity for citizens to register to vote. In addition, the legislation provides relief to all States in the form of a postal rate reduction for State and local election officials which will save State and local governments more than $4 million per year. There are also expected to be savings through the use of uniform registration forms in those States that have not yet adopted uniformity between jurisdictions and because voter registration is now likely to be spread out over the year as people renew drivers licenses. Consequently, there will be less need to hire additional registrars to handle the higher volume of registration that typically occurs in some States before registration deadlines.

Mr. President, it is my strongly held view that we must be careful about attaching price tags to civil rights. Imagine if we had decided not to extend the right to vote to 18-year-olds, women, or other minorities because it would place a burden on the States due to an increased workload or the purchasing of new voting machines. The National Voter Registration Act is already making it easier for citizens to exercise one of the most fundamental rights of a democracy—the right to vote. A healthy democracy thrives on the active participation of the governed.

This important new law is clearly working and should not be repealed nor should its implementation be delayed as some have proposed.•

CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT—S. 381

• Mr. LIEBERMAN. Mr. President, I am pleased to join several of my colleagues as a cosponsor of the Cuban Liberty and Democratic Solidarity Act, although I have reservations concerning the trade sanctions included in the legislation. Fidel Castro's 36-year dictatorship has been catastrophic for Cuba's society and economy. Agricultural and industrial production have been stymied by authoritarian state control. Many of Cuba's most skilled and talented citizens have chosen to risk their lives to achieve freedom elsewhere, including the United States. Meanwhile, living standards for those who remained have fallen steadily. The backward direction of Cuba's development stands in sharp contrast to other states in Central and South America, who have flourished under policies of market and democratic liberalization. Castro is among the last adherents to the bankrupt philosophy of Communist authoritarianism. The Cuban people cannot move forward to the prosperity which their human and natural resources entitle them as long as Castro's authoritarian rule remains intact. The United States must continue to do what it can to help the Cuban people in their struggle for economic and political freedom and to reestablish the rule of law.

We also have an obligation to American citizens, many of whom have unresolved property claims against the Castro government, to work for justice on their behalf. At the same time, I believe the United States must balance its goals in Cuba with other important foreign policy objectives, such as free trade and support for market and political reforms in other countries. Accordingly, I associate myself with the objectives of the Cuban Liberty and Democratic Solidarity Act and look forward to working with my colleagues to improve the bill particularly in the trade areas as it receives further consideration.•

HOW COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

• Mr. SIMON. Mr. President, for several years I had an outstanding staff member, Pamela J. Huey, who, unfortunately for me, moved to Minneapolis with her husband and family.

She was not only a superb staff person but she is a genuine humanitarian.

She and her husband have adopted two African-American children. I have seen Benjamin develop into a fine young man and their new child, Anthony, I am sure will do the same.

She has written for the Minneapolis Star Tribune an article titled, "Colorblind Adoptions Changed and Enriched Our Lives."

I ask that her article be printed in the RECORD.

The article follows:

[From the Minneapolis Star Tribune, Jan. 29, 1995]

COLORBLIND ADOPTIONS CHANGED AND ENRICHED OUR LIVES

(By Pamela Huey)

The national debate on welfare reform, teenage pregnancy and orphanages demands another look at transracial adoption as one positive alternative for children who need stable, loving homes.

While some within the African-American community and other minorities continue to oppose the adoption of children of color by Caucasian parents, I would argue that such adoptions are not only successful but desirable, producing benefits for parents, children and society as a whole.

Five years ago, childless and wanting to start a family, my husband and I approached an agency in Washington, D.C., specializing in foreign adoptions. But the paperwork, red tape, cost and prospect of spending an undetermined amount of time in another country were daunting.

We learned our agency did receive "domestic" placements but these children were nearly always black or biracial. We wondered why, if there were babies in our own country in need of loving, nurturing homes, would anyone travel halfway around the world for a baby? Skin color seemed the only answer. We told the agency that the race of the child did not matter—a baby was a baby—and within seven months we were parents of a beautiful black 17-day-old boy. This Christmas, we became parents of Anthony, a 6-week-old African-American baby, also born in Washington, D.C.

Adopting Benjamin and Anthony has changed and enriched our lives in profound ways that we did not anticipate.

When we moved to the Twin Cities in 1992, we chose an integrated neighborhood in south Minneapolis.

The church we chose, Park Avenue United Methodist, has a spiritual mission to increase understanding between the races and to bring people together as one to worship God.

Benjamin attends Seed Academy, a private school with an Afrocentric curriculum.

We've attended classes for multicultural families. We've participated in the YMCA's "home team" program for multicultural families. The Twin Cities area seems to have no end of opportunities for us.

But most importantly, we have a perspective on race relations and racial prejudice that we otherwise would never have had. The love of parent for child has no equal, and loving Benjamin and Anthony has given us a window on a world previously closed to us. Now, as parents, we hurt for the young black males who are considered threats just because of their race.

Interracial adoption breaks down barriers and increases understanding in new ways that filter through the extended family. Grandparents, aunts, uncles, brothers, sisters and cousins, even neighbors and family friends, also are exposed to this new understanding and a family love that crosses racial lines.

We hope growing up in our racially blended family will give Benjamin and Anthony skills for living in both white and black worlds and that their worlds will be more human and loving, rather than divided along racial lines.

Harvard Law Prof. Elizabeth Bartholet wrote in the May 1991 issue of the University of Pennsylvania Law Review that "transracial adoptees appear more positive than blacks raised inracially about relationships with whites, more comfortable in those relationships and more interested in a racially integrated lifestyle."

American University Prof. Rita Simon, who has done exhaustive studies on the long-term effects of these adoptions, has written that transracial adoptees perceive "their world as essentially pluralistic and multicolored."

We hope we are not being naive. We know Benjamin and Anthony will face racism and hatred in future years, and we are trying to prepare them for that.

As we prepared for our second adoption, I asked Benjamin what kind of sister or brother he would like. His first response was "black." But then he thought for a moment and responded, "Any color would be OK."

Pamela Huey is a journalist who lives in Minneapolis.•

RULES OF PROCEDURE OF THE COMMITTEE ON BANKING

• Mr. D'AMATO. Mr. President, I ask that the rules of procedure and jurisdiction of the Committee on Banking, Housing, and Urban Affairs be printed in the RECORD.

RULES OF PROCEDURE FOR THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

(Adopted in executive session, January 11, 1995)

RULE 1.—REGULAR MEETING DATE FOR COMMITTEE

The regular meeting day for the Committee to transact its business shall be the last Tuesday in each month that the Senate is in Session; except that if the Committee has met at any time during the month prior to the last Tuesday of the month, the regular meeting of the Committee may be canceled at the discretion of the Chairman.

RULE 2.—COMMITTEE

(a) *Investigations.*—No investigation shall be initiated by the Committee unless the Senate, or the full Committee, or the Chairman and Ranking Minority Member have specifically authorized such investigation.

(b) *Hearings.*—No hearing of the Committee shall be scheduled outside the District of Columbia except by agreement between the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(c) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Committee or any report of the proceedings of such executive session shall be made public either in whole or in part by way of summary, unless specifically authorized by the Chairman of the Committee and the Ranking Minority Member of the Committee or by a majority vote of the Committee.

(d) *Interrogation of witnesses.*—Committee interrogation of a witness shall be conducted only by members of the Committee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Committee.

(e) *Prior notice of markup sessions.*—No session of the Committee or a Subcommittee for marking up any measure shall be held unless (1) each member of the Committee or the Subcommittee, as the case may be, has been notified in writing of the date, time, and place of such session and has been furnished a copy of the measure to be considered at least 3 business days prior to the commencement of such session, or (2) the Chairman of the Committee or Subcommittee determines that exigent circumstances exist requiring that the session be held sooner.

(f) *Prior notice of first degree amendments.*—It shall not be in order for the Committee or a Subcommittee to consider any amendment in the first degree proposed to any measure under consideration by the Committee or Subcommittee unless (1) fifty written copies of such amendment have been delivered to the office of the Committee at least 2 business days prior to the meeting, or (2) with respect to multiple first degree amendments, each of which would strike a single section of the measure under consideration, fifty copies of a single written notice listing such specific sections have been delivered to the Committee at least 2 business days prior to the meeting. An amendment to strike a section of the measure under consideration by the Committee or Subcommittee shall not be amendable in the second degree by the Senator offering the amendment to strike. This subsection may be waived by a majority of the members of the Committee or Subcommittee voting, or by agreement of the Chairman and Ranking Minority Member. This subsection shall apply only when at least 3 business days written notice of a session to markup a measure is required to be given under subsection (e) of this rule.

(g) *Cordon rule.*—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the Committee or Subcommittee, from initial consideration in hearings through final consideration, the Clerk shall place before each member of the Committee or Subcommittee a print of the statute or the part or section thereof to be amended or repealed showing by stricken-through type, the part or parts to be omitted, and in italics, the matter proposed to be added. In addition, whenever a member of the Committee or Subcommittee offers an amendment to a bill or joint resolution under consideration, those amendments shall be presented to the Committee or Subcommittee in a like form, showing by typographical devices the effect of the proposed amendment on existing law. The requirements of this subsection may be waived when, in the opinion of the Committee or Subcommittee Chairman, it is necessary to expedite the business of the Committee or Subcommittee.

RULE 3.—SUBCOMMITTEES

(a) *Authorization for.*—A Subcommittee of the Committee may be authorized only by the action of a majority of the Committee.

(b) *Membership.*—No member may be a member of more than three Subcommittees and no member may chair more than one Subcommittee. No member will receive assignment to a second Subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one Subcommittee, and no member shall receive assignment to a third Subcommittee until, in order of seniority, all members have chosen assignments to two Subcommittees.

(c) *Investigations.*—No investigation shall be initiated by a Subcommittee unless the Senate or the full Committee has specifically authorized such investigation.

(d) *Hearings.*—No hearing of a Subcommittee shall be scheduled outside the District of Columbia without prior consultation with the Chairman and then only by agreement between the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee or by a majority vote of the Subcommittee.

(e) *Confidential testimony.*—No confidential testimony taken or confidential material presented at an executive session of the Subcommittee or any report of the proceedings of such executive session shall be made public, either in whole or in part or by way of summary, unless specifically authorized by the Chairman of the Subcommittee and the Ranking Minority Member of the Subcommittee, or by a majority vote of the Subcommittee.

(f) *Interrogation of witnesses.*—Subcommittee interrogation of a witness shall be conducted only by members of the Subcommittee or such professional staff as is authorized by the Chairman or the Ranking Minority Member of the Subcommittee.

(g) *Special meetings.*—If at least three members of a Subcommittee desire that a special meeting of the Subcommittee be called by the Chairman of the Subcommittee, those members may file in the offices of the Committee their written request to the Chairman of the Subcommittee for that special meeting. Immediately upon the filing of the request, the Clerk of the Committee shall notify the Chairman of the Subcommittee of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman of the Subcommittee does not call the requested special meeting, to be held within 7 calendar days after the filing of the request, a majority of the members of the Subcommittee may file in the offices of the Committee their written notice that a special meeting of the Subcommittee will be held, specifying the date and hour of that special meeting. The Subcommittee shall meet on that date and hour. Immediately upon the filing of the notice, the Clerk of the Committee shall notify all members of the Subcommittee that such special meeting will be held and inform them of its date and hour. If the Chairman of the Subcommittee is not present at any regular or special meeting of the Subcommittee, the Ranking Member of the majority party on the Subcommittee who is present shall preside at that meeting.

(h) *Voting.*—No measure or matter shall be recommended from a Subcommittee to the Committee unless a majority of the Subcommittee are actually present. The vote of the Subcommittee to recommend a measure or matter to the Committee shall require the concurrence of a majority of the members of the Subcommittee voting. On Subcommittee matters other than a vote to recommend a measure or matter to the Committee no record vote shall be taken unless a majority of the Subcommittee is actually present. Any absent member of a Subcommittee may affirmatively request that his or her vote to recommend a measure or matter to the Committee or his vote on any such other matters on which a record vote is taken, be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter and to inform the Subcommittee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman of the Subcommittee any time before the record vote on the measure or matter concerned is taken, the member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee.

RULE 4.—WITNESSES

(a) *Filing of statements.*—Any witness appearing before the Committee or Subcommittee (including any witness representing a Government agency) must file with the Committee or Subcommittee (24 hours preceding his or her appearance) 120 copies of his statement to the Committee or Subcommittee, and the statement must include a brief summary of the testimony. In the event that the witness fails to file a written statement and brief summary in accordance with this rule, the Chairman of the Committee or Subcommittee has the discretion to deny the witness the privilege of testifying before the Committee or Subcommittee until the witness has properly complied with the rule.

(b) *Length of statements.*—Written statements properly filed with the Committee or Subcommittee may be as lengthy as the witness desires and may contain such documents or other addenda as the witness feels is necessary to present properly his or her views to the Committee or Subcommittee. The brief summary included in the statement must be no more than 3 pages long. It shall be left to the discretion of the Chairman of the Committee or Subcommittee as to what portion of the documents presented to the Committee or Subcommittee shall be published in the printed transcript of the hearings.

(c) *Ten-minute duration.*—Oral statements of witnesses shall be based upon their filed statements but shall be limited to 10 minutes duration. This period may be limited or extended at the discretion of the Chairman presiding at the hearings.

(d) *Subpoena of witnesses.*—Witnesses may be subpoenaed by the Chairman of the Committee or a Subcommittee with the agreement of the Ranking Minority Member of the Committee or Subcommittee or by a majority vote of the Committee or Subcommittee.

(e) *Counsel permitted.*—Any witness subpoenaed by the Committee or Subcommittee to a public or executive hearing may be accompanied by counsel of his or her own choosing who shall be permitted, while the witness is testifying, to advise him or her of his or her legal rights.

(f) *Expenses of witnesses.*—No witness shall be reimbursed for his or her appearance at a public or executive hearing before the Committee or Subcommittee unless such reimbursement is agreed to by the Chairman and Ranking Minority Member of the Committee.

(g) *Limits of questions.*—Questioning of a witness by members shall be limited to 5 minutes duration when 5 or more members are present and 10 minutes duration when less than 5 members are present, except that if a member is unable to finish his or her questioning in this period, he or she may be permitted further questions of the witness after all members have been given an opportunity to question the witness.

Additional opportunity to question a witness shall be limited to a duration of 5 minutes until all members have been given the opportunity of questioning the witness for a second time. This 5-minute period per member will be continued until all members have exhausted their questions of the witness.

RULE 5.—VOTING

(a) *Vote to report a measure or matter.*—No measure or matter shall be reported from the Committee unless a majority of the Committee is actually present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of the members of the Committee who are present.

Any absent member may affirmatively request that his or her vote to report a matter be cast by proxy. The proxy shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his vote to be recorded thereon. By written notice to the Chairman any time before the record vote on the measure or matter concerned is taken, any member may withdraw a proxy previously given. All proxies shall be kept in the files of the Committee, along with the record of the rollcall vote of the members present and voting, as an official record of the vote on the measure or matter.

(b) *Vote on matters other than to report a measure or matter.*—On Committee matters other than a vote to report a measure or matter, no record vote shall be taken unless a majority of the Committee are actually present. On any such other matter, a member of the Committee may request that his or her vote may be cast by proxy. The proxy shall be in writing and shall be sufficiently clear to identify the subject matter, and to inform the Committee as to how the member wishes his or her vote to be recorded thereon. By written notice to the Chairman any time before the vote on such other matter is taken, the member may withdraw a proxy previously given. All proxies relating to such other matters shall be kept in the files of the Committee.

RULE 6.—QUORUM

No executive session of the Committee or a Subcommittee shall be called to order unless a majority of the Committee or Subcommittee, as the case may be, are actually present. Unless the Committee otherwise provides or is required by the Rules of the Senate, one member shall constitute a quorum for the receipt of evidence, the swearing in of witnesses, and the taking of testimony.

RULE 7.—STAFF PRESENT ON DAIS

Only members and the Clerk of the Committee shall be permitted on the dais during public or executive hearings, except that a member may have one staff person accompany him or her during such public or executive hearing on the dais. If a member desires a second staff person to accompany him or her on the dais he or she must make a request to the Chairman for that purpose.

RULE 8.—COINAGE LEGISLATION

At least 40 Senators must cosponsor any gold medal or commemorative coin bill or resolution before consideration by the Committee.

EXTRACTS FROM THE STANDING RULES OF THE SENATE

RULE XXV, STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(d)(1) Committee on Banking, Housing, and Urban Affairs, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.
7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.

10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

COMMITTEE PROCEDURES FOR PRESIDENTIAL NOMINEES

Procedures formally adopted by the U.S. Senate Committee on Banking, Housing, and Urban Affairs, February 4, 1981, establish a uniform questionnaire for all Presidential nominees whose confirmation hearings come before this Committee.

In addition, the procedures establish that:

(1) A confirmation hearing shall normally be held at least 5 days after receipt of the completed questionnaire by the Committee unless waived by a majority vote of the Committee.

(2) The Committee shall vote on the confirmation not less than 24 hours after the Committee has received transcripts of the hearing unless waived by unanimous consent.

(3) All nominees routinely shall testify under oath at their confirmation hearings.

This questionnaire shall be made a part of the public record except for financial information, which shall be kept confidential.

Nominees are requested to answer all questions, and to add additional pages where necessary.•

BLACK HISTORY MONTH

• Mr. SARBANES. Mr. President, I rise today to add my voice to those who have already spoken in recognition of February as Black History Month. Since 1926 this nation has designated February as the month in which we honor the achievements and contributions of African-Americans to our history, our culture, and our future. One could also say that February is the month in which we honor our Nation's unsung heroes—from the African-American soldiers who have often received no acknowledgment for fighting in the American Revolution to the African-American poets and authors often excluded from literary anthologies. The history of African-Americans is the history of what this country has come to mean to so many people around the world. It is the history of possibilities, of dreams, and of the equality of all human beings. It is the story of insurmountable odds overcome and of challenges yet to be faced.

Mr. President, my own State of Maryland has been blessed to be the birthplace and home of countless outstanding African-Americans. Maryland was a bedrock of the Underground Railroad which helped many African-Americans find their way out of slavery to freedom. In fact, Harriet Tubman, the African-American woman credited with leading more than 300 men, women, and children to freedom on the Underground Railroad was a Marylander. The history of Maryland is replete with the contributions of African-Americans, many of which have gone undocumented and unrecognized. Black History Month affords us an opportunity to honor our heroes both past and present, and to remind ourselves of the many national heroes whose faces do not adorn currency or postage stamps and whose stories are not told in history books or encyclopedias.

During this month of celebration, one of the three great African-Americans receiving special honor across the Nation is Frederick Douglass, a man whose life symbolized heroism. Born on Maryland's Eastern Shore in 1818, Frederick Douglass escaped slavery to become one of the leading abolitionists of his time. For Frederick Douglass it was not enough that he won his own freedom; he spent his life fighting for the freedom and advancement of millions of other people. His life, like the lives of many of the other men and women honored during Black History Month, was a life of triumph against overwhelming odds. One only has to visit the birthplace of Frederick Douglass and take a moment to imagine it without the nearby highway, automobiles, and convenience stores in order to have an inkling of the challenges which faced a slave seeking freedom. Not only was there the challenge of escaping an isolated plantation and the constant fear of recapture and torture, but also the challenge to self-educate, find work, and build a new life away from all that was familiar.

The history of African-Americans, however, does not begin or end with slavery and the Civil War. Long after the end of slavery, African-Americans continued to fight for freedom and all of its rights. It is a struggle which has inspired people around the world to fight for their freedom. Mr. President, I utter the name of Frederick Douglass not only to honor the man who was known as Frederick Douglass and who achieved so very much with his life, but for all nameless thousands who like Frederick Douglass achieved so much from so little—people who gave their lives so that their children and grandchildren might have better lives, people who have helped to define the real possibilities of freedom and equality in this Nation.

Mr. President, as we near the end of this month, I hope that each of us will take a moment to remember the lessons of Black History Month and to carry them with us throughout the year as a reminder of all that is truly possible. Two hundred years ago, how many Americans would have imagined a Thurgood Marshall or an Alice Walker? Black History Month is a time to celebrate—to celebrate all of the great achievements of African-Americans, to celebrate how far this country has come, and to remind us of how much further we have to go.•

U.S. POLICY VIS-A-VIS SERBIA

• Mr. LIEBERMAN. Mr. President, I would like to express my strong disapproval at the latest developments in the administration's approach to Bosnia. The national press reported last week the administration's decision to concur with a Contact Group proposal to offer Serbia a complete lifting of U.N. sanctions if it would recognize the independence of Croatia and Bosnia and cut off arms to rebel Serbian armies in both countries.

This might have been a reasonable proposal if, as the New York Times put it, "Serbia's President, Slobodan Milosevic, had a record of honoring his commitments, or if the five-power group had a record of insisting on compliance with its deals. Neither is true."

This latest step in United States compliance with the Contact Group's policy of appeasement followed the decision just 1 month ago to extend for another 100 days a partial easing of U.N. sanctions on Serbia with the understanding that it would deny assistance to rebel Serbs in both Croatia and Bosnia. During the previous 100-day, sanctions-easing period last fall, SAM 6 missiles mysteriously appeared at Serbian positions in Bosnia and regular soldiers of the Serbian army participated in the Serb attack on Bihac. But since there was no proof of Serbian complicity, the sanctions easing was extended.

Two weeks ago, U.N. monitors were temporarily barred from a Serbian airfield during a time when U.N. troops in northern Bosnia observed helicopters travel from Serbia to Bosnian Serb positions in Bosnia. Once again, Serbia created a fact—continued assistance to the Bosnian Serbs—for which there was no documentary proof.

Now it appears from press reports that Milosevic has rejected this latest Contact Group offer, just as the Serbs have refused earlier offers—in which the United States has concurred—to effectively legitimize Serbian gains from aggression in exchange for promises to cease fighting.

But even if Milosevic were to agree, there is no reason to believe that he would honor a new pledge to cease supporting Serbian aggression in Bosnia now any more than he has any previous similar promise. And even if Milosevic were to accept the Contact Group offer, this would not necessarily persuade the Croatian or Bosnian Serbs to accept the peace plans. Both are well supplied at the moment. They need only wait for a few months until Milosevic finds a way to renew his support, as he has always done.

The Contact Group's offer to Milosevic was objectionable from the outset because it was immoral. It was an expression of weakness and indecision on the part of five of the strongest and most principled nations on Earth. It remains wrong on the grounds of realism and practicality, not just because Milosevic rejected it, but because it would not work even if he changed his mind.

The further we go down the path of appeasement in the Balkans, the more obvious it becomes that not only does this policy offer no hope of resolving the Bosnian tragedy, it demeans the role of the United States in the world. I am more convinced than ever that we must abandon the policy of weakness and appeasement and return to the lift-and-strike policy President Clinton brought into the Oval Office in 1993.●

TURKEY'S CONFIDENT LEADER

● Mr. SIMON. Mr. President, recently, Lally Weymouth had an op-ed piece in the Washington Post about Turkey's remarkable Prime Minister.

It's a great tribute to her.

The political storms are not easy to weather in Turkey, but one of the things that our friends in Turkey must understand is that an improved relationship with the United States, and much of Western Europe, is in the interest of all of us, but it is not likely to happen until Turkey faces up to the Cyprus question and the Armenia question.

I recognize that is easy for a politician of the United States to say, and not easy for a political leader in Turkey to say because of the decades of emotion on these issues.

But if the people in the Middle East can get together, even though it is not all smooth, and if the people in Northern Ireland can get together, then it seems to me, the Turks, the Greeks, and the Armenians ought to be able to work out a better relationship than the one they now have, and that is in the interest of all parties.

I ask that the Lally Weymouth column be printed in the RECORD.

The column follows:

[From the Washington Post, Nov. 28, 1994]

TURKEY'S CONFIDENT LEADER

(By Lally Weymouth)

In a country where a radical Islamist party is growing in strength, and increasingly women are seen on the streets of major cities wearing the chador, the prime minister is a decidedly modern woman who has surprised the experts with her staying power. From the day 48-year-old Tansu Ciller came to power little over a year ago, analysts have been predicting the fall of her coalition. So far, however, she has managed to prove them wrong.

It remains true, however, that virtually every move Ciller makes is controversial. Some Turks criticize her as a disorganized novice; she's an academic-turned-prime minister. Others say she has failed to deal with Turkey's economic crisis; inflation this year is running at 116 percent, and the growth rate is negative.

Yet the prime minister appears cool and unflappable as she steps out of a helicopter in Istanbul and enters her palace to talk about Turkey's problems.

For one thing, Turkey's relationship with Washington has deteriorated in the post-cold war era. Meanwhile, Ciller has many soldiers deployed fighting terrorists in the southeast of Turkey. On the domestic front, she's engaged in an effort to reschedule a by-election for some national assembly seats, a vote originally scheduled for early December. Experts have been predicting that Ciller's party wouldn't fare well in these elections, since the majority of seats at stake are located in southeast Turkey, where the fundamentalist "Welfare Party" is strong.

Ciller, however, says confidently, "We are the majority party in the parliament * * * and I think we'll increase that majority. We're going to do much better than ANAP [the other right-of-center party.] I'm secular and democratic and progressive and this is what people want.

The central threat to Ciller's party and to all mainstream Turkish parties is the radical Islamist "Welfare Party." The prime minister nevertheless plays down the fundamentalist threat, claiming that the fundamentalists have only 15 or 16 percent of the vote. Indeed, she argues that their core vote is even smaller than that; she believes that Welfare attracts a considerable number of protest voters who are reacting to Turkey's economic problems.

Shouldn't her party (the True Path) merge with the other right-of-center party (the Motherland Party)—to offer voters a united front against the fundamentalists? Ciller, who has acquired a populist touch, strikes out at the Motherland Party, calling it elitist, "the product of the military coup. They had contacts [only] with the upper class," says Ciller, claiming that her True Path Party "represents the peasants and small businessmen, the artisans and free trades—the private sector." In the next elections, she predicts, Turkish voters will opt for one party, and "very likely it's going to be me and my party they will choose."

As Ciller sees it, she's faced with two major problems: an economic crisis and a terrorism threat. In the economic realm, she's trying to privatize the state sector: "I'm for a free market economy * * * but we've had problems in the economy because the government sector was so big. The government is in finance, in banking, in manufacture—everywhere."

As for terrorism, when Ciller became prime minister, the Syrian-sponsored PKK terrorists controlled large areas of southeast Turkey. Although she and other Turkish officials have not noticed any dropoff in Syrian support for the terror group, Ciller says she has used her army to regain control over much of the southeast. The prime minister says confidently that factories and schools are open again after having been closed for six years. "Life is going back to normal * * * and I did it in one year," she said. "We still have problems, but it's a big step in the right direction."

Her government has been criticized for the harsh methods used by the army in fighting the PKK, but Ciller claims she had no choice: "The fight was not against people living in the southeast [but] against the PKK who were killing the Kurdish and Turkish people without discrimination."

Turning to foreign affairs, Ciller notes that Turkey was a faithful U.S. ally during the Cold War, and cooperated with the United States and its allies in prosecuting the gulf war, shutting down an oil pipeline from Iraq that had produced large revenues for Turkey, thus causing economic hardship.

Recently, when Saddam marched toward Kuwait, Ciller said she told President Clinton that "we back the U.S. 100 percent and that I would provide any help the president would ask."

Yet she hesitates when it comes to the question of renewing "Operation Provide Comfort"—the program started by the United States and the international community to aid the Kurds in northern Iraq. "My people have hesitations about Provide Comfort because they feel it might help separate northern Iraq from the rest of the country," she said. "We feel the territorial integrity of Iraq should be maintained."

Ciller has endeavored to warn Washington about Russia's aggressive posture. "We know what is going on there * * * and we cannot close our eyes to the fact * * * that there are forces within Russia who want to go back to the old empire, to the old ways * * *. Aggression should be stopped—be it in Bosnia, in Azerbaijan or Kuwait."

Tansu Ciller is looking to the future. She plans to guide Turkey into the Customs Union of the European Union. Then, she wants Turkey to play some role in the Middle East peace process. Moreover, she wants to aid the Turkic Republics of the former Soviet Union emerge into independence.

But, says the prime minister, "we need help." She does; she also deserves it.●

RULES OF SELECT COMMITTEE ON INTELLIGENCE

● Mr. SPECTER. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each committee be published in the RECORD.

In compliance with this provision, I ask that the rules of the Select Committee on Intelligence be printed in the RECORD.

The rules follow:

SELECT COMMITTEE ON INTELLIGENCE—RULES OF PROCEDURE

RULE 1. CONVENING OF MEETINGS

1.1. The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2. The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3. A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5. If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1. Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2. It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3. The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting the ranking majority member, or if no majority member is present the ranking minority member present shall preside.

2.4. Except as otherwise provided in these Rules, decisions of the Committee shall be by a majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one third of the Committee Members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5. A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6. Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes case in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1. No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2. In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3. A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4. Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1. Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2. Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3. Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4. No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman. Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 Notice.—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

8.2 Oath or Affirmation.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 Interrogation.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, Vice Chairman, or the presiding member.

8.4 Counsel for the Witness.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 Statements by Witnesses.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 Objections and Rulings.—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the chair.

8.7 Inspection and Correction.—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 Requests to Testify.—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 Contempt Procedures.—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 RELEASE OF NAME OF WITNESS.—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committees may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need to know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need to know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf. Failure to abide by this provision shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400.

9.7 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.8 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committees unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committees offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of Senate Resolution 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of the Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and material, and shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the nondisclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee or in the event of the Committee's termination the Senate of any request for his or her testimony, either during his tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11. In accordance with title III of the Civil Rights Act of 1991 (P.L. 102-166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee Staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

APPENDIX A—RESOLUTION TO ESTABLISH A STANDING COMMITTEE OF THE SENATE ON INTELLIGENCE AND FOR OTHER PURPOSES—MAY 19, 1976

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the executive and legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Four of the members appointed under clause (E) of paragraph (1) shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader of the Senate and three shall be appointed by the President pro tempore of the Senate upon the recommendation of the minority leader of the Senate.

(3) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the committee and shall not be counted for purposes of determining a quorum.

(b) No Senator may serve on the select committee for more than eight years of continuous service, exclusive of service by any Senator on such committee during the Ninety-fourth Congress. To the greatest extent practicable, one-third of the Members of the Senate appointed to the select committee at the beginning of the Ninety-seventh Congress and each Congress thereafter shall be Members of the Senate who did not serve on such committee during the preceding Congress.

(c) At the beginning of each Congress, the Members of the Senate who are members of the majority party of the Senate shall elect a chairman for the select committee, and the Members of the Senate who are from the minority party of the Senate shall elect a vice chairman for such committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The Intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b) Any proposed legislation reported by the select committee, except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the senate by such standing committee within thirty days after the day on which such proposed legislation is referred to such standing committee; and any proposed legislation reported by any committee, other than the select committee, which contains any matter within the jurisdiction of the select committee shall, at the request of the chairman of the select committee, be referred to the select committee for its consideration of such matter and be reported to the Senate by the select committee within thirty days after the day on which such proposed legislation is referred to such committee. In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed herein, such committee shall be automatically discharged from further consideration of such proposed legislation on the thirtieth day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise. In computing any thirty-day period under this paragraph there shall be excluded from such computation any days on which the Senate is not in session.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence. activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purpose of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform services for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the Select Committee on Standards and Conduct[1] and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC. 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the executive branch, and which the executive branch requests be kept secret, such committee shall notify the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that he objects to the disclosure of such information, provides his reasons therefor, and certifies that the threat to national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally in writing, notifies the select committee of his objections to the disclosure of such information as provided in paragraph (2), such committee may, by majority vote, refer the question of the disclosure of such information to the Senate for consideration. The committee shall not publicly disclose such information without leave of the Senate.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered to be disclosed,

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the information of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate to move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe

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[1] Name changed to the Select Committee on Ethics by S. Res. 4, 95–1, Feb. 4, 1977.

to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which the committee or which Members of the Senate received such information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct[1] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct[1] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct[1] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities, which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of the United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding of sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee To Study Governmental Operations With Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence tivities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (This section authorized funds for the select committee for the period May 19, 1976, through Feb. 28, 1977.)

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

APPENDIX B—RESOLUTION AMENDING THE RULES OF THE SENATE RELATING TO OPEN COMMITTEE MEETINGS—JANUARY 15, 1975

Resolved, That paragraph 7(b) of rule XXV of the Standing Rules of the Senate is amended to read as follows;

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters to be discussed or the testimony to be taken at such portion of portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedures;

"(3) will tend to charge an individual with crime on misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt."

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102 (d) and (e) of the Congressional Budget Act of 1974 are repealed.●

MEASURE PLACED ON THE CALENDAR—S. 376

Mr. HATCH. I believe there is a bill at the desk that requires a second reading.

The legislative clerk read as follows:

A bill (S. 376) to resolve the current labor dispute involving major league baseball, and for other purposes.

Mr. HATCH. I would object to further consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, and upon the recommendation of the Republican leader, pursuant to 22 U.S.C. 2761, appoints the Senator from Alaska [Mr. STEVENS] as chairman of the Senate delegation to the British-American Interparliamentary Group during the 104th Congress.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, appoints the Senator from Alaska [Mr. MURKOWSKI] as chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, appoints the Senator from Arizona [Mr. KYL] as chairman of the Senate delegation to the Mexico-United States Interparliamenary Group during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276a, appoints the Senator from Montana [Mr. BURNS] as chairman of the Senate delegation to the Interparliamentary Union during the 104th Congress.

The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, appoints the Senator from Delaware [Mr. ROTH] as chairman of the Senate delegation to the North Atlantic Assembly during the 104th Congress.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair announces on behalf of the President pro tempore of the Senate and the Speaker of the House of Representatives, pursuant to section 201(a)(2) of Public Law 93–344, the appointment of Ms. June Ellenoff O'Neill as Director of the Congressional Budget Office for the term of office beginning on January 3, 1995, effective March 1, 1995.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDERS FOR THURSDAY, FEBRUARY 23, 1995

Mr. HATCH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Thursday, February 23, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; that there then be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators to speak for the designated times: Senator MURKOWSKI, 20 minutes; Senator CAMPBELL, 10 minutes; Senator DORGAN, 15 minutes.

I further ask unanimous consent that at the hour of 10 a.m. the Senate resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. HATCH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:10 p.m., recessed until Thursday, February 23, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 22, 1995:

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOHN CHRYSTAL, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GEORGE J. KOURPIAS, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1997. (REAPPOINTMENT.)

GLORIA ROSE OTT, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE WELDON W. CASE, TERM EXPIRED.

HARVEY SIGELBAUM, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 1996, VICE CAROLYN D. LEAVENS, TERM EXPIRED.

THE JUDICIARY

INEZ SMITH REID, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF 15 YEARS, VICE EMMET G. SULLIVAN.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MILTON D. HUGHES, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5035:

VICE CHIEF OF NAVAL OPERATIONS

To be admiral

JOSEPH W. PRUEHER [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

DONALD L. PILLING [redacted]

HOUSE OF REPRESENTATIVES—*Wednesday, February 22, 1995*

The House met at 11 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using the words of President George Washington's prayer for his country.

"Almighty God: We make our earnest prayer that Thou wilt keep the United States in Thy holy protection; that Thou wilt incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; and entertain a brotherly affection and love for one another and for their fellow citizens of the United States at large. And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility, and pacific temper of mind which were the characteristics of the Divine Author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation. Grant our supplications, we beseech Thee." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona [Mr. HAYWORTH] come forward and lead the House in the Pledge of Allegiance.

Mr. HAYWORTH led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we have kept our promise; unfunded mandates legislation—we have kept our promise; line-item veto—we have kept our promise; a new crime package to stop violent criminals—we have kept our promise; national security restoration to protect our freedoms—we have kept our promise.

Now we are working on: Government regulatory reform; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without government penalty; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

NOT EVERYONE IS CELEBRATING THE CONTRACT ON AMERICA

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, today, as Republicans plan yet another celebratory press conference to congratulate themselves for doing the jobs they are paid to do, many Americans are not celebrating.

Children are not celebrating the fact that Republicans will pay for their so-called reform by eliminating all Federal nutrition programs, including the School Lunch Program.

Senior citizens are not celebrating the fact that Republicans will balance the budget by putting Social Security and Medicare on the chopping block.

Police officers are not celebrating the fact that the Republicans' idea of crime control means taking cops off the street and putting guns on the street.

And, finally, working families are not celebrating the fact that the Republicans' idea for cutting waste, means cutting crucial student loan programs that have helped to educate generations of middle class kids.

Once the rhetorical fireworks are over and the smoke has cleared, we will be able to clearly see who stands behind the Republican contract—the very special interest lobbyists they once vowed to drive from this town. The first 50 days of the 104th Congress have given the special interests plenty to celebrate.

HALFWAY POINT OF CONTRACT WITH AMERICA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today marks the half-way point of the Contract With America. This Congress has passed more major legislation in 50 days than most other Congresses would have passed in a year. Not only has the volume of legislation increased, but the substance of legislation has changed as well.

The focus of the legislation passed in recent Congresses was to expand the power of the Federal Government. The focus of the legislation passed over these last 50 days has been to reduce Government.

The balanced budget amendment, the line-item veto, and unfunded mandates reform are all geared toward making the Federal Government a servant of the American people and not a millstone around their necks.

Mr. Speaker, Republicans are committed to bringing real change to Washington, the type the American people voted for last November. We have kept our promise for the first 50 days and we will keep it for the next 50 days.

TALK ABOUT PORK

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, every American who cares about pork—and believes my colleagues' claims that we have a new Congress that is putting America on a pork-free diet—should pay close attention to the debate about defense spending today.

You will learn that my friends on the other side of the aisle have not stopped the pork from sizzling, they have simply put a new name on the menu. You see, the bill we are considering adds more than $600 million to our deficit.

Why? Largely because my Republican colleagues have tacked on close to a billion dollars in spending that the Secretary of Defense does not even want.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

99-059 O—97 Vol. 141 (Pt. 4) 29

But of course, my friends, that billion is not pork.

You see, in the Republican restaurant, investment in job training, or building new schools—now that is pork. So today, my colleagues will work to eliminate $300 million to train our kids for better jobs and help them learn in decent schools.

Think about those priorities the next time you hear one of my colleagues talk about pork. Remember, it is not the size of the spending. It is where it is spent that makes them squeal.

PASS THE PAPERWORK REDUCTION ACT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, 50 days ago, Congress started a revolution to change business as usual. We made a pledge with the American people to make Government smaller, less expensive, and less intrusive. We have worked hard to deliver on this promise.

Congress has become more accountable than ever before, has started to regain the respect of citizens outside the beltway, and has restored common sense to the Federal Government. There is still much work to be done; we must simplify the Federal regulatory maze as we know it.

Small businesses spend approximately 6.8 million hours and $510 billion a year filling out forms and compiling records for the Federal Government. These businesses must hire additional lawyers to fill out the paperwork, which in turn denies the employer from hiring additional workers to produce the company's product or service.

The Government is a regulatory mess. Let us continue the bipartisan spirit this Congress has formed and pass the Paperwork Reduction Act to help the small businesses of America.

THE FIRST 50 DAYS OF THE CONTRACT WITH AMERICA

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, the 50th day of the mean-spirited, reactionary, insensitive, indifferent, right wing, extremist, antipoor, antichildren, Constitution bashing, bordering on racist, contract on America is now before us.

If we read the fine print we will find out what the Republicans want to give the American people: Orphanages for poor children, no lunch for poor children, abolish prenatal care for women, deny our communities of police officers, allow Government agents to break into our homes without a search warrant.

By dishonestly claiming to balance the budget, destroy the Social Security and Medicare programs, the elephants have been very busy in the first 50 days.

God help you if you are poor, a minority, or the Constitution. The elephants are going to stomp all over you in the next 50 days.

CORPS OF ENGINEERS VERSUS OSHA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, a contractor in Kansas City was laying pipe for the Army Corps of Engineers when brackish, green water seeped into the cut. The corps tested the water and told the contractor that there was no health risk—get on with the job.

Three months later, the Occupational Safety and Health Administration fined the contractor for failing to protect his employees.

As the employer commented, "You had one Government agency [telling us] the material was not hazardous and that we were to proceed, and another agency citing us for exposing workers to an alleged hazardous material."

Mr. Speaker, it's time to end the heads-I-win, tails-you-lose regulatory policies of the past. Let us pass the regulatory moritorium bill. Let us take a hard look at OSHA's abusive practices, and let us rationalize our regulation of America's workplaces.

Mr. Speaker, we have had 50 days of changing America; now let us have 50 more.

FEDERAL RESERVE BOARD IS SUBJECT TO THE JURISDICTION OF CONGRESS, NOT THE WHITE HOUSE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Constitution says only Congress can draw money from the Treasury. It also says only Congress can coin money, regulate the value thereof and regulate the value of foreign money. Only Congress, the Constitution says, can regulate commerce with foreign nations.

The question I ask, Congress, is under what authority did Robert Rubin sign an agreement to bail out Mexico? To me it is unbelievable.

Now, the Washington Times reported that our bailout is going to bail out the Mexican banks and Mexican companies. Ladies and gentlemen, we are bailing out Mexican banks, we are putting our banks on the line here and our taxpayers in the fire.

I disagree with this. I think the Federal Reserve Board is subject to the jurisdiction of Congress, not the White House. It is time for a constitutional court case to determine that.

I plan to challenge the bailout in court.

AFRICAN-AMERICAN CHILDREN ARE BORN DISADVANTAGED

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, children who have an inheritance of property or money are born with an advantage. Studies have shown that children with parents who have a college education are born with an advantage. Both have an advantage over those who have no inheritance or college-educated parents.

For numerous reasons, African-Americans fall into the latter category most frequently. Mr. Speaker, these advantages are good because families have earned these advantages. We all want our children to have these advantages in our competitive society. The question is, Mr. Speaker, do we want to help those less fortunate?

Mr. Speaker, we must remember that, like a chain, our Nation is as strong as our weakest link.

NEGATIVE SIDE OF THE CONTRACT WITH AMERICA

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, yes, 50 days the Congress has now been in session. How are we doing? Well, we passed a couple of bills that are not too bad. They are almost identical to bills the Democratic Congress passed the last time; that is, the line-item veto, making Congress live by the laws that we pass.

What else have we done? Well, we have taken cops off the streets, attempted to return to the billion-dollar nonsense of star wars, allowed governments to break down your door without a search warrant yesterday, stopped tax credits for many American small businesses.

Giving this Congress credit for the actions of these first 50 days is like giving a driver's license to a teenager based on the number of car accidents he has had.

WHAT HAS BEEN GOING ON AT THE WHITE HOUSE DURING THE FIRST 50 DAYS?

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, quite rightly, the attention of America has been focused on this Chamber during the last 50 days, but it is only fair to ask what has been going on at the White House during the first 50 days of our Contract With America.

The President's embattled Commerce Secretary finds himself the subject of yet another Justice Department corruption probe. The President supposedly laid down the law with baseball owners and players—they did not listen to him either—in an unsuccessful bid to end the baseball strike.

Then the President sent a Surgeon General nominee to the Hill, misled Congress several times at to the number of abortions this nominee performed, and then attacked the pro-life movement for being concerned.

Mr. Speaker, while the Republicans have been busy with our Contract With America, the White House has been trying to legitimize a Cabinet Secretary's alleged corruption, attempted to play umpire in a millionaires' dispute, and failed to do a thorough background check on a Cabinet nominee, while all the while misrepresenting the nominee's record.

Mr. Speaker, Republicans are worried about average, everyday American concerns, not worried about millionaires, corrupt politicians, or left-wing political movements.

That is why we will move in the next 50 days to enact our Contract With America.

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INTRODUCTION OF LEGISLATION TO SUSPEND REQUIREMENT FOR REFORMULATED GASOLINE

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, since January 1 of this year, reformulated gasoline has been required by the Clean Air Act in southeastern Wisconsin and other areas of this country. This reformulation contains either ethanol, MTBE, or ETBE.

Immediately, constituents started calling to complain of engine problems and reduced mileage, but more importantly they complained of adverse health effects.

I recently spoke with an allergist, Dr. Roger Hirsch, who confirmed that he noticed a pattern of symptoms for his patients starting in the second week of January. These symptoms included respiratory problems, lightheadedness, low-grade headaches, and itchy and burning eyes.

When these symptoms reoccurred 3 to 4 weeks later, Dr. Hirsch began to suspect that there was a common cause. Going by the flood of calls received by my office, other congressional offices, and State and Federal hotlines, there certainly is.

To address this problem, my colleague, Mr. BARRETT, and I are introducing legislation today that would suspend the reformulated gas requirement until the complaints of adverse health effects are thoroughly examined. The onus would be on EPA to prove that this fuel is safe.

Mr. Speaker, I urge my colleagues to join us by cosponsoring this bill. We are all for clean air, but we should not create health hazards achieving it.

SUPPORT THE CORPORATION FOR PUBLIC BROADCASTING

(Mr. TORKILDSEN asked and was given permission to address the House for 1 minute.)

Mr. TORKILDSEN. Mr. Speaker, when the subcommittee marks up its rescission package this evening, the Corporation for Public Broadcasting's fate will hang in the balance. I rise in opposition to zeroing out funding for this important component of our public education system.

The debate is primarily philosophical, not fiscal. Governmemt spends money on its priorities, and quality educational programming should remain a priority. Consider that public television's greatest reach is consistently among preschoolers. In 1993, 83 percent of America's preschoolers, our children and grandchildren, watched PBS. Almost half of all Massachusetts residents young and old watch a local PBS affiliate every week.

Cable is not a substitute, as many cannot afford cable. PBS reaches 99 percent of the country. Broadcast television is not the answer either, as the free market will not always support educational television. All line-items may have to take a reduction, but let's not eliminate a key part of our public education system.

In the first 50 days, we Republicans have shown that we keep our promises. Let us promise to keep the Corporation for Public Broadcasting.

FIRST 50 DAYS SAID TO BE MARKED BY POLITICAL EXPEDIENCY AND SYMBOLISM

(Mr. VENTO asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, we have now seen 50 days of the GOP majority in Congress in which symbolism reigns supreme. The people of the Nation, children, families students, and older Americans, are at risk. They are concerned and they are worried, and they should be. These actions promise to undercut the basic needs of working men and women.

During these first 50 days of the GOP they have retreated from the active, positive role of the Government, the cooperative role, and have replaced it with confrontation and threats of denial of benefits to those who need help in our society. The new majority has tried to make a virtue of their political actions. It will not work.

A deliberate Congress is necessary, and consideration in this Congress has been pushed aside by the new majority in the name of political expediency. The lockstep votes of the GOP have demonstrated a discipline—in fact, an almost ideological stand, not pragmatism—that prevails in this House today.

Mr. Speaker, the actions of these first 50 days cannot be totaled or added up today. They will have to be added up in the names of those who endure the human suffering that is going to be created by the abandonment of the American people by this new majority's actions.

THE POSITIVE RESULTS OF THE FIRST 50 DAYS OF THE CONTRACT WITH AMERICA

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, what has the Republican majority done in the past 50 days that the Democrats were not able to do in the past 40 years?

More votes, more hours, more hearings, more debate, more bipartisanship, more bills reported and real, positive change in the way business is done in Washington, DC.

Republicans are on a roll and no matter how hard the Democrats have tried to support business as usual, we will continue working hard to change Congress in the next 50 days. We will keep our promises with the American people through the Contract With America. And we will bring to the floor legislation that the people have demanded.

Welfare reform, middle income tax cuts, Senior Citizens' Equity Act, legal reform, term limits, and regulatory reform. We will not stop until we have fulfilled our promise to change Congress and move toward a government that is smaller, more efficient and friendlier to the American people.

SUPPORT THE MINIMUM WAGE WITH THE MINIMUM TRUTH

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, in the last few days I have gotten a tremendous number of calls from people concerned about what might happen to the minimum wage. One of the reasons why much of that concern is coming is because I represent a district right next to one of our leaders here, Mr. ARMEY, who has been talking about doing away with the minimum wage altogether and talks about Charlie, who lost his job because of an increase in the minimum wage back in 1977.

Well, they tell me that is not true, and I saw in the Washington Post yesterday that it was proven that was not a true story.

I simply ask, Mr. Speaker, that when our leaders get up to attempt to talk about why they want certain policies, they should just tell the truth. No one has lost a job because of an increase in the minimum wage.

Mr. Speaker, I would ask all of us to look very closely at what we pledge when we say, "with liberty and justice for all." Our working poor have to be considered. We cannot expect that all of us will know how to make decisions if we do not have at least a minimum truth in our support of the minimum wage.

THE SPEAKER TARGETED IN POLITICAL INVESTIGATION, SAYS THE MIAMI HERALD

(Mr. LAHOOD asked and was given permission to address the House for 1 minute.)

Mr. LAHOOD. Mr. Speaker, I have an article here that appeared in the Miami Herald on February 21 that says they will find some dirt on GINGRICH, and one of our colleagues is quoted as saying that people have been assigned by House Democrats to "investigate Gingrich on a daily basis," and "we are going to stay on his back."

I really doubt if the American people sent our colleagues here to try and downgrade or to try and develop some sort of a list of how we can do in a particular Member of this House. I think the American people sent us here to do the people's business and to pass legislation and work together.

Mr. Speaker, I urge my colleagues on the other side of the aisle to put aside partisan politics, to put aside any feelings of trying to do somebody in. Let us work together and do the people's business that we were sent here to do.

WITH NO ESCAPE CLAUSE FROM THE CONTRACT WITH AMERICA, THE PEOPLE SEEK ANSWERS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, 50 days into the Contract With America and there seem to be more questions than answers.

I want to know, how do we protect public safety and at the same time say we do not need more police on the streets, especially in our urban centers that have such problems?

How do we prepare the next generation to work in a more complicated, competitive world and say, "Oh, no, we don't need student loans anymore, and if we have them, they are going to be harder to pay for"?

How do we stand up for the average working person and at the same time say, "Let's have a tax cut" that is so big we could not pay for it unless we increased the deficit or at least broke our promise to our older Americans and decimated Medicare?

And, finally, how do we protect the Constitution of the United States and pass legislation that totally disregards the privacy of each and every one of our homes?

As we move into the second 50 days, these questions are going to have to be answered, and I am sure there will be other questions. My only hope is that as the American people see what is in this contract, they will not wish that they had negotiated an escape clause for their own protection.

FARM ISSUES DESERVE MORE ATTENTION

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, farmers deserve a break from the burdensome and bureaucratic regulations which dictate how agribusiness is run. Last night after much deliberation we passed a permanent tax break to help cover the cost of health insurance for farmers and other small businessmen. This is only one step toward relieving the farmer's burden—we must do much more.

Congress needs to re-implement the investment tax credit so farmers will have an incentive to expand their operations. We need to pass legislation that will ease the burden of private property takings. We need to pass a capital gains tax reduction which will allow farmers to invest in further improvements on their farm. The farmers should be able to leave their farms to their heirs without having to sell the farm assets in order to pay inheritance tax.

As we debate these issues and others, I urge Congress to regard the farmers, those people who work to provide food for the Nation. America's farmers must be relieved from the undue hardship of over-regulation in order for them to continue to toil the land.

WHO HAS BENEFITED BY THE CONTRACT WITH AMERICA?

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, on the last day of this Congress, I stated, At the end of each day, I believe it is important to be honest and to ask the question:

Who was helped—and who was hurt—by what we did?

We are now at the 50th day.

Who have we helped?

Mr. Speaker, on day one, I also stated, This Nation is strong because we have historically made a place for all who live here, including those who are weak—the young, the poor, the frail, the disabled.

Soon we will consider welfare reform legislation. The future of Federal nutrition programs hangs in the balance under that proposed bill.

We have another 50 days left on the 100-day promise to change America.

Who are we helping? Who are we hurting?

We have not helped the seniors. With the balanced budget amendment, Social Security and Medicare will likely be cut?

We have not helped workers. The unfunded mandates bill leaves workers protections at risk.

We have not helped our youth. The crime bill would jail them rather than deter them.

GEORGE WASHINGTON'S BIRTHDAY AND THE ANNUAL MEETING OF THE AMOSKEAG VETERANS IN NEW HAMPSHIRE

(Mr. BASS asked and was given permission to address the House for 1 minute.)

Mr. BASS. Mr. Speaker, today is George Washington's birthday and that is certainly an important event, but it is also the annual meeting of the Amoskeag Veterans.

The Amoskeag Veterans is perhaps New Hampshire's oldest standing militia, maybe one of the oldest in the country. The Amoskeag Veterans meet twice a year, on George Washington's birthday and on Bunker Hill Day. They are indeed a regiment of 72 American citizens who are battle-ready.

As we discuss the defense supplemental today, I hope the people of this country and my colleagues here in Congress will be advised that this group has been around for over 200 years. It has not been called on for 149 years to perform any services, but they are ready to defend New Hampshire and this country.

PUNCHING OUT WITH THE CONTRACT WITH AMERICA

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, today marks the 50th day of the Republican contract for America. They like to boast and they punchout with a hole puncher each contract item. Let us look at what they have punched out so far.

They have punched out police on the beat, the 100,000 police officers that this Congress provided last year. They punched out open rules by closing them to honest debate.

They have punched out taxpayers with $40 billion for a new star wars.

Who gets punched out in the next 50 days? Well, they are going to punch out tax cuts for the wealthy. That will really help a lot. They are going to punch out senior citizens by the cuts that have to come under the balanced budget amendment. They are going to punch out veterans. They are going to punch out middle income families when they restrict student loans.

They are going to punch out kids—that is gutsy—with student nutrition cutbacks, with cutbacks on hot lunches and breakfasts.

Mr. Speaker, one would think that George Foreman had run for the Congress. But the fact is that we should not be here punching people out. Each punchout they do is a knockout to the American economy.

RECOUNTING THE SUCCESSES AT THE HALFWAY POINT OF THE CONTRACT

(Mr. DREIER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listen to my friend talking about punching out certain interests in this country, I am struck by the fact that he fails to recognize the tremendous success of the first 50 of the 100 days.

We have had the most open debate process that this institution has witnessed in years. With the crime bill that we passed, we are going to allow local governments to make the determination as to how they can best deal with the crime problem, and if they want to put 100,000 police officers on the street, I am convinced that if that number is actually right, which I certainly question, this measure that we passed will be able to do that.

The fact is that we have had tremendous success during these first 50 days of the 100 days, and as we mark George Washington's birthday, it is pathetic, absolutely pathetic, that one of our colleagues has to do what the Democrats have unfortunately resorted to out of their sense of frustration, and that is do nothing but dig for "dirt on Gingrich," as this report from the Miami Herald said. One of our colleagues said that people have been assigned by the House Democrats to "investigate Gingrich on a daily basis." The story goes on: "We meet once a week to go over what he's done through the week."

Mr. Speaker, that is pathetic. It is absolutely pathetic that all they are doing is resorting to digging up dirt.

DEMOCRATS BEING GAGGED BY REPUBLICANS

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, yes, this is the 50th day. But we got a long way to go. You know, this Congress will be in session for about another year and 10 months, so let us see what happens in that year and 10 months.

What has happened in the first 50 days is not very much. When you add it up, there has only been one bill that has been passed and become law, and that same bill is a bill that we as Democrats passed last year and everybody agreed to, and that is the compliance bill.

Nothing else has become law. The balanced budget amendment? That is still sitting over in the Senate. They are going to vote on it next week. They do not even know if they are going to pass it or not. Nothing else is moving. Nothing else has become law.

Folks, they say that great things are happening. Well, what have been the great things happening? We have been gagged. Many of us have amendments to bills. We cannot offer them. They will not let us offer them. They have a timetable. They say, "We have to do it now, right now; you cannot offer your amendment. It is going to happen today."

I wish more people would watch what happens here today and see how Democratic minority Members are gagged by the rules of the majority today, tomorrow, Friday, all next week, and all through this 50 days.

IMPRESSIVE ACCOMPLISHMENTS OVER LAST 50 DAYS

(Mr. DIAZ-BALART asked and was given permission to address the House for 1 minute.)

Mr. DIAZ-BALART. Mr. Speaker, today we properly focus upon how much we have accomplished in just 50 days. The list is impressive: A balanced budget amendment, a line-item veto, a tough and commonsense crime bill, unfunded Federal mandates reform, and setting priorities for America's foreign policy and national defense.

Now, Americans may ask how will this affect me? Let me answer. A balanced budget amendment means your children and grandchildren will have a brighter future because they will not have to shoulder a huge Federal debt and the economy of our country will remain strong for future generations. A line-item veto means the President can eliminate unnecessary spending so your tax dollars are used wisely. A crime bill means the streets will be safer and the criminals will be punished for their crimes. Unfunded Federal mandate reform means you will no longer have to pay the hidden taxes from the Federal Government passing down mandates to State and local governments. Setting national security priorities ensures that America will maintain its strong leadership in the world in future generations.

Mr. Speaker, we are making real changes, changes that will help the American people, and we will continue.

CONTRACT WITH AMERICA A CAMPAIGN GIMMICK

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, I came here to serve the families of the people of Austin, TX, not to serve as a contractor for NEWT GINGRICH. This contract is nothing more than a campaign gimmick, and if it is fully imposed, it will be the people of Austin, TX, and across this country who suffer.

The contract rejects community policing and crime prevention programs that work in Texas. It would turn over our health and safety standards to the tobacco companies and the other special interests. And the cost of this contract? At more than $1 trillion, it threatens our financial security.

Some of the concepts in the contract are good, but I learned long before going to law school from my parents that you do not listen to the salesperson's hype, you read the fine print, the little bitty words on the back of the contract. And when you do that, you find out that this so-called Contract With America is devastating to middle-class families across this country.

This contract goes too far, too fast, too extreme. It can and should be rejected.

PROMISES MADE ARE PROMISES KEPT

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, today we celebrate the midway point in the Contract With America. Only 50 days into this historical 104th Congress, Republicans have said no to business as usual in Washington. We have already passed a balanced budget amendment, a line-item veto, and have brought Congress under the same laws as the rest of the country—and this is just the beginning. It is only half-time and this Republican Congress is ready to take the ball in the second half of the contract and roll back the regulatory tide, repeal the Clinton Social Security tax hikes, and bring about real welfare reform. This rare progress probably seems unusual to most Americans, but we are doing what we said we would do by keeping our word and our promises to the American people. In this Congress, promises made are promises kept.

FEDERAL RESERVE INTEREST RATE POLICY THREATENING AMERICA

(Mr. MASCARA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MASCARA. Mr. Speaker, why is it that every time the economy begins to improve in the eyes of the Federal Reserve that is bad? Is bad news good news? That is a true fiscal oxymoron.

I will never understand the Federal Reserve. I will never understand why every time the economy is growing and jobs are being created, Alan Greenspan and his colleagues decide to slam the brakes on by raising interest rates.

The recent boost in interest rates by the feds is the seventh increase in the past year. Short-term interest rates have doubled from 3 to 6 percent. Long-term rates are expected to hit 9 percent, a level we have not seen since the early 1990's.

These hikes are beginning to put a stranglehold on the people of the country and the 20th Congressional District in Pennsylvania. Economists are predicting an economic slowdown, but the Federal Reserve is still not satisfied. Unbelievably, Mr. Greenspan and his colleagues feel that unemployment remains too low.

Good news is bad news? Bad news is good news? I frankly do not get it. Mr. Greenspan, stop hurting the recovery that is under way.

IMPROVING THE HOUSE SCHEDULE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, we began the 104th Congress with a commitment to improve the House schedule to make this Congress more family friendly, recognizing that the first 100 days of this session would be devoted to fulfilling the legislation promised in the Contract With America entailing long days and a full House schedule during this time.

We have worked hard to keep on that contract schedule and trying to balance the floor schedule with time for family has been difficult. But I believe there are a few ways we can adjust the House floor routine in an effort to improve upon the family friendliness of this Congress.

I would suggest, Mr. Speaker, for at least the remainder of the 100-day period, that we consider starting the floor schedule earlier each day, with goal of ending sooner in the evenings. Morning hours could be suspended, 1-minutes could be held to a half hour, or even better delayed until the end of business. Consideration could even be given to suspending special orders. At least provide the floor staff with some help when the schedule goes into the late hours so that the staff can spend some time with their families.

Mr. Speaker, schedules, nerves, and tempers are beginning to fray. An earlier starting time could not only help in moving the House's business along, but it could also allow some additional family time, and truly make this a family friendly Congress.

SCHOOL LUNCH PROGRAM NECESSARY FOR AMERICA

(Mr. FIELDS of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS of Louisiana. Mr. Speaker, I rise in strong opposition to the Republican attempt to dismantle the Nation's School Lunch Program. I think it is a shame and a disgrace for my colleagues on the other side of the aisle to choose to tamper with something as basic as a school lunch.

Currently, 57 percent of all students participate in this most needed program. We cannot abort our responsibility as national law makers and put tens of thousands of young innocent school children at the risk of not having the opportunity to have a balanced meal during the course of a school day, many of which depend on this meal as their only source of nutrition for the entire day.

I believe that this Congress has a direct interest in the health and welfare of the Nation's children; making sure that each child attending school receives a well-balanced meal each school day.

This is a responsibility and an obligation that one Member of this Congress is not willing to give up, and I hope my colleagues agree.

SAVE THE NADEP

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as the Defense Department prepares the latest list of military sites it will recommend for shutdown, there is one site that any objective observer would conclude does not belong on that list—the Jacksonville Naval Aviation Depot.

Since the 1993 round of base closings cut the Nation's number of naval aviation depots in half, the Jacksonville NADEP's unique role as a cornerstone of America's military readiness has only increased. The core purpose of a NADEP is to provide essential industrial support to the Navy's tactical aircraft—a task the Jacksonville NADEP performs with not only maximum effectiveness, but maximum efficiency.

Jacksonville NADEP currently handles fully half of the entire Navy's depot repair of aircraft engines, and does so with annual overhead costs of just 39 percent—11 percent below that of any other NADEP. In fact, the Jacksonville NADEP is so efficient that in 1994 it actually turned a profit of $27 million.

Mr. Speaker, the American people want the strongest possible national defense at the lowest possible cost. If the Defense Department wants to achieve this goal, the Jacksonville NADEP is the last base it would ever want to close.

SUPPORT URGED FOR KOREA/VIETNAM MEMORIAL NATIONAL EDUCATION CENTER

(Mr. MCHALE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHALE. Mr. Speaker, I rise today to voice my wholehearted support for the Korea/Vietnam Memorial National Education Center, now being created in my district of Pennsylvania.

President John F. Kennedy once said that "a nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers". For too long, some among us have chosen to forget about the conflicts in Korea and Vietnam; to push aside the sacrifices made on our behalf by those who served in the uniform of our country. We asked much of them, and gave little in return.

We must now remember these events, and pay honor to those who made the sacrifices which democracy often put on those whom Lincoln called the "common people"—men and women of ordinary means, but also of extraordinary courage and uncommon valor.

The Korea/Vietnam Memorial National Education Center, will serve as a living tribute to the men and women who answered the call of their country, and as a lesson for those to whom we will entrust our hard-fought peace.

I ask that the members of this body join me in supporting this important memorial to our veterans, and to brave patriots from freedom-loving countries throughout the world, who deserve no less than this tribute. The Korea/Vietnam Memorial National Education Center is our chance to let them know that they matter, and that we care.

CONTRACT WITH AMERICA NOT HELPING AMERICANS

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, today marks the 50th day of the new Republican leadership and in all honesty I cannot say that one life of an average American has been significantly helped.

In fact, Mr. Speaker, the lives of average Americans have been greatly harmed due to the proposals set forth in the so-called "Contract With America." During the first 50 days of this session, not one job has been created, not one family is more secure, not one working, middle-income individual is better off, and not one child is more secure.

While the Republicans have spent these first 50 days fighting for tax cuts for the wealthy of society, we Democrats are fighting for a minimum wage increase to make work pay and break the cycle of welfare dependency. While Republicans are proposing cuts on Medicare and AFDC, we are fighting to save Medicare and protect child nutrition programs, which are so vital to many poor children.

If the current proposals continue, children will be the real losers under this contract.

CONTRACT WITH AMERICA HELPING AMERICANS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am not sure how the previous speaker knew that not one person was better off in America. I have talked to a lot of people in America in my district and they are very happy with what is going on. The polls indicate people are better off and definitely happier with the way things are going in this Congress.

We are not just up passing bills. Americans know that. We are up here taking away from Big Brother in Washington, the Government, and we are returning the control of this country to the people we work for, the people all across America.

We are doing something else too, something that perhaps the former majority who are now the minority failed to do, and that is we are keeping our word. We are accomplishing exactly what we said we would do in the election. We are out here working harder in January and February than this Congress has ever worked, certainly more than it has in the last 40 years. We have had four times as many hours in session, we have had eight times as many votes, we have had six times as many committee meetings. The reason for all of that is not because we want more Government, it is because we want less Government. We are cutting down Government, that is what this is about, and we are returning it to the people.

REPUBLICAN POLICIES NOT CREATING NEW JOBS

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, on this golden anniversary of the Republican Contract on America, I want to remind everyone of a four-letter word that Speaker GINGRICH has not uttered—jobs.

Speaker GINGRICH's policies have not and will not create one new job or make the life of one American better.

But it will make the lives of millions of Americans worse:

The elderly who will see Medicare destroyed.

The college kids who will pay thousands of dollars more for student loans.

And the children who will not have school lunches to eat.

In fact, for all Speaker GINGRICH's talk, only one bill has been signed into law so far—congressional accountability. When we passed this last year, it was blocked by Republicans in the Senate.

Let us face it, it is no great accomplishment to vote on the first 5 items in a pollster's top 10 list.

Speaker GINGRICH promised a revolution.

So far this is more like the phony war.

□ 1145

THOUGHTS ON 50 DAYS' PROGRESS

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Mr. Speaker, today is the 50th day of the Republicans 100-day Contract on America. Congratulations on putting forth a goal and sticking to it.

It is important to have goals and objectives in our lives and in legislation. Legislative goals should be those that are achievable through a consensus with America, not goals that stick it to America. It should be a contract with all of America.

We Democrats do not need a plan to stick this to that or a contract with this group against that group. Our contract has always been the same. We work hard, ensure a thoughtful, deliberate process.

So let us look back at the first 50 days of the Democratic majority in 1993. By now two bills had already been signed into law: the national motor-voter bill and the family and medical leave bill, with little or no Republicans support. In the GOP first 50 days, only one bill, the Congressional Accountability Act, has been signed into law, just one, and that was with 400 Members voting for it in a bipartisan manner.

Even though the score, using the GOP marker, is two to one in favor of the Democrats, let us forget the 100-day marker. But rather, let us be thoughtful, deliberate in our legislative process and that way it is not Democrats or Republicans but all of America will win.

CONTRACT FOR AMERICA MIDPOINT

(Mr. HILLIARD asked and was given permission to address the House for 1 minute.)

Mr. HILLIARD. Mr. Speaker, I rise today to comment on this occasion of the half-way point of the Republican's 100-day Contract for America. During the recent election, the Republican Party snowed the people of this Nation with empty, meaningless promises.

While this contract may sound good on the surface, its provisions are vague and unrealistic at best. The worst, I fear, will result in deceptive and detrimental consequences for our country.

This contract cuts student loan funding and availability.

This contract cuts taxes for the wealthy, while at the same time taking food out of the mouths of children and young mothers.

This contract would end public assistance for the poor and disabled, with no provisions for putting people to work.

It has taken the majority party of this House 50 days to pass three contract items. It will soon become clear that the remainder of the Republicans' proposals are bad ideas masked in falsehood and obscurity. The Contract for America is bad, deceptive, and dangerously detrimental for senior citizens.

WHAT DOES THE RECORD SHOW OF THE FIRST 50 DAYS?

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, last night I saw a wonderful cartoon in the latest issue of Business Week. It had an elephant dressed in an obviously very expensive suit, wearing a button on the lapel that said, "Been robbed, raped, maimed or murdered? Call a block grant." That has a lot to say about what we have done here in the first 50 days.

We took the crime bill that was passed last year, took away all preventive measures and took away the police on the street who will make the streets safer for us. And that, along with trashing the Constitution, are two very important things that have happened here in the past 50 days. And all Americans ought to know it.

We have done very little to address the problems that are really on the minds of Americans today. They have educated their children at great expense.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from California.

Mr. DREIER. I simply wanted to say to my friend that to interpret what was done during the first 50 days as trashing the Constitution and somehow encouraging raping and pillaging is a gross misrepresentation of what has been done.

There is a great celebration of the first 50 days taking place on CNN right now over in the Cannon caucus room.

I thank my friend for yielding.

A REMAKE OF THE BODY SNATCHERS?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, is this a replay of the first 100 days of FDR? That is what the Republican leadership would have the American people believe. Or is it more like a really bad remake of "Invasion of the Body Snatchers," some alien force has taken over the other side as they march lockstep and they will not consider any problems that they are creating with their contract. No matter how problematic, no matter how contradictory, no matter how poorly drafted their proposals, the contract must go forward, the alien force says.

Today $3 billion more for a needy Pentagon. They cannot make ends meet on a $271 billion budget. The American people know that. And next week we eliminate the School Lunch Program and the Program for Women, Infants, and Children because we cannot afford it.

Is there a little contradiction here? Is this 100 days to address the real needs of the American people akin to FDR, or is it a nightmarish remake of "Invasion of the Body Snatchers"?

Make up your own mind.

THIS IS WAR

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, we are not dealing with the celebration of a contract. We are simply looking at a war where people are pitting one group of citizens against another. It is simple and clear to the children and women and those who are in need, working families, that we are in war with today.

I would like to celebrate what the 103d Democratic Congress did that really focused on working families: family leave, motor-voter law, reducing the deficit, responding to families and small businesses and, yes, providing opportunities for our youth to get educational loans.

What we are doing right now is fighting in a war that seems to be dependent upon a contract and now we are celebrating 50 days of this.

But I tell Members what we are going to do in the next 50 days. We are going to stand against abandoning education and training. We are going to stand against not creating jobs. We are going to stand against gutting the School Lunch Program where children come to school to learn and then they cannot eat and, yes, we are going to continue to fight against gutting the crime bill, taking police off the streets. And we are finally going to stand against welfare punishment, because we believe in welfare reform.

Mr. Speaker, this is a war, and we are going to win this war for working Americans.

BALANCING THE BUDGET

(Mr. DOYLE asked and was given permission to address the House for 1 minute.)

Mr. DOYLE. Mr. Speaker, on November 8, the citizens of the 18th Congressional District in Pennsylvania sent me to Congress with a clear message. They wanted Government waste and inefficiency eliminated, they wanted the pork barrel, spendthrift ways of the past to change, they wanted our deficit brought down. I heard that message loud and clear, and I was proud to cosponsor the Democratic balanced budget amendment with CHARLIE STENHOLM and work to have it passed in this House with the help of the Republican majority.

I stand here today to express my extreme disappointment, that the very first spending package produced by the Republican majority since the passage of that balanced budget amendment would increase the 1995 deficit by $282 million and add $645 million to the deficit over 5 years.

It is ironic that when Republicans want to spend billions to build star wars, there is no mention of balanced budgets, but if it is lunches for our school children, Republicans want to abolish it in the name of a balanced budget.

Watch the vote today on the defense supplemental bill and we will see who is really serious about balancing the budget.

ON THE FIRST 50 DAYS

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, today marks the first 50 days of the 104th Congress, and my Republican colleagues are boasting about how much they have accomplished. The fact of the matter is, they have produced a lot of icing, but there ain't no cake.

While the Contract With America does a great deal for you if you earn over $200,000 a year, for the rest of us it is nothing more than a con job. Tax cuts for the rich will be paid for by cutting student loans, child nutrition programs, Head Start, and Medicare. Regulatory reform will allow corporations to circumvent health, food, consumer protection, and environmental standards. Their tort reform will let corporate giants get away with murder. The contract does not address health care, the minimum wage or job security.

Once again, this leads to the question, who really is controlling the contract? I think it is time for an outside counsel.

SETTING THE RECORD STRAIGHT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, I am a little bit puzzled by the speaker that preceded the gentlewoman who was just at the podium. I do not know where the gentleman gets his numbers, but the fact is that the emergency supplemental that is intended to repay the Defense Department for the missions directed by President Clinton in Haiti and Iraq and Bosnia and all the others is a $3.2 billion package, paid for by $1.8 billion in defense rescissions or cuts and $1.4 billion in nondefense rescissions or cuts, and it nets out to a savings of $14 million.

In other words, we are cutting $14 million more than we are spending.

The gentleman's figures are totally inaccurate. I hope this statement for the RECORD will reflect these corrected amounts accordingly.

MORE THOUGHTS ON THE CONTRACT'S PROGRESS

(Mr. TUCKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TUCKER. Mr. Speaker, my colleagues on the other side of the aisle are taking this moment to bask in the glory of what they call their first 50 days. And they are sticking their chest out, Mr. Speaker, and hoping that all of America will remember what they have done here.

Well, I hope all of America does remember what they have done here, Mr. Speaker. When they do things like slashing programs for children's lunches so that young people cannot go to school worrying about learning and eating at the same time, when they cut off student loan programs so as our young people matriculate they will not be able to go into modes of higher education, this is what I hope that the American people will remember about what they have done here on the floor of the House, because, Mr. Speaker, it is something certainly not worthy to be remembered for.

PROVIDING FOR CONSIDERATION OF H.R. 889, EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 92 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 889 modified as follows: on page 16, after line 12, insert a new title V consisting of the text of the bill (H.R. 845) rescinding certain budget authority, and for other purposes. The amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI or clause 2 or 6 of rule XXI are waived. No other amendment shall be in order except the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Obey of Wisconsin or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment in the nature of a substitute for failure to comply with clause 2 of rule XXI are waived. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendment as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, all time yielded is for the purpose of debate only, and I yield the customary 30 minutes to the gentleman from Dallas, TX [Mr. FROST], pending which I yield myself such time as I may consume.

Mr. Speaker, this is a new era of fiscal responsibility. Congress is committed to requiring the Federal Government to live within its means. In short, we have seen business as usual that has resulted in a $4.7 trillion national debt come to an end. In order to foster fiscal responsibility the Committee on Rules has reported a fair and balanced rule for this emergency defense supplemental.

□ 1200

Mr. Speaker, the rule makes in order as an original bill for the purpose of an amendment an amendment in the nature of a substitute consisting of the text of H.R. 889, which makes emergency supplementary appropriations for military readiness, and rescinds $1.46 billion in defense spending, amended to add the text of H.R. 845, a bill rescinding $1.4 billion in budget authority for a range of low-priority foreign aid and domestic spending programs.

In order to permit the House to consider the texts of two bills together, this rule waives clause 7 of rule XVI pertaining to germaneness and clause 6 of rule XXI regarding reappropriations.

The rule provides for 1 hour of general debate and an amendment in the nature of a substitute, which may be offered by the ranking minority member of the Committee on Appropriations or his designee. That amendment shall not be subject to amendment. Finally, the minority is provided with one motion to recommit, with or without instructions.

Due to the unforeseen nature of emergency appropriations, the rule waives clause 2 of rule XXI against the bill and the amendment consisting of the text of H.R. 889 and H.R. 845. The rule prohibits unauthorized appropriations.

In the name of fairness, the amendment in the nature of a substitute provided to the rule by the ranking minority member of the Committee on Appropriations will receive the same rule waiver.

Mr. Speaker, changing the culture of deficit spending is not easy. The American people need only look to the other body to observe the daily antics of reactionaries fighting to stop bipartisan proposals such as the balanced budget amendment and an effective line-item veto.

In the past, Congress simply added emergency spending to the deficit. Even with a Federal budget of $1.5 trillion, there was always an excuse why offsetting spending cuts could not be found.

Mr. Speaker, things have changed. Our new leadership in the House has committed itself to finding offsets for all supplemental spending bills. The deficit buck stops here. Make no mistake, this defense supplemental addresses a true emergency. As the Preamble to the Constitution so clearly states, providing for the common defense is a preeminent responsibility of the Federal Government.

While we debate, the readiness of our armed forces is threatened by a strangulation of resources. Eleven years in a row of reduced defense spending, combined with a series of operations in far-flung places like Haiti, Bosnia, Somalia, Iraq, Rwanda, and the Korean Peninsula have created an emergency. The Secretary of Defense and our leader military commanders have indicated that without these supplemental funds being provided by March 31, readiness and training will be cut back to dangerous levels.

Mr. Speaker, I would like to repeat this. The Secretary of Defense and our leading military commanders have indicated that if these supplemental funds are not available by March 31, readiness and training will be back to dangerous levels.

This rule provides a procedure to consider this emergency defense supplemental in a manner that is fiscally responsible. The Committee on Appropriations met the challenge of reporting rescissions to fully offset all the new spending, a challenge that the President has, unfortunately, not met.

In addition, the minority is given both a substitute amendment and a motion to recommit with instruction to offer alternatives.

To those who believe that far more can be done in the area of rescissions, I totally agree. That day is coming. The chairman of the Committee on Appropriations testified before our Committee on Rules that a major rescissions bill will be coming to the floor soon, possibly in March. That rescission, because it is not related to a national security emergency, will be considered under a much more open amendment process.

Mr. Speaker, this is a fair, balanced, and responsible rule. It provides the minority with two opportunities to provide alternative proposals. It provides the same substantive waivers to the amendment as are provided to the bill. All new spending, even though we have an emergency, is offset.

Finally, Mr. Speaker, this rule increases the likelihood we can maintain military readiness by enacting the necessary legislation by March 31.

Mr. Speaker, I urge my colleagues on both sides of the aisle to support this fair, balanced, and very responsible rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the end of the cold war, the United States has called upon the men and women of our armed services to perform duties ranging from humanitarian assistance, to peacekeeping, to engaging in an all out war. And these duties have been performed ably and with honor in an era of decreased funding for the entire Federal budget. There is not a one of us here today who can feel anything but pride in the job that our Armed Forces have done in Africa, in the Middle East, in the Balkans, or in the Caribbean.

We are here to consider legislation to recoup the expenditures required for DOD contingency operations undertaken in the course of the past year. The President has asked the Congress to provide these funds, and we are fulfilling our responsibility by acting on that request. There is no other acceptable course of action.

But, Mr. Speaker, I must rise in opposition to House Resolution 92 which provides for the consideration of H.R. 889, the Department of Defense emergency supplemental, as well as for the consideration of H.R. 845 which rescinds $1.4 billion in domestic discretionary budget authority. I want to be very clear that I support the provision of supplemental appropriations to the Defense Department in order that we, as a nation, do not find our strategic and defensive posture compromised.

But, Mr. Speaker, just a few short weeks ago I joined with over two-thirds of my colleagues in this body in supporting a constitutional amendment to balance the budget of the United States. That amendment did not exempt defense spending from its requirements, yet I cannot help but think that this supplemental—whether designated as an emergency or not—is not paid for and only adds to the deficit which we are so committed to erasing.

The Committee on Appropriations has recommended, in addition to the DOD supplemental, a bill which rescinds $1.4 billion in discretionary domestic spending which purports to cover the expenditures provided in the supplemental. However, there are many on this side of the aisle who wonder if these cuts are nothing more than a fig leaf. There seems to be some question whether our colleagues in the Senate will use domestic cuts to pay for defense increases. But, whether the Senate enacts these domestic rescissions or not, this bill still creates an outlay shortfall—nearly $300 million in this fiscal year and $645 million over the next 5 fiscal years. Mr. Speaker, where I come from those numbers can only mean one thing: We are adding to, not subtracting from, the deficit.

For that reason, Mr. Speaker, I urge my colleagues to vote "no" on this rule in order that the Committee on Rules might reconsider how we might deal with the critical necessity of meeting these urgent requirements of the branches of our Armed Forces while not adding to the national debt.

As this rule is constructed, there is really only one opportunity for Members to vote to not increase the deficit while at the same time assuring that DOD readiness is not impaired—by fully compensating the Defense Department for its contingency expenses. The Rules Committee has allowed for the consideration of only one amendment, a substitute by the gentleman from Wisconsin [Mr. OBEY]. The Obey substitute is deficit neutral over the next 5 years. But, other than the Obey substitute, the committee has precluded the consideration of any other amendments, even amendments to strike portions of the bill and an amendment proposed by Mr. BROWN of California which would actually cut the deficit.

Mr. Speaker, I must ask why is only the Obey substitute made in order? Why is it necessary to consider this supplemental under such a restrictive rule? When the House considered the most recent supplemental—the 1994 California earthquake emergency supplemental—the Committee on Rules provided for the consideration of six amendments, not just one amendment, the Obey amendment in this case. Chairman SOLOMON then protested that the rule was too restrictive. He said, and I quote: "Even when you move a bill with all deliberate speed, you must still deliberate—that is, carefully weigh and debate the merits of the legislation and consider amendments to improve on it." I would recommend to my colleagues that the chairman's words are every bit as relevant today as they were 1 year ago.

In addition, Mr. Speaker, when the House considered a supplemental appropriation in May 1993, under an open rule, my colleagues on the other side protested that the rule was not open enough. I would quote Mr. GOSS who said, "True this is an open rule, but because of the rules of the House, there are several important amendments that were brought to the Rules Committee that will not be allowed to be considered, even under this open rule." Mr. Speaker, the Democrats on the Rules Committee have not even asked for an open rule in the case of House Resolution 92. What we have asked for is an opportunity for the House to consider amendments which might allow the House to fulfill its commitment to deficit reduction, not for a closed rule as has been reported out by the committee.

Therefore, Mr. Speaker, I would renew my appeal that this rule be defeated in order that the Committee on Rules might have an opportunity to quickly reconsider a rule for this supplemental. Time is of the essence, but so is our commitment to the defense of this Nation and to deficit reduction.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume, to simply respond to my friend, the gentleman from Texas, by making it very clear that there is an important distinction between this year and last. That is, we have offsets, so that must be underscored time and time again.

We are not going into deficit spending here, we are having offsets, which this Committee on Appropriations, under the leadership of the gentleman from Louisiana [Mr. LIVINGSTON], has adequately recognized.

Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Johnstown, PA [Mr. MURTHA], the distinguished former chairman of the Subcommittee on Defense of the Committee on Appropriations and a strong proponent of a tough defense posture.

Mr. MURTHA. Mr. Speaker, let me come at this from a little different direction.

Let me say, Mr. Speaker, that I come at this from the same position I have always taken. When I went down to see President Clinton right after he was elected, I said "Mr. President, we have been cutting the defense budget substantially over the last 6 or 7 years, and we have been trying to do it in a way where we did not end up with a hollow force. We did not want the disaster we had after World War II, after Korea, and after Vietnam.

I said to him that the only way that I can support this reduced budget, which he was proposing, was if he sent a supplemental appropriation for extraneous operations. As many of the Members know, I opposed the Somalia incursion, and yet last year, in a bipartisan effort, we funded that program substantially without offsets.

The Haiti invasion I personally supported. Most of the members of the subcommittee did not support it. However, we felt very strongly that the Congress passed legislation which supported Haiti, and this helps to refund money that the military has already spent. There is no way that we can continue the type of readiness we need to deploy troops quickly if we offset this money.

Mr. Speaker, I know there are two plans. One is to offset if from the rescissions, and one is to offset if from the Defense Department. I do not like either, but my proposal is that we move this supplemental forward. I am in favor of a restrictive rule. I feel very strongly about it, that we have to move this forward so that in the end we will be able to work this thing out.

In working with the new chairman, the gentleman from Florida, BILL YOUNG, and the gentleman from Louisiana, BOB LIVINGSTON, the chairman, there has been no proposal that I have made that they have not listened to and tried to find a way to work out.

I understand the pressure. I did not vote for the balanced budget amendment. Two-thirds of the House did, so I understand why there is a feeling that it is necessary, but I support the administration's position that this money should not be offset.

Actually, Mr. Speaker, if we were to offset all the money for these kinds of operations, it destroys the very thing we have done over the last few years, and that is to try to very delicately reduce the size of the force and make money available when there is an extraneous operation.

Many of the Members on the subcommittee feel exactly the same way, many of the Members of the floor feel the same way, but the pressure is to offset. Mr. Speaker, I am hopeful that as this legislation works its way through the Congress, we will be able to make some changes that are reasonable.

There is no question in my mind, Mr. Speaker, the Senate will eliminate the $600 million which the chairman put into the bill, and he feels very strongly about, because I do not think the offsets can be found from the Defense Department without hurting the very viability and readiness of the Defense Department.

I feel strongly that there should be a restricted rule, that we should move forward with this legislation. All the Commanders in Chief of the various regions have said to us they have to have this legislation by the end of March. It is absolutely essential we get it through the House, that we get it over to the Senate, let the Senate act on it, and then we will work our will in conference.

Mr. Speaker, I just want to add that I understand what the gentleman from Wisconsin [Mr. OBEY] is trying to do. I feel very strongly, I am against that just as much as I am against the rescissions, so may feeling is very clear. My position is very clear. I am against any offsets. I think this bill should not be offset. I do not think we ought to take it out of the hide of the military.

On the other hand, I think we ought to move this legislation forward. I think this is the only way to get the legislation through in any method so we can start addressing it in the Senate.

□ 1215

I support what the Committee on Rules has done. I think this is the only kind of a rule that will expedite the matter and we should pass the legislation as quickly as we can and get to conference where we can work out the details.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], ranking member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague, the gentleman from Texas [Mr. FROST], for yielding me this time.

Mr. Speaker, today we are being force-fed another closed rule that will prevent Members from trying to repair two badly flawed bills.

That is right, I said bills. This rule makes one bill out of two Republicans say that is because the two bills are closely linked, one is designed to pay for the other.

But according to the Washington Post that will not happen. The Post reported that Senate Appropriations chairman HATFIELD said the Senate will not consider domestic cuts to pay for military spending.

Since it takes both Houses to rescind appropriations it looks like Republicans do not have a way to pay for this increased military spending. Because if the Senate is not going to take up the rescissions bill, it just is not going to happen. It is that simple.

And these supposed domestic cuts will end up as no more than a political fig leaf for Members who want to say they are cutting the deficit when, in fact, they are doing the opposite. Even if the Senate agrees to domestic cuts, this bill still adds $282 million to the deficit this year and $645 million over 5 years.

And today's emergency supplemental directly contradicts the position Republicans took on the National Defense Revitalization Act.

Republicans who voted for H.R. 7 said in effect that they wanted to put the House on a path to restore the firewalls between defense and domestic spending.

But soon after voting to restore the firewalls with H.R. 7, Republican Members are voting to ignore them with this bill.

Mr. Speaker, I would be interested in knowing whether my Republican colleagues want the firewalls or not.

I urge my colleagues to oppose this rule and give Members a chance to fix this bill. And this bill needs all the help it can get.

That is why I am surprised the Republicans on the Rules Committee put out this closed rule. Plenty of Members, both Democratic and Republican, have lots of good ideas on how to cut spending.

I wonder, Mr. Speaker, what the Republican leadership is afraid of.

I urge my Republican and Democratic colleagues who want a chance to cut Government spending to join me in opposing the rule.

Mr. DREIER. Mr. Speaker, we have seen the bipartisan nature of support for this rule with the statement from the gentleman from Pennsylvania [Mr. MURTHA].

Mr. Speaker, I yield 4 minutes to the gentleman from Indian Rocks Beach, FL [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I want to thank my colleague the gentleman from Pennsylvania [Mr. MURTHA], a former chairman of this subcommittee, for the strong support that he gave us as we put this bill together. I think that he would disagree with the previous speaker, as do I, that this bill is flawed. Is it perfect? Absolutely not. I do not think I have ever seen a perfect bill before the House since I have been here. But this is a good bill.

The problem that we face today is time, Mr. Speaker. When I was designated chairman of this subcommittee in the middle of November, I began meeting with folks at the Pentagon, the Defense Department, the civilian leaders, the military leaders, with commanders in the field, with war fighters. My question was, "What do we need to look forward to for the next year to help secure our Nation's defense?"

Every one to a person said, "We've got to have the supplemental to pay for the contingencies" that we have already committed or are involved in committing today. And they told us without any hesitation that March 31 was the deadline, that if we did not get the money to them by March 31, fourth-quarter training, flying hours, steaming hours, all kind of training was going to be degraded to the point that it would have a serious effect on readiness.

We committed to moving this bill expeditiously so that we could get it to the Defense Department by March 31. We are a week behind. We set a schedule that would move us along expeditiously. We are a week behind that schedule. We had difficulty getting a request for this supplemental from the administration. We finally got it. The truth is, we marked up ahead of the administration's request just to keep on our timetable.

One of the reasons that the administration hesitated in sending a request down here was that they were afraid this would become a target, or a vehicle for all kind of mischievous or extraneous nondefense-related activities. They did not want that to happen. Neither did we. So we have brought this out under a rule where the gentleman from Wisconsin [Mr. OBEY] has every opportunity to rewrite every section of this bill. He will do so in a substitute that he will offer here shortly.

But we have got to keep on track. We cannot sit here and decide what we think is right based on what we assume might happen in the other body. We should not be assuming what the other body might do. We have got to keep this bill moving. We will get into the debate as to why after we pass the rule, but this rule is a good rule to expedite this emergency defense supplemental.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I will very reluctantly vote for this rule because it provides for the offering of an amendment which I want to offer and I think it would come with ill grace if I did not support it. But I would simply say that I hope that Members are not fooled by this process that is going on today.

What has happened is very simple. The President sent down a $2.5 billion supplemental. He offset it with $700 million in rescission, leaving a gap of about $1.8 billion added to the deficit.

The committee decided they were going to add $670 million to the bill. They also added about $700 million to the rescission, so they also wound up with a $1.8 billion gap in spending. Then both sides got the benefit of almost $400 million in CBO scoring adjustments which means that at this point, the original bill that came out of the committee added $1.4 billion to the deficit.

To try to cover that fact, the committee then decided they would produce a second rescission bill which ostensibly cuts $1.4 billion in nondefense items in order to pay for the supplemental. The problem is that that fig leaf does not do the job.

First of all, as everyone knew, the Senate was going to deep-six that second bill when it went over to the Senate, and that would have left us with that still $1.4 billion deficit hole in the bill.

So now reacting to that problem, what this rule is going to do is to merge the two bills so that the "let's pretend" second part of the act gets merged with the real first act and somehow they then want to suggest that the bill is entirely paid for.

The problem is it is still not paid for. It is paid for on the budget authority side but it is not paid for on the outlay side. As everyone knows in this place, the deficit is measured by outlays.

The fact is that even if you adopt this rule today, you will wind up if you vote for this package as is adding $282 million to the deficit this fiscal year and $644 million to the deficit over 5 years. That from a crowd that says that we are supposed to balance the budget through a constitutional amendment. I find that ironic indeed.

That is why I am offering my amendment. My amendment simply says this: It says instead of adding all of the bells and whistles and all of the let's pretend gimmicks in the second bill, let's drop everything except the administration's original request so that you have got a bill that costs $2.5 billion, and then give the Secretary of Defense the authority to make reductions in low-priority items and pork items in order to balance off the book. That is the only way we can keep a commitment to balance the budget.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to my very good friend, the gentleman from Sanibel, FL [Mr. GOSS], my colleague on the Committee on Rules and chairman of the Subcommittee on Legislative Process.

Mr. GOSS. Mr. Speaker, I thank my friend from greater metropolitan San Dimas, CA, for yielding me this time.

I thank the gentleman from California [Mr. DREIER] and as well the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, for their hard work in crafting what I think is a very fair and well-tailored rule. The purpose is to implement a policy that many of us have long advocated around here, and, that is, paying for what we do. This rule will allow us to marry together an important defense appropriations supplemental bill needed to provide for military missions already undertaken as described by the gentleman from Florida [Mr. YOUNG] with a rescissions package designed to actually pay for them. What is at stake here is really restoring readiness to our forces, which I think is beyond question a life-and-death issue for our troops.

The rule also allows the gentleman from Wisconsin [Mr. OBEY], the ranking member of the Committee on Appropriations, the opportunity to offer a substitute package. Frankly, I am a little puzzled by the Obey amendment as I have seen it so far.

As best I can tell, the gentleman from Wisconsin [Mr. OBEY] has suggested temporarily granting a power I thought he opposed, that is, the line-item veto authority to the Secretary of Defense, a distinguished but nevertheless unelected official, and this is all without ensuring congressional review.

For those who thought H.R. 2, the line-item veto act passed by this House last month, was a little too much delegation of power away from Congress, I would have to think that the Obey approach, giving line-item veto to the Secretary of Defense, would be completely out of bounds. But that remains to be seen.

Finally, I wish to comment on the substance of this defense supplemental appropriations bill. The bulk of the money is earmarked to cover the costs of unbudgeted contingency operations in places like Somalia and Haiti. This is money that has already been spent and some of us think unwisely in part. Now the bill is coming due.

Although I strongly support our military, as we all do, and recognize that at this point we have no choice but to settle up our accounts on missions already underway or done, I am really troubled by the administration's tendency to embark on costly, ill-defined peacekeeping adventures around the globe without consulting with the Congress, and then coming forward after the fact and saying, "Oh, we've got to have some money."

This trend was especially disturbing in the case of Haiti where the administration did find a lot of time to seek U.N. approval for its plans but somehow or other did not seem interested in coming up to get some congressional support in advance for sending our troops there.

We have drained funds from our troops' readiness to pay for what is arguably the misuse of our military in Haiti, and many Americans, including this one, strongly resent it.

Mr. Speaker, I fully expect a broad discussion of foreign policy and the appropriate use of our troops to continue as we move into the regular budget cycle. That is what we do. But in the meantime, I urge support for this creative rule, even though I know very full well there are those on the other side of the aisle who voted for misadventures such as the one we have experienced in Haiti who now do not want to pay for the bill.

We must pass this bill. It is a matter of life and death for our troops that we count on.

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Speaker, I rise today in opposition to the rule and to bring to the Members' attention the inappropriate, business-as-usual way in which rescissions were generated for the DOD supplemental appropriations bill.

In the last days of the 103d Congress, the House voted on whether to eliminate $289.5 million of pork in the HUD portion of the VA, HUD and Independent Agencies' appropriations bill. One-hundred-seventy-nine Members voted with me to eliminate these earmarks; 189 did not. Today I planned to offer an amendment that would give this body a second chance to do the right thing—to vote to eliminate those earmarks in this rescission package. Unfortunately, last night, the Rules Committee denied us this opportunity.

Does this bill rescind any "items of congressional interest," "directed appropriations," or "special purpose grants?" The answer, of course, is no. Instead of going after pork-barrel appropriations, the bill's drafters chose to cut $1.3 billion from merit-based, competitively awarded research and development programs—vital investment in our Nation's future.

My colleagues in the House know of my active opposition to the practice of earmarking. In the past, a large majority of those who joined me in that effort came from my colleagues on the other side of the aisle. I am extremely disappointed that the first rescission package brought to the floor contains not a single cut to earmarked projects.

Although my esteemed colleagues on the Appropriations Committee will be marking up another rescission package later this week, it will be too late to recapture the pork projects funded at HUD. Of the $289.5 million in HUD earmarks, $94.5 million has already been obligated. The obligation of another $149.2 million is in process. All of these funds have been obligated since the first of this year, which must be a record rate to get earmarks out the door. By the time the next rescission package comes to the floor of the House, there will be not a penny left to rescind.

In all my years in Congress, I have heard hundreds of speeches decrying pork-barrel politics, the majority of them coming from my Republican colleagues. Indeed the Republican views on the fiscal year 1994 Budget Act included a strong plea for the elimination of earmarking. However, perhaps my Republican colleagues are finding it harder to cut pork now that they are in the majority. Of the HUD earmarks nearly 32 percent goes to five States who elected Republican Governors or Senators in the last election. In times when Federal and State budgets are shrinking, congressional earmarked largesse must be particularly welcome.

Today, the House had a chance to send a signal to the American public that pork-barrel politics had ended. For reasons that are unclear to me, the Rules Committee precluded me from offering this amendment. From my vantage point, whether you call these projects a silk purse or a sow's ear, it looks like it will be business as usual in the 104th Congress.

□ 1230

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Dallas how many speakers there are on his side?

The SPEAKER pro tempore (Mr. EMERSON). The gentleman indicates he has one additional speaker.

Mr. DREIER. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. The gentleman from California [Mr. DREIER] has 13 minutes remaining and the gentleman from Texas [Mr. FROST] has 13½ minutes remaining.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 4 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, I am for the supplemental, for a strong defense, and a supporter of the balanced budget amendment, but I rise in opposition to the rule for H.R. 889, because it does not permit adequate debate on the technology reinvestment project, a key dual-use technology program. I hoped to offer an amendment consistent with the approach of the bill providing additional rescissions—as recommended by the Department of Defense—that would have permitted the restoration of approximately half the funding for fiscal year 1995 for TRP. Unfortunately, I was denied the ability to offer my amendment.

Even though my amendment has been shut out, I rise now to express my strong support for the TRP program.

I believe that TRP is misunderstood, and its problems exaggerated. Without the TRP approach, DOD will not be able to access, shape, and afford much of the technology it needs.

TRP gives DOD greater access to affordable, leading-edge technology by leveraging commercial capabilities and markets for military benefit. Let me repeat that; for military benefit. A great many defense needs can be served better and less expensively using commercial means.

TRP projects are competitively awarded—as a result, these projects have been awarded to qualified companies and consortiums throughout the country and throughout our districts. These awards—which require a 50 percent match for the applicant—are based on the requirement that the technologies pursued benefit our national security needs.

TRP projects are developing dual-use technologies in a range of areas: low-cost night vision, high-density data storage, battlefield casualty treatment, affordable composite aircraft structures, and detection of chemical and biological agents.

Few programs have received the level of scrutiny as the TRP. Receiving both considerable praise and criticism, the program was modified to expand participation by small business and increase the military services' involvement to ensure rapid integration into defense weapon systems.

Obviously, these changes have not satisfied the new majority. if we need to modify TRP further, by all means, let's do so. But I urge my colleagues to vote against rescinding all of the TRP funding and against killing a key dual-use technology program—it's too important for our industrial base as well our national security.

Mr. FROST. Mr. Speaker, if this is the concluding speaker of the gentleman from California, I would then sum up by simply stating we continue to be opposed to the rule. I would ask the House to reject this rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, this is a very bipartisan rule, the support that has emerged from the ranking minority member of the committee and the former chairman of the Defense Appropriations Subcommittee has demonstrated that.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Metairie, LA [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend from California for yielding time to me, and I rise in strong support of the rule. As he said, it does have bipartisan support. I think it is a good rule, a fair rule, and in the name of restoring funds to the Defense Department that are needed for emergency purposes to avoid a wholesale curtailment of operations and to avoid a risk of failure to support our young people in uniform, I think that it is very important that we not only support the rule, but that we support the bill.

The rule before us basically does three things. First it merges two bills developed by the Committee on Appropriations; namely, the defense supplemental and a companion rescission bill into one legislative proposal. The net effect of those two actions is to rescind approximately $14 million in budget authority more than we appropriate. That is, we are actually taking back $14 million in budget authority that we appropriated last year in excess of what we are spending on defense.

I note that there has been some defense of TRP, the Technical Research Program that we cut back in this rescission package. I would have to say that there may be some argument for retaining some of the programs that have been rescinded, but, frankly, I have a hard time understanding that when F–14s are crashing into one another, when accidents are happening on aircraft carriers in which young service people are killed, when an F–15 shoots down two U.N. helicopters filled with U.S. and U.N. personnel, that such programs as an advanced automatic train control system for the Bay Area Rapid Transit System that cost $39 million of taxpayers' funds is necessary. Likewise, when tanks are forced to stop, and their crews are forced to get out because the engines in those tanks are risking the possibility of catching fire and exploding, and then they do their tank maneuvers by walking around in the desert, I have a hard time explaining why the Diversity in Cultural Change Program involving manufacturing at the University of Wisconsin, which expends $3.3 million in taxpayers funds, or the Holistic Approach to Preparing Students to Learn and Lead in New Manufacturing paradigm at a cost of $3.7 million, or the Realization Coalition, whatever that is, at $6.6 million are necessary.

So I think those cuts are well placed. I think if we are going to prepare for the maintenance, the operations, the training of service people, we have to make cuts where cuts can be made, and those programs are not, in my opinion, necessary to the defense of the Nation.

As a second part of this rule, it grants to my ranking minority member, the gentleman from Wisconsin [Mr. OBEY], an amendment in the nature of a substitute, and I supported this request at the Committee on Rules because I support his right to offer such an amendment, even though I do not agree with the substance of his amendment and do not understand why delegating to the Secretary of Defense the authority for line-item vetos over appropriations bills for the Defense Department is necessary.

□ 1240

Third, this rule specifically grants to the minority a motion to recommit with or without instructions. I support that right even though proponents of this motion to recommit do not want to pay, apparently do not want to pay for the defense of the Nation, even though they are the same people who wanted to send our troops to Haiti last year.

So, Mr. Speaker, I may differ with my ranking member in his budget priorities, but I support this rule because it allows him to discuss his priorities and bring them to a vote.

I thank the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON], and the distinguished member, the gentleman from California [Mr. DREIER], and all of the members of the Committee on Rules for bringing forth this rule, and I support this rule.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Would the gentleman not grant that the package, even with the two bills fused, will add $644 million to the deficit on the outlay side over the next 5 years and $300 million in deficit in outlays for this year alone?

Mr. LIVINGSTON. If the gentleman intends to deal only with outlays, it would be one of the first times, I think, that he has done so. As the distinguished member, former chairman of the Committee on Appropriations, knows, our committee deals with budget authority, we do not deal with outlays.

As far as the payment of this package, we deal with budget authority.

Mr. OBEY. If the gentleman would yield further, is it not true the deficit is measured only in outlays and not in budget authority, is that not true?

Mr. LIVINGSTON. I would say to the gentleman that in the outyears the budget authority pays for the bill, then ultimately the bill will be paid for.

Mr. OBEY. Is it not true that the deficit is measured only in outlays?

Mr. LIVINGSTON. The deficit is measured—ultimately is measured—in outlays, and ultimately the outlays will follow the budget authority and does so by a surplus of $14 million.

Mr. DREIER. Mr. Speaker, I urge strong support of this bipartisan bill, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DREIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 144, not voting 8, as follows:

[Roll No. 151]

YEAS—282

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dellums
Diaz-Balart
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—144

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Bentsen
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
DeFazio
DeLauro
Deutsch
Dingell
Dixon
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Poshard
Rangel
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Stokes
Studds
Tanner
Tejeda
Thompson
Thurman
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—8

Ehlers
Fattah
Gonzalez
Hoyer
Meek
Peterson (MN)
Rush
Williams

□ 1300

Mr. LUTHER changed his voted from "yea" to "nay."

Mr. COSTELLO changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-45) on the resolution (H.

Res. 93) providing for the consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman will state it.

Mr. TAYLOR of Mississippi. Mr. Speaker, my parliamentary inquiry is with regard to section 749 of the House rules, and in particular clause 1 of rule XIV, in which Members are prohibited from addressing anyone but the Speaker, and in particular the practice that has apparently taken place today of Members wearing badges to relay a message rather than addressing their message through the Speaker.

Mr. Speaker, I realize this has happened in the past in the House, but I would hope under the present administration, that practice, which I find does not reflect very well on the House of Representatives, would be addressed.

The SPEAKER pro tempore. The gentleman from Mississippi correctly perceives the rules, clause 1 of rule XIV having been interpreted that one should not address the Chair and wear a badge at the same time.

Mr. TAYLOR of Mississippi. Mr. Speaker, can I count on the Speaker to enforce the rule?

The SPEAKER pro tempore. Members will abide by the rule. When addressing the Chair they must remove their badges.

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 889, and that I may include tabular and extraneous material therein.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS FOR THE DEPARTMENT OF DEFENSE FOR FISCAL YEAR 1995

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 889.

☐ 1304

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, with Mr. THOMAS of California in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized for 30 minutes, and the gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on Friday, February 10, the House Committee on Appropriations ordered reported two bills: H.R. 889, a bill providing for emergency supplemental appropriations for the Department of Defense; and H.R. 845, a bill rescinding certain budget authority. The two bills taken together rescind almost $14 million more than they appropriate.

The Defense supplemental is very important to the national security needs of this country. The bill provides $2.5 billion to the Department of Defense to reimburse various accounts that were depleted by actions taken in support of unbudgeted contingency operations in Haiti, Somalia, Southwest Asia, Bosnia, Korea, and refugee support in the Caribbean. Without these reimbursements, defense readiness will suffer severe and immediate impacts. These necessary appropriations are partially offset by rescissions within the Department of Defense totaling $1.460 billion. The remainder of the offsets, $1.4 billion that are necessary in order to make the entire package budget authority neutral come from rescissions in H.R. 845, in foreign aid programs and low priority discretionary domestic programs.

I want all my colleagues to understand that it is the policy of the Republican leadership to pay for all supplemental whether they are emergencies or not. We're doing that. The reason the committee developed two bills is that in order to pay for the offset shortfall of the Defense supplementals of $1.4 billion, we reported a companion rescission bill of like amount.

I also want to eliminate any confusion at this point. The rescission bill we are considering today is not the rescission bill I have been talking about since January. Development of that bill is on track. In fact, five subcommittees are meeting this very day to report out their rescissions. We expect to have the bill on the floor in early March. The rescissions we are considering today is just a slice of that bill—in order to pay for the Defense supplemental.

The rescissions were developed in a manner that tried to minimize the number of accounts. In order to do this we sought activities that had larger dollar amounts available for rescission. These activities can be grouped into four categories:

The first is: Low priority defense and international programs, including $110 million for the Russian Army Officer Resettlement Program, which has been deemed an unnecessary expensive program; $100 million of atomic energy waste cleanup, funds that are not needed this year; $70 million from the Emergency Immigration Fund, monies available for reduction because of a lack of Haitian and Cuba refugees; and $62 million from the African Development Fund, monies that can't be spent because our government hasn't begun replenishment negotiations.

The second category is low priority domestic programs, including the following: A $200 million youth training program that doesn't work and which even President Clinton wants to cut in fiscal year 1996; a $100 million school improvement program proposed for rescission by President Clinton; and a $13 million rail Freight Assistance Program again targeted for rescission by the President.

The third category includes unobligated/unauthorized programs, including; a $200 million cut in the Clean Coal Technology Program unneeded this year; an unauthorized $40 million redevelopment program for the Penn Station in New York City; and another unauthorized $400 million wind tunnel program for NASA.

Finally, in the fourth category we scaled back a Presidential increase of $107 million for the National Institute of Standards Industrial Technology Program. This will still leave an increase of $125,000,000 for that program in fiscal year 1995.

In order to explain a few points that I hope our colleagues will keep in mind as we proceed to consider the two bills now merged into one, let me explain the following:

First, it is the leadership's desire that all supplemental funds, even emergencies, be paid for completely. Our approach again does just that.

☐ 1310

Second, as the distinguished chairman of the National Security Subcommittee will point out, we have made significant cuts in wasteful nonproductive Department of Defense programs, and we cannot in good conscience go further.

In fact, the President has just sent to this Congress a defense budget that represents a real decline in defense for the 11th straight year, representing a

71-percent cut in procurement of new weapons systems over those 11 years.

This policy is now directly threatening the safety and lives of our young men and women who need our support to defend our country. Although I personally opposed some of the questionable military ventures in Haiti and Somalia and Rwanda and other places that depleted these funds, the fact is that the money has been spent, and we must pay the bills.

That means that we must move this bill through the Congress by the end of March to avert a readiness crisis at the Pentagon.

Mr. Chairman, as you can see, the two bills that were developed in committee are not intimately linked together, and I urge their adoption and the passage of this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has consumed 6 minutes.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is really where the rubber hits the road for those Members who have told their constituents that they want to support a balanced budget and for those Members who have voted for a constitutional amendment on a balanced budget.

This is the first actual bill that spends money that will come to the floor since the passage of the balanced budget amendment. And the ironic thing is that rather than helping to balance the budget, it adds $300 million to the deficit in the first year and it adds $644 million to the deficit over the next 5 years.

The only way that we can both reimburse DOD for the costs that it incurred in operations such as Haiti and hold the line on the deficit is to vote for the Obey amendment which will be offered at the end of an hour on general debate.

Let me walk Members through the numbers so they understand what is going on, because it is fairly complicated.

The administration, before the balanced budget amendment was passed, sent down a request to spend $2.5 billion to replenish Pentagon accounts, and they offset that with $700 million in suggested cuts, leaving a deficit of $1.8 billion.

Then the appropriations subcommittee, when they marked up the bill, added $670 million in what they considered to be high-priority items. They added a similar amount in rescissions so they, too, came to the House with a bill which was adding $1.8 billion to the deficit, minus $400 million which was an adjustment that CBO provided both the administration's approach and the committee approach, which left each proposal with a $1.4 billion deficit.

So then to try to deal with the fact, the committee produced a second trailer rescission bill, which purported to cut $1.4 billion in spending but instead of taking that out of Pentagon programs, they took it out of nondefense programs.

The problem is that that was a separate bill. It was not going to go anywhere in the Senate. Everybody understood that and so the committee, wisely, finally faced reality and at least in a small concession to reality voted on the rule to merge both bills so that at least they were more credible in pretending that the bill was paid for.

But I would point out to my colleagues, if you campaigned and told your people, I am going to cut budget authority, then go ahead and vote for this bill without my amendment. But if you told your people, I am going to cut the deficit, then you have absolutely no choice but to vote for the Obey amendment. Because if you do not, you will be, by your vote, adding $300 million to the deficit this year and $644 million over 5 years.

The reason I say that is because while we are talking about budget authority, the deficit is measured only by what we actually spend, not what we authorize down the line but what we actually spend in any fiscal period. And that is determined only on the outlay side.

So if you do not vote for the Obey amendment, you will be going home and having to explain to your folds why we added almost $700 million to the deficit over the next 5 years.

There is a second problem, and that is that in trying to pay, and you did not quite make it on this side, but in trying to pay for the package, instead of asking the Pentagon to scrub their last one-half of 1 percent of their budget in order to find the extra savings that you needed to actually balance this baby out, instead what you did is, you said, well, they ought to go after some other domestic programs.

I would point out that virtually every appropriations subcommittee is today marking up and tomorrow will be marking up on bills which will cut $14 billion out of this year's spending on the domestic side of the ledger. It seems to me that any domestic cuts which are being made in this bill, it seems to me that given the fact you have got $14 billion more in cuts in very important programs that affect your home towns, it seems to me that what you ought to be doing is taking the domestic cuts which are provided for in this bill and using those on the domestic side of the ledger, on those rescissions so you ease the squeeze on other programs for working families. That is what you would also be doing if you voted for the Obey amendment.

So what my amendment will do, when we get a chance to offer it, is to simply strip away all of the add-ons that the committee made on both the spending side and the rescission side and simply give the Defense Department the authority to simply scrub their budget to find $2.5 billion in low priority, nonreadiness, nonquality of life issues or areas. So if they want to dig into their budget and find $2.5 billion of pork to pay for it, they can, without damaging domestic programs and without damaging key defense programs.

It seems to me, if you want to go home with a straight face and say that you did not meet yourself coming back on the very first financial vote that you cast after you posed for political holy pictures and voted for the balanced budget amendment to the Constitution, it seems to me that if you want to measure up to that political promise you made when you voted for that resolution, you will vote for the Obey amendment. If you do not, pure and simple, you will be adding almost $300 million to the deficit this year, almost $700 million to the deficit over 5 years.

And regardless of the way anybody tries to fancy talk their way out of it, that is a fact. CBO says it is a fact. Everybody who scores us says it is a fact. And you know it is a fact.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has consumed 7 minutes.

Mr. LIVINGSTON. Mr. Chairman, I yield 8 minutes to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Defense Subcommittee of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

I have to say that I am really proud of the bill that we have brought before the Members today. The gentleman from Pennsylvania [Mr. MURTHA] and I worked closely together. Did I like everything that we did? No, because he made me change a few things. There were several things that I asked him to agree to, which he agreed to. But we have a good, bipartisan national defense bill here today. That is what we are talking about, is national defense.

Why are we here today? We are here today because the President, over fiscal years 1994–95, has sent troops to Bosnia, has sent troops to Somalia twice, to the area of Korea, to the southwest Asian area, to Rwanda, to perform refugee interdiction off Cuba, and Haiti. And at one time, these contingency operations have involved approximately 100,000 American troops in deployments that were not planned and not paid for.

□ 1320

Where did the money come from, then, to pay for these contingencies? It came from the fourth quarter operations and maintenance and training accounts of all of the military services.

What does that mean? It means that by March 31, and this is according to the Pentagon and the Department of Defense, as of March 31 if the money has not been replaced that was spent for these contingencies that most of us were not even consulted about, that fourth quarter training is going to be degraded. The word "degraded" came from General Shalikashvili, the Chairman of the Joint Chiefs.

He made that point in a public hearing, that training in the fourth quarter will be seriously degraded if we do not return this money. That is what we are here for.

In addition to that, Mr. Chairman, the subcommittee added some additional readiness enhancements. We identified about $2 billion worth of similar readiness requirements that had not been provided for in anybody's request, except the field commanders and the war-fighting military.

We looked through that list and picked out $670 million that we added to this emergency readiness package.

Mr. Chairman, what is the biggest part of that additional readiness package? It is salary increases for the soldiers and the sailors and the Marines and the airmen and the airwomen and all of those who serve in the military, whether they are in the continental United States or whether they are deployed somewhere overseas on a permanent basis, or whether they are part of these contingency operations; a pay increase that this Congress required but did not provide the necessary money to fully fund. That is the biggest item in the enhancement package that we added on.

Mr. Chairman, I agree with the gentleman from Pennsylvania [Mr. MURTHA]. We have never offset or paid for an emergency defense supplemental bill before. But we have in this case, because of the comments made by the gentleman from Wisconsin [Mr. OBEY] about balancing the budget, which we intend to do, and it is not going to be easy. As a matter of fact, this vote on defense today is going to be one of the easiest appropriation votes Members are going to have this year, because there are going to be a lot of cutting amendments.

Nevertheless, Mr. Chairman, we came up with a rescission package that we took from nonessential items that were paid for through the defense budget that really did not add a whole lot to our national defense.

Therefore, we bring to the Members a bill, and despite all the arguments about budget authority or budget outlays or CBO numbers here and CBO numbers there, I am not really into the politics of this. I am not really into the juggling of the numbers to make something appear to be something that it is not.

I am here to provide for the strongest national defense possible for the least amount of money; in other words, squeezing to get as much as we can out of the defense dollar. That is what this bill does. We are setting a new precedent with this bill, and we are making history today, because we are for the first time paying for this supplemental appropriations bill, despite the fact that it is an emergency.

Someone just asked me out in the Speaker's lobby, "You guys are spending for this and spending for that." Back up. We guys did not spend this money. We had no part of the decision in spending this money. The President of the United States decided to go to these various contingencies. He spent the money.

From a political standpoint, we could have just sat back and waited for him to send his budget request. We could have sat on it for weeks or months. That would have been very irresponsible for us to do, because this money is necessary by March 31 or we are going to stand down flying hours.

Red Flag, Members all know about Red Flag and Top Gun. Would it not be a shame to close down these training activities, and they would be closed down, if we do not provide this money? Red Flag and Top Gun are the best experience that a combat pilot will ever have, other than going into actual combat. Members can talk to any pilot anywhere in the world that has ever gone to Top Gun or Red Flag, and they will tell us that, that this is what prepares them to be superior in the air.

Would it not be a shame for us to delay this bill and have to cancel Red Flag or Top Gun? Would it not be a shame that we do not have enough money for flying time and spare parts to keep the airplanes going so that our flyers and or pilots can stay proficient in flying from a carrier or landing on a carrier? Even in the very best conditions, that is a sensitive operation.

We need to keep our pilots proficient so they do not fly their airplanes into the water, and that they do not crash their airplanes on the flight decks. This is training.

Mr. Chairman, now about this bill, it has been suggested and hinted that maybe there were some pet projects in here, maybe we did something for some Congressmen that is buried that would be helpful to that Congressman or Congresswoman personally, politically, back in their districts.

There is nothing in this bill to provide a special interest project of any kind to any member of the Congress, to any defense contractor, to any special interest. There is no money in here for that. These monies are directed to the U.S. Department of Defense for training, for operations, for maintenance, for spare parts, for keeping airplanes and ships and guns and tanks and everything ready to use and ready to be used for training. It brings back our accounts that are being sorely depleted. This is readiness at its best.

Mr. Chairman, when I talk about readiness, it is important, because some of these programs are down the road. It is important to note, and one of the very distinguished generals who testified just this week before our subcommittee made the point "There is more to readiness than just readiness. There is immediate readiness, there is midterm readiness, and there is long-term readiness. If we do not do the things today to prepare us for midterm and long-term readiness, we are going to be in serious trouble."

Members all know the story about the three Army divisions that were rated C-3, which is considerably below the readiness rating that we would like them to have. Our colleague, the gentleman from South Carolina [FLOYD SPENCE], made this notation in a public statement.

It was argued at the Pentagon that that was not true, but finally they came back and admitted, yes, it was true. We just cannot afford to let our military be affected in this way.

Mr. Chairman, this is a good bill. Put aside the arguments over politics, or who got to offer an amendment and who did not get to offer an amendment. Remember, this is just part of the procedure. We have to go to the other body. They have to go to the subcommittee, their full committee, to the floor. We have to go to conference.

We need to expedite this activity. I ask that Members pay close attention to the debate that follows as to the seriousness of this national defense readiness bill.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would simply like to point out that all of the projects that the gentleman from Florida [Mr. YOUNG] indicated ought to proceed will proceed, whether my amendment passes or whether it does not.

My amendment does not stop Red Flag, it does not stop Top Gun, it does not stop any of that stuff, none at all. All my amendment does is say "Pay for it fully."

Second, do not be deceived into thinking that somehow there is a pay raise in this bill for military personnel. There is not. The pay raise was provided last year. The military personnel will get that pay raise whether the Obey amendment passes or whether it does not. That is a red herring. The only question is where are we going to get the money for the remainder of the pay raise.

If we pass the Obey amendment, we will get it out of pork that Congress put in the DOD bill. If we do not pass the Obey amendment, we will have to cut into domestic programs in order to finance it. I think the choice is clear.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise today in strong support of the amendment offered by the distinguished gentleman from Wisconsin, the ranking member on the Appropriations Committee, Mr. OBEY. Mr. OBEY's amendment keeps the books clean. It provides only what the administration asked for and pays for it.

Mr. Chairman, on January 26, 1995, the House of Representatives passed a resolution to make balancing this Nation's budget a constitutional mandate.

Once ratified, the balanced budget amendment will take its place along side the right to free speech, the right to vote, freedom of religion, and the abolition of slavery.

The Members of this House considered a balanced budget so fundamental that they flocked to the floor to support it.

I supported the balanced budget amendment, because I want the budget balanced. I have urged my colleagues not to use the balanced budget amendment to give the appearance of good fiscal policy, while, in reality pushing the hard choices off until the next century.

Today, less than a month later, the balanced budget amendment will get its first at bat. If the House fails to enact the Obey amendment, the balanced budget amendment will be zero for 1 so far this season, not even good enough for a replacement player.

We will raise this Nation's deficit by $645 million by the year 2000, just 2 years before the balanced budget amendment kicks in.

This legislation we consider today contains $3.2 billion in new spending, $2.53 billion in emergency funds the Clinton administration requested, and $670 million of Republic add-ons. Despite a promise to the contrary and despite their best efforts, the Republican majority has failed to pay for all this new spending. All told, this borrow and spend legislation increases the deficit by $645 million over 5 years.

You know, there has been a lot of talk about the Republican Contract on America, but for any contract to be valid, something of value must be exchanged.

In this instance, the other side of aisle the wants the American people to pay an additional $69 million in interest in the next 2 years alone for the new defense spending they refuse to pay for today.

Clearly the most disturbing aspect of today's debate is what it means for the rest of this Congress. In the next couple of weeks we are going to have to come up with an additional $15 billion in rescissions—this year's share of the Contract on America and the California flood relief bill.

If this Congress doesn't have the intestinal fortitude to come up with $3 billion in cuts—balanced budget amendment or not—how are we possibly gong to come up with $15 billion?

Mr. Chairman, this legislation makes a sham of the balanced budget amendment, and it deceives the American people. It is a relapse back into a terrible habit I thought we would finally overcome, that of sending our children the bill for our own failed leadership.

I urge my colleagues, support the balanced budget amendment. Support the Obey amendment.

□ 1330

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding me the time.

Mr. Chairman, let me thank the chairman of the full committee and the chairman of the subcommittee and the gentleman from Pennsylvania [Mr. MURTHA] who I know worked so hard to put this together.

Mr. Chairman, this really is an emergency supplemental. We use the term "emergency" many times, but this really is an emergency. Those of us on the Committee on Armed Services just had the Joint Chiefs of Staff in front of us a few minutes ago, and we asked the chiefs what would happen in terms of training and readiness if we did not pass this thing. General Sullivan, Chief of Staff of the Army, said, "Readiness will drop off the table."

He expanded on that by saying all training, all army training will cease May 31. He furthered that by saying he would have to stop the purchase of spare parts. The Commandant of the Marine Corps, General Mundy, said under this new policy of going around the world, as the chairman has pointed out, exercised by the Clinton administration, the Marine Corps has increased what is known as personnel tempo. That means whipping personnel around the world, a few days back at home, then back out in the field, by 300 percent over what it was during the cold war.

This is an absolute emergency to get this money in. Let me just say as a Member who had one of his projects taken up, canceled to pay for this, a San Diego project, I have looked at what the committee has done and I have enough faith in what they have done to accept that and to vote for the bill, anyway. But this is an emergency in the truest sense of the word. If you believe in having readiness and having the ammunition, the spare parts and the maintenance for the young men and women who operate this military, vote "yes" on this bill.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. MURTHA], the ranking Democrat on the Subcommittee on National Security.

Mr. MURTHA. Mr. Chairman, a couple of things I wanted to mention about the seriousness of this legislation. All of us take credit for the number of jobs that have been reduced in the Federal Government. Out of the 150,000 jobs that will have been reduced over a 3- or 4-year period, 80 percent of those jobs came from defense, active and civilian side. Fifteen percent of the budget is defense today, defense-related. In 1960, 50 percent of the budget, or the money that we spent in the Federal Government, was for defense. It is 4 percent of the GDP. That is the lowest level of spending in history. And when somebody gets up and says you can take just a small percentage out of defense and, for instance, I have to say that the gentleman from Wisconsin [Mr. OBEY] and I normally agree that these things should not be offset. He feels strongly now because it is coming out of domestic. I do not think it ought to be offset because it is an emergency and we cannot afford to take this out of defense, and I hope in the end we will be able to work this out.

We can no longer afford to pay for these operations out of the hide of the Defense Department, because all we do is reduce readiness. All these deployments, some were agreed to, some were not agreed to, by the Congress. Some were advocated by the Congress, some were not. The President has every right to deploy troops in an emergency situation, in a national security situation. I have urged every White House over the years to consult with Congress when it is for humanitarian deployment so that we will know what the cost is and how we are going to pay for it.

The gentleman from Pennsylvania [Mr. MCDADE] and I last year worked with the national security adviser, and we came up with language that said the White House will confer with Congress before they make humanitarian deployments. No President likes to do that.

I remember when Secretary Weinberger came before the Congress, and you could not ask him one question because if you had 5 minutes, your 5 minutes were gone. I would say to him, "You can't reduce taxes, increase defense and balance the budget, because at some point defense is going to be hurt."

Now, in the exercise that is going on now, and I understand the constituents' concern and the voters want to move towards a balanced budget. The problem is that defense, even though it is a much smaller percentage of the gross domestic product, it is still not being able to be increased in the future. And anything we take out of defense hurts readiness. It hurts quality of life.

I went down to Fort Campbell. Sixty percent of the children going to school on the base needed some kind of supplement from the Federal Government. They were living and had to have some sort of help to pay for their meals.

We have got a backlog of real property maintenance of $12 billion, and depot maintenance of $2 billion. So anybody who thinks there is an excess of money in the Defense Department does not understand how the system works. In the end we will have another reprogramming, we will have all kinds of changes made in the amount of money the Defense Department has. It is absolutely essential they get this legislation as quickly as possible so we can go to conference and get the whole thing worked out.

I would urge the Members to support this supplemental.

Mr. LIVINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations.

Mr. CALLAHAN. Mr. Chairman, I rise in support of this supplemental appropriations bill for defense, paid for through various rescissions.

Let me just give a brief history of one interest I have in this bill, that is, the aid to build new homes for Russian soldiers because their governors contended that they could not move them out of the Baltics without a place to live.

So we concocted, or at least the administration did, concocted a program where the United States of America would pay for their housing.

Let me further refresh your mind and tell you that President Yeltsin and President Clinton met, first in Vancouver, and then in Tokyo, and the devised this plan where the United States of America would give them about $160 million to build new homes. Why? Because they said there was no place for them to live, no existing available homes:

We were insisting that the Russians get out of the Baltics, and the President, rightfully, so, was questioning Mr. Yeltsin about that. "Let's get these troops out of the Baltics, let's get them back to Russia."

Mr. Yeltsin says, "We don't have any homes for them to live in."

So what happened? They came up with this plan. We said, "We're going to give you $160 million of American taxpayers' money to build brand new homes." Now, what has happened since then?

Since that time, they have suddenly found that they do have existing homes available in Russia. So they have converted it from a new housing program, and now are giving Russian officers $25,000 each to buy an existing home.

Now, since they contended the existing homes were not available, the Russians either misled us and told us an untruth. I should think that they were erroneous and not lying to us, but, nevertheless, that is where we are.

Included in this bill is a provision to rescind $100 million of that money that was an asinine program to begin with and is even more asinine today. Because, No. 1, we cannot afford it. And, No. 2, I do not know why we should give a golden parachute to Russian military retirees, and I do not know why we should be building new homes when now existing homes are available.

This is a very small part of this rescission package, but it is a very important, a very symbolic message that we must send to the American people.

□ 1340

I serve on the Military Construction Subcommittee, and the Defense Department is telling us that they desperately need moneys for 77,000 of our own active military people in order that they can have decent housing, and we are telling them that we do not have the money.

How can we tell them that and at the same time tell the Russians, well, you people served well, come on back to Russia and we are going to give you a voucher for $25,000. This is just one good reason to support this bill and I urge Members to support it.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. WILSON] ranking member of the Subcommittee on Foreign Operations.

Mr. WILSON. Mr. Chairman, I would like just to point out several things about the rescission of the money for the housing for the Russian officers.

No. 1, this was a clear-cut deal that was made between the President of the United States and Boris Yeltsin in Vancouver. The deal was, the agreement America signed on to was if you will take your soldiers out of the Baltics we will assist in furnishing housing for the officers. That was not only a deal made by the President of the United States but it was then validated by the Congress, and by this rescission we are pretty well telling the Russians that it is very difficult to make a deal with the United States which the United States will keep, because the Russians then did withdraw their troops from the Baltics and now we are withdrawing our part of the agreement.

The second thing that is wrong with this is that the last people in the world that we want to really agitate are the retiring officers of the Red Army, because if there is anybody that can destabilize Russia it is them.

Finally, I would point out to the House that every penny of this rescission has been obligated to American contractors. The AID estimates that it will cost $65 million of the $105 million just to abrogate those contracts before the lawsuits are filed.

This is a very bad idea. It is America reneging on its word. It is provocation to the Red Army and furthermore it is not going to save a penny.

Mr. OBEY. Mr. Chairman, may I inquire how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 14 minutes remaining, and the gentleman from Louisiana [Mr. LIVINGSTON] has 11 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to H.R. 889. Not only does this measure falsely proclaim to be budget neutral by virtue of offsets contained in a companion bill, H.R. 845, it provides moneys not requested by the Defense Department and not related to any new costs for unplanned defense operations. These moneys are provided by cutting other important domestic programs.

Let me clarify that I am not in opposition to our fulfilling critical obligations to defense responsibilities we maintain as a result of continuing activities around the world. I support this administration's efforts to fulfill these responsibilities. I do not, however, support unfair and unnecessary reductions to domestic programs—to the sum of $1.4 billion—to fund other defense programs that could be funded from dollars already available to that agency.

Furthermore, Mr. Chairman, we are making these cuts and misleading the American public to believe that they offset the defense supplemental. In fact, in terms of the actual spending that will result from this supplemental, the offsets fall far short. Both in fiscal year 1995 and over the next 5 years, 5-year spending by the supplemental will be nearly $650 million more than the 5-year savings from the offsets provided from cutting these domestic programs.

Mr. Chairman, among the programs slated for cuts are critical training programs for our Nation's youth. Moneys to be utilized for training and employment services for youth ages 14–21 would be eliminated. Many of these young people are at a critical juncture in their lives and at risk of dropping out of school. In my hometown, Cleveland, such a cut would reduce invaluable resources to this program by $1.3 million and reduce the number of people served by 700.

Another program to suffer under this bill is education infrastructure funding for our Nation's schools. According to a recent GAO study, it is projected that U.S. schools need about $112 billion to repair and upgrade facilities to overall good condition and to comply with Federal mandates. A State of Ohio audit reveals that Cleveland public schools alone need $800 million just to bring them up to standard. The moneys provided in fiscal year 1995, while hardly enough to address the national need, is at least a beginning down payment to providing safe and updated facilities in which our children can learn.

It is even more important, Mr. Chairman, that the American public know these actions come when, at this very moment, the Appropriations Subcommittees are beginning to mark up the next round of additional cuts in nondefense, domestic programs. These subsequent cuts are expected to total $15–$20 billion and are to pay for disaster relief and to serve as a down payment on the Republican Contract With America. How can we in good conscience support these unnecessary defense additions knowing what's ahead for our domestic programs?

Mr. Chairman, I am opposed to using domestic discretionary spending to offset defense funding that is not associated with the emergency supplemental. I urge my colleagues to vote against this measure and to support the amendment to be offered by the gentleman from Wisconsin [Mr. OBEY].

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. NETHERCUTT] a member of the Subcommittee on Defense.

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 889, the Department of Defense emergency supplemental appropriations bill and H.R. 845, the companion recission bill. I certainly commend Chairman LIVINGSTON and Chairman YOUNG for reporting out an emergency supplemental that is fully paid for without burdening the Nation with any new taxes.

The have worked very diligently to bring this bill to the floor today, despite the fact that the administration submitted its request to us only 16 days ago on February 6.

At present, the full readiness of our Armed Forces is in jeopardy. Our troops have been engaged in an excessive number of unplanned and unbudgeted operations around the world, resulting in the deployment of 100,000 American troops within the past 4 months with nearly 50,000 troops remaining deployed today. This situation has forced our military leaders to pay for the overwhelming demands caused by these contingency operations by transferring money from other defense accounts.

The training moneys which were used for these foreign operations must now be replenished.

If they are not and if this bill is not enacted before the end of March, just 37 days from now, our men and women in uniform will suffer from a drastic cutback in supplies and training.

Let me share with my colleagues just a few of the consequences of inaction on this bill would have:

All U.S.-based Army units would have to stop most major training by May 31; four Navy carrier airwings would be forced to stand down and 500 aircraft would be grounded; and flight hours in the Air Force would be cut in half.

The next time a hot spot such as Bosnia or Korea or Kuwait flares up and the President orders our troops abroad on a mission, our troops will be less prepared for possible combat than they should be or will be using equipment that is below par.

Despite the urgency of this supplemental, the committee at the behest of the Speaker has fully offset all $3.2 billion of additional spending in the bill through specific recissions. This is a significant departure from previous committee practice, where the cost of emergency supplementals was enacted because it was in the national interest to do so.

Like many of my new colleagues in the freshman class, I was elected to cut government spending and maintain a strong national defense. This bill does both things.

We are now charged as Members of Congress with making hard choices that set priorities on spending scarce Federal dollars. We must decide which programs of lower priority must be cut in order to pay for the objectives of policy we enact into law. The recissions the committee has recommended are fair. The end result will be less government spending.

We have no greater priority in this body then to those American men and women in uniform who risk their lives each day to protect our borders and our vital interests abroad.

We also have, in light of the passage by this House of a constitutional amendment to balance the budget, an obligation to offset all increased spending, emergency or otherwise, and we are doing so in this bill.

Mr. Chairman, the choice is simple. We must pass this supplemental to keep our promise to the men and women of our Armed Forces, and in our current national financial condition, we must pay for it to keep our promise to the men and women of our Nation.

I strongly urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, as a member of the Appropriations Committee, I rise today in strong opposition to the $1.4 billion in nondefense rescissions contained in H.R. 889, and in support of the Obey amendment.

Pouring an additional $700 million into the Pentagon's coffers, above and beyond what it needs, makes absolutely no sense. But offsetting those increases with cuts in funding for programs such as job training, school restoration, and the renovation of a vital component of our Nation's transportation infrastructure is bad policy, plain and simple. Is this the mandate that the voters sent last November? I don't believe so.

Quite simply, Mr. Chairman, the priorities reflected in this bill are fundamentally flawed. This is a classic guns versus butter debate. Instead of having the Pentagon trim some of its own fat this bill asks our children to shoulder the costs. Talk about shortsightedness: cutting $100 million needed for the repair, renovation, and construction of public elementary and secondary schools and slashing $200 million from the Department of Labor's training and employment services should make very clear who is serious about job creation, wage enhancement, and the American dream. Actions speak louder than words.

The legislation will also have a devastating impact upon one of the linchpins of our Nation's entire transportation infrastructure. I am speaking of the proposed rescission of $40 million for the redevelopment of Penn Station in New York City.

Mr. Chairman, it's pick on New York time again. Seventy five million passengers pass through Penn Station every year—that's 500,000 passengers a day. Penn Station is Amtrak's busiest station in the country. In fact, it serves more than 40 percent of all of Amtrak's passengers nationwide. It is also the hub for the New York City transit system, the Long Island Railroad, and New Jersey Transit. But ask any one of those passengers and they will tell you that the principal rail station of the largest city in the United States is falling apart. Penn Station is dangerous, and within 10 years the station is projected to exceed its maximum pedestrian occupancy level.

In order to address this situation, the Federal Government, the State of New York, and New York City have embarked on a cooperative plan to rebuild Penn Station.

This project enjoys bipartisan support, including that of Senators MOYNIHAN and D'AMATO, Gov. George Pataki, and Mayor Guiliani.

Mr. Chairman, the contract on America has claimed it's first victim from New York, it is outrageous that the Republican majority is stealing from Penn Station to increase the Pentagon's budget. There is no good reason why this project was singled out for the budget ax—except for the fact that New York bashing is always in season.

Only a third of the funds for this project will come directly from the Federal Government, but much will be gained by that investment: the renovation of the station will make Amtrak less dependent on Federal subsidies. It will increase train travel, reducing our Nation's dependency on foreign oil, cutting down on harmful auto emissions that dirty our air, and easing the growing gridlock on our highways. The shops, restaurants, and other businesses that will develop in and around the station will also mean much-needed revenues for the local economy and the Federal Treasury.

The same people who criticize New York City for being too dirty and crowded are the ones most against efforts to improve Penn Station. But anyone who doubts the merits of the station's redevelopment project need only look a few blocks from where we stand today—to Union Station. Once an uninviting and unsafe gateway to our Nation's Capital, Union Station—rebuilt with millions of Federal dollars—now stands as a national model for urban renewal. I think most of my colleagues would agree that the money spent on Union Station was a wise investment. So, too, will be this investment in Penn Station.

□ 1350

Mr. LIVINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a distinguished member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Louisiana for yielding time to me.

Mr. Chairman, I rise in support of H.R. 889.

As a freshman Member and a member of the Appropriations Committee, I commend Chairman LIVINGSTON and the chairman of the Defense Subcommittee, BILL YOUNG, for a job well done.

Mr. Chairman, let me say to my colleagues this bill is unusual. For the first time in recent years, we are paying in full for a supplemental emergency spending bill.

In the past 2 fiscal years alone, Congress spent over $13 billion in emergency spending with no offsetting cuts.

For this first time in a long time, this supplemental is not a Christmas tree full of special projects. The needs of the Defense Department are genuine, well documented and in line with our goal of combat readiness.

This supplemental bill simply replenishes accounts that have been depleted due to emergency spending for our operations abroad. Even with approval of this bill, personnel and readiness-related funding shortfalls will still exceed $2 billion for the remainder of fiscal year 1995.

We may disagree over the particular reductions, but that's the point. Each one of us could have written a different bill with different cuts. I can guarantee my colleagues that we will all have ample opportunities to offer those cuts as we move forward with the next round of rescissions and tough choices.

We passed the balanced budget amendment—this is the first real step in delivering on that promise.

We're changing the old ways of doing business in this House. We pay our bills. Imagine that.

I urge my colleagues to support the bill.

Mr. OBEY. Mr. Chairman. I yield 1½ minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I find myself in a difficult position here today. On the one hand, I readily acknowledge the necessity of this Defense Department supplemental because it is important to assure our military readiness. On the other hand, the rule which I just voted against—but which passed—couples this supplemental with domestic rescissions, and that is not acceptable.

Given the current budget climate, and shrinking discretionary caps, our domestic discretionary funds are all the more precious. Paying for increases in defense spending by taking money away from important domestic programs sets a dangerous precedent—one that I cannot support. Particularly when this is only the first in a series of dips we will make this year into the domestic discretionary accounts.

I oppose the domestic rescissions package proposed here today based on the policy choices it reflects. For example, the proposed $107 million rescission from the Advanced Technology Program—an initiative at the core of President Clinton's competitiveness agenda.

I welcome this opportunity to tell you about the merits of the ATP Program—the successes it can claim and its importance to our Nation's future manufacturing capability. But first I want to focus in on one point—U.S. competitiveness.

In today's global economy, our Nation is lagging behind in terms of dollars spent on research and development. In fact, in terms of civilian research and development, the U.S. ranks 28th out of 40 nations in the percentage of government funds allocated. And U.S. business investment in research and development is not making up the difference. It too is declining.

And while we sit here proposing to rescind funding from the ATP Program, across the oceans our competitors—Japan, England, Germany, Australia, and Portugal, just to name a few—are investing heavily in similar initiatives. For example, Japan is strategically targeting more than $600 million in resources to a government-private sector cost-shared program very much like ATP. They also sponsor several other programs aimed at developing basic technologies for industry. And why are they spending precious Government dollars on these programs? Because they realize that it will increase their competitiveness in the global marketplace. They understand the changing dynamics of the global economy and the importance of technology in that context.

Investing in the ATP Program will help us to achieve this end. It is market-oriented. While Government provides the catalyst, industry conceives, manages, and executes ATP projects. The ATP also emphasizes cost-sharing—ATP recipients pay more than half the total cost of the research and development. This helps ensure that companies have a vested interest in the success of projects and in timely commercialization.

Some would assert that if the technology was worth developing, the private sector would do it themselves. This is simply not true. ATP projects focus on precompetitive, generic technologies. Those that industry cannot afford to develop on their own; those that will push them beyond state-of-the-art in technology development for the future.

Additionally, the report accompanying this package suggests that a rescission of $107 million in fiscal year 1995 will not do harm to the ATP Program, that it allows for funding all of our commitments. The real issue is that while a substantial amount of the ATP's appropriation for fiscal year 1995 has not been obligated as yet, essentially the entire appropriation has been committed. If this rescission package is approved, ATP will have to cancel about half of their existing competitions. Companies that have formed joint R&D ventures and that have typically invested tens of thousands of dollars in good-faith proposal writing efforts will be faced with a government which is unable to honor its commitments. Companies will conclude that the ATP Program cannot be relied on, and they will be reluctant to submit proposals in the future. This could have a devastating impact on the program.

I think as a nation it is time for us to face facts. We have underinvested in technology development. What we need now is to work to build our manufacturing capability and increase our competitiveness in the global marketplace. This goal will not be served by rescinding money from programs central to our competitiveness agenda. In fact, it would have the opposite effect. In a way, Mr. Chairman, rescinding money from ATP is very much like eating our economic seed corn. I urge my colleagues to vote "no" on this bill.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this is a bill that has one serious defect among the others, and that is the reduction in funds for the Technology Reinvestment Project and the Advanced Technology Project.

Along with the gentleman from West Virginia [Mr. MOLLOHAN], this is even worse than what we have done in the past. As we have watched, Japan took our technology in the VCR, in videotaping, and exploited it and made the profits on it, in color television and made the profits on it. What we are doing here is taking the technology that we developed within the Defense Department, and we will let other nations develop it and make the profits off it. It will also weaken us as a country, because without using the commercialization of defense technologies in the long-term, we will not have a defense which has the technologically capable systems within it.

The cost of maintaining these systems as we reduce the buy will be critical to include commercialization.

These are two important programs. The provision offered by the gentleman from Wisconsin [Mr. OBEY] protects them.

Mr. Chairman, I rise today in opposition to H.R. 889, the Department of Defense Supplemental Appropriations Act. While I support the administration's request for emergency funds to replenish its accounts for U.S. troop deployments overseas, I am dismayed that the Republicans would choose to use this emergency appropriation bill as a vehicle to kill critical dual-use technology programs like the Technology Reinvestment Project [TRP] and the Advanced Technology Program [ATP].

The rescission bill before us wipes out $502 million from TRP and $100 million from ATP. While opponents have labeled the TRP as industrial policy, and have pointed to the limited failed projects, TRP continues to be a key component to our post-cold war defense strategy. The program assists our defense companies diversify into commercial markets, and develop practical commercial technologies and products while simultaneously maintaining and improving our military superiority. Our defense industries have always been the leaders in developing cutting edge technologies, and with Government-industry partnership programs like TRP, they will continue to be. Further, having industry develop these technologies in the commercial marketplace, with the assistance of TRP, allows the Federal Government to reduce its investment in research and development of modern weapons programs and thus save taxpayers money.

Southeastern Connecticut, a region heavily dependent on Department of Defense contracts, has some of the most highly skilled scientists, engineers, and craftsmen in the world. However, with the end of the cold war, many defense businesses have either closed their doors completely or are barely maintaining a work force half of what they were in the late 1980's. I have always maintained that we can utilize these skills not only for defense purposes, but for commercial applications as well. And since the advent of the TRP in 1992, I have been able to witness first-hand, the successes of defense diversification.

The School of Engineering at the University of Connecticut [UConn], located in my district, received $4 million to create an Engineering Academy for Southern New England. UConn, in partnership with other New England colleges, will educate engineers to lead industry in improving the region's manufacturing competitiveness.

The Photomics Research Center, another TRP participant, is helping small photonics firms in New England convert from defense-driven applications such as laser guided missiles, to commercial applications such as fiber-optics for communications.

And the Kildare Corp., a small defense research and development company in my district working in the field of underwater sound and sonar transducer, is developing a new method for attacking oil spills called the sonic oil-spill emulsification system [SOSES]. This project uses sonar technology developed at the Naval Undersea Warfare Center for our Navy's submarines to clean up oil spills and limit the kind of environmental damage that occurred when the Exxon Valdez ran aground off the Alaskan Coast.

Once dependent on Government contracts for weapons systems, defense contractors are now developing new technologies which are maintaining and creating jobs in the fields of manufacturing, transportation, energy, and environmental cleanup. The unique TRP, which is not needs-based but rather is a competitive program and requires a 50-50 cost sharing between Government and industry, will maintain our Nation's technological and military edge. And by preserving this unique Government-industry partnership program, valuable technologies developed in the commercial marketplace will be available at lower costs to the Department of Defense.

This program has always enjoyed the support of both Democrats and Republicans. I urge my colleagues on both sides of the aisle to continue to support this program by voting "no" on this bill and "yes" on the Obey substitute. The Obey substitute provides the requested amount of $2.5 billion and protects the TRP.

Mr. LIVINGSTON. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I yield to our colleague, the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I request a colloquy with the gentleman from Florida and the chairman of the House Appropriations Subcommittee on National Security, Representative BILL YOUNG. We would like to emphasize that dual-use technology is a valuable resource to the Department of Defense and is supported by both sides of the aisle.

Mr. YOUNG of Florida. I will respond to the gentlewoman by saying that there is broad support to preserve the defense industrial and technology base by encouraging the development of technologies with both civilian and military applications.

Ms. HARMAN. As I said earlier in the debate, such dual-use technology is a key defense strategy for affordable, leading-edge technology. Programs such as the TRP's precision laser machining project employ dual-use technology to enhance technological superiority of defense systems while lowering cots. The PLM consortium represents what has been called a dual-use triple play—first, it brings together defense and commercial firms to put the speed and precision of military laser technology to work in machine shops and manufacturing shops across the United States, second, this development will in turn provide direct benefits to DOD, and third, it will spin back to DOD a superior method for defeating enemy missiles. Projects such as these—over 250 currently underway—are spread throughout the United States among commercial and defense businesses, both large and small.

Mr. YOUNG of Florida. I would respond to the distinguished gentlewoman that we do believe in the concept of dual use technology and that it provides significant benefits. In fact, the fiscal year 1995 defense appropriations bill contains $1.5 billion for dual-use efforts this year, and we are not rescinding any of that money here.

Now, the difference between dual-use programs and TRP is this: Dual-use programs go directly to military items, military issues. TRP does not necessarily do that, and we are going to scrub the TRP requests in the fiscal year 1996 bill to make sure if they are funded they will be directly related to national defense and nothing else.

I thank the gentlewoman for her inquiry.

In the few seconds I have left, I want to point out to the Members that this is something very unusual. We have received a communication from the Citizens against Government Waste. Their first sentence says,

> The Council for Citizens against Government Waste strongly endorses H.R. 845 and H.R. 889, which together make supplemental appropriations for the Department of Defense and pay for the increases with spending cuts. We oppose the Obey substitute and all other amendments. Together, H.R. 845 and H.R. 889 comprise good faith, pro-taxpayer legislation for which the Committee on Appropriations should receive credit and support, and we urge your vote for the committee's package.

That is, again, a pretty substantial statement.

In addition, if the Members would be willing to check with the American Legion or VFW or some of the other veterans organizations or military service organizations, I believe they would find also considerable support for the package that we present today.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong opposition to the defense supplemental appropriations bill and in strong support of the Obey substitute.

The original bill is objectionable in many scores. For example, it takes $1.4 billion from the domestic budget, Head Start, education, job training. It takes $1.4 billion from that and puts it to defense purposes.

In addition to that, it increases the deficit over the next 5 years, increases the deficit over the next 5 years.

Some of the cuts it makes in the domestic budget include school construction and youth employment job training. What it also cuts is the dual-use strategy in response to the cold war reality. It builds on our ability to compete in global markets if we would support the Technology Reinvestment Project. But, in fact, this legislation cuts it.

It also has a rescission of $160 million from the Environmental Restoration Fund. Even Governor Wilson of California, Mr. Chairman, has voiced his strong objection to deleting this environmental restoration.

We are all for readiness for our forces. In order for them to be ready, they must be able to read. Let us not cut the domestic budget, and let us cut the deficit.

□ 1400

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. I thank the gentleman for yielding this time to me.

Mr. Chairman, the Gingrich-ites who run this place have been calling at every opportunity for a balanced budget. Today they are celebrating the 50th day of their contract, and they are talking about a balanced budget.

But, you know, more than any media event they pull off around the country today, what happens on this bill and this Obey substitute will tell the American people whether there is any meaning to that contract, because at this first opportunity with a bill to do something about the budget deficit, how much do we cut under this proposal? Not one penny. In fact, we add to the budget deficit.

They say they are paying for this bill? I say let us stop paying for our defense by borrowing more money. Instead of a balanced budget, what this Congress is doing is digging in the same old deficit hole, and the Gingrich-ites tell us what we need are more shovels, not to stop digging in that same hole.

The Obey substitute provides what amounts to a line-item veto to assure a commitment to a pay-as-you-go finance, and it is essential it be adopted.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the chairman for yielding this time to me.

Mr. Chairman, chapter II of this bill would save some $100 million in funding for environmental restoration and waste management at DOE. The committee report says the reductions are not to affect direct cleanup activities. It expresses no position regarding funding for work to stabilize plutonium and reduce vulnerability to criticalities and other risks at other sites, at DOE sites which have serious public health and safety implications.

I would like to ask the chairman if these efforts as well are to be directed in the same way as direct cleanup efforts?

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the chairman of the committee.

Mr. LIVINGSTON. I thank the gentleman.

Mr. Chairman, I would say to the gentleman that I agree with him on the importance of work directed to reduce plutonium vulnerability, and it is the committee's intent that such work should not be used to make the $100 million reduction.

Mr. SKAGGS. I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the ranking member.

I would just like to say that this bill, in addition to all the other reasons not to vote for it, it takes a gratuitous slap at New York by gutting the revitalization of Penn Station.

Seventy five million riders pass through the station every year. It is heavily used, and it is a mess.

Yet this takes back that money and puts it into a lot of other things that are far less needed than what we have here.

I would urge every Member of New York, whether they be Democrat or Republican, to vote against this bill so we can save the money for Penn Station and finally get that station moving again.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms ESHOO].

Ms. ESHOO. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I am disappointed that the first spending package produced by the majority after passing the balanced budget amendment increases the deficit by $645 million over 5 years.

The Obey substitute cuts the deficit in fiscal year 1995 and is budget-neutral over 5 years.

It allows the Secretary of Defense to protect critical programs like the Technology Reinvention Program which leverages commercial technology in a way that benefits both the Defense Department and the commercial sector.

Mr. Chairman, in a front page story yesterday, the Washington Post reported that our Nation's military leaders are increasingly convinced modern warfare is experiencing revolutionary technological changes. National security experts believe those nations who do not maintain a technological edge will face serious threats to their security.

Now, at a time when America needs to make wise investments in defense technology, the Republicans' budget-busting shopping cart of defense priorities is full of last year's models and outdated strategy.

The Obey substitute reduces the deficit, cuts pork and allows budget priorities to be based on national security needs—not political manifestos; and the safety of our soldiers—not politicians' reelection campaigns.

I urge Members to oppose the bill and support the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR. I thank the gentleman for yielding this time to me.

Mr. Chairman, rather than voting for a measure that would seriously increase the deficit by nearly $645 million over 5 years while making fatal cuts to domestic programs such as the school improvement fund, youth job training programs, the INS emergency fund, and environmental cleanup and restoration efforts, I support the Obey substitute.

Mr. Chairman, this is a responsible alternative to the Republican emergency supplemental. It adds an additional $670 million in unrequested defense spending without identifying offsets for this spending.

This plus-up of the emergency supplemental is not for emergency funding. The Republicans are trying to tell the American people they are in favor of balancing the budget. The Obey substitute would allow the Department of Defense to guide the rescissions from lower-priority defense programs to offset this supplemental appropriations bill. It does not affect domestic cuts.

In my central California district, the cuts to the youth job training programs would impact many disadvantaged youth.

I ask my colleagues to support the Obey substitute.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California, [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Obey substitute, in opposition to the bill.

My primary problem with the bill is that it resorts to the rescission of civilian programs, and it takes about half of the total rescissions from the area of technology, with which I am deeply concerned as ranking member of the Committee on Science.

The technology programs which are proposed to be cut have been described by several previous speakers, and I do not need to add to that.

I would just like to make the point, however, that these programs have been developed over course of a number of years. They did not begin with the Clinton administration. They began, actually, with the Reagan and Bush administrations.

They need to be defended or else the future of this country and its technological superiority around the world will be in doubt.

I submit the following for the RECORD:

Mr. Chairman, I rise in support of amendment to H.R. 889 offered by the distinguished ranking Democratic member of the Committee on Appropriations, my good friend from Wisconsin, [Mr. OBEY].

This amendment, while it may not be perfect, would make significant improvements to the bill we are considering.

The amendment would provide the President's request of $2.54 billion in new budget authority to pay for peace-keeping missions, and no more. It would not make available an additional $670 million to increase defense readiness, which we simply do not need.

The amendment is deficit neutral. New spending would be offset totally with reductions in other defense accounts that the Secretary of Defense would allocate. Cuts in higher priority investment programs, like education and training and R&D, would not be made under this amendment to pay for defense increases.

Mr. Chairman, the direction taken in H.R. 889 is unwise and detrimental to the future of this country. The bill, if adopted in its present form, would lead us down a path that will eviscerate the R&D infrastructure of the United States.

The bill proposes increases in defense programs well above what the President has asked for, and would pay for those increases by making disproportionate cuts in R&D programs that have greater long-term payoffs.

The rescissions in this bill total $2.9 billion. About $1.3 billion or 45 percent of those cuts would be in competitively awarded, merit-based R&D programs. These cuts represent 2 percent of the entire Federal support for R&D in the current fiscal year.

Two programs that would be crippled under H.R. 889 are the Department of Defense Technology Reinvestment Program [TRP], and the Department of Commerce Advanced Technology Program [TRP]. Both of these programs leverage Federal funding with matching funds from the private sector to undertake high-risk, long-term R&D projects that have potential for large economic payoffs. These are the kinds of investments we should be making, and the Obey amendment would allow that.

Thirty years ago, Federal R&D support was over 2 percent of gross domestic product [GDP]. That level of support has eroded drastically since then. If the Congress adopts the President's fiscal year 1996 budget, Federal support for R&D would fall below 1 percent of GDP to its lowest level since 1958. This bill would make a bad situation even worse.

For years the Federal Government has given inadequate support for R&D, education and training, and other valuable public investments. This neglect has contributed significantly to the decay in our society and to the decline in our economic competitiveness and living standards. We can not let this situation continue.

We must make the investments today that are necessary to improve the future of the country and all our citizens. The Obey amendment is a step in that direction.

I urge my colleagues, on both sides of the aisle, to put aside political differences and narrow interest and to do what is right for the country. I urge adoption of the Obey amendment.

Table 1.—Fiscal Year 1995 Defense Supplemental Appropriations and Rescissions

[Dollars in millions]

Action	Agency	Program/Activity	Amount	Percent of cuts
Defense supplemental	DOD	Peace keeping	$2,538.7	
	DOD	Readiness	669.7	
New budget authority			3,208.4	
Defense recissions	DOD	TRP & Defense conversion	537.0	19
	DOD	High definition systems	15.0	1
	DOD	Environmental restoration	150.0	5
	DOD	Procurement	758.2	27
Defense subtotal			1,460.2	51
Domestic rescissions	DOC/NIST	Adv Technology Prog (ATP)	107.0	4
	NASA	Wind tunnels	400.0	14
	DOE	Clean Coal Program	200.0	7
	DOE	Environmental restoration	100.0	4
	DOE	Youth Job Training Program	200.0	7
		Other domestic programs	395.1	14
Domestic subtotal			1,402.1	49
Total rescissions			2,862.3	
Net new budget authority			346.1	

Mr. OBEY. Mr. Chairman, I yield myself the balance of the time.

I simply say, in closing, that despite the comments that have been made by three previous speakers, this bill is not paid for, this bill is not paid for, this bill is not paid for, this bill is not paid for.

It is almost $700 million short of being paid for over 5 years, almost $300 million short of being paid for over 1 year.

If you have told your constituents that you are for a constitutional amendment to balance the budget and then you vote for this bill today without the Obey amendment, you are meeting yourself coming back.

Mr. LIVINGSTON. Mr. Chairman, I yield myself the balance of the time.

I point out to the gentleman that the contentions that the bill is not paid for are ridiculous. We have not paid for supplementals in the past; we are paying for this one.

The fact is this bill costs $3.2 billion, and the defense rescissions in this bill are $1.8 billion in budget authority and nondefense rescissions are $1.4 billion, and there is a surplus of $14 million in the rescission over the cost of the bill.

This bill is needed, Mr. Chairman. We are talking about a 35-percent decline in the Defense Department in the last 11 years. The procurement amount has gone down by 17 percent over these last 11 years. We are cutting maintenance, we are cutting operations, and we are cutting training hours.

Secretary Perry on November 16, was quoted as saying that 3 divisions of the 12 Army divisions were way below adequate preparedness.

Even the President himself, on the 1st of December, said that he was at least $25 billion short on defense, and, as a matter of fact, GAO says we are $150 billion short on defense adequacy.

We are finding that jet engines are not getting repaired, troops are not getting adequate training hours, and Naval Reserves have stopped drilling. Training in Abrams tanks has been cut back because their engines are not being adequately repaired.

Military recruits have less than high school diplomas.

We are seeing accidents like F–15's shooting down U.N. helicopters and F–14's colliding. A F–14 crashed on the west coast. There was an accident on the Nimitz that killed a young seaman. Just in the last 3 days a Huey helicopter went into the sea overrunning Somalia, and a crewman was killed.

Mr. Chairman, the minority for some reason comes up with the idea, the frivolous idea, about not paying for this bill. They say we have not paid for it. We have paid for it. It is needed.

Mr. Chairman, I urge the adoption of this bill.

Mr. PASTOR. Mr. Chairman, I wish to speak in support of a much-maligned program that is being proposed for rescission under the Defense Department supplemental appropriations bill for fiscal year 1995, the Technology Reinvestment Program [TRP]. No one in this Chamber questions the need for the urgent supplemental appropriations bill for the Department of Defense. The funds are necessary to cover the costs of U.S. peacekeeping and humanitarian missions abroad. What many of us question, including myself, is the way we go about paying for these emergency costs by terminating funds for important programs like the Technology Reinvestment Program.

TRP is a unique program. It is designed to ensure that the United States has the most advanced military technology available and the most competitive commercial products found in the world marketplace. Advances in technology are occurring at a faster rate in the commercial world than in the defense industrial sector. The purpose of TRP is to give the military advance access to commercial technologies and thereby enhance our military capabilities at less expensive costs. TRP promotes the development of spin-on and spin-off technology. Under the program the Federal Government acts as an agent—a partner, if you will—in fostering public-private partnerships to develop advanced technologies with military and commercial applications.

One theme I constantly hear from both Democrats and Republicans is that Congress should develop a framework which encourages greater cooperation among government, business, and academia. TRP does just that. And with only a 2-year lifespan, this Chamber is now deciding that programs like TRP are a waste of taxpayer's moneys. This decision was made by the House Appropriations Committee without the benefit of serious public hearings. Isn't it ironic, Mr. Speaker, that while we agree in theory on the need for greater public-private partnerships, the bill we are considering rescinds $500 million for a program that will assist our military to leverage the commercial base.

Mr. Speaker, I call my colleagues' attention to recent communications I have received from Arizona attesting to the importance of the Technology Reinvestment Program. For this and other reasons, I intend to vote against H.R. 889.

ARIZONA STATE UNIVERSITY,
Tempe, AZ, February 16, 1995.

Hon. ED PASTOR,
Representative, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE PASTOR: Last week the Washington Post ran an article that was critical of a Technology Reinvestment Project (TRP) funded program at Arizona State University. The ASU project had been singled out for having a rather nondescript title and thus may become a possible target for elimination as part of H.R. 889.

I am enclosing for you a review of that project, which we are happy to re-title, "Manufacturing Across the Curriculum".

Manufacturing Across the Curriculum has been a very effective program to re-engineer the educational relationship among the ASU Colleges of Engineering and Business with Arizona's largest high technology employers. Together, with the assistance of federal funding, we have created a new way to educate engineers and business students that gives them the kinds of skills necessary to immediately enter manufacturing positions and contribute to the success of these companies. We have found a way to eliminate the "ramping up" time necessary for new hires to these companies.

One of the most innovative and exciting parts of the ASU TRP is the placement of our students at companies such as Intel, where they actually take over full manufacturing lines. Realize the extent of corporate commitment this represents in the event that the students' errors may actually shut down entire processing lines. But the corporate partners such as Motorola Government Systems Technologies Group, Honeywell IASD, and Intel among others are taking such risks because the rewards are equally great. They recognize the caliber of students that will be available for hire from ASU and from colleges throughout the U.S. is outstanding, if we can demonstrate this project and encourage others to duplicate it.

I urge you take whatever steps you feel are appropriate to keep this project from being eliminated simply because it was poorly titled. We would encourage those who have criticized this project to read the attached summary explaining its purpose and accomplishments prior to committing themselves to its demise.

Thank you for your continued interest in and support of meaningful research activities at Arizona State University.

Sincerely,

ROBERT E. BARNHILL,
Vice President.

CARBORUNDUM MICROELECTRONICS,
Phoenix, AZ, February 10, 1995.

Representative ED PASTOR,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN PASTOR: The new Congress has been quoted in recent news articles to have expressed concerns regarding the value and future of the Department of Defense sponsored Technology Reinvestment Program (TRP). We believe that the TRP is valuable to both the United States and to our Phoenix, Arizona based business. We are convinced that without it, from both a defense technology and industrial manufacturing standpoint, our country would be relinquishing a vital competitive position.

Carborundum's Microelectronics Design and Manufacturing Center in Phoenix was recently selected by the Advanced Research Projects Agency of DOD to lead a TRP program to develop more affordable electronic packaging based upon a new high performance ceramic material (aluminum nitride). If successful, this program will provide a dramatic and much needed improvement in the performance and reliability of ceramic electronic packaging for the DOD.

The continued advancement of ceramic electronic packaging is essential in the design of the future's competitive electronic systems, whether commercial or defense related. The TRP investment in this effort is in direct support of a critical U.S. industrial technology that was nearly lost to offshore manufacturers, and more specifically to the Japanese. In fact, over 80% of the current ceramic packaging needs of DOD are supplied by Japan. The playing field in this arena has not been level. The Japanese have been, both through financial and other means, subsidized by their government, while at the same time, American industry has maintained a robust competitive position, defending a basic national capability, with its own funding sources.

At our Phoenix, Arizona facility, we are determined to use the TRP 50/50 funding program to expedite the development of a new superior ceramic packaging material, aluminum nitride. We believe in the spirit of the new TRP format that relies on the joint investment of both government and industry. We are convinced that the result of this effort will be a lower cost, economical material that will meet the technical and cost objectives of the DOD. In addition, spin off benefits will include the development of a wealth generator for our country, increased market share for American industry, and an expansion in our Arizona employment base.

This technology is important now and for the 21st Century. The TRP provides the necessary Industry/Government partnership that will help us leapfrog our foreign competition. We urge you to factor these facts into your position on the TRP.

Very truly yours,

ROGER S. STORM,
Manager, Contract Programs and Marketing.

Ms. DELAURO. Mr. Chairman, if I described a Government program that enhances our national defense, saves taxpayers money, and creates jobs, most of my colleagues would be jumping up to support it.

Well, there is such a program, and it's called the Technology Reinvestment Project, or TRP. But rather than support such a program, this bill would kill it.

That's a sad case of misplaced priorities, and I hope funding for TRP will be fully restored before this defense supplemental appropriations bill is sent to the President.

TRP was created in 1993 to deal with two conflicting realities of the post-cold-war world. The first reality is that our national security depends ever more on superior technology. The second reality is that in an age of huge budget deficits, we often can't afford to develop such technology solely for defense.

The answer to that dilemma is the concept of dual-use technology—cutting-edge technology that has both defense and commercial applications.

The TRP program is the centerpiece of our dual-use strategy. TRP awards matching funds to industry-led projects that have the potential both to strengthen our national defense and to develop competitive commercial products.

I want to underscore two critical aspects of this program. One is that projects are competitively selected purely on the basis of merit. Two, the program requires private industry to put up matching grants. For an investment of less than $500 million a year, TRP has leveraged billions of private dollars for research and development.

To me, that sounds like a great deal for the taxpayer.

I know that TRP works because I've seen the results in my own district.

TRP funding has made possible a partnership in Wallingford, CT, between Dow Chemical Co. and United Technologies Corp. to develop lighter, quieter, more fuel-efficient materials for aircraft construction. These new materials will be used on both the F–22 advanced tactical fighter and commercial aircraft. Because of these commercial opportunities, production costs for the Defense Department may be reduced by as much as 50 percent.

There are winners all around.

The Defense Department wins because its getting a better jet fighter.

Taxpayers win because they're paying less for critical defense technology.

The two companies involved win because they're developing whole new commercial markets.

And the people of my district win because good-paying jobs are being created.

At the direction of then-chairman, Ron Dellums, the National Security Committee staff last year surveyed TRP grant winners from the first year of the program. Responses were received from less than a fourth of the winners.

But even that small number estimated a potential annual commercial market of $4.7 billion for their new technologies, creating or sustaining 18,000 jobs. Keep in mind that's the gain from only some of the winners and only the first year.

Let's give TRP a chance to work. Canceling it now would be yet another example of the Congress being penny-wise and pound-foolish.

Mr. COSTELLO. Mr. Chairman, I rise today in opposition to the legislation before us on the House floor which would spend $3.2 billion on various overseas military expeditions and pay for it by cutting both defense and domestic programs.

It is the first time in my memory where Congress has cut domestic programs—like clean coal technology, worker retraining, and new school construction—to pay for our invasion of Haiti, missions to Bosnia, our withdrawal from Somalia, and Cuban refugee programs. This legislation takes money from potential job-creating initiatives like clean coal technology and worker retraining and instead funnels into wasteful programs such as paying back our allies for equipment they used to help with our invasion of Haiti.

There is no reason why other defense programs, or our foreign aid program, cannot be cut to accommodate this supplemental appropriation. It makes no sense to me to cut or eliminate programs which actually help people find jobs in order to help the Pentagon balance its budget.

Two programs in particular will, if eliminated, be very detrimental to my congressional district.

The Clean Coal Technology Program faces a $200 million cut from 1996 and 1997, a program which is essential to exploring future markets for high-sulfur Illinois coal; and the $100 million new school construction fund, which will be eliminated under this bill. This program is one from which the Carterville School District is interested in vying for funding for construction of its new school.

Mr. Chairman, to shift domestic funds to pay for overseas military operations is a troublesome precedent. I urge my colleagues to vote against this misguided bill and vote for the Obey substitute, which will pay for this supplemental by using defense funds and not cut into domestic programs.

Mr. COLEMAN. Mr. Chairman, I rise in support of a supplemental appropriation for the Department of Defense and in opposition to the rescissions contained in H.R. 889, the Department of Defense Supplemental Appropriations and Non-Defense Appropriations Rescissions Act of 1995. I feel that this piece of legislation cuts many defense programs important to our national security and that the President's request is justified emergency spending which should not be offset.

I support our military's forays into diverse countries like Rwanda, Somalia, Bosnia, and Haiti. I also want to improve the combat readiness of our Armed Forces which this bill begins to do. However, this bill goes too far in gutting vital programs such as the Technology Reinvestment Program [TRP], environmental restoration programs, and a program to help Russian and Eastern Europe pay for dismantling weapons, among others.

A program such as the TRP is very important to our national security interests. I, and others, feel that the TRP is vitally necessary to our country's future as we position ourselves strategically in the post-cold-war era.

Let the record be clear that the President, Secretary of Defense Perry, Office of Management and Budget Director Rivlin, and major Fortune 500 corporations such as DuPont, IBM, 3M, Westinghouse, and Teledyne oppose the rescission of these funds.

The TRP promotes dual-use research and development projects to exploit the potential of advanced commercial technologies to meet defense needs. The investments the TRP is targeting are in the following thrust areas: computers and software, electronics, sensors, simulation and manufacturing. Pushing these areas will ensure that commercial firms in this country can supply the superior technologies that will maintain our military advantage.

This bill also cuts $150 million in environmental restoration projects going on throughout the country. As you know, Mr. Chairman, DOD environmental programs support the readiness of U.S. forces by protecting military personnel and their families from environmental, safety, and health hazards. The programs ensure the usefulness and long-term viability of DOD lands and facilities. Major environmental priorities include actions to achieve compliance with existing laws and regulations, pollution prevention, and cleanup of past contamination. We simply cannot cut these funds.

In 1990, Congress and President Bush agreed that we needed to maintain the flexibility to fund unforeseen emergencies. Congress and President Bush recognized then that we do not have a reliable method to budget for these unforeseen costs.

No one could have, nor did anyone, predict the number of conflicts to which our military would be asked to respond. What we can not afford to do is to continue to depend on an unreliable method to forecast the scope of these supplementals. We should not begin the practice of haphazardly cutting programs in the middle of their fiscal year to pay for defense missions or natural disasters. Until Congress devises a method to budget for these unforeseen costs, we should keep the supplementals to the minimum amount and classify them as what they are—emergencies.

Mr. OBEY, the distinguished ranking member of the Appropriations Committee, has offered an equitable alternative. The Obey substitute offsets defense spending with defense cuts without requiring cuts in nondefense programs. The Obey substitute grants the Secretary of Defense the authority to reduce or eliminate funding of low-priority defense programs without jeopardizing military readiness. Unlike the majority's bill, the Obey substitute is deficit neutral.

Mr. Chairman, given that as we speak committee staff is working on additional $15 billion in cuts in nondefense programs to pay for disaster relief supplemental and the so-called Contract With America, I believe it is unconscionable to ask nondefense programs to pay for peacekeeping and military relief missions.

Mr. Chairman, I strongly support a supplemental appropriation for Defense. I oppose the rescissions contained in H.R. 889. Therefore, I cannot support the Department of Defense Supplemental Appropriations and Non-Defense Appropriations Rescissions Act in its current form.

Mr. MCDADE. Mr. Chairman, I would like to take this opportunity to commend my friend, BILL YOUNG, who as chairman of the Subcommittee on National Security moved quickly and skillfully to bring together this vital emergency Defense supplemental. He and the distinguished chairman of the Appropriations Committee, BOB LIVINGSTON, recognized back in December the urgency of replenishing our military readiness accounts which are being eaten up by missions abroad.

I thank my friends from Louisiana and Florida, and their counterparts on the minority side, DAVID OBEY and JACK MURTHA, for moving forward with this much-needed supplemental—despite the inaction and the lack of communication from the White House. This subcommittee has always worked in a bipartisan manner in the interest of maintaining our national defense, and I know we will continue to do what we can to preserve our military capabilities.

Mr. Chairman, I will be brief. During the past 16 months, American men and women have been scattered across the globe to take part in 13 different contingency operations—in places like Haiti, Bosnia, Somalia, Rwanda, Iraq, and Korea. These operations—which have involved the deployment of more than 100,000 U.S. troops—are not planned expenses in the annual military budgets. We do not plan for operations like these—but we do have to pay for them.

The annual defense budget is a peacetime budget—it is to train and equip our troops, to support them, and to keep them ready for when we need to call upon them. And let me remind you all that the 1995 defense budget was the 10th consecutive year of reduced defense spending, in constant dollars. Ten straight years of defense cuts—a 35-percent reduction between 1985 and 1995.

This emergency supplemental is an emergency. If we don't pay now, our troops will pay later. Both the Secretary of Defense and the Chairman of the Joint Chiefs of Staff testified that if this supplemental is delayed, then regular training, flight hours, and needed equipment repair and maintenance will not get done this year. Our readiness will be degraded, and our troops will suffer.

As has been noted, this emergency supplemental does contain offsets and rescissions which free up the readiness moneys we need for our troops without adding to the deficit. Half of the cuts in the supplemental come from low-priority DOD accounts, and half come from non-DOD rescissions.

I am pleased that we have been able to put together a budget-neutral Defense supplemental. The 104th Congress is listening to the American people and we are attacking the deficit. But I want to caution that we may not always be able to find offsets to pay for military contingency operations. If we commit our troops to these operations, I firmly believe we must be prepared to pay for them—and not decimate the readiness accounts in the regular defense budget.

I believe that when we commit our troops to these unplanned operations and put them in harm's way, we also make the commitment to keep up their training, their equipment, and their morale. That's what this bill does, and I urge its adoption.

Mr. RICHARDSON. Mr. Chairman, I have great reservation about today's Defense rescissions bill. I am concerned that H.R. 889 cuts into important programs that puts Americans in the battlefield at-risk and this is the reason I am opposing it. The Appropriations committee has cut funding for many important programs including the System Improvement Program [SIP] for the EF-111 aircraft. The SIP is an important component of our electronic warfare arsenal and I am concerned that the committee's cuts may be premature. The EF-111 will remain in service through at least 1999, and possibly longer if the Air Force decides that the plane is essential to maintain a technological edge over our adversaries as we enter the 21st century. The Appropriations Committee's actions are inconsistent with its intent of preserving the readiness of our troops. By indiscriminately cutting the SIP Program, Congress is turning a blind eye to our electronic warfare needs in the name of readiness. Why sacrifice force structure for readiness? Readiness and force structure must be addressed simultaneously. I hope that this issue will be fully addressed before these cuts are finalized.

This is the first time in 13 years I have voted against a Defense bill—I do so not only because it affects Cannon Air Base in my district but because it is a bad bill.

Mr. NADLER. Mr. Chairman, I rise in support of the substitute to the bill. The gentleman from Wisconsin's substitute would successfully offset the $2.5 billion in supplemental defense appropriations requested by the administration, without eliminating valuable programs which invest in our Nation's future. I am particularly concerned about maintaining congressional commitment for the Penn Station/Farley Building renovations in my district in New York City.

Penn Station is the single most heavily used intermodal transportation facility in the country, serving passengers not only in the Northeast corridor, but also to and from points south and west. In fact, 75 million passengers use Penn Station each year. This station is a significant component of our passenger rail infrastructure.

A number of regional private and public entities have acknowledged that the current underground facility is inadequate, decrepit, and overcrowded, pushing Amtrak, commuter-train and subway riders into the same space. These entities have committed funding for improvements to the station. So far, the Long Island Railroad has completed its $200 million portion of the project. New York City and State have signed an agreement to fund their $100 million share. New Jersey transit will renovate its portion as Amtrak moves to the Farley Building. Amtrak will fund its portion of the project with revenues from commerce that will be attracted to the renovated Farley Building. Additionally, the Federal Railroad Administration and the Department of Transportation have sited Penn Station renovations as a high priority project, and the administration has proposed a $50 million expenditure for the project in fiscal year 1996. During a time when we are seeking funding based on public-private partnerships, this rescission is particularly shortsighted.

Congress provided $10 million in fiscal year 1994 for this project, and should continue its contribution to the public/private partnership which will benefit many Americans throughout the country. The funding which is proposed to be rescinded today is modest compared with other transportation expenditures for projects serving far fewer Americans.

In conclusion, Mr. Speaker, the Penn Station project is underway, the State and local governments have committed to pay for the bulk of the project, and Federal support makes good on congressional commitment to promoting intermodal transportation.

I urge my colleagues to vote in favor of the substitute and vote against the bill.

Mrs. WALDHOLTZ. Mr. Chairman, I rise in support of the supplemental spending bill and its accompanying rescission bill.

Over the past year at the direction of the President, our Armed Forces have carried out a steadily increasing number of military operations for which no funds were budgeted. Because these operations were not foreseen or planned for, enormous sums consumed by these operations cannot be compensated through normal budgetary channels within the Department of Defense.

The administration has stated that this is an emergency situation. Without additional funding, military readiness will be seriously jeopardized and we will be unable to fully finance the long overdue military pay raise Congress promised last year. It should be stressed that this is an emergency of the administration's own making. Many of the administration's military adventures abroad are not only expensive, but highly questionable. But if we don't replace the funds robbed from personnel and readiness concerns, the administration won't suffer, and this Congress won't suffer. But the people who will suffer are the men and women of the U.S. military who are trying to carry out their orders without adequate support. For that reason I support these bills.

Under our budget rules we don't have to offset this spending, we could simply increase the deficit. The administration wanted us to do just that. But, we can't just follow the letter of the law, we have to follow the spirit in which it is intended and do what's best for our Nation.

Both the administration and Congress have a moral obligation to offset the spending contained in this bill. The administration abdicated their responsibility, we can't afford to do the same. We have to be willing to do what the administration wasn't willing to do—we have to pay for things as we go. We have to make the tough choices and bring spending under control.

This bill will ensure that our Armed Forces get the funding they need to carry out their missions, while at the same time we will fulfill our obligation to bring the deficit under control.

I urge my colleagues to support these bills and the rule.

Mr. EWING. Mr. Chairman, I rise today in support of H.R. 889, as amended, to include the rescission language of H.R. 845, and to commend House Appropriations Committee Chairman LIVINGSTON for including offsetting rescissions from current expenditures to pay for this, much needed, Department of Defense supplemental appropriations package. I would also like to thank the members of the conservative Opportunity Society who joined me in supporting termination of the U.S. Air Force's SR–71 Blackbird reconnaissance aircraft reactivation program, which the Appropriations Committee has included in the rescissions package.

Reactivation of the SR–71 was not supported by the House conferees during the House-Senate conference on the National Defense Authorization Act for fiscal year 1995. Furthermore, the U.S. Air Force does not consider reactivation of the three existing SR–71 planes to be a national defense priority or cost effective.

The Defense Airborne Reconnaissance Office's [DARO] "Report to Congress on Reactivation of the SR–71" concluded:

> (1) The SR–71 is a capable good weather Broad Area Coverage collector but adds value only in pre-hostilities crisis or peacetime and only if overflight is authorized.
>
> (2) The SR–71 adds little benefit in a hostilities situation since it does not meet timeline requirements. The early achievement of air superiority and suppression of air defenses would permit existing systems to achieve better coverage.
>
> (3) The SR–71 is an extremely limited crisis surveillance platform since it does not have a near-real-time or loiter capability.
>
> (4) The SR–71 in a stand-off mode (pre hostilities crisis) is much less capable than existing reconnaissance assets (e.g., U–2).

In its conclusion, the DARO report expressed the Air Force's concern "that as the remaining spares are depleted or shelf life expires, the cost to acquire parts that have been out of production could cause expenses to climb rapidly." Simply stated, the SR–71 reactivation is truly a low-priority defense program and it does not deserve funding at this time.

Congress authorized and appropriated $100 million for reactivation of the SR71 in fiscal year 1995, and DARO estimates the 6-year cost of the program to average $95.6 million per year. Unfortunately, the Appropriations Committee is only able to recover $80 million at the present time. Nevertheless, Mr. Chairman, I want to thank the Appropriations Committee for including the SR–71 rescission in the bill.

Mr. FAZIO. Mr. Chairman, I was disappointed that I could not support final passage of defense supplemental appropriations which I strongly believe is vital to our combat readiness. However, as presented to me yesterday, I was forced to choose between programs which I consider critical to long-term defense security as well as my district versus providing needed funding to pay for our foreign operations.

I support replenishing the defense funds used in various peacekeeping and humanitarian operations so our force structure remains strong. That is not the problem with this bill. The problem is the way in which this legislation seeks to pay for this replenishment—by hamstringing efforts to ensure military security through promotion of a strong economic and industrial base.

There are two ways in which our industrial base is jeopardized. The first is the attempt to gut a program designed to allow the private industry and the defense industry to work together on high-technology projects. Certain defense requirements in the future will depend on innovative approaches, and by allowing the commercial sector to create dual use technologies that serve both defense and private industry needs we create a stronger defense.

The value of the Technology Reinvestment Program can be demonstrated by the joint venture ongoing at McClellan Air Force Base in my district with the U.S. auto industry to develop metal casting processes that will meet the Clean Air Act standards. Locally, the joint venture has the potential to create as many as 180 jobs over 5 years, most of which will be high-paying jobs for metallurgists, chemical engineers, industrial engineers, chemists, and foundry workers.

Add to this the proposal in the bill to take away money needed for environmental cleanup activities at military installations. The cost to clean up McClellan Air Force Base, for example, could be as high as $10 billion. The long-term military value of bases like McClellan is diminished if cleanup is not addressed. Even worse these costs could be passed along to local communities through the base closure process to avoid the liability. The lack of cleanup would prevent any reuse of the facility, and the combined economic impact of job loss and no defense conversion would devastate the local economy.

These spending cuts are shortsighted. If we care about long-term defense readiness this is not the way to go. I consider both technology development and defense cleanup to be high priorities which we cannot afford to sacrifice when other options exist.

Ms. WOOLSEY. Mr. Chairman, I rise to strongly oppose this bill to punish the American people for the management errors of Congress and the Pentagon. Of course we need to fund military readiness, and of course we have to pay for our peacekeeping operations. But it is not acceptable to do this by stealing money from environmental cleanup, defense conversion, job training, and school funding for our kids. We are punishing the children and punishing our communities because Congress can't find enough money in the $260 billion defense budget to pay for readiness.

I oppose cutting these programs because they are not the reason we might be short on readiness funding. Let me tell you what has really been damaging readiness:

The Trident D–5 nuclear missile, a $5 billion cold war relic, designed to hit targets which no longer exist in the former Soviet Union.

The Star Wars Program—a Reagan dream which hasn't given us a single concrete result after $36 billion worth of wasteful spending since 1984—more than the entire annual budget for the Department of Education.

And, Mr. Chairman, if you truly want to be intelligent about paying for readiness and peacekeeping, you should do it by cutting the inflated intelligence budget.

We wouldn't have a readiness problem if Congress and the Pentagon could just stop wasting billions of taxpayer dollars on these cold war relics. These are the programs we should be targeting to offset this supplemental appropriations bill.

Instead, H.R. 889 attacks programs that are essential to the future of our children and the health of our economy. I am truly ashamed that despite the end of the cold war, and despite the fiscal crisis facing our public school system, we are now considering a bill which takes money away from the $30 billion Department of Education budget and puts it into the $260 billion military budget. We're finally beginning to see the fine print in the contract on America.

Not only does this bill propose to cut important domestic programs to make up for military waste, it cuts important programs within the defense budget as well—programs that are vital to the economic future of California and the rest of the Nation.

I am not the only Californian who feels this way. Allow me to read a quote about H.R. 889's cuts in environmental cleanup funding from California's Republican Governor:

> The continued erosion of cleanup funding inevitably will threaten the health of armed services personnel and civilians who work at military bases where contamination is present. It will also exacerbate economic suffering in communities that are struggling to redevelop closing bases.

The cleanup of military bases is not a partisan issue, Mr. Chairman. It should be recognized as an essential ingredient in the economic recovery of California and the rest of the Nation, and it should not be cut.

Another essential ingredient is the technology reinvestment program, the cornerstone of President Clinton's landmark defense conversion initiative. In two short years, this program has moved California's economy forward by helping defense firms produce goods and services that can be used in the civilian sector. Despite the TRP's importance for California's economy, and indeed America's economy, H.R. 889 slashes funding for this as well.

This bill, along with the National Security Revitalization Act which was passed last week, is sending the military budget back to the Dark Ages by preserving cold war relics and cutting the programs that are vital to our economic future. I urge my colleagues to vote against H.R. 889, and to fund readiness and peacekeeping by cutting the truly wasteful military programs.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 889, modified by adding the text of the bill, H.R. 845, is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army," $69,300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy," $49,500,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps," $10,400,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force," $71,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy," $4,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army," $958,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy," $347,600,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps," $38,000,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force," $888,700,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide," $43,200,000:

Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Operation and Maintenance, Navy Reserve

For an additional amount for "Operation and Maintenance, Navy Reserve," $6,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

Other Procurement, Army

For an additional amount for "Other Procurement, Army," $28,600,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Other Procurement, Air Force

For an additional amount for "Other Procurement, Air Force," $8,100,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

Defense Health Program

For an additional amount for "Defense Health Program," $14,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

RESCINDING CERTAIN BUDGET AUTHORITY

DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

Operation and Maintenance, Air Force

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $15,000,000 are rescinded.

Operation and Maintenance, Defense-Wide

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $18,800,000 are rescinded.

Environmental Restoration, Defense

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $150,000,000 are rescinded.

Former Soviet Union Threat Reduction

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $80,000,000 are rescinded.

PROCUREMENT

Aircraft Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $15,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $71,400,000 are rescinded.

Missile Procurement, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–396, $33,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–139, $86,200,000 are rescinded.

National Guard and Reserve Equipment

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $30,000,000 are rescinded.

Defense Production Act Purchases

(RESCISSION)

Of the funds made available under this heading in Public Law 103–139, $100,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Research, Development, Test and Evaluation, Army

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $28,300,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $19,700,000 are rescinded.

Research, Development, Test and Evaluation, Navy

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $1,200,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $58,900,000 are rescinded.

Research, Development, Test and Evaluation, Air Force

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $93,800,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $75,800,000 are rescinded.

Research, Development, Test and Evaluation, Defense-Wide

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–139, $77,000,000 are rescinded.

Of the funds made available under this heading in Public Law 103–335, $491,600,000 are rescinded.

RELATED AGENCIES

National Security Education Trust Fund

(RESCISSION)

Of the funds made available under this heading in Public Law 102–172, Public Law 103–50, Public Law 103–139, and Public Law 103–335, $161,287,000 are rescinded: *Provided*, That the balance of funds in the National Security Education Trust Fund (established pursuant to section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904)), other than such amount as is necessary for obligations made before the date of the enactment of this Act, is hereby reduced to zero: *Provided further*, That no outlay may be made from the Fund after the date of the enactment of this Act other than to liquidate an obligation made before such date and upon liquidation of all such obligations made before such date, the Fund shall be closed: *Provided further*, That no obligation may be made from the Fund after the date of the enactment of this Act.

TITLE III

ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO FURTHER ENHANCE READINESS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

Military Personnel, Army

For an additional amount for "Military Personnel, Army," $75,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Navy

For an additional amount for "Military Personnel, Navy," $68,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Marine Corps

For an additional amount for "Military Personnel, Marine Corps," $3,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Military Personnel, Air Force

For an additional amount for "Military Personnel, Air Force," $70,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reserve Personnel, Army

For an additional amount for "Reserve Personnel, Army," $6,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reserve Personnel, Navy

For an additional amount for "Reserve Personnel, Navy," $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reserve Personnel, Marine Corps

For an additional amount for "Reserve Personnel, Marine Corps," $1,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Reserve Personnel, Air Force

For an additional amount for "Reserve Personnel, Air Force," $2,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

National Guard Personnel, Army

For an additional amount for "National Guard Personnel, Army," $11,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force," $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army," $133,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy," $107,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps," $46,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force," $80,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve," $13,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve," $18,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve," $1,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve," $2,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard," $10,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard," $10,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

This Act may be cited as the "Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995".

TITLE V

That the following rescissions of budget authority are made, namely:

CHAPTER I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $70,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $107,000,000 are rescinded.

CHAPTER II

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $100,000,000 are rescinded.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $62,014,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 for support of an officer resettlement program in Russia as described in section 560(a)(5), $110,000,000 are rescinded.

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1996, $50,000,000 are rescinded and of the funds made available under this heading for obligation in fiscal year 1997, $150,000,000 are rescinded: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for carrying out title II, part C of the Job Training Partnership Act, $200,000,000 are rescinded.

DEPARTMENT OF EDUCATION

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for new education infrastructure improvement grants, $100,000,000 are rescinded.

CHAPTER VI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

(RESCISSION)

Of the available balances under this heading, $13,126,000 are rescinded.

PENNSYLVANIA STATION REDEVELOPMENT PROJECT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $40,000,000 are rescinded.

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

INDEPENDENT AGENCIES

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

NATIONAL AERONAUTICAL FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded.

The CHAIRMAN. No other amendment shall be made in order except an

amendment in the nature of a substitute printed in House Report 104–44.

☐ 1410

That amendment may be offered only by the gentleman from Wisconsin [Mr. OBEY], or his designee, shall be considered as having been read, and is not subject to amendment.

Debate on the amendment will be equally divided and controlled by the proponent and an opponent of the amendment.

For what purpose does the gentleman from Wisconsin rise?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. OBEY.

Strike all after the enacting clause and insert the following: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army," $69,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy," $49,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps," $10,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force," $71,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy," $4,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army," $958,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy," $347,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps," $38,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force," $888,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide," $43,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve," $6,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army," $28,600,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force," $8,100,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program," $14,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TITLE II

DEPARTMENT OF DEFENSE—MILITARY RESCISSIONS OF CERTAIN BUDGET AUTHORITY

LINE-ITEM VETO AUTHORITY—DEFENSE-WIDE

(RESCISSIONS)

Of the total funds made available for the Department of Defense in Public Law 103–335, $2,250,000,000 are rescinded. In canceling or reducing programs, projects, and activities to carry out this paragraph, the Secretary of Defense, to the maximum extent feasible (1) shall cancel or reduce only programs, projects, and activities that the Secretary determines are of the lowest priority; and (2) shall not cancel or reduce any program, project, or activity that the Secretary determines directly affects force readiness or the quality of life for service members and their families. No rescission, cancellation, or reduction under this paragraph shall take effect until 30 days after the Secretary of Defense submits to the Congress a notification of the proposed cancellations and reductions.

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.

This Act may be cited as the "Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995".

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 30 minutes, and the gentleman from Louisiana [Mr. LIVINGSTON] will be recognized in opposition for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I need, I think, to once again explain something. This is very elemental, but very important.

It is true that the Committee on the Appropriations operates by approving new budget authority, but in fact, ever since the Budget Act was passed, we must abide by the CBO scoring on outlays because the deficit is determined by what our outlays are, not what our budget authority is. And the fact is that, while we have a great effort on the Republican side of the aisle to suggest that this package is paid for today, in fact it is not. The Congressional Budget Office, which is the neutral scorekeeping operation, indicates very clearly that this bill will result in almost $300 million more in outlays than we would have if we did not pass it, and over 5 years it would result in spending almost $700 million more in outlays, which is the only way to count under the budget rules, to the deficit over 5 years.

Now what is happening here is very simple. Both sides agree that we ought to reimburse the Pentagon for expenses already incurred. The question is simply how we go about it. The committee has decided they want to go about it by constructing this elaborate charade in which we pretend that we are paying for the rescissions and supplementals in the first bill by fusing these two bills together in one and then only looking at the budget authority numbers rather than looking at the outlay numbers.

I say to my colleagues, "You cannot do that if you want to look your constituents squarely in the eyes. The fact is that without the Obey amendment you will go home tonight having voted to expand the deficit, and that will be the first vote that you have cast on an appropriation bill since you proudly told your constituents that you were for a balanced budget amendment to the Constitution."

I say that to cast an inconsistent vote like that is—well, I will not say it. It would be against the House rules, but it would not be kind. Let me simply explain the amendment.

What the amendment says is that we should simply go back to the original administration request, provide the $2.5 billion to replenish the funds that the Pentagon wanted replenished, and then, to make certain that it is paid for, we simply give the Secretary of Defense the authority to select low priority, nonreadiness, non-equality-of-life programs for rescissions in order to fully pay for it. That is all this amendment does.

Now I would suggest to my colleagues, "Why?" Why should we shield projects such as the Wyoming project to assist the Fish and Wildlife Service to ensure that young ferrets have the best opportunity to survive when released into wild prairie dog colonies? Why are we going through this elaborate charade to protect those kinds of projects? What we are asking is to pay for what the Pentagon is asking for, give the Secretary of Defense the ability to knock out baloney like that rather than going after other items which are of much higher priority to the Defense Department and much higher priority to some people who are concerned about domestic programs.

Why should we also refuse to scrub the defense budget for the last one-half of 1 percent that would be necessary to honestly balance the budget on this bill? I ask, "Why shouldn't we do that? Why should we continue to protect, for instance, the two executive jets added to the defense bill last year despite the fact that the Pentagon never requested them? Why should we be looking at adding $21 million to extend and upgrade the runway and fueling system at Tinker Air Force Base even though Tinker Air Force Base may be scheduled for base closing under the next base closing round?"

So, to me it is very simple, it is very simple. I say to my colleagues, "If you want to go home to your constituents tonight and say that you have actually followed through on your pious promise to balance the budget when you passed the constitutional amendment to balance the budget, if you want do that, you have no choice but to vote for the Obey amendment because, if you don't, you expand the deficit, you don't shrink it. And second, if you vote for the Obey amendment, what you do is give the Secretary the authority to eliminate low grade projects and low grade pork such as the items I've mentioned rather than going after much more important programs in the budget."

I urge my colleagues to vote for the Obey amendment.

Mr. LIVINGSTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to point out that the gentleman's amendment would, in fact, eliminate $1.46 billion in specific, specific Department of Defense, rescissions that the committee has identified as being low priority, and that is twice the amount of actual rescissions that anybody, the President, the Defense Department, has ever talked about. In the President's letter he says he would ask the Secretary of Defense to identify approximately $700 million in nonspecific reductions. He has not identified them. He just says he will allow the Secretary of Defense to just pick them out of a hat. We do not know what they are going to be. Second, the Obey substitute grants line-item veto authority to the Department of Defense to do exactly the same thing, to find, cancel, and reduce up to $2.25 billion in previously appropriated funds. No congressional review is provided. The cancellation is automatic after 30 days of notification. It gives the Department of Defense, the Secretary of Defense, the authority to just pick them out of the hat without any congressional review. Third, it eliminates the enhanced readiness funding that the Department of Defense and all of their leaders say they desperately need by $670 million. Fourth, it would eliminate some $1.4 billion in nondefense offsets that we have used to pay for the programs that everybody on the other side says we are not paying for. We have specified nondefense items proposed for reduction in the companion bill that has been incorporated in this bill that are low priority.

We have an opportunity to reduce spending, and we should do it mainly in the foreign aid programs and low-priority domestic programs. The real flaw, Mr. Chairman, in the Obey amendment is that even if we give the Secretary line-item veto authority to cut $2.5 billion, he cannot do it. He is not going to do it. He could not even find $700 million like the President wanted him to find initially as stated in a letter to our committee last month. To this very day the Secretary of Defense has yet to identify 1 red cent of cuts, not 1 red cent.

The amendment offered by the gentleman from Wisconsin [Mr. OBEY] really does not pass the laugh test, if we consider it, because he cannot guarantee that his amendment will give us any cuts. He attacks our cuts, but he does not guarantee there will be any cuts whatsoever in spending in his amendment. The Obey amendment cannot guarantee outlay cuts. It does not even guarantee budget authority cuts.

□ 1420

In fact, the argument has been made that by adopting the Obey substitute and giving the Secretary of Defense line-item veto authority, he can make the bill outlay-neutral. Well, who knows? Who knows what the Secretary might do? Who knows what programs he might cut? Depending on the mix of cuts he picks, we might not get as many outlay cuts as are in the bill that is actually before us today. What if the Secretary goes after long-lead procurement? What if he goes after critical readiness accounts?

Giving the Secretary line-item veto is just buying a pig in a poke—we take specific cuts now and capture the savings now. Actually the substitute makes no sense at all.

Mr. Chairman, I urge the House to defeat the Obey substitute and vote "aye" on the final bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, the gentleman says that the Obey amendment does not guarantee that this money will be saved? I want to quote from page 5, lines 22, 23, and 24:

> Of the total funds made available for the Department of Defense in Public Law 103-335, $2,250,000,000 are rescinded.

Mr. Chairman, we cannot get more plain than that.

Mr. Chairman, I yield 5 minutes to the distinguished ranking minority member of the Subcommittee on Defense, the gentleman from Pennsylvania [Mr. MURTHA].

Mr. MURTHA. Mr. Chairman, in December I took a trip down to Fort Hood, where I met with 3 of the division commanders. In the continental United States there are eight divisions, and I met with three of them. We talked about the readiness at Fort Hood and the problem they have had with lack of money in order to maintain readiness.

I do not mean to say that if they were to be deployed, by the time transportation would be available they would not be ready to move. But they were in a state of sea readiness, which is substantially below the rate we would like to see if they were to go into combat tomorrow. We could probably get them up to a top level in 30 to 45 days.

But the key to our success in deploying troops to Saudi Arabia in order to stop the Iraqis was the fact that we had troops ready to move and we were able to move enough troops to Saudi Arabia to discourage Saddam Hussein in the last incursion from going into Kuwait.

It is essential that we have transportation available, and that we have troops available in a state of readiness where they can move very quickly. That is a good investment. It saves us a substantial amount of money in the long run.

From Fort Hood I went down to Fort McPherson, where I met two more of the division commanders. So I met with five of the eight division commanders. Each one of them said to me that their readiness was on shaky grounds, that they had a state of readiness where they were concerned about the amount of money available.

I disagree with what the gentleman from Wisconsin is trying to do. In the past we have always felt that emergency supplementals should not be offset. He takes a different position, and I understand that. His position is that because of the balanced budget amendment, it ought to be offset. I take the position, the same position I have always taken, that this is an emergency supplemental, we are paying for deployments that the President ordered, they are humanitarian type deployments in most cases—the Kuwaiti deployment was paid for by the Kuwaitis—and they should not be offset.

As a matter of fact, when I was down at Fort McPherson, we went on down to Fort Bragg, and I talked to a couple of NCO's who are doing the training. The one NCO who had been in the Army for about 5 years took two salad dressing containers, and he said, "This is the way I train my troops. I move this salad container"—I said, "Wait a minute. You are not using this one?" He said, "No, we don't have what's necessary in order to do an adequate job of training because the money has been cut back so much."

This is an example from enlisted people of what is involved in the actual training.

We had a terrible tragedy the other day at one of the bases. Some of the Rangers were involved. That is very difficult training. It is some of the most difficult training in any of the Armed Forces. They push them to the hilt. I do not know that happened there. I hope this did not happen because of inadequate supervision. I hope it did not happen because they did not have the money to get the helicopters out there. I have no idea what the results were, but I am concerned when those kinds of accidents start to happen.

At one time in the 1970's we only flew about 12 hours a month. We had accidents with some of the airplanes of the Air Force, and we had a very high accident rate. When we start losing the training time, we start increasing the accidents, and it is counterproductive and it costs us a lot more money.

We have been very careful in the way we have reduced the structure of the Armed Forces. As I said before, we have cut 150,000 people from the civilian and active duty side in a 3 or 4-year period, and during that 3- or 4-year period we have tried to make sure that the Air Force that is still there had what is needed in order to deter aggression, in order to perform and protect the forces that the American President feels are necessary.

Obviously, our main line of defense is nuclear deterrence. We also have to worry about the possibility of somebody floating a nuclear device into one of our harbors, and we have to spend money on those kinds of things.

I am convinced that the offset that my friend, the gentleman from Wisconsin [Mr. OBEY], offers goes too far. I am not in favor of rescissions, but I would rather see Mr. OBEY's offset defeated, have us pass the bill as it is, and will work it out in conference.

Mr. Chairman, I urge a defeat of the Obey substitute and passage of the bill so we can get it to conference.

Mr. LIVINGSTON. Mr. Chairman, I am delighted to yield 2 minutes to the distinguished gentleman from Tennessee [Mr. HILLEARY].

Mr. HILLEARY. Mr. Chairman, I rise to engage the gentleman from California [Mr. LEWIS], the chairman of the subcommittee dealing with NASA, in a colloquy, if he is willing.

Mr. LEWIS of California. Mr. Chairman, if the gentleman would yield, I would be happy to do so.

Mr. HILLEARY. Mr. Chairman, as the gentleman is aware, my district contains the Engineering Development Center at Arnold Air Force Base near Tullahoma, and we believe that is an ideal place to locate new aeronautical facilities for NASA.

I was wondering if the gentleman could clarify the effect that this rescission bill will have on our ability to develop new wind tunnels.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, the rescission bill does specifically put on the block the authority for some $400 million for proposed wind tunnels. Frankly, it is time for us to rethink that whole technology and the Federal Government's appropriate role in it. It does not necessarily eliminate the possibility of the Federal Government's being involved over time.

Mr. HILLEARY. I think one of the stipulations with this original $400 million we are rescinding in this bill was that the President would include in his fiscal year package for 1996 an additional $400 million.

Mr. LEWIS of California. That is correct.

Mr. HILLEARY. And he did not do that.

Mr. LEWIS of California. Yes. When the $400 million was appropriated last year, the NASA appropriation bill contained a statutory requirement that the administration at least match the funds in the fiscal year 1996 budget. However, they did not do so.

Mr. HILLEARY. So really, in fact, we would not have been able to spend that money on new wind tunnels?

Mr. LEWIS of California. The gentleman is correct.

Mr. HILLEARY. Does this rescission eliminate the possibility in the future of new aeronautical facilities?

Mr. LEWIS of California. This is not the decision that is being made by this bill today. Over time I fully expect that our subcommittee will address the question in a different way and perhaps redesign whatever the role of the Federal Government is that may be involved. I do expect that technology to go forward.

Mr. HILLEARY. Mr. Chairman, I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the exchange that we just heard demonstrates why the committee bill does not in fact balance the budget. On the wind-tunnel item, that money was appropriated subject to authorization. It has never been authorized.

Therefore, CBO itself has indicated correctly that since it has not been authorized, it cannot be spent. Even though it cannot be spent, the committee amendment cuts the money and pretends it saves money. CBO says we have not saved any money by cutting the wind-tunnel item because there was no money there to be spent in the first place.

Mr. Chairman, that is why the Republican proposal does not balance the budget, because it cuts funny money, and it does it twice.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. PETERSON].

☐ 1430

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I support the Obey amendment for several different reasons. I would prefer, first of all, that we did not offset this money. I think that we are talking about an emergency appropriation here, and I think we are setting a precedent here that is very, very dangerous. Here is why.

We are going to look into the future and future administrations are going to have to look at national security decisions, that is, as to whether or not we are going to do some early intervention, that is to say take care of the cold before we get pneumonia in national security. We are going to have to look at that as a budgetary problem, as opposed to a national security problem.

I think we are going to have administrations in the future not taking the kinds of early action that we must in order to protect the national security of this country.

Now, that is the first side. However, if we are going to offset this, and if we are going to start out by taking $1.8 billion out of the Defense Department in the first place, then I think we ought to be honest about it and allow the Defense Department to determine what those cuts are going to be.

I am concerned that some of the cuts that have been nominated in fact will cost us money ultimately. One of those, and several actually that bother me, to start with is the Nunn-Lugar money. That is, if we do not spend that money to assist the Russian Government and some of the satellite countries to reduce the nuclear threat, then that threat reemerges to us and we have to increase our DOD budget to meet that new threat. That is part of it.

The other part on that particular element, Nunn-Lugar, we are taking out of Russia and the satellite countries nuclear scientists and allowing them to stay in the country instead of selling their information to Iraq, Iran, Libya, and other rogue countries throughout the world that would in fact bring us a greater threat, thereby again increasing the DOD budget.

The TRP I think has been adequately discussed here. Clearly that is a program that makes us money, the transfer of technology between civilian and military in a joint use. We are getting 100 percent more on our dollar than we would otherwise.

Then there is the Russian housing that everybody wants to make fun of. Mr. Chairman, Russia is not a potted plant. They are a threat to this country from a national security standpoint, and we have got to do everything in our power to make sure that that threat does not rise beyond our ability to meet it.

Mr. LIVINGSTON. Mr. Chairman, might I inquire how much time each side has?

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 24½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 15½ minutes remaining.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute to point out only the Penn Station and the wind tunnel projects were both appropriated but not authorized. We are rescinding the appropriations. That is a real rescission. They were appropriated in previous bills. So we are cutting those out until such time as this House deliberates in the authorization committees and determines that they are worthwhile projects and should go forward.

As far as the Nunn-Lugar money, we are not cutting any money out to denuke the Russians. We are cutting money out to resettle the Russian soldiers in $25,000 plush complexes when some of our own service people are living in substandard housing.

Finally, I just want to reiterate, this entire bill is supported by the Citizens Against Government Waste. Tom Shatz, the president of that group, said that this is good faith, pro-taxpayer legislation for which the Appropriations Committee should receive credit and support. They urge our vote for the committee's package.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, first of all I want to thank my distinguished colleague and chairman of the Committee on Appropriations for yielding and the fine job he is doing, along with the entire Committee on Appropriations.

As a member of the Committee on National Security for now 9 years and this session chairman of the Research and Technology Subcommittee, I have to share with my colleagues the frustration that I felt this morning sitting in on our hearing, full committee hearing, where we had the heads of the services come in and practically beg us to support the supplemental on the floor today. They made some very dire predictions to us of what would occur if we did not in fact fund this supplemental, and told us in very real terms what would happen in terms of Army training, shutting down at the end of May of this year, the Navy not being able to go forward with maintenance and operations and upkeep of our basic naval ships and vessels, and what really bothered me is that here we are now facing the prospect of funding a supplemental, which I totally support and congratulate the chairman and the subcommittee chairmen for fully paying for, when the real debate here should be focused on the administration's policy of committing our troops in places without the prior consent of this body.

As I pointed out last week on the House floor during the debate on the National Security Revitalization Act, what frustrates me the most today is a situation like we see going on in Haiti where we are using DOD dollars to pay the salaries and the benefits of troops from Bangladesh, Nepal, Guatemala, and other Third-World nations.

Here we are using DOD money to fund the full costs and benefits for foreign troops, when a unit of 600 troops of the Second Armored Division in Texas had to train in a tank range as though they were in tanks, because we did not have enough money to support the fuel and maintenance costs of keeping that tank unit operational and prepared.

Here we have a situation where the defense budget has been cut over 5 years by 25 percent, yet during that same 5-year time period, nondefense spending in the defense bill has increased by 361 percent. So while we are dramatically downsizing the amount of defense spending, we are rapidly increasing those items in the defense budget that our good leadership has seen fit to take out and say hey, we have a readiness problem. We have a problem with modernization, and we cannot fund these other niceties that Members of Congress want to stick in that in most cases have nothing to do with the military.

So I applaud our colleagues, and urge my friends to support this very important piece of legislation, and reject the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I want to use my time for the purpose of engaging in a colloquy with the gentleman from Florida [Mr. YOUNG].

Mr. Chairman, I want to clarify the language included in H.R. 889 as it relates to the rescission of $150 million in environmental cleanup activities. Is it the committee's intent for the Secretary of Defense to retain discretion over the remaining $1.6 billion included in the Defense environmental restoration account?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Yes, that is the intention of the committee.

Mr. UNDERWOOD. I also understand that the legislation still enables the Department of Defense to proceed with their fiscal year 1995 environmental restoration program. Is that correct?

Mr. YOUNG of Florida. The gentleman is correct.

Mr. UNDERWOOD. I thank the chairman for clarifying this matter which will support the release of $1.3 million from DERA for the cleanup of excess military lands identified for transfer to Guam under Public Law 103-339.

Mr. Chairman, I rise today in opposition to H.R. 889 and in support of the Obey amendment. I oppose the legislation before us not because I do not believe in being fiscally responsible, but because the current bill would seriously hamper our commitment to environmental cleanup and jeopardize the process of transfer of military lands in which we are engaged throughout our Nation. The Obey amendment offers a sensible alternative.

The package before us today would rescind $150 million from the Defense environmental restoration account or DERA. While I understand the difficult task that the appropriators had in coming up with rescissions that will fund ongoing contingency operations, I believe that taking it from DERA is the wrong place to look.

DERA is part of the so-called nontraditional defense spending that is under attack these days. It may be easy to assume that by curtailing funding for environmental surveys and studies we will reduce DOD's responsibilities. The reality is quite the contrary.

By taking this action today, we will not reduce DOD's responsibility one iota. And environmental cleanup is not something that we can relegate to the private sector or assume that charities will take over. This is not so much a Government program, as a Government responsibility. The Secretary of Defense requested this $150 million in fiscal year 1995 for a reason. It is not frivolous or unimportant spending.

Without funding, DOD is left with what I term an unfunded liability. They are still responsible for cleanup and the condition of their facilities, but without the resources they need to complete the job. It therefore becomes a liability.

Without funding for environmental surveys and analysis, our goal of empowering local communities affected by base closure will be pushed to some unspecified date in the future. Any economic stimulus that these communities could receive from use of the land will be delayed. Meanwhile, communities that for years have relied on local bases for an economic stimulus will be left without the resources to affect their economic future.

There are programs in the fiscal year 1995 budget that the Secretary of Defense did not request. It is his job to decide what our Nation's defense priorities should be. Why don't we let him decide these matters instead of having 435 Secretaries of Defense in Congress step in.

I urge my colleagues to reject the approach taken in H.R. 889 and instead vote for the Obey amendment that would leave the rescissions up to the discretion of the Secretary of Defense, where the authority should rest.

Mr. LIVINGSTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in the next few weeks I want to promise all my friends who worry about not making real cuts that this committee will in fact be back on the floor with approximately $15 billion in real cuts. So if the other side is concerned we are not seeing sufficient numbers of cuts today, I hope they will stick with me, shoulder-to-shoulder, as these new cuts come to the floor. I look forward to their enthusiastic support, and I promise the House that they are coming.

Mr. Chairman, I reserve the balance of my time, and inform the Chair I only have one additional speaker, and we would ask that he close.

The CHAIRMAN. The gentleman from Louisiana [Mr. LIVINGSTON] has 19½ minutes remaining, and the gentleman from Wisconsin [Mr. OBEY] has 14½ minutes remaining. Under the rule, the gentleman from Louisiana has the right to close.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

□ 1440

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, one key advantage of the Obey amendment is that it will allow the Secretary of Defense to decide what to cut and what not to cut in order to pay for this supplemental. In particular, this is why I rise to speak in support of it, it will allow the Secretary to avoid some $250 million in rescissions from environmental restoration and waste cleanup accounts, $150 million off the DOD account and $100 million off the DOE account.

Now, I know there is a widespread notion in this body and outside this body that somehow or another these appropriations do not really belong in the defense spending bill anyway, that they are soft costs, that this is not national defense. But in truth, we did put this $1.78 billion in the defense authorization, the defense appropriations bill because we suddenly turned green or the Defense Department suddenly became environmentalists.

These are not projects that DOD and DOE have decided would be nice to have. They are necessary. They are required by law. They are imposed on the Department by regulations, by court decrees that they have entered into in State after State. And we are not just skimming these accounts, $150 million off DOD, $1.78 billion seems like it is not that big a hit, $100 million does not sound like much when DOE gets about $3 billion for this particular type of activity. But they are already at the margin because DOD has already squeezed these accounts and so has DOE.

And do not take my word for it. Let me quote the eloquent words of Gov. Pete Wilson of California in a letter he wrote to the Secretary of Defense dated January 25, 1995.

> The recent decision by Congress to cut environmental restoration for 1995 continues a disturbing trend begun last year when Congress rescinded 507 million from the BRAC account. California was reassured that this rescission would not affect environmental work at closing military bases, but work was indeed scaled back at several California military bases due to the cut. If the Federal Government will not keep its cleanup obligations, how can we expect private industry to do the same?
>
> California expects DOD to comply with the federal/state cleanup agreements it has sighed at California military bases. DOD is contractually obligated to seek sufficient funding to permit environmental work to proceed according to the schedule contained in those agreements. California will not hesitate to assert its rights under those agreements to seek fines and penalties and judicial orders compelling DOD to conduct the required environmental work.

If we pass this supplemental, we will in effect say that DOD is not subject to the same laws as other businesses.

Mr. OBEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Chairman, I rise in strong opposition to the bill and in support of the Obey substitute.

The bill rescinds more than $500 million from the Technology Reinvestment Program and would kill the TRP which leverages commercial technology in a way that benefits both the Defense Department and the private sector.

The TRP's mission is to maintain our defense industrial and technological base by promoting an integrated, national industrial capability which provides the most advanced, affordable military systems and the most competitive commercial products.

The defense industry on Long Island has been hard hit by downsizing and TRP has provided opportunities to develop dual use technologies that contribute to our national defense, have a civilian commercial use, and keep jobs on Long Island.

For example, AIL Systems Inc., has teamed with Consolidated Edison, Industrial Quality Inc. of Maryland, and PMX Inc. of Northport, NY, to develop and produce a dual-use, two dimensional gamma-ray imaging system that is one-man portable, user friendly, and affordable. The system is intended to monitor and map potentially hazardous nuclear environments in order to prevent health and safety threats due to radiation contaminated materials. The system is also valuable for low-cost development of defense weapon systems and surveillance of nuclear sites for treaty verification applications. Comparable systems are not currently available.

Target Rock Corp., Peerless Instruments Co. of Elmhurst, NY, and MPR Associates of Alexandria, VA, have collaborated on a proposal to develop zero emissions control valves. These valves are hermetically sealed and prevent inadvertent leakage of hazardous material. The valves are designed to help U.S. manufacturing companies cost effectively meet the fugitive emissions requirements for volatile organic compounds defined in the Clean Air Act and the current EPA and OSHA regulations for personnel safety from these emissions. The valves are a direct technology spinoff from the valve technology that is critical to the U.S. Navy's nuclear fleet.

Mr. Chairman, the TRP has come under intense criticism that it does not have military applications. These are but two of many examples that show that dual-use technology can and does work. There are similar examples nationwide.

I believe that it is too early to judge the TRP. Even when research and development programs are focused entirely on military applications, it can take many years before such programs actually produce technology that can be incorporated into battlefield weapons.

Mr. Chairman, the Appropriations Committee should have considered alternative cuts. The thousands of defense workers who helped us win the cold war deserve our support during the transition to a civilian economy. The TRP provides that support.

I urge my colleagues to support the Obey substitute and save the TRP.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. SABO], the distinguished ranking Democrat on the Committee on the Budget.

Mr. SABO. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding time to me.

I rise in support of the Obey amendment. This bill clearly increases the deficit over the next year and over 5 years. Clearly, the House has spoken and said that emergency supplementals should be a thing of the past.

Personally, I do not agree with that judgment. I think the Federal Government should be able to respond to emergencies, both international and domestically, at times of great need.

However, the House overwhelmingly said "no" when we passed the balanced budget amendment. We said that the Congress would need to live within certain limits regardless of what happened internally or externally and that we had to pay for everything we did within the confines of that amendment.

The Obey amendment clearly is consistent with the balanced budget amendment that we passed. It is also consistent with the line-item veto bill that we passed, where the Congress decided it would provide substantial, new, enhanced powers to the executive in making decisions over our appropriating process.

The Obey amendment lets the Department make its judgments on programs that they deem to be of lower importance and of lower priority to pay for the bill.

It is an amendment that is thoroughly consistent with what the House has done in recent weeks, and I urge its adoption.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. STUDDS], the distinguished former chairman of the Committee on Merchant Marine and Fisheries.

Mr. STUDDS. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in support of his amendment.

I would like to say a brief word, if I may, about the rescission of $150 million in the environmental restoration account. There is a lot of talk these days about contracts. Let me suggest to Members that if they support this rescission we will be violating a very important contract. I site a place in Cape Cod because I know it best, but there are dozens replicated all over the country.

A military installation, Otis Military Reservation, has polluted the groundwater of four communities, poisoned the drinking water of thousands and thousands of people. There is an obligation, a contract, if you will, to clean that up. It is an obligation dictated by common sense. It is an obligation dictated by common sense. It is an obligation dictated by the requirements of the public health and dictated by the law.

If we refuse to give the Defense Department this money, that obligation stands, that mandate stands. It is, horror of horrors, at that point an unfunded mandate. And that work will stop. Whether it will stop at Cape Cod or the other installations around the country, I do not know, but it will stop.

The problem will not go away. The obligation will not go away. The mandate will not go away. But the funds to fulfill it will.

I urge Members to think very, very carefully about that before voting for this bill.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DELLUMS], the distinguished former chairman of the Committee on Armed Services.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I take this brief time to rise in opposition to the original bill presented by the Committee on Appropriations and in support of the substitute.

Just to put this in some reality-oriented context, Mr. Chairman, the administration presented a $2.6 billion supplemental request. The Committee on Appropriations chose to fund $2.5 billion of that $2.6. Then on top of that added $670 million for so-called readiness enhancement. So what we are looking at now is not a $2.6 billion but a rather $3.2 billion bill.

We raided $1.5 billion of a number of domestic programs. It is a Robin Hood in reverse, as it were. The military budget is huge, some $200 billion. Many of these domestic programs have been scraped to the bone. There is no need, it seems to me, to do that. The Pentagon was about the business of finding the necessary dollars to fund these 670 million dollars' worth of programs that are high priority. It seems to me what the Committee on Appropriations did was inappropriate at this time.

Finally, the authorization process is just going forward, Mr. Chairman. All of us, the dance that is going to be done is fiscal 1996, I call it the "readiness dance. Everybody is going to try to "out readiness" each other.

The one account that probably will end up overfunded is the readiness account. We do not need to do it in the supplemental.

For those reasons, let us bring back some reason and sanity to this process. In that regard, I would rise in support of the Obey amendment.

Mr. OBEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this bill has two fundamental flaws, both of which my amendment attempts to correct. The first is that despite the fact that the gentleman from Louisiana has indicated that $15 billion in domestic cuts, rescissions, will be provided in the next 2 weeks, they still insist on digging into the domestic side of the budget for an additional $700 million. Why do they do it? So that they shield low priority pork in the defense budget from scrubbing by the Secretary of Defense. That is why it is done.

The second problem is that even after they do that, even after they pretend that their bill is paid for, they still wind up with $640 million being added to the deficit over 5 years and $284 million being added in this year alone.

□ 1450

Mr. Chairman, I would simply say to my friends on the other side of the aisle, if they are going to vote for the constitutional amendment to balance the budget, then they should not tell the American people that the first time they actually have an opportunity to produce on that promise by actually doing something real, on a real bill, which spends real dollars or cuts real dollars, that they are going to fail the test. They will fail the test if they do not support the Obey amendment.

Mr. Chairman, I yield the remainder of my time to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

The CHAIRMAN. The gentleman from Missouri [Mr. GEPHARDT] is recognized for 4½ minutes.

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to reject this defense supplemental and to vote for the Obey substitute. I urge all of us to step back for a moment and take a step back from the technical details of the bill, and to realize that we are voting today on something much larger and much more important than the details of this bill.

This vote is about the trust of the American people. It is about a Congress that keeps its promises, and is not afraid to match rhetoric with reality.

Last month, Mr. Chairman, we passed a balanced budget amendment. Now we are being asked to approve our first spending bill since passing that amendment, our first opportunity to make good on that commitment.

However, the defense bill that has been offered by the majority does not honor that commitment, it corrupts it. It does not draw down the Federal deficit, it increases it by $645 million over the next 5 years. In my opinion, Mr. Chairman, it does not preserve the trust of the American people, it trades it away in a flash of red ink.

Mr. Chairman, I ask Members this question: Can we afford to say one thing and then a few days later do the opposite? Is that really our idea of leadership? This is not serious public policy, Mr. Chairman, it is bold-faced hypocrisy. I may not have agreed with the final language of the balanced budget amendment, but I believed my colleagues when they said they would lay out a diet of fiscal responsibility. However, this spending bill is not a diet, it is a spending binge.

Thankfully, there is a choice. We can support the Obey substitute, which meets America's needs without busting the budget. This substitute provides every penny our Defense Department needs to maintain readiness, and it actually cuts the deficit by $128 million next year alone, without increasing the deficit at all over the next 5 years.

Best of all, if we choose this substitute, we choose serious policy over hypocrisy.

Mr. Chairman, whether we like it or not, this first opportunity after the balanced budget amendment sends a powerful message. I urge Members to make it a message of responsibility, a message of commitment, a message of reason, not one of recklessness.

There can be no good reason to bust this budget after the balanced budget amendment. Vote for the Obey substitute, vote for a bill that will balance the budget and keep the budget in balance after we said in the Constitution that that is what we wanted to do.

Mr. LIVINGSTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG], the distinguished chairman of the Subcommittee on National Security of the Committee on Appropriations, the gentleman who has done such an outstanding job on this bill.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to respond to something the gentleman from Massachusetts [Mr. STUDDS] mentioned about environmental cleanup. The decision we take here on the environmental issue here does not have a thing to do with moneys appropriated for environmental cleanup. To the contrary, we still leave about $1.65 billion available for cleanup.

There is a fund of $400 million for the study of potential future cleanups, potential future cleanups. Of that $400 million, we ask to rescind $150 million. It will not have an adverse effect on environmental cleanup.

Mr. Chairman, the issue seems to be whether or not the bipartisan bill presented by the subcommittee and the full committee is baloney, as the gentleman from Wisconsin [Mr. OBEY] has said, and I understand what baloney is; or that it is a charade, as the gentleman said, and I understand what a charade is; or that it is a red herring, as the gentleman suggested, and I do understand what a red herring is; or that we are posing for holy pictures.

Here is where I have a little problem, because I do not know what a holy picture is. I do not know what it means to pose for holy pictures. I have heard that statement an awful lot, Mr. Chairman, from the gentleman from Wisconsin, but I do not really understand what posing for holy pictures means.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin for 20 seconds for a response as to what a holy picture is.

Mr. OBEY. Mr. Chairman, it is obvious that the gentleman is not Catholic.

Mr. YOUNG of Florida. Mr. Chairman, there is a strong debate here today about whether or not the bipartisan committee bill is paid for, but we believe that it is paid for, honestly, sincerely. We have reason to believe that it is paid for, because the numbers add up. We have been very specific.

Now, if we want to compare, we are dealing now with the Obey substitute, compare the Obey substitute with the bipartisan committee bill and we cannot do it. The reason we cannot do it is that the Obey substitute does not have any specifics in the area of rescissions, no specifics. How do we compare?

The Obey substitute may never pay out in outlays, because we do not know and he does not know today what the Secretary of Defense might do in his rescission package.

Mr. Chairman, I think it would be a mistake, and we have never done this, to allow the Secretary of Defense that kind of power. This is even more powerful than a line-item veto. Once the President gets the line-item veto, which we support, the Obey substitute makes the Secretary of Defense even more powerful, because he could veto whatever and it would not have to come back to Congress for a reconsideration, or a re-vote, where a line-item veto would have to.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. YOUNG of Florida. I yield 20 seconds to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to make the point that the amendment provides the Secretary cannot make those cuts until it gives Congress 30 days' notice, which is the normal notice during the reprogramming process, so if we object, we can work it out with him.

Mr. YOUNG of Florida. However, Mr. Chairman, the procedure for overriding a veto in the line-item veto is nonexistent in the Obey substitute. The point is, we are specific. If we read the report, we can see exactly what we are providing money for and exactly what we are rescinding.

I want to repeat something I said earlier. A reporter asked me about "You guys spending this money." We did not spend this money. This money was spent by the President of the United States when he sent about 100,000 American troops around the globe in the last year to Bosnia, Somalia, Rwanda, Cuba, Haiti, Southwest Asia, Korea, and the list goes on and on.

He did not come to Congress to get authority for those contingencies or for those deployments, but now we have a bill and we have to pay for it. The responsible position is to pay for it.

Mr. Chairman, I just suggest that Congress has that responsibility, and not the Secretary of Defense. If the Secretary of Defense had authority to rescind programs, let me tell Members one of the things that is in this bill for 1995 that they wanted to get rid of, and it was made very public. That was the money we put in there for breast cancer research. That was suggested to us at the subcommittee, and we said no, we are not going to rescind the breast cancer research money.

Shortly thereafter, the President issued a directive to the Secretary, "No, you cannot rescind it, either."

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman from Missouri will let me finish what I have to say, and then if I have time, I will be glad to yield to him. He is a very strong proponent of the national defense, and we know that.

Mr. Chairman, the question of housing has come up, housing for the soldiers. Dr. Hamre, the Comptroller of the Defense Department, came to our subcommittee last week and he told us in his closing statement that if we were to drive a college-aged student to a college dormitory that looks like so much of our military housing, we would not even let him unpack his suitcase, because you would not let your kid live there, but our kids serving in the military are having to live in substandard housing.

We want to correct that, Mr. Chairman. We want to make the money available to pay for the 2.6-percent pay increase for members of the military. If Members will check with the commissaries and the bases where Members might reside, in their districts, find out how many young soldiers—sailors, airmen, marines, male or female—how many of them are coming with food stamps. Over 11,000 of our young troops are eligible for food stamps, because of their expenses and their low incomes.

☐ 1500

We provide in our package, our enhancement package, for the additional 0.6 percent of the pay raise.

I made a commitment, as many of us have many times, that I would not vote to send an American soldier into combat or a hostile situation without knowing that I had done the very best to provide them with the best training and the best technology possible before sending them into a hostile situation. I am going to stick by that commitment and this bill that we consider today is a part of that commitment.

I want to speak for some of these people who are going to be affected by this bill and their training, or their morale, their readiness, their quality of life.

I want to speak in behalf of the Marine gunnery sergeant and all of his colleagues who are on the U.S.S. *Essex* off Somalia today.

Or the wife and kids of the Army Special Forces lieutenant who are left behind in Fort Bragg, NC, while he works the countryside in Haiti.

Or the Air Force reservist flying airlift missions in support of operations around Bosnia.

The Navy families left behind in San Diego as their loved ones are deployed on the aircraft carrier *Constellation* in the Persian Gulf.

The AWACS crews flying over Saudi Arabia checking on Saddam Hussein.

The Marine F–18 pilot flying out of Aviano, Italy enforcing the no-fly zone over Bosnia in Operation Deny Flight.

The Army personnel manning the Patriot missile battalion we sent to Korea because of the increased tensions there.

The fighting unit at Twenty-nine Palms where they are forced to live in barracks that were damaged by the Joshua Tree earthquake and never repaired.

The 10th Mountain Division from Fort Drum which has been deployed over the past 2½ years to Florida for Hurricane Andrew, then to Somalia twice and then to Haiti.

The Marine pilot who has to curb his flying into Pendleton Air Field because the runway is crumbling due to lack of maintenance and the two floods which have put it under water.

Or the pilots who fly into Cherry Point to a runway which is even in worse shape than the runways at Pendleton.

What I am saying is this bill is addressing those types of issues, and it is important that we pass this bill with its specifics and not take a pig in the poke as offered by the Obey substitute.

Mr. Chairman, I yield to my friend, the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. My friend, the gentleman from Florida, will recall on two occasions last week, I spoke as strongly as I possibly can in favor of taking care of the troops. I think that your measure today is a giant step in that direction.

One of the items that you could have very well mentioned is the fact that several hundred millions of dollars was taken out of training for the Army in Europe and put into family housing, in taking care of the troops there. But when we cut back on training, that cuts back on readiness. I think that this is a measure in the right direction. I wish the gentleman well.

Mr. YOUNG of Florida. I thank the gentleman for his comments. I can say that no one has a higher credibility in this House of Representatives than the gentleman from Missouri [Mr. SKELTON].

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. May I inquire of the Chair how much time we have remaining?

The CHAIRMAN. The gentleman from Florida has 10 minutes remaining.

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

I simply want to again point out that this bill has nothing whatsoever to do with whether servicemen will or will not get their pay raise. As the gentleman knows, they will get their pay raise whether the Obey amendment passes or not. They have already gotten it. The only question is, Will the money to reimburse the Pentagon for that pay raise come from low-priority defense projects, including pork projects, or will it come from other domestic programs which are cut?

They already have their pay raise. Your bill does not change that, my amendment does not change that, and we both know it.

Mr. YOUNG of Florida. I have to say to the gentleman that I disagree, that in our additions for readiness, we specifically mention the amount of money that would pay for the 0.6 percent of the pay raise that we did not fund.

If we do not appropriate this money and fund that additional amount, then the Secretary of Defense is going to have to take it from somewhere else. If he takes it from somewhere else, it is going to be from the same O&M budget that we are trying to protect today.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Does the gentleman not grant that the troops already have their pay raise and will continue to get their pay raise? Is that not the truth? It is and you know it.

Mr. YOUNG of Florida. But it has come at the expense of training, which is readiness.

Mr. OBEY. I thank the gentleman.

Mr. YOUNG of Florida. We are trying to be honest with the Pentagon and honest with the troops and appropriate the money that we have directed the Pentagon to spend for pay increases.

Mr. OBEY. I thank the gentleman for making that clear. They are getting the pay raise.

Mr. YOUNG of Florida. Mr. Chairman, I want to repeat that the Obey amendment does not specify any of this. We are up front. We are honest. We have given you the target to look at. We have listed item by item by item for rescission, we have listed item by item for inclusion in the bill. This is an up-front, genuine, sincere effort to make sure that our military forces have what they need for quality of life and to be trained for readiness.

The minority leader spoke eloquently here on the floor just a few minutes ago and he says we are not voting on the details of this bill today. I disagree with that. We are going to vote here in a few minutes on the details of the Obey substitute. Following that, we are going to vote on the details of this bill.

Do not try to read anything else into it. We have been up front, we have been very specific. You know what the details are.

He mentioned also that this has come after passing the balanced budget amendment, and that is true, but what he failed to say was this money was spent before this Congress ever convened. This money was spent. We are paying it back. That is the only responsible thing to do.

We could have sat back and waited and not done anything, let the administration push and cry and shove. We decided that was not the responsible way to do this. In fact, we had to pull them to get them to send down their requests for the supplemental. In fact, we marked this up on the 27th day of January and did not get their request until February 6. So we are pulling and expediting this emergency supplemental.

The minority leader also mentioned corrupting the system. I am not exactly sure what he meant there. I think that fits into the category of holy pictures. He talked about a flash of red ink. Our numbers again are specific. The numbers of the gentleman from Wisconsin [Mr. OBEY] are not specific. He leaves a $2.5 billion blank check for the Secretary of Defense.

I would say that despite the minority leader's contention that we have more money than we need for readiness, it is just not true. The way you find that out is you go to the folks who run the wars, who run the battles, the field commanders, the battalion commanders, the regimental commanders, the colonels and the generals and you ask them what is the problem with readiness and they will give you a many-page report on where readiness is short. We have denied readiness requirements dealing with flying hours and training and steaming and spare parts and ammunition accounts and things of this nature. The fact is we could spend a lot more to make our readiness more ready.

I want to make this last point. Readiness today is one issue. Readiness this time next year is something else, and readiness this time 5 years from now is something else again. What we do today not only deals with today's readiness but also next year and 5 years down the road and maybe even 10 years down the road.

We have an important responsibility today. I am satisfied that we are going to do it properly and we are going to vote against the unspecific Obey substitute and we are going to vote for the bipartisan committee bill.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield briefly to the gentleman from Minnesota.

Mr. SABO. Let me just simply ask a question. Clearly there are many of us who think the Federal Government should be able to respond to emergencies, whether they are international or domestic. Clearly the House said "no" when we adopted the balanced budget amendment. I am just curious what your judgment is for the future. We are wrapped up in this discussion now in its consistency, and I clearly think the Obey amendment is consistent with the balanced budget amendment. But let us project to the future. Let us assume that the decision is made that we need to deploy troops, whether it is made by the President as Commander in Chief or whether it is made by Congress.

How will that deployment be paid for in the future and what kind of procedure does Congress have to do to make that decision in the future under that amendment?

Mr. YOUNG of Florida. As the gentleman well knows, there is a proposal from the Department of Defense that we should consider that would deal with that very issue, how do you give the Pentagon flexibility to pay for these kind of contingency operations. But the best answer is this. If there is going to be a major contingency operation, a deployment of U.S. troops, the President should consult with the Congress and the Congress should be a player, because now we are having to pay the bill for something that we did not authorize or approve nor were we consulted.

What I am suggesting is that in the future, whoever the President might be, that consultation with Congress is good, and it would eliminate the obvious competitions that might arise when it comes time to pay the bill.

□ 1510

Now as far as the gentleman's suggestion that there might be a better way, there might be. We will monitor that very closely as we go through the fiscal year 1996 process.

Mr. SABO. Would I not be right in saying that if we follow that amendment, 50 percent of the Congress could choose to deploy troops but it would require 60 percent of the House and the Senate to raise the debt ceiling to pay for the deployment of those troops.

Mr. YOUNG of Florida. That is a hypothetical question, and what I am saying to the gentleman is we do not affect the balanced budget with this bill because we are paying for the bill with specifics. I realize there are disagreements, but tell me how many outlays would we save with the Obey substitute next year or the year after, can the gentleman tell me?

Mr. SABO. The Obey substitute requires, Mr. Chairman, the Obey substitute requires that the outlays be there to pay for it. The amendment clearly increases outlays by about $288 billion in the current fiscal year and about $600 billion over 5 years.

Mr. YOUNG of Florida. I yield back to the gentleman from Louisiana.

Mr. LIVINGSTON. I thank the gentleman. I think that the gentleman has explained his case. I would hope that we could break this off and get to a vote.

I yield back to the gentleman to wrap it up.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Florida. We have a crisis here. We have to replenish these accounts or we are not going to have money in the fourth quarter for the readiness of our troops. Anybody can vote whatever way they want on the Obey amendment, but we have to pass this supplemental. So we will have our vote on Obey. But I want to compliment the gentleman for being out in front trying to get this thing done, because if we do not get it done by the end of this, we are in serious trouble in terms of readiness of our troops. The Comptroller called me this morning and said, NORM, we have got to get this thing through the House. So let us vote on this after we vote on the Obey substitute.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for his comments and commend him for his support.

Mr. LIVINGSTON. Mr. Chairman, I thank the gentleman for his arguments. He has done an outstanding job.

Mr. Chairman, I urge the defeat of the Obey substitute and the passage of the bill.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 260, not voting 7, as follows:

[Roll No 152]

AYES—167

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—260

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich

Kelly
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Browder
Ehlers
Fattah
Gonzalez
Meek
Rush
Tucker

□ 1529

Messrs. ALLARD, SCOTT, and DOOLEY changed their vote from "aye" to "no."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified made in order as original text.

The amendment in the nature of a substitute, as modified, made in order as original text was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. EMERSON) having assumed the chair, Mr. THOMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes pursuant to House Resolution 92, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 889 to the Committee on Appropriations with instructions to report the same back to the House with amendments so as to ensure that discretionary outlays for fiscal year 1995 that are made pursuant to new budget authority in the bill do not cause discretionary outlays for fiscal year 1995 (computed without regard to any emergency designations in the bill) to exceed the amount currently allocated to the Committee on Appropriations pursuant to section 602(a) of the Congressional Budget Act of 1974.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion to recommit.

Mr. OBEY. I thank the Chair.

Mr. Speaker, the House has just refused to make this bill deficit-neutral. It has, in effect, voted to add $282 million to the deficit in this fiscal year and $644 million to the deficit over the next 5 years.

Having failed at the effort to bring this bill into neutrality on the deficit, I am trying to do the second best thing.

What I am trying to do in the motion to recommit is at least say that this bill will not be allowed to breach the budget ceilings which almost all of you said in the campaign last year were too high.

So what the bill would simply do is send the bill back to the committee to scale back the 1995 outlays so that it does not exceed the total discretionary outlay cap set in the 1995 budget resolution under which we are supposed to be living.

According to CBO, the total of 1995 appropriations enacted to date is only $135 million under the 1995 outlay cap in the 1995 budget resolution. After subtracting all of the cuts, this bill still adds $282 million to outlay spending for 1995. That means it breaks the budget resolution cap by $147 million.

All this motion does is to tell the committee to go back and scrub the bill to find that extra $147 million so that you do not break the budget cap that all of you told your constituents in the last election was already too high.

If you want to balance the budget, if you have any commitment at all to balancing the budget, you have no choice but to vote for this recommittal motion. Otherwise you will not be balancing the budget, you will be busting the budget.

Mr. Speaker, I yield to the gentleman from Minnesota, the former chairman of the Committee on the Budget, the gentleman from Minnesota [Mr. SABO].

Mr. SABO. I thank the gentleman from Wisconsin for yielding.

Mr. Speaker, is the gentleman from Wisconsin telling me that the bill in its current form would spend $147 million more than the discretionary spending caps we set in 1995?

Mr. OBEY. The gentleman is correct. It breaks the budget to the tune of $147 million.

Mr. SABO. So, the first spending bill which this new Congress is considering will exceed the discretionary spending caps in the budget resolution of 1995?

Mr. OBEY. The gentleman has got it.

Mr. SABO. I am surprised.

Mr. OBEY. I am not.

Let me simply say: What this means is that in the very first financial bill that you are voting on, after you told the country you were going to balance the budget by voting for a constitutional amendment to balance the budget, you are going to vote to bust the budget and add $147 million to our spending for this fiscal year.

If this is what you are going to do in the first bill that you vote on after you have voted for that constitutional amendment, I am very interested to see what the deficit is going to look like after you vote on the rest of the items in the contract.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. LIVINGSTON. Mr. Speaker, the practical effect of the Obey motion to recommit is to kill this bill. The fact is, never before in recent memory have we paid for an emergency supplemental. This is an emergency supplemental. The caps do not even apply. So the gentleman's argument is invalid on that score.

□ 1540

But of we agreed with him, if his motion to recommit passed the House, this would effectively send this bill back to committee to find an additional $282 million in cuts. Never mind that we have come up with $1.46 billion in defense cuts, never mind that we have come up with $1.4 billion in foreign aid and domestic cuts, all in budget authority. Mr. OBEY says that he is not satisfied. He is not satisfied even though most of the people that are voting for his motion to recommit, most of the people that voted for his substitute, voted to put our troops into Haiti, and most of us on this side voted against it. Now they do not want to restore the money that was expended in Haiti and all of those other places where this President detailed our troops, and this now has cut short our ability to train and maintain the forces of the United States.

Mr. Obey's own substitute——

Mr. OBEY. Mr. Speaker, will the gentleman yield for a correction on one number?

Mr. LIVINGSTON. Mr. Speaker, I want to complete my statement.

The fact is we have come up with a bill that has $14 million more in cuts compared to the amount of money we want to spend. We are rescinding in budget authority an amount equal, and then some, compared to the amount we are spending. Mr. OBEY's motion to recommit, does not do this.

Now look at the calendar. The fact is that within a couple of weeks we are going to be asking for some monumental rescissions, and we will hope that all of the people who have sounded so interested in balancing the budget will join with us and vote for all of the cuts that are coming out of the subcommittees today, tomorrow, and Fridays. Some $10 billion, perhaps $15 billion, in rescissions are coming out of those subcommittees, and I hope that all of my colleagues will vote for every one of those cuts.

I say to my colleagues, "Whether you do that or not, sending this bill back to the committee puts it off the table for now. It denies the Defense Department the needed funds for operations, and I'm sorry that it gives Mr. OBEY another bite at the apple because we would have to revisit this bill in the context of a larger rescission bill."

This is an emergency, and the motion to recommit is a bad idea. It is bad for the national security of the Nation. It undercuts the responsible cuts the committee has made to pay for this bill, it ties the needed supplemental funds up unnecessarily, and I urge everyone to vote against the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. EMERSON). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 264, not voting 7, as follows:

[Roll No. 153]

AYES—163

Abercrombie
Ackerman
Andrews
Baesler
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Holden
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—264

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Browder
Ehlers
Farr
Fattah
Gonzalez
Meek
Rush

□ 1600

Mr. HOKE changed his vote from "aye" to "no."

Mr. PAYNE of Virginia changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. EMERSON). The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 262, nays 165, not voting 7, as follows:

[Roll No. 154]

YEAS—262

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton

Buyer
Callahan
Calvert
Camp
Canady
Castle
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—165

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chabot
Chapman
Clay
Clayton
Coble
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Duncan
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Ford
Frank (MA)
Franks (NJ)
Furse
Gephardt
Graham
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Holden
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kaptur
Kennedy (MA)
Kleczka
Klug
LaFalce
Lantos
Largent
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Reynolds
Richardson
Rivers
Roth
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Sensenbrenner
Serrano
Shadegg
Shays
Skaggs
Slaughter
Smith (MI)
Souder
Spratt
Stark
Stenholm
Stokes
Studds
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOT VOTING—7

Blute
Browder
Ehlers
Fattah
Gonzalez
Meek
Rush

□ 1618

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, I was unavoidably detained during the vote on final passage of H.R. 889, making emergency supplemental appropriations and rescissions. Had I been present I would have voted "aye."

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

□ 1620

PAPERWORK REDUCTION ACT OF 1995

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 91 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 91

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. The bill and the amendments recommended by the Committee on Government Reform and Oversight now printed in the bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. LAZIO). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 91 is a completely open rule providing for the consideration of H.R. 830, legislation that is designed to reduce the information collection burdens on the public, maximize the utility of Government information, and assure a more efficient and productive administration of information resources. In short, this legislation reasserts and enhances the commitment of Congress to uphold the principles of the Paperwork Reduction Act of 1980.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Government Reform and Oversight, after which time any member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides for one motion to recommit. Under this rule, members may offer amendments to H.R. 830 at any time, regardless of whether they have been preprinted in the RECORD.

Mr. Speaker, today, we mark the 50th day of the 104th Congress. By all accounts, this Congress has allowed more votes, more hours of debate, and more bipartisanship in this Chamber than we have seen in decades. I must say that the Rules Committee has worked well together to provide Members on both sides of the aisle with every opportunity to engage in extensive debate and offer significant amendments on every piece of legislation considered this year.

It has been a busy 50 days with more to come, and I believe that the efforts by every member of the Rules Committee to open the process have empowered us all to work in bipartisan fashion.

I am pleased this bill will be considered under an open rule, which was unanimously approved by the Rules Committee yesterday. While the chairman and the ranking minority member of the Government Reform and Oversight Committee testified to the Rules Committee that they do not expect many amendments, there were a number of amendments that were either withdrawn or not approved during committee consideration of H.R. 830. Hopefully, this rule will provide these Members and the entire House with sufficient time to review these amendments and express any persisting apprehension about the bill.

I strongly support the goals and purpose of the 1980 Paperwork Reduction Act. However, it is clear the bill was not entirely effective in reducing the paperwork burden, as the total pages of rules printed in the Federal Register increased from an average of 50,618 during President Reagan's terms, to an average of 53,596 during President Bush's term, to an average of 61,000 pages during President Clinton's term.

The 1995 Paperwork Reduction Act is designed to reduce these paperwork burdens, and H.R. 830 has received considerable support. I believe that the Government Reform and Oversight Committee has crafted a good piece of legislation, and the members of the Rules Committee simply want to enable any member to offer perfecting amendments to the whole House that may enhance the benefits of legislation to the American people.

Mr. Speaker, H.R. 830 was favorably reported out of the Committee on Government Reform and Oversight by a vote of 40 to 4, and this rule received unified support from the Rules Committee. I urge my colleagues to support this rule, and I look forward to a thoughtful and deliberative debate on H.R. 830.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I shall be brief because, as the gentleman said, this is an open rule. In fact, it is exactly the kind of rule that we all think of when we hear the term open rule: There is no limit on the time for considering amendments; there are no waivers of rules; there are no preprinting provisions; there are no conditions or requirements of any kind.

This is a completely unrestricted open rule, and it has our full support.

Furthermore, the bill which this rule makes in order, the Paperwork Reduction Act of 1995 is, itself, relatively noncontroversial and has substantial support on both sides of the aisle. The one provision in the bill that is a major point of contention for Members on our side will be debated when the gentlewoman from Illinois, the ranking minority member of the Committee on Government Reform and Oversight, Mrs. COLLINS, offers her amendment.

The Collins amendment would strike the provisions of H.R. 830 that allow the Office of Management and Budget to review and reject Federal regulations that require businesses to disclose information to third parties, including their employees and the public.

This amendment would preserve the 1990 Supreme Court decision in the case of Dole versus the United Steelworkers of America, which held that OMB did not have the authority to review OSHA requirements that companies post safety notices in the workplace. In other words, the amendment would prevent the Paperwork Reduction Act from being used as a mechanism to deny workers the right to know about hazards they face in the workplace.

Other amendments we are anticipating include: one to be offered by the gentleman from Vermont [Mr. SANDERS] which would place a priority on reducing paperwork for very small businesses; one to be offered by the gentleman from Idaho [Mr. CRAPO] addressing the right of private citizens to seek court actions challenging Federal agency information collection activities that have not been cleared by OMB; and one to be offered by the gentlewoman from New York [Mrs. MALONEY] which would sunset this bill after 5 years.

Mr. Speaker, again, the rule before us is a completely unrestricted open rule, and I urge its adoption.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1	Compliance	H. Res. 6	Closed	None
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing get preference.	N/A
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A
H.R. 2	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10hr. Time Cap on amendments	N/A
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision.	N/A
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference.	N/A
H.R. 729	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments.	N/A
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; contains self-executing provision.	1D
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	N/A
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey Substitute	1D

71 percent restrictive; 29 percent open. These figures use Republican scoring methods from the 103d Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, and H.R. 440.

Mr. BEILENSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], the chairman, for reporting this unrestricted rule to the House floor and I want to acknowledge the gentleman from California [Mr. BEILENSON] for his support of the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 91 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 830.

☐ 1628

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring to the floor today the first reauthorization of the Paperwork Reduction Act since it expired in 1989. This bill continues the very long tradition of seeking to reduce the burdens of Federal regulations on individuals and businesses which first began with the Commission on Federal Paperwork in 1977. The report of that Commission, chaired by our former good friend and colleague, Frank Horton, led to the establishment of the Office of Information and Regulatory Affairs at OMB, or IRA, and the passage of the Paperwork Reduction Act of 1980.

The Paperwork Reduction Act of 1995 was reported out of the Committee on Government Reform and Oversight on February 10 of this year with an overwhelming 40-to-4 vote, obviously a very broad bipartisan vote. I am here today to encourage all of my colleagues to support the passage of this important measure today.

As I say, the legislation is premised on the continuing belief in the principles and requirements of the Paperwork Reduction Act of 1980. All of the legislation's amendments to the 1980 act, as amended in 1986, are intended to further its original purposes, to strengthen OMB and agency paperwork reduction efforts, to improve OMB and agency information resources management, including in specific functional areas such as information dissemination, and to encourage and provide for more meaningful public participation in paperwork reduction and broader information resources management decisions.

□ 1630

With the regard to the reduction of information collection burdens, the legislation increases the act's 1986 goal of an annual 5 percent reduction in public paperwork burdens to a full 10 percent. OMB is required to include in its annual report to Congress, recommendations to revise statutory paperwork burdens. The legislation includes third-party disclosure requirements in the definition of collection of information to overturn the Supreme Court's decision, Dole versus United Steelworkers of America. This will ensure that collection and disclosure requirements are covered by the OMB paperwork clearance process, and this will be the subject of an amendment later in this debate. The Act is also amended to require each agency to develop paperwork clearance process to review and solicit public comment on proposed information collections before submitting them to OMB for review. Public accountability is also strengthened through requirements for public disclosure of communications with OMB regarding information collections—with protections for whistleblowers complaining of unauthorized collections—and for OMB to review the status of any collection upon public request. In combination with more general requirements, such as encouraging data sharing between the Federal Government and State, local, and tribal governments, the legislation strives to further the act's goals of minimizing government information collection burdens, while maximizing the utility of government information.

The legislation also adds further detail to strengthen other functional areas, such as statistical policy and information dissemination. The dissemination provisions, for example, delineate clear policies that were not articulated in the act's previous references to dissemination. These provisions require OMB to develop governmentwide policies and guidelines for information dissemination and to promote public access to information maintained by Federal agencies. In turn, the agencies are to: First, ensure that the public has timely and equitable access to public information; second, solicit public input on their information dissemination activities; and third, not establish restrictions on dissemination or redissemination of government information. Emphasis is placed on efficient and effective use of new technology and a reliance on a diversity of public and private sources of information to promote dissemination of government information, particularly in electronic formats.

With regard to over-arching information resources management [IRM] policies, the legislation charges agency heads with the responsibility to carry out agency IRM activities to improve agency productivity, efficiency, and effectiveness. It makes program officials responsible and accountable for those information resources supporting their programs. The IRM mandate is strengthened by focusing on managing information resources in order to improve program performance, including the delivery of services to the public and the reduction of information collection burdens on the public.

To improve accountability for agency IRM responsibilities, as well as responsibilities for paperwork reduction, the agency responsibilities provided in the act are amended to complement and more directly parallel OMB's functional responsibilities.

Finally, Mr. Chairman, I want to comment on a very minor section of the bill that was later removed during the committee's consideration which would have codified OMB circular A-130, a long-standing executive branch policy which states that the government should not compete with the private sector in using public information.

Single issue interest groups have distorted, I think, and misrepresented this provision to suggest that it was included in this bill solely to benefit one specific company. And I agreed to remove this provision from the bill, and it is not in the bill, and would consider it at another time, but I do want to state for the RECORD that as a matter of policy Congress should not condone the Government competing against the private sector, which was the concern raised in this amendment. But because it became extraordinarily controversial and because it was presented and seen as benefiting one company, although that was not the purpose, it has been deleted from this measure.

I am aware that a number of amendments will be offered to this bill. While many of these amendments were offered and defeated in the committee, I appreciate all of the constructive efforts that have been made by Members on both sides to improve this bill.

Let me say, Mr. Chairman, that I have given what is contained in the bill, but the bottom line is when you forget all about the technicalities of the bill, the effort here is to reduce the paperwork burden which has proliferated over the years the incredible mountain of information that the government demands be collected and reported and recorded. Very, very, many of these requirements are necessary, many of them are clearly not. And the bottom line is we are attempting to bring some sort of reasonable restraints on the ability and the power of the Federal Government to impose these burdens on the private sector and on local and State governments.

So at the end of the amendment process, which we will hopefully begin soon, I hope all Members will join what has really been a very long and bipartisan effort to minimize Federal paperwork requirements imposed on American citizens and taxpayers. This bill, I might say, Mr. Chairman, has been endorsed by former OMB Directors from both political parties, and various versions of this bill have been cosponsored by an equal number of Republicans and Democrats. And this specific bill has been enthusiastically endorsed by President Clinton's administration. And I have been advised that it will be a key vote for the National Federation of Independent Business for the 104th Congress.

So we have an opportunity to do something here this afternoon and evening on a very bipartisan basis, which is good government, not very exciting, not very sexy issue, but it is one that I think is extraordinarily important for every small and large business, every household, every municipality in this country, and that is to reduce the crushing burden of paperwork requirements the Federal Government imposes.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering the reauthorization of the Paperwork Reduction Act. For many years, this act, and its subsequent reauthorizations, have been bipartisan.

Similarly, this bill contains many provisions of bipartisan agreement. However, a problem continues with this act, because it expands the authority of OMB to interfere with agency decisions for reasons other than paperwork reduction.

Over the years of Republican administrations, OMB became a haven for special interests to quietly plead for lesser regulations than those imposed by the Federal agencies. This backdoor special interest access came after these business lobbyists failed to get their way at the agencies.

No records were kept of these meetings. No one knew what went on behind those closed doors. However, we did witness the OMB cancellation of regulation after regulation. We also saw White House officials stonewall all questions about who came to the Office of Management and Budget, and what was said.

Let me give you an example of OMB's interference with agency regulations. In one case, it blocked regulations that required companies to post a notice to their workers of any toxic chemicals used at the work site, after companies complained about the posting requirements, even though OMB did not have the authority to do so.

Mr. Chairman, I reserve the balance of my time.

When the case reached the Supreme Court, it ruled that OMB did not have the authority to act. This bill would overturn that Supreme Court decision known as Dole versus Steelworkers of America, and give the Office of Management and Budget that authority.

I will offer an amendment to strike this offensive provision. Watching a bill to reduce paperwork be turned into a bill to keep workers in the dark about worksite dangers is truly shameful.

This bill gives permanent authorization to OMB's Office of Information and Regulatory Affairs. That is also a mistake. Without the threat of reauthorization, agencies grow complacent. Without the need for reauthorization, it is too easy for agencies to ignore congressional oversight. Congresswoman MALONEY will offer an amendment to sunset this bill after 5 years, and I support her amendment.

Mr. Chairman, there are some good provisions in H.R. 830, but I urge my colleagues to consider our amendments carefully, and give them your support.

□ 1640

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. Chairman, I reserve the balance of my time.

Mr. MCINTOSH. Mr. Chairman, I wanted to rise today in support of this legislation.

Let me explain that it was my experience working with Vice President Quayle at the Competitiveness Council that this paperwork act is vitally important in reducing the amount of paperwork burden that the Federal Government puts on private employers and ultimately, therefore, consumers and workers.

The legislation that we have before us today does several very important things. Chief among them is the permanent reauthorization of that act so that we will be assured that all Government paperwork is reviewed by OMB in a central reviewing process to make sure we do not place unnecessary burdens, that we do not have forms that are duplicative, that we do not ask people to fill out forms for no good reason, if the Federal Government is involved.

The second very important provision in this bill is to close one of the loopholes created by a Supreme Court case called the Steelworkers' case which said that if the Government required people to fill out a form or disclose a particular form to another party but not send that form back to Washington, then it would be exempt from this review process. The problem with that particular loophole is that we have seen a mushrooming of paperwork that fits that description.

In our subcommittee we held hearings on this bill. One of my constituents who is from Shelbyville, IN, a gentleman named Bob Stolmeier, came and talked about the duplicative paperwork he has to fill out in his small business.

In particular he talked about the hazard notification forms that he has to have available for his products and that he has to ship with his products to the customer. His product is to make plastic bags that have been approved by the Food and Drug Administration as being safe to come in contact with food that would be consumed by a human being. Therefore, it is a very safe product, but he nonetheless needs to have a five-page form talking about the potential hazards related to these plastic bags. It is something he says nobody has ever asked him to take a look at. It is not a hazardous material the way we think of a chemical or nuclear materials that could be threatening to health and safety, but the Government regulations require him to go through that each time he sets up business and every time he ships his product. It is an enormous cost. It is a self-imposed cost that affects our competitiveness. He is in direct competition with manufacturers of the same product overseas and says they do not have to supply that same paperwork.

Those are some of the things that this bill would accomplish for men and women around the country. Let me say in general that if you stop and take a look at the magnitude of the problem, the Federal Government requires so much paperwork to be filled out that it would take over a million people working full time an entire year to fill out all of the forms that are required by the Federal Government. That is a million people doing nothing more than filling out forms and sending them in to Washington or having them there in their worksite.

We need to cut back on this unnecessary paperwork, free up our workers, free up our farmers, reduce prices for the consumers, and help to eliminate unnecessary paperwork and red tape.

Mr. Chairman, I rise in support of this bill. I am glad to see that it has broad bipartisan support and is not a huge controversial measure. The American people can rest assured that this change will do us a lot of good.

Mrs. COLLINS of Illinois. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, we had a couple of other requests, but I do not see them on the floor. I think this is evidence of what a bipartisan bill this is and how Members are convinced that we have a good piece of legislation here.

Mr. LATOURETTE. Mr. Chairman, 50 days ago I was a county prosecutor in Lake County, OH, so I'm somewhat new at this job. I am not new, however, at hearing people gripe about the Federal Government, Washington, DC., and the Congress.

It has been my experience that when folks are not chastising us for being a group of self-serving politicians, they are blasting us for being a part of the place that reeks of inefficiency and waste. Washington could literally bury itself under the mountain of paperwork it insists others complete. And do not for a moment think that thought has not crossed the minds of many a business owner.

A constituent of mine, William Koeblitz of Gates Mills, OH, recently testified before the Small Business Committee, which shares a jurisdictional interest with the House Committee on Government Reform and Oversight, of which I am a member. Mr. Koeblitz's testimony was on behalf of 215,000 businesses of the U.S. Chamber of Commerce Federation. Mr. Koeblitz is a member of the Chamber's Board of Directors and also serves as chairman of its Regulatory Affairs Committee.

Mr. Koeblitz, the CEO of a Cleveland-area company, explained how during each Congressional cycle the Chamber surveys its Members and asks them to rank issues of importance to them. Of the 64 issues identified for this Congress, paperwork reduction was No. 3, ranking behind only unfunded mandates and welfare reform.

Mr. Koeblitz and Chamber officials were kind enough to provide my office with the following examples of paperwork nightmares, all from the same Pennsylvania independent laboratory—a company with just 10 full-time employees. If these examples do not convey the message that paperwork reduction is necessary, nothing will.

The company had to establish an entirely new and separate bookkeeping system just to keep up with the paperwork required by the Family and Medical Leave Act.

To comply with a routine Affirmative Action Audit in 1988, the company had to expend approximately 600 hours of staff time to prepare and facilitate the process. And when we say "mountain of paperwork" it is no exaggeration. The completed paperwork package to comply with this, again—routine audit, weighed 13 pounds.

I ask you, how much does the paperwork from an audit weigh when it is not routine? Thirty-seven pounds? One hundred and fourteen pounds? It is one thing to comply with regulations, but quite another to bury companies under excessive and needlessly complex documentation.

I applaud Mr. Koeblitz for bringing this problem to the attention of the Congress and concur with the message he gave to the committee:

> We should let the American business community get back to the business of running their companies rather than spending ridiculous amounts of time complying with federal government edicts.

I urge my colleagues to support H.R. 830.

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in strong support of H.R. 830, the Paperwork Reduction Act of 1995.

I am pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Small Business Committee and the Committee on Government Reform. This bill has been developed on a bipartisan basis and has received considerable bipartisan support. I want to particularly acknowledge the work of the gentleman from Pennsylvania [Mr. CLINGER] and of the gentleman from Virginia [Mr. SISISKY] who as a member of my Small Business Committee, has been most persistent on this legislation.

Both gentlemen sponsored similar legislation last Congress, H.R. 2995, which had over 100 cosponsors, evenly split between Republicans and Democrats. I also want to acknowledge the support of the gentleman from New York [Mr. LAFALCE] who as the ranking member of the Small Business Committee, has worked in support of this legislation.

Mr. Speaker, the provisions of last Congress' H.R. 2995 are found in Title V of H.R. 9, the Job Creation and Wage Enhancement Act of 1995. H.R. 830 is a refinement of those provisions and is totally responsive to this vital piece of the Republican contract. I strongly believe this legislation which amends the 1980 Paperwork Reduction Act, and the strengthening amendments to the Regulatory Flexibility Act we will be considering next week, are precisely the kind of commonsense regulatory reforms that this Congress can enact for the benefit of small businesses and all the American people.

On January 27, the Small Business Committee held a hearing on legislative proposals for paperwork reduction. The Administrator of the White House Office of Information and Regulatory Affairs [OIRA], Mrs. Sally Katzen, indicated the administration fully supported the bill we have before us today. After describing problems this administration has in implementing the Act as a result of the 1990 Supreme Court decision in Dole versus Steelworkers of America, she specifically stated the Clinton administration supports overturning that decision. She further echoed the testimony of our small business witnesses that strengthening amendments to the Paperwork Reduction Act are needed.

Authorization for appropriations to OIRA expired in 1989. The Supreme Court decision followed in 1990. Our small business witnesses noted that the Act's promise to protect them from bureaucratic excesses and unnecessary regulations has significantly eroded during the past 5 years. They gave three reasons: The Court decision which gave agencies an excuse to avoid the Act's requirements, the growing tendency of agencies to ignore the Act's requirements, and the inability of the Executive branch and the Congress to come to an agreement during the past three Congresses on what amendments are needed to the Act.

Put simply, this legislation needs to be enacted to strengthen the tools in the Act that encourage small businesses to participate in reducing the cumulative burdens of regulatory paperwork. The Act needs to be strengthened, corrected, and renewed, not weakened by time and neglect.

One of our witnesses estimated that 510 billion dollars worth of time and effort are spent by the American public meeting the Federal Government's information needs. Those are the hidden taxes, the off-budget costs of government programs. We need to be sure that we keep these costs to a minimum. The ability of small businesses, for example, to create new jobs and retain existing ones, depends on keeping the costs to a minimum.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community's ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations. Small business organizations such as National Federation of Independent Businesses, National Small Business United, the Small Business Legislative Counsel, the U.S. Chamber and the National Association of Manufacturers, who are members of the Coalition, have independently indicated they will highlight a vote for this bill as an important pro-small business vote.

I want to again, commend the work of Chairman CLINGER on this legislation. I urge my colleagues to vote in support of H.R. 830.

Mr. SISISKY. Mr. Chairman, today is a great day for small business. And it is—just as surely—a great day for this House.

Today we have a chance to really change the way Government does business. Paperwork reduction is not something that only academics and bureaucrats care about. It is a reform that will have a direct impact on millions of people—and especially small businesses—on a day-to-day basis.

If we really want to reinvent Government, we must constantly be thinking of ways for Government to perform its necessary functions without imposing a crushing burden on small businesses.

This administration has received praise from many quarters for its reinventing Government initiative. I, for one, think this praise is well-deserved. The National Security Committee, on which I serve, worked hand in hand with the administration last year to craft sweeping legislation to reinvent the Government procurement system.

However, despite this and other successes, much more remains to be done. If you ask small businesses how they think Government should be reinvented, I think most would say paperwork reduction is a good place to start. As a senior member of the Small Business Committee, I know that small businesses rank paperwork reduction as one of their highest priorities.

Small firms are forced to spend billions of dollars each year filling out Government paperwork. We sometimes forget that many small businesses, especially the smallest of the small, have a hard time just keeping their heads above water. Government paperwork is really a hidden tax on small business, and it makes it that much harder for them to survive.

Since small businesses are responsible for creating most new jobs in today's economy, it only makes sense to do what we can to eliminate this impediment to small business job creation. Paperwork reduction is a reform that both Democrats and Republicans can enthusiastically support.

We can be proud that the original Paperwork Reduction Act, as well as H.R. 830, have been genuinely bipartisan efforts. In the last Congress, Mr. CLINGER joined me in introducing a very similar bill, cosponsored by a bipartisan group of 120 Members. In this Congress, I had the pleasure of joining with Mr. CLINGER in renewing this effort. Both H.R. 830 and its Senate counterpart enjoy the backing of the Clinton administration.

I think that this legislation is an encouraging example of how Members of both parties can put aside partisan differences when it comes to small business and job creation, and I hope it can serve as a model for constructive bipartisan cooperation in the future.

Mr. Chairman, today we have a chance to help small businesses in America do what they do best—create more jobs. I strongly urge my Democratic and Republican colleagues to give their wholehearted support to H.R. 830.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the bill and the amendments printed in the bill are considered as having been read.

The text of the bill, H.R. 830, is as follows:

H.R. 830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paperwork Reduction Act of 1995".

SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

"CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.
"3501. Purposes.
"3502. Definitions.
"3503. Office of Information and Regulatory Affairs.
"3504. Authority and functions of Director.
"3505. Assignment of tasks and deadlines.
"3506. Federal agency responsibilities.
"3507. Public information collection activities; submission to Director; approval and delegation.
"3508. Determination of necessity for information; hearing.
"3509. Designation of central collection agency.
"3510. Cooperation of agencies in making information available.
"3511. Establishment and operation of Government Information Locator Service.
"3512. Public protection.
"3513. Director review of agency activities; reporting; agency response.
"3514. Responsiveness to Congress.
"3515. Administrative powers.
"3516. Rules and regulations.
"3517. Consultation with other agencies and the public.
"3518. Effect on existing laws and regulations.
"3519. Access to information.
"3520. Authorization of appropriations.

"§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

"§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or

employees of the United States; or

"(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

"(A) retain such records;

"(B) notify third parties or the public of the existence of such records;

"(C) disclose such records to third parties or the public; or

"(D) report to third parties or the public regarding such records.

"§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"§ 3504. Authority and functions of Director

"(a)(1) The Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review and approval of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review and approve proposed agency collections of information;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

"§ 3505. Assignment of tasks and deadlines

"(a) In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, initiate and conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

"§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

''(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

''(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

''(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

''(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

''(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

''(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

''(F) contains the statement required under paragraph (1)(B)(iii);

''(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information,

''(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

''(C) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities;

''(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

''(4) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

''(i) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

''(ii) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

''(iii) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

''(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

''(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for information technology investments;

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

''(A) integrated with budget, financial, and program management decisions; and

''(B) used to select, control, and evaluate the results of major information systems initiatives.

''§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

''(D) published a notice in the Federal Register—

''(i) stating that the agency has made such submission; and

''(ii) setting forth—

''(I) a title for the collection of information;

''(II) a summary of the collection of information;

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 1 year.

''(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule, and after considering the agency's response to the Director's comments filed under paragraph (2), that the collection of information cannot be approved under the standards set forth in section 3508; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

"§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

"§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

"§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

"§ 3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"§ 3512. Public protection

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the applicable collection of information—

"(1) does not display a valid control number assigned by the Director; and

"(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

"§ 3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

"§ 3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

"(iv) a list of agencies that in the preceding year did not reduce information collection burdens by at least 5 percent pursuant to section 3505, a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

"§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"(f) Notwithstanding any other provision of this chapter or any other law—

"(1) any public information that an agency discloses, disseminates, or makes available to the public may be used by any person for profit or nonprofit activities; and

"(2) if any person adds value to the public information, the Federal Government shall not have any right to obtain, collect, acquire, disseminate, use, or convert—

"(A) the resulting data, database, or other information product, or

"(B) any method used by the person to identify such resulting data, database, or information product,

except under terms that are expressly agreed to by such person.

"§ 3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§ 3520. Authorization of appropriations

"There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will designate the first committee amendment.

The text of the first committee amendment is as follows:

On page 12, line 21, strike "and" the second place it appears and insert in lieu thereof ",".

The CHAIRMAN. The question is on the first committee amendment.

The first committee amendment was agreed to.

Mr. CLINGER. Mr. Chairman, I ask unanimous consent that the remaining committee amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, and I will not object, it is correct that this en bloc amendment is solely in compliance with the amendments adopted in committee?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. Further reserving the right to object, I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, that is correct. This just incorporates those amendments which were adopted in the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Clerk will designate the remaining committee amendments.

The text of the remaining committee amendments is as follows:

Committee amendments: On page 12, line 22, insert ", and payment" after "acquisition".

In the proposed section 3505 (page 19, line 18), strike "five" and insert "10".

In the proposed section 3514 (page 51, line 14), strike "5" and insert "10".

In the proposed section 3518 strike subsection (f).

The CHAIRMAN. The question is on the remaining committee amendments.

The remaining committee amendment were agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. COLLINS of Illinois: Page 6, beginning at line 23, strike "soliciting, or requiring the disclosure to third parties or the public," and insert "or soliciting,".

Page 9, beginning at line 18, strike "records," and all that follows through page 10, line 2, and insert "records.".

Page 49, beginning at line 12, strike "maintain, provide, or disclose information to or for any agency or person" and insert "maintain or provide information to or for any agency".

Page 54, beginning at line 5, strike "obtaining," and all that follows through line 7 and insert "the collection of information—".

Page 55, beginning at line 3, strike "obtaining," and all that follows through "opinions" on line 5, and insert "the collection of information".

Mrs. COLLINS of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. COLLINS of Illinois. Mr. Chairman, my amendment would strike from the bill those provisions giving the Office of Information and Regulatory Affairs authority to block regulations concerning so-called third-party communications. These regulations involve requirements for companies to provide notifications to third parties, for example, their workers, about matters such as safety problems in the workplace.

Let me discuss the history of this issue and explain why it is so important. OSHA issued a rule in 1987 to private companies requiring that they post signs in the workplace to notify workers of the chemical hazards that they may face. After some companies complained to OMB, its Office of Information and Regulatory Affairs, using the Paperwork Reduction Act as its authority, overturned the rule. OMB claimed that the signs posted for the workers were covered by the act, and thus were a paperwork burden.

Mr. Chairman, we are talking about a small poster telling workers of the hazards in the workplace. Removing these warnings is not paperwork reduction, it is safety reduction. Yet OMB, in the name of paperwork reduction, said that employers do not have to warn workers about the hazards they face at work.

The Steelworkers, on the other hand, believe workers have a right to that information, and challenged that authority in court. The Supreme Court in 1990 agreed in a decision known as Dole versus the United Steelworkers of America and found that OMB had no authority over these notifications. Now, this bill overturns that hard fought victory of the workers.

Overturning Dole, as this bill does, says to workers that relieving the paperwork burden on business is more important than their health and safety on the job. Overturning Dole opens the door for political influence to prevail over scientific judgment within the corridors of the Office of Management and Budget. Overturning Dole opens the door for political favoritism over common sense.

A number of justifications are given for overturning Dole, but each is a smoke screen to hide the fact that the back door has been opened for businesses to plead their case in private after losing before an agency. The issue in this case was not the paperwork, but the content of the sign. Plain and simple, business did not want to tell their employees about the hazards at the workplace.

The content and context of the Dole case make most reasonable people worry about giving more power to OMB. If OMB will cancel requirements to post the presence of hazardous chemicals, what else will they do? Will this authority be used to cancel notification on the safety of children's toys? Will it be used to remove the hazard warnings from packs of cigarettes? If the safety of the work place is not beyond reach, then very little is.

Of course, others greet this expanded authority with gusto. They have something to gain. If the government requires something of you, and you have the necessary political clout, you needn't worry. A brief visit to the proper officials by the appropriately connected lobbyists will relieve your burden. There will be no questions about scientific evidence. There will be no public forum in which the ideas must be defended. Instead there will be a quiet meeting in a room off to the side where deals are struck. No records will be kept, and there will be no paper trail. After all, we're reducing paperwork here.

The pesticides and herbicides that farmers use are labeled to warn of the hazards of exposure to the skin or by breathing. Are we going to put farmers at risk in the name of paperwork reduction?

Day-in and day-out the American worker is exposed to hazards at the work place. And as manufacturing gets more complicated those hazards increase. The process of refining petroleum, making plastic, etching silicon chips for computers each involve potentially toxic chemicals. The workers in these industries have a right to know what risks surround them.

Let there be no mistake about it. Overturning the Dole decision creates the opportunity for OMB to keep workers in the dark about those dangers. My amendment merely preserves the current law on this issue. History has taught us that despite the many benefits of the Paperwork Reduction Act, it can be abused. There is no reason to overturn the Supreme Court decision that ensured workers the right to know about hazards at the workplace.

Mr. Chairman, I urge support for my amendment.

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Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, regrettably, I must oppose the gentlewoman's amendment.

One of the really important accomplishments, I think, of H.R. 830 is that it overturns the Dole decision and includes third-party disclosure requirements within the provisions of the bill.

The basic reasons, the fundamental reasons for insuring that third-party disclosure requirements are clearly within the scope of the act are really three in nature.

First, the whole character of Federal information collection has changed dramatically since 1980. Increasingly, Federal agencies across the board are using third-party disclosure requirements to meet their program needs. Instead of directly collecting, processing, and disseminating the information itself, they have increasingly turned to require third parties to collect that information and transmit it. Third-party disclosure has increased partly because agencies which have had limited resources to collect and analyze information—and I think that capability clearly is going to be even less in the future; they will have even more limited resources to collect and analyze information—these agencies have discovered that their program objectives can be met by requiring private parties to provide information directly to the intended beneficiary or to the enforcer, which, in effect, totally eliminates the Federal middle man in this operation. It becomes a federally directed, unfunded mandate by saying, "We don't have the resources to collect this information and transmit it, so we are going to impose that requirement on you to collect it and transmit it because we don't have to be concerned where you get the resources to do this with."

So in order to decrease the direct cost of government services, agencies may also adopt third-party disclosure in the form of self-certification and recordkeeping by private entities to replace extensive information collections.

And the third reason, Mr. Chairman, why I think this reversal of the Dole decision is important to be included in this legislation is that the Federal Government has dramatically increased the use of third-party disclosure by having private institutions and individuals report to State and local governments, again totally leaving the Federal Government out of the loop.

States, for example, are often charged with the responsibility for implementing and enforcing Federal program requirements with extensive information collection. In such situations, the Federal agency may not actually receive the information that is collected, but require the States to retain the reports and the public for possible State or Federal inspection or having States send the Federal agency only a summary of the information reported to them.

So, we have really gotten this whole process fairly far distantly removed from the actual Federal involvement, processing, evaluating of the information that is being collected.

So, Mr. Chairman, Federal paperwork burdens, as we all agree, are skyrocketing and the language contained in this bill is designed to close a very, very wide loophole, one that, as I say, we have not reauthorized this whole bill since 1989. This is an opportunity to do that.

It is also an opportunity to make clear that where third-party reporting is required, paperwork reduction requirements will apply to those as well as paperwork that is collected directly by the Federal Government itself.

For those reasons, Mr. Chairman, I must oppose the gentlewoman's amendment and urge a vote against the amendment.

Mr. MASCARA. Mr. Chairman, I move to strike the required number of words.

Mr. Chairman, I rise in strong support of this important amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

As I mentioned during committee consideration of this amendment, I know first-hand the importance of enforcing health and safety laws which protect workers from dangers on the job.

My father was a steel worker who died as a result of a work-related injury. And I represent thousands of workers who toil daily in the steel industry and mining industries.

These are dangerous jobs and these workers face many hazards. They deserve laws that protect, not the provisions contained in H.R. 830 which would deny them their right to know and be informed about safety and health hazards in the workplace.

The language contained in H.R. 830 would in a few lines overturn an important worker-safety decision handed down by the Supreme Court in 1990 in Dole vs. The United Steelworkers of America.

After 9 years of struggle, the steelworkers urged and got the top Court in this land to agree that companies had to provide so-called third party notices to their workers to make them aware of potential exposure to chemical and safety hazards in the workplace.

I find it amazing that in an effort to ensure that every last collection and disclosure requirement is covered by the Office of Management and Budget, the committee's bill so blatantly throws out this important protection for workers.

Most of the notifications involved here, Mr. Chairman, are simple notices posted on worker bulletin boards. We are not talking about any great or burdensome requirements. We are simply telling workers "beware."

In his opinion on Dole, Justice Brennan wrote, "Disclosure rules protect by providing access to information about what dangers exist and how they can be avoided."

Let us not take this important protection away from workers. I urge those who say they care about working men and women to support the Collins amendment.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to this amendment.

I think it is very important that the bill go forward as it was originally passed from committee and that we retain in there the language that would reverse that Supreme Court case.

Let me make it very clear that these type disclosures could indeed go forward. All that our legislation would now require is that they be reviewed by OMB to make sure that we do not have unnecessary and burdensome disclosures to third parties.

I received a letter from the National Federation of Independent Businesses, who have indicated that they strongly oppose this amendment. They believe that the requirements for unchecked disclosure and paperwork fall disproportionately upon small businesses in this country and that on behalf of their 600 members they are urging Members of Congress to vote against this amendment and have indeed indicated that they would have it as a key vote in their ratings of how Congress Members vote in support of small businesses.

Mr. Chairman, I urge us to vote against this amendment and retain the bill in its full form.

Mr. DOYLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlelady from Illinois. This amendment will remove from the bill the provision which would overturn the 1990 Supreme Court decision in the Dole versus United Steelworkers case.

The Paperwork Reduction Act can be an appropriate response to the problem of excess government forms, surveys, and paperwork collected by government for its own use. I support the ability of OMB to develop uniform information policies for government agencies in order to reconcile unnecessary and redundant information requests. However, the dissemination of vital information from private entities to the public is a completely different matter.

Without this amendment we will be expanding the powers of the federal government, specifically OMB, to regulate non-governmental third parties. Prior to the Dole decision, OMB was able to function as a "super regulator"—utilizing ideologically-driven actions to override the scientific and technical determinations of regulatory agencies. In one case, OMB sought to diminish the worker safety requirements of the Hazard Communications Standard which had been promulgated by OSHA. The Hazard Communications Standard required that companies compile "material safety data sheets" to disclose what hazardous materials are present in the workplace.

It was because of the MSDS requirement that employees of a small metals processor were able to correct a dangerous situation in their workplace. This company used a variety of chemicals, including potassium cyanide, which was stored in close proximity to acidic cleaning solutions. When cyanide is mixed with acid, the result is a release of deadly hydrogen cyanide gas. Using a MSDS, the union was able to work with the company to identify the products with acids and isolate them from cyanide, so that a spill would not lead to a major accident.

Overturning Dole will do nothing to make government more responsive or less wasteful. Instead, it would reestablish OMB as a federal "superagency," able to indiscriminantly use nonscientific political or economic judgments with little or no accountability. I support real regulatory reform, but giving OMB arbitrary power over all regulatory agencies is not my idea of reform.

□ 1700

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I voted for this bill in committee, and this amendment corrects one of the oversights that I noticed in the bill that we lost on it in committee. I support the amendment offered by my distinguished ranking member, the gentlewoman from Illinois [Mrs. COLLINS].

As currently written, the bill will overturn a 1990 Supreme Court decision that assures workers of their right to know about hazards in the workplace.

In the Dole versus U.S. Steelworkers case the Supreme Court said that the OMB had no authority to block another agency's decision that businesses disclose information on health and safety to their employees or the public.

The specific matter in the Dole case was an OSHA regulation that required employers to make sure that their employees were told of potential hazards posed by chemicals in the workplace.

Justice William Brennan wrote:

> Because Congress expressed concern only for the burden imposed by requirements to provide information to a federal agency, and not for any burden imposed by requirements to provide information to a third party, OMB review of disclosure rules would not further this congressional aim.

By a 7–2 margin the Court upheld the agency's right of action in this case. Among those supporting the decision were Justices Scalia, O'Connor, and Kennedy.

Supporters of this provision will argue that the existence of questionable regulations prove that the right-to-know is an outmoded concept. I do not believe that protecting the safety of workers in the refineries in my district is an outmoded concept.

I do not believe that protecting the safety of the workers and the retirees in my district is an outmoded concept. These employees and these workers have a right to know, and I would hope that in—to sacrifice them in this bill in the reduction of paperwork that we could really have it both ways. We can protect those workers with the right to know and still have the effect to reduce paperwork.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 10, as follows:

[Roll No. 155]

AYES—170

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—254

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson

Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Browder
Dickey
Ehlers
Fattah
Gonzalez
Hall (OH)
Meek
Radanovich
Rush
Whitfield

☐ 1722

Mr. WICKER and Ms. DANNER changed their vote from "aye" to "no."

Mr. NEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that future votes will be limited to 17 minutes.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MEYERS of Kansas: Page 29, after line 24, insert the following new subparagraph:

"(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

Redesignate the subsequent subparagraphs of the proposed section 3506(c)(3) accordingly.

Mrs. MEYERS of Kansas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

There was no objection.

Mrs. MEYERS of Kansas. Mr. Chairman, I would like to speak just very briefly about the importance of this bill to small business.

Mr. Chairman, I am very pleased to be a cosponsor of this legislation. Much work has gone into this legislation during the past two Congresses by the Committee on Small Business and the Committee on Government Reform and Oversight. This bill has been developed on a bipartisan basis and has received considerable bipartisan support.

I would like to point out particularly the strong support within the small business community for this legislation. We have had several hearings on this legislation, and this bill has a broad base of support from the Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations.

Small business organizations, such as the National Federation of Independent Business, National Small Business United, the Small Business Legislative Council, U.S. Chamber, and the National Association of Manufacturers, all of whom are members of this coalition, have independently indicated they will highlight a vote for this bill as an important pro-business, pro-small business vote.

Mr. Chairman, I would like to propose an amendment today that I think will improve this legislation. The amendment that I propose regards recordkeeping requirements. Simply put, my amendment would require all recordkeeping requirements to indicate how long records must be kept. Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information.

What my amendment does is explicitly add the requirement that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain how long the specified records are to be kept.

This is a commonsense step. Witnesses before the Committee on Small Business have repeatedly recommended that the Paperwork Reduction Act be explicit on this point.

Testimony on behalf of the Association of Record Managers and Administrators, a professional association specializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs.

The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants and lawyers or professional managers to determine how long their records must be kept and frequently they do not have the space to keep them.

This amendment is supported by the Paperwork Reduction Act Coalition, a broad-based coalition of some 75 business, professional, and citizen associations. The coalition includes a number of small business groups, which I have previously named.

I believe this amendment is noncontroversial. It will save taxpayers money. I understand the administration has no objection to it, and I urge my colleagues to adopt it.

Mr. Chairman, the amendment I propose regards recordkeeping requirements. Simply put, my amendment will require all recordkeeping requirements to indicate how long records must be kept.

Section 3506(c) of the bill states what agencies must do to check the need and practical utility of a proposed collection of information by a Federal agency before the public is asked to maintain or provide information. What my amendment does is explicitly add the requirements that all recordkeeping requirements, which are elsewhere in the bill defined as a type of collection of information, contain how long the specified records are to be kept.

This is a commonsense step. Witnesses before the Small Business Committee have repeatedly recommended that the Paperwork Reduction Act be explicit on this point. Testimony on behalf of the Association of Records Managers and Administrators, a professional association specializing in the management of records, has suggested that this requirement will save taxpayers billions of dollars in wasted storage and maintenance costs. The failure to make clear how long records must be kept causes everyone to hold on to records way past their usefulness. This is particularly true of small businesses who often do not have the resources to hire accountants, lawyers, or professional managers to determine how long their records must be kept.

I believe H.R. 830 will reverse the erosion that has occurred in recent years. It will strengthen the small business community's ability to reduce unnecessary regulations.

Let me point to the strong support within the small business community for this legislation. This bill has a broad base of support from a Paperwork Reduction Act Coalition, which includes some 75 trade, professional, and citizen associations. Small business organizations such as National Federation of Independent Businesses, National Small Business United, the Small Business Legislative Counsel, the U.S. Chamber and the National Association of Manufacturers, who are members of the Coalition, have independently indicated they will highlight a vote for this bill as an important pro-small business vote.

I want to again commend the work of Chairman CLINGER on this legislation. I urge my colleagues to vote in support of H.R. 830.

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I want to commend the gentlewoman for this amendment. We have had a chance to review the amendment. I think it makes a valuable addition to the measure.

As the gentlewoman indicated, the administration has no objection and actually would support this. I know that the gentlewoman held hearings and this amendment was fashioned out of the hearings that were held on this matter. So we would be pleased to accept the amendment of the gentlewoman.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentlewoman yield?

Mrs. MEYERS of Kansas. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Mr. Chairman, the minority has reviewed the amendment. We have no objection, and we support the amendment. We think it is a good amendment.

The CHAIRMAN. Is there any further debate on the amendment?

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: On page 13, after line 9, add:

(6) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

On page 30, after line 16, add:

(4) Place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. SANDERS. Mr. Chairman, this amendment was brought up at the committee level. I believe it now has the support of the majority.

Mr. Chairman, my amendment is entirely consistent with the overall purpose of updating and revising the Paper Work Reduction Act. It is time for us to revisit and strike a new balance between the collection of vital information and the increased costs of doing business in the global marketplace.

At the same time, I think we need to focus the attention and the limited resources of OMB and other Federal agencies on reducing burdensome paperwork on those it is hurting the most—the smallest businesses that can least afford the time, personnel, and additional costs associated with meeting all of the Federal Government's regulatory and reporting requirements.

My amendment does just that. It requires the Director of the Office of Information and Regulatory Affairs within OMB to make it a priority to first consider the adverse effects on the smallest of small businesses—those employing 50 or fewer employees—when directing and overseeing efforts to cut Federal paperwork and information reporting. Currently, the Small Business Administration typically defines a small business as one that employs 500 or fewer employees.

This amendment also makes helping the smallest of small businesses a priority for voluntary pilot projects when OMB, other Federal agencies and non-Federal entities test alternative policies, practices, regulations, and procedures to reduce the Federal paperwork burden.

A few weeks ago I met with small business leaders from all across Vermont where most businesses have 10 or fewer employees. Repeatedly they expressed two overriding concerns: First, SBA and other Federal agencies don't appreciate the different problems and comparative risks confronting different-sized small businesses, and second, Uncle Sam does not pay his bills on time, thus making it very hard for small businesses with limited cashflow to sell goods and services to the Federal Government.

With this amendment and other provisions in this bill we can tackle both of these problems.

In conclusion, we live in a time when the Federal Government must learn to do more with less. Therefore, in setting out to cut Federal regulatory costs and paperwork for American businesses, we should first strive to help the truly vulnerable small enterprises who operate much closer to the margin and whose survival is always in greater jeopardy.

I urge my colleagues to support this amendment.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I am happy to yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, indeed, I would confirm what the gentleman from Vermont said. I think it is a good amendment. It did arise during our hearing, during the markup. We have worked with the gentleman on crafting the language, which I think now is a valuable addition. We are pleased to accept the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, I thank the chairman of the committee very much, and I thank his staff for their support as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY: At the end of the bill, add the following new section:

SEC. . SUNSET.

(a) REPEAL OF CHAPTER.—Chapter 35 of title 44, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of chapters at the beginning of title 44, United States Code, is amended by striking the item relating to chapter 35.

(c) EFFECTIVE DATE.—This section shall take effect 5 years after the date of the enactment of this Act.

Mrs. MALONEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY. Mr. Chairman, the Paperwork Reduction Act provides for permanent authorization for the Office of Information and Regulatory Affairs.

My amendment will place a limit on this authorization, by sunsetting the agency after 5 years. This should not be a controversial amendment. Both Democrats and Republicans support the intent of this legislation: to reduce the unnecessary paperwork for businesses, citizens, and government.

My amendment would force Congress to re-evaluate the Office of Information and Regulatory Affairs by a date certain. After 5 years, Congress could decide if it, too, is creating unnecessary paperwork. We should force the agency to prove to Congress and the American taxpayer that it is actually meeting its objective, and based on our conclusions, we could reauthorize it, or decide that the agency has completed its mission and is no longer needed.

Or decide that it is just another Federal bureaucracy in need of a mercy killing. This body should have the option to make those decisions. But if we give this agency a permanent authorization, we will make it more difficult to make those decisions.

And if proponents of term limits have their way, many of us may not be here to participate in those decisions.

If some of my colleagues support sunsetting a Member's elected service after 6 years, why wouldn't that person support sunsetting a Federal bureaucracy after 5 years?

Mr. Chairman, sunsetting this agency will also allow Congress to take into account new technologies developed over the next 5 years. Information technology is moving very quickly. It's impossible for us to anticipate the new means by which data will be collected and made available to the public.

Five years from now, the technology that we use today might be obsolete. It might even make paperwork obsolete. Consider how out-of-date technology from 1990 appears today.

In 1990, very few people had even heard of something like the Internet or America Online, so we must be flexible.

Mr. Chairman, just yesterday the Committee on Government Reform held a hearing on reinventing government—how to make it work better, smarter, and with less resources. We heard how hard it was to replace regulations and bureaucracies that have outlived their usefulness.

The administration received bipartisan praise for trying to get rid of the useless redtape. On the House floor, my colleagues on the other side of the aisle insist there is too much Government, and too many Government bureaucracies.

So I ask my colleagues, why create yet another Federal agency with a permanent authorization?

It just does not make sense.

I'll give you an example: In the coming weeks and months, my Republican colleagues may promote legislation to abolish enormous Federal agencies, like the Department of Education. They might win. They might lose. But either way, they are going to have a titanic battle on their hands.

All my amendment says is let us install a simple mechanism to make eliminating this new Federal agency much easier.

If my Republican colleagues truly believe in reducing the Federal bureaucracy, they should welcome this amendment with open arms. I urge my colleagues—on both sides of the aisle—to support it.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must rise in opposition to the amendment of the gentlewoman from New York. I think as a general proposition, Mr. Chairman, I do support limited authorizations, but I think for every rule there has to be an exception. I would submit that this is one of those times.

The Office of Information and Regulatory Affairs, as we are hearing during this debate, performs a very, very vital service. Beyond implementing the Paperwork Reduction Act, which is a primary part of its responsibility, they also are charged with bringing a degree of sanity to the rulemaking process of the Federal Government. Basically, it is the nerve center of the regulatory control process in the Federal Government.

Like its counterpart, the Office of Federal Procurement Policy, OIRA needs a permanent authorization, and I would say that when we had a hearing on this matter the director of OIRA testified in support of a permanent authorization for that agency. Those Members who support strong efforts to limit Government regulatory burdens I would suggest should vote no on this amendment.

I also oppose the amendment due to the fact that, really, there has been a lack of comity that the House has shown in reauthorizing this important agency. Since the authorization expired, and it expired in 1989. Until this year, 6 years, not a single hearing has been held on the reauthorization of OIRA.

During the last Congress our colleagues in the other body passed a Paperwork Reduction Act very similar to the one that we are dealing with here today, which was supported by each and every Member of the Senate. It was unanimously passed by the other body.

An identical bill was introduced in this House with over 120 bipartisan cosponsors of that measure, and the gentleman from Virginia [Mr. SISISKY] who was a prime cosponsor of that measure, and I tried to move that piece of legislation through the House, and not a single hearing was held on the matter.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I am happy to yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, if I understand the distinguished gentleman's statement in support of not sunsetting this, it is that the head of the agency involved here does not think the agency should have temporary authorization?

Mr. CLINGER. Reclaiming my time, Mr. Chairman, I recognize that the director of an agency would have a special interest, but I think she also does reflect why there is a need for a permanent authorization, because there needs to be some sort of continuity in the regulatory control process.

Mr. DOGGETT. Mr. Chairman, if the gentleman will yield further, I was just curious as to whether the gentleman had ever met a head of an agency or Government bureau anywhere that did not think it should be permanent.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for his comment, but I would say that the director of the agency also, I think, is entitled to have her opinion considered as to why it is necessary that she have that permanent authorization.

Mr. Chairman, if limited authorization means that the House can virtually ignore the subject of reauthorization, which I think is what we are dealing with here, then I must support permanent authority for this most important agency, and I would urge my colleagues to oppose this amendment.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I rise in support of the pending amendment.

Mr. Chairman, H.R. 830 carries the benign title of the Paperwork Reduction Act. In many respects, the legislation is crafted to achieve the important goal described by that title. It reauthorizes the paperwork review and approval activities of the Office of Information and Regulatory Affairs in the Office of Management and Budget. Furthermore, it amends the 1980 Paperwork Reduction Act in order to reduce further Federal paperwork requirements and enhance Federal information management. These are important goals, and have widespread support on both sides of the aisle. Taken alone, these measures could provide important relief from a frequently burdensome Federal paperwork requirement in both the public and private sector.

Unfortunately, these important measures are offered in tandem with provisions that amend the Paperwork Reduction Act's definition of "collection of information" to include "disclosure to third parties or the public" of information. This unreasonably expanded definition would have the practical result of overturning the 1990 Supreme Court Case Dole versus United Steelworkers of America, which prohibits the Office of Information and Regulatory Affairs from reviewing proposed Federal regulations requiring businesses to disclose certain information to parties other than the Government agency collecting the information. Under the definition of "collection of information" proposed in H.R. 830, the Office of Information and Regulatory Affairs would be allowed to review, and possibly reject, regulations that require businesses and Government agencies to disclose information to affected parties, including their own employees or the public.

This portion of the bill may indeed serve to reduce the amount of paperwork that a business or local government has to do. But it also has the potential to expose workers and the public to untold dangers. Indeed, as the Dole case vividly illustrates, such instances have occurred in the past. H.R. 830 is supposed to be aimed at eliminating unnecessary paperwork. Unfortunately, this provision will result in the elimination of paperwork that is very necessary to the protection of employees and the pubic.

Representative COLLINS has proposed an amendment that would strike provisions of the bill that extends the definition of the phrase "collection of information" to subsume requirements for third party disclosures. Because the Collins amendment thereby eliminates the unnecessary dangers posed by certain provisions of H.R. 830, it deserves strong bipartisan support. If the bill passes without this amendment, H.R. 830 will jeopardize workers and the American public. Countless individuals will not be informed about dangerous working conditions or the safety threats posed by a product should such warnings be deemed burdensome paperwork requirements by the OIRA. Therefore, I urge support for the Collins amendment..Without that amendment, this bill is no longer a good idea; it is a dangerous one.

Mr. DOGGETT. Mr. Chairman, I rise in support of the Paperwork Reduction Act. I think it is a good step forward, but I also rise in support of the gentlewoman's amendment.

Mr. Chairman, as I listen to the distinguished chairman argue against the amendment, I heard not one argument that was any different than that that comes from any government bureaucrat in his commitment or her commitment to the permanence of the Government agency.

There are some of us who think that just because a government bureaucrat thinks that a bureau should go on forever, that that is not reason enough. Certainly, the director's opinion should be considered. It ought to be considered when this agency comes up for sunset review to determine whether it should continue.

□ 1740

Just the fact that it is sunsetted does not mean that it is automatically abolished if it can make a good case for its continuation. It makes sense that when we have these new Government initiatives, whether they are good initiatives like this one or not so good initiatives, that we set up a process as the gentlewoman would do through her amendment to automatically review every one of these programs.

There are unintended consequences of the best-intentioned government program. It is just the nature of life that events change, that consequences that were never anticipated occur, and sunset is a way to ensure that we address these matters.

There are a couple of ways that we can handle this. The approach advanced, which is the traditional approach of this Congress against sunset, is that, "Well, we'll put the burden on the people that are against a new government program to come in and convince us to abolish it."

Under sunset, under the approach advocated by the gentlewoman, the approach shifts the burden where it should be. The burden to keep Government going forever ought to be on the people that want the Government, not the people that want less Government.

Under the sunset amendment that is advanced here today, we would shift the burden to where it rightfully belongs. Sunset will build into the process a scheduled time at which the Congress will review this program and determine if it sounds as good, then after we have seen it in practice, as it sounds today.

If the Government initiative fails, we will not be stuck with it forever, regardless of whichever bureaucrat is in charge of the agency thinks it is a good idea at that time or not. Sunset will compel this Congress to automatically review this program or it will expire.

I find it not a little bit ironic, Mr. Chairman, that the only sunset initiatives that have been advanced in this Congress have been rejected by those who are today celebrating that they have a contract for a less burdensome, less intrusive, and more limited Government. What on this 50th day of the Congress could be more consistent with that than the whole approach of sunset, that government bureaus ought not to last forever, that these new initiatives, no matter how well-intentioned, ought not to last forever and that we ought to put a fixed life after which they will be reviewed.

We think of Government on this side of the aisle as not being in permanent terms but being limited and that is what the sunset process is all about. That is what this amendment will accomplish.

I am all for reducing paperwork. Goodness knows, we have plenty of paperwork around here. The only thing that I know that has exceeded the paperwork has been the hyperbole and the rhetoric about all that was being done to get Government under control. Yet this most effective mechanism, the sunset mechanism, which we can now place on this Paperwork Reduction Act, would be the best way to apply it not only here but to set a precedent today in applying it to this act that every time we have new Government initiatives, every time we have new Government regulations, they will not go on forever, we will review them, we will concentrate on the laws we pass, not just on passing more laws.

I urge a vote for the Paperwork Reduction Act but to improve it with the Maloney amendment. I congratulate the gentlewoman on the excellent work that she has done on this amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Maloney amendment would place a 5-year authorization on OMB's Office of Information and Regulatory Affairs, or IRA, which is the key agency charged with implementing the regulatory reduction goals of the Contract With America. Not a single hearing has been held on reauthorization of IRA since its current authority expired in 1989. We are making sure it does continue. Even the Clinton administration supports permanent authority for IRA.

I appreciate the fine work of the gentlewoman from New York and what she has done in committee. But we need to ensure that the paperwork reduction reforms that we have here in this bill continue unimpeded.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. MALONEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 265, not voting 13, as follows:

[Roll No. 156]

AYES—156

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Rangel
Reed
Reynolds
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Yates

NOES—265

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett

Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Browder
Coburn
Collins (IL)
Ehlers
Fattah
Gonzalez
Kleczka
Meek
Payne (VA)
Radanovich
Rush
Stenholm
Waxman

□ 1801

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Radonovich against.

Mr. SHAYS changed his vote from "aye" to "no."

Mr. SCHUMER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I would like to do is engage in a colloquy with the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER.]

Mr. Chairman, I want to commend you for all of your fine work on H.R. 830, the Paperwork Reduction Act. Your leadership on this issue is much appreciated especially by those of us on the committee where you have listened to all of the amendments and discussions.

Mr. Chairman, again, to the chairman of the committee, we really are grateful for the courtesy extended to all of the members of the committee and the suggestions that he has responded to.

I would like to engage in a colloquy about one section of the bill that has been brought to my attention by some of my constituents, section 3506(d)(4). As you know, Mr. Chairman, this section of the bill would permit the Office of Management and Budget to waive the cost of dissemination rule regarding information dissemination to the public. I know that you share my belief that the Federal Government should not be in the business of profiting from its information resources and that the report language in H.R. 830 reflects your convictions in this regard and, further, Mr. Chairman, I know that you are committed to refining the language in this section in the conference committee.

The report language states very clearly that the user fee waiver provision exists in the bill only to provide some flexibility in the event of unforeseen rare instances where there is a compelling need for a user fee, a compelling need, and that compelling need, Mr. Chairman, is to be directly related to the information in question rather than to any fiscal motivation on the part of Federal agencies.

Is that your understanding of the provision, Mr. Chairman?

Mr. CLINGER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, the gentlewoman is absolutely correct.

Mrs. MORELLA. And also, in other words, Mr. Chairman, the committee is in no way authorizing the Office of Management and Budget to routinely permit the levying of broad user fees aimed at earning revenues for the Federal Government and, on the contrary, the committee has specifically stated in its report that the granting of waivers will be rare and that the authorized terms and conditions will narrowly circumscribe any waivers? Is that correct?

Mr. CLINGER. If the gentlewoman will yield further, that is absolutely correct. This is not a fundraising device. This is purely a very rare and probably exceptional kind of situation that might arise where an agency would be entitled to retain some of the funds, but it requires a very difficult procedure to get that approval and would be used in only exceptionally rare circumstances.

Mrs. MORELLA. I appreciate the gentleman stating this for the RECORD, and I know that you are committed to aggressively pursuing the intent of this bill with regard to this section and that the committee will act swiftly to curb any abuses of the provision.

I thank the gentleman very much for this very important clarification.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAPO: Page 48, strike line 24 and all that follows through line 8 on page 49, and insert the following:

"(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

Mr. CRAPO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. CRAPO. Mr. Chairman and Members of the House, we have heard a lot about the important need for the Paperwork Reduction Act in the legislation we are considering today. This amendment will give that legislation and that law some teeth to truly protect the private citizens in the United States.

Currently section 3512 of the act requires that before a regulation involving the collection of information can be effective that it must be submitted to the Office of Management and Budget and receive an OMB control number. When Congress enacted this legislation in 1981, it specifically included this public protection provision to prevent the unauthorized regulatory requirements from being imposed on the public. It was bipartisan legislation.

I would like to quote to you what its lead sponsors at that time said about it. Senator Danforth said if an information request goes out of Washington without being approved by the paperwork watchdog, the person who gets it does not have to answer it. Senator Chiles said a properly cleared form will have an Office of Management and Budget number in the right corner and if it is not there, it is going to be a bootleg form and everybody should be on notice that they can throw out that form, that they would not have to fill it out.

Mr. Chairman, the purpose of this amendment is to clarify that when an agency does not comply with the provisions of this act that its failure to comply is a complete defense to the enforcement of the regulations that violate the act.

The National Federation of Independent Businesses has been strongly in support of this approach. We would like to have inserted a private cause of action, but since that was not relevant to the germaneness of this bill, we have created a defense or a bar to action by the agency.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding, and would commend him on his effort. I think it does represent an improvement to the bill. It strengthens the bill. It recognizes that small business is particularly impacted by this overkill that we have on regulations and gives them some protection against this kind of activity.

So we are pleased to accept the amendment on behalf of the majority.

Mr. CRAPO. I thank the gentleman.

☐ 1810

Mr. CRAPO. I thank the gentleman for his comments.

Mr. PETERSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Minnesota.

Mr. PETERSON of Minnesota. I thank the gentleman for yielding.

Mr. Chairman, the minority has reviewed the amendment, and we have no objections.

Mr. CRAPO. I thank the gentleman. I appreciate that.

Mr. Chairman, if this amendment passes, then it will make it clear to the agencies, the regulators and the courts in this country, that we must start taking this act seriously.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NEY) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 830) to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, pursuant to House Resolution 91, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, answered "present" 6, not voting 11, as follows:

[Roll No 157]

AYES—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—6

Becerra
Coleman
Owens
Roybal-Allard
Velazquez
Watt (NC)

NOT VOTING—11

Browder
Collins (IL)
Ehlers
Fattah
Gonzalez
Meek
Rush
Stenholm
Volkmer
Watts (OK)
Waxman

☐ 1833

Ms. ROYBAL-ALLARD, Mr. WATT of North Carolina, and Ms. VELÁZQUEZ changed their vote from "aye" to "present."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I inadvertently missed a vote on the Paperwork Reduction Act. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during yesterday's rollcall votes 156 and 157 on H.R. 830, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BROWDER. Mr. Speaker, I was called away from the House floor on Wednesday, February 22, 1995, due to an emergency in my family and missed several votes.

Had I been present I would have voted "no" on rollcall 152, "no" on rollcall 153, "yes" on rollcall 154, "no" on rollcall 155, "no" on rollcall 156, and "yes" on rollcall 157.

GENERAL LEAVE; AUTHORIZATION FOR THE CLERK TO MAKE CHANGES IN ENGROSSMENT OF H.R. 830

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 830 and that the Clerk be allowed to make conforming and technical changes.

The SPEAKER pro tempore [Mr. NEY]. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND SUBCOMMITTEES TO SIT TOMORROW, THURSDAY, FEBRUARY 23, 1995, DURING 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on National Security; Committee on Resources; Committee on Transportation and Infrastructure; and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

Mr. FIELDS of Louisiana. Mr. Speaker, reserving the right to object, and I will not object, we have consulted with the Members on our side of the aisle on the committees that the gentleman just mentioned, and we have no objection to the unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for carrying on the comity of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SOLOMON]?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2

Mr. KIM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Joint Resolution 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REVISED DEFERRAL AND REVISED RESCISSION PROPOSALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–40)

The SPEAKER pro tempore. laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed.

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral, totaling $7.3 million, and two revised rescission proposals, totaling $106.7 million.

The revised deferral affects the Department of Health and Human Services. The revised rescission proposals affect the Department of Education and the Environmental Protection Agency.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 22, 1995.*

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to the provisions of section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Chair, without objection, appoints to the Commission on Security and Cooperation in Europe the following Members of the House: Mr. PORTER of Illinois; Mr. WOLF of Virginia; Mr. FUNDERBURK of North Carolina; Mr. SALMON of Arizona; Mr. HOYER of Maryland; Mr. MARKEY of Massachusetts; Mr. RICHARDSON of New Mexico; and Mr. CARDIN of Maryland.

There was no objection.

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Pursuant to the provisions of 22 U.S.C. 1928a, the chair, without objection, appoints to the United States Group of the North Atlantic Assembly the following Members of the House: Mr. ROSE of North Carolina; Mr. HAMILTON of Indiana; Mr. COLEMAN of Texas; and Mr. RUSH of Illinois.

There was no objection.

□ 1840

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. LEWIS] is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, today marks the midway point in NEWT GINGRICH's Contract With America. It is an extremist document which sets back the clock. It is a contract which rewards the wealthy at the expense of our children, our senior citizens, the poor and hard working class Americans. Let's look back over the past 50 days and review what this band of extremists has done.

The new majority has reduced the number of police that were to patrol our city streets through their crime bill—this is their Contract With America. They have proposed denying food to hungry school children through elimination of the School Lunch Program—this is their Contract With America. The Republican majority has passed a bill which will make it more difficult to protect our air and keep our water clean. They would cut nutrition programs for our senior citizens—these, too, are the Contract With America. The Republicans seek to gut the Corporation for Public Broadcasting which through its PBS stations provides educational television for us and our children—this is the Contract With America. And the Republicans have vowed "to fight with all their being" a small increase in the minimum wage, a wage which provides those who receive it a living standard 30% below the poverty level—alas, this also is the Contract With America.

And the new, extreme, Republicans have done all this while advocating tax cuts for the top 1% of Americans. This, my friends, all of this, is their Contract With America.

Of course, not everything they have done these 50 days has been bad. The Congress did pass the Congressional Accountability Act which makes the Congress live by the same Labor and Civil Rights laws as those in the private sector. Of course, the last Congress, the Democratic Congress, passed the same bill with more than 400 votes.

Mr. Speaker, if these are the accomplishments of the Republican Congress, if this is what they've done to us in the first 50 days, imagine what they'll do to us in the next 50 days and in the next two years.

We need a government that is leaner, not a government that is meaner. We need a federal government that is less bureaucratic, not one that is less compassionate.

NEWT GINGRICH and his Republican colleagues have gone too far. In their rush to the right, they have forgotten not just those on the left, but those in the middle. The vast majority of Americans not only want our government to be smaller, they want it to work better. They want a government that protects our children and looks out for our senior citizens. They want to insure that the air we breath and the water we drink are pure and clean. They want their neighborhoods to be safe and their kids to be able to go to college. They want to earn a decent wage and be able to save a little money at the end of each month. All of these things, Mr. Speaker, all of these are what the American people want. The Republican Contract With America does none of them.

The American people deserve better than this extreme Contract With America. And the time has come that we not just pray and we not just speak. The time has come for action. I did not sign this contract. The American people did not sign this contract. The time for action is now.

CONTRACT WITH AMERICA NOT FOR MIDDLE-CLASS FAMILIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, if the Contract With America was a song, it would be "50 Ways to Leave the Middle Class." How is it possible that we have been in session 50 days, we have cast 150 votes, yet we have not passed one single amendment, not one, that addresses jobs, incomes, health, education, job training? You cannot send your kid to school on an unfunded mandate, Mr. Speaker.

On the issues more important to working middle class families, this contract has been silent for 50 days. And you know what, it is going to be silent for the next 50 days as well.

Instead, Republicans have voted to pull 100,000 police officers off the beat. They have said no to protecting Social Security, and they have said yes to Star Wars, a $50 billion project, and on top of that, they want to balance the budget. But yet, what do they do? They go and vote for renewing Star Wars at a $50 billion price tag. And, of course, today we saw in the supplemental, they busted the budget by voting for that. They said no to many things that are necessary for middle income people.

Now we read that in the next 50 days, they intend to cut the student lunch program.

Mr. Speaker, you cannot renew American civilization by making kids in America go hungry. Republicans may be in a rush to ditto every single bill, but in this rush to extremism, the Gingrich revolution is leaving the values of working families behind in this country.

We will meet them, as we discuss these issues that are important to working families over the next 50 days, and they will know and the American people will know that when it comes to education and health care and jobs and income and job training, the Democrats are fighting for them.

We will be on the side of working people in this country.

THE 104TH CONGRESS DELIVERS THE LEGISLATION AMERICA HAS WANTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I do agree with the previous speakers that now is the time for action, and that is exactly what we have been doing. I heard a previous speaker tell us that this Contract With America was a rush to extremism, I don't understand that, and a rush away from the middle class. I don't understand that.

When we look at poll after poll, survey after survey, everybody out there is agreeing on the very concepts that we are bringing to the floor these first 50 days.

We have pushed through a balanced budget amendment that the middle class wanted. We have pushed through a line-item veto. We have pushed through a National Security Revitalization Act. We have pushed through unfunded mandate reform. We have pushed through congressional reform.

Everybody—the vast majority of Americans—have been begging for this for years, and it has been the Democratic-controlled Congress that has been denying Americans from coast-to-coast the type of legislation that they have been wanting. We have been delivering it for the first 50 days, and for anybody to stand up here and say that it is a rush to extremism ignores political reality in this country.

It has been a rush to the middle class, a rush back to the values that Americans have been begging for in their leadership, a rush back to the type of principles that Americans have been begging for.

Just imagine it, in 50 days we now have a Congress that has to abide by the same laws that they make all of American abide by. Just imagine, in the first 50 days, we now have a balanced budget amendment that has been passed from this House that requires the Federal Government to abide by the same laws that Americans have to abide by in writing their checks.

We cannot spend more money than we take in, according to our balanced budget amendment. What is so extreme about that? What is so extreme about cutting committee staff by one-third? What is so extreme about cutting congressional staff from 21 down to 16? There is nothing extreme about it.

This is what America has demanded. This is what America has asked for. This is what liberals have denied America from so long, and this is what we are delivering on. There is nothing extreme about the Contract With America, or this legislation that has been passed.

For all those pollsters and pundits and political experts out there that are trying to figure out why there was a conservative landslide on November 8, all you have to do is look at the leadership on the other side of the aisle and listen to what they have been talking about, saying that these measures are extremism. Come on, who are they fooling?

They are saying that they have nothing to do with jobs or income or health. Who do they think they are fooling? Anybody knows that when you cut regulations, when you put the type of regulatory reform on the table that we have put on the table, you are going to save jobs. You are going to create jobs. You are going to take the handcuffs off of small business men and women across this country, and allow them to create jobs.

When you pass a taxpayer protection plan that we passed the first day of Congress, that requires this body to pass new tax increases by a three-fifths vote in the 104th Congress, you are saving jobs and you are saving income from a middle class and a lower class and a higher class that was not protected from the free-spending liberals for so long.

Mr. Speaker, when you pass the type of health care reform that we passed last night, where you are allowing citizens to deduct 25 percent of their health care insurance bills, like we did last night, you are protecting Americans. You are bringing things back to the table, back to Congress, that actually make a difference.

To say that this is a rush to extremism, or to say that this is NEWT GINGRICH's radical Contract With America, simply is not true, and denies reality in this country. This is not a rush to extremism, this is a recognition of what America has so sorely needed for 40 years. We have had real leadership, we have had real change, and we have a real reason to tell America that Congress again works.

If we were so off the beaten path, if we were being so radical, then why would the country's approval rating of Congress storm up from 18 percent to almost 50 percent today, on the 50th day? The reason why is obvious, because we are doing what Americans have elected us to do. We are making a difference.

This is not about ideology, it is about what works, and just wait for the second 50 days. You ain't seen nothing yet.

REMOVAL OF NAME OF MEMBER FROM H.R. 867

Mrs. MALONEY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 867.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York.

There was no objection.

220 MEMBERS OF THE MAJORITY PARTY VOTED TO DENY AMERICANS CONTINUATION OF HEALTH INSURANCE COVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. TAYLOR] is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I happened to hear the comments of the gentleman before me, about all the things that the new Republican majority has done for the people of America. Last night they had an opportunity to do one of the greatest things they could have done for the people of America, and they did not.

They did not give the people of America the same protection that every Member of Congress has, should we decided to leave Congress, or should the voters decide for us that we should leave.

Mr. Speaker, if a Member of Congress wishes to leave or gets fired by the American people, he can buy back into the House insurance by paying the full cost of the premium. Unfortunately for most Americans, if they lose their job, for whatever reason, should the plant close, or should the plant just downscale and they lose their job, they cannot buy insurance. They are protected for about 18 months, but then they are on their own.

Even worse than that, Mr. Speaker, if in the course of normal business a person should just develop or a family member should develop cancer, leukemia, or any other horrible disease, they are then locked to their job for life, because when they go to apply to a new employer for a better job, that employer is going to find out that they have cancer, they have leukemia, or a family member has it, and they will either be told they cannot take the job, or they cannot get insurance at any price.

Mr. Speaker, last night this body, this Contract With America, had the opportunity to change that for 4 million American people; nothing special, just give them the same breaks that you and I have, Mr. Speaker, you and I who have families, you and I who have kids that can get sick.

The same good deal for a Congressman ought to be a good deal for the rest of the people of America, but it was not included in the Contract With America. We did not even give 4 million people the opportunity to just buy their own insurance policy through their former employer. That is wrong.

So for all the talk of accountability, for all the talk of putting people first, the bottom line is that only 4 Members of the majority party voted for the motion to recommit, but 222 of the majority party thumbed their noses at the people of America.

I would really like to hear of any Member of this body on either side of the aisle explain why it is OK for them to have permanent coverage under health insurance, to be able to buy into this policy, pay 100 percent of the cost when you leave, but it is not OK for the people we represent to have that same privilege.

Last night, 220 Members of the majority party, almost all of them, said that is not right, they would not do it. That is not fair, that is not accountable, and that is not putting Congress under the same laws as the American people.

This is going to be a long session. We should be here at least until Thanksgiving. I want to encourage especially the newer Members of the majority party, who are most likely to want to change things, to take a second look at this. Let us try to be as fair to the American people as Congress is to itself.

ACCOMPLISHMENTS OF THE 104TH CONGRESS, 50 DAYS INTO THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, what a day it was today. Fifty days into the session, and we have had much to rejoice about and celebrate about. Today we had a news conference and talked about some of the things we have accomplished. Today America faces a brighter future because of what we have done in the first 50 days.

We have passed the balanced budget amendment, and not only does that make sense for us as we live our lives out today, but it also makes sense for my children and my grandchildren, who I do not even know yet, because they have not been born, but I know that we are not going to pass on a debt to them.

We are going to keep our spending in line. We are on a plan to balance the budget by the year 2002.

☐ 1900

It is a good plan, we are holding to it, and we are doing it because it is important to the people of America. That is why we face a brighter future.

We are also regaining trust in America, because we have changed Congress. We have changed the way we are doing business here in Washington.

On opening day, we required Congress to live under the same laws as the rest of America does. We limited committee chairmanships, we eliminated proxy voting, we in fact changed the way business is done. It is something that has been called for for a long time. And we finally accomplished that in the first 50 days.

We are also now more accountable as a Federal Government than we were 50 days ago. We passed unfunded mandate reform that makes Congress accountable for the actions. When we impose unfunded mandates, we are going to try and eliminate that because we know what they will cost now and we will understand what we are passing on to local governments.

I think it is very evident that Congress is listening more now than it did 50 days ago. We have a crime package that addresses the real true problem. We are not doing midnight basketball, we are not having dance lessons for Federal inmates. What we are doing is block grants to local communities, because they are the ones that can determine best how to spend their money. Do they need new computer systems? Do they need new troopers, new cars for troopers? Do they need to pay overtime for their current police force? We are giving them the authority and the ability to do that because just saying you are going to get 100,000 policemen and then not fully funding it does not get 100,000 policemen. Right here in DC, in the District of Columbia, they have a problem because they are bankrupt according to a GAO report. How can they match with Federal funds to get more police on the street? It does not make sense.

That is why the crime package that was passed by this Congress is more sensitive to what the real true needs are in America.

We are restoring common sense to Washington. It was very evident in our National Security Revitalization Act. Right now we have made it harder for the President to put U.S. troops under U.N. control. We have had terrible instances of abuse, where miscommunication has cost the lives of American troops overseas and we are going to stop that. We are going to do only our fair share of funding with the U.N. Those are important issues that people in the Fourth District of Kansas have called out for time and time again.

Those were the first 50 days, we have accomplished that and more. Now we are looking forward to the next 50 days. Welfare reform, regulatory and legal reform, our first ever vote on term limits, family tax relief, economic growth tax measures. We have a lot to do.

How are we going to get it done? Well, it is going to require, just like out in America, individual support, individual effort, teamwork, team support, and also the support of the public.

As a Member of the freshman class, I have joined with us and we have formed a group called the New Federalists. The New Federalists believe in limited government. Our goal is to make a smaller, more economical, more friendly government for the people of this Nation. We have developed four teams and those four teams are in the process of trying to eliminate four government agencies. It is not because we dislike bureaucrats or we think that there are some things that should just be totally eliminated. We are trying to find those parts of government which are effective. And we are going to keep those on board. We may put them in different compartments, but to remove the duplication and bureaucracy is a very important issue and a very important message and a very important task.

The four teams are to eliminate the Department of Education, the Department of Commerce, the Department of Housing and Urban Development, and the Department of Energy. I am heading up the task force to do away with the Department of Energy. We have found out in looking through what has been going on through the DOE that it is really a gas guzzler.

They had been first started because we had a problem with allocations. The government put allocation and cost controls on our private sector. That led to shortages, or in part helped shortages. That created a crisis. The typical beltway mentality was to develop a bureaucracy to solve this crisis that was actually initiated by a bureaucracy. Well, that beltway solution did not work.

In the early 1980's we eliminated the controls, we eliminated the allocation controls, and we in fact removed the crisis. So now it is time to turn the lights out on the Department of Energy. In looking at the Department of Energy, it has reinvented itself so that it can continue as a bureaucracy. Sixty percent of what it does now is a bomb factory and should be in the DOD. Only 20 percent is related to energy issues. There have been widespread contracting abuses that have been uncovered by the GAO. We have one instance in which the security guards at a laboratory in New Mexico are being paid overtime while they exercise in the gymnasium.

Now, most people in America think it is important to be fit and a lot of them work out in gymnasiums but none of them that I know except for these guards get paid overtime to do this. I think this is a travesty and those types of abuses need to be uncovered and they need to be stopped.

But once you start a bureaucracy, it is very difficult to get rid of. So this task force has seven other Congressmen on it. We are going through the different parts of the DOE. We have made assignments, we are making assignments to go and uncover the parts of the bureaucracy that do not work effectively and eliminate them. We are incorporating help from past secretaries. We have former Secretary Don Hodel who has been helping us. We are joining together with upper classmen in Congress to do away with this agency.

There is a new Congress in town. We have a new voice. The first 50 days have proved it. We have made this Government more responsive to the American people. We have made our workings here on the Hill more efficient. We have downsized our staffs and we are doing what I think the American people told us.

In this one respect, we are trading in the gas guzzler of the Department of Energy for a more efficient government.

RECOGNIZING NATIONAL ENGINEERS WEEK

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, I rise before the House floor today to recognize National Engineers Week which is celebrated from February 19 through the 25th. Engineers are hardworking people and honest, professional, but for some reason an engineer is known as low-key, shy, never seeking credit for what they have done. I know them pretty well because I am an engineer myself.

During National Engineers Week, engineers finally decide to go public, to increase recognition of the contributions that engineering technology makes to the quality of our lives.

What many people do not know is that engineering is our Nation's second largest profession. According to the Bureau of Labor Statistics, there are more than 1.8 million engineers in the United States.

National Engineers Week is also celebrated at the time of George Washington's birthday. Many people do not know, but George Washington was also an engineer himself. He was a civil engineer, as a matter of fact. Also he was a land surveyor. And he was considered our Nation's first engineer.

As President, Washington led a growing society toward technical advancements, invention and education. He promoted the construction of roads, canals, docks and ports, and development of manufacturing resources.

As a matter of fact, Mr. Washington led the cornerstone of the construction of this Capitol Hill building right here, the United States Capitol building.

There is no question that America has the best highway system, best water system, best sewer system, best airports, and the best electrical system.

National Engineers Week has been celebrated annually since 1951. It is sponsored by the National Engineers Week Committee, a coalition of 64 engineering societies, corporations and government agencies. This year, the event is being chaired by the American Institute of Chemical Engineers and the Fluor Corp.

In addition, the national finals of the National Engineers Week Future City Competition are held during National Engineers Week.

The competition features seven teams of seventh and eighth grade students presenting their designs, their imagination for cities of the 21st century, using computer simulations and scale models. The teams were selected in regional competitions around the Nation.

I must say that I have personally found engineering to be an intellectually challenging and professionally fulfilling career.

Mr. Speaker, I salute all engineers nationwide who have contributed their ingenuity and their ideas that has made America the best place to live.

EFFECTIVE CHILD SUPPORT ENFORCEMENT: ADMINISTRATIVE LIENS AND FULL FAITH AND CREDIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, tomorrow I will introduce legislation that will greatly improve our country's approach to child support enforcement, by allowing for the placement of administrative liens on real property between States.

Currently, a parent responsible for supporting dependent children may flee one State for another. While the law allows for the attachment of wages, it does nothing to allow a custodial parent to place a lien on real property. Thus, a parent can avoid paying support payments simply by keeping his or her wealth tied up in real estate, fancy cars, boats, and the like.

Under current law, the only solution would be for a custodial parent to travel to the other State to place a lien. This is not a realistic solution for most custodial parents.

Imposing liens on the properties of delinquent parents can be a highly effective means of forcing payment of child support. States already allow the use of liens within their own States, but few States coordinate this process between States.

My bill would establish full faith and credit for liens imposed in other States.

For example, my home State of Massachusetts currently has this arrangement with neighboring Vermont. If a delinquent parent flees to Vermont from Massachusetts, Vermont will enforce the Massachusetts lien on real property in Vermont, without forcing the custodial parent to travel to Vermont to fight a legal fight there.

If every State had this type of agreement, delinquent parents would have no place in the United States to run.

They would be unable to hide their wealth in expensive cars, boats or real estate while neglecting their children and asking the taxpayers to pick up the support payments.

Massachusetts has been using administrative liens since 1992. Since then, 90,000 liens have been placed, with $13 million collected in past due support.

The Massachusetts Child Support Enforcement Division estimates that about one third of delinquent parents own property eligible for a lien.

The booklet, with the 10 most wanted list of child support enforcement reforms, can serve for a model for child support enforcement efforts.

I urge my colleagues to support this legislation to allow the placement of administrative liens for the enforcement of child support payments. This is only one step to increase child support payments.

Unpaid child support payments amount to $34 billion or more. Many children denied these legally owed payments turn to the taxpayers for support. We need this type of common sense reform in overhauling our welfare system, and forcing delinquent parents to support their children.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 60 minutes as the designee of the majority leader.

THE "DO SOMETHING" REPUBLICAN MAJORITY

Mr. HAYWORTH. Mr. Speaker, it is an honor to stand here in the well of the Congress of the United States in the People's House and to have my good friend from Ohio chair and to look around and take stock, Mr. Speaker, of what has transpired in these first 50 days of the 104th Congress.

History reminds us that the last time the Republicans held the majority of the seats in this Chamber, a President of the other party, President Truman, called that Republican-controlled Congress the "Do Nothing" Congress. And yet, as we take a look today in terms of more recent history, that description defies reality with reference to the 104th Congress.

As they might say in sports parlance, look it up. We have bothered to check the numbers and it is very interesting to take a look at this new Congress, this 104th Congress, and the flurry of activity that has transpired, simply in terms of numbers. For example, Mr. Speaker, the number of hours in session, heading into day 50 of this new 104th Congress, 236 hours in session, doing the people's business in the people's House.

Now we also compiled numbers over the previous 12 years, in the 97th Congress all through the 103d Congress, to really try to assess how the guardians of the old order were involved in business as usual.

Here is what we found. The number of hours in session through the first 50 days for the previous 12 years, just a little better than 41. Compare this work of the 104th Congress. The number of votes on the House floor heading into this 50th day, in our new Congress, already 145 votes on this floor, in the People's House, about the people's business.

During the previous 12 years, the average number of votes, just a little better than 14.

The number of committee sessions in this new republican Congress, heading into this 50th day, 313. The previous average over 12 years, 121.

But more than quantity, Mr. Speaker, it is quality of work, work that is being done by this Congress, because people come into this Chamber not to score debating points, not to take a vacation at taxpayers' expense, but to be about the work of this Congress and to honor the commitment of the voters of our respective districts.

It has been chronicled before but it bears repeating because it is important to take stock of what has transpired. And, ladies and gentlemen, the days of business as usual and the days of almost suffocating, stultifying one-party rule are over in this body. Free and open debate on a variety of subjects, and a very fundamental change in the way this House does business.

Some on the other side, in previous speeches in this well tonight, have decried extremism. Well, this is a revolution, but it is not a radical revolution. Instead, it is a reasonable revolution. The notion that may seem radical to guardians of the old order is what is reasonably expected by the bulk of Americans, this simple notion that Congress people live under the laws that everyone else lives under. The Shays Act incorporated into our House rules in this 104th Congress, and then a notion that this legislative branch should lead by example. We have done so, cutting committee staffs by one-third, calling for an independent audit of this body to understand where the people's money has gone, to make sure that the people's money has been used for the people's business.

Working in so many ways with the adoption of new rules to really be involved in the House cleaning, to open the windows of this institution and allow for open debate and a dialog and a new partnership with the American people.

So much has transpired, from a balanced budget amendment to a line-item veto to a meaningful crime control package, to eliminate the notion of hug-a-thug, to get away from the concept that we would do things to make us feel good but really not influence what transpires in the cities and counties and towns of America, making a difference. That is what these first 50 days have been about.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. HAYWORTH. I am glad to yield to my good friend from Georgia.

Mr. KINGSTON. I thank the gentleman very much for yielding. Let me tell you one of the things I have learned during my tenure in politics. I think it is important. This is not just patting each other on the back, but it is a different way of thinking, because I was in the State legislature and have lots of friends who are in elected office, and it is generally the accepted rule that you run for office, you pass out a brochure that says how tough you are going to be on crime, how strict you are going to be on welfare, how tight you are going to be about the people's money. As soon as you get elected, you put the brochure on the shelf and do not worry about it. You basically handle an agenda already in progress, many items set by special interest groups.

So I think what is so different, you were talking about the Republican Congress during Truman's days and here we have a Speaker who has an agenda that was introduced on the steps of the Capitol to the American people in September, before the election of the new majority party and the freshman class, which you two are Members of, and he goes around with this thing and pulls it out of his pocket and punches holes in it. That is a revolutionary concept.

When the Speaker of the House is saying to all of the Members, particularly the Members of the majority party, he means to stand by his promises, that is a very clear signal to the rank and file membership, completely different. I have not forgotten my brochure, the boss is the folks back home. Here is my brochure, I carry it with me. I am going to be accountable to these promises, passing or not passing them, I will be accountable, and he pulls it out on a regular basis to the American people.

Mr. JONES. If the gentleman will yield, I thank the gentleman from Georgia and the gentleman from Arizona. I would just like to add to the statement by the gentleman from

Georgia that each time I go home to my district, and as you know, I am from the Third District of North Carolina, I spend a great deal of the time walking in the malls stopping people to say I am your Congressman, WALTER JONES, Jr. I would like to know what you think about this Congress.

□ 1920

And to add to what you have said and the gentleman from Georgia, I cannot adequately express to you the encouragement that I receive from the people as we are helping to rebuild the public's trust. The public has lost faith in the Congress, but finally,because of what has been said by you two gentlemen tonight, they are seeing that a campaign promise is being kept, and they believe that with the help of God that we will change the direction of this Nation in which the majority of people in my district at least in North Carolina think that the liberals have taken this Nation down the wrong road for too long. So it is an exciting time and a great time and a great change for America.

Mr. HAYWORTH. Following up on that, I think the gentleman's experience is indicative of what has transpired nationally, because the gentleman from North Carolina has the great name, WALTER JONES. He has worked very, very hard, and he had a gentleman precede him in this body of another persuasion and another party, and I think it is very, very interesting to see the change that has come about with our friends on the other side of the aisle with many folks joining the Republican Party, as was your personal experience. I also know the gentleman from North Carolina, you have been working very hard in terms of keeping our promises and our commitments to the men and women in uniform and certainly the Third District of North Carolina that is very important with a number of military bases.

Could you tell us about the actions under the contracts?

Mr. JONES. Absolutely.

Mr. BARRETT of Wisconsin. Will the gentleman yield? Will there be a possibility at some point that you will yield?

Mr. HAYWORTH. Yes.

Mr. BARRETT of Wisconsin. Thank you very much. I appreciate the courtesy.

Mr. KINGSTON. My jogging buddy from the Northeast who has to come to Washington for warm weather these days, we will yield.

Mr. BARRETT of Wisconsin. Whatever time you have, I would like to address some of the comments. I certainly will stick around.

Mr. JONES. Let me tackle this, because so many good things have happened with the contract. Having three military bases in my district, Cherry Point Marine Air Station, Premier Air Station from the Marine Corps, Camp Lejeune in Jacksonville, well known for the great service they have rendered to our Nation, and Seymour Johnson Air Force Base. We passing the National Security Revitalization Act, what we are doing is what the military needs done is to get support from the United States Congress and this Government, and with the passage of that act, H.R. 7, what we have done, just three or four points, I want to make this quick, first, demands that U.S. troops be commanded by U.S. commanders and not placed under foreign commanders; second, reduce the cost to the United States of United Nations peacekeeping missions and demands that the United States mission to the U.N. press for reforms in the notorious U.N. management practices; tightens controls and reporting requirements for sharing of U.S. intelligence information with the United Nations; and expresses the sense of Congress that firewalls be restored between defense and discretionary domestic spending for budget years 1996, 1997, and 1998.

And very quickly, the gentleman from Arizona and the gentleman from Georgia, let me show you, last August during the campaign, the Cherry Point pilots for about 5 weeks, the fighter pilots that are there to defend our Nation and to fight for us overseas, could not train because of the moneys that had been spent on these overseas projects by this liberal administration, in Haiti and elsewhere.

So we are trying to restore the integrity of the defense budget so that our men and women will be ready to defend this Nation.

Mr. HAYWORTH. I thank the gentleman from North Carolina. The gentleman from Georgia.

Mr. KINGSTON. The gentleman from Arizona controls the time. We do want to yield to the gentleman. We do want to make one point from the gentleman from North Carolina [Mr. JONES].

I represent the 24th Infantry. I had the great honor of doing that. We hope they can keep their name, the 24th Infantry Division, instead of being rolled into the Third. One of the things that the men and women in the ranks, the fighting men and women, the ones who delivered the victory in Desert Storm, are always concerned about is they do not want to go overseas and fight for a U.N. general. They are ready to fight. They are ready to do everything they can for the United States Government. They do not want a French military commander telling them to go up and take the hill.

I do not think that is too much to ask. That is a very important point which is what we have done.

Mr. HAYWORTH. I will be happy to hear from our good friend from Wisconsin whom I have seen in the hall and I guess the gentleman from Georgia needs to jog with. My goodness, I need a chance to go out and jog with the gentleman from Wisconsin. We welcome him to the dialog.

Mr. BARRETT of Wisconsin. You are welcome to join us on our jogging. The gentleman from North Carolina, too.

I hope I am not raining on your parade. I was sitting in my office listening to your very compelling discussion of the first 50 days, and I felt compelled to come over.

Mr. HAYWORTH. We welcome you here to engage in the dialog.

Mr. BARRETT of Wisconsin. My reaction was, again, I certainly agree with your comments that this has been a very busy first 50 days. It certainly, in terms of committee meetings, in terms of votes taken, in terms of time spent on the floor, is far busier than it was 2 years ago when I was a freshman in Congress.

As I was listening to you talk, it reminded me of the three little pigs. That is no reflection on the three of you, but in particular, in all seriousness, one character in particular, I have a 2-year-old son, and so we asked him what the wolf says. The wolf says, as my 2-year-old son says, "I will huff and I will puff and I will blow your house in," which is not that dissimilar to what many of the new Members said when they were elected to Congress this fall.

But the point I want to make is even though we have been very, very busy, the first 50 days, I certainly do not mind being busy, I think what the American people want, and I think all of us would agree to this, the American people want action. They want us to complete things, and it is smart to talk about all the time we spent here.

But I think if you look at what we finally accomplished in the first 50 days, we have passed and signed into law the grand total of one bill. So I think we have to keep things in perspective.

Mr. HAYWORTH. Reclaiming my time, the gentleman from Wisconsin, let me yield then to the gentleman from Georgia.

Mr. KINGSTON. I want to also ask if your children are familiar with the story about the fox and the grapes, saying the grapes are sour, and I would say there might be an instruction in that one, too.

As you know, this is a body that has to have action in the House and action in the Senate and then action by the President, who today held a news conference denouncing much of the contract.

And, you know, we are hoping, as you know, that the bipartisan spirit that passed the bill that put Congress under the same laws as the American people and that passed the balanced budget amendment and that passed the national security bill that the gentleman from North Carolina [Mr. JONES] talked about, and the unfunded mandates bill, we hope that that bipartisan spirit goes on in the next body, and then the President has the great unique opportunity to say, "You know, some of this I can live with." And we hope that does happen.

Mr. HAYWORTH. I think it is a valid point. I will yield to the gentleman from North Carolina in just a second.

But again to follow up on what our friend from across the aisle has come down to talk about tonight, in dealing with fairy tales, it is no fairy tale, as the gentleman from Georgia points out, there are different instruments of government with different jobs, and I am sure certainly not in the position of pretending to lecture the gentleman from Wisconsin, but the fact is the other body is hard at work given its special set of rules, given its special set of priorities and, of course, as the gentleman from Georgia mentions, there is another gentleman ensconced at the other end of Pennsylvania Ave., our Chief Executive, who has a chance to sing into law the different provisions, and we welcome the involvement of the other body and of the Chief Executive.

But what we have been doing is fulfilling the promises we made to the American public and working very hard to do so, and to use a line almost Shakespearean in its resonance, it certainly is not, as some might suggest, much ado about nothing. We are very hard at work.

The gentleman from North Carolina.

Mr. JONES. If I may very briefly and quickly thank the gentleman from Arizona for yielding, I would like to remind the gentleman from Wisconsin that our Contract with America came from extensive national polling of the people to find out their many concerns and to find out their 10 top concerns. And what we have done is that we cannot speak for the Senate, but we promised the American people that we would get these 10 bills to the floor for a vote, and we are accomplishing that promise to the American people. So we are keeping our promise.

We cannot promise what the Senate will do. Hopefully I believe that the Senate will follow suit on most of these bills.

Mr. BARRETT of Wisconsin. If the gentleman will yield further, I recognize and agree with you, all three of you. I think it is important that we have a bipartisan spirit. I think it is important that we recognize the Senate plays a role, I think an increasingly important role, as many of the bills have left our Chamber and will go there and go to the President.

My point is I think it is important as we discuss the accomplishments, as Paul Harvey would say, let us tell the rest of the story. I think in this case the rest of the story is we have had one bill that passed I think it is an excellent bill. I was a cosponsor for the congressional accountability bill when I was first elected to Congress 2 years ago, and I was proud to be an original cosponsor this year. It is a good bill, a bill overdue. My only concern with it, and we have talked about it before, we did not have the language in there banning the use of frequent fliers. Perhaps we will get an opportunity to deal with that issue as well.

☐ 1930

But again you are having a fine discussion, and I wanted to stop by and say hello.

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman.

I think the important thing is I know that you have been with us on many of these votes, and we appreciate your joining us tonight. The thing to also remember, though, the balanced budget amendment does not even have to have President Clinton's signature. He is against it, which is fortunate. But what it does need to have—I am not sure what the count is right now, I think it is two Democratic Senators who have not voted. So I hope the people from Wisconsin, Arizona, Georgia, and North Carolina and anywhere else in between who are listening tonight, will pick up their phone and call their Democratic Senators and say, "Pass that balanced budget amendment. Run your household in Washington or our country the way we have to have our households in America." I think it is a good point.

The Democratic Party in the Senate is just bogging down the balanced budget. Let us get it passed. Let us get on to other things.

Also, on things that we do not need Senate approval, for example, cutting committee staff by one-third, limiting the term of committee chairmen and eliminating some of the committees; we eliminated about 25 subcommittees. We have done that without having to have Senate approval for it. So there are many things that were in the contract that were done within our power that we could do within these walls, in this Chamber, without having the other body sign off on it and slow us down.

Mr. HAYWORTH. I thank the gentleman from Georgia.

I think the gentleman from Georgia, having served in this Congress and the 103d Congress, as has my friend from Wisconsin, can certainly see within this Chamber a very genuine difference not only in terms of philosophy but in terms of form and function in the way the business of this House is conducted. And indeed, during this 1 hour, this special order, having our good friend from Wisconsin feel compelled to come down and state his case in the well I think bodes very well for our democratic Republic and our constitutional form of government because, unlike what had transpired in previous years, we did not move to cut off our friend. We were happy to welcome him. Perhaps it is a departure from special orders in the strictest sense, but we are very happy. I think it is indicative of this new partnership and this new dialog.

Will there be points of disagreement? Certainly. But this is indicative of the change in the way we are doing business.

I yield to the gentleman from Georgia.

Mr. KINGSTON. Does the gentleman from Wisconsin see what he has done now? The gentleman from Arizona is an old sportscaster, and he is getting wound up. He knows politics is a contact sport, and that is good to have the contact, and I am glad the gentleman is here.

Mr. HAYWORTH. I yield to the gentleman from North Carolina.

Mr. JONES. I just wanted to say that what has been exciting about the first 5 weeks is that we have had on these major votes to help make this a better country, to help small business, help people as it relates to crime, we have had quite a few of the Democrats come in, percentages of up to 60 percent who have joined us in passing this legislation.

And that bipartisan effort in coming together for America is what the American people wanted. I am delighted, I say to the gentleman from Wisconsin, that we are working together in a bipartisan way to make this a better country.

Mr. BARRETT of Wisconsin. In closing, again I thank you for the opportunity to spend some time this evening. I felt compelled to point out that only one bill has become law, though I trust the Senate will look at some of the bills that we have passed. My hunch is that those that will pass will be those that actually passed the House in the past. The Congressional Accountability Act, which passed the House last year. And now it passed both Houses.

My only request that I have been making, in closing, is that the gentlemen also are sensitive to some of the needs that are expressed in the contract that I think are bad for America, in particular, things like the school lunch program. My wife is a school teacher. I asked her about the school lunch program. She said—she is critical of the current welfare system, that they could use some changes, but she also said that like most Americans, people are upset with the current program, she said she can understand why people are upset with the current welfare system.

Mr. HAYWORTH. Reclaiming my time, if I might, I say to the gentleman from Wisconsin, if I might, I think this speaks well, the fundamental difference in debate, I hope there is not an insinuation that by trying to offer block grants to the States, by trying to streamline and rethink delivering services, certainly the gentleman from Wisconsin is not implying those of us in the new majority who are trying to open this process up are trying to take food out of the mouths of children, because I think that is a very, very serious accusation.

I yield to the gentleman.

Mr. BARRETT of Wisconsin. Again, I am reporting to you what my wife, as a school teacher, said. She said, "Why do they want to change this program? The school lunch program is not like the welfare program, where people are abusing it. Frankly, it is not even like the food stamp program, where people can take the food stamps and maybe have a black market. But what the school lunch program is all about is apples and milk for kids who may have that as their only meal of the day."

And I think, in all candor, I think to serve the American people, which we all want to do, I think we have to be very, very sensitive that we do not inadvertently, perhaps—so I do not mean to imply to the gentleman from Arizona that I think he is doing this intentionally—but only I don't think any of us, as a result of our actions, want to make it more difficult for children. Again, I think what our goal is for all of us is that children in America learn and they certainly learn better when they have food in their stomachs.

Again, I ask the gentleman to be sensitive to that. I have to close.

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. KINGSTON. One of the sad things about Washington is when you do not have the facts, you kind of rattle a little emotionally and say this and that. I will not accuse my friend from Wisconsin of that, but I would say there are Members in the Democrat Party who have school nutrition as their Social Security issue that, first, we scare the senior citizens, now we go after the hungry 6-year-old.

The fact is there are 16 different school nutrition programs. We talk about these school lunch programs. There are 16 of them.

What we are trying to do is eliminate them so that we can feed the children and let the bureaucrats go out and find other work, other things to do.

Eleven different bureaucracies are trying to be consolidated, as I understand it, by the Opportunity Committee, and then four by the Agriculture Committee.

All we want to do is say, "Hey, there are too many people feeding at the trough before it gets to that little 6-year-old. Let us cut out some of those and maybe we can feed more 6-year-olds."

I know the gentleman's wife's No. 1 goal is education, and I know she knows, as do the rest of us—and I come from a family of educators—that you cannot teach hungry children. You have got to feed them and then you can teach them about math, English, prepositions, adjectives, and all that sort of stuff.

Mr. HAYWORTH. I thank the gentleman from Georgia.

I appreciate the comments of the gentleman from Wisconsin, and welcome him to this dialogue during this special order. I think it speaks volumes about the fact that we have opened up the windows of this Congress and just as we engage in a dialog here in the well of the United States House of Representatives, so too do we seek that dialog, Mr. Speaker, with the American people. That is the difference.

To our friend from Wisconsin, even as he departs, and others who may be viewing these proceedings on television and at home, I think it is important as the gentleman from Georgia points out, the idea is to make services more efficient. According to some estimates, for every dollar in social spending, 80 cents of that dollar goes to the delivery of that program. In other words, the money is not a straight transfer from the pockets of the taxpayers to the kids at school. It goes through so many different middlemen, if you will, and what we are trying to do is reduce the number, reduce the amount of middlemen and make sure that in these programs that have great import to the children of this country, to the seniors of this country, to the hardworking men and women of the 6th District of Arizona and beyond, that we have a practical, efficient way to do so. That not always is it more money and more programs and more centralized bureaucracy here in the Nation's Capital.

I yield to the gentleman from North Carolina.

Mr. JONES. Just very briefly, the gentleman from Arizona and the gentleman from Georgia are absolutely on target. This is exactly why people back home understand what we are trying to do as the new majority. We are trying to streamline government. We are trying to make sure that the majority of the dollar gets to those who need the dollar and cut through these layers of bureaucracy that keep, as the gentlemen said, the gentleman from Georgia and the gentleman from Arizona, from absorbing most of the money.

So we are on target. The people of America, the people in my district, say to us, "Keep going forward like we are doing." We are going to make government less intrusive into the lives of people, make sure those who need the help get the help, but it will be done in a very efficient way.

Mr. HAYWORTH. I thank the gentleman from North Carolina.

As we talked about the gentleman's personal experience in making the change in terms of partisan label, coming in with his agenda for change, this new partnership with the American people, I think it is worth noting, just as the gentleman from Wisconsin recited some of those measures in this Contract which he fully supported, and just as the gentleman noted, 60 percent support on average from our friends in the new minority who are coming with us on these programs, there are many measures that have a bipartisan nature.

I know my friend from Georgia would like to speak about the balanced budget amendment and talk about that very real accomplishment.

Mr. KINGSTON. I thank the gentleman. Absolutely, as we speak about senior citizens programs, balanced budget, programs for the disabled, we have to keep in mind, when we are going broke it does not matter.

□ 1940

Remember when you were kids, if you found out your dad might have a charge at the local drugstore, you go down and you get you a soda pop, and you just sign his name. You did not have to pay the 35 cents for the Coca Cola, and you thought you were getting something. You were charging it to your dad.

Well, little did we know that, when we were grown-ups, we would be charging things to our children, and you would not dream of going to a drugstore and charging a sandwich to your 8-year-old, but that is what we are doing. We are doing it in Congress, and, if we are going to be worrying about kids' nutrition programs, and senior citizens, and so forth, we are talking about compassion. We better talk about paying down this debt that we have, this $4.5 trillion debt that we have.

That balanced budget amendment, it is critical because, if there is anything that our history has proven since 1969, Congress cannot say, "No." We have got to have the constraint, the discipline, that a balanced budget amendment forces on us.

I wish everyone would call their Senator tonight and say, "Where are you standing, and why aren't you for it?"

As my colleagues know, a friend of mine, John Carswell, a farmer, told me something interesting last week, and he said a guy went down to farm and wanted to borrow another farmer's ax. He said, "I'm not going to lend you your ax—my ax. You can't use my ax."

And he said, "Why not?"

He said, "Because I'm making soup tonight."

He said, "Soup? What does that have to do with me borrowing your ax?"

He said, "Nothing, but, if you don't want to do something, any excuse is a good one."

That is what the U.S. Senate is doing to the balanced budget amendment.

Mr. HAYWORTH. I note that the gentleman from Georgia [Mr. KINGSTON] has a senior Senator whose vote is very, very important. I know you join me, as you said earlier, and, Mr. Speaker, as we know that we address the rest of the country, we welcome the phone calls, we welcome this new dialog, and I am certain, as the gentleman from Georgia will attest, that I am sure the folks in the other body would also be interested in hearing from the people as the other body approaches this very real vote on a balanced budget amendment. It is important for the people of this country, Mr. Speaker, to be heard. They were heard November 8, but what I think we are trying to say tonight is:

Just as this continues through the Contract with America over the next 50 days, it is an ongoing process, and certainly the American people should not think it is a fait accompli, that we have already done it. It is continually evolving. The other body has a major role to play, and just as we welcome calls, I am sure the Members of the other body welcome them, too.

Mr. KINGSTON. Absolutely, and on top of the balanced budget amendment we have that very important line item veto which we, the majority party in the House, are willing to give to a Democrat President. We might be the ones who—that might be just like a boomerang to us. It is going to come back and cut projects in our own districts, but it is more important than any single congressional district. It will help attack that deficit, and I know that the gentleman from North Carolina [Mr. JONES] has worked hard on the balanced budget amendment and the line-item veto.

Mr. JONES. Thank you, the gentleman from Georgia and the gentleman from Arizona. I will always remember during this campaign for Congress information I received from the majority leader, the gentleman from Texas [Mr. ARMEY], during the campaign that said, "As you're talking about line item veto, and you're talking about balanced budget, that in America today the average working family will spend more on paying taxes than the average working family will spend on clothing, housing or food when half of what they are making is going to paying taxes. How can they realize the American dream? When you have a government that is bloated and taking more and more out of the paycheck, that's what all this is all about. That's why we are the majority party."

Mr. HAYWORTH. I think the gentleman from North Carolina [Mr. JONES] makes a very important point that can be restated in the following way:

Certainly the gentleman from Georgia has also seen the figures, and according to some estimates, if we fail to rein in this runaway government spending, if we fail with a balanced budget amendment or some other mechanism to restore fiscal sanity at the Federal level, or children unfortunately will not be as simple an example as the drugstore charge account, but our children and their children may end up paying in excess of 80 percent of their income for governmental projects and governmental services.

That should not be the goal of this country, and indeed other figures show us that government at all levels, at the State, local and, most notably, at the Federal levels now outstrips manufacturing as the Nation's No. 1 employer by 600,000 jobs.

It is a fair question to ask, "Does the Federal Government need to operate in such a pervasive fashion?" I believe not, and I believe that is why we are taking the important steps.

Mr. KINGSTON. I think also, if you look and consider that the third largest spending item in our entire budget is the interest on the debt, which is about $20 billion each month, it is money we do not ever get back. We talk about investing in education. We talk about investing in our Nation's economically disadvantaged so they can join the mainstream. We cannot do that when we are spending $20 billion a month, and I can promise you that this year you will have requests from your congressional district, folks back home, worthy projects perhaps in Arizona, North Carolina. They will not come to $20 billion, and yet that is what is spent each month just on the interest, and that money is gone. We have got to do this.

Now, one of the things we are trying to do in the contract is the welfare reform so that people who are able to work will be required to work. We are going to try to make it so dads do not have this alley cat mentality that they can go off and just get a woman, or a girl in many cases, pregnant and not have any more responsibility than an alley cat. We are trying to say, "Look, you're on the hook, you have got to raise that child," because those children now are becoming welfare recipients themselves, in many cases drug addicts, in many cases high school dropouts and so forth, but they need to have dads back home, and our welfare reform plan works on restoring the family, and that is something so very important.

Mr. HAYWORTH. I think it is very important. The gentleman from Georgia makes an extremely valid point, and so there is no mistake, Mr. Speaker, let us try to explain we are not here to demonize, or castigate, or point fingers at anyone in our society. But instead we are taking a look at the simple facts.

Indeed, from the time 30 years ago, when President Johnson stood at the podium behind me here and declared war on poverty, by some estimates we have spent in excess of $5 trillion on social spending programs. Let me repeat, $5 trillion, government at all levels involved in social engineering, and, when you consider our national debt and the problem we have there, by recent estimates being $4.8 trillion, our spending has eclipsed the national debt on this problem, and sadly, sadly it seems all that spending has done in many cases is exacerbate the problem.

The idea should be simply this, that we should not provide economic incentives for behavior that tears down our society. We should move to strengthen the family, as the gentleman from Georgia mentions, and even beyond welfare reform we have to look at this very simple concept. Some of my friends from the other side talk about budget formulations, and they talk about the dollars that will be lost, the Federal dollars that may be lost in their congressional district, and to me it fails to take into account this very valid and irrefutable fact, the money is not the Federal Government's money to begin with. It is wealth created by hard work in the business community, by people earning their paychecks and then paying their taxes. That is the part of this process that we cannot forget about, and, even as we talk about runaway spending, we must also talk about this excessive burden of taxation and why it is so important to make sure that parents have money to spend on their children.

The Family Restoration Act makes sure that parents have additional moneys, a $500 tax break or an increase on deductions per dependent to make sure that families can spend money on members of that family. That is what is so important.

Mr. KINGSTON. And if the gentleman would yield, I think we have proven under Ronald Reagan and John F. Kennedy, who frankly did not have many successes while he was President, but one of the things that he did was he gave a tax cut in the early 1960's. Reagan did one in the early 1980's. In both cases it brought about economic growth and economic prosperity because the American people know how to spend their money better than the United States Congress: more clothes, more hamburgers, more records, more cars, more houses are bought by them which creates jobs, and that has a multiplier effect for more revenues.

□ 1750

Mr. HAYWORTH. I think we learn from the example of the late President Kennedy, and indeed the example of President Reagan, that a tax cut really does reinvigorate the economy. That is what we seek to do. Certainly the gentleman from North Carolina has lived this, being part of a family that has made the transition. I know certainly he champions the actions of President Kennedy and certainly looks back to those actions as a vibrant, market-oriented, new frontier Democrat looked at it 30-some years ago, and we share in that tragedy and our sorrow for the

Kennedy family and for this Nation. But certainly you have seen the change and I know that you join us in this idea of tax breaks.

Mr. JONES. I could not agree more with what the gentlemen have said. I have never seen a person that is so committed to helping those on welfare get off welfare and become productive citizens than the Speaker of this House, NEWT GINGRICH. He has spoken so many times about helping people have that opportunity to better themselves and to become productive citizens. But as you have stated and we all know, the system that has been in place for 30 years has perpetuated itself to help keep people down in back. What we want to do, we want to see welfare become a trampoline, not be a hammock. We want to see people have an opportunity to join the productive work force of America. That is what the Republican party stands for and that is what our welfare legislation would be about, helping people get off welfare.

Mr. KINGSTON. Part of this getting folks to work, we have got to make sure that the jobs are out there. I think by giving middle class families this $500 per child tax break will help empower consumers and stimulate the economy through more consumer spending and create jobs. I think the other part of it is to get the Government off of the backs of business. Requirement of risk assessments: When EPA and OSHA and all the other thousands and thousands of government agencies and bureaucracies come and harass mom and pop businesses on Main Street, Arizona, North Carolina, Georgia, all over the country, let them make it harder to pass regulations on businesses, because if businesses do not have to pay so much time, effort and energy and money to Uncle Sam, they can expand. They can take that little lawn mower store and build a branch on the south side of town and create jobs that way. Remember, 70 percent of America is still working for small businesses.

Mr. HAYWORTH. I think the gentleman from Georgia again is right on the money when he talks about these issues of money and taxation, and I think it is very, very interesting to see how the debate has transpired in the wake of the mandate of November 8th. The liberal media talks about anger and hostility and as if there is some sort of latent hostility about the Federal Government. I will let folks in on a little secret. It is not that much of a secret. It is not a visceral dislike for any segment of our society. No, it is simply this notion: Why should people who work hard and play by the rules and try to create jobs be subjected to unreasonable, excessive, overregulation. Certainly we would all agree that there is a valid place for a modicum of regulation within the workplace, a modicum of regulation even in our free market economy, but not to the point where it retards the growth of business, where it holds back our economy. What we need to do is unshackle the chains and let this market move forward with a dynamic, free enterprise system. That is what is so vitally important.

Mr. JONES. If I may, the gentleman from Arizona, just briefly, as you and the gentleman from Georgia are talking about overregulations and bureaucracies and this type of situation, let me, I happen to serve on the Resources Committee under the leadership of Chairman DON YOUNG, and we this spring are going to be revisiting the wetlands laws and the Endangered Species Act because the bureaucrats, if you will, have taken these regulations and these acts and have extended it to interpret it as they see fit.

What we need to do, as you and the gentleman from Georgia are saying, we have to bring a balance between business and the environmentalists. We have to bring a balance, because obviously the regulations have gone too far, created too many problems for business owners, property owners and business itself. So again, this is part of the Republican majority. We are going to make the changes that can bring the balance that I think would be great for this Nation.

Mr. HAYWORTH. I think it is very, very important to take a look beyond the contract, and we will continue to do so, not only on the Resources Committee, but in so many other avenues. Because this does not stop at day 100. Yes, we are stopping here at day 50 to take stock of what has been accomplished, and we will do so during the continuation of this special order. But it is an ongoing process and a national dialog and a new partnership with the people of America, Mr. Speaker, that we hope to foster.

Certainly we encourage their input, especially as tomorrow we move to this whole concept of overregulation and we move to a concept of a moratorium on regulations, to stop that and take stock of what has transpired thus far.

Mr. KINGSTON. I think it is important also for us to keep in mind that we do not want to lose species when we talk about the Endangered Species Act. We do not want to lose wetlands when we talk about wetlands. What we do want to do is bring some sanity in.

For example, I had a gentleman, a businessman in my district, send me a stack of papers about a half an inch thick. He said "I have got to do this to get a permit to dig a hole because there is questions about the wetlands." The hole was 3 feet deep. He has to fill out what I can only say would be about a half an inch of paperwork, and it would probably take a half a day to do it, to dig a 3 foot hole. Not three foot long or wide, just 3 foot normal size hole.

Cases like that we hear right and left. There is a road contractor in Georgia, and I know you know what a silt fence is, when you are building a new road that now they build these fences to help stop erosion, and that is the kind of wavy fence that you see on sticks. I have never seen one, frankly, do much good.

But I asked the contractor, how much did that silt fence cost you on widening this road project? The total project for widening the road was $1 million. The silt fence was about $30,000. And I said now, realistically, the taxpayers are paying for it, so it is not any skin off his back, so-to-speak. He is going to get his profit out of the job. I said does that fence do any good? He said no. I said should you use a silt fence? He said in south Georgia, where everything is flat, generally you do not need a silt fence. If you need one, you do not need one the entire length ever the road. In north Georgia where it is hilly, you need it, and in south Georgia where it is hilly you need it.

But he can't have that flexibility to decide. What he says is let me decide when to use a silt fence or not, and, if I am wrong, fine me. Eat up all my profit on the job. Take away my tractor. I promise you I am not going to let any dirt move from the site.

What we are talking about is let's do not micromanage everything out of Washington. Let the Georgia DOT or the county commissions make these decisions along with the road contractor. You might not need it on every single project.

Mr. HAYWORTH. The point of the gentleman from Georgia is well taken again, and indeed the experience of his constituent serves as a metaphor. One thing we understand certainly is that in a nation this vast, in a nation that differs from region to region, while we may speak with a united voice within terms of political philosophy, why do we not try to reach consensus with our friends across the Hill? In this Chamber the biggest misguided notion is this concept that one size fits all. Washington can decree what works in Philadelphia will work in Phoenix. What is good until Athens, GA, is also good in Athens, OH.

What we find is it is better and truly a form of federalism to let cities, towns, counties, and States deal with problems where they are on the front lines everyday as opposed to a bureaucracy in Washington dictating to those groups what should transpire.

We see it very clearly in what we were able to do in terms of putting some meaningful legislation together on the problem of crime, the notion of block granting and giving those items back to the States and those people on the front lines fighting crime, so vital to our situation.

Mr. JONES. Just to add to your comments, because today at the news conference celebrating the end of the first

50 days, I do not think I have ever heard a more meaningful talk than the lady who had been raped from Ohio and how much she supported and felt that the legislation that we passed with this tough crime bill, how much it would help other people throughout America. And I thought that what she shared with us and the press being there today made us all realize the importance of what we had done to help protect America. I just thought that was a very special event this morning.

Mr. HAYWORTH. She spoke with special eloquence, because of her situation and understanding that indeed the notion of jurisprudence and the notion of criminal justice in this society over the last 30 years, in working so hard with this document, the Constitution of the United States, to preserve the rights of the accused, one unintended byproduct was a swing of the pendulum in a direction where hardened criminals could use technicalities, could try and trample upon the Constitution, and, in my humble opinion, to try and take away the legitimate rights of victims of crime.

□ 2000

So this Congress, again, is not radical, it is reasonable, recognizing that the pendulum needs to be dead center; that we have to respect individual rights and the rights of the accused, but just as the lady from Ohio told us, we can never have those rights come at the sacrifice of the law-abiding and those who are victimized by crime in our society.

Mr. KINGSTON. If the gentleman will yield further, he is right. We have protected the rights of the individual, which is extremely important, if not sacred, but at the same time, we cannot compromise the safety of the society.

Yet, we have done that. Criminals on an average serve 35 percent of their time, which means our streets are full of people who have been arrested not once or twice but 7, 8, 9, 10 different times. The block grant concept says to States that "If you have truth-in-sentencing, meaning if you sentence somebody for 10 years, he or she serves 10 years, we will give you block grants for new prison construction."

We hear so often about overcrowding in prisons, and what this will do is make our streets safe by taking that element off the street, which is what the victim who was raped needs, what people in Arizona need, what people all over the country need.

Mr. HAYWORTH. I think, again, the lady from Ohio, as the gentleman from Georgia made a very vital point and very meaningful point today about the whole notion of crime and punishment, because her attacker, her assailant, was able to take advantage of prison programs to get an education, and no one would deny that benefit, but also taking advantage of free weights and building his body so he could go back out and commit other crimes.

We are not saying that those who meaningfully choose a route of rehabilitation should be stifled, but those who look at their time incarcerated as free time at a health club or self-improvement to go out and perpetrate criminal acts, clearly that must stop.

What this Congress is trying to do, by engaging in debate with our friends from the other side of the aisle, by hammering out these programs, by engaging in a new dialog with the American public, is to deal directly with those problems, because we believe that the law abiding must be taken care of, and must have the proper remedial recourse, just as those who have been convicted of crimes.

Mr. BENTSEN. Will the gentleman yield?

Mr. HAYWORTH. I am happy to yield to my friend, the gentleman from Texas, and welcome him, as well, as a newcomer.

Mr. BENTSEN. As to yourself, as well.

Mr. Speaker, I will only take a minute of the gentleman's time. I am actually waiting here for another special order.

The gentleman talked about the block grants, and I would like to ask the other gentleman as well, there are a couple of things that I have concerns about the block grants that affect my State of Texas.

My State has been on a prison building program for quite some time, and yet, according to the Justice Department, while we have reformed our penal code, we are building more prisons at an extremely fast pace, we are selling bonds and raising millions of dollars in capital in order to do this, we still will not qualify to meet that 85 percent in sentencing the way that it is calculated under the bill.

The problem that I see is that we are sort of caught between a rock and a hard place, because as we try and build our way out of it into the capacity that we can raise capital, and then we look to the Federal Government for some of the tax dollars that we send up, and we send a lot of tax dollars to Washington from Texas, the Congress is saying in this legislation "We are sorry because you are not quite there yet," and try as we might, we may not be there. I have a problem with that.

That is one. The other question I would ask relates to the other block grant, which is a concern that I have. Isn't it true under the law enforcement block grant program that replaced the 100,000 police, isn't it true that if a State or a city wanted to, that they in fact could spend all that money on midnight basketball or some other program that some of us might feel is not proper?

Mr. HAYWORTH. Reclaiming my time, I yield to the gentleman from Georgia.

Mr. KINGSTON. Let me ask the gentleman a question, first. Although I was born in Texas, I do not claim to know all the politics there for 1995. I would say to the gentleman, with the majority leader, DICK ARMEY, with the majority whip, TOM DELAY, and I understand there is a gentleman named PHIL GRAMM who may be the next President, I do not think we would pass a bill that is punitive to the State of Texas prison program.

The Department of Justice, as you know, was against this crime bill. Janet Reno fought it every inch of the way. I suspect that information is not 100 percent accurate. I will follow up with you on it, if you want to look at that further.

I do want to say, Mr. Speaker, in terms of the block grant program, remember, the 100,000 police officers, the Clinton bill only paid for 20,000 of them. The rest of that money, there was only $8 billion in that program, and it takes about $8 billion a year to fund it. The 100,000 police officers were not there.

I trust my city police in the First District of Georgia, all over the State of Georgia, as I know you do in Texas, to make the right decisions. I'm not afraid of them taking that money and building midnight basketball domes. I just do not believe they will do it.

They may say "We do not need police officers, but we need a police car, we need some radio and we need some other drug interdiction equipment," but I think they are going to be able to make that decision better than Congressmen and women from New York City and from California and elsewhere.

Mr. HAYWORTH. Reclaiming my time, I have a couple of questions for my good friend, the gentleman from Texas. I appreciate the gentleman being here, but I think the point is very valid that the gentleman from Georgia [Mr. KINGSTON] makes.

The gentleman from Texas [Mr. BENTSEN] outlined what I believe to be in one sense the worst case scenario, and yet even with that type of construct that he offers us, should it not really be left up to local governments in that regard if law enforcement officials who ultimately are accountable, I would imagine, to the voters, or to the city councils and city managers of respective localities in Texas? If they were to spend that money in an ill-advised way, from my point of view, I believe they would be directly accountable to the people of those areas. I do not believe it should really be under my purview to make that change.

With reference to the prison system in Texas, and I will defer to my friend's knowledge of Texas politics, and what transpires at the State capitol in Austin, but let me ask this simple question: is there a truth-in-sentencing provision under Texas State law?

Mr. BENTSEN. If the gentleman will continue to yield, Mr. Speaker, in Texas, and I will take the opportunity, in fact, to ask my good friend, the State Senator, John Whitmire, who led the effort to reform the penal code in Texas, to come up here and talk to Members of the House about what we have done in Texas to ensure that in Texas, if you do the crime, you serve the time. I will bring him up, so we are trying to make this.

Mr. HAYWORTH. You have passed the truth-in-sentencing provision out of both houses?

Mr. BENTSEN. We have passed our version of it, yes, which I think is a very tough bill, and I will be glad to get the gentleman the information on it.

Let me also raise the point, both of the gentlemen talk about the fact of the police and that issue. Now my city, the city of Houston, where my mayor, Bob Lanier, made a campaign issue of putting more police on the street, and he took moneys and did that, and now we are getting moneys from the Federal Government, and we are going to put 128 more police on the street.

However, let me say, my point really comes down to where people have argued, and I was not here, like the gentleman, I was not here last year, I was in the private sector.

Mr. HAYWORTH. You were in the real world?

Mr. BENTSEN. As opposed to the unreal world, yes, whatever we determine that is. But I was watching what was going on up here. Last year we were saying that we didn't want block grants. Last year we were saying we didn't want midnight basketball.

Now we turn around and we do this. Mr. Speaker, I have a disagreement with that structure of the block grants. I have people who come back, some people from your party, who come around and say "Well, Mr. BENTSEN supports midnight basketball." That is not exactly accurate, because the bill as it is drafted would allow it.

I disagreed with that, so I bring that up as a matter of debate, that some of us do believe if we are going to fund things for police and that is what we want to do, that is an issue of debate, but I would say some in your party, political operatives, et cetera, would come back and accuse people such as myself, to say that I am for something when in fact I am making the point that I'm not.

Mr. HAYWORTH. I appreciate the gentleman from Texas and his point of view, and in fact welcome him to this special order, as we did the gentleman from Wisconsin preceding him.

If the intent is to decry the theatrics and the hyperbole of politics, let me assure the gentleman from Texas that certainly those of us involved in the campaign in 1994 were subjected to the same unfair scare tactics, and I guess it is a simple situation that what is good for the goose is good for the gander, but I think it is only a small part of the larger questions that delivered the mandate on November 8. I welcome the gentleman from Texas, who was elected November 8 as well.

But what we see nationwide is a concept of accountability and responsibility, while at the same time we move to ensure constitutional rights and establish this new dialog with the American public.

Mr. KINGSTON. If the gentleman will continue to yield, I think it is important to remember that this bill takes the power away from Washington bureaucrats, and it puts it back in the hands of the Houston police department and the folks in Atlanta and Savannah and Brunswick and Statesboro and Waycross that I represent, where I think decisions can be made more effectively as to what they need.

Remember, midnight basketball is just one of many so-called preventative programs. Self-esteem programs were also in the bill that we passed in August of 1994. There is a lot more to the bill, but the idea is who is best to make the decision, the people who live and work on the streets where the crimes were committed, or people in the sheltered Washington, DC world.

I know the gentleman will agree with us, that the decisions are better made locally.

Mr. HAYWORTH. I think we are all in agreement that it is marvelous to have this time together, even under the guise of a special order, to actually engage in this meaningful, I believe, debate, because I believe this Nation is better for it.

To be certain, we may be of two minds, we may be of 435 minds in this august Chamber, as to how to redress the problems of our society, but it is helpful to have a chance to represent our districts.

□ 2010

Mr. KINGSTON. There is another important subject that is in the contract, and that is term limits. I know the State of Texas, the legislature only meets every other year, and that generally you are in the real world as a result of that. In the State of Georgia, we meet 40 days a year; but the representatives on the State level and the county commission and so forth are generally not full-time. They are involved in making an honest living in the real world, and one of the things that we need in Congress is more people like you who have been in the real world, more people who have a frame of reference of business, of education, of being a police officer, and so forth. We need to have that element to get away from the professional politicians.

One of the things the Contract With America calls for is an involvement on term limits.

Mr. BENTSEN. If the gentleman will yield.

Mr. HAYWORTH. I will be happy to yield. I know our time is almost up. I know you are here to be part of a special order, in keeping with the spirit of this open time, if you just have a question.

Mr. BENTSEN. I thank the gentleman for yielding and his courtesy.

One quick question: Does the contract, or would you support retroactive term limits? Because as newer Members, I think that without retroactivity, and the city of Houston has retroactive term limits, by the way, because the voters passed that, without that that puts the newer Members at an uneven keel compared to the Members who have been here for a while.

Mr. HAYWORTH. That is a very interesting question. During the course of this debate as we continue along, certainly that amendment may come up in committee, no doubt. Who knows, it may come up here on the floor. That is a very good question you are asking.

Mr. JONES. Very briefly on term limits, as you might or might not know, my father served here for 26 years. A few years ago we had on the back porch of his house a very nice discussion about my belief in term limits, and he made the comment to me at that time, he said, "Son, I didn't do a very good job of raising you." Of course, he had been here again for 26 years, but I am a strong proponent of term limits, and I hope that both sides, as you feel strongly about term limits apparently, that we will gather the 290 votes that we need to pass this part of the Contract With America, because the American people throughout every poll that I have seen for the last year and a half, and I used to be in the North Carolina General Assembly; I served for 10 years; the people of America want the right to see term limits come to the Congress of the United States.

I hope that both sides in a bipartisan way will come together and work together to get the 290 votes, because we apparently right now, the gentleman from Arizona, it is my understanding we are anywhere from 30 to 40 short.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 4, 1995, the gentleman from New Jersey [Mr. PAYNE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PAYNE of New Jersey. Mr. Speaker, thank you very much for giving us this opportunity to speak this evening. I would like to thank my colleagues who are here for taking time in their busy schedule to join us, join us in this special order.

First of all, let me acknowledge the true sponsor of the special orders during Black History Month, the gentleman from Ohio [Mr. STOKES], from

Cleveland. The gentleman from Ohio [Mr. STOKES] for a number of years has taken time out in special orders, and although he is currently in committee where he is conducting some very important business, he will be here at the first opportunity that he gets.

As you know, the Stokes family really rewrote history in the middle 1960's when Carl Stokes became the first African-American to become elected to a major city, and it sort of set the trend and the tone through the 1960's, and up to the current time where we have close to 9,000 African-American elected officials. But it was Carl Stokes, led by LOUIS STOKES, who was able to finally break through and to be a real hero. He is currently serving as United States Ambassador, and we are very pleased at his great achievement, a judge recently also.

And, of course, Mr. LOUIS STOKES, who serves on the Committee on Appropriations, has done such an outstanding job there on that very important task.

The 1995 National Black History Month theme is "Reflections of 1895, Douglass, Du Bois, and Washington."

This really marks a milestone in the struggle of black Americans. It calls us to pause and remember the dreams and visions of these three men as well as thousands of other African-Americans, men and women, who championed the cause for freedom through vigilance and aggressive action.

I would like to take a few minutes to honor an individual out of these three that I will talk about for a few moments. Frederick Douglass is one of the three that we are reflecting on and others in our history, but Frederick Douglass was an accomplished author, he was a journalist, he was a statesman, he was an orator, he was a publisher, he was a Presidential adviser, he was fluent in many languages, he was an abolitionist, he was an activist for women's rights, he was an internationally celebrated leader.

Born into slavery, he was self-educated. Frederick Douglass was being taught by his slaveowner's wife, Mrs. Old, who had a young son and taught both Frederick Douglass and the young son to read at the same time. When the slavemaster heard what was occurring, he demanded that his wife stop teaching Frederick Douglass how to read and said that a slave is no good if he is educated.

Frederick Douglass though, being creative as an 8- or 9-year-old, found several neighborhood young boys who could read. They were not African-American youngsters. They were poor youngsters, but he was able to strike a deal with them that he would give them food that he would slip out of the house if they would teach him how to read. So Frederick Douglass continued to learn how to read and really moved into being one of the most outstanding men this Nation has ever had.

Abraham Lincoln, a contemporary of Douglass, once referred to him as the most meritorious man of the 19th century. Frederick Douglass became a spokesman for the abolitionist movement. He also, in 1848, decided that he would attend the Seneca, NY, conference on women where he was one that pushed women's rights, one of the first men in the Nation to speak out for women's rights. He was in full support of the Declaration of Rights and Sentiments which demanded equal suffrage for women.

In 1848, he became the editor and publisher of the North Star, which was a newspaper that was the truth squad of the Nation, and he went out defending the rights of women, defending the rights of the abolitionists who had a forum and a platform.

As I sort of conclude on Frederick Douglass, he directed his talents to the abolitionist movement. It was Frederick Douglass who convinced President Lincoln that the abolition of slavery should be a major part of the Civil War.

It was not until January 1 of 1863 that the Emancipation Proclamation was given by President Lincoln, and it was at the urging of Frederick Douglass, who insisted the abolition of slavery be a real plank and part of the Civil War.

At that time slaves were supporting the Confederacy. They were doing work that made the Confederacy strong, and what happened was that when the Emancipation Proclamation occurred, not only did Frederick Douglass encourage Lincoln to do that, but he encouraged Lincoln to allow freed slaves to fight in the Civil War, and two of Douglass' sons, Louis and Charles, were among the first to enlist in the 54th Massachusetts Volunteers. I think that was something that we saw in the movie "Glory."

It was Frederick Douglass who told Lincoln and urged him to use these freed slaves, because these slaves then fought for their freedom. There were over 180,000 African-Americans who fought in the Civil War, and at that time, the Civil War was at a stalemate, and it was the infusion of the African-Americans into the Civil War that tipped, totally tipped, the scale towards the North, and in the Navy there were 30 percent of the persons in the Navy at that time in the Civil War that were African-Americans.

And so we saw that Frederick Douglass was a real hero. He became a U.S. marshal in 1872. He became the Registrar of Deeds and Mortgages for the District of Columbia in 1881, and the Counsel General to Haiti in 1889.

He also said that he was not going to abide by a white-only covenant in housing, and he purchased a home in Cedar Hill here in Anacostia.

□ 2020

He was a person who had the first Colored Person's Day, which was held at the 1883 World Columbian Exposition. The World Columbian Exposition was celebrating the 400th anniversary of the discovery of the New World. At that particular meeting that was held on August 25, 1893, over 2,000 people came, mostly African-Americans. That was a time when Frederick Douglass was being interrupted by white hecklers. That is when he finally become annoyed and angry at his tormentors, and he gave the speech. Once again, the old lion roared:

> Men talk of the Negro problem. There is no Negro problem. The problem is whether American people have loyalty enough, honor enough, patriotism enough to live up to the Constitution. We Negroes love our country. We fought for it. We ask only that we be treated as well as those who fought against it.

At that great first African-American Day on August 25, 1893, Paul Lawrence Dunbar was at that meeting, Ida B. Wells was there, James Weldon Johnson was there. Many of the African-American heroes of that time were there. So it is 100 years since his death just 3 days ago, on February 20 of 1895, Frederick Douglass passed away. It is appropriate that we celebrate the centennial of his death because he was a person who had done more for this country, I believe, than any other American.

So, as we talk about Douglass, as we talk about the debate between Du Bois and Booker T. Washington, we needed both. It was a great debate as to which way should we go. The majority people made those two great heroes conflict with each other, but we needed both Booker T. Washington, who said you should train and learn and stand in rural areas and have trades and be farmers, and then you will earn your respect. Du Bois, who was tired of lynching, went on the 1909 Niagara convention where the NAACP was founded, and he said, "We should be scientists, and they could help the rest." So we needed both, we needed Washington and we needed Du Bois. We saw in the 1960's the same argument whether it should be Malcolm or Martin. That was a time when both were necessary.

Mr. Speaker, thank you for giving me the opportunity to speak this evening. I want to thank my fellow colleagues who have taken time from their busy schedules to join us for this special order. We take pride in the opportunity to highlight our heritage and honor the many African-Americans who have contributed so much to this great Nation.

The 1995 National Black History Month theme, "Reflections of 1895—Douglass, DuBois, and Washington," marks a milestone in the life struggle of Black America. It causes us to pause and remember the dream and visions of these three men, as well as thousands of other African-American men and women who championed the cause for freedom through vigilant and aggressive action.

I would like to take a few minutes to honor an individual who was probably the foremost voice in the abolitionist movement of the 19th century. Frederick Douglass was an accomplished author, journalist, statesman, orator, publisher, Presidential adviser, multilingual, activist in women's rights, and an international celebrated leader.

W.E.B. DuBois and Booker T. Washington had the same inspiring effect on their listeners. These two men had completely different approaches, but the same determination and commitment to solving the same problem—freedom and better quality of life for African-Americans.

Washington was an advocate for industrial education and vocational training for Southern blacks, and founded Tuskegee Institute. He believed that blacks should remain in the rural areas and work the land, rather than migrate to the city.

DuBois was displeased with the compromising attitude of Washington and advocated that blacks study many different disciplines. DuBois began to speak out on civil rights for African-Americans through the Niagara Movement, which became the NAACP.

What these three great leaders advocated then, still applies today. Many problems continue in our communities, tarnishing the ideal of equality because these problems affect African-Americans more adversely than the rest of the population. The poverty, drugs, and violence that afflict too many of our communities is threatening our vision of a better world.

Throughout this month, we look to the lessons of our past, for solutions of the future. Let us reflect on the accomplishments of DuBois, Washington, and Douglass by rediscovering and celebrating our history so that we can begin a new era of healing and hope.

So, as I yield to the gentleman, who I will ask to, temporarily for me as I go back to the committee, handle the proceedings until I or Mr. LOUIS STOKES returns, I yield to the gentleman from Louisiana, Representative FIELDS.

Mr. FIELDS of Louisiana. I thank the gentleman from New Jersey.

Let me commend the gentleman from New Jersey for calling this special order tonight and also commend the gentleman for being a chairman, and a very good chairman, I may add, of the Congressional Black Caucus, because he indeed will go down in history today.

Mr. Speaker, I yield to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. I thank the gentleman for yielding.

Mr. Speaker, I rise to join our Nation in celebrating Black History Month. The theme of this year's special order observance is "Reflections on 1895: Douglas, DuBois, Washington." However, I would also like to take this opportunity to highlight and pay tribute to the vast accomplishments and contributions of African-Americans in all facets of our Nation's history.

In particular, I want to recognize and pay tribute to the late John Wesley Peavy, Sr., and the late Judson Robinson, Jr. They are not household names and you may never find them mentioned among the great African-Americans of our time. However, in Texas, especially in Houston, these two men were in the forefront of the civil rights movement at a time when such activities were much less accepted than they are today.

The late Mr. John Wesley Peavy, Sr., a labor and civic leader in Houston, was born November 22, 1906, in Bethel Grove, TX. He received many accolades and awards during his lifetime, and was recognized locally in Houston and nationally as a political leader. Under President Roosevelt, he was appointed political action chairman of the AFL-CIO. The late Mr. Peavy served as precinct judge and executive committee chairman for precinct 48 in Houston's fifth ward from 1942 to 1994. As the chair of the Democratic executive committee I had the great honor of working with him. He was an original member of Houston's NAACP chapter. He was the first African-American Texas elector in this century and the first black Texan to attend a State Democratic Convention.

In 1984, he was honored at an achievers awards dinner as having the longest tenure in the black political arena in Harris County. In 1990, he was selected as a winner of The Frankie Award for his work in the area of civil rights and affirmative action.

The late Mr. Peavy loved his wife, children, and relatives. He also loved his neighborhood and lastly, he loved and cared about the city of Houston and worked to make it a better place to live. His deeds were appreciated by the residents, and the love he had for the community was reciprocated by them in their efforts.

That is why today, if you are traveling to Houston going to the ship channel, there is a possibility that you will travel on John Wesley Peavy, Sr. Drive to get there.

Additionally, if you traveled down Market Street in Houston, there is a good chance you may pass the J.W. Peavy Senior Citizens Center. These and many other honors were awarded to the late John Peavy by the residents of Houston for his tireless efforts in devoting over 50 years of community service and making a difference. I might also add that among Mr. Peavy's children is the Honorable John Peavy, Jr., a former Harris County district judge and recently elected member of the Houston City Council. Mr. Peavy has left us a living legacy in his son, Councilman Peavy.

The second person that I am going to pay tribute to is the late Judson W. Robinson, Jr. The late Mr. Robinson was a distinguished graduate of Houston's Jack Yates High School, where he was active in football, debate, and drama. After completing college at Fisk University, he returned to Houston where he joined the family real estate business and began devoting himself to breaking barriers and expanding opportunity for African-Americans in the business arena.

Mr. Robinson's commitment to the Pleasantville community, which is on the east side of Houston, ignited his flame of political involvement. He was elected president of the Pleasantville Civic Club and later became precinct judge of precinct 259. In 1971, he became the first African-American elected to the Houston City Council and held a councilman-at-large position for five terms. Additionally, Mr. Robinson was nominated and unanimously confirmed by his city council colleagues as a mayor pro tem, a position he held until his death.

Mr. Robinson promoted educational and enrichment opportunities for youth. The late Mr. Robinson was an exemplary public servant and an advocate for racial equality, and served as a role model for all children in the Houston community. Like Judge Peavy, Sr., Mr. Judson Robinson left a living legacy in his son Councilman Judson W. Robinson III.

Judson Robinson, Jr.'s years of public service left its mark on Judson III and thus he decided to run for city council. In 1991, Judson Robinson III's successful election campaign provided him with the challenge to follow in the footsteps of his father. Judson Robinson III serves on eight council committees and chairs the business and tourism committee.

Clearly, young African-Americans, and all Americans, can search through our Nation's history and find inspiration in the legacy of many black Americans before them. This endless honor roll includes the late Supreme Court Justice, Thurgood Marshall; some compelling speakers and leaders like Sojourner Truth; educators and intellectuals like Mary McLead Bethune and W.E.B. DuBois; and giants of the civil rights movement like Rosa Parks and Dr. Martin Luther King, Jr., and other great Houstonians such as Mickey Leland and Barbara Jordan.

The people I just named contributed substantially to the history of this country. However, we should not forget those less prominent who worked just as hard to open the doors of opportunity for all Americans, let's not forget the John W. Peavy, Sr.'s and the Judson Robinson, Jr.'s of the world.

□ 2030

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from Texas for his dissertation.

I yield to the distinguished gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Thank you, Mr. Speaker, and let me thank my colleague, the gentleman from Louisiana [Mr. FIELDS], for getting us together on a magnificent program. But before the gentleman from Texas [Mr. BENTSEN] goes, I would like to say to him that I had a very wonderful opportunity of getting to know Mr. John W. Peavy, Sr., and I met him through his son. His son and I were classmates at Howard University School of Law, and we graduated in 1967, and I was there to celebrate his victory when he became, I believe, the first judge in the State, the first African-American judge elected in the State of Texas. That was a wonderful honor that the people bestowed upon him, but he has the ability, he has the tenacity, and it was well deserved for him, and I am very happy that the gentleman had an opportunity to get to know such a magnificent individual as John Wesley Peavy, Sr., and I am also happy that he had an opportunity, and my colleague has an opportunity, to interact with his son, John Peavy, Jr., and I would like to say that I was elated to learn that he has won a seat on the city council in Houston. I am certain that he will do a fantastic job, and, as the gentleman said, he is carrying on in the footsteps of his father. It is a beautiful legacy, it is a lovely story, and it is one that should be told over and over again, and I say to the gentleman, "The next time you see him, please give him my regards. Thank you very much."

Mr. Speaker, today I rise also in observing Black History Month, and I wish to talk about a native Alabamian, one that I did not have the opportunity to know as I knew Judge Peavy, but I am familiar with his struggles as a pioneer, and I speak of the famous educator and leader, Booker T. Washington.

Here is a man who was self-made. He was born into slavery in 1856. He educated himself; he was self-taught. Then he attended the prestigious Hampton University Institute while working as a janitor, and as a janitor he got to know the instructors there, he got to know the students there, and he built on that, and later he moved to Alabama, and he believed truly in education. So in 1881 he founded Tuskegee Institute, and, as a result of his belief in education, he trained since that time more than a hundred thousand students who have passed through Tuskegee University, and once again he set the stage for them to have an opportunity to be educated. This man, with limited financial resources, began Tuskegee Institute with only 40 students. He did not see the lack of finances, nor the lack of students, as an inopportunity, but he saw it as an opportunity to move forward and to take care of the business of educating the Negro.

Tuskegee was founded in a dilapidated shanty near the Negro Methodist Church of Tuskegee, and it was a very small shotgun house, but it has grown now to over 80 buildings and is a magnificent institution. I have the honor and pleasure of serving as one of the trustees of that famed university. I would like to say that by the time of Booker T. Washington's death in 1915, Tuskegee Institute had grown to an enrollment of over 2,000 students, and it had accumulated a yearly budget in the millions of dollars.

However more important than the intellectual legacy that Booker T. Washington was known for, he was known for his use of words, and one phrase still stands before us, and it is one that we all remember. He said, "There are two ways of exerting one's strength. One is pushing down, and the other is pulling up." And I would like to say to all Americans today that it is time that we all began pulling up. In a time when African-Americans were not educated, this African-American stepped forth. He took a challenge, and he performed as a pioneer, magnificently.

In 1860, the Civil War was fought, it was won, and in 1960 the civil rights struggle was fought, and it was won, and I would like to think that education made the difference, and because Booker T. Washington, through the famed Tuskegee Institute, helped educate hundreds of thousands of African-Americans, the civil rights struggle did not have the casualties that the Civil War had, and it was because of Booker T. Washington.

In 1895 African-Americans fought to make sure that all the rights that had been won by the Civil War would not be undone. In 1995, we still have that struggle. We will struggle now to make sure that all the affirmative rights that we have won as a result of the civil rights struggle would not be lost. They lost the fight of Reconstruction, and it took me 117 years to get here as a Representative in Congress from the State of Alabama. We will not lose this fight. We will not lose this struggle. Mr. Speaker, it is too important to the future of democracy in America.

I speak about Booker T. Washington, a leader for yesterday and one whose legacy I share today.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from Alabama [Mr. HILLIARD] for his moment in black history and tell the gentleman he himself will go down as a moment in black history, not only today, but in the future as well.

GENERAL LEAVE

Mr. FIELDS of Louisiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the subject of this special order tonight.

The SPEAKER pro tempore (Mr. NEY). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. CLYBURN] to give us his moment in black history.

□ 2040

Mr. CLYBURN. Mr. Speaker, as I rise today in honor of Black History Month, I rise to look back on the history of a proud people, who despite seemingly insurmountable odds, made a way out of no way, and made their indelible mark on American history and culture. The names are familiar to us: Frederick Douglass, the great abolitionist; George Washington Carver, the brilliant scientist and inventor; Harriet Tubman, a feisty former slave who led hundreds of slaves to freedom; Booker T. Washington; W.E.B. DuBois, and hundreds, yes, thousands of others. There are some more recent names, of course: The great civil rights leader and Noble Prize winner, Dr. Martin Luther King, Jr., and many others during his period. And today, in my native State of South Carolina, Judge Matthew Perry, Judge Ernest Finney; and civil rights activists Septima Clark and Majestica Simkins. All of these have made significant contributions toward the development of African-Americans in our great Nation.

I would like to pause here at the mention of these illustrative South Carolina trail blazers, because I would like to talk for a few minutes about South Carolina history; to be more specific, a particular timeframe in South Carolina history.

The period is 1868 to 1878, that brief time just after the Civil War, during which black South Carolinians held Federal and State public offices in numbers approximately close to their presence in the South Carolina population. They seemed to have been well on the way to becoming full participants in what this Nation so fondly calls a democracy. I want to pay special attention to this period in South Carolina history, because of its powerful parallels to what seems to be happening in the Nation as a whole today.

Let me set the scene for you. The time is 1868, just a few years after the Civil War. The Black Code, a set of State laws restricting the rights of newly freed slaves, had been deemed null and void 2 years earlier in 1866. A year later, in 1867, blacks in South Carolina registered to vote. In 1868, South Carolina adopted a new State constitution which among other things provided for equal rights for Negroes, abolished property qualifications for holding office, and established a free public school system. And I might add, Mr. Speaker, the general assembly that gave us all of that was two-thirds black.

In 1873, the State university opened to blacks. A black man, Pennsylvanian Jonathan Jasper Wright, sat on the South Carolina Supreme Court from 1870 to 1877. Blacks served in the State legislature, including Francis L. Cardoza, a Charleston, SC-born educator, who served as Secretary of State and State treasurer, and later served here in Washington, DC as principals of various DC schools. In fact, today one of those schools, Cardoza High School, bears his name.

South Carolina had its share of black representatives in Congress, the first one being Joseph H. Rainey, and then

George Washington Murray, who served from 1893 to 1895, and again from 1896 to 1897. Murray was the last black Congressman to serve the State before I was elected in 1992, 95 years later.

Why did it take so long to elect another black representative? What happened in South Carolina and other places throughout the country just after Reconstruction?

Here is where parallels can be drawn between then and now. South Carolina's political climate shifted, along with its economic climate, in the 1870's. Cotton was no longer king. Industrial technology had yet to make its big debut in the South. And both blacks and whites were going hungry as a result. Enter into this unstable economy the likes of "Pitchford Ben" Tillman, who became Governor of South Carolina in 1890, and later a U.S. Senator in 1894. By playing on the fears of hungry and angry white farmers, who, looking for a scapegoat for their plight, immediately pointed the finger at what they called uppity free blacks.

Tillman was successful in revising the State constitution, and by 1895, almost all blacks were disenfranchised and a rigid policy of racial segregation was developed that would last until the civil rights movement of the 1960's.

Now, let us draw some parallels to what is happening today. Let us look at the economy, for while the unemployment rate has fallen in recent years due to an increase in service-oriented jobs, the Nation's changing economy has left whole segments of the population unprepared for competition in increasingly technical job markets.

Compare also the political climate, where so-called leaders have risen to prominence by blaming practically all of the Nation's budget woes on everything from welfare mothers to affirmative action, to crime prevention programs.

As I watch the witch hunt on African-American office holders and potential political appointees that we are experiencing today, as I hear the lopsided debates for abolishing affirmative action, as I see the legal maneuvers involved in countering what some have labeled bizarre-shaped congressional districts, I cannot help but wonder in which direction are we headed?

Mr. Speaker, I close by saying as I used to say to my students when I taught in the Charleston, SC public schools, if a thing has happened before, it can happen again.

As I close, I want to say in this current political climate, I want to applaud all of the black Americans who were pioneers, as well as those here this evening carrying on their legacy. I want to applaud all of our fellow white Americans who understand this history, who know what it means, and who are working with us to make sure that the clock is not turned back, to make sure that we do not repeat that period of our history, and I want to say to all of them, good luck and Godspeed, and I know what the apprehensions are.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman from South Carolina for adding to this special order tonight, and also want to thank the gentleman for bringing more insight as it relates to the State of South Carolina and its participation and contribution to black history.

Mr. Speaker, I yield to the great gentleman from California [Mr. FILNER].

Mr. FILNER. Mr. Speaker, I thank the gentleman and thank the members of the Black Caucus for organizing this very special special order.

Mr. Speaker, I rise today to participate in this historic celebration we have appropriately named Black History Month. Black History Month is a time of reflection and a time to gain insight from the past and to help our continual striving for equality for all.

Today, Mr. Speaker, I want to underline the importance of the continued fight for freedom for Africa-Americans, because that fight is in reality a fight for freedom for all Americans. It is a fight that has seen many victories and overcome many obstacles, only to be faced with more challenges.

In Germany during the 1940's repression was called fascism. In the 1960's, during the civil rights movement, we called it racism. Now in the 1990's, repression has a new face. We do not have a short label for it yet, but all the hallmarks are there. Division, intolerance, hatred. This new racism threatens many of our achievements of the past 30 years, achievements for example by many African-Americans in my hometown of San Diego who have strived to create a better city and a better Nation. Mr. Donnie Cochran, the first African-American to command the Navy's elite Blue Angles; Miss Regina Petty, the first African-American ever to be named president of the San Diego County Bary Association; the Montford Point Marine Association, the Historic African-American Marine fighting force from World War II; Bethel African Methodist Episcopal Church, the oldest African-American Church in San Diego County; the Neighborhood House, an organization that originated the Head Start Program in San Diego; the San Diego Urban League, an organization that has served as a leader, mentor and an instructor for the African-American community. The list goes on and on.

These individuals and organizations have served as role models not only for the African-American community, but for all residents in the San Diego area, and I am honored to serve as a representative of these outstanding Americans and organizations.

But, Mr. Speaker, if we are not forceful in our efforts to combat racism, we will destroy these achievements in the legacy of the civil rights movement and thrust our country backward into hostility and animosity. We know, of course, due to these celebrations, the name of African-American heroes, W.E.B. DuBois, Frederick Douglas, George Washington Carver, Dr. Martin Luther King, Jr., Rosa Parks, Fannie Lou Hamer, Thurgood Marshall, and many, many others who dedicated their lives to the fight for equality and justice.

But even as we celebrate the progress African-Americans have made in our lifetime, we cannot become comfortable with what has been achieved. The torch must be passed to each generation and the responsibility to continue the fight rests on our shoulders. Yes, we must reflect on the past as we are doing tonight, but, more importantly, we must organize and work in the present and plan for the future.

As we go through the new majority's 100 days, we need to understand that today's actions have consequences for our Nation. We must work together to ensure that our policies are based on hope, optimism, equality and justice.

So I stand to honor African-Americans for their culture and achievements on this occasion tonight, but let us never forget we are all writing the next chapter in this important history. Let us make sure that our chapter is read by our children with price.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman from California for adding to this particular special order, and particularly talking about those African-Americans in the State of California who have made great and significant contributions to this country.

Mr. Speaker, I yield to the distinguished gentleman from Arkansas, Mr. RAY THORNTON, in this special order.

Mr. THORNTON. Mr. Speaker, I thank the gentleman for yielding, and I want to thank the organizers, the gentleman from New Jersey, the gentleman from Ohio, for taking this special order to reflect upon the great contributions that African-Americans have made to our society.

One of my constituents, Mrs. Daisy Bates of Little Rock, deserves special recognition, not only for her courageous and inspiring role in encouraging and supporting the nine African-American students who enrolled in Central High School in 1957, but also for a lifetime of advancing the cause of racial justice.

Mr. Speaker, the gentleman from Louisiana and I had the privilege just a few short months ago of visiting in Mrs. Bates' home, and I am glad to report that she is doing well and in great spirits, as always.

I had the privilege, as president of the University of Arkansas, to write the forward to her book, the Long Shadow of Little Rock, which was reprinted by the University of Arkansas Press in 1986. In that foreword I wrote:

During a critical period in the history of our state, Daisy Bates charged into the heart of a gathering storm of intolerance and prejudice, armed only with principles of justice, of reason, of compassion, and of tolerance. Her leadership, her vision, and her courage have lifted all of us to a clearer understanding of the dignity and ultimate value of the human spirit. This book should be read by all who celebrate those virtues.

Mr. Speaker, I am also very proud that the University of Arkansas, long before the decision, the United States court decision in Brown against Board of Education, became the first Southern state to voluntarily admit African-American students to previously segregated programs in law and in medicine.

Silas Hunt, Wylie Branton, and Dr. Morris Jackson were among those first students admitted in 1948, and no chronicle of Arkansas history would be complete without giving recognition to our own son, John H. Johnson, who, with $500 of borrowed money loaned by his mother, founded Johnson Publishing Company, Incorporated, the publisher of Ebony Magazine, and a host of related enterprises.

How complete would our literature be today without the contributions of Arkansas' own Maya Angelou, whose childhood in Stamps, Arkansas, caused the formation of her beautiful poetic spirit?

Mr. Speaker, African-Americans from Arkansas have not only led in business successes and the cause of education. Many were pioneers in the years before 1952 and the struggle for voting rights.

It is with great pleasure that I call to the attention of my colleagues the history of voting rights for African-Americans in Arkansas during that period. John Kirk, who won first place in the F. Hampton Roy History Awards Contest, has written a fine historical paper relating the activities of Dr. John Marshall Robinson in securing voting participation for African-Americans in Arkansas long before the nationwide civil rights achievements of the 1960s.

Mr. Speaker, I ask that Mr. Kirk's article, "Dr. J.M. Robinson, the Arkansas Negro Democratic Association and Black Politics in Little Rock, Arkansas, 1928 to 1952," be made part of the RECORD at this point.

The article referred to follows:

DR. J.M. ROBINSON, THE ARKANSAS NEGRO DEMOCRATIC ASSOCIATION AND BLACK POLITICS IN LITTLE ROCK, ARKANSAS, 1928–1952

[By John Kirk]

[After the 1944 elections] the activities of Dr. Robinson and ANDA seemed to wane for some time. Other factors and players now began to come into the equation. In 1940, at Stamps, Arkansas, the Committee On Negro Organizations (CNO) led by Pine Bluff Attorney W.H. Flowers was formed. This movement had the stated aim of seeking the "endorsement of its program by Negro church, civic, fraternal, and social organizations." It formed one of the most important black movements in the struggle for black political freedom of its time in Arkansas. By attempting to organize a coalition of the diverse black political, civic, religious and economic groupings and giving coordination and focus to their efforts in their various communities, the CNO pioneered the ethos of mass voting on a much more extensive scale and seems to have had some degree of success in its efforts.

Increasing the significance of black voter potential by promoting poll tax drives, the CNO built an ever-increasing reservoir of black political power. In later elections this would provide an already established electorate upon which to build a black political power base. Even though blacks were deprived of the vote at the time, these drives evidenced a genuine political interest in the black community and meant that larger numbers of qualified voters were now being deprived of their say via the Democratic primaries. In turn, as the rhetoric of "democracy" grew throughout the war years, there was more and more pressure for change on those who were denying black voters their full suffrage rights.

In Little Rock, voting blocks organized by different community leaders, like the East End Civil League under the guidance of Jeffrey Hawkins, for example, began to have an impact on city elections. The double primary system, which had been used to prevent blacks from voting after the *Smith v. Allwright* decision proved to be both expensive and an administrative nightmare and had been grinding to a halt ever since its installment in 1945. Statewide blacks began voting in Democratic primaries again. Pulaski County, however, financed separate primaries to the bitter end, which came in 1947, when the General Assembly repealed the law which had established them. Thus, although not officially sanctioned (since blacks still could not be members of the Democratic Party and so technically could not vote), blacks did begin voting in Little Rock's Democratic primaries again in 1948. With local black groups encouraging citizens to pay the poll tax and providing voter education and information, the black vote became a more and more effective tool with which to gain influence.

In the same year that blacks started to trickle back into local Democratic primaries, the Arkansas Democrat informed its readers that the national Democratic Party was going "All-Out for [the] Negro Vote." Although Henry Wallace's Progressive Party was taking a much more liberal stance in the presidential election, particularly regarding policies of race, Dr. Robinson was not interested: "Arkansas Negro Democrats don't want any Wallace stuff or their party stuff." he said. Dr. Robinson gave his continued support, endorsing "the Democratic administration tooth and toe-nail," in particular the Free Employment Practices Commission (FEPC) in government jobs and the anti-lynching law. At the same time, however, he expressed indifference to the anti-poll tax law ("We believe that individuals will buy poll taxes and vote, if they have sufficient interest in elections") and was set against "civil disobedience" espoused by some black leaders nationally.

Just as Dr. Robinson had been innovative in his day, starting a new movement and leading black politics in a new direction, now new circumstances were overtaking his organization. With the political currency of mass voting by blacks rising in value, Dr. Robinson found his one-man leadership threatened. The organization and following he had built now could have significant political leverage but only with a "new style" black politician, attuned to the possibilities of mass voting and the potential for advancement which it held.

In November of 1949 a new group called the Young Negro Democratic Association was formed, with I. S. McClinton as its president. In May of 1950, blacks representing political interests in all of Arkansas's seventy-five counties met in North Little Rock, apparently to discuss voting in the Democratic primaries of that year. Dr. Robinson was not informed of the meeting, although he attended. An associate of his at this meeting demanded to know why Dr. Robinson had not been consulted. Harry Bass, then secretary of the Urban League, replied that in the job at hand it did not matter "who called the meeting or who the officers were." Dr. Robinson tried to smooth matters over by taking the floor and declaring that he had been "mighty angry" when he had first learned of the meeting, but after matters had been explained to him, he realized that the meeting had been organized "in good faith." In a conciliatory tone he added, "I want this group to know that I am with you in this effort."

Times were rapidly changing. The next political challenge was to be neither from Dr. Robinson, ANDA, nor the new style political leaders. It was the NAACP who finally managed to break the barrier into the Democratic Party structure. In May of 1950, the Reverend J. H. Gatlin, of the Metropolitan Baptist Church, announced his intention to become a candidate for Second Ward city alderman. To do so would mean standing in the Democratic city primaries. To do this would mean becoming a member of the Democratic Party. The immediate reaction from June Wooten, secretary of the County Committee, was to comment, "I see no way under the rules of the State Committee that a Negro would qualify for a place on the State ballot." Black groups, including ANDA, fought shy of the attempt, with Dr. Robinson commenting that Gatlin was not part of his organization and "cannot be identified as a Negro Democrat in Arkansas until he joins." The local chapter of the NAACP initially withheld its official sanction, even though it had held its monthly meeting at Gatlin's church the Sunday before.

Before Gatlin could run, the filing fee had to be paid to the secretary of the Pulaski County Democratic Committee. An attempt to do so on June 3, 1950, was rebuffed by June Wooten who returned Gatlin's filing fee and loyalty pledge with the reasons for its refusal written upon it. In the wake of this development the local branch of the NAACP, while still refusing to endorse his candidacy, promised to fight for Gatlin's right to be placed on the ballot.

The deadline for filing for the city race was June 24. On June 7, Gatlin signed a letter prepared by the legal redress committee of the Little Rock NAACP, which was then sent out to the State Democratic Central Committee members, asking that they change the rules preventing blacks from being put on the Democratic ballot. In this letter Gatlin cited recent U.S. Supreme Court decisions as a precedent for his request. Although not mentioning the case specifically, Willis R. Smith, State Democratic Party chairman, called a special session meeting for the following Tuesday at the Hotel Marion in Little Rock.

At the meeting on June 13, it was ruled, after a protest by Roy Penix, committee member from Jonesboro, that only the State Democratic Convention and not just the Central Committee acting alone had the right to vote upon rule changes to the Party's constitution. June Wooten urged the members of the committee to think seriously about their actions since in light of recent court decisions she believed that Gatlin would, if the case came to court, win. As the meeting adjourned with the decision to put the matter to the convention in the fall (well after the primaries), Wooten half-heartedly joked, "if I get in jail somebody bring me a case of Cokes."

In response to the decision, L. C. Bates, chairman of the legal redress committee of the local NAACP, stated, "we are calling our committee together immediately" and that "it will probably be a matter of hours before a suit is filed." The suit was duly filed, naming June P. Wooten and Willis R. Smith as defendants. Later that week, even though the rules of the Democratic Party remained unchanged, a black candidate was allowed on the Democratic primary ballot in Pine Bluff. Yet, in Little Rock, the gridlock remained.

On June 17, attorneys J.R. Booker of Little Rock and U. Simpson Tate of Dallas filed Gatlin's case with the United States District Court, together was a request for an injunction preventing the exclusion of Gatlin "or any other person qualified * * * on account of race, color, religion, national origin or any other unconstitutional restriction" from the Democratic Party city primaries. The case was based on the argument, stated often before, that primary elections in Arkansas were tantamount to election to office and therefore should be held to be public elections.

On July 5, 1950, Judge Thomas C. Trimble upheld this argument and ordered that Gatlin be placed on the Democratic primary ballot on July 25, basing his decision on an "analogy" with other similar recent decisions in the courts. He finally clarified in his decision that the primary election was "an integral part of the state election system * * * tantamount to election at the general election" and ruled: "It is not sufficient that a citizen have a token exercise of his right and privilege [to vote]."

Mr. Gatlin was duly allowed to stand. The ludicrous situation now existed that blacks were permitted to stand for election under the Democratic banner, but still not allowed, technically, to vote in Democratic primaries or to be a member of the Democratic Party. Even for the die-hard Democrats this was a farce that could not be perpetuated for any great length of time. In September 1950 a proposition to introduce a resolution to the Democratic Convention was forwarded by J. Fred Parish, recommending removal of the "white electors" only voter qualification from party rules. It was approved "without a murmur" by the Resolutions Committee. However, a further request by Parish to have removed from the "declarations of principle" the call for continued segregation and legal prohibition of interracial marriages, created a "furor," and he was forced to drop the suggestion. "One man can only do so much at one time." Parish said.

The following day at the convention, the "white electors" only clause was removed from the party constitution. Governor Sid McMath in his closing speech said: "I am proud, and I know you are proud * * * [that the convention] * * * has said the Negro citizen is entitled to rights and privileges of Party membership." The only real dissension came from Amis "Gutheridge and his Pulaski County junta" who had been the only delegation to cast a "nay" vote on the amendment to the party constitution. Gutheridge had told the party conference, "Sid McMath is all right but is just a man of the moment. You are going to do something here today that you may have cause to regret for years to come." Gutheridge would return to center stage, as a man of a different moment, in not many years to come.

The NAACP financed victory, gaining the right for Gatlin to be placed on the ballot, did not succeed in isolation. Credit must be given to the McMath administration which had from the outset taken a principled stand on the race issue. Yet of more impact and significance were the efforts of local community politicians in registering blacks to vote, which undoubtedly gave evidence of a latent black interest in politics. Also significant were the blueprints for political organization and the previous court struggles which were a legacy of Dr. Robinson and ANDA. It was these efforts which provided important precedents and set a contemporary context in which the battle for participation in the Democratic Party structure was won.

Such networks of local support were vital in providing continued pressure on obstructionists and mandates for those how favored change. The NAACP had to rely upon such local groups for channeling its efforts and laying the groundwork within which it could maneuvre at the "grass-roots" level. It was, however, significant also that it was the NAACP which exerted the final pressure to allow full participation in the party. It had the advantage of a national network of support not embroiled in the local situation of political stalemate, and, perhaps more importantly, it also had the financial clout to sustain its protests through the courts which local organizations did not. Help like this was to become increasingly important in the years ahead.

While the NAACP fought the Gatlin case in the courts, political activity continued on the local level elsewhere. Dr. Robinson, perhaps in an attempt to adjust to the new demands on black politicians, had begun to organize more poll tax drives to boost mass voting in general elections. He began to stress getting "every Negro" to pay the poll tax to gain the vote in the various counties with greater emphasis than he had in the past. At the same time he pointedly expressed anger at the Young Negro Democrats for having "nothing to do with the mother group" after "giving these persons our good blessings."

On another occasion Dr. Robinson reacted angrily to the circulation of "pink tickets," which were pre-marked ballots, distributed to black voters going into the polling place. Such a practice contravened the law. He believed that this "might become embarrassing to Negro voters in future elections" and maintained "that the law be obeyed." At the same time he alleged that "some of our enthusiastic leaders" circulated such tickets for "fat fees" from "certain candidates." Such black leaders were "breaking faith" with the Democratic Party he declared.

This did not, and probably could not, stop the increased involvement of other leaders in trying to get as much political leverage out of the black vote as possible. While Dr. Robinson was making these statements, I. S. McClinton was continuing to expand the base of his rival group, the Young Negro Democrats, establishing chapters in more than ten counties and declaring that his organization was the "only political organization in which a young man or woman has the chance to help direct the policy" which affected the black community. In making an appeal to "young people" it seems he was clearly contrasting a new dynamic "all out" style of utilizing the political process on behalf of the black community, rather than an old style of relying on the "good faith" of the white Democratic Party. In the same meeting at which these statements were made, a committee of three was set up to investigate state and local candidates for office with a view to informing black voters about them, since voters had already begun to request such information. The committee consisted of Wiley Branton, Charles Bussey and McClinton himself.

Shortly after the fight by blacks to participate in Democratic politics was won, a fight which Dr. Robinson had himself long fought, he announced his decision to retire from politics. "I am tired," he said and "I have spent twenty-five years fighting for my people. I've done my work, I will ask the convention to name a younger man to the reins." His decision came after dissension from within ANDA ranks over Dr. Robinson's switch from favoring Sid McMath tu Jack Holt in the governor's race.

However, the change in leadership seemed to have been brewing for a while. Dr. Robinson's philosophy of getting blacks into politics had been overtaken by a new, more aggressive stance, of asking what blacks could get out of politics by using their political leverage to make gains. New leaders also pushed to become fully integrated members of the Democratic Party Central Committee which they achieved for the first time under the governorship of Orval Faubus in 1954. The political climate was moving toward integration, to blacks becoming an integral, not separate, part of political and social affairs. Thus, in 1952, the *Arkansas State Press* concluded that "the ANDA under Dr. Robinson has served well, but today, its usefulness is ended."

Old ways cannot last forever and just as Dr. Robinson had taken the reins for advancement, now he had decided to relinquish them and move over for others to take his place. Yet advancement did not necessarily mean improvement. There were abuses. Undoubtedly a more focused and pragmatic use of politics could bring gains. However, the new freedoms could also lead to dissension and turn campaigning into a money-making racket so that, "Every time a white candidate seeking a political office gives a Negro a campaign card and a 3 cent cigar, that Negro immediately becomes a leader of his people."

In later years the *Arkansas State Press* would voice regret at the retirement of "the dean of Negro politics, Dr. J. M. Robinson," claiming that since that time "politics among Negroes has become just as rotten as it is among white people." The charge was that "Negro politicians have found politics to be a lucrative item by bargaining off the Negro vote." Because of this, "the Negro has been retarded under the new Negro political leadership . . . [whose program] is strictly one of swelling their pockets with money from white candidates."

Undoubtedly there were those who tried to manipulate the newly acquired voting strength for their own profit, and the *State Press* point is well taken. There were the "boodlers" who would come around at election time, offering to use their "influence" with the black community in return for certain "expenses." Often these "leaders" could take money to campaign with, without holding any influence whatsoever. I. S. McClinton referred to the problem of "two month politicians" in later years, indicating that these corrupt practices continued for some time.

However, despite the phoney politicians, there were also genuine politicians who could exert genuine influence. Among these were the already mentioned Jeffery Hawkins and the East End Civic League, as well as I. S. McClinton, whose Arkansas Democratic Voters Association (ADVA) eventually appropriated the Democratic mantle from Dr. Robinson. Other groups like Charles Bussey's Veterans Good Government Association also successfully dabbled in politics.

These various groups were not necessarily antagonistic to one another, alliances and coalitions seem to have shifted continually. Since many of these politicians had their own sections and areas of interest, however, as in most political rivalries, competition and friction could exist. In spite of periodic divisions, however, by unifying black political action, these leaders could make white politicians more receptive to requests for amenities like parks, general community improvements and so on. Even, albeit in a limited sense, the barriers of segregation could be negotiated. By advocating "block" voting, black political strength could become more effective through being focused.

Following Dr. Robinson's retirement the black political scene became more complex and diverse than when he had been almost its sole voice in the state. The complexities and subtleties of the new black politics would lead to a jostling for position among these different organizations and leaders, with different groups having varying amounts of success in their endeavours.

Dr. Robinson's political career had included many other highlights aside from ANDA, including being invited to attend all functions of President Truman's inauguration, attending several Democratic party conferences, being elected as first vice chairman of the National Progressive Voters League and president of the Mid-Western Negro Democratic Association.

Even after retirement from politics he did not fade into obscurity. As he had always done, he worked for the continual betterment and improvement of the black community. In 1953 he was one of the first black doctors to be admitted to the Pulaski County Medical Society, along with Dr. O. B. White, Dr. G. W. Ish and Dr. Hugh Brown. As well as leading ANDA and being Little Rock's foremost black Democratic politician for many years, Dr. Robinson's career also included service in the Urban League, NAACP, YMCA, YWCA, Little Rock Chamber of Commerce, Community Chest Drives (he was awarded the Bronze "Oscar" in 1949), Bethel AME Church, and the Free Masons. He also once chaired the Negro division of the Arkansas Livestock Show.

He was a founder of the Baptist Memorial Hospital, helped organize the Pulaski County Medical, Dental and Pharmaceutical Association (of which he served as president five times), was a member of the National Medical Association, published in the national medical journal, was a staff member of the Arkansas Baptist Medical Center, St. Vincent Infirmary and Memorial Hospital, and was awarded the certificate of merit from the Arkansas Medical Society in 1960.

And in any spare time that he had, he bred Wyonette chickens as a hobby.

In 1944, the Arkansas State Press had hailed Dr. Robinson as "one of [Arkansas's] foremost leaders" and "the modern Moses to lead Arkansas thru [sic] to the new day that is approaching fast." If Dr. Robinson had not actually led the black political cause into the modern era, then he, like Moses, had certainly begun to "part the waters," laying the foundations upon which many leaders would continue to build.

That ANDA finally disappeared does not constitute a failure. On the contrary, it fully lived up to and finally went beyond the original intentions of its formation. Through ANDA Dr. Robinson had kept politics alive, providing a forum for black protest and expression, almost single-handedly, and sustaining the movement many times from his own pocket. An ethic of civic mindedness and a thirst for justice and political equality served to sustain one of the most important black political organizations of its time. Dr. Robinson was the quintessential community politician, not only leading from the front, but also lending a hand to better the day-to-day lives of those in the community.

In some small way, this article hopes to recognize Dr. Robinson as one of Pulaski County's leading politicians as well as give some insight and understanding of his career in the context of the black political struggle of the time in which it took place.

(Mr. Kirk won first place in the 1993 F. Hampton Roy History Awards Contest. He is a student at the University of Newcastle upon Tyne in England and is in Little Rock for a year doing research for his Ph.D. dissertation.)

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman for participating in this special order tonight, and I thank the gentleman for giving me the opportunity to actually meet Ms. Daisy Bates, who is a constituent of his.

It was a pleasure to meet her, it was a pleasure to get an autographed book, and it is a pleasure to know that the gentleman played a vital role, along with the University of Arkansas, so I want to thank the gentleman.

The gentlewoman from Arkansas also reminds me of a gentleman from Louisiana who made a significant contribution to civil rights by the name of A.Z. Young, who opened up many doors for African-Americans in the State of Louisiana, and perhaps across the world.

Mr. Speaker, I yield to the distinguished gentleman from the State of Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, I thank my colleague for yielding to me.

Mr. Speaker, from its beginning nearly 50 years ago, Black History Month has helped enlighten the country about the true role played by African-Americans in the country's cultural, intellectual, and economic development. It has given millions of black citizens, particularly young people, a better sense of their heritage and a more hopeful vision for their own future and the future of the country. At a time when poverty, and drug abuse, and violence still plague our communities everywhere, the importance of this observance has never been greater.

So it is a special privilege, Mr. Speaker, to have an opportunity to participate in this special order commemorating Black History Month.

I would like to particularly pay tribute this evening to a noted black American who was born in my own congressional district in south Georgia. His name was Henry Ossian Flipper. He was born into slavery in 1856 in Thomasville. His dream was to become an officer in the U.S. Army, and following the Civil War he set out to fulfill that dream.

In spite of the incredible obstacles, Henry Flipper succeeded in securing an appointment to West Point. In fact, he turned down the enormous sum of $5,000—about $75,000 in today's economy—offered by a white student for his academy nomination. Although he was to suffer abuse and ostracism during his years at West Point, he persevered and became the academy's first black graduate.

While serving with the 10th Cavalry in the West, he was falsely accused of embezzling commissary funds. And, although he was exonerated, he was nevertheless discharged from the Service.

Perhaps his success after that profound setback is the most inspirational part of his life. During the remaining years of his life, he was to serve as an inventor, surveyor, engineer, newspaper editor and author, a developer of the Alaskan Railway system, a special agent to the U.S. Justice Department, an assistant to the Secretary of the Interior, and a pioneer in the country's oil industry.

But Henry Flipper always considered himself, first and foremost, a soldier. He repeatedly appealed to Congress to clear his name. But was rejected. When he died, he was buried in an unmarked grave in Atlanta. His death certificate listed the one occupation he wished recorded: "retired Army officer."

It was not until 1977 that the Army formally reinstated him to honorable status. His body was reinterred amid full military honors and a 21-gun salute. Today, his statute is on the grounds of West Point.

His story is an inspiration to us today because he faced injustice and bigotry with courage, honor and dignity. By examining his life, we are taught the importance of hard work and determination. Through him, we know the value of education. His fight to regain his honor gives us a thirst for truth.

Mr. Speaker, it is fitting during Black History Month to reflect on the lives of great Americans like Henry Ossian Flipper of Thomasville, GA.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman from Georgia for adding to this special order, talking about the significance of African-Americans in the State of Georgia who have made a great contribution to this country.

Mr. Speaker, I yield to my good friend and my colleague and my neighbor, the gentleman from Mississippi [Mr. THOMPSON], to participate in this special order.

Mr. THOMPSON of Mississippi. Mr. Speaker, I would congratulate the gentleman from Louisiana, [Mr. FIELDS], and other Members who put this special order on.

Indeed, this is, as you know, Black History Month. I think it is fitting and proper that at every opportunity we get we should highlight the importance of African-Americans to this country.

Mr. Speaker, I rise today to commemorate Black History Month by paying tribute to the late Fanny Lou Hamer, who rose from a sharecropper on a Mississippi plantation to a prominent position as one of America's most distinguished human rights leaders.

Mrs. Hamer revolutionized the Mississippi Democratic party by helping to organize the Mississippi Freedom Democratic Party, which was established in 1964, to organize disenfranchised citizens.

The party's primary goal was to challenge the exclusion of African-Americans from the Mississippi Democratic party. Mrs. Hamer was a powerful orator, a courageous leader who led by example. She encouraged people to register and vote. In 1964 Mrs. Hamer ran for Congress on a Mississippi Freedom Democratic Party ticket.

□ 2100

Because of the discriminatory practices of the Mississippi Democratic Party, Mrs. Hamer led the fight to challenge the seating of the delegates of the Mississippi Democratic Party at the 1964 Democratic National Convention in Atlantic City, NJ. Even though she was unsuccessful in this effort, the State Democratic Party eventually became a diverse party.

The most visible result of her struggle is the fact that an African-American is now serving as chairman of the Mississippi Democratic Party. In addition, Mississippi currently has more African-American elected officials than any other State in the Nation.

Even though Mrs. Hamer had little formal education, she always encouraged young people to obtain a good education. She was the recipient of honorary doctorate degrees from numerous colleges and universities across the country for her civil rights activism.

In the 103d Congress, I introduced a bill, which became law, that designated the post office in Ruleville, MS, in honor of Mrs. Hamer. Last Saturday, we dedicated the post office in her honor.

Last Saturday we dedicated the post office in her honor with over 700 people present.

It is ironic that with the assaults on affirmative action and the playing of the race card by many Members of this body that Fannie Lou, if she was here today, would indeed be sick and tired of being sick and tired.

So, again, I compliment the people for putting this special order on. I compliment the gentleman from Louisiana for taking the leadership in this, and I look forward to the debate on other issues as they come forward.

Mr. FIELDS of Louisiana. I want to thank the gentleman from Mississippi for his contribution tonight, particularly in talking about Fannie Lou Hamer, who is a person who was born and raised in Mississippi and one of her famous quotes, as the gentleman stated, was one that stuck with me and will stick with me for the rest of my life when she said, "I am sick and tired of being sick and tired." I want the gentleman to know people like Fannie Lou Hamer; those words are all across the country.

I yield to the distinguished gentleman from Wisconsin [Mr. BARRETT], who walked in and who wishes to participate in the special order.

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to compliment the gentleman from Louisiana for organizing tonight's special order.

Mr. Speaker, I commend my colleagues, Mr. LOUIS STOKES and Mr. DONALD PAYNE for reserving this special order to celebrate Black History Month, a tradition dating back to 1926 when Dr. Carter G. Woodson set aside time in February to honor the contributions and achievements of African-Americans.

The theme of this year's observance, "Reflections on 1895: Douglas, DuBois, Washington," gives us an opportunity to honor three heroes from America's past. As we look back at the contributions Frederick Douglass, W.E.B. DuBois, and Booker T. Washington have made to our society, we can all find inspiration in the seemingly insurmountable odds they overcame to establish themselves as giants in American history.

I take pride in saluting these American heroes and in heralding their accomplishments this Black History Month.

While it is important to remember the achievements of the past, it is equally important to recognize African-Americans who are making a difference in their communities today.

Mr. Speaker, I am proud to stand before you today to salute an outstanding citizen who lives in my hometown of Milwaukee, Mr. James Cameron.

Mr. Cameron clearly understands the importance of preserving a thorough and accurate record of our past history for future generations of Americans.

In his book entitled "A Time of Terror: A Survivor's Story", Mr. Cameron recounts the lynching he survived 64 years ago. The rope was strung around his neck tight enough to leave burn marks as he dangled from a tree. He prayed, and in those last moments his prayer was answered. But, the memory has never faded.

This experience gave Mr. Cameron, then 16, a vision he has followed the rest of his life—to retell the events of terror and ensure that history is not forgotten.

Mr. Cameron is the founder of America's Black Holocaust Museum in Milwaukee, and is currently raising funds to expand the project. Mr. Cameron's collection teaches us about the events of our past to prevent history from repeating itself.

Now 80 years old, Mr. Cameron has led a rich life. He married, raised a family, and has dedicated much of his life's work to civil rights. I am certain that the people of Milwaukee will continue to benefit from his tireless efforts for years to come.

This month and every month, we should pay tribute to the many accomplishments of African-Americans of the past and to those outstanding citizens, like James Cameron, who are making history by their actions today.

Again, I thank Mr. STOKES and Mr. PAYNE for reserving this special order to honor heroes of America's past and those who are with us today.

Mr. FIELDS of Louisiana. I want to thank the gentleman from Wisconsin for participating in this special order and also bringing to the forefront those African-Americans in his own State who have made a significant contribution to this country.

Mr. Speaker, it gives me great pleasure to yield to the gentleman from Georgia, a person whom I have had and have a great deal of respect for and a person I have watched from afar from my own State of Louisiana and a person I have always viewed as a significant contributor to African-American history, because he, in fact, has always been on the front edge, the leading edge, the cutting edge of the civil rights movement, and I want to thank him today, because it is people like him who have opened up doors for people like me to be in this very House today. I want to thank the gentleman from Georgia [Mr. LEWIS], and I yield to the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my colleague, the gentleman from Louisiana [Mr. FIELDS], for holding and organizing this special order, and I want to thank my friend and my colleague for those very kind words. Thank you for being my friend.

Mr. Speaker, It is time to pay tribute to those great men and women who have dedicated their lives to making sure that African-Americans are able to enjoy all of the rights and freedoms of this great Nation. It is also a time for us to reflect on the distance we have come as Americans and the distance we have yet to travel.

Since I have been in the Congress, I have made a special effort to encourage the preservation of black history. Earlier this month, I introduced a bill to establish a National African-American Museum in Washington, DC. The bill seeks the establishment of a national museum dedicated to the heritage and culture of African-Americans.

The museum would collect, catalogue, conserve, and exhibit materials related to the art, history, and culture of African-Americans. It would be housed in the Art & Industries Building, a facility on the Mall.

A better understanding of American history has the power to inspire and uplift present and future generations of Americans. Our history is a precious resource. We should do all that we can to preserve it, and to ensure its accuracy by including the history of all Americans. I urge my colleagues to support this important legislation.

Today, I rise to remember three giants of American history. Frederick Douglass, Booker T. Washington, and W.E.B. DuBois provided visionary leadership for African-Americans in the 20th century. Their ideas have served as the intellectual and spiritual foundation for the black struggle in America. Their arguments for full social, political and economic rights provided the ammunition for African-Americans to overturn segregation and outlay discrimination.

Mr. Speaker, these men were men of great vision. I feel a tremendous sense of gratitude and humility to be able to stand on their shoulders.

As the great abolitionist, Frederick Douglass personally lobbied President Abraham Lincoln to abolish slavery. Douglass was easily the most influential African-American public figure of the 19th century. He preached that agitation and protest were the instruments of freedom for an oppressed people. Frederick Douglass planted the seeds of liberation and inspired generations to pursue social justice at all cost.

During his lifetime, Booker T. Washington was known to many as the Wizard of Tuskegee. An innovative and determined leader, Washington founded prestigious Tuskegee University in southern Alabama. Washington preached that social uplift would result from economic prosperity and independence. Washington sought a pragmatic approach to the betterment of the African-American people.

Though he was criticized by some for not being forceful enough in advocating political freedom for African-Americans, Booker T. Washington was a visionary whose philosophy guides us still as we seek economic empowerment. Indeed, Washington's views will continue to guide us as we move into the 21st century.

W.E.B. DuBois, the author of "The Souls of Black Folk," can be considered the intellectual father of the American civil rights movement. A founding member of the National Association for the Advancement of Colored People, DuBois offered an uncompromising vision for political and social freedom. His writings helped to inspire the legal foundation of the NAACP that eventually led to the desegregation of public schools and facilities. DuBois devoted his entire life to the pursuit of social justice and political freedom.

Mr. Speaker, I am proud to claim these men as my heroes and my mentors. They have inspired me and millions of Americans. It is fitting and appropriate that we pay tribute to these men.

□ 2110

Mr. FIELDS of Louisiana. Mr. Speaker, again let me thank the gentleman from Georgia [Mr. LEWIS] because I know of the work that the gentleman has done across this country, with other great African-Americans, to secure the right to vote, to secure equal access to public housing, to public facilities and accommodations. I thank the gentleman because I know the gentleman has worked the highways and byways of this Nation. I also think of other great African-Americans, like Sojourner Truth, who was on a journey for the truth when she said, "I hold this Constitution in my hand, and I look and look into this Constitution, but I see no rights for me." She died so that African-Americans could be in this Congress.

I want to thank Fanny Lou Hammer, who said, "I am sick and tired of being sick and tired." I want to thank Rosa Lee Parks, who took a seat so we all could stand, take a stand. I also want to thank some of the great pioneers in my home State whose names will never be written in the history books. I want to thank A.Z. Young, who opened many doors for African-Americans in Louisiana. And also Annie Smart, Lillie B. Coleman, and Acie Belton, Leon Robinson and Ben Jeffers.

I also want to thank those great inventors. They have opened up so many doors and made life so much better for African-Americans. Every time I wake up in the morning and I put on a pair of shoes, I say, "Thank you, black America," because a black man named Jan Matziger invented the shoes. Every time I get in my automobile and I touch the brakes, I say, "Thank you," in tribute to black America, because a black man by the name of Granville T. Woods invented the air brakes. And I want the gentleman to know that every time I stop at a traffic light, I say, "Thank you, black America," because a black man by the name of Gray Morgan invented the traffic light. And if I ever run a traffic light and get into an accident and need some blood, I am going to say, "Thank you, black America," because a black American named Charles Drew invented the process for preserving blood.

If the doctors ever tell me I need open heart surgery, I am going to say, "Thank you, black America," because a black man by the name of Daniel Hale Williams was the first to perform open heart surgery.

And further, I wanted to mention to the gentleman that every time I stick my spoon or knife in a jar of peanut butter, I always say, "Thank you, black America," because a black man by the name of George Washington Carver invented the peanut butter. Every time I fly into Washington, DC., and walk into this Chamber and every time I look at my watch or look up at the clock that is above the Speaker's head, I often say, "Thank you, black America," because a black man named Ben Banneker designed DC. and laid out the first design for the clock.

So I just want to thank those African-Americans. But in particular I want to thank the gentleman from Georgia because as a young man in this Congress and as the youngest black American in this Congress, I am smart enough to know that I would not be here today but for Members like the gentleman from Georgia.

So I say, "Thank you, gentlemen."

Mr. LEWIS of Georgia. I want to thank the gentleman, my colleague and friend from the great State of Louisiana, for those words. The gentleman is so right that countless, nameless individuals whose names will never appear in a newspaper or a magazine, their faces will never appear on television, African-Americans who made outstanding, unbelievable contributions that we must never forget.

I thank my friend.

Mr. STOKES. Mr. Speaker, I want to express my appreciation to my colleagues who are joining me in the House Chamber this evening for our special order in observance of Black History Month. We take special pride in this opportunity to highlight and pay tribute to notable African-Americans who have contributed so much to this great Nation. I am pleased to also recognize the distinguished chairman of the Congressional Black Caucus, the gentleman from New Jersey [DON PAYNE] who joins me in sponsoring the special order.

I want to share with my colleagues and the Nation some pertinent information regarding our celebration of black history. It was in 1926 that the late Dr. Carter G. Woodson initiated the observance of Negro History Week. He set aside 1 week in February to recognize the contributions of African-Americans to the building and shaping of our Nation. Dr. Woodson, a noted historian, understood that black Americans were not receiving recognition in history for their vast contributions. He hoped that through this special observance, black Americans and, indeed, all Americans, would gain a greater understanding and appreciation of these contributions.

In 1972, the association for the study of negro life and history, which Dr. Woodson founded, changed the name of the observance of African-American History Week. The celebration was expanded during the Nation's Bicentennial in 1976, and President Gerald Ford urged the Nation to join in the first month-long observance of Black History Month. The U.S. Congress also recognized the importance of the black history observance. In February 1976, our colleague from Illinois, the late Ralph Metcalfe, introduced legislation, House Resolution 1050, which declared that the

House of Representatives recognize the month of February as Black History Month.

Mr. Speaker, African-Americans have a magnificent and rich history; a history which is woven into the economic, social and political fabric of this Nation. As we gather for this special order, we pay tribute to Dr. Carter G. Woodson, Ralph Metcalfe, and the many others who have carried forth the tradition of celebrating our accomplishments.

The organization which Dr. Woodson founded is now known as the Association for the Study of Afro-American Life and History. Each year, the organization is responsible for selecting a theme for the national observance of Black History Month. This year the association has selected the theme, "Reflections on 1895: Douglass, Du Bois, Washington." I want to take a few moments to recognize the contributions of these three giants to American History.

Frederick Douglass was born a slave in Talbot County, MD, in February 1817. He was taught to read by the wife of his owner. Douglass escaped and eventually his freedom was purchased by Quaker abolitionists. During his lifetime, Douglass was a powerful, effective spokesman for the cause of freedom and equality. In his writings and speeches, Douglass' major concerns were civil rights and human freedom. He fought to end slavery, racial prejudice, and discrimination.

Frederick Douglass utilized his own newspaper, the North Star which he began publishing in 1847, to give voice to the struggle. His writings also included his autobiographies, "The Narrative of the Life of Frederick Douglass: An American Slave," and "Life and Times of Frederick Douglass.

During his lifetime, Douglass held a number of prestigious government positions including marshall and recorder of deeds in the District of Columbia, and United States Minister to Haiti. Indeed, our Nation's Capital provides a fitting reminder of Frederick Douglass' historical contributions. We can look to the White House and recall Douglass urging President Lincoln to declare emancipation as the central cause of the Civil War. And, we recall that here in this Capitol building, Frederick Douglass came to Congress to protest the inadequacies of Reconstruction.

Frederick Douglass died on February 20, 1895. In the cause for freedom, he was one of America's greatest orators, writers, and editors. He fought to guarantee that the ideals of the Declaration of Independence be extended to all Americans.

Mr. Speaker, during Black History Month, we note the accomplishments of William E.B. Du Bois, a teacher, author, editor, poet, and scholar. This great American was born in February 1869, in the State of Massachusetts.

Du Bois made history in 1895 when he became the first African-American to earn a Ph.D. from the prestigious Harvard College. He went on to teach Greek, German, and English at Wilberforce University, and economics and history at Atlanta University. In one of his greatest works, "The Souls of Black Folk," it is said that the reader may sample history, sociology, biography, economic analysis, educational theory, and social commentary.

One of the greatest contributions of W.E.B. Du Bois was his strong leadership which resulted in the birth of one of America's most distinguished organizations, the National Association for the Advancement of Colored People, or NAACP, in 1909. Du Bois and others saw the need for an organization to fight for voting rights, educational opportunities, and access to public facilities for African-Americans.

The NAACP and its publications became the voice for African-Americans throughout the Nation. Eighty-six years later, the organizations is celebrating the selection of Myrlie Evers-Williams, a civil rights activist and wife of slain civil rights leader, Medgar Evers, as its national board chairman. With her at the helm, the NAACP will continue to play a leadership role in the quest for justice and equality for all Americans. W.E.B. Du Bois died on August 27, 1963. He will always be remembered as a champion in the struggle for equality.

Mr. Speaker, as we reflect upon our theme for Black History Month, we note the historical contributions of Booker T. Washington, a gifted educator and leader. Washington was born in April 1856, in Franklin County, VA. He spent 9 years in slavery before his mother moved the family to West Virginia.

On September 19, 1881, Washington received the opportunity of his life when the Alabama Legislature authorized the establishment of a school which would train black men and women to be teachers. Washington was recommended and accepted the post as head of the institution. Arriving at Tuskegee, AL, Washington found that no land or buildings had been acquired for the projected school, nor were funds allocated for these purposes.

Undaunted by these circumstances, Booker T. Washington went to work recruiting black students and gaining financial support for the effort. Borrowing funds from Hampton Institute, Washington purchased an abandoned plantation and students then went to work not only making the bricks, but constructing buildings for what would become one of the Nation's most distinguished black institutions of higher learning.

By 1888, Tuskegee Institute owned 540 acres of land and had an enrollment of more than 400. The school offered the first training to African-Americans in the trade skills such as carpentry, cabinetmaking, printing, and shoemaking. The influence of the school extended far beyond Alabama. By the time of Washington's death in 1915, similar institutions modeled on Tuskegee had been founded in other states.

Although Tuskegee was Booker T. Washington's most enduring monument, his oratorical skills and writings also signaled him as a leader and spokesman for the African-American community. He is also famous for his autobiographies "My Life and Work," "Up From Slavery," and "My Larger Education." Booker T. Washington died on November 15, 1915. His spirit lives on through the work which continues at Tuskegee Institute, and in his published works.

Mr. Speaker, this evening as we remember the contributions of Frederick Douglass, W.E.B. Du Bois and Booker T. Washington, we are led back to our theme for Black History Month, "Reflections on 1895." One hundred years ago, America was poised to undergo tremendous social and political change with the abolishment of slavery 32 years earlier.

Slavery ended with the issuance of the Emancipation Proclamation on January 1, 1863, by President Abraham Lincoln. Yet, for African-Americans, true freedom would continue to be denied by the systematic exclusion of economic opportunity and equality.

The legal restrictions on black civil rights arose in 1865 and 1866, when many Southern State governments passed laws that became known as the black codes. These laws were like the earlier slave codes. They prohibited African-Americans from owning land. Other codes established a nightly curfew, and some even permitted States to jail African-Americans for the simple reason of being jobless.

In the last 1800's, African-Americans in the South suffered from segregation, the denial of voting rights, and other forms of discrimination. The new cotton mills and mill towns were generally for whites only, and sharecropping was the way of life for the majority of blacks in the South. Black Americans who lived in northern cities were largely confined to jobs that required the least skills and brought the lowest pay.

Several decisions of the U.S. Supreme Court enabled Southern States to continue to practice segregation and discrimination. In 1883 the Supreme Court declared the Civil Rights Act of 1875 to be unconstitutional. That act had prohibited segregated public transportation and accommodations. In addition, the Civil Rights Act of 1866 and the 14th amendment to the Constitution, ratified in 1868, had forbidden the States to deny equal rights to any person. But in 1896, the Supreme Court ruled in the case of Plessy versus Ferguson that a Louisiana law requiring the separation of black and white railroad passengers was constitutional. This ruling, known as the separate but equal doctrine, became the basis of southern race relations. African-Americans were dismayed as they saw their rights eroded by court decrees and insensitive political leaders.

One hundred years later, as we gather this evening to celebrate Black History Month, we should ask ourselves where America stands in the quest for equality and economic opportunity. As we reflect on the conditions of 1895, has this great Nation embraced the declaration of equality for all its people?

In the nearly 100 years since the infamous Plessy versus Ferguson decision, I must express my concern about the continued assault on the African-American community through the dismantling of affirmative action programs and other legal devices designed to guarantee equality. Today, Congress and the Nation is involved in one of its most important debates on the issue of affirmative action.

Affirmative action has been employed as the primary tool to allow minorities and women to break through the many barriers of discrimination. Studies prove that these barriers help to keep them unemployed, underpaid, and in jobs where there is little or no opportunity for advancement.

Tonight, I would remind those who oppose affirmative action that African-Americans and other minorities also have a contract with America. That contract is rooted in both the Constitution and the Declaration of Independence. As it relates to jobs in America, people of color have every right to believe in the doctrine that reads: "We hold these truths to be self evident, that all men are created equal."

Mr. Speaker, as we celebrate black history and black progress since 1895, I want to also recognize the importance of voting rights laws. Without this important vehicle, many of us would not be here today.

The Voting Rights Act of 1965 was aimed at dismantling all voting-related discrimination practices. Over the years, the Voting Rights Act and redistricting have played an essential role in ending the stain of State-sponsored racism that the Supreme Court approved of the Plessy versus Ferguson decision nearly 100 years ago.

The opportunity to participate in the political process has been the cornerstone of progress for the African-American community. No where is that fact more evident than here in the Halls of Congress. As African-Americans sought economic equity and equality, they have utilized the ballot box to bring about change.

This evening, I pay special tribute to my colleagues in the Congressional Black Caucus. We are Members of Congress elected to office from every corner of America, North, East, South, and West. I also recognize the importance of the organization which binds us, the Congressional Black Caucus. Since its founding in 1972, the Caucus has been instrumental in articulating the concerns of the African-American community. From our founding 13 members to the present 41, we have grown not only in size, but in significance, shaping the way America views the African-American community.

Mr. Speaker, I am saddened to report that while the doors of opportunity have allowed African-Americans and other minorities to step forward into leadership posts in government and other areas, through devious and sometimes overt means, our minority leaders are subjected to relentless investigations, witch hunts, and character assassinations. Today, we include the names of Lani Guinier, Mike Espy, Jocelyn Elders, Ron Brown, and Dr. Henry Foster to the list of those who have been subjected to unwarranted attacks. Until we can eliminate the selective character assassinations on persons of color, our Nation cannot stand and proudly proclaim that government is: of the people, by the people, and for the people.

Mr. Speaker, I want to thank my colleagues for joining me in this special order celebrating Black History Month. As we reflect back on our accomplishments, we are even more determined to move forward in the spirit of the brave heroes and heroines in whose path we follow.

It is our hope that one day, the celebration of Black History Month will not be limited to 1 month. It is our hope that 1 day American leaders, heroes, and activists of all races, will stand side by side throughout all the pages of our history books, for all the world to appreciate. Then, in fact, we will be the Nation to which we pledge allegiance: One Nation, under God, indivisible, with liberty, and justice for all.

Mrs. MEEK of Florida. Mr. Speaker, I rise before you today standing on the broad shoulders of Josiah T. Walls; the first black elected to the Florida House of Representatives, the Florida Senate, and the U.S. House or Representatives from Florida; Joe Lang Kershaw, the first black elected to the Florida House of Representatives in this century; and Gwen Sawyer Cherry, the first black woman ever to serve in the Florida Legislature.

Often times we Members of Congress like to remember those who came before us by naming buildings or erecting monuments in their memory. But Mr. Speaker, I rise before you today to pay tribute to a person whose work and commitment to our children, our race, and women everywhere is still bearing fruit today.

The person I am referring to is Mary McLeod Bethune.

In 1947, Mary McLeod Bethune, in an address to the 22nd annual meeting of the Association for the Study of Negro Life and History, said:

> If our people are to fight their way up out of bondage we must arm them with the sword and the shield and the bunker of pride—in themselves and their possibilities, based upon a sure knowledge of the achievements of the past. That knowledge and that pride we must give them if it breaks every back in the kingdom.

This quote, perhaps more than anything else, captures the basic spirit and philosophy and commitment that Mary McLeod Bethune had for her race and the promotion and the development of women and African-American history.

I am greatly moved by the memory of Mary McLeod Bethune. She was an inspirational American woman, of African decent, who was from the people—not of the people. She provided my generation, indeed many generations, with a beacon of light and hope that all things are possible through God and through hard work. I am hopeful that future generations will be able to light their individual torches from the bright flame of wisdom, strength, and knowledge that Mrs. Bethune displayed. Today, Mrs. Bethune's light still shines through the work of her students, including me, and the generations of young people she has laid the foundation for a Bethune-Cookman College in Daytona Beach, FL.

Beginning as an educator and founder of a school which bears her name, Mrs. Bethune became the valued and trusted counselor to four U.S. Presidents, the director of an important government agency, the founder of a major organization for human rights, and a consultant to world leaders seeking to build universal peace through the United Nations.

Mrs. Bethune gained national and international prominence for her advocacy and work on behalf of African-Americans and women. During her life, she was elected and appointed to a number of key positions, which provided visibility for her causes and an opportunity to mobilize African-Americans on issues of concern to the race. From the early 1930's, until her death in 1955, she was a very vocal advocate and activist for African-American and women's history.

In the early 1920's, Mrs. Bethune, was one of the first to actively campaign for legislation to build a national black museum in Washington, DC.

Born in 1875, in Mayesville, SC, Mary McLeod Bethune grew up in the rural South during a period of great transition and turmoil. Her experience with poverty, racism, and ignorance in South Carolina, and later in Georgia and Florida, provided her with first-hand knowledge of the suffering and needs of her people. It was in this context that she committed her life to work with, and on behalf of her people.

A strong believer in education and in self-help, she was an integrationist and Pan Africanist, who argued for unity among people of African decent throughout the world. She viewed education as an important link to African-American freedom and equality. In her view, white people needed to know and appreciate African and African-American history, as well as blacks. In concert with W.E.D. DuBois, and Carter G. Woodson, she believed that, if properly utilized, history could be a powerful weapon in the fight against segregation and discrimination.

Moreover, Mrs. Bethune believed that blacks needed a broader knowledge of world history, with a specific focus on African and African-American heritage.

Mrs. Bethune, was one of the first African-American educators to fully inculcate African-American history into a curriculum. She did this at the Daytona Normal School for girls, which she founded in 1904. Working to produce and sustain a school, she stressed the achievements and contributions of historic figures such as Frederick Douglass, Booker T. Washington, Lucy Laney, and others who were role models, she held them up to the pupils for emulation.

Developing contacts with both white and black leadership, Mrs. Bethune was able to build a base of power and influence, which by 1940, would allow her to be recognized as the foremost leader of African-American women.

Tonight as we celebrate Black History Month, I challenge all Americans to reflect on the example of faith, hope, and charity provided by Mary McLeod Bethune's great legacy. As Mrs. Bethune challenged Americans to continue the search for sustaining truth, and to spread that truth far and near, until we, in our turn, shall pass her saving legacy, undiminished, into the waiting hands of posterity.

Many of us here today have relighted our torches from the bright flame provided by Carter G. Woodson, Mary McLeod Bethune, Gwen Sawyer Cherry, Joe Lang Kershaw, Josiah T. Walls, Mary Church Terrell, Nannie Helen Burroughs, and many others whose lives have informed and inspired our work.

Mrs. Bethune's pioneering work in the education, and in the preservation of the history of Blacks and women is to be celebrated and perpetuated. Few leaders have been so diverse in their contributions and so distinctive in their vision. Mrs. Bethune saw African-American history as an integral part of our lives. She has left us a rich heritage. We must commit ourselves and dedicate our lives to carrying forth that vision to another, higher level, unit we too shall pass the torch.

Mr. HOYER. Mr. Speaker, I am honored to join my colleagues today to commemorate Black History Month. Particularly, Mr. Speaker, I would like to thank Mr. STOKES and Mr. PAYNE for requesting this special order.

Black history is more than just a designation on a calendar; it is a time when all Americans can reflect upon the towering achievements African-Americans have made and continue to make in this country. It is a time when we honor men and women who have influenced and shaped American culture and life.

We thank those who through their writings and teachings have enabled all of America to know and appreciate the African-American legacy, past struggles, and present dreams. We pay tribute to America's sports heroes. We honor scientists and educators who labored so hard to overcome racial barriers in our society and proved that America could not afford squander the talent and knowledge of African-Americans.

I want to honor and share with you the story of an African-American whose history is deeply rooted in the part of the congressional district I represent. The achievements of Henry Jenifer, a person who dedicated his life to preserving the lives of others, deserves a place in our history books.

Mr. Speaker, I am proud to submit Henry Jenifer's story for the RECORD.

[From "I Wouldn't Take Nothing For My Journey"]

(By Leonidas H. Berry)

Buried in the small family cemetery at Deep Falls in Chaptico is a celebrated Revolutionary War soldier and a former Maryland governor. Far from the stately house with ornately carved doorways handsome chimneys and rolling falls, a small clump of trees stands out in the middle of a farmer's soybean field. There, obscured and buried in the overgrowth, is the site of former slave cabins that once housed the working force of the Southern Maryland tobacco plantation. The hills and fields are silent now, but there is a story passed down from oral tradition of African-American History, the legend of a natural healer and his passage to freedom.

Henry Jenifer was a slave of Dr. William Thomas, owner of Deep Falls. Henry's family served the Thomas' for generations. Thomas' brother, James, was Maryland's 26th governor. From the time he was a boy, Henry cared for the doctor's horse and buggy, accompanying him on his rounds of serving the Chaptico community.

As he grew older, Henry learned medicine, not only from watching the white physician as he performed his practiced skills, but from the ancient healing ways of his African ancestors. Using simple methods such as looking at the tongue or a patient's eyes, he could diagnose the illness, amble to the deep woods and emerge with root, tree bark or plant to effectively cure what ailed them. The black folk began calling him "Doc" Henry, and at times when Dr. Thomas was away or had failed to produce a cure the whites called upon Doc as well. Like the Native American preceding them on the landscape, the African American combined spiritual as well as physical remedies to heal his patients, often with great success.

At times Dr. Thomas would send Henry to tend his patients. A white farmer with a large open wound on his foot was treated by the white physician with a solution of carbolic acid and water, and it was Henry's job to bathe the wound in the solution on a daily basis. After the gash failed to heal, Doc Henry offered to help, but only if his patient agreed not to tell. The slave soaked some wheat bread in water and left it in the open air until it was covered with a heavy growth of mold. This he applied to the wound, which healed in a short time. Dr. Thomas never knew that his patient was cured by a crude form of penicillin—a hundred years ahead of its time.

As 1848 dawned in St. Mary's County, a severe outbreak of yellow fever ravaged the countyside. When the epidemic reached its height, Henry was taught the art of "bloodletting" by his master, through which patients were bled to leech out the poison in their system. As the fever raged through the long, hot summer, fear soon mingled with ignorance. Residents attempted to flee to other areas, but were stopped at the county's borders by gunpoint and forced to return. Henry's services became invaluable as he tended to the sick, sometimes while family members lay dead nearby.

As summer waned into fall, the yellow fever epidemic finally began to subside. It lasted 10 weeks and took hundreds of lives. The dead were buried in graveyards and cornfields. Prayers of thanksgiving were offered. Black and white, slave and free man, mourned together. Their joy and their sorrow knew no color, no race.

Throughout Henry's servitude, Dr. Thomas allowed him to earn money for his work, and promised his trusted servant that when he had enough money Henry could buy his freedom with it. His master kept the money for him at the plantation. When the epidemic was past, Henry approached Dr. Thomas about buying his freedom. By then, Henry's services had become too valuable to the physician, who informed him that the money had been stolen. Depressed and feeling betrayed, Henry conceived a plan. Unbeknownst to Dr. Thomas, Henry had saved some money on his own. He got word to "dat Harriet woman" that he wished to leave St. Mary's County on the Underground Railroad. Harriet Tubman's "underground train" was situated on Maryland's Eastern Shore, but had a network that stretched throughout Southern Maryland.

One day Dr. Thomas waited with frustration for Henry to arrive and hitch up his horse to buggy in order that he might make his daily rounds. Henry, however, had fled across back roads and fields to Leonardtown, eventually making his way to the Patuxent River, then on to Cove Point in the Chesapeake Bay. Dozens of participants, black and white, from every profession, helped make up the ties of the underground railroad, which led from Dorchester County to Canada. Before he left Maryland, Henry was to meet his benefactor, Harriett Tubman, in Cambridge.

After long weeks passed, the former slave reached his destination a safe and free man. He mourned having left behind his family, still in bondage at Deep Falls. Another 15 years would pass before they were awarded freedom during the War Between the States, the same war in which their masters would fight for Confederate Army.

Mr. CLAY. Mr. Speaker, the theme "Reflections on 1895: Douglass, DuBois, and Washington" is most appropriate for this time because we are asking the same question in 1995 that these men attempted to answer in 1895—"How can black Americans empower themselves economically, educationally, and politically"?

It is my hope that during this observance of Black History Month, my colleagues will study the works of Douglass, DuBois, and Washington very carefully and make a distinction between their leadership qualities.

Instead of focusing on education and professions like medicine and law, avenues to self-empowerment, Booker T. Washington preached that all Negroes should be satisfied and happy to have a job working in the cottonfields or in the farmyard. If he had been successful in his course of action, black Americans would have been guaranteed jobs, but they would have been doomed to a life of servitude in menial jobs.

Booker T. Washington was a Negro leader created by whites who supported him because his message served their general purpose of keeping Negroes as close to a state of bondage as legally possible. As a matter of fact, a New York Times article put it succinctly in 1958, and I quote:

> Washington was far from being the Negroes' acknowledged leader, but he was still the only Negro leader the whites acknowledged.

Booker T. Washington may have been a leader to them, but he was a disappointment to many black Americans.

DuBois, a creative thinking leader, who promoted racial integration, was criticized because he disagreed with Washington, thus antagonizing the power structure. In his response to Washington's ideology, DuBois proclaimed:

> I am an earnest advocate of manual training and the teaching of black boys, and white boys, too. I believe that next to the founding of Negro colleges the most valuable Negro education since the war has been industrial training for black boys. Nevertheless, I insist that the object of all true education is not to make men carpenters, it is to make carpenters men.

DuBois believed that blacks had tilled enough fields, picked enough cotton, dug enough ditches. He thought it was time to perform surgery, teach physics, develop businesses, write poetry, and sing the operas.

Frederick Douglass believed that blacks should have the opportunity to improve themselves and their standard of living. He warned that despite individual efforts, the black race would not reach its full potential until whites stopped putting road blocks in their way. Douglass warned:

> Where justice is denied, where poverty is forced, where ignorance prevails, and where one class is made to feel that society is an organized conspiracy to oppress, rob, and degrade them, neither persons nor property will be safe.

What does all of this have to do with Black History Month? The answer is everything. Black History Month was adopted because the black experience has been neglected, downplayed, and in some instances ignored in American history. A large section of a country's history has been left out of the history books and the accomplishments of millions of its citizens are not acknowledged. In the process, Black Americans have been denied the opportunity to empower themselves. They have been denied access to resources that would afford them the opportunity to obtain better jobs, better education, better housing, and all other necessities.

For a long time black history was not included in history books because those who wanted to justify human slavery and the oppression of the race, attempted to do so by alleging that black Americans made no significant contributions. Despite the years of contributions our forefathers made to the growth of this country, there were attempts to write black Americans out of history—completely. And, if there was any effort to include them, men like Booker T. Washington and others, who entertained the country with demeaning speeches about the inferiority of the black race, were presented as heroes and leaders of the race when, in fact, they were black Americans' biggest enemies.

But, thanks to Dr. Carter G. Woodson, a renown historian and one of the few blacks to earn a PH.D. from Harvard University in the early part of the century, we now celebrate the accomplishments of black Americans who were real leaders and progressive visionaries like DuBois and Douglass. Dr. Woodson established the original idea of a separate time for celebrating black history, arguing that it should be a week long and held in the month of February between the birthdays of Abraham Lincoln and Frederick Douglass. Later, Black History Week was expanded to Black History Month. The underlying purpose is to familiarize whites, as well as blacks, with the contributions black Americans have made to our advancement as a nation.

I do not want to give the impression that this great country could not have progressed and prospered had it not been for black people. I contend it would not have progressed as fast and prospered as much without those contributions.

Despite efforts to recognize the contributions of black people there are still some who insists on denying black Americans their rightful place in history because these people simply don't like blacks. Most don't even know why. But I would bet that it has a lot to do with their lack of knowledge about the race. Many of them don't realize that their everyday lives have benefited from the intellect and talents of black Americans.

To illustrate, let's imagine what their lives would be like if they refused to enjoy the discoveries of black scientists and inventors.

Any person who chooses to boycott black inventions would wake up tired in the morning from tossing and turning all night on a bed covered by some coarse material instead of cotton—because it was a black slave who provided the genius in the development of Eli Whitney's cotton gin which makes cotton affordable. When that person throws his legs out of bed, he would not have a nice inexpensive pair of leather house shoes to put on because Jan Matzeliger, a black man, invented the shoe last which made it possible to mass produce shoes. Then, of course, he would not have the pleasure of drinking a cup of instant coffee which was invented by Dr. George Washington Carver. Nor would that person have the opportunity of putting a spoon of sugar in it because Norbert Rilliexux invented the sugar refining system that is still used today.

He probably would have had a clock to wake up to because they are common now-a-days. But the first clock made in America was by a black man, Benjamin Banneker, who helped design the city of Washington, DC. Then, one boycotting black creations, he would have had to wait until the sun came up in order to see what time it was, had it not been for Louis Howard Latimer, a black man, who supervised the installation of Thomas Edison's electric lights in America and invented an incandescent light bulb of his own.

If it's a Saturday morning, the old boy who is boycotting black accomplishments would not be able to cut his grass because the first lawn mower patented in this country was by a black American. He would even have trouble playing his usual game of golf had it not been for George F. Grant who gave us the golf tee. And at the 19th hole had it not been for Hyram S. Thomas, there would be no ice cream served.

If it's a work day and he drives, he would be late getting there, had it not been for Garrett A. Morgan who was responsible for the electric traffic light. You say he could take the subway. No way. Black inventors, Granville T. Woods and Elijah McCoy, made it all possible. Woods invented the third rail which made subway transit possible. And McCoy alone with 75 other inventions developed the system for automatic lubricating of locomotive machinery. Have you heard the expression, it's the "real McCoy". That's him.

And the list of things to be boycotted goes on and on. The first successful open-heart surgery was performed by Dr. Daniel Hale. The recipe for potato chips was invented by Dr. George Washington Carver who, born a slave, received international acclaim for his research in agriculture. He developed products from peanuts, sweet potatoes, and pecans. This beautiful human being, a perfect example of personal selflessness, never made a nickel from his creative genius. He refused to patent his discoveries saying, "God gave them to me. How can I sell them to someone else."

During his 45 years of experimentation with simple plants, he created more than 300 products from the peanut, including soap, ink, dyes, paint, and nitroglycerin. From the sweet potato, he made 118 products, including flour, shoe polish, and candy. From the pecan another 75 products. He made synthetic marble from wood shavings; dyes from clay; and starch, gum, and wallboard from cotton stalks.

The best way I can explain why this is important is the quote from Justice John W. Hammond of the Supreme Judicial Court of the State of Massachusetts. He once said to Irishmen attending a St. Patrick's Day celebration:

> * * * You are of Irish ancestry and are proud of it. I am of the strongest pilgrim ancestry, and I am proud of it. It is right, proper, and beneficial that each of us maintain those memories which are peculiar to ourselves. It is right for us to emulate the virtues of our ancestors as it is right to criticize their faults and avoid them if we can * * *

If both black and white know the complete history of our country and all of the people who contributed to it, very few will join the ranks of those who say, "I just don't like black people."

I know that I have departed from today's theme a little. But, it is because I believe that our theme's importance) lies in its relation to the issues of today. The purpose of history is to learn from our mistakes and to find hope in our accomplishments. By studying the works of DuBois, Douglass, and Washington, you will get an understanding of where black people have been and how far we have to go. In doing so, it will help you to understand the problems that black people face and to come up with effective solutions to these problems. But, if nothing else, you will learn that black people are a people with a rich history.

In closing, I commend my colleagues for recognizing the contributions of great black Americans. However, I encourage them to move beyond recognition to constructive action. We must not forget that many of the black Americans we are honoring this month were selfless men and women who went beyond the call of duty to make the American dream a reality for all Americans. Some of them even gave their lives for this purpose. It is incumbent upon us to build upon their accomplishments. Anything less would be derision.

Mr. FAZIO. Mr. Speaker, I join my colleagues today in this special order recognizing the accomplishments of African-Americans and their contributions to our Nation's history.

Black History Month gives all Americans the opportunity to appreciate and understand the involvement of African-Americans in America's history and society. Arising from a legacy of slavery and oppression, African-Americans have made ongoing contributions to America's agriculture and industry. There is no area in which their ongoing presence and contributions are not felt—be it the military, Government, education, literature, the sciences, entertainment, the arts, sports, or social reform—all while struggling for equality and freedom, and fighting to counteract the effects of the racism that continues to pervade our society.

"The theme for 1995's Black History Month is "Reflections on 1895: Douglass, DuBois, Washington." A reflection on the lives of these men is particularly important in this day and age because of their immense contribution to equality and freedom for all. These great men shared one important quality. They all sought freedom and equality through knowledge. They refused to accept the limitations that society placed on them. They sought to change their world by writing, speaking, and living lives that were influenced by the belief that all men, regardless of color, are created equal. They showed all Americans how much better a world in which all are equal can be. Because of this I recognize them and urge all Americans to live by their example. We often take the freedoms that Douglass, Dubois, and Washington worked so hard to achieve for granted. Imagine how much better our country and world would be if all of us had the energy and zest for learning that made them great men.

Mr. Speaker, I am honored to participate in this opportunity to highlight the accomplishments and contributions of our African-Americans citizens. I also commend the distinguished gentleman from Virginia [Mr. PAYNE], chairman of the Congressional Black Caucus, and the distinguished gentleman from Ohio [Mr. STOKES], for calling this special order, and I thank them both for including me in this effort.

Mr. PICKETT. Mr. Speaker, the month of February provides us with the opportunity to examine, explore, and celebrate African-American history. I thank Mr. STOKES for calling this special order today in honor of African-American Heritage Month.

In light of the 1995 theme for Black History Month, "Reflections on 1895: Douglas, DuBois, Washington", it is fitting to note that 92 years ago, in 1903, W.E.B. DuBois began writing what has become one of the great works not only of American literature but also of American history, "The Souls of Black Folk." In this work, DuBois paints his vision of an ideal America, an America in which Americans of all races develop "in large conformity to the greater ideals of the American Republic, in order that some day on American soil two world-races may give each to each those characteristics both so sadly lack." Well, that "some day" has arrived.

While DuBois provided America with an ideal to aspire to, it is the many African-Americans who have followed in this great leader's footsteps who have transformed his vision into reality. African-American artists, musicians, authors, politicians, educators, scientists, doctors, and athletes have acted as emissaries of their culture and heritage, facilitating an exchange of ideas and values amongst the American people.

To witness a clear and quite poetic symbiosis of two races, one need only look as far as the world of music. African-American musicians and composers have heavily influenced American music by introducing new musical forms and acquainting America with the traditional music of Africa. Songs and rhythms which were once confined to slave cabins now echo around the country.

In the early 20th century, the meshing of ragtime and blues resulted in jazz as we know it today. The lively rags of Scott Joplin, the blues of B.B. King, and the jazz of Ray Charles have become mainstays of American music. White America of the early 20th century was taken by this beautiful art form, moved by its melodies and touched by its depth. The music of black Americans spoke to all Americans, telling a story of both suffering and triumph.

Rock and roll of the mid 1900's owes much of its rhythm and style to patterns which emerged out of African-American music. African-Americans have inspired and enlarged the music world, passing their musical message not only onto American audiences but onto international audiences as well. Stars such as Diana Ross, Stevie Wonder, and Whitney Houston have enjoyed international fame. And in attaining that fame these individuals have shared with the world their black heritage and culture.

Music, whether lyrical or not, has a special way of speaking to its listener. Its rhythm, tone, and melody tell a story as effectively as any novel. All that is required is a willing and open ear. African-American music speaks to a listening America, as one world race gives to the other characteristics which it lacks. DuBois himself recognized the power of music and its ability to convey thoughts, feelings, and even social agendas. In fact, DuBois entitled the final chapter of "The Souls of Black Folk," "Of the Sorrow Songs".

In this concluding chapter, DuBois studies and analyzes certain popular slave songs. DuBois argues that the Sorrow Songs "breathe a hope -a faith in the ultimate justice of things. The minor cadences of despair change often to triumph and calm confidence". But whatever the case, DuBois declares that in these songs, "the meaning is always clear: that sometime, somewhere, men will judge men by their souls and not by their skins". That sometime and that somewhere are now, today, in America. The Sorrow Songs have spoken, they have delivered their message, and they have been heard. In celebrating Black History Month, let us celebrate this triumph. Let us celebrate the attainment of W.E.B. DuBois' vision of America.

Mr. DIXON. Mr. Speaker, I rise today to recognize the Crenshaw High School students participating in the school's choir and the enterprising students from this school who have dedicated themselves to Food from the "Hood, the Nation's first student-owned natural foods company. As we observe Black History Month, I believe it is important to acknowledge these students who have worked hard to reach their potential and create opportunities for themselves.

Food from the 'Hood has an ambitious company mission that seeks to illustrate the potential of young adults and provide them with jobs, give back to the community, and prove that businesses can be socially responsible and profitable. The students have successfully marketed their first product, Straight Out the Garden Creamy Italian Salad Dressing, at over 10 major grocery stores in southern California. Profits from the (project are used for scholarships for the student-owners and contributions to local charities.

In response to the Los Angeles disturbances, a science teacher at Crenshaw High School, Ms. Tammy Bird, encouraged her students to restore the school's garden and give the food to the needy. On December 18, 1992, the students reaped their first harvest and donated it to a local food bank, Helpers for the Homeless and the Hungry. While always giving at least 25 percent to the needy, the students also sold produce, enabling them to provide $600 worth of college scholarships to three graduating students. With the help of Ms. Melinda McMullen, a former marketing executive, the students soon expanded their base and formalized the concept of a student-owned business.

In devising a means through which they could further their education and enhance the quality of life within their community, these young entrepreneurs have served as examples for our youth and have provided a source of much-needed hope to the inner city community of Los Angeles.

Another group of students from Crenshaw High School has inspired the Los Angeles community and people all over the world. The Crenshaw High School Choir consists of over 200 talented and dedicated students who have consistently been recognized for their outstanding music. Iris Stevenson, the dedicated and inspirational director of the choir, has taken representatives of Crenshaw High School Elite Choir to the Caribbean and France. The choir won the Jamaican Jazz Festival 4 years in a row and performed in French at Nice's Worldwide Music Festival in 1992 and 1993. The group is currently performing at the festival in France. The talented Elite Choir has performed on several television shows and was the inspiration for Disney's "Sister Act II."

Black History Month is an important time to look at the contributions made by African-Americans to this nation. It is also a time to look at where our children will take the country in the future. The students at Crenshaw High School show us the positive aspirations of this generation and the inspirational and caring way that they contribute to our society. I am pleased to have this opportunity to commend the outstanding students of the Crenshaw Choir and Food from the 'Hood. They inspire hope for our future. I also commend the Principal of Crenshaw High School, Mrs. Yvonne Noble, and Mrs. Iris Stevenson, Ms. Tammy Bird and the other instructors who work with these students.

Mr. GILMAN. Mr. Speaker, I rise today to join my colleagues in commemorating Black History Month for 1995. I would like to thank the gentleman from Ohio [Mr. STOKES] for arranging the time for this special order.

Black History Month is an appropriate time to commemorate the great black men and women who have contributed so much to our society. This year we are paying special attention to the deeds of three black leaders who were changing America 100 years ago and more.

Frederick Douglass was an escaped slave who rose up in the face of opposition to meet and conquer any and all obstacles. An abolitionist leader at a young age, Douglass spread his ideas through writings and speeches and probably did more to call to the attention of the entire world the injustice and inhumanity of slavery than any other individual of his generation of any race. His talents and influence as an orator were unmatched in his time. While living as a fugitive in England, he earned enough money to purchase his own freedom. His accomplishments while working for the Federal Government as an advisor to President Lincoln and later as a diplomat are outstanding examples of what a determined, hard-working individual can achieve in the face of great odds and underscore the adage that one committed individual can indeed accomplish a great deal. Frederick Douglass died one hundred years ago this year, but his ideals are immortal.

William E.B. DuBois, whose birthday we celebrate tomorrow, was the first African-American to receive a Ph.D. in history from Harvard. He went on to publish dozens of books and articles concerning the Black condition, and founded the NAACP. He spent an incredibly busy lifetime teaching African Americans to work toward social emancipation by fighting for their Civil Rights. This made him one of the most influential men of all time, but also made him a major opponent of Booker T. Washington. Washington believed that Afro-Americans could enjoy the full fruits of freedom by achieving economic self-sufficiency within a segregated society. W.E.B. DuBois contended that as long as the races were kept separate, true equality and freedom was impossible. While Washington's philosophy was endorsed in the Supreme Court decision Plessy versus Ferguson (1896), it was DuBois' view that ultimately prevailed, when the Court reversed itself in 1954, ruling in Brown versus Board of Education of Topeka that segregated facilities in education are inherently unequal.

Booker T. Washington, like Frederick Douglass, rose out of a childhood in bondage to accomplish significant deeds. While controversial, his ideas helped motivate southern blacks to improve their economic situation. In retrospect, many today deplore Washington's argument that freedom for Afro-Americans could be won through economic improvement and self-reliance, without social equality. But we must remember the times in which he lived, and remember that all progress in human history has come about one step at a time. It is doubtful that future advances could have been made had not Booker T. Washington become a living symbol of his race, blazing a trail in his own day by specific symbolic achievements, such as becoming the first Black person invited to dine at the White House. Washington's founding of Tuskegee Institute in Alabama, the first institute of higher learning for Afro-Americans in the nation, have earned him an immortal place in the hearts of all of us.

As my colleagues have pointed out, these three men changed American society in ways that are yet to be equaled. They are not alone, however, as black heroes and leaders. Our history books do not yet tell of all the most significant African Americans and all they have done to make America the fine country that it is today.

For example, Crispus Attucks, a free black man who, at the Boston Massacre, was the first American to die for the Revolutionary cause. After our War of Independence was won, a black man by the name of Benjamin Banneker laid out our Capital City of Washington, D.C.

Black men and women were among the most courageous and determined fighters in the war to end slavery. While thousands of African Americans were dying at the hands of their owners as examples to their peers, thousands more were escaping to the north by way of the Underground Railroad founded by Sojourner Truth and Harriet Tubman. And of course, let us not forget the tens of thousands of black soldiers who sacrificed their lives to end slavery in the Civil War.

While the Civil War helped to end slavery in policy, it did little to end social slavery. When Jim Crow laws threatened to prevent black men and women from assimilating into the American culture that had been denied them for so long, leaders such as Douglas, DuBois, and Washington fought to end such barbaric policies. Their work paved the way for the great Civil Rights Movement of the 1960's, in which the moral conscience of the entire nation was awakened, and in which our laws were finally brought into compliance with the ideals of our own American Revolution, Declaration of Independence, Constitution, and Bill of Rights.

Black History Month is an appropriate time to recall and recite the events in which black Americans changed our nation's policies and attitudes. But we must also remind our students that the struggle for equality goes on today not only in The United States but also broad. Fortunately, today we are blessed with heroic black men and women who work to bring our races closer together and set a shining example for our youth.

It is imperative that we not simply acknowledge Black History this month, forgetting about it in months to come. The contributions of African Americans to our society are truly overwhelming yet are too often taken for granted. I urge my colleagues to bear these contributions in mind throughout our deliberations.

Our Nation's rich diversity sets it apart from every other nation on the face of the Earth. If we embrace that diversity and learn from it, then nothing will stand in our way. Black Americans have significantly contributed to every facet of our society and therefore our culture. This, Mr. Speaker, is the point that we must teach our children, in hopes that they too will one day teach their children these thoughts.

Mr. FROST. Mr. Speaker, in celebration of this year's theme, I am pleased to be here today to honor the memories of three great African-Americans in recognition of Black History Month. But first let us recognize Dr. Carter G. Woodson, the man who in 1926 first called for a period of time to be set aside for the recognition of important historical achievements by African-Americans. It is his legacy that we also celebrate today, and his work to create this important holiday.

One hundred years ago, Mr. Speaker, in 1895, the lives of three giants in history intersected. Frederick Douglass, runaway slave and later educator to thousands, passed away. He left behind a legacy that has continued to inspire those who love freedom.

After successfully escaping from slavery, he traveled widely, speaking against the enslavement of people everywhere and supporting the rights of women. He later held various government posts, including the territorial legislature of the District of Columbia.

Mr. Speaker, Frederick Douglass was a man who refused to accept defeat. Even though he had been taught to build ships, the indignities of prejudice forced him to work as a common laborer. He helped President Lincoln to organize the celebrated 54th and 55th Massachusetts regiments of all black soldiers. And shortly before his death, he served as the consul general to the Republic of Haiti. Frederick Douglass led a life of which we could all be proud, Mr. Speaker, and which deserves our highest honor.

Mr. Speaker, W.E.B. DuBois was a prolific writer who challenged all our views about race. In 1895 he received his Ph.D. in history from Harvard University, the first African-American to receive such an honor. He worked as a professor at a number of universities before becoming involved with what was called the Niagra Movement.

As a founding member of the NAACP Dr. DuBois believed that an important goal for African-Americans was the utilization of any and all educational opportunities. He stressed the need for African-Americans to promote their own cultural and social values.

Finally, Mr. Speaker, Booker T. Washington delivered a famous speech in 1895, which outlined his philosophy of vocational education as an avenue of advancement. Mr. Washington's speech at the Atlanta Exposition urged the African-Americans at that time to try and gain an industrial education in order to make use of the rural areas where many blacks lived. Although his views were considered controversial at the time, he helped to further the dialog that led to equal rights for all of America's citizens.

Mr. Speaker, these three men made their mark on history by pursuing truth, justice and equality. They were truly great statesmen, and great leaders.

Mr. VISCLOSKY. Mr. Speaker, I am pleased to take part in this Special Order on Black History Month to recognize the achievements and contributions that African-Americans have made to our country. I would like to thank Congressman LOUIS STOKES and Congressman DONALD M. PAYNE for organizing this opportunity to applaud the accomplishments of the African-American culture. Since 1976, the month of February has been celebrated as Black History Month. But the origins date back to 1926 when Dr. Carter G. Woodson had the vision to set aside a week in the month of February to celebrate the accomplishments and heritage of African-Americans.

Indeed, it would be foolish not to recognize such a large part of our heritage. On the national scene, the contributions that African-Americans have made to our society are innumerable. Through literature, we have been blessed with the powerful writings of Maya Angelou, W.E.B. DuBois, and Alice Walker. We all have received joy from listening to the stirring melodies of Ray Charles, Aretha Franklin and Duke Ellington.

While all of these are important contributions, what I find to be of equal importance are those of people who are in our own community: The men and women who live down the street, attend the same church with you, or whose children play with your own. These men and women have performed extraordinary acts of bravery and selflessness that should make us all proud. Indeed, Alonzo Swann, a World War II veteran from Northwest Indiana, was just awarded the Navy Cross for showing extraordinary bravery in the face of Japanese Kamikaze attacks.

The theme for Black History Month this year is "Reflections on 1895: Douglass, Dubois and Washington." In keeping with the dedication to education and political involvement these men supported, Ms. Patricia Harris, Supervisor of the Gary Community School Corporation's Staff Development Center, sponsored several events that helped to educate the citizens of Gary about the accomplishments of African-Americans in Northwest Indiana. Among these events was a presentation by Quentin P. Smith, telling about his experiences during World War II as a member of the Tuskegee Airmen, a special cadet program established to train black aviators. Smith, a resident of Gary and member of the 477th Bombardment Group, recounted his experience as one of 101 airmen who protested segregated officers club facilities at Freemen Field in Seymour, Indiana and were consequently threatened with court martial. An independent commission of inquiry, appointed by President Truman, exonerated the airmen and ordered integration of the club. In addition to Mr. Smith, Ms. Dharthula Millender spoke about the origins of the City of Gary and the crucial role that African-Americans had in forming the city. In the city's first census, African-Americans numbered 100 of the first 334 people in the area. Ms. Millender also pointed out that as Northwest Indiana's steel mills grew, steelworkers were recruited from all over the U.S. and in many European countries. The result was that, from its beginning, the people of Gary had an appreciation for its multi-ethnic community.

The goal of these programs is to teach Gary's parents and children about their community's history. I commend Patricia Harris and the staff of the Staff Development Center for taking the initiative to make the teachings of Black History Month extend throughout the rest of the year. By having our children learn about a part of their culture, we can help ignorance give way to understanding and realize that we all are created equal. In closing, I commend and thank all of the people of Northwest Indiana, who in their own special way have brought special meaning to this month. Again, I would like to thank my distinguished colleagues, Congressmen STOKES and PAYNE, for giving the U.S. House of Representatives this special opportunity to celebrate Black History Month.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it has been said that the 1995 National Black History theme represents a milestone in the life of black Americans. It causes us to reflect on the visions of three men who were repressed by slavery, disillusioned by the Bill of Rights, and despite these setbacks—championed the cause for freedom through vigilant and aggressive action.

These three individuals, Frederick Douglas, W.E.B. DuBois, and Booker T. Washington, were prolific scholars and great leaders.

Their determination to change the course of history for black Americans, planted the seeds of progress that later blossomed into the political and economic freedom that we continue to cultivate. The course of history for black Americans was greatly influenced by these three giants, whose visions have seen a nation through 300 years of conflict.

As we celebrate Black History Month, it is important to remember these men * * * who have been termed our first "civil rights generals" in a war that seems to never end.

Mr. Speaker, I want to use my time today to pay tribute to a group of Americans who have given their lives in wars of a different kind: Black Americans who have proudly served their country in the military.

It is not news that more than 25 percent of the young men and women who served our country in the Persian Gulf were black. Were it not for the more than 100,000 thousand black soldiers, sailors, and airmen, former President Bush probably could not have launched the war to drive Saddam Hussein from Kuwait.

Nor is it news, Mr. Speaker, that a disproportionate number of black Americans served in Vietnam. But it is important to remember that black Americans have served in every battle in which this country was ever engaged.

Yes, Mr. Speaker, we can go all the way back to the American Revolution, the first war in our country's history. In the most serious clash between the Americans and the British—the Boston Massacre of 1770—one of the five colonists who fell in action was a runaway slave, Crispus Attucks.

Gen. Andrew Jackson, this country's seventh President, heaped the greatest praise upon the thousands of black soldiers who played a decisive role in the War of 1812.

In the Civil War—this country's bloodiest battle—the question for blacks was this: Would they remain loyal to their immediate oppressors who owned them outright, or would they sacrifice their very lives for the freedom of their race and their country?

The answer was simple. Nearly 200,000 black combat troops fought in the Union Army, and one in every four men in the Union Navy was black.

In this country's First World War, the most famous of the eight Black regiments was unquestionably the "Fighting 369th." In 1918, this unit went into action and remained on the front lines for 191 consecutive days—"Without losing a trench, retreating an inch, or surrendering a prisoner."

Upon their triumphant return to this country, Dr. W.E.B. DuBois served notice on America that returning black servicemen meant to realize full equality under the law as first-class citizens. He said:

> We stand again to look America squarely in the face. It lynches, It disenfranchises, It insults us.—we return fighting. Make way for democracy. We saved it in France, and we will save it in the U.S.A.

On the infamous morning of December 7, 1941, when Japanese fighters flew over Pearl Harbor and rained a hail of bombs and bullets on the slumbering U.S. Naval Base, Dorie Miller, A black messman, was going about his duties collecting the laundry, when the sounds of battle sirens and exploding shells rent the air.

Miller rushed up on deck, and instantly hauled his wounded captain to safety. Moments later, he sprung into action behind an anti-aircraft gun he had never been trained to operate.

Firing calmly and accurately, he brought down four zero fighter planes before the cry to abandon ship was heeded by all survivors. On May 7, 1942, this great seaman was cited for bravery by Fleet Adm. Chester Nimitz, who decorated him with a Silver Star, and so acknowledged the Nation's debt to a black man of "extraordinary courage."

Mr. Speaker, as a child I can remember assisting my father in his plans to welcome home Dorie Miller, a fellow Texan. As a Member of congress, I have introduced legislation to pay the appropriate tribute to this great American, who fought so nobly for his country, the Congressional Medal of Honor.

The experience of settling America, and the burden of defending it, have been shared by many groups of people. As one historian has noted—blacks, too, have built this Nation, forged its destiny in peace, and defended it in war. Black men and women began serving America long before the Nation had come into being, and have fought long and honorably in every major American conflict since.

America is free because, as Dr. Martin Luther King, Jr. once said, "Though they have often been reduced to a 'fifty percent citizen' on American soil, black soldiers have always been one hundred percent citizens in warfare."

Mr. Speaker, it is fitting and proper that we recognize and honor the vast contributions to this Nation's military history, and this country's freedom, by black men and women who have fought and died for a better world.

Mr. STARK. Mr. Speaker, today, as we celebrate Black History Month, I would like to recognize 258 African-American World War II veterans who have wrongfully had to live with the shame of being mutineers. For over 50 years, some of these men have hidden their past, when it should be proudly and widely shared with the rest of our country.

In 1944, when our Nation was at war with one of the world's most infamous racists—Adolph Hitler—almost all the men assigned to load munitions onto Liberty ships in this country were black. Upon their enlistment, many of the black naval recruits expected to be trained as sailors and go to sea, but instead, were assigned without proper training to the menial and dangerous work at the Port Chicago Naval Weapons Station in the San Francisco Bay area. During their stint at Port Chicago black sailors were quickly introduced to the discriminatory attitude of the Navy.

Then on July 17, at 10:18 p.m., two explosions with a force equal to the bomb dropped on Hiroshima nearly leveled the area. Two military cargo ships loaded with ammunition and the entire Port Chicago waterfront were vaporized by the blast and literally disappeared from the face of the earth. The blast left 320 dead, of which 202 were black. After a relatively short investigation, the cause of the explosion was never identified.

Shortly afterward, another tragedy ensued. On August 9, after spending several weeks picking up the remains of their friends, the surviving black sailors were ordered to return to loading ammunition at Mare Island under the same unsafe conditions that sparked the explosion in July. Afraid, 258 of them refused to comply and were immediately imprisoned on a barge. Several days later, after being threatened with the death penalty, 208 of them agreed to return to work. The remaining 50 were charged—not with disobeying an order—but with mutiny, an act punishable by death.

The court-martial proceedings were "one of the worst frame-ups we have come across," wrote NAACP attorney Thurgood Marshall in his appeal on behalf of the men. The shame of these mutiny trials also aroused the passion and activism of First Lady Eleanor Roosevelt when she wrote a letter to the Secretary of the Navy asking for leniency in the sentencing of the men. Mrs. Roosevelt was one voice among many who joined in the campaign on behalf of the convicted Port Chicago sailors. Recent revelations discovered by Oakland, CA, author Robert Allen, Ph.D., fully exposed the racial segregation and bias in the Navy and strongly support Justice Marshall's belief that the black sailors did not receive a fair trial because of their race.

The court-martial convictions of these African-American sailors was not only a great injustice, but also an event in our country's history that should be duly recognized. Historians believe that the Port Chicago explosion and the following events helped speed the desegregation of the military by President Truman. As we well know, this action earned him a place in our history books as a great advocate of civil rights. However, the men who valiantly protested the conditions in Port Chicago, have had to live with the shame of being mutineers.

In recent years, Congress initiated efforts to secure a review of these convictions based on new evidence that demonstrated significant racial prejudice in the trial proceedings. On January 7, 1994, the Navy refused to overturn the convictions following a review mandated by legislation approved by Congress. Although the Navy found that racial discrimination had existed, it decided there was no basis for overturning the convictions. More recently, Congressmen RONALD DELLUMS, GEORGE MILLER, and myself have urged President Clinton to consider expunging their records.

Many of these veterans and their families have lived with this unjust decision for many years. It is time for the United States to admit to this national disgrace and remove the stigma of dishonor from these brave men. I ask my colleagues to join me in recognizing the contribution of these civil rights leaders to our country.

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleagues from Ohio and New Jersey, Messrs. STOKES and PAYNE, for calling this special order on Black History Month and choosing this year's appropriate theme; Reflections on 1895: Douglass, DuBois, Washington.

This theme sets forth the resolve, dedication and commitment of three giants, Frederick Douglass, W.E.B. DuBois, and Booker T. Washington, who were profound scholars and leaders.

Their determination to change the course of history for African-Americans have inspired peoples of all races to continue fighting for freedom, equal access, and justice—without regard to skin color.

The goals that these leaders championed in the 19th century remain every bit as significant today. The only thing that has changed is the scope of their dreams and the new challenges that face the African-American community.

Like Frederick Douglass, African-American community leaders and organizations are united in their efforts to achieve greater political equality for all citizens of color.

In the city of San Francisco, Eva Patterson has worked as a tireless advocate for political, economic, and social justice. As the executive director of the Lawyer's Committee for Civil Rights, Ms. Patterson continues to be an eloquent spokesperson on human and civil rights issues, and leads an organization which is known nationwide for its effective advocacy on behalf of the poor, the oppressed, and the ignored of our society.

As the first African-American to receive a Ph.D in history from Harvard University, W.E.B. DuBois understood that education represented the key to economic advancement and remained an activist for expanded educational opportunities for African-Americans until he died in 1963.

Like Dr. DuBois, Larry Gray, of the San Francisco Midnight Basketball League, has also worked to expand educational opportunities for young African-American men in San Francisco's western addition. Larry Gray, an ex-NBA player, is a role model to the youth of San Francisco, emphasizing the value of education, job training, and peer support in the development of African-American youth.

Also like Dr. DuBois, another African-American, Cmdr. Richard Holder, has stressed the importance of self-sufficiency and achievement in his career.

Commander Holder, the head of San Francisco's Special Operations Division, is the highest-ranking African-American in the San Francisco Police Department. He is known for his commitment to assisting his community through initiating community policing, participating in neighborhood organizations, and serving as a role model to all young people in San Francisco.

Like Booker T. Washington, who concentrated on the economic development of African-Americans, Etienne Le Grande has developed an organization devoted to economic empowerment. As executive director and founder of WISE—Women Initiatives for Self-Employment—Etienne has become a leader in small business creation and incubation in the San Francisco Bay Area. Through her efforts, hundreds of women, primarily low-income and minority, have been helped in finding and realizing their dreams of ownership and self-sufficiency.

Mr. Speaker, I am fortunate to represent California's 8th Congressional District and to work with the many outstanding African-American leaders and community organizations based in the city of San Francisco.

I have had the privilege of extolling the achievements of other African-American leaders on previous occasions, and there are many more yet to recognize. But recognizing them for their work is not enough: we, as Members of Congress honoring Black History Month, must pledge to support their efforts and enable them to continue their efforts until true economic, social, and political justice is achieved.

As we work toward greater equality and freedom in our society, we must remind ourselves that the efforts of Mr. Gray, Ms. Patterson, Mr. Holder, and Ms. Le Grande, and their predecessors, represent struggles that deserve credit and appreciation every day—not just during Black History Month.

Mr. RANGEL. Mr. Speaker, I wish to congratulate my dear friend and colleague LOUIS STOKES who once again has called upon the Members of the House to come together to pay tribute to the deeds and accomplishments of African-Americans during Black History Month.

It is a great history we have to remember, one that could take us back to the first slave ship that arrived on the American shores. But even as we would rejoice over those many positive developments, from the Emancipation Proclamation to the Voting Rights Act, we must now look around us and consider that many of the gains of our recent history are now threatened by a wave of scapegoating that is sweeping the country.

How sad it is that, because of economic frustration and doubts about the future, so many Americans are now pointing fingers of blame to those who are the weakest among us. How unfortunate it is that by doing so, we are allowing many of our political leaders to destroy the safety net that has been erected to protect the poor, the sick, the children, and the aged. It is as if, in their partisan zeal, they would do away completely with the legacy of the great President Franklin Roosevelt..

The first victim in this misguided crusade is affirmative action. It is no secret that even some of our Presidential candidates have made it their target, one even saying that if elected he will make it the first item on the national agenda.

Just this week in the House of Representatives, a vote was taken to take down the first plank of the affirmative action structure. No, it was not that well-known or popular because few minorities or women could benefit directly from it. But it was important. By providing tax incentives for the sale of radio and television stations to minorities and women this provision in the law gave those groups a chance to improve the horrendously negative images that prevail in the media.

How tiresome and insulting it has been over the years to see nothing but Amos 'n Andy, buffoons and now criminals as the stereotypes of blacks in the movies and on television. This provision was meant to give minority broadcasters a chance to reflect images that would elevate rather than denigrate their children and their families, to broadcast something different from the killers, pimps, and drug dealers that have become the latest stereotypes of black males portrayed on television.

This action by the House was the first assault on affirmative action. In California next year, it will be followed by a referendum that would outlaw any preference in the areas of employment, education, and business. That movement promises to be adopted in other States around the country, and may well be addressed by the U.S. Congress even before that.

What an outrage it is that in our great country, the home of every minority group, every race and religion, that we should now be taking steps away from having everyone represented in all our institutions. Indeed, we are all Americans, and if affirmative action is what it takes to have us all represented, then affirmative action it must be. What are we doing, after all, but making our institutions better, including the best of every group, painting the gorgeous mosaic, that makes America what it is.

The assault on affirmative action is only the tip of the iceberg in what is clearly a broad campaign of scapegoating. The focus is now on African-Americans, but it is expanding to include other minorities, the poor and immigrants. This is a campaign that began in the last election, where the principle themes were crime and welfare. These appeals were not so blatant as the infamous Willie Horton ads in the first Bush campaign, but the objective was the same.

The assault has intensified since last November, and has been broadened to include a generalized campaign against high ranking Black officials from Surgeon General Joycelyn Elders to Commerce Secretary Ron Brown. Both of these officials without being charged with any crime came under the attack of right wing Republicans who found them easy targets for political attacks.

Also in the political arena, the U.S. Supreme Court has weighed in with the strong input from Justice Clarence Thomas, and is now widely expected to shatter, not only affirmative action but the very laws which have made it possible to elect thousands of Blacks and Latinos to public office, from local sheriffs to Members of Congress. The alleged constitutional offense involves the use of gerrymandering to create electoral districts that have made it easier to elect minorities to office. It is the same system that no one challenged when used to enhance the chances to elect Republicans or Democrats.

The attacks on Black Americans in some cases has reverted to the cruder forms. Hate crimes reported to the FBI almost doubled between 1991 and 1993, with Blacks accounting for 57 percent of the 1,689 victims. On the cultural front, three books were published in 1994 that renew claims that Blacks are genetically inferior.

The current challenge to affirmative action in the Congress, therefore, is only part of a broader effort to turn back the clock on Civil Rights while unraveling the entire safety net that has protected those in our society who have the least.

The current campaign to cut $780 billion in taxes over the next 10 years while maintaining defense, Social Security, Medicare and payments on the national debt used to be called Voodoo economics. Now, in the context of the Contract With America, of balanced budget amendments, block grants and welfare reform, it is a recipe for savaging the poor, minorities, the aged, the sick and the children.

Indeed much of the Contract With America will trample on the poor, but particularly on African-Americans who disproportionately rely on these benefits. The contract targets not only teen-age mothers who are so bereft of hope that only having a child—in or out of wedlock—will provide any sense of accomplishment.

But cutting back on crime and drug prevention programs, the contract turns it back on the youths, especially young, untrained, unemployed Black males who are being left to the whims of streets, with nothing more to look forward to than more jails. The balanced budget amendment puts at risk programs in education, public transportation and other programs most needed by the poor and minorities.

During this Black History Month, we must rejoice in the accomplishments of the past, but we must remain vigilant of the challenges in the present. The threat to affirmative action, education, employment and to the social safety meant may be only the beginning.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's previously announced policy of January 4, 1995, the Chair recognizes the gentleman from New York [Mr. OWENS] for 60 minutes.

Mr. OWENS. I want to congratulate, Mr. Speaker, my colleagues and congratulate the Association for the Study of Afro-American Life and History for their theme this year on Black History.

Mr. Speaker, in the interest of maintaining the continuity that we have started, I am going to reserve my own comments and let my colleagues who have been waiting go at this point ahead of me.

I would like to first yield to the gentleman from Puerto Rico, Governor Romero-Barceló.

Mr. ROMERO-BARCELÓ. I thank the gentleman from New York for yielding some time for me to speak on this occasion to commemorate the outstanding African-Americans throughout this Black History Month.

Mr. Speaker, there have been some outstanding African-Americans in Puerto Rico's fame, which has transcended our shores.

Just to name a few: In the field of music, Mr. Campos was the foremost composer of the dance, semi-classical dance music so popular in Puerto Rico.

In the field of the performing arts, Fern Hernandez, who won an Oscar for the Best Supporting Actor. He did not win an Oscar for the Best Actor, because in those days they did not give blacks too much of an opportunity for the leading roles.

And of course, one who needs no explanation as to the things he has done throughout his lifetime, the outstanding player, one of the most outstanding players in the All-American game, Roberto Clemente.

But there is an African-American in Puerto Rico whose influence transcends all of them, and I refer to Dr. Jose Celso Barbosa.

Mr. Speaker, as we continue to celebrate Black History Month, I wanted to take this opportunity to honor the memory of Dr. José Celso Barbosa, the founding father of Puerto Rico's statehood movement, founding father of the Republican Party in Puerto Rico and the island's most prominent and distinguished African-American leader.

Born in the City of Bayamón, PR, on July 27, 1857, Dr. Barbosa dedicated his whole life to his struggle for political and economic equality for all Puerto Ricans. He was very instrumental in the extension by Congress in 1917 of U.S. citizenship to all persons born in Puerto Rico.

From very humble origins—his father was a craftsman—Dr. Barbosa contributed to make our goal of achieving political and economic equality through statehood, no longer a distant dream, but a reality well within our reach.

A very intelligent and dedicated student, he graduated with honors in 1875 from the Conciliate Seminary School. Five years later he graduated with a doctor's degree in medicine and surgery from the University of Michigan. In so doing, Dr. Barbosa was the first black Puerto Rican and one of the first island residents to graduate from a university in the continental United States.

Back in his native Puerto Rico, Dr. Barbosa acquired a solid reputation both as a doctor and as a respected citizen. At the age of 23, he started to become involved in Puerto Rican politics.

When the sovereignty change came to Puerto Rico after the Spanish-American War in 1898, Dr. Barbosa began his struggle so that Puerto Ricans would benefit from the American political process and the democratic values that he had experienced first-hand during his earlier years as a student in Michigan.

In 1899, Dr. Barbosa founded and organized Puerto Rico's Republican Party, committed to achieving political and economic equality through statehood for the island. He devoted the rest of his life to this purpose.

Although he was never to see his dream become a reality, he never gave up his struggle for civil rights and voting rights of the 3.7 million U.S. Citizens in Puerto Rico and, in the process, inspired our people in our fight for political and economic equality and has been a personal inspiration to me in my dedication to the fulfillment of his dream.

Mr. Speaker, I thank you for the opportunity to bring to the attention of our colleagues in the House of Representatives the accomplishments of Dr. José Celso Barboso, Puerto Rico's Dr. Martin Luther King. He was truly an exceptional individual whose legacy runs deep in the hearts of all Puerto Ricans.

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Mr. OWENS. Mr. Speaker, I thank the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ], and to continue our special observance of Black History Month I yield to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, nearly 70 years ago, Dr. Carter G. Woodson launched a tradition of celebrating the legacy of African-Americans. "Black History Month" began to be officially acclaimed a half century later, in 1976. The contributions and achievements of African-Americans is a subject rich in substance and worthy of recognition. The history of blacks in America is a compelling story that must be told and retold.

James Weldon Johnson, in his renowned work, "The Autobiography of an Ex-Colored Man," captured the importance of telling history—particularly black-American history—again and again. "Every race," he said, "and every nation should be judged by the best it has been able to produce, not by the worst." I believe, Mr. Speaker, too often black Americans are judged by a distorted image of who we are and what we stand for. Too often, the portrait of black America is painted with a muddied brush—one that fails to render an accurate depiction of what we have given to the construction of this nation.

We are heroes in defense of democracy, like Crispus Attucks, the first to die in the Boston Massacre; like the 9th and 10th calvaries and the 24th and 25th infantries—best known as the Buffalo Soldiers, who helped win Texas and the Southwest; like Benjamin O. Davis, Sr., the first black general; and like private first class Milton L. Olive

III, who was posthumously awarded the Congressional Medal of Honor. During the Vietnam war, he fell on an exploding grenade, taking his own life to save the lives of his fellow soldiers, black and white. We have shed our blood in battle and given our lives to preserve those words of freedom, "liberty", "justice", "equality". We are scientists and inventors, like Benjamin Banneker, who helped plan Washington, D.C.; like Dr. Charles Drew, a blood plasma researcher, who set up the first blood bank in England; and like Katherine Johnson, an aerospace technologist for NASA, and a pioneer in new navigation procedures for tracking space missions. We are explorers and astronauts, some of whom have made the ultimate sacrifice in behalf of this nation, like Ronald E. McNair, who died in the Challenger Shuttle explosion in 1986. We are writers and educators, like Maya Angelou, who knows why the caged bird sings; like Ralph Ellison, who pondered the question of the black-American as, The Invisible Man; like Alex Haley, who discovered his Roots and raised the consciousness of the nation and the world; and like Phyllis Wheatley, whose poems have played an historical role in the growth of black literature. We are artists, musicians, television personalities, lawyers and judges, educators, athletes, politicians and leaders. But, we are also small farmers, common laborers, maids, dishwashers, construction workers, food service employees, and some of us are recipients of public assistance. A disproportionate number of us, however, are minimum wage workers, with families, thrust below the poverty line. We ask not for charity, but a chance—a chance to meet our obligatons—to feed, clothe and shelter our families. We too want welfare reform. The best welfare reform is a job at a livable wage. We too want to rid our communities of crime. The best crime bill is a jobs bill. We too want a balanced budget. But, balance the budget in a fair way, not just on the backs of those who broke their backs picking this Nation's cotton. We too want to eliminate teenage pregnancies. But, we will resist with all of our might, the attempt to take nutrition from pregnant women, children and seniors. This year, we place special recognition on the lives and legacies of three great and powerful black men, Frederick Douglas, William E.B. DuBois and Booker T. Washington. Yes, we are men, and we are women, like Rosa Parks; Harriet Tubman and Sojourner Truth. But, perhaps most importantly, Mr. Speaker, we are Americans. We are no different than those who populate this great Nation from the Atlantic to the Pacific Ocean and all points in between. We want what they want—a decent life, a strong family, a home, security, something to aspire to and a place at the bountiful table that is America.

These are tough times in America. But, like Dr. Martin Luther King, Jr. reminded us on one occasion:

> The test of good government is not where it stands or what it does when times are good. The true test of good government is where it stands and what it does when times are tough.

African-Americans have given their best to this Nation. Some want to underscore the worst. The best far outweighs the worst. We pause on this day and during this month of celebrate our best. Much more is yet to come.

□ 2130

Mr. OWENS. I thank the gentlewoman from North Carolina. Continuing our special order observance of Black History Month, I yield 5 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE. Mr. Speaker, I do humble thank the gentleman from New York.

Mr. Speaker, as I rise in this great House to speak in commemoration of Black History Month, I am strengthened by the rich contributions of my ancestors.

Reflecting upon the year 1895, I am moved to think of the state that found America herself in during the Reconstruction era. Thirty years after the abolition of slavery, newly found freedoms were being negotiated against newly found means of oppression. Emancipation and liberation were met by Jim Crow laws and black codes; eager men and women with hopes for education and opportunity were handed miseducation and disenfranchisement; children who had heard stories of a better life were left having their dreams deferred. Although America had ended its Civil War, an even more insidious war was being waged—the war of racial intolerance. Hope, however, continued to abound among a people hungry for opportunity.

My friends, standing here a mere 100 years post 1895, I am heartened by the progress that we have made as a nation, and yet standing here a mere 5 years before the dawn of a new century, I am filled with great trepidation. When our allies come to us for military assistance, no other nation takes up the banner of national defense faster than the United States. When human rights abuses are brought to our attention, we are vigilant in our pursuit of justice and fairness. Mr. Speaker, America's own private war is destroying our Nation. As America moves its great caravan of truth and justice across the globe, our righteous cries of fairness and equity are being drowned out by the piercing rattle of the skeletons of hypocrisy that reside in our darkest closets.

Gunnar Myrdal, the Swedish sociologist commented some 30 years ago that America's greatest problem would be that of race relations. As we herald the accomplishments of African-Americans today in this Black History Observance, we all should recommit ourselves to the quests of our ancestors excellence and opportunity. African-American history in the country is to be lauded.

While we take pride in saluting the great African-American scientists and inventors, America remains a nation still needing to heal. While we marvel at the majesty and grace of African-American performers and artists—America is still groping to implement racial equality. As I stand in this great House that charts the destiny of a nation, upholding the legacy of my district that brought to Washington prolific legislators like Barbara Jordan and the late, but never forgotten Mickey Leland, I believe we should actively in 1995 thwart efforts that would divide this Nation.

Today, let us strike a blow for true democracy and for real inclusion. Reflecting upon 1895 and upon the memory of Frederick Douglass, W.E.B. DuBois, and Booker T. Washington, the vision that each held continues to burn passionately in those of us who bear their legacy.

I am indebted to Frederick Douglass, who was born into bondage, sold repeatedly in the slave markets of the South, yet who secretly taught himself to read and write. Up to his death in 1895, his defiance against the pervasive system of racial inhumanity enabled him to speak out and to illustrate the moral dilemma that America embodied. Frederick Douglass empowers all of us today.

Known as the intellectual father of modern African-American scholarship, W.E.B. DuBois worked fervently to establish the NAACP, edited and published "The Crisis," founded the Pan African Congresses, and made pilgrimages to Ghana. DuBois' international leadership set the stage in 1895 for a global African-consciousness movement that reverberates today from Haiti to Soweto. His presence is affirmed in this great House today, and my colleagues and I are honored to carry on his legacy.

As Booker T. Washington struggled through Hampton Normal and Agricultural Institute, the Great Wizard of the Negro who eloquently expressed himself at the Niagara Conference and at the Atlanta Exposition, urged us all to be diligent in our work. He spoke of action and commitment. He exemplified his dedication through establishing Tuskegee Institute, and his tenacity left us a chronicle of his life through his autobiography, "Up From Slavery." Mr. Washington, my colleagues and I have heard your call to action, and we stand here ready to move.

Mr. Speaker, now if I may personally salute the African-Americans of the 18th Congressional District of Texas. Hard-working, dedicated Americans reflected in the lives of the late Zollie

Scales, Dr. John B. Coleman, Jack Yates, Hattie White, Christie Adair, Moses Leroy, and others.

Mr. Speaker, as I reflect upon Frederick Douglass, W.E.B. DuBois, and Booker Taliafero Washington, let us honor the memory of these great American patriots by affirming the principles for which they pledged their lives. We, Mr. Speaker, you—me—and our colleagues, have an opportunity to send strong messages to the American people as we consider the balance of the legislation pending before us. Let us move away from race-baiting descriptions of programs and proposals, and move toward rational and fair legislation.

America is divided; yet within that division, we the Members of the 104th Congress, have the opportunity and the responsibility to bridge, to narrow, and to close the rift that may divide us.

Mr. Speaker, let us sound the call today that this is nation time. Removing a 12-inch knife 6 inches from the back of a dying man, is not progress. We cannot be content with incremental change.

Mr. OWENS. I thank the gentlewoman from Texas, and I yield now to the gentleman from Louisiana [Mr. JEFFERSON].

Mr. JEFFERSON. Mr. Speaker, I rise today to join my colleagues in the Congressional Black Caucus for special orders in conjunction with Black History Month. Each year, CBC members speak on important contributions to the African-American community, individuals or organizations. This year, I have chosen to honor the Congressional Black Caucus itself as it celebrates 25 years of service to the African-American community in America and, indeed, to all of America.

The Congressional Black Caucus was born in 1970, when 13 African-American Members of Congress joined ranks to strengthen their efforts to address concerns of blacks, women, Hispanic, Asians, and other disadvantaged citizens.

Mr. Speaker, it did not take long for the fledgling caucus to capture national attention. In March, 1971, the CBC made headlines presenting President Richard Nixon with 60 recommendations for government action on domestic and foreign policy issues.

Although President Nixon did not respond positively to the recommendations, his less than adequate response strengthened the resolve of the original members of the CBC to continue on its new found mission.

During the past 25 years, the CBC has blossomed as a strong and progressive voice for alternative legislative programs.

Mr. Speaker, let me name just a few of the CBC's achievements during its quarter century of existence.

In 1972, the CBC convened hearings on "Racism in the Media" and a national policy conference on "Education for Black Americans."

In 1974, the CBC introduced the Humphrey-Hawkins Full Employment and Balanced Growth Act to reduce unemployment and inflation which became law in 1977.

In 1977, the CBC established the National Black Leadership Roundtable; and, in Congress, amended the Public Works Employment Act to provide for 10 percent of the $4 billion of authorized Federal funds to be spent with minority firms.

In 1980, the Caucus offered the first CBC constructive alternative budget and published "Black Voter Guidelines" for elections that year.

In 1982, the CBC introduced and passed legislation to designate the birthday of Martin Luther King, Jr. a national holiday.

In 1985, the CBC leadership forced the House and Senate to protect critical domestic programs from Gramm-Rudman budget cuts.

In 1986, the CBC passed sweeping South Africa sanctions legislation and created four major Federal minority enterprise programs—the most notable in the $32 billion Defense Authorization bill.

In 1989 the CBC cofounded the Parliamentary Black Caucus in the British Parliament.

And in 1992, the CBC pushed through important legislation for financial assistance for the college education of disadvantaged, and for historically black colleges.

Mr. Speaker, these are just a few of the significant accomplishments of the Congressional Black Caucus.

The Congressional Black Caucus has grown in numbers, diversity, expertise and influence during the past 25 years.

New members represent urban and rural areas, the east coast and west coast, the North and South and agricultural and manufacturing centers.

They come to the U.S. Congress uniquely prepared to serve, many bringing a wealth of experience in State and local governments as well as the desire to make an immediate impact on issues important to the poor, the underprivileged, women, African Americans, Hispanics, Asian Americans, and the middle class.

In fact, the 40-member Congressional Black Caucus turned the 103d Congress into the most productive in its history—passing motor-voter legislation, tax incentives for private investment in minority venture capital funds, improved earned income tax benefits, enterprise zone legislation and full funding for the Women, Infant and Children program, and for Head Start.

As the 41-member Congressional Black Caucus begins its second quarter century of work, its members will face new challenges. These new challenges will, I am confident, be dealt with like the old ones, with persistent, dogged commitment, with strong, solid leadership and with experienced and determined membership.

As the members of the Congressional Black Caucus' silver anniversary, we pause to remember the Congressional Black Caucus itself, with grateful hearts and with a deep and justifiable pride. The caucus' accomplishments, indeed its continued existence have contributed significantly to not only African-American History, but also to American history for the last quarter of a century. It has truly been the conscience of the Congress and the conscience of the nation.

With God's help, may it always be so.

□ 2140

Mr. OWENS. Mr. Speaker, I thank the gentleman from Louisiana.

Continuing our special observance of Black History Month, I yield to the gentleman from New Jersey, Mr. DONALD PAYNE.

Mr. PAYNE of New Jersey. Mr. Speaker, let me continue on as we talk about Frederick Douglass. As I had mentioned earlier, Frederick Douglass, a person who was educated, who was taught how to read early in life by his slaveowner's wife, who once he found out what was going on, stopped it, but Frederick Douglass ran away. He became a runaway slave, and his record, as you know, speaking out for women, speaking out for abolitionists and so forth, was really a tremendous record.

Mr. Speaker, let me just say that Frederick Douglass also had John Brown spend a month with him before John Brown had the raid on Harper's Ferry, and tried to convince him that he was not sure that that was the right way to go. As we know, there was that whole incident of John Brown, and later Denmark Veasy, who attempted to free slaves in South Carolina.

As a matter of fact, there was a commerce clause that today is the basis of interstate commerce, which was denied by the Supreme Court. They would not take up the fact that there should be interstate commerce controlled by the Federal Government because slaves were a part of the interstate commerce, and the courts did not want to rule on whether slavery should be, then, a national problem, and left it to the States.

When we look at some of the things that happened, it is so important that we recall our history and what impact it has had on this Government.

Let me just say, the first Black History celebration was on August 25 in 1893, when Frederick Douglass, at a World's Fair celebrating 400 years of the founding of this country, had colored Americans there, so the real first observance, as I mentioned before, happened to be in 1893.

Actually, in 1895 a woman by the name of Josephine Bruce put forth the proposal before the organization of the

National Council of Colored Women's Clubs, which later became the National Council of Negro Women, and she put a formal proposal before her organization to say, "Let's have Negro history week."

Interestingly enough, it was defeated. Then, of course, we do know that in 1926, Carter G. Woodson moved forward, and we have this whole question of African-American History Month today.

I just want to mention very quickly in the remaining minutes that I have that African-Americans have been participants in our history from the beginning. We have had approximately 5,000 African-Americans fight in the Revolutionary War, but it was not until the British invited all blacks to join its forces, promising freedom as a reward, that then George Washington decided to allow blacks to fight for the colonial people.

It was, as we know, in 1770 when Crispus Attucks was killed, but at the battle of Bunker Hill there were two blacks who were outstanding in that battle. Peter Salem was one, and Salem Poor. Peter Salem was the one who fired the shot that killed Major Pitcairn, who led the Boston massacre on March 5, in 1770, when Crispus Attucks and four other Americans fell.

I would just like to say in conclusion the fact that at the battle of Savannah in the Civil War, it was a group of troops from Haiti that fought so valiantly at that battle, and it really reversed the history of this country, because, as you know, the Haitian army back in the late 1700's defeated the British and the French.

Napoleon then had to sell the Louisiana Purchase to the United States of America at 15 cents an acre, which gave the land west of the Mississippi to the United States Government, which therefore relieved the French's threat on the United States Government, because France and the United States were still battling each other. When we look at our history, we can thank the Haitian military for eventually causing the French to have to sell all that territory.

Let me conclude by saying there are some heroes today. We have seen Ron Brown, who has brought more trade to this United States of America, $40 billion from China, $7 billion recently from India, an outstanding person, but under attack.

We see a Dr. Foster, a hero of today, who should be appointed. We see a Lannie Guinier, who should have had an opportunity, but it was taken away before she could do what she could have done positively for this country. We see Joycelyn Elders, today an outspoken person who was doing the job well, but was brought down from her position, and Mike Espy.

As we talk about heroes of the past, I would like to say that we must continue to support those outstanding Americans today, the Ron Browns, that are making this Nation a better place for all of us.

Mr. OWENS. Mr. Speaker, I thank the gentleman from New Jersey.

I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I thank the gentleman from New York and the gentleman from Ohio for organizing this special order on Black History Month.

Mr. Speaker, I rise to call the attention of the House to Black History Month. As I reflect on the importance of this celebration I am reminded of the commitment of Frederick Douglass, W.E.B. Dubois, and Booker T. Washington to bettering their communities and the Nation. Like many other men and women, these individuals spent their lives fighting for equality and opportunity for all of America's citizens. While each differed in his approach, each one of these men recognized and utilized education as a vital tool in their efforts. They recognized that education is essential to freedom.

Frederick Douglass, while culminating a life of service and struggle in 1895, epitomized a commitment to education and scholarship. We should all be familiar with the story that Douglass tells of his efforts to learn to read and write. Nor can we forget his lifelong commitment to providing the same skills and opportunities to his peers both as an orator and as a crusader against slavery. Ultimately, Frederick Douglass recognized that education is necessary in order to obtain both freedom and equality.

Like Frederick Douglass, W.E.B. Dubois, a graduate of Fisk University and the first African-American to receive a Ph.D. from Harvard, also exemplified the importance of education and national progress. Not only was Dr. Dubois committed to his personal scholarship, he spent his life providing research and education resources to African-Americans nationwide. As a founding father of the NAACP, DuBois provided the Nation with the Crisis magazine, which continues today as the literary arm of the NAACP. In addition, he taught at both Wilberforce and Atlanta University.

Booker T. Washington, much like Dubois and Douglass, also made education a paramount part of his work and life. As the proud graduate of Hampton University, which is located in my district, Mr. Washington sought to provide access and resources to communities that were disadvantaged and disenfranchised. Believing that education would assist in achieving economic equity, Booker T. Washington founded Tuskeegee University in 1881.

Recognizing the legacy of education that these men have given us, we are charged with no less of a commitment to education today. It is our responsibility to ensure that each American has access to a quality education. We must support and defend those institutions and programs that make such access and equity possible.

Keeping that in mind, Mr. Speaker, I would like to recognize the 103 historically black colleges and universities [HBCU's] that are currently working tirelessly to provide education to students nationwide. In particular, I would like to recognize Mr. Washington's alma mater, Hampton University, as well as Norfolk State University, Virginia Union University, St. Paul's College, and Virginia State University which have graduated many of our Nation's leaders and continue to serve the residents of Virginia and the Nation as a whole. As we celebrate Black History Month and recognize HBCU's, I must also acknowledge the 50th anniversary of the Central Intercollegiate Athletic Association [CIAA] basketball tournament that is being celebrated this week. The CIAA is the Nation's largest African-American athletic association.

Mr. Speaker, education continues to be essential to freedom as well as to life, liberty, and the pursuit of happiness. The individuals, institutions, and organizations I have mentioned help create and continue the legacy of the brave men and women whose lives and contributions we commemorate through Black History Month celebrations.

□ 2120

Mr. OWENS. Mr. Speaker, I thank the gentleman from Virginia, and I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, it is with great pride that I pay tribute to my distinguished colleague, Representative EVA M. CLAYTON, the first black Congresswoman ever elected from North Carolina (representing the First Congressional District).

I am especially pleased to recognize Congresswoman CLAYTON, because I was privileged to join her in the 103d Congress, as one of two African-American Representatives elected from North Carolina since 1901, 94 years ago.

In recognition of Black History Month and in honor of this special Representative, I am pleased to submit a paper entitled "The Election of Eva M. Clayton as the First Black Congresswoman from North Carolina," written by Philip A. Grant, Jr., professor of history at Pace University in New York, which documents this historic event.

Mr. Speaker, this paper is being made a part of the RECORD at this point in the RECORD, as follows:

On October 4, 1991 Congressman Walter B. Jones of North Carolina formally announced that he would not be a candidate for re-election to a fifteenth term. Jones, a seventy-eight year old Democrat, had initially entered the House of Representatives in 1966, after winning a special election to fill a vacancy in North Carolina's First Congressional District. Since 1981, Jones had occupied the post of Chairman of the House Committee on Merchant Marine and Fisheries.

The First Congressional District had been created by the North Carolina Legislature on June 16, 1961, at which time the "Tarheel State" lost one of its existing twelve districts. Based on well-documented population patterns, the boundaries of the First District were slightly altered after the Censuses of 1970 and 1980. Located in close proximity to the Atlantic Ocean, the First District was primarily rural in character and solidly Democratic in terms of party registration.

Throughout the nineteen seventies and nineteen eighties Congressman Jones seldom encountered political difficulty in his numerous House campaigns. Because of Jones' enormous personal popularity and the indisputable fact that the veteran incumbent was in the process of accumulating valuable seniority, formidable Democratic primary challenges simply did not materialize.

When Jones announced his decision to retire, it was anticipated that several candidates would opt to seek the Democratic and Republican congressional nominations. While the Republican Party has grown steadily in eastern North Carolina since the late nineteen sixties, no G.O.P. candidate from 1970 to 1990 has polled more than 35.2% of the popular vote in the First District. Consequently, the victor in the 1992 Democratic primary would definitely be favored to win the general election.

Since Blacks accounted for roughly thirty-six percent of the citizens of the First District, it was a virtual certainty that at least one Black would enter the race to succeed Jones. Indeed a number of Blacks were serving either as county commissioners or state legislators within the First District. It was expected that a Black with proven electoral appeal might emerge as a serious contender for the First District seat.

Inasmuch as North Carolina would gain a House seat because of its sustained population growth over the previous decade, the Legislature would have the task of redrawing the boundaries of the state's congressional districts. When the Legislature failed to produce an acceptable plan, a panel of three federal judges resolved the question. According to the court ruling of February 6, 1992, the Black population of the new First District was estimated at 57.3%.

The First District consisted of twenty-eight counties extending from the Virginia line to approximately ten miles of the South Carolina border. While twenty-one of these twenty-eight counties were rural in complexion, the district also included a number of eastern North Carolina's urban centers. Among the cities located within the confines of the district were Wilmington, Fayetteville, New Bern, Greenville, Wilson, Rocky Mount, and Henderson.

Competing against one another in the May 5 Democratic primary were seven candidates, four Blacks and three whites. Generally regarded as the foremost Democratic candidates were Eva M. Clayton, a Black, and Walter B. Jones, Jr., a white. Clayton was a Warren County Commissioner, while Jones, the son of the retiring incumbent, was a member of the North Carolina House of Representatives.

North Carolina law provided that a minimum of forty percent of the popular vote was required to win a party primary, whenever more than two rival candidates were involved. Since Jones obviously benefitted from name recognition, he was striving to reach the forty percent threshold. On primary night Jones assumed a modest lead over Clayton, but fell short of the necessary forty percent. The official returns were: Jones, 33,634 (38.7%); Clayton, 27,477 (31.6%); Others, 25,855 (30.7%).

The failure of any candidate to prevail in the Democratic primary made a run-off contest mandatory. Clayton strongly urged Black Democrats to participate in the run-off, believing that a huge Black turnout would certainly enhance her prospects.

In the June 2 run-off primary it appeared that Blacks were voting in record numbers. The preliminary returns indicated that Clayton would defeat Jones by at least five thousands votes. The final returns were: Clayton, 43,210 (54.8%); Jones, 35,729 (45.2%). While Jones gained an additional 2,095 votes over his showing in the first primary, Clayton's total increased by an astounding 15,757.

It was a foregone conclusion that Clayton would win the general election. The highly respected Congressional Quarterly in late October listed North Carolina's First Congressional District in the "Safe Democratic" column. Congressional Quarterly noted that eight-seven percent of the citizens of the First District were affiliated with the Democratic Party.

On November 5, 1992 Clayton overwhelmed her Republican opponent, Ted Tyler, The official tabulation was follows: Clayton, 116,078 (68.1%); Tyler, 54,457 (31.9%). Clayton thus became the first Black woman ever elected to Congress from North Carolina and only the second Black congresswoman ever elected to represent a district in a southern state.

Clayton was one of the one hundred and ten freshmen elected to the House on November 5, 1992. The North Carolina congresswoman would be one of the thirty-nine Blacks in the House, fourteen of whom were also elected for the first time in 1992. In January 1993 Clayton was assigned to the Committee on Agriculture and attained the distinction of being elected President of the Freshman Class.

Mr. WATT of North Carolina. Mr. Speaker, I rise today to commemorate Black History Month by honoring Dr. Charlotte Hawkins Brown, an African-American North Carolina native who had a vision in the early 1900s: to ensure that all black youth receive the type of education that would fully prepare them for their futures.

Lottie Hawkins was born in 1883 in Henderson, North Carolina. When she was young, the Hawkins family moved to Massachusetts, where she studied at Cambridge High School and Salem State Normal School. Before graduating from high school, young Lottie changed her name to Charlotte Eugenia Hawkins.

At age 18, Miss Hawkins accepted a teaching position from the American Missionary Association to return to her home state to teach at Bethany Institute near Greensboro at a time when North Carolina had the second highest illiteracy rate in the country. Unfortunately, the school closed after Miss Hawkins' first year there. The school closing only made Miss Hawkins even more determined to start her own school. She felt there was a lack of educational opportunities for young blacks in the South. There were approximately 2,400 elementary schools across the country responsible for educating young black children, but many of these schools, she felt, were far from adequate.

Miss Hawkins left for Massachusetts to raise money to finance her dream. She personally met with supporters and even sang for donations at seaside resorts. In 1902, she returned to North Carolina where 15 acres of land and an old log blacksmith's shop were donated to her by a local minister. She used the money raised in Massachusetts to convert the shop into a school, thus making her dream a reality.

The schools' beginnings were extremely humble. Fifteen girls and two teachers including Miss Hawkins slept in cramped quarters in the loft. The rest of the building was occupied by classrooms, a living room and a kitchen. Nevertheless, in November 1902, classes began at the Alice Freeman Palmer Memorial Institute. The school was named for Miss Hawkins' benefactor and friend who was also the second female president of Wellesley College in Massachusetts.

After its opening, the school was faced with ever-present financial battles. Although tuition was $5.00 a month, many of the students at Palmer found it difficult to manage. The school was involved in letter-writing campaigns and the students themselves worked the land to help keep expenses down. Through this effort, the school was able to purchase 250 acres of land. However, money still remained scarce. As a result, Palmer relied heavily on the donations from sympathetic, white northerns and some southerners to survive.

In 1911 at the age of 29, Miss Hawkins married Edward Brown. The marriage later broke up over Edward's unhappiness with living in Sedalia. Still Mrs. Brown continued to move forward. Under her direction, the school grew to more than 350 acres of land. Donations and community and student involvement enabled the construction of several frame buildings.

The growing needs and changes of the community forced Palmer's curriculum to go from an agriculture and manual training-based curriculum to one that expanded to include more classes in liberal arts, languages, sciences, and dramatics. Elementary education was eliminated and a junior-college level teaching course was added.

Palmer evolved into "an elite institution that prepared African American youth for college." Tuition rose to $800 per year by the late 1950s and 90 percent of the graduates went on to pursue further education. More and more students began enrolling from around the country.

The school survived three fires and economic hardship. Even with the unfortunate mishaps, the school was able to exult about its 1,000 strong, proud black student graduates. Dr. Brown went on to receive several honorary degrees herself. She often spoke to multiracial groups of women advocating equality, wrote novels, and was given the nickname "The Mayor of Sedalia" by her community.

On January 11, 1961, Dr. Charlotte Hawkins died. Her legacy which was her school, continued until 1971. Bennett College, a historically black women's college in Greensboro bought the campus.

Today, the Charlotte Hawkins Brown Memorial sits on 40 acres of land in Sedalia, North Carolina, east of Greensboro. The state legislature allocated $400,000 to purchase the land and partially restore the campus. It is the first historic site honoring an African-American and a woman.

Mr. OWENS. Mr. Speaker, I thank the gentleman from North Carolina.

Mr. Speaker, it is customary for the Congressional Black Caucus during this observance of Black History Month to allow Members to speak about whatever aspects of black history they wish to speak of. We have had a number of different testimonials to black history.

I would like to stay close to the theme that has been developed by the Association for the Study of Afro-American Life and History. Some of my colleagues have dealt with that theme, but I would like to focus on it in more detail and try to relate it to what is currently happening here in the Congress.

The theme that has been set forth by the Association for the Study of Afro-American Life and History is "Reflections on 1895: Douglas, Du Bois, and Washington"; "Reflections on 1895: Douglass, Du Bois, and Washington." I suppose the association chose 1895 because 1895 is exactly 100 years ago. We are in 1995, and they chose to reflect on 1895, and I think it was a stroke of genius that they put Douglas, Du Bois, and Booker T. Washington together, Booker T. Washington, W. E. B. Du Bois, and Frederick Douglass.

□ 2200

These are all giants in black history. These are all people of great stature. They happened all to be alive in 1895. In 1895 it was the last year of Frederick Douglass' life. He died in 1895. In 1895 Booker Washington was alive. In 1895 W.E.B. DuBois was alive. W.E.B. DuBois was born in 1868, and he died in 1963. Booker Washington was born in 1856, and he died in 1915. Frederick Douglass was born in 1817, and he died in 1895, a hundred years ago.

I was very much influenced in my life by a book that I stumbled across in the library when I was in the sixth grade called, "Up from Slavery," the autobiography of Booker T. Washington. I have also read the writings of DuBois and Frederick Douglass. We are now in 1995, and the question is of what significance is 1895 to us here in 1995, of what significance are the lives of these three giants in black history?

In 1895 you were past the Civil War, the end of the Civil War, a little more than 25 years. The Civil War, what I choose to call the War Against Slavery, had ended, and in 1895 we had gone through a period in history which is called the Reconstruction, an all too short period where the duly freed slaves were now allowed for a brief time to participate in civic affairs. They actually had the majority in some State legislatures, and the legislature of the State of South Carolina passed some of the most far-reaching social legislation in the history of the country until the New Deal. The legislation of South Carolina performed magnificently, and many other legislatures. There was a whole period where blacks struggle to grapple with the running of towns, counties, and there were blacks who came to Congress also during that period.

But by 1895 this had all come to a crashing halt. In 1895 of course Booker Washington was very much alive, as I said before. That was the last year Frederick Douglass was alive. Frederick Douglass died with a broken heart. He had seen all of the hope of Reconstruction come crashing down, all the hope of progress, of true freedom, of onward and upward advancement for the people of African descent, the former slaves, all that had come crashing down.

The Freed Man's Bureau, which was established shortly after the slaves were freed, had been wiped out. The Freed Man's Bureau was possibly the first social program ever authorized by the Federal Government. That had been wiped out. All attempts to do anything to help the newly freed slaves assimilate had been abandoned, and not only were there no attempts by the government of the established order to assist the slaves or the former slaves. There was a great deal of hostility that had been projected by 1895 in slaves, and slave leadership, and slave—the former slaves, their leadership in society, their institutions. All were struggling in a hostile environment.

I would like to just comment on the most recent giant who watched all of this happen. DuBois was born in 1868, so he saw the Reconstruction, the last days of the Reconstruction, the first Reconstruction period. He saw it crumble, but DuBois was an exceptionally advantaged individual. He happened to have been born in Massachusetts, an environment which encouraged him to go forward and get ahead.

So, W.E.B. DuBois became the first doctorate. He was the first person of African descent to get a PhD from Harvard, and he was a great intellectual, wrote many books and saw himself as being very important in trying to reconstruct the soul of black folks. He wrote one book called, "The Souls of Black Folk" because he understood that one of the objectives of slavery had been to obliterate the soul of black folk.

The whole institution of slavery was designed to destroy the humanity of the slaves. A slave was to be an efficient beast of burden, and slavery could not do that as long as you were dealing with a human being. You could not let slaves operate as if they were human. You could not allow them to have families. So it was, you know, deliberately that every effort was made to tear families apart. First officially and formally it was against the law for them to get married. They could not get married. They had to devise their own means of being married for short periods of time, but those were only short periods of time where they had their own arrangements among families because families were torn apart frequently by being sold. One, traditionally very young children were taken from their mother's arms and sold into slavery far away. There was no such thing as a mother or a husband being kept with a wife because he happened to be the father of her children. They were sold like animals.

So, you know, the need to restore the soul of the people of African descent was a major preoccupation of DuBois. You have to reconstruct institutions, construct new institutions, because in order to make the slave more effective and efficient as beasts of burden they were cut off from their past tribal customs. They were deliberately loaded on slave ships and brought over here in arrangements which placed slaves next to each other from different tribes so they spoke different languages, had different customs, and chaos prevented any revolt or any kind of getting together to do anything. So all of that had to be counteracted in the view of DuBois.

Booker T. Washington took an approach of you have to develop certain kinds of means of coping with life as it is. Booker T. Washington was a very practical man. He founded Tuskegee Institute and felt that the first thing the slaves had to do, the ex-slaves, former slaves, had to do was to learn skills, occupations; you know, job training, and less emphasis should be placed on learning the classics, learning the right poetry or dealing with music. The things that DuBois was concerned with was of no concern to Booker T. Washington. Self-help and building a practical economy within the eternal communities of slaves was a preoccupation of Booker T. Washington. He was criticized for not espousing a form of education that would help blacks to become poets, and intellectuals and philosophers. I think some of the criticism is valid, but I think the combination of DuBois' approach and a Booker Washington's approach was that really would have worked best instead of fighting each other, instead of two schools of thought being developed.

It would have been great if they could have come together. Frederick Douglass, the earliest of the three, is a person I would like to focus on. He died in 1895, as I said before, and Frederick Douglass was born a slave. Frederick Douglass was born in a time when it was illegal to teach slaves to read. So the very fact that he learned to read, the very fact that he educated himself, became a great writer, became a great orator, a great thinker, a great organizer; all of that is due to an exceptional set of talents that this individual possessed.

He died in 1895, as I said before. This is 1995. Some of the things that are happening right here in the Congress right now remind me of the era of 1895 and the period leading up to 1895 when the Reconstruction benefits had all collapsed and the people of African descent experienced a great setback. We have forces at work now which are attempting to set back the progress made by the people of African descent, the descendants of slaves, the victims of one of the most heinous crimes ever committed against humanity.

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There are attempts being made to roll back the clock and take away programs that provide life and death sustenance to large numbers of people who are poor because of the fact that they are trapped in situations where they cannot go forward. A mismanaged economy has taken away the jobs, and various other problems exist, and these are people who comes from a slave background.

I am a descendant of slaves. A Mexican who comes across the border in California, no matter how poor they are, they have far more than the slaves brought with them, because they have some sense of family that they left in Mexico. They are often coming to people that they know in this country, so the poorest person crossing the border has something of value that slaves did not have.

All that was taken away. No descendant of a slave can say they can go back in history and lean on ancestors who had this to pass down, no inheritance, no help whatsoever. That is the lot of people of African descent. They had to make it all by themselves.

I say all this because I understand that in addition to the whole series of onslaughts being waged against certain programs that benefit people of African descent, we now have a threat on affirmative action. There is a coming onslaught against affirmative action which will also finish off some of the benefits gained through what I call the second reconstruction. The period leading up to 1995 has the civil rights in it, the Voting Rights Act, a number of other progressive steps taken to compensate for all that was not done when the slaves were set free.

Now we are talking about a colorblind America. Suddenly we want nobody to be given any extra assistance. We readily understand the need to assist people who are victims of earthquakes. We readily understand the need to assist people who are the victims of floods or people who are the victims of hurricanes. We rush to give assistance to those victims, but we do not want to give assistance to victims trapped in big cities, mismanaged economies where jobs have been taken away, and they are also victims. We do not want to give the same kind of assistance. We also do not want to give assistance in recognition of the fact that there is a slave history.

I want to end on this note, because there will be a continuation of what I have started here. I want everybody to know that Frederick Douglass is most famous for a speech he made in Rochester, New York. He was invited on the 4th of July to address a great gathering there. He was a former slave, but he was invited to address a gathering there. He was known as a great abolitionist, a great orator. And during his address he asked some very blunt questions: Why do you invite me here if you are not interested in helping to end slavery and end the effects of slavery? Why do you invite me here to celebrate freedom, when at this moment dastardly deeds are being done all across the Nation to my people? Why do you invite me?

His confrontation with those who had invited him was so forthright that there was a riot in Rochester. He had to run for his life.

I am afraid that those who want to attack affirmative action and those who want to combine the onslaught against social programs and the onslaught against education programs and all of the things that are going to drive us back in time and eliminate the benefits of a second reconstruction for people of African descent, I want them all to know, we are not going to sit still and take it quietly. We are going to come like Frederick Douglass and make all of those who want to see the world in very simple-minded terms only today is important. They want to erase 200 years of slavery, 200 years of crimes against humanity, unlike any that ever existed.

We do not talk much about this in the African-American community. Nobody wants to dredge up slavery. My parents did not want my teachers to teach me anything about slavery. They felt ashamed of it, the victims being ashamed. I as not ashamed. I was a victim. But for every victim or descendant of victims, there are descendants of criminals, the people who perpetrated that. We do not want to get into that if we are not forced into it. If you force us into it, we have to review what does America owe for all of those years that it officially permitted slavery to exist? In the Constitution, slavery is recognized. A slave is considered three-fifths of a man in the Constitution. So our Government and all that has come after our Government has to bear the burden of blame for letting the institution of slavery exist long after it was established.

What about the 200 million people who were lost in the Atlantic crossing? Very conservative estimates say the slave trade, just the crossing of the Atlantic, bringing the salves across, there were 200 million people who died coming across. So great was the number of people thrown overboard, that it altered the ecology of the oceans. The sharks even now follow after ships along a trail seeking the flesh that was thrown overboard in all those years, 200 years of the slave trade.

Once the slaves found themselves in this country, they were treated, of course, like beasts of burden. We have all of that that we will be forced to dredge up and forced to discuss. Repatriations. Repatriations are due, but people consider that out of the question, to talk about some kind of compensation for all those 200 years of free labor and for the 100 years after that of illegal segregation and other kinds of repression.

We do not want to deal with that, but we will be forced to deal with it if you are going to attack affirmative action, if you attack the programs that help the most needy people in our communities. We will be forced to have a review of what it is owed, what does this country owe, what do individuals owe, and how might some of these same individuals who insist on persecuting the decedents of slaves, the victims of slavery today, how might some of them fare if we had some genealogists to go back in their history and check and double-check to see who were their ancestors, how many of their ancestors participated in the rape and the murder and the torture that went on daily in slavery.

The production Roots that appeared on television was a disinfected, sterilized, cleaned-up version of slavery. Slavery was the closest thing to hell, and it endured on and on, decade after decade, for 200 years. Nothing like it ever existed, and we hate to have to deal with it. But on this occasion of the observance of Black History Month, I serve warning on all of those out there who want to wage war on little meager efforts to compensate like affirmative action, a very piddling effort to compensate for that heinous crime, all of those who want to take us on, we will be forced to defend ourselves by requesting a review, a thorough review of the crime of slavery and the implications of that crime on all the descendants, the victims and the perpetrators.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. ARMEY), on February 21 and today, on account of illness.

Mr. RUSH (at the request of Mr. GEPHARDT), for February 21 and today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. LEWIS, of Georgia, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. TORKILDSEN, for 5 minutes each day, on February 23 and 24.

Mrs. SEASTRAND, for 5 minutes, on February 24.

Mr. SMITH of Michigan, for 5 minutes each day, on February 23 and 24.

Mr. HUNTER, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. KIM, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, on February 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) and to include extraneous matter:)

Mr. TRAFICANT.

Mr. ORTIZ.

Mr. DEUTSCH in two instances.

Mr. HAMILTON.

Mr. FAZIO.

Mrs. KENNELLY.

Mr. FROST.

Mr. PICKETT.

Mr. KANJORSKI.

Mr. KILDEE.

Ms. DELAURO.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. PACKARD.

Mr. FAWELL in three instances.

Mr. COMBEST in three instances.

Mr. MANZULLO.

(The following Members (at the request of Mr. OWENS) and to include extraneous matter:)

Mr. UPTON.

Ms. MCCARTHY.

Mrs. COLLINS of Illinois.

Mr. LEVIN.

Mr. DIXON.

Ms. BROWN of Florida.

Mr. BONILLA.

Mr. OWENS.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 18 minutes p.m.), the House adjourned until Thursday, February 23, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

387. A communication from the President of the United States, transmitting amendments to the fiscal year 1996 appropriations requests for the Departments of Commerce, Education, Energy, and the Interior, and the U.S. Army Corps of Engineers, as well as a revision to a fiscal year 1995 supplemental proposal for the Department of Labor, pursuant to 31 U.S.C. 1106(b) (H. Doc. No. 104–39); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 93. Resolution providing for the consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes (Rept. 104–45). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ORTIZ (for himself, Mr. BONILLA, Mr. BRYANT of Texas, Mr. FIELDS of Texas, Mrs. MORELLA, Mr. TOWNS, and Mr. UPTON):

H.R. 1010. A bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes; to the Committee on Commerce.

By Mr. SAWYER:

H.R. 1011. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in the State of Ohio; to the Committee on Commerce.

By Mr. BAKER of California (for himself, Mr. LATOURETTE, and Mr. MILLER of Florida):

H.R. 1012. A bill to require equal coverage under a health plan for all children under the age of 27 of an individual who enrolls in the plan under a family class of enrollment; to the Committee on Commerce, and in addition to the Committees on Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 1013. A bill to amend the Social Security Act to protect consumers through the establishment of standards for long-term care insurance policies; to the Committee on Commerce.

By Mr. HASTINGS of Washington:

H.R. 1014. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license; to the Committee on Commerce.

By Mr. KLECZKA (for himself, Mr. BARRETT of Wisconsin, Mr. PETRI, and Mr. SENSENBRENNER):

H.R. 1015. A bill to provide for the temporary suspension of the reformulated gasoline rules under the Clean Air Act; to the Committee on Commerce.

By Mr. OWENS (for himself, Mr. HINCHEY, Mr. MCDERMOTT, Ms. VELÁZQUEZ, and Mr. FORD);

H.R. 1016. A bill to establish a Federal housing trust fund to provide decent, safe, and affordable housing for low-income families lacking such housing; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 1017. A bill to amend title I of the Housing and Community Development Act of 1974 to give preference in awarding economic development grants made in connection with community development loan guarantees to cities having high unemployment rates; to the Committee on Banking and Financial Service.

By Mr. PETE GEREN of Texas:

H. Con. Res. 32. Concurrent resolution expressing the sense of the Congress that the Sikh nation should be allowed to exercise the right of self-determination in their homeland, Punjab, Khalistan; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Ms. PELOSI, Mr. SISISKY, Mrs. LINCOLN, Mr. GONZALEZ, and Mr. BAKER of Louisiana.

H.R. 70: Mr. RADANOVICH.

H.R. 95: Mr. KENNEDY of Rhode Island.

H.R. 103: Mrs. MALONEY, Mr. HALL of Ohio, Mr. JOHNSON of South Dakota, Mr. HUTCHINSON, and Mr. YOUNG of Florida.

H.R. 109: Mr. QUILLEN, Ms. LOWEY, Mr. ROMERO-BARCELO, Mr. BAKER of Louisiana, and Mrs. MALONEY.

H.R. 127: Mr. HOUGHTON, Mr. WYNN, Ms. LOWEY, and Mr. PETRI.

H.R. 209: Mrs. CHENOWETH and Mr. BUNNING of Kentucky.

H.R. 303: Ms. PELOSI, Mr. GONZALEZ, and Mr. NEY.

H.R. 326: Mr. McCollum and Mr. Foley.

H.R. 328: Mr. Andrews.

H.R. 359: Mr. Frazer.

H.R. 438: Mr. Bunning of Kentucky, Mr. Saxton, Mr. Stearns, Mr. McKeon, and Mr. Rohrabacher.

H.R. 489: Mr. Bartlett of Maryland.

H.R. 490: Mr. Burton of Indiana.

H.R. 500: Mr. Baker of Louisiana, Mr. Bachus, Mr. Gallegly, Mr. Heineman, Mrs. Waldholtz, and Mr. Watts of Oklahoma.

H.R. 525: Mr. Baker of Louisiana and Mr. Bartlett of Maryland.

H.R. 560: Mr. Skeen.

H.R. 580: Mr. Young of Alaska.

H.R. 585: Mr. Foley, Mr. Lipinski, Mr. Jacobs, Mr. Johnson of South Dakota, Mr. Hutchinson, Mr. Costello, and Mr. Oberstar.

H.R. 663: Mr. Baker of Louisiana.

H.R. 705: Mr. Sam Johnson, Mr. Skeen, Mr. Cunningham, and Mr. Saxton.

H.R. 752: Mr. Metcalf, Mr. Young of Alaska, Mrs. Kennelly, Mr. Coyne, and Mr. Norwood.

H.R. 784: Mr. Fields of Texas and Mr. McKeon.

H.R. 789: Mr. Rohrabacher.

H.R. 791: Mr. Bliley, Mr. Taylor of North Carolina, Mr. Baker of Louisiana, Mr. Bachus, Mr. Baker of California, and Mr. Solomon.

H.R. 797: Mr. Gejdenson, Mr. Solomon, Mr. Schumer, and Mr. Moran.

H.R. 800: Mr. Bonilla and Mr. Weller.

H.R. 873: Mr. Hutchinson, Mr. Ney, Mr. Upton, Mr. Brown of California, Mr. Baker of California, Mr. Saxton, Mr. Camp, Mr. Condit, Mr. English of Pennsylvania, Mr. Fields of Texas, Mr. Souder, Mr. Torkildsen, Mr. Lazio of New York, and Ms. Furse.

H.J. Res. 6: Mr. Lightfoot and Mr. Pallone.

H.J. Res. 64: Mr. Sam Johnson, Mr. Skeen, Mr. Cunningham, and Mr. Saxton.

H. Con. Res. 12: Mr. Ewing, Mr. Hastings of Washington, Mr. Fawell, Mr. Weller, Mr. Hutchinson, Mr. Wilson, and Mr. Rohrabacher.

H. Res. 20: Ms. Rivers, Ms. Slaughter, and Ms. Velazquez.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 867: Mrs. Maloney.

H.J. Res. 2: Mr. Kim.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 450

Offered By: Mr. Burton

Amendment No. 5: In Section 6(3)(B)(ii), after the comma following "agreements" insert the following:

"including agency actions addressing rules of origin for textile and apparel products as required by Section 334 of the Uruguay Round Agreements Act,"

H.R. 450

Offered by: Mr. Burton

Amendment No. 6: In Section 6(3)(B)(ii), after the comma following "agreements" insert the following:

"including all agency actions required by the Uruguay Round Agreements Act,"

H.R. 450

Offered By: Mrs. Collins of Illinois

Amendment No. 7: At the end of section 5 (pages , after line), add the following new subsection:

(c) Common Sense Regulatory Improvements.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) Personal use of campaign funds.—A regulatory rulemaking action by the Federal Election Commission governing personal use of campaign funds, taken under the Federal Election Campaign Act of 1971 and with respect to which final rules were published on February 9, 1995 (60 Fed. Reg. 7862).

(2) Immigrant asylum requests.—A regulatory rulemaking action to improve procedures for disposing of requests for asylum under immigration laws, taken by the Immigration and Naturalization Service and with respect to which final rules were published on December 5, 1994 (59 Fed. Reg. 62284).

(3) HUD regulatory improvements.—A regulatory rulemaking action by the Department of Housing and Urban Development—

(A) to establish a preference for the elderly in the provision of section 8 housing assistance, taken under subtitle D of title VI of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on December 21, 1994 (59 Fed. Reg. 65842);

(B) to eliminate drugs from federally assisted housing, as authorized by section 581 of the National Affordable Housing Act and section 161 of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on January 26, 1995 (60 Fed. Reg. 5280); or

(C) to designate urban empowerment zones or enterprise communities, taken under subchapter C of part I of title XIII of the Omnibus Budget Reconciliation Act of 1993 and with respect to which a final rule was published on January 12, 1995 (60 Fed. Reg. 3034).

(4) Compensation to Persian Gulf war veterans.—A regulatory rulemaking action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, taken under the Persian Gulf War Veterans' Benefits Act and with respect to which a final rule was published on February 3, 1995 (60 Fed. Reg. 6660).

(5) Child molester database.—A regulatory rulemaking action by the Department of Justice to require persons criminally convicted of a sexually violent offense against a minor to register with State law enforcement agencies so that such agencies can develop a database of the identities and residences of those offenders, taken under title XVII of the Violent Crime Control and Law Enforcement Act of 1994.

(6) Migratory bird hunting.—A regulatory rulemaking action by the Department of the Interior that establishes the hunting season, hunting hours, hunting areas, and possession limits for migratory birds, and with respect to which final rules were published on November 21, 1995 (59 Fed. Reg. 59967 and 59 Fed. Reg. 60060).

H.R. 450

Offered By: Mrs. Collins of Illinois

Amendment No. 8: At the end of section 5 (page , after line), add the following new subsection:

(c) Aircraft, Mine, and Nuclear Safety Regulations.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) Aircraft safety.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) Mine safety.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) Nuclear waste disposal.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

H.R. 450

Offered By: Mrs. Collins of Illinois

Amendment No. 9: At the end of section 5 (page , after line), add the following new subsection:

(c) Food and Water Safety Regulations.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) Meat and Poultry Inspection.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) Drinking water safety.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) Importation of food in lead cans.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

Offered By: Mrs. Collins of Illinois

Amendment No. 10: At the end of section 5 (page , after line), add the following new subsection:

(c) Mammography Quality Standards Regulations.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action (or any such action relating thereto) to establish quality standards for mammography, taken under the Mammography Quality Standards Act of 1992 (42 U.S.C. 263b) and with respect to which the proposed rule stage of the regulatory plan was published at 59 Federal Register 57067.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 11: At the end of section 5 (page , after line), add the following new subsection:

(c) REGULATIONS TO AID BUSINESS COMPETITIVENESS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

(7) WIDE-AREA SPECIALIZED MOBILE RADIO LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGERS.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 12: At the end of section 5 (page , after line , add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 13: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term "regulatory rulemaking action" means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 14: Amend section 6(2)(A) (page , line) to read as follows:

(A) beginning on the date of the enactment of this Act; and

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 15: Amend section 7 (page beginning at line) to read as follows:

SEC. 7. JUDICIAL REVIEW.

This Act shall not be considered to authorize or require any action that is subject to judicial review.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 16: At the end of section 5 (page , after line), add the following new subsection:

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MRS. COLLINS OF ILLINOIS

AMENDMENT NO. 17: At the end of section 5 (page , after line), add the following new subsection:

(c) TELEMARKETING AND CONSUMER FRAUD PREVENTION.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking actions (or any such action relating thereto) to prevent telemarketing fraud or consumer fraud, taken under the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994.

H.R. 450

OFFERED BY: MR. CONDIT

AMENDMENT NO. 18. In the proposed section 6(2)(B), strike the period at the end and insert a semicolon, and after and immediately below clause (ii) insert the following:

except that in the case of a regulatory rulemaking action with respect to determining that a species is an endangered species or a threatened species under section 4(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(1)) or designating critical habitat under section 4(a)(3) of that Act (16 U.S.C. 1533(a)(3)), the term means the period beginning on the date described in subparagraph (A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out the Endangered Species Act of 1973, or December 31, 1996.

H.R. 450

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 19: At the end of section 5 (page , after line , add the following new subsection:

(c) REGULATIONS RELATING TO ELEMENTARY OR SECONDARY SCHOOLS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action relating to elementary or secondary schools.

H.R. 450

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 20: At the end of section 5 (page 4, after line 5), add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

H.R. 450

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 21: Amend section 6(2)(A) (page , line) to read as follows:

(A) beginning on the date of the enactment of this Act; and

H.R. 450

OFFERED BY: MR. KANJORSKI

AMENDMENT NO. 22: Amend section 7 (page beginning at line) to read as follows:

SEC. 7. JUDICIAL REVIEW.

This Act shall not be considered to authorize or require any action that is subject to judicial review.

H.R. 450

OFFERED BY: MR. MARKEY

AMENDMENT NO. 23: At the end of section 5 (page , after line), add the following new subsection:

(c) SECURITIES AND COMMODITIES REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Securities and Exchange Commission or the Commodity Futures Trading Commission.

H.R. 450

OFFERED BY: MR. MORAN

AMENDMENT NO. 24: At the end of section 5 (page , after line), add the following new subsection:

(c) IMMIGRANT ASYLUM REQUESTS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to improve procedures for disposing of requests for asylum under immigration laws, taken by the Immigration and Naturalization Service and with respect to which final rules were published on December 5, 1994 (59 Fed. Reg. 62284).

H.R. 450

OFFERED BY: MS. NORTON

AMENDMENT NO. 25: At the end of section 5 (page , after line), add the following new subsection:

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MS. NORTON

AMENDMENT NO. 26: At the end of the bill (page , after line), add the following new section:

SEC. . CIVIL RIGHTS EXCEPTION.

Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

H.R. 450

OFFERED BY: MR. RADANOVICH

AMENDMENT NO. 27: At the end of section 6(4) (page , after line), before the period insert the following: "or to increase product information or choice with respect to food products".

H.R. 450

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 28: At the end of section 5 (page , after line), add the following new subsection:

(c) FOOD AND WATER SAFETY REGULATIONS.—Section 3(a) or (4)(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) DRINKING WATER SAFETY.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 29: At the end of the bill (page , after line), add the following new section:

SEC. . FOOD AND WATER SAFETY REGULATIONS.

Section 3(a) or (4)(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) DRINKING WATER SAFETY.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

H.R. 450

OFFERED BY: MR. SPRATT

AMENDMENT NO. 30: At the end of the bill (page , after line), add the following new section:

SEC. . REGULATIONS TO AID BUSINESS COMPETITIVENESS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator or the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7230).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1993 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licenses utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

(7) WIDE-AREA SPECIALIZED MOBILE RADIO LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGES.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7718).

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 31: At the end of Section 5, add the following new subsection:

"(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture related to dairy or the marketing of dairy products.".

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 32: In subsection 5(b), designate the existing subsection as (b)(2) and insert the following:

"(1) Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action issued under the Migratory Bird Treaty Act (16 U.S.C. 703, 704) for the purpose of authorizing the hunting season of migratory birds.".

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 33: At the end of Section 5, add the following new subsection:

"(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture related to the use of the term 'fresh' on the labeling of raw poultry products with respect to which a notice was published at 60 Fed. Reg. 3454 (January 17, 1995).".

H.R. 450

OFFERED BY: MR. VOLKMER

AMENDMENT NO. 34: At the end of Section 5, add the following new subsection:

"(c) SPECIFIC RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture pursuant to the Sheep Promotion, Research and Information Act of 1994 (P.L. 103–407).".

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 35: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term "regulatory rulemaking action" means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 36: In section 5(a)(2) (page , line), strike "imminent threat" and insert "substantial endangerment".

In section 6(7) (page , beginning at line)—

(1) strike "death, serious illness, or severe injury" and insert "substantial endangerment";

(2) in the heading strike "IMMINENT THREAT" and insert "SUBSTANTIAL ENDANGERMENT", and in the text strike "imminent threat" and insert "substantial endangerment"; and

(3) strike "during the moratorium period".

H.R. 450

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 37: In section 6(7) (page , beginning at line)—

(1) strike "death, serious illness, or severe injury" and insert "substantial endangerment";

(2) in the heading strike "IMMINENT THREAT" and insert "SUBSTANTIAL ENDANGERMENT", and in the text strike "imminent threat" and insert "substantial endangerment";

(3) strike "during the moratorium period"; and

(4) at the end add the following: "In section 5, the term 'imminent threat to health or safety' shall be considered to read 'substantial endangerment to health and safety'.".

H.R. 450

OFFERED BY: MR. WISE

AMENDMENT NO. 38: At the end of section 5 (page , after line), add the following new subsection:

(c) AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

H.R. 450

OFFERED BY: MR. WISE

AMENDMENT NO. 39: At the end of the bill (Page , after line), add the following new section:

SEC. . AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40950.

(3) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

EXTENSIONS OF REMARKS

REGARDING THE BIRTH DEFECTS PREVENTION ACT OF 1995

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. ORTIZ. Mr. Speaker, today, I am joined by a bipartisan group of Members in introducing a bill whose objective is to reduce the rate of birth defects in this country. I am particularly pleased that my colleague from Texas, Congressman HENRY BONILLA, is the lead cosponsor of this vital legislation. The legislation addresses a national health care issue that crosses all geographic areas and affects children of all races and economic classes and is imperative to the public health of all Americans.

Many people may not realize that birth defects are the leading cause of infant mortality in the United States as well as a leading cause of disability and shortened life expectancy. Currently, over 150,000 children are born with a serious birth defect every year. Nevertheless, the United States lacks a coherent, comprehensive national strategy to address the birth defects problem. As a result, there are inadequate State and local resources that work to combat the incidence of birth defects. Consequently, most Americans have insufficient knowledge about birth defects, and remain unaware of the high rate of birth defects in our country.

This legislation, in many ways, is a product of a tragedy in part of my district, Cameron County, TX. It is the result of great anguish and misery experienced by mothers, fathers, and all who sympathize with the loss of a child, or the sadness of a baby born with a deformity.

The discovery of this tragedy began to unfold in March 1991, when a nurse helped deliver two babies in a 36-hour period. Both babies had anencephaly, a lethal birth defect in which the baby either has only a partial brain or no brain at all. This pattern triggered this competent nurse to review recent hospital birth records where she found a pattern of six babies born with anencephaly in the previous month.

The Texas Department of Health and the Centers for Disease Control were notified of the extremely high rate, and a case study of the cluster was initiated. Further research by the Centers for Disease Control and the Texas Department of Health revealed even more anencephaly cases, the largest cluster of such cases ever recorded in such a short period of time in the United States.

The revelation of this cluster created an atmosphere of anxiety and fear in this close-knit community along the United States-Mexico border. Families expecting or planning to one day have a child were fearful of the possibility of anencephaly. Many have put family plans on hold, waiting until the cause or causes of this sinister epidemic are found.

In an effort to unearth the causes of the cluster, the Centers for Disease Control and the Texas Department of Health began a full blown investigation. Much has been revealed with the unfolding of this intense investigation, which has included an examination of environmental, nutritional, and genetic factors.

First, we have learned that folic acid has proven to be effective in reducing the recurrence of neural tube defects and may possibly reduce the chance of initial occurrence. In fact, in September 1992, the U.S. Public Health Service issued a recommendation on folic acid stating that all women of childbearing age in the United States who are capable of becoming pregnant should consume 0.4 mg of folic acid per day for the purpose of reducing the risk of having a pregnancy affected with spina bifida or other neural tube defects. The discovery that folic acid can contribute to preventing neural tube birth defects could save many babies each year from disability and death. This news is greatly welcomed.

The events in Brownsville, TX, also called attention to the fact that the prevalence of neural tube defects in Hispanic children was twice the national average. Additional studies show that the Hispanic community, on a nationwide level as well as in some Latin American countries, seems to experience higher rates of anencephaly and other neural tube defects than other ethnic groups.

In order to address the issue of birth defects, this legislation seeks to establish a national, State-based, birth defects surveillance system with regional centers of excellence to determine the unknown causes of birth defects. The bill also enables States to begin or enhance their own birth defects registries. This will ensure that basic information on birth defects can be gathered and analyzed so clusters like that in Cameron County would not have to be discovered accidentally.

The bill also establishes regional birth defects centers of excellence whose purpose is to monitor the changes in the incidence of birth defects by studying surveillance information. This will create a mechanism so that we can act quickly when a cluster is identified, thereby alerting and directing all pertinent Federal, State, and local agencies so that all possible causes, whether environmental, nutritional, or genetic, will be explored. These centers will develop and evaluate preventive services so that we can work to prevent birth defects, and not act in instances after the fact.

The bill also establishes a clearinghouse at the Centers for Disease Control so that information is centralized. We must have the capability of collection, storage, and interpretation of data generated from State birth defects surveillance programs and regional birth defects centers, as well as the ability to disseminate that information in a timely and useful manner.

The Centers for Disease Control is the Federal agency charged with protecting the public health of the Nation by providing leadership and direction in the prevention and control of disease and other preventable conditions. As the agency responsible for responding to public health emergencies, the Centers for Disease Control was obviously the best choice as the lead agency to coordinate the Federal, State, and local efforts for this national birth defects program.

In these times of budgetary constraints, many may have concerns about the cost of this bill. A close examination, however, will show that this bill will actually serve to reduce expenditures. It will help save money by reducing the incidence of birth defects, which cost the States and the Federal Government millions of dollars each year in treatment, special education, insurance, and loss of income.

This legislation has already gained bipartisan support, and I am thankful that it has the blessing of so many distinguished Members, particularly Congressman HENRY BONILLA. Additionally, I would like to thank Senator BOND for his lead on this legislation in the Senate. I would also like to thank the March of Dimes for their invaluable contributions and dedication to working toward the prevention of birth defects. The March of Dimes' commitment toward enacting the Birth Defects Prevention Act of 1995 only strengthens this legislation. Other major health organizations have also endorsed this legislation, and I am pleased to submit a list for the record.

The concept of this bill may have derived from a crisis in Brownsville, TX, however, its provisions are important to the Nation as a whole. Birth defects are not simply a regional problem, they are a health issue that should be addressed seriously by all Americans. The Birth Defects Prevention Act of 1995 will serve as an investment in the health of all people of the United States.

Mr. Speaker, I urge my colleagues to support the bipartisan Birth Defects Prevention Act of 1995 by cosponsoring this legislation.

NATIONAL ORGANIZATIONS ENDORSING THE BIRTH DEFECTS PREVENTION ACT OF 1995

American Academy of Pediatrics, American Association of Mental Retardation, American Association of University Affiliated Programs, American College of Medical Genetics, and American Counseling Association.

American Mental Health Counselors Association, American Occupational Therapy Association, American Public Health Association, American Speech-Language-Hearing Association, and The Arc.

Epilepsy Foundation of America, Learning Disabilities Association of America, March of Dimes Birth Defects Foundation, National Association of Children's Hospitals and Related Institutions, and National Center for Learning Disabilities.

National Easter Seal Society, National Society of Genetics Counselors, Society of Craniofacial Genetics, Spina Bifida Association of America, and Teratology Society.

February 17, 1995.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO HON. DANTE FASCELL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. DEUTSCH. Mr. Speaker, I rise today to honor a former member of this body, the Honorable Dante Fascell. For over 40 years, Dante Fascell represented the people of south Florida in both the State legislature and the U.S. Congress.

Very few Americans can claim to have had as distinguished a record of service to their country as Dante Fascell. Born in New York in 1917, his family relocated to Florida when he was 8 years old. He earned his law degree from the University of Miami in 1938, and then served his country with honor in WWII from 1941–46. After leaving the Army, he returned to the private practice of law until he was elected to the Florida State Legislature in 1951. Three years later, he was elected to the U.S. Congress in 1954, where he served with honor until his retirement in 1992.

Dante Fascell came to Congress when virtually all of south Florida was one congressional district. Perhaps no other man has had a greater impact on the face of today's south Florida. He authored the bill that made the Florida Keys a national marine sanctuary, as well as barring offshore drilling there. In 1990, Mr. Fascell enacted legislation that created the prestigious North-South Center at the University of Miami, to foster understanding and better relations within our hemisphere.

As chairman of the House Foreign Affairs Committee, he was a tireless advocate for Radio Marti and the National Endowment for Democracy, both of which promoted the ideas of democracy around the world. He also coauthored the War Powers Resolution of 1973 which required the President to consult with Congress before initiating any military action against a foreign power. Dante Fascell continues to be active in these issues today, currently serving on the board of trustees of the North-South Center and with a number of other activities and organizations in the Miami area.

HAPPY 32D ANNIVERSARY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. YOUNG of Alaska. Mr. Speaker, under the new spirit of a family friendly Congress, I would like to wish my wife, Lu, a happy 32d anniversary this day, February 22, 1995.

EDI REFORM ACT OF 1995

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. TRAFICANT. Mr. Speaker, in 1994 the U.S. Department of Housing and Urban Development [HUD] awarded over $319 million to depressed communities under the Economic Development Initiative [EDI] program. I urge my colleagues to support the EDI Reform Act of 1995 to ensure that this money does what it's supposed to do: Create jobs where they are most needed.

My bill does the following: As local governments submit their applications to HUD in pursuit to a competitively awarded EDI grant, the Secretary will set aside applications that reflect a severe unemployment problem within the community. Should the applicants be otherwise qualified, they will be selected as funding levels permit. Should, before passage of this legislation, the EDI program be consolidated into a program that awards grant money based on a formula, as has been proposed by the administration, extent of unemployment must be taken into consideration.

In either case, Mr. Speaker, severe unemployment—the root of hopelessness yet heretofore all but ignored—figures prominently in the process.

The EDI is a wonderful program. Enacted in early 1994 as a way to enhance and strengthen section 108 loan guarantees, it has served to not only stimulate the $2 billion section 108 program, but to help secure repayment as well. A public entity, for example, may couple an EDI grant with a section 108 loan to create a large loan pool for businesses to tap into. Such an entity may also use the EDI grant to buy down its own interest rates—thus attracting businesses previously avoiding or fleeing depressed communities.

Last year, cities as diverse as Indianapolis, Atlantic City and Selma have received anywhere between $300,000 and $450,000 to further their efforts to rejuvenate their proud communities and revitalize needy sections of town. Businesses are attracted to places like these, Mr. Speaker. More importantly, businesses choose to stay—thus creating jobs and restoring hope.

The EDI Reform Act of 1995, therefore, will ensure that these jobs are created where they are most needed—in high unemployment areas. Now, cities such as Youngstown, OH, or Yuma, AZ, which suffer from unemployment rates double and triple that of the national average, will have a better chance at improving their communities.

Despite the merits of the EDI Program, it now glosses over the extent of unemployment and, in pending proposals, all but ignores the problem. My bill will make this good program better.

I urge my colleagues to support the EDI Reform Act of 1995.

THE LINE-ITEM VETO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 22, 1995 into the CONGRESSIONAL RECORD.

THE LINE-ITEM VETO

Hoosiers often express their frustration with unnecessary federal spending—especially for the "pork-barrel" projects that seem to be funded year after year. I share this frustration, and have worked for years to curtail the practice of omnibus spending bills that include thousands of individual programs. Members of Congress do not have an opportunity to vote on these programs individually.

The House recently passed a measure to curb wasteful spending by giving the President "line-item veto" authority. It would allow the President to veto a specific item in a spending bill rather than be forced to veto the entire bill. A line-item veto is worthwhile, but I have concerns about the specific version passed by the House.

VARIOUS VERSIONS

Under current law, the President has authority to submit a request to Congress to defer or rescind specific, line-item appropriations. These requests are known as "rescissions". Yet the law is not very tough. Congress needs to approve the rescissions for them to take effect, but there is no requirement that Congress ever consider the President's request.

In recent years, many have argued for a system that requires Congress to take an immediate vote on the President's line-item rescissions package. No longer able to ignore the President's requests, Members would be forced to take a stand on individual spending items. This enhanced rescission proposal is one form of a line-item veto. With my support, the House has passed such legislation several times. However, the measure has never come to a vote in the Senate.

The House has considered many different versions of the line-item veto over the years. I have supported some and opposed others. The key points for me are that they be tough on exposing unnecessary spending and preserve the constitutional balance of powers.

HOUSE BILL

In early February, the House passed a version of a line-item veto. It would give the President 10 days after signing a spending or revenue bill to submit a package of spending cuts or targeted tax benefits to be eliminated. These recommendations would go into effect unless Congress rejected the package by a two-thirds vote in both the House and the Senate.

This version went too far in some ways and not far enough in others. I continue to support a line-item veto. But the final version that passed the House shifts far too much power to the President, threatens the constitutional separation of powers, and is not tough enough on tax loopholes and deficit spending. There is a better alternative.

The version I favored would allow the President to use the line-item veto at any time—not just within 10 days—and would permit the President to force Congress to use the savings for deficit reduction instead of for other programs. It would require Congress to take an immediate vote on the President's package, which could be enacted with majority approval. Under this system, the President could turn the national spotlight on an item of unnecessary spending and force Congress to cast an explicit and immediate vote on it. The President would win most of these votes. The approach achieves the purpose of a line-item veto without a dangerous shift of power to the President. The House did not approve this version, but passed another version.

My key concern with the version that passed the House is that it would shift enormous power to the President. It would allow him and 146 Members of the House or 34 Senators—representing as little as 7% of the population—to control the fiscal policy of the entire federal government. In addition, this version would allow the President to cut all or part of any program—a power few governors have. It would permit a President basically to rewrite an entire spending bill. Congress should not surrender the budget-making power to the President as this version would certainly do. The founding fathers considered that approach and wisely rejected it. We should stick to the constitutional balance and division of powers which has served us so well for so long. The concern is not only about what a President would cut, but also what a President could threaten to cut to force Members to vote for a particular bill. Presidents make mistakes: we should be careful about giving them too much power. In recent years, presidential power has grown at the expense of congressional authority.

The version that passed the House is also weak on controlling wasteful tax loopholes. It defines "targeted tax benefits" as tax loopholes that benefit 100 or fewer taxpayers. Tax benefits cost us as much as $400 billion per year, but this definition of tax benefits does not even begin to scratch the surface of the problem. I voted for a broader definition which would have allowed targeting any tax provision giving "different treatment to a particular taxpayer or limited class of taxpayers". This was the definition contained in the GOP's "Contract With America." Most tax benefits are worthy, but some can be wasteful and costly.

This bill now goes to the Senate for consideration, where Senators of both parties have expressed reservations about its constitutionality, as well as its limited effect on tax loopholes and deficit reduction. These concerns may be addressed in the Senate. I want to vote for a tough line-item veto that will stand the test of time.

LIMITATIONS

A line-item veto can help eliminate government waste, but it is easy to overestimate its effectiveness. The only kind of spending a line-item veto applies to is discretionary spending, not those parts of the budget that have increased most dramatically—entitlements and interest on the debt. Discretionary spending is the area of the budget that has been held most in check. As a share of total federal spending it has fallen from 44% in 1985 to 36% this year. The line-item veto is less about deficit reduction than responsible spending policy.

CONCLUSION

Depsite its drawbacks, a line-item veto can be a useful tool in eliminating wasteful spending and tax loopholes. The tough version I have supported would achieve this without resulting in a dangerous shift of power to the President.

TRIBUTE TO DR. JOEL FRANKEL

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. DEUTSCH. Mr. Speaker, I rise today to honor Dr. Joel Frankel for his outstanding contributions to his community and his profession.

The Concordia Chapter of the City of Hope, National Medical Center, and the Beckman Research Institute have chosen to present their annual Spirit of Life Humanitarian Award to Dr. Frankel for his over 25 years of outstanding commitment to the people of Broward County, and to the science of medicine.

Dr. Frankel was born and raised in Israel. Following service in the Israeli Army, he moved to New York City to pursue higher education. He graduated magna cum laude from Adelphi University, and went on to study medicine at the State University of New York.

Following his graduation from medical school, he spent 5 years at Mount Sinai Medical Center in Miami Beach, where he became board certified in both internal medicine and pulmonary diseases. For the last 15 years he has practiced pulmonary medicine in west Broward County, and is on the staff of several area hospitals. He is chief of staff of Sunrise Rehab Hospital, and is a member of the board of trustees.

Although he thrived within the medical establishment, he is also an innovator. Dr. Frankel is a founder and chairman of the board of the Florida Institute of Health. FIH is a rapidly growing multispecialty group practice that began in 1993 and currently is composed of 50 physicians and serves approximately 70,000 patients.

Dr. Frankel and his wife Ellen have been married for 27 years, and they have 2 children, Michael, 21; and Stacy, 17.

Dr. Frankel's contributions to his community make him eminently worthy of the award being bestowed upon him. City of Hope, one of America's foremost medical and research centers, is dedicated to patient care, education, and research in leukemia and other cancers, diseases of the heart, lung, blood, and basic studies in genetics, the neuroscience, diabetes, and AIDS.

I salute Dr. Frankel and the City of Hope for their exemplary public service.

THE "ERISA TARGETED HEALTH INSURANCE REFORM ACT OF 1995"

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FAWELL. Mr. Speaker, last year reform of health care focused on what was wrong with the system. This year reform should be driven by what is working in the system and how we can expand on what is being done. Yesterday, I introduced the ERISA Targeted Health Insurance Reform Act. I also introduced a related bill, the Targeted Individual Health Insurance Reform Market Act which I will explain separately.

Joining as original cosponsors of the ERISA targeted bill are: My colleagues Representatives BILL GOODLING, DICK ARMEY, TIM PETRI, MARGE ROUKEMA, CASS BALLENGER, PETE HOEKSTRA, BUCK MCKEON, JAN MEYERS, JIM TALENT, JAMES GREENWOOD, TIM HUTCHINSON, JOE KNOLLENBERG, LINDSEY GRAHAM, DAVE WELDON, and DAVID MCINTOSH.

Our approach to fixing the problems—primarily lack of access to affordable coverage—is fundamentally different than that taken by the Clinton administration and Congress last year. In developing this legislation, we took the hippocratic oath: First, do no harm. We carefully target reforms to fix the problems without doing harm to the choice and quality of care enjoyed by most Americans. Moreover, we will not disturb the revolution in innovation and competition going on in the private sector—instead, we will build on it.

The legislation we are introducing addresses the problem areas in health care insurance: portability, preexisting conditions, and affordable coverage for small employers.

Most importantly, the framework builds on the successful and time-tested cornerstone of employee benefits law, the Employee Retirement Income Security Act [ERISA]. Under ERISA, near universal coverage has been afforded the employees of larger companies, and this system is maintained in our legislation. But, we will offer small employers the opportunity to form multiple employer health plans to achieve the economies of scale and freedom from excessive regulation that have been ERISA's hallmark.

The legislation's provisions for worker portability and limits on preexisting conditions under health plans will help eliminate job lock. It gives increased purchasing power for employers and employees. Increased health plan competition will mean more affordable choice of coverage for many Americans.

Our legislation makes these targeted reforms without forcing Americans to give up their current coverage or restrict their choice of coverage—it should actually expand choice. Nor do we impose employer mandates, price controls, or a one-size-fits-all benefit package. Moreover, the legislation does not require any Government subsidies, expenditures, or taxes.

We have worked with many organizations in developing this legislation and have received a number of letters supportive of our effort to begin the debate on health insurance reform. So far, we have supportive letters from: the National Federation of Independent Business, the U.S. Chamber of Commerce, the ERISA Industry Committee, the National Association of Wholesalers, the National Association of Manufacturers, the Self-Insurance Institute of America, Associated Builders and Contractors, the Association of Private Pension and Welfare Plans, the National Business Coalition on Health, the National Retail Federation, the National Restaurant Association, Mutual of Omaha, and New York Life.

I've attached a section by section analysis of the first bill, the ERISA Targeted Health Insurance Reform Act, that has five subtitles (A through E). I will now explain what is contained in subtitles A and B. Subtitle A, entitled "Increased Availability and Continuity of Health Coverage for Employees and Their Families" deals with the subject matter of portability, limitations on preexisting condition exclusions, and private standard setting organizations. Subtitle B, entitled "Requirements for Insurers Providing Health Insurance Coverage to Group Health Plans of Small Employers" contains fair rating standards and rules relating to insurance availability in the small group market. After I've explained this, I will, at another time, explain subtitles C, D, and E.

THE ERISA TARGETED HEALTH INSURANCE REFORM ACT OF 1995

SUMMARY

The ERISA Targeted Health Insurance Reform Act of 1995 presents a well-targeted and workable framework within which incremental health insurance reform can be enacted this year.

The framework builds on the successful and time-tested cornerstone of employee benefits law set in 1974 under ERISA. Under the umbrella of ERISA, near "universal health coverage" has been afforded the employees of larger companies. It is long-overdue that cost-conscious small employers be given the opportunity to achieve the economies of scale and freedom from excessive government regulation and taxation that have been ERISA's hallmark. The problems of uninsured families can be strongly attacked by removing barriers and releasing the purchasing power of employers acting jointly to voluntarily form ERISA multiple employer health plans, both fully-insured and self-insured.

The increased health plan competition stimulated under the ERISA structure means that more affordable coverage will be available to more Americans. The bill is friendly towards the competitive revolution occurring in the health care marketplace, and gives new vigor to the ability of providers, insurers, and employers to bring cost-saving innovations into the marketplace and into the 21st century.

In addition to addressing the problems of the uninsured and cost-control, the legislation contains important new protections and freedoms for workers who must compete in a more mobile workforce. No longer would covered workers face job-lock because they fear the lack of access to health insurance or denial of coverage because of a preexisting health condition.

The bill contains targeted but important elements of health insurance reform including participation, portability, renewability, utilization review, solvency, claims processing and fair rating standards.

The foundation of this bill, built upon ERISA, is to create an unfettered 21st century framework in which employers, employees, and their representatives are free to set the level of their health benefit promises and in which those promises will be better kept.

WHAT THE ERISA TARGETED HEALTH INSURANCE REFORM BILL DOES

New protections and freedoms for workers in a mobile workforce

Portability and limits on preexisting conditions under health plans helps eliminate job-lock (e.g. if an employee once chooses insurance coverage they do not have to again satisfy a preexisting condition as long as some form of coverage is continued).

Participation standards require annual open enrollment and limits exclusions based on certain age, service, and income criteria.

Insurers and multiple employer plans must guarantee the renewal of health coverage.

Increased purchasing power for employers and employees

Barriers are removed for employers to voluntarily form multiple employer health plans of the fully-insured and self-insured variety.

Barriers are removed to the formation of employer health coalitions enabling single and multiemployer plans to negotiate agreements with providers.

Let the market roar: Increased health plan competition means more affordable choice of coverage

State benefit mandates are limited.

State anti-managed-care laws are restructured and, instead, uniform standards are encouraged.

Restrictive state laws relating to Provider Health Networks, Employer Health Coalitions, insured plans, and self-insured plans are preempted.

Buyer cost awareness is encouraged through Medisave plans.

Access to fully-insured coverage expanded for employees of small employers

Insurers must open their small group (under 51 employees) markets to all eligible buyers.

Fair rating standards limit premium variations among similarly situated groups which balances the need to make insurance more affordable, but avoids "sticker shock" for the currently insured.

Increased consumer protections under ERISA plans

Claims processing and determinations must be timely and participant remedies are improved.

Under certain conditions, self-insured plans are required to maintain unpaid claims reserves.

WHAT THE ERISA TARGETED HEALTH INSURANCE REFORM BILL DOES NOT DO

As important as what the Targeted bill does do, is what it does not do.

It does not force Americans to give up their current health insurance coverage, nor does it restrict their choice of coverage (in fact, it will help expand their choice).

It does not impose employer mandates that result in lost wages and lost jobs.

It does not require any new federal spending or new taxes.

It does not have unfunded state or local mandates.

It does not have price controls or impose government-prescribed health care budgets that would lead to rationing or lower quality of care.

It does not establish a government-run health care system, nor does it create a massive bureaucracy.

It does not deny employers the right to self-insure, but does allow more employers to do so.

It does not impose a single, one-size-fits-all, national benefits package determined by the government.

Title I

Subtitle A—Increased availability and continuity of health coverage for employees and their families

The purpose of this subtitle is to expand access to affordable group health coverage for employers, employees, and their families and to help eliminate job-lock and the exclusion of such individuals from coverage due to preexisting condition restrictions.

Sec. 1001.—Access to affordable health plan coverage.

This section adds a new ERISA Part 8 providing for nondiscrimination, portability, renewability, and participation standards under Subpart A; encouragement of private standards—setting organizations for utilization review and provider networks under Subpart B; and standards and enforcement mechanisms applicable to insurers under Subpart C.

ERISA Part 8—Access and continuity of, Health Plan Coverage

"Sec. 800. Definitions and special rules.

Erisa Subpart A—Nondiscrimination, Portability, Renewability, and Plan Participation Standards

"Sec. 801. Nondiscrimination and limitations on preexisting condition exclusions.

"Sec. 802. Portability.

These sections of Part 8 of ERISA limit preexisting condition restrictions under all employer group health benefit plans, including self-funded plans. The same provisions also apply to health insurance coverage sold in the small group market. Section 8 provides that a child who is covered at birth or adoption and remains covered shall not be considered to have a preexisting condition at the time of birth or adoption.

The provisions will help end job-lock and assure continuous availability of health coverage by prohibiting preexisting condition restrictions for those who are continuously covered and elect coverage when first eligible. Coverage is considered "continuous" as long as any lapse in coverage is not longer than 3 months (6 months for employees who terminate employment). Generally, plans may not have more than a 3/6 preexisting exclusion (i.e. treatments or diagnoses in the 3 months prior to coverage could be excluded from coverage for up to 6 months). Insurers in the small group market can also offer 6/12 coverage.

"Sec. 803.—Requirements for renewability of coverage.

This section prohibits employer health plans and health insurance coverage offered by insurers from being canceled or denied renewability except for reasons of: (a) nonpayment of premiums, (b) fraud or misrepresentation, (c) noncompliance with plan provisions, and (d) certain other conditions.

"Sec. 804.—Group Health Plan Participation Standards.

Under this Section, group health plans may not require as a condition of participation: (1) a waiting period beyond 90 days, (2) attainment of a specified age, (3) that an employee be highly compensated, or (4) that an employee perform more than a "year of service" as currently defined under ERISA. Employer contributions to a group health plan are not required.

An annual enrollment period of 30 days must be provided to enable employees to enroll in such coverage as provided under the terms of each group health plan. Employees and dependents may also enroll for coverage at the time of the loss of other coverage (if such coverage was the reason for declining enrollment when first eligible).

Subpart B—Encouragement of Private Standards Setting Organizations for Provider Networks and Utilization Review Under Group Health Plans

"Sec. 811.—Encouragement of private standards setting organizations for provider networks under group health plans.

"Sec. 812.—Encouragement of private standards setting organizations for utilization review under group health plans.

This Subpart B of ERISA encourages the establishment of private standards setting organizations to provide certain guidelines which would be applicable to provider networks under provider networks and to utilization review procedures under group health plans.

The standards which group health plans would look to from any such private entity would be related to (1) reasonably prompt access of individuals to covered services, (2) the extent to which emergency services are provided to individuals outside the provider network, (3) notification and review regarding the termination of providers from a network, and (4) conditions relating to utilization review, including timely review and provider participation in such decisions.

ERISA Subpart C—Establishment of Standards; Enforcement

"Sec. 821.—Establishment of standards applicable to insurers offering health insurance coverage to group health plans.

"Sec. 822.—Enforcement with respect to insurers offering health insurance coverage to group health plans.

"Sec. 823.—Preemption.

The standards applicable to group health plans under ERISA Subparts A and B are generally enforced under ERISA Part 5.

With respect to the standards applicable to insurers only, and not to group health plans, states may (in accordance with Sections 821 and 822) implement and enforce the nationally uniform standards under Subparts A and B, including the uniform regulations which may be recommended by the NAIC. States that voluntarily elect to implement such standards have the exclusive authority to enforce such standards as they apply to insurers and not to the group health plans which purchase health insurance coverage. In this fashion the traditional regulation of insurers by the states is preserved while the uniform regulation of group health plans under ERISA is not disturbed.

Pursuant to the preemption provisions under Section 823, a state may not establish or enforce standards applicable to insurers which are different than the nationally uniform standards under this subpart.

Subtitle B—Requirements for insurers providing health insurance coverage to group health plans of small employers

Sec. 1101. ERISA requirements for insurers providing health insurance coverage to group health plans for small employers.

In general, the purpose of this subtitle, adding a new Part 8, Subpart D to ERISA, is to expand access to health insurance by making private health insurance coverage marketed to small employers more affordable and available regardless of an employee's health status and previous claims experience.

ERISA Subpart D—Requirements for Insurers Providing Health Insurance Coverage to Group Health Plans of Small Employers

"Sec. 831.—Definitions.

"Sec. 832.—Requirements for insurers to offer general, catastrophic, and Medisave coverage to small employers.

"Sec. 833.—General, catastrophic, and Medisave coverage defined.

These sections provide for the availability of health insurance coverage to all small employers from those insurers who sell health insurance in the small group market. Insurers would be required to open their general coverage market to small employers and to offer a catastrophic plan with higher cost-sharing provisions (unless the insurer is an HMO or does not otherwise offer fee-for-service coverage). Insurers may also offer a Medisave plan that includes catastrophic coverage with an integrated family medical savings account. Among the general policies offered must be a fee-for-service option, a managed care option, and point-of-service option, but only if these are made available by the insurer under other policies of insurance. Insurers must accept every small employer and every eligible employee of a small employer who applies for coverage under a plan as long as the plan meets the minimum participation requirements. The initial and annual enrollment periods of 30 days applicable to small group plans are identical to those applicable to all group health plans under section 804.

"Sec. 834.—Use of fair rating, uniform marketing materials, and miscellaneous consumer protections.

"Sec. 835.—Establishment of standards.

"Sec. 836.—Enforcement.

"Sec. 837.—Preemption.

Under these sections, insurers must use fair rating standards in setting initial and renewal premiums in the small group market. In general, premiums may vary for age, geographic area, family class, and administrative category for a particular benefit design. Discounts for employer wellness programs may also be given.

When the fair rating standards are first effective, the premiums of two employers having workforces with similar demographic characteristics cannot vary by more than 50% based on initial underwriting factors or in subsequent years, based on claims experience. This rule and the permitted one year surcharge for coverage containing the less restrictive 3/6 preexisting condition clause will help insulate currently insured employers for the premium "sticker shock" which could otherwise result from more restrictive rules. Suggestions as to the extent to which this 50% variation may be reduced over time without reducing coverage are solicited from the NAIC and other interested parties.

Such premium variations for individual employers participating in a qualified association which is experience-rated is not permitted.

Under sections 835 and 836 states may, but are not required, to implement and enforce the nationally uniform standards under sections 832–834, including the uniform regulations which may be recommended by the NAIC. States that voluntarily elect to implement such standards have the exclusive authority to enforce such standards as they apply to insurers only and not to the group health plans which purchase health insurance coverage. A phase-in period of three years after the effective date of such standards is allowed for states to conform existing standards with the uniform standards. After such period standards differing from the uniform standards are preempted under section 837.

Sec. 1102. Effective date.

In general the requirements of ERISA Subpart D apply on January 1, 1998 with regard to insurers offering health insurance coverage to small employers.

Subtitle C—Encouragement of multiple employer health plans and preemption

The purpose of this subtitle is to improve access to health coverage and lower insurance costs for both small and larger employers by encouraging the establishment of multiple employer purchasing arrangements, by eliminating costly state regulations, and by freeing market forces and creating a more competitive environment in which health care is delivered.

Sec. 1201—Scope of State Regulation

ERISA Subpart E—Scope of State Regulation

"Sec. 841—Prohibition of State benefit mandates for group health plans.

"Sec. 842—Prohibition of provisions prohibiting employer groups from purchasing health insurance.

"Sec. 843—Preemption of State anti-managed care laws.

These sections facilitate the ability of employers to form groups for the purpose of purchasing fully-insured health insurance coverage. The provisions will help reduce costly regulation and allow any group of employers to form any arrangement to purchase insurance. The preemption of anti-managed care laws is intended to allow market forces to operate to help contain health care costs.

Section 841 will also help lower costs, eliminate inter-state barriers, and provide a level playing field between insured and self-funded plans by eliminating burdensome and expensive state mandates. Although states could continue to mandate a comprehensive and basic benefit package, insurers would be free to design and offer employers and employees the type of coverage they want and can afford.

Sec. 1202—Preemption of state laws for Multiple Employer Benefits Plans meeting Federal Standards.

Part 7—Multiple Employer Health Plans

Sec. 701. Definitions.

Sec. 702. Exempted multiple employer health plans relieved of certain restrictions on preemption of State law and treated as employee welfare benefit plans.

Sec. 703. Exemption procedure.

Sec. 704. Eligibility Requirements.

Sec. 705. Additional requirements applicable to exempted multiple employer health plans.

Sec. 706. Disclosure to participating employers by arrangements providing medical care.

Sec. 707. Maintenance of reserves.

Sec. 708. Notice requirements for voluntary termination.

Sec. 709. Corrective actions and mandatory termination.

Sec. 710. Expiration, suspension, or revocation of exemption.

Sec. 711. Review of actions of the secretary.

This section is designed to preserve well-run self-insured plans and to put an end to the fraudulent scams perpetrated by a few bogus unions and unscrupulous operators.

The section adds a new Part 7 to title I of ERISA which allows certain multiple employer welfare arrangements (MEWAS) providing health benefits to receive an exemption from the Department of Labor to become an ERISA multiple employer health plan (MEHP). Entities eligible for such an exemption include certain collectively-bargained and "single-employer" plans that otherwise fail to meet criteria exempting them from the MEWA definition. Also certain employer associations, employee leasing arrangements, and provider health networks may also qualify. Arrangements receiving an exemption would be subject to uniform standards under ERISA regarding reporting, disclosure, fiduciary requirements, and new funding/reserve requirements. Regulations would be promulgated by the Department of Labor in connection with the standards. Arrangements operating multiple employer health plans would be required to notify the states in which they operate. In addition, new arrangements could not commence operations unless an exemption is obtained. Failure to follow this procedure would result in criminal penalties. States could enter into agreements with the Department regarding the enforcement of the federal statutory and exemption standards for exempted arrangements.

Sec. 1203—Clarification of scope of preemption rules.

Sec. 1204—Clarification of treatment of single employer arrangement.

Sec. 1205—Clarification of treatment of certain collectively bargained arrangements.

Sec. 1206—Employee leasing health care arrangement.

Sec. 1207—Enforcement provisions relating to multiple employer welfare arrangements and employee leasing health care arrangement.

Sec. 1208—Filing requirements for multiple employer welfare arrangements providing health benefits.

Sec. 1209—Cooperation between Federal and State authorities Sec.

Sec. 1210—Clarification of treatment of employer health coalitions.

Sec. 1211—Single annual filing for all participating employers.

Sec. 1212—Effective date; transitional rules.

Subtitle D—Remedies and enforcement with respect to group health plans

This subtitle includes provisions for expediting the claim process and clarifying the remedies available in the case of claims disputes under ERISA group health plans.

Sec. 1301.—Claims procedures for group health plans.

This section expedites the claims process under ERISA health plans by requiring that claims for medical benefits be approved within 45 days of the filing completion date. A full and fair review must also be provided within 45 days of the review filing date. Requests for emergency preauthorization must be provided within 10 days (or 48 hours in the case of extreme emergencies), with the opportunity for a full and fair review of each within the same time period for approval. The same time frames for approval and review would apply to requests for utilization review determinations and emergency utilization review determinations.

Sec. 1302.—Available court remedies.

This section amends Section 502 of the Employee Retirement Income Security Act of 1974 (ERISA) to provide for the following court remedies in the case of a plaintiff prevails in a claim for benefits: (1) a cease and desist order, (2) a grant of benefits denied or refused, (3) payment of prejudgment interest on the claims for benefits under the plan, and (4) payment of reasonable attorney's fees, and other reasonable costs relating to the action. In addition, the Secretary may assess a civil penalty against the insurer or the appropriate fiduciary of a group health plan who engages in a pattern or practice of repeated bad faith claims denials.

Sec. 1303.—Effective Date.

The amendments to ERISA in this Subtitle take effect January 1, 1998.

Subtitle E—Funding and plan termination requirements for self-insured group health plans

Sec. 1401.—Special rules Self-Insured Group Health Plans.

This section adds a new section 610 to ERISA Part 6 providing for plan termination and funding requirements for certain plans. Under subsection 610(b) the single-employer self-insured group health plans maintained by small employers are required to establish reserves in an amount equal to 25% of expected annual incurred claims and expenses or the estimated amount of incurred, but unpaid, claims, if greater. Alternative means of meeting such requirements would take into account factors such as the size of the plan, the benefit design, the presence of stop-loss coverage, and either security, guarantee, or financial arrangements. The self-insured plans maintained by large plan sponsors who meet certain distress criteria would also have to file notice and a financial plan demonstrating the basis for the continued timely payment of benefits. A safe-harbor for large plans meeting the above described reserve requirements for small plans would be provided, thus obviating the need to file such a notice in the event of the distress of the plan sponsor. Multiemployer plans would have to maintain contributions and assets at a level so as to avoid becoming financially overburdened.

New ERISA section 611 spells out the requirements for notice and procedures related to the voluntary termination of self-insured plans and to the mandatory termination by the Secretary of Labor of such plans in the event of their failure to meet reserve or other requirements.

Sec. 1402.—Effective Date.

Section 610 applies to plan years beginning on or after January 1, 1998.

WITH NEW NAACP LEADER WE CAN HAVE HOPE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, the selection this past weekend by the National Association for the Advancement of Colored People [NAACP] of Myrlie Evers-Williams as its new chairwoman comes at a crucial time for new and aggressive leadership of our Nation's oldest civil rights organization.

I congratulate Mrs. Evers-Williams, and I salute the NAACP for its courage in making tough choices. Tough choices are never easy to make, and I doubt if this will be a choice made in vain.

Mrs. Evers-Williams now has before her the immediate task of protesting G.O.P. roll-backs of civil rights gains spearheaded by her organization over the past three decades. These are civil rights policies—labeled affirmative action programs—that have been set in place in the United States since the 1960's to counter discrimination against African-Americans, women, ethnic minorities, and persons from low socio-economic backgrounds.

Ironically, at the same time that Mrs. Evers-Williams was being elected chairwoman of the NAACP this past weekend, on the east coast, G.O.P. political aspirants were extolling promises to end affirmative action—saying such policies hurt and discriminate against white males.

On the west coast—in California—voters who last year denied services to illegal immigrants were gearing up to decide whether to end State programs that broaden opportunities for those most in need—women and racial/ethnic minorities.

How symbolic that such battles are taking place during Black History Month. How frightening that these battles must take place again—or even at all.

I stand with our freedom fighters willing to continue the struggle for civil rights for all Americans. Indeed, anyone who has benefited from these rights is obligated to rise today to ward off this vicious, mean-spirited attack against our hard fought gains.

Mr. Speaker, listen to the message being delivered to America today. The people want opportunity. The people want freedom of choice. Don't allow roll backs of the struggles for civil rights. Let this great Nation of ours continue becoming even greater. In other words, leave our civil rights gains alone.

FCC TAX CERTIFICATE PROGRAM

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. RICHARDSON. Mr. Speaker, yesterday the House unwisely voted to eliminate the Federal Communications Commission's tax certificate program to encourage minority ownership of telecommunications entities. This program has successfully allowed minorities to add their voice to society through our Nation's vast array of communications media. All Americans must have access to the means of communication and FCC's tax certificate program ensures diversity of content. My friends at the Minority Media and Telecommunications Council have put together a list of 14 points on the importance of this program. I urge my colleagues on the House and Senate side to consider the following points.

WHY THE FCC'S TAX CERTIFICATE POLICY SHOULD BE RETAINED

1. The policy benefits taxpayers. By involving otherwise excluded minorities in media ownership, more broadcast and cable properties reach their highest valued use, thereby creating jobs and generating investment and tax revenues. The policy's reinvestment feature retains capital in the media industries, where it helps build the communications infrastructure. Furthermore, the policy helps minority business succeed and ultimately become taxpayers.

2. The FCC was justified in adopting the policy in 1978. It had before it an extensive staff report documenting the need for minorities to participate in the broadcasting industry as owners, and the need for marketplace intervention to help achieve that objective. The Reagan FCC supplemented that record in 1982. Even when the Commission suspended the comparative hearing and tax certificate policies in 1986, it preserved the tax certificate policy, noting that it is only minimally intrusive while being highly cost effective.

3. Congress has thoroughly overseen the Commission's implementation of the policy, and has repeatedly expressed its endorsement. Support for the policy has been consistently nonpartisan, both in Congress and at the Commission.

4. The policy is consistent with the original intent of Section 1071, and with the Commission's interpretation of Section 1071. Congress gave the Commission wide discretion in the implementation of Section 1071. In applying Section 1071 to other diversity-promoting contexts, the Commission exercised its discretion with congressional endorsement. The Commission followed the same procedures in using tax certificates to promote minority ownership.

5. The policy has delivered important benefits to the public. Extensive research cited in *Metro Broadcasting, Inc. v. FCC*, 497 U.S. 547, 579–84 (1990) demonstrates that the minority ownership promotes diversity in service to the public. Minority owners are industry leaders in hiring and training minorities, and in providing information which is unavailable from other outlets. The policy has delivered value far beyond the public's investment.

6. The policy evolved as a highly desirable substitute for intrusive content-based regulation. Any weakening of the policy will severely undermine—and could prompt reexamination—of the FCC's reliance on its minority ownership policies as a substitute for

content-based regulation in promoting First Amendment values.

7. The policy is fair. It has never been seriously accused of disadvantaging whites, since it is neither a quota nor a set aside.

8. The policy is very cost effective. It goes to the heart of the problem—access to capital. Moreover, it is very inexpensive to administer.

9. The policy is especially valuable to the cable industry. Cable operators possess unique power to select the range of programming available to viewers and to stimulate diversity in the national programming marketplace. Thus, diversity in cable ownership is especially critical to cable viewers.

10. Weakening the policy would make it commercially irrelevant. The policy's incentive to sell properties to minorities is only moderate, having been primarily responsible for increasing minority broadcast ownership from almost zero to 2.7% in 15 years. That is very significant but hardly indicative of a massive rush by sellers to trade with minority buyers.

11. The policy should be applied to transactions regardless of size. The policy was designed to help minorities enter the mainstream of American commerce. While tax certificates have been primarily used for small transactions, one might occasionally be used for a larger transaction, given the growth in the communications industry. Because other companies had such a long headstart in spectrum access and media ownership, no minority broadcaster or cable system owner has yet attained sufficient size and influence to justify "graduation" out of the program.

12. Third parties have a fair chance to challenge applicant bonafides. In questions from the bench in *Adarand Constructors v. Peña*, No. 93–1841 (argued January 17, 1995), Justice O'Connor expressed concern that third parties should have a meaningful opportunity to challenge specific transactions. The FCC's well established petition to deny process affords challengers that right. Indeed, abuses have been very rate. Most minorities who have used the policy are hand-on operators.

13. The FCC, working closely with the IRS, possesses the expertise to review and improve upon the tax certificate policy. The FCC is obtaining public comment on the policy, with comments due on April 17. Among the matters the FCC might consider are the need for additional data on the policy's long and short range tax consequences, the optimal holding period for facilities obtained under the policy, and procedures for additional scrutiny of the *bonafides* of tax certificate applicants. Congress should receive the FCC's report before considering statutory modifications to the policy.

14. If policy changes are considered, they absolutely should not be made retroactively. Strong businesses develop operating plans based on the reasonable assumption that government regulations will be changed only prospectively and with reasonable notice. Retroactive decision making is anti-business, and is virtually unknown in business regulation.

CONGRESSMAN KILDEE HONORS VOLUNTEERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. KILDEE. Mr. Speaker, I rise today to honor the volunteers of Genesee County for their commitment to our community. National Volunteer Week, scheduled for April 23 to 29, is a fitting time to honor the men and women who give so generously of their time and talents.

Every day, countless volunteers throughout our community work to address the fundamental necessities of our people, educating our youth, protecting our environment, caring for those in need. From children who help older Americans after school to volunteer firefighters who guard our neighborhoods while we sleep, these dedicated individuals bring a sense of hope and security to everyone whose lives they touch. Their service makes us stronger as a nation, setting a powerful example of leadership and compassion to which we all can aspire.

Since the founding of our democracy, the ideal of community service has been an integral part of our national character. We all owe a deep debt of gratitude to our fellow citizens who take the time to volunteer to serve the needy of our community. Their efforts make our community a better place in which to live, work, and raise families. They have our sincerest thanks.

UP AND COMING KANSAS CITY LEADERS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Ms. McCARTHY. Mr. Speaker, today I rise to honor 25 up and coming business and civic leaders of the Kansas City area. They have given of themselves not to receive praise for their accomplishments, but to advance causes they strongly believe in. These distinguished leaders of Kansas City will be recognized at the Up and Coming Awards ceremony on February 23. This prestigious event is sponsored by Junior Achievement of Middle America, The Kansas City Business Journal, and local business leaders.

A panel of six judges, community leaders in their own right, selected this year's leaders. The selection criteria are demanding. These up and coming leaders must adhere to the highest moral and ethical principles, must be recognized by their peers and professional associates as making significant contributions to the success of their business or organizations, and have exhibited vision for their community. Each of them must have demonstrated courage, creativity, and energy in the promotion of Kansas City as a place to live and work, and serve as a role model for others in their field and community.

Mr. Speaker, I ask Congress to join me in recognizing these up and coming business and civic leaders of the Kansas City area. They are:

Richard M. Abell, president and CEO of Saint Joseph Health Center and Carondelet Health Corp.

Mary Birch, president, Overland Park Chamber of Commerce.

Linda G. Cooper, president, LGC & Associates.

Thomas J. Davies, president of the Olathe Bank.

Rafael I. Garcia, president of Rafael Architects Inc.

Martha Gershum, national marketing manager, Keller Graduate School.

Linda Hanson, president, Mark Twain Kansas City Bank.

Dalton Hermes, president, Hermes-Landscaping Inc.

Sarah Beeks Higdon, senior trust officer, Commerce Bank.

John M. Holland, executive vice president, B.C. Christopher.

Dennis G. Kasselman, senior vice president, Marketing and Development.

Gail Lozoff, president, CEO, Bagel and Bagel.

Aaron G. March, partner, Polsinelli, White, Vardeman, & Shalton.

Ross P. Marine, administrator, Truman Medical Center East.

Cris Medina, executive director, Guadelupe Center Inc.

Roshann Parris, president, Parris Communications Inc.

B. John Ready III, Trust Administration Department head, Smith, Gill, Fisher, & Butts.

Dr. Carol V. Spring, executive director, The National Conference of Christians and Jews.

Bailus M. Tate, vice president, Human Resources, Kansas City Power and Light Co.

William D. Wagner, president and owner, Columbian Steel Tank Co.

Kevin F. Warren, owner-chief executive officer, Kevin F. Warren & Associates Inc.

Maurice A. Watso, Blackwell, Sanders, Matheny, Weary & Lombardi, LC.

Dr. Michael L. Weaver, director of emergency services, St. Luke's Hospital.

David P. White, executive director, Youth Opportunities Unlimited Inc.

David Wroe, music director-conductor, Kansas City Camerata.

DESIGNATING OBSTETRICIAN-GYNECOLOGISTS AS PRIMARY CARE PHYSICIANS

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to urge my colleagues to support legislation that would designate ob-gyns as primary care physicians in future Federal legislation. I introduced legislation, House Resolution 30, with Representative LARRY COMBEST that would express the sense of Congress that we provide this basic assurance to America's mothers, daughters, and sisters.

In 1990, almost 60 percent of women's visits for general medical examinations were to ob-gyns—more than the visits to general practitioners and internists combined. We should protect a woman's choice to continue to see her ob-gyn in any future health reform legislation. Women should not be required to go through a gatekeeper or overcome any other obstacle to see their ob-gyn.

I offered a unanimous approved amendment in the Ways and Means Committee last year to designate ob-gyns as primary care physicians, although the legislation it amended was never considered on the House floor. House Resolution 30, which has the same goal, now has the bipartisan support of 115 Members of Congress. I urge my colleagues to join with us in expressing our support for designating ob-gyns as primary care physicians.

TARGETED INDIVIDUAL HEALTH INSURANCE REFORM ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FAWELL. Mr. Speaker, yesterday, I introduced H.R. 996, the Targeted Individual Health Insurance Reform Act of 1995, under which access to coverage will be expanded for individuals. Joining me as original cosponsors were Representatives BILL GOODLING, TOM PETRI, MARGE ROUKEMA, CASS BALLENGER, PETE HOEKSTRA, BUCK MCKEON, JAN MEYERS, JIM TALENT, JAMES GREENWOOD, TIM HUTCHINSON, JOE KNOLLENBERG, LINDSEY GRAHAM, DAVE WELDON, and DAVID MCINTOSH.

A section-by-section analysis of H.R. 996 follows:

TARGETED HEALTH INSURANCE REFORM IN THE INDIVIDUAL MARKET

SUMMARY

This legislation providing individual market reforms presents a well-targeted and workable framework within which incremental health insurance reform can be enacted this year.

The bill contains targeted but important elements of health insurance reform in the individual market including non-discrimination, portability, renewability, utilization review, and fair rating standards.

WHAT THE TARGETED HEALTH INSURANCE REFORM BILL DOES

New protections and freedoms for workers in a mobile workforce

Portability and limits on preexisting conditions under health plans helps eliminate job-lock (e.g. if an employee once chooses insurance coverage they do not have to again satisfy a preexisting condition as long as some form of coverage is continued, whether obtained in the individual market or otherwise).

Insurers and multiple employer plans must guarantee the renewal of health coverage.

Let the market roar: Increased health plan competition means more affordable choice of coverage

State benefit mandates are limited.

State anti-managed-care laws are restructured and, instead, uniform standards are encouraged.

Buyer cost awareness is encouraged through Medisave plans.

Access to fully-insured coverage expanded for individuals

Insurers must open their individual markets to all eligible buyers.

Fair rating standards limit premium variations among similarly situated individuals which balances the need to make insurance more affordable, but avoids "sticker shock" for the currently insured.

WHAT THE TARGETED HEALTH INSURANCE REFORM BILL DOES NOT DO

As important as what the Targeted bill does do, is what it DOES NOT DO.

It does not force Americans to give up their current health insurance coverage, nor does it restrict their choice of coverage (in fact, it will help expand their choice).

It does not impose mandates that result in lost wages and lost jobs.

It does not require any new federal spending or new taxes.

It does not have unfunded state or local mandates.

It does not have price controls or impose government-prescribed health care budgets that would lead to rationing or lower quality of care.

It does not establish a government-run health care system, nor does it create a massive bureaucracy.

It does not impose a single, one-size-fits-all, national benefits package determined by the government.

Title II

Subtitle A—Increased availability and continuity of health coverage for individuals

The purpose of this subtitle is to expand access to affordable health coverage for individuals and their families and to help eliminate job-lock and the exclusion of such individuals from coverage due to preexisting condition restrictions.

Part I—Nondiscrimination, Portability, Renewability, and Plan Participation Standards

Sec. 2001.—Nondiscrimination and limitations on preexisting condition exclusions.

Sec. 2002.—Portability.

These sections limit preexisting condition restrictions under all general health insurance coverage offered in the individual market. This section provides that a child who is covered at birth or adoption and remains covered shall not be considered to have a preexisting condition at the time of birth or adoption.

The provisions will help end job-lock and help assure continuous availability of health coverage for both the employed who lack access to employer coverage as well as non-employed individuals by prohibiting preexisting condition restrictions for those who are continuously covered. Coverage is considered "continuous" as long as any lapse in coverage is not longer than 3 months. Generally, plans may not have more than a 6/12 preexisting exclusion (i.e. treatments or diagnoses in the 6 months prior to coverage could be excluded from coverage for up to 12 months). Insurers in the small group market can also offer 12/12 coverage.

Sec. 2003.—Requirements for renewability of coverage.

This section prohibits health insurance coverage offered by insurers from being canceled or denied renewability except for reasons of: (a) nonpayment of premiums, (b) fraud or misrepresentation, (c) noncompliance with plan provisions, and (d) certain other conditions.

Part 2—Encouragement of Private Standards Setting Organizations for Provider Networks and Utilization Review

Sec. 2011.—Encouragement of private standards setting organizations for provider networks.

Sec. 2011.—Encouragement of private standards setting organizations for utilization review.

This Subpart B encourages the establishment of private standards setting organizations to provide certain guidelines which would be applicable to provider networks and to utilization review procedures under group health plans.

The standards which health plans would look to from any such private entity would be related to (1) reasonably prompt access of individuals to covered services, (2) the extent to which emergency services are provided to individuals outside the provider network, (3) notification and review regarding the termination of providers from a network, and (4) conditions relating to utilization review, including timely review and provider participation in such decisions.

Part 3—Requirements for Insurers Providing Health Insurance Coverage in the Individual Market

In general, the purpose of this Part is to expand access to health insurance by making private health insurance coverage marketed to individuals more affordable and available.

Sec. 2021.—Requirements for insurers to offer general, catastrophic, and Medisave coverage in the individual market.

This section provides for the availability of health insurance coverage to eligible individuals from those insurers who sell health insurance in the individual health insurance market. Insurers would be required to open their general coverage market to individuals and to offer a catastrophic plan with higher cost-sharing provisions (unless the insurer is an HMO or does not otherwise offer fee-for-service coverage). Insurers may also offer a Medisave plan that includes catastrophic coverage with an integrated family medical savings account. Among the general policies offered must be a fee-for-service option, a managed care option, and point-of-service option, but only if these are made available by the insurer under other policies of insurance.

The extent to which an insurer may offer or deny coverage with respect to an individual who would be expected to incur disproportionately high health care costs is contingent on the establishment of risk adjustment mechanisms, high-risk pools, or other mechanisms. The suggestions of the NAIC, actuaries, insurers, and other experts are solicited so that a workable framework can be developed in this complex area.

Sec. 2022.—Use of fair rating, uniform marketing materials, and miscellaneous consumer protections.

Under this section, insurers must use fair rating standards in setting initial and renewal premiums in the individual market. In general, premiums may vary for age, geographic area, family class, and administrative category for a particular benefit design.

When the fair rating standards are first effective, the premiums of two individuals having similar demographic characteristics cannot vary by more than 100% based on initial underwriting factors. Other rules apply in subsequent years. This rule and the permitted one year surcharge for coverage containing the less restrictive 6/12 preexisting condition clause will help insulate the currently insured from the premium "sticker shock" which could otherwise result from more restrictive rules. Suggestions as to the extent to which this 100% variation may be reduced over time without reducing coverage are solicited from the NAIC and other interested parties.

Subtitle B—Establishment of standards; enforcement

Sec. 2101.—Establishment of standards applicable to insurers offering health insurance coverage in the individual market.

Sec. 2102.—Enforcement with respect to insurers offering health insurance coverage in the individual market.

Sec. 2103.—Preemption.

Sec. 2104.—Effective Date.

With respect to the standards applicable to insurers, states may (in accordance with sections 2101 and 2102) implement and enforce the nationally uniform standards under Parts 1 and 2, including the uniform regulations which may be recommended by the NAIC. States that voluntarily elect to implement such standards have the exclusive authority to enforce such standards as they apply to insurers.

Pursuant to the preemption provisions under Section 2103, a state may not establish or enforce standards applicable to insurers which are different than the nationally uniform standards under this subpart. Certain state benefit mandates and anti-managed care laws are also preempted under the bill.

Sec. 2104. Effective date.

In general the requirements of the bill apply on January 1, 1998 with regard to insurers offering health insurance coverage in the individual market.

UNITED NEGRO COLLEGE FUND [UNCF]

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, a week ago I delivered the keynote speech at the Second Annual United Negro College Fund Banquet Fundraiser given by the Alliance of Telecommunication Employees' metro area chapter, where this year's theme was "The Future Is Yours * * * Black History Evolves Through Education and Diversity."

This theme underscores what I believe to be the mission for all colleges and universities, not just our heritage-rich historically Black colleges and universities, and that is providing deserving, qualified students an opportunity for a quality education at a reasonable price.

However, during the month of February, Black History Month, this occasion allowed me a moment to highlight just some of the many accomplishments—or miracles, if you will—of the United Negro College Fund.

For example, in just 50 short years, the United Negro College Fund [UNCF] is responsible for: Graduating 33 percent of the African-American students who attend college; helping to fund 41 historically Black colleges and universities; graduating in real numbers over 250,000 predominantly African-American students; and raising over $1 billion to help deserving students further their education.

UNCF distinguishes itself from all others because UNCF provides a hand and not a handout.

UNCF plays a critical role for persons with low income and socioeconomic level and those otherwise financially disadvantaged.

We are battling a noncaring, do-it-yourself, and an I-don't-care Government. This is exemplified by passage of the so-called Contract With America legislation by House Republicans and conservative Democrats bent on killing such things as education grants and loans at decent interest rates, and eliminating funding for Medicare, Medicaid, and so on.

There are efforts under way designed to have a negative effect on the quality of life while decreasing opportunities for millions of people who need help the most.

If we are going to lead into the next century, it will only be by making sure that every kid finds a way to go to college, whatever the college, because the only way we will succeed is one degree at a time.

GET OUT OF THE WAY WASHINGTON: RETURN CRIME FIGHTING TO CRIME FIGHTERS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. MANZULLO. Mr. Speaker, this week, the House restored maximum crime fighting power to the people who best know how to use it—the men and women who make up the ranks of our local law enforcement. Broken down into six parts, the cornerstone of the GOP crime bill is the Local Law Enforcement Block Grants Act of 1995. This measure directly grants money to local communities based upon a formula which takes into consideration population and violent crime rate. Once the community receives the grant, it can decide how it wants to allocate the funds; for more cops, court personnel, prevention programs, etc. If it chooses to do so, it can spend all the money on cops or on prevention. The point being that the needs of the communities in McHenry County are different than the needs of New York, Los Angeles, or Detroit.

The second major provision of the Republican crime bill is the Violent Criminal Incarceration Act. This legislation allocates $10.5 billion in prison construction funds to States that enact or make significant progress toward truth in sentencing in their corrections programs. Truth in sentencing will require violent criminals to serve 85 percent of their sentences. This measure is about protecting the American people. In Illinois, 46 percent of inmates released from prison are back in prison within 3 years.

In 1980, Illinois released 21,000 prisoners 3 months before the completion of their sentences, solely for the purpose of saving money. The State saved $60 million; however, those prisoners committed 23 murders, 32 rapes, 262 acts of arson, 681 robberies, 2,472 burglaries, 2,571 assaults, and 8,000 other crimes in 3 months following their release. By requiring inmates to serve more of their sentence, fewer will be able to revictimize society.

When a judge sentences a criminal to 20, 30, or 40 years, that sentence should be carried out. What will it cost to keep criminals locked up? In 1992, the U.S. Department of Justice reported that the average criminal, if not detained, costs society $171,566 per year in direct injuries to victims and direct costs such as lost jobs, sales taxes, and educational opportunities. Some of the costs associated with reincarcerating criminals include $26,000 for treatment of a gunshot wound, $2,711 to cover the cost of each criminal investigation, $700 for pretrial detention, and $1,205 for prosecution, defense, and court cost for each felony case.

The annual cost of keeping a criminal in prison is $16,000.

The GOP crime bills also included the Effective Death Penalty Act which will dramatically shorten the appeals process for death row prisoners. This reform will place a 2-year limit on most Federal appeals and a 1-year limit on most State appeals.

The House also passed the Victim Restitution Act which mandates that criminals pay full restitution to their victims for damages caused as a result of the crime. Current law allows judges to order such restitution, but does not require it. Under this reform, restitution can be used to reimburse the victim for necessary child care, transportation, and other expenses incurred while participating in the investigation or court proceedings. This law will also allow, but not require, the courts to order restitution of any person who was harmed physically, emotionally, or financially by the unlawful conduct of the defendant.

Last year, the Democratic-controlled 103d Congress passed a crime bill that told local law enforcement agencies that Washington knows best when it comes to their needs in fighting crime. The House of Representatives in the 104th Congress has reversed this arrogance. These amendments to last year's crime bill put crime fighting power back in the local agencies and tells Washington to get out of the way. It is time that victims of crimes are served. It is time criminals are punished swiftly and serve out their sentences.

Mr. Speaker, it is time that bureaucrats in Washington realize that they are not crime fighters.

TRIBUTE TO DR. HERBERT L. CARTER

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. DIXON. Mr. Speaker, I am privileged to have this opportunity to salute my good friend Dr. Herbert L. Carter on the occasion of his retirement as president and chief executive officer of the United Way of Greater Los Angeles. Herb's retirement, effective February 27, 1995, will be short-lived. In fact, he is only reshifting his energies and focus. He will return to the California State University system as a trustee professor on the campus of Los Angeles State University at Dominguez Hills.

As head of the United Way of Greater Los Angeles, Dr. Carter provided leadership and management direction at a time when philanthropy to the organization was sorely tested. He directed a staff of approximately 200 individuals and managed a budget in excess of $60 million.

Dr. Carter guided the organization through two especially difficult periods. First to occur were the civil disturbances of 1992 and second, the Northridge/Los Angeles earthquake of 1994. Both of these catastrophes placed severe strains on the many organizations that depend on the United Way for funding. Through his tenacity and fund-raising acumen, however, the United Way of Greater Los Angeles not only confronted the disasters, but prospered in its efforts to continue providing funding for its member organizations.

Five years ago, I had the pleasure of introducing my colleagues to Dr. Herbert L. Carter. The occasion was a history-making one as

Herb stood poised to become the first African-American chairman of the board of directors of the United Way of Greater Los Angeles. The vehicle was the CONGRESSIONAL RECORD. It was my honor then—as it is now—to extol the virtues of this virtuous human being. A man who has devoted a distinguished career to making this society a better place for our children and our grandchildren.

The contributions which he has made to Los Angeles are numerous. Aside from the contributions he has made in the California State University System and with the United Way of Greater Los Angeles, Herb serves on the board of directors of Pacific Enterprises, Golden State Mutual Life Insurance Co., the National Advisory Council of the Hughes Aircraft Co. public education project, the board of regents for Loyola Marymount University, and the University of Southern California's School of Public Administration board of counselors. And that is only a partial listing of his affiliations.

Mr. Speaker, most individuals view retirement as a well-earned reward, an occasion to rest and enjoy the fruits of his/her labors, and the culmination of a lifetime of contributions made to a noble purpose. Herb Carter, however, is several cuts above most individuals. He is a man of vision and of enormous energy and focus, a man who possesses a passionate commitment to helping society become more Utopian. Those of us privileged to know him have long since dispensed with the notion that he has any intention of retiring and enjoying the fruits of his labors, and we are all the better for that decision.

Mr. Speaker, the late, celebrated, and distinguished Supreme Court Chief Justice John Marshall once noted that, "A great man represents a great ganglion in the nerves of society, or to, vary the figure, a strategic point in the campaign of history, and part of his greatness consists in his being there."

Dr. Herbert L. Carter is such a man and I am proud to recognize him and commend him on his outstanding contributions to the citizens of Los Angeles. Well done, my friend.

DALE A. DUNCAN HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the accomplishments of Mr. Dale A. Duncan, the Boy Scout's 1995 Distinguished Citizen. A dinner in Mr. Duncan's honor is being held on February 23 in Wilkes-Barre.

Mr. Duncan has served as the president and publisher of the Times Leader, one of Wilkes-Barre's daily papers. He began with the Times Leader in 1980 as the city editor, worked as executive editor in 1984, until his ascension to publisher in 1986.

Through his work at the paper, Dale has been active in the community, including organizing the annual Times Leader/Boy Scout gold tournament and the paper's "Book of Dreams" community service drive. He also serves on the boards of the F.M. Kirby Center for Performing Arts, the Salvation Army, the United Ways of Wyoming Valley, the Greater Wilkes-Barre Partnership, and he serves as the chairman of the Diversity Committee for the Pennsylvania Newspaper Publishers' Association.

Dale is also a member of the Wilkes-Barre East Rotary Club and the Church of Christ Uniting in Kingston.

Dale graduated with a degree in journalism from Central Michigan University and worked as a reporter for several newspapers. This month Dale returned to his home State to become group executive and president of the Oakland Press in Pontiac, MI. Under Dale's leadership, the Times Leader certainly worked hard to keep me on my toes in the grand tradition of a free press, and I will miss his thought-provoking critiques. Dale and I have not always agreed politically and philosophically, but I have always enjoyed having the opportunity to discuss our views with one another openly and with mutual respect.

Mr. Speaker, the Boy Scouts honor someone each year who has exemplified the scouting ideal of participating citizenship. As one can see from his long list of accomplishments and various memberships, Dale Duncan is certainly an appropriate honoree for the 1995 award. I am pleased to join the Boy Scouts in recognizing him for his community and civic work.

CORSICANA DAILY SUN, 100 YEARS OF PUBLISHING

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity to acknowledge the 100 years that the Corsicana Daily Sun in Corsicana, TX has been publishing.

The first edition of the Corsicana Daily Sun was published on March 2, 1895 as a morning edition. The Daily Sun was prosperous, and in 1906 the owners purchased the Semi-Weekly Light and continued to publish both newspapers.

In 1984 the semiweekly publication was converted into a weekly called the Navarro County Sun Extra. And in 1986, the Daily Sun began publishing a Saturday edition for the first time, making it a 7 day a week publication.

Mr. Speaker, the Corsicana Daily Sun has been an invaluable addition to life and the arts in Corsicana. Although a fire displaced operations for 5 months in 1992, the Daily Sun continued to publish without missing one edition.

Mr. Speaker, the Corsicana Daily Sun has documented local events and happenings for the past 100 years, and will continue to do so, we hope, for 100 more.

AGENDA FOR CHANGE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. PACKARD. Mr. Speaker, today marks day 50 of our Republican Contract With America. The Republican-controlled House has accomplished more in 50 days than any Democrat-controlled Congress ever did. Republicans continue to prove that hard work produces real results.

On the very first day, the 104th Congress passed congressional reforms to change business as usual in Washington and took steps to down-size big government. In the following weeks, Congress provided the much-needed tools for making Government smaller, less costly, and less intrusive. We passed a balanced budget amendment, the line-item veto, and unfunded mandate reforms. Most recently, the House supported crime and national defense measures to guarantee security at home and to protect our national interests abroad.

In the next 50 days, House Republicans will continue to work hard, make change, and keep their promises. Although the House has already passed a full political agenda, there is still more to consider. We will work to roll back overzealous Government regulation, reform a backlogged legal system, to promote personal responsibility, and to restore fairness in our Tax Code.

Mr. Speaker, America voted for change last November. This Republican-controlled Congress is committed to working for the results the people want. The Republican agenda for change moves forward.

FEDERAL HOUSING TRUST FUND ACT OF 1995

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. OWENS. Mr. Speaker, I rise to introduce the Federal Housing Trust Fund Act of 1995, a significant piece of legislation which would offer every family in this country the opportunity to live in decent, safe, and affordable housing.

In 1949, Congress enacted a comprehensive housing bill setting the national goal of a decent home and a suitable living environment for every American family. Today, we are further from that goal than ever before. The VA-HUD-Independent Agencies appropriations bill which finally passed the Senate last week does not even keep pace with the problem of low-income housing. Recently, the Department of Housing and Urban Development [HUD] released its worst case housing needs report, based on 1991 American Housing Survey data. It shows that the number of very low-income renter households with worst case housing needs is increasing at the rate of 100,000 per year. But the 1995 HUD appropriation provides money for only 88,000 additional households.

Low-income people have faced a housing crisis for many years, and each year it gets worse. The 1990 Census, which does not even count deteriorated or dilapidated housing, found that over 30 percent of American households have significant problems with housing costs, overcrowding, or lack of kitchens or complete plumbing facilities. These problems affect an estimated 70 million people.

Although this Nation has had federally subsidized housing programs for low-income people since the mid-1930's, the scope of the programs has been limited. In recent years, HUD has consistently found that there are over 5 million very low-income, unsubsidized renter households with worst case housing needs. These households are homeless; or they live in seriously inadequate units; or they must pay more than half of their meager incomes for housing costs, forcing them to forego other basic necessities.

Just meeting the most basic housing needs requires more than doubling the present number of households receiving housing assistance. Moreover, for each household with a worst case need, there are four more households—27 million in all—which are overcrowded, lack kitchens or bathrooms, or must pay more than they can afford for housing.

While low-income housing programs have failed to meet the needs of their target population, special tax benefits have provided significant assistance for millions of higher-income Americans who already can afford a home. Official estimates of the Office of Management and Budget [OMB] indicate that the cost of these special benefits to the Federal Treasury has risen from $10 billion in 1976 to $84 billion in 1994.

A large majority of this cost to the Government is due to the deduction of home mortgage interest and real property taxes. While these tax deductions have helped millions of higher-income Americans achieve financial stability, they represent too high a proportion of Federal housing expenditures. For every dollar the Federal Government spends to provide housing assistance to a low-income family, a family in the top fifth of the income distribution receives $3 in benefits from homeowner deductions, primarily for mortgage interest and property taxes.

The sad fact is that this Nation's housing subsidy system is upside down. While Congress restricts budget authority and outlays for low-income housing to help reduce the Federal budget deficit, higher-income people continue to receive their entitlement to benefits through homeowner deductions. Administration projections show that the cost of the mortgage interest deduction alone will amount to almost one-third of the deficit in fiscal year 1995.

One result of the gross imbalance in Federal housing benefits has been the growing segregation of different aspects of American society: rich and poor, white and people of color, urban and suburban. This trend poses a threat to the Nation's general welfare, family and community life, and economic stability. It has even led to increased drug use and crime. It therefore is in the interest of all Americans to address the housing problem effectively.

To reset the balance of Federal housing expenditures, I am introducing the Federal Housing Trust Fund Act of 1995. This bill would take only a fraction of mortgage interest and property tax deductions enjoyed by taxpayers in the top eighth of the income distribution[1] and place it in a Federal Housing Trust Fund for low-income families who lack decent, safe, and affordable housing. To raise additional revenue for the trust fund, the bill also would eliminate a huge tax loophole—the favorable tax treatment of inherited property. This loophole permits wealthy American families to pass their property to their children and grandchildren and completely escape any income taxes on huge capital gains that have accumulated over a period of decades.

Taxpayers with incomes up to $75,000 would keep all of their current mortgage interest and property tax deductions. Above $75,000, taxpayers would lose 3 percent of these deductions for each additional thousand dollars of income, down to a floor of 50 percent. So, all taxpayers, no matter how high their incomes, would keep at least half of their current mortgage interest and property tax benefits, and only 1 household in 10 would pay higher taxes as a result of this bill. Moreover, these changes would be phased in over 5 years to reduce their immediate impact.

Thus, the bill would drastically reduce the cost to the Treasury for homeowner tax benefits for taxpayers with incomes above $75,000, generating tens of billions of dollars for the trust fund. The Government then would be able to provide the money needed for a comprehensive and flexible program of housing grants to eligible State and local entities. In turn, such entities would provide housing costs assistance for owners and renters, increase and improve the supply of affordable housing, increase the capacity of the nonprofit sector, and improve fair housing efforts.

Specifically, two-thirds of the money in the trust fund would be designated for a housing costs assistance program, which would pay the difference between 30 percent of adjusted income and the fair market rent for a unit of the size needed in the area where the family resides or wishes to reside. Although the subsidy amount would be based on rental housing costs, the assistance could be used either to rent or purchase. The funds would be distributed by formula to cities, States, and Indian tribes, based on the number of households with severe affordability problems and the cost of housing.

The remaining one-third of the funds would be used to expand the housing supply and provide related services, including fair housing and capacity-building. All housing and related services provided through this program, except for emergency repairs and hazard abatement, would be subject to permanent restrictions on housing affordability. Like the housing costs program, these trust fund dollars would be distributed by formula, but the formula would be developed by HUD based on the relative need for improving and expanding the housing stock.

By limiting tax benefits for individuals who do not need them to be able to live in decent, affordable housing, the bill would provide the funding needed to attack the critical housing problems facing low- and moderate-income people, and contribute to family security, cohesiveness, and economic self-sufficiency.

This bill is the kind of bold measure we need to solve the low-income housing crisis. It provides the resources to address the full range of problems—not only worst case needs, but also the needs of young families without enough income to have realistic prospects of moving into decent neighborhoods or owning their own homes.

Within 10 years of passage of this bill, we could expect the same enhanced opportunities for low-income people to obtain housing as young families had after the end of World War II when, thanks to low-housing costs, an expanding economy, and Veterans Administration [VA] and Federal Housing Administration [FHA] mortgages, millions of Americans were able to put roofs over their heads. Without passage of this bill, we will inevitably see more homelessness, more broken families, and more communities without hope, cutoff from the American dream.

Mr. Speaker, I urge my colleagues to support and cosponsor this bill and help me to put the Nation's housing problems on the front burner.

TRIBUTE TO THE NAVY DEPOT IN JACKSONVILLE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Ms. BROWN of Florida. Mr. Speaker, I am happy to join here with the mayor of Jacksonville and other distinguished guests to proclaim the accomplishments of our Navy depot in Jacksonville. When it comes to value, NADEP is tops. Yesterday, the State of Florida selected the depot as a finalist for the 1995 Florida Sterling Quality Award. NADEP has a record of quality products, good labor/management relations, excellence in work, and cost containment. I am proud that NADEP has turned a profit of over $100 million the past 4 years.

BIRTH DEFECTS PREVENTION ACT

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1995

Mr. BONILLA. Mr. Speaker, I rise today to join my good friend from Texas [Mr. ORTIZ] as an original cosponsor of the Birth Defects Prevention Act of 1995. Similar legislation was introduced by my colleague from Texas last year.

This legislation sets up a national tracking system which is based on a tried and true model in the area of cancer, where the Centers for Disease Control has worked in partnership with States, funding programs to monitor the incidence and research the environmental cases.

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[1] The Joint Tax Committee estimates for 1994 are that 10.6% of all "returns" have incomes above $75,000. "Returns" includes filers with and without taxes due, and estimated numbers of non-filers. About 80-90% of filers in the above-$75,000 income bracket claim homeowner deductions.

The surveillance program would identify and address the causes of birth defects, including risks from environmental chemicals, diet, occupational hazards, personal habits and infections; evaluate and put in place the most effective prevention strategies for such birth defects as spina bifida and fetal alcohol syndrome, and design targeted intervention strategies responsive to community concerns for special problems in minority, rural, and other underserved populations.

Mr. Speaker, more children die from birth defects in the first year of life in the United States than from any other cause, including prematurity and low birth weight. Birth defects are also a leading cause of childhood disability.

A significant proportion of common birth defects are preventable. This bill would provide important information to future parents and grandparents to educate them on how to implement prevention strategies that are responsive to community concerns.

Preventive education has already been a positive factor in Texas. For example, studies indicate that women should consume at least 0.4 milligrams of the B vitamin folic acid every day to reduce the risk of having a child born with serious birth defects of the brain and spine.

These studies were helpful in finding answers to the higher incidence of neural tube defects among Hispanics on nationwide basis and especially along the border. In south Texas, getting the urgent message out about folic acid is a major means of preventing birth defects. Folic acid is needed before a woman becomes pregnant. A woman can find the nutrient in green leafy vegetables, beans, orange juice, and a variety of other foods.

Every couple wants to have a healthy baby; however, birth defects cut across all geographic areas, classes, and races. Until we can discover a cure for birth defects, it is essential that mothers and fathers-to-be plan ahead and give their child the prenatal care that every child deserves. It's a wise investment in our children.

This bill is the important first step in helping our next generation be healthy and active members in our communities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 23, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the American Battle Monuments Commission, Cemeterial Expenses, Army, Consumer Information Center, Consumer Product Safety Commission, Office of Consumer Affairs, and Court of Veterans Appeals.

SD–138

Judiciary

Administrative Oversight and the Courts Subcommittee

To resume hearings on S. 343, to reform the regulatory process.

SD–226

FEBRUARY 28

9:30 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold joint hearings with the Committee on Energy and Natural Resources' Subcommittee on Energy Research and Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories.

SD–366

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold joint hearings with the Committee on Appropriations' Subcommittee on Energy and Water Development to review the findings of the Task Force on Alternative Futures for Department of Energy National Laboratories.

SD–366

Labor and Human Resources

To hold hearings to examine the impact of welfare reform, focusing on children and their families.

SD–430

10:00 a.m.

Armed Services

To hold hearings on the nomination of Shelia Cheston, of the District of Columbia, to be General Counsel of the Department of the Air Force.

SR–222

Foreign Relations

To hold open and closed (S–407) hearings on the ratification of the Treaty Between the U.S. and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (The START II Treaty) (Treaty Doc. 103-1).

S–116, Capitol

Governmental Affairs

Business meeting, to mark up S. 219, to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions.

SD–342

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Postal Service.

SD–116

Judiciary

To hold hearings on pending nominations.

SD–226

MARCH 1

9:00 a.m.

Environment and Public Works

Superfund, Waste Control, and Risk Assessment Subcommittee

To hold hearings to examine proposals to authorize State and local governments to enact flow control laws and to regulate the interstate transportation of solid waste.

SD–406

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Arts.

SD–192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the United States civilian space program.

SR–253

Energy and Natural Resources

To hold hearings on S. 395, to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, including title II, proposed Trans-Alaska Pipeline Amendment Act.

SD–366

Governmental Affairs

To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.

SD–342

Labor and Human Resources

To continue hearings to examine the impact of welfare reform, focusing on the child care system.

SD–430

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Disabled American Veterans.

345 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Commodity Futures Trading Commission, Farm Credit Administration, and the Food and Drug Administration of the Department of Health and Human Services.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of State.

S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Endowment for the Humanities.
SD–192

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 391, to authorize and direct the Secretaries of the Interior and Agriculture to undertake activities to halt and reverse the decline in forest health on Federal lands.
SD–366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MARCH 2

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 167, to revise certain provisions of the Nuclear Waste Policy Act of 1982, and S. 443, to reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998.
SD–366

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Transportation.
SD–192

Governmental Affairs
Business meeting, to mark up S. 4, to grant the power to the President to reduce budget authority, and S. 14, to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items.
SD–342

MARCH 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Credit Union Administration, the Neighborhood Reinvestment Corporation, the Federal Deposit Insurance Corporation, and the Resolution Trust Corporation—Inspector General.
SD–138

MARCH 4

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for February.
SD–562

MARCH 6

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Office of National Drug Control Policy.
SD–192

MARCH 7

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold joint hearings with the House Committee on Resources' Subcommittee on National Parks, Forests, and Lands to review the health of the National Park System.
SD–366

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the Veterans of Foreign Wars.
345 Cannon Building

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Commerce.
S–146, Capitol

Indian Affairs
To hold oversight hearings to review Federal programs which address the challenges facing Indian youth.
SR–485

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Labor.
SD–192

MARCH 8

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Geological Survey, Department of the Interior.
SD–116

Governmental Affairs
To resume hearings on proposed legislation to reform the Federal regulatory process, to make government more efficient and effective.
SD–342

Small Business
To hold hearings on the proposed "Regulatory Flexibility Amendments Act".
SR–428A

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for rural economic and community development services of the Department of Agriculture.
SD–138

2:30 p.m.
Indian Affairs
To hold oversight hearings to examine the structure and funding of the Bureau of Indian Affairs.
SR–485

MARCH 9

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Transportation Safety Board.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Health and Human Services.
SD–138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Secret Service, Federal Law Enforcement Training Center, and the Financial Crimes Enforcement Network, Department of the Treasury.
SD–192

MARCH 10

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Science Foundation, and the Office of Science and Technology Policy.
SD–138

MARCH 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense.
SD–138

MARCH 15

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.
Room to be announced

MARCH 16

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug

Enforcement Agency, both of the Department of Justice.

S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.

SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Education.

SD–192

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.

SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.

SD–138

MARCH 23

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).

SD–192

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.

SD–192

3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.

SD–138

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.

SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.

SD–138

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.

SD–116

MARCH 29

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.

S–146, Capitol

MARCH 30

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.

345 Cannon Building

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.

SD–192

MARCH 31

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.

SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.

SD–138

APRIL 4

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.

SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.

SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.

SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.

S–146, Capitol

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.

SD–138

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.

SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.

SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food

and Consumer Service, Department of Agriculture.

SD–138

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.

S–146, Capitol

11:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.

SD–116

APRIL 27

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.

SD–192

MAY 2

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.

SD–138

MAY 3

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.

SD–192

10:00 a.m.

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.

SD–138

MAY 4

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.

SD–192

MAY 5

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.

SD–138

MAY 11

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.

SD–116

1:00 p.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.

SD–116

MAY 17

9:30 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.

SD–192

POSTPONEMENTS

FEBRUARY 23

10:00 a.m.

Judiciary

To hold hearings to examine the use of the exclusionary rule, focusing on juries and the search for truth.

SD–226

SENATE—*Thursday, February 23, 1995*

(Legislative day of Wednesday, February 22, 1995)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable LAUCH FAIRCLOTH, a Senator from the State of North Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Ernest Gibson, First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest R. Gibson, pastor of First Rising Mount Zion Baptist Church, offered the following prayer:

Let us pray:

Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5:9.

O gracious God, Thou who hast created all things and created Thine human creatures in Thine own image, we adore Thee and praise Thee. We magnify Thy name. There is none like Thee in all the Earth.

Thou hast given this country representative government and led us into peaceful paths. Thou hast given us men and women, through the electoral process, whom the people of this Nation have chosen to speak for them.

Lord, we ask Thee to be with Your elected servants as they consider what is best for Your people and nation. Help them to be sensitive to the needs of those whom You called Your "little ones." Lord, may every legislative decision be one in which we can rejoice, thank the Senate, and give Your Name the honor and glory.

In the name of Him who said to Moses, and to others, "I will be with thee." Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read as follows:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 23, 1995.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, section 3 of the Standing Rules of the Senate, I hereby appoint the Honorable LAUCH FAIRCLOTH, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 20 minutes.

Mr. MURKOWSKI. Mr. President, I wish you a good morning.

THE ADMINISTRATION'S RESPONSE TO THE THREAT TO U.S. NATIONAL SECURITY POSED BY U.S. GROWING DEPENDENCE ON FOREIGN ENERGY

Mr. MURKOWSKI. Mr. President, I rise to discuss President Clinton's "do nothing—and I repeat "do nothing"—response to the threat to our national security from the rising tide of oil imports.

Mr. President, the threat posed by our growing dependence on foreign energy is once again in the spotlight because of last Thursday's release of the Commerce Department's report to the President titled "The Effect of Imports of Crude Oil and Refined Petroleum Products on the National Security." The report found that:

> * * * the reduction in exploration, dwindling reserves, falling production, relatively high cost of U.S. production, and the resulting low rates of return on investments all point toward a contraction of the U.S. petroleum industry and increasing imports from OPEC sources. Growing import dependence, in turn, increases U.S. vulnerability to a supply disruption because non-OPEC sources lack surge production capacity; and there are at present no substitutes for oil-based transportation fuels which account for two-thirds of U.S. petroleum consumption.

Based on these findings, the Secretary of Commerce formally advised the President that:

> The Department found that petroleum imports threaten to impair the national security. I recommend that you confirm this finding.

Mr. President, it is reasonable to expect the President of the United States to take bold action—bold action—if the national security is at risk. President Clinton agreed that it is at risk, but he simply refuses to take action or propose anything. In his statement, President Clinton said:

> I am today concurring with the Department of Commerce's finding that the nation's growing reliance on imports of crude oil and refined petroleum products threaten the nation's security because they increase U.S. vulnerability to oil supply interruptions.

So far, so good. But President Clinton went on to say:

> I also concur with the Department's recommendation that the Administration continue its present efforts to improve U.S. energy security, rather than to adopt a specific import adjustment mechanism.

So that is out.

Further, Mr. President, translated into English, President Clinton will not do anything; the administration will simply continue its existing policies—the very policies that allowed the threat to our national security to occur in the first place. I would have hoped that he would come up with at least one new initiative. I know that I could have. But he did not.

It is not that the report is trivial and can be ignored. It was put together by a high-level interagency task force led by the Department of Commerce, and included every major Federal agency; namely, the Department of Defense, the Department of State, the Department of the Treasury, the Department of the Interior, the Department of Labor, the Department of Energy, the Office of Management and Budget, the Council of Economic Advisers, and the U.S. Trade Representative. Public hearings were held throughout the country, and testimony was received from 69 witnesses. The report is well researched, thoughtful, and based on fact.

It is not that the President does not have any authority to act. He certainly does. Under the Trade Expansion Act, once a determination is made that imports threaten the national security, the President obtains broad powers. These powers have been used in the past against other threats to the national security, just as they should have been put to use here. Moreover, even if the President did not want to make use of the Trade Expansion Act authority, there is a host of other regulatory and administrative changes the President could take under existing law. If the President found these powers too limited, he could have proposed legislative changes. But for reasons I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

cannot fathom, he has not done a single thing other than continue the administration's policy which makes us more dependent on imports.

The President's don't worry, be happy attitude may be disturbing, but I guess it is not surprising. He is equally unwilling to promote hydroelectric power, nuclear power, or coal power. He strongly supports the use of natural gas, but not the domestic production of natural gas. Based on unfounded fears of the environmental community, he is unwilling to open up even the smallest amount of the Arctic National Wildlife Refuge for exploration and development, just as he does not want to see additional onshore and offshore Federal lands opened up.

I find it ironic that at the very moment that the President of the United States is saying that the administration will do nothing new to promote energy production in the United States, the Secretary of Energy is in China promoting Chinese energy production. Perhaps we should invite the Chinese Secretary of Energy to the United States to help our industry.

To this Senator, the President's decision to do absolutely nothing about a threat to our national security is nothing short of incredible. To agree with the Department of Commerce that the national security is at risk, but to take no action, is simply unconscionable. That is particularly mystifying because in 1992 candidate Bill Clinton made the following statement:

> Our reliance on foreign oil is a genuine threat to our national and economic security. When George Bush took office, foreign oil made up a third of our trade deficit, and since then the U.S. has not had an energy policy. Now we import nearly half our oil, which accounts for two-thirds of our trade deficit. Even James Watkins, the President's Secretary of Energy, has written that the U.S. imports much of its oil "from potentially unreliable suppliers half a world away." That kind of dependence makes us vulnerable, and we must change that situation.

That was President Clinton the candidate.

Mr. President, there is an old saying that those who do not learn from the past are condemned to repeat it.

Does President Clinton remember the shortages, price increases, and long gasoline lines caused by the 1973 Arab oil embargo?

Does he remember the energy shortages during the 1976–77 winter, which shut down schools and businesses throughout the Midwest?

Does he remember the Khomeni revolution and the Iraq-Iran war which threatened international oil supplies?

Does he remember our reflagging Kuwaiti oil tankers to allow the United States Navy to protect them from Iran?

And, finally, does he remember Iraq's invasion of Kuwait, which threatened two-thirds of the world's oil reserves and resulted in one-half million United States troops laying their lives on the line?

Mr. President, that was a war over oil, make no mistake about it.

In refusing to take any action, however modest, President Clinton is putting hope over experience. He is also placing our energy and economic destiny into the hands of foreign producers—producing nations who have demonstrated time and time again, that they have their political and economic interests in mind, not ours.

Mark my words: If we do not pay attention to the present, we will relive the past.

We will look at the energy situation very briefly this morning.

Mr. President, there is no question that each day our energy situation is increasingly perilous. That is obvious from the data which I would now like to provide for the benefit of the Senate. I will first describe the rapid decline in U.S. crude oil production, and the state of natural gas production.

In 1970, U.S. crude oil production hit its all-time peak of 9.6 million barrels per day. In 1973, the year of the Arab oil embargo, U.S. production had fallen to 9.2 million barrels per day. Today, we produce only 6.6 million barrels per day, a 28-percent decline since 1973 and a 32-percent decline since 1970.

Today, the United States produces less crude oil than we did back in 1955. Had environmentalists succeeded in preventing the development of the Prudhoe Bay in Alaska, the United States would now be producing less oil than before 1949, the first year for which we have data.

I might add, that Prudhoe Bay has been contributing about 25 percent of the Nation's total crude oil for the last 17 years. That production is now in decline. We would like to open up new areas in Alaska to replace the decline of Prudhoe Bay, but clearly it is not the present policy at this time. I would hope the President would see fit to change his mind. He has been known to do that on occasion.

As bad as that sounds, it is only going to get worse. According to the Department of Energy, in 5 years the United States will be producing only 5.4 million barrels per day of crude oil. In the year 2005—only 10 years from now—U.S. oil production will fall to 5.2 million barrels per day. Thus, unless we take action, and take it now, in the year 2005 we will be producing about the same amount of crude oil as we did back in 1949.

To put this all in perspective, in 1949 there were only 36 million cars on the road; today there are 143 million on the road, four times as many. The good news, of course, is that energy efficiency has increased dramatically.

Although natural gas production has increased over the past 2 years, it is still 13 percent below the 1973 production rate. Moreover, the Department of Energy forecasts that natural gas production will not keep pace with increased demand over the next decade.

Let me now very briefly talk about our dwindling reserves of crude oil and natural gas.

As worrisome as the decline in U.S. production may be, the decline in U.S. proven reserves of crude oil and natural gas is even more worrisome.

From 1949 until 1968, the combined U.S. reserves of crude oil and natural gas increased every year. Beginning in 1968, however, production exceeded net additions to proved reserves, and net reserves began their current decline. Since 1968, except for the addition of Alaska's North Slope reserves in 1970, our combined proven reserves of oil and gas have consistently declined.

Today, U.S. proven reserves of crude oil are 40 percent below their peak in 1979. They are even lower than they were back in 1949.

Today, U.S. proven reserves of natural gas are 43 percent below their peak in 1967. They are also lower than they were back in 1949.

In this connection, it is interesting to note that the Commerce Department's report cites the decisions "against developing other geological prospects such as the Arctic National Wildlife Refuge and the Outer Continental Shelf" as key factors contributing to the decline of U.S. oil reserves.

It should not come as any surprise that the combination of increasing demand and declining production results in growing foreign dependence on imported oil.

In 1973, the year of the Arab oil embargo, we imported 6.3 million barrels per day of crude oil and refined petroleum products. We were 36 percent dependent on foreign oil.

Today, we import 8.9 million barrels per day of oil, making us more than 50 percent foreign dependent.

By the year 2005, the Department of Energy projects that we will import 12.5 million barrels per day of oil, making us 68 percent foreign dependent.

Although we are less dependent on imports of natural gas than we are on imports of oil, our natural gas imports are also rising. In 1973, we imported 5 percent of the natural gas we consumed. Today, we are importing 12 percent, and the Department of Energy projects that by the year 2005 our foreign dependence will increase to 14 percent.

As the Commerce Department's report notes, our growing dependence on foreign energy is very worrisome because:

"The United States and the OECD countries have limited prospects to offset a major oil supply disruption * * *." and that "(d)uring a major oil supply disruption, there could be substantial economic austerity as a result of the decreased availability of oil * * * (which would) pose hardships for the U.S. economy."

Our foreign oil dependency also has significant financial implications for the United States, particularly with respect to the trade deficit.

Each and every day we spend $140 million on foreign energy—$55 billion last year alone. Altogether, over the past decade we have spent one-half trillion dollars on imported energy.

Clearly, our economy would have been healthier and more of our workers employed if we had spent that money on domestically produced energy instead of on imports.

Imports of foreign energy have cost oil workers thousands of jobs, according to IPAA and Department of Commerce statistics. In 1981, there were 15,000 independent oil and gas producers; today there are less than 8,000. Total employment in oil and gas production has fallen from 700,000 in 1982, to 350,000 today—a 50-percent decline. We can only expect this to get worse over the next decade as domestic production declines and imports increase.

You do not have to be a rocket scientist to figure out what it all means. The Department of Commerce is right on target. Our economic and national security is threatened. Our growing dependence on foreign energy leaves the United States vulnerable to the whims of foreign producers. No matter how stable our energy supply now appears, the price and availability of energy from foreign nations has been, and will continue to be, a function of their political and economic priorities, not ours.

The problem is largely self-made. For example, the entire east coast of the United States is under a leasing moratorium, just as is the west coast and the eastern Gulf of Mexico off Florida's coast. There is great oil and gas potential there which can be developed with due regard to the environment. Drill in ANWR? Not a chance, says the environmental community.

We must not forget that the picture is no better for our other energy resources. For example, no new nuclear powerplant has been announced for two decades. It is difficult and costly for U.S. refineries to comply with environmental restrictions. Federal environmental laws and regulations likewise make it difficult and very costly to build a natural gas pipeline, a coal-fired powerplant, an electric transmission line, or a hydroelectric dam.

There is much that can be done to promote the production of domestic energy from our abundance resources. It ranges from the mundane to the controversial. But if we do not take action, our children are going to be very critical of us as they sit in long gasoline lines or are cold at night or are unemployed.

Mr. President, the Commerce Department's report is a clarion call to action, not a lullaby to put us to sleep. We have a choice: Produce more energy domestically, or suffer the consequences of our dependency. I choose the former; President Clinton chooses the latter.

Finally, Mr. President, I ask unanimous consent that the press release from the Independent Petroleum Association of America, the American Petroleum Institute, and the National Stripper Well Association be printed in the RECORD following my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MURKOWSKI. I thank the Chair.

Mr. President, these press releases really express the petroleum industry's deep disappointment with the President's response to the Commerce Department's finding that oil imports threaten the national security.

Mr. President, I also want to bring to the attention of the Senate a letter to the President dated February 10, 1995, sent by 70 Members of Congress, myself included. This bipartisan letter identifies a host of administrative, regulatory, and legislative actions that the President could have taken in response to the Department of Commerce report. But as I have stated before, the President instead decided to do nothing, and this is disappointing to me and to my colleagues who signed the letter.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES
Washington, DC, February 10, 1995.

Hon. WILLIAM J. CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: The Secretary of Commerce recently reported to you the results of an investigation, conducted under the Trade Expansion Act, into the impact of crude oil imports on the national security of the United States. The investigation determined that oil imports threaten to impair the national security of the United States. While this finding may be startling to some, that is exactly the point that so many of us made when we met with you, Secretary Bentsen, and Deputy Secretary White last June.

As required by the Administration's Domestic Natural Gas and Oil Initiative, the Department of Energy recently completed a cost benefit analysis to quantify the costs of imported oil that are not reflected in the price. DOE's analysis determined that the United States pays a hidden and exorbitant economic and environmental price for imported oil.

Clearly, it is imperative that we take immediate action to alleviate this threat to our national security. By removing unnecessary impediments to domestic exploration and development we can strengthen our domestic oil and gas industry and begin to correct this dangerous oil trade deficit.

During the 103rd Congress, a bipartisan group of Senators and Representatives submitted to you the attached comprehensive domestic oil and gas policy initiative. This is a balanced package of legislative proposals and regulatory actions that could immediately boost domestic energy production.

As you will recall, the Departments of Energy, Treasury, and Interior favorably expressed a willingness to work within the framework of this bipartisan policy proposal in an effort to respond to the crisis in the domestic oil and gas industry.

In addition to the widespread support on Capitol Hill, all of the segments of the domestic energy industry enthusiastically support our proposed solutions.

Mr. President, the Trade Expansion Act requires you to take action within ninety days of the Secretary of Commerce's report. We strongly believe that our recommendations to preserve marginal well production, encourage new oil and natural gas drilling, reduce regulatory compliance costs, abolish existing prohibitions against the export of domestic crude oil production provided that full and adequate protections for the domestic merchant marine industry are assured, and ensure reasonable access to oil and gas resources on public lands, provides a blueprint for fast, effective action to protect our Nation's vital economic and security interests.

We are confident that working together with the Administration, we can quickly implement these proposals and reduce our dangerous dependence on imported oil.

We look forward to working with you to protect our Country's future.

Sincerely,

Bill K. Brewster, Glenn Poshard, Frank H. Murkowski, J. Bennett Johnston, Craig Thomas, Jim Inhofe, Jim McCrery, Pete V. Domenici, Jeff Bingaman, Conrad Burns, Howell Heflin, Kay Bailey Hutchison.

Nancy Landon Kassebaum, Don Nickles, Paul Simon, Richard Shelby, Larry E. Craig, John Breaux, Alan Simpson, Trent Lott, Ted Stevens, Thad Cochran.

Frank D. Lucas, Tom A. Coburn, Henry Bonilla, Jerry F. Costello, Pete Geren, Ralph M. Hall, Barbara Cubin, Blanche Lambert Lincoln, Sonny Callahan, Greg Laughlin, Wm. J. Jefferson, Bob Livingston, ——— ———.

Jim Chapman, Ernest Istook, Tim Hutchinson, James Hayes, W.J. Billy Tauzin, Ken Bentsen, Gene Green, Charles Wilson, Pat Danner, Alan B. Mollohan, Chet Edwards, Bob Wise, Don Young.

Larry Combest, Steve Largent, Ray Thornton, Lamar Smith, Jack Fields, Wally Herger, Joe Skeen, Sam Johnson.

Charlie Stenholm, Jay Dickey, Frank Tejeda, Jerry F. Costello, Solomon P. Ortiz, Calvin Dooley, Mac Thornberry, Bill Thomas, Dave Camp.

PROPOSAL, MARCH 25, 1994

A TAX CREDIT TO PRESERVE MARGINAL PRODUCTION AND TO ENCOURAGE NEW DRILLING

The provision will first establish a tax credit for existing marginal wells. The provision will allow a $3 per barrel tax credit for the first 3 barrels of daily production from an existing marginal oil well and a $0.50 per Mcf tax credit for the first 18 Mcf of daily natural gas production from a marginal well.

The current definition of marginal wells will be expanded to include a new category for "high water cut property"—producing 25 barrels per day or less per well, with produced waters accounting for 95 percent of total production. In addition, techniques such as waterflooding and disposal, cyclic gas injection, horizontal drilling, and gravity drainage should be encouraged to enable domestic producers to capture more of the oil in a given marginally economic property.

The provision will also include a tax credit for production from new wells that have been drilled after June 1, 1994. The provision will allow a $3 per barrel tax credit for the first 15 barrels of daily production for such oil wells and a $0.50 per Mcf for the first 300 Mcf per day for such gas wells.

The tax credit will be phased out in equal increments as prices for oil and natural gas rise. The phaseout prices, which are based on BTU equivalence, are as follows: Oil—phase out between $14 and $20; Gas—phase out between $2.49 and $3.55.

The tax credit is creditable against regular tax and AMT.

ADDITIONAL LEGISLATIVE INITIATIVES

Geological and Geophysical Costs. We continue to urge the administration to support the current expensing of G&G costs. We understand that the administration is studying the tax treatment of G&G costs, and we recognize that legislative action may be required.

Eliminate the Net Income Limitations on Percentage Depletion. Currently, the depletion deduction cannot exceed 100% of income from the property, and the deductions from all properties cannot exceed 65% of taxable income. Many of producers have so little income from the property that the net income limitations further restrict the value of their deductions. We support the repeal of both these limitations.

Limitation on Exports. We favor abolishing the existing prohibitions against the export of domestic crude oil production provided that full and adequate protections for the domestic merchant marine industry are assured.

OCS Deepwater and Frontier Area Production. With domestic reserves dwindling, areas with potential for new production are the deepwater of the Outer Continental Shelf (water depths greater than 400 meters) and frontier areas. The costs of finding and producing most oil and gas in these areas exceed the current price for that oil and gas. We support the consideration of a per barrel tax credit to encourage deepwater and frontier production.

ADMINISTRATIVE/REGULATORY INITIATIVES

Oil Pollution Act of 1990. We believe that the financial responsibility requirements of OPA '90 are excessive, and we support a reduction in the dollar levels. In addition, the agencies implementing the financial responsibility requirements should revise their regulations to make the requirements more realistic in several ways. First, the regulations must recognize that Protection and Indemnity Clubs function as indemnitors, rather than guarantors. Second, we support a thorough examination of existing resources to identify those that are available for immediate response and those that are available to pay damage claims and restoration costs. Third, we believe that the MMS should propose regulations regarding de minimis quantities. Finally, the MMS should apply the requirement for offshore facilities to maintain financial responsibility only to the area seaward of the coastline, consistent with prior agency actions implementing the OPA '90 and with the February 28, 1994, Memorandum of Understanding establishing Federal jurisdictional boundaries for offshore facilities.

Royalty Reduction. To remain competitive in attracting capital, U.S. royalty laws should be reassessed. The existing royalty reduction for marginal oil wells on public lands (onshore) should be expanded to include marginal natural gas wells. The royalty reduction for offshore production should be extended for new activity, especially deep water and other frontier areas, and marginal properties. Finally, we support legislation that would temporarily suspend the collection of royalties from wells in deep water, such as the bill that was approved by the Senate Energy and Natural Resources Committee.

Royalty Collection. 'Reinventing Government'' legislative proposals establish an unworkable, unfair penalty regime that will have particularly adverse affects on natural gas production. The Administration should withdraw this proposals and work with industry to eliminate royalty collection problems.

Underground Injection Control. The EPA is developing revised regulations, reportedly deviating from recommendations made by the Advisory Committee on UIC. Indications that the EPA is considering tightening regulations are disappointing, especially in light of its report to Congress which found that any problems could be solved by enforcing existing regulations, rather than adopting new rules. This proposal could be extremely costly to the industry without improving environmental protection. We oppose the EPA proposed revision of existing UIC regulations.

Natural Resources Damage Assessment. The Departments of Interior and Commerce are developing regulations to impose liability on natural resource producers for injuries caused by hazardous discharges. Although relevant statutes do not require it, damages could include emotional loss of persons who do not suffer from direct contact or use of the natural resources. The "non-use" damage proposal relies on an economic methodology known as contingent valuation (CV).[1] However, a panel of economists created by NOAA was unable to confirm that CV was a reliable methodology. We believe that CV for damage assessments is seriously flawed and oppose the inclusion of liability for non-use value loss in the final regulations.

Oil and Gas Leasing on Public Lands. The Interior Department is conducting an internal review of leasing to promote a new approach called "ecosystem management." Current law, the Federal Land Policy Management Act (FLMPA), is based on multiple use, including oil and gas leasing activity. We urge the Interior Department to abide by the principle of multiple use.

EXHIBIT 1

INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA

Independent Oil and Gas Producers Reject Clinton Administration's Do-Nothing Strategy, Call for Congressional Hearings on Risks Posed by Oil Imports.—Independent producers are stunned and disappointed by President Clinton's response to a Commerce Department finding that oil imports threaten to impair national security. "The good news is the president agreed that oil imports pose a national security threat. The bad news is he's not going to do anything about it," said IPAA Chairman George Alcorn. "That's a do-nothing approach from an administration that talks about taking action but fails to follow-through."

"It is unprecedented for a president not to take any new action, direct or indirect, to address the national security threat," said Alcorn. "All other presidents who have concurred with the national security finding have proposed specific new initiatives."

IPAA and a nationwide coalition of producers petitioned Commerce to launch the investigation under section 232 of the Trade Expansion Act last March following a drop in world oil prices that forced producers to shut-in wells and lay off thousands of employees. Last year the amount of oil the United States imported reached an all-time high—over 50 percent of demand—while domestic production fell to a 40-year low. During the first two years of the Clinton administration, over 22,000 more American workers in the U.S. oil and gas industry lost their jobs. "It has all happened on the Clinton administration's watch," said Alcorn.

"This industry has been made noncompetitive by over-regulation and a confiscatory tax policy. Congress has recognized the threat and asked for presidential leadership in a letter written only a week ago," said Alcorn. "Faced with congressional support and evidence provided by the administration's own investigation that the loss of this strategic American industry poses a national security risk, the president still proposes no specific action."

"The lack of leadership and action by this administration again demonstrates a flawed view of national security and economic stability that cannot be allowed to prevail," said Alcorn. "Therefore we are calling upon Congress to investigate the threatened impairment of national security and to act where the president has failed to do so."

IPAA Hails Energy Bill.—Today the Oklahoma Congressional delegation led by Sen. Don Nickles (R-Okla.), a key member of the Senate leadership and a member of the Finance Committee and Energy and Natural Resources Committee, introduced a comprehensive energy bill designed to help put the domestic oil and natural gas industry back to work and strengthen the U.S. economy by increasing domestic production and creating jobs throughout the 33 oil and gas producing states.

"This bill goes a long way toward developing a national energy strategy that will make the domestic oil and gas producer more competitive," said IPAA President Denise Bode. "These energy initiatives are far-reaching because they will impact virtually every producer who explores for and produces oil and natural gas in the United States. The legislation is the foundation for much-needed energy reforms and it has the support of independent producers."

The bill was introduced in the House and Senate by Congressmen Bill Brewster, Tom Coburn, Ernest Istook, Steve Largent, Frank Lucas, J.C. Watts and Senators Nickles and James Inhofe. It includes tax and regulatory measures that will help maintain production from marginally economic wells, encourage new drilling, provide relief from an unpredictable royalty collection system, promote the cost-benefit analysis of new regulations and support the export of Alaska North Slope crude oil.

"This energy bill is clearly a way we can alleviate the oil import crisis and jump-start the domestic industry," said Bode. "It will put domestic producers back to work, benefiting the nation with more jobs, economic wealth and tax revenue."

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[1] A simplified example of the use of CV is as follows: Trustees representing the public's interest in natural resources injured by an oil spill conduct a survey in which individuals are asked to state an amount they or their household would pay to prevent this injury. The reported amounts are averaged and then multiplied by the number of affected individuals or households. Since no actual use of the injured natural resource is required, the multiplier is frequently quite large and the resulting "damage" figure can run into the billions.

If you need additional information or would like to talk to an independent producer for a local angle on this story contact Kate Hutcheons or Jeff Eshelman.

AMERICAN PETROLEUM INSTITUTE

WASHINGTON, February 22.—The surest and most important way to stem rising oil imports is to produce more oil and natural gas at home, the American Petroleum Institute emphasized today.

The API made that observation after expressing disappointment in President Clinton's reaction to the Commerce Department's study and finding that rising oil imports are a threat to the nation.

"The President had the opportunity to express his commitment to open federal lands to new oil and gas leasing, exploration and development," the API said in a statement, "but he chose to emphasize federal programs that have had no impact on rising oil imports, such as promoting alternative fuels and renewable energy resources."

The coastal plain of the Arctic National Wildlife Refuge in Alaska holds the promise of billions of barrels of oil, as do the offshore areas of California and Florida, now closed to leasing by the federal government, API noted. The new Congress indicates a willingness to grant greater access to federal lands, but the President's support is vital, API added.

In 1994, for the first time in history, more than half of the oil used in the United States was imported. The 8,894,000 barrels a day of crude oil and petroleum products amounted to 50.4 percent of domestic demand and set an all-time record. At the same time, domestic crude oil production averaged 6,629,000 barrels a day—the lowest level in 40 years.

The President often speaks of jobs and the need for federal revenues. Both could be attained by opening new areas to oil and gas development, API said. Tens of thousands of jobs, not only in the oil fields, but in the host of service industries and factories throughout the country would be created. At the same time billions of dollars in revenues would accrue to the federal treasury in the payment of bonuses, rentals, royalties and income taxes.

The Bureau of Labor Statistics reported that in 1982, employment in the exploration and development sector of the petroleum industry reached a high of 754,500. At the end of December 1994, that number stood at 332,800—a loss of 421,300 jobs! The principal cause, the API said, were unwise federal government policies closing lands onshore and offshore to oil and gas development.

"The opportunity exists now to reverse these unwise and unsound policies," API said, "and initiate policies to increase oil and gas production that would impact on oil imports."

NATIONAL STRIPPER WELL ASSOCIATION BLASTS CLINTON ADMINISTRATION'S RESPONSE TO OIL IMPORTS SECURITY RISK—JOINS CALL FOR CONGRESSIONAL HEARINGS

Virginia Lazenby, president of the National Stripper Well Association, made the following statement regarding President Clinton's Feb. 16 response to the Commerce Department's finding that oil imports threaten to impair national security:

"I am enraged, not for myself, but for the thousands of U.S. oil and natural gas producers the National Stripper Well Association represents.

President Clinton agrees that the rising level of oil imports—now over 50 percent—pose a threat to U.S. security. That's a step in the right direction. What the Clinton administration failed to do is address the threat by proposing new initiatives such as tax and regulatory measures that would help boost domestic production. The Clinton administration's inaction is unacceptable.

In addition to the nine-month national security investigation, other studies were completed last year, including one by the National Petroleum Council, which supports the call for the passage of initiatives to maintain production from the nation's marginally economic wells. NSWA played a key role in developing the report. At the time of its release Department of Energy Secretary Hazel O'Leary said "There are actions we can and must take that will benefit the gas and oil industry."

Why the administration has decided against taking action is shocking. Nearly half-a-million people in the domestic oil and gas industry have been forced out of their jobs over the last decade as low-priced oil has been imported into the United States. Domestic production is at a 40-year-low. The nation can not afford to lose an increasing amount of production from marginal wells which represents $10 billion of avoided imports each year.

NSWA joins the Independent Petroleum Association of America in its call for Congressional hearings on this matter and hopes that the members of Congress will take action."

The National Stripper Well Association represents domestic producers who produce oil and gas from so-called stripper or marginal wells which are wells that produce less than 15 barrels per day. NSWA was among the groups that petitioned the Commerce Department to conduct the national security investigation last March.

THE 50TH ANNIVERSARY OF THE FLAG RAISING AT IWO JIMA

Mr. MURKOWSKI. Mr. President, last week, a somber time passed on this floor when some of our colleagues remembered the momentous battle of Iwo Jima in the Second World War. As Senator BUMPERS so eloquently reminded us, nearly 6,000 of our marines were lost forever in that battle waged 50 years ago this week and were never to know the world they helped save from tyranny in that most dreadful struggle.

There are many others who remember Iwo Jima, Mr. President, and each has his own story. One of my constituents, Herb Rhodes of Anchorage, AK, was at Iwo in February 1945. As a member of the 5th U.S. Marine Division dispatched to Red Beach II, Herb was severely wounded in the initial attack on February 19, 1945. There were a total of 6,821 American lives lost in those first 4 days following the landing on the beach at Iwo Jima, making this battle one of the costliest of the war.

In a compilation of photos, stories, and historical information gathered by Lyn Crowley, an engineering officer with the 5th Marine Division, Herb and his former comrades in arms recount the events of that now famous day, 50 years ago, when a 40-man platoon made its way to the top of Mount Suribachi. Of these 40 men, 36 were wounded or killed in subsequent fighting on Iwo Jima. This compilation, titled "The Flags of Iwo Jima," recounts the first U.S. flag on Suribachi—the one it is said that "nobody remembers."

This is so because the first flag was very small and could not be seen down the mountain or across the island. The 5th Marine commander then ordered a larger flag be raised as a sign of encouragement to our troops, who were still in the throes of a great battle.

This second raising of Old Glory was captured for all time by combat photographer Joe Rosenthal. His photograph on Mount Suribachi became the model for the Marine Memorial that we all know so well. The photograph itself—of the second flag raising, not the first—is said to be the most famous photograph of wartime history

I promised Herb that I would speak here in order to remind us of the acts of all brave marines, the sacrifice and loss suffered by the Nation, and indeed, I speak to honor my friend Herb Rhodes and his marine brothers who climbed Suribachi in February 1945 and were the first to raise the flag. With humility and gratitude, I know that we live better lives because many of them gave their lives for us. My feelings are shared by many in Congress, and throughout our Nation and the world.

I know that Herb Rhodes will agree that the marines who fought on Iwo Jima gave their all to earn victory. This is as true for the marines who were the first to reach the top of Mount Suribachi as it is for those captured in Joe Rosenthal's photograph. Indeed, glory and honor are due to all those who sacrificed their lives or who put themselves in harm's way on Iwo Jima. While some of our warriors were captured on film, and some are immortalized in bronze in Arlington Cemetery, these serve to symbolize the heroism of all who fought to save liberty. Herb Rhodes and his soldier brothers deserve our everlasting gratitude on this historic day, and as long as our freedom endures.

On this 50th anniversary of the battle on Iwo Jima, we remember flags raised by marines all over the world. And we remember flags draped over marines, airmen, sailors, and soldiers, in honored glory, from Iwo Jima to Omaha Beach to Da Nang. Today and every day, we remember all our brave heroes.

Do I have any remaining time, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 1 minute and 40 seconds.

Mr. MURKOWSKI. I see my friend from Colorado is in the Chamber. The Senator from Texas had asked me to yield if I had any remaining time, but I do not see the Senator from Texas, so I obviously will yield to my good friend from Colorado.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Colorado [Mr. CAMPBELL], is recognized for up to 10 minutes.

AMERICA'S ENERGY CRISIS

Mr. CAMPBELL. Mr. President, I am here today to speak about another bill, but I listened with interest to the comments of my colleague from Alaska on our energy crisis and would like to associate myself with his comments.

I know, as does he, that we are more dependent now, I guess, than at any time in our history on foreign oil. And anyone who thinks that the war in the gulf was anything other than a war over oil is being naive. I think, as my friend from Alaska, that trading the blood of American soldiers is a pretty darned poor trade for oil. But clearly, if we do not have some kind of coherent energy policy and if we do not move to develop our resources, we are destined to do more battle on foreign lands.

It also is interesting to me to note that when we do have public hearings about developing America's natural resources, some of the people who protest the development show up in automobiles getting about 4 miles to the gallon.

At any rate, I look forward to working with the chairman on trying to enhance production of American resources.

THE NATIVE AMERICAN FINANCIAL SERVICES ORGANIZATION ACT

Mr. CAMPBELL. Mr. President, I want to take a few moments to speak on legislation I introduced last week entitled the "Native American Financial Services Organization Act," S. 436. This legislative initiative is the culmination of extensive deliberations between officials from the Department of Housing and Urban Development, the Department of the Treasury, the USDA, members of my staff, and staff of the Senate Committee on Indian Affairs.

The primary purpose of the Native American Financial Services Organization Act is to begin to look at innovative funding mechanisms to address the critical housing needs prevalent in most native American communities.

The cornerstone of this legislation is the establishment of a native American Financial Services Organization as a limited-government chartered corporation that would have the authority to:

Assist native American communities to create local financial institutions that will attract capital investment in housing and economic development in Indian communities.

And, to develop and provide specialized technical assistance on how to overcome barriers to primary mortgage lending on native American lands, such as issues relating to trust lands, discrimination, and inapplicability of standard underwriting criteria.

As a matter of consistency this legislation is intended to supplement, not duplicate, the efforts of any other government-sponsored enterprise or organization.

Through a cooperative agreement with the Community Development Financial Institutions [CDFI] fund established in the Riegle Community Development Banking and Regulatory Improvement Act, the Native American Financial Services Organization will provide technical assistance to native American financial institutions pursuant to the provisions of the CDFI fund.

Mr. President, last week Secretary Cisneros testified before the Committee on Indian Affairs. In his remarks, he discussed HUD's reinvention blueprint for native American programs in the context of overall HUD reorganization.

I was particularly impressed with his commitment to revitalize and reorganize the Department of Housing and Urban Development so that local communities, and in this instance Indian communities, are further empowered to administer housing programs with greater flexibility.

In addition to consolidating many existing programs into funds, which will be administered as block grants, the Secretary reiterated his commitment to seek out alternative, innovative funding mechanisms that could be a catalyst for supplementing existing Federal dollars with greater private investment.

Mr. President, as the Chair is probably aware, housing on Indian reservations is terrible. The existing housing conditions prevalent in many Indian reservation communities are so bad an estimated 50,000 families are in need of new homes. And further, according to a study completed by the Commission on American Indian, Alaska Native, and Native Hawaiian Housing, the total backlog of needed homes approaches 5,500 or an estimated cost of $460 million.

I think it is realistic to say that under our current fiscal constraints, Congress will probably not be able to appropriate the necessary funding to meet such a large backlog of basic housing needs.

It is for this very reason that I believe the Native American Financial Services Organization Act is a viable solution to existing housing crisis in our Indian reservation communities. I want to thank my colleagues Senator MCCAIN, Senator INOUYE, and Senator DASCHLE for cosponsoring this important legislative initiative and look forward to its speedy passage.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

THE NO DUCK SEASON CANARD

Mrs. HUTCHISON. Mr. President, it is about time to lay to rest the fears of duck hunters across America about the effects of S. 219, the Regulatory Transition Act of 1995, on this year's duck hunting season.

This bill, which would impose a moratorium on all new Federal regulations, is an integral part of our regulatory reform agenda. It is designed to protect the public from regulatory overzealousness, but certainly not at the expense of one of our country's most enjoyable pastimes.

The legislation introduced by Senator DON NICKLES, Senator BOND, and myself, cosponsored by 36 Members of the Senate, clearly exempts regulatory activity if the President finds the action is a routine administrative action or principally related to public property benefits or contracts.

No activity of the Federal Government can be considered more routine than setting limits on duck bags.

But, fueled by faulty information and media hype, millions of our country's sportsmen are crying foul. We call these tactics the close-the-Washington-Monument syndrome. The bureaucrats say if you are going to do something we do not like we will make the most ridiculous decision possible and try to blame you for it.

The proponents of this legislation have no intention of shooting themselves in the foot by losing the support of duck hunters for new regulatory common sense in our Federal Government. I have cosponsored the Federal regulatory moratorium and am a lead sponsor of the moratorium on the Endangered Species Act because they are important tools in our fight to protect private property rights and to safeguard small businesses and communities throughout the country from excessive Government regulation. Ill-conceived regulation curbs economic growth and curtails productivity at a significant cost to our taxpayers and it costs jobs in America.

While the moratorium would achieve the desired effect of slowing down this administration's appetite for Government control of our businesses, it certainly is not intended to prevent routine Government procedures, or to deprive our citizens of their favorite leisure sports. And we have gone out of our way to take care of these concerns.

While the opponents of these bills are likely to continue to try to ruffle the feathers by trying to scare the public, the public's interest would be far better served by imposing moratoriums. It will prevent further regulatory burdens from being added before this Congress can revise current laws, and add common sense to overzealous regulations. That is our goal, common sense.

I think the close-the-Washington-Monument tactics show how little common sense there has been in the regulatory climate. The public understands one point all too clearly: Regulatory reform is an issue we cannot afford to duck.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Dakota is recognized to speak for up to 15 minutes.

HUNGER

Mr. DORGAN. Mr. President, the other evening in a meeting in North Dakota with a couple hundred North Dakotans, mostly farmers, I asked to do something different. I asked if those who came to the meeting to participate would spend a little time talking about what is right, what works, which Government programs are good and address real needs in the right way?

It was an interesting exercise. The sport in America, the pastime in our country that consumes the minutes of virtually every town meeting of every Member of Congress, is talking about what is wrong. I understand that. We should figure out what is wrong and make it right. But it is also important to understand that there are a lot of things done in this country that are good, that are worthwhile, that make this country better.

There is, it seems to me, a requirement from time to time for us to stop and think about that. What is it that works? What is worthwhile?

We have in this country today something called a Contract With America, which was offered by the majority party in the House of Representatives. In the last election, when the American people decided who would govern, 20 percent of those who were eligible to vote cast their vote for Republicans, 19 percent of those eligible to vote cast their vote for Democrats. In other words, the Republicans won 20 percent to 19 percent, and 61 percent decided they would not bother to vote at all. That was the score. The 20-to-19 victory produced was called a mandate by some. This 1 percent mandate in the House of Representatives then provided us with something called a Contract With America. The Contract With America has some things in it that I support and some things that we on the Democratic side of the aisle have brought to the floor of the Senate previously. There are things in it that I think are bipartisan and that will enjoy bipartisan support. There are other things that cause me great concern, which is where I think we are going to be in some public policy aggressive discussions later this year.

We are now discussing the constitutional amendment for a balanced budget on the floor of the Senate. Consuming a substantial amount of time in that debate is the notion that there are some people in this Congress who want to spend a lot of money and there are others who are conservative that do not.

Something happened last week that once again belies that general notion. In the House of Representatives, the majority party, the conservatives, the ones who push the Contract With America, said they wanted to add $600 million in defense spending to a bill. The Secretary of Defense said, "No, we do not want that. We do not need that. We do not support that." The conservatives said, "No, no, no, we insist. We want $600 million more for you to spend."

The question is, Who is conservative and who is liberal? We have conservatives saying the Defense Department should be given more money than they want or need because that is where they want to spend money. Where did they get it? They said, "We will not increase the deficit. We will take the money that's in an account for improvements for schools in low-income neighborhoods and we will use that to give the Defense Department money it says it does not need. We will cut job training for disadvantaged youth in order to give the Defense Department money the Defense Department says it does not want." This coming from conservatives.

So, who is a liberal and who is a conservative? Who are the big spenders? Are the big spenders people who want to stuff another $600 million over to the Pentagon when the people who run the Pentagon say, "We do not want it, we do not need it, we did not ask for it, do not give it to us?"

I take from this lesson the general notion that is there is really not a plugged nickel's worth of difference between Republicans and Democrats, conservatives and liberals, in their appetite for spending money. Everyone wants to spend resources. The question is, on what? One wants to build star wars, another wants a feeding program for children. But both want to spend money.

I think a century from now one will be able to look back at this society, at this country, at this group of people and make a reasonably good judgment about who we were and what we were about and what kind of people we were by how we decided to spend public resources.

One will be able to look at the Federal budget 100 years from now and decide: Here is what the American people felt. Here is what they thought was important in the year 1995, because the Federal priorities on spending, the priorities of the Federal and State governments and the other uses of public funds establishes what our country and its people thought was important.

There are some things in this country that are of national importance, that we have decided were important over 20 and 50 years. I have worked on one of these issues a great deal for many, many years. It is that issue—hunger—which persuaded me to come to the floor for just a couple of minutes today. I have traveled to refugee camps around the world. I chaired a task force on hunger with the chair of the Hunger Committee, the late Mickey Leland, when I was a Member of the House of Representatives. We have the winds of hunger blowing every day in every way in every country around the world—killing 40,000 to 45,000 people a day, most of them children. And yet it is not a headline anywhere. It is just a persistent, chronic problem that imposes massive suffering on millions and millions of people. Hunger is not some mysterious disease for which we do not have a cure. We know what causes it. We know what cures it. Hunger is a very serious problem, and there is a national responsibility and a national requirement to respond to it.

The national priority to respond to hunger has been manifested in things like the school hot lunch program, the WIC program, the Food Stamp Program, a whole range of programs that invest in those who find themselves with the misfortune of being poor and hungry, particularly in young people.

We are told now in the Contract With America that the new way to respond to these issues is through block grants. Substantially cut the total amount of money for a number of programs, especially programs that affect the poor, the vulnerable, and the hungry. Substantially cut the money in the aggregate, roll it into one block grant, move it back to the States, and say to the States, "Use it as you wish. Address these problems as you will. It is your choice." Presumably, the State governments are more efficient and more effective than the Federal Government.

I will admit that there are many areas where the delivery of services by State governments can be more efficient and more effective. I also would say that, just because people talk about wanting to create block grants and use them as the device to save money, this does not in any way obliterate urgent national needs. Hunger and poverty are among those urgent national needs.

Block grants will create a system, to ask the poor and the most vulnerable—and, unfortunately, especially the hungry and the children—to compete against a range of other urgent needs because, if we say we are going to roll all of these programs into a block grant, there then is no national priority that says we are going to feed hungry kids. It becomes a decision by 50 different States about how much money they have to feed hungry kids versus the needs of all of other interests that are at their doorsteps asking for funds. Block grants themselves are not, in my judgment, the answer.

Yes, we use block grants from time to time, and, yes, they can be effective in some cases. But, frankly, I am pretty unimpressed with some of these new

Governors who are busy cutting taxes at the State level and puffing out their chests, walking around holding their suspenders, and boasting about what a great job they are doing cutting taxes back at home. Then they come here and walk through these doors with a tin cup asking if they can have money, no strings attached, in the form of block grants which eliminate the kind of things we have targeted as national needs, things that effectively respond to hunger in children. If they can get their hands on that money with no strings attached, then they have the resources to respond to the problems they have caused by their own tax cuts. I say, if they want resources, let them raise them.

If you want to cause maximum waste in government, just decide to create a government in which you disconnect where you raise money from where you spend it. Decide to raise it here and spend it there, I guarantee you it will be free money in the eyes of those who spend it. You can look at program after program for examples. Go back to the Law Enforcement Assistance Act (LEAA) and ask yourselves if some of the most egregious wastes of Federal money did not occur under its block grants. I have some specific examples I could use, but I will do that at a later time.

The point I want to make today is that it might be out of fashion to be poor. It might be out of fashion to be hungry. There may not be a lot of high-paid lobbyists around supporting the interests of the hungry, but that does not mean that they are not people with compelling needs, and that does not mean that we do not have a responsibility as a nation to respond to their needs.

The young boy named David Bright came to Congress one day. He was 10 years old, living with his mother and a brother and a sister in a homeless shelter in New York, lost, troubled, living in squalid poverty. He talked about the rats in the shelters. Then he said something I have never forgotten. He said, "No 10-year-old boy like me should have to put his head down on his desk at school in the afternoon because it hurts to be hungry." No 10-year-old boy should have to put his head down on his desk at school in the afternoon because it hurts to be hungry.

If anyone in this Chamber or in the House Chamber or elsewhere can look in the eyes of 10-year-old kids who are hungry because their family does not have enough money to buy groceries, their family does not have a home, their family does not have enough to eat and say that there is not a national need, not an urgent priority, you do not rank up here, you go down and compete someplace for some block grant that we gave to a Governor who talks about cutting taxes back home, then this is a debate I am anxious to have on this floor.

We need to debate what our national priorities are. Yes, we need incentives to tell people who are down and out, "Here is a stepladder to get up and going again." We need incentives to say, "You go from welfare to work." We need all of those things. I will be one supporting others on this floor who say, "Let us change the welfare system." But I will not be part and parcel of that discussion and decide, as some have, that this is a kind of a survival-of-the-fittest society where, if you are poor, you do not matter, and if you are a kid who is hungry, you are not a national need.

When I see what happens over in the House, where they say, "We are conservatives. We think that the Government wastes too much money, and so here is 600 million bucks we want to stick into the Pentagon," and the Pentagon says, "We do not want it and we do not need it and please do not give it to us," and the House says, "Sorry, but we are going to give it to you anyway, and we will take the money from a program that helps poor kids," then I think something is wrong with the thinking around here. That's why I hope we can have legislation and substantial debate about what this Nation's urgent needs and priorities are.

As we do that, I at least hope all of us will understand this country's kids deserve to have a prominent place in the array of national needs that this Congress decides to establish. We have spent a long time looking at this country's problems and trying to address them. No one here, I think, has decided to do that in any other manner but with good will and with their best judgment. We have made some mistakes along the way. There is no question about that. But we have also done some good things, and I would hate very much to see this wave of emotion about the Contract With America sweep out the door with some of the inefficient things that we certainly should change a set of good programs and a set of urgent national priorities that respond to the interests of the most vulnerable in this country, our children.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that I be recognized to speak for 10 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, before I begin the substance of my remarks, I would like to comment briefly on the comments of the Senator from North Dakota. In case he missed an election last November 8, the American people want to do things differently from what was just espoused by the Senator from North Dakota. It is not old fashioned to want to have a change in the way that we address the problems affecting America. It is not old fashioned to recognize that the programs so greatly espoused and seeking to be continued by the Senator from North Dakota have failed.

I would urge him to consider the words of our new Congressman from Oklahoma, Congressman J.C. WATTS, Jr., who said, "We don't measure compassion by the number of people who are on welfare. We measure compassion by the number of people we can get over the welfare."

The spirited defense of the status quo and business as usual just articulated by the Senator from North Dakota is ample evidence to me that he has not gotten the message of November 8 as the American people want things done differently, not business as usual. I believe that, if the Senator in North Dakota would check around, he would find that the overwhelming majority of Americans want the Contract With America passed.

They want the Contract With America because they lost confidence in the way that the Senator from North Dakota and the leadership on the other side of the aisle was running America. They are totally dissatisfied. They want change. They are going to get change. I am proud of the job that is being done by my colleagues in the House and the courage that they are showing in taking on some sacred cows.

If the Senator from North Dakota thinks this old line about being cruel to poor people and depriving food from people's mouths is going to work, my message to him is, it "ain't" going to work.

I also look forward to a spirited debate and discussion with him because we have to find new ways to attack old problems, rather than going back to the old ways of spending more money on programs that have failed to fulfill our obligation to those in our society.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. McCAIN. I only have 10 minutes. I will be glad to yield to the Senator from North Dakota at the expiration of my time, if I have any remaining.

THE BASE CLOSING COMMISSION

Mr. McCAIN. Mr. President, I am deeply concerned about the fact that there will not be, I am told by the leadership, a vote on the nominees for the Base Closing Commission today.

The fact is, on February 28, the Secretary of Defense will file for the Federal Register a list of bases that the Secretary of Defense is recommending that will be closed for the consideration of the Base Closing Commission.

Mr. President, this will make it very difficult, if not impossible, for the remaining nominees to the Base Closing

Commission to be confirmed by the Senate.

Mr. President, I view failure to move forward with the base closing process as an unconscionable act that will deprive the young men and women in the military today of their ability to defend this Nation's vital national security interests. We cannot spend money on bases and infrastructure which are no longer needed in light of the reduction of some 40 percent in the defense budget.

We have, in the words of former Chairman of the Joint Chiefs of Staff, Colin Powell, reduced our defense spending somewhere around 40 to 45 percent since 1985. At the same time, we have reduced our base infrastructure by some 10 to 15 percent.

We have gone through two painful rounds of base closings and now the third one, hopefully the last, will be facing us. If we do not move forward with this base closing process, we will not close bases in this country. We have proven that to anyone's satisfaction, which is why we went to the base closing process to start with.

Mr. President, there are people on both sides of the aisle and both ends of Pennsylvania Avenue who do not want to see this process move forward.

I believe that there is one egregious incident, for example, of a nominee, Gen. J.B. Davis, where incorrect information was spread around Hill offices which tied him to an organization that had considerable financial interests at many installations. I do not know who originated the memorandum setting out this flawed data, but it was further disseminated by consultants and others who somehow failed to check the facts of this matter.

But the primary fact is, Mr. President, if we do not move forward with the base closing process, we have forgotten several things. The cold war is over. The defense budget is small. We have excess infrastructure that needs to be closed. The BRAC will go on regardless of Senate action, but will suffer in quality if the names are not brought to a vote immediately. I believe my constituents and our national security interests deserve the best possible Commission we can provide. I hope that all my colleagues will agree with that.

Mr. President, if we do not approve the nominees, then former Senator Alan Dixon, who is the Chairman of the Commission, by law must proceed with the process. That will leave the review of the entire base closing proposals in the hands of one individual. He will have only one choice and that will be to rubberstamp whatever the Defense Department has recommended.

I am convinced that that is not what the Congress had in mind when we set up the BRAC process. And I am convinced that the American people will thereby be shortchanged and bases may be closed that do not need to be closed and bases will be kept open that do not need to be kept open.

Mr. President, I think that it is clear that the fact that one of the names was removed almost without cause—or at least for some period of time there was no information—from the nominating list by the White House contributed to this problem significantly. But I think there are ways that we could have worked it out, maybe, by withholding one name nominated by the other party as well as one nominated by the Republicans, and the other names sent forward, we could have worked effectively in that fashion.

I am convinced that if we do not move forward today on these nominations, it places the entire concept of base closing in significant jeopardy.

Mr. President I hope that the leadership will reconsider their decision on this issue and move forward today with the nominees for the Base Closing Commission for the sake of national security and for the sake of young men and women that are in our military today.

Mr. President, I yield to the Senator from North Dakota what remaining time I have.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

WELFARE REFORM

Mr. DORGAN. Mr. President, I do not intend to use all the time.

I just wanted to observe that the Senator was wondering whether we felt the election meant anything about welfare reform. Well, there will not be that kind of debate, because we will not have that kind of debate. Most of us feel we should reform the welfare system.

My point was not the welfare system. My point was that I do not believe the last election was a message from the American people that hunger among our children is not a national priority, nor would I expect the Senator from Arizona would interpret the election that way, either.

Mr. MCCAIN. Mr. President, I appreciate the remarks of my friend from North Dakota. I wish that he had taken some measures during the 1986–94 period when he was in the majority to bring forward meaningful welfare reform of the welfare system. And since he did not, this side of the aisle will, both from the other body as well as from this one.

I thank the Chair and I yield back the remainder of my time.

RAY NATTER

Mr. DOMENICI. Mr. President, since 1989, Ray Natter has been the Republican general counsel on the Senate Banking Committee. Ray came to the Senate in 1987 after mastering the complicated area of banking law as special counsel to the House Banking Committee and senior counsel at the Federal Reserve. Prior to coming to the Hill, Ray also spent 10 years as a legislative attorney at the Congressional Research Service. Without a doubt, Ray knows banking law and the legislative process.

Ray worked on several important issues in the last Congress, including interstate banking, fair trade in financial services and community development banking. In previous years, he had a significant impact on various important pieces of legislation, including the drafting of the Resolution Trust Corporation Completion Act, which helped end the savings and loan crisis.

When Ray worked for Chairman Garn he not only wrote significant portions of FIRREA and FDICIA, he also worked on the important issue of lender liability, which was particularly critical to bankers in my State.

Regardless of how busy he was or how many major banking bills Ray was working on, he always had time for the problems that I needed help with. Sometimes New Mexicans had ideas for legislation that I would ask Ray to review. Sometimes I would have a constituent who felt the RTC needed a little congressional oversight. Ray always gave me good counsel and advised me of all the pertinent laws.

When I was new on the Banking Committee, Ray helped me and my staff navigate the complicated world of financial institution regulation. He was always knowledgeable, accurate and willing to give his time to ensure that we became as well-informed as he was on these difficult issues.

I am not going to serve on the Banking Committee this Congress. I would have preferred to stay on the Banking Committee but too many others wanted an opportunity to participate under Chairman D'AMATO's leadership.

I want to thank Ray for his 8 years of service to the Senate Banking Committee, three chairmen, and through passage of numerous public laws. Ray will be joining the staff of the general counsel of the Comptroller of the Currency. The Senate will miss Ray's expertise and his willingness to help members of the Banking Committee and the Senate. I have no doubt that the Comptroller's Office will recognize immediately that they have landed one of the best banking lawyers in Washington.

THE 1995 BIRD HUNTING SEASON

Mr. WELLSTONE. Mr. President, on the Senate floor today, one of my colleagues challenged my concern shared by thousands of Minnesotans that S. 219, a bill that would create a moratorium on new regulations, would have the effect of limiting or eliminating the 1995 migratory bird hunting season.

I take strong exception to my colleague's comments and will continue to fight to protect this cherished annual Minnesota event.

The divergence in our two views apparently comes down to this: The junior Senator from Texas apparently believes that the U.S. Fish and Wildlife Service's annual rulemaking process required by current law to open the hunt fits under some exclusion in S. 219 for routine administrative matters. I see no such exclusion.

Presumably, the language in S. 219 that my colleague thinks exempts the annual migratory bird hunting rulemaking from the strictures of the moratorium is found in the section which excludes "any agency action that the head of the agency certifies is limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process, * * * or otherwise reducing regulatory burdens * * *." Clearly, the duck hunting rulemaking does not "repeal[], narrow[], or streamlin[e] * * * [an] administrative process." In my view, reading this language to exempt the duck hunting rulemaking is forced, at best.

I might point out that my colleague is from a southern State, where the normal duck hunting season opens later than it does in Minnesota. If the Fish and Wildlife Service's estimated best-case scenario proves correct, S. 219 would serve to delay the necessary rulemaking, and thus the opening of the season in Minnesota, by no less than 30 days. Since Minnesotans do the majority of their hunting at the local shoot early in the season—beginning around the beginning of October—before the local ducks fly south, such a delay would effectively cancel this part of the season. On the other hand, in Texas the regular duck season opens in mid-to-late November. Therefore, the Texas season may not be as affected by the delay in the rulemaking process.

If S. 219 becomes law without being changed to clearly exempt the 1995 duck hunting rulemaking from the moratorium, here is a possible—perhaps even likely—scenario: The Fish and Wildlife Service proceeds, as it has been, with rulemaking action to open the 1995 season on time. Somebody opposed to duck hunting sues to stop the hunt—that's right, the moratorium bill also allows lawsuits for people adversely affected by an agency violation of the moratorium. The whole thing winds up in court.

Yesterday, I introduced a bill to protect the 1995 hunting season from S. 219's moratorium provision. If the sponsors of S. 219 do not mean to threaten the 1995 duck hunt, then why don't they come on board my bill? I say S. 219 is perfectly clear—it would negatively impact the 1995 season in Minnesota.

So I challenge the sponsors of S. 219 to ask the Governmental Affairs Committee to adopt explicit language exempting the 1995 duck hunting season rulemaking from the moratorium. The language of my bill would do that nicely. If they would just fix the problem they created in the moratorium bill, then this whole issue would go away. If it is not the intent of the sponsors of S. 219 to impact the 1995 duck hunting season, then surely they should have no objection to my request.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, for nearly 3 years I have reported to the Senate the exact total of the Federal debt as of the close of business the previous day.

This debt has been run up by the liberal big-spenders in Congress.

Mr. President, as of the close of business yesterday, Wednesday, February 22, the Federal debt stood at exactly $4,835,998,510,879.83, meaning that on a per capita basis, every man, woman, and child in America owes $18,357.53 as his or her share of the Federal debt.

Mr. President, a little over 2 years ago—January 5, 1993—the debt stood at $4,167,872,986,583.67—$15,986.56 for every American. During the 103d Congress the Federal debt increased by more than $6 billion.

The point is that so many politicians talk a good game at home about bringing the Federal debt under control, but support bloated spending bills when they get back to Washington.

TRIBUTE TO FRED DALLIMORE

Mr. REID. Mr. President, it gives me great pleasure to pay tribute, today, to a native son of Nevada, Fred Dallimore. Fred is completing his 26th year, as a baseball coach, at the University of Nevada, Las Vegas. He has served as the head coach for the last 22 years. His career is a distinguished one. Under his guidance, UNLV has made 6 NCAA appearances and has had 16 winning seasons. The 728 career victories he has attained ranks him 36th among the NCAA all-time winningest division I coaches. More than 80 young men, coached by Fred, have advanced to professional baseball. Several have made it to the major leagues including the San Francisco Giants, Matt Williams, a Nevadan from Carson City.

Fred's success at UNLV is the result of dedication, loyalty, and a lot of hard work. Over the years it was not unusual to see Fred out on Roger Barnson Field mowing the grass, dragging and watering the field, and performing every duty necessary to prepare the field for practice and games. The brand new Earl E. Wilson Baseball Stadium at Barnson Field is a state-of-the-art facility made possible by a gift from the Wilson estate. It is also the culmination of a dream come true for Fred.

Fred comes from a long line of native Nevadans. He was born in Reno, NV on October 21, 1944. He attended Reno High School where he was an all around athlete lettering in football and baseball. An All State pitcher, in his senior year, he led Reno to the State AAA baseball championship. During his 4 years at the University of Nevada, Reno he earned All West Coast and All Far West honors as a left handed pitcher. His 11–1 record his senior year earned him All American honors as chosen by the American Association of Collegiate Baseball Coaches, Player of the Year, as selected by the San Francisco Examiner and the Sierra Nevada Sportswriters and Broadcaster Athlete of the Year. The University of Nevada, Reno honored him in 1982 by inducting him into the UNR Athletic Hall of Fame. In 1994 UNLV honored him by inducting his 1980 baseball team into the UNLV Athletic Hall of Fame.

Fred and his wife Alice are the proud parents of two children, Jamie and Brian.

Fred is a husband, father, teacher, and coach. I am proud to have him as a friend.

COMMENDING THE CENTENNIAL OF THE CHIROPRACTIC PROFESSION

Mr. BRYAN. Mr. President, I rise today to recognize the chiropractic profession which was founded on September 18, 1895, and is celebrating 100 years of providing chiropractic services to Americans across the country.

The chiropractic profession was founded in Davenport, IA, when the first chiropractic adjustment was performed in an office building on a janitor named Harvey Lillard. One hundred years later, the chiropractic profession is now recognized by Congress which included chiropractic care under Medicare and authorized the commissioning of chiropractors as officers in the military.

Today, the chiropractic profession is practiced by doctors throughout the world, including 50,000 chiropractic physicians throughout the United States. As the number of chiropractors continues to grow, so do the standards in chiropractic education, research, and practice. This has led to broadening acceptance of the benefits of chiropractic health care by the public and the health care community.

According to health care experts, as many as 80 percent of Americans will suffer back pain at some point in their lives. Low back problems are the most common health complaints experienced by working Americans today. For this reason, every year millions of Americans choose chiropractic health care for the restoration and maintenance of their health. For many who suffer from pain, chiropractic care is a natural method of alleviation that does not require the use of drugs or surgery.

Chiropractors around the country have made and continue to make a significant contribution to the health and welfare of many people whose lives would not be the same without their services.

On March 18, members of the chiropractic profession will gather in Las Vegas to honor those dedicated to enhancing the quality of life for many people in the Silver State. I would like to extend my thanks and appreciation to the devoted professionals involved in this occupation for their commitment and service. Chiropractors have made many Nevadans' lives better through their practice.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Mr. WELLSTONE. Mr. President, I know that my colleague, Senator KERREY from Nebraska, has come to the floor to speak.

I ask unanimous consent that, after he speaks, it then be in order to call up a motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, this debate is about amending the U.S. Constitution. If we approve the proposal as offered by the distinguished Senator from Utah and others—as the House already has—it will be up to the States of this country to ratify or reject what would become the 28th constitutional change in 206 years.

The Constitution of the United States represents the greatest democratic achievement in the history of human civilization. It—and the self-evident truths which are its bases—has guided the decisions and the heroic sacrifices of Americans for two centuries. Its precepts are the guiding light and have been a shining beacon of hope for millions across the globe who hunger for the freedoms that democracy guarantees. It has served not only us, it has served the world, as well.

It is not, Mr. President, a document, therefore, to be amended lightly. Indeed, my strongest objection to this proposal is that it does not belong in our Constitution; it belongs in our law.

In addition to this argument, I also intend to suggest that the political will to enact changes in law to balance our budget—which was missing from many previous Congresses—now appears to be here.

In fact, I wish the time taken to debate this change in our Constitution was instead spent debating the changes needed in the statutes that dictate current and future spending. This does not mean, Mr. President, I agree with those who have complained about the length of time we have spent on this proposal. This complaint is without merit.

This great document should not be amended in a rush of passion. It is evident from the Constitution itself that its authors intended the process of amendment to be slow, difficult, and laborious. So difficult that it has been attempted with success only 17 times since the Bill of Rights. This document is not meant to be tampered with in a trivial fashion.

As I said, the proposed 28th amendment to the Constitution is intended to affect the behavior of America's congressional representatives. In that regard, it is unique. Except for the 25th amendment, which addresses the issue of transfer of power, other amendments affecting the behavior of all Americans by limiting the power of Government, protecting public freedoms, prohibiting the majority from encroaching on the rights of the minority or regulating the behavior of the States.

This would be the only amendment aimed at regulating the behavior of 535 Americans, who the amendment assumes are incapable of making the difficult decisions without the guidance of the Constitution's hand. That theory is grounded in the assumption that Congress and the public lack the political will to balance the budget.

Specifically, the proposal contains 294 words. It would raise from a simple majority to three-fifths the vote necessary in Congress for deficit spending. It would set a goal of balancing our budget by the year 2002.

The amendment empowers Congress to pass legislation detailing how to enforce that goal, but does not itself specify enforcement measures. The only answer to the question of what will happen if Congress and the President fail to balance the budget is that nobody knows. The only mechanism our country has for enforcing the Constitution is the courts. So the amendment's ambiguity prevents the serious possibility of protracted court battles which give unelected judiciary unwarranted control over budget policy.

The proponents of this amendment sincerely believe our Constitution needs to be changed in order to force Members of Congress to change their behavior, which supporters argue they will not do because they are afraid of offending the citizens who have sent them here in the first place. On that basis there is a long list of constitutional change they should propose, including campaign finance reform, lobbying reform, and term limits, just to name a few.

Mr. President, I support the goal of a balanced budget, and have fought and am fighting and will continue to fight to achieve it. However, desirability of a goal cannot become the only standard to which we hold constitutional amendments. Constitutional amendments must meet a higher standard.

The Constitution and its 27 amendments express broadly our values as a Nation. The Constitution does not dictate specific policies, fiscal or otherwise. We attempted to use the Constitution for that purpose once, banning alcohol in the 18th amendment, and it proved to be a colossal failure. Fundamentally, we should amend the Constitution to make broad statements of national principle. And most importantly, Mr. President, we should amend the Constitution as an act of last resort when no other means are adequate to reach our goals.

We do so out of reverence for a document we have believed for two centuries should not be changed except in the most extraordinary circumstances. We have used constitutional amendments to express our preference as a Nation for the principles of free speech, the right to vote, and the right of each individual to live free.

The question before Members today is whether the need for a balanced budget belongs in such distinguished company. While I oppose this amendment, Mr. President, I understand the arguments for it. I have had the privilege of serving here for 6 years and I am entering my seventh budget cycle as a consequence. Every time the President of either party, since I have been here, has sent a budget to this body it has been greeted with speeches and promises and rhetoric about the need to balance the budget. And each time, those speeches and promises and rhetoric have been greeted with votes in the opposite direction.

Many of those whose judgment I most respect in this body support this amendment, including the senior Senator from Nebraska, whose reputation as a budget cutter needs no expounding by me. I am sympathetic. Clearly something is wrong with a system which so consistently produces deficits so large.

The question for me is not whether something is wrong, but precisely, what is wrong? Do we run a massive deficit because something in the Constitution is broken? Were the Founding Fathers mistaken in assigning the elected representatives of the people the task of setting fiscal and budget policy? And is a constitutional amendment, as opposed to a statute requiring a balanced budget, the only workable solution? If the answers to these questions were yes, then a constitutional amendment in my judgment would be appropriate. But my answer in all three of these questions, is a resounding no.

If, on the other hand, the problem lies in the behavior of the 535 individuals whose actions produce the deficit, as opposed to the document that governs it, then a constitutional amendment is both an inappropriate and ineffective means for balancing the budget. If a simple statute rather than an amendment will work, we should leave the Constitution alone.

Supporters of the amendment note we tried statute in 1985 in the form of the Gramm-Rudman-Hollings law and that law failed miserably. Therefore, the argument goes, a more powerful tool than ordinary statute—in other words, constitutional amendment—is necessary. The assumption, apparently is that a constitutional amendment mandate would provide the legal and the political cover needed to cast the tough votes in a climate in which the political will for doing so does not exist.

But the fact is, Mr. President, Gramm-Rudman-Hollings failed not because it was a statute as opposed to an amendment, but because the political will to balance the budget did not exist in 1985. Gramm-Rudman-Hollings set deficit targets to set up on a glidepath, a term we are hearing again today, to achieve zero deficits by 1991.

The deficit target for 1986 was $172 billion. We end up $222 billion in the hole. President Reagan's budgets did not even meet the Gramm-Rudman-Hollings targets in that year, much less a balanced budget. And even though Gramm-Rudman-Hollings provided the legal and political cover for deficit reduction, neither Congress nor the President has the stomach for it. Now we are attempting to find in the Constitution what we could not find in ourselves.

I believe, Mr. President, that 1995 and 1985 are two very different times. I have heard the American people say loud and clear in this last November election that not only does the will to balance the budget exist, it thrives. We all know that the political will to balance the budget exists today to a much larger degree than it did in 1985. In fact, there is much more enthusiasm than existed even in 1994. The political dynamic has changed in this Congress. I believe the political will now exists to make the tough choices.

To illustrate this change, consider our attitude toward spending cuts today. A year ago when a bipartisan coalition of Senators offered and fought for an amendment which would have cut $94 billion in spending over 5 years, the administration argued against it, saying our economy would enter a recession. But since the election, Mr. President, the same administration opponents are scrambling to propose cuts that are larger than the ones that they opposed just a little over a year ago.

There are far more Senators and Representatives today who are prepared to vote for spending cuts than there were last year. And there is evidence of a willingness to form bipartisan coalitions in the beginning to tackle the problem, including our most politically charged problem, Federal entitlements.

So I say that after the rhetoric for and against this amendment is over, let Senators get to work to show Americans we have the courage this amendment presumes that we lack. While it is true that the President's recently submitted budget does little to reduce the deficit, the stomach for the tough choices does exist in this body. If the appeal of a balanced budget amendment is simply the legal or political cover it provides for the tough choice, a statutory change would provide the same cover. If the presumption behind the amendment is that the political will to balance the budget does not exist, then make no mistake, those who lack that political will can find a way to circumvent this amendment.

An amendment to the Constitution of the United States is a powerful weapon, not one to be taken lightly. This weapon can be disarmed with 60 votes in the Senate, only 9 more than it takes for deficit spending today.

And beyond all the legal maneuvers, there is no cover for tough decisions but the courage to make them. So I simply am not convinced a balanced budget amendment is necessary. It assumes a structural flaw in our Constitution that prevents the 535 Members of Congress from balancing the budget. In fact, there is no such flaw in the Constitution. To the extent such a flaw exists, it is in the 535 Members of Congress themselves, not the document that governs us.

The fact is, we can balance the budget this year if we wanted to, and we can by statute direct the Congress to balance the budget by 2002, 2003, or any other date that we choose.

Furthermore, I believe this debate is misdirected. The balanced budget amendment tells us what to do over the next 7 years but ignores the following 20, the years which ought to command our attention.

A balanced budget by the year 2002 still ignores the most important fiscal challenge we face: The rapid growth in entitlement spending over the next 30 years. The year on which we ought to be focused is not 2002, but 2012 when the baby boomer generation begins to retire and places a severe strain on the Federal budget.

Our biggest fiscal challenge is demographic, not constitutional, and the amendment before us does not and cannot address it. Unfortunately and conveniently, this demographic challenge is kept from our view, not by an incomplete Constitution, but by a budgeting process that discourages long-term planning.

The budget the President sent us tells us what to do for the next 5 years—5 years, Mr. President. The balanced budget amendment tells us what happens over 7 years. Five- and seven-year spans are completely inadequate when the most difficult budget decisions we need to make deal with problems we will face 20, 25 and 30 years down the road, when the aging of our population propels entitlement spending out of control.

The most important recommendation of the Bipartisan Commission on Entitlement and Tax Reform is that we began to look at the impact of the budget over 30 years, rather than just 5 or 7. The reason that our country looks very different and our current budgets look very different viewed over that span is, as I said, not one of our Constitution, not, indeed, even one of our statute, but one of demographics.

We can see the trend in the short-term. The big four entitlement programs—Social Security, Medicare, Medicaid, and Federal retirement—will consume 44 percent of the budget this year. Mandatory spending will consume 65 percent. By 2000, it will be 70 percent. By 2005, the number is 78 percent. Those numbers, Mr. President, are straight from CBO. If we project further, we see that by 2012, mandatory spending plus interest on the national debt will consume every dollar we collect in taxes. By 2013, we will be forced to begin dipping into the surplus of the Social Security trust funds to cover benefit payments, a practice that will go on for no more than 16 years before the trust fund goes bankrupt in the year 2029.

These trends have nothing to do with the Constitution, political will or pork barrel politics. They have to do with the simple fact that our population is getting older while the work force gets smaller. My generation did not have as many children as our parents expected and, as a consequence, the system under which each generation of workers supports the preceding generation of retirees simply will not hold up much longer.

Indeed, long-term entitlement reform, coupled with a reasonable reduction in discretionary spending, including defense, would reduce interest rates dramatically and achieve the goal of this amendment without tampering with the Constitution.

In this context, I need to address the role of Social Security in this debate. I have heard speaker after speaker come to the floor on both sides of the issue and announce their support for this program. I agree with them all. Social Security is one of the most, if not the most, important and successful Government programs we operate. Social Security should not and, indeed, does not need to be used to balance the budget. However, we cannot ignore the fact that Social Security will start running a deficit in 2013, due, as I mentioned earlier, to the retirement of the baby boomer generation and the fact that more retirees will be drawing from the trust funds while fewer workers contribute to it.

The general fund currently borrows against the surplus, and when Social Security begins running a deficit, the decisionmaking capacity of future Congresses will be limited, because large amounts of the general fund will have to be used to repay the money we are borrowing from the trust fund today. That situation will tempt future Congresses to run Social Security in deficit if it is exempted from deficit calculations. That development would, of course, only further jeopardize the program.

Even today, our decisionmaking capacity is already limited by the growth of entitlement spending. In 1963, a little more than 30 years ago, spending on entitlements and interest on the national debt consumed 30 percent of our Federal budget. This year, entitlements and net interest will devour 65 percent. The present budget assumes 66 percent for next year and by 2000, the number will be 70 percent.

Mr. President, that is the problem that we face. That is why we are forced year after year after year to come and cut domestic discretionary programs, whether it is defense or nondefense. The pressure is coming from entitlement programs that are consuming a larger and larger percent of our budget inexorably by the year 2013, it will be 100 percent, converting the Federal Government into an ATM machine.

The result is a question of fairness between generations. Today there are roughly five workers paying taxes to support the taxes of each retiree. When my generation retires, there will be fewer than three workers per retiree. Unless we take action now, the choice forced upon our children will be excruciating. Continue to fund benefits at current levels by radically raising taxes on the working population or slash benefits dramatically.

Finally, Mr. President, as we debate this amendment, I hope we keep our eyes on a larger prize in blind reference to the idea of a balanced budget. Our goals should, in my view, be economic prosperity. I support deficit reduction as a means to that end. Deficit reduction is important not as an abstract ideal but as an economic comparative. I believe in balancing the budget because it is the surest and most powerful way to increase national savings. And increased national savings will lead to increased national productivity which in turn will lead to higher standards of living for the American family.

There is no short cut to savings and no substitute that will get results. Increased national savings mean lower long-term interest rates and increased job growth in the private sector. The balanced budget amendment assumes that a balanced budget is always the best economic policy. A balanced budget, Mr. President, is usually the best economic strategy, but it is by no means always the best strategy for this country. Downward turns in the economy complicate the picture. Downward turns will result in lower revenues and higher spending so there will be times, although very few of them, when a strict requirement for balancing the budget harms the economy by requiring the collection of more and more taxes to cover more and more spending in an economic environment which makes revenue collection more difficult in the first place.

As I say, I believe those times are few and far between. But the Constitution is too blunt an instrument to distinguish between good times and bad. The American people hired us to do that job, not to cede it to a legal document that cannot assess the evolving needs of our economy.

The bottom line for me as we debate this amendment is whether it moves us toward achieving the correct goals and whether, if it does, we need to amend the Constitution to get there.

My answer to the first question is mixed. I believe a balanced budget is an important goal, but only as a component of an overall economic strategy which recognizes that skyrocketing entitlement spending is the most serious fiscal challenge we face.

My answer to the second question is more certain. I believe that once we set those goals, we can achieve them by statute or, more importantly, by changing our own behavior rather than changing the Constitution. My respect for this document precludes me from voting to tamper with it when I am not convinced that we must. This proposal for a 28th amendment does not command for me the same reverence in which I hold the 1st amendment or the 13th or the 19th and, therefore, Mr. President, while I will continue to fight for its admirable goal, I will vote no on the balanced budget amendment.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that it be in order for me to call up motion No. 3 at the desk and that it be considered as one of my relevant amendments.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Reserving the right to object, Mr. President, if I might, it is my understanding that there are two unanimous consent requests which deal with two amendments of the Senator from Minnesota. I wonder if I might make those requests and see if they are suitable to the Senator from Minnesota, and we can proceed in that manner.

Mr. WELLSTONE. Mr. President, that will be fine with me.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. WELLSTONE. I do.

UNANIMOUS-CONSENT AGREEMENTS

Mr. KYL. Mr. President, I ask unanimous consent that Senator WELLSTONE be recognized to call up his motion dealing with homeless children; and that time prior to a motion to table be limited to the following: 45 minutes under the control of Senator WELLSTONE; 15 minutes under the control of Senator HATCH; and that following the conclusion or yielding back of time, the majority leader, or his designee, be recognized to table the Wellstone motion; and that that vote occur at 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that immediately following the disposition of the Wellstone motion dealing with homeless children, Senator WELLSTONE be recognized to call up his filed motion No. 2, and that time prior to a motion to table be limited to the following: 45 minutes under the control of Senator WELLSTONE, 15 minutes under the control of Senator HATCH, and that following the conclusion or yielding back of time the majority leader or his designee be recognized to make a motion to table the Wellstone motion, and that vote occur in the stacked sequence to begin at 3 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MOTION TO REFER

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, I thank the Senator from Arizona and I thank the Chair.

Mr. President, let me for my colleagues——

The PRESIDING OFFICER. Will the Senator suspend for just a moment while the clerk states the motion, please.

The legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] moves to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible, to issue a report, the text of which shall be as follows:
>
> "It is the sense of the Committee that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, Congress should take no action which would increase the number of hungry or homeless children."

Mr. WELLSTONE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank the clerk. The motion is self-explanatory, it is very reasonable, and it is very important.

What this motion says is not that we should delay the vote on the balanced budget amendment. We will have that vote. This is not a part of that constitutional amendment at all. This is just simply a motion which says we will go on record through the Senate Budget Committee that in whatever ways we move forward to balance the budget, whether this constitutional amendment is passed or not—there is really no linkage here—we will go on record, and I would like to again now go through the operative language, it is the sense of the Senate to the Budget Committee:

> That in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, Congress should take no action which would increase the number of hungry or homeless children.

That is what this motion says. One more time, it is not an amendment to this constitutional amendment. It does not put off the date that we vote on this amendment. I simply ask that the Senate go on record through the Budget Committee that if this amendment passes or even if this amendment does not pass, we will take no action which would increase the number of hungry or homeless children.

Mr. President, I have been in the Chamber from the beginning of this session with just this amendment which has received, I think, 43 votes. I do not understand why the Senate is not willing to go on record on this question.

Mr. President, this motion is essentially a statement by the Senate; it is a request to colleagues, Democrats and Republicans alike, that we speak boldly and we speak directly, as we understand children are the most vulnerable citizens in this country.

Every time I hear one of my colleagues talk about how we have to reduce the deficit—and by the way, sometimes people get confused between annual deficit and this huge debt we have built up—and that we cannot put this deficit on the shoulders of our children and our grandchildren, the best thing we can do for the children of our Nation is to balance the budget, I say to myself, fine, I agree. I am a father. I am a grandfather. But what about the vulnerable children in the United States of America today?

Why cannot the Senate go on record—it is a sense of the Senate—that we certainly understand as we go forward with deficit reduction we will not do anything which would increase hunger or homelessness among children in our Nation. Is that too much to ask? What possibly could be the reason for voting no?

Senators are talking about how we have to balance the budget for the sake of the children of the future. How about the lives of children living now? How about children right now who happen to be among the most vulnerable group in this Nation?

The context is important. The Food Research and Action Center in 1991 estimated that 5.5 million children under 12 years of age are hungry at least one day a month in the United States of America. Second Harvest estimated that, in 1993, emergency food programs served 10,798,375 children. The U.S. Council of Mayors found that, in 1994, 64 percent of the persons receiving food assistance were from families with children. Carnegie Foundation, late 1980's—68 percent of public schoolteachers reported that undernourished children and youth are a problem in school. By the way, I talk to teachers in Minnesota who tell me the same thing.

Children are among the homeless in this country and indeed families with children are a substantial segment of the homeless population. The U.S. Council of Mayors estimates that, in 1994, 26 percent of the homeless were children, based upon requests from emergency shelters. That is a pretty large percentage of the homeless population. And, in 1988, the Institute of Medicine estimated that 100,000 children are homeless each day.

Mr. President, what does it mean that children are hungry? In comparison to nonhungry children, hungry children are more than three times likely to suffer from unwanted weight loss, more than four times as likely to suffer from fatigue, almost three times as likely to suffer from irritability, and more than 12 times as likely to report disease.

Mr. President, let me discuss the context one more time. I have been in this Chamber from the beginning of this session with this basic proposition, either in amendment form, or now, in the most reasonable form possible; as just a motion, a sense of the Senate that would go to the Budget Committee. It is not a part of the constitutional amendment. This motion merely has us going on record that as we move toward a balanced budget, which we are all for as well as deficit reduction, we are not going to take any action that would increase the number of hungry or homeless children in America. Will the Senate not go on record supporting this?

I hear Senators say that they are going to make these cuts; that is the best thing they can do for our children and our grandchildren. What about these children? One out of every four children in America is poor.

Children's Defense Fund came out with a study last year—this data is accurate and I wish it was not. I wish this was not the reality. One day in the life of American children, three children die from child abuse. One day in the life of American children, nine children are murdered. One day in the life of American children, 13 children die from guns. One day in the life of American children, 27 children, a classroomful, die from poverty. One day in the life of American children, 63 babies die before they are 1 month old. One day in the life of American children, 101 babies die before their first birthday. One day in the life of American children, 145 babies are born at very low birthweight, less than 5.5 pounds—yet the House of Representatives yesterday voted to block grant and cut Women, Infants and Children programs. Cut nutrition programs—that was the vote in the House yesterday.

One day in the life of American children, 636 babies are born to women who had late or no prenatal care. One day in the life of American children, 1,234 children run away from home. One day in the life of American children, 2,868 babies are born into poverty. One day in the life of American children, 7,945 children are reported abused or neglected. One day in the life of American children, 100,000 children are homeless.

I hope my colleagues are not bored by these statistics. These are real people. These are children in the United States of America. These children, all of these children, are our children.

Moments in America for children? Every 35 seconds a child drops out of school in America. Every 30 seconds, a child is born into poverty, every 30 seconds a child is born into poverty. Every 2 minutes a child is born low birth weight. Every 2 minutes a child is born to a woman who had no prenatal care. Every 4 minutes a child is arrested for alcohol-related crime. Every 7 minutes a child is arrested for drug-related crime. I have given this figure before: Every 2 hours a child is murdered and every 4 hours a child takes his or her life in the United States of America.

Mr. President, I received a letter from Ona. I do not use last names because I never know whether citizens want to have their names used or not. Ona is 8.

> My name is Ona and I go to public school and I'm 8. My class has 26 kids in it and only three of them, Iman, Jasmin, and me bring lunches to school. Twenty-three kids in my class depend on the school lunch and now you want to cut those programs. Which do you think is more important, cutting the debt or having poor helpless children having nothing to eat? Senator, that's not right because almost my entire class depends on school breakfast and school lunch, and if you cut these programs they will starve. How do they explain to a starving child, oh, we are cutting the debt. It will be good for you.

She is 8 years old. How come my colleagues do not get this?

> How do they explain to a starving child, oh, we are cutting the debt. It will be good

> for you. Life is already hard enough for us with pollution, crime and disease. I hope you change your mind.

Ona, you do not have to ask me to change my mind. And she is so right.

Some of my colleagues say this is just a scare tactic. Prove me wrong. I will give you a chance at 3 o'clock today to prove me wrong. "This is just a scare tactic." Who is kidding whom? Look at the headlines:

"House Panels Vote Social Funding Cuts."

"Republicans Trim Nutrition, Housing."

Washington Post, front page story:

> House Republicans, wielding their budget-cutting axes more forcefully than at any time since taking power, yesterday proposed slashing some $5.2 billion of spending approved by previous Democratic Congresses * * *.
>
> Included in the lengthy list of cuts voted out by five appropriations subcommittees during a hectic day of meetings were rural housing loans, nutrition programs for children and pregnant women * * *.

Let me repeat:

> * * * nutrition programs for children and pregnant women, spending on urban parks, and assistance to the poor and elderly for protecting their homes against the cold.

That is right. They want to eliminate LIHEAP, Low-Income Home Energy Assistance Program. I have spent time with families in Minnesota—it is a cold weather State—who depend on LIHEAP. You are going to cut their energy assistance so they have a choice between heat or eat?

It is time to get a little bit more real with people in this country about what this agenda translates into. Another headline, "House Panel Moves To Cut Federal Child Care, School Lunch Funds." Washington Post, Thursday, February 23, 1995.

I have been saying that this would happen from the beginning of the session and I have had people on the other side of the aisle say we are not going to do that. "We care as much about children as you do." Prove me wrong. You get a chance to vote on this today.

The article reads:

> After a full day of beating back Democratic amendments to restore the programs or soften their impact on welfare recipients, Chairman William Goodling said his committee will complete work today on a bill that will abolish the school breakfast, lunch and other nutrition programs for women and children and replace them with a block grant to the States.
>
> The Republican measure would freeze the amount of money given to States for child care at $1.94 billion a year, the current level. Representative George Miller [who is right] charged that because the number of needy children is expected to increase, the freeze would cut off child payments for more than 377,000 children in the year 2000.
>
> By contrast, funding for the school lunch and nutrition programs would be allowed to grow by $1.87 billion over 5 years. But committee Democrats said this was grossly inadequate and would fall $5 to $7 billion short of what is needed.

It is block granted but it is bait and switch. It is block granted with cuts and, in addition, it is no longer an entitlement. So during more difficult times such as recession, if there are additional children who now need the assistance, those who are receiving assistance will have their assistance cut or some will be cut off the support. It is simple.

"House Moves To Cut Federal Child Care, School Lunch Funds."

"House Panels Vote Social Funding Cuts, Republicans Trim Nutrition, Housing."

Including the Women, Infants, and Children Program.

I have had some colleagues say to me this is just a scare tactic. But it is not. Because this is precisely where the cuts are taking place.

Mr. President, may I have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend until the Sergeant at Arms has restored order in the galleries, please.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I wish that I did not have to come to the floor with this motion.

I wish that this was not real. But the evidence is crystal clear. All you have to do is look at the state of children in America today. They are the most vulnerable citizens, the most poor. I am just saying to my colleague, can we not go on record that we are not going to pass any legislation or make any cuts that will increase hunger among children?

Then I look at what has happened on the House side. They are cutting nutrition programs—cutting nutrition programs—the very thing that my colleagues over here said we will not do. And what people now say is do not worry about the House. The U.S. Senate is a different body, and it is. We are more deliberative. We do not ram things through. We are more careful. But now what I have to say to some of my colleagues is two or three times I have come to this floor and asked you to please go on record that we will not do anything that would increase hunger or homelessness among children. And each time, you voted no.

Mr. President, The Children's Defense Fund that reported on where this balanced budget amendment will take us—I do not have the chart I usually have with me. But, roughly speaking, if you include in this package the baseline CBO projections plus tax cuts, which do not make a lot of sense when you are trying to do deficit reduction, broad-based tax cuts, plus increases in the Pentagon budget, it is about $1.3 trillion that needs to be cut between now and the year 2002.

Mr. President, if Social Security is off the table—and it should be—if you are going to have to pay the interest on the debt and if military spending is going up, then it is pretty clear what is left. When you look at what has been taken off the table and what has been left on the table, it is crystal clear that you are going to have to have, about 30-percent cuts across the board. It may be that veterans programs will not be cut 30 percent. I hope not. But you basically have higher education; you have Medicare and Medicaid; you have veterans; and you have these low-income children's programs.

Yesterday in the House, they are talking about cutting the Women, Infants, and Children Program, and the school lunch program. They are talking about eliminating the low-income energy assistance program. That is for low-income people in cold-weather States like Minnesota. I visited with those families. These issues are real to them.

But when Senator FEINGOLD and I came out on the floor of the Senate last week, and we had a very reasonable motion, that the Senate would go on record through the Budget Committee that we will consider $425 billion of tax expenditures, many of them loopholes, deductions and outright dodges for the largest corporations and financial institutions in America, they voted it down.

So I understand what the Children's Defense Fund understands, that on present legislative course, this is where we are heading: By year 2002, 7.5 million children lose federally subsidized lunches, 6.6 million children lose their health care through Medicaid, 3 million children lose food stamps, and 2 million young children and mothers lose nutritional assistance through the WIC program. This is a very destructive way to ensure that our children are not burdened by debt.

May I repeat that? This is a very destructive way of assuring that our children will not be burdened by debt, to cut into the very nutrition programs that benefit children right now who are so vulnerable in the United States of America, all for the sake of making sure that our children in the future are not burdened by debt.

I wish my colleagues were as concerned about the children right now as they are about the children in the future.

Mr. President, I might ask the Chair how much time I have remaining.

The PRESIDING OFFICER. The Senator from Minnesota has approximately 20 minutes remaining.

Mr. WELLSTONE. I thank the Chair.

Mr. President, if the Senator from Utah is interested in responding, then I will yield the floor for a moment and reserve the rest of my time.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague.

Mr. President, I ask unanimous consent that Senator BYRD be recognized to call up his amendment No. 301 following the remarks of Senator HOLLINGS today, and that time prior to a motion to table be limited to the following: 45 minutes under the control of Senator BYRD, 30 minutes under the control of Senator HATCH, and that following the conclusion or yielding back of the time, the majority leader or his designee be recognized to make a motion to table the Byrd amendment, and that vote occur in the stacked sequence beginning at 3 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATCH. I thank you, Mr. President. I thank my colleague from Minnesota.

Mr. President, we are now—let me take a few minutes—in our 25th day since this amendment was brought to the floor. Twenty-five days have expired since we started debating the balanced budget amendment. As you can see, I have added one more day, the 25th. This red line all the way from there over to here happens to be the baseline of $4.8 trillion, which is our national debt. It is $18,500 for every man, woman, and child in America, plus it is going up every day. Each day that we have debated this balanced budget amendment, I just want the American people to understand that our national debt has gone up $829 billion. We are now in the 25th day, and our national debt has been increased since we began this debate $2.736 billion.

I do not care who you are. You have to draw the analogy between Rome under Nero, as he fiddled while Rome burned. Fortunately, we do have a vote next Tuesday. We will decide this one way or the other, whether we are going to put a mechanism into the Constitution that will force Members of Congress to at least look at these details and do something about it. We will make it more difficult for them to spend more and to take more. It does not stop them, but it certainly makes it more difficult.

What I have to say is that predicted opponents of the balanced budget amendment are trotting out a series of sympathetic Government beneficiaries and attempting either to exempt them from the balanced budget amendment or use them to argue against not just the amendment but indeed against balancing the budget at all.

Mr. WELLSTONE. Mr. President, will the Senator yield?

Mr. HATCH. Yes.

Mr. WELLSTONE. The Senator understands that this is a motion. It is not an amendment to the constitutional amendment to balance the budget. This has no linkage. This is simply a sense-of-the-Senate to the Budget Committee that when it comes to balancing the budget, we will go on record that we will not increase the number of hungry and homeless children. That is all this motion says.

The Senator speaks to that, and that is why I asked the question.

Mr. HATCH. I understand. This motion, in my opinion, is just another in a parade of exemptions which the opponents of the balanced budget amendment have tried to tack on. I know the Senator is sincere. I have worked with him ever since he has been here. He has a great deal of sincerity with regard to the people who are in difficulty and have difficulty, and especially the homeless. But I think, in that sense, it is just as inappropriate as the other motions that have been brought to the Senate.

Mr. WELLSTONE. Will the Senator yield?

Mr. HATCH. Yes, I will be happy to yield.

Mr. WELLSTONE. Mr. President, does the Senator understand that this is not an amendment to the constitutional amendment and, in that sense, it is not an exemption? It just simply asks us to go on record, through the Budget Committee, that we will not do anything that would increase more hunger or homelessness among children. Does the Senator understand that?

Mr. HATCH. I do.

Mr. WELLSTONE. That is all I am asking.

Could the Senator tell me, does the Senator know, during this period of time, how many more hungry or homeless children there have been in the United States of America?

Mr. HATCH. I do not think anybody fully knows.

Mr. WELLSTONE. But is it not interesting that we do not know what we do not want to know. Why do we not know?

Mr. HATCH. I disagree with the Senator that I do not want to know. I think the Senator knows my whole career has been spent helping those who are less fortunate.

Mr. WELLSTONE. The Senator does. I certainly do understand that. That is why I asked the Senator from Utah, who is probably one of the Senators I consider to be a really good friend.

Let me ask the Senator, why is this an unreasonable proposition, given the headline "Republicans Trim Nutrition, Housing," what is going on on the House side right now, and given the fear of so many of the people that are working down in the trenches with children, that we both admire, about where these cuts are going to take place?

This is not an amendment to the constitutional amendment. This is just a sense of the Senate. Why is it so unreasonable, since we will have the vote on Tuesday—no more delay—why is it so unreasonable for me to ask the Senate to go on record that we will not make any cuts that will increase hunger or homelessness among children? Why does the Senator from Utah not support this, since he cares about this certainly as much as I do, and others?

(Mr. KEMPTHORNE assumed the chair.)

Mr. HATCH. Let me try to answer the Senator.

Mr. President, the Founders gave Congress the power to spend money. They did not go on record as being opposed to action which would increase the number of homeless children or any other budget policy issue. They understood that the Constitution establishes the processes and the procedures under which our Government operates or would operate from that point on. Which policy choices may be made under those procedures do not belong in the discussion of the great principles of our Constitution.

We are talking about a constitutional amendment that could save our country, because our country, as we can easily see, is going more and more into debt to the point where interest against the national debt is now consuming 50 percent of all personal income taxes paid every year.

Now, I know my colleague is concerned about the homeless—so am I—and so many others, from child care right on through to people with AIDS.

I testified yesterday in favor of the Kennedy-Hatch Ryan White bill, which, of course, provides money for the cities with hardcore AIDS problems. So I feel very deeply about these issues.

But I feel very deeply that those moneys are not going to be there if we keep running this country into bankruptcy. And if we think we have homeless people now, wait until you see what happens as that interest keeps going to the point where it consumes all of our personal income taxes. It is now consuming half of the personal income taxes paid in America today. We are going up, as this balanced budget amendment debt tracker shows, as this debate continues. We are already up to $20 billion, almost $21 billion, in the 25 days that we have debated this amendment.

Now, Mr. President, I am concerned about it. Of course, we will do what we think is best for the children of America and for the homeless of America. But the least thing we can do for them is to pass the balanced budget amendment so they have a future, so that Members of Congress, most of whom are altruistic and want to do good for people, have to live within certain means, have to live within the means of this country.

You know, if you think about it, if we pass the balanced budget amendment, then I think we will have an answer to the question why a child born today will pay an extra $100,000 in taxes over his or her lifetime for the debt that is being projected to accumulate in just the first 18 years of that child's life. And there will be another $5,000 in taxes for every additional $200 billion deficit.

Mr. President, our President has sent us a budget that for the next 12 years projects $200 billion deficits a year. That is billion, with a "b." Every year that happens, these children's taxes will go up $5,000 more. They will become more tax debt owing, $5,000 more for each year there is a $200 billion deficit. So if it is 12 years, that is $60,000 more on top of the current $100,000 they are going to be saddled with because of the way we have been handling situations.

Mr. President, most Government programs have beneficiaries with some political popularity or power or attractiveness. And that is why they receive benefits in the first place. But this kind of thinking, that we should spend for these worthy beneficiaries whether we have the money or not, is precisely why we have the colossal national debt that we do.

And I am just pointing to the balanced budget amendment debt tracker, which just shows the 25 days of increased debt, $21 billion so far.

The power of the tax spenders has always been built on appealing to an attractive, narrow interest and that power has always outweighed the more diffused interest of the taxpayers and of our children, who cannot yet vote whose moneys we are spending in advance.

Mr. President, this is business as usual, and it is what the balanced budget amendment is designed to end. The purpose of the balanced budget amendment is to ensure that Congress takes into account increased taxes, stagnant wages, higher interest rates, and the insurmountable debt that we will leave to our children if we keep spending the money that we do not have.

The parade of special interest groups embodied by so many of the amendments which have been offered against this balanced budget amendment, including this one, is to take the focus off our children's future and put it on the short-term interest of another, perhaps worthy, special interest group. There are thousands of special interest groups in our country. I wish we had enough money to take care of all of them and to do it in a way that would give them dignity and would help them to find their own way, would empower them to be able to make something of their lives. There is no question that all of us want to do that.

But we are never going to do it—we are going to have more homeless, we are going to have more children bereft of what they need, we are going to have less of a future for them—if we do not pass this balanced budget amendment and get this spending under control.

Make no mistake, those who keep bringing up these amendments for special interest groups, who are needy and whom we all want to help, in order to kill this amendment by 1,000 cuts, I think their efforts ought to be rejected. And that does not mean that they are not sincere or they are not good people or they are not trying to do their best.

I find no fault with my friend from Minnesota in worrying about those who are homeless. I do, too. But if we are really worried about them, then let us get this country's spending practices under control so that this country's economy is strong so we can help them. I am willing to do that, and I have a reputation around here for trying.

I think the Senate should get on with its business of weighing each of the interests presented to make choices among all the worthy programs within the constraints of the revenues we are willing to raise, like reasonable economic actors.

Our problem today is, because we do not have a balanced budget amendment, people do not care how much they spend of the future of our children. They can feel very good toward themselves that they are compassionate and considerate of those who need help. But what they do not tell is the other side of that coin—that all of us are going to need help in the future if this country's economy becomes less than what it is, and it has no other way to go if we do not start getting our spending under control.

So I suggest that, in spite of the sincerity of my friend from Minnesota, we vote down this amendment, as we have had to do, in order to preserve this concept of a balanced budget in the Constitution.

This is our last chance. This is the first time in history, the first time in history, that the House of Representatives has had the guts, as a collective body, to get a two-thirds vote—which is very, very difficult to do—to pass the balanced budget amendment.

The reason they have is because of the budget-courageous Democrats and Republicans who decided the country is more important than any special interest. And that we have to get the country under control and spending practices under control if we are really going to help the special interests, many of whom are worthy interests.

On the one hand, I commend the distinguished Senator for his compassion and his desire to help people. On the other hand, I have difficulties with those who have brought up these amendments because every one of these amendments would make the balanced budget amendment less important.

I reserve the balance of my time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I find the remarks of my good friend from Utah to be very important. I want to come back to a couple of basic points because I really believe that the vote on this motion is a real moment of truth here.

First of all, Mr. President, this is not an amendment to the constitutional amendment to balance the budget. That is not what they are voting on.

This motion just says that we go on record we will not take any action which will increase the number of hungry or homeless children. It is that simple. I did not say we should balance the budget. I did not say we should not have serious deficit reduction. We have to make choices. It is a question of whether there is a standard of fairness. I want the Senate to go on record.

Second of all, Mr. President, my colleague from Utah talked all about the Constitution, and therefore this is no place for a discussion of hunger and homelessness among children, because it is a different order of question. I might remind my colleague that the Preamble of the Constitution says: "We, the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare." I would think that children are a part of how we promote the general welfare. Do not tell me that being on the floor of the Senate and talking about children does not have anything to do with the founding documents of our Nation. We talk about promoting the general welfare, I assume that includes children.

The third point, Mr. President, I heard my colleague use the words "special interest" more than once. Children are special interests. We are all for the future, and we are all talking about we want to make sure that our children and grandchildren do not have to carry this debt. How about the children now?

Now, Mr. President, I do not have such a fancy chart but the facts remain. Every 5 seconds a student drops out of school; every 30 seconds, a baby is born into poverty; every 2 minutes a baby is born at low birthweight; every 2 minutes a baby is born to a mother who had no prenatal care; every 4 minutes a child is arrested for an alcohol-related crime; every 5 minutes a child is arrested for a violent crime; every 7 minutes a child is arrested for a drug crime; every 2 hours a child is murdered; every 4 hours a child commits suicide.

I spoke about 100,000 homeless and 5 million hungry children earlier.

I hear my colleague talking about our generosity. We cannot talk about our generosity. We have abandoned many children in the United States of America. I might add we devalued the work of many adults that work with those children. That is what these statistics say. And now, rather than investing more in our children, we are cutting programs.

Three children die from child abuse; 1 day, 9 children are murdered; 1 day, 63 babies die before they are one month old; 1 day, 101 babies die before their first birthday; 1 day, 145 babies are born at very low birthweight. And I can go on and on.

Mr. President, why do we not juxtapose these figures, these statistics about children in America today, with the headlines in the Washington Post, "House Panels Vote Special Funding Cuts, Republicans Trim Nutrition, Housing"; "House Panel Moves To Cut Federal Child Care, School Lunch Funds." I do not really think my colleagues can have it both ways.

Let me get right down to the essence of this motion. We have these figures. We have the Children's Defense Fund which has been the organization most down in the trenches with children. I have State-by-State variations. I could read from every State—Idaho, Minnesota, Utah—about the projected cuts, because we know there will be cuts in these programs. We have to cut somewhere.

Now, I came on to the floor of the Senate during the Congressional Accountability Act, and I had an amendment that came from Minnesota that essentially said before we send the balanced budget amendment to the States, let Senators lay out where we will be making the cuts. It was voted down. The minority leader, Senator DASCHLE, had a similar amendment. It was voted down.

My colleagues will not specify where they will make the cuts, but when Senator FEINGOLD and I said how about oil company subsidies, pharmaceutical subsidies, or $425 billion in tax holes, loopholes, deductions, and sometimes outright dodges, would we consider that in how we would balance the budget? No. That was the vote.

My colleague from Utah says we have to make difficult choices. That is true. I am for cutting the Pentagon budget. I do not think military contractors are in a position where they cannot afford to tighten their belt. They are not being asked to tighten their belt. Nor are we going after tax dodges and loopholes and deductions, and we have a bidding war on tax cuts. So there we have $1.3 trillion. We will not specify where we make the cuts, but we know what is left.

I am saying to my colleagues, we cannot have it both ways. Do not, one more time on the floor of the U.S. Senate, say to me or say to children in this country, that this is just a scare tactic. I wish it were just a scare tactic. Or this is just a political strategy to get people on record.

What I am saying to my colleagues is, is it too much to ask that we go on record saying to our Budget Committee, as we go forward with deficit reduction and as we go forward to balancing the budget which we are all for one way or the other, we go on record, we are not going to do anything that will increase hunger, homelessness among children? Know why my colleagues will not vote for this Mr. President? Because that is what we are going to do.

The reason my colleagues will not vote for this is because that is precisely what we are going to do.

I do not understand for the life of me why I cannot get the U.S. Senate on record on this very fundamental basic question. We cannot go forward with deficit reduction. I do not want to let colleagues say he is just doing this motion because he is not in favor of deficit reduction. That is not true. I voted for huge deficit reduction. I want to see all sorts of cuts. I would like to see the oil companies tighten their belt. I do not hear anything about that. But, no, I do not want to see the most vulnerable citizens being hurt.

Mr. President, I have heard a couple of colleagues talk about the last election. And the people voted for change. People voted for change, but not this kind of change. There is too much goodness in the United States of America to cut nutrition programs and school lunch programs and child care programs, all in the name of deficit reduction. That is not where people in the United States of America want to see the cuts. My colleagues need to understand that.

So, Mr. President, I come out here determined because I have a real sense of trepidation. I know what is going to happen with these programs. I know the majority leader was out on the floor saying we care as much about children as the Senator from Minnesota. I know my colleague from Utah says that.

I now say prove me wrong. Prove now this afternoon that this is just a scare tactic. I want to be wrong. Prove this afternoon that this is just some political strategy. Let us go on record, Democrats and Republicans alike, that we are serious about deficit reduction, we are serious about balancing the budget, because I think we all are. And what we are going to do is go on record this afternoon, not with an amendment to this constitutional amendment—that is not what this is. This is just simply a motion to go on record that when we make these cuts, we are not going to do anything to increase hunger or homelessness among children. I do not understand why I cannot get 100 votes for it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, if the Senator from Utah is finished with his remarks, I will be pleased to yield him some of my time if he needs it, or I will yield back my time.

Mr. HATCH. I will be happy to agree to that, to yield back time on both sides. And then the votes are to be stacked, as I understand it, beginning at 3.

The PRESIDING OFFICER. The vote is scheduled to occur at 3 o'clock.

Mr. HATCH. Then I yield back the remainder of my time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATCH. Mr. President, is it appropriate for me to table and ask for the yeas and nays with the understanding that the vote not occur until 3, or should we just wait until then?

The PRESIDING OFFICER. First we must announce the result of the request for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I move to table the amendment and ask for the yeas and nays, with the understanding that it will not be voted upon until 3 o'clock.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur beginning at 3 o'clock today.

Mr. WELLSTONE. For a few moments, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, while we are waiting for the next amendment, let me just say a few words about the impact of the deficit on the average American.

We need to stop talking and start working on getting our fiscal house in order by passing the balanced budget amendment and working together to balance the budget.

The American people want and need us to do this. Our large national debts and the yearly deficits that help it grow hurt real people, average working people all over the country—everybody. Continuing down the path we are on will only make matters worse for all of us and all of our children and grandchildren.

Recently, the Washington Post ran an article by James Glassman, who I believe did an excellent job of stating in an understandable way how and why the deficit hurts the average working American. He called his discussion the

"Plain English Guide to the Federal Budget," and it began with the sage assertion that "big deficits can make you poor."

That is it in a nutshell, Mr. President. For all of those of you who are listening to the debate, you should know this and tell your Senators that you want them to pass the balanced budget amendment to stop making you poor. "Big deficits can make you poor." Mr. Glassman explained, "they tend to retard the growth of the private sector, raise interest rates, and weaken our economy."

That is exactly why we need the balanced budget amendment, because Congress' fiscal madness is destroying the ability of the working American to make enough money to survive.

Every year, hard-working Americans pay the price for our profligacy. The tax foundation has calculated that in 1994, the average American worked from January 1 to May 5 just to pay his or her taxes. They did not get to keep 1 cent of the money they earned until May 6. Put another way, in an 8-hour work day, the average American works the first 2 hours 45 minutes just to pay his or her taxes. This is bad enough but that is not the end of the story.

The increasing Federal debt will force us to raise taxes to astronomical rates just to keep the country solvent. The National Taxpayers Union has estimated that a child born today will pay on average $100,000 in extra taxes over the course of his or her lifetime just to pay for the interest on the national debt which accumulates during the first 18 years of that child's life. Just think, by the time a child becomes old enough to vote, there will already be a $100,000 tax bill looming on his or her horizon if we do not get it under control, and that is only to pay the interest on the debt accumulated in that child's first 18 years.

The National Taxpayers Union has also determined that for every year we endure another $200 billion deficit, it costs the average child over $5,000 in additional taxes over his or her lifetime—every year we do that. Mr. President, the budget submitted by President Clinton, as I have said earlier, projects $200 billion deficits for each of the next 5 years, actually each of the next 12 years. By conceding defeat on deficit reduction, President Clinton is condemning every child in America just over the next 5 years to an additional $25,000 in extra taxes—in that child's next 5 years.

When a child born this year is 10 years old, in fiscal year 2005, the CBO's conservative projections show that the deficit will top $400 billion, more than twice today's levels. That year alone, this child will be socked with a $10,000 tax bill just to pay interest on the deficit—that year alone. The debt will reach nearly $6.8 trillion or 58 percent of our GDP. Now, that is the CBO, the Congressional Budget Office, Economic and Budget Outlook for fiscal year 1996 to the year 2000.

But the bad news about the debt does not end there either. The Competitiveness Policy Council has shown that the rising budget deficits have led to a 15 percent decline in real wages in the last 15 years, and the National Taxpayers Union has further calculated that in the next 45 years, unless we get our spending under control, after-tax incomes will rise over the total 45 years by a cumulative meager $125. That is all we will gain over 45 years is another $125.

Mr. President, these deficits are strangling middle-class Americans throughout our country. How can people be expected to bear the burden of stagnating wages and higher tax bills and rates? We simply cannot continue blindly down this road to economic oblivion.

Why act now? Why? Because so much is riding on our vote. Next Tuesday, this is going to be the most important vote in the eyes of many in this century.

If we do not act, just think of the fate we are leaving to our future generations. As Senator DASCHLE said last Congress when he voted in favor of the balanced budget amendment, "We are leaving a legacy of debt for our children and grandchildren."

Every child born in America today comes into this world, as I have said, over $18,500 in debt. That is what they are born with, and that is growing.

In President Clinton's fiscal year 1995 budget, it was estimated that for children born in 1993, the lifetime net tax rate will be 82 percent. The net tax rate is the estimate of taxes paid to the Government less transfers received, if the Government's total spending is not reduced from its projected path and if we do not pay more than projected. The 82-percent figure for our children stands in stark contrast to the 29 percent net tax rate for the generations of Americans born in the 1920's and the 34.4-percent net tax rate for the generation born in the 1960's. Now, that comes right out of the Clinton administration 1995 budget generational forecasting. That is this administration.

It took our Nation 205 years, from 1776 to 1981, to reach a $1 trillion national debt. It took only 11 years to quadruple that figure. Today, the national debt stands at more than $4.8 trillion. Citizens of other nations, like Argentina, Canada, and Italy, have faced stagnant and lower living standards when their governments ran up huge debts. Our future generations face higher interest rates, less affordable housing, fewer jobs, lower wages, and a loss of economic sovereignty.

Now, we must get Government spending under control. The only way to do that is to change the way Congress does business with a permanent unavoidable rule. That rule will be the balanced budget amendment that we are debating here—bipartisan consensus, Democrat-Republican amendment. It will force Congress to consider the costs as well as the benefits of every program in the Federal Government. We will lower the unbelievable amount of Government spending and bring the deficit under control.

All other attempts to balance the budget have failed and failed miserably. We went through all of the statutes that we have tried to use. Every one of them has failed. Every year the debt grows relentlessly, sapping the life out of the American economy as it does. Under the President's latest plan, the debt will grow another $1 trillion in the next 5 years. This is not an attempt to reduce the deficit. It is a recognition that unless we change the budget process to eliminate Congress' spending bias, it is impossible to reduce the deficit.

Mr. President, we now have the opportunity to make a historic change. We can pass the balanced budget amendment and preserve the future for our children, our grandchildren, and this country. So I urge my colleagues to support the balanced budget amendment so that we and our children will have a prosperous tomorrow. As we have said, every day while we talk about the debt, we leave our children and our grandchildren in debt a shocking amount, $829 million each day. This must end and it must end soon.

Mr. President, let us stop talking and start acting to bring this country to fiscal sanity. Let us pass the balanced budget amendment and send it to the States for ratification and get along on this business of balancing the budget.

In just the 25 days we have been debating this amendment, our national debt has gone up almost $21 billion, and it is going up every day right on through February 28. I am hoping there will be a liberation day February 28 when this balanced budget amendment passes, and it will be the beginning of liberation and freedom, more freedom than ever before because it will mean that Congress will have to get spending under control and live within its means over a period of time. This balanced budget amendment will be the mechanism by which we will get Congress to do that which it should have been doing all of these years.

We have only balanced the budget once in the last 36 years, and I suggest, Mr. President, that this is our time to really strike out and do what is right and liberate Americans from the crushing burden of national debt and these deficits that occur every year.

I notice the distinguished Senator from Minnesota is prepared to go ahead, so I will yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I will shortly call up my motion. I, first of all, just want, in the debate time we have, to respond to some of the words of my colleague from Utah.

Mr. President, as far as liberating the people of this country, we have, roughly speaking, a CBO baseline of $1 trillion plus we have to cut to reach a balanced budget by the year 2002. Then for reasons that escape me, there have been proposals to raise the military budget by some $82 billion over 5 years plus—not cut, increase. Then in addition—all of it has to do with, I guess, political popularity—there has been a bidding war on tax cuts. So what we are saying to people is we are going to balance the budget by 2002, but we are going to increase the Pentagon budget and, by the way, one of the ways we can balance the budget is by cutting your taxes more.

That is pretty amazing. But, by the way, Mr. President, this is a foolproof formula for political success in the very short term. That is to say, we can say to people in the country, "We call on you to sacrifice. What we would like for you to sacrifice by way of deficit reduction is to let us cut your taxes further." It is not surprising people say we would be pleased to make that sacrifice. Of course, it does not work out that way. That adds to the deficit.

So when I hear my colleague talk about liberating people, I want to be clear. This is the credibility gap. We have heard on the other side of the aisle, roughly speaking, about $277 billion of budget cuts, to reach $1.481 trillion worth of cuts. That is a pretty huge credibility gap. Over and over again some of us have tried to get everybody to be honest and straightforward about where these cuts are going to take place. For a while at least a good many of us talked about how our State legislatures should know what cuts are going to be made. I was on the floor with a resolution that came from my State. The State wanted to know how these cuts would impact Minnesota. We talked about: Legislatures should know, people in the country should know. But we do not know. We are voting for this balanced budget amendment without our own Budget Committee laying out any kind of projections.

The reason I mention all this is that people may agree in the abstract but not in the specifics. For example, we have no separation of capital budget from operating budget. My family does not cash-flow our mortgage. We do not cash-flow the car we buy. Families separate capital budgets from operating budgets. Over 40 legislatures do but we do not.

Then in addition we were not willing to specify where the cuts would take place. We were not willing to take Social Security off the table in terms of what might be considered deficit reduction. And we are going to raise the Pentagon budget. And we are going to have tax cuts. And we do not want to touch any of the subsidies that go to large oil companies or all the rest.

We will see whether people feel liberated. I guess the way we are going to get from $277 billion to $1.481 trillion is to cut Federal child care, school lunch programs, and to cut child nutrition programs. By the way, that is not what people in the country are for. There are a whole lot of other choices we can make instead. So I just want to remind my colleagues I think it is not so simple as it seems.

MOTION TO REFER

Mr. WELLSTONE. Mr. President, I now call up my motion No. 2, which has been previously filed and is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Minnesota [Mr. WELLSTONE] moves to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and at the earliest date possible, to issue a report, the text of which shall be as follows:
>
> "It is the sense of the Committee that in enacting the policy changes necessary to achieve the more than $1 trillion in deficit reduction necessary to achieve a balanced budget, Congress should take no action which would result in significant reductions in assistance to students who want an opportunity to attend college."

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this is not an amendment to the constitutional amendment. This has nothing to do with the vote Tuesday. It is not linked to this constitutional amendment, but it does make it clear that the Senate should go on record that we will take no action that will result in significant reductions in assistance to students who want the opportunity to attend college.

Just yesterday the House Appropriations Subcommittee for Labor-HHS slashed a student aid grant program, an education program for dropouts and homeless people, and the vocational education grant program. Please remember all those who signed the Contract With America have signed a document that says they intend to support cuts in student aid.

This motion really comes from my own background as a college teacher. So many of us talk about the importance of doing a good job of representing the middle class. My prior amendment dealt with hungry and homeless children. I think they are a very special interest. They do not have a lot of people lobbying for them here. But now I really am talking about the middle class. I would just like to say to my colleagues, there really is nothing more important that we could do to do well for the people we represent, including middle-class people, than to make sure, through good public policy, that higher education is affordable.

What this amendment says is we go on record we are not going to take any action that will result in reductions in assistance to students who want an opportunity to attend college. I do not think that is too much to ask.

I was a college teacher for 20 years and I had an opportunity teaching—I guess you could say 5 generations of students. You know, you count them 4 years at a time. I had an opportunity to see how a spark of learning, if ignited, can take a student from any background to a life of creativity and accomplishment. The worst thing we could do would be to pour cold water on that spark.

We always talk about higher education as key to a successful economy, to a literate, high morale, trained work force. That is true. I also think John Dewey, the great educational philosopher, was right that higher education, for that matter K–12 education, is critical to representative democracy because we have to have men and women who can think on their own two feet, who have conceptual tools that they can use to understand the world that they live in and who understand the courses of action that are available to them to contribute to our country and to their communities.

But if you talk to families in Idaho or Minnesota or Utah or Wyoming, I know that listed among their top three concerns is how are we going to be able to send our sons and daughters on to college? I want to be very clear. I spend a lot of time on campuses and all too often I will meet students who sell their plasma at the beginning of the semester to buy a textbook. Let me repeat that. All too often I meet students who sell plasma at the beginning of the semester to buy their textbooks. All too often I meet students who are working 40 hours a week while going to school—that is not uncommon. That is why it takes many students 6 years to complete their undergraduate work rather than 4 years.

I think the nontraditional students have become the traditional students. Students are no longer out of the "Brady Bunch." They are no longer 19 years of age and living in the dorm. I think almost the majority of students are older, they have gone back to school, many of them are single parents, many of them have children. It is terribly important that we go on record that we will not take any action that could result in significant reduction to assistance to students who want an opportunity to attend college.

I do not think that is too much to ask.

I remember a gathering at Moorhead State, Moorhead, MN. A student said to me, in front of everyone, "You know, my mother and father, they told me that the college years would be the best years of my life."

Then he looked at a really crowded forum. He looked at everybody, and he hesitated, and he said, "These are not the best years of my life. I am working three minimum-wage jobs, 40 hours a week, and trying to go to school. These don't feel like the best years of my life." This whole question of how we make higher education affordable is key to what our Nation is all about, which is a nation of opportunity for every person from every background.

The total cost of attending a 4-year public institution averages about $7,600 a year. The average cost to go to a 4-year private institution is around $16,000 a year. Tuition alone has increased more than 120 percent over the last 10 years.

Mr. President, today I am going to be formally requesting of the General Accounting Office that they do a study of the increase in tuition costs, the magnitude of it, and the way it affects our young people, or not so young people.

At this cost, higher education is out of reach for many middle-class families. For the 1993–94 academic year, students borrowed a record amount, $23 billion, from federally guaranteed loan programs, and the average loan exceeded $2,700 annually. By the way, understand that because the whole ratio of grants to loans has shifted to the loans, students graduate in enormous debt when they are getting ready to start out their life.

I feel very, very lucky. It was just a matter of accident of when I was born that I was able to go to the University of North Carolina. Above and beyond wrestling, and I think I had some academic scholarship, I was able to receive a National Defense Act low-interest loan because I was going to go into education. I did not graduate saddled with that kind of debt. But that is not the case today.

Krista—I will not use her last name—is a sophomore who will be graduating from community college and going to Mankato State University to get a B.A. She is 24 years old and married. She writes:

> I do not receive State or Federal grants, nor do I receive any scholarships. In order to pay for my 2 years at a community college, I had to take out over $5,000 in student loans. Last year, I was receiving help through the State Work-Study Program. When that was cut, I suffered again. I realize that part of education is receiving some debt and that it should not be a free ride. But neither should it be a weight tied around my neck. So I ask that whatever decision you make, you consider that many students like myself are choking with this weight.

Congress should go on record. We will not do anything that will result in significant reductions to students who want an opportunity to attend college. Is that too much to ask; that we go on record on this basic question that affects a huge, broad section of the population?

As I said earlier, the typical student these days is not the Brady Bunch kid who graduates from high school and goes straight on to college: 45 percent of the student bodies these days are over 25 years of age; 45 percent of the students are over 25 years old. In fact, nearly 20 percent of all students are older than 35, and many of them are single parents.

Mr. President, many of them are students of color. And by the way, we want to talk about, with welfare reform, single parents being able to be on their own and going to school.

It has to be affordable. We cannot be cutting these grant programs and low-interest loan programs. But we are going to. You bet we are going to, because there is no other way we can get to $1.481 trillion by 2002. We know it. I hear discussion about we want to take this debt burden off the shoulders of the young. What are we doing to the young right now?

Denise, from a suburb of Minneapolis, writes:

> I am a 29-year-old single parent, currently enrolled as a junior at the University of Minnesota. Because of the excellent support of financial aid and other programs, I have been successfully maintaining a 3.76 GPA.

That is pretty good. That is out of 4.0.

> Before returning to school, from the time my son was 6 weeks old, I worked as a medical assistant making $9 an hour. Without the needed assistance, the rug would be pulled out from under me. I cannot make it otherwise. Don't cut grant and loan assistance that would deny me my opportunity to pursue my higher education and my dream in life, Senators.

That is what Denise writes.

Sandra, from St. Louis Park, another suburb:

> I am devastated at the idea of any financial aid cuts. Not only would I need to drop out of college—I am a sophomore—but it would leave me with only two options. First, I could obtain an entry-level position; second, I could remain a public assistance recipient for awhile. At any rate, the best I could do for myself and my son in society is to maintain at the below-poverty level.
>
> I faced these obstacles after a miserable divorce, which left me without home or money or even credit to plan for the future. I have goals not only for myself, but to be allowed to contribute and replace whatever I have used. By the time I graduate in 1997, I will be financially independent. Likewise, I am setting an example for my son to achieve independence and pride, which are invaluable to our society.

Sandra is saying to us: Senators, please, when you do your deficit reduction, and I want you to, and you go to balance the budget, whether this amendment is passed, please do not make any significant reductions in higher education programs that would deny me my opportunity to attend college.

Our Federal commitment to higher education should be strengthened, not cut. But we are going to cut it. In 1990, about 5 million students received Federal student aid under one or more Federal programs. In the 1993–94 academic year, about 3.8 million students received Pell grants, 4.5 million received Stafford loans, 991,000 received supplementary education opportunity grants, 697,000 received Perkins loans, 713,000 received Federal work-study awards, and 650,000 received State student incentive grants.

Most of this financial aid is based upon need. Pell grants are targeted to the neediest students and the campus State programs give financial aid offices the flexibility to respond to unique student needs. And they are needed. These programs help low-income and middle-income families. Of the Pell grants awarded to dependent students, those who are financially dependent on their parents, 41 percent go to students with families with incomes less than $12,000 a year and 91 percent go to students with families of incomes below $30,000. This is a critical lifeline program. Among Pell recipients who were financially independent, 73 percent have incomes below $12,000 a year.

I could go on and on. Let me just assure you that all the low-interest loans and on campus work-study programs are all targeted toward students that come from low- and moderate-income families.

Mr. President, we say that we are for the young and we are for opportunity. We cannot give lie to that commitment. We have to be willing to make some investment. I just have to tell you, Mr. President, the most shortsighted thing we could do would be to now cut in these very programs.

By the way, there is a huge difference in the future of those who go to college and those who do not. I could go through the statistics. But I do not think I will because I think we all know. If you graduate from college, you have a much better chance than if you graduate from high school, a much better chance to be able to do well economically for yourself and for your family.

Mr. President, if there is anything to the American dream—I can say this as a son of a Jewish immigrant from Russia who loved books and ideas—the biggest thing in our family was that children go on to higher education; they could do better than their parents; they could have a rewarding life.

But let us be clear about it. We are going to have to cut $1.4 trillion from the budget. We have to pay the interest on the debt. I think there is a commitment to not touch Social Security, as there should be. We are going to increase the Pentagon budget. We are going to do the tax cuts. So where else is there to cut?

If you just take what is left on the table, you would have to cut 30 percent across the board from domestic discretionary spending. I do not know whether that is going to be Medicare or veterans' benefits. It looks from the House for sure that it is going to be nutrition programs and child care programs.

I do not know whether it is going to be Pell grants, Stafford loans, what loan programs, but it is going to happen—30 percent across the board, maybe more in some, maybe less in others.

So let us talk a little bit about what this means.

Pell grants would be slashed by one-third, from a maximum of $2,230 to $1,560. Alternatively, if we did not do that, we could just slash the number of students receiving Pell grants. So some 1.1 million students would not receive Federal aid at all to attend college.

Mr. President, there are proposals to no longer exempt the interest that students accumulate—I believe Chairman KASICH of the House Budget Committee said—while they are at college or university. Find out how the students in Idaho or Minnesota like that. Interest that accumulates on their loans while in school will no longer be forgiven, and then that gets added on. I think for a typical family that ends up to over $3,000 more in interest.

Mr. President, the campus-based programs also would include supplementary education opportunity grant programs. And the contract talks about the termination of some of these programs. That is $583 million. The work study program, that is $616 million; and the Perkins Loan Program, that is $176 million. If these programs are cut, that is a $1.4 billion cut in financial aid.

So, Mr. President, let me go back to this motion. Let us be straightforward. Are we going to, in balancing this budget, put into effect deep cuts in a Pell Grant Program which right now is hugely inadequate in relation to those students that need this grant assistance? Are we going to put into effect deep cuts, 30 percent or more, in needs-based, work-study or low-interest loan programs? Is that what we are going to do?

Well, Mr. President, my motion just simply says that we go on record, a sense of the Senate that we will take no action that would result in significant reductions in assistance to students who want the opportunity to attend college. That is what this motion says.

Mr. President, might I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 25 minutes remaining.

Mr. WELLSTONE. Mr. President, there are other Senators here. I do not know whether they want to speak on this or not. I have more to say on this.

I think the Senator from Wyoming wants to respond.

Let me just reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ABRAHAM). Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I greatly appreciate that from my friend from Minnesota.

I have listened with great interest. I yield myself 11 minutes of the remaining time of the floor manager and would share with my colleague from Minnesota that I had not intended to come by, but I was moved by his comments. His remarks were very heartfelt. They were very sincere. I have no doubt that he speaks from the heart when he expresses these concerns about the Nation's children, and that has been the subject of the morning's activity.

The reason I came here, Mr. President, is that all of us share these passions, all of us share these pent-up feelings. And yet those passions and feelings led me to almost precisely the opposite conclusion reached by my friend from Minnesota.

I look at our Nation, I look at our Federal budget, and I see the injustice done to America's children. I see a Federal Government that spends 11 times as much per capita on the elderly as we do on the children. I see a Government unresponsive to the needs of children. We see these poverty rates for children surpassing poverty rates for any other group. I am completely in agreement with the Senator from Minnesota when he decries the diversion of national resources from the children.

But I will tell you what is happening to children in this country. What is happening is we have gone from a society that used to channel its resources toward the young into one which channels resources away from them. If you want to know why we do not devote the proper share of resources to our children, it is very simple. It is because of exploding spending in other parts of the Federal budget is paralyzing our ability to make proper choices.

Here is a statistic, and I shared it the other day: In the year 2013—and this scenario was agreed to by 30 of the 32 of us on the Entitlements Commission—due to the growth in entitlements, every penny of Federal revenue under current law will only be sufficient to fund entitlements and interest on the debt.

That is not a dry statistic. It means something. It means this country is depriving itself of the ability to make decisions how to provide for transportation, education, and child nutrition.

All of this leads to one issue. What are we going to do with Social Security, Medicare, Medicaid, and Federal retirement? This is not about defense or spending on highways or education. It is about writing checks from one generation to another.

Some powerful statistics have been shared by the Senator from Minnesota. May I share just a few of my own. Here is one: The national debt is 48,000 bucks per taxpayer. Assuming 100 million taxpayers, that will soon be 50,000 bucks a taxpayer, with a national debt of $5 trillion.

Children now come into life owing that when they are born. That is the burden we place on them. We pay more than $200 billion a year to finance the debt. What could that do for child nutrition, for vaccination, for education? It is not there. It is gone. Went out the window. An interest payment.

Also, I do not find the argument compelling that we should simply give up on a balanced budget amendment and continue to add to that burden. And we will always give up, because we will come to this floor and vote for everything our constituents ask us to bring home. We are like pack horses. They just load us with requests for funding, and we come out here and we load the money home.

Here is another statistic for you. The elderly make up 12 percent of the Nation's population. What percent of the Federal entitlement spending do they receive? The answer is 60 percent. Not 60 percent to the most needy population group—children—but 60 percent going to this other relatively smaller group, the 12 percent of our country who are senior citizens.

And here is one for you. If you are a millionaire, a millionaire over the age of 65, these are the various Federal entitlements you can receive. You can get Social Security, Medicare, an extra tax deduction, senior nutrition programs, and other subsidies under the Older Americans Act. That is if you are a millionaire—and those keep coming after you receive your entire lifetime contributions in Social Security back, plus interest.

We act around here as if there are no consequences to what we do. I wish I had not served on the Entitlements Commission, and yet I am very pleased I did. I admire Senator KERREY and Senator Danforth so very much.

So the reaction from everybody I talk to is, "Well, OK, I do have some ideas. Where are they? Why don't we means test part B premiums so that a millionaire pays as much for the benefit as the working class taxpayer?"

On, no, we could not do that.

What are we going to do when two people are paying in and one person is taking out of the Social Security system? How long do you think people are going to stand still for that?

So the inevitable result of shoveling so much of our Nation's resources in the direction of one politically organized, powerful voter group—the seniors—is precisely why we are here in this situation.

It is a situation where there is nothing left for the children. That is precisely why we must stand up to the endless pressure to lavish entitlement benefits even on wealthy seniors. I am not talking about needy seniors portrayed as foraging out of garbage cans in alleys, but whether upper income beneficiaries should receive those ever-increasing Government benefits.

I implore the body to free itself from illusions about our Federal budget situation. We cannot hold entitlement benefits for the wealthy sacrosanct on one day—when they now make up the majority of the budget—and come on hard the next to decry the lack of help for our children. That simply does not add up.

In the year 2040 what fraction of the national payroll taxes will be needed simply to support two programs, Social Security and Medicare under current law? The answer is 38 to 53 percent before we collect a penny of income tax.

Anyone truly concerned about the welfare of the children should come here and explain why we should fail to means test Medicare part B, why we should give full Social Security COLA's to millionaires—when COLA's were never part of the original contract. Remember these are the programs sucking it up. So, explain that to our children, why we should continue to do this to them.

When I am joined by Senators who are ready to do this kind of work, I will feel more heartened in the cause. Then I guess there is another thing. I heard the letters read, and they are poignant.

Let me tell you one from real life. My wife's father worked on the railroad in Greybull, WY. He died when she was 16. Her mother and the two other children had only their home. So their mother went to Laramie, the home of the University of Wyoming, and became a house mother at the Kappa Sig house. My wife Ann and her twin sister Nan worked their way all the way through college. So did their brother Rob. The sisters worked as waitresses, and they worked as cabin girls at dude ranches. She bought all of her own clothes and necessities, worked for everything she obtained, and earned all of her own money, and never thought of herself as a victim. It is called going to work to achieve something you can achieve.

Now we have an entire country waiting for the Federal Government to make them whole. And we can all read stories like those shared. It is now a nation of victims. The greatest victims are the children, and the greatest reason for that is because there is not one on the floor who will take on the senior citizens of America who—regardless of their net worth or their income—are pulling the temple down.

I have no further remarks at this time. I reserve the remainder of the time for Senator HATCH.

Mr. WELLSTONE. Mr. President, I would like to respond to my colleague from Wyoming.

Part of the reason I have so much respect for the Senator is because of his directness. I must say to my colleague, at the moment I find myself in profound disagreement with his remarks.

First of all, given what the Senator from Wyoming has said, he ought to support both of these motions. It sounds like we are in agreement on at least one part of the equation. I really appreciate the fact that he has come out here and said that there is a huge disconnect between our rhetoric and the speeches we give and our support of young people.

I think the Senator from Wyoming has been clear about that. In a sense I think he would be supportive especially of the first motion—that is No. 1—which makes it clear when we sort out these priorities and make the tough decisions, the most vulnerable citizens are the homeless and hungry children. There is nothing the Senator from Wyoming said that would prevent him from supporting that motion. Everything he said, I think, would make him want to support that.

Second of all, my own view about these deficits and this debt that we have built up, is that I at least can say that when we went back to the early 1980's and decided that we would go forward with what President Bush once called voodoo economics, what was called euphemistically, the Economic Recovery Act, huge tax cuts for the wealthiest, dramatic increases in the Pentagon budget. And remember, all of that was going to lead to productivity and jobs—this was the Laffer curve—and it would reduce deficits.

It did not work out that way, did it? We really got ourselves into a mess. I was not here during that time. We have to work ourselves out of that mess. I must say I think the 2002, I think that the direction we are going in right now does not add up.

Now, Mr. President, getting back to the issue here. I appreciate my colleague's concern about children because before I was told that I was out here for the special interests. I think children are a very special interest. I disagree that our only choice is between older people, elderly citizens and the children.

My colleague said this way, now we get to the stereotype of the greedy geezers that are out there in the golf courses living high on the hog.

Mr. President, I believe—and it is off the top of my head—that the average income of a man 65 years of age and over is $15,000 a year. For a woman, it is $8,000 a year. Now, Mr. President, that is hardly the profile of these older people, that they are the problem.

I was at a gathering in Rosedale, Fairview Senior Center, the other day. I think it was a very interesting gathering. I asked the people there—and of every gathering of senior citizens—what are the top three issues you care about. They always put children at the top. We are talking about the children and the grandchildren of the elderly in this country.

It is not true that the elderly are so wealthy and have such high incomes. I would say to my colleague here that if we want to talk about why there should be a subsidy on part B Medicare for older people making incomes of $100,000 a year and over, I agree. The problem is there are not very many older people that make $100,000 a year and over. It just is not true.

Senator Hubert Humphrey from Minnesota said the test of a society and a government is the way we treat people in the dawn of life, children; the way we treat people in the twilight of their lives, the elderly; and the way we treat people in the shadow of their lives, those struggling with an illness or a disability and those who are needy or poor. I believe that.

The choices are not between our going on record that we will not do anything that will increase hunger or homelessness among children, or going on record to do anything that would cut programs that enable people to be able to go on and afford higher education, versus we have to cut benefits for the elderly across the board.

Mr. President, there are other options. We did not need to get into this bidding war on tax cuts. But we have. And the projections on that—and again I am speaking off the top of my head—I believe it was $500 billion, up to 2002 and then another $700 billion beyond. Going in the opposite direction of deficit reduction.

I would say to my colleagues, if you are so concerned about deficit reduction, why are you talking about these broad-based tax cuts? Mr. President, there are other choices. It is not children versus the elderly. I do not accept this tradeoff. I do not believe a rigorous analysis supports this tradeoff. We do not have to be increasing the Pentagon budget. We could be cutting it.

I cosponsored a bill with Senators BUMPERS and BRADLEY that dealt with about $30 billion in military cuts over 5 years based on some GAO studies of some wasteful weaponry. Weapons and programs that make no sense. But the military contractors are not being asked to tighten their belts.

Finally, Mr. President, let me just say two other things. First, Senator FEINGOLD and I have examined a book from the Joint Tax Committee, I say to the Senator from South Carolina, it must have been this thick on tax expenditures, some of which go back before 1950, some of which are necessary, but many of which are just outright tax dodges for corporations in America, and the U.S. Senate would not vote for a motion that said we should at least consider some of these subsidies.

And, second, even though we do not need to get into the debate today about single payer, which the General Accounting Office and Congressional Budget Office said would save over $100 billion in expenses every year with universal coverage, I must remind my colleagues that the big entitlement programs that are skyrocketing are health care programs, but the insurance companies did not like that. I introduced a bill that dealt with the Medicare entitlement program, but rather than cut it, it was a way of really being able to afford these programs.

So let us not have some false choice in dichotomy out here on the floor that a Senator from Minnesota can only come out here fighting for children and fighting for affordable higher education if that Senator from Minnesota is willing to say, "We've got to have deep, drastic cuts in programs that support elderly citizens in this Nation."

No. 1, it is not true that they have such high income and wealth, and they are all greedy geezers out on the golf course. That is a cultural stereotype and, two, those are not the only choices. I just outlined four other options, none of which are being considered.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. WELLSTONE. Mr. President, let me make one other point and then I will yield the floor to the Senator from Montana, reserving, after that, the remainder of my time.

Mr. President, let me one more time focus attention on these two motions. The first motion is a motion to refer to the Budget Committee a sense of the Senate that when we do deficit reduction and balance the budget that we are not going to do anything to increase the number of homeless and hungry children. This is not an amendment to the constitutional amendment to balance the budget at all. It does not say the vote on the amendment is put off. It is separate. It just says when we do the deficit reduction and move forward to balancing the budget—all of us are in favor of doing that; not all are in favor of this constitutional amendment—that we go on record that we are not going to do anything to increase hunger and homelessness. I say to my friend from South Carolina, part of reason I do this are these headlines: "House Panel Moves to Cut Child School Lunch Program," "House Panel Trims Nutrition Programs and Housing Programs," the WIC Program.

The second motion is very similar. It is not an amendment to the constitutional amendment to balance the budget. It is just a sense of the Senate that we go on record "that we take no action that would result in significant reductions in assistance to students who want an opportunity to attend college."

My colleague from Wyoming talked about how he heard me read some letters from students in Minnesota and he thought too many students were viewing themselves as victims. I do not think that is what the students are saying.

The alarm clock has gone off, students and young people in the country; it is time to get engaged because you need to understand there are going to be deep cuts on the present course in Pell grants and low-interest loans, not in a lot of other areas that I mentioned. The only way you are going to be able to do something about it is to get involved in politics.

We need to have an education day all across this Nation, within the next month, where all congressional delegations are called back home—Democrats and Republicans alike—and meet with younger people, college students, high school students, teachers, parents in which we need to go on record as to whether or not we are or are not going to support affordable higher education.

They are not feeling like victims, I say to my colleague from Wyoming, Mr. President. That was not the point of those letters. What those letters were saying is, we want you to do a good job of representing us, and we believe that one of the most important issues for us—and I hear it from the parents as well—is to make sure higher education is affordable. Of course, we are willing to contribute; of course, we do, but we feel like that is some thing that is a part of what this country is about: Affordable education. That is all that meant. That is all this motion is about.

Mr. President, I yield the floor to the Senator from Montana, after which I will reserve the remainder of my time.

Mr. BAUCUS. Mr. President, I wonder if I can have 6 minutes of the time of the Senator from Minnesota.

Mr. WELLSTONE. That will be fine.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak as in morning business for the purpose of introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 465 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BAUCUS. I thank the Chair, and I deeply thank my good friend from Minnesota for so graciously yielding the time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Montana for his fine work.

Mr. President, I wonder whether or not the Senator from Utah might want to respond. We will wait for just a moment.

I do not think, Mr. President, there is any reason to repeat arguments, but I wish to wait for my colleague.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, again, I understand what my colleague is trying to do, but I just have to say, well, here we go again, another exemption. We have already seen various proposals to exempt veterans, Social Security, homeless children, capital expenditures, and here is another one, college tuition. When will it end? I suppose next Tuesday it will end.

Mr. President, these are all very important groups. I feel very deeply about all of them collectively myself. But all these proposed exemptions demonstrate exactly what the problem is. We cannot reduce the deficit because there is no incentive to do it. Every time we try, somebody brings up another exemption that they want to take care of or another special interest group, all of which have merit, all of which have meaning. But that is why we need a balanced budget amendment—free from special interest exemptions and loopholes—to get this country's fiscal house in order.

The balanced budget amendment that we propose here is a bipartisan consensus, Democrat-Republican amendment that we have worked on for decades. We have brought a vast majority of people in both Houses together on it. For the first time in history, the House of Representatives has passed it by the requisite two-thirds vote. It has not been easy. Everybody knows that. But what it does is it sets rules within which we will have to set priorities.

This debate about priorities, it seems to me, should wait until after the balanced budget amendment passes. Then we will get serious about the priorities that have to be made. No one wants to harm anyone who relies on governmental assistance—nobody, least of all this Senator. None of us does. But we must make choices among priorities, and we must make these choices among priorities within the constraints of our resources. We no longer can afford to just throw money at everything. Priorities are going to change from year to year. So every year after we pass this amendment, every year we will debate priorities. Some are going to fare very well, as you know—in fact, most all of them will. But the fact of the matter is we will have to debate them, and we will have to set fiscal constraints for the first time since I have been here, and to me that is pretty important. I think it is to anybody who looks at it.

However, that debate will only come after we pass this balanced budget amendment. It is the only way. I think almost everybody knows that here.

Now, the distinguished Senator, for whom I have great feeling as a person, as a compassionate individual, is arguing for some pretty good interest groups here. He is arguing for some good exemptions. On the other hand, no exemption is good if it takes away from somebody else, if it makes it more difficult to help others who may be just as needy, if not more so.

The best way to handle this is with a balanced budget amendment that sets a mechanism in place, that shows us how to do it and has a rule to it and reason to it that makes us make priority choices. It is the fair way to do it. It is the only way to do it, and that is what this balanced budget amendment does. So I hope our colleagues will vote for the balanced budget amendment next Tuesday. I do hope we will vote down these two motions to defer because I think they just point out more than anything else, or at least as much as the other amendments why we need a balanced budget amendment.

I am prepared to yield back the remainder of my time if the distinguished Senator from Minnesota is.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. If I might respond, I must say that the Senator's last remark makes me extremely nervous, when he states these motions—again, these are not amendments to the constitutional amendment to balance the budget—these motions really make the case for why we need a balanced budget amendment.

The Senator said a little earlier that no one wants to hurt the most vulnerable citizens, so I do not know why a motion that we go on record as we move to balancing the budget we are not going to do anything to increase hunger or homelessness among children makes the case for a balanced budget amendment.

My colleague from Utah keeps talking about these exemptions, and I just would say to my colleague, if the proponents of this amendment would have provided some detailed analysis as to where we are going to make the cuts, then I would not have to be in the Chamber saying let us at least go on record we are not going to do this to children or we are going to make sure that higher education is not affordable, let us make sure of that. If there was a detailed analysis, there would be no reason for any of us to come out to the floor to make these motions.

There is no detailed analysis. We have tried over and over again to get Senators to step up to the plate. They have been unwilling to do so. The credibility gap is huge—so far I have heard $277 billion of budget cuts outlined by my colleagues on the other side of the aisle. That takes us a little bit toward $1.481 trillion, not very far.

Mr. President, I have to say one more time the Senator from Nebraska [Mr. KERREY] said it well. We can go forward every single year with more deficit reduction. I voted for I think the largest deficit reduction we have had probably in the last decade and a half. I stepped up to the plate and we can do much more on deficit reduction and we can balance the budget. I do not know that it can be done in 2002. I think that is an unrealistic date. I think it is a political date. But we absolutely have to do it.

Mr. President, you do not need to have a balanced budget amendment in the constitution, locking us into all these cuts without telling anybody in the country what we are going to do in order for us to step up to the plate every single year and do the necessary deficit reduction.

I might add, there is another deficit. There is an investment deficit, especially in education and children and young people. We can do that now.

Finally, I do not understand this discussion about special interests. My view is that, yes, children and young people are very special interests. But, I say to my colleague, it simply is not the case—I hope he is not arguing: Look, the reason we cannot vote for these motions is we know we are going to make cuts in this area because we have to make cuts in this area if we are going to balance the budget.

That is not true. We do not have to make cuts in these areas if we are going to balance the budget. Mr. President, $420 billion of tax expenditures—we do not have to raise the Pentagon budget, we do not have to do all the tax cuts. There are lots of other ways to balance the budget as opposed to focusing on the young, focusing on education, or focusing on the most vulnerable citizens.

My final point. The reason I have been so insistent today on the floor of the Senate about these motions—and I am going to wear my political science hat for a moment; I am a political scientist—is my sad but true judgment that all too often the actual deficit reduction and cuts are made based upon the path of least political resistance. Those citizens who do not have a lobbyist, do not make the large contributions, are not the heavy hitters, are not the big players, are the very citizens who are asked to tighten their belts. The very citizens we ask to tighten their belts are the very citizens that cannot.

I have been out here saying we ought to consider cutting subsidies for oil companies, subsidies for pharmaceutical companies, all sorts of other subsidies for large corporations and financial institutions and the silence on the other side of the aisle has been deafening. It has been voted down.

Mr. HATCH. Will the Senator yield on that point?

Mr. WELLSTONE. I would be pleased to.

Mr. HATCH. I think the Senator makes a good point, but it is a good point for the balanced budget amendment, that if there are subsidies to large corporate America and other entities that he disagrees with, we will have to look at those. That is why I think, to be honest with you, we need the balanced budget amendment.

Is my colleague prepared to yield back his remaining time? I am, too.

Mr. WELLSTONE. I have about 15 seconds left.

Let me be clear. Neither of these motions says anything about voting for or against the balanced budget amendment. I hope my colleagues will support me on the question if the choices we have to make are we are not going to take any action which would increase the number of hungry or homeless children and we are not going to make higher education not affordable for young people who want to go on to colleges and universities. That is all it says. It is a sense of the Senate. We ought to be able to vote for that right now, advocates for the balanced budget amendment and those who are opposed.

I yield the remainder of my time if I have any time to yield back.

The PRESIDING OFFICER. Time is up.

Mr. HATCH. Mr. President, I yield the remainder of my time and I move to table the amendment and will ask for the yeas and nays with the understanding that the vote will be at another time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me acknowledge my respect and friendship for the distinguished Senator from Utah. He has worked hard on this issue, but I rise today to speak out against the particular language in section 7 of the amendment that includes Social Security revenues in its definition of receipts.

I have supported and would continue to support a balanced budget amendment to the Constitution if we did not have to breach the contract of 1935 with respect to Social Security.

Taking Social Security out of deficit calculations is not just another attempt to carve out exemptions. There are no special taxes for education. There is no special tax for women, infants and children feeding. There are no special taxes for law enforcement. However, the Social Security tax is exclusively levied for the benefit of future recipients.

So the matter of excluding Social Security funds from deficit calculations should not be confused or distorted. In 1983 we received the Greenspan Commission report and increased FICA taxes on middle America. If we had come at that time and said: These taxes will be used to pay for defense or welfare or foreign aid, that legislation would have been killed immediately. If you said these taxes were going to be used for the deficit, people would have said: "Wait a minute. We are talking about the Social Security deficit. We are not talking about the overall Government deficit."

Mr. President, I voted three times for a balanced budget amendment to the Constitution and have worked as hard as anyone to get the bills paid. It has not always been easy, but I am quite willing to stand on my record. In the 104th Congress, the very first bill passed was designed to put the Government under the same rules and regulations that the average citizen has to abide by.

In that regard, Mr. President, many of the laws that we enact here in Washington require Americans to tell the truth. As part of the statutes of the United States, we have the Truth in Fabrics Act, the Truth in Furs Act, the Truth in Lending Act, the Truth in Lending Simplification and Reform Act, the Truth in Mileage Act of 1986, the Truth in Negotiations Act for Military Procurement, the Truth in Savings Act, the Truth in Securities Act, and others as well. But, much to my chagrin, the fact of the matter is that we do not have a Truth in Budgeting Act.

Like Fred Astaire, we tap dance all around a particular issue with fancy dance steps until we are left like an octopus that is cornered—with nothing left to do but to squirt out the dark ink of confusion and escape to the next election.

I graduated from truth in budgeting and I know the issue. As a young Governor elected back in 1958. I was only 36 years of age, and we were the second lowest per-capita income State. I realized at that particular time that no one was going to invest in Podunk. To attract investment and create jobs, we had not only to pay our bills but we had to guarantee they would stay paid. To do it, we raised taxes. I could hear all of the arguments bandied about: It falls on the middle class; it is regressive; we have a poor State, and shouldn't be raising taxes.

But I was not granted the luxury of choice. I had to raise taxes and suffer the consequences. That in part led to my defeat in 1962 when I ran for the Senate. But in public life, I think you ought to lose a good election like that. It is the most instructive lesson you can learn. I remember that election better than the six times since that I have been elected to the U.S. Senate.

But as Governor of South Carolina, I had a little provision that intrigued the folks at Standard & Poor's and Moody's. We had put in a rule that required the comptroller to issue a certificate to the Governor for each quarter that the expenditures were within the revenues. If the books were not in balance, the Governor was required by law to cut spending straight across the board. The bond agencies said, "We had not heard of that." They called me a few weeks later and said that South Carolina would qualify for a AAA credit rating.

While some may think that a constitutional amendment is an iron-clad guarantee, I know from hard experience that such is not the case. We have an amendment to the South Carolina Constitution that was enacted in 1895 that says, in effect, "The budget shall be balanced." It was a constitutional provision quite similar to what we are debating, but it was honored more by violation than by conformance.

Specifically, with respect to truth in budgeting, there is an old legal maxim that he who seeks equity must do equity. He who comes in the court of equity must come with clean hands. I have asked my colleagues to show me their plan to balance the budget. But in seeking this equity, I have also done equity. I have put in my own so-called budget, which I proposed in January. I have put it in the RECORD several times and would now ask unanimous consent that it again printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable. Health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings. Social Security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 95 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Nondefense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	0.1
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Dept. funding and end misc. activities	0.1	0.2
End P.L. 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate untargeted funds for math and science	0.1	0.2
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Develop.	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for nonprofits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate Small Business Development Centers	0.056	0.074
Eliminate minority assistance score, small business interstate and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054

Nondefense discretionary spending cuts	1996	1997
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.208	0.140
Reduce coast guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate coastal zone management	0.03	0.06
Eliminate national Marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut weather service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate Public Telecommunications Facilities Program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Eliminate chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate agricultural research service	0.546	0.656
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:.		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce cooperative State research service 20 percent	0.044	0.070
Reduce animal plant health inspection service 10 percent	0.036	0.044
Reduce food safety inspection service 10 percent	0.047	0.052
Total	36.942	58.407

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, the 49er's did not go to the Super Bowl in Miami last month, take their seats in the grandstand there in the Joe Robbie Stadium, and start shouting, "We want a touchdown, we want a touchdown." They got down on the field and they scored the touchdown.

Similarly, we are the Government, and now it is our duty, our responsibility to act.

When we tried to move the ball downfield 2 years ago with the largest deficit reduction package in our history, we could not get a single vote on the other side of the aisle in the House and in the Senate.

Likewise, when those on the other side of the aisle start to criticize the President by saying—"Where's his courage? He's waving the white flag," it is truly the pot calling the kettle black.

(Mr. KYL assumed the chair.)

Mr. HOLLINGS. Mr. President, it is high time we had some truth in budgeting.

Look at the record that I have made here of some 110 proposed spending cuts, eliminations, or retrenchments of different programs. You will see the savings that it gives in 1996 and 1997.

I struggled, taking some of the CBO cuts, the Concord Coalition cuts, the Kasich spending cuts and others. And you will see there are 110 of them here, amounting only to $37 billion in the first year and $58 billion in the second year. This 2-year projection is important because it underscores the fact that the Congress will have to have further cuts next year and each year thereafter to stay on the glide path. Thus, the reality is that you are not going to balance the budget from spending cuts and growth alone.

Aversion to higher taxes is usually a necessary, healthy impulse in a political democracy. But when the alternative becomes self-evidently threadbare and groundless, as has the growth argument, we are no longer dealing with legitimate skepticism, but with what amounts to, in the words of David Stockman, "a demagogic fetish."

We will have to do the best we can on spending cuts. We will have to freeze spending. That is what President Clinton had in his budget along with spending cuts of $144 billion.

We will have to close tax loopholes and prevent the transitional rule crowd from putting in $200 million for airlines out in St. Louis. That provision was part of GATT but had nothing to do with international trade. We have to curb such practices and tell the American people the truth.

I once took a lie detector test, but the after first question—I flunked. They asked a question, and I started my answer, "Well, in my humble opinion," and the needle just went right off the chart. Luckily, the fellow gave me a second chance and after 2 hours I passed.

Well, here we go with the truth. We have to have taxes. This predicament did not develop overnight. President Bush was a good man but he was misled on the critical need to bring the deficit under control. I made my own efforts appearing before the Finance Committee and introducing a value-added tax for the deficit and debt.

Today, with a 5-percent value-added consumption tax and $1.2 trillion in spending cuts over 7 years, we can put Government back into the black by the year 1999 and start paying off our $4.8 trillion debt. You do not have to wait for the year 2002.

I have just been informed that the proponents of the constitutional amendment have the votes. Assuming that to be true, people tell me, why don't you go along now and save your record? Mr. President, I want to save my record. That is why I am talking. We have a record of a contract started in 1935. We have a record of a trust. I want to save that record.

Mr. BYRD. Would the Senator yield?

Mr. HOLLINGS. Mr. President, I yield.

Mr. BYRD. Mr. President, I do not believe they have the votes yet. They may have them in the final analysis but I do not believe they have them yet.

Mr. HOLLINGS. Mr. President, I will try to move along so the distinguished Senator from West Virginia can be heard here.

Mr. President, we need truth in budgeting. We should tell the American people that the big lie in the land is the slogan "I'm against taxes" because the simple fact is that we are raising taxes $1 billion a day through interest payments on the gross Federal debt.

When the Simon amendment came up in 1993, I was not an original cosponsor, but I had supported the amendment in 1986. I voted for the Simon amendment believing at the time that the Hollings amendment passed in 1990 which took the Social Security trust fund off-budget excluded these funds from deficit calculations. When my amendment passed the Senate by a vote of 98 to 2, I believed, as similarly asserted by the distinguished majority whip, Senator LOTT, that: "Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget."

But Mr. President, unbeknownst to me, just 13 days before the vote, Senator GRAMM of Texas, who has been a leader on budget matters, introduced a bill to balance the budget. Later on in the year, I had my staff scrutinize it; they found this particular provision which I wish the Senator from Utah would listen to this:

> Exclusion from budget, section 13-301 of the Budget Enforcement Act of 1990 is amended by adding at the end thereof the following: "This subsection shall apply to fiscal years beginning with fiscal year 2001."

I found this provision particularly interesting because back on July 10, 1990, Senator GRAMM had been the lone dissenting vote when I introduced the Hollings amendment to take Social Security off-budget.

I ask unanimous consent at this particular time that rollcall vote in the Budget Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1990 HOLLINGS MOTION TO REPORT THE SOCIAL SECURITY PRESERVATION ACT

The Committee agreed to the Hollings motion to report the Social Security Preservation Act by a vote of 20 yeas to 1 nay:

Yeas: Mr. Sasser, Mr. Hollings, Mr. Johnston, Mr. Riegle, Mr. Exon, Mr. Lautenberg, Mr. Simon, Mr. Sanford, Mr. Wirth, Mr. Fowler, Mr. Conrad, Mr. Dodd, Mr. Robb, Mr. Domenici, Mr. Boschwitz, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Nickles, and Mr. Bond.

Nays: Mr. Gramm.

Mr. HOLLINGS. Having voted against my amendment in the Budget Committee, having proposed to amend section 13301 of the Budget Enforcement Act, I said, "Heavens above, I better start checking this thing." I soon recognized that the Constitution preempts statutory law, and that the amendment to take the Social Security trust fund off-budget would be constitutionally repealed by the language of this balanced budget amendment.

John Mitchell, the famous Attorney General of the United States under President Nixon, said, "Watch what we do, not what we say." And what do they do? When I argue about these things, I go right to the author of that particular Simon balanced budget amendment. I refer to the Monday, February 20, rollcall, by the distinguished Senator from Illinois and I quote:

> One paradox is that some Democrats during the Senate debate that is now underway are offering amendments that would imperil both the balanced budget amendment and Social Security by taking Social Security off the budget. These waivers are being offered in the name of protecting—

That is a true statement, they are offered to protect Social Security.

> * * * Sponsors of these amendments have an argument that is superficially popular.

We are not trying to make it popular; we are trying to make it law.

> Opening a Social Security loophole in the balanced budget amendment also invites abuse by future Congresses undermining confidence in the integrity of Social Security.

Now, my dear colleagues, who is opening a Social Security loophole? It is open right now. It is right there. What section 7 does is create the loophole. Whoever votes for this language is opening the loophole. "Invites abuse by future Congresses." Mr. President, I am not talking about future Congresses. I am talking about this present Congress that is willing to abuse the Social Security trust now. I have told them time and time again, you have HOLLINGS' vote if you put in the Social Security trust fund exemption.

That is clear as a bell. They know it. But they think they have the votes. My distinguished colleague from West Virginia thinks otherwise. I hope he is right.

My friend, the chairman of the Budget Committee, Senator DOMENICI of New Mexico, and the former Senator of New Hampshire, Warren Rudman, of the Concord Coalition, are both on the Strengthening of America Commission and have put out a proposal to balance the budget. Remember John Mitchell. "Watch what they do, not what they say." Here is what they say in their plan. I quote:

> The goal of the plan is to balance the unified budget without using the Social Security surplus by the year 2002. America would then be saving its Social Security surplus, helping to avoid a fiscal train wreck 25 years from now when the general fund must begin repaying the Social Security trust fund. Continuing to divert Social Security surplus to fund current spending instead of building up reserves for the future is bad fiscal policy and bad social policy.

Mr. President, when the same gentleman took to the floor here last week and, he instead talked about including supplementary security income under the rubric of Social Security. He noted that under the law, SSI is administered by the Social Security group. True. However, he further claimed future Congresses might include SSI outlays as part of the Social Security trust fund.

Now, we live in the real world. Any Senator who is fool enough to try and finance welfare with Social Security trust funds would make a quick exit from the political scene. They will not need a term limitation bill to be passed. He would be run off the floor of the Senate or House of Representatives. I do not believe he could get a single cosponsor or Senator to support him. But even if he did, he would have to get 60 of them because a 60-vote point of order would lie against such a change.

I read here where the distinguished Senator from New Hampshire—and I read here from a release. It is reported about their particular news conference last week, talking about Senator Tsongas, former Senator Tsongas, and former Senator Rudman, and I am just reading the report. I will give you the quote.

> Both former Senators emphasized the need for Social Security to remain on the table in the budget cutting process.

Now, that is the report. And here is the quote from Senator Rudman.

> "To try to fool the American people by setting Social Security aside is delaying the inevitable," said Rudman, who added that protecting entitlement spending from cuts would result in the need for "unworkable" cuts in the nondefense discretionary spending and aid to state and local governments.

Here again they raise the straw man. We are not talking about fooling anybody about the inevitable. We are talking about the fraud that is being exacted on the people of America, and particularly people paying into Social Security this minute. The young woman who is paying in now, her money will be spent under section 7. Then when she gets eligible in the year 2020, 2025, they will have to tax her a second time.

I quoted earlier from Senator Rudman. Let me now quote from the other cofounder of the Concord Coalition, Paul Tsongas, who was even harsher. And I quote:

> "Those who vote to exempt Social Security are voting to kill the balanced budget amendment," said Tsongas, co-founder of the Concord Coalition and anti-deficit Group. "They are putting their own reelection ahead of the future of their children and grandchildren."

Who is putting their future ahead of the children and grandchildren? Anybody who votes for section 7 of the present balanced budget amendment joint resolution proposal, that's who. they are the ones, "putting their own reelection ahead of the future of their children and grandchildren."

I have worked in the vineyards for a long time trying to restore the discipline of a balanced budget in the U.S. Government. I obtained it at the State level. I voted for it in 1968–69 when we called over to Marvin Watson and we cut $5 billion more. Do you know the entire budget in 1968–69, for the Great Society, for the war in Vietnam, was $178 billion? Now we are up to $1.6 trillion. But we gave Richard Milhous Nixon not only a balanced budget but a $3.2 billion surplus.

I got together with Senator Harry Byrd in 1978. We put into law the Byrd amendment which was later amended by the Reagan crowd. We took Social Security off-budget under President Bush, and now they are asking me to repeal that law by voting for section 7 of the balanced budget amendment.

No way. The Social Security surplus is now almost $500 billion. By the year 2002 we are supposed to have a $1 trillion surplus. But instead, we keep spending it for foreign aid, for welfare, for all these other things that you can possibly think of in the budget except Social Security.

Here is Robert M. Ball. I ask unanimous consent that this entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROBERT M. BALL,
Alexandria, VA, January 5, 1995.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HOLLINGS: Last month the Entitlement Commission, appointed jointly by the President and the Congress, held its final meeting without coming to agreement, but with many Commissioners issuing statements of their individual views. I have been and remain greatly concerned about the misinformation about Social Security that has accompanied discussion of this last meeting and which persistently accompanies so many discussions of Social Security financing. Since most of my career has been devoted to Social Security policy and administration, I feel obligated to do what I can to set the record straight.

First, a word about my experience. I was U.S. Commissioner of Social Security under Presidents Kennedy, Johnson, and Nixon, and after leaving government I have continued to give advice on Social Security to both the Congress and the Executive Branch. I was a member of the statutory Advisory Councils in 1979 and 1991 and am a member of the current Advisory Council that is now studying the program and that will report its findings and recommendations later this year. I was also a member of the small negotiating group from the Greenspan Commission which worked out the agreement with the White House that led to the 1983 Amendments.

The Entitlement Commission looked at many programs in addition to Social Security, and frequently in its presentations lumped everything together, but it also, correctly, made separate proposals and separate cost estimates for Social Security. There was a consensus that Social Security was adequately financed for a long time, but not for the full 75 years for which the estimates are traditionally made. What the Commission did not say, however, is equally important.

The Commission did not find that Social Security benefits would have to be drastically cut or contribution rates greatly increased to bring the program into long-run balance. True, some Commission members talked this way, one referring to Social Security as "unsustainable," and the plan proposed by Chairman Kerrey and Vice-Chairman Danforth would, over time, have resulted in benefit cuts of over 40 percent for workers earning the average wage (partly offset by a compulsory government saving plan, also included in their recommendation). Such drastic cuts were necessary in their plan because they nearly doubled Social Security's estimated shortfall by cutting the employee contribution, and then, in addition, greatly over-financed the program, using the surplus to show a smaller deficit in the rest of the budget.

But at the same time that Senators Kerrey and Danforth submitted their preferred plan, they demonstrated that Social Security could be brought into long-range balance with much more moderate changes. The alternative they presented to the Commission avoided any contribution increases and brought the program into balance entirely by benefit cuts. Over the long run, cuts for the average worker would have reached 15 percent. Had they depended partly on contribution rate increases (which would not have been necessary until some 25 years from now), the benefit reductions, of course, could have been cut in half, or reduced even more.

Four points about Social Security financing are critical for an informed debate about Social Security's future:

First, Social Security is adequately financed for the next 20 to 25 years and consequently, as has been indicated by the President and the Congressional leadership, no changes in Social Security are needed for the next few years. However, it would be desirable soon thereafter to balance estimated income and outgo over the whole 75 years for which the estimates are made.

The Trustees of the Social Security funds estimate that the funding provided under present law will produce a continued build-up in the Social Security Trust Funds until about 2020 when the official estimates start to show a decline in the funds and later on a shortfall. Although there is plenty of time to await studied consideration of the best course of action (including the recommendations to be made by the current Advisory Council), it would bolster public confidence in the program to put in the law soon changes to be effective later that would eliminate the estimated long-run deficit.

Second, there are many ways of bringing Social Security into long-range balance within the principles of the program and avoiding most of the 15 percent benefit cut in the Commission Chairman's "modest" alternative.

One way to produce balance, at least theoretically, would be to: (a) accept the Commission staff's estimate of the saving to Social Security of an expected Labor Department correction of the Consumer Price Index (CPI). (This alone reduces the long range deficit by a third); (b) credit Social Security with the proceeds of the 1993 tax increase on Social Security benefits, just as the earlier taxing provisions credited the proceeds to Social Security. (Adding this saving to the CPI correction cuts the deficit in half.) In the 1993 change, the proceeds went to the Hospital Insurance Trust Fund because the Budget rules would have required 60 votes in the Senate to increase income for Social Security; and, (c) schedule a contribution rate increase in 2020 of one percent of covered earnings each for employers and employees. (This change would eliminate the other half of the deficit.) Such a rate increase is not trivial, but is easily supportable—offsetting only about 9 percent of the growth in earnings projection between now and then.

Because the effect of the change in the CPI is uncertain, and the saving in the staff estimate so large, I have attached an illustration showing another way the program could be brought into long-range balance with modest changes and without relying on savings from the CPI revision. Of course, there are many ways of combining more benefit cuts with lower contribution rate increases than in the illustration, including raising the first age at which full retirement benefits are paid from the presently scheduled 67 to, say, 68. The point here is simply that the alarmist rhetoric used by some Entitlement Commission members about the need for major cutbacks in Social Security is completely unjustified.

Third, the estimates of long-range Social Security costs and of the proposals for change take full account of the retirement of the baby boomers.

It is now commonplace among journalists to assume that the decline in the number of contributors per beneficiary, which begins about 2010, will cause enormous problems for Social Security as future workers face an "impossibly large burden of support for retirees." But this new rate does not come as a surprise, and its effect has been included in the Trustees' Social Security cost estimates and in the estimates for the Social Security changes discussed here.

Stepping back from considering Social Security financing alone, and looking instead at the basic economic question of the burden of support of dependents, we find no problem at all. In estimating the ability of a workforce to support dependents, what counts is the ratio of all non-workers, old and young, to the active workers producing the goods and services on which all must depend. As the following numbers indicate, the total dependency burden will never be as high as it was in 1965 when the baby boomers were children.

Dependents—both those 65 and over and those under 20—per 1,000 active workers

Year:	
1965	946
1990	700
2010	652
2040	791
2070	828

As economist Frank Ackerman has observed, "If we could afford to live through the childhood of the baby-boom generation, we can afford to live through their retirement."

(4) The widespread belief that Social Security is contributing to the current budget deficit and has caused part of the rise in the national debt is just wrong.

Since 1937, when Social Security first collected earmarked contributions from employers and employees, $4.3 trillion has been paid in and $3.9 trillion has been paid out, including administrative expenses (now running at one cent for each dollar of benefits). This leaves a balance of about $400 billion, just about right today for a contingency reserve.

Social Security is a contributory program supported by deductions from workers' earning, matched by employers (and to a small extent by taxation of Social Security benefits). As part of Social Security's financing plan, the contribution rates are now producing surpluses and will for many years. However, it would be bad policy if in order to reduce the general deficit, Social Security were called on to build greater surpluses than needed to finance the program. Flat-rate earmarked deductions from workers' earnings are justified as a way of paying for specified social insurance benefits, but not as a substitute for the general taxes needed to pay for other government services. Cutting Social Security benefits to help meet the budget deficit while imposing higher contribution rates than needed for Social Security financing would be unfair and would certainly lack public support. As the Commission concluded in its Interim Report, any savings from Social Security changes "should be used to restore the long-term soundness of the Social Security Trust Fund."

The Social Security program deserves the bipartisan backing it has enjoyed in recent years, not just because it is popular, but because it works. It is our biggest anti-poverty program, and, at the same time, it is a universal retirement, disability, and life insurance system, important to just about everyone. Social Security is keeping 15 million people out of poverty and many millions more from near poverty. Today the poverty rate for senior households is about 13 percent, approximately the same as for the population as a whole, but without Social Security, it would be about 50 percent, and public assistance paid for by the general taxpayer would be much, much larger. Social Security requires all of us—provident and improvident alike—to join with our employers in paying directly toward our own future security, and thus holds down the need for public assistance.

* * * * *

ILLUSTRATIVE PLAN TO BRING SOCIAL SECURITY INTO LONG RANGE BALANCE [1]

[Figures shown are a percent of taxable payrolls]

Current estimate of long-range deficit		2.13
Extend Social Security to the one-third of State and local employees not now covered (new hires only as was done when Federal employees were covered) [2]	0.23	
Credit Social Security with the proceeds from the 1993 tax increase on Social Security benefits [3]	0.36	
Compute benefits over 38 years instead of 35 years as in present law	0.30	
Tax Social Security benefits for those who have incomes above $25,000 if single; and $32,000 if joint income tax filers, in the same way government career pensions and private pensions are taxed (that is, to the extent benefits exceed what the worker has paid in, computed individually)	0.14	
Increase the contribution rate one percentage point each, for employees and employers, beginning in 2020	1.12	
Total	2.15	
Interaction among the various proposals	−.02	
Reduction in deficit		2.13
Deficit after changes		0

[1] Many other plans are easily developed, some reducing benefits more—for example, by raising the age of first eligibility for full benefits to 68 instead of the presently scheduled age 67—other raising contributions more—for example, by moving the effective date of a rate increase from 2020 to 2010. All sorts of combinations are possible. The current Advisory Council is studying them all and is expected to report to the President and the Congress in the fall of 1995. The point of this illustration is to demonstrate that Social Security can be brought into balance for the long run with modest benefit reduction and tax increases, all within the traditional principles of the program.

[2] This the last large group of employees excluded from Social Security, and it is only fair that they should be part of our national program. There is net gain to Social Security because under present law most of these workers will qualify for Social Security based on earnings other than state and local employment and yet will be paying on less than their full earnings.

[3] In the 1993 Amendments increasing the tax on Social Security benefits, the proceeds were assigned to the Hospital Insurance Trust Fund only because the Budget rules would have required 60 Senate votes to increase income to the Social Security Funds.

Mr. HOLLINGS. This is dated January 5. He talked about the Kerrey-Danforth commission, the entitlement commission, and the entire letter will be printed but I refer to this sentence here.

The commission did not find that Social Security benefits would have to be drastically cut or contribution rates greatly increased to bring the program into long run balance.

Later on, I read again:

Social Security is adequately financed for the next 20 to 25 years.

I read on further:

The point here is simply that the alarmist rhetoric used by some entitlement commission members about the need for major cutbacks in Social Security is completely unjustified.

Then further on I read this sentence:

The widespread belief that Social Security is contributing to the current budget deficit and has caused part of the rise in the national debt is just wrong.

Mr. President, I will have the entire letter printed. Time is of the essence here. We have to move along. Robert Ball has worked under President Kennedy, President Johnson, President Nixon and, after leaving there he has been the chief adviser to the Social Security Administration and to the executive branch—total credibility.

I have another item. I ask unanimous consent this article in Business Week dated February 20 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Business Week, Feb. 20, 1995]

SOCIAL SECURITY: IF IT AIN'T BROKE, DON'T TINKER

(By Robert Kuttner)

Social Security is supposedly in long-term demographic crisis—too many retirees living longer, not enough wage earners to pay the freight. As a result, there have been calls for reduced Social Security payouts, deferred retirements, perhaps even means-testing. But a closer look at the economic assumptions behind the Social Security Trustees' Report reveals a very different sort of crisis—one that calls for different solutions.

Social Security is financed by payroll taxes. Unless we raise tax rates, growth in payroll-tax receipts will depend on growth in taxable wages. The trustees project likely annual real wage growth of just 1% per year over the next 75 years. By contrast, during the past 75 years, annual real wage growth was about 1.7%. Because of compounding, this seemingly small difference puts the economy on a wholly divergent growth trajectory. With 1% real annual wage growth, Social Security will be hundreds of billions in the red. With 1.7% growth, the system will be in the black forever.

Why the trustees' pessimism? Wage growth has indeed been dismal during the past two decades. From 1953 to 1973, annual productivity grew by 2.3%, and wages grew annually at 2%. But in the slow-growth decades from 1973 to 1993, while annual productivity grew at just 0.9%, real wages actually declined—an average of 0.2% per year.

PRODUCTIVITY

The key question is whether coming decades will resemble the fat years or the lean ones. Here perhaps is some good news. First, 1973-93 had unusual demographic trends unlikely to be repeated. Baby boomers and women flooded into the workforce, leaving less wage per worker. Baby boomers, male and female, are now more experienced and presumably more productive workers. Women workers are now being paid wages closer to their male counterparts. On both counts, the one-time depression in wages should be reversed.

A second source of lower wages has been the galloping increase in the cost of fringe benefits. Wages are subject to Social Security taxes; benefits are not. Here again, the recent past does not predict the future. One way or another, via market forces or government regulation, the escalation in health premiums will level off. The other major fringe benefit, pensions, is already declining as a share of total compensation.

Third, many economists expect the boom in information technology to translate, at last, into higher productivity. Economic history suggests long lags between the introduction of new, productivity-enhancing technology and its broad economic diffusion. In addition, as Massachusetts Institute of Technology economist Frank S. Levy notes, the productivity gains of the 1950s showed up almost immediately in higher purchasing power because they were concentrated in consumer goods. The productivity improvements of the 1980s and '90s, in contrast, have been in producer technologies. However, as computers proliferate and information technology produces productivity gains in everything from banking and retailing to telephone service, these gains will likely yield gains in real wages, too.

MORONIC

Offseting this optimism, however, are two other factors. First, income distribution has become increasingly unequal. If that trend continues, too few of the productivity gains will show up in pay packets subject to payroll taxation. Moreover, despite the new competitiveness and resulting low inflation, the Federal Reserve seems determined not to let the economy reach its full growth potential. But here the solution is not to wreck Social Security. It is rather to pursue policies that reverse the growing income inequality and permit greater economic expansion.

Nobody, of course, can predict the rate of wage increases 75 years into the future. As one expert working on the Social Security actuarial assumptions confesses, on deepest background: "The whole exercise, really, is moronic." During the past 75 years, we experienced one entirely unanticipated wage collapse, the Great Depression; an equally unexpected stimulus to wage growth, World War II; and a third unpredicted slowdown after 1973.

In truth, even under pessimistic assumptions, Social Security will remain nicely in balance for at least the next 20 years. Whether the system goes into the red after that depends on trends nobody can forecast with certainty. Rather than hack away at Social Security, Congress should legislate standby adjustments to take effect only if the doomsayers prove right. We should continue to pursue economic expansion and rising wages—both for Social Security and for their own sakes.

Mr. HOLLINGS. I will just read one sentence there, by the distinguished economist Robert Kuttner.

In truth, even under pessimistic assumptions, Social Security will remain nicely in balance for at least the next 20 years.

We have the authorities. We know what is happening. But they have used this argument that Social Security is insolvent as the dark ink of the octopus in order to confuse people.

We face two arguments. One concerns discipline: Congress is never going to do it unless you put it in the Constitution. False. I ask unanimous consent to have printed in the RECORD an article that I wrote last year entitled, "From Tragedy to Farce" which addresses this issue. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charlotte Observer, Mar. 1, 1994]

FROM TRAGEDY TO FARCE—IF HISTORY REPEATS ITSELF, A BALANCED-BUDGET AMENDMENT WON'T FORCE CONGRESS TO BE DISCIPLINED—JUST CREATIVE

(By Ernest Hollings)

Here's a terrific, no-pain solution to Washington's budget deficit mess. Instead of cutting spending, raising taxes and angering voters in an election year, why not zap the deficits by simply declaring them unconstitutional? Why not a balanced-budget amendment to the Constitution?

Mind you, I support the balanced-budget amendment, knowing full-well it alone won't balance the budget. What I oppose is the cynical selling of this amendment by politicians who have no intention of following through with the nasty, wrist-slashing work of actually balancing the federal budget.

Recall that Congress has passed a balanced-budget amendment once before. It was called Gramm-Rudman-Hollings. Like today's balanced-budget amendment, the 1985 Gramm-Rudman-Hollings amendment boldly promised a balanced budget in five years' time. It, too, was embraced by big, bipartisan congressional majorities and enjoyed public support. Gramm-Rudman-Hollings cut the deficit to a low-water mark of $150 billion, but was later gutted by a succession of budget summits. The deficits exploded once again.

LESSONS OF A CRACK-UP

A wise man once observed that history repeats itself, the first time as tragedy and the second time as farce. The balanced budget amendment could prove to be the ultimate farce unless we learn from the mistake of the past. As a veteran of the Gramm-Rudman-Hollings crack-up of 1990, I offer the following lessons.

Follow the money. The deficit this fiscal year, $223 billion, is nearly the same as when we began the Gramm-Rudman-Hollings exercise in 1985. The difference is that, after eight years of steady economizing, we have already strip-mined the easy budget cuts. What's more, Congress last year took the unprecedented step of imposing a hard freeze on discretionary spending for the next five years. A balanced-budget amendment on top of this will require cuts of nearly $600 billion between 1995 and 1999.

Using the Congressional Budget Office's most recent projections, to balance the budget by 1999 without new taxes we would have to cut all federal spending (except mandatory spending for judges' pay and interest on the debt) by $26 billion in 1995, $73 billion in 1996, $119 billion in 1997, $162 billion in 1998, and $205 billion in 1999. This includes cutting Social Security by $130 billion by 1999.

Of course, Congress wouldn't dare cut Social Security by one dollar. So exempt Social

Security from cuts: now the required across-the-board cuts rise from 10.7% to 14.2% in 1999.

Inevitably, other programs—including veterans' benefits, military pay, the Women, Infants and Children nutrition program—would also be sheltered from cuts. As the burden of $600 billion in cuts falls on a smaller and smaller share of the total budget, reductions of 20% and up would be required in unprotected areas such as law enforcement, education and environmental protection.

Beware of political chickens posing as budget hawks. Sixty-one senators and 271 representatives hitched a ride on the Gramm-Rudman-Hollings bandwagon in 1985. But later, when those same politicians were asked to cast tough votes to actually cut the deficit, they lit out for the tall grass. For example, in 1990 in the Senate Budget Committee, I proposed a strict spending freeze to meet that year's Gramm-Rudman-Hollings deficit-reduction target; the most zealous supporters of Gramm-Rudman-Hollings joined forces to kill the freeze.

Face it, most members of Congress view a "yea" on the balanced-budget amendment as a free vote. They get to preen their deficit-hawk feathers in an election year, comfortable in their belief that doomsday won't arrive until 1999.

The rule in Washington's budget battles is: "Fight until you see the whites of their eyes." The theory of the balanced-budget amendment is identical to that of Gramm-Rudman-Hollings: if you put a gun to Congress' head, Congress will get discipline. The reality, however, is that when you put a gun to Congress' head, Congress gets creative.

Bear in mind that both Gramm-Rudman-Hollings and the balanced-budget amendment are strictly process-oriented mechanisms. Process can always be defeated by 3ore process. The process of Gramm-Rudman-Hollings was defeated by the counter-process of the "budget summits."

History now repeats itself with the balanced-budget amendment. Already the cloakroom conspirators are talking about "process reforms" that will assist in "balancing" the budget: moving more programs "off budget" and creating a separate "capital budget" to finance "investments" with deficit spending. What's more, the balanced-budget amendment expressly allows Social Security Trust Fund surpluses to be siphoned off to help "balance" the budget; in 1999 alone, we will be robbing $100 billion from Social Security. "Balanced budget," indeed.

AVOID THE GAMESMANSHIP

So let us debate, pass and ratify the balanced-budget amendment. But let's avoid the gamesmanship that betrayed Gramm-Rudman-Hollings. If you're not for massive cuts in federal spending, or for making up the difference with new taxes, then hold the hypocrisy; vote no on this amendment.

Mr. HOLLINGS. That was almost a year ago. I said at that time: Watch what they do, not what they say. Congress gets very creative.

Point: Right this minute, section 7 gives them creatively $636 billion that they will not have to find in order to comply with the literal wording of the balanced budget amendment to the Constitution.

Thus, in the year 2002, the budget will not be balanced. There will be trillions of dollars worth of IOU's in the Social Security trust fund. But they will say, "we have complied literally with the wording." That is one particular creativity that you see going on now through the violation of the Hollings amendment—a reason for calling this a fraud.

I have made the tough votes. Just yesterday I voted to table Senator ROCKEFELLER's amendment to exempt veteran's programs from deficit calculations. I helped coauthor the WIC Program, education programs, but I would likewise vote against amendments to exempt them from deficit calculations. Those programs do not have trust funds; we do under Social Security.

There are other ideas of creativity around this town. Mr. Greenspan has given cover to those who want to redefine CPI. Reducing it by 1 point would forgo the need for an additional $150 billion in spending cuts over 5 years.

Similarly, there's a move not to continue with the pay-as-you-go provisions requiring legislation outside the budget resolution to be deficit neutral over 10 years. When President Clinton wanted a 5-year rule so he did not require the 60-vote margin on GATT, I held fast. I said, "We have to maintain the discipline."

When I offered an amendment to make the 10-year rule part of the Congressional Budget Act last week before the Budget Committee, Republicans said, "No, no, not now, maybe a later time would be better." They are going to get it a later time, that you can be sure of.

So there it is. You can see what is on course. The distinguished Speaker of the House said earlier this year at a town meeting in Kennesaw, GA:

> We have a handful of bureaucrats who all professional economists agree have an error in their calculations. If they cannot get it right in the next 30 days or so, we will zero them out. We will transfer the responsibility to either the Federal Reserve or the Treasury or tell them to get it right.

That is what they are going to do. They are going to do away with the Secretary of Labor and the Bureau of Labor Statistics because, if they do not do it the way we want, we will get a different referee.

It is my hope that we will amend section 7 excluding Social Security so that we will pass this balanced budget amendment. They think they can pressure old HOLLINGS. But I stood for the truth in public service all my life. I found out it paid off. Let us sober up in this town, speak the truth, and come under the auspices of the first thing we passed last month which puts Congress under the same rules as the people outside this beltway. Let's have truth in budgeting.

I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized to call up an amendment at the desk.

Mr. SANTORUM. Mr. President, I object.

Mr. FEINGOLD. I ask unanimous consent to be allowed to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Thank you, Mr. President.

I have been waiting here for 4 hours to bring up an amendment, which I am sure the other side would only take 10 minutes to bring up and we could probably move to a vote.

The Senator who is about to speak, the Senator from West Virginia, has been courteous enough to not object to that procedure. Unfortunately, the other side has objected.

But this is an item that is timely and I think should be disposed of today, so I will seek unanimous consent again later on today or seek the floor again for that purpose. I regret that this has not been possible.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. SANTORUM. Will the Senator from West Virginia yield?

Mr. BYRD. Yes.

Mr. SANTORUM. We have a vote scheduled at 3 o'clock and time is allocated that would put us past that time. Could I ask unanimous consent that the Senator yield back 7½ minutes and our side would yield back 7½ minutes and, therefore, we would come within the hour of debate?

Mr. BYRD. Would the Senator wait a little while and let me see how I am going to come out? Perhaps we could work it out.

Mr. SANTORUM. I am happy to do that.

Mr. BYRD. Mr. President, not a day goes by that we are not shocked by a violent crime described on the nightly news or in the newspaper. We live in a world, in a country, in cities and towns, in which violent crimes—murders, robberies, and rapes—have become commonplace. Within this body, one Senator's wife was held at gunpoint in front of her home, and another Senator's aid was murdered just a few blocks from this Chamber.

The statistics are overwhelming. In 1993, the most recent year for which data are available, there were over 1.9 million violent crimes committed in this country. There were 24,530 murders. There were 104,810 reported—Reported—forcible rapes. There were 659,760 robberies. There were 1.135 million aggravated assaults. Clearly crime is a serious national problem which must be addressed.

According to the Federal Bureau of Investigation, a violent crime occurs in America once every 16 seconds.

And the stopwatch is set, as you can see, at 16. It represents one violent crime every 16 seconds.

Someone is murdered every 21 minutes. A woman is raped every 5 minutes.

A robbery is committed every 48 seconds. One burglary is committed every 11 seconds. One motor vehicle is stolen every 20 seconds. One property crime is committed every 3 seconds.

Today, Mr. President, Americans are over four times more likely to be the victim of a violent crime than they were 30 years ago. This increase has occurred during almost the same time period that I have served as a Member of the Senate. In the past three decades, the rate of violent crimes has increased 364 percent—eight times faster than the population of this country has grown.

This crime plague is no longer confined to urban areas and large cities. Administrator Thomas A. Constantine, of the Drug Enforcement Administration, said it best when he recently testified before the Senate Judiciary Committee:

> And this epidemic of violent crime is no longer confined to big cities like New York or Los Angeles or Miami. It has reached deep into our heartland. Last year, for example, Indianapolis, Indiana, a city known more for its Midwestern hospitality than its violence, recorded a homicide increase of over 60 percent * * *. Homicides in Buffalo, New York, increased by almost 20 percent from 1993 to 1994. And, in Richmond, Virginia, homicides increased over 30 percent from 1983 to 1994.

My own State of West Virginia has prided itself for many years for having the lowest overall crime rate in the Nation. In West Virginia, unlocked doors and evening strolls have long been the way of life, but that is changing, and it is a crying shame. Crime in West Virginia has increased threefold since the 1960's. Over the past 5 years, the rate of violent crime in West Virginia has risen by 11 percent, a rise greater than the national average. The numbers of murders, rapes, and assaults are climbing, and, paralleling the national pattern. Even the number of juvenile crimes in West Virginia is skyrocketing.

Now in West Virginia's small, rural communities, drugs are being peddled, children are shooting children, women are being attacked on the streets in front of their homes, and families are connecting alarms to their bedroom windows.

Like so many other States, West Virginia has recognized the crucial need to respond to rising crime rates by putting more police on the streets, building more prisons, and providing better resources to law enforcement.

Mr. President, I have several charts that indicate the level of this crime epidemic and how it is breaking out among the youth in this Nation.

The first chart shows that the record level of all violent crime has risen over the past decade. In 1985, approximately 1.3 million Americans were victims of violent crime. In 1993, that number had risen to over 1.9 million Americans. That is a 45-percent increase in just eight years!

The next chart shows the number of murders committed. In 1985, there were 18,980, murders in the United States. In this same 8-year period (1985–1993), the number of murders per year had risen to 24,530. That is an increase of 29 percent!

The next chart is the most alarming. For in spite of all of our law enforcement efforts at the State and national levels, press reports show that juvenile crime is increasing at a breathtaking rate. From 1984 to 1993, the juvenile arrest rate for murder has risen from 1,305 to 3,788. In other words, it almost tripled.

Mr. President, many of the advocates of this balanced budget amendment have stated their intentions that defense and Social Security should be spared from any of the cuts that will occur under this constitutional amendment to balance the budget if it is, indeed, adopted by the Congress and ratified by the record number of States. I say that again: The advocates of this ill-advised amendment have stated their intentions that defense and Social Security should be spared. But it does not make any difference what their intentions may be. It is what that constitutional amendment says. That is where the courts would ultimately look. They will look within the four corners of the document itself, the amendment itself.

It does not make any difference what the advocates say. It is not their intention to do this. It is not their intention to do that. It is not their intention to include defense. It is going to be exempted. It is not their intention to include Social Security. It does not make any difference what their intention is. It does not say that in the constitutional amendment itself. It does not say that defense will be exempted. It does not say the Social Security will be exempted. That is where one has to look to see what the amendment says and what it will do.

Mr. KENNEDY. Will the Senator yield?

Mr. BYRD. Mr. President, yes, I yield.

Mr. KENNEDY. Mr. President, during the Senator's study of this amendment, about what the amendment does do and does not do, during the course of the Senate Judiciary Committee hearings, we had the testimony of Mr. Dellinger that was similar to the kind of testimony that was had during the course of your own hearings about what the responsibility of the Chief Executive might be if this were to go into effect.

There was very substantial constitutional opinion that a President, having sworn to uphold the Constitution, would therefore be required to actually impound the expenditures if the receipts and expenditures did not balance.

This has not, really, been debated or discussed very much. I had hoped at some time to have an amendment to try to make sure that the Senate as an institution was going to have an opportunity to address that issue. I understand that given our situation we may have to defer the vote on that until Tuesday next.

I am interested in the Senator's concern about that particular issue; to wit, that a President, should the balanced budget amendment actually be ratified, would be put in a position that, having sworn to uphold the Constitution, that he may be compelled, himself, to go ahead and impound the resources or funds or appropriations, and that this would be something that would be a far reach from whatever had been thought of by our Founding Fathers or considered during the Constitutional Convention, which I know the Senator has talked about during the earlier discussion and debate.

I just wonder whether the Senator from West Virginia, as one who chaired those hearings, had heard a considerable amount of debate and discussion about this issue, whether he had formed any opinion or whether he himself was concerned about the ambiguity. The reason I bring this up, as the Senator was just pointing out to the Members that there is so much that is left unsaid and so much left unstated and so much left up in the air, this, too, might be something that at least, as far as the Senator from West Virginia is concerned, would be left up in the air prior to consideration or prior to the vote.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his question. It goes right to the heart of the matter. During the hearings that were conducted last year by the Appropriations Committee in 1993, the year before last, during those hearings several constitutional scholars were invited to appear before that committee. I was then the chairman.

All of those constitutional scholars who appeared before that committee had a great concern with respect to this constitutional amendment. As precisely as I recall, the same amendment—I do not think any changes had been made in it since those hearings were held. I believe that it is, word for word, as it was then.

Most all of them, if not all, were concerned about the very possibilities that the Senator has stated.

Mr. KENNEDY. Will the Senator yield, Mr. President, on this point?

Mr. BYRD. Mr. President I yield.

Mr. KENNEDY. Mr. President, I have the hearings here, the excerpts. Here Archibald Cox, in his statement, talks about impounding funds under some appropriations, while continuing spending under others. "Probably this would be the sensible course; but it means that the proposed amendment would enlarge the power of the President, vis-a-vis the Congress."

That is Archibald Cox who indicated that that power would be with the President. And Walter Dellinger, who is a distinguished constitutional scholar, was asked, "Would the amendment authorize the President to impound funds?"

Mr. Dellinger said, "Yes, I think it would."

And Charles Fried, who was a distinguished Solicitor General during the Reagan period, when asked during the course of hearings, he said that "total outlays shall not exceed total revenues."

> If in the course of a budget year earlier projections prove false, this provision would offer a President ample warrant to impound appropriated funds. In the past such impoundments were based on claims of the President's inherent powers.

Coming close to the point of voting on the Senator's amendment—and the Senator was talking about the ambiguity of this amendment, about what was included and what was not—at an appropriate time, I will offer an amendment that will make it clear, that opportunity for the Senate to go on record that we do not believe we should give that kind of a power, the power of general impoundment, to a president, if this were to go into effect.

The principal reason I asked the Senator from West Virginia is whether he feels that this is an issue that ought to be addressed as well, in the course of the debate.

Mr. BYRD. Mr. President, I do.

I think there is very much a likelihood that power would be shifted from the legislative branch to the executive and to the courts. I can imagine easily the situation in which the Congress failed to enforce the amendment by appropriate legislation.

By the way, the President can veto that "appropriate legislation" if he does not agree with it. I can see a situation in which the Congress failed to enforce and implement the article, in which case the counsel to the President would advise the President: Mr. President, this budget is out of balance. People on Capitol Hill, just like they were back there when they adopted the amendment with flying colors, if it is so adopted, they still do not have the spine that that amendment was supposed to implant in their frail bodies. And, consequently, Mr. President, it is up to you to see that this is done. We recommend that you impound moneys.

The President would say: Naturally, well, I cannot do that, because of the 1974 Budget Impoundment and Control Act, I cannot do that. That would be against the law."

The council would say, "Well, Mr. President, there is now a higher law. It has been written into the organic law of this country; therefore, you are bound, upholding your oath of office, to balance this budget." And the President would impound moneys.

Of course, then matters would get into courts because some of the people, some of the citizens who are entitled under the laws to receive certain funds, certain payments from certain programs would say, "Well, look, the book says I'm entitled to" thus and so. They go into the courts and the courts will be brought into the action. There is nothing in here that forbids courts to enforce this amendment, nothing in here that requires them to enforce it. Those constitutional scholars, many of those professors, as the Senator has pointed out, who appeared before the Appropriations Committee, so stated.

Mr. KENNEDY. Just finally, in the Senator's review of those debates on the power of the executive and legislative branches that took place at the Constitutional Convention, does not the Senator feel that this is really standing the whole Constitution on its head in terms of how our Founding Fathers view the delegate powers to the executive and to the legislative branches? Does this not really effectively corrupt the whole separation of powers, as envisioned by the Founding Fathers, as to the taxing authority and the executive authority?

Mr. BYRD. The Senator has asked a very timely and decisive question. If Congress does not enforce this amendment, once it is in the Constitution, if it were not enforced, then that would be the other nightmare. One can speak of all the nightmares that would occur during the enforcement of this amendment.

If it is not enforced, on the other hand, that constitutes another nightmare in that the faith and confidence of the American people in the Constitution of the United States will be damaged, and the Constitution will suffer thereby.

Mr. KENNEDY. Could I be correct in concluding, when Senator JOHNSTON and I have an opportunity to offer an amendment that would just state, "Nothing in this article shall authorize the President to impound funds appropriated by Congress by law or to impose taxes, duties or fees," that the Senator would support that amendment?

Mr. BYRD. I would like to read the language, but I am certainly supportive of the concept and would, in all likelihood, support the amendment.

Mr. KENNEDY. I thank the Senator for yielding for those questions. I hope to have an opportunity to submit that amendment and to speak to the amendment and have an opportunity to vote on it. I thank the Senator from West Virginia.

Mr. BYRD. I thank the Senator from Massachusetts.

John Marshall said that this Constitution is intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs. I think we are going very much against what John Marshall said and we will, in my judgment, be committing a horrible and unforgivable blunder if we adopt this amendment. Furthermore, as Senators are aware, the so-called Contract With America contains a massive tax cut. If we exempt defense and Social Security from budget cuts and if we adopt the tax cuts called for by those who signed onto the so-called Contract With America, and if we pay for the interest on the national debt, then every other program in the budget would have to be cut by 30 percent across-the-board in order to achieve budget balance by the year 2002.

It is clear, then, that a balanced budget amendment would have a catastrophic impact on Federal law enforcement and our efforts to combat violent crime in America. In the words of the Assistant Attorney General, Sheila F. Anthony:

> * * * Congress should be keenly aware of the impact that such an amendment could have on the essential operations of the federal government in general, and of the Department of Justice in particular. In a word, the impact could be devastating!

It would significantly set back any progress that this Nation has made in combatting violent crime, the importation of illegal drugs, and illegal immigration. Instead of bolstering and enhancing our law enforcement programs as proposed in the FY 1996 budget, we will be dismantling and disarming our side in the war against violent crime, and retreating in our efforts to control our Nation's borders.

I think it is important to take a brief look at what has happened to law enforcement funding during the past few years in response to the rising tidal wave of crime. When I assumed the chairmanship of the Senate Appropriations Committee in January 1989, the Department of Justice budget stood at $5.4 billion. The budget for Treasury law enforcement bureaus was $2.083 billion. The Violent Crime Reduction Trust Fund did not even exist. That was just 6 years ago. And during that period of very tight limitations on discretionary spending—with the help of our subcommittee chairmen, Senator HOLLINGS and Senator DeConcini, and the leadership of our authorizing committee chairman, Senator BIDEN, and the support of members on the other side of the aisle, such as former Senator Rudman, Senator DOMENICI, Senator BOND, Senator THURMOND, Senator HATCH, and, of course, Senator HATFIELD—we put forth aggressive efforts to fight the war on violent crime.

Last August, we sent an appropriations bill to the President that provided the Department of Justice with budgetary resources totalling $13.7 billion—a funding increase of over 250 percent in just six years. For the Department of Treasury law enforcement programs, fiscal year 1995 appropriations totaled $2.8 billion, or a 36-percent increase since 1989. And, we provided $38 million to the Departments of Health and Human Services and Education, for crime prevention programs that did not exist in 1989. We aggressively attacked the crime problem because the people were demanding that the issue be addressed. And they were right to demand it because their demand got results. This increased spending has been well worthwhile. It is providing a big bang for the buck, but not big enough.

For example, look at our Federal Bureau of Prisons. In 1989, our Federal Prison System housed 54,000 inmates and had an operational budget of $1.2 billion. We made resources available to build additional prisons and have continued to provide increased funding for prison guards and support personnel to activate those prisons. The Federal Prison System's annual budget has doubled since 1989 to $2.6 billion. In 1995, our Federal Prison System will house over 102,000 inmates. In just six years we have doubled the number of criminals who have been put away under lock and key and taken off the streets so that they can no longer terrorize law-abiding citizens.

But, the greatest growth in Department of Justice appropriations has been in Federal assistance to State and local law enforcement agencies. In 1989, the Congress provided $229 million in such assistance. In 1995, the Justice Department will make available almost $2.4 billion for state and local law enforcement assistance programs. Much of this increase was provided through appropriations which funded the new Violent Crime Control and Law Enforcement Act of 1994, commonly called "the crime bill."

Appropriations were also increased for the main investigative and prosecutorial divisions of the Department of Justice—the Federal Bureau of Investigation, Drug Enforcement Administration, U.S. Marshal, and U.S. Attorneys. Total funding for these bureaus has been increased from $2.5 billion in 1989, to $4.5 billion this year.

For FY 1996, the President's budget proposes to continue large increases for the Department of Justice and Federal law enforcement. The budget proposes to increase the Department's budget from its current level of $13.7 billion to $16.5 billion. That is an increase of $2.8 billion in just 1 year, for the activation of prisons and the construction of new prisons in Texas, California and Hawaii. In the next 5 years, as prisons under construction are activated and brought on line, we will be adding 30,000 new prison beds to the Federal system. The 5-year budget projections for the Federal Prison System call for the agency's operating budget to rise from its current level of $2.3 billion to over $3.5 billion. Please note, this increased requirement will occur during the same period that the balanced budget amendment calls for the budget to be balanced.

For the Immigration and Naturalization Service, the President's budget request proposes an increase of $442 million or 21 percent. It would provide for 700 new Border Patrol agents, 680 new inspectors for border crossings, and 165 support staff so agents can patrol the border and not spend their time performing paperwork. And the budget proposes to increase by $170 million payments to States for the cost of housing incarcerated illegal aliens in State prisons.

With respect to total law enforcement assistance to State and local governments, this is again the area of the largest increases in the President's fiscal year 1996 budget. For the Justice Department, the budget would increase such assistance by almost $1.6 billion or 66 percent. The budget contains $3.965 billion for programs such as, Byrne formula grants, community policing, juvenile justice programs, violence against women, and prison grants. Again, much of this assistance—$3.456 billion or 87 percent—would come through appropriations pursuant to the Violent Crime Reduction Trust Fund established in the 1994 crime bill.

The President's budget has proposed that violent crime prevention programs operated by the Departments of Education and Health and Human Services be increased. In fiscal year 1996, it proposes $175 million for prevention programs financed through the new Violent Crime Reduction Trust Fund, an increase of $137 million above current levels. These programs will help local communities strengthen their prevention efforts through economic partnerships, before and after school programs, rape education and prevention programs, shelter grants for battered women, and demonstration grants.

IMPACT OF BALANCED BUDGET AMENDMENT ON LAW ENFORCEMENT PROGRAMS

Mr. President, with a balanced budget amendment in force we will likely not be seeing that continued enhancement of law enforcement the President has described in his budget proposal. Unless we exempt Federal law enforcement and violent crime programs, we will destroy everything that has been achieved since 1989. We will be sounding the retreat in our war against crime and backpeddling on our hard won efforts to protect law-abiding citizens.

If the Federal law enforcement and violent crime reduction and prevention programs receive their fair share of reductions required by the balanced budget amendment, then the following types of impacts would occur:

For example, the Federal Prison System will not be bringing new prison beds on-line this year. It will not be adding another 30,000 beds and new prisons in the next 5 years as prisons are delivered by contractors and come out of the pipeline. We will not provide for the new staffing and operational requirements to operate these facilities. No, instead the Bureau of Prisons would have to close 37 of the 79 existing Federal prison facilities. We would either have to let prisoners go, or crowd over 100,000 Federal inmates into the remaining facilities. Overcrowding would be at over 250 percent. Let me say that again. Overcrowding would be at over 250 percent.

There has been a lot of discussion in local newspapers about overcrowding and violence at the District of Columbia's Lorton prison facilities just 20 miles south of here. That is what the future holds for our Federal prisons under a balanced budget amendment, with the balancing done on the back of non-defense discretionary programs.

Secondly, a balanced budget amendment would severely set back, if not totally destroy, our efforts to combat illegal immigration and control our borders. At the very time the Mexican peso is being devalued and the economic attraction of the United States is greatest, we would be letting down our guard.

We would not be providing the increased numbers of Border Patrol agents and inspectors proposed in the fiscal year 1996 budget. We would instead be laying off or "RIF'ing" agents that we added during the past 2 years, and would go well below the staffing levels in effect when I took over as chairman of the Appropriations Committee. The Border Patrol would be reduced by approximately 1,600 agent and support positions. INS inspectors would be cut by approximately 400 positions. The INS detention and deportation program would be reduced by over 500 positions.

The impact of reductions of this magnitude cannot be overstated. The lack of patrols will allow more illegal aliens to cross the border and reach the United States. Patrols in critical choke points such as San Diego, CA, and El Paso, TX, would have to be cut back. The staffing reductions at ports of entry would cause horrendous traffic jams at the border, and would have a negative impact on commercial and noncommercial traffic to and from Mexico and Canada. The number of aliens who could be detained and the number of removals which could be accomplished annually will drop. This would facilitate efforts by aliens to abscond and remain in the country illegally.

Moreover, a balanced budget amendment would also have a debilitating impact on our Federal investigative and prosecutorial agencies.

The U.S. Attorney offices across the country would have to significantly reduce the number and experience level of Assistant U.S. Attorneys. The Federal Government would have to decline to prosecute cases where there is shared jurisdiction with State and local laws. At a time when violent crime is the foremost concern of American citizens, the U.S. Attorneys would not have the resources necessary to prosecute violent offenders in a timely manner.

The Federal Bureau of Investigation and the Drug Enforcement Administration are personnel intensive and would be severely impacted by reductions necessitated by a balanced budget amendment. The FBI would lose over 4,100 agents and over 5,000 support positions. The DEA would have to cut 2,000 positions, including almost 900 agents. Both the FBI and DEA would have to discontinue hiring and training of new agents. Both agencies would have to reduce investigative operations and focus solely on crimes that are Federal in nature. The FBI and DEA's support to State and local task forces, such as Safe Streets, would have to be disbanded. Finally, both agencies would have to close small rural offices across the country.

Additionally, with respect to State and local assistance for law enforcement and prevention of violent crime, the balanced budget amendment would undo much of the progress made in last year's crime bill. We would have to make severe reductions to a number of programs, including community policing, grants to construct prisons, programs to prevent violence against women, Byrne formula grants, and crime prevention programs. Valuable prevention programs, like the Community Schools Program and the National Domestic Hotline run by the Department of Health and Human Services, would have to be reduced significantly. New prevention programs authorized from the Violent Crime Reduction Trust Fund, such as community programs on domestic violence, grants for battered women's shelters, education to prevent and reduce sexual abuse of runaway children—would never get off the ground.

This would have a staggering impact on programs designed to prevent domestic violence and rape. For example, failing to fund the Crime Trust Fund programs on rape prevention would deny services to 700,000 women in fiscal year 1996. Eliminating the domestic violence demonstration program would deny critical education services designed to prevent domestic violence to nearly 2 million Americans.

A balanced budget amendment would also force significant reductions in the Bureau of Alcohol, Tobacco and Firearms at the Department of the Treasury. ATF would be reduced by some $116 million, or one-quarter of its size and personnel. Investigations of armed career felons using firearms to commit crimes would be substantially curtailed. This would result in more illegal firearms on the streets being used for illegal activities. The National Tracing Center, which aids in tracing weapons used in crimes, would be virtually inoperable. Recent gun legislation, such as Brady and the assault weapons ban, could not be effectively implemented. The balanced budget amendment would essentially undo everything the Congress has done in this area in the past 10 years. In addition thereto, even the U.S. Secret Service, with its very essential mission of Presidential protection, would likely be cut under a balanced budget amendment.

EXEMPTING LAW ENFORCEMENT AND PREVENTION PROGRAMS

Now, Mr. President, my amendment is very simple. It provides Federal law enforcement, and violent crime reduction and prevention programs with the same protection as we assume would be accorded the Department of Defense and Social Security. These crime control programs, in fact, are defense and security programs. They are domestic defense programs designed to protect Americans against threats to their security and safety.

Without my amendment, the balanced budget measure likely would debilitate Federal law enforcement and violent crime reduction and prevention programs. It would largely nullify the crime bill.

My amendment protects the Senate's commitment to the war on violent crime, and our efforts to combat illegal immigration. It sends the right signal to organized crime, to drug smugglers, to those who commit violent crimes. And, it sends the right signal to the man and women serving our Nation—to FBI agents, to DEA agents, ATF and Customs agents, to U.S. prosecutors and Border Patrol agents out on the line. And, it sends the right signal to the American public that we are not going to undo the progress that we have made.

As chairman of the Appropriations Committee during the past 6 years and as a Member of this body, I have worked very, very hard to provide these law enforcement programs with the resources necessary to fight crime.

As I said earlier I was joined in this by the distinguished Senator from South Carolina, Mr. HOLLINGS, former distinguished Senator, Mr. DECONCINI, from Arizona, and Senator HATFIELD, the then-ranking member of the Appropriations Committee, now the chairman, and the subcommittee chairmen and ranking members of the subcommittees to which I have already alluded.

Look at the record. As I have stated, enhancements in Justice and Treasury law enforcement programs to combat violent crime was carried out on a bipartisan basis. I would hope that we could continue to accord these law enforcement and violent crime reduction and prevention programs with protection on a bipartisan basis now.

This Senator is surely not going to let this progress be undone if he can help it. I am not sure that I can. That would be my desire and hope. If it is the will of this Senate to balance the budget on the back of law enforcement, then we must ensure that the funding for these programs is protected.

We have talked a great deal about the Constitution in this debate but let me take a moment here and read from another great document which has also been an inspiration to generations of Americans, The Declaration of Independence.

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.

Note the words "Life, Liberty, and the Pursuit of Happiness."

There is one murder every 21 minutes in this country. Are we guaranteeing the unalienable right of life? There is one forcible rape every 5 minutes in America and one violent crime every 16 seconds in the United States. What about the unalienable rights of life and liberty in light of those chilling statistics? There is one burglary every 11 seconds and one property crime every 3 seconds. Have we done our job in protecting the pursuit of happiness? These are dismal, dismal numbers and they rob our people daily of their lives, their liberties, and their happiness.

This balanced budget amendment and the cuts it will most assuredly impose upon funding that is designed to protect the life, liberty, and the safety of our citizens in their homes and on their streets will lessen our ability to provide our people with what to me is a basic right—namely freedom from the terror of violent crime.

Unless we continue our strong commitment to keep the criminals off our streets, track them down, lock them up, and reclaim this violent, violent country, we will be failing in our duty to provide our people with their basic right to safety.

Our children are increasingly under the influence of drug dealers. Our schools, in many communities, are hotbeds of crime and drug use. Life, limb, and personal property are daily at peril in America, and we owe our law-abiding citizens every effort we can muster to control the awful scourge of violent crime in America. The enemy within can be every bit as dangerous as the enemy from without. The rampant plague of crime threatens the very fiber of American life, and government must not turn away from its duty and commitment to make America's streets safe once again.

It is a priority. It takes money to fight crime, money to lock up criminals, money to stop the drug dealers. And unless we protect our law enforcement effort from the deep chop of the balanced budget knife, that money will not flow to the cities and towns of America and the thugs and the criminals will win.

Arguments rage about what government ought and ought not to be doing in this land, but I believe that there can be little disagreement about government's role with regard to battling crime and protecting law-abiding citizens at risk from thugs and drug dealers. We must protect the effort we have begun. We must insulate our law enforcement efforts from the slash of the budget ax. The crime clock is ticking. Let us take this step to slow the bloody whirl of its hands.

Mr. President, there was a time agreement on this amendment. Whatever time I have used, I will be happy to charge it against the time that was on the amendment or I will be happy to cut down on the time, if the distinguished Senator from Utah wishes to do so. I apologize for taking this amount of time. I hope I am not cutting out the time for my colleague on the other side of the aisle.

AMENDMENT NO. 301

(Purpose: To protect Federal outlays for law enforcement and the reduction and prevention of violent crime)

Mr. BYRD. Mr. President, I call up amendment No. 301, which is at the desk, and which is on the list.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 301.

The amendment is as follows:

On page 3, line 8, strike "principal." and insert "principal and those for law enforcement and the reduction and prevention of violent crime.".

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, can I inquire how much time is left?

The PRESIDING OFFICER. Under the present agreement the time is charged to the amendment as offered and it is the opinion of the Chair that the Senator began to speak at 2 o'clock, the Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent the time I have taken making my statement be charged against the time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. It is my understanding there was a desire to start voting at 3 o'clock?

Mr. HATCH. That is correct. Mr. President, I appreciate my colleague. As usual, he is always very gracious. I understand the time for the voting will begin at 3, so this will be the third vote.

If I could just say a few words about the Senator's amendment.

Mr. President, I believe my record on fighting for crime control legislation is equal to that of any other Member in this body. Violent crime is rampant in our society. The distinguished Senator from West Virginia has made that case, and the American people have demanded that we respond to this crisis as well.

Indeed, the issue is far too important for our Nation to be used as a political football, and I do not accuse the distinguished Senator from West Virginia of doing that. But I do believe that it deserves effort other than on the balanced budget amendment. His amendment to exclude spending for law enforcement and the reduction and prevention of violent crime in the constraints of the balanced budget amendment is in reality, in my opinion, a spending loophole that has very little to do with addressing our people's very real fear of violent crime.

There are those of my colleagues who would argue that this amendment creating a crime loophole in this constitutional amendment is a responsible thing to do. They would have the rest of us, as well as the American people, believe that this loophole would not be abused. But I have to disagree. Let me just give an illustration here.

When the violent crime reduction trust fund provision passed the Senate as a part of H.R. 3355 on November 19, 1993, it authorized that $22.268 billion, the anticipated savings from reductions in the Federal work force, be placed in a segregated trust fund over 5 years. This money was to be used only for crime fighting programs authorized in the crime bill. Moreover, discretionary spending cap reductions were included to ensure that the creation of this trust fund would not increase the budget deficit.

Now, let me take a minute to remind my colleagues what happened to the trust fund provision before it returned to the Senate as a part of the conference report on the crime bill.

This chart shows it. "The Crime Bill Trust Fund Social Spending Spigot" is what this particular chart is called. It shows the additions to the crime bill, as originally passed, both by the Senate and as enacted. When we got through with the Senate, we had added the Ounce of Prevention Council, $75 million; community schools, $400 million; National Community Economic Partnership, $40 million; local crime prevention block grants $391 million; $300 million for drug treatment in State prisons; $900 million more for drug treatment, which some of our colleagues were not all that enthusiastic about but we agreed to. By the time it got through the House and through the conference committee, look at how that increased. It jumped from $2.186 billion in social spending to $5.390 billion, and we had things in there like the FACES Program; the Local Partnership Act, which is just a gift to the cities without any restraints whatsoever; the model intensive grants program.

I could go through each one of those and explain how hardly any of the money would go to fight crime. Look at the assistance for at-risk youth; $3 million for urban recreation and at-risk youth, community-based justice grants, drug treatment of Federal prison and police recruitment grants.

Look at how everything else jumped, too. These add-ons in the Senate all jumped again, this time immeasurably, like this one from $75 million jumped; this one for community schools, $400 million to $566 million; National Community Economic Partnership from $40 million to $271 million. Local crime prevention block grants actually went down. I have to give credit for that. And then the others, of course, we have a number of programs that were not even in the mix.

This is precisely why we need a balanced budget amendment. Somewhere between the Senate and the House of Representatives we went from $2.168 billion in add-ons, to $5.390 billion in what was really characterized as absolute pork barrel spending.

Really, the Local Partnership Act was a provision—this right here, the Local Partnership Act—$1.622 billion was a thinly disguised retread of the President's failed economic stimulus bill from the previous years. Proponents threw in the catchy phrase "to prevent crime" a few times, and, thus, managed to expropriate $1.6 billion in crime control funding for education, substance abuse treatment, jobs programs to "prevent crime."

The Model Intensive Grant Program, right here, for $625 million was to be directed by the Attorney General to fund up to 15 model programs for crime prevention in chronic, high-intensive crime areas.

The criteria for the programs were very general, allowing recipients to spend money on virtually anything, so long as the applicant for the funds claims the spending is linked to crime control, no matter how tenuous the link. This includes spending on "deterioration or lack of public facilities," inadequate public facilities such as public transportation, as well as unemployment services and drug treatment.

I could go through all of the rest. There are some perfect examples here of how much we jumped the bill from $2.186 billion to $5.390 billion. These are excesses that we pointed out, that I think made a difference in the last election.

My point is this: I know that the distinguished Senator from West Virginia is sincere. I know that he is well-intentioned here. If we create a loophole like this in the name of trying to solve violent crime, we are not doing any better than we were before. We have shown you that, frankly, Congress is not serious about keeping spending under control. We are going to spend our country right directly into bankruptcy. To jump $2.186 billion, after both Senator BIDEN, the leading Democrat in the Senate, and I put our names on that bill—that bill would have passed overwhelmingly through both bodies. Then, by the time it went to the House it was larded up like never before. That is the reason to have a balanced budget amendment.

The violent crime reduction trust fund created an irresponsible incentive to redefine programs with no clear relationship to crime fighting as anticrime measures in order to secure funding for them under this trust fund.

By my count, the violent crime reduction trust fund became a magnet for at least 16 social spending programs, as shown by this chart. Indeed, this understates the record, because some of the worst boondoggles were collapsed into the Local Crime Prevention Block Grant Program. And as the chart also shows, an additional $3.2 billion was authorized to be spent out of the trust fund to pay for these programs in addition to the $5.390 billion.

How much more tempting is it going to be for Congress to convert popular spending programs into anticrime measures when such a definition is the only way in which to avoid the tough choices required by the balanced budget amendment? This exemption will create a constitutional shell game.

The example of the violent crime reduction trust fund amply demonstrates that when Congress is given an easy loophole to pass popular-sounding programs, it takes it. This is not a partisan accusation; it is an unfortunate fact of congressional life. I urge my colleagues to reject this loophole for spending under the guise of law enforcement, and the reduction and prevention of violent crime. This amendment is not about crime control, and the American people deserve better.

We talk about law enforcement. We talk about civil law enforcement as well as criminal law enforcement. Those terms are not defined in the amendment. The "reduction and prevention of violent crime." What does that mean? When is there a violent crime? We all know one when we see one. But on the other hand there are a number of other things that are called violent crime that we may think are not so violent. There are a lot of issues that are really not addressed by this loophole that would be created here.

What does my colleague intend to bring within the definition of "law enforcement"? Does he include spending for enforcement of our civil laws? If he says yes, then every Federal agency which has civil jurisdiction could be exempt; HHS, Education, and so forth. If he says no to it, then perhaps my colleague should have drafted the amendment to be a little more specific.

What does my colleague from West Virginia intend to include within the definition of "the reduction and prevention of violent crime"? Does he mean to include the programs contained in the 1994 crime bill? These programs right here? These are just some of them. Does he mean all of these or does he mean a whole raft of others? If so, then I assume he means to include the job training programs. There are 163 of those. Will they all be exempt from the balanced budget amendment? There are 163 actually currently administered by 15 departments at a cost of $20 billion annually; almost $25 billion, if the truth is known. Is that all going to be exempt from a balanced budget amendment?

What does my colleague mean when he proposes to place in the Constitution a special carve-out for spending on the "prevention of violent crime"? Does this include the amount spent to restore civil order to Haiti? Does DOD spending on interdiction fall within this exception? If it does, then all of these are loopholes through which they could drive anything.

Mr. President, I hope that our colleagues will vote down this amendment. I know my colleague means well. But we are talking about the Constitution and we cannot afford to do this. So I hope that we can vote this down.

I know the time is up.

I move to table the amendment, and I ask for the yeas and nays.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HATCH. Certainly.

Mr. BYRD. Mr. President, I hope that Senators will reject the tabling motion. This amendment will exempt spending for law enforcement and for reducing and preventing violent crimes from the requirements of this balanced budget amendment.

I thank the distinguished Senator for yielding.

Mr. HATCH. I thank my colleague.

Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE THE MOTION TO REFER

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to the motion to table the Wellstone motion to refer House Joint Resolution 1, with instructions.

The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 77 Leg.]

YEAS—60

Abraham
Ashcroft
Bennett
Bingaman
Bond
Bradley
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Wellstone

NOT VOTING—5

Gramm
Hatfield
Heflin
Inhofe
McCain

So the motion to table the motion to refer was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent that the remaining stacked rollcall votes by 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON MOTION TO TABLE THE MOTION TO REFER

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to lay on the table the second Wellstone motion to refer House Joint Resolution 1 to the Budget Committee with instructions. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 78 Leg.]

YEAS—60

Abraham
Ashcroft
Bennett
Bingaman
Bond
Bradley
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—35

Akaka
Baucus
Biden
Boxer
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Harkin
Inouye
Johnston
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Wellstone

NOT VOTING—5

Gramm
Hatfield
Heflin
Inhofe
McCain

So the motion to lay on the table the motion to refer to the Budget Committee with instructions was agreed to.

VOTE ON MOTION TO TABLE AMENDMENT NO. 301

The PRESIDING OFFICER. The question occurs on agreeing to the motion to table amendment No. 301 offered by the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announced that the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], the Senator from Oklahoma [Mr. INHOFE], and the Senator from Arizona [Mr. MCCAIN], are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "yea."

Mr. FORD. I announce that the Senator from Alabama [Mr. HEFLIN], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 68, nays 27, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—68

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Bradley
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Frist
Gorton
Graham
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Hutchison
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lieberman
Lott
Lugar
Mack
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—27

Akaka
Biden
Boxer
Breaux
Bumpers
Byrd
Daschle
Dodd
Feinstein
Ford
Glenn
Harkin
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Mikulski
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Wellstone

NOT VOTING—5

Gramm
Hatfield
Heflin
Inhofe
McCain

The motion to table the amendment (No. 301) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I have been waiting a number of hours to call up an amendment pending at the desk. But I understand that the Senator from California has an amendment that she wishes to call up next.

So, Mr. President, I ask unanimous consent that the Senator from California be recognized to call up her amendment, and that immediately thereafter her amendment be set aside and I be recognized to call up an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, thank you very much.

AMENDMENT NO. 274

(Purpose: To propose a substitute)

Mrs. FEINSTEIN. Mr. President, I call up my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] for herself, Mr. FORD, Mr. HOLLINGS, Mr. MCCAIN, Mr. BUMPERS, Ms. MIKULSKI, Mr. HARKIN, Mr. KOHL, Mr. DASCHLE, Mr. REID, and Mr. DORGAN, proposes an amendment numbered 274.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the resolving clause and insert the following: "That the following article is proposed as an amendment to the Constitution of the United States which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed the total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purpose of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mrs. FEINSTEIN. Mr. President, this amendment is a substitute amendment. Essentially, it is the balanced budget amendment as presented with Social Security excluded using the exact language of the REID amendment. It is word for word the original balanced budget amendment excluding Social Security.

It is cosponsored by Senators FORD, HOLLINGS, MCCAIN, BUMPERS, MIKULSKI, HARKIN, KOHL, DASCHLE, REID, and DORGAN.

Mr. President, I believe this substitute amendment plays a pivotal role as a vehicle to pass the balanced budget amendment.

We hope to debate it further and take the vote on this on Tuesday.

Let me just point out that as it currently stands, the balanced budget amendment essentially would utilize about $705 billion of FICA tax revenues—those are taxes paid for retirement—for purposes of masking the debt and balancing the budget. Many of us do not believe this is right. We do not believe it is morally right, and we do not believe it is ethically right.

The only way to protect Social Security, to keep it out of the balanced budget amendment, is by exempting it through this substitute constitutional amendment. As I previously stated, the exact words of the REID amendment are included and incorporated within this substitute balanced budget amendment.

We will be speaking and arguing further for it, I hope, on Tuesday.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). Under the previous order, the amendment is temporarily set aside and the Chair recognizes the Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

AMENDMENT NO. 291

Mr. FEINGOLD. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], proposes an amendment numbered 291.

The amendment is as follows:

On page 3, line 8, after "principal." insert "The receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article."

Mr. FEINGOLD. Mr. President, this amendment is fairly straightforward.

Last week, Mr. President, we had a debate and a vote on a motion I proposed which would have had the effect of nullifying the provisions of the committee report to the Judiciary Committee which created a special exemption for the Tennessee Valley Authority Power Program. The TVA was the only Federal program mentioned in the entire committee report that was given this kind of special treatment.

Although we did not prevail, my motion received bipartisan support. Since that time, a number of Members have come up to me and told me that it was right to pursue what I like to call this constitutional pork. Members who were both for and against the balanced budget amendment appear to have been taken aback at the audacity of the TVA supporters to insert this kind of provision into the actual legislative history of the constitutional amendment.

A number of organizations supporting the balanced budget amendment, such as the National Taxpayers Union, the Concord Coalition, and the Citizens Against Government Waste have also indicated that they did not agree with the idea of placing this language in the committee report for only one special program. Some said it was just plain wrong to do it.

Nonetheless, Mr. President, I recognize that the proponents of the balanced budget amendment are determined that no amendments or motions, with the exception of the Dole second-degree amendment with respect to Social Security and the right-to-know amendment, would be adopted. That has been an open goal that has been achieved thus far.

Mr. President, what I propose to do is to offer this amendment which tracks the language that was placed in the committee report that exempted TVA from the balanced budget amendment and then urge that my amendment be rejected. In other words, this is an opportunity for the Senate now to go on record to oppose this special treatment provided for the TVA in the committee report and, at the same time, in no way would disturb the balanced budget amendment itself. The Senate would simply go on record showing that we do not want this kind of protection guaranteed for one program and not others.

By offering this amendment and asking that it be rejected, the entire Senate would have the opportunity to reject the committee language and therefore nullify its impact as legislative history when the courts get around to interpreting the balanced budget amendment and, for that matter, when this Congress or future Congresses get around to balancing the budget.

So, Mr. President, our action to reject this amendment does not answer the question of whether TVA should have any of its subsidies cut when the Congress gets around to try to achieve a balanced budget amendment. What it does say, and all it says, is that the TVA should be on the table just like every other Federal program, including Social Security, which, at this point, is still on the table.

If Congress decides, as some TVA proponents claim and as is stated in the language of the committee report, that the electric Power Program is paid for entirely by the ratepayers, then Congress can act accordingly at that time. If they win that argument, so be it.

If, however, Congress decides that the appropriations to TVA for its stewardship program is subsidizing its Power Program, or if Congress decides that the TVA ought to pay for the overhead cost of selling its debt obligation and low-interest loans, or if Congress decides there is some other inappropriate subsidy, then it will be free to make those decisions.

The point is, these are issues that Congress needs to decide, not as a part of the process of proposing a balanced budget amendment, but as a part of the process of making the tough choices. These options should not be curtailed or limited because the TVA proponents have been successful in slipping favorable language into the committee report at an earlier stage.

Mr. President, yesterday morning, as we went into session, I had a chance to hear Chairman HATCH resume the debate on the balanced budget amendment. This is what the chairman said the principal justification for the balanced budget would be. He said, "The balanced budget amendment would introduce an element of competition into the spending process;" that every program would have to compete. He said programs will not be allowed to simply show that they by themselves are meritorious, but they are going to have to show they are meritorious in the context of the whole budget picture. He said it will not be enough for a program just to show that it is worthy, but that it has to be worthy compared in the context of the whole; that it actually is a priority item.

It was this very rhetoric, Mr. President, that encouraged me to return to this subject and to make sure that the Senate as a whole is clear about its intent on this matter and not just let it be decided by some committee language which the courts would feel constrained to respect.

Mr. President, I understand that there may be some on the other side of this issue who will argue that the Senate's rejection of this amendment should not be interpreted as rejecting the committee report language, but rather simply an expression of the view that the language referring to the TVA should not be in the Constitution itself.

Mr. President, just so the legislative history is clear on the issue, I am the author of this amendment and the intent of the author of the amendment is crystal clear. The TVA should not have a special status carved out for it under the balanced budget amendment. I am seeking to have the Senate reject this amendment so the full Senate can go on record as saying that TVA, like other programs, is going to be on the table when Congress starts cutting Federal subsidies to achieve a balanced budget.

Notwithstanding what other statements the proponents of the language inserted in the committee report may make, the author of the amendment intends the vote to serve as a repudiation of the notion that the TVA has some special protected status. And I trust that those who seek to use legislative history as a guide in interpreting the amendment, should it be ratified, will give due weight to the author of the amendment.

So, Mr. President, I move to table the pending amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment, there is not a sufficient second.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. Would the Senator withhold his request?

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. FEINGOLD. I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The legislative clerk continued with the call of the roll.

Mr. THOMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS

Mr. THOMPSON. Mr. President, I ask unanimous consent that the vote occur in relation to the amendment No. 274 on Tuesday, February 28, at 2:15 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. THOMPSON. Mr. President, I further ask unanimous consent that the vote occur in relation to amendment No. 291 on Tuesday, February 28, in the stacked sequence to begin at 2:15 p.m., and that the pending motion to table be vitiated and Senator DORGAN be recognized to move to table.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President it is my intention to move to table amendment 291.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask the Senator, with his motion to table, is his intent the same as my intent on the previous motion to table, which is to make it clear that the Senate does not seek to exempt the Tennessee Valley Authority from the balanced budget amendment and to override the committee language to that effect?

Mr. DORGAN. The Senator states it correctly; that is exactly the intent of my motion to table.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The vote will occur on Tuesday under the previous order.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the parliamentary procedure is that there is time for debate or discussion of the amendment just moved to be tabled?

The PRESIDING OFFICER. The Pastore time has expired, so debate can be on any topic at this particular time.

Mr. FORD. Mr. President, I ask recognition then, please.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, the Senator from Wisconsin is to be commended for his efforts on this issue. He cares about it deeply, and I understand that. Furthermore, he has used a unique parliamentary situation in an attempt to achieve the outcome that he desires. Unfortunately for him and fortunately for me and for the other supporters of the TVA exemption, he has come close but has not succeeded in his quest. For reasons that I will go into in a minute, his amendment simply will not work.

The Senator from Wisconsin has proposed through four different amendments to change the legislative history on this particular matter. Because he is reasonably confident that the supporters of the balanced budget amendment will vote down the motion that he proposes, the Senate will have gone on record as being opposed to excluding TVA or like agencies from the balanced budget amendment.

He has gone on record as saying he will vote to table his own amendment, from which he now has backed up and had a neutral Senator, so-called neutral Senator, come in and move to table.

For an answer to why he would do such a thing, let us look at the amendments he proposes. Each amendment would add the following sentence to the end of section 7 which otherwise describes House Joint Resolution 1 as covering all receipts and all outlays of the United States except borrowings. Amendments 291 and 292 are identical and they say:

> The receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts and outlays for the purpose of this article.

Amendments 293 and 294 are identical, and I quote:

> The receipts and outlays of all quasi-Federal agencies created under authority of Acts of Congress shall not be counted as receipts and outlays for the purposes of this article.

Each amendment would have the effect of creating an exemption to the general coverage language of House Joint Resolution 1. Nos. 291 and 292 would exempt all receipts and outlays of TVA; 293 and 294 would exempt all receipts and outlays of quasi-Federal agencies.

All of the Feingold amendments are broader than the scope of the legislative history contained in the Judiciary Committee's report.

Now, Mr. President, let me repeat that. We are talking about developing legislative history here. All of the Feingold amendments are broader—broader—than the scope of the legislative history contained in the Judiciary Committee's report and extend its exemption to funds for which no exemption justification has been provided. That is the fact.

Amendments numbered 291 and 292 would exempt all funds of TVA. TVA operates with two distinctly different kinds of funds. Let me repeat that. TVA operates with two distinctly different kinds of funds. It receives appropriations from Congress to cover its nonpower programs. These are like funds received by all other Federal agencies and there is no reason why they should be specifically exempted. The funds of TVA's electric power program are an entirely different matter and it was only these funds to which the committee's legislative history was directed. The legislative history of the committee was directed only at the electric power program.

You can hear all you want to hear and you can say all you want to say, but the committee legislative history is very, very narrow. Amendments Nos. 293 and 294 would expand the exemption to all funds. That is the Senator's amendment, now, of quasi-Federal agencies. First the term quasi-Federal agency has no meaning, absolutely no meaning. It is only a phrase, loosely used to refer to agencies which in some way or another may not fit the speaker's view of what is an ordinary Federal agency. Moreover, the term does not address the more important issue of how the agency is financed. Even an agency which might be regarded as quasi-Federal may have certain funds which should not be exempted from the balanced budget amendment. As noted above, TVA itself is an example of two separate funds, one from the utility, the ratepayers, and the other one that is appropriated by the Congress.

Do any of the amendments have merit? Amendments Nos. 291 and 292 would have merit if their inserted sentence were modified to read as follows: The receipts and outlays of the electric power program of the Tennessee Valley Authority shall not be counted as receipts and outlays for the purpose of this article.

As so modified, they would expressly state the intent of the language contained in the Judiciary Committee's report.

The Feingold amendments as currently written could be defeated while still reaffirming the meaning of the legislative history in the committee report. The Feingold amendments can be defeated while still reaffirming the meaning of the legislative history in the committee report.

I do not know how many judges are going to be looking at the legislative history and see the Senator from Kentucky, Senator FORD, did not move and was not allowed to move to table these amendments. I hope I have that much authority that, boy, they will see whether Senator FORD moved to table or not. But, boy, that is great. You have a lot of influence, want to influence the court—legislative decisions in the future. It is right interesting procedure.

The Feingold amendments as currently written could be defeated while still reaffirming the meaning of the legislative history in the committee report.

Amendments Nos. 293 and 294 certainly should not be adopted. The term quasi-Federal agency has no clear meaning. I want to reinforce that. These amendments would make open-ended exemptions for an uncertain group of Federal agencies—an uncertain group—regardless of their budget impact on the taxpayers.

Amendments Nos. 291 and 292 also should not be adopted since they would exempt all TVA programs, not just the one program, the power program, for which an exemption makes sense. Indeed, the amendments appear to be a somewhat disingenuous attempt to get supporters of the balanced budget amendment to back an exemption for ordinary appropriations-funded programs. In contrast, the language of the Judiciary Committee makes it very, very clear—a clear distinction between those two entirely different kinds of programs.

Let us look at why the TVA power program should be exempted. The TVA power program is financially independent from the rest of Government. Just take that one sentence. The TVA power program is financially independent from the rest of Government. It survives only on the revenues it receives from sales of electric power. Those revenues supply the funds to pay its expenses. Those revenues are also the only security for power program borrowing. Take those two things and look at them very closely and think about them very closely. It survives only on revenue it receives, and the revenue it receives pays its expenses and is the only security for the funds it borrows.

Power bonds are, by law, neither obligations of nor guaranteed by the U.S. Government. Power bonds are, by law, neither obligations of nor guaranteed by the U.S. Government. Taxpayer funds are not used for the power program. Even capital and operating expenses for TVA's multipurpose dams are allocated to power and nonpower, and the power program pays its share.

TVA power program activity is not driven by Presidential or congressional policy decisions. It is driven only by the needs of the 8 million persons and businesses who rely on it as their sole source of electric power. Its annual receipts and its expenditures are governed only by what is necessary to meet their electric power needs, both today and in the future. Although the power program's annual budget is included in the President's and the congressional budgets, its inclusion is for information purposes only. It does not require congressional approval or congressional action. In other words, the TVA power program budget is a budget estimate. It is not a budget request.

Another way of looking at why the TVA power program should be exempt is to examine what could happen if it were not exempt. A low tax collection year or one in which entitlements or appropriations were large could result in TVA's being unable to borrow the funds necessary to build or maintain generating plants to ensure a continued supply of electric power to a large area of this country, in spite of the fact that taxpayers are not responsible for paying off these bonds.

Finally, as Congress seeks to reduce Federal mandates, should it add a new mandate for persons in one region of the country who happen to receive their electric power without a taxpayer subsidy from TVA? It makes as much sense for Congress to control Wisconsin Electric's annual budget as it does to control that of the TVA power program.

Let us look at the difference now between this proposal and Social Security. The level of Social Security receipts is determined by a Congress-approved tax rate. The level of Social Security outlays are a function of a Congress-approved benefits scheme. In contrast, TVA's power program budget is provided to Congress each year for informational purposes only. It does not require congressional approval or action.

So, in conclusion, I and other supporters of the TVA exemption are voting to table this amendment, not because it would reaffirm the report language, but because this amendment goes too far. It goes way beyond the scope of the Judiciary Committee statement about TVA. Some parts of TVA are like all other Federal agencies and should be included in the budget just as any other, and we do not object to that. However, as I have stated previously, the funds of TVA's electric power program are an entirely different matter, and it was only those funds to which the committee's statement was directed and that is the committee legislative language.

For these reasons, and these reasons alone, I am voting to table the amendment by my colleague from Wisconsin.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I think at the outset it is appropriate to state that what we are dealing with here is a straw man. An attempt is being made to make it appear that a Government spending program is being exempted from the balanced budget amendment. Of course, everyone understands that—with the statute that we are dealing with and with the language that they are dealing with—that is not the case. Now we are arguing among ourselves as to who gets to beat up the straw man first and who gets to put the first wound on him and the straw man that we all know is going to be defeated. That is the process that we are involving ourselves here in this historic moment when we are trying to address the real issues concerning a balanced budget amendment. It is unfortunate but true.

Mr. President, as I understand it, the Senator from Wisconsin has now offered an amendment which he wants to have defeated. I am happy to lend my assistance. I believe we have now reached an illogical extension of this debate by some of those who oppose the balanced budget amendment. In an attempt to defeat the balanced budget amendment, amendments are now being offered that even their sponsors want defeated.

After failing a few days ago to exclude language from the committee report, the Senator from Wisconsin now proposes to include the language in the Constitution of the United States with yet another amendment. I find this strange even by Washington, DC, standards. If as much effort had gone into balancing the budget over the last few years as has gone into this exercise, we would not need the balanced budget amendment.

In the lowest courts of record of this Nation, involving the most insignificant boundary line dispute or intersection fender bender, one who submits a pleading attests that it is made in good faith and that there is reason to believe that there is merit in the matter that is being asserted. Apparently, that rule does not apply when it comes to offering an amendment to the Constitution of the United States.

We are debating and will soon be voting on one of the most important matters to ever come before this Congress, and amendments such as these trivialize this process. While there is no logic to this maneuvering, the purpose is clear—to hamstring and defeat the last clear chance we have in this country to develop some fiscal responsibility in our governing process. The purpose of such amendments is first and last to defeat the balanced budget amendment. Such amendments are not designed to ensure that spending projects are covered by the balanced budget amendment. Rather they are designed to ensure that no spending program whatsoever is restrained by a balanced budget amendment.

As I understand it, what brought about this momentous issue was language in the Senate Judiciary Committee report which stated:

> Among the federal programs that would not be covered by S.J. Res. 1 is the Electric Power Program of the Tennessee Valley Authority.

Of course, what has not been publicized very much is the following language; the next sentence in that report, as a matter of fact. It points out that since 1959 the financing of that program has been the sole responsibility of its own electric ratepayers, not the U.S. Treasury and the Nation's taxpayers. Consequently, the receipts and outlays of that program are not a part of the problem that Senate Joint Resolution 1 is directed to solving.

This language, of course, states the obvious. The financing of the TVA power program is done by the electric ratepayers. There is no outlay of Federal funds with regard to this program. If the TVA power program runs short, the TVA ratepayers must make up the difference. The TVA does not operate like Amtrak or the Postal Corporation where Federal taxpayers pay the difference between receipts and outlays. The Judiciary Committee report language does not make the Federal taxpayer responsible for the TVA power program. It simply restates what has been true since 1959 when the TVA power program became exclusively responsible for its own receipts and outlays.

Now as I understand it, the Feingold amendment tracks the committee report language to an extent. The Senator from Wisconsin is apparently under the impression that by offering his language and having it voted down, it will in some way negate this legislative history. Of course, it will not.

In the first place, the Senator's language covers receipts and outlays of all TVA activities, including its nonpower activities. These have always been on budget and are covered by the balanced budget amendment, as they should be. Therefore, the Senator's language is much broader then the committee report language. And voting down the Senator's language which includes TVA's nonpower activities will in no way affect the legislative history that pertains only to the power program.

However, even if the proposed amendment tracked the committee report language exactly, it would still be of no effect because, again, the report language simply states the fact that there are no Federal outlays with regard to the TVA power program. Thus it along with some other programs, is not covered by the constitutional amendment. If the Senator is under the impression that a decision by this body not to make such a clearly inappropriate matter a part of the Constitution of the United States of America in some way changes the facts contained in the language, then I submit that he is again sadly mistaken. By the same token, if someone proposed an amendment enshrining the law of gravity into the Constitution and it were voted down as inappropriate, objects would still fall to the floor when dropped.

Therefore, since the adoption of the Feingold amendment would have the effect of taking the TVA nonpower program off budget, and since the defeat of the Feingold amendment would have none of the significance its sponsor wants to attribute to it, I join the Senator from Wisconsin in urging the defeat of his own amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, let me express my pleasure to the Senator from Kentucky and the Senator from Tennessee for supporting in effect my motion to table and the motion to table of the Senator from North Dakota. That is exactly what I had hoped they would indicate. I believe that the only reason we are having this discussion at this point is quite simply that somebody pulled a fast one here in the committee and now we are out on the floor actually discussing it.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. FEINGOLD. For a question.

Mr. FORD. Is the Senator aware that every amendment to the Constitution—this is not an accident—that TVA power was included; that the same statement has been in every committee report that the Judiciary Committee has issued on a balanced budget amendment in the last 10 years?

Mr. FEINGOLD. I would be happy to yield for the question.

Mr. FORD. That is the question. Was he aware of the fact?

Mr. FEINGOLD. I am aware of the fact, and I told the Senator from Kentucky that I just got here 2 years ago. And, yes, I confess I did not discover this language until this year. I did not find this little caper in there until now.

Mr. FORD. It is no caper.

Mr. FEINGOLD. Had I been here 10 years ago, maybe it would have taken me 3 or 4 years to find it. But there it is. I wish I had found it last year. But fortunately I have had an opportunity to join the Judiciary Committee now, and my staff had more of a chance to find these things. We found it. It is time to get rid of it.

Mr. President, there was an effort here to try to undo the real intent of the balanced budget amendment. There is an attempt, a classic attempt, to abrogate, to say you are for the balanced budget amendment, but say, of course, that it does not apply to my State, to my program. I think there is not a reasonable person who would not agree that this is part of the problem. It is always easy to support cuts if it does not affect your own home State.

However, this notion of actually putting the exemption into the Constitution, which my opponents on this are being very candid about now—they are saying that is exactly what you are trying to do—is something new. The other side is trying to exempt TVA. It is not just idle talk. The purpose of the committee language is to exempt it. That is why they are trying to make this distinction between my motion to table and committee language.

But it is not working because everyone knows what the intent is of the people who put it in there. And everybody knows what my intent is. It is laid on the record. In fact, Mr. President, today in the Washington Post, there is an editorial entitled "Constitutional Pork." It is all about this problem, this committee language.

I ask unanimous consent that the editorial from the Washington Post, dated February 23, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Feb. 23, 1995]

Constitutional Pork

Tucked away in the Senate committee report on the balanced budget amendment are three sentences about the Tennessee Valley Authority, the most important of which reads: "Among the Federal programs that would not be covered by S.J. Res. 1 is the electric power program of the Tennessee Valley Authority."

What that means is that assuming the courts follow legislative intent, the Tennessee Valley Authority—which provides power to the people of the south-central states—would have the distinction of being the one agency excluded from the impact of the balanced budget amendment. The rationale for this, offered by Sens. Fred Thompson (R–Tenn.) and Howell Heflin (D–Ala.), is that, as Mr. Thompson put it, "the financing of the TVA power program has been the sole responsibility of its electric rate payers, not the U.S. Treasury and the nation's taxpayers."

Not exactly, says Sen. Russell Feingold (D–Wis.), who is trying to eliminate the TVA protection. Mr. Feingold notes a 1994 Congressional Budget Office study which estimated that raising the rates paid by TVA

> users to cover various costs associated with land and water management in its system could cut federal outlays by as much as $70 million annually. "TVA supporters know that TVA is on the short list of most deficit reduction advocates," Mr. Feingold declares, "and that is why they want to provide it with special protection that no other program of any kind in the federal government is getting."
>
> Mr. Feingold surely has the better of this argument. If TVA is in no way either part of the deficit problem or potentially part of the solution, why do Sens. Heflin and Thompson need to insist on special language protecting the program? And if TVA is indeed a drain, then the two senators and their colleagues in the region should not be given free passes to tell their constituents that they voted for a balanced budget amendment and protected the TVA. If they really think the balanced budget amendment is such a good idea, they should be willing to vote for it without this provision, which Mr. Feingold refers to as "constitutional pork."
>
> Mr. Feingold lost a vote last week on a motion to strip the language in the committee report protecting TVA, though he won significant Republican support. Now he plans to try to call the bluff of his opponents by proposing to add specific language to the amendment protecting the TVA. His hope is that most senators will be too embarrassed to do directly in the text of a constitutional amendment what they tried to do in slippery fashion in the committee report. If the Senate refused to include the TVA protection in the amendment, this would create a different "legislative history" and discourage courts forced to deal with the budget amendment in the future from giving TVA priority over other programs.
>
> The entire episode, as Mr. Feingold notes, underscores the folly of trying to deal with budget issues through a constitutional amendment. A balanced budget amendment could move the most basic of legislative questions (such as the future of the TVA) out of the legislative process and into the judiciary, which is exactly where they don't belong. The Senate should surely give no special protections to the TVA. Just as surely, it should vote the balanced budget amendment down.

Mr. FEINGOLD. Mr. President, fortunately this editorial lays out exactly the intent, my intent, the intent of the Senator from North Dakota, and that is to undo, explicitly undo, what was done in the committee; to say that the Senate as a whole would table such language that would have the effect of exempting either all or part of the Tennessee Valley Authority.

Mr. President, the Senator from Kentucky indicated that I had put four amendments in for possible introduction as amendments, and that is correct. But I have chosen one amendment and that amendment is this one. It is the one that, by its rejection, overrides the language of the committee report. It would have the effect of overriding the committee report by tabling the very language from the committee report. That is the purpose of amendment No. 291.

It is not a disingenuous attempt. It is the only way I could think of to override the effect of this committee report which the members did not explicitly consider.

Everybody should understand there was not a point in the process of the consideration of the balanced budget amendment in the Judiciary Committee where we all said, "OK, let's decide if the TVA should be exempt or not." The whole process was done and the committee report was written, and then it was thrown in there, presumably at the staff level. That is how it was done. And I guess that is the way it is done when it is business as usual, when you are trying to protect your own pork but at the same time you are saying you are for a balanced budget. It is a lot better to do it in a quiet staff room than it is to do it out on the floor of the Senate or even in front of the Judiciary Committee. That is what was done here.

I assure everyone who is looking at this what was done here was something people did not want us to know about.

My intent is not something any judge is ever going to have to wonder about. The Senator from Kentucky says they are going to have to be able to read it and limit it some way. But I laid my intent right on the record. The purpose of the motion to table is to override the committee language that seeks to exempt the TVA. Whether it seeks to exempt part of the TVA or all of the TVA or something in between, the intent of the motion to table, as explicitly stated by the two Senators who have moved to table, is to override the committee language. Now, I wonder how a court will have any trouble figuring that out. Clearly, they know the difference.

In fact, this is a very interesting proposition in terms of legislative history. What is being suggested here is that, even if the U.S. Senate as a body explicitly votes to table certain language, the courts are going to find the committee report to be more persuasive than the rollcall vote of the Members of the U.S. Senate. I doubt it. I would not bet the farm on that interpretation of legislative history. I think you will find you will come up wanting with that approach.

So let us be clear. My intent and the whole purpose of this is to not allow a committee report to find its way into constitutional interpretation or to exempt some or all of the Tennessee Valley Authority.

Let us get back to the real issue here. The real issue is: Why do I have to even be out here at all? Only because something was attempted which no one would try to do out here on the floor, to exempt one particular program from one particular area while everybody else has to compete fairly.

So I am very happy about the way the record stands now. And I am a lot happier than I was when I did not have these two Senators supporting me on the record to override the intent of the committee.

Mr. President, let me just say a few words about the other issue that has been raised about this notion that somehow the TVA has nothing to do with the Federal budget. That is what they are saying. This is a great deal, they say. We are making money on it, they say. It is a good thing for the Federal Government, which it may well be.

But the point is, there are an awful lot of people that think it is a loser or it is time to phase it out. It was a wonderful thing when Franklin Roosevelt brought this forth, and it really helped that area of the country during the Depression, but it is not open and shut at all that this program is a moneymaker for our country. In fact, an awful lot of people think it should be one of the top items for cuts. That is what the National Taxpayers Union has said. That is what the Congressional Budget Office has said. That is what a number of pieces of legislation already introduced this session by Members of both parties and both Houses have said.

Let me read briefly from the "CBO Reducing the Deficit: Spending and Revenue Options," March 1994.

> Because many of TVA's stewardship activities are necessary to maintain its power system, their costs would more appropriately be borne by users of the power. . . Direct costs to the Federal Government could be reduced by about $70 million annually if the TVA were to increase power rates or fees to cover costs of all stewardship activities. . .

A very different view than this view has been offered out here that says it has nothing to do with Federal dollars.

Let me cite from the "Department of Energy Federal Energy Subsidies: Direct and Indirect Interventions in Energy Markets," November 1992.

> When compared with interest rates paid by investor-owned utilities, the TVA is estimated to have benefited from a subsidy of $231 million in FY 1990.

A few pages later, the report says:

> Historically, TVA was granted subsidies in the form of low-interest loans, debt forgiveness, and lower payments in lieu of taxation.

In fiscal year 1988, TVA received a subsidy—a subsidy, Mr. President—of $661.9 million in the form of lower payments in lieu of taxes, and that $661.9 million "* * * can be counted as revenue losses to all levels of government."

This is real money. It is almost up to the point where, as the former Senator from Illinois, Senator Dirksen, said, we are talking about real money from the Federal Government transferred away from our ability to balance our budget.

The report also says, TVA

> . . . sells a large portion of its debt to the Federal Financing Bank (FFB). . . . TVA's ability to access FFB acts as a subsidy in two ways. First, TVA does not incur any expenses to underwriters or marketing expense when it goes to the FFB. Second, it obtains financing at lower interest rates through the FFB.

So I will concede this to my friends on this issue, this is debatable. Yes, it is debatable whether or not the Federal Government has to pay out directly or indirectly to the TVA. But there is one thing that is clear and it is that at a very minimum it is debatable and that we cannot resolve it here today and that this is not the place to be resolving it.

Why are we resolving it today? Because certain Senators decided that they should not have to go through that same scrutiny that all the rest of us do, which is that later on, whether we pass the balanced budget amendment or not, we have to all get out here and fight and fight hard for our own programs and our own home States.

I see the Chair is from a dairy State. I am from a dairy State. Would it not be nice to have a constitutional exemption for the dairy program? But that is not the way this process should work, and we all know it. It is not fair. It is just not fair to exempt one program and let everyone else in this country have to fight like heck to protect the hard-working people in their home States, all of whom, I assure you, in every one of these 50 States, have arguments just as worthy.

So this attempt to enshrine this in the Constitution is one that is a bit of an embarrassment, it seems to me.

All I am trying to do here—and apparently we will prevail on this now—is to just get rid of it. A mistake was made by trying to do this in the Judiciary Committee. We all make mistakes, and it is understandable, certainly not the most horrible thing that was ever done around this place. But when you make a mistake, it is time to clean it up and correct it. Our motion to table cleans up the mistake and returns to a notion of fair play, whether the balanced budget amendment passes or not.

So, Mr. President, I guess I am going to have to leave it to the future. We have to see if the balanced budget amendment passes. We have to see if it gets ratified. But some day maybe somebody will take a look at this record, and I guess they are going to have to decide which side was playing games, which side was trying to pull a fast one, and which side was just trying to put everybody on the same playing field.

I am absolutely confident that when the courts look at this, when the Congress looks at this and, most importantly, when the American people look at this, they will all conclude that one side was trying to have their cake and eat it, too—to pose for the holy picture and say you are balancing a Federal budget but to still keep the pork in your own back yard. That is an outrageous example of trying to have your cake and eat it, too. All we are trying to do is clean it up.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENTS NOS. 259 AND 298, EN BLOC

Mr. GRAHAM. Mr. President, I would like to call up two amendments, Nos. 259 and 298.

The PRESIDING OFFICER. Are you calling them up en bloc?

Mr. GRAHAM. I am calling them up en bloc, and I am going to debate both of those amendments. Then I will ask for a rollcall vote on each of those amendments in that sequence.

The PRESIDING OFFICER. Is there objection?

Mr. THOMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendments.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes amendments en bloc numbered 259 and 298.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 259

On page 2, line 8, strike "held by the public".

AMENDMENT NO. 298

On page 2, line 8, after "increased," insert "except for increases in the limit on the debt of the United States held by the public to reflect net redemptions from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund".

Mr. GRAHAM. Parliamentary inquiry, Mr. President. Would it be appropriate at this time to ask for the yeas and nays on amendments numbered 259 and 298?

The PRESIDING OFFICER. They are pending. It would be appropriate.

Mr. GRAHAM. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. There is not a sufficient second at this point. The Senator from Utah is recognized.

Mr. HATCH. Has the Senator called up his amendment?

Mr. GRAHAM. I have called up the amendments 259 and 298. I have asked they be voted on in sequence. I am now asking that that vote be by recorded vote.

Mr. HATCH. If I may, Mr. President, as I understand it, all amendments will be voted on after 2:15 on Tuesday.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I move to table both amendments, and I ask for the yeas and nays.

Mr. BUMPERS addressed the Chair.

Mr. GRAHAM. Mr. President, I asked for a rollcall on the yeas and nays on this, with the intention of then presenting a discussion on these amendments.

I ask, if the Senator is going to ask for a tabling motion, that he withhold until after we have had an opportunity to debate the two amendments.

Mr. HATCH. I leave the motion to table there and I ask unanimous consent that the Senator be given more time if he needs to debate the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Are the yeas and nays ordered?

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BUMPERS. Mr. President, I do not understand what the Senator from Utah said. A motion to table normally shuts off all debate.

Mr. HATCH. I ask unanimous consent that we move to table both amendments, and that debate continue after the motion to table, after receiving the yeas and nays on the motion to table.

Mr. BUMPERS. Is there agreement for time on this amendment?

Mr. HATCH. How much time does the Senator want?

Mr. GRAHAM. Mr. President, I anticipate my presentation will take approximately 15 to 20 minutes, and I know the Senator from Nevada, Senator REID, wanted to ask some questions of my amendment.

Mr. BUMPERS. Finally, Mr. President, if I may ask the distinguished Senator from Utah how long are we planning to go tonight?

Mr. HATCH. Not much longer, as far as I am concerned. I think after these two amendments, I will be happy to see if we could start to wind down. I understand that there may be a Kennedy amendment that will be offered afterwards, and a Nunn amendment.

Mr. BUMPERS. Mr. President, I wanted to offer an amendment following the Senator from Florida with the idea that we could debate it for awhile, until we wanted to go out, and have it begin in the morning first thing.

Mr. HATCH. Mr. President, that will be fine. I understand that Senator KENNEDY has an amendment, and also Senator NUNN may have an amendment. Any way we can work it out, I am happy. I am amenable to anything the Senator from Arkansas and his colleagues would like to do.

Mr. BUMPERS. I have no objection. We will discuss this.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the two motions to table the two amendments.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Parliamentary inquiry. Have motions to table—with the yeas and nays—been ordered on each of the amendments, all up to date?

The PRESIDING OFFICER. They have not been ordered on the Feinstein amendment.

Mr. HATCH. I ask for the yeas and nays on that amendment, as well.

Mr. President, I withhold that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BUMPERS. Will the Senator from Florida yield for a moment for a unanimous consent agreement?

Mr. President, I ask unanimous consent that I be recognized to offer a motion for an amendment at the desk immediately following conclusion of the debate on the Graham amendment.

The PRESIDING OFFICER. Is there objection? There being no objection, it is so ordered.

Mr. GRAHAM. Mr. President, parliamentary inquiry. We have ordered the yeas and nays on these two amendments, on motions to table amendments numbered 259 and 298; am I correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NOS. 259 AND 298

Mr. GRAHAM. Mr. President, I am offering these two amendments, both of which relate to section 2 of the proposed constitutional amendment, which is one of the most important, and I suggest, least understood provisions in this constitutional amendment.

If I could, I would like to read the language of section 2. The very fact that it is the second section of this amendment, coming immediately after the section which states the basic principle that the Federal Government shall balance its revenues and expenditures, is indicative of the importance which the authors of the amendment attach to section 2. I will discuss that further in a moment.

Section 2 reads as follows:

> The limit on the debt of the United States held by the public shall not be increased unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

Within those words, constituting one sentence of the balanced budget amendment, are a number of important policy considerations.

My amendments focus on one of those policy implications which constitute just four words in the section. Those are the words "held by the public." The requirement of a three-fifths vote of the whole number of each House is applied to raising the debt ceiling as it relates to that debt held by the public.

I was curious as to what the rationale behind this provision of the section was, so I sought as one source of clarification the book which has been distributed to all Members of the Senate by the Congressional Leaders United For A Balanced Budget Amendment.

In that description, the following information is given relative to section 2, and particularly the language "held by the public." It states that:

> Because borrowing and increases in any limits on cumulative borrowing must be enacted by law, section 2 makes the amendment effectively self-enforcing.

So this is a very important section because it makes the rest of the balanced budget amendment self-enforcing, self-enforcing by requiring a three-fifths vote to raise the limit set by law for debt held by the public.

The statement by the Congressional Leaders United for the Balanced Budget goes on to state that by lowering "the blackmail threshold" associated with passage of the regular debt limit bill from 50 percent plus 1 in either body to 40 percent plus 1, section 2 increases the motivation of the administration and the leadership, including the chairs of the relevant committees, to do whatever is necessary legislatively and cooperatively, even to the point of balancing the budget to avoid facing such a difficult debt vote.

So the purpose of this provision is to enforce the balanced budget amendment and, two, to create a blackmail threshold at 40 percent plus 1; that is, if 41 Senators refuse to go along with a proposal to raise the limit on debt held by the public, that would be such an enforcement figure that collectively we will do all that we can to avoid having to be placed into that position. That is the rationale for this amendment.

Mr. President, as we commence this process of possibly placing this language into the Constitution of the United States, let me provide, and I hope this is not excessively tedious, a little background regarding this statement of debt held by the public

The projection of the Congressional Budget Office is that the end of this fiscal year, which will be September 30, 1995, the gross Federal debt—all debt owed by the Federal Government—will be $4.942 trillion, a shade less than $5 trillion. That debt can be divided in a number of ways, but this amendment calls for it to be divided into two sectors.

One sector is debt held by the public, and these are some of the entities which constitute the public which holds the debt of the Federal Government: State and local governments happen to be the largest public holder of the Federal debt. They hold $641 billion. Foreign governments and private sources, $601 billion, and so forth throughout this analysis.

The second sector of the national debt is debt held by Government accounts. These are the accounts that are not part of the debt held by the public. These are primarily the trust funds of the Federal Government whose surpluses must be invested in Federal Treasury obligations.

The largest of those, of course, is Social Security, which has $488 billion of debt of the Federal Government. We are going to talk extensively about that Social Security indebtedness.

All the other Federal Government accounts, which include primarily those that are analogous to Social Security in that they are accounts designed to provide for the retirement of persons, for instance, Civil Service is $346 billion; military retirement, $105 billion; and then others of significance are Medicare, $150 billion, the Department of Transportation has $30 billion in its account, the unemployment compensation account has $40 billion. Cumulative of all these other accounts, excluding Social Security, is $837 billion, or a total of $1.325 trillion are debts of the Federal Government which are not held by the public, but rather by one of these Government accounts.

With this background, I would like to talk about some of the policy implications of restricting to a three-fifths vote only this portion of the national debt. Under this amendment, it will take a three-fifths vote of the whole number of the Members of both Houses of Congress to raise the debt held by the public. The debt held by Government accounts can be raised by the legislative majority which we currently utilize.

The last time we voted on increasing the national debt, which was in Public Law 103–66 on August 10, 1993, we voted—and this is the language in the statute, Mr. President—"to increase the public debt limit," not debt held by the public, but the public debt limit. And we increased it to $4.900 trillion. One fact that obviously creates is that before the end of this fiscal year, we are going to have to raise the debt limit because we are going to break the $4.900 trillion level prior to the end of this fiscal year.

As I turn to some of the policy implications of this section 2, I would like to state a couple of assumptions that I am going to make so that if anyone would like to engage in further discussion, they would do so with those assumptions in mind and might wish to discuss them further.

The first is primarily because we do not have projections through the year 2025 and beyond for these other Government accounts and, second, because although they are very significant, $837 billion, relative to the scale of the policy issues we are going to be dealing with, they will not substantially affect the policy considerations. To the degree they do affect the policy considerations, as I will explain, they make the concerns I am going to express even more serious. I am not focusing on this component, the Federal debt structure. My comments are focused on the Social Security borrowing.

And second, as the statement of the Congressional Leaders United for a Balanced Budget indicates, I am assuming that the purpose of this three-fifths vote is to make it very difficult to raise the amount of debt held by the public; that the purpose of this is to create a political hydraulics that is going to make it difficult to raise debt held by the public and make it relatively easier to raise debt held by Government accounts. That is clearly the purpose of the distinction that has been made in this amendment.

So let us turn to what is going to be the implication of adopting a balanced budget amendment with section 2 as it is currently written.

Where are we today? As this chart demonstrates, at the end of this fiscal year we will have a total debt of $4.942 trillion. Of that amount, $488 billion is in the red zone, which is the Social Security trust fund. Everything else, which is the debt held by the public, plus the debt held by Government accounts other than Social Security, is in the blue zone. That amount is $4.452 trillion.

The constitutional amendment calls for us reaching a critical date in the year 2002 when we are to come into balance. The projection is that between now and the year 2002, we will increase the Federal debt by approximately $1 trillion. So, that when we reach the year 2002, we will have a total national debt of $6 trillion. Of that amount, the Social Security trust fund surpluses will be $1.40 trillion in the year 2002. Social Security will represent that much of the indebtedness. Everything else, including the debt held by the public, plus the non-Social Security Government accounts will be $4.96 trillion.

If the purpose of this is to make it very difficult to raise the debt held by the public, the debt held by the public will assumedly, essentially, stay at the same $4.96 trillion level from the year 2002. We have gone out to year 2028. But since there is no restraint in this supermajority on borrowing from trust funds, and particularly from Social Security, which is the trust fund that is going to be, of course, the one rising dramatically, we are going to see the debt rise to $7.098 trillion by the year 2018. This will occur when the surplus in the Social Security fund reaches its apex. We will be adding to the national debt under this amendment by a majority vote, an additional $2 trillion. I do not think that is what the public believes they are getting with this amendment, that they are going to get an additional $1 trillion between now and 2002 and then $2 trillion between 2002 and 2018.

Mr. REID. Will the Senator yield?

Mr. GRAHAM. Yes.

Mr. REID. I have been listening to the statement of the Senator from Florida—and I have stated in the Chamber publicly on other occasions how much I appreciate the Senator's excellent work on an amendment that was offered regarding Social Security, but I have listened to the statement the Senator has made today, and it seems to me—and this is a question I ask the Senator from Florida—would not a reasonable person assume that if Congress passes a balanced budget amendment, the national debt would remain constant, at least not rise, because we would assume the budget would be in balance?

Mr. GRAHAM. Well, that is the difference between passing a cliche and passing an actual constitutional amendment. This constitutional amendment I think virtually assures that we are going to have a national debt of approximately $3 trillion over the next 20-plus years above the national debt that we have today.

Mr. REID. I ask the Senator further, would that be the difference between the amount of Social Security surplus and the normal debt, so-called normal debt?

Mr. GRAHAM. The Senator is absolutely correct. This is the chart that shows what that Social Security surplus is going to be in each year from 1995 to the year 2029, when the Social Security trust fund is exhausted and is at zero.

Mr. REID. I ask my friend a further question. Let us assume in 2018, when the Social Security trust fund reserves begin to diminish—and that is about the date I think the Senator has on the chart—what will be the Government's options for meeting the contractual obligations it has with the Social Security beneficiaries?

Mr. GRAHAM. The Senator asked a very salient question. I might say before answering, it is one of the reasons we should have adopted the amendment the Senator offered last week because it would have segregated Social Security and allowed us to focus on its problems, which are serious, without having it commingled with the rest of the Federal budget. But the amendment, unfortunately, was defeated so we are now locked into a situation in which we are going to continue to do what we are doing now, which is to use the Social Security surplus to mask the extent of our real deficit. We are going to be taking the surplus of Social Security, not investing it in stocks, bonds, or other securities as would a traditional pension plan, including pension plans of State and local governments; we are going to be investing it in the Federal Government to finance our national debt.

As this chart indicates, by the year 2018 our national debt will be $7.098 trillion and Social Security will hold $3 trillion. Three-eighths of our total national debt will be held by the Social Security system. The question is, what are we going to do when we get to the point that Social Security begins to draw down that surplus? What we are going to do is either have to, first, dramatically cut spending for Social Security benefits or other Federal programs in order to generate the cash to pay for the Social Security redemptions; second, dramatically increase taxes to pay for the Social Security redemptions; third, some combination; or, fourth, continue with borrowing, but now we will have to be borrowing from debt held by the public because there will not be a Social Security alternative to draw from.

Mr. REID. I ask my friend one further question. The Senator has stated on this floor on a previous occasion that the surpluses that will be developed in the Social Security trust fund during the next 20-plus years is on purpose. Is that not right?

Mr. GRAHAM. The building of the surpluses, as the Senator from Nevada correctly states, is not as an aberration. We are doing this because this more or less tracks the demographics of the U.S. population. During the period from now until about the year 2018 or 2019, when the number of people going into the Social Security system as a percentage of the total population is relatively low—I do not know what year the Senator was born in Searchlight, NV. Could he inform us of that?

Mr. REID. December 1939.

Mr. GRAHAM. I was born almost 3 years prior to the Senator from Nevada. We were both born during a period of national depression. There were not very many people being born in either Pennsuco, FL, or Searchlight, NV, in those years of the 1930's. So there are not a lot of Americans who have birth dates in the years in which we were born.

Conversely, I know the Senator has children who were born probably in the 1960's. I have four of those children. There were large numbers of people born in the period after World War II, in the 1940's, 1950's, and 1960's. Those folks are going to start retiring in about the year 2019, and so instead of having a surplus, we are going to start to spend down the Social Security system and do it dramatically. In 10 years, we will go from over $3 trillion of surplus to zero surplus in the Social Security system. And we are going to have the challenge—not us individually, but our successors here and the citizens of this country—to calculate how to meet that enormous obligation under this balanced budget amendment.

Mr. REID. I ask my friend an additional question. Why would an amendment to balance the budget be placed in the Constitution while allowing the limit on the public debt to rise to the portions illustrated in the Senator's previous chart? That I do not understand.

Mr. GRAHAM. And it runs exactly counter—the answer is I cannot answer the question. I hope maybe some of those who are the authors could explain why they have done this.

In the material that was distributed, it states, "The purpose of this section is to motivate an avoidance of deficits." That is a direct quote from the materials distributed by Congressional Leadership United for a Balanced Budget.

The reality is that the opposite occurs. The national debt goes from $5 trillion today to $6 trillion. This is going to happen in almost any event. But this is what is not necessary, and that is this dramatic increase in the national debt from $6 trillion to $8 trillion that will occur roughly between the year 2002 and 2018, and which is virtually mandated by the structure of this balanced budget amendment.

Mr. REID. So, if I understand the Senator correctly, the Senator, having been Governor of one of the largest States in the Union, having handled billion-dollar budgets there, and having had the experience he has had here—including being a member of the Finance Committee—the Senator cannot explain to me why the balanced budget amendment is written the way it is?

Mr. GRAHAM. I cannot. And there is a way to solve this problem. This is not a conflict which is beyond our ability to resolve.

I suggest that the resolution is found in the amendment which is currently pending and that is the simple step of eliminating the phrase "held by the public" from the constitutional amendment, so that the amendment will now read:

> The limit on the debt of the United States shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

What that will require is that there will be a three-fifths vote required to increase the national debt, whether it comes from debt held by the public or debt held by the Social Security trust fund.

With that approach you get a dramatically different structure of our Nation's fiscal future. Going back to the assumptions that I started with, which is that the whole purpose of the three-fifths vote, as stated by its authors, is to create a blackmail threshold that will make it virtually impossible to raise the national debt, that would indicate we will move to the $6 trillion level between now and the year 2002 when the constitutional amendment becomes operative. Then there will be no increase in the national debt from the year 2002 into the indefinite future. We will plateau at $6 trillion.

The consequence is going to be that we will see the Social Security trust fund continuing to generate substantial surpluses between now and the year 2018, which will become a larger share of our total debt. But at the same time we will be buying down the debt held by the public. We will be substituting Social Security indebtedness for debt held by the public. We will be doing what I think the sponsors of this amendment want to do. We will be releasing capital back into the country for productive investment.

We will be making the Social Security system sound because we will not be adding an enormous amount of debt, we will be stabilizing our debt and placing us in a position after the year 2018 to do a graceful shift from Social Security back to debt held by the public and be able, by this borrowing from debt held by the public, to meet our Social Security obligations without the enormous tax or spending cuts that will be required if we do not adopt this amendment.

Mr. REID. I appreciate my friend yielding for the questions. He has been very lucid and straightforward in his answer.

Mr. CRAIG. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. CRAIG. Mr. President, I will make these questions constructive, as I hope they will be, because I helped craft this amendment over the last 5 to 6 years. We were faced with how do we deal with trust funds, because they are inside the budget, unique to Social Security. The law that created the Social Security system does not allow the trust funds to be invested outside Government. That is the law of the land today. Of course I do not think—certainly not this Senator, possibly the Senator from Florida—does not believe the trust funds of Social Security should be put at risk out in the private marketplace.

What happens if you invest in stocks and bonds and they bottom out? Who comes back in and picks the system back up? That is a legitimate concern. I think those who were here in the 1930's when the Social Security system was crafted had that in mind. That was their concern.

So here we were, faced with the situation of these revenues coming in as a result of the 1983 fix on Social Security, and having to deal with them. The Senator and I are on the Board of Trustees of the Social Security system. There are no others. It is the Congress of the United States that is pledged to keep this system solvent and secure for its recipients. But in come the revenues and we borrow them. We are doing it today and even under the Senator's amendment we will do it tomorrow.

As a result of that understanding, as we crafted this amendment it was our concern, knowing that, that we cut down on the other debt that is out there and accumulating, recognizing this was a debt owed—it was a note owed so that is a debt, certainly—back to the trust funds of the system. But at the same time, this Government is caught in the dilemma that they must use those moneys. Obviously that system cannot earn money if the money is not borrowed from it. So we just do not collect it and set it off to the side and create a nonearning environment. We borrow it and pay back the going rate on the Treasury note. That is a responsibility that we have. That is what this amendment has in mind and why it was worded the way it was worded.

I must say, while I find the argument of the Senator from Florida intriguing, we ran this through the system a good many times over the last 5 years to try to solve that problem, believing we have, and I am convinced we have. So I am curious. I mean it in all good faith, how do you deal with what the Senator is proposing? Obviously we are going to use those moneys inside Government and they will be needed, they will be owed at some time back to the trust fund.

I am the baby boomer in this debate right now, whereas our colleague from Searchlight was not. I am one of those people who was born in 1945 and I am in that group that is going to be in that peak. The Federal Government, by its commitment through the Social Security system—not Social Security, the Federal Government—is going to guarantee that because they are taking the notes out at this moment and they must pay them back. That is the way the system is structured under the law.

I find it confusing in this regard. Would we not have to change the law of Social Security that drives the system today to get to where we want to get, or to where the Senator wants to get with his amendment?

Mr. GRAHAM. No, absolutely not.

Mr. CRAIG. Please help me there, then.

Mr. GRAHAM. My amendment calls for the Social Security surpluses to continue to be invested in the Federal Government.

Mr. CRAIG. Yes.

Mr. GRAHAM. I would like to review a little of the history of how we got to where we are and why I think that history makes this chart the likely consequence of adopting the amendment in its current form. The difference is that my amendment will call for a stabilization of total Federal debt because it will require a three-fifths vote to raise total debt, not just the debt held by the public. And it will, therefore, force public debt to be displaced by the growing amount of Social Security.

When Social Security was adopted, it utilized a pay-as-you-go financing mechanism. We took in an amount of money each year sufficient to meet that year's obligation. We did not have a surplus. This was a nonissue.

In the late 1970's people began to recognize that we had these terrific demographic shifts that were going to be occurring over the next 30, 40 years because of the dramatically different birth rates in different periods of American history. So one of the key changes made in the 1983 reforms was to go to a surplus structure for Social Security, thus producing this curve.

There was an implicit assumption in this surplus Social Security and that was that we were going to be operating a balanced Federal budget for the rest of our expenditures. The way we would be securing this surplus money was we would be using it to reduce the amount of public indebtedness. This is the chart that the 1983 Social Security reform was predicated upon, a balance and a cap on the total national debt and a substitution of public debt for Social Security debt.

Then, beginning in the year 2018, without having added any debt in this period, we would be in a position to go back to the public and say: OK, now we have all these IOU's that the Social Security Administration is holding. We need to cash them in order to get the revenue to pay off the Social Security obligations to folks like our friend, the Senator from Idaho. And, we will do so without putting any additional strain on the Federal Government because we will not be increasing the amount of debt service. We will just be shifting it from the Social Security fund to debt held by non-Social Security entities.

Mr. CRAIG. Will the Senator yield at that point?

Mr. GRAHAM. Yes.

Mr. CRAIG. When you shift the debt from, in other words, that held by the Social Security trust fund to the public, where do you get the money to cause the shift because you have money outgoing to the recipient at that point? And we know that in this baby boomer scenario that becomes a very rapid demand level on the trust fund system.

Mr. GRAHAM. The way we intended to manage it, based on the 1983 structure, was to go to the general public with Federal borrowings.

Mr. CRAIG. In other words, borrowing the money.

Mr. GRAHAM. Yes, in order to replace the money that we had previously borrowed from the Social Security fund. What worries me is in the purpose of this amendment, by putting a cap on debt held by the public with a three-fifths vote, is to preclude that substitution. Then we are going to have a situation in which with no additional borrowing, combined with a drawdown of the Social Security surplus from almost $3 trillion to zero over a period of 10 years, the only way we can fill this gap is by taxation or dramatic spending cuts.

Mr. CRAIG. In the year 2020 to 2035 when that $3 trillion worth of liability, if you will, of those trust fund comes due. You are talking about either raising taxes by $3 trillion or borrowing and raising debt by $3 trillion dollar.

Mr. GRAHAM. No. I am saying I think the amendment is intended to preclude the borrowing option because it says you would have to have——

Mr. CRAIG. Except by a three-fifths?

Mr. GRAHAM. Yes. That corresponds to the debt ceiling argument which would allow borrowing under those circumstances.

My second amendment is going to make it easier to do that. But if the theory of the three-fifths vote is that essentially that is a statement that we are making that it should not be done—that is what the language of the congressional leadership stated—then that is in fact adhered to. When we have this drawdown of the Social Security surplus, no additional borrowing from the general public is permitted because it is capped at this level by the three-fifths margin. When we reach that point, and try to finance a $3 trillion indebtedness in a 10-year period with reliance on taxation or spending cuts or some combination, the consequence is going to be this train wreck, a wreck in the scale of which we have never quite seen before.

Mr. CRAIG. That $3 trillion indebtedness is going to be out there in any scenario. Will it not be easier for the Federal Government to be able to deal with it if it does not have extra hundreds of millions or trillions of dollars that it has borrowed from the public? In other words, if you will turn your chart that causes you problems upside down, it is the same chart as the one you are showing me. The reality is based on the law of Social Security. The Federal Government is going to borrow the reserves of the trust fund and it must pay them back starting dramatically in the year 2020 through the year 2035. Under either scenario, that is reality because it is not this amendment that is causing it. It is the law of the Social Security System that is doing it.

Mr. GRAHAM. I beg to disagree.

Mr. CRAIG. Then where is the money going at this point?

Mr. GRAHAM. Here is the structure of the balanced budget amendment. Section 1 says that we will have an integrated Federal budget in which Social Security and all trust funds will be commingled with the rest of the Federal Government. That is the definition of income and expenditure as provided in section 7. Does the Senator agree with that?

Mr. CRAIG. I am sorry?

Mr. GRAHAM. Section 1 as defined by section 7 will constitutionally require an integrated or a consolidated Federal budget; that is, all sources of income, all sources of expenditures will be amalgamated for purposes of determining whether we have a balanced budget or not.

Mr. CRAIG. All sources of expenditures and income. Is that correct?

Mr. GRAHAM. So we are constitutionally requiring a consolidated Federal budget. That is a correct premise. I believe that is what section 7 says. Then with the structure of the Social Security system that we have, each year from now until 2019, we will have a balanced budget by having our regular accounts out of balance to the extent that we have a Social Security surplus; that is, if this amendment were to be operative in the year 2002 when we have a Social Security surplus of approximately $110 billion, every other account in the Federal Government can be out of balance by $110 billion and the surplus from Social Security will bring the total into balance.

Mr. CRAIG. Because of the general fund, because the law of Social Security requires the Federal Government to borrow the money, and that usually is invested in the general fund account.

Mr. GRAHAM. But we have another choice; that is, what I think we ought to be doing is we ought to be balancing our general revenue accounts and using the surplus of Social Security not to mask our spending but rather using the surplus of Social Security as a real surplus including a real surplus that will be buying down an amount of public debt so that when we get to the point where we have run through the happy days of big Social Security surplus and face the very tough days of having to pay off all of that surplus, we will not have added $12 trillion to the national debt. If you really want to have a conservative balanced budget amendment, it ought to be an amendment that says we will put a three-fifths requirement on the law to increase the borrowing from whatever source, Social Security, other Federal trust funds, or the general public. That is an amendment that would be truly conservative. That would be an amendment which our grandchildren and the Senator from Idaho would very much appreciate. That would be an amendment that would give them the greatest assurance that their Social Security benefits are going to be real when they reach the age of eligibility.

All of what I have said relates to the first amendment that I have offered, which has the simple objective of striking the four words "held by the public" and requires the three-fifths vote to apply to all of Federal increases in the debt limit.

If we do not adopt that amendment——

Mr. LEVIN. Will the Senator yield before he goes to the second amendment for a couple of questions?

Mr. GRAHAM. Yes.

Mr. LEVIN. I have followed the presentation both here and back in my office. It is a very significant and important presentation. How much on the average would the annual deficit be permitted to be during that period of the peak without it appearing as though there were a deficit at all? In other words, I believe the Senator said it is a $2 trillion peak over about a 12-year period, something like that.

Mr. GRAHAM. Yes.

Mr. LEVIN. Does that mean basically, unless his amendment is adopted, that under the current wording of the balanced budget amendment that we could average a deficit of about $200 billion a year and mask it?

Mr. GRAHAM. In the year 2002, which is the year that the constitutional amendment kicks in, Social Security will have a surplus of $1.04 trillion; we will say $1 trillion. During the next 16 years, it grows to $3.02 trillion, or roughly $2 trillion. So $2 trillion divided by 16.

Mr. LEVIN. About $120 billion a year, perhaps.

Mr. GRAHAM. I do not have my calculator, but it would be significant.

Mr. LEVIN. So in terms of the annual average deficit, which will be masked in the absence of the amendment of the Senator from Florida, during that period there could be a $120 billion deficit per year on the average, which would not, in effect, violate the current wording of the constitutional amendment; is that correct?

Mr. GRAHAM. That is right. And this could take place with a majority vote. This does not require a supermajority of the Congress in order to achieve this unexpected result.

Mr. LEVIN. I think the Senator from Florida is pointing out something which is extraordinarily significant. I hope that those who support this amendment understand that, without the adoption either of the amendment of the Senator from Florida or the amendment of the Senator from California, this outcome will result.

My second question relates to the substitute of the Senator from California. The Senator from Florida mentioned that Senator REID of Nevada had offered an amendment the other day which was defeated, and that had it passed, I believe the Senator from Florida said, this problem would have been solved; is that correct?

Mr. GRAHAM. The answer is yes. Because the Reid amendment, now incorporated in the amendment of the Senator from California, would have not required a consolidated Federal budget but rather would have separated Social Security from it. It would have had to balance our budget in general accounts without being able to use Social Security surpluses as a mask and thus we would have avoided the train wreck which we are setting up for our grandchildren.

Mr. LEVIN. And, if the Senator would further yield for a question, if the substitute of the Senator from California is adopted, will that then resolve this issue?

Mr. GRAHAM. If the substitute of the Senator from California is adopted and if, as I understand it, it is the essence of the Reid amendment, then I would suggest that my amendments could be withdrawn.

Mr. LEVIN. Finally, if the Senator would yield for an additional question. The Senator has made reference to questions and answers from the Congressional Leaders United for a Balanced Budget. I have seen that same group referred to. I am wondering whether or not the Senator can tell us what the membership of that is and, perhaps, if he cannot, the Senator from Idaho can, because in documents which have been placed in the RECORD by the Senator from Idaho I have seen the reference to that group, but I do not know who is in it.

Mr. GRAHAM. I received this document from the Congressional Leaders United for a Balanced Budget. I do not believe it indicates who the members are.

Mr. LEVIN. The Senator from Idaho has put in the RECORD documents which I have also referred to and plan on referring to tomorrow. He put the document in on March 1.

Mr. President, I ask unanimous consent, since the Senator from Florida has the floor, whether or not I might ask the Senator from Idaho a question without the Senator from Florida losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I wonder if the Senator from Idaho could tell us who the individuals are that make up the Congressional Leaders United for a Balanced Budget, because a number of us keep referring to those documents that are in the CONGRESSIONAL RECORD that my friend put in the RECORD.

Mr. CRAIG. I appreciate the Senator's inquiry and he honors me by that inquiry. Congressional Leaders United for a Balanced Budget was originally formed by both Senators and Representatives in the early 1980's. I chaired it in the House and the former Senator from California, now Gov. Pete Wilson, chaired it here in the Senate. We brought our staffs together and through that, along with experts we brought in in overtime to testify on this, accumulated a base of knowledge and understanding of the issue.

So the best and cleanest and appropriate answer is that it is an ad hoc group of both Senators today and House Members who work under Congressional Leaders United for a Balanced Budget for the purposes of promoting this legislation that we have before us.

Mr. LEVIN. If I could ask unanimous consent that I be allowed to proceed, would the Senator from Idaho be able or willing to provide for the record the membership of the group? The reason is that Congressman SCHAEFER has put into the CONGRESSIONAL RECORD the same questions and answers basically, and he is the prime sponsor of the constitutional amendment in the House of Representatives. It is basically the same questions and answers which he has put in as his. I think that is a pretty strong statement coming from the prime sponsor.

Would the Senator from Idaho be willing to put in the RECORD the membership of the group?

Mr. CRAIG. I would be happy to. There is nothing nefarious about it at all. Senators come together, as do House Members, for the purpose of discussion and they find organizational titles. I would be happy to do so.

Mr. LEVIN. May I quickly add, I did not mean to suggest anything the least bit untoward or nefarious at all. We have ad hoc commissions all the time. I know very well I will know the members and admire many of them, indeed all of them. I did not mean to suggest anything unusual or untoward.

But we are all making reference to a group and it seems to me we would like to know who the members of this group are, so we can get a feel whether they include both sponsors and opponents of the constitutional amendment as to who it is that are members of the group. I would appreciate that list for the record.

I thank the Senator from Florida. I want to commend him on pointing out some very, very significant material for all the reasons which he has identified. We will be masking a deficit unless we adopt either the Feinstein substitute or the amendment of the Senator from Florida.

(Ms. SNOWE assumed the chair.)

Mr. GRAHAM. Madam President, I thank my friend from Michigan for his comments. I would say, in all honesty, that the adoption of the amendment as offered by the Senator from Nevada and the Senator from California, of which I was proud to be a cosponsor, would actually be the superior way to deal with this issue because it would solve the problem of no longer requiring that Social Security be commingled with the rest of the Federal budget as well as effectively rendering denuding the potential danger contained in section 2.

So let me just summarize the first amendment. It is a very simple amendment. It strikes the phrase "debt held by the public," would require that the three-fifths vote be applied to all increases in debt from whatever source, would have as its objective to avoid the addition of $2 trillion of debt between the year 2002 and 2018 and almost an assured fiscal crisis thereafter, and substitute in lieu thereof a cap on Federal debt after the year 2002, a substitution of the Social Security trust fund surpluses for debt held by the public during the period from 2002 to 2018, and then a reversal of that as the Social Security system has to redeem the IOU's that it holds from the Treasury in order to be able to meet its obligations.

That is amendment No. 1, which, in our sequencing, is amendment No. 259.

My amendment No. 2, unfortunately, is a much wordier amendment. Let me read that amendment. It would take the language of section 2 which says, "The limit on the debt of the United States held by the public shall not be increased," and it inserts this phrase, "except for increases in the limit on the debt of the United States held by the public to reflect net redemptions from the Federal Old Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund."

In essence what we would be saying is that by a majority vote, not a three-fifths vote, the Federal Government would be able to borrow funds—and this would occur based on current projections after the year 2018—the Federal Government would be able to raise the limit of debt of the public by a majority rather than a three-fifths vote for the purpose of redeeming the IOU's the Social Security trust fund will have accumulated and substituting debt that would be held by the public.

It will, in my opinion, be necessary in order to maintain this alternative as a means of financing the enormous transition that will occur in Social Security after the year 2018, without punishing spending cuts, tax increases, or some combination of those.

Madam President, I hope that this body will not just take the position that no amendments are to be considered, that regardless of merit we will mindlessly mow down all proposed changes.

I am a supporter of the balanced budget amendment. I have voted for the balanced budget amendment in the past. I hope to vote for the balanced budget amendment in 1995. I want to vote for a responsible balanced budget amendment. I do not want to leave to our children and grandchildren an enormous debt based on our failure to exercise the discipline which is the purpose of the balanced budget amendment.

That is why I have been supporting it. I also do not want to leave to our children and grandchildren the train wreck which is going to occur if we have a provision that requires a three-fifths vote to raise money from the general public to substitute and be able to redeem the enormous borrowing that we are going to be making from Social Security over the next 20-plus years.

I believe this is a dramatically more conservative approach than the one that is contained in the balanced budget amendment as currently submitted. It is the difference between having a ceiling of $6 trillion of national debt to one that would have national debt rising to the level of almost $8 trillion. If you are a conservative, if you are concerned about the kind of America that we will leave to the next generation, if you have been appalled at what we have done in the last 15 years where the debt went from less than $1 trillion to now almost $5 trillion in a period of 15 years, you ought to be equally appalled by the prospect of a debt growing from $5 trillion to $8 trillion in the next 20-plus years.

Madam President, we do not have to condemn ourselves to this future. We have an alternative. The alternative is either adopting the amendment offered by the Senator from Nevada and now reoffered by the Senator from California, or as a first fallback, adopting the amendment which I have offered that would require a three-fifths vote for any increase of the national debt, thus forcing a readjustment of Social Security debt, for public debt, in the next period and after the year 2018, allowing a readjustment to finance the Social Security obligation that we will have.

If we do not do either of those, at least we ought to not require a three-fifths vote to fund this enormous debt that we are going to be encouraging by consolidated Federal budget using the mask of Social Security to balloon the national debt by an unnecessary $2 trillion, and then leave it to our grandchildren through taxation or spending cuts to finance this Social Security obligation.

Madam President, I feel emotional about this in part because I am the father of four children who were born as baby boomers and will be in the first line of those affected by this amendment. I am the grandfather of four children, soon to be eight grandchildren as a result of births that are en route, and I do not want to have my children and my grandchildren turn to me 20 years from now and say "Granddaddy, why did you do this to me when you did not have to do so?"

I believe we have the opportunity to pass a balanced budget amendment that will allow Members to say to our children and our grandchildren: We stopped this profligate Federal spending. We required Members to do as most other individuals, families, businesses, and governments in America have to do. That is, balance their books on a more or less yearly basis. And we did it in an intelligent way that did not require citizens to pay an enormous sacrifice in their generation because we were living off the mask of this Social Security surplus during the last years of our generation's life. That is what is at stake.

As I say, Madam President, I know there is a tremendous momentum to say, "Let's not accept any amendments. That is perfection. This is what we must adopt." I urge that over the next few days—and this will be voted on Tuesday afternoon—that there will be some serious consideration of the implications of this issue.

I say to our Presiding Officer and to my colleagues that I am anxious to meet with any Member of this body, to meet with any group which is concerned about this issue, to discuss its implications, to try to collectively learn what it is we are doing and to determine what would be the most prompt path.

These are an important 4 days that we have between now and Tuesday. I hope we use those days wisely.

Thank you.

UNANIMOUS-CONSENT AGREEMENT

Mr. CRAIG. Madam President, I am about to propose a unanimous consent.

I will be more than happy to meet with the Senator from Florida and respond to those questions. I know he is sincere in his effort and I will make every effort to accommodate him.

I now ask unanimous consent that the votes occur in relation to the pending amendments numbered 259 and numbered 298 on Tuesday, February 28, in the stacked sequence to begin at 2:15 p.m.

Mr. GRAHAM. Reserving the right to object, and I will not do so, will the vote on the amendments occur after the vote on the amendment as offered by the Senator from California?

Mr. CRAIG. It is my understanding that that is the stacked sequence; is it not? I believe that is the correct answer, yes.

The PRESIDING OFFICER. No, it would come after the amendment of the Senator from Wisconsin.

Mr. GRAHAM. But would the amendment of the Senator from California occur prior to this amendment?

The PRESIDING OFFICER. Yes, it would.

Mr. GRAHAM. As I indicated, should the amendment by the Senator from California be adopted, I am prepared to withdraw my amendments, because they would have been solved in a larger and, I think, more effective manner.

If the amendment by the Senator from California is not adopted, I think it becomes urgent that one, and preferably the first of the two amendments that I am offering, be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to yield to the Senator from Rhode Island for not to exceed 3 minutes, following which the senior Senator from Virginia be recognized for not to exceed 3 minutes, following which the senior Senator from Massachusetts be recognized for 2 minutes for the purpose of laying down an amendment, so that the amendment would qualify for a vote on Tuesday, and that immediately following the laying down of the amendment by the senior Senator from Massachusetts, I be recognized again for the purpose of calling up my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Madam President, I ask my colleague if he might extend a little more latitude to the two Senators.

Mr. BUMPERS. Of course. I was told by the Senator from Rhode Island that he thought 3 minutes each would do it. I will be happy to yield for a longer period. What would the Senator suggest?

Mr. WARNER. Perhaps not to exceed a total of 12 minutes. The Senator from Rhode Island and I wish to address the commemorative to Iwo Jima.

Mr. BUMPERS. I modify my unanimous-consent request to yield 12 minutes to the two Senators equally divided.

Mr. KENNEDY. Reserving the right to object, I have a 15-second request. Could I ask the Senator be permitted——

Mr. BUMPERS. I amend the unanimous consent request to allow the Senator from Massachusetts to go first.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 267

(Purpose: To provide that the balanced budget constitutional amendment does not authorize the President to impound lawfully appropriated funds or impose taxes, duties, or fees)

Mr. KENNEDY. Madam President, I ask unanimous consent to call up my amendment No. 267, which was previously filed.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself and Mr. JOHNSTON, proposes an amendment numbered 267.

Mr. KENNEDY. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 8 and 9, insert the following:

"SECTION 8. Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties, or fees.

Mr. KENNEDY. Madam President, it is my understanding that the vote in relation to my amendment will occur in the sequence on Tuesday afternoon.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Madam President, my amendment would simply make it clear that nothing in the proposed constitutional amendment would authorize the President to impound funds appropriated by Congress by law or to impose taxes, duties, or fees.

I ask unanimous consent that a discussion of this issue set forth in "Minority Views" contained in the report of the Committee on the Judiciary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

B. THE AMENDMENT WOULD GIVE THE PRESIDENT BROAD POWERS TO IMPOUND APPROPRIATED FUNDS

That the balanced budget constitutional amendment would authorize the President to impound funds appropriated by Congress is clear from the text of the Constitution and the proposed amendment. Article II, section 3, obligates the President to "take care that the Laws be faithfully executed," and article II, section 7, requires the President to take an oath to "preserve, protect and defend the Constitution."

Section 1 of the proposed constitutional amendment provides that "[t]otal outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote." The amendment thus would forbid outlays from exceeding revenues by more than the amount specifically authorized by a three-fifths supermajority of each House of Congress. In any fiscal year in which it is clear that in the absence of congressional action, "total outlays" will exceed "total receipts" by a greater-than-authorized amount, the President is bound by the Constitution and the oath of office it prescribes to prevent the unauthorized deficit.

The powers and obligations conferred upon the President by the Constitution and the proposed constitutional amendment would clearly be read by the courts to include the power to impound appropriated funds where the expenditure of those funds would cause total outlays to exceed total receipts by an amount greater than that authorized by the requisite congressional supermajorities.

This commonsense reading of the proposed constitutional amendment is shared by a broad range of highly regarded legal scholars. Assistant Attorney General Walter Dellinger, who as head of the Office of Legal Counsel at the Department of Justice is responsible for advising the President and the Attorney General regarding the scope and limits on presidential authority, testified before the Judiciary Committee that the proposed constitutional amendment would authorize the President to impound funds to insure that outlays do not exceed receipts. Similarly, Harvard University Law School Professor Charles Fried, who served as Solicitor General during the Reagan Administration, testified that in a year when actual revenues fell below projections and bigger-than-authorized deficit occurred, section 1 "would offer a President ample warrant to impound appropriated funds." Others who share this view include former Attorney General Nicholas deB. Katzenbach, Stanford University Law School Professor Kathleen Sullivan, Yale University Law School Professor Burke Marshall, and Harvard University Law School Professor Laurence H. Tribe.

The fact that the proposed constitutional amendment would confer impoundment authority on the President is confirmed by the actions of the Judiciary Committee this year. Supporters of the amendment opposed and defeated an amendment offered by Senator Kennedy before the Judiciary Committee that would have added the following section to the proposed amendment:

"SECTION . Nothing in this article shall authorize the President to impound funds appropriated by Congress by law, or to impose taxes, duties or fees."

If the supporters of the proposed constitutional amendment do not intend to give impoundment authority to the President, there is no legitimate explanation of their failure to include the text of the Kennedy amendment in the proposed article.

The impoundment power that would be conferred on the President by the proposed constitutional amendment is far broader than any proposed presidential line-item veto authority now under consideration by the Congress. The line-item veto proposals would allow a President to refrain from spending funds proposed to be spent by a particular item of appropriation in a particular appropriations bill presented to the President. As Assistant Attorney General Dellinger testified, the impoundment authority conferred upon the President by the proposed constitutional amendment would allow a President to order across-the-board cuts in all Federal programs, target specific programs for abolition, or target expenditures intended for particular States or regions for impoundment.

The Committee majority makes two arguments to support its assertion that the balanced budget constitutional amendment does not give the President impoundment authority. Both are wrong.

The first is the suggestion that "up to the end of the fiscal year, the President has nothing to impound because Congress in the amendment has the power to ratify or to specify the amount of deficit spending that may occur in that fiscal year." In essence, the majority asserts that there will never be an unauthorized, and therefore unconstitutional, deficit, because Congress will always step in at the end of the year and ratify whatever deficit has occurred. If true, then the balanced budget is a complete sham, because it would impose no fiscal discipline whatsoever.

But if the majority is wrong in its prediction—that is, if a Congress failed to act before the end of a fiscal year to ratify a previously unauthorized deficit, all of the expenditures undertaken by the Federal government throughout the fiscal year would be unconstitutional and open to challenge in the state and Federal courts (see part I.A, supra). It is inconceivable that the President, sworn to preserve, protect and defend the Constitution, would be found to be powerless to prevent such a result.

Second, the majority argues that "under section 6 of the amendment, Congress can specify exactly what type of enforcement mechanism it wants and the President, as Chief Executive, is duty bound to enforce that particular congressional scheme to the exclusion of impoundment." The fact that Congress is required by section 6 of the proposed amendment to enact enforcement legislation certainly does not suggest that the amendment itself would not grant the president authority to impound appropriated funds. Nothing in the proposed article stipulates that the enforcement legislation must be effective to prevent violations of the amendment. Indeed, there is every reason to believe that no enforcement legislation could prevent violations for occurring.

The President's obligation to faithfully execute the laws is independent of Congress's. That duty is not "limited to the enforcement of acts of Congress * * * according to their express terms, * * * it include[s] the rights, duties and obligations growing out of the Constitution itself, * * * and all the protection implied by the nature of the government under the Constitution[.]" *In re Neagle*, 135 U.S. 1, 64 (1890). If an unconstitutional deficit were occurring, Congress could not constitutionally stop the President from seeking to prevent it.

C. THE PROPOSED AMENDMENT MANY ALSO CONFER UPON THE PRESIDENT THE AUTHORITY TO IMPOSE TAXES, DUTIES AND FEES

As discussed above, when a greater-than-authorized deficit occurs, the balanced budget constitutional amendment would impose upon the President an obligation to stop it. While greater attention has been paid to the prospect that the amendment would grant the President authority to impound appropriated funds, the amendment would enable future Presidents to assert that they have the power unilaterally to raise taxes, duties or fees in order to generate additional revenue to avoid an unauthorized deficit. See Testimony of Assistant Attorney General Walter Dellinger, 1995 Judiciary Committee Hearings at 102.

This outcome would turn on its head the allocation of powers envisioned by the Framers. No longer would "the legislative department alone ha[ve] access to the pockets of the people" as Madison promised in The Federalist No. 48. Instead, intermixing of legislative and executive power in the President's hands would constitute the "source of danger" against which Madison warned.

Mr. KENNEDY. I thank my colleague.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

COMMEMORATING THE 50TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

Mr. CHAFEE. Madam President, first I want to thank the distinguished senior Senator from Arkansas for letting us interrupt the sequence.

Last week, Madam President, following the inspiring remarks by that very senior Senator from Arkansas, there were several very eloquent and moving statements made on this floor regarding the battle for Iwo Jima and the 50th anniversary which we are commemorating currently.

Over the next several days, there will be additional statements dealing with that battle which many believe was the most ferocious of the Pacific war. The actual invasion commenced on February 19, 1945, with the battle lasting 35 days. On February 22, 50 years ago yesterday, D-day plus 3, marines from the 4th and 5th Divisions continued their relentless attack against entrenched enemy positions on Iwo Jima. It was very difficult going.

The first 2 bloody days on the island netted gains at a high price in marines killed and wounded—an indication of what was going to come in the succeeding 32 additional days of combat.

The job of taking Mount Suribachi, the 556-foot high extinct volcano at the southern end of Iwo Jima, fell to the 28th Marine Regiment commanded by Col. Harry E. Liversedge.

On the slopes of Mount Suribachi, the Japanese had constructed an exceedingly clever labyrinth of dug-in gun positions for coast defense, artillery, mortars and machine gun emplacements. These defensive positions were accompanied by an elaborate cave and tunnel system.

From the volcano's rim—that is the top of Mount Suribachi—everything that went on at both sets of the invasion beaches and, indeed, on most of the island, could be observed. Mount Suribachi was a position that had to be taken by the marines.

The men of the 28th Marine Division were the ones that did it. Just 50 years ago today, February 23, 1945, Mount Suribachi was captured by those valiant marines, and so I think it is only fitting, Madam President, that we do take a few minutes to recall the heroism and the constancy and valor of those marines who seized that position.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I am particularly privileged to join my distinguished colleague from Rhode Island. He is too humble to mention he served on Guadalcanal as a rifleman.

During the Battle of Iwo Jima, he was back in the United States being trained as an officer and later was deployed back to the Pacific as a platoon commander in the Battle for Okinawa.

This Senator, I say humbly, had just joined the Navy at this point in time, and I was awaiting my first assignment. I remember so well the sailors—all of us—gathering around the radio—for that was the only communication we had—listening to the reports from Iwo Jima, and later we studied, of course, the films and read the detailed stories of this great battle.

History records that one-third of the casualties taken by the Marine Corps during the entire Pacific war occurred in this historic battle. But I want to mention to my colleague, in furtherance, of Senator CHAFEE's observation about the flag raising, that there were two flag raisings on Iwo Jima. The first flag raising spontaneously occurred about 10:20 in the morning when a first lieutenant with a 40-man patrol finally scaled the heights and lifted the first flag. Fortunately, that flag was observed by James Forrestal, aboard a ship offshore, Secretary of the Navy, a position which my distinguished colleague later occupied and I had the privilege of following him.

Secretary Forrestal is said to have observed to Gen. Holland Smith, the commanding officer of all the marines in that operation, "the raising of the flag means a Marine Corps for another 500 years."

Later in the day, it was determined by senior officers that the first small flag could not be observed throughout the island. A second marine detail, therefore, was set up scaling the same arduous terrain to raise a larger flag, simply to allow our flag to be observed by a greater number of the marines locked in fierce combat.

The second flag was raised by Sgt. Michael Strank, Cpl. Harlon Block, Pfc. Franklin Sousley, Pfc. Ira Hayes, Pharmacist's Mate Second Class John Bradley, and Pfc. Rene Gagnon. The more visible Stars and Stripes was the one that was captured by the famous photographer Rosenthal, and now used as a model for the famous Marine Corps War Memorial near Arlington Cemetery.

So I am privileged to join my distinguished colleague, but I would like to add another point. Recently, we saw a very serious controversy about the *Enola Gay*, the plane that dropped the atom bomb, being a part of the commemorative exhibit being planned by the Smithsonian Institution.

There was, unfortunately, research done and initial reports written, which, in my judgment, and in the judgment of many, particularly those who were privileged to serve in uniform in World War II, did not properly reflect the facts of that war.

Fortunately, cooler heads and wiser minds have taken that situation now and brought it more nearly into balance, primarily as a result of many veterans organizations, particularly the American Legion and the Air Force Association.

But I point out that this battle portrays the extraordinary losses incurred in the Pacific conflict, and I hope those researchers who wrote the initial reports questioning the mission of the *Enola Gay*, have followed the excellent coverage in remembrance of this battle and recognized the mistakes they perpetrated in their earlier assessments of the war and why this country was involved.

My research shows that this is the last battle of World War II when President Roosevelt was Commander in Chief from beginning to end. He died early in April during the course of the battle on Okinawa, which Senator CHAFEE was in, so this was President Roosevelt's last battle. I think it is most appropriate that we join today with others in making this remembrance.

After brief service as a sailor in World War II, I joined the Marines and served in Korea. I always feel that my Senate career is largely owing to my two opportunities to serve in the military. The military helped me greatly to get an education and start a career. I shall always be grateful. And I do not ever associate my career with the distinguished combat records of Senator CHAFEE, or many others in the Senate. I was simply a volunteer during World War II and again for Korea. I shall be forever grateful for the privilege of serving my country during those two periods of our history and being with those who distinguished themselves.

I thank my colleague and long time friend for joining me on the floor this evening.

Mr. CHAFEE. Thank you, Senator WARNER. In the succeeding days, I am sure that others will come forward with statements commemorating other events that took place 50 years ago in Iwo Jima as the battle progressed for those 35 plus days, and which, as I say, those who studied the wars in the Pacific—many of them, not all—say that was the most ferocious battle. I thank the senior Senator from Virginia and the Chair. Also, I would like to thank the senior Senator from Arkansas.

Mr. WARNER. I talked to retired Brigadier General Hittle who served as an Assistant Secretary of the Navy under Senator CHAFEE and myself, and who participated in the battle of Iwo Jima. On behalf of that distinguished individual and dearly beloved friend, I would like to include a short statement of his recollections of that battle and particularly the performance of one of his marines in that battle.

I ask unanimous consent that a statement by General Hittle be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY GENERAL HITTLE

I first met Elmer Montgomery when he reported to my G-4 Section of the 3rd Marine Division on Guam. He was the replacement for the Section's stenographer. He was older than most of the men in the Division and I noticed that when he had some spare time, he would lean his chair back against the side of the G-4 quanset hut, take a small white Bible out of his pocket, and deliberately zip it open, read, and find contentment. Elmer was not a loner. He liked his fellow Marines, but he would silently wince when hearing some of his fellow Marines use profanity.

In February 1945, we sailed for an island called Iwo Jima. A few days after the landings of the 4th and 5th divisions, the 3rd went ashore and was assigned to attack up the center of the island. A couple of days later, when the front line units had suffered heavy casualties, all Division Sections had to send several men up to the front.

It's no easy task to pick men, knowing that they will go into the "meatgrinder." As I was finishing making the selections, Colonel Beyeo (later a Brigadier General USMC (ret)) popped into my dugout. He said that Sergeant Montgomery wanted to see me. I went out and saw Elmer standing a few feet away. I thought I would put his mind at ease and said "You weren't among those picked." For the first time, he argued with me. He said "I want to go up front, I have a lot of hunting experience in the mountains, and I want to look after these kids." He wouldn't take no for an answer. Then I relented. I told him that he was old enough (35 years) to know what he was doing, and only because he was insisting, he could go forward. That's the last time I saw Elmer. A few hours later he was second in command of an attacking platoon. All the company officers were casualties.

As the platoon attacked, it was pinned down by machine-gun fire in a saucer like depression, if any Marine stood up, he was mowed down by machine-gun fire. The Japanese mortars were beginning to zero in. Sensing the potential finality of the platoon's position, he yelled to his men "When I stand up, move out of the depression." Elmer then stood up and began firing from the hip and rushed the machine-gun positions.

The platoon was saved, but Elmer's body was never found. In a few minutes, our artillery pounded that ground and the Japanese positions. Elmer and his white leather-covered Bible became forever a part of the hallowed grounds of Iwo Jima.

Elmer was awarded post-humously the Navy Cross.

When I was Assistant Secretary of the Navy, I was instrumental in having a new destroyer named in honor of Sergeant Elmer Montgomery. I spoke at the keel laying, and twenty years later, I spoke at the decommissioning of this ship. And today, if anyone should ask me if I used my position as Assistant Secretary of the Navy to influence the naming of the Sergeant Elmer Montgomery, I can look him squarely in the eye, and in all truth, say "I sure did."

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

MOTION TO REFER

Mr. BUMPERS. Mr. President, I send a motion to refer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] moves to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 and issue a report, at the earliest possible date, which shall include the following:

"Section 1. Point of order against budget resolutions that fail to set forth a glide path to a balanced budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002."

"Section 2. Prohibition on budget resolutions that fail to set forth a balanced budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(k) Congressional Enforcement of a Balanced Budget.—

"(1) Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of receipts for that fiscal year.

"(2) The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this subsection."

"Section 3. Point of order against budget resolutions that fail to establish a glide path for a balanced budget by 2002 and set forth a balanced budget in 2002 and beyond.—

(a) Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places it appears.

(b) Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

"SEC. . Section 301(k) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law."

MOTION TO REFER, AS MODIFIED

Mr. BUMPERS. Madam President, I ask unanimous consent that I be permitted to modify the motion. I have discussed this with the Senator from Idaho. It is a motion that would require a 60-vote majority instead of a simple majority one place in the bill.

The PRESIDING OFFICER. The Senator has that right.

Without objection, the motion is so modified.

The motion, as modified, is as follows:

Motion to refer House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 and issue a report, at the earliest possible date, which shall include the following:

"Section 1. Point of order against budget resolutions that fail to set forth a glide path to a balanced budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(j) It shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that fails to set forth appropriate levels for all items described in subsection (a)(1) through (7) for all fiscal years through 2002."

"Section 2. Prohibition on budget resolution that fail to set forth a balanced budget.—Section 301 of the Congressional Budget Act of 1974 is amended by inserting at the end thereof the following new subsection:

"(k) Congressional Enforcement of a Balanced Budget.—

"(1) Beginning in 2001, it shall not be in order to consider any concurrent resolution on the budget (or amendment, motion, or conference report thereon) that sets forth a level of outlays for fiscal year 2002 or any subsequent fiscal year that exceeds the level of receipts for that fiscal year.

"(2) The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this subsection."

"Section 3. Point of order against budget resolutions that fail to establish a glide path for a balanced budget by 2002 and set forth a balanced budget in 2002 and beyond.—

(a) Section 904 of the Congressional Budget Act of 1974 is amended by inserting "301(j)," after "301(i)," in both places it appears.

(b) Add the following new section immediately following Section 904 of the Congressional Budget Act of 1974:

"SEC. . Section 301(k) may be waived (A) in any fiscal year by an affirmative vote of three-fifths of the whole number of each House; (B) in any fiscal year in which a declaration of war is in effect; or (C) in any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 4.—Section 306 of the Congressional Budget Act of 1974 is amended as follows:

(1) Immediately following "Sec. 306." insert the following:

"(a) Except for bills, resolutions, amendments, motions, or conference reports, which would amend the congressional budget process".

(2) Add the following at the end of subparagraph (a):

"(b) No bill, resolution, amendment, motion, or conference report, which would amend the congressional budget process shall be considered by either House."

Mr. BUMPERS. Madam President, I have more to say on this amendment than we have time for tonight. Besides that, the Senator from Georgia, Senator NUNN, wants to be recognized a little late to offer an amendment, and I know the Senator from Idaho has been here a long time and he is tired.

Let me start off by making a few introductory comments about this whole process and not just about my amendment. This afternoon, as I reflected on the talking thoughts on the amendment, I thought, what on Earth is going on when we have an amendment before this body that was passed by the House of Representatives to amend the Constitution of the United States—we took it, and it is now House Joint Resolution 1, and we have probably voted close to 30 times. We voted about 70 times since we came in on January 3. We voted on amendments on this about 30 times and every single one of them, I believe, has been tabled. The distinguished floor manager on the Republican side of the aisle has moved to table every amendment and has prevailed almost on a straight party line vote on every amendment.

Madam President, I think party discipline, at times, is a wonderful thing. That is what this Nation is all about. We have two parties. I hope we can keep it that way. I am not for third parties. I hear some sophistry about how that would work wonders for the country. I think we have done reasonably well with two political parties and I believe in party unity and discipline—to a point.

But I would like to call the attention of my colleagues to how really bizarre this is. Here we are talking about the organic law of the Nation which has provided us with 205 years of unfettered freedom because of the brilliance of James Madison, John Jay, Alexander Hamilton, George Washington, and all of the other Founders who crafted that brilliant document. Can you imagine in Philadelphia in 1787 George Washington, presiding over the Constitutional Convention to craft that document, saying, James Madison and I have sat down and crafted this amendment and we will broach no changes; and somebody says, Mr. Chairman—or whatever his title was—I have an amendment that I think would improve that, and James Madison says, Mr. President, I move to table that. That is the end of that amendment. Alexander Hamilton, who believed in more central Government—and I did not particularly agree with him, but he was a brilliant man—says, Mr. President, I have an amendment to change three words here that I believe would improve article and amend article IV on unlawful searches and seizures; and Madison says, I move to table that. Voted on and that is it.

Who here believes that the Constitution of the United States would be the document it is today if at the Constitutional Convention the Founding Fathers had carried on in such a manner? There are 100 Senators—two from each State of the Nation—and we have a right to offer amendments, but they are not even being entertained. They are just being summarily dismissed because they say, if we change this document, House Joint Resolution 1, this amendment to the Constitution, if we change one jot or tittle, the House will not take it back.

Deliberative body? Well, that is laughable. We are not deliberating. Some people here are trying to actually improve it. Others, like me, are trying to kill it. But everybody gets the same treatment —they get tabled, harassment, and out of here.

Going back to the Bill of Rights, the first 10 amendments to the Constitution were submitted in 1789, the same time the Constitution was ratified; and the first 10 amendments, which were the Bill of Rights, were adopted at the same time the Constitution was. Since that time, Madam President, there have been 11,000 proposals offered in the U.S. Congress to tinker with that document—11,000. We have had almost one a day since we came back here January 3, 1995. The last time I checked, 35 constitutional amendments had been proposed to the Constitution since January 3. That is the reason the other day—I think I mentioned this once before, but it is worth repeating. I went down to Wake Forest to speak at a convocation celebrating the 100th year of Wake Forest Law School. When they called me and said, "What will your topic be?" I said, "I will call it 'Trivializing the Constitution.'" That is what I spoke on, the trivializing the Constitution. There were 11,000 efforts to change a document that the most brilliant minds ever assembled under one roof put together, which has made this country what it is.

And so we come here with an amendment that is as unworkable as prohibition. You know, everybody in this country wanted to put a social policy in the Constitution. They said we want to stop people from drinking, so we put it in the Constitution. About 14 years later we took it out. Do you know why? Because we found we had made a miserable mistake. Regardless of how you feel about drinking, that was not the issue. The issue was that we were setting social policy in the Constitution, and all we got out of it was organized crime—Al Capone, the founder of rumrunning in this country.

Organized crime is still firmly in place in this country. We were tinkering with the Constitution, and a misguided amendment caused it. The figures on this thing are so staggering, people do not want to hear it. Senators do not want to hear it. People who watch C-SPAN do not want to hear it. They do not relate to it. Think about it—promising the American people they would balance the budget by 2002, but first we are going to spend $471 billion more in tax cuts and increase defense spending. If you took Social Security out of the equation, as the Republicans have suggested, approximately $2 trillion in spending would have to be cut to balance the budget by 2002. How many people in this body do you think, Madam President, believe we are going to cut $2 trillion in 7 years? The answer is in the question.

Unhappily for all of us, the constitutional amendment is popular. A vote against House Joint Resolution 1 will not be the first unpopular vote I ever cast. But, as Woodrow Wilson said in his inaugural address, the biggest question for every politician who is a public servant in the mode of a statesman, the biggest question he always has to ask himself, is what part of the public demand should be honored and what part should be rejected.

Politicians try to provide everything on the agenda for everybody. We have a $4.5 trillion debt to prove that. But statesmen have to ask themselves, does the proposal expand individual liberties? Does it provide for domestic or international tranquility? Does it educate our people? Does it provide for more health and general welfare? Or is it something to run for reelection on in 1996?

I do not intend to denigrate or debase my colleagues, but I daresay, Madam President, if this amendment were being voted on in secret and every Senator knew that not one soul would ever know how he or she voted, you might possibly muster 40 votes max.

But the reason the amendment is so popular is because the people of this country think that if you put language in the Constitution, something magical happens. What they do not understand is that there is a real possibility that nothing would happen. For example, Congress might be able to ignore the constitutional requirement if the courts were unwilling or unable to enforce it, as some proponents of the balanced budget amendment suggest.

On the other hand, Congress might blindly follow the provisions of this amendment in a manner that causes economic ruin. For example, say we are in the midst of a recession, headed for a depression. We need to unbalance the budget in order to spend money to create some jobs because the unemployment rate has skyrocketed, as occurred during the Depression when it was 25 percent. If you have 41 people in the Senate who say, "I am not voting to unbalance the budget under any conditions," you could be faced with is an apocalypse. And I am telling you, Madam President, that is not a farfetched idea. I have watched, on this floor since I have been in the Senate, people vote to spend money on everything they could find and then when it came time to raise the debt ceiling they said, No! I am not going to vote to raise the debt ceiling. I just got through voting for $250 billion for a defense budget and for the space station and everything else I could find to spend money for, but I am not voting to raise the debt ceiling. I am going to go back and tell my people what a great fiscal conservative I am.

The people of this country, and indeed the Congress, in their infinite wisdom have seen fit to tinker with the Constitution very, very rarely. As Norman Ornstein said amending the Constitution should be "the fix of last resort". This is a perfect description, "the fix of last resort."

To my friends who pride themselves on being conservatives, which I do when it comes to fiscal matters, do you know what Robert Goldwin at the conservative American Enterprise Institute said? "True conservatives do not muck with the Constitution." All you conservatives, let me repeat it. This great man at the American Enterprise Institute said, "True conservatives do not muck with the Constitution."

My motion would refer House Joint Resolution 1 to the Budget Committee with instructions that the committee report language which includes the requirements of my proposed amendment. Now, Madam President, my proposed amendment is designed for those Members who really do not want to muck with the Constitution. I invite my colleagues to look at these two charts which describes why my proposed amendment is designed to do what needs to be done legislatively and, in my opinion, has more force and effect than a constitutional amendment.

Can you believe that we are debating an amendment to balance the budget, and at the same time people are saying, "let's go on a spending spree until the year 2002 and pray to God that people have forgotten what we said in 1995." Let us not deal with the deficit until the year 2002.

I say let us start right now. My proposed amendment, if enacted into law, would require that we will have a balanced budget by the year 2002. The constitutional amendment calls for a balanced budget, but contains no enforcement mechanism that would actually require a balanced budget. If that is not a dramatic difference, I do not understand the mother tongue, English. My amendment requires a balanced budget; the constitutional amendment calls for one. It does not demand it at all.

My proposed amendment says you can waive the balanced budget requirement by a three-fifths vote. So does the constitutional amendment. My proposed amendment says you waive it if there is a declaration of war. The constitutional amendment says the same thing. My proposed amendment says if we are in a military conflict, a majority of each house can waive the requirement. The constitutional amendment includes the same provision.

My proposed amendment would require that each annual Budget Resolution passed by Congress between now and 2002 contain a glide path showing how we will get to a balanced budget by 2002. Everybody says we cannot balance the budget overnight. Everybody knows we cannot do it overnight.

My proposed amendment is enforceable because a budget resolution could not be passed if it did not balance the budget in 2002. If a budget resolution is not passed, Congress is prohibited from enacting appropriations and tax bills. The constitutional amendment, on the other hand, may or may not be enforceable. Nobody knows for sure.

The most beautiful thing about my proposed amendment is it is more enforceable than the constitutional amendment and it does not touch the Constitution.

My proposed amendment also protects Social Security. The constitutional amendment raids the Social Security system to the tune of $681 billion between now and the year 2002.

My proposed amendment says, "Action now." Do you know what the constitutional amendment that we are debating here says? "No requirement for action until the year 2002, at the earliest."

That is right, America; 7 years before we even start on this whole thing and no requirement to do otherwise.

Madam President, I have some more things I want to say, but everybody wants to get out of here. My distinguished friend from Georgia has an amendment he wants to lay down and discuss for a moment.

So I ask unanimous consent that I be permitted to yield to the Senator from Georgia for that purpose, that my motion be temporarily laid aside, and that it become the pending business when we return to House Joint Resolution 1 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. NUNN. Madam President, I thank my friend from Arkansas. I appreciate his yielding at this point. I do have two amendments. I would like to call up both amendments for the purpose of making sure they are eligible to be voted on, and then I will talk about one amendment tonight relating to judicial review.

AMENDMENT NO. 299

(Purpose: To permit waiver of the amendment during an economic emergency)

Mr. NUNN. Madam President, I would like to call up an amendment relating to economic emergency, which is amendment No. 299, and ask it be sequenced.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 299.

Mr. NUNN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike lines 18 through 25 and insert the following:

"SEC. 5. The provisions of this article shall not apply to any fiscal year—

"(1) if at any time during that fiscal year the United States is in a state of war declared by the Congress pursuant to section 8 of article I of this Constitution; or

"(2) if, with respect to that fiscal year, the Senate and the House of Representatives agree to a concurrent resolution stating, in substance, that a national economic emergency requires the suspension of the application of this article for that fiscal year.

In exercising its power under paragraph (2) of this section, the Senate and House of Representatives shall take into consideration the extent and rate of industrial activity, unemployment, and inflation, and such other factors as they deem appropriate."

AMENDMENT NO. 300

(Purpose: To limit judicial review)

Mr. NUNN. Madam President, I ask unanimous consent that amendment be set aside and that I call up amendment No. 300 at this point in time. I ask it be sequenced.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 300.

Mr. NUNN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 3, after the period insert "The power of any court to order relief pursuant to any case or controversy arising under this article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.".

Mr. NUNN. Madam President, the amendment that is amendment No. 300 relates to judicial review under the balanced budget amendment that is now pending before the Senate. I intend to offer this amendment and have it voted on on Tuesday, and I am very hopeful this body will agree to the amendment.

My amendment would provide that the power of any court to order relief under the balanced budget amendment could not extend to any relief other than a declaratory judgment or such remedies as may be specifically authorized in legislation implementing the balanced budget amendment.

Madam President, this amendment is identical to the Danforth amendment that was agreed to last year as a part of the balanced budget amendment which was voted on last year but not passed. I voted for that amendment but I did so after the Danforth amendment was incorporated in that amendment because I felt, and continue to feel, that this is absolutely essential if we are going to pass a constitutional amendment, if it is going to be ratified by the States, and if it is going to be able to function properly under our system of Government.

In my judgment, adoption of a balanced budget amendment without a limitation of judicial review would radically alter the balance of powers among the three branches of Government that is fundamental to our democracy. As former Deputy Attorney General Nicholas Katzenbach has noted:

> [T]o open up even the possibility that judges appointed for life might end up making the most fundamental of all political decision[s] is not only an unprecedented shift of constitutional roles and responsibilities but one that should be totally unacceptable in a democratic society.

Former Solicitor and Federal Judge Robert Bork has expressed his grave concern that the balanced budget amendment:

> * * * would likely [result in] hundreds, if not thousands of lawsuits around the country, many of them on inconsistent theories and providing inconsistent results.

Under the Constitution, the taxing and spending powers are vested in the two policymaking branches of Government, the legislative and executive branches. These branches are elected by the people. The powers to tax, borrow, and pay debts are expressly vested in the Congress under article I, section 7, 8, and 9, under the 16th amendment. The power to appropriate funds is expressly vested in the Congress under article I, section 9. The power to implement and execute the laws made under the powers of Congress is vested in the President, under article II, section 1.

The Founders of this Nation fought a revolution in opposition to taxation without representation. They would have found it inconceivable that the power to tax might be vested in the unelected, lifetime tenured members of the judicial branch of Government.

As a general matter, the judiciary has treated questions involving the power to tax and spend as political questions that should not be addressed by the judicial branch. Our constituents view the balanced budget amendment as a means to address taxation and spending decisions over which they feel less and less control. They would be sorely disappointed if not outraged if the result of the amendment is to transfer the power to tax and spend from elected officials to unelected life tenured judges.

Madam President, I have no doubt that a majority, a large majority of the people I represent in the State of Georgia, are in favor of a balanced budget. Many of those people, if not most, would favor the sort of last resort effort to balance that budget by constitutional amendment, if that is the only way to do it, and that is what we are debating now. I do not believe, however, very many constituents in the State of Georgia would want the Federal courts to make these crucial decisions. I do not believe they would want any risk of that attendant to a constitutional amendment that we are voting on in the next few days.

One of the arguments that has been offered against the judicial review limitation—and, of course, we voted on a very similar amendment to my amendment, sponsored by the Senator from Louisiana, Senator JOHNSTON, last week. It was defeated by 47 votes for it, 51 votes against it. And one of the arguments that was offered against that Johnston amendment which I voted for, and was very disappointed when it did not pass, is that it is unnecessary because the Supreme Court has tended to treat taxation and spending issues as political questions not appropriate for judicial review.

I do not agree with this argument against the Johnston amendment and against the Danforth amendment. There have been unfortunate encroachments on the political question doctrine which demonstrate the potential and the high risk for an activist judiciary to assert the power to tax.

In testimony on the balanced budget amendment, Assistant Attorney General Walter Dellinger has cited the case of *Missouri* v. *Jenkins*, 495 U.S. 33. That was a 1990 case in which the Supreme Court considered a decision by a district court to order specific taxes in order to implement the lower court's desegregation plans. Although the Supreme Court in that case did not approve the district court's imposition of specific taxes, the Supreme Court approved a decision by the court of appeals mandating taxation so long as the specific details were left to the State.

In other words, to those who say this is not a danger, I say look at the Missouri case, where the court, upheld by the Supreme Court, made it clear that the lower court's decision could hold, mandating taxation by the State.

If that precedent holds and somebody comes in under this constitutional amendment and makes a case that has standing, they would very likely find some Federal judge who would be willing to take this case, the Missouri case, and act on it and perhaps even order taxation under that theory.

If the Supreme Court can permit Federal courts to order the imposition of taxes to address nonbudgetary issues—that is what the Missouri case was—in my view, it is quite likely the court would consider it appropriate to order taxation to meet the specific constitutional objective of a balanced budget. It seems to me it is more likely that they would order it in that case than it even was in the Missouri case.

Madam President, an alternative argument against this amendment is, because there have been relatively few cases in which the Supreme Court has stretched the political question doctrine, we can rely on legislative history of this balanced budget amendment to discourage the court from asserting new powers over the budget.

Again, I do not agree. Legislative history has not been particularly helpful. In fact, it may even be considered harmful. The discussion in the committee report, for instance, on page 9, the committee report that brings out this amendment, expressly declines to state that the amendment precludes judicial review. Instead, the report states—this is the report before us by the Judiciary Committee:

> By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanctions for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions while not undermining their equally fundamental obligation to say what the law is.

Madam President, there is a vast difference between actually prohibiting judicial review as opposed to merely refusing to establish congressional sanction for judicial review. That is what this committee report does.

An activist court—we have many Federal judges that are still in activist category in a number of appeals courts—an activist court faced with a lawsuit based upon the balanced budget amendment, in my view, will have no trouble pointing out that Congress consciously decided not to prohibit judicial review. Legislative history of the balanced budget amendment underscores the potential for such a ruling. Last year, the Senate adopted the Danforth amendment expressly restricting judicial review. This year, the Senate rejected a similar amendment offered by Senator JOHNSTON. While the defeat of an amendment does not necessarily provide conclusive legislative intent of a desire to achieve the opposite result, it constitutes powerful evidence of intent when the issue is separation of powers and the Congress specifically rejects a proposal to frame a constitutional amendment in a manner that would protect the prerogatives of the legislative branch.

The legislative history in the House is even more of a problem. As Senator LEVIN noted, on February 15, Representative SCHAEFER, a lead sponsor of the House amendment, said—this is one of the lead sponsors on the House side, Representative SCHAEFER:

> A Member of Congress, or an appropriate administration official, probably would have standing to file suit challenging legislation that subverted the amendment.

He went on, the same Representative SCHAEFER, one of the prime authors of this amendment on the House side, quoting him again:

> The courts could invalidate an individual appropriation, or attack that. They could rule as to whether a given act of Congress, or action by the Executive, violated the requirements of this amendment.

In other words, Madam President, one of the prime authors of this amendment on the House side explicitly invites the court to get in the rulings on tax and spending decisions.

I find this very troubling. The statements by a lead sponsor in the House represents a wide open invitation for unelected life tenure members of the judicial branch to make fundamental policy decisions on budgetary matters. I have the highest respect for the judiciary. I do not believe, however, that making budget decisions is a role that would be sought or welcomed by the American people in terms of Federal judges carrying this out. In fact, I think a number of Federal judges, probably a majority them, would not welcome this kind of responsibility or this kind of jurisdiction. It is certainly not a role that our constituents would expect to be filled by unelected Federal officials. If we start having unelected officials making tax and budgetary decisions, we are basically going to be unraveling the Boston Tea Party in terms of the forefathers when they did not want taxation without representation.

Madam President, another argument in opposition to a limitation on judicial review is that cases will be dismissed because plaintiffs lack standing. As noted in the judiciary report, pages 9 and 10, the powers of the judiciary under article III of the Constitution traditionally have been limited by the constitutional doctrine that a lawsuit cannot be considered by the Federal courts unless a plaintiff can demonstrate that he or she has standing to bring litigation. Under current Supreme Court doctrine, the plaintiff must show that he or she suffered an injury, in fact, that the injury is traceable to the alleged unlawful conduct, and that the relief sought would redress the injury. The Judiciary Committee report asserts that it would be vastly improbable that a litigant could meet these standards.

Again, I do not agree with that report. Assistant Attorney General Walter Dellinger provided the following examples of individuals who would have standing.

If a crime bill authorizes forfeitures, it thereby increases Federal revenue. A criminal defendant would have standing to challenge a forfeiture on the grounds that the bill was passed by voice vote rather than by a rollcall vote as required by the balanced budget amendment.

Another example from Assistant Attorney General Walter Dellinger is that if the President were to reduce Social Security benefits in order to address the balanced budget amendment, a Social Security recipient would have standing to challenge the President's decision.

It is not too difficult to contemplate other scenarios. If welfare benefits are cut by the President, a welfare recipient could challenge the authority of the President to do so. At least that is the risk. If the President declines to cut welfare benefits, a State could challenge the President's failure to do so. If a State terminates a highway improvement contract because the President cut Federal funds, it is likely that both the State and the contractor would have standing to challenge the President's actions.

In each of these cases, the litigant, whether an individual, a company or a State would have standing because the litigant could meet all three elements of the test of standing: The entity suffered an injury in fact, No. 1; the injury was clearly traceable to the action or inaction under the balanced budget amendment, No. 2; and, No. 3, the relief sought, which would be invalidating the action or mandating a tax or expenditure, would redress the injury.

As Senator JOHNSTON noted on February 15, the experience of the States with balanced budget amendments demonstrates the likelihood that the court will find standing to institute lawsuits under the balanced budget amendment as reflected in litigation that is taking place in Louisiana, Georgia, Wisconsin, and California. Some have suggested that, because the States did not experience a flood of litigation, there is nothing to worry about. Again, I do not agree.

As former Solicitor General and Harvard Law School Professor Charles Fried noted, and quoting him:

> The experience of State court adjudication under State constitutional provisions that require balanced budgets and impose debt limitation shows that courts can get intimately involved in the budget process and that they almost certainly will.

Madam President, it would only take one or two well-placed cases a year to create budgetary chaos during the years that it would take from the time the lawsuit was initiated to the time that it was resolved by the Supreme Court of the United States. It does not take but one case to put clouds over a whole issue, such as bond issues or Treasury notes.

I do not think we are thinking through what we are doing here in not putting an amendment in here that makes this judicial review clear and makes it clear where the limitations are.

Madam President, some have contended that a constitutional provision governing judicial review is not necessary because Congress can restrict judicial review by statute in the future. Again, I dissent. I do not agree.

In the first place, there is no guarantee that such limitations would be placed in the implementing legislation. If we believe judicial review should be restricted under this constitutional amendment, we need to say that and we need to say it now before we pass it and before the States vote on it.

Second, although the courts have sustained certain statutory limitations on judicial review of statutory and common law rights, there is no case in which the Supreme Court has held that Congress could cut off all avenues of judicial review of a constitutional issue.

If there is, I want someone to show it to me. Where is the case by the Supreme Court that says Congress can cut off the right of the Supreme Court to issue a ruling on the Constitution of the United States? I have not seen that ruling.

As noted in the highly respected analysis of the Constitution prepared by the Congressional Research Service:

> [T]hat the Congress may through the exercise of its powers vitiate and overturn constitutional decisions and restrain the right of constitutional rights is an assertion often made but not sustained by any decision of the court.

Let me read that again. The Congressional Research Service says:

> [T]hat Congress may through the exercise of its power vitiate and overturn constitutional decisions and restrain the exercise of constitutional rights is an assertion often made but not sustained by any decision of the court.

Madam President, the only way to ensure the validity of legislation restricting jurisdiction on a constitutional matter is to expressly restrict judicial review in the text of the constitutional amendment. If we do not do that, we are inviting litigation, we are inviting judicial chaos, and we are inviting at least a risk of the fundamental overturning of the balance of powers and the separation of powers between our branches of Government.

I do not believe a conservative body wants to do that. I just cannot believe we want to do that, particularly since we passed the same amendment last year and we have rejected it this year, which is even more of an invitation for the courts to construe that we really are inviting judicial review. It is inconceivable to me that we are not going to get 50 votes to make this clear. It is really literally inconceivable.

Some have asked, "How can we have a balanced budget amendment and how can it be enforced without judicial review?"

The first thing I would say on that, Madam President, is that we all take an oath to abide by the Constitution. That is part of the oath that we subscribe to when we come into this body. I do not believe that Members of this body will intentionally violate that oath, nor do I believe they will risk the wrath of their constituents by violating the Constitution.

We may have 60 Senators who decide it is not a year for a balanced budget under this amendment, but that is in keeping with the amendment. That is not in defiance of it. It is permitted under the amendment.

If Congress finds that such judicial review is desirable, it can tailor a statute to meet particular requirements.

I have heard people say, "You don't need to propose it in this amendment because we can come back by statute and do this." It seems to me that that is simply not the case. I do not agree with that.

But I do believe that if we pass this amendment and then we decide that we want some judicial review—I probably will not want it—but if some people decide it, then there is no reason they cannot propose it, because this amendment permits the Congress to grant judicial review by statute if the Congress decides to do so.

So we can tailor a statute to meet requirements in the future. We will have all the flexibility we need to meet that.

Under my amendment, Congress can decide based on experience what remedies are best—whether judicial review should include only declaratory relief or whether it should include injunctions; whether it should be directed only at spending or whether it should include taxes. On the latter, I certainly will adamantly oppose any kind of judicial review that gives the courts the power to set spending or to set taxes. These are decisions Congress should make and it should be made based on experience.

The amendment in its present form, I believe, is defective because it fails to address these issues. It leaves the whole situation ambiguous.

In fact, as I have said, it leaves it worse than ambiguous because we are now debating essentially the same constitutional amendment we had last year. Last year, the Danforth amendment, which precluded this kind of judicial review without expressed statute, was passed. It was part of that amendment. This year, it has been expressly defeated on the floor of the U.S. Senate. And I would submit that any Federal judge would look at that that wants to get involved and they would say, "There is our invitation that Congress clearly could have precluded it. They consciously precluded it last year, 1994, and they did not preclude it in 1959." And some of the authors of the amendment on the House side even invited this kind of judicial review.

Madam President, I know that many of my colleagues have grave reservations about this overall balanced budget amendment because of its impact on congressional spending powers. I understand these concerns, but, frankly, I think that we are down to the point where we have about 40 years of experience and without a constitutional amendment we have simply not come to grips with our fiscal problems.

It is my hope that I can vote for this constitutional amendment. But I will not be able to vote for it unless we make it clear that the judiciary of this country is not going to tax and spend and we are not going to change our form of Government back door by a constitutional amendment that is ambiguous on this question.

I understand the concerns that people have, many concerns about what will happen in various forms of spending under this constitutional amendment. Those concerns are legitimate. Many of those concerns, however, go to the question of whether we are going to ever have a balanced budget at all under any such kind of provision.

I also understand and have great identification with the view expressed by those who supported the Reid amendment on the Social Security exclusion. Some people have described that, in my view, certainly from my perspective, erroneously as being an amendment that says we are not going to touch Social Security. Far from it. My view and my position on that is the Social Security system has to be dealt with. I do not think we have to do anything that hurts people on Social Security now, or those about to retire. But we cannot continue to borrow the money from the Social Security trust fund every year, put it in the operating fund, and then put a Treasury bill in the Social Security trust fund.

Not only are we doing that, this constitutional amendment, unless we deal with that—and we are not dealing with it now because the Reid amendment was defeated—this constitutional amendment basically invites, it invites raiding the trust fund. Because it defines debt as being debt held by the public. Trust fund debt, putting a Treasury bill in the trust fund, is not debt held by the public. And we have what probably is inadvertent—I hope it is inadvertent—we have an inadvertent provision here in this amendment that basically invites building up more surpluses in the trust fund because you can borrow those funds with impunity from the operating fund and it does not require 60 votes.

Now I think that is another flaw that needs to be dealt with. And I would think the authors of this amendment would want to deal with these flaws. But we are about to put something in the Constitution. I know the argument is that if we make any amendment here it has to go back to the House and that causes trouble; it would cost time.

Madam President, we are about to amend the Constitution of the United States. We are about to put a provision in here that may be here 50 years from now, 100 years from now, or 200 years from now. I cannot conceive of passing something that we believe or a majority believe is flawed in an effort to get something through in a rapid fashion.

I hope that we will deal with Social Security also, because, if we do not, Madam President, in spite of the fact that the 2002 date may be met—and I hope it is under this, if it is passed and ratified by the States; that is we, by the definition of this amendment, may have a balanced budget in 2002—and that would be an improvement, certainly an improvement over the present situation—it really will not be a balance because we will be borrowing about $100 billion that year from the Social Security trust fund and that will count as a balance. We will put a Treasury bill in the Social Security trust fund and then we will say that we have met the balance.

And yet, by the year 2013 or 2014, in that neighborhood, the general operating fund will owe the Social Security trust fund about $3 trillion. We will do that. We will have that kind of debt to the Social Security trust fund even if we meet the mandate in this balanced budget amendment by 2002. And even if we have a balanced budget amendment in 2002, 2003, or 2004, if we meet it every year, we are still going to be rolling up debt. We are still going to have an operating budget that is out of balance because we are operating by borrowing from the Social Security trust fund.

Not only the principal; we are borrowing the interest. What happens when the baby boomers retire? We will wake up in this country and we will find we owe $3 trillion. We no longer will have three workers for every retiree. We will be moving 2½ down to 2.

At some point in the 2020's what we will have to do in order to have a Social Security fund be able to meet its payments, we will have to begin paying back that $3 trillion. Guess what happens then? We will be able to say for a few more years the Social Security trust fund can meet its obligations, but the general fund is going to have to borrow money, or we will have to tax people much, much greater than we are taxing now. In fact, the tax rates could become almost unbearable and almost unworkable in that situation.

Now, I have to say that if we deal with this Social Security question like the Reid amendment or some other amendment, and I hope we will, in my opinion, in all honesty, it will take more than 7 years to get the budget balanced. We should not keep the 7-year provision in this bill because we will have to find another $110 or $120 billion in the year 2002. It will probably take more like 10 years.

But I cannot think of anything more disillusioning to the American people than to go through the whole constitutional action here, pass it in the Senate, pass it in the House, pass it in three-fourths of the States, get down do 2002, 2003, 2004 and discover we have been borrowing money from the Social Security every year and that we still do not really have a balanced operational budget.

Only in the macro sense will we have the economic effect, but we will be rolling up debt after debt after debt. We will owe $3 trillion by the time many of our children will be getting to the point they retire. That is going to be very, very disturbing.

It is my hope that we will deal with both of these matters. On the Social Security I know there are a lot of people who feel that way. If we do not deal with it here, it will come up over and over and over again this year. We will be caught in a catch-22. We will be caught in a catch-22.

I may not vote against this amendment because of Social Security, although I may. I have not decided that. I certainly know that I am not going to be able to support this unless we deal with the judicial part of this judicial review.

Assuming we pass this, we are going to be dealing with it, they will continue big efforts on the floor of the House and the Senate to get Social Security out of here—not because Social Security itself does not have to be addressed. It does. We will have to address it separately. We should be addressing the Social Security system not as a way of building up surpluses that mask the true size of the Federal deficit. We ought to be dealing with it to preserve the integrity of that fund over a long period of time, and to make sure that our elderly people are fully protected. I am afraid that is not the way we will go.

Madam President, one final thought. The way this amendment is worded now where it is only debt held by the public that counts in terms of debt, what we have is a major enticement for a loophole in this amendment. The loophole is, if we create more surplus in the trust funds, the Social Security trust fund, the airport trust fund, the highway trust fund, where our gas taxes go, the more surpluses we build up in there, the less we are going to have to do on deficits because those surpluses can be borrowed under the provisions of this amendment with impunity.

They will not count as deficit. They will not count as debt. I think that is a major mistake. I think it is a real flaw in this amendment. I think it will come back to haunt us. If this passes and is ratified we will have people—year after year, and at some point it will probably pass—come to the point where they say we are not going to continue to use these Social Security surpluses. We will stop that.

It may happen on the budget resolution. At some point, the people of this country will find out and we will pass that kind of recusal. It may be on a budget resolution, and then we will be in the dilemma. We will have 7 years to get the budget balanced under this constitutional amendment.

We are not going to be able to change that by statute. We will not be able to meet the requirements, because at some point we are going to come to our senses and quit borrowing that Social Security trust fund each and every year. Then we will be in a situation, I predict, where we will not be able to meet the requirements of the balanced budget amendment by 2002, setting off a whole other round of disillusioned people out there, wondering if we will ever be able to deal with our fiscal problems responsibly.

Madam President, I point these flaws out because I am one who hopes to be able to support this constitutional amendment as a last resort. I think having a constitutional amendment to deal with fiscal matters and budgetary questions is really a tragedy. I think it is an indictment of our entire political process that we are at this point. But we are at this point.

I am one of those who would, if we have the right provisions in this amendment, I will vote for it. If we do not, it will be very difficult, but I will have to cast my vote no. The judicial part to me is enormously important, as I have said over and over again in this presentation, and I have said it privately to my colleagues, and I have said it in many different forums. The last thing we need added to our budgetary difficulties in this country is to have Federal judges setting tax and spending policy.

Madam President, I understand both of my amendments are now in order and are sequenced, and I will be entitled to have votes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Madam President, I have listened carefully to the comments of my colleague. I have to say that I am disappointed he feels the way he does because I believe that the amendment that he offers does not accomplish what he wants to accomplish anyway.

Declaratory relief can be just as intrusive as an injunction. When a court declares a statute unconstitutional, it has the same effect as enjoining the Constitution. Exactly the same thing.

My dear friend and colleague, who I have a great deal of admiration for and who I respect very much, seems to agree that the standing doctrine would give the courts the ability to interfere with the budgetary process, but because it is a possibility that the courts might interfere, certainly not a probability under anybody's viewpoint, that he would like to see that changed. Well, that may be. Others would like to not see it changed.

The Senator cited Missouri versus Jenkins. I have to say Missouri versus Jenkins is a 14th amendment case. The 14th amendment only applies to States. Frankly, it does not apply to the Federal Government. We have never had a ruling from the Supreme Court that applies to budgetary policy or macroeconomic policy in that sense, where the courts will tell a Federal Government to tax and spend.

The courts have maintained an aloofness from that. It is not a question in the mind of most who look at it. Missouri versus Jenkins is an example, but that case only applies to the States. As I say, it is a 14th amendment school desegregation case. The court in Jenkins noted that its result does not duplicate coequal branches or implicate coequal branches of government. There is no way that that case applies.

In fact, even that case is under severe questioning by almost everybody in law today as having gone too far, even though it was a desegregation case, which is considerably different from what we are talking about here.

I am confident, and I have no doubt at all, that we can deal with the judicial activism problem through implementing legislation. Here are some examples, the Norris-La Guardia Act, it is in effect today where Congress prohibited courts from enjoining labor disputes. We abide by it to this day because the courts were enjoining labor disputes. In contract and a whole variety of other areas, the courts were interfering. But the Congress decided to limit the jurisdiction of the courts and to this day we have abided by that limitation. The Anti-Injunction Act, prohibiting courts from enjoining collection of taxes.

We will, in the Judiciary Committee, make it a top priority, and certainly it will be a top priority of mine, to draft implementing legislation to deal with this matter. I hope my colleague will not get himself in such a position that he cannot vote for this when it is the best he is ever going to see under those circumstances.

Mr. President, the balanced budget amendment is a fine-tuned law. It manages to strike the delicate balance between reviewability by the courts and limitations on the court's ability to interfere with congressional authority. But the proposed amendment could destroy that balance and endanger the ability of the balanced budget amendment to effectuate real change in the way Congress does business.

The Nunn amendment, which is virtually identical to Senator DANFORTH's amendment of last year to the balanced budget amendment, would limit judicial remedies to declaratory judgments or such remedies that Congress specifies in implementing legislation.

If the purpose of the Nunn amendment is to prevent judicial activism, to prohibit the courts from ordering the raising of taxes, the cutting of spending programs, or the slashing of the Federal budget, as a vehicle it does not accomplish its aim. Simply put, in many circumstances a declaratory judgment can be as intrusive as an injunction. Consider a hypothetical situation where a Federal spending program is unconstitutional. Whether a court restrains the implementation of the program by injunction or declares that program unconstitutional, the effect is the same: The agency will not enforce the program.

The intrusive nature of declaratory relief was at least implicitly recognized by Justice Felix Frankfurter in *Colegrove* v. *Green*, 328 U.S. 549 (1946). In writing for the majority, Justice Frankfurter opined that a declatory judgment is a statutory equitable remedy that should only be granted when standards for granting an injunction are met.

Moreover, I fear that expressly permitting declaratory relief in House Joint Resolution 1 may be construed by some activist court as a constitutional invitation to interfere in the budgetary process—the very situation that Senator NUNN seeks to avoid.

Finally, I believe this amendment is unnecessary. The long existing and well-recognized precepts of standing, justiciability, separation of powers, as well as the political question doctrine, refrain courts from interfering with the budgetary process. Furthermore, as a further safeguard against judicial activism, pursuant to both article III of the Constitution and section 6 of House Joint Resolution 1, Congress may limit the jurisdiction of courts and the remedies that courts may provide. The Judiciary Committee will study this and draft implementing legislation to prevent undue judicial activism. The proper place to do this is in implementing legislation and not in the body of a constitutional amendment. No constitutional provision presently contains a jurisdictional limitation on courts.

Let me explain at greater length why I think the Nunn amendment is unnecessary:

JUDICIAL ENFORCEMENT

First let me state that I wholeheartedly agree with former Attorney General William P. Barr, who stated that if House Joint Resolution 1 is ratified there is:

> * * * little risk that the amendment will become the basis for judicial micromanagement or superintendence of the Federal budget process. Furthermore, to the extent such judicial intrusion does arise, the amendment itself equips Congress to correct the problem by statute. On balance, moreover, whatever remote risk there may be that courts will play an overly intrusive role in enforcing the amendment, that risk is, in my opinion, vastly outweighed by the benefits of such an amendment.

CONGRESS' POWER TO RESTRAIN THE COURTS

In order to resist the ambition of the courts, the Framers gave to Congress in article III of the Constitution the authority to limit the jurisdiction of the courts and the type of remedies the courts may render. If Congress truly fears certain courts may decide to ignore law and precedent, Congress—if it finds it necessary—may, through implementing legislation, forbid courts the use of their injunctive powers altogether. Or Congress could create an exclusive cause of action or tribunal with carefully limited powers, satisfactory to Congress, to deal with balanced budget complaints.

But Congress should not, as the distinguished Senator from Georgia proposes, limit judicial review to declaratory judgments. I believe that House Joint Resolution 1 strikes the right balance in terms of judicial review. By remaining silent about judicial review in the amendment itself, its authors have refused to establish congressional sanction for the Federal courts to involve themselves in fundamental macroeconomic and budgetary questions. At the same time, this balanced budget amendment does not undermine the court's equally fundamental obligation, as first stated in *Marbury* v. *Madison*, 1 Cranch 137, 177 (1803), to "say what the law is." After all, while I am confident that courts will not be able to interfere with our budgetary prerogatives, I am frank enough to say I cannot predict every conceivable lawsuit which might arise under this amendment, and which does not implicate these budgetary prerogatives. A litigant, in such narrow circumstances, if he or she can demonstrate standing, ought to be able to have their case heard.

It is simply wrong to assume that Congress would just sit by in the unlikely event that a court would commit some overreaching act. Believe me, Congress knows how to defend itself. Congress knows how to restrict the jurisdiction of courts or limit the scope of judicial remedies. But I do not think this necessary. Lower courts follow precedent, and the precepts of standing, separation of powers, and the political question doctrine effectively limit the ability of courts to interfere in the budgetary process.

Nevertheless, if necessary, a shield against judicial interference is section 6 of House Joint Resolution 1 itself. Under this section, Congress may adopt statutory remedies and mechanisms for any purported budgetary shortfall, such as sequestration, rescission, or the establishment of a contingency fund. Pursuant to section 6, it is clear that Congress, if it finds it necessary, could limit the type of remedies a court may grant or limit courts' jurisdiction in some other manner to proscribe judicial overreaching. This is not at all a new device; Congress has adopted such limitations in other circumstances pursuant to its article III authority.

In fact, Congress may also limit judicial review to particular special tribunals with limited authority to grant relief. Such a tribunal was set up as recently as the Reagan administration, which needed a special claims tribunal to settle claims on Iranian assets.

Beyond which, in the virtually impossible scenario where these safeguards fail, Congress can take whatever action it must to moot any case in which a risk of judicial overreaching becomes real.

STANDING, SEPARATION OF POWERS, AND POLITICAL QUESTIONS

There exists three basic constraints which prevent the courts from interfering in the budgetary process. First, limitations on Federal courts contained in article III of the Constitution, primarily the doctrine of "standing." Second, the deference courts owe to Congress under both the political question doctrine and section 6 of the amendment itself, which confers enforcement authority in Congress. Third, the limits on judicial remedies which can be imposed on a coordinate branch of government—in this case, of course, the legislative branch. These are limitations on remedies that are self-imposed by courts and that, in appropriate circumstances, may be imposed on the courts by Congress. These limitations, such as the doctrine of separation of powers, prohibit courts from raising taxes, a power exclusively delegated to Congress by the Constitution and not altered by the balanced budget amendment.

Consequently, contrary to the contention of opponents of the balanced budget amendment, separation of power concerns further the purpose of the amendment in that it assures that the burden to balance the budget falls squarely on the shoulders of Congress—which is consistent with the intent of the Framers of the Constitution that all budgetary matters be placed in the hands of Congress.

STANDING

Concerning the doctrine of "standing," it is beyond dispute that to succeed in any lawsuit, a litigant must first demonstrate standing to sue. To demonstrate article III standing, a litigant at a minimum must meet three requirements that were enunciated by the Supreme Court in *Lujan* v. *Defenders of Wildlife*, 112 S.Ct. 2130 (19920: First, Injury in fact—that the litigant suffered some concrete and particularized injury; second, traceability—that the concrete injury was both caused by and is traceable to the unlawful conduct; and third, redressibility—that the relief sought will redress the alleged injury. It is a large hurdle for a litigant to demonstrate the "injury in fact" requirement; that is, something more concrete than a "generalized grievance" and burden shared by all citizens and taxpayers.

Even in the vastly improbable case where an "injury in fact" was established, a litigant would find it nearly impossible to establish the "traceability" and "redressibility" requirements of the article III standing test. After all, there will be hundreds and hundreds of Federal spending programs even after Federal spending is brought under control. Furthermore, because the Congress would have numerous options to achieve balanced budget compliance, there would be no legitimate basis for a court to nullify or modify a specific spending measure objected to by the litigant.

As to the "redressibility" prong, this requirement would be difficult to meet simply because courts are wary of becoming involved in the budget process—which is legislative in nature—and separation of power concerns will prevent courts from specifying adjustments to any Federal program or expenditures. Thus, for this reason, *Missouri* v. *Jenkins*, 495 U.S. 33 (1990), where the Supreme Court upheld a district court's power to order a local school district to levy taxes to support a desegregation plan, is inapposite. Plainly put, the Jenkins case is not applicable to the balanced budget amendment because section 1 of the 14th amendment—from which the judiciary derives its power to rule against the States in equal protection claims—does not apply to the Federal Government and because the separation of powers doctrine prevents judicial encroachments on Congress' bailiwick. Courts simply will not have the authority to order Congress to raise taxes.

POLITICAL QUESTION

The well-established political question and justifiability doctrines will mandate that courts give the greatest deference to congressional budgetary measures, particularly since section 6 of House Joint Resolution 1 explicitly confers on Congress the responsibility of enforcing the amendment, and the amendment allows Congress to "rely on estimates of outlays and receipts." Under these circumstances, it is extremely unlikely that a court would substitute its judgment for that of Congress.

Moreover, despite the argument of some opponents of the balanced budget amendment, the "taxpayer" standing case, *Flast* v. *Cohen*, 392 U.S. 83 (1968), is not applicable to enforcement of the balanced budget amendment. The Flast case has been limited by the Supreme Court to establishment clause cases. Also, Flast is, by its own terms, limited to cases challenging taxes created for an illicit purpose.

I also believe that there would be no so-called congressional standing for Members of Congress to commence actions under the balanced budget amendment. Because Members of Congress would not be able to demonstrate that they were "harmed in fact" by any dilution or nullification of their vote—and because under the doctrine of "equitable discretion," Members would not be able to show that substantial relief could not otherwise be obtained from fellow legislators through the enactment, repeal, or amendment of a statute—it is hardly likely that Members of Congress would have standing to challenge actions under the balanced budget amendment.

Mr. President, I believe it is clear that the enforcement concerns about the balanced budget amendment do not amount to a hill of beans. The fear of the demon of judicial interference is exorcised by the reality of over a century of constitutional doctrines that prevent unelected courts from interfering with the power of the democratic branch of Government and that bestow Congress with the means to protect its prerogatives.

Madam President, I will over the weekend try to answer every question that he has raised because I know that he is raising sincere questions. We have answered some of them, but we will answer all of them.

I hope he will keep his options open, because this is no small matter. We have worked on this ever since I have been in the Senate. It has been Democrats and Republicans. We have no way of pleasing everybody in this body or that body. It has taken a consensus. It has taken the work of literally hundreds of us to get to this point.

I wish I could accommodate every Senator who wants to change something here, but I cannot. Anybody who says that Social Security debt is not public debt I do not think understands the budget. The fact of the matter is we owe that as the Federal Government, and we owe it to the public from whom it is borrowed. And that is every senior citizen in this country that will exist at the time those notes come due.

But be that as it may, we have done the best we can. I believe the amendment will be voted up next Tuesday, but if it is voted down, so be it. I have lived with it as long as anybody. I have done everything I possibly can to satisfy everybody. So has Senator SIMON and others who have worked on this, and there is just no way we can do that.

Frankly, it is a choice between doing nothing, again, or doing what we can do. That is what it comes down to. I think when the votes are cast next Tuesday, we are going to do what we can do because everybody here knows we have to take drastic action. We can no longer afford to let this thing go; we just no longer can afford to do it.

I have a lot of respect for my colleague from Georgia, and I would like to accommodate him in every way. I wish I could. I always try to do that with him because he is one of the great Senators here, and I am not just saying that. I know that and I feel that, and he is my friend. But I just plain do not believe that a constitutional case can be made that will allow the courts to interfere in the budgetary process of the Congress without the Congress slapping the living daylights out of the courts.

I suppose anything is possible, but with the amendment that he has, declaratory judgment relief may put us in a bigger bind than not having it there at all. That is why I did not like that last year, to be honest with you. It would be a lot better for us to work on restricting the jurisdiction of the court, which we can do, as we did in the Norris-LaGuardia Act, and a number of other cases, and do it in a straight-up, intentionally good way. It would pass overwhelmingly if not unanimously in both bodies. We can do that and do it right without scuttling the one chance in history to get spending under control and to get our priorities under control, part of which the distinguished Senator from Georgia and I would fight our guts out for, and that is the national security interests of this country.

The only way we are ever going to get to that point where we really start being concerned in the Federal Government about the real priorities of government, especially the Federal Government, is to have this consensus, have it written into the Constitution whereby we have a rule that requires us to do something. This is our chance.

If I could make it perfect, I would do that. There are ways that I would write this differently if I were the sole arbiter or dictator in this body. I am sure that is true with just about everybody in this body. But we come to a point sometimes in this life where we have to do the best we can.

Frankly, if the distinguished Senator insists on having these amendments added to it, we lose votes otherwise. And we lose anyway if his vote is the deciding vote in this matter, and it very well may be—I suspect it is—or at least comes close to being. I am not going to give up no matter who votes against this.

To make a long story short, I wish I could accommodate him. So do a lot of others. I would always accommodate my friend from Georgia, if I could. But we always have 535 people we have to accommodate around here if we do that.

Look, I believe we have done the best job we can to bring an amendment to the floor of both Houses. This amendment has passed before. I believe my colleague has voted for it before. The last one did have this declaratory judgment in, and I did not like that and neither did a lot of others, but we swallowed hard and took it at that time because the Senate had to pass it, and we did not pass it, by the way. We lost by four votes. It did not work. We did get Senator Danforth. But the fact of the matter is, it did not pass.

Mr. NUNN. Will the Senator yield?

Mr. HATCH. I will be glad to.

Mr. NUNN. I thank my friend from Utah. I know how hard he has worked on this. I do know, having managed bills on the floor, that you cannot accommodate everyone. I understand that. You have to count the votes and make those judgments. I respect that.

As my friend knows, I have immense respect for him and his leadership in this matter and on every other matter. The reason I put in the Danforth amendment, as you know, the Johnston amendment had nothing in it about declaratory judgment, and that was voted down. The Danforth amendment had been accepted. I would just as soon have left out the declaratory judgment part. That was put in because that amendment was accepted by the Senator from Utah and the Senate last year.

I have another amendment here that basically says:

> The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

I am perfectly willing to modify my amendment and substitute this, which leaves out any reference to declaratory judgment. I can do that now, or if you want to look it over.

Mr. HATCH. I have to say that is preferable. But I also have to say, I think that my friend knows how I feel about him; I do not have a person I look up to more than my friend from Georgia in this whole body. But I am worried if my friend insists that either language has to go in here—I would like to accommodate him—but if he insists on it, I think this battle may well be over, because even if we could pass it here, I am not sure we can over there.

They have done a good job. It comes down to doing the best we can. I have to say, I can make this amendment more perfect. I can give you a variety of ways of doing that, but I cannot get a consensus to go with me. It has been a hard thing for me, too.

Look, I spent my lifetime, as the distinguished Senator has, in the law. I hold the ABA rating for Martindale-Hubbell, and I really feel deeply about the law. I feel deeply that we could write other things in here that might make it more perfect—no doubt about it—but I cannot get a consensus. I hope my friend will consider that because we worked our guts out to get this here. This is the last chance I think we may ever have to pass it.

I have to say that that amendment, even if that were accepted, would do very little more than what we can do by doing good implementing legislation afterwards. And I promise my friend that I will write that with him to his satisfaction and help get it through both Houses of Congress, and I think we can do it before the summer is up.

But let me tell you, I think it will work just as well as any other change where we have limited jurisdiction of the courts. I will work together with him to do that. I do not think my friend has any doubt that Congress is going to zealously guard its rights. If any court—if any court—tries to infringe on our budgetary process, we are going to slap that court down so fast their heads are going to be spinning.

Mr. NUNN. I say to my friend from Utah, I have two problems with that argument. If Congress is going to zealously guard this right, this is the time to do it when we are amending the Constitution, because once you have put it in the Constitution, you have elevated the whole matter to the judges and the judges then decide their responsibility and their duties under the Constitution. And there is no case that indicates that the Supreme Court is willing for Congress to make the final decision about which jurisdiction the courts have in interpreting the Constitution of the United States.

Mr. HATCH. There are a lot of cases—I will try to look them up for the Senator—where the court has deferred completely to Congress, and in every budgetary case of congressional budgetmaking, the courts have stayed out of them.

Mr. NUNN. I say to my friend, I think he is absolutely sincere in that, and I hope his legal arguments will prevail both in this body and in the courts if this amendment becomes law.

I also will say, those who passed the 14th amendment to the Constitution that resulted in an interpretation in the Jenkins versus Missouri case, I suspect those people would have been shocked to find that the Federal courts used the 14th amendment to require a State to raise taxes.

I doubt very seriously if any of the authors of the 14th amendment anticipated that later on the Federal courts were going to require a State to raise taxes. I think they would have been in pretty much the same position you are in now. They would have argued vigorously that it would never happen. But it did happen. I think it could happen in this manner. It may even be more likely here in dealing with budgetary matters and putting an explicit provision into the Constitution.

Mr. HATCH. If my friend will yield, I think that is not a great concern. I will tell you why. First of all, Jenkins versus Missouri was a desegregation case where the court decided to enforce desegregation the way it did, and it used the 14th amendment, which only applies to the States. It cannot be used to apply to the Federal Government.

Mr. NUNN. This amendment can.

Mr. HATCH. Not really. In section 6, it says, "Congress shall enforce and implement this article by appropriate legislation." In other words, we have constitutional impetus. If my friend would work with me to come up with implementing legislation that would restrict the courts—which it will—and which will pass overwhelmingly in both bodies, we have the total authority and direction under this amendment to do that. I cannot imagine any court in the land that would ignore that mandate in a constitutional amendment; I just cannot.

Mr. NUNN. My problem is, I say to my friend—and I know he is an eminent legal scholar, but there are other constitutional scholars, such as Nicholas Katzenbach, Robert Bork, Mr. Freed, Larry Tribe, and a number of others, who fundamentally disagree with that analysis.

Mr. HATCH. But they cannot disagree with the fact that, look, there is no provision in the Constitution today, and neither will this be a provision, that will limit judicial review. That is a premise I think we have to agree with.

Mr. NUNN. The 11th amendment to the Constitution is an explicit part of the Constitution, and it does limit judicial review. It says:

> The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Mr. HATCH. We are talking about implementing legislation mandated by a constitutional amendment that allows us—in fact, mandates us—to come up with implementing legislation to enforce this article. That is different from that. I agree the courts can have judicial review—I do not think there is any question about that—on anything they want to take jurisdiction of, but they have to abide by section 6. "The Congress shall enforce and implement this article by appropriate legislation." And they will abide by that. I do not think Judge Bork or Freed or Dellinger, any of them, would say that is not going to be abided by if you and I and we pass it through Congress, do legislation implementing this that says the courts do not have the power to do so.

Mr. NUNN. My problem is, that is a big "if." If we cannot do it now because there are people who oppose it here, and if we cannot make this clear now when you and I both agree that we do not want the courts involved in this, what makes the Senator believe we can do it by statute?

Mr. HATCH. It would be easy to do by statute because I believe——

Mr. NUNN. Why, when one of the authors of the amendment on the House side says he wants judicial review? Evidently, there are people over on the House side that want judicial review. Otherwise, the Senator would not be in the box he is in, in terms of not being able to get this amendment accepted.

Mr. HATCH. He was a cosponsor of the amendment. He is not even an attorney. He is an intelligent person but not a constitutional scholar. I do not think that anybody doubts that his comment that he wants judicial review means a doggone thing.

Mr. NUNN. To get legislation passed, we do not have to get 50 percent of the constitutional scholars, we have to get 50 percent of the people voting.

Mr. HATCH. Right. I do not think the Senator from Georgia doubts for a minute that we can get 51 percent in each body to pass implementing legislation that would limit the jurisdiction of the courts in this matter.

Mr. NUNN. I would not have doubted it until we started debating this several days ago and, to my surprise, I saw the Johnston amendment defeated. I would not have doubted it until then. I cannot conceive a U.S. Senate—now a conservative majority—leaving in an ambiguity about whether the Federal courts are going to be given the license or invitation to take over taxing and spending decisions under a constitutional amendment. I could not conceive that until 2 weeks ago.

Mr. HATCH. Remember that I as the manager of the bill led the fight to defeat that amendment. I will lead the fight to make sure the implementing legislation does what the Senator from Georgia wants it to do.

There is no way that this amendment solves every problem with regard to budgeting or with regard to balancing the budget that can possibly come up. There is no way you can do that without writing a 300-page statute. And even then you cannot do it.

So what I am saying is that I hope my colleague will at least let me work on answering his questions over the weekend. I hope he will look at the answer and keep his powder dry on this and look at the fact that we have done our single best—our collective best, really—to come up with an amendment that is the only one we can come up with. It will work. We can implement it.

The implementing language can be the way the Senator would like it to be, I have no doubt in my mind. I do not think the distinguished Senator from Georgia has much doubt that we can pass the implementing legislation on this. I have even gotten the acquiescence of the Speaker of the House that he will work hard to get it passed. I do not have any doubt at all that we will do that.

The Johnston amendment—even if it were accepted—would still have to have implementing legislation one way or the other. We can do what the Senator wants done, and I have no doubt that we can—and I do not think anybody doubts that, including the Senator from Georgia especially, if we all come together—and still make that giant step to try to get spending under control.

Mr. NUNN. I say to my friend that there is a vast difference in having to pass implementing legislation in order to block a court from exercising jurisdiction and having to pass implementing legislation if they are going to have jurisdiction.

If we pass this amendment, the implementing legislation would be required, but in the absence thereof, the courts would have no jurisdiction. If we do not pass this amendment, it is my great fear that the courts will have jurisdiction unless we pass implementing legislation; and even if we do, the courts can say that implementing legislation exceeds the powers of Congress to limit their constitutional review because they have jurisdiction over the Constitution. When we put this in there, it is an invitation to assert that jurisdiction. Maybe they would not do it. Maybe it would not happen next year or the year after or in 5 years. But we have a risk that at some time this amendment—without clarity on the judicial review provision—could change the balance of powers in this country and basically eliminate a whole part of the separation of powers. I do not think the people of this country really want that.

Mr. HATCH. That is true in every provision in the Constitution. The courts have the right of judicial review if they want to exercise it. If we take that position, we would have to exclude them from everything in the Constitution that we do not want them to be involved in. The fact is that the courts have been scrupulous, for the most part—other than in Jenkins—in these areas. Jenkins does not apply because it is a 14th amendment case. But even then it is held in disrepute by most scholars because it went too far. Still it was not on point, nor can it be used on point.

If we are going to have runaway courts, it will not make any difference what we write into this amendment. The fact is that we have to have some faith in the courts that they are going to live within the constraints that the Constitution allows for. In this particular case we have article III, which allows us to restrain or restrict the jurisdiction of the courts, which I propose we can do in implementing legislation. And we have section 6 here of the amendment, which tells us we have to implement this and enforce this legislation.

So all I am saying is that I am not sure we are arguing differently. I am concerned, just like my friend from Georgia is. But I think we can resolve it by working together to get it resolved without scuttling the whole effort that has now taken almost 4 solid weeks on the floor.

Mr. NUNN. I say to my friend that I thank him for listening, and I thank him for his concern and leadership. I assure him that until the final vote, I will continue to listen to him and try to work with him. It is my hope, though, that there would be some revisiting going on between the people who are saying they could not accept this amendment and the Senator from Utah, because the people I talked to on the House side, including Republican and Democratic leadership—not all of them, but a number—who are leading the way on this amendment, indicate to me this kind of provision would be acceptable and even welcomed by them.

Mr. HATCH. Some feel that way, and others do not. That is one of the problems I have.

Mr. NUNN. There is a group of those who want the judiciary to basically get involved in these decisions.

Mr. HATCH. Those who want to defeat the amendment—there are still some of those, and we have found in the process that there are some of those who even voted for it in the past but who now would like to see it defeated.

Mr. NUNN. I am not one of those.

Mr. HATCH. I am not suggesting that.

Mr. NUNN. I would like to say that.

Mr. HATCH. I hope it is not true. I am counting the Senator is not.

The fact is that is the kind of problem we have been faced with. All I can say is I am trying to do the best I can as one inferior mortal, to try to bring this thing to fruition and try to do the best I can to get us to a point where we really have the chance to do something about our national debt. To me this is our only chance, and I do not think I am standing here alone on that. Even the Senator from Georgia has acknowledged that we need something like this to do it. It is just he wishes he could write this into it.

Mr. NUNN. I wish we did not need it, but we do, I am afraid.

Mr. HATCH. I thank my friend from Georgia, and we will try to bring more light to this subject as the week goes on.

Mr. MOYNIHAN. Madam President, in my remarks yesterday I continued the examination of our experience since the advent of contemporary economics in moderating the business cycle and substantially resolving the crisess of capitalism which in the century before World War II was widely seen as implacable and unresolvable. The business cycle of the industrial age with its extraordinary alterations of boom and bust was a new experience for mankind. Many concluded it was an unacceptable experience—that capitalism had to go; that private ownership had to go. Then a learning process took place and the problem has moderated to the point when it can be said within reason to have been resolved.

The swings that we experienced would be near-to-unbelievable today; certainly unacceptable.

In 1906, output increased by 11.6 percent, to be followed 2 years later by a decline of 8.2 percent in 1908, and an increase of 16.6 percent in 1909.

In 1918, output increased by 12.3 percent to be followed by 3 years of negative growth including a drop in output of 8.7 percent in 1921.

Then came the Great Depression. After increasing by 6.7 percent in 1929, output fell by 9.9 percent in 1930, another 7.7 percent in 1931, and then a further decline of an incredible 14.8 percent in 1932.

After World War II all this changed, following a brief adjustment period, as we converted from a war-time to peacetime economy. Since then the largest reduction in output was 2.2 percent in 1982.

In my earlier remarks I attributed the steady growth in the post World War II period to "a great achievement in social learning" which we would put in jeopardy if we adopted the balanced budget amendment.

We have learned to moderate the business cycle using the budget as a counter-cyclical tool. We used this knowledge in both Republicans and Democratic administrations. For example, George P. Shultz—one of the most admired public men of his generation—while OMB director in the Nixon administration put in place expansionary budget policies that stimulated the economy following the 1970–71 recession.

In my remarks on February 10 and February 13, and again yesterday, I indicated that several economists, including staff working for Charles Shultze, chairman of the Council of Economic Advisers in the Carter administration, have concluded that if we try to balance the budget in the middle of a recession that the unemployment rate could exceed 10 percent—a level that was reached only momentarily, during the 1981–82 recession, in all of the post-World II era.

In today's Wall Street Journal, Al Hunt reports on a Treasury Department study which confirms this analysis for the 1990–92 recession—a mild recession in which the unemployment rate rose from 5.1 percent in June 1990 to 7.7 percent in June 1992. Analysts at the Treasury Department estimate that

> * * * if a balanced budget amendment had been in effect—and the cyclical increase in the deficit had been offset by spending cuts and tax increases—the unemployment rate would have peaked somewhere in the range of 8.3 to 9.4 percent.
>
> The implication of this analysis is that employment would have been about 1.5 million lower in mid-1992 * * * if a balanced budget amendment had been in effect.

Clearly, if the recession had been deeper—in the 1979–82 period the unemployment rate increased from 5.6 to 10.8 percent—or if the unemployment rate at the beginning of the recession had been higher—the unemployment rate last month was 5.7 percent—then the unemployment rate would have increased to more than 10 percent if a balanced budget amendment had been in effect.

The Treasury Department study also analyzed the effects of the balanced budget amendment on the unemployment rate of each State. Even in the mild recession of 1990–1992, the unemployment rate could reach double digits in the following States, many of which are large industrial States:

Alaska, 10.6 percent;
California, 12.1 percent;
Florida, 10.4 percent;
Massachusetts, 10.9 percent;
Michigan, 10.0 percent;
New Jersey, 11.8 percent;
My own state of New York, 11.4 percent;
Rhode Island, 10.6 percent;
West Virginia, 13.5 percent.

Madam President, I ask unanimous consent that the text of the Treasury Department study entitled "The Balanced Budget Amendment and the Economy" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. MOYNIHAN. Madam President, and what is our reaction to the potential economic impact of the balanced budget amendment? According to Louis Uchitelle of the New York Times,

> Such estimates of the potential impact are not emphasized very much, however, in the debate over the balanced budget amendment. So far, the battle has focused on its value as a tool to shrink government or to discipline spending. But if the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.

Let me repeat part of this observation: "if the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled."

To put it simply, if ratified, the balanced budget amendment would substitute budget policies that magnify the business cycle for policies that have dampened cycles in the post World War II period. In the pre-World War II period the Federal budget, except for war years, was about 2–3 percent of the GDP and had very little influence on macro-economic activity. After World War II, the Federal budget exceeds 10 percent of GDP and becomes an important instrument for stablizing the economy.

The transformation is clearly discernible from this chart. After World War II, automatic stabilizers—which go into effect long before the National Bureau of of Economic Research has made a determination that we are in or have had a recession—and discretionary fiscal policy hugely moderate the business cycle.

Up until now the Federal budget in the post-World War II period has cushioned the effects of a recession. In this chart we have seen the result—only a few tiny declines. But now, if we tried to balance the budget in a recession, we would amplify the shocks and return the economy to the panics and depressions of the pre-World War II period shown on the chart.

What happens if we undo all that we have learned over the past 60 years? Joseph Stiglitz, a member of the President's Council of Economic Advisers, observes, in his comments to New York Times reporter Louis Uchitelle, that "The Government would become, almost inevitably, a destabilizer of the economy rather than a stabilizer."

The Treasury study, referred to earlier in my remarks, concludes with a theme that I have emphasized over the past few weeks on the floor of the Senate, as I have reviewed the history of fiscal policy over the past 40 years.

On February 8 I stated:

> * * * I make the point that there is nothing inherent in American democracy that suggests we amend our basic and abiding law to deal with the fugitive tendencies of a given moment. I rise today to provide documentation as to how a series of one-time events of the 1980's led to our present fiscal disorders, even as events in the 1990's point to a way out of them.

Similarly the Treasury study concludes:

> Large deficits in the recent past have led many to believe that a balanced budget amendment to the Constitution is the only way to ensure fiscal discipline. The large deficits of the 1930's and early 1990's, however, are an exception to the general pattern since World War II * * *.
>
> The relatively small deficits prior to the 1980's and the experience of the past two years shows that fiscal discipline does not require such drastic action as amending the Constitution and the severe economic consequences that would result.

The choices before us are best summed up by William Hoagland, the respected Republican staff director of the Senate Budget Committee. In the New York Times article by Mr. Uchitelle Mr. Hoagland is quoted as follows:

> There are risks associated with a balanced budget and I don't think anyone should deny them * * * Nevertheless, the debate on the floor has been dominated by what we must do to get the budget in balance, not what the risks of a balanced budget might be.

Before we adopt this balanced budget amendment let's make sure we understand the risks. As I study the pre- and post-World War II patterns of economic cycles, that are clearly evident on this chart, I conclude that the risks are too great.

EXHIBIT 1

THE BALANCED BUDGET AMENDMENT AND THE ECONOMY: HOW A BALANCED BUDGET AMENDMENT WOULD HAVE WORSENED THE RECESSION OF 1990–92

INTRODUCTION

So far the debate over a balanced budget amendment has been primarily a political debate. Proponents of "cutting" have squared off against proponents of "spending." The one thing that has been oddly lacking is a straightforward discussion of how a balanced budget amendment might affect the economy. Thus, this paper examines the possible consequences of a balanced budget amendment on jobs, on incomes, and on the long-term standards of living of the American people.

Simply put, a balanced budget amendment could cause significant harm to the economy. The balanced budget amendment currently being considered by Congress would require the federal budget to be balanced by a date certain. This requirement could harm the American economy and American workers in two basic ways. First, the economy may have trouble handling the elimination of the deficit too fast—by cutting spending and raising taxes by about $1.2 trillion between now and 2002 ($1.6 trillion if tax cuts proposed in the Contract With America are adopted). Perhaps more importantly, requiring a balanced budget in every year, regardless of the economic situation, would hamper the ability of the federal government to lessen the impact of recessions.

DANGER TO THE ECONOMY

A balanced budget amendment would make economic recessions more severe than they otherwise would be. Currently the federal budget helps to lessen the impact of recessions through "automatic stabilizers." These automatic stabilizers allow spending to increase and revenue to fall during times of economic hardship. For example, spending on federal government programs like unemployment compensation and food stamps automatically increase as the economy goes into recession because more people become eligible for the programs. In addition, as people earn less money as a result of a recession, they pay less in taxes. While these changes in spending and taxes increase the deficit, they serve to reduce the damage done by recessions to the American economy and American families.

A balanced budget amendment would force the government to raise taxes and cut spending in recessions—at just the moment that raising taxes and cutting spending will do the most harm to the economy and aggravate the recession.

How do automatic stabilizers work? On average, every one dollar drop in production and incomes as the economy enters a recession generates a twenty-seven cent increase in the deficit, as tax revenues fall and spending on programs rises.

Thus, a one dollar fall in incomes and spending becomes a fall of only 73 cents to the economy as a whole. Shocks to total demand and spending would therefore be more than one-third larger if the federal budget were forced to be in year-by-year balance as the economy goes through business cycles.

The principal benefit of the automatic stabilizers is that they are automatic and take effect immediately. We lack the advance notice of a recession for either Congress or the Federal Reserve to react effectively. For example, as of early 1991, the Federal Reserve concluded that it had adopted appropriate anti-recessionary policies and expected a recovery by mid-1992. It did not anticipate the further rise in unemployment.

Thus, while the Federal Reserve bears an important part of the responsibility for managing the business cycle, its ability to "fine tune" the economy is limited. Given the lags with which its policies affect the economy, the Federal Reserve would have difficulty compensating for the elimination of automatic stabilizers during recessions and the shock to the economy of reducing the deficit too fast. Even with the most effective Federal Reserve policy, a balanced budget amendment would amplify recessions and harm the economy.

THE RECESSION OF 1992

To illustrate how the business cycle would change under an amendment, consider the recession of 1990–1992. During this recession, the unemployment rate rose from 5.1 percent in June of 1990 to 7.7 percent in June of 1992. The automatic stabilizers in the federal budget injected roughly $87 billion into the economy in 1992 relative to 1990. This cyclical increase in the deficit helped to mitigate the impact of the recession, making the unemployment rate between 0.7 and 1.7 percentage points lower in June of 1992 than it otherwise would have been. Thus, if a balanced budget amendment had been in effect—and the cyclical increase in the deficit had been offset by spending cuts and tax increases—the unemployment rate would have peaked somewhere in the range of 8.3 to 9.4 percent.

The implication of this analysis is that employment would have been about 1.5 million lower in mid-1992—as shown in Chart A—if a balanced budget amendment had been in effect.

CONCLUSION

Large deficits in the recent past have led many to believe that a balanced budget amendment to the Constitution is the only way to ensure fiscal discipline. The large deficits of the 1980s and early 1990s, however, are an exception to the general pattern since World War II.

Further, while the deficit as a share of the Gross Domestic Product (GDP) did rise to high levels during the 1980s, this ratio is now on a downward trend. The deficit as a share of GDP, which was 4.9 percent in 1992, is currently projected to steadily decline to 1.6 percent of GDP in 2005. The Administration and Congress have achieved this through difficult decisions to reduce spending and to increase revenues (see chart B).

For example, before this Administration took office, the deficit was projected to be $400 billion in 1998—current projections show that this has been cut by more than half, to $194 billion. In fact, the federal budget is currently in primary surplus—revenues exceed the federal government's spending on all federal programs combined. The deficit is due solely to the cost of paying interest on the debt accumulated largely during the high deficits of the 1980s—not because we are overspending today (see Chart C).

The relatively small deficits prior to the 1980s and the experience of the past two years shows that fiscal discipline does not require such drastic action as amending the Constitution and the severe economic consequences that would result.

THE IMPACT ON ALABAMA JOBS IF A BALANCED BUDGET AMENDMENT HAD BEEN IN PLACE DURING THE RECESSION OF 1990–1992

The Balanced Budget Amendment and Alabama:

During the recession of 1990–1992, the unemployment rate in Alabama rose from 6.7 percent to a peak of 7.5 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Alabama would have peaked at a higher level: between 7.7 and 8.1 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 3,300 to 10,000 in Alabama in the recession of 1990–1992.

THE IMPACT ON ALASKA JOBS

The Balanced Budget Amendment and Alaska:

During the recession of 1990–1992, the unemployment rate in Alaska rose from 6.9 percent to a peak of 9.1 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Alaska would have peaked at a higher level: between 9.6 and 10.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,300 to 4,000 in Alaska in the recession of 1990–1992.

THE IMPACT ON ARIZONA JOBS

The Balanced Budget Amendment and Arizona:

During the recession of 1990–1992, the unemployment rate in Arizona rose from 5.5 percent to a peak of 7.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Arizona would have peaked at a higher level: between 8.2 and 9.2 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 8,500 to 25,500 in Arizona in the recession of 1990–1992.

THE IMPACT ON ARKANSAS JOBS

The Balanced Budget Amendment and Arkansas:

During the recession of 1990–1992 the unemployment rate in Arkansas rose from 6.8 percent to a peak of 7.3 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Arkansas would have peaked at a higher level: between 7.5 and 7.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,600 to 4,800 in Arkansas in the recession of 1990–1992.

THE IMPACT ON CALIFORNIA JOBS

The Balanced Budget Amendment and California:

During the recession of 1990–1992, the unemployment rate in California rose from 5.3 percent to a peak of 9.3 percent.

Had the balanced budget amendment been in effect, the unemployment rate in California would have peaked at a higher level: between 10.2 and 12.1 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 129,400 to 388,100 in California in the recession of 1990–1992.

THE IMPACT ON COLORADO JOBS

The Balanced Budget Amendment and Colorado:

During the recession of 1990–1992, the unemployment rate in Colorado rose from 5.0 percent to a peak of 6.2 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Colorado would have peaked at a higher level: between 6.5 and 7.0 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 4,700 to 14,200 in Colorado in the recession of 1990–1992.

THE IMPACT ON CONNECTICUT JOBS

The Balanced Budget Amendment and Connecticut:

During the recession of 1990–1992, the unemployment rate in Connecticut rose from 5.0 percent to a peak of 7.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Connecticut would have peaked at a higher level: between 8.3 and 9.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 10,500 to 31,400 in Connecticut in the recession of 1990–1992.

THE IMPACT ON DELAWARE JOBS

The Balanced Budget Amendment and Delaware:

During the recession of 1990–1992, the unemployment rate in Delaware rose from 4.2 percent to a peak of 5.6 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Delaware would have peaked at a higher level: between 5.9 and 6.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,100 to 3,300 in Delaware in the recession of 1990–1992.

THE IMPACT ON FLORIDA JOBS

The Balanced Budget Amendment and Florida:

During the recession of 1990–1992, the unemployment rate in Florida rose from 5.7 percent to a peak of 8.5 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Florida would have peaked at a higher level: between 9.1 and 10.4 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 38,800 to 116,500 in Florida in the recession of 1990–1992.

THE IMPACT ON GEORGIA JOBS

The Balanced Budget Amendment and Georgia:

During the recession of 1990–1992, the unemployment rate in Georgia rose from 5.4 percent to a peak of 7.0 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Georgia would have peaked at a higher level: between 7.4 and 8.1 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 11,500 to 34,400 in Georgia in the recession of 1990–1992.

THE IMPACT ON HAWAII JOBS

The Balanced Budget Amendment and Hawaii:

During the recession of 1990–1992, the unemployment rate in Hawaii rose from 2.7 percent to a peak of 4.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Hawaii would have peaked at a higher level: between 5.2 and 6.1 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,500 to 7,600 in Hawaii in the recession of 1990–1992.

THE IMPACT ON IDAHO JOBS

The Balanced Budget Amendment and Idaho:

During the recession of 1990–1992, the unemployment rate in Idaho remained stable at 6.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Idaho would have peaked at a higher level: between 6.6 and 6.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 700 to 2,200 in Idaho in the recession of 1990–1992.

THE IMPACT ON ILLINOIS JOBS

The Balanced Budget Amendment and Illinois:

During the recession of 1990–1992, the unemployment rate in Illinois rose from 6.5 percent to a peak of 8.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Illinois would have peaked at a higher level: between 8.8 and 9.7 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 24,200 to 72,200 in Illinois in the recession of 1990–1992.

THE IMPACT ON INDIANA JOBS

The Balanced Budget Amendment and Indiana:

During the recession of 1990–1992, the unemployment rate in Indiana rose from 5.1 percent to a peak of 6.8 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Indiana would have peaked at a higher level: between 7.2 and 8.0 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 10,300 to 31,000 in Indiana in the recession of 1990–1992.

THE IMPACT ON IOWA JOBS

The Balanced Budget Amendment and Iowa:

During the recession of 1990–1992, the unemployment rate in Iowa rose from 4.2 percent to a peak of 4.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Iowa would have peaked at a higher level: between 4.9 and 5.2 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 200 to 600 in Iowa in the recession of 1990–1992.

THE IMPACT ON KANSAS JOBS

The Balanced Budget Amendment and Kansas:

During the recession of 1990–1992, the unemployment rate in Kansas fell—from 4.5 percent to 3.9 percent..

Had the balanced budget amendment been in effect, the unemployment rate in Kansas at the time of highest nationwide unemployment would have been between 4.1 and 4.4 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,900 to 5,600 in Kansas in the recession of 1990–1992.

THE IMPACT ON KENTUCKY JOBS

The Balanced Budget Amendment and Kentucky:

During the recession of 1990–1992, the unemployment rate in Kentucky rose from 5.7 percent to a peak of 7.0 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Kentucky would have peaked at a higher level: between 7.3 and 7.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 4,900 to 14,700 in Kentucky in the recession of 1990–1992.

THE IMPACT ON LOUISIANA JOBS

The Balanced Budget Amendment and Louisiana:

During the recession of 1990–1992, the unemployment rate in Louisiana rose from 6.2 percent to a peak of 7.3 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Louisiana would have peaked at a higher level: between 7.6 and 8.2 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 5,400 to 16,200 in Louisiana in the recession of 1990–1992.

THE IMPACT ON MAINE JOBS

The Balanced Budget Amendment and Maine:

During the recession of 1990–1992, the unemployment rate in Maine rose from 5.0 percent to a peak of 6.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Maine would have peaked at a higher level: between 7.1 and 7.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,400 to 7,100 in Maine in the recession of 1990–1992.

THE IMPACT ON MARYLAND JOBS

The Balanced Budget Amendment and Maryland:

During the recession of 1990–1992, the unemployment rate in Maryland rose from 4.7 percent to a peak of 6.6 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Maryland would have peaked at a higher level: between 7.0 and 9.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 11,000 to 32,900 in Maryland in the recession of 1990–1992.

THE IMPACT ON MASSACHUSETTS JOBS

The Balanced Budget Amendment and Massachusetts:

During the recession of 1990–1992, the unemployment rate in Massachusetts rose from 6.2 percent to a peak of 9.0 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Massachusetts would have peaked at a higher level: between 9.6 and 10.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 18,700 to 56,100 in Massachusetts in the recession of 1990–1992.

THE IMPACT ON MICHIGAN JOBS

The Balanced Budget Amendment and Michigan:

During the recession of 1990–1992, the unemployment rate in Michigan rose from 7.3 percent to a peak of 8.9 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Michigan would have peaked at a higher level: between 9.3 and 10.0 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 15,500 to 46,600 in Michigan in the recession of 1990–1992.

THE IMPACT ON MINNESOTA JOBS

The Balanced Budget Amendment and Minnesota:

During the recession of 1990–1992, the unemployment rate in Minnesota rose from 4.9 percent to a peak of 5.2 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Minnesota would have peaked at a higher level: between 5.4 and 5.7 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 3,400 to 10,200 in Minnesota in the recession of 1990–1992.

THE IMPACT ON MISSISSIPPI JOBS

The Balanced Budget Amendment and Mississippi:

During the recession of 1990–1992, the unemployment rate in Mississippi rose from 7.3 percent to a peak of 8.6 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Mississippi would have peaked at a higher level: between 8.9 and 9.5 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 3,300 to 9,800 in Mississippi in the recession of 1990–1992.

THE IMPACT ON MISSOURI JOBS

The Balanced Budget Amendment and Missouri:

During the recession of 1990–1992, the unemployment rate in Missouri was steady at 5.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Missouri would have peaked at a higher level: between 5.9 and 6.2 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 3,800 to 11,300 in Missouri in the recession of 1990–1992.

THE IMPACT ON MONTANA JOBS

The Balanced Budget Amendment and Montana:

During the recession of 1990–1992, the unemployment rate in Montana rose from 5.6 percent to a peak of 6.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Montana would have peaked at a higher level: between 7.0 and 7.5 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,000 to 3,000 in Montana in the recession of 1990–1992.

THE IMPACT ON NEBRASKA JOBS

The Balanced Budget Amendment and Nebraska:

During the recession of 1990–1992, the unemployment rate in Nebraska rose from 2.1 percent to a peak of 3.1 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Nebraska would have peaked at a higher level: between 3.3 and 3.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,900 to 5,600 in Nebraska in the recession of 1990–1992.

THE IMPACT ON NEVADA JOBS

The Balanced Budget Amendment and Nevada:

During the recession of 1990–1992, the unemployment rate in Nevada rose from 4.8 percent to a peak of 6.6 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Nevada would have peaked at a higher level: between 7.0 and 7.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,800 to 8,300 in Nevada in the recession of 1990–1992.

THE IMPACT ON NEW HAMPSHIRE JOBS

The Balanced Budget Amendment and New Hampshire:

During the recession of 1990–1992, the unemployment rate in New Hampshire rose from 5.7 percent to a peak of 7.6 percent.

Had the balanced budget amendment been in effect, the unemployment rate in New Hampshire would have peaked at a higher level: between 8.0 and 8.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,500 to 7,400 in New Hampshire in the recession of 1990–1992.

THE IMPACT ON NEW JERSEY JOBS

The Balanced Budget Amendment and New Jersey:

During the recession of 1990–1992, the unemployment rate in New Jersey rose from 4.9 percent to a peak of 9.0 percent.

Had the balanced budget amendment been in effect, the unemployment rate in New Jersey would have peaked at a higher level: between 9.9 and 11.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 34,400 to 103,100 in New Jersey in the recession of 1990–1992.

THE IMPACT ON NEW MEXICO JOBS

The Balanced Budget Amendment and New Mexico:

During the recession of 1990–1992, the unemployment rate in New Mexico rose from 6.2 percent to a peak of 6.9 percent.

Had the balanced budget amendment been in effect, the unemployment rate in New Mexico would have peaked at a higher level: between 7.1 and 7.4 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,100 to 3,300 in New Mexico in the recession of 1990–1992.

THE IMPACT ON NEW YORK JOBS

The Balanced Budget Amendment and New York:

During the recession of 1990–1992, the unemployment rate in New York rose from 5.3 percent to a peak of 8.9 percent.

Had the balanced budget amendment been in effect, the unemployment rate in New York would have peaked at a higher level: between 9.7 and 11.4 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 65,900 to 197,600 in New York in the recession of 1990–1992.

THE IMPACT ON NORTH CAROLINA JOBS

The Balanced Budget Amendment and North Carolina:

During the recession of 1990–1992, the unemployment rate in North Carolina rose from 4.4 percent to a peak of 6.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in North Carolina would have peaked at a higher level: between 6.9 and 7.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 15,400 to 46,200 in North Carolina in the recession of 1990–1992.

THE IMPACT ON NORTH DAKOTA JOBS

The Balanced Budget Amendment and North Dakota:

During the recession of 1990–1992, the unemployment rate in North Dakota rose from 3.9 percent to a peak of 4.8 percent.

Had the balanced budget amendment been in effect, the unemployment rate in North Dakota would have peaked at a higher level: between 5.0 and 5.4 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 600 to 1,900 in North Dakota in the recession of 1990–1992.

THE IMPACT ON OHIO JOBS

The Balanced Budget Amendment and Ohio:

During the recession of 1990–1992, the unemployment rate in Ohio rose from 5.4 percent to a peak of 7.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Ohio would have peaked at a higher level: between 8.2 and 9.3 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 26,800 to 80,300 in Ohio in the recession of 1990–1992.

THE IMPACT ON OKLAHOMA JOBS

The Balanced Budget Amendment and Oklahoma:

During the recession of 1990–1992, the unemployment rate in Oklahoma was steady at 5.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Oklahoma would have peaked at a higher level: between 5.7 and 6.0 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,100 to 6,400 in Oklahoma in the recession of 1990–1992.

THE IMPACT ON OREGON JOBS

The Balanced Budget Amendment and Oregon:

During the recession of 1990–1992, the unemployment rate in Oregon rose from 5.6 percent to a peak of 7.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Oregon would have peaked at a higher level: between 7.8 and 8.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 5,900 to 17,700 in Oregon in the recession of 1990–1992.

THE IMPACT ON PENNSYLVANIA JOBS

The Balanced Budget Amendment and Pennsylvania:

During the recession of 1990–1992, the unemployment rate in Pennsylvania rose from 5.0 percent to a peak of 7.7 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Pennsylvania would have peaked at a higher level: between 8.3 and 9.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 33,700 to 101,200 in Pennsylvania in the recession of 1990–1992.

THE IMPACT ON RHODE ISLAND JOBS

The Balanced Budget Amendment and Rhode Island:

During the recession of 1990–1992, the unemployment rate in Rhode Island rose from 7.0 percent to a peak of 9.1 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Rhode Island would have peaked at a higher level: between 9.6 and 10.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 2,300 to 6,900 in Rhode Island in the recession of 1990–1992.

THE IMPACT ON SOUTH CAROLINA JOBS

The Balanced Budget Amendment and South Carolina:

During the recession of 1990–1992, the unemployment rate in South Carolina rose from 4.7 percent to a peak of 6.1 percent.

Had the balanced budget amendment been in effect, the unemployment rate in South Carolina would have peaked at a higher level: between 6.4 and 7.1 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 5,400 to 16,300 in South Carolina in the recession of 1990–1992.

THE IMPACT ON SOUTH DAKOTA JOBS

The Balanced Budget Amendment and South Dakota:

During the recession of 1990–1992, the unemployment rate in South Dakota *fell*—from 3.8 percent to 3.1 percent.

Had the balanced budget amendment been in effect, the unemployment rate in South Dakota would have been higher in June 1992: between 3.3 and 3.6 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 500 to 1,500 in South Dakota in the recession of 1990–1992.

THE IMPACT ON TENNESSEE JOBS

The Balanced Budget Amendment and Tennessee:

During the recession of 1990–1992, the unemployment rate in Tennessee rose from 5.1 percent to a peak of 6.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Tennessee would have peaked at a higher level: between 6.7 and 7.3 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 6,900 to 20,600 in Tennessee in the recession of 1990–1992.

THE IMPACT ON TEXAS JOBS

The Balanced Budget Amendment and Texas:

During the recession of 1990–1992, the unemployment rate in Texas rose from 6.2 percent to a peak of 7.8 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Texas would have peaked at a higher level: between 8.2 and 8.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 30,700 to 92,200 in Texas in the recession of 1990–1992.

THE IMPACT ON UTAH JOBS

The Balanced Budget Amendment and Utah:

During the recession of 1990–1992, the unemployment rate in Utah rose from 4.3 percent to a peak of 5.0 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Utah would have peaked at a higher level: between 5.2 and 5.5 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,300 to 3,900 in Utah in the recession of 1990–1992.

THE IMPACT ON VERMONT JOBS

The Balanced Budget Amendment and Vermont:

During the recession of 1990–1992, the unemployment rate in Vermont rose from 5.0 percent to a peak of 6.9 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Vermont would have peaked at a higher level: between 7.3 and 8.2 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 1,300 to 3,800 in Vermont in the recession of 1990–1992.

THE IMPACT ON VIRGINIA JOBS

The Balanced Budget Amendment and Virginia:

During the recession of 1990–1992, the unemployment rate in Virginia rose from 4.3 percent to a peak of 6.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Virginia would have peaked at a higher level between 6.9 and 7.9 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 15,400 to 46,200 in Virginia in the recession of 1990–1992.

THE IMPACT ON WASHINGTON JOBS

The Balanced Budget Amendment and Washington:

During the recession of 1990–1992, the unemployment rate in Washington rose from 4.7 percent to a peak of 7.4 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Washington would have peaked at a higher level between 8.0 and 9.3 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 15,200 to 45,700 in Washington in the recession of 1990–1992.

THE IMPACT ON WEST VIRGINIA JOBS

The Balanced Budget Amendment and West Virginia:

During the recession of 1990–1992, the unemployment rate in West Virginia rose from 8.1 percent to a peak of 11.3 percent.

Had the balanced budget amendment been in effect, the unemployment rate in West Virginia would have peaked at a higher level between 12.0 and 13.5 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 5,000 to 15,000 in West Virginia in the recession of 1990–1992.

THE IMPACT ON WISCONSIN JOBS

The Balanced Budget Amendment and Wisconsin:

During the recession of 1990–1992, the unemployment rate in Wisconsin rose from 4.3 percent to a peak of 5.2 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Wisconsin would have peaked at a higher level between 5.4 and 5.8 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 5,300 to 15,800 in Wisconsin in the recession of 1990–1992.

THE IMPACT OF WYOMING JOBS IF A BALANCED BUDGET AMENDMENT HAD BEEN IN PLACE DURING THE RECESSION OF 1990–1992

The Balanced Budget Amendment and Wyoming:

During the recession of 1990–1992, the unemployment rate in Wyoming rose from 5.4 percent to a peak of 5.8 percent.

Had the balanced budget amendment been in effect, the unemployment rate in Wyoming would have peaked at higher level between 6.0 and 6.3 percent.

Thus the balanced budget amendment would have led to an additional rise in unemployment of 300 to 1,000 in Wyoming in the recession of 1990–1992.

The Balanced Budget Amendment and the United States:

During the recession of 1990–1992, the unemployment rate in the United States rose from 5.1 percent to a peak of 7.7 percent in June of 1992.

Had the balanced budget amendment been in effect, the unemployment rate would have peaked at a higher level: in the range of 8.3 to 9.4 percent.

Thus the balanced budget amendment would have led to a rise in nationwide unemployment of 750,000 to 2.2 million in the recession of 1990–1992.

Why Does a Balanced Budget Amendment Raise Unemployment?

Under current law, spending on federal government programs like unemployment compensation and food stamps automatically increases as the economy goes into recession. In addition, as people earn less money as a result of a recession they pay lower taxes. These changes in spending and taxes affect the federal deficit. The increases in the federal deficit during recessions are "automatic stabilizers" that reduce the damage done by recessions to the American economy and American workers.

A balanced budget amendment would force the government to raise taxes and cut spending in recessions—at just the moment that raising taxes and cutting spending will do most harm to the economy, and aggravate the recession.

SUMMARY OF METHODOLOGY.

From the cycle peak in June 1990 to the unemployment rate peak in June 1992, the unemployment rate rose by 2.6 percentage points.

Using a (low estimate of the) Okun's Law coefficient of 2, and an automatic stabilizer magnitude (estimated over 1953–1994) of 0.27, the associated cyclical swing in the deficit is some 1.4 percentage points of GDP.

In the absence of automatic stabilizers the Keynesian multiplier would be higher than we usually assume. Estimate the multiplier in the absence of automatic stabilizers at 1.7, as opposed to 1.2 in the presence of automatic stabilizers.

Thus the downward shock to exogenous demand of 1.4 percent of GDP administered by the tax increases and spending cuts necessary to offset the cyclical component of the deficit would have depressed GDP by some 2.4 percent.

Using an Okun's law coefficient of 2, the central scenario estimate of the extra rise in unemployment in the absence of automatic stabilizers is 1.2 percentage points.

Obtain a favorable scenario by assuming that Federal Reserve action manages to offset half of the increase in the size of the recession.

Obtain an unfavorable scenario by assuming that the size of automatic stabilizers has trended upward in the post-WWII period, and using a higher Okun's law coefficient of 2.5.

Distribute the rise in the unemployment rate across states proportionately to their 1990–1992 recession-driven increase in unemployment.

EXPLANATION OF VOTE ON AMENDMENT NO. 306

Mr. McCAIN. Madam President, I wanted to take a moment to explain my position for the record on the vote on the Rockefeller amendment. I voted to table Senator JOHN ROCKEFELLER's amendment on the balanced budget amendment. Senators on the other side of the aisle would have you believe that this Congress is ready and willing to break a sacred obligation to care for our veterans and their survivors. Binding future Congresses in how we manage veterans' programs is counterproductive micromanagement which could very well harm the best interests of veterans and has no place in a constitutional amendment. No one should interpret my vote as waning in my personal commitment to veterans and their families. I have always worked hard to properly fund veterans' programs and I will personally do everything I can to ensure veterans benefits are fully funded in the future. The truth of the matter is that this country has a moral obligation to those who have paid dearly through their pain and suffering in defense of the freedoms that all Americans enjoy today and we must not and will not abdicate our responsibilities.

PROTECTING FEDERAL LAW ENFORCEMENT DOLLARS—AMENDMENT NO. 301

Mrs. MURRAY. Madam President, I rise in support of Senator BYRD's amendment to protect Federal outlays for law enforcement, and the reduction and prevention of crime.

I am proud of the Violent Crime Control and Law Enforcement Act we passed last year. It is a comprehensive approach to solving our Nation's crime problem. It includes: funds for 100,000 new police officers across the Nation; a ban on the manufacture, sale, and future possession of 19 semiautomatic assault weapons; and increased penalties for Federal violent crimes and sex crimes.

However, passing tougher laws and putting more police on our streets will not stop the violence that is ravaging our Nation. These measures, while effective, are only part of the larger solution. We also must focus on preventive measures if we hope to find permanent solutions to the epidemic of violence.

Last year's crime bill does just that. The legislation includes: the Violence Against Women Act, which authorizes funding for rape education and community prevention programs, battered women's shelters, and a national family violence hotline.

The crime bill also authorizes local grants for education, after-school safe haven programs, and other initiatives aimed at reducing gang membership among young people. The bill provides for grants to localities for crime prevention measures, including: police partnerships for children, supervised child visitation centers, and partnerships between senior citizens and police.

In addition, the legislation provides grants to law enforcement to create partnerships with child and family support agencies to fight crimes committed against children.

Madam President, I believe in the value and necessity of these vital programs. As a woman, a mother, and a former teacher I want to make sure we let our children know we care about them, they can trust us to do the right thing, and we will not turn our backs on them.

Although I am pleased that Republican proposals to redirect these important prevention dollars do not target the Violence Against Women Act, I am disturbed about the implications for programs aimed at our Nation's youth.

Our children are afraid, and sadly, they have every reason to be. Every day, 5,703 teenagers are victims of violent crimes. Every 2 hours, a child is murdered. Every 5 seconds of the schoolday, a student drops out of public school.

We, as adults, have a responsibility to care for our children, to teach them to value themselves and their communities, and not to give up on them. It is time for us as adults to address the issue of violence honestly. Violence is a symptom of deeper problems. Lets not restrict our attention to punishing criminals and building more prisons, while ignoring the causes of violence among our children.

I have talked with young people throughout the State of Washington. My overwhelming conclusion is that a lot of the youth on our streets have been victims themselves—victims of abusive adults, victims of our overburdened school system, and victims of a juvenile justice system that cannot respond to their real needs. These disaffected kids invariably have kids of their own, and the cycle of violence begins again. Prevention and education are the keys to breaking this dangerous pattern of violence.

Madam President, the dollars allocated to fund the Violent Crime Control and Law Enforcement Act of 1994 are extremely important. I applaud Senator BYRD's effort to safeguard these crime fighting dollars.

UNANIMOUS-CONSENT AGREEMENTS

Mr. HATCH. I ask unanimous consent that the vote occur in relation to the pending amendment numbered 267 and the Bumpers motion and amendments numbered 299 and 300 on Tuesday, February 28, in the stacked sequence to begin at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that at 11:30 a.m. on Tuesday, February 28, Senator HATCH be recognized to control the next 30 minutes for debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I ask unanimous consent that at 12 noon the next 30 minutes be under the control of Senator BYRD for debate only.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. HATCH. I further ask that following the conclusion of the stacked votes on Tuesday, February 28, Senator BYRD be recognized for up to 15 minutes for debate only, to be followed by 15 minutes under the control of Senator HATCH for debate only, to be followed by 15 minutes under the control of Senator DASCHLE for debate only, with the last 15 minutes under the control of Senator DOLE to close the debate prior to the final vote on House Joint Resolution 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. HATCH. As if in executive session, I ask unanimous consent that the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar en bloc: Calendar Nos. 8, 9, 10, and 11, and all nominations placed on the Secretary's desk; further, that the nominations be confirmed en bloc, the motion to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Dale W. Thompson, Jr., 441–36–6881, U.S. Air Force

ARMY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Jerry R. Rutherford, 489–40–6892, U.S. Army

NAVY

The following-named officer for appointment to the grade of Vice Admiral while assigned to be position of importance and responsibility under Title 10, United States Code, Section 601:

To be vice admiral

Rear Adm. John A. Lockard, 427–84–7946, U.S. Navy

DEPARTMENT OF DEFENSE

Eleanor Hill, of Virginia, to be Inspector General, Department of Defense, vice Susan J. Crawford.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE, ARMY, NAVY

Air Force nominations beginning Alan L. Christensen, and ending Gardner G. Bassett, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Air Force nominations beginning Barrett W. Bader, and ending Joseph N. Zemis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 6, 1995.

Air Force nominations beginning Jonathan E. Adams, and ending Sharon G. Freier, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Air Force nominations beginning Timothy L. Anderson, and ending Raymond E. Ratajik, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nominations beginning Rodger T. Hosig, and ending Sara M. Lowe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nomination of Frederick B. Brown, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nominations beginning Ronnie Abner, and ending Vincent A. Zike, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Navy nominations beginning James P. Screen III, and ending Jason R.J. Testa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 830. An act to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that pursuant to the provisions of 22 U.S.C. 1928a, the Speaker appoints to the U.S. Group of the North Atlantic Assembly the following members on the part of the House: Mr. ROSE, Mr. HAMILTON, Mr. COLEMAN, and Mr. RUSH.

The message further announced that pursuant to the provisions of section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints to the Commission on Security and Cooperation in Europe the following members on the part of the House: Mr. PORTER, Mr. WOLF, Mr. FUNDERBURK, Mr. SALMON, Mr. HOYER, Mr. MARKEY, Mr. RICHARDSON, and Mr. CARDIN.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 830. An act to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Lacy H. Thornburg, of North Carolina, to be U.S. District Judge for the District of North Carolina.

Sidney H. Stein, of New York, to be U.S. District Judge for the Southern District of New York.

Thadd Heartfield, of Texas, to be U.S. District Judge for the Eastern District of Texas.

David Folsom, of Texas, to be U.S. District Judge for the Eastern District of Texas.

Sandra L. Lynch, of Massachusetts, to be U.S. Circuit Judge for the First Circuit.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. BIDEN, Mr. GRASSLEY, and Mr. HEFLIN):

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 465. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BREAUX:

S. 466. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

By Mr. BOND:

S. 467. A bill for the relief of Benchmark Rail Group, Inc., and for other purposes; to the Committee on the Judiciary.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 468. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. COATS):

S. 469. A bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself and Mr. INOUYE):

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. ROTH, and Mr. STEVENS):

S. 471. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans Affairs.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 472. A bill to consolidate and expand Federal child care services to promote self sufficiency and support working families, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. SIMON, Mr. ASHCROFT, and Ms. MOSELEY-BRAUN):

S.J. Res. 27. A joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BIDEN, Mr. GRASSLEY, and Mr. HEFLIN):

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; to the Committee on the Judiciary.

THE CIVIL JUSTICE REFORM ACT AMENDMENT ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce legislation that would work a purely technical correction to extend the time period for a study currently being conducted in certain Federal courts.

The Civil Justice Reform Act of 1990 set up two programs to study various innovative programs in court management. One program involves so-called pilot courts, and the other involves what are referred to as demonstration districts. Those court programs were originally established for a 3-year period, with the studies to be conducted over a 4-year period and the resulting reports transmitted to Congress by December 31, 1995. The Rand Corp. has been carrying out the study of the pilot courts, while the Federal Judicial Center is conducting the study of the demonstration districts.

Last year, the pilot court programs were extended for an additional year, and the Rand Corp. received a 1-year extension for its study of those courts. That extension was included in the Judicial Amendments Act of 1994. Through an oversight, however, no extension was included for the demonstration districts.

The legislation I am introducing would grant precisely the same 1-year extension for the demonstration districts as was granted for the pilot courts. That will make the two programs and their studies consistent so that the final reports can be directly compared. That was precisely the intent behind the identical deadlines that were established when the two study programs were set up. This legislation will restore that end. Also, the extension of the deadline will improve the study, since more cases will be complete and included in the study. Improving the reliability and consistency of the resulting reports can only help us improve the efficiency of our courts.

Finally, this 1-year extension will entail no additional costs since the demonstration districts are planning to continue the programs under study in any event. The extension of the deadline will not affect the budget or personnel of any Federal entity.

I also note that this purely technical bill has bipartisan support: Senators BIDEN, GRASSLEY, and HEFLIN are original cosponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking "4-year period" and inserting "5-year period"; and

(2) in subsection (d) by striking "December 31, 1995," and inserting "December 31, 1996,".

By Mr. BAUCUS:

S. 465. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

THE INTERSTATE WASTE CONTROL ACT OF 1995

Mr. BAUCUS. Mr. President, I rise to introduce the State and Local Government Interstate Waste Control Act of 1995. This bill will give our cities and States the authority they need to restrict imports of trash coming from other States.

COMMERCE IN GARBAGE

Not many people think of garbage as a commodity like other products that flow in interstate commerce but it is.

Every year, the United States produces more than 200 million tons of municipal waste. Seven percent of this garbage—1 ton in 14—is sent to a landfill or incinerator in another State.

Nearly every State is a seller or buyer in the municipal waste market. Forty-seven States export some garbage, and 44 import some garbage.

When you think about it, trading garbage makes sense, especially for border towns. In Montana, for example, two towns have made arrangements to share landfills with western North Dakota towns. And some trash, from the Wyoming areas of Yellowstone Park, is disposed of in Montana.

These arrangements save money for the communities involved. And shared regional landfills can be a policy that makes sense.

DECIDE OUR OWN DESTINY

But it only makes sense when everyone involved agrees to it. Nobody should have barrels of garbage emptied over their heads. And it is a nasty fact that some people see big thinly populated States like Montana as potential trash cans.

The people of Montana, or any other State, should not be forced to take trash they do not want. The citizens of Miles City, for example, have been fighting to stop a proposed mega-landfill from taking out-of-State waste.

This idea would have brought entire coal trains full of garbage to dump on a small prairie town. These trains average 110 cars each. One hundred and ten open-roofed coal cars full of trash. Like prairie garbage schooners. It is an outrage.

Miles City, like all cities, should be able to decide whether it wants these trains. We should be able to control our own destiny. And we want the right to say "no."

If we see landfill sharing as appropriate for our needs, fine. But we ought to be able to reject these arrangements when we don't like them. As Deborah Hanson of the Custer Resource Alliance put it a couple of years ago, "we want to guarantee that Montana will not become a dumping ground."

It's that simple, Mr. President. No city or State should become a dumping ground simply because an exporting community does not have the will to take care of its own garbage.

Today, however, we do not have that power. Neither local communities, nor Governor Racicot, nor the legislature can reject unwanted garbage imports. The Supreme Court has repeatedly struck down State laws aimed at restricting out-of-State garbage, because these laws violate the Constitution's interstate commerce protections. And that must change.

THE INTERSTATE WASTE BILL

Mr. President, we have been working on this issue for 6 years. We have explored all options in an effort to find a workable solution.

We have held hearings and debated the issues. The Senate passed interstate waste bills in the 101st Congress, the 102d Congress, and again last Congress. It is time to put this issue behind us.

If we build on the progress we made last year, we can pass a bill that becomes law. I believe that this bill strikes the right compromise to do just that. It is largely the same bill that the Senate and the House came close to agreeing on last year. We came within a fingernail's width of agreement last year, and it is time to finish the job.

The bill resolves a problem that our States cannot solve without congressional action.

STRIKING A BALANCE

And it strikes a balance that will work for every community, in every State. It has four major points:

First, it allows every Governor to freeze future imports of garbage at the amount his or her State received in 1993.

Second, it bans any new imports of municipal waste unless the community receiving the garbage specifically wants it.

Third, it requires large exporting States to reduce their future exports. This will encourage recycling and other efforts to cut the amount of garbage we produce.

And fourth, to ensure that no State becomes a dumping ground for any other State, the bill authorizes a Governor to limit imports from any single State.

Thus, this bill empowers States and communities. It lets them decide whether they want more out-of-State garbage. If the community wants new imports, it can enter a host community agreement subject to the approval of the Governor. The decision is up to the people at home.

In summary, Mr. President, this bill will give States the power to restrict trash imports. It will require exporting States to reduce their exports. And it will do all this without disrupting beneficial existing arrangements or creating incentives for illegal disposal.

Finally, and most important, it will give people in rural towns some say in their own lives and communities. Some control over their destiny.

It will mean more decisions by ordinary middle-class people, and fewer decisions by big Government and big business. And that is what the people want.

Mr. President, I ask unanimous consent that the text of the bill along with a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the "State and Local Government Interstate Waste Control Act of 1995".

SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

"(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

"(1) IN GENERAL.—(A) Except as provided in subsections (c), (e), and (h), effective January 1, 1996, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

"(B) An authorization granted after enactment of this section pursuant to subparagraph (A) shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to its terms.

"(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

"(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

"(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

"(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

"(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

"(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

"(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

"(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

"(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

"(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

"(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

"(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

"(b) ANNUAL STATE REPORT.—

"(1) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year. Within 120 days after enactment of this section and on July 1 of each year thereafter each such State shall publish and make available to the Administrator, the governor of the State of origin and the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

"(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, the State of origin, the identity of the generator, the date of shipment, and the type, of out-of-State municipal solid waste.

"(3) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out of State in any of the following calendar years an amount of municipal solid waste in excess of—

"(A) 3.5 million tons in 1996;

"(B) 3.0 million tons in 1997;

"(C) 3.0 million tons in 1998;

"(D) 2.5 million tons in 1999;

"(E) 2.5 million tons in 2000;

"(F) 1.5 million tons in 2001;

"(G) 1.0 million tons in 2002;

"(I) 1.0 million tons in 2003; and

"(J) 1.0 million tons in each calendar year after 2003.

The list for any calendar year shall be published by June 1 of the following calendar year.

"(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

"(c) FREEZE.—

"(1) ANNUAL AMOUNT.—(A) Beginning January 1, 1996, except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

"(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

"(C) A limit or prohibition under this section shall be treated as conflicting and inconsistent with a permit or host community agreement if—

"(i) the permit or host community agreement establishes a higher limit; or

"(ii) the permit or host community agreement does not establish any limit.

"(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

"(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin.

"(d) RATCHET.—

"(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, immediately upon the date of publication of the list required under subsection (b)(3), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (4), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (e) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under subsection (b)(3) as having exported, to landfills or incinerators not covered by host community agreements or permits, in any of the following calendar years an amount of municipal solid waste in excess of the following:

"(A) 3.5 million tons in 1996.

"(B) 3.0 million tons in 1997.

"(C) 3.0 million tons in 1998.

"(D) 2.5 million tons in 1999.

"(E) 2.5 million tons in 2000.

"(F) 1.5 million tons in 2001.

"(G) 1.5 million tons in 2002.

"(H) 1.0 million tons in 2003.

"(I) 1.0 million tons in each calendar year after 2003.

"(2) ADDITIONAL EXPORT LIMITS.—

"(A) PROHIBITION.—No State may export to any one State more than the following amounts of municipal solid waste in any of the following calendar years:

"(i) 1.4 million tons, or 90 percent of the 1993 levels exported to the State, whichever is greater, in 1996;

"(ii) 1.3 million tons, or 90 percent of the 1996 levels exported to the State, whichever is greater, in 1997;

"(iii) 1.2 million tons, or 90 percent of the 1997 levels exported to a State, whichever is greater, in 1998;

"(iv) 1.1 million tons, or 90 percent of the 1998 levels exported to a State, whichever is greater, in 1999;

"(v) 1 million tons in 2000;

"(vi) 800,000 tons in 2001;

"(vii) 600,000 tons in 2002; or

"(ix) 600,000 tons in any year after 2002,

to landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.

"(B) ACTION BY GOVERNOR.—The Governor of an importing State may restrict levels of imports of municipal solid waste into that State to reflect the levels specified in subparagraph (A) if—

"(i) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

"(ii) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

"(iii) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

"(3) DURATION.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

"(4) UNIFORMITY.—Any restriction imposed by a State under paragraph (1) or (2)—

"(A) shall be applicable throughout the State;

"(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

"(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin, in the case of States in violation of paragraph (1) or (2).

"(e) AUTHORIZATION NOT REQUIRED FOR CERTAIN FACILITIES.—

"(1) IN GENERAL.—The prohibition on the disposal of out-of-State municipal solid waste in subsection (a) shall not apply to landfills and incinerators that—

"(A) were in operation on the date of enactment of this section and received during calendar year 1993 documented shipments of out-of-State municipal solid waste, or

"(B) before the date of enactment of this section, the owner or operator entered into a host community agreement or received a permit specifically authorizing the owner or operator to accept at the landfill or incinerator municipal solid waste generated outside the State in which it is or will be located.

"(2) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or permit referenced in paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

"(3) DENIED OR REVOKED PERMITS.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

"(4) WASTE WITHIN BI-STATE METROPOLITAN STATISTICAL AREAS.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

"(f) NEEDS DETERMINATION.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section. Nothing in this subsection shall be construed to prohibit or preclude any State government or solid waste management district, as defined under State law, from requiring any affected local government to site, construct, expand, or require the installation of environmental equipment at, any solid waste facility.

"(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to have any effect on State law relating to contracts or to authorize or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section during the life of the contract as determined under State law.

"(i) DEFINITIONS.—As used in this section:

"(1) AFFECTED LOCAL GOVERNMENT.—(A) For any landfill or incinerator, the term 'affected local government' means—

"(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

"(ii) if there is no such body created by State law—

"(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

"(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

"(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the public body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for municipal solid waste management or the use of land on which the facility is located or proposed to be located.

"(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in one of the jurisdictions described in subparagraph (A) and received for disposal or incineration in another.

"(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

"(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include any of the following:

"(A) Any solid waste identified or listed as a hazardous waste under section 3001.

"(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

"(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

"(D) Any solid waste that is—

"(i) generated by an industrial facility; and "(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated.

"(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

"(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

"(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

"(H) Any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph).

"(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

"(4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

"(5) SPECIFICALLY AUTHORIZED; SPECIFICALLY AUTHORIZES.—The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to 'any place of origin', reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State.".

SEC. 103. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

"Sec. 4011. Interstate transportation and disposal of municipal solid waste.".

SUMMARY OF STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1995

The State and Local Government Interstate Waste Control Act of 1995 provides the following new legal authority to every State to restrict out-of-State municipal solid waste.

Restriction on receipt of Out-of-State MSW. Municipal solid waste imports are banned unless the affected local community, as defined by the Governor or State law, agrees to accept the waste.

MSW Import Freeze. A governor may unilaterally freeze out-of-State MSW at 1993 levels.

MSW Export State Rachet. A governor may unilaterally ban out-of-State MSW from any State exporting more than 3.5 million tons of MSW in 1996, 3.0 million tons in 1997 and 1998, 2.5 million tons of MSW in 1999 and 2000, 1.5 million tons in 2001 and 2002, and 1 million tons of MSW in 2003 and every year thereafter.

MSW Import State Rachet. A Governor may unilaterally restrict out-of-State MSW, imported from any one State in excess of the following levels: In 1996, more than 1.4 million tons or 90 percent of the 1993 levels of such waste exported to such State, whichever is greater; in 1997, 1.3 million tons or 90% of the 1996 levels of such waste exported to such State, whichever is greater; in 1998, 1.2 million tons of 90 percent of the 1997 levels of such waste exported to such State, whichever is greater; in 1999, 1.1 million tons, or 90% of the 1998 levels of such waste exported to such State, whichever is greater; in 2000, 1 million tons; in 2001, 800,000 tons; and in 2002 and each year thereafter, 600,000 tons.

International Imports. The bill also allows any Governor to exercise these authorities to ban or limit MSW imported from Canada (and other countries) if not inconsistent with GATT and NAFTA.

Protection of Host Community Agreements. The bill explicitly prohibits a Governor from limiting or prohibiting MSW imports to landfills or incinerators (including waste-to-energy facilities) that have a host community agreement (as defined in the bill). Such agreements must expressly authorize the receipt of out-of-State MSW.

Needs Determination. The bill allows a State plan to take into account local and regional needs for solid waste disposal capacity through State permitting provided that it is implemented in a manner that is not inconsistent with the provisions of the bill.

By Mr. BREAUX:

S. 466. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

THE SOCIAL SECURITY ACT AMENDMENT ACT OF 1995

• Mr. BREAUX. Mr. President, I reintroduce legislation that would resolve a long-standing inequity in the rules that govern eligibility under the Social Security Act's coverage of disabled individuals.

The so-called disabled adult child benefit under title II of the Social Security Act provides benefits to the disabled children of individuals who receive old age or disability insurance benefits. Eligible individuals receive a cash benefit and Medicare coverage. Very often the Medicare coverage that individuals receive is more important than the cash benefit, because the severely disabled recipients have nowhere else to go to get insurance that would cover their preexisting, often severe disabilities.

Under current law, individuals who receive the disabled adult child benefit automatically lose their benefits if they get married, regardless of their income. This penalty is archaic and should be removed from the law. When these provisions were originally enacted society had a different view of the disabled than it does today. The notion was that, upon marriage, disabled individuals would leave their dependence relationship with the Social Security program only to enter into a dependence relationship on a spouse. Today, we have come to realize that disabled people can be productive members of society in their own right. They can and should be free to marry, and raise families and engage in the pursuit of happiness like everyone else in this country. This automatic loss of benefits, especially of the all-important Medicare coverage—is a huge obstacle for disabled adult child recipients who want to do so.

Mr. President, the bill I am reintroducing today would repeal the provision which requires that these individuals lose their benefits when they marry.

Several years ago, a constituent of mine named Jimmy Rick drove his wheelchair all the way to Washington, DC, and Capitol Hill from his home in Amide, LA, in order to bring this matter to my attention. Mr. Rica has been paralyzed from the neck down since he was 3 years old and has had a series of incredibly painful and debilitating operations over the course of his 46 years. Every night of his life he must sleep in an iron lung. Somehow, he still managed to pilot his wheel chair the 1,100 miles from Aide, LA, to Capitol Hill to explain the effect that the marriage provision has had on his life.

Mr. Rick and his wife, Dona, had to wait 7 years before they could get married and adopt children. He was completely dependent on the Medicare coverage he had as a beneficiary and could not have gotten insurance anywhere else. Jimmy and Dona could not get married until she found a job with the U.S. Postal Service that carried the kind of health insurance coverage that Jimmy absolutely needed in order to survive. Since their marriage in May 1990 the Ricks have adopted two children, and they would like to adopt more. They are a happy, productive and stable family. The archaic marriage penalty in the Social Security law only served to delay this happy circumstance for 7 unnecessary years.

This Congress will be the third Congress in which I have introduced this legislation. In June 1992, the Senate Finance Committee approved a provision based on this legislation as part of a larger measure that would have liberalized the Social Security earnings limit. Unfortunately, the provision was stripped before the legislation passed due to conflict with the Budget Committee's interpretation of rules related to on-budget versus off-budget financing. Try to explain that to constituents whose day to day lives were drastically affected by an unreasonable provision of the law.

Mr. President, I hope that this legislation, which will strengthen the concept of the family and allow thousands of disabled persons to marry who cannot now do so, receives the favorable attention of my colleagues and can finally be passed into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RULE PROVIDING FOR TERMINATION OF DISABLED ADULT CHILD'S BENEFITS UPON MARRIAGE.

(a) IN GENERAL.—Section 202(d) of the Social Security Act (42 U.S.C. 402(d)) is amended—

(1) in paragraph (1)(D), by striking "or marries,";

(2) by striking paragraph (5); and

(3) in paragraph (6)—

(A) by inserting "(other than by reason of death)" after "terminated",

(B) by striking "(provided no event specified in paragraph (1)(D) has occurred)", and

(C) by striking "the first month in which an event specified in paragraph (1)(D) occurs" in subparagraph (C) and inserting "the month in which the child's death occurs".

(b) Conforming Amendments.—

(1) Section 202(d) of such Act (as amended by subsection (a)) is further amended by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (5), (6), (7), and (8), respectively.

(2) Section 202(s)(2) of such Act (42 U.S.C. 402(s)(2)) is amended by striking "So much of subsections (b)(3), (c)(4), (d)(5), (g)(3), and (h)(4) of this section as precedes the semicolon," and inserting "Subsections (b)(3), (c)(4), (g)(3), and (h)(4) of this section".

(3) Section 223(e) of such Act (42 U.S.C. 423(e)) is amended by striking "(d)(6)(A)(ii), (d)(6)(B)," and inserting "(d)(5)(A)(ii), (d)(5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to marriages occurring on or after May 1, 1995.•

By Mr. BOND:

S. 467. A bill for the relief of Benchmark Rail Group, Inc., and for other purposes; to the Committee on the Judiciary.

THE BENCHMARK RAIL GROUP RELIEF ACT OF 1995

• Mr. BOND. Mr. President, at the end of last session this body passed legislation to provide relief to the Benchmark Rail Group, Inc., a company in St. Louis, MO, that performed emergency work, at the request of the Southern California Regional Rail Authority, following the Northridge earthquake in California. Unfortunately, the House did not act on this legislation.

It was not until after several weeks into the emergency repair work on rail lines in the Los Angeles area that Benchmark learned of a provision in California State law that requires State agencies to only hire contractors licensed to do work in the State of California. This provision disqualified Benchmark from receiving payment owed—approximately $500,000.

FEMA, following the direction provided under section 406(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, contributed 90 percent to the net eligible cost of repair, restoration, reconstruction, and replacement of public facilities as a result of the earthquake. On August 23, 1994, funds were obligated by FEMA for various projects undertaken by the Metropolitan Transit Authority, including Southern California Regional Rail Authority and the work performed by the Benchmark Rail Group. Because of the provision of California State law, unfortunately the funds obligated cannot be awarded to Benchmark by the State of California or the Southern California Regional Rail Authority.

In a letter to Governor Wilson, FEMA stated that:

> Benchmark Rail Group of St. Louis, MO, travelled halfway across the country at the invitation of the Southern California Regional Rail Authority to help people in dire need of assistance. This action was clearly an example of the concept of people-helping-people at work

According to the letter:

> FEMA is precluded from directly paying Benchmark or otherwise effectuating or facilitating payment to Benchmark because of limitations imposed by both State and Federal law.

FEMA cannot pay Benchmark for two reasons. First, "the Federal Government, in the performance of its duties and responsibilities, cannot ignore or abrogate State law. Since the failure to have a particular California license is the obstacle to payment by the State, FEMA is not legally in a position to do what the State of California, the Metropolitan Transit Authority and the Southern California Regional Rail Authority cannot do." Second, the Stafford Act prohibits FEMA from providing funds directly to Benchmark, since the company is not an eligible grantee. Section 406(a) of the Stafford Act and the applicable regulations authorize reimbursement by FEMA only to the grantee of the Federal share of disaster assistance funds which must be a State or local government.

The State of California, like FEMA, recognized the problem and tried to resolve it last summer. Governor Wilson worked with the California State Legislature to amend California law to authorize payment to Benchmark. The effort got underway late in the legislative session and failed. Governor Wilson wrote to FEMA and stated:

> We are hopeful that this problem can be resolved if FEMA obtains the administrative flexibility to make the Stafford Act payment directly to Benchmark.

The legislation that was introduced by the former senior Senator of Missouri, Senator Danforth, and passed this body last year, and which I am reintroducing today, would do just that. This legislation directs FEMA to reimburse Benchmark for all work which is eligible for reimbursement under the Stafford Act, including the 90-percent share that FEMA would ordinarily pay and the 10-percent share that the non-Federal entity would pay.

It is unfortunate that Benchmark Rail Group has gotten caught in the middle of State and Federal bureaucracy. Benchmark, who rushed to help others suffering from a natural disaster, now is suffering and cannot get help because of the inflexibility in both Federal and State law. I believe we have a responsibility to make certain that Benchmark is compensated for the work performed. I urge my colleagues to support this legislation.•

By Mr. GLENN (for himself and Mr. DEWINE):

S. 468. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1995

• Mr. GLENN. Mr. President, today with my colleague, Mr. DEWINE, I am introducing a bill to extend the time limitation on an already issued Federal Energy Regulatory Commission [FERC] license for the Summit pumped energy storage project in Norton, OH. Legislation authorizing the FERC to grant this extension has been introduced in the House by Congressman SAWYER.

Upon completion of environmental, engineering and other project review, the FERC issued a license to Summit Energy Storage, Inc., for the Summit pumped storage hydropower project. The 1,500 megawatt Summit project, to be located in Summit and Medina Counties, OH, will generate an estimated maximum 3,900 gigawatt-hours of electricity per year.

Section 13 of the Federal Power Act prescribes the time limits for commencement of construction of a hydropower project once FERC has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the initial 2-year deadline. FERC has extended the Summit project's construction commencement deadline for the one permissible 2-year period, setting the current deadline of April 11, 1995. The bills we introduce would grant FERC authority to extend the commencement of construction deadline for up to 6 additional years.

Mr. President, I urge the enactment of this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(A) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 9423, the Commission may, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).•

By Mr. GREGG (for himself and Mr. COATS):

S. 469. A bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards; to the Committee on Labor and Human Resources.

EDUCATION LEGISLATION

• Mr. GREGG. Mr. President: I introduce legislation that begins to undo the damage caused by the passage of Goals 2000: Educate America Act during the last Congress. My legislation will not only eliminate the National Education Standards and Improvement Council but will also repeal opportunity to learn standards. Both of these, created under Goals 2000, specifically shift a significant amount of the control of curriculum and management of elementary and secondary schools from local communities and States to the Federal Government.

By repealing these two pieces of Goals 2000, we rid States and localities of the most offensive provisions of this legislation and move to restore local control of education. The first step is eliminating the National Education Standard and Improvement Council [NESIC], also referred to as the National School Board. This body is charged with certifying national content and performance standards and opportunity to learn standards. These standards basically address all areas affecting the way elementary and secondary schools are operated. We have already seen the failure of national standards with the creation of U.S. history standards. Let's stop this disaster before it goes any further.

The second step in the process of restoring local control is to eliminate opportunity to learn standards. Basically, these standards are a Federal methodology of how people teach, what they are taught and the atmosphere in which they are taught. Opportunity to learn standards deal with input; they address curriculum, instructional materials, teacher capabilities, and school facilities. Since when is the Federal Government involved in deciding how many pencils each classroom should have?

Proponents of opportunity to learn standards insist that the implementation of these standards is voluntary. However, if a State wants their fair share of the available funds, they must develop these standards, even if they have no intention of using them; this does not appear to be voluntary to me.

We must make it clear that energizing local communities, the parents, the teachers, the principals, and the school boards is the key to improving education. My legislation does just that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

Title II of the Goals 2000: Educate America Act (20 U.S.C. 5821 et seq.) is amended—

(1) by repealing part B (20 U.S.C. 5841 et seq.); and

(2) by redesignating parts C and D (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively.

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking "PART C" and inserting "PART B"; and

(C) by striking "PART D" and inserting "PART C".

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting "and" after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking ", voluntary national student performance" and all that follows through "such Council" and inserting "and voluntary national student performance standards".

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking ", student performance, or opportunity-to-learn" and inserting "or student performance".

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

"(2) review voluntary national content standards and voluntary national student performance standards;"; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting "and" after the semicolon;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking "voluntary national opportunity-to-learn standards,"; and

(B) by striking "described in section 213(f)".

(8) Section 241 of such Act (20 U.S.C. 5871) is amended—

(A) in subsection (a), by striking "(a) NATIONAL EDUCATION GOALS PANEL.—"; and

(B) by striking subsections (b) through (d).

(9) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(10) Section 306 of such Act (20 U.S.C. 5886) is amended—

(A) by striking subsection (d); and

(B) in subsection (o), by striking "State opportunity-to-learn standards or strategies,".

(11) Section 308(b)(2) of such Act (20 U.S.C. 5888(b)(2)) is amended—

(A) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards,"; and

(B) in subparagraph (A), by striking "including—" and all that follows through "title II;" and inserting "including through consortia of States;".

(12) Section 312(b) (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and".

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking ", including the requirements for timetables for opportunity-to-learn standards,";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated in subclause (II)) by striking ", voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards";

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (ii)), by striking "paragraph (5)," and inserting "paragraph (4),"; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking "subsection (b)(4)" and inserting "subsection (b)(3)"; and

(ii) by striking "and to provide a framework for the implementation of opportunity-to-learn standards or strategies"; and

(C) in subsection (f), by striking "subsection (b)(4)" each place it appears and inserting "subsection (b)(3)".

(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking "promote the standards and strategies described in section 306(d),"; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting "and" after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "28" and inserting "27";

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking "subparagraphs (E), (F), and (G)" each place it appears and inserting "subparagraphs (D), (E), and (F)";

(iii) in paragraph (2), by striking "subparagraph (G)" and inserting "subparagraph (F)";

(iv) in paragraph (4), by striking "(C), and (D)" and inserting "and (C)"; and

(v) in the matter preceding subparagraph (A) of paragraph (5), by striking "subparagraph (E), (F), or (G)" and inserting "subparagraph (D), (E), or (F)"; and

(B) in subsection (c)—

(i) in paragraph (1)(B), by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(ii) in paragraph (2), by striking "subparagraphs (E), (F), and (G)" and inserting "subparagraphs (D), (E), and (F)".

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking "(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)";

(B) in subsection (f), by striking "opportunity-to-learn standards or strategies,";

(C) by striking subsection (g); and

(D) by redesignating subsection (h) as subsection (g).

(2) Section 1116 of such Act (20 U.S.C. 6317) is amended—

(A) in subsection (c)—

(i) in paragraph (2)(A)(i), by striking all beginning with ", which may" through "Act"; and

(ii) in paragraph (5)(B)(i)—

(I) in subclause (VI), by inserting "and" after the semicolon;

(II) in subclause (VII), by striking "; and" and inserting a period; and

(III) by striking subclause (VIII); and

(B) in subsection (d)—

(i) in paragraph (4)(B), by striking all beginning with ", and may" through "Act"; and

(ii) in paragraph (6)(B)(i)—

(I) by striking subclause (IV); and

(II) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.

(3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6491(a)(2)(B)) is amended—

(A) by striking clause (v); and

(B) by redesignating clauses (vi) through (x) as clauses (v) through (ix), respectively.

(4) Section 10101(b)(1)(A)(i) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking "and opportunity-to-learn standards or strategies for student learning".

(5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking "the National Education Goals Panel," and all that follows through "assessments)" and inserting "and the National Education Goals Panel".

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America's Schools Act of 1994 (Public Law 103-382) is amended by striking "the National Education Standards and Improvement Council,".

(d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America's Schools Act of 1994 (Public Law 103-382) is amended by striking "213(a)" and inserting "203(a)(2)".•

By Mr. HOLLINGS (for himself and Mr. INOUYE):

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

THE CHILDREN'S PROTECTION FROM TELEVISION VIOLENCE ACT

• Mr. HOLLINGS. Mr. President, today I am re-introducing legislation that will protect children from the harmful effects of gratuitous television violence. As the President said in his State of the Union Address, the entertainment industry has a "* * * responsibility to assess the impact of [its] work and to understand the damage that comes from the incessant, repetitive mindless violence that permeates our media all the time." I do not believe the industry has done its best to honor that special responsibility.

My approach is the most reasonable and feasible way to deal with the reality that television has become the permanent babysitter and sometime parent. The television does not simply occupy a child's time; it has become one of the more powerful influences in a child's life. Yet it continues to be nothing but a vast wasteland.

We've heard all the commitments to reduce the level of violence on television. We've heard the commitments to improve the quality of children's programming. But what has been the result? More violence. The industry's primary focus continues to be the bottom line—not on the quality of the programming and its educational value.

The evidence is overwhelming. Arnold Goldstein, the Director of the Center for Research on Aggression at Syracuse University, has done extensive research in the area of violence and its impact on youth. His research conclusively finds a link between TV violence and real world violence and adds support to congressional efforts to curb the amount of violence on television. The Commerce Committee's hearing record last Congress provides further evidence of the extent of violence in society. Each year, over 20,000 people are murdered in the United States—1 person is killed every 22 minutes. Violence is the second leading cause of death for Americans between the ages of 15 and 24. The Centers for Disease Control now considers violence to be a public health problem.

According to several studies, television violence increased in the 1980's both during prime time and during children's television hours. Evidence shows that children spend more time watching television than they spend in school. For example, children between the ages of 2 and 11 watch television an average of 28 hours per week. Furthermore, a University of Pennsylvania study documented that a record 32 violent acts per hour were shown during children's shows in 1992. The American Psychological Association [APA] estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

The Commerce Committee has been looking at the issue of television violence and its impact on youth. Last Congress, the Commerce Committee held a hearing on this issue and found that there is indeed a compelling governmental interest to protect children from the harmful effects of violence on television. To address this interest, my bill directs the Federal Communications Commission [FCC] to adopt rules to require the networks and cable industry to channel violent programming into times of the day when children are not likely to comprise a substantial part of the audience. This is consistent with Supreme Court decisions recognizing the compelling nature of the Government's interest in helping parents supervise their children and in independently protecting the well being of its youth.

I am sensitive to the constitutional concerns raised by this issue. However, I believe the safe harbor mandated by my bill is sound public policy and is the least restrictive means to protect children. The courts have found many deficiencies in past legislative efforts to curb indecent programming. In fact, the U.S. Court of Appeals for the District of Columbia ruled that the safe harbor timeframe for indecent broadcasts from 12 midnight to 6 a.m. was unconstitutional. The court said the timeframe mandated by Congress and adopted in the FCC's rules was overly broad and not based upon a sufficient record.

My bill avoids the deficiencies found in prior legislative efforts. In Action for Children's Television versus FCC (Act IV), the court said the FCC's effort to implement a safe harbor for indecent programming failed because its regulations attempted to protect every person—adults and children—from the harmful effects of indecent programming. The FCC failed to balance properly the first amendment considerations necessary to restrict indecent broadcasts since the FCC's rules did not exclude adults from the persons to be protected from indecent broadcasts.

In his concurring opinion, Judge Edwards asserted that violent programming is more harmful to children than indecent broadcasts and that a more compelling case can be made for regulating violence—if the regulation is narrowly tailored. Judge Edwards stated that "the strength of the Government's interest in shielding children from exposure to indecent programming is tied directly to the magnitude of the harms sought to be prevented. The apparent lack of specific evidence of harms from indecent programming stands in direct contrast, for example, to the evidence of harm caused by violent programming—a genre that, as yet, has gone virtually unregulated."

My bill does not ban programs with violence, and it does not regulate the content of any program. Rather, it directs the FCC to adopt rules to require the networks and the cable industry to channel violent programming into time slots when children are not likely to comprise a substantial part of the audience.

The programming that children watch today is no longer produced by a few Hollywood studios and broadcast by three networks. We now have an established fourth network, several emerging networks, independent television stations, and cable television, all of which have multiple sources of programming. Therefore, we can no longer hold just the three networks responsible for what children watch. That is why my bill adopts a broad approach directed at all providers of video programming.

I am convinced this bill is the least restrictive means by which we can limit children's exposure to violent programming. I urge my colleagues to consider it carefully.

I ask unanimously consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming—

(A) has established a uniquely pervasive presence in the lives of all Americans; and

(B) is readily accessible to children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than those children not so exposed. Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(5) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(6) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(7) Restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve that compelling governmental interest.

(8) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

"SEC. 714. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAMMING.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to—

"(1) distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; or

"(2) knowingly produce or provide material for such distribution.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection From Violent Programming Act of 1995. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs, documentaries, educational programs, and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 2 of the Children's Protection From Violent Programming Act of 1995;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonable likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately repeal any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DEFINITION.—As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 4. EFFECTIVE DATE.

The prohibition contained in section 714 of the Communications Act of 1934 (as added by section 3 of this Act) and the regulations promulgated thereunder shall be effective on the date that is 1 year after the date of enactment of this Act.●

By Mr. BIDEN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. ROTH, and Mr. STEVENS):

S. 471. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

THE VETERANS PLOT ALLOWANCE ACT OF 1995

● Mr. BIDEN. Mr. President, today, I am reintroducing legislation I first offered last year regarding the $150 veterans plot allowance to states. My bill would provide a payment for all veterans—not just some veterans—who are buried free of charge in a State veterans cemetery, if they are eligible for burial in a national veterans cemetery. I am pleased to be joined in this effort today by Senators D'AMATO, HOLLINGS, ROTH, and STEVENS.

The imperative for enacting this legislation is even greater today than it was when I introduced the same bill last May. Earlier this week, the Associated Press reported that our national cemeteries are fast running out of space. Of the 114 national cemeteries, 56—one short of half—are already full. And, space exists for just 230,000 more caskets and the cremated remains of just 50,000 more veterans. Compared that with the 27 million veterans living today who will be eligible for burial in a national cemetery.

For those familiar with veterans issues, these statistics will not come as a great shock. In fact, the rapidly dwindling space in national cemeteries is one of the main reasons that over a decade ago, Congress established the state cemetery grant program. In doing so, we hoped to encourage States to build State veterans cemeteries to ease the burden on the national cemetery system.

This Federal-State partnership has not only worked, it is a shining example of what the States and the Federal Government can do together. Since the creation of the program, over 25 States have built State veterans cemeteries—and there are now 42 such cemeteries throughout the United States. For States like Delaware, which do not have a national cemetery at all, the State cemetery program ensures that veterans will receive the dignified burial they deserve in a veterans-only cemetery, while being buried closer to home than if they were buried in a national cemetery.

Now, however, I fear that this partnership is at risk—precisely when we need it the most. The reason is because of an anomaly in the law. States are required to bury in a State-owned veterans cemetery those veterans who are eligible for burial in a national veterans cemetery—that is, all honorably discharged veterans. To help meet the cost, the Federal Government promised to pay a $150 plot allowance to the State for each veteran who is buried free of charge. But—and here is the catch—this payment is not made for all honorably discharged veterans. Rather, a State is eligible for the plot allowance only for burying veterans who meet a set of more restrictive criteria. Specifically, the plot allowance is paid only for those veterans who: First, were receiving veterans disability compensation or a veterans pension; second, died in a VA hospital; third, were indigent, and the body was unclaimed; or fourth, were, or could have been, discharged from the military due to a disability.

In short, State-owned veterans cemeteries exist to help relieve the Federal Government of its responsibility to bury all veterans in national cemeteries. At the same time, States do not receive the $150 plot allowance for burying all national cemetery eligible veterans. It seems to me that this disparate treatment is in conflict with the very purpose for which State veterans cemeteries were established.

And, because of the limits on the payment of the plot allowance, I have heard anecdotal evidence in recent years that some States may soon stop burying veterans free of charge. They claim that they cannot afford to do so when the Federal Government does not pay the $150 plot allowance.

To further complicate matters, last year, Congress extended eligibility for burial in a national cemetery to National Guard members and reservists who have served at least 20 years. By their eligibility for burial in a national cemetery, they are also now eligible for burial in State veterans cemeteries. But, of course, few, if any, will meet the four-point criteria I mentioned a moment ago—and the States will not receive a $150 plot allowance for their burial.

So, Mr. President, as we are asking more of State veterans cemeteries—through expanded eligibility and through decreased space in national cemeteries—and as State veterans cemeteries become more vital to the national cemetery system, we need to ensure that States continue to participate in the program. To guarantee that—and to be fair to the States—my legislation would simply provide States the $150 plot allowance for burying without charge any veterans eligible for burial in a national veterans cemetery. No more restricted criteria. No more contradictory goals. Only one simple and fair rule: If a State buries a veteran in lieu of burial in a national cemetery, the State is paid the plot allowance.

If my legislation were enacted, the Congressional Budget Office has estimated that it would cost the Federal Government about $1 million annually. While my bill does not have offsetting reductions in other Federal spending to cover this cost, I am committed to finding such reductions before the measure is passed.

Mr. President, on this, the 50th anniversary of the Battle of Iwo Jima—at a time when we are honoring the brave men who fought there and the almost 7,000 who died there—it is well to remember that the Federal Government is duty-bound to give all of our veterans a decent and dignified burial. The legislation I am introducing today will help to ensure that we live up to that solemn commitment. I urge my colleagues to cosponsor this bill.●

By Mr. DODD (for himself and Mr. KENNEDY):

S. 472. A bill to consolidate and expand Federal child care services to promote self-sufficiency and support working families, and for other purposes; to the Committee on Labor and Human Resources.

THE CHILD CARE CONSOLIDATION AND INVESTMENT ACT OF 1995

Mr. DODD. Mr. President, I rise today to introduce the Child Care Consolidation and Investment Act. I am pleased to offer this legislation with my colleague, Senator KENNEDY.

The bill would consolidate major child care programs, including the child care and development block grant to create a seamless system of child care for working parents; expand access to affordable child care in order to promote work and self-sufficiency; ensure that parents will not be forced to leave their children in unsafe situations to comply with work requirements; and build on the child care and development block grant to encourage parental choice, provide for quality and ensure basic health and safety standards.

I attended a hearing of the Subcommittee on Children and Families last week which highlighted the need for this legislation. We heard from several witnesses about the desperate need for an increased investment in child care. We also heard about the unintended but terrible consequences of imposing work requirements or time limits for welfare without a corresponding investment in child care.

In addition, witnesses discussed the importance of emphasizing quality child care. It is not enough to simply warehouse our children. We must provide them with a safe, clean, stimulating environment. They deserve no less. That is why our bill would preserve and build on the quality component of the child care and development block grant.

The bill seeks to simplify and consolidate Federal child care programs in hopes of creating seamless support so that individuals have access to child care as they move from welfare to job training to work. But it recognizes that consolidation, as important as it is, is no substitute for devoting resources to meet the needs of our kids.

Finally, the bill would seek to put child care at its rightful place in the center of the welfare reform debate. It would require any State that imposes work requirements on welfare recipients to offer child care assistance for the recipients' children.

BARRIERS BETWEEN WELFARE AND WORK

I think we all share the same goal in reforming the welfare system—to encourage self-sufficiency and reward work. To get the job done, we must identify the barriers between individuals on welfare and work—and then do our best to eliminate those barriers.

Our bill recognizes that one of the most significant barriers to work is a lack of affordable, quality child care. But most of the welfare reform proposals coming from the other side of the aisle are woefully inadequate on this point.

Most of the plans would put welfare recipients to work. I wholeheartedly agree that work and job training requirements are critical if we ever hope to break the cycle of poverty. Placing work at the center of our welfare policy is the right approach.

But this raises an important question. Since two-thirds of families receiving aid to families with dependent children have at least one pre-school age child, what happens to the children while their parents are at work? Where do they go? Who will look out for them?

The major Republican proposal in the House completely ignores these questions. Instead of putting children at the center of the welfare reform debate—as they should be—some Republicans are treating them as nuisances to be swept under the rug.

At a time when we should be investing in child care to make work possible, the House bill would cut child care funding. The House bill would eliminate child care subsidies for 377,000 kids by the year 2000, and cut funding by 24 percent by that time. The House bill would also completely eliminate quality standards—even minimal health and safety requirements.

During a subcommittee mark-up in the other body last week, Representative JIM NUSSLE had the following to say about proposals to ensure child care as part of welfare reform:

> Pretty soon we'll have the department of the alarm clocks to wake them up in the morning and the department of bedtime stories to tuck them in at night. It's not the Government's responsibility.

That kind of flip, cavalier attitude toward our Nation's children is completely unacceptable. I would suggest the Government does have a responsibility to young children. It is not kids' fault that their parents are on welfare, and they shouldn't be punished for the mistakes or bad luck of adults.

I maintain that if we are going to put welfare parents to work, we have an obligation to do something for their kids. It's just that simple.

MAKING A BAD SITUATION WORSE

Demand for child care already outstrips the supply. There are now thousands of children on waiting lists in 37 States. You don't need to be an economist to understand what would happen if 2 to 3 million additional children need child care when their parents are put to work.

A bad situation will grow worse. Increased demand will drive up fees—pricing more working families out of the system. Former welfare recipients will find it difficult to remain in the job market if they have no one to care for their kids. The quality of child care will decline. We will find that we haven't reformed much of anything.

We must recognize that to build a welfare system that truly rewards work, we must have a national child care policy that makes work possible.

We have a wealth of hard evidence to prove this point:

A study by the Illinois Department of Public Aid found that 42 percent of AFDC recipients said that child care problems kept them from working full-time. Twenty percent said they had abandoned jobs and returned to welfare within the previous year—because of inadequate child care.

Child care expenses and simple economics often conspire to make welfare more attractive than work. The GAO found that the median family income of the working poor was $159 higher per month than those of AFDC recipients. But working poor families pay an average of $260 per month on child care—more than enough to wipe out the economic advantage they get from working.

If we want to replace welfare with work, it is obvious we must do something about child care. And if we want to do something about child care for the working poor, the child care development block grant is the place to start: 70 percent of the children served by the block grant have working parents and 67 percent of the children have family incomes at or below poverty.

The child care development block grant provides funds to States to help parents pay for care. It encourages States to increase the number of providers and make it easier for parents to find the care they need.

The new investments in child care have already paid off. In many States, the financial support available for low-income families has more than doubled.

QUALITY

The child care development block grant is also noteworthy because it provides the States with money to invest in quality, a provision that sets it apart from any other source of Federal child care funds.

A major study released this month clearly illustrated how critical this emphasis on quality is. The multiyear, multistate study, entitled "Cost, Quality, and Child Outcomes in Child Care Centers," was conducted by a team of researchers at four universities. It found that only one in seven child care centers provides good quality child care.

For infants and toddlers, the situation is particularly bad. A staggering 40 percent of child care centers do not meet minimal standards for this group, meaning basic sanitary conditions are not met, there are safety problems or learning is not encouraged.

The poor quality of child care already puts our kids at risk. The situation will only grow worse if we try to shove millions more kids into the system with no thought to the quality of that system.

That's why our bill would build on the block grant's commitment to quality. The block grant's quality set-aside funds a variety of efforts, including renovations and repairs to help centers meet State licensing standards, the purchase of educational materials, support for low-income family home child care providers, and training and technical assistance for staff. These are critical efforts, and they should be continued.

Child care has been a strongly bipartisan issue in the Senate, and I hope colleagues from both sides of the aisle will join us in this effort to put children at the center of the welfare reform debate. Let's not leave our kids behind.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Consolidation and Investment Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) fragmentation of the Federal Government's major child care assistance programs has left gaps for many parents moving from welfare to work;

(2) child care problems have prevented 34 percent of poor mothers between the ages 21 and 29 from working;

(3) ⅔ of all families receiving assistance under the Aid to Families with Dependent Children program have at least one preschool age child and need child care in order to work;

(4) there already exists an unmet need for child care assistance—37 States now have waiting lists that can run as high as 35,000 individuals;

(5) child care directly affects an individual's ability to stay in the work force;

(6) welfare reform that places work at its center will increase the demand for child care and require an additional investment of resources;

(7) child care consumes $260 per month or about 27 percent of income for average working poor families, leaving them with less income than families eligible for assistance under the Aid to Families with Dependent Children program;

(8) quality must be a central feature of the child care policy of the United States;

(9) only 1 in 7 day care centers offer good quality care;

(10) 40 percent of day care centers serving infants and toddlers do not meet basic sanitary conditions, have safety problems, and do not encourage learning; and

(11) only 9 percent of family and relative day care is considered good quality care.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) eliminate program fragmentation and create a seamless system of high quality child care that allows for continuity of care for children as parents move from welfare to job training to work;

(2) provide for parental choice among high quality child care programs; and

(3) increase the availability of high quality affordable child care in order to promote self sufficiency and support working families.

SEC. 4. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

"SEC. 658B. APPROPRIATION.

"(a) IN GENERAL.—For the purpose of providing child care services for eligible children through the awarding of grants to States under this subchapter, the Secretary of Health and Human Services shall pay, from funds in Treasury not otherwise appropriated, $2,302,000,000 for fiscal year 1996, $2,790,000,000 for fiscal year 1997, $3,040,000,000 for fiscal year 1998, $3,460,000,000 for fiscal year 1999, and $4,030,000,000 for fiscal year 2000.

"(b) ADJUSTMENTS.—If the amounts appropriated under subsection (a) are not sufficient to provide services to each child whose parent is required to undertake education, job training, job search, or employment as a condition of eligibility for benefits under part A of title IV of the Social Security Act, the Secretary shall pay, from funds in the Treasury not otherwise appropriated, such sums as may be necessary to ensure the implementation of section 658E(c)(3)(E) with respect to each such child.".

(b) Awarding of Grants.—Section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) is amended by striking "is authorized to" and inserting "shall".

(c) Supplementation.—Section 658E(c)(2)(J) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(J)) is amended by inserting "in fiscal year 1995" before the period.

(d) Set-Asides for Quality and Working Families, and Child Care Guarantee.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3))—

(1) in subparagraph (C), by striking "25 percent" and inserting "20 percent"; and

(2) by adding at the end thereof the following new subparagraphs:

"(D) Assistance for low-income working families.—The State shall reserve not less than 50 percent of the amount provided to the State and available for providing services under this subchapter, to carry out child care activities to support low-income working families residing in the State.

"(E) Child care guarantee.—The State plan shall provide assurances that the availability of child care under the grant will be coordinated in an appropriate manner (as determined by the Secretary) with the requirements of part A of title IV of the Social Security Act. Such coordination shall ensure that the parent of a dependent child is not required to undertake an education, job training, job search, or employment requirement unless child care assistance in an appropriate child care program is made available.".

(e) Matching Requirement.—Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended by adding at the end thereof the following new paragraph:

"(6) Matching requirement.—With respect to amounts made available to a State in each fiscal year beginning with fiscal year 1996, that exceed the aggregate amounts received by the State for child care services in fiscal year 1995, the State plan shall provide that, with respect to the costs to be incurred by the State in carrying out the activities for which a grant under this subchapter is awarded, the State will make available (directly or through in-kind donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $4 of Federal funds provided under the grant.".

(f) Improving Quality.—

(1) Increase in required funding.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking "not less than 20 percent" and inserting "50 percent".

(2) Quality improvement incentive initiative.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by striking "A State" and inserting "(a) In General.—A State"; and

(B) by adding at the end thereof the following new subsection:

"(b) Quality Improvement Incentive Initiative.—

"(1) In general.—The Secretary shall establish a child care quality improvement incentive initiative to make funds available to States that demonstrate progress in the implementation of—

"(A) innovative teacher training programs such as the Department of Defense staff development and compensation program for child care personnel; or

"(B) enhanced child care quality standards and licensing and monitoring procedures.

"(2) Funding.—From the amounts made available for each fiscal year under subsection (a), the Secretary shall reserve not to exceed $50,000,000 in each such fiscal year to carry out this subsection.".

(g) Before- and After-School Services.—Section 658H(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(a)) is amended by striking "not less than 75 percent" and inserting "50 percent".

(h) Payments.—Section 658J(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h) is amended by striking "Subject to the availability of appropriation, a" and inserting "A".

(i) Allotments.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended by adding at the end thereof the following new paragraph:

"(5) Allotment.—

"(A) Base allotment.—Effective beginning with fiscal year 1996, the amount allotted to a State under this section shall include the base amount that the State received under this Act, and under the provisions repealed under section 5 of the Child Care Consolidation and Investment Act of 1995, in fiscal year 1995.

"(B) Additional amounts.—Effective beginning with fiscal year 1996, any amounts appropriated under section 658B for a fiscal year and remaining after the requirement of subparagraph (A) is complied with, shall be allotted to States pursuant to the formula described in paragraph (1).".

SEC. 5. PROGRAM REPEALS.

(a) AFDC JOBS and Transitional Child Care.—

(1) Repeal.—Paragraphs (1), (3), (4), (5), (6), and (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)) are repealed.

(2) Conforming Amendments.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 402(a)(19) (42 U.S.C. 602(a)(19))—

(i) in subparagraph (B)(i)(I), by striking "section 402(g)" and inserting "the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)";

(ii) in subparagraph (C)(iii)(II), by striking "section 402(g)" and inserting "the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)";

(iii) in subparagraph (D), by striking "section 402(g)" and inserting "the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)"; and

(iv) in subparagraph (F)(iv), by striking "section 402(g)" and inserting "section 402(g)(2) and the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)";

(B) in section 402(g)(2) (42 U.S.C. 602(g)(2)), by striking "(in addition to guaranteeing child care under paragraph (1))"; and

(C) in section 403(*l*)(1)(A) (42 U.S.C. 603(*l*)(1)(A)), by striking "(including expenditures for child care under section 402(g)(1)(A)(i), but only in the case of a State with respect to which section 1108 applies)".

(b) At-Risk Child Care.—Sections 402(i) and 403(n) of the Social Security Act (42 U.S.C. 602(i), 603(n)) are repealed.

(c) State Dependent Care Grants.—Subchapter E of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871 et seq.) is repealed.

(d) Child Development Associate Scholarship Assistance Act.—The Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901 et seq.) is repealed.

(e) Secretarial Submission of Legislative Proposal for Technical and Conforming Amendments.—The Secretary of Health and Human Services shall, within 90 days after the date of the enactment of this Act, submit to the appropriate committees of the Congress, a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of subsections (a) and (c).

Mr. KENNEDY. Mr. President, I am pleased to join Senator Dodd in introducing the Child Care Consolidation and Investment Act of 1995.

For far too many American families "Home Alone" is not just a movie, but a daily crisis. The struggle for decent child care is a fact of life that all working families understand—regardless of their income.

Today and everyday, millions of American families face impossible choices—cruel choices, between the jobs they need and the children they love—heart-wrenching choices between putting food on the table and finding safe and affordable child care for their young sons and daughters.

Nine million children live in single-parent working families. Twenty-seven million more children live in two-parent families where both parents work. The average cost of child care is nearly $5,000 a year—yet the take home pay from a minimum wage job is stuck at $8,500. This standard of living is not manageable. It is not fair and it is not acceptable.

We have heard a lot about turning welfare into work, but not nearly enough about who will care for the 10 million children on AFDC when their parents are in job training or at work. If we are serious about promoting work, if we mean it when we talk about strengthening families instead of punishing then, we must deal with the essential issue of child care.

We know that every day, millions of young children are left in unsupervised settings and in poor quality child care that jeopardize their health and safety—not because their parents do not care, but because they lack options, lack information, and lack cash.

Today, 21 million low-income children under 12 are eligible for services under the Federal child care programs. Yet only 6 percent of these children receive this essential support. Government cannot replace parents, but it can and should help them in their efforts to make ends meet and care for the children.

Quality child care creates opportunity and increases productivity—not just for one generation, but for two generations. Child care is not about giving parents a blank check. It is about giving them a fair chance. Leaving children out of welfare reform will make a mockery of any such reform. It will pass the real life tragedy of dependency on from this generation to the next. Families cannot afford that—and neither can the Nation.

The current child care and development block grant is a tribute to bipartisan cooperation and effective partnerships. For the families whose lives it has touched, it has made child care more affordable and resource and referral services more available. It has guaranteed higher quality. It strikes a good balance between flexibility and accountability.

Unfortunately, this sound structure does not guide all Federal child care spending, but it should. It is the strong foundation on which child care reform should be constructed.

We must create a system of support that allows families to move from welfare to job training to work without continually disrupting the care of their children. We must build a system with assistance based on need, not on welfare status. I support this approach to consolidation and our legislation moves us in that direction.

The Child Care Consolidation and Investment Act of 1995 combines the major child care efforts into a single funding stream, rather than maintaining separate programs for families on welfare, families recently off welfare, and families at-risk of falling onto welfare—each with its own rules, regulations, and eligibility standards. Families have enough stress in their lives without having to weave their way through this maze—all too often only to hear that there is no more help available.

But consolidation alone will never be enough. In the end, it will only mean well-organized deck chairs on a ship that is sinking. Consolidation can streamline bureaucracy and enhance efficiency, but it will not produce real savings to meet the every-increasing need for quality child care.

To do more than end welfare, we must remove the existing barriers to self-sufficiency, not raise them higher. For many, that barrier is lack of child care. One in three poor women not in the labor force say child care is their greatest barrier to participation. One in five part-time workers say they would work longer hours if child care is available and affordable.

Two-thirds of AFDC families have at least one preschool child. They need child care assistance in order to enroll in job training, job search, or educational activities.

There have been loud calls for cutting benefits and ending welfare. But there has been a deafening silence on child care. It is time to break that silence and put together a realistic program—based not on rhetoric but on results.

The bill approved Act passed by the House Republicans will roll back the positive advances we have made. According to estimates from the Department of Health and Human Services, the proposal will cut child care funds by 20 percent—a $2.5 billion reduction over the next 5 years. In the year 2000, 400,000 fewer children will receive this essential assistance. That does not sound like progress and it isn't progress. More children "Home Alone" is never progress.

On top of all that, now they even want to slash nutrition aid for schools and for child care food programs. If taking food out of the mouths of hungry children is not Republican extremism, I do not know what is. Republicans like to boast about their new ideas, but these ideas are out to lunch.

In contrast, the Child Care Consolidation and Investment Act provides the resources needed to promote self-sufficiency and to support working families. It is a realistic pro-work and pro-family proposal. The Act will give AFDC families a helping hand and it will give working families a fighting chance for a better life. It will bring a long-needed cease-fire to the battle for limited slots between families trying to get off welfare and families trying to stay off welfare—a battle with no winners.

We must reject any policy that pulls the rug out from under families just as they are getting on their feet. Such approaches are callous and counterproductive. In Massachusetts, of mothers who left welfare for work and then returned to welfare, 35 percent said child care problems were the reason. Additional support at that critical time could have made all the difference.

Recent studies remind us of the mediocre to poor quality of child care that most children receive. Only one in seven child care centers offers quality care and only 9 percent of family day care homes are found to be of high quality. Children deserve more than custodial care. They need individual attention and a safe place to learn and grow.

As the Inspector General of the Department of Health and Human Services stated in a recent report:

> The Child Care and Development Block Grant has been the principal source of Federal support to strengthen the quality and enhance the supply of child care. The implementation of the Act has been instrumental in raising the standards of other child care programs.

This act will take the next step by applying the requirement of quality standards to all Federal efforts, and by continuing to set aside a percentage of all child care funds to enable States to strengthen the quality of their programs. The innovative approaches that States have taken under this act have benefited all children in child care—not just those receiving assistance.

Clearly, for all of us who care about working families and genuine welfare reform, facing up to the challenge of child care deserves much higher priority than it has had so far.

By Mr. BOND (for himself, Mr. SIMON, Mr. ASHCROFT, and Ms. MOSELEY-BRAUN):

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

THE BI-STATE COMPACT AMENDMENT ACT OF 1995

• Mr. BOND. Mr. President, I am pleased to introduce this joint resolution with my friend and colleague, Senator ASHCROFT; the distinguished senior Senator from the State of Illinois, Senator SIMON; and my colleague and junior Senator from the State of Illinois, Senator MOSELEY-BRAUN.

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District is an interstate compact agency. The purpose of this joint resolution is to seek congressional approval for legislation enacted by the States of Missouri and Illinois which grants additional powers to the agency.

Since the agency's passenger transportation systems operate through various local jurisdictions, the agency has had difficulty insuring that fare evasion and other conduct prohibited on agency facilities and conveyances, and the penalties therefore, are uniform. In addition, issues have arisen regarding the jurisdiction of various local peace officers to arrest for conduct occurring on the light rail system.

The legislatures of the States of Missouri and Illinois have enacted legislation to confer the additional powers necessary to resolve the uniformity issues which the Bi-State Development Agency faces. To move forward, these changes approved by the elected officials of Missouri and Illinois now need congressional approval. I urge my colleagues to support this joint resolution.•

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 233

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 256

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 351

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 357

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 357, a bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 434

At the request of Mr. KOHL, the names of the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of amendment No. 274 proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Monday, March 6, 1995, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony regarding S. 333, the Department of Energy Risk Management Act of 1995.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Maureen Koetz at (202) 224-0765.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, February 23, 1995 at 9:30 a.m. in open session to receive testimony from the unified commanders on their military strategies, operational requirements, and the defense authorization request for fiscal year 1996, including the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 23, 1995 at 10 a.m. for a hearing on S. 4 and S. 14, line-item veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, February 23, at 10 a.m. for a markup on S. 219, Regulatory Transition Act of 1995, and S. 4 and S. 14, line-item veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, February 23, 1995, on the nominations of:

Sandra L. Lynch, of Massachusetts, to be U.S. Circuit Judge for the First Circuit;

Lacy H. Thornburg, of North Carolina, to be U.S. District Judge for the Western District of North Carolina;

Sidney H. Stein, of New York, to be U.S. District Judge for the Southern District of New York;

Thadd Heartfield, of Texas, to be U.S. District Judge for the Eastern District of Texas; and

David Folsom, of Texas, to be U.S. District Judge for the Eastern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS AND HUMANITIES

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts and Humanities of the Committee on Labor and Human Resources be authorized to meet for a hearing on reauthorization of the National Foundation on the Arts and Humanities Act of 1965, during the session of the Senate on Thursday, February 23, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to meet Thursday, February 23, 1995, at 2 p.m. to conduct a hearing on the legislation to approve the National Highway System and the Department of Transportation's fiscal year 1996 budget request for the Federal-aid highway program.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LONG-TERM CARE FAMILY PROTECTION ACT OF 1995

• Mr. COHEN. Mr. President, last week I introduced legislation aimed at improving access to affordable long-term care services. This bill allows families with exorbitant health care bills to deduct long-term care costs as medical expenses, creates incentives for older Americans and their families to plan for future long-term care expenses, and removes tax barriers that stifle the private long-term care insurance market.

Henry David Thoreau once wrote that "If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them."

Each day Americans, quite unknowingly, heed Thoreau's advice as they work to safeguard their families, their homes, and their dreams from the precarious circumstances life may hand them from time to time. As he suggests, we work not only to build our castles, but strive to protect them once they are built.

Unfortunately, most of us have not adequately protected ourselves and our families from one of the most devastating financial risks that could face us in our entire lifetime—the need for long-term care services.

While approximately 38 million people lack basic health insurance, almost every American family is exposed to the catastrophic costs of long-term care. In fact, less than 3 percent of all Americans have insurance to cover long-term care. With average nursing home costs nearing $40,000 per year and home health care costing from $50 to $200 per day, long-term care expenses can quickly wipe out the lifetime savings of a disabled individual and his or her family.

Sadly, many families erroneously assume that their current insurance or Medicare will cover long-term care expenses. It is only when a loved-one becomes disabled that they discover coverage is limited to acute medical care and that long nursing home stays and extended home care services must be paid for out-of-pocket. In fact, a 1994 public opinion poll conducted for the Employee Benefit Research Institute found that 45 percent of all respondents believe that Medicare pays for long-term care, when in fact it does not.

And despite what many of us believe, the chance of needing long-term care is significant and increasing as life expectancies increase. In 1990 for example, people age 65 or older faced a 43-percent risk of entering a nursing home. About 1 in 5 of those seniors are estimated to be in a nursing home stay over 1 year, about 1 in 10 would be in a facility for 5 years or longer and many more would receive caregiving from friends, families, and home care workers.

As chairman of the Senate Special Committee on Aging, I know the obstacles many disabled older Americans and their families face paying for necessary long-term care. Despite heroic caregiving efforts by spouses, children, and friends, many disabled Americans do not receive the appropriate medical and social services they desperately need. Families are literally torn apart or pushed to the brink of financial disaster due to the overwhelming costs of long-term care.

This lack of protection pulls the rug out from under hard working families at a time when they are in their greatest need. Growing frail or learning to function with severe disabilities is a formidable task in itself. Yet this is only half the battle for an uninsured older American—since at the same time they must face huge financial burdens posed by long-term care.

The legislation levels the playing field between acute and long-term care services, and provides all Americans with incentives to purchase protection against the risk of catastrophic long-term care expenses. As healthy and as independent as we may want to stay, the fountain of youth has yet to be discovered.

We are all vulnerable to diseases such as Alzheimer's Parkinson's, and osteoporosis that can leave us mentally or physically disabled. We must accept the risk of needing long-term care and consider it in our normal retirement planning.

This bill encourages personal responsibility and makes it easier for individuals to plan for their future long-term care needs. It provides important tax incentives for the purchase of long-term care insurance and places consumer protections on long-term care insurance policies so quality products will be affordable and accessible to more Americans.

It allows States to develop programs under which individuals can keep more of their assets and still qualify for Medicaid if they take steps to finance their own long-term care needs, allows individuals to make tax free withdrawals from their individual retirement accounts without penalty if they purchase private long-term care insurance, and provides for consumer education to help families decide how to best plan for their own particular circumstances.

Stimulating the private market through tax incentives and asset protection programs is a long-term investment in reducing Americans' reliance on Medicaid, and other Federal and State entitlements. Just as employer-sponsored health insurance got a boost after Congress exempted employers' payments for health insurance from corporate taxes, the long-term care market needs a major boost if we are seriously going to encourage individuals to provide for their own long-term care needs.

Last year Congress was involved in an exhausting debate over how to reform our entire health care system. To my great disappointment, that debate did not yield legislation that could be passed on a bipartisan basis. Instead we fought an all or nothing battle for health care reform that left the American public no better off than when we began.

Long-term care reform was one of the victims of this all or nothing strategy. Several bills contained provisions to establish a non-means-tested long-term care program that would have cost taxpayers over $48 billion. While the program would have certainly provided necessary long-term care services to many families, it was simply unrealistic to build a large publicly funded program at a time when we were trying to balance the budget. Furthermore, creating a non-means-tested program would have only strengthened the misconception that the Government will pay for long-term care and that there is little need to purchase protection.

As Abraham Lincoln once cautioned, "We must not promise what we ought not, lest we be called on to perform what we cannot."

The provisions included in the long-term care reform bill I am introducing today are not only reasonable, but enjoy strong bipartisan support. They were included in almost every health care bill introduced last year and are an important part of the Senior's Equity Act in the House Republican Contract With America.

A strong private long-term care market will not only give individuals greater financial security for their future, but will ease the financial burden on the Federal Government for years to come, as our population ages and more elderly persons require long-term care.

I strongly urge my colleagues to cosponsor this legislation which will improve the financial security of older Americans and their families both now and in the future.•

RELEASE OF GAO HIGH RISK LIST REPORT

• Mr. GLENN. Mr. President, the General Accounting Office [GAO] has just released its second series of reports which identify the Federal program areas they consider most vulnerable to waste, fraud, abuse, and mismanagement—placing hundreds of billions of taxpayer dollars at risk.

GAO began its high-risk program in 1990, with much encouragement on my behalf as the then-chairman of the Committee on Governmental Affairs. Its purpose was to highlight problems that were costing the Government—meaning U.S. taxpayers—billions of dollars.

In 1992, GAO issued a series of reports that outlined the problems, root causes, and needed actions for each of the areas designated as high-risk. At that time, some agencies were beginning to address their high risks but progress was minimal and the task ahead was daunting.

Under my leadership, the Committee on Governmental Affairs strongly supported GAO's high-risk effort. We worked with them as well as agency heads to address problems resulting from a lack of accountability and weak management controls. We also labored hard to provide the necessary oversight and follow-up legislation, on a bipartisan basis, to finally begin addressing these major problems and start a concentrated and systemic approach to governmentwide management.

Efforts like strengthening and expanding the Inspectors General Act to detect and prevent fraud, waste, and abuse. Or the Chief Financial Officers [CFO] Act of 1990, which is forcing Federal agencies to establish formal financial management structures, including a chief financial officer, and that for the very first time in our Nation's history will produce audited financial statements for certain accounts and programs. Just last year, we also passed the Government Management Reform Act [GMRA] which, among other things, will require—beginning with fiscal year 1997—an audited financial statement on programs and operations for the Government as a whole.

Also, I was pleased to work with Senator ROTH, our new committee chairman with a long interest in these areas, to pass the 1993 Government Performance and Results Act [GPRA]. This legislation mandates that Federal agencies develop performance measurement systems so that we can begin to determine how these programs are working, whether they meet their objectives, and what return and value we are getting for our money.

Another important bipartisan effort is our committee's continuing work to reauthorize the Paperwork Reduction Act. As in the last Congress, our committee has reported out legislation to reauthorize and improve the act. We are now waiting action by the full Senate, which we are sure will duplicate last year's unanimous vote in favor of the legislation. Our bill strengthens the Act's paperwork clearance requirements. It also gives new focus to the Act's information resources management [IRM] provisions. The IRM reforms are critically important and will help agencies address the information technology risks highlighted in GAO's new report.

One other area here deserves attention, that is comprehensive procurement reform legislation, the Federal Acquisition Streamlining Act [FASA] of 1994, which was passed due to the efforts of myself and several other Members on both sides of the aisle. It significantly streamlines the procurement process, saving time and taxpayer dollars, through the revision and consolidation of acquisition states to bring a dose of common sense and reality into our acquisition process.

I do believe that as these laws become more fully implemented, as well as integrated, we will have come a long way toward finally getting control of the creature we call "government." These measures will, unlike any previous laws we have passed, improve the performance of Federal programs and allow us to use financial and budgetary information to better chart the course of Government expenditures.

But, as this GAO series shows, we are not there yet. In fact, we have quite a ways to go.

That is not to say there is not any good news the taxpayers can be thankful for. On the contrary, there is.

For example, according to GAO, 5 out of the 18 previously designated high risk areas have made enough progress as a result of this concentrated effort to be taken off the list. The Bank Insurance Fund, for instance, went from being in the red, that is from having a negative fund balance to a $17.5 billion surplus since the last report. The dramatic turnaround was caused by the combination of an improving economy, legislative actions, and agency and industry reforms.

Congressional actions also played a key role in reducing the risks posed by the Resolution Trust Corporation [RTC] and the Pension Benefit Guaranty Corporation [PBGC], thereby enabling those agencies to be removed from the high-risk program.

There is still a bit of more good news from which taxpayers can take some justifiable relief. According to GAO's report, 10 of the 13 areas that remain on its high-risk list have meaningful improvement initiatives underway. Because so many of these initiatives are in the earliest stages of implementation and will require continued commitment and resolve to see them through, it is premature to declare any victories. But there is some hope: The high-risk program experience clearly shows that focusing on high-risk problems prompts long-needed improvement actions.

And hope will be needed because, notwithstanding the improvements cited and areas removed, GAO's high-risk list has grown. In its new series, GAO has categorized its 20 current high-risk areas into 6 broad categories that represent the Government's most critical problems.

These categories cover almost all of the Government's $1.25 trillion revenue collection efforts and hundreds of billions of dollars in expenditures. They represent areas where the Government is carelessly and needlessly losing billions of dollars and missing huge opportunities to achieve its objectives at less cost and with better service delivery.

Let us take a look at them.

First, accountability and cost-effective management is not provided for in Department of Defense [DOD] programs. DOD spending for 1995 is estimated at $270 billion, 18 percent of the total Federal budget and about half of all discretionary funds. Yet DOD cannot accurately account for how it spends its funds or for the $1 trillion in assets it has worldwide.

GAO cites four areas particularly vulnerable: financial management systems, practices, and procedures; contract management; the weapons systems acquisition process, and inventory management. Because these areas are so broad and the weaknesses so pervasive, DOD's entire budget can be considered at-risk. Some egregious examples of Defense problems include:

Vendors who have been paid $29 billion in disbursements that cannot be matched against purchase invoices to determine if these payments were proper.

A former Navy officer received $3 million in fraudulent payments for over 100 false invoice claims, and approximately $8 million in Army payroll payments were made to unauthorized persons, including 6 ghost soldiers and 76 deserters.

Contractors themselves—not DOD—detected and returned to the Pentagon $957 million in overpayments during fiscal year 1994 alone.

DOD, with $80 billion a year at stake, has not yet solved pervasive problems in its weapons systems acquisition process, including unreliable cost data, unrealistic schedule estimates, and unaffordable program plans.

DOD, even after disposing of $43 billion in unneeded inventory over the past 3 years, still holds unnecessary items valued at $36 billion, or 47 percent of its current inventory.

Second, revenue owed to the Government is not collected and accounted for.

The Internal Revenue Service [IRS] and the Customs Service [USCS] currently collect $1.25 trillion annually, but neither agency can say how much more is owed to the Government and ought to be collected. The inability to adequately estimate what is due the Government could be costing the Government billions of dollars.

A 1992 IRS estimate put unreported taxes—the so-called tax gap—at $127 billion; however, IRS admits that this estimate was not based on current, complete data. In addition, both IRS and Customs remain unable to accurately account for amounts that have been collected. GAO considers four revenue collection areas to be high-risk: IRS financial management; IRS tax receivables; IRS filing fraud, and Customs Service financial management. Examples of revenue collection problems include:

Over $90 billion of transactions were not posted to taxpayer accounts.

Delinquent taxes receivable nearly doubled from $87 billion to $156 billion between 1990 and 1994, while annual collections of delinquent taxes declined from $25.5 billion to $23.5 billion.

During the first 6 months of 1994, IRS identified nearly 35,000 fraudulent paper returns and 24,000 fraudulent electronic returns—increases of 151 percent and 51 percent, respectively, over the same period 1 year before. While IRS admits to losing tens of millions of dollars to detected fraud schemes, some estimates indicate undetected fraud could be costing the Government billions of dollars.

Serious problems remain in the seized asset program at the Customs Service, placing tons of illegal drugs and millions of dollars in cash and other property vulnerable to theft and misappropriation. In just one case, thieves broke into a Customs facility and stole 356 pounds of cocaine.

The Customs Service has not implemented the controls, systems, and processes to ensure that carriers, importers, and their agents comply with trade laws, or that important trade statistics are reliable.

Third, multibillion-dollar investments in information technology do not provide an adequate return.

The Government has spent more than $200 billion on information management systems during the last 12 years. Yet, successful automation projects are the exception rather than the rule. As a result, critical financial, program, and management information systems remain largely incompatible, costly to operate and maintain, and woefully inadequate in meeting current users' needs.

GAO has chosen four multibillion dollar information technology initiatives—there are evidently other projects with similar difficulties available to chose from—to add to its high-risk list because these particular ones have experienced past failures, involve complex technology, or are critical to agencies' missions. These projects do not just have financial implications. Rather, they impact the very health and safety of all Americans—the air traffic control system and the national weather system, for example.

The $36 billion air traffic control modernization project has been plagued by failures and critical components have had to be canceled, replaced, and/or restructured.

After spending $2.5 billion of its estimated $8 billion cost, IRS' tax system modernization [TSM] initiative still doesn't have the necessary business and technical foundation to achieve the systems' goals and objectives. To persuade IRS of the need to develop an overall plan for the modernization, Congress reduced IRS' fiscal year 1995 budget request by $339 million.

DOD is spending some $3 billion annually on its corporate information management [CIM] initiative even though it has yet to examine the business processes being automated for reengineering opportunities.

The National Weather Service modernization project has more than doubled in cost to $4 billion and its completion is estimated to be 4 years behind schedule.

Fourth, Medicare claims fraud and abuse is widespread.

Last year the Government spent over $440 million a day, or $162 billion, on Medicare. Only the costs for DOD, Social Security, and interest on the debt are higher. And it is estimated that Medicare spending will more than double by the year 2003 to more than $389 billion.

While no one, including GAO, has been able to quantify exactly how much of Medicare spending is attributable to fraud and abuse, health care experts have estimated that 10 percent of national health spending is lost to such practices. Even if the number were lower—say 8 or 6 percent—when applied to $162 billion, that amount is devastating. And it will become even more devastating as the program grows. The Health Care Financing Administration [HCFA] is aware that health care scams and abusive practices plague Medicare, but the exploitation continues. For example:

Medicare has been charged rates as high as $600 per hour for speech and occupational therapy, though therapists' salaries range from under $20 to $32 per hour.

One shell company, which existed solely for the purpose of billing—and bilking—Medicare, added about $135,000 in administrative costs to the cost of therapy services in 1 year.

Medicare has paid health maintenance organizations [HMO's] from 6 to 28 percent more than it would have spent had those same beneficiaries remained in the fee-for-service sector.

A national psychiatric hospital chain, charged with fraudulently increasing its reimbursements, in 1994 paid over $300 million in the largest settlement to the Federal Government for health care fraud.

Fifth, loan program losses are too high.

The Federal Government has become the Nation's largest source of credit. It obligated almost $23 billion in new direct loans and guaranteed $204 billion in new non-Federal lending last year. Now, whether you agree with the Government's role as a banker or not, you have to agree that the Government is not doing a good job of minimizing its losses on its loan and guarantees.

The Office of Management and Budget [OMB] has estimated that of the $241 billion owed the Government for direct loans and claims paid on defaulted guaranteed loans, $50 billion is delinquent and at risk of loss. GAO's high risk program concentrates on three lending programs:

Farm loan programs have become a continuous source of credit for many borrowers and have had a high rate of loan defaults, resulting in the loss of over $6 billion of taxpayers' money from 1991 through 1994. In addition, its outstanding loan portfolio still contains nearly $5 billion in delinquent debt.

Student financial aid programs have been successful in providing money for postsecondary education but have been costly, nearly $25 billion in losses in the guaranteed student loan program alone with $2.4 billion in losses just last year.

The Department of Housing and Urban Development [HUD], which ensures some $400 billion in housing loans, guarantees more than $400 billion in outstanding securities, and spends $25 billion a year on housing programs, is at risk because of fundamental management weaknesses.

Sixth. The management of Federal contracts at civilian agencies needs improvement.

Civilian agencies spend tens of billions of dollars per year on contracts, yet they often don't get what they pay for or they reimburse contractors for unallowable or unreasonable costs. According to GAO, at the heart of contracting problems, there is a lack of senior-level management attention. GAO has focused on three contracting areas:

The Department of Energy [DOE] spends about $15 billion annually through management and operating contracts but has failed to protect the Government's interests. DOE did not require its contractors to prepare auditble financial statements nor did it audit, every 5 years as is required, the net expenditures reports contractors did prepare.

The National Aeronautics and Space Administration [NASA] spends about $12 to $13 billion each year—90 percent of its funding—on contracts, but with poor oversight. In addition, NASA has traditionally assumed virtually all risks related to contract costs and results. This has led to frequent funding increases, schedule delays, and performance problems on many of NASA's large space projects.

Contract management problems in the multibillion-dollar Environmental Protection Agency [EPA] Superfund hazardous waste cleanup program have provided contractors too little incentive to control costs. A recent review of three contractors showed that all three billed the Government for entertainment, tickets for sporting events, or alcoholic beverage costs that were not allowable. But contractors are probably not too worried about what they bill. As of August 1994, there were 528 unfilled requests for audits of Superfund contractor costs.

These are just the highlights of GAO's new high-risk list. They show what we're up against if we are to achieve real and measurable progress in the battle against Government waste and mismanagement. While this series indicates that with a concerted and committed effort it is possible to correct and rectify program weaknesses—putting less taxpayer dollars at risk—it also reveals what happens when systems are deficient or administrators are less than vigilant, or both.

Only with a continuing and persistent effort can we in Congress, working with the administration and GAO, attack these problems, one by one, case by case. If we are ever to restore people's faith in Government—and its overall credibility—it has to be done, and done quickly. As I have in the past, I will pledge my best efforts with the eventual hope that, one day, there will be no high-risk list at all. I urge my colleagues to work together to accomplish this goal.•

THE CONGRESSIONAL PENSION EQUITY ACT

• Mr. McCONNELL. Mr. President, I am pleased to become a cosponsor of S. 228, the Congressional Pension Equity Act. I commend Senator BRYAN for his leadership on this issue and I look forward to working with him to reform our pension system and bring it in line with all other Federal civilian pensions.

Like pensions in the private sector, the pension a member of Congress receives is based upon length of service and rate of pay. So, naturally a senior member, or staffer, earns a bigger pension than an individual with just a few years of service. But, under the current system members and staff receive substantially more generous pensions than other Federal employees. This bill will rectify that situation and bring parity between the legislative branch and the executive branch. Those who serve in Congress should be treated the same as other Federal employees.

For those who claim that people come to Congress and serve too long, this fix should end the careerism charge. Overly generous pensions will no longer entice people to stay in their congressional jobs. Congressional service will be no more desirable than other Federal service, and members and staff will not be deterred from rotating out of Congress.

This bill makes three important changes to congressional pensions. First, it places a cap on retirement benefits. Now, retired members can wind up receiving pensions that are bigger than the salaries they made while in Congress. The bill will ensure that pension benefits do not exceed the highest salary earned while in Congress. Second, it establishes a uniform rate of accrual for all Federal employees, so that congressional employees earn their pension benefits at the same rate as all other Federal employees. And, finally it adjusts the contribution rate for congressional employees to conform to the rate paid by all other employees. Currently, members and staff pay a slightly higher contribution for a much more generous benefit. This bill will require congressional and executive branch employees, including Members of Congress, to pay the same for the same benefit.

Congressional retirement benefits are not an entitlement. We are in the midst of streamlining and cutting back the scope of the Federal Government. We are trying to make the Federal Government more efficient and effective. That's what the American people want and what they deserve. Well, one place to begin is with congressional pensions. This bill represents that effort. I look forward to early consideration of this bill by the Government Affairs Committee and its swift passage by the Senate.•

TRIBUTE TO THE CONCERNED CITIZENS OF BAYONNE

• Mr. LAUTENBERG. Mr. President, I rise today to recognize and pay tribute to the Concerned Citizens of Bayonne [CCB] on the organization's 25th anniversary. I also want to call special attention to the contributions that Mr. Frank Perrucci has made to the organization and the community.

In 1970, Frank and Jean Perrucci, Vinnie Perrucci, Joseph Brache, Sal Covella, Penny Covella, Pete Capitano, John Baccarella, Jean McMahon, and Nicholas Mangelli met at Frank and Jean's home in Bayonne. It was here that they agreed unanimously to form the Concerned Citizens of Bayonne, so that citizens could participate in decisions which affect Bayonne, Hudson County, and New Jersey

No time was wasted. They immediately became involved in the upgrading of the jury system, led the opposition to the taxation of Social Security benefits, heightened community awareness on the evils of pornography, and called attention to the location of a toxic waste facility in Newark Bay.

The CCB continuously reaffirms its belief that a strong and vibrant community exists only where its citizens get involved and stay involved. They accomplish this by initiating community efforts to support projects such as building an indoor ice skating rink, keeping parks clean, and supporting programs like Toys for Tots and Pennies for Miss Liberty. They have participated in and led fundraising drives to assist the Bayonne Hospital, the high school football team, Italian earthquake victims, and the starving millions in Ethiopia.

Mr. Frank Perrucci, while carving out his own career as a leader with the Laborers' International Union of North America, always found time for others. He served as an aide to Congressmen Dominick Daniels and Joseph LeFante and is a former director of community development in Bayonne. Over the years, as captain of the Catholic War Veterans color guard, he has travelled extensively throughout New Jersey, participating in veterans events and parades.

Frank, himself a member of the merchant marine and a soldier during WWII, made sure that his organization always remembered to support American military troops during peacetime and war.

During Desert Storm, CCB members regularly corresponded with military personnel overseas, as well as conducted drives to send "goodies" and necessities to those supporting democracy so far from home.

Aside from being the proud husband of Jean, the father of four wonderful children and seven grandchildren, Frank Perrucci is quoted as saying that the proudest part of his life is serving others through the committed, loyal, and hard-working members of the Concerned Citizens of Bayonne.

Therefore, Mr. President, I take special pleasure in standing before you today to thank and congratulate Mr. Frank Perrucci and the members of the Concerned Citizens of Bayonne. They are a special group of people who know what it takes to make a strong community. They have unselfishly committed themselves time after time to keeping Bayonne one of the safest, cleanest, and proudest cities in the United States.•

BISHOP KENNETH POVISH

• Mr. ABRAHAM. Mr. President, I rise today to honor an exemplary individual, Bishop Kenneth Povish. This year Bishop Povish will celebrate his 45th year as a priest, his 25th year as a Bishop and his 20th year as bishop of the diocese of Lansing, MI.

I was lucky enough to grow up in Lansing and attend college in that community. Thus I came to know Bishop Povish as a man who has dedicated his life to serving his community's spiritual needs.

Bishop Povish was born in Alpena, MI. There he attended parochial grammar schools and public high school. After graduating from Detroit Sacred Heart Seminary in 1946, he went on to earn his master's degree in education from the Catholic University of America in 1950. In that same year Bishop Povish was ordained a priest in Saginaw, MI, and began his pastoral duties in Rogers City. In 1952 he became assistant at Saint Hyacinth Catholic Church in Bay City, MI.

Among his many accomplishments, Bishop Povish helped found Saint Paul's Seminary in Saginaw, MI. There he taught Latin, history, and religion and, from 1960 to 1966, served as dean of the college. He then went on to train over 400 lay catechists as diocesan director of the Confraternity of Christian Doctrine. In 1970 Pope Paul VI named him bishop and assigned him to Crookston, MN, until 1975.

Luckily for Lansing, Bishop Povish then was named to current position as bishop of that city. Since then he has enriched the spiritual life of his community in many ways. He established the Bishop's Council on Alcoholism and has written extensively on that subject. He has reached out to the less fortunate and shown his deep faith by teaching others the ways of Jesus Christ.

Mr. President, it is an honor to stand before my colleagues on behalf of the citizens of Michigan to congratulate Bishop Povish on his 45 years of selfless dedication to the Catholic Church and to the Lansing community. May God bless Bishop Povish and allow him to continue his service to those in need of faith, hope, and charity, especially in my hometown of Lansing, MI.•

HONORING ENGINEERS DURING NATIONAL ENGINEERS WEEK

• Mr. D'AMATO. Mr. President, I rise today to honor our Nation's engineers during National Engineers Week. Although we might not realize their presence, engineers have worked tirelessly to improve our world through science and technology.

Without engineers, there would be no transportation. Engineers design cars, trains, and buses, as well as devices that improve them. If not for engineers, we would have no structurally sound buildings, bridges, or highways. And their achievements do not end there.

Engineers create the technology that help doctors diagnose illnesses. Working with the medical profession, they have developed sensitive equipment used in medical research. Options are now available for so many people that would not otherwise be able to lead normal and productive lives.

Transportation, infrastructure, and medicine are just some of the areas influenced by the mastery of the engineer. Engineers' effect on the communications industry has catapulted us into a new age of technology. Magnetic tape recording, developed by an engineer, is used in audio cassettes, videotape, computer floppy disks, and credit card magnetic strips. We use these items everyday and never even think twice about it, thanks to engineers.

And who is responsible for the progress in the entertainment industry? We are seeing more of the morphing technique in movies and commercials. Animation has become so advanced because of these technological geniuses. This profession has brought us some of the most complex special effects that keep us spellbound during a movie.

For their efforts to improve the world we live in, the engineering profession should be applauded. For their work to improve our future, they should be admired.

That is why, during this National Engineers Week, I am taking the opportunity to thank engineers, in all fields, for their accomplishments.●

IN HONOR OF CHARLIE RODGERS

● Mr. McCONNELL. Mr. President, it is with great sadness that I rise today to honor an outstanding Kentuckian who recently passed away. Charlie Rodgers of Hopkins County, KY was an outstanding citizen as well as a leader in his profession and community.

Mr. Rodgers gave wholeheartedly to his community. Mr. Rodgers was the retired owner of Hales Furniture Store. During his lifetime he served as president of the Downtown Retail Merchants Association, president of the Rotary Club, chairman of the Salvation Army, and charter member of the Salvation Army Board of Directors. Mr. Rodgers was also the recipient of the Salvation Army's Other Award. He was a member of the Providence Rural Methodist Church and dedicated many hours to religious service.

Mr Rodgers was actively involved in both local and State level politics. He served as a leader in the development of the Republican Party in his county. Mr. Rodgers served on the State Board of Elections for two 4-year terms, and was as member of the State Republican Party for 20 years. Although he had always shown an interest in politics, he never sought election to public office until 1993 when he ran for the third district magistrate seat. He won this election upsetting a long time democratic stronghold.

While we all admire Mr. Rodgers' success in serving his community, church, and the Republican Party to the best of his ability, I believe that Charlie Rodgers was even more prosperous as an individual. All who encountered him knew that they were dealing with a true Kentucky gentlemen. He was looked upon as a very honest, kind, and compassionate man.

Charlie Rodgers, and his wife Peggy, are both long-time friends of mine. Mr. President, I can say with great certainty that his commitment to integrity and honesty was unwavering and shone through in everything that he was involved in.

Mr. President, I ask my colleagues to join me in honoring Charlie Rodgers. Hopkins County will certainly miss his presence and sense of devotion. I am confident that Mr. Rodgers strength of character and breadth of accomplishment will remain a standard of excellence for generations to come.●

ORDER FOR STAR PRINT—S. 202 AND S. 207

Mr. HATCH. I ask unanimous consent that S. 202 and S. 207 be star printed to reflect the following changes which I now send to the desk.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 24, 1995

Mr. HATCH. I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. on Friday, February 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; there then be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak for not to exceed 5 minutes each, with the following Senators to speak for up to the designated times: Senator DASCHLE, 20 minutes; Senator SIMPSON, 20 minutes; Senator LAUTENBERG, 10 minutes; Senator BURNS, 15 minutes.

I further ask unanimous consent that at the hour of 11 a.m. the Senate resume consideration of H.J. Res. 1, the balanced budget amendment, and the Bumpers motion be the pending question.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of all of my colleagues, as previously announced, there will be no rollcall votes during Friday's situation. As a reminder, under the consent agreement, all amendments must be offered by 3 p.m. tomorrow.

RECESS UNTIL 9:45 A.M. TOMORROW

Mr. HATCH. Mr. President, if there is no further business to come before the Senate, and no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 7:54 p.m., recessed until Friday, February 24, 1995, at 9:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23, 1995:

DEPARTMENT OF DEFENSE

ELEANOR HILL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

DALE W. THOMPSON, JR. [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

JERRY R. RUTHERFORD [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

JOHN A. LOCKARD [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ALAN L. CHRISTENSEN, AND ENDING GARDNER G. BASSETT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

AIR FORCE NOMINATIONS BEGINNING BARRETT W. BADER, AND ENDING JOSEPH N. ZEMIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 6, 1995.

AIR FORCE NOMINATIONS BEGINNING JONATHAN E. ADAMS, AND ENDING SHARON G. FREIER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

AIR FORCE NOMINATIONS BEGINNING TIMOTHY L. ANDERSON, AND ENDING RAYMOND E. RATAJIK, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING RODGER T. HOSIG, AND ENDING SARA M. LOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

ARMY NOMINATION OF FREDERICK B. BROWN, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

ARMY NOMINATIONS BEGINNING RONNIE ABNER, AND ENDING VINCENT A. ZIKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JAMES P. SCREEN III, AND ENDING JASON R.J. TESTA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 23, 1995.

HOUSE OF REPRESENTATIVES—*Thursday, February 23, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Your hand of mercy, O God, is strong enough to give us hope in the depths of our hearts; Your voice of comfort, O God, is sure enough to give us Your peace and assurance; Your mind, O God, is wise and perceptive and counsels us in the ways of life and Your mighty acts of compassion and grace, O God, give us confidence and promise in our daily lives. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

The VOLKMER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. VOLKMER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 61, answered "present" 1, not voting 28, as follows:

[Roll No. 158]

YEAS—344

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
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Collins (GA)
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Combest
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Diaz-Balart
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Dixon
Doggett
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Doolittle
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Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Everett
Ewing
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Fawell
Fields (LA)
Fields (TX)
Flake
Flanagan
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Forbes
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Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
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Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
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Hastings (WA)
Hayes
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Hostettler
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Hoyer
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Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
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Lewis (CA)
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Longley
Lucas
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Maloney
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McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
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Montgomery
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Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Reynolds
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
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Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
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Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
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Upton
Vucanovich
Waldholtz
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Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Woolsey
Wynn
Young (FL)
Zeliff

NAYS—61

Ackerman
Barrett (WI)
Becerra
Bishop
Bonior
Brown (CA)
Chenoweth
Clay
Clyburn
Coleman
Coyne
Crane
DeLauro
Deutsch
Evans
Fazio
Filner
Foglietta
Frank (MA)
Furse
Gephardt
Gibbons
Hastings (FL)
Hefley
Hilliard
Hinchey
Jacobs
Jefferson
Kanjorski
LaFalce
Lantos
Lewis (GA)
Lowey
Manton
McKinney
Menendez
Mineta
Neal
Oberstar
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pickett
Pombo
Pomeroy
Richardson
Sabo
Schroeder
Skaggs
Stark
Taylor (MS)
Vento
Visclosky
Volkmer
Watt (NC)
Wolf
Wyden
Yates

ANSWERED "PRESENT"—1

Stockman

NOT VOTING—28

Abercrombie
Baker (CA)
Blute
Boehner
Chapman
Collins (MI)
de la Garza
Ehlers
Fattah
Frost
Gonzalez
Klug
Largent
Livingston
McNulty
Meek
Mfume
Morella
Murtha
Riggs
Seastrand
Thompson
Tucker
Velazquez
Weldon (PA)
Wise
Young (AK)
Zimmer

☐ 1019

Mr. ALLARD, Mr. JOHNSON of South Dakota, and Ms. HARMAN changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. EWING). Will the gentleman from Vermont [Mr. SANDERS] come forward and lead the House in the Pledge of Allegiance.

Mr. SANDERS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 607

Mr. QUINN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 607.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 requests for 1-minutes per side. Further 1-minutes will take place after regular business today.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without government penalty; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

THE SPEAKER'S COLLEGE CLASS, SUBSIDIZED BY AMERICAN TAXPAYERS, SAID TO BE EXTREMELY PARTISAN

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, just how nonpartisan is NEWT GINGRICH'S college class?

The Speaker claims it is nonpartisan. He sold it to the Ethics Committee as a nonpartisan class.

The sole reason that donors get tax exemptions is because it is supposedly nonpartisan.

Yet, in the past 2 days, we have received new evidence that this class was as partisan as partisan gets.

The dean of the college who once helped teach the class now says that political and academic resources were commingled.

A Ph.D. student who helped set up the class said on Sunday: "the class was intended to be partisan and very political."

Mr. Speaker, this class, which promotes an intensely partisan, political agenda of the Speaker, is being subsidized by the American taxpayers.

And its funds were commingled with the Speaker's own political action committee, GOPAC.

It is time for the Speaker to come clean with the American people.

It is time for him to release the list of past GOPAC donors.

And it is time that we appoint a professional, nonpartisan, outside counsel to investigate this whole mess.

PRESIDENT CLINTON USING SCARE TACTICS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I do not think the President really understands what happened last November. I think he is trapped in a 1960's time warp. He seems hopelessly married to big-government ideas of the past, and he is using scare tactics to save big-government's agenda.

Yesterday Mr. Clinton was accusing Republicans of wanting to kill the school lunch program. This is absolutely not true. Mr. Clinton's problem is that he thinks he knows more about the needs of students than the 50 State Governors. He thinks that the bureaucrats here in Washington can do a better job of setting standards than the local school districts. I say to my colleagues, "Let me tell you I trust Governor Bill Graves and the local school districts of Kansas a lot more than I do any Beltway bureaucracy."

Mr. Speaker, if the President wants to continue to engage in this type of blatant political propaganda and demean his office in the process, he is free to do so.

Mr. VOLKMER. Mr. Speaker, Mr. Speaker——

Mr. TIAHRT. But while he is busy resurrecting the sixties, we will be working hard for the people by getting America ready for the next century.

Mr. VOLKMER. Mr. Speaker, I demand that the gentleman's words be taken down.

The SPEAKER pro tempore. The words will be taken down.

The Clerk will report the words.

□ 1030

Mr. VOLKMER. Mr. Speaker, I withdraw my demand that the words be taken down.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Missouri withdraws his demand that the words be taken down. The time of the gentleman from Kansas has expired.

THE TRUTH ABOUT SCHOOL LUNCHES

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, it amazes me the length Democrats will go to try to save Federal bureaucrats their jobs. Yesterday, the Democrat leadership and President Clinton launched a mean-spirited attack on Republican attempts to provide school lunches through block grants. But once again, just like a broken record, they did not tell the whole story.

The Republican approach will actually increase spending for school lunches by decreasing administrative costs, which translates into cutting the Federal bureaucrats. But Democrats shy away from anything new because they just cannot seem to get over their love affair with a bigger bureaucracy and a failed welfare system. However, sinking to scaring needy children—even this is a little low for the White House.

Mr. Speaker, it is time to get on with making the Federal Government smaller, less costly, and more efficient. That is what the people want, and it is what the Republican majority is all about.

REPLACE WELFARE WITH WORK

(Mr. FORD asked and was given permission to address the House for 1 minute.)

Mr. FORD. Mr. Speaker, today I rise in support of a strong work program to replace our welfare system in this Nation. What the American people will get with the Republican bill is the illusion of a work-based welfare system. This bill wishes for more work that the Republicans have submitted to the Committee on Ways and Means, but it does not require work. It offers weaker work requirements than current law.

Mr. Speaker, it is time for us to say to the American people we are going to replace welfare with work. This bill does nothing to hold States accountable for performance. As if by magic, expect more families on welfare to go to work. The work requirements in their welfare bill will not work and serve the welfare population of this Nation. If it does not happen, then what we do in the Republican bill is we punish the children of the welfare population.

This bill is mean-spirited and shortsighted, and it is just plain mean on children in this country, and we ask for an alternative package, and that package would respond to the human needs of the people.

REPUBLICAN BILL IS STRONG ON WORKFARE AND STATE RESPONSIBILITY

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, you know, I rise very seldom this year to speak to the House for 1 minute or any time, but I hear comments about—like the former speaker had to say about the work program in the welfare reform bill the Republicans put out. It raises the hair on the back of my neck. You cannot get any stronger than telling people, and allowing States to even make it stronger, 2 years. Two years of welfare, then you go to work. You engage in some work program. And in 3 more years you are off.

How much stronger can you be? That is 100 percent. One hundred percent of those who are on welfare today in 5 years will be in a work program or they will be off of welfare. How much stronger can you get?

It is rhetoric coming from the minority side. That is all it is. They are trying to confuse the public. The Republicans have a strong welfare-work-State responsibility bill.

COMMENTS ON MEXICAN LOAN GUARANTEE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Uncle Sam will not help Washington, DC, because of waste, fraud, and mismanagement. Let's see if I understand this: Down there in Mexico there is waste, fraud, mismanagement, corruption, larceny, kickbacks, bribes, and conspiracy. There is even an armed revolution to boot. But Uncle Sam can find $53 billion to bail out Mexico.

Tell me, Mr. Speaker, who is now formulating the policy for the United States of America? The Three Stooges, or what? Beam me up. When Uncle Sam can say "Sorry, Charlie," to Orange County, CA; Washington, DC; Youngstown, OH; and New York but find $53 billion for Mexico, that says it all, Congress. Think about it.

SCHOOL LUNCH SCARE PROGRAMS

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, I watched with utter disbelief yesterday as not only the Democratic leadership, but the President of the United States, stood up and scared every single school-aged child in this land by telling them we are going to starve them to death.

Mr. Speaker, once again the Democrats have not told the whole truth. We are not cutting school lunches. We are cutting Federal bureaucrats. Under the Republican plan, spending for school lunches will increase 4 percent at least next year, and administrative overhead will decrease dramatically.

I know it is hard for the Democrats to shake the Big Government ideology they have called for for so long, but Republicans are charging ahead to make the Government smaller and less costly. While we are busy seeking bold new solutions, all the Democrats can do is carp about tired myths and defend the failed and bankrupt welfare state.

NEW WELFARE PROPOSALS LACKING IN FAMILY VALUES

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, we have heard a lot about family values lately, but what kind of family values are contained in the Contract With America, which proposes massive tax breaks for the wealthiest people in this country, billions of dollar increases on military spending, including the discredited Star Wars Program, and at the same time cutbacks on programs desperately needed by the weakest and most vulnerable people in our society?

I was especially outraged yesterday by a subcommittee's elimination of the LIHEAP Program, which provides low-income people, including many senior citizens, heating subsidies in the wintertime. In my State of Vermont, over 20,000 households, including many senior citizens, take advantage of that desperately needed program.

Tax breaks for the rich, increases in military spending, and cutbacks on heating programs for the elderly and the poor. What family values?

FEED THE KIDS, NOT THE BUREAUCRACY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Democrats' scare tactics never cease to amaze me. First they told the senior citizens if we pass the balanced budget amendment, you will never get another Social Security check. Next they went after the politicians. If the President has a line-item veto, you will never get a pork-barrel, I mean an economic development project, in your district again.

Now it is the school kids. If we consolidate 16 different food and nutrition programs, lay off hundreds of bureaucrats and make the system more efficient, kids will go hungry.

Mr. Speaker, I ask you, how hungry will these kids be when our country is broke? This debate is not about feeding the kids, but eliminating fat cat bureaucrats who have been picking the best helpings off children's plates for too long. Feed the kids, not the bureaucracy.

REMEMBER OLD-FASHIONED IDEAS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, some of my colleagues like to say we have a "new Congress." They are right.

A new Congress that loves the photo ops of passing a so-called crime bill, but votes to take police officers off our streets. A new Congress that loves the headlines of talking about moving people from welfare to work, but scoffs at the idea of paying Americans a livable minimum wage.

Yes, we have a new Congress. But it has forgotten a lot of old-fashioned ideas. Like the idea of giving those in need a helping hand—instead of pointing the finger of blame. The idea that we should help our constituents take back their streets from criminals. The old ideal that perhaps we should give our kids a hot lunch in their schools.

And the idea that every American who works hard and sweats and toils every day deserves to be able to feed their family and own their home and send their kids to college.

I know that our new Congress does not care much about these old ideas. But I guess we Democrats are sort of old-fashioned, so we will keep right on fighting for them.

MORATORIUM ON ESA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, I am pleased to join my colleague, Mr. CONDIT, in offering a bipartisan amendment that will extend the Regulatory Transition Act to cover listings and designations of critical habitat under the Endangered Species Act.

This amendment is necessary to protect the most endangered species of all, the American landowner. It is time that Congress gave hard-working, taxpaying American families the same rights as blind cave spiders, golden-cheeked warblers, and fairy shrimp.

Burdensome regulations imposed under the Endangered Species Act are reducing our landowners, farmers, and small business owners to a rare breed.

This year, Congress has the opportunity to amend the Endangered Species Act to balance the rights of landowners.

Until Congress reauthorizes the Endangered Species Act, we must put a stop to the out-of-control regulators and protect American property owners. Later today, we will offer a bipartisan amendment to extend the regulatory moratorium on Endangered Species Act listings and critical habitat designations. I urge my colleagues to support the bipartisan Condit amendment.

ONE LAW FOR EVERYONE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, in 50 days this Congress has passed only one bill that has been signed into law by the President. That measure quite rightfully demands that the Members of this Congress observe the same laws that apply to everyone else. The American people rightfully expect that Members will shoulder the same responsibilities as ordinary citizens and meet the same standards of behavior as ordinary citizens.

But what a difference a few weeks can make. I am deeply concerned to learn that a Member of this House who stands accused of serious ethical transgressions, indeed a cloud of alleged improprieties that threaten public confidence in this House, that Member has actually threatened to shield himself by introducing legislation to require his accuser to pay both his legal fees and the expenses of the Ethics Committee that is investigating him.

Mr. Speaker, does obtaining special legislation to immunize one's self sound like what an ordinary citizen does? No, it does not. But that is indeed what the Speaker of the House has threatened to do.

I suggest that not intimidation, but more speech is the way to deal with this problem.

□ 1045

IN SUPPORT OF THE REGULATORY TRANSITION ACT

(Mr. HOSTETTLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Speaker, I rise in support of the Regulatory Transition Act.

Mr. Speaker, there is a frantic effort underway on the part of the administration to frighten the American public and this body about what those of us who would protect private property rights are trying to do. For years, Big Government has disseminated the message that the public needs of Washington, DC, to take care of it—that without Washington, DC, no one will look out for its health and well-being; that without Washington, DC, no one will protect its clean air and clean water; that without Washington, DC, no one will know what to do because only Washington, DC, knows what's good. Something may sound ridiculous but, as the message goes, it's coming from Washington, DC, so it must be a smart idea, because after all, doesn't Washington, DC, know best?

There was a different message sent in the last election. Washington, DC, doesn't know best. Regulation after regulation comes down the pike—micromanaging every facet of the daily lives of individuals and the daily operations of businesses. The people said, "Enough." The administration responded by preparing some 4,300 new regulations to get through under the closing door.

If we are truly representing the American people, we must keep this from happening. The administration is trying to send a message that life as we know it will fall apart if these regulations don't get through. That is an unfortunate scare tactic. But let's show everybody concerned that the regulatory monster isn't vital to our existence, but it actually threatens our way of life as we know it. Let's cast a vote for smaller, smarter Government and defy those who are trying to scare the American public and this body into continuing with business as usual.

A COURSE IN ETHICS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, this is the people's House. This is what democracy is all about.

According to Timothy Mescon, dean of Kennesaw State College, political and academic resources were commingled in the preparation of the course he cotaught with Speaker GINGRICH. This led Dean Mescon to admit to the Los Angeles Times this week that "In hindsight, we would never do this again. There's no question about that * * * I feel horrendous about this thing, and it's embarrassing."

Lois Kubal, a graduate student involved in the design of Speaker GINGRICH's so-called course, says that "the class at KSC was intended to be partisan and very political."

Even more disturbing, course content was sold to corporate sponsors. According to a request for funding, potential donors were promised they could participate or work directly with the leadership of the project in the course development process in exchange for their $25,000 or $50,000 check. This is how the course is taught, the game is played, at Newt University.

Mr. Speaker, the charges keep piling up. We need an outside, independent, counsel to investigate the serious ethical charges hanging over the head of the Speaker of the House, and we need one now.

MORE ON THE REGULATORY TRANSITION ACT

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I want to talk today about the Regulatory Transition Act. This is a critical act for us and it is only a starting point, because over the past years we might as well clear out the floor of this Congress and let unelected bureaucrats come sit, take our places. They have been running the Government, lock, stock, and barrel. They have made laws. And the United States EPA, Mr. Speaker, might as well have come into the Ohio Valley and Youngstown, OH and Cleveland, OH and taken the food off the tables of people. They have over extended their arm.

It is time to make normal, commonsense, rational ideas to protect people but not to have the mismatch that we have had that has strangled the ability of blue-collar working people to literally just survive in the Ohio Valley and industrial parts of the State of Ohio.

So we want to protect people, but we have now the opportunity to correct the faults that have occurred of an overstretched bureaucratic arm.

WELFARE REFORM

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, as we struggle to find a balance between human needs and the desire to address the abuses and ineffectiveness of the current welfare system, we must not forget the major beneficiaries of welfare—children.

Any plan that does not adequately address the needs of children is destined to raise the misery of childhood hunger, homelessness, and disease to a magnitude we have never before witnessed in this country.

In my home State of California, 69 percent of current AFDC recipients are children who depend on welfare as a safety net to survive.

Children throughout this country will be virtually abandoned under H.R. 4, the Republicans' welfare reform bill.

In the subcommittee, the Republican majority refused to assure child care for mothers who got to work, refused to assure the safety of children in foster care, and refused to preserve SSI benefits for certain medically disabled children. And they are even threatening child nutrition programs.

It is reprehensible to leave our children, our future work force, physically and intellectually weakened by denying them nutrition, shelter, and health care.

This will only negate our goal of building a more self-reliant America.

IN SUPPORT OF THE CONDIT AMENDMENT

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, today we have an opportunity to better the lives of millions of Americans by passing the Condit amendment and putting a stop to the abuses of the Endangered Species Act. The Condit amendment should actually be called the Condit-Smith- Combest- Bonilla- Edwards amendment because it has been a good bipartisan effort to move this amendment forward once and for all putting a moratorium on the listing of endangered species in critical habitat in this country.

Too many times in this country we have seen development of construction of hospitals stop because of the designation of a fly on the endangered species list. We have seen homes being torn down in some cases. You cannot even clear brush on your property anymore because the radical left wing environmentalists in this country think a rat might be living in your bushes and, therefore, do not give you an opportunity to do what you want on your property.

This is a vote for property rights, a vote for restoring some of the basic free enterprise values in this country that we hold dearly.

Vote for the Condit amendment today.

PFF/GOPAC

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, it appears that the web known as Newt Incorporated is beginning to unravel. A recent Los Angeles Times article details the intricate link between GOPAC, the Progress and Freedom Foundation and the Speaker's college course. While denying commingling all along, it appears that Newt Incorporated has been promoting a weird thirst for power at taxpayers expense. Meanwhile my friends wax indignant about illegitimacy, nutrition programs, and Big Bird.

It looks like the real welfare cheats might be some corporate sugar daddies. I have a rhyme:

Hickory Dickory Dak, it is time to investigate GOPAC. It is time for an outside counsel to clear all of the smoke arising from revelations about Newt Incorporated.

UNILATERAL ACTION BY THE PRESIDENT AGAIN

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of this country did not want us to spend billions of dollars and risk Americans lives going into Haiti. And the Congress knew that. We were not going to support it. Yet President Clinton unilaterally took action that put our troops at risk and sent our people in Haiti and spent billions of dollars in the process.

The people of this country did not want us to spend money bailing out Mexico. And yet President Clinton unilaterally is spending $53 billion of American taxpayers' money bailing out that country that is in an absolute mess.

And now yesterday unilaterally by executive order they are replacing strikers, a striker replacement bill is being passed by the executive branch without any act of Congress.

This is illegal, in many of our opinions. However, the President did it. Unilateral action again. Someone should tell this President this is a Republic and not a dictatorship.

PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO SIT TODAY, THURSDAY, FEBRUARY 23, 1995, DURING THE 5-MINUTE RULE

Mr. GOSS. Mr. Speaker, I ask unamimous consent that the following committee and its subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

The Committee on Economic and Educational Opportunities.

It is my understanding that the minority has been consulted and that there is no objection to this request.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Florida?

Mr. DOGGETT. Mr. Speaker, reserving the right to object, I have consulted with the ranking member of the committee, and we will not object to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, if the Personal Responsibility Act of 1995 passes, Federal nutrition programs for children and families will never be the same. School lunches and breakfasts will be slashed. Thousands of women, infants, and children will be removed from the WIC Program. National nutrition standards will be eliminated, and States will be able to transfer as much as 24 percent of nutrition funds for nonnutrition uses.

But, more is at stake. Retail food sales will decline, farm income will be reduced, and joblessness will soar. That is why, if I may borrow a quote, I will resist this change, "with every fiber of my being." Many of the proponents of H.R. 4 want capital gains cuts. We want an increase in the minimum wage. They want block grants. We want healthy Americans. They want a full plate for the upper crust and crumbs for the rest of us. We want, and we will restore, Federal food assistance programs. It is irresponsible to do otherwise.

PROVIDING FOR CONSIDERATION OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 93 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 93

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule for a period of not to exceed ten hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform and Oversight now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted, Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts [Mr. MOAKLEY], pending which time I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am pleased that today we are here fulfilling yet another promise to the American people and doing it under a rule that allows for an open amendment process.

House Resolution 93 makes in order the committee substitute from the Committee on Government Reform and Oversight and provides for 1 hour of general debate followed by up to 10 hours of amendment under the 5-minute rule.

In the opening debate today, I would like to point out that last weekend, many sports fans witnessed a very serious threat to public health and safety. In fact, several people were injured and thousands were placed in grave danger. Yet the Federal Government did not take any action to prevent these injuries. Nor is it likely to do so in the future.

I refer, of course, to our former Presidents playing golf in public. Notwithstanding the germaneness of this, this story serves to illustrate an important point, that the Federal Government, despite the best efforts and intentions it may have, cannot provide protection for all Americans at all times. Yet it seems that we are coming closer and closer to issuing detailed regulations on every minute detail of our daily existence.

I ask my colleagues, how many times have constituents come to them and asked for help to head off, sort out, or otherwise mitigate needless harm that has come to them or absolute disaster to them perhaps caused by poorly thought-out Federal regulation. Individuals, small businesses, volunteer groups, local governments have all been victims, have all been harmed in some way by the unending flood of Federal rules and regulations made by people who apparently have not got enough to do.

As we begin to stem this tide, it is important to remember that H.R. 450 is not eliminating the rules made since November. Repeat. We are not eliminating the rules made since November. We are merely providing a much-needed timeout for perhaps up to a year to allow Congress the opportunity to responsibly consider serious regulatory reform. I think we all know we need it. There is even precedent for this type of action.

President Bush placed a moratorium on new regulation from January 1992 to January 1993. Of course, not all Federal regulations are burdensome or counterproductive. Arguments can certainly be made that public health and safety regulations should not be subject to this moratorium.

The Committee on Government Reform and Oversight has wisely provided for a general waiver process for imminent health and safety threats. I understand that some would like to see certain imminent threats given priority over other imminent threats. I do not agree with the wisdom of this kind of amendment.

I was pleased to hear the ranking member of the Committee on Government Reform and Oversight, the gentlewoman from Illinois, state at the Committee on Rules yesterday that she would seek to have members cluster these amendments offering exemptions of a similar nature in a similar package.

□ 1100

It sounds like a good idea. This does make sense, and it will help us avoid the tedious and perhaps unnecessary litany of amendments we saw during consideration of the unfunded mandates bill.

I hope that the overall time limit that we have placed on this rule is useful for the gentlewoman, in helping her to organize the efforts to consolidate these kinds of amendments.

Mr. Speaker, it all comes down to this. The American people have asked us repeatedly through individual pleas, and more dramatically in the November elections, to reform the Federal rule-making process. We are taking the first step here by placing the burden of proof on the regulatory agencies to prove that new regulations are necessary. This is a responsible change and a good beginning for the reform process.

Mr. Speaker, I expect today we might hear a word or two from the minority side about the question of the 10-hour time limit on this. It was discussed in the Committee on Rules, and it has been much discussed. We have done a lot of homework and review of the records on this matter.

We think this is a fair way to proceed and still allow the necessary debate time to come forward, but also to provide for the orderly management of all legislation in this House. Of course, we have a very heavy agenda of legislation to undertake.

I know that the minority sometimes feel that they would like to have endless debate, and some might call it dilatory tactics, and in fact, we have seen some of that. Our view is that we have given the minority more than ample blocks of time to manage as they will to bring forward with their membership those issues they think they would like to debate on the floor. We hope they are able to use that time wisely.

It does, I admit, put a management burden on the minority leadership to control what they are doing, and I believe that is a fair burden to place on the minority. It is certainly one we had placed on us when we were the minority.

Mr. Speaker, I would hope that we will see wise use of that time, and if we do see wise use of that time, I am entirely satisfied that the 10 hours that we have set aside under the open amendment process will be sufficient.

Mr. Speaker, I urge my colleagues to support both the rule and the bill, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am opposed to this rule. Although my Republican colleagues have been using the words "fair" and "balanced" a lot lately, I have really learned that by "fair" and "balanced," by some of the glossaries on the other side, they really mean "restrictive."

In fact, Tuesday I put a chart into the CONGRESSIONAL RECORD that shows the record on restrictive floor procedures. We simply applied the Republican definitions to the Republican rules, and it looks like they have granted about 71 percent restrictive rules so far. Sometimes we may have an open debate, but the rule could be restricted.

Most of the rules that have come out have been under some kind of a time cap which automatically makes the rule anything but open. Today's rule has a 10-hour time cap.

My colleagues on the other side of the aisle argue that this is necessary to keep the flow of legislation moving through the House. Mr. Speaker, what a difference a year makes. Just listen to them last year.

The gentleman from California [Mr. DREIER] said "The rule is essentially a closed rule because it limits amendments by limiting debate on all amendments." Mr. Speaker, this is one of the more egregious rules that have been reported out by the Committee on Rules.

The gentleman from New York [Mr. SOLOMON], my dear friend and chairman of the committee, said last year "Let me say that I oppose this rule for a variety of reasons, not the least of which is the fact that it restricts the time for the amendment process."

Mr. Speaker, I agree that it is very important to keep the process moving along, but Republicans have a very interesting kind of time caps. Republican time caps include time for votes in addition to time for amendments, and by my calculations, the last three 10-hour time caps have been actually 7-hour time caps, because the vote has been eating up about three of the 10 hours on each of these bills.

If we had any truth in advertising requirements around here, Mr. Speaker, we would have to call it 7 hours for amendments and 3 hours for a vote time cap. Even more telling is if we would take the number of anticipated amendments, divide them into the remaining hours, we would probably have 10 to 15 minutes to discuss each amendment. That is not what I thought our Republican colleagues had in mind last year when they talked about improving the deliberative process.

It is also interesting to see the pattern of rules that seems to be developing. Yesterday we had a wide open rule on the Paperwork Reduction Act. I want to thank the gentleman from New York [Mr. SOLOMON] and my Republican colleagues for giving me that wide open rule. That is an open rule. I thank them for it, but they cannot put this rule in the same context with that rule.

Mr. Speaker, when the bill is not controversial, we open it up all the way. The more controversial it becomes, the more we close it down, so I think, because this is more controversial than yesterday's bill, we do close it down. They knew that yesterday's bill was nonconfrontational, so they gave us a full, wide open rule.

I think if they keep using that kind of a model, by the time we get to welfare reform, we will be lucky to get an hour for amendments.

Mr. Speaker, it is time for the Committee on Rules to live up to its preelection rhetoric of granting open rules to bills in the contract, and by that, I mean open rules as the Republicans used to define them. This bill would be a good starting point.

I do not think anyone would argue that there are some serious problems in our regulatory process, but there are also a lot of regulations in the pipeline, Mr. Speaker, that will protect American families. They will be frozen out by this bill, because this bill will limit regulations that ensure American families that their food is safe, that their drinking water is clean, and their airplanes are up to snuff.

Mr. Speaker, this bill does not just hurt families, it hurts the business people who play by the rules. By making the moratorium retroactive to November 20, this bill punishes businesses that have worked to comply with regulations, and that is just not fair.

Mr. Speaker, this bill is too far-reaching to be slapped together this quickly and without opportunity for improvement. It needs to be amended, and 7 hours is just not enough time to do it.

MEMBERS SHUT OUT BY THE 10-HOUR TIME CAP, 104TH CONGRESS

Mr. Speaker, this is a list of Members who were not allowed to offer amendments to major legislation because the 10-hour time cap on amendments had expired. These amendments were also preprinted in the CONGRESSIONAL RECORD.

H.R. 728—Law Enforcement Block Grants: Mr. BEREUTER, Mr. KASICH, Ms. JACKSON-LEE, Mr. STUPAK, Mr. SERRANO, Mr. WATT, Ms. WATERS, Mr. WISE, Ms. FURSE, and Mr. FIELDS.

H.R. 7—National Security Revitalization Act: Ms. LOFGREN, Mr. BEREUTER, Mr. BONIOR, Mr. MEEHAN, Mr. SANDERS (2), Mr. SCHIFF, Ms. SCHROEDER, and Ms. WATERS.

AMOUNT OF TIME SPENT ON VOTING UNDER THE THREE RESTRICTIVE TIME CAP PROCEDURES IN THE 104TH CONGRESS

Bill No.	Bill title	Rollcalls	Time spent	Time on amends
H.R. 667	Violent Criminal Incarceration Act	8	2 hrs 40 min	7 hrs 20 min.
H.R. 728	Block grants	7	2 hrs 20 min	7 hrs 40 min.
H.R. 7	National security revitalization	11	3 hrs 40 min	6 hrs 20 min.

FLOOR PROCEDURE IN THE 104TH CONGRESS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendment in order
H.R. 1	Compliance	H. Res. 6	Closed	None
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None
H.R. 5	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; preprinting gets preference.	NA
H.J. Res. 2	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	NA
H.R. 2	Line Item Veto	H. Res. 55	Open; preprinting gets preference	NA
H.R. 665	Victim Restitution Act of 1995	H. Res. 61	Open; preprinting gets preference	NA
H.R. 666	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; preprinting gets preference	NA
H.R. 667	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. time cap on amendments	NA
H.R. 668	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; preprinting gets preference; contains self-executing provision	NA
H.R. 728	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. time cap on amendments; preprinting gets preference.	NA
H.R. 7	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. time cap on amendments; pre-printing gets preference.	NA
H.R. 729	Death Penalty/Habeas	NA	Restrictive; brought up under UC with a 6 hr. time cap on amendments.	NA
S. 2	Senate Compliance	NA	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; contains self-executing provision.	ID
H.R. 830	The Paperwork Reduction Act	H. Res. 91	Open	NA
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	ID
H.R. 450	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. time cap on amendments; preprinting gets preference.	NA

Note: 77% restrictive; 23% open. These figures use Republican scoring methods from the 103d Congress. Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

Mr. Speaker, I urge my colleagues to oppose this restrictive rule, and I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am privileged to yield 4 minutes to the gentleman from Glens Falls, NY [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have a prepared statement here in which I really wanted to talk about the bill that is going to come before us. When I came here 16 years ago, one of my main purposes was to shrink the size of this Federal Government, to reduce the power of the Federal Government, and return it back to the private sector and to local and State governments.

I really wanted to talk about that, but I was just so taken by my good friend, the former chairman of the Committee on Rules, who is now the ranking minority member of the Committee on Rules, when he referred to this rule as the most egregious. What a difference an election makes.

I am reading here from the activity report of the Committee on Rules, which the former chairman, the gentleman from Massachusetts [Mr. MOAKLEY], filed at the end of the 103d Congress. Let me just quote my good friend, the gentleman from Massachusetts.

He says:

> An overall time cap allows the House to manage its time, to make more reliable its schedule, and to provide some certainty about when measures will be on and off the floor. The printing requirement does not afford the same time certainty, since there is no way to know in advance how many amendments will be submitted and printed, or how many printed amendments will actually be offered.

And he goes on and on and on. That was the gentleman from Massachusetts [Mr. MOAKLEY], the gentleman we just heard, who now refers to this rule as egregious.

Let me read from the statement of the now-former majority leader of the Democratic Party, who is now the minority leader of the Democratic Party, when he appeared before the gentleman from California [Mr. DREIER], myself, and others who served on the Speaker's joint committee to reform this Congress.

The gentleman from Missouri [Mr. GEPHARDT] said, "I believe we should support the Rules Committee when it puts time constraints on bills, as this provides more certainly for scheduling legislation." He was very wise.

Mr. Speaker, let me now read from the minority whip, who used to be the majority whip. This is what he had to say when we took up the State and Local Government Interstate Waste Control Act.

The gentleman from Michigan [Mr. BONIOR] said, "The rule limits to 4 hours on this very important bill, to 4 hours, the time for consideration of the bill for amendment under the 5-minute rule."

This is what he said about the rule: "This is a simple, open rule. I urge my colleagues to support it," and we did. We in the minority supported it, because it was an open rule with time constraints.

My good friend, the gentleman from Massachusetts [Mr. MOAKLEY], standing over there, said something when we debated the American Heritage Act, which would have usurped local authority in my district. I sort of resented that, but I went on to support the rule. However, my friend the gentleman from Massachusetts, said at that time, "The rule provides that each section shall be considered as read. Only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill will be in order, and debate on consideration of this bill for amendment is limited to 3 hours. This is a good rule," said the gentleman from Massachusetts. "I urge adoption of the rule."

Mr. Speaker, we have an obligation to move legislation through this Congress and to be as open and fair as we can and maintain comity between the two sides. That is what we are trying to do.

That is why we have had such overwhelming Democrat support for all of these issues during this first 50 days, overwhelming Democrat support for our positions.

Mr. Speaker, I rise in strong support of yet another open rule from the Rules Committee.

I also rise today in strong support of regulatory relief for businesses around the country.

H.R. 450, the Regulatory Transition Act of 1995, will stop the regulators in this town cold. The bill deserves strong support, from both sides of the aisle.

A regulatory moratorium is clearly necessary to halt the big-government regulations spewing forth from the Clinton administration.

The rule before us is a modified open rule, providing for a 10-hour amendment process. The rule does not set forth which amendments can and cannot be offered, it simply says that Members who have amendments should get organized in advance. We have been fair, recognizing the public's desire that we move our contract rapidly to the floor.

Yesterday in the Rules Committee, my good friend Mr. MOAKLEY stated that a rule with a time cap was labeled a closed rule by Republicans when we were in the minority.

Many things have changed in the last few months, but our definitions for kinds of special rules have remained the same. For reference purposes, I would point Members to the charts we inserted in the RECORD during the last Congress comparing open vs. restrictive rules from the 95th to the 103d Congress.

The modified open rule before us today is appropriate for the fair and orderly consideration of the moratorium legislation.

Mr. Speaker, when House and Senate Republicans were preparing to take control of our respective Chambers in December, we wrote to President Clinton and asked that he impose a moratorium on regulations by Executive order.

Since the President spurned our offer, it is necessary to pass this legislation and take a much needed time-out from new regulations. During that time, the Republican majority will schedule a comprehensive bill to reform the Federal rulemaking process.

Commonsense reforms such as requiring a risk assessment and cost-benefit analysis for new regulations will be brought to the floor.

A thorough analysis of the costs resulting from the loss of property rights will not be left out of this discussion.

Mr. Speaker, like so many of the Contract With America items, this is a bipartisan bill.

Several Democrats voted to report the bill from the Government Reform and Oversight Committee, and other Democrats opposed the various exemption amendments offered in the committee markup.

Like all of the other Contract for America items, I expect this legislation to attain substantial bipartisan support upon final passage. As was the case with the unfunded mandates bill, a bloc of liberal Democrats may choose to offer countless exemption amendments to H.R. 450, the cumulative effect of which will be to gut the bill if those amendments pass.

But those who seek to relieve the multitude of private businesses that are struggling with needless Government regulation will not be deterred.

To the small businessman attempting to stay afloat in a sea of regulation—help is on the way.

Mr. Speaker, I urge support for the rule and the bill.

OPEN VERSUS RESTRICTIVE RULES 95TH–104TH CONG.

Congress (years)	Total rules granted [1]	Open rules		Restrictive rules	
		Number	Percent [2]	Number	Percent [3]
95th (1977–78)	211	179	85	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	68	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101st (1989–90)	104	47	45	57	55
102d (1991–92)	109	37	34	72	66
103d (1993–94)	104	31	30	73	70
104th (1995–96)	13	8	62	5	38

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th–103d Cong.; "Notices of Action Taken," Committee on Rules, 104th Cong., through Feb. 20, 1995.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D–5; R–25)	3 (D–0; R–3)	PQ: 246–176. A: 259–164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D–1; R–18)	1 (D–0; R–1)	PQ: 248–171. A: 249–170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D–2; R–5)	0 (D–0; R–0)	PQ: 243–172. A: 237–178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D–1; R–8)	3 (D–0; R–3)	PQ: 248–166. A: 249–163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (d–4; R–9)	8 (D–3; R–5)	PQ: 247–170. A: 248–170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D–8; R–29)	1(not submitted) (D–1; R–0)	A: 240–185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D–2; R–12)	4 (1-D not submitted) (D–2; R–2)	PQ: 250–172. A: 251–172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D–8; R–12)	9 (D–4; R–5)	PQ: 252–164. A: 247–169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D–1; R–5)	0 (D–0; R–0)	PQ: 244–168. A: 242–170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D–1; R–7)	3 (D–1; R–2)	A: 212–208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308–0 (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D–1; R–5)	6 (D–1; R–5)	A: Voice Vote (May 20, 1993)
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251–174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D–19; R–32)	8 (D–7; R–1)	PQ: 252–178. A: 236–194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D–6; R–44)	6 (D–3; R–3)	PQ: 240–177. A: 226–185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D–4; R–3)	2 (D–1; R–1)	A: 244–176.. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D–20; R–33)	27 (D–12; R–15)	A: 294–129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D–11; R–22)	5 (D–1; R–4)	A: 263–160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401–0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261–164. (July 21, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D–8; R–6)	2 (D–2; R–0)	PQ: 245–178. F: 205–216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D–8; R–7)	2 (D–2; R–0)	A: 224–205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	0	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D–109; R–40)		A: 246–172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization			PQ: 237–169. A: 234–169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	12 (D–3; R–9)	1 (D–1; R–0)	A: 213–191–1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization		91 (D–67; R–24)	A: 241–182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	0	H.R. 1845: National Biological Survey Act	NA	NA	A: 238–188 (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D–0; R–7)	3 (D–0; R–3)	PQ: 240–185. A: 225–195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	A: 239–150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D–1; R–2)	2 (D–1; R–1)	PQ: 235–187. F: 149–254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D–7; R–7; I–1)	10 (D–7; R–3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	0	H.R. 334: Lumbee Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D–0; R–0)	0	A: 252–170. (Oct. 28, 1993).
H. Res. 289, Oct. 28, 1993	0	H.R. 2151: Maritime Security Act of 1993	N/A	N/A	A: Voice Vote. (Nov. 3, 1993).
H. Res. 293, Nov. 4, 1993	MC	H. Con. Res. 170: Troop withdrawal Somalia	N/A	N/A	A: 390–8. (Nov. 8, 1993).
H. Res. 299, Nov. 8, 1993	MO	H.R. 1036: Employee Retirement Act–1993	2 (D–1; R–1)	N/A	A: Voice Vote. (Nov. 9, 1993).
H. Res. 302, Nov. 9, 1993	MC	H.R. 1025: Brady handgun bill	17 (D–6; R–11)	4 (D–1; R–3)	A: 238–182. (Nov. 10, 1993).
H. Res. 303, Nov. 9, 1993	0	H.R. 322: Mineral exploration	N/A	N/A	A: Voice Vote. (Nov. 16, 1993).
H. Res. 304, Nov. 9, 1993	C	H.J. Res. 288: Further CR, FY 1994	N/A	N/A	
H. Res. 312, Nov. 17, 1993	MC	H.R. 3425: EPA Cabinet Status	27 (D–8; R–19)	9 (D–1; R–8)	F: 191–227. (Feb. 2, 1994).
H. Res. 313, Nov. 17, 1993	MC	H.R. 796: Freedom Access to Clinics	15 (D–9; R–6)	4 (D–1; R–3)	A: 233–192. (Nov. 18, 1993).
H. Res. 314, Nov. 17, 1993	MC	H.R. 3351: Alt Methods Young Offenders	21 (D–7; R–14)	6 (D–3; R–3)	A: 238–179. (Nov. 19, 1993).
H. Res. 316, Nov. 19, 1993	C	H.R. 51: D.C. statehood bill	1 (D–1; R–0)	N/A	A: 252–172. (Nov. 20, 1993).
H. Res. 319, Nov. 20, 1993	MC	H.R. 3: Campaign Finance Reform	35 (D–6; R–29)	1 (D–0; R–1)	A: 220–207. (Nov. 21, 1993).
H. Res. 320, Nov. 20, 1993	MC	H.R. 3400: Reinventing Government	34 (D–15; R–19)	3 (D–3; R–0)	A: 247–183. (Nov. 22, 1993).
H. Res. 336, Feb. 2, 1994	MC	H.R. 3759: Emergency Supplemental Appropriations	14 (D–8; R–5; I–1)	5 (D–3; R–2)	PQ: 244–168. A: 342–65. (Feb. 3, 1994).
H. Res. 352, Feb. 8, 1994	MC	H.R. 811: Independent Counsel Act	27 (D–8; R–19)	10 (D–4; R–6)	PQ: 249–174. A: 242–174. (Feb. 9, 1994).
H. Res. 357, Feb. 9, 1994	MC	H.R. 3345: Federal Workforce Restructuring	3 (D–2; R–1)	2 (D–2; R–0)	A: VV (Feb. 10, 1994).
H. Res. 366, Feb. 23, 1994	MO	H.R. 6: Improving America's Schools	NA	NA	A: VV (Feb. 24, 1994).
H. Res. 384, Mar. 9, 1994	MC	H. Con. Res. 218: Budget Resolution FY 1995–99	14 (D–5; R–9)	5 (D–3; R–2)	A: 245–171 (Mar. 10, 1994).
H. Res. 401, Apr. 12, 1994	MO	H.R. 4092: Violent Crime Control	180 (D–98; R–82)	68 (D–47; R–21)	A: 244–176 (Apr. 13, 1994).
H. Res. 410, Apr. 21, 1994	MO	H.R. 3221: Iraqi Claims Act	N/A	N/A	A: Voice Vote (Apr. 28, 1994).
H. Res. 414, Apr. 28, 1994	0	H.R. 3254: NSF Auth. Act	N/A	N/A	A: Voice Vote (May 3, 1994).
H. Res. 416, May 4, 1994	C	H.R. 4296: Assault Weapons Ban Act	7 (D–5; R–2)	0 (D–0; R–0)	A: 220–209 (May 5, 1994).
H. Res. 420, May 5, 1994	0	H.R. 2442: EDA Reauthorization	N/A	N/A	A: Voice Vote (May 10, 1994).
H. Res. 422, May 11, 1994	MO	H.R. 518: California Desert Protection	N/A	N/A	PQ: 245–172 A: 248–165 (May 17, 1994).
H. Res. 423, May 11, 1994	0	H.R. 2473: Montana Wilderness Act	N/A	N/A	A: Voice Vote (May 12, 1994).
H. Res. 428, May 17, 1994	MO	H.R. 2108: Black Lung Benefits Act	4 (D–1; R–3)	N/A	A: VV (May 19, 1994).
H. Res. 429, May 17, 1994	MO	H.R. 4301: Defense Auth., FY 1995	173 (D–115; R–58)		A: 369–49 (May 18, 1994).
H. Res. 431, May 20, 1994	MO	H.R. 4301: Defense Auth., FY 1995		100 (D–80; R–20)	A: Voice Vote (May 23, 1994).
H. Res. 440, May 24, 1994	MC	H.R. 4385: Natl Hiway System Designation	16 (D–10; R–6)	5 (D–5; R–0)	A: Voice Vote (May 25, 1994).
H. Res. 443, May 25, 1994	MC	H.R. 4426: For. Ops. Approps, FY 1995	39 (D–11; R–28)	8 (D–3; R–5)	PQ: 233–191 A: 244–181 (May 25, 1994).
H. Res. 444, May 25, 1994	MC	H.R. 4454: Leg Branch Approp, FY 1995	43 (D–10; R–33)	12 (D–8; R–4)	A: 249–177 (May 26, 1994).
H. Res. 447, June 8, 1994	0	H.R. 4539: Treasury/Postal Approps 1995	N/A	N/A	A: 236–177 (June 9, 1994).
H. Res. 467, June 28, 1994	MC	H.R. 4600: Expedited Rescissions Act	N/A	N/A	PQ: 240–185 A:Voice Vote (July 14, 1994).
H. Res. 468, June 28, 1994	MO	H.R. 4299: Intelligence Auth., FY 1995	N/A	N/A	A: Voice Vote (July 19, 1994).
H. Res. 474, July 12, 1994	MO	H.R. 3937: Export Admin. Act of 1994	N/A	N/A	A: Voice Vote (July 14, 1994).
H. Res. 475, July 12, 1994	0	H.R. 1188: Anti. Redlining in Ins	N/A	N/A	A: Voice Vote (July 20, 1994).
H. Res. 482, July 20, 1994	0	H.R. 3838: Housing & Comm. Dev. Act	N/A	N/A	A: Voice Vote (July 21, 1994).
H. Res. 483, July 20, 1994	0	H.R. 3870: Environ. Tech. Act of 1994	N/A	N/A	A: Voice Vote (July 26, 1994).
H. Res. 484, July 20, 1994	MC	H.R. 4604: Budget Control Act of 1994	3 (D–2; R–1)	3 (D–2; R–1)	PQ: 245–180 A: Voice Vote (July 21, 1994).
H. Res. 491, July 27, 1994	0	H.R. 2448: Radon Disclosure Act	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 492, July 27, 1994	0	S. 208: NPS Concession Policy	N/A	N/A	A: Voice Vote (July 28, 1994).
H. Res. 494, July 28, 1994	MC	H.R. 4801: SBA Reauth & Amdmts. Act	10 (D–5; R–5)	6 (D–4; R–2)	PQ: 215–169 A: 221–161 (July 29, 1994).
H. Res. 500, Aug. 1, 1994	MO	H.R. 4003: Maritime Admin. Reauth.	N/A	N/A	A: 336–77 (Aug. 2, 1994).
H. Res. 501, Aug. 1, 1994	0	S. 1357: Little Traverse Bay Bands	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 502, Aug. 1, 1994	0	H.R. 1066: Pokagon Band of Potawatomi	N/A	N/A	A: Voice Vote (Aug. 3, 1994).
H. Res. 507, Aug. 4, 1994	0	H.R. 4217: Federal Crop Insurance	N/A	N/A	A: Voice Vote (Aug. 5, 1994).
H. Res. 509, Aug. 5, 1994	MC	H.J. Res. 373/H.R. 4590: MFN China Policy	N/A	N/A	A: Voice Vote (Aug. 9, 1994).
H. Res. 513, Aug. 9, 1994	MC	H.R. 4906: Emergency Spending Control Act	N/A	N/A	A: Voice Vote (Aug. 17, 1994).
H. Res. 512, Aug. 9, 1994	MC	H.R. 4907: Full Budget Disclosure Act	N/A	N/A	A: 255–178 (Aug. 11, 1994).
H. Res. 514, Aug. 9, 1994	MC	H.R. 4822: Cong. Accountability	33 (D–16; R–17)	16 (D–10; R–6)	PQ: 247–185 A: Voice Vote (Aug. 10, 1994).
H. Res. 515, Aug. 10, 1994	0	H.R. 4908: Hydrogen Etc. Research Act	N/A	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 516, Aug. 10, 1994	MC	H.R. 3433: Presidio Management	12 (D–2; R–10)	N/A	A: Voice Vote (Aug. 19, 1994).
H. Res. 532, Sept. 20, 1994	0	H.R. 4448: Lowell Natl. Park	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 535, Sept. 20, 1994	0	H.R. 4422: Coast Guard Authorization	N/A	N/A	A: Voice Vote (Sept. 22, 1994).
H. Res. 536, Sept. 20, 1994	MC	H.R. 2866: Headwaters Forest Act	16 (D–5; R–11)	9 (D–3; R–6)	PQ: 245–175 A: 246–174 (Sept. 21, 1994).
H. Res. 542, Sept. 23, 1994	0	H.R. 4008: NOAA Auth. Act	N/A	N/A	A: Voice Vote (Sept. 26, 1994).
H. Res. 543, Sept. 23, 1994	0	H.R. 4926: Natl. Treatment in Banking	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 544, Sept. 23, 1994	0	H.R. 3171: Ag. Dept. Reorganization	N/A	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 551, Sept. 27, 1994	MO	H.R. 4779: Interstate Waste Control	22 (D–15; R–7)	N/A	A: Voice Vote (Sept. 28, 1994).
H. Res. 552, Sept. 27, 1994	0	H.R. 4683: Flow Control Act	N/A	N/A	A: Voice Vote (Sept. 29, 1994).
H. Res. 562, Oct. 3, 1994	MO	H.R. 5044: Amer. Heritage Areas	N/A	N/A	A: Voice Vote (Oct. 5, 1994).
H. Res. 563, Oct. 4, 1994	MC	H. Con. Res. 301: SoC Re: Entitlements	N/A	N/A	F: 83–339 (Oct. 5, 1994).
H. Res. 565, Oct. 4, 1994	MC	S. 455: Payments in Lieu of Taxes	N/A	N/A	A: 384–28 (Oct. 6, 1994).
H. Res. 570, Oct. 5, 1994	MC	H. J. Res. 416: U.S. in Haiti	N/A	N/A	A: 241–182 (Oct. 6, 1994).
H. Res. 576, Oct. 6, 1994	C	H.R. 5231: Presidio Management	N/A	N/A	A: Voice Vote (Oct. 7, 1994).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

A PROCESS PERSPECTIVE ON THE CONTRACT'S FIRST 50-DAYS, WEDNESDAY, FEBRUARY 22, 1995

Mr. Speaker, I think is is appropriate that we should be making day 50 of our 100-day Contract With America on the birthday of the Father of our Country, George Washington.

In his first inaugural address, Washington said that, "The preservation of the sacred fire of liberty, and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment entrusted to the hands of the American people."

Last November the American people said loud and clear that they wanted a change in their government, and entrusted control over their Congress to the Republican party. In the House the change was especially dramatic because Democrats had controlled the institution for the last 40 years running.

Public trust and confidence in Congress had fallen to all-time lows. Our job approval rating was somewhere around 18 to 20 percent. Every public opinion poll yielded the same results: by overwhelming majorities, the people thought we had lost touch with them and were no longer responsive to their views and needs.

The Republican Party offered a bold alternative to the longstanding orthodoxy of the ruling Democrats. We promised, in our Contract With America, less Federal Government, less spending, less taxes and a return of power, responsibility and decisionmaking to the people and the State and local governments closest to them.

In short, our contract recognized what George Washington articulated so well back in 1789, that the survival of our republican form of government, this great experiment was dependent on returning it to the hands of the American people to which it had been originally entrusted.

And last November the American people spoke with one voice in saying they were ready and willing to take back their government and make it once again the servant of the people and not their master.

In his farewell address as President, in 1796, Washington said something else that bears noting in today's context, and that is that, and I quote, "The basis of our political system is the right of the people to make and to alter their constitutions of government."

And by that I think he meant not only the direct amendment of our Constitution, as important as that right is to the survival of our system of government, but also the composition, structure and processes of that government.

Not only did the American people make a major alteration in the composition of their government last November; they also committed to a new way of thinking about the size and role of government and how it operates.

And I am speaking here not just about the executive branch which tends to be the major focus of our attentions, but also the legislative branch.

Just as our Founders made the Congress the first branch of Government in the Constitution, House Republicans in our Contract With America, put the reform and renewal of the Congress first in our commitment to "restore the bonds of trust between the people and their elected representatives."

In that contract we promised, and I quote, "to bring the House a new majority that will transform the way Congress works.* * * To restore accountability to Congress. To end its cycle of scandal and disgrace. To make us all proud again of the way free people govern themselves."

To that end we promised that on opening day we would pass eight specific reforms "aimed at restoring the faith and trust of the American people in their government."

As you are aware, in the longest opening day of the Congress ever, lasting from noon on Wednesday, January 4 until 2:24 a.m. on Thursday, January 5, we kept that promise by thoroughly debating and voting on those 8 reforms and some 23 other changes to House rules. In addition, we passed the Congressional Accountability Act which applies the same workplace laws to the Congress as we impose on the private sector.

Among those opening day House reforms were provisions to cut committee staff by at least one-third; eliminate 3 committees and over 20 subcommittees; abolish proxy voting; open committee meeting and hearings to the public and media; place term limits on committee and subcommittee chairmen, and on the Speaker; require a three-fifths vote to increase income tax rates and prohibit retroactive income tax rate increases; require a comprehensive audit of House books; and require truth in budgeting.

I am proud that the Republican membership of this committee played a major role in helping to draft those House reforms last fall and in managing that package on the marathon opening day.

As you know, the Contract went on to promise in that in the first 100 days we would pass 10 major pieces of legislation. We will not go over all the same ground that our leadership did earlier today in reciting the progress made to date on our contract legislation. Instead, we want to make a few points about how the process has worked to date in the consideration of those contract bills.

Contrary to what you may have read in some newspapers, the contract did not promise that all contract bills would be considered under open rules. What the contract did say was that, and I quote, "we shall bring to the House floor the following bills, each to be given full and open debate, each to be given a clear and fair vote.* * *"

However, the commitment was clearly there to fairness and openness in debt and voting. There were some serious observers of Congress who suggested that our opening day reforms were at odds with the commitment to passing all this major legislation in 100 days. One observer even recommended that we not make our open House reforms effective until after the 100 days had passed.

Our leadership and conference rejected such suggestions out of hand, knowing full well that things would be more difficult to pass the more open the process was, but that we would be considered hypocrites if we did not apply our own process reforms to our most important legislative measures.

I am proud to report that we have succeeded far beyond most observers' expectations in keeping the process open while still staying on schedule in passing our contract bills. And I am referring both to the committee process in reporting bills as well as to the House floor process in considering them.

I think it is important to note that the contract did not promise that we would pass each of our bills in the exact form as drafted in our contract. Our leadership rightfully recognized that an open process would mean changes in those bills both in committee and on the floor. That is how democracy should work.

Contrary to the baseless charge of some in the other party, we are not walking blindly in lock-step or like lemmings over a cliff in passing these bills without change. The strength of our system is in its deliberative nature and its effect in improving legislation at every stage of the process. That in turn helps to ensure bipartisan and public support for the final products.

Significant amendments have been successfully offered by Democrats and Republicans alike in committee and on the floor, and the bills have consequently gone on to be reported and passed with large, bipartisan majorities.

Our own Rules Committee, for instance, had original jurisdiction over both the unfunded mandate reform bill and the legislative line-item veto bill. We adopted, on a bipartisan basis procedural changes in those bills in committee, and further amended them on the floor, again with bipartisan support. The same was true in the Government Reform and Oversight Committee with which we shared jurisdiction over those bills.

That was true as well at the committee level in other committees reporting other contract bills, and in the further amendment of those bills on the House floor.

Of the first 13 special rules reported by the Rules Committee through the end of last week, 8 or 62 percent were completely open, 3 others were modified open, meaning in this case that they had time limits on the amendment process, and just 2 were modified closed.

Contrast that, if you will, with the first 13 special rules reported by the Democrats at the beginning of the last Congress. Only 3 or 23 percent were completely open, while the other 10 were either closed or modified closed.

In looking at the amendment process that has taken place so far this year under those first 13 special rules, we have found that a total of 148 amendments have been offered on the House floor, of which 74 were adopted. Of those 74 amendments adopted, 38 were offered by Democrats.

So, I think we can say that the process to date has been relatively open, fair, and bipartisan. And that in turn helps to account for the fact that not only were 9 of those 13 rules adopted by a voice vote, but most of the bills have also been passed by large, bipartisan majorities. We are demonstrating both a new openness and responsiveness to the will of the American people that cuts across party lines.

Let me simply conclude by saying that working under the time constraints of the 100-day contract has been exciting and exhilarating, but also difficult and challenging for our committees and House membership. We are obviously working long and hard hours. That in itself produces some tension and conflict in the process.

There have clearly been times when our process reforms have run up against the necessities of getting bills to the floor and getting them passed. There have been some legitimate complaints along the way. But there have also been a host of frivolous and hypocritical complaints from the minority, especially when you consider the restrictive and abusive procedures those same Democrats foisted on us when they were in the majority.

But, from this committee's perspective, if our open House reforms can work in this time-sensitive environment, as for the most part they have, then they will have passed their most difficult test.

The ultimate litmus test is in the quality, approval, and acceptance of the legislation we finally pass. The ultimate judges of that will be the American people. And the fact that our job approval rating by the people has more than doubled since last November, from 20 to 42 percent according to one recent poll, is the most telling tribute that we are not only doing the right thing, but doing it in the right way.

OPEN VERSUS RESTRICTIVE RULES, 104TH CONGRESS

H. Res. No. (date rept.)	Rule type	Bill No. and subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5—Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17—Social Security; H.J. Res. 1—Balanced Budget Amndt.	A: 255–172 (1/25/95).

OPEN VERSUS RESTRICTIVE RULES, 104TH CONGRESS—Continued

H. Res. No. (date rept.)	Rule type	Bill No. and subject	Disposition of rule
H. Res. 51 (1/31/95)	0	H.R. 101—Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	0	H.R. 400—Land Exchange, Arctic Nat'l. Park & Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	0	H.R. 440—Land Conveyance, Butte County, Calif.	A. voice vote (2/1/95).
H. Res. 55 (2/1/95)	0	H.R. 2—Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	0	H.R. 665—Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	0	H.R. 666—Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667—Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	0	H.R. 668—Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728—Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7—National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831—Health Insurance Deductibility	A: xxx–xxx.

AMENDMENTS OFFERED TO BILLS IN HOUSE UNDER SPECIAL RULES, 104TH CONGRESS

Bill and subject	Rule and type	Amendments offered	Adopted	Rejected
H.R. 5—Unfunded Mandates	H. Res. 38—Open	53 (R:7;D:46)	17 (R:7;D:10)	36 (R:0;D:36).
H.R. Res. 1—Balanced Budget	H. Res. 44—Mod. Closed	6 (R:2;D:4)	2 (R:2;D:0)	4 (R:0;D:4).
H.R. 101—Land Transfer	H. Res. 51—Open	0	0	0.
H.R. 400—Land Exchange	H. Res. 52—Open	0	0	0.
H.R. 440—Land Conveyance	H. Res. 53—Open	0	0	0.
H.R. 2—Line Item Veto	H. Res. 55—Open	17 (R:3;D:14)	6 (R:2;D:4)	11 (R:1;D:10).
H.R. 665—Victim Restitution	H. Res. 60—Open	1 (R:0;D:1)	1 (R:0;D:1)	0.
H.R. 666—Exclusionary Rule	H. Res. 61—Open	6 (R:0;D:6)	5 (R:0;D:5)	1(R:0;D:1).
H.R. 667—Prisons	H. Res. 63—Mod. Open	23 (R:11;D:12)	14 (R:11;D:3)	9 (R:0;D:9).
H.R. 668—Alien Deportation	H. Res. 69—Open	5 (R:4;D:1)	5 (R:4;D:1)	0.
H.R. 728—Law Block Grants	H. Res. 79—Mod. Open	19 (R:7;D:12)	13 (R:6;D:7)	6 (R:1;D:5).
H.R. 7—National Security Act	H. Res. 83—Mod. Open	17 (R:5;D:12)	11 (R:4;D:7)	6 (R:1;D:5).
H.R. 831—Health Deduction	H. Res. 88—Mod. Closed	1 (R:0;D:1)	0	1 (R:0;D:1).
		148 (R:39;D:109)	74 (R:36;D:38)	74 (R:3;D:71)

Source: Congressional Record, Daily Digest.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. First of all, Mr. Speaker, I want to thank the gentleman for giving me the credit for saying, "Mr. Speaker, this is one of the more egregious rules reported by the Committee on Rules." Actually, I was quoting the gentleman from California [Mr. DREIER]. Those were not my words.

Second, Mr. Speaker, my friend, the gentleman from New York, knows that, of course, I admit putting out closed rules, but I never put out a closed rule and said "This is a wide open rule." I would just like some truth in explaining what kind of rule we are putting out.

We have all kinds of rules, but they cannot say that a rule that has restrictions by time, or on amendments, or caps on time, is an open rule.

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SOLOMON] has expired.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

We never promised to do open rules, Mr. Speaker. The gentleman did. The whole plan of the Republican Party was every day to get up and talk about the Committee on Rules and the restrictive rules. We never said "This is an open rule" when it was a closed rule.

They just went back as soon as they got elected and changed the dictionary. It says "Open rules. Any rule that the Committee on Rules puts out under the gentleman from New York [Mr. SOLOMON] will be an open rule." I just want to be fair with the American people and tell them what kinds of rules we have.

I agree that they are going to need closed rules, that they are going to need modified open rules. I agree they may have to do certain things to get legislation through. But please do not bring every rule out here and say "This is a wide open rule."

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I hope the gentleman is going to do what we did when we were in the minority. We supported every single one of those open rules that had time constraints on them.

Let me read this briefly: The Employment Retirement Security Act passed on a voice vote, we supported it; the Black Lung Benefits Restoration Act, with time constraints, we supported it on a voice vote; the Presidio Management bill we supported on a voice vote; and the American Heritage, as I said before, we did.

Let me just say to my good friend, the gentleman from Massachusetts, because we need to get serious, there have been 178 amendments so far allowed during this first 13 bills. Seventy-eight of those amendments were Democrat amendments. Of those amendments that were adopted by this House, 74 in total, 38 were by Democrats, and we voted for them.

Mr. Speaker, that is about as open as we can get, and fair, and to keep this body moving.

☐ 1115

Mr. MOAKLEY. Mr. Speaker, reclaiming my time, I do not disagree with the gentleman from New York [Mr. SOLOMON]. There is only one disagreement. When we were passing out the same kind of rules you are passing out, we were gagging the American public. We were keeping Members of the House from expressing their will. "That cruel Committee on Rules, another closed rule." If we put a period in it, it was a closed rule.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, my friend offered one of my brilliant quotes. I would like to reciprocate by offering one of his brilliant quotes.

Mr. MOAKLEY. I want to say to the gentleman from California [Mr. DREIER], it was an outstanding quote.

Mr. DREIER. This is a quote from October 5, 1994, last fall, and this was during the debate on House Resolution 562, and you, Mr. Chairman, called it an open rule, only those amendments printed in the CONGRESSIONAL RECORD prior to consideration of the bill would be in order and debate on consideration of the bill for the amendment was limited to 3 hours.

Mr. Speaker, the gentleman from Massachusetts [Mr. MOAKLEY], the chairman at that time, referred to this as an open rule. I do not know if he said a wide open rule but it was called an open rule at that point. It seems to me that we have really got to underscore that under the leadership of the gentleman from New York [Mr. SOLOMON], the chairman, we have in fact created an opportunity for amendments to take place, and one of the distinguished Members on your side of the aisle said to me not too long ago, the average American out there believes very sincerely that we should within a 10-hour period be able to address a lot of these issues, and I am convinced that this is the responsible way to deal with it.

I think the gentleman from Florida [Mr. GOSS] has done a marvelous job of managing this, and I thank my friend for yielding.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois [Mrs. COLLINS], the ranking minority member of the Committee on Government Reform and Oversight.

Mrs. COLLINS of Illinois. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule for the consideration of H.R. 450, the regulatory moratorium bill.

I oppose this rule because it puts a time limit on the consideration of the bill. Based upon the use of this time limit device on other bills, it is very likely that important amendments will be kept out of the debate, because sufficient time to debate them will expire.

The use of a time limit on this bill is particularly inappropriate for the following three reasons:

First, H.R. 450 is not a part of the Contract With America. Arguments about the need to complete consideration of the contract in 100 days do not apply to this bill. In fact, consideration of this bill limits the amount of time for the consideration of other aspects of the contract, so rather than limiting debate time, the moratorium bill should be deferred until after the 100 days.

Second, both Chairman CLINGER and I requested a totally open rule. At our markup, a number of amendments were not offered, because the chairman gave his assurance at the markup that he would request an open rule, and that members would be protected. However, the Rules Committee has ignored the request of the chairman and myself, and now amendments will not be protected if time runs out.

Third, although this bill consists of just a few pages, its reach is infinitely broader. It places a retroactive moratorium on all regulations and regulatory activity and affects every agency of the country, and every law of the Nation. In the past several weeks I have learned about problems this bill could cause in a variety of agencies administering laws written in all of our House committees. This bill was considered in great haste, and we keep discovering new problems caused by its ambiguities. Limiting floor consideration will mean that these problems cannot be corrected and confusion will reign supreme.

During the consideration of the bill in the committee we received a wave of lobbying by tax lawyers, who felt that the bill would unnecessarily hinder their profession, because tax interpretations would be delayed. So the committee made an exemption for tax interpretations.

As we continued to examine the bill after the committee consideration, we kept learning about other problems created by the bill. There were HUD regulations to help the elderly get housing. There were disability benefits for veterans. There were duck hunting regulations. However, those who wanted to exempt these regulations did not have high powered tax lawyers to sponsor their cause. As a result, we will create havoc, if this bill passes.

Mr. Speaker, as I said this bill is not a part of any Contract With America. It was crafted after the election, and could best be called a Contract With Special Interests. The Republican leadership is trying to squeeze this bill into a schedule that is already far too rushed. They apparently hope that the sooner the bill is passed, the fewer flaws we will find.

None of us wants foolish government regulations. Similarly, none of us wants foolish legislation that is poorly crafted. This bill is far too broad, and its effects are far too unknown. I urge defeat of the rule.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Ohio [Ms. PRYCE], who is a welcome addition to the Committee on Rules.

Ms. PRYCE. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in strong support of this open rule providing for consideration of H.R. 450.

As the gentleman from Florida [Mr. GOSS], my friend, described in his opening statement, this is a very fair rule. Whether you want to buy into the debate whether this is an open rule, a wide open rule, or a modified open rule, I think we are never going to decide on these semantics between the two sides of the aisle. So let us just call this a fair rule because this is what it is.

When the Committee on Rules met yesterday morning, there was some thoughtful discussion on the pros and cons of limiting this debate on the amendment process to 10 hours. Let me say that I understand and appreciate the concerns that were raised. But there is nothing wrong with trying to impose a better sense of organization and time management on the overall amendment process that we have here in the House of Representatives. Since few Republican amendments are expected, the 10-hour time limit affords the Democratic leadership an opportunity to prioritize their Members' amendments as much as possible and to utilize an en bloc format whenever it is practical. There is no excuse for time to run out if time is properly managed.

In the 8 days we spent debating unfunded mandates, it taught us that discussing duplicative and overlapping amendments is not the most productive use of this House's time.

In addition to supporting the rule, Mr. Speaker, I also support the underlying legislation. Too often the debate over economic growth focuses only on the size of the deficit or on taxes. Escalating regulatory costs are often left out of this discussion. But make no mistake about it, Mr. Speaker, excessive Federal regulations have a tremendous impact on economic growth and the heavy burden of increasing regulation is ever present in our society. Job loss, reduced competitiveness and the diminished productivity are the real costs associated with runaway Government regulations.

The mayor of my hometown, Columbus, OH, recently observed that unless Federal regulations are cut back and based on common sense and measured risk, the waste of billions of dollars of misguided, one-size-fits-all mandates from Washington will cause a public backlash against legitimate Federal regulation.

I wholeheartedly agree. I commend the gentleman from Pennsylvania [Mr. CLINGER], the distinguished chairman of the Committee on Government Reform and Oversight, in moving this bill forward, in keeping with our contract and its commitment to easing Federal regulatory burdens.

Mr. Speaker, I urge my colleagues to support this fair rule so that the House can move one step forward to substantive regulatory reform.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume to say that the gentlewoman just said that under the prescribed rules if the people use their time wisely that there is no reason everybody could not be heard. I would just like to bring to her attention on H.R. 728, the law enforcement block grants, that because the time ran out, that the gentleman from Nebraska [Mr. BEREUTER], the gentleman from Ohio [Mr. KASICH], the gentlewoman from Texas [Ms. JACKSON-LEE], the gentleman from Michigan [Mr. STUPAK], the gentleman from New York [Mr. SERRANO], the gentleman from North Carolina [Mr. WATT], the gentlewoman from California [Ms. WATERS], the gentleman from West Virginia [Mr. WISE], the gentlewoman from Oregon [Ms. FURSE], and the gentleman from Louisiana [Mr. FIELDS] were shut out.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield, he can add my name to that, too. I had an amendment, too.

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri [Mr. VOLKMER], who also was shut out.

Mr. VOLKMER. Mr. Speaker, here we go again. This is another example of gagging Members of the House. There are 435 of us. There are only going to be a few of us permitted to offer amendments and speak on the bill of moratorium on regulations. That is not fair.

All we ask for, some of us, of this House, is not just comity but also fairness, and our ability to be able to express our ideas in this great body, this bastion of democracy. What this rule does is no different than many other rules we have seen come out of this

Committee on Rules headed by the gentleman from New York that has restricted Members' ability to express their ideas on the floor of this House.

Mr. Speaker, for a long time, I always wondered about the other body and their deliberative process.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. VOLKMER. I will not yield at this time. If I have time left, I will yield. Yesterday and the day before, I asked many Members of your side to yield and they refused to yield.

Mr. SOLOMON. But I always yielded to the gentleman.

Mr. VOLKMER. I will yield when I finish my speaking if the gentleman will permit.

The other body many times takes the long deliberative process. I have always felt that they should have some kind of rules as to how that other body operates, the time they take with legislation. But the more I see of this House of Representatives under this majority, I say that maybe the Senate, or the other body, has a lot more going for them, because all they want to do here is cram it. You cannot express your idea. You got elected by your people back home, but try and get recognized on this floor for debate or to offer an amendment. You are not going to get to.

They say at the beginning, the gentleman from New York, I will mention his name again, the day after we were sworn in, back on a Thursday afternoon, in this same Chamber, me standing right here in the same place, that gentleman down in the well right there, and he had a chart, and he was talking about the process of a bill through the Congress and how he had to have time and he was going to give open rules.

We saw an open rule yesterday evening, Mr. Speaker, and it did not take 10 hours. Some bills will take 2 hours. Some bills may take 12 hours. I have been here and you have been here when you have seen legislation take all week, under Democrats. I have yet to see one of your bills take a week.

I have yet to see one of your bills take 3 days, except unfunded mandates, and that was restricted on a Monday evening to 10 minutes on each amendment. So very few bills have had a true open rule.

And what is this bill all about that we are going to take up under this rule? It is about some special interests.

If we ever needed something called lobbying reform, and I do not see that coming, lobbying reform, this bill and a few others we have been taking up, even the one we did last night had to be cleaned up in committee, there was a special provision in there specifically for West Publishing Company, stuck in, other Members were not supposed to catch it, it was supposed to sneak through, and I wonder what lobbyist paid off what staff member or what Member on the other side, on the majority side, in order to get that special little treatment in there in that bill.

What have we got in this bill? We have got things for other people. I know that Tyson's down in Arkansas is going to love this bill. They are going to love it, because it means that the regulations pertaining to what is fresh and frozen poultry going into California is going to have to be put in abeyance under this bill and they are going to continue to sell it into California. Tyson's is going to love this bill.

How many others are going to love this bill? I am sure there are a whole bunch of big corporations out there that just love this bill. It is made for big corporations, for big business. That is who this bill is made for.

Later on, we are going to have a tax bill that is made for the wealthy, just like this bill is made for the wealthy.

In the meantime, what are they saying? "Well, we're going to cut such things as school lunches." One thing I wanted to point out to the Members of the majority, they keep talking about their great contract, I call it a Contract on America. I don't think it is one with America. It was rejected by the people of my district, I want you to know that.

☐ 1130

It was a campaign issue in my district. My people rejected it and reject it today because they see what that contract is to their people, to rural America. It is a ruination of the economy and the people of rural America, of the poor people, and it gives to the rich.

It is nothing, that contract is nothing more than good old Robin Hood in reverse, take from the poor, give to the rich.

Mr. GOSS. Mr. Speaker, I am very delighted to yield 2½ minutes to the distinguished gentleman from greater downtown San Dimas, CA, the vice chairman of the Committee on Rules, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend from Sanibel for yielding me this time.

Mr. Speaker, I rise in support of this modified, open rule, and I do so to clarify exactly what it is that we are offering. It is a modified open rule. Not a wide open rule, not an open rule, a modified open rule. It is modified because we do have an outside time limit.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I am happy to yield to my friend from South Boston.

Mr. MOAKLEY. Mr. Speaker, I am glad that the gentleman from California has been listening to my remarks, that they have not been just floating out there. I agree this is a modified open rule.

Mr. DREIER. I will say to my friend in reclaiming my time, Mr. Speaker, I always listen to my friend and I look forward to having his vote in support of this modified open rule.

And I should say that as we look at this question we should recognize that truth in marketing or truth in advertising has been brought forward by the 104th Congress, but in the 103d Congress a rule that was put into place to deal with ERISA in 1993, which had a 4-hour time limit to deal with an issue as complex as ERISA, managed by my very good friend from California [Mr. BEILENSON], was described as an open rule and, in fact, when the rule came out it was labeled an open rule, not a modified open rule as we do on this side, it was labeled an open rule and it had constraints on it on an issue as complex as that.

So I would argue that we on our side are being very forthright. And I have to say in response to my friend from Hannibal who was speaking about this issue of having greater opportunities to debate under Democrat rules than they have under ours, it is absolutely preposterous to hear arguments like that.

Anyone who has observed this institution over the last 50 days has concluded, and I know my friend from California, [Mr. BEILENSON] has observed several times up in the Committee on Rules that we are trying to be more open, we are trying desperately to allow Members to have the opportunity to participate, and offer amendments. And we are doing it. We are doing it, based on the track record we have.

My friend, the gentleman from Missouri [Mr. VOLKMER], indicated that we debated measures for weeks under the Democrats. We spent 3 weeks on the unfunded mandates legislation. If anyone questions that, I recommend that they talk to Chairman CLINGER or Mrs. COLLINS. It was a long and drawn-out process but we have gone through that. So we are being more open. I think that the American people have understood that it is absolutely ludicrous to claim that by any stretch of the imagination we are being less open than has been the case in the past.

I strongly support this modified open rule and I hope my colleagues will join in supporting it.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York [Ms. SLAUGHTER], a former member of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, this rule is another rush job, another example of our hit-and-run legislation that we have gotten too much of lately. The time limit in the rule continues a disturbing pattern we have seen that has been developing not only in rules on the floor but in the committees.

The process is too sloppy; it is fast and it is arbitrary, and we go through bills in a flash and hope that the Senate will be able to fix them.

I think this rule is further proof that the Contract With America is more concerned with flashy public relations than sound public policy.

A rushed process has left this bill with many flaws. And now we have a 10-hour time cap that makes it impossible to even talk about fixing its problems.

To add insult to injury, the rule counts the time that it takes to vote, again taking away time from this important bill which it is not too broad to say is a matter of life and death.

It is not as if the minority is acting irresponsibly. We have coordinated our efforts to limit the number of amendments in interest of efficiency. For example, I am offering a three-part amendment with three of my colleagues, and despite these combinations it is going to be impossible for us to address all of our concerns in the time available. And we have plenty of concerns.

In order to fix a few problematic regulations the bill shuts down the entire executive branch. In the process it delays or destroys many good regulations, and we are going to offer some amendments to try to affect some of the problems.

For example, my amendment would allow an improvement in the meat inspection system to go forward during the moratorium. I have rarely seen such poorly designed definitions in the bill, and even the bill's author cannot explain the exemption definitions clearly enough to determine which regulations are covered and which are not. The prospect of judicial review means a Federal judge could slice this fuzzy language apart, and every time the administration interprets a definition one way, a lawyer will drag the issue into court arguing for a different interpretation. There it will linger for months or years costing money, time and perhaps lives, even after the moratorium is ended.

Finally and most importantly, H.R. 450 threatens the health and well-being of every American. Every American is protected by regulations every day. We take it for granted, but these quiet rules ensure our health and safety.

We know, for example, that the Clean Water Act has made it possible for us throughout this country to have clean water in every part of the United States. The life-saving regulations with clean water, clean air, food inspection, nuclear plant safety, airline safety, all will be put on hold by this legislation.

Every day, from bad meat in the United States, 11 people die and 13,000 become sick because of the pathogens in the meat.

The scope of the problem demands action, not delay. We should not stop the proposed improvements dead in their tracks. Delay that is caused by the moratorium would sentence 3,421 more Americans to die needlessly.

Mr. Speaker, this rule continues our present practice of hit-and-run legislating. The new leadership cares more about sound bites than substance, and that is why I will vote against this rule and urge all of my colleagues to do the same.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, just briefly, we have been inserting the voting records on all of the rules from last year. The gentlewoman from New York [Ms. SLAUGHTER], from my State, was a member of our committee, and all of the speakers who have risen today in opposition to this rule, all voted down the line for every single one of the restrictive rules last year.

Let me say one more thing. You know we took time to ask the Democrat minority, to ask the conservative Democrats, to ask the Republicans how much time they needed. The conservative Democrats needed no time, they are satisfied with this bill; the Republicans needed no time for amendments on this bill. Therefore, there is a handful of liberals who have a few amendments they would like to offer and they want to take 4 days on this bill. There is adequate time in this rule already.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are going to have to live with these laws for a very long time, as are all of the American people. Is it too much to ask that any duly elected representative from any of the 435 districts in this country be given, say, 5 minutes on the floor to express their concerns and enter into a colloquy to get questions answered regarding the intents of this legislation or offer an amendment? I do not think that is too much. You may say well, this is the law required by Speaker GINGRICH's contract, and it must prevail.

What will prevail here today is the law of unintended consequences. Is it the intention of the majority to allow the factory fleet, the trawlers out of Seattle, WA, to take all of the whiting off the Oregon coast and put local processors and small boats out of business? I do not believe the Republican majority wants to do that, but that is what this bill will do if we do not have a rule setting the allocations for that season, and this bill will prohibit that.

Is it the intention of the majority to overrule and suspend part of the crime bill that was just passed, part of the contract? What about compensation for crime victims? It cannot happen if we do not have an administrative rule, and what you are doing here today will prevent your part of the contract to give overdue compensation to crime victims, their just due.

□ 1140

Is it your intention? I do not believe so. If it is not your intention, then, to do these unintended consequences, you must give us more time to discuss this. You must give us more time to offer amendments for these things because I cannot say that the majority whip or others really intended to do these things. But that is what will happen if we pass this bill today as written in the contract. The law of unintended consequences will prevail and we will have to live with it for an awfully long time.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EWING). The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is it not, under the prevailing new rules of the House, forbidden to use telephone equipment, portable telephone equipment on the floor of the House?

The SPEAKER pro tempore. The gentleman is correct.

Mr. VOLKMER. Mr. Speaker, would the Chair please advise Members they are not to do so?

The SPEAKER pro tempore. The Member are so advised.

Mr. GOSS. Mr. Speaker, I am honored to yield 3 minutes to the distinguished gentleman from Texas [Mr. DELAY], the honorable whip of the majority party.

Mr. DELAY. I thank the gentleman for allowing me this time.

Mr. Speaker, I am just astonished at the rancor over this rule. Ten hours for a bill, 10 hours for a bill that we should not even have to be debating on this House floor. And of course the bill has been totally mischaracterized. But let me talk about this; I have a letter here that I will ask unanimous consent to put into the RECORD, to the President of the United States, dated December 12, December 12, signed by both the leadership of the majority in the House and in the Senate to the President of the United States asking him to put a moratorium on regulations under his direction, under his control, under his guidelines, so that he can decide which regulations would have a moratorium or not.

And he refused. He refused. We asked him to do this so that when we brought up H.R. 9, the Regulatory Reform Act that calls for common sense and reasonableness in the promulgations of regulations and we worked through that bill and, hopefully, the President signs it, all these new regulations, all these new regulations would be under the new reform of regulations proposed in the Contract.

The President refused to do it. Instead the President, who wants the regulatory police to maintain their patrol of businesses and American families across this country, has chosen to totally mischaracterize and distort and mislead the American people about this moratorium bill.

The President, himself, said that the moratorium would cost lives and property. Well, obviously the President has never ever read the bill, and many of the Members that have already spoken have not read the bill. I have got the bill here for you to read.

But there are exceptions as it pertains to safety and health in the bill. All the President has to do is have one of his agency heads write him and say this will affect health and safety or the routine business, or this regulation will remove regulatory burden, and the President, himself, can exempt it.

In the bill we are giving, even though the President does not want it, we were giving the President the leadership he refuses to take on many issues in this regulatory moratorium, but yet he does not want to.

They throw up duck seasons and red tape. What they are talking being about is they do not want the bureaucrats to go through red tape. The proregulation party, the proregulation party wants more regulations, they want to be able to put more regulations on the American people. They want to be able to drive up the cost of living to the American families by more regulations and silly regulations that we know are out there that we are trying to stop and bring some reasonableness to the regulations.

We all understand that there are necessary regulations to protect the safety of workers and the health of the country. But all I ask you to do is read the bill. We would not have to have this bill on the floor of the House if the President of the United States would show a little leadership.

(The text of the letter referred to is as follows:)

CONGRESS OF THE UNITED STATES,
Washington, DC, December 12, 1994.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT, on November 8th, the American people sent a message to Washington. They voted for a smaller, less intrusive government. We urge you to respond to that message by issuing an Executive Order imposing a moratorium on all federal rulemaking. This moratorium should go into effect immediately and remain in effect for the first 100 days of the next Congress. During the moratorium, agencies should be directed to (1) identify both current and proposed regulations with costs to society that outweigh any expected benefits; (2) recommend actions to eliminate any unnecessary regulatory burden; (3) recommend actions to give state, local, or tribal governments more flexibility to meet federally-imposed responsibilities; and (4) make this information and the analysis supporting it available to Congress.

The moratorium we are proposing should not apply to all regulations. For example, the proposed moratorium should specifically exempt regulations that would relax a current regulatory burden. Previous moratoriums have exempted several types of regulations including those that (1) are subject to a statutory or judicial deadline; (2) respond to emergencies such as those that pose an imminent danger to human health or safety; or (3) are essential to the enforcement of criminal laws. It is our hope that you will review past exemption categories and use them to guide you in establishing similar standards for purposes of administering this moratorium.

Excessive regulation and red tape have imposed an enormous burden on our economy. Private estimates have projected the combined direct cost of compliance with all existing federal regulations to the private sector and to state and local governments at well over $500 billion per year. Your own National Performance Review observed that the compliance costs imposed by federal regulations on the private sector alone were "at least $430 billion per year—9 percent of our gross domestic product." This hidden tax has pushed up prices for goods and services for American families, and limited the ability of small business men and women to create jobs. The Small Business Administration estimates that small businesses in this country spend at least a billion hours a year filling out government forms.

The annual Unified Agenda of Federal Regulations, released on November 10, 1994, indicates that the Administration completed 767 regulations during the past six months and is pursuing over 4,300 rulemakings during the next fiscal year. We believe this moratorium on new federal regulations would send a clear signal that, working together, we intend to ease the burden of federal overregulation on consumers and businesses that has slowed economic growth and stifled job creation.

Thank you for your consideration of this request. We look forward to working with you to ensure that regulatory policy works for the American people, not against them.

Respectfully,

BOB DOLE, TRENT LOTT, THAD COCHRAN, DON NICKLES, NEWT GINGRICH, DICK ARMEY, TOM DELAY, JOHN BOEHNER.

PARLIAMENTARY INQUIRIES

Mr. LAHOOD. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LAHOOD. Mr. Speaker, is it within the realm of the House rules for Members to smoke on the floor?

The SPEAKER pro tempore. That is prohibited.

Mr. LAHOOD. I wish the Chair would advise Members of that, please.

The SPEAKER pro tempore. The Members are so advised.

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, at the rear of the Chambers, behind the rail, is that included in the area in which Members can smoke?

The SPEAKER pro tempore. That has been ruled to be part of the floor.

Mr. VOLKMER. And Members are not to smoke in the back behind the rail?

The SPEAKER pro tempore. The gentleman is correct.

Mr. VOLKMER. I thank the Chair.

The SPEAKER pro tempore. Members are so advised.

Mr. GOSS. Mr. Speaker, I yield 1½ minutes at this time to the gentleman from Pennsylvania [Mr. FOX], a member of the Committee on Governmental Reform and Oversight.

Mr. FOX of Pennsylvania. I thank the gentleman for yielding this time to me.

Mr. Speaker, this is a good and fair rule.

I believe that the prescription for economic recovery for this country is the three things we already passed: The balanced budget amendment; stopping unfunded mandates; eliminating pork by use of Presidential line item veto; and finally this very important legislation to stop the needless and costly Federal regulations which is affecting $500 billion annually as a cost to our businesses and therefore it costs jobs.

I think it is important to note this is sound public policy. And one regulatory horror story which I think the American people need to hear about involves a John McCurdy. Mr. McCurdy was the owner of a very small herring smokehouse where he had for many, many years produced more than 54 million filets in his business, without one case in that 20-year period of any food poisoning.

But then the Food and Drug Administration told him he had to acquire a $75,000 piece of equipment. Facing the hopeless choice between installing equipment he could not afford without fighting a legal battle with the FDA, Mr. McCurdy chose the only other alternative. He closed his business and laid off 22 employees.

Mr. Speaker, we need reasonable regulation, regulation that is pro-jobs, pro-employees, and pro-business, which, I submit, is pro-American.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentlewoman from Salt Lake City, UT, Mrs. ENID GREEN WALDHOLTZ, a very welcome addition to our Committee on Rules.

Mrs. WALDHOLTZ. Mr. Speaker, this rule is not a closed rule, by anyone's definition. This rule is a fair rule that allows us adequate time to consider this legislation and to deal with it responsibly.

Mr. Speaker, this is what we will be debating, 8½ pages of text in large type. It is important legislation, but it is not complex legislation. It does not void any regulation. In fact, as of November 20 of last year, it does provide us a means to go forward if there is any imminent threat to safety or health or for any other emergency. It also allows us to move forward with regulations necessary to enforce our criminal laws.

Mr. Speaker, 10 hours is more than adequate for us to have the philosophical discussion we must have as to whether this is good for the country, and it is adequate time in order for us to discuss any pertinent amendments to this legislation.

This is important legislation to relieve the burden on the people of our country, and it is a fair rule, and I urge my colleagues to support it.

Mr. GOSS. Mr. Speaker, I yield 1 minute to my distinguished colleague, the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding this time to me.

Mr. Speaker and my colleagues, the time is really at hand to begin the regulatory reform debate, and I cannot think of a fairer forum that has been provided than this rule.

Now we had the last 2 years to bring forward all kinds of proposals on regulatory reform, and the other side denied the opportunity for this debate. This is a fair rule, this is an open rule, and it is time that we brought before the American people the true facts about regulation, how regulation is tying up this country in knots, how regulation is ruining job opportunities in this country, how regulation is ruining our opportunity to compete in a world market.

□ 1150

This is a fair rule, it is an open rule, and I say to my colleagues, "Don't be dissuaded by the administration, don't be dissuaded by the other side. This is the time and hour that the debate on regulatory reform has come, and the Nation will know the facts. This is going to be an improvement for the country."

Mr. Speaker, I support this rule. It is a good rule, and I ask my colleagues to vote for this rule.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield the remaining time that I have on this side to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, Members of the House, I want to rise to comment on this rule. I do not support the rule and will vote against it, but I want to make my feelings, and I think the feelings of most of our Members on our side, clear.

I have been quoted—I am led to understand—about what I say about these rules and what my thoughts are, so I want to make it crystal clear.

We are again and again being met with rules that are not what I define as open rules with a free ability to have a lengthy debate about very important issues. Time and time again on the contract items we are being met with time-limited rules, open in the sense that any amendment can be brought up in that time, but time limited.

Now I understand why there is a feeling on the Republican side that there needs to be time limits, but frankly the reason we are in this bind is because the Republican side has decided that this contract has to be considered in 100 days. It is a self-imposed restriction. I say to my colleagues, "You have the right to do it, and I accept that, but that doesn't mean that on our side we have to agree with the idea that there is a compulsion or an urgency about getting all this legislation considered in 100 days."

It is self-imposed. There is no rationality for it. No one would be hurt if this took 125 days. The other body has yet to finish the second contract item and is likely to be the rest of the year doing the rest of the items. It would not hurt us to go 125 days.

But I say to my colleagues, "I accept the idea that it is your House to run and you'll set the rules. I understand that. But don't ask me to accept the idea or agree with the idea that 10 hours is enough for this bill."

On two other bills we had, the law enforcement bills, we had 8 or 10 Members from both sides of the aisle who did not get to bring up their amendment because the time ran out. So we are left, when my colleagues do these time limits with open rules, with the ranking member and the chairman becoming substitute rules committees in trying to work out unanimous consent requests to try to get a time limit on different amendments. Now maybe that is the best way to do it; I do not know. It might be better if we could come to the Committee on Rules, and have a discussion and try to time-limit amendments, or maybe even in some cases certain amendments, if we were able to do that. But whatever is done, please do not come to the floor and say that I have agreed to this type of a rule or the Democrats are pleased with this type of a rule.

Mr. Speaker, we are not. We would far prefer to have more time for such important legislation so that Members who have amendments on both sides of the aisle would be assured of the ability to come here and get at least 20 minutes or a half an hour to discuss their amendments. I do not think that is too much to ask. This is important legislation.

I disagree with the idea that this is all straightforward, cut and dried, everybody agrees. They do not. This is going to have far-reaching impacts, just as every other piece of legislation we have had up, so I urge the other side to let us have more time. Let us consider the idea that 100 days is not magic. The country will not fall apart if we do not get every one of these things considered in 100 days.

Let us take the time, both in committee and on the floor, to allow as full, and free, and open a debate of these very important issues and the amendments that people want to bring so that the American people get the best possible product they can get.

Mr. MOAKLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, we understand the desire of the majority to ensure that the bill made in order by this rule, the Regulatory Transition Act, is considered in a timely manner. However, the 10-hour limit on the amendment process contained in the rule is very troubling to many of us on this side.

Based on our recent experience with other bills which were considered under a 10-hour time limit on amendments, we can expect that the actual time spent debating amendments will be much less than 10 hours—somewhere between 6 and 6 hours. Since there are at least 15 amendments Members want to offer, the time limit virtually ensures that some of those amendments will be precluded—or, that the debate time on them will be so limited that it will be meaningless.

During the consideration of this rule in the Rules Committee yesterday, we offered an amendment to strike the 10-hour time limit on the amendment process, since it was our first preference not to have any time limit at all. That amendment was rejected on a straight party-line vote.

Then we offered an amendment to exclude the time spent on recorded votes from the 10-hour limit. That change would have meant that there would actually be 10 hours to debate amendments, rather than 6 or 7 or 8. That amendment was rejected on a straight party-line vote as well.

As I said, the majority's desire to have a time limit on the offering of amendments is understandable, but their insistence on including in that limit the time it takes to hold recorded votes is not. Our request to exclude time spent on recorded votes was a very reasonable one which should have been accepted. I would have provided more certainty about the number of amendments that could be offered, and it would have made the arduous process of paring down and prioritizing amendments—which Members on both sides of the aisle are affected by—significantly less difficult.

There is another reason we ought to be excluding time spent voting from the time limit on amendments: If voting time is included, sponsors of amendments are put in the uncomfortable position of having to choose between seeking a recorded vote and foregoing such a vote in order to increase the likelihood that other Members will get a chance to offer their amendments. It is simply not fair to put Members in that position.

Mr. Speaker, the moratorium on regulations that would be imposed by the Regulatory Transition Act is likely to have far-reaching consequences for the health, safety, and well-being of our citizens. We sought to have ample time to talk about those effects, and to debate modifications to the legislation which would decrease the likelihood that Americans will be harmed by this legislation.

Mr. Speaker, we should not be considering this bill under such a restrictive procedure. I urge Members to vote "no" on the rule.

Mr. GOSS. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, an awful lot has been said out here about who got what, and what is an open rule, and whether we have got the right approach to this.

I say to the distinguished minority leader, "I went back and looked at the Joint Committee on the Organization of Congress, the 103d Congress back when he was in the responsibility of leadership for the majority, and looked at the testimony the distinguished gentleman made before the Joint Committee on Organization of Congress last January."

Mr. Speaker, he said, and I quote, "I believe we should support the Rules Committee when it puts time constraints on bills as this provides for more certainty for scheduling legislation."

I think that that is a fairly clear statement, and I agree that the gentleman has made it very clear that we should not necessarily apply that to his support on this particular rule. But the fact of the matter is we have got a rule here that, when it is compared to the work of the Committee on Rules of the majority last year, and the 103d Congress is at least two and a half times more generous in terms of debate, the time constraints on debate, in legislation that I think most Members thought more pretentious than the debate on the legislation that is in front of us, which is after all a moratorium we are talking about while we get to the real question of real regulatory reform, and I would like to specifically suggest that the Employment Retirement Security Act of 1974, ERISA, it takes about 4 hours to explain what that is, let alone get into a debate on it, and yet we in the minority agreed by voice vote to go along with what the Committee on Rules of the then majority asked us to do with that time constraint.

Then we had the State and local government Interstate Waste Control Act of 1994, again 4 hours, 40 percent of the time we are allowing for this moratorium resolution to deal with that that affects local governments and States, and it is a very serious issue. Again by voice vote we agreed to go along with that, and why did we do it? In the interests of the management of time. We accepted the responsibility on our side of the aisle, as the minority, to manage our time, to manage the debate, to make sure our speakers got covered what they wanted to get covered, to make sure that those amendments that were going to be brought in were brought in in an orderly way to make sure that dilatory tactics were not going to squeeze out people with higher priority, more worthwhile amendments. That is a responsibility the minority must accept.

Mr. Speaker, I believe any fair, reasonable, prudent observer would agree that 10 hours of open rule debate is plenty for this moratorium, and I believe, if we go back and read the testimony before the Committee on Rules that we had, Ms. COLLINS suggested that she would be able to cluster amendments into packages on the same subject so we could move rather quickly on this particular piece of legislation.

☐ 1200

The suggestion was made that somehow this is a self-imposed thing we are doing to ourselves. I would have to disagree with that. It is true that we are trying to move a big agenda. But it is an agenda that has been through the fire of a national referendum back in November. Yes, I would agree the vote at the ballot box was not on the Contract With America exclusively, but surely it was a part of that process, because whether the Republicans made it a part of that process or not, it is clear that many of the Democrats tried to make it a part of that process, and apparently succeeded.

So I would say to try and characterize the Contract With America's agenda as a self-imposed one at this point on this body is stretching the definition of self-imposed somewhat.

I think when you go back and you take a look at what we are trying to do and the way we are managing our time on this side, with the history of the unfunded mandates that we have seen, that legislation I believe was carried over 3 weeks on 8 actual working days, was subject to all kinds of dilatory tactics, we have felt it appropriate from the management of the majority, and we have the management of all legislation to deal with here, we have done a responsible job.

I know we are never going to end the debate on what is an open rule because everybody will define it their way. But the people of this country have spoken that they like better the way we are running the rules of this House right now. We are seeing a rise in the approval rating. When I go home and talk to folks around my district and in other places, I find people say we are finding the debate on the floor a lot more lively, a lot more pertinent, a lot more germane. You are getting good issues out there. They are being voted up or down, but at least it is not a truly gagged issue. People are getting out there and being able to put their hardware out for all to see in this amendment process.

Now, I regret if the other side, if the minority, has been unable to figure out a way to manage what priority amendments they wanted to bring up in the magnificent amount of time that has been allotted, but I suspect that the minority will get good at that, as we got good at it when we were the minority. We had 40 years to practice, and I hope perhaps that in the next 40 years you will have enough practice to be able to do the same. I think that would be an appropriate comparison after 40 years to see how we did.

Mr. Speaker, I urge support of the rule, I urge support of the bill, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 175, not voting 7, as follows:

[Roll No. 159]

YEAS—252

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)

Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—175

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Andrews
Clayton
Ehlers
Gonzalez
Meek
Seastrand
Zimmer

□ 1222

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. KILDEE changed their vote from "yea" to "nay."

Messrs. STUMP, TALENT, and KINGSTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, on Thursday, February 23, I was unavoidably detained due to illness during the votes on rollcall vote No. 158 and rollcall No. 159. Had I been present for these votes, I would have voted "aye" to both.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO COMMEMORATE THE DAYS OF REMEMBRANCE OF VICTIMS OF THE HOLOCAUST

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 20) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the Days of Remembrance of victims of the Holocaust, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

Mr. HOYER. Mr. Speaker, reserving the right to object, under my reservation of objection, I am pleased to yield to the the gentleman from California [Mr. THOMAS], the chairman of the Committee on House Oversight.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, House Concurrent Resolution 20 was approved by the Committee on House Oversight in its regularly scheduled meeting on February 8, along with three technical amendments, which I will offer at the appropriate time.

This concurrent resolution authorizes the use of the rotunda on April 27 for the annual congressional ceremony honoring victims of the Holocaust during the weeklong Days of Remembrance. Use of the rotunda will be authorized on April 27 from 8 a.m. to 3 p.m.

I understand that the U.S. Holocaust Memorial Council is in the midst of preparing the program for the rotunda ceremony. Many of our House and Senate colleagues have participated in this ceremony, that can only be described as moving, since it began in 1979.

This year, I think, Mr. Speaker, the Days of Remembrance take on special meaning as we commemorate the 50th anniversary of the liberation of the Nazi death camps.

The amendments I have at the desk, which I will offer when the gentleman withdraws his reservation, were recommended by the Legislative Council, and are not substantive in nature.

Mr. HOYER. Further reserving the right to object, Mr. Speaker, I share the Chairman's view that this is a very appropriate resolution, and that the use of the rotunda has historically been set aside for occasions of high moment and importance, and clearly, there is no occasion more important for the international community and humanity than to remember the tragedy that occurred in the thirties and forties, the massive loss of life, and the reality and possibility of man's inhumanity to man.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS] for the purpose of offering his amendments.

Mr. THOMAS. I thank the gentleman for yielding. I will offer those amendments, Mr. Speaker, when the reservation is withdrawn.

However, I just want to say briefly that as we have noticed a number of celebrations surrounding World War II and the commemoration of particular battles, or the public attention focused on certain aspects of World War II, I can think of no more appropriate remembrance than the impact on the world of the exposure and awareness to the world, of these Nazi death camps.

Mr. YATES. Mr. Speaker, I want to thank the gentleman from California for bringing my bill to the floor for consideration by the House of Representatives. I am pleased that the Committee on House Oversight has acted in such a timely fashion.

The U.S. Holocaust Council is mandated by the statute which created it to observe days of remembrance for victims of the Holocaust. It is equally appropriate for the U.S. Congress to take such steps as are necessary to permit the ceremony marking or remembering those murdered in the Holocaust to take place in the Capitol of the United States where it has taken place for 12 years preceding this one.

This bill will allow the ceremony to occur once again in the rotunda of the Capitol, this year on April 27, 1995.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 20

Whereas, pursuant to such Act, the United States Holocaust Memorial Council has designated April 23 through April 30, 1995, as "Days of Remembrance of Victims of the Holocaust"; and

Whereas the United States Holocaust Memorial Council has recommended that a one-hour ceremony to be held at noon on April 27, 1995, consisting of speeches, readings, and musical presentations as part of the days of remembrance activities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the United States Capitol is hereby authorized to be used on April 27, 1995 from 8 o'clock ante meridian until 3 o'clock post meridian for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. Thomas: Strike out all after the resolving clause and insert: That the rotunda of the Capitol is authorized to be used from 8 o'clock ante meridian until 3 o'clock post meridian on April 27, 1995, for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust. Physical preparations for the ceremonies shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

Mr. THOMAS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. THOMAS].

The amendment in the nature of the substitute was agreed to.

The SPEAKER pro tempore. The question is on the concurrent resolution; as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. THOMAS; Strike out the preamble.

The SPEAKER pro tempore. The question is on the amendment to the preamble offered by the gentleman from California [Mr. THOMAS].

The amendment to the preamble was agreed.

TITLE AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to that Title offered by Mr. THOMAS; Amend the title so as to read: "Concurrent resolution permitting the use of the rotunda of the Capitol for ceremonies as part of the commemoration of the days of remembrance of victims of the Holocaust.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the resolution (H. Res. 86) electing members of the Joint Committee on Printing and the Joint Committee on the Library, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

Mr. HOYER. Mr. Speaker, reserving the right to object, under my reservation, I yield to the gentleman from California [Mr. THOMAS] for the purpose of explaining the resolution.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, House Resolution 86 provides for election of the following House Members to the Joint Committee on Printing under the rules: Mr. ROBERTS, Mr. NEY, Mr. HOYER, and Mr. JEFFERSON.

It also provides for election of the following Members to serve on the Joint Committee of the Library: Mr. ROBERTS, Mr. NEY, Mr. FAZIO, and Mr. PASTOR.

Mr. Speaker, as the chairman of the Committee on House Oversight, I serve on both joint committees, and as chairman of the Joint Committee on Printing.

I expect the Committee on House Oversight to hold hearings on ways to reform Government printing and to improve ways of dissemination of Government information, and to make up legislation shortly thereafter.

As a result, it is our hope that in the 104th Congress, these joint committees should become obsolete, and therefore, unnecessary.

Mr. HOYER. Mr. Speaker, I thank the gentleman from California, the chairman of the Committee on House Oversight, for his explanation of the resolution and I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California.

There was no objection.

The clerk read the resolution, as follows:

H. RES. 86

Resolved, That the following named Members be, and they are hereby, elected to the following joint committees of Congress, to serve with the chairman of the Committee on House Oversight:

JOINT COMMITTEE ON PRINTING: Mr. Roberts, Mr. Ney, Mr. Hoyer, and Mr. Jefferson.

JOINT COMMITTEE ON THE LIBRARY: Mr. Roberts, Mr. Ney, Mr. Fazio of California, and Mr. Pastor.

□ 1230

The resolution was agreed to.

A motion to reconsider was laid on the table.

ORDER OF AMENDMENTS DURING CONSIDERATION OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 450 in the Committee of the Whole, subject to the limit of 10 hours of consideration limit, that the following amendments and all amendments thereto be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed: Mr. CONDIT or Mr. COMBEST No. 18, 40 minutes; Mr. KANJORSKI No. 21 and 22, 30 minutes; Ms. SLAUGHTER No. 28, 30 minutes; Mr. BURTON either No. 5 or 6, 20 minutes; Mr. SPRATT No. 30, 30 minutes; Mr. WAXMAN either No. 36 or 37, 30 minutes; Mrs. COLLINS of Illinois No. 7, 30 minutes; Ms. NORTON either No. 25 or 26, 20 minutes; Mr. TATE, 20 minutes; Mr. HAYES, 20 minutes.

Further, the following amendments and all amendments thereto be debatable for the time specified, equally divided and controlled by the proponent and a Member opposed, and that the Chairman of the Committee of the Whole be authorized to postpone requests for recorded votes on any of the following amendments until the conclusion of debate on all these amendments, and the Chair may reduce to a minimum of 5 minutes within which a recorded vote, if ordered, may be taken on these amendments following the first vote in the series: Mr. WISE No. 38, 30 minutes; Mr. GENE GREEN of Texas No. 20, 20 minutes; Mr. WAXMAN No. 35, 20 minutes; Mr. FATTAH either No. 3 or 4, 10 minutes; Mr. VOLKMER No. 34, 10 minutes.

Following disposition of these 14 amendments, further amendments would be in order, subject to the consideration limit of 10 hours.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 93 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 450.

□ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 450), to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, and the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee.

Mr. CLINGER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, today we will begin to set the stage for major and much needed regulatory reforms beginning with H.R. 450, the Regulatory Transition Act of 1995.

H.R. 450 provides a very necessary time out on the promulgation and implementation of regulations while Congress is in the process of deliberating long overdue regulatory reforms. During testimony provided at numerous hearings, both in our committee as well as other committees, we have heard endless tales of regulatory overkill. We are hearing the cries from small business owners that have shut down because they are overburdened by regulations—many of which are unnecessary or not cost-beneficial. We cannot afford as a society to continue along this path. According to the National Performance Review, the administration has conservatively estimated that Federal regulations cost the private sector alone at least $430 billion per year—which is about 9 percent of our gross national product.

Mr. Chairman, H.R. 450, introduced by Congressman TOM DELAY and Congressman DAVID MCINTOSH, provides for a regulatory moratorium to begin on November 20, 1994 and ending either on December 31, 1995 or when substantive regulatory reform—risk assessment and cost benefit analysis—is enacted, whichever is earlier. Although it is a broad moratorium on regulations, there are some very commonsense exclusions included in the legislation including exclusions for regulations to address imminent health or safety concerns or other emergencies, military or foreign affairs functions, internal revenue and financial issues, routine administrative functions, and also regulations that will streamline or reduce the regulatory burden. It is up to the head of the Office of Information and Regulatory Affairs or IRA at OMB to certify that the regulation qualifies for an exclusion and publish a certification to that effect in the Federal Register.

Mr. Chairman, we are going to hear a lot of rhetoric today about how this bill will turn back the clock and undo Federal regulations which have been in place for 25 years. Or other tales of woe that this bill will not provide us with safe drinking water or allow us to have meat inspections. This is absolutely not the case, palpably untrue. This bill does not impact regulations issued before this temporary moratorium period. In addition, the health and safety exemption in the bill allows a great deal of flexibility and discretion to address these concerns. It will be up to those in the executive branch to make decisions as to what specific regulations will be exempt under this broad category.

This is a very flexible piece of legislation.

The legislation provides a number of benefits. First, it will give authorizing committees a chance to review regulations that are already in the pipeline and see whether they meet some of the criteria discussed here in Congress regarding cost-beneficial regulations. Second, it will also give some breathing space from the flood of regulations while Congress considers and passes major regulatory reforms.

Third, it will give the administration the opportunity to review their own administrative processes. I was pleased to see that the President the other day indicated that they were going to undertake a very massive review of existing regulation. I think that complements what we are trying to do here with a moratorium.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am reminded of something that I read as a child:

Double, double, toil and trouble;
Fire burn and caldron bubble.
Fillet of a fenny snake,
In the caldron boil and bake;
Eye of Newt and toe of frog,
Wool of bat and tongue of dog . . .

Mr. Chairman, like the witches' brew in Macbeth, the bill before us is a dangerous concoction that places the special interests of business ahead of the interest of the ordinary working family.

H.R. 450 is not part of the Contract With America, and I doubt there are few Americans who went to the polls and thought they were voting to weaken food inspection procedures or to put a halt to testing for clean water.

Regulatory moratoria are not new. Presidents Reagan and Bush each had a moratorium on regulations when they took office and President Clinton already has a regulatory review process in place.

The problem with this bill, however, is that it goes far beyond those moratoria. On the one side, it does not ensure that regulations necessary to protect the health and safety of the American people are allowed to proceed. On the other, its broad sweep will kill dozens of regulations that no one would want to kill, including those that help our businesses remain competitive.

In order to explain the nature of the debate that will follow, let me start by making one thing clear. We have all heard horror stories about regulations. Some are cited in the committee's report on the bill.

We agree that foolish regulations should be halted until they receive a proper review. There is not a single amendment that we on this side of the aisle plan to offer that would allow those regulations to go forward. In fact, we have just two kinds of amendments.

One group makes sure that commonsense rules that the vast majority of us on both sides of the aisle would agree should go forward, can go forward. The other group makes sure that the American people are not harmed as a result of the moratorium. Even a strong supporter of a moratorium should take a good look at these amendments, because they make sense.

Let me briefly discuss some of our amendments to explain why they are so important to transforming this broad, sweeping, ambiguous bill into a moratorium that makes more sense.

One of our first amendments will eliminate the retroactive aspect of the moratorium. To my colleagues who are normally concerned about retroactivity of legislation, and to those who have expressed a concern about passing laws that constitute a taking, you should be concerned about this bill's retroactive aspects. Businesses have made millions of dollars of investments based upon the rules they had in front of them. Changing the rules in midstream is totally unfair and unprofitable.

We also have an amendment to clean up the judicial review language, so that clever lawyers cannot tie up regulations in court, even if they are exempted under the bill. Another amendment will clarify the language in the bill that attempts to define what constitutes an "imminent threat to health and safety" in order to give the same protection to the American people that the bill gives to private property.

We also have several amendments to legislatively clarify that we do not want certain regulations to be covered by the moratorium. Some are just commonsense rules that carry out laws that enjoyed wide support, or revise procedures that we would agree are necessary. For example, we think

Members do not want to block the Federal Elections Commission from enforcing its new regulations prohibiting the private use of campaign funds. Similarly, we do not want to block sensible rules to enforce our trade laws, such as sanctions on China for copyright infringement.

Other rules that we wish to protect are essential to the health and safety of the American people. One amendment, for example, would allow the Agriculture Department to continue its work on improving meat inspection to detect salmonella and E coli bacteria, which you may recall was responsible for the death of several children in the past 2 years. Another gives the Federal Aviation Authority clear authority to regulate aircraft safety.

Throughout our debate in committee, the sponsors of the bill would often reject our efforts to exempt particular regulations by citing some provision of the bill which might provide an exclusion. The committee report is filled with their opinions on how the exclusions should be interpreted.

I would hope that if the proponents of the bill honestly and completely believe that certain regulations are exempted, they would just accept the amendment so we could proceed. We are offering these amendments to ensure that the regulations will be legislatively exempted and to send a strong message to the Senate that we do not want them to pass a moratorium that fails to exempt these regulations. We do not want to enable some clever lawyer to tie these regulations up in court.

So please don't tell us that a certain regulation might be covered by an exemption. If you have no problem with the regulations in the amendment, just accept it, so that we can save everyone the time. We adopted an amendment in committee to exempt tax interpretations; we have done it for bank regulations. We ought to do the same with rules protecting the American people.

In closing, let me note that at our markup, the room was filled with high priced lobbyists all watching to ensure their special interests were taken care of. Today there is a larger audience of people watching. They are the ones we are privileged to serve. Let us not forsake our responsibility to them—the American people—during this debate. Our mission here is to represent them, to ensure that they enjoy good health, breathe clean air, drink germ free water, and work in a safe place in pursuit of their happiness.

□ 1240

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG] for the purposes of engaging in a colloquy.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time for this colloquy.

Mr. Chairman, I appreciate the fact that the Committee Chairman has been willing to work with me to clarify the intent of House Resolution 450.

While this legislation does place a moratorium on regulations issued after November 20, 1994, isn't it true that the bill also contains a provision exempting regulations dealing with routine administrative actions?

Mr. CLINGER. Mr. Chairman, if the gentleman will yield, the gentleman from Alaska is correct. In fact, section 6 stipulates that there is an exclusion for routine administrative functions of an agency.

Mr. YOUNG of Alaska. Furthermore, is it correct that you have clarified in your committee report that the bill does not apply to the expansion, contraction, or limitation of authority to harvest Federal fishery resources recommended by our Regional Fishery Management Councils or the Atlantic States Marine Fisheries Commission?

Mr. CLINGER. The gentleman is correct, and we were pleased to incorporate his suggested language within our committee report.

Mr. YOUNG of Alaska. Finally, Mr. Chairman, is it not true that H.R. 450 does not cover normal, annual, and routine housekeeping regulations like those establishing the opening and closing of various fisheries?

Mr. CLINGER. The gentleman from Alaska is once again correct and I compliment him for his leadership in clarifying this important matter.

Mr. YOUNG of Alaska. Mr. Chairman, I thank the chairman for this colloquy.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], chairman of the subcommittee and coauthor of this important piece of legislation.

Mr. MCINTOSH. Mr. Chairman, this bill would say let us take a time-out on Federal regulations. Let us say to the American people we are going to change the way we do business here in Washington, no more day after day, more and more regulations. We are going to stop and redo the way the regulatory system works, so that we do not have burdensome regulations that cost us jobs, cost consumers more every time they go to the grocery store and ultimately put America at a competitive disadvantage.

The burdens of Federal regulations are enormous. One estimate is that they cost us $600 billion each year. That is the equivalent of $6,000 for every household in America. That is why I refer to regulations as a hidden tax on the middle class. This moratorium will say enough is enough, we are going to put a stop to this daily entourage of new regulations.

The cost of regulations to workers was documented in our subcommittee. Several small business men came in and talked about how they were no longer able to increase their work force, some of them indicated that they had to let workers go because of the cost of Federal regulations. One indicated he had increased investments over a series of years only to have the regulations changed, and that suddenly he had to face the choice of closing down his small business and letting tens of workers leave, or reinvest all of his life savings once again.

A good friend of my mine, Gary Bartlett from Muncie, IN, came up to me and said, you know, I can compete in the world market. I have a small business that I started in my garage. We now make auto parts and sell to Europeans and Japanese auto companies, but my biggest enemy is Uncle Sam and all of the needless and unnecessary red tape and regulations that I have to go through day in and day out.

If we look at the consumer, we have to spend 10 percent of our grocery bill; that means if you go to the grocery store and buy 50 dollars' worth of groceries, $5 of that goes to pay for Federal regulations. We need to stop that hidden tax on the consumer.

One of the regulations that will be stopped in our moratorium is a regulation that would force consumers in the New England States to spend $600 to $1,500 more every time they buy a new car. This regulation is unnecessary. There are ways we can receive the same benefits to the environment without asking the American people to pay $600 to $1,500 more every time they buy a new car.

This hidden tax on the middle class has got to be cut back. We tried to work hard with the administration to identify regulations to cut, to have a bill that would work with them to move forward so we could signal to the American people we have put an end to the entourage of regulations, but no, this administration wants to side with the Federal bureaucrats and continue to issue Federal regulations.

I urge a "yes" vote on this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. PETERSON], ranking member of the Subcommittee on Economic Growth, Natural Resources and Regulatory Affairs.

Mr. PETERSON of Minnesota. Mr. Chairman, last year, the Federal Government issued over 64,000 pages of regulations in the Federal Register compared to 44,000 pages 10 years ago. Estimates are that our Government employs nearly 130,000 bureaucrats to write, interpret, and enforce those regulations. The bureaucrats responsible for issuing regulations to solve our Nation's problems, have sometimes become the problems themselves. The American public is fed up with silly rules and regulations that cost us time and money and don't accomplish anything. Something needs to be done to change the process.

When I first read H.R. 450 my reaction was that this bill was unworkable and frankly unnecessary. But the more I read and heard about the bill and the regulatory process, the more convinced I am that H.R. 450 is a good idea.

I speak today, Mr. Chairman, for a number of Democrats that support this bill. Do we think that everything in it is perfect? No. If we had dictatorial power we would do things differently, but basically it is workable. And I commend the chairman, the ranking member of the subcommittee, and the minority and all of the staff for working with us on this bill.

One of my main concerns about the original bill was the retroactive provisions. That was until I obtained a copy of the 615 regulations issued between November 9 and December 31 of last year and read them. The more I read, the more I believed that this bill was necessary. If every Member of Congress were required to read every Federal regulation, I am convinced that all of you would have a different view of the Federal regulatory process. The longer I worked on this bill, the more convinced I was that a wholesale attitude change was necessary in the regulatory process. I became convinced that what was needed was a 2 by 4 between the eyes of the Federal regulatory bureaucracy. H.R. 450 is just that, a 2 by 4 which serves as a wake up call, putting the bureaucracy on notice that business as usual is over.

This bill was crafted taking into account the failures of the Bush-imposed moratorium. It is meant to be wide in scope and to avoid narrow exclusions. H.R. 450 exempts routine regulations, it exempts regulations which reduce or streamline the regulatory process, it gives the administration the full authority to exempt regulations that are a threat to health and human safety, and is limited to those regulations that need to be looked at and reassessed. H.R. 450 places a temporary hold on regulations until common sense risk assessment and cost-benefit analysis is passed and signed into law. Furthermore, H.R. 450 gives the committees of jurisdiction time to look at regulations and lets them ask the question: Do these regulations really make sense?

The bottom line is that business as usual will be over with the passage of H.R. 450. It is a message that needs to be sent to the bureaucracy. The American people want a change in our inflexible and over-burdensome regulatory rulemaking process. I'm tired of going home and hearing yet another regulatory horror story. For example, Moorhead, MN, in my district, is being forced to pay $10 million to change their municipal water system when the engineering experts and health officials admit it is a waste of money. The regulations mandating this are not sensible, but typical of well-meaning but over-intrusive Federal bureaucrats.

I want to thank committee chairman CLINGER and subcommittee chairman MCINTOSH for their hard work and willingness to make this a bipartisan effort. While this bill is not perfect, it is workable and serves as a wake up call to the bureaucracy telling them things have changed. This bill puts us on course for a regulatory change in attitude which involves risk assessment and cost-benefit analysis, and hopefully keeps the Federal Government out of the people's lives except when it is absolutely necessary.

□ 1250

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the majority whip, the gentleman from Texas [Mr. DELAY], another coauthor of this very important piece of legislation.

Mr. DELAY. I thank the chairman of the committee for yielding this time to me.

Mr. Chairman, I have been waiting for today for 16 years. Ever since I opened up my small business and started to have to deal with bureaucrats constantly knocking at my door and piling on the paperwork, I have wanted to do something about the problem of Federal overregulation. With H.R. 450, the Regulatory Transition Act of 1995, we begin the process of reforming the regulatory system.

Regulations are out of control, and are only going more so under this administration. Measured by the number of pages in the Federal Register, in which all new regulations are published, each of Mr. Clinton's 2 years in office have seen the most regulatory activity since President Carter's last. The number of "actual pages", not counting corrections and blank pages in 1994, was 64,914 pages, the third highest total of all time, and an increase from 1993's count of 61,166 actual pages. Despite rhetoric to the contrary, regulatory activity under the Clinton administration is increasing, not decreasing.

In fact, the average American had to work full time until July 10 last year to pay the costs associated with government taxation, mandates, and regulations. This means that 52 cents of every dollar earned went to the government directly or indirectly.

On November 8, 1994, the American people sent a message to Washington. They voted for a smaller, less intrusive government. An important step toward reaching this goal is curtailing these excesses of Federal regulation and red tape that are now estimated to cost the economy over $500 billion annually.

Although regulations are often well-intended, in their implementation too many are oppressive, unreasonable, and irrational. For example:

An environmental engineer was criminally convicted of contaminating wetlands for moving two truckloads of dirt.

Another man faced a grand jury because he stabbed a protected falcon with a pitchfork as it killed a chicken in his front yard.

Mr. Chairman, one company paid $600,000 for failing to fill out a Federal form even though it had complied with an identical State law.

A drycleaner was fined for not posting a piece of paper listing the number of employee injuries in the last 12 months, when in fact there were no injuries during that time.

What do you think are the effects of such regulations? Besides the fact that Americans tend to lose respect for their Government, there is also the issue of cost. Regulatory costs that are imposed on businesses—both big and small—have to be paid, but you can be sure they are not paid by the business. Instead, these costs are passed directly on to the consumer, increasing the prices for the goods and services they buy and lowering our standard of living. Every American needs to realize that excessive regulation affects their family and their personal lives directly.

The last thing the Government should be doing is making it harder for Americans to pursue their dreams of entrepreneurship. Rather, we should be facilitating it, so that Americans can provide for their families free of regulatory roadblocks, which will result in a continued high standard of living for the whole country.

H.R. 450 is such a facilitator. This bill establishes the moratorium on Federal regulations President Clinton refused to order himself last December. It gives Congress—Republicans and Democrats alike—some breathing room to pursue the process reforms that are embodied in the Contract With America, such as cost-benefit analysis and risk assessment. Those reforms will then apply to those regulations that were suspended during the moratorium period, so that no new regulations since the election will have been promulgated without having gone through the tests of sound science and proper cost and risk analysis.

Make no mistake. A Federal regulation is a law that can affect life, liberty, and property of Americans. Fairness, justice, and equity must be reflected in the laws of the land, including Federal regulations.

The 104th Congress should undertake a thorough review of Federal regulations, starting with the way they are made and enforced, and make such adjustments to the statutes of this land as are necessary to reflect the mandate of the American people. No such thorough review has been possible for some 40 years. It is a daunting but welcome task. It cannot be achieved overnight, nor even in the first 100 days of this Congress, but we can make a start. That start will be impeded if legions of new regulations go into effect before even the initial consideration for regulatory reform and relief can be given.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina [Mr. SPRATT], a member of the committee.

Mr. SPRATT. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in opposition to H.R. 450, the Regulatory Transition Act of 1995, as it is now written.

I share the concerns of this bill about the burdens of regulation. I believe the regulatory maze needs to be cleared out. But this bill is not the way to go. This is the all-time case of throwing out the baby with the bathwater.

H.R. 450 freezes action on almost all Federal regulations issued between November 20, 1994, and December 31, 1995. Its reach is so broad that even its sponsors can't tell us exactly what it embraces. For one thing, they did not try to inventory all the regulations issued or about to be issued before they filed this bill; and they cannot foresee all of the regs that may be needed over the next 10 months.

This bill reaches from health and safety rules to trade rules to rules for auctioning the radio frequencies. It includes rules I would gladly vote to suspend and rules I have worked to see implemented. It makes no distinction between regs we need and those we don't, and that's the problem with it. By reaching so far, it runs the risk of creating as much confusion as it seeks to prevent.

Let me give you just a sample of the regulations this bill may block:

On February 3, the USDA issued a rule to reduce illnesses caused by contaminated meat and poultry, due to E coli and salmonella. Now, you may think this rule falls under the exception in the bill for emergency regulations that deal with imminent threats to health. After all, the Centers for Disease Control estimates that 9,000 people a year die from food-borne diseases. But we debated that question in committee and came to no clear conclusion, because no one can say definitively whether the USDA rule deals with an imminent threat to health. The sponsors of the bill refused to delete the word imminent, and wouldn't accept an amendment that would settle the issue by specifying that the USDA reg is excluded, so the bill comes to the floor with a fundamental issue like this unsettled.

On December 21, HUD issued rules to prevent alcoholics and drug addicts from being admitted to HUD-assisted elderly housing. That's something most of us would support. Current regulations have been construed by the courts to treat disabled persons, as elderly, and the disabled include alcohol and drug addicts. Some may think that this rule falls under the exclusion for routine administrative functions, but that too is far from clear; and so unless we make this exclusion clear, the elderly may just have to wait to get the addicts out of their housing projects.

On December 2, 1994, Customs issued a rule to stiffen the penalties against illegal textile and apparel imports. Next month, Customs will issue draft rules of origin for textile and apparel imports. These rules of trade will stop Hong Kong from shipping to us under their quota goods that are actually made in China. Why suspend regs that stop fraudulent trade?

On January 4, 1995, an INS rule on asylum reform became final. This rule would defer the granting of employment for persons seeking asylum. Under the prior rule, asylum seekers were granted employment authorization simply upon filing for asylum. Everyone knows that asylum processing needs reform; why pass a bill that will stop it?

On January 24, 1995, the FAA issued airworthiness directives aimed at potential safety problems in aircraft. These are real safety concerns, but they may not fall within the emergency exclusion a an imminent threat, and also may not fall under the exception for routine administrative functions.

This is merely a sample. There are at least a hundred regulations of some significance that have been issued that I could cite; and these are the regulations already issued. What health or safety rules will be issued or needed over the next 10 months that we can't foresee now? Often during markup, when we raised a question about prospective regulations, the sponsors assured us that they probably fell under one of the exceptions of the bill. But they could not be sure, so the issue is left hanging on words like imminent and routine, which will be litigated at length over the next year if this bill is ever enacted.

In committee, we did carve out a few explicit exemptions for tax and banking regulations. But why have specific exemptions only for banking and income taxes?

During consideration of the bill, amendments will be offered that exclude certain regs in clusters, under a particular heading. Our object in offering these amendments is to clear up a path through the enormous gray zone created because the boundaries of this bill are so ambiguous. For example, there will be amendments that make it clear that this bill does not block the Customs Modernization Act from being implemented, that make it clear that this bill does not stop sanctions against China or against other countries that engage in certain kinds of fraudulent trade, that settle any question about food safety regulation, that deal with airline safety, mine safety, that make it clear that this bill will not stop long-awaited rules for transuranic nuclear waste disposal, so that the Waste Isolation Pilot Project can go forward, that upgrade with mammography quality standards, that deal with personal use of campaign funds, that broaden veterans benefits for Persian Gulf syndrome, and that even deal with hunting season for ducks and waterfowl.

There will also be amendments that make the bill prospective only and remove one of its most problematical features—judicial review. This bill is not without merit. But it needs a lot of work before it deserves to be passed, or else we will create far more confusion than we prevent by passing it.

□ 1300

In committee we did carve out a few explicit exceptions for tax and banking regulations. But why have specific exemptions that clarify the bill just for taxes and just for bankers? During consideration of this bill amendments will be offered that include certain regs and clusters under a particular heading. Our object in offering these amendments was a clear path through this fuzzy gray zone that is created by this bill because of boundaries of it are so ambiguous. I urge every Member to carefully consider and to vote for these clarifying amendments that will create sensible exceptions and exclusions to this piece of legislation.

Mr. CLINGER. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, we are literally drowning in regulations. Let me say to my colleagues that something is dramatically wrong when the tooth fairy can be charged with mishandling biohazardous waste. Tens of thousands of pages of regulations have been passed, millions and millions of complex rules for average Americans to deal with. I guarantee the average American cannot get up in the morning and live 1 day without violating one of these rules. We have tied up business, we have tied up industry, we have tied up local government. This is what the November 8 election was all about. The other side just does not get it.

This bill does not stop regulations. This only says, "Stop, look and listen." This bill does not affect public health, safety, and welfare where there is an emergency.

I say to my colleagues, "If all else fails, read the bill."

President Reagan's measure in 1981 did some good; I am sorry, his executive order only stopped some of the onslaught. If we do not have the leadership from this administration to do the same thing, this Congress will impose this moratorium, and this is not a permanent moratorium.

If all else fails, read the bill. It is only temporary. It is only this year.

I submit that we have to stop killing jobs, we have to stop killing productivity, and we have got to allow this country to compete in the international arena. If we pass this measure, we can begin to do just that.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in support of H.R. 450, and I would like to associate myself with the remarks of the gentleman from Minnesota [Mr.

PETERSON] who I think has done an outstanding job on this. I want to commend him for that.

Mr. Chairman, I thank the gentlewoman for allowing me this time to speak on this important issue.

Speaking with people back home, time and time again, the problem of unnecessary and overly burdensome regulations is brought to my attention. So I am pleased that this House is now considering H.R. 450, the Regulatory Transition Act of 1995.

Mr. Chairman, just so there is no misunderstanding, many existing Government regulations are necessary, and provide significant benefits to our country. My concern is that in recent years, at a time when the number of regulations are increasing, we are failing to ensure that these regulations address real risks at a cost that is comparable to the benefits provided. As you may know, improving the Federal Government's ability to conduct risk assessment and cost-benefit analysis has been an interest of mine and I look forward to continuing these efforts.

I must agree that a moratorium on regulations is a controversial first step. But it is one that I support because we must begin now, if we are to reform the flawed processes which have resulted in so many regulations that simply do not work in the real world. I am pleased that the Congress will soon be considering important changes in our rulemaking process, such as requiring risk assessments on all major regulations. However, these changes will take time. That is why I believe that a moratorium on new regulations is a necessary first step toward reforming the regulatory process.

No one can anticipate the future, and I believe that it is important that H.R. 450 grants the President broad authority to grant exemptions from the moratorium for emergencies. I am also pleased that the bill excludes regulations that repeal or streamline current regulatory burdens.

Regulatory reform should be a priority for the 104th Congress, and I am encouraged that we are now moving forward with H.R. 450 to begin the effort on regulatory reform. I urge Members to support this legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, the Republican Party would like to have the American public believe that all government regulation is evil and burdensome. The proposal before us today will stop all government regulations issued since November 20, 1994. I believe this is another master gimmick being promoted by the headline hungry Republican Party that is willing to pursue destructive policy in order to gain favor with a disenchanted public. This is one more initiative by the Republican Party to close debate and rule by decree. This proposal paralyzes Government in order to fix it. This is not the way to do things around here. We do not need to hurt our fellow American citizens in order to help them.

Let me give my colleagues two examples in agriculture alone. The first relates to the fresh cut flower and fresh cut greens promotion information program which was implemented when the rule passed in December 1994. If House Report 450 is passed today, the program cannot be implemented and will result in widespread losses to producers and to shippers. We are talking here about jobs.

A second example is rules establishing comprehensive regulations governing the introduction of nonindigenous organisms that may be plant pests. It is estimated that harmful introductions have cost the American taxpayer $97 billion. We need these regulations to protect the American public.

Mr. Chairman, my own district, where we have a base closure example, we required local hiring preferences. Those regulations were put into law just recently, the Federal Register, so that one could hire local businesses affected most by the base closure. Those base closures would be thrown out.

Lastly, let me just read a part of the bill here that says the enactment of new law or laws require that the Federal rule-making process include cost-benefit analysis. I say to my colleagues, "You cannot, you cannot, do cost-benefit analysis. You can't do it for military music, the salute to the flag or to the kinds of provisions that are included in this bill."

I urge a rejection of House Report 450.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire [Mr. BASS], another new member of the committee.

Mr. BASS. Mr. Chairman, I rise in support of House Resolution 450.

Sixty-five thousand pages—actually 64,914 pages—in 1994 alone. Who reads all these pages? Who is affected by all these pages? Who is writing all this stuff? The answer is there are a lot of people writing a lot of regulations. Nobody has the opportunity really to understand what is going on. We need a rest.

Mr. Chairman, that is what House Resolution 450 does. It gives us a rest for a little while. We have got to get on the stick here and reduce the size and influence of the Federal Government.

Who is going to be affected by all these regulations and the moratorium that we will have over the next year? My colleagues, it will be families, small business people, people who are affected day in and day out by these regulations.

I do not know what all these people are going to do who write all these regulations. They will probably be listening to classical music for the rest of the year, but it is time we pass this bill, House Resolution 450.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I would like to associate myself with the remarks of Mr. PETERSON. I support this bill very strongly because I think it will go a long way in preventing some irreparable damage to major industries in Kentucky, namely tobacco and the soft drink industry, and I fully support it, and I vigorously resist many of the amendments that will try to undo what this bill tries to do.

Mr. CLINGER. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas [Mr. ROBERTS], the chairman of the still powerful Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, first I want to thank the gentleman from Pennsylvania [Mr. CLINGER] and the subcommittee chairman, the gentleman from Indiana [Mr. MCINTOSH], for their work to make sure that this legislation will not in any way impede the routine regulatory decisions and actions vital to commerce in a very workmanlike fashion, which my colleagues have done. They have addressed the concerns of the Committee on Agriculture; I appreciate that; with report language that clearly states this legislation is not intended to apply to the marketing orders and our ability to distribute the vital commodities that we have to do.

This legislation is good for agriculture, it is good for rural and small town America, and it is long overdue.

Now some of my colleagues across the aisle, I understand their concern, but they have expressed very reasonable concerns about the law of unintended effects, that this moratorium will endanger essential regulations. That is not the case. This bill exempts routine administrative action and most of the warnings that have been raised by the majority.

Now I realize virtually every Federal agency is under marching orders by this administration to warn of impending doom and that the regulatory sky will fall. That is not going to happen now. I am also sure that agency lawyers can interpret legislation to provoke all sorts of legal problems, if they so choose.

□ 1310

That does not have to be that way. We should not have a problem.

The other side of the story in reality is that regulatory overkill pouring out of this town has endangered the economic well-being and the essential services of virtually every community, every county, every State, every business up and down Main Street; every hospital, every school, everybody in America. The total cost, $600 billion nationwide, and it is breaking the back of our local government.

What is at stake is the very confidence of the people of the United States and their faith in our Government. We are regulating our citizens out of business with a shotgun, You-are-guilty-until-proven-innocent approach. The gentleman from South

Carolina [Mr. SPRATT] said we should not throw the baby out with the bath water. Right now the bath water would not meet the clean water standards, the soap would not be labeled right, the tub would be judged unsafe, and parents could not bathe the baby without proper instruction, certification and schooling. It is time for moratorium.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I oppose this legislation, but let me say at the same time I have great respect for my friend, the gentleman from Pennsylvania [Mr. CLINGER], who is producing rapidly a lot of legislation.

I do think that we have to be careful. When we look at what moratoriums mean, basically any moratorium in my judgment is not good. It is basically creating temporary bottleneck and gridlock. This is something that the other side has abhorred for years. But when you have a moratorium, it means nothing can happen. You delay a decision.

So what we are doing is creating regulations, in my judgment, that do not create jobs. What we are doing is preventing regulations that create jobs, that protect children, that keep planes and trains from crashing, and keep hunters from hunting. That is in essence what we are doing. What we are doing is basically trying to use Band-Aids after open heart surgery.

The administration has worked hard and with success to streamline agency rule making. Let that continue. The Congress can use its oversight authority to curb overzealous agency action. The Vice President has taken the lead in this direction, not just with reforming government, by cutting Federal workers, over 280,000, to finance the crime bill, and there are task forces in every single department of government designed to curb regulation. This is ongoing. Why do we have to interfere with this process?

This moratorium is so strict that agency employees would be prohibited from almost doing anything by risk assessment. In other words, a paralysis would virtually take place. Any agency decision to exclude a rule except for emergencies could be challenged in court, tying things up further and keeping lawyers further employed.

The committee made sure that exclusions exist for tax and banking regulations, but they would not add exclusions for meat and poultry inspection, safe drinking water regulations, mine safety regulations, programs that help the working class. Assurances that exclusions protect health and safety regulations are not worth anything. They are going to be tied up in court with lawsuits. We are employing a lot of lawyers with this legislation.

The committee language makes it easier to exclude regulations on the basis of damage to property, rather than damage to individuals and human beings. So what we have is piecemeal legislation, a piecemeal amendment process, exempting certain statutes and programs from the moratorium. It is more evidence of the fact that this is a bad idea. How do we pick and choose in a day what should be exempt and what should not be exempt?

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Texas [Mr. COMBEST], the chairman of the Permanent Select Committee on Intelligence.

Mr. COMBEST. Mr. Chairman, this bill goes right at the heart of what the frustration in this country is, and I would challenge Members of this Congress to walk down the streets of your community, stop anyone, and ask them what their concerns are, and I bet you more than not you will hear that the concerns are over-government regulations. For 10 years that is what I have heard in my district. It is ironic that people in the district look at the concerns and then recognize the fact that this administration is trying to govern by regulation.

Most people in my district do not understand that regulation that seems to be so stupid can many times be put into law. What we are doing by this act, Mr. Chairman, is we are going to put the stupid test to regulations. If it is stupid, it is not going to become one.

There is nothing that is creating more of a problem economically to the American people than over-government regulation. The average American family today is expending $6,000 a year to comply with Federal Government regulation. That is $6,000 they ought to be able to keep in their pocket.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, whether the regulation is smart or stupid will make no difference under this legislation before us today because this legislation will stop all regulations, without giving consideration to whether it is very much needed by the middle class in this country.

People look to regulations to protect them from harm. Whether it is environmental threats or safety concerns, regulations are in place to be there to protect people. This legislation would put a moratorium on all those regulations.

The big winner will be the corporate special interests that will be relieved from the obligation to live up to standards that protect the public. The big loser will be the middle class, the people who are hard working and expect that someone is going to pay attention to them. And the people they are looking to are those of us in this Hall today.

The tobacco industry illustrates to me a good example of how H.R. 450 would work. There is probably no more protected special interest in America than the tobacco industry, yet the tobacco industry would probably be the Nation's biggest winner under H.R. 450.

The Food and Drug Administration is in the process of conducting an investigation as to whether the tobacco industry acted improperly in adding or manipulating the nicotine in cigarettes to keep people addicted, and particularly marketing it to kids. So FDA is trying to decide do they have jurisdiction over this matter. This moratorium legislation would keep FDA from even doing its investigation, let alone promulgating any regulations.

OSHA is looking at protecting people in the workplace from secondhand smoke. It is a serious environmental threat. It is a class A carcinogen. It can cause a nonsmoker who is forced to breathe in that smoke to get lung disease and heart problems. All of these concerns we think about when we associate cigarette smoking and the smoker, yet OSHA would be stopped from their investigation on this very issue because the scope of this proposal is so broad that they could not even get further comment on a proposal to deal with protecting people in the workplace.

This is not what the American public wants, regulatory relief that allows the tobacco industry to continue to promote and sell cigarettes to our children.

There are other examples of how this bill will hurt the middle class. It will delay efforts to improve the safety of meat, poultry, and seafood. It would remove dangerous chemicals from drinking water under a proposal, and those proposals would be stopped. There is a proposal to establish standards for mammography, and those standards would be stopped. Protect children from iron poisoning and reduce toxic emissions from incinerators, these are regulations that are about to be proposed, and they would be stopped by this moratorium.

I think it is a part of what is clearly not just in and of itself a transition to another bill, it is part of a salvo on attacking all of our Nation's regulatory safety net.

Other provisions we are going to get up before this Congress next week which are part of this so-called Contract With America would be even more extreme, because they would create a regulatory maze that would prevent the agencies from protecting our health and safety. They in fact would roll back 25 years of environmental progress.

There are good regulations, there are bad regulations. Let us figure out how to make regulations smart and effective, not simply to take all regulations and stop them from going into effect, either through a moratorium, which is part of what this legislation would do, or the regulatory, so-called, reform bill that we will get next week, which will cripple government from doing anything to protect people. The people we are trying to deal with are the middle class.

□ 1320

Mr. CLINGER. Mr. Chairman, may I inquire as to how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 14 minutes remaining, and the gentlewoman from Illinois [Mrs. COLLINS] has 5 minutes remaining.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 1 minute the gentleman from Minnesota [Mr. GUTKNECHT], another new and very valued member of our committee.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I do not know how many times we have watched NCAA basketball games or other basketball games on TV. We will see, when one team has a run and they have scored about 11 points in a row and the other team seems to be against the ropes. And we will hear the announcer oftentimes say, it is time to get a TO. They better take a TO. And we all know what that means. Let us take a time out.

Let us, if one is the coach or if one is a supporter of that team, they know what that means. The other team has a run going. You are against the ropes and you need some time to just think about it, to regroup, to go back to the huddle and see if you cannot restructure this thing.

I think what small business and even some big businesses around the country are saying, please, let us at least have a TO. Let us take time out so that we have time to recapture our thoughts and perhaps see if there is not some sensible way to deal with this.

What American business is not saying is, we want no regulations from the Federal Government. I think what they are saying is, we want reasonable regulations. That is what this is about. This is a time out.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I thank the ranking member, the gentlewoman from Illinois [Mrs. COLLINS], for yielding time to me.

Mr. Chairman, during the course of our deliberations on this bill, I am going to offer an amendment that would exempt from this moratorium the proposed regulations of the Federal Trade Commission to prevent telemarketing fraud. The Telemarketing Consumer Fraud and Abuse Prevention Act of 1994 was a law that was passed in the last session. That law had broad bipartisan support in the last Congress. It passed in the House by a vote of 411 to 3. It passed the Senate by a voice vote.

Numerous congressional hearings over a 7-year period have shown that telemarketing fraud was costing Americans about $40 billion a year and that the elderly and small businesses are the principal victims. The hearings also showed that new legal tools were needed to stop this rip-off. The law directs the FTC to issue its final regulations by August 16, 1995, and then the law, in a novel approach, authorizes State attorneys general as well as the FTC to enforce these Federal regulations.

H.R. 450 would bring to a halt this bipartisan effort to stop telemarketing fraud. H.R. 450 prohibits the FTC from issuing a final rule by the statutory deadline of August 16, and it even prohibits the FTC from going ahead with analyzing public comments and holding a public hearing on the proposed rule.

Sections 6(3)(A) of H.R. 450 makes it clear that the moratorium applies both to the issuing of a rule and to any other action taken in the course of the process of rulemaking. This amendment should be supported hopefully by both sides of the aisle.

Mr. Chairman, the last Congress spoke clearly and decisively on telemarketing fraud. There is no reason for us to put that work on hold.

I urge support for this amendment, when it comes up in the debate.

Mr. CLINGER. Mr. Chairman, may I ask who is entitled to close debate?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is entitled to close debate.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I want to point out a couple of things that have been discussed during the debate this afternoon. The gentleman from California indicated that this bill was going to roll back 25 years of health and environmental legislation. And that would be true if in fact we were going to reach back and deal with the regulations that have been put on the books in those 25 years, but that clearly is not the case.

This bill is only prospective, that is prospective from the point of November 20 until the end of the year. It is also temporary. We are not saying that this moratorium is going to go on forever. In fact, it has a final date of December 31 of this year. And could be much earlier than that if, in fact, regulatory reform legislation which we will be considering next week does pass.

So this is not a long-term and it is also, Mr. Chairman, not an unprecedented step. During the administration of President Bush, there was an executively imposed moratorium on regulations which went on for over a year, I believe. And in that case, there were no deleterious effects, no horrible rending of the social network or the social safety network, no destruction of the environment as a result of that moratorium. This is merely an opportunity, a temporary opportunity to try to say, let us put a hold on these things until we really get a sense of how we are going about imposing regulations. And clearly, I think even on both sides of the aisle, it would be admitted that we have gone overboard, that we have a sort of a sausage machine that just grinds out regulations without any thought given to what the ultimate impact may be, what the cost may be to the people that we are impacting. So, yes, there are indeed many regulations that are vitally important to the health and safety. We think that those types of regulations are clearly covered and exempted under the exemptions that we provide for imminent threats to the health and safety of individuals.

We do not think that this is a draconian device. It is merely a device that gives us a chance to review where we stand.

I would just point out, Mr. Chairman, that the legislation does indeed have a tremendous amount of support from hundreds, hundreds of national organizations inside and outside the beltway, including the American Farm Bureau Federation, the gentleman, chairman of the Committee of Agriculture, spoke earlier about the support of the farm community and the fact that their concerns, while having milk marketing orders and others, would not be affected. I think the American Farm Bureau Federation would not be endorsing this bill if there was a real threat to agriculture. The National Federation of Independent Business, the National Electrical Contractors, National Grocers Association, the U.S. Chamber of Commerce and the list goes on and on and on. So, Mr. Chairman, there is a tremendous amount of support for this bill outside this chamber, but also there is tremendous support right here in this chamber, for the legislation has about 150 cosponsors. In fact, it passed out of my committee, the Committee on Government Reform and Oversight, with a bipartisan vote of 28 to 13.

I just wanted to try and put this thing in context, that we are really dealing here with a rather modest proposal to give both ourselves and the administration, when I point out there is a companion, I view the effort by the President when he said he is directing every department-level, cabinet-level office as well as every agency to review the regulations which they have, to take a hard look at them and to come back with recommendations for those that could be eliminated. We hope that they will do that. But that is a companion piece to what we are dealing with. What we are dealing with is primarily new regulations, new burdens that are going to be imposed, not those that are already in existence. We applaud the President's efforts to look at existing regulations and perhaps eliminate those.

I think this would be a cooperative effort, not an adversarial effort, because we are both trying to do the same thing, which is deal with this regulatory overkill we have in this country.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, will the Chair tell Members how much time remains on both sides?

The CHAIRMAN. The gentlewoman from Illinois, [Mrs. COLLINS] has 2½ minutes remaining, and the gentleman from Pennsylvania [Mr. CLINGER] has 8 minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT], a new and valued Member.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 450.

The distinguished majority leader, who is an economist, has called government interference in our businesses and in our lives "the invisible foot" of big government. And he is right. That foot is on the throat of people who create jobs.

Almost every day my office receives calls from small businessowners in Kansas who are caught between running their business and fighting with needless government regulations.

One man in Wichita who runs a roofing business called my office because the government wants him to secure his roofing ladders with ropes. But the ropes create a safety hazard to the workers, who get their feet tangled in the ropes. This is clearly counterproductive.

Let me quote from a letter recently received:

> As a small businessman I can tell you firsthand that I am drowning in a sea of regulation from Washington.

When we enact mindless regulation without understanding its costs we are playing a deadly game of Russian roulette with American jobs. When the gun goes off small businesses shut their doors, and ordinary working people lose their jobs. It's not smart, and it's not right.

For these reasons I urge H.R. 450's passage.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I rise in strong support today of H.R. 450. The greatest burden that free enterprise and entrepreneurs and those who wish to pursue the American dream have today, the greatest problem they have is the regulatory burden they face every time they walk out the door, trying to create more jobs, trying to be more productive in this country.

Yesterday we were visiting with one of the representatives from the administration, and it was pointed out to us that there has been a problem in recent years with job growth and job creation, and I pointed out to them that one of the greatest reasons, perhaps the greatest reason, that there has not been as much job growth in this country in recent years is because the entrepreneurs, the small businesses, those who believe in free enterprise have to operate with handcuffs every day because the regulatory burden is so great.

Mr. Chairman, I am delighted that this effort we are undertaking today is a bipartisan effort. There is strong support on both sides of the aisle. I am excited because small business people in America can once again look to Congress and understand that they will have a friend and an ally in Congress as they get up to work every morning, oftentimes 7 days a week, to create jobs and be more productive in America.

Later on today, Mr. Chairman, we will also offer an amendment that will address private property rights. Regulatory burdens that have been imposed on people who own homes, small businesses, farms, and ranches across America mean people no longer have an opportunity to do what they want on their own property.

Regulations have also been a tremendous burden on them, and I am delighted that this amendment that we will be offering later on, which we will elaborate on, is a tremendous bipartisan effort, as well, that we are excited about presenting today.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been mentioned that there has been bipartisan agreement in committee with this legislation. I just want to point out that there has also been bipartisan opposition to this bill in committee.

Let me say, too, Mr. Chairman, that I think that the Washington Post today really tells the story on this particular legislation. It has a story on the Federal page entitled "Ambiguity Rules the Day." That in fact is what it does. This says "The Republicans' rulemaking moratorium aims to relieve Americans of burdensome Federal regulations, but the bill that comes to the House for debate today could create just as much confusion as it seeks to prevent." It goes on to say that "* * * the moratorium * * *, the first of the measures to come to the House, may gain its notoriety not from what it seeks to stop but its ambiguity. The bill will allow thousands of exemptions and create enormous gray areas likely to confound both rule-making and their congressional opponents." Further it says "Beyond specific categories, however, the bill becomes fuzzy enough to provoke immediate chaos."

There is no way I could say it any better than that, Mr. Chairman. What happens here is that we have this bill, which was very hastily crafted. I would want to say, it was not very artfully crafted. As I understand it, it is supposed to be a bridge between this bill and some others that have to do with risk assessments and cost analyses and things of that nature. It is a bill that does not do what it purports to do. It is very, very hazy, it is very, very fuzzy. It is the kind of legislation that I do not think has been very well-written. I think its purpose may have been laudatory, but its effect is not that.

For that reason, Mr. Chairman, I would certainly urge all of my colleagues to vote against this bill when it comes up for debate. The one thing we tried to do is to offer amendments that make good common sense.

I would certainly hope that my colleagues would vote for the amendments that we have offered, because I just do not believe that my colleagues on the other side of the aisle intended for there to be chaos, intended for there to be fuzzy rulings and ambiguity about the kinds of things that this bill is supposed to do when it comes down to the operation of the Federal Government.

For that reason, Mr. Chairman, I would say to them, pay close attention to the amendments that we have offered. They are very seriously given, they are very carefully thought out, they are very carefully drawn, and it seems to me that they are something we ought to do.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Florida [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I would like to enter into a dialog with the gentleman from Pennsylvania.

Mr. Chairman, as the gentleman knows, in the last couple of years we have instituted some of the largest trade agreements that mankind has ever accomplished. Of course, in anything as complicated as that, it does take regulations to carry them out.

We hope that the gentleman's language will give the administering agencies as broad a latitude as possible to carry out these agreements. We do not want to be in a position of not having passed these agreements, and having promised the world we will do some things, and then turn around and welsh on our own agreements.

I have sent the gentleman some correspondence on this. I hope to receive the gentleman's assurance that he feels that it is important in carrying out these agreements that the administrators have pretty broad latitude in issuing their regulations.

Mr. CLINGER. Mr. Chairman, let me assure the gentleman that we are very sensitive and very aware of the concern of the gentleman and others on the Committee on Ways and Means that were so vitally involved in negotiating these agreements. We think that the language would clearly allow this.

Mr. GIBBONS. Mr. Chairman, if the gentleman will continue to yield, I include for the RECORD a copy of my letter.

The letter referred to is as follows:

COMMITTEE ON WAYS AND MEANS,
Washington, DC, February 22, 1995.

Hon. WILLIAM F. CLINGER, Jr.,
Chairman, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: We are writing in regard to the exception to the moratorium on Federal regulatory rulemaking actions in H.R. 450, the Regulatory Transition Act of 1995, for "statutes implementing international trade agreements". While we believe this exception is essential if H.R. 450 is enacted into law, we are deeply concerned about the narrow interpretation of this language set forth on page 22 of the Committee report which authorizes the Administration to conduct rulemaking actions during the moratorium period only with respect to provisions in such statutes which are "specifically required" to implement U.S. obligations under international trade agreements.

Such a narrow interpretation is contrary to the statutory basis on which implementing legislation for international trade agreements has been developed and passed by Congress and would potentially undermine the effectiveness of that legislation. The special "fast track" procedures set forth in the Trade Act of 1974, and reauthorized by subsequent Congresses for consideration of trade agreement implementing legislation, specifically states that such procedures apply to legislation which contains provisions which are "necessary or appropriate" to implement such agreements. Those procedures also require the Congress to approve an accompanying statement of administrative action which sets forth procedures and interpretations which are subsequently reflected in agency regulations.

Within that framework and on a bipartisan basis, committees of jurisdiction have developed, together with the Executive branch, and Congress has passed legislation since 1974 encompassing statutory changes and authority to issue regulations necessary or appropriate to implement U.S. trade agreement obligations. For example, legislation passed by the 103d Congress on a bipartisan basis to implement and North American Free Trade Agreement and the Uruguay Round multilateral agreements represented a careful balance of divergent commercial and political interests on a range of issues. An interpretation of the exception to the moratorium which limits rulemaking authority to only those provisions that are specifically required to implement trade agreement obligations is contrary to the intent of Congress in passing this legislation and will preclude agencies from issuing regulations to administer those provisions which are appropriate to achieve effective or intended administration of the statutes or agreements involved. Such an interpretation also runs the risk of upsetting the careful balance of interests reflected in the statute and unnecessarily reopening the debate on controversial issues.

In sum, we believe the statutory language contained in H.R. 450 should stand on its own. We further believe for the reasons stated above that the interpretation given to this language in your Committee report is totally inappropriate. Any changes in previously enacted trade agreement implementing legislation should be debated by committees of jurisdiction through the normal legislative process, and not be achieved through a regulatory vehicle such as H.R. 450.

We appreciate your cooperation on this matter.

Sincerely,
SAM M. GIBBONS,
Ranking Democratic Member.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to respond to the gentleman from Florida, it is clearly our intent not to interfere with the carrying out of negotiated treaties, particularly referring to GATT and NAFTA.

Mr. Chairman, I yield the balance of our time to the gentleman from Indiana [Mr. MCINTOSH], the author of the bill.

The CHAIRMAN. The gentleman from Indiana [Mr. MCINTOSH] is recognized for 3 minutes and 15 seconds.

Mr. MCINTOSH. Mr. Chairman, first let me commend you. It is an honor for me to be able to speak today on this bill that I helped author, and have a fellow colleague in the freshman class chairing the Committee of the Whole. You are doing a wonderful job, and I appreciate that.

I want to thank also my Democratic colleagues who have supported us in this, particularly the gentleman from Minnesota [Mr. PETERSON], the ranking member on our subcommittee. His contributions to this bill have helped craft it into a very strong piece of legislation.

Mr. Chairman, let me say, I do think the choice is clear today before this body, whether we are going to continue business as usual, to continue to have 4,300 new regulations coming out of this administration, to continue to be on the side of the 130,000 Federal bureaucrats who spend their time writing and enforcing regulations, or whether we are going to be on the side of the American people and say enough is enough. It is time we take a time out on Federal regulations. It is time that we have a moratorium, so we can go through and start getting rid of the unnecessary and ridiculous and burdensome regulations.

I wanted to share with the body some of the examples that have come to my attention, both as chairman of the subcommittee, and as working with former Vice President Quayle, as his staff director of the Council on Competitiveness.

One of those regulations was a rule that apparently would bar the tooth fairy in the United States. It was a requirement that every dentist not give back baby teeth to their parents. When we inquired, "Why on Earth would you need to have that type of regulation," the agency said "We are worried that those baby teeth might be hazardous waste material."

Mr. Chairman, that, of course, is one of the most ridiculous assumptions we could possibly make. We asked "Could you think about that a little longer?" And they eventually said, "Yes, the dentist can give back baby teeth." The tooth fairy can visit the American home.

Another issue that has come to my attention was the Consumer Product Safety Commission guideline that recommended that on the worksite every bucket with 5 gallons or more that could contain water have a hole in the bottom of it.

We asked ourselves, why on Earth would you want a bucket with a hole in the bottom of it?

□ 1340

Someone decided that it might contain water and that could become a hazard if someone slipped and fell and landed facedown in the bucket. Their response: Put a hole in the bottom of the bucket so that it leaks water and can no longer contain what it is meant to.

Another example from my district was Mr. Floyd, who is a farmer in Muncie, IN. He has had his farm in his family for over 50 years now. One day one of the neighboring businesses accidentally broke the drainage tile that allowed his property to be drained and farmed, creating a big mud hole. Soon after that, he was visited by Government regulators who told him, "You can no longer farm your farm. We've decided that this mud hole is a wetland and needs to be protected."

There you have Mr. Floyd, an 80-year-old farmer from Muncie, IN, going up against the Federal Government who says you can no longer use your farm because someone accidentally destroyed the drainage tiles and you now have a mud hole that we, the Federal Government, want to protect as a wetland.

Those types of regulations are ridiculous and they need to come to an end. This moratorium will put a stop to that needless regulation.

Mrs. COLLINS of Illinois. Mr. Chairman, over the course of our consideration of H.R. 450, a number of individuals and groups have expressed concerns over the impact that H.R. 450 would have on various important regulations. I have obtained copies of correspondence that these groups have sent to me and other Members. I would ask that these letters be inserted into the RECORD, for the benefit of my colleagues.

NEXTEL,
Washington, DC, February 13, 1995.

Hon. CARDISS COLLINS,
Ranking Member, Committee on Government Reform and Oversight, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSWOMAN COLLINS: I am writing to you on an urgent matter concerning the application of H.R. 450, the "Regulatory Transition Act of 1995", to an ongoing Federal Communications Commission ("Commission") rulemaking which would enhance competition in the mobile telecommunications industry. As currently drafted, the "regulatory moratorium" legislation could indefinitely postpone Commission adoption of proposed rule changes which will result in the introduction of new mobile services, enhanced competition in the mobile marketplace, reduced administrative burdens on the Commission, and greater radio spectrum auction fees to the U.S. Treasury. While clearly this it not what the authors of H.R. 450 intended, we believe that is what the effect of this legislation will be, unless modified as suggested below.

Nextel Communications, Inc. ("Nextel"), is today the leading operator of traditional analog Specialized Mobile Radio ("SMR") systems. Upon closing of certain pending transactions, Nextel will provide fleet dispatch communications to approximately 750,000 customers throughout the United States. Nextel has already invested nearly half a billion dollars to develop, construct and operate a nationwide digital wide-area SMR system which is fifteen percent more efficient than existing analog technology. This unique service offers mobile workforce customers a combination of private network dispatch, mobile telephone, paging, text messaging, mobile data (including portable computer and portable fax support) and enhanced services such as voice mail and call forwarding, all on a single handset. Nextel is currently operating its new digital system throughout most of California and is introducing this service in the greater New York and Chicago areas this quarter. In California alone, Nextel has created over 500 new jobs.

The Commission last year initiated a rulemaking procedure concerning wide-area block licensing for radio spectrum currently allocated for SMR services. The Commission's rulemaking is required by the Omnibus Budget Reconciliation Act of 1993 ("OBRA 93") which established a new common carrier category of mobile communications providers—"Commercial Mobile Radio Service" or "CMRS". In creating this new category of service, Congress mandated that the Commission eliminate regulatory disparities among different types of mobile service providers offering competing services. The "regulatory parity" provisions were designed by the Congress to promote fair competition among providers of commercial mobile services, regardless of their current regulatory status, and are an essential part of the spectrum auction provisions contained in OBRA 93.

The regulatory parity provisions in OBRA 93 require that SMR services reclassified as CMRS be subject to technical requirements comparable to those that today apply to substantially similar common carrier services, such as cellular telephone and Personal Communication Services ("PCS"). The reclassified SMRs have until August 10, 1996 to make whatever changes are necessary to come into compliance with the new regulations. Delay in adopting regulatory parity rules will harm reclassified SMRs who do not yet know what regulations they will be required to comply with only 18 months from now. Such delay will prolong the existing competitive disadvantage of these carriers vis-a-vis cellular and PCS services, contrary to the express intent of OBRA 93. The mobile communications consumer will be the ultimate loser.

Delay in finalizing the Commission's regulations will also harm the government. The Commission is now burdened with nearly 40,000 backlogged, private radio service applications, many of them for SMRs. It is proposing the elimination of some of its current licensing requirements and substituting others which will greatly simplify the licensing process and allow the Commission to eliminate much of its current processing burden. The creation of a contiguous spectrum block wide-area SMR license in the pending rulemaking will permit the further introduction of spectrum efficient technologies. In addition, as part of the pending rulemaking, the Commission is proposing to auction wide-area SMR licenses on a Major Trading Area basis to operate on four blocks of contiguous spectrum. A wide-area, contiguous channel block license would promote regulatory parity and enhanced competition while bringing the U.S. Treasury much needed revenues.

While the regulatory parity provisions of OBRA 93 are clearly intended to enhance fair competition by equalizing regulatory obligations, in reality a new regulatory scheme would be substituted for the existing one. Thus, it is not entirely clear that the exclusion which exists under H.R. 450 for rulemakings which the Head of the Agency and the Administrator of OIRA certifies is limited to "repealing, narrowing, or streamlining a rule, regulation, or administrative process" would be applicable to the Commission's regulatory or parity rulemaking. Nor is it clear that the exclusion applicable to an "action relieving a restriction or taking any action necessary to permit new or improved applications of technology" could be used to exempt the Commission's rulemaking from the moratorium—although this is the clear intent of the Commission's proposal.

Nextel firmly believes that any further delay in the Commission's rulemaking would play into the hands of those entrenched market participants who fear increased competition. Delay will deny consumers the benefits of increased competition. Delay will also reduce revenues to the Treasury and perpetuate an impossible Commission administrative burden. H.R. 450 should be amended to exclude from the moratorium rulemakings which are designed to enhance competition.

Sincerely,

ROBERT S. FOOSANER,
Senior Vice President, Government Affairs.

NATIONAL EDUCATION ASSOCIATION,
Washington, DC, February 9, 1995.

DEAR GOVERNMENT REFORM AND OVERSIGHT COMMITTEE MEMBER: On behalf of the 2.2 million members of the National Education Association, I urge you to vote against HR 450, the Regulatory Transition Act of 1995, during Committee markup.

HR 450 would freeze and delay implementation of a broad range of important federal regulations until an unspecified future date and would retroactively apply to many regulations already in effect. If enacted, HR 450 will undermine and negate many important safeguards and protections for Americans, and lead to confusion and uncertainty among state and local governments and employers attempting to understand their responsibilities for complying with federal laws.

Among the hundreds of regulatory actions that could be negated by this bill are:

Department of Labor final regulations to implement the Family and Medical Leave Act, scheduled to take effect on April 6;

Department of Education guidance to states and school districts on how to implement the new Gun-Free Schools Act;

Regulations currently being developed by the Education Department that are necessary to implement the new provisions of the recently enacted Elementary and Secondary Education Act;

Education Department regulations and guidance on the new college student Direct Loan program, which will save the federal government billions of dollars;

Proposed OSHA standards to protect workers from harmful indoor air pollutants; and

Expected FCC regulations to implement the Children's Television Act.

By imposing an across-the-board freeze on all federal regulations, the Congress would prevent the federal government from carrying out its responsibilities and leave many Americans without the benefit of important guidance and protections. NEA urges you to vote against this ill-conceived plan for reducing the scope of safeguards Americans expect from the federal government.

Sincerely,

MICHAEL D. EDWARDS,
Interim Director.

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, February 22, 1995.

Hon. JOHN M. SPRATT, Jr.,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SPRATT: This responds to your letter seeking the views of the Department of Justice on the judicial review provision contained in H.R. 450, the Regulatory Transition Act of 1995. Specifically, you ask whether section 7 of the bill authorizes a remedy of judicial review for an individual seeking to delay or stop a regulation.

Section 7 states that, "No private right of action may be brought against any Federal agency for violation of this Act." However, its next sentence contravenes this apparent bar to a private right of action by providing. "This prohibition shall not affect any private right of action or remedy otherwise available under any other law." In effect, standard Administrative Procedure Act review would still be available to challenge an agency's determination that a rule fit within an exemption and was legal under the Act. This is recognized by the House Government Reform & Oversight Committee report which states,

This section makes it clear that the Act does not grant any new private right of action. However, this section does not affect any private right of action (for a violation of this Act or any other law) if that right of action is otherwise available under any other law (such as the Administrative Procedure Act provisions of title 5, United States Code).

As you know, the Administration strongly opposes H.R. 450. Its judicial review provision is but one of the bases for this opposition. We believe section 7 will result in litigation each time a new rule is promulgated during the moratorium. We strongly oppose this language and think the bill should include an express bar to judicial review.

We appreciate the opportunity to express our views on this important issue. The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

SHEILA F. ANTHONY,
Assistant Attorney General.

ALUMINUM COMPANY OF AMERICA,
Washington, DC, January 30, 1995.

Hon. DAVID M. MCINTOSH,
Chairman, National Economic Growth, Natural Resources and Regulatory Affairs Subcommittee, Government Reform and Oversight Committee, U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCINTOSH: I am writing to express the concerns of Aluminum

Company of America (Alcoa) about the potential effect of your proposed moratorium on federal rulemaking activities on the promulgation of EPA's rule to implement the Acid Rain Opt-In Program for Combustion Sources. The proposed rule was published in the Federal Register on Friday, September 24, 1993; it has just cleared OMB, and is in the final clearance process at EPA.

Alcoa has strong concerns about the timing of this rule, which, as you can see, already has been delayed several years. Under the requirements of Title IV of the 1990 Clean Air Act Amendments, the program should have been established in May 1992. A public hearing and comment period followed the proposal of the rule; 43 comments were filed and while some addressed how certain parts of the program should be implemented, none suggested the program should not exist. Significant positive benefits of the program could be lost, if the rule is not promulgated soon.

As the attached paper entitled AGC Opt-In Concerns describes, Alcoa's subsidiary, Alcoa Generating Corporation (AGC), owns three generating units at the Warrick Power Plant in Warrick County, Indiana, which supply electricity only to our aluminum plant and are, therefore, classified as industrial boilers. The opt-in program presents an opportunity for AGC to lower the cost of making aluminum by lowering the net cost of the electrical energy supplied to the smelting process. Reducing the sulfur dioxide emissions through fuel switching and other control means and selling the resultant excess allowances to others would provide a cost improvement that would allow the Warrick smelter to be more competitive and would help protect the jobs of more than 900 Indiana employees.

Phase I of the Acid rain Program began on January 1, 1995. AGC had hoped to opt in to the program before that time so that we could take advantage of the utility markets' need for allowances. Use of allowances would enable utilities to meet the requirements of the Clean Air Act at a lower cost to them and their consumers. Any further delay in the issuance of the regulations jeopardizes our ability to negotiate necessary contracts and participate in the program at all.

The delay in this rule also threatens our ability to become a host site for a full scale test of a process selected under the DOE Clean Coal III technology program. As a host site for the NOXSO scrubbing process at one of our units, we might assure continued use of our current Indiana coal source at that unit, but also have the opportunity be part of the development of a technology to protect other high sulfur coal sources. Without opt-in, our participation in this project will not be feasible.

The opt in program seems to be an excellent way for our country to continue to make environmental progress while respecting considerations of cost-effectiveness and helping our industries to remain competitive. Delays in its initiation will threaten those benefits. I urge you to consider our concerns and assure that your greatly appreciated efforts to improve our regulatory environment do not mistakenly prevent the implementation of a rule that will benefit all stakeholders.

Thank you for your consideration. I would welcome the opportunity to discuss this matter or answer any questions you may have about our interest and shall contact your staff to see about arranging a meeting.

Sincerely,

MARCIA B. DALRYMPLE,
Manager, Government Affairs.

READ THE FINE PRINT

(By Thomas O. McGarity)

AUSTIN, TEX.—After the elections, the Republicans asked President Clinton for an outright ban on new Federal regulations. The White House said no—that it would generate needless litigation and red tape. Then the new House majority whip, Tom DeLay of Texas, introduced a bill to impose a retroactive moratorium on rulemaking.

Representative DeLay's "Regulatory Transition Act of 1995" would bar executive and independent agencies from issuing proposed or final rules, policy statements, inquiries and possibly guidance manuals until the end of June. It would also stay any actions the agencies have taken since the election. Hearings on the bill have been held in the House, and it is expected to move through both houses with little serious debate.

The purpose of the moratorium is to stop agencies from issuing new regulations while the Republicans enact the regulatory reforms promised in their Contract With America. But the fine print in the bill shows that the moratorium would not apply across the board to all regulations.

The act exempts actions that would repeal, narrow or streamline rules or regulatory processes or "otherwise reduce regulatory burdens." In short, the moratorium is a sieve that would screen out rules that protect the environment, consumers, workers and victims of discrimination while allowing changes that cut the costs of complying with regulations.

The bill exempts action necessary to deal with "an imminent threat to health or safety." This is meant to be a very narrow exception, and a DeLay staff member told the media that it would not apply to pending Occupational Safety and Health Administration rules to protect workers from death and injury. The aide said it would not apply to the proposed OSHA ergonomics standard, which would protect assembly line workers from repetitive motion injuries.

The bill had been in the hopper just a few days when special interest groups that helped finance last year's campaign became troubled. The Independent Bankers Association of America and the American Bankers Association realized that the moratorium would prevent the Federal Deposit Insurance Corporation from carrying out a planned reduction in the premiums banks pay to rebuild reserves drained by bank failures that stemmed from deregulation in the 1980's.

Faced with the prospect of paying millions of dollars in premiums they had not counted on, the bankers pressed Mr. DeLay's office for an amendment to address their special situation and were assured that he would be happy to oblige.

Thus, the frazzled workers on the poultry assembly line who must slice seven birds a minute get no relief. The workers' boss's banker does.

The new majority claims that a new age has arrived on Capitol Hill, but to those outside the Beltway it sure looks like politics as usual.

THE SECRETARY OF TRANSPORTATION,
Washington, DC, February 22, 1995.

Hon. CARDISS COLLINS,
Ranking Member, Committee on Government Reform and Oversight, House of Representatives, Washington, DC.

DEAR MS. COLLINS: As the House of Representatives takes up H.R. 450, the Regulatory Transition Act of 1995, I would like to state the Department of Transportation's strong opposition to enactment of the bill. If H.R. 450 were presented to the President, I would recommend that he veto the bill because of its interference with important transportation safety regulations.

The President has made elimination of unreasonable and burdensome regulations a priority and has directed a detailed review of all the Department's regulations. This preserves each agency's ability to carry out its statutory mandate in the public interest. In contrast, H.R. 450 is designed to interrupt the regulatory process while consideration is given to permanent revisions. This approach would gravely impair the Department's ability to carry out its most important responsibilities. It would also create tremendous confusion with respect to rules that have gone into effect or have deadlines during the moratorium period, especially those that the bill would cover retroactively.

H.R. 450 would halt important transportation safety initiatives, such as rules to make commuter airlines meet the safety requirements of larger carriers, highly cost-beneficial rules to reduce deaths and injuries from head impacts in car crashes, and action to prevent natural gas pipeline explosions and hazardous material releases. The moratorium indiscriminately affects all Federal rulemaking activity, regardless of its merit or benefits. Retroactively taking regulations out of effect, after industries have invested time, money, and effort in compliance, imposes needless costs and disruption on regulated parties.

The narrow exceptions built into the proposed bill do not surmount these objections. The cumbersome approval procedure proposed for "emergency" safety rules would unacceptably slow action to respond to genuine emergencies immediately (e.g., FAA directives addressing equipment on an aircraft that needs to be modified to prevent crashes). Further, many important safety rules may not address "imminent" hazards. Many routine agency actions, often issued by DOT field offices (e.g., Coast Guard adjustments of opening times for drawbridges), appear not to fall within the bill's exceptions. Although some of our rulemaking may qualify for exclusion, the availability of judicial review could indefinitely hold up action in these areas as well.

I want to work with Congress to improve further the way that this agency and others carry out their statutory responsibilities, but this legislation will interrupt and delay our common goal.

The Office of Management and Budget advises that there is no objection to transmittal of this letter, and that enactment of H.R. 450 would not be in accord with the program of the President.

Sincerely,

FEDERICO PEÑA.

DEPARTMENT OF AGRICULTURE,
Washington, DC, February 22, 1995.

Hon. CARDISS COLLINS,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN COLLINS: Thank you for your work on behalf of food safety issues.

On February 3, 1995, the Food Safety and Inspection Service (FSIS) published the Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems proposed rule. Sanitation requirements, microbial testing, and process control systems for all meat and poultry plants as proposed in the rule are designed to close an existing gap in the current inspection system that does not focus directly and scientifically enough on preventing contamination of raw meat and poultry products with microbial pathogens. The magnitude of the problem underscores the importance of uninterrupted efforts to eliminate pathogens such as E. coli O157:H7, Salmonella, and Listeria monocytogenes in the food supply. Nearly 5 million cases of foodborne illness and 4,000 deaths may be associated annually with meat and poultry products contaminated by microbial pathogens according to the Centers for Disease Control and Prevention.

A regulatory moratorium, which applies to the Pathogen Reduction/HACCP proposed rule, would deny the United States Department of Agriculture's ability to meet the public's valid expectations concerning the safety of the food supply. All work on the FSIS Pathogen Reduction/HACCP proposal would have to be suspended throughout the moratorium period. The public comment period would need to be put on hold. Public information briefings throughout the country to encourage public participation in the rulemaking process and answer technical questions would need to be canceled.

The adverse impact on food safety is an important reason why the Administration opposes the passage of H.R. 450. We appreciate your efforts and the efforts of your fellow Members of Congress to protect the public's health and welfare.

Sincerely,

MICHAEL R. TAYLOR,
Under Secretary Food Safety.

U.S. SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, February 15, 1995.
Hon. JOHN D. DINGELL,
Ranking Member, Committee on Commerce, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DINGELL: Thank you for your letter of February 6, 1995, inquiring about the potential effect of the regulatory moratorium of H.R. 450 on the Securities and Exchange Commission and securities markets. I am writing to respond on behalf of the Commission.

It is difficult to identify which Commission rules would be affected by this moratorium. In part, the difficulty is due to the uncertain duration of the moratorium. In the most recent version we have of the bill, a copy of which is attached, the moratorium period would end either with passage of regulatory reform legislation or on December 31, 1995. It is head to predict, in February, what rules may be necessary because of changes in the securities markets before December.

It is also difficult to identify which rules would be affected because of uncertainties in the legislative language. The "regulatory rulemaking actions" that may not be taken during the moratorium period are defined to include not only the issuance of rules and proposed rules, but also "any other action taken in the course of the process of rulemaking," other than cost-benefit analysis or risk assessment. "Rulemaking" is defined as "agency process for formulating, amending or repealing a rule." These definitions could be read to reach not only the issuance of rules and proposals by agencies, but any work by agency staff on rules or potential rules. If this reading is correct, a moratorium could seriously impede the Commission's ability to formulate and adjust its rules to the changing realities of the securities markets.

We have thus not attempted a comprehensive catalog of the Commission rules and rulemakings that are or could be affected by H.R. 450. There are, however, several important rules that we believe would probably be affected by the moratorium:

Unlisted Trading Privileges. As you know, Congress last year passed the Unlisted Trading Privileges Act ("UTP Act") to simplify the process of obtaining UTP for a security listed on another exchange. The purposes of the Act including reducing regulatory burdens and opening up competition among the exchanges. The Act required that the Commission issue rules within 180 days, i.e., by April 21, 1995. The Commission presently expects to issue final rules shortly before that date.

Although H.R. 450 has an exception for rules that the head of an agency and head of the Office of Information and Regulatory Affairs both certify are "limited to * * * reducing regulatory burdens," it is not clear that the UTP rules would come within this exception. If not, and if H.R. 450 passes before the Commission adopts final UTP rules, the Commission would not be able to issue these rules until the moratorium ends. If the moratorium legislation passes after the Commission adopts rules, the rules would not take effect until the end of the moratorium period. In either case, the ironic effect of H.R. 450 will be to delay adoption and implementation of rules generally designed to reduce regulatory burdens and to make competition among securities markets more fair. Delay will also injure investors, who are the ultimate beneficiaries of intermarket competition.

Risk Disclosure. The Commission is considering issuing a rule of interpretation to improve disclosure by corporate issuers regarding certain financial instruments, including derivatives. Similarly, the Commission is exploring methods to improve disclosure of the risks in mutual fund portfolios, including the risks created by derivative investments. Depending upon the timing and scope of the moratorium, work on both of these projects could be suspended.

Municipal Disclosure. The Orange County bankruptcy has again shown how important disclosure is to the individual investors who now hold over $500 billion worth of municipal securities. On November 10, 1994, the SEC revised the rules that apply to brokers and dealers of municipal securities to encourage more complete, more timely disclosure by municipal issuers. These rules are now set to take effect on July 3, 1995. If H.R. 450 passes after July 3, 1995, the retroactive provision of Section 3 would delay the effective date of these rules until the end of the moratorium period.

Three-Day Settlement. The delay between a securities trade and settlement creates risk not only for the parties to the trade but also for the entire securities settlement system. In October 1993, the SEC adopted a rule to shorten the settlement cycle for corporate securities from five to three business days. This rule is now set to take effect on June 7, 1995. If H.R. 450 passes after June 7, 1995, the retroactive provision of Section 3 would delay the effective date of this change until the end of the moratorium period. The result would probably be substantial costs for the securities industry and customers in changing the settlement period from five to three business days on June 7, then back to five business days under H.R. 450, and then back to three business days under the rule.

Electronic filing. The SEC's electronic filing system, known as EDGAR, makes documents filed with the SEC available more rapidly and electronically. In December 1994, the SEC adopted a schedule for the continuing transition to electronic filing, which provided that companies not yet filing electronically would begin on various dates starting in January 1995 and ending in May 1996. H.R. 450 would extend, until the end of the moratorium period, the deadline for the companies required under this schedule to start filing electronically prior to passage of H.R. 450.

These are but a few examples of how H.R. 450 would affect securities markets and investors. If you or your staff have any questions about these issues, please do not hesitate to contact us.

Sincerely yours,

ARTHUR LEVITT,
Chairman.

Mr. GEJDENSON. Mr. Chairman, I rise in strong opposition to H.R. 450. I'll be the first to admit that certain Federal regulations make little sense and should be repealed. Moreover, we need to more carefully evaluate the effects of regulations and work with the regulated community to ensure that we accomplish our goals in the most efficient and sensible manner. This bill does not achieve these goals. In fact, it employs a meat cleaver when a scalpel is more appropriate.

This legislation is another example of bad public policy that has been hastily put together in order to meet an arbitrary deadline set by the Republicans in their Contract With America. It is becoming painfully obvious to me that "the Contract says we are going to do this" is becoming the refrain around here regardless of the implications of these ill-conceived proposals which I believe were thrown together to because they sound good on the surface. I do not believe the American people think that just because the contract says something will be done that it should be when it becomes clear that it is bad policy.

This bill isn't the Regulatory Transition Act, it's the Regulatory Demolition Act. It suspends all regulations issued between November 20, 1994, and December 31, 1995. Originally the bill only covered a 6-month period but it has been increased to more than a year. Oh, I know the bill says until December 31 or when other regulatory reform measures are enacted, whichever comes first. I think most of my colleagues agree that the other body is far less enamored with these proposals than Republicans in the House so it is safe to assume that December 31 is the more likely deadline. The language in this bill will result in the suspension of just about every regulation issued during this period. The definition of emergency is so narrow that few regulations will qualify and onerous certification requirements just compound this problem. I am also very concerned that while the bill includes endangerment of private property in its definition of imminent threat to health or safety, it does not include general threats to public health, safety and well-being. If not implementing a regulation might adversely affect a developer then we'll allow it, but a regulation addressing a human health issue can only go into effect if it will prevent death or serious injury rather than safe guard general welfare.

Mr. Chairman, I believe this bill will actually undermine efforts to improve the regulatory process. It defines regulatory action banned by the bill very broadly, including notice of inquiry, advanced notice of proposed rulemaking and notice of proposed rulemaking. For those familiar with the process of developing regulations, these are information gathering measures which open the process to all interested parties and afford them the opportunity of to raise important issues and point out possible pitfalls. These devices allow agencies to say here is what we are thinking about doing, what is your reaction and how can we do things better. I wish my Republican colleagues would explain to me how the process can be improved if agencies are barred from soliciting input from entities which might be covered by a regulation. This definition is totally counterproductive and again demonstrates that the proponents of this bill have not fully thought out its effects.

I am very concerned about the implications of this bill on the interests of the residents of my State. For example, important regulations issued by the National Marine Fisheries Service in December 1994 and January 1995 designed to protect certain New England fishstocks will be repealed. These regulations will help to stem the dramatic decline of haddock, cod, and flounder and rebuild these important species. Without these measures, it is very likely that these species will become extinct thereby driving fishermen in communities like Stonington, CT, out of business. As the bill is written, these regulations, which respond to an emergency, do not qualify as such. Furthermore, regulations issued by the Environmental Protection Agency last month to improve air quality in the Northeast will be declared void. These regulations were requested by nine States in the region and are among the most flexible I've ever seen. This bill casts aside the will of nine States and abrogates regulations which are a model of flexibility. Once again, this bill throws the baby out with the bath water purely and simply.

Mr. Chairman, this is an ill-conceived measure which will jeopardize the health, safety, and well-being of every American. It does not facilitate a transition as the title suggests. Instead, it creates a massive chasm which its proponents virtually guarantee can not be bridged. It does not seek to separate out those measures which have widespread public support or address many important issues which might not cause immediate death. This bill is bad public policy and should be defeated.

Mr. CLAY. Mr. Chairman, I rise in opposition to H.R. 450. This is absurd legislation intended to prevent the President from exercising his constitutional responsibility to enforce the laws of the United States. It is an ill-conceived bill that creates tremendous confusion as to what kinds of regulations are subject to the moratorium and what kind are not. In effect, the new majority wants to make the President a powerless executive. If they succeed, the public will suffer.

The impact of this legislation on regulations intended to protect the health and safety of American workers clearly illustrates the extent of the confusion that enactment of this legislation would cause. The bill specifically provides that the Office of Management and Budget's Administrator of the Office of Information and Regulatory Affairs may issue a waiver for any regulation that is certified as necessary because of an imminent threat to health or safety. The term "imminent threat to health or safety" is further defined to mean "the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans * * *."

The Supreme Court has interpreted the Occupational Safety and Health Act to require a finding that a hazard poses a significant risk to workers before the Occupational Safety and Health Administration [OSHA] may regulate it. Therefore, based upon the text of the bill, it would appear that regulations issued by the Occupational Safety and Health Administration are potentially exempt under the imminent threat to health or safety exemption.

However, the committee report accompanying this legislation, Report No. 104–39 part I, goes on to state:

> The inclusion of the word "imminent" is not intended to pose an insurmountable obstacle to the certification of health or safety regulations. Rather it is intended to guard against the undisciplined use of this exception as a means to evade Congress' intent. For example, this committee does not intend this exception to include OSHA's regulations prescribing ergonomic protection standards which require employers to build new work environments to prevent disorders associated with repetitive motions. Such regulations would not be excepted from the moratorium under section 5(a) because they do not address a threat that is imminent.

The imposition of a test of imminence of injury is absurd. Apparently, while the Republicans continue to adhere to the view that employers should not kill employees immediately, it is perfectly all right for employers to kill them slowly.

OSHA has prepared a protective rule to safeguard workers from exposure to methylene chloride, a carcinogenic solvent used to strip furniture and for other purposes. Methylene chloride is a carcinogenic. It does not kill instantly. It nevertheless produces death. By OSHA's estimate, a 1-year delay results in an estimated 21 deaths and 32,000 illnesses that otherwise would have been prevented. In my view, the methylene chloride rule clearly falls within the purview of the imminent threat to health and safety exception. Nevertheless, the committee report creates confusion and invites litigation over this issue.

The Republican indifference to the health and safety of working Americans becomes explicit with regard to the ergonomic regulations that the committee specifically intends to be subject to the moratorium. It is estimated that a 1-year delay of the ergonomic regulations will result in serious musculoskeletal or cumulative trauma disorders to 300,000 additional workers. Liberty Mutual estimates that the average musculoskeletal disorder costs $8,000 in workers' compensation claims, including wage replacements and medical benefits. The 300,000 additional ergonomic injuries, therefore, pose a potential cost of $2.4 billion. Many of these injuries would be prevented by the timely issuance of a protective standard requiring employers to develop ergonomics programs for at-risk jobs. Apparently, the Republicans prefer to allow workers to continue to be injured.

Mr. Chairman, based upon what has been put forward to explain this bill, it is impossible to tell what kind of regulations are subject to the moratorium. What does it mean to streamline a regulation? What kind of matters relate to foreign affairs functions? What is a routine administrative function? More seriously, what is an imminent threat to health or safety?

The confusion engendered by this legislation is impractical, counter-productive, and unnecessary. It is also dangerous. I, therefore, urge the defeat of H.R. 450.

Mr. KIM. Mr. Chairman, I rise in support of this Regulatory Transition Act—it represents another commonsense reform in the Republican Contract With America.

The Federal bureaucracy is out of control issuing regulation after regulation. Many of these are unnecessary and have become great burdens on American businesses. Many of these regulations are contradictory and—in some cases—jeopardize the economic prosperity and personal safety of the public.

For example, in my own district I witnessed the struggle between the Federal Aviation Administration and the Fish and Wildlife Service over whose regulations were more important at Ontario Airport. The FAA's regulations require the destruction of vegetation around the airport. This is needed to keep birds away from being sucked into the engines of the jets flying people in and out of the airport. This is clearly a safety issue—one bird strike can crash an airliner.

But, because there was an endangered species—an endangered insect—a fly—near by, Fish and Wildlife regulations prohibited the destruction of the vegetation near the runway.

For 8 months everything was stalled and the risk of bird strikes increased. The bureaucrats were so academic and dedicated to their own particular regulations, they became illogical. An insect became more important than the life and death of people.

It's time to say, "stop!" to this nonesense.

It's time to re-evaluate and reform the way new regulations are issued. This bill will make sure that any new regulations are:

First, necessary;

Scond, logical—that means they make practical sense;

Third, cost-effective; and

Fourth, do not contradict other laws and regulations already in effect.

Mr. DOOLITTLE. Mr. Chairman, I rise today in strong support of H.R. 450, the Regulatory Transition Act. This legislation prohibits Federal agencies from promulgating new rules and regulations until December 31, 1995. In addition, the bill suspends any Federal rules issued since November 20 of last year.

Mr. Chairman, this legislation provides a needed time out from the onslaught of Federal regulations. Currently over 110 executive branch agencies issue regulations, including approximately 22 independent regulatory boards and commissions. Thomas Hopkins of the Rochester Institute of Technology places the total cost of complying with Federal regulations at $600 billion in 1994. Other estimates find the annual cost of these regulations to be closer to $1 trillion annually.

The worst aspect of excessive Federal regulation is its impact on job creation. According to the Heritage Foundation, regulation destroys jobs in several ways:

> First, reductions in efficiency, productivity, investment, and economic growth due to regulation translate into fewer jobs. Second, regulations may raise the general costs of a particular business, leaving it unable or unwilling to hire as many workers as before. Third, regulations may raise the cost of employment by imposing specific costs tied to each new employees hired.

In order to provide flexibility, the bill includes commonsense exceptions for the enforcement of criminal laws, military and foreign affairs, reduction of preexisting regulatory burdens, continuation of agencies' routine administrative functions, or because of an imminent threat to health or safety.

Mr. Chairman, the people from my district and my State want to see their families unburdened from the heavy regulation that destroys real economic opportunity. A year off from costly Federal regulations will help advance this objective.

I urge my colleagues to support H.R. 450.

Ms. PELOSI. Mr. Chairman: I rise today in strong opposition to H.R. 450, the Regulatory Transition Act. This is an ill-conceived bill with unknown and unintended consequences. For example, this bill could halt trade sanctions against China if passed in its current form.

Health and safety regulations are also at risk. Passage of this bill could result in another outbreak of the E. coli bacteria if food inspection regulations are not implemented.

In addition, testing standards for urban water supplies would also be endangered, possibly resulting in another outbreak of cryptosporidium which contaminated the water supplies of Washington, DC and Milwaukee.

Mr. Chairman, regulations need to be reformed, not eliminated. This bill poses a serious threat to the health and safety of all Americans.

The enormously broad scope of H.R. 450 represents an assault on one of the basic functions of the Federal Government—protecting public safety and health.

In calling for a regulatory time-out on things like consumer, worker, and environmental protections, the Republican extremists are attempting to dismantle some of our Nation's most critical health and safety standards and protections.

I urge my colleagues to oppose this legislation.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 450, the Regulatory Transition Act of 1995. We cannot and should not, in an attempt to reform regulations, shirk our responsibility to act in the best interest of the American people by totally curtailing essential regulations that protect the public. This flawed and hurried legislation will not only fail to truly reform the few regulations that need it but will endanger the American public by stripping away the services and protections Congress is obligated to provide.

The bill before us, today, the Regulatory Transition Act of 1995, will not only attempt to undo many of the important accomplishments of the U.S. Congress, Federal agencies, and the President of the United States but also seeks to undermine many of our most important efforts to improve the quality of life for all Americans.

The stated purpose of the Regulatory Transition Act is to impose a moratorium on regulatory rulemaking actions by Federal agencies. The bill establishes a moratorium period beginning on November 9, 1994, and ending June 30, 1995. Except for a few special interest exceptions granted to friends of the new majority, any regulatory action taken during this period would be suspended until July 1, 1995.

While I agree that Congress should reform regulations where needed, this proposed measure goes well beyond this legitimate objective of balancing responsibilities. In fact, this bill is specifically designed to inhibit the will of the people by creating artificial obstacles to congressional support for programs the current majority has long sought to weaken, if not totally eliminate, including laws that protect the environment, strengthen crime control, and heighten worker and citizen safety.

H.R. 450 will have a devastating impact on the environment. As a Representative of the urban district of Cleveland, OH, I have witnessed the severity of the environmental problems this Nation and its inner cities now face. The quality of most urban air and water in this country is in dire need of immediate attention.

Mr. Speaker, without regulations concerning the Clean Water Act, the Clean Air Act, and or others promulgated by the Environmental Protection Agency or OSHA—all measures that represent significant steps toward remedying the effects of environmental devastation and injustice—the American people and all future generations will be harmed forever.

I am certain that no one in this House would want to increase the risk of disease, dysfunction, and premature deaths caused by exposure to toxic emissions from cadmium, lead, mercury, or dioxin. But that is exactly what H.R. 450 would do. It would slam the door on an EPA rule that would reduce emissions from cadmium, lead, and mercury from municipal waste incinerators.

Of equal importance is the negative impact of H.R. 450 on the FDA rule designed to ensure that mammograms for breast cancer detection are properly administered and interpreted. The breast cancer incidence rate in women increased from 85 per 100,000 in 1980 to 112.3 in 1991. This trend calls for more intensive breast cancer screening that includes mammography, a procedure which clearly reduces death from the disease. FDA regulation would enhance our effort to alter the course of the breast cancer epidemic. But none of these regulations written for the good of the public may survive and Republicans plan to dismantle the general public's Federal protection against needless death.

This bill will also significantly compromise citizen and worker safety. Last year, over 10,000 American workers died in the workplace. Another 70,000 were permanently disabled, and more than 100,000 contracted fatal occupational illnesses. H.R. 450 will greatly inhibit our ability to protect the American population from unsafe products, dangerous working conditions, and avoidable disasters. I cannot in good conscience endanger American workers by supporting this bill.

In addition to endangering the health and lives of Americans, approval of H.R. 450 would result in additional Government waste. Surprisingly enough, the antilitigation Republicans have included in this legislation provisions that will lead to a proliferation of administrative lawsuits. H.R. 450 creates a new cause of action for those who claim that they have been adversely affected by Agency action. This law will lead to a myriad of lawsuits brought by anyone who does not like some regulation created by the Federal Government, wasting time, money, and limited Government resources.

Mr. Speaker, this legislation is unprecedented in its scope. Few areas of Federal regulation will be unaffected by this measure, yet, with very little opportunity for open hearing, and with limited debate, this act has been placed before us. A measure of this kind requires detailed analysis of the impact it may have on the American people, but no such review has or will take place. In the current rush to force this bill to the floor of this House, the will of the American people will certainly be compromised.

Furthermore, Mr. Speaker, this legislation will not only have a dramatic and disastrous impact on future regulation, it will also affect existing regulations. Important rules essential to efficient clarification, tailoring, and consolidation, by enhancing standards, or by enhancing the scope of the original regulation, will all be inhibited by this bill.

Important measures placed in jeopardy by this proposed legislation include virtually every aspect of governmental activity, from the protection of our citizens' civil rights to ensuring safe food and drink for our children. Any proposed regulation that is designed to protect workers and citizens from unnecessary injury, protect the environment, or promote equity, will be subject to exclusion under this bill.

Mr. Speaker, it is my belief that H.R. 450 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that cookie-cutter, simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of pollution, discrimination, and poverty, the solution to these problems will not be found in quick fixes like H.R. 450. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations. I urge my colleagues to vote against this bill.

Mr. COLEMAN. Mr. Speaker, I rise today to express my opposition to the bill H.R. 450. While I support the intentions of the bill, I feel that a regulatory freeze is not only a clumsy but also a dangerous way to achieve the important goal of regulatory reform.

The most frustrating aspect of this legislative session is that day after day, we must face the growing reality of the increasing irrelevance of the House of Representatives. While this body has become the center of American jingoism and bumper sticker solutions, it is quickly moving off the radar screen of policy relevance. A brief glance at the bill H.R. 450 tells us why this is happening.

The stated goal of H.R. 450 is a good one to ensure the economy and efficiency of the Federal Government. This has been one of the most vehemently pursued goals of the Clinton administration. With a firm commitment to reinventing government, the Administration has doggedly pursued the goal of regulatory reform. They have put an end to the explosion of senseless regulations that occurred under the Republican administrations of Ronald Reagan and George Bush. In short, the stated goal of this bill is already being pursued systematically, intelligently, and relentlessly under President Clinton. The simple fact is that the goals of H.R. 450 are being achieved already. The only reason that the majority party feels compelled to take up the regulatory struggle is because they know it is a good chance to take the wind out of the sails of the Clinton administration. It is a bill entirely motivated by politics.

But the problems of this bill don't end with its redundancy. H.R. 450 is also bad policy. In order to achieve the stated goal of government economy and efficiency, the bill proposes a moratorium on regulations that is retroactive through November of last year. Freezing regulations is not an intelligent way to streamline government. This is an excellent example of the extremism of the Republican party in this House.

Freezing all Federal regulations will potentially expose the people of America to countless dangers. The EPA has indicated that standards to reduce the presence of lead and dioxins in the air will be put on hold, as will efforts to remove dangerous disinfectant byproducts and microbiological contaminants in water. Further, the development of safe alternatives to ozone depleting chemicals will be put on hold. The Department of Labor will not be able to finish outlining the regulations that will guide the implementation of the Family Medical Leave Act. The Department of Agriculture will not be able to prevent the importation of animals and animal products infected with bovine spongiform encephalopathy, or work to prevent the spread of lethal avian influenza in chickens. The Department of Transportation notes that H.R. 450 would stop regulations designed to make commuter planes meet the safety requirements of larger carriers, and to prevent natural gas pipeline explosions. These are just a few examples of the manner in which the moratorium could pose a direct threat to the health, safety and economic well-being of the American people.

Republicans are correct when they assert that Americans and American businesses are fed up with senseless regulations. But they are horribly off the mark when they propose that freezing all regulations is the solution to this problem. The exemptions that they have offered for regulations protecting health, safety, and property are vague at best, and give the latter inexplicable ascendancy over the first two. There is no guarantee that important regulations will be allowed enactment under H.R. 450. I cannot support such carelessly crafted legislation, and I am surprised at those who can.

The practice of performing delicate policy operations with a meat axe has characterized the actions of the House from the beginning of the session, and it is eroding the credibility of this body. Even as we rush to pass bills that are poorly crafted, the Senate is carefully weighing the implications of each piece of legislation. This is not a question of partisan politics. The Republicans have a majority in the Senate as well. And yet there, they recognize the great importance of designing legislation that not only sounds good, but that works as well. We should do the same. H.R. 450 is another example of an important issue that has been drastically oversimplified. Freezing reforms is not the answer to the regulatory explosion, and it is a proposal that places American lives at risk. Therefore, I will not support this legislation.

I do not believe that the 435 Members of this body ought to be consigned to irrelevance in the policy sphere. But unless the Republican Party stops focusing on the laminated card in the Speaker's breast pocket, and starts concentrating on the difficult, deliberative, and complex task of framing policy and instituting reform, we are doomed to 50 more days of meaningless endeavors. I fear that the words of Macbeth will be a fitting epitaph for the Republican Contract, which thus far has frequently proven to be a document "full of sound and fury, signifying nothing."

Mr. ROGERS. Mr. Chairman, I rise today in support of H.R. 450, the Regulatory Transition Act of 1995, but I would like to make clear what this bill does and does not do.

First, what the bill does do. This legislation will place a temporary hold on regulations which are currently under promulgation by Federal agencies. These regulations—which number more than 65,000 pages per year—are literally choking the economic growth of the Nation and must be looked at.

Again, this is a temporary hold. We are simply saying that the redtape machine needs to stop for a few months so we can see if these regulations are helping or hurting the American people. I would bet that many homebuilders, roadbuilders, and oil and gas entrepreneurs in my district would say that the redtape of regulation is definitely hurting.

However, there are clear limits to what this bill applies to. For instance, the bill explicitly states that no regulations "which would prevent an imminent threat to health or safety" would be affected by this legislation. In fact, I spoke to the chairman of the committee that wrote this bill, the gentleman from Pennsylvania, Mr. CLINGER, to ensure that these provisions were part of the final package.

But in order to ensure that critical safety regulations pending at the Mine Safety and Health Administration [MSHA] would not be affected, I will vote for an amendment during floor debate which will exempt such actions from the bill. These include important rules requiring better ventilation to avoid buildup of methane gas and restricting the use of diesel equipment to avoid coal mine fires. I simply feel that protecting the health and safety of our miners requires this added protection.

Again, Mr. Chairman, I am supportive of efforts to put a hold on the regulation steamroller known as the Federal Government. I only wanted to clarify for my colleagues that important rules regarding health and safety would not be impacted.

Mr. KIM. Mr. Chairman, the Federal bureaucracy is out of control issuing burdensome regulation after regulation.

Currently, over 110 executive branch agencies issue regulations, including approximately 22 independent regulatory boards and commissions. Additionally, some 250,000 Federal employees do nothing but issue and process regulations.

Since November 20, more than 500 additional regulations have been added to the Federal Register. Therefore, it should come as no surprise that last year's Register was the longest it has been since the Carter administration—67,000 pages long in 1994. We must stop these ever-mounting regulations.

Many of these directives from Washington are unnecessary and have become tremendous burdens on American businesses. National Performance Review studies have found that these regulations could cost as much as $540 billion each year—not to mention all the paperwork.

The Office of Management and Budget estimated that in 1991, the American people spent more than 6.5 billion hours filling out forms. According to the Small Business Administration, small businesses alone spend at least 1 billion hours each year filling out Federal forms at an annual cost of $100 billion.

Many regulations are contradictory and—in many cases—jeopardize the economic prosperity and personal safety of the public.

For example, in my own district in California, I witnessed the bureaucratic, regulatory struggle between the Federal Aviation Administration and the Fish and Wildlife Service over which agency's regulations were to take precedence at Ontario International Airport.

The FAA's regulations required the constant control of vegetation around the airport. This control is needed to keep birds away from the runways—because birds could be sucked into the engines of the aircraft flying people in and out of the airport and could cause an airplane to crash. This is clearly a safety issue and this regulation makes sense.

But, there was a certain fly—that's right, an insect—called the flower-loving fly, which the Fish and Wildlife Service considered endangered and that was supposedly occupying the vegetation around the runway.

Citing their regulations, the bureaucrats at the Fish and Wildlife Service prohibited the destruction of this alleged habitat. For nearly a year, approval of the environmental impact report was stalled. This approval was needed to expand the airport. The bureaucrats were so academic and dedicated to their own particular regulations, that they became completely illogical. The long arm of intrusive Government mandates and regulations even extends to the pavement on which we all walk and drive.

Here's how: The Federal Government now requires States to use old rubber tires in the asphalt of new roads. The idea behind this directive has merit—in theory. Rather than have local landfills overflow with old tires, they would be recycled into paving asphalt.

However, the Federal Government turned a simple idea into an impossible requirement. Because of the excessive regulations and legal mandates associated with this directive, hundreds of millions of dollars in needed highway funds are at risk of being lost each year. If a State does not comply with every little regulation and fill out every little form, the Federal Government can withhold its highway funding, stopping the construction of a road even as the ground is being graded or asphalt being laid.

So, States do whatever it takes—despite high costs and risks—to meet these Federal regulations, despite the fact that the use of old tires—called crumb rubber—does not really work.

First, most States do not have the proper equipment to mix old tires into asphalt, nor do their road crews have the proper training in working with this material.

Second, it is terribly expensive. It can cost three times as much as ordinary asphalt. To comply with all the laws and regulations regarding the use of crumb rubber, most States would have to buy millions of dollars' worth of new equipment. That means tax dollars go into new, specialized machines—not roads. Further complicating the matter is that most States do not have a reliable supply of used tires. A distribution network of old tires does not exist.

Finally, some States are concerned about the health risks associated with the use of crumb rubber. Melting tires in old equipment creates toxic fumes putting the health of road crews and the environment at large at risk.

It's time to say, "stop" to this nonsense. It's time to reevaluate and reform the way new mandates and regulations are issued.

That's exactly what Congress has done this week in passing the Regulatory Transition Act. I am proud to have voted for this measure and I am encouraged that it passed the House. This bill will make sure that any new regulations are: First, necessary; second, logical—that means they make sense to average people; third, cost effective; and fourth, do not contradict other laws and regulations already in effect.

This is only one of a series of responsible Contract With America reforms I supported and Congress has passed. Others include:

The Unfunded Mandate Reform Act—H.R. 5.

The Risk Assessment and Cost-Benefit Act—H.R. 1022.

The Regulatory Reform and Relief Act—H.R. 926.

Private Property Protection Act—H.R. 925.

Combined together, these reforms may finally give the American people the relief they need from excessive Government regulations and Federal micromanagement of their lives. And, contrary to the claims of special interests and the bureaucracy, these commonsense measures will not threaten anyone's security, health, or safety. Each of these bills provide exceptions for security, health, safety, and other important concerns. These measures help redefine the role of Government as that of providing responsible service and protection, not needless regulations and costly burdens.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Transition Act of 1995".

SEC. 2. FINDING.

The Congress finds that effective steps for improving the efficiency and proper management of Government operations, including enactment of a new law or laws to require (1) that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights, and (2) for those Federal regulations that are subject to risk analysis and risk assessment that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures, will be promoted if a moratorium on new rulemaking actions is imposed and an inventory of such action is conducted.

SEC. 3. MORATORIUM ON REGULATIONS.

(a) MORATORIUM.—Until the end of the moratorium period, a Federal agency may not take any regulatory rulemaking action, unless an exception is provided under section 5. Beginning 30 days after the date of the enactment of this Act, the effectiveness of any regulatory rulemaking action taken or made effective during the moratorium period but before the date of the enactment shall be suspended until the end of the moratorium period, unless an exception is provided under section 5.

(b) INVENTORY OF RULEMAKINGS.—Not later than 30 days after the date of the enactment of this Act, the President shall conduct an inventory and publish in the Federal Register a list of all regulatory rulemaking actions covered by subsection (a) taken or made effective during the moratorium period but before the date of the enactment.

SEC. 4. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Any deadline for, relating to, or involving any action dependent upon, any regulatory rulemaking actions authorized or required to be taken before the end of the moratorium period is extended for 5 months or until the end of the moratorium period, whichever is later.

(b) DEADLINE DEFINED.—The term "deadline" means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or regulation, or by or under any court order implementing any Federal statute or regulation.

(c) IDENTIFICATION OF POSTPONED DEADLINES.—Not later than 30 days after the date of the enactment of this Act, the President shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 5. EMERGENCY EXCEPTIONS; EXCLUSIONS.

(a) EMERGENCY EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and submits a copy thereof to the appropriate committees of each House of the Congress;

(2) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds in writing that a waiver for the action is (A) necessary because of an imminent threat to health or safety or other emergency, or (B) necessary for the enforcement of criminal laws; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

(b) EXCLUSIONS.—The head of an agency shall publish in the Federal Register any action excluded because of a certification under section 6(3)(B).

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) FEDERAL AGENCY.—The term "Federal agency" means any agency as that term is defined in section 551(1) of title 5, United States Code (relating to administrative procedure).

(2) MORATORIUM PERIOD.—The term "moratorium period" means the period of time—

(A) beginning November 20, 1994; and

(B) ending on the earlier of—

(i) the first date on which there have been enacted one or more laws that—

(I) require that the Federal rulemaking process include cost/benefit analysis, including analysis of costs resulting from the loss of property rights; and

(II) for those Federal regulations that are subject to risk analysis and risk assessment, require that those regulations undergo standardized risk analysis and risk assessment using the best scientific and economic procedures; or

(ii) December 31, 1995.

(3) REGULATORY RULEMAKING ACTION.—

(A) IN GENERAL.—The term "regulatory rulemaking action" means any rulemaking on any rule normally published in the Federal Register, including—

(i) the issuance of any substantive rule, interpretative rule, statement of agency policy, notice of inquiry, advance notice of proposed rulemaking, or notice of proposed rulemaking, and

(ii) any other action taken in the course of the process of rulemaking (except a cost benefit analysis or risk assessment, or both).

(B) EXCLUSIONS.—The term "regulatory rulemaking action" does not include—

(i) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens;

(ii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to matters relating to military or foreign affairs functions, statutes implementing international trade agreements, or agency management, personnel, or public property, loans, grants, benefits, or contracts;

(iii) any agency action that the head of the agency and the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to a routine administrative function of the agency;

(iv) any agency action that—

(I) is taken by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; and

(II) the head of the agency certifies would meet the standards for an exception or exclusion described in this Act; or

(v) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

(4) RULE.—The term "rule" means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy. Such term does not include the approval or prescription, on a case-by-case or consolidated case basis, for the future of rates, wages, corporation, or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor, or of valuations, costs, or accounting, or practices bearing on any of the foregoing, nor does it include any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an

institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds. Such term also does not include the granting an application for a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief from a regulatory requirement, or other action relieving a restriction or taking any action necessary to permit new or improved applications of technology or allow the manufacture, distribution, sale, or use of a substance or product.

(5) RULEMAKING.—The term "rulemaking" means agency process for formulating, amending, or repealing a rule.

(6) LICENSE.—The term "license" means the whole or part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

(7) IMMINENT THREAT TO HEALTH OR SAFETY.—The term "imminent threat to health or safety" means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period.

SEC. 7. LIMITATION ON CIVIL ACTIONS.

No private right of action may be brought against any Federal agency for a violation of this Act. This prohibition shall not affect any private right of action or remedy otherwise available under any other law.

SEC. 8. RELATIONSHIP TO OTHER LAW; SEVERABILITY.

(a) APPLICABILITY.—This Act shall apply notwithstanding any other provision of law.

(b) SEVERABILITY.—If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

Pursuant to the order of the House of today, the following amendments and all amendments thereto will be debatable for the time specified, equally divided and controlled by the proponent and an opponent of the amendment:

Amendment 18, by the gentleman from California [Mr. CONDIT] or the gentleman from Texas [Mr. COMBEST] for 40 minutes;

Amendments 21 and 22 by the gentleman from Pennsylvania [Mr. KANJORSKI] for 30 minutes;

Amendment 28 by the Gentlewoman from New York [Ms. SLAUGHTER] for 30 minutes;

Amendment 5 or 6, by the gentleman from Indiana [Mr. BURTON] for 20 minutes;

Amendment 30, by the gentleman from South Carolina [Mr. SPRATT] for 30 minutes;

Amendment 36 or 37, by the gentleman from California [Mr. WAXMAN] for 30 minutes;

Amendment 7, by the gentlewoman from Illinois [Mrs. COLLINS] for 30 minutes;

Amendment 25 or 26, by the gentlewoman from the District of Columbia [Ms. NORTON] for 20 minutes;

An amendment by the gentleman from Washington [Mr. TATE] for 20 minutes;

An amendment by the gentleman from Louisiana [Mr. HAYES] for 20 minutes.

Amendment 38 by the gentleman from West Virginia [Mr. WISE] for 30 minutes;

Amendment 20 by the gentleman from Texas [Mr. GENE GREEN] for 20 minutes;

Amendment 35 by the gentleman from California [Mr. WAXMAN] for 20 minutes;

Amendment 3 or 4 by the gentleman from Pennsylvania [Mr. FATTAH] for 10 minutes, and amendment 34 by the gentleman from Missouri [Mr. VOLKMER] for 10 minutes.

Further, the Chairman of the Committee of the Whole May postpone a request for a recorded vote on any of the 11th through 15th amendments until the conclusion of debate on those amendments, and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in this series of questions shall not be less than 15 minutes.

Further amendments will be in order following disposition of the aforementioned amendments, subject to the limit of 10 hours pursuant to House Resolution 93.

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONDIT: In the proposed section 6(2)(B), strike the period at the end and insert a semicolon, and after and immediately below clause (ii) insert the following: "except that in the case of a regulatory rulemaking action with respect to determining that a species is an endangered species or a threatened species under section 4(a)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(a)(1)) or designating critical habitat under section 4(a)(3) of that Act (16 U.S.C. 1533(a)3)), the term means the period beginning on the date described in subparagraph (A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out the Endangered Species Act of 1973, or December 31, 1996."

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. CONDIT] and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. CONDIT].

PARLIAMENTARY INQUIRY

Mr. CONDIT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONDIT. Did the Chair state that I am in control of 20 minutes?

The CHAIRMAN. The gentleman is correct. The gentleman is in control of 20 minutes.

Mr. CONDIT. Mr. Chairman, I ask unanimous consent to give 10 minutes to my colleague, the gentleman from Texas [Mr. COMBEST], the cosponsor of the amendment, for his use, and retain 10 minutes for my use.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CONDIT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer a bipartisan amendment to H.R. 450 that would extend the regulatory moratorium for new listing of endangered species or designation of critical habitat under the Endangered Species Act. These moratoria would continue until the law is reauthorized on December 31, 1996.

Under the current law, numerous species have been listed without adequate scientific proof of the need of their protection. This has resulted in severe regulatory action which would limit the use of natural resources and private property while creating significant economic hardships on communities throughout this country.

For example, species listing a critical habitat designation has caused land values to plummet which has caused serious tax revenue shortfalls in many local communities across the United States. In this regard, the endangered species stands as a prime example of an unfunded Federal mandate.

We understand and we appreciate the value of protecting species that are truly in danger of becoming extinct. However, this decision needs to be based on sound scientific data with consideration to the economic impact that it would cause local communities throughout this country.

This is not what is happening under current law. Until the Endangered Species Act is reauthorized and these issues are considered, a moratorium should be placed on additional endangered species designation.

Several bills in Congress have been introduced with bipartisan support that would attempt to do what we are trying to do today, Mr. Chairman. That is, limiting new listing of endangered species or threatened species as well as limiting designated critical habitat. The Endangered Species Act does not consider an impact on human population, and I believe that this extended moratorium would provide leverage, and we need some leverage, necessary to ensure that the Endangered Species Act would be reauthorized in this Congress.

Today that is why I stand to urge the adoption of this amendment. It would give us the opportunity to spend some time to force Congress to consider reauthorization of the Endangered Species Act. It would also give breathing room for communities across the country, local governments, private property owners, so that they could catch up with the list of endangered species that have been passed up to this point.

Mr. Chairman, I would ask that Members support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. COMBEST. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to stand with Mr. CONDIT in offering this amendment today. Our amendment will extend the regulatory moratorium in the case of new listings of endangered species or designations of critical habitat until the Endangered Species Act [ESA] is reauthorized or the end of 1996. The ESA expired in 1992 and until the act is reauthorized the bureaucracy should be shut down.

Under current law several species have been listed without adequate scientific proof of the need for their protection. This has resulted in severe regulatory actions which limit the use of natural resources and private property. These regulations have no real benefit to species protection. Over the last few years we have seen more and more cases of lives of law-abiding citizens being affected by ESA actions. These regulatory actions have resulted from a poorly written law.

Do I have interests that concern me parochially? Yes, I do. I am concerned about the possible listing of a 2-inch minnow. This could lead to unneeded regulation of drinking water for 11 cities in Texas and pumping of water by farmers for irrigation. Excess pumpage of ground water could result in fines of up to $100,000 for individuals and $200,000 for corporations per incident, plus 1 year of jail time. Our people and our economy depends on the use of these resources for their survival. Yet they could be subject to these enormous fines for normal water usage. Even though the Federal Fish and Wildlife Service says the minnow is endangered the Texas Parks and Wildlife Department concludes that the Arkansas River Shiner is neither threatened nor endangered.

When the act is reauthorized it should be rewritten to bring more legitimate science into the process and include strong provisions to protect property rights. Until that is accomplished the bureaucracy should not be allowed to continue wasting Federal resources. Citizens Against Government Waste says our amendment "addresses one of the many examples of waste and mismanagement of taxpayer dollars."

There is no need to protect species which are not endangered while restricting the use of precious natural resources and private property.

Support the bipartisan amendment to bring rational science back into the endangered species process.

☐ 1350

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. CLINGER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. CLINGER. Mr. Chairman, in the event that the time is opposition is not claimed, may I as the chairman of the committee claim that time?

The CHAIRMAN. In the absence of a true opponent the gentleman, as chairman of the committee, may claim the time with unanimous consent.

Mr. CLINGER. Mr. Chairman, I ask unanimous consent that the time in opposition might be claimed by myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mrs. COLLINS of Illinois. Mr. Chairman, reserving the right to object, it is my understanding someone may be coming in opposition to the amendment, so I would ask that the gentleman not do that at this time.

Mr. CLINGER. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO], one of the supporters of the amendment.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the Condit amendment to House Resolution 450, the Regulatory Transition Act of 1995.

It is important that we know what this amendment does and does not do.

It does not gut the Endangered Species Act. The ESA and its substantive provisions are left intact, untouched by the amendment.

The amendment does put the brakes on what is clearly a runaway train. Simply put, the Department of Interior is overwhelmed by the sheer number of listing decisions it faces.

There is plenty of blame to be shared for the current predicament we find ourselves in as we struggle with reforming the ESA.

A recent Wall Street Journal article reports that a last-minute consent decree signed by Bush administration officials on their way out the door left over 400 species petitions waiting at the Department of the Interior before the current administration was even sworn in.

To be specific on December 15, 1992, the Bush administration signed a settlement agreement stating that the U.S. Fish and Wildlife Service would act on 382 species petitions by September 30, 1996.

That settlement agreement is a legally binding requirement for the Service to act on nearly 400 species listing petitions in less than 4 years. And the agreement does not prevent new petitions from being added to that list of nearly 400.

Be that as it may, there is clearly a crisis in the implementation of the ESA.

The Condit amendment calls for a much needed time out in the species wars—a battle that threatens to divide people of goodwill on all sides.

The moratorium is temporary; it gives Congress the ability to control its own destiny.

This moratorium goes away so long as this Congress deals with reauthorization of the Endangered Species Act.

Otherwise, the moratorium expires naturally on December 31, 1996, after the adjournment of the 104th Congress.

Mr. Speaker, the Endangered Species Act is broken. But it needs to be fixed, not gutted.

This amendment will give us time to carefully consider how to fix the act. It also puts more pressure on both the legislative and executive branches to fix the act.

I have my own ideas about how we can fix the ESA. Basically, I believe we need to open up the act to allow for more public review and input.

We need comprehensive, multi-species habitat plans that take into consideration the human impacts of listings.

And we need a clear statement of the economic impacts of a listing decision. I am not advocating that ESA decisions be driven solely by the impacts on the treasury, but I am saying that we need to know the exact burdens associated with the benefits we seek.

The ESA as written now is like a black box. A petition is dropped into the box and a listing comes out of the side. Unfortunately, the process that takes us from that petition to the listing is either unknown or incomprehensible to the average American citizen.

We need to open the act to the sunshine—to the light of public review.

We also need to restore the people's faith in the accuracy and quality of the science used in listing decisions.

I have a six-point plan for reauthorization of the ESA. These concepts in my plan have received favorable review by a wide range of interests, including local farm bureaus, the Governor of California, and others interested in reforming rather than gutting the ESA.

Mr. Speaker, I submit my proposal for reauthorization of the ESA and the Wall Street Journal article I cited earlier to be included in the RECORD.

In closing, I reiterate my support for this commonsense approach to call a time out to let the agencies charged with implementing the ESA to catch their breath.

We have to make some tough choices. We can no longer treat these species questions as if we have an unlimited pot of money for ESA purposes. The ongoing, hostile budget debate highlights the fact that we have limited resources in every aspect. We have to live within our means.

I support the Condit amendment as the first logical step toward a commonsense reauthorization of the Endangered Species Act.

FINDING A BALANCE FOR CALIFORNIA: REAUTHORIZATION OF THE ENDANGERED SPECIES ACT

(By Congressman Vic Fazio)

The stakes for California in the reauthorization of the Endangered Species Act could not be higher. California has more listed species and candidate species than any other state. Each county has at least one species listed.

Reasonable implementation of the Endangered Species Act (ESA) calls for balancing of environmental quality with the economic livelihood and cultural identity of many California communities. Over the last few years, I have spoken repeatedly about the need for significant improvements in the ESA. As Congress prepares to debate the reauthorization, I have suggested six specific changes to the Act that I believe are vital to California's interests.

First, the implementation of the Act must provide an opportunity for greater public input. Currently, the public has no role in the petition process to list a candidate species endangered until after the agency has decided to list a candidate species as threatened or endangered.

Second, we need to speed up the process of developing and implementing species recovery plans. Right now, recovery plans have been prepared for barely forty percent of all listed domestic species. I believe the preferred time for the development of recovery plans should be in no less than one year after the listing occurs. Delays only serve to disrupt local economies and put the listed species in continued, and sometimes increased, jeopardy.

Third, the Act should include a thorough peer review of the data and analysis considered in decisions to list. Currently, the Act requires agencies to use "the best scientific and commercial data available" in making listing decisions. Unfortunately, "the best scientific and commercial data available" is not defined in the Act or the accompanying regulations. Unbiased peer review is the best way to ensure that the information used will support a listing decision without any subjective interpretation and ensure that it is both clear and convincing.

Fourth, Section 10 of the Act should be expanded to encourage the development of habitat conservation plans which address more than one listed or candidate species. The Act currently does not permit the development of habitat conservation plans for candidate species nor does the Act clearly encourage multiple species plans. Careful habitat planning can prevent the need to list a candidate species and speed the recovery of species already listed.

Fifth, the Act should be amended to provide equal access to the courts for those who challenge the listing of a species. Currently, the Act provides for judicial review for only those individuals or parties that oppose an agency's decision denying a petition to list a species. No similar access to the courts is provided to those who challenge the listing.

Sixth, and finally, the Act should be amended to require the development of an economic impact report concurrently with the listing of a species. The public has a right to know the best estimate of the total cost of implementing the Act for a given species. The report should detail the various direct and indirect economic factors that will be implicated by a listing and provide a reasonable estimate of the larger economic picture in light of the listing.

Balance is the key to reauthorizing the Endangered Species Act. The stakes in California are high, but we can protect our environment without destroying our economic prosperity by providing for greater public input into the decisions that affect us all.

[From the Wall Street Journal, February 17, 1995]

CAUGHT IN A TRAP—DEMOCRATS GET SNARED BY GOP PACT ON LIST OF ENDANGERED SPECIES—A BUSH-ERA 'CRITTER QUOTA' BOOSTS ANIMAL PROTECTION—AND ANTIREGULATORY IRE—MOSQUITOES VERSUS A RARE FROG

(By Timothy Noah)

TIBURON, CA.—It is Charlie Dill's job to kill disease-bearing mosquitoes, but he has had another pest on his mind lately: the Interior Department's Fish and Wildlife Service.

Mr. Dill, manager of the Marin-Sonoma Mosquito Abatement District, a local-government agency, keeps mosquito populations in check by dropping small fish that love to eat the insects into ponds and streams. Trouble is, some researchers say these ravenous mosquito fish also love to eat the eggs of California red-legged frogs, which, though rare, can be found in the San Francisco Bay area. And the service has proposed placing the frog on the endangered-species list.

Though people like Mr. Dill worry that this may make mosquito hunting more difficult, Interior Department officials say they had little choice. They cite a little-known legal settlement that President Bush's Interior Department and environmental groups reached after the 1992 election. The agreement committed the Clinton administration to propose listing nearly 400 endangered species over four years—in effect imposing a critter quota.

'A WINK AND A NOD'

Thanks to the quota, the number of plants and animals annually added to the list of endangered species, which averaged 50 a year during the Reagan and Bush administrations, now averages nearly 100 a year. This heightened regulatory activity, in turn, has added to a political backlash against environmental rules in general and the Endangered Species Act in particular.

"What our predecessors did was fight the lawsuit and then after the election was over, with a wink and a nod, say to the plaintiffs, 'We'll agree to whatever those numbers are,'" complains Interior Secretary Bruce Babbitt. "It puts us in a reactive mode, always working from a very tight corner that we've been painted into."

Former Bush administration officials deny that there was any deliberate effort to make life miserable for their Democratic successors. But "a lot of stuff got flushed through" between Election Day and Inauguration Day, concedes former Interior Department Solicitor Tom Sansonetti.

SNAIL'S PACE

The rising tide of antiregulatory sentiment in the new Republican-controlled Congress is viewed as a rebellion against the liberal policies of a Democratic administration. And, it is true, Democrats generally do tend to view government regulation more favorably than their Republican adversaries. But since the wheels of government don't turn quickly, some of the rules most abhorrent to conservatives—or the circumstances that created them—are the product not of two years of Democratic-run regulatory agencies but of the previous 12 years of Republican rule. The critter quota is one such example.

During the Reagan administration, a conservationist in Boulder, Colo., Jasper Carlton, grew frustrated with the Fish and Wildlife Service's seeming reluctance to add animals and plants to the federal endangered list. Mr. Carlton was uniquely well-equipped to notice this because he was among the most active endangered-species litigants in the U.S.; to date, he has been a plaintiff in 90 cases involving endangered species. In Mr. Carlton's words, he was "getting fed up with the fact that it was so hard to get a listing of any species."

BOTTLENECK IN WEST

Endangered-species listings, which had numbered 57 in fiscal 1980, the last full year Democrat Jimmy Carter was president, dropped to five in fiscal 1981. By the mid-1980s, annual listings had crept back up to around 50, but data collected by Mr. Carlton suggested that even this pace wasn't keeping up with extinctions that the Fish and Wildlife Service's own officials saw looming. The backlog was particularly hefty in the West, home of the California red-legged frog. (The West leads the nation in threatened extinctions because of its diverse topography and because of the relative newness of its commercial and residential development.)

Mr. Carlton figured that the backlog violated the fairly exacting requirements of the 1973 Endangered Species Act, which stipulates that if scientific evidence shows a species is endangered, it must be placed on the endangered list, regardless of political or economic consequences. So he joined the Fund for Animals and several other environmental groups in suing the Interior Department to compel the listings.

The department wasn't confident it could defeat the environmental groups in court. And after President Bush lost the 1992 election, recalls Eric Glitzenstein, an attorney for the Fund for Animals, "a lot of potential objections" to settling "were cleared away. . . . Maybe the Republican administration thought, 'Hey, let's see how the Democrats do with all these listings.'"

"I'm sure there were forces in the department . . . who were very cognizant of the fact that the Bush administration was no longer going to have to deal with that," says Steven Goldstein, who at the time served as spokesman for Interior Secretary Manuel Lujan.

CHOOSING TO SETTLE

The government lawyers chose to settle. In an agreement dated Dec. 15, 1992, the Bush administration pledged that the Fish and Wildllife Service would, by Sept. 30, 1996, propose listing all species "for which substantial information exists to warrant listing them as either endangered or threatened." The service had a list of these species—382 to be exact. Substitutions could be made, with proper reasoning, and certain species could be dropped from the backlog list, but only with voluminous scientific justification that in most cases would be hard to come by. (The settlement addresses only "proposed" endangered-species listings, but since more than 0% of all such proposals become, after a period of public comment, legally enforceable "final" listings, that distinction is largely moot.)

Today, at least one Bush administration official contends that signing the agreement was a mistake because it compelled the Interior Department to make too many listings. "They wouldn't have signed if I had anything to do with it," says Cy Jameson, former director of the Bureau of Land Management.

Other former Bush officials disagree. John Turner, former director of the Fish and Wildlife Service, maintains the agreement had "little impact" because he was already accelerating the agency's actions on endangered species. He says it is "absolutely not" true that the November election goosed the decision to settle; the mandate to list about 100 species a year "fit within the targets that we'd outlined for ourselves."

On this last point, the numbers bear Mr. Turner out, In 1991, Fish and Wildlife listed 54 endangered species; in 1982, it listed 93. Virtually all of the 1982 listings were proposed before the Fund for Animals filed its lawsuit and became final before the settlement was struck in December 1992. The listings increased, Mr. Turner says because "I just believed strongly in protecting diverse life forms."

FRENZY OF ACTIVITY

Nevertheless, the net result of the critter quota has been that the Clinton administration is compelled to maintain a frenzy of species listing. By legal fiat, listings have maintained a brisk pace (95 in 1988), 103 in 1994), and will continue to do so through the 1996 election year. There currently are 919 plants and animals on the list.

Today, Mr. Babbitt says "I would not have signed" the settlement, though he adds that, given the listings bottleneck in the 1980s, the quota was probably inevitable. "When administrative agencies fail to do their job," he says, "they are inviting this kind of judicial takeover."

Which brings matters back to item No. 135 on the court-ordered list of 382 species: the California red-legged frog.

Naturalists are puzzling over the causes for a declining frog population world-wide, but in the case of the California red-legged frog the answer is pretty straightforward. The long-legged amphibian was plundered by grenouille hunters for French restaurants that sprang up in San Francisco in the wake of the California Gold Rush, then fell victim to competition with the heartier bullfrog, introduced by settlers from the East in the 1890s. After widespread agricultural and urban development in the 20th century, the red-legged frog's range shrank to a few coastal areas, which are believed to represent only about a quarter of its former habitat.

By 1992, Mark Jennings, a zoologist affiliated with the California Academy of Sciences, was petitioning Fish and Wildlife to declare the California red-legged frog endangered. The department proposed listing the frog in February 1994—and promptly set off a squall among California's mosquito hunters.

The trouble began with the circulation of a study written by Randy Schmieder, a recent graduate of the University of California at Santa Cruz. As an undergraduate, Mr. Schmieder had compiled evidence suggesting that the non-native mosquito fish used by public-health officials to gobble up mosquito larvae were also gobbling up the eggs of red-legged frogs.

Mr. Schmieder's findings, and the fact that he then lacked a graduate degree, have made him the subject of criticism among mosquito-fish partisans. But in its proposed listing, the Fish and Wildlife Service noted Mr. Schmieder's findings, and the agency says it may have to limit use of mosquito fish to protect the frogs. (Mr. Babbitt says the California red-legged frog is "a case that cries out for more biology and careful research.")

RISK OF DISEASE

Mr. Dill says any restrictions on use of mosquito fish is cause for concern. California officials have been using the South American fish to control mosquito populations since a malaria epidemic during the 1920s. In 1993, the last year for which data are available, Mr. Dill's small Petahamn-based agency put 1,200 fish in 222 different water sources: ponds, streams, bird feeders, artificial lagoons and wherever else mosquitoes are liable to swarm.

Without proper mosquito control, says Mr. Dill, Californians risk contracting a variety of diseases, such as encephalitis, which had been detected in the animal population as recently as 1993. Should use of the mosquito fish be restricted in the future, he adds, he wouldn't stop killing mosquitoes. Rather, "there would be a direct increase in the amount of chemicals we use" to control mosquito infestation. The chemicals Mr. Dill refers to are "biological" pesticides, generally viewed as less harmful than their synthetic counterparts. But they are more harmful than mosquito fish, Mr. Dill says—and more expensive, too.

"If only they would take their time," Mr. Dill says of the Fish and Wildlife Service's final declaration that the red-legged frog is endangered, which is expected soon. "We need the freedom to put the fish wherever we think it would do us some good."

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, February 15, 1995.

SUMMARY OF ENDANGERED SPECIES ACT PETITION ACTIONS

The data below reflect findings on listing petitions received by the Fish and Wildlife Service in 1990, 1991, 1992, 1993, and 1994. The data pertain only to petitions to list taxa and do not include petitions to delist, reclassify, revise critical habitat, list humans, etc. More than half of the petitions were rejected either at the 90-day or 12-month stage. Section A is taken from petitions received during 1990 through 1993 (4 years) because only a few petitions received in 1994 have had 12-month findings come due.

A. 12-Month Findings on Species Petitioned for Listing in 1990, 1991, 1992 & 1993:

Not Warranted—26 native species (no foreign species).

Warranted/Warranted but Precluded—42 native + 53 foreign birds = 95.

12-Month findings overdue—23 native species (no foreign species).

90-Day Findings on Species Petitioned for Listing in 1990, 1991, 1992 & 1993:

Substantial—89 native species + 53 foreign birds = 142.

Not Substantial—115 native species (no foreign species).

90-day findings overdue—2 native species (no foreign species).

Subset of petitions to list native species during this period:

206—native species petitioned for listing.
115—turned down at 90 days.
91—remaining.
26—turned down at 12 months.
42—warranted/warranted but precluded.
23—findings overdue.
0—(68 percent turned down).

B. Petitions Received in 1994:

26 native species.
8 foreign species (7 butterflies, koala).
34 species.

As of 2/15/95:

90-day finding substantial—8 native + 8 foreign.

90-day finding not substantial—0.

12-month finding not warranted—1 (lynx).

12-month finding warranted/warranted but precluded—0.

PARLIAMENTARY INQUIRIES

Mr. COMBEST. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COMBEST. Mr. Chairman, if no one is here to claim the time of the opposition, is it proper under the House to ask for disposition of that time at this time, so that all of the time by proponents is not used up prior to someone claiming the time?

The CHAIRMAN. The Chair would inquire if any Member in the Chamber rises in opposition to this amendment?

Mrs. COLLINS of Illinois. Mr. Chairman, I will have a parliamentary inquiry after the Chair has answered the gentleman's parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, the Chair has not answered the gentleman's question yet.

The CHAIRMAN. The Chair was attempting to determine if there was any Member in the Chamber seeking recognition in opposition.

Mrs. COLLINS of Illinois. That was not his question, Mr. Chairman.

The CHAIRMAN. The time can be disposed of by unanimous consent.

Mrs. COLLINS of Illinois. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, can the time be retained so that a Member who is probably on the way can have the opportunity to speak in opposition to the amendment?

The CHAIRMAN. If a Member were to object, the time could only be claimed by a Member in opposition.

Mrs. COLLINS of Illinois. I thank the Chair.

Mr. COMBEST. A further parliamentary inquiry, Mr. Chairman: In order to be able to have equal debate on the issue, could the gentleman from California [Mr. CONDIT] and the gentleman from Texas [Mr. COMBEST] both reserve their time, and let us wait until someone appears or a decision is made about the remaining 20 minutes?

The CHAIRMAN. The Chair would ask if any Member in the Chamber is opposed to the amendment and wishes to be recognized?

Mrs. COLLINS of Illinois. The Chair has not answered the question, Mr. Chairman.

The CHAIRMAN. The Chair is exercising his prerogative to determine if there is opposition.

Mrs. COLLINS of Illinois. Mr. Chairman, I am exercising mine as a Member of this body to have an answer so I can know how I want to approach this issue.

The CHAIRMAN. The gentlewoman will suspend. Does a Member in the Chamber rise to claim time in opposition?

If there is no Member in the Chamber to claim the time in opposition to the amendment, does any Member object to the chairman of the committee claiming the time?

Mrs. COLLINS of Illinois. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. CLINGER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CLINGER. Mr. Chairman, in the event no one is in the Chamber to claim time in opposition to the amendment and this is the appropriate time to make that claim, does the time lapse?

The CHAIRMAN. The time does not lapse until the Chair puts the question on the amendment.

Mr. CLINGER. In other words, the Chair is telling me, Mr. Chairman, if someone comes at the end of this debate when all of the proponents of the amendment have completed their time, and somebody in opposition appears and spends 20 minutes attacking the amendment, the proponents would not have an opportunity to answer those points?

The CHAIRMAN. That is the order of the House.

Mr. CLINGER. I thank the Chair.

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewomen will please state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, it is my understanding that the majority always has or the offerer of the amendment always has the opportunity to close. If in fact, as I understand, the gentleman from Texas [Mr. COMBEST] is coauthor of that amendment, in that case would he not have the opportunity to close?

The CHAIRMAN. If the Member claiming time in opposition were representing the committee position, then that Member would be entitled to close.

Mrs. COLLINS of Illinois. Mr. Chairman, I said, if the one who is the author, the offerer as a coauthor of the amendment would have the time to close if in fact he were a Member of the majority who has offered the amendment.

The CHAIRMAN. The answer to the gentlewoman's question is "no."

Mrs. COLLINS of Illinois. It is?

The CHAIRMAN. It would depend on who controls the time in opposition.

Mrs. COLLINS of Illinois. The gentleman from Texas [Mr. COMBEST] certainly controls that amount of time. If he has that amount of time I am sure a gentleman on this side of the aisle would yield him that time to close if he so chose or even if he asked.

Mr. CONDIT. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from California will state his parliamentary inquiry.

Mr. CONDIT. What happens if the gentleman from Texas [Mr. COMBEST] and myself finish our time?

The CHAIRMAN. Then the Chair would put the question on the amendment.

Mr. CONDIT. What if I yield back the balance of our time at this moment?

The CHAIRMAN. The gentleman may do that.

Mr. CONDIT. And we would call for a vote.

The CHAIRMAN. Do the gentlemen yield back their time?

The gentleman from California is recognized.

Mr. CONDIT. Mr. Chairman, I yield back the balance of my time.

Mr. COMBEST. I have a further parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COMBEST. Mr. Chairman, is it my understanding if the gentleman from California and gentleman from Texas yield back their time, the question would be put?

The CHAIRMAN. The gentleman is correct.

Mr. COMBEST. Under the parliamentary inquiry, Mr. Chairman, if I could I want to be certain there is not a misunderstanding that we are trying to close this out. I was wishing, if some Member were here to enter into debate, that we might be able to do that.

Mrs. COLLINS of Illinois. If the gentleman will yield, the Member we thought was on the way over here apparently has not come over here and, therefore, I would suggest that he might not be on his way any longer. He had plenty of time to get here by now.

Mr. COMBEST. Mr. Chairman, I appreciate the gentlewoman's comments and realize she may be in a somewhat peculiar situation and I want to make sure there is not a misunderstanding that we are trying to close out debate here.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I rise in support of this particular amendment.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of the Condit amendment.

Mr. Chairman, I am pleased to join my colleague, Mr. CONDIT, in offering a bipartisan amendment to extend the Regulatory Transition Act to cover new regulations under the Endangered Species Act.

The Endangered Species Act has destroyed the rights of hardworking, tax-paying American families for the sake of blind cave spiders, fairy shrimp, and golden-cheeked warblers. The following horror stories are not exceptions; they are the rule:

Landowners in 33 Texas counties are endangered because their land may be designated as "critical habitat" for the golden-cheeked warbler. This designation could render vast amounts of property useless and valueless.

In Montana, a rancher was fined $3,000 for violating the Endangered Species Act. His crime? He shot and killed a grizzly bear that charged him on his own property.

In Round Rock, TX, a school might not be expanded because Federal agents discovered a blind cave spider nearby. Government officials forced this delay after the school district had spent almost $100,000 of taxpayer money on environmental studies.

Just imagine if the Endangered Species Act had been around throughout history. In the Bible, Noah could have been condemned as an animal-hater, fined, and kept from launching his arc. American history could have been changed forever: George Washington could have been imprisoned for cutting down the cherry tree. Lewis and Clark could have been fined for trampling native grasses.

Until Congress reauthorizes the Endangered Species Act to balance common sense with environmental concerns, we must protect American landowners by putting regulators on a leash. This amendment would extend the regulatory moratorium on listing of endangered or threatened species or designation of critical habitat until Congress reauthorizes the Endangered Species Act.

Join this bipartisan coalition and support the Condit amendment.

☐ 1400

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BONILLA].

Mr. BONILLA. Mr. Chairman, I strongly support this amendment.

Mr. Chairman, today, I join a bipartisan group including Messrs. CONDIT, COMBEST, SMITH, EDWARDS, and HAYES, in offering an amendment which will help put a stop to the current abuses of the Endangered Species Act [ESA]. I am very proud to be a part of this effort.

In its current form the Endangered Species Act—though well intentioned—works contrary to, and often against, one particular species—the human being.

Many hard-working ranchers, farmers, and homeowners in Texas have a greater fear of the golden cheeked warbler than they do of Federal tax hikes and tornadoes. In my own hometown of San Antonio, TX, the entire source of water has been held hostage by Federal agencies and courts over a small fish called the fountain darter. This amendment is an important first step to allay some of those fears and bring common sense to the ESA process. We in Congress must act and insure that human beings no longer play second fiddle to spiders and snakes.

Specifically, this amendment will suspend the further listing of endangered or threatened species and the designation of new critical habitat until the Endangered Species Act is reauthorized by Congress. The ESA's authorization expired in 1992. This measure is a realistic vehicle toward reforming the ESA. Passage will compel Congress to consider human factors and bring balance to the ESA when it considers the reauthorization. ESA must be reconstructed with amendments which not only protect the environment, but respect property rights.

Protecting property rights does not mean that threatened species cannot be protected. It simply means that human costs should be considered when the ESA is imposed. It also means that Government agencies, such as the Fish and Wildlife Service, should be creative in finding ways to balance these goals, rather than slamming the heavy fist of the Federal bureaucracy down on landowners. The Federal Government should work in concert with the true stewards of the land, instead of threatening them with fines without warning.

Please join us in this important bipartisan effort. It is long since past time that we bring sanity and common sense to the ESA process. This will stop current abuses and make possible real reform of the ESA.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. I also strongly support the bill.

Mr. Chairman, I rise in strong support of the amendment coauthored by my good friends, Mr. CONDIT and Mr. COMBEST. I believe that of all the amendments offered to improve this legislation this is one of the most important.

The 104th Congress must put a moratorium on any future endangered species listings until the Endangered Species Act is reauthorized. As currently written, the Endangered Species Act should be considered a pariah in society and be cast out with many other over-zealous big-government institutions that plague individual freedom, industry and potential economic development. It is fundamentally flawed and must be redrafted.

Last month, I came to the floor and spoke in morning hour about a little bait fish lurking in the Arkansas River Basin that might have the power to stop those in the agriculture industry from irrigating their land, or protecting their crops. I wondered if the little bait fish might inhibit rural towns from utilizing their primary water sources or impact a major metropolitan area's $250 million downtown restoration project which is crucial to its economic future. I spoke of my dissatisfaction with the Fish and Wildlife Service who failed to respond to my queries on the proposed listing of the Arkansas River Shiner in a timely fashion. And I called on my colleagues to cosponsor legislation putting a moratorium on any new listings until the ESA is reauthorized.

This bipartisan amendment offered by Mr. CONDIT and Mr. COMBEST will buy the American people time and protection from the ever growing ESA web that is sweeping our country. I am confident this Congress will shortly take up this task. I look forward to infusing a little common sense into the act. Private property rights, economic impact, cost-benefit analysis, and human compassion must be an integral part of a new Endangered Species Act.

In addition to the sponsors of the amendment, I would like to laud Mr. SMITH, Mr. BONILLA, and Mr. POMBO for their efforts on the issue. I urge my colleagues to support this important addition to this legislation.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I rise in favor of the Condit bipartisan amendment to H.R. 450. As a cosponsor of H.R. 490, the bill introduced by my colleague, Mr. SMITH, the gentleman from Texas. I am quite aware of the hardships that have been caused by sending the original Endangered Species Act into regulatory overdrive. In my district, there have been coal operations endangered because of the potential listing of a water snake that happens to abide in mines. There have been farmers with easements placed on their farms to preserve potentially critical habitat for bats. The horror stories elsewhere about ranchers being fined for protecting their sheep from bears and farmers jailed for killing rats are numerous.

But beyond the horror stories, there is a fundamental issue at stake. The rights of American citizens to own and enjoy their property. No one is advocating the wanton extermination of legitimate species here. But it's time that we make a decision about what takes a higher priority—the property rights of taxpaying American citizens or the comfort of creeping things and the special interests that represent them. Mr. Speaker, I urge passage of the Condit-bipartisan amendment and final passage of H.R. 450.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona, [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I stand in strong support of this amendment.

This amendment provides Americans temporary relief from the onerous and intrusive provisions of the Endangered Species Act [ESA].

When residents of Greenlee County, AZ attempted to repair a dirt road after flooding wiped it out last November, heavy handed bureaucrats from the U.S. Fish and Wildlife Service threatened a daily fine of $20,000 if the work wasn't halted.

The dirt road in question is near the Blue River designated as habitat for the loach minnow which the Fish and Wildlife Service has listed as threatened under the Endangered Species Act.

Elsewhere on the Blue River, in Pinal County, AZ, the county is seeking to replace a bridge which washed out during a flood in 1993. The county has two alternatives: Spend $4 million to replace the washed out bridge in the same high risk location, or build a bridge upstream out of harms way for half the cost.

Common sense would dictate building the cheaper, safer bridge. Unfortunately, Mr. Chairman, I've learned that nothing makes sense about the ESA and the only thing common is for the Fish and Wildlife Service to trample on the rights of people.

The ESA has allowed bureaucrats to make decisions having serious negative economic consequences throughout regions of the United States. These decisions are made without benefit of comprehensive economic analysis or without public accountability.

Let me mention an example of just one area of the ESA in desperate need of reform. The Fish and Wildlife Service views State borders as a division of species habitat. For example, if you have a population of birds that crosses a State border, it could be considered as two different species. One could be listed, while a plentiful amount lived on the other side of the stateline. Again, common sense is lacking from the process.

Of the 853 species placed on the endangered or threatened lists in the law's 22 year history, only 24 have come off. Of this 24, over half should not have been listed in the first place. In some cases the courts have forced the Fish and Wildlife Service to remove species from the list. With regards to recovery programs it is estimated that each species cost an average of $3 million to recover. I should also note, Mr. Chairman, that another 3,600 are being considered for listing. Unless we reform the ESA, beginning with this temporary moratorium, expect to see the problems faced by those in Greenlee and Pinal County coming soon to a city, county, or backyard near you.

As a member of the Endangered Species Task Force, I believe that we must address these concerns immediately. In the interim, however, the Condit amendment halts further listings until Congress can properly reauthorize the ESA.

I urge my colleagues to support this important amendment.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HERGER].

Mr. HERGER. I thank the gentleman, and I stand in strong support of this amendment.

Mr. COMBEST. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I want to stand in support of this bill and this amendment.

Mr. COMBEST. Mr. Chairman, I yield back the balance of my time.

Mr. EDWARDS. Mr. Chairman, I rise today in support of the Condit-bipartisan amendment to H.R. 450 and in doing so recognize the importance of reforming the Endangered Species Act. This amendment is virtually the same as a bill introduced last year by Congressman HENRY BONILLA and me. The act, expiring in 1992, should have been reauthorized by Congress more than 2 years ago. Since that time, endangered and threatened species continue to be listed and critical habitats continue to be designated—without the act being reviewed by Congress.

This amendment is simple. It would suspend the authority of the Secretary of the Interior to designate funds for the further listing of any endangered or threatened species or for the designation of critical habitat until the Endangered Species Act is reauthorized.

If we do not adopt the Condit-bipartisan amendment, the Endangered Species Act could continue in full force without congressional review.

Presently, 775 animals, plants, and insects are listed as endangered or threatened under the Endangered Species Act—almost a 400-percent increase from the original endangered species list. Another 3,900 species are candidates for listing.

I see the result of this in my own backyard where the U.S. Fish and Wildlife Department proposed to designate portions of 33 counties for the protection of the golden-cheeked warbler. This proposal would have encompassed some 20 million acres.

The current enforcement of the Endangered Species Act is a direct attack on private property rights. It seems that there are more protections for bugs and birds than for people and their constitutional private property rights.

We cannot continue an act that is not working. Help stop Endangered Species Act abuse; return common sense to environmental law. Vote yes on the Condit-bipartisan amendment to H.R. 450.

Mr. STENHOLM. Mr. Chairman, I rise in strong support of the Condit-bipartisan amendment to H.R. 450, the Regulatory Transition Act.

The Condit-bipartisan amendment would extend the regulatory moratorium for new listings of endangered species or designation of critical habitat under the Endangered Species Act [ESA]. Therefore, there could not be any new listings until Congress reauthorizes the ESA or until December 31, 1996.

The lack of common sense exercised under the ESA in designating critical habitat was clearly illustrated in the State of Texas last year when the U.S. Fish and Wildlife Service designated 33 counties in Texas as critical habitat for the golden cheeked warbler.

The Fish and Wildlife Service regulations in designating this critical habitat fly in the face of common sense. Property owners in the habitat area have been prohibited from making even the most limited alterations on their land, such as building fences or trimming hedgerows.

The critical habitat designation is intended to prevent activities that harass the warblers. However, the activities that are considered harassment include "chasing away a warbler that took up residence on the front porch of a farmhouse," according to a Fish and Wildlife official interviewed in the Wall Street Journal. This same official considered the Agency's enforcement of its policies "reasonable and prudent."

Reasonable and prudent enforcement of the warbler's critical habitat should not mean that private property owners are stripped of their rights to manage their own holdings. Reasonable and prudent enforcement should mean that concern for the environment and endangered species is tempered with common sense to protect the rights of landowners.

The only reasonable and prudent course is for Congress to unite to see that common sense drives changes in the current regulations. We can do that today by supporting the Condit-bipartisan amendment to H.R. 450.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today to speak in favor of the Condit amendment to H.R. 450—the Regulatory Transition Act.

Let me tell you a little story about an animal called the copper-belly water snake.

It's a nonpoisonous snake that ranges from Michigan to Kentucky—mostly in the wetlands.

Now by all accounts it's a very nice snake. And those of us from farm States know that snakes provide a useful service removing rodents and other nuisances.

But if the copper-belly water snake is added to the threatened species list, thousands of farmers throughout Kentucky could be out of work.

We've heard too many such stories:

The farmer who accidentally ran over an endangered mouse.

Or the man who killed a rat in his basement, only to find out that it was a protected species.

What sort of fine might a Kentucky farmer be forced to pay if he accidentally ran over a copper-belly water snake?

Would the regulatory forces that serve as judge, jury, and executioner impound his tractor?

Our farmers are generally the best stewards of our land. They have to be—their crops depend on fertile soil and clean air and water.

The men and women who literally make their living off the land are already suffering due to overzealous regulators.

The coal industry could also be affected by the copper-belly water snake.

Nearly 500 people in the western Kentucky county of Daviess still depend on coal-mining to put bread on the table.

Are we to shut down the few remaining mines if a copper-belly water snake decides to go undergound?

Let me again say, Mr. Chairman, that I have no quarrel with the copper-belly water snake.

I've certainly never been bitten by one.

But I urge my colleagues to support the amendment to H.R. 450—so that our farmers, miners, and indeed all of us aren't bitten by the latest version of the snail darter or spotted owl.

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the bipartisan Condit-Combest amendment to H.R. 450, the Regulatory Transition Act. This amendment seeks to extend the regulatory moratorium on rule making to include further listings of endangered species and the designation of critical habitat under the Endangered Species Act [ESA].

Congress is preparing to reauthorize and reconstruct the Endangered Species Act. Until this is done, or until the end of the 104th Congress, the Interior Department should not be permitted to continue to acquire land for habitat designation. The Condit-Combest amendment ensures that this kind of activity is stalled until Congress has time to improve the Endangered Species Act.

The U.S. Fish and Wildlife Service has been charged and entrusted with the protection of America's unique animal species, but this must be balanced with the rights of private land owners, especially ancestral land owners. As Congress and the Committee on Resources reauthorizes the Endangered Species Act, I will fight to bring diligent science and responsible Federal action back into the equation. Scrupulous science should be the hallmark of critical habitat designation, not impetuous land grabbing.

On October 1, 1993, the U.S. Fish and Wildlife Service acquired title to 370 acres designated as excess by the U.S. Navy at Ritidian, Guam, for a wildlife refuge headquarters. This land grab came even after strong objections by my office and the Government of Guam to the U.S. Department of the Interior.

The U.S. Fish and Wildlife Service's rationale to establish a refuge for Guam's declining bird population is based on weird science. The refuge was established to protect several bird species that have ellegedly become endangered. However, these populations are declining because of the introduction of the nonindigenous brown tree snake, not the lack of suitable habitat. Habitat protection will only lead to the protection of the brown tree snake and the further decline of these species. This is one example of how good science and not arbitrary habitat protection could improve the Endangered Species Act. Alternatives to habitat protection should be considered by Congress as it reforms the ESA. Land grabs such as this one must not be allowed to continue in the name of habitat preservation.

In addition to grabbing 370 acres for a refuge headquarters, the Fish and Wildlife Service has imposed on Guam a 22,873 acre wildlife refuge to protect those endangered bird species. The Federal Government continues to believe that Uncle Sam knows what is best for the people of Guam. It does not. The people of Guam know what is best and insist in shaping their own destiny and that of the island.

Guam's answer to this problem is a comprehensive land conference process taking into account historical injustices as well as the need to protect our endangered bird species and the presence of the military. The Federal Government's answer is to arbitrarily dictate 25 acres per endangered bird with no regard to sound science. Guam wants to protect its endangered species, but what we are left asking ourselves this question: What is the Federal allocation for an endangered people?

While it appears that the Federal Government has lost any sense of coherent policy toward Guam, Guam will not continue to allow bureaucracies to impose their will on our people. Whether that bureaucracy is the Fish and

Wildlife Service, the National Park Service, the Department of the Interior, or the U.S. military, we will stand against any abusive action. No longer will the people of Guam wait to see what regulation or other action the Federal Government will inflict on us next.

This type of bureaucratic insolence has caused even environmentalists like myself to be opposed to the actions of the Fish and Wildlife Service. These actions are out of control and I believe a moratorium is necessary for this agency to consider its actions with regard to regulations issued under the Endangered Species Act for habitat preservation. I support a review of ESA, of its successes and its failures. Decision making should be shifted closer to the people and away from Washington so that Federal action can be more responsive to our local communities.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CONDIT].

The amendment was agreed to.

AMENDMENTS OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I have amendments at the desk that were proposed by Mr. KANJORSKI, who is on his way to the Chamber, and I ask unanimous consent that the amendments be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments, Nos. 21 and 22, is as follows:

Amendments offered by Mrs. COLLINS of Illinois: Amend section 6(2)(A) (page , line) to read as follows:

(A) beginning on the date of the enactment of this Act, and amend section 7 (page , beginning at line) to read as follows:

SEC. 7. JUDICIAL REVIEW.

This Act shall not be considered to authorize or require any action that is subject to judicial review.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. Under the order of the House of today, the proponent and an opponent will each control 15 minutes.

Does the gentleman from Pennsylvania [Mr. CLINGER] rise in opposition?

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the amendments.

The CHAIRMAN. The gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 15 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said, the gentleman from Pennsylvania [Mr. KANJORSKI] is on his way to the Chamber.

Mr. Chairman, I support the gentleman's amendments.

As far as I am concerned, the two worst things about this bill are that it is retroactive and that it does not prohibit judicial review. The gentleman's amendment solves both problems.

Under the bill, many regulations that have already been issued would be suspended, even though business and others, in good faith, may have made major investments in order to comply.

In addition, proponents of this bill overlook the fact that Federal regulations often create markets and opportunities for business. H.R. 450, with its retroactive starting time for the moratorium, would require agencies to take away opportunities that business has already received.

For example, the FCC took action recently to allocate for sale of the private sector 50 megahertz of spectrum that has been controlled by the Federal Government.

Why would we want to stop this rulemaking which will create new opportunities for U.S. telecommunications firms, and at the same time cut back the Federal Government's role in telecommunications?

Mr. Chairman, we ought not to be changing the rules once the game has already started, and that is what this bill does.

Mr. Chairman, H.R. 450 also fails to prevent a court challenge of an agency decision to exclude a rule from the moratorium.

Although the bill does not specifically authorize judicial review of agency decisions, neither does it preclude judicial review under the authority of other laws.

The committee report states, and I quote:

> The section makes it clear that the Act does not grant any new private right of action. However, this section does not affect any private right of action (for a violation of this Act or any other law) if that right of action is otherwise available under any other law (such as the Administrative Procedure Act provisions of title 5, United States Code).

With the courts looking over their shoulders, clever lawyers can tie up regulations in litigation for months, even if they fall under one of the bill's exclusions.

Judicial review, therefore, effectively guts the authority in the bill to exempt a rule or regulation from the moratorium.

Unless excluded, important health and safety rules, rules pertaining to foreign affairs or military functions, rules relating to the provision of benefits, as well as rules affecting financial institutions could be suspended by the courts—even if an agency head believed these rules fell within the statute's exemption provisions.

The authors of this bill recognize that it is a difficult decision to decide that a rule is necessary to avoid an imminent threat to health and safety, so the committee report provides guidance. However, it is almost a certainty that if an agency exempts a regulation under that standard, business will be in court to challenge that decision. Is that what we want?

The gentleman's amendment is a major improvement over the language of the bill, because it eliminates judicial review and retroactivity. I urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I yield myself 3 minutes.

I do so to rise in opposition to the gentleman from Pennsylvania, Mr. KANJORSKI'S amendments en bloc.

Let me point out that in terms of trying to do this in a cooperative effort, we did request of the administration to have them declare a moratorium on all regulation activity for the first 100 days of this Congress so that we would have an opportunity to do that. That was not an unprecedented action. In fact, moratoria have been declared by both Presidents Reagan and Bush heretofore.

This basically would move the date only prospectively, but it would not pick up a vast horde of regulations, frankly, that really, I think, need to be looked at before they are passed on to the American people, about 600 during the time of this amendment.

So, moving this to a prospective date I think would undercut a real purpose that we are trying to accomplish here.

The other element that I think needs to be dealt with is the amendment to eliminate all judicial review, which is included in the gentleman's amendment, is unnecessary. This amendment is really redundant because section 7 of H.R. 450 already contains a limitation on judicial review. It provides simply that no private right of action may be brought against any Federal agency for violation of this act. This makes it clear that the act does not grant any new private right of action enforceable in the courts.

It is clear because this moratorium was limited in nature. The longest it can go is to December 31 of this year. And then it could be terminated much before that if in fact we pass regulatory reform under H.R. 9, that the time period that would be involved would be so short you would not really be able to conduct an effective judicial review.

On the other hand, we did not want to take away from people the rights that they presently have under existing law, primarily under the Administrative Procedure Act.

So I would submit this amendment is really unnecessary because there is no extended or no expanded right of judicial review in the bill. For that reason, I would oppose the amendment

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 13 minutes to the gentleman from Pennsylvania [Mr. KANJORSKI] and I ask unanimous consent that he be allowed to further yield time.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KANJORSKI] will be recognized for 13 minutes.

Mr. KANJORSKI. I thank the chairman.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the ranking member of the committee, the gentlewoman from Illinois [Mrs. COLLINS], and I rise in support of the amendment, obviously, because what we have here in the text of this legislation is that when you join it with what would be allowed under the APA rule is that every rule promulgated by every agency of the U.S. Government will be subject to court review and court action.

What we are structuring here is an absolute freeze on the actions of government for the next period of time, however that may eventually last, that the moratorium is in place.

If that is not bad enough, what we are allowing here by virtue of allowing judicial review under the APA regulations is that in the future any contested promulgated rule or regulation frozen in place in this time can be attacked by virtue of the right of review under judicial review. So that 4 years down the road, if something is felt to not comport with the act itself in the moratorium, you will be able to have an attack and a request for judicial review to go over that and have that rule or regulation set aside or the effectiveness set aside.

A simple example would be a rule or regulation by the wildlife area in Interior. If there were a question raised on the licensing or area qualifications for duck hunting—duck hunting—which nobody in this Chamber would oppose, activist rights organizations could attack the promulgated rules and regulations allowing that duck hunting to occur however and for whatever purpose the rule is promulgated. It would end up in the court and the decision under the judicial review would take such a period of time that whatever the purpose and finality of that ruling would be, would be inconsequential because of the passage of time.

□ 1410

What we have created here in essence, when we look at the total bill itself and the judicial review that is allowed under existing law by implication of this entire statute, is we have allowed an opportunity for those people who fundamentally and philosophically do not believe that government should work in any respect. They will have accomplished their end.

This is not just a moratorium. This is not just a surgical procedure to rule out of order improper or zealous rule makers or improper application of rules. This is a process and procedure that by not being surgical in our strike will allow those people with the worst intentions to prevail and to have consequences that we cannot even determine now, during the moratorium period, or for years thereafter, and the one thing we are certain of is that by use of allowing judicial review of this act we are going to allow the freezing of the remaining 2 years of the Clinton administration.

Now, if that is the intention of the makers of this statute, and if the intention of the makers of this statute is not providing for no judicial review during the moratorium period or thereafter, they will accomplish their end.

So I would recommend that everybody from the minority or the majority that desires to close government down in all respects of what we do, they should definitely vote against this amendment, but if they are sensitive to the fact that what we are doing is causing a wealth of litigation to occur by anyone and for any purposes, then we should seriously review what we are doing today.

We have, on February 22, received a communication from the U.S. Department of Justice, Office of Legislative Affairs and under the signature of the Assistant Attorney General of the United States that lays out the Justice Department's position on this amendment, and not reading the entire letter other than the fact that they support the amendment in its entirety, if I can quote a portion of this?

It says, "As you know, the administration strongly opposes H.R. 450. Its judicial review provision is one of the bases for this opposition. We believe section 7 will result in litigation each time a new rule is promulgated during the moratorium. We strongly oppose this language, and we think the bill should include an express bar to judicial review," and this amendment provides that "express bar" to judicial review.

I cannot urge my colleagues more firmly, and this is not a partisan issue. This is a Government issue. This is a question of whether or not we believe this Government should function and whether or not we are not capable as a Congress of finding another way to correct overzealousness in rulemaking or improper applications of rules. The fact is there are tens of thousands of rules promulgated every year. The overwhelming majority are necessary and do not cause problems or conflict with the people, but in fact enable us to carry on government. In order for us to solve the problem of perhaps 1 or 2 percent where there is some disagreement we are throwing out literally the baby with the bath water, and I think the admonishment of the U.S. Department of Justice should be taken seriously and those people that are interested in Government functioning should understand that they have made a thorough review of this act, and particularly section 7, and on the basis of that I would recommend all my colleagues to act in a bipartisan way to be certain that we do not freeze the activities of Government.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. SHADEGG], a very valued and contributing member of the committee.

Mr. SHADEGG. Mr. Chairman, let me focus the debate on this issue.

Quite frankly what we have here is a proposal to subsume the entire moratorium in one rule. The language which appears in the existing bill is carefully crafted to preserve the rights which presently exist. That language appearing in section 7 says no private right of action may be brought against any Federal agency for a violation of this act. What that means plainly and simply is: By the passage of this measure we are not creating a new and separate right of action. However, there is a second sentence also intended to preserve that balance, and that is: This prohibition shall not affect any private right of action or remedy otherwise available under any other law.

Mr. Chairman, those combined two sentences are designed to preserve the status quo, and what that means is that anyone who is in a rulemaking proceeding and who has a right to bring an action under the Administrative Procedures Act is authorized to bring that act under this section. No new action is created, but no existing action is taken away.

What the Kanjorski amendment does when it proposes to change the language of section 7 is to literally take away the entire meaning of the moratorium. What it would do in effect is to say that any regulatory agency which chose to ignore willy-nilly the moratorium itself and to proceed with a regulatory action, no matter what the basis for that was, could not be challenged in court for doing so. The plain and simple effect of that is to mean that no regulatory action would be stopped. We would have passed a moratorium which would say that for this period there were to be no ongoing rulemaking regulatory actions, and yet there would be absolutely no penalty whatsoever for a Federal regulatory agency that just simply chose to ignore that language altogether.

I suggest to my colleagues that when they understand that language of the Kanjorski amendment and when they understand that effect, it is not surprising that the administration supports that amendment and opposes the current language in the bill, and it is not surprising that what they will have done is rendered this entire act meaningless. This Congress is not about passing a moratorium which will have no effect whatsoever, a moratorium which will say the U.S. Congress wants to suspend all rulemaking actions and all regulatory actions except those for which there are enumerated exceptions, but nonetheless imposes no penalty whatsoever for doing so.

Mr. Chairman, I cannot more strongly than that urge the rejection of that amendment on the ground that it would render the entire moratorium and the very important purpose the moratorium will serve nugatory and accomplish nothing.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume to respond to and perhaps engage with the gentleman.

I think the gentleman is suggesting that rulemaking authority, as passed in statute by this body, has no way of a check and balance operating, and I suggest that most authorizing legislation authorizes a Cabinet-officer-level individual. The secretary shall have the authority to promulgate rules and regulations so that any agency that would come under the umbrella, and most of them do, of a Cabinet officer would subject that Cabinet officer to impeachment from office if he violated the clear intent of Congress as expressed by this legislation.

We are not crippling this legislation. What we are basically doing is taking out the second sentence of section 7 because that is the devil in the details. The gentleman said that the purpose of section 7, and he read it, that no right of action may be brought against any Federal agency for violation of this act.

☐ 1420

That is a great sentence, and if that were the only sentence, I would have no problem with that. But the next sentence says "This prohibition shall not affect any right of action or remedy otherwise available under any other law," which is the Administrative Procedures Act of the United States. So individuals do have actions and rights of actions under the Administrative Procedures Act, so therefore the second sentence really vitiates the expressed intent in the first sentence, and using the description of legislative language, the second sentence becomes controlling of the first sentence.

So very clearly we can have actions that exist under the Administrative Procedures Act, will exist in this act and be able to be used to attack all future rules and regulations.

Let me tell you how serious it is. The seriousness is in rulemaking as it is described. We are just thinking we are attacking things already out there. This legislation defines rulemaking. The term "rulemaking" means any agency process for formulating, amending, or repealing a rule. It means that if your constituent or mine who finds a commentary period and expresses their feelings on a rule or regulation and sends that in, if the agency opens that commentary, they have violated the rulemaking procedure of this House, and it could not only cause them difficulty under this act, it could vitiate that rule and the subsequent value or efficacy of that rule in the future.

We are really muzzling, gagging, the American people, interested people in legislation, Members of Congress. If I send a letter to an agency about the fact that I do not think the rule or regulation should be effective the way it is, and that agency opens my letter, under this basis that is formulating, amending, or repealing and taking an agency process to do that, and they are in violation of the statute. And under the APA section under judicial review, that process could be knocked out, the rule itself could be knocked out in the moratorium period of time, and thereafter if the moratorium leaves a "no other actions taken of that process" during the moratorium period of that time.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman, with the understanding that we will trade time back in the future.

Mr. SHADEGG. Mr. Chairman, I simply want to make a couple of points. First, by acknowledging that what you think should happen here is that we should go to the Under Secretaries or the Secretaries who have the authority to promulgate your rules, you are acknowledging that the Kanjorski amendment would leave no judicial remedy for an Agency which chose to ignore the moratorium. You are at least agreeing that is your proposal.

Mr. KANJORSKI. There is no process to ignore it? No. You can just tell the Secretary.

Mr. SHADEGG. Absolutely. So everyone affected by a rulemaking proceeding would be left at the mercy of calling the Secretary of that particular regulatory Agency and asking him to stop. He could not go to court and pursue the current legal rights he would have but for the language. That is, you are taking away a right he would have under the APA to go to court and challenge a rulemaking proceeding by the Kanjorski amendment.

Mr. KANJORSKI. Reclaiming my time, I am taking away the advantage that wealthy individuals and corporations in this society would have to stop the progress and protection of our people, whereas average Americans could never assume their rights under the APA.

I think it goes to the essence of what this act is all about, and maybe it extends beyond this act and goes to what we are here for this first 100 days, it is all about. It is a tremendous shift of power, to give the wealthiest elements and corporations of our society a special seat in government, a special opportunity in litigation, to frustrate the protections and the needs of average Americans. You bet your life I think that is the problem.

Mr. SHADEGG. What we are talking about really is the fact that average Americans take advantage of the APA on a regular basis, and that you are taking advantage of this moratorium to take away their right to go to court and challenge the regulatory agencies that are currently regulating and taking away their rights. The purpose of the moratorium is to preserve the status quo for the time period. The language of section 7 does that precisely by saying we are creating no new right of action, but we are preserving the existing rights of action.

Mr. KANJORSKI. No, you are going beyond that, so that I may answer you. You are reserving a right of action that is based on this statute, if the APA rules are the vehicle to bring that action. So you are accomplishing nothing by the first sentence, it does not even matter being there, because the second sentence becomes controlling, and everybody who could attack this and would be denied that right under the first sentence of the act, has the right under the second sentence if they proceed under Administrative Procedures Act.

Mr. SHADEGG. The first sentence of the amendment simply says that this legislation does not in and of itself create a new right of action. That is because it was not the goal of those who are proponents to create a new right of action or to increase any amount of litigation. That is what the sentence says.

Mr. KANJORSKI. What it says in simple language, maybe I cannot read it right, this prohibition shall not affect any private right of action or remedy otherwise available under any other law. The Administrative Procedures Act allowed people to go for judicial review to attack every other law and every law, and this is every law, and therefore they come in and have the same rights that they have.

Mr. SHADEGG. Therefore the moratorium as written preserves their current legal rights and your amendment would take away those rights.

Mr. KANJORSKI. I am going to the essence of what the moratorium is all about. Are we attempting to have a moratorium and freeze until you have an opportunity to examine what may be misused and abused, or are you using the moratorium to freeze Government and deny average people the rights of judicial review, but allow large corporate entities to spend the money and to take the actions to frustrate this Government, and not only frustrate this Government, but to frustrate the rights of average American people who cannot afford the legal price to pay to go to litigation.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. KANJORSKI] has expired. The gentleman from Pennsylvania [Mr. CLINGER] has 9 minutes remaining.

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH] for purposes of engaging in a colloquy with the gentleman from Nebraska [Mr. BEREUTER].

Mr. MCINTOSH. Mr. Chairman, I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, on February 15, 1995, HUD issued regulations to revise and clarify the final rule on escrow accounting procedures under the Real Estate Settlement Procedures Act. The final rule was published on October 26, 1994 and established accounting rules and methodologies for computing escrow accounts on federally related loans. The amendments to those regulations, which were published last week make a number of changes which were sought and are supported by the mortgage industry. I would like to clarify that it is just these type of regulations that would fall within the exclusion of Section 6(3)(B)(i).

Mr. MCINTOSH. Yes, the gentleman is exactly right. The recently published amendments to the final rule on escrow accounting procedures are an example of the type of regulation intended to be covered by that exclusion. The February 15 regulations reduce regulatory burden by streamlining the notice required to be sent to borrowers by lenders when itemizing their escrow account. That regulation amending the final rule also streamlines the administrative process for implementing this major new requirement that is being imposed on mortgage servicers, by providing an additional month to allow the industry to gear up to comply with the final rule.

It is exactly the type of rule that we would allow to go forward because it limits the burden and reduces the regulatory impact.

Mr. CLINGER. Mr. Chairman, I yield myself 2 minutes for the purpose of engaging in a colloquy with the gentleman from California, [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, the moratorium on Federal regulations does not apply to the California Bay-Delta agreement of December 15, 1994, and the actions necessary to implement that agreement.

The December 15 agreement is an accord between the Federal agencies of the Department of the Interior, Commerce, and EPA and the State of California. It is not a Federal regulatory action.

The agreement calls for the withdrawal of the EPA final rules for water quality standards in the delta, once the California Water Resources Control Board adopts its own final rules under State law. This is expected to happen in March 1995. Thus, there is no impediment to the implementation to the bay-delta agreement as a result of the EPA regulations becoming subject to the moratorium.

The agreement also calls for the 1995 Biological Opinions on winter run salmon and Delta smelt to be consistent with the bay-delta agreement. This means that the existing 1994 biological opinions must be revised to conform to the bay-delta agreement. It should be clear that the revision on these biological opinions is not a regulatory action subject to the moratorium. If, for some reason, the 1994 biological opinions could not be revised to conform to the bay-delta agreement, there could be a significant water cost to Federal and State contractors south of the delta. This would be a significant obstacle to the continued implementation of the bay-delta agreement.

We know that the gentleman from Pennsylvania is aware of the environmental problems in California in the San Francisco Bay and the Sacramento-San Joaquin River Delta. We know that you are also aware of the recent historic agreement between the State of California and a number of Federal agencies that has temporarily resolved many of the environmental problems in the delta.

Mr. CLINGER. The gentleman is correct. I am aware of the agreement.

PARLIAMENTARY INQUIRY

Mr. KANJORSKI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CLINGER] yield to the gentleman from Pennsylvania [Mr. KANJORSKI] for the purpose of raising a parliamentary inquiry?

Mr. CLINGER. I yield to the gentleman from Pennsylvania.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KANJORSKI. Mr. Chairman, is the discussion on the floor germane to the amendment or not germane to the amendment, and should it not be included in some other aspect of the transaction occurring today? I was kind enough on my side to yield to the other side to have a discussion. I thought the remainder of the time of my friend, the gentleman from Pennsylvania [Mr. CLINGER], would be either used on my amendment, or the gentleman would afford me the opportunity to discuss some of the pertinent facts relevant to my amendment. But now I see nongermane material is being discussed here.

The CHAIRMAN. The debate must relate to the amendment when that question is raised.

Mr. RADANOVICH. It does, as it clarifies the amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] may proceed.

Mr. DOOLEY. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from California.

Mr. DOOLEY. Mr. Chairman, while we considered offering an amendment, we do not, at this time, believe that the bay-delta agreement is jeopardized by H.R. 450. We are, however, seeking your assurance that should questions arise during continued debate on this legislation, you will work with us to make sure that the agreement—which is so important to the agricultural, urban, and environmental interests of California—is protected from the requirements of H.R. 450.

Mr. CLINGER. My colleagues have my assurance that I will work with them on this issue.

□ 1430

Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. DAVIS], a member of the committee.

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding time to me.

I am always puzzled when I hear remarks about only wealthy individuals and big corporations would be able to sue under this act. I have perused the language of the act and find no such language that excludes small businesses, individuals, or anyone else who feels aggrieved by a large Federal bureaucracy from suing.

Perhaps the gentleman from Pennsylvania can show me the language he is referring to.

Mr. KANJORSKI. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Pennsylvania.

Mr. KANJORSKI. Mr. Chairman, what I am showing the gentleman is partiality and reasonableness.

Does he know of any of his constituents on an average basis that can afford legal counsel of $50,000 to $100,000 to attack the efficacy of a rule?

Mr. DAVIS. Mr. Chairman, reclaiming my time, let me tell the gentleman what we found in Fairfax County, when we held hearings on this at the Fairfax Government Center.

First of all, to go back to the issue of retroactivity that the gentleman talked about, we have over 50 billion dollars' worth of costs, if all of these regulations were to be promulgated, that would go down, many of these on small businesses and individuals across this country. We heard the testimony of Mr. Bill McGillicuddy, a small businessman with AutoCare, Inc., talking about some pending rules and regulations before the EPA under the Clean Air Act and how this, Mr. Ron Harrel, a Mobil Oil dealer in Fairfax, Dennis Dwyer of Potomac Mills Exxon in Virginia. These individuals would be put out of business, if certain regulations now pending before EPA were put into compliance.

Their option here is to come as a group and sue. They may not have the money individually, but a group of service station operators together could get together. These are not wealthy individuals. They are not big corporations. But they need this remedy of judicial review to be able to correct what I consider to be some very, very gross overreaching by the Federal bureaucracy. That is really the issue in this case.

And to make this a class-warfare issue, that this applies only to wealthy individuals and corporations is, I think, misleading and really gets us off the point.

Mr. KANJORSKI. Mr. Chairman, if the gentleman will continue to yield, I hope I do not leave the impression of a class-warfare issue, because I could go to the other side. I would predict under the present act, if it goes into effect as it does now, you will see billions of dollars of construction activity come to a grinding halt until the people that are making that investment are certain as to what the status of the law, the rule or regulation will be.

Mr. DAVIS. Reclaiming my time, I yield to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Would the gentleman consider the fact that there are billions of dollars in activity that do not happen to date because banks cannot lend money, not knowing the regulatory impact of properties that are held as collateral for loans to do commercial activity? And would the gentleman answer the question, the gentleman from Virginia, how many people does he represent that have $250,000 to go into Federal court to have to assert a constitutional takings under the fifth amendment since there is no low-cost administrative procedure to undermine them from the burdens that they now face under regulations of disclaimer?

Mr. DAVIS. I would just note once again, it is the National Federation of Independent Businesses, the small businesses that are endorsing this legislation and moving forward. And I understand the gentleman's concern. I will oppose the amendment.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 271, not voting 8, as follows:

[Roll No 160]

AYES—155

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Andrews
Ehlers
Frost
Gonzalez
Hilliard
McCarthy
Meek
Zimmer

☐ 1452

Mr. JOHNSON of South Dakota changed his vote from "aye" to "no."

Mr. TAYLOR of Mississippi and Mr. SERRANO changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER: At the end of section 5 (page , after line), add the following new subsection:

(c) FOOD AND WATER SAFETY REGULATIONS.—Section 3(a) or (4)(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) MEAT AND POULTRY INSPECTION.—Any regulatory rulemaking action to reduce pathogens in meat and poultry, taken by the Food Safety and Inspection Service of the United States Department of Agriculture and with respect to which a proposed rule

was published on February 3, 1995 (60 Fed. Reg. 6774).

(2) DRINKING WATER SAFETY.—Any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

(3) IMPORTATION OF FOOD IN LEAD CANS.—Any regulatory rulemaking action by the Food and Drug Administration to require that canned food imported into the United States comply with standards applicable to domestic manufacturers that prohibit the use of lead solder in cans containing food, taken under sections 201, 402, 409, and 701 of the Federal Food, Drug, and Cosmetic Act and with respect to which a proposed rule was published at 58 Federal Register 33860.

The CHAIRMAN. Under the previous order of the House of today, the gentlewoman from New York [Ms. SLAUGHTER] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentlewoman's amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER], the chairman of the committee, will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, anyone who dismisses the problem of micro-organisms in our food has not been reading the newspapers. But few realize just how widespread these quiet killers are.

According to the Centers for Disease Control and Prevention, bacteria in meat and poultry products cause nearly 4,000 deaths and 5 million illnesses each year. Last year's outbreak of E. coli at fast food restaurants on the West Coast is just one example of such a tragedy. In fact, there were confirmed outbreaks of E. coli in dozens of States over the past 2 years, and other pathogens such as salmonella are even more widespread.

For a person infected by a food-borne pathogen, there is usually no treatment or cure. These diseases are particularly dangerous for children and the elderly, whose immune systems are weaker. For them, the sickness often follows a painful course ending in death.

Beyond the enormous human suffering caused by food poisoning in meat products, the economic cost is gigantic. Estimates vary, but the price tag in medical care and lost wages is over $4.5 billion annually.

For this reason, I have written a simple, carefully drafted amendment. It would clearly exempt three particular regulations crucial to providing safe food and water.

One has to do with the importation of food in lead cans which we do not allow American manufacturers to do, and the other is the cryptosporidium that is being found in America's drinking water.

We will hear more about these issues from other speakers. As a former bacteriologist with a master's in public health, I would like to concentrate on the third regulation, which would finally modernize our outmoded meat inspection system.

Just this month, the Department of Agriculture started the process of developing new pathogen standards. The proposed rule began a 120-day comment period—double the standard length. The Department also plans an aggressive outreach campaign to hear the views of every concerned party. In fact, the administration has followed a model of responsible regulation, carefully listening to every viewpoint before reaching any decision.

Unfortunately, not exempting food safety would stop that process right in its tracks. In a letter to me yesterday, the Undersecretary for Food Safety told me what would happen under a moratorium. He wrote—and I quote:

> All work on the . . . proposal would have to be suspended throughout the moratorium period. The public comment period would need to be put on hold. Public information briefings throughout the country . . . would have to be cancelled.

That is not reform, Mr. Chairman. It is vandalism. This process would benefit everyone, even those who want to change the proposal. It is supported by industry and consumer groups, and suspending it serves no purpose. While we saw the development of new pathogen standards, more Americans will be poisoned by their dinner at home or what they eat in restaurants or what they eat at school.

Mr. Chairman, these are invisible killers. We are going to hear that this will be taken care of in the imminent threat to health and safety. Unfortunately, the kinds of pathogens that we are talking about do not give an advanced notice that they are going to happen. We will not know that there is a threat to health and safety until after it has occurred.

□ 1500

What we are trying to do with the new regulation, Mr. Chairman, is to prevent it from happening in the first place.

The tragedy is that in the United States when food inspection started in 1906 or 1907, based on a public outcry from a book by Upton Sinclair, we have maintained that same method of operating and checking on meat and poultry, with very little update. What we were doing now was for the first time to recognize the role of pathogens in meat inspection and what happens.

But every day that we delay this moratorium that would cause this delay, 11 Americans will lose their lives and every day over 13,000 will be ill. The delay caused by the moratorium will sentence 3,420 more people to die needlessly in the United States.

It does not matter what Members think of the details of the Agriculture Department proposal, or it does not matter what they think of the regulatory process overall. It does not matter what their district is or what political party they belong to. A vote for this amendment is a vote for your constituents, it is to ensure that food and water are safe.

I am not willing to sacrifice my constituents' lives, health, and wealth on the altar of regulatory reform, and I ask all of my colleagues not to sacrifice theirs. Please support the Slaughter amendment.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I come from Milwaukee, WI, and Milwaukee, WI, unfortunately made national headlines in 1992 because of a severe outbreak of illness resulting from the parasite, cryptosporidium.

This amendment also would permit the research and the regulations that are being done at the Federal level by the EPA on the outbreak, and provide help to other communities who suffer this same tragedy in their own communities.

Since this tragedy has already hit my community the easiest thing in the world for me to do is say we have already taken care of the problem in Milwaukee. I do not care what happens anywhere else in the country; if they have another outbreak in another community, that is their problem. But I do not think that is what the American people want. I do not think the American people want the Federal Government, when it has the opportunity and the resources and the requirement, to come in and try to help people save lives.

In committee and on the floor today I am going to guess that we are not going to hear anything about the merits of this regulation. No one will talk about why we should stop the work on cryptosporidium. What we are going to hear is that it is not part of the program or somehow we are going to slow down this bill and/or we are going to try to gut this bill because of this amendment.

But this is a good amendment. The Federal Government by its nature does not only do bad things. I know it comes as a surprise to some Members of this body, but the Federal Government actually does some good things, and preserving safe drinking water in our country is one of them, preserving safe food in our country is another.

I am all for getting rid of unnecessary regulations, but let us do it when we find a regulation that does not work. But when we have a regulation that works, let us work it, let us have it help save lives. And this is what this amendment does.

So I would ask the Members of this body to please vote their conscience and do the right thing. A regulation that works should move forward.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, this is an extreme bill; while calling for a moratorium on new Federal regulations may sound good, it will have unintended consequences that will put millions of Americans at risk.

Our amendment is simple and straightforward: It will allow the Federal Government to continue its efforts to ensure the safety of our Nation's food and water.

For example, this amendment will allow the Federal Government to continue its efforts to protect our citizens from the threats posed by cryptosporidium in our water and E. coli bacteria in our meat.

In my district, in my home of New York City, people are very worried over recent discoveries of the cryptosporidium parasite in our water supply.

They have good reason to be worried: Recent outbreaks in Milwaukee of the disease caused by this parasite, cost over 100 people their lives and made hundreds of thousands sick.

The medical evidence clearly demonstrates that for our most vulnerable populations this illness can be fatal.

Only in 1994, was the EPA able to issue rules about collecting data on the dangers posed by this disease.

And now the experts at EPA tell us that this bill will halt testing for this deadly parasite.

We cannot allow that to happen.

Mr. Chairman, the safety of our drinking water is precisely the type of problem that the Federal Government is best equipped to combat because it affects the residents of all 50 States.

Water does not respect State boundaries; neither do parasites or bacteria.

As currently drafted, this bill could present a threat to every American who eats or drinks.

Our amendment would simply remove any ambiguity about the continuing ability of the American Government to combat these deadly threats.

Parasites don't take a moratorium; microbes don't take a moratorium, and safeguards shouldn't take a moratorium.

Please support this amendment.

Mr. CLINGER. Mr. Chairman, I yield myself 2 minutes. I do so to oppose the gentlewoman's amendment. I know of her expertise in this area as a microbiologist and her great concern for the implications of this measure, but I would submit that the amendment is really unnecessary because the bill does provide a very, very broad exception for health and safety. In fact, if Members read the Washington Post, it would suggest it would exempt everything out of that. I do not think we go that far, but I think it does provide the kind of assurance to the gentlewoman that that kind of thing would not be held up.

The legislation reads, imminent health and safety means the existence of any conditions, circumstance, or practice reasonably expected to cause death serious illness or severe injury to humans.

And the legislation is very flexible, Mr. Chairman. It is structured so that the head of the OIRA regulatory administration will make the determination as to what qualifies as imminent health and safety, and the head of OIRA determines it meets the criteria, and I think the sorts of things the gentlewoman from New York is mentioning would probably meet that criteria that the regulations could and should be promulgated and implemented.

I suggest it is not just end result that is going to be affected by this, because the opponents say that humans need to die or get violently ill prior to meeting a test for imminent health or safety. This is just not the case. The regulations can be promulgated prospectively if it is perceived that without doing so there would be harm done, and I think the case that the gentlewoman talks about would not be precluded from proceeding with the testing for that purpose.

So I would submit that the gentlewoman's amendment is not necessary and would be covered by the existing exemptions in the bill.

Mr. Chairman, I yield 4 minutes to the author of the measure, the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, I think it is very important as we discuss this legislation that we be aware of the important changes that were made in committee on the bill dealing with health and safety. I think Members will hear a lot of claims by the administration and others that this legislation would undo 20 years of regulation, that this legislation could lead to the loss of life and other claims which are clearly preposterous and intended to scare the American people.

For that reason, Mr. Chairman, I want to read the provision of this bill that deals with health and safety. Any regulation that is needed to protect against an imminent threat to health and safety is exempt from the moratorium and can go forward. The definition of imminent threat to health and safety means "any regulation that is needed to prevent the condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property during the moratorium."

What this exception says very clearly is that the regulatory bodies can protect against death, they can protect against threats of severe injury, and they can protect against threats of substantial endangerment to private property. All they need to do is go to the President's staff at OMB and say we need an exemption. The President can issue that immediately, and the agency can go forward.

□ 1510

Now, perhaps some of these agencies are not competent enough to deal with these threats, and they may try to hide behind the moratorium and not issue the regulation. But let it be very clear today, looking at this language in the bill, any serious threat to human health or safety can and will be dealt with pursuant to this moratorium.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Missouri.

Mr. VOLKMER. The gentleman just said, I think, you added some words in there as you talked, the term "imminent threat to health or safety"; then you said, "means a proposed rule that deals with the existence"; I do not see that "means a proposed rule" in there at all.

Mr. MCINTOSH. The language of the bill says that any regulatory action needed to address an imminent threat to health or safety can go forward, and what this language does is tells us what regulations are dealing with an imminent threat to health or safety.

Mr. VOLKMER. Right. The existence of a condition, circumstance, or practice reasonably expected to cause death, serious illness; now, what if you are just trying to improve on a process of inspection so that you have less likelihood of causing disease? That is not an imminent threat, I would say.

Mr. MCINTOSH. Let me say I think that is an important question. I think the test the agency would need to meet in those regulations is: Are they calculated to prevent death, serious injury, or substantial loss to property? A lot of times an agency will say, "We are protecting health and safety," but when you actually read the regulation, none of the provisions end up meeting that criteria. In those cases, they could not go forward.

But if they want to improve an inspection process and can show that they will prevent a death or severe injury, then they would be exempt.

Mr. VOLKMER. What if they cannot positively, but based on the best scientific evidence that it is an improvement over an inspection process that is currently being used, but you cannot show that if you do not do it there are going to be deaths, you cannot show that serious illness is going to occur?

Mr. McINTOSH. The burden on the agency is to show their regulations would be helpful.

Ms. SLAUGHTER. Mr. Chairman, if I could just make a comment to the gentleman from Indiana [Mr. McINTOSH], I know previously you worked for Vice President Quayle. I think it is probable we have an obligation to point out you misspelled existence.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. TORRICELLI], who has done a good deal of work on this issue.

Mr. TORRICELLI. Mr. Chairman, I thank the gentlewoman for yielding.

The Members of the majority may not think that this will impede regulations for food safety.

But one would think the U.S. Department of Agriculture would be somewhat controlling. In a letter to the gentlewoman from New York [Ms. SLAUGHTER], they have written that the current program will be suspended. There will not be a need for public comment. They will not proceed with the February 3 regulations, because while the threat to human safety is real, it is not imminent. It is substantial, but it may not be immediate. And years of work, years of work to try to protect the American people are going to be lost.

My colleagues, 2 years ago a young woman in my district named Katie O'Connell walked into a fast-food restaurant in New Jersey, and 48 hours later she was dead. That case has been repeated 4,000 times a year, year in and year out across this country.

We have an epidemic of food safety, because we have not improved the methods of inspecting food for 75 years in this country. The average American food inspector has less than a half a second to use his eyes and his nose in the age of the computer and electronic sensor to determine whether or not food is safe for your table, and they are missing thousands of times determining contaminated food.

The cost of the February 3 regulations on the industry will be two-tenths of 1 cent per pound. Too much of a cost to bear for American industry to save thousands of lives.

I know the majority wants to vote with their leadership. I know they want to lessen the burden. But the costs for your constituents are too great.

My colleagues, support the amendment. It is simply the right and decent thing to do.

Mr. CLINGER. Mr. Chairman, I might point out to the gentlewoman from New York that that misspelling was deliberate. We wanted to just see if everybody was paying attention, and we are delighted that you were.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DELAY. Mr. Chairman, I appreciate the chairman yielding to me.

Mr. Chairman, I am just flabbergasted by this debate on this amendment. I just ask the Members to read the bill.

Nothing in this amendment nor much of what has been said in support of this amendment has anything to do with the bill. The bill is very specific in giving exemptions to these regulations that affect safety and health and food inspections and many other of the issues.

It is obvious to me, Mr. Chairman, that this amendment is the first step down the slippery road to status quo.

What is underlying the statements by the President and proponents of this amendment is that they believe in regulations. They believe in the regulatory police. They believe in what has been going on in the last 40 years as it pertains to regulation. They believe in being able to find that man that got fined for moving two truckloads of dirt, or they believe in the regulations that classify children's teeth as hazardous waste and take on the tooth fairy herself.

What we are trying to do and what the American people are trying to ask us to do is give us a break from these outrageous regulations that have been placed upon us.

What the proponents of this amendment want to do is gut the moratorium bill and stop the regulatory reform effort. Over and over again we keep hearing about what horrible things we are going to inflict on the American people through this moratorium. We have heard it from the White House, from a number of the executive agencies, and from certain Members.

Clearly the other side has run out of ammunition against this bill and has resorted to the lowest of politics in trying to scare the American people beyond what is even contemplated by the moratorium.

The bill cannot be written more clearly. The moratorium exempts regulations that are needed to protect against imminent threat to health and safety.

Their examples of such regulations could include food regulations on E. coli bacteria, medical testing regulations for cancer. The President, in the bill, the President decides when written by the head of the agency whether that particular regulation ought to be exempted.

Remember, it is up to the Federal agency to identify which regulations should be exempt from the moratorium.

And I finish with this, if the President of the United States had shown any leadership on regulations, we would not even be discussing this bill at all.

Ms. SLAUGHTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, no one can see E. coli, salmonella, or any other bacteria on meat. Visual inspection is inadequate. Only microbial testing, as could be required under the U.S. new meat inspection rule, can tell whether the meat we feed our children might actually kill them.

At our committee's markup of this bill, we had a young woman who appeared who lives every day with the tragedy that can come from bacterial contamination of meat.

Mrs. Nancy Donely from Chicago, IL, lost her 6-year-old son, Alex, in July of 1993 after he ate E. coli contaminated hamburger meat. She has made the safe food campaign her passion. She led opposition to the meat industry's efforts recently to dispense with sampling hamburger for E. coli. She is a very strong advocate for the USDA's new meat inspection regulations.

Mrs. Donely has said Alex's last words to her were, and I quote, "Mommie, don't worry."

For us not to worry that we have failed to protect little children like Alex from illness and death caused by bacteria-contaminated meat, we have to vote to exempt the meat inspection regulations from the moratorium in this legislation. It just seems to me that there is a commonsense way to go about any kind of bill that would put a moratorium on something that is so important as the food we eat, as the water we drink, as the air we breathe, as benefits we give to all American people, that we simply cannot fail to pass this amendment offered by the gentlewoman from New York.

□ 1520

It just makes good sense in order to do so. Nobody wants to be accused of not protecting our children. We hold our children to be the most precious possessions, and in order for you to continue to protect their health, we certainly have to vote for this amendment.

Mr. Chairman, I rise in support of the gentlewoman's amendment.

All Members should support this amendment. Unless we explicitly exclude the new meat and poultry inspection rule from the moratorium, the Department of Agriculture has told me that they do not believe the rule would qualify for an exception under the bill's exception for rules that are needed to deal with imminent threats to health or safety.

You will likely hear the proponents of the bill claim that they have taken care of this problem in the committee report, and there is no need to worry. Be on notice, however, that in order to exempt the new meat and poultry inspection rule from the moratorium, the Department of Agriculture would have to determine that failure to issue the rule would pose an imminent threat to the public health or safety.

Now, I want to make sure each Member of this House understands completely that the Department of Agriculture does not believe it could make the determination necessary to exclude this regulation.

Let me read from a letter I received from Michael R. Taylor, Under Secretary of Agriculture for Food Safety, that is dated February 22, 1995. It says in part that:

> All work on the FSIS [Food Safety and Inspection Service] Pathogen Reduction/HACCP proposal would have to be suspended throughout the moratorium period. The public comment period would need to be put on hold. Public information briefings throughout the country to encourage public participation in the rulemaking processs and answer technical questions would need to be canceled. The adverse impact on food safety is an important reason why the Administration opposes the passage of H.R. 450.

So, should we care that the moratorium would block implementation of the new meat and poultry inspection rules?

I firmly believe we should. Meat and poultry sold to the American consumer are currently being inspected under procedures that were implemented in 1907. These 82-year-old procedures simply call for visual inspection of animal carcasses.

The meat inspection rule that the Department of Agriculture published recently in the Federal Register represents a drastic improvement over this outdated, outmodied system. This regulation would, for the first time, simply require that processors test meat and poultry regularly for bacteria. This regulation is also the Agriculture Department's long-awaited response to the massive food borne illness outbreak that spread across the west coast 2 years ago.

No one can see E. coli, salmonella, or any other bacteria on meat. Visual inspection is inadequate. Only microbial testing, as could be required under the USDA new meat inspection rule, can tell whether the meat we feed our children might kill them.

At our committee's markup of this bill, we had a young woman appear who lives each day with the tragedy which can come from bacteria contamination in meat. Mrs. Nancy Donley, from Chicago, IL, lost her 6-year-old son, Alex, in July of 1993, after he ate E. coli contaminated hamburger meat.

She has made the safe food campaign her passion. She led opposition to the meat industry's efforts recently to dispense with sampling hamburger for E. coli, and she is a strong advocate for the USDA's new meat inspection regulation.

Mrs. Donley has said that Alex's last words to her were, "Mommy, don't worry."

For us "not to worry" that we have failed to protect children like Alex from illness and death caused by bacteria contaminated meat, we must vote to exempt the meat inspection regulation from the moratorium in this legislation.

I completely disagree with the proponents of this bill that we should delay for 1 minute, much less 6 months, the implementation of regulations that can require the testing needed to detect bacteria on meat. Only such testing will reduce the number of deaths and illnesses from food poisoning.

Mr. Chairman, the gentlewoman's amendment would exempt from the moratorium rules that provide important protections for the public health. If the proponents of the bill feel so strongly that their bill exempts these matters, then we need to make that point explicit and clear in the bill itself.

When concerns were raised in the committee about the moratorium's possible application to bank and tax regulations, these matters were excluded from the bill. We should do the same thing for the important food and water safety regulations addressed by the gentlewoman's amendment.

I urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the chairman of the Subcommittee on Civil Service, the gentleman from Florida [Mr. MICA].

Mr. MICA. I thank the gentleman for yielding this time to me.

Mr. Chairman, ladies and gentleman of the House, I cannot believe what the other side of the aisle is saying. Let us really get the facts straight here.

They are accusing us of delaying. They are accusing us of endangering health and welfare.

Well, let me say this: I served on the subcommittee that oversaw this matter, so I know in depth what took place. The problem with E. coli bacteria is not anything new. The report goes back to May 21, 1993. The question about risk-based inspections and the need for monitoring meat and poultry are here in these reports that span the length and breadth of this administration.

Come on, let us get the facts straight here. What is going on?

Mike Espy said at a press conference, May 1993, he said, "The regs are on the way. I have directed FSIS officials to publish in 90 days."

Do not give me that.

Let us see what the New York Times said about delays in this process. This is an article in the New York Times, June 9, 1994.

> The decision by the Agriculture Department in 1993 which spared Tyson and other poultry producers from rigorous inspections brought a chorus of complaints from the meat packers and consumer groups about enforcement of an industry with longstanding ties to the President.

Come on, let us not scare the people of this country. We also know that we heard in those hearings on E. coli bacteria, people were told to cook their meat.

The point brought up about Milwaukee, here is another example: There are 53 water contaminants mandated by this Congress in regulations to study and the Milwaukee contaminant was not one of them. The blame is here. We are not delaying anything.

You saw the chairman of this subcommittee stand up and give an explanation of the exemptions for public health, safety, and welfare.

I tell you, ladies and gentlemen, this is not going to do anything to endanger any child or any individual. It is not going to endanger the health, safety, and welfare of one American.

What we are doing is we are saying we are overegulating. We are saying—why not concentrate on real problems. We are passing regulation after regulation that does not make any sense. We are tying up industry, business, and local government, and the people of this country are rebelling against that regulation. That was the message on November 8, and that is the message today.

If we want to look at delay, if we want to look at reasons for endangering the health and welfare and safety of people, look at what this administration has done, look at the delays that have been caused here. The date of this rule is February 4, 1995. That is when it came out. Those are the facts.

Ms. SLAUGHTER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. SPRATT], a member of the committee.

Mr. SPRATT. I thank the gentlewoman for yielding this time to me.

Mr. Chairman, the problem we had in committee with this is the language of the bill itself. The imminent threat to health or safety exclusion falls under section 5, which is emergency exceptions. So the context of this is there must be an emergency and there must be an imminent threat.

We tried to rewrite this language so it would clearly apply to cases of food health and safety, to no avail.

So I ask the other side, and yield the time necessary to get an answer: Is the bill, is the regulation which deals with E-coli, with salmonella and other food pathogens, is that sort of regulation sufficient to come under this exclusion? Will they state for the record whether or not this sort of regulation would be excluded under this language, since they seem to imply that it already is? Is that what they are saying, that the regulation is already excluded? Or are they saying this kind of regulation dealing with food-borne pathogens, E-coli, salmonella, are they saying it is so excluded that it is unnecessary to have this amendment?

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not know how many of you have read this rule. This is the rule that is being talked about. I think everybody should take a copy of it and read it; that is, the proposed rule.

You know, we need to get back to what the situation is. First of all, if the department knows how to reduce the threat to health and safety, they have the power to do that without having to go through rulemaking already.

Second of all, there is nothing in the proposed rule that is going to guarantee that we are going to have—we are not sure. Some people think what is in here is going to reduce the risk, and some people are not so sure it is not going to cause more problems. So there is a difference of opinion on the issue.

There are different aspects in this regulation. Some of this regulation does not go into effect for 4 or 5 years. So it is way beyond the moratorium. There are some specific issues that may do some good: The antimicrobial rinsing provisions that are in this bill where they are going to ask the companies to have that as standard operating procedure. Some folks argue that, by putting the Federal regulation in place, we are actually going to get in the way of industry.

So I do not think that you can argue that holding up parts of this bill, this rule, if they are held up, which I do not think they will be, is going to make any difference. They were 3 years getting out in the first place.

Lastly, we had this discussion about cryptosporidium in the committee. You know, this is a problem, and we got all the groups together, the water organizations, to discuss how to deal with this, and they all agreed what they should do. I do not believe we need a Federal rule or regulation to accomplish this. The testimony was that they all agree what needs to be done, they can go out and do it. Why do we have this mentality in this country that unless the Federal Government mandates that you regulate or that you do a rule, that it cannot be done? Clearly, this case is being taken care of with the local communities working together. We do not need a rule in that area.

So this is covered in the exception, and I oppose the amendment.

Ms. SLAUGHTER. Mr. Chairman, I yield the remaining 1 minute to the gentleman from Virginia [Mr. MORAN], a member of the committee.

Mr. MORAN. I thank the gentlewoman, my friend from New York [Ms. SLAUGHTER] for yielding to me.

This amendment would do 3 things: It would enable us to regulate pathogens in meat and poultry, deadly microbes in drinking water and lead in canned food. Those are the 3 specific regulatory areas we are trying to insure will continue.

You heard from Mr. BARRETT, who represents Wisconsin, where thousands of people in Milwaukee got sick because of cryptosporidium in the water supply. The Environmental Protection Agency was able to take that experience, and when they found cryptosporidium in the Washington area water supply, they were able to stop it. As a result, we did not have thousands of people getting sick in the Washington area.

What they now need to do is to determine what the appropriate tolerable level of cryptosporidium is. They need to conduct the experiment. This would prevent them from being able to do that.

You know, I cannot imagine why we would want to prevent these kinds of what are really both common sense and terribly important regulations.

On the one hand you say we ought to leave it up to the administration to exercise judgment, and the rest of the time they spend criticizing the administration for exercising poor judgment. Let us get the law protecting the America.

Mr. CLINGER. Mr. Chairman, I am pleased to yield the balance of time to the gentleman from Wisconsin [Mr. GUNDERSON], who is a member of the committee and who is also an expert in this area.

□ 1530

Mr. GUNDERSON. Mr. Chairman and Members, I rise in opposition to this amendment, and I do so because this amendment frankly is exactly why we need regulatory reform. The fact is that what this amendment is trying to do is to preserve a rule making regulatory process of the Department of Agriculture that does not repeal the existing regulations. It just overlaps a whole bunch of new regulations on top of existing regulations at a cost of $750 million for implementation, $250 million annually, and then on top of that they are doing this without any kind of comprehensive meat inspection reform. Comprehensive meat inspection reform means you change the law and you change the regulations. You got to do both. They are trying to pick one thing up in isolation and say they have got to do that. As has been articulated earlier here, my colleagues, they do not need this exemption to deal with critical food safety issues. They did not propose this regulation until 20 months after the E. coli outbreak occurred, and so this is all face-saving propaganda that has nothing to do with comprehensive meat inspection reform. The subcommittee will take that issue up, and we will bring it to this Congress.

Ms. SLAUGHTER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER]

Mr. Chairman, I rise in support of the amendment to H.R. 450 the Regulatory Transition Act offered by my colleague from New York, Ms. SLAUGHTER. This amendment is the least that should be done to minimize the damage to public health that will result if this ill-conceived piece of legislation is enacted.

I note that we once again have a narrow time-limit to debate and amend a hastily-crafted bill here on the floor. I would have to agree with the majority that we may as well not use more than 10 hours on H.R. 450. All the time in the world would not be enough to improve this bill, and it would take us many days to enumerate all the regulations that protect human health and safety, ensure workers a safe workplace, protect our food supply, maintain and improve our environment, create jobs, and save taxpayer and consumer dollars.

I will offer one such example of a set of regulations that would be stiffled by the enactment of this bill: the regulations to improve our meat and poultry inspection system. The Food Safety and Inspection Service recently issued a proposed rule to modernize our meat and poultry inspection program. This rule has been in development for quite some time. The need for improvements to our inspection system were brought to national attention through the tragic deaths of a number of children 2 years ago when they became the victims of an outbreak of a food-borne illness. Ten years ago, the National Academy of Sciences recommended that FSIS develop a program that would control contamination from pathogenic microorganisms. A GAO study completed in May of last year recommended that FSIS develop a mandatory hazard analysis and critical control point system. USDA has now followed this wise advise. Why should this regulatory action be postponed? Do we need a few more outbreaks of food-borne illness or a few more deaths to qualify this rule for an exemption from this moratorium?

The FSIS estimates that compliance with this rule will cost industry $2 billion over a 20-year time period. However, it is estimated to save 3 to 12 times that amount in public health costs, not to mention that it will save lives. How much does it cost the restaurant industry and the meat and poultry industry if an outbreak of a devastating disease results in public perception that their products are unsafe? Too much.

The assumption that underlies this legislation is that all Federal regulations are unjustified. This is ridiculous. Some of our children grow up to be criminals. Should we put a moratorium on the birth of any additional children until we find a solution to that problem? Let us not throw out the baby with the bathwater. This bill proceeds from an incorrect assumption and then broadly applies a one-size-fits-none solution to regulatory problems associated with some specific statutes.

There are statutes that we have enacted that have not enabled Federal agencies to pursue the most cost-effective regulatory pathways. They should be improved. Instead of jeopordizing public health and safety through passage of one-size-fits-all legislation, let us do regulatory reform as it should be done. We need to use a common sense, responsible, statute-by-statute approach to achieve the sensible, cost-effective regulatory policy that industry and the public deserve.

The CHAIRMAN. All time on the gentlewoman's amendment has expired.

The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 249, not voting 8, as follows:

[Roll No. 161]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Gibbons
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—249

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—8

Andrews
Barton
Ehlers
Frost
Gonzalez
McCarthy
Meek
Zimmer

□ 1550

The Clerk announced the following pair:

On this vote:

Mrs. Meek for, with Mr. Barton against.

Messrs. LIVINGSTON, BROWDER, CRAMER, and BROWNBACK, Mrs. LINCOLN, and Mr. WILLIAMS changed their vote from "aye" to "no."

Mr. POMEROY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Burton of Indiana: In Section 6(3)(B)(ii), after the comma following "agreements" insert the following: "including all agency actions required by the Uruguay Round Agreements Act,"

The CHAIRMAN. Pursuant to the order of the House, the gentleman from Indiana, [Mr. BURTON], and a member opposed will each control 10 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the statement I am about to make, while it applies to the textile industry, other parts of the GATT agreement that apply to steel, auto parts and possibly other industries would also be positively impacted by this amendment.

Mr. Chairman, I offer this amendment to the Regulatory Freeze Bill, H.R. 450, to prevent this legislation from inadvertently thwarting an action specifically mandated by Congress on an important matter pertaining to Customs Service rules of origin.

Congress was very clear on what it wanted Customs to do last year when it approved the Uruguay Round Agreements Act, because that legislation spelled out in precise detail how the U.S. Customs Service would be required to promulgate this rule of origin for textiles and apparel. There is no leeway for the bureaucracy to make any interpretation because Congress told them what to do. The regulation was actually spelled out for Customs when Congress approved these principles as part of the Uruguay Round implementing legislation.

For years the United States Customs Service has used a cutting rule of origin which permits country-of-origin status to be determined by where a garment is cut, not where it is actually made. This has enabled China to ship billions of dollars worth of goods through third countries in circumvention of the quotas they have agreed to.

No other major country has used such a liberal rule of origin requirement which permits quota evasion. And in the Uruguay Round agreement itself, the signatory nations agreed to work to standardize the rules of origin for textile production and products.

Accordingly, the U.S. Customs Service recommended and this Congress agreed, as part of the Uruguay Round implementing bill, to bring our Customs rules in line with the rest of the world.

What I am offering today is an amendment to clarify that these regulations, which were considered and duly voted on by the Congress and which by law must be issued shortly, will be exempted from the regulatory freeze. There simply is no need to freeze actions which have been directed by the Congress.

And I would like to once again state, Mr. Chairman, that the amendment is drawn in such a way as to positively impact on other industries such as the steel industry and auto parts industry.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentlewoman from Illinois [Mrs. COLLINS] seek recognition in opposition to the amendment?

Mr. CLINGER. Mr. Chairman, I ask unanimous consent that if no Member is prepared to seek to control the time in opposition to the amendment, that the time might be given to the gentlewoman from Illinois [Mrs. COLLINS].

Mr. VOLKMER. Mr. Chairman, is the gentleman's request that the time in opposition be given either to the gentlewoman from Illinois [Mrs. COLLINS] or to the gentleman from South Carolina?

Mr. CLINGER. Mr. Chairman, that is my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I reserve the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I would just say that this is an outstanding amendment. I think it is supported by all Members on this side that I know of. It is much needed to this bill.

It is interesting to me, though, that an amendment like this that is providing an exception, like the one before, there will be others after it, is going to now be accepted by the majority. I agree with that, but I do not understand the philosophy of the majority. Perhaps the chairman can elaborate on that, why they can accept certain ones as exceptions and not others. Can the gentleman from Indiana tell me why?

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I yield to the gentleman from Pennsylvania, [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, in response to the gentleman from Missouri, my position is, I do not really think the amendment is necessary, because I think that it is covered under the existing exceptions that are provided for foreign affairs and because there is a trade exception under the bill. But I do not think that, in other words, I think it may be covered but to ensure that, we would certainly accept this amendment.

□ 1600

Mr. VOLKMER. Mr. Speaker, the gentleman did not say that on the last amendment.

Mr. BURTON of Indiana. It may be an interpretation of what is really insurance as far as these industries are concerned.

Mrs. COLLINS of Illinois. Mr. Chairman, will be gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I would like to pose a question.

The gentleman's amendment refers to rules, "as required by section 334 of the Uruguay Round Act."

Under the bill, there is an exclusion in section 6(3)(B)(ii) for rules relating to "statutes implementing trade agreements."

Why, therefore, I would ask the gentleman, does he believe his amendment is necessary?

Mr. BURTON of Indiana. Mr. Chairman, I would say to the gentlewoman, I think I agree with what the chairman said, that it probably is not absolutely necessary. However, there are a number of industries in this country that feel like there needs to be some insurance that there is no misinterpretation. That is why we have offered the amendment, to make sure they feel comfortable with this piece of legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, I agree with the gentleman's concern. As a matter of fact, I have a couple of concerns myself.

One, of course, has to do with the textile and apparel workers. I have a lot of those in the city of Chicago, and I know this moratorium bill would have made it more difficult for customs to stock illegal textile imports, so I am going to support the gentleman's agreement.

I am also concerned that H.R. 450 could stop our Government from imposing sanctions against China for pirating copyrighted United States products, like compact disks and videocassettes. I would also like to think that that would also clarify that those sanctions would not be permitted, as well.

Mr. BURTON of Indiana. Mr. Chairman, I think it could be interpreted to be broad in that regard, too.

I would just reclaim my time and thank the gentlewoman for her comments. I think this amendment speaks for itself, and I would rather not get into a lengthy discussion on China and other things of that type. However, I do think this amendment is broad enough that it probably covers a lot of those concerns.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I am pleased to rise in strong support of the amendment offered by the gentleman from Indiana [Mr. BURTON]. This amendment would ensure there would be no interruption in the rulemaking authority for the Rules of Origin provision contained in the Uruguay Round Agreements Act. It is of great importance to the textile and the apparel trade during the current 10-year phase out period for all import quotas on these products.

The rules of origin provision has the full support of the U.S. textile and apparel unions and trade associations representing some 2 million American workers.

Adoption of this amendment is also essential to help to deter fraud and abuse of the Rules of Origin by several leading exporting countries.

Under the new rules, the country of origin is where the garment is assembled or where the fabric is woven.

The illegal transshipment of apparel products has in the past been a key irritant in our bilateral relationship with China. I ask my colleagues for their support for this provision, which will prevent any future efforts by China to export garments into this country illegally under the quota of its neighbors, including Hong Kong and countries in Asia and Latin America.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I said earlier, I am very concerned about the fact that there should be some kind of sanctions imposed against China for pirating patented and copyrighted United States products, such as compact disks and videocassettes, and the Trade Representative has recently announced those sanctions.

They would be implemented pursuant to a rule printed in the February 7, 1995, Federal Register. Few challenge our findings that China has violated the intellectual property rights of American companies. We know of at least 29 factories in southern China which produce 75 million compact disks a year, of which 70 million are exported.

These pirated copies are competing directly with U.S. exports, and cost the copyright industries of the United States almost $1 billion in lost exports each year. For the past 20 months we have been negotiating with China in an effort to get them to agree to stop these pirating activities. Those efforts have failed.

In documents provided to the committee by the Office of Management and Budget, H.R. 450's impact on the China sanctions is described in this way: "The moratorium would hold up the trade sanctions and subject them to challenge, affecting the administration's ability to set trade policies to protect U.S. firms and consumers."

Therefore, I am very happy about the gentleman's amendment. The reality is that the sanctions the administration has said it would impose on China are the only leverage we have to encourage the Chinese to stop pirating United States copyrighted products.

Why would we ever want to make it more difficult for the administration to get the Chinese to stop violating United States intellectual property rights? Similarly, a proposed rule published in December by the Customs

Service would establish a 180-day conditional release period for imported textiles and textile products, during which it can be determined whether a product is entitled to entry into the U.S. market.

It is well-known that many foreign countries successfully avoid U.S. textile quotas by shipping their products through a third country. The conditional release period provided for in the new rule would have given Customs the time it needs to verify country of origin and to stop illegal shipments from entering our country.

In documents provided by OMB, the impact of H.R. 450 on the rule is described in the following way: "Textiles will continue to enter the United States illegally due to lack of a provisional approval period, unfairly competing with products from domestic textile producers."

Therefore, it just makes all kinds of sense to have the gentleman's amendment. Mr. Chairman, it is just about time for us to look very carefully at the kinds of rulemaking that would be stopped if H.R. 450 were not amended by some real sensible amendments, so I thank the gentleman for offering this, because it certainly does a great deal to help those people in my district who are textile workers, and those in my district who are very concerned about the fact that there is so much copyrighting of videocassettes and compact disks.

Mr. Chairman, I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. QUILLEN].

Mr. QUILLEN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I think this is a fine amendment. It was an oversight that it was not included in the original bill. Mr. Chairman, I urge our Members to vote for it. It corrects a situation for the textile and apparel industries that badly needs to be realized and corrected.

I commend the gentleman from Indiana [Mr. BURTON] for sponsoring this amendment, and I join hands with him to get it passed.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The amendment was agreed to.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, I am told that I may inform my colleagues in this House that I have an amendment to offer, but in the interest of ensuring the speedy passage of H.R. 450, I will not offer the amendment, but instead start a dialogue concerning an issue which must be dealt with in the near term. That issue is the regulation concerning "fresh" and "frozen" chickens. My points are these:

Why cannot this wait until the moratorium is over?

Shoppers across the country are paying anywhere from 40 cents to 1 dollar more per pound for chicken they think is fresh, when it isn't. This means that American homes are being defrauded of millions of dollars each year and to wait means we are sitting back and knowingly allowing this fraud to continue for an entire year.

In California in particular, it would mean another year in which out-of-state processors can intentionally undersell regional producers by misrepresenting their product. The industry has 25,000 employees and has steadily lost market share to frozen chicken sold as fresh.

How long has this fight been going on?

USDA has been trying to change this rule since 1988. The Food Safety and Inspection Service changed it's policy to stop the use of the term "fresh" on frozen chicken, but powerful national poultry producers intervened and stopped the new policy from going into effect.

The California legislature tried to act on its own to prohibit mislabeling in September, 1993. When they were stopped from doing so by a Federal court, they started working to persuade USDA to adopt a better standard for the whole country.

□ 1610

Mr. Chairman, based on these concerns, I urge the Committee on Agriculture to consider in some appropriate context the passage of a special allowance for this regulation. I find it difficult being a small businessman with this kind of concern, and I support fully H.R. 450, but I wish that in this particular area, a consideration would be given.

Mr. Chairman, I submit for the RECORD a short fax sheet explaining the history of this problem, as follows:

THE FRESH CHICKEN CONTROVERSY

Historically, national poultry producers have been putting fresh labels on frozen chicken. They freeze their chicken rock solid, label it fresh, truck it across the U.S., thaw it out locally and sell it to consumers as if it had never been frozen. These producers know that consumers will pay a premium for fresh food, but consumers don't know they're being duped.

On July 11, 1988, after months of scientific analysis, the Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) issued Policy Memo 022B, raising the fresh poultry labeling standard from 0 to 26 degrees Fahrenheit. This meant that national producers could no longer put fresh labels on chicken chilled below 26 degrees—the actual freezing point for poultry. National producers were not happy with this policy change.

On January 11, 1989, despite FSIS's scientific conclusions six-months earlier, USDA abruptly rescinded Policy Memo 022C and restored the old standard allowing producers to once again freeze chicken as low as 1 degree Fahrenheit and still label it as fresh.

In 1993, the California legislature unanimously passed a law mirroring the short-lived Federal standard of 26 degrees. The National Broiler Council and the Arkansas Poultry Federation sued, arguing that a state cannot pass a more stringent labeling rule than the U.S. government. USDA filed a brief in the lawsuit supporting the poultry industry position. A Federal court blocked enforcement of California's law on jurisdictional grounds on April 8, 1994. The issue was appealed.

Many other states, including New York, Arizona, Oregon, Maine, Alaska, Illinois, Washington and Puerto Rico, have passed poultry labeling laws regarding the definition of "fresh", as well as organic and kosher production and processing.

On February 10, 1994, USDA Secretary Mike Espy issued a press release, pledging that USDA would direct the Food Safety and Inspection Service (FSIS) to reexamine whether current policy on fresh labeling is reasonable.

On June 16, 1994, the Government Operations Subcommittees on Human Resources and Intergovernmental Relations and Information, Justice, Transportation and Agriculture conducted a joint hearing on USDA rules concerning "fresh" labels on poultry products. Richard Rominger, USDA Deputy Secretary, testified that FSIS staff would review current policy on two tracks: evaluate scientific literature concerning temperature effects on poultry, and, conduct regional hearings to assess consumer expectations. These results would form the basis of any policy revision regarding labeling of "fresh" poultry.

Support for a new rule continued to grow. Well-known and respected consumer groups urged Secretary Espy to act, including Consumers Union, Consumer Federation of America, National Consumers League and Public Voice for Food & Health Policy.

On July 27, "The Truth in Poultry Labeling Act of 1994" was introduced by Senators Boxer and Feinstein and Representative Condit in the 103rd Congress. The Senate approved Senator Boxer's Amendment to S. 2095 expressing the sense of the Senate that delays in proposing a new rule must be ended and a decision must be made "as expeditiously as possible."

FSIS Administrator Michael R. Taylor promised Senator Barbara Boxer and Representative Condit that truth-in-labeling would be addressed on a "fast track".

On August 26, 1994, USDA Food Safety and Inspection Service announced public hearings on the use of the term "fresh" on the labeling of raw poultry products to be held on: September 12, 1994 in Modesto, California; September 16, 1994 in Atlanta, Georgia; and September 20, 1994 in Washington, D.C., to assist FSIS in developing a new policy.

Consumer advocates, chefs, consumers and home economists came forward and testified at these public hearings across the country that it was time for USDA to listen to consumers and end mislabeling of poultry.

In a letter to Senator Boxer and Congressman Condit. USDA promised a rule before Thanksgiving.

On December 14, 1994, a victory was won by California consumers when the Ninth Circuit Court of Appeals reinstated the provision making it illegal for poultry frozen below 26 degrees Fahrenheit to be advertised or sold as fresh.

Consumer Advocates Public Voice for Food and Health Policy and the National Consumers League implored USDA to change federal labeling laws so that all Americans are afforded the same protection against the misrepresentation of frozen chicken being sold as fresh.

On December 21, 1994, Senator Boxer again urged USDA Deputy Secretary Rominger to expedite rule-making, particularly in light of the recent California Court decision. Deputy Secretary Rominger again assured her that a proposed rule would be announced within four weeks. Consumers, chefs, consumer advocates, home economists and members of Congress continue to anxiously await USDA's resolution of this priority issue.

While USDA drags its feet, Congressman Condit introduces H.R. 203, "The Truth in Poultry Labeling Act" in the 104th Congress.

On January 17, 1995, FSIS finally acts and releases a proposed regulation on labeling "fresh" poultry prohibiting the use of the term "fresh" being used on raw poultry products whose internal temperature has gone below 26 degrees and requiring thawed products which have gone below 26 degrees to be labeled "previously frozen."

Truth-in-advertising and honest labeling have not yet been achieved. Consumers, consumer advocates, poultry producers, and other supporters who believe in honest labeling can tell USDA to not bow to the pressure of those producers interested in continuing to mislead the public. FSIS must be vigilant in preserving the rights of consumers. Comments to the Federal Register will be accepted until March 20, 1995.

A federal rule on poultry freshness will not stop national producers from selling chickens nationwide, nor will it stop them from selling at lower prices than in-state growers; it will simply enable consumers who wish to pay a premium for freshly killed poultry to make an informed selection.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Missouri.

Mr. VOLKMER. I had an amendment to do the very same thing. I still plan to offer it, if time allows, because I have been in contact with USDA and the general counsel over there, and they advise me that these regulations will not be able to go forward if this bill passes and becomes law as it is presently written. What it will mean is that the matter now being proposed at USDA to correct the problem that the gentleman has in California will not be done.

So I think that the gentleman surely would join with me in that amendment if we get an opportunity to do it.

Mr. RADANOVICH. I wish to raise the issue, but I have no intention of stopping the speedy passage of H.R. 450.

Mr. VOLKMER. What do you mean? You had rather not take care of the problem?

Mr. RADANOVICH. I had rather it be taken care of in the Committee on Agriculture.

Mr. VOLKMER. Committee on Agriculture. How are we going to do it in the Committee on Agriculture? I am a member of the Committee on Agriculture.

Mr. RADANOVICH. I am not interested in slowing the passage of H.R. 450, sir.

Mr. VOLKMER. Yippee.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

AMENDMENT OFFERED BY MR. SPRATT

At the end of the bill (page , after line), add the following new section:

SEC. . REGULATIONS TO AID BUSINESS COMPETITIVENESS.

Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) CONDITIONAL RELEASE OF TEXTILE IMPORTS.—A final rule published on December 2, 1994 (59 Fed. Reg. 61798), to provide for the conditional release by the Customs Service of textile imports suspected of being imported in violation of United States quotas.

(2) TEXTILE IMPORTS.—Any action which the head of the relevant agency and the Administrator of the Office of Information and Regulatory Affairs certify in writing is a substantive rule, Interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the import of textiles and apparel including section 334 of the Uruguay Round Agreements Act (P.L. 103–465), relating to textile rules of origin.

(3) CUSTOMS MODERNIZATION.—Any action which the head of the relevant agency and the Administrator or the Office of Information and Regulatory Affairs certify in writing is a substantive rule, interpretive rule, statement of agency policy, or notice of proposed rulemaking to interpret, implement, or administer laws pertaining to the customs modernization provisions contained in title VI of the North American Free Trade Agreement Implementation Act (P.L. 103–182).

(4) ACTIONS WITH RESPECT TO CHINA REGARDING INTELLECTUAL PROPERTY PROTECTION AND MARKET ACCESS.—A regulatory rulemaking action providing notice of a determination that the People's Republic of China's failure to enforce Intellectual property rights and to provide market access is unreasonable and constitutes a burden or restriction on United States commerce, and a determination that trade action is appropriate and that sanctions are appropriate, taken under section 304(a)(1)(A)(ii), section 304(a)(1)(B), and section 301(b) of the Trade Act of 1974 and with respect to which a notice of determination was published on February 7, 1995 (60 Fed. Reg. 7320).

(5) TRANSFER OF SPECTRUM.—A regulatory rulemaking action by the Federal Communications Commission to transfer 50 megahertz of spectrum below 5 GHz from government use to private use, taken under the Omnibus Budget Reconciliation Act of 1983 and with respect to which notice of proposed rulemaking was published at 59 Federal Register 59393.

(6) PERSONAL COMMUNICATIONS SERVICES LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to establish criteria and procedures for issuing licensee utilizing competitive bidding procedures to provide personal communications services—

(A) taken under section 309(j) of the Communications Act and with respect to which a final rule was published on December 7, 1994 (59 Fed. Reg. 63210); or

(B) taken under sections 3(n) and 332 of the Communications Act and with respect to which a final rule was published on December 2, 1994 (59 Fed. Reg. 61828).

(7) WIDE-AREA SPECIALIZED MOBILE RADIO LICENSES.—A regulatory rulemaking action by the Federal Communications Commission to provide for competitive bidding for wide-area specialized mobile radio licenses, taken under section 309(j) of the Communications Act and with respect to which a proposed rule was published on February 14, 1995 (60 Fed. Reg. 8341).

(8) IMPROVED TRADING OPPORTUNITIES FOR REGIONAL EXCHANGES.—A regulatory rulemaking action by the Securities and Exchange Commission to provide for increased competition among the stock exchanges, taken under the Unlisted Trading Privileges Act of 1994 and with respect to which proposed rulemaking was published on February 9, 1995 (60 Fed. Reg. 7118).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from South Carolina [Mr. SPRATT] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support the Spratt-Payne-Coble-Ballenger-Hefner-Rose amendment to H.R. 450.

Basically, Mr. Chairman, this amendment carves out several selected exceptions to this regulatory freeze to allow for rules that American businesses have actually sought and supported. Our amendment would mean the moratorium would not apply to five subject areas:

No. 1. Trade sanctions against China. Mr. Chairman, if this bill passes, the administration may, I cannot say this with any certainty, but it may be barred or at least impeded from imposing sanctions against China for pirating our patents and copyrights. Section 6 of the bill does exclude from the freeze "statutes implementing international trade agreements." But the sanctions we would impose upon China do not implement any international trade agreements, they are sanctions imposed under our own trade laws. So they may not be precluded as a rule-making action as this bill is written now.

Our amendment would make certain simply that we can sanction China for pirating our patents and copyrights, and I do not see how anybody can oppose that.

No. 2. Implementation of the so-called Customs Modernization Act. American exporters and importers alike support the Customs Modernization Act because it cuts costs and cuts delays as well. The Customs Service supports it because the Modernization Act saves millions of dollars and allows Customs to streamline its operations and get rid of obsolete requirements. H.R. 450 will potentially stop Customs from implementing by regulation all parts of the Modernization Act. Surely there is no reason for us to do that. The Spratt-Payne-Coble-Ballenger-Hefner-Rose amendment would ensure that this bill does not inadvertently get in the way of Customs modernization. There is nothing wrong with that.

No. 3. Wider access to telecommunications, the so-called auction of the spectrum. H.R. 450 will potentially suspend rules that govern the auction of the spectrum that have been issued recently and it could require the FCC to shut down its auction for as much as the next 10 months. Since December, these FCC auctions have raised $6.1 billion. Do we want to have H.R. 450 stop the Government from collecting revenues of this magnitude for the rest of the year? Do we want to prevent the FCC from making available additional spectrum to police and public safety officials under new and revised regulations? Our amendment would make certain that we do not do that.

No. 4. Improved opportunities for regional stock exchanges. The SEC issued rules this month to allow for increased competition among regional stock exchanges. H.R. 450 would freeze these rules with all others. Our amendment would simply ensure that they go forward.

Finally, Mr. Chairman, Customs is about to issue textile rules of origin which we just talked about that will authorize our Government to stop exporting countries like Hong Kong from shipping to us goods under their quota which are actually made in China. This is a form of fraud. Surely we do not want to block rules that crack down on fraudulent trade. That is why we just accepted the Burton amendment, but mine goes further and deals with other textile and apparel import rules and regulations that deal with fraud, evasion and circumvention.

For example, Customs has recently issued another rule that stiffens the penalties against textile transshipments which are a form of fraud and quota evasion. This amendment would simply allow that these regulations against trade fraud and evasion take effect. That should not be objectionable to anybody, particularly since the Burton amendment was just accepted without objection without any more than a voice vote.

I say to my colleagues, regardless of how you want to vote on H.R. 450, you ought to vote for this amendment. If you want to have our Government have the power to impose trade sanctions upon China, you should vote for this amendment. If you want to see the auction of the spectrum and the billions of dollars it is generating in revenues for the Treasury go forward under new clarified rules of procedure, then you should vote for this amendment. If you want to crack down on fraud and evasion by countries that ship billions of dollars into our markets but flout our rules of trade, then you should vote for this amendment.

These are regulations, as I said at the outset, that American businesses have sought and supported, many of us in this House have sought and supported them, and we gain nothing and we lose a lot by freezing actions on them for 13 solid months.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, basically I think the same argument would apply to this as would apply to some of the others that have been suggested, and, that is, whether this would accomplish what the gentleman really seeks to accomplish. It seems to me that we have provided an exemption here that would deal with the issue that the gentleman raises. I gather there are two issues raised in this amendment. The one on the textile element was not covered by the last amendment, may I ask the gentleman?

Mr. SPRATT. If the gentleman will yield, it was only partially covered by the last amendment, because the last amendment went to the rules of origin which are a legally dictated rule that was imposed upon the Treasury Department by the GATT-implementing legislation when it was passed. This deals with a wider spectrum of rules and regulations that apply to fraud, evasion, circumvention, textile trade fraud, more than just the rules of origin problem.

Mr. CLINGER. Specifically what do you provide with regard to the FCC?

Mr. SPRATT. There are rules now pending which have been issued by the FCC that will deal with additional auctions of the spectrum in a certain megahertz range. We will have members of the Committee on Commerce come here shortly and speak to that. But basically if those rules do not go forward, then the auction itself could be impeded and billions of dollars could be in jeopardy.

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, it is my understanding that much of the provisions that are being discussed in this amendment actually can go forward under the exceptions that we currently have in the bill. Specifically those dealing with the FCC licensing provisions, we have an exemption for licenses that would allow the FCC to go ahead and issue all of those licenses. It is my understanding that it is their practice to implement their policies on a license-by-license basis, be able to go forward, both with the auction and the other licenses that they would seek to offer.

In terms of the regulations regarding trade in the textile area, to the extent those are related to an international trade agreement, the exception there would apply. Those that are related to fraud in a criminal sense would be able to go forward under the exception allowed for regulations necessary to enforce criminal statutes.

For those reasons, I think the real gravamen of this amendment is taken care of already in the bill and we do not need to have special exceptions in this case.

□ 1620

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the ranking member of our committee, the gentlewoman from Illinois, [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Carolina.

Business loves to complain about burdensome Federal regulation, but the fact of the matter is that business also benefits from Federal regulation. The regulations included in the gentleman's amendment make this point very clear.

The regulations issued by the Federal Communications Commission which are contained in the Spratt amendment are good examples of Federal regulations that benefit business. The FCC has a rulemaking under way pertaining to mobile wireless radio services, such as wireless fleet dispatch communications.

There is a company in Chicago, NEXTEL, which is eager to compete in providing this service, and they need this rule issued to be able to compete effectively.

Why would we want this moratorium to apply to rules like this? Are we against regulations that will produce revenues for the Federal Treasury and increase competition?

NEXTEL does not believe the exclusions in the bill protect them, and they have said so in a letter to me. They would not be eligible for the exclusion for new technologies. Their technology is already being offered in Los Angeles, and as of last month in Chicago as well. But, to compete with other telecommunications firms, NEXTEL needs the common carrier status which this rule would grant it.

Furthermore, NEXTEL is by no means the only beneficiary of this rule. Until this new rule goes forward, more than 800 companies similar to NEXTEL all over the country, will be stopped from competing to provide wireless mobile radio services.

Finally, regulations will soon be issued by the Securities and Exchange Commission which will promote the competitiveness of regional stock exchanges in Chicago, Boston, Philadelphia, Cincinnati, Los Angeles and San Francisco.

These regulations would eliminate the time regional stock exchanges must wait before they can trade in new stocks listed on the principal exchanges.

I was a cosponsor of the Unlisted Trading Privileges Act under which these regulations are being issued. This legislation had strong bi-partisan support and passed the House three times before it was included in last year's budget reconciliation bill.

Why would we want to block implementation of regulations that will promote competitiveness of the regional stock exchanges?

Unless we are willing to surrender to foreign unfair trade practices and do not care about creating a competitive, state-of-the-art telecommunications industry, we should exempt these regulations from the moratorium.

I urge my colleagues to support the gentleman's amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding me this time.

I will simply say, Mr. Chairman, that I was in favor of the Burton amendment, a good sound amendment, but I believe the Spratt-Coble-Ballenger-Payne amendment extends the propriety thereof and I think it extends it in areas that are needed.

Sanctions against transshipments and other forms of quota violations, in my opinion, Mr. Chairman, are epidemic and I think we need this additional amendment to address that.

Textile and apparel workers, my mom used to be one, worked at a hosiery mill, was a machine operator. I represent thousands of employees who earn their living to this day in textile mills, a very significant cog in the American wheel of industry.

I think this is an amendment that is needed. I think it will address areas that in my opinion the Burton amendment does not address, and furthermore, I think will do harm to no one.

I think it will enhance America's role, in fact, not just in the textile and apparel area but otherwise. I urge support of the amendment and I thank the gentleman for having yielded time to me.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong support of the Spratt, Payne, Coble, Ballenger, Hefner, Burr, Rose, Funderburk amendment to H.R. 450. While I am pleased that the gentleman from Indiana's amendment was accepted and I think it was a very important amendment. It does not address several other issues that are critical to American industry, particularly the American textile industry, while I am pleased our amendment on the other hand, does in fact speak to the needs of our industry.

Our amendment is a good government amendment. It protects American businesses and workers from unintended consequences of the regulatory moratorium. It allows several specific exemptions to the moratorium that American businesses want and need.

Our amendment will allow the Customs Service to continue its fight against illegal transshipments. These illegal shipments or textile and apparel goods represent up to $4 billion in lost sales every year to the American textile and apparel industry.

Last year, as part of the GATT implementing bill, the Congress directed the Customs Service to take additional measures to fight this serious transshipments problem. Unfortunately, the language of H.R. 450 would prevent the Customs Service from issuing regulations to implement what Congress specifically requested.

The Customs Modernization Act is also addressed. Importers and exporters alike have complained for years that Customs procedures and structures are badly in need of reform. In response to those concerns, Congress passed the Customs Modernization Act as part of the NAFTA implementing bill in 1993.

Since then, Customs has been proceeding in a very deliberate manner to reform itself in a way that will be more responsive to the businesses who depend on importing and exporting to survive.

However, this comprehensive, bipartisan, and widely supported effort will not go forward without the exemption that this amendment would grant.

Mr. Chairman, our amendment is aimed at just one thing: Preserving American jobs by preserving the competitiveness of American businesses.

I urge my colleagues to support this amendment.

Mr. CLINGER. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in support of the Spratt-Payne amendment. It is a necessary and important piece of amendatory legislation.

This bill is going to have some surprising effects, many harmful, and many which will surprise those who support it.

I refer specifically to the situation with regard to FCC regulations which govern the behavior of the entirety of the telecommunications industry.

I would point out to my colleagues that the amendment would prevent the suspension of a series of important regulations relating to the issuance of new licenses for operations of portions of the radio spectrum to assist the growth of our telecommunications industry.

I would tell my colleagues if these regulations are suspended, serious consequences occur. First of all, American industry is delayed in getting into the new telecommunications services. American business and consumers are hurt by that action.

Revenues are lost both to providers of service and to users of telecommunication services.

Beyond that, it will preclude the taxpayers from benefiting from the competitive bidding procedures established by the Congress in the 1993 reconciliation bill.

The Spratt-Payne amendment ameliorates to a large degree these deficiencies. It exempts from the sweeping scope of this legislation 3 important FCC regulations that create business opportunities and that protect the public interest.

It exempts those which protect the public safety and bring important revenue into the Federal Treasury.

The amendment also provides an exception for regulations issued last November that created the Personal Communications Services, the PCS's.

□ 1630

These regulations establish geographic areas that would be covered by PCS licenses. They establish the bandwidth and other circumstances associated with the behavior of licensees.

The regulations establish the basis for companies to bid for licenses at auction. In December, on the 5th day, the FCC commenced to auction the PCS licenses. This auction is still going on today. As of the close of business last night, bids totaling $6.3 billion had been logged into the FCC computers. When the three pioneer preference licenses are factored in, the total amount in FCC computers is $6.9 billion that would come to the taxpayers if the FCC is not precluded from including those revenues in those regulations because of the enactment of this, quite frankly, silly piece of legislation.

What will happen to these bids if the regulations that govern the licenses are suspended? Will the bidders such as AT&T or Pacific Telesis or any other bidders keep bidding? Will they continue to make payments to the Treasury hoping that the regulations will ultimately be permitted to take place?

Another regulation that the Spratt-Payne amendment would exempt from the allocation or, rather, from the provisions of this legislation, are allocations of 50 megahertz of radio spectrum the Federal Government has transferred to the FCC for new uses, something that the American manufacturing and telecommunications industry desperately needs. Potential users of these frequencies are police, fire, public safety users of the spectrum in our largest cities. There is a critical shortage of this spectrum.

I urge my colleagues to reject the language of the bill and to adopt the Spratt-Payne amendment.

Mr. SPRATT. Mr. Chairman, I yield such time as she may consume to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I rise in support of the Spratt-Payne-Coble-Ballenger amendment. It is important to textile workers and industry in North Carolina.

Mr. SPRATT. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me this time. I thank him and the gentleman from Virginia for making this amendment.

To follow on what the gentleman from Michigan was just referring to, we have two very important issues that would, in fact, be affected if we did not pass the amendment before us right now. No. 1, out of the Commerce Committee last year we passed legislation on something called unlisted trading privileges.

Now, it all sounds very technical, but the net result of it is that it allows the Philadelphia Stock Exchange, the Boston Stock Exchange, the Chicago Stock Exchange, Pacific Stock Exchange, Cincinnati Stock Exchange to get into all new activities in a much more telescoped timeframe than they have ever been allowed to engage in trading before. It is a real spur to competition out in the marketplace. It is something ultimately we were able to pass on a unanimous basis.

But if the amendment does not pass, it will be impossible for the Securities and Exchange Commission to be able to get this regulation in place and to give benefits to the Chicago and Philadelphia and Pacific, other regional, stock exchanges in their competition with New York and the American Stock Exchange.

Second, we have a tremendous revolution taking place in this country that involves cellular phones, faxes, and wireless technologies of all kinds. Last year we passed laws out of the Commerce Committee so that the Federal Communications Commission would transfer 50 megahertz of spectrum for use in this area.

By the way, when you think about 50 megahertz, you have an idea just what that is, that is all of the spectrum now being used for cellular phones, all of them. We are talking about moving over the spectrum so we can have this revolution so the Dick Tracy two-way wrist radio is something that is in the stores within 2 or 3 years.

If this amendment does not pass, it is going to stall, delay, and make almost impossible our ability as a Nation to get our product out onto the international market first so that we are most competitive, so the jobs are here in the United States.

Those are two examples. We could go on, but I think that just so you have a sense of the range of concerns of industries as diverse as the Pacific Stock Exchange and every cellular and fax and wireless company in the United States. Let us hope this amendment passes.

Anyone who is listening, American competitiveness very much depends upon the Spratt-Payne amendment passing this House this afternoon.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think we feel that the items that the gentleman is attempting to deal with in this amendment would be eligible to go forward under exemptions which are provided in the bill.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, let me say that the points that my colleague, the gentleman from Massachusetts [Mr. MARKEY], has raised are some very important changes in the regulatory system, and he and his staff are to be commended for having worked on those, in particular reducing the burdens on some of the exchanges outside of New York so that they can offer those additional services.

It is the opinion of the authors of this bill and my committee, subcommittee, and the gentleman from Pennsylvania [Mr. CLINGER], the full committee, those types of regulations are exempt from the moratorium precisely because they do reduce the current regulatory burden on the private sector, and that the SEC could go forward with those regulations. The FCC can go forward with its licenses and allow the private sector, through an auction process, to expand the cellular phone markets and other services that they seek to provide for.

So I think the problem is addressed in the moratorium legislation. There is not a need for an explicit amendment.

One of the things that we have very carefully guarded against is starting a long list of particular regulations that would be exempt because of the problem of statutory construction. If you have a very general provision that says we are going to protect health and safety, we are going to allow regulations that reduce burdens on the economy, but then you start a list of particular amendments or particular regulations, there might be something that is not on the list, and our concern was those items not on the list that protect health and safety or reduce a burden could be held up because they were not listed.

We tried to keep it a very general provision allowing the particular regulations that the gentleman from Massachusetts [Mr. MARKEY] mentioned to go forward.

For that reason, I would urge that the body today vote against that amendment.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

There is an exemption in your legislation for licensing. What we have to distinguish though is the difference between licensing and the FCC promulgating rules and regulations with regard to bandwidth, with regard for geographic distancing, with regard to who is eligible. Right now, based upon the regulations that are out there, $6½ billion—billion dollars—has been bid by companies for this spectrum.

If we change that today, all of that money is just going to be taken back off the table by all of these companies because of the uncertainty which is going to be established. So it has a big impact on our deficit-reduction objectives as well, because these companies are bidding based upon the FCC's ability to lay out not just the licensing but the eligibility, bandwidth, geographic spacing of all of these technologies as well.

So I appreciate what you are trying to do in licensing. It just does not quite reach the problem, and it will affect all of the cellular phone competition out there in the market.

Mr. MCINTOSH. If I could respond to that, because I want to make it clear to the FCC, in our opinion they can continue to grant those licenses. It is my understanding they can, on a case-by-case basis, apply all of those criteria as they issue the particular license. I want them to be sure and go ahead and issue those licenses.

Mr. MARKEY. If the gentleman will yield further, they can issue the licenses under the exemption. What they cannot do is establish the regulations for the conditions dealing with the issuance of the license, and that is not in fact exempted in your language; they will be handcuffed in terms of the ability to take the next step, and as a result, all the bidders will pull the $6 billion worth of bids for this spectrum off the table.

You have an error here in terms of the overall operation of how the FCC actually promulgates regulations, and it has an impact on a bipartisan piece of legislation that passed which will generate $6 to $10 billion if the FCC is allowed to proceed as they have.

Mr. MCINTOSH. Mr. Chairman, let me just conclude by saying I think that the provisions in the bill right now would let them specify those general policies and continue on with their licensing program. But I appreciate my colleagues' bringing this to our attention.

Mr. CLINGER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SPRATT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 235, noes 189, not voting 10, as follows:

[Roll No. 162]

AYES—235

Abercrombie
Ackerman
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Cardin
Chambliss
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Eshoo
Evans
Everett
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Frank (MA)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hayes
Hefner
Heineman
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Hunter
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
LaHood
Lantos
Laughlin
Leach
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Myrick
Nadler
Neal
Norwood
Oberstar
Obey
Olver
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Regula
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Solomon
Spence
Spratt
Stark
Stenholm
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—189

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Barrett (NE)
Bartlett
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chenoweth
Christensen
Chrysler
Clinger
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Emerson
English
Ensign
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gallegly
Ganske
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Nethercutt
Neumann
Ney
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Portman
Pryce
Quinn
Radanovich
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Talent
Tate
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Andrews
Barton
Ehlers
Fattah
Gekas
Gonzalez
McCarthy
Meek
Ortiz
Porter

☐ 1658

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Barton against.

Mr. NEY, Mr. CRAPO, Mrs. CHENOWETH, Mr. DOOLITTLE, Mrs. CUBIN, Mr. METCALF, and Mr. SCHUMER changed their vote from "aye" to "no."

Mr. CHAMBLISS and Mr. STOCKMAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

☐ 1700

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment, amendment No. 36.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: In section 5(a)(2) (page , line), strike "imminent threat" and insert "substantial endangerment".

In section 6(7) (page , beginning at line)

(1) strike "death, serious illness, or severe injury" and insert "substantial endangerment";

(2) in the heading strike "IMMINENT THREAT" and insert "SUBSTANTIAL ENDANGERMENT", and in the text strike "imminent threat" and insert "substantial endangerment"; and

(3) strike "during the moratorium period".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California [Mr. WAXMAN] and a Member opposed, will each control 15 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment on behalf of the gentleman from Wisconsin [Mr. BARRETT], the gentleman from Vermont [Mr. SANDERS], and myself. The purpose of this amendment is to apply the same protection to human health that H.R. 450 would provide to private property. This bill provides an exemption from the moratorium for imminent threats to health or safety. In section 6(7) this is defined to be a reasonable expectation of death, serious illness or severe injury to humans, or substantial endangerment to private property.

This definition in H.R. 450 provides significantly more protection to private property than to health. My amendment would equalize the level of protection. It would apply the substantial endangerment test to both private property and human health. It is inconceivable to me that this body would want to go on record as providing more protection to private property than to human health. It is inconceivable that we want to set up a different standard for the protections of private property than for human health, which is exactly what this bill would do, and it does not make sense. Let me explain why H.R. 450 provides more protection to private property than human health.

This bill in the case of private property requires a reasonable expectation of an endangerment, and that would be sufficient to exempt a regulation from the moratorium. There is no requirement to show that there is a reasonable expectation of actual injury. All you have to show is that private property is placed in jeopardy.

In the case of human health or safety, the standard of a reasonable expectation of an endangerment is not enough to exempt the regulation. It is not enough to show that people will be put in a dangerous situation. Instead, you must show it is likely that there will be actual death, actual illness, or injury.

This test is much more difficult to meet than private property tests. It is much easier to show that there is a reasonable expectation that some property may be endangered but not actually injured, which is the private property test, than to show that there is a reasonable expectation that some person will be actually injured, which is the health test.

Private property gets more protection than health for a second reason, also. A regulation to protect private property can be exempted from the moratorium so long as the endangerment is just substantial. When it comes to human health, however, the agency must show that the injury is either severe or serious. Obviously, the threshold of showing that an injury to health or people is serious or severe is higher than the threshold of showing that an injury to property is merely substantial.

So this amendment would delete the requirement that the injury occur during the moratorium period. It would equalize the standard. This is essential to ensure that agencies can act to prevent serious health impacts that should occur, especially outside the moratorium period.

Mr. Chairman, let me describe this issue of the moratorium period. The Food and Drug Administration is in the process of examining whether there ought to be any regulations with respect to the tobacco industry, but under the language of this bill, they only look for a threat to severe injury during the moratorium period.

Well, there is no more important health and safety regulation being considered than the one that deals with FDA, where they are concerned about tobacco companies targeting children. But work on this regulation would be halted under H.R. 450 because FDA could now show that the injury to children would occur during that moratorium period.

Three thousand kids start smoking everyday. Hundreds of these kids will eventually die from smoking. Under H.R. 450 this is not considered an imminent threat because they are not going to die for 20 to 30 years.

So we would do two things in this amendment: One, establish the same standard whether it is public health or danger to property; and not restrict the legislation to threats only within the moratorium period.

Mr. Chairman, I would urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Pennsylvania will be recognized for 15 minutes.

Mr. CLINGER. Mr. Chairman, I yield myself 1 minute, merely to point out to the gentleman in the report where we make it very clear that it is certainly not the intent to raise concerns or interest in property to a higher level than that which we provide for human health. We define "imminent threat to health or safety" to mean the existence of a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property, during the moratorium period. In setting forward this definition, the Committee has not elevated protections of private property above human health or safety, or even attempted to equate endangerment to private property with death, illness or injury to humans. Rather, it seeks to protect both human health and safety and private property according to appropriately separate and distinct standards. It is the Committee's understanding that the moratorium should not prevent the promulgation of rules and regulations that are necessary to make food safe from E. coli bacteria, or others discussed in regard to the Slaughter amendment.

Mr. Chairman, we reject the notion this is somehow raising this concern to a higher degree.

Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise in strong support of this amendment.

I am very concerned about how H.R. 450 would impede the Department of Energy's ability to write needed safety regulations for the clean-up of the Hanford nuclear weapons complex.

The Hanford complex has 1500 sites contaminated by radioactive and hazardous waste. Some of this radioactive waste has begun to leak into the Columbia River and contaminate its water and fish. DOE needs the ability to act quickly to promulgate regulations to protect the safety of workers at the Hanford site and to protect the public from the hazardous waste stored there.

You say that H.R. 450 contains an exemption for regulations to address "imminent threats to health and safety." What I want to know is how long will it take the DOE to get an exemption under this law? It is my understanding that DOE would have to submit a written request to OMB and to the appropriate congressional committees in the House and Senate. Then OMB would have to find in writing that this waiver was indeed necessary. And finally the DOE Secretary would have to publish the findings and waiver in the Federal Register. How long will this process take?

Mr. Chairman, the threats to public safety from the Hanford complex are real and can impact citizens throughout the entire Northwest. If there is any doubt that the Department of Energy will be impeded in protecting American citizens from Hanford's radioactive hazards, then I say that risk is too great.

I urge my colleagues to vote for the Waxman amendment.

☐ 1710

Mr. CLINGER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. EHRLICH].

Mr. WAXMAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. EHRLICH].

The CHAIRMAN. The gentleman from Maryland [Mr. EHRLICH] is recognized for 4 minutes.

Mr. EHRLICH. Mr. Chairman, with all due apologies to my subcommittee chair and to the gentlewoman on the other side, we have, in fact, corrected the misspelling, a demonstrative piece of evidence we have here. The gentleman from California will recall our debate in subcommittee and in committee and, in fact, on the floor of the House. As the chairman quite rightfully said, this bill does not provide a priority to property and the committee report, in fact, specifies that property is not elevated above health and safety. But because the gentleman made such an eloquent point in committee, I have gone through the legal research to the code.

As the chart here states, the term "imminent threat to safety or health" means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness or severe injury to humans or substantial endangerment.

The issue the gentleman raised in committee was, what about the relative thresholds here. Do we have a lower threshold with respect to property as opposed to health and safety? That is the point I researched. I would like to tell the gentleman that in the code, the term "serious illness" is actually defined. And the definition of serious illness is an imminent hazard. It is subsumed within the definition of imminent hazard. That definition applies to death, serious illness and severe personal injury, and that applies to human beings.

Under the other part of the definition of imminent hazard, we see the provisions that apply to property. Substantial endangerment to health, property or the environment. So that it is quite clear under the code, under the way the actual terms are defined under the code, we have not created separate thresholds with respect to human health and safety on the one hand and property on the other.

In fact, what we have done is create the same threshold with respect to the central issue here, although we have used different language with respect to health on the one hand, property on the other.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, if the gentleman claims that they are both treated the same, why not use the same language? Why have any doubt? The clear wording of that section is to say that there is a substantial endangerment for property but reasonably expected to cause death or injury when it comes to people. Why not a substantial endangerment to people or a substantial endangerment to property?

It just seems to me that the gentleman's logic is incorrect, as is the spelling at least of one of the words on that chart. If we are going to achieve the same result, both property and humans, then let us use the same standards.

Mr. EHRLICH. Mr. Chairman, in fact, I understood the gentleman's point, but the fact is, the language, the verbiage used in the code uses different language dependent upon whether we are talking about humans on the one hand, property on the other. And that was the point I made earlier.

Mr. WAXMAN. Mr. Chairman, if the gentleman will continue to yield, the only point I would say is that we are writing the law here. Let us write the law so that the standard is the same and we will not have what I believe in clear words that give a higher threshold before we will protect human beings than before we step in to protect property while this moratorium is in effect.

Mr. WAXMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Vermont [Mr. SANDERS], a cosponsor of this amendment.

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding time to me.

I am proud to be a cosponsor of this amendment that saves human lives and I strongly urge its adoption.

In its current form, the moratorium does not apply to regulations that protect against imminent threats of serious illness, severe injury, or death or substantial endangerment to private property. As Mr. WAXMAN described, this is an absurd provision that gives greater protection to private property than to human life. I think this is a absurd set of priorities that needs to be changed.

Furthermore, the bill is misleading because it does not allow regulations that protect public health and safety. In fact, it threatens regulations implemented last year that:

Promote safer meat, poultry, and seafood;

Establish standards for water quality;

Set standards for disposal of nuclear and other hazardous waste;

Set motor vehicle safety standards for brake systems;

Amend performance standards for children's life jackets;

Set safety standards for baby walkers and children's toys; and

Standardize aviation rules.

Under the current definition of "imminent threat of human health and safety," regulations that protect against activities that cause cancer, AIDS, or any other illness that has a latency period cannot be implemented. Today 1 in 3 of us will get cancer, and tragically 1 in 4 will die of it. Over 60 different occupations are at a documented risk of cancer, including farmers, petrochemical workers, asbestos workers, plastics manufacturers, and radiations workers. If this amendment is not adopted, the administration will not be able to respond to this expensive and debilitating health care crisis by implementing regulations that prevent cancer.

For instance, regulations that provide certification standards for mammography that are required by law will not be implemented unless this amendment is adopted. Regulations that prevent breast cancer and save lives should be implemented.

Indoor air regulations that protect against toxic exposures that ultimately cause asbestosis, lung cancer, or other serious respiratory illnesses, will also be prohibited if this amendment is not adopted. OSHA has been considering a rule banning smoking in workplaces nationwide, the FDA is considering to regulate cigarettes as a drug, and the Department of Health and Human Services is working on regulations that limit smoking in schools and other places where children congregate. All of these plans will be put on hold unless this amendment is adopted. Lung cancer is the No. 1 cancer killer. The immediate implementation of regulations like these could save many lives.

Also, nuclear safety standards for waste disposal, like the regulation allowing nuclear wastes to be transferred from sites in Idaho, Colorado and other States to a WIPP facility in New Mexico, will be retroactively canceled. Thus, more Americans could potentially be exposed to toxic substances that cause serious illness and death.

I simply do not see the sense in the current language which allows regulations that protect against deaths in 1995, yet prohibits regulations that protect against deaths in other years. If the drafters of this bill intended to protect against cancer and AIDs, then this intention should be made clear in the plain meaning of the definition of "imminent threat to human health or safety."

I strongly urge you to support this amendment which clearly states that we care enough about human lives to permit regulations that prevent serious illnesses, severe injuries, and death in any year and gives human lives as much protection as the bill gives to private property.

□ 1720

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Minnesota.

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to thank and compliment the gentleman from Vermont, and I have to admit I am befuddled by the fierce opposition to this amendment. It seems like common sense to me.

The gentleman from Maryland [Mr. EHRLICH], I think gave an eloquent explanation as to why we have in the exact same paragraph two different standards, one for property, one for human life, but we are going to use different language to meet the exact same standard.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, I think it is incumbent as we start thinking about changes in this finely crafted exemption for health and safety that we address some of the particular problems that have come to our attention in drafting this moratorium.

For example, there is the guideline from the Consumer Product Safety Commission which would require that all buckets have a hole in the bottom of them, so that they can allow water to go through and avoid the danger of somebody falling face down into the bucket and drowning; the leaky bucket regulation.

There is also the regulation that allows FDA officials to break into a doctor's office in Kent, WA, and hold at gunpoint the doctors and the nurses there to force them to answer a series of questions, because they use injectible vitamin B and other products. Would those regulations be exempt under this new standard?

There is also a regulation that the Occupational Safety and Health Administration, OSHA, promulgated which would require that all baby teeth be disposed of as hazardous waste material, rather than be given back to the parents, to allow the tooth fairy to come back and do that. How would the amendment apply to those regulations?

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I am happy to yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman, is reiterating the point I was making. Yes, there are regulations which are silly; yes; there are regulations which are useless and should be gotten rid of, but the scope of what the gentleman is talking about is not amusing.

Yes, holes in buckets is very funny, gets good laughs, I agree with the gentleman. But cancer and breast cancer, particularly, are very serious problems in America. AIDS is very serious. It is not a laughing matter.

What the gentleman's legislation does is it may deal with the holes in the buckets, fine, but is also preventing the Government from taking measures that will save people from getting cancer. That is not so funny.

Mr. McINTOSH. Reclaiming my time, Mr. Chairman let me make it very clear that this moratorium does not do that. There is the language which the gentleman from Maryland [Mr. ERLICH] pointed out, and I pointed it out earlier, and I thank the gentlewoman from New York, [Ms. SLAUGHTER] for pointing out the spelling error, which seriously says regulatory agencies must deal with health and safety threats that pose an imminent danger to human health and safety. That exception would allow regulations that prevent loss of life to go forward.

What we need to do, Mr. Chairman, is to protect the American people from the silly, stupid, needless regulations that not only are humorous, they are very serious in their consequences of costing jobs when companies move overseas or go out of business. They are very serious when consumers have to spend $6,000 a year more to comply with those regulations. I urge a "no" vote on this amendment.

Mr. WAXMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the Waxman amendment.

Mr. Chairman, the definition of imminent threat to health or safety that is now in the bill H.R. 450., is inadequate. It is an unusually high standard for demonstrating personal injury; it would require that death, serious illness, or severe injury occur during the moratorium period.

It would also permit substantial endangerment to private property to be a basis for finding imminent threat to health or safety. Not only is it unusual to have harm to property as a basis of a health or safety standard, but it would also arguably be easier to exempt a rule on the basis of endangerment to private property than it would be to exempt a rule on the basis of a threat to human health.

The Waxman amendment, therefore, does one important thing; it equalizes the standard for injury to persons and injury to property. Under the amendment, a regulation could qualify for the imminent threat to health or safety exemption, if it could be expected that substantial endangerment to humans or private property would occur.

Why is it so important to have a reasonable standard? The answer is because no one, including the authors of this bill, can say with any certainty whether a particular regulation would be excluded from the moratorium. A perfect example of this is the meat inspection rule.

At the end of our committee's debate on the amendment to exempt the meat inspection rule, the chairman of the subcommittee spoke with Mrs. Nancy Donley, whose 6-year-old son died from eating E Coli contaminated hamburger. He told Mrs. Donley that he would put language into the committee report, making it clear that the Agriculture Department could go forward with the meat inspection rule.

I think the addition of this language in the report could be helpful, but it provides no assurance that the meat inspection rule can go forward. The bill does not prohibit anyone from challenging in court an Agriculture Department decision to exempt the meat inspection rule from the moratorium. Furthermore, what about all the other perhaps equally significant health or safety rules that are not mentioned in the committee report. A standard is needed that could be used to exempt these rules as well.

We, therefore, need a clear and simple standard under which we could exempt a matter on grounds of threat to health or safety. The Waxman amendment gives us such a standard, and I urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida, [Mr. MICA], a member of the committee.

Mr. MICA. Mr. Chairman, I speak in opposition to the Waxman amendment. I would like to make several points.

First of all, the new language that is being proposed here, I really do not believe that it does that much to protect public health, safety, and welfare. I know the gentleman is well-intended, I know our independent colleague is well-intended, that they are indeed concerned about public health, safety, welfare.

However, I think that we have provided in this moratorium some very specific language that in fact will do the job. In fact, we are not ending regulation as we know it. This is not an end to regulation. This is, again, as I said earlier on the floor, this is a stop and let us look at what we are doing with these regulations. Let us make some sense.

We have a mechanism in the bill and I believe we have a precedent for the language that we have put in this bill, to really accomplish what they would like and really, in a more effective fashion. That is why we have to defeat the Waxman amendment.

Again, Mr. Chairman, we are all concerned here. We are all human beings. I am a parent. I have children. I am concerned about the air they breathe, the water they drink. I am concerned about our environment.

However, we have to start taking all this regulation in perspective. This is not an indefinite moratorium. Even the moratoriums of the Reagan administration were more long-term than this. In fact, this even says if we take time and read it, that when we have some provisions in place to look at the cost and the benefit and risk, that we can go forward.

We have in here protections that reasonable people, working together, can use to go forward, and we can enact necessary restrictions and needed regulations.

No, in fact, this is not an end to regulation as we know it. This bill is concerned about people; that we have limited resources; that this country and its taxpayers want the very best regulation as far as protection of the health and public welfare and safety of our children. So yes, we on this side of the aisle, are concerned.

We want to work with the gentleman, and we want to pass something reasonable. We think our language is better. I urge my colleagues to come down here and to sort through all of the smoke and mirrors, to defeat this amendment, to pass a well-crafted, a well-defined piece of legislation that will put a stop sign, that will put a yield sign, and that will also put a go sign and a green light where we must protect public health, safety, and welfare.

With those comments, I do appreciate the gentleman's position, and speak against his amendment.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT] a member of the committee.

Mr. GUTKNECHT. Mr. Chairman, I rise in opposition to the Waxman amendment. I do so for a couple of reasons.

First of all, Mr. Chairman, we are convinced on this side that the amendment is not needed. We know the gentleman from California [Mr. WAXMAN] is sincere in his concern about human health. I also want to make the point, I think to a certain degree, however, we labor under an illusion, and part of the background for this amendment is that somehow government regulation can create a risk-proof society, and that somehow, with more government regulation, we can completely prevent people from getting cancer, from people getting sick, from people not having a certain risk as it relates to their health.

The truth of the matter is, Mr. Chairman, and I used this example in committee, and I would share it with the body now, last year I was invited to the Governor's mansion of the State of Minnesota.

I was 1 of 17 Members who ate pineapple. As a result, I got sick. In fact, we never really did determine what the bacteria was, but I would share with the Members that that pineapple had been inspected by the USDA, it had been processed all the way under USDA regulations.

I guess what I said then and I would say now is that I got sick under government regulations, and I got well, despite government regulations. The truth of the matter is we cannot create a completely risk-proof society.

□ 1730

We see over there about 64,000 pages of government regulations. Bad things still happen. There is no amount of government control or regulations that is going to completely stop that.

I really do not believe that this amendment is needed. I rise in opposition to it. I would encourage a "no" vote.

Mr. CLINGER. I have no further requests for time, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, to close debate on my amendment, I yield the balance of my time to the gentleman from Wisconsin [Mr. BARRETT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. BARRETT] is recognized for 2 minutes.

Mr. BARRETT of Wisconsin. Mr. Chairman, I remain perplexed. We hear the gentleman from Maryland and the gentleman from Minnesota talk about how they do not like bureaucrats. "We don't like bureaucratic language. We don't like unnecessary or silly regulations." Yet before us we have a paragraph where you have two standards: One standard for property, a different standard for human life.

The gentleman from California [Mr. WAXMAN] has eloquently explained why it does not make sense to have those two standards and argues that the standard for property is higher than the standard for human life. The gentleman from Maryland argues that is not the case, that even though they are different phrases, they have the same identical meaning. That is not only a lawyer's dream, it is a law review editor's dream to have within the same paragraph two different definitions and have someone argue that they are the same language, that they have the same meaning.

Somehow I fail to see what is going on here other than to say if you are arguing that we want to have the same standard, why create bureaucratic language to give two different meanings to two different phrases? If you mean that they have the same standard, let us give them the same standard. There is no other explanation and no other clear-cut way to do it than to say let us not create more litigation, let us not create a dream for lawyers, let us say what we mean. If we mean it is the same standard, let us say so.

What we are doing here, you are opening yourself up for attack by setting a lower standard for human life than for private property. That is not what we want to do. We do not want to create more regulation, we do not want to create more litigation, and this amendment goes to that goal.

If you want more regulations, if you want more litigation, then defeat the Waxman amendment, because he is trying to streamline the process and have clear, simple language. For those reasons, I think it makes sense.

Again, I am completely befuddled as to why we want to have a paragraph with two different definitions that the majority argues have the same meaning.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 259, not voting 8, as follows:

[Roll No. 163]

AYES—167

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—259

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Andrews
Barton
Ehlers
Fattah
Gonzalez
McCarthy
Meek
Ortiz

□ 1750

Messrs. STEARNS, SHADEGG, and GORDON changed their vote from "aye" to "no."

Mr. STUPAK changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, and my colleagues, I rise in order that if the distinguished chairman would engage in a colloquy with me about definitions and applications of this legislation.

Mr. Chairman, I have an amendment that I was going to offer to exempt regulations of the Department of Agriculture for the moratorium. Although I support a moratorium on regulations, I have discussed the specific provisions of this bill with the Department and have concerns that the exceptions contained in the bill are too narrow to prevent disruptions of USDA programs and operations that benefit consumers, farmers, ranchers, agribusiness, and our Nation as a whole.

As you know, during the 103d Congress, the Committee on Agriculture led the way in reforming the bureaucracy by reorganizing the Department of Agriculture. The reorganization of the Department included the establishment of an Office of Risk Assessment and Cost-Benefit Analysis to review all major regulations of the Department affecting human health, human safety, or the environment.

This is the first such established in any major department of the Federal Government.

I look forward to seeing the regulations promulgated by all Federal agencies made subject to risk-assessment and cost-benefit analysis.

I would like to ask the distinguished gentleman if I am correct in stating that the regulatory moratorium contained in this bill is not intended to affect regulations implementing the provisions establishing the Office of Risk Assessment and the regulations undergoing such risk assessment and cost-benefit analysis.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I assure the gentleman that is absolutely correct.

Mr. DE LA GARZA. I thank the gentleman. I also thank the gentleman for the clarification and would like to include in the RECORD an analysis prepared by the Department of Agriculture listing the regulations that may be affected by the moratorium, and I will ask for such permission in the House.

I want to be sure that the Department will be able to continue to help farmers, ranchers, exporters, and the food service industry to supply agricultural products for our Nation's consumers and consumers around the world. I also want to be sure that the agency charged with implementing and enforcing animal and plant quarantine laws is able to carry out its charge to protect against long-term hazards associated with animal and plant diseases.

Finally, I want to be sure the Forest Service is able to manage our National Forest System lands for the benefit of recreational users, timber industry, ranchers, and the wildlife in our forests and rangelands.

I would also like to ask the gentleman if I am correct in stating the bill before us is not intended to affect regulations making routine adjustments to USDA activities or programs including the following: establishing industry self-help and promotion programs for pork, beef, milk, fruit, vegetables, and specialty crops, commodity grading programs, animal-plant health programs, adjustments in agriculture under article 28 associated with GATT, timber-sale contracting, animal damage control programs, labeling of meat and poultry products, and internal USDA regulatory streamlining and reform.

I yield to the gentleman from Pennsylvania.

Mr. CLINGER. The gentleman is correct.

Mr. DE LA GARZA. I thank the gentleman for those clarifications.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I thank the distinguished gentleman from Texas for yielding, in that we have both worked on the gentleman's statement, and we have mutual concern and interest in making sure this bill in no way impedes the regular, normal business procedures and, yes, also regulations simply within the Department of Agriculture.

I think the colloquy is extremely important. I associate myself with the gentleman's remarks, and I think this should take care of many concerns that both of us share.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I thank the gentleman for yielding.

As I have discussed earlier with the chairman, I am sure he knows my feelings that this colloquy really, in my opinion, does not solve the basic problem as to whether the law actually does these things or does not do it, and I know the intentions of the gentleman, and that is the word that is used, it is not intended to do these things. It was never stated in his colloquy it would not do these things. That gives me great concern.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DE LA GARZA] has expired.

(At the request of Mr. VOLKMER and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, I have an amendment that I have printed in the RECORD and hope to offer at a later time, maybe tomorrow, that would exempt the wool and mohair promotion program.

□ 1800

That was a program that we enacted last year, as the chairman will remember, in response to the fact that we had done away, this House had done away with the wool and mohair program. This is one that does not cost the taxpayers money, it is just like the other programs that he has enumerated before, pork and beef and milk. This is one that is financed by the producers themselves. The regulations are now in process. If we do not exempt them, that means they are not going to have anything at the end of this year when the present program expires.

As a result, will the gentleman agree with me that the wool and mohair self-promotion program which we passed last year is not exempt from this bill?

Mr. DE LA GARZA. I yield to the distinguished chairman of the Committee on Agriculture.

Mr. ROBERTS. I thank the gentleman for yielding. I ask the gentleman from Missouri to repeat his question.

Mr. VOLKMER. The present law that we passed last year for the wool and mohair promotion program, which is patterned after the dairy program, the beef, pork, and all the rest, is going through the regulatory process right now for the first time. This colloquy does not cover that? I have talked this over with my ranking member, and he agrees with me.

I just want to know if the gentleman from Kansas also agrees that it is not covered and that if we are going to exempt it, we would have to do so specifically.

Mr. ROBERTS. Mr. Chairman, normally I would be more than happy to agree with the gentleman from Missouri. But the key word is "routine." The question is whether the Department of Agriculture counsel feels that the regulations that are now being promulgated apply.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(On request of Mr. ROBERTS and by unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. I continue to yield to the chairman of the committee.

Mr. ROBERTS. I thank the gentleman for yielding further.

Mr. Chairman, I think this whole thing depends on whether the lawyer down at the Department of Agriculture believes that the regulations that are now being promulgated in regards to the wool and mohair program fall in the classification of routine. You can talk to John Golden down there; he is the attorney. He expressed some concerns not only in this regard but the whole laundry list of things that was listed here. In talking to Secretary Rominger last night, I know what the situation is here. We have many agencies under marching orders from the administration who express concern about this. We share that concern. I think it does fall under the category of routine.

We have made our best effort in this colloquy to make it very clear to the Department that it is routine and that this bill will not interfere with any regulations in regard to the self-help and promotion program for the hard-pressed wool grower.

So my answer to the gentleman from Missouri [Mr. VOLKMER] is, with all due respect, I think it is exempted. He has a different view. I think we can make sure. We have oversight responsibility to take care of it.

The information referred to follows:

FOREST SERVICE SUMMARY

[Cummulative List of Agency Rules and Policies for OMB Review, revised January 25, 1995. Those intended for publication between July 18, 1995 and June 15, 1995]

List	Title of regulation or policy; publication date	Reg action	FS recommendation	OMB recommendation	Staff
1	Rangeland Management, Livestock Use and Grazing Fees; April 28, 1994	Proposed Rule	Sig	Sig	RGE
1	Hells Canyon NRA—Private Lands; December 14, 1993	Proposed Rule	N-Sig	N-Sig	RHWR
1	Hells Canyon NRA—Public Lands; January 19, 1994	Proposed Rule	N-Sig	N-Sig	RHWR
1	National Forest Prohibitions; Law Enforcement Activities; February 16, 1994	Proposed Rule	N-Sig	Sig	LEI
1	Land Exchanges; March 8, 1994	Final Rule	N-Sig	N-Sig	L
1	Federal Cave Resources Protection; June 17, 1994	Final Rule	N-Sig	N-Sig	RHWR
*1	Land and Resource Management Planning—in clearance now	Proposed Rule	N-Sig	Sig	RN
*1	Group Uses of NFS Lands—in clearance now	Final Rule	N-Sig	Sig	RHWR
*1	Log Export & Substitution	Final Rule	N-Sig	Sig	TM
**1	Timber Sale Contracting: Cancellation of Timber Sale Contracts	Proposed Rule	N-Sig	Sig	TM
*1	Indian Allotments	Final Rule	N-Sig	N-Sig	L
1	Timber Sale Contracting: Financial Security of NF Timber Sale Contracts; February 2, 1994	Final Policy	N-Sig	N-Sig	TM
1	Timber Sale Contracting: Downpayment, Transfer or Retention; Speculative Bidding Criteria; Reduction of Performance Bond; February 2, 1994.	Proposed Policy	N-Sig	N-Sig	TM
2	Small Tracts Act Revision	Proposed Rule	N-Sig	N-Sig	L
*2	Hydropower Applications	Proposed Policy	N-Sig	N-Sig	L
2	Recreation Residence Authorization Policy; June 2, 1994	Final Policy	N-Sig	N-Sig	RHWR
2	Use of Fixed Anchors for Rock Climbing in Wilderness	Proposed Rule	N-Sig	N-Sig	RHWR
2	Revise Land Status Regulations (technical amendment); January 20, 1994	Final Rule	N-Sig	N-Sig	L
2	Prohibition on Mechanical Transport and Other Activities in Wilderness	Proposed Rule	N-Sig	N-Sig	RHWR
*2	Mining Operations in the Smith River National Recreation Area Litigation: FS failure to adopt rules	Proposed Rule	N-Sig	N-Sig	M&GM
2	Use of Bait in Bear Hunting; March 14, 1994	Proposed Policy	N-Sig	N-Sig	WL&F
*2	Special-Use Applications and Administration of Special-Use Authorizations	Final Rule	N-Sig	N-Sig	RHWR
2	Species Surplus to Domestic Manufacturing Needs	Proposed Rule	N-Sig	N-Sig	TM
3	Below-Cost Timber Sale Program Policy and Guidelines	Final Rule	N-Sig	N-Sig	TM
**3	Timber Sale Contracting: Timber Sale Performance and Payment Bond Form Revision	Final Policy	N-Sig	Sig	TM
3	National Forest System Land and Resource Management Planning Manual (FSM 1920)	Proposed Policy	N-Sig	N-Sig	LMP
*3	State and Private Forestry Assistance Stewardship Incentive Program	Final Rule	N-Sig	Sig	S&PF
3	Locatable Minerals	Proposed Rule	N-Sig	N-Sig	M&GM
3	Change to Transaction Evidence Appraisal as Prime Method of Appraising FNS Timber	Proposed Rule	N-Sig	N-Sig	TM
3	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations.	Proposed Rule	N-Sig	N-Sig	RHWR
3	Timber Sale Contracting: Indices To Determine Market Related Term Additions	Proposed Policy	N-Sig	N-Sig	TM
3	Timber Sale Contracting: Market Related Term Additions	Proposed Rule	N-Sig	N-Sig	TM
3	Timber Sale Contracting: Pre-Award Information Requirements	Proposed Rule	N-Sig	N-Sig	TM
3	Solid Waste Disposal Policy	Proposed Policy	N-Sig	N-Sig	L
3	Hells Canyon NRA—Private Lands; June 13, 1994	Final Rule	N-Sig	N-Sig	RHWR
3	Hells Canyon NRA—Public Lands; July 19, 1994	Final Rule	N-Sig	N-Sig	RHWR
4	Private Sale of Golden Eagle Passports	Proposed Rule	N-Sig	N-Sig	RHWR
*4	Occupancy and Use of Developed Sites & Areas of Concentrated Public Use	Final Rule (no prior proposed rule) (considered minor but OMB says Sig.).	N-Sig	Sig	RHWR
4	Animal Damage Management; June 13, 1994	Proposed Policy	N-Sig	Sig	WL&F
5	Ski Area Fees	Proposed Policy	N-Sig	Sig	RHWR
**5	Timber Sale Contracting: Extension of Certain TS Contracts To Permit Urgent Removal of Timber From Other Lands (FSM proposed policy as appendix).	Proposed Rule and Proposed Policy	N-Sig	N-Sig	TM
*5	Special Uses Management—Outfitting and Guiding	Final Policy	N-Sig	N-Sig	RHWR
5	Appeal of Land Use Decisions Related to Small Business Program	Proposed Rule	N-Sig	N-Sig	L
6	National Forest Prohibitions; Law Enforcement Activities	Second Proposed Rule	Sig	Sig	LEI
6	Range Management. Grazing in the West; Qualification Criteria for Fee Discounts	Proposed Rule (action suspended Dec. 1994).	Sig	Sig	RGE
*6	Fee Schedules for Communications Uses on NFS Lands	Final Policy	N-Sig	Sig	RHWR
**7	Timber Sale Contract Revision	Proposed Policy	Sig		TM
8	Timber Sale Contracting: Elimination of Stumpage Rate Adjustment Procedure Contracts	Proposed Policy	N-Sig		TM
8	Rangeland Management. Grazing Fees	Final Rule (action suspended Dec. 1994).	Sig		RGE
*9	Use of Bait in Hunting	Final Policy	N-Sig		WL&F
*10	Animal Damage Management	Final Policy	N-Sig		WL&F
7	Grazing Administration (permit issuance, applications etc.)	Final Rule		Sig	RGE

Dates Lists of Significant Regulatory Actions submitted to OBPA: List 1, November 5, 1993; List 2, December 22, 1993; List 3, February 2, 1994; List 4, May 5, 1994; List 5, June 16, 1994; List 6, July 29, 1994; List 7, September 9, 1994; List 8, October 20, 1994; List 9, December 2, 1994; and List 10, January 13, 1995.

ISSUE: ENVIRONMENT

States affected: All.

Rule: Doc. No. 93–165–3, National Environmental Policy Act Implementing Procedures. Sets forth procedures APHIS will follow to comply with NEPA.

Beneficiaries: Consumers; environmental groups.

Impact: Many environmental groups have been lobbying APHIS for years to redesign and publish these procedures. They will see their withdrawal as backing away from commitment to environmental quality.

Date: Final rule published 2/1/95; effective 3/3/95.

States affected: All.

Rule: Doc. No. 93–026–2, Introduction of Nonindigenous Organisms That May Be Plant Pests. Would establish comprehensive regulations governing the introduction (importation, interstate movement, and release into the environment) of certain nonindigenous organisms that may be plant pests. Responds to an Office of Technology Assessment report stating that harmful introductions cost an estimated $97 billion between 1906 and 1991, and that controls are urgently needed. The rule would clarify the current "permit" process, which can take a long time and which importers do not like.

Beneficiaries: American public; university and corporate researchers.

Impact: Failure to proceed would endanger agricultural production and the environment, alarm environmental groups, and frustrate researchers seeking permits under the outmoded current system.

Date: Proposal published 1/26/95.

ISSUE: INTERNATIONAL TRADE

States affected: All.

Rule: There are several important regulations pending. Some of these regulations directly affect our implementation of GATT. These regulations relate to requests from foreign countries or importers to remove or ease restrictions on importations of various commodities. One such regulation under development (Doc. No. 94–106–1) would revise our animal import regulations to allow for importations from regions, rather than countries only, and to recognize levels of risk, rather than just diseased/disease-free areas. Another regulation that has generated considerable interest concerns the importation of logs, lumber and other unmanufactured wood (Doc. No. 91–074–1). Other examples include importation of animals and germ plasma from countries where scrapie exists (Doc. No. 94–085–1), importation of additional species of embryos from countries where foot-and-mouth disease exists (Doc. No. 94–006–1), removal of a staining requirement for imported seed (95–004–1), and a number of regulations allowing the importation of additional types of fruits and vegetables from various countries, including Mexico, Korea, and Chile. In addition, we routinely publish regulations to change the disease status of a country or area, based on changes in those conditions. Pending regulations include ones to declare Spain free of African horse sickness and swine vesicular disease, and to declare Switzerland free of foot-and-mouth disease and viscerotropic velogenic Newcastle disease. These changes would relieve certain restrictions on imports from those countries. Conversely, we sometimes need to publish a regulation to restrict imports when there is an outbreak of a pest or disease in a country or area.

Beneficiaries: The ability to improve the variety and supply of animals, plants, and their products benefits producers, importers, brokers, food distributors and processors, and consumers. Northwest lumber mills would benefit from the rule concerning wood imports.

Impact: When the scientific/biological data provides no indication of substantial pest or disease risk from the importation, failure to revise our regulations puts us in violation of GATT. There is considerable pressure on the United States to implement many of the regulations listed above in response to GATT. Failure to finalize Doc. No. 94–106–1 could result in other countries putting additional restrictions on U.S. exports. While there is often opposition to regulations of this type, there is always some interest, usually for the purpose of improving bloodlines or stock, or establishing a supply to meet a new or growing market. Northwest lumber mills are eager for wood rule because they believe it will give them additional logs to cut, and some environmentalists prefer using imported to domestic logs. A number of mills have stated they will go out of business without a reliable source of imported logs.

SPECIFIC RULES WITH INTERNATIONAL TRADE IMPACTS

States affected: Cattle and swine producing States.

Rule: Doc. No. 94–106–1, Regionalization for Animal Imports. Would revise our animal import regulations to allow for importations from regions, rather than countries only, and to recognize levels of risk, rather than just diseased/disease-free areas.

Beneficiaries: Producers, importers, brokers, food distributors and processors, and consumers benefit from the ability to improve the variety and supply of animals, plants, and their products.

Impact: Failure to proceed would produce opposition from animal breeding industries and GATT partners.

Date: Proposal under development.

States affected: New Hampshire, New England States.

Rule: Doc. No. 94–080–2, Specifically Approved States Authorized to Receive Mares and Stallions Imported From CEM-Affected Countries. Allows horses imported from countries where contagious equine metritis exists to be treated and quarantined in NH.

States affected: NH and other New England States.

Beneficiaries: Horse industry in NH and elsewhere in New England. This rule gives New Hampshire an economic advantage for valuable import.

Impact: Withdrawal would cause objection from beneficiaries.

Date: Direct final rule effective 12/16/94.

States affected: All.

Rule: Doc. No. 93–096–3, Horses From Mexico; Quarantine Requirements. Removes restrictions that are no longer necessary on the importation of horses from Mexico. Restrictions were to prevent the introduction into the U.S. of Venezuelan equine enteritidis, which is no longer present in Mexico.

Beneficiaries: Importers of horses from Mexico.

Impact: Would negatively affect relations with Mexico and could cause repercussions in other animal or plant health areas if Mexico retaliates. Would be contrary to NAFTA and GATT.

Date: Final rule published 1/26/95; effective 2/16/95.

States affected: California.

Rule: Doc. No. 93–157–3, Mexican Fruit Fly Regulations; Removal of Regulated Area. Removes restrictions on movement of citrus and other regulated articles.

Beneficiaries: Growers, wholesalers, exporters.

Impact: California production would be negatively impacted by the failure to lift the quarantine. Fruit and vegetable producers and associations would be likely to complain about this action.

Date: Published 1/26/95; effective 2/27/95.

States affected: California.

Rule: Doc. No. 94–117–1, Oriental Fruit Fly; Quarantine Part of LA County, CA. Quarantines an area to prevent OFF spread and protect export markets.

Beneficiaries: Growers, wholesalers, exporters.

Impact: Withdrawal would allow OFF spread. If spread occurs, it would likely lead Japan and U.S. citrus States to reject CA citrus.

Date: Published 11/14/95; effective 11/7/95.

States Affected: Primarily CA, FL, and HI.

Rule: Doc. No. 93–147–2, Imported Palms. Allows certain palms to be imported from New Zealand and Australia. Beneficiaries: Supported by comercial ornamental plant growers. Hawaiian Representatives Patsy Mink and Neil Abercrombie supported this rule.

Impact: Withdrawing this rule would reduce the number of sources for Howea palms to one. Opposition from nurserymen in CA, FL, and HI.

Date: Final rule published and effective 1/24/95.

States affected: All.

Rule: Doc. No. 93–031–2, Inspection of Animals Exported to Canada and Mexico. Requires a final inspection before export of livestock, including horses, shipped by air to Canada or Mexico.

Beneficiaries: The American Horse Council supports this rule.

Impact: Failure to take this action could result in sick animals being exported to Canada and Mexico, and having to be returned to the U.S.

Date: Final rule published 1/24/95; effective 2/23/95.

States affected: CA, FL, all.

Rule: Doc. No. 89–154–2, Importation of Plants Established in Growing Media. Allows additional genera of plants in growing media (potted plants) to be imported into the United States.

Beneficiaries: Importers and brokers of imported products.

Impact: From the standpoint of GATT, there is no sound biological reason to continue to prohibit these imports, which would be the effect of a moratorium. California and Florida representatives are most likely to hear from their constituents, although other areas may be affected as well.

Date: Final rule published 1/13/95; effective 2/13/95.

States affected: All (GATT/NAFTA issue).

Rule: Doc. No. 89–117–4, Honeybees and Honeybee Semen From New Zealand. Allows imports.

Beneficiaries: Apiary industries.

Impact: If we withdraw the rule, we may be challenged under GATT conflict resolution procedures.

Date: Final rule published 2/1/95, effective 3/3/95.

States affected: California.

Rule: Doc. No. 94–042–2, True Potato Seed From Chile. Allows imports.

Beneficiaries: Plant breeders, potato producers.

Impact: California Department of Food and Agriculture supports this, and several California companies (especially Esca Genetics/TPS Products) have invested heavily in expectation of it. CA Rep. Anna G. Eshoo wrote in support of it.

Date: Final published 2/16/95, effective 3/20/95.

States affected: All.

Rule: Doc. No. 94–069–1, Tangerines From Cheju Island (Korea). Would allow imports.

Beneficiaries: Consumers; exporters seeking reciprocal arrangements.

Impact: GATT issue, we could be challenged if we withdraw it.

Date: Under development.

States affected: All.

Rule: Doc. No. 94–114–1, Imported Fruits & Vegetables; 6th Periodic Amendment. We do this kind of rule regularly to allow newly-requested fruits and vegetables to be imported.

Beneficiaries: Importers, wholesalers, consumers.

Impact: Delaying this rule would affect importers and distributors in most States, and reduce the variety of produce available to consumers.

Date: Proposal nearly ready to publish.

States affected: All.

Rule: Doc. No. 94–116–3, Fresh Hass Avocados From Mexico. Would allow imports of Hass avocados.

Beneficiaries: Importers, consumers.

Impact: Mexico has been seeking this change for years and will accuse the U.S. of violating NAFTA if we do not pursue the proposal. Domestic avocado producers would support the delay in this proposal.

Date: Under development.

ISSUE: ANIMAL AND PLANT HEALTH

States affected: All.

Rule: There are several important regulations pending. Some of these are necessary to prevent the spread of pests and diseases within the United States. These include additions to lists of noxious weeds (Doc. Nos. 93–126–3 and 94–050–1). Others are needed to protect U.S. livestock and poultry from additional sources of disease and to further the eradication of bovine tuberculosis. Examples include payment of indemnity for cervids destroyed because of tuberculosis (Doc. No. 94–133–1), payment of indemnity for cattle and bison destroyed following exposure to tuberculous cervids (Doc. No. 93-125-1), discontinuance of the in-bond program for cattle from Mexico (Doc. No. 94—87-1), and a revision of domestic regulations pertaining to viscerotropic velogenic Newcastle disease (VVND) in birds and poultry (Doc. No. 87-090-2). In addition, APHIS routinely publishes rules related to changes in the disease or pest conditions in a State or area. When an outbreak occurs, the Agency must move quickly to contain the outbreak, and keep the pest or disease from spreading. Examples include regulations quarantining areas because of fruit flies, pink bollworm, and pine shoot beetle, and regulations that change the disease status of a State or area because of new outbreaks of brucellosis or tuberculosis.

Beneficiaries: U.S. livestock and poultry producers, as well as fruit, vegetable, and grain producers, exporters, food distributors and processors, and consumers.

Impact: The spread of noxious weeds would result in a reduction in usable agricultural acreage, harming the cattle industry and other agricultural entities. Failure to finalize the tuberculosis regulations would impede efforts to eradicate the disease in the U.S., hurting the livestock industry and creating human health concerns. The revisions to the VVND regulations would, among other things, reduce the number of birds that would have to be destroyed if there is an outbreak of that disease in U.S. poultry flocks. Failure to take emergency actions could cause severe economic losses to U.S. agriculture.

SPECIFIC RULES WITH ANIMAL OR PLANT HEALTH IMPACTS

States affected: All.

Rule: Doc. No. 92-098-3, Viruses, Serums, Toxins, and Analogous Products; Packaging and Labeling. Prohibits certain repackaging of, and removal of labels on, veterinary biological products.

Beneficiaries: Consumers (primarily animal hobbyists and breeders).

Impact: Consumers (primarily animal hobbyists and breeders), will continue to suffer from the lack of dose instructions available to them when they purchase single doses of vaccines, etc. This has resulted in illness and death among animals. Failure to implement the regulations will allow this situation to continue. Biologics manufacturers will be happy because they do not want to comply with labeling requirements.

Date: Published 1/12/95; effective 8/19/95.

States affected: Illinois, Indiana, Michigan, Minnesota, Ohio, and Pennsylvania.

Rule: Doc. No. 92-139-8, Pine Shoot Beetle Quarantine Areas. Quarantines areas in States because of the pine shoot beetle.

Beneficiaries: The Christmas tree industry is most directly affected by the failure to quarantine to prevent the spread of the pest. This industry exists in Indiana and surrounding States.

Impact: States with PSB that lack a Federal quarantine will likely have to comply with commerce restrictions imposed by surrounding States. This is a routine action that could apply to other States as well in the next 6 months.

Date: Interim rule published 1/9/95; effective 12/29/94; more rules pending.

ISSUE: ANIMAL WELFARE

States affected: All.

Rule: Several are pending, including one concerning "Swim With The Dolphins" programs (Doc. No. 93-076-3), one that would remove a requirement for hot-iron face-branding of certain cattle (Doc. No. 95-006-2), and one that would allow certain diseased horses to be moved to slaughter without being permanently marked with a hot iron, chemical, or freeze brand or lip tatoo (Doc. No. 94-061-2).

Beneficiaries: Animal welfare issues have generated intense and widespread interest among animal rights organizations and the American public in general. The "Swim With The Dolphins" regulation is supported by the Humane Society of the United States, the Animal Welfare Institute, the American Zoo and Aquarium Assn., and the Alliance of Marine Mammal Parks and Aquariums. Animal Rights International and People for the Ethical Treatment of Animals have been lobbying hard for changes to our face-branding requirements.

Impact: The "Swim With The Dolphins" regulation is necessary to ensure facilities with these programs adhere to certain standards for care of the dolphins. Animal welfare activists, especially in Florida, would weigh in heavily if we do not take this action. An earlier (1994) rulemaking that removed face-branding requirements for certain imported cattle generated tremendous interest and support, including full-page ads in the Washington newspapers and New York Times.

SPECIFIC RULES WITH ANIMAL WELFARE IMPACTS

States affected: All.

Rule: Doc. No. 93-006-3, Identification of Certain Cattle Imported From Mexico. Allows cattle from Mexico to be permanently identified with a mark located high on the hip rather than be face-branded with a hot iron.

Beneficiaries: Generated tremendous interest and support, including full page ads placed in Washington newspapers and New York Times by Animal Rights International. PETA and other animal welfare groups also lobbied hard for this change.

Impact: Serious opposition from animal rights organizations. After many years and considerable effort, the United States is nearing eradication of tuberculosis. While we are moving to eradicate the last areas of infection in the United States, we must improve our level of protection against new introductions of the disease, which not only affect cattle, but can be transmitted to humans. In addition to being an animal health issue, this became an animal welfare issue. This issue was so important to the animal welfare community that it generated thousands of letters and resulted in full-page advertisements in national newspapers.

Date: Final rule published 12/22/94; effective 1/23/95.

ISSUE: DOMESTIC TRADE

States affected: All.

Rule: Several are pending, including one that would give accredited veterinarians additional time between inspection of animals and the issuance of a certificate for their movement (Doc. No. 94-027-1) and one that would provide an additional official test for pseudorabies in swine (Doc. No. 94-064-2). In addition, APHIS routinely publishes rules related to changes in improvements in disease or pest conditions in a State or area. When a pest or disease is eradicated, the Agency should relieve unnecessary restrictions on producers and others as rapidly as is practical. An example of this would be removing an area from quarantine for Mediterranean fruit fly, or raising the brucellosis status of a State to Class Free. These actions relieve restrictions on interstate movements and improve the marketability of previously restricted articles.

Beneficiaries: The rule concerning accredited veterinarians would primarily affect large swine producers in Iowa, Illinois, North Carolina, Nebraska, Minnesota, Indiana, Georgia, Kansas, Pennsylvania, Michigan, and South Dakota. The swine industry, especially in Illinois and Iowa, is very interested in the pseudorabies test docket because making the test available would allow thousands of herd owners to qualify their animals for interstate movement to new markets. Supporters of the pseudorabies test include vaccine producers Kline Beecham and IDEXX, State animal health officials, the American Association of Veterinary Laboratory Diagnosticians (AAVLD), and the United States Animal Health Association (USAHA). Other types of domestic trade actions pending would benefit the U.S. livestock in general, as well as fruit and vegetable producers, exporters, food distributors and processors, and consumers.

Impact: A moratorium would keep unnecessary restrictions on producers and others. Lack of the pseudorabies test rule, in addition to keeping many markets closed to many swine producers, would hinder Federal and State efforts to eradicate pseudorabies because swine producers are reluctant to vaccinate their animals if their markets for those swine would be restricted.

SPECIFIC RULES WITH DOMESTIC TRADE IMPACTS

States affected: Colorado.

Rule: Doc. No. 94-134-1, Brucellosis; CO From Class A to Class Free. This interim rule raised the brucellosis status of Colorado.

Beneficiaries: Livestock producers in CO.

Impact: Invalidating would place unnecessary restrictions on livestock moving from the State, and would hurt their marketability. This is a routine action that could apply to other States as well over the next 6 months.

Date: Published and effective 1/23/95.

States affected: all cattle producing States.

Rule: Doc. No. 94-093-2, Brucellosis in Cattle and Bison; Payment of Indemnity. Authorizes payment of indemnity for additional cases.

Beneficiaries: Herd owners affected by brucellosis.

Impact: Failure to finalize would hinder brucellosis eradication efforts. Members likely to hear from NCA, USAHA and other farm groups.

Date: Proposal published 1/31/95.

States affected: Hawaii primarily; also Alaska.

Rule: Doc. No. 93-088-2, Avocados From Hawaii. Allows avocados to move from Hawaii into Alaska without treatment.

Beneficiaries: Hawaiian avocado growers and related industries; consumers in Alaska.

Impact: HI has a strong interest in this rule. Hawaiian avocado growers would be negatively affected.

Date: Final rule published and effective 12/28/94.

States affected: All—national issue. Northeast, CA heavily affected.

Rule: Doc. No. 92-151-3, National Poultry Improvement Plan and Auxiliary Provisions. Revises Plan standards.

Beneficiaries: poultry producers, food safety interests.

Impact: This rule will implement recommendations made by industry groups; failure to finalize will negatively affect efforts to control disease and improve the health of poultry flocks.

Date: Final rule published and effective 11/18/94.

ORGANIZATIONS AND ASSOCIATIONS THAT ROUTINELY EXPRESS INTEREST IN ACCOMPLISHING APHIS RULES

American Association of Nurserymen, Animal Rights International/Coalition for Non-Violent Food, Humane Society of the U.S., American Veterinary Medical Association, National Cattlemen's Association, U.S. Animal Health Association, California Department of Food and Agriculture, FDACS, PETA, American Horse Council, National Pork Producers, Doris Day Animal League, Animal Legal Defense Fund, Society for Animal Protective Legislation, Fund for Animals, National Milk Producers Federation, Texas & Southwestern Cattle Raiser's Assoc., State Agriculture Departments, State Cattle Feeder Associations, American Farm Bureau Federation, Eastern Milk Producers, State Cattlemen's Assocs., and State Animal Health Commissions.

ISSUE: NUTRITION LABELING OF MEAT AND POULTRY (USDA)

States affected: All

Rule: This rule amends current regulations to provide codified language for provisions that previously cross-referenced RDA regulations, make corrections to existing regulations, and minor technical changes. This rule streamlines and makes consistent an existing regulation.

Beneficiary of the Rule: Industry, consumers, health professionals, nutrition interests, laboratories, libraries—anyone who uses the Code of Federal Regulations.

Impact of H.R. 450: Would leave existing, more cumbersome regulations in force.

Date: Published January 3, 1995.

ISSUE: NUTRITION LABELING OF GROUND BEEF AND HAMBURGER (USDA)

States affected: All

Rule: This rule would permit the nutrition labeling of ground beef and hamburger to include "___% lean" "___% fat."

Beneficiary of the Rule: Consumers; truth-in-labeling issue, dieticians, nutritionists, industry; marketing advantage.

Impact of H.R. 450: Suspension of the rule will deny consumers information to help them make healthy dietary choices.

Date: Expected to publish in second quarter of FY 1995.

ISSUE: POULTRY PRODUCTS PRODUCED BY MECHANICAL SEPARATION AND PRODUCTS IN WHICH SUCH POULTRY PRODUCTS ARE USED (USDA)

States affected: All, primarily poultry producing states

Rule: Rule would require that mechanically separated poultry be identified in ingredients statements of hot dogs, bologna and other processed products as "mechanically separated chicken or turkey" instead of simply "chicken" or "turkey." Because bones and carcass parts are ground and crushed to extract adhering meat fragments, mechanically separated product has a physical form and texture that differ from ordinary chicken or turkey meat.

Beneficiary of the Rule: Consumers; truth-in-labeling. The meat industry, whose mechanically separated and deboned products do not differ in texture from ordinary meat products, supports this rule because it would make a labeling distinction between the content of mechanically separated poultry and meat products.

Impact of H.R. 450: The suspension of this rule would leave current regulations in force, which allow mechanically separated poultry to be labeled "chicken" or "turkey," but require mechanically separated or deboned meat to be labeled as such.

Date: Published December 6, 1994. Comment period closes March 6, 1995.

ISSUE: OPPORTUNITY TO PROMOTE AND STRATEGICALLY MARKET SHEEP PRODUCTS THROUGH PRODUCER SELF-HELP (USDA)

States affected: California, Colorado, Idaho, Indiana, Minnesota, Montana, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Vermont, and Wyoming.

Rule: USDA must publish rules to implement the newly enacted Sheep Research and Promotion Act passed by Congress. U.S. sheep producers have collectively voted to assess themselves and importers, to use the funds collected to conduct research and promotion activities to strategically market sheep and products.

Beneficiaries: U.S. sheep producers, and consumers of lamb and wool products.

Impact of H.R. 450: The Nation's sheep and wool producers will be unable to collectively come together, across a dozen states, to develop marketing strategies to expand markets for their products if H.R. 450 is implemented. In the meanwhile, foreign producers will be strategically targeting U.S. consumers as a growing niche market, and promoting their foreign-origin lamb at the expense of domestic producers.

ISSUE: COTTON CLASSING FEES (USDA)

States affected: California, Texas, Mississippi, Arkansas, Louisiana, Arizona, Tennessee, Georgia, Alabama, and Missouri

Rule: Annual determination of fees to be charged cotton producers who voluntarily request and obtain grading services to determine the quality of their cotton.

Beneficiaries: U.S. cotton producers, and wholesale and retail buyers of cotton and products made from cotton.

Impact of H.R. 450: USDA can reduce the fees charged to the Nation's cotton producers, saving them millions of dollars. Each year, based on expected crop size, USDA determines by formula the fee needed to cover cotton quality grading services (classing). The past season's cotton crop was record large, and since fees are partly determined by expected volumes, the large crop generated more revenue than needed. This year, USDA can reduce the fee charged to producers, and save U.S. cotton growers $3-$4 million. In turn, such savings reduce costs to growers, which are passed on to consumers, both domestic and foreign. U.S. cotton exports are a fast-growing market, and U.S. cotton has become one of the most competitive fibers worldwide. Any opportunities to keep costs low, while maintaining the availability of quality assurance, would be lost if H.R. 450 is enacted.

ISSUE: PATHOGEN REDUCTION IN MEAT AND POULTRY PRODUCTS; HAZARD ANALYSIS AND CRITICAL CONTROL POINT (HACCP) SYSTEMS (USDA)

States affected: All

Rule: The proposed rule is designed to eliminate a critical gap in the meat and poultry inspection program and reduce the incidence of foodborne illness caused by pathogenically contaminated meat and poultry products. Through mandatory HACCP, we will (1) target pathogens that cause foodborne illness; (2) strengthen industry responsibility to produce safe food; and (3) focus inspection and plant activities on prevention objectives.

Beneficiary of the Rule: Consumer interests, persons at greatest risk for foodborne illness: elderly, children, persons with compromised immune systems.

Impact of H.R. 450: According to the Centers for Disease Control, foodborne illness from all food sources range from 6.5 million to 81 million cases each year, and up to 9,000 deaths. Suspension of this rule would forego yearly public health benefits ranging from $990 million to $3.7 billion. These estimates include the cost of medical care and lost work time.

Date: Published February 3, 1995. Comment period ends June 5, 1995. USDA's goal is to publish a final rule by the end of the year.

ISSUE: USE OF TERM "FRESH" ON THE LABELING OF RAW POULTRY PRODUCTS (USDA)

States affected: Poultry producing states, particularly California, Arkansas, Georgia, and Minnesota

Rule: The proposed rule would amend the Poultry Products Inspection Act (PPIA) to prohibit the use of the term "fresh" on the labeling of raw poultry products whose internal temperature has ever been below 26°F. Raw poultry product whose internal temperature has ever been below 26°F, but above 0°F, may not be labeled as "fresh" and must be labeled as "previously frozen." Raw poultry product whose internal temperature has ever been at or below 0°F may not be labeled as "fresh" and must be labeled as "frozen" or "previously frozen."

Beneficiary of the Rule: Truth-in-labeling issue benefiting consumers, as well as regional poultry producers whose products compete in local markets with nationally distributed, previously frozen birds that can be thawed and labeled "fresh" under current regulations.

Impact of H.R. 450: Existing regulations allowing previously frozen poultry to be labeled as "fresh" would remain in force, causing continued confusion in the marketplace.

Date: Published January 17, 1995. Comment period closes March 20, 1995.

ISSUE: MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS (USDA)

States affected: All, primarily states with large meat processing industries

Rule: Rule amends the federal regulations to allow meat produced by advanced meat and bone separation machinery to be labeled as "beef" or "pork" instead of "mechanically separated beef or pork." This action was taken to update the definition of "meat" to acknowledge advances in meat separating technology that enable meat to be separated from the bones of livestock without grinding, crushing, or pulverizing bones to remove adhering skeletal tissue.

Beneficiary of the Rule: Truth-in-labeling issue that benefits consumers. Also, the meat industry benefits from a redefinition of meat that includes mechanically separated product.

Impact of H.R. 450: Suspending this regulation would meet with opposition from the meat industry which, for years, has claimed that poultry producers have a market advantage in that product they produce using mechanical separation can be labeled simply as "chicken" or "turkey," while beef or pork produced through mechanical separation must be labeled as "mechanically separated." The meat industry could be expected to point to this as another illustration of how unequal meat and poultry regulations result in preferential treatment of the poultry industry.

Date: Published December 6, 1994. Comment period closes March 6, 1995.

IMPACT OF A REGULATORY MORATORIUM ON INDUSTRIES SERVED BY THE AGRICULTURAL MARKETING SERVICE (AMS)

Marketing Orders and Agreements: Under a moratorium, these self-help programs will be useless as a viable tool for producers to use to help strategically market perishable commodities.

Regulations Affected by a Moratorium: Operating rules for marketing strategies, committee budgets and expenses, and industry assessments. For producers in 38 fruit and vegetable self-help programs, annual rules are needed to determine seasonal marketing strategies, set budgets and assessments, and notify industry members. For dairy producers in 37 milk order regions, periodic rules are used to invoke, suspend, or amend marketing order provisions to keep orders current with market conditions, and enable dairy producers to strategically market milk and dairy products.

There are approximately 75,000 small fruit and vegetable producers, and 92,000 small dairy producers, as well as U.S. consumers of higher quality, stable supplies of fruits, vegetables, milk and dairy products, that benefit from these self-help programs.

These small businesses have few opportunities to come together to collectively solve their marketing problems, earn fair and stable returns for their products, and compete in a tough global marketplace by promoting quality, wholesome U.S. products. A moratorium will effectively render these programs useless as a viable marketing tool by producers.

DAIRY MILK MARKETING ORDERS—ACTIONS SINCE NOVEMBER 1994

Approximately 92,000 dairy farmers (about three-quarters of all dairy farmers) participate in 38 federal milk marketing orders. Their average herd size is 75 cows, and before expenses, dairymen average less than $150,000 in annual sales.

Federal marketing orders are initiated by producers; if a majority believes that the order no longer serves their interests, they are free to terminate the program. Moreover, in the case of any changes that would be considered substantive, the affected producers must vote to approve those changes. In other words, milk marketing orders, and the rules under which they operate, are truly in the hands of the producers, not a federal agency.

Since November 1994, revisions in 11 milk marketing orders have been initiated; these 11 orders represent over 34,500 milk producers. These actions are not regulatory burdens imposed on industry. Rather, the actions taken or proposed to be taken, by industry, help to keep marketing orders dynamic, so they reflect current market conditions facing dairy producers, with respect to adequate supplies of milk needed in a market, milk prices received by producers, and recordkeeping or other "housekeeping" or administrative procedures. Actions taken since November include the following:

Central Arizona Milk Order (135 producers covered)—Action to correct marketing inequities within the order. Rescinding the action means recalculating dairy farmers' milk checks, and some producers might have to refund income they have already received and used to cover expenses.

Central Arizona Milk Order—Action taken to propose, beginning March 1, 1995 and extending indefinitely, suspension of certain pooling provisions applied to producers' milk. Inability to suspend the pooling requirements could result in an imbalance of supplies to meet demand in fluid, soft, and hard products markets, with adverse consequences for producer prices and incomes.

Carolina and Tennessee Valley Orders (covering 3,100 producers)—Action to provide notice of a hearing, whose purpose is to correct pricing problems that exist in the orders. Failure to hold the hearing and correct the pricing problems will lead to imbalances in milk supplies relative to local demand, with negative consequences for incomes of some producers in the order areas.

Carolina Milk Order (1,550 producers covered in the Carolina Order alone)—action initiated to propose relaxing certain order provisions for the period January-February 1995, to correct pricing problems. Rescinding the action would result in loss of money for some handlers.

Georgia, et al. (covering 1,355 producers)—Initiation of a formal rulemaking process to consider proposals to merge a number of marketing areas in the Southeast under one order. Additional actions have been taken to accommodate the industry by providing time extensions to file exceptions to proposed amendments.

Additional actions have been taken to accommodate the industry by providing time extensions to file exceptions to proposed amendments.

Chicago Milk Order (covering approximately 18,000 producers)—Action taken to accommodate all interests in the order, by providing an extension of time for filing exceptions on proposed amendments to rule.

Southern Illinois-E. Missouri Milk (covers over 2,250 producers)—Action to relax certain provisions of the order, to enable better balancing of supplies. Without the action, excessive milk would be shipped for fluid use, unnecessarily depressing prices and resulting in inefficient allocations of supplies to meet local demand.

Southern Illinois Milk Order—Action to relax pooling regulation for producer milk that is supplied by 2,257 producers. Cooperatives will lose money without the suspension, because members' milk will be ineligible for pooling.

Central Illinois Milk Order—Action proposed to relax pooling requirements. Rescinding this action means that dairy farmers covered under this order would not be able to have their milk priced and pooled, and would lose income.

Southern Michigan Milk Order—Action taken at the request of the industry, to update the method of paying the 3,600 dairy farmers covered under this order for their milk.

Iowa Milk Order—Action taken to withdraw an earlier proceeding initiated to increase the pool supply of milk; supplies now appear to be adequate for meeting local needs. Over 3,400 producers are covered by this order.

Tennessee Valley Milk Order—Action taken to prevent the uneconomical shipment of milk and ensure that milk produced under the order during the fall will continue to be pooled.

Texas Milk Marketing Area—Action proposed to suspend certain provisions of the order from March 1, 1995 through July 31, 1995. Requested by a cooperative association representing a substantial number of the 2,400 producers covered by the order. Failure to suspend the provisions could result in uneconomical and inefficient movements of milk.

Other actions that would affect all dairy milk marketing orders, and must be approved by a majority of the affected producers:

Class II Milk Pricing: This decision changes the Class II pricing formula for soft dairy products (yogurt, cottage cheese, etc.) under Federal orders, and will mean more income for dairy farmers.

M-W Price Series: Decision to replace current outdated pricing series, will improve the accuracy of milk payments to dairy farmers in reflecting actual market conditions.

FRUITS AND VEGETABLES—MARKETING ORDERS—ACTIONS SINCE NOVEMBER 1994

Over 75,000 fruit and vegetable producers, farming an average of 54 acres, participate in 38 federal marketing orders that generate an average of $70,000 in gross sales to producers. Marketing orders are self-help programs that enable producers to develop marketing strategies to compete in a market where buyers have a much greater natural market advantage. Buyers tend to have a greater market advantage not just because there are fewer buyers than sellers, but because the products are highly perishable—producers have limited ability to use time to their advantage and hold commodities off the market until more favorable terms appear.

Federal marketing orders are initiated by producers; if a majority believes that the order no longer serves their interests, they are free to terminate the program. Moreover, in the case of any changes that would be considered substantive, the affected producers must vote to approve those changes. Fruit and vegetable marketing orders are truly in the hands of the producers, not a federal agency.

Actions initiated by industry, since November 1994, cover more than 63,000 fruit and vegetable producers operating under some 22 marketing orders. Actions since November include announcements of seasonal marketing strategies to improve or maintain returns, in the face of unexpected large crops, or measurable changes in crop quality, announcements of budgets, expenses, and assessments, for committees to administer the marketing orders locally.

Domestic Peanuts (covering 25,000 growers, with average sales of $36,000 per grower)—Actions taken to update marketing agreement provisions for the recent marketing season, and to assess non-signatory peanut handlers, which is mandated by law.

Far West Spearmint Oil (256 producers, with average annual sales of $100,000)—Action to announce salable quantities and allotment shares for "Class 1" and "Class 3" spearmint oil, to avoid extreme fluctuations in supplies and prices and thus help maintain stability in the Far West spearmint oil market.

Far West Spearmint Oil—Action to announce salable quantities and allotment shares for the 1995–96 marketing season. This rule needs to be effective during the June 1, 1995–May 31, 1996 marketing year. Without it, handlers will be unable to purchase or handle spearmint oil from the marketing order area, resulting in immediate farmer income loss.

Cranberries (1,046 growers in 10 states)—Action to impose financial responsibility on handlers by setting late payment charges. Late payments of assessments hinder the ability of the committee to carry out its financial obligations responsibility, such as prompt payment for services, salaries, and other current expenses.

California Almonds (7,000 producers, with average annual sales of $130,000)—Action to establish marketing strategy for the 1994/95 crop season, by announcing salable, reserve, and export market share recommendations for handler compliance. Inability to pursue the marketing strategy will lead to fluctuations in supplies in various markets and attendant price variability.

Kiwifruit (600 producers, with average annual sales of $27,000)—Action to change district boundaries, to accurately reflect distribution of growers in membership on administrative committee.

California Olives (covering 1,200 producers, with an average of $47,000 in sales per producer)—Action to establish and announce a marketing strategy for olive growers for the 1994-95 season.

California Olives—Action to announce expenses for administrative committee to run marketing order locally.

California Peaches and Nectarines (1,800 producers, with average annual sales of $57,000)—Producers voted in a referendum to terminate this order. This action would carry out that termination request by industry.

California Raisins (4,500 producers, with average annual sales of $80,000)—Action to announce expenses for administrative committee to run marketing order locally.

California Table Grapes—Action to pursue marketing strategy, by relaxing minimum quality requirements currently in effect for table grapes grown in southeastern California, and imported table grapes, to increase the marketing of grapes that would not otherwise meet the grade requirement. This action conforms to industry practice of allowing the marketing of good quality, but smaller bunches, of grapes. Rescinding or preventing the action would result in loss of income to some producers and handlers for these smaller size grapes.

California Walnuts (5,000 producers, with average annual sales of $73,000)—Action to announce expenses for administrative committee to run marketing order locally.

Colorado Irish potatoes (390 producers)—Action to announce expenses for administrative committee to run marketing order locally.

Colorado Irish Potatoes—Action to realign the representation of the administrative committee to more accurately represent the distribution of growers in the industry.

Florida Avocados (200 producers, with average annual sales of $18,000)—Action to increase expenses to provide funding for a research project to improve marketability of Florida avocados; without funding, the research project will be terminated.

Florida Celery—Action to notify the industry that the marketing order will be suspended after 60 days notification to Congress. The industry wants the order suspended at this time. Nullification of the Final Rule would delay suspension.

Florida Citrus (11,965 growers, with average sales of $22,546 each)—Marketing strategy based on a larger citrus crop, to raise minimum quality grade characteristics, to improve consumer appeal and keep producer returns from declining with excess supplies.

Florida Citrus—Action by the Florida citrus industry requesting that quality standards for grapefruit, oranges, tangelos, and tangerines be revised to more clearly reflect current cultural and marketing practices.

Florida and Imported Citrus—Action to relax the minimum size requirement for red seedless grapefruit, to expand the length of marketing season for Florida handlers and importers of red seedless grapefruit to permit them to continue to ship for the entire 1994-95 season.

Florida Limes (150 producers, with average sales of $39,000) and Avocados—Action to announce expenses for administrative committee to run marketing order locally.

Florida Tomatoes (250 producers)—Action to clarify ambiguities in certain rules and regulations of the marketing order, to improve compliance.

Florida Tomatoes—Action to announce expenses for administrative committee to run marketing order locally.

Florida Tomatoes—Action to assure that producer representation on the committee more closely reflects the distribution of growers in the industry.

Idaho Potatoes (1,846 producers, with average annual sales of $119,000)—This action is the second of a four-step formal rulemaking process to amend existing marketing order provisions to more appropriately reflect marketing conditions and strategies needed for Idaho potato growers.

Oregon and Washington filberts and hazelnuts (851 producers, with average annual sales of $28,000)—Action to establish a marketing strategy for the 1994-95 season, by setting recommended shares for domestic, export and other outlets. The percentages stabilize the supply of domestic inshell filberts/hazelnuts in order to meet the limited domestic demand and provide a reasonable return to producers.

Texas Grapefruit (1,000 producers, with average annual sales of $15,607)—Marketing strategy to raise quality and relax size requirements for the 1994-95 marketing season.

Texas Citrus—Action to announce expenses for administrative committee to run marketing order locally; otherwise, marketing order cannot continue.

Texas Citrus—Action to revise container and container pack requirements, to facilitate marketing and business operations.

Texas Melons—Action to announce expenses for administrative committee to run marketing order locally; otherwise, marketing order cannot continue.

South Texas Melons—Action to increase expenses for the Administrative Committee to fund an additional research project. Without these funds, the research project would have to be terminated.

Texas Onions—Action to announce expenses for administrative committee to run marketing order locally; otherwise, marketing order cannot continue, and the committee will be unable to implement needed compliance activities and a planned market development program.

Walla Walla (Washington) Sweet Onions—Action is the second of a four-step formal rulemaking process to establish a new marketing order for Walla Walla onions in Washington, as requested by growers.

Research and Promotion Programs—Under a moratorium, sheep producers will not be able to implement the promotion program authorized by Congress to help promote sheep, wool, and lamb products.

An important upcoming issue is the opportunity for the Nation's sheep ranchers to promote and strategically market sheep products through this self-help mechanism. Producers in California, Colorado, Idaho, Indiana, Minnesota, Montana, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Vermont, and Wyoming recently received authorizing legislation to initiate this program through self-assessments. USDA must publish rules in order to implement the program. Producers collectively will vote on whether to assess themselves and importers, to use the funds collected to conduct research and promotion activities.

With a moratorium, sheep and wool producers will be unable to collectively come together, across a dozen states, to develop marketing strategies to expand markets for their products. In the meanwhile, foreign producers will be strategically targeting U.S. consumers as a growing niche market, and promoting their foreign-origin lamb at the expense of domestic producers.

Other R&P issues expected to surface in coming months include:

Soybeans—The Department is required to conduct a producer poll in a timely manner to determine if a refund referendum should be held. That poll is tentatively set for early summer, and procedures for its conduct must be finalized so that producers can receive adequate notice.

Watermelons—The industry will be unable to revise its program, for which it has already received authority to eliminate refunds and revise assessments.

INDUSTRY-FINANCED RESEARCH AND PROMOTION PROGRAMS

Various industry groups have petitioned for and received authorization to collectively assess themselves and use the funds to conduct research and fund promotional activities for their commodities. All of the 16 active R&P programs are totally self-supported. No taxpayer dollars are used. The cost of the Washington staff is reimbursed by the industries. As with other self-help marketing order and agreement programs, R&Ps are initiated by producers, and can be terminated by producers when the programs are no longer considered to be effective. The following actions have been initiated by industries since November:

Egg Research and Promotion Act—Producer Vote to Increase the Assessment Rate: The American Egg Board (AEB) would be unable to collect the 10 cents per 30-dozen case assessment beginning February 1, 1995, and the assessment would revert to 5 cents. AEB would have to develop a new budget and submit it to the Department for approval. Projects as outlined in AEB's 1995 budget are already in progress and would have to be scrapped. The 10 cent assessment was approved by the producers in a referendum held September-October 1994, and the increase was heavily publicized.

Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order: This rule implemented the program. Termination of the program would result in a substantial widespread revenue loss to producers and shippers.

Honey Research, Promotion, and Consumer Information Order: Interim Final Rule was published May 2, 1994. This action clarifies and corrects the Order and rules and regulations which were amended in August 1991.

Lime Research, Promotion, and Consumer Information Order: This Final Rule implemented the changes to the Order which reflect amendments made by Congress in December 1993 to the authorizing legislation. Before the 1993 amendments the program was inactive. A moratorium would nullify this industry program.

Pork Research and Promotion; Increase in Assessment Rate: The increase in the overall assessment rate is needed to provide additional funding to enable the pork industry to better assist the movement of record supplies of pork to consumers at improved producer price levels. A portion of all funds collected are redistributed to states to facilitate state promotional activities for pork.

Potato Research and Promotion—Change in Size of Administrative Committee: This Final Rule adopts without change an Interim Final Rule published September 26, 1994. Not implementing this rule would prevent the committee from selecting members on a representative basis. The Final Rule does not change the Interim Final Rule which would remain the active regulation.

INDUSTRY FINANCED GRADING PROGRAMS

Under a moratorium, cotton growers will pay $3-$4 million in higher grading fees that are not necessary, if USDA is prevented from reducing the fees through the regulatory process.

USDA can reduce the fees charges to the Nation's cotton producers, saving them millions of dollars. Each year, based on expected crop size, USDA determines by formula the fee needed to cover cotton quality grading services (classing). The past season's cotton crop was record large, and since fees are partly determined by expected volumes, the large crop generated more revenue than needed. This year, USDA can reduce the fee charged to producers, and save U.S. cotton growers $3-4 million. In turn, such savings reduce costs to growers, which are passed on to consumers, both domestic and foreign. U.S. cotton exports are a fast-growing market, and U.S. cotton has become one of the most competitive fibers worldwide.

Any opportunities to keep costs low, while maintaining the availability of quality assurance for growers that is recognized as the universal standard of quality, would be lost with a moratorium. Cotton producers in California, Texas, Mississippi, Arkansas, Louisiana, Arizona, Tennessee, Georgia, Alabama, and Missouri would pay more than needed for a service they value.

INDUSTRY-FINANCED QUALITY GRADING AND GRADE STANDARDS PROGRAMS

Quality grade standards, and the grading services provided by AMS, are wholly voluntary programs, financed through fees paid by industry for services on demand. These customers are the "cash and carry" customers who must be satisfied with AMS service, and believe in the value of the grading service, because they are under no obligation whatsoever to use the grading service. The application of grade standards facilitates trade, and the use of contracts in trade, over long distances where commodities cannot be inspected visually. Grading also increases buyer confidence, by providing up front assurances about the quality of the product before purchase. All of the actions below are examples of actions initiated by industry, and AMS makes sure that there is industry consensus before the action becomes final:

Beef Grades: Proposal would revise the beef grade standards to assure that older cattle are not included in the U.S. Choice and U.S. Select grades, thereby improving the overall quality of beef in these grades. The action will improve both the consistency of and consumer satisfaction with beef grades.

Dairy Grading Standards: Changes in Anhydrous Milkfat and Butteroil Requirements: Changes were made in the USDA grade standards for anhydrous milkfat and butteroil, that more closely aligned U.S. requirements with international standards. Without the changes, domestic manufacturers of anhydrous milk and butteroil would not be able to compete on equal terms in international markets. As a result, Dairy Export Incentive Program contracts could not be filled, and the dairy industry could lose $1.3 million in annual sales.

Frozen Bean Standards: Proposal would revise quality standards for grades of frozen green and frozen wax beans. The proposed action will improve trade contracts between processors and buyers and improve the marketing of frozen green beans.

Onion Standards: A broad spectrum of growers and shippers of onions requested that the U.S. grade standards be revised to provide clear, objective interpretation and to bring the standards into conformity with current harvesting, handling and marketing practices.

Poultry Grade Standards: These changes update the voluntary poultry grade standards in response to advancement within the poultry industry and changes in consumer preferences.

Tobacco Standards: Action requested by the industry to improve the integrity of American burley tobacco. Industry has been trying for 2 years to get rule in place and it would have strong reaction to any more delay.

AGRICULTURAL MARKETING SERVICE

Implications for AMS Programs Should a Regulatory Moratorium Be Imposed

User fees

The Agricultural Marketing Service administers 50 laws which translate into an equal number of programs for the marketing sector of Agriculture. AMS is unique in that 76% of funding required to provide its services to the agriculture community is paid by numerous players throughout the agricultural marketing chain. Should a regulatory moratorium be imposed, AMS would be unable to promulgate adjustments of annual fees for the numerous inspection and grading activities offered by AMS as well as numerous self-help programs initiated by the various industries. For example:

Cotton classing

In the area of cotton, AMS classes 98% of the cotton crop. Annual fees, which are based on the size of the crop, are announced via Federal Register publication in early spring in order for AMS to assess a uniform fee to the industry when the classing season starts up on June 1. Given the size of the crop this year, AMS will actually be able to consider adjusting the annual fee downward. Without the ability to announce a fee that is in compliance with the formula prescribed in Sec. 3A of the Cotton Statistics and Estimates Act, the Department could actually be in a situation of charging a fee higher than is needed to provide the service to the industry. Although such savings may be a few cents per bale, that savings translates into the big dollar savings for America's producers when they are looking at a record crop which needs classing.

Marketing orders

Federal marketing orders for milk, fruits, vegetables and specialty crops are unique programs that are recommended by industry and approved by the Secretary. Unlike most regulations, these are requested by the industries that are being regulated. Growers and producers voluntarily initiate all marketing orders. A formal rulemaking process, including a hearing on grower/producer approval by a two-thirds or larger majority in referendum, is required before any program may be implemented.

Once operational, industry committees recommend changes in regulations that will assist the industry in addressing unique marketing challenges. The perishability of most of the commodities regulated under these programs makes rapid responses to changes in crop and market conditions essential. Under a regulatory moratorium, timely responses to changes in crop and market conditions will not be possible. Such delays are not only disconcerting to the industries, but result in loss of revenue without the necessary objectives being met.

Under the Federal Milk Order Program, it should be noted that regulatory actions sometimes occur during the course of the year that will in fact suspend certain provisions of that particular federal milk marketing order. For example, regulations are often utilized to suspend the requirements to pool plant qualification of a milk manufacturing plant operated by a cooperative. Milk orders utilize the opportunity to suspend regulations to avoid unnecessary milk movements. A regulatory moratorium would preclude suspending such requirements, thereby requiring unnecessary and uneconomic shipment of milk.

Organic standards

The Department received authority in the 1990 Farm Bill to establish an organic standards program. Over the period of the past five years, the Department has worked closely with the National Organic Standards Board and all segments of the organic community in developing standards by which the organic community can market its products in the mainstream of American Agriculture. The Department is proceeding to publish rulemaking that will provide the necessary standards for implementation of this program. A regulatory moratorium would further delay this effort to the disadvantage of organic producers.

Sheep Research and Promotion Program

The Department expects to promulgate regulations and implement this new program this year. The Department would be unable to implement this Act this year in event of the moratorium.

Watermelon Research and Promotion Program

The watermelon industry under a moratorium would be unable to revise its program for which it has already received statutory authority to eliminate refunds and revise its assessments. The industry is asking for a promulgation of a final rule by March 1 of this year.

Soybean Research and Promotion Program

The soybean legislation approved by Congress in the 1990 Farm Bill requires the Department to conduct a producer poll in a timely manner to determine if a refund referendum should be held. The poll is tentatively set for early summer. Procedures for its conduct must be finalized in time to adequately inform producers. A regulatory moratorium would obviate the Department's ability to meet the statutory requirement.

Pork Research and Promotion Program

The pork industry wishes to increase the rate of assessment from .35% to .45% of the market value of porcine animals. The overall assessment increase is needed by the pork industry to better assist their program efforts for the marketing of record supplies of pork to consumers at improved price levels. A regulatory moratorium would preclude this rulemaking from taking place.

ISSUE: STRATEGIC MARKETING OF FRUITS, VEGETABLES, AND DAIRY PRODUCTS THROUGH PRODUCER SELF-HELP PROGRAMS (USDA)

States Affected: For fruit/veg—mainly Southern and Western States; for dairy—nearly every State.

Rules: Self-Help Marketing Programs—Operating Rules for Marketing Strategies, Committee Budgets and Expenses, and Industry Assessments. For producers in 38 fruit/vegetable self-help programs, annual rules are needed to determine seasonal marketing strategies, set budgets and assessments, and notify industry members. For dairy producers in 37 milk order regions, periodic rules are used to invoke, suspend, or amend marketing order provisions to keep orders current with market conditions, and enable dairy producers to strategically market milk and dairy products.

Beneficiary: 75,000 small fruit and vegetable producers, and 92,000 small dairy producers, as well as U.S. consumers of higher quality, stable supplies of fruits, vegetables, milk, and dairy products.

Impact of H.R. 450: The average fruit and vegetable producer who participates in a self-help marketing order farms just 54 acres, and earns about $70,000 in annual sales, before expenses. The average dairy producer who participates in a marketing order has just 75 cows, with a total value of milk sales before operating expenses, of less than $150,000.

These small businesses have few opportunities to come together to collectively solve their marketing problems, earn fair and stable returns for their products, and compete in a tough global marketplace by promoting quality, wholesome U.S. products. H.R. 450 will effectively render these programs useless as a marketing tool.

H.R. 450 would also prevent the initiation of new self-help programs that have recently been enacted by Congress, to help producers promote horticultural products, sheep, wool, and lamb.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

I would like to enter into a similar colloquy with the chairman of the committee, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. Chairman, a recent tragedy in the Midwest, involving a regional airline brought to the public's attention that 2 different sets of safety standards exist for the airlines, one for the major airlines and one for the regional airlines.

It is my understanding Secretary Peña is looking into that and is expected in a short period of time to be releasing a new set of regulations bringing the regionals up to a par with the major airlines. That is something that is long overdue, since more and more cities are being served by regional airlines and fewer and fewer cities are having full jet service.

I hope it is the intention of the Chair to allow, within the discretion that he has for technical adjustments, when this bill is put into its final stage would somehow include some language so that it is very clear that when these regulations come down, they will not be subject to the terms of this bill.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, I would be happy to engage in colloquy with the chairman, and the answer is it is pretty clear to me that the circumstances we are talking about here, which is obviously the safety involved in regional aircraft, is a very, very critical one and one that clearly relates to safety of individuals and constituents a threat.

We have seen too many accidents, too many deaths resulting from this.

So that I think it is clearly exempt under the exemption we provided for imminent threat to health and safety. The language specifically says that substantial endangerment to private property during the period of the moratorium. So under either of those criteria, it would be covered.

I think we should also try to clarify that.

Mr. TAYLOR of Mississippi. Mr. Chairman, while we have the interested parties here, could I address the ranking minority member and ask if she would be in agreement to allow during the technical revisions at the end of the bill to allow the chairman, if need be, to include that language? It is a lot quicker than offering an amendment. Again, we all know regulations are coming that would otherwise be necessary. I would hate to see anyone hurt because this Congress failed to do its job.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentlewoman.

Mrs. COLLINS of Illinois. Mr. Chairman, I say to the gentleman, "With all certainty."

Mr. TAYLOR of Mississippi. I thank the gentlewoman.

Mr. MCINTOSH. Mr. Chairman, I move to strike the requisite number of words in order to enter into a colloquy with the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from California.

Mr. HORN. I thank the gentleman for yielding.

Mr. Chairman, my question is this: Section 5 of the Regulatory Transition Act of 1995 provides for certain exceptions to the regulatory moratorium in the case of regulations which are necessary because of an imminent threat to health or safety. While I applaud this section, I am concerned that it might be construed to apply to regulations proposed under the National Flood Insurance Program.

I have been trying to work with the Federal Emergency Management Agency as that agency prepares to issue a final rule implementing amendments to the national flood insurance program. This amendment—which was passed as part of the 1992 housing reauthorization—addressed areas which once had adequate flood protection, but which had experienced a decertification of their flood control system. Importantly, these amendments only apply to areas which are in the process of recertifying a flood control project. Thus, these communities have the distinction of having once prepared for a flood and of having to do so once again. Certainly, this is not an instance of trying to get out of dealing with a flood threat.

Unfortunately, FEMA has not considered the legislative history of this issue, and is preparing to issue a final rule that will impose a requirement for local homeowners to buy flood insurance and for certain construction projects to be modified to reflect a possible flood.

This rule will cost homeowners several hundred million dollars per year, and even more in lost economic opportunity, as builders delay construction projects to avoid having to elevate structures that will only be at risk for a short period of time, until the flood control project is recertified. In sum, we are facing a multibillion dollar cost from this rule, while the cost to recertify the flood control project is only $300 million. Meanwhile, the risk of a flood is less than 1 percent in any given year.

In my mind, that small risk does not constitute an imminent threat to health and safety, as defined under this bill in section 5. Would you agree with this characterization?

Mr. MCINTOSH. Mr. Chairman, yes, I concur. Rulemaking by the Federal Emergency Management Agency which imposes flood insurance on a community cannot be construed as an imminent threat to health and safety, and thus would not be eligible for consideration under section 5 of the bill.

Mr. HORN. Mr. Chairman, I thank the author of the legislation, who knows it better than anyone.

Mr. MCINTOSH. I thank the gentleman.

AMENDMENT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. COLLINS of Illinois:

At the end of section 5 (pages— , after line—), add the following new subsection:

(c) COMMON SENSE REGULATORY IMPROVEMENTS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) PERSONAL USE OF CAMPAIGN FUNDS.—A regulatory rulemaking action by the Federal Election Commission governing personal use of campaign funds, taken under the Federal Election Campaign Act of 1971 and with respect to which final rules were published on February 9, 1995 (60 Fed. Reg. 7862).

(2) IMMIGRANT ASYLUM REQUESTS.—A regulatory rulemaking action to improve procedures for disposing of requests for asylum under immigration laws, taken by the Immigration and Naturalization Service and with respect to which final rules were published on December 5, 1994 (59 Fed. Reg. 62284).

(3) HUD REGULATORY IMPROVEMENTS.—A regulatory rulemaking action by the Department of Housing and Urban Development—

(A) to establish a preference for the elderly in the provision of section 8 housing assistance, taken under subtitle D of title VI of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on December 21, 1994 (59 Fed. Reg. 65842);

(B) to eliminate drugs from federally assisted housing, as authorized by section 581 of the National Affordable Housing Act and section 161 of the Housing and Community Development Act of 1992 and with respect to which a final rule was published on January 26, 1995 (60 Fed. Reg. 5280); or

(C) to designate urban empowerment zones or enterprise communities, taken under subchapter C of part I of title XIII of the Omnibus Budget Reconciliation Act of 1993 and with respect to which a final rule was published on January 12, 1995 (60 Fed. Reg. 3034).

(4) COMPENSATION TO PERSIAN GULF WAR VETERANS.—A regulatory rulemaking action to provide compensation to Persian Gulf War veterans for disability from undiagnosed illnesses, taken under the Persian Gulf War Veterans' Benefits Act and with respect to which a final rule was published on February 3, 1995, (60 Fed. Reg. 6660).

(5) CHILD MOLESTER DATABASE.—A regulatory rulemaking action by the Department of Justice to require persons criminally convicted of a sexually violent offense against a minor to register with State law enforcement agencies so that such agencies can develop a database of the identities and residences of those offenders, taken under title XVII of the Violent Crime Control and Law Enforcement Act of 1994.

(6) MIGRATORY BIRD HUNTING.—A regulatory rulemaking action by the Department of the Interior that establishes the hunting season, hunting hours, hunting areas, and possession limits for migratory birds, and with respect to which final rules were published on November 21, 1995 (59 Fed. Reg. 59967 and 59 Fed. Reg. 60060).

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Illinois [Mrs. COLLINS] will be recognized for 15 minutes, and a Member opposed will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot during this debate about regulations that do not pass the commonsense test. A proposal considered by Federal agencies to require the manufacture of buckets that leak has often been cited as an example of what is wrong with Federal regulation.

What the proponents of this bill do not like to admit, however, is that some regulations actually do pass the commonsense test. It is important to remember, therefore, that H.R. 450 does not just stop bad regulations—it stops virtually all regulations.

There is no exemption in this legislation for regulations that simply make good sense. As a result, the amendment I am offering would exempt several regulations that I believe most Members will agree make sense, and should not be subject to a moratorium.

Regulations that would be exempt from the moratorium under my amendment include: rules prohibiting the personal use of campaign funds; improved procedures to dispose of meritless petitions for asylum under immigration laws; rules to give preference to the elderly in public housing, to exclude drug addicts from public housing and to designate empowerment zones and enterprise communities; rules authorizing payment of benefits to Persian Gulf veterans; rules providing for the development of a data base for child molesters; and rules necessary to establish the hunting season for ducks and other waterfowl.

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Let me speak first on the duck hunting issue.

My amendment would exempt from the moratorium the Interior Department's regulations establishing the hunting season, hunting hours, hunting areas, and bag limits for migratory birds. Without this exclusion, this year's hunting season for ducks and other waterfowl could be canceled, according to the Fish and Wildlife Service.

I am sure the bill's proponents did not have the Nation's hunters in their sights when they took aim at Federal regulation. However, without the exclusion contained in my amendment there will not only be disappointed hunters this hunting season, but there will also be reduced Federal and State revenues from the sale of licenses and duck stamps.

Why would we want the moratorium to stop the hunting season?

I would also caution my colleagues against relying on assurances from the bill's proponents that there is no need to worry, because this or that regulation can be excluded under the term of the bill.

There are no automatic exclusions under this bill. Furthermore, since the bill allows the courts to review an agency decision to exclude a matter, the agencies will be very reluctant to grant exclusions.

Let me give my colleagues a little background on some other rules, and I think it will be very clear why they should be excluded from the moratorium:

The Federal Elections Commission has recently completed a rulemaking clarifying its prohibition against the personal use of campaign funds.

The new FEC rule defines personal use to include expenses such as club memberships, clothing, tuition payments, and mortgage and rent payments on a candidate's personal residence. If the FEC's rule is not allowed to go into effect, there will be no definition of personal use, and the opportunity for intentional, or inadvertent violation of the law will increase.

It is my belief that the American people will hold each of us no less accountable than Members of past Congresses for excesses and abuses of our office.

Why then should we want H.R. 450 to stop the FEC from aggressively enforcing its ban on the personal use of campaign funds?

Similarly, the Department of Justice issued a final rule on December 5, 1994, which will make it easier to deport immigrant aliens who file meritless cases for asylum.

Under this rule, persons who are seeking asylum would not immediately become eligible to receive employment authorizations. Under the previous rule, asylum seekers were granted employment authorizations immediately upon filing for asylum. As a result, many fraudulent asylum petitions were filed in order to obtain much sought after employment authorizations.

We have had many examples of abuses of our asylum laws in recent years.

The Moslem religious leader who is accused of masterminding the bombings of the World Trade Center in New York City has remained in the United States, after filing a request for asylum. The sniper attack last year outside the Central Intelligence Agency was also perpetrated by an asylum applicant.

In both these cases, the individuals involved were able to extend their stay by filing appeals and exhausting their administrative remedies under the asylum regulations now in effect. Such tactics have meant that it now takes the Immigration and Naturalization Service [INS] up to 2 years to process an asylum application.

If we do not exempt this rule from the moratorium, we will be protecting those who do not have a legitimate claim for asylum in our country. According to the administration, and I quote,

> The effect of H.R. 450 would be an institutionalization of the prior, unworkable and inefficient asylum system.

I do not believe that is in the interest of the American people.

Neither do I believe it to be in the public interest to repeal HUD's designation of more than 100 empowerment zones and enterprise communities throughout the United States. I am happy to say that Chicago was designated one of the empowerment zones.

Under this program, cities would be given tax incentives, flexible block grants, waivers, and flexibility with existing Federal resources and priority consideration for discretionary Federal programs. In short, cities would get the kind of cooperation and flexibility from the Federal Government that they have been seeking for a long time.

Why would we want the moratorium to stop this regulation? Members of the majority have been advocating this approach for years.

I would remind the bill's proponents that when a question was raised about whether the moratorium would apply to bank and tax regulation, the response was to clearly exempt these matters in the provisions of the bill itself. I would ask for the same treatment for the rules contained in the amendment I am offering.

Let me conclude that my statement is a commonsense fix on this bill, yet if this amendment is defeated, I would be willing to grant that we are going to end up passing this in the new Corrections Day that the Speaker has promised us.

I believe the regulations my amendment would exempt do make good sense, and I would urge my colleagues to support the amendment.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS], and I yield myself such time as I may consume.

Mr. Chairman, I do this reluctantly because I know that the minority has attempted to marshal the amendments into en bloc amendments. Unfortunately this amendment really is too en bloc. We have too many disparate elements included in this amendment, some of which may be meritorious, but others which I think are redundant or unnecessary. So, because it has a whole potpourri of various considerations, various exemptions included in this, I think it goes beyond, and it really would have the effect of gutting the intent of the bill, which we are trying to resist as many exemptions as possible here because we feel that the exemption provisions in the bill itself are very broad. They would allow amendments to go forward clearly for a variety of reasons, whether for to protect the health and safety, whether it is streamlining or removing regulations, reducing the regulatory burden on people and for normal, routine operations.

There are a number of exemptions in here, and to start down the slippery slope of identifying specific programs I think would be a mistake, and I would also submit, Mr. Chairman, a number of the provisions in the gentlewoman's amendment I think would be clearly covered by some of those exemptions that are applied in the bill. For example, the immigrant asylum provision would really be covered, I believe, under the streamlining exemption. It says that one is actually removing regulations that are imposed in this area, and it is making the system easier. So I think they would not be affected by or they would be exempt under this amendment. The child molester data base would be covered clearly, I think, under the criminal enforcement exemption. Again that is already in the bill, and to specifically list child molesting might preclude the consideration of other vitally needed criminal regulations that should go forward.

So, there are a number of other items, as I have indicated, like the migratory bird hunting amendment. I would tell the membership we are going to deal where there is an amendment that will be forthcoming that I think addresses the migratory bird hunting problem with greater finesse. This would provide us an exemption, spell out an exemption, for migratory bird hunting. The amendment that will be considered in due course defines what the existing exemption would include within the existing exemption and make it clear that this was a sort of thing that we intended to be included within the existing exemption.

So, for those reasons I must oppose the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I ask unanimous consent to modify or amend the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS] by taking the language that applies in the amendment that is in the amendment lines 2, 3, and 4, beginning with the word "section" and insert "it also," and on page 3 between lines 14 and 15.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri.

□ 1820

Mr. CLINGER. Mr. Chairman, reserving the right to object, I would have the gentleman repeat his request.

Mr. VOLKMER. If you take the language in the front of the amendment, line 2, section 6, et cetera down to "thereto," take the same language and put it over on page 3, between lines 14 and 15; that is all it does.

Mr. CLINGER. Further reserving the right to object, what is the purpose of this amendment?

Mr. VOLKMER. It does not change the substance of the amendment at all.

Mr. CLINGER. Why are we moving it, if it does not change the substance? What is the effect of the change?

Mr. VOLKMER. The effect is the change will permit me to ask for a division or separate vote on that last part, on the migratory bird hunting.

Mr. CLINGER. Mr. Chairman, as I indicated earlier, we are going to deal with that matter in a subsequent amendment, and we feel that the amendment that will be offered later is a more artfully drafted amendment. So I would not want to muddy the water here, and I must maintain my objection.

The CHAIRMAN. Objection is heard.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentlewoman from Illinois for yielding, and also thank her for her leadership and allowing me to have input and assistance on this amendment.

In their haste to expedite the process, my colleagues on the other side of the aisle seem to have forgotten there are some helpful regulations needed by hunters, veterans, seniors, crime fighters, and even Members of Congress. The Collins-Stupak amendment would make some important needed corrections in this legislation.

H.R. 450, the regulatory moratorium, is for the birds, but, more specifically, it is for ducks, geese, doves, woodcocks, and pigeons. In fact, it really should be renamed the Migratory Bird Safe Passage Act of 1995, because one of the consequences of the legislation is that the U.S. Fish and Wildlife's Federal regulations would not be able to set up this year's migratory bird hunting season and bag limits. Under the provisions of the migratory bird treaty, the U.S. Fish and Wildlife allows waterfowl hunting between September 1 and March 9. Because of the moratorium that we have here today, the U.S. Fish and Wildlife would be hard-pressed to set the hunting season before September 1, 1995. Without this amendment, 3 million duck hunters can hang up their shotguns, States will forego $1 million in license revenue, and rural communities such as northern Michigan which depend on the hunting season will lose an aggregate total economic benefit of $3.6 billion. In Michigan's Upper Peninsula alone, over 5,000 duck hunters bring nearly $1 million to our economy.

Further, this amendment reminds us that we should reflect on our goal for veterans. Many of the young veterans from the gulf war are suffering from a mysterious delibitating disease. The Secretary of Veterans Affairs recently authorized benefits for soldiers and their families to help them cope with the gulf war syndrome. The authorization, aimed at providing relief, would be considered under this legislation a burdensome regulation. I find it unconscionable that now we put forth a moratorium and turn our back on our suffering veterans.

What about our seniors? HUD regulations, which will help keep drug and alcohol abusers out of senior housing complexes are now under assault. Every senior should be afforded the opportunity to live in comfort and safety in their home. The moratorium would halt this rulemaking process and would continue to put our Nation's seniors at risk.

The Collins-Stupak amendment would allow duck hunters to hunt this year by exempting them from the rulemaking action of the Fish and Wildlife Service with regard to the migratory bird treaty. It provides for our veterans and it protects our seniors. I ask that my colleagues support this amendment.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. STUMP], the chairman of the Committee on Veterans' Affairs.

Mr. STUMP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, as chairman of the Committee on Veterans' Affairs, I can fully appreciate the intent of the gentlewoman's amendment to H.R. 450 regarding VA compensation. However, I believe the amendment is unnecessary because under section 6, veterans' benefits would be already exempt.

If you would allow me to paraphrase, I will read you under the definition of section 6 exclusions: The term "regulatory rule making action" does not include any action relating to statutes implementing benefits.

Our committee has asked the VA their opinion about this. They have no concern about this, since this clearly exempts them and they have no problem with it. So I urge my colleagues not to be concerned about the Persian Gulf compensation regulations. It would not affect them.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman thinks it is clear, others do not. So if you support my amendment, then it would be clear and there would be no confusion about the issue.

Mr. STUMP. Mr. Chairman, reclaiming my time, I guess my objection to it would be that this may be used to enhance the passage of this amendment, and I object to the amendment for other purposes, too. I want to make it perfectly clear it does not affect compensation for Persian Gulf war veterans.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will yield further, it is the agency that has to make the determination. That is why I would like to have it in this bill, so the agency would be clear of the congressional intent.

Mr. STUMP. Mr. Chairman, reclaiming my time, I would repeat under the rule, exclusion section 6, it is not necessary and does not affect veterans.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Ms. SLAUGHTER], a coauthor of the amendment.

Ms. SLAUGHTER. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, national statistics indicate that rapists are 10 times more likely to repeat their crimes than other types of criminals. The American people are right to be outraged by the sensational cases where such sexual predators were released into our communities, and often neither the police nor the community knew they were there.

Polly Klaas in California and Megan Kanka in New Jersey are two recent examples of young children allegedly abused and murdered by released sex offenders. In my home town of Rochester, NY, Arthur Shawcross went on a rampage of serial rape and murder while he was on parole for abusing and murdering two young children.

Communities across the Nation have similar horror stories to tell. And we here in Washington heard those stories, and vowed to take action. Last year, I introduced legislation expanding our national crime database to cover all sexual predators. A sexual predator database was included in last year's comprehensive crime legislation, with strong support from Republicans and Democrats alike.

By collecting this information nationally, and making it available by computer to every police department in the country, we can help prevent new tragedies from occurring.

Let me close with an example of a recent case in which the predators database could have made all the difference. Two years ago, Virginia authorities were puzzled by the crimes of the notorious "maintenance man rapist," who attacked as many as 18 women by posing as a repairman to gain access to their homes and then brutally raping them.

Tragically, Eugene Dozier had already been convicted for a string of rapes in New York in which he used exactly the same predatory tactics. He was released from prison in New York and moved down the coast to northern Virginia. Information from a nationwide database would have led Virginia police right to his door. Instead, 18 women were needlessly brutalized before the maintenance man rapist was brought to justice.

I urge my colleagues to support the Collins amendment.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished majority whip, the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I rise in opposition to the Collins amendment.

Mr. Chairman, to paraphrase Abraham Lincoln, an amendment divided against itself cannot stand. And the Collins amendment has so many different divisions, it cannot stand the scrutiny of reason.

Look at what we have here. We have a giveaway to the FEC, a special break for HUD, a little something for the veterans, and how about something for duck hunters? We are going to have a duck hunting amendment that follows later on tonight. Taken alone, each one of these special exemptions may sound good. Taken together, this amendment quickly escapes reason.

Mr. Chairman, let us not lose sight of the real issue here. What we are trying to do is end the regulatory burden on our small businesses and the American family. What the opponents are trying to do is to keep these job-killing regulations flowing and going. Mr. Chairman, I urge my colleagues to vote against this amendment and support the underlying bill.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Illinois.

□ 1830

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

The reason why I had to fashion my amendment in the way I did is because we had time limitations, and I wanted to make sure that these four particular parts of the amendment were being covered somehow. So all we could do is cluster the amendment, and that is why my amendment has four different categories in it.

Mr. DELAY. Reclaiming my time, Mr. Chairman, I understand the ranking Member's problem and appreciate the problem, but the point still is the same. This is an amendment that is trying to undercut the bill and the intent of the bill.

The bill takes care of the problems, as we have said all day long, of many of the Members that want certain regulations to continue, safety and health, routine licensing, regulations that lift burdens on other regulations. The bill takes care of most of this.

I understand that the gentlewoman supports and that side of the aisle supports regulation, but what we are trying to do here is to put King's X on regulations until we are able to implement our regulatory reform package and, hopefully, see that the President signs them.

We could all play political games, some for political cover, but the real intent of these amendments is to destroy the underlying intent of the legislation.

Mrs. COLLINS of Illinois. Mr. Chairman, if the gentleman will continue to yield, let me say to the gentleman that it is not the intention to do any kind of political amendments. What it is the intention to do is to let American people know what is in this bill and what is not in this bill.

Mr. DELAY. Reclaiming my time, Mr. Chairman, I understand, we all understand what is going on here. Those that want to protect the regulations want to do as much as they can.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I think that the only point I would like to stress again, I know that there are many in this Chamber, many in their offices who are concerned about an issue that has become very, very prominent in this debate. That is whether or not we would have a duck hunting season in this country this year. I want to assure those that might be inclined to vote for this amendment because of that concern that there will be a subsequent amendment that will deal, I think, more artfully with that problem and will make it very clear that the exemption that exists in the bill is meant to cover the very concern that people have had about having a duck hunting season.

I think it is better than the proposal in the gentlewoman's amendment, which would carve out a totally separate exemption and, therefore, I think open the door to massive other numbers of exemptions which we are trying to resist.

So I would encourage those who might be inclined to vote for this amendment because of the migratory bird provision not to do so. They will have that opportunity when the amendment, the next amendment, one of the amendments will be considered later.

Mr. Chairman, I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank the gentleman for clarifying that fact, because I understand there is no higher priority in this body than to make sure that we do have duck hunting season. We will take care of that.

But there are other amendments within this package of common sense amendments that we really need to take care of.

It is probably so that there are Members on this side of the aisle, the Democratic side, who really believe that whatever regulation the Federal Government issues, it is needed. It is important and they would not question it. There are obviously Members on the Republican side who seem to feel that any Federal regulation is wrong and should not have been issued.

I suspect, and I would suggest to the Members of this body, that the truth probably lies somewhere in between, that there are regulations that are just plain nutty and we have had those shared with us today and will tomorrow as well.

There are regulations that in their implementation they are excessive. They are implemented in a cookie cutter approach, when the intent is good but the result is not what this legislative body intended. Then there are other regulations that are absolutely essential and necessary, and we would really not object to those, if we had an opportunity to fully consider them.

That is, it is those regulations that we are considering in this amendment. This amendment was put together under the guise of common sense.

When we talk about the asylum issue, for example, OMB has told us that under H.R. 450, they would not be able to issue those INS regulations.

Now, we have been working with INS for years. It does not make sense to have 450,000 political asylum cases in limbo, waiting to be processed. It increases by 100,000 a year. There is nothing to do with the political situation in other countries. It is because people have figured out how to use this loophole.

You have got people in other countries that consider themselves immigration consultants, and they tell people that "you get on the plane, you flush your papers down the toilet en route. You get over there and you say you are claiming political asylum. It will take 2 years before they process and by then they will never find you." That is what happened with Mir Amal Kansi who killed two people outside the CIA. He was on political asylum. The people that bombed the World Trade Center, political asylum. We have got thousands of people that have no business being in this United States.

So we finally got a regulation that the INS issued that will make sure that they all get processed in 6 months instead of 2 years.

That is a regulation that OMB tells us they will not be able to implement this year if H.R. 450 passes as is.

It needs to be changed. Other amendments that have been included in this package need to be changed. I would hope that we would do so.

Mr. Chairman, this amendment gets to the heart of the problem with the Regulatory Moratorium Act.

This legislation assumes that all regulations are bad and that Government only works to impose new and unnecessary burdens on businesses and citizens. By arbitrarily reaching back to November 1994, this legislation attempts to impugn the motives of any regulation not implemented with the advise and consent of the new Republican revolutionaries. This is fine as political rhetoric, but it is shortsighted and destructive as public policy.

My concerns focus on an individual case in point. On December 5, 1994, regulations were published in the Federal Register that provide desperately needed reforms of our political asylum process. This reform is important because the number of political asylum cases has exploded. In 1983, there were fewer than 5,000. This grew to 56,000 in 1991 and more than 150,000 last year. The backlog of unprocessed asylum cases has grown to more than 425,000 cases by the end of last year and is rising at the rate of 100,000 each year.

This increase in political asylum cases is not driven by a rise in legitimate refugees seeking protection from the United States, but rather by an increased awareness of the loophole overseas. What is happening is that aliens and immigrants are coming to this country, flushing their papers down the toilet on their flight over and claiming political asylum once they land at JFK or Dulles International Airport. They are learning how to do this through conmen and immigration consultants overseas.

The reason aliens are claiming political asylum, in such large numbers, is that they know they can use the process to get into the United States with little or no problem or governmental control. INS officials cannot summarily dismiss these complaints and send the aliens back home. Instead the aliens are given work permits and temporary visas while the INS reviews their claim. With a backlog of 425,000 claims, this initial review can be up to 24 months away. Even after the INS reviews the claim and rejects it, the alien simply appeals the decision and continues to live and work in the United States. More often than not we are finding that aliens are using this delay to simply disappear into the vast underground of immigrants in New York, Los Angeles, or even Arlington, VA.

This system is being seriously abused. Sheik Omar Abdel Rahman and his gang, who tried to blow up the World Trade Center, had political asylum cases pending. Mir Amal Kansi, the Pakistani who 2 years ago murdered two people outside the CIA headquarters building in northern Virginia, came to the United States on a visa and then applied for asylum.

Last year, the Clinton administration and the INS began the process of reforming our asylum laws and closing this loophole. The December 5 regulations will help the INS fully process applications within 180 days. The INS will focus on the new asylum claims and prevent aliens from melting into our society. In addition, asylum applicants will not be given work permits until after 180 days. The regulations will significantly improve our asylum process.

But now, we are willing to throw out those regulations simply because they were implemented after the November elections. We are reopening a huge loophole in our immigration policies and telling potential immigrants to come on in.

This is simply inexcusable. We must not overturn legitimate and necessary government policies simply to score political gains.

The Collins-Moran amendment corrects this flaw by excluding the INS regulations from the scope of the legislation.

I urge all of my colleagues to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 242, not voting 11, as follows:

[Roll No. 164]

AYES—181

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.

Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—242

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Andrews
Bartlett
Barton
Ehlers
Fattah
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Torres

☐ 1853

The Clerk announced the following pairs:

On this vote:

Mr. Ortiz for, with Mr. Barton of Texas against.

Ms. JACKSON-LEE and Mr. DOOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. NORTON: At the end of section 5 (page , after line); add the following new subsection:

(c) CIVIL RIGHTS EXCEPTION.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I yield myself such time as I say consume.

Mr. Chairman, the only difficulty this amendment presents for me, and I believe for most of the Members, is that it is not already in the bill. Had I not had a conflict that prevented me from being at the committee for part of the time, I have every reason to believe that the bill would have come to the floor with this amendment in it.

The proof is that the language I now propose has already been adopted by this House in the unfunded mandate bill. I would simply exempt, to use the language of that bill, "regulatory rulemaking action to establish or enforce any statutory rights that prohibit discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status."

If this language was appropriate for the Unfunded Mandate Reform Act of 1995, it is more so for the Regulatory Transition Act now before us. Unfunded mandates seldom sound in equal rights terms. Regulations do far more often.

For example, as we speak, administrative action is under way to conform the time limits for filing civil actions under the Age Discrimination Act to those of the Civil Rights Act we passed in 1991. This is an action of particular importance. Several years ago, hundreds of middle-aged and elderly workers lost their rights under the age discrimination statute because of differences in time limits for filing. This body had to pass a special bill to reinstate those actions. Now administrative action is pending that would safeguard these rights and promote efficiency by eliminating inconsistencies in time limits allowed for people to go to court. There should not be one time limit for filing based on gender or race, for example, and another time limit for those who claim discrimination because of age.

Another pending example would conform the Rehabilitation Act to the Americans With Disabilities Act. The Rehabilitation Act is the Disabilities Act as applied to Federal employees.

The regulatory moratorium bill was not drawn with regulatory actions of this kind in mind, Mr. Chairman. This body's action that exempted civil rights matters from similar and prior legislation this very month shows a bipartisan intent to leave matters of equality untouched by legislation designed to attack other problems.

The last thing the country needs is a notion that the House regards the right to be free of discrimination not as a right at all, but as an unfunded mandate or a paperwork problem.

☐ 1900

In fact, that is not the view of this body, to its credit. We have said so once and we should say so now.

These have not been the best of times for equal rights. There is polarization where there should be reconciliation. We need a more problem-solving, sober leadership on equal rights on this delicate yet volatile issue than it sometimes attracts.

My aim is designed to bring us together where we ought to be on equal rights. We will not be able to be there all of the time. It should not be difficult to be together on this amendment at this time.

I ask for and urge Members' support.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. MC INTOSH TO THE AMENDMENT OFFERED BY MS. NORTON

Mr. McINTOSH. Mr. Chairman, I rise in technical opposition to the amendment and I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. McINTOSH to the amendment offered by Ms. NORTON: Before the period at the end of the amendment insert ", except such rulemaking actions that establish, lead to, or otherwise rely on the use of a quota or preference based on age, race, religion, gender, national origin, or handicapped or disability status".

The CHAIRMAN. The gentleman from Indiana [Mr. McINTOSH] is recognized for 10 minutes.

Mr. McINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of my amendment is to clarify that any regulation that would go forward to protect civil rights would not create a quota or a preference. We have seen time and time again instances where people implementing the Civil Rights Act were overzealous in the application of the civil rights laws, which has led to the unintended or perhaps intended consequence that regulations have created a preference where individuals would be hired, fired, otherwise subject to employment decisions that were in fact based on suspect criteria, such as race, gender or national origin.

Our goal here is to make it very clear that those regulations could not go forward during the moratorium period, and I think it will send a strong message to the country that we want to have racial equality and do so in a way that is truly without regard to race, gender, national origin, handicap, or disability status.

I urge a yes vote on the amendment, and then would be delighted to support the amendment of the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the gentleman's amendment and the work he has put into it. I certainly do not mean to create the impression that anything in my amendment does anything but conform to existing law. So I take the use of the words "quota" and "preference" to be interchangeable because otherwise the one word is so wide open and does not have a fixed meaning in law, and on that basis I would accept the gentleman's secondary amendment.

Mr. McINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reason for the choice of the word "preference" was that some people attempted to create quotas and call them preferences, so I am delighted the gentlewoman is accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Again, Mr. Chairman, let me just indicate that the Civil Rights Act most recently passed by this body in 1991 bars quotas, and I certainly mean to conform to that act, and I believe the gentleman is entirely in good faith in his use of the language to conform to that act, and certainly I do not mean any quotas, and the use of preference in this context interchangeable with quotas is satisfactory to me.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the full committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentlewoman for yielding me this time.

Mr. Chairman, I rise in support of the gentlewoman's amendment that would exclude civil rights regulations from the moratorium.

Mr. Chairman, I express my support for the Norton amendment that would exclude civil rights regulations from the moratorium.

The enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Americans With Disabilities Act, and the Age Discrimination in Employment Act represent significant triumphs in an ongoing struggle to ensure that all Americans are treated fairly. These laws, among many other civil rights protections, ensure equality of opportunity, and equality of access for all.

Although this bill does not purport to impact these laws, its practical effect is to seriously undermine their potency. For example, agencies would be prevented from promulgating regulations to ensure safety for the handicapped or disabled, and to ensure that these individuals have the same physical access to facilities as the rest of the population. In addition, agencies would be prohibited from undertaking investigations pursuant to allegations of discrimination.

I truly wish that many of these regulations were not necessary to protect the rights of our citizens. However, all we need to do is take a page from the history books to illustrate the unfortunate disregard that we have shown for our fellow citizens' rights in the past.

I believe that if we do not exclude these regulations, then we seriously compromise one of the most fundamental premises of our democracy—the equality of all citizens.

I also believe that we would be sending the wrong signal to the American people, that the protection of their civil rights is not important. I do not believe that this is the signal that any of us would want to send. I would therefore ask my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. CLINGER] seek time?

Mr. CLINGER. Mr. Chairman, yes, I do.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania [Mr. CLINGER] reclaims the time of the gentleman from Indiana [Mr. McINTOSH].

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say I am delighted that the gentlewoman from the District of Columbia and the gentleman from Indiana have been able to come together in a cooperative fashion to come up with an amendment which I think accomplishes what he wants to accomplish. As the gentlewoman from the District of Columbia said, this was language that was included in the unfunded mandates provision. It makes it very clear that these were to be not on the table in terms of this kind of thing.

So I think it is an important addition to the bill and I am happy to support her amendment as amended by the gentleman from Indiana.

Mr. Chairman, I yield back the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for his support. The fact is that the word quotas has become quite a dirty word in the language and I did not want to add any dirty words to this bill, and I think what we do by adopting this amendment is to take that word off the table, to indicate that we certainly do not mean quotas, and thereby make this bill that every Member can support.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. McINTOSH] to the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON], as amended.

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 405, noes 0, answered "present" 14, not voting 15, as follows:

[Roll No. 165]

AYES—405

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman

Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—14

Becerra
Brown (FL)
Collins (IL)
Dellums
Hastings (FL)
Hilliard
Johnson, E. B.
Lofgren
McKinney
Owens
Payne (NJ)
Rangel
Souder
Waters

NOT VOTING—15

Andrews
Barton
Boehlert
Ehlers
Fattah
Furse
Gibbons
Gonzalez
Hoke
Johnson (SD)
Kaptur
McCarthy
Meek
Ortiz
Torres

☐ 1927

Messrs. DELLUMS, RANGEL, PAYNE of New Jersey, and HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. MCKINNEY changed their vote from "aye" to "present."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do so to announce that in a moment I will move that the Committee do rise for the purpose of a unanimous-consent request, which would provide for the House to sit tomorrow morning starting at 9 o'clock.

Thereafter, I would advise the membership we would go back into the Committee, we will dispose of one additional amendment this evening, and there will be one additional vote anticipated, but we should be completed with all business in Committee by 8 clock.

With that, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUNDERSON) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 450), to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, had come to no resolution thereon.

HOUR OF MEETING ON TOMORROW

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WISE. Mr. Speaker, reserving the right to object, this has been cleared by the leadership on the Democratic side.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 93 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 450.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 450), to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] as amended had been disposed of.

For what purpose does the gentleman from Indiana [Mr. MCINTOSH] rise?

Mr. MCINTOSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Indiana [Mr. MCINTOSH] for yielding to me for the purpose of a colloquy, and I would like to ask the chairman of the subcommittee three questions, if I could. The first question is this: In December 1994, the INS promulgated comprehensive regulations to streamline the asylum process and prevent abuse of the asylum system. Is it your understanding that these regulations would be excluded under section 6(3)(B)(i) as being "limited to streamlining a rule, regulation, or administrative process?"

Mr. McINTOSH. Yes, that is my understanding of the effect of section 6(3)(B)(i) with respect to streamlining INS regulations of this type.

Mr. SMITH of Texas. In 1994, the Violent Crime Control and Law Enforcement Act and the Immigration and Nationality Technical Corrections Act established a process to expeditiously remove from the United States criminal aliens. Is it your understanding that these regulations will be excluded from the moratorium because they fit within the streamlining exception under section 6(3)(B)(i)?

Mr. McINTOSH. Yes, that is my understanding.

Mr. SMITH of Texas. And last, I appreciate the gentleman's patience, the third question is: It is my understanding the INS also plans to issue regulations to streamline the rules and procedures for certain types of nonimmigrant visas, in part to prevent the abuse of such visas. Is it your understanding such reforms to the visa process fall under the streamlining exclusion under section 6(3)(B)(i)?

Mr. McINTOSH. Yes, that is my understanding.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Indiana [Mr. McINTOSH].

Mr. McINTOSH. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HAYES

Mr. HAYES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HAYES: In section 6(4), in the last sentence, after "restriction" insert the following new clarifying clause: "(including any agency action which establishes, modifies, or conducts a regulatory program for a recreational or subsistence activity, including but not limited to hunting, fishing, and camping, if a Federal law prohibits the recreational or subsistence activity in the absence of the agency action)".

Mr. HAYES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today the gentleman from Louisiana [Mr. HAYES] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I rise in support of an amendment that while styled as such because of the procedural rules of the House is actually a clarification language of section 64.

As background it should be noted that the reason that we are here this evening is because we have had so many regulatory actions, they have trampled on so many individuals' rights, and we have had so many instances in which we were unable to redress the complaints made by those whom we represent that it boiled over to the point where finally there is a regulatory reaction. I say to my colleagues, incredibly enough the kinds of things that were happening to folks at home that led to this sort of concern are the kinds of things they complain to and to you about when you return there. They walk up and they say, "Look, my son is owning a piece of property that has some water on it. There's no means by which I can tell what it is, and unless I apply for a permit to do something, the Corps of Engineers won't tell me what it is, but the minute I decide to put some kind of crawfish pond there I find out the entire Federal bureaucracy not only wants to tell me what it is, but what to do with it."

Mr. Chairman, we have regulatory overreach that has caused us in representing those half million-plus people who call us Congressmen to come here this evening.

I say to my colleagues, incredibly enough, with the efforts that deserve applause from Mr. McINTOSH, Mr. PETERSON, Mr. CONDIT, when those efforts are made, the same agencies do exactly the same thing, only they don't highlight what it is they did to trample rights. They turn around and say, "We will construe this to mean we're going to do more things to you. We're going to construe your action to mean we're not going to have a duck season. We're going to construe your action to mean we're not protecting health." They're in the habit of taking the act, taking the regs, and doing harm to individuals, and they just can't break that habit.

For that reason we are often clarifying language, Mr. Chairman.

I do not believe that either the intent, nor actually the text of this bill, requires that this be done, but I do believe that sending a strong message to those who believe regulations equates arrogance, to those who believe regulation means power, to those who believe regulation means enforcement without any glimpse of humanity; that is why the clarifying language is offered.

Mr. BAKER of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Louisiana for his comments.

Mr. BAKER of Louisiana. Mr. Chairman, I compliment the gentleman on his fine statement and agree with this state of frustration about our growing regulatory process.

In working with the gentleman on this amendment, Mr. Chairman, I think it should be made clear that the action we are about to take is in relation to the Migratory Bird Act. For those who are not familiar with it, having been passed in 1918, it sets a framework in place which prohibits the taking of birds or migratory fowl that are protected by Federal law, and each year the Department of the Interior issues a waiver allowing all States to promulgate their own rules and regulations for the taking of migratory fowl.

Stated in another way, Mr. Chairman, duck or geese hunting.

It is now apparent that unless some action is taken by legislative remedy that this year's season for many avid hunters may be placed in jeopardy. In fact, we received a communication from the Secretary of the Interior indicating that they would be unable to promulgate timely, necessary rules to allow the season to go forward as is customary. For those reasons the gentleman's amendment, as I understand it, allows a provision which says, if the agency does not take action that hunting and fishing seasons would, and their conduct would, not be impaired by the failure of the agency to act timely.

This is an appropriate response and one which the gentleman correctly describes as definitional, only it is not clearly the intention of the authors of the legislation to create this difficulty, and perhaps it does not. But due to the confusion from the secretary's letter which was created we have now consulted with Ducks Unlimited, a number of other organizations who have great interest in this matter, and they have all indicated their strong support for this amendment.

Mr. Chairman, I am happy to rise in support of the gentleman's amendment and commend him for his leadership in this matter.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Missouri.

Mr. VOLKMER. As I understand it, the gentleman's amendment does not specifically exempt the provisions for water fowl or migratory bird hunting season, but merely puts a provision in it to waive; is that correct, the requirement?

Mr. HAYES. Mr. Chairman, what it does is it takes the definitional section of the word "rule" which is in section 64 of the act, and the language which is included says that the agency action which establishes, modifies or conducts a regulatory program for recreational or subsistence activity, including, but not limited to, hunting, fishing and camping. I believe that it would indeed cover those activities to such an extent that it would not be justified for a Federal agency to say that with the passage of this act they are not empowered to go forward with their regulatory duty in establishing those seasons.

Mr. VOLKMER. In other words, Mr. Chairman, the gentleman is saying that now under this act with his amendment they will be able to provide the proper regulations for those activities?

Mr. HAYES. Yes, sir, with one minor exception. The gentleman from Louisiana [Mr. BAKER] and I decided that the majority leader, the gentleman from Texas [Mr. ARMEY], should not be allowed to fish in Louisiana, so with that one exception it will allow everyone else in America to go forward.

□ 1940

Mr. VOLKMER. Mr. Chairman, I just want to say one other thing: I beg to differ just a wee bit with the gentleman from Louisiana as far as the intent and the purpose of the legislation that is now before us, the act itself. I am sorry, but I personally would have to agree with the Secretary as to the effect of that legislation without the amendment. I am sorry to differ. I do not think it is just for that purpose.

Mr. HAYES. Reclaiming my time, I would simply make this observation as a Democrat who has been here for 8 years. The first chair of the committee that has allowed me to offer an amendment to change language has been this Republican chair, and if I am going to base it upon his actions, then I must interpret his actions in so doing as a good faith effort to accommodate this concern, which would lead me to believe that the language could not have been intentionally crafted, or else he would have refused to do this.

I know that language is quite often a problem, especially when we have elephants and donkeys. We allow language sometimes to take precedence over substance. In this instance, I can only say that the working relationship has not only been fair, but cordial. Like anything, it may be tedious and it may not be easy, but it certainly has been productive, because I think this amendment is about to pass, to the benefit of people across the country.

Mr. VOLKMER. Mr. Chairman, if the gentleman will yield further, I support the amendment.

Mr. Chairman, Louisiana is known as the Sportsman's Paradise. Recreational activities on our bayous, marshes, rivers, and the Gulf of Mexico and in our vast wilderness and wildlife refuge areas are a part of our very way of life. There are over 66,000 duck hunters and over 500 hunting camps for which the annual multiplier effect on Louisiana's economy is $57 million annually. Hunting in general provides over $630 million annually to our State. These figures, Mr. Chairman, are conservative.

The amendment that we are offering today is a bipartisan proposal, which is intended to address potential unintended consequences of H.R. 450 that would result in the cancellation or delay of the upcoming duck season and other important hunting and fishing opportunities. As you may know, under the provisions of the Migratory Bird Treaty Act, unless as permitted by a regulatory action of the Department of Interior, it is unlawful to pursue, hunt, take, capture, kill, et cetera, migratory birds. These prohibitions are included as part of treaties between the United States and Great Britain, the United States and Mexico, and the United States and Japan, all of which are for the protection of migratory birds. Section 704 of Title 16 U.S.C. Annotated then summarizes the regulatory process that the Department of Interior must follow to enable migratory bird seasons to go forward.

Our amendment would refine section 6 of the bill to exclude from the definition of regulatory rule making—therefore, from coverage under the moratorium—agency actions in the management of regulatory programs for recreational or subsistence activities including but not limited to hunting, fishing, and camping, if the applicable statute prohibits such activities in the absence of this agency action.

Our amendment would also answer the concerns of my friend from Alaska, Mr. YOUNG, with respect to the prohibitions of subsistence hunting and fishing, which are critical to survival of many of his constituents. Finally, the Department of Interior would also be able to move ahead with plans to open wildlife refuges in Louisiana and California to hunting and fishing.

The Baker-Hayes-Young amendment is consistent with the intent of H.R. 450 to allow agencies to promulgate nonburdensome, common sense directives like the regulatory framework that the Department of Interior, through the U.S. Fish and Wildlife Service, has set up for duck season since the 1950's. The onerous rules that H.R. 450 was proposed to stop are rules which impose needless or wasteful costs on the American economy, whereas, if we fail to clarify this language, recreational endeavors that in fact enhance our economy will be curtailed. We cannot let this happen.

Ducks Unlimited, which represents close to 20,000 conservationists in Louisiana and 550,000 nationwide, in Canada, and Mexico, has indicated to me that our amendment will fix this problem. The DU mission statement to "fulfill the life cycle needs of North American waterfowl" suggests why we must not stand by and presume that the duck season will go ahead without this clarifying amendment. These regulations are crucial to gather the scientific data necessary to ensure the responsible conservation of waterfowl.

Therefore, I urge you to vote for the Baker-Hayes-Young amendment.

Mr. Chairman, is there time for an opponent to the amendment under the provision?

The CHAIRMAN. There is 10 minutes on each side. The gentleman from Louisiana [Mr. HAYES] the proponent, has 10 minutes. There is also 10 minutes for an opponent.

Mr. VOLKMER. Mr. Chairman, I would ask that that 10 minutes be allocated to the gentlewoman from Illinois [Mrs. COLLINS], not that she is opposed to the amendment, because I know she supports it, but just in fairness to give her an opportunity to speak.

The CHAIRMAN. Does the gentlewoman from Illinois seek time in opposition?

Mrs. COLLINS of Illinois. I do, Mr. Chairman.

Mr. HAYES. Mr. Chairman, how much time is remaining for me?

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] has 3 minutes remaining, and the gentlewoman from Illinois [Mrs. COLLINS] has 10 minutes remaining.

Mr. HAYES. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am one of those that happens to think we do not need this amendment. I think that duck hunting was exempt under what we put together in the committee. But I think that this amendment will reassure any of those that are concerned, and I support the amendment.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise tonight to just seek some clarification. I listened to the author try to explain it, but it was not really clear to me. I have here a Republican handout from one of the previous amendments, and in part it says let us not exempt this bill to death, and as I understand the amendment, what we are doing is being very specific that there is an exemption as it relates to the hunting season for ducks. I think that is pretty important stuff, but I do not know if we should exempt the bill to death.

I recall a previous amendment dealing with a very serious water problem in the Milwaukee area in the State of Wisconsin, and that was the cryptosporidium problem. We tried to exempt the clean water regulations in this bill and we were turned down in large part by the Republicans, but now we can exempt the bill to death by providing an exemption for ducks.

The problem I have with that is I think clean water and cryptosporidium problems are more important than the duck season. I think it is a sad day in the House of Representatives when we put ducks above water safety in this country, clean water regulations. But so be it, that is the new regime we are working under.

I want to respond to the author of the amendment. I do object to one of the statements made when he indicates that if this was last year the Democrats would not let him offer this amendment, now he has free rein to offer it. My Lord, I would be shocked if we let him offer such nonsense to this bill, especially when we turn down water safety, meeting specs, things of that nature, which on a priority scale, my friends, I would think is a smidgen higher than the all important duck season in this country.

Mr. HAYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to that in the words of Sixty Rayburn, the legendary legislator from the State of Louisiana. Sixty once looked at a Federal legislator and said, "Son, I can explain it to you, but I can't understand it for you."

What I would say to the gentleman is that my observation was that I have been afforded an opportunity to offer an amendment. That amendment is relevant, it is pertinent, and it covers far more items than simply a migratory waterfowl season.

But I would also say that in parishes, counties I represent, 30 percent of Vermilion Parish, 35 percent of Cameron Parish is on tourism-related to hunting. So for a party that cares about the heart and soul of people, one out of three ought to be enough to care about that live in a parish to do something for them. And I would say that this kind of attitude is why I stay in the Democratic Party, waiting for some more Democrats to get there and join me.

Mr. Chairman, I yield back the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I say to my friend, the gentleman from Louisiana [Mr. HAYES], I understand how seriously he feels about this issue. I respect him for bringing it to the floor. But I think a fair point has been made. As he cares passionately about the rights of his constituents to hunt, the economic interests of his State, some of us have felt passionately after years of work about the ability to protect children from the problem of E. coli bacteria, with 4,000 deaths a year; with the problem that our water supplies are being contaminated by bacteria.

The gentleman deserves to have his amendment voted upon. Indeed, he may deserve to have it passed. But a fair point has been made. It cannot escape the attention of the American people that the interests of children, the interests of our citizens and the safety of their homes and restaurants came to this floor. After years of fighting to get Federal regulations to protect them, those regulations are in jeopardy. The comparison was a fair one. I thank the gentleman for raising it.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I understand my colleague's interest in his district and ducks. Now my question is, if the duck lands on water in Wisconsin that is contaminated with cryptosporidium, does the extension of the exception to the duck allow a procedure to protect other ducks from this infection?

Mr. BAKER of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I yield to the gentleman from Louisiana.

Mr. BAKER of Louisiana. Mr. Chairman, I think the whole point of this amendment has been missed. If ducks were present tonight, they would not be for this amendment. This allows a hunting season.

Mr. KANJORSKI. Mr. Chairman, the gentleman's point is well taken. What happens if the hunter is successful and he ingests the duck and he suffers from cryptosporidium? Has it become more important that we protect the ducks and offer the protection to the ducks, or does it become more important to protect people.

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Mrs. COLLINS of Illinois. Mr. Chairman, it is very interesting, it seems that this body is about to vote for this duck hunting amendment. And as has been said before, there have been other amendments which I think were just really great amendments. They dealt with the American people.

This body has voted against allowing the FEC rules on personal use of campaign funds to proceed. They have voted against allowing expedited consideration of meritless asylum requests. They have voted against rules and regulations that would allow new HUD rules giving preference to elderly in section 8 housing, rules pertaining to elimination of drug use in Federal housing, designations of empowerment zones that allows database for child molesters. They have voted against, if Members will, child molesters, children, by saying we cannot have any database for child molesters as required in last year's crime bill. And yet they are willing to vote for duck hunting.

Mr. Chairman, this amendment is not the most wonderful amendment I have ever seen in my life. Somebody said, if it looks like a duck, sounds like a duck, quacks like a duck, it is a duck.

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I would just say on an amendment like this, with the National Rifle Association and CHARLES SCHUMER in agreement, how can we turn it down?

Mrs. LINCOLN. Mr. Chairman, it appears that duck hunting season has gotten caught in the crossfire as Republicans continue to move at a breakneck speed to pass the Contract With America.

Hunting is one of the simple pleasures for many of us in Arkansas. But continued Federal attempts to dicker with hunting regulations have turned hunting into a complex legal battle.

The U.S. Fish and Wildlife Service has said that today's proposal to place a retroactive moratorium on Federal regulations would cancel next year's waterfowl season

Each year Fish and Wildlife must issue regulations setting the hunting season and bag limits for migratory waterfowl including ducks, geese, and doves. Their decision is based on a long and complex process of public hearings and meetings, which end shortly before hunting season opens October 1.

As this bill is written, those meetings could not take place because Fish and Wildlife has interpreted hunting season meetings to be outside the realm of routine administrative regulations.

In defense of hunting season, I sent a letter last week to Mr. CLINGER, chairman of the Government Reform and Oversight Committee, asking that waterfowl hunting season regulations be exempt from this bill.

Therefore, I am extremely pleased to see this amendment offered and urge my colleagues to support its passage.

Let me assure the American people that I wholeheartedly support efforts to free them from burdensome and unnecessary Federal regulations. But I fear the unintended consequences of Republicans' efforts to push reforms so quickly.

As a hunter myself and representing approximately 60,000 Arkansas migratory bird hunters, I must be emphatic that canceling the 1995–96 waterfowl season would not be acceptable.

Migratory bird hunters spend $3.6 billion annually nationwide. In Arkansas, migratory bird hunting brings $1.5 million to the State and $31 million in retail sales.

This revenue, in addition to the family traditions that have been built around hunting season, should not be denied by Congress.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Hayes amendment and in support of H.R. 450.

There has been a lot of talk about which regulations will and will not be affected by the moratorium. Frankly, I have had enough. It's no secret, the administration has identified, in an effort to kill the bill, a select few routine regulations which they say will not continue if this bill is signed into law. Two of those examples are the migratory bird hunting regulations and subsistence hunting regulations in Alaska.

Frankly, I am of the opinion that these activities are permitted—they are routine administrative functions.

However, this amendment is intended to clarify for the Department of the Interior, who apparently cannot read the law, so they can issue regulations for recreational or subsistence hunting, fishing, and camping for the 1995–96 seasons.

I urge my colleagues' support of this amendment which is offered for the benefit of Alaska Natives and the sports men and women of America.

Mr. COLLINS of Illinois. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. HAYES].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 34, answered "present" 4, not voting 13, as follows:

[Roll No 166]

AYES—383

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—34

Beilenson
Clayton
Collins (IL)
Collins (MI)
Conyers
Dellums
Doyle
Flake
Foglietta
Gutierrez
Hastings (FL)
Jacobs
Johnston
Kanjorski
Kleczka
Lewis (GA)
Lowey
McHale
McKinney
Moran
Nadler
Owens
Payne (NJ)
Roybal-Allard
Rush
Serrano
Thompson
Torres
Towns
Tucker
Velazquez
Waters
Watt (NC)
Woolsey

ANSWERED "PRESENT"—4

Brown (FL)
Rangel
Slaughter
Souder

NOT VOTING—13

Andrews
Barton
Becerra
Ehlers
Fattah
Gibbons
Gonzalez
Linder
McCarthy
Meek
Ortiz
Stark
Yates

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Mr. RUSH changed his vote from "aye" to "no."

Messrs. CASTLE, CHRISTENSEN, WHITE, and DAVIS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LARGENT) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, due to a death in my family, I missed a series of votes on Thursday, February 23. If I had been present I would have voted as follows:

Rollcall No.	*Vote*
159	no
160	yes
161	yes
162	yes
163	yes
164	yes
165	yes
166	yes

I would appreciate it if these positions could be reflected in the record.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, FRIDAY, FEBRUARY 24, 1995, DURING 5-MINUTE RULE

Mr. HORN. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services; the Committee on Commerce; the Committee on International Relations; the Committee on the Judiciary; the Committee on Transportation and Infrastructure; and the Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. WISE. Mr. Speaker, reserving the right to object, the Democratic minority has been consulted, and has no objection to that request. The agreement is made though, with the understanding that it has also been agreed that there would be 10 one-minute speeches per side when the House convenes in the morning. Is that the gentleman's understanding?

Mr. HORN. Mr. Speaker, if the gentleman will yield, that is our understanding.

Mr. WISE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NOTICE OF HEARING ON CAPITAL BUDGETING ON THURSDAY, MARCH 2, 1995

Mr. HORN. Mr. Speaker, I rise to announce that the Subcommittee on Government Management, Information and Technology will be holding a hearing on capital budgeting on Thursday, March 2, 1995, in room 2154 Rayburn House Office Building at 2 p.m. The purpose of this hearing will be to examine the policy aspects of a capital budget.

PERMISSION TO INSERT PROGRAM AND REMARKS OF MEMBERS REPRESENTING THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. HORN. Mr. Speaker, I ask unanimous consent that the program and the remarks of the gentleman from California [Mr. HORN] and the gentleman from New Mexico [Mr. RICHARDSON], the two Members representing the House of Representatives at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday on Wednesday, February 22, 1995, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMARKS OF THE HONORABLE STEPHEN HORN

GEORGE WASHINGTON: A WISE LEADER FOR AN EMERGING NATION

I congratulate the members of the National Park Service, not only on what you have done to preserve history in the nation's capital, but what you have done throughout the nation to give our fellow citizens, young and old, and visitors to our shores a view of the past and to convey the ideals of this nation which has given hope to those less fortunate. You do a great job, and all Americans appreciate it.

When we think of George Washington we think of a person of great character and presence. He was also a good listener, but when he spoke, other people immediately stopped to listen to what he had to say. He was a person of common sense. He was a wise leader.

He also had a sense of humor. Today in the United States Senate, Senator Craig Thomas of Wyoming will read the Farewell Address of President Washington. That tradition of the Senate reminds me that when Thomas Jefferson, who was not at the Constitutional Convention, came back from France, he visited his fellow Virginian and friend, George Washington, at Mount Vernon. He said, "George, you were President of the Constitutional Convention, why did you ever create the Senate of the United States?" Washington looked at Jefferson and said "Tom, why are you pouring your tea into a saucer?" Jefferson answered, "To cool it." "Thus so," smiled Washington, "that is why we created the Senate."

Washington was an outstanding executive, both military and civilian. He set the precedents for the office of the Presidency. When you think of his cabinet, you see four men of great talent: Thomas Jefferson, Secretary of State; Alexander Hamilton, Secretary of the Treasury; General Henry Knox, Secretary of War; and Edmund Randolph, Attorney General. Few cabinets have had such overall distinction. Some might equal it, but it would take ten or twelve people to equal those four.

In his wise and visionary Farewell Address to the nation, which I mentioned earlier, Washington influenced the policy of political parties in this country for over 150 years, when he cautioned against permanent entangling alliances with foreign nations.

It was Washington's wisdom, his thoughtfulness, his presence and character that set the foundation for a nation that would expand from 13 small colonies, newly states, westward across a continent. He had vision, and the characteristics of great leaders. We honor him, with good reason, on this day.

REMARKS OF THE HONORABLE BILL RICHARDSON

I am honored to join my colleague, the Honorable Stephen Horn, Councilman Jack Evans, the Park Service and other distinguished guests as we gather at the foot of this imposing monument to honor our nation's first President.

While local residents may grow accustomed to this huge monument, those of us who come here from a far are awestruck by it. We are taken back by its size and shape, its power and the unbelievable view or vision it offers for those who travel to its top. In fact, its size, its power and its vision are very much like the man it recognizes and the man we are honoring today.

George Washington was so admired and revered that no man challenged him for the office of the Presidency—Washington is the only person to seek the office without opposition. His two terms were a great success. He governed with dignity as well as restraint. He provided stability and authority which our young nation so sorely needed. He understood the need to compromise and reach agreement with men of opposing views.

One could easily argue that George Washington understood the Presidency because as Chairman of the Constitutional Convention he helped design our democracy. But, planning for a democracy and instituting a democracy were two very different tasks. Thankfully, George Washington was heroic at both missions.

In fact, George Washington was exceptional at many endeavors. Long before his rise to military leader of the War for Independence, he was a farm boy who had to grow up fast after his father died when he was just 11 years old. He taught himself surveying. Upon the death of his half-brother, he became a land owner of Mount Vernon at age 20. He was an active member of his community and his church. The rest, as they say, is history.

When compared to George Washington's 263rd birthday, we in New Mexico are quite young. Our state is only celebrating our 83rd birthday this year. Even though we may be a bit younger than our nation's founding father, we join our fellow states and countrymen with great enthusiasm and praise in honoring President Washington on this anniversary of his birth.

PRESIDENT GEORGE WASHINGTON, 263D BIRTHDAY OBSERVANCE, FEBRUARY 22, 1995, WASHINGTON MONUMENT, WASHINGTON, DC

PROGRAM

Opening: Arnold Goldstein, Superintendent, National Capital Parks-Central, National Park Service.

Presentation of the Colors: Joint Armed Services Color Guard.

To the Colors: Old Guard Fife and Drum Corps; Drum Major Anthony Hoxworth.

Welcome: Superintendent Goldstein.

Musical Selection: Old Guard Fife and Drum Corps.

Remarks: Russell Train, First Vice President, Washington National Monument Society; John Reynolds, Deputy Director, National Park Service; The Honorable Jack Evans, Councilmember Ward 2, Council of the District of Columbia; The Honorable Stephen Horn, U.S. House of Representatives, 38th District, California; and The Honorable Bill Richardson, U.S. House of Representatives, 3rd District, New Mexico.

The Wreath of the House of Representatives: Honorable Bill Richardson and Honorable Stephen Horn.

The Wreath of the Washington National Monument Society: Russell Train and Councilmember Jack Evans.

The Wreath of the National Park Service: John Reynolds and Terry Carlstrom.

The Wreath of the Naval Lodge No. 4, Masons of the District of Columbia: John Davis, Worshipful Master.

Taps and Retiring of the Colors: Old Guard Fife and Drum Corps and Joint Armed Services Color Guard.

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DOWNSIZING GOVERNMENT

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, the Committee on Appropriations has completed 9 of the 10 subcommittee markups for our fiscal year 1995 supplemental appropriations and downsizing rescissions bills. Only the Legislative Branch Subcommittee remains to be marked up tomorrow. The results so far are that the various subcommittees have recommended more than $17 billion in rescissions of previously appropriated funding. If you add to this the $3.2 billion of rescissions included in the defense supplemental that the House passed on Wednesday, the Committee on Appropriations is developing bills that include over $20 billion in rescissions.

That is why tonight I take this opportunity to thank my subcommittee chairmen and the members of the Committee on Appropriations, both Republican and Democrat, and all our staff for their serious and fruitful efforts. Through hard work we are making big change, and most importantly, keeping promises to the American people.

ORDER OF BUSINESS

Mr. TORKILDSEN. Mr. Speaker, I ask unanimous consent that the special order requested by the gentleman from New York [Mr. SOLOMON] immediately follow the special order requested by the gentleman from Mississippi [Mr. MONTGOMERY], and that the special order requested by the gentleman from Arizona [Mr. STUMP] immediately follow the special order requested by the gentleman from Pennsylvania [Mr. MURTHA].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REFORM WELFARE, BUT NOT AT THE EXPENSE OF CHILDREN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. GENE GREEN of Texas. Mr. Speaker, Members, in response to the last 1 minute, let me talk about what the school lunch and breakfast program really does. We heard, and we are in markup in the Committee on Education and Economic Opportunity, we heard there are not cuts. Let me tell you what I have from the State of Texas Department of Education agency, but also from Houston Independent School District. That shows that the Republican majority is cutting the school lunch and breakfast program.

The President is right and we need to be honest with the American people. We need to reform welfare, but we do not need to take it out of the mouths of the children and their breakfast or lunch program.

The Republican majority here in the House and the talking heads I see on TV say they are actually providing more funds. But in the State of Texas we would see a 4-percent cut in the school lunch and breakfast program, and that is one we grow every year. So we are cutting 4 percent right now.

Again, we should reform welfare, but not out of the mouths of our children and not out of America's future.

TEXAS EDUCATION AGENCY

Proposed impact of school-based nutrition block grant amendment on Texas' Child Nutrition Program Fiscal Year 1996

Projected by 1996 national funding for school-based child Nutrition Programs (per USDA)	$6,897,000,000
Proposed funding under block grant amendment	$6,626,000,000
Difference*	$271,000,000
Percent decreases	<3.9%>
Impact on Texas	
Projected FY 1996 school-based child nutrition funding	$561,000,000
Percent decrease (3.9%)	<21,879,000>
Balance available	$539,121,000

"The difference may be attributable to the inclusion of other programs (Child and Adult Care Food Program and the Summer Food Services Programs) in the determination of the funding levels. Information on these programs may be obtained from the Texas Department of Human Services.

Note: The balance available for FY 1996 is approximately equal to the amount we estimate to disburse in FY 1995. The result, in effect, is to allow for no growth from FY 1995 to FY 1996. In Texas the reimbursement for these programs have increased approximately 8 percent per year for the past five years. The proposed increases in the amendment of approximately 4.6 percent per year would not allow for the current level of growth in these programs.

Proposed impact of school-based nutrition block grant amendment on Houston ISD (HISD) Child Nutrition Program Fiscal Year 1996

Impact on Houston ISD:	
Projected fiscal year 1996 School-based child nutrition funding	$43,000,000
Proposed decrease (3.9%)	<1,677,000>
Balanced available	$41,323,000

Note: The balance available for FY 1996 is approximately equal to the amount estimated for FY 1995. The result, in effect is to allow for no growth in FY 1996. In the Houston ISD reimbursements for these programs have increased approximately 3 percent per year over the past five years. The proposed increases in the amendment are approximately 4.6 percent per year and would allow for the current level of growth in these programs.

Impact of the proposed school-based nutrition block grant amendment on Houston ISD (HISD) 1995–96 school year

	Millions
Child nutrition funding:	
Current Projected funding (using 3% growth)	4.27
Funding based on proposal (1.7% assuming an equal distribution of the states reduction in growth)	42.2
Projected loss in Child Nutrition funding	.5
State foundation program funding:	
Current Projected funding	215.9
Funding based on proposal	214.0
Projected loss in Foundation Program funding	1.9
Total projected loss for 1995–96	2.4

Note: Assuming the state's required increase is 8% (based on the past 5 year history), an amendment to allow only 4.6% would require a 47% reduction in the projected growth to all state programs including the Houston Independent School District (HISD). The projected increase in students qualifying for free and reduced priced meals of 6,528 would have to be limited to 3,721 students. Limiting the number of qualifying students effects the allocation for the Child Nutrition program as well as the State Foundation Program funding for HISD shown above.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LARGENT). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

REMEMBERING IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, I'm here today to talk about a simple tribute paid by an ordinary man to one of the greatest battles and some of the greatest heroes in American history.

Mr. Speaker, today this Chamber is mostly silent, and our attention is focused on the issues of the day.

But 50 years ago this week, the eyes of this House—and indeed all of America—were focused on a small, sulfuric island in the South Pacific, and a group of brave young men who helped save the world.

For 4 years, World War II had raged.

Europe lay in ruins, millions had perished in the death camps, and much of the world was pitched in darkness.

In the South Pacific, most of Japan was out of the reach of United States planes.

But Franklin Roosevelt believed that if U.S. troops could gain a foothold in the South Pacific, and if our planes had a place nearby to land, then the enemy might soon be vanquished and the war might soon be over.

Fifty years ago this week, that task fell to a group of young marines, in a mission called Operation Detachment, at a place called Iwo Jima.

The battle was expected to take 14 days. It took 36.

The enemy was so dug in that they were nearly invisible.

Fighting was so fierce that one marine remarked that "you could've held up a cigarette and lit it" with all the fire flying by.

But with a strength of spirit forged in the hometown churches, and neighborhood ballfields, and the schoolrooms of America, these young men who had been eating Coney dogs, dancing to Glenn Miller, and rooting for Joe Dimaggio just a short time before helped turn back one of the greatest evils this world has ever known.

There were 81 Congressional Medals of Honor awarded in all of World War II.

Twenty-seven were awarded for Iwo Jima alone.

But it was on the 5th day of fighting—50 years ago today—that Iwo Jima was burned into our memory.

Because on that day a young combat photographer named Joe Rosenthall took one of the most inspiring photographs in the history of America.

I'm talking, of course, about this famous photo of five marines and one Navy corpsman raising a triumphant American flag on Mount Suribachi above the sands of Iwo Jima.

For 50 years, this photo and the great bronze memorial made in its image have served as a lasting tribute to the courage and bravery of young Americans who served this country well, and who triumphed under conditions most of us could hardly imagine.

But of all the great tributes paid to the men of Iwo Jima the past week none is more inspiring—and I believe none speaks more to the heart of what it means to be an American—than the simple tribute paid by a sheet metal mechanic from Connecticut earlier today.

There, in the small town of Danielson, CT—population 16,000—Rick Orzulak finally lived out a tribute that was 3 years in the making.

Three years ago, Mr. Orzulak—who is a former marine himself—decided to pay a special tribute to the soldiers who fought at Iwo Jima.

He decided that with the help of the members of the local Paul C. Houghton detachment of the Marine Corps League—of which he is a member—they would recreate the flag raising in the small town of Danielson.

In order to do so, he decided, each person needed to be dressed exactly like the soldiers in the photograph—in uniforms and gear actually issued during World War II.

So, 3 years ago, with the help of his wife Beverly, Mr. Orzulak started making phone calls.

Using his own money, he tracked down frogskin pattern helmet covers from California and Montana.

He found herringbone trousers in Virginia and Mississippi.

He found K-bar knives in Massachusetts.

And crossflap canteen covers in Texas.

Until finally, one by one, each uniform was complete.

He even tracked down a U.S. flag with 48 stars.

And finally, in Danielson this morning, as the Star Spangled Banner and then the Marine Corps hymn played, five former marines and one former Navy corpsman—Mr. Orzulak, Arthur Blackmore, Dennis O'Connell, Richard Bugan, Louis Verrette, and Francis Stevens—raised the flag in tribute to the men of Iwo Jima.

If you ask them why they did it, they'll say "we did it for one simple reason:"

To say "thank you" to the men who fought at Iwo Jima.

And "Semper Fi" to the heroes who never came home.

Mr. Speaker, today as we join Richard Orzulak and Americans everywhere in remembering the sacrifices made at Iwo Jima, let us be strengthened by their courage, heartened by their valor, and let us continue to stand up for the ideals for which they lived and died.

Let us resolve that the men who served our country will never be forgotten.

Because in the end, that's the highest tribute we can pay.

□ 2020

COMMEMORATING THE 50TH ANNIVERSARY OF THE MARINE LANDING ON IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, there are a number of Members gathered on the floor tonight to speak of an important event which took place 50 years ago. The United States was at war with Japan, and the main target in February 1945 of our forces was Iwo Jima.

This past Sunday, Mr. Speaker, we commemorated the 50th anniversary of the Marine landing on Iwo Jima at the Marine Corps War Memorial across the Potomac. I had the privilege of being there at this ceremony, and it was very well done, and the Commandant of the Marine Corps, General Mundy, told us 50 years ago at that date, at 9 o'clock in the morning, the 3d Marine Division went ashore at Iwo Jima.

While the battle was still raging, Admiral Nimitz saluted the warriors with words that are now carved at the statue base, and it says this: "Uncommon valor was a common virtue." He said this without knowing that 27 of those who served on Iwo Jima would later be awarded the Medal of Honor. As mentioned here tonight, over half of the 27 had been killed on the island, and their families received and accepted the Medal of Honor.

One of the most remarkable things about the battle is how well both sides were prepared. The island was part of Japan's inner vital defense zone. Its commander was a general, and he had been on the island for many months, and he had designed textbook defensive positions. His men were disciplined, and resigned to the fact that they were unlikely to leave the island alive.

In the end, 90 percent of the Japanese defenders perished, but they exacted a high toll of American lives as well.

The Japanese knew exactly on the island where the Marines were coming in to land, and they had trained their big guns on that position. The American invasion force was battle-tested. Mr. Speaker, it was a good force, and had the largest number of Marines ever engaged in a single action.

The 4th Marine Division had conducted successful amphibious operations in the Marshall and Marianas Islands. The 3d Marine Division fought in the Solomons and on Guam.

Among the invaders were two marines who had been awarded the Congressional Medal of Honor who participated on that day. In addition to a veteran landing force, the Marines had strong support from our American battleships, and the big guns were firing on the island as well as the Marine, Navy, and Army Air Force planes.

The initial bombardment knocked out many of the Japanese shore defenses, but well-protected Japanese guns, as I understand it, on the northern part of the island fired killing salvos on the marines gathered on the beachhead. One marine said and described Japanese shelling as one of the worst bloodlettings of the war. They rolled their artillery barrages up and down the beach, he said. "I really don't see how anybody could live through the heavy fire barrages." Many of the Japanese fortifications were not affected by American artillery or by our air bombardment, so that the only way to advance had to be a frontal attack that the American Marines made.

I can think of very few occasions since the American Revolution where American forces were required to attack such heavily fortified positions. In this single action, we took more casualties than in any other battle that our country has ever fought another enemy. Only one other battle in the history of the world has had more casualties than we took at Iwo Jima. That was where the British lost 60,000 soldiers in a frontal trench attack in World War I.

Mount Suribachi fell on this day that we are celebrating 50 years ago, Mr. Speaker, and all the American forces who saw the now immortal flag-raising cheered this tactical victory. Unfortunately, the main battle was still ahead, and it took the Marines over a month to overcome the well-entrenched Japanese in the 4 miles of terrain north of Suribachi.

Three of the six who raised the flag were killed several days later.

Every marine knows the translation of the Marine Corps motto "Always Faithful." Roughly one out of every three marines who landed at Iwo Jima was a casualty, either killed or wounded. Twenty thousand Japanese were killed, and over 6,000 American personnel lost their lives in the face of some of the fiercest defenses ever encountered by an attacking force.

The marines were faithful to their fellow marines, to their commanding officers, and to the American ideals which are symbolized so well by the image of the flag raising over Suribachi.

The flag symbolizes the idea of democracy and freedom, and we still enjoy that democracy and freedom. Freedom from oppression, freedom to choose, and freedom to speak your beliefs. But the price of those freedoms has always been dear. Three of the men pictured in the famous photograph and in the bronze statue by Felix de Weldon died on Iwo Jima. The uncommon valor which was so common on the beaches and rocks of Iwo Jima must always be remembered.

In closing, I want to express my appreciation for the work of the Marine Corps Historical Center here in Washington, Dan Crawford, a historian at the Center, has been very helpful in getting us the facts about this important battle. In addition, this pamphlet written by Col. Joseph Alexander, USMC (Ret.) entitled "Closing In: Marines in the Seizure of Iwo Jima," was the source of much of the information which we used tonight. It is available from the Marine Corps Historical foundation in Quantico, VA. The toll-free telephone number is 1-800-336-0291, Extension 60.

□ 2030

IN HONOR OF THOSE SERVICEMEN WHO FOUGHT AND WON THE BATTLE OF IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I certainly thank the Speaker, and I thank the former speaker in the well, the gentleman from Mississippi [SONNY MONTGOMERY]. He is certainly one of the strongest supporters of our veterans in this Nation, and I take my hat off to him.

Mr. Speaker, having had the privilege of serving in the U.S. Marine Corps, I'm especially pleased to participate in this special order tonight to honor those courageous servicemen who fought and won the epic battle of Iwo Jima during World War Two. The men faced death against great odds and many, in fact, lost their lives on this island halfway around the world. The significance of their efforts is timeless and worthy of continued attention. In fact, if not for the efforts of these selfless patriots, we almost certainly would not be the leader of the free world, a position we have retained ever since their victory. In that respect, Mr. Speaker, each and every citizen in this country, of all ages, owe an extreme debt of gratitude to these defenders of freedom.

Mr. Speaker, words cannot possibly do justice to the horrific events and extraordinary feats of valor that comprised this bloodiest of battles in Marine Corps history. However, in an attempt to demonstrate the burdens under which these brave soldiers performed, it is necessary to review what was at stake as they approached the beaches of Iwo Jima that February morning in 1945. When we begin to acknowledge the extent of their sacrifice, it will become clear that this battle was not only momentous and a turning point then, but has implications even today.

Strategically, this 8-square mile hunk of rock (known as the island of Iwo Jima) was as crucial to ending the war with Japan as attacks on their mainland. The reason being, even our superior B–29 bombers couldn't effectively raid the Japanese mainland, because accompanying fighter planes couldn't make the long trip from United States bases on the Mariana Islands to the mainland. Without these fighter escorts, the bombers were subject to Japanese attacks, because radar gave the Japanese 2-hour advance notice of the bombers' arrival. As a result, Mr. Speaker, Iwo Jima, which lay exactly between the Mariana Islands and Japan, became a necessity, if we were to break the Japanese will and end the war.

The troops going in that day clearly understood the significance, as it was the largest Marine force ever deployed for one mission, and these patriotic souls were prepared to sacrifice their lives to attain this island. It was a battle of will on will, Mr. Speaker, a strict frontal assault on a position defended to the maximum extent, yet they refused to yield.

In the end, one third of all marines killed in World War Two died on this uninhabited Pacific island. However, they died of single task and single mind, seizing this island in the spirit of democracy and liberty over imperialism and oppression. I'd like to share a quote of Maj. Gen. Graves B. Erskine, who commanded the 3d Marine Division in this battle. It sums up the commitment of these men to overcoming such unparalleled burdens.

> Victory was never in doubt. Its cost was. What was in doubt (in all our minds) was whether there would be any of us left . . . at the end, or whether the last Marine would die knocking out the last Japanese gun and gunner.

It's hard to imagine the adversity each and every man storming this island was faced with. However, Mr. Speaker, this battle not only represented the costliest in terms of casualties that the Marine Corps ever experienced in its almost 200-year history but it also produced the most Congressional Medals of Honor in the war. Confronting death against great odds, these men responded above and beyond the call of duty. Pitting their will against that of the Japanese, Mr. Speaker, made it no contest in the eyes of these honorable Americans. After all, they had the will of free people throughout the world on their side.

To that end, Mr. Speaker, I'd like to share with you the extraordinary feats of one such Congressional Medal of Honor winner from my home State of New York, Pfc. Douglas Thomas Jacobson of Rochester, NY. As a member of the 4th Marine Division on February 26, 1945, Jacobson waged a battle to penetrate the Japanese cross-island defense. Private Jacobson, just 19 years of age, singlehandedly destroyed 16 enemy positions allowing his unit to gain the strong ground and breach the defense of the enemy. Mr. Speaker, the spirit and valor of this man went undaunted in the face of an established and fortified enemy. All of us could only hope we could respond as selflessly and honorably as Douglas Jacobson. Appropriately, he was honored again this past week at the 50th anniversary of the onset of the battle by President Clinton.

The actions of people like Pfc. Douglas Jacobson was of immediate significance. Seizing the island of Iwo Jima allowed fighters to escort the bombers on their missions over Japan, but of equal importance, it provided a secure airfield for emergency landings when returning from these air raids. According to the Navy Office of Information, by wars end, 2,400 bombers with 27,000 crewmen made emergency landings on Iwo Jima airfields.

However, Mr. Speaker, the significance goes beyond even that, if you can imagine. This was a fight that took place half way around the world yet reeked of American spirit and democratic consequences. It marked the beginning of our realization that this Nation must carry the torch for freedom against imperialist domination and tyranny. Mr. Speaker, this victory and the victory in World War Two geared us for our fight against Communist oppression which made its face known shortly thereafter. Now, communism has been dealt a major blow yet it lingers on in places like Cuba and China where people are subject to repugnant human rights violations and denial of basic dignity. Even more nations are ruled by harsh dictators without respect for individual freedoms, and who are content to jeopardize the very existence of their people in order to sustain their elitist inner circle.

The lessons of Iwo Jima and events in World War Two, prove that we need to maintain preparedness in order to overcome such imperialism. Furthermore, it is an insult to freedom fighters such as those who lost their lives in Iwo Jima when we constantly yield privileges such as equal trade status to empires like China, an empire that speaks of taking over the independent province of Taiwan and continues to enslave the people of Tibet. Mr. Speaker, it remains imperative that we maintain our military presence and preparedness to instill confidence in our many democratic allies, while providing a beacon for those who suffer under the oppression occurring everyday. We simply cannot ignore these threats from the outside world. Mr. Speaker, I quote then Vice-President Richard Nixon upon the dedication of the Iwo Jima memorial in 1954:

> This statue symbolizes the hopes and dreams of America and the real purposes of our foreign policy. We realize that to retain freedom for ourselves, we must be concerned when people in other parts of the world may lose theirs.

Mr. Speaker, this rings true today as it did then. May we never forget the sacrifices of these men on behalf of this maxim. Indeed, there is no greater representation, here or in the world, of the advance of democracy over imperialism, than the statue in Arlington Cemetery which depicts victorious ambassadors of freedom raising the American flag over this outpost of imperialism. Mr. Speaker, may we continue to learn from their sacrifice and contain those bent on denying freedom and destroying democracy.

NEVER FORGET THE SACRIFICES OF THE MEN WHO FOUGHT ON IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. STUMP] is recognized for 5 minutes.

Mr. STUMP. Mr. Speaker, I first would like to pay honor to the gentleman, my colleague, SONNY MONTGOMERY. Probably no one in recent history has done more for the veterans of this country than SONNY and I want to commend him for bringing about this special order tonight.

Mr. Speaker, 50 years ago I had the honor of being a young sailor and participating in the battle of Iwo Jima. Our role was from a small escort air carrier delivering napalm bombs and rockets to the island and supporting our troops. Fifty years ago today plus four was the day we raised the flag on Mount Suribachi. One of the men that participated in that was an Indian from my state of Arizona by the name of Ira Hayes, a Marine.

Mr. Speaker, I think that too often we take these things too lightly, and I just hope that we do not forget this. May we never forget the sacrifices of all those people that participated, that paid with their lives. May that flag always wave over this country. Mr. Speaker, we pray this will never happen again.

I would like to read a quote by a captain, a Marine, on the island at that time, to his parents. He said, "Only those who fought on Iwo will ever know how tremendous a job was done. It is now sacred ground to us because certainly many of us came so close to eternity that we will never be worldly again." Capt. William Ryan wrote this to his parents in March 1945 from Iwo Jima.

Mr. Speaker, at this time I would be happy to yield to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I rise to associate myself with the remarks of my colleagues and fellow Marines as we celebrate the 50th anniversary of Iwo Jima. I want to associate myself with the remarks of the gentleman from Arizona and give special thanks to Gen. SONNY MONTGOMERY. A finer friend of the military and our veterans our Nation has never seen.

My father, Wes Roberts, who was a Marine Corps major, who lied about his age at 42 to join the Corps and at age 43 was on Iwo Jima, took part in the 36-day assault on this very key island. Fifteen years later, Lt. PAT ROBERTS, yours truly, went back to Iwo Jima with Lieutenant General Worsham and a contingent of survivors and veterans, and we toured the island. We not only toured Mount Suribachi and the caves and the end of the island, but also the Japanese cemetery to pay homage to those brave veterans as well.

□ 2040

And we were standing on top of Mount Suribachi. I will never forget this. All of the veterans of the people who were there at that particular time during the assault looked down at where we had cliffs and then Mount Suribachi and then knee-deep ashes on the beach. And the gentleman turned to me, tears streaming down his face and he said, it is a wonder that anybody ever really made it. It is a wonder anybody was really alive.

We toured the island, and we toured those caves where still the dead Japanese are there. And it was an amazing feat in terms of a military victory. Somehow, by persevering, somehow, by uncommon valor and at great cost both to Americans and Japanese, we saved lives and the end result by bringing this war to its proper conclusion.

I would like to say, as a former Marine, Semper fi, Dad. Semper fi, Marine Corps. Semper fi, America. God bless the U.S. Marine Corps.

Mr. STUMP. Mr. Speaker, I yield to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I thank the gentleman for yielding to me.

There is an old saying, abandon all hope, ye who enter here. And Bill Mauldin, in World War II, had a cartoon where one GI said to the other, in combat, I feel like a fugitive from the law of averages. And such an attitude is necessary when you face enemy fire. You must forget about the good life. You must forget about everything. You must consider yourself already dead.

The philosopher tells us, civilization progresses because young men die for their country and old men plant trees under which they will never sit. And Henry V, he exhorts his troops at St. Crispin's battle, in peace nothing so becomes a man as stillness and humility. But in war, imitate the action of a tiger. Stiffen the sinews, summon up the blood, exchange for fair nature hard-favored rage.

To die for one's country is love than which there can be no greater.

Mr. STUMP. Mr. Speaker, on February 16, 1945, the Americans initiated a preinvasion naval bombardment lasting 3 days. Task Force 58, the most powerful carrier force ever assembled, struck the Japanese mainland to prevent enemy support. The Iwo Jima operation, codenamed Detachment, included 1,800 carrier-based and 7th Air Force planes; a quarter-million seamen on nearly 800 ships; and 75,000 GI's of the "V Amphibious Corps." The main assault units included the 3d, 4th and 5th Marine Divisions, and various other forces of army and navy construction battalions.

On Monday, February 19, 1945 at 9:00 a.m., the 4th and 5th Marine Divisions landed on the southeastern shore of Iwo Jima. Within 20 minutes, the Marines were 250 yards inland. At that point, the Japanese opened up with all they had.

Three days later, on February 23, (50 years ago today) a 40 man patrol of the 5th Division's 2d battalion, 28 Marines, cleared the 550 foot summit, of Mt. Suribachi. That morning, photographer Joe Rosenthal took the famous photograph of the raising of the American Flag overlooking the island. Secretary of the Navy, James V. Forrestal, a witness to the flag raising, commented that: "the raising of that flag means a Marine Corps for another 500 years."

By the time it was over in mid-summer, 22 Marines and five Navy men earned the Congressional Medal of Honor. This was the greatest number of Medal of Honor recipients for any single engagement of World War II. Half of the awards issued were posthumous, and Iwo Jima represented more than one-fourth of all Medals of Honor awarded Marines during the entire war.

Total American casualties were 28,686. The Japanese sacrificed 23,300 lives and 1,083 of them ultimately surrendered.

By the end of the war, 2,251 B–29's landed at Iwo Jima. Of that number, more than 800 made emergency landings. Without Iwo Jima, many of the 9,000 American crew men would most likely have been lost.

ON THE 50TH ANNIVERSARY OF THE BATTLE OF IWO JIMA

The SPEAKER pro tempore (Mr. LARGENT). Under a previous order of the House, the gentleman from Illinois [Mr. EVANS] is recognized for 5 minutes.

Mr. EVANS. Mr. Speaker, I take great pride in joining my fellow colleagues and Marines in honoring the sacrifices of those who fought and served 50 years ago at Iwo Jima.

The battle for Iwo Jima holds a special place in the history of the Marine Corps. In many ways, it established the Corps firmly in the American consciousness. The picture of six Marines raising the American flag on Mount Suribachi is perhaps the most memorable image from World War II to most Americans. Yet, it is only a symbol of the immense sacrifice it took to wrest the island from Japanese control.

Iwo Jima was one of the bloodiest battles of the entire war. Some 6,800 American men died in the struggle for the Island, another 18,000 wounded. Roughly one out of every three marines who landed on the island became a casualty.

I think the engraved words on the face of the Iwo Jima monument tell the story of the battle best, quoting Admiral Nimitz when he said: "Among the Americans who served on Iwo Jima, uncommon valor was a common virtue."

It is a testament to that valor that more Marines were awarded the Congressional Medal of Honor at Iwo Jima than in any other single battle in the history of the Corps. One of the 22 recipients, Captain Robert Dunlap, is a constituent. He was born in the town of Abingdon and now resides in Monmouth, Illinois.

Let me quote to you from the citation given to Captain Dunlap when he was awarded our Nation's highest military honor.

> Defying uninterrupted blasts of Japanese artillery, mortar, rifle and machine gun fire, Capt. Dunlap led his troops in a determined advance from low ground uphill toward the steep cliffs from which the enemy poured a devastating rain of shrapnel and bullets, steadily inching forward until the tremendous volume of enemy fire from the caves located high to his front temporarily halted his progress. Determined not to yield, he crawled alone approximately 200 yards forward of his front lines, took observation at the base of the cliff 50 yards from Japanese lines, located the enemy positions and returned to his own lines where he relayed the vital information to supporting artillery and naval gunfire units.
>
> Persistently disregarding his own personal safety, he then placed himself in an exposed vantage point to direct more accurately the supporting fire working without respite for 2 days and 2 nights under constant enemy fire, skillfully directed a smashing bombardment against the almost impregnable Japanese positions despite numerous obstacles and heavy Marine casualties. A brilliant leader, Capt. Dunlap inspired his men to heroic efforts during this critical phase of the battle and by his decision, indomitable fighting spirit and daring tactics in the face of fanatic opposition, greatly accelerated the final decisive defeat of Japanese countermeasures in his sector and materially

furthered continued advance of his company. His great personal valor and gallant spirit of self sacrifice throughout the bitter hostilities reflect highest credit upon Capt. Dunlap and the U.S. Naval Service.

Mr. Speaker, the heroism of Captain Dunlap and the rest of the veterans of that conflict helped bring the end of the war closer. The capture of the island brought our strategic bombers within effective range of the Japanese mainland. It also saved lives. Over 2,000 B–29's used Iwo Jima as an emergency landing strip after the invasion.

As a former marine, I salute Capt. Dunlap and all of the other veterans of the battle whose selfless service and sacrifice secured our freedoms, including my own cousin Jack * * * born in Rock Island, IL, and now living in Davenport Iowa, who served valiantly with the other marines in that conflict.

I am so pleased and honored to have had this opportunity to join my fellow Veterans' Committee colleagues and former marines in this special order.

Semper Fi to each and every one of you.

ON IWO JIMA

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. TEJEDA] is recognized for 5 minutes.

Mr. TEJEDA. Mr. Speaker, first let me say that I am honored to speak in this special order tonight and I thank Congressman MONTGOMERY for organizing the special order. During the past several days, this Congress and this Nation have paused to reflect on the Battle for Iwo Jima, which was engaged 50 years ago this past Sunday. I read with interest the dialogue which took place in the other body last Wednesday, and I hope my colleagues will take the time to read the CONGRESSIONAL RECORD account of that discussion in addition to this special order.

Last Friday at Fort Sam Houston in San Antonio Marines past and present and other veterans gathered at a luncheon honoring this Iwo Jima campaign and those who fought there. Preparing for this speech gave me an opportunity to reflect on the significance of this historic battle: Both to the Marines of 1945 and to the Marines of today and tomorrow. Since my colleagues have already discussed the battle itself, I will try to focus on the present and the future.

As this Nation honors those who served 50 years ago, we cannot escape the fact that their numbers are decreasing. Their dedication, bravery, and devotion to fellow man and country and Corps are left for future generations to honor.

I wore the Marine Corps uniform for a different generation, a different war. Yet I cannot and will not forgo the obligation, the responsibility, of honoring the legacy of those who served before me. Set the example.

We honor them in many ways: By awarding medals, building monuments, lending their names to streets, schools, and bases just to name a few. But those of us who serve in Congress have an extra responsibility to these men. We must ensure that the blood, sweat, and tears which they shed in wartime will not be forgotten during this or any other prolonged period of peace.

Gen. Holland Smith said that the battle of Iwo Jima would assure the internal existence of the Marine Corps. This may be true, but in what form? The debate still rages in the halls of Congress.

Today's Marine Corps is in a precarious position. Nobody will dare question the quality of the men and women currently serving in uniform. The problem is: Do we have enough of them in uniform to meet our national security needs and are we able to take care of them adequately?

General Mundy, during his testimony in support of the FY 96 budget request, stated that the proposed force level of 174,000 active and 42,000 selected marine reservists is, the absolute minimum force level to enable the corps to meet today's requirements.

In addition to the budget debate in Congress, there is a role and missions debate ongoing in the Pentagon. The recommendations from an independent panel will be released shortly. In this context, I offer a small comparison between the battle for Iwo Jima and the Persian Gulf war.

I recall nearly 5 years ago that many people called for a comprehensive, sustained air campaign against Iraq's forces in hopes that ground troops would not be needed. Many feared that the price of military victory in human lives would be too high.

After 38 days of aerial bombardment, which President Bush called, "* * * the most effective, yet humane, in the history of warfare," ground forces were ordered into Kuwait to achieve the military objective.

Looking back at Iwo Jima, we must not forget that the island and its defenders were subjected to 6 months of constant aerial bombardment before the marines landed. In the past 50 years of technological advances, it is still the grunts on the ground who will be called upon in the future to fight and win our Nation's battles.

Even during my service, Mr. Speaker, every Quonset hut, every barracks that you went into, you would see a motto, a quote there that said, "The more we sweat in peacetime, the less we bleed in war." Today's Marines are ready and prepared.

Mr. Speaker, the survivors of Iwo Jima do not seek any personal glory. They served because their Nation called. It is only fitting for my generation and those after me to recognize, honor, and commemorate these valiant Marines.

However, I believe the most appropriate tribute we can pay is to forever uphold the values which they exhibited as Marines. Although words alone cannot describe the totality of their experience at Iwo Jima, Adm. Chester Nimitz came closest: "Uncommon valor was a common virtue."

There are two ways to pay this ultimate tribute. The first is to educate our colleagues, since more and more enter this body without any military service, our children, and all future generations so that the battle for Iwo Jima and the valor and discipline of Marines is always remembered.

The second is to ensure that the Marines of today and tomorrow will have the arms, equipment and materiel to live up to the high standards set by those who served on Iwo Jima.

The Marines of Iwo Jima have left their legacy. Let us work to make this legacy an enduring one.

GEORGE PEABODY—AMERICA'S FIRST PHILANTHROPIST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I too join with my colleagues in paying tribute to the courage and the valor of the Marines at Iwo Jima and every soldier and sailor who fought in that battle and especially those who made the supreme sacrifice. Tonight I would like to speak about another great American.

Mr. Speaker, February 18, 1995, marked the 200th anniversary of the birth of George Peabody—the famous American merchant, financier, and America's first philanthropist.

George Peabody represents the classic example of what we would now call the American Dream. He was born to a family of modest means in the southern part of Danvers, MA. That portion of Danvers has since been renamed Peabody in his honor. At the age of 11 he began working as a grocer's apprentice in Danvers. Even though George Peabody had no further formal education after this point in his life, he went on to open a wholesale goods company here in Washington, DC.

In 1812, this establishment expanded to open branches in Baltimore, New York, Philadelphia, and London—where George Peabody went in 1827 in search of merchandise to sell.

While in London, Peabody eventually became very active in securities trade and international banking which made him—in many ways—a de facto ambassador to England for America and American business.

But George Peabody was much more than just a list of successful business deals, contracts, and agreements.

Throughout his life, George Peabody remembered from whence he came, and helped those who had helped him achieve financial success beyond the wildest definition of financial success.

In 1835, Peabody negotiated an $8,000,000 loan to the State of MD, which was on the brink of bankruptcy. While he would have been entitled to a $60,000 commission, Peabody refused any and all payment. This would be just the first of many great acts he would perform on behalf of the public.

The list of those he helped is impressive and the extent to which he helped would be extraordinary even by today's standards.

George Peabody donated the funds to create or greatly assist the following institutions and universities:

The Peabody Institute of Johns Hopkins University in Baltimore, MD; the Peabody Institute Libraries of Danvers, Peabody, Newburyport, and Georgetown MA, Thetford, VT, and Georgetown in the District of Columbia; the Peabody Museum at Harvard University; the Peabody Museum of Natural History at Yale University; the Peabody Essex Museum of Salem, MA; the Peabody Trust of London, England, which created low income housing for the poor of London; Washington and Lee University; Kenyon College in Ohio; and the Peabody Education Fund distributed substantial contributions to the following colleges and universities, to help them educate their citizens after the Civil War, including the Peabody Teachers College at Vanderbilt University and many universities throughout the South.

Peabody's commitment to education is apparent. The Peabody Education Fund, the first of its kind in the country, was created with $2 million in 1867, and distributed $6 million until its assets were donated to southern universities in 1914. Peabody referred to education as "a debt from present to future generations."

Mr. Speaker, George Peabody's legacy of generosity and compassion is one which should serve as an example to all Americans. What makes America a great nation does originate here in Washington. Government simply does not have all the answers. Much of what makes our country a great country happens in our communities, our civic organizations, our places of worship, and always by our people.

Solutions often come in the form of selfless acts by dedicated individuals like Mr. George Peabody.

In the city of Peabody, the town of Danvers, and other communities throughout the Nation and throughout the world, there will be celebrations of the life and generosity of George Peabody. By celebrating the greatness of one man, we are celebrating the power of an individual to make the world a better place. This George Peabody did, and for this, we say thank you.

COMMEMORATING 50TH ANNIVERSARY OF THE BATTLE FOR IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. McHale] is recognized for 5 minutes.

Mr. McHALE. The Medal of Honor.

Joseph Jeremiah McCarthy. Captain, United States Marine Corps Reserve, Second Battalion, 24th Marines, 4th Marine Division. Iwo Jima. 21 February 1945.

Citation.

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of a rifle company attached to the 2d Battalion, 24th Marines, 4th Marine Division, in action against enemy Japanese forces during the seizure of Iwo Jima, Volcano Islands, on 21 February 1945. Determined to break through the enemy's cross-island defenses, Capt. McCarthy acted on his own initiative when his company advance was held up by uninterrupted Japanese rifle, machinegun, and high-velocity 47-mm. fire during the approach to Motoyama Airfield No. 2. Quickly organizing a demolitions and flamethrower team to accompany his picked rifle squad, he fearlessly led the way across 75 yards of fire-swept ground, charged a heavily fortified pillbox on the ridge of the front and, personally hurling handgrenades into the emplacement as he directed the combined operations of his small assault group, completely destroyed the hostile installation. Spotting 2 Japanese soldiers attempting an escape from the shattered pillbox, he boldly stood upright in full view of the enemy and dispatched both troops before advancing to a second emplacement under greatly intensified fire and then blasted the strong fortifications with a well-planned demolitions attack. Subsequently entering the ruins, he found a Japanese taking aim at 1 of our men and, with alert presence of mind, jumped the enemy, disarmed and shot him with his own weapon. Then, intent on smashing through the narrow breach, he rallied the remainder of his company and pressed a full attack with furious aggressiveness until he had neutralized all resistance and captured the ridge. An inspiring leader and indomitable fighter, Capt. McCarthy consistently disregarded all personal danger during the fierce conflict and, by his brilliant professional skill, daring tactics, and tenacious perseverance in the face of overwhelming odds, contributed materially to the success of his division's operations against this savagely defended outpost of the Japanese Empire. His cool decision and outstanding valor reflect the highest credit upon Capt. McCarthy and enhance the finest traditions of the U.S. Naval Service.

Mr. Speaker, in a different circumstance, the then-Commandant of the Marine Corps said, "Oh, Lord, where do we find men such as these?" Since November 10, 1775, we have found them in the U.S. Marine Corps.

Mr. Speaker, the finest book that I have ever read on the battle for Iwo Jima I am now holding in my hand. The title of the book is "Iwo Jima: Legacy of Valor," and the author was Bill D. Ross, a combat correspondent who landed with the Marines on that fateful island.

What I would like to do, Mr. Speaker, is read one passage from this superb book in tribute to those Marines and in tribute to Mr. Ross himself who recently died, capturing the sacrifice and the courage of those very brave men.

D plus 23, March 14, 1945.

This, too, was the day the cemeteries were dedicated.

Marines had been coming down from the high ground in the north since early morning, not because of the flag-raising ceremonies but to seek out graves of fallen comrades. The burial grounds by now had the appearance of hallowed dignity, and what was spoken at the ceremonies added to the aura.

"No words of mine can properly express the homage due these heroes," General Cates said of the Fourth Division dead, "but I can assure them and their loved ones that we will carry their banner forward. They truly died that we might live, and we will not forget. May their souls rest in peace."

Navy Lieutenant Roland B. Gittelsohn, a Jewish chaplain, delivered the eulogy for the Fifth Division in words that I think were prophetic: "Here lie officers and men, Negroes and whites, rich men and poor—together. "Here are Protestants, Catholics, and Jews—together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudices. No hatred. Theirs is the highest and purest democracy."

Virginia General Erskine commanding general, was visibly moved, his frame ramrod straight as his tearful gaze swept the rows of markers in the Third Division resting place. "There is nothing I can say which is wholly adequate to this occasion," he began. "Only the accumulated praise of time will pay proper tribute to our valiant dead. Long after those who lament their immediate loss are themselves dead, these men will be mourned by the nation. For they are the nation's loss."

"Let the world count our crosses. Let them count them over and over. Let us do away with names, with ranks and rates and unit designations, here. Do away with the terms—regular, reserve."

The general paused. "Here lie only," another pause, "only Marines."

□ 2100

In closing, Mr. Speaker, and very briefly, let me assure the American people and affirm for my fellow Marines the spirit of these Iwo Jima veterans is burned deep in the soul of every Marine serving today. Semper fidelis to Corp and to country, semper fidelis.

NEUTRAL COST RECOVERY

The SPEAKER pro tempore (Mr. Largent). Under a previous order of the House, the gentleman from Michigan [Mr. Smith] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I entered earlier today into the extension of remarks a tribute to one of Michigan's heroes in Iwo Jima.

I rise on this 5-minute special order to remind my colleagues of the economic danger that faces our country if we do not take some action to encourage capital investment in America.

Expensing and neutral cost recovery is the only proposal in the Contract With America that specifically encourages businesses to purchase machinery and equipment and facilities. The problem that was brought to my attention today is an article in the National Review dated February 20. I hope my colleagues will take time to read the article entitled: Missing the Point. In summation, I read from the article. It says: "Living standards of American workers rise or fall with the amount of capital their employers are able to invest in them." In 1990, the average American manufacturing worker was supported by $98,598 worth of machinery, structures and other capital, according to the Department of Commerce.

Service industries invested just $21,495 per worker. Recent research traces the stagnation in real wages to slower growth in capital investment per worker, and the danger of what is happening in this country is that the rest of the world is acting very aggressively to do everything they can to attract our capital investment. They are changing their tax laws, they are taxing their businesses less.

Over the long haul, worker productivity, GDP per worker, is vital because it determines growth in the wages and living standards. Let me give a little historical outlook on this. From 1950 to the early 1970's average annual productivity growth of 2.3 percent per year helped America advance and raised our standard of living above everybody else in the world, but since 1975 we have slowed to a crawl, 0.8 percent per annum, while worker productivity in Europe and Japan has expanded more than twice the rate of what we have expanded in the United States. If we compare the United States with the rest of the world, we save less of our take-home dollar, we invest less per worker in machinery and equipment and, not surprisingly, our increase in productivity is also at the bottom of the list of the industrialized world.

Neutral cost recovery, indexes depreciation schedules for inflation. Under our Tax Code businesses have to wait 5, 10, 15, 20 years before they are allowed to deduct from their income those investments in machinery and equipment. We make them depreciate it over that period of time while inflation eats up the value of that depreciation.

I sponsored the neutral cost recovery bill last year with 90 bipartisan cosponsors. This year I reintroduced the bill, H.R. 199, and this proposal has been endorsed by leading business organizations, the U.S. Chamber of Commerce, the National Federation of Independent Businesses, National Business Owners Association, and others because they appreciate the fact that capital formation is the key to economic success and maintaining and improving our standard of living in this country.

Under this neutral cost recovery bill, businesses would be allowed to expense or deduct in the first year of purchase, $25,000. Neutral cost recovery or indexing the outyear depreciation for inflation in the time value of money would be applied to those outyears in the depreciation schedule.

I conclude, Mr. Speaker, by suggesting that we need not put our businesses at an economic disadvantage with the rest of the world. We need to change our tax laws, we need to encourage capital formation and the investment in machinery and equipment that increase the efficiency, and ultimately the productivity, and finally the competitive position of this country.

RESOLUTION PROVIDING INFORMATION ON MEXICAN LOAN GUARANTEE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I am pleased to announce to my colleagues today that the House Committee on Banking and Financial Services, under the able leadership of our Chairman, JIM LEACH of Iowa, today passed House Resolution 80. This was originally filed by the gentlewoman from Ohio [Ms. KAPTUR] with substitute language of the gentleman from New York [Mr. KING]. This will give Congress the ability to have the background information on the $20 billion Mexican loan bailout or guarantee as it may be called. The bill specifically asks the President for any documents that relate to the condition of the Mexican economy; any consultations between the Government of Mexico and the Secretary of the Treasury; a description of the activities of the central bank of Mexico; information regarding the implementation and extent of wage, price and credit controls in the Mexican economy; a complete documentation of Mexican tax policy; a description of all financial transactions both inside and outside of Mexico directly involving funds disbursed from the exchange stabilization fund; any documents concerning any legal analysis with regard to the authority of the President or the Secretary of Treasury to use that stabilization fund; and any documents concerning the value of any of the oil, the proceeds from the sale of which are pledged to the repayments of any financial assistance provided by the United States to Mexico.

I bring this to the attention of my colleagues, Mr. Speaker, because Congress and the American people are rightfully concerned whether the President has exceeded his powers in effectuating the $20 billion loan guarantees. Congress is also concerned about illegal drug trafficking and what Mexico is doing about it, and also illegal immigration and what Mexico is doing about it, and further if the collateral pledged by Mexico is sufficient to protect the interests of the United States.

I will work with my colleagues for final passage of this legislation so we can get the answers from the White House and the President in order to help protect the interests of the American people in my district and all 435 districts to make sure we protect the people in this House.

□ 2110

THANK YOU TO THOSE WHO SACRIFICED 50 YEARS AGO AT IWO JIMA

The SPEAKER pro tempore (Mr. LARGENT). Under a previous order of the House, the gentleman from Georgia [Mr. BARR] is recognized for 5 minutes.

Mr. BARR. Mr. Speaker, when I entered these hallways just a short time ago to deliver a speech on something that I thought was mighty important and, indeed, it is, I sat here for a few moments and listened to the words of my colleagues on both sides of the aisle harken me and those of us here and those of us in the listening audience back 50 years, and suddenly the matter of loans and loan guarantees to Mexico, as important as they are, and suddenly, as important as the work that I had the honor of performing today in the Committee on the Judiciary on tort reform, as important as that work is, suddenly paled in comparison when I listened to the words of the brave men here this evening talk about what happened on a sandy, salty, bloody beach 50 years ago.

And as I sat here in this great Chamber, I could almost smell the diesel fuel from the landing craft, smell the salty air, feel the crunch of the sand under my feet and hear the cries of the brave men who landed on Iwo Jima that day and who fought inch by inch, foot by foot, yard by yard up through to Mount Suribachi.

And I think, Mr. Speaker, how important it really is that we not forget those lessons, that we not forget those accounts, that we not forget the great history of the U.S. Marine Corps and what those men fought for, and I think, Mr. Speaker, that it is extremely important that through their words such as those we heard here this evening, through their eloquence such as we heard here this evening, through their loyalty, we must be ever mindful of the real purposes that we serve here, and that is to protect freedom in all its forms for all Americans, because if we do not and if we lose sight of that great ideal, then they will, indeed, have died in vain, they will, indeed, have suffered in vain, and if we do that, if we fail to remember that legacy, those values, those ideals, that when I travel back to my home State of Georgia and I see such tremendous patriots as Gen. Raymond Davis, a Marine, ever and always a Marine, who won the U.S. Medal of Honor, when I see good friends of mine back in Georgia like Clark Steel, a Marine, always a Marine, and when I sit here right now and I look in the eyes of ROBERT DORNAN, such a tremendous patriot and fighter for this country, I could not continue to do that if I were not reminded and if I did not continue, as I do now, to feel in my heart and my mind the tremendous admiration for those men, those Marines, those Americans who fought on those bloody beaches and those rocky slopes 50 years ago.

To them I say, "Thank you, thank you, and we will carry on in these halls so that we never have to go through what you went through for us 50 years ago."

TRIBUTE TO THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION BASKETBALL TOURNAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. SCOTT] is recognized for 5 minutes.

Mr. SCOTT. Mr. Speaker, I rise today to call the attention of the House to this year's Central Intercollegiate Athletic Association [CIAA] basketball tournament. As we commemorate Black History Month, it is fitting to recognize and to celebrate this exciting event. We are all familiar with the Negro Baseball league and basketball greats such as Wilt chamberlain and Michael Jordan. However, when we talk about athletics and history, we cannot forget the CIAA.

This year the CIAA, its players, its coaches, its supporters, and fans are celebrating its 50th anniversary. Beginning in 1946 with 16 teams, the CIAA has become one of the Nation's largest and most celebrated collegiate athletic conferences.

In 1946 the CIAA tournament kicked off long traditions of both rivalry and sportsmanship. It was that year that Virginia Union and North Carolina Central University, then known as North Carolina College, came head to head in the tournament's championship game. It was that tournament and that championship game that started a legacy of comradery and competition that live on among players and fans today.

But, Mr. Speaker, recognizing the CIAA tournament is not merely recognizing athletics, it is recognizing the importance of education. The CIAA represents a commitment to providing resources and education to athletes and other students.

It is important for us to salute the 14 participating institutions, including the five from Virginia: Hampton University, Virginia State University, Norfolk State University, Virginia Union University, and St. Paul's College. These institutions, like many other historically black colleges and universities, not only offer athletics but most importantly, they provide top-notch, world-class educations.

With that in mind, I salute the coaches, past and present, who have developed high-caliber players and students. Coaches like Talmadge "Marse" Hill of Morgan State, Harry R. "Big Jeff" Jefferson of Virginia State, and Chet Smith of St. Paul's College who worked together to bring us the first CIAA and the 50 exciting years of play-by-play action that has followed.

We also cannot forget Clarence "Bighouse" Gaines, an assistant coach at the 1946 conference, who has gone down in history as the head coach of Winston-Salem State University and as the coach with the most wins in the CIAA.

It goes without saying that the student athletes are what make the CIAA so great. Bob Dandridge and Earl Monroe were outstanding CIAA players before they joined the ranks of the NBA. In 1946, players like Rubert "Rupe" Johnson, Howard Bessett, Elmer "Big Daddy Mac" McDougal, Robert "Skull" Hering, Thornton Williams, and Jim Dilworth, who was named the 1946 MVP, ignited the heart stopping, hoop-to-hoop action that lives on today.

If you have ever had the pleasure of attending a CIAA tournament, you know that the fans, friends, and supporters of the tournament and the league are dedicated and committed to CIAA basketball. These are the kinds of fans who not only cheer on players and students; they bring an arena alive.

While a tournament is not complete without its cheerleading and entertaining antics, CIAA supporters and fans have helped expand the CIAA from its meager $500 starting budget to a tournament that today generates approximately $7.5 million for the host city's economy. They, along with the coaches and players, make the CIAA the hottest—sold out—ticket in town.

Mr. Speaker, I, along with the many alumni, fans, and supporters, look forward to this year's 50th anniversary CIAA tournament in Winston-Salem, NC, taking place this week and to many successful years to come.

FEDERAL FOOD ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I just wanted to join my colleague, the gentleman from Virginia [Mr. SCOTT], in recognizing the CIAA tournament. We both will be in attendance, and we both have schools in that that will be participating and, indeed, it is commendable that he has brought to the attention of the Nation that this tournament has been in operation for 50 years.

Mr. Speaker, H.R. 4, the Personal Responsibility Act of 1995 is irresponsible. Federal nutrition programs for children and families will not be the same if this bill passes. School lunches and breakfasts will be slashed. Thousands of women, infants, and children will be removed from the WIC Program. National nutrition standards will be eliminated. And States will be able to transfer as much as 24 percent of nutrition funds for nonnutrition uses.

But, the impact of this proposed change goes even deeper. Retail food sales will decline by ten billion dollars, farm income will be reduced by as much as $4 billion and unemployment will increase by as many as 138,000. The security of America's economy is at stake. From the grocery stores, large and small, to the farmer and food service worker—everyone will suffer. Most States will lose money. That is why, if I may borrow a quote, I will resist the change, "with every fiber of my being." Some want capital gains cuts. Some of us want an increase in the minimum wage. Others want block grants. We want healthy Americans.

Some want a full plate for the upper crust and crumbs for the rest of us. We want, and we will restore Federal food assistance programs. It is irresponsible to do otherwise. Nutrition of our citizens should not be left to chance. We have a choice. During the second half of the 100-day push under the Contract With America, we will vote on the Personal Responsibility Act of 1995. Title 5 of that act proposes to consolidate all Federal food assistance programs and convert them into a block grant program.

I intend to offer an amendment in the Agriculture Committee and on the House floor should my effort in committee prove unsuccessful. My amendment would restore these vital nutrition programs. Most are working and working well. If the block grant program is passed, children and seniors will face immediate, unnecessary nutrition and health risks. There will be instantaneous cuts in Federal food assistance programs. National nutrition standards will be eliminated. And, money designated for nutrition programs will be transferred to nonnutrition programs, thus further reducing available resources.

It is also important to note that there is no real accountability in the block grant proposal, there is no contingency plan in the event of economic downturns and, the proposal does not streamline or eliminate bureaucracy as promised. School-based nutrition programs, such as school lunches and breakfasts, have been particularly successful. Even the proponents of H.R. 4, I believe, will concede this point. According to the U.S. Department of Agriculture, if the block grant program is put in place, in fiscal year 1996, funding for school-based programs would be $309 million less than the current policy.

And, such funding would be over $2 billion less over the 5-year period between 1996 and 2000. In fiscal year 1996, as much as $1.3 billion could be transferred for nonfood programs. Such a transfer would mean as much as 24 percent less than the fiscal year 1996 level. Additionally, for more than 50 years, America has maintained a set of national standards that have guided school-based nutrition programs. All school meals must meet certain minimum vitamin, mineral and calorie contents. Those national standards are regularly updated, based upon the latest research and scientific information.

Those national standards would give way to State by State standards—standards which could be as many and varied as there are States. Those varied standards run a greater risk of being compromised by tight budgets and different perspectives. Family nutrition programs face a similar fate if they are converted into a block grant program. Spending for these programs would be $943 million less in fiscal year 1996, and $5.3 billion less over the 5-year period from 1996 to the year 2000, under the block grant program. Incredibly, up to $900 million could be transferred by the States under the block grant program.

Mr. Speaker, change for the sake of improvement is good. Change for the sake of change is not. Something different does not necessarily create something better. The nutrition programs do not need the kind of sweeping change as proposed by the proponents of H.R. 4.

□ 2120

TRIBUTE TO THOSE WHO FOUGHT THE BATTLE OF IWO JIMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I understand that my colleague, Mr. DORNAN, from California, is going to be addressing the House a little bit later this evening on the subject of Iwo Jima. In advance of his presentation, I want to take a few minutes to address the House to talk about what a great day this is.

Fifty years ago today, the flag was raised proudly atop Mount Suribachi during the Battle of Iwo Jima. It is a great day for World War II veterans. it is now 50 years ago that we were winding down World War II. This was one of the last major battles that was fought. But it was also a great day for Marine veterans and those Marines, sailors, who were involved in that battle.

But there is one aspect of the flag raising that I would like to call some attention to. Specifically, we are all familiar with the famous photograph that was taken by Joe Rosenthal of the Associated Press and what a great landmark photograph that that was, probably one of the most famous combat photographs ever taken, certainly in world history one of the most familiar ever taken.

But that was the second photograph of a flag raising. I want to devote a minute to talk about the photographer of the first flag raising on Mount Suribachi, a Marine Corps staff sergeant by the name of Lou Lowery.

Lou was a Marine Corps combat correspondent. Many who maybe have not had experience in the military might not understand the important role that combat correspondents, both photographers and journalists, play. Literally in every action in which American servicemen and women are involved, combat photographers and journalists follow.

Lou Lowery, as a staff sergeant, was with the first patrol that raised the first flag. The photograph that was taken wasn't as dramatic as the one that was taken by Mr. Rosenthal, but yet it was just as significant, because it symbolized the triumph over extreme odds of a determined group of Marines and sailors who were determined to fight and achieve victory for this great country.

But it was also an important photograph in the sense that Lou may not have ever received the credit that Mr. Rosenthal did. But in many ways his photograph and his memory is as fitting a tribute to World War II veterans as Mr. Rosenthal's. Because there were millions of men and women, not just in World War II, but in every action we have been engaged in, who, without a whole lot of credit, did their duty, performed their service, achieved great victories for this country against all odds, but yet never quite received the credit that others might have received.

So on this great day, the 50th anniversary of the flag raising on Iwo Jima, I certainly am proud to stand here, not only as a reserve lieutenant colonel in the Marine Corps Reserve, but also as an American, to salute those men and women who have served in our armed services, who were involved in World War II, and the veterans of that great conflict, and in particular the veterans of Iwo Jima, one of the bloodiest battles in American history, and certainly a battle that is well worth our remembering on this important day.

AFFIRMATIVE ACTION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 60 minutes as the designee of the minority leader.

Mr. CLYBURN. Mr. Speaker, let me begin by paying homage and respect to those who give their lives and sacrifice also at Iwo Jima 50 years ago. We all owe them a great deal of debt and gratitude. Of course, as I think about all of the sacrifices that were made at Iwo Jima, I think that this was 4 years before the Executive order, 5 years before the Executive order by President Truman that made it possible for many of the men who made sacrifices at Iwo Jima to get some semblance of the recognition that they were due.

□ 2130

Because it was by Executive order of President Harry Truman that the armed forces were integrated and that men of color were then able to take their rightful places in the overall defense of our Nation. And we have come a long way from that, all the way up to having recently celebrated a person of color to hold the highest military office in our land. And we all join tonight with those who have gone before us this evening to celebrate those sacrifices.

Of course, that brings me to the issue that we are here to discuss tonight, an issue that we are hearing a lot about today, the issue of affirmative action. I am pleased to be joined tonight for this special order by my good friend, the Representative from Mississippi, Mr. THOMPSON, BENNIE THOMPSON, and my good friend, the gentleman from Alabama, who is Representative EARL HILLIARD.

The three of us tonight are going to spend just a little time, hopefully trying to shed some light on a subject that has been the object of a lot of heat in the last few days.

Let me begin by stating what I think is the obvious for all of the people of goodwill in our great Nation. And that is the goal that we all strive for, and that is a goal of a color-blind society. That is what our goal is. I would suspect that that is the goal of most honest, right-thinking, reasonable people in America.

The question becomes, how do we get there? I do not believe that anybody would read the recent census figures that arrived in my office today over exactly where all of the segments of our society stand; that is, where they stand as relates to equality of pay, the relative pay of one group as opposed to the other. We all understand that that is something that needs to be addressed.

One of our Supreme Court justices said a few years ago that in order to get beyond color in our society, we must first take color into account.

Let me share, Mr. Speaker, with the listeners tonight something that I think makes that point very, very vividly. I hold in my hand an article from a newspaper in my State, published on February 6. It is interesting. This article says that of the 119 occupied seats on boards and commissions in a particular county, 77 percent are filled by men and 95 percent are filled by whites.

Now, the interesting thing about this is that the gentleman in charge of all of this had this to say, and I quote: "I do not think anybody has ever really paid any attention to it. Women can do the job as well as men. But I don't know if we have ever taken a look at it. Maybe we should."

Then one of the elected officials from that same county had this to say about this: "The racial and gender makeup of commissions is something I had really not thought about. Maybe we should commission a study of the issue."

Now, Mr. Speaker, what we want to talk about here tonight is exactly this. This is something that people just do not seem to think about, because it is taken for granted. For some reason people just feel that things, we have been doing it this way, so there is nothing wrong with continuing to do it that way. But the fact of the matter is, for us to reach a color-blind society, we must first take color into account. And so tonight I am pleased to be joined first by my friend, the gentleman from Alabama, Mr. HILLIARD, who I am going to refer to at this time, for him to sort of set the stage for us as we try to discuss this issue to the point that maybe we can get some good, high-level intelligent discussion of this rather than all the heat that we have had in the last days.

Mr. Speaker, I yield to the gentleman from Alabama [Mr. HILLIARD].

Mr. HILLIARD. Mr. Speaker, I thank the gentleman for yielding to me. I would like to say, first of all, that I think perhaps we may want to give some type of quick historical analysis of why affirmative action, because that is the subject we want to talk about tonight.

Soon after the Civil War, we had a period in our history that we called Reconstruction. And during that period, there were those who wanted to make sure that former slaves could participate in the political process in every respect and participate fully as Americans in our society.

So we had a great deal of bureaus that were established to do just that. They had certain objectives. And, of course, you know that was about very close to 150 years ago. And during that time, the Reconstruction period, the State of Alabama was represented by three different congresspersons who were all black Republicans and they were, so to speak, my predecessors.

After reconstruction, it took about 117 years before Alabama, once again, had an African-American to represent the State of Alabama in Congress.

Well, it is interesting to note that during the period of Reconstruction, there were a large number of affirmative action policies and, in fact, affirmative action laws. And those laws were passed by various State legislatures and by the U.S. Congress itself.

But by 1895, and very close to 1900, none of those laws existed, because of all types of problems that occurred from the majority to deny participation fully in the American society. Blacks did not and were not able to participate in the laws, lawmaking bodies of the State of Alabama or any of the former Southern States. And they were not allowed to hold Government jobs. They were not allowed to do other things that the average citizens took for granted, the average white citizen.

Of course, this went on until about 1954 or earlier, maybe a few years earlier in some of the States. But between the period of 1865 and 1954, about an entire century, there were those that rode the curve, so to speak.

□ 2140

There were periods of times in several States where blacks were able to perform according to their capacity, their ability. They received certain preferences, and this was for only a short period of time during Reconstruction. Then the curve dropped back to where it was before the Civil War. All of the programs that had been put in place to protect them, to make sure that they were able to participate in the American Government society, were terminated.

During this void from Reconstruction up until 1954, some States realized that African-Americans should be able to participate in the electoral process, should be able to participate in certain governmental activities, so there were a few laws made that were not affirmative in nature, but they did state affirmatively that segregation or discrimination would not exist in certain areas of our society, or in certain industries, or with certain Government jobs. Of course, the real breakthrough was with Harry Truman, when he gave that Executive order that in essence was to begin what we know as affirmative action, when he gave that directive of the Armed Forces to start making changes.

Many of those soldiers had participated in World War II. They later participated in the Korean conflict, and in other conflicts since that time. When they came back after fighting for freedom for other countries and for this country, many of those soldiers realized that they were not yet free, that they still were denied opportunities. So they went to the streets. As a result of their activities, Congress decided to make changes. Instead of saying that segregation and discrimination were wrong, they decided to state in affirmative terms certain things that would take place and that would make a difference. They stated it not in the negative sense but in the affirmative sense. So affirmative action really became a concept, or a tool, that could be used to sort of integrate African-Americans into the political process or into the work force. It was made to, I would say, level the playing field, because there had been a series of laws, we called them down South Jim Crow laws, that had been put in place that tilted the playing field in our American society in favor of white males. They were the privileged class. Everything possible, every opportunity, every rule and every regulation was made to give them an opportunity to maintain their privileged status from 1872, after the period of Reconstruction, up until that directive that President Truman gave.

Affirmative action is a concept or a tool that would not tilt the field in terms of giving preferences to African-Americans but would give preferences only for the purposes of making that playing field level.

I submit that although some of those laws have been on the books for perhaps as long as 40 years, the playing field is still not level.

Mr. CLYBURN. I thank the gentleman very much. Let me say before I go to our friend the gentleman from Mississippi [Mr. THOMPSON], I am glad you pointed out the affirmative nature of the Executive order of President Truman as it relates to the Armed Forces. It may be good for people to know that in 1961, I think March of that year, President Kennedy issued an Executive Order No. 10–924. In that Executive order he said something very interesting, that it is the plain and positive obligation of the U.S. Government to promote and ensure equal opportunity for all qualified persons.

The question, the two operative words there are to promote and to ensure. It did not say to make a statement, but to actively promote, to actively go about doing something; and to ensure the equal opportunity.

I want to point that out, because the Executive order that a lot of us talk about that came along later under President Johnson who reissued this Executive order but also issued in addition to it 11–246, and that is when we first heard the terms being used affirmative action, because that Executive order called upon the Government to take affirmative steps to ensure, not just to say we will not discriminate, that is a passive thing, but to be active and say we are going to go out and we are going to recruit where we did not recruit before.

I remember when I was a student at South Carolina State University, I graduated from there back in 1962, when minority people went out recruiting people to work in the various industries around the State of South Carolina, nobody ever came to South

Carolina State University. I do not know if they came to Tougaloo. But nobody ever came to South Carolina State. I never knew where the jobs were. Nobody in my class knew where the jobs were. Nobody ever said that this place is open for you and you should feel free to come and apply for one of the jobs here that you are qualified for. So like everybody else, we felt obliged to go and teach school, or some of my friends later on went to law school. But I went out and I taught school until such time as things opened up and I could go and apply for one of those jobs.

I am going to yield now to our good friend the gentleman from Mississippi [Mr. THOMPSON]. Maybe he can shed some additional light on this subject.

Mr. THOMPSON. I thank the gentleman from South Carolina [Mr. CLYBURN], and I applaud him for reserving this time to talk about what probably will be the most explosive issue debated during the 104th Congress.

What I would like to do is, believe it or not, to quote a Republican on the affirmative action issue before I start. Last Sunday in a "Meet the Press" program, Jack Kemp said that affirmative action is a dagger pointed straight at the heart of America.

Basically what he is saying is, if this country plays the race card, in effect, we are going to split this country right down the middle.

I submit that we can do better. This is the greatest country in the world. We have risen to the occasion in times of adversity in the past, and I think before we succumb to what is called the angry white male syndrome, we need to take a deep breath and look.

While we will do that, Mr. Speaker, let me just say that sometimes, being from the State of Mississippi, I am convinced that many of the affirmative action and civil rights laws that we have on the books came because my State did not treat African-Americans properly. Our history is a history that is laden with bodies, it is laden with blood, it is laden with a lot of things we are embarrassed about.

Just to give a few indications, my State is one of a few that is yet to adopt equal opportunity in employment and other things as a law of the land. You, yourself, directed for a number of years the South Carolina Human Affairs Commission. We tried unsuccessfully for about 10 years to get our State to adopt it. The only recourse we had was to go to the Federal laws through EEOC and others to get employers and other people to do the right thing.

Clearly there is a need for affirmative action. But taking it along with what the gentleman from Alabama [Mr. HILLIARD] said earlier, the history of it from the standpoint on education and any other prerequisite you can look at, all of us went to school systems that operated under the dual system, supposedly separate and equal, but, as we know, they were separate and unequal. Much of the education and experience we received was inadequate. Nonetheless, some of us survived. But the point to be made is that if we had not had affirmative action, many of the schools that are now integrated would not be there.

□ 2100

For myself, I wanted to be a lawyer. Unlike Mr. HILLIARD and most of the other Members here, law school was not an option for me in my State, but nonetheless some other people went. My State went so far as to say we will send you to any school out of State you want to go to as long as you do not want to go to a white school. That was unfortunate. They paid 3 times the money to send me out of State to school than to let me go to a school in that State.

So there are a number of things that we have to understand. But I think we cannot let this color-blind notion fool us. If we think America is a color-blind society, we are fooling ourselves. It is a good code word but it does not work. It does not work simply because all of the Presidents since that initial Executive order that you referred to earlier, every President since Kennedy has renewed that Executive order.

So, up until now we are operating under Executive orders that talk about affirmative action being the law of the land. As we go into this discussion we will quote some statistics to the people listening to show that even with the laws on the books we still have a long way to go.

So what I would like to do is reserve the balance of the time for the colloquy that we will enter into to just discuss the whole notion of affirmative action and make sure there is some understanding.

But the last point is, without moving it too far, you really have to have been a victim of what we are talking about to really understand it. For most of us who are over 45, we never had new textbooks in our community, we never had the opportunity to play in a public playground or swim in a public swimming pool, and so some of us take very seriously the notion of affirmative action because this was the only opportunity that many of us ever received. Many of our relatives left our communities because they had no opportunity, they had to go north, they had to go west, so affirmative action programs allowed me to stay in Mississippi and pursue a career and ultimately end up in Congress. But had we not had those programs that allowed that opportunity to exist, many of those individuals who are here today would not be here because there was no cover or no support for that effort.

So I look forward to the debate and the discussion on this, and there are some very startling statistics from the employment standpoint and other things that will highlight what we are talking about.

Mr. CLYBURN. I thank the gentleman very much.

Let me see if I may set the stage here a little bit. When we talk about affirmative action it is kind of interesting we hear so many people discussing it who seem not to really know what it means.

As a concept, affirmative action is just a program or policy that is in place in order to remove the current and lingering effects of past discrimination. That is all it is.

There are many ways to do that. We look at it in various fields. We just had a discussion earlier this week over what we need to do to affirmatively make programs possible for people of color, minorities, if you please, in this instance blacks and Hispanics, to own radio stations. Here we are at the time the policy which we just voted to eliminate was put in place, one-half of one percent of all of the radio stations in this country were licensed to minorities. Now that is blacks who, according to the census I just received, constitute about 13 percent of our population, Hispanics somewhere around 9 percent, 10 percent, or 11 percent, depending upon how you categorize it, but fully 25 percent of our citizens owning one-half of one percent of the radio stations. So how do you do about rectifying that?

We put in place a rule, not a law but a rule, FCC rule, and what we said in that rule was that anybody who would agree, nobody is going to make you do it, but if you say you will sell your cable or whatever your media may be, radio station, to a minority you get a tax credit for doing it. And so here we are putting the program in place, a program which quadrupled, better than quadrupled that. Today that number went to 3 percent.

So we know that it worked, and so here we are going backwards on that, and then the question then becomes why is it that we do not keep the program in place to see can we get in the next few years to 10, or 12 percent or something approximating these people's presence in our population.

Mr. HILLIARD. Mr. Speaker, will the gentleman yield? It is interesting that the gentleman stated that no one made anyone do anything. It was not a mandate, it was not a preference. The only thing it was was an incentive.

Mr. CLYBURN. Absolutely.

Mr. HILLIARD. That is one thing about most of the affirmative action programs and policies. The language is used to ensure that there is no such thing as a mandate or as a preference. Most of the time those programs or the language that is used talks of goals, talks of incentives, and most of the time the words that are used are words that we hear every day, words that today encourage, words that say to the extent practicable. It does not say absolutely, it does not say it has to be, it does not mandate and it does not grant. It only gives in many instances just incentives.

Mr. CLYBURN. Absolutely.

Mr. THOMPSON. If the gentleman will yield on that point, I served on the board of supervisors in the largest county in the State of Mississippi, and one of the notions we looked at was inclusion. When we looked at employment, when we looked at contracts, when we looked at the whole county government, we saw a void of minorities, both women and people of color. We devised a minority preference program, we created an affirmative action program for employment, and I am happy to report that over a period of 6 years to 7 years we increased our contracting from less than 1 percent with minorities to over 25 percent. We had very little opposition to it.

We presented this as the right thing to do, that you cannot expect people who are taxpayers, who make up a significant portion of a community, to just be totally ignored. To ignore it would be in effect illegal in my estimation, especially when you know it is wrong, and you have to plan the corrective action. We did it, it worked, and I am happy to report, as I said to the gentleman, that our county now leads the State in contracting as well as employment.

So, it works if you are committed to it. But if you are not committed to making it work, it will not work.

Mr. HILLIARD. the gentleman is absolutely correct, and there has to be a commitment, and in many instances that commitment must be stated in terms of some positive manner in which the commitment could be carried out, such as a particular program in order to achieve a desired objective.

□ 2200

You know, I recall a program that was set out, one they said was an affirmative action program, and it would benefit minorities, benefit blacks, and, in fact, it benefits more whites than blacks, and I speak particularly about a program that was designed so that the first person in a family can go to college if no one else in his family has ever attended college or ever graduated from college, and that sounded like a very good concept. It is a beautiful objective for this country. We want to make sure that everyone receives as much education as possible in this country, and we want to encourage families to educate members of their families.

And in situations where you have a family where no one has ever been to college, you want to give some type of encouragement or you want to create some type of positive effort so that those persons will want to go out, so they set up what is called the TRIO program.

The TRIO program was going to be for those persons who in their family no one had ever attended college, and it was set up, and most of the poor people who participate in TRIO programs across America happen to be white, and it is still a good program, but this is an affirmative program. It is set up to achieve a desired result, and we should continue to promote programs like that, because it helped diversify America. It helped educate America, and it helped open America up to everyone so that they could participate.

Let me say the reason why I pointed this out is because today Speaker GINGRICH stated that he would be in favor of an affirmative action policy that promoted people based upon their status or whether they are poor, whether they are in poverty, and so forth, and he wanted to erase certain categories like gender and race and other things.

Well, all well and good. I think that perhaps that would be a good category. I do not have any problems with it. I think we want to get people out of poverty.

So I suggest that, and I submit that, if he proposed a bill that would promote people out of poverty, that would give poor people an opportunity to participate fully in American society, I would cosponsor that bill with him.

Mr. CLYBURN. Let us yield just a moment, if we might; we have been joined by the gentleman from Louisiana [Mr. FIELDS], and I want to go to him in just a minute, because you just talked about the TRIO program.

It was my great honor 2 weeks ago to meet with all of the southeastern participants of TRIO, that is, Outward Bound and Talent Search. It was my great honor to direct the Talent Search program some 25 years ago.

Of course, I know that the gentleman from Louisiana [Mr. FIELDS] was one of those TRIO students, and is a great success story as to how that all works.

I was looking up some statistics trying to figure out, not an affirmative action program, but it was put in place for the express purpose of doing affirmative things: 42 percent of all the students in the TRIO program are white students, 42 percent. Thirty-four percent are black, and the rest are basically Hispanic.

So my point is you can in fact devise a program that will reach out.

Mr. HILLIARD. Yes, an affirmative action program.

Mr. CLYBURN. Affirmative action program, yes, and will use race as just one indicator, because now we must remember that no one was denied access to public accommodations on the basis of their status economically. You were denied access to public accommodations based upon color. There was not a water fountain that says "For lower-income" and "Upper income." It says "For white" and "Colored."

So let us not lose sight on that.

With that, let me yield to our good friend, the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. I thank the gentleman from South Carolina for yielding.

Let me also thank the gentlemen for carrying on this conversation tonight. I was sitting in my office, and I saw the gentlemen on the floor and decided to come over to just speak to one or two subjects.

First of all, let me speak to the subject of the TRIO program. The gentleman from Alabama stated the need for the TRIO program.

I stand, Mr. Speaker, tonight as a product of the TRIO program, and but for the TRIO program, I probably would not be standing here as a Member of this institution, and to have programs such as the TRIO program under attack today certainly is not only unacceptable but is unconscionable and certainly does not warrant merit to have those kinds of programs under attack.

I thank the gentlemen for talking about the TRIO programs, because there are thousands of young people all across the country who need a program like this TRIO program. They are not black students, they are not white students, they are not Democratic students, they are not Republican students, they are just students who need help and students who need assistance. They are students who come from single-parent households like I was. I was a student who came from a single-parent household. I was a student who came from a family of 10. I was a student, and the reason why my family was a single-parent household was simply because my father died when I was 4 years old, and a program like the TRIO program basically just took me in and took other students like me all across Louisiana and all across this Nation and gave us hope and told us just because we came up by way of the rough side of the mountain did not mean we could not reach the top and told us just because we started the race late did not mean we could not finish our course, because the race was not always won by the swift, but sometimes by he who could endure the longest.

It was the TRIO program, Mr. Speaker, when classes and teachers and institutions all across Louisiana called students like me disadvantaged and at risk and underprivileged, it was the TRIO program that said when they call you disadvantaged and at risk, underprivileged, they are talking about your income. You cannot let your income determine your outcome, because your mind is not disadvantaged. Your mind is not at risk. Your mind is not underprivileged.

I challenge my colleagues today to keep programs like the TRIO program.

Lastly, the gentleman from South Carolina, when I was watching him in my office he was talking about the issue of affirmative action and the gentleman from Mississippi stated that the issue of affirmative action is going to be a very heated debate this session of Congress.

Let me, with the remaining seconds that I have, talk a little bit about affirmative action and put it in its proper context, because I get sick and tired of people talking about affirmative action and making people who benefit from any affirmative action or any set-aside program in America feel illegitimate for some reason or another. As long as people look at affirmative action as two parallel lines, then you are not really looking at affirmative action in the truest sense, because affirmative action is not two parallel lines where you take one person who is less qualified than the other and take the person who is less qualified and bring him to the status of a person who is more qualified simply because of the law called affirmative action.

The better way to state affirmative action, Mr. Speaker, is a big circle where everybody in the circle are qualified, equally qualified, as a matter of fact, but the problem is many people do not get a chance to participate and be a part of that circle. The only way many people in this country get a chance to be a part of that circle and get included inside of that circle is through the actions of affirmative action.

No person should even have a thought tonight that affirmative action takes people who are less qualified and elevates them to the status of people who are more qualified.

The last point I want to make on the issue of affirmative action, even those who talk about affirmative action today, many of them would think the 1965 Voting Rights Act is an affirmative action bill, and the Voting Rights Act was an act that when there were people in this country who worked hard every day, who believed in this country, who went to war and fought for this country, but did not have the right to vote; in many States in this country, they gave them the right to vote, but they had all kinds of impediments so they would not be able to vote.

I recall my own State of Louisiana when a professor who graduated, who got a Ph.D. degree, who wanted to pass the literacy test in Louisiana, he could state the Preamble to the Constitution, he knew all the facets of the inclusions and the exclusions of the due process clause and the 14th amendment of the Constitution, but a registrar of voters still had the audacity, tenacity, and gall to ask him how many bubbles are in a bar of soap. That was an exam that he could not pass.

I guess many people today even think that that civil rights legislation was affirmative action, just to give a person the right to vote is affirmative action.

And I submit to you today, Mr. Speaker, that that is not affirmative action, and if it is, there is nothing wrong with it. There is nothing wrong with giving people the opportunity to register to vote and participate in democracy, and I say to my colleagues from South Carolina and Mississippi and Alabama, this is going to be a very, very heated session, because the last thing I want to do as a person who believes in fairness, a person who believes in equality, the last thing I would want to do is to disadvantage any individual in this country to the advantage of another individual in this country.

□ 2210

Mr. HILLIARD. Mr. Speaker, I just want to interject something for a minute, and it is a quote that appeared today in the Washington Post. It was a quote by Speaker GINGRICH. His answer was no to a question that was asked, and the question that was asked was does he believe that affirmative action programs discriminate against white males. And he said no.

So there is no need for any of us to have any problems with affirmative action programs, because everyone realizes and recognizes the fact that these programs are formative in nature. They are not exclusive. They do not exclude anyone, but they just promote and encourage.

Mr. FIELDS of Louisiana. Let me say there is not a person in America who received a job because of affirmative action. People in America receive jobs because they are qualified. There is not a person in this Congress who is in this Congress because of some affirmative action program. You are in Congress because people went to the polls and voted for you. There is not a person in this country who benefited from any affirmative action program simply because they were less qualified. They were as qualified as anybody else.

Let me say this. I wish we would get to the day in this country when we need not have affirmative action. I wish one day I could stand up in this hall, I wish I could stand up at this very microphone, and say there is absolutely, positively no need for any law that even resembles affirmative action.

But until we get to the day of fairness, where people are treated because of their content, and not because of their color, and not because of the accent of their language, then we are not at that point that we ought not have programs that simply give people an opportunity not because they are less qualified, but give them the opportunity because they may be Hispanic, or they may be black, or they may be a woman, and that is what this program that we call affirmative action is all about. Not to give a person a job because they are less qualified; just give them an opportunity to compete.

I want to commend the gentleman from each State for talking about the need to have programs of fairness, and one day we can all walk into this Chamber and say there is no need any longer for any affirmative action program because the CEO's in America, they are going to treat people fair, they are going to hire women, they are going to hire Hispanics, they are going to hire blacks. There is a need for affirmative action in the area of voting, because people are going to treat people fair. Anyone who wants to register to vote can in fact register to vote. There is no need for affirmative action in the area of scholarship, because presidents of institutions across America are going to grant scholarships to students who deserve them, irregardless of their color.

Mr. CLYBURN. I thank the gentleman for his remarks. Before I go to my good friend Mr. THOMPSON from Mississippi, I want to say I notice that Mr. HILLIARD brought up the Washington Post of today. There is another very interesting article in today's Washington Post on the subject of affirmative action. You may recall one of the leading contenders for the Presidential nomination from the other party requested some information from the Congressional Research Department on the question of affirmative action. He has received that. I am pleased to have a copy of that.

The Washington Post did an article today on that, and it is kind of interesting. The subheading indicated that affirmative action as practiced by our Government does not mean quotas.

But that is not the first study to do that. I remember, I think his name was Dr. Leonard, I can't remember his first name at the moment, did a study for President Ronald Reagan, a learned professor from California.

Mr. HILLIARD. The ultra conservative Dr. Leonard.

Mr. CLYBURN. Absolutely, his conclusion, affirmative action works. It does not mean quotas. It works. He went on to say something else, it works for nonblack people as well. And there was even a second study done under the Reagan administration by OFCCP. I don't recall the man's name now that did the study, but Ellen Schlam was the director of OFCCP at the time. The study was done at her direction. That study concluded that affirmative action worked and it did not work to the disadvantage of white males.

So what has happened here is that there has been a concerted effort on the part of those people in our society who would like to see equality of opportunity denied to people who have sort of conjured up all kinds of fears, and they have appealed to the worst in many of our citizens, and they have turned people against certain segments of our society on this question. But every time it is studied, as was recently done and published today in the Washington Post, they find out that it does not mean what people say it means.

Now let me, before going to Mr. THOMPSON, say this: It is kind of interesting. You know, if we had a container here with a cross-bones on the bottle, nobody would want to touch it because they would say there is poison in there. Well, the fact of the matter is, no matter what is on the label, we have to examine the contents to know what is there.

So the point is there are a lot of programs that have had the affirmative action label put on them which were in fact not affirmative action, and the courts have made that very clear to us.

I yield to my good friend from Mississippi.

Mr. THOMPSON. I am glad you made that point, Mr. CLYBURN. I think the point we have tried to make so far is that affirmative action recognizes that this country in its history has not been fair to everybody. And what we have done by those various laws is to enact opportunities for the affected class so that they can in effect compete. But if you look at the statistics, as you talked about the studies, we see that of all the physicians in this country, only 2 percent are minority. Of all the engineers in this country, only 3 percent are minorities. But as you move forward and look into the professional schools, if you look at the law schools in terms of the ABA-sanctioned law schools and approved, the majority of them have only one African-American faculty member, and a substantial number have zero.

So what we have to do in this country is encourage diversity, we have to encourage inclusion. But for the most part we still have a long way to go. And in this entire discussion of affirmative action, nobody has talked about a remedy to replace it. They are just saying that in effect we have to do away with it.

I submit to you that if we do away with it, and again another quote that came up over the weekend says that as we move toward a colorblind society, which we do not have, the shock therapy of eliminating all preference will defy and destroy our society.

It is wrong. Another Republican made that statement.

They recognize that this is political dynamite that you are playing with, because all the people that most of us know feel very dear about that. You know it is being debated in California. Some of us are prepared from a remedy standpoint to encourage our friends and associates to look at doing like we did in the State of Arizona. Perhaps if they had gone so far as to deny minorities opportunities or to take affirmative action laws off the books, then we should perhaps look toward going elsewhere and spending our dollars. And that is one of the responses to this madness over affirmative action that I think you will see more of.

But clearly we cannot allow in the freest country in the world people to start moving backward, taking freedoms and opportunities away from many of the people who built this country by the sweat of their brow, for slave wages, even though most of us were slaves at the time. And we cannot continue to let this go.

So I submit to you the statistics bear out that there is still a need for affirmative action. The statistics bear out the fact that even though there are a lot of laws and orders on the book, that we still need to work at it. And now is not the time to take those laws off the book. Because indeed if we do, we would in fact inflict such a wound on this country that I am not sure that it would ever heal.

☐ 2220

Mr. CLYBURN. Thank you very much, Mr. THOMPSON. I do not know how many minutes we have left, but let me go to Mr. HILLIARD for his closing remarks and hopefully he will save a couple of minutes for me to close.

Mr. HILLIARD. Mr. Speaker, let me again thank the gentleman from South Carolina [Mr. CLYBURN] for putting this program together. I wanted to say that Monday night I understand that we will have an opportunity to talk to the American people about affirmative action as a policy, as a national policy, and we want to talk about the objectives that we hope to achieve. Because we want people to understand and to realize that we desire, like everyone else in America, to have a colorblind society. And hopefully we will be able to reach that status sometime in the 21st century. But as it is now, we do not live in a colorblind society. And for us to ignore it or to not believe it means that we wish to remain blind to racial problems in our society and that we wish to accept things as they are instead of making positive or making affirmative changes.

I am glad that the Speaker recognized and said to the American public that affirmative action does not discriminate against white males. In fact, it does not discriminate against anyone. There is no discrimination with affirmative action programs, no quotas, no mandates, no preferences. The only thing we have are goals and incentives, opportunities. All of this is just set up as an attempt to make the playing field level.

It is still tilted because of centuries and decades of laws that mandated discrimination in this country. And it is going to take us some time to get away from that.

I want to help America move away from that, but I know that you cannot have a situation, a fair situation, with the field tilted away from the players unless it is tilted in a direction where all the players are. But if the field is tilted and some of the players are on one side of the field and some of the players are on the other side of the field, then the field is not level, the game would not be fair. I do not see any reason why we should continue to let Americans say and think that the field is level when, in fact, it actually is not.

Finally, let me say that I wish and I want America to understand that whereas we have been talking about affirmative actions giving incentives and opportunities for us and for other African-Americans, the fact is that most of the people who have profited from affirmative action programs have been white females as well as children, the handicapped, Indians, Hispanics, Asian-Americans, and other minorities in this country. So when you hear affirmative action, you think of something in terms of an objective to be achieved that is set up in a program that would benefit the least of those in our society.

I guess the best ways of closing is for me to say that last night I spoke about a man by the name of Booker T. Washington. I talked about his goals and what he wanted to do in terms of education for America and how he achieved that by establishing Tuskegee University. But I ended with a quote that he made. I wish to make that quote now, because it really fits this conversation.

He stated, "There are two ways of asserting one's strength. One is pushing down and the other is pulling up."

I just wish to say that affirmative action is just pulling up, pulling up everyone.

Mr. Speaker, I thank the gentleman from South Carolina [Mr. CLYBURN]. And I thank the gentleman from Mississippi [Mr. THOMPSON] for his participation.

Mr. CLYBURN. Mr. Speaker, let me just close this special order tonight by thanking the two of you for participating and to say that affirmative action is, in fact, an experiment. We are experimenting with ways to try to level the playing field, ways to try and bring people into the mainstream of our society. But America is an experiment. We are experimenting with something we call democracy. There is no religion that can be called American. There is no culture that can be called American. America is just a place where many cultures, many religions are all here trying to work together, trying to find common ground and in all of that, hopefully, doing so while recognizing and respecting the diversity that exists in all of us.

On March 17, when I get up in the morning, I am going to put on something green, a tie or jacket or something, because I want to join with my Irish American friends in celebrating St. Patrick's Day. It does not take anything away from me to do that. In fact, I feel bigger and better when I do that. And I would hope that the day will soon come when all others can join me in celebrating those things about my culture that I hold near and dear.

When we can do that, I believe we will have reached that goal that all of us would like to have achieved that is, a color-blind society.

TORT REFORM

The SPEAKER pro tempore (Mr. LARGENT). Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOKE. Mr. Speaker, tonight, along with the gentleman from Tennessee [Mr. BRYANT] and the gentleman from Omaha, NE [Mr. CHRISTENSEN], we are going to engage in a special order that is going to focus primarily on tort reform and what the need is for that reform, what the Republican conference is going to do about that, how that fits into the Contract With America, and what the American public can expect to see on the floor of Congress in the next 2 to 6 weeks with respect to that.

But before we start talking about tort reform and the need for it, I want to just take a couple of minutes to review what we have done here in the first 50 days, because we are really at the halfway point. I think it is not improper or incorrect to take some time, take a deep breath. We could call this half time. Normally at half time what we get to do is we get to go into the other room and pop open a beer or a soda and take a little time. Because we are on such a fast track here, we really do not have much time.

Mr. Speaker, I yield to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. I am not sure what kind of sports you have played where at half time you pop a can of beer open, but——

Mr. HOKE. This would be the sport of couch potato watching football.

Normally you get a little breather. Well, we are not going to get much of a breather here, but we would like to take just a moment to celebrate what has been absolutely the most productive 50 days in the entire history of the U.S. Congress.

□ 2230

What have we done exactly? First of all, America faces a brighter future today than it did 50 days ago. Because we took an important step forward, toward ending the immoral practice of piling up debt for future generations by doing two things.

First of all, we passed the balanced budget amendment and we passed the line-item veto. Right now it is up to the Senate, where I understand we have got two more that are going to be on our team, and we are within one vote, maybe we are at that vote even now as we speak, to pass the balanced budget amendment there.

Once again, we are earning America's trust. We have more than doubled the approval rating of the Congress. We are no longer down in the dumps with lawyers. I happen to be a lawyer, along with my two colleagues tonight. We are no longer rated below used car salesmen. Actually we have crossed the 50 percent threshold if you can imagine that in terms of an approval rating overall.

Before we can go forward with the reforms that we want to change in America, we have to reform the way this place works, change Congress itself, and that is exactly what we did on our opening day with the opening day reforms. We cut committees, we cut committee staffs by one-third, and we actually cut two standing committees in this House. It had not been done since World War II. In addition, we cut about 20-plus standing subcommittees. Most importantly, Congress is now required to live under the same civil rights and employee protection laws as everyone else is.

We have made Washington a more accountable place than it was 50 days ago. The Federal Government can no longer pass legislation, however worthy it might be, that sticks States and communities with the tab. We have restricted the Federal Government's ability to do that. That is the unfunded mandates reform. We are listening a lot more today than we were 50 days ago.

What we are doing in the way of personal security is that we have said we do not know best in terms of crime control. We believe that the local communities do. We have made a block grant approach to this in the Committee on the Judiciary that has been passed on the floor where we are saying that one-size-fits-all government is not the way to go. We want to give our local communities, the police chiefs, the mayors, and citizens boards the opportunity to make their own decisions about how best to combat crime.

The Federal Government had failed to make families safe and more secure, and these new crime measures are fixing that by giving communities the tools that they need.

Finally, we are restoring common sense to Washington with respect to a more rational national security strategy, making it harder for the President to send U.S. troops off on U.N. missions, and we have created a commission to ensure that America's most important national security resources, the men and women in uniform, are going to be able to do the jobs that we ask of them.

There is a lot more work to be done, welfare reform, regulatory and legal reform, Congress' first-ever vote on term limits, something that I strongly support, family tax relief, economic growth tax measures and the spending restraints that are required to pay for all of this.

While the agenda is very daunting, American families have placed a tremendous amount of trust in the 104th Congress. We met the challenge of the first 50 days, and we are going to meet the challenge of the second 50 days as well.

One of the areas in which we need to meet that challenge is clearly in the area of becoming more accountable and bringing some common sense and sanity to our legal system.

I wonder if I might ask the gentleman from Nebraska [Mr. CHRISTENSEN] to talk about where we are in terms of the legal system today and what we need to do, what kind of a challenge we face in reforming that.

Mr. CHRISTENSEN. Mr. Speaker, I believe that the debate we will soon have over our legal system is among the most important national discussions we can have. Our laws, after all, are what define us as a society. When there is something awry with our legal system, then we should view it as a threat to our Nation.

I am proud of my colleagues for helping to make legal reform one of the priorities in the Contract With America. As we all know, the impact of frivolous lawsuits is felt far beyond the courtrooms and the law offices. Over the last 25 years or so, we have developed a system in which any American who has been wronged, no matter who he or she is, no matter how much he or she earns, can seek justice in an impartial court. That is a tremendous achievement, rare in the annals of human history. There are other western countries that even today do not have legal systems as open and as accessible as ours. Yet during the same past 25 years, our legal system has gone astray.

The bill in the Contract With America is called the Common Sense Legal Reform Act, because most Americans believe our legal system defies common sense, and they are right. The system is an affront to common sense. Only the organized trial lawyers and their lobbyists do not recognize it.

What has happened to bring us to this condition? Our legal system, once the envy of the world, is now the object of parody on late-night television.

Mr. HOKE. Would the gentleman yield for a comment?

Mr. CHRISTENSEN. Yes.

Mr. HOKE. As I understand it, you are an attorney.

Mr. CHRISTENSEN. Yes, I am.

Mr. HOKE. And you practiced law in Nebraska?

Mr. CHRISTENSEN. I have never practiced, but I am licensed to. I have been in the business world.

Mr. HOKE. Ah. And my colleague from Tennessee is also an attorney?

Mr. BRYANT of Tennessee. That is right.

Mr. HOKE. Do you say that with pride, because it sounds like there is an awful lot of criticism of the legal system going on here.

Mr. BRYANT of Tennessee. I do. I think it is time some people do stand up for the legal profession, as I tried to do on the campaign trail. There are an awful lot of good lawyers out there. Like again in any job or profession, there are a few that I think stretch the system somewhat and maybe cause us all to have a bad reputation. I have practiced a number of years both as a Federal prosecutor but more often as a defense attorney in civil litigation, and this subject of a reasonable, commonsense tort reform is something that is very near and dear to me.

Mr. HOKE. I think just in the interest of full disclosure, the Speaker probably would be interested in knowing that I am both a businessperson as well as having practiced law for the better part of a decade. The gentleman from Nebraska [Mr. CHRISTENSEN] has a law degree but did not practice, and was in the private sector, and the gentleman from Tennessee [Mr. BRYANT] has the greatest problem on this because he apparently has done only law both as a U.S. attorney in a distinguished capacity and also in the private sector. We are clearly all three lawyers but we see real problems with the legal system.

Mr. CHRISTENSEN. If the gentleman would yield back, please, the real problem with this system, I believe, lies with fault. I think that we have got a system to where everyone thinks it is someone's fault and they ought to have a right to sue. Fault once used to be the bedrock of our legal system. The tort system was designed to find who was at fault and who was wronged. The tort system helped define responsibility and make the proper redress to the injured party.

Today, however, fault rarely enters into the equation. If an individual acts carelessly, he can still use the tort system to get compensation. If an individual intentionally breaks a contract, he can still seek payment through the tort system, and if an individual behaves foolishly, he can still blame others for his injuries and get a handsome reward through the courts.

Tort law was once about right and wrong, blame and responsibility. But today trial lawyers have twisted that original meaning and turned tort law into some form of social insurance. That is where the Contract With America comes into play.

What we are talking about is restoring some common sense back to our legal system. If something goes wrong in today's society regardless of who is at fault, they hire a lawyer. Their message is always the same. You can be compensated.

I have seen so many TV commercials and we have all seen the advertisements.

"If you've got a phone, you've got a lawyer."

"Have you been injured in an accident lately? Call me, because we're on your side."

The trial lawyers make out very well in this no-fault system. They always collect their fee, but the rest of the American people are paying for it. We are paying for it in our cities because, little to the public's knowledge, there have been times where little league has had to be canceled because of the high insurance cost. We are paying for it when law-abiding companies have to pay tens of thousands of dollars simply to dismiss a nuisance lawsuit. We are paying for it in medical devices which are kept off the market and innocent lives are lost. We are paying for it when legitimate grievances cannot be resolved because our courts are clogged with million-dollar suits, where the defendants have only a distant and indirect relationship to the injury that occurred.

Restoring a sense of fault to the entire system is the only way we can restore the sense of right and wrong. That is exactly what our Contract With America, the Common Sense Legal Reform Act, does. It restores some balance to the system.

For 14 years, they have had it their way. For 14 years, we have been trying to address this issue. Now finally we have started the process forward.

□ 2240

You know, if we can continue to process and continue to expand this tort reform not just to include product liability but all civil tort reform, we will have made a good first step.

I yield.

Mr. BRYANT of Tennessee. The gentleman from Ohio and myself both have the extremely high privilege and honor to serve on the House Committee on the Judiciary, the committee that has been primarily responsible for the taking of testimony and conducting the hearings, marking up the bill and reporting it out to the floor, which we anticipate it will arrive in the House within the next few days for full consideration. Over that period of time, we heard testimony from a number of witnesses and conducted hearings that I understand have been built in the past on past hearings. And I think we have a very good bill. I always am a proponent of balance. I talked so much about this when we talked about the crime bill and how I felt on the crime side the pendulum had swung too far in favor of the criminal, and now I think we see it coming back more into proper balance with society and victims. I think the same can be said about the civil side, the Tort Liability Act we are talking about now, and I think it is important we bring that back into a more common sense environment. I think the bills we will be reporting out to the floor bring that, particularly in the area of product liability and punitive damages. Certainly a former businessman, and the gentleman from Nebraska has alluded already how in many cases the fear of lawsuits and large lawsuits hamper, stifle growth, development of products. We have talked about not-for-profit organizations like Little League Baseball, churches, anytime you have an activity where somebody could possibly be injured and sometimes they are put on by not-for-profit organizations that have to go out and take insurance for fear of somebody getting hurt and large lawsuits being filed and punitive damages being awarded, and something is out of kilter there.

I am all for, as I think we all are, keeping the courthouse doors open for those good lawsuits, those fair lawsuits, the ones where people are indeed injured and deserve a hearing and a consideration for consultation.

Mr. HOKE. Would you yield for a thought? I do not think anybody, I do not hear anybody talking about trying to, in any way, foreclose a person's right to access to the court, to justice in America. But there is an overwhelming sense, there is a very strong sense, a visceral sense that we have gone too far in a way that does not protect individuals, in a way that they are getting redress for grievances for real damages, but in fact people who are not at fault are being victimized themselves by a legal system run amok. And I have to tell the gentleman I was astounded when the executive director of the Girl Scouts of America for Washington, DC, who was participating in a meeting about a week and one-half ago I was at, and I believe the gentleman was there also, 87,000 boxes of cookies is the answer, 87,000 boxes of Girl Scout cookies is the answer. The question is how many Girl Scout cookies do the girls in the Washington, DC, area of the Girl Scouts of America have to sell just to pay their annual liability insurance premium: 87,000 boxes. That is stunning. And she went on to say that they do not allow the Scouts to ride horses anymore, they will not allow the girls to ride in cars that have been rented. They have changed the way that they do business as a result of this liability problem.

So tell me what are we going to do? What is the direction here we are going in to try to get a handle on that?

Mr. BRYANT of Tennessee. I think we started out with the idea of bringing forth a good, fair product liability act, one that would apply across the country. You know so many of our products, probably all of the products, travel interstate. Rarely would you find something that stays within one State, and I think we all see a Federal involvement, a need for a Federal role in regulating product liability to that extent, and what we have come forth with is a bill that does set some clear standards for products in terms of what you can do. It limits liability to sellers who often times are brought in along with the manufacturers of the products just because they are in the chain.

Mr. HOKE. What is the distinction there?

Mr. BRYANT of Tennessee. Of course people that have been in small business know that when you go into the stores most of the time you do not buy your product directly from the manufacturer, you go through a retailer. When there is an allegation that a product is defective and a lawsuit filed, it is not uncommon that what I call the shotgun approach is taken and everybody out there that possibly could be sued is brought into the lawsuit, and that normally not only involves the manufacturer of the alleged defective product but the people in the chain that bring it to the store even. And what we do is we now require there actually be some actual negligence on the part of the seller before they can remain in a lawsuit.

Mr. HOKE. You mean you could buy perhaps a lantern at a hardware store, a lantern that has been manufactured in a defective way, but say that the manufacturer is in another State or hard to find or something like that?

Mr. CHRISTENSEN. Would the gentleman yield? Here is a perfect example I ran into earlier today, and we all heard about McDonalds because of the patron who ordered the cup of coffee and she spilled it, and it caused injury to her and she sued. But there is another McDonalds story that I think people that are watching tonight should be aware of and it is very interesting because it causes very much a concern with where we are headed with this litigious society. There was an individual who pulled up to a McDonalds drive-thru outlet and ordered some chocolate shakes and some fries. He put the chocolate shake between his legs, drove off, reached over to grab something on the other side of his car. The chocolate shake spilled over his legs and caused him to hit the car in front of him. But what did the plaintiff's lawyers do when they got ahold of this little case? Not only did they sue the car in front of him, but they sued McDonalds because they said the McDonalds restaurant should have had a sign that said, "Do not eat and drive."

Now, fortunately for McDonalds, they won this case. But the example here is that they had to pick up the fees for defending themselves from a frivolous lawsuit, and there are a lot of examples out there like this that we all know about that we are trying to get corrected through this commonsense legal reform act.

Mr. HOKE. I thank the gentleman.

Mr. BRYANT of Tennessee. That is a great example and of course there are many more. But again we are talking about trying to bring some common sense to this ground. We set forth a reasonable standard also in terms of the length of time that a product manufacturer can be sued, what is called a statute of repose for 15 years. We set out a distinction for removal of what is called joint and several liability.

Mr. HOKE. Maybe we can talk about what that statute of repose means because the first time I heard that I had no idea what it meant.

Mr. BRYANT of Tennessee. In most lawsuits already there is separate from that a statute of limitation in which a person has some years from when they are injured in which to file a lawsuit, but particularly in the area of product liability, since machinery and products have a lifetime of X number of years or whatever, it has generally grown over the years in a lot of the States that already have these laws this statute of repose, which simply means that at some point in time, and in this case 15 years, I think it is 18 years in the General Aviation Act, that a product manufacturer cannot be sued after that period of time, after 15 years, now this product bill for 18 years, just as a matter of public policy and so forth.

Mr. HOKE. In other words, if something is wrong with this piece of equipment that was manufactured 15 years ago, we would have found out about it in that period of time? It would have become obvious.

Mr. BRYANT of Tennessee. Right, the defect would have become obvious.

Mr. HOKE. The defect would have become obvious and either there would have been a lawsuit over it or corrections made to it, but after a 15-year period, absent an updating or change or some sort of a design change in it, there will not be any lawsuits allowed alleging a defect in the manufacturing of that product; is that correct?

Mr. BRYANT of Tennessee. That is the gist of it. And I think, too, probably the biggest thing we bring in through this commonsense bill is the limitation, so-called cap on punitive damages.

□ 2250

And that is probably the most, I guess, controversial aspect of this. I know we have got an outpouring of information from both sides, I guess, or all sides on whether they are for or against this cap.

In essence, what that simply does is in the area of punitive damages, and we talked about this the other night, and I do not intend to go into great detail, but there are generally two types of damages that are available to an injured plaintiff. One is compensatory damages where they are simply paid, fairly compensated, for their injuries, loss of wages, future earning capacity, medical bills, funeral bills if they are killed, pain and suffering, those types of things. Those are compensatory damages, and what, again in a real injury case, someone is fairly entitled to receive.

The other angle to damages, the second part of it, punitive damages, that is simply the way that society has created to send a message to potential defendants, whether they are product manufacturers or individuals like you or I; we can also be sued for punitive damages if our conduct reaches a certain level of misbehavior, and that message is if you do this, you could get stuck with punitive damages. We are going to punish you. We are going to try to deter you. But there is no limit in the law on these.

It is like committing a crime almost, but not having any limit on what you can be sentenced to.

Mr. CHRISTENSEN. In the past what you are saying is you could have had a judgment against someone, say, for $100,000, but then they could get slapped with a $5 million punitive fine, and one of the things that the jury will always be hearing from the lawyer is, "We are trying to send a message. We are trying to send a message that this will not happen again." But that message has gotten very, very clouded, because that $5 million, and I am not sure that they could not have received a message for say $500,000, and that is what this commonsense reform is going to do is going to reform that area.

Mr. BRYANT of Tennessee. That is exactly right. It is a situation where society is trying to tell somebody and deter by this potential for a judgment. What we have done, perhaps the purest view of this would be to take this type of punitive damage and not give it to the plaintiff, the victim, because again they have already been fairly compensated, but, rather, take this money and, you know, we have talked about some things in our Judiciary Committee about sending it to the Federal Government to reduce the national debt or to a third party not-for-profit corporation. Little League, Girl Scouts or something to help them out, a city, or a county, or whatever, society, if you will. But we have taken a more of a middle ground at this point and just simply put a cap on it, set out the maximum punishment, if you will, and in essence what that is is three times the compensatory damages or $250,000, which ever figure is greater so that money under our bill still goes to the injured plaintiff, but it does begin to set some reasonable limits on that so that you can forecast and make some reasonable valuation.

When I was a trial attorney, we used to get into these kinds of cases. I could usually evaluate, which helps us and helps the judicial system, because we can evaluate the case early. We can make somewhat overtures and perhaps avoid a trial. I could always do that on compensatory damages, because I could look at the amount of money they lost from work, the type of injuries they had, the type of permanent disability and give a reasonable ballpark figure on what I thought the case was worth.

But where I had no clue as to how to evaluate a case was this issue of punitive damages, because that is again there is no measure, there is no standard out there, a lot of times there is no rationality between compensatory damages and the punitive damages. It is an emotional issue. That particular day the jury gets fired up by some good lawyering and gives a huge verdict, a pie in the sky is what I call it, and there is no way I can evaluate that which actually deterred me from settling some cases that probably could have been settled had it not been for that.

Mr. HOKE. Is not this whole notion of the doctrine of punitive damages a relatively modern doctrine, a relatively new doctrine in our legal history, and does not that probably just on its own cry out for at least relooking at its until we get it right? I would, as you know, because we have worked very late last night and then we came back early this morning to finish marking this bill up in the Judiciary Committee, and there will be a bill or an amendment that I am pretty confident is going to pass that will in fact award 75 percent of the punitive damage award to the State in which the case was heard and 25 percent of it to the plaintiff, but we have to remember that the idea of this is to punish the wrongdoing of a tort feasor, of a defendant, who is then going to be himself or herself or itself deterred in the future.

But more importantly, it sets an example for society, and the one part of this that I get confused about, and I would particularly like the insight of a U.S. attorney who has prosecuted criminal cases. I know you did not do a lot of criminal work, but who has done criminal cases, you know, normally we think of punishment as being within the realm, within the purview of the criminal code, not the civil code, and yet we have gone, with respect to punitive damages, to a system where we are supplanting and substituting punitive damages for criminal prosecution. And I would be very interested in knowing your insights on this, because it seems to me that you have probably given a lot of thought to that.

Mr. BRYANT of Tennessee. Well, of course, the concept of punitive damages, I am not sure of the historical background on that.

But I think it has become even more important, as I am sure the gentleman can attest to, over the last years because the judgments have, I think, been so numerous and in large amounts.

I say this as a general rule, whenever you are reading your morning newspaper and you see this article about this case over in some other State that has given this huge verdict, multimillion-dollar verdict, you can just about guarantee that most of that is composed of punitive damages. I think the McDonald's coffee case was one. I do not know the exact figures. Another problem there is you get up to that level, I think in the McDonald's case, for example, it was over a $3 million verdict, even when the judge revisits that and reduces that award, and a judge can come in behind a jury verdict and say that is just outrageous, they still do not reduce it down to a level perhaps it ought to be. I think perhaps in that case it ended up still being in excess of a million dollars for spilled coffee.

Perhaps we overstate the McDonald's case. There are many, many other illustrative cases out there, but I certainly think it is, and I know our committee thought it was. I know a number of people who testified in our hearings thought it was time to come back and look at this issue of punitive damages and bring some, as the gentleman says, some common sense to this.

Again, we are not eliminating punitive damages. We are not encouraging misconduct by individuals or companies. We are simply trying to bring some reasonableness to this system of justice which we think has gotten out of hand.

Mr. CHRISTENSEN. There are States that are already way ahead of us on this issue. I have to brag on Nebraska for a second, because Nebraska does not have punitive damages. It is a very friendly environment to do business in.

We also capped medical malpractice at $1,250,000, so when we are looking at what we are doing at the Federal level, it is just a start. I mean, there are already a lot of States out there that are way ahead of us in reform and are a friendly environment for those pro groups, those businesses that want to buy a product.

Mr. HOKE. Could I ask you a question? What is the unemployment rate in Nebraska?

Mr. CHRISTENSEN. Two percent; 2 percent.

Mr. HOKE. What is the bottom line? Who is most served by all of this?

Mr. CHRISTENSEN. It is the taxpayer, the Nebraska taxpayer. We have a great environment, a great quality of life, less than 2 percent unemployment. People are coming to town. We are extracting businesses. It is definitely a very vibrant economy.

Mr. HOKE. It means there are jobs there for people who want to work, and it means that everyone, everyone in the entire society has a shot, has the opportunity to do what we all want to do, which is have a decent job.

Mr. CHRISTENSEN. One of the largest chip makers in the country, Micron Industries, is right now seriously looking at Omaha, NE, because of the things that we offer, quality of life, the threat to the business as far as protection from liability, punitive damages. There are so many things that we have, but we are just starting as a Federal Government to get to where Nebraska is. So it is exciting to see us moving in that direction.

And we have had a lot of grassroots support. There are a lot of people out there that are behind us. The American people want commonsense legal reform.

☐ 2300

The want to end the frivolous lawsuits. We need the help of the American people. We need the help of that business owner out there that needs to let his Congressperson know how he feels about reform, to let us know about certain cases that have affected the people personally. Because this is a team atmosphere, just like here tonight. We need to have the American people enjoined in this fight, because it is a fight that the American people can and will win.

Mr. HOKE. You are absolutely right. We do need a team approach, and we need people to let the folks here in the Congress know what they want. And we need working men and women to phone in and let their Congressperson know that it means their job, that that is what we are talking about, and that we have got to have a reform, so that one of the things that is going to happen is everybody, when we finally get this done and get it right with respect to tort liability reform, common sense legal reform, we are going to find a dramatic reduction in, for example, automobile insurance. We are going to find a dramatic reduction in health insurance. We are going to find that these costs that are so significantly borne right now by working men and women are going to go down, and to everyone's benefit.

I have to say there is one group that might not benefit by this kind of reform, and since we are all members of that profession, I think it is fair to say that this is probably not great for some aspects of the legal profession. But, you know, at the same time we have created a system where we have got more lawyers per capita than any other developed nation on Earth.

I think of the numbers with respect to Japan, and I will probably get this wrong, but I think we have got something like 100 times the number of lawyers per capita here in the United States than in Japan.

Mr. CHRISTENSEN. Here in Washington, DC, I believe there are over 30,000 lawyers, just here in Washington, DC. Over 30,000 lawyers. Goodness knows why we have all the problems in Congress. Sixty percent of the elected Members are lawyers. Finally there has been a reform group that has come, that even though some of us have law degrees, we have not allowed that to be a stumbling block.

Mr. BRYANT of Tennessee. I have to step in here before JON defeats us all here. I was joking, I think I said this last time I was up here, about during the course of the campaign people always wanted to know what you did for a living. I always mumbled that I was a lawyer, but I was looking forward to doing something better and going into politics.

Let me say this much: As good as this tort reform legislation is, it is not the silver bullet by itself. It is a very important piece of a puzzle I think that fits in in solving America's woes, America's problems, as is this Contract with America.

I think if we get this common sense tort reform-legal reform done, combine that with real serious tax reform, capital gains tax cuts that we talk about in our Contract with America, stir up the economy, get more money into the system creating more private sector jobs, and then concurrent with all this, again as part of our Contract with America, reform our welfare system and quit paying people more not to work than we pay them to work, that we create these jobs out there, that the people on welfare can move into and begin to get that type of self-esteem and the type of lifestyle that they deserve, like everyone else, and they can meet the American dream, and not have a career of drawing welfare.

That is what we are shooting for, and that is why I am so pleased to be able to come in here and talk about how we are performing, how we are honoring our promises, our commitments we made during the campaign. We are fulfilling the Contract With America. Martin, as you said earlier, we are halfway through this. And we have made tremendous progress. We have almost gotten lost, some of our accomplishments have been lost in this shuffle.

The balanced budget amendment, that is incredible in and of itself. But again, unfunded mandates taken away from the counties and cities and states, a line item veto, effective crime legislation. You know, I campaigned on limiting death row inmate appeals. We have done that. I campaigned on modifying the exclusionary rule. We have done that. I campaigned that the real bad guys, the violent criminals, ought to be locked up in jail for at least 85 percent of their sentence. We have done all we can to encourage the states to do that.

They are getting lost. And not that we are up here begging for proper credit. I think the proof will be in the pudding over the next few years as to what we have done. But we have accomplished a lot. We have got a lot of work to do. We have got the tough bills to go, term limits, welfare reform, tax reform, this bill on tort reform. But I am just excited to be up here and share being a part of Congress with folks like you who are just as committed.

Mr. CHRISTENSEN. I was wondering if you would take a moment today, since you came out of the Judiciary, and the last amendment that came through, and explain to everybody that the joint and several liability aspect of H.R. 956.

Mr. BRYANT of Tennessee. That is an aspect of the law that I have always thought was unfair. I know in Tennessee we recently had a change a couple of years ago that was not by the legislature, but rather by the courts. In essence, what this joint and several liability means is that again using the shotgun approach, which is often used in these kinds of cases, you have a number of defendants out there. And over the course of a trial, the jury eventually reaches a verdict that some of these folks are maybe liable more than other folks. Usually there is one defendant that is most liable and others that are less liable. Under the concept of joint and several liability, regardless of the percentage of the liability, regardless of whether it is small or large, if you have the deep pockets, and usually some of these defendants are people that don't have deep pockets, the one that has the deep pockets has to pay the whole judgment. They have a right to go back and collect against the codefendants, but in reality there is nothing there.

Mr. CHRISTENSEN. What you are saying is someone is 1 percent, 2 percent, 5 percent at fault, he could get stuck or she could get stuck—

Mr. BRYANT of Tennessee. With 100 percent of the judgment. Their only relief is to go back against folks that don't have any money to begin with.

What this does is simply bring back common sense, what the average personal might think about, why not just pay in proportion to what you are liable for. That is what we tried to do here. I think we have done an effective job in that.

Mr. HOKE. You know, I love the Florida case against Disney World, I think you heard it in the committee the other day. This is a great case. The plaintiff is with her husband on dodgin' cars, and something happens and she is injured. She is found by the trier of fact, that means the court, I know you guys know that, but she is found by the trier of fact to be 85 percent responsible for the injuries she received as a result of this dodgin' car accident. Her husband is found to be 14 percent liable, or responsible, and Disney World is found to be 1 percent responsible. She cannot collect from her husband because he is her husband. Under Florida law, she obviously doesn't collect from herself, because she is the injured party, and Disney World, with 1 percent of the liability, was given 100 percent of the damages.

Now, that just flies in the face of anybody's sense of what is fair. And what happens in these cases is them that has got the deep pockets ends up paying the piper many, many times more than what would pass a fairness test.

Mr. CHRISTENSEN. Also, a good example of the frivolousness of lawsuits is all the lawsuits that come right out of our prisons. I mean, you might have had some experience with this in Tennessee, where there are prisoners that have the opportunity to file endless lawsuits and endless appeals and the processes have just become rampant. I had a staff member out of my staff today tell me that he represented a convicted felon because he was asked by the court to represent this convicted felon who is serving time in the Nebraska State Prison. The man sued the State of Nebraska, demanding that the State pay him to have a plastic surgery, to have plastic surgery on his nose. He claimed it was cruel and unusual punishment for him to have to go through life with less than a perfect nose.

Eventually the court dismissed this case, but not until after thousands of dollars in legal fees had been expended, tax dollars, our money going out the window for frivolous lawsuits, and there are thousands of them all across the country through the prison system.

Mr. HOKE. Well, Jon, I want to thank you for bringing us together this evening. Ed, I want to thank you for participating and look forward to working a lot more with you on the Committee on the Judiciary.

I know we have not used all our time, but I see our good friend from California with a lot of great props. Bob, those are wonderful props, and we are looking forward to seeing them. I know there is not a lot of time left this evening, so I want to give you your opportunity.

Anything else that anybody wants to add?

Mr. CHRISTENSEN. I appreciate the time that the gentleman from Ohio has given us tonight, and look forward to working with you on this legal reform and bringing common sense to the civil justice system.

Mr. HOKE. I yield the balance of the time.

□ 2310

MORE ON IWO JIMA

The SPEAKER pro tempore (Mr. LARGENT). Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. DORNAN] is recognized for 50 minutes.

Mr. DORNAN. Mr. Speaker, it is awfully difficult to capture in a few minutes the essence of the history of the U.S. through its United States Marine Corps on such a day as this 23d of February 1995. I consider this day a second birthday for me.

Before my colleagues leave the floor, I will show them why.

I will address it directly to you, Mr. Speaker, because I believe you are a role model for young people around this country as are the four gentlemen that spoke a little while ago, African-Americans, all proud citizens, South Carolina, Mississippi, Louisiana and Alabama, discussing things from their hearts as they see it. And my second term colleague, the gentleman from Ohio [Mr. HOKE] and the two other freshman Members, the gentleman from Tennessee [Mr. BRYANT] and the gentleman from Nebraska [Mr. CHRISTENSEN], who spoke, also role models.

But the reason today is special for me and why I began on the 15th anniversary of Iwo Jima to begin to research it, is on February 23, 1960, I was ferrying, as a National Guard pilot, my 6 years of active duty were behind me, an Air Force F-86 Sabrejet to be retired to the boneyard in Davis-Mothon in Arizona. So I had no water survival equipment. The plane flamed out over the San Fernando Valley. I took it out over the water to try and air-start, got it started and it flamed out again. And then I wanted to punch off these long-range refueling tanks that were to get me to Arizona.

When I punched them off, only one came off so I had a 200-gallon tank at 6½ pounds each gallon. That was a 1,300-pound anvil under one wing. I tried to get in Point Magu. And in those days, you were supposed to punch off your canopy. Now you keep it on for a helicopter to foam you in case of fire. I punched off the canopy. I had not flown in 73 days. The plane had not flown in 5 months. It was the hangar queen, last one off the field.

I was available, because I was what was called a "Guard bum" going from job to job, dreaming about going to Congress, dreaming about doing lots of things in life and doing lots of different jobs with four kids and hopefully more to come.

And I saw that field. And as the dirt and dust came up off the floor of the aircraft when the canopy went off and a pop stickle went flying by. Both my eyes were closed from grit. I got one open and I could see the headline: "Pilot on Last Flight Dies with Last Jet out of San Francisco-Van Nuys." So I turned out toward the water. I was going to punch out along the beach. I decided the plane would jerk from the ejection and of course go inland and hit an orphanage and kill children and nuns. So I turned it out to sea. I intended still to come down in the surf, and I landed 6 miles out in the ocean. No Mae West, no raft, no survival equipment, and began to instantly drown.

I did not get this helmet off. I had scratches on my face trying to unsnap a simple snap that comes off that easily tonight. But I could not get the helmet off. Got my gloves, jacket off. That was it. Could not get my boots off and began to roll under the water every time I tried to get my knotted laces off. And I had called on Guard emergency channel communication with no Navy or Air Force at Oxnard Air Force Base. And the helicopter was scrambled that had been assigned to duty that very morning for the first time in history, 1 hour before my ejection. It is still there today, 35 years later on the 23rd of February. And the helicopter came out, coldest day of the year, wind, high waves, whitecaps everywhere. And he saw this 2-inch white stripe on this red helmet, a whitecap that would not go away. And he told the one enlisted man in the back, keep your eye on it. Circling down, this little 2-man helicopter, and this ensign saw the whitecap disappear. That was me drowning.

I slipped below the water. And all of my colleagues here tonight are Christian gentleman and they will understand that I am not being corny. This is true.

I said goodbye to my wife and four kids. I prepared to meet God. I was so nervous and embarrassed that I was flippant, because I literally said in my mind, Jesus, here I come, ready or not, and slipped beneath the water. I remembered a story I had read on drowning on someone that had been plunked out of the bottom of a pool. I said, the water is warmer than I am. I am taking in gulps. It is painless, and I thought about my wife hanging up the laundry. Again, corny but true, that is just what she was doing because that is what she did that time in the morning in the backyard. I pictured her being alone with four kids, and I said, I cannot give up. I have to try one more time.

It seemed hopeless, but I kicked to the surface and I came up. Here was this Navy helicopter, and he dropped a harness.

I was begging the guy, yelling, I could taste blood from scratching my throat to jump in. I put my arm in the harness, and he jerked me about 10 feet up in the air, and I fell back under the water down, 5, 6, 8 feet. I figured I was gone again.

I came up and I said, well, this is ridiculous. I grabbed the harness, pushed it away from me and told him to level off, waited a few moments. And then I put my two arms into it and he, never having rescued anybody, immediately took off for the base and went up to 1,500 feet, traffic pattern altitude. Of course, that is the World Trade Tower, the Empire State Building is only 1,250. And I cannot even feel my muscles. I am in early hyperthermia holding it just against me like this.

I did not want to go under the water and come up and hang on the harness.

Slowly he brings me up inside. And when this enlisted man grabbed my arm, I begged him not to touch me until he closed this little trap door in the belly of the helicopter. When we got back to the base, he said, corny but true, that I was being circled by two or three huge sharks. They had lost four men to sharks in a Navy boat the week before.

That is one of the reasons they put the helicopter on rescue duty. "I didn't think we would beat the sharks to you."

February 23 became my birthday. It was the 15th anniversary of Iwo Jima, and I went to the history book to see what happened on that day. It is interesting how God lets history be attracted to some days.

And this is the day the siege began at the Alamo. I like that. It was the day that Zachary Taylor, to be President someday, although very briefly, died in office at the beginning of his second year, defeated General Santa Ana at the battle of Buena Vista in Mexico. That was 11 years after Santa Ana had tortured and killed every survivor at the Alamo, including men who served in this Chamber like Davy Crockett.

And then I saw that it was the day that President-elect Lincoln snuck into town because he had secretly avoided an assassination plot that had been foiled in Baltimore by Pinkerton Guards. He was getting ready to be sworn in. It was March 5 in those days, right up till Roosevelt's third term.

Then I saw that it was the date that the Japanese shelled the oil refineries in Santa Barbara, 1942, three years before Iwo Jima. And how my mother had panicked in Manhattan and called her sister and my uncle, the Tinman on the Wizard of Oz, because all L.A. was under a big alert from the Japanese attacking us. How things changed in two years.

And then I saw Iwo Jima. And it jumped at me, and I began to research this battle and the death toll for the U.S. Marine Corps, their worst battle ever.

The Marine Corps had a little reception down in the bottom of the Rayburn Building. They give us these little cups. It will be in my Bronco for a long time with that "Semper Fi" staring at me.

The Marine Corps is one of our beloved, the smallest of our services, but a beloved service because they have had some of our toughest conflicts.

What is not known is that next month in Okinawa, where more Marines died but basically in an Army battle, we lost more men than we lost in Iwo Jima.

Mr. Speaker, I yield to the gentleman from St. Louis, MO [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentleman.

I have always been fascinated by the story, and really, the hair on the back of my neck went up when you told that story. I am certainly very glad, and I think the country has been very well-served, that a sovereign who has always guided this Nation's fortunes chose to pull you out of that water at that point.

The gentleman said something. I have been listening to the whole story. I just had to ask the gentleman, did you say that your uncle was the Tinman on the Wizard of Oz?

Mr. DORNAN. Born and bred in Roxsbury, Massachusetts, Boston Democrat, who in the 1940's, with George Murphy and Ronald Reagan, changed his loyalty to the Republican Party and died in 1979 in St. John's Hospital, same floor as John Wayne, who died 4 days later. They were good Republicans, you bet.

□ 2320

Mr. TALENT. I thank the gentleman, for that is one of my favorite movies from certainly my favorite year of motion pictures.

Mr. DORNAN. It was the best year.

Mr. TALENT. It really was. I do not mean to interrupt the gentleman's story, but I really had to ask. I thank the gentleman for yielding.

Mr. DORNAN. He told me a story about how the Japanese this night 53 years ago shelled those oil refineries in Santa Barbara, how they hid under the dining room table in their house on Roxbury Drive in Beverly Hills and how it really was a massive alert and a lot of people were hurt, I think a couple killed, by falling anti-aircraft fire because there were no Japanese planes over Los Angeles.

Mr. TALENT. I was not aware that the Japanese had ever shelled the mainland.

Mr. DORNAN. They had. They had struck our mainland on this very day 53 years ago. And Jack Haley like his friend Fred Allen who I used to call "Uncle" until I found out later there was no blood, but all of that show business community then all started to go overseas. My uncle went to Italy and North Africa. Bob Hope, Bing Crosby, I grew up with their children. They served in their 30's and 40's. After all, Ronald Reagan was 31 years of age with two children and very bad eyesight, he turned 31 a month after Pearl Harbor. Well, February 6, 2 months.

We still hear him attacked, and I remember Clinton in speaking to the American Legion said that Ronald Reagan spent more time making "Hellcats of the Navy" than he had served in the military. No, he wore the uniform before the war for 2 years as a cavalry officer in the California Guard, transferred to the Army Air Corps, then the Army Air Force, and served throughout the war in his mid 30's as did John Wayne making either training films or motivational films like in Wayne's case, the "Sands of Iwo Jima," as Sergeant Striker. That is probably his best known role.

Yes, it is fun to have an uncle who has become a legend.

Mr. TALENT. I thank the gentleman for yielding.

Mr. DORNAN. The Marine Corps picture at Iwo Jima has also become a legend. It is an icon for the Corps.

I am going to see in just a few brief short minutes for those people, Mr. Speaker, who are channel surfing tonight, sometimes we say 1,300,000 watching, but after an excellent discussion on tort reform and it was fascinating, but you have to pay attention, because we are changing history here these first 50 some days of 100, and before that, a discussion that had its points on affirmative action and level playing field, but good men of conscience and women of different conscience coming to different solutions.

This is something that I do because President Reagan ordered me to do it, personally, on several occasions, once when I was in a room with him, alone with Nancy and Ronald Reagan when he was declared the winner in the New Hampshire primary. I was the only one there with the Reagans. I thought, what a moment of history, flashing, I think it was ABC, Ronald Reagan the winner. He had beaten a terrific World War II hero, body mangled 50 years ago on April 14 of this year, BOB DOLE, and it was in that race he had beaten, really George Bush was the finalist going into New Hampshire, he had beaten Ronald Reagan big time in Ohio with the help of a state coordinator friend of mine Floyd Brown.

I looked at President Reagan, he said, I can't believe this, it's like a dream, that I'm going to maybe go on to win and be part of American history. In Reagan's good-bye speech on January 11, and I meant to have that here and put it in the RECORD, his verbatim words, he said words to the effect in his good-bye 9 days before George Bush was inaugurated, our 40th President said, in sort of putting down his text, although it was the way he was using the teleprompters, he said, I want to talk to the children of America. I want you to study the history of this country. And he mentioned D-day. I believe, I am not sure, he mentioned Iwo Jima. He mentioned a World War I battle. He mentioned battles in our revolutionary period.

I just visited Lexington Green on the 19th of this month, a few days ago, a stirring place. I was shocked to see that an African-American, Crispus Attucks, who died on Lexington Green, the 9th, killed in action, this man is not on the memorial with the other great names, John Brown and Robert Monroe. I remember Reagan saying in his good-bye speech, "Young people, if your parents at the kitchen table don't teach you about those who have gone before you and gave their blood to build this great country of ours, I give you permission to get angry at your parents." And by extension I am sure he meant the teachers. We are not teaching the history of this Nation.

And how many college campuses today? This is a school day, spring semester. How many high school campuses in America? How many grade schools? This happened when I was in the seventh grade, and we were hungry to get the news reports to learn about young men just a few years older then us dying, and not just men. At this reception tonight where I got this cup and this beautiful calendar, two-sided poster, Paul McHale, a Desert Storm marine veteran, one of our colleagues, had brought in the best film, black and white and color I had ever seen, on Iwo Jima, and here were nurses on the bloody beaches, Yellow Beach, Red Beach, Green Beach, on the beaches holding these dying men in their arms. They had been flown in from Guam on C–47 "Gooney Birds" and were flying these terribly wounded men on a long plane flight back to Guam for hours. Many of the men died on planes or died in the hospitals in Guam, and here is this nurse on film saying that she never felt an affection for these young men, like they were her children, or young brothers, until she had children of her own. I found out tonight we lost 93 doctors. Doctors. That is how many doctors. Imagine how many we must have had mixed among the men to have 23 killed. We lost over 100, I think 127 paramedics. I did not learn that until this evening, at this Marine reception in the Rayburn Building. In every category, the death toll was tremendous. It said that most of the people died a violent death.

I asked my West Pointer, Bill Fallon, who is my legislative assistant for defense affairs, I said, Bill, for obvious reasons, get me someone from Arkansas who won the Medal of Honor on that sulfuric, death-smelling, cordite-smelling hell on earth, and he picks one out from Arkansas, representative of all the other 27, 14 of the 27 Medal of Honor winners died. One of them was sitting up in that gallery who was only 17 years and 6 days when he threw himself on a grenade and pulled another one under him on February 20, day 2. The flag went on up day 5 of a 36-day battle and all the records that I am reading say they expected it to be a cakewalk and over in 4 days. But not General "Howlin" Smith. He said this is going to be the worst battle in Marine Corps history, and he was right. "Howlin" Smith.

Here is Wilson D. Watson, Wilson Douglas Watson. Private. Just a private. But 24 years old. And these men looked like they were 30 at 24, in every theater of the world, because they were men in those days at 18 and 19.

Here I recall Clinton on Ted Koppel on Lincoln's birthday 1992 telling Koppel, I was only a boy of 23 when I was in London trying to avoid serving. A boy at 23? How come Lucas up there was a man 6 days past his 17th birthday?

But here is what Wilson Watson did. Joined in Arkansas, born 18 February 1921. Actually he was born, I see here, in Tuscumbia, Alabama. For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as an automatic rifleman, serving with the Second Battalion, 9th Marines, and this stunned me when I read this sitting here because I went out in the field for 3 days with the Marine Corps in Vietnam, May 20 through 23, 1966, with the Second Battalion of the 9th Marines, Echo Company, I recall.

It does not say his company here. And the young commander that allowed me to go in on a Sparrow Hawk designed by a colleague of ours who I served with here for 8 years. He is watching. I called him in Virginia and told him to watch, Ben Blaz, one of the most distinguished people I have ever served with in this Chamber. Brigadier General Benjamin Blaz was the commander of the 9th Marines and we did not discover that until we were sitting back here about 3 rows talking one day and I told him about my days of combat with the Marines as a volunteer reporter from a small Santa Monica newspaper, and he said, Bob, in that distinguished way of his, I was the commander of the 9th Marines. This young Medal of Honor winner was with the 9th Marines in a different time.

By the way, Mr. Speaker, sometimes the reach of this House is amazing. The young captain who took me out with his unit and let me on that H-34 Sparrow Hawk helicopter to go into a village that was surrounded, designed, I repeat, by Ben Blaz, his name was something like Jerry Horrick, Horricks, he lost his legs. Two months later, by chance, I saw it in the Saturday Evening Post, and I asked him, because I saw his wings, or we got to talking about his flying, what was an F-8 Crusader pilot doing as a ground Marine company commander?

And he said, "I want to be Commandant someday and I want to go all the way in my career." He said, "Flying is important, giving air cover to these kids is important, but I figured if you're going to make it to the top, you better be a ground Marine and see what the gunfire's like at the grass level."

□ 2330

There he was, and 2 months later he lost his legs. I believe he was from Glendale. If anybody, Mr. Speaker, knows Jerry Horrick, something like that, please write me. I would love to see how he is doing.

Anyway, young Wilson Watson, second battalion 9th Marines, 3d Marine Division, the same division in Vietnam, during action against the enemy forces on Iwo Jima. By the way, all of those islands are volcanic islands. For action over 2 days, the 26th and 27th of February 1945.

> With his squad abruptly halted by intense fire from enemy fortifications in the high rocky ridges and crags commanding the line of advance, Pvt. Watson boldly rushed 1 pillbox and fired into the embrasure with his weapon, keeping the enemy pinned down singlehandedly until he was in a position to hurl in a grenade, and then running to the rear of the emplacement to destroy the retreating Japanese and enable his platoon to take its objective. Again pinned down at the foot of a small hill, he dauntlessly scaled the jagged incline under fierce mortar and machinegun barrages and, with his assistant BAR man, charged the crest of the hill, firing from his hip.

This is where John Wayne learned his style.

> Fighting ferociously against Japanese troops attacking with grenades and knee mortars from the reverse slope, he stood fearlessly erect in his exposed position to cover the hostile entrenchments and held the hill under savage fire for 15 minutes, killing 60 Japanese before his ammunition was exhausted and his platoon was able to join him. His courageous initiative and valiant fighting spirit against devastating odds were directly responsible for the continued advance of his platoon, and his inspiring leadership throughout this bitterly fought action reflects the highest credit upon Pvt. Watson and the U.S. Naval Service.

I do not know who wrote this, Mr. Speaker, but I believe it should say the U.S. Navy and the U.S. Marine Corps. Naval services does not sound impactful enough at the end.

Wilson Watson lived. I do not know if he is still alive 50 years later. Someone will probably write and tell me.

This seems so far way, 50 years, and yet it is not, Mr. Speaker. Last year I met Joe Rosenthal, the only survivor of the scene that day who took that picture. He was in the Rayburn Building in room 2117, the anteroom of the Armed Services room, and I called the photographer over and any Member lucky enough to be passing through the anteroom at that moment got a picture with Joe Rosenthal against a big, beautiful oil painting that is the prominent feature, along with the capstand taken up from the harbor of Havana that literally came off of the U.S.S. *Maine* that was sunk in that harbor in 1898, those are the two main objects of yes, military art, and posed with Joe. He is healthy, and all of the other six men at that second flag-raising, because there was a smaller flag raised first. What a touch in history to hold Joe's hand in front of that magnificent picture. As some of my colleagues on the other side of the aisle when SONNY MONTGOMERY began a series of very touching 5-minute speeches pointed out, if you want to go to your library, this book, "Iwo Jima: Legacy of Valor," by Bill Ross, who I learned tonight passed on, which was published in 1983, and this is a dog-eared copy from one of our majors in the liaison office. This book I hope he will let me use when I fly to Iwo Jima at the end of next month for the commemorative of this 6-day battle. I flew around this island in an old seaplane flying to Vietnam, I have looked at it from the air at high altitude, and I do not believe we should have ever given it back to the Japanese. It is not used for anything now. It is 8-1/2 square miles of junk real estate is the way one hero described it.

I would like to read, Mr. Speaker, a letter written by a veteran just a few years ago in 1987 sitting on top of the edge of Mount Suribachi, writing it to a friend. And it is Col. John W. Ripley, one of the young officers in that horrendous battle, and he made his way back, his solo pilgrimage to this bloody site of so much American heroism, and he writes to his friend, Ross McKenzie, I repeat, from the top of Mount Suribachi, 556-foot mountain, the only high ground really on this volcanic rock. This is an actual extinct volcano, and all of the lava from centuries of erupting that poured in a northwesterly direction giving it a big pork chop shape, and as I said, 8½ miles.

Colonel Ripley says:

> Dear Ross. From this most unlikely spot I am inspired to write you for reasons I can't fully explain. Certainly you have received no other letters from here I would wager, and you may find this interesting. It's the middle of the night—cold, windy, uncomfortable & profoundly moving.

He is writing by flashlight. "I'm looking down on a tiny island 3 miles wide and 5 miles long. Down there, and here where I'm writing by flashlight," a lot of these figures are a little off, so I corrected them, and I hope he does not mind if he is listening, where 5,951 marines died. There were another 870-some Navy men, Air Force men, air crews, 220-some men died on the U.S.S. *Bismark Sea* which was sunk by a Japanese kamikaze, Coast Guard men bringing the landing craft in earlier, Navy men of all types. Six thousand eight hundred twenty-one is the precise figure of everyone.

> The mountain is Suribachi, the island, Iwo Jima. Of the hundreds of thousands of words written about this place, nothing comes close to describing its starkness, its inestimable cost and now, sadly, the poverty of its abandonment.
>
> The entire island is a shrine, mostly Japanese, but a few American—only a few. Americans don't seem to care about such things when, as is the case here, it's inconvenient. And yet this island, its name and most especially this very spot where I sit—where the

flag was raised—is immortalized in our national consciousness for as long as there is an America.

"The debris and detritus of war remain even after nearly 43 years. Rusty vehicle hulks, wrecked boats, sunken ships, canteens, mess kits, thousands of rounds of corroded ammunition, blockhouses, pillboxes, trenches, abandoned airfields, large naval shore guns, artillery, etc. And beneath my feet remains of—" he says 22. It is actually 19,000 dead Japanese. We did take 1,083 POW's out of a garrison of over 20. He says, "We hated them then. There is more respect now, defenders, brave men who die at their post.

"Rupert Brooke," an English poet, "said it perfectly; "Here, in some small corner of a forgotten field, will be forever England." And this brutally stinking sulfuric rock depressing to see, demoralizing as it has lost its once vital importance and our Nation's once great concern, will be forever America. It will be forever in the memory of those 75,000 Marines who fought here."

I learned yesterday from Commandant Mundy, addressing at the beginning of the year, as is the tradition in the Armed Services Committee where he said that of the 27 Marine battalion commanders, and we only have 24 now, Mr. Speaker, 24 in the whole Marine Corps battalions, 27 fought in combat there, and 18 of those battalion commanders fell. Some of them did survive, but were taken off the island badly wounded, and more than a third died.

He said:

> Of the 75,000 Marines who fought here suffered wounds here and the 5800 who gave their blood and lives to its black soil. Again Rupert Brooke. "In that rich earth, a richer dust concealed. Their hopes, their happiness, their dreams ended here. And if we fail to honor them in our memory and our prayers, we should be damned to hell for such failure."

☐ 2340

"'I brought a small team here, Ross, to survey the island for future exercise use. The Japanese would prefer that we did not exercise here, but that will be over my dead body." I do not know, Mr. Speaker, who won this debate 7 years ago.

I find it hard to believe and impossible to accept that our Government gave this island back to the Japanese. It is as if we gave them Gettysburg or Arlington National Cemetery. Americans died here in such numbers that in 9½ months the toll here would have equaled, if it had lasted 9½ months, would have equaled the entire 10–11 years of the Vietnam struggle. The Marine Corps should never lose its right to exercise here, and I am proud of having something to do with assuring that it will be so. Yours, I, John, John Ripley, Colonel, U.S. Marine Corps, Retired.

Mr. Speaker, it is amazing how we will pass people on the street and not know what they have done for their country, just a senior gentleman or lady walking by, we say hello or nod. We do not know that they laid their life on the altar of liberty, of freedom, sometimes in foreign countries far away, and went on with their lives with the memories of all the friends of their youth who did not make it.

Gene Rider in Navy Times wrote a column a few days ago, well, actually it is dated a few days from now, February 27, so it is the current Navy Times, and I think it sums it up better than anything I have read. I would like to read a few paragraphs from it, Mr. Speaker. This is Gene Ryder. I hope he is listening.

He is a CBS Radio correspondent who lives in San Diego, and if he has a friend listening, call Gene to hear his words going out to Guam where our day begins, Alaska, and the Virgin Islands and all 50 States, thanks to the wonder of C–SPAN.

He writes:

> Iwo Jima, valor, death, and a raised flag. The high command expected Iwo Jima to be a 4-day piece of cake for the 42,000 Marines of the 4th and 5th Divisions. But Lieutenant General Howland M. "Howling Mad" Smith warned it would be the most grueling battle in the Corps' history. He was the senior Marine officer in the entire Pacific, but he was outranked. In the first 18 hours alone, 2,312 men had fallen.

That is double D-Day, Mr. Speaker. The 3d Division, brought along as a floating reserve, that is our division that fought for a decade in Vietnam in the I Corps around Da Nang, wasn't expected to be needed. It was committed February 20, day 2, and the first unit landed on day 3, the 21st. As planned, 30,000 men landed on day 1. Most massed on the beachhead area. I do look forward to walking these beaches next month, Mr. Speaker.

Defense perimeters had not been fully formed, because the tanks lost traction in the volcanic ash. Heavy artillery landing was delayed by heavy surf. I witnessed that surf in these films this evening, Mr. Speaker, waves coming over giant Amtraks and landing vehicles, and they completely disappeared under as heavy a surf as I have ever seen along the California coast.

He said, "The congestion on the beach had grown into a monumental snarl of damaged tanks, landing crafts, smashed equipment. The Japanese are holding their fire. They had their fields of fire perfectly worked out." One of our Marine colonels told me tonight they had drilled holes in the volcanic rock where they inserted mortar tubes so you could come along and drop a tube, and it was perfectly positioned to pick out certain people on the beach. You could move on after you dropped the mortar shell into its barrel.

He said;

> Things started to improve on the beach, false feeling of security. The heavy artillery landed. Twenty-five miles offshore, 60 Japanese kamikaze planes in several waves swooped in to hit the smaller escort carriers. Detected early on, many were shot down. Two slammed into one of our big supercarriers, the *Saratoga* that had been battling since 1942 all across the Pacific, killing 128 on the *Saratoga*, wounding another almost 200. Another kamikaze crashed midship on the *Bismarck Sea*. Bombs went off, and engulfed in great flames, the carrier sank quickly, 812 sailors into the icy water, 218 dying.

Iwo Jima, "Sulfur Island," gateway to Japan, populated by 21,000 subterranean troops, and I saw an eyewitness soldier tonight who said they were not on the island, they were in the island. There were caves all the way through and tunnels. "The almost invisible smog of smoky drizzle that smelled of cordite and death and sulfur; the Japanese commander, Lt. Tadamichi Kuribayashi, he knew he could not win, but he and his troops were dedicated to death."

Mr. Speaker, think, as I read these words, of this inane, stupid argument of how we were going to present the B-29 fuselage of the *Enola Gay* that dropped the first atom bomb on August 6 at though we were in some kind of racist crusade against the Japanese islands. This battle, and the battle 50 years ago next month in Okinawa, just give a tiny feeling of the major death toll that we would have suffered.

I learned last week that we are awarding Purple Hearts today in Somalia, Grenada, Panama, Purple Hearts have gone to several men putting their lives on the line in Haiti to restore order to the pathetic little island, and these Purple Hearts were struck in 1945, this year 50 years ago, and we are still drawing from that supply, because these were from a lot ordered in thousands that we thought we would be giving out in the invasion of Japan and the major islands, and the death toll and wounding toll that we would take there. It is one of the amazing pieces of small information about current Purple Hearts and how many are still stored away.

General Kuribayashi, graduated from their military college, their West Point, in 1914, and he knew that his victory would be in showing Marines what lay in store for them when they invaded Japan and in denying them the emergency airfield they needed for crippled B–29 bombers at the halfway point of the Guam-Saipan to Tokyo air express.

At this point, let me add something, Mr. Speaker. There should have been somebody here tonight whose life was saved by these sacrifices, a chairman, a brand-new chairman, after being here over 22 years, BEN GILMAN of New York, who was a B–29 crewman, told me that his life was saved after Japanese fighters shot up his B–29 over the mainland of Honshu Island. He could not make it back to his base further south, Saipan, Tinian, or Guam. He recovered on Iwo Jima. He would have gone in the water like so many crewmen from his bomb wing there that died at sea, shark attacks, some of the worst shark-infested waters in the world.

Witness what happened to the crew of the *Indianapolis* that delivered the first atom bomb to Tinian. They sunk. They were not accounted for for 3 days, a terrible military "Snafu", and 500 of the 800 or 900 that died in the water were torn apart by sharks.

BEN GILMAN told me he owes his life to taking Iwo Jima, which makes a good point. Did we have to take Iwo Jima? Would the Japanese or Germans, if their roles had been reversed, have taken Iwo Jima? They might not have. They would have told their pilots, "Press on. If you do not make it, that is OK, we have got teenagers to take your place."

These thousands, these 6,821 marines and sailors and Army Air force men, Coast Guardsmen who died, they gave their lives in a direct trade at about four or five to one for the 27,000 men in the air crews and fighters and mostly B–29's that made it back to Iwo Jima, coming back shot up from all of those raids in March and April and May and June and July and through August 15, 1945 when the cessation of shooting came about looking forward to the treaty of surrender on the deck of the *Missouri* on September 2.

So BEN GILMAN is a living testament of somebody who would not be in this House if it had not been for this sacrifice and the atom bombs would not have brought an end to this horrible death toll on both sides. A million Japanese survived the war to have children and grandchildren that are alive in a dynamic nation and its economy today because we dropped those two bombs.

I am happy to say, under the lead of JOE MCDADE from Pennsylvania here, and my hero in this House, our Gary Cooper, SAM JOHNSON of Texas, who I watched take on the head of the Smithsonian Air and Space Museum and say, "Would you have dropped the bomb, Doctor?" And he says, "I would have obeyed orders." He said, "No; would you have dropped the bomb if you were Harry Truman?" "No; I would not." SAM held up that hand that has seen so much torture in Vietnam, he holds up the hand and looks at him and says, "That is the difference between you and me. I would have dropped the bomb."

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That is our Texan, SAM JOHNSON of Dallas. We won that battle. I continue reading from Gene Rider's Navy Times story.

Big guns silent, tanks mired in mud, no spotting airplanes on day four, but it seemed eerily quiet. Perfect day for infantry. Leaning into near gale force gusts and driving sheets of rain, Marines begin probing the steep bouldered slopes of Suribachi, flame throwers, demolition charges, grenades, and men winning the Medal of Honor, destroyed pill boxes and bunkers as our patrols drove upward. There were sporadic nasty skirmishes and casualties. By nightfall it was apparent that only a few of the 2,000 Japanese packed into the caves on that mountain on the southwest corner of the island in all those labyrinths at several levels, they remained alive in there.

The weather on day 5, different. Greatly improved. Lt. Colonel Chandler Johnson, I don't know if he is still alive, commander of the Second Battalion, 28th Regiment, had seen the totals through day three. 4,574 of his men killed or wounded. In the 5th Division, 2,057 men killed or wounded. A great many were from his own battalion. He decided they needed a topping out party, a flag on top of Suribachi. He called together Lt. Harold Schrier, a route to follow up the steep slopes he said. Take this folded flag, a smaller one, and put this on top of the hill.

See how men will die for a flag? And we debated all night a few years ago in this well, DUNCAN HUNTER led the debate, all night long to pass a simple law that you cannot burn Old Glory in front of veterans like these, some of them in wheelchairs. And we lost that debate. When we are through with our 100 days, maybe, just maybe, we will revisit whether or not you have a right to burn a flag in front of courageous men and those Army nurses and Marine nurses and Navy nurses, excuse me, that went in to help the Marine Corps.

So he says put this flag, his simple order, put this on top of the hill. Preceded by a patrol that met no opposition, E Platoon, 40 men plus litter bearers, notice everywhere they went, they have litter bearers or doctors with them. I repeat, 820-some paramedics died with all the Marines fighting. How many times must the word "medic" have pierced the din of artillery and machine gun and flame thrower fire there.

He said with their litter bearers they go up. Slowly they make it up single file the steep slope to the crest. Rifles and grenades ready. Some of the men scour the crater's debris, and there is a huge crater there. They found a pipe. They lashed the colors to it, and at 10:31 a.m. the Stars and Stripes went up and whipped in the blustery wind.

Sergeant Lou Lowery took pictures for "Leatherneck," a great magazine 50 years later. And a Japanese suddenly leapt up from a cave, fired, and just barely missed Low Lowery. A Marine gunned him down.

Marines handily won a skirmish that developed using rifles and grenades. It wasn't planned. James Forrestal, the Secretary of the Navy, and what a handsome guy, he turned out to be 2 years later our first Secretary of Defense. I thought looking at the film today, they had pictures of him on the deck of the command ship, the El Dorado, but he was actually on the beach already, on Green Beach, and he is standing beside Gen. Howling Smith, where 23 Marines were killed right in that area within that very hour, and they watched that flag unfurl. It was a very emotional moment. Our Marines that were in our liaison department particularly asked me to point out what James V. Forrestal said. He set that handsome square jaw of his and he said "General Howling," pointing up to the flag on Suribachi, the earlier smaller flag, "this means a Marine Corps for 500 years." Howling Mad then choked up.

They soon returned to the El Dorado command ship two miles offshore. CBS asked for recorded interviews. And General Smith ordered Sgt. Ernest Thomas, one of the flag raisers, to come on board for the interview. He was the very senior sergeant. Afterwards Thomas had one of the thrills of his life. A hot bath, his first in days, and a hot meal, and he couldn't wait yet to get back to his outfit.

A few days later he died on Iwo Jima. He gave up his life. That was his last hot shower, his last hot meal. The banner atop Suribachi was a lift for the Marines in the foxholes down in all the lower part of the island. The sailors on the beach and on the ships, they saw it.

This is captured on film, I just saw it a few hours ago, Mr. Speaker, exuberant yells, ships blasting whistles, ships' bells ringing, horns rang out. Lt. Col. Chandler Johnson was jubilant. He had to have that flag as a souvenir for his battalion which had paid such a price for its role in taking the mountain. He sent a runner to scrounge up another flag.

The officer on one of the landing ship tanks at the beach broke out the ship's ceremonial flag. It was twice as large and delivered to the summit about an hour later. About then, a five foot five bespectacled 33-year-old civilian in Marine dungarees reached the top with a pack full of photographic gear.

He was joined by two Marine combat photographers. They were feeling put out by having missed the flag raising. Of course, that five foot five, 33-year-old, now 83, was none other than Joe Rosenthal, San Francisco Associated Press.

He saw the just delivered 4 by 8, a pretty big flag, that is the size I think I will replace my 5 by 7 with in front of my house here in Virginia, and that is what I will use in my house in Garden Grove. I am going to like that size the rest of my life, 4 by 8. He saw them tying the banner's lanyards around a long pipe about to be positioned for hoisting.

Joe told me he had his back turned at this moment. He and sergeant Bill

Genaust scurried 25 feet up. He is just loading, and just then six Marines struggled the unwieldy pipe upward, with that big flag starting to whip out in the stiff breeze. Joe told me he whipped around. Gene Rider has it here that he clicked his speedgraphic loaded with black and white film at the midpoint just at the right millisecond for this incredible, now an icon, historic photograph.

Then Bob Campbell, another Marine photographer, shooting from a different angle, and in these wonderful commemorative books that the Marine Corps published, you see Bob Campbell's picture capturing the original smaller flag being brought down by Marines, still ducking from sniper fire, and the big one going up. What an incredible moment that symbolizes to all the soldiers, sailors, Marines and airmen fighting all around the world. What a tribute to our beautiful Old Glory.

The Marines stood under the flag, looked across Iwo Jima, the view from 556 feet was much different from that scene from the foxholes and the caves and the Marines below. Keep in mind, there is 31 days of hellish fighting to continue. Five days of carnage and they owned a third of this 8½ square miles of junk.

Rosenthal came down slowly from the top, made the rounds of the command posts and aid stations, and caught a ride on a press boat back out to the El Dorado. He wrote captions for his day's pictures and made sure they were in the press pouch for the courier seaplane, probably a Catalina, back to Guam. There they would be developed, checked by censors, radioed stateside by CINCPAC's high powered transmitters. He wasn't sure of what he made up there at the top, he didn't even get to see his work, and a day or so later the Associated Press radioed congratulations. And that turned out to be the defining event of his life.

Casualties mounted as the carnage erupted into a new fury, and as the 4th division on the eastern front, 3d division in the center and 5th division on the west hammered ahead with tanks, flame throwers, mortars, rockets, each day was heartbreak and it went on for 31 more days.

I ask permission to put the rest of this in the RECORD and close with this in the final minute or so, Mr. Speaker.

This battle is not over, keeping our country strong. And here is another article after Gene Rider's in the same Navy Times, if it had to be done all over again, how future Marines would take Iwo Jima in another way. They project their thinking, Chris Lawson, the Times staff writer, to 2010, and the star of this event is none other than the V–22 "Osprey." On the ground it is the advanced armored amphibious vehicle, AAAU. These two systems are in doubt whether or not we are going to fully develop them for our great Corps. And it shows how this 36-day battle would have been shortened by vertical envelopment and putting our troops behind all of the Japanese forces and how much loss of life could have been prevented in this terrible conflict.

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I would like to submit this for the RECORD and close again with those words that have been said 10 times at least tonight, that uncommon valor was a common virtue that day, 27 Medals of Honor and the debt that Americans born ever since, were too young to serve, will never, ever be able to repay except by studying this history and passing it onto the young men and women of our country, as Ronald Reagan requested.

[From the Navy Times, February 27, 1995]

IWO JIMA: VALOR, DEATH AND A RAISED FLAG

(By Gene Rider)

The high command expected Iwo Jima to be a four-day piece of cake for the 42,000 Marines of the 4th and 5th divisions. But Lt. Gen. Holland M. "Howling Mad" Smith warned it would be the most grueling battle in the Corps' history. He was the senior Marine officer in the Pacific, but was outranked.

In the first 18 hours, 2,312 men had fallen. The 3rd division, brought along as floating reserve, wasn't expected to be needed. It was committed on Feb. 20 and first unit landed on Day Three, Feb. 21.

As planned, 30,000 men landed on Day One, most massed in the beachhead area. Defense perimeters had not been fully formed because tanks lost traction in volcanic ash. The heavy artillery landing was delayed by a high surf and beach congestion, which had grown into a monumental snarl, of damaged tanks, landing craft and smashed equipment.

Much of the enemy's firepower came from caves and labyrinths of Mount Suribachi, the 556-foot-high dead volcano overlooking our beachhead at the island's southern tip. Much of our bombardment and air strikes were concentrated on Suribachi and by Day Three it had been jolted to its core.

Things were improving on the beach. Heavy artillery landed. But 25 miles offshore, 60 planes in several waves of a kamikaze mission swooped in to attack our escort carriers. Detected early on, many were shot down. Two slammed into the carrier Saratoga, killing 128 and wounding 192. Another crashed amidship on the Bismarck Sea. Engulfed by great flames, the carrier sank quickly and 812 sailors took to the icy waters, 218 dying.

Iwo Jima—Sulphur Island—gateway to Japan, populated by 21,000 subterranean troops, was almost invisible in a smog of smoky drizzle that smelled of death, sulphur and cordite. The Japanese commander, Lt. Gen. Tadamichi Kuribayashi, knew he couldn't win. But he and his troops were dedicated to death. Their victory would be in showing Marines what lay in store when they invaded Japan and in denying them the emergency airfield they needed for crippled B–29 bombers at the halfway point of the Guam-Saipan-to-Tokyo air expressway.

Big guns silent, tanks mired in mud, no spotting planes, dawn on Day Four seemed eerily quiet. It was a perfect day for infantry. Leaning into near-gale-force gusts that drove sheets of rain, Marines began probing the steep, bouldered slopes of Suribachi. Flame throwers, demolition charges and grenades destroyed pill boxes and bunkers as our patrols drove upward. There were sporadic nasty skirmishes and casualties. By nightfall, it was apparent that only a few of the 2,000 Japanese packed into caves and labyrinths at several levels remained.

The weather on Day Five was greatly improved. Lt. Col. Chandler Johnson, commander of the 2d Battalion, 28th Regiment, had seen the totals through Day Three—4,574 men killed or wounded. Of the 2,057 5th Division men killed or wounded, a great many were from his battalion.

A 'TOPPING-OUT' PARTY

Johnson thought it was time for a "topping-out" party. After giving Lt. Harold Schrier a route to follow up the steep slopes, he handed him a folded flag and said: "Put this on the top of the hill."

Preceded by a patrol that met no opposition, E platoon—40 men plus litter bearers—slowly made its way in single file up the steep slopes to the crest. Rifles and grenades ready, some of the men scouted the crater's debris and found a pipe, lashed the colors to it and at 10:31 a.m. the Stars and Stripes whipped in the blustery wind.

Sgt. Lou Lowrey took pictures for *Leatherneck* magazine until a Japanese leaped up from a cave, fired and missed Lowery. A Marine gunned down the Japanese. Marines handily won a skirmish with rifles and grenades.

It wasn't planned. James Forrestal, the secretary of the Navy, who had boarded the command ship Eldorado at Guam with Gen. Smith beside him, stood on Green Beach, where 23 Marines had been killed within the hour, and watched the flag unfurled.

It was an emotional moment. Forrestal said, "Holland, this means a Marine Corps for 500 years." "Howling Mad" choked up. They soon returned to the Eldorado two miles offshore, where SBC recorded interviews for later broadcast. Smith ordered Sgt. Ernest Thomas, one of the flag raisers, to come for an interview. Afterward, Thomas had a bath and a hot meal and couldn't wait to get back to his outfit. He gave his life a few days later.

The banner atop Suribachi was a lift for Marines in foxholes, and sailors on the beach and on ships. Exuberant yells, whistles, ships' bells and horns rang out.

Lt. Col. Johnson was jubilant. He had to have that flag as a souvenir for his battalion, which had paid such a price for its role in taking Suribachi. He sent a runner to scrounge for another flag. An officer on the tank landing ship at the beach broke out the ship's ceremonial flag. It was twice as large and was delivered to the summit about an hour later.

About then, a 5-foot-5 bespectacled 33-year-old civilian in Marine dungarees reached the top with a full pack of photo gear. He was joined by two Marine combat photographers. They were feeling put out by having missed the flag raising. Joe Rosenthal, Associated Press out of San Francisco, saw the just-delivered 4x8 banner's lanyards being put around a long pipe about to be positioned for hoisting.

He and Sgt. Bill Genault scurried out 25 feet just as six Marines struggled the unwieldy pipe upward with the big flag whipping in the stiff breeze. Joe clicked his Speed Graphic loaded with black and white film at just the right millisecond for an historic picture. Genault shot the same scene in color movies until his film ran out. Pvt. Bob Campbell, the other Marine photographer, was shooting from another location and got a shot of the small flag being lowered with the new flag going up.

Marines stood under the flag and looked across Iwo Jima. The view from 556 feet was much different from that seen from foxholes, caves and ravines below. After five days of carnage, they owned one-third of this 8½ square miles of junk real estate and had yet to reach Day One's objective.

Rosenthal came down slowly from the top, made the rounds of command posts and aid stations and caught a ride on a press boat to the Eldorado. He wrote captions for his day's pictures and made sure they were in the press pouch for the courier seaplane to Guam, where they'd be developed, checked by censors and radioed stateside by CincPac's high-power transmitters. He wasn't sure of what he'd made at the top. A day or so later the Association Press radioed congratulations.

THE ADVANCE

Casualties mounted as the carnage erupted into new fury as the 4th Division on the eastern front, 3rd Division in the center and 5th Division on the west hammered ahead with tanks, flame throwers, heavy artillery and offshore mortar and rocket boats. Each yard was heartbreak.

By Day 14, the battle line was at Day Two's objective.

That day, crippled over Tokyo, the B-29 Dinah Might, was the first Superfort bomber to land on Iwo Jima while trying to return to Guam. With the short, shell-shocked runway under sporadic fire, the 65-ton bomber flopped down for a wild but safe landing.

A Doberman pinscher war dog led his handler's patrol to a huge cave on the eastern coast where scores of Japanese had lain dead for days in an overpowering stench. Seven Japanese came out of a catacomb and surrendered.

Day 24, March 14 at 9:30 a.m., as CincPac ordered, there was a short ceremony near the base of Suribachi. Gen. Smith's personnel officer, Col. David Stafford, read a proclamation issued by Adm. Chester Nimitz from headquarters on Guam that officially claimed victory and proclaimed Iwo Jima a U.S. territory. A bugler sounded colors, our flag was hoisted, and a color guard, Adm. Richmond K. Turner and Gen. Smith joined each division commander—Maj. Gens. Graves B. Erskine, Clifton B. Cates and Keller E. Rockey of the 3rd, 4th and 5th divisions, respectively—in salutes.

Dedications of three separate cemeteries followed. Bill Ross, Marine correspondent wrote that as Rockey spoke at the 5th's cemetery, a bulldozer dug more burial trenches for poncho-shrouded Marines laid out in long lines awaiting burial and that a jeep drove up with several more bodies.

Gen. Erskine spoke at the 3rd's cemetery. "Victory was never in doubt. Its cost was. What was in doubt was whether there would be any of us left to dedicate our cemetery . . . let the world count our crosses, over and over . . . let us do away with ranks and ratings and designations . . . old timers . . . replacements—here lie only Marines."

(In the mid-1950s the bodies of all Marines buried on Iwo Jima were exhumed and returned to American soil.)

Day 35, March 25, remnants of regiments 26, 27 and 28 wearily and warily slogged into Bloody Gorge on the northwest tip of Iwo Jima. There was no resistance: There were no more Japanese.

Official figures are testimony to the valor of Americans who served in the Iwo Jima battle. Total casualties 28,686. Of the 6,821 dead or missing, 5,931 were Marines, 195 were Navy corpsmen attached to Marine units. Of the 27 Medals of Honor awarded to Marines and corpsmen for valor at Iwo, more than half were awarded posthumously.

An estimate of Japanese killed: 20,000. Just 1,083 were taken prisoner—many from the Korean labor battalion.

On March 14, Adm. Nimitz issued a press release that ended with "Among the Americans who served at Iwo Jima, uncommon valor was a common virtue."

The same day, Gen. Cates, dedicating his 4th Division's cemetery, said, "No words of mine can express the homage due these fallen heroes. But I can assure you, and also their loved ones, that we will carry their banner forward."

[From the Navy Times, February 27, 1995]

IF IT HAD TO BE DONE ALL OVER AGAIN—FUTURE MARINES WOULD TAKE IWO IN ANOTHER WAY

(By Chris Lawson)

WASHINGTON.—If the Marines were tasked with taking Iwo Jima island tomorrow, chances are the assault would look pretty much the same as 50 years ago. It would be a massive amphibious landing.

But in 2010, if all goes as planned, the Corps will have the tools in hand to tackle the mission in an entirely new way. From the V-22 Osprey troop carrier to the high-speed advanced amphibious assault vehicle the Corps will be generations ahead of the technology available both in 1945 and today. Indeed, its arsenal might even include robot-controlled vehicles.

While today's Marines are highly skilled at fighting in the desert and other open terrain with fast-moving tanks and light armored vehicles—as well as fixed- and rotary-wing aircraft not available in 1945—experts say modern Marines would face many of the same difficulties the 75,000 others did when they came ashore Feb. 19, 1945, and faced down a well-dug-in enemy force of 20,000 Japanese defenders.

TOUGH ROW TO HOE

Some examples:

The current amphibious tractor travels only 5 mph, a mere 2 mph advantage over World War II models.

Helicopters would be rendered ineffective because nearly every square inch of the small island would be covered with defensive fire.

Troop mobility would not be significantly improved, since most of today's radios and other equipment are the same size and weight as they were in Vietnam.

Fancy technology, like global positioning systems, would not have much value on an island with a total area of just eight square miles.

But today's Marines would have one distinct advantage. They would likely fight at night. "We could fight in the dark pretty well, but to take a place like Iwo, we'd do it pretty much the same way," said Col. Gary Anderson, the director of the Corps' Experimental Unit, a futuristic warfighting think tank at Quantico, Va.

"It would probably still take individual Marines to root the enemy out. I don't think that today we have got the capability to force them up out of their [fighting] holes."

A DIFFERENT FUTURE

But in 2010, if the Marines get the weapons platforms they're currently vying for and take advantage of burgeoning commercial technologies, bloody Iwo might not be so bloody.

The best part: America might not even have to take such an island—just simply go around it.

But if they did need to seize Iwo, future Marines would have several distinct advantages.

For starters, the attack could come from over-the-horizon at breakneck speeds and top maneuverability. The V-22 Osprey people mover could help ferry Marines inland to high ground and Iwo airstrips, instead of simply dropping them at the soggy, ash-sand beaches and forcing Marines to slog their way ashore.

The AAAV could maneuver around any mines in the off-shore waters, and roar from ship to shore at speeds of more than 30 mph, thereby reducing their vulnerability to enemy fire.

Thank again to the legs and speed of the V-22, the logistics trains would likely be based at sea—not on the beach, where in World War II it fell victim to a continuous bombardment by enemy forces.

The Marines would also have the capability to land infestation teams on the critical high ground and take that advantage away from the enemy. Marines would likely land atop Mount Suribachi and fight their way down to the bottom, instead of working their way up under deadly attack.

ROBOTS TOO

Anderson said robotic technology could have a dramatic effect as well, and possible save the lives of thousands of Marines. Remote-controlled AAAVs, for example, could roar ashore and act as a magnet for enemy fire. Sophisticated sensing systems could then acquire the targets.

"You shoot at us, you die," Anderson said. "Every time they fire, they would become a target."

The best part: advanced Marine weaponry will likely allow shooters to engage their targets from the line of sight.

"If you can get eyes on target, you can kill them," Anderson said. "You wouldn't do away totally with rifle-to-rifle and hand-to-hand combat, but you'd cut it way down. In 1945, 85 percent of the fighting was done that way. We think we could get that down to 20 percent."

SOFTENING THE TARGET

The Marines, Navy and Air Force would also pound the daylights out of the islands with bomb after sophisticated bomb in an effort to prep the battlefield for maximum effectiveness.

Here again, robots could play a vital role. But just how vital will be determined as much by culture as technology.

"Would you see a robot platoon raise the flag on Mount Suribachi? I don't think so," Anderson said with a laugh. "But one of the raisers might be a robot."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. GEPHARDT) for after 4:30 p.m. on Thursday and the balance of the week, on account of official business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for after 1 p.m. on Thursday and the balance of the week, on account of official business.

Mr. EHLERS (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHALE) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MURTHA, for 5 minutes, today.

Mr. EVANS, for 5 minutes, today.

Mr. TEJEDA, for 5 minutes, today.

Mr. MCHALE, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BECERRA, for 5 minutes, today.

Mr. PETE GEREN of Texas, for 5 minutes, today.

Mr. SCOTT, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. TORKILDSEN) to revise and extend their remarks and include extraneous material:)

Mr. BRYANT of Tennessee, for 5 minutes, today.

Mr. GOSS, for 5 minutes, on February 24.

Mr. BARR, for 5 minutes, today.

Mr. STUMP, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. LIVINGSTON, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LONGLEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mrs. COLLINS of Illinois, and to include extraneous material, during debate on H.R. 450 in the Committee of the Whole today.)

(The following Members (at the request of Mr. MCHALE) and to include extraneous matter:)

Mr. SCHUMER.

Ms. LOFGREN.

Mr. VISCLOSKY.

Mr. DELLUMS.

Mr. HILLIARD.

Ms. MCCARTHY.

Mr. FRANK of Massachusetts.

Mr. OBEY.

Mr. NEAL of Massachusetts.

Mr. DIXON.

Ms. ESHOO.

Mr. MENENDEZ in two instances.

Mr. BERMAN.

Mr. MARKEY.

Mr. PAYNE of New Jersey.

Mr. SERRANO.

Mrs. COLLINS of Illinois in two instances.

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. SKEEN.

Mr. BEREUTER.

Mr. BURTON of Indiana.

Mr. SPENCE.

Mr. WALKER.

Mrs. ROUKEMA.

Mr. NEY.

Mr. SMITH of Michigan.

Mr. LINDER.

Mr. PACKARD.

Mr. BAKER of California.

Mr. SOLOMON.

Mr. HOSTETTLER.

Mr. YOUNG of Florida.

Mr. RADANOVICH.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. ENGEL.

Mr. PASTOR.

Mr. ROEMER.

Mrs. KENNELLY.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mr. DORNAN.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), under its previous order, the House adjourned until Friday, February 24, 1995, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

388. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting notification that the Department's Defense Manpower Requirements Report for fiscal year 1996, will be delayed, pursuant to 10 U.S.C. 115(b)(3)(A); to the Committee on National Security.

389. A letter from the Deputy Secretary of Defense, transmitting a report pursuant to section 314 of the National Defense Authorization Act for fiscal year 1995; to the Committee on National Security.

390. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation as a danger pay location for all areas in Peru, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

391. A letter from the Chairman, International Trade Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

392. A letter from the Administrator, Small Business Administration, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

393. A letter from the Clerk, U.S. House of Representatives, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 1994, through December 30, 1994, pursuant to 2 U.S.C. 104a (H. Doc. No. 104–41); to the Committee on House Oversight and ordered to be printed.

394. A letter from the Marshal of the Court, Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

395. A letter from the Chairman, Administrative Conference of the United States, transmitting the report on agency activity under the Equal Access to Justice Act for the period October 1, 1992, through September 30, 1993, pursuant to 5 U.S.C. 504(e); to the Committee on the Judiciary.

396. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting their fifth annual report; jointly, to the Committees on National Security and Commerce.

397. A letter from the Secretary of Energy, transmitting notification that DOE would need an additional 45 days to respond to the Defense Nuclear Facilities Safety Board Recommendation 94–2; jointly, to the Committees on National Security and Commerce.

398. A letter from the Chairman, The Board of Governors of the Federal Reserve System, transmitting its Monetary Policy Report for 1995, pursuant to 12 U.S.C. 225a; jointly, to the Committee on Banking and Financial Services and Economic and Educational Opportunities.

399. A letter from the Secretary of Defense, transmitting the first fiscal year 1995 DOD report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union, pursuant to 22 U.S.C. 5955; jointly, to the Committee on National Security, International Relations, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CANADY: Committee on the Judiciary. H.R. 925. A bill to compensate owners of private property for the effect of certain regulatory restrictions; with an amendment (Rept. 104–46). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 716. A bill to amend the Fishermen's Protective Act (Rept. 104–47). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 926. A bill to promote regulatory flexibility and enhance public participation in Federal agency rulemaking and for other purposes; with an amendment (Rept. 104–48). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MEYERS: Committee on Small Business. H.R. 937. A bill to amend title 5, United States Code, to clarify procedures for judicial review of Federal agency compliance with regulatory flexibility analysis requirements, and for other purposes; with amendments (Rept. 104–49 Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUNTER (for himself, Mr. MOORHEAD, Mr. YOUNG of Alaska, Mr.

ROHRABACHER, Mr. MCCOLLUM, Mr. KIM, Mr. CUNNINGHAM, Mr. CALVERT, Mr. STUMP, Mr. BURTON of Indiana, Mr. BRYANT of Tennessee, Mr. GALLEGLY, Mr. COLLINS of Georgia, Mr. CANADY, Mr. GOODLATTE, Mr. MCKEON, Mr. BILBRAY, Mr. SHAW, Mr. SAM JOHNSON, Mr. SAXTON, Mr. HOLDEN, Mr. DOOLITTLE, Mr. PACKARD, Mr. DREIER, Mr. RIGGS, Mr. HERGER, Mr. BAKER of California, Mr. POMBO, Mr. RADANOVICH, Mrs. SEASTRAND, Mr. LEWIS of California, Mr. BONO, Mr. DORNAN, Mrs. MEYERS of Kansas, Mr. BEREUTER, Mr. COX, Mr. HORN, Mr. ROYCE, and Mr. THOMAS):

H.R. 1018. A bill to amend the Immigration and Nationality Act and other laws of the United States relating to border security, illegal immigration, alien eligibility for Federal financial benefits and services, criminal activity by aliens, alien smuggling, fraudulent document used by aliens, asylum, terrorist aliens, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on National Security, Banking and Financial Services, Ways and Means, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. COLLINS of Illinois:

H.R. 1019. A bill to assist in the development of microenterprises and microenterprise lending; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TOWNS, Mr. BILIRAKIS, Mr. MANTON, Mr. STEARNS, Mr. HALL of Texas, Mr. NORWOOD, Mr. GORDON, Mr. BURR, Mrs. THURMAN, Mr. HASTERT, Mr. GILLMOR, Mr. MOORHEAD, Mr. GRAHAM, and Mr. FRANKS of Connecticut):

H.R. 1020. A bill to amend the Nuclear Waste Policy Act of 1982; to the Committee on Commerce, and in addition to the Committees on Resources, Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. QUILLEN, Mr. ENGEL, Mrs. MEEK of Florida, Mr. STEARNS, Mr. HILLIARD, Mr. ENGLISH of Pennsylvania, Mr. GEJDENSON, Mr. CALVERT, Mr. MARKEY, Ms. FURSE, Mr. BARTLETT of Maryland, Mrs. FOWLER, and Mr. NADLER):

H.R. 1021. A bill to require the Secretary of Health and Human Services to increase the voting consumer representation of the Blood Products Advisory Committee of the Food and Drug Administration, and for other purposes; to the Committee on Commerce.

By Mr. WALKER (for himself and Mr. BLILEY):

H.R. 1022. A bill to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes; to the Committee on Science, and in addition to the Committees on Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS (for himself, Mr. QUILLEN, Mr. ENGEL, Mr. MILLER of Florida, Mrs. MEEK of Florida, Mr. TRAFICANT, Mr. STEARNS, Mr. ENGLISH of Pennsylvania, Mr. DEUTSCH, Mr. GEJDENSON, Mr. CALVERT, Ms. FURSE, Mr. BARTLETT of Maryland, Mr. STUDDS, Mrs. FOWLER, Mr. RAHALL, Mr. HASTINGS of Florida, Mr. NADLER, Mr. SHAYS, Mr. BECERRA, Mrs. SEASTRAND, and Mr. MCHALE):

H.R. 1023. A bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products; to the Committee on the Judiciary.

By Ms. DUNN of Washington (for herself, Mr. COLLINS of Georgia, Mr. KLUG, Mr. BALLENGER, Mr. CHRISTENSEN, Mr. CUNNINGHAM, Mr. DORNAN, Mr. GUTKNECHT, Mr. HANCOCK, Mr. HASTINGS of Washington, Mr. HERGER, Mr. INGLIS of South Carolina, Mr. KNOLLENBERG, Mr. METCALF, Mr. MILLER of Florida, Ms. MOLINARI, Mr. NETHERCUTT, Mr. NEY, Mr. NORWOOD, Mr. PAXON, Mr. POSHARD, Mr. QUINN, Mrs. SMITH of Washington, Mr. TALENT, Mr. TATE, Mrs. WALDHOLTZ, Mr. WELLER, and Mr. WHITE):

H.R. 1024. A bill to improve the dissemination of information and printing procedures of the Government; to the Committee on House Oversight.

By Mr. BILBRAY (for himself, Mr. KIM, Mr. MOORHEAD, Mr. DREIER, Mr. CUNNINGHAM, Mr. PACKARD, Mr. COX, Mr. ROHRABACHER, Mr. DORNAN, Mr. ROYCE, Mr. MCKEON, Mr. THOMAS, Mr. BAKER of California, Mr. DOOLITTLE, Mr. HERGER, Mr. RADANOVICH, Mr. BONO, Mr. RIGGS, Mr. GALLEGLY, Mr. CALVERT, Mrs. SEASTRAND, Mr. HORN, Mr. POMBO, Mr. LEWIS of California, and Mr. HUNTER):

H.R. 1025. A bill to recind the Federal implementation plan promulgated by the Administrator of the Environmental Protection Agency for the South Coast, Ventura, and Sacramento areas of California; to the Committee on Commerce.

By Mr. HEFLEY:

H.R. 1026. A bill to designate the U.S. Post Office building located at 201 East Pikes Peak Avenue in Colorado Springs, CO, as the "Winfield Scott Stratton Post Office"; to the Committee on Government Reform and Oversight.

By Mrs. KENNELLY (for herself, Mr. OLVER, Mr. RAHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. TORRES, Mr. FROST, Mr. ANDREWS, Ms. LOFGREN, Mr. EVANS, Mr. ACKERMAN, Ms. PELOSI, Mr. STUPAK, Mr. MARTINEZ, and Mr. SAXTON):

H.R. 1027. A bill to amend the Internal Revenue Code of 1986 to repeal the provision which includes unemployment compensation in income subject to tax; to the Committee on Ways and Means.

By Mr. REGULA (for himself, Mr. SHAYS, Mr. ROHRABACHER, Mr. PACKARD, Mr. HANSEN, Mr. BEREUTER, Mr. WELLER, Mr. HANCOCK, and Mr. BALLENGER):

H.R. 1028. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TORKILDSEN (for himself, Mr. MEEHAN, Mr. NEAL of Massachusetts, Mr. EMERSON, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MARKEY, Mr. BILIRAKIS, Mr. KING, Mr. BLUTE, Mr. SHAYS, Mrs. MORELLA, Ms. PRYCE, Mr. KENNEDY of Massachusetts, and Mr. JACOBS):

H.R. 1029. A bill to improve the enforcement of child support obligations in both intrastate and interstate cases by requiring the imposition and execution of liens against the property of persons who owe overdue support; to the Committee on Ways and Means.

By Mr. GUTKNECHT (for himself, Mr. RAMSTAD, and Mr. SENSENBRENNER):

H.R. 1032. A bill to reaffirm the Federal Government's commitment to electric consumers and environmental protection by reaffirming the requirement of the Nuclear Waste Policy Act of 1982 that the Secretary of Energy provide for the safe disposal of spent nuclear fuel beginning not later than January 31, 1998, and for other purposes; to the Committee on Commerce.

By Mr. KING (for himself, Mr. ENGEL, and Mr. NEY):

H.R. 1033. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Ways and Means, and in addition to the Committees on Banking and Financial Services, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MEYERS of Kansas:

H.R. 1034. A bill to amend the Internal Revenue Code of 1986 to increase the health insurance tax deduction for self-employed individuals; to the Committee on Ways and Means.

H.R. 1035. A bill to amend the Internal Revenue Code of 1986 to encourage multiple employer arrangements to provide basic health benefits through eliminating commonality of interest or geographic location requirement for tax exempt trust status; to the Committee on Ways and Means.

By Mr. ROEMER (for himself, Mr. MINGE, Ms. HARMAN, Mr. PETE GEREN of Texas, Mr. MCHALE, Mr. STENHOLM, Mr. CONDIT, Mr. DEAL of Georgia, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. GIBBONS, Mr. BROWDER, Mr. DOOLEY, Mr. JACOBS, Mr. BAESLER, Mr. FARR, Mr. PETERSON of Minnesota, Mr. MONTGOMERY, Mr. POSHARD, and Mrs. THURMAN):

H. Res. 94. Resolution expressing the sense of the House of Representatives that reduction of the Federal deficit should be a very high budgetary priority of the Government and that savings from the enactment of spending-reduction legislation should be applied primarily to deficit reduction; to the Committee on Government Reform and Oversight.

By Mr. WELDON of Pennsylvania (for himself and Mr. ANDREWS):

H. Res. 95. Resolution amending the Rules of the House of Representatives to establish a Citizens' Commission on Congressional

Ethics, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII:

17. The SPEAKER presented a memorial of the House of Representatives of the State of Georgia, relative to travel expenses and per diem of State legislators; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT:

H.R. 1030. A bill for the relief of John M. Ragsdale; to the Committee on the Judiciary.

By Mr. RAMSTAD:

H.R. 1031. A bill for the relief of Oscar Salas-Velazquez; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. BAKER of California and Ms. DUNN of Washington.

H.R. 47: Mr. BARTLETT of Maryland and Mr. BAKER of Louisiana.

H.R. 62: Mr. BAKER of Louisiana.

H.R. 104: Mr. SMITH of New Jersey.

H.R. 200: Mr. PICKETT, Mr. MCHUGH, Mr. TAYLOR of North Carolina, and Mr. COMBEST.

H.R. 236: Mr. MARTINI.

H.R. 240: Mr. SOLOMON.

H.R. 328: Mr. ENGLISH of Pennsylvania.

H.R. 359: Mr. HOLDEN and Mr. WAMP.

H.R. 394: Mr. BAKER of Louisiana, Mr. ORTON, Mr. MCKEON, Mr. FIELDS of Texas, Ms. DUNN of Washington, and Mr. WELLER.

H.R. 450: Mr. ENSIGN and Mr. BACHUS.

H.R. 485: Mr. BERMAN.

H.R. 563: Mr. COOLEY and Mr. BARTLETT of Maryland.

H.R. 574: Mr. GONZALEZ, Mr. CHAPMAN, Mr. TEJEDA, Mr. FROST, and Mr. WILSON.

H.R. 582: Mr. SKEEN and Ms. LOFGREN.

H.R. 588: Mr. ROMERO-BARCELÓ.

H.R. 658: Mr. WAXMAN AND Mr. DELLUMS.

H.R. 662: Mr. BOUCHER, Mr. STUMP, Mr. SAXTON, Mr. MANTON, Mr. BLUTE, Ms. MOLINARI, and Mrs. MORELLA.

H.R. 682: Mr. GALLEGLY, Mr. ROBERTS, Mr. COBLE, Mr. HANCOCK, and Mr. ENGLISH of Pennsylvania.

H.R. 698: Mr. DORNAN, Mr. MOLLOHAN, and Mr. RAHALL.

H.R. 699: Mr. GENE GREEN of Texas and Mr. FROST.

H.R. 700: Mr. BARTLETT of Maryland, Ms. MOLINARI, Mr. HASTINGS of Washington, Mr. ENSIGN, Mr. HANCOCK, Mr. MCINNIS, Mr. HOEKSTRA, Mr. ROYCE, Mr. METCALF, Mr. NORWOOD, Mr. LIGHTFOOT, Mr. KIM, Mr. WELLER, Mr. SAM JOHNSON, Mr. FOLEY, Mr. TALENT, Mr. BALLENGER, Mr. BROWDER, Mr. DEAL of Georgia, Mr. CHABOT, and Mr. PORTMAN.

H.R. 714: Mr. FAWELL, Mr. COSTELLO, Mr. YATES, Mr. LIPINSKI, Mr. EVANS, Mr. HASTERT, Mr. LAHOOD, Mr. PORTER, Mr. HYDE, Mr. RUSH, Mr. MANZULLO, and Mr. DURBIN.

H.R. 721: Mr. STUDDS, Mr. BARRETT of Wisconsin, Mr. FATTAH, Mr. KENNEDY of Rhode Island, Mr. BEILENSON, Mr. WAXMAN, Ms. RIVERS, Ms. FURSE, Mr. SCHUMER, Mr. BROWN of California, Mr. OLVER, Ms. ESHOO, Ms. LOFGREN, Mr. ANDREWS, Mr. LEWIS of Georgia, Mr. REED, Mrs. LOWEY, and Mr. EVANS.

H.R. 739: Mr. SAXTON and Mr. GILCHREST.

H.R. 759: Mr. UPTON and Mr. BAKER of California.

H.R. 810: Mr. SMITH of New Jersey.

H.R. 842: Mr. YOUNG of Alaska, Mr. LIPINSKI, Mr. CLINGER, Mr. WISE, Mr. BATEMAN, Mr. TRAFICANT, Mr. EMERSON, Mr. DEFAZIO, Mr. COBLE, Mr. HAYES, Ms. MOLINARI, Mr. CLEMENT, Mr. ZELIFF, Mr. COSTELLO, Mr. EWING, Mr. PARKER, Mr. GILCHREST, Mr. LAUGHLIN, Mr. HUTCHINSON, Mr. CRAMER, Mr. BAKER of California, Miss COLLINS of Michigan, Mr. KIM, Ms. DANNER, Mr. HORN, Mr. CLYBURN, Mr. FRANKS of New Jersey, Ms. BROWN of Florida, Mr. BLUTE, Mr. BARCIA of Michigan, Mr. MICA, Mr. FILNER, Mr. QUINN, Mr. TUCKER, Mrs. FOWLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EHLERS, Mr. BREWSTER, Mr. BACHUS, Mr. WELLER, Mr. WAMP, Mr. LATHAM, Mr. LATOURETTE, Mrs. SEASTRAND, Mr. TATE, Mrs. KELLY, Mr. LAHOOD, Mr. MARTINI, Mr. MCKEON, Mr. ENGLISH of Pennsylvania, Mr. FOX, Mr. TALENT, Mr. PETE GEREN of Texas, Mr. COYNE, Mr. QUILLEN, Mr. GENE GREEN of Texas, Mr. SHAW, Mr. POMEROY, Mr. FROST, Mr. WELDON of Florida, Mr. COLLINS of Gerogia, Mr. PAYNE of Virginia, Mr. BAKER of Louisiana, Mr. BRYANT of Tennessee, Mr. THORNTON, Mr. BALDACCI, Mr. KLECZKA, Mr. TORRICELLI, Mr. ORTIZ, Mr. HOLDEN, Mr. MARTINEZ, Mr. GEKAS, Mr. EHRLICH, Mr. ABERCROMBIE, Mr. MASCARA, Mr. WARD, Mr. ROHRABACHER, Mr. WILSON, Mr. EVANS, and Mr. GORDON.

H.R. 860: Mr. LARGENT and Mr. FIELDS of Texas.

H.R. 861: Mr. FILNER.

H.R. 881: Mr. ORTON, Mrs. LOWEY, Ms. DUNN of Washington, and Mr. SHAYS.

H.R. 882: Mr. STEARNS, Ms. MOLINARI, Mr. MASCARA, Mr. PETRI, Mr. GENE GREEN of Texas, Mr. ENGLISH of Pennsylvania, Mr. BENTSEN, Mr. KING, Mr. BLUTE, Mr. FOX, Mrs. SEASTRAND, and Mr. HUTCHINSON.

H.R. 884: Mr. DELLUMS.

H.R. 911: Mr. BAKER of Louisiana and Mr. MARTINI.

H.R. 959: Ms. DUNN of Washington and Mr. EVANS.

H.R. 969: Mr. BORSKI.

H.R. 1005: Mr. STOCKMAN and Mr. ROHRABACHER.

H.J. Res. 27: Mr. PETE GEREN of Texas.

H. Con. Res. 12: Mr. SPENCE and Mr. SOUDER.

H. Con. Res. 21: Mr. ACKERMAN, Mr. BERMAN, Mr. DELLUMS, Mr. EVANS, Mr. HINCHEY, Mr. JEFFERSON, Mr. LANTOS, Mr. MCNULTY, Mrs. MINK of Hawaii, Mr. RICHARDSON, Mr. SCHUMER, and Mr. OBERSTAR.

H. Con. Res. 23: Mr. YATES, Ms. DELAURO, Mr. ORTON, Mr. GUNDERSON, Mr. FIELDS of Louisiana, Mr. EDWARDS, Mr. BAKER of Louisiana, Mr. OLVER, Mr. KILDEE, Mr. WARD, Mr. BARRETT of Nebraska, Mr. WAXMAN, Mr. DIXON, Mr. MORAN, Mrs. MORELLA, Mr. BREWSTER, and Mr. MARTINI.

H. Con. Res. 28: Mr. BONILLA, Mr. KOLBE, Mr. PASTOR, Mr. NETHERCUTT, and Ms. DUNN of Washington.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 607: Mr. QUINN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 450

OFFERED BY: MR. ABERCROMBIE

AMENDMENT NO. 40: At the end of section 5 (page 5, after line 7), add the following new subsection:

"(c) MINERALS PRODUCTION IMPROVEMENTS.—Section 3(a) or 4(a), or both, shall not apply to any of the following regulatory rulemaking actions (or any such action relating thereto):

(1) COAL REMINING.—Any regulatory rulemaking action by the Office of Surface Mining of the Department of the Interior to encourage remining of previously mined and inadequately reclaimed coal mine operations.

(2) VALUATION OF GAS PRODUCTION ON FEDERAL LANDS.—Any regulatory rulemaking action by the Minerals Management Service of the Department of the Interior to streamline and improve the methods used to assign a value to gas for royalty purposes.

(3) UNAUTHORIZED USE AND OCCUPANCY OF MINING CLAIMS.—Any regulatory rulemaking action by the Bureau of Land Management of the Department of the Interior to prohibit the illegal use of mining claims for residential, recreational, or other non-mining related uses."

H.R. 450

OFFERED BY: MR. COOLEY

AMENDMENT NO. 41: In the proposed section 6(2)(B), strike the period at the end and insert a semicolon, and after and immediately below clause (ii) insert the following:

except that in the case of a regulatory rulemaking action under any Federal law for which appropriations are not specifically and explicitly authorized for the fiscal year in which the action is taken, the term means the period beginning on the date described in subparagraph (A) and ending on the earlier of the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out that Federal law or the date that is 5 years after the date of the enactment of this Act.

H.R. 450

OFFERED BY: MR. HANSEN

AMENDMENT NO. 42: At the end of section 5, add the following new subsection:

(c) EXCEPTION FOR REGULATIONS PROHIBITING SMOKING OR PURCHASE OF TOBACCO PRODUCTS.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action authorized by any other law to prohibit smoking in public places or to regulate tobacco products.

H.R. 450

OFFERED BY: MR. MFUME

AMENDMENT NO. 43: At the end of the bill add the following new section:

SEC. . REGULATIONS RELATED TO LIMITATIONS ON BENEFITS WITH RESPECT TO DRUG ADDICTION OR ALCOHOLISM.

Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) by the Social Security Administration under provisions of the Social Security Independence Program Improvements Act of 1994 (Public Law 103-296) affecting the payment of benefits to individuals whose drug addiction or alcoholism is a contributing factor material to the determination of disability, with respect to which interim Rules were published February 10, 1995 (60 Fed. Reg. 8140).

H.R. 450

OFFERED BY: MR. RICHARDSON

AMENDMENT No. 44: In section 6(3)(B), strike "or" at the end of clause (iv), strike the period at the end of clause (v) and insert "; or", and insert after clause (v) the following:

"(vi) any agency action that is taken by an agency to meet the negotiated rulemaking requirements of Pub. L. No. 103-413, the Indian Self-Determination Act Amendments of 1994."

H.R. 450

OFFERED BY: MR. RICHARDSON

AMENDMENT No. 45: At the end of the bill add the following new section:

SEC. . RULES OF FEDERAL LAND MANAGEMENT AGENCIES NOT AFFECTED.

Nothing in this Act shall affect the ability of the Federal land management agencies (including the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the National Park Service) to promulgate and implement rules affecting use of or action on Federal lands within the boundaries of authorized units of the national conservation system.

H.R. 450

OFFERED BY: MR. SCHIFF

AMENDMENT No. 46: In section 6(3)(B), strike "or" after the semicolon at the end of clause (iv), strike the period at the end of clause (v) and insert "; or", and at the end add the following new clause:

(vi) any action by a Federal agency with respect to a redesignation request submitted by a municipality under the Clean Air Act.

H.R. 450

OFFERED BY: MR. TATE

AMENDMENT No. 47: At the end of the bill add the following new section:

SEC. . DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) DELAY EFFECTIVENESS.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small businesses may not occur before six months after the end of the moratorium period.

(b) SMALL BUSINESS DEFINED.—In this section, the term "small business" means any business with 100 or fewer employees.

H.R. 450

OFFERED BY: MR. TOWNS

AMENDMENT No. 48: At the end of section 6(4) (page , line), before the period insert the following: "or to increase consumer market access, information, or choice".

H.R. 450

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 49: At the end of the bill add the following new section:

SEC. . TRADE SANCTIONS NOT PROHIBITED.

Nothing in this Act shall be construed to prohibit the imposition of trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

H.R. 450

OFFERED BY: MR. TRAFICANT

AMENDMENT No. 50: At the end of the bill add the following new section:

SEC. . RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as limiting the promulgation of rules that ensure the collection of taxes from, or limits tax loopholes of, foreign subsidiaries doing business in the United States.

H.R. 1022

OFFERED BY: MR. DOGGETT

AMENDMENT No. 1: Amend the heading of section 301 (page 31, line 2) to read as follows:

SEC. 301. PEER REVIEW PROGRAM AND PROHIBITION OF CONFLICTS OF INTEREST.

Strike paragraph (3) of section 301(a) (page 31, line 23 through page 32, line 5) and insert the following:

(3) shall exclude peer reviewers who have a potential financial interest in the outcome;

H.R. 1022

OFFERED BY: MR. DOGGETT

AMENDMENT No. 2: At the end of the bill (page 37, after line 13), add the following new title:

TITLE VII—SUNSET

SEC. 701.

This Act shall cease to be in effect on January 3, 2000.

H.R. 1022

OFFERED BY: MR. ROEMER

AMENDMENT No. 3: Strike section 401 (page , lines , through) and insert the following:

SEC. 401. JUDICIAL REVIEW.

Nothing in this Act creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, the adequacy of any certification or other document prepared pursuant to this Act, and any alleged failure to comply with this Act, may not be used as grounds for affecting or invalidating such agency action, but statements and information prepared pursuant to this title which are otherwise part of the record may be considered as part of the record for the judicial or administrative review conducted under such other provision of law.

Strike section 202(b)(2) (page , lines through) relating to substantial evidence and strike "(1) IN GENERAL.—" in section 202(b) (page , line).

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the fourth calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment?
☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1◆

Organization or Individual Filing	Employer/Client
James S. Adams, 1717 Massachusetts Ave., NW, #805 Washington, DC 20036	Safe Energy Communication Council
David S. Addington, 801 Pennsylvania Ave., NW Washington, DC 20004	Baker Donelson Bearman & Caldwell (For:Competitive Long Distance Coalition, Inc)
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	University of Virginia/Continuing Education
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:Unisys Corp)
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Greater Washington Society of Assn Executives
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Greater Washington Society of Assn Executives
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Greater Washington Society of Assn Executives
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	K & K Merchandising Group
Virgil Allen, 1300 I St., NW, #470E Washington, DC 20005	Project Acta, Inc
Mahlon G. Anderson, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	National Truck Dealers Assn
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	Atlas Iron Processing, Inc
Do	Jones Day Reavis & Pogue
Do	LDDS Metromedia
Do	Malrite Communications
Do	Monsanto
Do	Pinpoint Communications
Do	Winston & Strawn
James N. Ashmore, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Co
Azerbaijan Study Foundation, 110 East 59th Street, Suite 3202 New York, NY 10022	
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	Phoenix Home Life Insurance, Inc
Do	Principal Financial Group
Cara C. Bachenheimer, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn
Bailey Intermediary Group, Inc, 1730 K Street, NW, #304 Washington, DC 20006	Humanitarian & Socio-Economic Development Organization
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	Oregon Forest Industries Council
Do	Pacific Processors Assn
Do	Port of Hood River
Joseph L. Barnes, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Barr Laboratories
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Union Pacific)
Bechtel & Cole, Chartered, 1901 L Street, Nw, Suite 250 Washington, DC 20036	Advanced Cordless Technologies, Inc
Charles Bernardini, 2233 N. Halsted Street Chicago, IL 60614	Dykema Gossett (For:Committee on US Business, Canadian Life & Health Ins Assn)
Susan Bernstein, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers
Bickerstaff Heath & Smiley, L.L.P., 98 San Jacinto Blvd., #1800 Austin, TX 78701-4039	Systems Control, Inc
Stuart Binstock, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects
Cherae Bishop, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers
Julia M. Blankenship, 1301 Pennsylvania Ave., NW, #1030 Washington, DC 20004	CINergy Corp
James B. Boillot, 1005 E Street, SE Washington, DC 20003	National Agricultural Aviation Assn
Bond & Co, Inc, 655 South Washington Street Alexandria, VA 22314	American Trucking Associations
Do	Century Council
Do	Philip Morris Companies, Inc
Manuel E. Bonilla, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Academy of Ophthalmology
Joanne Borghesi Bowers, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	J.D. Firth Associates
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	West Publishing Co
Pamela A. Brewster, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn
Sandra L. Brickel, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
William C. Brown, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309	Brown Winick Graves Baskerville & Schoenebaum (For:Lisle Corp)
Brown Winick Graves Baskerville & Schoenebaum, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309	
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Discovery Communications, Inc)
Butera & Andrews, 1301 Pennsylvania Ave., NW Washington, DC 20004	Consumers Electronics Group
Jim Butler, 201 S. Main Street, #1800 P.O. Box 45898 Salt Lake City, UT 84145-0898	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)
Louis R. Butler, 6953 Neptune Court New Orleans, LA 70126	
BASF Corporation, 2100 Pennsylvania Ave., NW, #755 Washington, DC 20037	
John D. Cahill, McDermott/O'Neill & Associates One Beacon Street, #1600 Boston, MA 02108	Bliss Companies
Do	Massachusetts Land Bank
California Health Care Institute, 1020 Prospect St., #310 La Jolla, CA 92037	
Bradley F. Call, 800 Connecticut Ave., NW, Suite 600 Washington, DC 20006	Fluor Corp
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Association of Surgical Technologists
Do	Credential Information & Verification Services, Inc
Kevin F. Carey, 1020 19th Street, NW, Suite 600 Washington, DC 20036	American Express Company
J.D. Cargill & Associates, Inc, P.O. Box 3407 Atlanta, GA 30302-9998	Pharmaceutical Research & Manufacturers of America
Carmen Group, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	ADVO, Inc
Bruce Carroll, 200 Great Valley Parkway Malvern, PA 19355	Centocor
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	South Dade Land Corp
Do	Teaching Hospitals of America
Center for Rehabilitation Technology, Inc, 490 10th Street, Suite 118 Atlanta, GA 30318	
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Landfill Gas Group
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	General Motors
Nancy Chapman & Associates, Inc, 1723 U Street, NW Washington, DC 20009	Mycogen Corp
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Architectural Foundation
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	General Electric Capital Mortgage Corp
Do	Siderca Corp
Abe Citron, 110 East 59th Street, Suite 3202 New York, NY 10022	Azerbaijan Study Foundation
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates (For:New York Hospital)
Carla E. Clark, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Massachusetts Bay Transportation Authority
Candace M. Clemons, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Australian Dairy Industry
Jerome W. Conlon, 1026 S. Knight Park Ridge, IL 60068	
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	American Chiropractic Assn
John M. Coster, P.O. Box 1417-D49 Alexandria, VA 22313-1480	National Assn of Chain Drug Stores
Countrywide, 1450 G Street, NW, #445 Washington, DC 20005	
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	Federal Home Loan Mortgage Corp
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	American Tort Reform Assn
William Kay Daines, 701 Pennsylvania Avenue, NW Washington, DC 20006	
Ellen Davis, 1156 15th Street, NW, #700 Washington, DC 20005	NARAL
Davis Wright & Tremaine, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Max & Heather McCarty
Do	Gerald D. & Ina Thorne
Cathy Deeds, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Erie BOCES)
M. Beth Dessen, 222 N. 17th Street Philadelphia, PA 19103-1299	Archidocese of Philadelphia
James U. DeFrancis, 1215 Jefferson Davis Highway, #1500 Arlington, VA 22202-4302	Raytheon Engineers & Constructors
Caroline Smith DeWaal, 9504 Warren Street Silver Spring, MD 20910	Center for Science in the Public Interest
Do	Public Voice for Food & Health Policy
Kathryn M. Dickey, 1101 Pennsylvania Ave., NW, #540 Washington, DC 20004	Eli Lilly & Co
Patrick J. Donnelly, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba-Geigy Corp
Downey Chandler, Inc, 1401 I Street, NW, #1210 Washington, DC 20005	American International Group
Do	American Personal Communications
Do	AIDS Resource Center of Wisconsin
Do	E.I. DuPont de Nemours & Co
Do	Fuel Cells for Transportation
Do	Healthcare Assn of New York State
Do	Independent Forest Products Assn
Do	Institute for Community Development
Do	Kalkines Arky Zall & Bernstein
Do	Merck & Company
Do	Metropolitan Life & Affiliated Companies
Do	National Assn of Health Underwriters
Do	National Cruise Ship Alliance
Do	Personal Communications Industry Assn
Do	Philipp Brothers Chemicals, Inc
Do	Joseph E. Seagram & Sons, Inc
Do	Time Warner, Inc

Organization or Individual Filing	Employer/Client
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	Transportation Institute
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	Delaware Tribe of Indians
Do	Miami Tribe of Oklahoma
Do	Modoc Tribe of Oklahoma
Do	MNE-SOSE International Water Rights Coalition
Katarina Duich, NAU P.O. Box 6003 Flagstaff, AZ 86011	Northern Arizona University
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:Atlas Iron Processing, Inc)
Do	Arter & Hadden (For:Jones Day Reavis & Pogue)
Do	Arter & Hadden (For:LDDS Metromedia)
Do	Arter & Hadden (For:Malrite Communications)
Do	Arter & Hadden (For:Monsanto)
Do	Arter & Hadden (For:Pinpoint Communications)
Do	Arter & Hadden (For:Winston & Strawn)
Daniel J. Edelman, Inc, 1420 K Street, NW Washington, DC 20005	Government of Chile
Electronetics Corp, 555 Commerce Drive Amherst, NY 14228	
Christina Emmons, 1450 G Street, NW, #445 Washington, DC 20005	Countrywide
Arthur P. Endres Jr., 801 Pennsylvania Ave., NW, #220 Washington, DC 20004	Burlington Northern Railroad Co
Ann Eppard Associates, Ltd, 30 Wolfe Street Alexandria, VA 22314	AMTRAK
Do	Conrail
Do	Outdoor Advertising Assn of America, Inc
Harvey F. Ernest Jr., 1101 15th Street, NW, #1100 Washington, DC 20005	Minnesota Mining & Manufacturing (3M)
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Friends of Fort Rucker, Inc
Do	Teledyne Industries, Inc
Meg Farrage, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn
Kenneth A. Farrell, 433 Irving Avenue Brooklyn, NY 11237	KYA & Associates (For:Local Development Corp)
Federal Affairs Office, 3050 Chain Bridge Rd., #103 Fairfax, VA 22030	Computer Learning Center
Andrew D. Filicicchia, 1200 18th Street, NW, Suite 200 Washington, DC 20036	National Business Aircraft Assn
Sarah A. Flanagan, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities
Joseph P. Foley, P.O. Box 61303 Potomac, MD 20859	Cadiz Land Co
Frank J. Formica, 1735 K Street, NW Washington, DC 20006	National Assn of Securities Dealers
C. Anson Franklin, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	U.S.-Cuba Business Council
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Siemens Transportation Systems, Inc
Kay Fulwider, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn
Michael R. Gale, 2500 Wilson Blvd. Arlington, VA 22201	American Apparel Manufacturers Assn
Brian D. Garber, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	Public Lands Council
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	Greenberg, Traurig
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Conservation & Renewables Energy Systems
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	City of Little Rock, Arkansas
Kathryn M. Goatley, 1021 S. Hanover Street Baltimore, MD 21230	Maryland Food Committee
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Alaska Legislative Council
Do	Pirelli Armstrong Tire Corp
Rose Gonzalez, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn
Lisa Gooch, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc
Bradley Gordon, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	Artais Weather Check
Do	Metrolink
Greater Cincinnati Television Educational Foundation, 1223 Central Parkway Cincinnati, OH 45214	
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	Blockbuster Entertainment
Do	Haverfield Corp
Do	South Dade Land Corp
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Bankers Life & Casualty Co
Teresa A. Gruber, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:DEIP Coalition)
Haley Bader & Potts, 4350 North Fairfax Drive #900 Arlington, VA 22203-1633	National Paging & Personal Communications Assn
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Prudential Securities, Inc
Peter B. Harkins, S.K. Stern & Associates 9706 Spring Ridge Lane Vienna, VA 22182-1449	American Deposit Corp
Maureen Healey, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc
Health Industry Distributors Assn, 225 Reinekers Lane, #650 Alexandria, VA 22314	
Mark G. Heesen, 1655 N. Fort Myer Dr., #700 Arlington, VA 22209	National Venture Capital Assn
Emily M. Hektner, 1300 Spring Street, #120 Silver Spring, MD 20910	Florida Solar Energy Center
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	COBE Laboratories, Inc
Gail Hillebrand, 1535 Mission Street San Francisco, CA 94103	Consumers Union
Mike Hirshfield, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Avions de Transport Regional, Groupement d'Interet Economiqu
Do	Charter International, Ltd
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Detroit Water & Sewerage Dept, Contracs & Grants Div
Do	South Tahoe Public Utility District
Robert W. Holleyman II, 20201 L Street, NW, #400 Washington, DC 20036	Business Software Alliance
Thaddeus Holt, P.O. Box 440 Point Clear, AL 36564	American Deposit Corp
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Shell Oil CO
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Ohio Alliance for GATT Now
M. Ward Hubbell, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper
J. Michael Hudson, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)
Edward Huylebroeck Jr., 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn
Joseph N. Ignat, 850 Westglow Lane Geenwood Village, CO 80121	American Deposit Corp
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	Alliance of Motion Picture & Television Producers
Do	Fragomen Del Rey & Bersen (for Sterling Winthrop)
Do	IMPAC
Jon J. Indall, P.O. Box 669 Santa Fe, NM 87504-0669	Uranium Producers of America
International Public Strategies, Inc, 1030 15th St., NW, #408 Washington, DC 20005	Government of Aruba
W. Robert Irvin, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Corp
Shari Jackson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Air Products & Chemicals, Inc
Do	AEG Hi Speed Rail
Do	Dekalb, Illinois
Do	DePuy, Inc
Do	Geon Company
Do	Informix Software, Inc
Do	Lab One
Do	Large States Quality Coalition
Do	NAVAPD
Do	Palatine, Illinois
Do	Schaumberg, Illinois
Harry Jenkins Jr., 1650 Tysons Blvd., Suite 1700 McLean, VA 22102	ITT Defense & Electronics
Per Ingvar Jessing, Box 53046 S-400 14 Gothenburg Sweden	Swedish Shipowners' Assn
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	American Academy of Dermatology
Do	American College of Cardiology
Do	American Hospital Assn
Do	College of American Pathologists
Do	Medela, Inc
Do	Mutual of Omaha
Do	Pennzoil Company
Do	Times Mirror Co
Do	Uniform & Textile Service Assn
Mary M. Johnston, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action
Murray W. Jones, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	R.J. Reynolds Tobacco Co
Jim Jontz, Box 34 Silver Lake, IN 46982	Citizens Trade Campaign
Kalkines Arky Zall & Bernstein, 1675 Broadway, #2700 New York, NY 10019	Essential Community Hospital Coalition
Lisa R. Kardell, 1155 Connecticut Ave., NW, #800 Washington, DC 20036	WMX Technologies, Inc
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	Viaticus, Inc
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	MetraHealth
Andrew T. Kendzie, 1301 K Street, NW, #1200 Washington, DC 20005-3307	IBM Corporation
John J. Killeen, 1710 Goodridge Drive McLean, VA 22102	Science Applications International Corp
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	Elkem Metals

Organization or Individual Filing	Employer/Client
Do	Ohio Academy of Nursing Homes
Do	Timken Company
Michael G. Kirby, 1500 N. Beuregard St., #320 Alexandria, VA 22311	Eagan McAlliser, Inc
Sean Kirkendall, 515 N. Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Alaska Visitors Assn)
Barbara Knisely, 1616 H Street, NW Washington, DC 20006	National Grange
J. Douglas Koelemay, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	City of Greenwood Village
John H. Komoroske, 1735 K Street, NW Washington, DC 20004	National Assn of Securities Dealers
Edward B. Krachmer, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn
Steven Kroll, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS
Theodore G. Kronmiller, 7799 Leesburg Pike, #900N Falls Church, VA 22066	
KCM International, Inc, 1730 M Street, NW, #911 Washington, DC 20036	P.T. Teknojasa Sapta Utama
Anne Lamoureux, 7700 Wisconsin Avenue Bethesda, MD 20814	Discovery Communications, Inc
Scott H. Lane, 412 First Street, SE Washington, DC 20003	AIADA
Riaz K. Latifullah, 1300 I Street, NW, #470E Washington, DC 20005	Project Acta, Inc
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	Flo-Sun Sugar
Do	Transaero, Inc
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback)
Karen L. Lightfoot, 777 N. Capitol Street, NE, #705 Washington, DC 20002	Center on Budget & Policy Priorities
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Carmen Group, Inc (for ADVO, Inc)
Do	Greater Rockford Airport Authority
Do	Maryland Department of Transportation
Do	State of Nevada
Lisle Corporation, 807 E. Main Clarinda, IA 51632	
Bryan Little, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation
Orville J. Litzsinger, 5824 Wessex Lane Alexandria, VA 22310	Alliance for American Innovation, Inc
H. R. Lively Jr., 919 18th Street, NW Washington, DC 20006	American Financial Services Assn
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:LDDS Metromedia)
Do	Arter & Hadden (For:Pinpoint Communications)
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	Promotional Products Assn International
Katherine Loos, 2030 M Street, NW Washington, DC 20036	Common Cause
Ramon B. Lopez, P.O. Box 1200 Columbus, GA 31902-1200	Columbus Chamber of Commerce
Ola Lorentzon, Box 7007, S-103 86 Stockholm, SWEDEN	ICB Shipping AB
Larry D. Madison, 1101 Mercantile Lane, #100 Landover, MD 20785	Association Growth Enterprises, Inc
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Fontana Bleu, S.p.A.
Do	Sabreliner Corporation
Tammy L. Mann, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Metlakatla Indian Community
Gordon G. Martin, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Alabama Power Co
Sam Maselli, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn
John Paul May, 1101 Mercantile Lane, #101 Landover, MD 20785	Association Growth Enterprises, Inc
Kelley J. McCarthy, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Embassy of El Salvador)
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)
Do	Bannerman & Associates, Inc (For:Government of Egypt)
Do	Bannerman & Associates, Inc (For:Lebanese American University)
Do	Bannerman & Associates, Inc (For:L.A. Motley & CO)
Maryanne McCormick, 1455 Pennsylvania Avenue, NW Washington, DC 20004-1007	Corning, Inc
Bridget McDonald, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers' Assn
Robert McDonald, 700 13th Street, NW, #700 Washington, DC 20005	Emerson Electric Co
C. Dean McGrath Jr., 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Asn
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America
McTigue & Brooks, 4921 Dierker Road Columbus, OH 43220	Solid Waste Authority of Central Ohio
Stuart C. Megaw, 700 11th Street, NW, #680 Washington, DC 20001	Hiram Walker & Sons, Inc
Marilyn F. Meigs, 1776 Eye Street, NW, #750 Washington, DC 20006-3700	BNFL, Inc
Carl Mendlow, 11510 Falls Road Potomac, MD 20854	
Edward H. Merves, 125 Stafford Avenue, Suite 200 Wayne, PA 19087	ROLITE, Inc
Metzger Hollis Gordon & Mortimer, 1275 K Street, NW Washington, DC 20005	Major League Baseball
Deborah E. Miller, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn
Mary A. Minette, 666 Pennsylvania Ave., SE, #200 Washington, DC 20003	National Audubon Society
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn
Donna R. Mollis, 555 New Jersey Ave., NW Washington, DC 20001	American Federation of Teachers, AFL-CIO
Eric Mondres, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	National Electrical Manufacturers Assn, et al.
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Lumbee Tribe of Cheraw Indians of NC)
Christopher G. Morrison, 3138 North 10th Street, #300 Arlington, VA 22201	National Assn of Federal Credit Unions
D. Gail Morrison, 323 - 2nd Street, SE, #L1 Washington, DC 20003	National Motorists Assn
Gloria Moser, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Academy of Ophthalmology
John M. Murphy, 110 East 59th Street, Suite 3202 New York, NY 10022	Azerbaijan Study Foundation
Susan T. Muskett, 227 Massachusetts Ave., NE, #101 Washington, DC 20002	Christian Coalition
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	General Reinsurance Co
Hosea M. Ned Jr., 12671 Highway 15 Phoenix, LA 70040	
Charlene Neu A., 901 E Street, NW, Suite 601 Washington, DC 20004	National Treasury Employees Union (NTEU)
John V.M. Newton, 901 E Street, NW, Suite 600 Washington, DC 20004	National Treasury Employees Union
Frederic A. Nichols, 1331 Pennsylvania Ae., NW, #1500-N Washington, DC 20004-1790	National Assn of Manufacturers
Nurnberger & Associates, 1275 K Street, NW, Suite 1100 Washington, DC 20005	ADS Ventures (for: Clivus Multrum)
Do	ADS Ventures (for: Inchcape Testing Services, Inc)
Do	ADS Ventures (for: Psychemedics Corp)
Scott Nystrom, 601 13th Street, NW, #410 South Washington, DC 20004	R. Duffy Wall & Associates, Inc
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Intellectual Property Owners
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	GAF Corporation
Do	MWW/Strategic Communiations, Inc
Ann E. O'Donnell, 307 Yoakum Parkway, #3-608 Alexandria, VA 22304	United Way of America
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates (For:New York Hospital)
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Council for Responsible Nutrition
Do	General Mills
Do	McDonald's Corporation
Jason Osborne, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council
Tamar L. Osterman, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation
Thomas L. Pacino, 1101 Mercantile Lane, #100 Landover, MD 20785	Association of Growth Enterprises, Inc
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Assn of Pharmaceutical Distributors
Do	Bastyr University
James O. Pasco Jr., 309 Massachusetts Ave., NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Drycleaner Environmental Legislative Fund
Do	Laquidara & Edwards (for Jacksonville Transporation Auth)
Do	MovieFone, Inc
Mary Dwyer Pembroke, 1101 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	Federal Home Loan Mortgage Corp
Charles D. Penry, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn
Pamela Slane Pepe, 950 N. Washington Street Alexandria, VA 22314	American Academy of Physician Assistants
Kate Peterson, 555 13th Street, NW, #1050 E Washington, DC 20004	Medtronic, Inc
Margaret L. Petito, 6692 32nd Place, NW Washington, DC 20015	Government of Ecuador
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute
Karen B. Phillips, 50 F Street, NW Washington, DC 20001	Association of American Railroads
Ronald Phillips, P.O. Box 1254 Mount Dora, FL 32757	Tax Free Growers for America
Steven J. Piquet, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc
Peter A. Piscitelli, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Asn of New York State
Podesta Associates, Inc, 1001 G Street, NW Suite 900 East Washington, DC 20001	American Personal Communications (APC)
Do	California Healthcare Institute
Do	California Poultry Industry Federation
Do	Genzyme
Do	HIMA
Do	MCI
Do	National Campaign for Pesticide Policy Reform (NCPPR)
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson Pethick & Associates, Inc (For:Securiguard, Inc)

Organization or Individual Filing	Employer/Client
Porter Wright Morris & Arthur, 1233 20th Street, NW Suite 400 Washington, DC 20036	Teksid, Inc
Potomac Research Group, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	Alliance for GATT Now
Wayne A. Powell, 1101 Vermont Ave., NW, #700 Washington, DC 20005	American Academy of Ophthalmology
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Federation of Home Health Agencies, Inc
Do	Competitive Long Distance Coalition
Do	Interactive Advertising Council
S. Patrick Presley, 1776 I Street, NW, #1000 Washinton, DC 20006	BP America, Inc
Project Acta, Inc, 1 Steppingstone Lane Kings Point, NY 11024	
Project Relief, 201 Park Washington Court Falls Church, VA 22046	
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Northeast Entrepreneur Fund
Rhonda J. Ray, 3201 Mayfair Road Baltimore, MD 21207	Maryland Food Committee
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Time Warner, INc)
Gregg M. Reynolds, 4305-68th Ave. NE Olympia, WA 98516	Real Estate National Network
Debi Q. Richardson, 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Direct Dimension, Inc
Kevin J. Riordan, 1299 Pennsylvania Ave., NW 11th Floor West Washington, DC 20004-2407	General Electric Co
Pedro Rivera, 1523 22nd Street, NW, #400 Washington, DC 20037	X-Com, Inc
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association of Financial Guaranty Insurors
Do	C.O.A.C.H. Foundation
Lara E. Robillard, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers Assn
Wayne A. Rustin, 1156 15th Street, NW, #1015 Washington, DC 20005	J.C. Penney Co, Inc
Joseph Randy Sabo, 13095 W. Cedar Drive, Unit 202 Lakewood, CO 80228	Umetco Minerals Corp
Jeffrey M. Samuels, 1100 New York Avenue, NW Suite 300 East Washington, DC 20005-3955	International Trademark Assn
Saunders Consulting, 4806 Bentonbrook Dr. Fairfax, VA 22030	Pharmaceutical Research & Manufacturers of America
Peter Schechter, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schechter & Associates, Inc
Mary A. Schulz, 9200 Indian Creek Parkway, #220 Overland Park, KS 66210-2008	Crop Insurance Research Bureau
Do	National Assn of Mutual Insurance Cos
John H. Scott, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians
Thomas Andrew Scully, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems
Julie A. Segal, 1816 Jefferson Place, NW Washington, DC 20036	Americans United for Separation of Church & State
Peter Semler, Box 723 Easthampton, NY 11937	Azerbaijan Study Foundation
Susan L. Shallcross, 11 Dupont Circle, NW, #300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)
Cynthia D. Shenker, Wilson Elser Moskowitz Edelman & Dicker One Steuben Place Albany, NY 12207	Healthcare Assn of New York State
Kent G. Shultz, 3500 N. Elm Road Jackson, MI 49201-8877	
William T. Sinclaire, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	America's Public TV Stations
Do	National Public Radio
Do	Public Broadcasting Service
Donna E. Slingluff, 225 Reinekers Lane, #650 Alexandria, VA 22314	Health Industry Distributors Assn
Brian D. Smedley, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn
Edward Del Smith, 1130 Connecticut Ave., NW #650 Washington, DC 20036	E. Del Smith & Company (For:City of Bakersfield)
Do	E. Del Smith & Company (For:City of Santa Barbara Public Works)
Do	E. Del Smith & Company (For:Contra Costa County, Tennants of)
Do	E. Del Smith & Company (For:Systech Environmental Corp)
Do	E. Del Smith & Company (For:Western Commercial Spce Center)
Smith Johnson Anderson & Carr, 611 Commerce Street Nashville, TN 37203	Pharmaceutical Research & Manufacturers of America
Smith/Free Group, 1730 Pennsylvania Ave., NW, #200 Washington, DC 20006	American Institute of Architects
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	DynCorp
Do	Electronetics Corp
Solid Waste Authority of Central Ohio, 3011 Columbus Street Grove City, OH 4323	
Henry A. Solomon, 4350 North Fairfax Drive, #900 Arlington, VA 22203-1633	Haley Bader & Potts (For:National Paging & Personal Communications Assn)
John S. Sparkman, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co
Brian D. Spickard, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co
Diane D. Staab, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper
June Stadheim, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1790	National Asn of Manufacturers
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	New York Hospital
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	Lockheed IMS
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	EF Au Pair
Dorothy Strunk, 12612 Tartan Lane Ft. Washington, MD 20744	United Parcel Service (UPS)
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Union Pacific)
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Union Pacific
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Hyundai Corp
Do	Hyundai Engineering & Construction Co, Ltd
Do	Radnor Development Corp
Virginia M. Swope, 901 15th Street, NW, #320 Washington, DC 20005	Travelers, Inc
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Coeur D'Alene Mines
Gary W. Tappana, 1776 I STreet, NW, Suite 200 Washington, DC 20006	Anheuser-Busch Companies
Telecommunications Resellers Assn, 1155 Connecticut Ave., NW, Suite 401 Washington, DC 20036	
Daniel O. Theno, 1919 S. Broadway P.O. Box 19130 Green Bay, WI 54304-1919	Fort Howard Corp
Theradynamics Corp, P.O. Box 229 28 Linden Street Geneva, NY 14456	Thermodynamics Corp
Philip E. Thoden, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	NATSO, Inc
Linda K. Thrasher, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	Black Entertainment Television
Do	Metricom, Inc
Michael A. Tongour, 1730 Pennsylvania Ave., NW, #200 Washington, DC 20006	American Institute of Architects
Do	Koch Industries, Inc
Carl R. Tuvin, 2805 Washington Avenue Chevy Chase, MD 20815	American Carriers Telecommunications Assn
Do	Chronic Lyme Research
Chase Untermeyer, Box 692000-110703 Houston, TX 77269-2000	Compaq Computer Corp
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson Pethick & Associates (For:Portals Limited)
Do	Kelly Anderson Pethick & Associates, Inc (For:Securiguard, Inc)
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Washington County Commission
Vedder Price Kaufman Kammhoz & Day, 1600 M Street, NW, Suite 700 Washington, DC 20036	Bankers' Assn for Foreign Trade (BAFT)
Do	Government of Rheinland-Pfalz
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	National Assn of Government Guaranteed Lenders, Inc
Melodie A. Virtue, 4350 North Fairfax Drive, Suite 900 Arlington, VA 22203-1633	Haley Bader & Potts (For:National Paging & Personal Communications Assn)
Ronnie R. Volkening, 2711 North Haskell Ave. Dallas, TX 75204-2906	Southland Corp
Rex B. Wackerle, 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Popham Haik Schnobrich & Kaufman, Ltd (For:American Wire Producers Assn)
Do	Popham Haik Schnobrich & Kaufman, Ltd (For:Chiquita Brands International)
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	National Medical Care
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Boston Scientific Corp
Do	BP America
Do	NovaCare, Inc
Sarah J. Walsh, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc
Earl Weeks, P.O. Drawer 351 Columbus, MS 39703	4-County Electric Power Assn
Jennifer R. Weeks, 1616 P Street, NW, #310 Washington, DC 20036	Union of Concerned Scientists
Joseph J. Westwater, 1 Massachuseets Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:DEIP Coalition)
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Kaiser Resources, Inc
Do	Straight & Narrow, Inc
Bernard H. White, The White Group 333 Clay Avenue, #710 Houston, TX 77002-4086	Zapata Protein, Inc
Williams & Jensen, P.C., 1155 21st Street, NW, #300 Washington, DC 20036	Genzyme Corporation
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	E.M. Warburg Pincus & Co, Inc
Alexandra M. Wilson, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc
George M. Wilson, 9739 Brassie Way Gaithersburg, MD 20879	Leisure Time Casinos & Resorts, Inc
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	Huntsville Solid Waste Disposal Authority
Do	Nuclear Energy Institute
Linda A. Winter, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Harris Chemical Group, Inc
Kenneth M. Wojnicz 108691, P.O. Box 480999 34625 26 Mile Road New Haven, MI 48048	
Kimberley A. Woodruff, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc
Calvin Lynn Wooten, 724 Oneida Street, NW Washington, DC 20007	
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	NBC
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	National Court Reporters

Organization or Individual Filing	Employer/Client
Stephen A. Yokich, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers
Michael J. Zabko, 909 N. Washington St., #301 Alexandria, VA 22314	Retired Enlisted Assn
Esmat A. Zaklama, 2734 Kennedy Boulevard Jersey City, NJ 07306	Coptic Foundation

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the fourth calendar quarter 1994:

(NOTE.—The form used for reporting is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

IDENTIFICATION NUMBER____________________

Is this an Amendment?
☐ YES ☐ NO

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee".*—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer".*—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report." ◆

STATEMENT OF VERIFICATION

[Omitted in printing]

PAGE 1 ◆

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............“Expense Money” and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
    Please answer "yes" or "no": ....♦

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*_______________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00		TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Ann Hadley vom Eigen, 1828 L Street, NW, #705 Washington, DC 20036	American Land Title Assn	4,250.00	
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Ande M. Abbott, 2722 Merrilee Drive, #360 Fairfax, VA 22031	International Brotherhood of Boilermakers...	360.92	
Paul C. Abenante, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn		
George Abney, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	2,321.24	
Pamela Abney, 1101 Vermont Ave., NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Adele L. Abrams, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Adrian Acevedo, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Elaine Acevedo, 666 Pennsylvania Ave., SE, #403 Washington, DC 20003	Florist's Transworld Delivery Assn	2,000.00	
Rodney J. Ackerman, 1450 Poydras Street New Orleans, LA 70112-6000	CNG Producing Company	1,000.00	401.58
Charles A. Acquard, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Cecelia A. Adams, 1901 Pennsylvania Avenue, NW, 10th Floor Washington, DC 20006	International Mass Retail Association	3,000.00	
Jane M. Adams, 818 Connecticut Avenue, NW, #303 Washington, DC 20006	National Assn for Biomedical Research	972.00	
John M. Adams, 909 N. Washington Street, #300 Alexandria, VA 22314	Retired Enlisted Assn	2,216.00	
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	1,366.15	187.80
Wayne W. Adams, 501 Park Avenue Belleair, FL 34616			
Allan Robert Adler, 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Cohn & Marks (For:Association of American Publishers)	500.00	
Do	Cohn and Marks (For:Direct Marketing Assn)		
Michael B. Adlin, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Advanced Display Manufacturers of America, 3050 K Street, NW, #400 Washington, DC 20007			
Advertising Mail Marketing Assn, 1333 F Street, NW, #710 Washington, DC 20004-1108		318.00	318.00
Advocacy Group, 1350 EYE Street, NW, #680 Washington, DC 20005	American Chiropractic Assn		
Do	Arizona State University		
Do	Border Trade Alliance		
Do	Brown & Root, Inc		
Do	City of Tempe		
Do	Dowling College		
Do	Florida Board of Regents Foundation, Inc		
Do	Intel Supercomputing Division		
Do	Livingston Health Care Services		
Do	National Fuel & Energy, Inc		
Do	New Mexico State University		
Do	Palmer Chiropractic University		
Do	Port of Brownsville, Texas		
Do	Sam Houston State University		
Do	University of Utah		
Aerospace Industries Assn of America, Inc, 1250 Eye Street, NW, #1100 Washington, DC 20005		5,840.50	5,840.50
Affordable Housing Tax Credit Coalition, 1255 23rd Street, NW, #800 Washington, DC 20037		2,000.00	2,000.00
Jennifer Lee Ahern, 1725 17th Street, NW, #109 Washington, DC 20007	Bruce P. Cameron (For:Embassy of Monzambique)	1,950.00	
Do	Bruce P. Cameron (For:National Council of Maubere Resistance)	1,300.00	
David J. Aho, 1667 K Street, NW, #710 Washington, DC 20006	Baxter	2,000.00	280.00
Patricia W. Aho, 45 Memorial Circle Augusta, ME 04330-6400	American Petroleum Institute	287.20	
Robert S. Aiken, 800 Connecticut Avenue, NW, #610 Washington, DC 20006	Pinnacle West Capital Corp	20,000.00	2,915.99
Herbert Allen Ailsworth, 1615 L Street, NW, #420 Washington, DC 20036	Sandoz Corp		235.00
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Products & Chemicals, Inc, 805 15th Street, NW, #330 Washington, DC 20005		16,000.00	16,000.00
Air Taser, Inc, 7307 East Evans Road Scottsdale, AZ 85260			
Aircraft Owners & Pilots Assn, 421 Aviation Way Frederick, MD 21701		7,000.00	6,490.00
Airports Council International - North America, 1775 K Street, NW, #500 Washington, DC 20066			28,966.16
Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW, #400 Washington, DC 20036	A.E. Staley Manufacturing		
Do	Air Transport Assn of America		
Do	Albertson's, Inc		
Do	Alliance of American Insurers		
Do	Amerada Hess Corp	500.00	
Do	American Airlines, Inc	8,366.00	128.00
Do	American Financial Corp	50.25	8.00
Do	American Share Insurance Corporation	8.00	
Do	American Telephone & Telegraph Co		
Do	Arthur T. Walker		
Do	ASSE International Student Exchange Program		
Do	Bechtel Group, Inc	16.75	8.00
Do	Beneficial Management Corp of America	700.00	
Do	Bolt Beranek & Newman, Inc		
Do	City of Houston	325.00	
Do	Columbia Government Trade Bureau (PROEXPO)		
Do	Cotton Bowl Athletic Assn		
Do	Dow Jones & Co		
Do	Fremont Group, Inc		
Do	General Aviation Manufacturers Assn		
Do	Government of Norway		
Do	GTECH Corp		
Do	Liberty Mutual Insurance Co		
Do	MacAndrews & Forbes Holdings, Inc		
Do	Mazda (North America), Inc		
Do	Medical Protective Company		
Do	Mellon Bank Corp		
Do	Memorial Sloan-Kettering Cancer Center	725.00	
Do	Mesa, Inc		
Do	Metropolitan Transit Authority of Harris County	2,075.00	38.00
Do	Miller Brewing Company		
Do	Robert Mondavi Winery		
Do	Morgan Stanley & Co, Inc		
Do	Mortgage Guaranty Insurance Corp		
Do	Mortgage Insurance Cos of America	1,410.00	19.00
Do	Motion Picture Assn of America, Inc	1,425.00	19.00
Do	MAXXAM, Inc		
Do	MCA, Inc		
Do	National Football League		
Do	Nationwide Mutual Insurance Company	134.00	16.00
Do	New York Public Library	350.00	
Do	Riggs National Corp		
Do	Ryder System, Inc	570.00	
Do	Southern California Edison Co		
Do	Thompson & Knight		
Do	Time-Warner		
Do	Transamerica Financial Services		
Do	USA Group, Inc	310.00	
Do	Warner-Lambert Co		
Do	Westinghouse Electric Corp		
Julia L. Akins, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
William E. Albers, 11 Dupont Circle, NW, #300 . Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
James J. Albertine, 1899 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International).	100.00	60.00
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics)	500.00	30.00
Do	Albertine Enterprises (For:Fruit of the Loom, Inc)	1,000.00	150.00
Do	Greater Washington Society of Assn Executives	100.00	30.00
Do	Albertine Enterprises, Inc (For:International Assn of Convention & Visitor Bureaus).	200.00	60.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	500.00	60.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	100.00	60.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	500.00	100.00
John M. Albertine, 1889 L Street, NW, #500 Washington, DC 20036	Albertine Enterprises, Inc (For:Association of School Business Officials International).	500.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Albertine Enterprises, Inc (For:Council for Superfund Fairness, Inc)		
Do	Albertine Enterprises, Inc (For:Exide Electronics, Inc)	500.00	60.00
Do	Albertine Enterprises, Inc (For:Fruit of the Loom, Inc)	1,000.00	250.00
Do	Greater Washington Society of Assn Executives	50.00	60.00
Do	Albertine Enterprises (For:International Assn of Conventions & Visitor Bureaus)	200.00	60.00
Do	Albertine Enterprises, Inc (For:Itron and Amrplus Partners)	500.00	60.00
Do	Albertine Enterprises, Inc (For:Potomac Capital Investment Corp)	100.00	60.00
Do	Albertine Enterprises, Inc (For:SMS Corp)	500.00	60.00
Albertine Enterprises, Inc, 1899 L Street, NW, #500 Washington, DC 20036	Association of School Business Officials International	2,000.00	60.00
Do	Council for Superfund Fairness, Inc		
Do	Exide Electronics, Inc	2,000.00	60.00
Do	Fruit of the Loom, Inc	5,000.00	300.00
Do	Greater Washington Society of Assn Executives	100.00	10.00
Do	International Assn of Conventions & Visitor Bureaus	2,000.00	60.00
Do	ITRON and AMRplus Partners, Inc	800.00	60.00
Do	Potomac Capital Investment Corp	1,666.00	60.00
Do	SMS Corp	5,000.00	250.00
Dale L. Alberts, 6305 Waterford Blvd., Suite 325 Oklahoma City, OK 73118	Rio Algom Mining Corp	2,624.00	5,836.00
Phyllis M. Albritton, 1455 Pennsylvania Ave., NW, Suite 500 Washington, DC 20004-0Met	MetPath, Inc	18,750.00	400.00
Alcalde & Fay, 2111 Wilson Blvd., #850 Arlington, VA 22201	Alliance for Clean Coal	5,437.50	
Do	Alliance for Responsible Atmospheric Policy	3,000.00	
Do	Associated Industries of Florida Property & Casualty Trust	15,000.00	
Do	Care Florida Health Systems, Inc	8,000.00	
Do	Center for Applied Engineering	2,875.00	
Do	City of Jacksonville	10,550.00	
Do	City of North Las Vegas	14,400.00	
Do	City of Virginia Beach	26,250.00	
Do	Computer Sciences Corp	3,000.00	
Do	Consolidated Freightways	12,750.00	
Do	Dade County Aviation Department	6,000.00	
Do	Dart Container Corp	10,000.00	
Do	Jack Eckerd Corp	3,000.00	
Do	Hillsborough County	18,000.00	
Do	Home Shopping Network	27,000.00	
Do	International Climate Change Partnership	3,000.00	
Do	International Council of Cruise Lines	31,500.00	
Do	Jacksonville Chamber of Commerce	6,000.00	
Do	Jim Walter Corp	3,750.00	
Do	Keep America Moving	20,000.00	
Do	Marin County	6,750.00	
Do	Metropolitan Dade County-Seaport Department	6,750.00	
Do	Montgomery Watson Americas, Inc	8,250.00	
Do	National Refrigerants, Inc	7,500.00	
Do	Palm Beach County	19,500.00	
Do	Port of Jacksonville	6,600.00	
Do	Port of Palm Beach	18,000.00	
Do	Precision Systems, Inc	3,000.00	
Do	Regular Common Carrier Conference	7,500.00	
Do	Sonoma County	6,000.00	
Do	State Road 7 Association, Inc	6,645.00	
Do	Summa Corp	21,000.00	
Do	Tampa Electric Co	6,000.00	
Do	Tampa Port Authority	6,000.00	
Do	Troy Systems	1,650.00	
Do	U.S. Alcohol Testing Co of America, Inc	18,000.00	
Do	Walter Industries	30,818.43	
Do	Washington Workshops	12,000.00	
Margaret Alessi, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,250.00	860.09
Arthur J. Alexander, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Donna K. Alexander, 1875 Connecticut Ave. NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
William V. Alexander, 1425 Ironwood Drive McLean, VA 22101	American Citizens Abroad		
Do	Federal Express		
Joan Christina Alker, 1431 Corcoran Street, NW Washington, DC 20009	Families USA	160.20	48.75
Don Allen, P.O. Box 642 Helena, MT 59624	Don Allen & Associates (For:Highway Users Federation)		1,883.10
Pamela J. Allen, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	265.00	78.43
Alliance for GATT NOW, 1317 F Street, NW, Suite 600 Washington, DC 20004	Alliance for GATT Now	531,118.50	460,532.49
Alliance of American Insurers, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036			87,706.98
Robert F. Allnutt, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Manufacturers Assn	1,000.00	
Paul E. Almeida, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professinal & Technical Engineers		
Law Offices of Robert Altman, 901 15th Street, NW, #400 Washington, DC 20005	Golden Rule Insurance Co	900.00	523.25
Thomas H. Altmeyer, 1130 17th St., NW Washington, DC 20036	National Coal Assn	13,800.00	
Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue, NW Washington, DC 20016			5,000.00
American Academy of Family Physicians, 8880 Ward Parkway Kansas City, MO 64114		39,878.46	39,878.46
American Amusement Machine Assn, 450 East Higgins Road Elk Grove Village, IL 60007-1417		6,600.00	24,492.00
American Apparel Manufacturers Assn, Inc, 2500 Wilson Blvd., #301 Arlington, VA 22201			7,029.00
American Assn for Respiratory Care, 11030 Ables Lane Dallas, TX 75229		50,222.60	50,222.60
American Assn of Airport Executives, 4212 King Street Alexandria, VA 22302			43,713.29
American Assn of Meat Processors, P.O. Box 269 Elizabethtown, PA 17022		2,024.00	50.00
American Assn of University Women, 1111 16th Street, NW Washington, DC 20036			387.87
American Automobile Manufacturers Assn, 1401 H Street, NW, suite 900 washington, DC 20005		70,162.31	70,162.31
American Bankers Assn, 1120 Connecticut Avenue, NW Washington, DC 20036		180,685.70	180,685.70
American Cemetery Assn, 5201 Leesburg Pike, #1111 Falls Church, VA 22041			
American Continental Group, Inc, 601 Pennsylvania Avenue, NW Suite 900 Washington, DC 20004	AKT Development Corporation		
Do	Bayless Boland Madigan & Barrett, Inc		
Do	Compex Corporation		
Do	Fisher Imaging		
Do	GEC-Marconi Systems		
Do	I-Stat Corporation		
Do	Litton - Applied Technology		
Do	National Assn of Retail Collection Attorneys		
Do	Ncube		
Do	Omni-Tech Medical Inc		
Do	Plasma-Therm		
Do	SeaBeam		
Do	Syracuse University		
Do	Vanguard		
American Council for Capital Formation, 1750 K Street, NW, #400 Washington, DC 20006		935.00	760.00
American Council of Life Insurance, Inc, 1001 Pennsylvania Avenue, NW Washington, DC 20004		38,961.00	38,961.00
American Crop Protection Association, 1156 15th St., NW Washington, DC 20005			
American Farm Bureau Federation, 225 Touhy Avenue Park Ridge, IL 60068		175,014.00	175,014.00
American Fed of Labor & Congress of Industrial Organizations, 815 16th St., NW Washington, DC 20006			225,664.37
American Federation of Home Health Agencies, 1320 Fenwick Lane, Suite 100 Silver Spring, MD 20910		102,954.78	714.06
American Feed Industry Assn, 1501 Wilson Blvd., #1100 Arlington, VA 22209		3,240.00	3,240.00
American Financial Services Assn, 919 18th Street, NW Washington, DC 20006			750.00
American Foreign Service Assn, 2101 E Street, NW Washington, DC 20037		64,019.00	21,971.00
American Forest & Paper Assn, 1111 19th Street, NW Washington, DC 20036			18,050.00
American Frozen Food Institute, 1764 Old Meadow Rd., #350 Mclean, VA 22102		11,500.00	11,500.00
American Grain Inspection Institute, 1629 K Stret, NW, #1100 Washington, DC 20006		1.08	50.00
American Health Care Assn, 1201 L Street, NW Washington, DC 20005		364,400.00	126,728.88
American Hotel & Motel Assn, 1201 New York Ave., NW Washington, DC 20005		23,707.51	20,458.27
American Institute of Merchant Shipping, 1000 16th Street, NW, #511 Washington, DC 20036			9,870.36
American Insurance Assn, 1130 Connecticut Avenue, NW, #l000 Washington, DC 20036		5,564.00	5,564.00
American International Group, Inc, 70 Pine Street New York, NY 10270			128,331.94

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
American Israel Public Affairs Comm, 440 First Street, NW, #600 Washington, DC 20001		223,500.00	205,488.58
American Land Title Assn, 1828 L St., NW, #705 Washington, DC 20036			4,470.00
American Library Assn, 50 E. Huron Street Chicago, IL 60611		4,203.00	12,311.00
American Life League, Inc, Box 1350 Stafford, VA 22555		25,000.00	906.94
American Malting Barley Assn, Inc, 735 North Water Street, #908 Milwaukee, WI 53202		4,221.68	3,527.86
American Medical Assn, 515 North State Street Chicago, IL 60610			153,007.50
American Medical Security, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54307-9032			33,332.96
American Methanol Institute, 800 Connecticut Ave., NW, #620 Washington, DC 20006		1,499.00	9,037.00
American Motorcyclist Assn, P.O. Box 6114 Westerville, OH 43081		33,532.32	33,532.32
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			1,616.87
American Nurses' Assn, 600 Maryland Avenue, SW, #100 West Washington, DC 20024-2571		92,782.20	92,782.20
American Occupational Therapy Assn, Inc, 4720 Montgomery Lane P.O. Box 31220 Bethesda, MD 20824-1220		22,665.04	22,665.04
American Optometric Assn, 1505 Prince Street, #300 Alexandria, VA 22314			
American Petroleum Institute, 1220 L St., NW Washington, DC 20005		377,461.57	355,540.68
American Physical Therapy Assn, 1111 N. Fairfax Street Alexandria, VA 22314		9,746.75	9,746.75
American Podiatric Medical Assn, 9312 Old Georgetown Road Bethesda, MD 20814-1621			25,329.10
American Portland Cement Alliance, 1212 New York Avenue, NW, #500 Washington, DC 20005			64,398.51
American Postal Workers Union, AFL-CIO, 1300 L Street, NW Washington, DC 20005		57,523.94	75,120.62
American Public Transit Assn, 1201 New York Avenue, NW Washington, DC 20005		92,554.00	92,554.00
American Pulpwood Assn, 1025 Vermont Avenue, NW Washington, DC 20005			
American Retreaders' Assn, P.O. Box 37203 Louisville, KY 40233		200.00	200.00
American Shooting Sports Council, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339		24,565.00	11,857.83
American Soc of Anesthesiologists, 1101 Vermont Ave, NW, #606 Washington, DC 20005			30,140.72
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			
American Soc of Hospital Pharmacists, 7272 Wisconsin Avenue Bethesda, MD 20814			28,800.00
American Textile Manufacturers Institute, Inc, 1801 K Street, NW, #900 Washington, DC 20006		51,078.60	67,039.10
American Tort Reform Assn, 1212 New York Ave., NW, Suite 515 Washington, DC 20005			850.00
American Veterans of World War II, Korea & Vietnam (AMVETS), 4647 Forbes Boulevard Lanham, MD 20706			27,200.00
American Veterinary Medical Assn, 1101 Vermont Avenue, NW, #710 Washington, DC 20005-3621		10,675.00	
American Wind Energy Assn, 122 C Street NW 4th Floor Washington, DC 20001		43,875.00	46,795.08
Americans for Immigration Control, Inc, 725 2nd Street, NE Washington, DC 20002		13,035.99	13,035.49
Morris J. Amitay, P.C., 444 N. Capitol Street, NW, #712 Washington, DC 20001	Northrop Grumman Corporation	11,000.00	
Do	Tenneco, Inc	8,000.00	
Anadarko Petroleum Corp, 17001 Northchase Drive Houston, TX 77251-1330			
Jeffrey M. Anders, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	20.00
Bette B. Anderson, 1020 19th St., NW, #800 Washington, DC 20036	KCI (Kelly, Anderson & Associates) (For:U.S. Banknote Corp)		
Bryan D. Anderson, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Co		
Byron Anderson, 1001 Pennsylvania Ave, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company	375.00	
Carl A. Anderson, 1275 Pennsylvania Ave., NW, #501 Washington, DC 20004	Knights of Columbus	400.00	
David J. Anderson, 66 S. Pearl Street Albany, NY 12207	KeyCorp/Key Bank of New York	800.00	305.00
Frederick M. Anderson, Box 2000 - Bldg. 5702 ECIFi, Dix J Fort Dix, NJ 08640-2000			
John A. Anderson, 1333 H St., NW, The West Tower, 8th Flr Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
John B. Anderson, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	1,375.02	
Lori Anderson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Socity of the Plastics Industry, Inc		
Margo L. Anderson, 1725 Jefferson Davis Highway, Suite 901 Arlington, VA 22202	Alliant Techsystems, Inc	9,487.50	
Philmore B. Anderson, 412 1st Street, SE, Suite 300 Washington, DC 20003	Independent Insurance Agents of America	7,159.00	
Steven Anderson, 1764 Old Meadow Rd, #350 McLean, VA 22102	American Frozen Food Institute	6,600.00	
Tobyn J. Anderson, 601 Thirteenth Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	5,000.00	
Jack O. Andresen, 1957 E Street, NW Washington, DC 20006	Stewart & Stewart (For:Brush Wellman Engineered Materials)		
Elaine Andrews, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	200.00	
Jill C. Andrews, 1617 Palmcroft Drive, SW Phoenix, AZ 85007	Small Business Alliance on Communications, Inc		
William Robert Andrews, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	1,860.94
Andrews & Kurth, 1701 Pennsylvania Avenue, NW, #200 Washington, DC 20006	Association of Battery Recyclers	26,084.71	1,045.77
Do	Institute of Makers of Explosives		
Andrews' Associates, Inc, 2550 M St., NW, #450 Washington, DC 20037	Association of Trial Lawyers of America		
Do	Blue Cross and Blue Shield of ND	20,000.00	
Do	California Dairy Institute		
Do	Interstate Natural Gas Assn of America (INGAA)		
Do	Mars, Inc		
Do	Safeguard America's Family Enterprises		
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			37,301.31
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Ernest Antczak, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		51,021.83	26,178.94
Paul W. Arcari, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	9,642.50	
R. M. Julie Archuleta, 1747 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20006	Occidental Chemical Corp	160.00	40.00
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	American Amusement Machine Assn	14,564.76	3,606.31
Do	American Assn of Bioanalysts	52,250.31	1,196.59
Do	American Assn of Occupational Health Nurses	16,204.98	245.82
Do	American Board of Examiners in Clinical Social Work	25.80	8.11
Do	Association of Professional Flight Attendants	361.09	17.49
Do	Children With Attention Deficit Disorder (CHADD)		
Do	Children's Health Fund		
Do	Health Commons Institute		
Do	Independent Federation of Flight Attendants	4,054.52	29.10
Do	International Society for Clinical Laboratory Technology	3,000.00	
Do	Mercy Hospital of Des Moines, Iowa	2,151.50	904.52
Do	National Assn of Recording Merchandisers	2,723.20	433.21
Do	National Parking Association		
Do	Navajo Nation	53,677.78	2,582.53
Do	North American Training Services, Inc	341.16	23.70
Do	Raytheon Company	46,141.87	718.12
Do	Video Software Dealers Assn	3,321.79	
Do	Worksite Health Promotion Alliance	24,707.41	
Arizona Students' Assn, 511 West University Drive Suite 4 Tempe, AZ 85281-5585			74.79
David C. Armijo, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co, Inc		
Angela J. Arnett, 1001 Pennsylvania Avenue, NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Luther Glenn Arnette, 1101 Mercantile Lane, Suite 100 Landover, MD 20785	American Military Society (AMS)		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	American Red Cross		
Do	Building and Construction Trade Department, AFL-CIO		
Do	City of Reading		
Do	Commissioner, Dept of Telecommunications City of New York	200.00	
Do	Computer Sciences Corp		
Do	Continental Corporation		
Do	General Cable Corp		
Do	General Conference of Seventh-day Adventists	6,088.75	3.60
Do	Hoffmann-La Roche, Inc		
Do	Hopi Indian Tribe		
Do	Michigan National Corp (for: Beverly Hills Fed Savings Bank)		
Do	Montefiore Medical Center		
Do	National Assn of Telecommunications Officers & Advisors		
Do	National Coordinating Comm for Multiemployer Plans	8,750.00	134.71
Do	Paine Webber Group, Inc		
Do	Philip Morris, Inc	44.00	
Do	Recording Industry Assn of America, Inc		
Do	Republic of Venezuela		
Do	Sacramento Municipal Utility District		
Do	Scripps Research Institute		
Do	Stanford University		
Do	State of Delaware		
Do	State Farm Mutual Automobile Insurance Co	13,441.25	5.55
Do	Tambrands, Inc		
Do	Unilever United States, Inc		
Thomas M. Arrasmith, 1301 K Street, NW, #1200 Washington, DC 20006	IBM Corp	1,245.14	117.13

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Deborah McNeal Arrindell, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	Home Care Aide Assn of America/National Assn for Home Care	132.40	
Karen McGill Arrington, 1629 K Street, NW, #1010 Washington, DC 20006	Leadership Conference on Civil Rights	3,368.10	
Arter & Hadden, 1801 K Street, NW, #400K Washington, DC 20006	American Insurance Assn		
Do	Association for Responsible Thermal Treatment	1,100.00	672.00
Do	Atlas Iron Processing, Inc		
Do	Cellular Telecommunications Industry Assn		
Do	Central & South West Corp		
Do	Circus Circus Enterprises, Inc	1,250.00	672.00
Do	Citicorp	250.00	160.00
Do	Corning, Inc		
Do	CAI Wireless		
Do	Electronic Data Systems Corp		
Do	Financial Guaranty Insurance Corp		
Do	Great Lakes Museum of Science Environment & Technology		
Do	Hearst Corp		
Do	Investment Company Institute		
Do	Jeffries & Co, Inc		
Do	Jones Day Reavis & Pogue	350.00	282.00
Do	LTV Corp		
Do	Malrite Communications		
Do	Merck & Co, Inc	250.00	160.00
Do	Motorola	500.00	360.00
Do	National Assn of Broadcasters		
Do	Nintendo of America		
Do	SPRINT	550.00	386.00
Do	Tesoro Petroleum		
Do	U.S. Long Distance Corp	500.00	300.00
Do	United Services Automobile Assn		
Do	Westinghouse Electric Corp		
Do	Winston & Strawn		
Asian Pacific Economic Educational Cultural Organization, P.O. Box 891 Manila, Philippines			
Associated Credit Bureaus, Inc, 1090 Vermont Avenue, NW, #200 Washington, DC 20005		1,500.00	
Associated General Contractors of America, 1957 E St., NW Washington, DC 20006			16,500.00
Association of American Publishers, 1718 Connecticut Avenue, NW Washington, DC 20009-1148		19,852.00	19,852.00
Association of American Railroads, American Railroads Building 50 F Street, NW Washington, DC 20001		179,316.38	179,316.38
Association of American Veterinary Medical Colleges, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			
Association of Maximum Service Television, Inc, 1776 Massachusetts Avenue, NW, #310 Washington, DC 20036			
Association of Oil Pipe Lines, 1725 K St., NW Washington, DC 20006			
Association of State & Territorial Health Officials, 415 Second Street, NE, Suite 200 Washington, DC 20002			6,023.50
Association of Trial Lawyers of America, 1050 31st St., NW Washington, DC 20007		12,906.25	12,906.25
Bob Asztalos, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	14,000.00	730.10
Carol F. Aten, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn		
Atlantic Richfield Co, 515 South Flower Street Los Angeles, CA 90071			100.00
Atlantic Systems, Inc, 8045 Leesburg Pike, Suite 650 Vienna, VA 22182			
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	120.00	
Jonathan P. Atwood, 100 West Putnam Avenue Greenwich, CT 06830	UST Public Affairs, Inc		750.00
Kenneth E. Auer, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	65.00	320.00
Linda M. Auglis, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn	6,561.10	89.71
Frank W. Ault, 2009 N. 14th Street, #300 Arlington, VA 22201	American Retirees Assn	4,500.00	
Ronald R. Austin, 1201 16th Street, NW, #210 Washington, DC 20036	Overseas Education Assn, Inc	1,218.90	
Les AuCoin, Bogle & Gates 1299 Pennsylvania Ave., NW, #875 East Washington, DC 20004	American Forest & Paper Assn	88.00	
Do	Confederated Tribes of the Grand Ronde	176.00	
Do	Harsch Investment Co	176.00	
Do	International Paper	88.00	
Do	Northwest Forest Resource Council	88.00	
Avon Products, Inc, 9 West 57th Street New York, NY 10019			
Merribel Symington Ayres, 601 13th Street, NW, #320 South Washington, DC 20005	National Independent Energy Producers	7,678.13	
Richard E. Ayres, 555 13th Street, NW, #500 West Washington, DC 20004	American Insurance Assn	750.00	5.00
Do	CIGNA Corp	15,352.50	
AFL-CIO Maritime Committee, 1150 17th Street, NW, #700 Washington, DC 20036		2,880.00	395.33
AOPA Legislative Action, 500 E Street, SW, #920 Washington, DC 20024		212,647.00	132,203.00
Edward J. Babbitt, 400 Broadway Cincinnati, OH 45202	Western & Southern Life Insurance Co		
Gregory R. Babyak, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Contact Lens Institute		
Do	Genentech		
Do	MacAndrews & Forbes Holding, Inc		
George F. Bailey Jr., 400 South Union Street, #495 Montgomery, AL 36104	CSX Transportation		
Kingsley E. Bailey, 1730 K Street, NW Suite 304 Washington, DC 20004	International Foundation for the Mentally Ill		
Gerald E. Baker, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,059.08
James Jay Baker, 1742 N Street, NW Washington, DC 20036	National Rifle Assn of America	3,257.00	
Do	Sporting Arms & Ammunition Manufacturers Institute	4,950.00	1,220.00
John D. Baker, 815 Sixteenth Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	8,490.99	
R. Garrity Baker, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc		
Baker & Botts, L.L.P., The Warner 1229 Pennsylvania Ave., NW Washington, DC 20004-2400	Association for Manufacturing Technologies	14,660.00	223.27
Do	BrightStar Group Limited		
Do	Computer & Business Equipment Manufacturers Assn	6,995.50	12.70
Do	Mickey Leland National Urban Air Toxics Research Center		
Do	Ministry of Foreign Affairs of the Republic of Yemen		
Do	Rhone-Poulenc, Inc		558.68
Do	Trajen, Inc	2,650.00	34.69
Do	Westinghouse Electric Corp	6,290.00	10.35
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Alexander & Alexander Services, Inc	2,276.25	2,276.25
Do	American Football Coaches Assn Retirement Trust	31,551.61	31,551.61
Do	American Resort Development Assn		
Do	Chubb Group of Insurance Co		
Do	Cleveland Clinic Foundation		
Do	Coalition of Independent Casualty Companies of America		
Do	College on Problems of Drug Dependence (CPDD)		
Do	Corroon & Black Corp	2,276.25	2,276.25
Do	Council of Insurance Agents & Brokers		
Do	Edison Electric Institute	4,400.00	4,400.00
Do	Financial Holding Corp		
Do	Fireman's Fund Insurance Co		
Do	Flexi-Van Leasing/Pacific Holding Company		
Do	Hyatt Corp		
Do	Independent Insurance Agents of America, Inc		
Do	IOTA Partners		
Do	Johnson & Higgins	2,276.25	2,276.25
Do	Marsh & McLennan Companies	2,276.25	2,276.25
Do	National Assn of Insurance Brokers, Inc	2,985.23	2,985.23
Do	National Assn of Professional Insurance Agents		
Do	North American Reinsurance		
Do	Rollins Hudig Hall	2,276.25	2,276.25
Do	Sedgwick James, Inc	2,276.25	2,276.25
Do	Soap and Detergent Association		
Do	St. Paul Fire & Marine	2,276.25	2,276.25
Do	Travelers, Inc	20,470.84	20,470.84
Do	United Fidelity Life Insurance		
Diane L. Baldwin, 200 South Sixth Street Minneapolis, MN 55402	Grand Metropolitan, Inc		
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Paul W. Baldwin, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,500.00	
Stanley W. Balis, 1140 19th Street, NW, #700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For American Public Gas Assn)		
William L. Ball III, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
William Lewis Ball, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	3,869.75
Ball Janik & Novack, 1101 Pennsylvania Avenue, NW, #1035 Washington, DC 20004	City of Bellevue (Washington)	5,111.04	1,144.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	City of Modesto	6,600.00	855.99
Do	City of Portland, OR	21,000.00	1,147.03
Do	City University	29,980.50	2,297.66
Do	Clackamas County	10,302.00	752.49
Do	Clatsop Community College	9,000.00	899.89
Do	CPAFB (Committee to Preserve the American Family Business	9,000.00	2,041.86
Do	Greenbrier Leasing, Inc	55,145.50	5,056.99
Do	Northwest Industrial Gas Users		
Do	Northwest Woodland Owners Council	27,000.00	2,577.02
Do	Oregon Community College Assn	9,000.00	768.46
Do	Oregon Department of State Lands		
Do	Oregon Department of Transportation	30,353.96	2,595.53
Do	Oregon Forest Industries Council	2,720.00	30.00
Do	Oregon Graduate Institute of Science & Technology	5,392.50	483.51
Do	Pacific Processors Assn	4,989.00	11.00
Do	Rayonier		
Do	Schnitzer Steel Industries	1,499.00	260.38
Jack L. Ballard, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Company		
Debra T. Ballen, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Michael Baly III, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	1,000.00	
Balzano Associates, 1730 North Lynn Street Arlington, VA 22209	Northrop Grumman Corporation	2,400.00	
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Chemical Waste Management, Inc	5,000.00	
Kip B. Banks, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	7,725.00	87.00
Kathryn Bannan, 1300 I Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	654.03	
M. Graeme Bannerman, 888 16th St., NW Washington, DC 20006	Bannerman & Associates, Inc (For:Arab Republic of Egypt)	3,000.00	193.14
Do	Bannerman & Associates, Inc (For:Beirut University College)	1,000.00	
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Martha G. Bannerman, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836-2568	NAC Reinsurance Corp		
Linda W. Banton, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,175.00	
James W. Bapple III, 5535 Hampstead Way Springfield, VA 22151	National Assn for Uniformed Services	1,050.00	
Samuel J. Baptista, 1776 Eye Street, NW, #735 Washington, DC 20006	Financial Services Council	5,250.00	
Gary C. Barbour, 214 Massachusetts Avenue, NE, #300 Washington, DC 20002	Portland General Electric		264.82
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	1,220.77
Donald P. Barger, 20 Ridgeway Road Norris, TN 37828	National Parks & Conservation Assn	69.50	4.00
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Iraline G. Barnes, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Joseph L. Barnes, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mark Barnes, 1200 G Street, NW, Suite 800 Washington, DC 20005	FireArm Importers Fair Trade Group (FAIR)	8,974.50	320.38
Do	National Rifle Assn	1,838.05	35.00
Sharon W. Barnes, 5535 Hempstead Way Springfield, VA 22151-4094	National Assn for Uniformed Services	1,050.00	
Larry P. Barnett, 8752 Center Road Springfield, VA 22152	Aviation Management Associates (For:Megapulse, Inc)		
Do	Aviation Management Associates (For:Wilcox, Inc)		
Barnett & Sivon, PC, 2000 M Street, NW, Suite 740 Washington, DC 20036	Citibank, NA	625.00	33.00
Michael E. Baroody, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	330.00	
Eugene M. Barr, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
James C. Barr, 1840 Wilson Blvd Arlington, VA 22201	National Milk Producers Federation	3,150.00	
Terry N. Barr, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
David J. Barrett, 801 Pennsylvania Ave., NW, Suite 955 Washington, DC 20004	Morgan Stanley & Co, Inc	3,000.00	
Robert W. Barrie, 1299 Pennsylvania Avenue, NW Washington, DC 20004	General Electric Co	2,500.00	1,100.00
Robert E. Barrow, 1616 H Street, NW Washington, DC 20006	National Grange	5,000.00	
Albert P. Barry, 2011 Crystal Drive, #107 Arlington, VA 22202	AAI Corporation	5,837.50	
Colleen L. Barry, 1828 L Street, NW, Suite 1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H & R Block)	909.50	
Thomas M. Barry, 1401 I Street, nw, Suite 1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	494.77
Linda Curry Bartholomew, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co		
Robert G. Bartlett, 1415 Elliot Place, NW Washington, DC 20007	National Stone Assn	4,000.00	500.00
Virginia Bartlett, One Sony Drive Park Ridge, NJ 07656	Sony Electronics, Inc	4,000.00	
William N. Bartolone, 1331 Pennsylvania Ave., NW, #1331N Washington, DC 20004	Cray Research, Inc	2,500.00	3,220.00
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Patrick Baskette, 5604 Newington Road Bethesda, MD 20816	Healthcare Leadership Council	6,300.00	
J. Mel Bass, 1401 H Street, NW Washington, DC 20005	American Automobile Manufacturers Assn	2,000.00	259.24
Robert W. Batchelder, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	1,500.00	
Diane Bateman, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	9,000.00	1,233.98
Douglas P. Bates, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	2,800.00	
Richard M. Bates, 1150 17th Street, NW, #400 Washington, DC 20036	Disney Worldwide Services, Inc	12,375.00	287.43
William B. Bates, 1615 L Street, NW, Suite 1220 Washington, DC 20036	Hallmark Cards, Inc	1,125.00	28.00
Russell B. Batson, 1615 H St., NW Washington, DC 20062	American Furniture Manufacturers Assn	500.00	765.68
Gary Lee Bauer, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	875.00	
Barbara Bauman, 1301 Pennsylvania Ave., NW, Suite 1030 Washington, DC 20004	Kansas City Power & Light Company, et al.	19,517.00	5,737.34
Charles E. Baxter, P.O. Box 1682 Austin, TX 78767	Blue Cross & Blue Shield of Texas, Inc	2,500.00	270.93
Tammy L. Baxter, 1155 15th Street, NW, Suite 600 Washington, DC 20005	Pennzoil Company	350.00	
Carl T. Bayer, 2111 Wilson Boulevard, Suite 1100 Arlington, VA 22201	Teledyne Industries, Inc	750.00	
Judith Bayer, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	32,400.00	2,148.04
Bayless Boland Madigan & Barrett, Inc, 1072 Thomas Jefferson Street, NW Washington, DC 20007	Alyeska Pipeline Service Co		
Do	Distilled Spirits Council of the U.S.	3,000.00	
Do	Energy Transportation Group	10,000.00	278.02
Do	Portable Rechargeable Battery Assn	2,500.00	20.00
Do	Southwest Airlines		
Do	Southwestern Bell Corp	4,000.00	
Do	Stewart & Stevenson Services, Inc		
Kim Koontz Bayliss, One Massachusetts Ave., NW, Third Floor Washington, DC 20001	United Video, Inc	17,010.00	8,523.31
Joanne Elden Beale, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States		
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	142.38	
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	3,500.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	2,500.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	3,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)		
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	1,000.00	
Robert L. Beauregard, 1150 Connecticut Ave., NW, Suite 717 Washington, DC 20036	Southern California Gas Co		
Charles D. Becher, 1350 Eye Street, NW, Suite 1000 Washington, DC 20005	Ford Motor Company	1,500.00	644.00
Bechtel & Cole, Chartered, 1901 L Street, Nw, Suite 250 Washington, DC 20036	Advanced Cordless Technologies, Inc		2,588.75
Brenda Larsen Becker, 1310 G Street, NW, l2th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,857.00	282.88
Daniel F. Becker, 408 C Street, NE Washington, DC 20002	Sierra Club	3,080.72	
Steven M. Beckman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	9,708.66	25.00
Howard Bedlin, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	789.77	140.81
William A. Behan, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Corp	4,000.00	650.15
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co	39.30	
Judith Bell, 1535 Mission Street San Francisco, CA 94103	Consumers Union		
Timothy H. Bell, 11490 Commerce Park Drive Reston, VA 22091	SeaWatch Management Corp		
Winston Everett Bell, P.O. Box 26543 Las Vegas, NV 89126			
Trina Bellak-Bronfman, 9120 Friars Rd. Bethesda, MD 20817	Humane Society of the U.S.	8,250.00	212.95
James P. Bellis, 1725 K Street, NW, #601 Washington, DC 20006	Association of National Advertisers, Inc		5.00
T. A. Bellissimo, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	1,137.00	
Keith B. Belton, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	600.00	302.90
Jennifer L. Bendall, 1020 19th Street, NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	3,500.00	
Beverly Ann Benedict, 2414 16th Street Anacortes, WA 98221	Gertrude J. Dombrowski Research Organization		25.25
Mark Benedict, 900 2nd STreet, NE, Suite 306 Washington, DC 20002	Ferroalloy Assn		1,250.00
Mike Benner, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	3,488.63	
John C. Bennison, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	8,500.00	
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	14,242.25	497.73
Frederick S. Benson III, 2001 L Street, NW, #304 Washington, DC 20036	Weyerhaeuser Company		149.25

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
James E. Benton, New Jersey Petroleum Council 150 W. State Street Trenton, NJ 08608	American Petroleum Institute	110.00	
Douglas L. Berger, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn		
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	American Medical Security	5,000.00	580.00
Do	Biotechnology Industry Organization	6,500.00	815.00
Do	China External Trade Development Council	600.00	80.00
Do	Dow Chemical Co	1,500.00	770.00
Do	Edison Electric Institute	1,200.00	420.00
Do	Elanco Animal Health	2,225.00	340.00
Do	Electronic Industries Assn	3,200.00	480.00
Do	Fox Broadcasting Company	8,200.00	1,300.00
Do	Friendship in Freedom		
Do	Genetech, Inc	2,000.00	430.00
Do	Georgetown University Medical Center	3,100.00	500.00
Do	Glaxo, Inc	7,800.00	920.00
Do	HealthCare COMPARE Corp	4,900.00	930.00
Do	Mallinckrodt Specialty Chemical Co, Inc	2,100.00	390.00
Do	McDonnell Douglas Corp	810.00	210.00
Do	Metpath	4,600.00	570.00
Do	National Assn of Business & Educational Radio, Inc	3,750.00	700.00
Do	National Soft Drink Assn	4,600.00	570.00
Do	Newscorp, USA	560.00	140.00
Do	Northwest Airlines	3,400.00	600.00
Do	Ogden Martin Systems, Inc	3,700.00	700.00
Do	Petroleum Marketers Assn of America	4,400.00	1,090.00
Do	Philip Morris Co, Inc	5,300.00	740.00
Gene S. Bergoffen, 1320 Braddock Place, #720 Alexandria, VA 22314	National Private Truck Council		
Edwin M. Bergsmark, 1000 Regency Court, Suite 209 Toledo, OH 43623	Bergsmark & Associates (For:Rudolph/Libbe Companies, Inc & subsidiaries)		
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	ICPR Junior College		
Do	Methyl Bromide Working Group	2,000.00	1,717.00
Do	Point of Purchase Advertising Institute	15,000.00	13,329.00
Do	Smokeless Tobacco Council	1,000.00	
Dayle Berke, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	182.65	
Ann Richardson Berkey, One Post Street, SUite 3275 San Francisco, CA 94104	McKesson Corp		
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	
Ellen Berman, 2000 L St., NW, #802 Washington, DC 20036	Consumer Energy Council of America		
Jason S. Berman, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America, Inc	2,000.00	
Charles Bernardini, 2233 N. Halsted Street Chicago, IL 60614	Dykema Gossett (For:Committee on US Business, Canadian Life & Health Ins Assn).		
Delanne Bernier, 1023 15th Street, NW, #400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		173.00
Jules Bernstein, 1920 L Street, NW, #602 Washington, DC 20036	Federal Law Enforcement Officers Assn	7,753.00	322.59
Bernstein & Lipsett, 1920 L Street, NW, #602 Washington, DC 20036	National Assn of Police Organizations	2,000.00	399.28
Craig A. Berrington, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Jacqueline L. Berry, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining and Manufacturing (3M)	1,000.00	
Robert E. Berry, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	1,950.00	396.94
Michael J. Bertelsen, 1401 H Street, NW, #1200 Washington, DC 20005	Investment Company Institute	857.14	587.00
Maria L. Berthoud, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	6,231.00	
Ed Bethune, P.O. Box 200 210 East Vine Street Searcy, AR 72143	FBI Agents Assn	15,000.00	1,342.97
Janice Bezanson, 601 Westlake Drive Austin, TX 78746	Texas Committee on Natural Resources	303.76	10.28
Nathan A. Bicks, 130 North Court Memphis, TN 38103	Belz Investco L.P.	5,129.50	1,295.12
Mary P. Bierle, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		803.48
Heidi Biggs, 2001 L Street NW, #304 Washington, DC 20036	Weyerhaeuser Company		551.27
James L. Bikoff, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Moe Biller, 1300 L St., NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	14,347.65	
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	12,489.25	
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Main San Gabriel Basin Water Quality Authority	39,450.00	
Do	Manville Corp	24,625.00	
Do	Metropolitan Insurance Companies	19,875.00	
Do	South Coast Air Quality Management District	20,000.00	
Do	Sterling Forest Corporation	30,312.50	
Do	Waste Management, Inc	53,126.50	
Ray B. Billups Jr., 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	6,930.05	4,895.58
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
William P. Binzel, 1401 Eye Street, NW Washington, DC 20005	MasterCard International, Inc		
John H. Birdsall III, Schelford Farm Route 16, Box 25 Charlottesville, VA 22901	NICOR, Inc		
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Bituminous Coal Operators' Assn, 918 16th Street, NW, Suite 303 Washington, DC 20006-2971		32,361.00	32,361.00
Judy Black, 1199 N. Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	400.00	
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA, Assn of the Nonwoven Fabrics Industry)		
Do	Tea Assn of the USA, Inc		230.03
Black & Decker Corp, c/o Samuel A. Bleicher Miles & Stockbridge 1450 G Street, NW, #445 Washington, DC 20005			40,887.09
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Aetna Life & Casualty		
Do	Embry-Riddle Aeronautical University		
Black Manafort Stone & Kelly, Inc, 211 North Union Street, #300 Alexandria, VA 22314	Allied-Signal Corp	22,500.00	61.93
Do	American Airlines, Inc	15,000.00	
Do	American Behavioral Healthcare Assn	22,500.00	
Do	Bethlehem Steel Corp	22,500.00	
Do	Casino Association of New Jersey	7,500.00	
Do	Chrysler Corp	15,000.00	95.00
Do	Clark Construction Group	9,000.00	
Do	Consortium for Passenger Rail	2,500.00	
Do	D. George Harris & Associates	4,500.00	
Do	Johnson & Johnson, Inc	30,000.00	88.51
Do	Kashmiri American Foundation	35,000.00	
Do	MacAndrews & Forbes Holdings, Inc	45,000.00	66.01
Do	Morton International	35,000.00	90.38
Do	MGM Grand, Inc	5,000.00	
Do	National Convention for Reconst Develop of Sierre Leone...	30,000.00	
Do	NEC USA, Inc	37,500.00	19.00
Do	Philip Morris	6,000.00	
Do	Phoenix Home Life Insurance	9,000.00	
Do	Principal Group	15,000.00	
Do	Roger Williams University	3,500.00	202.52
Do	Textron	15,000.00	
Do	Tourism Development Properties of Puerto Rico		
Do	Trump Organization	18,000.00	
Do	U.S. Tobacco	30,000.00	
Do	Union Pacific Corp	15,000.00	
Do	United Parcel Service	5,625.00	
Do	UNITA	3,750.00	
Robert J. Blackwell Jr., 816 Connecticut Avenue, NW, #900 Washington, DC 20006	OHM Corp		
Julia M. Blankenship, 1301 Pennsylvania Ave., NW, #1030 Washington, DC 20004	Edison Electric Institute	2,249.02	237.54
Samuel A. Bleicher, 1450 G Street, NW, #445 Washington, DC 20005	Miles & Stockbridge (For:Black & Decker Corp)	40,887.09	341.29
Michael E. Bleier, One Mellon Bank Center, #1915 Pittsburgh, PA 15258-0001	Mellon Bank N.A.	2,500.00	
Richard W. Bliss, 1079 Papermill Court, NW Washington, DC 20007	Audre Recognition Systems, Inc	2,870.50	271.18
Do	Consumers Paint Factory, Inc	337.00	46.06
Do	Hunter Industrial Facilities, Inc		
Do	National Paint & Coatings Assn, Inc	1,500.00	116.65
Do	National Spa & Pool Institute	1,200.00	64.72
Bliss & Wilkens, P.O. Box 201128 Anchorage, AK 99520-1128	Akhiok-Kaguyak, Inc	90,401.55	
John R. Block, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
L. Thomas Block, 270 Park Avenue New York, NY 10017	Chemical Bank	10,000.00	1,550.00
Peter L. Blocklin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	9,327.00	3,351.87
Rebecca K. Blood, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mark Bloomfield, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Shirley A. Bloomfield, 2626 Pennsylvania Ave., NW Washington, DC 20037	National Telephone Cooperative Assn	12,000.00	1,657.97
Robert S. Bludworth, 1100 South Washington Street, 1st floor Alexandria, VA 22314-4494	National Beer Wholesaler's Assn	7,575.36	
Blue Cross & Blue Shield of Florida, P.O. Box 1798 Jacksonville, FL 32231			1,250.00
Jared O. Blum, 3306 Shirley Lane Chevy Chase, MD 20815	Polyisocyanurate Insulation Manufacturers Assn	1,000.00	
Patti Blumer, 1350 I Street, NW, #1030 Washington, DC 20005-3305	Principal Financial Group	40.46	
Wayne F. Boan, 9124 E. 87th Place Tulsa, OK 74133	Employers Council on Flexible Compensation	200.00	
Boat Owners Assn of the U.S., 880 S. Pickett St. Alexandria, VA 22304		88,000.00	88,000.00
Jeffrey Bobeck, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,500.00	382.42
Judith Ann Boddie, 701 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Edison Electric Institute	5,006.49	437.20
Denise A. Bode, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		80.00
Robert Spurrier Boege, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
Larry A. Boggs, 1299 Pennsylvania Ave., NW Washington, DC 20004-2407	General Electric Co	1,500.00	
Bogle and Gates, 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	147.00	147.00
Do	American Forest & Paper Assn	128.00	128.00
Do	City of Gresham	86.00	86.00
Do	Coastal Conservation Assn	270.00	270.00
Do	Confederated Tribes of the Grand Ronde	760.00	760.00
Do	Direct Service Industries, Inc	1,238.00	1,238.00
Do	Harsch Investment Co	382.00	382.00
Do	International Paper	128.00	128.00
Do	Pacific Northwest Utility Conference Committee	1,238.00	1,238.00
Do	Washington Wheat Commission	368.00	368.00
John K. Boidock, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments, Inc	3,500.00	
Patricia Boinski, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Stephen A. Bokat, 1615 H Street, NW Washington, DC 20062-2000	Chamber of Commerce of the U.S.		
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	231.31
Eugene R. Bolo, 1233 Main St., #4000 Wheeling, WV 26003	Ormet Corp		
M. Joel Bolstein, 4000 Bell Atlantic Tower 1717 Arch Street Philadelphia, PA 19103-2793	Dechert Price & Rhoads (For:Monell Chemical Senses Center)	1,248.00	10.74
Christina Moser Bolton, DGA International, Inc 1133 Connecticut Ave., NW Washington, DC 20036	Societe Nationale d'Etude et de Construction de Moteurs		
Benjamin C. Bolusky, 1250 Eye Street, NW, #500 Washington, DC 20005	American Assn of Nurserymen		
Bond & Co, Inc, 655 South Washington Street Alexandria, VA 22314	Long Island Lighting Co		
Do	MassMutual		
Bond Buck Donatelli, Inc, 1414 Prince Street, #300 Alexandria, VA 22314	Akin Gump Strauss... (MacAndrews & Forbes Holdings, Inc)		
Do	American Petroleum Institute		
Do	East Coast Tuna Assn		
Do	Enron Power Corp		
Do	Wiley Rein & Fielding (For:Francis R. Ruddy Institute of Maritime Communications).		
Do	FMC Corporation		
Do	League of American Theatres		
Do	Wiley Rein & Fielding (For:Mobile Telecommunications)		
Do	National Assn of Broadcasters		
Do	National Basketball Assn		
Do	Nobelpharma USA, Inc		
Do	U.S. Sprint		
John E. Bonitt, 1310 G Street, NW, 12th Floor Washington, DC 20005	Eli Lilly & Co	3,000.00	2,709.06
Janee L. Bonner, 1101 Vermont Avenue, NW, Suite 606 Washington, DC 20005	American Soc of Anesthesiologists	1,192.80	
Edward Book, 1100 New York Avenue, #450 Washington, DC 20005	Travel Industry Assn of America	4,848.00	
Gaylon B. Booker, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,098.75	10.80
Carolyn Boos, 5720 Smetana Drive, Suite 100 Minnetonka, MN 55343	Ag-Chem Equipment Co, Inc	7,500.00	515.30
John K. Booth, 1001 Pennsylvania Ave., NW Washington, DC 20006	American Council of Life Insurance, Inc		
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Fed of Home Health Agencies		
Lydia A. Borland, 2300 M Street, NW, #600 Washington, DC 20037	Capitoline/MS&L (For:Republic of Turkey)	22,500.00	
Richard H. Bornemann, 12 Fourth Street, SE Washington, DC 20003	Kansas City Southern Industries, Inc	2,000.00	
William J. Bosies Jr., 485 Lexington Avenue New York, NY 10017	New York State Bankers Assn	210.00	60.00
Carroll Bostic, 1776 I St., NW, Suite 1050 Washington, DC 20006	Eastman Kodak Company		
G. Stewart Boswell, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc		
Stephen Bosworth, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company		
Charles G. Botsford, 1730 M St., NW, #911 Washington, DC 20036	Chinese Computer Communications, Inc, et al.	1,000.00	270.00
Francis D. Bouchard, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	457.08
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Management Vision Partners, Inc	1,500.00	325.00
Do	Rotter & Bourjaily, Inc	1,000.00	250.00
Laura L. Bourne, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	100.00	
Wayne A. Boutwell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,435.00	
Joseph Bow, 1901 N. Moore Street Arlington, VA 22209	Foodservice & Packaging Institute		
Melissa L. Bowen, 1090 Vermont Ave., NW, #800 Washington, DC 20005	Equifax, Inc	11,500.00	
Donna Bower, 800 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Baxter, Gov't Affairs Div		
John Bowers Jr., 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	21,613.50	
Taylor R. Bowlden, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation	5,560.00	310.00
M. Kenneth Bowler, 1455 Pennsylvania Ave., NW Washington, DC 20004	Pfizer, Inc	5,000.00	904.58
Christopher Bowlin, 1331 Pennsylvania Avenue, NW, #1500 N Washington, DC 20004-1703	National Assn of Manufacturers	175.00	
Richard P. Bowling, 1020 Princess Street Alexandria, VA 22314	Truck Trailer Manufacturers Assn	1,000.00	
John G. Boyd, 1301 K St., NW, #1200 Washington, DC 20005	International Business Machines Corp	230.00	8.00
Michael D. Boyd, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	739.77	
Richard A. Boyd, 309 Massachusetts Avenue, NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police	15,491.00	4,241.00
Richard K. Boyd, 299 Park Avenue New York, NY 10171	Westvaco Corporation		429.40
Thomas M. Boyd, 600 Pennsylvania Ave., SE, Suite 206 Washington, DC 20003	Federal Kemper Life Assurance Co	100.00	59.15
Do	Kemper Corp		
Do	Kemper Financial Services, Inc	100.00	59.15
Do	Kemper Corporation (For:Kemper Investors Life Insurance Company)	100.00	59.15
Do	Kemper Corporation (For:Kemper Securities Group, Inc)	100.00	59.14
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Van R. Boyette, 555 13th Street, NW, #305E Washington, DC 20004	Flo Sun, Inc	15,000.00	118.00
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Cynthia R. Boynton, 1000 Connecticut Ave., NW, #1106 Washington, DC 20036	Gordley Associates (For:U.S. Canola Assn)		
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	American Methanol Institute		
Do	Birdsall, Inc		
Do	Browning-Ferris Industries, Inc		
Do	Centex Corp		
Do	Chemical Manufacturers Assn, Inc		
Do	Coalition for Oxygenate Neutral Clean Air Policy		
Do	Council of Industrial Boiler Owners		
Do	COMDISCO, Inc		
Do	Edison Electric Institute		
Do	Empress Cruise Lines		
Do	Enron Corp		
Do	Higman Barge Lines, Inc		
Do	Independent Refiners Coaliton		
Do	Louisiana Land & Exploration Co		
Do	Lyondell Petrochemical Co		
Do	MEPC American Properties		
Do	National Cable Television Assn, Inc	450.00	270.00
Do	Oxygenated Fuels Assn	260.00	156.00
Do	Pennsylvania Natural Gas Assn		
Do	Physicians Insurers Assn of America		
Do	Rohm & Hass Co		
Do	Securities Industry Association		
Do	Southdown, Inc		
Do	Sterling Chemicals, Inc		
Do	Torch Energy Advisors, Inc		
Do	Union Texas Petroleum Energy Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Valero Energy Corporation		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	Area Metropolitan Ambulance Authority		
Do	City of Nogales, Arizona	15,000.00	2,002.29
Do	Diamond Management	10,000.00	
Do	Direct Marketing Assn, Inc	15,000.00	580.76
Bracy Williams & Company, 601 13th Street, NW, #510 South Washington, DC 20005	Allied Pilots Association	5,000.00	140.00
Do	American Institute for Foreign Studies	5,000.00	250.00
Do	City of Ft. Worth	7,000.00	100.00
Do	City of Klamath Falls	6,000.00	110.00
Do	City of Tucson	7,000.00	195.00
Do	Coin Coalition	15,000.00	200.00
Do	County of Winnebago	300.00	40.00
Do	Daishowa America Company, Ltd	15,000.00	200.00
Do	Daylight Saving Time Coalition		10.00
Do	Energy Absorption Systems, Inc	8,000.00	100.00
Do	Fort Worth Transportation Authority	5,000.00	200.00
Do	Greater Rockford Airport Authority	5,000.00	120.00
Do	Michigan Consolidated Gas Co	15,000.00	240.00
Do	St. Louis Airport Authority	4,000.00	130.00
Do	United Technologies Corp	4,000.00	80.00
Nick Braden, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	583.34	
Nancy L. Bradish, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	6,750.00	1,767.26
Lynne E. Bradley, 110 Maryland Ave., NE, Suite 101 Washington, DC 20002-5675	American Library Assn	1,248.00	
George M. Brady III, 1301 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Reinsurance Assn of America		
John J. Brady Jr., 1615 L Street, NW, #1150 Washington, DC 20036	Capitoline International Group, Inc (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:Republic of Turkey)	2,295.00	
Do	Capitoline/MS&L (For:UNISYS Corp)	270.00	
Stuart J. Brahs, 1350 I Street, NW, #1030 Washington, DC 20005	Principal Financial Group	964.22	
Barbara Bramble, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	59.14	
Matt Branam, 316 Pennsylvania Ave., SE Washington, DC 20003	United Parcel SErvice	800.00	52.54
Brand & Lowell, 923 15th Street, NW, Fifth Fl. Washington, DC 20005	Herb A. Caddell		
Do	Hewlett-Packard Co	2,279.00	85.35
Do	National Assn for Home Care		
Do	National Assn of Professional Baseball Leagues, Inc	100.00	51.24
Do	NCube		
Do	Oracle Corp		
Do	Seafarers International Union		
Do	Unisys	1,215.00	
Do	West Publishing Co	275.00	
Christian N. Braunlich, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Roy Braunstein, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	16,992.59	183.99
Noel Brazil, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
George W. Breece, P.O. Box 2801 Fayetteville, NC 28302	American State of the Art Prosthetic Assn	10,855.87	1,938.74
Carolyn J. Breedlove, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	8.00
Michael J. Brennan, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	10,800.00	731.71
Jack E. Bresch, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	5,161.28	
Thomas M. Bresnahan III, 1401 I Street, NW, #1200 Washington, DC 20005	Chevron Companies	8,000.00	100.00
Larry K. Brewer, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		383.03
Sandra L. Brickel, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,950.00	
Brickfield Burchette & Ritts, P.C., 1025 Thomas Jefferson Street, NW 8th Floor, West Tower Washington, DC 20007	American Medical Technologists		
Do	East Texas Electric Cooperative		
Do	Northeast Texas Electric Cooperative		
Do	Sabine River Authority		
Do	Tex-LA Electric Cooperative of Texas, Inc		
Do	4-County Electric Power Assn	265.00	13.05
Sue M. Briggum, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technologies, Inc	4,800.00	
Craig S. Brightup, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	5,656.00	1,040.75
Kitty Brims, 1331 Pennsylvania Ave., NW, Suite 1500-N Washington, DC 20004-1703	National Assn of Manufacturers		
Michael F. Brinck, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
William R. Brittingham, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,645.00	
William M. Brodhead, 243 West Congress, #800 Detroit, MI 48226-3260	Plunkett & Cooney (for Michigan Consolidated Gas Co)	20,400.00	5,046.60
David A. Brody, 1140 Connecticut Avenue, NW, #803 Washington, DC 20036	American Fiber Manufacturers Assn, Inc		
Do	BASF Corp	100.00	
Do	Corning, Inc	500.00	
Do	Gordley Associates		
Do	Telecommunications Industry Assn		
Marcia D. Brody, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Michael J. Brokovich, 1725 Jefferson Davis Highway, Suite 401 Arlington, VA 22202	Unisys Corporation	1,000.00	
Michael D. Bromberg, Law Offices of Deborah Steelman 555 13th Street, MW. #122- East Washington, DC 20004-1109	Federation of American Health Systems	9,000.00	
Douglas A. Brook, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	8,750.00	150.00
E. R. Brooks, P.O. Box 660164 Dallas, TX 75266	Central & South West Corp		
Robert F. Brothers, 1776 I Street, NW, #1050 Washington, DC 20006	Eastman Kodak Company		
J. Robert Brouse, 1150 Connecticut Ave., NW Washington, DC 20036	Nonprescription Drug Manufacturers Assn (NDMA)	2,800.00	125.00
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
Cheryl A. Brown, 1655 North Fort Myer Drive #700 Arlingtonn, VA 22209	American Assn for Respiratory Care	17,070.24	333.90
Cynthia A. Brown, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
Dale E. Brown, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Doreen L. Brown, 2000 L Street, NW, #200 Washington, DC 20036	Consumers for World Trade		
Felicien J. Brown, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	794.23	139.41
John J. Brown, 50 E Street, SE Washington, DC 20003	Clark S. Herman Associates, Inc	500.00	100.00
Do	Govt Affairs Policy Council of the Reg Bell Operating Co	1,000.00	400.00
Regina A. Brown, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	250.00	
Robert Craig Brown, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America		
Steven J. Brown, 500 E Street, SW, #920 Washington D.C.	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Valerie L. Brown, New Jersey Law Center 1 Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Vincent D. Brown, Nebraska Petroleum Council P.O. Box 95063 Lincoln, NB 68509	American Petroleum Institute	1,000.00	
Will Rolland Brown, 11 Dupont Circle, NW, #300 Washington, DC 20036-1207	Albers & Company (For:May Department Stores Co)		
William C. Brown, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309	Brown Winick Graves Baskerville & Schoenebaum (For:Lisle Corp)		
William E. Brown, 1667 K Street, NW #420 Washington, DC 20006	Mead Corporation		
Brown Winick Graves Baskerville & Schoenebaum, Two Ruan Center, Suite 1100 601 Locust Des Moines, IA 50309			
Arthur W. Brownell, 1101 Pennsylvania Avenue, NW, #200 Washington, DC 20004	International Paper Co	15,000.00	1,047.01
Thomas H. Brownell, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,597.00	
R. Stephen Browning, P.O. Box 1697 Helena, MT 59624	Burlington Northern Railroad	300.00	
Do	Columbia Falls Aluminum Co	600.00	
Do	Cyprus Minerals Co	2,100.00	
Do	Glass Packaging Institute/Industry Union Glass Container...	1,500.00	
Do	Lewis and Clark Interpretive Center	500.00	
Do	Montana Technology Corp	1,800.00	
Do	Pegasus Gold Corp	1,500.00	
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	American Salvage Pool Assn	5,062.72	1,389.47
Do	Apollo Advisors		912.94
Do	Chotin Group Corp		633.55
Do	Crystal Creek Homeowners Assn		
Do	La Petite	13,247.70	371.76
Do	New Valley Corporation	12,745.20	410.00
Do	ORNDA	12,000.00	
Do	Pfizer, Inc	8,000.00	
Do	Rose Medical Center	12,524.36	626.86
Do	Tele-Communications, Inc	7,964.21	813.51
Do	Vail Associates, Inc	2,000.00	
Broydrick Broydrick & Dacey, 600 East Mason Street, #400 Milwaukee, WI 53202	Aurora Health Care, Inc	9,606.25	1,388.30
Do	Blood Center of Southeastern Wisconsin	135.00	11.04

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Children's Hospital of Wisconsin	192.50	
Do	Derco Industries, Inc	100.00	
Do	Electronic Data Systems Corp	10,600.00	268.11
Do	Loyola University of Chicago	25,212.50	4,109.14
Do	Managed Health Services, Inc	769.25	74.86
Do	Marquette University	8,038.75	463.55
Do	Milwaukee Metropolitan Sewerage District	488.75	
Do	Milwaukee Public Museum	100.00	
Do	National Assn of Children's Hospitals & Related Institutions	20,687.50	4,736.76
Do	National Marrow Donor Program	175.00	14.67
Do	Oneida Nations	35,600.00	5,160.97
Do	PrimeCare Health Plan	100.00	2.12
Do	Rust International	500.00	14.56
Do	Specialty Hospitals	100.00	
Do	Superconductivity, Inc	6,759.50	168.16
Do	TV Network Bingo	512.50	6.84
Do	Wisconsin Health Information Network	100.00	
Thomas P. Bruderle, 7272 Wisconsin Ave. Bethesda, MD 20814	American Soc of Hospital Pharmacists	14,000.00	
William K. Brunette, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	787.50	
J. M. Brunkenhoefer, 400 North Capitol Street, NW. #856 Washington, DC 20001	United Transportation Union	6,250.00	758.60
Michael E. Brunner, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	2,000.00	37.00
J. Charles Bruse, 888 16th Street, NW, #500 Washington, DC 20006	Allstate Insurance Cos	1,700.00	536.15
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Susan Buck, 1776 K Street, NW Washington, DC 20006	Wiley Rein & Fielding (For:Discovery Communications, Inc)		
Do	Wiley Rein & Fielding (For:Gannett Co, Inc)		
Do	League of American Theatres & Producers		
Do	Wiley Rein & Fielding (For:MassMutual Life Insurance Co)	875.00	102.48
Do	Wiley Rein & Fielding (For:U.S. Sprint Communications Co)		
Judith A. Buckalew, 1600 M Street, NW, Suite 702 Washington, DC 20036	Zeneca Pharmaceuticals Group	12,875.00	1,042.17
Robert Buckler, 225 East 6th Street, Suite #230 St. Paul, MN 55101	American Professional Pet Distributors, Inc	4,500.00	877.00
Do	National Board of Fur Farm Organizations	9,000.00	
Do	Pheasants Forever	5,500.00	1,217.00
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		
Jack W. Buechner, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	Missouri Enterprise Business Assistance Center	4,640.94	
Betsy Buffington, 23 North Scott, #23 Sheridan, WY 82801	Sierra Club		
J. Bruce Bugg Jr., 100 W. Houston Street, #1660 San Antonio, TX 78205	American College of Mohs Micrographic Surgery & Cutaneous...		
Philip Bujakowski, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Douglas W. Bulcao, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	10,300.00	72.00
Darrel D. Bunge, Minnesota Petroleum Council 8 Pine Tree Drive, #260 St. Paul, MN 55112	American Petroleum Institute	1,700.00	
David A. Bunn, 1211 Connecticut Avenue, NW, #406 Washington, DC 20036	Hearst Corporation	1,000.00	
Do	Parcel Shippers Assn	2,000.00	
William D. Bunnell, 601 Madison Street, #200 Alexandria, VA 22314	Cummins Engine Co, Inc		
James D. Burge, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	7,000.00	
Barbara Burgess, 801 Pennsylvania Ave., NW, Suite 730 Washington, DC 20004	John Hancock Mutual Life Insurance Co		
Karen L. Burgett, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		25.00
Tonio Burgos, Tonio Burgos & Associates, Inc 909 Third Ave., 17th Floor New York, NY 10022	Direct Access Diagnostics	10,000.00	53.00
Do	Local 1199	18,000.00	692.00
Do	New York Puerto Organizing Company of America (For:Telefonica Large Distancia).	10,000.00	53.00
April L. Burke, 1776 Massachusetts Avenue, NW, #410 Washington, DC 20036-1904	Lewis-Burke Associates (For:Association of Independent Research Institutes (AIRI)).	600.00	
Do	Lewis-Burke Associates (For:California Institute of Technology)	1,000.00	
Do	Lewis-Burke Associates (For:National History Museum of LA County, et al.)	300.00	
Do	Lewis-Burke Associates (For:University of Cincinnati)	600.00	
Gerard P. Burke, 1117 Spotswood Drive Silver Spring, MD 20904	International Air Leases, Inc		
Kevin M. Burke, 1350 I Street, NW, #1290 Washington, DC 20005	American Bakers Assn	1,935.00	100.00
Burley & Dark Leaf Tobacco Export Assn, 1100 17th St., NW, #505 Washington, DC 20036			1,875.00
Phillip C. Burnett, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,017.50	26.85
David G. Burney, 1101 17th St. N.W., #609 Washington, DC 20036	U.S. Tuna Foundation	12,000.00	3,000.00
Timothy F. Burns, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	6,000.00	119.50
Melinda Burrell, 418 7th Street, SE Washington, DC 20003	World Federalist Assn	5,838.05	
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	18,750.00	
Mark R. Burtchi, 1776 I Stret, NW, Suite 400 Washington, DC 20006	American Nuclear Energy Council	5,676.00	845.00
Barbara L. Bush, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
Michael R. Bushman, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	513.00	889.34
Roy Bussewitz, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Jim Butler, 201 S. Main Street, #1800 P.O. Box 45898 Salt Lake City, UT 84145-0898	Parsons Behle & Latimer (For:Barrick Goldstrike Mines, Inc)	560.00	275.00
Jeanne A. Butterfield, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,955.00	
David S. Byer, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,575.00	75.00
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
John J. Byrne, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	3,971.00	116.80
Cable Telecommunications Assn (CATA), P.O. Box 1005 Fairfax, VA 22030-1005		230,550.00	32,490.00
Edward S. Cabot, 2030 M Street, NW Washington, DC 20036	Common Cause	6,364.80	
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John R. Cady, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn		
Morrison G. Cain, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	
Alan Caldwell, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	Alliance for Fire & Emergency Management	3,125.00	12.85
Bonnie Caldwell, 1445 New York Ave., NW Washington, DC 20005	Public Securities Assn	12,500.00	1,265.22
Antonio J. Califa, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
Amy E. Callahan, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Era Eugene Callahan, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball	352.56	72.33
Kateri A. Callahan, 701 Pennsylvania Avenue, N.W. Washington, DC 20004	Electric Transportation Coalition	348.00	75.00
William L. Callaway, 1776 Massachusetts AVe., NW Washington, DC 20036	National Parks & Conservation Assn	2,340.00	763.80
Calorie Control Council, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342			
Wayne J. Camara, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn		
Cambridge International, Inc, 2775 South Quincy Street, #520 Arlington, VA 22206	Allison Engine Company	4,500.00	
Do	Allison Transmission	6,151.00	
Do	General Dynamics Land Systems	5,100.00	
Do	McDonnell Douglas Helicopter Company	3,825.00	
Do	Stewart & Stevenson Services, Inc	8,750.00	
Do	Textron Lycoming	750.00	
Arthur E. Cameron, 225 C Street NE, #A Washington, DC 20002	FLEX-O-LITE, INC.	1,440.00	
Do	Potters Industries, Inc	720.00	
Do	Rush-Presbyterian-St. Luke's Medical Center	12,500.00	
Do	Safetran Systems Corporation	5,250.00	
Do	Stimsonite Corporation	960.00	
Do	3M Company	13,800.00	
Bruce P. Cameron, 1725 17th Street, NW, #109 Washington, DC 20006	Embassy of Mozambique		3,318.62
Do	National Council of Maubere Resistance	15,000.00	2,314.07
Cameron & Hornbostel, 818 Connecticut Ave., NW, Suite 700 Washington, DC 20006	Government of Barbados	14,810.31	1,827.50
Do	Polygon Co, Ltd	13,957.50	9,497.54
Paul A. Cammer, 2000 L Street, NW, #730 Washington, DC 20036	Cammer & Associates (For:Business Council on Indoor Air)	600.00	
C. R. Campbell Jr., 1850 M St., NW, #1200 Washington, DC 20036	GTE Corporation	5,000.00	
C. Thomas Campbell, 1776 Eye Street, NW, #575 Washington, DC 20006	DowElanco	500.00	6,702.00
Charles O. Campbell, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	2,000.00	
Jeanne Campbell, Campbell-Raupe, Inc 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	Association for Manufacturing Technology		
Do	Association of Private Pension & Welfare Plans		
Do	Chubb Corp		
Do	Electronic Space Systems Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Nuclear Energy Institute		
Do	Olsten Kimberly Quality Care		
Do	Securities Industry Assn		
Do	Shriners Hospital for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Stone & Webster Engineering Corp		
Do	Textron Corp		
Do	USX Corp		
John G. Campbell, 9300-D Old Keene Mill Road Burke, VA 22015	John G. Campbell, Inc (For:ARCO Power Technologies, Inc)		
Do	John G. Campbell, Inc (For:BDM International, Inc)	250.00	131.00
Do	John G. Campbell, Inc (For:General Electric Co)		
Do	John G. Campbell, Inc (For:GEO-Centers, Inc)		
Do	John G. Campbell, Inc (For:Hughes Aircraft Company)		
Do	ManTech International Corp		
Do	John G. Campbell, Inc (For:Sierra Nevada Corp)		
Do	John G. Campbell, Inc (For:Sippican, Inc)	500.00	260.00
Do	John G. Campbell, Inc (For:Teledyne Ryan Aeronautical)		
Do	John G. Campbell, Inc (For:TASC)		
Do	John G. Campbell, Inc (For:3M Company)		
Marilyn E. Campbell, 517 2nd Street, NE Washington, DC 20002	David Turch & Associates	4,000.00	
Thomas D. Campbell & Associates, Inc, 113 South Alfred Street Alexandria, VA 22314	Cyprus Amax Minerals Co	5,000.00	10,100.91
Sharon M. Canavan, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	20,355.00	725.61
Sharon F. Canner, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	186.80	
Michael F. Canning, 12 Francis Street Annapolis, MD 21401	Manis Canning & Associates (For:National Troopers Coalition)	8,500.00	
James R. Cannon Jr., 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Brush Wellman Engineered Materials)		
Do	Stewart & Stewart (For:Floral Trade Council)	19.45	
Do	Stewart & Stewart (For:Professional Plant Growers Assn)		
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)	107.63	
Do	Stewart & Stewart (For:Torrington Company)	71.75	
Mark R. Cannon, One West Fourth Street, #200 Cincinnati, OH 45202	Student Loan Funding Corp	1,018.61	25.00
Brent A. Cantley, 1735 New York Ave., NW Washington, DC 20006	American Institute of Architects	2,546.00	
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
H. Hollister Cantus, 9300 Lee Highway Fairfax, VA 22031	ICF Kaiser International, Inc	1,725.00	25.00
Gary Capistrant, 1055 North Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp	1,171.48	
Capital Consultants, 1122 Colorado, #307 Austin, TX 78701	LDDS		
Capital International Information Services, Inc, 2000 Pennsylvania Ave., NW, #5500 Washington, DC 20006	Korean Foreign Trade Association		
Do	Republic of Korea - Ministry of Trade Industry & Energy		
Capitol Associates, Inc, 426 C Street, NE Washington, DC 20002	Academic Health Center Coalition	2,500.00	
Do	Alliance for Eye & Vision Research	1,500.00	
Do	American Academy of Physician Assistants	1,000.00	
Do	American Assn of Cancer Research	600.00	
Do	American Assn of Critical-Care Nurses	1,000.00	
Do	American Health Foundation	500.00	
Do	American Soc of Nephrology	5,000.00	
Do	American Soc of Tropical Medicine and Hygiene	600.00	
Do	Arthritis Foundation	1,000.00	
Do	Association for Practitioners in Infectious Control	500.00	
Do	Association of Surgical Technologists	500.00	
Do	Autism Society of America	1,000.00	
Do	Balance Pharmaceuticals	500.00	
Do	Bausch & Lomb	500.00	
Do	Carnation Co	3,500.00	
Do	Collagen Corp	200.00	
Do	Cooper Hospital	1,000.00	
Do	Credential Information & Verification Services, Inc	500.00	
Do	Cystic Fibrosis Foundation	1,000.00	
Do	Fred Hutchinson Cancer Research Center	1,500.00	
Do	FDA Council	11,000.00	
Do	Illinois Collaboration on Youth	100.00	
Do	Johns Hopkins University	1,000.00	
Do	Joint Council of Allergy & Immunology	500.00	
Do	Leukemia Society of America	1,000.00	
Do	Lipomatrix	200.00	
Do	Massachusetts General Hospital	3,000.00	
Do	National Assn of Pediatric Nurse Associates & Practitioners	1,500.00	
Do	National Assn of Rural Health Clinics	1,000.00	
Do	National Coalition for Cancer Research	1,000.00	
Do	Nestle Foods	3,500.00	
Do	New York University Medical Center	1,500.00	
Do	Northwestern Memorial Hospital	1,500.00	
Do	Partnership for Organ Donation, Inc	500.00	
Do	Ringling Brothers	1,000.00	
Do	Scholastic	1,000.00	
Do	Stericycle	500.00	
Do	U.S. Healthcare, Inc	1,000.00	
Capitol Link, P.O. Box 9183 Arlington, VA 22219	City of Mobile		
Do	Elevator-Escalator Safety Foundation, Inc		
Do	Madison County Commission		
Do	Southern Research Institute		
Caplin & Drysdale, Chtd, One Thomas Circle, NW, #1100 Washington, DC 20005	American Methanol Institute		
Do	Council on Foundations, Inc		
Do	National Rural Electric Cooperative Assn		
Mark A. Carano, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Andrew H. Card Jr., 1620 Eye Street, NW, Suite 1000 Washington, DC 20006	American Automobile Manufacturers Assn		
Denise A. Cardman, 1800 M St., NW Washington, DC 20036	American Bar Assn	400.00	50.00
Caremark International, Inc, 2215 Sanders Road, Suite 400 Northbrook, IL 60062			55,818.36
Hugh L. Carey, 919 18th Street, NW, Suite 400 Washington, DC 20006	WR Grace & Co		
Kate Carey, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Cos	250.00	
Kevin F. Carey, 1020 19th Street, NW, Suite 600 Washington, DC 20036	American Express Company	2,185.00	122.25
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	16,237.00	1,461.22
Maurice E. Carino Jr., 1667 K St. N.W., #600 Washington, DC 20006	Bethleham Steel Corp		
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Patricia B. Carlen, 888 16th Street, NW Washington, DC 20006	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
Anne E. Carlson, 750 17th Street, NW, Suite 901 Washington, DC 20006	Nissan North America, Inc		
Catherine A. Carlson, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	131.00	
Paul D. Carlson, 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	4,440.00	
Nancy Carlton, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	400.00
Gerald P. Carmen, 735 Chestnut Street Manchester, NH 03104	120 Church Street Associates		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carmen & Muss, 1730 Pennsylvania Avenue, NW, #1050 Washington, DC 20006	Richard Cohen		
Do	Ralvin Pacific Properties, Inc		
Do	120 Church Street Associates		
Carmen Group, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006	Kennametal, Inc		
Do	Thicksten Grim & Burgum		
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	576.48
Michael C. Carozza, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Bertram W. Carp, 820 First Street, NE, #620 Washington, DC 20002	Turner Broadcasting System, Inc	10,000.00	
Margie Carriger, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,900.00	
John R. Carson, 9312 Old Georgetown Rd. Bethesda, MD 20814-1621	American Podiatric Medical Assn	18,000.00	
R. D. Carson Jr., P.O. Box 2021 40 Franklin Rd., SW Roanoke, VA 24022	Appalachian Power Company		
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc		
Joseph L. Carter Jr., 50 F Street, NW, #1200 Washington, DC 20001-1564	Association of American Railroads		
Melanie Carter-Maguire, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
James P. Carty, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	500.00	
Susan B. Carver, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	3,000.00	982.34
Winthrop Cashdollar, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	438.86
Cashdollar-Jones & Company, 1000 16th Street, NW, #702 Washington, DC 20036	American Bankers Assn		
Do	Bio Gro Systems, Inc		
Do	Council on Education Development and Research		
Do	Strategic Agricultural Management Corp		
Allen R. Caskie, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,500.00	
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	Albion College		
Do	American Digital Imaging, Inc.		
Do	American Dredging Co		
Do	American Science and Engineering, Inc	1,700.85	49.60
Do	American Superconductor Corp	533.60	
Do	ARCO Chemical Americas Co	1,200.60	
Do	AT&T	1,400.70	
Do	ATEC/ICTA		
Do	Babson College		
Do	Biomedical Waste Systems, Inc	1,600.80	15.00
Do	Bishop Museum	300.15	
Do	Boston College	800.40	
Do	Boston University	600.30	7.50
Do	Brazil US Business Council		
Do	Bryant College	1,000.50	
Do	Buena Vista College	1,600.80	13.20
Do	California Community Colleges		
Do	California Institute of the Arts		
Do	California Pacific Medical Center	2,601.30	37.50
Do	Capitol American Life Insurance Co		
Do	Charlotte-Mecklenberg Hospital Authority Foundation	100.05	
Do	Chicago Board of Trade		
Do	Chicago Mercantile Exchange		
Do	Children's Hospital and Health Center of San Diego	833.75	
Do	Children's Hospital of Pittsburgh		
Do	Children's National Medical Center	400.20	
Do	City of Fairfield, CA	2,734.70	15.00
Do	City of Memphis		
Do	Clark Atlanta University		
Do	Columbia University		
Do	Connecticut Health System, Inc	2,401.20	
Do	Coriell Institute for Medical Research	200.10	
Do	Crane Company	400.20	
Do	Cray Research, Inc	100.05	
Do	Critical Languages & Area Studies Consortium, Inc		
Do	CH2M Hill Companies, Ltd	1,000.50	
Do	Delta Airlines	2,001.00	
Do	Dredging Contractors of America	2,001.00	43.00
Do	Elliott Homes		
Do	Englewood Hospital & Medical Center	1,500.75	13.20
Do	Fairleigh Dickinson University	800.40	
Do	Federal Express	100.05	
Do	Florida Regional Emergency Services, Inc		
Do	Franklin Institute	100.05	
Do	Fudan Foundation		
Do	Geisinger Foundation	3,901.95	48.40
Do	General Dynamics Corp	1,600.80	40.30
Do	Glaxo, Inc		
Do	Gonzaga University		
Do	Government Employees Hospital Assn, Inc	1,200.60	
Do	Graduate Health Systems	200.10	
Do	Hahnemann University Hospital	400.20	
Do	Henry Ford Health System	800.40	
Do	Illinois Institute of Technology	300.15	
Do	In Home Health, Inc.	4,402.20	41.90
Do	Insituform of North America, Inc		
Do	Intercontinental Energy Group	1,600.80	7.50
Do	Just Say No International		
Do	Kids Peace, Inc		
Do	Lahey Clinic		
Do	LaSalle University	600.30	
Do	Lehigh University		
Do	Lewis and Clark College		
Do	Limited	200.10	
Do	Loma Linda University Medical Center, Inc - Research		
Do	Loyola Marymount University	200.10	
Do	Lucas Industries, Inc.		
Do	Mac Andrews and Forbes		
Do	Maersk, Inc		
Do	Major League Baseball	400.20	
Do	Manpower International	600.30	
Do	Mary Hitchcock Memorial Hospital/Hitchcock Clinic	1,600.80	114.60
Do	McDonnell Douglas Corp	700.35	
Do	Medical Center of Central Massachusetts		
Do	Medical College of Pennsylvania	200.10	
Do	Mercy Hospital & Medical Center		
Do	Miami-Dade Community College	1,000.50	
Do	Monterey Institute of International Studies		
Do	Morehouse School of Medicine	1,200.60	
Do	Motion Picture Assn of America		
Do	Mt. Sinai Medical Center of Greater Miami		
Do	MCSI Technologies		
Do	MOOG, Inc	283.40	
Do	Narrangansett Indian Tribe		
Do	National Jewish Center for Immunology & Respiratory Medicine	300.15	
Do	Nature Conservancy	100.05	
Do	New Jersey Instutute of Technology		
Do	New York Medical College		
Do	Northwestern University		7.50
Do	Ocean Spray Cranberries, Inc	233.45	
Do	Our Lady of Lourdes		
Do	Partnership for Responsible Risk-Sharing	333.50	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Pennsylvania Educational Telecommunications Exchange Network	200.10	
Do	Polaroid Corp	3,001.50	15.00
Do	Polytechnic University	400.20	
Do	Providence & Worcester Railroad Company	4,802.40	
Do	PGA Tour		
Do	Rhode Island Hospital		
Do	Rhone-Poulenc, Inc	2,801.40	
Do	Rochester Institute of Technology	200.10	
Do	Rush-Presbyterian St. Luke's Medical Center	1,100.55	
Do	Sacred Heart Hospital		
Do	Saint John's Hospital & Health Center	5,402.70	
Do	Saint Joseph's University	300.15	
Do	Savings Bank and Life Insurance Company of MA	800.40	
Do	Smokeless Tobacco Council		
Do	South Dade Land Corp	9,604.80	66.00
Do	Southeastern PA Consortium for Info. Tech. & Training	2,101.05	
Do	St. Francis Healthcare Foundation of Hawaii	300.15	
Do	St. Norberts College	2,801.40	130.60
Do	St. Xavier College	1,600.80	
Do	Sutter Bay Associates		
Do	Sylvan Learning Systems, Inc		
Do	Taiwan Research Institute	8,604.30	118.00
Do	Teaching Hospitals of America		
Do	Tudor Investment Corp		
Do	Tufts University		
Do	Union Memorial Hospital	200.10	
Do	Unisys	400.25	13.20
Do	University of Dayton		
Do	University of Detroit Mercy		
Do	University of Hawaii-University of Hawaii Found.	300.15	
Do	University of San Francisco		
Do	University of Southern Mississippi	200.00	7.50
Do	University of St. Thomas		
Do	Watsonville Community Hospital		
Do	Women & Infants' Hospital		
Do	World Learning	1,400.70	20.70
Penelope C. Cate, 321 North Clark Street Chicago, IL 60610	Quaker Oats Company	470.60	636.80
Catholic Health Assn of the United States, 4455 Woodson Road St. Louis, MO 63134		20,157.00	13,738.51
Harvey E. Cauthen Jr., Cauthen & Associates P.O. Box 250266 Montgomery, AL 36125	Alabama Power Co	25,833.00	346.85
Do	Nuclear Energy Institute	12,000.00	1,103.28
Philip T. Cavanaugh, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,000.00	
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Cendrowski, Selecky & Reinhart, 2050 N. Woodward, #310 Bloomfield Hills, MI 48013	Taubman Company, Inc	8,748.50	
Center for Reproductive Law & Policy, 120 Wall Street, 18th Floor New York, NY 10005			5,927.44
Center for Responsive Politics, 1320 19th Street, NW, #700 Washington, DC 20036			
David Certner, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	938.88	353.07
Warner Chabot, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Michael J. Chakarun, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	Rite Aid Corp		
Chambers Development Co, Inc, 10700 Frankstown Road Pittsburgh, PA 15235		36,500.00	77,802.98
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	1,617.42
Ed Chandler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	17,050.00	500.00
Rod Chandler, 101 143rd Avenue, SE Bellevue, WA 98007	American International Group, Inc	4,000.00	980.50
William J. Chandler, 1776 Massachusetts Avenue, NW, #200 Washington, DC 20036	National Parks & Conservation Association	4,100.00	271.30
John Chandler Associates, Inc, 9816 Hillridge Drive Kensington, MD 20895	York International	500.00	45.90
Arthur A. Chapa, 5210 East Williams Circle, Suite 500 Tucson, AZ 85711	Pima County Board of Supervisors	7,570.00	2,162.83
Linda Z. Chapman, 1400 L Street, NW, #400 Washington, DC 20005	Biscuit & Cracker Manufacturers Assn		
Thomas B. Chapman, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	18,053.23	8,733.06
Byron Charlton, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,645.24	210.56
Charter Medical Corp, 577 Mulberry Street Macon, GA 31298			
Robert L. Chatten, 2101 E Street, NW Washington, DC 20037	American Foreign Service Assn	7,500.00	75.00
Leslie Cheek III, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	36,894.00	51.00
Chemical Manufacturers Assn, Inc, 2501 M Street, NW Washington, DC 20037			219,535.00
Chemical Specialties Manufacturers Assn, Inc, 1913 Eye Street, NW Washington, DC 20006			1,960.71
William B. Cherkasky, 1350 New York Ave., NW, #900 Washington, DC 20005	International Franchise Assn		
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	American Architectural Foundation	1,887.50	
Do	American Museum of Natural History		100.00
Do	Arena Stage	1,292.00	1,398.75
Do	Association of Research Libraries		
Do	Bishop Museum		100.00
Do	Capital Childrens Museum		
Do	Corcoran Gallery of Art	1,245.00	1,351.75
Do	Directors Guild of America	7,143.00	491.50
Do	Ford's Theater	1,151.00	1,257.75
Do	Henry Ford Museum & Greenfield Village		100.00
Do	Isabella Stewart Gardner Museum		
Do	Meridian House International	1,151.00	1,257.75
Do	Metropolitan Museum of Art		100.00
Do	National Council for the Traditional Arts	5,000.00	100.00
Do	National Museum of Women in the Arts	1,198.00	1,304.75
Do	National Symphony	1,292.00	1,398.75
Do	Natural History Museum of Los Angeles County		100.00
Do	Peabody Museum of Salem	2,000.00	100.00
Do	Phillips Collection	1,151.00	1,257.75
Do	Science Museum of Minnesota		100.00
Do	Shakespeare Theater	1,151.00	1,257.75
Do	Textile Museum	1,151.00	1,257.75
Do	The Colonial Williamsburg Foundation		100.00
Do	Washington Ballet	1,151.00	1,257.75
Do	Washington Opera	1,292.00	1,398.75
Do	Washington Performing Arts Society	1,198.00	1,304.75
Larry J. Cherry, 1735 Jefferson Davis Highway, #800 Arlington, VA 22202	Vought Aircraft Co	2,500.00	125.00
Stephan E. Chertoff, 1825 Eye Street, NW, #400 Washington, DC 20006	PCS Health Systems (For:McKesson Corp)	2,365.00	570.00
Sidonie Chiapetta, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federatoin	272.07	
Samuel D. Chilcote Jr., 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute, Inc	1,525.00	
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	B.F. Goodrich	2,082.50	
Do	BASF Corp	2,082.50	
Do	Dow Chemical Co	2,082.50	
Do	Eastman Chemical Co		6,943.00
Do	GE Plastics	2,082.50	
Do	Hoechst Celanese Chemical Group	2,082.50	
Do	Rexene Corp	2,082.50	
Do	Union Carbide Corp	2,082.50	
Sandra L. Chiu, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,400.00	
Robert A. Chlopak, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc	1,500.00	
Chlopak Leonard Schecter & Associates, Inc, 1400 L Street, NW, Suite 600 Washington, DC 20005	Health Care Reform Project	5,000.00	5,000.00
Edward C. Chow, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies		
Arne L. Christenson, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	27,104.58	1,482.78
James T. Christy, 1001 19th Street, NW, North, #800 Arlington, VA 22209	TRW, Inc	20,000.00	
Chubb Corporation, 15 Mountain View Road Warren, NJ 07061			78,080.10
James R. Churchill, 6301 Stevenson Avenue, #715 Alexandria, VA 22304			
Alan L. Chvotkin, 14829 Dufief Drive Gaithersburg, MD 20878	Sundstrand Corporation	2,125.00	1,073.67
Paul N. Cicio, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical Corp		6,690.00
Citizen Action Fund, 1120 - 19th Street, NW, #630 Washington, DC 20036		17,227.00	17,227.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Citizens for Reliable and Safe Highways (CRASH), 116 New Montgomery Street, #900 San Francisco, CA 94105		13,744.50	782.00
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	7,125.00	993.32
Do	Spiegel & McDiarmid (For:City of Piqua, OH)		
Do	Spiegel & McDiarmid (For:Clean Water Action)	8,890.75	3,883.20
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
Donald A. Clarey, 112 South West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	20,001.00	
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	15,000.00	
Do	Strategic Management Associates (For:Montefiore Medical Center)	16,000.00	
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).		
Dan Clark, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00
Thomas R. Clark, 919 18th Street, NW, #200 Washington, DC 20006	Federal Agricultural Mortgage Corp		
Vernon A. Clark, P.O. Box 59347 Potomac, MD 20859-9347	Vern Clark & Associates (For:Coalition for Property Rights)	69,000.00	
Do	Vern Clark & Associates (For:Fox Television Stations, Inc)	22,500.00	318.58
Do	LDDS Metromedia Communications, Inc	30,000.00	118.10
Do	Massachusetts Bay Transportation Authority	25,002.00	
Do	Vern Clark & Associates (For:Metromedia Communications)		
Do	Vern Clark & Associates (For:Metromedia Company)	60,000.00	
Do	Vern Clark & Associates (For:RJR-Nabisco Washington, Inc)	43,500.00	1,169.61
Vern Clark & Associates, P.O. Box 59347 Potomac, MD 20859-9347	Coalition for Property Rights	69,000.00	
Do	Fox Television Stations, Inc	22,500.00	318.58
Do	LDDS Metromedia Communications, Inc	30,000.00	118.10
Do	Massachusetts Bay Transportation Authority	25,002.00	
Do	Metromedia Communications		
Do	Metromedia Company	60,000.00	
Do	RJR-Nabisco Washington, Inc	43,500.00	1,169.61
Stephen B. Clarkson, 4101 Washington Ave., Dept 016 Newport News, VA 23607	Newport News Shipbuilding & Dry Dock Co	1,000.00	700.00
Lee Pendergast Claro, 1455 F Street, NW, #450 Washington, DC 20005	Upjohn Company	17,400.00	
Kenneth J. Clayton, 1120 Connecticut Ave, NW Washington, DC 20036	American Bankers Assn	5,499.00	702.34
Cleary Gottlieb Steen & Hamilton, One Liberty Plaza New York, NY 10006	Government Representatives Cmte Securities Industry Assn		
Do	Institute of International Bankers		
Do	Salomon Brothers, Inc		
Ronald D. Clements, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,808.44	872.82
Kimberly M. Clennan, 14157 Rahill Court Woodbridge, VA 22193			
Cleveland-Cliffs, Inc, 1100 Superior Avenue Cleveland, OH 44114-2589			669.00
Climaco Climaco Seminatore Lefkowitz & Garofoli Co, 1228 Euclid Ave., #900 Cleveland, OH 44115	Blue Cross & Blue Shield of Ohio		416.00
Clohan & Dean, 1101 Vermont Ave., NW, #400 Washington, DC 20005	America's Public Television Stations		
Do	American Psychoogical Assn		
Do	Coalition of Higher Education Assistance Organizations	350.00	
Do	Consumer Bankers Assn	3,250.00	
Do	Diversified Collection Services, Inc	192.33	
Do	Economics Americas	150.00	
Do	Student Loan Funding Corp of Ohio	6,600.00	
Do	University of Vermont	150.00	
Do	Very Special Arts	375.00	
Stephen J. Cloud, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	200.00	
W. Dewey Clower, 1199 North Fairfax, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators, Inc		
Anthony T. Cluff, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	3,125.00	
Coal Industry Health Protection Coalition, 918 16th Street, NW, Suite 303 Washington, DC 20006		10,800.98	10,800.98
Coalition of Americans to Protect Sports (CAPS), 200 Castlewood Drive North Palm Beach, FL 33408			
Coalition of Consumers' Picture Rights, 1000 Thomas Jefferson Street, NW Washington, DC 20007		19,140.39	
Coalition of Disk Exporters ('CODE'), 915 15th Street, NW, Suite 900 Washington, DC 20005		15,000.00	
Coastal Advocate, Inc, 2101 Central Avenue Ship Bottom, NJ 08008		7,755.00	7,817.42
Sarah D. Coates, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Richard B. Cobb, Georgia Petroleum Council 50 Hurt Plz., SE, #720 Atlanta, GA 30303-2923	American Petroleum Institute		
Drew Patrick Cobbs, 60 West Street, #403 Annapolis, MD 21401	American Petroleum Institute	1,500.00	
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon		
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Coffield Ungaretti & Harris, 3500 Three Firest National Plaza Chicago, IL 60602	FMC Defense Systems		
Amy A. Coggin, 1201 New York Ave., NW, #400 Washington, DC 20005	American Public Transit Assn	3,550.00	
Arnold D. Cohen, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	5,000.00	140.55
Catherine Grealy Cohen, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company	2,900.00	500.00
Daniel L. Cohen, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
John Cohen, 1331 Penn Ave., NW, #1500-North Washington, DC 20004-1703	National Assn of Manufacturers	700.00	
Kenneth S. Cohen, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Company	180.00	221.82
Philip Q. Cohen, 255 East Kellogg Blvd. St. Paul, MN 55101	Goff/Wilkie & Associates (For:North Metro TH 610/10 Crosstown Council)		
Cohn and Marks, 1333 New Hampshire Ave., NW Washington, DC 20036	Direct Marketing Assn	7,031.27	492.61
Joseph L. Colaneri, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
Carol Thompson Cole, 1455 Pennsylvania Ave, NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,465.00	
Eleanor Cole, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	UBA, Inc	500.00	
Jean L. Cole, 2001 Pennsylvania Ave. NW, Suite 300 Washington, DC 20006	Exxon Corp		
Ken W. Cole, 1001 Pennsylvania Avenue, NW, #700 Washington, DC 20004	Allied-Signal, Inc		
Randall I. Cole, 7900 Westpark Drive McLean, VA 22102	HFSI	6,000.00	1,159.30
Richard Coleman, 529 14th Street, NW, Suite 1055 Washington, DC 20045	Space Express Corp		
Walter S. Coleman, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Association	1,000.00	
Jessie M. Colgate, 1001 Pennsylvania Ave., NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Company		
Emilio G. Collado III, Collado Associates 1405 Montague Drive Vienna, VA 22180	American Watch Assn		
Collier Shannon Rill & Scott, 3050 K Street, NW, #400 Washington, DC 20007	Allied Corp, Verson Div	206.25	206.25
Do	American Car Rental Assn		
Do	American International Group, Inc		
Do	American Textile Machinery Assn		
Do	Association of Certified Trucking Schools		
Do	Australian Dairy Industry	2,910.00	2,910.00
Do	Australian Wheat Board	2,535.00	2,535.00
Do	Bicycle Manufacturers Assn of America		
Do	Carfax		
Do	Cast Iron Soil Pipe Institute	137.50	137.50
Do	Coalition for Improved Environmental Audits		
Do	Coalition for Safe Ceramicware		
Do	Crop Insurance Research Bureau		
Do	COMPACT		
Do	CSR Limited - Sugar Division		
Do	Food Marketing Institute		
Do	Footwear Industries of America	1,155.00	1,155.00
Do	Gerry Baby Products Co		
Do	Golden Gate Petroleum International, Ltd		
Do	In Re Color Picture Tubes		
Do	Independent Lubricant Manufacturers Assn	450.00	450.00
Do	Inland Steel Corp		
Do	International Crystal Federation		
Do	Leather Industries of America		
Do	Lykes Brothers, Inc		
Do	Municipal Castings Fair Trade Council	275.00	275.00
Do	National Assn of Convenience Stores	1,522.50	1,522.50
Do	National Cosmetology Assn, Inc		
Do	National Juice Products Assn	206.25	206.25
Do	National Pasta Assn	275.00	275.00
Do	National Pork Producers Council	687.50	687.50
Do	NACCO Materials Handling Group, Inc	206.25	206.25
Do	Oneida, Ltd		
Do	Outdoor Power Equipment Institute		
Do	Owner-Operator Independent Drivers Assn		
Do	Petrojam, Ltd		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Petroleos de Venezuela, S.A.		
Do	Pittsburgh Corning Corporation		
Do	Planar System, Inc	1,125.00	1,125.00
Do	PC Strand Producer Coalition	137.50	137.50
Do	Scotsman Industries, Inc		
Do	Shipbuilders Council of America	110.00	110.00
Do	Society of Independent Gasoline Marketers of America	692.50	692.50
Do	Specialty Steel Industry of the U.S.	1,100.00	1,100.00
Do	Steel Manufacturers Assn		
Do	STG	206.25	206.25
Do	Total Petroleum	5,775.00	5,775.00
Do	Wickland Oil Co		
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	135.00
Camilla L. Collova, 1025 Connecticut Ave., NW, #1007 Washington, DC 20036	Armstrong World Industries, Inc		
Jeffrey Colman, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	17,586.40	928.42
Mary Colville, 1155 15th St., NW Washington, DC 20005	National Broiler Council	2,050.00	
Dionne A. Colvin, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Jeffrey W. Combos, c/o Tennessee Petroleum Council 315 Deaderick Street, #1430 Nashville, TN 37238-1430	American Petroleum Institute		
Lori A. Comeau, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	209.36
Commercial Finance Association, 225 W. 34th St. New York, NY 10122			9,020.00
Committee for Humane Legislation, Inc, 2000 P Steet, NW, #415 Washington, DC 20026		7,805.56	970.49
Common Cause, 2030 M St., NW Washington, DC 20036		2,738,765.00	337,666.13
Community Nutrition Institute, 2001 S St., NW, #530 Washington, DC 20009			2,192.30
Community Service Society, 105 East 22nd Street New York, NY 10010			18,977.36
Competitive Enterprise Institute, 1001 Connecticut Avenue, NW, #1250 Washington, DC 20036		475,200.00	
Compressed Gas Assn/Helium Advisory Council, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102		13,750.00	16,383.00
Stephen R. Conafay, 5141 Yuma Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
John B. Conaway, 5126 Woodmire Lane Alexandria, VA 22311	Conaway Group	5,500.00	84.00
Bert M. Concklin, 8607 Westwood Center Drive, Suite 204 Vienna, VA 22182	Professional Services Council	3,000.00	
Concord Associates, Inc, 1455 Pennsylvania Ave., NW, #560 Washington, DC 20004	Forest City Ratner Companies	25,000.00	
William J. Condon Jr., 813 Ridge Lake Blvd Memphis, TN 38120	Conwood Company, LP	6.10	16.60
Thomas L. Conlan, One West Fourth Street, Suite 200 Cincinnati, OH 45202	Student Loan Funding Corp	2,395.23	
Gregory A. Conley, 9700 W. Higgins Rd. Rosemont, IL 60018	Galileo International		
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Michael E. Connealy, 3501 Thurston Avenue Anoka, MN 55303	Rural Community Insurnce Services, Inc	2,400.00	3,081.00
Peter J. Connell, 1667 K Street, NW, Suite 400 Washington, DC 20006	Aetna Life & Casualty	3,000.00	
Jeanne K. Connelly, 1875 Eye St., NW, #540 Washington, DC 20006	Champion International Corp	1,788.00	125.12
Ralph T. Conner, 1250 Eye Street, NW Washington, DC 20005	National Tire Dealers & Retreaders Assn	440.91	143.22
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	5,703.61	
Connerton Ray & Simon, 1920 L Street, NW, 4th Floor Washington, DC 20036-5004	International Brotherhood of Teamsters	15,000.00	4,750.00
Do	Laborers National Health & Safety Fund	15,000.00	4,750.00
Do	Laborers-Employers Cooperative & Education Trust	15,000.00	4,750.00
Do	Laborers/AGC Education & Training Fund	15,000.00	4,750.00
Do	Transportation Institute	15,000.00	4,750.00
Catherine Connor, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinckerhoff Quade & Douglas, Inc		
David Conover, 1250 H Street, NW, #575 Washington, DC 20005	CH2M Hill	821.00	
David R. Conrad, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	531.60	
John W. Conrad III, 1100 New York Ave., NW, #1050 Washington, DC 20005-3934	American Bus Assn	1,125.00	231.00
Conservative Action Lobby, P.O. Box 931602 Los Angeles, CA 90093			
Gladys Considine, 2000 K STreet, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,942.00	
Consortium for Int'l Earth Science Information Network, 2250 Pierce Road University Center, MI 48710			18,041.29
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		12,324.50	3,519.25
Consumer Energy Council of America Research Foundation, 2000 L St., NW, #802 Washington, DC 20036			
Consumers for World Trade, 2000 L Street, NW, #200 Washington, DC 20036		19,550.00	19,901.75
Consumers Union of U.S., Inc, 1666 Connecticut Ave., NW, Suite 310 Washington, DC 20009-1039			17,345.00
Convergence Services, Inc, 1800 Diagonal Road, Suite 600 Alexandria, VA 22314	Greater Washington Educational Telecommunications Assn		
Do	Public Broadcasting Service	2,850.00	
Do	Twin Cities Public Television	375.00	
Daniel J. Conway, One Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	10,000.00	244.68
James F. Conway Jr., 701 Pennsylvania Avenue, NW Washington, DC 20004	Siemens Corp		
Harry N. Cook, 1130 17th St., NW Washington, DC 20036	National Waterways Conference, Inc		
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,800.00
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Cook Group, Inc, 300 Fountain Square P.O. Box 1608 Bloomington, IN 47402-1608			37,280.76
Charles E. Cooke, 1001 Pennsylvania Avenue, NW, #450-N Washington, DC 20004	Southern California Edison Co	7,763.00	5,700.00
Ted Coombes, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Benjamin Y. Cooper Jr., 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	15,000.00	
Josephine S. Cooper, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn		
Mitchell J. Cooper, 1001 Connecticut Ave., NW Washington, DC 20036	Rubber & Plastic Footwear Manufacturers Assn	38,000.00	273.49
Stephen H. Cooper, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	Healthcare Assn of New York State	7,500.00	
Do	Medco Containment Services, Inc	125.00	
Do	Metropolitan Life & Affiliated Companies	600.00	
Do	Waste Management, Inc	5,000.00	
Coordinadora de Organizaciones Empresariales de Comercio Ext, 1025 Thomas Jefferson Street, NW Washington, DC 20007.		45,316.43	2,556.05
Darrell Coover, 10 Masters Court Potomac, MD 20854	National Assn of Independent Insurers	2,000.00	193.00
Heidi S. Coppola, 425 Park Avenue New York, NY 10043	Citibank N.A.	1,017.00	
Sherry Tonubbee Corbin, 801 Pennsylvania AVenue, NW, #352 Washington, DC 20004	Central and South West Corp	826.50	379.12
John F. Corcoran, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.01	
George F. Cormeny Jr., 25 South Charles Street/Banc 121 - 013 Baltimore, MD 21203	First Mayland Bancorp		
Do	First National Bank of Maryland	300.00	18.00
Corn Refiners Assn, Inc, 1701 Pennsylvania Ave., NW Washington, DC 20036			
Christine Corrado, 1420 King Street Alexandria, VA 22314	National Society of Professional Engineers	1,250.00	
Ernest J. Corrado, 1000 16th St., NW, #511 Washington, DC 20036	American Institute of Merchant Shipping	1,560.00	408.00
Richard L. Corrigan, 1250 H Street, NW Washington, DC 20005	CH2M Hill	447.00	
Marty Corry, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	1,066.15	91.00
Allan D. Cors, 1455 Pennsylvania Avenue, NW, #500 Washington, DC 20004	Corning, Inc	1,500.00	
Anthony R. Corso, 3225 Gallows Road Fairfax, VA 22037	Mobil Corp	1,500.00	
Philip S. Corwin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	8,164.00	475.92
Barbara J. W. Cosgriff, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Paul S. Cosgrove, 121 SW Salmon Suite #1400 Portland, OR 97204	Gardner Cosgrove & Gardner (For:Anadarko Petroleum Corp)		
Cosmetic Toiletry & Fragrance Assn, Inc, 1101 17th Street, NW, #300 Washington, DC 20036		1,760.00	1,760.00
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	American Chiropractic Assn		
Louis A. Costantino Jr., 1850 M Street, NW Washington, DC 20036	Securities Industries Assn	486.92	
Michael E. Costello, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		805.38
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,238.36	
Council for a Livable World, 110 Maryland Avenue, NE Washington, DC 20002			67,824.79
Council for Responsible Nutrition, 1300 19th Street, NW #310 Washington, DC 20036-1609		106,280.00	106,280.00
Council for Rural Housing & Development, 1300 19th Street, NW, #410 Washington, DC 20036		2,000.00	2,000.00
Council of Institutional Investors, 1616 P Street NW, #350 Washington, DC 20036			
Council of State Chambers of Commerce, 122 C St., NW, #330 Washington, DC 20001		2,900.00	
Mark J. Covall, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Brian Cove, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America	200.00	79.62
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American Assn of Oral & Maxillofacial Surgeons	23,220.00	
Do	American PCS, L.P.	15,552.72	
Do	American Watch Assn		
Do	Anchorage Telephone Utility		
Do	Association of America's Public Television Stations	4,041.06	
Do	Association of Maximum Service Television, Inc		
Do	Attorneys' Liability Assurance Society, Inc	17,415.00	
Do	Bankers Roundtable		
Do	Bankers Trust Co	1,972.50	33.00
Do	BankAmerica Corp	5,988.75	655.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Brown Brothers Harriman & Co		
Do	Coalition to Preserve the Integrity of American Trademarks		
Do	Consolidated Natural Gas Company		
Do	Council for Marketing & Opinion Research		
Do	CBS Television Network Affiliates Assn		
Do	Erisa Industry Committee	1,200.00	
Do	Federal Home Loan Mortgage Corp		
Do	International Business Machines Corp	2,302.50	
Do	Investment Company Institute		
Do	John E. Simon Trust	2,475.00	59.63
Do	John Hancock Mutual Life Insurance Co		
Do	Lutheran Brotherhood		
Do	National Football League		
Do	NationsBank Corp		
Do	Private Benefits Alliance	577.50	
Do	Procter & Gamble Co		
Do	Public Broadcasting Service	412.50	
Do	Syntex (USA), Inc		
Do	Tobacco Institute, Inc, et al.	1,895.00	
Archibald Cox, 2030 M St., NW Washington, DC 20036	Common Cause		
Cary L. Cox, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Eric Cox, 713 D Street, SE Washington, DC 20003	Campaign for U.N. Reform-Political Education Committee	8,292.48	52.04
Rebecca G. Cox, 1300 Eye Street, NW, #950 East Washington, DC 20005	Continental Airlines, Inc		
William J. Cox, 1776 K St., Washington, DC 20006	Catholic Health Association of the United States	10,669.00	
Betsy Anne Craib, 1000 Connecticut Ave., NW Washington, DC 20036	Japan Economic Institute of America	500.00	
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	4,176.00	1,092.51
Bill Crandell, 7104 14th Avenue Tacoma Park, MD 20912	Vietnam Veterans of America		
Dale A. Crane, 618 South 223rd Street Des Moines, WA 98198	National Parks & Conservation Association		287.00
Daniel M. Crane, 1010 Pennsylvania Avenue, SE Washington, DC 20003	Algonquin Gas Transmission Co		
Do	American Assn of Advertising Agencies		
Do	American Nuclear Energy Council		
Do	Association for Manufacturing Technology		
Do	Association of Private Pension & Welfare Plans		
Do	Chubb Corporation		
Do	Electronic Space Systems Corp		
Do	Invest to Compete Alliance		
Do	Merck & Co		
Do	MFJ Task Force		
Do	National Electrical Manufacturers Assn		
Do	Olsten Kimberly QualityCare		
Do	Securities Industry Association		
Do	Shriners Hospitals for Crippled Children		
Do	St. Paul Fire & Marine Insurance Co		
Do	Campbell-Raupe (For:Stone and Webster Engineering Corporation)		
Do	Textron Corp		
Do	USX Corp		
Milly S. Crawford, 1445 New York Ave., NW, 8th Floor Washington, DC 20005	Public Securities Assn	6,000.00	946.41
Richard C. Crawford, 601 Pennsylvania Ave. NW Suite 500 North Building Washington, DC 20004	Coors Brewing Co	4,900.00	332.24
Robin Crawford, Box M Allentown, PA 18105-5000	Mack Trucks, Inc		
Roger A. Crawford, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,000.00	75.00
James R. Cregan, 1211 Connecticut Ave., NW Washington, DC 20036	Magazine Publishers of America	3,000.00	
Richard C. Creighton, 1212 New York Avenue, NW, #500 Washington, DC 20005	American Portland Cement Alliance	17,160.00	163.18
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	732.04
Raffaella S. Cristanetti, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies		
Christopher K. Croft, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Robert W. Cromartie, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn		
Jennifer B. Cromwell, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Companies	190.00	169.72
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Deborah T. Crouse, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Crowell & Moring, 1001 Pennsylvania Ave., NW Washington, DC 20004-2595	Asarco, Inc		
Do	Associated Gas Distributors		
Do	Avon Products, Inc		
Do	Brooklyn Union Gas Co		
Do	Cook Inlet Region, Inc		
Do	COMSAT Corp		
Do	Eagle-Picher Industries, Inc		
Do	Eli Lilly & Company	3,780.00	10.00
Do	Helicopter Assn International		
Do	ICF Kaiser International, Inc & Subsidiaries		
Do	L&F Products Group		
Do	Minnesota Mining & Manufacturing Co		
Do	National Assn of Temporary Services		
Do	National Assn of Wholesaler-Distributors		
Do	National Risk Retention Assn		
Do	Polyisocyanurate Insulation Mfrs Assn		
Do	Regional Airline Association		
Do	United Cities Gas Co		
Do	Wyatt Company		
Crowell & Moring International L.P., 1001 Pennsylvania Ave., NW, #1275 Washington, DC 20004-2505	Avon Products, Inc		
Do	Board of Foreign Trade, Gov't of the Republic of China		
Do	Government of Indonesia, Ministry of Trade		
Do	Singapore Trade Development Board		
James P. Crumley Jr., 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
John D. Cuaderes, 1235 Jefferson Davis Highway Arlington, VA 22202	ESCO Electronics Corp		538.27
Barry Cullen, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn		
Culley-Foster & Co, P.O. Box 17370 Washington, DC 20041			
R. Lee Culpepper, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
William E. Cumberland, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	19,800.00	
Cuneo Law Group, 317 Massachusetts Ave., NE, Suite 300 Washington, DC 20002	Songwriters Guild of America	2,625.00	
Charles V. Cunningham, 1155 15th Street, NW, Suite 504 Washington, DC 20005	American Textile Manufacturers Institute, Inc	1,500.00	
Do	Dunavant Enterprises, Inc	3,000.00	
Do	Hohenberg Bros. Company	1,500.00	
Richard O. Cunningham, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)	54.00	
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
William J. Cunningham, State Street Business Group 200 State Street, 10th Floor Boston, MA 02109	American Fed of Labor & Congress of Industrial Organizations	20,990.48	949.54
Anne M. Curry, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Debra Curtis, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,500.00	175.00
James R. Curtiss, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		53.80
Cutler & Stanfield, 700 14th Street, NW, 10th floor Washington, DC 20005	City of Henderson	21,930.00	
Do	City of Tempe	2,471.25	
Do	General Atomics		
Do	University of Colorado	7,361.25	294.30
Ralf W.K. Czepluch, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Gulf Power Company	2,652.00	7,929.81
CF Industries, Inc, Salem Lake Dr. Long Grove, IL 60047			1,000.00
CM Services, Inc, 800 Roosevelt Boulevard, Bldg C, #20 Glen Ellyn, IL 60137-5833			
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	9,000.00	1,794.76
Do	British Petroleum, America	9,000.00	935.34
Do	Lebanon Chemical Corp and Lebanon Turf	5,000.00	473.24
Do	National Bark & Soil Producers Assn	3,450.00	1,325.29
Do	Responsible Industry for a Sound Environment	9,000.00	1,007.02
Do	Scotts Companies & Subsidiaries	10,500.00	968.16
Do	ZENECA Ag Products	12,000.00	1,663.65
Susan Dahlquist, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	16,741.00	1,952.90

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frank J. Daily, 411 East Wisconsin Ave. Milwaukee, WI 53202	Quarles & Brady (For:General Motors Corp)		
Donald W. Dalrymple, 1575 I St., NW Washington, DC 20005	American Cynamid Company (For:Lederle Laboratories)	6,075.00	997.05
Robert P. Daly II, 1000 Wilson Blvd, #2800 Arlington, VA 22209	Grumman Corp	625.00	766.61
John M. Damgard, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Stephanie C. Dance, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		234.64
David S. Danielson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Nancy Danielson, 600 Maryland Ave., SW, #202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America	6,524.96	
Jane Danowitz, 1025 Vermont Avenue, NW, Suite 300 Washington, DC 20005	Citizen's Trade Campaign	6,600.00	
Ed Dauksz, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Nancy Davenport-Ennis, 303 Butler Farm Road, Suite 104 Hampton, VA 23666	Response Technologies, Inc		4,655.00
Theodore S. J. Davi, 23 Holland Road Pittsburgh, PA 15235			
Bruce A. Davidson, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Linda L. Davidson, 1776 Eye Street, NW, Suite 700 Washington, DC 20006	Phillips Petroleum Co	2,000.00	70.12
Seth Davidson, 1742 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Dionne M. Davies, 1120 Connecticut Ave., NW, #727 Washington, DC 20036	American Bankers Assn	4,994.00	338.51
D. Drew Davis, 3M Center St. Paul, MN 55144-1000	Minnesota Mining and Manufacturing Company (3M)	3,500.00	
Drew M. Davis, 1101 16th St., NW Washington, DC 20036	National Soft Drink Assn		
Edwin H. Davis, 2030 M St., NW Washington, DC 20036	Common Cause	12,363.60	
Frederick G. Davis, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,768.40	263.10
Michael Davis, 735 North Water St., #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,947.75	
Michael R. Davis, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	555.85	
Ovid R. Davis, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company		
Robert W. Davis, Bob Davis & Associates 2361 Jefferson Davis Highway, #506 Arlington, VA 22202	Alaska Ocean Seafood	2,000.00	74.00
Do	City of Charlevoix	500.00	
Do	Frequency Engineering Labortories	1,000.00	
Do	Lafarge Corp		
Do	Marinette Marine Corp	1,000.00	
Timothy S. Davis, 1020 Nineteenth Street, NW, #600 Washington, DC 20036	American Express Co	18,750.00	
William M. Davis, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation		
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Ad Hoc Comm of Life Insurance Companies	850.00	17.37
Do	Alcoma Packing Company, Inc		
Do	American General Life Insurance Co	990.00	141.82
Do	American Horse Council	2,970.00	141.82
Do	Armco Steel Co	2,700.00	
Do	Bethlehem Steel Corp	2,700.00	
Do	Chicago Board of Trade	8,500.20	241.62
Do	Committee of Annuity Insurers	850.00	
Do	Dresser Industries, Inc		
Do	Employers Health Insurance Co	8,400.00	42.85
Do	First Penn-Pacific Life Insurance Co	743.00	69.68
Do	Florida Power & Light	330.00	141.82
Do	Florida Sugar Cane League, Inc	1,200.00	
Do	Hughes & Luce	65.00	
Do	James Graham Brown Foundation		
Do	Lincoln National Life Insurance Co	912.50	
Do	National Cattlemen's Assn	900.00	90.82
Do	Retired Lives Reserve Group	600.00	17.37
Do	Stock Information Group		
Do	U.S. Sugar Corp	1,200.00	209.19
Do	Underwriters of Lloyd's London		
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	Brown Brothers Harriman & Co		
Do	Kohlberg Kravis Roberts & Co		
Do	Morgan Guaranty Trust Co		
Do	Morgan Stanley & Co, Inc		
Do	Norwest Corporation		
Donald S. Dawson, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	Leo A. Daly Company		
Do	Michael Gaughan		
Do	Opticians Assn of America		
Do	St. Thomas-St. John Chamber of Commerce, Inc	2,500.00	
Brenda T. Day, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	6,249.00	679.33
Gaston De Bearn, 1300 Eye Street, NW, #520-W Washington, DC 20005-3314	Hoffmann-La Roche, Inc	4,800.00	482.78
Donald K. Dean, 1725 Jefferson Davis Highway, Suite 900 Arlington, VA 22202	Loral Federal Systems Group	3,500.00	
John Russell Deane III, 1317 F Street NW #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	84.00	41.88
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Assns)	217.00	98.70
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	907.00	468.13
Tom K. Decker, Box 3529 Portland, OR 97208	Port of Portland	16,189.00	120.00
Tom Dehner, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	
William T. Deitz, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)		
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	142.50	
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transportation Authority).	3,097.50	68.50
Do	New Jersey Turnpike Authority	210.00	15.16
Gene A. Del Polito, 1333 F Street, NW, #710 Washington, DC 20004-1108	Advertising Mail Marketing Assn	70.00	
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	1,264.00	1,500.00
George H. Denison, 5910 Woodacres Drive Bethesda, MD 20816	Edison Electric Institute		
Do	General Atomics	1,000.00	
Denison Scott Associates, 5910 Woodacres Drive Bethesda, MD 20816	Bristol-Myers Squibb Co		
William H. Dennerlein, 329 F Street, #208 Anchorage, AK 99501	National Parks & Conservation Assn	1,500.00	1,270.00
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	1,288.71
M. Sharon Dennis, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Thomas J. Dennis Sr., 1001 Pennsylvania Ave, NW, #450-N Washington, DC 20004	Southern California Edison Co	9,678.00	5,700.00
John M. Derrick Jr., 1900 Pennsylvania AVe., NW Washington, DC 20068	Potomac Electric Power Co		
James M. Desmond, 5234 Duvall Road Bethesda, MD 20816	Martin Marietta Corporation	3,000.00	
Kyra L. Detmer, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	9,575.00	1,604.75
Jo Ellen Deutsch, 1625 Massachusetts Avenue, NW Washington, DC 20036	Association of Flight Attendants, AFL-CIO	4,500.00	
Paul Devlin, 815 16th Street, NW, Suite 308 Washington, DC 20006	Public Employee Department, AFL-CIO	2,722.35	
R. Daniel Devlin, 808 17th Street, NW, #520 Washington, DC 20006	Trans World Airlines, Inc	300.00	
Robert L. Dewey, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	124.53	3,000.00
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Anker Energy Corporation		
Do	Association of Outplacement Consulting Firms		
Do	Beneficial Corporation		
Do	Bethlehem Steel, et al.	1,530.00	16.00
Do	Boeing Company		
Do	Caribbean Marine Service Co, Inc	10,000.00	
Do	Catholic Health Assn of the U.S.		
Do	Federal National Mortgage Assn		
Do	Federation of American Health Systems		
Do	General Electric Co		
Do	General Electric Pension Trust		
Do	General Reinsurance Corp		
Do	Georgia-Pacific Corp		
Do	Goldman Sachs & Co		
Do	Norfolk Southern Corp		
Do	Northwestern Memorial Hospital		
Do	NYNEX Corp		
Do	Outplacement Industry Tax Coalition		
Do	PacifiCorp Financial Services		
Do	Prudential Insurance Co of America		
Do	Sealaska Corp		
Do	SEMATECH		
Do	Teachers Insurance & Annuity Assn of America		
Do	Thompson Publishing Group		
Do	Travelers, Inc		
Do	Tribune Broadcasting Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U.S. Golf Association		
Do	U.S. Telephone Assn		
Do	Union Pacific Corp		
Do	United States Surgical Corporation		
Do	West Indies Rum & Spirits Producers Assn		
Do	Xerox Corp		
Jennifer S. DeAnna, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Company	480.00	15.00
H. Edward DeBee III, 6520 North Western, Suite 201 Oklahoma City, OK 73116	DeBee & Associates	12,989.00	3,061.00
Katherine B. DeCoster, 666 Pennsylvania Avenue, SE, #401 Washington, DC 20003	Trust for Public Land	1,080.00	
DeKieffer Dibble & Horgan, 915 15th Street, NW, Suite 900 Washington, DC 20005	Coalition of Disk Exporters ('CODE')		
Sandra Yartin DePoy, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	10,200.00	
William R. DeReuter, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	1,000.00	
David DeSantis, 1301 Pennsylvania Ave., NW, Suite 305 Washington, DC 20004	Natural Disaster Coalition	23,000.00	2,016.62
Mark DeSantis, 1455 Pennsylvania Ave., NW, Suite 230 Washington, DC 20004	Texas Instruments, Inc	8,000.00	
Cheryl DeSiena, 6815 Laurel Street, NW Washington, DC 20012	Arter & Hadden (For:Association for Responsible Thermal Treatment)	5,600.00	198.02
Do	Environmental Defense Fund	4,526.25	190.41
Christine DeVries, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,268.00	6.30
Caroline Smith DeWaal, 9504 Warren Street Silver Spring, MD 20910	Center for Science in the Public Interest	6,625.00	
Thomas R. DeYulia, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Gregory G. Diaz, Burke Williams & Sorensen 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Bell and Community Redevelopment Agency of Bell		
Ann Sanders Dickey, 2605 Nonconnah Memphis, TN 38132	Federal Express Corp	6,000.00	
J. Hugh Dickey, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	2,400.00	
Elaine Dickinson, 880 S. Pickett Street Alexandria, VA 22304	Boat Owners Assn of the U.S.	7,000.00	
David Dickson, 323 Pennsylvania Avenue, SE Washington, DC 20003	Center for Marine Conservation		
Dickstein Shapiro & Morin, LLP, 2101 L St., NW Washington, DC 20037	American Greyhound Track Operators Assn	967.50	
Do	Apple Computer Corp		
Do	Bear Stearns & Co		
Do	Cigar Assn of America, Inc		
Do	Cordova District Fishermen United, Inc		
Do	CoreSource		
Do	Electric Generation Assn		
Do	Environmental Chemical Corp		
Do	Federal National Mortgage Assn	2,400.00	
Do	Federated Cash Management Systems		
Do	Harbour Group Ltd		
Do	Home Box Office, Inc		
Do	Illinois Dept of Children & Family Services		
Do	Malaysian Palm Oil Promotion Council		
Do	Medtronic, Inc		
Do	National Assn of Chain Drug Stores		
Do	National Fed of Societies for Clinical Social Work	384.00	
Do	Newport Group		
Do	North Carolina Dept of Natural Resources & Community Develop		
Do	Ocean State Power		
Do	Paulucci Enterprises		
Do	Pipe Tobacco Council, Inc		
Do	Smokeless Tobacco Council	3,000.00	
Do	State of Alabama (Escheatment), et al.		
Do	State of Arkansas (DOE), et al.		
Do	State of Connecticut		
Do	U.S. Generating Company		
Rick Diegel, 1125 15th Street, NW Washington, DC 20005	International Brotherhood of Electrical Workers, AFL-CIO-CLC	2,781.25	150.00
Robert E. Dillon, Sony Drive, Mail Drop #3F8 Park Ridge, NJ 07656	Sony Electronics, Inc	6,000.00	2,100.00
Michael F. Dineen, 600 Pennsylvania Ave., SE, #206 Washington, DC 20003	Lumbermens Mutual Casualty Co (For:Kemper Investors Life Insurance Co)		
Do	Lumbermens Mutual Casualty Company (For:Kemper Reinsurance Company)	501.81	179.47
Do	Lumbermens Mutual Casualty Company	2,100.00	617.83
Richard Jon Dines, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	5,100.00	
Dale P. Dirks, 711 Second Street, NE, #200 Washington, DC 20002	Health & Medicine Counsel of Washington		
Mary Ann Dirzis, 9 West 57th Street New York, NY 10019	Avon Products, Inc		
Disabled American Veterans, 3725 Alexandria Pike Cold Spring, KY 41076		124,434.01	124,434.01
Patsy B. Dix, 1130 Conn. Ave., NW Suite 1000 Washington, DC 20036	American Insurance Assn		
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	57.94
Charles J. DiBona, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	5,000.00	
Ann M. DiDonato, 6200 Oak Tree Blvd. Independence, OH 44131	Centerior Energy Corp	436.28	239.22
Nicholas J. DiMichael, 1100 New York Ave, #750 Washington, DC 20005-4006	National Industrial Transportation League		
Lucia DiVenere, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	250.00	
E. David Doane, 1401 I Street, NW, #300 Washington, DC 20005	Koch Industries, Inc	4,000.00	180.19
Julie Domenick Doerr, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	412.09	72.78
H. A. Doersam, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	2,375.00	
J. Jon Doggett, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,871.00	323.23
Brian M. Dolan, 1 Metro-Tech Center Brooklyn, NY 11201	Brooklyn Union Gas Co		
Mary Anne Dolbeare, 1730 Rhode Island Ave., NW, Suite 1000 Washington, DC 20036	National Solid Wastes Management Assn (NSWMA)	500.00	
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp		
Stephan G. Dollinger, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Marla M. Donahue, 1901 North Moore Street Arlington, VA 22209	Foodservice & Packaging Institute, Inc		
Andrew J. Donelson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	3,500.00	
Kevin J. Donnellan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	417.30	
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	234.63
Winfield L. Donoho, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Nancy J. Donohoe, 1828 L Street, NW, #1010 Washington, DC 20365	Rosapepe and Spanos, Inc (For:H&R Block, Inc)	1,070.00	82.00
Ridgely Thorp Donohue, 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc		
William Donovan, 3138 N. 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	2,500.00	301.50
James R. Dorcy, 1666 Connecticut Avenue, NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	180.00	61.00
Michael C. Dorf, 130 East Randolph Street, #3800 Chicago, IL 60601	Schuyler Roche & Zwirner (For:Gabriella Rosenbaum Trust)	15,980.00	2,685.63
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations		
Do	Children's Television Workshop		
Do	National Captioning Institute		
Keith G. Dorman, 625 Liberty Ave., 7th Pittsburgh, PA 15222	Peoples Natural Gas Company	5,000.00	
Dorsey & Whitney, 1330 Connecticut Ave., NW, #200 Washington, DC 20036	Association of International Automobile Manufacturers, Inc	2,619.00	50.00
Do	Bristol-Myers Squibb Co		
Do	City of St. Paul	1,890.00	20.00
Do	Crop Growers Insurance, Inc	540.00	
Do	Deluxe Corp		
Do	Guam Commission on Self Determination		
Do	Medica	540.00	
Do	National Computer Systems		
Do	Solvay Pharmaceuticals, Inc	270.00	
Do	United HealthCare Corp		
Dean R. Dort II, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company	1,377.00	
Terrie M. Dort, 1200 19th Street, NW, Suite 300 Washington, DC 20036-2401	National Council of Chain Restaurants	62.50	
W. Carter Doswell, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Robert J. Dotchin, 1350 Eye Street, NW, #680 Washington, DC 20005	UST Public Affairs, Inc	1,000.00	
Richard J. Doubrava, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	170.00	105.48
Ronald H. Doughty, 2711 N. Haskell Avenue Dallas, TX 75204	Southland Corp		
Madonna Cynthia Douglass, 1120 19th Street, NW, Suite 310 Washington, DC 20036-3605	Institute of Makers of Explosives	1,000.00	
Dow Lohnes & Albertson, 1255 23rd St., NW, Suite 500 Washington, DC 20037	Home Shopping Network, Inc		
Do	Profit Sharing Council of America		
Do	Stelco, Inc	180.00	
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
Thomas J. Downey, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American International Group	50,000.00	
Do	American Personal Communications	1,800.00	
Do	Center on Law & Social Policy/Center on Budget Policy		
Do	E.I. duPont de Nemours & Co	1,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Fuel Cells for Transportation	300.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	1,800.00	
Do	Medco Containment Services, Inc	1,000.00	
Do	Metropolitan Life & Affiliated Companies	2,100.00	
Do	Personal Communications Industry Assn	999.00	
Do	Phillipp Brothers Chemicals, Inc	900.00	
Do	Time Warner, Inc	1,500.00	
Do	Waste Management, Inc	10,000.00	
Thomas J. Downey & Associates, Inc, 1401 Eye Street, NW, Suite 1210 Washington, DC 20005	American International Group	50,000.00	50,000.00
Do	American Personal Communications	4,500.00	4,500.00
Do	Center on Law & Social Policy/Center on Budget Policy...		
Do	E. I. du Pont de Nemours & Co	3,750.00	3,750.00
Do	Fuel Cells for Transportation	750.00	750.00
Do	Healthcare Assn of New York State	7,500.00	7,500.00
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	4,500.00	4,500.00
Do	Medco Containment Services, Inc	2,499.00	2,499.00
Do	Metropolitan Life & Affiliated Companies	4,500.00	4,500.00
Do	Personal Communications Industry Assn	2,499.00	2,499.00
Do	Phillipp Brothers Chemicals, Inc	2,400.00	2,400.00
Do	Time Warner, Inc	3,750.00	3,750.00
Do	Waste Management, Inc	50,000.00	50,000.00
Mary Theresa Doyle, 801 Pennsylvania Avenue, NW, Suite 250 Washington, DC 20004	Massachusetts Mutual Life Insurance Co		
Ronald W. Drach, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	26,429.90	37.93
David P. Drake, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	8,000.00	
Paul A. Drazek, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	11,178.00	103.11
Dressendorfer-Laird, Inc, 1730 Rhode Island Avenue, NW, #210 Washington, DC 20036	General Dynamics Corp	250.00	
Do	National Assn of Professional Employer Organizations	250.00	
Do	QualMed, Inc	250.00	
Do	Science Applications Int'l Corp	250.00	
Stephen D. Driesler, 777 14th St., NW Washington, DC 20005	National Assn of Realtors	8,000.00	
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	81.00	324.00
Drinker Biddle & Reath, 901 15th Street, NW, #900 Washington, DC 20005	General Communication, Inc		
Do	Tandy Corp	780.00	
Duberstein Group, Inc, 2100 Pennsylvania Ave., NW, #500 Washington, DC 20037	Aetna Life & Casualty	4,800.00	
Do	Communications Satellite Corp		
Do	Consolidated Rail Corporation		
Do	Dow Corning Corporation	800.00	
Do	Federal National Mortgage Assn	3,200.00	
Do	General Motors Corp	3,200.00	
Do	Goldman Sachs & Co	800.00	
Do	Group Health Assn of American	19,200.00	
Do	Healthcare Leadership Council	9,600.00	
Do	Juvenile Diabetes Foundation International	3,125.00	
Do	Monsanto Company	4,000.00	
Do	National Cable Television Assn, Inc	2,400.00	
Do	Shell Oil Company	1,600.00	
Do	Transportation Institute	2,400.00	
Do	United Air Lines, Inc	2,400.00	
Do	Warner Communications, Inc	5,000.00	
Stan Dublinske, 10801 Rockville Pike Rockville, MD 20852	American Speech-Language-Hearing Assn		
G. Stephen Duca, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
Ducheneaux Taylor & Associates, 303 Massachusetts Ave., NW Washington, DC 20002	American Indian Higher Education Consortium	200.00	
Do	Chippewa-Ottawa Treaty Fishery Management Authority	375.00	
Do	Commissioned Officers Assn of the U.S.P.H.S., Inc	300.00	
Do	Delaware Tribe of Indians	351.30	
Do	Gila River Farms	353.40	
Do	Grand Portage Reservation Tribal Council	450.00	
Do	Grand Traverse Bank of Chippewa and Ottawa Indians	450.00	
Do	Intertribal Agricultural Council	425.00	
Do	Leech Lake Tribal Council	562.50	
Do	Little Six, Inc	382.50	
Do	Miami Tribe of Oklahoma	279.65	
Do	Minnesota Indian Gaming Assocation	907.50	
Do	Modoc Tribe of Oklahoma	279.65	
Do	MNE-SOSE International Water Rights Coalition	450.00	
Do	Native American Rights Fund	907.50	
Do	Siletz Tribal Council	450.00	
Do	Tohono O'Odham Nation	562.50	
Do	Tulalip Tribes	600.00	
Do	White Earth Tribal Council	562.50	
Tim Dudgeon, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S., Inc	2,000.00	
Jane McPike Dudley, 888 17th Street, NW, #400 Washington, DC 20006	Whiteford Taylor & Preston (For:National Constructors Assn)	4,000.00	139.77
Diane C. Duff, 1129 20th Street, NW, 2nd Floor Washington, DC 20036	Greater Washington Board of Trade	2,600.00	22.00
Andrew Dugan, 2001 S Street, NW, Suite 350 Washington, DC 20009	Community Nutrition Institute	2,192.30	
John V. Dugan Jr., 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,235.60	
Francis J. Duggan, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Mullenholz & Brimsek (For:American Shooting Sports Council)	200.00	
Juanita D. Duggan, 1401 New York Ave., NW, #400 Washington, DC 20005	National Food Processors Assn	20,229.96	100.00
Valerie M.E.A. Dulk, 1625 K Street, NW, Suite 210 Washington, DC 20005	Americans for Democratic Action	1,406.25	
William C. Duncan, 1050 17th Street, NW, #410 Washington, DC 20036	Japan Automobile Manufacturers Assn		
Duncan Weinberg Miller & Pembroke, P.C., 1615 M Street, NW, #800 Washington, DC 20036	Mid-West Electric Consumers Assn, Inc		
Do	National Assn of Energy Service Companies		
Do	National Assn of State Energy Officials		
Do	State of Hawaii, Dept of Business & Economic Development		
Robert Dunkel, 1875 I Street, NW, #1110 Washington, DC 20006	Times Mirror Company		
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)		
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission		
Do			
Mari Lee Dunn, 1750 K St., NW, #400 Washington, DC 20006-2305	American Council for Capital Formation		
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		200.73
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Daniel T. Durham, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	831.35	94.82
Ed Durkin, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	855.75	
Lloyd L. Duxbury, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	19,869.00	
Marcia L. DuMond, 1300 South Clinton Street Fort Wayne, IN 46801	Lincoln National Corp	900.00	
Robert F. DuPree Jr., 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	270.00	2.00
Amy S. Dwyer, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	142.87	
Roderick T. Dwyer, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Dyer Ellis Joseph & Mills, P.C., 600 New Hampshire Ave., NW, #1000 Washington, DC 20037	Affiliated Health Services		
Do	American Healthcorp, Inc	23,571.54	
Do	American Lithotripsy Society		9.52
Do	Atlantic Richfield Co	42,008.04	1,557.59
Do	ALW, Inc	3,225.17	18.42
Do	ARCO Transportation Company	10,014.04	204.73
Do	Bender Shipbuilding & Repair Co, Inc	787.50	
Do	Delta Queen Steamboat Co	2,478.80	
Do	Greek Shipping Cooperation Committee	30,000.00	1,785.22
Do	International Air Transport Assn (IATA)	12,716.20	1,044.32
Do	JM Family Enterprises, Inc	2,155.50	
Do	Kirby Corp/Dixie Carriers	5,261.75	231.67
Do	Liberty Maritime Corporation	123,252.32	3,558.27
Do	Magnavox Electronic Systems Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Medical Care America, Inc	17,818.50	
Do	MedCath, Inc	6,476.37	8.22
Do	National Maritime Alliance, Inc		245.32
Do	National Oilseed Processors Assn	16,314.99	220.62
Do	National Steel & Shipbuilding Co	62.50	
Do	Northstar Shipping, Inc		248.05
Do	Panhandle Eastern Corp	30,799.92	496.09
Do	Radiation Care, Inc		
Do	Rural Hospital Coalition	13,503.06	5.14
Do	Schnitzer Group	1,764.67	3.60
Do	Surgical Care Affiliates, Inc		
Dykema Gossett, 1300 I Street, NW, #300W Washington, DC 20005	American Osteopathic Association	350.00	
Do	Citizen's Committee to Save the Federal Center		
Do	City of Detroit	850.00	
Do	Comerica	437.50	
Do	Committee on U.S. Business Canadian Life & Health Ins. Assn	1,175.00	1,000.00
Do	Detroit Medical Center	1,575.00	
Do	Ferris State University		
Do	Industrial Technology Institute	130.00	
Do	Magic Line, Inc		
Do	Michigan Biotechnology Institute (MBI)	580.00	
Do	Military Boot Manufacturers Assn		
Do	Oakwood Health Services	647.50	
Do	Systems Control, Inc		
Do	Total Petroleum, Inc		
Do	University of Michigan Medical Center		
Do	Wayne State University	230.00	
Do	William Davidson Institute	205.00	
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	Alcalde & Fay		
Do	U.S. Alcohol Testing of America, Inc	5,000.00	
Matthew C. Eames, P.O.Box 70 Boise, ID 83707	Idaho Power Company		
Peter J. Earle, 607 14th Street, NW Washington, DC 20005	Dofasco, Inc		
Kerry P. Early, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,335.00	953.77
C. Renee Eastman, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Company, Inc	2,000.00	1,031.15
Mark Eaton, 1100 17th Street, NW, Suite 505 Washington, DC 20036	Burley & Dark Leaf Tobacco Assn	1,875.00	
Brenda L. Eberly, 50 F Street, NW, #1050 Washington, DC 20001	Freeport-McMoRan, Inc	1,834.00	16.00
Do	IMC Global, Inc	917.00	8.00
John D. Echeverria, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Kevin James Echols, P.O. Box 2952, NE Washington, DC 20013	American Determination for Peace Co		10.00
Bradley Eckart, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,858.00	
Dennis E. Eckart, 1801 K Street, NW Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)		
Do	Association for Responsible Thermal Treatment	572.00	
Do	Arter & Hadden (For:Atlas Iron Processing, Inc)		
Do	Arter & Hadden (For:Cellular Telecommunications Industry Assn)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)	572.00	
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:CAI Wireless)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Great Lakes Museum of Science Environment & Technology).		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Jeffries & Co, Inc)		
Do	Arter & Hadden (For:Jones Day Reavis & Pogue)	182.00	
Do	Arter & Hadden (For:LTV Corp)		
Do	Arter & Hadden (For:Malrite Communications)		
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Motorola	260.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)	286.00	
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
Do	Arter & Hadden (For:Winston & Strawn)		
Timothy J. Eckels, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the U.S.	2,579.09	
Eckert Seamans Cherin & Mellot, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	American Fuel Cell & Coated Fabrics Co		
Do	ADT Automotive, Inc		
Do	Florida WetlandsBank		
Do	National Independent Automobile Dealers Assn		
Robert Edgell, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees		
Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Allied-Signal Aerospace Co		
Do	Firearms Training Systems, Inc	2,000.00	327.79
Do	Lockheed Corporation	2,000.00	327.79
Do	Oglethorpe Power Corp		
Do	Turner Broadcasting System, Inc		
Do	U.S. Cane Sugar Refiners' Assn		
Do	Watkins Associated Industries, Inc		
Edison Electric Institute, 701 Pennsylvania Avenue, NW Washington, DC 20004		473.48	54,684.87
Education Legislative Services, Inc, 5855 Stadium Street San Diego, CA 92122	Central California Legislative Consortium	3,750.00	3,256.17
Do	Oakland Unified School District	7,500.00	6,512.35
Do	Sacramento City Unified School District	7,500.00	6,512.35
Do	San Diego Unified School District	6,249.00	5,428.68
Do	San Francisco Unified School District	2,500.00	2,169.91
Christine A. Edwards, 633 Pennsylvania Ave., NW, #600 Washington, DC 20004	Dean Witter, Discover & Co.		
D. Kendall Edwards, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Michael D. Edwards, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,674.90	74.00
Sherry L. Edwards, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036-1702	Synthetic Organic Chemical Manufacturing Assn	500.00	
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Stephen R. Effros, P.O. Box 1005 Fairfax, VA 22030-1005	Cable Telecommunications Assn (CATA)	23,100.00	
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
William J. Ehrig, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc		
Tim Eichenberg, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	175.27	
Jill A. Eicher, 1655 North Fort Myer Drive, Suite 700 Arlington, VA 22209	American Assn for Respiratory Care	13,781.38	159.35
Jonathan B. Eisen, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Albert C. Eisenberg, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	16,800.00	
Robert Eisenbud, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology and Services, Inc.	16,750.00	201.78
Earl B. Eisenhart, 66 Canal Center Place, #600 Alexandria, VA 22314	National Private Truck Council		
Linda S. Eisnaugle, 225 W. 34th Street New York, NY 10122	Commercial Finance Assn	9,000.00	20.00
Stephen A. Elbert, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation		
Electric Generation Assn, 2101 L Street, NW, #405 Washington, DC 20037			
Electronic Frontier Foundation, 1667 K Street, NW, #801 Washington, DC 20006			
George K. Eliades, 1199 North Fairfax Street, #801 Alexandria, VA 22314	NATSO, Inc		
Jim Elkin, 1615 L Street, NW, Suite 1320 Washington, DC 20036	Sandoz Pharmaceuticals Corp		445.00
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Charles W. Elliott, Wisconsin Petroleum Council 25 W. Main St., #703 Madison, WI 53703	American Petroleum Institute		
Scott A. Ellison, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	685.79	
Gary Elmestad & Associates, P.O. Box 3153 St. Peters, MO 63376	City of St. Peters	10,251.00	6.11
Do	St. Charles County	11,250.00	177.05
Emergency Committee for American Trade, 1211 Connecticut Ave., NW, #801 Washington, DC 20036		172,388.72	139,330.99
Emerson Electric Co, 8000 W. Florissant St. Louis, MO 63136			3,764.47
Michael J. Emig, 1125 15th St., NW Washington, DC 20005	International Bro of Electrical Workers, AFL-CIO-CLC	20,638.75	15.00
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,784.38	
Employment Policies Institute, 607 14th Street, NW, #1110 Washington, DC 20005			
Irene R. Emsellem, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00
Ralph Engel, 1913 Eye Street, NW, Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	1,223.08	96.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
English First, 8001 Forbes Place, #102 Springfield, VA 22151		9,500.00	169,327.93
Lewis A. Engman, 1163 Daleview Drive McLean, VA 22101	Generic Pharmaceutical Industry Assn	375.00	
Loretta E. Enloe, 8 Oak Hill Drive Edwardsville, IL 62025	Federation of American Consumers & Travelers (FACT)	2,500.00	
Robert F. Ensslin Jr., 1 Massachusetts Avenue, NW Washington, DC 20001	National Guard Assn of the US	3,312.50	288.27
Paul A. Equale, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	21,916.00	774.80
Equipment Leasing Assn of America, 1300 North 17th St., #1010 Arlington, VA 22209		1,500.00	
Randall Harvey Erben, 807 Brazos Street, Suite 402 Austin, TX 78701	Panhandle 2000	30,000.00	2,718.83
Jack Ericksen, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty		
Jenny Erickson, 200 Clarendon Street Boston, MA 02117	John Hancock Mutual Life Insurane Co		
Markham C. Erickson, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)	110.00	
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	110.00	
Thomas J. Erickson, 1300 L Street, NW, #925 Washington, DC 20005	National Grain Trade Council		
Ernst & Young, 1225 Connecticut Ave, #500 Washington, DC 20036	University Hospitals		
Dennis L. Erpelding, 1101 Pennsylvania Avenue, NW, #540 Washington, DC 20004	Eli Lilly & Company	3,000.00	397.97
James L. Ervin, 410 First Street, SE, #300 Washington, DC 20003	Kaman Diversified Technologies, Inc	2,250.00	
Do	Lister Bolt & Chain, Ltd	2,250.00	
Do	Martin Marietta Corp	6,250.00	
Do	McDonnell Douglas	3,000.00	
Do	Northrop Corp		
Ingolf G. Esders, 815 16th Street, NW Washington, DC 20006	International Longshoremen's Assn, AFL-CIO	18,331.77	
Mark Esherick, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Deborah M. Estes, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	2,000.00	418.30
Nancy U. Etkin, 1515 Wilson Blvd., Suite 1030 Arlington, VA 22209	Natural Gas Vehicle Coalition	3,500.00	50.00
Stephen E. Eure, 1840 Wilson Boulevard Arlington, VA 22201	National Milk Producers Federation	11,250.00	
Mary Jo Eustice, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	6,000.00	
Billy Lee Evans, 407 1st STreet, SE Washington, DC 20003	B.L. Evans & Associates (For:Great Western Financial Corp)		
Cleve Evans, P.O. Box 841 Abilene, TX 79604	West Texas Utilities Company		
Donald C. Evans Jr., 655 15th St., NW, #310 Washington, DC 20005	AFLAC, Inc		
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,790.00
Lynwood J. Evans, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	549.60	
B.L. Evans and Associates, Inc, 1301 Connecticut Ave., NW, #700 Washington, DC 20036	Great Western Financial Corp	5,000.00	
Fawn K. Evenson, 1420 K Street NW, #600 Washington, DC 20005	Footwear Industries of America	1,000.00	
Kellye A. Eversole, 4434 Indigo Lane Harwood, MD 20776	American Cyanamid Co	3,375.00	426.51
Do	Edison Electric Institute	17,500.00	2,421.12
Do	Eversole Associates (For:North Dakota Agricultural Products Utilization Commission).		
Wayne S. Ewing, Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
ESCO Electronics Corp, 8100 W. Florissant St. Louis, MO 63136			921.00
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	500.00	
Do	National Restaurant assn	1,000.00	
Do	Sturm, Ruger & Co	500.00	
Thomas L. Fagan, Jr., 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Dan L. Fager, 1401 Eye Street, NW, #1200 Washington, DC 20005	Chevron Companies	2,000.00	
Darryl H. Fagin, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	5,735.70	
Dale W. Fallat, P.O. Box 119 Maumee, OH 43537	Andersons		
Family Holding Company Advocacy Group, c/o George Helme Wilmington Trust Company Wilmington, DE 19890			
Family Research Council, 700 13th Street, NW, Suite 500 Washington, DC 20005		45,360.00	9,665.00
Frank J. Farfone, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Dow Chemical USA	500.00	6,702.00
Farm Credit Council, 50 F Street, NW, #900 Washington, DC 20001			3,635.00
David M. Farmer, 1211 Connecticut Avenue, NW, Suite 400 Washington, DC 20036	Alliance of American Insurers	7,000.00	
Martin T. Farmer, P.O. Box 40789 Jacksonville, FL 32203-0789	Barnett Banks, Inc	26,125.00	3,689.08
Farmers' Educational & Co-Operative Union of America, 600 Maryland Ave., SW, #202w Washington, DC 20024		137,224.00	96,409.66
Dagmar T. Farr, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	300.00	
Meg Farrage, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	100.00	
Richard T. Farrell, 1015 15th St., NW, #401 Washington, DC 20005	Syntex (USA) Inc	4,125.00	34,968.72
J. Michael Farren, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp	3,000.00	
Marcus G. Faust, 332 Constitution Ave., NE Washington, DC 20002	Capitol Consulting & Management, Inc	5,000.00	
Do	Central Utah Water Conservancy District	36,856.25	267.75
Do	Clark County Nevada-McCarran International Airport	16,215.00	
Do	Clark County Nevada, Office of the County Manager	17,597.25	
Do	Kirton McConkie & Poelman		
Do	Las Vegas Valley Water District	28,050.00	84.49
Do	Public Service Co of New Mexico	7,500.00	
Do	Sierra Pacific Power Co	28,625.00	
Do	State of Montana Dept of Natural Resources & Conservation	6,000.00	
Jane Fawcett-Hoover, 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble	253.80	
Robert C. Fay, 450 E. Higgins Road, #201-E Elk Grove Vilage, IL 60007-1417	American Amusement Machine Assn		
William D. Fay, 1001 19th St. North, #800 Arlington, VA 22209	Product Liability Coordinating Committee	10,062.50	1,472.22
Elizabeth Fayad, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	927.00	80.80
Nessa E. Feddis, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,667.00	302.00
Federal Judges Association, 111 West Washington Street, #1100 Chicago, IL 60602-2768		3,315.60	25,975.73
Federation for American Immigration Reform, 1666 Connecticut Avenue, NW, #400 Washington, DC 20009			3,557.00
Federation of American Controlled Shipping, 50 Broadway New York, NY 10004		833.52	833.52
Federation of American Health Systems, 1111 19th St., NW, #402 Washington, DC 20036		13,500.00	13,500.00
Federation of American Scientists, 307 Massachusetts Ave., NE Washington, DC 20002		525.00	3,921.06
John D. Fedor, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	224.10
Fehrenbacher, Sale, Quinn & Deese, PC, 910 16th Floor, 5th Floor Washington, DC 20006	MIDA Dental Plans, Inc		
Martha A. Feichter, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		
Edward F. Feighan, 1228 Euclid Avenue, Suite 900 Cleveland, OH 44115-1891	Climaco Climaco Seminatore Lefkowitz & Garofoli Co (For:Blue Cross & Blue Shield of Ohio).	7,200.00	3,125.00
Laura Feldman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,099.00	
Kenneth E. Feltman, 927 15th St., NW, #1000 Washington, DC 20005	Employers Council on Flexible Compensation	200.00	
George F. Fenton Jr., 1920 N Street, NW Washington, DC 20036	American Mining Congress	120.00	
Denise G. Ferguson, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	16,575.00	349.00
Maureen H. Ferguson, Indiana Petroleum Council 143 W. Market Street, #714 Indianapolis, IN 46204	American Petroleum Institute		
DeDe Ferrell, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	3,500.00	719.21
Michael J. Ferrell, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	34,200.00	1,009.66
Edward Ferrigno, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	3,000.00	92.45
Robert M. Ferris, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Defenders of Wildlife		
Lizabeth Heydt Ferry, 4636 Somerton Road Trevose, PA 19053	Betz Laboratories		
Marvin C. Feuerwerger, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	26,043.00	93.84
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Amy Finan De Leon, 818 Connecticut Ave., NW, #303 Washington, DC 20006	National Assn for Biomedical Research	307.00	
Financial Executives Institute, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938		78,500.00	78,500.00
Financial Services Council, 1776 Eye Street, NW, #735 Washington, DC 20006		12,625.00	1,219.00
Jeanne Finberg, 1525 Mission Street San Francisco, CA 94103	Consumers Union		
Joseph T. Findaro Jr., 1350 Eye Street, NW, 2nd Floor Washington, DC 20005	Bayh Connaughton Fensterheim & Malone (For:Alliance for Radon Reduction)	6,400.00	450.00
Do	Eckert Seamans Cherin & Mellott (For:Coachella Valley Water District)	2,900.00	90.00
Do	Bayh Connaughton Fensterheim & Malone (For:Hutchinson Kansas - Local Gov't Superfund Reform).	2,500.00	150.00
Do	Bayh Connaughton Fensterheim & Malone (For:San Luis & Delta Mendota Water Users Assn).	600.00	130.00
Do	Bayh Connaughton Fensterheim & Malone (For:South Delta Water Agency)		75.00
Linda D. Findlay, 1420 New York Ave., NW, #210 Washington, DC 20005	Phelps Dodge Corp	2,500.00	
Sharon R. Fine, 1776 K Street, NW Washington, DC 20006	Washington Citizens for World Trade	3,125.00	
Lawrence A. Fineran, 1331 Pennsylvania Ave., NW, #1500 N Washington, DC 20004	National Assn of Manufacturers	125.00	
Matthew P. Fink, 1600 M St., NW Washington, DC 20036	Investment Company Institute	229.67	102.83
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,875.00	
Stephen Finley, 12606 SE 30th, #3 Bellvue, WA 98005		910.00	1,238.48
Peter J. Finnerty, 1331 Pennsylvania Ave., NW #560 Washington, DC 20004	Sea-Land Service, Inc	3,000.00	
Thomas D. Finnigan, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Praxair, Inc		44.16
James J. Finnucan, 2 Hodio Drive Ansonia, CT 06401	Northeast Utilities Service Co	324.44	273.13
Maria Fiordellisi, 815 16th Street, NW Washington, DC 20006	American Federation of Labor & Congress of Industrial Orgs	16,989.98	305.18

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
First National Bank of Boston, 100 Federal St. Boston, MA 02110			2,650.02
Martha Scott Fisackerly, 1150 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Wallace & Edwards		
Charles H. Fischer, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		94.60
Deborah A. Fischione, 1299 Pennsylvania Avenue, N.W., #1275 Washington, DC 20004	Chicago Mercantile Exchange	2,000.00	275.00
H. David Fish, 5855 Stadium Street San Diego, CA 92122	Education Legislative Services, Inc (For:Central California Legislative Consortium).	420.44	
Do	Education Legislative Services, Inc (For:Oakland Unified School District)	840.88	
Do	Sacramento City Unified School District	840.88	
Do	Education Legislative Services, Inc (For:San Diego Unified School District)	700.94	
Do	Education Legislative Services, Inc (For:San Francisco Unified School District)	840.88	
Julie W. Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)		
Do	Fishbein Associates, Inc (For:Fleishman Hillard, Inc)		
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)		
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)		
Rand Harrison Fishbein, 7102 Plantation Lane Rockville, MD 20852	Fishbein Associates, Inc (For:American Continental Group)	15,000.00	
Do	Fishbein Associates, Inc (For:Fleishman Hillard)	15,000.00	
Do	Fishbein Associates, Inc (For:National Presto Industries, Inc)	20,000.00	
Do	Fishbein Associates, Inc (For:Third World Foundation, Inc)	10,000.00	
Fishbein Associates, Inc, 7102 Plantation Lane Rockville, MD 20852	American Continental Group	5,000.00	15,825.40
Do	Fleishman Hillard, Inc		
Do	National Presto Industries, Inc	5,482.00	21,650.79
Do	Third World Foundation, Inc	1,733.33	11,650.79
Donald W. Fisher, 3814 Ivanhoe Lane Alexandria, VA 22310	American Group Practice Assn	184.62	
Steven A. Fisher, 1015 33rd Street, NW, #610 Washington, DC 20007	American Great Lakes Ports	21,056.00	5,857.73
Clyde Fitzgerald, 815 Sixteenth Street Washington, DC 20006	International Longshoremen's Assn, AFL-CIO		
John Fitzgerald, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Thomas H. Fitzpatrick, Connecticut Petroleum Council 55 Farmington Avenue, #704 Hartford, CT 06105	American Petroleum Institute		
Hilliard J. Fjord, 6725 Wooster Pike Cincinnati, OH 45227	Ohio River Co	1,500.00	465.00
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Robert B. Flagg, 9622 Maury Road Fairfax, VA 22032	Chemical Manufacturers Assn, Inc	750.00	239.05
Meghan R. Flaherty, 700 13th Street, NW, Suite 500 Washington, DC 20500	Family Research Council	3,250.00	
Steven H. Flajser, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Space Systems/Loral	4,500.00	
John Flatley, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Terry P. Fleming, Ohio Petroleum Council 88 E. Broad St., #1960 Columbus, OH 43215	American Petroleum Institute		
Fletcher Heald & Hildreth, 1225 Connecticut Ave., NW, #400 Washington, DC 20036	Wheat Gluten Industry Council, et al.	600.00	150.00
Ronnie G. Flippo, 701 Pennsylvania Ave., NW, #800 Washington, DC 20004	R.G. Flippo & Associates, Inc (For:Alabama Power Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Federal Express Corp)	650.00	
Do	R.G. Flippo & Associates, Inc (For:Huntsville-Madison County Airport Authority)	1,950.00	
Do	R.G. Flippo & Associates, Inc (For:Massachusetts Mutual Insurance Co)	3,000.00	
Do	R.G. Flippo & Associates, Inc (For:Norfolk Southern Corp)	1,575.00	
Do	R.G. Flippo & Associates, Inc (For:RJR Nabiso Washington)	2,850.00	
Do	R.G. Flippo & Associates, Inc (For:South Central Bell)	1,800.00	
Do	R.G. Flippo & Associates, Inc (For:State of Alabama, Dept of Economic & Community Affairs).	2,000.00	
Do	R.G. Flippo & Associates, Inc (For:Troy State Universtity)	2,850.00	
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	California Polytechnic University, Pomona		
Do	Constellation Technology Corp.	4,000.00	
Do	Cray Research, Inc	60,262.08	
Do	Florida Community College at Jacksonville	9,434.49	
Do	Florida State University	10,000.00	
Do	Hampton University	2,000.00	
Do	MEDCO Containment	6,000.00	
Do	National Technological University	4,500.00	
Do	University of Alaska	20,000.00	
Do	University of Nevada-Las Vegas	15,230.31	
Do	University of Vermont	19,613.41	
Do	Virginia Commonwealth University	13,409.04	
Do	Westinghouse Electric Corp	10,293.80	
Florida Firearms Political Alliance, Inc, 634 North Federal Highway Ft. Lauderdale, FL 33304			
Florida Wetlandsbank, 1800 N. Douglas Road, Suite 203 Pembroke Pines, FL 33024			
Donna Steele Flynn, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
John J. Flynn, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	7,500.00	593.08
Laura C. Fogt, 1245 North Vernon Arlington, VA 22201	Families USA Foundation	296.00	61.50
Foley & Lardner, 3000 K Street, NW, #500 Washington, DC 20007-5109	Aurora Health Care, Inc, et al.		
Do	Council of Community Blood Centers		
Do	Global Technology Systems, Inc		
Do	Real Estate Services Providers Council		
Brian Folkerts, 1401 New York Ave., NW, Suite 400 Washington, DC 20005	National Food Processors Assn	6,027.84	100.00
R. D. Folsom, 601 13th St., Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Richard T. Foltin, 1156 15th Street, NW, Suite 1201 Washington, DC 20005	American Jewish Committee	6,500.00	460.00
Brian F. Fontes, 1250 Connecticut Ave, NW, 2nd Floor Washington, DC 20036	Cellular TElecommunications Industry Assn		
Food & Allied Service Trades Dept, AFL-CIO, 815 16th Street, NW, #408 Washington, DC 20006		15,335.00	15,355.00
Food Marketing Institute, 800 Connecticut Avenue, NW, Washington, DC 20006			4,150.00
Foodservice & Packaging Institute, Inc, 1901 North Moore Street Arlington, VA 22209			
James E. Ford, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Ford & Ferraro, 98 San Jacinto, Suite 2000 Austin, TX 78701	Houston Chemical Services, Inc		
Sonja Fordham, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Paul Forlenza, 1301 K Street, NW Washington, DC 20005	IBM	2,081.00	180.75
Larry Forrester, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Fort and Schlefer, 1401 New York Ave., NW, #1200 Washington, DC 20005-2187	Association Francaise des Banques		
Do	Bremer Vulkan Verbund AG		
Do	Commerzbank Aktiengesellschaft		
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League		
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Nancy E. Foster, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	5,309.22
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004		10,000.00	40,838.29
Donald L. Fowler, P.O. Box 50627 Columbia, SC 29250	American College of Sports Medicine		
Do	AT&T	12,000.00	4,585.79
Do	Chem-Nuclear Systems, Inc	750.00	
Do	Greenwood Development Corp		
James D. Fowler Jr., 1600 M Street, NW Washington, DC 20036	ITT Corp	69.38	8.00
Stephen R. Francisco, 815 16th Street, NW, Suite 706 Washington, DC 20006	United Steelworkers of America	13,928.32	
Peter M. Frank, 1667 K St., NW, #250 Washington, DC 20006	Kerr-McGee Corp	2,500.00	
Robert Frankel, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	2,221.01	
Faye B. Frankfort, 9312 Old Georgetown Road Bethesda, MD 20814-1621	American Podiatric Medical Assn	4,000.00	
David C. Frankil, 1875 Eye Street, NW, Suite 540 Washington, DC 20006	Champion International Corp	1,440.00	1,071.38
Jordan Frankl, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Committee	8,769.18	1,124.02
Walter L. Frankland Jr., 1730 M Street, NW, #911 Washington, DC 20036	Silver Users Assn, Inc	1,120.00	25.00
Kevin Frankovich, 733 15th Street, NW, #700 Washington, DC 20005	CGR Associates, iNc (For:Association of Air Medical Services)	1,944.00	106.62
Do	CGR Associates, Inc (For:Fringe Insurance Benefits, Inc)	301.25	9.24
Douglas Freberg II, 1515 Wilson Blvd. Arlington, VA 22209	American Gas Assn	2,000.00	342.00
Robert M. Frederick, 1616 H St., NW Washington, DC 20006	National Grange	6,000.00	
Freeborn & Peters, 311 South Wacker Drive, Suite 3000 Chicago, IL 60606	Boots Pharmaceutical, Inc		
Freedom Technologies, Inc, 1100 New York Ave., NW, Suite 650 East Washington, DC 20005	American Personal Communications	3,675.00	
Edmund Freeman, 408 C Street, NE Washington, DC 20002	Sierra Club	828.00	
James T. Freeman, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	6,337.50	361.31
Lewis R. Freeman Jr., 1275 K Street, NW, #400 Washington, DC 20005	Society of the Plastics Industry, Inc		
David W. Freer, 1150 Connecticut Ave., NW, #717 Washington, DC 20036	Southern California Gas Co	5,000.00	
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	9,292.50	
Do	Dairymen, Inc	10,780.00	332.09
Verrick O. French, 1455 Pennsylvania Avenue, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	1,100.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	French & Company (For:Montgomery Ward & Co, Inc)	175.00	
French & Company, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	International Electronics Mfgrs & Consumers of America, Inc	350.00	
Do	Montgomery Ward & Co, Inc	175.00	
Robert H. Frenzel, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	3,000.00	187.00
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	282.61
Do	Gulf Coast Waste Disposal Authority	1,204.00	
Do	Los Angeles County Sanitation District	6,060.50	1,191.35
G. William Frick, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute		
Fried Frank Harris Shriver & Jacobson, 1001 Pennsylvania Ave., NW, #800 Washington, DC 20004-2505	General Electric Co	3,420.50	70.60
Do	Lonza, Inc		14.42
Do	Virgin Islands Rum Industries, Ltd		
Philip P. Friedlander Jr., 1250 Eye Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)		
Gay Friedmann, 555 13th Street, NW, #300W Washington, DC 20004	Interstate Natural Gas Assn of America	12,000.00	93.14
Owen V. Frisby, 4 Old Stage Court Rockville, MD 20852	National Coal Assn	9,000.00	18.00
Maureen S. Frisch, 1201 Third Avenue, Suite 4900 Seattle, WA 98101-3045	Simpson Investment Company		
Charles H. Fritts, 1515 Wilson Blvd Arlington, VA 22209	American Gas Assn	1,667.00	159.37
Edward O. Fritts, 1771 N Street Washington, DC 20036	National Assn of Broadcasters	2,500.00	
Charles H. Fritzel, 444 North Capitol St. NW, #801 Washington, DC 20001	National Assn of Independent Insurers	600.00	400.00
Sara L. Froelich, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	2,500.00	
Alan Front, 666 Pennsylvania Ave., SE, #401 Washington, DC 20003	Trust for Public Land	2,595.60	3,189.31
Gordon H. Fry, 900 19th St., NW Washington, DC 20006	Aluminum Assn, Inc	25.00	
Fulbright & Jaworski, 801 Pennsylvania Avenue, NW Washington, DC 20004	Barrett Resources Corp	1,453.00	14.70
Do	Ernst & Young		105.40
Do	Federal Home Loan Bank Board of Dallas	6,000.00	96.50
Do	Generic Pharmaceutical Industry Assn		
Kay Fulwider, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	2,800.00	
Don Fuqua, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	4,187.50	
Furman Group, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Central Basin Municipal Water District	7,500.00	47.38
Do	Central Utah Water Conservancy District		
Do	Las Virgenes Municipal Water District	5,000.00	89.26
Do	Upper San Gabriel Municipal Water District	15,000.00	90.27
Do	West Basin Municipal Water District		291.06
Colleen Furukawa, 1100 Connecticut Avenue, NW, #910 Washington, DC 20036	Coalition for Employment through Exports		
Futures Industry Assn, Inc, 2001 Pennsylvania Ave., NW Washington, DC 20006-1807			
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	2,750.00	
James E. Gaffigan, 1201 New York Ave., NW Washington, DC 20005	American Hotel & Motel Assn	3,301.83	
Gage & Tucker, 1200 G Street, NW, #800 Washington, DC 20005	Anchor Glass Container Corp		
Do	Pizza Hut, Inc		
Do	Wendy's International, Inc		
Kathryn M. Gagnon, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Law Offices of John G. Gaine, 1150 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Managed Futures Assn	3,000.00	590.00
Gary P. Galanis, 1100 South Washington Streeet, 1st Floor Alexandri, VA 22134-4494	National Beer Wholesalers Assn	737.62	
Christopher Gallagher, 1640 Wisconsin Avenue, NW, 1st Floor Washington, DC 20007	American College of Surgeons		581.19
Leslie Lawing Gallagher, 1801 K Street, NW, Suite 900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	324.40	11.00
Mark Gallant, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,600.00	264.89
Juan Gallardo, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio Ext		
Jon T. Gallinger, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.	1,827.69	2,796.60
L. Thomas Galloway, 7110 Broxburn Drive Bethesda, MD 20817	Galloway & Associates		
George Galt, 1000 Thomas Jefferson Street, NW Suite 609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition for Consumers' Picture Rights)	19,140.39	
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,250.00
Cheryl Gannon, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	14,805.00	31.70
Isabelle Garcia, 1201 16th St., NW, #624 Washington, DC 20036	National Education Assn	3,375.35	48.00
Raymond Garcia, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	3,000.00	
Nancy Garland, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Anthony Garrett, 57 Winfield Street San Francisco, CA 94110	Citizens for Reliable and Safe Highways (CRASH)		
Theodore J. Garrish, 1776 I Street, NW, #400 Washington, DC 20006	Nuclear Energy Council	8,500.00	42.00
Janet M. Garry, P.O. Box 749 Rockville, MD 20848-0749	National Council Social Security Management Assns, Inc	14,625.00	827.45
John C. Gartland, 214 Massachusetts Ave., NE, #210 Washington, DC 20002	Amway Corp	8,250.00	
Garvey Schubert & Barer, 1000 Potomac Street, NW Washington, DC 20007	Canadian Embassy	737.06	
Do	Interocean Management Company		
Do	J & B Management Company	11,221.13	
Do	National Assn of Independent Credit Reporting Agencies, Inc		
Do	Pacific Coast Federation of Fishermen's Assn, Inc	1,000.00	
Do	Seafood Consumers & Producers Assn, Inc	500.00	
Do	Space Industries, Inc		
Do	Totem Ocean Trailer Express, Inc	45,494.06	
Do	USX	5,277.13	
David Gasson, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	1,697.00	225.83
Philip Gasteyer, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Bruce A. Gates, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Monique S. Gaw, 3138 North 10th Street, Suite 300 Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
A. Fred Gebler, 1331 Pennsylvania Ave., NW, #1300N Washington, DC 20004	Electronic Data Systems Corp	136.00	26.14
Ruthann Geib, 1156 15th Street, NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ethel Z. Geisinger, 113 King Street Armonk, NY 10504-1610	MBIA, Inc	500.00	
Robert C. Gelardi, 5775 Peachtree-Dunwoody Rd., #500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
Do	Kellen Company (For:Infant Formula Council)		
Morton A. Geller, Corporate Tax Department 100 Federal Street Boston, MA 02110	First National Bank of Boston		
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Richard T. Hines Consulting, Inc (For:Pan American Life Insurance Co)	2,500.00	298.00
Do	Richard T. Hines Consulting, Inc (For:Washington National Life Insurance)	3,750.00	308.00
General Instrument Corporation, 181 West Madison Street, Suite 4900 Chicago, IL 60602		8,725.00	
Generic Pharmaceutical Industry Assn, 1620 I Street, NW, Suite 800 Washington, DC 20006		11,002.97	11,002.97
Genzyme Corporation, 1020 19th Street, NW, Suite 550 Washington, DC 20036			
Nancy Whorton George, 601 13th Street, NW, #850 S Washington, DC 20005	El Paso Natural Gas Company	1,000.00	
Warren S. George, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Joseph G. Gerard, 918 16th St., NW, #402 Washington, DC 20006	American Furniture Manufacturers Assn	1,500.00	2,307.71
Louis Gerber, 501 Third Street, NW Washington, DC 20001	Communications Workers of America	7,857.00	65.00
Robin Gerber, 101 Constitution Ave. NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	3,300.00	279.40
Scott A. Gerke, 955 L'Enfant Plaza, SW #5300 Washington, DC 20024	Honda North America, Inc	150.00	
David A. Gerken, 1301 Connecticut Avenue, NW, 7th Floor Washington, DC 20365	Puerto Rico Federal Affairs Administration	25,500.00	1,367.75
Do	Puerto Rico Senate	4,500.00	
Do	Times Mirror Corp	6,000.00	77.00
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,350.00	1,233.78
Alvin J. Geske, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Renewable Fuels Assn		
Danny Ghorbani, 8014 Falstaff Road McLean, VA 22102	Association for Regulatory Reform		
Christopher J. Giaimo, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,915.50	
Giauque Crockett & Bendinger, 500 Kearns Building 136 South Main Salt Lake City, UT 84101	Intermountain Health Care, Inc		
Wayne Gibbens, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	15,600.00	216.00
Martha A. Gibbons, 655 15th Street, NW, #300 Washington, DC 20005	Laidlaw Transportation Management, Inc	10,000.00	
Gibbons & Company, 1455 Pennsylvania Ave., NW, Suite 1180 Washington, DC 20004	Florida Citrus Mutual		
Do	Kellogg Co		
Do	Mutual Life Insurance Co of New York		
Do	Natural Disaster Coalition		
Do	Underwriters at Lloyd's of London		
Do	Zeneca, Inc		
Gail Giblin, 820 First Street, NE, #900 Washington, DC 20002	Turner Broadcasting System, Inc	2,125.00	
Kenneth W. Gideon, Wilmer Cutler & Pickering 2445 M Street, NW Washington, DC 20037-1420	National Structured Settlement Trade Assn	720.00	17.20
Robert B. Giese, 1101 Connecticut Avenue, NW, #1000 Washington, DC 20036	Chris-Craft Broadcasting, Inc	750.00	
Anne Giesecke, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	189.00	
Judith Gifford, 1840 Wilson Blvd., 4th Floor Arlington, VA 22201	National Milk Producers Federation	718.10	
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
James E. Gilchrist, 1920 N Street, NW Washington, DC 20036	American Mining Congress		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Joseph A. Gillan, 2001 Pennsylvania Avenue, NW, #300 Washington, DC 20006	Exxon Corporation	500.00	279.46
Neal P. Gillen, 1725 K Street, NW, #810 Washington, DC 20006	American Cotton Shippers Assn	150,000.00	1,094.21
Edward A. Gillespie, 1301 K Street, NW, #1100 Washington, DC 20005	IBM Corp	107.97	31.50
William A. Gillon, P.O. Box 12285 Memphis, TN 38182	National Cotton Council of America	1,139.50	17.73
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)		
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	712.50	
Do	Robertson Monagle & Eastaugh (For:All Alaska Seafood)		
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)		
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)		
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)	187.50	
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	525.00	
Do	Robertson Monagle & Eastaugh (For:Marco)		
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	437.50	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	525.00	
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	22,814.00	2,086.14
Jim Gilmore, 4039 21st Avenue, #400 Seattle, WA 98199	American Factory Trawler Assn	21,250.00	
Ginsburg Feldman & Bress, Chartered, 1250 Connecticut Ave., NW, #800 Washington, DC 20036	United Air Lines, Inc		
Caesar A. Giolito, Capital-International Communications P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Carolyn H. Giolito, P.O. Box 5793 Carefree, AZ 85377	American Assn of Pastoral Counselors	500.00	
Do	Danou Enterprises, Inc		
Girl Scouts of the USA, 420 Fifth Avenue New York, NY 10018-2702			1,928.94
Lawrence L. Gladchun, 27777 Inkster Road Farmington Hills, MI 48334	Michigan National Corp		
Nicholas J. Glakas, 1600 M Street, NW Washington, DC 20036	ITT Corporation	300.00	
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,062.50	
Marci Glazer, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation		
Robert E. Gleason, 17 Battery Place New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Law Offices of Gleason & Mathews, 26 Broadway, 17th Floor New York, NY 10004	International Longshoremen's Assn, AFL-CIO		
Donald R. Glenn, 1627 K Street, NW, #403 Washington, DC 20006	Energy Research Corp		
Martha Cole Glenn, 4637B S. 36th Street Arlington, VA 22206	Humane Society of the U.S.	2,000.00	279.46
Sara B. Glenn, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,000.00	869.67
Global USA, Inc, 2121 K St., NW, #650 Washington, DC 20037	Advocates for Fertility Treatment		
Do	All Nippon Airways Co, Ltd	43.26	
Do	Community Learning & Information Network, Inc		
Do	Gold & Leibengood		
Do	Hitachi, Ltd		
Do	Hyundai Motor America		
Do	Japan Fed of Construction Contractors, Inc		
Do	Komatsu Ltd		
Do	Kyocera Corporation		
Do	Mazak Corporation		
Do	Metro-Dade Country		
Do	Southwestern Bell Corp		
Joseph Gloyd, 1101 Vermont Avenue, #300 Washington, DC 20005	American Veterinary Medical Assn		
Kathryn M. Goatley, 1021 S. Hanover Street Baltimore, MD 21230	Maryland Food Committee		124.00
Stephanie R. Godley, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	1,000.00	50.00
James W. Godlove, 1776 Eye Street, NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,600.00	60.10
Donald G. Goff, 8003 Rivermont Court Springfield, VA 22153	McDonnell Douglas Corp		
Harvey S. Gold, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Gold & Liebengood, Inc, 1455 Pennsylvania Ave., NW, #950 Washington, DC 20004	Amercan College of Cardiology	4,500.00	2,282.00
Do	American Academy of Dermatology	12,000.00	2,282.00
Do	American Academy of Ophthalmology	9,450.00	2,282.00
Do	American Hospital Assn	4,500.00	2,099.00
Do	Beretta U.S.A. Corp	7,200.00	2,282.00
Do	Bridgeport Regional Business Council	7,200.00	2,282.00
Do	Camara Nacional de la Industria Pesquera	16,000.00	2,282.00
Do	Camara Nacional de las Industrias Azucarera y Alcoholera		1,982.00
Do	Caremark, Inc	20,000.00	2,282.00
Do	Cementos Mexicanos (CEMEX)	28,800.00	2,282.00
Do	Citizens Flag Alliance	28,125.00	2,282.00
Do	Coca Cola Company	7,200.00	2,097.00
Do	College of American Pathologists	6,000.00	2,282.00
Do	Eye Bank Assn of America	4,500.00	2,082.00
Do	Federated Investors, Inc	7,500.00	2,282.00
Do	Fiat, U.S.A., Inc	9,600.00	2,282.00
Do	Genentech, Inc	35,200.00	2,282.00
Do	International Council of Shopping Centers	15,000.00	1,982.00
Do	Investment Company Institute	2,494.00	2,091.00
Do	James Capel & Co		2,282.00
Do	Joint Commission on the Accreditation of Health Care Orgs	36,800.00	2,282.00
Do	Kidder Peabody & Co	3,250.00	2,282.00
Do	Medela, Inc	150.00	1,996.00
Do	Mountain-Park Master Conservancy District	12,000.00	2,282.00
Do	Mutual Of Omaha	6,000.00	2,258.00
Do	MAPCO, Inc		2,282.00
Do	MCI Communications Corp	12,000.00	2,277.00
Do	National Football League	2,100.00	2,076.00
Do	National Restaurant Assn	39,000.00	2,282.00
Do	National School Transportation Assn	9,000.00	2,287.00
Do	Nestle USA, INC	1,800.00	2,282.00
Do	Pennzoil Co	8,000.00	2,282.00
Do	Philip Morris Co	42,393.00	2,287.00
Do	Regional Transportation District	16,000.00	1,982.00
Do	Salomon Brothers, Inc	1,925.00	2,185.00
Do	Richard L. Sinnott & Co	2,640.00	2,121.00
Do	Thomson-CSF, Inc	12,000.00	2,282.00
Do	Thunder Child Veterans Administration Hospital	1,500.00	2,151.00
Do	Times Mirror Co	2,640.00	2,121.00
Do	Washington Metropolitan Area Transit Authority	22,000.00	1,982.00
Goldberg Godles Wiener & Wright, 1229 19th St., NW Washington, DC 20036	PanAmSat, L.P.		
Howard Goldblatt, 1511 K Street, NW, Suite 622 Washington, DC 20005	Coalition Against Insurance Fraud	3,250.00	59.40
Madeleine Golde, 750 First St., NE, Suite 700 Washington, DC 20002	National Assn of Social Workers	2,137.00	
Goldman Sachs & Co, 1101 Pennsylvania Avenue, NW, #900 Washington, DC 20004			6,150.00
Robert H. Goldsborough, 5508 Lombardy Place Baltimore, MD 21210	Americans for Immigration Control, Inc	11,250.00	
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc		
Do	Nike, Inc		
Do	Seneca Sawmill Company		
Do	U.S. Generating		
Alan Goldstein, 1010 Mass. Ave., NW Washington, DC 20001	American Logistics Assn	4,934.00	100.00
Ellen L. Goldstein, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	525.00	9.50
John A. Gonzalez, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	5,000.00	8,349.76
Rose Gonzalez, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses Assn	2,800.00	
Lisa Gooch, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Thomas E. Goode, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Deborah K. Goodell, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	967.74	3,330.70
Amanda L. Goodman, 1401 New York Ave., NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	1,831.00	
Richard A. Goodman, 4925 Manor Lane Ellicott City, MD 21042			
Melvin G. Goodweather, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,277.50	11,291.90
John Gordley, 1000 Connecticut Avenue, NW, #1106 Washington, DC 20036	American Soybean Assn	11,000.00	10,309.03
Do	Export Processors Industry Coalition (EPIC)	7,500.00	2,653.20
Do	Iowa Pork Producers Assn	2,500.00	2,183.24
Do	National Sunflower Assn	3,000.00	3,431.88
Do	U.S. Canola Association	9,000.00	4,303.56
Marvin N. Gordon, 1000 Wilson Boulevard, #2800 Arlington, VA 22209	Grumman Corp	625.00	588.49
Mary S. Gordon, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Gorlin Group, 2300 M Street, NW, Suite 800 Washington, DC 20037	Intellectual Property Committee	8,385.00	23.80
David W. Gorman, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,545.60	46.06
Faye A. Gorman, 1800 M Street, NW, #325-S Washington, DC 20036	Dow Corning Corp	5,000.00	8.00
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co		
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	15,235.63	2,020.30
Rebecca M.J. Gould, 2001 L Street, NW, Suite 400 Washington, DC 20036	Business Software Alliance	2,750.00	
Edmund Graber, 6626 Rockleigh Way Alexandria, VA 22310	American Road & Transportation Builders Assn	5,000.00	
Do	Artais Weather Check	7,500.00	
Do	Associated General Contractors of America	7,500.00	
Do	Crown America	7,000.00	300.00
Do	Highway Users Federation	5,000.00	
James E. Graf II, 601 Pennsylvania Avenue, NW North Building, Suite 725 Washington, DC 20004	British Telecommunications, plc	5,000.00	
John R. Graff, 1448 Duke Street Alexandria, VA 22314	International Assn of Amusement Parks & Attractions		
Dennis A. Graham, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	1,550.00	
Elaine Z. Graham, 1200 17th Street, NW Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Michael Graham, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn of Medical Equipment Suppliers	7,000.00	115.82
Frances Turk Granahan, 1620 L Street, NW, #1200 Washington, DC 20036	Panhandle Eastern Corp		452.86
Grange Mutual Casualty Co, 650 South Front Street Columbus, OH 43206			
Rhonda K. Grant, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Co	2,500.00	2,100.00
James L. Granum, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,326.84	
Edwin C. Graves, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Edwin C. Graves & Associates (For:Brickfield Burchette & Ritts)		
Do	Ed Graves & Associates (For:Correctional Education Consultants, Inc)		
Do	Edwin C. Graves and Associates (For:CBI Sugar Group)		
Do	Edwin C. Graves & Associates (For:Furman Group)		
Do	Ed Graves & Associates (For:McGuiness & Williams)		
Do	Ed Graves & Asociates (For:OPEDA)		
Do	Edwin C. Graves & Associates (For:Republic of Azerbaijan)		
Do	Capitoline/MS&L (For:Republic of Turkey)	2,250.00	
Do	Edwin C. Graves & Associates (For:South Dade Land Corp)		
Do	Edwin C. Graves and Associates (For:U.S. Corrections Corp)		
Adrienne A. Gray, 1301 K Street, NW, #1200 Washington, DC 20005	IBM Corporation	348.62	72.00
Barbara Gray, P.O. Box 3958 Missoula, MT 59806	Metropolitan Analysis & Retrieval Systems, Inc (Mars, Inc)	13,730.00	7,745.96
Neil A. Gray, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	2,700.00	152.24
Peter Gray, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	1,100.00	
Scott D. Grayson, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers (IEEE)	900.00	
Mary R. Grealy, 1111 19th Street, NW, #402 Washington, DC 20036	Federation of American Health Systems	1,500.00	
Greater Wash/MD Service Station & Automotive Repair Assn, 9420 Annapolis Rd., #307 Lanham, MD 20706		500.00	500.00
Greater Washington Educational Telecommunications Assn, P.O. Box 2626 Washington, DC 20013			13.00
Donald R. Greeley, 919 18th St., NW, #700 Washington, DC 20006	Hoechst Celanese Corp	5,000.00	155.55
Deborah Green, 60 Bank Street New York, NY 10014	Ross & Green (For:Democracy Unlimited)		
Do	Manute Bol		
George R. Green, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	450.00	
James E. Green, 1250 H Street, NW, Suite 500 Washington, DC 20005	Mobil Corp	2,500.00	349.53
Kaylene H. Green, Paul Magliocchetti Associates, Inc 1755 Jefferson Davis Highway, #1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Marlene Y. Green, 3380 Webster Avenue Pittsburgh, PA 15219-3975			
Micah S. Green, 1445 New York Ave., 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	1,707.11
Oliver W. Green, 5025 Wisconsin Ave, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Peggy M. Green, 2220 Valcourt Drive Plano, TX 75023	Housing Roundtable		150.00
Rodney M. Green, P.O. Box 1475 Nashville, TN 37202	United Paperworkers International Union		
Scott H. Green, 3159 N. Quincy Street Arlinton, VA 22207	Boys & Girls Clubs of America	7,500.00	1,356.00
Do	DARE AMERICA	5,000.00	904.00
Do	National Center for Missing & Exploited Children	7,500.00	1,356.00
William Green, 1455 Pennsylvania Ave, #575 Washington, DC 20004	MacAndrews & Forbes Holdings, Inc		
Fred Greene, 316 Teal Crescent Virginia Beach, VA 23456	Denny Miller Associates	2,500.00	
H. Thomas Greene, 412 1st St., SE Washington, DC 20003	National Automobile Dealers Assn	15,000.00	
Lori Valencia Greene, 1120 Connecticut Ave., NW, Suite 461 Washington, DC 20036	Planned Parenthood Federation of America	517.39	154.68
Peter E. Greene, 919 Third Avenue New York, NY 10022	Pepsi-Cola & National Brands, Ltd		
Suzanne Greenfield, 2030 M Street, NW Washington, DC 20036	Common Cause	8,955.54	102.00
Lynn Greenwalt, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation		
John P. Gregg, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Sarah M. Gregg, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Linda W. Greiner, 1317 F Street, NW, Suite 510 Washington, DC 20004	White Consolidated Industries		
Edward F. Greissing Jr., 1455 F St., NW, #405 Washington, DC 20005	Upjohn Company	52,850.00	
Mary Griffin, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union	1,000.00	
Robert T. Griffin, 1100 Connecticut Ave., NW, #900 Washington, DC 20035	Chrysler Corporation	3,000.00	305.00
W. M. Griffin, 601 Pennsylvania Avenue, NW, #200 Washington, DC 20004	Texas Utilities Services, Inc	5,287.50	122.17
Gary W. Griffith, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	100.78
Griffith & Rogers, P.O. Box 960 Yazoo City, MS 39194-0960	American Maritime Congress	15,000.00	
Do	American Rice, Inc	15,000.00	
Do	CBS, Inc	22,500.00	155.18
Do	Promus Companies	50,000.00	975.07
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	834.89
Norman E. Grimm Jr., 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac		
Cynthia P. Grisso, 1101 Sixteenth Street, NW Washington, DC 20036	Independent Petroleum Assn of America		30.00
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc		
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			1,287.57
James N. Groninger, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco, Inc	181.73	
George Gross, 1211 Connecticut Ave., NW, #610 Washington, DC 20036	Magazine Publishers of America, Inc	5,000.00	
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		748.81
Gerald M. Guarilia, 70 North Main Street Wilkes-Barre, PA 18711	Blue Cross of Northeastern Pennsylvania		
Guillermo Guemez Garcia, 1025 Thomas Jefferson Street, NW Washington, DC 20007	Coordinadora de Organizaciones Empresariales de Comercio		
Gene Guerrero, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	1,250.00	
Derek Guest, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Co	500.00	40.00
Ana Maria Guevara, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	50.00
Pamela D. Guffain, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	3,000.00	175.00
Jerene B. Guidry, 50 F Street, NW, Suite 1050 Washington, DC 20001	Freeport-McMoRan, Inc	2,090.00	10.00
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
James E. Guirard Jr., 1730 Rhode Island Avenue, NW, #419 Washington, DC 20036	BASF Corp	500.00	40.00
Do	Marine Shale Processors, Inc	1,000.00	30.00
Do	McDermott, Inc	500.00	30.00
Do	Walk Haydel & Associates, Inc		
Gun Owners of America, Inc, 8001 Forbes Place Springfield, VA 22151		571,459.29	398,798.62
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	
Robert Gunther, 2815 Northwind Rd. Baltimore, MD 21234	Cable Television Assn of MD DE & DC	6,250.00	
Phyllis A. Guss, 1200 K Street NW Washington, DC 20005	Lockheed Information Management Services Company, Inc		
Ned H. Guthrie, 209 Hayes Avenue Charleston, WV 25314	American Fed of Musicians	9,809.35	3,441.44
GLB, Inc, 1507 West 6th Street Austin, TX 78703	Jones Motor Co, Inc		
Do	MPPAA Solvency Coalition		
Do	Schneider National, Inc		
Do	Walsh Trucking Service, Inc		
Rosemary T. Haas, 1710 Rhode Island AVe., NW, #300 Washington, DC 20036	Abbott Laboratories	1,000.00	
George Hacker, 1875 Connecticut Ave., NW, #300 Washington, DC 20009-5728	Center for Science in the Public Interest	50.00	
William G. Haddeland, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lonnie E. Haefner, 10 Finlay Road Kirkwood, MO 63122	L.E. Haefner Enterprises, Inc (For:Cape Girardeau Regional Commerce & Growth Assn).		
Do	L.E. Haefner Enterprises, Inc (For:Missouri Botanical Garden)	100.00	2.97
Do	L.E. Haefner Enterprises, Inc (For:Surface Systems, Inc)	500.00	9.54
Thomas M. Hagan, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Katherine L. Hagmeier, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	1,000.00	
Jay D. Hair, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	1,376.73	
Thomas F. Hairston, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	7,000.00	750.00
Do	ACX Technologies, Inc		
Do	Boston Area Mutual Fund Group	24,000.00	
Do	Center for Technology Commercialization, Inc	116.00	
Do	Genetics Institute		
Do	Harcourt Brace & Co		
Do	Hybridon, Inc	754.00	25.29
Do	Maxtor Corporation		
Do	Medallion Oil Company		
Do	Micron Technology, Inc	2,488.00	165.71
Do	Northeastern University	841.00	6.35
Do	Park Electrochemical Corp		
Do	Psychological Corp	377.00	
Do	Thinking Machines Corp		
Angelynn Hall, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	3,445.12	286.10
Debra J. Hall, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Elliott S. Hall, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	7,500.00	1,288.00
Janet A. Hall, 1211 Connecticut Avenue, NW, #610 Washington, DC 20036	Magazine Publishers of America	667.00	
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson		
Lawrie Platt Hall, 14901 South Orange Blossom Trail Orlando, FL 32801	Dart Industries, Inc	293.01	110.00
Robert M. Hall, 555 College Road, East Princeton, NJ 08543	American Re-Insurance Co		
Sarah E. Haller, 1615 L Street, NW, #320 Washington, DC 20036	Sandoz Corp		160.00
Paul Hallisay, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	12,500.00	706.06
Halprin Temple & Goodman, 1100 New York Avenue, NW, #650 East Washington, DC 20005	Bell Atlantic	5,900.00	
Do	NYNEX	6,490.00	
Paul T. Haluza, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004	Motor and Equipment Manufacturers Association	1,000.00	10.00
Martha R. Hamby, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	250.80	
Michael F. Hamerlik, 4510 13th Avenue, SW Fargo, ND 58121-0001	Blue Cross Blue Shield of North Dakota	496.80	1,531.69
Joyce Hamilton, 201 Park Washington Court Falls Church, VA 22046	National-American Wholesale Grocers' Assn	3,000.00	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	17,499.00	490.21
Amy R. Hammer, 2001 Pennsylvania Ave., NW #300 Washington, DC 20006	Exxon Corporation	225.00	
Thomas A. Hammer, 2100 Pennsylvania Ave, NW, #695 Washington, DC 20037	Sweetener Users Assn	4,800.00	25.00
Timothy M. Hammonds, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	200.00	
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Mary Moore Hamrick, 1001 Pennsylvania Avenue, NW, #460(N) Washington, DC 20004-2505	New York Life Insurance Co	357.50	225.49
Hance & Gamble, PC, 400 West 15th Street, #320 Austin, TX 78701	Kinetic Concepts, Inc	4,000.00	
Hance Scarborough Woodward & Weisbart, 111 Congress, Suite 800 Austin, TX 78701	Kinetic Concepts, Inc	4,000.00	
Do	Valhi, Inc	5,000.00	388.45
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,656.50	
Hand Arendall Bedsole Greaves & Johnston, P.O. Box 123 Moblie, AL 36601	DAF	2,908.33	
Do	General Electric Co	142.50	
Do	Ingalls Shipbuilding	2,149.97	
Do	Northrup Grumman Corporation	441.65	
Do	Teledyne Industries, Inc		
Rita H. Hankins, 1300 I Street, NW, Suite 400 Washington, DC 20005	NYNEX Government Affairs	8,800.00	903.23
P. S. Hannas, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co /World Headquarters	300.00	
Richard L. Hanneman, 700 North Fairfax Street, #600 Alexandria, VA 22314-2040	Salt Institute		
Dolly A. Hanrahan, 1710 Rhode Island Ave., NW Washington, DC 20036	Abbott Laboratories	5,000.00	
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	3,982.00	1,209.36
William D. Hansen, 1155 15th Street, NW Washington, DC 20005	Education Finance Council	3,500.00	
Eric R. Hanson, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp (For:Healthsouth Rehabilitation Corp)		
Julie E. Harbin, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Krysta Harden, 1000 Connecticut Ave., NW, Suite 1106 Washington, DC 20036	American Soybean Assn		
Do	Iowa Pork Producers Assn		
Do	National Sunflower Assn		
Do	U.S. Canola Assn		
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
Donna Akers Harman, 1875 Eye Street, NW, #540 Washington, DC 20006	Champion International Corp	2,238.00	386.17
Diane Harper, 1000 Wilson Blvd. Arlington, VA 22209	Grumman Corporation	625.00	817.87
Edwin L. Harper, 50 F Street, NW Washington, DC 20001	Association of American Railroads	2,625.00	
Wiley C. Harrell Jr., 1776 Eye Street, NW, #200 Washington, DC 20006	Wiley C. Harrell, Jr.		
Eugene Harrington, 8100 Oak Street Lorton, VA 22027	National Pest Control Association		
Kathleen M. Harrington, 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	1,000.00	
Toni Harrington, 955 L'Enfant Plaza North, SW, #5300 Washington, DC 20024	Honda North America, Inc	208.00	37.56
A. J. Harris II, 1825 Eye Street, NW, #350 Washington, DC 20006	CIGNA Corp	7,000.00	120.40
James W. Harris, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	7,000.00	600.00
Leslie Harris, 2000 M Street, NW, #400 Washington, DC 20036	American Civil Liberties Union		
Robert E. Harris, 1745 Jefferson Davis Hwy, Suite 1200 Arlington, VA 22202	Rockwell International Corp	1,500.00	
Harris & Ellsworth, 2600 Virginia Avenue, NW, #1113 The Watergate Washington, DC 20037	American Railway Car Institute		
Do	Association of Food Industries, Inc		
Do	Cheese Importers Assn of America, Inc	2,560.00	
Do	Coalition of Food Importers Assn	660.00	15.75
Do	Committee of Domestic Steel Wire Rope & Specialty Cable Mfrs	2,180.00	
Jack E. Harrison, West Virginia Petroleum Council 1250 One Valley Square Charleston, WV 25301	American Petroleum Institute		
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	500.00	
L. Ray Harry, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Southern Company Services, Inc	120.00	4,075.24
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
Elizabeth Kirby Hart, 3050 K Street, NW, #330 Washington, DC 20007	National Club Assn		
Lynn S. Hart, 1111 19th St., NW, #402 Washington, DC 20036	Federation of American Health Systems	3,000.00	
Martha A. Hart, 700 North Fairfax Street Alexandria, VA 22314	Railway Progress Institute	715.00	
Hartford Fire Insurance Co, Hartford Plaza Hartford, CT 06115			58,540.00
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics		
Robert Hartwell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	15,000.00	2,136.20
Frederick J. Hartwigsen, 1500 Paxton Street P.O. Box 3565 Harrisburg, PA 17105	UGI Corporation		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Holly Hassett, 1401 Eye Street, NW, #710 Washington, DC 20005	Hershey Foods Corp		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp	211.75	50.00
James N. Haug, 55 E. Erie Street Chicago, IL 60611	American College of Surgeons		
Barbara S. Haugen, 1401 New York Ave., NW, #720 Washington, DC 20005	National Assn of Insurance Brokers, Inc		
Barbara J. Haugh, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		1,160.36
Todd J. Hauptli, 4212 King Street Alexandria, VA 22302	American Assn of Airport Executives	4,700.00	
Charles W. Havens III, 1875 Connecticut Avenue, NW Washington, DC 20009	Leboeuf Lamb Leiby & MacRae		
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	5,000.00	411.55
Sidney G. Hawkes, 1667 K St., NW, #420 Washington, DC 20006	Mead Corporation	1,500.00	
Paula Hawkins, P.O. Box 193 Winter Park, FL 32790	Genentech, Inc	300,000.00	1,689.68
Do	Pharmaceutical Manufacturers Assn	21,000.00	
F. William Hawley, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp/Citibank	324.00	
Hawthorn Group, LC, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	American Personal Communications, Inc	38,200.00	7,643.80
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company		
Ludwick Hayden Jr., 1401 I Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	420.00	
Margaret M. Hayden, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	E.I. duPont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Communicty Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Companies	600.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	
David J. Hayes, 1001 Pennsylvania Ave., NW Washington, DC 20004	Latham & Watkins (For:American Automobile Manufacturers Assn)	1,937.00	28.93
Do	Latham & Watkins (For:Semiconductor Industry Assocation)	3,814.75	29.44
Sherry D. Hayes, 227 Massachusetts Ave., NE, Suite 310 A Washington, DC 20002	InterHealth-Protestant Health Alliance		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Robert A. Haynos, 4711 Hunt Circle Harrisburg, PA 17112	Harsco Corporation	49,072.00	718.71
Paul Hazen, 1401 New York Ave., NW, #1100 Washington, DC 20005	National Cooperative Business Assn	3,000.00	
Maureen Healey, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
Healthcare Assn of New York State, 74 N. Pearl St. Albany, NY 12207		13,316.03	13,316.03
Healthcare Financial Management Assn, 1050 17th Street, NW, #700 Washington, DC 20036			145.62
Robert Healy Jr., 1201 New York Ave., NW Washington, DC 20005	American Public Transit Assn	10,730.00	406.00
Robert L. Healy, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
Anne A. Heanue, 110 Maryland Avenue, NW, #101 Washington, DC 20002	American Library Assn	1,086.00	
David E. Hebert, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	5,000.00	191.00
Timothy P. Hecht, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
William H. Hecht, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates, Inc (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates, Inc (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates, Inc (For:Los Angeles Raiders)		
Do	Hecht Spencer & Associates (For:Mars, Inc)		
Do	Hecht Spencer & Associates (For:Mid-American Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Do	Hecht Spencer & Associates (For:Charles E. Smith Management, Inc)		
Do	Hecht Spencer & Associates (For:Taiwanese Reichsbanknote Creditors Association (TRC)).		
Hecht Spencer & Associates, Inc, 499 South Capitol Street, SW, #507 Washington, DC 20003	Boy Scouts of America	1,000.00	150.00
Do	Brown & Williamson Tobacco Corp	2,500.00	
Do	Los Angeles Raiders		
Do	Mars, Inc		
Do	Mid-America Waste Systems, Inc	1,000.00	
Do	MCI Telecommmunications	1,000.00	
Do	National Automatic Merchandising Assn		
Do	Charles E. Smith Management		
Do	Taiwanese Reichsbanknote Creditors Assn	1,000.00	
Jay Hedlund, 2030 M St., NW Washington, DC 20036	Common Cause	15,987.54	
Barbara D. Heffernan, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Claire Heffernan, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	8,948.71	901.32
Edward D. Heffernan, One Massachusetts Avenue, NW, #840 Washington, DC 20001	American Cast Iron Pipe Company	1,000.00	
Do	CSX Corporation	2,500.00	154.30
Do	DePaul University	3,000.00	
Do	Renewable Fuel Assn	3,000.00	
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	40.50	
Scott E. Heisel, 735 N. Water Street, #908 Milwaukee, WI 53202-4105	American Malting Barley Assn, Inc	1,042.00	
Heller Ehrman White & McAuliffe, 701 Fifth Avenue, #6100 Seattle, WA 98104	Chugach Electric Assn, Inc		
Do	Direct Service Industries		
Robert W. Helm, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	3,000.00	35.00
Carol C. Henderson, 110 Maryland Ave., NE, #101 Washington, DC 20002	American Library Assn	2,328.00	
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	1,156.00
Rebecca Poe Henderson, P.O. Box 2450 Clarksburg, WV 26302-2450	CNG Transmission Corp	3,000.00	551.34
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		248.69
Gail L. Hendrickson, 701 Pennsylvania Ave., NW, Washington, DC 20004	Electric Transportation Coalition	147.00	50.00
Jane E. Henriques, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	616.00	15.00
George H. Henry, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	507.00	
John Hugh Henry, 1525 Wilson Blvd., #100 Arlington, VA 22209	McDermott, Inc	12,000.00	2,929.52
LeAnn Hensche, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	1,585.00	68.24
Kevin S. Hensley, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	3,000.00	500.00
Herbolsheimer Lannon Henson Duncan & Reagan, PC, 733 15th Street, NW, Suite 1120 Washington, DC 20005	Bowling Proprietors' Assn of America		
Angela D. Herman, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn	187.50	
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	140.53
John A. Heslip, 2302 Horse Pen Road Herndon, VA 22071	National Concrete Masonry Assn		7,107.00
Cara Hesse, 2030 M Street, NW Washington, DC 20036	Common Cause	222.00	
Heublein, Inc, 16 Munson Road Farmington, CT 06034-0388		17,250.00	2,747.85
Sydney T. Hickey, 6401 Phillip Court Springfield, VA 22152	National Military Family Assn, Inc	1,100.00	
Paul T. Hicks, Rhode Island Petroleum Assn 395 Smith Street, #2 Providence, RI 02908	American Petroleum Institute	750.00	
Barbara L. Hiden, 1101 16th Street, NW Washington, DC 20036	National Soft Drink Assn		
John S. Hightower, 5700 Florida Blvd., #310 Baton Rouge, LA 70806	Louisiana-Pacific Corp	7,125.00	1,015.00
Michael R. Hightower, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc		
Lucy A. Higley, 180 South Clinton Avenue Rochester, NY 14646-0700	Rochester Telephone Corp	3,432.00	1,789.72
Sarah M. Hildebrand, 8634 Vernon Avenue Alexandria, VA 22309	American Forest & Paper Assn	2,400.00	
Clifton T. Hilderley Jr., 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
John Hildreth, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union of U.S., Inc		
Catherine J. Hill, 1640 Wisconsin Ave., NW, First Floor Washington, DC 20007	American College of Surgeons		
J. Eldred Hill III, 1331 Pennsylvania Ave, NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	500.00	
Margaret A. Hill, Winston & Strawn 1400 L Street, NW Washington, DC 20005	Hoover Group		
Do	Nalco Chemical Co	182.50	2.86
Do	Sonoco Products Co	31,783.75	414.38
Robert B. Hill, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	750.00	130.82
Ronald P. Hill, Villanova University 340 Bartley Hall Villanova, PA 19085			
Thomas M. Hill, 1299 Pennsylvania Avenue, NW, Suite 1125 Washington, DC 20004-2402	Pacific Gas & Electric Co	1,451.70	
Willard I. Hill Jr., 1501 M Street, NW, Suite 400 Washington, DC 20005	Aetna Life & Casualty	500.00	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Association of International Automoblie Manufacturers		
Do	Blue Cross Blue Shield of Florida		
Do	Boeing Company		
Do	Broward County		
Do	COBE Laboratories, Inc		
Do	Fujisawa/Lyphomed		
Do	Great Lakes Museum of Science Environment and Technology	1,340.00	
Do	Greater Cleveland Growth Assn		
Do	Los Angeles Airport		
Do	Louisiana Pacific		
Do	McAndrews & Forbes Holding, Inc		
Do	Mescalero Apache Tribe	2,250.00	
Do	Monsanto Co		
Do	Motorola, Inc		
Do	N-Viro International Corp		
Do	Northrup Grummman	750.00	
Do	Oralcle Corp	2,250.00	
Do	Phillips Petroleum Company		
Do	Port of Cleveland	670.00	
Do	Port Everglades		
Do	Sallie Mae		
Do	SanPellegrino		
Do	Sharp Microelectronics Tech, Inc		
Do	Synergics, Inc		
Do	Tera Computer Company		
Do	Ticketmaster		
Do	Union Pacific		
John L. Hills, Rt. 1, Box 645 Purcellville, VA 22132	Greater Rockford Airport Authority	4,500.00	677.00
Cynthia Hilton, 4301 Connecticut Ave., NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
John M. Himmelberg, 2100 Pennsylvania Ave., NW, #400 Washington, DC 20037	Florida Fruit & Vegetable Assn	3,000.00	
Do	Holland & Knight (For:Florida Tomato Exchange)	1,500.00	
Do	J.R. Brooks & Son, Inc	500.00	
Grace L. Hinchman, 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	28,000.00	
Anne Hingeley, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	100.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).	2,000.00	
Hinman Straub Pigors & Manning, P.C., 50 E Street, SE Washington, DC 20003	New York State Conference of Blue Cross & Blue Shield Plans	1,776.00	62.51
Do	Small Business Service Bureau, Inc	12,500.00	130.33
Tamara Hirschfeld, 2101 L Street, NW, #401 Washington, DC 20037	American Stock Exchange, Inc		
Sheila E. Hixson, 4301 Connecticut Avenue, NW, #300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Lawrence S. Hobart, 2301 M St., NW, #300 Washington, DC 20037	American Public Power Assn	250.00	
Scott Hodes, 150 North Michigan Avenue, #2500 Chicago, IL 60601	Investment Company Institute	15,021.19	
A.R. 'Trey' Hodgkins III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,137.03	401.28
Jeanne E. Hoenicke, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Elise Hoerath, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	2,452.76	
Glen D. Hofer & Associates, 1000 16th Street, NW, #702 Washington, DC 20036	Froedtert Malt Corp	3,000.00	1,561.70
Do	National Barley Growers Assn	15,000.00	7,812.34
Ann F. Hoffman, 815 16th Street, NW, Suite 103 Washington, DC 20006	International Ladies' Garment Workers' Union	13,325.00	850.17
Jerry S. Hoffman, 74 N. Pearl Street Albany, NY 12207	Healthcare Assn of NYS	466.61	847.49
F. Nordy Hoffmann and Assoc, Inc, 400 N. Capitol St., NW, #327 Washington, DC 20001	American Radio Assn		
Do	Archer Daniels Midland Company		
Do	Coca-Cola Company		
Do	Marine Engineers' Beneficial Assn		
John B. Hofmann, 1311 I Street, Suite 100 Sacramento, CA 95814	California Forestry Assn	950.00	1,486.74
Judith L. Hofmann, 919 18th Street, NW, #400 Washington, DC 20006	W. R. Grace & Co		219.00
Elizabeth Hogan, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	Advanced Tissues Sciences		231.25
Do	American Coke & Coal Chemicals Institute		
Do	American Frozen Food Institute		
Do	American Insurance Assn		
Do	American Registry of Pathology	483.75	65.60
Do	American Society for Bone & Mineral Research	12,691.13	362.84
Do	Amgen, Inc		
Do	Arctco, Inc		
Do	Auburn University	2,000.00	740.23
Do	Avions de Transport Regional, Groupement d'Interet Economiqu		
Do	Berg Steel Pipe Corp	1,317.50	51.74
Do	Blount, Inc		
Do	Blue Cross & Blue Shield Assn	12,110.91	214.99
Do	Board of Education of the City of New York	14,342.02	
Do	Bristol-Myers Squibb Company		8.00
Do	Brother International Corp	7,329.37	671.62
Do	Burger King Corp	42,947.50	3,337.93
Do	BE&K Construction		15.24
Do	California State Teachers' Retirement System	4,050.00	
Do	Computer & Business Equipment Manufacturers Assn		
Do	CC Distributors, Inc		
Do	Direct Selling Association	3,378.75	
Do	Drummond Company, Inc	12,512.50	1,040.78
Do	Freightliner Corp		
Do	Genentech, Inc	2,618.75	
Do	General Electric Co	1,295.00	69.78
Do	Glaxo, Inc	82.50	5.00
Do	Government of Haiti	147,647.38	14,238.54
Do	Government of Ontario, Ministry of Economic Develop & Trade		
Do	Grand Metropolitan	5,468.12	667.07
Do	Grocery Manufacturers of America, Inc	648.75	
Do	Group Hospitalization and Medical Services, Inc	8,322.75	304.92
Do	Harbert Corp		
Do	Hardie-Tynes Mfg Company	2,613.00	122.83
Do	Humane Society of the U.S.	2,986.00	27.58
Do	International Hydrolyzed Protein Council	3,133.75	
Do	May Department Stores Co	2,257.50	50.69
Do	Medtronic, Inc	32,391.25	
Do	Mercedes-Benz of North America, Inc		
Do	Michelin Tire Company	26,957.07	1,472.34
Do	Michigan Consolidated Gas Co	14,738.10	342.93
Do	Monsanto Co	25,848.68	78.02
Do	Mortgage Insurance Companies of America	73,737.57	929.52
Do	National Apparel	2,490.62	177.04
Do	National Assn of Community Health Centers	4,709.50	57.76
Do	National Broiler Council		
Do	National Child Care Assn	3,000.00	324.02
Do	National Consumer Bankruptcy Coalition	21,000.00	2,156.28
Do	National Hospice Organization		
Do	National Osteoporosis Foundation	12,498.01	453.53
Do	National Structured Settlements Trade Assn	7,817.50	
Do	Nuexco Trading Corp, et al.		
Do	Ostegenesis Imperfecta Foundation	1,164.99	45.36
Do	Paget Foundation		46.36
Do	Polyisocyanierate Insulation Manufacturers Assn (PIMA)	6,575.19	219.09
Do	Private Child Care Providers	14,139.36	124.47
Do	Product Liability Coordination Committee	6,983.04	
Do	Rust Engineering	22,926.42	617.67
Do	Serono Laboratories		
Do	Simrad, Inc	15,838.75	449.79
Do	Southern Company Services	15,847.50	1,265.43
Do	Storage Technology Corp		
Do	Texas Heart Institute		4,795.58
Do	Timex Corporation		
Do	Toyota Motor Sales, USA, Inc	1,502.50	
Do	University of Pittsburgh Medical Center	1,225.00	
Do	Virginia Ready-Mixed Concrete Assn		
Do	Visiting Nurse Service of New York		
Do	Vulcan Materials Company	207,995.00	4,188.99
Do	Jim Walter Corp	5,500.00	1,160.06
Do	Williams Telecommunications	57,912.50	963.34
Richard F. Hohlt, 209 Princess Street Alexandria, VA 22314	Dime Savings Bank of New York	2,500.00	93.00
Do	Home Savings of America	3,000.00	67.80
Do	Stuzin & Camner, P.A.	2,000.00	71.00
Bruce E. Holbein, 111 Powdermill Rd. (b79) Maynard, MA 01754	Digital Equipment Corp	28,000.00	
Niels C. Holch, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:AT&T)		
Do	McGuiness & Holch (For:National Assn of Health Underwriters)		
Do	McGuiness & Holch (For:National Horse Show Commission)		
Do	McGuiness & Holch (For:Oneida Indian Nation)		
Do	McGuiness & Holch (For:RJR Nabisco)		
Robert A. Holland, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp (Beecham, Inc)	1,000.00	800.00
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Community Service Society of New York	800.00	
Do	Detroit Water & Sewerage Dept, Contracs & Grants Div		
Do	Homestead Community Bank		
Do	Manatee County Public Works Department		
Do	Pan American Satellite Corp		
Do	Peace River/Manasota Regional Water Supply Authority		
Do	South Tahoe Public Utility District	900.00	
Do	Southwest Florida Water Management District		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Spaceport Florida Authority		
Do	TRW, Inc		
Do	VITAS HealthCare Corp of Florida		
Do	West Coast Regional Water Supply Authority		
Robert W. Holleyman II, 20201 L Street, NW, #400 Washington, DC 20036	Business Software Alliance	3,375.00	
Jessica J. Holliday, 805 15th Street, NW, #330 Washington, DC 20005	Air Products & Chemicals, Inc	12,500.00	
Kimo S. Hollingsworth, 1608 K Street, NW Washington, DC 20005	American Legion	8,934.00	
Patricia L. Hollis, 1225 Eye Street, NW, #1250 Washington, DC 20005	American Dietetic Assn	1,000.00	
Wendell M. Holloway, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	5,179.80	3,033.36
Holly Corporation, 100 Crescent Court, #1600 Dallas, TX 75201			
Moses D. Holmes Jr., 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	
John W. Holt, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
John F. Holtz, NJ Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
Home Recording Rights Coalition, P.O. Box 33576 1145 19th Street, NW Washington, DC 20033		9,000.00	8,764.74
Rebecca Honeycutt, 1250 Eye Street, NW, Suite 900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Hooper Hooper Owen & Gould, 801 Pennsylvania Ave., NW, #730 Washington, DC 20004	Ad Hoc Bankruptcy Coalition	1,700.00	
Do	Alliance for Responsible CFC Policy	2,500.00	
Do	Bramalea Limited	2,500.00	
Do	Catellus	2,250.00	
Do	City of San Francisco (Water & Power Div)	4,500.00	
Do	Colonial Penn Life	900.00	
Do	Combustion Engineering, Inc	15,750.00	
Do	CSX/Yukon Pacific Corp	1,800.00	
Do	Destec Energy, Inc	1,875.00	
Do	Entergy Corp	27,000.00	
Do	ENSERCH Corp	450.00	
Do	Fluor Corp	3,750.00	
Do	Goldstrike Mine	18,000.00	
Do	Guadalupe Valley Electric Cooperative, Inc		
Do	Hallmark Cards	750.00	
Do	Hubbell, Inc	2,100.00	
Do	International Paper Co	7,500.00	
Do	IFINT, S.A.	1,000.00	
Do	John Hancock Mutual Life Ins Co	7,500.00	
Do	Kansas City Southern Industries	6,000.00	
Do	Mobil Corp	18,000.00	
Do	National Rural Letter Carriers' Assn	300.00	
Do	NorAm Energy Corp.	2,500.00	
Do	Panhandle Eastern Corp	7,500.00	
Do	Pennsylvania Engineering Co		
Do	Phlcorp	2,000.00	
Do	Science Applications Intern Corp	9,000.00	
Do	Trammell Crow Co		
Do	Trane Company	1,875.00	
Do	TECO Energy, Inc	7,500.00	
Do	Ultramar, Inc	1,800.00	
Do	Utilicorp United, Inc	4,000.00	
Do	WMX Technology & Services	1,500.00	
Edward Hopkins, 1120 19th Street, NW, Suite 630 Washington, DC 20036	Citizen Action Fund	4,300.00	53.00
Mark D. Hopkins, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	100.00	
Stephen A. Hopkins, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	2,000.00	
Virginia E. Hopkins, 1302 Noble Street, #3H Anniston, AL 36201	Campbell & Hopkins (For:Wald Manufacturing Company, Inc)		
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Grand Trunk Corp	417.38	10.00
Darnell K. Horio, 801 Pennsylvania Ave., NW, #310 Washington, DC 20004	GPU Service Corporation	10,688.00	589.68
Robert Jack Horn, 601 13th Street, NW. #650 N Washington, DC 20005-3808	Detroit Edison Company	1,320.00	30.00
John R. Horner, 8524 Bradford Rd. Silver Spring, MD 20901	Campbell-Raupe, Inc (for: NMTBA-Assn for Mfgr Technology)		
Douglass C. Horstman, 1310 G Street NW, #720 Washington,D.C.	Maytag Co	494.00	20.00
Charles H. Hossack, 50 South First Avenue Coatesville, PA 19320	Lukens, Inc	657.00	415.21
Peggy A. Houlihan, 1100 Connecticut Ave., NW Suite 910 Washington, DC 20036	Coalition for Employment through Exports		
Household Financial Group, Ltd, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household International, Inc		
M'liss Solove Houston, MSH Consulting 5507 Ferndale Street Springfield, VA 22151	Armour Pharmaceutical Co	33,000.00	15,980.62
Do	Caring Grandparents of America	5,250.00	
John H. F. Hoving, 1762 Church Street, NW Washington, DC 20036	Society of American Value Engineers		
Hoving Group, 1762 Church Street, NW Washington, DC 20036	American Film Marketing Assn	750.00	
Do	Eagle-Picher Industries, Inc	17,450.00	
Do	Western-Southern Life Insurance Co	750.00	
James Daniel Howard, 8201 Greensboro Drive, Suite 1100 McLean, VA 22102	Unisys Government Systems Group	1,000.00	
Robert M. Howard, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,710.07	1,664.21
Edward Howard & Co, 137 N. Main Street, #702 Dayton, OH 45402-1729	Ohio Alliance for GATT Now	22,000.00	11,522.13
Do	Proctor & Gamble	22,000.00	11,522.13
Do	3M Corporate Marketing & Public Affairs	11,076.50	11,229.60
Howe Anderson & Steyer, 1747 Penn Ave., NW, #1050 Washington, DC 20006	Association of Bituminous Contractors		
Do	Industrial Diamond Assn		
Do	National Assn of Bankruptcy Trustees	3,214.77	3,214.77
Earnest E. Howell, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Jackie G. Howell, 2030 M Street, NW Washington, DC 20036	Common Cause	5,173.26	54.00
James P. Howell, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	1,967.00	
Liz Howell, 23 North Scott, Suite 27 Sheridan, WY 82801	Sierra Club	55.75	
Mary Lynch Howell, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	1,500.00	280.00
Jacqueline Howells, 332 Constitution Ave., NE Washington, DC 20002	Marcus G. Faust, PC (For:Capitol Consulting & Management, Inc)	1,927.00	
Do	Marcus G. Faust, P.C. (For:Central Utah Water Conservancy District)		
Do	Marcus G. Faust, PC (For:Clark County Nevada)	1,927.00	
Do	Marcus G. Faust, PC (For:Clark County-McCarran International Airport)	1,927.00	
Do	Marcus G. Faust, PC (For:Las Vegas Valley Water District)	1,927.00	
Do	Marcus G. Faust, PC (For:Public Service Co of New Mexico)	1,927.00	
Do	Marcus G. Faust, PC (For:Sierra Pacific Power Co)	1,927.00	
Do	Marcus G. Faust, PC (For:State of Montana, Dept of Natural Resources & Conservation).	1,927.00	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-Stock Corp		
Do	CitiCorp Services, Inc, et al.		
Do	Hughes Aircraft Co		
Do	Litton Industries, Inc		
Do	Rockwell International Corp		
Paul R. Huard, 1331 Pennsylvania Avenue, NW, #1500N Washington, DC 20004-1703	National Assn of Manufacturers	4,000.00	
David S. Hubbard, 1212 New York Avenue, NW, #520 Washington, DC 20005	American Portland Cement Alliance	7,850.00	163.51
Henry A. Hubschman, 1 Neumann Way, Mail Drop J104 Cincinnati, OH 45215	General Electric Co	2,500.00	
Walter D. Huddleston, P.O. Box 456 Elizabethtown, KY 42702	MCI Telecommunications		
J. Michael Hudson, 112 S. West Street Alexandria, VA 22314	Strategic Management Systems, Inc (For:Blood Systems, Inc)	30,000.00	
Margaret Renken Hudson, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	12,625.00	623.18
Stewart Hudson, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	329.19	
Thomas H. Hudson, P.O. Box 2787 Baton Rouge, LA 70821	Coastal Corporation		
Do	Louisiana State University		
Do	Molten Metal Technology, Inc		
Do	Philip Morris, USA		
Do	United Gas Pipe Line Co		
Gary E. Hughes, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Gerald F. Hughes, 1600 Wilson Blvd, Suite 807 Arlington, VA 22209	Roadway Services, Inc	100.00	250.00
John P. Hughes, The West Tower, 8th Floor 1333 H Street, NW Washington, DC 20005	Electricity Consumers Resource Council (ELCON)		
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Patrick J. Hughes, 555 College Road Princeton, NJ 08543	American Re-Insurance Co		
Vester T. Hughes Jr., 1717 Main Street, Suite 2800 Dallas, TX 75201	Holly Corp		
Do	Sammons Enterprises, Inc	3,000.00	249.87
William Hughes, 27357 Avonbourne Lane Easton, MD 21601-7655	National Assn of Federal Veterinarians	27.75	
Steven E. Humerickhouse, 3333 Highway, 100 North Minneapolis, MN 55422	Adoptive Families of America		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Computer Learning Works)		
Do	Keefe Company (For:Lockheed Sanders, Inc)		
Gregory A. Humphrey, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	26,302.74	36.00
Margot Smiley Humphrey, 1150 Connecticut Avenue, NW, 10th Floor Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc, et al.)	4,180.00	20.00
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	1,761.84
Frances A. Hunt, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	174.90	
Francis M. Hunt, 11100 Post House Court Potomac, MD 20854-2534	Hunt Consulting, Inc	1,000.00	1,400.00
Harriet Hunt-Burgess, 456 Montgomery Street #1800 San Francisco, CA 94104	American Land Conservancy	76.92	
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Lane S. Hurewitz, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Parker-Lafarge, Inc)		
Robert Hurley, 601 13th Street, NW, #610 South Washington, DC 20005	Wall & Associates, R. Duffy	1,250.00	
Cathy Hurwit, 1120 19th Street, NW Suite 630 Washington, DC 20036	Citizen Action Fund	4,000.00	95.00
Geoffrey B. Hurwitz, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	2,300.00	34.81
Brian Huse, P.O. Box 1289 Oakland, CA 94604-1289	National Parks & Conservation Assn	138.00	6.00
Philip A. Hutchinson, 1001 N. 19th Street, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		
Suzanne C. Hutchinson, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	13,750.00	717.80
Randy Huwa, 2030 M St., NW Washington, DC 20036	Common Cause	12,836.84	
Edward Huylebroeck Jr., 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ibex International, Inc, 1620 Eye Street, NW, Suite 202 Washington, DC 20006	Sovereign Government of the Sudan	20,000.00	847.08
J. William Ichord, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Company of California		595.35
Torbjorn Ihre, 1634 I Street, NW Suite 600 Washington, DC 20006-4083	Ericsson Corporation	2,000.00	
Scot E. Imus, 1199 North Fairfax Street, #801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006		500.00	1,319.92
Independent Data Communications Manufacturers Assn, c/o Squire Sanders & Dempsey 1201 Pennsylvania Ave., NW Washington, DC 20044.		1,583.50	1,583.50
Independent Insurance Agents of America, Inc, 127 S. Peyton Street Alexandria, VA 22314		68,668.00	68,668.00
Independent Lubricant Manufacturers Assn, 651 South Washington Street Alexandria, VA 22314		450.00	450.00
Infant Formula Council, 5775 Peachtree-Dunwoody Rd., #500-D Atlanta, GA 30342			
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		6,000.00	6,500.00
Charles E. Ing, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc	7,000.00	
Edwin T. C. Ing, 1800 K Street NW, #720 Washington, DC 20006	Hawaiian Electric Industries, Inc		
Do	Kamehameha Schools/Estate of Bernice P. Bishop		
Do	Kenetech Corporation		
Doug Inkley, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	1,410.39	
Institute for Responsible Housing Preservation, 1255 23rd St., NW, #800 Washington, DC 20037		2,000.00	2,000.00
Institute of Clean Air Companies, Inc, 1707 L St., NW Washington, DC 20036			
Institute of International Bankers, 299 Park Avenue New York, NY 10171		1.00	43,031.36
Int'l Union, United Auto Aerospace & Agric Implement Workers, of America (UAW) 8000 E. Jefferson Avenue Detroit, MI 48214.		216,613.10	216,613.10
International Assn of Bridge Struct & Ornamental Iron Wkrs, 1750 New York Ave., NW Washington, DC 20006		24,121.01	36,472.93
International Council of Shopping Centers, 665 Fifth Ave. New York, NY 10022		20,392.81	20,392.81
International Fabricare Institute, 12251 Tech Road Silver Spring, MD 20904		16,153.00	6,663.75
International Longshoremen's Assn, AFL-CIO, 17 Battery Place, #1500 New York, NY 10004			69,851.90
International Public Strategies, Inc, 1030 15th St., NW, #408 Washington, DC 20005	Embassy of the Republic of Bosnia & Herzegovina		
Do	Government of Aruba		279.59
Do	Government of Pakistan	112,500.00	2,509.59
Do	Republic of the Maldives	25,000.00	369.14
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
International Union of Bricklayers & Allied Craftsmen, 815 15th St., NW Washington, DC 20005			6,054.70
International Union of Operating Engineers, 1125 17th St., NW Washington, DC 20036		10,500.00	693.08
InterHealth--Protestant Health Alliance, Suite 233N, Court International 2550 University Avenue West St. Paul, MN 55114-1052.			
Investment Company Institute, 1401 H Street, NW Washington, DC 20005			37,879.23
Peter A. Iovino, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	2,900.00	1,288.00
Andy Ireland, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,737.50	151.57
Thomas L. Irmen, P.O. Box 119 Maumee, OH 43537	Andersons		
Iron Ore Lessors Assn, Inc, W-1290 First National Bank Bldg. St. Paul, MN 55101-1361		8,451.89	8,703.43
Amy F. Isaacs, 1625 K Street, NW, #210 Washington, DC 20006	Americans for Democratic Action	14,056.86	
John Isaacs, 110 Maryland Ave., NE Washington, DC 20002	Council for a Livable World	7,125.00	
Sally D. Iskenderian, 1455 Pennsylvania Ave., NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	250.00	
Israel - Norman Communications Inc., 28 Elm Street Huntington, NY 11743	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,750.00	
Russel Iuculano, 1620 L Street, #800 Washington, DC 20036	Metropolitan Life Insurance Co	500.00	
Suzanne Iudicello, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation	117.60	
Ivins Phillips & Barker, Chtd, 1700 Pennsylvania Ave., NW, #600 Washington, DC 20006	Family Holding Company Advocacy Group		
Do	Grand Metropolitan, Inc		
Do	Pechiney Corporation		
Do	Rochester Tax Council		
Kenneth M. Iwashita, 29400 Lakeland Boulevard Wickliffe, OH 44092	Lubrizol Corp		
J/T Group, 2555 M Street, NW, #327 Washington, DC 20037	Stanton and Associates	10,000.00	
Robert A. Jablon, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Dennis J. Jackman, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Dupont Merck Pharmaceutical Company	7,000.00	942.02
Bobby J. Jackson, 1920 N Street, NW Washington, DC 20036	American Mining Congress		
Charles R. Jackson, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	9,500.00	314.00
Glenn Jackson, 1667 K Street, NW, #800 Washington, DC 20006	Williams Companies, Inc	250.00	
Jacquelyn L. Jackson, 1875 I Street #1110 Washington, DC 20006	Times Mirror Co		
Joseph C. Jackson, 1600 Wilson Boulevard, #1008 Arlington, VA 22209	Suppliers of Advanced Composite Materials Assn		
Robert L. Jackson, 1100 Wilson Boulevard Arlington, VA 22209	Hughes Aircraft Co		
Shari Jackson, 1275 K Street, NW, Suite 400 Washington, DC 20005	Society of the Plastics Industry, Inc		
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	20,218.71	8,246.31
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
Stephen Jacobs, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	9,000.00	218.00
Daniel L. Jaffe, 700 11th Street, NW, #650 Washington, DC 20004	Association of National Advertisers, Inc		192.14
Jaffe Raitt Heuer & Weiss, P.C., One Woodward Avenue, #2400 Detroit, MI 48226			
Edward L. Jaffee, 655 - 15th Street, NW, Suite 300 Washington, DC 20005	ISP Management Company, Inc		
Do	Primary Glass Manufacturers Council		
Khalil E. Jahshan, 1212 New York Avenue, NW, #300 Washington, DC 20005	National Assn of Arab Americans	4,750.00	
Daniel M. James, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	1,523.00	
Jerry James, 8303 Mopac Expressway, #146-C Austin, TX 78759	LDDSMetromedia		
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Thomas M. James, 1130 Connecticut Ave., NW, #350 Washington, DC 20036	Furman Group	5,375.00	517.97
Timothy P. James, 1125 17th Street, NW Washington, DC 20036	International Union of Operating Engineers	2,500.00	
Jamin Ebell Bolger & Gentry, 323 Carolyn Street Kodiak, AK 99615	Old Harbor Native Corp	44,761.80	26,375.39
Japan Economic Institute of America, 1000 Connecticut Ave., NW Washington, DC 20036		1,870.00	1,870.00
Richard B. Jarman, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Co		
James R. Jarrad, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	6,325.00	759.70
Marc R. Jartman, 175 Admiral Cochrane Drive Annapolis, MD 21401	UNC, Inc		
Steve Jarvis, 1025 Vermont Avenue, NW Washington, DC 20005	American Pulpwood Assn		
Jerry J. Jasinowski, 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	
Judy Jaussi, 205 C Street, SE Washington, DC 20003-1910	NovaCare, Inc	500.00	144.01
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	AEG Hi Speed Rail		
Do	AEG Westinghouse Transportation Systems, Inc		
Do	Bethune-Cookman College		
Do	Bionetics		
Do	Children's Health System		
Do	City of Aurora		
Do	City of Newport News		
Do	City of Orlando		
Do	City of Tampa		
Do	College of Medical Technologists		
Do	Colorado Springs Chamber of Commerce		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CompCare Corporation		
Do	Dallas Area Rapid Transit		
Do	Dekalb, Illinois		
Do	DePuy, Inc		
Do	Doe Run Company		
Do	Dow Chemical Company		
Do	Dunn-Edwards		
Do	Dyncorp		
Do	Embry-Riddle Aeronautical University		
Do	Ergodyne		
Do	Greater Orlando Aviation Authority		
Do	Group Health Cooperative of Puget Sound		
Do	Hampton University		
Do	Health Insurance Plan of Greater New York		
Do	HolidayInn Worldwide		
Do	Inter-American University of Puerto Rico		
Do	ILZRO/Battery		
Do	ISEA		
Do	Jacksonville Transportation Authority		
Do	Lab One		
Do	Mission Energy Company		
Do	Municipality of Carolina		
Do	Municipality of Mayaguez		
Do	Municipality of San Juan		
Do	National Assn of Community Health Centers		
Do	Palatine, Illinois		
Do	Republic of Armenia		
Do	Rowland Company		
Do	Schaumberg, Illinois		
Do	Seminole Tribe of Florida		
Do	University of Miami		
Do	Virginia Commonwealth University		
Do	Voice of the Retarded		
Do	Zinc Corporation of America		
Ed Jenkins, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)		
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Hartford Insurance Co)	2,250.00	
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Lutheran General Health System)	750.00	
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:National Assn of Urban Critical Access Hospitals)		
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)		
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Harry Jenkins Jr., 1650 Tysons Blvd., Suite 1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Jenner & Block, 601 13th Street, NW, 12th Floor Washington, DC 20005	Adhesive & Sealant Council, Inc		
Do	American Assn of Electromyography & Electrodiagonosis		
Do	American Booksellers Assn		
Do	American Dental Trade Assn		
Do	American Diabetes Assn		
Do	American Film Marketing Assn		
Do	American Library Assn		
Do	American Soc for Cataract & Refractive Surgery		
Do	American Soc of Assn Executives		
Do	Building Owners & Manufacturers Assn		
Do	Community Associations Institute		
Do	Independent Insurance Agents of America, Inc		
Do	National Assn of Professional Insurance Agents		
Do	National Glass Assn		
Do	Society of American Florists		
Jensen Baird Gardner & Henry, Ten Free Street P.O. Box 4510 Portland, ME 04112	Mid-Maine Waste Action Corp	1,012.50	47.91
Do	Regional Waste Systems, Inc	1,000.00	30.80
Nancy H. Jessick, 1331 Pennsylvania Ave., NW, #720 Washington, DC 20004	Hiram Walker & Sons, Inc		
David C. John, 3138 North 10th Stret Arlington, VA 22201	National Assn of Federal Credit Unions		
Calvin P. Johnson, 815 16th Street, NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,990.48	996.27
Carl T. Johnson, 1725 Jefferson Davis Hwy, #1004 Arlington, VA 22202-4102	Compressed Gas Assn/Helium Advisory Council	13,750.00	16,383.00
Katie Johnson, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,908.00	
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,500.00	
Michael S. Johnson, 1801 K Street, NW, #400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)		
Do	Arter & Hadden (For:Cellular Telecomunications Industry Assn)		
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)	210.00	
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Investment Company Institute)		
Do	Arter & Hadden (For:Merck & Co, Inc)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
Paul Johnson, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Rady A. Johnson, 1615 M Street, NW, Suite 200 Washington, DC 20038	Amoco Corporation		
Richard W. Johnson Jr., 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn of the USA	8,900.00	753.51
Thomas L. Johnson, P.O.Box 2185 Austin, TX 78768	Associated General Contractors of Texas		
Johnson & Wortley, P.C., 900 Jackson Street, #100 Dallas, TX 75202-4499	Permanente Medical Group, Inc		
Johnson Smith Dover Kitzmiller & Stewart, Inc, 1300 Connecticut Ave., NW, #600 Washington, DC 20036	Air Transport Assn of America	2,250.00	72.00
Do	American Petroleum Institute		
Do	American Psychological Assn	2,500.00	80.00
Do	American Red Cross	7,250.00	232.00
Do	American Transit Services Council	500.00	16.00
Do	Apollo Travel Services	250.00	8.00
Do	Appalachian Coalbed Methane Assn	3,750.00	120.00
Do	Arthur Andersen & Co		
Do	Blue Cross & Blue Shield Assn		
Do	Center for Marine Conservation		
Do	Central and South West Services, Inc	3,000.00	96.00
Do	Coal Industry Health Protection Coalition	500.00	16.00
Do	Coopers & Lybrand, et al.	12,000.00	384.00
Do	Council of Smaller Enterprises (COSE)	1,250.00	40.00
Do	CBS, Inc	4,250.00	136.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	COMSAT Corp	1,250.00	40.00
Do	Delta Dental Plans Assn	5,000.00	160.00
Do	Eli Lilly & Co	2,250.00	72.00
Do	Fluor Corp	3,750.00	120.00
Do	Galileo International	500.00	16.00
Do	General Atomics	1,250.00	40.00
Do	General Electric	12,000.00	384.00
Do	Halliburton NUS Environmental Corporation	2,500.00	80.00
Do	Heartland Health Systems	2,500.00	80.00
Do	Hong Kong Trade Development Council		
Do	Human Rights Campaign Fund		
Do	Independent Telephone & Telecommunications Alliance	3,000.00	96.00
Do	Martin Marietta Corp	5,000.00	160.00
Do	McCaw Cellular Communications, Inc		
Do	Merck & Co, Inc	1,250.00	40.00
Do	Motorcycle Industry Council, Inc		
Do	National Assn of Broadcasters	3,750.00	120.00
Do	National Assn of Urban Critical Access Hospitals	6,250.00	200.00
Do	National Coalition of Burn Center Hospitals		
Do	National Football League		
Do	National Independent Energy Producers	4,250.00	136.00
Do	National Music Publishers Assn, Inc	3,000.00	96.00
Do	Natural Disaster Coalition		
Do	Nuclear Energy Institute	9,250.00	296.00
Do	Software Productivity Consortium	3,000.00	96.00
Do	Travelers	5,000.00	160.00
Mary K. Jolly, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,652.63	66.98
Herbert A. Jolovitz, 7531 Sebago Road Bethesda, MD 20817	Owens-Corning Fiberglas Corporation	1,500.00	
Barbara J. Jones, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Earl Jones Jr., 312 Pulaski Little Rock, AR 72201	Philip Morris, Inc	1,500.00	
Keith Jones, 901 Maple Street North Little Rock, AR 72114	Central Arkansas Transit Authority		
Randall T. Jones, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives	3,500.00	
Suzanne Jones, 1400 16th Street, NW Washington, DC 20036	National Wildlife Federation	1,350.36	
Wiley N. Jones, 816 Connecticut Ave., NW, 8th Floor Washington, DC 20006	Southern Pacific Transportation Company	1,000.00	500.00
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Coal Coalition	31,921.00	33,537.92
Do	County of Los Angeles	42,972.00	139.00
Do	Nextel Communications, Inc	8,255.00	50.00
Do	R.J. Reynolds Nabisco, Inc	6,874.00	29.00
Jones Waldo Holbrook & McDonough, 2300 M Street, NW, #900 Washington, DC 20037	American Stores Co		
Do	Space Dynamics Laboratory	3,550.00	
Do	Utah State University		
Jones Walker Waechter Poitevent Carrere & Denegre, 1776 Eye Street, NW, #245 Washington, DC 20006	Canal Barge Company, Inc		
Do	International Shipholding Corp		
Do	Jefferson Parish Council		
Do	Port of New Orleans		
Jim Jontz, Box 34 Silver Lake, IN 46982	Citizens Trade Campaign		401.00
James Jordan Associates, Inc, 1747 Pennsylvania Avenue, NW, #807 Washington, DC 20006	Consortium for International Earth Science Info. Network	18,000.00	18,041.29
Do	Polytechnic University	5,000.00	9,008.00
Robert R. Jorgensen, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	American Veterinary Medical Assn	175.00	
David C. Jory, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp	3,000.00	
Robert G. Josephs, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	15,300.00	776.19
R. Bruce Josten, 1615 H Street, NW Washington, DC 20062-2000	U.S. Chamber of Commerce	111.23	
Ardon B. Judd Jr., 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Gregory J. Junemann, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Melissa J. Kahn, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Jim Kaitz, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	16,813.00	
Kalkines Arky Zall & Bernstein, 1675 Broadway, #2700 New York, NY 10019	Coalition of Financially Distressed Hospitals		
Do	St. Luke's-Roosevelt Hospital Center		
Walter Kallaur, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Edward D. Kalman, Behar & Kalman 6 Beacon Street Boston, MA 02108	National Assn of Long Term Hospitals	889.00	
Laurel B. Kamen, 1020 19th St., NW, #600 Washington, DC 20036	American Express Co	5,600.00	38.00
John F. Kamp, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	1,250.00	
Susan Kamp, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,575.00	
Edward J. Kane, 2 Gannett Drive South Portland, ME 04106	Associated Hospital Service of Maine		
John E. Kane, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	2,000.00	
Lesley Kane, 666 Pennsylvania Ave., SE, Suite 401 Washington, DC 20003	Trust for Public Land	1,269.00	200.95
Karen Kapen, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America	7,087.50	739.59
Phillip J. Kardis, 1745 Jefferson Davis Highway, #1200 Arlington, VA 22202	Rockwell International	3,000.00	1,999.06
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Michael E. Kastner, 1350 New York Ave., NW, #800 Washington, DC 20005-4797	National Truck Equipment Assn	1,650.00	61.00
Stuart J. Kaswell, 1401 Eye Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn		
Alyce Katayama, 1455 Pennsylvania Ave., NW Suite 230 Washington, DC 20004	Texas Instruments	1,000.00	160.00
Patricia L. Katson, P.O. Box 6802 Falls Church, VA 22003	Liberty Lobby, Inc	9,500.00	
Paul C. Katz, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America		
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	191.16	1,842.40
Everett E. Kavanaugh, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	250.00	10.00
Edward M. Kavjian, 1660 L Street, NW Washington, DC 20036	General Motors Corp	3,000.00	1,498.91
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	2,000.00	60.13
David Keaney, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	1,612.97
Do	NYNEX Government Affairs	5,625.00	
Judith A. Kearse, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corp		
Richard F. Keating, 1776 I Street, NW, #200 Washington, DC 20006	Anheuser-Busch Companies, Inc		
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	American Assn for Marriage & Family Therapy	9,904.75	
Do	AFLAC, Inc	4,618.00	
Do	Borden, Inc	5,584.00	
Do	Connie Lee Insurance Co	2,515.00	
Do	CNA Insurance Co	6,907.00	
Do	Distilled Spirits Council of the US, Inc	1,000.00	
Do	Eastern Michigan University	512.00	
Do	Group Health, Inc	45,778.90	
Do	Kellogg Company	500.00	
Do	Water Systems Council	1,444.00	
Michael G. Keegan, 2715 M Street, NW, Suite 300 Washington, DC 20007	National Rural Water Assn	80.00	60.00
John R. Keeling, 600 Maryland Ave., SW Washington, DC 20024	American Farm Bureau Federation :	8,373.00	715.13
Lana Keelty, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	15.00	
Jane M. Keffer, Villanova University 340 Bartley Hall Villanova, PA 19085			
Joan F. Keiser, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
William D. Kelleher, 1415 Elliot Place, NW Washington, DC 20007	Chamber of Commerce of the U.S.	4,000.00	500.00
Do	National Stone Assn	4,000.00	500.00
Robert H. Kellen, 5775 Peachtree-Dunwoody Rd., Suite 500-G Atlanta, GA 30342	Robert H. Kellen Co (For:Calorie Control Council)		
August Keller, Signature Place II 14785 Preston Road, Suite 1100 Dallas, TX 75240	North American Coal Corporation	11,250.00	7,759.00
Keller & Heckman, 1001 G Street, NW, #500 West Washington, DC 20001	Leprino Foods		
John T. Kelley, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)		
W. Curtis Kelley, 1150 17th Street, NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	3,437.50	
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company		
Stephen S. Kellner, 1913 Eye Street, NW Washington, DC 20006	Chemical Specialties Manufacturers Assn, Inc	586.63	55.00
Carol A. Kelly, 1620 L Street, NW, #800 Washington, DC 20036	Metopolitan Life Insurance Companies		
John A. Kelly, Kelly & Assocites, Inc 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	24,000.00	
Do	Overlook Hospital	10,000.00	
Do	Perdue Farms, Inc	11,250.00	
John F. Kelly, 3000 K Street, NW, #906 Washington, DC 20007	Merrill Lynch & Co, Inc	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Linda E. Kelly, 1100 New York Ave; NW, #580 Washington, DC 20005	Ryder System, Inc	125.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Susan N. Kelly, 1140 - 19th Street, NW, Suite 700 Washington, DC 20036	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Mark L. Kemmer, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,840.86
Jackson Kemper Jr., 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Kemper Corporation, 1 Kemper Drive Long Grove, IL 60049			3,626.00
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			159.15
Kemper Reinsurance Company, One Kemper Drive Building 3, R-5 Long Grove, IL 60049-0015			681.28
Kemper Securities, Inc, 333 W. Wacker Dr. Chicago, IL 60601			100.00
Jackson Kemper, III, 1215 Jefferson Davis Highway, #1004 Arlington, VA 22202	Diagnostic/Retrieval Systems, Inc		
Heidi Werling Kendall, 1620 L Street, NW, Suite 800 Washington, DC 20036	Metropolitan Life Insurance Co		
Kendall & Associates, Inc, 50 E Street, SE Washington, DC 20003	Manville Corporation	1,500.00	
Do	Toyota Motor Sales, USA, Inc	3,000.00	
Joseph W. Kennebeck, 955 L'Enfant Plaza, SW, #4000 Washington, DC 20024	Volkswagen of America, Inc	350.00	20.00
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	12,062.00	5,615.00
David Kennedy, 500 E Street, SW, #920 Washington, DC 20024	AOPA Legislative Action	2,000.00	1,678.34
Jerry W. Kennedy, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	General Atomics	2,537.50	77.97
Do	Pemco Aeroplex	1,852.50	20.92
Do	Stockton East Water District	5,100.00	1,883.69
Patricia Cregan Kennedy, 205 N. Liberty Street Arlington, VA 22203	Chrysler Corporation	6,300.00	40.95
Robert P. Kennel, 12500 Fair Lakes Circle, #260 Fairfax, VA 22033-3822	LG&E Power Development, Inc		
Do	National Wood Energy Assn, Inc		
James J. Kenney, 4647 Forbes Blvd Lanham, MD 20706	AMVETS	6,800.00	
Brendan Kenny, 1625 Massachusetts Avenue, NW Washington, DC 20036	Air Line Pilots Assn	18,750.00	1,059.08
Cathy Ann Kenny, c/o NYS Petroleum Council 39 Broadway, #2705 New York, NY 10006	American Petroleum Institute		
John V. Kenny, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	U.S. Strategies Corp		
J. H. Kent, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:American Soc of Plastic & Reconstructive Surgeons)		
Do	Kent & O'Connor, Inc (For:American Supply Association)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,246.50	2,401.96
Do	Kent & O'Connor, Inc (For:International Assn of Airport Duty Free Stores)		
Do	Kent & O'Connor, Inc (For:Liz Claiborne, Inc)	3,841.00	2,587.63
Do	Kent & O'Connor, Inc (For:MBI, Inc)		
Do	Kent & O'Connor, Inc (For:National Customs Brokers & Forwarders Assn of America).	600.00	461.44
Do	Kent & O'Connor, Inc (For:Professional Compounding Centers of America)	5,280.00	3,555.14
Do	Kent & O'Connor, Inc (For:Vista Chemical Company)		
William Kenworthy, 1776 I Strret NW #400 Washington, DC 20006	American Nuclear Energy Council	2,130.00	768.00
John P. Kerekes, P.O. Box 10070 Lansing, MI 48901	American Petroleum Institute	413.53	
Paul C. Kerkhoven, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation		
Eleanor W. Kerr, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	250.00
Suzanne S. Kerr, 110 Maryland Ave., NE Washington, DC 20002	Peace Political Action Committee	2,834.40	
Christopher J. Kersting, 1317 F Street, NW, #550 Washington, DC 20004	Trainum Snowdon & Deane (For:Auto International Assn)	84.00	41.88
Do	Trainum, Snowdon & Deane (For:Coalition of Automotive Associations)	217.00	98.70
Do	Trainum Snowdon & Deane (For:Specialty Equipment Market Assn)	907.00	468.13
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jonathan Keyserling, 1818 N Street, NW Washington, DC 20036	AirTouch Communications	24,500.00	511.94
Mary Turner Khim, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales, USA	5,070.00	
Richard F. Kibben, 231 Kiwassa Road Saranac Lake, NY 12983	Richard F. Kiben		
Ingolf N. Kiland Jr., 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	5,361.00
Thomas J. Kilcline, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	1,528.99	
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	75.39	
John J. Killeen, 1710 Goodridge Drive McLean, VA 22102	Textron, Inc	200.00	50.00
James L. Kimble, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Kimmitt Coates & McCarthy, Inc, 1730 M Street, NW, #911 Washington, DC 20036	Alliant Techsystems, Inc	1,000.00	
Do	Mansfield Center	800.00	
Do	Montana Technologies Co, Inc	1,100.00	
Do	Royal Teton Ranch	1,900.00	
Do	Textron Defense Systems	1,200.00	
James Jeffrey Kincheloe, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	33.90	
James A. Kinder, 10892 Pembroke Drive Santa Ana, CA 92705			
Aubrey C. King, 1100 New York Avenue, NW, #450 Washington, DC 20005	Travel & Tourism Gov't Affairs Council	2,190.00	
D. Lance King, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,063.00	
Lewis O. King, 8407 Greenflint Lane Austin, TX 78759	National Guard Assn of Texas	1,000.00	120.00
W. Russell King, 50 F St., NW, #1050 Washington, DC 20001	Freeport McMoran, Inc	16,800.00	92.00
Do	IMC Global, Inc	8,200.00	46.00
King & Spalding, 1730 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Alamo Cement Co		
Do	American Veterinary Medical Assn		
Do	Ash Grove Cement Co, Inc		
Do	Atlanta Committee for the Olympic Games	2,252.50	24.00
Do	Banca Nazionale del Lavoro		
Do	Blue Circle America, Inc		
Do	Charter Medical Corp		
Do	Dragon Products Co		
Do	Electromagnetic Sciences Inc (EMS)		
Do	Florida Crushed Stone Co		
Do	Generic Pharmaceutical Industry Assn		
Do	Geowaste, Inc		
Do	Glens Falls Cement Co, inc		
Do	Greater New York Hospital Assn	487.50	
Do	GPIA-Animal Drug Alliance		
Do	ITT Defense & Electronics		
Do	LaFarge Corp		
Do	Lehigh Portland Cement Co		
Do	Lone Star Industries, Inc		
Do	Medusa Corp		
Do	National Cement Company of California		
Do	North Texas Cement Co		
Do	Pharmaceutical Resources, Inc (PAR)	16,312.50	16.00
Do	Phoenix Cement Company		
Do	Riverside Cement Co		
Do	Southdown, Inc		
Do	Tarmac America, Inc		
Do	Texas Industires, Inc		
Do	Texas-Lehigh Cement Co		
Kinghorn & Associates, 900 2nd Street, NE, #109 Washington, DC 20002	American Metalcasting Consortium (AMC)		
Do	Aultman Hospital		
Do	Empire Wholesale Lumber Distributors		425.00
Do	Macalloy Corporation		
Do	Non-Ferrous Founders' Society		
Do	Nuclear Metals, Inc		
Do	South Carolina Research Authority		
Steven Kingsley, 845 Ninovan Road, SE Vienna, VA 22180	Citizens Scholarship Foundation of America	2,000.00	
Do	National Computer System	1,500.00	
Kevin J. Kinnaw, 1850 M Street, NW, Suite 600 Washington, DC 20036	Toyota Motor Sales USA, Inc		
Jan Kinney, 1250 Eye Street, NW, #900 Washington, DC 20005	Distilled Spirits Council of the U.S.	2,000.00	
Janie Ann Kinney, 1500 K Street, NW, #650 Washington, DC 20005	Glaxo, Inc	4,500.00	200.00
Richard J. Kinney, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough Corp	9,000.00	304.00
Kevin Kirchner, 1531 P Street, NW, #200 Washington, DC 20005	Sierra Club Legal Defense Fund	2,138.72	567.63
John R. Kirk, Bingham, Dana & Gould 150 Federal Street Boston, MA 02110	First National Bank of Boston		
Sharon Kirk, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	2,000.00	
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Independent Grocers Alliance		
Do	National Court Reporters Assn		
Walter B. Kirkwood, 111 Monument Circle Indianapolis, IN 46277	Banc One Corporation	12,562.50	3,144.87

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Kirlin Campbell & Keating, One Farragut Square South, Second Floor Washington, DC 20006	American Bureau of Shipping	650.00	2.00
Marie Kissel, 1401 H Street, NW, Suite 900 Washington, DC 20005	American Automobile Manufacturers Assn	6,080.00	
Sam Kito Jr., P.O. Box 210575 Anchorage, AK 99521-0575	Kito, Inc (For:Galena School District)	12,000.00	558.57
Do	Kito, Inc (For:North Slope Borough)	7,500.00	3,554.91
Do	Kito, Inc (For:Sealaska Corporation)	39,400.00	8,699.59
Do	Kito, Inc (For:Southeast Alaska Landless Native Coalition)	30,000.00	206.66
Sandra D. Kjellberg, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	3,043.70	
Dean Kleckner, 225 Touhy Avenue Park Ridge, IL 60068	American Farm Bureau Federation	4,521.00	
Kenneth H. Klein, 490 L'Enfant Plaza East, SW, #4200 Washington, DC 20024	Xerox Corp	2,100.00	50.00
Mark Kleinman, Box 5473 Washington, DC 20016-5473			20.00
Michael R. Klipper, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	3,000.00	97.00
William C. Klostermeyer, 1130 Connecticut Avenue, NW, #350 Washington, DC 20036	Bookman-Edmonston Engineering, Inc		
David M. Klucsik, 1415 Wyckoff Road Wall, NJ 07719	New Jersey Natural Gas Co		
Glenn Knapp, 773 Dartmouth Ave. San Carlos, CA 94070			
John A. Knebel, 1920 N Street, NW, #300 Washington, DC 20036	American Mining Congress		
Bruce Knight, 415 Second Street, NE, #300 Washington, DC 20002	National Assn of Wheat Growers	2,100.00	
Judith E. Knight, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,890.00	34.44
Knights of Columbus, 1275 Pennsylvania Ave., NW, #500 Washington, DC 20004-2404			400.00
Barbara Knisely, 1616 H Street, NW Washington, DC 20006	National Grange	3,500.00	
Keith R. Knoblock, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Albert B. Knoll, 555 13th Street, NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	2,000.00	2,605.01
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	
Robert P. Koch, 601 13th Street, NW, #580 South Washington, DC 20005	Wine Institute	2,452.00	81.00
Koch Industries, Inc, P.O. Box 2256 Wichita, KS 67201			
Karil L. Kochenderfer, 1801 K Street, NW, #900K Washington, DC 20036	American Textile Manufacturers Institute, Inc	3,145.00	15.00
Kirk Koepsel, 23 North Scott Sherican, WY 82801	Sierra Club		
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Howard Kohr, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	11,408.00	
James P. Kolb Jr., 101 Constitution Ave, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,834.47
Stanley E. Kolbe Jr., 305 4th Street, NE Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		549.00
Ann Kolker, 1616 P Street, NW, #100 Washington, DC 20036	National Women's Law Center		33.50
David Kolker, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	19,912.50	2,756.80
Dennis R. Koons, 611 Woodward Avenue Detroit, MI 48226	NBD Bank, NA	4,500.00	4,216.53
George S. Kopp, 2121 K Street, NW, #650 Washington, DC 20037	Global USA, Inc (For:Earth Observation Satellite Co)		
Steven Kopperud, 1501 Wilson Boulevard, #1100 Arlington, VA 22209	American Feed Industry Assn	3,240.00	
Ronald W. Kosh, 12600 Fair Lakes Circle Fairfax, VA 22033-4900	AAA Potomac		75.00
Susan M. Koski-Grafer, 10 Madison Avenue P.O. Box 1938 Morristown, NJ 07962-1938	Financial Executives Institute	1,150.00	
Michael V. Kostiw, 1050 17th Street, NW, #500 Washington, DC 20036	Texaco Inc		
John F. Kostyack, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	207.21	
Gerald J. Kovach, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp	105.00	
Alan M. Kranowitz, 1725 K Street, NW, #300 Washington, DC 20006	National Assn of Wholesaler-Distributors		
Stephen W. Kraus, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert S. Krebs, 1129 20th Street, NW, #200 Washington, DC 20036	Greater Washington Board of Trade	8,500.00	
Earl R. Kreher, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	298.00	585.25
Cecile B. Kremer, 1655 North Fort Myer Drive, #700 Arlington, VA 22209	C.M. Services (For:Plumbing Manufacturers Institute)	500.00	
Steven L. Kreseski, 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn	500.00	
Mary Jo Kripowicz, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	3,448.00	6,998.00
David B. Krone, 1320 19th Street, NW, Suite 201 Washington, DC 20036	Tele-Communications, Inc	3,750.00	
Mark Kronenberg, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Keith R. Krueger, 1555 Connecticut Avenue, NW, #200 Washington, DC 20036	U S West Communications	27,987.00	2,406.44
James S. Krzyminski, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Ruth M. Kurtz, 5517 Chevy Chase Pkwy., NW Washington, DC 20015	Coordinadora de Organizaciones Empresariales de Comercio Ext	2,000.00	290.10
Ester Kurz, 440 First Street, NW, 6th Floor Washington, DC 20001	American Israel Public Affairs Comm	19,804.00	475.41
Peter Dev Kurze, 1843 Mintwood Place, NW, #110 Washington, DC 20009	Daimler-Benz Washington, Inc		66.00
John R. Kyte, 1331 Pennsylvania Avenue, NW Suite 1500, North Lobby Washington, DC 20004-1790	National Assn of Manufacturers	1,500.00	
James La Sala, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Labor Bureau, Inc, 1101 15th Street, NW, #1010 Washington, DC 20005			
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005			
Labor-Management Maritime Committee, Inc, 1150 17th Street, NW, Suite 700 Washington, DC 20036		3,467.00	6,517.00
Marc E. Lackritz, 1401 I Street, NW, Suite 1000 Washington, DC 20005	Securities Industry Assn	7,922.80	
John D. Lacopo, 1331 Pennsylvania Ave., NW, #1300 North Washington, DC 20004	Electronic Data Systems Corp		
Myron F. Laible, 1850 M Street, NW, Suite 1040 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
David N. Lakin, 1350 I Street, NW, Suite 300 Washington, DC 20005	Marine Spill Response Corporation		
Robert Lamb, 1200 G Street, NW, #600 Washington, DC 20005	Wright & Talisman (For:Marisol, Inc)	14,000.00	
David F. Lambert III, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores	2,000.00	
Thomas G. Lambrix, 1730 Rhode Island Avenue, NW, #206 Washington, DC 20036	Union Camp Corp	935.00	725.00
Robert Joseph Lamoureux, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Jennifer Lamson, 2030 M Street, NW Washington, DC 20036	Common Cause	9,621.54	
Susan Lamson, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	3,000.00	57.90
Ray H. Lancaster, 555 13th Street, NW, #430 West Washington, DC 20004	Texas Gas Transmission Corp, et al.	6,600.00	275.25
Dina Moses Land, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	500.00	
L. Charles Landgraf, 1875 Connecticut Avenue, NW Washington, DC 20009-5728	Leboeuf Lamb Leiby & MacRae		
David W. Landsidle, 1710 Rhode Island Avenue, NW, #300 Washington, DC 20036	Abbott Laboratories	10,000.00	
Bruce Alan Landy, 2601 Virginia Avenue, NW Washington, DC 20037	FAA-Congress Watch		
Scott H. Lane, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,166.00	
William C. Lane, 1730 Pennsylvania Avenue, NW, #750 Washington, DC 20006	Caterpillar, Inc	3,000.00	163.63
Robert K. Lange, 1901 N. Moore St., #609 Arlington, VA 22209	E-Systems, Inc	8,692.00	862.17
Ann Langley & Associates, Inc, 444 North Capitol Street, NW, #837 Washington, DC 20001	Children's Hospital, Boston	2,400.00	
Do	Children's Specialized Hopital		
Do	Health Hill Hospital for Children		
Do	Hospital for Sick Children		
Do	La Rabida Children's Hospital Research Center		
Do	National Assn of Children's Hospitals & Related Institutions	8,250.00	
Do	National League for Nursing	2,625.00	
Do	Tennessee Primary Care Network	300.00	
Robin W. Lanier, 1901 Pennsylvania Ave., NW, 10th Floor Washington, DC 20006	International Mass Retail Assn	9,000.00	
Fern M. Lapidus, 6736 Hillandale Road Chevy Chase, MD 20815	Association of Proprietary Colleges	7,500.00	559.59
Do	National Coalition of Impact Aid Schools		
Do	New York City Partnership, Inc	6,000.00	990.59
Do	School of Visual Arts	9,000.00	126.47
Peter J. Larkin, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	200.00	
Richard Eugene Larochelle, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	210.00	
Reed E. Larson, 8001 Braddock Road, #600 Springfield, VA 22160	National Right to Work Committee		
Theresa Knieriemen Larson, 1331 Pennsylvania Avenue, NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	1,500.00	
Warren Lasko, 1125 15th Street, NW Washington, DC 20005	Mortgage Bankers Assn of America		
Robert L. Laszewski, 1225 Connecticut Ave., NW, 7th Floor Washington, DC 20036	Health Policy & Strategy Associates, Inc (For:Alliance of American Insurers)	8,125.00	3,857.47
Do	Health Policy & Strategy Associates, Inc (For:Northwestern National Life Insurance Co).	7,500.00	5,085.08
Do	Health Policy & Strategy Associates, Inc (For:Pan American Life Insurance Co)	8,300.00	5,085.71
Do	Health Policy & Strategy Associates, Inc (For:Washington National Life Insurance Co).	9,375.00	7,564.93
Do	Health Policy & Strategy Associates, Inc (For:Wausau Insurance Companies)	3,750.00	2,544.18
Terry S. Latanich, 100 Summit Avenue Montvale, NJ 07450	Merck/Medco Managed Care Division		
Delbert L. Latta, 516 Hillcrest Dr. Bowling Green, OH 43402	Calderon Clean Coal Technology, Inc	500.00	365.13
Do	Stir-Melter, Inc	6,000.00	858.41
Sabrina Laudati, 1050 Connecticut Ave., NW, Suite 1250 Washington, DC 20036	Major League Baseball		
Kathryn M. Lavriha, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores, Inc		
Elizabeth Kepley Law, 700 13th Street, NW, #500 Washington, DC 20005	Family Research Council	1,584.00	
M. S. Lawrence, 40 Franklin Rd, SW P.O. Box 2021 Roanoke, VA 24022	Appalachian Power Company		
Richard C. Lawson, 1300 I Street, NW, Suite 520 West Washington, DC 20005	Hoffman-La Roche, Inc	2,500.00	
Laxalt Corporation, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	2,000.00	
Do	Milliken & Company	2,560.00	
Do	Motion Picture Assn of America, Inc	1,500.00	
Do	Nevada Resort Assn	2,300.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Sears Roebuck & Co	3,000.00	
Paul Laxalt Group, 801 Pennsylvania Ave, NW, #750 Washington, DC 20004	EG&G, Inc	18,500.00	
Do	Generic Pharmaceutical Industry Assn, et al.	6,000.00	
Do	Martin Marietta Corp	6,250.00	
Do	Milliken & Company	15,000.00	
Do	MGM Grand, Inc	5,000.00	
Do	Nevada Resort Assn	39,999.00	
Do	Sears Roebuck & Co	2,750.00	
Do	Transcontinental Properties, Inc	3,000.00	
Randall R. LaBauve, P.O. Box 8082 Little Rock, AR 72203	Entergy Services, Inc		
Sandra L. LaFevre, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Wayne R. LaPierre Jr., 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,375.00	2,000.00
Leach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111		13,912.80	300.00
League to Save Lake Tahoe, 989 Tahoe Keys Blvd., #6 South Lake Tahoe, CA 96150		500.00	58.14
Jeffrey A. Lear, 1010 N. Fairfax Street Alexandria, VA 22314	National Society of Public Accountants	2,300.00	
Thomas B. Leary, Hogan & Hartson 555 13th St., NW Washington, DC 20004-1109	Business Roundtable		
Marvin Leath, One Massachusetts Ave, NW, #330 Washington, DC 20001-1431	Fabrique Nationale Nouvelle Herstal, S.A.	3,000.00	
Do	FMC Corp	6,000.00	
Do	Lockheed Corp	4,500.00	
Do	Martin Marietta Corp	3,000.00	
Do	National Guard Assn	2,000.00	
Do	National Soft Drink Assn	3,000.00	
Do	Textron, Inc	3,000.00	
Do	Thiokol Corp	3,000.00	
Cara Lee, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Laura Murphy Lee, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	16,000.00	
Peter A. Lefkin, 1101 Connecticut Ave., NW, #950 Washington, DC 20036	Fireman's Fund Insurance Cos	4,500.00	1,259.00
Mary James Legatski, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn, Inc	500.00	12.00
J. Mark Leggett, 100 North Tryon Street (NC1-007-11-05) Charlotte, NC 28255	NationsBank Corporation	900.00	1,781.03
Legislative Management Services, 136 Calmont Drive Pittsburgh, PA 15235	Ben Franklin Technology Center of Western PA	6,000.00	305.64
Do	Erie Forge & Steel, Inc	450.00	139.20
Do	University of Pittsburgh	30,000.00	2,360.58
Jack Legler, 4301 Connecticut Avenue NW. #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
William Lehman, 711 NE 118 Street Biscayne Park, FL 33161	Blockbuster Entertainment Corp	2,000.00	
Mary Nell Lehnhard, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	8,762.00	170.80
Warren R. Leiden, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn	5,253.00	
Lent & Scrivner, 555 13th Street, NW, #305E Washington, DC 20004	Bernard L. Madoff Investment Securities	300.00	696.56
Do	Dyer Ellis Joseph & Mills	1,500.00	600.15
Do	Iroquois Gas Transmission Systems	300.00	696.55
Do	J. Makowski Co	300.00	696.55
Do	Mobil Corp	975.00	1,175.00
Do	Pfizer, Inc	1,500.00	1,895.27
Do	RBOC-GAPC Task Force	300.00	240.08
Do	Transaero, Inc		446.44
Burleigh C. W. Leonard, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,815.00	375.00
Charles Leonard, 1400 L Street, NW, Suite 600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc	1,500.00	
Earl T. Leonard Jr., P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	670.00	1,026.29
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	8,324.54	
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	15,000.00	140.58
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	13,626.85	
Leonard Ralston Stanton & Danks, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Save the Greenback Assn	13,626.85	2,690.60
Lepon McCarthy Jutkowitz & Holzworth, 1225 19th Street, NW, #600 Washington, DC 20036	Chilean Exporters' Assn		350.29
Charles Leppert Jr., 801 Pennsylvania Avenue, NW, #720 Washington, DC 20004-2360	Procter & Gamble Co		
Richard L. Lesher, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce		
William Gene Lesher, 1919 South Eads Street, Suite 103 Arlington, VA 22202-3028	Lesher & Russell, Inc	2,500.00	
Lesher & Russell, Inc, 1919 S. Eads Street, #103 Arlington, VA 22202-3028	Frito-Lay, Inc	2,500.00	
Do	Milk Producers Council		
Do	Monsanto Co		
Do	RJR Nabisco		
William J. Lessard Jr., 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,504.00	
Keith Lessner, 1211 Connecticut Ave., NW Washington, DC 20036	Alliance of American Insurers		
Melissa Ann Lester, 1718 Connecticut Ave., NW, #700 Washington, DC 20009	Association of American Publishers	1,500.00	
Dale Lestina, 1201 16th St., NW Washington, DC 20036	National Education Assn	4,217.25	511.00
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,533.80	
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Levin & Rosenstein, 1130 17th Street, NW, Suite 314 Washington, DC 20036	Rural Community Insurance Services, Inc	4,600.00	10.40
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	
Roger N. Levy, 901 15th Street, NW, #520 Washington, DC 20005-2301	Travelers Insurance Co	4,000.00	
Deborah J. Lewis, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union	750.00	
Raymond A. Lewis, 3423 Silver Maple Place Falls Church, VA 22041	American Methanol Institute	3,000.00	929.00
Richard Lewis, 1025 Vermont Ave., NW Washington, DC 20005	American Pulpwood Assn		
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	300.00	
Howard Lewis III, 1331 Pennsylvania Ave., NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	5,600.00	300.00
Lewis Rice & Fingersh, 500 N.Broadway St. Louis, MO 63102	John E. Simon Trust		
John F. Leyden, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	3,643.97	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox (Ebensburg Power, Inc)		
LeBoeuf Lamb Leiby & MacRae, 1875 Connecticut Avenue, NW Washington, DC 20009	Underwriters at Lloyd's London		
Harris W. LeFew, 300 Pratt Street Luke, MD 21540-1099	Westvaco Corporation		
Lynn H. LeMaster, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	1,140.69	74.02
Roger J. LeMaster, 1001 Pennsylvania Ave., NW, Washington, DC 20004	American Council of Life Insurance, Inc	4,500.00	
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	302.00
Bill Libro, 601 Pennsylvania Ave., NW, Suite 600N Washington, DC 20004	Northern States Power Company	4,400.00	2,683.95
Jack W. Liddle, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp	1,520.00	1,523.75
Robert Y. Lider, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp		
Richard A. Lidinsky Jr., 700 13th Street, NW, #220 Washington, DC 20005	Sea Containers America, Inc		
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	692.38
Susan P. Limber, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn		
Lincoln National Corp, 1300 South Clinton Street Fort Wayne, IN 46801			1,386.89
Karl W. Lindberg, 2322 Easter Lane New Orleans, LA 70114	Southern Forest Products Assn	2,016.12	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	6,500.00	160.00
Linton Mields Reisler & Cottone, 1225 Eye Street, NW, #300 Washington, DC 20005	Colorado School of Mines Foundation	5,250.83	
Do	Greater Rockford Airport Authority	10,707.68	
Do	Maryland Department of Transportation	11,059.06	
Do	Michigan Dept of Transportation	14,015.97	
Do	Missouri Highway & Transportation Department	32,168.18	
Do	State of Colorado, Dept of Highways	24,802.45	
Do	State of IL, Dept of Transportation, Div of Water Resources	35,683.10	
Do	State of Nevada	23,192.12	
Do	Water Reclamation District of Greater Chicago	40,676.65	
Linda A. Lipsen, 1050 31st Street, NW Washington, DC 20007-4499	Association of Trial Lawyers of America	5,000.00	100.00
Lisle Corporation, 807 E. Main Clarinda, IA 51632			
Steven S. List, 122 S. Michigan Avenue, Suite 320 Chicago, IL 60603	Peoples Gas Light & Coke Co	2,335.72	1,913.40
Charles B. Little, 1331 Pennsylvania Ave., NW #1500 North Tower Washington, DC 20004-1703	UBA, Inc	1,500.00	
William F. Little, 1350 I Street, NW, #1000 Washington, DC 20007	Ford Motor Co	520.00	671.65
Roy E. Littlefield III, 1707 Pepper Tree Court Bowie, MD 20716	American Retreaders' Assn	200.00	
Do	WMDP Service Station & Automotive Repair Assn	250.00	
Orville J. Litzsinger, 5824 Wessex Lane Alexandria, VA 22310	Alliance for American Innovation, Inc	1,800.00	169.00
Robert W. Lively, 1850 K Street, NW, #1195 Washington, DC 20006	Schering-Plough	7,260.00	13,545.11
Wingate Lloyd, 1600 M Street, NW Washington, DC 20036	ITT Corp	760.00	152.00
Lobel Novins Lamont & Flug, 1275 K St., NW, #770 Washington, DC 20005	Generic Pharmaceutical Industry Assn	22,960.00	19.90
Do	San Francisco Bay Guardian		
John C. Lobert, 444 North Capitol St., NW, Suite 801 Washington, DC 20001	National Assn of Independent Insurers	1,500.00	
Michael A. Lobue, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. Timothy Locke, 499 S. Capitol Street, SW, #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:Mid-America Waste Systems, Inc)		
Do	Hecht Spencer & Associates (For:MCI Telecommunications)		
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	8,403.72	
Robert F. Lockhart Jr., 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	1,300.00	
Lockheed Information Management Services Company, Inc, 1200 K Street, NW Washington, DC 20005		2,000.00	
Stephen G. Lodge, 7900 Westpark Drive, #A-320 McLean, VA 22102	National Confectioners Assn		2,213.65
Thomas G. Loeffler, 1801 K St., NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Cellular Telecommunications Industry Assn)		
Do	Arter & Hadden (For:Central & South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Citicorp)		
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Investment Company Institute)		
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:Tesoro Energy)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)	200.00	
Do	Arter & Hadden (For:United Services Automobile Assn)		
Do	Arter & Hadden (For:Westinghouse Electric Corp)		
James E. Lokovic, 4514 Governor Pratt Court Upper Marlboro, MD 20772	Air Force Sergeants Assn, Inc		
London & Satagaj, 1156 15th Street, NW, #510 Washington, DC 20005	National Home Furnishings Assn	6,000.00	
Do	Small Business Legislative Council	6,000.00	
Patricia Davitt Long, 1331 Pennsylvania Ave., NW, 1500 North Washington, DC 20004-1703	National Assn of Manufacturers	580.00	
Robert Michael Long, The Littlefield Building 106 East 6th St., Suite 400 Austin, TX 78701	American Telephone & Telegraph Co	23,000.00	2,513.38
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,350.00	1,025.50
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	General Health, Inc		
Shelley A. Longmuir, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	1,200.00	
Dennis Longoria, Central Power & Light Co P.O. Box 3400 Laredo, TX 78044	Central Power & Light Co		
Laura Loomis, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	685.60	71.20
Ann Looper, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	9,000.00	
Katherine Loos, 2030 M Street, NW Washington, DC 20036	Common Cause	4,062.50	76.50
Minerva Castaneda Lopez, 1717 R Street, NW, #202 Washington, DC 20009			
Annie B. Lorber, Apt. #1107 757 West Ave. At 8th St. Miami Beach, FL 33139		7,656.50	
Gerald D. Lore, 1300 I St., NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	5,000.00	
Philip J. Loree, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	400.00	
Bill Loughrey, One Technology Parkway South Atlanta, GA 30092	Scientific-Atlanta	150.00	
Timothy Lovain, 3719 Gunston Road Alexandria, VA 22302	Denny Miller Associates	5,000.00	
Celia C. Lovell, 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Monica M. Lovell, 1331 Pennsylvania Ave., NW, #1500N Washington, DC 20004	National Assn of Manufacturers		
Amy Loy, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
Arthur M. Luby, 1300 L Street, NW, #200 Washington, DC 20005-4178	O'Donnell Schwartz & Anderson (For:Transport Workers Union of America, AFL-CIO).	10,000.00	350.00
Joe O. Luby Jr., 225 East John Carpenter Freeway Room 1202 Irving, TX 75062-2298	Exxon Corp		
Paula D. Lucak, 815 16th Street, NW, #308 Washington, DC 20006	Public Employee Department, AFL-CIO	7,150.00	
Mrs. Freddie H. Lucas, 1660 L St., NW, Suite 400 Washington, DC 20036	General Motors Corp	3,000.00	3,697.89
William L. Lucas, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	11.00
Michael S. Lucy, One Bowdoin Square Boston, MA 02114	J. Makowski Company		
Kenneth M. Ludden, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)		
Do	Bannerman & Associates, Inc (For:Government of Egypt)	3,000.00	
Do	Bannerman & Associates, Inc (For:L.A. Motley & Co (for: Government of the Philippines)).		
Manuel Lujan Jr., 1209 California, NE Albuquerque, NM 87110	Eddie Mahe & Associates	2,000.00	
J.C. Luman & Associates, 1030 15th Street, NW, #410 Washington, DC 20005	National Assn of Personnel Services		
Lumbermens Mutual Casualty Company, Long Grove, IL 60049			3,780.93
Lund & O'Brien, 1825 K St., NW, #1010 Washington, DC 20006	Pennsylvania Mines Corporation	1,260.00	
Do	Pennsylvania Power & Light Co	1,800.00	1,431.10
Francis M. Lunnie Jr., 1331 Pennsylvania Ave., NW, #1500 N. Washington, DC 20004	National Assn of Manufacturers	1,500.00	
R. J. Lyerly, 5335 Wisconsin Ave. Nw Suite 500 Washington, DC 20015	Amdahl Corp	1,000.00	
Marshall L. Lynam, 412 First Street, SE, #60 Washington, DC 20003	Dallas/Ft. Worth International Airport	25,000.00	
Do	Medical Matrix, Inc	1,500.00	
Do	Tandy Corp	12,000.00	
Kevin A. Lynch, 1275 K Street, NW, #1100 Washington, DC 20005	PacifiCorp Electric Operations	8,190.00	531.21
James S. Lyon, 410 North Lincoln Street Arlington, VA 22201	Mineral Policy Center		
Marcia S. Mabee, 11490 Commerce Park Drive Reston, VA 22091	Coalition for American Trauma Care (CATC)		
Rodney Macalister, 1701 Pennsylvania Ave., NW Washington, DC 20006	E.I. DuPont deNemours & Co		
James H. Mack, 7901 Westpark Dr. Mclean, VA 22102	AMT - The Assn for Manufacturing Technology	15,254.00	500.00
Robert E. Mackin, 122 South Swan Street Albany, NY 12210	National Conference of Insurance Legislators	12,500.00	
Timothy MacCarthy, 750 17th Street, NW, #901 Washington, DC 20006	Nissan North America, Inc	15,000.00	
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council		
Robb S. MacKie II, 1957 E Street NW, Washington D.C.	Associated General Contractors of America	3,000.00	500.00
Jeffrey M. MacKinnon, 555 13th Street, NW, Suite 300 West Washington, DC 20004	Interstate Natural Gas Assn of America	6,000.00	
James MacPherson, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	400.00	
Edward R. Madigan, 1710 Rhode Island Ave., NW, #700 Washington, DC 20036	State Farm Insurance Co		
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	19,089.00	
Do	MarkAir, Inc		
Do	Sarasota-Bradenton Airport	6,500.01	
James N. Magill, 200 Maryland Avenue, NE Washington, DC 20002	Veterans of Foreign Wars of the U.S.	4,500.00	
Paul J. Magliocchetti, 1755 Jefferson Davis Hwy., Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Paul Magliocchetti Associates, Inc, 1755 Jefferson Davis Highway, #1107 Crystal Square 5 Arlington, VA 22202	Bath Iron Works Corp		
Do	BFGoodrich		
Do	Chamberlain Manufacturing Corp		
Do	Diagonstic Retrieval Systems, Inc		
Do	Dynamics Research Corp		
Do	DDP Delta		
Do	Electronic Warfare Associates, Inc		
Do	Era Aviation Services		
Do	Foundation Health Corp		
Do	FLIR Systems, Inc		
Do	Grumman Corporation		
Do	Hughes Aircraft Company		
Do	Laurel Technologies, Inc		
Do	LifeCell Corp		
Do	Medco Containment Services, Inc		
Do	Mountain Top Technologies, Inc		
Do	MIC Industries, Inc		
Do	Options Mental Health		
Do	Orange Shipbuilding Co, Inc		
Do	Pacific Consolidated Industries		
Do	Schat-Watercraft		
Do	Schweizer Aircraft Corp		
Do	Short Brothers (USA), Inc		
Do	Sperry Marine, Inc		
Do	Sunquest Information Systems, Inc		
Do	Tenneco, Inc		
Do	Textron, Inc		
Do	Trinity Marine Group		
Do	TI Group, Inc		
Do	Vision Service Plan		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A. John Maguire, 1521 New Hampshire Avenue, NW Washington, DC 20036-1205	National Cotton Council of America	7,950.00	138.93
Kevin L. Maher, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	999.99	
Linda F. Maher, 9000 Montgomery Ave Chevy Chase, MD 20815	Turner Broadcasting System, Inc	550.00	
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	John W. Rollins & Associates	14,000.00	730.49
Terence P. Mahony, 1331 Pennsylvania Ave., NW, #930 North Washington, DC 20004	National Broadcasting Co, Inc	3,250.00	
K. Wayne Malbon, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	392.00	5.00
Michelle Mallory, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Claudia Malloy, 2030 M Street, NW Washington, DC 20036	Common Cause	6,333.54	
Robert H. Maloney, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Manatt Phelps & Phillips, 1501 M Street, NW, Suie 700 Washington, DC 20005	Appraisal Institute		
Do	ARCO		
Do	California Chiropractic Assn		
Do	California League of Savings Institutions		
Do	Chemical Bank	2,343.75	9.00
Do	City of Hope	750.00	10.00
Do	ConCorde Career Colleges, Inc		
Do	Money Store	2,437.50	21.00
Do	Royal Wine Corp	56.25	9.00
Do	Thomas Cook, et al.		
Do	Western Dental Services, Inc	562.50	
Diane S. Mand, 1100 Connecticut Ave., NW, #310 Washington, DC 20036	Dresser Industries, Inc		
Susan Rachel Weiss Manes, 2030 M Street, NW Washington, DC 20036	Common Cause	17,037.78	
Christopher Manion, 6332 N. 22nd Street Arlington, VA 22205	American Council for Health Care Reform	3,825.00	
Tammy L. Mann, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	180.00	
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Cynthia Mansfield, 801 Pennsylvania Ave., NW, Suite 310 Washington, DC 20004	GPU Service Corporation	24,513.00	103.56
Anthony Manzanares Jr., 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Robert Y. Maples, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc	158.73	55.70
Nancy Marcus, 1614 10th Street Arlington, VA 22204	National Treasury Employees Union	8,336.25	185.25
Sarah E. Margolies, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society		
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Marine Spill Response Corporation, 1350 I Street, NW, Suite 300 Washington, DC 20005			
Maritime Institute for Research & Industrial Development, 1175 K Street, NW, #200 Washington, DC 20006			18,724.60
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies		
Lawrence D. Markley, Rt. 1, Box 130-A Mt. Solon, VA 22843	Alaska Electric Light & Power Co		
Do	Alaska Village Electric Cooperative		
Do	Anchorage Municipal Light & Power		
Do	City of Kake		
Do	INN Electric Cooperative		
Do	Kotzebue Electric Association	6,000.00	76.06
Do	OSEI Power Corp	8,300.00	4,195.89
Morry B. Markowitz, 1001 19th Street North, #1200 Arlington, VA 22209	Association of International Automobile Manufacturers, Inc		7,500.00
Luther A. Markwart, 1156 15th St., NW, #1101 Washington, DC 20005	American Sugarbeet Growers Assn		
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Butler Creek		
Do	Safari Club International		
Andrea C. Maron, 1640 Wisconsin Avenue, NW 1st Floor Washington, DC 20007	American College of Surgeons		
Mary E. Marra, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,877.58	
James T. Marrinan, 1200 18th Street, NW, #1000 Wsahington, DC 20036	Community Psychiatric Centers	21,538.44	5,248.21
Ellen M. Marshall, 1199 North Fairfax Street, Suite 204 Alexandria, VA 2314	International Council of Shopping Centers	100.00	
Cynthia L. Martin, 1215 Jefferson Davis Hwy., #1004 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc	9,500.00	
David F. Martin, Plumbing Manufacturers Institute 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209	CM Services, Inc (for Plumbing Manufacturers Institute)	500.00	
Gordon G. Martin, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Alabama Power Co	8,750.00	2,545.45
Kelly Leonard Martin, 725 15th Street, NW, Suite 700 Washington, DC 20005	Council of Community Blood Centers	1,093.75	
Larry K. Martin, 2500 Wilson Blvd. #301 Arlington, VA 22201	American Apparel Manufacturers Assn, Inc	2,600.00	75.00
Lora Lee Martin, Carriage House University of California Santa Cruz, CA 95064	University of California		
Antonio C. Martinez II, 11128 Church Street Fairfax, VA 22030-4901	Nutritional Health Alliance	1,161.29	92.00
Joseph J. Martyak, 1401 EYE Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc		
Michael Marvin, 122 C Street, NW, 4th Floor Washington, DC 20001	American Wind Energy Assn	18,249.99	
Robert A. Marzocchi, P.O. Box 1615 15 Mountain Veiw Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	206.25	206.25
Sam Maselli, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	186.29
Mark A. Maslyn, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,054.00	159.50
John S. Mason III, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	426.96	
Michael J. Mason, 1220 L St., NW Washington, DC 20005	American Petroleum Institute	6,500.00	87.00
Nancy Mason, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US WEST, Inc	91.60	
Ned W. Massee, 299 Park Avenue 13th Floor New York, NY 10171	Westvaco Corporation		
Jacquelyn Massey, 3138 North 10th Street Arlington, VA 22201	National Assn of Federal Credit Unions	1,250.00	
Camille Bares Massic, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp, Inc	5,000.00	
James D. Massie, 601 13th St., NW, Suite 410 South Washington, DC 20005	R. Duffy Wall & Associates	1,250.00	
Sandra Masur, 1250 H Street, NW, #800 Washington, DC 20005	Eastman Kodak Company		
Mary Cheryl Matheis, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	856.15	
Sandra Windsor Mathiesen, 230 12th Street, SE Washington, DC 20003	Denny Miller Associates, Inc	1,500.00	
Dawson Mathis, 410 First Street, SE, #300 Washington, DC 20003	Dawson Mathis & Associates (For:Massachusetts Mutual Life Insurance Co)	3,000.00	
Do	United Parcel Service	3,000.00	
Dawson Mathis & Associates, 410 First Street, NW, #300 Washington, DC 20003	Massachusetts Mutual Life Insurance Co	3,000.00	
Kim M. Matthews, 1020 19th Street, NW, #700 Washington, DC 20036	U S West, Inc	2,290.00	
Robert A. Matthews, 700 North Fairfax St. Alexandria, VA 22314	Railway Progress Institute	1,479.54	
Harry D. Mattison, P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corporation		
Michael N. Matton, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
William C. Mattox, 1700 Pennsylvania Avenue, NW Washington, DC 20006	Mutual of Omaha Cos		
Marshall L. Matz, 1400 16th Street, NW, #400 Washington, DC 20036	Olsson Frank & Weeda (For:American Commodity Distribution Program)	1,500.00	
Do	Olsson Frank & Weeda (For:United Fresh Fruit & Vegetable Assn)	3,000.00	
Robert V. Maudlin, 1511 K Street, NW Washington, DC 20005	C.V. & R.V Maudlin (For:Southern Company Services, Inc)		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp		
John A. Maxwell, New Jersey Petroleum Council 150 West State Street Trenton, NJ 08608	American Petroleum Institute		
James C. May, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	30,000.00	
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Joseph T. Mayer, 1745 Jefferson Davis Hwy., #1200 Arlington, VA 22202	Rockwell International Corp	18,135.00	5,177.90
Marion R. Mayer, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	871.63	271.47
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Accountants' Liability Assurance Co, Ltd		
Do	American Automobile Manufacturers Assn		
Do	American Farm Bureau Federation	400.00	
Do	Arthur Andersen & Co, et al.	1,137.50	
Do	Attorneys' Liability Assurance Society, Inc		
Do	Bazelon Center for Mental Health Law		
Do	Black & Decker Corporation		
Do	Brunswick Corp		
Do	Cabot Partners Limited Partnership		
Do	Chicago Stock Exchange, Inc		
Do	Comdisco, Inc	175.00	
Do	Continental Bank, N.A.		
Do	Equitable Real Estate Investment Management, Inc		
Do	Farley Industries, Inc		
Do	First Chicago Corp		
Do	FMC Corporation		
Do	General Electric Aircraft Engines		
Do	GATX Corporation	175.00	
Do	Household Commercial Financial Services, Inc		
Do	John Buck Co		
Do	JMB Realty Corp		
Do	L&B Real Estate Counsel		
Do	LaSalle Partners, Inc		
Do	Merrill Lynch Capital Markets		
Do	Nalco Chemical Co		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NICOR, Inc		
Do	Quaker Oats Company		
Do	RJR Nabisco, Inc		
Do	Santa Fe Pacific Corp	756.25	
Do	Sara Lee Corporation		
Do	Sears Roebuck & Co		
Do	SmithKline Beecham		
Do	Solid Waste Agency of Northern Cook County		
Do	St. Paul Companies		
Do	SunAmerica, Inc		
Do	Tele-Communications, Inc		
Do	Vulcan Materials Company, Midwest Division		
Do	Women's Legal Defense Fund		
S. Hubert Mayes Jr., 320 West Capitol Avenue, Suite 1000 Little Rock, AR 72201-3525	Alliance of American Insurers		
Mary C. Mayhew, 77 Water Street Hallowell, ME 04347	Highway Users Federation	1,000.00	
Lee Ann Mayo, 1100 South Washington Street, 1st Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	12,689.95	455.34
Jeffrey G. Mays, 1505 Prince Street, Suite 300 Alexandria, VA 22314	American Optometric Assn		
H. Wesley McAden, 1155 15th St., NW, #504 Washington, DC 20005	J. G. Boswell Co	3,000.00	
Do	New York Cotton Exchange	2,000.00	
Marcia McAllister, 1270 West Northwest Highway Palatine, IL 60067	American Salvage Pool Assn		
Michael McAllister, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Ann McBride, 2030 M St., NW Washington, DC 20036	Common Cause	16,967.89	
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	ABB Combustion Engineering, Inc	9,000.00	194.44
Do	Carolina Power & Light Co	900.00	
Do	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	Edison Chouest Offshore	2,400.00	191.60
Do	General Atomics	3,200.00	194.44
Do	Integrated Resources Group, Inc	3,000.00	233.01
Do	Louisiana Energy Services	1,200.00	
Do	Nuclear Energy Institute	4,500.00	213.72
Do	Science Applications International Corp	6,000.00	548.76
Do	Sealaska Corp	1,800.00	194.44
Do	Tulane University	4,500.00	879.55
Do	Turlock Irrigation District	800.00	
Do	Westinghouse Electric Corp	3,140.00	194.46
Do	Yukon Pacific Corp	2,400.00	194.44
Grady McCallie, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation		
John D. McCallum, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
Carolyn Kim McCarthy, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	MetPath, Inc	30,000.00	1,000.00
David J. McCarthy, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	IPALCO Enterprises, Inc	1,550.00	
Venita McCellon-Allen, P.O. Box 21106 Shreveport, LA 71156	Southwestern Electric Power Co		
Brian McClay, c/o Rogers & Wells 607 14th Street, NW Washington, DC 20005	Canadian Pulp and Paper Association		
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	1,450.00
Donald N. McClure Jr., 20 Erford Road #115 Lemoyne, PA 17043	Pennsylvania Assn of Home Health Agencies	10,291.25	10.60
Karen L. McClure, 1201 New York Avenue, NW Washington, DC 20005	American Public Transit Assn	3,105.00	
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	American Mining Congress	5.00	
Do	Asarco, Inc	5.00	
Do	Barrick Resources (USA, Inc)	5.00	
Do	Battle Mountain Gold Co	5.00	
Do	Brush Wellman, Inc	5.00	
Do	Coeur d'Alene Mines Corp	5.00	
Do	Crown Butte Mines, Inc	5.00	
Do	Cyprus Amax Minerals Company	5.00	
Do	Echo Bay Mines	5.00	
Do	Euro-Nevada Mining Corp, Inc	5.00	
Do	Franco-Nevada Mining Corp, Inc	5.00	
Do	FMC Gold	5.00	
Do	Hecla Mining Co	5.00	
Do	Homestake Mining	5.00	
Do	Idaho Power Company		
Do	Kennecott Corp	5.00	
Do	Magma Copper Company	5.00	
Do	Minorco, USA	5.00	
Do	National Endagered Species Act Reform Coalition		
Do	National Rifle Assn		
Do	Newmont Mining Corp	5.00	
Do	Pacific Gas Transmission Company		
Do	Pegasus Gold Corp	5.00	
Do	Phelps Dodge Corp	5.00	
Do	Placer Dome US, Inc	5.00	
Do	Santa Fe Pacific Gold Corp	5.00	
Do	Stillwater Mining Company	5.00	
Do	WilTel		
McClure Trotter & Mentz, Chtd, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	Coca-Cola Company		
Do	Dart Container Corp	6,570.00	294.70
Do	Motion Picture Assn America, Inc		
Do	Perpetual Corp		
Do	Rank Video Services America		
Robert S. McConnaughey, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Judith A. McCormick, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	600.00	
Joseph P. McCraren, P.O. Box 219 Bakerton, WV 25410	National Aquaculture Assn	1,350.00	
Carol A. McDaid, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
John McDavitt, 2000 K St., NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	4,003.00	
Charles J. McDermott, 1155 Connecticut Ave., NW Washington, DC 20036	WMX Technology (Rust)	12,250.00	274.90
McDermott Will & Emery, 1850 K Street, NW, #450 Washington, DC 20006	Airlease, Ltd		
Do	Alaska Seafood Marketing Institute	3,250.00	9.50
Do	Allergan, Inc	200.00	
Do	Alliance Capital Management, LP	3,113.75	
Do	American College of Radiation Oncology	4,875.00	
Do	American Dental Hygienists Assn	1,500.00	
Do	American Imaging Assn		
Do	American Meat Institute		
Do	American Soc of Outpatient Surgeons		
Do	Associated Financial Corp	2,100.00	
Do	Association for the Preservation of Civil War Sites		
Do	Association of Freestanding Radiation Oncology Centers	100.00	
Do	ARA Services, Inc		
Do	Borden Chemical & Plastics LP		
Do	California Avocado Commission	12,938.00	9.50
Do	California Canning Peach Assn	1,150.00	
Do	California Children's Hospital Assn	2,100.00	
Do	California Kiwifruit Commission	1,075.00	
Do	Campbell Soup Company		
Do	Cedar Fair LP		
Do	Chiquita Brands, Inc	225.00	
Do	Co-Bank - National Bank for Cooperatives	600.00	
Do	Coalition for Employment Opportunities	3,900.00	
Do	Council of Women's & Infant's Specialty Hospitals	6,000.00	
Do	Crop Protection Coalition		
Do	Fargo Clinic/Medicare	2,500.00	
Do	Fashion Accessories Shippers Association		
Do	Fundesa		
Do	Good Sam Club	350.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	GAF Corp	750.00	
Do	Harcourt Brace Jovanovich		
Do	Health Insurance Provider Coalition	4,053.75	
Do	Dorothy Holt Estate		
Do	Intermountain Health Care, Inc	180.00	
Do	International Hearing Society	5,300.00	
Do	Johnson & Johnson	1,175.00	
Do	Juvenile Diabetes Foundation	6,000.00	
Do	Kmart Corporation		
Do	LAACO, Ltd		
Do	Marshfield Clinic	2,500.00	
Do	Minor Crop Farmer Alliance	13,501.00	183.00
Do	Muscular Dystrophy Assn		
Do	MMW/Strategic Communications		
Do	National Assn of Diagnostic Services		
Do	National Potato Council	113.00	60.00
Do	North American Assn of State & Provincial Lotteries	150.00	
Do	Olin Corporation		
Do	Oppenheimer Capital LP		
Do	Outpatient Opthalmic Surgery Society		
Do	Public Employees Retirement Assn of Colorado		
Do	PGA Tour, Inc	500.00	
Do	Red Lion Hotels		
Do	Reynolds Metals		
Do	Rotary International		
Do	Rural Health Network Coalition	2,000.00	
Do	Rural Referral Centers Coalition	2,000.00	
Do	Russ Berrie & Company		
Do	RJR Nabisco Corp	940.00	
Do	S.C. Johnson & Son		
Do	Section 2039(e) Group	8,930.00	
Do	Solo Cup Co		
Do	Southland Corporation	2,400.00	
Do	U.S. Mink Export Development Council	2,313.00	9.52
Do	United Development Corp		
Do	VIVRA	600.00	
Do	Wear Guard Corp		
Do	Welch Foods, Inc		
Do	Wells Manufacturing Co		
Do	World Airways		
Robert McDonald, 700 13th Street, NW, #700 Washington, DC 20005	Emerson Electric Co	1,562.50	647.37
Marian E. McDowell, 1275 Pennsylvania Ave., NW, 4th Floor Washington, DC 20004	Pacific Telesis Group	10,750.00	
Deborah C. McElroy, 1200 19th Street, NW, #300 Washington, DC 20036-2401	Regional Airline Assn	1,000.00	
Roland McElroy, 1111 19th Street, NW, Washington, DC 20036	American Forest & Paper Assn	9,500.00	
Robert H. McFadden, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,940.00	
Randall H. McFarlane, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	20,000.00	813.35
Michael Sean McGavick, 1130 Connecticut Ave., NW, Suite 1000 Washington, DC 20036	American Insurance Assn		
Becky McGee, P.O. Box 2880 Dallas, TX 75221-2880	Oryx Energy Company		
Donna Lee McGee, 1001 Connecticut Ave., #701 Washington, DC 20036	Burlington Industries, Inc		
Meredith McGehee, 2030 M St., NW Washington, DC 20036	Common Cause	13,502.76	87.00
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	ELEKTA Radiosurgery, Inc		5,000.00
Do	Institute for Clinical PET		5,000.00
Elizabeth McGiffert, 1300 Guadalupe, #100 Austin, TX 78701	Consumers Union		
Robert M. McGlotten, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	24,520.58	1,777.23
Elissa M. McGovern, 1400 Eye Street, NW, Suite 1200 Washington, DC 20005	American Immigration Lawyers Assn	1,980.00	
Joseph M. McGrail, 52 Washington Ave. Williamstown, NJ 08094	Aircraft Owners & Pilots Assn	80.00	20.00
Do	AT&T Federal Systems		
Do	AT&T Global Information Solutions	100.00	41.75
Do	NYMA, Inc		
Do	System Resources Corp		
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	525.00	
Katy McGregor, 1200 17th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Kevin S. McGuiness, 400 North Capitol Street, NW, #585 Washington, DC 20001	McGuiness & Holch (For:American Assembly of Collegiate Schools of Business)		
Do	McGuiness & Holch (For:Arch Mineral Corporation)		
Do	McGuiness & Holch (For:Barr Laboratories, Inc)		
Do	McGuiness & Holch (For:Consolidated Rail Corp)		
Do	McGuiness & Holch (For:Major League Baseball Players Assn)	3,375.00	
Do	McGuiness & Holch (For:National Assn of Chain Drug Stores)	1,710.00	
Do	McGuiness & Holch (For:National Nutritional Foods Assn)	4,050.00	
Do	McGuiness & Holch (For:PepsiCo, Inc)		
Do	McGuiness & Holch (For:RJR Nabisco)		
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	National Council of Agricultural Employers		
Do	Nisei Farmers League	9,013.75	78.75
Do	Turfgrass Producers International	7,277.50	96.25
Do	Workers Compensation Integrity Stability & Equity (WISE)		
Joseph M. McGuire, 4301 N. Fairfax Drive, #425 Arlington, VA 22203	Allied-Signal, Inc		
Mary Lee McGuire, 2300 Clarendon Blvd., #l0l0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
Yvonne McIntyre, 601 13th Street, NW, Suite 650 North Washington, DC 20005	Detroit Edison Co	750.00	25.00
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
Darina McKelvie, 1101 Pennsylvania Avenue, NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	937.50	
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	California Dental Association		
Do	Cigar Assn of America, Inc		
Do	DSE Industry Coalition		
Do	Fertilizer Institute		
Do	Medical Device Manufacturers Assn		38.20
Do	Pharmaceutical Research & Manufacturers of America	1,225.00	3.25
Jan E. McKenzie, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	2,784.09	175.88
Sandra McKenzie, 2525 Wallingwood, Suite 201 Austin, TX 78746	Texas Committee on Natural Resources		
Frank J. McKeown, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grummn Corporation	2,500.00	125.00
William Colm McKeveny, Chadbourne & Park 30 Rockefeller Plaza New York, NY 10112	American Pulpwood Assn		
McKevitt Group, 1101 16th Street, NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	412.51
Robert E. McKew, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Timothy P. McKone, 1404 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	12,310.07
Patrick M. McLain, 1000 Vermont Avenue, NW, #1000 Washington, DC 20005	Rowan & Blewitt, Inc (For:American Assn of Blood Banks)	662.50	
Do	Rowan & Blewitt, Inc (For:IVAX Corp)		
Do	Rowan & Blewitt Inc (For:Medtronic, Inc)	2,812.50	
Do	Rowan & Blewitt (For:Monsanto Company)	500.00	
Do	Rowan & Blewitt, Inc (For:National Alliance for Infusion Therapy)		
Do	Rowan & Blewitt, Inc (For:North American Vaccine, Inc)		
Do	Rowan & Blewitt, Inc (For:Par Pharmaceutical, Inc)	687.50	
Do	Rowan & Blewitt, Inc (For:Scripps Research Institute)		
Do	Rowan & Blewitt, Inc (For:Upjohn Company)	625.00	
James D. McLaughlin, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn		
Kathleen Tynan McLaughlin, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Cos	600.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Lindsay McLaughlin, 1775 K Street NW, #200 Washington, DC 20006	ILWU	13,000.00	3,935.79
Bob McLean, 1727 King Street, #400 Alexandria, VA 22314-2753	National Assn of Postal Supervisors	14,434.00	
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Kevin Patrick McMahon, 1001 19th St. N., #800 Arlington, VA 22209	TRW, Inc	14,175.00	382.00
Brian McManus, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		355.00
Roger E. McManus, 4019 18th Street, NW Washington, DC 20011	Center for Marine Conservation		
William A. McManus, 1101 16th Street, NW Washington, DC 20036-4877	National Soft Drink Assn		
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	McDonnell Douglas Corp		
James D. McMillan, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation	100.00	
Rachel A. McMillan, 1776 I Street, NW, #750 Washington, DC 20006	BNFL, Inc	5,500.00	4,207.15
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	24,603.00	
Gerald R. McMurray, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae	2,500.00	
Vanda B. McMurtry, 151 Farmington Avenue,RC6A Hartford, CT 06156	Aetna Life & Casualty		
Kathryn M. McNamara, 1300 I Street NW 12th Floor West Washington, DC 20005	Dean Witter Discover & Co	25.00	26.00
Laramie Faith McNamara, 1101 17th Street, NW Washington, DC 20036	Bank of America	1,647.00	5,548.44
Laura E. McNeill, 1025 Connecticut Ave., NW, Suite 1014 Washington, DC 20036	ENSERCH Corp	800.00	988.00
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
John P. McNicholas, 8008 Westpark Drive McLean, VA 22102	Unisys Corp	2,500.00	1,022.03
Gerald T. McPhee, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental International Corp	2,000.00	180.50
Michael J. McShane, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	12,200.00	187.00
Martha McSteen, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	15,628.00	
George G. Mead, 1908 Ednor Road Silver Spring, MD 20905	Norfolk Southern Corp	1,500.00	
Leslie S. Mead, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Paul N. Means, P.O. Box 551 Little Rock, AR 72203	Arkansas Power & Light Company		
William A. Meaux, 1600 M Street, NW, #702 Washington, DC 20036	ICI Americas, Inc	18,000.00	
Robert A. Mechan, 80 F Street, NW Washington, DC 20001	American Fed of Government Employees		
Thomas J. Medaglia III, 1615 M Street, NW, Suite 200 Washington, DC 20036-3260	Amoco Corp		
A. Aaron Medlock, 50 Revere Street, #2 Boston, MA 02114	Humane Society of the U.S.	1,477.00	34.67
Charles M. Meehan, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
Fred C. Meendsen, CPC International, Inc Englewood Cliffs, NJ 07632	CPC International, Inc		12,184.00
Wayne Edward Mehl, 2725 Carter Farm Court Alexandria, VA 22306	Nevada Resort Assn	24,999.99	1,347.33
Mehl & Pickens Associates, Inc, 1400 L Street, NW, #625 Washington, DC 20005	Bogan Aerotech, Inc		
Do	Cessna Aircraft Company	900.00	
Do	Chandler Evans	1,000.00	
Do	General Atomics	800.00	
Do	Hughes Aircraft Co	1,000.00	
Do	Lockheed (Aviation MFT)	1,500.00	
Do	Lockheed (LASC)	1,500.00	
Do	Syscon Corp	800.00	
Larry Mehlhaff, 23 N. Scott, #27 Sheridan, WY 82801	Sierra Club	118.12	
Michelle Meier, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	1,000.00	
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Susan R. Meisinger, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management		
John Melcher, 230-B Maryland Avenue, N.E. Washington, DC 20002	American Veterinary Medical Assn	10,500.00	7,326.00
Do	Chicago Mercantile Exchange	11,250.00	7,326.00
Jeff Mell, JGR & Associates 2600 Douglas Road, #500 Coral Gables, FL 33134	Blockbuster Entertainment Corp		
Kenneth F. Melley, 1201 16th Street, NW Washington, DC 20036	National Education Assn	5,697.45	
David Melville, 610 Marshall Street, Suite 800 Shreveport, LA 71101-5332	Change Assistance Programs	2,994.09	3,157.08
Mark Menezes, 1801 K Street, NW, #400 K Washington, DC 20006-1301	Central & South West Corp	1,200.00	2,451.86
David Mengebier, 1016 16th St., NW, 5th Floor Washington, DC 20036	Consumers Power Company	6,000.00	6,998.00
William P. Mengebier, 655 15th Street, NW, #225 Washington, DC 20005	Rhone-Poulenc, Inc	540.00	374.60
Edward L. Menning, 1101 Vermont Avenue, NW, #710 Washington, DC 20005	National Assn of Federal Veterinarians		
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	135.00	
Jane Mentzinger, 2030 M Street, NW Washington, DC 20036	Common Cause	6,952.50	109.00
Paul T. Mero, 1902 Coleman Lane Fredericksburg, VA 22407	American Priorities		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation		
Merrill Lynch & Co, Inc, 3000 K Street, NW, #620 Washington, DC 20007			58,684.75
Gordon Merritt, 1100 Wilson Blvd., #2000 Arlington, VA 22209	Hughes Aircraft Company		
Richard P. Merski, 1455 Pennsylvania Avenue, NW, #900 Washington, DC 20004	American International Group, Inc	6,000.00	494.78
Carol Messer, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	3,750.00	169.50
Neil T. Messick, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	1,800.00	649.58
Raymond A. Messina, 633 Pennsylvania Avenue, NW Washington, DC 20004	Dean Witter Discover & Co	200.00	43.00
Jean L. Mestres, 1747 Pennsylvania Avenue, NW, #300 Washington, DC 20006	OXY USA, Inc		
Keith R. Mestrich, 815 16th Street, NW, #408 Washington, DC 20006	Food & Allied Service Trades Dept, AFL-CIO	1,216.00	
Tanya K. Metaksa, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	4,000.00	
Metropolitan Chicago Healthcare Council, 222 S. Riverside Plaza Chicago, IL 60606			
David P. Metzger, 1225 New York Ave., NW, #1200 Washington, DC 20005-3919	Davis Graham & Stubbs	1,060.00	
Christina A. Metzler, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	116.00
Brian M. Meyer, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	3,325.00	
Ferd C. Meyer Jr., P.O. Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
M. Barry Meyer, 900 19th Street, NW Washington, DC 20006	Aluminum Assn, Inc	100.00	
Thomas J. Meyer, 5901 Executive Drive Lansing, MI 48911	Jackson National Life Insurance Company	1,500.00	200.00
John B. Meyers, P.O. Box 4067 Louisville, KY 40204			
Larry D. Meyers, 412 First Street, SE, #100 Washington, DC 20003	American Beekeeping Federation	3,000.00	143.31
Do	National Peanut Growers Group	16,320.00	1,031.97
Do	Ricebelt Warehouse, Inc		71.10
Do	Texas A&M Research Foundation	22,920.00	1,440.98
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	American Sheep Industry Assn	19,299.00	1,337.46
Do	Browsville Economic Development Council	15,000.00	739.92
Do	Corpus Christi Bay Area Economic Development Corp	18,000.00	308.06
Do	Federal Land Bank Assn	25,743.75	1,607.17
Do	Hudson Tank Storage Co	4,500.00	191.64
Do	New Mexico State University, College of Agriculture	9,000.00	610.60
Do	New Mexico State University, College of Engineering	9,000.00	513.92
Do	Texas Tech Foundation Texas Tech University	7,500.00	609.82
Do	Wellman, Inc	9,000.00	586.25
Daniel Mica, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	5,000.00	
David R. Mica, Florida Petroleum Institute 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute	23.31	
Van R. Michael, P.O. Box 356 Sweetwater, TN 37874		500.00	
Michael Best & Friedrich, 135 South LaSalle Street, #1610 Chicago, IL 60603	DePaul University	1,125.00	
Michaels & Wishner, P.C., 1140 Connecticut Avenue, NW, #900 Washington, DC 20036	Medco Containment Services, Inc		
Do	United HealthCare Corp		
Kathleen Michels, 777 N. Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	31.94
Mid-Continent Oil & Gas Assn, 801 Pennsylvania Ave., NW, #840 Washington, DC 20004-2604			33,261.86
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Edmund Joseph Mihalski, 1101 Pennsylvania Avenue, NW, Suite 540 Washington, DC 20004	Eli Lilly and Co	3,000.00	86.72
Leslie K. Miles, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	2,000.00	100.00
Bradley P. Miller, 2061 Cherry Run Court, NW Grand Rapids, MI 49504	Business & Institutional Furniture Manufacturer's Assn	2,259.00	96.01
Brent V. B. Miller, 4207 South 7th Road Arlington, VA 22204	American Group Practice Assn	12,065.46	
Chaz Miller, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Deborah E. Miller, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Denny Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	7,500.00	
Douglas Miller, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	1,300.00	
Edward C. Miller, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance, Inc	1,500.00	
Ellen S. Miller, 1320 19th Street, NW Washington, DC 20036	Center for Responsive Politics		
H. George Miller, 10615 Huntees Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)		
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	27,193.32	15,529.68
Paul M. Miller, 500 Arcola Road Collegeville, PA 19426	Rhone-Poulenc Rorer Pharmaceuticals, Inc	1,419.00	65.05
Richard G. Miller, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	16,000.00	2,009.28
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Sandra Burgess Miller, 2311 South Queen Street Arlington, VA 22202	Denny Miller Associates	1,250.00	
Sarah Miller, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	454.58	
W. Kirk Miller, 1300 L Street, NW, #900 Washington, DC 20005	North American Export Grain Assn, Inc		72.49

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
William T. Miller, 1101 14th Street, NW, #1400 Washington, DC 20005	Miller Balis & O'Neil, P.C. (For:American Public Gas Assn)		
Denny Miller Associates, Inc, 400 North Capitol Street, NW, #363 Washington, DC 20001	Alaska Air Group, Inc	1,500.00	1,230.00
Do	All Alaskan Seafoods, Inc		
Do	Boeing Company	3,000.00	2,460.00
Do	Central Puget Sound Regional Transit Authority	1,500.00	1,235.00
Do	First Church of Christ, Scientist	300.00	245.00
Do	Gamma-Metrics		
Do	Makah Indian Council	300.00	245.00
Do	Momentum 94	1,875.00	1,530.00
Do	Montana Technology Center	300.00	245.00
Do	Muckleshoot Indian Tribe	300.00	245.00
Do	Olin Corporation	3,000.00	2,460.00
Do	Pacific Nuclear Systems, Inc	1,062.00	862.00
Do	Port of Tacoma	1,125.00	928.00
Do	State of Washington, Dept of Transportation	1,500.00	1,235.00
Do	Toy Manufacturers of America	1,500.00	1,230.00
Richard V. Minck, 1001 Pennsylvania Ave., N.W. Washington, DC 20004	American Council of Life Insurance, Inc		
William Miner, 888 16th Street, NW Washington, DC 20006	Bannerman & Associates, Inc (For:Beirut University College)		
Do	Bannerman & Associates, Inc (For:Embassy of El Salvador)		
Do	Bannerman & Associates, Inc (For:Government of the U.A.E.)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	2,000.00	
Do	Banneraman & Associates (For:L.A. Motley & Co (for: Government of the Philippines)).		
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C., 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Cellular Telecommunications Industry Assn	5,000.00	12.00
Do	Competitive Long Distance Coalition , Inc	5,000.00	67.12
Do	McCaw Cellular Communications, Inc	5,000.00	150.90
Do	National Cable Television Assn, Inc	7,500.00	298.38
Do	Newspaper Assn of America		
Do	Sprint	5,000.00	58.46
Edward F. Mitchell, 1900 Pennsylvania Avenue, NW Washington, DC 20068	Potomac Electric Power Co		
Gina Shea Mitchell, 1100 17th Street, NW, #1203 Washington, DC 20036	Financial Executives Institute	12,600.00	
Lawrence W. Mitchell, 600 Maryland Ave., NE, #202 W Washington, DC 20024	Farmers' Education al & Co-Operative Union of America		
Mitchell Williams Selig Gates & Woodyard, 1420 New York Ave., NW, #750 Washington, DC 20005	Acxiom Corp		
Do	Alliance of American Insurers		115.30
Do	Metropolitan Life Insurance Co	11,372.50	
Do	National Assn of Professional Employer Organizations		
Mark A. Mix, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	3,437.00	280.95
Robert R. Mix, 225 North Washington Street Alexandria, VA 22314	Non Commissioned Officer Assn	2,100.00	
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	125.00	
Albert L. Modiano, 801 Pennsylvania Ave., NW, Suite 840 Washington, DC 20004-2604	Mid-Continent Oil & Gas Assn	4,050.00	250.00
Karen Ann Mogan, 1401 New York Avenue, NW, #400 Washington, DC 20005	National Food Processors Assn	9,210.88	100.00
Martha Mohler, 2000 K Street, NW, 8th Floor Washington, DC 20006	National Comm to Preserve Social Security & Medicare	2,803.00	
George F. Mohrmann, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,825.00	
Brian R. Moir, 2000 L Street, NW, #512 Washington, DC 20036-4907	American Petroleum Institute		
Do	International Communications Assn		
Do	National Assn of Broadcasters		
Peter A. Molinaro, 1100 15th Street, NW, #1200 Washington, DC 20005	Union Carbide Corp	6,062.50	
John V. Moller, 1707 L Street NW, #725 Washington, DC 20036	Policy Consulting Services, Inc (For:Nissan Motor Company, Ltd)		
Do	Policy Consulting Services, Inc (For:Nissan Motor Manufacturing, U.S.A.)		
Do	Policy Consulting Services, Inc (For:Nissan North America, Inc)		
Robert A. Molofsky, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO	5,000.00	163.00
John M. Moloney, 1629 K Street, NW, #501 Washington, DC 20006	Delta Airlines, Inc	200.00	200.00
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	630.00	
Eric Mondres, 900 19th Street, NW, Suite 400 Washington, DC 20006	Savings & Community Bankers of America	14,330.76	745.00
Seth Mones, 601 Pennsylvania Avenue, NW North Building-Suite 700 Washington, DC 20004	Electronic Industries Assn	2,695.00	6.00
Ark Monroe III, 1420 New York Ave, NW, Suite 750 Washington, DC 20005	Axciom Corp		
Do	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations		
Louis Mark Monroe, 1750 New York Avenue Washington, DC 20006	International Brotherhood of Painters & Allied Trades		
John H. Montgomery, 2715 M St., NW, #300 Washington, DC 20007	Murray Scheer & Montgomery (For:National Assn of State Outdoor Recreation Liaison Officers).	3,000.00	50.00
Do	National Rural Water Assn	3,000.00	50.00
Do	Murray Scheer & Montgomery (For:Oklahoma State Medical Assn)	1,200.00	45.00
Do	Underground Injection Practices Council	1,000.00	40.00
Lisa C. Moody, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Alan J. Moore, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	Atchison Topeka & Santa Fe Railway Co	1,000.00	
Albert W. Moore, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for the Manufacturing Technology	1,500.00	25.00
Carlos Moore, 1801 K Street, NW, #900 Washington, DC 20006	American Textile Manufacturers Institute, Inc	1,100.00	64.00
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	WMX Technologies, Inc	5,750.00	36.85
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Agusta Group)		
Do	Capitoline/MS&L (For:Allied-Signal Corp)	5,000.00	
Do	Capitoline/MS&L (For:E.H. Industries, Inc)		
Do	Capitoline/MS&L (For:Equifax Corp)	1,000.00	
Do	Capitoline/MS&L (For:Lockheed Corporation)	1,000.00	
Do	Capitoline/MS&L (For:Lumbee Tribe of Cheraw Indians of NC)	5,000.00	
Do	Capitoline/MS&L (For:McDonald's Corp)		
Do	Capitoline/MS&L (For:National Assn of Broadcasters)	1,000.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	2,000.00	
Do	Capitoline/MS&L (For:U.S. Cane Sugar Refiners Assn)		
Do	Capitoline/MS&L (For:UNISYS Corp)		
Fred P. Moosally, 1745 Jeff Davis Highway, #1200 Arlington, VA 22202	Rockwell International Corp	20,000.00	1,800.38
Cynthia Root Moran, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Alan Morgan, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Society of Clinical Pathologists		29.10
Dudley Digges Morgan III, 4900 Baronne Street New Orleans, LA 70115	Southern Forest Products Assn	7,023.30	
E.M. Chip Morgan, P.O. Box 257 Stoneville, MS 38776	Delta Council		
Stephen L. Morgan, 5201 Leesburg Pike, #1111 Falls Church, VA 22041	American Cemetery Assn		
Suzanne Morgan, 1850 M Street, NW Washington, DC 20036	Securities Industry Assn	895.70	
William G. Morin, 1331 Pennsylvania Avenue, NW, #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	85.71	
Mary Morningstar, 21 Chandler Street Somerville, MA 02144	Lockheed Corp	23,750.00	446.35
Sara E. Morningstar, 8714 Ridge Road Bethesda, MD 20817	Montgomery County (Maryland) Government	2,060.00	
Robert Kellogg Morris, 1331 Pennsylvania Ave., NW, Suite 1500 Washington, DC 20004-1703	National Assn of Manufacturers	2,000.00	100.00
Morriset Schlosser Ayer & Jozwiak, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	1,480.00	
Do	Ketchikan Indian Corp		
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Ottawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	2,939.00	
Do	Organized Village of Kake	35.00	
Do	Prairie Band of Potawatomi Indians	229.49	
Do	Quechan Indian Tribe	2,062.00	
Do	Red Lake Band of Chippewa Indians	800.51	
Do	Saginaw Chippewa Tribe	2,466.80	
Do	Sitka Tribe of Alaska		
Do	Wampanoag Tribe of Gay Head	2,800.93	
Do	Yakutat Native Assn	55.47	
Gary L. Morrison, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Company, et al.	137.76	86.00
John W. Morrison, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	977.78	
Lynn Morrison, 311 Massachusetts Avenue, NE Washington, DC 20002		22,274.00	
William C. Morrison, 2001 North Adams St. Arlington, VA 22201	Meat Importers Council of America, Inc		
Morrison & Foerster, 2000 Pennsylvania Ave., NW Washington, DC 20006	City and County of San Francisco		
Do	City of Los Angeles, Dept of Airports		
Do	Consolidated Freightways		
Do	Mastercard International, Inc, et al.	8,437.50	30.00
Do	National Automated Clearing House Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Electrical Manufacturers Assn		
Do	Shea Homes Limited Partnership	207.00	
Do	Valent U.S.A. Corp		
Valerie T. Morse, 453 New Jersey Avenue, SE Washington, DC 20003	Beneficial Management Corp		
Cheryl O. Morton, 1330 Connecticut Ave., NW, #300 Washington, DC 20036	Synthetic Organic Chemical Manufacturers Assn	500.00	
Evelyn M. Morton, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	792.57	309.86
James C. Morton Jr., P.O. Box 19001 Greenville, SC 29602	Michelin Tire Corp	2,000.00	2,319.00
Richard Moskowitz, 4301 Connecticut Ave., NW, Suite 300 Washington, DC 20008	National Solid Wastes Management Assn (NSWMA)	500.00	
Robert E. Moss, 1401 H St., NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	4,500.00	2,205.37
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Bankers Roundtable	540.00	
Kate Moss Company, 1401 Eye Street, NW, #1100 Washington, DC 20005	AOPO (Assn of Organ Procurement Organizations)		
Do	Dean Witter Discover & Co		
Do	Owens-Illinois		
Do	Southwestern Bell Corp		
Do	Trans Union Corp		
Gerald J. Mossinghoff, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	1,000.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		11,869.72	11,869.72
Motor and Equipment Manufacturers Association, 1325 Pennsylvania Ave., NW, #600 Washington, DC 20004			1,010.00
Susan Connolly Moya, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	14.75
Robert J. Mrazek, 301 Constitution Ave., NE Washington, DC 20002	Douglas Elliman Co	10,000.00	
Do	Northrop Grumman Corporation	5,000.00	
Mudge Rose Guthrie Alexander & Ferdon, 2121 K Street, NW, #700 Washington, DC 20037	American Home Products Corp		
Do	Bristol-Myers Squibb Co		
Do	Footwear Distributors & Retailers of America		
Do	Hong Kong Trade Development Council		
Do	Johnson & Johnson		
Do	Pfizer, Inc		
Do	Upjohn Co		
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	367.62	43.00
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Manufacturers Life Insurance Co	27,547.00	1,003.85
Mullenholz Brimsek & Belair, 1150 Connecticut Ave., NW, #700 Washington, DC 20036	City of Fergus Falls, MN		
Do	Delaware & Hudson Railroad		
Do	Florida East Coast Railway Co		
Do	Soo Line Corporation	3,062.50	
Do	Trade Assn Healthcare Coalition	318.50	
Do	TACA International Airlines		
John A. Mullett, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	2,400.00	42.00
William J. Mulligan, 1401 Eye Street, NW, Suite 1200 Washington, DC 20005	Chevron Companies	250.00	
Thomas S. Mullikin, 1315 Monument Square P.O. Box 745 Camden, SC 29020	Mullikin Law Firm (For:Blue Cross Blue Shield)	5,051.26	2,507.51
Do	Laidlaw Environmental Services	21,000.00	2,105.34
Edgar J. Mullins, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,000.00	1,230.38
Kevin C.W. Mulvey, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Cyril D. Murphy, 1707 L Street, NW, Suite 300 Washington, DC 20036	United Airlines, Inc	800.00	
Edward L. Murphy, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	3,000.00	
James P. Murphy, 56 East 42nd Street, #355 New York, NY 10017	Fleet Financial Group, Inc	15,000.00	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Michael M. Murphy, 1101 17th St., NW, #400 Washington, DC 20036	American President Companies, Ltd, et al.	20,000.00	
Patrick M. Murphy, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	9,000.00	
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
Hyde H. Murray, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	9,375.00	
James V. Murray, 801 Pennsylvania Avenue, NW, #230 Washington, DC 20004	Union Carbide Corp	7,000.00	
Rosemary Griffin Murray, Crystal Park Four, 2345 Crystal Drive Arlington, VA 22227	USAir, Inc		
Murray Scheer & Montgomery, 2715 M Street, NW, #300 Washington, DC 20007	American Academy for Oral Pathology		
Do	American Assn of Dental Schools		
Do	American Assn of Public Health Dentistry		
Do	Atochem, N.A.		
Do	Cleveland Cliffs Iron Co	1,000.00	15.00
Do	Coalition for Oral Health		
Do	Delaware River Port Authority	6,875.00	110.00
Do	Dynatech Corporation	600.00	2.00
Do	Independence Blue Cross		
Do	Independent Laboratory Consortium		
Do	Industry Council for Tangible Assets	250.00	15.00
Do	Iron Ore Assn	1,800.00	10.00
Do	LTV Corporation		
Do	Mine Safety Appliances	4,500.00	20.00
Do	Mutual of New York	500.00	10.00
Do	National Council of Coal Lessors	500.00	15.00
Do	New England Life Insurance Co	800.00	15.00
Do	Pacific Mutual Life Insurance Co	500.00	20.00
Do	Penn Mutual Life Insurance Co	500.00	25.00
Do	PepsiCo	2,500.00	45.00
Do	Philadelphia Regional Port Authority		
Do	Porsche Cars North America, Inc		
Do	Qualimetrics, Inc	600.00	30.00
Do	Shubert Organization, Inc	1,250.00	15.00
Do	State Mutual Insurance Co	500.00	15.00
Do	Student Loan Interest Deduction Restoration Coalition		
Do	Swaziland Sugar Assn	3,465.00	20.00
Do	Sweetener Users Assn		
Do	Technology Development & Education Corp		
Do	Temple University	1,215.00	44.00
Do	Wisconsin Central Transportation Corporation		
Richard Murrell, Maritime Building, 3rd Floor 4 East Port Road Riviera Beach, FL 33404	NICOR, Inc		
R.C. Murtha, 614 N. 3rd Street Harrisburg, PA 15230	Westinghouse Electric Corp		30.00
William D. Mutch, 2500 Wilson Boulevard, Suite 301 Arlington, VA 22201	American Apparel Manufacturers Assn	1,000.00	50.00
Robert J. Muth, 180 Maiden Lane New York, NY 10038	Asarco, Inc		
Mutual Life Insurance Co Tax Committee, 751 Broad St. Newark, NJ 07102-3777			
Lawrence D. Muzzy, 2200 W. Salzburg Road, Mail #W281 Midland, MI 48611	Dow Corning Corp		
Deborah B. Myers, 1747 Pennsylvania Ave., NW, Suite 700 Washington, DC 20006	Ciba	5,500.00	
Gary D. Myers, 501 2nd Street, NE Washington, DC 20002	Fertilizer Institute	4,500.00	174.01
Karen Magee Myers, 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	56.00	
William G. Myers III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	11,136.00	485.00
MIDA Dental Plans, Inc, 200 Town Center, Suite 2200 Southfield, MI 48075			
Steven T. Nadherny, 2101 L Street, NW, Suite 405 Washington, DC 20037	Electric Generation Assn		
Alan Y. Naftalin, 1150 Connecticut Avenue, NW Washington, DC 20036	Koteen & Naftalin (For:Alascom, Inc)		
Do	Koteen & Naftalin (For:Telephone & Data Systems, Inc)		
Laurie Naismith, 1150 17th Street, NW, Suite 307 Washington, DC 20036	Chambers Development Co, Inc	24,688.00	3,656.00
Martha Naismith, 1350 Eye Street, NW, Suite 810 Washington, DC 20005	Johnson & Johnson HMI	138.81	60.00
Gerald F. Nalepa, 805 15th Street, NW, #410 Washington, DC 20005	Air Products & Chemicals, Inc	3,500.00	
Rochelle Nason, 989 Tahoe Keys Blvd, Suite 6 South Lake Tahoe, CA 96150	League to Save Lake Tahoe	43.26	2.90
National Aquaculture Assn, P.O. Drawer 1569 Shepherdstown, WV 25443		4,993.88	6,023.33
National Assn for Uniformed Services, 5535 Hempstead Way Springfield, VA 22151		1,636.16	12,882.94
National Assn of Air Traffic Specialists, 11303 Amherst Avenue, Suite 4 Wheaton, MD 20902			3,900.00
National Assn of Broadcasters, 1771 N Stret, NW Washington, DC 20036		158,632.05	158,632.05
National Assn of Chain Drug Stores, Inc, P.O. Box 1417-D49 Alexandria, VA 22313			31,809.00
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Federal Veterinarians, 1101 Vermont Avenue, NW, #710 Washington, DC 20005			27.75
National Assn of Insurance Brokers, Inc, 1401 New York Ave., NW, #720 Washington, DC 20005			
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		6,448,752.93	266,491.51
National Assn of Manufacturers, 1331 Penn Ave., NW 15th Floor, N. Lobby Washington, DC 20004-1703		187,440.30	187,440.30
National Assn of Mutual Insurance Cos, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268		455.00	703.15
National Assn of Police Organizations, Inc, 750 First Street, NE, Suite 935 Washington, DC 20002-4241			17,689.03

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
National Assn of Realtors, 777 14th St., NW Washington, DC 20005			42,893.25
National Assn of Truck Stop Operators, Inc, 1199 N. Fairfax Street, #801 Alexandria, VA 22314			
National Assn of Wheat Growers, 415 2nd St., NE, #300 Washington, DC 20002		18,000.00	15,800.00
National Automobile Dealers Assn, 8400 Westpark Drive Mclean, VA 22102			35,911.00
National Broiler Council, 1155 15th St., NW Washington, DC 20005		3,900.00	3,900.00
National Club Association, Washington Harbour 3050 K Street, NW, #330 Washington, DC 20007			
National Comm to Preserve Social Security & Medicare, 2000 K Street, NW, #800 Washington, DC 20006		3,484,224.00	4,903,421.00
National Comm Against Repressive Legislation, 3321 12th Street, NE Washington, DC 20017		190.00	
National Community Action Foundation, Inc, 2100 M Street, NW, #604A Washington, DC 20037		96,703.22	51,000.00
National Cooperative Business Assn, 1401 New York Ave., NW, #1100 Washington, DC 20005		27,500.00	23,056.00
National Cotton Council of America, P.O. Box 12285 Memphis, TN 38182		92,248.49	28,874.04
National Council for Languages & Int'l Studies, 300 Eye Street, Suite 211 Washington, DC 20002		41,906.26	26,359.85
National Council of Farmer Cooperatives, 50 F Street, NW, #900 Washington, DC 20001		9,619.84	8,450.59
National Council on Alcoholism & Drug Dependence, Inc, 1511 K Street, NW, #443 Washington, DC 20005			5,563.28
National Court Reporters Assn, 8224 Old Courthouse Road Vienna, VA 22182-3808			
National Electrical Manufacturers Assn, 2101 L Street, NW, #300 Washington, DC 20037		1,860.61	1,860.61
National Employee Benefits Institute, 601 Pennsylvania Ave., NW, #750 North Washington, DC 20004			
National Food Processors Assn, 1401 New York Avenue, NW, #400 Washington, DC 20005		1,250.00	43,068.68
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National Grain Trade Council, 1300 L Street, #925 Washington, DC 20005			10.50
National Grange, 1616 H St., NW Washington, DC 20006		20,000.00	20,000.00
National Grass Roots & Communications, Inc, 116 N. Saint Asaph Street Alexandria, VA 22314	Coalition for Auto Repair Equality		
Do	Wal-Mart		
National Grocers Assn, 1825 Samuel Morse Drive Reston, VA 22090		3,000.00	1,300.00
National Guard Assn of the U.S., One Massachusetts Ave., NW Washington, DC 20001		4,430.45	35,779.81
National Independent Energy Producers, 601 13th Street, NW, #320 South Washington, DC 20005		84,900.00	12,678.13
National Milk Producers Federation, 1840 Wilson Blvd. Arlington, VA 22201		15,118.10	15,118.10
National Motorists Assn, 6678 Pertzborn Road Dane, WI 53529			1,761.91
National Pest Control Assn, 8100 Oak St. Dunn Loring, VA 22027			
National Right to Work Committee, 8001 Braddock Rd., #600 Springfield, VA 22160		8,272.50	8,272.50
National Rural Electric Cooperative Assn, 1800 Massachusetts Ave., NW Washington, DC 20036			971.79
National Society of Professional Engineers, 1420 King Street Alexandria, VA 22314		8,600.00	8,600.00
National Soft Drink Assn, 1101 16th St., NW Washington, DC 20036			
National Stone Assn, 1415 Elliot Place, NW Washington, DC 20007			
National Strategies, Inc, 888 17th Street, NW, 12th Floor Washington, DC 20006	American International Group, Inc	25,454.50	7.61
Do	Instinet	1,110.94	49.49
Do	Reuters North America, Inc	3,750.00	151.41
Do	Triarc Companies, Inc.	1,381.87	0.86
National Telephone Cooperative Assn, 2626 Pennsylvania Ave., NW Washington, DC 20037		27,000.00	2,427.56
National Tire Dealers & Retreaders Assn, 1250 Eye Street, NW, #400 Washington, DC 20005		6,565.83	6,565.83
National Truck Equipment Assn, 37400 Hills Tech Drive Farmington Hills, MI 48331-3414		12,826.55	3,015.32
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209		31,541.40	69,079.82
National Wildlife Federation, 1400 16th Street, NW Washington, DC 20036-0001			30,690.75
National-American Wholesale Grocers' Assn, 201 Park Washington Court Falls Church, VA 22046		12,000.00	12,000.00
Michael W. Naylor, 1001 Pennsylvania Ave, NW, #700 Washington, DC 20004-2502	Allied-Signal, Inc		
Neaher Pape Company, 1250 24th Street, NW, Suite 300 Washington, DC 20037		19,140.39	
Rick J. Neal, 1800 South Baltimore Ave. Tulsa, OK 74119	Mapco, Inc	5,250.00	
Katherine Beh Neas, 8630 Fenton Street, Suite 410 Silver Spring, MD 20910	American Assn of University Affiliated Programs	11,250.00	150.00
Mark Nebergall, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,450.00	
Janet E. Neigh, 519 C Street, NE Washington, DC 20002	Hospice Assn of America	34.80	
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Neill & Company, Inc, 815 Connecticut Ave., NW, #800 Washington, DC 20006	Embassy of the Republic of Korea	37,500.00	151.47
Do	Government of Jamaica	100,000.00	23,599.38
Do	Lockheed Fort Worth Co	18,000.00	30.91
David W. Nelson, David Nelson & Associates 1120 Connecticut Avenue, NW, 11th Floor Washington, DC 20036	Barr Laboratories		
Do	Marion Merrell Dow		3,296.77
Lori M. Nelson, P.O. Box 25354 Woodbury, MN 55125-0354	National Parks & Conservation Assn		843.60
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Mark E. Nelson, 1825 I Street, NW, #400 Washington, DC 20006	SEMATECH, Inc	5,313.00	1,668.75
Paul Nelson, 1747 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	Associated Credit Bureaus, Inc		
Do	Federal National Mortgage Assn	1,500.00	750.00
Do	Institute of International Bankers	5,000.00	425.00
Do	Investment Company Institute		775.00
Lynda L. Nersesian, 1100 15th St., NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	95.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	19,050.00	
Alexander Netchvolodoff, 1320 19th Street, NW, #200 Washington, DC 20036	Cox Enterprises, Inc		480.24
Network, 806 Rhode Island Ave., NE Washington, DC 20018		52,002.17	54,885.25
E. John Neumann, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	1,114.60	5,849.99
New West Policy Group, 223 E. Union Street Prescott, AZ 86303	Del Webb Corp	48,500.31	
New York State Bankers Assn, 485 Lexington Avenue New York, NY 10017		1,000.00	1,440.00
Newberry Hargrove & Rambicure, 1211 Connecticut Ave., NW, Suite 300 Washington, DC 20036	MESA, In	1,053.00	194.60
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.00	100.00
F. Ron Newbury, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:CAI Wireless)		
William B. Newman Jr., P.O. Box 23451 Washington, DC 20024	Consolidated Rail Corporation	5,500.00	289.19
Richard W. Newpher, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	15,092.00	
Sharon Newsome, 1400 16th St., NW Washington, DC 20036-0001	National Wildlife Federation	512.98	
John V.M. Newton, 901 E Street, NW, Suite 600 Washington, DC 20004	National Treasury Employees Union	11,572.48	322.05
Marlene Nicholson, 1722 Eye St., NW, Fifth Floor Washington, DC 20006	Barclays Bank, PLC	5,000.00	203.43
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,500.00	59.11
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Scott H. Nishioki, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	12,186.00	
Jennifer S. Nitchman, 1101 Vermont Avenue NW, #710 Washington, DC 20005	American Veterinary Medical Assn		
Michael E. Nix, 231 W. Michigan Street, #P453 Milwaukee, WI 53203	Wisconsin Electric Power Co		
Barbara D. Nocera, 955 L'Enfant Plaza, SW, #5300 Washington, DC 20024	Honda North America, Inc	120.00	167.27
Walker F. Nolan, 701 Pennsylvania Ave., NW 4th Floor Washington, DC 20004	Edison Electric Institute	219.70	82.35
Non Commissioned Officers Assn, P.O. Box 33610 San Antonio, TX 78265			58,270.79
Nonprescription Drug Manufacturers Assn, 1150 Connecticut Ave., NW, #1200 Washington, DC 20036			2,925.00
Julia J. Norrell, 1155 Connecticut Ave., NW, #400 Washington, DC 20036	American Insurance Assn	450.00	
Do	Chubb Corp	300.00	
Do	Employers Health Insurance Co	300.00	
Do	Health Insurance Association of America	450.00	
Do	Lincoln National Corp	450.00	
Do	National Assn of Insurance Brokers	450.00	
Do	Provident Life & Accident Insurance Co	450.00	
Do	UNUM Life Insurance Co	450.00	
Do	Washington National Corp	450.00	
North American Export Grain Assn, Inc, 1300 L Street NW, #900 Washington, DC 20005-4113			307.13
Patrice North-Rudin, 1133 21st Street, NW Two Layfayette Centre Washington, DC 20036	Travel & Tourism Gov't Affairs Council	2,648.00	
Northeast Utilities Service Co, Selden St. Berlin, CT 06037		273.13	
Clifford R. Northup, 50 F Street, NW Washington, DC 20001	Association of American Railroads		
Rita Ersfeld Norton, 1300 Eye Street, NW, Suite 520 West Washington, DC 20005	Hoffmann-La Roche, Inc	4,000.00	1,271.10
Julie Noufer, 8607 Westwood Center Drive, #204 Vienna, VA 22182	Professional Services Council	2,500.00	50.70
Mary Ann Novak, 700 11th Street, NW, #710 Washington, DC 20001	Parsons Brinkerhoff Quade & Douglas, Inc		
Nuclear Energy Institute, 1776 I Street, NW, #400 Washington, DC 20006		562,190.00	135,820.00
Nussbaum & Wald, One Thomas Circle, NW #200 Washington, DC 20005	American Soc of Composers Authors & Publishers		
Do	National Football League Players Assn	6,000.00	
Nutritional Health Alliance, P.O. Box 25317 Washington, DC 20007		25,145.00	
Franklin W. Nutter, 1301 Pennsylvania Ave., NW, #900 Washington, DC 20004	Reinsurance Assn of America		
Christina Groszer Nyquist, 1310 G Stret, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	2,566.00	1,083.10
Hubert K. O'Bannon, 50 F Street, NW Washington, DC 20001	Association of American Railroads	3,184.40	1,262.95
Lynne Fletcher O'Brien, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	DuPont Merck Pharmaceutical Company	5,000.00	109.23
Rosemary L. O'Brien, 1401 Eye Street, NW, #340 Washington, DC 20005	CF Industries, Inc	500.00	148.65
Urban F. O'Brien III, 2000 Post Oak Boulevard Houston, TX 77056-4400	Apache Corporation		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser-Busch Companies, Inc	62.50	
Do	ARCO		
Do	Federal National Mortgage Assn	120.00	
Do	General Electric Co		
Do	Global Technology Systems		
Do	Health Insurance Assn of America		
Do	Intellectual Property Owners		
Do	Morgan Stanley & Co, Inc		
Do	National Wholesale Druggists' Assn		
Do	Sears Roebuck & Co	75.00	
Do	Teachers Insurance & Annuity Assn		
O'Brien Calio, 1350 I Street NW Suite 690 Washington, DC 20005	GATT NOW Alliance		
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Computer Learning Works)		
James E. O'Connor, 900 19th Street, NW Washington, DC 20006	Savings and Community Bankers of America	23,750.00	
Kelley E. O'Connor, 666 Pennsylvania Avenue, SE, #403 Washington, DC 20003	Florists' Transworld Delivery Assn	2,000.00	
Michael J. O'Connor, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Company (For:May Department Stores Co)		
Patrick C. O'Connor, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:American College of Occupational & Environmental Medicine).		
Do	Kent & O'Connor, Inc (For:American Supply Association)		
Do	American Warehousemen's Association		
Do	Kent & O'Connor, Inc (For:National Assn of Fleet Administrators)	952.00	660.55
Do	Kent & O'Connor, Inc (For:Transportation Lawyers Assn)		
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Adams Cohen & Associates, Inc	2,500.00	
Do	Alliance of Marine Parks and Aquariums		
Do	American Clinical Laboratory Assn		
Do	Associated Credit Bureaus, Inc	15,780.00	
Do	Bear Stearns & Company, Inc	8,925.00	
Do	Bobby Berosini, Ltd		
Do	Camara Nacional de la Industria Pesquera	1,150.00	
Do	Citizens Savings Bank		
Do	Coalition for Tax Equity	6,000.00	80.00
Do	Evangelical Lutheran Good Samaritan Society		
Do	First Winthrop Corp		
Do	Fishing Vessel Owners' Assn	200.00	
Do	Friedman Billings Ramsey & Co		
Do	Golden Nugget, Inc		
Do	Government of Peru	13,500.00	
Do	Health Images, Inc		
Do	Healthcare Financing Study Group	9,750.00	
Do	Institute of International Bankers	15,000.00	5,483.47
Do	MasterCard International, Inc	3,575.00	
Do	Michigan State University	1,880.00	
Do	Mirage		
Do	National Assn of Optometrists and Opticians, Inc		
Do	National Assn of Portable X-Ray Providers		
Do	National Automated Clearing House Assn		
Do	Pacific Seafood Processors Assn		
Do	Pacific Telesis Group	4,000.00	
Do	Joseph E. Seagram & Sons, Inc		
Do	Securities Industry Assn		
Do	Solid Waste Agency of Northern Cook County		
Do	Southeast Alaska Seiners Assn		
Do	Standard Chartered PLC	5,875.00	
Do	State of Alaska		
Do	State Street Bank & Trust Company	9,450.00	
Do	Support Systems International, Inc		
Do	UST	12,760.00	
Do	VISA, USA, Inc	3,575.00	
Do	Wards Cove Packing Company		
Do	Westinghouse Electric Corp		
Grady O'Cummings III, 198 MacDougal St. Brooklyn, NY 11233	New York Committee to Pass Jesse Gray Housing Bill		
Thomas A. O'Day, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	5,000.00	
Wayne O'Dell, 6004 Wilmington Dr. Burke, VA 22015	Cable Television Assn of MD, DE & DC	26,250.00	
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
John O'Donnell, 1776 I Street, NW, #400 Washington, DC 20006	American Nuclear Energy Council	2,927.00	1,405.00
Jane O'Grady, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	21,322.28	85.40
Terri O'Grady-Smith, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,489.48	698.27
Barbara E. O'Hara, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents	75.00	
Robert J. O'Hara Jr., 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Company		
Dean O'Hare, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
O'Keefe Ashenden Lyons & Ward, 30 North La Salle, #4100 Chicago, IL 60602	Mutual of America	9,153.75	996.00
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	
Bradley O'Leary, 3050 K Street, NW, Suite 105 Washington, DC 20007	Behavorial Psychographic Targeting, Inc		
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
O'Melveny & Myers, 555 13th St., NW Washington, DC 20004	CIGNA Corp		
Daniel J. O'Neal III, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	2,976.00	
Jim O'Neal, 4404 Fairfax Hill Plano, TX 75024	People for America		4,849.65
John Vincent O'Neill, 13411 Running Pump Ct. Herndon, VA 22071	Institute of Electrical & Electronics Engineers	2,944.00	
William S. O'Neill, 500 E Street, SW, Suite 920 Washington, DC 20024	AOPA Legislative Action	12,125.00	3,629.03
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn		
Do	American Telephone & Telegraph Co		
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Coalition of Boston Teaching Hospitals		
Do	Competitive Long Distance Coalition		
Do	General Mills, Inc		
Do	Glass Packaging Institute/Industry Union Glass Cont Program	800.00	
Do	Government of Mexico		
Do	JM Family Enterprises, Inc	5,283.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co		
Do	USX Corporation		
Do	Viacom International, Inc		
Paul O'Palka Jr., Fifth Avenue Place, Suite 1924 Pittsburgh, PA 15222	Blue Cross of Western Pennsylvania	15,200.00	1,230.99
Charles Robert O'Regan, Palumbo & Cerrell, Inc 1000 Connecticut Avenue, NW Washington, DC 20036	American Society of Composers, Authors & Publishers	6,127.50	176.15
Do	Atlantic Richfield Co		
Do	New Jersey Turnpike Authority		
John T. O'Rourke, 801 Pennsylvania Avenue, N.W., 5th Floor Washington, DC 20004	Coaxial Communications	3,500.00	
Do	PNC Mortgage Corp of America	1,500.00	17.38
Do	Securities Industry Assn	1,416.00	18.50
Do	The Limited, Inc	1,480.00	18.03
Rita W. O'Rourke, 1875 Eye St., NW, #800 Washington, DC 20006	Philip Morris Companies, Inc		
John J. O'Shaughnessy, 112 S. West Street Alexandria, VA 22314	Strategic Management Associates, Inc (For:Greater New York Hospital Assn)	20,001.00	
Do	Strategic Management Associates, Inc (For:Mobile X-Ray Providers of America)	15,000.00	
Do	Strategic Management Associates, Inc (For:Montefiore Medical Center)	16,000.00	
Do	Strategic Management Associates, Inc (For:National Assn of Urban Critical Access Hospitals).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Strategic Management Associates, Inc (For:National Medical Enterprises, Inc)		
J. Denis O'Toole, 1000 Connecticut Ave., NW, Suite 507 Washington, DC 20036	Household Financial Group, Ltd	4,900.00	
M. Diane O'Toole, 1000 Wilson Blvd., #2300 Arlington, VA 22209	Northrop Grumman Corporation	1,400.00	437.42
Stephen E. O'Toole, 1660 L St., NW Washington, DC 20036	General Motors Corp	3,000.00	1,588.50
Mary Rose Oakar & Asssociates, Inc, 2621 Lorain Avenue Cleveland, OH 44113	City of Cleveland (for Greater Cleveland Growth Assn)	9,990.00	
Do	Great Waters Aquarium	7,500.00	
Do	LTV Steel Company	5,000.00	
Do	National Assn of Geriatric Education Centers		
Paul C. Oakley, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,343.25	
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	663.39
James C. Odom Jr., 701 Pennsylvania Ave., NW Washington, DC 20004-2696	Edison Electric Institute	2,189.39	238.58
Joanne Ogaitis, 777 North Capitol Street, NE, #803 Washington, DC 20002	American Assn of Nurse Anesthetists		
Donald G. Ogilvie, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	2,425.00	193.20
Marion Browne Oglesby Jr., 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	5,000.00	
Ziad Ojakli, 1200 7th Street, NW, 8th Floor Washington, DC 20036	National Restaurant Assn	1,500.00	990.00
Philip M. Ola, 1199 North Fairfax Street, #204 Alexandria, VA 22314	International Council of Shopping Centers	550.00	
Oldaker Ryan & Leonard, 818 Connecticut Avenue, NW, #1100 Washington, DC 20006	Aetna Life & Casualty	2,875.00	105.30
Do	Alliance for Managed Competition	14,941.00	2,762.00
Do	American Assn of Retired Persons	750.00	
Do	American Farm Bureau	150.00	
Do	American Insurance Association	1,000.00	13.00
Do	American International Group, Inc		
Do	Anheuser-Busch Companies, Inc	2,000.00	13.00
Do	Ashland Oil, Inc	750.00	
Do	Association of American Railroads	12,500.00	398.00
Do	Avis, Inc	4,500.00	91.00
Do	California Waterfowl Assn		
Do	Champion International Corp		
Do	Circus Circus Enterprises, Inc	1,125.00	
Do	Citibank		
Do	Commonwealth Edison	1,875.00	
Do	Federal Express	4,500.00	427.00
Do	Fidelity Investments		
Do	Ford Motor Co	3,600.00	12.00
Do	General Electric Co	3,000.00	
Do	Hewlett-Packard Co	700.00	17.00
Do	Investment Company Institute	7,500.00	210.00
Do	Jones Intercable, Inc		
Do	Mescalero/Utility Storage Initiative	2,250.00	73.00
Do	MCI Communications Corp	1,125.00	
Do	National Cable Television Assn	12,500.00	56.00
Do	Pfizer, Inc	7,500.00	473.00
Do	Phillip Morris, Inc	6,412.00	60.00
Do	Proctor & Gamble Co		
Do	RJR Nabisco, Inc	2,400.00	13.00
John P. Olinger, Thomas J. Downey & Associates, Inc 1401 I Street, NW, #1210 Washington, DC 20005	American Personal Communications	900.00	
Do	Center on Law & Social Policy/Center on Budget Policy		
Do	E.I. du Pont de Nemours & Co	750.00	
Do	Fuel Cells for Transportation	150.00	
Do	Institute for Community Development		
Do	Joseph E. Seagram & Sons, Inc	900.00	
Do	Medco Containment Services, Inc	458.00	
Do	Metropolitan Life & Affiliated Companies	600.00	
Do	Personal Communications Industry Assn	500.00	
Do	Phillipp Brothers Chemicals, Inc	500.00	
Do	Time Warner, Inc	750.00	
Mike Oliva, 1301 K Street, NW, Suite 1200 Washington, DC 20005	IBM Corp	209.49	376.25
Heidi Belz Oliver, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	1,000.00	
R. Teel Oliver, 601 Pennsylvania Avenue, NW North Building, Suite 1200 Washington, DC 20004-2601	Merck & Co, Inc	3,000.00	500.00
Laura L. Olson, 1200 19th Street, #300 Washington, DC 20036	Smith Buklin & Assocs (for Amusement & Music Operators Assn)		
Olsson Frank & Weeda, 1400 16th Street, NW, #400 Washington, DC 20036-2220	American Academy of Audiology	2,000.00	
Do	Beef Products, Inc		
Do	ConAgra, Inc	1,000.00	
Do	National American Wholesale Grocers Assn	250.00	
Do	National Assn of Margarine Manufacturers		
Do	National Assn of Pharmaceutical Manufacturers	2,000.00	
Do	National Food Processors Assn	250.00	
Do	National Frozen Pizza Instutute		
Do	PennField Oil Co	7,900.00	
Do	Pillsbury Company	500.00	
Do	Ross Laboratories	2,000.00	
Do	San Tomo Group		
Do	Schwan's Sales Enterprises, Inc		
Do	Southeastern Poultry & Egg Assn		
Do	Western States Meat Assn		
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Stuart I. Oran, P.O. Box 66100 Chicago, IL 60666	United Airlines, Inc		
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,455.00	4,455.00
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		5,755.47	1,034.46
Beth H. Orsoff, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Sima Osdoby, 110 Maryland Ave., NE, Suite 205 Washington, DC 20002	Women's Action for New Directions, et al.	4,300.00	
Tamar L. Osterman, 1785 Massachusetts Ave., NW Washington, DC 20036	National Trust for Historic Preservation	1,055.04	
Robert V. Oswald, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	9,375.00	224.00
Michael F. Ouellette, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	6,500.00	270.00
Clifford M. Ouse, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	25.00	
Arthur R. Ouslander, P.O. Box 23451 Washington, DC 20026	Consolidated Rail Corporation	2,667.00	1,591.58
Overseas Education Assn, 1201 16th Street, NW, Room 210 Washington, DC 20036		416.66	1,745.13
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	279.29
Sally LaHue Owen, 900 19th Street, NW, #400 Washington, DC 20006	Savings and Community Bankers of America	2,500.00	101.39
Stephen F. Owen Jr., 107 Park Washington Court Falls Church, VA 22046	Classroom Publishers Assn		
Thomas E. Owens, 815 16th Street, NW, #309 Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	19,424.44	266.45
Wayne P. Pacelle, 9806 Cahart Place Silver Spring, MD 20903	Humane Society of the U.S.	3,700.00	32.00
Pacific Northwest Waterways Assn, P.O. Box 61473 Vancouver, WA 98666-1473		73,487.00	3,721.00
Joel Packer, 1201 16th Street, NW Washington, DC 20036	National Education Assn	4,217.25	85.00
Lee W. Paden, P.O. Box 201 Tulsa, OK 74102	Public Service Co of Oklahoma		
Anthony Padilla, 815 16th Street, NW, #511 Washington, DC 20006	Transportation Communications Union	3,000.00	250.00
Barbara Page, 401 Coors Boulevard, NW Albuquerque, NM 87121	Westland Development Co., Inc		
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
Fredrick D. Palenske, 1133 Topeka Boulevard Topeka, KS 66629	Blue Cross & Blue Shield of Kansas		
Brian Pallasch, 1575 Eye Street, NW Washington, DC 20005	American Soc of Assn Executives	300.00	
James A. Palmer, 1776 I Street, NW, Suite 1000 Washington, DC 20006	BP America, Inc		
Benjamin L. Palumbo, 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	8,262.50	124.50
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	350.00	
Do	Bristol-Myers Squibb Co	75.00	
Do	Palumbo & Cerrell, Inc (For:Los Angeles County Metropolitan Transit Authority)	275.00	
Do	New Jersey Turnpike Authority		
Palumbo & Cerrell, Inc, 1000 Connecticut Ave. NW, #706 Washington, DC 20036	American Soc of Composers Authors & Publishers	67,500.00	43,893.08
Do	Atlantic Richfield Co	35,996.25	4,159.90
Do	Bristol-Myers Squibb Co	20,000.00	1,316.80
Do	Los Angeles County Metropolitan Transportation Authority	12,196.33	5,700.96
Do	New Jersey Turnpike Authority	23,999.25	798.83
PanAmSat, LP, One Pickwick Plaza Greenwich, CT 06830			
Michael A. Papalia, 101 Constitution Ave., NW Washington, D2 0001	United Brotherhood of Carpenters & Joiners of America	1,336.50	
Jonathan R. Paret, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	3,754.98	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Bruce J. Parker, 1730 Rhode Island Ave., NW, #1000 Washington, DC 20036	National Solid Wastes Management Assn	500.00	
Tom V. Parker, Arkansas Petroleum Council One Riverfront Place, #460 North Little Rock, AR 72114	American Petroleum Institute		
Leslie Parks, 1776 I Street NW, #400 Washington, DC 20006	Nuclear Energy Institute	2,704.00	560.00
Ronald L. Parrish, 1800 One Tandy Center Fort Worth, TX 75102	Tandy Corporation	11,153.84	2,018.77
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	Glaxo, Inc	1,500.00	
Do	Herbalife International of America, Inc	750.00	
Charles C. Partridge, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	5,485.88	
Robert D. Partridge, 511 Janneys Lane Alexandria, VA 22302	Burns & McDonnell		
Caren Pasquale, 3000 K Street, NW, Suite 620 Washington, DC 20007	Merrill Lynch & Co	500.00	
Enzo Pastore, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,887.00	
Richard A. Pate, 1130 Connecticut Ave., NW, SUite 830 Washington, DC 20036	Southern Company Services, Inc	378.96	5,900.28
Gary B. Patterson, Delaware Petroleum Council P.O. Box 1429 Dover, DE 19903-1429	American Petroleum Institute		36.00
Jerry M. Patterson, Burke Williams & Sorenson 3200 Park Center Drive, #750 Costa Mesa, CA 92626	City of Bell & Bell Community Redevelopment Agency		
Do	Burke Williams & Sorensen (For:City of Santa Clarita)		
Laird D. Patterson, 1667 K Street, NW, Suite 600 Washington, DC 20006	Bethlehem Steel Corp	120.00	
Richard M. Patterson, 11038 Wickshire Way Rockville, MD 20852	Intrapol, Inc	2,250.00	410.00
Patterson Belknap Webb & Tyler, 1133 Avenue of the Americas New York, NY 10036	Teepak, Inc	14,450.00	201.00
C. James Patti, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	9,503.76	
Charles R. Patton, 1050 17th Street, NW, Suite 1250 Washington, DC 20036	Houston Industries, Inc	1,500.00	
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	Ad Hoc Coalition for Intermarket Coordination		
Do	Air Products & Chemicals, Inc		
Do	Amenco		
Do	American Bankers Assn		
Do	American College of Gastroenterologists		
Do	American Institute of Merchant Shipping		
Do	American Medical Security	540.00	50.00
Do	American Soc of Assn Executives	1,655.00	70.00
Do	Armco, Inc		
Do	Association for Manufacturing Technology (AMT)		
Do	Association of Trial Lawyers of America	125.00	
Do	Blue Cross of California	3,440.00	116.00
Do	Bright Beginnings Inc.		
Do	Bristol Myers/Squibb Corp		
Do	Brown & Williamson Tobacco Corp		
Do	BIC Corporation		
Do	Center for Creative Non-Violence		
Do	Center for Molecular Medicine & Immunology		
Do	Center for Strategic Tax Reform (CSTR)		
Do	Chamber of Commerce Health Care Coalition		
Do	Charlotte North Carolina Federal Liaison Task Force	480.00	
Do	Cherokee Nation of Oklahoma	3,580.00	90.00
Do	Cherokee Nation Industries, Inc	690.00	40.00
Do	Chicago Board Options Exchange	640.00	50.00
Do	Chrysler Corporation		
Do	City & County of Denver	1,000.00	1,755.11
Do	City of Baltimore		
Do	City of Cincinnati		
Do	City of Waterbury		
Do	Climate Council		
Do	Clorox Company	475.00	30.00
Do	Coalition for Fair Allocation of Interest		
Do	Coalition on Indian Housing Reform	230.00	
Do	College Savings Bank	150.00	
Do	Council on Community Blood Centers		
Do	CUC International		
Do	Denver Colorado Planning Department		
Do	Direct Marketing Assn, Inc	125.00	
Do	Dole Food Co		
Do	Drycleaner Environmental Legislative Fund	900.00	35.00
Do	Duty Free Shoppers Group, Ltd	125.00	20.00
Do	DuPont-Merck		
Do	Eagle-Picher Industries, Inc		
Do	Edison Electric Institute		
Do	Electric Reliability Coalition		
Do	Fastship Atlantic, Inc		
Do	Federation of American Health	1,350.00	100.00
Do	Federation Against Inequitable & Progressive Taxation		
Do	Flexi-Van Leasing, Inc		
Do	Ford Motor Co		
Do	Freedom to Advertise Coalition		
Do	FAG Kugelfischer Georg Schager KGaA		
Do	Genstar Container Corp		
Do	Greensboro-Jamestown Neighborhood Assn		
Do	GE Capitol Services		
Do	Institute of Scrap Recycling Industries		
Do	International Fabricare Institute		
Do	International Swaps Dealers Assn, Inc	2,730.00	20.00
Do	International Union of Police Assns		
Do	Irvin Industries		
Do	J.P. Morgan & Co, Inc		
Do	Jena Band of Choctau		
Do	Johanna-Dairies, Inc		
Do	Johnson Controls		
Do	Kaiser Aluminum & Chemical Corp		
Do	Landauer, Inc		
Do	Laquidara & Edwards (for Jacksonville Transporation Auth)		
Do	Leprino Foods		
Do	Loop, Inc		
Do	Major League Baseball Players Assn	912.50	65.00
Do	Manhole Adjusting, Inc		
Do	Marathon Oil Co		
Do	Mars, Inc	2,430.00	110.00
Do	Mashantucket Peqush Tribe		
Do	Mass Mutual		
Do	Matson Navigation Co		
Do	Metropolitan Life		
Do	Mitchell Energy & Development Corp		
Do	Morrison Knudsen		
Do	MovieFone, Inc	3,760.00	
Do	Mutual Legislative Committee		
Do	MCI Telecommunications, Inc		
Do	Nansay Hawaii		
Do	National Assn of Health Underwriters		
Do	National Assn of Life Underwriters		
Do	National Assn of Theatre Owners		
Do	National Automatic Merchandising Assn	125.00	
Do	National Cable Television Assn, Inc		
Do	National Retail Federation (RITAC)	1,750.00	21.00
Do	National Soft Drink Assn		
Do	New England Student Loan Marketing Corp	3,000.00	
Do	New York Life Insurance Company		
Do	Newspaper Assn of America		
Do	Northwestern Mutual Life Insurance Co		
Do	NCNB Texas National Bank		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OSG Bulk Ships, Inc		
Do	Pacific Lumber Co	4,930.00	
Do	Pepsico, Inc		
Do	Project ACTA, Inc		
Do	PNC Financial Corp		
Do	Reinsurance Assn of America		
Do	Reliance Group Holdings, Inc		
Do	Republic National Bank of New York		
Do	Scheidt & Bachman		
Do	Raymond F. Schoenke Jr.		
Do	Sedgwick James, Inc		
Do	Self Storage Assn		
Do	Shell Oil Co		
Do	Sheriff Harry Lee		
Do	Charles E. Smith Companies		
Do	SmithKline Beecham		
Do	Smokeless Tobacco Council, Inc	4,500.00	
Do	Spat Bay Corp		
Do	State of Louisiana, Office of Conservation		
Do	Steel Service Center Institute		
Do	Sultantate of Oman	550.00	
Do	Susan G. Komen Foundation		
Do	Thomson US, Inc		
Do	Trans Ocean, Ltd		
Do	Travelers		
Do	Triton Container		
Do	TANO Marine Systems		
Do	U.S. Tobacco Company	750.00	15.50
Do	USAir, Inc		
Do	USX Corporation		
Do	Wayne County Michigan		
Do	Westinghouse Electric Corp		
Do	Woodlands Corp		
Andrew R. Paul, 225 Reinekers Lane, #600 Alexandria, VA 22314	Satellite Broadcasting & Communications Assn	500.00	9.62
Paul Hastings Janofsky & Walker, 1299 Pennsylvania Ave., NW, 10th Floor Washington, DC 20004	Allegheny Power System Inc, et al.	3,075.00	
Do	Amdahl Corp		
Do	American College of Neuropsychopharmacology		
Do	American Institute of Merchant Shipping		
Do	American President Companies	3,600.00	
Do	American Trucking Assns, Inc	1,200.00	
Do	Business Council on Indoor Air		
Do	Government Affairs Policy Council of Reg Bell Operating Co's	20,400.00	
Do	Grocery Manufacturers of America, Inc	22,500.00	
Do	Kawasaki Motors Corp, USA		
Do	Morehouse College		
Do	Norfolk Southern Corp	3,150.00	
Do	Novo-Nordisk Pharmaceuticals, Inc	1,150.00	
Do	Tyson Foods, Inc	2,325.00	
Do	Union Pacific Corp	150.00	
Gwen Gampel Paulson, 711 Second Street, NE, #300 Washington, DC 20002	Center for Medicare Advocacy, Inc		
Do	Kinetic Concepts, Inc		
Do	Congressional Consultants (For:National Renal Administrators Assn)		
Kristin E. Paulson, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	639.00	1,141.08
Tommy J. Payne, 1455 Pennsylvania Ave., NW, #525 Washington, DC 20004	RJR Nabisco, Inc	3,115.00	537.23
Peabody & Brown, 1255 23rd Street, NW, #800 Washington, DC 20037	Affordable Housing Tax Credit Coalition	2,000.00	
Do	Institute for Responsible Housing Preservation	2,000.00	
Christopher T. Peace, 400 North Washington Street Alexandria, VA 22314	AOPA Legislative Action		
Do	National Assn of Professional Insurance Agents	10,000.00	841.10
Peace Political Action Committee, 110 Maryland Avenue, NE, #409 Washington, DC 20002			17,219.97
George A Peapples, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corporation	3,600.00	7,084.60
Norman E. Pearson, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Ronald Pearson, 422 First Street, SE, #208 Washington, DC 20003	Pearson & Pipkin, Inc (For:National Motorists Assn)		
Do	Pearson & Pipkin (For:Physicians Who Care)		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		255.47
Pearson and Pipkin, Inc, 422 First Street, SE, #208 Washington, DC 20003	National Motorists Assn	1,500.00	
Do	Physicians Who Care	1,500.00	
Robert Peck, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Lawrence Peduzzi, 1755 Jefferson Davis Highway, Suite 1107 Arlington, VA 22202	Diagnostic Retrieval Systems, Inc		
Dean R. Peeler, P.O. Box 4220 Montgomery, AL 36103-4220	American Petroleum Institute		
Elin Peltz, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Association		
Randall G. Pence, 2302 Horse Pen Road Herndon, VA 22071-3406	National Concrete Masonry Assn	6,500.00	607.00
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn		
James C. Pennington, 5535 Hempstead Way Springfield, VA 22151	National Assn for Uniformed Services	3,576.58	
Pennsylvania Mines Corp, P.O. Box 367 Ebensburg, PA 15931			1,260.00
Pennsylvania Power & Light Co, 2 North 9th Street Allentown, PA 18101			3,471.30
Charles D. Penry, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	90.00	
Eugene K. Pentimonti, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	15,000.00	
People for America, Inc, 4404 Fairfax Hill Plano, TX 75024			6,533.44
Pepsico, Inc, 700 Anderson Hill Rd. Purchase, NY 10577			381.19
Perkins Coie, 607 14th Street, NW #800 Washington, DC 20005-2011	Boeing Company		
Do	Burlington Resources		
Do	Cook Inlet Region, Inc		
Do	James River II, Inc		
Gary J. Perkinson, 453 New Jersey Ave., SE Washington, DC 20003	Beneficial Management Corp		
Karla Perri, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	1,000.00	
Cidette S. Perrin, 1319 F Street, NW, Suite 1000 Washington, DC 20004	National Assn of Private Psychiatric Health Systems	500.00	
Anne Powers Perry, 1212 New York Avenue, NW, #1200 Washington, DC 20005-3987	Oryx Energy Co	14,400.00	537.60
Beverly Perry, 1900 Pennsylvania Ave, NW Washington, DC 20068	Potomac Electric Power Company		
Edmund F. Perry, 1301 K Street, NW, Suite 1100 Washington, DC 20005	IBM Corp	120.96	
Schley Louie Perry III, 1521 New Hampshire Avenue N.W. Washington, DC 20036	National Cotton Council of America	2,750.00	50.96
Susan Perry, 1100 New York Avenue, NW, #1050 Washington, DC 20005-3934	American Bus Assn	2,687.50	75.00
John C. Perryman, 333 Piedmont Avenue, 23rd Floor Atlanta, GA 30308	Georgia Power Co	13,822.03	2,912.56
Gary S. Persinger, 1100 15th Street, NW Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		
John W. Pestle, Varnum Riddering Schmidt & Howlett P.O. Box 352 Grand Rapids, MI 49501-0352	Michigan Municipal Cooperative Group	12,873.00	2,457.00
Phillips S. Peter, 1200 18th Street, NW Washington, DC 20036	Reed Smith Shaw & McClay	200.00	
Robert L. Peters, 1101 14th Street, NW, #1400 Washington, DC 20005	Defenders of Wildlife		
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert R. Petersen, 1300 L Street, #925 Washington, DC 20005	National Grain Trade Council		10.50
Alan Peterson, 1505 Prince Street, #300 Alexandria, VA 22314	American Optometric Assn		
Cheryl A. Peterson, 600 Maryland Ave., SE, Suite 100 West Washington, DC 20024-2571	American Nurses' Assn	5,317.00	0.80
Dan A. Peterson, 1507 Lincoln Way, #304 McLean, VA 22102	Martin Marietta Corporation	8,500.00	
Helena Hutton Peterson, 1101 15th Street, NW Washington, DC 20005	Minnesota Mining & Manufacturing Co	2,500.00	
Kenneth W. Peterson, Kansas Petroleum Council 1005 Merchants Tower Topeka, KS 66612	American Petroleum Institute		
Lars E. Peterson, 800 Connecticut Avenue, NW Washington, DC 20006	Food Marketing Institute	500.00	
Joseph P. Petito, 1800 M Street, NW, #400 Washington, DC 20036	Coopers & Lybrand	2,200.00	20.00
Susan F. Petniunas, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Michael J. Petrina Jr., 1101 17th Street, NW, #300 Washington, DC 20036	Cosmetic Toiletry & Fragrance Assn, Inc	1,000.00	
Stephan Petry, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Assn	44.00	
Brian T. Petty, 1901 L St., NW, #702 Washington, DC 20036	International Assn of Drilling Contractors		
James R. Phalen, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	7,523.00	705.00
Pharmaceutical Research and Manufacturers of America, 1100 15th Street, NW, #900 Washington, DC 20005		76,677.00	76,677.00
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,686.91	11.19
Dennis J. Phelan, 1101 17th St., N.W., #609 Washington, DC 20036	Pacific Seafood Processors Assn	23,750.00	193.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Mary Frances Phelps, 1050 Connecticut Ave., NW, #760 Washington, DC 20036	Union Oil Co of California		
William C. Phelps, 2929 Allen Parkway Houston, TX 77019	American General Corporation		3,327.62
William W. Phelps, P.O. Box 2159 Dallas, TX 75221	FINA, Inc	6,380.00	3,910.00
James R. Phifer, 1700 N. Moore St., #1801 Arlington, VA 22209	Magnavox Electronic Systems Co	7,488.00	2,700.97
Barbara Phillips, 1818 N Street, NW Washington, DC 20036	AirTouch Communications	24,500.00	2,001.18
Deirdre B. Phillips, 100 Federal Street Boston, MA 02110	First National Bank of Boston	1,000.00	1,650.02
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	38.91
Karen B. Phillips, 50 F Street, NW Washington, DC 20001	Association of American Railroads	1,224.97	1,244.98
William H. Phillips, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	1,404.14	
Kristine Phillips-Geddings, 2000 K Street, NW, #800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	1,857.00	
Dan Phythyon, 1771 N St., NW Washington, DC 20036	National Assn of Broadcasters	4,500.00	375.17
Lori J. Pickford, 2301 M Street, NW Washington, DC 20037	American Public Power Assn	1,000.00	
Paulette C. Pidcock, 1301 Pennsylvania Ave., NW, #1050d Washington, DC 20004	Baltimore Gas & Electric Co		
Jennifer M.E. Pierce, 555 13th Street, NW, #300 West Washington, DC 20004	Interstate Natural Gas Assn of America	3,000.00	
Jim Pierce, 1420 King Street Alexandria, VA 22314-2794	National Society of Professional Engineers	1,000.00	
Melinda Pierce, 408 C Street, NE Washington, DC 20002	Sierra Club		
Jeremy Edes Pierotti, 1401 New York Avenue, NW, #1100 Washington, DC 20005	National Cooperative Business Assn	5,625.00	8.00
Pierson Semmes & Bemis, 1054 31st Street, NW Washington, DC 20007	American Land Title Assn		
Do	Mauritius Sugar Syndicate		
Donna M. Pignatelli, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,604.00	
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	Edison Electric Institute		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Frank M. Pizzoli, 1335 North Front Street Harrisburg, PA 17102	Pennsylvania Chiropractic Society		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Planned Parenthood Fed of America, Inc, 1120 Connecticut Ave., NW, #461 Washington, DC 20036		6,203.21	6,203.51
Michael L. Platner, 1220 L Street, NW, Suite 900 Washington, DC 20005	American Petroleum Institute	9,730.00	137.76
Jon Plebani, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Circus Circus Enterprises, Inc)		
Do	Arter & Hadden (For:Citicorp)	60.00	
Do	Arter & Hadden (For:Corning, Inc)		
Do	Arter & Hadden (For:Electronic Data Systems Corp)		
Do	Arter & Hadden (For:Financial Guaranty Insurance Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:Merck & Co, Inc)	60.00	
Do	Arter & Hadden (For:National Assn of Broadcasters)		
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Do	Arter & Hadden (For:United Services Automobile Assn)		
Wyll W. Pleger, 1150 18th Street, NW, #200 Washington, DC 20036	Brown & Root, Inc		
E. R. Plourd, 400 N. Capitol Street, NW, #856 Washington, DC 20001	United Transportation Union	2,500.00	
Kraege Polan, 1315 Nueces Austin, TX 78701	Polan-Ingram Advocacy Group (For:Vermont Yankee Nuclear Power Corp)	1,250.00	1,288.00
Policy Consulting Services, Inc, 1707 L Street, NW, #725 Washington, DC 20036	Nissan Motor Company, Ltd		
Do	Nissan Motor Manufacturing Corp, U.S.A.		
Do	Nissan North America, Inc		
Diane Pollack, 1120 Connecticut Ave., NW, Sutie 461 Washington, DC 20036	Planned Parenthood Federation of America	1,062.50	288.25
Mindy Pollack, One Greenwich Plaza P.O. Box 2568 Greenwich, CT 06836	Reinsurance Assn of America	750.00	
Michele Pollak, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	724.16	577.50
Alfred M. Pollard, 900 19th Street, NW, Suite 400 Washington, DC 20006	Bankers Roundtable	5,653.85	
Thomas B. Pollard Jr., P.O. Drawer 2426 Columbia, SC 29202	Nexsen Pruet Jacobs & Pollard (For:Greenwood Development Corp)		
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Harry L. Ponder, 815 16th Street, NW, #707 Washington, DC 20006	Department for Professional Employees AFL-CIO	8,775.06	
Kathryn Pontzer, 1383 Piccard Drive P.O. Box 1725 Rockville, MD 20849-1725	American Occupational Therapy Assn, Inc	5,000.00	66.75
Anthony Poole, 1020 19th Street, NW, Suite 800 Washington, DC 20036	Kelly Anderson & Associates (For:James River Corp)		
Pope McGlamry Kilpatrick & Morrison, 720 Broadway Columbus, GA 31902	INSLAW, Inc		
Joseph V. Popolo Jr., 1600 Wilson Boulevard, #807 Arlington, VA 22209	Roadway Services, Inc		
John D. Porter, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute	10,640.00	
Porter Wright Morris & Arthur, 1233 20th Street, NW Suite 400 Washington, DC 20036	Teksid, Inc	2,748.00	180.43
Potomac Research Group, 1747 Pennsylvania Ave., NW, Suite 1000 Washington, DC 20006	Alliance for GATT Now	41,500.00	165.00
Jack R. Pounds, Betz Laboratories Inc 4636 Somerton Road Trevose, PA 19053	Betz Laboratories Inc		
Beth Powell, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	12,000.00	345.18
Jan Geiselman Power, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
John J. Power, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	20,990.48	54.50
Robert J. Powers, 101 Constitution Avenue, NW Washington, DC 20001	United Brotherhood of Carpenters and Joiners of America	8,076.96	1,238.85
David J. Pratt, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn	850.00	
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	12,000.00
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Preston Gates Ellis Rouvelas & Meeds, 1735 New York Avenue, NW, #500 Washington, DC 20006	Akitsu Shipping Co, Ltd		
Do	American Fisheries Coalition		
Do	American Forest & Paper Assn		
Do	American President Lines	1,706.00	
Do	ASARCO, Inc		
Do	Benson Marine Group		
Do	Brown Forman Corp		
Do	Burlington Northern Railroad Co	8,286.00	
Do	Business Software Alliance	672.00	
Do	Calista Corp		
Do	Chambers Development Co, Inc	2,925.00	
Do	Delta Queen Steamboat Company	2,694.50	
Do	Dynasty Cruise Line, Inc		
Do	Hazardous Waste Action Coalition	5,495.00	
Do	Hewlett-Packard Co		
Do	Intelsat		
Do	Intermodal Association of North America	540.00	
Do	Marine Resources Company International		
Do	Maruha Corporation		
Do	Massachusetts Port Authority	7,538.00	
Do	Microsoft Corp	17,051.50	
Do	Mining Law Coalition		
Do	Mormac Marine Group, Inc/Mormac Marine Transport, Inc		
Do	National Council on Compensation Insurance		
Do	Nichiro Corp		
Do	Nissui Shipping Corp		
Do	OMI Corp	2,065.50	
Do	Pitney Bowes		
Do	Port of Seattle		
Do	Printing Industries of America		
Do	Rokuchuo Marine Corp		
Do	Royal Seafoods, Inc	20,786.50	
Do	Seattle Housing Authority		
Do	Sunmar Shipping, Inc		
Do	Transportation Institute	300.00	
Do	Tri-City Industrial Development Council		
Do	University of Washington		
Do	USTF Conference Group	504.00	
Do	Washington State Hospital Assn		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	288.99
Sheila M. Prindiville, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Waste Management Assn	500.00	
Curtis A. Prins, 4708 Briar Patch Ct. Fairfax, VA 22032	Acclerated Payment Systems	9,193.30	
Do	Adams Cohen Securities, Inc	2,886.28	
Do	American Collectors Assn	16,026.81	
Do	Credit Union National Assn	6,249.99	
Do	National Auctioneers Assn	14,765.26	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	U-Haul International	15,334.42	
Paul Clement Pritchard, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Association	950.00	455.89
Procompetitive Rail Steering Committee, c/o Vuono, Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219			
Peter D. Prowitt, 1101 17th Street, NW, #400 Washington, DC 20036	American President Companies, Ltd	11,874.00	
Jerry Z. Pruzan, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co	100.00	
Alan C. Ptak, 916 Harriman Street Great Falls, VA 22066	Martin Marietta Corp	2,875.00	
Public Employee Department, AFL-CIO, 815 16th St., NW Washington, DC 20006		53,138.34	18,617.59
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			
Public Strategies, 98 San Jacinto, Suite 900 Austin, TX 78701	Hillwood Development Corp	4,800.00	84.19
Do	Southwest Airlines Co	4,800.00	12.54
Public Strategies Washington, Inc, 1455 Pennsylvania Ave., NW, #1100 Washington, DC 20004	Advanced Micro Devices	7,500.00	
Do	American Methanol Institute	30,000.00	
Do	American Trucking Assns, Inc	18,000.00	
Do	Anheuser-Busch Companies, Inc	30,000.00	
Do	Beneficial Management Corp	30,000.00	
Do	Blue Cross Blue Shield Assn	36,000.00	
Do	Boston Capital Partners, Inc	4,000.00	
Do	Chiquita Brands International	150,000.00	
Do	G-Tech Corporation	27,000.00	
Do	Mexican Department of Commerce & Finance	89,949.00	
Do	Nafta-El Paso Business Development Council	30,000.00	
Do	National Assn of Chain Drug Stores	24,999.00	
Do	Southwest Airlines	6,000.00	
David E. Pullen, 1625 K Street, NW, #750 Washington, DC 20006	Manville Corporation	500.00	
Thomas W. Purcell, 100 Daingerfield Road Alexandria, VA 22314	Printing Industries of America, Inc	2,500.00	
Earle W. Putnam, 5025 Wisconsin Avenue, NW Washington, DC 20016	Amalgamated Transit Union, AFL-CIO		
Howard Pyle III, 1050 17th Street, NW, #1250 Washington, DC 20036	Houston Industries, Inc	8,000.00	
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
Do	Independent Bakers Assn	1,350.00	
Do	Stratcor	750.00	
Do	Welch Foods, Inc	2,000.00	
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	1,012.50
PHP Healthcare Corp, 11440 Commerce Park Drive, 3rd Floor Reston, VA 22091			15,000.00
Quaker Oats Company, 321 North Clark Street Chicago, IL 60610		2,509.74	2,509.74
Harold P. Quinn Jr., 1130 17th St., NW Washington, DC 20036	National Coal Assn	10,238.00	
John E. Quinn, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,000.00	
Earl C. Quist, 1850 M Street, NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Mark J. Raabe, 601 Pennsylvania Ave., NW North Building, Suite 1200 Washington, DC 20004	Merck & Co, Inc	1,500.00	500.00
Glenn S. Rabin, 1801 Pennsylvania Avenue, NW Washington, DC 20006	MCI Communications Corp		
Eugene M. Rackley, 1350 New York Ave., NW, Suite 900 Washington, DC 20005	International Franchise Assn		
Alex Radin, 1200 New Hampshire Ave., NW, #311 Washington, DC 20036	Radin & Associates, Inc (For:Tennessee Valley Public Power Assn)	593.75	
Do	Radin & Associates, Inc (For:Washington Public Utility Districts Assn)	781.25	
Radio-Television News Directors Assn, 1000 Connecticut Avenue, NW, #615 Washington, DC 20036		2,500.00	
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Association of Progressive Rental Organizations	9,000.00	
Do	AT&T	24,143.65	1,449.42
Do	China External Trade Development Council	35,000.00	
Do	Crystal Holdings Corp	2,000.00	
Do	Embassy of the Government of India	138,000.00	58,375.21
Do	Gardner Carton & Douglas		
Do	Golden Hill Paugussett Tribe		
Do	Jones Intercable		438.19
Do	Korea Foreign Trade Assn	45,000.00	135.74
Do	McDonnell Douglas Corp		
Do	National Cable Television Assn	18,750.00	225.51
Do	Stock Information Group		
Do	Telecommunications Industry Assn	10,500.00	144.27
Do	Tudor Investment Corp	1,000.00	
Zvi Rafiah, Asia House 4 Weizman Street Tel Aviv, 64239 Israel	Rabintex Industries, Ltd		
Do	Rafael Armament Development Authority	17,288.00	1,480.00
Do	TAAS, Israeli Industries LTD (IMI)	16,365.00	2,543.00
Do	Urdan Industries LTD		
Robert H. Ragan, 1015 15th Street, NW, Suite 700 Washington, DC 20005-2605	Bechtel Group, Inc		
Railway Progress Institute, 700 North Fairfax St. Alexandria, VA 22314			
Lisa J. Raines, 1020 19th Street, NW Washington, DC 20036	Genzyme Corp		
Meghan B. Rainey, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	331.18
John C. Ramig, 1300 S.W. Fifth Ave., #3400 Portland, OR 97201	Lindsay Hart Neil & Weigler (For:Evans Loosley, Inc)		1,425.29
Do	Lindsay Hart Neil & Weigler (For:MOEX Corp)	6,758.15	6,901.33
Jack Ramirez, 2600 River Road Des Plaines, IL 60018	National Assn of Independent Insurers	1,500.00	
Howard W. Randolph Jr, 815 16th St., NW Washington, DC 20006	Transportation-Communications Union	1,000.00	
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	6,570.59
Magda A. Ratajski, Three Commercial Place Norfolk, VA 23510-2191	Norfolk Southern Corp		
John W. Rauber Jr., 1101 Vermont Avenue, NW Washington, DC 20005	Chadbourne & Parke (For:American Forest & Paper Assn)		
G. David Ravencraft, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Bruce A. Ray, Bruce Ray & Company 636 A Street, NE Washington, DC 20002	Bayley Seton Hospital	15,521.16	
Do	Cumberland Packing Company	10,517.36	
Do	Lutheran Medical Center	9,278.84	
Do	Simply Lite Foods Corp	5,898.93	
Rhonda J. Ray, 3201 Mayfair Road Baltimore, MD 21207	Maryland Food Committee		60.00
Helene Rayder, 1020 19th Street, NW, #600 Washington, DC 20036	Mutual of Omaha Companies		
Robert S. Raymar, One Gateway Center Newark, NJ 07102	Hellring Lindeman Goldstein & Siegal (For:GAF Corporation)		
Edgar L. Ready, 1800 Concord Pike Wilmington, DE 19897	Zeneca, Inc	5,975.00	1,027.00
Joanna E. Reagan, 815 15th Street, NW Washington, DC 20005	International Union of Bricklayers & Allied Craftsmen	3,000.00	54.79
Recording Industry Assn of America, Inc, 1020 l9th St., NW #200 Washington, DC 20036		11,250.00	11,250.00
John M. Rector, 205 Daingerfield Rd. Alexandria, VA 22314	National Assn of Retail Druggists	700.00	150.00
Donald L. Redfoot, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	782.58	107.97
Jo Reed, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	959.47	
Michael L. Reed, 1100 15th Street, NW, #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	50.00
Reed Smith Shaw & McClay, 1200 18th Street, NW Washington, DC 20036	Goldman Sachs & Co		
Do	Radio-Television News Directors Assn	4,000.00	
Robert K. Reeg, 1420 King Street Alexandria, VA 22314-2715	National Society of Professional Engineers	1,250.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	753.46
J. Ronald Reeves, 2345 Crystal Drive Arlington, VA 22227	U.S. Air, Inc	2,000.00	168.75
R. Brent Regan, 1401 I Street, NW, #1100 Washington, DC 20005	SBC Communications, Inc	15,000.00	320.17
Timothy J. Regan, 1455 Pennsylvania Ave., NW, #500 Washington, DC 20004	Corning, Inc	10,000.00	1,218.30
Regional Airline Association, 1200 19th Street, NW., #300 Washington, DC 20036-2401		9,088.00	2,150.00
David K. Rehr, 1100 South Washington Street, Ist Floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	22,499.10	369.59
Reichler Milton & Medel, 1747 Pennsylvania Ave., NW, #1200 Washington, DC 20006	Democracy & Dignity Foundation		
Do	Embassy of the Republic of Uganda		830.60
Do	Interim Government of National Unity of Liberia		
Do	Republic of Guyana	26,468.18	1,526.96
Do	Republic of Nicaragua	75,000.00	3,590.16
Do	Saharawi Arab Democratic Republic		
Do	Supreme Court of Justice of the Republic of Guatemala		
Do	United Front for Multiparty Democracy (Malawi)		
Do	United Republic of Tanzania	69,000.00	2,979.09
Michael W. Reid, 1300 L Street, NW Washington, DC 20005	American Postal Workers Union, AFL-CIO	15,855.26	955.04
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	15,905.25	676.50
Do	Denver International Airport	54,618.41	730.81
Do	Edison Electric Institute		
Do	Henschel, Inc	7,960.00	186.55
Do	Kabi Pharmacia, Inc	9,120.00	281.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Minnesota Power		
Do	MDU Resources Group, Inc		
Do	Nishika Corp		
Do	Parsons Brinckerhoff Quade & Douglas, Inc	6,480.00	157.38
Do	Pride Refining, Inc		
Do	SPD Technologies	63,477.50	1,514.83
Do	Tucson Electric & Power Co		
Do	United Illuminating Company		
Ronald T. Reiling, 111 Powdermill Road Maynard, MA 01754	Digital Equiptment Corp	25,000.00	
Burke G. Reilly, 1350 I Street, NW Washington, DC 20005	Ford Motor Co	2,250.00	644.00
Reinhart Boerner Van Deuren Norris & Rieselbach, 601 Pennsylvania Ave., NW North Bldg., Suite 750 Washington, DC 20004-2612.	National Employee Benefits Institute		
Reinsurance Assn of America, 1301 Pennsylvania Avenue, N.W., #900 Washington, DC 20004			
Christine W. Reiter, 1330 Connecticut Ave, NW Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufaturers Assn	500.00	
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition of Consumers' Picture Rights)	19,140.39	
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Time Warner, INc)		
Diane Rennert, 1718 Connecticut Avenue, NW, #700 Washington, DC 20009	Association of American Publishers	6,500.00	458.95
Stephen P. Rentner, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,000.00	
Edward Repa, 4301 Connecticut Ave., NW #300 Washington, DC 20008	National Solid Wastes Management Assn	500.00	
Galen J. Reser, 700 Anderson Hill Road Purchase, NY 10577	PepsiCo, Inc	175.00	206.19
Barclay T. Resler, 800 Connecticut Ave., NW, Suite 711 Washington, DC 20006	Coca-Cola Company		
Resource Management Consultants, Inc, 205 S. Whiting Street, #308 Alexandria, VA 22304		30,501.00	785.71
Retired Officers Assn, 201 N. Washington St. Alexandria, VA 22314		151,533.62	114,337.46
Vincent P. Reusing, 1620 L Street, NW, #800 Washington, DC 20036	Metropolitan Life Insurance Co	750.00	
Alan V. Reuther, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	26,647.77	220.00
Mark E. Rey, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,500.00	
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)		
Do	Stewart & Stewart		
David Lyon Reynolds, 444 North Capitol Street, NW Washington, DC 20001	Association of California Water Agencies	1,000.00	
Nicholas S. Reynolds, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		53.80
Larry D. Rhea, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,200.00	
Frederick W. Rhodes, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	K & F Industries		
Do	Loral Corporation	4,250.00	
Hermione Rhones, 1735 New York Avenue, NW Washington, DC 20006	American Institute of Architects	2,500.00	
Jeffrey Ricchetti, 1310 G Street, NW, 12th Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	5,626.00	1,181.07
Allen Richard, 600 Maryland Avenue, SW, #202W Washington, DC 20024	Farmers' Educational & Co-Operative Union of America		
Richard Richards, Law Office of Richard Richards 1025 Thomas Jefferson Street, NW, #105 Washington, DC 20007	Pratt & Whitney		
Do	Sunrider International	2,000.00	
Alan H. Richardson, 2301 M St., NW Washington, DC 20037	American Public Power Assn	1,000.00	
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
John G. Richardson, 1130 Connecticut Ave, NW, #830 Washington, DC 20036	Southern Company Services, Inc	625.00	4,075.24
Timothy L. Richardson, 4104 Denfeld Avenue Kensington, MD 20895	Akhiok-Kaguyak, Inc	6,000.00	
Do	Old Harbor Native Corp	6,000.00	
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,635.00	74.63
Max Richtman, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	29,920.00	4,692.84
Lisa A. Rickard, 1200 19th Street, NW, Suite 603 Washington, DC 20036	Ryder System, Inc	1,350.00	25.00
Lowell J. Ridgeway, North Dakota Petroleum Council P.O. Box 1395 Bismarck, ND 58502	American Petroleum Institute		
E. George Riedel, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Quentin Riegel, 1331 Pennsylvania Ave., NW, Suite 1500 North Tower Washington, DC 20004-1790	National Assn of Manufacturers	200.00	
Brian Riendeau, 1441 Gardiner Lane Louisville, KY 40213	KFC USA, Inc		
Francis J. Rienzo, 1455 F Street, NW, Suite 450 Washington, DC 20005	Upjohn Company	10,000.00	
Blair A. Rieth Jr., 1101 Pennsylvania Ave., NW, Suite 540 Washington, DC 20004	Eli Lilly & Co	2,000.00	72.24
Karen Rindge, 1120 Connecticut Ave., NW, #461 Washington, DC 20036	Planned Parenthood Federation of America	1,300.20	258.40
Russell C. Ring, 1700 Pensylvania Ave., NW, #500 Washington, DC 20006	Mutual of Omaha Insurance Co		
Joan D. Ringel, 511 16th Street, Suite 210 Denver, CO 80202-4227		5,000.00	
Irene Ringwood, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	American Dehydrated Onion & Garlic Assn	67.00	
Do	Direct Service Industries, Inc	503.00	
Do	Pacific Northwest Utility Conference Committee	503.00	
Do	Washington Wheat Commission	168.00	
Rini & Coran, 1350 Connecticut Ave., NW, Suite 900 Washington, DC 20036			
Mary Jane Rintelman, 3100 AMS Boulevard P.O. Box 19032 Green Bay, WI 54313	American Medical Security	149.06	290.48
John S. Rippey, 805 15th Street, NW, #600 Washington, DC 20005	Bankers Roundtable	6,024.15	
Carol A. Risher, 1718 Connecticut Ave., NW, #700 Washington, DC 20009-1148	Association of American Publishers	2,000.00	
Tom Ritter, 33045 Hamilton Boulevard Farmington Hills, MI 48018	Household Financial Group, Ltd		
William R. Ritz, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,936.00	
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
Ivette E. Rivera, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	5,000.00	
Andrew W. Robart, 701 Pennsylvania Avenue, NW Washington, DC 20004	Edison Electric Institute	89.29	11.40
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association of Financial Guaranty Insurors		
Do	C.O.A.C.H. Foundation		
Do	Cahners Publishing Co		
Do	C02 (Carbon Dioxide) Coalition		
Do	Forest City Ratner		
Do	Goldman Sachs & Co		
Do	H.J. Heinz Company		
Do	Human Genome Sciences, Inc		
Do	National Council of Health Facilities Finance Authorities		
Do	National Theatre of the Deaf		
Do	New York Public Library		
Do	New York State Housing Finance Agency		
Do	New York State Medical Care Facilities Finance Agency		
Do	North American Vaccine, Inc		
Do	Office of the Los Angeles District Attorney		
Do	Puerto Rico Federal Affairs Administration		
Do	Scholastic, Inc		
Do	Town of Vail (Colorado)		
Do	Writers Guild of America, West, Inc		
Wade H. Robert, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	5,001.00	299.51
Arch W. Roberts Jr., 1615 L Street, NW, Sutie 1150 Washington, DC 20036	Capitoline/MS&L (For:Republic of Turkey)	5,000.00	
Do	Capitoline/MS&L (For:UNISYS Corp)	9,000.00	
Carole T. Roberts, 901 15th Street, NW, #520 Washington, DC 20005	Travelers Companies	2,750.00	
David Gwyn Roberts, 411 Fayetteville Street Mall Raleigh, NC 27601	Carolina Power & Light Company	718.00	3,669.00
Glenn Roberts, 1620 I Street, NW, #925 Washington, DC 20006	American Spice Trade Association		
Do	Flavor and Extract Manufacturers Assn		
Do	Fragrance Materials Assn		
Do	International Assn of Color Manufacturers		
Perry A. Roberts, 8000 W. Florissant St. Louis, MO 63136	Emerson Electric Co		1,554.60
Roselee N. Roberts, 1735 Jefferson Davis Highway, #1200 Arlington, VA 22202	McDonnell Douglas Corp		
Rebecca Roberts-Malamis, 1 Massachusetts Ave., NW, #350 Washington, DC 20001	Chubb Corporation	5,000.00	66.16
Steve A. Robertson, 1608 K Street, NW Washington, DC 20006	American Legion	13,812.51	162.73
Robins Kaplan Miller & Ciresi, 1801 K Street, NW, #1200 Washington, DC 20006	Factory Mutual Engineering	732.00	12.52
Do	International Group of P&I Clubs	52,589.00	169.35
Cas M. Robinson, 1776 Eye Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute		
Davis R. Robinson, 1875 Connecticut Avenue, NW, 12th Floor Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae (For:Feibel-Garek)		
H. Alexander Robinson, 122 Maryland Ave., NE Washington, DC 20002	American Civil Liberties Union		
Kenneth L. Robinson, 3138 North l0th Street Arlington, VA 22201	National Assn of Federal Credit Unions		
Robinson Lake Lerer & Montgomery, 1501 M St., NW, #600 Washington, DC 20005	Commission on Self-Determination	1,500.00	
Do	CALCOT, Ltd		
Do	Ingersoll-Rand	13,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Mesa, Inc		
Do	National Venture Capital Association		
Do	Sun Diamond Growers	1,500.00	
Peggy Rochette, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	300.00	
Julie Rochman, 1211 Connecticut Avenue, NW, #400 Washington, DC 20036	Alliance of American Insurers	5,000.00	
James A. Rock, 1101 Pennsylvania Avenue, NW, #530 Washington, DC 20004-2514	Montana Power Co, et al.	2,500.00	2,392.20
Rock & Associates, 818 Connecticut Ave., NW, Suite 1100 Washington, DC 20006	Kinetic Concepts, Inc	3,000.00	
Do	Southern Company Services, Inc	3,000.00	
Do	Valhi, Inc	2,000.00	
Daniel Rode, 1050 17th Street, NW, #700 Washington, DC 20036	Healthcare Financial Management Assn		85.00
Quincy Rodgers, 1899 L Street, Suite 500 Washington, DC 20036	General Instrument Corporation	7,000.00	
Raymund Rodriguez, P.O. Box 982 El Paso, TX 79960	El Paso Electric Co		
Robert A. Roe Associates, Inc, 1680 Route 23 Wayne, NJ 07470	City of Newark	10,000.00	23,954.55
Do	County of Bergen	6,270.72	23,954.55
Do	New Jersey Sports & Exposition Authority	30,000.00	23,954.55
James A. Rogers, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	2,000.00	1,343.53
Kathleen Rogers, 666 Pennsylvania Avenue, SE Washington, DC 20003	National Audobon Society		
Susan L. Rogers, 601 13th Street, NW, #410 South Washington, DC 20005	R. Duffy Wall & Associates, Inc	1,250.00	
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	American Express Co		
Do	Canadian Pulp & Paper Assn		
Do	Dofasco, Inc		
Do	Dreyfus Corporation	45,000.00	250.00
Do	Investment Program Assn		
Do	Kamehameha Schools/Bishop Estate		
Do	Lehman Brothers, Inc		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Major League Baseball Players Assn	100.00	5.76
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	R.L. Polk & Company	15,000.00	205.00
Do	Republic National Bank		
Do	RPM Securities, Inc		
Do	The Specialist Association		39.51
Do	Wine & Spirits Wholesalers of America, Inc		
M. Guy Rohling, 11 Dupont Circle, NW, Suite 300 Washington, DC 20036	Albers & Co (For:May Department Stores)		
Richard A. Rohrbach, 1615 M Street, NW, #570 Washington, DC 20036	Boise Cascade Corp	11,400.00	
Frank G. Rohrbough, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	3,769.50	
Ian M. Rolland, 200 East Berry Street Fort Wayne, IN 46802	Lincoln National Corp		
Jackie Rollins, 1201 16th Street, NW Washington, DC 20036	Overseas Education Assn, Inc		
Emil A. Romagnoli, 1600 M Street, NW, #700 Washington, DC 20036	Asarco, Inc	10,000.00	3,768.85
Lewis Rome, 55 Farmington Avenue, #403 Hartford, CT 06105	Trading Cove Associates	7,675.54	
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
J. Patrick Rooney, 7440 Woodland Drive Indianapolis, IN 46278	Golden Rule Insurance Company		
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	American Council on Education		
Do	Cabot Corp		
Do	Dial Page, Inc	510.00	29.25
Do	Industrial Development Authority of Ireland		
James C. Rosapepe, 1828 L Street, NW, #1010 Washington, DC 20036	Rosapepe & Spanos, Inc (For:H&R Block, Inc)	1,284.00	129.26
Rosapepe & Spanos, Inc, 1828 L Street, NW, #1010 Washington, DC 20036	H&R Block, Inc	9,750.00	7,439.36
Clifton Peter Rose, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
Rose Communications, Inc, 1625 K Street, NW, Suite 790 Washington, DC 20006	Fuel Cells for Transportation		
Do	Johnson Matthey, Inc		
Burt E. Rosen, 1020 19th Street, NW, #420 Washington, DC 20036	SmithKline Beecham Corp	2,500.00	500.00
Hilary Rosen, 1020 19th St., NW, #200 Washington, DC 20036	Recording Industry Assn of America	1,500.00	
Albert B. Rosenbaum III, 499 South Capitol Street, SW, #520 Washington, DC 20003	Allwaste, Inc	2,000.00	
Robert M. Rosenberg, 8100 Oak Street Dunn Loring, VA 22027	National Pest Control Assn		
Herb Rosenbleeth, 1811 R Street, NW Washington, DC 20009	Jewish War Veterans of the USA	16,880.50	24.10
Richard D. Ross, 1301 Pennsylvania Ave., NW, #305 Washington, DC 20004	Natural Disaster Coalition	12,000.00	2,861.28
William F. Ross, South Carolina Petroleum Council 1220 L Street, NW Washington, DC 20005-8	American Petroleum Institute		
John C. Rother, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	2,025.96	
Lauren J. Rothfarb, 1126 16th St., NW Washington, DC 20036	International Union of Electronic Electrical Salaried...	12,165.48	201.24
Linda Rothleder, 315 Bonifant Road Silver Spring, MD 20904	Marconi Electronics, Inc, et al.	3,000.00	971.93
Edwin Rothschild, 1120 19th Street, NW SUite 630 Washington, DC 20036	Citizen Action Fund	300.00	44.00
Jeffrey S. Rothstein, 2722 Merrilee Drive, #360 Kansas City, KS 66101	International Brotherhood of Boilermakers...	230.00	
Donald D. Rounds, South Dakota Petroleum Council 222 E. Capitol, #16 Pierre, SD 57501	American Petroleum Institute		
G. Jon Roush, 900 17th Street, NW Washington, D2 0006	Wilderness Society		
Lori Groves Rowley, 1025 Connecticut Ave, NW, #1014 Washington, DC 20036	Enserch Corp	3,282.00	4,741.87
P. Norman Roy, P.O. Box 1938 (10 Madison Ave) Morristown, NJ 07962-1938	Financial Executives Institute	1,325.00	
Robert S. Royer, 1747 Pennsylvania Ave., NW, #900 Washington, DC 20006	Conference of State Bank Supervisors		
Do	Eaton Vance Corp		
Do	Federal Home Loan Bank of New York		
Do	Long Island Savings Bank		
Do	MacAndrews & Forbes Holdings, Inc		
Do	McClure Gerard & Neuenschwander, Inc		
Do	Michigan Trade Exchange		
Do	Republic Boston Capital Corp		
Do	Thorn Americas		
David R. Rozier Jr., 333 Piedmont Avenue Atlanta, GA 30308	Georgia Power Company	18,366.09	6,445.64
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Eldon Rudd, P.O. Box 873 Scottsdale, AZ 85252	Central Arizona Project Assn		
Robert E. Ruddy, 9106 Drumaldry Drive Bethesda, MD 20817	Mortgage Insurance Companies of America	4,500.00	745.08
Paul M. Ruden, 1101 King Street Alexandria, VA 22314	American Soc of Travel Agents		
Deborah K. Rudolph, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	2,500.00	1,205.00
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Nicholas L. Ruggieri, 3 Bethesda Metro Ctr., #700 Bethesda, MD 20814	Serono Laboratories	1,000.00	225.00
John Runyan, 100 Daingerfield Rd. Alexandria, VA 22314	Printing Industries of America, Inc	10,000.00	
Rural Community Insurance Services, Inc, 3501 Thurston Avenue Anoka, MN 55303-1060		29,500.00	5,393.00
Robert A. Rusbuldt, 412 First Street, SE, #300 Washington, DC 20003	Independent Insurance Agents of America, Inc	27,669.00	381.38
Charlotte Rush, 1401 Eye Street, NW Washington, DC 20005	Mastercard International, Inc		
Robert Rusis, 15 Mountain View Road Warren, NJ 07061	Chubb Corporation		
Glenn S. Ruskin, 1747 Pennsylvania Avenue, NW, #700 Washington, DC 20006	CIBA-GEIGY Corp	4,375.00	
Barry Russell, 1101 16th St., NW Washington, DC 20036	Independent Petroleum Assn of America		60.00
Randall M. Russell, 1919 S. Eads Street #103 Arlington, VA 22202-3028	Lesher & Russell, Inc	2,500.00	
Shannon M. Russell, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Lynn B. Russo, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Diann Rust-Tierney, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union	1,000.00	
Wally Rustad, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	125.00	
Frank Ryan, 4545 Connecticut Ave., NW, Apt. 229 Washington, DC 20008	WMDP Service Station & Automotive Repair Assn	250.00	
John G. Ryan, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,000.00	
Paul D. Ryan, 750 17th Street, NW, #900 Washington, DC 20006	Nissan North America, Inc	8,775.00	
RASP, INC, P.O. Box 3674 Arlington, VA 22203-0674	Boeing Information Services	1,964.00	536.00
Do	Diagnostic/Retrieval Systems, Inc	900.00	496.00
RJR Nabisco, Inc, 1301 Avenue of the Americas New York, NY 10019			31,318.22
Joseph Randy Sabo, 13095 W. Cedar Drive, Unit 202 Lakewood, CO 80228	Energy Fuels Nuclear, Inc		
Stacy J. Sabo, 1000 Thomas Jefferson St, NW, Suite 609 Washington, DC 20007	Coalition for Consumers' Picture Rights		
G. J. Thomas Sadler Jr., 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMX Technology & Services, Inc	4,246.00	
Kenneth J. Salaets, 1250 Eye Street, NW, #200 Washington, DC 20005	Computer & Business Equipment Manufacturers Assn	3,000.00	239.24
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
R. Gerard Salemme, 1150 Connecticut Avenue, NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc	15,000.00	4,891.71
Frank Max Salinger, 650 Naamans Road Claymont, DE 19703	ADVANTA Corp	3,000.00	2,500.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Shannon Salmon, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	73.00	
David M. Saltz, 815 16th Street, NW Washington, DC 20006	AFL-CIO	16,874.20	868.24
Joel Saltzman, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	800.00	126.06
Sammons Enterprises, Inc, 300 Crescent Court Dallas, TX 75201		3,000.00	249.87
Joseph E. Samora Jr., 1901 Pennsylvania Ave., NW 10th Floor Washington, DC 20006	International Mass Retail Assn	6,250.00	
Wendy B. Samuel, 3900 Wisconsin Avenue, NW Washington, DC 20016	Fannie Mae		
William Samuel, 900 15th Street, NW Washington, DC 20005	United Mine Workers of America	16,470.00	109.32
Jeffrey M. Samuels, 1100 New York Avenue, NW Suite 300 East Washington, DC 20005-3955	International Trademark Assn	10,000.00	774.80
Felix R. Sanchez, 3625 R Street, NW Washington, DC 20007	American Methanol Institute	2,000.00	619.00
Lee Sanders, 1350 I Street, NW, Suite 1290 Washington, DC 20005	American Bakers Assn	185.00	63.75
Rose Marie Sanders, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	900.00	251.03
Julie Sanderson-Austin, 4240 Brittany Court Woodbridge, VA 22192	American Group Practice Assn		
Stephen E. Sandherr, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	4,000.00	500.00
Mike Sandifer, 2419 Chain Bridge Road, NW Washington, DC 20016	American Telemarketing Assn	1,732.50	94.00
Charles E. Sandler, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	6,000.00	
Peter G. Sandlund, 1730 M Street, NW, Suite 602 Washington, DC 20036	Council of European & Japanese National Shipowners' Assn		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc	4,200.00	1,194.16
James D. Santini, 1101 King Street, #350 Alexandria, VA 22314	Grand Canyon Air Tour Council	6,300.00	2,164.16
Do	Grand Canyon Air Tourism Assn	4,200.00	1,445.45
Do	National Parks Hospitality Association	7,500.00	1,319.06
Do	National Tour Assn, Inc	28,587.00	13,253.76
Leslie Sarasin, 1764 Old Meadow Lane, #350 McLean, VA 22102	American Frozen Food Institute	4,400.00	
Ronald A. Sarasin, 1100 South Washington Street Alexandria, VA 22314-4494	National Beer Wholesalers Assn, Inc	5,500.04	
Susan Sarason, 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	945.00	
Satellite Broadcasting & Communications Assn, 225 Reinekers Lane, #600 Alexandria, VA 22314		885.73	885.73
Klara B. Sauer, 9 Vassar Street Poughkeepsie, NY 12601	Scenic Hudson, Inc		
Albert C. Saunders, 1100 15th St., NW #900 Washington, DC 20005	Pharmaceutical Research & Manufacturers of America	4,000.00	39.00
Mary Jane Saunders, 1801 K Street, NW, #400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Paul R. Savary, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	National Assn of Truck Stop Operators		
Save the Greenback Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007		4,433.10	13,703.35
Savings and Community Bankers of America, 900 19th Street, NW Washington, DC 20006		2,634,785.00	115,815.75
Richard N. Sawaya, 601 Pennsylvania Ave., NW North Building, 4th Floor Washington, DC 20004	Atlantic Richfield Co		
John A. Saxton, 801 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Procter & Gamble Co	175.89	
Keith Scarborough, One Thomas Circle, NW, #950 Washington, DC 20005	Association of National Advertisers, Inc		324.85
Jeanne Schaaf, North Building, Suite 725 601 Pennsylvania Ave., NW Washington, DC 20004	British Telecommunications, plc	2,500.00	
Victoria V. Schaff, Missouri Electric Utitlies 1800 K Street, NW, #1018 Washington, DC 20006	Kansas City Power & Light Company, et al.	6,500.00	4,815.18
Harold A. Schaitberger, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	22,490.46	
Tracy A. Schario, 4301 North Fairfax Drive, #360 Arlington, VA 22203-1627	National Utility Contractors Assn	1,100.00	206.00
Patricia A. Schaub, 1726 M Street, NW, #1100 Washington, DC 20036-4502	Pacific Gas & Electric Company	227.55	
David E. Scherb, 54 Farview Farm Road Redding, CT 06896	PepsiCo, Inc		
Daniel B. Scherder, 122 C Street, NW, Suite 240 Washington, DC 20001-2109	Peabody Holding Company, Inc		
G. David Schiering, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	9,475.00	134.34
Jeffrey L. Schlagenhauf, 1627 K Street, NW, #700 Washington, DC 20006	Smokeless Tobacco Council, Inc		
Paul Schlegel, 1100 Connecticut Ave., NW, #530 Washington, DC 20036	Weyerhaeuser Company		59.64
Terry Schley, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	111.52	
James P. Schlicht, 1350 Eye Street, NW, #810 Washington, DC 20005-3305	Johnson & Johnson	1,238.00	176.95
Rodger Schlickeisen, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Kenneth D. Schloman, 444 North Capitol St., NW, #801 Washington, DC 20001	National Assn of Independent Insurers	400.00	
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Richard M. Schmidt Jr., 1333 New Hampshire Ave., NW, #600 Washington, DC 20036	Association of American Publishers	500.00	
Schnader Harrison Segal & Lewis, 1111 19th Street, NW, #1000 Washington, DC 20036	Lafarge Corp	12,677.50	4,398.95
Anna-Maria Stephens Schneider, 1111 19th Street, NW, #600 Washington, DC 20036	Mitsubishi Motors America, Inc	150.00	77.22
Phillip L. Schneider, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores		
Richard C. Schneider, 225 N. Washington Street Alexandria, VA 22314	Non Commissioned Officers Assn	4,000.00	
Abraham Schneier, McKevitt Group 1101 16th St. NW, #333 Washington, DC 20036	Kelly Services, Inc	4,250.00	
Do	PepsiCo, Inc	4,681.00	80.00
Schnitzer Steel Industries, Inc, 3200 N.W. Yeon Avenue Portland, OR 97210			18.65
Thomas Schoegler, 122 C Street, NW, Suite 310 Washington, DC 20001	American League for Exports & Security Assistance (ALESA)	520.00	
Cindy Z. Schonhaut, 3000 K Street, NW, Suite 300 Washington, DC 20007	Metropolitan Fiber Systems Communications Co, Inc	1,000.00	
Jan Schoonmaker, 1420 New York Ave., NW, #1050 Washington, DC 20005	Van Scoyoc Associates, Inc (For:National Institute for Water Resources)	1,125.00	
Paul A. Schosberg, 900 19th Street NW, #400 Washington, DC 20006	Savings & Community Bankers of America		
Charles G. Schreiber, 1 Massachusetts Ave., NW Washington, DC 20001	National Guard Assn of the U.S.	9,201.75	527.20
H. B. W. Schroeder, 1016 16th Street, NW, 5th Floor Washington, DC 20036	Consumers Power Co	8,000.00	6,998.00
John G. Schroeder, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	Sikorsky Aircraft/United Technologies	2,852.00	1,104.56
N. Donald Schroeder, Maryland Petroleum Council 60 West St., #403 Annapolis, MD 21401	American Petroleum Institute		
Daniel J. Schulder, 1331 F Street, NW 7th Floor Washington, DC 20004	National Council of Senior Citizens	20,666.12	
Richard F. Schultz, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	23,903.45	441.69
Mary A. Schulz, 9200 Indian Creek Parkway, #220 Overland Park, KS 66210-2008	Crop Insurance Research Bureau	115.40	36.47
Do	National Assn of Mutual Insurance Cos		
Richard T. Schulze, 1747 Pennsylvania Ave., NW, Suite 850 Washington, DC 20006	Valis Associates	29,833.33	574.28
Neil D. Schuster, 2120 L Street, NW, #305 Washington, DC 20037	International Bridge Tunnel & Turnpike Assn	1,000.00	
Do	Motor Vehicle Manufacturers Assn of the U.S., Inc	1,000.00	
William J. Schuyler, 1500 K Street, NW, Suite 650 Washington, DC 20005	Glaxo, Inc	2,500.00	
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		
A.R. Schwartz, 10 South Shore Drive Galveston, TX 77551	Galveston Chamber of Commerce		
Do	Mitchell Energy & Development Co		
Do	Vulcan Materials		
Adam D. Schwartz, 1800 Massachusetts Avenue, NW Washington, DC 20036	National Rural Electric Cooperative Association	45.00	
Arthur E. Schwartz, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,000.00	
Phillip L. Schwartz, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Richard Schwartz, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	3,000.00	
Richard S. Schweiker, 1001 Pennsylvania Ave, NW Washington, DC 20004	American Council of Life Insurance, Inc	2,600.00	
Carl F. Schwensen, 415 2nd St., NE, #300 Washington, DC 20002	National Assn of Wheat Growers	6,100.00	
Scientific-Atlanta, One Technology Parkway Box 105600 Norcross, GA 30092			150.00
Michael Sciulla, 880 S. Pickett St. Alexandria, VA 22304	Boat Owners Assn of the U.S.	20,000.00	
William L. Scogland, One IBM Plaza Chicago, IL 60611	Jenner & Block (For:Heatherton Staff Leasing, Ltd)		
David A. Scott, 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corporation	2,000.00	38.53
James L. Scott, 400 N. Capitol Street, NW, #590 Washington, DC 20001	AmHS Institute	5,110.00	494.32
John H. Scott, 1111 19th Street, NW, #650 Washington, DC 20036	American College of Emergency Physicians	25.00	
Michael Scott, 1101 Vermont Avenue, NW, #606 Washington, DC 20005	American Society of Anesthesiologists	731.50	
R. Denny Scott, 101 Constitution Ave., NW Washington, DC 20001	United Brotherhood of Carpenters & Joiners of America	855.75	
Steven R. Scott, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Scribner Hall & Thompson, 1850 K Street, NW, #1100 Washington, DC 20006	California Department of Insurance		
Do	CNA Financial Corp		
Do	Provident Life & Accident Insurance Co		
Do	Security Life of Denver Insurance Co		
Do	Transamerica Corporation		
Kerrill K. Scrivner, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Enserch Corporation	6,156.00	2,759.45
Robert T. Scully, 750 First Street, NE, Suite 935 Washington, DC 20002-4241	National Assn of Police Organizations, Inc	12,754.00	874.05
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp		
Murray S. Scureman, 5305 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Securities Industry Assn, 1401 I Street, NW, Suite 1000 Washington, DC 20005			274,558.00
Christopher C. Seeger, 655 15th Street, NW, #400 Washington, DC 20005	USAA	6,728.00	5,360.00
Mark Seetin, 919 18th Street, NW Washington, DC 20006	New York Mercantile Exchange	6,000.00	700.00
James Sefcik, 1055 N. Fairfax STreet, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	202.50	
Ruth L. Segal, 1850 M Street, NW, #1040 Washington, DC 20006	Outdoor Advertising Assn of America	32,500.00	107.02
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
George H. Seidel Jr., Associated Petroleum Industries of PA P.O. Box 925 Harrisburg, PA 17108	American Petroleum Institute		
Elliott M. Seiden, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	10,000.00	100.00
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	17.95	
George M. Seitts, 23733 N. Scottsdale Road Scottsdale, AZ 85255	Giant Industries, Inc		
Steven K. Selby, 444 North Capital Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)		
Gary B. Sellers, 1800 M Street, NW Washington, DC 20036	American Bar Assn	400.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
William H. Sells III, 1212 Potomac Street, NW Washington, DC 20007	Computer Leasing and Remarketing Assn (CDLA)		
Wendy Senor, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public Affairs Comm	6,833.33	296.38
Robert A. Seraphin, 1725 Jefferson Davis Highway, #901 Arlington, VA 22202	Alliant Techsystems, Inc	2,835.00	411.24
Peter M. Seremet, 16 Munson Road Farmington, CT 06034-0338	Heublein, Inc	17,250.00	2,747.85
Seward & Kissel, 1200 G Street, NW, #350 Washington, DC 20005	Ship Finance Assn, Inc		
Eva Seydel, 1401 I Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,500.00	16.00
Seyfarth Shaw Fairweather & Geraldson, 815 Connecticut Ave., NW, #500 Washington, DC 20006	Island Development Corp	7,500.00	50.33
Do	Twin City Pipe Trades Welfare Trust		
Do	Unisys Corp		
Sally Shake, 7648 Ivanhoe Avenue, East La Jolla, CA 92037	Education Legislative Services, Inc	10,000.00	100.00
William H. Shaker, 5155 N. 37th Street Arlington, VA 22207			
Thomas A. Shallow, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
James M. Shamberger, 1301 Pennsylvania Ave., NW #900 Washington, DC 20004	Reinsurance Assn of America		
Gilan Shamir, 1511 K Street, NW, Suite 1043 Washington, DC 20005	Council for the National Interest		
Deborah L. Shannon, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,200.00	264.90
Kevin J. Shannon, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	625.00	42.00
Kenneth L. Shapiro, Wilson Elser Moskowitz Edelman & Dicker One Steuen Place Albany, NY 12207	Healthcare Assn of New York State		
Kimberly Shark, 1155 15th Street, NW, Suite 660 Washington, DC 20005	Pennzoil Co	350.00	
Norman F. Sharp, 1100 17th Street, NW, #504 Washington, DC 20036	Cigar Assn of America, Inc		
Do	Pipe Tobacco Council		
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	18,317.10	295.12
Victoria E. Shaw, 1200 19th Street, NW, Suite 300 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Shaw Bransford & O'Rourke, 815 Connecticut Avenue, NW, #800 Washington, DC 20006	PHH Group	3,000.00	115.00
Do	Senior Executives Assn	10,000.00	657.00
Shaw Pittman Potts & Trowbridge, 2300 N Street, NW, #5121 Washington, DC 20037	Airship International, Ltd		
Do	Atlas Corp		
Do	Austrian Airline		
Do	Aviall, Inc	254.66	25.33
Do	Bechtel Aviation Services		
Do	Bismarck Municipal Airport		
Do	Chromalloy Gas & Turbine		
Do	City of Kansas City - Aviation Department	1,293.14	72.12
Do	Dallas/Fort Worth International Airport	8,635.06	393.38
Do	Emerson Electric Co		
Do	ESCO Electronics Corp		
Do	Federation of Japanese Bankers Assns	32,719.10	
Do	Fokker Aircraft, BV		
Do	Institute of International Bankers	6,030.00	
Do	Intermountain Health Care, Inc		
Do	International Small Satellite Organization		
Do	National Assn of State Aviation Officials		
Do	National Business Aircraft Assn		
Do	National Coalition for Minority Business	11,112.00	1,111.39
Do	North Carolina Air Cargo Airport Authority	5,498.63	408.79
Do	Pratt & Whitney	518.48	32.02
Do	Schnell-Bruter-Kernkraftwerksgesellschaft MbH	2,492.00	105.29
Do	Spectrum Astro, Inc		
Do	Summit '93 Health Coalition	17,304.84	679.24
Do	Workplace Health and Safety Council		
Matthew R. Shay, 1350 New York Avenue, NW, #900 Washington, DC 20005	International Franchise Assn		
Quinlan J. Shea, 1920 N Steet, NW Washington, DC 20036	American Mining Congress	1,000.00	250.00
Shea & Gardner, 1800 Massachusetts Avenue, NW Washington, DC 20036	Societe Generale de Surveillance, S.A.		
James V. Sheahan, 3333 State Bridge Rd. Alpharetta, GA 30202	Siemens Corporation		
Gail E. Shearer, 1666 Connecticut Avenue, NE, #310 Washington, DC 20009	Consumers Union	4,000.00	
John J. Sheehan, 815 16th St., NW, #706 Washington, DC 20006	United Steelworkers of America	18,270.64	
Shaun M. Sheehan, 1722 Eye Street, NW, Washington, DC 20006	Tribune Broadcasting Co	3,000.00	1,842.25
C. Douglas Shelby, Florida Petroleum Council 215 South Monroe Street, #800 Tallahassee, FL 32301	American Petroleum Institute		
Jeffrey L. Sheldon, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036	Utilities Telecommunications Council		
John E. Shelk, 1600 M Street, NW, 5th Floor Washington, DC 20036	Hartford Fire Insurance	12,500.00	1,040.00
Zack H. Shelley Jr., 1212 Falster Road Alexandria, VA 22308	Martin Marietta Corp	3,135.00	
Julian L. Shepard, 1400 16th Street, NW, Suite 610 Washington, DC 20036	Association for Maximum Service Television, Inc		
Neal Sher, 440 First Street, NW, #600 Washington, DC 20001	American Israel Public AFfairs Committee	24,187.50	6,282.44
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	91,363.95	22,853.07
Do	CFIDS Assn of America	24,000.00	4,142.74
Do	Immuno-U.S., Inc	15,000.00	2,692.77
Do	III(b) Coalition	21,249.99	5,008.45
Dawn M. Shiley, 1330 Connecticut Ave., NW, Suite 300 Washington, DC 20036	Synthetic Organic Chemical Manufacturing Assn	500.00	89.08
Cathleen Shine, 767 Fifth Avenue New York, NY 10153-0183	Sanford C. Bernstein & Co, Inc (For:Zalman C. Bernstein)		2,802.07
William Jeffry Shipp, 50 F St., NW, #900 Washington, DC 20001	Farm Credit Council	50.00	320.00
Jeffrey D. Shoaf, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
T. V. Shockley III, P.O Box 660164 Dallas, TX 75266-0164	Central & South West Corp		
Bard D. Shollenberger, 1350 Connecticut Ave., NW, Suite 700 Washington, DC 20036	Lockheed Information Management Services Co, Inc	2,000.00	
Shook Hardy & Bacon, One Kansas City Place 1200 Main Street Kansas City, MO 64105	Ewing Marion Kauffman Foundation		
Harold A. Shoup, 1899 L Street, NW Washington, DC 20036	American Assn of Advertising Agencies	2,500.00	
A. Z. Shows, 1801 Columbia Rd., NW, #203 Washington, DC 20009			
Diane M. Shust, 1201 16th Street, NW Washington, DC 20036	National Education Assn	3,753.35	28.00
William H. Shute, 1401 I Street, NW, #1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	8,685.17
Zelda Shute, 816 Connecticut Ave., NW, Suite 900 Washington, DC 20006	OHM Corp		
Linda S. Sickels, 806 Canal Street Irving, TX 75063	Trinity Industries, Inc		
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	Hewlett-Packard co		
Do	Mead Corp		
Do	Newell Company	663.75	
Do	Pharmaceutical Manufacturers Assn		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Richard D. Siegel, 1400 16th Street, NW, #400 Washington, DC 20036-2220	Modland Development Corp		48.58
Mark A. Siegel & Associates, 1030 15th Street, NW, #408 Washington, DC 20005	Stevens Institute of Technology	12,000.00	
Kristin Siemann, 1725 DeSales Street, NW, #500 Washington, DC 20036	Center for Marine Conservation	14.67	
Allan Silber, 365 Main Street Nashua, NH 03060	Recyclers of Copper Alloy Products	10,500.00	3,615.04
Mark Silbergeld, 1666 Connecticut Avenue, NW, #310 Washington, DC 20009	Consumers Union of U.S., Inc	4,000.00	20.00
Pam Silberstein, 1101 14th Street, NW, Suite 1400 Washington, DC 20005	Miller Balis & O'Neil (For:American Public Gas Assn)		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)		
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	9,000.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	9,999.99	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	6,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,000.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)		
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	32,554.82	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	4,441.99	
Silver Users Assn, Inc, 1730 M St., NW, #911 Washington, DC 20036		2,200.00	2,288.00
Edward Silverman, 1150 17th Street, NW, Suite 400 Washington, DC 20036	Greenwich Asset Management, Inc	2,500.00	212.50
Curtis Silvers, 888 16th St., NW, #606 Washington, DC 20006	Bannerman and Associates, Inc (For:Beirut University College)		
Do	Bannerman & Assoc., Inc (For:Embassy of El Salvador)	500.00	
Do	Bannerman & Associates, Inc (For:Government of the United Arab Emirates)	1,500.00	
Do	Bannerman & Associates, Inc (For:Government of Egypt)	500.00	
Do	Bannerman & Associates (For:L.A. Motley & Co for: Government of the Philippines).	2,000.00	41.35
Reuben Silvers, 2030 M Street, NW Washington, DC 20036	Common Cause	7,020.00	154.50
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	International Chiropractors Assn	4,500.00	
Do	Life College	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MCA, Inc	10,000.00	
Do	National Structured Settlements Trade Assn	9,000.00	
David J. Simon, 823 Gold Ave., SW Albuquerque, NM 87102	National Parks & Conservation Association	340.00	67.45
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	AFL-CIO Maritime Committee	300.00	16.11
Do	Labor-Management Maritime Committee, Inc	2,875.00	243.00
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Thomas D. Simpson, 700 N. Fairfax Street, #601 Alexandria, VA 22314	Railway Progress Institute	816.41	
William G. Simpson, 1155 15th St., NW, #504 Washington, DC 20005	Entergy Services, Inc (Mississippi Power & Light Co)	2,000.00	
Do	Federal Express	3,000.00	
Do	First Mississippi Corp	1,500.00	
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
Stephen F. Sims, 1120 Connecticut Avenue, 11th Floor Washington, DC 20036	National Nutritional Foods Assn	30,000.00	32,685.60
Christopher A. Singer, 1500 K. St., NW. #650 Washington, DC 20005	Glaxo, Inc	2,200.00	200.00
Jennifer Singleton, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform	100.00	15.00
Stephen G. Sinkez, 1111 19th Street, NW, #408 Washington, DC 20036	Mitsubishi Motors America, Inc		
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	Akzo America, Inc		
Do	Allied-Signal, Inc		
Do	American International Group, Inc		
Do	AX Steel	5,000.00	
Do	Bell Atlantic	1,000.00	
Do	Bethlehem Steel Corp	5,000.00	
Do	Cellular Corp of Puerto Rico	200.00	
Do	Dun & Bradstreet		
Do	General Mills		
Do	Geotek Communication, Inc		
Do	Inland Steel Industries, Inc	5,000.00	
Do	LTV Steel Company, Inc	5,000.00	
Do	Merrill Lynch & Co, Inc		
Do	National Steel Corp	5,000.00	
Do	New World Communications Group, Inc		
Do	Sara Lee Corporation		
Do	USX Corp	5,000.00	
Kerry A. Walsh Skelly, 850 Dixie Highway Louisville, KY 40210	Brown-Forman Corp	1,122.00	
Edmund J. Skernolis, 1155 Connecticut Ave., NW Suite 800 Washington, DC 20036	WMW Technologies, Inc	2,125.00	
Barney J. Skladany Jr., 1250 H Street, NW, #500 Washington, DC 20005	Mobil Corp	2,500.00	
Linda Arey Skladany, 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,500.00	
Do	Styrene Industry	15,000.00	
Sklar Associates, 100 West Linden Street Alexandria, VA 22301	Institute for International Sport		
Lucy N. Skrabut, 655 15th Street, NW, Suite 410 Washington, DC 20005	Bristol-Myers Squibb Company	1,500.00	
Paul A. Skrabut Jr., 1000 Connecticut Avenue, NW, #706 Washington, DC 20036	Palumbo & Cerrell, Inc (For:American Soc of Composers Authors & Publishers)	9,300.00	82.50
Do	Palumbo & Cerrell, Inc (For:Atlantic Richfield Co)	375.00	
Do	Bristol-Myers Squibb Co	427.50	
Do	New Jersey Turnpike Authority		
Michael P. Skredynski, 1055 N. Fairfax St., #201 Alexandria, VA 22314	U.S. Strategies Corp		
Dale D. Skupa, 3601 Vincennes Road P.O. Box 68700 Indianapolis, IN 46268	National Assn of Mutual Insurance Cos		
Robert G. Slaughter, 1615 M St., NW, #200 Washington, DC 20036	Amoco Corporation	1,500.00	34.59
Albert J. Slechter, 1100 Connecticut Ave., NW, #900 Washington, DC 20036	Chrysler Corporation	4,998.00	526.33
David Sloan, Corporate Strategies International, Inc 1331 Pennsylvania Avenue, NW Suite 905 North Washington, DC 20004.	Oriental Rug Importers, Inc		
Do	Pande Cameron & Co of New York		
Kirsten A. Sloan, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	748.69	317.75
Kelly Campbell Slone, 800 Connecticut Ave., NW, #1100 Washington, DC 20006	Baxter		
Small Business Council of America, Inc, P.O. Box 4299 Columbus, GA 31904		799.50	1,326.66
Douglas T. Smalls, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	1,500.00	45.78
Smathers Hickey & Smathers, 1050 Connecticut Avenue, NW, #222 Washington, DC 20036	Pennzoil Co	16,000.00	
Brian D. Smedley, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	9,700.00	35.14
Robert G. Smerko, 2001 L St., NW, #506 Washington, DC 20036	Chlorine Institute, Inc		
Donald E. Smiley, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corporation		
James Smiley, 1020 19th Street, NW, Suite 700 Washington, DC 20036	US West, Inc	549.60	
C. Douglas Smith, 1850 M St., NW, #600 Washington, DC 20036	Toyota Motor Sales, USA, Inc		
Daniel Smith, P.O. Box 1058 Montpelier, VT 05601	Northeast Interstate Dairy Compact Committee	885.42	3,259.56
Elizabeth M. Smith, 1401 H Street, NW, #200 Washington, DC 20005-2110	Xerox Corp		
James E. Smith, One State Street Boston, MA 02109	Century Council		
Keith H. Smith, 1455 Pennsylvania Ave, NW, #1260 Washington, DC 20004	French & Company (For:International Electronics Mfgrs & Consumers of America, Inc).	500.00	
Do	French & Company (For:Montgomery Ward & Co, Inc)		
Michael P. Smith, 485 Lexington Ave. New York, NY 10017	New York State Bankers Assn	1,120.00	50.00
Patricia Smith, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	977.24	537.72
Paul C. Smith, 1776 K Street, NW Washington, DC 20006	National Religious Broadcasters, Music License Committee		
Do	Owens-Corning, Inc	2,976.00	25.00
Do	Professional Photographers of America		
Peter N. Smith, 700 13th Street, NW, Suite 950 Washington, DC 20005	Raychem Corp	16,000.00	46,000.00
Richard D. Smith, 15 Mountain View Road Warren, NJ 07061-1615	Chubb & Son, Inc	5,000.00	
Richard F. Smith, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Robert E. Smith, 1730 K St., NW, #1300 Washington, DC 20006	Olin Corporation	9,500.00	3,600.00
Scott Smith, 1130 Connecticut Avenue, NW, #830 Washington, DC 20036	Southern Company Services, Inc	54.00	4,035.24
Susan Snyder Smith, 7900 Westpark Drive, #A320 Mclean, VA 22102	Chocolate Manufacturers Assn of the USA	200.00	227.26
Tim Smith, 1776 EYE Street, NW, #400 Washington, DC 20006	Nuclear Energy Institute	5,884.00	1,290.00
Velma Smith, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	4,663.50	
W. Glenn Smith, 101 West Washington Street Indianapolis, IN 46255	National City Bank, Indiana		
Smith & Sowalsky, One State Street, Suite 950 Boston, MA 02109	NYNEX Government Affairs		
David A. Smitherman, Iowa Petroleum Council 218 6th Avenue, #1012 Des Moines, IA 50309-4006	American Petroleum Institute		
Smokeless Tobacco Council, Inc, 1627 K Street, NW, #700 Washington, DC 20006		8,714.43	8,714.43
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815	Center for Marine Conservation		40.00
William Snape, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife	48.08	
Randall D. Snodgrass, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	2,950.00	1,000.00
David F. Snyder, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Harry Snyder, 1535 Mission Street San Francisco, CA 94103	Consumers Union		
John M. Snyder, 2301 South Jefferson Davis Highway, #925 Arlington, VA 22202	Abraham Lincoln Foundation for Public Policy Research	450.00	
Do	Citizens Comm for the Right to Keep & Bear Arms	19,000.00	
Snyder Ball Kriser & Assoc, Inc, 499 S. Capitol St., SW, #520 Washington, DC 20003	Allison Engine Co	122.50	75.35
Do	Digital Systems Group		
Do	NKF Engineering, Inc		
Do	Puget Sound Naval Bases Assn, Inc (PSNBA)		
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Jack Sobel, 404 3rd Street, SE, #B Washington, DC 20003-1930	Center for Marine Conservation	804.83	
Society for Animal Protective Legislation, P.O. Box 3719 Georgetown Station Washington, DC 20007		19,413.32	16,373.42
Society for Nutrition Education, 2001 Killebrew Drive, #340 Minneapolis, MN 55425-1882		510.00	8,376.30
Software Publishers Assn, 1730 M Street, NW, Suite 700 Washington, DC 20036		59,729.84	30,302.09
Gary L. Sojka, 8304 Harland Drive Springfield, VA 22152	Advanced Power Technologies, Inc	375.00	
Do	DynCorp		
Do	Electronetics Corp		607.57
Do	Litton Inter Optical Systems	10,550.00	316.30
Do	Space Express Corp		
Eric W. Sokol, 519 C Street, NE Washington, DC 20002	National Assn for Home Care	135.60	
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
Patricia F. Soltys, 1776 Eye Street, NW, Suite 1050 Washington, DC 20006	Eastman Kodak Co		
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	7,155.45	
Frederick P. Somers, 4720 Montgomery Laen P.O. Box 31220 Bethesda, MD 20824-1220	American Occupational Therapy Assn, Inc	5,000.00	59.00
Judah C. Sommer, 1101 Pennsylvania Ave., NW, #900 Washington, DC 20004	Goldman Sachs & Co	2,000.00	
William A. Sonntag, 1101 Connecticut Ave., NW, #700 Washington, DC 20036	Smith Bucklin & Associates, Inc (For:National Assn of Metal Finishers)	1,337.50	
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	107.70	
Sorensen & Edwards, PS, 1201 Third Avenue, #2900 Seattle, WA 98101-3028	Klukwan, Inc		
Do	Shee Atika, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Western Pioneer, Inc		
Michele A. Sorenson, 1735 Jefferson Davis Hwy., Suite 1200 Arlington, VA 22202	McDonnell Douglas Corp		
Noelle C. Sotack, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	1,500.00	60.00
Southern Forest Products Assn, P.O. Box 641700 Kenner, LA 70064-1700		14,084.64	14,084.64
Southwest Airlines Co, P.O. Box 36611 Dallas, TX 75235-1611			11,625.00
Sparber and Associates, Inc, 1319 F St., NW #301 Washington, DC 20004	Association of Fire Districts of the State of New York	1,500.00	
Do	New York State Fire Chiefs Assn		1,500.00
Do	RJR Nabisco	27,000.00	27,000.00
John S. Sparkman, 2 North 9th Street Allentown, PA 18101	Pennsylvania Power & Light Co	208.00	32.20
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	17,500.00	12,200.27
Ian D. Spatz, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004-2613	Merck & Co, Inc	1,000.00	400.00
Jonathan B. Spear, 601 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	Merck & Co, Inc	1,000.00	250.00
Barney H. Speight, 200 SW Market, Suite 1200 Portland, OR 97201	Blue Cross & Blue Shield of Oregon	975.00	873.07
Collins Robert Spencer III, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,387.50	547.12
Brian D. Spickard, 333 Piedmont Ave., 23rd Floor Atlanta, GA 30308	Georgia Power Co	20,608.68	2,905.89
Spiegel & McDiarmid, 1350 New York Ave., NW Washington, DC 20005-4798	Former Residents of Centralia, Pennsylvania		
Do	Northern California Power Agency		
Do	Transmission Access Policy Study Group		
Joel B. Spoonheim, 110 Maryland Avenue, NE, Suite 409 Washington, DC 20002	Council for a Livable World		
Mark G. Spurrier, 700 E. Joppa Road Towson, MD 21286	Baltimore County Police Department, et al.		
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Squire Sanders & Dempsey, 1201 Pennsylvania Ave., NW P.O. Box 407 Washington, DC 20044	American Soc of Anesthesiologists		
Do	Independent Data Communications Manufacturers Assn	660.00	8.00
Do	Information Technology Association of America		
Do	National Collegiate Athletic Assn	500.00	
Janet G. St. Amand, 1000 Connecticut Ave., NW, #507 Washington, DC 20036	Household Financial Group, Ltd	3,750.00	
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)		
Do	Stewart & Stewart (For:Novus International, Inc)		
Do	Stewart & Stewart (For:SCM Chemicals)		
Thomas J. St. Hilaire, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn		
Karen A. St. John, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	1,200.00	78.18
Connell Stafford, P.O. Drawer 1734 Atlanta, GA 30301	Coca-Cola Company	150.00	622.55
Roger Staiger Jr., 1667 K Street, NW, #450 Washington, DC 20006	Alyeska Pipeline Service Co	1,000.00	1,100.00
Michael J. Stanton, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	3,200.00	80.00
Stanton & Associates, 1310 19th Street, NW Washington, DC 20036	Gateway Economic Development Corp of Greater Cleveland		
Do	National Assn of Bankruptcy Trustees		
Do	Philip Morris		
Do	University Hospitals of Cleveland		
Mary Murray Staples, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	1,000.00	1,653.00
Kent D. Starwalt, 1010 Massachusetts Avenue, NW, Sixth Fl Washington, DC 20001	American Road & Transportation Builders Assn	500.00	
State/Federal Correctional Vendors Assn, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007		2,346.04	2,346.04
James D. Staton, 320 Timberbrook Drive Waldorf, MD 20601	Air Force Sergeants Assn, Inc		
Julie A. Stauss, 1225 Eye Street, NW, Suite 1250 Washington, DC 20005	American Dietetic Assn	1,000.00	
Randolph J. Stayin, 1401 Eye Street, Nw, #500 Washington, DC 20005	Barnes & Thornburg (For:Indiana Glass Company)	3,847.50	11.00
Do	Barnes & Thornburg (For:Special Comm for Workplace Product Liability Reform)		
Barbara E. Steakley, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Company	900.00	
Kathryn A. Steckelberg, 701 Pennsylvania Ave, NW Washington, DC 20004-2696	Edison Electric Institute	3,068.18	304.44
Allan Stein, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	American Insurance Assn		
Dan Stein, 1666 Connecticut Ave., NW, #400 Washington, DC 20009	Federation for American Immigration Reform		
Alan C. Steinbeck, 1600 M Street, NW, Suite 700 Washington, DC 20036	Kennecott Corp	450.00	916.50
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	1,320.00	223.18
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
R. W. Stephens Jr., 1500 K Street, NW, #375 Washington, DC 20005	Norfolk Southern Corp	1,000.00	
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	American Restaurant China Council		
Do	Bear Stearns & Co, Inc		
Do	British Steel plc	450.60	54.60
Do	Citizens Savings & Financial Corp		
Do	Co-Operative Central Bank		
Do	CSO Company		
Do	Mutual Life Insurance Company Tax Committee		
Do	Western Financial		
Michael Stern, 1401 H Street, NW Washington, DC 20005	Investment Company Institute	3,336.27	1,047.76
Heidi Sternheim, 2000 K Street, NW, Suite 800 Washington, DC 20006	National Committee to Preserve Social Security & Medicare	2,434.00	
Michael E. Steward, 1101 Pennsylvania Ave., NW, #530 Washington,, DC 20004-2514	Puget Sound Power & Light Co	600.00	119.49
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Brush Wellman Engineered Materials		
Do	Floral Trade Council	155.53	1,193.82
Do	Georgetown Railroad Co, et al.		
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey, Inc)		
Do	Monsanto Co		
Do	Novus International, Inc		
Do	Professional Plant Growers Assn		
Do	PPG Industries, Inc		
Do	Radiation Systems, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		
Do	SCM Chemicals		
Do	Timken Co	10,873.85	2,320.88
Do	Torrington Company	25,000.00	905.41
Don Stillman, 1757 N Street, NW Washington, DC 20036	Int'l Union, United Auto Aerospace & Agric Implement Workers	2,459.58	10.00
Bonny S. Stilwell, 3803 Densmore Ct. Alexandria, VA 22309	National Vietnam Veterans Coalition	6,050.26	795.17
John J. Stirk, 1725 Jefferson Davis Hwy, #601 Arlington, VA 22202-3585	Litton Industries	2,000.00	2,850.90
Heidi A. Stirrup, 1957 E Street, NW Washington, DC 20006	Associated General Contractors of America	2,000.00	500.00
Carlton A. Stockton, 1801 Pennsylvania Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	
Alex Stoddard, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
Sean A. Stokes, 1140 Connecticut Ave., NW, Suite 1140 Washington, DC 20036	Utilities Telecommunications Council	61.68	
Elizabeth A. Stolpe, 1401 Eye Street, NW, Suite 300 Washington, DC 20005	Koch Industries, Inc	4,500.00	738.06
Dennis C. Stolte, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	8,146.00	399.55
Robin E. Stombler, 1001 Pennsylvania Avenue, NW, #725 Washington, DC 20007	American Society of Clinical Pathologists		286.59
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	13,700.00	635.88
Carol Gray Storrs, 1401 I Street, NW, #1000 Washington, DC 20005	Securities Industry Assn	1,991.55	
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc	274.02	
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	145.68	
John L. Stowell, 1301 Pennsylvania Avenue, NW, #1030 Washington, DC 20004	PSI Energy	19,490.00	24,004.72
Luther J. Strange III, 801 Pennsylvania Ave, NW, #230 Washington, DC 20004	Sonat, Inc	5,000.00	
Raymond L. Strassburger, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Strategic Management Associates, Inc, 112 S. West Street Alexandria, VA 22314	Greater New York Hospital Assn	20,001.00	
Do	Mobile X-Ray Providers of America	15,000.00	
Do	Montefiore Medical Center	16,000.00	
Do	National Assn of Urban Critical Access Hospitals		
Do	National Medical Enterprises, Inc		
Strategic Management Systems, Inc, 112 South West Street Alexandria, VA 22314	Blood Systems, Inc	30,000.00	
Strategic Policy, Inc, 1615 L Street, NW, Suite 650 Washington, DC 20036	American Plastics Council	1,391.30	32.06
Do	American Trucking Assn, Inc	6,444.65	46.52
Do	Arthur Andersen & Co	1,275.00	25.34
Do	Coopers & Lybrand	1,275.00	25.34
Do	Deloitte & Touche	1,275.00	25.34
Do	Ernst & Young	1,275.00	25.34
Do	KPMG Peat Marwick	1,275.00	25.34
Do	Lockheed IMS		
Do	Price Waterhouse	1,275.00	25.34
Strategic Resource Group, Inc, 1229 15th Street, NW Washington, DC 20005	Human Rights Campaign Fund		
Terrence D. Straub, 1101 Pennsylvania Avenue, NW Washington, DC 20004	USX Corporation	250.00	56.20
Ronald J. Streck, P.O. Box 2219 Reston, VA 22090-0219	National Wholesale Druggists' Assn		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Richard H. Streeter, Federal Bar Building 1815 H Street, NW, #800 Washington, DC 20006	Cast North America (1983), Inc		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Steven P. Strobridge, 201 N. Washington Street Alexandria, VA 22314	Retired Officers Assn	3,659.00	
Carol Stroebel, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,307.70	
Jack B. Strong, 400 West 15th Street, Suite 804 Austin, TX 78701	LDDSMetromedia, Inc		199.00
Stroock & Stroock & Lavan, 1150 17th St., NW Washington, DC 20036	J. Aron & Co, Inc		
Do	Commission on Self-Determination, Govt of Guam	8,112.00	64.00
Do	Dreyfus Corporation		
Do	Jones Act Reform Coalition	224.00	
Do	Rongelap Community	633.00	
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
George Strumpf, 1150 17th St., NW, #600 Washington, DC 20036	Health Insurance Plan of Greater New York	12,000.00	6,500.00
Cory N. Strupp, Legal Dept., 38th Floor 60 Wall Street New York, NY 10260	J.P. Morgan & Co, Inc	312.50	
William Mark Stuart, 1331 Pennsylvania Ave., NW, Suite 1500N Washington, DC 20041-703	UBA, Inc	500.00	
Michael M. Stump, 14950 Heathrow Forest Parkway Suite 200 Houston, TX 77032-3842	Professional Services Group, Inc		
Glenn Sugameli, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	2,323.00	
Austin P. Sullivan Jr., P.O. Box 1113 Minneapolis, MN 55440	General Mills, Inc		
Charles S. Sullivan, P.O. Box 2310 Washington, DC 20013	Citizens United for Rehabilitation of Errants	6,740.00	1,200.00
Gael M. Sullivan, 1133 Connecticut Avenue, NW, #620 Washington, DC 20036	LTV Corporation	2,344.00	572.50
Harold R. Sullivan, 800 Connecticut Avenue, NW Washington, DC 20006-2701	Food Marketing Institute	600.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1101 30th Street, NW Washington, DC 20007	Douglas County Oregon	3,000.00	
John J. Sullivan, 8900 Keystone Crossing Indianapolis, IN 46240	Golden Rule Insurance	3,274.50	1,266.00
Lauraine D. Sullivan, 151 Farmington Avenue Hartford, CT 06156-3124	Aetna Life & Casualty Co	3,125.00	
Pauline Sullivan, P.O. Box 2310 Washington, DC 20013-2310	Citizens United for Rehabilitation of Errants	900.00	
Rebecca M. Sullivan, 1199 N. Fairfax Street, Suite 204 Alexandria, VA 22314	International Council of Shopping Centers	200.00	
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	8,600.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	2,750.00	
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	11,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)	900.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	5,000.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Port Authority (MASSPORT)		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	15,187.90
Do	Design Professionals Coalition	6,000.00	8,337.90
Do	Northeast Ohio Regional Sewer District	14,000.00	17,087.90
Do	Union Pacific	1,000.00	3,987.90
Do	Water Environment Research Foundation	6,000.00	9,087.90
Rick Surratt, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	18,118.12	
Gavin J. Sutcliffe, 1201 New York Ave., NW Washington, DC 20005-3931	American Hotel & Motel Assn	750.00	
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Alliance of American Insurers et al		
Stephen Sutton, 1000 Wilson Blvd., #2800 Arlington, VA 22209	Northrop Grumman Corporation	625.00	1,115.62
Deborah Swartz, 1225 19th Street, NW, #210 Washington, DC 20036	Luggage & Leather Goods Manufacturers of America, Inc	200.00	
Do	Neckwear Assn of America, Inc		
Thomas L. Swartz, 89 East Avenue Rochester, NY 14649-0001	Rochester Gas & Electric Corp	1,905.00	
Eileen P. Sweeney, 25 E. Street, NW Washington, DC 20001	Children's Defense Fund	3,659.50	30.62
David M. Sweet, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		
Frederic H. Sweet, 720 East Wisconsin Avenue Milwaukee, WI 53202	Northwestern Mutual Life Insurance Co		
Leland H. Swenson, 10065 East Harvard Avenue Denver, CO 80251	Farmers' Educational & Co-Operative Union of America		
Philip E. Swink, 1 Pepsi Way Somers, NY 10589-2201	Pepsi-Cola Company		
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
John F. Swope, P.O. Box 515 Concord, NH 03302	Chubb LifeAmerica	2,000.00	
David A. Sykuta, Illinois Petroleum Council 400 W. Monroe, #205 Springfield, IL 62704	American Petroleum Institute		
Symms Lehn & Associates, Inc, 210 Cameron Street Alexandria, VA 22314	Armenian Assembly of America		12,977.50
Do	AIA, Agriculture Insurance Administrators	12,000.00	2,595.50
Do	China External Trade Develpment Council, CETRA	15,000.00	15,573.00
Do	Coeur D'Alene Mines	12,000.00	2,595.50
Do	Forschler & Associates	6,000.00	5,191.00
Do	PAR Pharmaceutical	30,000.00	7,886.50
Do	Rabbi Milton Balkany		
Elizabeth Symonds, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
SJA International, Inc, 1001 Connecticut Ave., NW, Suite 401 Washington, DC 20036	Zenith Data Systems	3,750.00	2,598.82
Taggart & Associates, Inc, 1156 15th Street, NW, #415 Washington, DC 20005	American Crop Protection Association		
Do	Association of American Railroads		
Do	M&M/Mars, Inc		
Do	Marion Merrell Dow, Inc		
Do	TDS Telecom		
Nkechi Taifa, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
Bruce B. Talley, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	
Robin M. Tallon, 1875 Eye Street, NW, Suite 800 Washington, DC 20006	Tobacco Institute	1,000.00	86.11
Jill L. Tanis, 800 Connecticut Ave., NW Washington, DC 20006-2701	Food Marketing Institute	100.00	
E. Whitney Tannen, 625 Slaters Lane, Suite 200 Alexandria, VA 22314	National Assn for Medical Equipment Services	5,000.00	136.38
Susan Tannenbaum, 2030 M St., NW Washington, DC 20036	Common Cause	7,771.50	56.00
Augustine D. Tantillo, 900 2nd Street, Suite 306 Washington, DC 20002	SRG & Associates	25,000.00	1,200.00
Tapestry Consultants, Inc, 138 Fort Evans Road, NE Leesburg, VA 22075			300.00
Gary W. Tappana, 1776 I STreet, NW, Suite 200 Washington, DC 20006	Anheuser-Busch Companies		
Targeted Communications, Inc, 1414 Prince Street, Suite 300 Alexandria, VA 22314	Philip Morris Companies, Inc		
Do	USA-NAFTA		
Jeffrey A. Tassey, 919 18th Street, NW Washington, DC 20006	American Financial Services Assn	250.00	
Eula M. Tate, 1757 N Street, NW Washington, DC 20036	United Auto. Aerospace & Agricultural Implement Wks of Amer.	20,447.10	107.00
Thomas N. Tate, 1250 Eye Street, NW Washington, DC 20005	Aerospace Industries Assn of America, Inc	1,653.00	
Victor Tawil, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,612.49
Charles A. Taylor III, 499 South Capitol St., SW, #401 Washington, DC 20003	National Assn of Independent Insurers	1,500.00	
Jefferson D. Taylor, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Larry D. Taylor, P.O. Box 70 Boise, ID 83707	Idaho Power Company		
Peggy Taylor, 815 16th St., NW Washington, DC 20006	American Fed of Labor & Congress of Industrial Organizations	22,167.18	515.41
Peter B. Teeley, 502 Summers Court Alexandria, VA 22301	AMGEN, Inc		2,700.00
Richard Telthorst, Missouri Oil Council 428 East Capitol, Suite 203 Jefferson City, MO 65101	American Petroleum Institute		
Joshua P. Tenuta, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	5,465.00	
John H. Terry, P.O. Box 4878 Syracuse, NY 13221	Hiscock & Barclay (For:Niagara Mohawk Power Corp)	3,496.00	735.76
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
James G. Tetirick, 807 Brazos, #601 Austin, TX 78701	J. C. Penney Co, Inc		
Texas Committee on Natural Resources, 5952 Royal Lane, #168 Dallas, TX 75230		744.59	744.59
Textron, Inc, 40 Westminster St. Providence, RI 02903		3,500.00	780.00
Theradynamics Corp, P.O. Box 229 28 Linden Street Geneva, NY 14456	Thermodynamics Corp		
Janelle C.M. Thibau, 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc		
Gregory A. Thies, 14111 Scottslawn Road Marysville, OH 43041	O.M. Scott & Sons Company		
Philip E. Thoden, 1199 North Fairfax Street, Suite 801 Alexandria, VA 22314	NATSO, Inc		
Robert G. Thoma, 1100 New York Ave., NW, #340 West Washington, DC 20005	BASF Corp		
Amber Thomas, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	1,986.00	500.00
Brian D. Thomas, 1155 Connecticut Ave., NW, #1200 Washington, DC 20036	Pacific Telecom, Inc	1,480.00	2,440.00
Cindy Thomas, 1990 M Street, NW, #340 Washington, DC 20036	Kent & O'Connor, Inc (For:Adria Laboratories)		
Do	Kent & O'Connor, Inc (For:Carter Footwear, Inc)	2,246.50	2,154.38
Do	Kent & O'Connor, Inc (For:U.S. Shoe)		
Gordon M. Thomas, 1101 Pennsylvania Avenue, NW, #400 Washington, DC 20004	Textron, Inc	600.00	150.00
Jennifer L. Thomas, 1001 Pennsylvania Ave., NW, Suite 725 Washington, DC 20004	American Soceity of Clinical Pathologists		40.00
John L. Thomas, P.O. Box 796322 Dallas, TX 75379-6322	Liberty Media Corp		
Do	Visual Information Technologies, Inc		
R. Lindsay Thomas, 250 Williams Street Atlanta, GA 30301-1996	Atlanta Committee for the Olympic Games		
Rich Thomas, 2030 M Street, NW Washington, DC 20036	Common Cause	5,647.26	
Bruce E. Thompson Jr., 3000 K Street, NW, #620 Washington, DC 20007	Merrill Lynch & Co, Inc	3,750.00	
C. Nicholas Thompson, 1420 New York Ave., NW, Suite 750 Washington, DC 20005	Acxiom Corp		
Dana S. Thompson, 305 4th Street, NE, Washington, DC 20002	Sheet Metal & Air Conditioning Contractors National Assn		
Kenneth W. Thompson, 1156 15th Street, NW, #505 Washington, DC 20005	Association of School Business Officials International	1,500.00	10.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	BellSouth Corp	6,000.00	10.00
Do	Duke Power Co	2,000.00	10.00
Do	International Assn of Convention & Visitor Bureaus	1,500.00	10.00
Do	Itron and AMRplus Partners	15,000.00	10.00
Do	Potomac Capital Investment Corp	15,000.00	10.00
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	671.34	
R. Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Richard L. Thompson, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Co	1,500.00	
Timothy C. Thompson, 2200 First Interstate Plaza P.O. Box 1157 Tacoma, WA 98401-1157	CH2M Hill Hanford, Inc		
Do	Lornty Investment Company		
R. Thompson & Company, One Massachusetts Ave., NW, Suite 330 Washington, DC 20001	Golden Rule Insurance Co	18,000.00	6,623.07
Do	Mitsubishi Electronics America, Inc	4,050.00	1,166.42
Thompson & Mitchell, 700 14th Street, NW, #900 Washington, DC 20005	Cold Finished Steel Bar Institute	504.00	
Robert B. Thomson III, 453 New Jersey Avenue Washington, DC 20003	Beneficial Management Corp		
Jill Thorne, 1500 SW 5th, #2301 Portland, OR 97201	Round-Up City Development Corp, et al.		
Margo Thorning, 1750 K St., NW, #400 Washington, DC 20006	American Council for Capital Formation		
Kathryne M. Thorpe, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	2,600.00	825.35
Walter L. Threadgill, 1001 Connecticut Avenue, NW, #622 Washington, DC 20036	Millicom, Inc		
Gil Thurm, 1331 pennsylvania Ave., NW, #1500N Washington, DC 20004-1790	National Assn of Manufacturers	5,000.00	
Maria Tilves-Aguilera, 801 Pennsylvania Ave., NW, #700 Washington, DC 20004	Northern Telecom, Inc	1,250.00	
Barbara Timmer, 1600 M Street, NW Washington, DC 20036	ITT Corp	3,650.00	884.62
Paula Pleas Timmons, 1150 Connecticut Ave., NW, 4th Floor Washington, DC 20036	McCaw Cellular Communications, Inc		528.63
Timmons & Co, Inc, 1850 K St., NW, #850 Washington, DC 20006	American Petroleum Institute	750.00	
Do	Ameritech	2,175.00	
Do	Anheuser-Busch Companies, Inc	1,725.00	
Do	Association of Trial Lawyers of America	1,581.25	
Do	Capital Cities/ABC, Inc	1,050.00	
Do	Chrysler Corporation	1,275.00	
Do	Cox Enterprises	1,312.50	
Do	General American Life Insurance Co	550.00	
Do	General Instrument Corp	1,725.00	
Do	H.J. Heinz Co	1,275.00	
Do	Major League Baseball	2,475.00	
Do	National Rifle Assn	750.00	
Do	Natural Disaster Coalition	1,194.30	
Do	Northrop Grumman Corporation	1,425.00	
Do	Omnipoint Corp	437.50	
Do	G. D. Searle & Co	1,575.00	
Do	SCEcorp and Subsidiaries	1,425.00	
Do	Union Pacific Corp	750.00	
Alan R. Timothy, 601 Pennsylvania Ave., NW, #500 Washington, DC 20004	Coors Brewing Co	12,109.50	53.15
G. Wayne Tingle, 1725 Jefferson Davis Highway, #900 Arlington, VA 22202	Loral Aeronutronic	800.00	30.00
Do	Loral Vought Systems Corp	1,700.00	95.00
Eben S. Tisdale, 900 17th Street, NW, #1100 Washington, DC 20006	Hewlett-Packard Co	4,500.00	167.50
Francis M. Tivnan, Massachusetts Petroleum Council 11 Beacon Street Boston, MA 02108	American Petroleum Institute	3,500.00	
Erin Todd, 2626 Pennsylvania Avenue. NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	140.00
Greta Todd, 777 North Capitol Street, #803 Washington, DC 20002	American Assn of Nurse Anesthetists	5,000.00	
James S. Todd, 515 North State Street Chicago, IL 60610	American Medical Assn		
Lisa Tofil, 240 East Ontario, #400 Chicago, IL 60611	Northwestern Memorial Hospital	1,200.00	182.00
Neil Tonnesen, 5 Wildwood Gardens Port Washington NY11050			520.00
Tony Poole, 1020 19th Street, NW, #800 Washington, DC 20036	Kelly Anderson & Associates, Inc (For:U.S. Banknote Corp)		
Frank Toohey, 1401 Eye Street, NW, #1000 Washington, DC 20005-2225	Securities Industry Assn	3,583.85	
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	2,000.00	59.55
Michael J. Toohey, 1025 Connecticut Ave., NW, #507 Washington, DC 20036	Ashland Oil, Inc	2,000.00	
Jonathan M. Topodas, 151 Farmington Avenue Hartford, CT 06156	Aetna Life & Casualty Co	4,250.00	
William T. Torgerson, 1900 Pennsylvania Ave., NW Washington, DC 20068	Potomac Electric Power Co		
Virginia Torsch, 201 North Washington Street Alexandria, VA 22314	Retired Officers Assn	2,850.00	
Bronwyn B. Towle, 499 South Capitol Street, SW #507 Washington, DC 20003	Hecht Spencer & Associates (For:Boy Scouts of America)		
Do	Hecht Spencer & Associates (For:Brown & Williamson Tobacco Corp)		
Do	Hecht Spencer & Associates (For:National Automatic Merchandising Assn)		
Christopher Townsend, 17901 Von Karman Irvine, CA 92714	Taco Bell Corp		
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,563.00	83.54
Toy Manufacturers of America, Inc, 200 Fifth Ave., #740 New York, NY 10010			1,500.00
Robert L. Trachtenberg, 1319 F Street, NW, #1000 Washington, DC 20004	National Assn of Psychiatric Health Systems	500.00	
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	110.85	
Transportation - Communications International Union, 815 16th St., NW, #511 Washington, DC 20006		4,000.00	5,250.00
Mark Traphagen, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	2,630.00	
Thomas C. Trauger, 1350 New York Avenue, NW Washington, DC 20005	Spiegel & McDiarmid (For:Michigan Municipal/Cooperative Group)		
Travel & Tourism Government Affairs Council, 1100 New York Ave., NW, #450 Washington, DC 20005-3934		4,741.00	4,868.00
Travel Industry Assn of America, Two Lafayette Centre 1133 21st Street, NM Washington, DC 20036			9,589.00
S. Bradley Traverse, 1667 K Street, NW, #1230 Washington, DC 20006	Deere & Company		
Tripp Scott Conklin & Smith, 110 Tower, 28th Floor 110 Southeast 6th Street Fort Lauderdale, FL 33301	Alamo Rent-A-Car, Inc		
Julie Trocchio, 4455 Woodson Road St. Louis, MO 63134	Catholic Health Assn of the United States	472.42	
Michael G. Troop, 9072 East Friess Dr. Scottsdale, AZ 85260	Savings and Community Bankers of America	10,000.00	
John F. Troy, One Tower Square-6MS Hartford, CT 0683	Travelers Insurance Companies	2,500.00	
Thomas L. Trueblood, 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	1,000.00	20.12
Francine L. Trull, 818 Connecticut Ave., NW, Suite 303 Washington, DC 20006	National Assn for Biomedical Research	1,800.00	
Barbara H. Tucker, P.O. Box 370129 West Hartford, CT 06137	Highway Users Federation	4,750.00	145.61
Patrick A. Tucker, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco, Inc	1,350.00	543.47
Tucker Flyer & Lewis, P.C., 1615 L Street, NW, #400 Washington, DC 20036-5601	National Realty Committee	1,160.00	
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Chris Tuffli, Bogle & Gates 1299 Pennsylvania Avenue, NW, #875 East Washington, DC 20004	City of Gresham	46.00	
Do	Confederated Tribes of the Grade Ronde	184.00	
Do	Harsch Investment Co	46.00	
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company		
David Turch & Associates, 517 2nd Street, NE Washington, DC 20002	City of Rialto	4,800.00	1,850.00
Do	Inland Valley Development Agency	4,800.00	1,850.00
Do	Recovery Engineering	6,600.00	1,050.00
Do	San Bernardino Associated Governments	6,000.00	1,850.00
Do	San Bernardino International Airport Authority	4,000.00	1,850.00
Do	Southern California Regional Rail Authority	14,400.00	1,850.00
Jane L. Turner, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Assn	1,200.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	1,000.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,859.00	395.55
Terry Turner, 1641 Besley Rd., NE Vienna, VA 22182	Seafarers International Union of North America	5,000.00	
Turner Broadcasting System, Inc, 820 First Street, NE Washington, DC 20002		12,675.00	12,675.00
James S. Turpin, 3444 S. Wakefield St. Arlington, VA 22206	Horsehead Resource Development		
Tuttle Taylor & Heron, 1025 Thomas Jefferson Street, NW, #407 Washington, DC 20007	Sunkist Growers, Inc	22,956.25	950.30
M. Ann Tutwiler, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Central Soya Co, Inc		60.00
St. Clair J. Tweedie, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc		
John R. Tydings, 1129 20th Street, NW Washington, DC 20036	Greater Washington Board of Trade	9,500.00	
George Randall Tyree, 1800 Massachusetts Ave., NW Washington, DC 20036	National Rural Electric Cooperative Assn	68.79	
Robert E. Tyson Jr., 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,750.00	212.40
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	2,904.00	
U.S. Border Control, P.O. Box 10800 Burke, VA 22009-0800		52,582.65	26,290.44
U.S. Strategies Corp, 1055 N. Fairfax Street, #201 Alexandria, VA 22314	CareTenders Healthcorp	900.00	
Do	City of Las Vegas		
Do	Continental Medical Systems	2,500.00	
Do	Healthsouth Rehabilitation Corp	10,500.00	
Do	Integrated Health Services, Inc	10,500.00	
Do	USA Healthnet, Inc		
U.S.-China Business Council, 1818 N Street, NW Washington, DC 20036			
Matthew Ubben, 1401 Eye Street, NW, #600 Washington, DC 20005	United Technologies Corp	1,300.00	
Stewart L. Udall, 1244 Camino Cruz Blanca Santa Fe, NM 87501	Claimants Under the Radiation Exposure Compensation Act	60,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Philip J. Ufholz, 1111 19th Street, NW Washington, DC 20036	American Forest & Paper Assn	600.00	
Laura Uhl, 1666 Connecticut Ave., NW, Suite 400 Washington, DC 20009	Federation for American Immigration Reform		
John R. Ulrich, 1776 Eye Street, NW, #575 Washington, DC 20006	Dow Chemical Company		6,690.00
John R. Undeland, 12600 Fair Lakes Circle Fairfax, VA 22033-4904	AAA Potomac	100.00	
United Brotherhood of Carpenters & Joiners of America, 101 Constitution Ave., NW Washington, DC 20001			25,854.64
Upjohn Co, 1455 F Street, NW, Suite 450 Washington, DC 20005			469,523.00
Richard P. Urian, 1850 K Street NW, #1190 Washington, DC 20006	EG&G, Inc	175.00	
J. Andrew Usera, 8310-B Old Courthouse Road Vienna, VA 22182	Asociacion de Instituciones Postsecundarias Acreditadas	4,000.00	
Utilities Telecommunications Council, 1140 Connecticut Avenue, NW Suite 1140 Washington, DC 20036			97.25
USA NAFTA, 1317 F Street, NW, Suite 600 Washington, DC 20004		117.57	37,500.00
Robert E. Vagley, 1130 Connecticut Avenue, NW, #1000 Washington, DC 20036	American Insurance Assn		
Anthony Valanzano, 1825 I Street, NW, #400 Washington, DC 20006	American Council of Life Insurance, Inc	6,000.00	83.55
Do	American Insurance Assn		
Do	Valanzano & Associates (For:American International Group, Inc)	1,500.00	
Do	Chubb Corporation	15,000.00	1,406.23
Do	Colonial Life & Accident Insurance Co	10,000.00	1,641.27
Do	Valanzano & Assocs. (For:Natural Disaster Coalition National Comm. on Property Insur.).	450.00	
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)	937.50	207.51
Do	Armour Pharmaceutical Co	15,750.00	230.62
Do	Caring Grandparents of America	5,250.00	90.78
Do	Kelly Anderson & Associates (For:James River Corp)	125.00	63.34
Do	Kelly Anderson & Associates (for U.S. Banknote Corp)		
Paula R. Valente, 2211 Congress Street Portland, ME 04122-0545	UNUM LIfe Insurance Co of America		
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	462.00	
Ellen Valentino-Benitez, Manis Canning & Associates 12 Francis Street Annapolis, MD 21404	National Troopers Coalition (NTC)	500.00	
Read Carson Van de Water, 901 15th Street, NW, #310 Washington, DC 20005	Northwest Airlines, Inc	8,765.00	175.00
Van der Voort Associates, Ltd, 1134 Westmoreland Road Alexandria, VA 22308	SPACEHAB	500.00	
R. Thomas Van Arsdall, 50 F Street, NW, #900 Washington, DC 20001	National Council of Farmer Cooperatives		
Nancy Van Duyne, 1300 Eye Street, NW, #950E Washington, DC 20005	Continental Airlines, Inc	8,500.00	5,725.00
Laura Van Etten, 3900 Wisconsin Ave., NW Washington, DC 20016	Fannie Mae	2,500.00	
Van Ness Feldman, P.C., 1050 Thomas Jefferson St., NW, #700 Washington, DC 20007	Alaska Eskimo Whaling Commission		
Do	Arctic Slope Regional Corp		
Do	Barron Collier Co		
Do	Business Roundtable		
Do	City of Tacoma, WA, Dept of Public Utilities		
Do	Clean Coal Technology Coalition		
Do	Consumers United for Rail Equity (C.U.R.E.)		
Do	Doyon, Ltd		
Do	Electric Transportation Coalition		
Do	Geothermal Resources Assn		
Do	GE Industrial & Power Systems		
Do	International Energy Development Council		
Do	Intertribal Agricultural Council		
Do	Kenai Natives Assn		
Do	Koncor Forest Products Company		
Do	Mack Trucks, Inc		
Do	McClure Gerard... (for Mineral Resources Alliance)		
Do	McKesson Corp		
Do	National Endangered Species Act Reform Coalition		
Do	National Wetlands Coalition		
Do	Navajo Nation		
Do	Newport News Shipbuilding	459.00	
Do	North Slope Borough		
Do	Petro Star, Inc		
Do	Public Generating Pool	1,260.00	
Do	Royal Thai Government, Ministry of Commerce		
Do	Sacramento Municipal Utility District		
Do	Sealaska Corp		
Do	Simpson Paper Co		
Do	Southern California Edison Co	1,033.50	41.72
Do	Toyota Motor Corporate Services of North America, Inc		
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line	2,000.00	250.00
Marjorie Vanderbilt, 600 Maryland Ave., SW, #100 West Washington, DC 20024-2571	American Nurses' Assn	12,613.00	123.77
Norman C. VanderNoot, New Hampshire Petroleum Council 11 Depot Street Concord, NH 03301	American Petroleum Institute	63.00	
Charlene Vanlier, 6203 A Waterway Drive Falls Church, VA 22044	Capital Cities/ABC, Inc		
Glenn Vanselow, P.O. Box 61473 Vancouver, WA 98666-1473	Pacific Northwest Waterways Assn	1,269.00	
Norman W. VanCor, 111 Tallwood Drive Southington, CT 06489	Yankee Gas Services Company		12.47
L. Todd VanHoose, 50 F Street, NW, #900 Washington, DC 20001	Farm Credit Council	320.00	2,560.00
Barbara J. Varca, 1015 15th Street, NW, #401 Washington, DC 20005	Syntex (U.S.A.), Inc	1,200.00	887.48
Audrey S. Vaughn, 1130 Connecticut Ave., NW, #830 Washington, DC 20036	Alabama Power Co	19,500.00	10,004.91
Lisa F. Vaughn, 422 South Church Street, PB05D Charlotte, NC 28242-0001	Duke Power Co	859.74	1,829.07
Paul S. Vayer, 50 Hillcrest Avenue New Britain, CT 06053			
Joseph J. Vecchio, 1299 Pennsylvania Ave., NW Washington, DC 20004	General Electric Co	50.00	10.00
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Browning Ferris Industris	640.00	92.50
Nicholas A. Veliotes, 1718 Connecticut Avenue, NW Washington, DC 20009	Association of American Publishers	4,000.00	
Carol Verby, 1776 I Street, NW, #770 Washington, DC 20006	CNA Insurance Co		
Stephen J. Verdier, 900 19th Street, NW, #400 Washington, DC 20005-5802	Savings & Community Bankers of America	28,750.00	2,084.70
Robert J. Verdisco, 1901 Pennsylvania Avenue, NW, 10th Fl. Washington, DC 20006	International Mass Retail Assn	10,000.00	
Frank Verrastro, 1155 15th Street, NW, #600 Washington, DC 20005	Pennzoil Co	1,500.00	
Candace C. Vessella, 6801 Rockledge Drive Bethesda, MD 20817	Martin Marietta Corp	2,325.00	
Sara Vickerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Linda Vickers, 1706 23rd St., South Arlington, VA 22202	Communicating for Agriculture, Inc	10,500.00	740.24
Do	National Assn of Crop Insurance Agents	19,997.00	962.17
Do	Rural Community Insurance Services	22,500.00	2,377.06
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	675.00	
Do	California Franchise Tax Board		
Do	California Public Employees' Retirement System	2,340.00	
Do	California State Senate		
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	4,731.25	
Do	Sacramento Metropolitan Water Authority	200.00	
Do	State Board of Equalization (Calif)		
Ralph Vinovich, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	37.67
Vinson & Elkins, 1455 Pennsylvania Ave., NW, #800 Washington, DC 20004-1007	Attorneys' Liability Assurance Society, Inc	7,593.75	
Do	Bank Tax Group		
Do	Cook Inlet Region, Inc		
Do	Federal Express Corp		
Do	Goldman Sachs & Co		
Do	Large Public Power Council		
Do	Merrill Lynch & Co, Inc		
Do	Panhandle Eastern Corp		
Do	Scott & White Clinic		
Do	Texas Veterans Land Board		
Do	X L Insurance Company	7,831.25	
Walter D. Vinyard Jr., Vinyard and Associates 555 13th St., NW, #800 East Washington, DC 20004	Lutheran Brotherhood	750.00	
Do	Mennonite Mutual Aid Assn	500.00	
Joseph A. Violante, 807 Maine Avenue, SW Washington, DC 20024	Disabled American Veterans	19,343.57	48.96
Virginia Association of Railway Patrons, P.O. Box 867 Richmond, VA 23207			0.58
Dina Vizzaccaro, 1401 H Street, NW, #900 Washington, DC 20005	American Automobile Manufacturers Assn	5,362.00	73.23
John R. Vogt, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	10,000.00	1,265.77
Nick J. Volcheff, 7325 Del Norte Drive Scottsdale, AZ 85258	AT&T		
Douglas K. Vollmer, 801 18th St., NW Washington, DC 20006	Paralyzed Veterans of America	26,412.35	
Ian D. Volner, 1201 New York Ave., NW, #1000 Washington, DC 20005	Venable Baetjer Howard & Civiletti (For:Career College Assn)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Venable Baetjer Howard & Civiletti (For:Direct Marketing Assn)		
Do	Venable Baetjer Howard & Civiletti (For:USA Networks)		
Volpe Boskey & Lyons, 918 16th Street, NW, #602 Washington, DC 20006	Equipment Leasing Assn of America		
Ingrid A. Voorhees, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America)		
Philip H. Voorhees, 1776 Massachusetts Ave., NW Washington, DC 20036	National Parks & Conservation Assn	3,250.00	229.30
Kurt Vorndran, 1126 16th Street, NW Washington, DC 20036	International Union of Electrical Workers	12,500.00	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Committee of Publicly Owned Companies	317.00	69.00
Do	Community Mutual Insurance Company	2,046.10	223.18
Do	Fraternal Order of Police - National Headquarters	2,163.21	352.16
Do	Fraternal Order of Police - Postal Police	750.00	43.73
Do	Honda North America, Inc	5,962.55	214.45
Do	Ohio Advanced Technology Center, Inc	139.62	93.53
Do	Ohio Cable Television Assn	161.52	51.19
Frank J. Voyack, 1750 New York Ave., NW Washington, DC 20006	International Assn of Bridge Struct & Ornamental Iron Wkrs	24,121.01	820.21
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	American Crop Protection Assn		
John A. Vuono, Vuono Lavelle & Gray 2310 Grant Building Pittsburgh, PA 15219	Procompetitive Rail Steering Committee		
Thomas D. Wacker, 2626 Pennsylvania Avenue, NW Washington, DC 20037	National Telephone Cooperative Assn	5,000.00	406.30
Rex B. Wackerle, 1101 17th Street, NW, #1002 Washington, DC 20036	Bank of America		14,391.30
Do	Northrop Grumman		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Joan Wages, 913 East Taylor Run Parkway Alexandria, VA 22302	Cash Smith & Wages (For:Association of Professional Flight Attendants)	2,250.00	697.00
Do	Cash Smith & Wages (For:Independent Federation of Flight Attendants)	2,250.00	754.00
Jennifer C. Wagner, 1150 Connecticut Ave., NW, Suite 1125 Washington, DC 20036	Financial Executives Institute	2,325.00	
Pamela Hyde Wagner, 4301 North Fairfax Srive, #360 Arlington, VA 22203-1608	National Utility Contractors Assn	2,050.00	17.40
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Herbert R. Waite, 1036 South Collier Blvd., #105 Marco Island, FL 33937	Bankers Roundtable		
Do	J.P. Morgan/Morgan Guaranty Bank	8,500.00	6,236.83
Susan Stephenson Walden, 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	62.50	
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	National Medical Care	4,000.00	
Kelley Walker, 3050 K Street, NW, Suite 330 Washington, DC 20007	National Club Assn		
Walker/Free Associates, Inc, 1730 Pennsylvania Ave., NW Washington, DC 20006	American Petroleum Institute		
Do	American Telephone & Telegraph Co	15,000.00	
Do	Anheuser-Busch Companies, Inc		
Do	Broadcast Music, Inc	2,187.50	
Do	Coalition on Superfund	798.00	
Do	CSX Corporation		
Do	Federal Home Loan Mortgage Corp	4,800.00	
Do	Kennecott Corp	1,875.00	
Do	Mexican Department of Commerce & Industrial Development	13,522.00	
Do	Mid Continent Oil and Gas Assn	3,000.00	
Do	MBNA America Bank NA	4,800.00	
Do	Northville Industries Corp	3,000.00	
Do	Northwestern Mutual Life Insurance Co	3,750.00	
Do	NEDA/RCRA Project	500.00	
Do	Pacific Lumber Co		
Do	Sony Music Entertainment, Inc	2,500.00	
Do	Sony Pictures Entertainment, Inc	2,500.00	
Do	Southern Company Services, Inc		
Do	United HealthCare, Inc	312.50	
Do	USA Group, Inc		
Do	Wheelabrator Envrionmental Systems, Inc, et al.	1,875.00	
R. Duffy Wall, 1317 F Street, NW, #400 Washington, DC 20004	Water Quality Assn	250.00	
R. Duffy Wall & Associates, Inc, 601 13th Street, NW, #410 South Washington, DC 20005	Ad Hoc Comm on Coal Taxation	1,000.00	
Do	Allied-Signal, Inc	1,000.00	
Do	American Crop Protection Assn	1,000.00	
Do	American Forest & Paper Assn	1,000.00	
Do	Bell Atlantic Corp	1,500.00	
Do	Chambers Development Co, Inc	1,000.00	
Do	Cominco, Ltd	1,000.00	
Do	Committee on Radioisotcpes & Radionucleide Industries II	500.00	
Do	Committee on Radioisotopes and Radiopharmaceuticals I	1,000.00	
Do	CIBA-GEIGY Corp	500.00	
Do	EcoScience Corp	500.00	
Do	Environmental Transportation Assn, et al.	1,000.00	
Do	Ernst & Young	3,000.00	
Do	ENERCO & Affiliates	1,000.00	
Do	Footwear Distributors and Retailers of America	1,500.00	
Do	Hazelden Foundation	1,000.00	
Do	Hong Kong Trade Development Council	2,500.00	
Do	Horsham Corp	200.00	
Do	Kimberly-Clark Corp	500.00	
Do	NovaCare, Inc	1,000.00	
Do	Peabody Holding Co, Inc	500.00	
Do	Pharmaceutical Research and Manufacturers of America	1,000.00	
Do	Pittston Group	1,000.00	
Do	PPG Industries, Inc	500.00	
Do	RABANCO	1,000.00	
Do	Sandoz Agro, Inc	1,000.00	
Do	State of California	500.00	
Do	Torchmark Corporation	1,000.00	
Mary L. Wallace, 7272 Wisconsin Avenue Bethesda, MD 20814	American Soc of Hospital Pharmacists	8,412.00	
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Wallace & Edwards, 1150 Connecticut Ave., NW, #507 Washington, DC 20036	Alabama Farmers Federation	1,400.00	
Do	Alabama Power Co		
Do	American Soc of Farm Managers & Rural Appraisers	3,150.00	
Do	American Sugar Cane League	26,125.00	
Do	Calgene, Inc	6,000.00	
Do	Cash America International	4,000.00	
Do	Cotton Warehouse Assn of America		
Do	Delta & Pine Land Co of Miss		
Do	Domino Sugar Corp		
Do	Flue-Cured Tobacco Cooperative Stabilization Corp	3,000.00	
Do	National Pawn Brokers Assn, Inc		
Do	Service Corporation International		
Charles S. Walsh, Fleischmen & Walsh 1400 16th Street, NW Washington, DC 20036	National Cable Television Assn, Inc	1,500.00	
Richard J. Walsh, 6770 Lake Ellenor Drive Orlando, FL 32809-3330	General Mills Restaurants, Inc	1,250.00	151.21
Susan M. Walter, 1299 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004	General Electric Co	5,000.00	450.00
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	1,736.50
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	600.95
Do	National Assn of Dredging Contractors	15,000.00	
Do	National Rifle Assn of America	35,000.00	240.00
Do	Textron, Inc	15,000.00	968.69
Do	Thiokol Corp	13,500.00	30,459.00
Do	TRW, Inc	30,000.00	
Bonnie B. Wan, 700 11th Street, NW, Suite 660 Washington, DC 20001	Kimberly-Clark Corp		
Thomas E. Wanley, 1019 19th Street, NW, Suite 1100 Washington, DC 20036	Personal Communications Industry Assn	2,805.00	396.00
Russell Wapensky, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	13,626.85	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Clarence D. Ward, 1727 Hoban Road, NW Washington, DC 20007	Martin Marietta Corporation	4,847.00	
Gregg Ward, 1150 Connecticut Ave, NW, #717 Washington, DC 20036-4186	Southern California Gas Co		
Michael D. Ward, c/o Virginia Petroleum Council, 701 E. Franklin Street, #105 Richmond, VA 23219	American Petroleum Institute		
Robert A. Warden, 1331 F Street, NW, #400 Washington, DC 20004	Public Employees Retirement Assn of Colorado		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Michael A. Waring, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters	1,000.00	577.31
Ann D. Warner, 1725 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	8,550.00	
James H. Warner, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America		
David E. Warr, 655 15th Street, NW, #410 Washington, DC 20005	Bristol-Myers Squibb Company	1,000.00	
Ms. Tristan Carter Warren, 1771 N Street, NW Washington, DC 20036	National Assn of Broadcasters		
Kenneth Wasch, 1730 M Street, NW, Suite 700 Washington, DC 20036	Software Publishers Assn	6,100.00	
Barbara J. Washburn, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	2,904.64
Gregory J. Washington, 1050 17th Street, NW, Suite 500 Washington, DC 20036	Texaco, Inc		
Sheryl Washington, 316 Pennsylvania Avenue, SE Washington, DC 20003	United Parcel Service	2,000.00	74.71
Washington & Christian, 805 15th Street, NW, #1000 Washington, DC 20005	City of Cleveland		3,102.73
Do	City of Miami	11,250.00	3,974.80
Do	City of Oakland	29,045.00	16,323.91
Do	Coca-Cola Company	9,000.00	981.62
Do	Government of Antigua and Barbuda		1,010.37
Do	Government of Sao Tome e Principe		5,495.86
Do	Greater Cleveland Regional Transit Authority	2,252.47	1,030.85
Do	Pascaline Mferri Bongo	177,056.88	40,922.52
Do	Reid & Priest (for City of Denver)		
Do	San Francisco Public Utilities Commission	16,249.98	27.67
Do	Wooden Publishing House	5,213.03	6,764.96
Washington Strategic Consulting Group, Inc, 805 15th Street, NW, Suite 1000 Washington, DC 20005	Government of the Federal Republic of Nigeria	105,300.00	422,442.92
Do	Republic of Cameroon	181,202.89	51,957.77
Robert A. Waspe, P.O. Box 1417-D49 Alexandria, VA 22313-1417	National Assn of Chain Drug Stores	2,000.00	
Robbi-Lynn Watnik, 1050 17th Street, NW, Suite 700 Washington, DC 20036	Healthcare Financial Management Assn		60.62
Leroy Watson, 1616 H Street, NW 11th Floor Washington, DC 20006	National Grange		
George B. Watts, 1155 15th St., NW, #614 Washington, DC 20005	National Broiler Council	1,850.00	
Bruce H. Watzman, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	10,875.00	277.42
Judith G. Waxman, 2913 Cathedral Ave., NW Washington, DC 20008	Families USA Foundation		
Philip A. Waxman, 2800 Quebec St., NW, #536 Washington, DC 20008	Boehringer Ingelheim Pharmaceuticals, Inc	1,935.00	165.00
William H. Weatherspoon, North Carolina Petroleum Council 150 Fayetteville St. Mall Raleigh, NC 27601-2919	American Petroleum Institute	100.00	
Barbara G. Webb, 600 Maryland Avenue, SW, Suite 202W Washington, DC 20024	Farmers Educational and Co-Operative Union of America		
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Sandra M. Webb, 1150 18th Street, NW, #200 Washington, DC 20036	Halliburton Co		
Jack Weber, 1301 Pennsylvania Ave., N.W. #900 Washington, DC 20004	Natural Disaster Coalition	37,500.00	1,559.00
William R. Weber, 50 F Street, NW, Suite 900 Washington, DC 20001	Farm Credit Council		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	International Taxicab and Livery Assn	1,000.00	
Robert K. Weidner, 2300 M Street, NW, #900 Washington, DC 20037	BP Alaska	3,000.00	50.00
Do	Envirocare of Utah	9,313.42	450.00
Do	James W. Bunger & Associates		
Do	National Assn of Counties		300.00
Do	Rural Utah Public Lands Council		
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp		
Weinberg Bergeson & Neuman, 1300 Eye Street, NW, #1000 West Washington, DC 20005	Battery Council International		
Do	National Assn for Plastic Container Recovery (NAPCOR)		
Do	Portable Rechargeable Battery Association		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	2,000.00	96.39
Stanley P. Weiner, One Kansas City Place 1200 Main Street, #3000 Kansas City, MO 64105	Shook Hardy & Bacon, P.C.		
Donald G. Weinert, 1420 King St. Alexandria, VA 22314-2715	National Society of Professional Engineers	1,500.00	
Steven B. Weingarten, One Commerce Plaza, Suite 2005 Albany, NY 12210	Weingarten Reid Associates		
Kurt Weinrich, 301 East Clark Avenue, Suite 300 Las Vegas, NV 89101	Regional Transportation Commission	4,942.00	2,434.55
Sandra G. Weis, 445 Hamilton Ave. White Plains, NY 10601	Prodigy Services Company		
Arthur A. Weiss, One Woodward Avenue, Suite 2400 Detroit, MI 48226	Jaffe Raitt Heuer & Weiss, P.C.		
Kathleen Weiss, 200 Park Avenue New York, NY 10171	Westvaco Corp		387.25
Walter F. Weiss, 1762 Church Street, NW Washington, DC 20036	American Foreign Service Assn	5,400.00	
John F. Welch, 655 15th Street, NW, #1200 Washington, DC 20005	Safe Buildings Alliance		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	American Grain Inspection Institute		
Do	Apple Processors Assn	15,003.97	1,015.59
Brad G. Welling, 1455 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	American International Group, Inc	2,500.00	50.00
Arnold Wellman, 316 Pennsylvania Ave., SE, #304 Washington, DC 20003	United Parcel Service	11,200.00	1,217.65
Kent M. Wells, 1401 I Street, NW, Suite 1100 Washington, DC 20005	Southwestern Bell Corp	15,000.00	3,961.78
Robert C. Wells, 1101 Pennsylvania Ave., NW, #1000 Washington, DC 20004	Citicorp Washington, Inc	1,450.00	
Margaret A. Welsh, 2101 L Street, NW, #405 Washington, DC 20037-1526	Electric Generation Assn		
Annette Wencl, 1050 31st Street, NW Washington, DC 20007	Association of Trial Lawyers of America	1,700.00	100.00
Frederick C. Wendorf, 801 Pennsylvania Ave., NW, #352 Washington, DC 20004	Central & South West Corp	1,206.25	4,957.77
Thomas F. Wenning, 1825 Samuel Morse Dr. Reston, VA 22090	National Grocers Assn	500.00	
David Wentworth, 1001 Pennsylvania Ave., NW Washington, DC 20004-2599	American Council of Life Insurance		
Fred Wertheimer, 2030 M St., NW Washington, DC 20036	Common Cause	19,097.04	578.00
James K. Wessel, 1800 M Street, NW, #325 South Washington, DC 20036	Dow Corning Corp	5,000.00	
Barbara West, 311 Massachusetts Ave., NE Washington, DC 20002	Washington Health Advocates	1,551.60	
Charles M. West, 205 Daingerfield Road Alexandria, VA 22314	National Assn of Retail Druggists	1,500.00	300.00
Ford B. West, 501 Second Street, NE Washington, DC 20002	Fertilizer Institute	25,000.00	315.41
G. Franklin West, 1530 North Key Blvd., #122 Arlington, VA 22209	Church Alliance	21,000.00	
Do	Oklahoma Natural Gas	15,000.00	
Westland Development Co, Inc, 401 Coors Boulevard, NW Albuquerque, NM 87121			
John F. Wetzel Jr., 50 F St., NW Washington, DC 20001	Association of American Railroads	1,661.89	18.20
Brian B. Whalen Jr., 455 North Cityfront Plaza Drive Chicago, IL 60611	Navistar International Transportation Corp	10,000.00	1,151.68
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co		
Larry Wheeler, 1100 Wilson Blvd. Arlington, VA 22209	Hughes Aircraft Company		
Sandra Wheeler, 2000 K Street, NW, #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	5,263.00	
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		782.24
June M. Whelan, 1899 L Street, NW, Suite 1000 Washington, DC 20036	National Petroleum Refiners Assn	4,000.00	50.00
Michael G. Whitaker Sr., 1707 L Street, NW, Suite 300 Washington, DC 20036	United Air Lines, Inc		
George E. White Jr., 706 Lowerline St New Orleans, LA 70118	Avondale Industries, Inc	30,000.00	11,051.73
Jerrildine Reed White, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
John C. White, White Consulting Group 2000 M Street, NW, #380 Washington, DC 20036	AMGEN, Inc	10,000.00	
Do	Coastal Corporation	20,000.00	
Do	Goldman Sachs & Co	5,000.00	
Do	Maxxam		
Larry White, 601 E Street, NW Washington, DC 20049	American Assn of Retired Persons	808.56	
Margita E. White, 1776 Massachusetts Avenue, NW, Suite 310 Washington, DC 20036	Association for Maximum Service Television, Inc		
Richard H. White, 1875 I Street, NW, #800 Washington, DC 20006	Tobacco Institute	1,000.00	64.47
Sam White, 1156 15th Street, NW, #400 Washington, DC 20005	American Crop Protection Assn		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	1,537.20	90.89
Whiteford Taylor & Preston, 888 17th St., NW, #400 Washington, DC 20006	National Constructors Association	13,333.32	4,568.38
David W. Whitehead, 6200 Oak Tree Boulevard Independence, OH 44131	Centerior Energy Corp	142.19	152.83
K. Elizabeth Whitehead, 1420 New York Avenue, NW, #750 Washington, DC 20005-2122	Acxiom Corp		
Do	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations		
Richard M. Whiting, 805 15th Street, NW——#600 Washington, DC 20005	Bankers Roundtable	3,620.50	
Elizabeth D. Whitley, 600 Maryland Ave., SW, #800 Washington, DC 20024	American Farm Bureau Federation	8,872.00	23.14
William F. Whitsitt, 13155 Noel Road Dallas, TX 75240-5067	Oryx Energy Company		
Larry H. Whitt, 9111 E. Douglas Wichita, KS 67207	Pizza Hut, Inc	90.00	405.14
Pamela J. Whitted, 1225 Eye Street, NW, #500 Washington, DC 20005	BHP Petroleum Americas	500.00	
Whitworth & Associates, 801 Pennsylvania Ave., NW, #747 Washington, DC 20004	Mesa, Inc	5,000.00	
Do	Natural Gas Vehicle Coalition	3,000.00	
William E. Wickert Jr., 1667 K Street, NW, #600 Washington, DC 20006	Bethlehem Steel Corp	100.00	
Helen C. Wiederhorn, 1350 I Street, NW, #1000 Washington, DC 20005	Ford Motor Co	4,929.99	3,119.35
Barbara Wierzynski, 2001 Pennsylvania Ave., NW, #600 Washington, DC 20006-1807	Futures Industry Assn, Inc		
Wiggin & Dana, One Century Tower P. O. Box 1832 New Haven, CT 06508-1832	Villa Banfi, U.S.A.		
Robert Wigington, 1775 K Street, NW, #500 Washington, DC 20006	Airports Council International - North America	17,760.00	
W. Stephen Wilborn, 305 Ann Street, #403 Frankfort, KY 40601	American Petroleum Institute		
Robert H. Wilbur, 1101 Connecticut Ave., NW Washington, DC 20036	Smith Bucklin & Associates (For:Amusement & Music Operators Assn)		
Do	Smith Bucklin & Associates, Inc (For:Society of Thoracic Surgeons)		
Harry G. Wiles II, 1023 15th St., NW, # 400 Washington, DC 20005	Wine & Spirits Wholesalers of America, Inc		1,118.73

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Aeronautical Radio, Inc		
Do	Association of Telemessaging Services, International	130.00	2.00
Do	Blade Communications, Inc		
Do	Chaparral Steel Co		
Do	Club Car, Inc	304.00	
Do	CBS, Inc		
Do	Eastman Kodak Co	400.00	
Do	Georgetown Industries		
Do	David S. Hess		
Do	Marine Mammal Coalition		
Do	McGaw, Inc		
Do	Merchants National Bank		
Do	Newspaper Assn of America (NAA)	1,495.00	53.00
Do	Olan Mills, Inc		
Do	Prodigy Services Company	960.00	9.00
Do	Raritan River Steel Co		
Do	ROLITE, Inc		
Do	U.S. Banknote Corp		
Do	United Parcel Service	455.00	
Do	W.F. Young, Inc		
Guenther O. Wilhelm, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006-1813	Exxon Corporation		
Carl B. Wilkerson, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc		
Laurie L. Wilkerson, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:American Insurance Assn)		
Do	Arter & Hadden (For:Central South West Corp)		
Do	Arter & Hadden (For:Hearst Corp)		
Do	Arter & Hadden (For:SPRINT)		
Do	Arter & Hadden (For:Tesoro Petroleum)		
Do	Arter & Hadden (For:U.S. Long Distance Corp)		
Julia Bullard Wilkie, 206 E Street, NE Washington, DC 20002	National Roofing Contractors Assn	2,625.00	1,018.24
Charles S. Wilkins, 1225 Eye Street, NW, Suite 601 Washington, DC 20005	National Corp for Housing Partnerships	50,625.00	181.00
Timothy C. Wilkins, 2501 M Street. NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Wilkinson Barker Knauer & Quinn, 1735 New York Ave., NW Washington, DC 20006	Aetna Life Insurance	41,850.00	1,363.38
Do	Fleet Financial Group, Inc	25,710.00	1,604.75
Do	Northwest Hydroelectric Assn	3,400.00	180.00
Do	Turlock Irrigation District	1,450.00	178.00
Will Cofer Associates, Inc, 4001 Pine Brook Road Alexandria, VA 22310			
Caroleen Williams, P.O. Box 85608 San Diego, CA 92186	General Atomics	640.00	
Jack L. Williams, 451 New Jersey Avenue, SE Washington, DC 20003	Ark-Best Co	1,400.00	250.00
Do	Arkansas Louisiana Gas Co (ARKLA)	1,200.00	450.00
Do	Electro Com Automation, Inc	1,000.00	200.00
Do	Mid-American Dairymen, Inc	1,200.00	350.00
Do	National Marine Manufacturers Assn	1,000.00	500.00
Do	Pacific Telesis Group	1,200.00	300.00
Do	Riceland Foods, Inc	1,100.00	250.00
Do	Tyson Foods, Inc	1,000.00	250.00
Joel C. Williams Jr., P.O. Box 339 Savannah, GA 31402-0339	Savannah Foods & Industries, Inc	300.00	225.10
Leonard B. Williams, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	50.00	946.33
Marshall Williams, Box 1000, Building A3 Leavenworth, KS 66048	Lobby Quorum International		
Patricia Williams, 1400 16th Street, NW Washington, DC 20036-2266	National Wildlife Federation	5,883.35	
Richard T. Williams, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn	2,000.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
W. Jackson Williams, 111 Center Street, 22nd Floor Little Rock, AR 72201	Williams & Anderson (For:Education Finance Council)	4,590.00	768.56
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	Hatco Corporation	4,956.88	236.79
Fred H. Williamson, 1250 H Street, NW, Suite 800 Washington, DC 20005	Eastman Kodak Company	242.00	242.00
Alan R. Willis, Box 3529 Portland, OR 97208	Port of Portland	12,403.00	
Roy W. Willis, 1101 16th Street, NW Washington, DC 20036	Independent Petroleum Assn of America		100.00
Wayne D. Willis, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics	1,045.58	99.08
Willkie Farr & Gallagher, 1155 21st Street, NW, #600 Washington, DC 20036	American Institute of Certified Public Accountants		
Do	Association of Directory Publishers	495.00	
Do	Browning-Ferris Industries, Inc	3,645.00	
Do	Chemical Leaman Corp	390.00	
Do	Council of Appraisal & Property Professional Societies		
Do	El Alcalde de la Ciudad Capital		
Do	Hispanic Information & Telecommunications Network	82.50	
Do	Katama Yachts, Inc	75.00	
Do	Morgan Guaranty Trust Co	1,850.00	42.95
Do	National Assn of Independent Fee Appraisers	570.00	
Do	Sony Electronics, Inc		
Do	Standard Commercial Tobacco Co, Ltd		
Do	Telecommunications Industry Assn		
Do	Time Warner	13,390.00	
Do	Westinghouse Electric Corp	2,005.00	21.48
Do	Yamaha Motor Co, Ltd, et al.		
Do	Yamaha Motor Manufacturing Corp of America		
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Textile Manufacturers Institute	552.50	174.74
Do	Capital Cities/ABC, Inc	22,766.50	304.35
Do	Chemical Manufacturers Assn, Inc		
Do	Council for Responsible Nutrition	4,120.00	
Do	Educational Testing Service		
Do	Fitch Investors Service, Inc		5.00
Do	G-IV Family Coalition, Inc	1,482.00	
Do	Health Industry Manufacturers Assn	3,087.50	
Do	International Metals Reclamation Company, Inc		
Do	Managed Futures Assn	1,465.00	
Do	Pepsico, Inc		
Alexandra M. Wilson, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		20.00
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	1,000.00	
Charles D. Wilson, P.O. Box 19130 1919 South Broadway Green Bay, WI 54307-9130	Fort Howard Corp	538.44	436.36
David I. Wilson, 1801 K Street, NW, Suite 400K Washington, DC 20006	Arter & Hadden (For:Nintendo of America, Inc)		
Don T. Wilson, 1250 I Street, NW, #400 Washington, DC 20005	National Tire Dealers & Retreaders Assn	572.00	12.00
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	9.00
Robert Dale Wilson, 1133 15th Street, NW, #1200 Washington, DC 20005-2710	Wilson & Wilson (For:Cadmium Council)		
Do	Wilson & Wilson (For:Hecla Mining Company)		
Scott A. Wilson, 888 16th Street, NW Washington, DC 20006	AT&T	225.00	
Do	Brown & Williamson Tobacco Corp	1,968.75	42.05
Do	Monk-Austin, Inc	1,631.25	66.83
Do	Standard Commercial Tobacco Corp	1,631.25	66.83
John P. Winburn, 50 E Street, SE Washington, DC 20003	Winburn & Jenkins (For:American Dental Assn)	1,875.00	
Do	Winburn & Jenkins (For:American Insurance Assn)	2,250.00	
Do	Winburn & Jenkins (For:BR Services)	750.00	
Do	Winburn & Jenkins (For:Chicago Northwestern Railroad)	750.00	
Do	Winburn & Jenkins (For:Connecticut Mutual Life Insurance Co)	1,500.00	
Do	Winburn & Jenkins (For:Delta Air Lines)		
Do	Winburn & Jenkins (For:Equipment Leasing Assn)	1,125.00	
Do	Winburn & Jenkins (For:Fieldale Farms Corp)	750.00	
Do	Winburn & Jenkins (For:Fluor Corp)		
Do	Winburn & Jenkins (For:Hartford Insurance Group)	2,250.00	
Do	Winburn & Jenkins (For:Illinois Hospital Assn)	150.00	
Do	Winburn & Jenkins (For:Leggett & Platt)	1,050.00	
Do	Winburn & Jenkins (For:Lockheed Aeronautical Systems Co)	1,500.00	
Do	Winburn & Jenkins (For:Lutheran General Health System)	750.00	
Do	Winburn & Jenkins (For:Mational Asn of Urban Critical Access Hospitals)		
Do	Winburn & Jenkins (For:Michigan Hospital Assn)	150.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Winburn & Jenkins (For:Milliken & Co)	2,250.00	
Do	Winburn & Jenkins (For:National Assn of Psychiatric Health Systems)	1,500.00	
Do	Winburn & Jenkins (For:Norfolk Southern Railroad)	1,500.00	
Do	Winburn & Jenkins (For:Pfizer, Inc)	2,250.00	
Do	Winburn & Jenkins (For:Philip Morris)	3,300.00	
Do	Winburn & Jenkins (For:Stanly Memorial Hospital, Inc)		
Do	Winburn & Jenkins (For:Transitional Hospitals Corp)	1,875.00	
Stephen H. Wines, 1133 15th Street, NW, #600 Washington, DC 20005	Maritime Institute for Research & Industrial Development	5,734.70	
Eileen M. Winkelman, 2501 M St., NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	600.00	999.68
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste	9,000.00	
Kathleen Winn, 213 A Street, NE Washington, DC 20002			
David L. Winstead, 1666 K Street, NW, #1100 Washington, DC 20006	Wilkes Artis Hedrick & Lane (For:Aldrich Eastman & Waltch, Inc)		
David A. Winston, 1922 F Street, NW Washington, DC 20006	National Assn of Life Underwriters	1,235.18	62.00
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Airlines, Inc	525.00	
Do	American Trucking Assn		
Do	Atlantic County Utilities Authority	176.37	5.85
Do	Attorney's Liability Assurance Society, Inc		
Do	Barr Laboratories, Inc	11,420.00	431.59
Do	Bristol Resource Recovery Facility Operating Committee	176.37	5.85
Do	Carus Chemical Company		
Do	City of Indianapolis	176.37	5.85
Do	Compaq Computer Corporation		
Do	Connecticut Resources Recovery Authority	176.37	5.85
Do	Cooper Tire & Rubber Company		
Do	Culligan International Co	4,296.25	1,525.24
Do	Delaware County (PA), Solid Waste Authority	176.37	5.85
Do	Digital Equipment Corp		
Do	DHL Corporation		
Do	James R. Elliott		
Do	Government of the U.S. Virgin Islands	2,990.13	
Do	Gross Pointes-Harper Woods Study Comm for Detroit City Airpt		
Do	Hill International, Inc		
Do	Huntsville Solid Waste Disposal Authority	176.37	5.85
Do	Interbank Anonim Sirketi		
Do	Lockheed Air Terminal, Inc	210.00	
Do	Lockheed Corp		
Do	Marion County Solid Waste Management	176.37	5.85
Do	Martin Marietta Corp		
Do	Mercer County	176.37	5.85
Do	Minnesota Resource Recovery Assn	176.37	5.85
Do	Montgomery County, Ohio & Montgomery County Solid Waste Dist	176.37	5.85
Do	National Marine Manufacturers Assn		
Do	New Jersey Assn of Environmental Authorities	176.37	5.85
Do	Northern Telecom	2,737.50	49.40
Do	Oceaneering Space Systems		
Do	Penobscot Valley Refuse Disposal District	176.37	5.85
Do	Phillips Colleges, Inc	1,776.25	39.03
Do	Port of Pascagoula (Jackson County, MS)	7,368.75	19.00
Do	Resource Authority Sumner County	176.37	5.85
Do	Solid Waste Authority of Central Ohio	176.37	5.85
Do	SPR Task Force for Southeast Mississippi		
Do	Town of North Hempstead	176.37	5.85
Do	Waggoner Engineering, Inc	7,143.75	96.10
Do	Yellow Corp	495.00	
Do	York County Solid Waste & Refuse Authority	176.37	5.85
Linda M. Winters, 412 First Street, SE Washington, DC 20003	National Automobile Dealers Assn	1,000.00	
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	America West Airlines, Inc		
Do	Coalition for Responsible Waste Incineration (CRWI)		
Do	Corporate Health Care Coalition	2,915.00	102.20
Do	Goldman Sachs & Co		
Do	Lower Elwha Klallam Tribe		
Do	Monsanto Co		
Do	Navajo Nation		
Do	Organization for International Investment (OFII)		
Do	Refractory Ceramics Fiber Coalition		
Do	Schering-Plough Corp	495.00	8.00
Do	Singer Co	195.00	
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Cynthia D. Witkin, 1212 New York Avenue, NW, Suite 500 Washington, DC 20005	American Portland Cement Alliance	9,875.00	521.69
Anne Wixom, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Company Services, Inc		4,035.24
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Albert Einstein Medical Center	21,000.00	2,187.70
Do	AGE Westinghouse Transportation Systems, Inc	11,525.00	628.08
Do	Braddock Medical Center		766.18
Do	Children's Hospital of Philadelphia	51,000.00	766.18
Do	Children's Hospital of Pittsburgh		766.18
Do	Drexel University	15,000.00	1,250.51
Do	Envirotest Systems		
Do	Episcopal Hospital		766.18
Do	Hospital of University of Pennsylvania Medical Center		766.18
Do	Magee-Womens Hospital	19,500.00	1,753.59
Do	Mercy Health Corporation	15,000.00	2,601.01
Do	National Assn of Urban Critical Access Hospital	45,000.00	6,041.64
Do	North Philadelphia Health System		766.18
Do	Riverside County	12,000.00	1,200.00
Do	Society for Nutrition Education	22,500.00	750.00
Do	Thomas Jefferson University Hospital		766.18
Do	University of Pennsylvania	25,000.00	1,329.49
Patricia A. Wolff, 600 Maryland Avenue, SW Washington, DC 20024	American Farm Bureau Federation	7,500.00	
Melissa A. Wolford, 1130 Connecticut Ave., NW, #1000 Washington, DC 20036	(For:American Insurance Assn)	392.60	
Charles V. Wollerton, 1001 Pennsylvania Ave., NW Washington, DC 20004	American Council of Life Insurance, Inc	1,000.00	
Jeffry R. Wollitz, P.O. Box 1798 Jacksonville, FL 32231	Blue Cross & Blue Shield of Florida, Inc	1,250.00	58.60
Mei Lin Wong, 800 Connecticut Avenue, NW, #1100 Washington, DC 20006	Baxter		
Burton C. Wood, 1125 15th St., NW Washington, DC 20005	Mortgage Bankers Assn of America	15,750.00	
Jonathan B. Wood, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	13,752.00	
Lloyd Wood, 8001 Braddock Road Springfield, VA 22160	National Right to Work Committee	1,550.00	17.40
Mildred Wood, 2000 K Street, NW #800 Washington, DC 20006	National Comm to Preserve Social Security & Medicare	3,193.00	
S. Roy Woodall Jr., 1001 Pennsylvania Ave., NW, Washington, DC 20004-2599	American Council of Life Insurance, Inc		
James H.B. Woodroffe III, P.O. Box 111 Tampa, FL 33601	Teco Energy, Inc	21,000.00	8,419.00
Andrew L. Woods, 625 Indiana Avenue, NW Suite 500 Washington, DC 20004-2901	Taft Stettinius & Hollister (For:Special Committee for Health Care Reforms)		
Jerry D. Woods, 1000 Wilson Boulevard Arlington, VA 22209	Northrop Grumman	1,400.00	169.00
Robert W. Woody, 1875 Connecticut Avenue, NW, #1200 Washington, DC 20009	LeBoeuf Lamb Leiby & MacRae	75.00	
William H.L. Woodyard III, 1420 New York Avenue, NW, Suite 750 Washington, DC 20005	Metropolitan Life Insurance Co		
Do	National Assn of Professional Employer Organizations		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	85.00	16.00
Noel C. Woosley, 4647 Forbes Boulevard Lanham, MD 20706	AMVETS	6,800.00	
Calvin Lynn Wooten, 724 Oneida Street, NW Washington, DC 20007			
Willard A. Workman, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	639.00	
Workplace Health & Safety Council, 2300 N Street, NW Washington, DC 20037			
World Federalist Association, 418 7th Street, SE Washington, DC 20003			10,943.81
Worthington Associates, 2132 Southbay Lane Reston, VA 22091	HRM		
Alan D. Wright, 925 Euclid Avenue, #1700 Cleveland, OH 44115-1405	Blue Cross of Ohio & West Virginia		
David L. Wright, Anderson Hill Rd. Purchase, NY 10577	Pepsico, Inc		
Elizabeth L. Wright, 1455 Pennsylvania Ave., NW, #375 Washington, DC 20004	Texas Instruments	1,600.00	50.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Julie Beth Wright, 1801 North Moore Street Arlington, VA 22209	American Assn of School Administrators	6,000.00	80.47
Writers & Research, Inc, 4810 Saint Paul Boulevard Rochester, NY 14617			
Wunder Diefenderfer Cannon & Thelen, 1615 L St., NW, #650 Washington, DC 20036	Adventist Health System Sunbelt	9,000.00	106.03
Do	Air Touch Teletrac	6,000.00	11.34
Do	Alliance of American Insurers	4,791.50	67.62
Do	American Assn of Orthodontists	3,000.00	184.50
Do	American Bus Assn	5,625.00	246.15
Do	American International Group, Inc	7,395.50	664.66
Do	American Orthotic & Prosthetic Assn	7,631.86	73.55
Do	American President Companies		
Do	American Soc of Assn Executives	3,750.00	337.73
Do	American Soc of Consultant Pharmacists	3,500.00	117.69
Do	AmeriCable	2,925.00	9.60
Do	Ares-Serono, Inc	2,126.25	22.40
Do	BellSouth Corp	5,120.00	
Do	Belz Enterprises	5,437.50	73.06
Do	Bermuda, Government of	3,400.25	193.74
Do	Bituminous Coal Operators Assn	16,000.00	85.14
Do	Browning-Ferris Industries	5,877.42	73.81
Do	Circuit City Stores, Inc		
Do	Committee Against Revising Staggers		
Do	Computing Technology Industry Assn		
Do	Connaught Laboratories, Inc	5,000.00	259.58
Do	Construction Industry Air Quality Coalition		
Do	Crescent Cities Jaycees Foundation, Inc		
Do	CSX Corporation	1,000.00	
Do	Grand Metropolitan/Pillsbury	4,255.00	233.22
Do	Guam Tax Code Commission		
Do	Herbalife International of America, Inc	5,320.00	
Do	HDTV 1125/60 Group		
Do	Island Development Corp	150.00	
Do	Karsten Manufacturing Co		
Do	Keen Realty Consultants, Inc	21,068.58	618.99
Do	Kohlberg Kravis Roberts & Co	4,165.00	478.01
Do	Lonesome Dove Petroleum Company		
Do	Manville Corporation	2,488.50	58.64
Do	Martin Marietta	7,500.00	71.79
Do	McDonnell Douglas	1,876.75	14.35
Do	Metropolitan Life Insurance Co	13,299.99	148.92
Do	Molten Metal Technology	3,150.00	2,495.59
Do	Montana Department of Transportation		
Do	(For:MFJ)	22,000.00	1,384.81
Do	National Assn of Beverage Retailers	2,499.99	135.58
Do	National Assn of Small Business Investment Companies	2,000.00	15.80
Do	National Funeral Directors Assn		
Do	National Retail Hardware Assn	3,371.25	250.98
Do	Neurology Center	53.37	1,071.62
Do	Northwestern Mutual Life Insurance Co	3,333.20	54.54
Do	NYNEX Corp		
Do	PMA Group	14,280.00	642.95
Do	Rural States Federal Transportation Policy Development Grp	630.00	
Do	RJR Nabisco	3,000.00	144.75
Do	Siemens Transportation Systems	8,025.00	8,376.99
Do	SmithKline Beecham	4,500.00	247.40
Do	Sony Corp of America	1,000.00	
Do	South Dakota Dept of Transportation		
Do	St. Gobain	1,500.00	1,103.06
Do	Stifel Nicolaus & Co, Inc	837.20	128.76
Do	Tobacco Industry Labor Management Committee	25,600.00	
Do	U.S. Telephone Assn	5,000.00	
Do	Union Pacific	22,500.00	11.78
Do	Waste Conversion Systems, Inc		
Do	Westinghouse Airship Industries	6,000.00	245.42
James Wyerman, 1101 14th Street, NW #1400 Washington, DC 20005	Defenders of Wildlife		
Thomas L. Wylie, 555 13th St., NW, #1010 East Washington, DC 20004-1109	Sun Co, Inc	1,519.00	
David S. Wynett, 1629 K Street, NW, #501 Washington, DC 20006	Delta Air Lines, Inc	110.00	292.56
H. Montee Wynn, 1400 16th Street, NW Washington, DC 20036-0001	National Wildlife Federation	4,479.18	
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	4,688.00	
Marc D. Yacker, 1111 19th Street, NW, Suite 800 Washington, DC 20036	American Forest & Paper Association	650.00	
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,222.00	
Do	National Court Reporters	6,066.00	
John W. Yago, 1010 Massachusetts Avenue, NW Washington, DC 20001	American Road & Transportation Builders Assn	13,750.02	271.95
Deborah K. Yamada, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	11,125.00	221.00
Nancy Foster Yanish, 800 Connectitut Avenue, NW Washington, DC 20006	Food Marketing Institute	400.00	
Yankee Gas Services Company, Attn: Mr. Steve Piascik 599 Research Parkway P.O. Box 1030 Meriden, CT 06450-1030			12.47
Mary J. Yarrington, 2000 K St., NW, 8th Foor Washington, DC 20006	National Comm to Preserve Social Security	3,956.00	
Bruce Yarwood, 1201 L Street, NW Washington, DC 20005	American Health Care Assn	25,000.00	1,296.13
Edward R. Yawn, 701 Pennsylvania Avenue, NW Washington, DC 20004-5475	Edison Electric Institute	1,008.33	327.61
Jack Yelverton, 15 Falcon Court Stafford, VA 22554-5316	United Armed Forces Assn		
Edward L. Yingling, 1120 Connecticut Ave., NW Washington, DC 20036	American Bankers Assn	14,000.00	205.57
D. Scott Yohe, 1629 K St., NW, #501 Washington, DC 20006	Delta Air Lines, Inc	450.00	186.40
Andrew Yood, 1220 L Street, NW Washington, DC 20005	American Petroleum Institute	200.00	
Nina M. Young, 1725 DeSales Street, NW, Suite 500 Washington, DC 20036	Center for Marine Conservation		
Stephen G. Young, 1800 Washington Road Pittsburgh, PA 15241	CONSOL, Inc		
Thomas F. Youngblood, 1201 New York Avenue, NW Washington, DC 20005-3931	American Hotel & Motel Assn	2,486.13	
Betsy Younkins, 1220 L Street, NW, #1200 Washington, DC 20005	American Petroleum Institute	8,000.00	149.41
Eugene A. Yourch, 50 Broadway New York, NY 10004	Federation of American Controlled Shipping	200.00	
Janice Zarro, 1726 M Street, NW, Suite 701 Washington, DC 20036	Mallinckrodt Medical, Inc		
Thomas K. Zaucha, 1825 Samuel Morse Drive Reston, VA 22090	National Grocers Assn	500.00	
Richard A. Zavadowski, 1725 DeSales Street, NW, Suite 902 Washington, DC 20036	Nuclear Fuel Services, Inc	4,775.00	136.19
Shirley Zebroski, 1660 L Street, NW, #401 Washington, DC 20036	General Motors Corp	3,000.00	1,957.44
Leo C. Zeferetti, 49 Graham Place Breezy Point, NY 11697	Building & Construction Trades Dept, AFL-CIO		
Do	Cumberland Packing		
Do	New York Telephone		
Philip F. Zeidman, 1401 New York Ave., NW, #900 Washington, DC 20005	American Business Conference, Inc		
Eugene J. Zeiszler, 7901 Westpark Drive McLean, VA 22102	AMT - The Assn for Manufacturing Technology	3,650.00	250.00
Don J. Zeller, 1615 M Street, NW, #200 Washington, DC 20036	Amoco Corporation	5,000.00	183.02
Steven L. Zeller, 500 Jackson Street Columbus, IN 47201	Cummins Engine Company, Inc		
Alan P. Zepp, 1401 New York Avenue, NW, Suite 1100 Washington, DC 20005	National Cooperative Business Assn	7,000.00	183.99
Ronald L. Ziegler, P.O. Box 1417-D49 Alexandria, VA 22313	National Assn of Chain Drug Stores, Inc	1,000.00	
Elaine Ziemba, 601 Pennsylvania Avenue N.W. #600 North Building Washington, DC 20004	Northern States Power Company	6,000.00	2,451.52
Kelly Ziglar-Clay, 727 15th Street, NW, 12th Floor Washington, DC 20005	Mortgage Insurance Companies of America	9,100.00	198.21
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc		
Fred Everett Zillinger II, 501 Second Street, NE Washington, DC 20002	Fertilizer Insititue	9,000.00	1,030.92
Zionist Organization of America, 4 East 34th Street New York, NY 10016			
Ziontz Chestnut Varnell Berley & Slonim, 2101 Fourth Avenue, #1230 Seattle, WA 98121	Fallon Paiute-Shoshone Tribes		
Do	Makah Indian Tribe		
Do	Mille Lacs Band of Chippewa Indians		
Do	Northern Arapaho Indian Tribe		
Do	Northern Cheyenne Tribe		
Nancy Zirkin, 1111 16th Street, NW Washington, DC 20036	American Assn of University Women	5,000.00	204.20
Amy G. Zirkle, 1020 19th Street, NW, #600 Washington, DC 20036	American Express Co	7,413.00	307.50
Gary M. Zizka, 1100 South Washington Street, Ist floor Alexandria, VA 22314-4494	National Beer Wholesalers Assn	16,339.05	530.06
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1993 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective headings. This page (Page 1) is designed to supply identifying data, and Page 2 deals with financial data.)

PLEASE RETURN 1 ORIGINAL TO: THE CLERK OF THE HOUSE OF REPRESENTATIVES, OFFICE OF RECORDS AND REGISTRATION, 1036 LONGWORTH HOUSE OFFICE BUILDING, WASHINGTON, D.C. 20515

PLEASE RETURN 1 ORIGINAL TO: THE SECRETARY OF THE SENATE, OFFICE OF PUBLIC RECORDS, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19 . . . . . ◆

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

Is this an Amendment? ☐ YES ☐ NO

IDENTIFICATION NUMBER

NOTE on ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) *"Employee"*.—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) *"Employer"*.—To file as an "employer", write "None" in answer to Item "B".

(*b*) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

☐ CHECK IF ADDRESS IS DIFFERENT THAN PREVIOUSLY REPORTED

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE on ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER —State name, address, and nature of business. If there is no employer, write "None."

NOTE on ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have ☐ terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the specific legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) description, (*b*) quantity distributed, (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed.)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and, if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. *If this is a "Quarterly" Report, disregard this item "C4" and fill out items "D" and "E" on the back of this page.* Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly Report."◆

STATEMENT OF VERIFICATION

[Omitted in printing]

NOTE on ITEM "D."—*(a)* IN GENERAL. The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—§ 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In general.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in connection with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multi-purpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In general.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the space following the number.

Receipts (other than loans)

1. $..............Dues and assessments
2. $..............Gifts of money or anything of value
3. $..............Printed or duplicated matter received as a gift
4. $..............Receipts from sale of printed or duplicated matter
5. $..............Received for services (e.g., salary, fee, etc.)
6. $..............TOTAL for this Quarter (Add "1" through "5")
7. $..............Received during previous Quarters of calendar year
8. $..............TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received—"The term 'contribution' includes a . . . *loan* . . ."—§ 302(a).

9. $..............TOTAL now owed to others on account of loans
10. $..............Borrowed from others during this Quarter
11. $..............Repaid to others during this Quarter

12. $..............''Expense Money'' and Reimbursements received this Quarter.

Contributors of $500 or More (from Jan. 1 through this Quarter)

13. Have there been such contributors?
Please answer "yes" or "no": ....◆

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last day of this Quarter, total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor* *("Period"* from Jan. 1 through.............................., 19.......)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE on ITEM "E".—*(a)* IN GENERAL. "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—§ 302 (b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) IN CONNECTION WITH LEGISLATIVE INTERESTS:

Fill in every blank. If the answer to any numbered item is "None," write "NONE" in the spaces following the number.

Expenditures (other than loans)

1. $..............Public relations and advertising services
2. $..............Wages, salaries, fees, commissions (other than Item "1")
3. $..............Gifts or contributions made during Quarter
4. $..............Printed or duplicated matter, including distribution cost
5. $..............Office overhead (rent, supplies, utilities, etc.)
6. $..............Telephone and telegraph
7. $..............Travel, food, lodging, and entertainment
8. $..............All other expenditures
9. $..............TOTAL for this Quarter (Add "1" through "8")
10. $..............Expended during previous Quarters of calendar year
11. $..............TOTAL from Jan. 1 through this Quarter (Add "9" and "10")

Loans Made to Others—"The term 'expenditure' includes a . . . *loan* . . ."—§ 302 (b).

12. $..............TOTAL now owed to person filing
13. $..............Lent to others during this Quarter
14. $..............Repayments received during this Quarter

15. *Recipients of Expenditures of $10 or More*____________

If there were no single expenditures of $10 or more, please so indicate by using the word "NONE".

In the case of expenditures made during this Quarter by, or on behalf of, the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates*	*Name and Address of Recipient—Purpose*
$1,750.00	7–11:	Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15:	Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00		TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Dan s 62536-061, P.O. Box 1000 Milan, MI 48160	Dan Ross 62536-061		
Robert J. Aagre, 1835 12th Street, NW Washington, DC 20009-4421			
Edward L. Abner, 1215 Jefferson Davis Highway, #306 Arlington, VA 22202	Sparton Corporation	16,250.00	
Richard M. Aborn, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	16,000.00	
Thomas L. Adams, 1776 Massachusetts Avenue, NW Washington, DC 20036	National Parks & Conservation Assn	1,366.15	282.78
Advanced Strategies, One International Place 45th Floor Boston, MA 02110	Mellon Bank Corp		
Advocates for Highway & Auto Safety, 777 N. Capitol Street, NE, #410 Washington, DC 20002			23,884.94
Samuel J. Agger, SJA International, Inc 1133 Connecticut Ave., NW, #700 Washington, DC 20036	Zenith Data Systems		
Air Conditioning & Refrigeration Institute, 4301 N. Fairfax Dr., #425 Arlington, VA 22203			
Air Taser, Inc, 7307 East Evans Road Scottsdale, AZ 85260		68.00	19,580.46
Air Traffic Control Assn, Inc, 2300 Clarendon Boulevard, #711 Arlington, VA 22201			
Air Transport Assn, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707		98,279.60	98,279.60
Julia L. Akins, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Alabama Council for Rural Housing & Development, P.O. Box 020269 Tuscaloosa, AL 35402			
Virginia S. Albrecht, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond, P.C. (For:Foundation for Environmental & Economic Progress, Inc).	1,354.00	
Fay S, Alexander, 4155 F Sullyfield Circle Chantilly, VA 22021	Taxpayers Education Lobby, Inc	21,000.00	
Marjorie D. Allen, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,827.26	665.16
Paul E. Almeida, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professinal & Technical Engineers		
William J. Althaus, 901 N. Washington Street, #400 Alexandria, VA 22314	National Smokers Alliance		
American Assn for Marriage & Family Therapy, 1100 17th Street, NW, 10th Fl Washington, DC 20036		39,199.00	39,199.00
American Assn of Bank Directors, 1225 19th Street, NW, #710 Washington, DC 20036			
American Assn of Boomers (AAB), 2621 W. Airport Frwy, #101 Irving, TX 75062			
American Consulting Engineers Council, 1015 15th Street, NW, #802 Washington, DC 20005		70,202.50	59,808.70
American Crop Protection Association, 1156 15th St., NW Washington, DC 20005			
American Fed of State County & Municipal Employees, 1625 L St., NW Washington, DC 20036			133,728.26
American Gas Assn, 1515 Wilson Boulevard Arlington, VA 22209		32,578.00	32,578.00
American Hellenic Institute Public Affairs Committee, Inc, 1220 16th Street NW Washington, DC 20036			
American Managed Care & Review Assn, 1200 19th St., NW, #200 Washington, DC 20037			136.00
American Medical Peer Review Assn, 1140 Connecticut Avenue, NW, #1050 Washington, DC 20036			
American Movers Conference, 1611 Duke Street Alexandria, VA 22314			19,477.72
American Orthotic & Prosthetic Assn, 1650 King Street, #500 Alexandria, VA 22314-1885		250,000.00	53,750.00
American Shooting Sports Council, 9 Perimeter Way, Suite C-950 Atlanta, GA 30339		22,550.83	14,690.33
American Soc of Clinical Oncology, 750 17th Street, NW, #1100 Washington, DC 20006			
American Trucking Assns, Inc, 430 First Street, SE Washington, DC 20003		13,000.00	81,020.00
Jack O. Andresen, 1957 E Street, NW Washington, DC 20006	Stewart & Stewart (For:Brush Wellman Engineered Materials)	450.00	
Jill C. Andrews, 1617 Palmcroft Drive, SW Phoenix, AZ 85007	Small Business Alliance on Communications, Inc		
Do	Small Businesses for Advertising Choice		
Michael Andrews, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	4,000.00	72.00
Animal Health Institute, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480			22,771.52
Decker Anstrom, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	11,250.00	
Thomas D. Anthony, 2500 PNC Center Cincinnati, OH 45202	Frost & Jacobs (For:Comprehensive Medical, Inc)		
Do	Frost & Jacobs (For:Louisville Imaging Services, Inc)		
Do	Frost & Jacobs (For:Western Hills Imaging Center, Inc)		
Apple Processors Assn, 1629 K Street, NW, #1100 Washington, DC 20006		859.71	683.08
James N. Arbury, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	710.77
Arent Fox Kintner Plotkin & Kahn, 1050 Connecticut Ave., NW Washington, DC 20036-5339	Motor and Equipment Manufacturers Association		
Do	Neurology Center		
Do	Society for Excellence in Eyecare		
Luther Glenn Arnette, 1101 Mercantile Lane, Suite 100 Landover, MD 20785	Fleet Reserve Assn		
Arnold & Porter, 1200 New Hampshire Ave., NW Washington, DC 20036	Philip Morris, Inc	6,106.00	285.00
Wayne Arny & Associates, Inc, 600 New Hampshire Ave., NW, #1010 Washington, DC 20037	American Logistics Infrastructure Improvement Consortium		
Do	Datasat, Inc	500.00	234.64
Do	Guam Airport Authority	3,100.00	505.29
Do	Technology for Communications, International		
Do	United Defense LP	1,200.00	91.08
Association of Financial Services Companies, 888 17th Street, NW, #312 Washington, DC 20006			4,500.00
Association of Private Pension & Welfare Plans, Inc, 1212 New York Avenue, NW, #1250 Washington, DC 20005		22,192.50	2,603.09
Fritz E. Attaway, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	480.00	
Susan M. Auther, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corporation	7,850.00	1,426.39
AFL-CIO Maritime Committee, 1150 17th Street, NW, #700 Washington, DC 20036		6,365.00	415.65
APCO Associates, Inc, 1155 21st St., NW Washington, DC 20036	AEC Forest Products	268.75	
Do	City Utilities of Springfield	4,028.75	380.65
Do	Colorado River Energy Distributors	6,885.00	607.39
Do	Gerber Products Company	5,320.00	356.10
Do	Government of Romania		109.20
Do	Heart of America Northwest		
Do	Hoffmann-La Roche, Inc		
Do	Northeast Public Power Assn	6,820.00	253.76
Do	Pennsylvania Power & Light	945.00	653.30
Do	Queens Borough Public Library	6,208.25	
Do	Sacramento Municipal Utility District		
Do	Source Northwest, Inc		
Do	Southern California Public Power Authority	800.00	
Do	State Farm Mutual Automobile Insurance Co		
Do	Tennessee Valley Public Power Assn	135.00	19.16
ARCO Chemical Co, 3801 West Chester Pike Newtown Square, PA 19073			177.00
Richard Anthony Baenen, 1735 New York Avenue, NW, #600 Washington, DC 20006	NANA Regional Corp, Inc		
Do	Shee Atika, Inc		
Kingsley E. Bailey, 1730 K Street, NW Suite 304 Washington, DC 20004	International Foundation for the Mentally Ill		
Baker & Hostetler, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	American Resort Development Assn		
Do	Capitol American Financial Corporation		
Do	Coalition of Independent Casualty Companies of America	2,993.39	2,993.39
Do	Mitsui & Co (U.S.A.), Inc		
Do	Soap and Detergent Association		
Baker Donelson Bearman & Caldwell, 801 Pennsylvania Ave., NW, #800 Washington, DC 20004	Allied-Signal, Inc	687.50	
Do	AFG Industries, Inc	300.00	
Do	AT&T	9,823.00	62.82
Do	Burger King Corp		
Do	CIT PET Systems, Inc	4,661.00	
Do	Dallas/Fort Worth International Airport Board		
Do	Day & Zimmerman, Inc		
Do	Eisenhower Exchange Fellowships, Inc	550.00	
Do	Federal Express Corp	877.50	
Do	Federal Judges Assn	678.50	21.34
Do	Grand Metropolitan, Inc		
Do	Los Angeles County Transportation Commission	968.50	
Do	Martin Marietta Corp	452.00	
Do	Morrison Knudsen Corp		
Do	National Soft Drink Assn		
Do	North Carolina Air Cargo Airport Authority		
Do	Occidental Petroleum Corp	590.00	
Do	Pennzoil Co	550.00	
Do	Pillsbury Company	357.00	
Do	PRC, Inc		
Do	Salomon Brothers, Inc	336.00	64.16
Do	Schering-Plough Corp	15,605.50	60.58
Do	Southern Star Shipping Co	460.00	
Do	U.S. Tobacco, Inc	3,392.50	
Do	United Technologies Corp		
Do	Ventura Port District	1,587.00	
Do	WMX Technologies, Inc	4,555.50	106.64
Elizabeth Baldwin, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Philip A. Bangert, 2000 L Street, NW #612 Washington, DC 20036	Sher & Blackwell (For:Global Resort Partners)		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Miami River Marine Group		
Do	Port of Oakland		500.00
James T. Banks, 1155 Connecticut Avenue, NW, #800 Washington, DC 20036	Chemical Waste Management, Inc	5,000.00	
Elizabeth A. Bannigan, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,266.40	
Robert D. Bannister, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Baraff Koerner Olender & Hochberg, P.C., 5335 Wisconsin Avenue, NW, #300 Washington, DC 20015-2003	Encore Media Corp		
Do	Football Bowl Assn		
Do	National Assn of Collegiate Directors of Athletics		
Do	National Basketball Assn	250.00	
Do	National Hockey League	125.00	
Betsy F. Barclay, 1445 New York Avenue, NW, 8th Floor Washington, DC 20005	Public Securities Assn	12,500.00	895.57
Leslie A. Barhyte, 529 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	5,000.00	27.00
David H. Baris, 1225 19th Street, NW, #710 Washington, DC 20036	American Assn of Bank Directors		
Thomas W. Barlow, P.O. Box 14000 Juno Beach, FL 33408	Florida Power & Light Co		
Barnes Richardson & Colburn, 1225 Eye Street, NW, #1150 Washington, DC 20005	American Tartaric Products, Inc		25.40
Do	Cummins Engine Company, Inc		
Do	Department 56, Inc	473.95	77.84
Do	Florida Citrus Mutual	5,000.00	21.55
Do	Industrial Fastener Equity Committee		154.07
Do	Marion Merrell Dow, Inc	1,112.50	60.23
Do	Miles, Inc		
Do	Polaroid Corp		13.00
Do	Sundstrand Corp		
Sarah Barnett, 1101 15th Street, NW, #600 Washington, DC 20005	Sugar Assn, Inc	356.00	10.00
Ray A. Barnhart, 2630 Exposition Blvd., #G-10 Austin, TX 78703	Marathon Oil Co	4,500.00	78.92
Robert Barr, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
David M. Barrett, 2626 Pennsylvania Avenue, NW Washington, DC 20037	Fleetwood Enterprises, Inc		
Do	Southeastern Pennsylvania Transportation Authority	2,437.50	1,096.87
J. Gary Barrett, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
Doyle C. Bartlett, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	2,000.00	100.24
Linda L. Bartlett, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	750.00	
Patricia L. Bartlett, 700 13th Street, NW, #800 Washington, DC 20005	Clemson University	550.00	
Do	Georgia Institute of Technology	480.00	
Richard A. Barton, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	4,500.00	10,755.45
Jo-Anne R. Basile, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		
Bass and Howes, 1601 Connecticut Ave., NW, #801 Washington, DC 20009	Breast Cancer Coalition	11,050.00	78.84
Do	Family Violence Prevention Fund	1,900.00	145.59
Do	National Diabetes Research Coalition	2,550.00	88.45
Do	RESOLVE	3,190.00	68.43
Sandy Bass-Cors, 119 Oronoco Street, Suite 300 Alexandria, VA 22314	Coalition for Automotive Repair Equality	3,780.00	
William B. Bates, 1615 L Street, NW, Suite 1220 Washington, DC 20036	Hallmark Cards, Inc	1,125.00	108.00
Catharine R. Batky, 801 Pennsylvania Ave., NW, #220 Washington, DC 20004-2604	Burlington Northern Railroad Co	5,000.00	1,257.94
Allison F. Bauer, 1275 K Street, NW, #1100 Washington, DC 20005	ADS Ventures, Inc (for Inchcape Testing Services)	1,333.34	
Do	ADS Ventures (For:Chivus Multrum)	266.67	
Do	ADS Ventures (For:Phychemidics Corp)	666.67	
Jon A. Baumgarten, 1233 20th Street, NW, Suite 800 Washington, DC 20036	Proskauer Rose Goetz & Mendelsohn (For:Association of American Publishers)	1,350.00	
Bayh Connaughton Fensterheim & Malone, PC, 1350 Eye Street, NW, #200 Washington, DC 20005	Citicorp	2,800.00	400.00
Beacon Consulting Group, Inc, 312 Massachuesetts Avenue, NE Washington, DC 20002-5703	Big Brothers/Big Sisters of America		92.75
Do	Cummins-Allison Corp	8,212.50	592.10
Do	Haymarket House	8,750.00	505.63
Do	Museum of Science & Industry	2,675.00	81.30
Do	Mystic Seaport Museum	9,000.00	181.93
Do	National Coalition for Volunteer Protection		
Do	National Crime Prevention Council	14,250.00	3,657.46
Do	National Institute for Citizen Education & the Law	1,650.00	16.00
Do	National Museum of Health & Medicine Foundation	5,000.00	136.84
Do	New England Conservatory of Music	4,500.00	186.81
Do	Rubber Pavements Assn	18,000.00	3,253.34
Do	SCITREK		
Do	TDS Healthcare Systems Corp	6,000.00	266.60
Bruce A. Beam, 801 Pennsylvania Ave, #214 Washington, DC 20004	American Electric Power Service Corp	284.76	240.40
Dorothy A. Beam, 1510 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates (For:Association of American Railroads)	2,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Design Professionals Coalition)	2,500.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Co)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)		
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)	1,000.00	
Do	Richard J. Sullivan Associates, Inc (For:Water Environment Research Foundation).	3,000.00	
Daniel F. Becker, 408 C Street, NE Washington, DC 20002	Sierra Club	4,627.12	
Duane W. Beckhorn, 3100 Fairview Park Drive, Suite 1400 Falls Church, VA 22042	Hazel & Thomas, PC		
Elizabeth W. Beckwith, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
Edwin L. Behrens, Market Square 801 Pennsylvania Ave., NW, #720 Washington, DC 20004-2604	Procter & Gamble Co		
Mark Belanger, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		
Stephen E. Bell, 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Salomon Brothers, Inc	5,000.00	
Lisa Bellucci, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Terre Belt, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	166.42
James M. Bensberg, 1225 Eye Street, NW, #500 Washington, DC 20005-3914	American Motorcyclist Assn	12,874.44	1,203.04
David Berg, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,500.00	234.10
Bergner Bockorny Clough & Brain, 1101 16th Street, NW, #500 Washington, DC 20036	Genetech, Inc	2,000.00	350.00
Paul C. Bergson, 1319 F Street, NW, #301 Washington, DC 20004	ICPR Junior College	4,000.00	
Do	Point of Purchase Advertising Institute	20,000.00	10,000.00
Peter A. A. Berle, 700 Broadway New York, NY 10003	National Audubon Society	1,000.00	350.00
Mary E. Bernhard, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Nancy T. Bernstine, 122 C Street, NW, Suite 680 Washington, DC 20001	National Housing Law Project	4,370.00	
Willard M. Berry, 801 Pennsylvania Ave., NW, Suite 950 Washington, DC 20004	European-American Chamber of Commerce in Wash, DC, Inc		
Margot Bester, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:Prodigy Services Company)		
Do	Murphy & Demory, Ltd (For:U.S. Telephone Assn)		
Beveridge & Diamond, P.C., 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress, Inc	2,708.00	2,828.53
Karin Bierstein, 1101 Vermont Avenue, NW Washington, DC 20005	American Medical Assn	25.00	
Debbie Billet-Roumell, 901 E Street, NW, #600 Washington, DC 20004	National Treasury Employees Union	12,489.25	122.09
Leon G. Billings, Inc, 1625 K St., NW, #790 Washington, DC 20006	Metropolitan Insurance Companies	39,000.00	
David Billy, 1750 New York Ave., NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Robert Bingaman Jr., 408 C Street, NE Washington, DC 20002	Sierra Club	3,315.00	
Biotechnology Industry Organization, 1625 K Street, NW Washington, DC 20006		775,630.00	6,750.18
Julie A. Birkofer, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Cathleen Black, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	6,000.00	505.50
Wayne V. Black, 1001 G Street, NW, #500 West Washington, DC 20001	Tea Assn of the USA, Inc		230.03
Black Crotty Sims Hubka Burnett Bartlett & Samuels, 501 North Grandview Avenue P.O. Box 5488 Daytona Beach, FL 32018.	Nascar, Inc	11,031.25	1,651.25
Roger Blacklow, 905 16th Street, NW Washington, DC 20006	Laborers' International Union of NA, AFL-CIO	17,499.99	854.56
Brent Blackwelder, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	1,272.43	
Stephen J. Blair, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn, Inc	2,124.00	
Helen Blank, 25 E Street, NW Washington, DC 20001	Children's Defense Fund	1,685.77	63.50
David C. Blee, 919 18th Street, NW, #450 Washington, DC 20006	Illinois Power	3,150.00	378.33
Do	Nuclear Assurance Corp		
Nadine Block, 70 West 40th Street, 3rd Floor New York, NY 10018	American Pacific Enterprises	55.00	43.00
Stacy A. Bohlen, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	10,000.00	
James E. Boland, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	5,000.00	603.18
Borden Group, Inc, 101 N. Alfred Street, Suite 200 Alexandria, VA 22314	American Fed of Home Health Agencies	12,300.00	7,249.00
Patricia A. Borowski, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	5,000.00	
Claude P. Boudrias, 2501 M Street, NW Washington, DC 20037	Chemical Manufacturers Assn, Inc	400.00	569.00
Monte F. Bourjaily III, 218 South Fairfax Street Alexandria, VA 22314	Rotter & Bourjaily, Inc	1,000.00	225.00
Albert D. Bourland, 1350 I Street, NW, #800 Washington, DC 20005	Daimler-Benz Washington, Inc	7,500.00	12.00
Elizabeth A. Boussard, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,954.44	484.75

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Betty Hudson Bowers, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	15,000.00	125.00
Diane K. Bowers, P.O. Box 182 Port Jefferson, NY 11777	Council for Marketing & Opinion Research (CMOR)		
Richard A. Boyd, 309 Massachusetts Avenue, NE Washington, DC 20002	Grand Lodge, Fraternal Order of Police	14,744.00	4,648.00
Philip B. Boyer, 500 E Street, SW, #920 Washington, DC 20024	Aircraft Owners & Pilots Assn	2,000.00	
Do	AOPA Legislative Action	2,000.00	
Violet A. Boyer, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges and Universities	13,125.00	
Celeste D. Boykin, 1701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Paul Boyle, 529 14th Street, NW, #400 Washington, DC 20045	Newspaper Association of America	7,000.00	286.25
Bracewell & Patterson, 2000 K Street, NW, #500 Washington, DC 20006	Coalition for Oxygenate Neutral Clean Air Policy		
Do	Oxygenated Fuels Assn		
Marshall A. Brachman, P.O. Box 2200 Fort Worth, TX 76113	City of Nogales, Arizona	15,000.00	1,938.29
Do	Diamond Management	15,000.00	
Do	Direct Marketing Assn, Inc	20,000.00	790.01
Do	Edmund Scientific Company	2,250.00	
Henry E. Braden, 2122 N. Galvez Street New Orleans, LA 70119	Entergy Services, Inc	6,600.00	
Cynthia P. Bradley, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,165.51	375.54
Sarah Brady, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	16,000.00	
Joel Brandenberger, 627 Edmonston Drive Rockville, MD 20851	National Turkey Federation	1,400.00	288.08
Chris Julian Brantley, 1828 L Street, NW, #1202 Washington, DC 20036	Institute of Electrical & Electronics Engineers	1,000.00	675.00
Robert J. Brinkmann, 11600 Sunrise Valley Drive Reston, VA 22091	Newspaper Association of America	4,000.00	45.00
B. Jeannie Brocato, 2301 Main Street Kansas City, MO 64113	Blue Cross & Blue Shield of Kansas City		
Brother Industries (USA), Inc, 2950 Brother Boulevard Bartlett, TN 38133			
Edward J. Brothers, 622 Barbados Drive, #3 Indianapolis, IN 46227			
Joseph Browder, 418 10th St., SE Washington, DC 20003	Dunlap & Browder, Inc		
David C. Brown, 601 Pennsylvania Ave., NW, Suite 620-North Building Washington, DC 20004	PECO Energy Company	10,290.00	1,318.92
David S. J. Brown, 700 14th Street, NW Washington, DC 20005	Monsanto Co	700.00	114.70
Dianne C. Brown, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,000.00	
Donald K. Brown, 1121 L St., #610 Sacramento, CA 95814	Crowley Maritime Corp		
Do	Summa Corporation		
E. Cooper Brown, 6935 Laurel Ave., #204 Takoma Park, MD 20912			
Omer F. Brown II, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Davis Wright Tremaine (For:Lockheed Environmental Systems & Technologies Co).		
Steven J. Brown, 500 E Street, SW, #920 Washington D.C.	Aircraft Owners & Pilots Assn	2,000.00	
William R. Brown Jr., 1630 Duke Street,4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	41,186.00	
Arthur W. Brownell, 1101 Pennsylvania Avenue, NW, #200 Washington, DC 20004	International Paper Co	15,000.00	863.67
Brownstein Hyatt Farber & Strickland, P.C., 410 17th Street, 22nd Floor Denver, CO 80202	New Valley Corporation	26,173.10	3,841.94
Brownstein Zeidman & Lore, 1401 New York Ave., NW, #900 Washington, DC 20005	AFL-CIO Housing Investment Trust	640.00	
Do	New York City Housing Development Corp	2,152.50	
Do	New York State Mortgage Loan Enforcement & Admin Corp	770.00	
David J. Brugger, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations		
Trudy M. Bryan, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E.I. du Pont de Nemours & Co, Inc		
Bryan Cave, 700 13th Street, NW, #700 Washington, DC 20005	PHP Healthcare Corp		
Florence Buchanan, 5566 Southwyck Blvd Toledo, OH 43614	Blade Communications, Inc	93.00	997.00
Jeremiah S. Buckley, Goodwin Procter & Hoar 901 15th Street, NW, #410 Washington, DC 20005	General Latex & Chemical Co		
Michael Buckley, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assn		13.00
Jack W. Buechner, 1300 North 17th Street, Suite 1330 Arlington, VA 22209	Missouri Enterprise Business Assistance Center		125.00
Thomas J. Bulger, 1050 17th Street, NW., #510 Washington, DC 20036	Military Audits of Market Information, Inc		
Karen L. Burgett, 1320 19th Street, NW, Suite 200 Washington, DC 20036	Cox Enterprises, Inc		36.00
Diane B. Burke, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	16,730.50	887.00
Mary J. Burt, 1090 Vermont Avenue, NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	18,750.00	
James D. Burwell, Governmental Affairs Dept. (051) Columbia, SC 29218	SCANA Corp	7,061.29	3,751.21
William Byler Associates, Inc, 6000 34th Place, NW Washington, DC 20015-1607	Ak-Chin Indian Community Council		
Do	San Carlos Apache Tribe		
Patrick J. Cacchione, DCHNS 4600 Edmundson Road St Louis, MO 63134	Daughters of Charity National Health System		
John D. Cahill, McDermott/O'Neill & Associates One Beacon Street, #1600 Boston, MA 02108	Greater Boston Visitors & Convention Bureau		
Do	Health Management Resources, Inc	22,500.00	
Kevin F. Cahill, 17300 Redhill Avenue, Suite 100 Irvine, CA 92714	Kinder & Associates		
David B. Calabrese, 2001 Pennsylvania Ave, NW Washington, DC 20006	Electronic Industries Assn	750.00	126.13
Tony Calandro, 750 First Street, NW, #900 Washington, DC 20002	Career College Assn	7,500.00	
Barbara J. Calkins, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,625.00	6.70
Bradley J. Cameron, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn		
Michael C. Camp, 2001 Pennsylvania Ave., NW, #300 Washington, DC 20006	Exxon Corp		
Campaign for U.N. Reform-Political Education Committee, 713 D Street, SE Washington, DC 20003		3,506.71	9,518.14
Campbell Falk & Selby, 444 North Capitol St., NW, #711 Washington, DC 20001	New York Power Authority		13.00
William Canary Jr, 430 First Street, S.E. Washington D.C.	American Trucking Assns, Inc	3,000.00	
John D. Canatsey, 1735 Jefferson Davis Hwy., #1001 Arlington, VA 22202	Thiokol Corp	5,149.00	11,659.00
James R. Cannon Jr., 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Brush Wellman Engineered Materials)	215.25	
Do	Stewart & Stewart (For:Floral Trade Council)	447.82	
Do	Stewart & Stewart (For:Professional Plant Growers Assn)		
Do	Stewart and Stewart (For:Smith Corona Corp)		
Do	Stewart & Stewart (For:Timken Co)	5,578.56	
Do	Stewart & Stewart (For:Torrington Company)	5,399.18	
Francis J. Cantrel Jr., 1801 Pennsylvania, Ave., NW Washington, DC 20006	MCI Communications Corp	1,000.00	101.00
Shawn Cantrell, 218 D Street, SE Washington, DC 20003	Friends of the Earth	170.37	
Capital Partnerships (VA), Inc, 11350 Random Hils Road, #8000 Fairfax, VA 22030	North Metro Mayors Coalition		
Do	RADAR	10,000.00	1,532.00
Capitol Strategies, 888 16th Street, NW Washington, DC 20006	Cook Inlet Region, Inc		2,800.00
Marie C. Carbone, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	6,081.60	
Career College Assn, Inc, 750 First Street, NE, #900 Washington, DC 20002		32,939.14	32,939.14
Melissa Coggeshall Carey, 2001 Pennsylvania Ave., NW Washington, DC 20006	Electronic Industries Assn	750.00	
Norval E. Carey, 1100 17th St., NW, #1200 Washington, DC 20036	General Atomics	17,865.00	880.55
Robert R. Carey, P.O. Box 2121 Corpus Christi, TX 78403	Central Power & Light Company		
J.D. Cargill & Associates, Inc, P.O. Box 3407 Atlanta, GA 30302-9998	Pharmaceutical Research & Manufacturers of America		254.73
Linda E. Carlisle, 1100 Connecticut Avenue, NW, #600 Washington, DC 20036	Amway Corp		
Do	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Government of Puerto Rico)		
Do	McClure Trotter & Mentz (For:Mercedes-Benz of North America, Inc)		
Do	McClure Trotter & Mentz (For:Methanex, Inc)		
Do	McClure Trotter & Mentz (For:Princeton Univ Investment Co & American Coun on Education).		
William Carney, 523 7th Street, SE Washington, DC 20003	Edison Electric Institute	15,000.00	
Do	Nuclear Energy Institute	5,000.00	
Paul E. Carothers, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	3,000.00	79.56
Jot David Carpenter Jr., 6 East Nelson Avenue, #302 Alexandria, VA 22301-2054	Telecommunications Industry Assn	12,746.82	1,074.94
Simon P. Carr, 2001 Pennsylvania Ave., NW Washington, DC 20006-1813	Electronic Industries Assn	750.00	
John R. Carter, 1001 19th Street, North, #800 Arlington, VA 22209	TRW, Inc	705.00	
Frank H. Case III, 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	3,688.54	
Jennifer Casey, 701 Pennsylvania Ave., NW, Suite 900 Washington, DC 20004	Association of Home Appliance Manufacturers		495.66
Cassidy and Associates, Inc, 700 13th St., NW, #400 Washington, DC 20005	City of Philadelphia		
Do	Community College Assn for Technology Transfer		
Do	Energy Partners		
Do	Evergreen Airventure Museum		
Do	Genetic Design		
Do	Jones Intercable, Inc		
Do	Multinational Business Development Coalition		
Mark A. Casso, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Counsel	1,250.00	
Rita L. Castle, 100 NE Adams Street Peoria, IL 61629	Caterpillar, Inc		
Carol Cayo, 2008 Dayton Street Silver Spring, MD 20902	Information Technology Assn of America	6,000.00	
Center for Rehabilitation Technology, Inc, 490 10th Street, Suite 118 Atlanta, GA 30318			8,372.00
Chadbourne & Parke, 1101 Vermont Ave., NW, #900 Washington, DC 20005	Air Products & Chemicals Inc	4,884.00	72.00
Do	AES Corporation		
Do	ATA Environmental Cleanup Group		
Do	Purdue Frederick Company	6,290.00	110.00
Do	Ruan Transportation Management Systems		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Jerry L. Chambers, 1575 Eye Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc		
Chambers Associates, Inc, 1625 K Street, NW, #200 Washington, DC 20006	American Postal Workers Union, AFL-CIO	3,060.00	
Do	Belk Stores Services, Inc		
Do	Coalition of Publicly Traded Limited Partnerships	4,800.00	
Do	Council of Infrastructure Financing Authorities	4,650.00	
Do	Edison Electric Institute	1,200.00	
Do	General Motors	6,000.00	
Do	Manville Corporation	4,650.00	
Do	National Comm to Preserve Social Security & Medicare		
Do	Newhall Land and Farming Company		
Do	Pre-Medicine Health Security Coalition	26,000.00	
Do	Rite Aid Corp		
Do	U S West, Inc		
Thomas Champion, 601 Pennsylvania Ave., NW, #620 N. Bldg. Washington, DC 20004	Consolidated Edison Company of New York	4,770.00	2,073.72
Chernikoff & Company, 1320 18th Street, NW, #100 Washington, DC 20036	John F. Kennedy Center for the Performing Arts		
S. David Childers, 1221 East Osborn Road, Suite 104 Phoenix, AZ 85014	Low & Childers, P.C.	214.50	35.85
James M. Childress, Koleda Childress & Co, Inc 1110 N. Glebe Rd., #610 Arlington, VA 22201	B.F. Goodrich	2,082.50	
Do	BASF Corp	2,082.50	
Do	Eastman Chemical Co	2,082.50	
Do	GE Plastics	2,082.50	
Do	Hoechst Celanese Chemical Group	2,082.50	
Do	Rexene Corp	2,082.50	
Do	Union Carbide Corp	2,082.50	
Do	Vista Chemical Co		
Phillip R. Chisholm, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		10,000.00
Robert A. Chlopak, 1400 L Street, NW, #600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc	6,500.00	
Marjorie A. Chorlins, 1350 I Street, NW Washington, DC 20005	Motorola	2,500.00	
Christian Action Network, P.O. Box 606 Forest, VA 24551		529,677.41	244,124.10
Christians' Israel Public Action Campaign, Inc, 2013 Q Street, NW Washington, DC 20009		4,447.00	4,753.72
Donna M. Cirolia, One Culligan Parkway Northbrook, IL 60062	Culligan International Co	1,119.96	2,835.21
Citizens for an Alternative Tax System, 100 North Brand Blvd, Suite 502 Glendale, CA 91203			
Citizens Comm for the Right to Keep & Bear Arms, Liberty Park, 12500 NE Tenth Place Bellevue, WA 98005		834,978.00	264,345.00
Citizens Political Action Committee, P.O. Box 645 228 South A Street, #2 Oxnard, CA 93032			
Philip Clapp, 1350 New York Ave., NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	18,675.00	2,627.03
Do	Spiegel & McDiarmid (For:City of Piqua, OH)	1,365.00	17.92
Do	Spiegel & McDiarmid (For:Clean Water Action)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)	48.75	
James F. Clark, P.O. Box 2l2ll Juneau, AK 99802-1211	Alaska Forest Assn		
Julie Clark, 1625 K St., NW, #800 Washington, DC 20006	National Legal Aid & Defenders Assn	16,926.00	
William A. Clifford, 510-15 Revere Beach Blvd., #806 Revere, MA 02151	American Train Dispatchers	663.00	
Michael P. Cline, 1219 Prince Street Alexandria, VA 22314-2916	Enlisted Assn National Guard	5,343.00	
Clinton Advocates for Change, 16 Lancaster Drive Suffern, NY 10901		30.00	47.65
Guy Clough, 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn of America	2,762.45	
Coalition for Automotive Repair Equality, Inc, 119 Oronoco Street, Suite 300 Alexandria, VA 22314		43,637.00	21,394.00
Coalition of Consumers' Picture Rights, 1000 Thomas Jefferson Street, NW Washington, DC 20007		20,446.50	
George T. Cody, 2213 M Street, NW, 3rd Floor Washington, DC 20037	American Task Force for Lebanon	1,120.00	56.00
PerryAnne Coffey, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources	12,000.00	
Marvin S. Cohen, 2929 N. Central Ave., 14th Floor Phoenix, AZ 85012-2576	Sacks Tierney & Kasen (For:City of Tucson)	4,493.50	2,244.67
Cordis B. Colburn, 1745 Jefferson Davis Highway, Suite 1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	2,246.27
John Collins, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Meg Collins, 701 Pennsylvania Ave., NW, Suite 710 Washington, DC 20004	Tenneco	565.00	75.00
Michael A. Collins, 13106 Ivy Drive Beltsville, MD 20705	United Assn of Jnymen & Appren of Plmbg & Pipeftg Industry	6,000.00	135.00
Kent W. Colton, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Committee for Do-It-Yourself Household Moving, P. O. Box 20084 George Mason Station Alexandria, VA 22320			
Commonwealth Group, Ltd, One Massachusetts Avenue, Suite 850 Washington, DC 20001	Bechtel Parsons Brinckerhoff	11,250.00	
Do	EG&G, Inc	7,500.00	
Do	Wampanoag Tribe of Gay Head	15,000.00	
Harry J. Conaway, 2300 N Street, NW, #730 Washington, DC 20037	William M. Mercer, Inc		
Concerned Women for America Legislative Action Committee, 370 L'Enfant Promenade, SW, #800 Washington, DC 20024	Concerned Women for America		
Conference of State Bank Supervisors, 1015 18th St., NW Washington, DC 20036			3,012.50
John L. Conley, 2200 Mill Road Alexandria, VA 22314	National Tank Truck Carriers, Inc		100.00
Francis J. Conners, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	6,033.75	
Jerry C. Connors, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	8,500.00	
Consortium of Social Science Assns, 1522 K Street, NW, #836 Washington, DC 20005		65,805.00	3,956.51
Consumer Federation of America, 1424 16th St., NW, #604 Washington, DC 20036		85,130.00	79,257.50
Convergence Services, Inc, 1800 Diagonal Road, Suite 600 Alexandria, VA 22314	Greater Washington Educational Telecommunications Assn		
Do	Public Broadcasting Service	6,900.00	
Do	Twin Cities Public Television	375.00	
Judith W. Cook, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		7,040.00
Thomas M. Cook, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Edward Cooney, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research & Action Center	2,180.77	
Edward R. Cooper, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Mark N. Cooper, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	5,000.00	
Copeland Lowery & Jacquez, 601 13th Street, NW, #710 North Washington, DC 20005	Bay Area Rapid Transit District	15,983.70	
Do	California League of Savings Institutions	3,500.00	
Do	County of Alameda	19,200.00	
Do	CALSTART	17,406.02	
Do	Santa Barbara Metropolitan Transit District	7,519.07	
Maria C. Cordone, 9000 Machinists Place Upper Marlboro, MD 20772	International Assn of Machinists & Aerospace Workers	18,197.01	
Alfred W. Cors Jr., 4505 Blue Jay Court Woodbridge, VA 22193	National Taxpayers Union	7,155.00	
Gregory Costa, 1445 New York Ave., NW 8th Floor Washington, DC 20005	American Chiropractic Assn		
R. Lawrence Coughlin, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Behavioral Research Institute)		
Do	Eckert Seamans Cherin & Mellott (For:National Independent Automobile Dealers Assn).	875.00	
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	2,250.00	
Do	Eckert Seamans Cherin & Mellott (For:Southeastern Pennsylvania Transportation Authority).	562.50	
Do	Eckert Seamans Cherin & Mellot (For:Triangle Transit Authority)	500.00	
Walter Couillard, 100 Indiana Avenue, NW Washington, DC 20001	National Assn of Letter Carriers	10,213.90	
Council for Educational Development & Research, 2000 L Street, NW, #601 Washington, DC 20036		7,584.62	3,652.85
Council for Marketing & Opinion Research (CMOR), 28 North Country Road, Suite 102 Mt. Sinai, NY 11766			
Council of Nursing Home Suppliers, c/o Schmeltzer, Aptaker & Shepard 2600 Virginia Ave., NW, 10th Floor Washington, DC 20037-1905.		6,000.00	1,293.59
Christopher D. Coursen, 1133 Connecticut Ave., NW, #900 Washington, DC 20036	Allnet Communications Services, Inc		
Do	Coursen Group (For:Cable Telecommunications Assn)	500.00	
Do	Mas Tec, Inc		
Do	Medium-Sized Cable Operators Group		
Do	Scala, Inc		
Covington & Burling, P.O. Box 7566 1201 Pennsylvania Avenue, NW Washington, DC 20044	American PCS, L.P.	7,908.75	
Do	CBS Television Network Affiliates Assn	5,220.00	
Daniel Craig, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	4,176.00	508.34
Charles T. Crangle, 560 N Street, SW #N-609 Washington, DC 20024	American Maritime Officers, MTD, AFL-CIO		247.28
Creative Coalition, 1100 Avenue of the Americas, 15th Floor New York, NY 10036			588.00
Credit Union National Assn, Inc, 805 15th Street, NW, #300 Washington, DC 20005-2207		30,000.00	75.00
Teena Cregan, 8 Herbert Street Alexandria, VA 22305-2600	National Assn of Postmasters of the U.S.	11,395.93	
Douglas P. Crew, 818 Connecticut Avenue, NW, #600 Washington, DC 20006	Caterpillar, Inc	3,000.00	59.31
Charles H. Cromwell, Inc, 6709 Georgia Street Chevy Chase, MD 20815	MTS Systems Corp		
Adrian Cronauer, 1100 Connecticut Avenue, NW, 12th Floor Washington, DC 20036-4101	U.S. Interactive Microwave Television Assn		
John H. Crosby IV, 950 North Glebe Road, Suite 160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc	400.00	175.00
Mark E. Crosby, 1110 N. Glebe Road, #500 Arlington, VA 22201-4714	Industrial Telecommunications Assn, Inc		
James W. Cross, 125 N. West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Mary M. Cross, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	18,389.16	32.00
Dennis P. Culloton, 233 North Michigan Avenue Chicago, IL 60601	Health Care Service Corp	6,250.00	2,675.36
Richard O. Cunningham, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)	183.60	8.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Steptoe & Johnson (For:United Engineering Steels Limited)	356.40	8.00
Stacey C. Cunningham, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
William J. Cunningham, State Street Business Group 200 State Street, 10th Floor Boston, MA 02109	Household Financial Group, Inc	12,500.00	
John T. Curran, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	24,999.99	893.60
Do	National Coordinating Comm for Multiemployer Plans		
D.C. Legislative & Regulatory Services, 1155 21st Street, NW, #310 Washington, DC 20036	Andersons Management Corp	7,500.00	2,898.97
Do	British Petroleum, America	8,500.00	1,438.79
Do	Lebanon Chemical Corp and Lebanon Turf	6,000.00	561.02
Do	National Bark & Soil Producers Assn	3,450.00	902.71
Do	Responsible Industry for a Sound Environment	7,500.00	2,814.52
Do	Scotts Companies & Subsidiaries	15,000.00	1,002.22
Do	ZENECA Ag Products	12,000.00	1,578.01
William Kay Daines, 701 Pennsylvania Avenue, NW Washington, DC 20006		1,180.00	72.80
Lynnea Bylund Dalton, 304 E. Market Street York, PA 17403	U.S. Independent Microwave Television Assn (USIMTA)		
Edward J. Daly III, 1436 U Street, NW Washington, DC 20009	Taxpayer Assets Project	6,000.00	88.00
Jane Danowitz, 1025 Vermont Avenue, NW, Suite 300 Washington, DC 20005	Citizen's Trade Campaign	6,600.00	
Ed Dauksz, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Davis & Harman, 1455 Pennsylvania Avenue, NW, #1200 Washington, DC 20004	American Home Life Insurance Co	150.00	
Do	American Investors Life Insurance	1,200.00	
Do	General Aviation Manufacturers Association	4,500.00	
Do	National Business Aircraft Assn	3,000.00	
Do	William H. Williams	3,000.00	9.00
Do	Worldspan	837.50	
Davis Polk & Wardwell, 1300 Eye St., NW Washington, DC 20005	LTV Corp		
Davis Wright & Tremaine, 1155 Connecticut Ave., NW, #700 Washington, DC 20036	Association of National Advertisers, Inc		
Do	West Pac Vessel Owners Assn	1,082.90	
Harry F. Day, 701 Pennsylvania Avenue, NW, #600 Washington, DC 20004	New York Stock Exchange, Inc		
Michael P. Day, 230 South Phillips Avenue P.O. Box 5118 Sioux Falls, SD 57117	Rural Community Insurance Services/Norwest		
Barbara Daye, 655 Fifteenth Street, NW 300 Metropolitan Square Washington, DC 20005	Blue Cross of California	13,125.00	117.13
Ralph De Gennaro, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	1,404.77	
James A. Delaney, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Animals	1,264.00	1,500.00
Mitchell Delk, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20077-7347	Federal Home Loan Mortgage Corp		
Dan C. Delurey, 601 Pennsylvania Avenue, NW Suite 620 North Bldg. Washington, DC 20004	New England Power Service Company	27,750.00	15,565.20
Willard L. Demory, 1101 - 30th Street, NW, Suite 200 Washington, DC 20007	Murphy & Demory, Ltd (For:California Energy Co, Inc)		
Do	Murphy & Demory, Ltd (For:Constellation Communications, Inc)		
Do	Murphy & Demory, Ltd (For:Erie BOCES)		
Do	Murphy & Demory, Ltd (For:JEFA International, Inc)		
Do	Murphy & Demory, Ltd. (For:Prodigy Services Company)		
Do	Murphy & Demory Ltd (For:U.S. Telephone Assn)		
Paul W. Dennett, 1310 G Street, NW, 12 Floor Washington, DC 20005	Blue Cross & Blue Shield Assn	16,089.00	703.61
Kyra L. Detmer, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	9,575.00	1,035.59
Dewey Ballantine, 1775 Pennsylvania Ave., NW, #500 Washington, DC 20006	Bethlehem Steel, et al.	25,993.50	96.00
Mary Dewhirst, 1350 Connecticut Ave., NW, #200 Washington, DC 20036	Association of America's Public Television Stations	841.35	71.00
Elaine K. Dezenski, 701 Pennsylvania Ave., NW, Suite 720 Washington, DC 20004	Siemens Transportation Systems		
Alex J. DeBoissiere, 701 Pennsylvania Avenue, NW, #710 Washington, DC 20004	Tenneco, Inc	1,500.00	
Michael DeEmilio, 400 North Capitol Street, NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employes	12,500.00	
James U. DeFrancis, 1215 Jefferson Davis Highway, #1500 Arlington, VA 22202-4302	Raytheon Engineers & Constructors	4,012.50	34.61
Doris M. DeMay, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	500.00	21.54
Judith Martin DeSarno, 122 C Street, NW, #380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc	234.00	
Cheryl DeSiena, 6815 Laurel Street, NW Washington, DC 20012	Arter & Hadden (For:Association for Responsible Thermal Treatment)	7,000.00	768.60
Do	Environmental Defense Fund	5,758.75	1,537.20
Caroline Smith DeWaal, 9504 Warren Street Silver Spring, MD 20910	Center for Science in the Public Interest	6,625.00	
Bonnie S. DeWitt, 1875 Eye Street, NW, #800 Washington, DC 20006	Tobacco Institute		
Chester T. Dickerson Jr., 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		343.52
Dorothea M. Diemer, 10550 Talbert Avenue Fountain Valley, CA 92728	Hyundai Motor America		
Robbi Rice Dietrich, P.O. Box 660634 Dallas, TX 75266-0634	Frito-Lay, Inc	9,600.00	6,449.00
Barbara A. Dixon, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	1,290.00	229.78
Brian E. Dixon, 1400 16th Street, NW Suite 320 Washington, DC 20036	Zero Population Growth	342.00	
Nicholas J. DiMichael, 1100 New York Ave, #750 Washington, DC 20005-4006	National Industrial Transportation League		
Thomas B. Dobbins, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	7,000.00	139.00
Sarah R. Dodge, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		10,000.00
Jeffrey A. Dodson, 1700 North Moore Street, #2000 Arlington, VA 22209	Boeing Company	34.20	1,662.64
Robin C. Dole, 1155 21st Street, NW, #321 Washington, DC 20036	Century 21 Real Estate Corp	3,500.00	600.00
Mary Elizabeth Donnelly, 1233 20th St., NW, #200 Washington, DC 20036	Newmont Mining Corp		
Thomas F. Donnelly, 3800 N. Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	11,000.00	
Donnelly Group, 1341 G Street, NW, Suite 1040 Washington, DC 20005	Air Products & Chemicals, Inc		
Do	Dow Chemical USA	22,962.50	
Do	Holiday Inn Worldwide	15,180.00	18.41
Do	Rowland Co	3,000.00	
Sally S. Donner, 1341 G Street NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	2,196.50	158.72
Thomas J. Donohue, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	11,000.00	
Kimberly Olson Dorgan, 1702 Esquire Lane McLean, VA 22101	America's Public Television Stations		
Do	Children's Television Workshop	300.00	
Do	National Captioning Institute	150.00	
Terrie M. Dort, 1200 19th Street, NW, Suite 300 Washington, DC 20036-2401	National Council of Chain Restaurants	50.00	
Jane Lind Downey, 1611 Duke Street Alexandria, VA 22314	American Movers Conference		
William B. Driggers Jr., 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	280.00	275.43
Fran Du Melle, 1726 M Street, NW, #902 Washington, DC 20036	American Lung Assn	2,980.00	8,222.00
Marcel Dubois, 430 1st Street, SE Washington, DC 20003	American Trucking Assn, Inc	9,000.00	
Francis J. Duggan, 1150 Connecticut Avenue, NW, #700 Washington, DC 20036	Mullenholz & Brimsek (For:American Shooting Sports Council)	200.00	
Louise C. Dunlap, 418 10th Street, SE Washington, DC 20003	Dunlap & Browder, Inc (For:Acurex Environmental/CA Energy Commission)		
Dunlap & Browder, Inc, 418 Tenth Street, SE Washington, DC 20003	Acurex Environmental/CA Energy Commission		
Do			
John H. Dunne, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Judy C. Durand, 1156 15th Street, NW, #1015 Washington, DC 20005	JC Penney Co, Inc		122.45
Douglas A. Durante, 7315 Wisconsin Avenue, NW, #515 East Bethesda, MD 20814	Clean Fuels Development Coalition	6,000.00	
Katherine M. Dutilh, 1100 Connecticut Ave., NW, #1300 Washington, DC 20036-4101	Milliken & Company	5,000.00	550.00
Amy S. Dwyer, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Floral Trade Council)	2,925.99	
DEIP Coalition, One Massachusetts Avenue, NW, #800 Washington, DC 20001		38,425.00	30,635.74
DJR & Associates, Inc, 555 Madison Avenue, 12th Floor New York, NY 10022	Alcalde & Fay	5,500.00	1,135.00
Do	U.S. Alcohol Testing of America, Inc	1,667.00	
Pamela Pride Eaton, 900 17th St., NW Washington, DC 20006	Wilderness Society	761.54	
Joseph L. Ebersole, 2101 Connecticut Ave., NW, #63 Washington, DC 20008-1760		24,000.00	389.14
Daniel J. Edelman, Inc, 1420 K Street, NW Washington, DC 20005	Government of India		
Do	Government of Portugal		
Edington Wade & Sanders, Inc, 803 Prince Street Alexandria, VA 22314	Gulfstream Aerospace Corp		
Edwards Associates, 214 Mass.Ave. N.E. #300 Washington, DC 20002	Confederated Tribes of Warm Springs Reservation		
Thomas A. Ehrgood Jr., 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	25,000.00	
Peter J. Eide, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	64.00
Phyllis Eisen, 1331 Pennsylvania Ave., #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	400.00	
Dina E. Elani, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Electronic Industries Assn, 2001 Pennsylvania Avenue, NW Washington, DC 20006		46,412.15	54,520.93
Law Office of Peter L. Eleey, 304 Victory Road Marina Bay, MA 02171	Dana Farber Cancer Institute		
Elf Atochem North America, Inc, 2000 Market Street Philadelphia, PA 19103			6,372.46
J. Burton Eller Jr., 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Mark G. Ellis, 1920 N St., NW Washington, DC 20036	American Mining Congress		
Charles Ellstein, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	3,250.00	1,103.40
Alyson A. Emanuel, 2100 Pennsylvania Avenue, NW, #755 Washington, DC 20037	BASF Corp	1,261.00	
Randy Eminger, 5205 W. 37th Street Amarillo, TX 79109	Southwestern Public Service Co	1,563.75	23.84
Employee Relocation Council, 1720 N St., NW Washington, DC 20036			
Ronald K. Ence, One Thomas Circle, NW, #950 Washington, DC 20005-5802	Independent Bankers Assn of America	24,125.00	341.19
Energy Consumers & Producers Assn, P.O. Box 1288 Muskogee, OK 74402-1288		2,825.00	
Steven Engelmyer, 1515 Market Street Philadelphia, PA 19102	Connolly Epstein Chicco Foxman Engelmyer & Ewing (For:FMC Corp)	8,250.00	4,075.97
Clyde F. Ensslin, 800 Connecticut Avenue, NW, #800 Washington, DC 20006	Tudor Investment Corp		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
J. Barry Epperson, 201 West 5th Street, #440 Tulsa, OK 74103-4211	Associated Wire Rope Fabricators		3,559.43
Epstein Becker & Green, P.C., 1227 25th Street, NW, #700 Washington, DC 20037	MFJ Task Force	22,500.00	
Dawn Erlandson, 218 D Street, SE Washington, DC 20003	Friends of the Earth	355.55	
Ernst & Young, 1225 Connecticut Ave, #500 Washington, DC 20036	Adventist Health System/Sunbelt, Inc	4,000.00	259.57
Do	Adventist Health System/West	4,000.00	259.57
Do	American Council on Education	10,000.00	700.65
Do	Baylor Health Care System	4,000.00	259.57
Do	Christ Hospital	4,000.00	259.57
Do	Cleveland Clinic	4,000.00	259.57
Do	Detroit Medical Center	4,000.00	259.57
Do	General Health, Inc	4,000.00	259.57
Do	Gottlieb Memorial Hospital	4,000.00	259.57
Do	Greater New York Hospital Assn	25,000.00	1,635.27
Do	Harris Methodist Health Services	4,000.00	259.57
Do	Helix Medical Center	4,000.00	259.57
Do	Methodist Hospital of Indiana	4,000.00	259.57
Do	Miami Valley Hospital	4,000.00	259.57
Do	Oakwood Health Services	4,000.00	259.57
Do	Presbyterian Health Care System	4,000.00	259.57
Do	Regional Medical Center	4,000.00	259.57
Do	Samaritan Health System	4,000.00	259.57
Do	Scott & White Hospital	4,000.00	259.57
Do	Sisters of Charity Health Care Systems, Inc	4,000.00	259.57
Do	Unihealth America	4,000.00	259.57
Do	Upper Valley Medical Centers	4,000.00	259.57
Do	US Health	4,000.00	259.57
Catherine Evans, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Eddie D. Evans, 1776 Eye Street, NW, Suite 575 Washington, DC 20006	Marion Merrell Dow, Inc		6,790.00
Rae Evans, 1615 L Street, NW, #1220 Washington, DC 20036	Hallmark Cards, Inc	2,000.00	14.00
Evans Group, Ltd, 1010 Wisconsin Ave., NW, 8th Floor Washington, DC 20007	Armour Pharmaceutical Co		
Do	Matlack Systems, Inc		
Do	Republic of Cyprus	23,000.00	
F/P Research Associates, 1700 K St., NW, #1000 Washington, DC 20006	American Bus Assn		
Do	National Cable Television Assn, Inc	1,500.00	
Do	National Restaurant assn	2,000.00	
Do	Sturm, Ruger & Co	500.00	
Thomas L. Fagan, Jr., 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Meghan Farrell, 444 North Capitol Street, #418 Washington, DC 20001	New England Council		
Federal Kemper Life Assurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			250.52
Tara Federici, 1200 G Street, NW, #400 Washington, DC 20005	Health Industry Manufacturers Assn	1,120.00	94.87
Donald M. Fehr, 12 East 49th Street New York, NY 10017	Major League Baseball Players Assn		2,815.45
Steven A. Fehr, 204 West Linwood Blvd Kansas City, MO 64111	Major League Baseball Players Assn		25.00
Fehrenbacher, Sale, Quinn & Deese, PC, 910 16th Floor, 5th Floor Washington, DC 20006	MIDA Dental Plans, Inc	500.00	
Geoffrey A. Feiss, 1612 K Street, NW, #1100 Washington, DC 20006	U.S. Telephone Assn		13,725.00
Melody H. G. Fennel, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Brian Ferguson, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Kodak Co	1,000.00	840.00
James H. Ferguson, 2310 Trott Avenue Reston, VA 22181	Institute of Electrical & Electronics Engineers	7,500.00	
Jack Ferguson Associates, Inc, 203 Maryland Ave., NE Washington, DC 20002	Arctic Power	2,812.50	590.10
Do	AT&T	7,500.00	567.90
Do	Dillingham Construction Corp, Inc	7,500.00	616.47
Do	Global Marine, Inc	3,750.00	601.98
Do	Holland America West-Tours	5,625.00	612.90
Do	Northern Air Cargo	3,750.00	618.77
Do	U.S. Borax, Inc	7,500.00	615.47
Kirk Ferrell, 122 C Street, NW, #875 Washington, DC 20001	National Pork Producers Council	10,000.00	553.78
Robert J. Fersh, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research & Action Center	194.50	
Richard G. Fifield, P.O. Box 11000 Montgomery, AL 36198	Alabama Farmers Federation	1,775.00	834.89
Joseph T. Findaro Jr., 1350 Eye Street, NW, 2nd Floor Washington, DC 20005	Bayh Connaughton Fensterheim & Malone (For:Alliance for Radon Reduction)	6,400.00	450.00
Do	Eckert Seamans Cherin & Mellott (For:Coachella Valley Water District)	2,900.00	90.00
Do	Bayh Connaughton Fensterheim & Malone (For:Hutchinson Kansas - Local Gov't Superfund Reform).	2,500.00	150.00
Do	Bayh Connaughton Fensterheim & Malone (For:San Luis & Delta Mendota Water Users Assn).	600.00	170.00
Do	Bayh Connaughton Fensterheim & Malone (For:South Delta Water Agency)	600.00	75.00
David O. Finkenbinder, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	1,875.00	
James K. Finley, 12300 Twinbrook Parkway Rockville, MD 20852	National Community Mental Healthcare Council	4,440.00	27.00
Mary Ellen Fise, 1424 16th St., NW, #604 Washington, DC 20036	Consumer Federation of America	2,093.00	13.00
Alan M. Fitzwater, 801 Pennsylvania Avenue, NW, #220 Washington D.C.	Burlington Northern Railroad Co	15,000.00	
Donald Fix, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	Hyjek & Fix, Inc (For:British Aerospace)	1,500.00	795.76
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	566.64
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	979.64
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	1,925.12
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	
Susan G. Flack, 1100 Connecticut Ave, NW, #1200 Washington, DC 20036	Dayton Hudson Corp	100.00	
Do	National Assn of Chain Drug Stores, Inc	100.00	
Do	Flack, Inc (For:Spiegel, Inc)	100.00	
Fleishman-Hillard, Inc, 1301 Connecticut Ave., NW, 7th Floor Washington, DC 20036	American Ambulance Assn	7,500.00	
Do	American Optometric Assn	4,500.00	
Do	Association of American Railroads	9,999.00	
Do	Baxter Healthcare Corp		
Do	California Desert Coalition	7,000.00	
Do	Children's Hospital Medical Center of Northern California	6,000.00	
Do	City of Escondido, California	1,500.00	
Do	CommTek Communications Corp	12,000.00	
Do	CW Agencies, Inc	22,500.00	
Do	Institute of Scrap Recycling Industries	3,000.00	
Do	Litton Computer Services	2,000.00	106.40
Do	Marazul Charters	3,000.00	
Do	MasterCard International		
Do	Minot Area Development Corp	125.00	
Do	National Collegiate Athletic Assn (NCAA)		
Do	National Spiritual Assembly of the Baha'is of the U.S.	24,000.00	734.00
Do	Nintendo of America, Inc		
Do	Novell, Inc	5,000.00	
Do	Pharmaceutical Coalition (Sandoz)	3,000.00	
Do	Safe Tire Disposal Corporation	12,000.00	
Do	Sony Corp of America		
Do	Syva Company	3,000.00	
Do	University of New Haven	1,200.00	
Mac A. Fleming, 26555 Evergreen Rd., #200 Southfield, MI 48076	Brotherhood of Maintenance of Way Employes		
Florida Business Associates, 1620 L Street, NW, #875 Washington, DC 20036	California Polytechnic University, Pomona		
Do	National Technological University		
Florida Firearms Political Alliance, Inc, 634 North Federal Highway Ft. Lauderdale, FL 33304		43.00	58.00
Karen Florini, 1875 Connecticut Ave. NW, #1016 Washington, DC 20009	Environmental Defense Fund	6,000.00	
Ruth Flower, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	6,703.16	63.70
Veronica M. Floyd, 3306 Fallen Tree Court Alexandria, VA 22310	Brunswick Marine Group	4,480.00	357.75
Brian F. Fontes, 1250 Connecticut Ave, NW, 2nd Floor Washington, DC 20036	Cellular TElecommunications Industry Assn		
Footwear Distributors & Retailers of America, 1319 F St., NW, #700 Washington, DC 20004			1,500.00
John P. Ford, One Kellogg Square Battle Creek, MI 49016	Kellogg Co	2,000.00	283.00
Ford & Ferraro, 98 San Jacinto, Suite 2000 Austin, TX 78701	Houston Chemical Services, Inc	3,000.00	991.37
Patrick Forte, 888 17th Street, NW, #312 Washington, DC 20006	Association of Financial Services Holding Companies	3,750.00	
Michael Fortier, 1200 19th Street, NW, Suite 200 Washington, DC 20036-2437	American Managed Care & Review Assn		136.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Alfred J. Fortin, P.O. Box 860 Honolulu, HI 96808	Hawaii Medical Service Assn		3,400.00
Richard D. Fortin, 1275 K Street, NW, #850 Washington, DC 20005-4006	National Industrial Transportation League	927.50	20.00
Maria Foscarinis, 918 F Street, NW, #412 Washington, DC 20004	National Law Center on Homelessness and Poverty		
Foundation for Environmental & Economic Progress, 1001 Pennsylvania Ave., NW #310 Washington, DC 20004		146,250.00	52,674.15
W. Frank Fountain Jr., 1100 Connecticut Ave., NW, Suite 900 Washington, DC 20036	Chrysler Corp	5,860.00	412.00
Barbara Fox, 1101 Pennsylvania Avenue, NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	250.00
Fox Bennett & Turner, 750 17th Street, NW, #1100 Washington, DC 20006	American Soc of Clinical Oncology		
Do	Bristol-Myers Squibb Co		58.75
Do	Cryomedical Sciences, Inc	86.40	31.60
Do	Fisons Corp		
Do	Healthcare Management Alternatives, Inc		47.50
Do	Hoffmann-La Roche, Inc		
Do	Immuno, US		
Do	Johnson & Johnson	360.00	
Do	Lederle-Praxis Biologicals	360.00	107.50
Do	National Coalition for Cancer Survivorship		
Do	New England Biomedical Research Coalition		
Do	Serono Laboratories, Inc	7,800.00	
Phillip L. Fraas, One Massachusetts Avenue, NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:DEIP Coalition)	17,570.00	425.39
Michael Francis, 900 17th Street, NW Washington, DC 20006	Wilderness Society	8,802.23	49.00
George Franklin, 1 Kellogg Square Battle Creek, MI 49016-3599	Kellogg Company	1,500.00	150.00
Marian C. Franz, 2121 Decatur Place, NW Washington, DC 20008	National Campaign for a Peace Tax Fund	2,662.60	1,469.82
David Frazier, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,900.00	79.00
Freer & McGarry, P.C., 1000 Thomas Jefferson St., NW, #600 Washington, DC 20007	Amstar Corp	3,643.79	69.84
Do	Dairymen, Inc	10,780.00	100.34
Robert Freimark, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
John Freshman Associates, Inc, 1722 I Street, NW, #500 Washington, DC 20006	Anheuser-Busch Companies, Inc	18,000.00	55.51
Do	Los Angeles County Sanitation District	13,301.50	494.80
Stacey Fried, 1301 K Street, NW East Tower 715 Washington, DC 20005	Eastman Chemical Co	250.00	
Blaine P. Friedlander, 2341 Dale Drive Falls Church, VA 22043	Korean War Veterans Assn, Inc		
F. Michael Friedman, 321 West Front Street P.O. Box 1000 Media, PA 19063	Pagano Wills & Friedman (For:Chem Service, Inc)		
Friends Committee on National Legislation, 245 2nd St., NE Washington, DC 20002		135,996.72	154,583.81
Jeffrey Fritzlen, 555 13th Street, NW, #450-W Columbia Square Washington, DC 20004	Union Pacific Corp	12,500.00	1,606.70
Jocelyn C. Frye, 1875 Connecticut Ave., NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	1,061.00	706.00
Nancy R. Fulco, 1615 H St., NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Kurt A. Furst, 700 14th Street, NW, #1100 Washington, DC 20005	G.D. Searle & Co		525.00
Vivian Gabor, 1901 L Street, NW, Suite 260 Washington, DC 20036	March of Dimes	7,000.00	
George Galt, 1000 Thomas Jefferson Street, NW Suite 609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition for Consumers' Picture Rights)	5,757.50	
Joan Galvin, 8607 Westwood Center Drive Vienna, VA 22182	Ringling Bros & Barnum & Bailey		
Thomas Gann, 1300 I Street, NW, #40 East Washington, DC 20005-3306	Sun Microsystems, Inc		3,325.00
Reginald R. Garcia, Melendi Gibbons & Garcia, P.A. 216 South Monroe St., #300 Tallahassee, FL 32301	American Communications... (for: Smokeless Tobacco Council)	5,000.00	
Do	Florida Assn of Broadcasters	7,500.00	597.96
Do	Taylor Brion Buker & Greene (for PRIDE of Florida)	10,965.00	1,240.25
Lee D. Garrigan, 1015 15th Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,250.00	
Jerome C. Gatto, 230 E Broadway #901 Salt Lake City, UT 84111-2451			
Karl Gawell, 900 17th Street, NW Washington, DC 20006	Wilderness Society	7,965.37	
Barbara L. Gay, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging	317.95	112.82
Craig Gehrke, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Deanna Gelak, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	31,578.00	
David F. Gencarelli, 1919 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Alliance of American Insurers	1,875.00	600.00
Do	Guardian Life Insurance Co of America	15,000.00	350.00
Do	Richard T. Hines Consulting, Inc (For:Northwestern National Life Insurance Co)	5,000.00	355.00
Do	Richard T. Hines Consulting, Inc (For:Pan American Life Insurance Co)	5,000.00	385.00
Do	Richard T. Hines Consulting, Inc (For:Washington National Life Insurance)	3,750.00	365.00
Do	Richard T. Hines Consulting, Inc (For:Wausau Nationwide Insurance Group)		
Katherine Doddridge Gerlach, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Matthew Gerson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	2,250.00	808.36
Lucie Kriste Gikovich, 1275 Pennsylvania Ave., NW, #400 Washington, DC 20004	Pacific Telesis Group	18,000.00	
Richard Gilbert, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,222.00	
Jana L. Gill, 1575 Eye Street, NW, Suite 370 Washington, DC 20005-1175	Coalition for PUHCA		
Do	Missouri Basin Municipal Power Agency	750.00	
Do	Northern California Power Agency	2,500.00	
Do	OPCO Wholesale Customer Group	2,500.00	
Do	Public Power Council	1,250.00	
Jacqueline Gillan, 777 North Capitol Street, NE, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	2,625.00	78.00
Daniel F. Gilligan, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	1,100.00	
Dorothy M. Gillman, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	11,850.00	873.18
Brad Gilman, 2300 Clarendon Blvd., #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Groundfish Data Bank)		
Do	Robertson Monagle & Eastaugh (For:Aleutians East Borough)	5,925.00	
Do	Robertson Monagle & Eastaugh (For:All Alaska Seafood)	1,100.00	
Do	Robertson Monagle & Eastaugh (For:City of Kodiak)	381.00	
Do	Robertson Monagle & Eastaugh (For:Crowley Maritime Corp)		
Do	Robertson Monagle & Eastaugh (For:Kodiak Island Borough)		
Do	Robertson Monagle & Eastaugh (For:Lunds Fisheries, Inc)	3,120.00	
Do	Robertson Monagle & Eastaugh (For:Marco)	737.00	
Do	Robertson Monagle & Eastaugh (For:Pacific States Marine Fisheries Cons)	4,137.00	
Do	Robertson Monagle & Easthaugh (For:Seafreeze)	3,120.00	
Maureen Gilman, 901 E St., NW, #600 Washington, DC 20004	National Treasury Employees Union	24,043.00	1,333.43
Sandra Gjelde, P.O. Box 2367 Silverthorne, CO 80498	Mississippi Band of Choctau Indians (MBCI)	4,200.00	655.62
Glass Packaging Institute, 1627 K Street, NW, #800 Washington, DC 20006			2,185.00
Mark L. Glassman, 1055 North Fairfax Street, Suite 201 Alexandria, VA 22314	U.S. Strategies Corp	1,062.50	
JoAnne Glisson, 700 14th Street, NW, Washington, DC 20005	Monsanto Company		141.14
Jean C. Godwin, 1010 Duke Street Alexandria, VA 22314	American Assn of Port Authorities	19,050.00	2,000.00
Al James Golato, 1533 New Hampshire Ave., NW Washington, DC 20036	National Assn of Retired Federal Employees		
Neil Goldschmidt, Inc, 222 SW Columbia, #1850 Portland, OR 97201	Evergreen International Aviation, Inc		
Do	Nike, Inc		
Do	U.S. Generating		
Benson S. Goldstein, 11800 Tfton Drive Potomac, MD 20854	National Assn for the Self-Employed	12,600.00	
Do	Seniors Coalition, Inc		
John E. Gordon, 1725 Jefferson Davis Highway, Suite 601 Arlington, VA 22202-3585	Litton Industries, Inc	1,000.00	1,195.70
Regina M. Gorman, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,500.00	248.52
Barry Gottehrer, 1295 State Street Springfield, MA 01111-0001	Massachusetts Mutual Life Insurance Co	288.45	
George B. Gould III, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	13,627.25	3,047.64
Lawrence T. Graham, 7900 Westpark Drive, #A-320 McLean, VA 22102	Chocolate Manufacturers Assn of the USA		
Do	National Confectioners Association		
Suzanne Granville, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,812.46	
Marie Beatrice Grause, 499 South Capitol Stret, SW, #405 Washington, DC 20003	Massachusetts Hospital Assn	16,300.00	
W. Lawrence Graves, 1627 K Street, NW, Suite 400 Washington, DC 20006-1790	National Newspaper Assn		
Geoffrey P. Gray, 888 17th Street, NW, Suite 312 Washington, DC 20006	Association of Financial Services Holding Companies	1,500.00	
Harold Gray, 5050 Fulton Street, NW Washington, DC 20016	WMDP Service Station & Automotive Repair Assn		
Greater Ecosystem Alliance, P.O. Box 2813 Bellingham, WA 98227		54,262.79	764.96
Greenberg Traurig Hoffman Lipoff Rosen & Quentel, 1501 M Street, NW, 11th Floor Washington, DC 20005	AT&T Universal Card Services		472.58
Do	Blockbuster Entertainment	1,546.25	101.62
Do	Central American & Caribbean Textile & Apparel Council	15,000.00	2,818.58
Do	City of North Miami Beach		
Do	Connaught Laboratories, Inc	35,659.50	1,930.18
Do	Cookson America USA	5,000.00	94.78
Do	Dade County	37,500.00	
Do	Haverfield Corp	14,230.00	437.10
Do	Healthsource, Inc	5,737.50	181.31
Do	Humana, Inc	22,500.00	584.01
Do	John Alden Life Insurance Co	9,000.00	403.22
Do	MetroSound USA, Inc	18,000.00	1,735.48
Do	Mount Sinai Medical Center	14,700.00	159.33

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn for the Support of Long-Term Care (NASL)	18,000.00	506.21
Do	National Assn of Mortgage Brokers		250.08
Do	National Health Laboratories	10,414.69	530.12
Do	NBD Bank, NA	7,500.00	377.79
Do	South Dade Land Corp	9,918.75	35.15
Do	Torrington Co	36,000.00	975.03
Do	Viacom International, Inc	7,396.89	361.77
Do	Viera Co		
Do	Visionhouse	27.00	102.02
Laurence T. Greene, 100 North Diamond-Star Parkway Normal, IL 61761	Diamond-Star Motors Corp		
Robert Greenstein, 777 North Capitol Street, NE, #750 Washington, DC 20002	Center on Budget & Policy Priorities	942.40	74.20
Richard Grefe, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	America's Public Television Stations		2.00
Edward D. Griffith, 3801 West Chester Pike Newtown Square, PA 19073	ARCO Chemical Co		
Kathleen Ann Griffith, P.O. Box 1234 La Jolla, CA 92038	Secretariat of Commerce & Industrial Development of Mexico		
Randy Griggs, 1052 Highway 431 North Dothan, AL 36303	Alabama Farmers Federation	600.00	
Michael E. Grisso, 5115 Doyle Lane Centreville, VA 22020	Aliviane No-Ad, Inc	191.75	
Olga Grkavac, 1616 North Fort Myer Drive, #1300 Arlington, VA 22209	Information Technology Assn of America, Inc	5,000.00	
Grocery Manufacturers of America, Inc, 1010 Wisconsin Ave., NW, #900 Washington, DC 20007			1,679.79
Groom & Nordberg, Chtd, 1701 Pennsylvania Avenue, NW, #1200 Washington, DC 20006	Ad Hoc MGA Group		
Do	Ad Hoc PFIC Group		
Do	American Petroleum Institute		
Do	Amoco Corporation		
Do	Bankers Life & Casualty Co	200.00	
Do	Cargill, Inc		
Do	Chevron Corp	175.00	15.00
Do	Eli Lilly & Company	350.00	20.00
Do	Maxus Energy Corp		
Do	Murphy Oil USA, Inc		
Do	Nebraska Public Power District		10.00
Do	New York City Teachers Retirement System		
Do	Phillips Petroleum Co		
Do	Physicians Mutual Insurance Co	200.00	10.00
Do	Principal Financial Group		
Do	Prudential Insurance Co of America	2,000.00	75.00
Do	Prudential Securities		
Do	Puerto Rico, USA Foundation		
Do	Retired Lives Reserve Group		
Do	Southern California Edison Co		
Do	Sunflower Electric Power Corp		
Do	Union Texas Petroleum Corp		
Do	Westinghouse Electric Corp		
Jerome Grossman, 110 Maryland Avenue, NE, #409 Washington, DC 20002	Council for a Livable World		579.49
Teresa A. Gruber, 1 Massachusetts Ave., NW, #800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	1,998.00	31.94
Do	McLeod Watkinson & Miller (For:DEIP Coalition)	7,347.00	210.35
Kenneth A. Guenther, One Thomas Circle, NW, #950 Washington, DC 20005	Independent Bankers Assn of America	58,781.00	
John E. Guiniven, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	5,000.00	350.00
Peggy A. Gunn, 601 Second Avenue South MPFP 1704 Minneapolis, MN 55402	First Bank System, Inc	15,000.00	2,152.12
Robert L. Guyer, 13714 NW 21 Lane Gainesville, FL 32606	Energizer Power Systems Division of Eveready Battery Co	4,500.00	13,500.00
GRQ, Inc, 5454 Wisconsin Ave., NW, #1340 Chevy Chase, MD 20815	American Health Information Management Assn	6,000.00	
Do	Assn of California State Attorneys & Administrative Law Jud	1,500.00	
Do	Association for Health Services Research	1,500.00	
Do	California Assn of Professional Scientists	5,000.00	
Do	Manor Healthcare, Inc	11,000.00	
Do	National Assn of Medical Directors of Respiratory Care		
Do	Professional Engineers in California Government	1,500.00	
Do	Puritan Group-Puritan Bennett Corp		
Do	Transtracheal Systems		
Anthony L. Hadley, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	9,000.00	
Hale and Dorr, 1455 Pennsylvania Ave., NW, #1000 Washington, DC 20004	American Institute of Certified Public Accountants	20,000.00	800.00
Do	Boston Area Mutual Fund Group	24,000.00	50.00
John P. Hall Jr., 1350 Eye Street, NW, #810 Washington, DC 20005	Johnson & Johnson	71.00	27.85
Mark A. Hall, 1001 North 19th Street, #800 Arlington, VA 22209	TRW, Inc	670.00	
Matthew W. Hamill, 1025 Connecticut Avenue, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	13,275.00	
Palmer C. Hamilton, Miller Hamilton Snider & Odom P.O. Box 46 Mobile, AL 36601	Chase Manhattan Bank	17,499.00	21,960.77
Do	Colonial Mortgage Co	4,656.00	5,230.65
Do	Prudential Securities, Inc		2,600.51
Sam F. Hamra Jr., Two Corporate Centre, Suite 200 1949 East Sunshine Springfield, MO 65804	Morris, John L.		
Nolan W. Hancock, 2722 Merrilee Drive, Suite 250 Fairfax, VA 22031	Oil Chemical & Atomic Workers International Union	7,656.50	
Handgun Control, Inc, 1225 Eye Street, NW, #1100 Washington, DC 20005		1,83,869.00	729,369.00
Thomas H. Hanna, 1620 Eye Street, NW, #1000 Washington, DC 20006	American Automobile Manuacturers Assn		
Christopher W. Hansen, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	7,849.00	2,278.76
Jake Hansen, 11166 Main Street, #302 Fairfax, VA 22030	Seniors Coalition	11,666.66	2,137.94
Sandra K. Harding, 750 First Street, NE, #700 Washington, DC 20002-4241	National Assn of Social Workers	9,600.00	
John C. Hare, 701 Pennsylvania Avenue Washington, DC 20004	Siemens Transportation Systems, Inc		4,381.10
Michael C. Harper, 2111 Wilson Blvd, Suite 1100 Arlington, VA 22201	Teledyne Ryan Aeronautical	1,995.00	21.70
W. Brendan Harrington, 1101 15th St., NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Joseph M. Harrison, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	5,000.00	
Fruzsina M. Harsanyi, 1101 15th Street, NW, #500 Washington, DC 20005	Asea Brown Boveri, Inc	3,500.00	
William J. Harte Ltd, 111 West Washington Street, Suite 1000 Chicago, IL 60602	AMGEN, Inc	11,100.00	11,987.33
Do	Gamma of Illinois, Inc		
Arthur A. Hartman, 1155 21st Street, NW, Suite 1000 Washington, DC 20036	General Atomics		
Clifford J. Harvison, 2200 Mill Rd. Alexandria, VA 22314	National Tank Truck Carriers, Inc		150.00
Donald F. Haskell Jr., 400 Christiana Road Newark, DE 19713	MBNA America Bank, NA		
James C. Hassett, 1747 Pennsylvania Ave., NW, Suite 300 Washington, DC 20006	Occidental Chemical Corp		
Christina M. Hauptli, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Havens Group, Inc, 1200 G Street, NW, Suite 800 Washington, DC 20005	American Commercial Barge Line Co	16,215.00	86.10
Do	Burlington Northern Railroad, Inc	1,800.00	97.35
Do	CSX Corp	7,500.00	175.45
Kathryn Joann Hawes, 8630 Fenton Street, #400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
Jennifer Hawk, 1722 Eye Street, NW, 4th Floor Washington, DC 20006	Barclays Bank, PLC	4,000.00	
John F. Hayden, 1700 N. Moore Street, 20th Floor Arlington, VA 22209	Boeing Company	300.00	
Steven L. Hayes, 1015 Oneonta Drive Los Angeles, CA 90065	Citizens for an Alternative Tax System		
Mark F. Haynes, 800 Connecticut Avenue, NW, #600 Washington, DC 20006	Fluor Corporation	5,000.00	
Janis D. Hazel, 1350 Connecticut Avenue, NW, #200 Washington, DC 20036	Association of America's Public Television Stations	344.24	262.63
Hazelden Foundation, 15245 Pleasant Valley Road Center City, MN 55012-0011			48,385.00
Healthcare Leadership Council, 1500 K Street, NW, Suite 360 Washington, DC 20005		1,575.00	205.00
Paul T. Heilig, 1700 North Moore Street, 20th Floor Arlington, VA 22209	Boeing Co	19,470.00	225.16
Robert M. Heine, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	31.50	
Helicopter Assn International, 1635 Prince Street Alexandria, VA 22314			17,243.25
Don Hellmann, 900 17th Street, NW Washington, DC 20006	Wilderness Society	4,916.91	27.00
Thomas M. Helscher, 700 14th Street, NW, #1100 Washington, DC 20005	Monsanto Co		36.95
Donald E. Henderson, 225 South East Street Indianapolis, IN 46202	Indiana Farm Bureau, Inc	6,000.00	1,816.00
Wallace Henderson, 1250 Connecticut Avenue, NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Assn		332.57
Dennis A. Henigan, 1225 Eye Street, NW Washington, DC 20005	Handgun Control, Inc	1,987.00	
Kevin S. Hensley, 1957 E Street, NW Washington, DC 20006	American Consulting Engineers Council		
William Hermelin, 2215 Constitution Ave, NW Washington, DC 20037	American Pharmaceutical Assn	1,000.00	
John Drew Hiatt, 1200 18th Street, NW, #500 Washington, DC 20036	National Business Owners Assn, Inc	17,413.83	16,846.06
Christopher Hicks, 1155 15th Street, NW, Suite 611 Washington, DC 20005	Ethyl Corp		
Sharon L. Hildebrandt, 2600 Virginia Avenue, NW, Suite 1000 Washington, DC 20037	Schmeltzer Aptaker & Shepard, PC (For:Council of Nursing Home Suppliers)	7,248.99	
Hill and Knowlton, Inc, 901 31st Street, NW Washington, DC 20007	Motorola, Inc	14,737.50	
Grace L. Hinchman, 1401 H Street, NW, Suite 950 Washington, DC 20005	Digital Equipment Corp	28,000.00	
Richard T. Hines Consulting, Inc, 733 15th Street, NW, #700 Washington, DC 20005	Health Policy & Strategy (For:Northwestern National Life)	2,500.00	796.25
Do	Health Policy & Strategy (For:Pan American Life Insurance Co)	2,500.00	796.25
Do	Pioneer Financial Services, Inc	15,000.00	4,758.07

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Health Policy & Strategy (For:Washington National)	3,750.00	1,184.66
Do	Health Policy & Strategy (For:Wausau Insurance Co)	1,250.00	398.13
Robert L. Hirsch, 1100 17th Street, NW, #1200 Washington, DC 20036	General Atomics		
Nancy Hirshbein, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth	58.00	
Hobbs Straus Dean & Wilder, 1819 H St., NW, #800 Washington, DC 20006	Bristol Bay Area Health Corp	90.00	5.80
Do	Maniilaq Assn	90.00	5.80
Do	Metlakatla Indian Community	60.00	5.80
Do	Miccosukee Tribe of Indians of Florida	60.00	5.80
Do	Mississippi Band Choctaw Indians	550.00	5.80
Do	Mohegan Tribe of Indians of Connecticut	500.00	58.81
Do	Narragansett Indian Tribe	200.00	
Do	Norton Sound Health Corp	90.00	5.80
Do	Oglala Sioux Tribal Public Safety Commission	34.20	5.80
Sheldon E. Hochberg, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)	300.90	
Do	Steptoe & Johnson (For:United Engineering Steels Limited)	51.45	8.00
Philip M. Hocker, 20 West Chapman Street Alexandria, VA 22301	Mineral Policy Center		120.00
Hogan & Hartson, 555 13th St., NW Washington, DC 20004-1109	University of Pittsburgh Medical Center		
Gerard L. Holder, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes for the Aging		
Holland & Hart, 1001 Pennsylvania Ave., NW, #310 Washington, DC 20004	Conservation Fund	1,000.00	
Holland & Knight, 2100 Pennsylvania Avenue, NW, #400 Washington, DC 20037	Detroit Water & Sewerage Dept, Contracs & Grants Div	2,800.00	
Do	International Taxicab & Livery Assn		
Do	South Tahoe Public Utility District	1,400.00	
Robert W. Holleyman II, 20201 L Street, NW, #400 Washington, DC 20036	Business Software Alliance	3,375.00	
Karen A. Hoover, 2111 Jefferson Davis Highway Apt. 407 Arlington, VA 22202	American Maritime Officers Service		1,071.25
Hopkins & Sutter (Washington), 888 16th Street, NW Washington, DC 20006	Department of Aviation, City of Chicago		3,760.00
Do	Louisiana Pacific Corp		2,390.00
Richard M. Hoppe, 900 17th Street, NW Washington, DC 20006	Wilderness Society	2,907.69	
Deborah L. Horan, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Douglass C. Horstman, 1310 G Street NW, #720 Washington,D.C.	Maytag Co	858.00	50.00
Gerald M. Howard, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
James Daniel Howard, 8201 Greensboro Drive, Suite 1100 McLean, VA 22102	Unisys Government Systems Group	1,000.00	
Roger W. Howard, 3253 E. Chestnut Expressway Springfield, MO 65802	Burlington Northern Railroad Co		
Lorraine Howerton, 1301 Pennsylvania Ave., NW, Suite 1100 Washington, DC 20004-1707	Air Transport Assn	3,612.98	
Howrey & Simon, 1299 Pennsylvania Avenue, NW, Washington, DC 20004	Australian Meat & Live-Stock Corp	1,983.00	
J. Martin Huber, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
John J. Huber, 1901 Fort Meyer Drive, Suite 1200 Arlington, VA 22209	Petroleum Marketers Assn of America		10,000.00
Kevin M. Hughes, 200 Second Avenue North Seattle, WA 98109	Pacific Science Center	1,890.00	
Hughes Hubbard & Reed, 1300 Eye Street, NW, #900 West Washington, DC 20005	UNR Asbestos Disease Claims Trust	1,370.00	50.00
Brenda Gore Hull, 1001 - 19th Street, North, Suite 800 Arlington, VA 22209	TRW, Inc	650.00	676.57
Brett Hulsey, Midwest Office 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	2,400.00	
William Thomas Humber, 901 N. Washington STreet, Suite 400 Alexandria, VA 22314	National Smokers Alliance	200.00	
Deidre D. Humphrey, 444 North Capitol Street, #711 Washington, DC 20001	Keefe Co (For:Computer Learning Works)		
Do	TKC International, Inc (For:Government of Aruba)		
Do	Keefe Company (For:Lockheed Sanders, Inc)		
Robert R. Humphreys, 2915 34th Street, NW Washington, DC 20008	Helen Keller National Center	250.00	
Do	Recording for the Blind, Inc	1,000.00	
John M. Humphries, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	2,250.00	3,189.37
Jessica Hunter, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc	20.00	44.04
William N. Hunter, 2104-A Gallows Road Vienna, VA 22180	W.N. Hunter & Associates	2,000.00	
W.N. Hunter & Associates, 2104-A Gallows Road Vienna, VA 22180			2,000.00
Hunton & Williams, 2000 Pennsylvania Ave., NW, #9000 Washington, DC 20036	Long Island Lighting Co	1,000.00	
Lane S. Hurewitz, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Parker-Lafarge, Inc)	1,665.86	
Geoffrey B. Hurwitz, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	2,300.00	164.00
Joanne L. Hustead, 1875 Connecticut Avenue, NW, Suite 710 Washington, DC 20009	Women's Legal Defense Fund	5,976.00	3,711.00
Steven M. Hyjek, 2100 Pennsylvania Ave., NW, #560 Washington, DC 20037	British Aerospace	1,500.00	
Do	Hyjek & Fix, Inc (For:Canadair Challenger, Inc)	1,500.00	
Do	Hyjek & Fix, Inc (For:Learjet, Inc)	300.00	729.11
Do	Hyjek & Fix, Inc (For:Research & Development Labs)	750.00	
Do	Hyjek & Fix, Inc (For:Short Brothers (USA), Inc)	750.00	934.90
Do	Hyjek & Fix, Inc (For:Thompson Defence Projects)	2,125.00	
Do	Hyjek & Fix, Inc (For:Thorn EMI)	2,000.00	549.39
Angelo Iasiello, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	500.00	
Immigration Services Associates, 1212 New York Avenue, NW, #850 Washington, DC 20005	American Council on International Personnel (ACIP)	1,750.00	23.35
Do	Fragomen Del Rey & Bernsen, PC (for National Hockey League)		
Do	Information Technology Assn of America (ITAA)	450.00	6.83
Do	International Business Machines		
Do	Irish Immigration Reform Movement (IIRM)	1,896.00	75.10
Do	McDonald's Corp		
Do	Professionals for Spouse Reunification	877.50	12.08
Independent Contractor Assn of America, Inc, 1629 K Street, NW, Sutie 1000 Washington, DC 20006		915.00	900.92
Industrial Union Department, AFL-CIO, 815 16th St., NW, #301 Washington, DC 20006		20,610.00	20,610.00
Industry Union Glass Container Promotion Program, 1627 K Street, NW, #800 Washington, DC 20006			19,663.00
Information Technology Assn of America, Inc, 1616 North Ft. Myer Dr., #1300 Arlington, VA 22209		13,196.00	11,500.00
Charles W. Ingram, 1615 H Street NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
International Business-Government Counsellors, Inc, 818 Connecticut Ave., NW, #1200 Washington, DC 20006	Brandy Export Assn	591.00	16.13
Do	Procter & Gamble	300.00	8.75
Do	Wine Institute	8,851.30	361.50
Do	Xerox Corp	562.50	67.27
International Hearing Society, 20361 Middlebelt Livonia, MI 48152			
International Speedway Corp, 1801 Volusia Avenue Daytona Beach, FL 32114			10,591.19
International Taxicab and Livery Assn, 3849 Farragut Avenue Kensington, MD 20895			
Richard M. Irby III, 701 Pennsylvania Avenue, NW, #610 Washington, DC 20004	Tenneco, Inc	987.00	159.00
Kathleen Ireland, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	2,737.50	151.57
Michele Isele, 1250 H Street, NW, #700 Washington, DC 20005	Citizens for a Sound Economy	7,647.60	
Israel - Norman Communications Inc., 28 Elm Street Huntington, NY 11743	Rosalind & Joseph Gurwin Jewish Geriatric Center of Long Isl	3,000.00	
Do	Touro Law Center	5,250.00	
Eva Jack, 888 17th Street, NW, #860 Washington, DC 20006-3939	Intel Corp	6,000.00	3,664.89
Thomas C. Jackson, 1350 I Street, NW, #700 Washington, DC 20005	Beveridge & Diamond (For:Foundation for Environmental & Economic Progress, Inc).	1,354.00	
P. Bernard Jacob, 1130 Connecticut Avenue, NW Washington, DC 20036	Mississippi Power Company	22,529.56	7,919.51
Jeff P. Jacobs, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	1,200.00	
E. A. Jaenke & Associates, Inc, 777 14th St., NW, #666 Washington, DC 20005	University of Kansas	3,750.00	2,988.71
Philip J. James, 8200 Greensboro Drive, #302 McLean, VA 22102	National Glass Assn (NGA)		
Japanese American Citizens League, 1765 Sutter Street San Francisco, CA 94115		10,042.29	12,486.01
Jar-Mon Consultants, Inc, 208 N. Patrick St. Alexandria, VA 22314	American Business Council, Inc	13,200.00	
Do	American Freedom Coalition		
Do	Christian Voice, Inc	22,000.00	
Charles W. Jarvis, 11240 Waples Mill Rd., #101 Fairfax, VA 22030	Rust International, Inc		
John T. Jarvis, The Jarvis Company 1901 L Street, NW, #300 Washington, DC 20036	American Insurance Assn	6,000.00	
Do	BC&T	4,500.00	
Do	Computer Sciences Corp	3,750.00	
Do	Labor-Management Comm for the Timber Industry	11,250.00	
Edwin S. Jayne Jr., 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	19,543.31	384.81
Jefferson Group, 1341 G Street, NW, Suite 1100 Washington, DC 20005	Air Products & Chemicals, Inc		
Do	Association of International Automobile Manufacturers, Inc		
Do	AEG Westinghouse Transportation Systems, Inc		
Do	Bethune-Cookman College		
Do	Bionetics		
Do	Caremark Prescription Services		
Do	Children's Health System		
Do	City of Aurora		
Do	City of Newport News		
Do	City of Orlando		
Do	City of Tampa		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	College of Medical Technologists		
Do	Colorado Springs Chamber of Commerce		
Do	Computer Sciences Corporation		
Do	CompCare Corporation		
Do	Dallas Area Rapid Transit		
Do	DePuy, Inc		
Do	Doe Run Company		
Do	Dow Chemical Company		
Do	Dunn-Edwards		
Do	Dyncorp		
Do	Embry-Riddle Aeronautical University		
Do	Ergodyne		
Do	Figgie International		
Do	Greater Orlando Aviation Authority		
Do	Group Health Cooperative of Puget Sound		
Do	Hampton University		
Do	Health Insurance Plan of Greater New York		
Do	HolidayInn Worldwide		
Do	Inter-American University of Puerto Rico		
Do	ILZRO/Battery		
Do	ISEA		
Do	Jacksonville Transportation Authority		
Do	Lab One		
Do	Marshall Fund		
Do	Mission Energy Company		
Do	Municipality of Barceloneta		
Do	Municipality of Carolina		
Do	Municipality of Mayaguez		
Do	Municipality of San Juan		
Do	National Assn of Community Health Centers		
Do	Republic of Armenia		
Do	Rowland Company		
Do	Seminole Tribe of Florida		
Do	State of Arkansas, Health Resources Commission		
Do	University of Miami		
Do	Virginia Commonwealth University		
Do	Voice of the Retarded		
Do	Zinc Corporation of America		
Wendell Jeffreys, 245 N. Waco P.O. Box 2940 Wichita, KS 67201-2940	Farm Credit Bank of Wichita		
Jellinek Schwartz & Connolly, 1525 Wilson Boulevard #600 Arlington, VA 22209	ASARCO, Inc	45,266.20	619.31
Carole P. Jennings, 8904 First Avenue Silver Spring, MD 20910	American Academy of Nurse Practitioners	6,300.00	300.00
Louis Jenny, 1725 K Street, NW, #1212 Washington, DC 2006	National Assn of Water Companies	60.00	16.00
Hugh Jewett, 3025 South Parker Road Aurora, CO 80014	TeleCheck Services, Inc		
James W. Johnson Jr., 1156 15th Street, NW, #1019 Washington, DC 20005	U.S. Beet Sugar Assn		
Jane Leonard Johnson, P.O. Box 19109 Greensboro, NC 27419	Unifi, Inc		
Kay Johnson, 1901 L Street, NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	3,360.00	
Myrna Johnson, 2025 M Street, NW Washington, DC 20036	National Public Radio	11,869.32	
Robert Winthrop Johnson II, Law Offices, 1050 Potomac Street, NW Washington, DC 20007	American Nonwoven Corporation	5,000.00	
Andrea Johnston, 122 C Street, NW, Suite 380 Washington, DC 20001-2109	National Family Planning & Reproductive Health Assn, Inc		
Ann Marie Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc	1.00	
Pierce A. Johnston, 6321 Birchview Drive, South Reynoldsburg, OH 43068	Columbus Service Group, Inc		
Robert J. Johnston, 285 Cambridge Avenue Holland, MI 49423	Herman Miller, Inc	4,121.00	218.90
Beverly E. Jones, 1819 L Street, NW, #900 Washington, DC 20036	Consolidated Natural Gas Co	500.00	190.22
Earl Jones Jr., 312 Pulaski Little Rock, AR 72201	Philip Morris, Inc	1,500.00	
Keith Jones, 901 Maple Street North Little Rock, AR 72114	Central Arkansas Transit Authority		323.75
Theodore L. Jones, P.O. Box 65122 Baton Rouge, LA 70896	BellSouth Telecommunications, Inc		
Do	Blue Cross/Blue Shield		
Do	United Companies Financial Corporation		
Jones Day Reavis & Pogue, 1450 G Street, NW, #700 Washington, DC 20005-2088	Coal Coalition	131,070.00	46,146.18
Do	Coalition for the Fair Treatment of Environmental Cleanup		
Diana Jost, 1129 20th Street, NW, #600 Washington, DC 20036	Group Health Assn of America, Inc	10,000.00	1,693.02
Gregory J. Junemann, 8630 Fenton Street, Suite 400 Silver Spring, MD 20910	International Fed of Professional & Technical Engineers		
JM Family Enterprises, Inc, 100 Northwest 12th Avenue Deerfield Beach, FL 33443			10,167.36
Lisa Kahn, 1025 Vermont Avenue, NW, 3rd Floor Washington, DC 20005	Friends of the Earth	13.33	
Kahn Soares & Conway, 1919 S. Eads St., Suite 103 Arlington, VA 22202-3028	Central Soya/Novamont	15,000.00	3,125.00
Do	Westlake Farms		
Jack Kalavritinos, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	1,687.50	2.00
James L. Kane Jr., 1315 Vincent Place Mclean, VA 22101			
Donald J. Kaniewski, 905 16th St., NW Washington, DC 20006	Laborers' Intl Union of North America, AFL-CIO	21,249.99	776.00
James W. Kanouse, 1700 North Moore Street, 21st Floor Rosslyn, VA 22209	Boeing Company	8,160.00	725.09
S. Steven Karalekas, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & McCahill (For:Gates Rubber Company, et al.)		
Barry Kasinitz, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	11,243.00	
Patricia L. Katson, P.O. Box 6802 Falls Church, VA 22003	Liberty Lobby, Inc	9,500.00	
Anthony P. Kavanagh, 801 Pennsylvania Avenue, NW, #214 Washington, DC 20004	American Electric Power Service Corp	254.88	1,079.13
George R. Kaye, 125 North West Street Alexandria, VA 22314-2754	Fleet Reserve Assn		
Kaye Scholer Fierman Hays & Handler, 901 15th St., NW, #1100 Washington, DC 20005	Benjamin Moore & Co		
Do	Instruments SA, Inc		
Do	Kraft, Inc	975.00	975.00
Do	Londontown Corporation		
Do	Morgan Guaranty Trust Co of New York		
Do	Pepsico		
Do	Spanish Broadcasting System		
Do	United Television, Inc		
Carolyn Kazdin, 815 16th Street, NW, #507 Washington, DC 20006	Amalgated Clothing & Textile Workers Union	2,000.00	120.27
Kearney & Gleason, One State Street - 8th Floor Boston, MA 02109	New England Telephone Co	5,625.00	869.59
Do	NYNEX Government Affairs	5,625.00	
David L. Keating, 3415 Shepherd Chevy Chase, MD 20815	National Taxpayers Union	4,712.00	
Keck Mahin & Cate, 1201 New York Avenue, NW, Penthouse Washington, DC 20005	Arkansas Oklahoma Gas Company		
Do	Arkansas Western Gas Company		
Do	NorAm Gas Transmission Company		
Robert J. Keefe, 444 N. Capitol Street, #711 Washington, DC 20001	TKC International (For:International Public Relations Co, Ltd)		
Do	Keefe Co (For:Lockheed Sanders, Inc)		
Do	TKC International, Inc (For:Republic of Azerbaijan)		
Jeffrey R. Keeler, 1627 K Street, NW, Washington, DC 20006	National Newspaper Assn		
Paul J. Kelley, 2727 North Central Ave. Phoenix, AZ 85004	U-Haul Intl, Inc	9,000.00	
Thomas J. Kelley, One Central Park Plaza Suite 1400 Omaha, NE 68102	McGrath North Mullin & Kratz (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz (For:Septemberfest Salute to Labor, Inc)		
Joseph T. Kelliher, One Massachusetts Ave., NW, #710 Washington, DC 20001	Public Service Electric and Gas Company	32.45	
John A. Kelly, Kelly & Associtès, Inc 1025 Thomas Jefferson St., NW, #105 Washington, DC 20007	BMW of North America, Inc	21,000.00	
Do	Overlook Hospital	10,000.00	
Do	Perdue Farms, Inc	11,250.00	
Paul T. Kelly, 1701 Clarendon Boulevard Arlington, VA 22209	American Chiropractic Assn		
Steven B. Kelmar, 555 13th Street, NW, Suite 1260E Washington, DC 20004	Medtronic, Inc		116.04
Jane Kelso, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc		
Kemper Financial Services, Inc, 120 South Lasalle Street Chicago, IL 60603			572.65
Kemper Investors Life Insurance Co, One Kemper Drive, T-1 Long Grove, IL 60049			995.27
Art Kennedy, P.O. Box 200576 Anchorage, AK 99520	Koniag, Inc	15,065.00	14,267.00
John F. Kennedy, 1620 Fuller Street, NW, #503 Washington, DC 20009	Kennedy & Dolan		
Nancy Mohr Kennedy, 701 North Fairfax Street Alexandria, VA 22314	United Way of America	24,650.00	50.00
Paul C. Kerkhoven, 1776 Massachusetts Ave., NW Washington, DC 20036	Highway Users Federation		
Todd D. Ketch, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
G. Chandler Keys III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Richard F. Kibben, 231 Kiwassa Road Saranac Lake, NY 12983	Business Roundtable		
Michael R. Kidd, 2201 Cooperative Way Herndon, VA 22071	NAIOP - Association for Commercial Real Estate	14,750.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Carolyn Kiely, 1015 Fifteenth Street, NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,875.00	17.00
Joanna Kille, 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	75.39	
William P. Killmer, 1201 - 15th Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Daryl G. Kimball, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,500.00	
Roy Caldwell Kime, 515 North Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	15,920.80	2,490.56
Sandra S. King, 2100 Pennsylvania Ave., NW, Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:ADT Automotive, Inc)		
Do	Eckert Seamans Cherin & Mellot (For:Behavior Research Institute)		
Peter C. Kirby, 1447 Peachtree St., #812 Atlanta, GA 30309	Wilderness Society		
Sean Kirkendall, 515 N. Washington Street, #400 Alexandria, VA 22314	International Assn of Chiefs of Police	1,348.00	128.70
Kirkpatrick & Lockhart, 1800 M Street, NW, South Lobby, #900 Washington, DC 20036	Independent Grocers Alliance		
Do	National Court Reporters Assn		
Peter C. Kissel, 1225 Eye Street, NW, Suite 1225 Washington, DC 20005	Grammer Kissel Robbins & Skancke (For:Tuolumne Utilities District)	475.00	36.54
William J. Klinefelter, 815 16th Street, NW, #301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	10,560.00	
James E. Kneale, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	4,000.00	
Darrell Knuffke, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	867.48	
Marcia L. Knutson, 549 4th Street, SE Washington, DC 20003	Association of America's Public Television Stations	1,125.00	147.74
Patricia C. Kobor, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	1,535.00	
Kogovsek & Associates, Inc, 700 Broadway, #929 Denver, CO 80203-3443	City of Greenwood Village	11,000.00	3,341.15
Do	Dolores Water Conservancy District		2,628.18
Do	Rio Grande Water Conservation District	3,000.00	1,154.51
Do	Rocky Mountain Health Care Corp	10,050.00	3,102.00
Do	San Juan Water Commission	2,030.00	847.60
Do	Southern Ute Indian Tribe	27,500.00	4,897.92
Do	Southwestern Water Conservation District, Durango County	55,000.00	6,782.12
Do	Upper Yampa Water Conservancy	3,875.00	2,549.69
Do	Ute Mountain Ute Tribe	21,666.00	
Do	Wolf Springs Ranches, Inc	9,000.00	1,516.19
Gary J. Kohn, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn	8,000.00	
Susan Kohn, 1400 16th Street, NW Washington, DC 20036	Zero Population Growth, Inc		
David Kolker, 1350 New York Ave., NW, #1100 Washington, DC 20005	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	40,125.00	5,569.31
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Do	Spiegel & McDiarmid (For:Oil Chemical & Atomic Workers Int'l Union, AFL-CIO)		
Michel N. Korbey, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033	United Seniors Assn, Inc	15,319.64	390.04
Paul A. Korody Jr., 888 17th Street, NW, #300 Washington, DC 20006	ConAgra, Inc	9,500.00	27,103.00
Barry Krasner, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	471.84	
Peter M. Kravitz, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	18,500.00	948.20
Gawain Kripke, 1025 Vermont Ave., NW, Suite 300 Washington, DC 20005	Friends of the Earth	671.70	
Victor Krohn, 9401 East Street Manassas, VA 22110	Citizens for an Alternative Tax System		
Sheena Kuruvilla, 727 N. Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	1,181.25	
James M. Kuszaj, P.O. Box 31608 Raleigh, NC 27615	Dow Chemical USA		
Marsha H. Kwalwasser, 1840 Century Park East Los Angeles, CA 90067	Northrop Grumman Corp		2,439.38
Peter Kyros, 2445 M Street, NW, #260 Washington, DC 20037	Allsup, Inc		
Do	Kyros Associates (For:American Soc for Cell Biology, et al)		
Do	Association of Administrative Law Judges, Inc		
Do	Board of Veterans Appeals Professional Assn		
Do	Cooperative of American Physicians, Inc		
Labor Policy Assn, Inc, 1015 15th St., NW, #1200 Washington, DC 20005		93.98	93.98
Laborers' Intl Union of North America, AFL-CIO, 905 16th St., NW Washington, DC 20006			2,804.16
David P. Lambert, 1800 K St., NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Martha D. Lamkin, 11100 USA Parkway Fishers, IN 46038	USA Group, Inc		
Lester P. Lamm, 1776 Massachusetts Avenue, NW Washington, DC 20036	Highway Users Federation	7,000.00	55.00
Arthur Lampros, 1220 16th Street, NW Washington, DC 20036	American Hellenic Institute		
Jill Lancelot, 7100 Sycamore Avenue Takoma Park, MD 20912	National Taxpayers Union	6,785.00	
Robert D. Landis, 2201 Cooperative Way Herndon, VA 22071	NAIOP, Assn for Commercial Real Estate	14,250.00	
Large States Quality Council, P.O. Box 6174 Westerville, OH 43081-6174		270.00	270.00
Nicholas Larigakis, 1730 K Street, NW, Suite 1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Latham & Watkins, 1001 Pennsylvania Ave., NW, #1300 S Washington, DC 20004-2505	Imperial County	10,823.00	
Karl F. Lauenstein, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	525.97
Lorraine Lavet, 1615 H St., NW Washington, DC 20062	Chamber of Commerce of the U.S.		
Jonathan Lawniczak, 1331 F Street, NW Washington, DC 20004-1171	National Council of Senior Citizens	6,000.00	
Richard L. Lawson, 1130 17th St., NW Washington, DC 20036	National Coal Assn	3,750.00	
Leach & English, 601 Montgomery Street, Suite 1150 San Francisco, CA 94111		58,215.31	37,255.86
Leadership Conference on Civil Rights, 1629 K Street, N.W., Suite 1010 Washington, DC 20006		71,052.75	55,235.64
League of Women Voters of the U.S., 1730 M St., NW Washington, DC 20036		59,579.70	59,579.70
Gary A. Lee Group, Inc, P.O. Box 271 Sanibel Island, FL 33957	Harnischfeger Industries		
Do	Midas International		
Do	Pet, Inc		
L. Courtland Lee, Inc, 3814 West Street Landover, MD 20785	Minerals Exploration Coalition, Inc		
William Lehman, 711 NE 118 Street Biscayne Park, FL 33161	Blockbuster Entertainment Corp	6,000.00	
Donna Lenhoff, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	477.00	287.00
Charles Leonard, 1400 L Street, NW, Suite 600 Washington, DC 20005	Chlopak Leonard Schecter & Associates, Inc	6,500.00	
Jerris Leonard, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger, Inc)	6,772.50	208.02
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	15,000.00	917.70
Kathleen A. Leonard, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	475.00	
Mingyew Leung, 1100 17th Street, NW, 10th Floor Washignton, DC 20036	American Assn for Marriage & Family Therapy	8,740.00	
Nancy R. Levenson, 1401 Eye Street, NW, #1220 Washington, DC 20005-2204	Joseph E. Seagram & Sons, Inc	2,500.00	
Robert John Levering, 1101 17th St., NW, #705 Washington, DC 20036	Direct Marketing Assn	1,000.00	1,000.00
Robert Levi, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	11,969.35	
Morris J. Levin, 1050 17th St., NW Washington, DC 20036	Persis Corporation	1,000.00	
Barbara W. Levine, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	634.50	
Nina Gail Levitt, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	83.23
Herbert J. Levy, 1614 King St. Alexandria, VA 22314	National Assn of Housing Cooperatives		
Frank J. Lewis, 307 9th Terrace Indialantic, FL 32903	Harris Corporation		
Joseph Christopher Lewis, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	10,876.00	
Nicholas A. Lewis, 15th & M Streets., NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Richard W. Lewis, 6525 Clagett Avenue Fairhaven, MD 20754			
Stuart A. Lewis, 1919 Pennsylvania Ave., NW, #850 Washington, DC 20006	First Interstate Bancorp	1,000.00	
LeBoeuf & Associates, Inc, 768 Walker Road, Suite 266 Great Falls, VA 22066	Babcock & Wilcox (Ebensburg Power, Inc)		
Cynthia LeBrun-Yaffe, 4905 Del Ray Avenue, #503 Bethesda, MD 20814	Council for Compassionate Governance (NEAVS)	3,437.53	
Lawson LeGate, 2273 S. Highland Dr., #2D Salt Lake City, UT 84106-2832	Sierra Club	1,304.72	303.38
Robert G. Liberatore, 1100 Connecticut Avenue, NW, #930 Washington, DC 20036	Chrysler Corporation	6,252.00	302.00
Peter Lichtenbaum, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)	135.30	
Do	Steptoe & Johnson (For:United Engineering Steels Limited)	221.85	8.00
Judith Lichtman, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	3,981.00	2,269.00
Diane S. Liebman, 1331 Pennsylvania Avenue, NW, #560 S Washington, DC 20004	CSX Corporation	4,500.00	238.85
Brett E. Lief, 1025 Connecticut Ave, NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	14,378.00	
Diane Palmer Lilly, 1200 Peavey Building Minneapolis, MN 55479	Norwest Corporation		
Susan P. Limber, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	1,700.00	
Kathleen M. Linehan, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	6,300.00	140.00
Barbara A. Little, 1155 15th St., NW, #611 Washington, DC 20005	Ethyl Corporation	2,000.00	
Fernando Lloveras-San Miguel, P.O. Box 5623 San Juan, PR 00902-5623		18,000.00	14,550.00
Debbie E. Locker, P.O. Box 4227 Tampa, FL 33677-4227	St. Joseph's Hospital	8,674.96	
Kimberly L. Lohman, 1090 Vermont Ave., NW, Suite 800 Washington, DC 20005	National Assn of Mortgage Brokers	8,750.04	
Robert S. Long, 1130 17th Street, NW Washington, DC 20036	National Coal Assn	9,350.00	1,208.51
William E. Long, 4550 Connecticut Avenue, #604 Washington, DC 20008	Humane Society of the United States	12,000.00	670.00
Long Law Firm, 8550 United Plaza Blvd., #800 Baton Rouge, LA 70809	AT&T		
Do	General Health, Inc	875.00	315.54
Do	J & B Management Company		
Do	Metropolitan Life Insurance Co	400.00	
Do	MicroGeneSys, Inc		
Do	United Companies Financial Corp	250.00	100.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Brien Lorenze, 1015 15th Street, NW, Suite 802 Washington, DC 20005	American Consulting Engineers Council	3,312.50	27.00
Franklin W. Losey, 4301 North Fairfax Drive, #330 Arlington, VA 22203	Shipbuilders Council of America	2,000.00	
Charles M. Loveless, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	26,633.19	1,977.49
James Lovell, 20361 Middlebelt Livonia, MI 48152	International Hearing Society		
Amy J. Lucas, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Sylvester Lukis, 14 W. Irving Street Chevy Chase, MD 20815	City of Miami	12,487.50	
Do	City of Miami Beach	13,750.02	
Do	City of Palm Springs	8,750.00	
Do	Houston Independent School District	4,800.00	
Do	Metropolian Dade County	15,000.00	
Do	School Board of Dade County, Florida	12,000.00	
Timothy P. Lynch, 430 First Street SE Washington, DC 20003	American Trucking Assns, Inc	15,000.00	
William T. Lyons, 1747 Pennsylvania Ave., NW, #700 Washington, DC 20006	Ciba-Geigy Corp	9,250.00	7,594.00
Brian C. MacDonald, 1301 Pennsylvania Avenue, NW, Suite 300 Washington, DC 20004	Public Lands Council	1,000.00	
Cliff Madison Government Relations, Inc, 1611 Landfall Drive Wilmington, NC 28405	Burbank-Glendale-Pasadena Airport Authority	7,500.00	
Do	Federal Express Corp	12,000.00	
Do	Los Angeles County Metropolitan Transportation Authority	18,333.00	
Do	MarkAir, Inc	24,000.00	
Do	Sarasota-Bradenton Airport	6,500.00	
James J. Magner, 314 Massachusetts Ave, NE Washington, DC 20002	James J. Magner & Associates, Inc. (For:ASARCO, Inc)	11,494.90	278.97
Do	James J. Magner Associates, Inc (For:Inter-Mountain Forest Industries Assoc.)	6,834.81	263.29
Do	James J. Magner & Associates (For:Kaibab Forest Products Company)		
James J. Magner and Associates, Inc, 314 Massachusetts Ave., NE Washington, DC 20002	Inter-Mountain Forest Industries Assn	10,861.18	10,449.39
Do	Kaibab Forest Products Company		
Alisa Learner Maher, 1100 Connecticut Ave., NW Washington, DC 20036	Chrysler Corporation	4,725.00	535.00
James E. Mahoney, 2200 Concord Pike Wilmington, DE 19899	John W. Rollins & Associates	14,000.00	859.65
James Timothy Mahoney, 108 Gibbon Street Alexandria, VA 22314	Koniag, Inc	7,987.50	201.42
Michael C. Maibach, 888 17th St., NW #860 Washington, DC 20006	Intel Corporation	23,800.00	3,853.89
Major League Baseball Players Assn, 12 East 49th Street New York, NY 10017			118,927.54
Anthony S. Makris, 116 Waterford Place Alexandria, VA 22314	National Rifle Assn of America		
Andrew T. Malleck, 400 North Capitol St., NW, #852 Washington, DC 20001	Brotherhood of Maintenance of Way Employees	14,922.00	
Manatt Phelps & Phillips, 1501 M Street, NW, Suie 700 Washington, DC 20005	American Chiropractic Assn		
Do	ConCorde Career Colleges, Inc		
Do	Dole Food Co, Inc		
Do	Microbiological Associates, Inc		
Do	Thomas Cook, et al.		
Do	Vitro, S.A.		2,318.06
Anne Mancer, P.O. Box 530187 Birmingham, AL 35253-0187	Vulcan Materials Co		
Katherine W. Maness, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	9,375.00	1,290.64
Peter T. Mangione, 1319 F Street, NW, #700 Washington, DC 20004	Footwear Distributors & Retailers of America		
Mary Jo Manning, 901 31st Street, NW Washington, DC 20007	Hill & Knowlton, Inc (For:Television Operators Caucus)		
Manufactured Housing Institute, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202			24,090.00
John V. Maraney, 324 East Capitol St., NE Washington, DC 20003	National Star Route Mail Contractors Assn		
Nancy Marcus, 1614 10th Street Arlington, VA 22204	National Treasury Employees Union	8,336.25	492.37
Marine Preservation Association, 8777 North Gainey Drive, Suite 165 Scottsdale, AZ 85258			
Patricia Markey, 1155 15th St., NW, #400 Washington, DC 20005	United Distribution Companies	12,544.00	85.00
Marc L. Marks, 1227 25th Street, NW Washington, DC 20037	Westinghouse Electric Corp		
Ron Marlenee, 9008 Linda Maria Court Fairfax, VA 22031	Safari Club International	3,000.00	
Marlowe & Company, 1667 K Street, NW, #480 Washington, DC 20006	Association for Healthcare Philanthropy		
Do	Captiva Erosion Prevention District		
Do	City of Venice, Florida	187.50	10.00
Do	Coalition to Keep Alaska Oil	11,091.25	3,421.00
Do	Coalition to Repeal the Wright Amendment	150.00	
Do	Independent Pilots Assn	1,787.50	66.00
Do	Town of Longboat Key		
Stephanie Marrone, 1350 New York Avenue, NW, Suite 1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity)	8,887.50	1,260.98
James L. Martin, 1526 N. Johnson Street Arlington, VA 22209	60/Plus Assn, Inc	16,249.98	
William L. Martin II, 1330 Connecticut Avenue, NW Washington, DC 20036	Steptoe & Johnson (For:British Steel plc)		
Do	Steptoe & Johnson (For:United Engineering Steels Limited)	191.25	
Anna M. Maschino, 1015 18th Street, NW Washington, DC 20036	Conference of State Bank Supervisors	487.50	
Nicholas Masters, 1400 L Street, NW Washington, DC 20005	Oceaneering Space Systems		
Suzette Matthews, Arlington Courthouse Plaza II 2300 Clarendon Boulevard, #711 Arlington, VA 22201	Air Traffic Control Assn, Inc		
William W. Maurer, 1745 Jefferson Davis Highway, #1000 Arlington, VA 22202	General Dynamics Corp	1,000.00	232.05
Peter G. Mayberry, 1001 G Street, NW, #500 West Washington, DC 20001	Keller and Heckman (For:INDA (Association of the Nonwoven Fabrics Industry))		
Karl J. Mayer, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council, Inc	1,138.90	
Mayer Brown & Platt, 2000 Pennsylvania Avenue, NW, #6500 Washington, DC 20006	American Automobile Manufacturers Assn		
Do	Bazelon Center for Mental Health Law		
Do	Equitable Real Estate Investment Management, Inc		
Do	General Electric Aircraft Engines		
Do	John Buck Co		
Do	SmithKline Beecham	162.50	
Do	St. Paul Companies		
Do	Women's Legal Defense Fund	300.00	
Mary C. Mayhew, 77 Water Street Hallowell, ME 04347	Highway Users Federation	4,000.00	3,365.78
Mary E. McAuliffe, 555 Thirteenth Street, NW, #450 West Columbia Square Washington, DC 20004	Union Pacific Corp	13,750.00	1,178.43
Charlie McBride Associates, Inc, 1730 M Street, NW, #800 Washington, DC 20036	ABB Combustion Engineering, Inc	9,000.00	230.16
Do	Carolina Power & Light Co	900.00	
Do	Diagnostic Retrieval Systems, Inc	3,750.00	
Do	Edison Chouest Offshore	2,400.00	230.16
Do	General Atomics	2,800.00	230.16
Do	Integrated Resources Group, Inc	3,000.00	230.16
Do	Louisiana Energy Services	1,200.00	
Do	Nuclear Energy Institute	4,500.00	230.16
Do	Science Applications International Corp	6,000.00	964.28
Do	Sealaska Corp	1,800.00	230.16
Do	Tulane University	4,500.00	230.16
Do	Turlock Irrigation District	700.00	
Do	Westinghouse Electric Corp	3,260.00	230.19
Do	Yukon Pacific Corp	2,400.00	230.16
Katherine S. McCarter, 1015 15th Street, NW Washington, DC 20005	American Public Health Assn	2,566.00	
David J. McCarthy, 601 Pennsylvania Avenue, NW, #900 Washington, DC 20004	IPALCO Enterprises, Inc		
John P. McCarthy, 173 Spring Street East Greenwich, RI 02818	Highway Users Federation	15,000.00	230.17
Luckie L. McClintock, 901 Massachusetts Ave., NW Washington, DC 20001	United Assn of Journeymen & Apprentices of the P.& P.F.I.	6,000.00	2,993.00
John M. McClung, 727 N Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	2,000.00	
McClure Gerard & Neuenschwander, Inc, 801 Pennsylvania Ave., NW, #820 Washington, DC 20004-2604	Brush Wellman, Inc	71.00	
Stephen McConnell, 1319 F Street, NW, #710 Washington, DC 20004-1106	Alzheimer's Assn	6,000.00	200.00
Steven A. McCoy, 1300 L Street NW, #900 Washington, DC 20005-4113	North American Export Grain Assn, Inc		111.34
Carol A. McDaid, 601 13th Street, NW, #410 South Washington, DC 20005	Blue Cross & Blue Shield Assn		
Marianne McDermott, 1200 G Street, NW, #760 Washington, DC 20005	Resources for Group Management, Inc (For:Greeting Card Assn)		
Bridget McDonald, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers' Assn	2,122.00	
Douglas J. McDonald, 5735 Walcott Avenue Fairfax, VA 22030	VPSI, Inc	226.00	106.00
Terry M. McGann, 1201 K Street, Suite 1850 Sacramento, CA 95814	Western Dental Services		
McGehee & Associates, 11781 Lee Jackson Memorial Highway Suite 360 Fairfax, VA 22033	ELEKTA Radiosurgery, Inc		5,000.00
Do	Institute for Clinical PET		5,000.00
Lisa Stoltenberg McGreevy, 1015 18th Street, NW, #1100 Washington, DC 20036	Conference of State Bank Supervisors	525.00	207.87
McGuiness & Williams, 1015 15th Street, NW, #1200 Washington, DC 20005	Hoechst Celanese Corp	10,200.00	
Do	Hoechst Roussel Agri-Vet	22,750.00	138.93
Do	Hoechst-Roussel Pharmaceuticals, Inc	21,750.00	14.75
Mary Lee McGuire, 2300 Clarendon Blvd., #l0l0 Arlington, VA 22201-3367	Cook Inlet Region, Inc	12,000.00	
Robert McIntyre, 1313 L St., NW Washington, DC 20005	Citizens for Tax Justice	16,019.22	
McIntyre Kahn & Kruse Co., L.P.A., The Galleria & Towers At Erieview 1301 East Ninth Street, #1200 Cleveland, OH 44114			
Harrison D. McIver III, 1625 K Street, NW, #725 Washington, DC 20006	Project Advisory Group		
John J. McKechnie III, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,500.00	
McKenna & Cuneo, 1575 Eye Street, NW Washington, DC 20005	California Dental Association	5,000.00	200.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Frank J. McKeown, 1000 Wilson Boulevard, #2300 Arlington, VA 22209	Northrop Grumman Corporation	2,500.00	125.00
Bernard A. McKinnon, 1757 N Street, NW Washington, DC 20036	United Automobile Aerospace & Agricultural Implement Workers	17,378.63	61.30
John R. McLaurin, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Bob McLean, 1727 King Street, #400 Alexandria, VA 22314-2753	National Assn of Postal Supervisors	14,434.00	
Michael R. McLeod, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	14,440.00	7,112.96
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)	3,560.00	
Do	McLeod Watkinson & Miller (For:Chicago Board of Trade)	340.00	
Do	McLeod Watkinson & Miller (For:United Egg Producers)	892.50	
Thomas J. McLeod, 610 Opperman Drive P.O. Box 64526 St Paul, MN 55164-0526	West Publishing Company		
Nancy L. McLernon, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment (OFII)	1,227.99	48.27
Thomas E. McMahon, 11718 Bowman Green Drive Reston, VA 22090	National Automatic Merchandising Assn		
Allegra P. McManus, 815 16th Street, NW, Suite 301 Washington, DC 20006	Industrial Union Department (AFL-CIO)	7,900.00	
P. E. McManus Associates, 1101 30th Street, NW, #200 Washington, DC 20007	AAI Corporation	250.00	
Do	Hydroacoustics, Inc	200.00	
Do	Litton Data Systems	100.00	
Stephen D. McMillan, 501 Wythe Street P.O. Box 1417-D50 Alexandria, VA 22313-1480	Animal Health Institute	21,175.00	
Peter F. McNeish, 1199 N. Fairfax Street, #200 Alexandria, VA 22314	National Assn of Small Business Investment Cos	3,000.00	
Larry McNickle, 901 E Street, NW, #500 Washington, DC 20004-2873	American Assn of Homes & Services for the Aging	1,364.00	484.00
James F. McNulty Jr., Box 2265 Tucson, AZ 85702	Del Webb Corp		
Do	Don Benneti Moon	9,924.00	4,040.00
Laura J. McPherson, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute	5,000.00	
James Meadows, 600 Congress Ave., #1360 Austin, TX 78701	Capital Network System, Inc	1,200.00	
Medtronic, Inc, 7000 Central Avenue, NE Minneapolis, MN 55432			140.04
Stuart C. Megaw, 700 11th Street, NW, #680 Washington, DC 20001	Waste Management, Inc		
Stanley Meierfeld, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange		
Nanine Meiklejohn, P.O. Box 1 Garrett Park, MD 20896	American Fed of State County & Municipal Employees	17,132.00	68.00
Do	Coalition on Human Needs	1,947.00	16.00
Jeff Mell, JGR & Associates 2600 Douglas Road, #500 Coral Gables, FL 33134	Blockbuster Entertainment Corp	1,500.00	
Joseph Mendelson, 1025 Vermont Ave., NW, 3rd Floor Washington, DC 20005	Friends of the Earth	35.56	
J. Roger Mentz, 1100 Connecticut Ave., NW, #600 Washington, DC 20036	McClure Trotter & Mentz (For:Commodities Corp (USA))		
Do	McClure Trotter & Mentz (For:Methanex, Inc)	90.00	
Pamela L. Meredith, 600 New Hampshire Ave., NW Washington, DC 20037	Spectrum Astro, Inc	5,733.00	50.00
Edward A. Merlis, 1301 Pennsylvania Avenue. NW, #1100 Washington, DC 20004-1707	Air Transport Assn	3,024.98	
Paul T. Mero, 1902 Coleman Lane Fredericksburg, VA 22407	American Priorities		
Nancy Jo Merrill, 1901 L St., NW, #260 Washington, DC 20036	March of Dimes Birth Defects Foundation	1,325.00	
Edward H. Merves, 125 Stafford Avenue, Suite 200 Wayne, PA 19087	ROLITE, Inc	500.00	60.00
Howard M. Messner, 1015 15th St., NW, #802 Washington, DC 20005	American Consulting Engineers Council	1,000.00	
Alden M. Meyer, 1616 P Street, NW Washington, DC 20036	Union of Concerned Scientists	3,035.00	3,832.84
Meyers & Associates, 412 First St., SE, #100 Washington, DC 20003	International Chiropractors Assn		
Michaels & Wishner, P.C., 1140 Connecticut Avenue, NW, #900 Washington, DC 20036	Medco Containment Services, Inc	1,372.75	80.00
Michigan Hospital Assn, 6215 West St. Joseph Highway Lansing, MI 48917			5,054.55
Mid-West Electric Consumers Assn, 999 18th Street, #1635 Denver, CO 80202			
Military Boot Manufacturers Assn, P.O. Box 508 Belleville, IL 62222			
Claude W. Miller Jr., 410 Middle Street New Bern, NC 28560			
Clinton R. Miller, P.O. Box 528 Gainesville, VA 22065-0528	National Council for Improved Health, et al.	3,500.00	3,106.00
Deborah Imle Miller, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Grant Miller, 1800 Diagonal Rd. # 600 Alexandria, VA 22314	Grumman Corp	4,000.00	600.00
Do	Northrop Grumman Corporation	4,000.00	600.00
Do	Vought Aircraft Co	4,000.00	600.00
H. George Miller, 10615 Huntees Chase Lane Damascus, MD 20872	Shippers for Competitive Ocean Transportation (SCOT)	1,300.00	1,515.00
Jeffrey T. Miller, 295 Madison Ave 19th Floor New York, NY 10017	Lead Industries Association, Inc		
Joseph A. Miller, 1130 Connecticut Ave., NW, Suite 830 Washington, DC 20036	Southern Nuclear Operating Company	30,725.90	16,195.08
Pamela A. Miller, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	2,194.83	13.25
Richard W. Miller, 1701 Clarendon Blvd. Arlington, VA 22209	American Chiropractic Assn		
Miller & Chevalier, Chtd, 655 15th St., NW, #900 Washington, DC 20005-5701	Electronic Industries Assn		
Do	Export Source Rule Coalition		
Do	Great Northern Insured Annuity Corp	7,113.45	
Do	Hewlett-Packard Co	437.50	
Do	Marine Preservation Assn	3,793.75	
Do	Organization for International Investment	2,812.50	
Do	Pulte Home Corp		
Stephen Mills, 408 C Street, NE Washington, DC 20002	Sierra Club	1,651.09	
Mitchell McNutt Threadgill Smith & Sams, 215 15th Street, North P.O. Box 1366 Columbus, MS 39703	4-County Electric Power Assn	150.00	7.50
David T. Modi, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp	358.00	
Brian R. Moir, 2000 L Street, NW, #512 Washington, DC 20036-4907	American Petroleum Institute	326.25	
Do	International Communications Assn	39,221.00	
Do	National Assn of Broadcasters		
C. Manly Molpus, 1010 Wisconsin Avenue, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	540.00	
Kevin P. Montgomery, 1215 17th Street, NW, 3rd Floor Washington, DC 20036	Polar Air Cargo, Inc		
Laura Montgomery, 1801 K Street, NW, Suite 400K Washington, DC 20006-1301	Arter & Hadden (For:Corning, Inc)		
Andrew D. Moore, 727 North Washington Street Alexandria, VA 22314	United Fresh Fruit & Vegetable Assn	837.50	
Cynthia L. Moore, 2717 North Fillmore Street Arlington, VA 22207	National Council on Teacher Retirement	100.00	
Frank B. Moore, 1155 Connecticut Ave. NW, #800 Washington, D.C.	WMX Technologies, Inc	5,750.00	1,054.54
Powell A. Moore, 1615 L Street, NW, Suite 1150 Washington, DC 20036	Capitoline/MS&L (For:Agusta Group)		
Do	Capitoline/MS&L (For:Allied-Signal Corp)		
Do	Capitoline/MS&L (For:E.H. Industries, Inc)		
Do	Capitoline/MS&L (For:Equifax Corp)	1,800.00	
Do	Capitoline/MS&L (For:Lumbee Tribe of Cheraw Indians of NC)	7,500.00	
Do	Capitoline/MS&L (For:McDonald's Corp)		
Do	Capitoline/MS&L (For:National Assn of Broadcasters)	3,000.00	
Do	Capitoline/MS&L (For:Republic of Turkey)	9,000.00	
Do	Capitoline/MS&L (For:U.S. Cane Sugar Refiners Assn)		
Do	Capitoline/MS&L (For:UNISYS Corp)		
Laura Moorhead, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006	Organization for International Investment, Inc	2,079.12	46.05
Peter J. Moran, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Judith Morehouse, 1700 N. Moore Street Rosslyn, VA 22209	Boeing Company	3,408.00	57.50
Mark Morgan, 1901 Fort Meyer Drive Arlington, VA 22209	Petroleum Marketers Assn of America		10,000.00
Gerald D. Morris, 555 New Jersey Ave., NW Washington, DC 20001	American Fed of Teachers	22,768.26	80.00
Kristen Morris, 1200 G Street, NW, Suite 400 Washington, DC 20005	Health Industry ManufacturersAssn	1,260.00	157.00
Morriset Schlosser Ayer & Jozwiak, 1815 H Street, NW, #750 Washington, DC 20006-3604	Central Council of Tlingit & Haida Tribes of Alaska	1,008.00	
Do	Ketchikan Indian Corp		
Do	Little River Band of Ottawa Indians		
Do	Little Traverse Bay Band of Ottawa Indians		
Do	Michigan Inter-Tribal Council		
Do	Mille Lacs Band of Chippewa Indians	4,755.00	
Do	Organized Village of Kake	43.00	
Do	Prairie Band of Potawatomi Indians	966.00	
Do	Quechan Indian Tribe		
Do	Red Lake Band of Chippewa Indians	30.60	
Do	Saginaw Chippewa Tribe	4,242.60	
Do	Sitka Tribe of Alaska		
Do	Wampanoag Tribe of Gay Head	1,631.50	
Do	Yakutat Native Assn		
Mark E. Morrison, 1725 Jefferson Davis Highway Crystal Square 2, Suite 300 Arlington, VA 22202	Lockheed Corp	2,000.00	956.25
Russell N. Mosher, 950 N. Glebe Rd., #160 Arlington, VA 22203	American Boiler Manufacturers Assn, Inc		
Moss Associates, Inc, 2450 Virginia Ave., NW Washington, DC 20037	Bankers Roundtable	540.00	
Kate Moss Company, 1401 Eye Street, NW, #1100 Washington, DC 20005	AOPO (Assn of Organ Procurement Organizations)		
Do	Dean Witter Discover & Co	675.00	
Do	Nations Bank Corp	387.50	
Do	Owens-Illinois		
Do	Southwestern Bell Corp	1,462.50	
Do	Trans Union Corp	225.00	
Motion Picture Assn of America, Inc, 1600 Eye Street, NW Washington, DC 20006		15,255.18	15,255.18

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Motorcycle Industry Council, Inc, 1235 Jeff Davis Hwy. Arlington, VA 22202			
Barbara Moulton, 1601 Connecticut Ave., NW, #601 Washington, DC 20009	Alliance for Justice	67.20	2.00
Susan Connolly Moya, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	7,500.00	1,082.61
Terry L. Muilenburg, 1701 K Street, NW, Suite 400 Washington, DC 20006	USA Group	1,196.29	32.60
Don Muir, 1201 K Street, NW, Suite 1850 Sacramento, CA 95814	Western Dental Services		
Muldoon Murphy & Faucette, 5101 Wisconsin Ave., NW, #508 Washington, DC 20016	Manufacturers Life Insurance Co	26,726.00	
Do	Northeast Savings, F.A.	15,750.00	
Do	Talman Home Federal Savings and Loan Assn	8,200.00	458.00
Michael L. Mullins, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patricia Collins Murdock, 1625 L St., NW Washington, DC 20036	Food Research & Action Center	1,250.01	
Jeanne Marie Murphy, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	8,000.00	
Jeremiah L. Murphy, 701 Pennysvania Ave, NW Washington, DC 20004	Siemens Corp		135.63
Linda Luniewski Murphy, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Patrick W. Murphy, 370 L'Enfant Promenade, SW, 10th Floor Washington, DC 20024	American Nuclear Society	799.10	111.00
Paul T. Murphy, P.O. Box 619500 Dallas, TX 75261	Caltex Petroleum Corp		
William T. Murphy Jr., 1301 Pennsylvania Avenue, NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,529.09	
Murphy & Demory, 1101 30th Street, NW, Suite 200 Washington, DC 20007	Constellation Communications, Inc		
Do	Village of Schaumburg		
Richard D. Murray, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Robert Musil, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	4,664.00	
William G. Myers III, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Christopher Alton Myrick, 1575 I Street, NW, #200 Washington, DC 20005	American Cyanamid Co, Inc	11,136.00	1,287.93
MIDA Dental Plans, Inc, 200 Town Center, Suite 2200 Southfield, MI 48075			500.00
John Francis Nash Jr., 1100 Connecticut Ave NW #1300 Washington, DC 20036	Milliken & Company	5,000.00	800.00
National Air Carrier Assn, 1730 M St., NW, #806 Washington, DC 20036		1,000.00	1,000.00
National Air Traffic Controllers Assn, 1150 17th Street NW #701 Washington, DC 20036		38,344.93	4,661.08
National Assn for the Self-Employed (NASE), 1101 15th Street N.W., #400 Washington, DC 20005		37,250.71	37,250.71
National Assn for Stock Car Auto Racing, Inc (NASCAR), P.O. Box 26765 1801 Volusia Avenue Daytona Beach, FL 32115-2875.			11,031.25
National Assn of Federal Employees, 1140 N.W. 63rd Street, #301 Oklahoma City, OK 73116			
National Assn of Health Underwriters, 1000 Connecticut Ave., NW, #810 Washington, DC 20036		259,319.00	212,927.00
National Assn of Home Builders of the U.S., 15th & M Sts., NW Washington, DC 20005		87,773.59	178,568.94
National Assn of Independent Colleges & Universities, 1025 Connecticut Ave, NW, #700 Washington, DC 20036			97,811.00
National Assn of Letter Carriers, 100 Indiana Ave., NW Washington, DC 20001		7,515,570.06	201,542.31
National Beer Wholesalers Assn, 1100 South Washington Street Alexandria, VA 22314-4494		14,163.50	65,063.39
National Business Aircraft Assn, 1200 18th St., NW, #200 Washington, DC 20036-2598			5,200.00
National Cattlemen's Assn, 5420 S. Quebec Street P.O. Box 3496 Englewood, CO 80155			
National Coalition for Abortion Providers (NCAP), 206 King Street, 2nd Floor Alexandria, VA 22314		42,138.95	45,413.53
National Comm of Cities & States for Air Service, P.O. Box 507 Williston, ND 58802-0507		8.76	
National Crop Insurance Services, Inc, 7301 College Blvd., Suite 170 Overland Park, KS 66212			1,500.00
National Education Assn, 1201 16th St., NW Washington, DC 20036		29,193.01	29,193.01
National Family Planning & Reproductive Health Assn, Inc, 122 C St., NW, #380 Washington, DC 20001		164,370.00	234.00
National Glass Assn, 8200 Greensboro Drive, #302 McLean, VA 22102		3,500.00	7,000.00
National League of Postmasters, 1023 North Royal Street Alexandria, VA 22314			42,538.00
National Motorsports Council of ACCUS-FIA, 1500 Skokie Boulevard, Suite 101 Northbrook, IL 60602		99,900.00	1,191.19
National Multi Housing Council, 1850 M Street, NW, Suite 540 Washington, DC 20036			27,262.69
National Newspaper Assn, 1525 Wilson Blvd. #550 Arlington, VA 22209		6,300.00	6,300.00
National Pork Producers Council, 122 C Street, NW, #875 Washington, DC 20001		179,193.00	68,313.74
National Printing Equipment & Supplies Assn, Inc, 1899 Preston White Drive Reston, VA 22091			
National Realty Committee, 1420 New York Ave., NW, Suite 1100 Washington, DC 20005		28,164.27	28,164.27
National Rifle Assn of America, 1600 Rhode Island Ave., NW Washington, DC 20036		525,513.67	630,351.77
National Rural Letter Carriers Assn, 1630 Duke St., 4th Floor Alexandria, VA 22314-3465		42,138.00	39,487.00
National Smokers Alliance, 901 N. Washington Street, Suite 400 Alexandria, VA 22314			
National Taxpayers Union, 325 Pennsylvania Ave., SE Washington, DC 20003		22,944.00	21,841.00
National Tour Assn, Inc, 546 E. Main Street Lexington, KY 40508		50,069.00	50,069.00
National Venture Capital Association, 1655 N. Fort Meyer Dr., #700 Arlington, VA 22209		31,540.40	69,078.92
Natural Gas Supply Assn, 1129 20th St., NW, #300 Washington, DC 20036		40,470.00	86,603.71
Ralph G. Neas, 1629 K Street, N.W., Suite 1010 Washington, DC 20006	Leadership Conference on Civil Rights	20,704.08	257.00
Diana Neidle, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of American	1,591.00	24.00
Frederick W. Neill, 600 5th Street Aurora, IL 60505			
Christine V. Nelson, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:United Egg Assn)	1,502.50	72.57
Do	McLeod Watkinson & Miller (For:United Egg Producers)	1,185.00	224.25
Gaylord Nelson, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Lisanne Nelson, 666 Pennsylvania Ave., SE Washington, DC 20003	National Audubon Society	3,312.50	
Mark D. Nelson, 1701 Pennsylvania Ave., NW, #900 Washington, DC 20036	E. I. du Pont de Nemours & Co		
Scott E. Nemanich, 150 N. Michigan Ave., #2800 Chicago, IL 60601	Stanley County School District, 057-1	5,000.00	179.00
Frederick H. Nesbitt, 1750 New York Avenue, NW Washington, DC 20006	International Assn of Fire Fighters	19,050.00	
Tommie E. Netting, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	7,500.00	
Barry New, 11911 Freedom Drive, 6th Floor Reston, VA 22090-5602	Rolls-Royce, Inc	812.00	74.50
Peter E. Newbould, 750 First Street, NE Washington, DC 20240-4242	American Psychological Assn	950.00	100.00
Newspaper Association of America, 11600 Sunrise Valley Drive Reston, VA 22091		156,092.76	156,092.76
John V.M. Newton, 901 E Street, NW, Suite 600 Washington, DC 20004	National Treasury Employees Union	11,753.30	162.32
Daniel E. Nickelson, 2000 L St., NW, #200 Washington, DC 20036	Cleveland Clinic Foundation		
Ronald G. Nickson, 1850 M Street, NW, #540 Washington, DC 20036	National Multi Housing Council	2,000.00	
David P. Nicoli, 1341 G Street, NW, 9th Floor Washington, DC 20005	Philip Morris Management Corp	1,375.00	
Nicholas K. Niemann, One Central Park Plaza, #1100 Omaha, NE 68102	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
Alan Nissalke, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Ellen Nissenbaum, 777 North Capitol Street, NE, #705 Washington, DC 20002-4239	Center on Budget & Policy Priorities	1,519.24	39.00
Allan Noe, 1156 15th Street, NW Washington, DC 20005	National Agricultural Chemicals Assn		
Franklyn C. Nofziger, 1730 Pennsylvania Ave., NW, #1050 Washington, DC 20006		15,000.00	
James A. Noone, 1211 Connecticut Avenue, NW, #302 Washington, DC 20036	Karalekas & McCahill (For:Gates Rubber Company, et al.)		14.50
Helen L. Norton, 1875 Connecticut Avenue, NW, #710 Washington, DC 20009	Women's Legal Defense Fund	2,593.00	1,509.00
Ellis T. Nottingham Jr., 7900 Westpark Drive, Suite A530 McLean, VA 22102	Honeywell, Inc	6,000.00	574.56
Nurnberger & Associates, 1275 K Street, NW, Suite 1100 Washington, DC 20005	ADS Ventures (for: Clivus Multrum)	533.33	
Do	ADS Ventures (for: Inchcape Testing Services, Inc)	2,666.67	159.69
Do	ADS Ventures (for: Psychemedics Corp)	1,333.33	156.05
Do	National Campaign to End Neurological Disorders	24,000.00	876.62
Nancy Nye, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	3,738.63	
NAIOP, Association for Commercial Real Estate, Woodland Park, 2201 Cooperative Way Herndon, VA 22071		179,500.00	31,401.00
Coley C. O'Brien, 400 N. Capitol Street, NW, #353 Washington, DC 20001	Savings & Community Bankers of America		
Do	Transportation Brokers Conference of America		
Coley O'Brien & Associates, 400 N. Capitol Street, NW, Suite 353 Washington, DC 20001	American International Automobile Dealers Assn		
O'Brien Calio, 1350 Eye Street, NW, Suite 690 Washington, DC 20005	Anheuser-Busch Companies, Inc	62.50	
Do	ARCO		
Do	Federal National Mortgage Assn	180.00	
Do	Global Technology Systems	15.00	
Do	Health Insurance Assn of America	2,992.50	
Do	Morgan Stanley & Co, Inc		
Do	National Wholesale Druggists' Assn		
Do	Sears Roebuck & Co	1,050.00	
Do	Teachers Insurance & Annuity Assn		
O'Brien Calio, 1350 I Street NW Suite 690 Washington, DC 20005	GATT NOW Alliance	520.00	
David S. O'Bryon, 5223 Wisconsin Avenue, NW, #306 Washington, DC 20015	American Assn of Limited Partners		
Terrence M. O'Connell II, 444 N. Capitol Street, NW, #711 Washington, DC 20001	Keefe Company (For:Computer Learning Works)		
Do	Keefe Company (For:Government of Aruba Embassy of the Netherlands)		
Do	Keefe Co (For:Sanders Associates, Inc)	60,000.00	143.80
Carolyn O'Connor, 444 North Capitol Street, #418 Washington, DC 20001	New England Council, Inc		
Maribeth O'Connor, 521 Wall Street Seattle, WA 98121	Group Health Cooperative	21,128.02	4,867.06
O'Connor & Hannan, 1919 Pennsylvania Ave., NW, #800 Washington, DC 20006	Adams Cohen & Associates, Inc	5,000.00	
Do	Associated Credit Bureaus, Inc	19,080.00	
Do	Bear Stearns & Company, Inc	20,040.00	
Do	Citizens Savings Bank		
Do	Evangelical Lutheran Good Samaritan Society		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	First Winthrop Corp		
Do	Friedman Billings Ramsey & Co	1,200.00	
Do	Green Point Savings Bank		
Do	Healthcare Financing Study Group	10,125.00	
Do	Institute of International Bankers	10,000.00	3,201.29
Do	MasterCard International, Inc	900.00	
Do	National Automated Clearing House Assn		
Do	O'Sullivan Graev & Karabell		
Do	Pacific Telesis Group	5,850.00	
Do	Securities Industry Assn	8,750.00	
Do	Standard Chartered PLC	6,375.00	
Do	State Street Bank & Trust Company	9,450.00	
Do	UST	9,500.00	
Do	VISA, USA, Inc	900.00	
Do	Westinghouse Electric Corp		
Denise M. O'Donnell, 1875 Eye Street, NW, #775 Washington, DC 20006	Georgia-Pacific Corp		
Sean B. O'Hollaren, 555 13th Street, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	1,000.00	720.54
Janet O'Keeffe, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	3,000.00	100.69
Kathleen O'Leary, 700 13th Street, NW, #900 Washington, DC 20005	Columbia Gas Transmission Corp	5,000.00	
Joseph O'Neil, 1000 Wilson Blvd., #3000 Arlington, VA 22209	ITT Defense Technology Corp		
O'Neill and Athy, P.C., 1310 19th Street, NW Washington, DC 20036	American Hospital Assn		
Do	American Telephone & Telegraph Co	3,200.00	
Do	Beth Israel Hospital		
Do	Boston University Medical Center Hospital		
Do	Brigham and Women's Hospital, Inc		
Do	Business Roundtable		
Do	Coalition of Boston Teaching Hospitals		
Do	Competitive Long Distance Coalition		
Do	Cruise America Line, Inc		
Do	General Mills, Inc		
Do	Glass Packaging Institute/Industry Union Glass Cont Program	775.00	
Do	Government of Mexico		
Do	JM Family Enterprises, Inc	8,570.00	
Do	Massachusetts General Hospital		
Do	National Football League		
Do	New England Deaconess Hospital		
Do	New England Medical Center		
Do	Northeastern University		
Do	Northwestern Memorial Hospital		
Do	Pyrotechnic Signal Manufacturers Assn		
Do	Texas Utilities Co		
Do	USX Corporation	1,300.00	
Do	Viacom International, Inc		
Harry R. Obley, One Mellon Bank Center, #1905 Pittsburgh, PA 15258-0001	Mellon Bank N.A., et al.	2,000.00	671.67
Ken M. Odette, 1616 N. Fort Meyer Drive, Suite 1300 Arlington, VA 22209	Information Technology Assn of America		
John W. Olcott, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Sally G. Oldham, 21 Dupont Circle, NW Washington, DC 20036-1109	Scenic America	127.94	
Daniel Oliver, 3105 Woodley Road, NW Washington, DC 20008	Major League Baseball Players Assn		7,153.07
Van R. Olsen, 1156 15th St., NW, #1019 Washington, DC 20006	U.S. Beet Sugar Assn		
Erik Olson, 1350 New York Avenue, NW, #300 Washington, DC 20005	Natural Resources Defense Council, Inc	7,875.00	
Richard C. Olson, 2000 Edmund Halley Drive, #400 Reston, VA 22091	DynCorp	440.00	
Ronald S. Oppenheimer, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	6,000.00	
Orbital Sciences Corporation, 21700 Atlantic Boulevard Dulles, VA 20166		84.00	
Edward O.C. Ord, 650 California Street, #1200 San Francisco, CA 94108-8	Ord & Norman		
Organ. for Protection & Advancement of Small Telephone Cos, 21 Dupont Circle, NW, Suite 700 Washington, DC 20036		4,455.00	4,455.00
Organization for International Investment, 1747 Pennsylvania Avenue, NW, #704 Washington, DC 20006-4604			19,936.78
Organization of Professional Employees of USDA, Rm. SM-3-S U.S. Dept of Agriculture Washington, DC 20250		3,698.83	9,351.77
Beth H. Orsoff, 122 Maryland Avenue, NE Washington, DC 20002	American Civil Liberties Union		
David E. Ortman, 218 D Street, SE Washington, DC 20003	Friends of the Earth	179.64	
David S. Osterhout, 1725 Jefferson Davis Highway Crystal Square 2, Suite 300 Arlington, VA 22202	Lockheed Corporation	6,000.00	244.81
Kathleen Galiher Ott, 1001 19th Street North #800 Arlington, VA 22209	TRW, Inc		
Jack C. Overstreet, 1725 Jefferson Davis Highway Suite 300 Arlington, VA 22202	Lockheed Corp	4,000.00	685.68
Thomas J. Owens, P.O. Box 12266 Seattle, WA 98102	Dollar Savings Bank, et al.	41,600.00	11,414.43
William J. Owens, 1745 Jefferson Davis Highway, #511 Arlington, VA 22202	Manufactured Housing Institute		
John Palafoutas, 1111 14th Street, NW, Suite 1001 Washington, DC 20005	AMP, Inc	2,000.00	
Stephen J. Paradise, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
David L. Parde, 119 Oronoco Street, #300 Alexandria, VA 22314	Coalition for Automotive Repair Equality, Inc	4,388.00	372.00
Akhandal Parija, 1615 H Street, NW Washington, DC 20062	US Chamber of Commerce	2,100.00	60.00
Nancy L. Parke, 5410 Grosvenor Lane, #100 Bethesda, MD 20814-2122	American Congress on Surveying & Mapping	2,692.65	542.50
Prudence H. Parks, 11301 Popes Head Road Fairfax, VA 22030	Washington Gas Light Co	3,000.00	66.00
Ann M. Parman, 1745 Jefferson Davis Hwy, #511 Arlington, VA 22202	Manufactured Housing Institute	490.00	
Ken Parmelee, 1630 Duke Street, 4th Floor Alexandria, VA 22314-3465	National Rural Letter Carriers Assn	20,600.00	1,447.00
Leslie A. Parmelee, 12 Cynthia Court Ravena, NY 12143	American Train Dispatchers Department/Bro of Locomotive...)		
Jack C. Parnell, 1919 South Eads Street, Suite #103 Arlington, VA 22202-3028	Kahn Soares & Conway (For:Central Soya/Novamont)	15,000.00	
Do	Kahn Soares & Conway (For:Westlake Farms)		
James W. Parrish, 700 SW Jackson, Suite 200 Topeka, KS 66603	Decision Management, Inc	7,000.00	
Do	Superfund Improvement Project	2,500.00	
Parry and Romani Associates, Inc, 233 Constitution Avenue, NE Washington, DC 20002	American Assn of Pharmaceutical Distributors	1,000.00	
Do	American Chiropractic Assn	1,650.00	
Do	Bastyr University	200.00	
Do	C. R. Eggs		
Do	D & F Industries, Inc	600.00	
Do	Federal Judges Association		
Do	Fox Bennett & Turner	2,100.00	
Do	Genentech, Inc	2,100.00	
Do	Generic Pharmaceutical Industry Assn	1,500.00	
Do	Glaxo, Inc	1,500.00	
Do	HealthCare COMPARE	1,000.00	
Do	Herbalife International of America, Inc	750.00	
Do	International Assn of Broadcast Monitors	600.00	
Do	International Dairy Foods Assn	1,500.00	
Do	Motion Picture Assn of America, Inc	4,000.00	
Do	Murdock Healthcare	1,500.00	
Do	Nonprescription Drug Manufactuers Assn		
Do	Office of the Immigration Judges		
Do	Pfizer, Inc	1,800.00	
Do	Recording Industry Assn of America	1,200.00	
Do	Research Corp Technology, Inc	3,600.00	
Do	Schering-Plough Corp		
Do	Syntex USA, Inc	1,200.00	
Do	Systech Environmental Corp	3,600.00	
Do	Unilever U.S., Inc	1,500.00	
Do	Upjohn Company	2,100.00	
Do	Utah Biomedical Industry Council	750.00	
Do	Utah Natural Products Alliance	1,000.00	
Do	Won-Door Corporation	750.00	
Richard E. Pasco, 501 School Street, SW, #400 Washington, DC 20024	National Pork Producers Council	10,000.00	1,182.48
Andrea B. Passarelli, 3025 South Parker Road, #1100 Aurora, CO 80014	TeleCheck Services, Inc		
Kevin Patrick, 515 Noth Washington Street Alexandria, VA 22314-2357	International Assn of Chiefs of Police	6,421.92	224.25
M. Stephanie Patrick, 1101 15th Street, NW, #1000 Washington, DC 20005	Cargill, Inc	1,250.00	
Patterson Belknap Webb & Tyler, 1133 Avenue of the Americas New York, NY 10036	Ministers & Missionaries Board of American Baptist Churches	2,520.00	325.16
Patton Boggs, L.L.P., 2550 M Street, NW Washington, DC 20037	American Institute of Merchant Shipping		
Do	Center for Strategic Tax Reform (CSTR)		
Do	Coalition for Local Government Choice on Flow Control		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Drycleaner Environmental Legislative Fund	225.00	10.00
Do	MovieFone, Inc	1,405.00	20.00
Do	OSG Bulk Ships, Inc	1,220.00	65.00
Do	Project ACTA, Inc		
Do	Republic of Uganda		
Do	Self Storage Assn		
Do	Steel Service Center Institute		
Do	Woodlands Corp		
Paul Weiss Rifkind Wharton & Garrison, 1615 L Street, NW, #1300 Washington, DC 20036	Financial Executives Institute	3,888.50	
Do	IPSCO Steel Inc	1,500.00	
J. Leon Peace Jr., 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Russell H. Pearson, 1156 15th Street, NW, #1015 Washington, DC 20005	J. C. Penney Co, Inc		84.74
Lee Peckarsky, 11408 Stonewood Lane Rockville, MD 20853	Kirkpatrick & Lockhart (For:Glendale Federal Bank, FSB)		
Nicholas J. Penning, 1801 N. Moore Street Arlington, VA 22209	American Assn of School Administrators	9,880.50	
Brenda K. Pennington, 1250 Connecticut Ave., NW, Sutie 200 Washington, DC 20036	Cellular TElecommunications Industry Assn		
Jean Perih, 644 Massachusetts Ave., NE, #405 Washington, DC 20002	National Taxpayers Union	6,300.00	
Robert Perschel, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society		
Susan Persons, 1522 K Street, NW, Suite 836 Washington, DC 20005	Consortium of Social Science Assn		20.51
Gayle Petersen, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Kate Peterson, 555 13th Street, NW, #1050 E Washington, DC 20004	Medtronic, Inc		
Petroleum Marketers Assn of America, 1901 N Ft. Myer Dr. #1200 Arlington, VA 22209		20,000.00	93,958.18
Susan M. Pettey, 901 E Street, NW, #500 Washington, DC 20004-2837	American Assn of Homes & Services for the Aging		
Mitchell S. Pettit, 1133 Connecticut Ave., NW, #1000 Washington, DC 20036	American Bankers Assn	21,000.00	
Do	Southwestern Bell Corp	33,000.00	2,419.64
Peyser Associates, Inc, 1001 G Street, NW, Suite 400 East Washington, DC 20001	City of Philadelphia	37,500.00	
Do	City of Seattle	10,031.25	
Do	MacAndrews & Forbes Holdings, Inc		
Do	Medical College of Ohio	6,500.00	
Do	Metro	8,666.66	
Do	Mothers Against Drunk Driving (MADD)	9,000.00	
Do	National Assn for Sport & Physical Education	9,000.00	
Do	New York State Thruway Authority	42,000.00	
Do	Southeastern Pennsylvania Transit Authority	15,000.00	
Do	Toledo-Lucas Port Authority		
Marshall A. Pharr, 6103 Adirondack Amarillo, TX 79106	Southwestern Public Service Co	4,550.40	8.27
Laura Phelps, 1 Massachusetts Ave., NW, #800 Washington, DC 20001-1431	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	2,950.00	219.87
Do	McLeod Watkinson & Miller (For:American Mushroom Institute)		
Do	McLeod Watkinson & Miller (For:American Peanut Product Manufacturers, Inc)		
Joseph M. Phillips, 1600 Rhode Island Ave., NW Washington, DC 20036	National Rifle Assn of America	1,539.94	165.35
Lisa Phillips, 750 First Street, NE, Suite 900 Washington, DC 20002	Career College Assn	8,370.00	
Physicians for Social Responsibility, 1101 14th Street, NW, #700 Washington, DC 20005		13,605.00	15,867.00
Joann Piccolo, 1350 I Street, NW, #400 Washington, DC 20005	Motorola, Inc	4,500.00	
Theodore M. Pierce, 5301 Wisconsin Ave., NW, #450 Washington, DC 20015	National Assn of Surety Bond Producers		
Paul E. Pike, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	2,238.47	
Piliero Mazza & Pargament, Farragut Square 888 17th Street, NW, #1100 Washington, DC 20006	Latin American Management Assn		
Do	Villa Banfi, U.S.A		
Valerie F. Pinson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	2,604.00	64.68
Piper & Marbury, 1200 19th Street, NW, #700 Washington, DC 20036	AT&T	10,125.00	158.71
Do	Direct Marketing Assn	3,623.75	24.81
Do	Information Industry Assn		
Do	InfoAccess, Inc		
Do	Journal of Commerce, Inc		
Do	Mead Data Central, Inc	3,807.50	253.00
Do	MCI Communications Corp	40,830.00	706.46
Do	Omnipoint Communications, Inc	61,417.75	2,879.19
Do	PCS Action, Inc		
Jeffrey J. Pirruccello, One Central Park Plaza, #1100 Omaha, NB 68508	McGrath North Mullin & Kratz, PC (For:Nebraska Catholic Conference)		
Do	McGrath North Mullin & Kratz, PC (For:Septemberfest Salute to Labor, Inc)		
William H. Pitsenberger, 1133 Topeka Boulevard Topeka, KS 66629-0001	Blue Cross & Blue Shield of Kansas		
Plains Cotton Growers, Inc, 4510 Englewood Lubbock, TX 79414			
Martha Rachel Plotkin, 1120 Connecticut Avenue, NW, #930 Washington, DC 20036	Police Executive Research Forum	3,926.16	40.00
Anne L. Polansky, 777 North Capitol St., NE, Suite 805 Washington, DC 20002	Solar Energy Industries Assn	5,756.61	
Kris D. Polly, 3800 North Fairfax Drive, Suite 4 Arlington, VA 22203	National Water Resources Assn	3,125.00	
Mark D. Polston, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	493.46	
John F. Pontius, 130 North Carolina Avenue, SE Washington, DC 20003	Executive Interventions		
Pope McGlamry Kilpatrick & Morrison, 720 Broadway Columbus, GA 31902	INSLAW, Inc		
Port of Seattle, P.O. Box 1209 Seattle, WA 98111			713.50
John Pottridge, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	5,000.00	
Powell Goldstein Frazer & Murphy, 1001 Pennsylvania Ave., NW, 6th Floor Washington, DC 20004	American Committee for the Weizmann Institute of Science	108.00	
Do	Ericsson Corp	1,010.50	
Do	International Business Machines Corp (IBM)	4,503.00	
Do	Koyo Corporation of USA	900.00	
Do	N.V.W. (USA), Inc	600.00	
Do	National Alliance for Infusion Therapy	10,434.00	
Do	Sanyo North America Corp	1,634.00	
Do	Wilsons the Leather Experts	924.00	
Andrew J. Prazuch, 1400 Eye Street, NW, #1200 Washington, DC 20005	American Immigration Lawyers Assn		
Premark International, Inc, 1717 Deerfield Road Deerfield, IL 60015		4,000.00	4,000.00
William B. Prendergast, 4301 North Fairfax Drive, #425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Woodruff M. Price, 1331 Pennsylvania Ave., NW, #560-South Washington, DC 20004	CSX Corporation	6,000.00	236.45
Daniel B. Priest, 1515 Jefferson Davis Highway, #817 Arlington, VA 22215-6566	Ecolocorp, Inc		
Joan Priestley, 601 Pennsylvania Ave., NW North Tower, #1407 Washington, DC 20002	Citizens for Health	4,370.00	
William Prindle, 1725 K St., NW, #914 Washington, DC 20006	Alliance to Save Energy	3,000.00	347.68
Project Advisory Group, 1625 K Street, NW, #725 Washington, DC 20006			5,023.33
Gerald R. Prout, 1627 K St., NW, #500 Washington, DC 20006	FMC Corporation	7,000.00	
Public Service Electric and Gas Company, 80 Park Plaza, T4A Newark, NJ 07101			330.45
Sue P. Purvis, P.O. Box 14042 St. Petersburg, FL 33733	Florida Power Corp	535.00	1,290.00
Do	Florida Progress Corp	2,634.00	323.00
Robert N. Pyle & Associates, P.O. Box 3731 Washington, DC 20007	Elkem Metals Company	750.00	
James C. Pyles, Powers Pyles & Sutter, P.C. 1275 Pennsylvania Avenue, NW, 3rd Fl. Washington, DC 20004-2404	Coalition for Patient Rights	25,000.00	43,261.00
PFL Life Insurance Company, 9151 Grapevine Highway North Richland Hills, TX 76180-5605		937.50	997.50
PHP Healthcare Corp, 11440 Commerce Park Drive, 3rd Floor Reston, VA 22091			
George Gregory Raab, 1200 G Street, NW, Suite 400 Washington, DC 20005-0000	Medtronic, Inc	1,350.00	10.00
Raffaelli Spees Springer & Smith, 1341 G Street, NW, #200 Washington, DC 20005	Buena Vista Golf & Country Club	500.00	
Do	Chabot Observatory & Science Center	1,000.00	127.21
Do	City of Chattanooga		
Do	Council of American Overseas Research Centers	300.00	26.02
Do	Creative Discovery Museum	500.00	18.00
Do	Foley & Lardner		
Do	HealthInfusion, Inc		
Do	Johnson Controls, Inc	2,000.00	68.68
Do	National Medical Care	3,250.00	951.43
Do	Orlando-Orange County Expressway Authority	3,000.00	57.41
Do	University of Nevada/Las Vegas Research Center	7,500.00	
Do	University of Nevada, Reno	9,375.00	317.22
Timothy L. Raftis, 6410 Rockledge Drive, Suite 203 Bethesda, MD 20817	American Soc of Hematology	500.00	346.00
Do	Association of American Cancer Institutes	1,500.00	363.00
Do	Cooley's Anemia Foundation	400.00	178.00
Do	Friends of the NIDCD	200.00	171.00
Kelly Rahach, 799 Sunset View Blvd. Tallmadge, OH 44278			
Paul W. Rankin, 8401 Corporate Drive, #425 Landover, MD 20785	Association of Container Reconditioners	66,117.00	15,618.00
Robert A. Rapoza Associates, Inc, 601 Pennsylvania Avenue, NW, #850 Washington, DC 20004	Alaska Village Initiatives	81.65	28.89
Do	Arkansas Enterprise Group	81.65	9.59
Do	Association for Enterprise Opportunity	399.00	23.02

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Association for Health Services Research	77.00	
Do	Bedford Stuyvesant Restoration Corp	81.65	9.59
Do	Bethel New Life	81.65	9.59
Do	Center for Community Self-Help	231.00	19.30
Do	Chicanos Por la Causa	81.65	9.59
Do	Coastal Enterprises, Inc	81.65	28.89
Do	Community Reinvestment Fund	570.00	66.16
Do	Community Resource Group	12.83	19.30
Do	Community Transportation Assn of America		32.00
Do	Delta Foundation	81.65	9.59
Do	Eastside Community Investments, Inc	81.65	9.59
Do	Great Lakes Rural Network/WSOS	12.83	19.30
Do	Impact Seven, Inc		19.30
Do	Kentucky Highlands Investment Corp	81.65	28.89
Do	Local Initiatives Support Corp	154.00	68.69
Do	Massachusetts Housing Partnership Fund	248.00	45.40
Do	Massachusetts Nonprofit Housing Assn		
Do	Midwest Assistance Program	12.83	19.30
Do	Mississippi Assn for Community Education	81.65	9.59
Do	National Assn of Housing Partnerships		
Do	National Cooperative Bank	81.65	9.59
Do	National Council of La Raza		19.30
Do	National Rural Housing Coalition	770.00	27.00
Do	New Community Corp	81.65	9.59
Do	Northeast Ventures Corp	77.00	
Do	Northern Community Investment Corp	81.65	28.89
Do	Northern Economic Initiatives Corp	81.65	28.89
Do	Ridgecrest Enterprises	81.65	28.89
Do	Rural Opportunities, Inc	81.65	28.89
Do	TELACU	81.65	9.59
Do	Virginia Water Project/SE RCAP	12.83	19.30
Do	West Virginia Community Action Directors Assn		
Do	YouthBuild, USA	533.00	56.31
Daniel Rappaport, Four World Trade Center New York, NY 10048	New York Mercantile Exchange	1,000.00	
D. Michael Rappoport, P.O. Box 52025 Phoenix, AZ 85072	Salt River Project	1,680.00	5,506.72
William Randall Rawson, 950 N. Glebe Road, #160 Arlington, VA 22203-1824	American Boiler Manufacturers Assn, Inc		
David A. Raymond, 1025 Connecticut Ave., NW, #1014 Washington, DC 20036	Ebasco Services, Inc		
Bill Redding, 214 N. Henry Street, #203 Madison, WI 53703	Sierra Club	2,106.43	
Jill C. Redmond, 606 N. Washington Street Alexandria, VA 22314	Society for Human Resource Management	2,733.00	
Robert S. Reese Jr., 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	3,000.00	1,208.57
Martin A. Regalia, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Regional Commerce & Growth Assn, 1021 Kingsway, #6 Cape Girardeau, MO 63701		18,623.49	17,847.83
Reid & Priest, 701 Pennsylvania Avenue, NW Washington, DC 20004	ABB C-E Nuclear Fuel		
Do	ABB Drives, Inc		
Do	City of Cleveland, Department of Port Control		
Do	City of Philadelphia	3,265.00	180.04
Do	Denver International Airport	19,978.00	214.58
Do	Henschel, Inc	4,825.00	68.58
Do	Parsons Brinckerhoff Quade & Douglas, Inc	17,023.75	428.13
Do	South Jersey Transportation Authority		
Do	SPD Technologies	80,013.75	1,744.73
John W. Reilly, 815 Connecticut Ave., NW, Suite 1000 Washington, DC 20006	Baker & McKenzie (For:Canadian Forest Industries Council)	78,488.00	2,288.00
Michael J. Remington, 1000 Thomas Jefferson St., NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Coalition of Consumers' Picture Rights)	14,171.50	
Do	Leonard Ralston Stanton & Danks (For:Council of Prison Locals)		
Do	Leonard Ralston Stanton & Danks (For:Federal Correctional Vendors Assn)		
Do	Leonard Ralston Stanton & Danks (For:Krueger International, Inc)	1,125.00	39.00
Do	Leonard Ralston Stanton & Danks (For:Labat-Anderson, Inc)		
Do	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)		
Do	Leonard Ralston Stanton & Danks (For:SICPA Industries of America, Inc)	292.50	39.00
Renewable Fuels Assn, One Massachusettes Ave, NW, #820 Washington, DC 20002		953,550.62	143,262.54
Reserve Officers Assn of the US, 1 Constitution Ave., NE Washington, DC 20002		3,778.00	17,926.00
Jimmie V. Reyna, 808 17th Street, NW, Suite 300 Washington, DC 20006-3910	Stewart & Stewart (For:Radiation Systems, Inc)		
Do	Stewart & Stewart		
Michael S. Reynolds, 900 Threadneedle Houston, TX 77079	Vista Chemical Company	769.23	472.75
Nicholas S. Reynolds, 1400 L Street, NW Washington, DC 20005	Washington Public Power Supply System		14.00
John J. Rhodes III, 2000 Pennsylvania Ave., NW, #900 Washington, DC 20036	Central Arizona Water Conservation District	24,000.00	1,356.00
Bonnie Richardson, 1600 Eye Street, NW Washington, DC 20006	Motion Picture Assn of America, Inc		
Kevin C. Richardson, 2001 Pennsylvania Avenue, NW Washington, DC 20006	Electronic Industries Assn	3,000.00	98.60
Lois Richerson, 1724 Massachusetts Avenue, NW Washington, DC 20036	National Cable Television Assn, Inc	3,635.00	
E. George Riedel, 1650 Tysons Blvd., #1700 McLean, VA 22102	ITT Defense & Electronics	1,000.00	50.00
Judith Assmus Riggs, 1319 F Street, NW #710 Washington, DC 20004	Alzheimer's Assn	8,003.00	259.60
Valentin J. Riva, 501 School Street, SW, 8th Floor Washington, DC 20024	American Road & Transportation Builders Assn	500.00	
Michelle Robbins, 1725 Jefferson Davis Highway, #300 Arlington, VA 22202	Lockheed Corporation	2,000.00	365.91
Liz Robbins Associates, 522 8th St., SE Washington, DC 20003	Association of Financial Guaranty Insurors	9,375.00	2,764.00
Do	Cahners Publishing Co		
Do	Chicago Educational Television Assn		
Do	C02 (Carbon Dioxide) Coalition	18,000.00	6,316.00
Do	Forest City Ratner	12,182.00	906.00
Do	Goldman Sachs & Co	19,372.00	4,712.00
Do	H.J. Heinz Company	6,250.00	379.00
Do	Human Genome Sciences, Inc		
Do	Magma Copper Co	22,500.00	5,424.00
Do	National Council of Health Facilities Finance Authorities	7,500.00	4,555.00
Do	National Theatre of the Deaf	3,750.00	360.00
Do	New York Public Library		
Do	New York State Housing Finance Agency	3,375.00	2,040.00
Do	New York State Medical Care Facilities Finance Agency	3,375.00	1,374.00
Do	North American Vaccine, Inc		
Do	Office of the Los Angeles District Attorney	12,000.00	2,271.00
Do	Omega Environmental, Inc		
Do	Omnipoint Corp	19,487.00	1,950.00
Do	Orbis International		
Do	Puerto Rico Federal Affairs Administration	15,000.00	123.00
Do	Scholastic, Inc		
Do	Town of Vail (Colorado)	6,251.00	1,827.00
Do	Warburg Pincus Capital Corp	45,045.00	9,450.00
Do	Writers Guild of America, West, Inc	12,370.00	1,870.00
Ricardo Robelin, FCI Allenwood - Med Unit 3-B P.O. Box 2000 Register Number 11741-039 White Deer, PA 17887-2000			
Michael A. Rock, 555 13th Stret, NW, Suite 450 West Columbia Square Washington, DC 20004	Union Pacific Corp	10,500.00	1,492.77
Rogers & Wells, 607 14th Street, NW Washington, DC 20005	American Express Co		
Do	Dreyfus Corporation		750.00
Do	Investment Program Assn	17,500.00	133.00
Do	Kamehameha Schools/Bishop Estate		
Do	Lehman Brothers, Inc		
Do	Liga Agricola Industrial de la Cana de Azucar		
Do	Merrill Lynch & Co, Inc		
Do	National Assn of Beverage Importers		
Do	National Automobile Dealers Assn		
Do	Oxnard Refinery		
Do	R.L. Polk & Company	20,000.00	1,447.72
Do	Republic National Bank		
Do	RPM Securities, Inc		
Do	The Specialist Association		759.50
Do	Wine & Spirits Wholesalers of America, Inc		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Barbara J. Rohde, 1701 K Street, NW, #400 Washington, DC 20006	Fargo Moorhead Metropolitan Council of Governments	1,500.00	50.00
Barbara J. Rohde & Associates, 1701 K Street, NW, #400 Washington, DC 20006	City of Grand Forks	3,000.00	400.00
George L. Rolofson, P.O. Box 18300 Greensboro, NC 27419	CIBA-GEIGY Corp		
John C. Roney, 1156 15th Street, NW, 1103 Washington, DC 20005	Hawaiian Sugar Planters' Assn		
Fred B. Rooney, 700 13th Street, N.W., #400 Washington, DC 20005	American Iron & Steel Institute	200.00	
Do	Association of American Railroads	200.00	
Do	AT&T	200.00	
Ropes & Gray, 1001 Pennsylvania Ave., NW, #1200 Washington, DC 20004	Harvard University	160.00	330.00
Do	Tulane University	160.00	330.00
David Rose, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	17,000.00	3,664.89
Marilyn Rosenthal, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Roth VanAmberg Gross Rogers & Ortiz, P.O. Box 1447 Santa Fe, NM 87504-1447	Pueblo de Cochiti	1,033.50	
G. Jon Roush, 900 17th Street, NW Washington, D2 0006	Wilderness Society		
Ann M. Rowan, 1301 Pennsylvania Ave., NW, #1100 Washington, DC 20004-1707	Air Transport Assn	4,066.79	
Roxton, Inc, 2000 S. Eads Street, #1003 Arlington, VA 22202			
Eric M. Rubin, 1730 M Street, NW, #412 Washington, DC 20036	Outdoor Advertising Assn of America, Inc		
N. Lee Rucker, 2215 Constitution Avenue, NW Washington, DC 20037	American Pharmaceutical Assn	500.00	
Gregory Ruehle, 1301 Pennsylvania Avenue, NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Tonda F. Rush, 1525 Wilson Blvd., #550 Arlington, VA 22209	American Newspaper Publishers Assn		
Matthew Russell, 300 5th Street, NE Washington, DC 20002	American Osteopathic Assn	11,538.43	
Rust Environment & Infrastructure, 11240 Waples Hill Road, #100 Fairfax, VA 22030		937.50	
J. T. Rutherford & Associates, Inc, 1001 N. Highland Street, #502 Arlington, VA 22201	American College of Radiology	1,500.00	817.40
Do	American Optometric Assn	1,500.00	610.90
Do	American Soc for Medical Technology	700.00	81.20
Stacy J. Sabo, 1000 Thomas Jefferson St, NW, Suite 609 Washington, DC 20007	Coalition for Consumers' Picture Rights		
Dean Sackett, 400 North Washington Street Alexandria, VA 22314	National Assn of Professional Insurance Agents	16,250.00	2,309.80
Sagamore Associates, Inc, 1701 K Street, NW #400 Washington, DC 20006	Chemical Bank	4,800.00	78.48
Do	City of Columbus	6,000.00	41.55
Do	Coalition for Employers of the Amish	7,350.00	35.56
Do	Ebasco Services Inc	600.00	
Do	Fargo-Moorhead Metropolitan Council of Governments	1,000.00	
Do	Flash Technology Corporation of America	1,560.00	18.70
Do	Goodwill Games, Inc		
Do	Indiana State University	12,420.00	114.14
Do	Rose Acre Farms		
Do	United Student Aid Funds	500.00	50.35
Do	USRowing		
Do	VASA Brougher, Inc	10,000.00	526.23
Do	1996 Atlanta Paralympic Games	18,000.00	2,425.45
Stephen Sale, 910 16th Street, NW Washington, DC 20006	Fehrenbacher Sale Quinn & Deese (For:CSC Credit Services, Inc)		
Charles A. Samuels, 701 Pennsylvania Avenue, NW, #900 Washington, DC 20004	Mintz Levin Cohn Ferris Glovsky and Popeo, P.C. (For:Association of Home Appliance Manufacturers).		385.19
Petronella C. Sanders, 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn		
Patricia Kopf Sanner, 1825 I Street, NW, #400 Washington, DC 20006	Humana, Inc	4,200.00	1,165.00
Eric Sapirstein, 1130 Connecticut Avenue, NW, #300 Washington, DC 20036	California Assn of Sanitation Agencies	8,000.00	3,347.04
Do	City of Sacramento, Dept of Utilities		
Do	ENS Resources, Inc (For:East Bay MUD)	9,341.00	2,878.18
Do	Western Research Institute	1,676.50	212.77
Thomas J. Scanlon, 3248 Prospect Street, NW Washington, DC 20007	Benchmarks of Washington (For:International Racquet & Sports Club Assn)	14,270.00	764.45
Marc Steven Scarduffa, 15th & M Street, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Scenic America, 21 Dupont Circle Washington, DC 20036			214.94
Mark S. Schacht, 631 Howard Street, 3rd Floor Suite 300 San Francisco, CA 94105-3907	California Rural Legal Assistance, Inc	741.00	473.00
Thomas A. Schatz, 1301 Connecticut Ave., NW, #400 Washington, DC 20036	Council for Citizens Against Government Waste	3,000.00	30.80
Michael T. Schilling, 1001 19th Street North, #800 Arlington, VA 22209	TRW, Inc	8,125.00	
David S. Schless, 1850 M Street, NW, Suite 540 Washington, DC 20036	National Multi Housing Council	2,000.00	
Lynn L. Schloesser, 1301 K Street, NW East Tower, Suite 715 Washington, DC 20005	Eastman Chemical Co	2,000.00	400.00
Lin Schmale, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Schmeltzer Aptaker & Sheppard, 2600 Virginia Ave., NW, 10th floor Washington, DC 20037-1905	Council of Nursing Home Suppliers	6,000.00	1,293.78
Cindy Z. Schonhaut, 3000 K Street, NW, Suite 300 Washington, DC 20007	Metropolitan Fiber Systems Communications Co, Inc	4,000.00	
Elizabeth Schueler, Willard Office Building 1455 Pennsylvania Ave., NW, #350 Washington, DC 20004	Idaho Conservation League	4,000.00	
Do	Montana Wilderness Assn	4,000.00	
Schwabe Williamson & Wyatt, 2100 Pennsylvania Ave., NW, #670 Washington, DC 20037	Grant County PUD, et al.		
Do	Nichols Institute	1,400.00	52.71
Do	Solid Waste Assn of North America	9,345.00	103.13
Do	Tri-Met	5,789.23	3,409.75
James C. Schwaninger, 1156 15th Street, NW, Suite 1015 Washington, DC 20005	J.C. Penney Co, Inc		7,803.00
Joseph Schwartz, 1101 14th Street, NW, Suite 700 Washington, DC 20005	Physician for Social Responsibility	2,408.00	
Michael Schwartz, 1101 Pennsylvania Ave. NW, #950 Washington, DC 20077	Federal Home Loan Mortgage Corp	3,000.00	175.00
Gregory R. Scott, 1341 G Street, NW, #900 Washington, DC 20005	Philip Morris Management Corp	1,475.00	507.93
Michael D. Scott, 900 17th Street, NW Washington, DC 20006	Wilderness Society	1,715.53	212.70
Timothy Scully, 25 Louisiana Avenue, NW Washington, DC 20001	Philip Morris Management Corp		
Murray S. Scureman, 5305 Wisconsin Avenue, NW, #500 Washington, DC 20015	Amdahl Corp	1,000.00	
Debbie Sease, 408 C St., NE Washington, DC 20002	Sierra Club	1,035.15	
Emily Marie Segar-Johnson, 6059-A Essex House Square Alexandria, VA 22310	Mille Lacs Band of Ojibwe Indians	4,500.00	800.00
John F. Seher, 1825 I Street, NW, #400 Washington, DC 20006	UST Public Affairs, Inc	9,000.00	5,000.00
Elizabeth Seiler, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	215.40	
Steven K. Selby, 444 North Capital Street, Suite 711 Washington, DC 20001	TKC International, Inc (For:Republic of Azerbaijan)		
Tom Sellers, 1701 Pennsylvania Ave., NW Washington, DC 20006	E. I. du Pont de Nemours & Co		
Seniors Coalition, 11166 Main Street, #302 Fairfax, VA 22030		1,874,677.00	577,039.00
Eva Seydel, 1401 I Street, NW, Suite 600 Washington, DC 20005	United Technologies Corp	1,500.00	26.00
Suzanne Shackley, 601 Pennsylvania Ave., NW, #400 Washington, DC 20004	Arco Chemical Company	87.00	
Erin E. Shaffer, 1101 Pennsylvania Ave., NW, #200 Washington, DC 20004	International Paper	12,921.28	97.00
John Hunter Sharp, 1129 20th St., NW, #300 Washington, DC 20036	Natural Gas Supply Assn	26,558.60	2,537.11
Susan Shaw, 2728 S. Arlington Ridge Rd. Arlington, VA 22202	National Treasury Employees Union	18,317.10	
Mark Sheehan, 1627 K Street, NW, Suite 400 Washington, DC 20006	National Newspaper Association		
John E. Sheeley, 1 Massachusetts Ave., NW, Suite 800 Washington, DC 20001	McLeod Watkinson & Miller (For:American Assn of Crop Insurers)	18,700.00	227.72
Sheridan Group, 1775 T Street, NW Washington, DC 20009	Cities Advocating Emergency Aids Relief (CAEAR)	91,363.65	19,076.56
Do	CFIDS Assn of America	24,000.00	3,311.60
Do	Immuno-U.S., Inc	15,000.00	2,024.73
Do	III(b) Coalition	21,249.99	4,601.94
Do	Task Force for Child Survival & Development	10,000.00	2,368.67
Cathleen Shine, 767 Fifth Avenue New York, NY 10153-0183	Sanford C. Bernstein & Co, Inc (For:Zalman C. Bernstein)		297.65
Jill Showell, 1101 Pennsylvania Ave., NW, #950 Washington, DC 20004	Federal Home Loan Mortgage Corp	3,000.00	591.52
Sidley & Austin, 1722 Eye Street, NW Washington, DC 20006	W. K. Kellogg Foundation		
David Todd Sidor, One Constitution Square New Brunswick, NJ 08901-1500	New Jersey State Bar Assn		
Susan Siemietkowski, 1601 Duke Street Alexandria, VA 22314	Society of American Florists	1,000.00	
Sierra Club, 730 Polk Street San Francisco, CA 94109		296,996.63	296,996.63
William A. Signer, 805 15th Street,NW, #500 Washington, DC 20005-2207	Chambers Associates, Inc (For:Alarm Industry Communications Committee)	7,650.00	251.54
Do	Chambers Associates, Inc (For:Committee for Employment Opportunities)	5,400.00	663.97
Do	Chambers Associates, Inc (For:Greater New York Hospital Assn)	6,750.00	519.77
Do	Chambers Associates, Inc (For:Management Insights)	4,200.00	252.72
Do	Chambers Associates, Inc (For:National Council of Chain Restaurants (NCCR))		
Do	Chambers Associates, Inc (For:New York Hospital)	12,000.00	745.82
Do	Chambers Associates, Inc (For:PepsiCo, Inc)		
Do	Chambers Associates, Inc (For:Pre-Medicare Health Security Coalition)	18,000.00	1,346.45
Do	Chambers Associates, Inc (For:Targeted Management Consultants)		
Howard J. Silver, 1522 K Street, NW, #836 Washington, DC 20005	Consortium of Social Science Assns		
Steve Silver, 2300 Clarendon Blvd, #1010 Arlington, VA 22201	Robertson Monagle & Eastaugh (For:Alaska Loggers Assn)	4,675.00	
Do	Robertson Monagle & Eastaugh (For:Anchorage School District)	3,450.00	
Do	Robertson Monagle & Eastaugh (For:BP America, Inc)	6,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Craig, AK)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Kotzebue)	2,500.00	
Do	Robertson Monagle & Eastaugh (For:City of Silverton)		
Do	Robertson Monagle & Eastaugh (For:Echo Bay Mining Company)	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Robertson Monagle & Eastaugh (For:Goldbelt)		
Do	Robertson Monagle & Eastaugh (For:Kennecott Corp)	13,400.00	
Do	Robertson Monagle & Eastaugh (For:Municipality of Anchorage)	2,200.00	
Silverstein & Mullens, 1776 K Street, NW, #800 Washington, DC 20006	Association for Advanced Life Underwriting	5,000.00	
Do	Bristol-Myers Co		
Do	C & M Services, Inc		
Do	Cushman & Wakefield		
Do	Walter Harris, et al.		
Do	MCA, Inc	10,000.00	
Do	National Assn of Home Builders Trade Assn		
Do	5600, Inc	300.00	
Donald M. Simmons, 323 West Broadway, #404 Muskogee, OK 74401	Caltex Petroleum Corp	250.00	300.00
David J. Simon, 823 Gold Ave., SW Albuquerque, NM 87102	National Parks & Conservation Association	681.00	105.50
Simon & Company, Inc, 1001 Connecticut Ave., NW, #435 Washington, DC 20036	American Water Works Assn	3,600.00	1,252.82
Do	Elkhart, IN	5,702.16	2,192.33
Do	Gary, Indiana	9,118.81	2,871.63
Do	National Easter Seal Society	7,528.06	1,289.43
Do	Newark, CA	4,809.93	1,562.75
Do	Pierce Transit Authority	5,736.19	1,364.01
Do	Portland, OR	10,988.58	2,120.35
Do	Salt Lake City, UT	8,166.70	1,919.12
Do	San Bernardino, CA	5,369.02	11,621.86
Do	San Leandro, CA	4,709.99	1,714.81
Do	Tacoma Public Utilities	1,594.55	1,347.37
Do	Tacoma, WA	7,066.09	2,610.77
Talmage E. Simpkins, 1150 17th Street, N.W., #700 Washington, DC 20036	AFL-CIO Maritime Committee	300.00	20.11
Charles W. Simpson, 555 13th Street, NW, #410-W Washington, DC 20004	Morrison Knudsen Corp		
Albert M. Sims, 11006 Hampton Rd. Fairfax Station, VA 22039	Performance Engineering, Inc		
George Sinner, 101 North Third Street Moorhead, MN 56560-1990	American Crystal Sugar	1,200.00	42.77
Skadden Arps Slate Meagher & Flom, 1440 New York Avenue, NW Washington, DC 20005	American Electronics Assn		
Linda Arey Skladany, 1350 Eye Street, NW, #700 Washington, DC 20005	Foundation for Environmental & Economic Progress	21,000.00	
Do	Styrene Industry	15,000.00	
Scott Sklar, 122 C Street, NW. Washington, DC 20001	Solar Energy Industries Assn	7,500.00	3,905.39
William T. Slider, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Allen Smith, 900 17th St., NW Washington, DC 20006	Wilderness Society		
David F. Smith, 10 Lafayette Square Buffalo, NY 14203	National Fuel Gas Distribution Corp, et al.		
Marc Smith, 714 Jackson St. Suite 470 Dallas, TX 75202			
Philip Hardy Smith, P.O. Box 2801 Daytona Beach, FL 32115	International Speedway Corp	400.00	1,191.19
Rob Smith, 516 E. Portland Street Phoenix, AZ 85004	Sierra Club	2,014.35	2,507.86
Robert Thornton Smith, White & Case 1155 Avenue of the Americas New York, NY 10036-2787	Connell Finance Co, Inc		
W. Lamar Smith, 1600 M Street, NW, Suite 700 Washington, DC 20036	VISA USA, Inc	36,750.00	699.98
Smith Johnson Anderson & Carr, 611 Commerce Street Nashville, TN 37203	Pharmaceutical Research & Manufacturers of America	3,000.00	1,248.02
Robert B. Smythe, 4807 Wellington Drive Chevy Chase, MD 20815	Center for Marine Conservation		40.00
Larry S. Snowhite, 1025 Connecticut Avenue, NW, #900 Washington, DC 20036	Semmes Bowen & Semmes (For:Houghton Mifflin Co)	3,000.00	
Alan C. Sobba, 1301 Pennsylvania Ave., NW, #300 Washington, DC 20004	National Cattlemen's Assn	1,000.00	
Society for Human Resource Management, 606 North Washington Street Alexandria, VA 22314		0.97	57,950.00
Marlene J. Soderstrom, 6215 West St. Joseph Highway Lansing, MI 48917	Michigan Hospital Assn	450.00	251.15
Andrea L. Solarz, 750 First St., NE Washington, DC 20002-4242	American Psychological Assn	2,000.00	
Vincent R. Sombrotto, 100 Indiana Ave., NW Washington, DC 20001	National Assn of Letter Carriers	6,371.49	
Sonosky Chambers Sachse & Endreson, 1250 Eye Street, NW #1000 Washington, DC 20005	Alaska Native Health Board		
Do	American Assn of Acupuncture and Oriental Medicine		
Do	Assiniboine and Sioux Tribes		
Do	Bad River Band of Lake Superior Chippewa		
Do	Class of Native Alaskan Plaintiffs		
Do	Colville Business Council		
Do	Cook Inlet Regional Citizen Advisory Council		
Do	Great Lakes Indian Fish & Wildlife Commission		
Do	Hatteras Tuscarora Tribal Foundation		
Do	Hopi Tribe		
Do	Houlton Band of Maliseet Indians of Maine		
Do	Lac du Flambeau Band of Lake Superior Chippewa Indians		
Do	Mole Lake Band of the Sokaogon Chippewa Community		
Do	Multi-Housing Laundry Assn, Inc		
Do	Pueblo of Jemez		
Do	Sault Ste. Marie		
Do	Shoshone-Bannock Tribes of the Fort Hall Indian Reservation		
Do	Standing Rock Sioux Tribe		
Do	Wisconsin Winnebago Nation		
Do	Yukon-Kuskokwim Health Corp		
Mary Sophos, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	125.00	
Noelle C. Sotack, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Rachel Southworth, 444 North Capitol Street, Suite 711 Washington, DC 20001	TKC International, INc (For:Republic of Azerbaijan)		
James M. Sparling Jr., 1733 King Street Alexandria, VA 22314	Capitol Counsel, Inc	25,510.09	6,878.08
Specialized Carriers & Rigging Assn, Inc, 2759 Prosperity Avenue, #620 Fairfax, VA 22314			
Richard L. Spees, 1341 G Street, NW, #200 Washington, DC 20005	McAuliffe Kelly & Raffaelli (For:Desert Research Institute)	1,500.00	482.29
Herbert Spira, One Thomas Circle, NW, Suite 950 Washington, DC 20005	Independent Bankers Assn of America	12,875.00	97.13
Philip Squair, 4301 N. Fairfax Dr., Suite 425 Arlington, VA 22203	Air Conditioning & Refrigeration Institute		
Cecile Srodes, 1800 K Street, NW, #1100 Washington, DC 20006	New York Stock Exchange, Inc		
Charles A. St. Charles, 808 17th Street, NW, #300 Washington, DC 20006-3910	Stewart & Stewart (For:Libbey Glass)	3,243.45	
Do	Stewart & Stewart (For:Novus International, Inc)		
Do	Stewart & Stewart (For:SCM Chemicals)		
Jane Sutter Starke, 2100 Pennsylvania Ave., NW, #600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Central Arkansas Transit Authority)	323.75	
Do	Eckert Seamans Cherin & Mellot (For:City Utilities of Springfield)	85.00	
Do	Eckert Seamans Cherin & Mellott (For:Ormet Corp)		
Do	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)	550.00	
Kent D. Starwalt, 1010 Massachusetts Avenue, NW, Sixth Fl Washington, DC 20001	American Road & Transportation Builders Assn	500.00	
Steel Tank Institute, 570 Oakwood Road Lake Zurich, IL 60047			
Law Offices of Deborah Steelman, Columbia Square 555 13th Street, NW, #1220 East Washington, DC 20004-1109	Aetna Life & Casualty	157,562.00	3,640.60
Rena Steinzor, 1350 New York Ave., NW, #1100 Washington, DC 20005-4798	Spiegel & McDiarmid (For:American Communities for Cleanup Equity (ACCE))	7,631.25	1,050.80
Do	Spiegel & McDiarmid (For:Guam Power Authority)		
Stephens Group, Inc, 111 Center Street P.O. Box 3507 Little Rock, AR 72203			
Steptoe & Johnson, 1330 Connecticut Ave., NW Washington, DC 20036	Association of Private Pension & Welfare Plans, Inc	22,192.50	2,603.09
Do	British Steel plc	5,420.58	875.38
Do	Hillman Properties, Inc		
Do	United Engineering Steels Limited	7,139.87	1,096.57
Earl Stevenson, 1977 N. Olden Ave., Ext. Suite 222 Ewing Township, NJ 08628			
Terence P. Stewart, 808 17th Street, NW, #300 Washington, DC 20006-3910	Brush Wellman Engineered Materials	7,361.80	417.96
Do	Floral Trade Council	6,231.89	5,373.92
Do	Georgetown Railroad Co, et al.	22,133.14	4,247.03
Do	Stewart & Stewart (For:Hudson Industries Corp)		
Do	Stewart & Stewart (For:Libbey, Inc)	9,572.23	3,450.06
Do	Monsanto Co		
Do	Novus International, Inc	1,311.25	463.74
Do	Professional Plant Growers Assn		
Do	PPG Industries, Inc	15,361.25	5,000.62
Do	Radiation Systems, Inc		
Do	Smith Corona Corp		
Do	Stewart and Stewart		
Do	SCM Chemicals		
Do	Timken Co	81,351.92	443.50
Do	Torrington Company	37,500.00	14,111.33
Bradley Stillman, 1424 16th Street, NW, Suite 604 Washington, DC 20036	Consumer Federation of America	9,733.00	78.00
Kenneth F. Stinger, 430 First Street, SE Washington, DC 20003	American Trucking Assns, Inc	9,000.00	
Steven F. Stockmeyer, 801 North Fairfax Street, #215 Alexandria, VA 22314	Manville Corporation	1,700.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	National Assn of Business PACs	2,850.00	
Do	Springs Industries, Inc	2,400.00	
Judith Lee Stone, 777 N. Capitol Street, #410 Washington, DC 20002	Advocates for Highway & Auto Safety	1,462.50	
Dena G. Stoner, 2000 L Street, NW #601 Washington, DC 20036	Council for Educational Development & Research	1,375.00	52.00
Floyd E. Stoner, 1120 Connecticut Avenue, NW Washington, DC 20036	American Bankers Assn	6,145.00	242.02
Todd A. Stottlemyer, 1501 BDM Way McLean, VA 22102	BDM International, Inc	173.08	
Susan M. Stout, 1010 Wisconsin Avenue, NW, #900 Washington, DC 20007	Grocery Manufacturers of America, Inc	72.84	
Andrea Strader, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	18,210.92	229.00
W. Martin Strauss, 700 14th Street, NW, Suite 1100 Washington, DC 20005	Monsanto Co		
Stephen P. Strickland, 1835 K Street, NW, #610 Washington, DC 20006	National Peace Foundation		
Heather P. Stroup, 750 First Street, NE Washington, DC 20002-4242	American Psychological Assn	803.25	100.00
John F. Sturm, NAA 529 - 14th Street, NW, #440 Washington, DC 20045	Newspaper Association of America	15,000.00	185.00
Fred Sudak, 250 South Wacker Drive, #1000 Chicago, IL 60606	Dakko Integrated Resources		
Joseph P. Sudbay, 1225 Eye Street, NW, #1100 Washington, DC 20005	Handgun Control, Inc	1,896.41	
Francis J. Sullivan, 16 W. Walnut Street Alexandria, VA 22301	Frank Sullivan Associates (For:Ingalls Shipbuilding)	125.00	
Do	Frank Sullivan Associates (For:ITT Corporation)	82.00	
Do	Frank Sullivan Associates (For:Northrop Grumman Corporation)	125.00	
Do	Frank Sullivan Associates (For:Textron, Inc)	82.00	
Do	Frank Sullivan Associates (For:WMX Technology (RUST))	131.00	
Jay R. Sullivan, Jamison & Sullivan, Inc 1101 30th Street, NW Washington, DC 20007	Catellus Development Corp	10,500.00	
Do	Douglas County Oregon	3,000.00	
Judy M. Sullivan, 1614 King Street Alexandria, VA 22314	National Assn of Housing Cooperatives		
Maureen A. Sullivan, 901 E Street, NW, Suite 500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging	292.51	318.79
Richard J. Sullivan, 1507 Laburnum Street McLean, VA 22101	Richard J. Sullivan Associates, Inc (For:Association of American Railroads)	9,000.00	
Do	Richard Sullivan Associates, Inc (For:Design Professionals Coalition)	2,050.00	
Do	Richard J. Sullivan Associates, Inc (For:National Utility Products Company)		
Do	Richard J. Sullivan Associates, Inc (For:Northeast Ohio Regional Sewer District)	6,300.00	
Do	Richard J. Sullivan Associates, Inc (For:Union Pacific)	8,500.00	
Do	Richard J Sullivan Associates, Inc (For:Water Environment Research Foundation)	2,000.00	
Sullivan & Cromwell, 1701 Pennsylvania Ave., NW, #800 Washington, DC 20006	Massachusetts Port Authority (MASSPORT)		
Sullivan & Worcester, 1025 Connecticut Ave., NW, #806 Washington, DC 20036	Marion Merrell Dow, Inc	7,500.00	
Richard J. Sullivan Associates, Inc, 1507 Laburnum Street McLean, VA 22101	Association of American Railroads	12,499.98	13,560.61
Do	Design Professionals Coalition	6,000.00	7,110.61
Do	National Utility Products Company		
Do	Northeast Ohio Regional Sewer District	10,400.00	8,860.61
Do	Union Pacific	15,000.00	12,060.61
Do	Water Environment Research Foundation	6,000.00	7,560.61
Hyo-Jye Sung, 1800 K Street, NW, #700 Washington, DC 20006	Korea Foreign Trade Assn	715.00	710.00
Donald B. Susswein, 1500 K Street, NW, #200 Washington, DC 20005	Thacher Proffitt & Wood (For:Citicorp Washington)		
Sutherland Asbill & Brennan, 1275 Pennsylvania Avenue, NW Washington, DC 20004	Alliance of American Insurers et al	594.00	8.00
Elliot Swan, 888 17th Street, NW, Suite 860 Washington, DC 20006	Intel Government Affairs	15,000.00	3,664.89
Elizabeth J. Swasey, 11250 Waples Mill Road Fairfax, VA 22030	NRA Crimestrike		
Eileen P. Sweeney, 25 E. Street, NW Washington, DC 20001	Children's Defense Fund	9,267.04	19.31
William R. Sweeney Jr., 1331 Pennsylvania Ave., NW, #1300-N Washington, DC 20004	Electronic Data Systems Corp	650.00	2,339.00
David A. Sweeney & Associates, 5209 Wyecliffe Ct. Rockville, MD 20853		21,000.00	1,396.31
Swidler & Berlin, Chtd, 3000 K Street, NW, #300 Washington, DC 20007	Cable & Wireless, Inc		
Do	Metropolitan Fiber Systems Communications Co, Inc	12,143.00	124.00
Do	National Asphalt Pavement Assn	5,515.00	21.00
Do	New England Power		
Do	Pharmaceutical Manufacturers Assn		
Do	Radnor Development Corp	2,133.75	50.00
Chris Ray Swonger, 1825 I Stret, NW, Suite 400 Washington, DC 20006	UST Public Affairs, Inc	4,500.00	750.00
Ronald G. Sykes, 1660 L Street, NW, #400 Washington, DC 20036	General Motors Corp	3,000.00	5,653.58
SJA International, Inc, 1001 Connecticut Ave., NW, Suite 401 Washington, DC 20036	Zenith Data Systems	3,634.28	1,696.71
Bruce B. Talley, 1401 H Street, NW, #1060 Washington, DC 20005	Asea Brown Boveri, Inc	8,500.00	119.06
Alan Tank, 201 Massachusetts Ave,NE, #C4 Washington, DC 20002	National Pork Producers Council	10,000.00	1,574.48
Taxpayers Education Lobby, Inc, 14155-F Sullyfield Circle Chantilly, VA 22021			21,242.00
Sandra E. Taylor, 1600 M St,. NW, #702 Washington, DC 20036	ICI Americas, Inc	20,000.00	
Taylor Thiemann & Aitken, 908 King Street, #300 Alexandria, VA 22314	Association of Personnel Test Publishers		
Do	CTB MacMillan/McGraw-Hill	743.75	
Do	Midwest Motor Express, Inc		
Do	Multiemployer Pension Plan Solvency Coalition		
Do	National Assn of Convenience Stores		
Randy Teach, 1275 Pennsylvania Avenue, NW, #503 Washington, DC 20004-2404	Medical Group Management Association		
Technical Group, Inc, 1300 Eye Street, NW, #1000 West Washington, DC 20005	NEDA/RCRA Project	500.00	
Do	Steel Shipping Container Institute	500.00	
Telecommunications Resellers Assn, 1155 Connecticut Ave., NW, Suite 401 Washington, DC 20036			1,795.50
Ellen S. Teller, 1875 Connecticut Avenue, NW, #540 Washington, DC 20009	Food Research and Action Center	5,079.97	
Richard Paul Teske, 1500 K Street, NW, #625 Washington, DC 20005	Burroughs Wellcome Co	35,000.00	
Richard Tessier, 1133 15th Street, NW, #640 Washington, DC 20005	American Logistics Assn		
Thacher Proffitt & Wood, 1500 K Street, NW, #200 Washington, DC 20005	Citicorp Washington		834.81
Edlu J. Thom, 1333 New Hampshire Ave., NW Suite 1001 Washington, DC 20036	Arco Chemical Company	90.00	
Robert G. Thoma, 1100 New York Ave., NW, #340 West Washington, DC 20005	BASF Corp	580.00	22.00
Brent Thompson, 1331 Pennsylvania Ave., NW #1500-N Washington, DC 20004-1703	National Assn of Manufacturers	125.00	
Otis N. Thompson, U.S. Department of Agriculture (OPEDA) Room SM - 3 - South Ag. Bldg. Washington, DC 20250	Organization of Professional Employees of USDA	691.34	
Patricia L. Thompson, 601 Pennsylvania Avenue #620-North Building Washington, DC 20004	United Illuminating Company	13,695.00	1,321.40
R. Patrick Thompson, 4 World Trade Center New York, NY 10048	New York Mercantile Exchange	5,000.00	
Jill Thorne, 1500 SW 5th, #2301 Portland, OR 97201	Round-Up City Development Corp, et al.	2,200.00	100.00
John Thornton, 1150 17th Street, NW, #701 Washington, DC 20036	National Air Traffic Controllers Assn	1,661.60	
Lisa Tofil, 240 East Ontario, #400 Chicago, IL 60611	Northwestern Memorial Hospital	1,200.00	2,020.00
Jean R. Toohey, 1401 Eye Street, NW, #200 Washington, DC 20005	Rhone-Poulenc, Inc	1,000.00	421.36
Charles H. Tower, 1026 16th Street, NW, #503 Washington, DC 20036	Electronic Publishing Group		94.35
Wanda Townsend, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	3,563.00	259.83
Clifford Traisman, 1010 Wisconsin Avenue, NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	158.35	
Olivia Trible, 1776 Eye St., NW, #700 Washington, DC 20006	Phillips Petroleum Co	1,000.00	
Troutman Sanders, 601 Pennsylvania Ave., NW, Suite 640 North Building Washington, DC 20004	Central & South West Corp	7,334.25	137.24
Do	Southern Company	8,526.75	137.24
John F. Troy, One Tower Square-6MS Hartford, CT 0683	Travelers Insurance Companies	5,000.00	
John P. Truitt, 30420 Revelles Neck Road Westover, MD 21871-3368	Federation of Convicted Felons		
Shannon B. Tuel, c/o Burger King Corporation P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Michael R. Tuosto, One Massachusetts Avenue, NW, Suite 710 Washington, DC 20001	Pubic Service Electric and Gas Company	298.00	
John M. Turner, 1875 Eye St., NW, #775 Washington, DC 20006	Georgia-Pacific Corp	3,750.00	
Pamela J. Turner, 1724 Massachusetts Ave., NW Washington, DC 20036	National Cable Television Assn, Inc	8,859.00	334.87
Nathan M. Tyler, 1627 K Street, NW, #800 Washington, DC 20006	Glass Packaging Institute	1,100.00	35.00
Peter Tyler, 1101 14th Street, NW, #700 Washington, DC 20005	Physicians for Social Responsibility	2,259.00	
Robert E. Tyson Jr., 1515 Wilson Boulevard Arlington, VA 22209	American Gas Assn	3,750.00	3,750.00
G. John Tysse, 1015 15th Street, NW, #1200 Washington, DC 20005	McGuiness & Williams (For:Labor Policy Assn)	1,683.00	
U.S. Interactive & Microwave Television Assn, 2300 M Street, NW, Suite 800 Washington, DC 20037			
Daniel Ulmer, 2000 Schafer Street P.O. Box 2657 Bismarck, ND 58502	Blue Cross Blue Shield of North Dakota		
Unifi, Inc, P.O. Box 19109 Greensboro, NC 27419			
United Fresh Fruit & Vegetable Assn, 727 N. Washington St. Alexandria, VA 22314		57,375.90	
United Seniors Assn, Inc, 12500 Fair Lakes Circle, #125 Fairfax, VA 22033		623,089.70	418,357.52
Jane Usdan, 555 New Jersey Ave, NW Washington, DC 20001	American Fed of Teachers	15,820.98	40.00
Mark Valente III, 7055 Leestone Street Springfield, VA 22151	Kelly Anderson & Associates (For:America's Health Plan)	1,093.75	162.10
Do	Kelly Anderson & Associates (For:James River Corp)	3,687.50	230.42
Do	Kelly Anderson & Associates (for U.S. Banknote Corp)		
Jack J. Valenti, 1600 Eye St., NW Washington, DC 20006	Motion Picture Assn of America, Inc	693.00	
Van Fleet Associates, Inc, 499 South Capitol St., SW, #520 Washington, DC 20003	Cadillac Gage Textron	6,000.00	172.46
Do	United Defense Limited Partnership	36,252.00	3,634.74
Van Fleet-Meredith Group, 499 S. Capitol Street, SW, #520 Washington, DC 20003	American Gas Assn	32,812.50	1,416.41
Do	American Gas Cooling Center	15,000.00	
Do	AT&T	6,000.00	201.28
Do	Bulova Technologies, Inc		
Do	Electrospace Corporation	10,500.00	45.05

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	Engelhard/ICC	13,500.00	46.97
Do	HARSCO Corp	6,000.00	25.32
Do	Litton Applied Technologies	12,250.00	1,020.39
Do	Magnavox Government & Industrial Relations Co	22,350.00	
Do	Martin Marietta Corp	19,999.98	1,990.21
Do	Miltope Corp	10,050.00	125.48
Do	New York Gas Group	4,200.00	
Do	Southern California Gas Co	38,331.29	962.82
Do	Southern Maryland Naval Alliance	7,500.00	98.03
Do	SNECMA	83,200.00	6,319.28
Do	Tecogen Division	2,500.00	33.60
Do	Thermo Trex	7,500.00	19.15
Do	Thiokol Corp	15,000.00	91.00
Burkett Van Kirk, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	INTERARMS		
B. Wayne Vance, 1203 Essex Manor Alexandria, VA 22308	Discovery Cruise Line	1,000.00	50.00
Sophia Stratas Varlas, 1730 K Street, NW, Suite 1005 Washington, DC 20006	American Hellenic Institute Public Affairs Committee, Inc		
Philip M. Vaughn, 800 Connecticut., NW, #600 Washington, DC 20006	Fluor Corp	5,000.00	
Vectre Corporation, 411 East Franklin Street, #602 Richmond, VA 23219	Browning Ferris Industris	8,652.00	339.26
Do	Electronic Data Systems Corp	553.50	
Vedder Price Kaufman Kammhoz & Day, 1600 M Street, NW, Suite 700 Washington, DC 20036	Coalition to Preserve Self-Insurance		20,113.59
Verner Liipfert Bernhard McPherson & Hand, Chtd, 901 15th Street, NW, #700 Washington, DC 20005-2301	Advanced Television Research Consortium (ARTC)		
Do	Ameritech		
Do	Association of American Railroads	162.50	
Do	Bombardier Corp	1,351.00	
Do	Brown & Root, Inc		
Do	Burlington Northern, Inc	600.00	
Do	Central Gulf		
Do	Central Transport	1,836.00	
Do	CliniCorp, Inc		
Do	Commonwealth of Puerto Rico	40,797.00	
Do	David Sarnoff Research Center	3,280.00	
Do	GenCorp	4,795.50	
Do	George Washington University	306.00	
Do	Guardian Industries		
Do	Harmon Industries	1,050.00	
Do	Hughes Communications, Inc	25,787.50	
Do	Hughes Network Systems, Inc		
Do	Insurance Solvency Coalition		
Do	Investment Company Institute	4,245.00	
Do	K Mart Corp		
Do	Kellogg	922.50	
Do	Large Public Power Cos		
Do	Manville Corp	14,362.50	
Do	Mars, Inc	2,018.00	
Do	Martin Marietta Corp	4,606.00	
Do	McDonnell Douglas Corp	16,285.50	
Do	Merrill Lynch & Co, Inc	13,820.50	
Do	Michelin North America	27,770.00	
Do	Motion Picture Assn of America		
Do	National Corp for Housing Partnerships	1,615.00	
Do	Northwest Airlines		
Do	NBC	1,860.00	
Do	Orbital Communications Corp	5,355.00	
Do	Puget Sound Power & Light Company		
Do	Shell Oil Co	12,641.00	
Do	State of Hawaii	5,355.00	
Do	Tenneco	19,870.00	
Do	Travelers Companies	59,273.00	
Do	TRW, Inc		
Do	Uniroyal Chemical Company, Inc		
Do	Western Michigan University	1,206.00	
Verrill & Dana, One Portland Square P.O. Box 586 Portland, ME 04112-0586	Major League Baseball Players Assn	27,246.00	12.45
David Vienna & Associates, 401 Wythe Street, #2-A Alexandria, VA 22314	American Assn of Classified School Employees	937.50	
Do	California Franchise Tax Board	2,325.00	
Do	California Public Employees' Retirement System	13,425.00	
Do	California State Senate	87.50	
Do	Pacific Stock Exchange, Inc		
Do	Regional Stock Exchanges Coalition	15,181.25	
Do	Sacramento Metropolitan Water Authority	450.00	
Do	State Board of Equalization (Calif)	1,468.75	
Robert J. Vilhauer, 1700 N. Moore Street, #2120 Arlington, VA 22209	Boeing Company	8,303.00	860.69
David K. Voight, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce	2,500.00	
Earl J. Volk, 245 Second Street, NE Washington, DC 20002	Friends Committee on National Legislation	5,629.40	204.73
Ellen M. Vollinger, 1875 Connecticut Ave., NW, #540 Washington, DC 20009	Food Research and Action Center	118.43	
Vorys Sater Seymour & Pease, 1828 L Street, NW, #1111 Washington, DC 20036	Fraternal Order of Police - Postal Police	1,295.00	702.77
Jay J. Vroom, 1155 15th Street, NW, #900 Washington, DC 20005	American Crop Protection Assn		
Sadami Wada, 9 West 57th Street New York, NY 10019	Sony Corp of America		
Frederick P. Waite, 1275 Pennsylvania Avenue, NW, Suite 1100 Washington, DC 20004-2404	Ackerson & Bishop, Chtd. (For:American Wire Producers Assn)		
Do	Ackerson & Bishop (For:Chiquita Brands International, Inc)		
Doug Walgren, 8312 Hunting Hill Lane McLean, VA 22102	Association of Chiropractic Colleges	5,000.00	
Do	Institute of Scrap Recycling Industries, Inc	12,000.00	
Do	Merck & Company	6,000.00	
Do	National Medical Care	8,000.00	
Do	University of Pittsburgh Medical Center	15,000.00	
Robert J. Walker, 1225 Eye Street, NW, Suite 1100 Washington, DC 20005	Handgun Control, Inc	12,053.03	
Richard Wallace, 1000 Wilson Boulevard, Floor 30 Arlington, VA 22209	ITT Defense & Electronics	1,000.00	50.00
Thomas D. Wallace, 1000 Kiewit Plaza Omaha, NE 68131	Peter Kiewit Sons', Inc		2,000.00
Michael D. Walsh, P.O. Box 591 Parishville, NY 13672			
Johnnie M. Walters, PO Box 19230 Washington, DC 20036	Leatherwood Walker Todd & Mann, PC	17,600.00	
John C. Walton, 1401 North Oak Street, #302 Arlington, VA 22209	John E. Chance & Associates, Inc	6,000.00	
Do	General Dynamics Corp	15,000.00	
Do	Grumman Corporation	21,249.99	2,134.13
Do	National Assn of Dredging Contractors	15,000.00	
Do	National Rifle Assn of America	35,000.00	944.55
Do	Textron, Inc	15,000.00	1,339.28
Do	Thiokol Corp	10,500.00	1,621.44
Do	TRW, Inc	30,000.00	76.21
Russell Wapensky, 1000 Thomas Jefferson Street, NW, #609 Washington, DC 20007	Leonard Ralston Stanton & Danks (For:Save the Greenback Assn)	35,749.07	
Alan S. Ward, 1050 Connecticut Ave., NW, #1100 Washington, DC 20036	Baker & Hostetler (For:Soap & Detergent Assn)		
Barbara F. Warden, 1757 N Street, NW Washington, DC 20036	International Union United Auto Aerospace & Ag. W of A(UAW)	18,076.90	102.20
David L. Warren, 1025 Connecticut Ave., NW, #700 Washington, DC 20036	National Assn of Independent Colleges & Universities	2,565.00	
Washington Independent Writers, Inc, 733 15th Street, NW, #220 Washington, DC 20005			
Washington Office on Africa, 110 Maryland Ave., NE, #112 Washington, DC 20002		26,982.04	27,746.98
Jerry B. Waters, 777 14th Street, NW, #680 Washington, DC 20005	Farmland Industries, Inc	10,000.00	558.17
Matthew J. Waters, 12333 Strong Street Fairfax, VA 22033	60/Plus Assn, Inc	5,250.00	
Sherri D. Watson, 1726 M Street, NW, Suite 902 Washington, DC 20036-4502	American Lung Assn	1,050.00	3,725.82
Douglas R. Watts, 1320 19th Street, NW, #201 Washington, DC 20036	Tele-Communications, Inc		
A. Vernon Weaver, 111 Center Street Little Rock, AR 72201	Stephens Group, Inc		
James D. Webb, 900 17th Street, NW Washington, DC 20006-2596	Wilderness Society	589.43	
R. Clifton Webb, 1701 Pennsylvania Ave, NW Washington, DC 20006	E.I. duPont de Nemours & Co, Inc		
Andrew H. Webber, 810 First Street, NE, #410 Washington, DC 20002	American Medical Peer Review Assn		
Susan Weber, 1400 16th Street, NW, #320 Washington, DC 20036	Zero Population Growth, Inc		
Webster Chamberlain & Bean, 1747 Pennsylvania Ave., NW, #1000 Washington, DC 20006	Commercial Law League of America		
Do	International Taxicab and Livery Assn	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Earl Weeks, P.O. Drawer 351 Columbus, MS 39703	4-County Electric Power Assn	545.19	1,097.28
Weil Gotshal & Manges, 1615 L Street, NW, #700 Washington, DC 20036	Circle K Corp		
Robert A. Weinberger, 816 Connecticut Ave., NW Washington, DC 20006	Unilever U.S., Inc	5,200.00	478.21
Deborah Weiner, 1755 Massachusetts Ave., NW, #418 Washington, DC 20036	American Soc for the Prevention of Cruelty to Amimals	3,500.00	1,525.00
Daniel Weiss, 408 C Street, NE Washington, DC 20002	Sierra Club	109.18	19.00
Suzanne Weiss, 901 E Street, NW, #500 Washington, DC 20004-2037	American Assn of Homes & Services for the Aging		
Paul S. Weller Jr., 1629 K St., NW, #1100 Washington, DC 20006	Apple Processors Assn	412.92	33.85
Stuart P. Wells, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
William B. Welsh, 1625 L St., NW Washington, DC 20036	American Fed of State County & Municipal Employees	14,000.00	
William Preston West Jr., 1200 18th Street, NW, #200 Washington, DC 20036	National Business Aircraft Assn	1,800.00	644.00
Joseph J. Westwater, 1 Massachuseets Avenue, N.W., #800 Washington, DC 20001	McLeod Watkinson & Miller (For:DEIP Coalition)	5,012.00	
Wexler Group, 1317 F Street, NW, #600 Washington, DC 20004	Advanced Navigation & Positioning Corp	548.78	6.50
Do	Air Conditioning & Refrigeration Institute	4,076.08	7.00
Do	Alliance for GATT Now	21.34	7,680.42
Do	American Airlines, Inc	16,996.05	326.36
Do	American Dental Assn	6,410.70	175.50
Do	American Dietetic Assn	3,540.09	79.50
Do	American Forest and Paper Assn	3,529.41	7.75
Do	American Public Transit Assn	2,311.42	22.00
Do	Anheuser-Busch Companies, Inc		
Do	AIDS Action Council	3,913.04	
Do	ARCO	8,176.80	29.00
Do	Cease Fire Action Fund, Inc	827.59	4.00
Do	Century Council	3,151.66	144.30
Do	Coalition to Eliminate Securities Suits		
Do	Comcast Corporation	1,869.95	523.37
Do	Consortium of State Maritime Schools	2,521.73	
Do	Creative Incentive Coalition	512.19	29.11
Do	Crow Tribal Council	7,885.51	14.75
Do	CINPAC, Inc	1,343.28	24.00
Do	Eastman Kodak Co	460.12	
Do	EG&G, Inc	3,284.67	14.00
Do	Foothills Pipe Line (Yukon) Ltd	2,500.00	5.00
Do	Fortis, Inc		
Do	Fox Bennett & Turner	6,262.13	60.03
Do	FHP	2,958.33	57.75
Do	Guardian Industries Corp	2,008.61	
Do	J.P. Morgan & Co, Inc		
Do	Johnson & Johnson	1,625.00	7.75
Do	Joslin Diabetes Center	5,892.86	47.75
Do	Kaiser Resources, Inc		
Do	Kamehameha Schools/The Bishop Estate	4,200.95	35.00
Do	Lamont-Doherty Geological Observatory	2,795.70	195.33
Do	Lederle Laboratories	81.24	15.50
Do	Massachusetts Foundation for Excellence in Marine & Polymer	4,153.85	25.00
Do	Medtronic, Inc		5.00
Do	MetPath, Inc	951.03	20.50
Do	Motion Picture Assn of America, Inc		
Do	New England Aquarium	3,794.18	6.50
Do	New England Power Co		
Do	Oceanic Institute	2,816.33	10.00
Do	Ohio Edison	143.95	17.50
Do	Omnipoint Corp		
Do	OIS Optical Imaging Systems, Inc		7.75
Do	Pitney Bowes, Inc	8,746.35	23.50
Do	Recording Industry Assn of America	37.17	
Do	Safe Building Alliance		
Do	Science Applications International Corp	10,588.23	64.17
Do	St. James Hospital & Health Centers		
Do	Straight & Narrow, Inc	525.00	
Do	SEGA of America	10,296.61	57.09
Do	Vancouver Bolt & Supply, Inc		28.50
Ellan Wharton, 1701 Pennsylvania Avenue, NW, #900 Washington, DC 20006	E. I. du Pont de Nemours & Co	380.00	
Thomas E. Wheeler, 1250 Connecticut Ave., NW, 2nd Floor Washington, DC 20036	Cellular Telecommunications Industry Association		
Jerrildine Reed White, 1667 K Street, NW, #210 Washington, DC 20006	Rohm & Haas Company		
Toni D. White, 1745 Jefferson Davis Highway, #605 Arlington, VA 22202	Texas Instruments, Inc	815.00	87.50
Geogianna White Ridenour, 526 King Street, #511 Alexandria, VA 22314	National Assisted Housing Management Assn		
Martin Whitmer, 905 16th Street, NW Washington, DC 20006	Laborers' Int'l Union of N.A., AFL-CIO	8,000.00	280.00
John H. Whitmire, P.O. Box 7271 Houston, TX 77008	Houston Firefighters Relief & Retirement Fund	10,000.00	
Steven C. Whitney, 900 17th Street, NW Washington, DC 20006	Wilderness Society		
Robert Whittaker, c/o Fleishman Hillard, Inc 1301 Connecticut Ave., NW Washington, DC 20036	J. I. Gray & Associates		
Do	Arnold J. Lande		
Brian Wilcox, 750 First Street, ME Washington, DC 20002-4242	American Psychological Assn		
Cynthia H. Wiles Consulting, 10898 Woodleaf Lane Great Falls, VA 22066	Environmental Research Institute of Michigan		
Do	MERRA		
Wiley Rein & Fielding, 1776 K Street, NW, 12th Floor Washington, DC 20006	Ruddy Institute for Maritime Communications	1,103.00	
Do	UtiliCorp United	7,448.50	231.19
Do	Washington Citizens for World Trade	35,422.00	1,032.45
E. John Wilkinson, 1899 L Street, NW, #500 Washington, DC 20036	Vulcan Materials Co	1,700.00	540.00
Michael E. Williams, 11250 Waples Mill Road Fairfax, VA 22030	National Rifle Assn of America	1,500.00	517.92
Percy V. Williams II, 606 North Washington Street Alexandria, VA 22314	Society for Human Resource Management	20,098.00	
Robin L. Williams, 1667 K St., NW, #210 Washington, DC 20006	Rohm & Haas Co	500.00	
Williams & Connolly, 725 12th Street, NW Washington, DC 20005	Hatco Corporation		3,605.82
Wilmer Cutler & Pickering, 2445 M Street, NW Washington, DC 20037-1420	American Textile Manufacturers Institute		864.91
Do	Atlantic Gulf Communities	6,549.00	
Do	Citibank, N.A.		
Do	Educational Testing Service		
Do	Federal Home Loan Bank of San Francisco		
Do	Swiss Bankers Assn	8,847.00	49.00
David W. Wilmot, 1029 Vermont Avenue, NW Washington, DC 20005	Anheuser-Busch Companies, Inc		
Ann Wilson, 1611 Duke Street Alexandria, VA 22314	American Movers Conference	12,000.00	
Hilary Wilson, 1101 15th Street, NW, Suite 500 Washington, DC 20005	Asea Brown Boveri, Inc	5,900.00	
Robert Gary Wilson, One PPG Place Pittsburgh, PA 15272	PPG Industries, Inc		
Tyler J. Wilson, 1615 H Street, NW Washington, DC 20062	U.S. Chamber of Commerce		
Joseph B. Winkelmann, Winkleman & Associates, Inc 9220 Byron Terrace Burke, VA 22015	Council for Citizens Against Government Waste	9,000.00	
Winston & Strawn, 1400 L Street, NW Washington, DC 20005-3502	American Honey Producers Assn		
Do	Culligan International Co	1,576.25	32.28
Do	CSR, Ltd	2,400.00	
Do	Data Transformation Corp	3,500.00	242.00
Do	DHL Corporation	2,011.25	
Do	Government of the U.S. Virgin Islands	6,032.63	39.80
Do	GNA Corp	17,304.00	189.50
Do	National Bulk Vendors Assn	5,140.16	13.00
Do	U.S. Rice Producers' Group	1,000.00	42.00
Do	Western Peanut Growers Assn		
Winthrop Stimson Putnam & Roberts, 1133 Connecticut Ave., NW, 1200 Washington, DC 20036	Corporate Health Care Coalition	15,175.00	210.00
Elizabeth Wirick, 805 15th Street, NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	2,000.00	
Jim Wise Associates, 1500 Wilson Blvd., #320 Alexandria, VA 22209	Kern County, CA	7,500.00	500.00
Do	National Assn of Credit Management	12,000.00	525.00
Do	R.J. Mathews Foundation for Prostate Cancer Research	3,000.00	150.00
Do	San Francisco Bar Pilots Assn	6,000.00	430.00
Melanie Wisniewski, P.O. Box 020783 Miami, FL 33102-0783	Burger King Corp		
Marcia A. Wiss, 1215 l7th Street, NW Washington, DC 20036	Canned & Cooked Meat Importers' Assn	2,142.05	4.55
Lyn M. Withey, 1620 Eye Street, NW, #700 Washington, DC 20006	International Paper Co	2,171.75	129.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
S.R. Wojdak and Associates, Inc, The Bellevue - Suite 850 200 S. Broad Street Philadelphia, PA 19102	Mercy Health Plan		
Do	Presbyterian University Hospital		
Terry R. Woodard, One Suffolk Square, Suite 500 Islandia, NY 11722-1543	Council for Marketing & Opinion Research (CMOR)		
G. Kent Woodman, 2100 Pennsylvania Ave., NW Suite 600 Washington, DC 20037	Eckert Seamans Cherin & Mellott (For:Regional Transportation Commission)		
Linda Anzalone Woolley, 1600 M St., NW Washington, DC 20036	International Telephone & Telegraph Corporation	110.00	51.00
Thomasina R. Wright, 4101 Washington Avenue Newport News, VA 23607	Tenneco, Inc		
Writers & Research, Inc, 4810 Saint Paul Boulevard Rochester, NY 14617			
Sandi Wurtz, 12300 Twinbrook Parkway, Suite 320 Rockville, MD 20852	National Community Mental Healthcare Council	180.00	
Edward Wytkind, 400 North Capitol Street, NW, #861 Washington, DC 20001	Transportation Trades Department, AFL-CIO	4,688.00	
Jill Yacone, 1401 Eye Street, NW, Suite 600 Washington, DC 20005	United Technologies	1,800.00	4,215.91
Daniel V. Yager, 1015 15th Street, NW, #1200 Washington, DC 20005	Labor Policy Assn	2,937.00	
Caryl Yontz, 1625 L Street, NW Washington, DC 20036	American Fed of State County & Municipal Employees	12,827.26	389.83
Robert A. Young, 12248 Turkey Creek Maryland Heights, MO 63043	James Brown & Associates		
Paul J. Zanowski, 15th & M Streets, NW Washington, DC 20005	National Assn of Home Builders of the U.S.		
Zero Population Growth, Inc, 1400 16th St., NW, #320 Washington, DC 20036		2,397.00	2,450.00
Carl A. Zichella, 214 N. Henry St., #203 Madison, WI 53703	Sierra Club	1,847.66	
Stephen A. Ziller Jr., 1010 Wisconsin Ave., NW, Suite 900 Washington, DC 20007	Grocery Manufacturers of America, Inc	785.16	
Zuckert Scoutt & Rasenberger, 888 17th St., NW, #600 Washington, DC 20006-3959	Dubuque Regional Airport		
Charles O. Zuver, 805 15th St., NW, #300 Washington, DC 20005	Credit Union National Assn, Inc	12,000.00	75.00
60/Plus Assn, Inc, 1655 N. Ft. Myer Drive, #700 Arlington, VA 22209		321,479.35	422,224.75

EXTENSIONS OF REMARKS

200TH BIRTHDAY OF THE U.S. NAVY SUPPLY CORPS

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SPENCE. Mr. Speaker, I rise today to recognize the more than 5,000 men and women of the U.S. Navy Supply Corps, active and reserve, who on February 23, 1995 will celebrate its 200th birthday of distinguished service to our Nation and Navy. The naval officers who proudly wear the Supply Corps oak leaf are the business managers of the Navy and are responsible for the logistics support of operating forces in the fleet and naval shore installations worldwide.

The Supply Corps has come a long way since its birth in 1795, when Tench Francis, of Philadelphia, became the first Purveyor of Public Supplies. The original charter of the Supply Corps has distinguished itself throughout its long history by ensuring that the United States has been ready to defend American freedom and interests in every conflict since the War of 1812. Its responsibilities have grown tremendously and have kept pace with the challenge of providing logistics support to a modern, high-technology Navy, which has grown in size and complexity. Today, the Navy Supply Corps employs the latest technologies and management skills to supply our Navy at the lowest possible cost and with the greatest efficiency.

Having progressed from supplying wooden frigates with cannon balls to equipping AEGIS destroyers with Tomahawk cruise missiles, the U.S. Navy Supply Corps continues to carry out its vital mission to keep our Navy well equipped and ready to respond at a moment's notice. I ask my colleagues to join me in congratulating the officers of the U.S. Navy Supply Corps on its 200th birthday.

HONORING MAX HOPPER

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. LARGENT. Mr. Speaker, all of America's travelers owe Max Hopper a note of thanks. I stand here today to express my appreciation for his leadership and his remarkable contributions to the travel industry. In his 23 years of service with AMR Corporation, Mr. Hopper earned recognition as the father of travel automation for his significant role in developing SABRE into the world's largest computer reservations system.

Thanks to Mr. Hopper's achievements, hundreds of thousands of travel industry professionals in 64 countries worldwide have access to a state-of-the-art global electronic marketplace which enables them to provide the highest quality reservations and information services to consumers.

His was an extraordinary career, and one which merits recognition and a salute from the aviation industry, travel professions, and the traveling public. I wish him good health and happiness in retirement.

DON'T CUT COPS FAST GRANTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. FRANK of Massachusetts. Mr. Speaker, the Fall River Herald News is a newspaper closely attuned to the needs of the community in which it is located, and surrounding communities. It is a nonpartisan newspaper with an editorial policy that reflects its honest assessment of what is best for the people in its circulation area.

I was therefore very pleased—although not surprised—to see a strong editorial in the February 14 issue of the Herald News which strongly opposes the pending Republican legislation which would undo the law we passed last year providing police officers for our local communities. As the Herald News notes, "the GOP's efforts to rewrite the crime bill amount to little more than a petulant and misguided attempt to deny Clinton and the Democrats any credit for the war on crime. How childish."

Mr. Speaker, this editorial makes an excellent contribution to this current debate and for that reason I ask that it be reprinted here.

[From the Fall River Herald News, Feb. 14, 1995]

DON'T CUT COPS FAST GRANTS

Politics is a truly unique game. We all know the rules: If a member of the opposition party gets caught in some kind of scandal, you cry foul. If a member of your own party gets caught in a scandal, you look the other way.

Sadly, the game is played the same way when it comes to legislating. An idea, a piece of legislation, is never worthy of consideration unless your own party thought of it first. Just ask the Republicans.

The crime bill pushed by President Clinton last fall was hardly free of controversy. Some gun owners objected to the ban on assault weapons, while liberals objected to the expansion of the death penalty. But one thing just about everyone seemed to agree on was the idea of providing funds to thousands of small towns around the nation to hire more police officers. The idea of beefing up local officers on the street has enormous support among the public.

But then again, that bill was passed last fall, when Democrats still controlled Congress. After the November election, Republicans won a majority in both the House and Senate. And the crime bill became an immediate target for them.

Republicans and Democrats have some clear ideological differences on the issue of crime. Republicans want to change federal laws to allow prosecutors to use evidence gathered in violation of the Constitution's Fourth Amendment protections against illegal searches, if it is determined that police acted in good faith. Republicans also want to impose a one-year limit for death row inmates to file federal appeals of their sentences.

Democrats worry that both measures would violate civil liberties and hurt the individual's ability to get a fair trial.

These controversial issues can legitimately be debated by both sides. But what seems far less controversial are the COPS FAST grants, which cover three years to help pay for the salary and benefits of additional police officers. In this region, it provided the Dartmouth Police Department with $128,524 to hire two new officers, while several other communities got money to hire one officer each, including Berkley, Dighton, Freetown, Rehoboth, Seekonk and Swansea. Outside of drug dealers and other criminals, who's complaining about having more police on the streets?

The GOP is. They say the COPS FAST money should be eliminated and turned into block grants that would be made available to cities and counties. The GOP would allow local officials to decide how to spend the money, rather than "require" communities to spend the funds on new police officers.

But so far, few police chiefs have complained about getting money to hire new officers. As the old saying goes, if it's not broke, don't fix it.

The GOP's efforts to rewrite the crime bill amount to little more than a petulant and misguided attempt to deny Clinton and the Democrats any credit for the war on crime.

How childish.

CRIME BILL EDITORIALS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend two recent editorials regarding H.R. 728, the Local Government Law Enforcement Block Grants Act, to his colleagues. Editorials from Omaha World Herald and the Lincoln Journal support the House-passed local government block grant program over the grant programs in the 1994 crime control bill that would provide money for the COPS program and other specific grant programs.

According to the Lincoln Journal editorial from February 20, 1995:

. . . When Congress passed a crime bill with a 100,000 officer component last year, dozens of Nebraska communities, including Lincoln, rushed forward to grab the first round of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

grants and cash in on the chance to add people to their police forces. President Clinton, sensing that 100,00 is still a magic and marvelously symbolic number, has chosen to make it the centerpiece of his first veto threat. Tinker with that portion of the crime bill, he is warning Republicans who are all too anxious to do just that, and bipartisanship will go by the boards.

The Journal is certainly interested to hear the news that the President is—apparently—prepared to make one of his few firm stands. But the Journal is not interested in seeing him issue a veto for the sake of a single number—even a six-figure number.

In this case, it is the Republicans who have the better plan. They want to let states and individual communities decide how to take a bite out of crime. They want to distribute money and leave the decision at the local level as to whether it will be spent directly on more police officers or on some other crime efforts that are regarded as more effective.

It make sense for a variety of reasons, including flexibility. In a metropolitan setting, the oft-maligned idea of midnight basketball might actually offer more help in crime prevention. In cities like Lincoln, where community policing is much in vogue, it might make more sense to spend it on a satellite police station or some need that is closely aligned with community policing.

It is also important ton note that the Federal commitment to putting more police on the street does not extent to training or equipment and that it is only good for three years. After that, as it appears now, grant recipients would be left to stand the entire cost of however many personnel they hire.

The second editorial is from the February 17, 1995, Omaha World Herald.

NO FALSE PROMISES IN HOUSE CRIME PLAN

President Clinton has been in a huff over congressional efforts to redesign the crime bill he signed into law in 1994. The president says he will veto any attempt to dismantle a program that promised to put 100,000 police officers on the streets.

However, Clinton's claim that the $8.8 billion allocated by Congress for that purpose would actually finance that many officers has always been suspect. City officials in Omaha and a number of other places soon discovered that Congress had attached so many strings to the money that applying for it was in some cases impractical.

For one thing, cities can't add even one officer unless they put up their own money first—25 percent of the total. The federal funding runs out after five years. Moreover, law enforcement experts said the $8.8 billion wouldn't come close to covering the cost of hiring, training and equipping 100,000 officers without forcing communities to come up with still more of their own money. By some accounts, the federal money would pay for closer to 20,000 new officers.

The House has now voted to cancel $7.5 billion in unspent funds for the police buildup. Also canceled would be $3.9 billion in unspent funds for social programs that the previous Congress had included under the heading of "crime prevention." Instead, the House proposes $10 billion in block grants to the states. States and cities could design their own anti-crime programs.

Clinton has been adamant about preserving the 100,000-officer program. But the House idea is better. It makes no false promises. And it takes government another step away from the idea that Big Brother in Washington knows more about fighting crime than the mayors and police chiefs who are engaged in that fight every day.

PROCLAMATION CONGRATULATING MURPHY'S FURNITURE AND CARPET

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Murphy's Furniture & Carpet celebrate its 70th anniversary, founded in 1925 by Theodore T. Murphy; and,

Whereas, the Murphy's Furniture & Carpet is one of Noble County's oldest and most progressive businesses and one of its valued institutions in the Caldwell community; and,

Whereas, this establishment has achieved a praiseworthy record of service as evidenced by its many satisfied customers; and,

Whereas, through enterprises such as Murphy's our country continues to grow and prosper; and,

Whereas, the unwavering dedication to the founder, Theodore T. Murphy and owners Clair J. Murphy and J. Murphy, the employees of Murphy's have been a vital factor in the success of the business, and they are all well deserving of the respect of the community; and,

Whereas, the city of Caldwell and all the surrounding areas of Ohio, with a real sense of pleasure commend Murphy Furniture & Carpet as an outstanding business and join in the celebration of their 70 year anniversary this twenty-third day of February in the year one thousand nine hundred ninety-five.

NATIONAL ENGINEERS WEEK

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. WALKER. Mr. Speaker, I rise today in recognition of National Engineers Week. Celebrated annually since 1951, National Engineers Week is intended to raise awareness of the many contributions engineers make to our society.

There are more than 1.8 million engineers in the United States making it the Nation's second largest profession. From building microchips to constructing skyscrapers, engineers contribute a great deal to the productivity of the United States and it is only fitting that we designate this week in their honor.

Many events are planned for this week, including the finals of the National Engineers Week Future City Competition. The competition features seventh and eighth grade students presenting their computer-designed scale models of 21st century cities.

Each year National Engineers Week coincides with the celebration of Washington's birthday. As a surveyor, Washington is considered the Nation's First Engineer.

As chairman of the House Science Committee, I maintain a great interest in engineering. In every field, in every profession, engineers are an instrumental part of American research and development.

Among my colleagues in the House several are engineers. They include: Representative Roscoe G. Bartlett, MD; Representative Joe Barton, TX; Representative Michael Bilirakis, FL; Representative Bob Filner, CA; Representative John N. Hostettler, IN; Representative Jay Kim, CA; Representative Lewis F. Payne, VA; Representative Joe Skeen, NM; and the ranking minority member of the Science Committee, Representative George E. Brown, Jr., CA.

Mr. Speaker, I join my colleagues and the American people in paying tribute to the many and varied contributions which engineers have made to this country.

A TRIBUTE TO COMDR. ROY J. BALACONIS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. BURTON of Indiana. Mr. Speaker, I would like the House of Representatives to take a moment to commend one of the finest officers in the U.S. Navy. He is Comdr. Roy J. Balaconis, of the U.S.S. *Mitscher*, one of the Navy's newest and finest ships, an Aegis Destroyer.

To become the Commander of an Aegis Destroyer, which is the Rolls Royce of the fleet, one must be a tremendous officer. Commander Balaconis certainly fits the bill. He served under the chairman of the Joint Chiefs of Staff during the gulf war, specifically because of his knowledge of the Navy's Tomahawk missile. He had the foresight to develop a thesis which utilized the Tomahawk missile in a scenario where it supported and sustained a surface and air confrontation in the Middle East during the time of crisis * * * and this was some 2 years before Operation Desert Storm/Shield. His thesis basically became the manual for Tomahawk use during the gulf war.

Mr. Speaker, now Commander Balaconis has his own ship, and he is continuing to utilize his unique leadership skills. A member of my staff recently took a tour of his ship, and Commander Balaconis repeatedly stopped to talk to every member of his crew with whom they came into contact. Additionally, there were several members of his crew's families on board, and Commander Balaconis also stopped to speak with each of them, and the concern he showed was genuine. Commander Balaconis always referred to his crew and their families as part of the Mitscher family.

Mr. Speaker, the men on his ship feel his enthusiasm and share in his desire to succeed. The high morale is evident in every member of his crew, both officers and enlisted. Although being a Commander alone warrants respect, his men respect him for more than that. They respect him because of who he is.

Mr. Speaker, Comdr. Roy Balaconis is a truly dynamic leader, and is definitely an asset to the U.S. Navy and our country. His accomplishments are certainly deserving of our recognition and praise.

AMADOR HIGH SCHOOL RECOGNITION

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. BAKER of California. Mr. Speaker, it is with great pleasure that I commend an outstanding group of young people from Amador Valley High School in Pleasanton, CA, who have, for the second year in a row, won the California championship in the State's annual "Bill of Rights" competition.

This superb program, the full title of which is "We the People . . . the Citizen and the Constitution," encourages debate and speech competition among high school students as they discuss the meaning of the Constitution for our day. The competition, established by the U.S. Congress and the Department of Education, is a dynamic way of encouraging young men and women to consider the ongoing importance of the Constitution to our daily lives.

The Amador Valley team, ably coached by civics teacher Skip Mohatt, is now raising funds to come to the national championship competition in here in Washington, April 29 through May 2. Having placed third in last year's national contest, they are eager to come back and compete again.

These teenagers are discovering in an exciting way how our amazing Constitution continues to enable us to live as a free people. They deserve high praise for their commitment to academic excellence, energetic scholarship, and true intellectual curiosity. I am pleased to commend them in the CONGRESSIONAL RECORD.

HONORING MR. ROBERT L. CALLAHAN

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. LINDER. Mr. Speaker, I rise today to commend a fellow citizen of the State of Georgia and a great American, Mr. Robert L. Callahan, Jr. Over nearly 35 years of legal practice in the field of administrative law, Mr. Callahan has made tremendous and far-reaching contributions to the development of administrative law in general, as well as to the development of food and drug law in particular. He has been a tireless worker, without fanfare or public recognition, in support of common sense and fair play in the practice of law. Mr. Callahan's efforts have helped to shape much of a U.S. system of food law and regulation that is generally taken for granted but which literally affects every American daily.

It is because of these accomplishments that I ask my colleagues to join me today in this commendation of Mr. Robert L. Callahan, Jr.

TRIBUTE TO MORT PYE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise to bring attention to the career of the preeminent newsman in the State on New Jersey.

Mort Pye has recently retired after spending 32 years as editor of the Star-Ledger in Newark, building it into the largest and most-respected newspaper in our State. Thanks to Mr. Pye's work, the Star-Ledger is not only the largest circulation newspaper in New Jersey but the 14th-largest daily paper in the Nation. Its Sunday edition ranks as the 12th-largest newspaper in the Nation. That translates into nearly 1.3 million daily readers and 1.9 million on Sundays.

I have known Mr. Pye throughout my public life and have particularly fond memories from the many editorial board meetings I attended in Newwark. Mr. Pye was always the most insightful questioner at these sessions, yet he also knew how to sit back and listen to the answers. Being a good listener is one of the hallmarks of a good journalist. I grew to have only the highest respect for his professionalism and the personal integrity he brought on the Star-Ledger. The preeminence the paper has achieved in journalistic circles is a direct reflection of his professionalism.

Mr. Pye holds an honorary doctorate degree from Rutgers University. But he is not one of the new-style reporters who emerge from lofty journalism programs in big-name universities with an advanced academic degree but no idea of which end of the pencil to use. Instead, he is a good, old-fashioned newsman, and proud of the well-earned title.

Mr. Pye began his newspaper career 54 years ago at the Long Island Press, where he started as a reporter and rose through the ranks to become assistant editor. He covered fires, accidents, courts, town councils, politics, features, and all the other bread-and-butter stories that make up daily newspaper work. By the time he came to the Star-Ledger in 1957 as managing editor he was a seasoned veteran. He was promoted to editor in 1963 as further. recognition of his ability to impart his skills and love of journalism to younger reporters and editors.

Under Mr. Pye's direction, the Star-Ledger grew in circulation and news coverage, establishing 15 news bureaus across our State. Staff members from these bureaus and the main office in Newark cover virtually every story of any significance that takes place in New Jersey, from town council meetings to national headlines. The Star-Ledger has the largest bureau at our Statehouse in Trenton—11 full-time reporters—giving New Jerseyans the most-detailed account of their State government available anywhere. In addition, the Star-Ledger currently has the only Washington bureau operated by a New Jersey newspaper.

Donald Newhouse, president of the Star-Ledger, described Mr. Pye's dedication in a recent article, which I quote: "Mr. Pye has 'charted the paper's course, established the policies required to follow that course and directed the day-to-day activities that carry out those policies.' He has, in fact, created 'The Newspaper for New Jersey.'"

I agree. Mort Pye has truly made the Star-Ledger the "Newspaper for New Jersey." I join his countless admirers and friends throughout New Jersey in wishing him Godspeed and much-deserved enjoyment in retirement.

TRIBUTE TO WILLIAM HENRY HADDIX

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SMITH of Michigan. Mr. Speaker, 50 years ago a small group of marines raised a flag on a faraway island in the Pacific Ocean: Iwo Jima. The scene was immortalized for all Americans in the famous photo and memorial statue near Arlington Cemetery.

The battle for Iwo Jima paved the way to victory over Japan. It was not without cost; 6,000 Marines were killed. Pvt. William Henry Haddix was one of these who made the supreme sacrifice of his life. A lad of just 22 when he died, Bill left behind a young wife and two small children.

He also left behind a beautiful and precious legacy. Just days before he died he had written his wife and family. Private Haddix's daughter—Susan Haddix Harrison from Jackson, MI—has generously shared his deeply moving and meaningful letter with me. The letter includes a poem by Private Haddix about his experience on Iwo Jima. Interwoven in the fabric of the words are the golden threads of faith in God and duty to country.

IWO JIMA

I have landed on an island
In the Pacific salty air
where heat, rain, mud and bugs
are an everyday affair.

The nights are long and dreary
as the pale moon lights the sky,
and I lie awake a thinking
as the hours creep slowly by.

Where men must go on fighting
for land that must be won
In dirt, grit, slime and sweat
beneath the burning sun.

I can't help but dream of home
and the ones I love so dear,
It makes a man cuss the day
he ever landed here.

All luxuries are forgotten
In this land so far away
and it takes a lot of guts
for the guy who has to stay.

I pray for you my darling
every single night
and know God will care for you
because you're living right.

When we meet our enemy
be it day or night
It's do or die for that poor guy
for we fight with all our might.

Should I ever receive a call from God
I know darn good and well,
That I'm bound to go to heaven
for I've served my time in Hell.

William H. Haddix,
Private, 28th Replacement Draft,
Co. B, 3rd Marine Division.

Private Haddix did not ask that he may live. He was prepared to die if need be. All he asked is that he may be ready if he was called. And he asked that his sacrifice may not be in vain.

Today, we salute Private Haddix and all the men of honor and courage who fought beside him five decades ago. We should always remember their bravery, their honor, and their dedication to our Nation. Our most precious inheritance is freedom, but we should remember that it was not free to those who earned it.

THE DANGERS OF PLUTONIUM

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. DELLUMS. Mr. Speaker, today more than 300 people are gathered in Berkeley, CA, in the 9th California District, to mark the 54th anniversary of the discovery of plutonium on the University of California's Berkeley campus. They gather to express their concerns about the dangers associated with the continued trafficking in highly toxic radioactive plutonium and plutonium waste. The principle vehicle for this will be a public hearing on "The History and Consequences of Civilian Plutonium Use."

The event that has brought them together is the Pacific Plutonium Forum, sponsored by Plutonium Free Future, a United States-Japan citizens's organization and the Plutonium Free Future Women's Network, a women's international campaign for safe energy based in Berkeley. They are acting in cooperation with the Citizens' Nuclear Information Center of Tokyo; the Nuclear Control Institute of Washington, DC; the Plutonium Action Network of Hiroshima and Kyoto; and, the World Information Service on Energy of Paris.

The forum has attracted a distinguished list of participants, including His Excellency Bernard Dowiyogo, President of the island nation of Nauru in the Pacific; Dr. Carlos Arellano Lennox, director of Environmental Research at the Panama Canal Institute of the University of Panama and the former president of Panama's National Assembly; as well as representatives from more than 20 countries, including leading scientists, scholars, experts on energy and the environment, and citizens activists.

The forum also will include a candlelight vigil: to heal the wounds of the nuclear age, fitting held on the campus at which Nobel Laureates Drs. Glenn Seaborg and Ed McMillan discovered plutonium 54 years ago today.

Participants are gathered to consider alternatives to plutonium energy production and to urge all nations involved to cease such programs and to seek safer, more ecologically sound energy alternatives. Ending civilian plutonium use by all nations will ease serious environmental threats and will reduce for all who inhabit the globe the national security risks posed by the potential for the proliferation of nuclear weapons.

I join with the forum participants in highlighting our deep concerns over this week's sea shipment of 1,200 tons of high-level plutonium waste from France to Japan, most likely via the Panama Canal. This toxic, radioactive waste is produced by extracting plutonium from the spent fuel of Japanese nuclear reactors—much of the original fuel for which was composed of U.S.-origin materials.

There is considerable scientific evidence suggesting that the containers in which this waste is to be shipped do not meet sufficient safety requirements, and that they may be susceptible to damage by fire, corrosion, or collision during transport at sea and by the additional dangers of these type posed by their ultimate placement in the highly active seismic zone of Japan Aomori prefecture.

A number of my colleagues have called on President Clinton, Energy Secretary O'Leary, and other senior administration officials to urge Japan, France, and Great Britain—the Governments most directly involved—to postpone the planned shipment until the critical environmental, health, and safety issues can be addressed and satisfactorily answered. Today, I join with these colleagues in calling for the shipment to be postponed until a definitive scientific assessment on the risks involved can be completed.

I also will ask the Departments of Energy, Defense, and State to review their approval of these sea shipments of plutonium and plutonium waste and to seek ways to assist Japan with finding alternatives for energy security that do not involve the use of plutonium.

Beyond raising our concerns regarding the transport of plutonium, I join the Forum's participants in calling for a critical reappraisal of the role of nuclear weapons in national security strategies and the efficacy of the continued civilian use of plutonium in energy production. As we approach the 50th anniversaries of the atomic bombings of Hiroshima and Nagasaki, it is incumbent on the world community to assess the entire legacy of the nuclear age, both positive and negative, and to form new policies for the next 50 years that better serve the world's environmental and energy needs.

I proudly join the citizens of Berkeley who, 2 years ago, passed the first public resolution calling for a plutonium-free world, and who have this week reaffirmed that clear and courageous conviction by organizing this historic gathering.

Mr. Speaker, I urge my colleagues to reflect on the dangers that plutonium poses to our security and the world's environment and, I congratulate these citizens for taking the time to further explore this problem at today's Forum.

RECOGNITION OF REBEL ROY STEINER, JR.

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. HILLIARD. Mr. Speaker, I rise today to congratulate an outstanding young jurist from my congressional district, Mr. Rebel Roy Steiner, Jr., of Birmingham.

Mr. Steiner has just been named a partner in the Los Angeles law firm of Loeb & Loeb, one of our Nation's largest law firms which specializes in the music and motion picture industry. Mr. Steiner was named a partner to the firm's entertainment law division.

I am especially proud of this young man because he is a shining example of how a good education can better your life. Mr. Steiner was educated in the public schools of Birmingham, the University of Alabama, where he received a B.A. degree in history, and was selected a member of Phi Beta Kappa National Honor Society. He then attended the Yale Law School.

Many of our young people think it only a distant dream to be able to work on record and motion picture soundtracks with stars such as Vince Gill, Frank Sinatra, and Diana Ross. Rebel Steiner knows that these goals are more than mere dreams, they are all attainable with hard work, and a will to succeed. My heartfelt congratulations are extended to Mr. Steiner, and his family.

TRIBUTE TO MIGDALIA PEREZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Indiana's First Congressional District, Ms. Migdalia Perez. On Monday, February 27, 1995, Ms. Migdalia will be honored as one of the recipients of the National Association of Private Industry Councils [NAPIC] 1995 distinguished participant awards. This event will take place at the NAPIC's conference in Washington, DC.

Ms. Perez, a resident of Portage, IN, is the only individual in the State of Indiana who is being honored, and 1 of 10 throughout the country. This is the first time a Hoosier is being honored by NAPIC. Moreover, on August 30, 1994, Migdalia was honored for successfully completing training programs through Kankakee Workforce Development Services. This award was part of an annual award ceremony honoring statewide graduates of the Indiana Workforce Development System.

Migdalia came to the United States from Puerto Rico with her husband, Alex, who suffers from muscular dystrophy. In order to succeed in the United States, Migdalia learned to read English. She then entered school at IVY Tech in the respiratory technician program while continuing to receive tutoring through the Portage Adult Education Center. At IVY Tech, Migdalia made the dean's list three consecutive semesters. Currently, she is employed as a respiratory technician at Methodist Hospital in Gary, IN. Migdalia and her husband now have two children, Alex and Danny. She is an excellent role model for her children and family.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing woman, not only for her commitment to betterment of herself and her family, but for becoming a remarkable role model for her community.

BROOKLYN IRISH-AMERICAN PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to recognize the Brooklyn Irish-American Parade Committee on the occasion of its 20th annual parade.

The Irish-American community in Brooklyn is one of the oldest and most active groups in the borough. The annual parade highlights the cultural, educational, and historical accomplishments of the Irish community and fosters an appreciation of Irish heritage. It is a festive event that is among the most important traditions in Brooklyn.

This parade is dedicated to the memory of Kaye Brideson, a member of the parade founding committee and a former columnist of the Home Reporter newspaper. The theme of this year's parade is "An Gorta Mor"—The Great Famine—which struck Ireland from 1845 to 1850. The parade committee and the Irish-American community will remember and honor the millions who died in Ireland of hunger and disease during The Great Famine and the thousands more that perished on coffin ships in their escape to America.

I would like to thank the parade committee for organizing this truly outstanding event.

ROLLING BACK THE REGULATORY TIDE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PACKARD. Mr. Speaker, yesterday marked day 50 of our Republican Contract With America. Today we continue to move forward to carry out our mandate with the people. We promise to work to make Government smaller, less costly, and less intrusive. The people are fed up. They want big government out of their lives.

Extensive bureaucratic redtape suffocates American businesses and individuals. The Regulatory Transition Act, H.R. 450, represents a crucial first step in lifting the regulatory burden. This moratorium will stop the flood of new Federal regulations while we work to ensure that future regulations will benefit the American people, not smother them.

The American taxpayers, small business owners, property owners, and local governments have waited too long for Congress to take commonsense action. We must work now to lift the burden of excessive and costly Government regulation.

The Republican regulatory reform provisions of the Contract With America promote economic growth, roll back the regulatory tide, restore the rights of property owners, and make Government bureaucrats accountable for the economic load they force upon American taxpayers. Out of control Federal regulation impose hidden taxes on American families. The Heritage Foundation estimates that Federal regulations cost each American household $5,000 per year.

A temporary moratorium on new Federal regulations and real regulatory reform will help get Government off the backs of the people and their businesses. Mr. Speaker, restoring common sense to the regulatory process will enable employers to invest in their workers and the future of America, not Government bank accounts.

HUMAN RELATIONS COMMISSION OF SANTA CLARA COUNTY'S 15TH ANNUAL AWARDS BANQUET

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Ms. LOFGREN. Mr. Speaker, as a former member of the Santa Clara County Board of Supervisors, I rise, today, to acknowledge and extend my heartfelt congratulations to the human relations commission and the friends of the human relations commission of Santa Clara County on the occasion of their 15th Annual Human Relations Awards Banquet being held on February 23, 1995.

This event pays tribute to all members and friends of the commission who have given of themselves to serve others. Their dedication to the citizens of Santa Clara Country has enabled hundreds of individuals to realize their full human and civil rights.

In looking through this year's award recipients, 53 in all, I see such a diversity of backgrounds—business people, teachers, administrators, retired individuals, mothers, grandmothers, fathers. This diversity of individuals, individuals who have shown true dedication and commitment to building a community of unity and equality, has made the human relations commission and the friends of the human relations commission truly successful in Santa Clara County.

It is with great honor that I commend the following individuals receiving special recognition for their dedication and service:

Mr. Glenn Liptak, recipient of the Robert H. Gonzales Memorial Award. For his commitment that all people will join together for a better community, through work, school, and home.

Ms. Sherri R. Sager, recipient of the Betty Ann Sellers Memorial Award. For her unselfish service for the causes of youth, ethnic and religious communities, and the disabled.

Mr. Raymond B. Orozco, recipient of the Edna M. McGhee Memorial Award for his countless hours devoted to both the young and old through his community to various organizations.

Ms. Samantha Marks, recipient of the Friends of H.R.C. Special Recognition Award for her service on many local boards that serve the needs of the homeless.

Mr. Joe Coto, recipient of the Special Recognition Award Human Relations Commission for his work as an educational and civic leader for the betterment of youth in our community.

The following individuals are recipients of the Friends of Human Relations Special Merit Awards:

Mr. Mark Bonine, for his service and dedication in the gay community and his efforts on behalf of HIV/AIDS prevention and services.

Ms. Sandi Douglas-Michel, for her volunteer service to the senior community.

Ms. Gilda Carlsen, for her tireless service to the Edenvale Community Center.

Mr. Juvenal Castro, for his time given to serve youths as a mentor.

Mr. William John Dusel, for his volunteered time, as a retired educator, to the seniors at the Live Oak Adult Day Care Center.

Mr. Jose Rafael Espiritu, for his active involvement in the Filipino Community and devotion of countless hours volunteering his services.

Mr. Todd Evans, for bringing together neighbors who now work toward the betterment of their community through his work with the Edenvale Community Association.

Mr. George Garcia, for his volunteered time and work at St. Maria Goretti's meal site, Loaves and Fishes.

Mr. Gilbert A. Garcia, for his commitment to the welfare and rights of working people and seniors in the community at large.

Ms. Leslee Hamilton, for his hundreds of hours volunteering on environmental, governmental and gay and lesbian issues.

Mr. Ian I. Hinckson, for his volunteering at the "Touch of Love" Prison Ministry and his community service of visiting and helping a disabled man.

Ms. Carole Holmes, for her service to and gift of her time to the Loaves and Fishes Family Kitchen. This she has done for 7 years.

Mr. Domingo N. Hurtado, for his devoted 8 years in working with the homeless through the Emergency Housing Consortium.

Dr. Guity S. Jam, for her dedication of time to the children in her community by volunteering in a speech club and in Baha'is children's classes.

Mr. Gary Jones, for his work, as president of the Edenvale Community Association, in assisting the businessmen of the Edenvale area to bring them together for the purpose of improving the community.

Ms. Jacqueline Kessel, for her work with the Dispute Resolution Program of the Human Relations office and doing a much-valued job of bringing peace and harmony to the community.

Ms. Mary L. Lang, for her volunteered time of more than 5,000 hours over 2 years serving a variety of organizations, such as the Braille Transcription Project and Sixth District PTA, to name only a couple.

Ms. Martha M. O'Connell, for her work to protect individuals' rights in whatever she is doing. She has helped coordinate the Gay and Lesbian Awareness Week at San Jose State and in 1994 cochaired the Names Project Memorial Quilt.

Ms. Rena Modell, for her volunteered time of many hours advocating for midlife and older women by teaching them to advocate for themselves, and also her tireless commitment to working with the Children and Family Collaborative, as well as various Jewish organizations.

Ms. Laura L. Murray, for her gift of time to serve children youth of the Eastside Union High School district, the Evergreen school district, and the Antioch Baptist Church.

Mr. Larry Paschoal, for his volunteer time and talent serving the needs of epileptics in the community, through his involvement with the Epilepsy Society.

Mr. Carl Ray, for his strong commitment to young people. He, along with Vera and Isaac Shaw, have developed Black College Tours making it possible for 250 students to participate over a 7-year period.

Ms. Arlene Rusche, for her gift of time to the gay and lesbian community. She is active in BAYMEC and has worked on equal rights legislation.

Vera and Issac Shaw, for working tirelessly on Black College Tours for high school students from San Jose. Over 200 students have been able to participate through their work.

Mr. Scott Simon, for operating his own vocational rehabilitation program and still having time to volunteer on the Dispute Resolution Program as mediator and program developer.

Ms. Pilar Tanga, for her giving over 18 years of service on the Dispute Resolution Program as a mediator.

Mr. Manuel Velasquez, for volunteering as a mediator with the Dispute Resolution Program and also working with El Comite, an association of Hispanic county social workers.

Ms. Anne Wilkensen, for serving the most needy of the community and being instrumental in creating a Feed the Homeless Program sponsored by St. Christopher's Parish Ladies Guild.

Ms. Idalia Willbanks, for volunteering with the Dispute Resolution Program and giving of her time as a bilingual case developer and mediator.

Mr. Roosevelt Yates, for being an inspiration to all by visiting and caring for an older disabled individual on a weekly basis, taking him out into the community.

Mr. William Zaner, for his volunteering in different homeless programs, as a member of the Emergency Housing Consortium board of directors programs.

The following are the individuals receiving Human Relations Commission special merit awards:

Mr. Anthony W. Alexander, for continuously working on issues concerning youth and the community, as president of the local NAACP and always striving to fight racism and promoting unity.

Mr. Manuel R. Austin, for being very active in East San Jose's growth and development by demanding changes for the good of the community.

Ms. Donna M. Bartelink, for her volunteering of many years of service to the community and above all bringing together people to better serve the students of Shoreline High School.

Ms. Gloria J. Baxter, for devoting her life to the betterment of youth and families in the community, and working tirelessly building understanding and cooperation in our multiethnic community.

Ms. Yolanda Bentancourt, for spending many hours volunteering and sharing her expertise with at-risk youth in the community.

Mr. Elias Chamorro, for his work and dedication, as the principal at Overfelt High School, in making the school with its high ethnic minority enrollment a model of how to serve the needs of a diversified community.

Mr. Jim Cruze, for his volunteered time of continuing to serve the youth of the Fremont Union High School district and willingness to help students at home if necessary.

Ms. Rolayne Edwards, for bringing her expertise to the Dispute Resolution Program of the Office of Human Relations, as a San Jose Attorney.

Ms. Lydia Castillo Fontan, Ph.D., for her giving of herself to the service of the Filipino American Community by focussing on education.

Dr. Ronald La Mar, for his devotion, as a former educator in the Cupertino School District, of his time to the Pacific Autism Center for Education.

Ms. Michele McKay-McCoy, for devoting her time to educating people of various communities on all topics related to child abuse.

Mr. William F. Neves, for his work with FISH, an Eastside Emergency Food Program for the needy and currently serving on the advisory board of the Second Harvest Food Bank.

Mr. Thomas Quilty, for his taking the time to teach others how the law can be enforced in a fair and compassionate manner and adding a new facet to the Human Relations Commission Observer Program at the Santa Clara County Fair through his peace officer background.

Mr. Gabe Reyes, for his involvement and commitment to seeing full participation of Latino students in educational program.

Ms. Minnie Rodriguez, for working tirelessly as a volunteer in the Overfelt High School community to seeing that all youth have the same opportunities.

Armand Sanchez, Ph.D., for his deep commitment to his students and community, particularly the mental health community, as professor of social sciences at San Jose State University.

Ms. Phyllis Seidman, for overcoming many obstacles in her life and becoming an inspiration to many others, in spite of having a progressive disability caused by multiple sclerosis.

Mr. Russell J. Tershy, for his commitment to providing individuals with the necessary training to find meaningful and well-paying employment, as the cofounder of the Center for Employment Training [CET] and its executive director.

Ms. Norma Williams, for finding the time to tutor Vietnamese and Chinese speaking people in English and instructing ESL classes, by using her background as a teacher.

Ms. Erica R. Yew, for devoting her time to providing emotional support, educational help, and fun outings for three young girls, as a child advocate for the past 3 years.

To all of these individuals who have given of themselves for the service of others, I ask my colleagues to join me in extending heartfelt congratulations.

INTRODUCTION OF LEGISLATION TO EXCLUDE UNEMPLOYMENT COMPENSATION FROM TAXATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. KENNELLY. Mr. Speaker, Mr. OLVER and I rise today to introduce legislation that would exclude from gross income unemployment compensation benefits.

All the newspapers tell us that the economy is strong and that unemployment is down. Such headlines, however, mask a number of other things going on in the economy. First, in some regions of the country, including my home State of Connecticut, the recovery has lagged. In addition, the low unemployment rate belies the uncertainty and seemingly never ending corporate restructuring that continues despite the recovery. Second, while more Americans may have a job now than in the past few years, they are faced with paying income tax on unemployment compensation benefits at the same time they struggle to make ends meet.

In these 100 days we will debate tax cuts of all kinds. And we will debate who will benefit and who won't. I happen to think not taxing unemployment compensation is just about the most important tax cut we could provide for American families. The old days of working for a corporation for life are gone forever. A good deal of the unease felt by American families today stems from living in this global economy where you don't know from day to day where you have a job despite good performance reviews. This isn't a tax cut we have to debate because on any given day, any American could find him/herself unemployed.

We can't change the global economy but we can make commonsense changes to help every American breathe a little easier. I would urge my colleagues to cosponsor and support this legislation.

SALUTE TO TONI MORRISON: NATIVE DAUGHTER AND NOBEL LAUREATE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, at the close of the 103d Congress, the members of the Congressional Black Caucus paused to salute the much celebrated Nobel Prize winner in literature, novelist Toni Morrison. Our colleague CAROL MOSELEY-BRAUN preserved for posterity a fitting tribute to the life work and literary excellence of the Nation's most recent winner. As Howard University brings together on Friday, March 3, hundreds who gather to celebrate the extraordinary legacy of Toni Morrison; the members of the Congressional Black Caucus return to the words so eloquently spoken of her by Senator MOSELEY-BRAUN.

Ms. Morrison is the first American woman to win this signal honor in 55 years, the third

American over a period of more than two decades, and the only African-American ever. As an element of this historic backdrop, it is noted that the Nobel Committee of the Swedish Academy has selected only two other African-American Laureates since the inception of this momentous ceremony—Dr. Martin Luther King, Jr. and U.S. Ambassador Ralph Bunche—who both were awarded the Nobel Peace Prize.

Of the numerous tributes which followed the announcement of 1994's prize for literature, the most animated have been those of her peers. In the words of contemporary novelist Alice Walker: "No one writes more beautifully than Toni Morrison. She has consistently explored issues of true complexity and terror and love in lives of African-Americans." Indeed the Nobel Committee's announcement stated that "Ms. Morrison gives life to an essential aspect of American reality" in novels "characterized by visionary force and poetic import."

Calling her "a literary artist of the first rank" the Academy's statement went further to say that "She delves into the language itself, a language she wants to liberate from the fetters of race. And she addresses us with luster of poetry."

A Princeton University professor, Morrison is the author of "Song of Solomon" winner of the National Book Critics Award, the Pulitzer Award winning "Beloved" published in 1987, the critically acclaimed 1992 work entitled "Jazz," along with other lyrically narrated novels on African-American life. The 1993–94 Nobel Laureate in Literature was born Chloe Anthony Wofford in Lorraine, OH, shortly after the onset of the Great Depression—the second of four children of sharecroppers and granddaughter of an Alabama slave. Reared in a low-income, integrated neighborhood, Morrison drew from this experience and the nurturing of her parents and inherited a gifted legacy and sense of history which permeates her works. Ms. Morrison, not surprisingly, learned to read at an early age and was the only child in her class to enter first grade with that skill. She would later earn a bachelor's degree in English from Howard University in Washington, DC, and a master's degree in English from Cornell University.

Her academic career would touch both historically black colleges and universities including Texas Southern University in Houston, and Howard University, as well as New York State University campuses at Albany and Purchase, NY, and as a prolific essayist and playwright.

Toni Morrison, through her creative genius and vision has shown us how our culture teaches us and how our past can influence our future. She gives us the promise of good things to those who are true to their cultural ancestry.

As the chairman and on behalf of the Congressional Black Caucus, I join in this salute to her literary excellence and inspiration. The tribute that is made by the establishment of an endowed chair and professorship in the name of her mentor and the gifted writer and author, Sterling Allen Brown, is an appropriate gift to the African-American community and our Nation as a whole. Toni Morrison is indeed Howard's, the continent of Africa and Black America's native daughter. For, Mr. Speaker, in ways that few others have, Toni Morrison gives us inspiration to prevail in times where there is only the beauty and integrity of our language, our spirit, and our history to sustain us.

IN HONOR OF RAFAEL, ONE OF LATIN AMERICA'S MOST TALENTED PERFORMERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute and honor to one of Latin America's greatest performers, Rafael. A true symbol of Spanish culture, Rafael has dazzled and entertained us with his magnificent talent.

A native Andalucian, Rafael moved to Madrid at a very tender age. While in Madrid Rafael began singing at the age of 5, thus began a singing career that would entertain and awe audiences worldwide. He won first prize for Best Voice in the children's category at the Salzburg Music Festival in Austria, an award that is of great prestige and acclaim. He began his professional singing career at the age of 14 and since then he has starred in several films, TV series, and innumerable musical specials. He has entertained and sung to millions of adoring fans.

Rafael is the only Latin American singer to win the Uranium Record Award. He has built one of the most successful singing careers selling over 78 million records, an achievement that made him one of the highest selling entertainers in the world. He has also been awarded 318 gold records and 46 platinum records. He has recorded a total of 70 LP's, 55 of them in Spanish.

His unique singing style has won him much praise. He has received countless standing ovations from crowds all over the world, from Russia to the United States. He has sung before sold out crowds at Madison Square Garden, the place where he made his first American appearance. Rafael has also appeared in other renowned theaters such as the Opera House in Sydney, Australia, the Kennedy Center in Washington, Carnegie Hall in New York City, the Theatre of the Opera in Leningrad and Moscow just to name a few. He has won praise and recognition from world leaders, especially from the King of Spain, Juan Carlos I.

Rafael has enjoyed a long and distinguished career. He is one of the most unique individuals to grace the stage. His contributions to the Hispanic community are second to none. I am very honored to be recognizing such a wonderful individual.

THURGOOD MARSHALL HIGH SCHOOL DEDICATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, I rise today to recognize the accomplishments of Mr. Charles Baxter, proviso township trustee, and Ms. Marilyn Thurman, school board member of district 88 of Bellwood, IL, and the alumni, faculty, students and parents of the Thurgood Marshall High School, on the occasion of the dedication and renaming of their high school.

Choosing a name or changing an existing one is an act of great significance for there is more force in names than most men dream of.

I commend you on your choice of Thurgood Marshall, the first African-American to serve on the U.S. Supreme Court, the only Justice who experienced segregation in the back of the bus. Thurgood Marshall demonstrated leadership and vision in the pursuit of liberty, conscience, and freedom from oppression, ignorance and deprivation throughout his life.

From his early life in Baltimore to the turn of the century to his retirement in June of 1991, after serving 24 years on the Court, Marshall was a man of passion and fury, a pioneering lawyer who became America's most prominent civil rights attorney, winning 29 of the 32 civil rights cases he argued before the Supreme Court. His crowning achievement was the decision reached in Brown versus Board of Education, which struck down the "separate but equal" doctrine that had upheld racially segregated schools throughout America.

Mr. Speaker, I would like to say to the alumni, faculty and students, you have chosen one of this century's greatest American Patriots, Thurgood Marshall, to rename your school after, and it is my hope that Thurgood Marshall will serve as an inspiration to each of you and to future students.

I hope that each of you will not forget these remarks from Justice Marshall's 1992 Fourth of July speech at Philadelphia's Independence Hall on our Nation's 216th birthday:

> The battle has not yet been won; we have barely begun. Americans can do better * * * America has no choice but to do better to assure justice for all Americans, Afro and white, rich and poor, educated and illiterate * * * Our futures are bound together.

Mr. Speaker, Justice Thurgood Marshall was the legal conscience of Americans, not just African-Americans.

RECOGNITION OF NATIONAL ENGINEER'S WEEK

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. HOSTETTLER. Mr. Speaker, this week marks the 45th year that National Engineer's Week has been celebrated, and I would like to take this opportunity to recognize the value of engineers in our society.

National Engineers Week is celebrated during this time of George Washington's birthday for a reason. Washington had the educational background of an engineer and land surveyor and is considered the Nation's first engineer. While President, Washington led a growing society toward technical advancements, invention and education. He promoted the construction of roads, canals, the U.S. Capitol, docks and ports and the development of manufacturing resources. I have been a registered professional engineer for only 3 years, but I have seen this country's technology and quality of life advance tremendously, largely due to its 1.8 million engineers.

An engineer's skills allow him or her not only to develop wonderfully creative ideas, but to bring them to the marketplace where they can solve problems and improve our standard of living. This is why we should strongly encourage the seventh and eighth graders who compete in the National Engineers Week future city competition. The students who participate in this national competition present their designs for cities in the 21st century using computer simulations and scale models. Many of these seventh and eighth graders will likely become the talented engineers of the future, and they will go on to lead this country well into the 21st century.

Mr. Speaker, it is encouraging to know that many of my congressional colleagues are engineers. This fact alone goes to show that whether they are building a stronger bridge, designing a safer car or more efficient city, discovering a helpful drug manufacturing process, or making policy in our Nation's Capital, engineers contribute to advancing our technology, promoting the quality of our lives, and improving our society.

APPLY SPENDING CUTS TO DEFICIT REDUCTION

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. ROEMER. Mr. Speaker, like most Americans, I am deeply concerned about the Federal budget deficit and the need to get our fiscal house in order in Washington.

Every family and business in America has learned to live within their means, and it is time for the Federal Government to do so as well.

Clearly, the best way to balance the budget is to cut spending. There are many programs on the books right now which we do not need or cannot afford, such as the $10 billion space station. I intend to continue my efforts to eliminate these programs, so we can get Federal spending under control and move toward a balanced budget.

Spending cuts are not going to do the job, however, unless we are diligent about applying the savings we achieve through spending cuts to deficit reduction.

For that reason, I am strongly opposed to the so-called middle-class tax cuts which have been proposed in recent weeks by both the President and the Congress. Deficit reduction should be the priority.

If these tax cuts are approved, they will add approximately $200 billion to the budget deficit over the next 5 years—more than double the current budget deficit. In return, most American families can expect to receive a tax cut of about $400 a year, or little more than a dollar a day.

Put another way, the typical American family could increase its buying power by about a cheeseburger a day. That might be good for McDonald's, but I am not sure it is so good for our country at this time.

In fact, given the choice, I am sure that most families would be willing to forgo a tax cut at this time if they knew the savings were being applied to deficit reduction, and not squandered on other spending programs.

Mr. Speaker, in the long run, deficit reduction is the best tax cut we can offer the American public. Keeping up the deficit fight means lower interest rates, lower inflation, and steady job growth. It means a stronger economy and a brighter future for our children and grandchildren.

For that reason, I have today introduced a resolution which expresses the sense of Congress that deficit reduction should be a top priority, and that the savings we achieve from spending cuts should be applied primarily to deficit reduction.

I urge my colleagues to support this resolution.

HOUSE ACTS TO REVITALIZE OUR NATIONAL DEFENSE AND REEVALUATE OUR RELATIONSHIP WITH THE UNITED NATIONS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. YOUNG of Florida. Mr. Speaker, last week, the House, with my strong support, approved H.R. 872, the National Security Revitalization Act, legislation to maintain our national defense's strength and credibility, and to ensure that no U.S. troops are forced to serve under foreign commands.

This legislation which we have approved, 1 of the 10 points of the Contract With America, is designed to refocus our Nation's military priorities. The measure counters the policies of an administration that has cut the defense budget too deep, spread U.S. forces too thin on peacekeeping missions irrelevant to U.S. security interests, and subordinated U.S. policy to United Nations dominated goals.

As the chairman of the National Security Appropriations Subcommittee, I deal on a daily basis with the costs of providing for our Nation's defense. In my service on the subcommittee, I have fought cuts to our defense budget that I believe place it in dangerous decline. If steps are not taken to reverse this alarming trend, our ability to defend vital U.S. interests will continue to deteriorate with potentially disastrous consequences.

While our Armed Forces have been forced to work within greatly increased budget restraints, they have been deployed on more peacetime and humanitarian missions per year than ever before—missions that were often unplanned and unbudgeted. Besides humanitarian and peacekeeping operations already underway in Rwanda, Bosnia, and the Middle East, the U.S. faced several new missions including military intervention in Haiti, preemptive buildups in Kuwait and Korea and the movement of forces off the coast of Somalia to assist the withdrawal of U.N. personnel. Nearly 100,000 troops have been deployed on these operations in just the past 4 months, and almost 50,000 remain deployed today. The costs of such demanding efforts totals over $2.5 billion.

Mr. Speaker, such costs do not begin to reveal the effects of these deployments on troop morale and readiness. In fact, to finance these operations the Department of Defense uses operation and maintenance accounts which results in funds being diverted from critical tasks such as training, base support operations and equipment maintenance. I am pleased that today we approved a supplemental appropriation to cover these costs and to prevent damage to the readiness and training of our troops.

However, today's appropriation does not address the manner in which this President and the civilian leadership at the Pentagon are committing our diminishing defense resources both unilaterally and through multilateral operations with the United Nations. Haiti is just a recent example of our military forces being placed at serious risk in pursuit of ill-defined objectives outside the scope of their traditional and essential mission of protecting the national security interests of the United States. H.R. 872 will drastically reform our Nation's contributions to the United Nations and U.N. operations, and gives Congress a greater say in committing troops abroad.

The National Security Revitalization Act recognizes a fundamental reality about U.S. involvement in the United Nations—while the price tag for peacekeeping has skyrocketed, the United Nation has had little success making any country more peaceful. In fact, the term "U.N. peacekeeping" has virtually become a cruel oxymoron. There is no better illustration of this than the war in the former Yugoslavia. It is the United Nation's most expensive operation at $1.6 billion a year, of which the United States is billed for about 31.7 percent or about $500 million annually. Money which has purchased little in the way of peace.

H.R. 872 will fight the growing influence of the United Nation's over America's troops and budget. The measure would deduct from our Nations' annual United Nation peacekeeping dues the extra costs the Pentagon incurs in United States-let military missions that receive the blessing of the United Nation—like Haiti. In addition, the bill prohibits American troops from serving under U.N. commanders unless the President cites a national security need.

Mr. Speaker, approval of the National Security Revitalization Act is good news for U.S. foreign policy and U.S. taxpayers. It is high time we reaffirmed our Nation's commitment to a strong national defense and reigned in U.N. peacekeeping which is out of control.

NO INVITATION EXTENDED TO KURT WALDHEIM

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SCHUMER. Mr. Speaker, I rise today to bring to the attention of my colleagues the decision of Secretary General Boutros Boutros-Ghali not to invite Kurt Waldheim to speak at the festivities surrounding the 50th anniversary celebration of the United Nations. I applaud the Secretary General's decision that such invitation would not be appropriate in light of the fact that the information revealed about Waldheim's past would certainly have disqualified him from service at the United Nations. I also salute the International Association of Jewish Lawyers and Jurists, American Section, a not-for-profit professional association whose mission is to promote the rule of law, precepts of Judaism, and human rights around the world, for the leadership role it has taken in denouncing efforts to invite Waldheim to participate in the celebration. For the record, I have attached a copy of a letter written by Nathan Lewin, president of the IAJLJ, American Section to Secretary General Boutros Boutros-Ghali which describes their position and their gratitude for the Secretary General's action.

THE INTERNATIONAL ASSOCIATION OF
JEWISH LAWYERS AND JURISTS,
Washington, DC, February 22, 1995.

Re 50th Anniversary of the U.N. and Waldheim.

Secretary General BOUTROS BOUTROS-GHALI,
United Nations Headquarters, New York, NY.

DEAR MR. SECRETARY GENERAL: On behalf of the International Association of Jewish Lawyers and Jurists, American Section ("IAJLJ"), a non-governmental organization member of the United Nations, I applaud your decision not to invite Kurt Waldheim to participate in the festivities surrounding the 50th anniversary celebration of the United Nations.

Our Board of Governors resolved to oppose Mr. Waldheim's participation in the celebration. The IAJLJ's grave concern with honoring Mr. Waldheim is rooted in his well documented links to Nazi activities during World War II. The information that has been revealed about Mr. Waldheim's past would certainly have disqualified him from service at the United Nations if it had been known at the time. It would, therefore, have been totally inappropriate for the United Nations, which was created to prevent a recurrence of the horrors of World War II, to honor an individual who has been tied to those very horrors.

Accordingly, we applaud the decision to ensure that Mr. Waldheim will neither attend nor participate in the 50th anniversary celebration.

Sincerely yours,

NATHAN LEWIN,
President, American Section.

HONORING TRIO PROGRAMS

HON. ELIOT L. ENGEL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 23, 1995

Mr. ENGEL. Mr. Speaker, I would like to take this opportunity to praise a series of Federal education programs, known as TRIO, which allow students from needy families overcome barriers that often prevent them from attending college.

This weekend in my district, Fordham University is holding a TRIO Day to spread the word about these worthwhile programs. I commend Dr. Eliot Palais and his staff at Fordham University for the fine work they do in promoting these programs.

TRIO programs include Upward Bound, which assists students from families with incomes under $24,000 where neither parent graduated from college, and Talent Search, the early intervention program that targets young people in grades 6 through 12. Other TRIO programs provide information on academic and financial aid programs and assistance in applying to colleges.

More than 1,200 colleges and agencies now offer TRIO programs serving nearly 700,000 low-income Americans between the ages of 11 and 27. The common bond in all TRIO programs is empowerment. While student financial aid programs help students overcome financial barriers to higher education, TRIO programs help students overcome class, social and cultural barriers to higher education.

Indeed, I know at least two of my distinguished colleagues, Representative CLEO FIELDS of Louisiana and Representative ALBERT WYNN of Maryland, who participated in TRIO programs. They are among thousands of Americans who can attest to the power and effectiveness of TRIO.

I am deeply committed to maintaining and expanding programs of this nature. They represent the highest aspirations of our Nation and enjoy the support of the American people. When we allow all our citizen access to education and economic opportunity, we lift our entire Nation to a higher level.

INTRODUCTION OF CHILD SUPPORT ENFORCEMENT LEGISLATION

HON. RICHARD E. NEAL

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 23, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today, Mr. TORKILDSEN and I introduced legislation to increase the effectiveness of child support enforcement by requiring the imposition and execution of liens against the property of person past due on child support obligations. Under the current system, many who owe child support enjoy real estate, boats, luxury cars, and other assets while they do not support their children.

Current law allows the imposition of liens by processing orders through the judicial system. This is a difficult process for an out of State parent. This legislation would improve the current system by ordering States to give full faith and credit to any lien imposed by another State in the pursuit of child support collection.

My home State of Massachusetts has been very successful in improving child support and should serve as a role model for the rest of the country. Massachusetts has increased its child support collection rate from 51 to 67 percent over a 3-year period. Massachusetts has improved its child support collection by issuing administrative liens in every case where an obligor owes more than $500 in past child support. This type of provision on the Federal level would raise the rate of compliance in interstate cases.

Currently, the potential for child support collection is approximately $48 billion per year. However, only $14 billion is actually collected. This leaves a $34 billion gap. Requiring administrative liens for all cases would help reduce this gap. Child support enforcement is an essential aspect of welfare reform. I urge you to support this legislation.

IN SUPPORT OF THE TECHNOLOGY REINVESTMENT PROJECT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Thursday, February 23, 1995

Mr. MARKEY. Mr. Speaker, I rise today in strong support of the Technology Reinvestment Project [TRP], an innovative government-industry partnership which deserves continued funding within the Federal budget.

This year, as we mark the anniversaries of important battles of World War II and pay tribute to those who fought so bravely some 50 years ago, the realities of the post-cold-war world have compelled us to make dramatic changes in our military, economic, and political thinking. While we commemorate the monumental events of the past, we also look toward the future and the approach of the 21st century. Today we are presented with tremendous opportunities for creating lasting peace in historically volatile areas such as the Middle East, while at the same time we are faced with new challenges such as how best to curb the spread of weapons of mass destruction which threatens our security and the security of generations to come. As we enter this new era, the enormous opportunities and challenges which await us apply also to our industrial competitiveness and economic security.

Since its inception in 1992, the Technology Reinvestment Project has been an important part of our military and economic strategy for the next century. It is clear that the collapse of the Soviet Union and the end of the cold war did not bring an end to the need for a strong U.S. military. Instead of a potential confrontation with a global nuclear superpower, however, we now must prepare for regional conflicts and protect our position as a world leader in technology development for both military and civilian uses. The TRP has been a key tool for maintaining the future readiness of our Armed Services by ensuring that cutting-edge technologies continue to be developed in support of U.S. soldiers around the world. As the first comprehensive post-cold-war approach to defense technology, the TRP has greatly expanded the ability of our forces to utilize the creativity and strength of the commercial marketplace to affordably obtain the technology needed today and in the future.

Mr. Speaker, the U.S. Army now is the seventh largest in the world and is heading towards eighth place. Leading edge technology always has permitted our Armed Services to be the world's best fighting force. Over the years, our technological superiority has made it possible for our soldiers to work smarter, not harder. The TRP is crucial for the maintenance of our leadership in both the military and civilian sectors. As such an important transition point in world history, when we are adjusting to the changes brought about by the fall of communism and measuring national security not merely in military terms, but also in economic terms, the need for the TRP never has been greater. I urge my colleagues to support full funding for the TRP and similar programs aimed at bolstering our military and economic strength.

THE ASSOCIATION OF EQUALITY IN EDUCATION CELEBRATES THE 30TH ANNIVERSARY OF FEDERAL TRIP PROGRAMS

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SERRANO. Mr. Speaker, I rise to bring to my colleagues' attention the 30th anniversary of our Federal TRIO programs, which in my South Bronx district will be celebrated this Saturday by the Association of Equality and Excellence in Education at Fordham University's Rose Hill Campus.

Mr. Speaker, title IV of the Higher Education Act of 1965 created a trio of programs to assist students in overcoming class, social, and cultural barriers to higher education. Expanded to five programs—Upward Bound, Student Support Services, Talent Search, Educational Opportunity Centers, and Ronald E. McNair Post-Baccalaureate Achievement—TRIO provides vital assistance to disadvantaged youth at all stages of the quest for higher education.

From academic preparation and application counseling for secondary school students, to support services for enrolled college students and guidance for undergraduates considering doctoral study or a career in college teaching, TRIO programs are a highly effective, proactive effort to put advanced study within the reach of poor and minority students. I was pleased to have had the opportunity, as a member of the conference committee that crafted the final version of the higher education amendments of 1992, to play a direct role in expanding and improving this already successful program.

Mr. Speaker, among the many outstanding individuals who benefitted from TRIO are two of our colleagues, Mr. ALBERT WYNN of Maryland and Mr. CLEO FIELDS of Louisiana. I ask all of my colleagues to join us and the Association of Equality and Excellence in Education in celebrating the 30th anniversary of this exceptional program.

TRIBUTE TO MARIO AND MADELINE JASON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to Mario and Madeline Jason, who have given tirelessly of their time and resources to Shaarey Zedak Congregation of North Hollywood and the Jewish community of the San Fernando Valley. Since 1978, the year the Jasons joined the congregation at Shaarey Zedek, they have been committed to the growth of the synagogue and the cause of Jewish education. It is the efforts of people such as the Jasons that has guided the Orthodox Jewish community of North Hollywood to such remarkable growth in recent years.

For example, the Jasons have been closely involved with the development of Jewish day schools in their neighborhood. They have done so both as devoted Jews and parents who enrolled their three children in Emek Hebrew Academy. In addition, the Jasons' two sons, Howard and Mark, attended Valley Torah High School. Today the Jason children—who are in their mid and late 20s—remain passionately involved with Judaism and the Jewish community. Their parents taught them well.

There is another side to the Jasons, one that further illustrates their zest for life. Since 1984, when he sold his business, Mario has become a noted sculptor whose work has been exhibited in 14 galleries across the United States. Madeline, who has a degree in education from Cal State Northridge, today works at her alma mater as administrative assistant for the summer academic program for elementary school students. She also volunteers as a docent at the Simon Wiesenthal Museum of Tolerance.

Mr. Speaker, I ask my colleagues to join me in saluting Mario and Madeline Jason, who have worked tirelessly on behalf of Shaarey Zedek Congregation and the Jewish community. They are a shining example to us all.

TRIBUTE TO GWENDOLYN A. BROWN

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. DIXON. Mr. Speaker, on March 1, 1995, Ms. Gwendolyn A. Brown will be sworn in as the Deputy Assistant Secretary of Defense for Health, Budgets, and Programs at the Pentagon. Although her departure from my office creates a void that will be difficult to fill, I am delighted to have this opportunity to announce her well-deserved selection to this exciting and challenging new position.

Gwen arrived on Capitol Hill in August 1984 as a LEGIS fellow from the International Trade Administration of the U.S. Department of Commerce. At Commerce, she served as a country specialist for North Africa, and was responsible for the promotion of United States commercial interests in that region of the world. Her considerable expertise in international trade affairs proved of invaluable service to me in my work as a then-member of the Appropriations Subcommittee on Foreign Operations. I was so impressed with her knowledge and performance that I offered her the senior legislative position in my office upon completion of her fellowship.

Thus it was that on April 22, 1985, Gwen officially became my legislative director. Over the course of the next several years, Gwen provided exceptional service as the principal member of my staff responsible for appropriations issues and the direction of my legislative program. She did an outstanding job and proved an invaluable asset to my office.

For her last 4 years on the Hill, Gwen handled all of my defense appropriations work. She immersed herself in the arcane and intricate details on a panoply of military matters. In time, she developed considerable proficiency in defense material, working tirelessly and gaining support for programs important to the California economy, including preservation of the Los Angeles Air Force Base and the Long Beach Naval Shipyard. Her keen intellect, knowledge about the appropriations process, and her rapid ability to grasp complex issues, were of immeasurable benefit as we sought to preserve programs important to the southern California area.

Mr. Speaker, it is indeed an honor and a pleasure to have this opportunity to salute the exemplary work of Ms. Gwendolyn A. Brown. Employees of her caliber do not come along often, and I am especially grateful to her for her years of selfless dedication and commitment to me and the citizens of Los Angeles. I ask my colleagues to join me in congratulating her as she embarks on a new chapter in a distinguished career of public service. Please join me in wishing her and her husband, the Reverend Dr. Cameron Byrd, best wishes for continued success and happiness in the future.

TRIBUTE TO McCARTER & ENGLISH

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, today I have the honor of acknowledging the law firm of McCarter & English during its sesquicentennial celebration. Originally founded in 1845, and headquartered in my congressional district in the city of Newark since 1865, McCarter & English has the unique distinction as the State of New Jersey's oldest and largest law firm. McCarter & English has a distinguished past that is synonymous with the legal and business activities of the State. A majority of the attorneys with the firm have played a role in the civic life of the State or have been appointed to State and Federal benches.

McCarter & English has had several famous clients including Annie Oakley and the great inventor, Thomas A. Edison. I am pleased that I was able, with the help of my colleagues, to secure an appropriation from Congress to preserve the endangered Thomas Edison Historic Site in West Orange, NJ, which houses important papers and artifacts.

McCarter & English has always supported charitable, educational, cultural, and civic organizations including area hospitals, universities, and theaters. Many of the firm's partners have taught at area law schools and provided pro-bono services for many of my constituents.

In closing, I ask my colleagues to join me in congratulating McCarter & English on its 150th anniversary. The firm has never wavered in its commitment to the city of Newark, despite the difficult challenges the city has experienced in the last 25 years. McCarter & English has played an important role in the revitalization of downtown Newark. The firm has made donations to the new arts center in Newark as well as several other projects. I wish McCarter & English continued success and prosperity for another 150 years to come.

IN HONOR OF THE DOMINICAN RECREATIONAL AND CULTURAL SOCIETY OF ELIZABETH, NJ, AND THE DOMINICAN INDEPENDENCE DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. MENENDEZ. Mr. Speaker, I would like to take this opportunity to pay tribute to the participants of the Third Annual Flag Raising Event being held on February 25, 1995, by the Dominican Recreational and Cultural Society. I would also like to recognize all my Dominican-American constituents who celebrate the independence of their homeland on February 27, 1995.

The Dominican Recreational and Cultural Society has dedicated itself to helping the Hispanic community. This organization serves its community well by organizing events throughout the year that emphasize the contributions of Dominican-Americans to this great Nation. It strives to bring a little of the Dominican Republic into the lives of area Hispanics.

The flag raising will not only be an opportunity to honor the Dominican Republic, but also to celebrate the life of Juan Pablo Duarte. Duarte is not only the father of this great Nation but is considered a hero throughout Latin America. A young idealist and nationalist, he provided the inspiration and courage for the Dominican independence movement. He began a resistance movement called La Trinitaria, or The Trinity, that would eventually help topple Haitian rule in the Dominican Republic.

Duarte left his beloved home in search of support from other Latin American nations. Unfortunately, Duarte fell ill while in the island of Curacao and was not able to see his homeland gain independence. However, under the leadership of Francisco del Rosario and Ramon Mella, a group of rebels launched their own uprising which succeeded on February 27, 1844.

Today, the Dominican Republic is a beautiful nation and a good neighbor to the United States. Its cultural vitality and rich heritage has contributed to the mosaic painting that is the Hispanic community. It is my honor to salute such a great nation on its Independence Day and a great organization, the Dominican Recreational and Cultural Society on this most joyous event.

ON THE REINVENTION OF GOVERNMENT

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, during the past year, the American public has seen some remarkable changes in the Federal Government: It works better and costs less. Those two achievements are directly attributable to an initiative undertaken by the Clinton administration, which has been spearheaded by Vice President AL GORE. Its called the National Performance Review [NPR].

At the heart of this initiative has been the Federal employee. These employees brought their intellect, industry, and initiative to the task of reinventing Government. The result has been a smaller but more service-oriented workforce, the consolidation of programs to eliminate redundancy, cut costs, and increase efficiency. People are talking about what the Government did for them rather than what the Government did to them.

The NPR capitalized on the desire and ability of workers to eliminate waste, cut red tape, and produce a higher quality product. Teams of workers at agencies throughout the Government formed reinvention labs and began generating ideas for how to improve customer service. The labs' successes have been recognized in countless ceremonies across the Nation honoring the heroes of reinvention. Let me share a couple of examples of what they have accomplished:

First, in my own city of Chicago, the Chicago District of the U.S. Customs Service found a way to put their customers in inspection lines by airline passengers entering the United States at O'Hare International Airport. They put new informed compliance procedures in place which decreased the intrusion into the lives of the law-abiding travelers, while at the same time increasing the effectiveness of their law enforcement operation. The time spent waiting in line is down, the district now collects over $4 million a day in duties, and the number of wanted felons apprehended has dramatically increased.

Another example from the Chicago area can be found at the North Central VA Medical Center. Last fall, the center's managed care system development group won one of the Vice President's Hammer Awards. They got it for implementing a new method of patient care which made customer satisfaction the No. 1 priority. They adopted a managed care approach based on the primary care team concept, monitored through an integrated information and accounting system. Essential support services were incorporated and those not initially available, such as surgery, were created through innovative collaborations and partnerships with external providers.

Since 1993, the number of enrollees in the Center's managed health care plan has increased fivefold and the number of acute days of hospital care per 1,000 enrollees fell 85 percent. The annual potential savings associated with these changes are estimated to exceed $15 million.

It's clear from these examples and the others you will hear that Federal workers know how to change the Government so that it works much better. They just needed to be empowered to make change. That's what the NPR has done. Its given Government workers the freedom to try something new.

Eliminating bureaucracy through reengineering Government programs reflects just one area for action set out in the NPR report. There are 384 innovative recommendations contained in the report, covering such matters as work force restructuring, agency streamlining, reforming procurement practices, expanding the use of information technology, and improving regulatory systems.

While many of the NPR recommendations were the type that could be acted upon immediately at the agency level, 173 required congressional action to be fully implemented.

During the 103d Congress, 30 bills containing NPR action items were signed into law. Among the most notable are the Government Management Reform Act of 1994 (Public Law 103–356), the Federal Acquisition Improvement Act of 1994 (Public Law 103–335), the Federal Workforce Restructuring Act (Public Law 103–226), and the Federal Employee Family Friendly Leave Act (Public Law 103–338).

While it will take several more years to see the NPR agenda fully enacted, the measures I have listed were passed by wide margins and with bipartisan support. This is a clear indication that a government that works better and costs less is something we all seek.

I certainly hope that Republicans will continue to cooperate with this Democratic initiative and work with us to get more NPR legislation passing during the 104th Congress. The American people deserve the continued results it will bring.

The September 1994 report on the NPR's first year included 1,500 customer service standards which constitute a major step toward a results-driven Federal Government. Let me share just a few examples of these standards. The IRS has promised that taxpayers will receive their tax refunds within 40 days if they file a paper return and 21 days if they file electronically. The SBA has promised to complete reviews of loan applications within 3 days, based on a newly developed one page application.

The Consumer Product Safety Commission promised that the public will be able to report on and learn about unsafe products 24 hours a day by calling an 800 number. The Commerce Department has promised to provide the latest information on overseas markets on a compact disc which it will mail within 24 hours of a customer making contact.

Each of these reflects a standard that is clear and measurable. Knowing just what to expect from Government is becoming a new and rewarding experience for many, thanks to the NPR.

During the months ahead, the Government Reform and Oversight Committee will closely examine the changes the NPR has wrought, as well as the new administration proposals that make up the second phase of its reinvention effort.

While much has already been accomplished, there are still Americans who are dissatisfied with how their Government works. They present the challenge to all of us—rank-in-file Federal employees and Members of Congress alike—to improve the responsiveness of Government and the quality of service our Government gives.

TRIBUTE TO AMBASSADOR LAURENCE W. "BILL" LANE, JR.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Ambassador Laurence W. "Bill"

Lane, Jr., an outstanding citizen of California's 14th Congressional District who has been selected to receive the National Parks and Conservation Association's 1994 William Penn Mott, Jr., Conservationist of the Year Award in honor of his lifelong commitment to parks.

From the moment Ambassador Lane arrived in California in 1928, he has distinguished himself in the fields of conservation, government, and commerce.

While a student at Stanford University, he was a packer and mountain guide in Sequoia and Yosemite National Parks. Over the years, his love of nature led him to chair the California Desert Conservation Area Advisory Committee, serve on the President's National Advisory Committee on Oceans and Atmosphere, chair the President's National Parks Centennial Commission, and serve as the Secretary of the Interior's representative on the Steering Committee for the 75th anniversary of the National Parks. Most deservedly, he is a recipient of the Secretary of the Interior's Conservation Service Award.

In government, he has served at the international level as U.S. Ambassador to Australia and Nauru, as well as Commissioner General and Chairman of the Foreign Delegation of the International Ocean Exposition in Japan with the rank of Ambassador. I am also very proud of the service he provided closer to home as the first elected mayor and councilman of Portola Valley, where he currently resides.

Ambassador Lane became well known to many people as the publisher of Sunset magazine and chairman of Lane Publishing Co., now merged with Time Warner. He is still a consultant to Time Warner and a member of the board of Time, Inc.

Despite all of his activities, he has still found time to be a devoted husband to his wife, Jean, and a caring father for their three children—Sharon, Bob, and Brenda.

Mr. Speaker, Ambassador Lane is truly an exceptional individual who has performed outstanding work for our Nation and our national parks. I urge my colleagues to join me in saluting him for being awarded the prestigious William Penn Mott, Jr., Conservationist of the Year Award.

HEALTH CARE REFORM

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. SOLOMON. Mr. Speaker, I would like to bring to the attention of my colleagues an article in yesterday's Washington Post by John Solomon outlining those who profited from the health care debacle last year. Once again, the Clinton administration has demonstrated that those in their inner circles can benefit while the rest of middle-class America wrestles with the ongoing problems associated with the lack of health care coverage. According to this article, there are some who made as much as $100,000 in consulting fees. It seems to me that we as a Congress can and will do better—and at no extra cost to the American people.

I hope my colleagues will take the time to read this informative and enlightening article.

[From the Washington Post, Feb. 22, 1995]

HEALTH CARE REFORM PLANNERS: INNER CIRCLE, TOP FEES

(By John Solomon)

The White House touted the long hours and sacrifices of those who crafted its ill-fated health care plan, but it turns out that the work brought healthy rewards for a small cadre of advisers and contractors.

Some businesses got six-figure contracts. For select advisers, there were consulting fees as high as $49 an hour, allowing some to be paid up to $100,000, according to a review of records released this week.

The payments were made in spite of a warning from White House lawyers to use full-time government employees, not consultants.

The Clinton administration has declined to say how much was spent developing its health care plan. But amid the ruins of President Clinton's Health Security Act, records obtained by the Associated Press under the Freedom of Information Act lay bare a multimillion-dollar hired bureaucracy.

The Republican Congress has begun its own review.

The primary beneficiaries were professional consultants, with specialties ranging from projecting long-term health costs to writing legislation.

In all, the White House tapped about 1,000 people for work and advice on the plan. Most of the high-profile experts worked for free.

The few who were paid were members of a White House inner circle, hired as consultants for an extended period to work on Hillary Rodham Clinton's health task force and working groups and beyond, although White House lawyers cautioned against it.

"To avoid ethical difficulties, the members of the cluster groups, and especially the heads of issue working groups, must be full government employees," aide Atul Gawande wrote health adviser Ira Magaziner in a Feb. 2, 1993, memo.

Gawande said the White House counsel's office had advised that payments were "not clearly in violation of any law" but it "would give antagonists leverage for attacking us in the press and possibly in legal channels."

Avis LaVelle, assistant secretary for public affairs at the Department of Health and Human Services, said the consultant payments were necessary to attract top caliber advice without expanding the permanent federal work force.

Critics disagree. "I think it is a very dangerous trend to have this kind of private-public partnership where it insinuates into the very process of government corporations and individuals that stand to profit from it," said Jane Orient, head of the Association of American Physicians and Surgeons, which successfully sued to force the White House to disclose task force working documents.

HHS paid at least a dozen advisers to Hillary Clinton between $33 and $49 an hour in consulting fees. Among the highest paid was Walter Zelman, a former California state official and activist for the citizens group Common Cause. He received $101,649 in consulting fees between January 1993 and March 1994, at a rate of $48.39 an hour, according to HHS records. Zelman left the administration after the plan's defeat.

Another top consultant was Brian Biles, who was paid $97,950 over the same period. Biles, a former congressional staff aide, began as a consultant and eventually was hired as a deputy assistant secretary at HHS. He recently left for the private sector.

The AP identified at least 18 members of the working groups as receiving $851,620 as HHS consultants. They included:

Clifton Gaus, former director of Georgetown University's Center for Health Policy Studies: $87,336 at $357 a day. He now heads the Agency for Health Care Policy and Research at HHS.

Roz Lasker, a University of Vermont medical professor and former analyst with the Physician Payment Review Commission: $85,151 at $46.48 an hour. She works full time at HHS.

Lawrence Levitt, a former California state insurance official: $70,429 at $33 an hour. He has left the administration.

Arnold Epstein, a Harvard University medical professor: $47,999 at $48.78 an hour. He has returned to his job.

At the same time, some medical professionals who volunteered their time to advise the task force could not even get their travel costs reimbursed. "I paid for the privilege," said Norman Fost, a University of Wisconsin researcher who absorbed $7,000 in travel expenses.

He wrote a letter in March 1993 seeking reimbursement for colleagues who were "experiencing more severe hardship." His plea fell on deaf ears.

Several contractors also were hired for technical tasks. Some wore multiple hats.

VHI Lewin, a Washington-based consulting firm, did numerous studies for both proponents and opponents of health reform. At the same time, the company was paid by the government to analyze the Clinton plan's impact on long-term care and academic hospitals.

Meantime, VHI Lewin produced what it called an independent study of the economic assumptions in the administration plan. The company picked up the tab for the study, touted repeatedly by Cabinet officials as independent proof that the plan was solid.

The company maintains it did not have a conflict in doing both jobs, saying the personnel who worked on the federal contracts were kept separate from those who did the public analysis.

"We were doing studies for a wide variety of people, including people who opposed the Clinton plan very ardently as well as people in the government," founder Larry Lewin said. "And we tried to do that and maintain the balance so no one side could make the claim they were exerting influence over our objectivity."

CONTRACT WITH AMERICA LACKS TRUTH IN CONTRACTING CLAUSE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. PASTOR. Mr. Speaker, as you, more than anybody, are aware, today marks the start of the second half of the Contact With America's 100-day campaign. Even though we are 50 days into the legislative process, only now are the details beginning to surface of how the contract will impact on the lives of working people and hinder the ability of our Nation's cities and towns to meet the demand for local services.

Yesterday, the Phoenix Gazette featured a preview of the difficulties the city of Phoenix will face if the legislative proposals contained in the contract are enacted into law. According to the Phoenix's city manager, the program cutbacks called for under the contract will reduce the city's finances by $10 to $20 million. The budget items at risk in the city include funding for mass transit, job training, meal programs for the elderly, and emergency utility bill assistance.

Mr. Speaker, what the Contract With America lacks is a "truth in contracting" clause. The contract is being billed as a program that will get the Government off the backs of the people. What communities like the city of Phoenix are beginning to discover is that it will force local governments to abandon the people they seek to serve.

I commend my colleagues to read the Phoenix Gazette article.

[From the Phoenix Gazette, Feb. 22, 1995]

GOP CONTRACT CLOUDS CITY'S FINANCES—$20 MILLION AT STAKE FOR PHOENIX WHEN FEDERAL CUTS ARE ENACTED

(By Russ Hemphill)

In recent years, Phoenix has survived a slumping economy, layoffs and cutbacks.

But the Republican Congress' Contract with America could be one of the city's biggest challenges yet, officials said Tuesday as they began work on next year's estimated $1.27 billion municipal budget.

"There really is an extraordinary cloud over us," City Manager Frank Fairbanks said, referring to potential cuts in federal funding.

Fairbanks said "even a conservative guess" would peg federal cuts of Phoenix funds at $10 million to $20 million.

"It's not a question of if they cut, it's a question of how much they cut and where they cut," Vice Mayor Craig Tribken said.

"Actually this year's city budget is much improved," Fairbanks said. "If we didn't have some other situations, we would be in a very strong position to respond to some of the community service needs."

Fairbanks said before potential federal cuts are considered, the City Council will have an estimated $4.7 million for favored projects.

But Phoenix officials estimate at least $20 million to $52 million of the city's $99 million in annual federal funding is at risk.

The highest-risk funding, they said, include $8.4 million to $8.9 million for mass transit, job training and human service grants that include meals centers for the elderly and emergency utility bill assistance.

Medium-risk funding includes $11.9 million to $42.8 million for programs that include public housing assistance and community development block grants.

President Clinton and Congress have made "strong declarations that the budget needs to be cut," Fairbanks said. His administration understands that, but any significant federal cuts in funding will mean a substantial cut in services to the community," he said.

Councilman Sal DeCiccio said the city should accept the federal cuts without complaint. "The bottom line is the federal government is spending money it doesn't have," DeCiccio said.

"The United States of America is having some problems right now and we all have to chip in," he said.

Fairbanks urged the council to use restraint when committing money to new programs, in anticipation of federal cuts.

"Together, we must prepare for that situation," he said.

Complicating the council's job is timing.

The city will wrap up its budget this summer for the 1995-96 fiscal year. However, some of the federal budget cuts won't be known until September, city officials said.

"The challenge of this is, you not only don't know the amount, you also don't know" which program will be cut, Fairbanks said.

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 23, 1995

Mr. HALL of Texas. Mr. Speaker, I am honored today to pay tribute to a great civic leader and newspaper publisher, Charles K. Devall, of Kilgore, TX, who passed away January 28, at the age of 86. For decades, Charles Devall was a guiding light and driving force in Kilgore. Like other newspaper publishers in small towns across America, Charles Devall was a man of stature in his community, and his influence was felt far beyond his professional position.

Born on July 11, 1908, in Mount Vernon, TX, to Charles Robert and Leila Milam Devall, Charles Devall grew up to work for his father's Mount Vernon newspaper. He received a journalism degree from the University of Texas and assumed responsibility for the newspaper in 1931 following his father's death. Within 4 years he was elected mayor of the city and a member of the State Democratic Executive Committee. During that period he acquired newspapers at Daingerfield and Hughes Springs and established the weekly Kilgore Herald, in competition with the 4-year-old Kilgore Daily News.

In 1939 he married Lyde Williford of Dallas, and in 1940 he and Lyde purchased the Kilgore Daily News, consolidating their two papers as the Kilgore News Herald. He then served for 39 months in the U.S. Navy during World War II and attained the rank of lieutenant commander, while his wife directed operations of their newspapers.

As publisher of the Kilgore News Herald from 1935 to 1979, Devall was committed to making Kilgore "America's No. 1 Small City." He served as president and highway chairman of the Kilgore Chamber of Commerce, president of the Lions Club, organized the Kilgore Improvement and Beautification Association, and originated and secured historical designation as "world's richest acre" in downtown Kilgore. He was instrumental in improving the city's highways, including establishing the 4-lane U.S. 259 through Gregg and Rusk Counties. He was active in efforts to establish the Kilgore Ceramics Corp. and Kilgore Community Hotel-Motel Co., the Industrial Foundation, and East Texas Treatment Center. He and his wife also were credited for helping in locating the prestigious East Texas Oil Museum on the Kilgore College campus.

Devall also was active at the State level. He was the youngest to serve as president of the Texas Press Association and was a director of the Texas Daily Newspaper Association. He served two terms as president of the Texas Good Roads Association and served two terms as a director of the Texas Election Bureau. He also was appointed director of Texas Southern University. His wife, who preceded him in death in 1987, served as a member of the board of regents of the University of Texas system and served on the first Texas Commission on Higher Education.

Devall also was an advocate for independent oil producers in his community. He represented the Independent Petroleum Association of America before a Senate committee in Washington as a witness seeking the reduction of excessive oil imports. He waged a long and successful editorial campaign in the News Herald in support of independent operators and royalty owners who opposed efforts to legalize mandatory unitization of Texas oil and gas fields. The fight in the Texas Legislature continued for 30 years until every major Texas field was unitized—except the east Texas field.

Devall received numerous recognitions during his lifetime. He was named Kilgore's Man of the Year, received the Taggart Award from the Texas Daily Newspaper Association for being "Texas Newspaper Leader of the Year" in 1979, received the Sam C. Holloway Meritorious Service Award from the north and east Texas Press Association, and was named an honor member of Kappa Tau Alpha—honorary Phi Beta Kappa of journalism—by its University of Texas chapter. On nine occasions his Kilgore News Herald won the Texas Press Association sweepstakes for best all-around daily in cities under 15,000 and won the top award seven times from the north and east Texas Press. The Texas Chamber of Commerce awarded the paper its Community Service Award six times, and it received the Texas School Bell Award twice from the Texas State Teachers Association. Upon the sale of the News Herald in 1979, Devall was named publisher emeritus.

Devall also was an elder and trustee of First Presbyterian Church, a commissioner to the U.S. Presbyterian Church General Assembly in 1973, and in 1984 was named trustee emeritus. He was a member of Sigma Delta Chi, national professional journalism society, American Legion, and Veterans of Foreign Wars. He is survived by one sister, Mrs. Ruth Heywood of Fort Worth, a nephew, two nieces, and a cousin.

Mr. Speaker, America is enriched by the lives of those citizens like Charles Devall, who have devoted their energy and their talent to the betterment of their communities. As a newspaperman and civic leader who strived for excellence in his community, he will be forever remembered in Kilgore, TX, for his efforts to make it "America's No. 1 Small City." Many would attest that he accomplished that goal.

Mr. Speaker, I join his family and many friends in paying our last respects to Charles Devall and thanking him for a job well done. His legacy will be felt for many generations to come.

HOUSE OF REPRESENTATIVES—*Friday, February 24, 1995*

The House met at 9 a.m.

PRAYER

Rev. Harold Bradley, assistant to the president, Georgetown University, Washington, DC, offered the following prayer:

O loving and gracious God, we offer our thanks to You for Your gifts that brighten our days and give meaning to our lives. We pray for sound minds so that we can contemplate and appreciate the marvels of Your creation, and we pray for good hearts that allow us to do those good works that honor You and serve people whatever their need. May Your spirit, O God, that is with us whatever our circumstance, protect, sustain, and bless us so we will live as You would have us live and be faithful in deeds of justice and mercy. May Your grace be with us this day and every day, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Arkansas [Mr. DICKEY] will lead the House in the Pledge of Allegiance.

Mr. DICKEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be 1-minutes on each side.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; commonsense legal reform to end frivolous lawsuits; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

THIS IS NOT LIVING UNDER THE SAME LAWS AS EVERYONE ELSE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, with the ink barely dry on the one bill that we passed making Members live under the same laws as everyone else, the Speaker yesterday continued to promote a bill creating a special rule that would make those who bring ethics charges against him or any Member pay his lawyer's fees and the Ethics Committee's costs when no disciplinary action results.

The Speaker claims this rule would not intimidate citizens interested in cleaning up Government. I disagree. It would definitely tend to intimidate. No citizen, and certainly no Member of this House, should be intimidated when the issue is ethics in Government and putting that in first place.

As a former justice of the Texas Supreme Court, as a chair of its ethics task force, I know some with valid ethics complaints would be discouraged, would think twice before blowing the whistle on anyone under the threat of having to pay a Member's lawyer fees with that hanging over their head.

Many will not blow the whistle at all, making the American people the real loser.

Mr. Speaker, this is not living under the same laws as everyone else. It is just plain wrong.

WE CANNOT MORTGAGE OUR CHILDREN'S FUTURES

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the balanced budget amendment is the most important piece of legislation passed by Congress in a long, long time.

By passing this amendment we proved that we are serious about balancing the Federal budget, finally.

We proved we are willing to do what millions of Americans do every day, live within their means. We said to the children of America: You will not have to pay off our debts. We will not mortgage your future. However, we cannot act alone.

If the children of America are to grow up without the burden of our debts, the balanced budget amendment must be approved by the other body. How can anyone look into the eyes of a child and say, "I don't care about your future, as long as I can keep things the way they are."

Mr. Speaker, I ask those opposed to a balanced budget amendment to remember who will pay the price if this budget is not balanced.

The time for rhetoric has passed. Now is a time for action.

SHORTCHANGING KIDS

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, speaking of children, in a press conference yesterday, Republicans asserted that their proposal to end the School Lunch Program by block-granting it would not shortchange kids, because Congress could always pass a supplemental if we ran into trouble. That is absolutely preposterous.

Anybody who has watched Congress the last 2 years knows that supplementals are virtually a thing of the past. Right now the Congress has bottled up at least two major supplementals, and you can expect to see more of that.

Make no mistake about it, under this plan States will be left holding a very empty lunch bag. This plan is vicious, this plan is mean. It ought to be stopped.

THE NEED FOR REGULATION REFORM

(Mr. GUTKNECHT asked and was given permission to address the House

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, Federal regulations are strangling the life out of businesses in this country. This year alone, $600 billion in taxpayer funds will be spent on regulations. This year alone, the Clinton administration is pursuing 4,300 new regulations. The American people do not want their tax dollars to pay for antiquated and often conflicting regulations for businesses. They want a smaller, more efficient Government, one which will work for them and not against them.

If businesses are to continue creating jobs, the current bureaucratic maze of redtape and regulation must be brought under control. Companies are being bled dry by overbearing regulations and they are forced to cut jobs in order to pay for them, and because many of the regulations clash with each other, they are faced with a dilemma. Do they break one law to follow another? This is an impossible choice that hard-working Americans should not have to make.

Mr. Speaker, we must bring reason into the regulation process. It is just plain common sense. We need regulation reform and we need it today.

FOREIGN AID: SUICIDE FOR AMERICA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the No. 1 terrorist nation in the world is Iran, and Iran's No. 1 hated enemy is America, and Iran has been trying to build a nuclear weapon for years.

Now, America's newest friend is Russia, and America gives Russia $12 billion. And that buys an awful lot of vodka for old Boris, you know. But evidently Russia is going to take some of that $12 billion and build four nuclear reactors in Iran, but Russia says, "It's for peaceful purposes." Peaceful? Tell me, is a nuclear attack on Jerusalem a peaceful purpose?

Ladies and gentlemen of Congress, if Iran can kill 240 Marines with a car bomb, what will they do with a nuclear bomb?

Beam me up. I think if we are going to cut the budget, let us cut that $12 billion. This is not foreign aid. This is foreign suicide for America and America's friends.

GETTING GOVERNMENT OFF THE BACK OF THE AMERICAN PEOPLE

(Mr. TATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TATE. Mr. Speaker, did you know that a farmer cannot drain a pond on his property without first getting Government permission, even if he created it?

Did you know that if flooding creates pools of water on someone's property as the result of a clogged drainage system, the owner may not clear the clog to drain the new wetland without Government permission?

Welcome to Bill Clinton's America.

It is a place where redtape and red ink have Americans seeing red.

But we are changing that, Mr. Speaker. Today we complete consideration of the Regulatory Transition Act, which will impose a commonsense moratorium on Federal regulations. This bill will allow us time to enact reforms to put an end to the type of horror stories that we have been hearing today and which have become all to commonplace.

We are keeping our promise to get the Government off the back of the American people.

REAL DOUBTS ABOUT THE CONTRACT

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, we have all seen the pictures of the happy faces, kids getting their only good meal of the day. It might be in an inner city in Harlem, it might be in rural Appalachia, it might be in the suburbs of a town that experiences high unemployment.

But those pictures will be no more.

Who would have ever believed that the contract for America meant eliminating the School Lunch Program? The balanced budget amendment sounds good, but when Americans learn it means eliminating school lunches, making student loans very expensive, crippling Medicare, they are going to scratch their heads in wonder.

The priorities of the Gingrichite contract are out of whack. We cut school lunches, but increase spending for some new-fangled plane, the F-22, made in Georgia.

The American people are beginning to learn that this contract is not about cutting out waste. It is about cutting the very programs that made America move forward from the New Deal to this day, and when they learn about it, they are going to have real doubts about the Gingrichite contract.

PASS THE REGULATORY TRANSITION ACT

(Mr. BAKER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAKER of California. Mr. Speaker, get a load of this story in the L.A. Times of last year.

> The Consumer Product Safety Commission is planning to issue regulations to require manufacturers of industrial five-gallon plastic buckets to redesign their products. Concerned that infants could climb inside them and drown, the CPSC studied the issue for five years and recently issued a 101-page report. In the report, the CPSC staff notes that one of their suggestions to the industry—making buckets so that they deliberately leak—is being objected to by bucket makers. According to the report, "Industry representatives claim that they can envision no use for a bucket that leaks."

I have heard of a cup that is half empty. I have heard of a cup that is half full. But only the Government would require a bucket that leaks.

It looks to me, Mr. Speaker, like buckets are not the only thing leaking over at the CPSC.

Welcome to Bill Clinton's America.

It is this type of story that has Americans so angry and demanding change. And that is what we will give them when we pass the Regulatory Transition Act, which will give the business community and individuals a much-needed break from costly regulation.

CHILD NUTRITION PROGRAMS

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, Republican priorities are out of whack. The Republican Contract on America slashes funds for school lunches, WIC, and children's nutrition, and leaves us with millions of hungry or malnourished kids. What a strange way to invest in this country's future.

Our Republican colleagues say these cuts are only intended to eliminate bureaucracy or waste. If that were the case, we would all vote for them.

The truth is that Republicans are playing a dangerous shell game. They want to shift the responsibility for children's health to the States, but cut billions of dollars of funding that the States would need to provide that help. These extremists say we cannot afford to support food for hungry children in America, but actually they are making these cuts to finance fantasy projects like star wars and massive tax cuts for the less than 1 percent of Americans who make over $200,000 per year.

□ 0915

Mr. Speaker, I have heard from hundreds of parents, day care providers, and teachers who know the importance of good childhood nutrition. Perhaps if children could vote, they would not be trashed by the Contract on America.

WELCOME TO BILL CLINTON'S AMERICA

(Mrs. SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. SMITH of Washington. Mr. Speaker, here is what Bill Clinton's Big Government agenda has wrought.

The Equal Employment Opportunity Commission last year investigated a woman's complaint that a company refused to offer her a job after she told them of her disability. What was the disability? Well, it was a molar that contained a microchip that "spoke" to her and others.

Now the EEOC took the complaint seriously, and forced company officials to respond and supply "any supporting documentation."

One can only wonder what that supporting documentation might look like.

Welcome to Bill Clinton's America.

This is just another example why we need to pass the Regulatory Transition Act, a bill that will institute a moratorium on new Federal regulations while including some commonsense exceptions.

Americans are sick of Big Brother Government, Mr. Speaker. Let us get on with cutting Big Brother down to size.

LET US KEEP THE NUTRITION PROGRAMS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, guess who is going to pay for all those political promises, to the rich, of a tax cut? We now know. America's poorest children. We see them cutting and slashing with glee the nutrition programs that feed the lowest income children in America. That program was started in 1946 after World War II, when America became so concerned that many of the recruits could not pass muster because of malnutrition.

Mr. Speaker, imagine a country that feeds the world now refusing to feed their own children so they can feed the fat cats that came to the fancy dinner. That is what this is about.

How awful it is to see America's politicians pull up to the table as they start slashing their budget and throw children out first. Children should be the last to go out, and now we see that they are the first to go out.

I hope that sends a real message as to what their vision of America is about. It is not mine.

TEAM AMERICA NEEDS A TIME OUT

(Mr. LaHOOD asked and was given permission to address the House for 1 minute.)

Mr. LaHOOD. Mr. Speaker, in football or basketball, a team may call a timeout when they have lost control of the game and they need time to get their act together. Sometimes you need that timeout to catch your breath or slow your opponent's momentum.

Well, I happen to believe that the Federal Government has lost control of the regulatory process in America. That's why we need to take a timeout from passing new regulations.

As we speak, the Clinton administration is planning to pursue another 4,300 new regulations for this fiscal year. That is too much, especially from an administration that claims to be reinventing Government.

Mr. Speaker, Team America needs a timeout to stop our opponents, Team Regulation, from running roughshod over us. Let's vote for H.R. 450 and return sanity back to Federal regulations.

ALLEGED VIOLATIONS UNDERSCORE NEED FOR OUTSIDE INDEPENDENT COUNSEL

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, the ethical cloud hanging over Speaker GINGRICH's head grows darker each day. Despite the Speaker's contention that his college course is purely an academic venture, Kennesaw State College officials, where the course was once taught, tell a different story.

According to news reports, Timothy Mescon, the dean of Kennesaw College, now says that political and academic resources were commingled in the class.

In 1993, 40 of Speaker GINGRICH's colleagues at Kennesaw College wrote to the dean to protest the political nature of his course. They wrote: "It appears that we are all acting as a part of the reelection campaign for Mr. GINGRICH, or laying the groundwork for his future political ambitions." Finally, Lois Kubal, who helped put the course together, said: "The class * * * was intended to be partisan and very political."

If these latest allegations by former Gingrich allies are true, the Speaker's course is in violation of both campaign finance laws and tax laws. They underscore the need for an independent, outside counsel to investigate this mess.

RESTORING REASON TO THE REGULATORY PROCESS

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, last fall Republicans promised the American people we would reduce the size and cost of the Federal Government and we are keeping that promise with unfunded mandates reform and the line-item veto. We will continue to keep our promise by cutting the Federal regulations that are choking the life out of the little guy—small business and its consumers.

Mr. Speaker, Federal regulations are costing consumers over $500 billion a year. That is right—redtape is costing $10,000 a year for the average family of four. These regulations can be even more costly to a small business. One small business was fined $6,000 because an employee violated OSHA rules when he rescued a coworker trapped under a pile of dirt.

Mr. Speaker, I urge my colleagues to restore reason and common sense to the regulatory process. We need to continue to work in a bipartisan way to reduce necessary and overbearing Federal regulations.

KEEP THE CHILD NUTRITION PROGRAMS

(Ms. JACKSON-LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Speaker, Marie Antoinette said, "Let them eat cake." I believe the Republicans have said very loudly, "Let them eat ketchup." As a parent, I know what it is to have children in school, participating in programs that help them survive. I realize that when you talk about children, they do not vote.

But I find the Republican proposal to cut school lunches absolutely appalling. Over 13 million children and their parents rely on the school nutrition programs. If the Republicans are allowed to cut $5 billion over the next 5 years from the WIC and child nutrition programs, our children will be the losers.

Today 5 million children under 12 are hungry. I simply want to show you the pleas of help from the children in my district, from the Julia C. Hester House in Houston, TX. This House has a compelling obligation to insure that no child in this Nation goes to bed hungry.

It has become evident to me that Republicans care only about one thing: the time remaining in their contract.

I believe the American people want a humane country; they want a country that is good for children. They want our children to eat.

Do not cut school lunches; do not cut nutrition programs for our children.

ANOTHER REGULATION IN BILL CLINTON'S AMERICA

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, John Shuler, a Montana rancher, was fined $4,000 in 1993 for violating the Endangered Species Act. What was Mr. Shuler's crime? He shot and killed a grizzly bear that charged him on his own property.

Welcome to Bill Clinton's America.

This is just another of the many examples of outrageous Federal regulations that are hurting American competitiveness and, more simply, ticking Americans off.

I think it is incredibly important to understand the regulatory mindset that is at work in this administration. It is a mindset that assumes the worst about our fellow Americans, whether they be businessmen, property owners, or workers.

But all that begins to change when we pass the Regulatory Transition Act, which will institute a moratorium on new regulations. This moratorium will allow us time to carefully consider the entire issue of Federal regulation and to pass laws that preserve important safeguards while repealing those regulations that are counterproductive. This is what Americans said they wanted on November 8. And this is what we will deliver.

STOP DECLARING WAR ON OUR KIDS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the Gingrich Republicans are now calling for an end to our national program of free and low-cost school lunches. The message of the Gingrich Republicans to America's hungry children is clear: "Let them eat the Republican Contract."

It is sad that our Republican colleagues have not taken the time to meet with teachers, who will tell you that for many of our Nation's kids the school lunch is the only nutritious meal in their day, the only way to help a listless child get ready to learn. Why are the Gingrich Republicans gutting the school lunch program? So that they can give tax breaks to the wealthy, a group well represented by the lobbyists in this town.

Well, America's kids need their lobbyists in Washington, too. America needs to give the Gingrich Republicans a clear message: Stop declaring war on our kids.

THE ENDANGERED SPECIES ACT

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, in the last Congress, rats, bugs, and even weeds were more important than people. Certain bureaucrats have become so eager to list new species as endangered, they have lost sight of the intent of the Endangered Species Act and ignored human concerns.

The Stephens kangaroo rat, considered not only to be endangered, was partly responsible for the destruction of 29 homes in my district. In fall 1993, southern California was battling several wildfires. Because homeowners lived in critical habitat they were unable to obey California law and clear dry weeds and brush away from their homes. It was even illegal for the California Department of Forestry and Fire Protection to set controlled fires so that they could reduce the amount of combustible materials. The result: 29 homes destroyed.

Well, Mr. Speaker, yesterday we struck a blow to rats and scored a touchdown for the American people. The Combest-Condit amendment to H.R. 450 sets not only a moratorium to the Endangered Species Act, but is retroactive to November 20, 1994. This may not bring back the 29 homes in my district, but it will help the American people realize that this Congress thinks they are more important than rats, bugs, and weeds.

FUNDING FOR THE CORPORATION FOR PUBLIC BROADCASTING

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise in strong opposition to cuts in funding for the Corporation for Public Broadcasting. There are those who say we should abolish public radio and sell public television to cable. To those of my colleagues, I say to you, there are people in our country who cannot afford to pay $400 a year for cable. There are those who will be left out and left behind, those who will be left in the dark, left in silence.

I know what it is like growing up in rural America. I grew up on a small farm just outside Troy, AL, in the heart of the segregated South.

Radio was my window to the larger world. It was on the radio that I first heard the Reverend Martin Luther King, Jr. I heard his voice—the voice of the civil rights movement—and it became my cause, my purpose and my mission for the next 30 years of my life. That voice changed my life and the lives of millions of Americans.

Today, public broadcasting reaches out across this country, bringing nonviolent children's shows, news, and job training programs. It brings light and hope into every corner of this Nation. Some of my colleagues say we cannot afford public broadcasting. I say, can we afford to live without it?

REGULATORY TRANSITION ACT OF 1995

The SPEAKER pro tempore (Mr. DICKEY). Pursuant to House Resolution 93 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 450.

□ 0929

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, February 23, 1995, the amendment offered by the gentleman from Louisiana [Mr. HAYES] had been disposed of and the bill was open for amendment at any point.

Three hours and thirty minutes remain for consideration of amendments under the 5-minute rule.

Are there further amendments to the bill?

□ 0930

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. VOLKMER. My inquiry is, Mr. Chairman, concerning the amount of time that is still left, the total time still left on the bill.

The CHAIRMAN. Three hours and thirty minutes.

Mr. VOLKMER. Three hours and thirty minutes from this time?

The CHAIRMAN. The gentleman is correct.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Florida [Mr. STEARNS] for purposes of a colloquy.

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for this opportunity to have a colloquy with him, and this concerns an amendment that I would like to offer, but I would ask the gentleman to perhaps give me an explanation I think that already exists in the Norton rule that passed. My amendment was basically to not apply to regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 which clarifies regulations governing housing for older Americans and significant facilities and services.

My concern is that the deputy of HUD has come up with a self-certifying way for seniors to allow their housing facilities to be self-certified. It is very simple, two out of twelve criteria, and now they can self-certify, and no one will have to worry about suits by the Federal Government, by HUD.

This agreement has been worked out over a long period of time, and I think it is important that this agreement remain in place, and it is going to go forward in the next 60 days, so obviously I was concerned about that.

Mr. CLINGER. May I respond to the gentleman from Florida——

Mr. STEARNS. Yes.

Mr. CLINGER. By saying, "Yes, I think you're absolutely right. The amendment that was offered last evening by the gentlewoman from the District of Columbia, which picked up on language which is included in our unfunded mandates bill, clearly says that section 4a, 4a, should be the ones that would limit the ability or apply the moratorium, says those sections shall not apply to regulatory rulemaking, actually to enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin or handicap or disability. I think the clear, my reading of that would be clearly that the regulations the gentleman is speaking of would be included in that. Beyond that, there is a further exemption that applies to regulations which are streamlining or actually reducing the burden of regulations on whatever segment of the population is affected by the regulations."

It seems to me that the regulations the gentleman is alluding to have that effect as well. They are actually easing the process, streamlining the process, for the elderly, so under either one of those exemptions I think that the gentleman would be, could be, assured that those regulations would be allowed to go forward.

Mr. STEARNS. Well, I would like to make part of the Record my amendment.

The amendment referred to is as follows:

Amendment offered by Mr. Stearns of Florida:

At the end of section 5, add the following new subsection:

(c) Rules Regarding Housing for Older Persons.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action by the Department of Housing and Urban Development under section 919 of the Housing and Community Development Act of 1992 clarifying regulations governing housing for older persons and significant facilities and services.

Mr. Chairman, I will not offer the amendment, and I thank the gentleman from Pennsylvania [Mr. Clinger] for his indulgence.

I would like to say in concluding comment that this new regulation is going to make it very simple for seniors to self-certify their housing facilities so they do not have to worry about suits, and frankly it will probably be easier for them in the long term, and I think that the gentleman is kind to make this clarification.

Mr. CLINGER. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. Schiff] for purposes of a colloquy.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. Clinger].

Mr. Chairman, it had been my intent to submit an amendment to this bill. I did submit one for publication in the Congressional Record for this morning, but after further discussion with my fellow committee members, Mr. Chairman, I believe it is not necessary to do so, and I, therefore, seek this colloquy with the chairman of the committee.

The situation I want to address is the Clean Air Act. More particularly, in my home town of Albuquerque, NM, several years ago, as a result of that act, the Environmental Protection Agency determined that we were a noncompliance area with respect to carbon monoxide emissions, and that began to turn a clock in terms of sanctions that would be imposed against the city of Albuquerque. However, after a period of time, while the EPA's own regulations were being developed in this regard, the city of Albuquerque, through strong efforts by the local government and by the community, resulted in our being in compliance with the carbon monoxide standards for the last 3 years in a row. I and other individuals brought this to the attention of the Environmental Protection Agency. The Environmental Protection Agency, to its credit, gave a new approach to this situation where areas that were once nonattainment areas had, by their own voluntary efforts, attained carbon monoxide levels that are acceptable under the Clean Air Act, and through a regulation that I believe was published during the time period we are now talking about they put in motion a system for nonattainment cities like Albuquerque to apply to be attainment cities.

Mr. Chairman, I want to stop for a second and commend the Environmental Protection Agency for taking a new look at a situation that is based upon new facts. I say with respect to all agencies, if there were more examples of commonsense approaches to situations, I do not think we would be here on the floor with this bill.

Now the point I want to get to, Mr. Chairman, and to the chairman of the committee, is in order to move from nonattainment to attainment the EPA will still have certain requirements upon the city of Albuquerque, and further, even designating the city of Albuquerque, or any other newly attained city, may also be done by regulation. I was concerned that this bill might prevent the Environmental Protection Agency from moving nonattainment——

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. Clinger] has expired.

(By unanimous consent, Mr. Clinger was allowed to proceed for 2 additional minutes.)

Mr. SCHIFF. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from New Mexico.

Mr. SCHIFF. The point is I was concerned that this bill, if it becomes law, might prevent the Environmental Protection Agency from moving in a very good direction, which is lowering regulation by allowing cities that were nonattainment areas to become attainment areas. My view, however, is that although there are still regulations involved in moving to an attainment area, these regulations are less burdensome than being a nonattainment area and what a city has to go through under those circumstances, and I believe, therefore, this would be an exception under that portion of the bill which has an exclusion for any agency action that the head of the agency certifies is limited to repealing, narrowing or streamlining a rule, regulation, or administrative process, or otherwise reducing regulatory burdens, and it is my belief that under the bill this process would be excluded because the regulatory burdens on cities would be reduced as they move from nonattainment to attainment areas.

I would like to ask the gentleman from Pennsylvania [Mr. Clinger] if he is in agreement with that position.

Mr. CLINGER. May I assure the gentleman from New Mexico that it would be my clear reading of this that the situation, as certain as you describe in regard to New Mexico, would be covered by this, the exclusion in 6b(3) or 3(b)(1) which I think exactly addresses the situation the gentleman is talking about. This is a case where we are actually removing sort of some of the regulatory red tape that has been imposed on the area. We are making it—we are streamlining the process, which is precisely what this exemption was designed to do, so I can assure the gentleman that I would agree with him that this provision would be exempt under the provision.

Mr. SCHIFF. I appreciate the comments of the gentleman from Pennsylvania.

Mr. Chairman, I will not offer my amendment, and I appreciate the time for this colloquy.

AMENDMENT OFFERED BY MR. TATE

Mr. TATE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Tate: At the end of the bill add the following new section:

SEC. . DELAYING EFFECTIVE DATE OF RULES WITH RESPECT TO SMALL BUSINESSES.

(a) Delay Effectiveness.—For any rule resulting from a regulatory rulemaking action that is suspended or prohibited by this Act, the effective date of the rule with respect to small business may not occur before six months after the end of the moratorium period.

(b) Small Business Defined.—In this section, the term "small business" means any business with 100 or fewer employees.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington [Mr. Tate] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Chairman, this amendment will provide 6 months of breathing room for small businesses, and those are the businesses that are the most sensitive to new regulations, those mom and pop grocery stores, those gas stations, those little stores that are in all our districts. For too long small businesses have had to navigate through the waters of Federal regulations and a sea of red tape.

The National Federation of Independent Business recently did a study, and they asked their members what were their biggest concerns, and one of their concerns was taxes. They are all concerned about taxes. One of their concerns was about increasing health care costs, but their biggest concern, the one that is the biggest struggle, is Federal regulations.

Mr. Chairman, regulations put a strangehold on the necks of small business, and one more squeeze and many of these businesses will be choked out of business, and that is exactly what has been happening over the last several years. Since 1990, according to a recent study, over 2,000,000 jobs have been lost because of new regulations.

Bottom line:

The bureaucrats in D.C. do not need to tell the Americans how to run business. Small business already knows how to run business. They provide the vast majority of the new jobs out there, but the regulatory police seem to be more interested in paperwork, more interested in regulations, than new jobs. It is time to get government not only out of the cookie jar, but out of the kitchen. They need to quit tampering with the heart of Americans and our economy, that of small business.

So, please join with me and remove the big hand of Government.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Washington [Mr. TATE].

Mr. Chairman, I support small business. In fact, for 23 years I worked and helped manage a small business of 13 to 20 employees, so I understand the frustration the gentleman from Washington [Mr. TATE] is experiencing with his amendment or expressing with his amendment. The concern I have though is that we could make it counterproductive.

Typically the regulations that we have from the Federal Government do not distinguish, and that may be the problem, but, for example, if we have a TV station in New York compared to a TV station in a small or medium market in Texas, may have less than 100 employees. Now that TV station may say, "We would like to have more than 6 months compared to that larger one." I think there is some concern that maybe our goal, and I had hoped to support the moratorium, because typically I like moratoriums, I like sunset provisions, because I think every Federal agency and regulation, just like every State regulation and agency, needs to be looked at over a period of time to make sure they are still responding to the need, but I think what we are seeing in this bill with the exceptions that we are adding and just a general confusion to private business, that we are going to actually increase the Federal paperwork for those small businesses.

For example, to my small business I was at, we had no more than 20 employees during the 20 years, and until the Federal Government let the economy go in the tank in the State of Texas in 1980, we went down to 13 employees. But we are going to say, What about OSHA regulations when we come in? It is a printing company, for example, and we compete also with larger printing companies, so we are going to have different standards for a company that has over 100 employees as compared to their competitor who may be bidding on the same products that is less than 100. I think we are going to add confusion by adopting this amendment.

I know this amendment was considered in committee. In fact, I think I may have voiced it earlier or something. I say to the gentleman, I know where you're coming from. I just wish there was a different way we could get to it because I do think small business needs to be treated differently, but I think by developing two different standards and ultimately setting two different effective dates we might be causing those small businesses more confusion than we're trying to help them, and again that comes from, first, having to live with some of those regulations, whether it be OSHA, or whether it be new EPA regulations, and our biggest concern in small business is so often we would get something from one of the national groups we were a member of, whether it be the U.S. Chamber or someone else, and we would get all panicky about it, and then all of a sudden we would find out, well, that may not be affecting us in our particular printing company.

So, Mr. Chairman, I know the gentleman's intentions are great, and I am just concerned that we may be causing more problems, not just with his amendment, but some of the amendments that we have considered, and some have been accepted by the majority, some have been voted on, and that is why I rise in opposition to the amendment.

Mr. TATE. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Washington.

Mr. TATE. Point of clarification.

We are not creating two sets of regulations. We are putting off the effective date for regulations for small businesses so that rulemaking agencies would not have to go through and do two different regulations for a business that is less than a hundred employees, and there are several examples, as the gentleman knows, in Federal law; for example, the family leave law exempts businesses under a certain level, and the Americans With Disabilities Act exempts businesses with 25 or less employees.

So, my concern is those businesses that are small, the printshop or whatever business have that opportunity to actually become a larger business if they can have this breathing room, this halt to Federal regulations, for at least 6 more months.

Mr. GENE GREEN of Texas. Reclaiming my time, Mr. Chairman, the small business I worked in was established in 1878, and it was never going to be a large business. So I do not know if even 6 months more would have helped us, but the gentleman is right. There are differences that we apply Federal law to and to safeguard small business, and the gentleman used a great example, the ADA and the Family Leave Act, and I have an amendment in a few minutes on family leave that will impact that and help us with that.

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But again, what you are doing is just putting off 6 months for small business. You are not alleviating the regulations as much. You are maybe giving small businesses more time to comply. But I would hope that we would still see some differentiation through the agencies, and maybe we ought to look when we pass statutes, whether it be the EPA or anyone else, and again as an example is printing companies, or small dry cleaners, if you have experiences like I have in my district where because of the EPA regulations in our cities and States, those small dry cleaning operations have so few employees, yet they have to go through some of the things my chemical plants have to.

I sympathize and empathize with you, but I do not know whether the next 6 months would do anything but cause confusion.

Mr. Chairman, I yield back the balance of my time.

Mr. TATE. Mr. Chairman, I yield 2 minutes to the fine gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Chairman, I want to thank the gentleman from Washington for yielding me 2 minutes to rise in support of his amendment.

Mr. Chairman, I rise in unequivocal support for the amendment proposed by my classmate, Mr. TATE. This amendment provides additional breathing room—regulatory relief to those businesses which need it the most, the little guys, namely those with 100 or fewer employees. Think of who this will help the most, the shoe repair shop down the street and the auto mechanic around the block.

America's smallest businesses are the ones hardest hit by the hefty regulations churned out by the Clinton administration's bureaucratic agencies in Washington. Businesses with 100 or fewer employees are those which are just beginning to grow. In an economy that is still struggling to recover we cannot afford to hamper those enterprises which provide the greatest opportunity for growth. It is these companies that create the largest number of jobs that are so badly needed in the district of each and every Member of this august body.

The Tate amendment merely gives these small enterprises an additional 6 months of relief from the red tape created in this town. This will allow your neighborhood grocer, farmer, and restauranteur, the little guys, to flourish. We can only succeed as a nation if we allow our community enterprises to bloom. I can think of no better present to give the little guys—the small businesses of our districts as we approach the season of spring.

I ask all my colleagues to pass this very important proposal, Mr. TATE's amendment to provide an additional 6-month hold on the burden of red tape hurting small businesses, the backbone of our economy. It is time that the people take back control of President Clinton's Big Government and look out for the little guys—small business.

Mr. TATE. Mr. Chairman, I yield 90 seconds to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, the gentleman from the State of Washington is right on. Small businesses are going out of business because of excess regulation. I want to talk about a couple from my district, Ron and Judy Wright. They wanted to go into business for themselves so they started a small business in Ethel, WA. You do not know where Ethel is, but they needed a grocery store.

One day the Wrights got a visit, and in came the regulators. A $13,700 fine later they went out of business. What happened is they let a kid clean the store at night. All the kid did was clean the store, and this kid was older than I was I think when I got married.

This kid was not cleaning the knives, but there were knives stored there. So they fined them this much money. They went out of business, and they are still paying off the fine.

These kinds of people need more time. They are not bad people. They were working to feed their families, and they were penalized by a gutless government that really hurt this family. I encourage the passage of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to some of the speakers. Again, I am very sympathetic to small business, because that is where for many years I earned my living. But a couple of the speakers just recently talked about President Clinton and big government.

The examples that I was using during the 1980's, it was not President Clinton's big government, it was the EPA under the Reagan and Bush administrations that was the one. I do not think President Clinton has any claim on big government. Big government did not start in 1992 and did not end November 8, 1994. It has been a problem for a number of years. To foist this off on President Clinton I think is wrong and even mean spirited.

Let me talk about the gentlewoman who talked about the young man that cleaned the store. In Houston, TX, a person cleaned the store of a small business. He was also locked in that store overnight because they did not trust him with a key. So obviously that was in violation of the Occupational Safety Act and also hopefully human decency. That person also died in a fire because they could not get out.

So there are reasons why we are concerned about this amendment, one, causing more confusion to small businesses, but also recognizing that those Federal regulations are sometimes there for a purpose. Even though it is a small businessman, I want them to be explained to me and I want them to be reasonable. But, again, putting a 6-month extension on it may help on a momentary basis, but hopefully we are not promising the moon and the stars when all we are giving them is 6 months' reprieve.

Mr. Chairman, I reserve the balance of the time.

Mr. TATE. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation.

Mr. DUNCAN. Mr. Chairman, I rise in strong support of this amendment by the gentleman from Washington, and I thank him for yielding me this time.

Mr. Chairman, I did not know the gentleman was going to offer this amendment, and I had not originally intended to speak. But I can tell you that we have been driving small business out of existence in this country at a very alarming rate, and it has been primarily due to all the rules and regulations and redtape from the Federal Government. This bill does not remove any regulations, it simply puts a moratorium on for a few months, and this amendment is designed to help the smallest of our businesses, the ones who need help the most.

I was a lawyer and a judge before I came to Congress, and yet I can tell you that there are so many millions of laws, rules, and regulations on the books in this country, that they have not designed a computer to keep up with all of them, much less a human being.

Many people in business are violating laws every day that they did not know were in existence. Phillip Howard has written a recent book called "The Death of Common Sense" about this ocean of regulations that we have.

What we really need, Mr. Chairman, is fewer laws and more common sense in this country, and this amendment helps that process.

Mr. TATE. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. CLINGER], the Chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Chairman I take this time to indicate we have had an opportunity to review the amendment. We think it is a good amendment. It does give additional protection to small business and clearly that is overdue and much needed. So we are pleased to support the gentleman's amendment.

Mr. TATE. Mr. Chairman, I yield such time as he may consume to the fine gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, we are here not just as one party or another party, but as Republicans, Democrats, working together to help small business. What is great about that is through this Tate amendment we are going to be able to extend the moratorium for the further period so that small businesses that have the toughest time in making sure that they comply with regulations, that may not have the staff, will be able to do so. Onerous regulations that have come from the Federal Government plague our small businesses. They become job killers because they prey on small businesses, which are the backbone of our business community here in the United States.

That is why the amendment of the gentleman from Washington [Mr. TATE] is important. It will extend the moratorium protection. That is why it is endorsed by National Federation of Independent Businesses, a well-esteemed organization that represents small businesses in our United States. I know from experience back home with Downey Hoster, who has Hoster Bindery, the regulations have really driven him to the point where he may not be able to be in business next year. Let us make sure we have him in business next year because he is able through the Tate amendment to keep his family working and to make sure that this in fact becomes a business-friendly America. Thank you, Mr. TATE.

PARLIAMENTARY INQUIRY

Mr. TATE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TATE. Mr. Chairman, who has the right to close debate?

The CHAIRMAN. The gentleman from Texas, as the minority manager, has the right to close.

Mr. GENE GREEN of Texas. Mr. Chairman, I reserve the right to close with what time I have left.

Mr. TATE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of debate here the last several minutes about why it is important we do something to help out small business. Once again I wanted to reiterate my remarks, that small business is the engine that drives America. They are the ones that create the new jobs. They are the ones that need the most relief. They are the ones that are the most sensitive to new Federal regulations, and we need to do the most that we can for them.

We have heard the horror stories of people being put out of business by new Federal regulations. It is time that we begin to help these people out. We need to provide help so they can create jobs. So that is what this amendment is all about, one 6-month period to allow them to have the opportunity to get out of underneath this huge Federal burden of new regulations.

That is why this amendment is important, and this is the kind of amendment that has bipartisan support from folks on both sides of the aisle, and this is the kind of amendment that you can go home and talk to the people at home and actually point to something that they can look at and say that they are better off because of this. They are better off because they do not have to live under these new Federal regulations. It is something you can point to and talk about, and something that every small businessman or woman will understand.

Mr. Chairman, I urge your support of this amendment.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the opportunity to close. Let me say that what the amendment would do is put off for small business 6 months of regulation, so a business may be able to be in business another 6 months. But that is what we would be allowing them.

Let me say again I came out of small business, 23 years both working and helping manage it. Our job here in Washington is not only to try to remove the impediments of small business, but also to come up with regulations that small business can understand that it is important to. And let me give you some examples.

For example, the FCC does not issue one set of regulations for the TV station in New York City and another set for a smaller business in Texas with less than 100 employees. Food safety regulations, do we differentiate between a meat and poultry processor with 99 employees compared to one with 101?

I think we are adding more confusion to small business. The small business that exists would sometimes be denied opportunities under this amendment. For example, the FCC spectrum allocation rules to be issued would deny employers with less than 100 employees the opportunity to bid on some of these FCC licenses.

Again, I understand the concern of the gentleman, and I philosophically support him, but with his amendment I think he may be causing more problems. Like a lot of things we see in the first 100 days, we are causing more problems for small business and people trying to create jobs than people trying to help him.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Montana.

Mr. WILLIAMS. Mr. Chairman, I appreciate the gentleman yielding and I will not take much of his closing time, but I do want to make this point. The Congress is 200 years old and has never written a regulation. Regulations are written by the executive branch of government, most of them in the past 20 years. I have been here 17 of those years. Four of those years we had a Democrat President writing regulations. The rest has been by Republican Presidents.

I do not want to get into the blame game, but I heard one gentleman talking about the Clinton administration turning out regulations. The Clinton administration is cutting regulations. There are fewer regulations than there were under past Republican Presidents. So while we do not need to get into the blame game, it does seem to me a lot of these new freshmen who are in fact writing these new laws, ought to at least take a look at the history of this place before they condemn the current administration incorrectly.

Mr. GENE GREEN of Texas. Mr. Chairman, reclaiming my time, let me say I think the gentleman has pointed out the correct concern. Again, we are not in the business of making blame; we are in the business of trying to make sure America works. I think by adopting this amendment we may end up very well having two sets of regulations, and that stack of regulations over there could actually get doubled because we would have some for 6 months and some for after 6 months. That is why I urge my colleagues to vote against the amendment.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding. I mean this in the good spirit. This morning we had some people get up and hold up paper dolls saying these poor kids need food and so on.

Mr. GENE GREEN of Texas. I will be glad to debate the nutrition program.

Mr. ROTH. I am leading into a relevant point. I had six town hall meetings on Saturday, just like you and others. I find out OSHA has now promulgated a new rule that if you build a home and you are higher than about 5-11, you have to encase the home in a net. And if you are putting on shingles, you have to wear like mountain climbing equipment.

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And if they do not, they fine them $1,000, the small builders.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. TATE].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TATE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 45, answered "present" 1, not voting 18, as follows:

[Roll No. 167]

AYES—370

Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren

Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Mineta
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Reynolds
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—45

Abercrombie
Barrett (WI)
Beilenson
Clay
Collins (IL)
Collins (MI)
Conyers
Coyne
Dellums
Dingell
Durbin
Filner
Frank (MA)
Gejdenson
Green
Hilliard
Hinchey
Johnson, E. B.
Johnston
Kanjorski
LaFalce
Lewis (GA)
McHale
McKinney
Mfume
Miller (CA)
Mink
Nadler
Olver
Owens
Payne (NJ)
Pelosi
Rangel
Sabo
Slaughter
Stark
Stokes
Studds
Thompson
Velazquez
Vento
Waters
Watt (NC)
Waxman
Yates

ANSWERED "PRESENT"—1

Souder

NOT VOTING—18

Andrews
Barton
Becerra
Brewster
Chapman
Ehlers
Farr
Gibbons
Gonzalez
Hilleary
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns
Tucker
Vucanovich

□ 1018

The Clerk announced the following pair:

On this vote:

Mr. Ortiz for, with Mr. Becerra against.

Messrs. GEJDENSON, COYNE, and OLVER, Ms. SLAUGHTER, and Mr. MFUME changed their vote from "aye" to "no."

Ms. WOOLSEY changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA] for the purpose of entering into a colloquy.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I appreciate the gentleman's willingness to allow the administration to exempt matters relating to the GATT negotiations from the moratorium, as addressed in the bill, and as amended by the gentleman from Indiana [Mr. BURTON].

As a member of the GATT task force and as a member of the Congressional Steel Caucus, I was an active participant in negotiating the Uruguay round agreements. I am concerned that the language could possibly result in extensive litigation, and given the overall Republican goal to reduce the amount of litigation that goes on in this Nation, I would hope we could address this.

We should reduce litigation, encourage streamlining of regulations, and promote the sound administration of our trade laws. Accordingly, I would hope that the gentleman agrees that the intent of the bill language and the amendments would exempt all matters relating to section 301, the antidumping and the countervailing duty laws.

Mr. CLINGER. Mr. Chairman, I would agree with the gentleman. I appreciate the gentleman for raising this very important issue. I want to assure him that I think the language would clearly allow this.

Mr. REGULA. I thank the gentleman for clarifying the intent of the language, Mr. Chairman.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offerd by Mr. WISE: At the end of section 5 (page—, after line—), add the following new subsection:

(c) AIRCRAFT, MINE, AND NUCLEAR SAFETY REGULATIONS.—Section 3(a) (or 4(a), or both, shall not apply to any of the following regulatory, rulemaking actions (or any such action relating thereto):

(1) AIRCRAFT SAFETY.—Any regulatory rulemaking action to improve aircraft safety, including such an action to improve the airworthiness of aircraft engines.

(2) MINE SAFETY.—Any regulatory rulemaking action by the Mine Safety and Health Administration that relates to reducing death, injury, or illnesses in mines, including such an action—

(A) to require better ventilation to avoid buildup of explosive methane gas, taken under section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811) and with respect to which notice of proposed rulemaking was published at 59 Federal Register 26356; or

(B) to restrict the use of diesel equipment to avoid coal mine fires, taken under that section and section 508 of that Act (30 U.S.C. 957) and with respect to which a notice of proposed rulemaking was published at 54 Federal Register 40960.

(2) NUCLEAR WASTE DISPOSAL.—Any regulatory rulemaking action to ensure that before beginning the disposal of radioactive waste, the Waste Isolation Pilot Plant in New Mexico complies with appropriate disposal standards, taken under the Waste Isolation Pilot Plant Land Withdrawal Act and with respect to which a proposed rule was published on January 30, 1995 (60 Fed. Reg. 5766).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from West Virginia [Mr. WISE] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is the safety amendment. The amendment offered by the gentleman from Pennsylvania [Mr. MASCARA] and myself deals with aircraft safety, deals with coal mine safety, and deals with nuclear waste disposal. There will be others speaking on other aspects. I'm going to talk about coal mine safety.

Many Members are going to fly home this afternoon, Mr. Chairman. Most of us have not been coal miners. Most of us are not involved in nuclear waste disposal. However, when we get on that commuter flight this afternoon, we should think about how we would feel getting on in a couple of months knowing that all safety regulations have been delayed, or could be delayed for at least 10 months on that commuter flight, so we should just put ourselves in that situation.

In order to appreciate the statistics, I want Members to think about what it is to be a coal miner. The first thing to do is mentally crawl under this desk. Crawl under this desk. That is about the size of the seam of coal Members may be working in.

When you crawl under this desk, put a blindfold on, because you don't have any light. When you crawl under this desk, make sure you stay pretty much on your back, because that is how you are going to be working.

When you crawl under this desk, remember that you are probably in a piece of moving equipment, in addition to that, so now you have an idea of the confines that you are working in. By the way, when you crawl under this desk, remember, you are a mile underground, and you can hear the shifting and popping of the coal and the roof above you as you work.

By the way, put on a coal mine helmet, put on the belts around you, put on the emergency breathing apparatus, and know that you may be cutting into a bed of methane, a pool of methane gas which can immediately kill you. That is what coal mining is about, one of the most hazardous occupations in the country.

In West Virginia last year 8 miners lost their lives. That is a significant improvement from the 20-some the year before, and the 20 before that, and the 78 who were killed in the Farmington disaster in the late 1960s. We are talking about one of the most hazardous occupations in this country, Mr. Chairman.

What our amendment would do is in three areas. First of all, it would permit the process to go forward in underground ventilation dealing with poisonous methane gas that causes coal mine explosions. It would say you cannot hold the process back, you cannot have a moratorium on promulgating these regulations and rules. Incidentally, both industry and labor have been working together to develop these.

It would also say that regulations can move forward with the usage of diesel equipment that can cause fire in coal mines. Finally, it would permit regulations to move forward dealing with the creation of a sampling standard for coal mine dust in which there were 100 indictments, convictions, and pleading guilty recently as a result of finding operators who were altering dust sampling standards.

I urge this body to move forward with this amendment. Mr. Chairman, I know some are going to say there is already a process there for imminent danger to health, but remember, you have to apply to the Office of Management and Budget, you have to seek a waiver, and then that can be contested in court.

Do you really want to fly, do you really want to work in a coal mine, do you want to do nuclear waste disposal, and know you have to wait 10 more months for safety?

Mr. CLINGER. Mr. Chairman, I rise in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would point out to the Members that these three amendments, which actually were considered separately in the committee, and all were considered at great length and were defeated, primarily because it is very clear, I think that all of these amendments would be allowed to be covered under one or the other of the exemptions that are provided in the bill as it exists, so this is a grouping of those three amendments which were considered and rejected in committee.

Clearly, on the aircraft safety and mine safety issues, Mr. Chairman, these would fall under the health and safety exemption, and this, of course, would require the head of OIRA to make a determination that indeed these were so much related to imminent threat to the health or safety of the individual that they should be allowed to go forward.

As we discussed last evening with the gentleman from Mississippi with regard to the aircraft safety issues, it was very clear that that would be, I think, a very prime candidate for exclusion under that provision, as would the mine safety provision.

This may be exempt under health and safety, and it would depend again on an interpretation from OMB, but the bottom line is that these are all very worthy programs, but they think they would be covered under the existing exemptions.

□ 1030

Mr. MINETA. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from California.

Mr. MINETA. If the gentleman, our fine chairman, would yield for a question. Given that, I am wondering would the gentleman be amenable to an amendment reflecting what you have just indicated, under the aviation safety portion?

Mr. CLINGER. I simply would tell the gentleman from California, it is our view that it would be redundant; that in fact our view that it would be redundant; that in fact this is now covered by the exemption for health and safety.

Mr. MINETA. If the gentleman would further yield, if it is redundant, why would we not just go ahead and clarify it to that extent?

Mr. CLINGER. The primary reason for that, I would tell the gentleman, is once we begin to list, name and exempt various programs and segments, that establishes a higher category and it would make it more difficult for the director or OIRA to then allow others to go forward because they would not rise to the same level as the safety ones.

Mr. MINETA. If the gentleman would yield, is that not the fear that some of us have, that the basic underlying is so vague, that this is the reason that the Wise amendment really does clarify it?

Mr. CLINGER. Reclaiming my time, we believe that the exemption is clear enough and gives the director of OIRA the necessary flexibility to deal with these things on a case-by-case basis.

Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], the chairman of the Subcommittee on Aviation of the Committee on Transportation and Infrastructure.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. CLINGER] for yielding me the time.

I rise in opposition to this amendment, particularly as it applies to aviation. I know that this amendment is well-intentioned, but as the gentleman from Pennsylvania [Mr. CLINGER] has just so ably pointed out, it is simply not needed. The FAA has not requested this exemption. The National Transportation Safety Board has not requested it. I have the privilege of serving as chairman of the Aviation Subcommittee. Not one person has come to our subcommittee nor has anyone written to us urging this exemption. No hearings have been held on this.

The bill already has exclusions, as the gentleman from Pennsylvania [Mr. CLINGER] has just pointed out, which provide for changes in our knowledge about safety needs and requirements if that becomes necessary. If some startling shortcoming on the part of an airline is discovered that causes a threat to passenger safety, a regulation can be promulgated that is excluded from this bill. If some new technological advancement is made that would improve air safety, a regulation requiring it can be written under this bill. All this bill does is try to put a halt to regulatory overkill.

Safety is the number one concern of all of us who have anything to do with the aviation industry. But too much of a good thing can be harmful. If we overregulate the airlines, prices go up and more people are forced onto our already overcrowded highways. Our streets are much more dangerous than our highways. Thus, if we overregulate even in regard to safety, we can end up killing people.

We have the best of aviation safety in the world. Can it get better? Sure. But the key is not more regulation and red tape. It is knowledge, skill and training and incentive and pressure to work harder and do a better job.

Like so many things here in Washington, this amendment sounds good on the surface but when you look further, it is simply not necessary and it could cause more harm than good. I urge defect of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I thank the gentleman for yielding. In a way, I understand what you are saying. But we are indeed dealing with human lives. There was a crash in the Midwest of a commuter airline this winter. It came to the public's attention very graphically that the guidelines for safety for commuter lines are much, much lower than they are for the major carriers. Maybe that crash could have been prevented, and maybe those people would still be alive if the regulations that Secretary Pena is looking at right now implementing were put in place a little bit sooner. But they need to be put in place.

Maybe that crash could have been prevented. But it was a great eye-opener for the American people to find out that there are two different levels of safety, one that basically has not changed since the 1960's and one that is updated every day.

If I owned a regional airline and a new set of regulations came down or was proposed, I would say, "This is not safety, this is financial. Your are causing me to spend more money. That has nothing to do with safety."

We know they are going to argue that, because they are a business. They want to maximize their profits and I do not blame them for that. Since we have a problem, that people just die, I really do not think it is much to ask that that in particular be addressed in this bill.

The chairman just yesterday said he was willing to do it on a technical basis. What is wrong with doing it formally so that this does not get held up in court, so that we can hopefully save some lives and that everybody is held to the same high level of safety that ought to be required? Because we are dealing with people's lives.

I will not get on a regional airline, because I know there is a difference. Do you not think the rest of the people in America ought to know that?

Mr. DUNCAN. Let me say this. The gentleman from Mississippi is a good friend of mine. I yield to no one or take second place to no one in concern for aviation safety and concern for human life. All of us are extremely concerned about human life, and I can assure the gentleman that the Aviation Subcommittee is going to do everything possible to ensure that commuter airlines and regional airlines are brought up to the same standards that apply to all other airlines. I understand that this very matter was discussed last night and there is nothing in this bill that would prohibit that from taking place.

Mr. WISE. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to the exception that people talk about. Yes, there is an exception that in cases of health or safety, you can go to the Office of Management and Budget, you go through a process if the director of OIRA approves, then supposedly you can have a waiver and go ahead.

There is a problem, though, and they have not talked about the problem. The problem is that those opposing you can go to court and tie this thing up for the length of the moratorium and beyond that. That is where this fatal flaw is. That is why you are fooling with safety, whether it is air safety, whether it is OSHA, whether it is MSHA, whether it is nuclear waste disposal.

MR. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield briefly to the gentleman from Pennsylvania.

Mr. CLINGER. If the gentleman would agree that anybody would have a right to take this matter to court, whether or not there was a moratorium. Am I correct in that? So we are not adding any additional responsibility?

Mr. WISE. Reclaiming my time, anyone, of course, can go to court but the problem here is that where you have already stopped the process, now you have gotten an exception, now you have tied it up even further. So I believe what we have got is an exception or we do not have much of a remedy there.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. MASCARA], the cosponsor of the amendment.

Mr. MASCARA. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to urge my colleagues to support the amendment offered by myself and the gentleman from West Virginia [Mr. WISE]. It is not an exaggeration to say that this amendment is a matter of life and death. The amendment we offer would exempt aircraft, mine, and nuclear safety regulations from the regulatory moratorium that would be imposed under H.R. 450.

We do so because we know firsthand about one of the world's most dangerous occupations, working in the mines.

While in good times our communities have benefited economically from the mining industry, they have also experienced the tragedy of mining accidents and poor health that can result from years of breathing coal dust. Both of us have experienced the hours of waiting to find out if a neighbor or a friend survived a collapsed mine roof. In fact, earlier this week I supported the gentlewoman from Illinois who offered an amendment regarding the posting of hazardous conditions in the steel mills.

□ 1040

I said then that I had a father who died as a result of an accident in the steel mills. I also lost a grandfather, one who I never got to know, because he died in a mining accident in Belle Vernon, PA, so I do have an interest here. And it is rather ironic that I am here today, because my wife, Dolores, and I put a new headstone on my grandfather's grave in Belle Vernon, and it says, "Coal Miner." So I do have an interest in this particular piece of legislation.

It is no secret that the mining industry is very hazardous. Since the days of John L. Lewis, the Federal Government has worked with the United Mine Workers of America and the mining industry to make mines a safer place to work. As a part of this ongoing effort, Congress in the late 1970's established Mine Safety and Health Administration and charged it with administering a broad regulatory program to reduce injuries and illness in mines and pits. The regulatory efforts has paid off.

While annual coal mining deaths numbered more than 1,000 a year in the early part of this century, they decreased to 451 annually in the 1950's, to 141 in the 1970's, and to 76 per year during a 10-year period from 1982 to 1992.

But those of us who live in mining communities know that these records will not be maintained if regulations and laws are rescinded and diminished. Mine safety regulations need to be constantly monitored, updated, and improved.

Currently the Mine Safety and Health Administration has two very important safety regulations in progress. One would require better ventilation in the mines to avoid a buildup of deadly methane gas. The other would restrict the use of diesel fuel equipment to avoid fatal mine fires. Both of these would be adversely affected if H.R. 450 is passed in its present form.

I urge my colleagues to vote for the Mascara-Wise amendment.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH], coauthor of the legislation.

Mr. MCINTOSH. Mr. Chairman, I wanted to rise to address this amendment.

As we discussed about this issue in committee, it is very clear to me that these problems are addressed, once again, by our exception for health and safety, and once again, I would like to make clear to everybody the wording of this amendment which makes it clear if there is any regulation that is necessary to prevent a loss of life or severe injury to humans or loss of property, those regulations can go forward.

The administration has a very clear procedure under the bill for allowing those regulations to go forward.

When I was working with Vice President Quayle and very closely with OMB, we could have gotten this type of regulation exempted in a matter of 2 hours once it became clear that it met the criteria of saving a life or eliminating a threat to severe injury.

I think ultimately these regulations have the effect of weakening this general language, because once again we start listing particular programs; there may be an emergency or a health and safety threat that we do not think of in this body. If it is not listed, I am very worried that the bureaucracies will say, "Gosh, it is not on the list. I cannot issue my regulation," and then we will have inadvertently had the effect of making more safety threats not covered rather than fewer.

I think it is important to vote against this. Ultimately I think this amendment is a serious question about the competency of these agencies and OMB to do their job. If you think they cannot do their job, they cannot read this language, then this amendment might be necessary.

But if the Clinton administration can do its job, can read this legislation, then we do not need this amendment.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from South Carolina.

Mr. SPRATT. The problem is the definition which says "imminent threat to health and safety." The Department of Energy cannot say there is going to be a substantial danger to human health causing severe illness or death due to transuranic waste stored in Colorado, Idaho, Washington State, South Carolina, and Tennessee. They are not going to raise a red flag like that. They cannot say that. It is a danger, a chronic danger. It could endanger the water supply in these areas, for example. But it is not something likely to happen during this moratorium. Nevertheless, these regulations need to go into effect so that the disposal of this waste can finally be accomplished.

Mr. McINTOSH. Let me make sure I am understanding the gentleman. The agency is unwilling to say those things?

Mr. SPRATT. The Department of Energy could not say that the waste, nuclear waste, transuranic waste, stored at INFL in Idaho, for example, constitutes an imminent threat to health or safety that is likely to cause serious illness or death during the moratorium, the very words of section 7 you have there on the chart. They are not going to say that. They cannot say it.

No. 2, they would not want to raise that kind of an alarm about the status of that waste disposal at these particular sites, some dozen or more across the country. Nevertheless, this is an urgent problem that needs to be dealt with.

Mr. McINTOSH. Let me say if it is, in fact, the case that the regulation is necessary, the Department should step up to the plate and admit that. If it is not, then the question is: Why do we need these regulations if there is no imminent threat that is being addressed?

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding to me.

You know, I am concerned about airline safety, and I have here airworthiness directives that have been issued by the OMB, and what they say is that the moratorium could prevent these types of directives from being issued, because they may not be sufficiently imminent to qualify under H.R. 450, and here they talk about revision of manual to prohibit takeoff in certain icing conditions; they talk about tail cone release in McDonnell planes; they talk about inspection and repair of landing gear; talk about certain nuts and bolts that hold together parts of the wing flap and so forth and so on.

I think this is critically important. Let me tell you something else, these regulations have a real meaning.

Mr. McINTOSH. Let me say categorically those regulations clearly fit this definition. If the Clinton administration does not understand that, we cannot trust them with the health and safety of this country. That is what is very clear to me.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

I would just say we have seen a concerted action here by the administration to say they will not let any of these regulations go through. They would say that none of them would rise to the threat. I think there has been a sort of a concerted effort there to make that point that they would not let any of these things go through, which is certainly the reverse of what their attitude has been in the past.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. It is not the agency. It is this bill, what you have in this bill, that does not work. That is what the agency has said, that they are not qualified under that definition that is standing up on that easel right now, and you wrote the definition.

Mr. McINTOSH. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Indiana.

Mr. McINTOSH. Let me say it is very clear to me in all of this that the problem is with the Clinton administration. They do not know how to protect health and safety. If they did, there would be no problem whatsoever.

Mrs. COLLINS of Illinois. If the gentleman yield, obviously, you do not know how to write a law.

Mr. CLINGER. Mr. Chairman, I reserve the balance of my time.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise today to support the amendment introduced by my good friends and colleagues, Congressmen WISE and MASCARA. Any regulatory moratorium must take into consideration that certain Government regulatory actions and directives are essential to the public safety and must not be blocked or delayed by any attempt at across-the-board treatment of all regulatory actions. To treat all types of Federal regulations the same would be a tragic mistake that would have a significantly negative impact on safety.

The exception that currently exists to the regulatory moratorium proposed in the bill would require that an agency would have to establish that a regulation could not go into effect unless it would reasonably be expected to prevent death, serious illness, severe injury to humans, or substantial endangerment to private property during the period of the moratorium. I strongly believe that this exception is not adequate to protect airline passengers. Passengers need the protection of the Wise/Mascara amendment which would totally exempt rulemaking action to improve aircraft safety, including such actions that would require the improvement of aircraft engines.

The Federal Aviation Administration must have the flexibility to act when necessary to enhance and promote aviation safety. It must often issue Airworthiness Directives that respond to specific safety problems and sometimes must do so with great urgency. Some of the airworthiness directives that would be blocked or delayed by H.R. 450 are:

Revision to the Airplane Flight Manual used by all pilots, to provide pilots of certain Beech Models with special operating procedures during icing conditions;

Modification of the brake steering control unit on Airbus A320's; and

Inspection and repair of landing gear brakes prior to the brakes reaching an "unsafe level." This rule is prompted by an accident in which one of the affected aircraft was unable to stop on a wet runway.

These are just some of the directives the FAA has issued or expects to issue, which could be blocked or delayed under this bill, and that would have a negative impact on safety. Whether these directives could receive an exception to the moratorium is doubtful, since the standard articulated for obtaining an exception to the moratorium is vague at best. It would require speculation by the FAA that an accident would be "reasonably" likely to occur during the moratorium period if action were not taken. The FAA would also have to establish that the regulation or airworthiness directive in question would have prevented the potential accident. If the FAA were able to accurately predict when an accident will occur, the cause of the accident, and the adequate remedy that would have prevented the accident, then there would never be another accident. Certainly a laudable goal, but not one we have reached at this time.

Of particular significance today is the Administration's effort, with some Congressional prodding, to create a single standard of safety for airline operations, regardless of aircraft size. Many people do not realize that when they change planes from a major airline to a commuter airline, not just the aircraft changes, but sometimes the standard of safety applicable to the operation of the aircraft as well. This is completely unacceptable when so many people who do not live near a major or hub airport rely on small, commuter aircraft for travel. This distinction only seems to get attention when there has been an accident. But for years Congress has pushed past administrations to eliminate this arbitrary distinction. Now that this effort is underway, it would be completely unacceptable for it to be delayed. Must the FAA be forced to establish that another commuter accident will occur during the period of the moratorium when there have already been a number of commuter accidents that speak to the need for change? I would hope not.

Another important aviation initiative that, if it were included in the moratorium, would have a detrimental effect on the airline industry is the current effort to standardize regulations between the United States and European Joint Aviation Authorities regarding flight operations and aircraft safety certification. The airline industry would be the direct beneficiary of this rule. It is estimated that both U.S. airlines and manufacturers would save between $100 million and $1 billion as a result of this standardization of important safety regulations. Any delay in the implementation of the standardization would require airlines to meet two differing sets of standards, wasting resources that may be better spent on improving the safety and competitiveness of the airline industry.

I strongly urge my colleagues to recognize the innate differences in different agency rulemakings and directives and not to impose a moratorium on all rulemakings that can only be excepted by meeting a vague and speculative standard. I urge my colleagues to support the Wise-Mascara amendment to H.R. 450. Don't, in the name of frustration with nonsafety regulations, put the lives of Americans at risk.

Mr. WISE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise more in sorrow than in anger, because it pains me to oppose my good friend, not to oppose him, but to oppose this language.

The gentleman from Pennsylvania and I worked side by side for many, many years on aviation safety. I have genuine concerns about this language. I honestly think it is poorly drafted.

I do not think that this is a matter of can an agency interpret it or not. This legislation will open the way for lawsuits to hamstring the FAA, which issues two airworthiness directives a day on average, over 400 last year, as many headed for rulemaking this year. Dozens of safety rules, flight and duty time for pilots in the works right now, something that we have worked on for many years, crew pairing, to avoid the problem of having inexperienced crew up front in aircraft.

□ 1050

The 16(g) seat retrofit rule to require strengthening of seats. All of us will recall the terrible crash at Sioux City of a DC–10. Some 110 lives were saved because those seats were strengthened. That rule is now being extended.

The aging-aircraft rule on which the gentleman and I worked for quite some time, we passed legislation to implement that legislation. FAA has a number of rulemakings concerning the aging aircraft.

The ATR rulemaking process is not complete. Now, I just want to ask my friend if at the conclusion of this he will entertain specific language to exclude aviation safety?

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman for that purpose.

Mr. CLINGER. I thank the gentleman for yielding.

Mr. Chairman, it is our feeling on this side that would be unnecessary because it is redundant and it is indeed covered by this amendment. I would certainly support that.

Mr. OBERSTAR. Mr. Chairman, to legislate a regulatory moratorium upon the Federal Aviation Administration, which has vital safety responsibilities that affect the lives of everyone in this room and in this country, is not only dangerous, it is irresponsible.

My many years of experience in the safety arena caution me not to accept the argument that aviation safety would not be jeopardized because of the exception to the moratorium for regulations directed at an "imminent threat to health or safety." That language is much too vague to stand the test of lawsuits that will inevitably be filed by airlines, who will, as they have in the past, contest such regulations on economic grounds. To qualify for the exception in this bill, the FAA would have to establish that, absent the regulation or directive, it would be reasonable to expect death, or a serious illness, or severe injury to humans, or substantial endangerment to private property during the moratorium period. Aviation safety is not that precise, and let me explain.

Look at the past year in aviation. There were several major accidents, after 3 years relatively free of major fatal accidents. One of those accidents caused the FAA to temporarily place restrictions on the use of ATR aircraft, due to the preliminary results of an accident investigation which indicated that the de-icing equipment on the aircraft was inadequate to permit operation in known or predicted icing conditions. Following further investigation, the FAA ordered operational restrictions and testing, on ATR flights under certain weather conditions to permit greater use of the aircraft until such time as the aircraft could be retrofitted with altered de-icing equipment, also to be required by an FAA airworthiness directive.

The FAA acted promptly to address a known safety deficiency that had most likely caused one accident and killed many people. They also acted very quickly to relax the restrictions as soon as information became available to indicate that the aircraft could be flown safely in icing conditions when certain precautions were taken.

It is unclear to me how the FAA could have established, in the case of the ATR, that its actions were necessary to prevent severe injury, death, or the substantial destruction of property during a specified period, namely the period of the moratorium. The FAA would be derelict in its duty if it failed to act with all due speed to address a known safety deficiency. The FAA is not in the business of foreseeing into the future to anticipate whether a safety deficiency will result in a crash tomorrow, next week, or 10 years from now. Such a standard is completely inappropriate in the area of aviation safety.

For several years, I have been advocating a single standard of safety for commercial air carriers, regardless of the size of the aircraft. Currently, an arbitrary distinction with regard to the number of seats in an aircraft determines which safety standards are applicable to that flight. The importance of this issue has been underscored by the recent rash of commuter accidents. I have been working with Secretary Peña and FAA Administrator Hinson to achieve a single standard of safety, and they have assured me that final regulations to achieve this goal will be published by the end of March. The flying public deserves no less. In fact, the public is usually shocked to learn that there is not a single standard of safety for commercial operations. The proposed moratorium would further delay, if not prevent, implementing the regulations necessary to achieve a single safety standard.

In order for this important safety initiative to be finalized, the FAA would have to take time away from its safety mission and somehow convincingly predict, not only when the next commuter accident would occur, but what the cause of that accident would be, and whether the accident could have been prevented by the regulation in question. The proposed requirement for an exception from the moratorium would seemingly necessitate the agency to make arbitrary speculations or resort to predicting the future. I do not think it is in the best interest of the public to have either option result in postponing important safety initiatives that have already gone through extensive public comment and cost benefit analysis.

I urge my colleagues to approve the Wise amendment and not tie the hands of an agency whose responsibility is regulating and controlling an anticipated 40 million flights this year alone. Vote "yes" on the Wise amendment.

Mr. SPRATT. Mr. Chairman, there is transuranic nuclear waste stored in temporary storage, stacked up at a dozen or more sites from Washington State at Hanford to INEL in Idaho to Rocky Flats in Colorado, down to the

Savannah River site and over to Oak Ridge, probably a dozen sites altogether. There is also a permanent resting place for the permanent storage of this waste, built and completed. It is called the Waste Isolation Pilot Project, at Carlsbad, NM.

Here, 2,250 feet below ground, in a salt dome, is the Nation's first nuclear waste permanent depository. It took more than 5 years to pass the bill that authorized WIPP to begin receiving nuclear waste for testing purposes, to prove in a series of rigorous steps that this facility will be adequate for thousands of years to come, to seal off and safely contain this transuranic waste. But these tests at WIPP can go forward only if EPA regulations concerned with the disposal of nuclear wastes are finally implemented.

EPA, in the early 1980's issued regulations for this purpose. They were enjoined by the Federal circuit court. And when we passed WIPP several years ago, we directed EPA to issue a new set of regulations so that the tests could be completed. EPA finally complied.

But this regulatory moratorium, if passed, will suspend the effectiveness of these regulations, and that means that this testing at WIPP cannot go forward and that waste will remain in Washington State, in South Carolina and Oak Ridge, TN, INEL and Rocky Flats, uselessly, with the facility hiring 1,500 people in Carlsbad, NM, unable to finally begin to accomplish the purpose for which it was designed.

This bill does not clearly exempt those regulations. That is because DOE, as I said, simply cannot say that this waste constitutes an imminent threat to health or safety that is likely to cause people to die during the period of the moratorium.

If we want to see this waste disposed of properly, we should vote for this amendment.

Mr. WISE. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I am deeply concerned about airline safety. It seems to me that what we have done here in this day and a half so far is that we have made exclusions for certain things.

For example, we have made exclusions for textile industry, for duck hunting. It seems to me we ought to also make exclusions for anything that helps human life.

Now, you know, when we leave here today and go home to our districts, we get on airplanes, and those airplanes now have fire-retardant fabrics on our seats and on the floors because of work that has been done when there was a need for it. There are regulations to cover that. There are lights along the aisles in case the top lights go out, so the people can see how to exit if they have to if there is smoke in the plane or something.

There are seatbelts on those planes because of rules and regulations put in place for the public safety. There also are maintenance requirements on the airplane that have to be checked before we can even board those airplanes.

It seems to me it makes good sense for us to include anything that helps public safety. Miners need to be safe in their work, we need to be safe, all of us need to be safe when we fly. We need safety from nuclear waste.

Vote for this amendment.

Mr. WISE. Mr. Chairman, before I yield to the next speaker, I would just add that the reason the Justice Department opposes this bill, and particularly the language about judicial review, is because it believes that in a letter written to at least one Member, "It will result in litigation each time a new rule is promulgated during the moratorium and thus continued delay."

Mr. Chairman, I yield the balance of my time to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. I thank the gentleman from West Virginia for yielding this time to me.

Mr. Chairman, in my district in Colorado, thousands of cubic yards of plutonium-laden wastes are in storage at the Rocky Flats nuclear weapons site, within a metropolitan area of 2 million people.

We have a solution to that problem, as the gentleman from South Carolina [Mr. SPRATT] mentioned 1 minute ago, and that is the waste isolation pilot project in New Mexico.

The procedures for getting waste into the ground there were laid out in a bill that we passed 3 years ago. It requires EPA to issue regulations covering several different areas. One of those deals with the compliance criteria for waste disposal for nuclear materials.

EPA issued its proposed rule last month, and the 90-day comment period is running presently. But if this bill becomes law without the kind of exception the gentleman from West Virginia proposes, there is no way we can move to get WIPP open to start to solve this very daunting problem of the proper, safe disposal of these transuranic, plutonium-laden wastes in my district and in several other districts across the country.

That makes absolutely no sense, no sense whatsoever. If we do not adopt this amendment for this purpose and others, shame on us.

Mr. CLINGER. Mr. Chairman, I yield the balance of our time, 1½ minutes, to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I listened to this debate, and it is kind of deja vu all over again, as the great philosopher Yogi Berra once said, going back to the unfunded mandates legislation; we are trying to exempt this bill to death.

There are two major exemptions in this bill that apply to the issues that have been raised. On the airworthiness rules issued, if you take a look on page 3 of the committee report, it makes it very, very clear that within the Office of Management and Budget, all they need do is look at the routine administrative functions of the agencies which apply to these airworthiness rules, those apply, are exempted from this. Those are not in any way taken away by this action; those would continue. Those are not the kind of major rules that this act contemplates putting in the moratorium.

In terms of the other issues, the language stated by the gentleman from Indiana [Mr. MCINTOSH], very eloquently, on the chart in front makes it clear that during the period of this moratorium there is imminent threat to health or safety, and that has been defined as the existence of a condition or circumstance or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property during the moratorium.

If this administration finds that that applies at that point, the administrative items would move forward, the regulations would move forward. If you have no confidence in this administration to make those kinds of calls, then perhaps you should vote for this amendment. But I think there is ample leeway in this legislation to allow for that.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. WISE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. WISE] will be postponed.

The point of no quorum is considered withdrawn.

□ 1100

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

Mr. GENE GREEN of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GENE GREEN of Texas: At the end of section 5 (page 4, after line 5), add the following new subsection:

(c) FAMILY AND MEDICAL LEAVE REGULATIONS.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action (or any such action relating thereto) to clarify requirements under the Family and Medical Leave Act of 1993 with respect to which a final rule was published on January 6, 1995 (60 Fed. Reg. 2180).

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Texas [Mr. GENE GREEN] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Chairman, H.R. 450, as written, currently the regulations implementing the Family and Medical Leave Act of 1993, were caught under the net cast by this bill. As my colleagues have noted earlier in the debate, this bill makes no attempt to distinguish between good and bad regulations. My amendment would exempt these regulations currently under consideration for clarification of the Family and Medical Leave Act.

For those who may have forgotten, the Family and Medical Leave Act entitles employees of up to 12 weeks of unpaid job-protected leave in a 12-month period for specified family medical reasons. The Family and Medical Leave Act was passed in the 103d Congress, actually passed and effective on August of 1993, so about 18 months ago.

I cosponsored the bill and supported it on its final passage, and it passed overwhelmingly, 265 to 163 with 40 Members of the now-majority supporting it. Thirty-four of those still continue to serve in this body. The aim of the regulations was to clarify for employers the intent of the act so that both employers and employees would understand both their rights and their responsibilities. Many businesses are affected by this regulation and would be unable to plan appropriately because the uncertainty surrounding the moratorium. Again it has been 18 months since the act was passed, and by adding another 6 months causes even more confusion, not only to employees, but also to businesses, and it is a step process that we go through, the department is going through, and when the final process—and again it would benefit those businesses.

Accordingly, the Labor Department in the final rules were based on suggestions for more that 900 public comments received by the department during their 6-month public comment period, so part of that time delay in these regulations, because of the 6-month public comment that none of us want to see shortened. We want adequate time for the public, whether they are in business or individuals, to comment.

Mr. Chairman, it is extremely important that these commonsense and clarifying rules go through. Businesses have been attempting to comply with the requirements of the act, and the Department of Labor has been trying to work with them. The U.S. Chamber of Commerce, the Chicago Land Chamber of Commerce, and Nation's Bank are among those businesses and associations who provided input during this comment period. The regulations under consideration would be employee benefit plans, health insurance, maternal and child health, among other things.

Among the commonsense clarifications, the definition of serious health condition has been changed to clarify the circumstances under which a leave may be taken, and again this is something for the benefit of a manager of a business who needs that. As a result, the employees with chronic conditions or are pregnant are not required to see a health care provider during every absence every time a mother may be ill. She should not have to bring a doctor's excuse when it is obvious that she may be just experiencing short-term sickness. Unlike the regulations that are alleged to be full of red-tape, this regulation will reduce the confusion for those who need to comply with it.

I hope we have no interest in reopening the act just as we are beginning to see some real regulation to interpret it for its final implementation, and I would urge my colleagues to vote for the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I just want to get a couple of clarifications.

As I understand it, if these final rules are not applicable, the current rules would remain in effect during the moratorium period; correct?

Mr. GENE GREEN of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS. I yield to the gentleman from Texas.

Mr. GENE GREEN of Texas. That is what I understand in the final rules of the clarifications that were requested by—for definitions, for example, for serious health condition.

Mr. DAVIS. OK.

My understanding during the committee debate is the Department of Labor would—the final rules are basically identical to what the interim rules are. There is a little bit of additional guidance, but that the rules are essentially the same.

Mr. GENE GREEN of Texas. Essentially the same, but again they are trying to define some of the terms so businesses and employees would have that as definitive instead of depending on the original rule.

Mr. DAVIS. It looks then as just that it would be guidance, and the rule would essentially stay the same; I thank the gentleman.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, my colleagues, when the Family and Medical Leave Act passed this House, it started in my subcommittee, and I was the author of the amendment which exempted American small business from having to comply with the Family and Medical Leave Act. So I can associate myself with what the gentleman on that side, as well as the Members and the gentlemen on this side, are trying to accomplish here in removing from business regulatory burdens.

"But you're about to," I say to my colleagues, "make a mistake. Business has requested the new regulation be promulgated. The Department of Labor delayed for 6 months this new regulation at the request of business. Business needs a number of clarifications so that they can avoid increased costs of the Family and Medical Leave Act. You are denying them; that is, denying business, what business had requested."

The amendment offered by the gentleman from Texas is a probusiness amendment. He is asking us to allow the Department of Labor to do what business has asked be done. If this amendment is not accepted, the result is that business is going to pay more, not less, to comply with the Family and Medical Leave Act.

I say to my colleagues, "Now in your rush to do this, and to do it in a wholecloth way with no exemptions, you are about to make a mistake here. The good news is the Senate will correct it and do it the way business wants."

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me just simply say that the gentleman's comments prove what I have been saying all along. The purpose of this moratorium is not to help business, but to help the American people who ultimately pay for all of these regulations, and that is why we need it enacted into law.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield 1 minute and 30 seconds to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of our committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I support the gentleman's amendment.

The Family and Medical Leave Act is important to working families, and the clarifications made in the rule recently published in the Federal Register are important so that employers know what leave-rights workers have.

Many of us have had loved ones who have died or who have been stricken with serious illness. The Family and Medical Leave Act guarantees that working men and women may take time needed to care for a family member or perhaps the birth and care of a newborn child, without running the risk of losing their job.

Yet, the implementation of this commitment has not been easy. Confusion over what constitutes a chronic health condition, who can be considered a health care provider, and many other issues has meant that workers have not received benefits they deserve.

Business asked for clarifications in the regulation recently issued by the Department of Labor. They have now been issued, and we should not block their implementation under the moratorium in H.R. 450.

I support the gentleman's amendment and urge my colleagues to support it as well.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think it is imperative to leave the legislation as it is. It is imperative, because you have a very divided community out there right now, so you have interim regulations that will continue. And I think during this interim period, there will be an opportunity to bring the community together. So I would encourage Members to keep the legislation just exactly as it is, allow these interim regulations to continue until you bring that community together, and we will have time to do that.

Mr. Chairman, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say in response to both the gentleman from Indiana [Mr. MCINTOSH], and my chairman of the Committee on Education and Economic Opportunities, again my concern is the delay because of the need for clarification on the rules, that if this is not exempted from the bill, we would see additional delay for businesses who need these definitions.

The definitions include health care provider, to include them so they would know what type of health care provider would actually be responsible for that. The other definition here is health condition, to clarify the circumstances for employees.

The bill that we are talking about has been amended already with certain exceptions. Again, we have a law that was passed in 1993 that businesses have already waited 18 months. Again, to be able to have some clarification, they should not have to wait again another 6 months.

Mr. Chairman, again, what we have is an effort to try and make sure government works, and that is what I think we are all here for. Again, a law that was passed in 1993 that we have a delay in the regulations, because of the 6-month time frame for the input from our constituents and our businesses, and yet because they may get caught up in this, and as my colleague from Montana said, the Senate will very well correct this.

I have some concern about the effective date of this act. In fact, I was hoping as a member of this committee I could support this. I went to the markup with the hope to be able to support it if we could have picked another date other than November 20. We should pick a date for a moratorium that is much later so people can plan and have some kind of idea on both their business decisions and everything else they do. This amendment would just address one small facet of it.

Obviously if we were able to make the deadline or the effective date of the act, instead of November 20, with whatever date we pass this, or some date even this year, businesses could make that decision. But without doing that and going back to November 20, it is necessitating the number of amendments we see to say okay, there are regulations that are so close to being in place that unless we exempt it, you are going to cause more confusion out there in the marketplace, and that is not what we need to do, and this Congress has caused more confusion for business.

That is why this amendment is needed, so we will continue with the efforts, so people will know how to enforce the Family and Medical Leave Act, because it did pass overwhelmingly here in 1993, and I hope that we could clarify it, and if not today, then maybe the other body will be able to do that.

Mr. Chairman, I yield back the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say that we feel that this amendment is unnecessary and might actually be counterproductive, because clearly there is existing dispute within the business community with regard to these regulations. So the fact we might be expediting at this point the promulgation of those regulations would perhaps not serve the business community well.

Just very briefly, the interim final rules will remain in effect throughout the moratorium, and those interim final rules are just about identical to the final rules that are being proposed. The Department of Labor believed that the interim rules were satisfactory. So I think that this is a solution without a problem. We think it is unnecessary, and it would not cause any great disruption so long as the interim rules remain in effect.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GENE GREEN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GENE GREEN of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Texas [Mr. GENE GREEN] will be postponed.

Are there further amendments to H.R. 450?

AMENDMENT OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WAXMAN: Amend section 6(3)(A) (page , beginning at line) to read as follows:

(A) IN GENERAL.—The term "regulatory rulemaking action" means the issuance of any substantive rule, interpretative rule, statement of agency policy, or notice of proposed rulemaking.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from California [Mr. WAXMAN] and a Member opposed, each will control 10 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, H.R. 450, has an incredibly broad scope. I think most Members think that this legislation just freezes the issuance of final regulations. It does not. It also covers notices of inquiry, advance notice of proposed rulemaking, and, "any other action taken in the course of the process of rulemaking."

The purpose of my amendment is to narrow the scope, to cover just the issuance of final and proposed rules. The amendment is necessary to save Federal resources.

The Federal Government has thousands of employees working on regulations. The effect of H.R. 450 would be to idle those employees. Without the amendment the taxpayers would be paying them to sit there and do nothing. The broad scope of H.R. 450 is not only wasteful; it is counterproductive.

The administration is trying to improve its regulations by meeting with affected industries, responding to comments, and developing innovative market-based approaches. These activities, which I would think everyone would support, would simply be halted in their tracks.

We are being very schizophrenic in our approach to regulations in this Congress. H.R. 9, which the House will consider next week, imposes so many new review requirements on agencies that the Environmental Protection Agency, for example, says it would be forced to hire an additional 1,000 employees in order to comply. But in today's legislation, we are doing just the opposite. We are telling EPA and all the other regulatory agencies to idle the people they have now on their employment rolls, stopping them from doing any work in preparation or consideration of regulations.

My amendment would limit the scope of H.R. 450 to put a moratorium on the issuance of the regulations, but allow during this moratorium period the agency people to meet with the interest groups so they can evaluate whether the regulations are needed or necessary to accomplish the goals set out in the statutes, or to solicit public comments. They ought to get the public input so that the regulations that they may well propose will be the most thoughtful; to hold public meetings so people, industry people and ordinary citizens, will have a chance to give their views.

The bill as it is now drafted would stop all of those activities from going forward. It makes no sense. We ought to just put a moratorium, if we are going to have one at all, on the final issuance of regulations, so that all the bad effects that we are hearing warnings about will not take place.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 10 minutes.

Mr. CLINGER. I yield 3 minutes to the gentleman from Indiana [Mr. MCINTOSH], the author of the legislation.

Mr. MCINTOSH. Mr. Chairman, I would rise in opposition to this amendment and simply say there are a couple different problems that would be created by this. The first was an experience that we learned from the moratorium on regulations that President Bush put into effect in 1992, that many of the regulations were held up from being published in the Federal Register, but the agencies continued to work on them to continue to draft the regulations, continue to have meetings, continue to do all of the processes other than print them.

□ 1120

And as a result, we saw a flood of new regulations at the end of the moratorium period. I do not think that is what the American people sent us here to do. Rather, what they want us to do is put a stop on burdensome regulations. And what we need to do is catch them at all stages and catch a lot of the activities and say, these are unnecessary and counterproductive.

Let me give one example from my time in working with Vice President Quayle's Competitiveness Council that caused us endless hours, numerous meetings and debates in order to fix a problem that should have been caught but that never appeared in the Federal Register as a notice of preliminary rulemaking, a proposed rule, or a final rule. That is the 1987 Wetlands Manual that suddenly dramatically expanded the scope of that program, took billions of dollars worth of private property by requiring people who did not have anything near a wetland to suddenly seek a permit from the Federal Government before they could use their property.

Everyone, environmentalists, farmers, developers, conservatives, agreed that that manual went too far. It was an example of regulatory overreach that had devastating consequences to the property owners in this country.

The problem was, no one in America knew about this change in the Federal regulations because it was never published. What we need to do is have a moratorium on sneak attacks like the 1987 Wetlands Manual to protect the American public from unnecessary, burdensome and counterproductive regulations.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Let me give examples of what we are talking about in the breadth, the scope of this legislation. There are Federal agencies appropriately working on important regulations. They are evaluating them. They would be stopped from even evaluating these proposals.

The Department of Transportation is looking at a regulation to protect drivers from head injuries. The Food and Drug Administration is looking at a regulation to protect children from iron poisoning from accidental ingestion of iron supplements, which is the leading cause of poisoning death in young children.

The Department of Justice is looking at a regulation to make parole more difficult for sex offenders. They are also looking at a regulation requiring drug testing of parolees, and regulation to require wealthy criminals to pay incarceration fees.

The Environmental Protection Agency is looking at approval of state implementation plans under the Clean Air Act. They would not be able to evaluate these plans, to get comments on these plans. The EPA and HUD are looking at regulation to protect children from lead poisoning. The Department of Energy is looking at regulations to promote energy efficiencies. These are regulations that people should want. Every Member should want these regulations. They are important for the health and well-being and security of the American people.

We want those regulations to be done wisely. To be done wisely, they ought to be able to get public comment. They ought to be able to evaluate the views of different organizations. They ought to be able to think through what they are doing so regulations will be sensible.

This proposal that we have, this moratorium, is just not sensible when it stops these kinds of activities from taking place.

I do not know what sneak attacks the gentleman from Indiana is talking about, but I do know that the Competitiveness Council, under Vice President Dan Qualye, acted in a superlegal way, extralegal way, when they tried to meet in secret with industry officials to try to then impose their will on their own Republican appointees in these agencies that were entrusted to develop the regulations pursuant to the laws passed by Congress and signed by the President of the United States, who at that time was President Bush and prior to him President Reagan.

This bill is a ham-handed, heavy-handed, one-size-fits-all approach on regulations. Whether they are good or bad, stop them, and not only stop the regulations from going forward but stop honest employed public employees from even thinking through what makes sense.

Have them sit there and do nothing. That to me is a big waste of taxpayers' funds. So I would urge support of this amendment to narrow the scope.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support the gentleman's amendment.

Even during a regulatory moratorium, the Federal Government's regulatory responsibilities do not stop.

H.R. 450's prohibition against Federal employees doing anything other than cost benefit analysis or risk assessment during the moratorium period is, therefore, highly irresponsible.

We are not suspending the application of laws to individuals and firms in this country. And we should not prevent Federal employees from carrying out responsibility we have given them under those laws.

Do we really want to prohibit Federal employees from giving guidance to those who remain subject to Federal regulation?

If we let risk assessment become our goal, rather than a tool to achieve our goal, the risk assessment itself can be harmful and an obstacle to serving the public interest. What happened in the early years of the AIDS outbreak is a good example. In the early 1980's, a few scientists proposed that AIDS could be transmitted to others through transfusions of blood from a person with the AIDS virus.

The Food and Drug Administration and the blood products industry thought there would be alarm and panic, if the public were warned of this possibility. Instead, they insisted they had to be absolutely sure before they could say anything publicly.

As a result, all kinds of risk assessments were done—comparison risks, substitution risks, as well as cost benefit analysis. For more than 2 years, the proposal that AIDS could be transmitted through transfusions was analyzed before evidence was so overwhelmingly conclusive, that the FDA and the blood products industry finally issued their warnings to the public.

During that 2-year period, tens of thousands of people were exposed to AIDS contaminated blood. Had the blood banks initiated their policies earlier to screen for AIDS-contaminated blood, countless lives could have been saved.

The lesson to be learned from the FDA's experience is that agencies need flexibility. A one-size-fits-all approach to risk assessment and cost benefit analysis can be harmful and contrary to the public interest. We need to be encouraging agencies to evaluate possibilities, but we do not want to insist that they only conduct risk assessment and cost benefit analysis when what they are looking for might be right in front of their eyes.

I think the gentleman's amendment ensures that Federal employees will have the flexibility to respond appropriately to the responsibilities they have.

I urge my colleagues to support the gentleman's amendment.

Mr. CLINGER. Mr. Chairman, for a response I yield 3 minutes to the gentleman from Indiana [Mr. McINTOSH].

Mr. McINTOSH. Mr. Chairman, let me suggest that if our worry here is that we have some number of the 130,000 Federal employees who spend their days writing regulations, who will not have anything to do because of this moratorium, that perhaps the American public would celebrate this fact. But we do owe a duty to the American public to spend our money wisely.

I would be willing to look, with the gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations, at the possibility of a rescission that would allow a furlough of those employees so that the American people would not be paying them to cause further harm by regulating and would not be paying them to do nothing because the moratorium would prevent them from damaging the economy, adding more to the hidden tax on the American taxpayer and possibly even creating a regulatory rescission.

Mr. Chairman, I think it is important that we act now in order to prevent that.

I ask to include in my remarks a copy of an article by Murray Weidenbaum that discusses the nature of the regulatory recession and the danger that that poses for the economy.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. McINTOSH. I yield to the gentleman from California.

Mr. WAXMAN. Next week we are going to consider H.R. 9. That bill would require the agencies to go through a tremendous number of steps before any regulation would come into a proposed form. They would have to do analysis of cost-benefit. They would have to do analysis of risk assessment.

Under the unfunded mandates bill we are going to ask them to evaluate not only the cost impact on State and local governments, but to look at what the impact will be on America's standing in international trade. These are analyses which are appropriate because we ought to get all the information that is valid before we have regulations that may have unintended consequences.

But one of the results of H.R. 9 is going to be that we are going to have to hire more Government employees to do all of those analyses. The gentleman wants to fire them now and then rehire them next year. That seems to me nonsensical.

Mr. McINTOSH. Mr. Chairman, reclaiming my time, let me just say, I think perhaps what we need to do is hire people who would actually be honest about implementing those new criteria, to use good science, to use cost-benefit analysis, and, as the gentleman knows, the moratorium period goes until those new processes are put into place. So why should the American taxpayers pay for people to do nothing during the moratorium? Maybe we should give them a furlough, save the money, hire people back who will do risk assessment, will do cost-benefit analysis and, once again, restore the American people's confidence that we are not putting more burdens on them but, in fact, working for their benefit.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I would be happy to engage in a further colloquy with the gentleman from Indiana, because I do not think what he is saying makes sense. Is the problem the employees that work for the Government or the laws under which they operate?

I would assume that the gentleman thinks it is the laws under which they operate because he is proposing under H.R. 9 to require that they do more cost-benefit analysis and risk assessment, et cetera.

If they are not capable of doing it, are we going to fire all those employees and then hire new ones? That I think is probably going to be very costly. Do we know it is the public employees in this country who are not sensible, or is it the laws that are not sensible?

Mr. Chairman, I yield to the gentleman from Indiana [Mr. McINTOSH] to respond to these questions.

Mr. McINTOSH. Mr. Chairman, I thank the gentleman for yielding.

I believe that the fundamental problem in most of these cases is that the laws require the agencies to issue regulations that are costly, burdensome, and unnecessary; that in a certain number of cases, the agencies go beyond the laws and think up additional regulations, like the wetlands manual, that cost us more money than what the laws require, and add to an even greater burden under our regulatory process.

I think it is important that we go in and fix those laws. At this point, I am willing to explore with the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], the possibility of saving the taxpayers some money if there are unnecessary Federal employees as a result of going back and fixing those problems.

Mr. WAXMAN. I am going to reclaim my time on that point. Mr. Chairman, that means fire all the people that are there that should be working on regulations, like a regulation to make parole more difficult for sex offenders, a regulation requiring drug testing for parolees, a regulation to require wealthy criminals to pay incarceration fees.

There are things that people who are career people at the Department of Justice are trying to implement because of the laws that we have adopted. To fire those people and then hire them back, when we tell them "Not only should you listen to these different groups, but you ought to go through extensive analyses even beyond that." I cannot see how that makes any sense.

If the gentleman really wants to fire people because he does not think there is enough work, why are we going to pass a bill that will require them to double the amount of people working on regulations?

I yield to the gentleman from Indiana to respond to that.

Mr. McINTOSH. Mr. Chairman, let me say that any of the regulations necessary to enforce the criminal laws are exempt, and therefore could be worked on, and in fact should be worked on by people in the Justice Department and other agencies.

Mr. WAXMAN. The point I am making, Mr. Chairman, is that under H.R. 450, they would not be permitted to do the job for which we hired them, which is to look at the possibility of regulation to accomplish those purposes, because this moratorium would prevent during the moratorium period not just the issuance of the regulations, but even consideration of regulations.

Then when the bills are adopted to go into effect after the moratorium, H.R. 9, which would set up so many new analyses, we would need more employees. I cannot understand this. It seems to be a schizophrenic approach.

Mr. McINTOSH. Mr. Chairman, if the gentleman will continue to yield, first of all, criminal laws and health and safety regulations are exempt. The employees would be able to work on the regulations which are exempt from the moratorium.

I would hope, certainly, that they would do so, rather than do something else that does not serve the interests of the American people.

However, there are a lot of regulatory activities. We have discovered one the other day in our committee where an agency was thinking about a guideline requiring that there be a hole in the bottom of a bucket. Those kinds of activities we do not need employees for.

Mr. WAXMAN. If I can reclaim my time, the hole in the bucket is something we have heard a lot about, but I have heard from the Department of Justice that they would have to stop their employees from working on these regulations to protect us from sex offenders. They would stop the Department of Transportation from working on regulations to protect drivers from head injuries. It seems to me that it does not make sense.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 4½ minutes remaining, and the time of the gentleman from California [Mr. WAXMAN] has expired.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

In conclusion, Mr. Chairman, we have had this interesting dialog about how many employees would be needed and if they should be laid off, and so on. I think that obscures the principal point here, which are some of the points made by the gentleman from Indiana [Mr. McINTOSH] earlier.

In the experience we have had with the moratorium under the Bush years, there was a tremendous bunching effect that took place, because the bureaucracy was allowed to function, and when the moratorium came off there was a spate of amendments, an enormous spate of amendments that came out, very hard to digest.

I think the other key point to make here is that clearly, those regulations that qualify for one of the many exemptions, for health and safety, for routine activities, for criminal activities, and so forth, those are going to go forward. The machinery will work to allow those to go forward.

The purpose of the moratorium is to prevent the crafting of addition regulations before we have had an opportunity to review the whole regulatory process. This is the whole point of what we are trying to accomplish here.

To allow those preparatory activities to go forward leading up to the promulgation of a rule really obviates the whole purpose of what we are trying to accomplish, which is to review the entire process of formulating these regulations.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, this fundamentally is a debate, as I said in committee, between those who believe that the regulatory glass is half empty, and those who believe, on our side, that the glass is already filled to overflowing.

We have heard examples on both sides. We have heard these anecdotes about the holes in the bucket and so forth. The real question I think the American people are asking is do we really need 130,000 bureaucrats creating more rules. I think most Americans would agree that we do not.

We had someone from OSHA in to speak to the committee earlier in the session. I asked what they thought their role was, and what Americans wanted from the regulatory process.

Her answer was very simple. She said she thought what America wanted was more efficient and effective regulation. I said "I'm sorry, but I think, speaking on behalf of middle America, what America really wants is more reasonable regulation."

I really do not think this amendment is necessary. I think what America wants is more reasonable regulation. We do not need 460,000 pages of new rules. We do not need 100 million words.

The CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. WAXMAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, further proceedings on the amendment offered by the gentleman from California [Mr. WAXMAN] will be postponed.

Mr. MILLER of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this morning there was a colloquy concerning regulations that were of great concern to people in my district. I want to clarify where we stand on these regulations.

My congressional district in Florida has the largest number of senior citizens of any district in the country. In Sarasota, Sun City, Port Charlotte, Bradenton, FL, we have thousands and thousands of retirees that have moved down from Indiana, Ohio, Michigan, and such, and moved into retirement communities that are designed for people over age 55.

They move there because of a way of life, a lifestyle they want. Now the Federal Government is developing regulations to threaten this lifestyle that is so, so important to these retirees.

It has been the policy that if there were 80 percent of the people over age 55, that satisfied the requirement; a nice, simple quota that took care of it. These people could live the life they moved to Florida for.

However, in a 1988 fair housing law they decided to change it in Congress. Now we have the regulations that are threatening my seniors in my district.

What the regulation did was say "We want to have significant facilities and services that are specifically designed for people over age 55." They use the words "significant" and "specific," and have great room for the bureaucrats to have a great time.

They came up with regulations last summer, the proposed regulations. The proposed regulations were a disaster. They were going to require nursing homes in mobile home parks, congregate meals or something. Luckily, the people from HUD went out and had field hearings and actually saw what senior communities are all about.

They said "Yes, now we realize we made a mistake." They came out and they are in the process now of introducing new regulations. The new regulations have gone from 60 pages to 29 pages. That is great, it is a big improvement. My concern is going to be on why we even had the regulations in the law in the first place.

These are the latest regulations that are getting ready to be imposed on my seniors in their communities. These are things, these are 100-unit mobile home parks. You have to have at least 10 of the following in facilities and services, 5 out of this category, and things.

We can do it ourselves, you can check them off. If there is bingo, you check a check. If you have fashion shows, that is a check. A monthly calendar of events, that is a check. A Ping-Pong table gives you a check. You can check it off and meet the requirements.

Great. But how do you enforce it? Do you have the HUD police come down, and if your Ping-Pong table has been broken, what is the enforcement mechanism? Why do you have to get in their lives and bug these people? They do not like it.

Luckily, luckily, we have introduced legislation last year, the gentleman from Florida [Mr. SHAW] introduced it, and it is in our Contract With America, so by April 7, hopefully, we will remove this offending section, which is significant facilities, specifically designed.

The problem is it would be nice to stop the regulations. Since it has a quota, my understanding is that under the Norton amendment, that this would be allowed to be covered. If these regulations are not put into effect, we can hold until we can get legislation to correct that area.

□ 1140

Mr. Chairman, this is a case of regulatory overkill, threatening a way of life that we do not need to do that.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to make some general comments.

Mr. FATTAH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. Mr. Chairman, I thought that there was an order to the proceedings that would have had me recognized next.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

PARLIAMENTARY INQUIRIES

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentlewoman will please state it.

Mrs. COLLINS of Illinois. Mr. Chairman, the gentleman was on his feet before the Chair called for the gentleman.

The CHAIRMAN. The Chair has recognized the gentleman from Michigan for 5 minutes.

Mrs. COLLINS of Illinois. A further parliamentary inquiry.

The CHAIRMAN. Please state it.

Mrs. COLLINS of Illinois. Is it not parliamentary procedure that if a gentleman is on his feet before anybody else is on his feet, that he is indeed called upon to be recognized by the Chair?

The CHAIRMAN. The Chair recognized the gentleman from Michigan.

Mrs. COLLINS of Illinois. The Chair did not answer my question. I have a further parliamentary inquiry.

The CHAIRMAN. The gentlewoman from Illinois will state her inquiry.

Mrs. COLLINS of Illinois. Mr. Chairman, I would like to have an answer to my question, please. Is it not the parliamentary procedure that if a gentleman is on his feet seeking recognition before anybody else stands, he is to be recognized?

The CHAIRMAN. It is within the discretion of the Chair to recognize the Members.

Mr. VOLKMER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri will state it.

Mr. VOLKMER. Has it not been the custom of the House or the history of the House that if a Member from the Republican Party, or any party, has spoken, a Member next to be recognized would be a Member from the other party in comity, and not two Members from the same party, especially when one Member is standing?

The CHAIRMAN. It is ultimately the discretion of the Chair to recognize Members.

Mr. VOLKMER. I know that, but I asked about the custom of the House, and the history of this House.

The CHAIRMAN. It is the discretion of the Chair to recognize Members.

Mr. VOLKMER. I recognize that.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Chairman, I will try to be brief.

I wanted to share some of my experience of being one of the nine OSHA commissioners in Michigan. On that commission, there were four members on the commission representing labor, there were four members representing business. The four representing business were all safety engineers. I was a commissioner representing the public at-large.

The directions before that commission were to examine all of the procedures for health in the Department of Labor for worksite safety and think of all of the things you can think of to improve safety for workers. The safety engineers and the representatives from labor continually, every meeting, thought of more and more regulations.

I suggest to the Members that think that regulations are not a serious impairment to business and ultimately to jobs and wages in this country should take some time not only reading the regulations, but examining the way those regulations are implemented. Depending on how good a night sleep certain inspectors have, depending on whether their wife or husband bawled them out before they left for work because they are underpaid most of the time depends on their interpretation of the rules, and they can become very demanding in the preciseness of the way those regulations are written, all the way from the quality of wood in a ladder to the exact height to the half inch of where light switches are placed.

Let me conclude by saying that I would have enjoyed bringing down the regulations that were passed this last year, but I had knee surgery a couple of months ago and those 65,000 pages were a little heavy.

I would just again ask all of the Members that are not aware of the real implementation of all of the regulations that we pass in every State and at the national level to take some time reviewing those individuals, those persons, those businesses that are forced to be inspected and live under those regulations. We are taking away jobs. The estimated cost by the Vice President is over $400 billion every year that is passed on to all of the consumers in this country. It is a dangerous situation. It is important that we move on to reexamine all of the regulations that we impose on the people of this country, and a good start is the moratorium.

Mr. Chairman, I rise today to remind my colleagues of the economic danger our Nation faces if we don't stop the tidal wave of regulations that Congress and the President have imposed. I would have carried down to the floor a copy of just last year's regulations as an example of our exploding Government, but I couldn't carry all 65,000 pages.

Every day, we endanger more jobs in this country through overregulation. According to a 1993 study cited by the Vice President's report on Reinventing Government, the private sector has to spend at least $430 billion annually to comply with Federal requirements—that's 9 percent of GDP. The price of products we buy, from health care to shoelaces, are increased by that $430 billion.

As we look for ways to help Americans, let's make sure we don't help them right out of their jobs. Job loss is the result of the suffocating burden of these regulations which have been piled on businesses. This overregulation hits businesses like a wrecking ball, demolishing the hopes of American workers and entrepreneurs. Economic growth is key in ensuring a bright future for America, so I encourage my colleagues to defeat this amendment and support this bill to reduce regulations.

Mr. FATTAH. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

PARLIAMENTARY INQUIRY

Mr. FATTAH. Mr. Chairman, I would like to first start by asking a parliamentary inquiry.

Is it not true as a member of the committee that I would have recognition on the floor in priority order to other Members of the House that are not members of the committee?

The CHAIRMAN. The gentleman is correct. The Chair would ordinarily accord priority.

Mr. FATTAH. Could the Chair then enlighten this Member and the House as to the ruling previously on the motion to strike the last word?

The CHAIRMAN. The Chair was advised that there was an understanding among Members that two pro forma amendments would be recognized prior to recognizing the gentleman from Pennsylvania.

Mr. FATTAH. The Chair was misinformed. There was an understanding that there would be one pro forma amendment, and that is the nature of the confusion. But I am trying to clarify since this has been a tradition of the House that in the future that with this tradition of honoring some civility on both sides, this would not be in the normal conduct of business that this matter would happen in that way. That is why I am entertaining this parliamentary inquiry.

The CHAIRMAN. The Chair regrets the misunderstanding.

Mr. FATTAH. I thank the Chair.

AMENDMENT OFFERED BY MR. FATTAH

Mr. FATTAH. Mr. Chairman, under the unanimous-consent agreement, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FATTAH: At the end of section 5 add the following new subsection:

(c) SPECIFIC RULEMAKING RELATING TO THE TELEMARKETING AND CONSUMER FRAUD AND ABUSE PREVENTION ACT.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action to implement the Telemarketing and Consumer Fraud and Abuse Prevention Act, Public Law 103–297.

The CHAIRMAN. Pursuant to the order of the House of February 23, the gentleman from Pennsylvania [Mr. FATTAH] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this should not be a controversial amendment. It exempts from the moratorium the proposed regulations of the Federal Trade Commission to implement the Telemarketing and Consumer Fraud and Abuse Act of 1994.

Republicans strongly supported this bill when it passed last summer. For example, the gentleman from California [Mr. MOORHEAD] said that the telemarketing fraud hurts both consumers and what he called legitimate honest telemarketers. He went on to say,

> I know that many of our State attorneys general are strongly supportive of this legislation precisely of the enhanced enforcement tools it will make available to them.

The gentleman from Ohio [Mr. OXLEY] said last summer:

> It is doubly important that we crack down on deception and fraud—not only to prevent injury to consumers but also to avoid further harm to legitimate businesses.

He argued that the bill will vastly reduce the ability of fly-by-night telemarketing scam operators to use State lines as a basis for potential legal sanctuary.

With this strong bipartisan support, the bill passed the House in the last Congress by a vote of 411 to 3 and passed the Senate by a voice vote. Numerous congressional hearings over a 7-year period have shown that telemarketing fraud was costing Americans $40 billion a year and that the elderly and small businesses are the principal victims.

The hearings also showed that new legal tools were needed to stop this ripoff. The law directs the FTC to issue its final regulations by August 16, 1995. Then the law in a novel approach authorizes State attorneys general as well as the FTC to enforce these Federal regulations.

H.R. 450 would seemingly bring a screeching halt to last year's bipartisan effort to stop telemarketing fraud.

□ 1150

H.R. 450 prohibits the FTC from issuing a final rule by the statutory deadline of August 16 and even prohibits the FTC from going ahead with analyzing public comments and holding a public hearing on its proposed rule. Section 6(3)(A) of H.R. 450 makes it clear that the moratorium applies both to the issuing of a rule and to any other action taken in the course of the process of rulemaking.

This amendment is supported by the Consumer Federation of America, which notes that "Consumers, particularly senior citizens, often have been the targets for these fraudulent schemes."

Mr. Chairman, the last Congress spoke clearly and decisively on how to stop telemarketing fraud. There is no reason for us to put their work on hold, and I urge support for my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I claim the time in opposition to the gentleman's amendment, and I yield myself such time as I may consume.

Mr. Chairman, I would indicate in terms of the fraud provisions involved in this particular regulation, it is clearly exempt under the bill because any regulation that is necessary for the enforcement of criminal laws is specifically exempted from the provisions of this bill.

Mr. Chairman, I yield such time as he might consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, does the author have a question?

Mr. FATTAH. Mr. Chairman, if the gentleman will yield, I have a quick question on the issue of them being exempted. These are not criminal issues, these are civil issues, so it would seem to me they do not fall under the exemption. But I would ask the gentleman from Indiana, who is an expert on H.R. 450, if he could enlighten me.

Mr. MCINTOSH. It is my understanding that the portions that would go to criminal activity which fraud is, would be exempt.

In looking at the regulations a little bit further, since the gentleman brought this issue to our attention and I appreciate his working in this area, there are some significant problems with the proposed rule that the agency has put forward in this area of provisions that go beyond the statute, that authorize the rulemaking, expanding the definition of telemarketing to pick up what some people are concerned are legitimate buys activities. That type of expansive rulemaking provision would not fit under the exemption for criminal law.

If it is a civil provision, then the gentleman is correct, it would not be.

Mr. FATTAH. If the gentleman will yield, this is a civil matter, and the statute did not make this part of the U.S. Criminal Code at all, so this is entirely civil issues that do not fall under the exemption as it is presently written.

Mr. MCINTOSH. The gentleman is correct if it is a civil matter and not a criminal matter, then it would not fit under that exemption.

Mr. FATTAH. I thank the gentleman.

Mr. MCINTOSH. Nonetheless, I would recommend that the body vote against this amendment because of the nature of these proposed rules which have come out on February 14 that are very expansive and could be very burdensome for legitimate business activity. I think it would be wise for us to continue the moratorium on those rules and allow the agencies and relevant bodies in Congress to take a look at the issue and determine that we are not imposing an unnecessary burden.

Mr. FATTAH. Mr. Chairman, if the gentleman will yield further?

Mr. MCINTOSH. Let me yield back my time.

Mr. FATTAH. Fifteen seconds please, only to say that I appreciate the gentleman's candor in indicating that it does not fall under the exemption. I do understand the gentleman's sincere belief, however, that nonetheless it should be opposed. I would hope those who voted in favor, neither you nor I was a Member of the 103d Congress where it passed 411 to 3, which I indicated, would support the action to deal with this issue, and I thank the gentleman from yielding.

Mr. MCINTOSH. Certainly.

Mr. Chairman, may I inquire how much time we have remaining?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining and the gentleman from Pennsylvania [Mr. FATTAH] has 2 minutes remaining.

Mr. FATTAH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], the ranking member of the committee.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I wish to express my support for the Fattah amendment that would exclude telemarketing and consumer fraud regulations from the moratorium.

Annually, Americans lose approximately $40 billion as a result of telemarketing scams. In response, last year we passed the Telemarketing and Consumer Fraud and Abuse Prevention Act of 1994. This bill enjoyed broad bipartisan support, passing the House by a vote of 411 to 3.

Pursuant to this act, the Federal Trade Commission has already issued proposed regulations to curtail telemarketing fraud, and is currently seeking public comment.

However, H.R. 450 would prevent the FTC from moving forward to implement these important regulations.

I cannot understand why the Members who supported this legislation last year would now wish to effectively nullify it during this moratorium period. Far too many individuals are defrauded each year through telemarketing scams. In failing to exclude these regulations, we create a windfall for the crooks preying on unwary citizens. Once again it will be open season for anyone who concocts a scheme to cheat our citizens.

What are we supposed to tell our constituents who have been victimized by these schemes? Should we tell them that last year we thought that telemarketing fraud was a problem warranting legislation, but that this year we decided that it was not really a big problem, or that at least it was not problem enough to exclude it from the moratorium?

If we do not adopt this amendment then these are questions that we all should be prepared to answer. I urge my colleagues to express support for the law that we overwhelmingly adopted in the last Congress, and therefore ask that they support the gentleman's amendment.

Mr. CLINGER. How much time is remaining on each side, Mr. Chairman?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] has 2 minutes remaining, and the gentleman from Pennsylvania [Mr. FATTAH], the sponsor of the amendment, has 2 minutes remaining.

Mr. CLINGER. I have the right to close, is that correct?

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. FATTAH. Mr. Chairman, I yield myself such time as I may consume, and I do not intend to take up the House's time much further with this. I would like to indicate that telemarketing fraud affects all of our constituents across this country and both small businesses and senior citizens have been the victims of up to the tune of some $40 billion. This has been a matter considered in congressional hearings over a 7-year period. The Congress in both its Houses and by action of the President's signature acted last year.

The gentleman from Pennsylvania, the chairman of this committee, indicated in his initial remarks that he felt that this fell within the exemption. It has now been clarified by the sponsor of H.R. 450 that these regulations do not fall within that exemption and therefore it is up to us as to whether or not we want to make it clear that we want fraud, as it is being so prevalently displayed in the telemarketing field, ended in this country as soon as possible by voting in favor of my amendment and I would encourage all of my colleagues on both sides of the aisle to give favorable consideration to this amendment.

Mr. Chairman, I yield back the remainder of my time.

Mr. CLINGER. Mr. Chairman, I yield the balance of our time to the gentleman from Oklahoma [Mr. ISTOOK].

The CHAIRMAN. The gentleman from Oklahoma [Mr. ISTOOK] is recognized for 2 minutes.

Mr. ISTOOK. Mr. Chairman, the difficulty with this as with so many other things is that the Federal Trade Commission appears to be using a blunderbuss or even a cannon in cases where what they actually need is a fly swatter.

The legislation which originally prompted the FTC to come with regulations was supported by the Direct Marketing Association which represents over a million, in fact about 1.6 million telemarketers in this country.

The FTC, rather than going after the bad apples among them has said that they want to put regulations that restrict the entire industry. For example, one of the things in there they say is, well, if you have anything that you have not fulfilled under a prior agreement, then you cannot make any new contact with your client.

Mr. Chairman, for example, I know of a company that employs a great number of people in Oklahoma, that has been operating for decades, that uses telemarketing to sell magazine subscriptions. They could not call to say do you want to renew your subscription until after it has already expired under what the FTC is trying to do.

I see no reason to exempt the FTC from the application of the moratorium that is necessary to get a handle on regulations in this country, because they have shown they have the mindset that is all too typical, the mindset that it is going to take some time to get straightened out, to get squared away, so they focus on the people who are involved in fraud instead of saying our answer is to make everybody change their behavior instead of punishing the people who are out to defraud, to deceive, to commit a scam. That is the difficulty.

That is why I rise in opposition to the amendment that is proposed by the gentleman from Pennsylvania.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. FATTAH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. FATTAH] will be postponed.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: At the end of Section 5, add the following new subsection:

"(c) SPECIAL RULEMAKING.—Section 3(a) or 4(a), or both, shall not apply to a regulatory rulemaking action by the Secretary of Agriculture pursuant to the Sheep Promotion, Research and Information Act of 1994 (P.L. 103–407).".

The CHAIRMAN. Pursuant to the order of the House of February 23, 1995, the gentleman from Missouri [Mr. VOLKMER] and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, in view of the fact that we have approximately 1 hour left and this is the last amendment that has been noticed at this time I ask unanimous consent that debate on this amendment be extended 5 minutes more on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mrs. COLLINS of Illinois. Reserving the right to object, Mr. Chairman, I would hate to object to the gentleman's amendment, but we have to because even though this amendment is under the unanimous-consent agreement, there are other Members who have amendments that they want to offer, and although I respect the gentleman greatly I would have to object in order to protect their amendments.

The CHAIRMAN. Objection is heard.

□ 1200

Mr. VOLKMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members of the House, this is a very simple amendment. It would exempt from the moratorium the present rulemaking process that is ongoing in the Department of Agriculture pursuant to the Sheep Promotion Research and Information Act that we passed last year.

This act was necessary because several years ago this Congress, at the behest of the gentleman from Texas, who is now the majority leader, leading the fight, did away with the wool and mohair program that we had that helped our sheep producers throughout this country. As a result, that act, that promotion, that law will expire January 1, 1994.

Knowing that, some of us who have sheep producers in our districts, working with the sheep industry came up with an idea of them to have their own program financed by themselves as a Sheep Promotion, Research, and Information Act. That act passed this Congress without difficulty.

The USDA is now in the process of implementing that by regulation. If not exempted, if it is not specifically exempted, and I say that because I just this morning talked to the gentleman from Kansas, who is the chairman of the Committee on Agriculture, and he now agrees with me, even though he did not think so last night; he now agrees with me that this provision will not be able to be implemented by USDA. The regulation will have to come to a halt, and these sheep producers who want to do something for themselves without any cost to the Government will not be able to do so and, as a result, come January 1, you are going to have nothing there for them.

What has happened to the sheep industry since we have pretty well abandoned them out there by the Government taking the action repealing their existing program in the past? We have seen a demise of approximately 18 percent. We are continuing to see a downflow.

All they are asking is that they be given an opportunity to help themselves, not for government to help them, but to help themselves.

I have a letter from the American Sheep Industry Association.

> We sincerely appreciate your effort to show that inclusion of the sheep promotion program in the regulatory moratorium would only hurt the producers of lamb and wool who ask for the implementation. There is absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

Now, I realize, Mr. Chairman, members of the committee, that this little thing is not much different as far as exemption than the amendment early on yesterday morning by the gentleman from Indiana [Mr. BURTON] which was accepted by the other side, and was passed without any vote in this body, but because HAROLD VOLKMER is offering this amendment, because the gentleman from Missouri is offering the amendment, there is no question that they are not going to accept it.

We have been trying to work with them to see the light, to see that this is not going to undo their whole bill. It is just going to help a bunch of sheep producers, hard-working American people, paying taxes. Of course, they cannot pay as much under this bill. They are going to pay less, because we are going to lose a whole bunch more, and I do not understand why. They are not going to hurt me by defeating this amendment. They are only going to hurt a bunch of hard-working American people.

Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Chairman, let me say I appreciate the effort to make clear that we can allow those regulations to go forward.

It is the opinion of the committee and the authors of this legislation that a specific amendment is not necessary to allow those regulations to go forward. Yesterday the gentleman from Kansas [Mr. ROBERTS] and the gentleman from Texas [Mr. DE LA GARZA] entered into a colloquy that made it clear that we could allow marketing orders and other routine administrative regulations the Department of Agriculture has to go forward.

This particular program, I realize, presents a unique issue, because the law was changed last year to allow a voluntary checkoff program for sheep and replaced an earlier act of Congress that was a Government-run program.

It is our understanding that this type of regulation would be exempt under section 6(3)(b)(i) that provides for regulations that are streamlining. Since this program would be administered by the Department as a checkoff from the private sector, it would be streamlining and reduce the burden and, therefore, be eligible to go forward under the exemptions under the law.

For that reason, I would recommend that we vote against this amendment.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. MCINTOSH. I yield to the gentleman from Missouri.

Mr. VOLKMER. What law school is the gentleman a graduate of?

Mr. MCINTOSH. I graduated from the University of Chicago Law School.

Mr. VOLKMER. Fine. That is what I thought.

Mr. MCINTOSH. I am quite proud of that. I studied under Justice Scalia, who was a professor at the time, and I am very pleased with the legal education of that institution.

Mr. VOLKMER. Mr. Chairman, I yield myself the balance of my time.

I would like to point out to the House that even though the gentleman from Indiana says that it is exempt under the present law, I can find no other person in this body, including the chairman of the House Committee on Agriculture, that agrees with him. All the general staff of the USDA, the attorneys there, and even though I am only a graduate of the University of Missouri Law School and not the Chicago Law School, I do not know what kind of law they teach up there, but reading the law and reading what proposed regulations there are leads me to believe the gentleman from Indiana just does not know how to read the law.

And I appreciate he just does not want any amendment that is offered by the gentleman from Missouri to pass, but that is kind of mean-spirited. That is not hurting the gentleman from Missouri. You are only hurting sheep producers out there who are hard-working American people who want to do something for themselves, by themselves, but they have to have a regulation that is passed pursuant to an act by the Government.

The gentleman is trying to fool the House. The gentleman from Indiana is trying to fool the House. He says that it is exempt under that provision for streamlining. This does not have anything to do with streamlining, the gentleman from Indiana, one solitary thing. You better go back to law school. It has nothing to do with streamlining. It has to do with exempting a new law.

There has been no law on the books that has to do with a sheep promotion and research project whatsoever. Therefore, folks, do not be fooled. If you do not accept this amendment, then you are telling those sheep producers out there not only in my district but throughout the West and other parts of this country that you do not want them. The gentleman from Indiana is telling them that you do not want them to have this sheep promotion program, that they will benefit themselves with their own money, not with Government money, not with Government doing anything about it.

It is mean-spirited. It is John Bircher type of legislation.

Mr. CLINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is not about mean-spiritedness. It is obviously about a difference of opinion as to the exemptions and what they allow and do not allow.

The gentleman from Missouri feels that his program, the mohair program, would not be permitted to be exempt. I think there is an honest difference of opinion about that.

I think you are right, that the colloquy that was held yesterday between myself and the gentleman from Texas [Mr. DE LA GARZA], we thought at the time, would have covered that, because it did cover a number of things on a routine basis. That was clearly perhaps not included within the parameters of that colloquy, which is why we have worked with the gentleman, worked with the gentleman's staff over the morning to try to address that and have come to the conclusion that the exemption that would apply in this instance, the gentleman does not agree, but the exemption that would apply here is that this is a streamlining, this is in fact making things easier for the sheepherders and the people who are involved in this program. It is taking away a burden that they have on them.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Did not the gentleman from Kansas, the chairman of the Committee on Agriculture, say or tell you words to the effect that he agreed that this amendment was necessary this morning?

Mr. CLINGER. I would tell the gentleman he did not tell me he thought it was necessary. He suggested that perhaps that it might be something that could be accepted. We are just saying we do not think it is necessary, because, in fact, it would be exempt under the streamlining provision.

□ 1210

So I would urge a vote against the amendment, unfortunately against the amendment, and yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in support of the amendment by Mr. VOLKMER. Last October, the 103d Congress passed the Sheep Research and Promotion Act. This program could establish a national check-off program to provide funds for promotion, research, and information programs that will benefit sheep and wool growers.

This bill has been promulgated into rules that will enable the Department of Agriculture to implement the check-off program. This proposed self-help program was designed to allow promotion activities to begin when current authority expires January 1, 1996.

A delay in the rulemaking process will leave the U.S. sheep industry without a much needed national promotion program for sheep and sheep product promotion, research and information.

I want to emphasize that the check-off imposes no cost to the Government; the sheep industry check-off reimburses the cost of referendum, administration and compliance. This new program is needed to promote equity and fairness for American ranchers and help them compete in the global market.

Again, this rulemaking has absolutely no cost to the Federal Government. The cost of the referendum and all oversight costs are paid by the sheep industry.

This check-off is similar to the 18 other commodity check-offs. The sheep industry should have an opportunity to vote on a self-help promotion similar to other agriculture industries like cotton, beef, and pork.

During the last Congress we passed a bill that phases out the Wool Act this December. The new check-off program would kick in on January 1, 1996. The moratorium places this program in jeopardy.

The death of the act means ranchers have to find a new way to do business so they can still provide for their families. This self-help program will allow then to help themselves promote their products.

More than 350,000 Americans in small communities depend on income generated by the sheep industry. Wool sales contributed approximately $70 million to rural communities in 1992, and the sheep industry contributes about $2 billion to the GNP.

The sheep industry is a vital cog in my district's economic engine. The 23d District of Texas has 86 percent of the sheep which produced 86 percent of the wool over the past 2 years in Texas. I am proud of this industry and proud of what they do to help the rural and Texas economy. This program is another tool to assist in building up and maintaining a strong domestic industry.

I ask my colleagues to support the Volkmer amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, further proceedings on the amendment offered by the gentleman from Missouri [Mr. VOLKMER] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from West Virginia, Mr. WISE, the amendment offered by the gentleman from Texas, Mr. GENE GREEN, the amendment offered by the gentleman from California, Mr. WAXMAN, the amendment offered by the gentleman from Pennsylvania, Mr. FATTAH, and the amendment offered by the gentleman from Missouri, Mr. VOLKMER.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WISE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. WISE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mr. WISE. Mr. Chaiman, I renew my demand for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 228, not voting 12, as follows:

[Roll No. 168]

AYES—194

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Laughlin
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rogers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—228

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Cremeans
Cubin
Cunningham
Davis
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns

☐ 1229

The Clerk announced the following pair:

On this vote:

Mr. Becerra for, with Mr. Ortiz against.

Mrs. CHENOWETH and Mr. OLVER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the order of the House of Thursday, February 23, 1995, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further consideration.

AMENDMENT OFFERED BY MR. GENE GREEN OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas, Mr. GENE GREEN, on which further proceedings were postponed and on which the nays prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 241, not voting 16, as follows:

[Roll No. 169]

AYES—177

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gillmor
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—241

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—16

Allard
Andrews
Barton
Becerra
Costello
Doggett
Edwards
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (NJ)
Towns

□ 1237

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1240

AMENDMENT OFFERED BY MR. WAXMAN

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California [Mr. WAXMAN] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 18, as follows:

[Roll No. 170]

AYES—145

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Collins (MI)
Conyers
Coyne
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Pomeroy
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Torres
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman

Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—271

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Andrews
Barton
Becerra
Boehner
Chenoweth
Costello
Durbin
Ehlers
Eshoo
Gibbons
Gonzalez
McCarthy
Meek
Miller (FL)
Ortiz
Rush
Torricelli
Towns

□ 1245

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FATTAH

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Pennsylvania [Mr. FATTAH] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 168, noes 254, not voting 12, as follows:

[Roll No. 171]

AYES—168

Abercrombie
Ackerman
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—254

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White

Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Ortiz
Rush
Smith (WA)

□ 1253

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VOLKMER

The CHAIRMAN. The pending business is the demand of the gentleman from Missouri [Mr. VOLKMER] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

RECORDED VOTE

Mr. VOLKMER. A recorded vote has been demanded on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 172]

AYES—168

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cubin
Danner
de la Garza
DeFazio
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Geren
Gordon
Gutierrez
Hall (TX)
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Klink
LaFalce
Lantos
Laughlin
Lewis (GA)
Lincoln
Lipinski
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McKinney
Meehan
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Parker
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Skelton
Slaughter
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOES—253

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLauro
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Petri
Pickett
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Andrews
Barr
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
Luther
McCarthy
Meek
Ortiz
Rush

□ 1300

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO. Mr. Chairman, I rise in support of H.R. 450, the Regulatory Transition Act of 1995. While this bill in its current form is not without its flaws, I am supporting the bill in response to the frustration my constituents are feeling about regulatory burdens.

H.R. 450 imposes a moratorium on the implementation of new Federal regulations issued between November 20, 1994, and December 31, 1995, except those which address an imminent threat to health or safety. But rather than being a blind, across-the-board slashing of regulations, this legislation also exempts regulations that are subject to court-mandated deadlines or are essential for enforcement of criminal laws.

The bill's provisions will not apply to rulemaking actions in the case of certain emergencies. An emergency exemption would be granted when seen as necessary because of "the existence of any condition, circumstances, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property, during the moratorium period," or necessary for "the enforcement of criminal laws."

The bill's regulatory rulemaking section excludes rulemaking actions that are limited to repealing, narrowing, or streamlining a rule, regulation, or administrative process or otherwise reducing regulatory burdens. It also makes exception for rulemakings related to military or foreign affairs functions, to any statutes implementing an international trade agreement, and to agency management, personal, public property, loans, grants, benefits, or contracts. As a safeguard, a senior official within the executive branch must certify that the regulation meets the standards for exception and exclusion before a regulation qualifies.

Mr. Chairman, I am not one given to casting votes for their symbolic value. My constituents have placed their trust in me to be their voice on these issues. My vote here on the floor of the House of Representatives is a great honor and tremendous responsibility—one that I take very seriously. I am voting for final passage of H.R. 450 in support of the community leaders, small businessowners, and individual citizens in my district who have expressed their frustration with regulatory burdens.

Mr. BONIOR. Mr. Chairman, I believe we do need to reform many of our regulations. Some are arbitrary, unnecessary, and even counterproductive, but any blanket approach that stops all regulations is a serious error that will turn back the clock. The American people do not want to overturn regulations that protect their health, safety, and our environment.

For example, this moratorium bill will suspend vital regulations that protect our Great Lakes—the world's largest fresh water system and a critical economic and environmental resource. The bill suspends regulations that control ballast water discharges from foreign ships who sail up the Hudson River into the Great Lakes.

In the Great Lakes, we know a thing or two about ballast water. In 1988, we discovered a new species native to the Caspian Sea known as the zebra mussel. The zebra mussel was introduced into our Great Lakes by a foreign ship's irresponsible ballast water discharge. The zebra mussel has clogged water intake pipes, polluted our beaches, and is causing irrevocable harm to an environment that existed for tens of thousands of years.

In 1990, we passed legislation to prevent further infestations from ballast water. On December 30, 1994 these regulations were applied to the Hudson River which connects to the Great Lakes, because we realized that the program was useless unless it was inclusive. This moratorium suspends those regulations and many others that affect the health and safety of the American public.

This legislation says to the people in the 10th District of Michigan, and to everyone along the Great Lakes: We don't care about the water you drink, we don't care about the pollution of your beaches, and we don't care about the most important recreational and economic resource you have.

To the families in Harrison Township who had to smell nothing but dead fish and seaweed last summer these regulations mean a lot. The presence of the zebra mussel is a threat to the Great Lakes and the quality of life for all of us who live near them. The people of Michigan want to help find solutions to specific problems—they do not support an irresponsible blanket moratorium from Washington. For these reasons and others, I oppose this indiscriminate approach.

Mr. TATE. Mr. Chairman, earlier today, I offered an amendment to grant an extra 6 months of regulatory relief for small business. The amendment received overwhelming suport, showing that the Members of this body are dedicated to helping America's small businessowners provide jobs and economic opportunity in their communities.

I would like to submit for the Record, letters of support for my amendment from the National Federation of Independent Business and the National Association of Homebuilders. These organizations represent key members of the small business community, and I thank them for their support.

February 17, 1995.

Hon. Randy Tate,
House of Representatives,
Washington, DC.

Dear Representative Tate: On behalf of the over 600,000 members of the National Federation of Independent Business (NFIB), I am writing to express our strong support for your proposed amendment to H.R. 450, the Regulatory Transition Act, to extend the moratorium on regulations for small business.

Federal regulations is an overwhelming burden on America's small businesses and costs millions of dollars in lost productivity and thousands of jobs each year. Your amendment calls for six more months of regulatory relief for businesses with 100 employees or less. If your amendment passes, federal regulations promulgated between November 20 and the effective date of the Act would not apply to businesses with 100 employees or less, until June 30, 1996. In addition, it would also prohibit the promulgation of new federal regulations from the effective date of the Act and June 30, 1996. If your amendment passes, small business owners throughout this country will be able to continue to do what they can do best—create good paying jobs and generate economic growth.

Over the years, NFIB surveys have indicated that the burden of federal regulations is the fastest growing problem for small business. Most recently, in a 1994 Small Business Economic Trends survey, federal regulations were identified as one of the top two problems jeopardizing the survival of many small businesses. Regulatory relief is a top priority for NFIB's members, and clearly, your amendment goes a long way to protect small businesses from burdensome and unnecessary government regulation.

I want to commend you and thank you again for your efforts on behalf of all small business owners in this country.

Sincerely,

John J. Motley III,
Vice President, Federal Governmental Relations.

National Association of Home Builders,
Washington, DC, February 22, 1995.

Dear Representative: It is my current understanding that on Friday, February 24, Congressman Randy Tate is expected to offer a House floor amendment to H.R. 450, the Regulatory Transition Act ("the Act"), that would provide an additional six months of Federal regulatory relief under the bill for small businesses of 100 employees or less. On behalf of the 180,000 member firms of the National Association of Home Builders (NAHB), I strongly urge you to support this important amendment.

Too often, the common notion of a home builder tends to be that of a "high-volume" constructor, someone with the perceived ability to spread production and regulatory costs across many projects. In contrast, the majority of NAHB member firms are truly small businesses, primarily engaged in home-remodeling and the construction of single family homes. Indeed, over half of our builder members produce fewer than 10 homes per year and close to 75 percent build 25 or fewer homes.

Unfortunately, the housing industry is one of the—if not the most—heavily regulated sectors of the American economy. The compliance costs generated by so many unnecessary and duplicative Federal rules are inevitably passed along as an indirect tax on the housing consumer—depriving many potential first-time home buyers of the American Dream of home ownership.

The Tate amendment provides that Federal regulations promulgated between November 20 and the effective date of the Act will not apply to businesses with 100 employees or less until June 30, 1996. Additionally, it would also prohibit the promulgation of new Federal rules from the effective date of the Act through June 30, 1996.

Passage of the Tate amendment will relieve small builders from any added regulatory burden until such time as the Congress and Administration thoroughly review the current regulatory process. In short, a "Yes" vote on the Tate amendment is a vote for the delivery of quality, affordable housing by the small firms that produce such a large percentage of our nation's private housing stock. Your consideration of the views expressed in this letter is greatly appreciated.

Best regards,

James R. Irvine.

Mr. HAYES. Mr. Chairman, I rise in support of a bipartisan amendment which I have cosponsored, along with Congressmen Condit, Combest, Lamar Smith, Chet Edwards, and Bonilla. This amendment would provide the necessary assurance that proposed designations of any species or critical habitat will indeed coincide with the reauthorization of the Endangered Species Act.

In my home State of Louisiana, the U.S. Fish and Wildlife Service has proposed, under section 3 of the Endangered Species Act, to designate a critical habitat for the Louisiana black bear. This critical habitat would cover over 10 percent of our land mass, much of which is not the natural habitat of the bear, thus potentially impacting private landowners, along with hunters and fishermen who utilize these private lands, with little benefit toward the preservation of the bear. Both the property owners and the users have worked voluntarily toward the conservation of the bear.

The U.S. Fish and Wildlife Service asserts that most activities on private lands will not be affected by the designation, unless such actions are subject to Federal permitting requirements. The Service has made particular reference to section 404 permits of the Clean Water Act administered by the U.S. Army Corps of Engineers—corps. While the U.S. Fish and Wildlife has indicated that no permit requirements would be added because of the designation, they fail to recognize that the topography of Louisiana is such that much of our property is subject to the section 404 permitting process.

The bill before us, H.R. 450, would delay the proposed critical habitat until after the end of 1995. With the institution of a regulatory moratorium, all critical habitat designations will be scrutinized carefully before the final rules are issued.

The bipartisan amendment simply would extend the moratorium on such designations until Congress addresses the problems with the current program. In this way, we can ensure that the rights and best interests of not only landowners but also the bear and all endangered species are appropriately protected.

Mrs. COLLINS of Illinois. Mr. Chairman, the Norton amendment, as amended by the McIntosh amendment, contained both unnecessary and inflammatory language. While the amendment excluded civil rights regulations from the moratorium, it also stated that any preferences based on age, race, gender, national origin, handicap, or disability status, would be subject to the moratorium.

While I commend my colleagues for voting to protect the civil rights of Americans, I believe that the language added to the amendment that would subject preferences to the moratorium, will later be used for divisive and political purposes. My fear is that many Republicans will try to assert that all who voted in favor of the Norton amendment, also voted to do away with preferences. I do not believe this to be the case. However, to guard against that likely claim, I voted "present."

Mr. BENTSEN. Mr. Chairman, I rise in opposition to H.R. 450, the Regulatory Moratorium Act. I had hoped to offer an amendment earlier today to exempt the SEC from this moratorium. But the Republican leadership and the House Rules Committee did not provide sufficient time for me and other Members to offer our amendments on this important piece of legislation.

Yesterday, the House voted to provide an exemption for those laws prohibiting discrimination. The House even provided an exemption to ensure bird hunters can hunt this season. Yet we will not consider an exemption for the individual investors who have placed their savings and their future in mutual funds. Unfortunately, these middle-class investors are not guaranteed the same protections as bird hunters. This is wrong.

With many more Americans investing in securities, the need for the SEC to protect these assets is crucial. In fact, Chairman Levitt of the SEC has sent me a letter strongly requesting this exemption. I consider it hypocritical that other banking regulators were exempted from this moratorium, while the SEC was not.

This moratorium is another example of reckless legislating by the Republican majority. We must make Government more accountable and more efficient, but that does not mean passing a moratorium that threatens the protection of small investors. If this moratorium is a runaway train, I want to make sure middle-class savers aren't tied to the tracks. My amendment would have guaranteed that money market accounts and other SEC regulations that Americans depend upon would have been protected.

For these reasons, I will oppose the Regulatory Moratorium Act.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, DC, February 23, 1995.

Hon. WILLIAM F. CLINGER,
Chairman, Committee on Government Reform and Oversight, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Securities and Exchange Commission supports an amendment that will be offered in connection with consideration of H.R. 450, the "Regulatory Transition Act of 1995" that would exempt SEC rules from the provisions of H.R. 450.

A number of important SEC rules could be delayed or suspended by H.R. 450. The bill could suspend the SEC's rule providing for three-day settlement of securities trades, requiring a transition back to five-day settlement; the bill could also affect rules to simplify the process of obtaining unlisted trading privileges (UTP) for a security listed on another exchange. In addition, the bill could suspend the SEC's new municipal disclosure rules that are designed to fill serious gaps in the information available regarding these securities. The moratorium could also suspend work on rules to improve disclosure by corporate issuers and mutual funds regarding derivatives and other risks.

These and other SEC rules are necessary to protect investors and the securities markets. The amendment to H.R. 450 to exempt SEC rules is thus necessary and appropriate, and I respectfully request your support.

Sincerely yours,

ARTHUR LEVITT.

Mr. RICHARDSON. Mr. Speaker, because of the restrictive rule I was unable to offer an important amendment to H.R. 450 that would have benefited native American tribes across the Nation. I hope to work with my colleagues in conference and in the Senate to include these important provisions. My amendment to section 6(3)(B) of H.R. 450, as reported, would exempt negotiated rulemaking relating to Indian contracts, grants, cooperative agreements, compacts, and annual funding agreements authorized under the Indian Self-Determination and Education Assistance Act from the moratorium on rulemaking.

Last year, Congress passed Public Law 103–413 which directed the Departments of the Interior and Health and Human Services to enter into negotiated rulemaking with Indian tribes in order to promulgate regulations governing Indian Self-Determination Act, "638", contracts and self-governance compacts.

The reason Congress took action is because for 6 years the Departments ignored the congressional directives contained in 1988 amendments to the Indian Self-Determination Act. The 1988 amendments were intended to permit greater tribal self-determination by simplifying the contracting process and by reducing needless layers of Federal bureaucracy. The Departments, however, never promulgated any regulations to implement those policies.

Public Law 103–413 streamlines the 638 contracting and self-governance compacting processes and repeals unnecessary Federal regulations, thus reaffirming the policies embodied in the 1988 amendments.

A moratorium on all rulemaking as provided in H.R. 450 would negate the purpose and effect of the mandates of Congress in Public Law 103–413. Tribes worked tirelessly for 7 years to ensure that the bureaucracy would not impede their efforts to achieve self-determination. But, H.R. 450 would inadvertently undercut all of their achievements as well as the congressional policy of fostering tribal self-determination.

The amendment offered is consistent with the policy driving H.R. 450—to reduce excessive and unnecessary regulatory burdens—and will help tribes in their struggle to reduce the Federal bureaucracy by taking over functions that they, not Washington, can better handle.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO, SUBMITTED FOR PRINTING UNDER CLAUSE 6, RULE 23

In Section 6(3)(B), strike "or" at the end of clause (iv), strike the period at the end of clause (v) and insert "; or", and insert after clause (v) the following:

"(vi) any agency action that is taken by an agency to meet the negotiated rulemaking requirements of Pub. L. No. 103-413, the Indian Self-Determination Act Amendments of 1994."

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise to express my support, for now, for this deeply flawed legislation, with the understanding that I will not be able to support the conference report which will return from the Senate unless this legislation is significantly improved by the Senate or by the conference committee. I am concerned that the legislation as it stands could cause confusion and an enormous amount of litigation. It is also possible that the current language, if contained in the final version of this bill, could interfere with a wide range of needed agricultural rulemaking involving beef, sheep, hogs, and soybeans in particular. I also have a real concern that the existing language would interfere with rulemaking needed on behalf of the ethanol fuels industry.

In short, I want to send a message that I believe that Federal rulemaking has too often been heavy-handed, rigid, and cost-inefficient. I am hopeful that this legislation can be modified as it progresses through the legislative process so that its shortcomings are corrected. Nonetheless, I want to make it very clear that I will not be able to vote for this bill when and if it returns to us from the Senate unless the existing language problems are corrected.

Mr. RICHARDSON. Mr. Chairman, because of the restrictive rules under the Republican majority, I was prohibited from offering the amendment described below. I hope to work with my colleagues in the Senate and in conference to include these important provisions.

As my colleagues know from my earlier comments on this bill, this regulatory moratorium legislation is a bad idea multiplied by a power of 10.

By simply freezing all regulations—the good with the bad—it does more than throw the baby out with the bathwater: it throws out the whole nursery.

As the ranking Democrat on the Subcommittee on National Parks, Forests and Lands, I am very concerned about the effect of this misguided legislation on the ability of Federal land management agencies to carry out their significant historical statutory responsibilities.

My amendment would exempt the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service, and the National Park Service from the provisions of this act that would severely limit their ability to implement national standards for the rational use of protected Federal land.

Without my amendment, this bill is a glaring example of using a meat cleaver when a scalpel would have been more appropriate.

In its rush to judgment on this legislation, Congress is rushing to battle on regulations that in many cases are useful and necessary.

As an example, Mr. Chairman, allow me to cite some of the many useful Fish and Wildlife Service, National Park Service and Bureau of Indian Affairs regulations currently under consideration which would be held hostage by this legislation: Regulations to reclassify the bald eagle as no longer endangered; regulations affecting the establishment of manatee protection areas in two national wildlife refuges in Florida; regulations affecting establishment of the Marine Mammal Protection Act; regulations affecting a wide range of activities in Alaska, including: Cabin management regulations on national wildlife refuges; vessel management in Glacier Bay; Alaska fishing regulations for Glacier Bay National Park; regulations affecting solid waste disposal sites in the

National Park System; Regulations setting minimum academic standards for the basic education of Indian children and national criteria for dormitory situations under the jurisdiction of the Bureau of Indian Affairs.

Precious national landmarks like Yellowstone, Yosemite, and the Grand Canyon deserve preservation for future generations. It would be folly to do otherwise.

Without my amendment, the National Park Service and the other Federal land management agencies will have their hands tied: they will be barred from promulgating regulations that benefit the public and promote responsible Federal land management activities.

Mr. Chairman, the American people spoke loudly and clearly in November that they wanted Government to be more responsive to their concerns.

They did not say they wanted government to be bottled up by artificial delays to implement necessary and reasonable regulations.

In fact, a recent Time magazine poll found that 88 percent of Americans consider environmental protection either "one of the most important" or "very important" issues facing the Nation at this time.

Mr. Chairman, this is a reasonable amendment.

I ask my colleagues to support this responsible attempt to moderate what is otherwise a radical assault on the ability of the Federal Government to protect the public from harm and preserve the environment and natural resources from further damage.

The preservation of the Nation's heritage should not be shunted aside by attempts to scale back even the reasonable regulations of the Federal Government.

AMENDMENT TO H.R. 450, AS REPORTED, OFFERED BY MR. RICHARDSON OF NEW MEXICO

At the end of the bill add the following new section:

SEC. . RULES OF FEDERAL LAND MANAGEMENT AGENCIES NOT AFFECTED.

Nothing in this Act shall affect the ability of the Federal land management agencies (including the Bureau of Land Management, the United States Forest Service, the United States Fish and Wildlife Service, and the National Park Service) to promulgate and implement rules affecting use of or action on Federal lands within the boundaries of authorized units of the national conservation system.

The CHAIRMAN. Pursuant to House Resolution 93, all time for the consideration of amendments has expired. No further amendments are in order.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 450) to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes, pursuant to House Resolution 93, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted in the Committee of the Whole? If not, the question is on the amendment.

The question was taken; and on a division (demanded by Mr. CLINGER) there were—ayes 132, noes 91.

So the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MRS. COLLINS OF ILLINOIS

Mrs. COLLINS of Illinois. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. COLLINS of Illinois. Yes, I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. COLLINS of Illinois moves to recommit the bill H.R. 450 to the Committee on Government Reform and Oversight with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 5, add the following new subsection:

(c) DRINKING WATER SAFETY.—Section 3(a) or 4(a), or both, shall not apply to any regulatory rulemaking action begun by the Administrator of the Environmental Protection Agency before the date of the enactment of this Act that relates to control of microbial and disinfection by-product risks in drinking water supplies.

Mrs. COLLINS of Illinois. Mr. Speaker, the motion I am making is to recommit the bill to the Committee on Government Reform and Oversight with instructions to report it back to the House.

Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, the motion to recommit probably could not be more simple. It deals with the most simple element known to mankind, water. More specifically, it deals with the basic safety of our Nation's drinking water.

Mr. Speaker, I come from Milwaukee where 3 years ago over 400,000 people fell sick as a result of the parasite Cryptosporidium. Over 100 deaths were attributed directly or indirectly to this and 400,000 people in my community fell ill as a result of this parasite.

The people in my community have dealt with this tragedy, we have moved forward, we have cleaned up our water supply, and now the issue is whether the Federal Government has a responsibility or a role to play in helping other communities avoid the tragedy that befell Milwaukee.

The EPA has responded and is moving forward orderly to promulgate rules to deal with the drinking water supply in our Nation.

I was talking to a friend of mine last night, and he said, "Isn't it hypocritical for Congress to care more about duck hunting season than our drinking supply?" And I said, "No, no, no, you don't understand the new Congress. I'll tell you what the new Congress is all about. If you're a duck in this country, you better be on guard. If you're a goose, you better be on guard. But if you're a young person who died from E. coli like the young person we heard about yesterday, or if you suffer from cryptosporidium, you also should be on guard. Because this Congress has decided that we don't care about our drinking water supply in this Nation."

And he said, "But why can't Congress create an exception for drinking water?"

I said, "It's not one of the priorities. Duck hunting's a priority. But safe drinking water is not a priority in this country."

□ 1310

I think that that is the message that the American people should get from this debate.

Mr. BENTSEN. Mr. Speaker, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Speaker, I thank the gentlewoman for yielding. Unfortunately, the new House does not believe in protecting small investors because they refuse to consider an amendment which would have exempted the Securities and Exchange Commission which they asked to be exempted from this, so small investors, when more Americans today are investing in mutual funds than putting their money in banks we are going to shut down the SEC with this legislation. So I think the gentleman can add that to his list.

Mr. BARRETT of Wisconsin. Again, the basic point here is quite simple. I think we did the right thing yesterday in passing an exemption for duck hunting season. I think the duck hunting season should go forward in this country, but I also believe very strongly that the Federal Government has a role, and it is a good role, to make sure that our Nation's drinking water is safe.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Speaker, this motion to recommit is simple and straightforward. H.R. 450 should make clear that regulations governing the basic safety of our Nation's drinking water are exempted from the moratorium.

Last night we voted to exempt duck hunting. At the very least we should vote to exempt water quality and testing for the safety of our citizens from this moratorium.

The parasite Cryptosporidium is in our water. As my colleague, Mr. BARRETT, noted, however, 40 people died in Milwaukee recently and over 400,000 became ill.

Recently Cryptosporidium has been detected in New York City's water supply and no one yet knows how widespread the danger is in New York City and in other cities across this country. This bill would halt efforts to find out.

Cryptosporidium is not taking a moratorium. Parasites do not take a moratorium and public safety should not take a moratorium. Vote for the motion.

Mrs. COLLINS of Illinois. Mr. Speaker, I yield the remainder of my time to the other gentlewoman from New York [Ms. SLAUGHTER], the only bacteriologist in the House of Representatives.

Ms. SLAUGHTER. Mr. Speaker, I know that no Member of the House of Representatives wants to be responsible for the fact that we have stopped the new regulations on food inspection on meat and poultry. I know the fact that 4,000 or 5,000 people will die each year because of that is not anything that Members want. But this morning we have to talk about Cryptosporidium. We cannot avoid the water. Maybe you are a vegetarian and you are not going to eat the meat, but remember when we came back to Washington last year, those of us who served here, and found that the entire water supply in the City of Washington and Northern Virginia had been shutdown and there was no bottled water to be had and people were worried about the hospitals and babies and we did not know how long this was going to last.

We simply cannot avoid it. It makes no sense from any standpoint, legislatively or from the standpoint of public health that we would stop the regulations being put forth when we find Cryptosporidium in the water supply of the United States. A Third World country would do it; can't we?

I urge Members to vote for this motion to recommit so we can right this wrong.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLINGER] is recognized for 5 minutes.

Mr. CLINGER. Mr. Speaker, I yield myself 1 minute just to say I think the ducks have been getting a bum rap here frankly because we did indeed provide an exemption because there was no exemption in this bill to cover the migratory bird situation.

There is an exemption, however in this bill to provide for the sorts of things that are covered by this motion to recommit. The elements that have been mentioned here are threats to health and safety. When we talk about microbiology and disinfection of products, this would come under health and safety, and therefore, there was no need too provide a specific exemption for these things because they can be covered under that.

Beyond that, however, the environmental regulations, some of them have been the most onerous and need to be carefully reviewed and looked at in this process in the moratorium.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, the reason that we need this bill in not because of some Trojan Horse for health and safety. We have fully protected health and safety. As the Members of this body have seen time and time again, this exemption right here will allow the administration to take any rulemaking necessary to protect health and safety. Perhaps they are not competent enough to do so.

But the real issue in this bill, Mr. Speaker, is are we on the side of the American people and against the army of bureaucrats who produced this avalanche of new regulations in just 1 year under the Clinton administration?

I say to Members this Republican Congress is going to stand up and put an end to the hidden tax and regulations and stand up for the American people.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

Mr. CLINGER. Yes, I yield to the gentleman from California.

Mr. THOMAS. Is there a moratorium on snakes in this resolution?

Mr. MCINTOSH. Mr. Speaker, it is vitally important that we proceed with this moratorium on regulations so that a year from now we do not see another pile of new burdensome Federal regulations that impose a hidden tax on the American middle class, costing every family in this country $6,000 each year, higher car prices, higher food prices, jobs being sent overseas.

There is an article in the Wall Street Journal that points out that if we do not act now to stop this avalanche of new regulations we could have a regulatory recession in this country. It is time to vote yes for a moratorium, put an end to burdensome unnecessary regulations and stand up for the American people and not on the side of the army of bureaucrats here in Washington.

Mr. CLINGER. Mr. Speaker, I yield to the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Speaker, a proposed EPA regulation would allow companies to continue to produce carbon tetrachlorides for export for feed stock use. Without this regulation these companies would be severely limited and could lose foreign customers.

It is my opinion and belief that this proposed regulation is covered under the exemption from the moratorium for rules that repeal, narrow, streamline or otherwise reduce a regulatory burden, and I wanted the chairman's opinion.

□ 1320

Mr. CLINGER. I would agree with the belief and opinion of the gentleman from Alabama [Mr. BACHUS].

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think the chairman, the gentleman from Indiana [Mr. MCINTOSH], is in agreement with this opinion?

Mr. MCINTOSH. If the gentleman will yield, yes, Mr. Speaker, I am.

Mr. CLINGER. Mr. Chairman, I yield the remainder of my time to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Speaker, for the purposes of the motion to recommit the bill, I have a question for the gentleman from Indiana [Mr. MCINTOSH].

Has the gentleman had a chance to read the Federal implementation plan for California that EPA has promulgated under the Clean Air Act which I have in front of me?

Mr. MCINTOSH. Mr. Speaker, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Indiana.

Mr. MCINTOSH. No. I have not been able to read through the 1,700 pages of this regulation, but I understand that it would virtually shut down the economy of southern California, close down a third of the flights at LAX, put an end to barbecues in the backyard.

Mr. EHRLICH. Barbecues in the backyard?

Mr. MCINTOSH. All in the name of supposed benefits.

So, Mr. Speaker, I understand this regulation which would be stopped by our moratorium would do great damage to the economy of California.

Mr. EHRLICH. Mr. Subcommittee Chairman, it seems to me this FIP is a good example of why the regulatory moratorium is needed, so that we can assess just exactly what agencies are doing and whether they are going beyond what Congress originally intended.

Mr. CLINGER. Mr. Speaker, I urge a "no" vote on the motion to recommit, and a vote in favor of the bill.

The SPEAKER pro tempore (Mr. WALKER). Without objection the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. COLLINS of Illinois. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 12, as follows:

[Roll No. 173]

AYES—172

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—250

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Andrews
Barton
Becerra
Costello
Ehlers
Gibbons
Gonzalez
Kaptur
McCarthy
Meek
Ortiz
Rush

□ 1337

The Clerk announced the following pairs:

On this vote:

Mr. Costello for, with Mr. Barton against.
Mr. Becerra for, with Mr. Ortiz against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CLINGER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 146, not voting 13, as follows:

[Roll No. 174]

AYES—276

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—146

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McKinney
Meehan
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Reynolds
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Thompson
Thornton
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—13

Andrews
Barton
Becerra
Costello
Deutsch
Ehlers
Gibbons
Gonzalez
McCarthy
Meek
Moorhead
Ortiz
Rush

□ 1358

The Clerk announced the following pairs:

On this vote:

Mr. Barton for, with Mr. Costello against.

Mr. Moorhead for, with Mr. Deutsch against.

Mr. Ortiz for, with Mr. Becerra against.

Mr. NEAL of Massachusetts and Mr. MEEHAN changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY. Mr. Speaker, on Friday, February 24 and for part of Thursday, February 23, I missed several rollcall votes during consideration of H.R. 450, the regulatory moratorium bill.

I was unavoidably absent due to an event in my district at the Cradles and Crayons Child Care Center. With pending consideration of legislation that would drastically alter school nutrition and child-care programs, I brought together children's advocates, parents, school administrators, child nutritionists, and nearly 100 people from my district directly involved with children to discuss the impact the legislation would have on the children on the fifth district.

However, had I been present, I would have voted "no" on Roll No. 174.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, due to a death in my family, I missed a series of votes on Friday, February 24. If I had been present I would have voted as follows:

Rollcall No.	*Vote*
167	yes
168	yes
169	yes
170	no
171	yes
172	yes
173	yes
174	no

I would appreciate it if these positions should be reflected in the RECORD.

PERSONAL EXPLANATION

Mr. FATTAH. Mr. Chairman, on a number of votes I was unavoidably detained and not available on the floor, I ask that the RECORD reflect how I would have voted on those.

On vote No. 160, I would have voted "yes." Vote No. 161, the Slaughter amendment, I would have voted "yes." Vote 162, the Spratt amendment, "yes." The Waxman amendment, vote No. 163, "yes." And the Collins amendment, 164, "yes." And on the Norton amendment, 165, I would have voted "present."

I ask that the RECORD reflect these votes.

AUTHORIZING THE CLERK TO MAKE A CERTAIN CORRECTION IN ENGROSSMENT OF H.R. 450

Mr. MINETA. Mr. Speaker, I ask unanimous consent that the Clerk be directed to make the following correction in the engrossment of the bill, H.R. 450.

The SPEAKER. The Clerk will report the correction.

The Clerk read as follows:

"In Section 6(4), in the second sentence, after "nor does it include," insert the following new clarifying words: "any action taken in connection with the safety of aviation or"."

□ 1400

Mr. MINETA. Mr. Speaker, this request has been cleared with the full committee and subcommittee chairmen of the Committee on Government Reform and Oversight and of the Committee on Transportation and Infrastructure.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE FURTHER CORRECTIONS IN ENGROSSMENT OF H.R. 450, REGULATORY TRANSITION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 450, the Clerk be authorized to correct section numbers, section headings, cross references, punctuation, and indentation, and to make any other technical and conforming change necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMENDATION TO STAFF MEMBERS

(Mr. CLINGER asked and was given permission to address the House for 1 minute.)

Mr. CLINGER. Mr. Speaker, I want to commend the staff members who worked so very hard on this legislation. On our side, Judy Blanchard from my staff; and Mildred Weber. They have been invaluable in moving this legislation.

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 450, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RECORD ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1022, RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 104–51) on the resolution (H. Res. 96) providing for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE CHAIRMAN OF THE COMMITTEE ON RULES

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet early next week on two bills to improve the federal regulatory process. Next Monday, February 27, the committee will meet at 5 p.m. to consider a rule for H.R. 926, the Regulatory Reform and Relief Act, better known as the Reg Flex Act. Members should be aware that this rule may include a provision giving priority in recognition to Members who have caused their amendments to be printed in the amendment section of the Congressional Record prior to their consideration. In this case, the preprinting of amendments is optional.

On Tuesday, February 28, at 2 p.m., the Committee on Rules will meet to consider a rule for H.R. 925, the Private Property Protection Act. In this case the rule may include, and I would just emphasize this, may include a requirement as opposed to an option that amendments be preprinted in the Congressional Record prior to consideration of the bill for amendment.

Amendments to be preprinted should be titled, "Submitted for Printing Under Clause 6 of Rule XXIII," signed by the Member, and submitted at the Speaker's table.

Each of these bills may be considered for amendment under the 5-minute rule, with a possible overall time limitation on the amending process.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

It is not necessary to submit amendments to the Committee on Rules or to testify.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, was I correct in understanding that amendments that are preprinted will have priority under the proposal?

Mr. SOLOMON. Amendments for the first, for the Reg Flex Act would have priority of recognition, but it is only optional that they be filed, be printed.

Mr. BEREUTER. Mr. Speaker, if the gentleman will continue to yield, would my understanding be correct though, that a Member of the House, not a member of the committee, who has his amendment printed in the Record would have priority over a member of the committee?

Mr. SOLOMON. The gentleman would please restate that.

Mr. BEREUTER. Would a Member, not a member of the committee, have priority, who has his amendment printed in the Record, have priority over a member of the committee in offering such an amendment?

Mr. SOLOMON. Not over the committee chairman, no.

Mr. BEREUTER. Would a Member who has his amendment printed have priority over a member of the committee whose amendments were not printed in the Record.

Mr. SOLOMON. That would be subject to the recognition of the chair, but in most cases, yes.

Mr. BEREUTER. If the gentleman will continue to yield, the reason this gentleman was so upset when we took up the crime bill, block grant, is that the parliamentarian informed the Chairman of the Committee of the Whole that no matter how long I stood here, and I waited for nearly 7 hours to offer an amendment, but not being a member of the Committee on the Judiciary, the Chairman of the Committee of the Whole was informed by the parliamentarian that the Chairman had no option but to continue to recognize members of the Committee on the Judiciary for amendments, be they printed or not printed. And many, many, many were nonprinted, and they continued to be offered. And Members of the House who were not members of the Committee on the Judiciary were shut out from offering amendments.

In fact, I just directed a letter to the chairman of the Committee on Rules about how this process does not serve Members well who are not members of the committee debating the bill before us.

So I would hope that the Committee on Rules might at least give all Members priority whose amendments are preprinted. I understand that the members of the committee and certainly the chairman should have priority for amendments that are printed in the Record, but you see we can be completely shut off from offering our amendments if we are not members of the committee. That is exactly what happened to this gentleman.

So I would like to ask the chairman of the Committee on Rules if he would give that matter some consideration.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. SOLOMON. We most certainly will. Of course, the recognition is always subject to the Speaker, to the Chairman of the Committee of the Whole. But certainly, I would just advise the gentleman that we would try to work with the managers of the bill to make sure that we are going to get the proper recognition.

Of course, if there are dilatory tactics, stalling tactics, that sometimes can put the gentleman in that particular position, in an awkward position. We would hope that that would never happen.

LEGISLATIVE PROGRAM

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, I yield to the distinguished gentleman from Texas [Mr. Armey] for the purpose of discussing the schedule for next week.

Mr. ARMEY. Mr. Speaker, let me first give the Members a tentative schedule for the month of March. As has been the case for the month of February, votes may be scheduled for as early as 2 p.m. on Mondays. However, as often as has been possible in the past, if we can work out an agreement, we may be able to hold votes over until 5 p.m. on Mondays.

As many Members on both sides of the aisle have long distances to travel to their districts, our leadership will do everything we can to notify members as soon as possible so that they can finalize their travel plans.

Also the House will not be in session on Friday, March 17, or on Monday, March 20, for a district work period. We expect no votes until 5 p.m. on Tuesday, March 21.

We have a very heavy legislative schedule for the month of March, and it is our hope to have Members on their way home to their families and districts by 3 p.m. on Fridays. However, if the schedule requires us to work later on Fridays or meet during weekends, we will advise Members at the earliest possible time.

□ 1410

On another note, it is our intention to change the time the House meets for legislative business on Wednesday from 11 to 10 a.m. It is our hope that this schedule change will allow us to help Members leave for their districts by 3 p.m. on Fridays.

Perhaps this would be an appropriate time for me to yield to the gentleman from California about the March schedule, prior to going on to next week's schedule.

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from California.

Mr. FAZIO of California. I thank the gentleman for yielding.

I do not think in February we have had any votes before 5 o'clock on Mondays. I am certainly hopeful that that will continue to be the case. The concern that I have expressed in a prior dialog with the leader is simply that those from west of the Rockies lose an entire Sunday afternoon in order to be here for late votes on Monday, and I would hope that we could always find a way to avoid that, including, if it were in the majority's plans, Monday, February 27, when I understood we may be asked to be here at 3:30.

We have all made plans for this particular weekend that would allow us to get 6:30 and 7 a.m. flights on Monday morning in order to be here for the 5 o'clock voting time that was announced.

I would certainly hope that we would not have any early votes in March, and

I hope we are not going to break our word by having any votes earlier on this coming Monday, the 27th, because I think it really is totally counterproductive for Members who really do need to be with their families, or do need to spend time with their constituents.

It has been hard enough in the early going of this Congress to maintain that kind of rapport.

Mr. ARMEY. If the gentleman will continue to yield, let me begin my response by the observation at the outset of the February schedule we advised Members of the possibility of votes being as early as 2 o'clock on Mondays.

Yes, the gentleman from California [Mr. FAZIO] rightly observes that, thanks largely to the splendid cooperation we have gotten in negotiating with the minority, we have to this point been able to avoid any votes before 5 o'clock on Monday.

I know I am grateful for that, and I can tell the Members, so many times in the past that I have gotten off my plane and been at home in Dallas, TX, and seen the California folks changing planes at that point, and I can appreciate the struggle for that long distance travel.

We are still hopeful. However, on Monday next we will have a rule that will require to be voted on about 3:30 on Monday next. It is an open rule. We do not intend to call for a recorded vote on that. We must be prepared, though, for the possibility that somebody on the minority side might call for a vote on that open rule, and in that case, must advise Members of the possibility, even some degree of probability, of a vote at 3:30 next Monday.

If we had an agreement, no vote would be called for, then we could advise Members otherwise.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from New York.

Mr. SOLOMON. I might also say, Mr. Speaker, that in the rule that will be brought up at 2:30, it provides for 2 hours of general debate on the risk assessment bill. Therefore, if there is no vote on the open rule, then we would go directly to 2 hours of general debate.

It means that the gentleman could be here as late as 6 o'clock and not expect a vote even before that time, which would solve all their problems.

Mr. GEPHARDT. Mr. Speaker, it is my understanding, and I do not know this for a fact, but there may be a Member on our side who will ask for a vote. I want to make that warning. I do not know that, but I want to make the warning.

However, I would remind the distinguished majority leader, the chairman of the Committee on Rules, that it is my understanding he has the unilateral authority to roll the vote on the rule until 4:30 or 5 o'clock. That would not be something we would object to.

Mr. ARMEY. If the gentleman will continue to yield, it is very difficult to consider the acceptability to the body of rolling the vote on a rule making in order a debate that would ensue in the intervening time, so it seems to me that in the interests of conforming with the accepted procedures of the House, if a vote is ordered at 3:30, we would be required to take that vote in order to commence with the debate that we hope or expect in order to accomplish an already crowded schedule.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding to me.

Mr. Speaker, I want to explain why there may be a problem here. If we are talking about a genuinely open rule, as those that have been historically understood here, there would not be a problem. My understanding is that we are talking not about an open rule, which I had always understood to be anyone could get up until the conclusion of people's interest and offer amendments, but a rule with one of these 10-hour limitations.

I know we have not yet made English the national language by some legislation, but I had thought English was still the language of these debates, though. An open rule is not one where there is a 10-hour limit.

In fact, we just heard one of the very distinguished Members on the other side, the gentleman from Nebraska [Mr. BEREUTER], pointing out that during one of the crime bills he stood around for 7 hours and was not able to offer an amendment.

A rule in which the leading Member of the House is unable to offer an amendment is not an open rule. It is, frankly, mislabeling in the extreme to call one of these 10-hour limits an open rule, especially since we done some compilation on the four 10-hour bills that I have seen, and anywhere from 2 hours and 40 minutes to 3½ hours has gone just for voting.

Obviously, voting is important. we have had people call rollcalls on unanimous votes, in one case, 405 to nothing, the gentleman from Pennsylvania, [Mr. CLINGER], and that came out of the 10 hours.

So if we were talking about an open rule, with the possibility after 3 or 4 days or 2 days of closing it down, that would be a different story. However, when we are talking about one of these 10-hour rules, where when the House is unruly, that comes out of the debate time; when there is a point of order, that comes out of the debate time; when we are talking about that kind of restriction, where many, many Members have been prevented from offering amendments, it is not an open rule, and that is why there might be a vote.

Mr. SOLOMON. If the gentleman will continue to yield, I have here a record of all of the rules from last year that were brought to this floor under an open rule, except for the fact that they had time constraints.

They were extremely important bills, such as the Employment Retirement Security Act, the Black Lung Benefits Restoration Act, the Presidio Management, the State and local governments interstate waste control, very important; the American Heritage Partnership Act.

All of those rules were open rules except for the fact that they had time constraints. All of those rules were completely open except for time constraints, and the time constraints were no more than 4 hours, not 10 hours. We allowed those to go. We supported the gentleman, we in the minority, and allowed those to go through on voice votes, even though they were severe time constraints, because it was an open rule process.

We would certainly expect at least that kind of consideration from those in the minority.

Mr. FRANK of Massachusetts. If the gentleman will continue to yield, Mr. Speaker, first, my understanding was last year votes did not come out of that time, so there was some control.

Second, I am, again, struck by every time the gentleman is questioned about living up to the promises that were made, the answer is "We are doing the same as you did." It seems to me that there ought to be a time limit on how often you can have it both ways. Either you are bringing a new openness to the House, or you are following the old rules.

Maybe the gentleman can decide 1 day it will be one and 1 day it will be the other, but there ought to be a rule you cannot make both arguments in the same day, so once again we get the argument "We are just doing what you did."

I do not think we always did what was right. As far as the gentleman agreeing to limit rules, let me be very clear. The minority last year, when they were in the minority, and before that, very often they supported closed rules whenever they did not want to see amendments. That is very clear.

However, the fact is that the open rule process as the gentleman describes it is anything but an open rule process, and maybe I hallucinated. Maybe the gentleman from Nebraska [Mr. BEREUTER] was not there a few minutes ago saying "I had an amendment that I was kept from offering." I could have sworn he was. I will have to check C-SPAN, because I do not think he could have been clipped out.

The fact is that Members here time and time again have been prevented from offering amendments. Again, I do not remember this situation where the rollcalls all came out of that, so people had an extended rollcalls. By the way, even if that is what we did, even if that is what we did, I think you should feel free to change it.

☐ 1420

Please let me say to my friends on the other side. Do not feel bound by our example. If in fact experience has shown that people like the gentleman from Nebraska cannot offer an amendment, improve on us. Strive to be better. Do not limit yourselves by history.

At the same time, I have to say if the explanation is always going to be that you are just doing what we did, please stop insisting that you are doing it very different. The fact is that on issue after issue that has come up under your supposed open rule, we have not been able to get to amendments.

I would say one final thing as a member of the Committee on the Judiciary. The Committee on the Judiciary, under the gun, has done away with subcommittee markups. Maybe other committees have. We have not had extensive hearings. So in fact bills are coming to the floor under this period less prepared with less work than previously. The chairman of the Committee on the Judiciary has time and time said, "Well, We'll make sure you can offer that amendment on the floor. I will fight for your right to offer the amendment on the floor." And because of this restrictive 10-hour provision, subject as it is to manipulation and abuse, that has not been the case. So we have hasty legislation without subcommittee markups rushed to the floor with previous questions ordered in committee and then the 10-hour rule which with all that comes out of it is rarely as much as 5 or 6 hours of genuine debate, and on issue after issue after issue fundamental amendments have not been allowed to be presented.

I thank the gentleman for yielding.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the distinguished majority leader.

Mr. ARMEY. I thank the gentleman for yielding.

If I can move on to next week's schedule.

On Monday, February 27, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will take up the rule for H.R. 1022, the Risk Assessment Cost Benefit Act of 1995, and then move into debate on that legislation.

Members should take note that there will be no votes before 5 p.m. on Monday. I am sorry, there will be. Please, let me correct myself.

Mr. FAZIO of California. I thought the gentleman was yielding in more ways than one.

Mr. ARMEY. You can call that a Freudian optimism if you like.

Mr. FAZIO of California. There have been several this year.

Mr. ARMEY. Members will take note there will be votes before 5 p.m. on Monday. However, we expect no votes before 3:30 p.m.

If the majority can be assured by the minority they will not call for a vote on the rule, the majority can certainly assure the minority that no vote will be called for on this side, in which case we can amend our advice to our Members regarding the time at which votes will take place.

On Tuesday, February 28, the House will meet at 9:30 a.m. for morning hour and at 11 a.m. for legislative business. We expect to complete consideration of H.R. 1022 and then possibly take up the rule for H.R. 926, the Regulatory Reform and Relief Act.

On Wednesday, the House will meet at 10 a.m. and depending on the previous day's action, we will expect to complete consideration on H.R. 926.

On Thursday and Friday, the House will meet at 10 a.m. to consider H.R. 925, the Private Property Protection Act of 1995, which is subject to a rule. We plan to complete consideration of H.R. 925 on Friday.

Also, we may take up House Resolution 80, the resolution of inquiry into the Mexican currency situation, on Thursday or Friday. It is our hope to have Members on their way home to their families in their districts by 3 p.m. on Friday.

The House schedule for next week promises to be a very busy one and Members should be advised that we do expect to complete consideration on these important pieces of legislation next week. So the House may work late into the evening on several days.

I thank the gentleman for yielding.

Mr. GEPHARDT. Mr. Speaker, I yield to the gentleman from California.

Mr. FAZIO of California. I thank the leader for yielding.

I guess I go back to this 3:30 votes issue. I personally think that Members from the West are being held hostage as we attempt to move the process here so quickly. We all understand that an open rule is being defined in a variety of ways and there are many Members on our side who object to the 10-hour time limit.

If there could be and I think there is a good chance for unanimous-consent requests to be granted, then perhaps we would be able to roll the vote on the rule until after 5 p.m. so that Members in the West can maintain their schedules and plan to fly as they had originally planned, can carry out their Sunday activities and still be here in time to vote against or for this rule as they may wish to.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I want to make a suggestion, since my friends on the other side have told us that our example is more important to them than I had previously realized. Let me give them one that they apparently overlooked in their study of us. We have in the past done rules in two parts. It would be entirely possible on a Monday to bring out a rule which provided for general debate. We could then have the rule voted unanimously, have the 2 hours of general debate, then go into the other part.

If you were in fact motivated by a desire to accommodate that point of view and not lose any time, you could have a two-part rule. You could have a rule that provided for general debate and then go into the other rule which would provide for debate beyond that. That is something we often did.

An agreement to do a two-part rule which puts general debate up in the noncontroversial procedure and then has a more controversial one would accommodate this.

Mr. ARMEY. If the gentleman will yield further, the gentleman from California makes a good point about the difficulties that the California and other western travelers have. The majority leader would like to extend to the gentleman from California the invitation, if you would like to make a unanimous-consent request that would allow us to roll the vote on the rule until the conclusion of general debate on the ensuing bill, I can assure you no one on this side of the aisle would object to that unanimous-consent request.

Mr. FAZIO of California. If the gentleman would yield, I would be inclined to make that request. I do want to make sure that I would not find opponents on my side. I am encouraged by your position and we can perhaps make such a request shortly.

Mr. GEPHARDT. I want to ask a couple of other questions, and we will have an answer to that question in just a moment.

Can the gentleman tell us when the resolution regarding the Mexico bailout situation will be brought up? Is it fair to say Members would be given 24 hours' notice prior to its consideration?

Mr. ARMEY. The gentleman is correct. I wish I could be more precise. It will be Thursday or Friday. But I can assure the gentleman that you will have 24 hours' notice.

Mr. GEPHARDT. I thank the gentleman.

Second, I want to reiterate our desire to be able at whatever time it can be made available to get a projection of when you think the other pieces of legislation in the contract may be brought up. I realize that you do not know for sure. But it would help us a lot if we could have that projection so we can begin thinking about what is coming and when it is coming and provide for that.

Mr. ARMEY. If the gentleman would yield further, again let me thank you for your suggestion. We are again in a period where we are examining that schedule and we would hope to be able to give you that as soon as possible.

Mr. GEPHARDT. I thank the gentleman.

Finally, you have said that the House will meet at 10 a.m. Wednesday instead of 11.

I assume that you have the authority to effect this meeting time change. Traditionally as you know the minority has been consulted and agreed to changes in the meeting time. I would hope we could continue with that practice. I realize what your concern is. We will try to work with you in every way that we can. But it would be helpful if we could talk about that before it is announced.

Mr. ARMEY. Again if the gentleman would yield, let me say that I expect that we will work this out by unanimous consent. It is my anticipation that we will be able to do so.

Mr. GEPHARDT. I thank the gentleman.

Finally, can the gentleman tell at this point when the tax reduction bill along with the budget cuts to pay for it might be coming onto the floor? Generally. I know you do not know the exact date but just the general time.

Mr. ARMEY. If the gentleman would yield, we expect that to be very late in March. We anticipate that being the last of the contract items to be brought to the floor. So at this point, let me just say very late in March.

Mr. GEPHARDT. I thank the gentleman. I have no further questions. We will be getting an answer on this possible unanimous-consent request on the rule on Monday. As soon as we have an answer, we will try to make that request if we can.

Mr. ARMEY. If the gentleman would yield further, I am optimistic that the request might be made. I am confident it will not be objected to on this side. Let me just point out that we will put a whip advisory out immediately and I am sure your side will do the same.

Mr. GEPHARDT. Exactly. I thank the gentleman.

□ 1430

ADJOURNMENT TO MONDAY, FEBRUARY 27, 1995

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GOVERNMENT BY CUTS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I appreciate the opportunity to address the house this afternoon. I was so ecstatic this morning when I came in because I am only a second-term Member but I found out I had arrived. I found out that last night I was called by name on Rush Limbaugh, but the only thing he missed, he did not say I was GENE GREEN, he called me Mr. Green Jeans, and I am glad for that recognition even though he did transpose the names.

The reason he talked about it though was because I talked about how the breakfast and lunch program will cut children in Texas by 4 percent, and yesterday the House majority Republicans on the Economic and Educational Opportunity Committee voted to deny thousands of schoolchildren in the State of Texas their breakfast and their lunches.

Last year during the fall when people asked me what I thought a Republican majority would be in Congress I jokingly described it as nuclear winter. Well, if it is, then we are subjecting ourselves to the fallout now.

The Committee on Appropriations yesterday cut $17 billion out of many programs.

Safe and Drug free schools cut by $481 million.

School-to-Work cut by $24 million.

Displaced Workers was cut by $99 million.

In nondefense rescission bill this week job training was cut by $200 million.

Veterans Administration will be cut by $206 million.

NASA reduced by $66 million.

Federal Highway Administration cut by $421 million.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TRIBUTE TO FREDERICK DOUGLASS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. TORKILDSEN] is recognized for 5 minutes.

Mr. TORKILDSEN. Mr. Speaker, I rise today to pay tribute to a man who was, by definition, a great American. Born into slavery in 1817, Frederick Douglass would become an abolitionist, orator, journalist, and advisor to Presidents.

Abraham Lincoln once told Frederick Douglass, "There is no man whose opinion I value more than yours."

His first autobiography paints a cruelly accurate picture of the conditions and circumstances he endured as part of his childhood. Nevertheless, Douglass learned to read and write at an early age, when the plantation owner's wife defied the law and began teaching him. This was the beginning of what would become an impressive self-education.

Eventually Douglass was put to work in a Baltimore shipyard. In 1838, Douglass escaped to New York and soon moved to New Bedford, MA, where he married.

Douglass soon became active within the Massachusetts abolitionist movement. After an impromptu speech at a rally in Nantucket, Douglass was immediately propelled to the forefront of the abolitionist debate then raging throughout America.

Many who heard Douglass speak began doubting his story. At the time, people refused to believe that a former slave could speak so eloquently, so passionately and with such command of the English language. This prompted Douglass to write his first book: Narrative of the Life of Frederick Douglass, which Douglass wrote while living in Lynn, MA.

One hundred years ago this week, Frederick Douglass died. His legacy should serve as a source of strength and hope for all Americans regardless of our own ethnic and cultural backgrounds. Desire for freedom and social justice is not limited to any race, gender, or political party. And desire to bring about positive change in our society should never be stifled by those who stand in the way of progress.

Later in life Douglass was asked by a young man, what could be done to change things. Douglass said. "Agitate. Agitate. Agitate."

In our efforts to fight for meaningful change we should remember these and other words of Frederick Douglass, "Fellow citizens, ours is no newborn zeal and devotion—merely a thing of this moment."

THE MEXICAN HOLDUP

(Mr. FUNDERBURK asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, the Mexican holdup continues, aided and abetted by the White House and the congressional leadership. Despite overwhelming opposition across the country, the Clinton administration sidestepped the people's House and handed the regime in Mexico City $20 billion.

What did the American people get for this sweetheart deal between Wall Street and the one-party dictatorship south of the border? They got nothing, except of course laughs from the bankers and the politicians who once again put one over on them.

Mr. Speaker, you would expect that the Clinton administration would have the sense to demand something from Mexico in exchange for our money—such as denationalize every Mexican company, end wage and price controls, stop propping up Castro's brutal regime, or start patrolling the Mexican side of the border to stem the wave of illegals. Unfortunately, that is asking too much, because Wall Street, the international bureaucrats, and Mexico City want to ensure that they can maintain business as usual and continue fleecing the American people.

If congressional Republicans do nothing to stop this Mexican holdup, we will have fulfilled George Wallace's declaration that there isn't a dime's bit of difference between Democrats and Republicans.

□ 1440

A BREACH OF CONTRACT WITH THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, yesterday I met with 25 constituents from the eastern panhandle of West Virginia who were as amazed as I was and could not believe what had happened, and that is that this Congress, under the Republican Contract for America, honestly was proposing and, indeed, appears hell-bent to eliminate the School Lunch Program by putting it into a block grant, a program that has been with us now since 1946.

Let us talk about what the School Lunch Program does for West Virginia and, in so doing, for the Nation.

The School Lunch Program serves 180,000 lunches per day in our State. It serves 77,000 breakfasts per day. The Child Care Program serves facilities such as Head Start and day care, serves 38,000 meals per day. Fifty-seven percent of school lunches in West Virginia go to those eligible for free or reduced meals. Seventy-seven percent of school breakfasts in West Virginia go to that same category. The West Virginia school lunches cost $98 million, of which $55 million is Federal. The balance comes from students and their parents, from county and State contributions.

Twenty-one of our fifty-five counties in West Virginia are severe-need counties, meaning that 60 percent or more of these students qualify for free or reduced lunch. In my district alone, the Second District, the severe-need counties include Braxton, Calhoun, Clay, Gilmer, Lewis, and Randolph.

The average price for a school lunch in West Virginia is 85 cents for breakfast. It is 50 cents, the actual cost per meal being $2.12, making the Federal subsidy per meal $1.36.

The history of the National School Lunch Act enacted in 1946 was done under the national security heading in the Constitution. And why? Because so many young recruits were failing their draft physicals due to nutrition-related diseases.

In 1966 Congress enacted the Child Nutrition Act in recognition of the demonstrated relationship between food and good nutrition. Today that program serves 25 million students a day. The School Breakfast Program serves 5 million a day.

Now, let us talk about what this means. They say they want it in a block grant. What that means is you take the School Lunch Program and the School Breakfast Program, now you mix it up in a pot, you put it in with WIC, Women, Infant, and Children Program, put it in with the Child Care Nutrition Program, cut the money, but say you are giving flexibility and send it all to the States, and then you let the States decide which of the children do we feed. Whom do we feed? Do we feed the WIC child, do we feed the toddler, or perhaps the 6th grader? Which child gets it? Which child does not?

There is something else that is not talked about in this legislation, the reality of the matter is that you will close hundreds, if not thousands, of school lunch programs across the country. Why? Because in order to make enough money to keep the program going, you are going to have to charge far more to those who are able to pay the full cost, thus pricing it further out of the market.

We saw this happen already. If you remember the halcyon days of President Reagan, when catsup was going to be a vegetable back in 1981 or 1982 in the School Lunch Program, and we saw, because of the new regulations then, we saw many lunch programs close down.

And so I have a great concern, and obviously total, opposition to this measure.

Well, I hope that people across this country, Mr. Speaker, will rally on this. Send in those, tear off the lid from the milk cartons from the school lunches, send them in to those who think this is such a good idea. Let your legislators, your Representatives, your Senators know, your Members of the House of Representatives. There are lots of things we can have legitimate arguments about. But taking apart the School Lunch Program? Ever try to educate a child who has a rumbling tummy? Ever try to educate a child who has nutrition or protein deficiency? Ever try to educate a child who does not get enough to eat?

In many areas of our country this is the way children get enough to eat.

We did not talk about the Summer Lunch Program either, because that is another one that will get pitted against all the others. We are going to make our children in our States compete for food. That is what this is all about.

This is one that I think everyone can say that is not a part of the contract we want. This is a breach of contract with the American people, and I urge there be strong opposition to this provision in the Contract for America.

I am counting on America, Mr. Speaker, to respond and say we want lunch in our schools.

PROCEEDING WITH GENERAL DEBATE PENDING A VOTE ON HOUSE RESOLUTION 96

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the House may proceed to general debate in the Committee of the Whole as though under House Resolution 96 during any postponement of proceedings on that resolution pursuant to clause 5 of rule I.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

Mr. SOLOMON. Mr. Speaker, reserving the right to object, and I will not object, I just want to say to the minority leader that this is a highly unusual request for us to begin debate and finish a rule and then postpone the vote subject to the general debate starting. We certainly are going to agree with the unanimous-consent request out of courtesy to those in the western part of the country, but I just want it understood that this does not set a precedent; that in the future we are going to have to work these things out in advance, and there could very well be votes earlier than 5 o'clock on Mondays in the future.

And having said that, I appreciate the gentleman's unanimous-consent request and will not object to it.

Mr. GEPHARDT. If the gentleman will yield, I would like to make a short statement and perhaps ask a question.

The point I would like to ask is: With this unanimous-consent request, I assume we have accomplished not having a vote until at least 5 o'clock? Is that correct?

Mr. SOLOMON. Absolutely, and it would be up to your side to call a vote, and as I understand it from your unanimous-consent request that we could interrupt the 2 hours of general debate at any point subject to your decision to call for a vote, but you would not be doing that prior to 5 o'clock. Was that your unanimous-consent request?

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. We certainly concur with that.

Mr. GEPHARDT. I made the unanimous-consent request with the express purpose of making sure we did not have a vote until after 5 o'clock.

Mr. SOLOMON. We would certainly, in agreeing to that, hope there would not be a need for a vote on a previous question, and we would hope that we kind of have that understanding, although I know the gentleman could not guarantee it.

Mr. GEPHARDT. That is correct.

Mr. SOLOMON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRIBUTE TO WILLIAM HENRY HADDIX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, 50 years ago a small group of marines raised a flag on a far away island in the Pacific Ocean—Iwo Jima. The scene was immortalized for all Americans in the famous photo and memorial statute near Arlington Cemetery.

The battle for Iwo Jima paved the way to victory over Japan. It was not without cost—6,000 marines were killed. Pvt. William Henry Haddix was one of these who made the supreme sacrifice of his life. Today, when we think of the veterans who died in those wars, our minds play tricks on us. We sometimes imagine those soldiers as old and wise, but most were very young like Bill Haddix. Bill left behind a young wife, Etta, and two small children.

He also left behind a beautiful and precious legacy. Just days before he died he had written his wife and family. Private Haddix's daughter—Susan Haddix Harrison from Jackson, MI—Susan is here in the Chamber with us today and has generously shared his deeply moving and meaningful letter with me and I share it with you. The letter includes a poem by Private Haddix about his experience on Iwo Jima. Interwoven in the fabric of the words are the golden threads of faith in God and duty to country.

IWO JIMA

I have landed on an island
in the Pacific salty air
where heat, rain, mud and bugs
are an everyday affair.

The nights are long and dreary
as the pale moon lights the sky,
and I lie awake a thinking
as the hours creep slowly by.

Where men must go on fighting
for land that must be won
In dirt, grit, slime and sweat
beneath the burning sun.

I can't help but dream of home
and the ones I love so dear,
It makes a man cuss the day
he ever landed here.

All luxuries are forgotten
In this land so far away
and it takes a lot of guts
for the guy who has to stay.

I pray for you my darling
every single night
and know God will care for you
because you're living right.

When we meet our enemy
be it day or night
It's do or die for that poor guy
for we fight with all our might.

Should I ever receive a call from God
I know darn good and well,
That I'm bound to go to heaven
for I've served my time in Hell.

WILLIAM H. HADDIX,
Private, 28th Replacement Draft, Co B,
3rd Marine Division.

□ 1450

Private Haddix did not ask that he may live. He was prepared to die if need be. All he asked is that he may be ready if he was called. And he asked that his sacrifice may not be in vain.

Today, we salute Private Haddix and all the men of honor and courage who fought beside him five decades ago. We should always remember their bravery, their honor, and their dedication to our Nation. Our most precious inheritance is freedom, but we should remember that it was not free to those who earned it.

WIC: A HEALTH PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, I strongly support efforts to streamline Government programs to make them more efficient and cost effective. However, as we implement these reforms, we must make sure our efforts are in the best interest of the individuals these programs are meant to serve. Cutting costs should not mean cutting corners.

So, as we work diligently in the days ahead to trim the size of our Government and reduce Federal spending, I don't want to focus only on what is broken or at least expendable. I also want to look at what is working.

When initiatives do work, we should take that knowledge and experience and apply it in other areas. One proven program which deserves our attention is the supplemental food program for women, infants, and children—or WIC as it is better known.

Many people may think of WIC as a welfare program but it is really a public health program. WIC is designed to influence a lifetime of good nutrition and health behaviors. It provides specific nutritious foods to at-risk, income-eligible pregnant, postpartum, and breastfeeding women, infants and children up to 5 years of age.

WIC has a 20-year track record of providing effective, cost-efficient services to some of the Nation's most vulnerable citizens.

Since 1974, WIC has grown from a program operated by a handful of local health departments, hospitals, and community organizations to one serving more than 6 million people through a network of approximately 9,000 clinics nationwide. In my home State of Florida, WIC serves all 67 counties and over 312,000 clients each month.

WIC results in significant increases in the number of women receiving adequate prenatal care and enhances the dietary intake of pregnant and postpartum women, improving their weight gain.

For infants, WIC prenatal benefits reduce low and very low birth weights. WIC lowers infant mortality rate by 25 percent among participating Medicaid beneficiaries.

For children, WIC participation leads to higher rates of immunization against childhood diseases. The immunization rate in Pasco County, FL, is almost 100 percent and this rate is attributed to the WIC Program. WIC also reduces anemia among children.

WIC children are more ready to learn as compared to those children not in WIC. Four- and five-year-olds participating in WIC have better vocabularies and digit memory scores than children not participating in WIC.

Numerous studies have shown that WIC is not only a successful prevention program, it is cost effective. WIC is a Government program that actually saves money.

Every dollar spent on pregnant women in WIC produces between $2 to $4 in Medicaid savings for newborns and their mothers. In 1992, WIC benefits averted $853 million in health expenditures during the first year of life of infants.

WIC should be a model for entrepreneurial government. In 1994, $1.1 billion in rebate revenue was generated from the manufacturers of infant formula, allowing 1.5 million more participants to be served. Local WIC agencies coordinate their services with other health and social service programs as needed. By coordinating these services, the WIC Program is able to reduce the number of bureaucracies a family must deal with. H.R. 4, the Personal Responsibility Act, currently includes the WIC Program in a nutrition block grant. I am concerned that if WIC is included in this block grant, the program will lose critical components that make it a success today.

In closing, I would like to include as a part of this statement a letter I received from one of my constituents, Clara Lawhead, who is the director of the Pasco County, FL, WIC Program.

A partial quote from that letter says:

> WIC is helping us to shape our future by helping to produce healthier children. WIC is not only vital to maintaining and improving our current health as a nation, but will be absolutely instrumental in creating a healthy population for the next century.

I have seen what the WIC Program can do for children and their mothers. We must make sure our reform efforts do not erode the ability of a proven program like WIC to provide essential services to women and children.

Mr. Speaker, I urge my colleagues to very carefully review proposals that reform our Nation's nutrition programs as we craft final welfare reform legislation.

The letter referred to follows:

ODESSA, FL, *January 31, 1995.*

Congressman MICHAEL BILIRAKIS,
Longworth House Office Building, Washington, DC.

DEAR CONGRESSMAN BILIRAKIS: Recent legislative proposals threaten the survival of the Special Supplemental Nutrition Program for Women, Infants and Children, known as WIC. WIC provides access to maternal, prenatal and pediatric health care services for a targeted high risk population. It is a prevention program designed to influence a lifetime of good nutrition and health behaviors. WIC provides quality nutrition education and services, breastfeeding promotion and education and food prescriptions to qualified participants. WIC is administered through area health agencies and coordinates services with other maternal and child health care. More than 70 evaluation studies have demonstrated the effectiveness of WIC and proven medical, health and nutrition successes for women, infants and children.

WIC has proven its cost effectiveness in the past and will continue to present the public with cost savings in the future, unless this legislation, which would severely limit the WIC Program, is passed. Because of the WIC Program, for example, Medicaid costs were reduced on average from $12,000 to $15,000 per infant for very low birthweight prevented. In 1990, the federal government spent $296 million on prenatal WIC benefits, averting $853 million in health expenditures during the first year of life. Every dollar spent on pregnant women in WIC produces $1.92 to $4.21 in Medicaid savings for new borns and their mother. These are incredible examples of the savings that the WIC Program brings to our country each year.

Even more important to the American public than the cost savings are the incredible improvements to the health of our infants and children. Infant mortality during the first 28 days was reduced with WIC participation in four out of five states. The infant mortality rate has been reduced by 25% to 66% among Medicaid beneficiaries participating in WIC. WIC significantly improves breastfeeding rates, immunization rates of children and children's diets. WIC reduces the rates of anemia among children. Four and five year olds participating in WIC in early childhood have better vocabularies and digit memory scores than children not participating in WIC. WIC is helping us to shape our future, by helping to produce healthier children. WIC is not only vital to maintaining and improving our current health as a nation, but will be absolutely instrumental in creating a healthy population for the next century, unless this legislation is allowed to pass with WIC included.

Congressman Bilirakis, it would be in the best interest of all Americans, both young and old, if the proposed legislation, called the "Personal Responsibility Act" and a "Medicaid Swap" were not allowed to be approved, with WIC included, by the United States Congress. Unlike most of the institutions mentioned in these pieces of legislation, the WIC program is not a welfare program, rather a supplemental nutrition program. The participants of WIC include middle class Americans, a part of society which can ill afford more benefits removed from their grasp. Americans across our great country hope that you and the other members of Congress will have the insight and knowledge to defeat the inclusion of WIC in the proposed legislation.

Sincerely, your friend and ally,
CLARA H. LAWHEAD.

UNITED STATES-CHINA SATELLITE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. SEASTRAND] is recognized for 5 minutes.

Mrs. SEASTRAND. Mr. Speaker, I rise today to raise questions about the Clinton administration's recent initialing of a trade agreement with the Government of China regarding commercial space launch services.

Commercial space is a growing industry right here in the United States of America. It is an industry with tremendous potential for creating jobs and stimulating local economies. It is also an industry where America is in danger of falling further behind our international competitors.

The original 5-year agreement between the United States and China expired on December 31, 1994. The new agreement expands the number of Chinese launches for international customers to geosynchronous Earth orbit [GEO] through 2001 and requires that Chinese launch prices be on a par with Western launch providers. According to an official with the U.S. Trade Representative's Office, on a par essentially means that the Chinese can offer a price up to 15 percent lower than the going international rate.

In the initialed agreement, the administration has also established disciplines for satellite launches into low Earth orbit and detailed conditions under which increases in quantitative limit may occur to address shortages in the supply of launch services for U.S. satellite services and users.

The agreement was also initialed 1 week after the explosion of a Chinese March 2E rocket that destroyed a $160 million Apstar-2 satellite.

What does all this mean? As I'm sure the administration knows, the United States has a burgeoning commercial space market that holds tremendous potential for the U.S. economy. As I indicated on the floor February 3, the French already control roughly 60 percent of the commercial space market. Others, most notably the Chinese and the Russians are closing in fast.

Where the United States has its best opportunity to take the lead in commercial space is in the newly emerging low Earth orbit satellite market. I am concerned by the administration's seeming desire to turn this market over to the Chinese. Ambassador Kantor believes that this agreement carefully balances the interests of the U.S. space launch, satellite, and telecommunications industries.

Mr. Speaker, I disagree with Mr. Kantor's assessment.

Nobody can blame U.S. companies for wanting to launch satellites at reasonable prices. On the other hand, I'm sure United States companies have some degree of concern about the explosions which have hampered the Chinese Long March program. Aside from these factors, the Clinton administration seems to discount the fact that the United States is uniquely positioned to be a leader in the low Earth orbit market.

On the central coast of California we are building the first polar orbit commercial spaceport in America. The spaceport expects to open its doors in 1996 and will provide a unique service—the ability to launch in polar orbit and launch for less money. It is the goal of the California spaceport to the one of the world's primary facilities for moving surface infrastructure into space. In addition, the California spaceport intends to do it safely, efficiently, and for less money—roughly $5,000 per pound as opposed to the current scale of $10,000 per pound.

As I mentioned a few weeks ago, I will soon be introducing national spaceport legislation. My intent is to create an environment that allows the U.S. commercial space industry to evolve, mature, and flourish.

□ 1500

This is an industry that is already on the move in California, but it is much more than just California. The United States has many potential launch bases—including Alaska and Hawaii—plus the two existing ones in California and Florida. The question we must ask is, with existing spaceport facilities—plus all of the potential launch bases—and a healthy market for boosters and satellites, why isn't the United States in a better position to compete with our international competitors for a bigger share of the commercial launch market?

The administration, by continuing to parcel out this market, is not only putting the United States at a competitive disadvantage, it is taking jobs away from Americans and it is discouraging what could be a hugely successful market for the country.

Mr. Speaker, I'm frankly a little puzzled by the administration's entire approach to the trade with the Chinese. As a Presidential candidate, Bill Clinton stated that as President, he would not renew most-favored-nation [MFN] trading status. Typically, the President changed his mind and opted for a policy of engagement.

A few weeks ago the Clinton administration announced its intention to impose a billion dollars' worth of punitive tariffs on Chinese imports over intellectual property rights. And just yesterday, while the No. 2 official from United States Trade Representative's Office was in China negotiating copyrights, Energy Secretary O'Leary was there announcing $6 billion in energy deals.

Hovering over this is the enormous trade deficit with the Chinese. When the figures were announced last week. Ambassador Kantor tried to paint a positive picture of this deficit—a picture that Democrat Senator DORGAN of North Dakota described as: "the most bizarre interpretation that I have ever heard" of bad economic news.

Our trade policy with the Chinese seems to be going in several different directions. I would respectfully submit that the administration rethink the commercial launch agreement, particularly as it relates to low Earth orbit satellite launches. If the Clinton administration is interested in contributing to the success of a commercial space market, perhaps they would consider doing it in the United States.

Mr. Speaker, I would ask for the Clinton administration to take a look at this and support the American commercial space industry.

TO BE OR NOT TO BE CIVILIZED: THAT IS THE QUESTION

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker and colleagues, I rise today in support of continued Federal funding for the National Endowment for the Arts, the National Endowment for the Humanities, the Institute for Museum Services and the Corporation for Public Broadcasting. To be or not to be civilized; that is the question, Mr. Speaker.

A civilized society must include art and cultural enrichment, and it is one of the responsibilities of government to support that aspect of our civilization. We get what we pay for. We cannot rely solely on the good will of a relatively few private individuals to fund the arts—it is the duty of us all.

This Nation's investment in the arts is one of the best we make. For example, the approximately $2 million in Federal funding for the NEA, NEH, and IMS that goes to my county in California, San Diego County, is matched by nearly four times that amount in local contributions. This is a perfect example of public-private partnership. The Government's funding stimulates local giving to the arts which in turn stimulates local economies.

According to a recent study commissioned by the California Arts Council, nonprofit art organizations contribute some $2.1 billion annually to California's economy, generate $77 million in tax revenue, and create some 100,000 jobs. Yes, the arts are important to the State economy of California, and to other States as well. Business Week says that Americans spent $340 billion on entertainment in 1993.

Critics tell us that the arts are only for the elite. Nothing could be further from the truth. Audiences and participants alike are people from all walks of life. Nearly 40 million tickets were sold last year to theater, music, and dance performances. Nielsen-rating figures show that 56.5 percent of households watching PBS programs earn less than $40,000 a year. And a USA Today/CNN/Gallup poll showed that 76 percent of respondents thought the Government should continue to fund public broadcasting. Exposure to the arts is especially important for our children. If our young people can be motivated, thrilled, enriched, and "turned on" by exciting experiences in theater, painting, pottery, or dance, they will be less likely to "turn on" to drugs or gangs to fill their empty hours and empty souls.

Barbra Streisand, in a speech at Harvard University earlier this month, told how participation in the choral club at her Brooklyn high school was the beginning of her career—and she urges more support for the arts, not less. She asks how we can accept a country which has no orchestras, choruses, libraries, or art classes to nourish our children. How many more talents like Barbra Streisand's are out there, whom we will lose when there are no programs to challenge them?

In San Diego County, the San Diego Opera Company and the San Diego Symphony provide opportunities for kids to attend the opera and symphony concerts. The opera regularly goes out to schools with ensemble performances.

San Diego's recipients of arts funding range from elementary schools and universities to KPBS public radio and TV to the Samahan Philippine Dance Company and the Centro Cultural de la Raza to the Balboa Park Museums and the Old Globe Theater, groups representing the entire population of San Diego County.

TheatreForum, an international theater magazine published at UCSD; the renowned La Jolla Playhouse whose productions go on to thrill audiences on Broadway and in the rest of the country; an international festival at locations on both sides of the border between San Diego and Tijuana, Mexico; graduate internships at the Museum of Photographic Arts; touring exhibitions from the Museum of Contemporary Arts in San Diego. I could go on and on. These and hundreds of other art forms are advanced by arts funding in San Diego County.

Even so, among all First World nations, the United States now spends the least on Federal arts support per citizen—and we are thinking of reneging on that support. If we say no to culture, we will prove, in the words of Los Angeles Philharmonic managing director Ernest Fleishmann, that "we are the dumbest Nation on the planet."

According to the General Accounting Office, the Department of Defense plans to spend $9 billion over the next 7 years building nuclear attack submarines that the Pentagon admits it does not need. That $9 billion could sustain the Arts and Humanities endowments at current levels for 26 years! Twenty-six years of National Public Radio, Big Bird, music and art for kids—or superfluous subs for the Pentagon. Is this a difficult choice?

If we defund the NEA, the NEH, the IMS, and PBS, we will be telling the world that we no longer take pride in our theaters, our educational children's programs, our museums, our dance companies, our poets, ourselves.

Ultimately, we are judged by the heritage we leave our children. I hope we leave them more than soap operas and talk shows, attack submarines and assault rifles, gangs and drugs!

Yes, Mr. Speaker, to be or not to be civilized: that is the question.

LET US NOT BEGIN A WAR ON THE POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. FRANKS] is recognized for 5 minutes.

Mr. FRANKS of Connecticut. Mr. Speaker, affirmative action affects mostly African-Americans.

Welfare? Almost half of the recipients are African-Americans.

Forty-six percent of black children are deemed poor, thus a number of food programs are more frequently used by African-Americans.

Most of the people in public housing are African-Americans.

As we continue to address these issues, the question is, Mr. Speaker, are we, as a Congress, looking at constructive changes or merely attacks toward African-Americans and the poor? Sadly, Mr. Speaker, at this point I am not quite sure.

It should be noted that to change human behavior one would use sticks and carrots, rewards and punishments. Using sticks only to alter behavior would cause one to earn the mean-spirited label.

Let us remember that we help our Nation by strengthening our weakest link, not by crushing it. Being compassionate toward the less fortunate is not a liberal or a conservative concept.

The Democrat-led War on Poverty was a failure back during the 1960's. Let us not begin a war on the poor.

THE RICKY RAY HEMOPHILIA RELIEF FUND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, yesterday I and 21 of my colleagues from both sides of the aisle took the first concrete steps toward righting a terrible wrong, by introducing the Ricky Ray Hemophilia Relief Fund Act of 1995. This bill addresses the suffering of approximately 8,000 people with hemophilia-associated AIDS and their families. The premise behind this legislation is simple: The Federal Government must assume partial responsibility for what happened to these people because it failed to respond to the warning signs that blood products sold in this country were contaminated with the deadly virus that causes AIDS. It's time for accountability. The facts of this tragedy are horrifying. During the years 1980 through 1987, despite medical advances that could have wiped out contaminants of blood products sold to hemophilia suffers, contaminated products continued to flood the marketplace and approximately 8,000 people with blood-clotting disorders became infected with HIV. Among the victims was a young Florida boy named Ricky Ray. He and his two brothers suffered from the hereditary blood-clotting disease known as hemophilia, an illness that makes people vulnerable to potentially life-threatening bleeding episodes. The brothers Ray—and thousands of people like them—hailed blood-clotting products known as factor as a tremendous medical breakthrough that would change their lives forever. But there was a dark side to this new wonder treatment—and that was the transmission of dangerous blood-borne viruses, such as hepatitis and eventually HIV. As a result, all of the Ray brothers became HIV-positive—and in December 1992 Ricky—the eldest of the three—died of AIDS at the age of 15. Before his death, Ricky courageously spoke out and became a national symbol of this terrible situation. He inspired many of his peers to tell their stories and begin seeking answers from the Federal Government and the blood industry. I am saddened that he did not live to see the day when legislation would be introduced in his honor, but we know his brothers, his sister, his parents, and the extended family of friends he established around the country, all recognize the enormous contribution he made in his very short life. The Ricky Ray Hemophilia Relief Fund Act establishes a fund of $1 billion from which victims of this tragedy could collect $125,000 each. The fund sunsets after 5 years and eligibility for its benefits are carefully defined in the bill. This legislation is not about charity—and it is not about making everything all right for the victims. Certainly $125,000 is only a very small down payment on the staggering emotional and financial costs that hemophilia-associated AIDS places on its victims and their families. What this bill is about is the Federal Government owning up to a share of responsibility for what happened.

In 17 other developed countries where similar disasters occurred, national governments have stepped up to their obligations and established compensation programs. It's time for the United States to follow that lead. As this legislation moves through the process of consideration in this House, we will debate the extent of Government's obligation and the proper response to this tragedy. I know many of my colleagues are concerned about setting precedents and spending money. I share that concern—but I believe this is one of the things Government should appropriately be doing, responding to a tragedy that the Government had some responsibility to prevent. Of course, we look forward to the upcoming release of a thorough study conducted by the National Academy of Science's Institute of Medicine about what went wrong with the blood supply and how decisions about addressing those problems were made. Our legislation is in no way meant to prejudge or preclude that study, whose results should be available in May, nor do we have any interest in interfering with an ongoing legal process involving citizens and private industry. By presenting this bill to the House, we are simply acknowledging our commitment to the victims of this tragedy and our interest in seeing the Federal Government take action. I urge my colleagues to join us in this effort.

□ 1510

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 2 AND HOUSE JOINT RESOLUTION 24

Mr. CHRISTENSEN. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of House Joint Resolution 2 and House Joint Resolution 24.

The SPEAKER pro tempore (Mr. BATEMAN). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

COMMEMORATING BLACK HISTORY

The SPEAKER pro tempore (Mr. BATEMAN). Under a previous order of the House, the gentleman from California [Mr. TUCKER] is recognized for 5 minutes.

Mr. TUCKER. Mr. Speaker, I want to take this opportunity today, as we commemorate Black History Month, to thank some people. I want to thank them for their contribution to making America the great country that it is.

Now I won't get to them all today, and even if my colleagues in the Congressional Black Caucus stood here and helped me name them, we couldn't thank them all today, and even if all the Members of the U.S. House of Representatives, whose very lives have been affected by them, were here today to thank them, we couldn't thank them all. But I will, however, try to thank as many of them as possible.

First, I want to thank God, for Mother Earth and the fruit of her African body.

I want to thank Crispus Attucks, who at the Boston Massacre in 1770, became the first man to die in the American Revolution. I want to thank him for his desire for freedom and his fight for American independence.

I want to thank Frederick Douglass, the great abolitionist who spoke passionately against slavery, for always knowing and speaking with a clear voice. That he was equal to any man, even when the reality seemed to be otherwise.

I want to thank Matilda Arabella Evans, who in 1872 became the first African-American woman to practice medicine in South Carolina, for being a role model to all aspiring doctors.

To Maggie Lena Walker, who in 1867 became the first African-American and first woman to become president of a bank. Thank you Ms. Walker for showing our children that they too can run a bank.

Thank you to Granville T. Woods, who in 1901 received a patent on his invention of the third rails that are still used today on subway systems in New York and Chicago.

To Garret A. Morgan who in 1923 received a patent on his invention of the traffic light.

To Jan E. Matzeliger who in 1883 patented the lasting machine which improved the speed and reduced the labor associated with constructing shoes.

To those eight black slaves who in 1777, organized the first black Baptist church. Thank you for showing us the importance of establishing our spiritual base even though the devil is all around us.

To Harriet Wilson. Thank you for writing the first novel published by a black writer in 1859, your words continue to inspire.

To Nat Turner, who in August 1831 led a slave revolt in Virginia. Thank you for fighting and dying to be free.

To those four young girls that died in the Birmingham church bombing, my daughter's life has been made easier by your sacrifice, and rest eternally assured that that sacrifice will not be forgotten, by me or her.

To Arthur Ashe, Tennis Hall of Famer, writer, historian, philanthropist, and father. Thank you for courage, and wisdom and strength. You showed with your life what a man could become.

To madame C.J. Walker, the first African-American millionaire. Thank you for showing us how to do business.

To Fred Gregory, Guion Bluford, the late Ron McNair, and Mae Jemmison. Thank you for showing our kids that the sky is not the limit.

To Parren Mitchell, former U.S. Congressman from Maryland. Thank you for believing in African-American businesses.

To Marion Anderson and Leontyne Price. Thank you for showing the world that we too sing in America.

To Dr. Daniel Hale Williams, the first man to ever perform open heart surgery. Thank you for showing the world how to heal an ailing heart.

To Dr. and Mrs. Walter R. Tucker. Thank you for being an example of excellence and ambition.

To Harriet Tubman, conductor on the underground railroad to deliver over 300 Africans from the south to the north out of slavery. You did not have to come back for us, but you did and we owe you a debt of gratitude.

Finally, I want to say a special thank you to Dr. Carter G. Woodson, who committed his life to telling the history of the African in America. Thank you Dr. Woodson for insisting that if a story of America were told, this story had to be included.

SAVE THE GREENBACK ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I rise today to introduce the Save the Greenback Act, a bill designed to preserve the status of the American 1 dollar bill, also known as the American Greenback, which has been a staple of our currency since 1862, and since 1869 has carried the likeness of the Founder of our Nation, George Washington.

The Kingston Trio's song that said "And I don't give a damn about a green back dollar," has maintained a timelessness and elegance for future generations. However, the plans to discontinue printing the 1 dollar bill and to phase it out of existence, will incite a great number of people into giving a damn about a greenback dollar, because their pockets will be weighted down with heavy change instead of having a few bills tucked into their billfolds.

During that entire period, we have never heard the American people express their disagreement, or their displeasure with the 1 dollar bill. In fact, as many of you are aware, the mere mention of any redesign of our currency inevitably triggers an onslaught of calls from constituents.

In past Congresses there have been misguided efforts by special interests to replace the 1 dollar bill with a coin. The proponents of this coin make three bold claims; that is will be easier to handle, it will be popular with the American people and that it will save money.

Let me address each of these claims in turn: Imagine if you will, replacing ten 1 dollar bills in your wallet with ten coins in your pocket. After several days, one might suspect a conspiracy by clothing manufacturers in drafting the dollar coin proposal, as everyone's pockets begin to wear out.

As to the coin's popularity with the American people: There have been three national polls on this issue in the last year. In every poll, the American people overwhelmingly rejected any attempt to do away with the dollar bill and have expressed their displeasure for replacing it with a coin.

The most recent poll was conducted in January, under the auspices of the House Budget Committee. Only 18 percent of those questioned preferred a dollar coin.

Earlier polls have indicated a very real concern by the American people that if the dollar coin becomes law, the price of items purchased from vending machines, such as food, laundry and diet coke will rise. They also expect to see increases in the costs of other items such as parking meters and pay telephone calls.

Mr. Speaker, the legislation designed to eliminate the dollar bill will an excuse by the special interests to raise prices on everyday items—a future sales tax, to be levied on all Americans but falling the hardest on those who can least afford it.

None of us really want to see a repeat of the Susan B. Anthony drama in which the dollar coin was overwhelmingly rejected by the public. It did not save a nickel when it was minted, although proponents said at the time that a substantial savings would be realized.

At this moment, there are over 300 million Susan B. Anthony coins sitting idle in the U.S. Mint. Will we have to make room a few years down the road for the new dollar coin because we did not heed the hard lessons of the past?

It is not enough to blame the failure of the Susan B. Anthony on its design alone. The people rejected it as part of the currency system. They had a choice, and they voted against it.

It is important to note that the proposed dollar coin legislation will not allow the American people a choice, but will mandate on them a coin that they do not want.

Further, the dollar coin will not generate sufficient savings to justify such a major disruption in the lives and habits of the American people. Given the serious economic challenges facing this Congress, I believe that there are more urgent problems before us than forcing a change from the 1 dollar bill to a coin.

The costs of changing to a 1 dollar coin would be significant to many in the private sector including but not limited to the small town banks which would have to retool their coin counting, wrapping and sorting equipment—costs which would inevitably be passed on to their customers. The facts is, the 1 dollar bill has remained in existence for so long because people didn't want to carry bulky coins. They still don't.

Mr. Speaker, many of us were elected to this body by a public tired of being dictated to by their Government, having unwanted legislation forced on them, and tired of laws enacted for the sole benefit of special interests. We would do well to remember that we are here to advance the interests of the American people and not put needless obstacles in their path.

□ 1520

HUGE SAVINGS POSSIBLE FROM ELIMINATING WASTEFUL EXPENDITURES ON HANFORD NUCLEAR FACILITY CLEANUP

The SPEAKER pro tempore (Mr. BATEMAN). Under the Speaker's announced policy of January 4, 1995, the gentleman from Oregon [Mr. WYDEN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WYDEN. Mr. Speaker, I rise today to discuss how $274 million in wasteful expenditures can be cut from the budget for cleaning up the Hanford nuclear facility in Washington State.

This matter obviously has great implications for taxpayers across the country, but it certainly has special implications for the 1 million Oregonians who live downstream from Hanford.

Last year the Energy Department made a binding commitment to citizens of the Northwest and to the American people to make progress in cleaning up the Hanford nuclear facility. Now, only 1 year later, the Department of Energy is threatening to break Hanford's contract with America by failing to fund critical cleanup work, while allowing its contractors to waste taxpayers' money on low priority projects and out-and-out boondoggles.

Working with the Hanford watchdog group, Heart of America, I have carefully reviewed Hanford's $1.5 billion cleanup budget for fiscal year 1995, and have identified over a quarter billion dollars of wasteful spending in this budget.

My staff has independently reviewed the budget data with Department of Energy officials and confirmed that the current budget figures in this report are accurate. Some of the areas where significant budget savings could be realized include significant contractor overhead costs.

The current overhead budget is more than $450 million, which is 30 percent of Hanford's total clean-up budget for fiscal year 1995. Reducing these overhead costs from 30 percent to 20 percent of the budget would yield a savings of $150 million alone.

Second, Hanford contractors should be prevented from claiming a bonus for purported cost savings from not constructing six new double-shelled waste tanks. The need for these tanks and the contractor's cost estimate of $435 million to contract them has always been a questionable expenditure.

The Department of Energy has now determined that it is not necessary to construct all of these tanks. Under the current contract, eliminating the questionable expenditure for constructing these tanks could be considered a so-called cost savings for which the contractor could claim a bonus equal to 15 percent of these so-called savings.

Eliminating any contractor bonus for purported cost savings for not constructing the tanks would yield a savings of $63 million.

Third, the Hanford Advisory Board has recommended that the use of cleanup funds to subsidize defense and energy programs at Hanford be ended, and that this would save $39 million.

Mr. Speaker, this waste of taxpayer money ought to be stopped, and the funds immediately redirected to urgent clean-up projects, such as preventing high-level waste tanks from leaking radioactive waste, and protecting the Columbia River. In these tight budget times, there is not a single dollar to waste on bloated contractor overhead, excessive legal fees, or flashy media production services.

Certainly there is money to be saved on museums, on economic development, and a variety of other services which is not related to cleanup at Hanford at all. Every cleanup dollar ought to go to fund real cleanup.

The money that is being wasted now, if it was put to more productive use, might allow Hanford to actually meet its cleanup obligations.

With all of the wasteful spending that we have been able to identify in the Hanford cleanup budget, Hanford is almost certain to come up short in meeting its cleanup milestones. That means greater risk to Hanford workers and it means greater risks to the public.

What is more, it also means greater expense to the taxpayers down the road, because as the groundwater contamination spreads, the cost of the cleanup will increase significantly.

For the past 2 years, I have worked to obtain information from the Department of Energy and its contractor, the Westinghouse Hanford Company, about how the cleanup money is really being spent. The Department of Energy repeatedly delayed in providing this information, and when it finally did come, a significant amount of the information was simply omitted or blacked out.

The reason for failing to disclose this budget information really was not clear during all that time that we struggled to get it, but it certainly is now. The reason the information was not forthcoming is that it is embarrassing, it is embarrassing to hear that the Department of Energy spent over $450 million on overhead last year at Hanford. That is more than twice the amount that was spent on actually cleaning up the soil and the groundwater.

This spending on contractor overhead is robbing Hanford of the funds needed to protect the public from the threat of a high-level waste tank explosion and to protect the Columbia River and the 1 million Oregonians who live downstream from the Hanford facility.

☐ 1530

In fact, the Department of Energy and Westinghouse are cutting funds needed to properly characterize the contents of Hanford's nuclear waste tanks. This violates the recommendations of the Defense Nuclear Facility Safety Board and the intent of the law that I authored requiring the Department of Energy to identify the dangerous tanks that pose serious safety hazards.

Scaling back contractor overhead from current bloated levels to about 20 percent of the budget would yield $250 million in savings that could be used to fund this critical work.

Another area where there is rampant wasteful spending involves contractor legal fees. Again, most of this money has nothing to do with cleaning up Hanford. Taxpayer money is really being used to clean up contractor legal messes at a cost of over $40 million last year. So what happens is the taxpayer gets taken to the cleaners and the contractors' lawyers go to lunch and dinners on the taxpayers' dime.

These are just a few examples of how the cleanup dollars are being wasted. I have sent a letter to the Committee on Appropriations urging that the committee redirect the $274 million of waste in Hanford's budget toward urgent cleanups that are not funded, and also I have indicated to the committee involved in overseeing the budget at the Department of Energy, I serve as the ranking Democratic Member on the Investigations Subcommittee, that I believe that our committee should further investigate these examples of waste in Department of Energy cleanup budgets.

If the Energy Department wants to get its cleanup program on track, then the first thing that the agency has to do is clean up its own House to get rid of the waste.

I would like to conclude by talking a bit about what the response of the contractor, the Westinghouse Corp., has been to our proposal. Without even looking at the proposal, Westinghouse sent out a message to its employees about the various findings in our report. Westinghouse seems to be saying in its statement that I am calling today for the elimination of all of Hanford's overhead budget. That is not what I am saying at all. What I am saying is that there is waste, that there is more than a quarter billion dollars' worth of waste in that Hanford cleanup budget, and, frankly, the way they have dealt with this report, spending dollars on trying to spread more misinformation, suggests to me that they are not getting the message.

For example, to put into perspective some of the statements made in Westinghouse's message in response to the report that we did, that they did not write, I would like to make just a few points. Westinghouse says that the term overhead covers some expenses that are in reality indirect cleanup costs. I agree with that statement. Therefore, if the cleanup budget is going down, the overhead budget ought to be going down proportionately. The Hanford budget is being reduced by 20 percent over the next 2 years, so that means that the contractor should be reducing overhead at least 20 percent. Plus, Westinghouse has claimed that bringing Bechtel in as an additional cleanup contractor would lower overhead by 13 percent and that there would be additional overhead savings from the merging of Kaiser into the Westinghouse contract. Therefore, we should be seeing at least a 33 percent overhead reduction, which is almost exactly what I have been calling for.

Westinghouse also admits that the fiscal year 1994 overhead budget totaled $451 million, but the examples of legitimate overhead they cite only account for $148 million, which is less than one-third of the total. That means that two-thirds of the overhead is unaccounted for. We say one-third is wasted. Maybe we should be looking at the remaining third of the overhead budget more closely to determine if maybe some of that constitutes additional waste.

Westinghouse cites a number of specific overhead expenses that they say are legitimately needed for their operations. For example, they talk about their utilities, they cite steam plant expenses and replacement of antiquated facilities. The steam plant replacement project included a 20 percent contingency, double, double the normal construction contingency. This project is not any different from building a steam plant in Ohio or Florida or New York.

Should the contractor get an exorbitant contingency for building a steam plant? The contractors were already paid for the design work on the steam plant so the taxpayers are paying to indemnify the contractors against the risk that their own design is faulty.

With respect to safety and insurance, we have not questioned any of their expenditures in their area, but certainly we have asked some questions about the services budget. Westinghouse cited costs of bus service as a legitimate expense. Recently the manager of the Department of Energy's Hanford operations, John Wagner, told congressional staff that the bus service could not be justified because it costs $4,000 per user per year to provide this service.

On the administrative side, Westinghouse cites its communications expenses as legitimate. In the past, this budget has been used to pay for expenses like having contractors attend our press conferences and doctoring photos to make drums of waste disappear from the photo, while in reality the drums have not been cleaned up. Certainly public relations expenditures that we have outlined today show again how cleanup dollars are being misspent on work that is unrelated to cleanup of the Hanford facility.

Westinghouse also cites regulatory analysis and compliance. This category includes expenditures for cleaning up those legal messes which I mentioned earlier, such as $8 million to defend litigations from those who live downwind from the facility. It also includes $2.5 million for Westinghouse lawyers and outside counsel whose overbilling and expense account padding was exposed last year by the Oversight and Investigations Subcommittee.

Finally, it includes two contracts totaling $20 million for second and third layers of redundant review.

Now Westinghouse says they have greatly reduced the costs that are not directly related to cleanup. What I have to say today is if that is the case, they certainly should not be against the recommendations I am making to save $274 million in addition.

Westinghouse goes on to say that they are committed to increasing cost savings through their productivity challenge. EPA and the Washington Ecology Department say that Westinghouse's productivity challenge relies too heavily on the elimination and deferral of required work. Cutting the required work is precisely where they should not be cutting, but they ought to be making savings in the $274 million in wasteful expenditures we have found and report on today.

Westinghouse says that they are working with the regulators to streamline the regulatory process and the compliance requirements at the facility. The Hanford Advisory Board found that regulatory processes where streamlining is needed the most are not the ones imposed by law or the regulatory agencies, but the ones that are imposed by the Department of Energy's own orders. Without the statutes and the legislators, it is questionable how much cleanup work would actually be taking place.

Let me conclude by saying that the Federal Government hastened into an agreement with Hanford that really constitutes the Federal Government's contract with the people of the Pacific Northwest. More than 1 million Oregonians live downstream from Hanford.

It is not acceptable that the Federal Government breach its contract with the people of the Northwest in order to fund public relations projects, lawyers' fees, free lunches, and unnecessary overhead. I am very hopeful that the Department of Energy will move to deal with these wasteful expenditures that we have identified.

□ 1540

Many of my colleagues from the Pacific Northwest and other parts of the country ran for this body on campaigns to streamline the government, to root out waste, to make the government more efficient. I offer to them, the Members from the Pacific Northwest, both sides of the aisle, and Members of this body from other parts of the country, a specific analysis going through line by line the Hanford cleanup budget. It shows how $274 million in wasteful expenditures can be saved, and I hope the Members who have spoken so often about cutting waste will look seriously at this report and move on a bipartisan basis to make these savings, to redirect them so that the cleanup work that is necessary at Hanford is completed and to make sure that the taxpayers of the Northwest and of our entire country are not ripped off in the process.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EHLERS (at the request of Mr. ARMEY), for today, on account of illness.

Mr. ANDREWS (at the request of Mr. GEPHARDT), for February 23 and the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Mr. VOLKMER, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. TORKILDSEN) to revise and extend their remarks and include extraneous material:)

Mr. BILIRAKIS, for 5 minutes, today.
Mr. DUNCAN, for 5 minutes, on February 27.
Mrs. SEASTRAND, for 5 minutes, today.
Mr. FRANKS of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. COLLINS of Illinois, immediately following the vote on rollcall No. 165 in the Committee of the Whole, on Thursday, February 24, 1995.

(The following Members (at the request of Mr. TORKILDSEN) and to include extraneous matter:)

Mr. FAWELL.
Mr. GOODLING.
Mr. BRYANT of Tennessee.
Mr. PACKARD.
Mr. SKEEN.
Mr. HEFLEY.
Mr. CRANE.
Mr. CLINGER.
Mr. PORTMAN.
Mr. UPTON.
Mr. GILLMOR.
Mr. DORNAN.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. VISCLOSKY.
Mr. FOGLIETTA.
Ms. ESHOO.
Mr. SKELTON.
Mr. VENTO.
Mr. UNDERWOOD.
Mrs. KENNELLY.
Mr. POSHARD.
Mr. HALL of Texas in two instances.

(The following Members (at the request of Mr. WYDEN) and to include extraneous matter:)

Mr. DAVIS.
Mr. MANTON.
Mr. PALLONE.
Mr. TRAFICANT.

ADJOURNMENT

Mr. WYDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, February 27, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

400. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on military expenditures, pursuant to section 511(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1993; to the Committee on Appropriations.

401. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the

Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

402. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Korea for defense articles and services (Transmittal No. 95–11), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–8, "Walter C. Pierce Community Park Designation Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–9, "Day Care Policy Amendment Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–10, "Prevention of the Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome Amendment Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–11, "The United Church Equitable Real Property Tax Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–12, "Dumbarton United Methodist Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

408. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

409. A letter from the Administrator, General Services Administration, transmitting informational copies of prospectuses for three U.S. courthouses located in Jacksonville, FL, Albany, GA, and Corpus Christi, TX, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

410. A letter from the Administrator, U.S. Small Business Administration, transmitting a draft of proposed legislation entitled, "Small Business Amendments Act of 1995"; to the Committee on Small Business.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 10. A bill to reform the Federal civil justice system; to reform product liability law; with an amendment (Rept. 104–50, Pt. 1). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 96. Resolution providing for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and other purposes (Rept. 104–51). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. SHUSTER (for himself, Mr. Mineta, Mr. Duncan, and Mr. Oberstar):

H.R. 1036. A bill to amend the Metropolitan Washington Airports Act of 1986 to direct the President to appoint additional members to the board of directors of the Metropolitan Washington Airports Authority, to replace the Board of Review of the Airports Authority with a Federal Advisory Commission, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. JACOBS:

H.R. 1037. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Ways and Means.

By Mr. CLINGER (for himself, Mr. Spence, and Mr. Gilman):

H.R. 1038. A bill to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committees on National Security, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Blute, Mr. McKeon, and Mr. Hancock):

H.R. 1039. A bill to amend the Internal Revenue Code of 1986 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. BAKER of California (for himself, Mr. Stearns, Mr. Lipinski, Mr. Forbes, Mr. Canady, Mr. Emerson, Mr. Fields of Texas, Mrs. Meyers of Kansas, Mr. Solomon, Mr. Bachus, Mr. Calvert, Mr. Hostettler, Mr. Baker of Louisiana, Mr. English of Pennsylvania, Mr. Wicker, and Mr. McCrery):

H.R. 1040. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for retirement savings, to permit nonemployed spouses a full IRA deduction, and for other purposes; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. Blute, Mr. McKeon, and Mr. Hancock):

H.R. 1041. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for all dividends and interest received by individuals; to the Committee on Ways and Means.

H.R. 1042. A bill to amend the Internal Revenue Code of 1986 to provide that no capital gains tax shall apply to individuals; to the Committee on Ways and Means.

By Mr. DAVIS.

H.R. 1043. A bill to require the continued availability of $1 Federal Reserve notes for circulation; to the Committee on Banking and Financial Services.

By Mr. FAWELL (for himself, Mr. Visclosky, and Ms. Pryce):

H.R. 1044. A bill to amend part E of title IV of the Social Security Act to prevent abandoned babies from experiencing prolonged foster care where a permanent adoptive home is available; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. Cunningham, Mr. Petri, Mrs. Roukema, Mr. Gunderson, Mr. Fawell, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. McKeon, Mr. Castle, Mr. Talent, Mr. Sam Johnson, Mr. Hutchinson, Mr. Knollenberg, Mr. Weldon of Florida, Mr. Funderburk, Mr. Norwood, Mr. Souder, Mr. Manzullo, Mr. Inglis of South Carolina, Mr. Mica, Mr. Boehner, Ms. Dunn of Washington, Mr. Christensen, Mr. McCrery, Mr. Emerson, and Mr. Bartlett of Maryland):

H.R. 1045. A bill to amend the Goals 2000: Educate America Act to eliminate the National Education Standards and Improvement Council, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. HASTINGS of Florida:

H.R. 1046. A bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. Hyde, Mr. Schaefer, Mr. Crapo, Mr. Allard, Mr. DeLay, and Mr. Young of Alaska):

H.R. 1047. A bill to provide under Federal law a limited privilege from disclosure of certain information acquired pursuant to a voluntary environmental self-evaluation and, if such information is voluntarily disclosed, for limited immunity from penalties; to the Committee on the Judiciary, and in additional to the Committees on Commerce, Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KENNELLY:

H.R. 1048. A bill to amend the Internal Revenue Code of 1986 and title I of the Employee Retirement Income Security Act of 1974 with regard to pension integration, participation, and vesting requirements, to provide for division of pension benefits upon divorce unless otherwise provided in qualified domestic relations orders, to provide for studies relating to cost-of-living adjustments and pension portability, to clarify the continued availability, under provisions governing domestic relations orders, of remedies relating to matters treated in such orders entered before 1985, and to provide for entitlement of divorced spouses under the Railroad Retirement Act of 1974 independent of the actual entitlement of the employee; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. BROWN of California, Mr. SCHUMER, Mrs. SCHROEDER, Ms. ESHOO, Mr. MILLER of California, Mr. OBERSTAR, Mr. BERMAN, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. OLVER, Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. FROST, Mr. JOHNSTON of Florida, Mr. SABO, Mr. WYNN, Mr. YEATES, Mr. ACKERMAN, Mr. FILNER, Mr. GUTIERREZ, Mr. MANTON, Mr. OWENS, and Mr. VENTO):

H.R. 1049. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Economic and Educational Opportunities.

By Mr. DELLUMS (for himself, Mr. BONIOR, Mr. CONYERS, Mr. EVANS, Mr. FILNER, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MCKINNEY, Ms. NORTON, Mr. OWENS, Mr. PAYNE of New Jersey, Ms. PELOSI, Mr. RANGEL, Mr. SANDERS, Mr. TOWNS, and Ms. VELAZQUEZ):

H.R. 1050. A bill to establish a living wage, jobs for all policy for the United States in order to reduce poverty, inequality, and the undue concentration of income, wealth, and power in the United States, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Government Reform and Oversight, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOLLOHAN:

H.R. 1051. A bill to provide for the extension of certain hydroelectric projects located in the State of West Virginia; to the Committee on Commerce.

By Mr. NEUMANN (for himself, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 1052. A bill to amend the Clean Air Act to repeal the reformulated gasoline provisions and the provisions relating to work-related vehicle trip reduction, and for other purposes; to the Committee on Commerce.

By Mr. POSHARD:

H.R. 1053. A bill to prohibit Members of the House of Representatives from using official funds for the production of mailing or newsletters, to reduce by 50 percent the amount which may be made available for the official mail allowance of any such Member, and for other purposes; to the Committee on House Oversight.

By Mr. STARK:

H.R. 1054. A bill to amend the Internal Revenue Code of 1986 to provide that the corporate income tax shall apply to certain government-sponsored enterprises; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1055. A bill to amend title 5, United States Code, to clarify that the Government in the Sunshine Act applies to the Federal Open Market Committee; to the Committee on Government Reform and Oversight.

By Mr. UNDERWOOD (for himself, Mr. ABERCROMBIE, Mr. BECERRA, Mr. BONIOR, Mr. CLAY, Mrs. CLAYTON, Mr. DE LA GARZA, Mr. DELLUMS, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRAZER, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLDEN, Mr. JEFFERSON, Mr. KENNEDY of Massachusetts, Mr. LAFALCE, Mr. LEWIS of Georgia, Mr. MARTINEZ, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MINETA, Mrs. MINK of Hawaii, Mr. MONTGOMERY, Mr. NADLER, Ms. NORTON, Mr. PASTOR, Mr. PAXON, Mr. RAHALL, Mr. RICHARDSON, Mr. ROMERO-BARCELO, Mr. SERRANO, Mr. TORRES, Mr. TOWNS, Mr. TUCKER, Ms. VELAZQUEZ, and Mr. YATES):

H.R. 1056. A bill to establish the Commonwealth of Guam, and for other purposes; to the Committee on Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINETA (for himself, Mr. LIVINGSTON, and Mr. SAM JOHNSON):

H.J. Res. 69. Joint resolution providing for the reappointment of Homer Alfred Neal as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on House Oversight.

By Mr. LATHAM (for himself, Mr. HANCOCK, Mr. EWING, Mr. SMITH of Texas, Mr. BAKER of Louisiana, Mrs. WALDHOLTZ, Mr. FOX, Mr. LEACH, Mr. HOSTETTLER, and Mr. CHAMBLISS):

H. Res. 97. Resolution to authorize and direct each standing committee of the House with subject matter jurisdiction over laws under which Federal agencies prescribe rules and regulations to report legislation during this session of Congress which would have the effect of streamlining those rules and regulations, and for other purposes; to the Committee on Rules.

By Mr. WYNN:

H. Res. 98. Resolution expressing the sense of the House of Representatives on rising interest rates and the impact on the housing industry; to the Committee on Banking and Financial Services.

H. Res. 99. Resolution expressing the sense of the House of Representatives on the calculation of the Consumer Price Index; to the Committee on Economic and Educational Opportunities.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. HOEKSTRA and Mr. ROGERS.

H.R. 26: Mr. GENE GREEN of Texas.

H.R. 29: Mr. SENSENBRENNER.

H.R. 44: Mrs. MEYERS of Kansas, Mr. MILLER of California, Mr. TORRICELLI, Mr. STUPAK, Mr. FROST, Mr. MANTON, Mr. WILSON, Mr. BARTON of Texas, Mr. GORDON, Mr. HOLDEN, and Mr. GENE GREEN of Texas.

H.R. 46: Mr. BONO, Mr. CREMEANS, Mr. STUMP, Mr. TAYLOR of North Carolina, Ms. MOLINARI, Mr. BONILLA, Mr. MANTON, Mr. FRISA, Mr. ROGERS, and Mr. CHRYSLER.

H.R. 191: Mr. SMITH of New Jersey.

H.R. 192: Mr. SMITH of New Jersey.

H.R. 193: Mr. SHAYS.

H.R. 194: Mr. FRELINGHUYSEN, Mr. SMITH of New Jersey, and Mr. ZIMMER.

H.R. 195: Mr. FRELINGHUYSEN.

H.R. 201: Mr. CALVERT.

H.R. 343: Mr. LUTHER.

H.R. 384: Mr. ACKERMAN.

H.R. 387: Mr. SHAYS, Mr. HOLDEN, Mr. CALVERT, and Mr. LIPINSKI.

H.R. 388: Ms. MCKINNEY.

H.R. 405: Mr. ROHRABACHER.

H.R. 447: Ms. SLAUGHTER, Mr. SANDERS, Mr. JACOBS, Mrs. MEEK of Florida, Mr. REGULA, Mr. WATT of North Carolina, Ms. RIVERS, Mr. EMERSON, Ms. KAPTUR, Mrs. CLAYTON, Mr. MARTINEZ, Mr. TORRES, Ms. ESHOO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Mr. MINETA, Mr. OWENS, Mr. OXLEY, Mr. BACHUS, Mr. QUINN, and Mr. WYNN.

H.R. 483: Mr. HERGER, Mr. HUTCHINSON, Mr. BAKER of Louisiana, Mr. BUNNING of Kentucky, Mr. FAZIO of California, Mr. STENHOLM, Mr. MORAN, Mr. BURTON of Indiana, and Mr. KLUG.

H.R. 501: Mr. STUMP, Mr. THORNBERRY, Mr. SAXTON, Mr. EHLERS, Mr. HERGER, and Mr. FUNDERBURK.

H.R. 549: Mr. STUPAK.

H.R. 593: Mr. ENGLISH of Pennsylvania.

H.R. 612: Mr. SENSENBRENNER.

H.R. 645: Mr. ANDREWS and Mr. GUTIERREZ.

H.R. 663: Mr. WICKER.

H.R. 682: Mr. STUMP and Mr. LINDER.

H.R. 697: Mr. STUMP.

H.R. 704: Mr. ROYCE, Mr. SCHIFF, Mr. CANADY, Ms. LOWEY, Mr. SANDERS, Mr. BACHUS, Mr. WICKER, and Mrs. MALONEY.

H.R. 708: Mr. LIPINSKI and Mr. ENGLISH of Pennsylvania.

H.R. 709: Mr. STUPAK, Ms. LOWEY, Mr. ROMERO-BARCELO, Ms. MCKINNEY, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 756: Mr. COOLEY.

H.R. 785: Mr. ROMERO-BARCELO, Mr. GILCHREST, Mr. TORKILDSEN, Mr. SHAYS, Mr. FRELINGHUYSEN, and Mr. FALEOMAVAEGA.

H.R. 789: Mr. CRANE, Mr. TATE, Mr. HUTCHINSON, and Mr. PARKER.

H.R. 795: Mr. SMITH of Texas.

H.R. 803: Mr. BARTLETT of Maryland.

H.R. 819: Mr. SHAYS.

H.R. 839: Mr. BAKER of Louisiana.

H.R. 887: Mr. CUNNINGHAM.

H.R. 896: Mr. FRAZER, Mr. FROST, Mr. TORRICELLI, Mrs. MEEK of Florida, Mr. YATES, Mr. WILSON, Mr. LAFALCE, Mr. FOX, Mr. HOLDEN, and Ms. SLAUGHTER.

H.R. 899: Mr. LARGENT, Mr. WATTS of Oklahoma, Mr. DICKEY, Mr. RADANOVICH, Mr. CONDIT, Mr. BALDACCI, Mr. GALLEGLY, Mr. KOLBE, Mr. BROWNBACK, Mr. CLEMENT, Mr. WAMP, and Mr. METCALF.

H.R. 922: Mr. MILLER of California, Mr. MORAN, Mr. JACOBS, Mr. SCHUMER, and Mr. THOMPSON.

H.R. 928: Mr. WELLER.

H.R. 934: Mr. EVANS.

H.R. 935: Mr. EVANS.

H.R. 953: Mr. ALLARD.

H.R. 1005: Mr. GOODLATTE and Mr. LIPINSKI.

H.R. 1006: Mr. JACOBS and Mr. LIPINSKI.

H.R. 1018: Mr. WICKER.

H.R. 1025: Mr. DOOLEY and Mr. CONDIT.

H.J. Res. 61: Mr. GEKAS, Mr. HEFLEY, Mr. FORBES, Mr. DUNCAN, Mr. MCKEON, Mr. GRAHAM, Mr. HOKE, Mr. GOSS, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. SCARBOROUGH, Mr. MANZULLO, Mr. MCCOLLUM, Mr. HILLEARY, Mr. CHRISTENSEN, Mr. SMITH of Texas, Mr. BLUTE, Mr. TAYLOR of North Carolina, Mr. DAVIS, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 10: Mr. ACKERMAN, Mr. WYNN, Mrs. MALONEY, Mr. MCKEON, Mr. FORBES, Mr. SAXTON, Mr. FOX, Mr. BLUTE, and Mr. WALSH.

H. Con. Res. 21: Mr. BROWN of Ohio, Mr. YATES, Ms. ESHOO, and Mr. LIPINSKI.

H. Res. 58: Ms. FURSE and Mr. ROHRABACHER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 2: Mr. CHRISTENSEN.

H.J. Res. 24: Mr. CHRISTENSEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1022

OFFERED BY: MR. MICA

AMENDMENT NO. 4: At the end of the bill, add the following new title:

TITLE VII—REGULATORY REVIEW

SEC. 701. SHORT TITLE.

This title may be cited as the "Regulatory Review Act of 1995".

SEC. 702. PURPOSE.

The purposes of this title are the following:

(1) To require covered Federal agencies to regularly review their regulations and make recommendations to terminate, continue in effect, modify, or consolidate those regulations.

(2) To require covered Federal agencies to submit those recommendations to the Administrator of the Office of Information and Regulatory Affairs and to the Congress.

(3) To designate a Regulatory Review Officer within each covered Federal agency, who is responsible for the implementation of this title by the covered Federal agency.

SEC. 703. REVIEW OF REGULATIONS.

The President shall require each covered agency to do the following every 7 years for each rule designed to protect human health, safety, or the environment that is proposed or promulgated by the agency before or after the date of the enactment of this Act:

(1) Review the regulation in accordance with section 704.

(2) After the review but not later than 120 days before the expiration of the 7-year period, submit to the Congress and publish in the Federal Register a preliminary report on the findings and proposed recommendations of that review in accordance with section 705(a)(1).

(3) Review and consider comments regarding the preliminary report that are transmitted to the covered Federal agency by the Administrator and appropriate committees of the Congress during the 60-day period beginning on the date of submission of the preliminary report.

(4) After the 60-day period beginning on the date of submission of the preliminary report to the Congress but not later than 60 days before the expiration of the 7-day period, submit to the Congress and publish in the Federal Register a final report on the review under section 704 in accordance with section 705(a)(2).

(5) Make either the certification referred to in section 708 or the modification or consolidation referred to in that section.

SEC. 704. REVIEW OF REGULATIONS BY COVERED FEDERAL AGENCY.

(a) IN GENERAL.—The head of each covered Federal agency shall, under the criteria set forth in subsection (b) prepare the following:

(1) A thorough and systematic review of all regulations designed to protect human health, safety, and the environment that are issued by the covered Federal agency to determine if those regulations are obsolete, inconsistent, or duplicative or impede competition.

(2) Report on the findings of those reviews, which contain recommendations for—

(A) any appropriate modifications to a regulation recommended to be extended; or

(B) any appropriate consolidations of regulations.

(b) CRITERIA FOR REVIEW.—

(1) IN GENERAL.—The head of a covered Federal agency shall review each regulation referred to in subsection (a)(1) based on the criteria referred to in paragraph (2). Pursuant to such review, the head of the agency shall issue recommendations on—

(A) whether the head of the agency should certify that the regulation is effective based on such criteria; or

(B) if the head of the agency is unable to make such certification because the regulation does not meet such criteria, whether the regulation should be modified or consolidated.

(2) CRITERIA.—The criteria referred to in paragraph (1) are the following:

(A) The regulation is not outdated, obsolete, or unnecessary.

(B) The regulation or information required to comply with the regulation does not duplicate, conflict with, or overlap requirements under regulations of other covered Federal agencies.

(C) The regulation does not impede competition.

(D) The benefits to society from the regulation exceed the costs to society from the regulation.

(E) The regulation is based on adequate and correct information.

(F) The regulation is worded as simply and clearly as possible.

(G) The most cost-efficient alternative was chosen in the regulation to achieve the objective of the regulation.

(H) Information requirements under the regulation can be reduced, particularly for small businesses.

(I) The regulation is fashioned to maximize net benefits to society.

(J) The regulation is clear and certain regarding who is required to comply with the regulation.

(K) The regulation maximizes the utility of market mechanisms to the extent feasible.

(L) The condition of the economy and of regulated industries is considered.

(M) The regulation imposes on the private sector the minimum economic burdens necessary to achieve the purposes of the regulation.

(N) The total effect of the regulation across covered Federal agencies has been examined.

(O) The regulation is crafted to minimize needless litigation.

(P) The regulation is necessary to protect the health and safety of the public.

(Q) The regulation has not resulted in unintended consequences.

(R) Performance standards or other alternatives were utilized to provide adequate flexibility to the regulated industries.

(c) REQUIREMENT TO SOLICIT COMMENTS FROM THE PUBLIC AND PRIVATE SECTOR.—In reviewing regulations under this section, the head of a covered Federal agency shall solicit comments from the public (including the private sector) regarding the application of the criteria set forth in subsection (b) to the regulation before making determinations under this section and sending a report under section 705(a) regarding a regulation.

SEC. 705. COVERED FEDERAL AGENCY REPORTS.

(a) PRELIMINARY AND FINAL REPORTS ON REVIEWS OF REGULATIONS.—The head of a covered Federal agency shall submit to the President, the Administrator, and the Congress and publish in the Federal Register for each review of a regulation under section 704—

(1) a preliminary report that contains—

(A) specific findings of the covered Federal agency regarding—

(i) application of the criteria set forth in section 704(b) to the regulation;

(ii) the need for the function of the regulation; and

(iii) whether the regulation duplicates functions of another regulation; and

(B) proposed recommendations on whether—

(i) the regulation should be modified; and

(ii) the regulation should be consolidated with another regulation; and

(2) a final certification report on the findings and recommendations of the covered Federal agency head regarding the cost-effectiveness of the regulation and any appropriate modifications to the regulation that includes—

(A) a full justification of the recommendation to certify or, if applicable, modify or consolidate the regulation; and

(B) the factual basis for all recommendations made with respect to that certification or modification under the criteria set forth in section 704(b).

(b) REPORT ON SCHEDULE FOR REVIEWING EXISTING REGULATIONS.—Not later than 100 days after the date of the enactment of this Act, and annually thereafter, the head of each covered Federal agency shall submit to the Administrator and the Congress and publish in the Federal Register a report stating a schedule for reviewing in accordance with this title regulations issued by the covered Federal agency before the date of that submission. The first schedule shall give priority to reviewing during the 3-year period beginning on the date of the enactment of this Act regulations that have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

SEC. 706. FUNCTIONS OF ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall—

(1) review and evaluate each report submitted by the head of a covered Federal agency under section 705(a), regarding—

(A) the quality of the analysis in the reports;

(B) whether the covered Federal agency has properly applied the criteria set forth in section 704(b); and

(C) the consistency of the covered Federal agency action with actions of other covered Federal agencies; and

(2) transmit to the head of the covered Federal agency the recommendations of the Administrator regarding the report.

(b) GUIDANCE.—The Administrator shall provide guidance to covered Federal agencies on the conduct of reviews and the preparation of reports under this title.

SEC. 707. DESIGNATION OF COVERED FEDERAL AGENCY REGULATORY REVIEW OFFICERS.

(a) IN GENERAL.—The head of each covered Federal agency shall designate an officer of the covered Federal agency as the Regulatory Review Officer of the covered Federal agency.

(b) FUNCTIONS.—The Regulatory Review Officer of a covered Federal agency shall—

(1) be responsible for the implementation of this title by the covered Federal agency; and

(2) report directly to the head of the covered Federal agency with respect to that responsibility.

SEC. 708. REQUIREMENT TO PROVIDE CONGRESS NOTICE AND OPPORTUNITY TO COMMENT BEFORE MODIFYING OR [CERTIFYING] A REGULATION.

Based on the review and recommendations made under section 704(b)(1) and the recommendations of the Administrator under

706(a)(2), the head of a covered Federal agency shall certify that a regulation is effective or shall modify or consolidate such regulation, except that the head of the covered Federal agency may not make such certification, modification, or consolidation unless the head of the covered Federal agency—

(1) submits to the Congress—

(A) notice of the proposal to take that action, at least 120 days before the effective date of that action; and

(B) notice of the final determination to take that action, at least—

(i) 60 days after submitting notice under subparagraph (A) for the action; and

(ii) 60 days before the effective date of the action; and

(2) reviews and considers comments submitted to the covered Federal agency by appropriate committees of the Congress during the 60-day period beginning on the date of submittal of notice under paragraph (1)(A) of the action.

SEC. 709. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office.

(2) COVERED FEDERAL AGENCY.—The term "covered Federal agency" means each of the following:

(A) The Environmental Protection Agency.

(B) The Occupational Safety and Health Administration.

(C) The Department of Transportation (including the National Transportation Safety Administration).

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Mine Safety and Health Administration.

(3) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term "appropriate committee of the Congress" means with respect to a regulation each standing committee of the Congress having authority under the rules of the House of Representatives or the Senate to report a bill to enact or amend the provision of law under which the regulation is issued.

(4) OFFICE.—The term "Office" means the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(5) REGULATION.—The term "regulation" means the whole or a part of a covered Federal agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, other than such a statement to carry out a routine administrative function of a covered Federal agency.

SENATE—*Friday, February 24, 1995*

(Legislative day of Wednesday, February 22, 1995)

The Senate met at 9:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer this morning will be offered by the Reverend Dr. Ernest R. Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC.

PRAYER

The guest Chaplain, the Reverend Dr. Ernest R. Gibson, pastor of the First Rising Mount Zion Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; What is man, that thou art mindful of him? and the son of man, that thou visitest him? For thou hast made him a little lower than the angels, and hast crowned him with glory and honour. Thou madest him to have dominion over the works of thy hands; thou hast put all things under his feet. * * * *O Lord our Lord, how excellent is thy name in all the earth!*—Psalm 8:3–6, 9.

Lord, Thou hast given to us, Your human creatures, such awesome responsibilities. Be near unto Your servants here in the Senate when the burden is especially heavy. Lord, give peace in times of confusion, comfort in times of anxiety, and direction in times of doubt. May Thine own power and spirit be in Your servants so that as they exercise dominion over things Thou hast placed in their care, may "Thy will be done."

In the name of Him who taught us to pray, "Thy will be done in earth, as it is in heaven.—Matthew 6:10. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. GRAMS. Mr. President, for the information for my colleagues, this morning the time for the two leaders has been reserved and there will now be a period for the transaction of routine morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each, with the following Senators to speak for up to these designated times: Senator DASCHLE for 20 minutes; Senator SIMPSON, 20 minutes; Senator LAUTENBERG, 10 minutes; Senator BURNS, 15 minutes.

At the hour of 11 a.m., the Senate will resume consideration of House Joint Resolution 1, the constitutional balanced budget amendment. Under the unanimous-consent agreement, Senators will have until 3 o'clock today in order to offer their amendments to the resolution.

There will be no rollcall votes during today's session of the Senate. Senators should be on notice that any rollcall votes ordered on amendments today will be ordered to occur stacked in the sequence of votes beginning at 2:15 on Tuesday, February 28.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Under the previous order, the Senator from Montana [Mr. BURNS] is recognized to speak for up to 15 minutes.

DEFENSE BUDGET AND BRAC

Mr. BURNS. I thank the Chair.

Mr. President, I rise today not only in support of the balanced budget amendment, but also to bring the attention of this body to some activities and some events in this Government that I find very disconcerting.

As we look at the budgets of the different organizations and programs this Government sponsors, and is charged to do so, I am concerned about the defense budget. It has been cut far too deeply, far too soon, as we have put too much focus, maybe, on some of the domestic issues and are too hesitant to look at the future security of this country.

The defense budget is constantly being raided for unrelated purposes, research and development programs are shortchanged, and even the procurement of weapons has been neglected. The cost is a collapse of near-term readiness and, of course, what I fear probably we are moving toward is a hollow force. So far, the administration and the Congress have not been willing to spend enough to maintain a well-prepared military force.

Defense advisers to President Clinton acknowledge that the Pentagon is some $49 billion short of the amount needed to fund their planned force for fiscal years 1996 through 2001. GAO, the General Accounting Office, determined the shortfall was actually $150 billion over that same period.

The numbers all point to the same thing—an ill-trained, underequipped, and demoralized U.S. military force.

It is time to restore America's military strength and readiness. Obviously, Congress needs to look at increased funding for the military. But it also has to take a look at U.S. defense policy and how those dollars are spent. Congress needs to look at priorities, on how it is spent, on what weapons, and where we want this country to be 20 years from now, and we need to force the administration to stick to those policies.

The administration needs to examine the number and level of military commitments that U.S. forces undertake. The U.S. Armed Forces right now must have the necessary funds to fulfill the missions that they have been given.

The problem is funds that should be used for readiness have been diverted. That GAO study cites that between fiscal 1990 and 1993, $10.4 billion out of the defense budget was used for such activities as World Cup Soccer and the Summer Olympics. In the fiscal years 1990 to 1994, total defense spending fell 25 percent, while nondefense spending rose 361 percent. So it is time to put some of the priorities on how we spend those dollars back into the budget.

Just as alarming is the new trend of raiding the Defense Department's budget for "operations other than war." U.S. troops involvement in U.N. peacekeeping missions around the world put an immense strain on the already tight defense budget.

President Clinton proposed spending $246 billion for defense for fiscal year 1996. It is now up to the Congress to take a serious look at the U.S. defense policy and come up with a realistic defense budget.

After years of cuts in the defense budget and a drawdown of forces, we have to look at where we are, where we should be, and where we want to be.

So the Defense Department budget has fallen steadily for 10 years since 1985. The procurement amount has fallen 65 percent over the same period. The reduction of U.S. Armed Forces generally has been too deep and, yes, too fast.

Over the last 10 years, infrastructure has only been cut 15 percent. That is compared to draconian cuts in weapons and equipment procurement, research and development, and force structure.

If the United States had maintained a realistic defense budget, we would not be looking at another round of base closings and realignments. We would have a fully ready and well-equipped military force ready to handle any eventuality.

The defense budget has been stretched too thin and now it is our bases that will pay the price. Bases around the country, bases instrumental to our national defense, will be scrutinized and possibly closed and given new missions.

Malmstrom Air Force Base, in my home State of Montana, is one of those bases that will be looked at in this round of BRAC. Malmstrom is an important cog in the base structure and is an integral part of the city of Great Falls, MT, and to the rest of the State.

It is too bad that we get mixed up in our priorities regarding this defense budget, and bases such as Malmstrom could be lost in the shuffle.

Mr. President, with a great deal of concern that I ask my colleagues to look closely at our defense policy and where our priorities lie for the Defense Department and the U.S. Armed Forces in this coming fiscal year.

Yes, we sit here and debate a balanced budget amendment and we have heard all of the-sky-is-falling fears that has come out of this debate. It will still make us set our priorities and reevaluate the mission of government and what the role of government really should be, especially at the Federal level.

I happen to believe the protection of our shores and a strong national defense is very important to the security of this country and, yes, those children of the future

Mr. President, I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Wyoming. Under the previous order, the Senator from Wyoming [Mr. SIMPSON] is recognized to speak for up to 20 minutes.

Mr. SIMPSON. I thank the Chair.

THE IMMIGRANT CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1995

Mr. SIMPSON. Mr. President, I return here to a familiar refrain, a theme revisited, not, as has my good friend from Montana, with regard to the balanced budget amendment or base closing. Those are critical issues we will face in these next weeks. But there is one that we will face that is rather awesome in nature, too, and that is the issue of illegal immigration.

Mr. President, on January 24 I introduced S. 269, the Immigrant Control and Financial Responsibility Act of 1995. At that time I presented to my colleagues and to the American people a rather general overview of the bill.

Today I wish to describe in greater detail one particular part of this legislation—the requirement for a new system to verify eligibility to work in the United States and to receive benefits under certain government-funded programs of public assistance.

Let me speak first about the urgent need for effective enforcement of the current law against knowingly employing aliens in U.S. jobs for which they are not authorized, and about the simple fact that such law cannot ever effectively be enforced without a more reliable system to verify work authorization. After explaining clearly why a new system is needed, I will describe to you the provisions of S. 269 which will require—no, demand—the implementation of such a system.

NEED FOR EMPLOYER SANCTIONS

Mr. President, it has been recognized for so many years—I would hunch for as long as there has been interest in the issue, and that is quite a time—that the primary magnet for most illegal immigrants is the availability of jobs that pay so much better than what is available in their home countries. It is also widely recognized that satisfactory prevention of illegal border entry is most unlikely to be achieved solely by patrolling the very long U.S. border. That border of the United States is over 7,000 miles on land and 12,000 miles along what is technically called "coastline." Furthermore—and heed this or hear it—the real sea border consists of over 80,000 miles of what the experts at the Nautical Charting Division of the National Ocean Service call "shoreline," including the shoreline of the outer coast, offshore islands, sounds, bays, and other major inlets. And patrol of the border is, of course, totally inadequate to deal with foreign nationals who enter the United States legally—for example, as tourists or students—and then choose openly, blatantly to violate the terms of their visa, by not leaving when their visa expires or by working at jobs for which they are not authorized.

Therefore, every authoritative study I have seen has recommended a provision such as that in the 1986 immigration reform law, making it unlawful to employ illegal aliens—those who entered the United States illegally and those violating the terms of their visa. These studies include that of the Select Commission on Immigration and Refugee Policy, on which I served over 10 years ago, and the Commission on Immigration Reform, now doing such fine and consistent work. They are doing beautiful work under the able chairman, former Congresswoman Barbara Jordan.

Such studies also recognize that an employer sanctions law cannot possibly be effective without a reliable and easy-to-use methods for employers to verify work authorization.

Accordingly, the 1986 law instituted an interim verification system. This system was designed to use documents which were then available, even though most of them were not resistant to tampering or counterfeiting. Not only that, but it is surprisingly easy and totally simple to obtain genuine documents, including a birth certificate. Thus, we believed then that the system would most likely need to be significantly improved. In fact, the law called for "studies" of telephone verification systems and counterfeit-resistant Social Security cards.

Unfortunately, the interim system is still in place today, over 8 years later. This is true even though—as many of us feared and which certainly came to pass—there is widespread fraud in its use.

As a result, the employer sanctions law has not been as effective in deterring illegal immigration as it could be—and should be. In the fiscal year that ended about a month before the 1986 law passed, apprehensions of illegal aliens had reached the highest level ever—1.8 million. After the law passed, there was a decline for 3 years to just over 900,000. But then the level began to rise again. The latest figure available is for the fiscal year that ended in September—1.3 million.

It is most assuredly disgraceful that, over 8 years after a law was enacted making it unlawful to knowingly employ illegal aliens, so many are still able to find work, thus still having that powerful incentive to violate America's immigration laws in doing so.

We must do better. An improved system to verify eligibility to work in this country must be implemented—in order that the enforcement tool with the greatest potential to deter illegal entry and visa abuse can produce the benefit that is required.

Mr. President, as I said in my introductory statement on the 24th, "We must be able to assure the American people that whatever other goals our immigration policy may pursue, its overriding goal is to serve the long-term interest of the majority of our citizens." It is our paramount duty as legislators to serve that singular interest, and that is precisely what the goal of our immigration laws should be.

Yet no matter how successful we might be in crafting a set of immigration laws that would—in theory, at least—lead to the most long-term benefit to a majority of U.S. citizens and their descendants, such benefit will not actually occur if those laws cannot be enforced.

Effective enforcement requires effective employer sanctions, and effective employer sanctions requires an effective verification system. It is just that simple. Nothing more. And S. 269 is intended above all else to lead to a verification system that has the needed degree of effectiveness.

S. 269 would require the President to implement a new verification system—the word is "implement"—not merely talk about it; not merely establish scores of studies to talk about it and read about it, to do it. And it imposes an 8-year deadline for the implementation.

The bill does not require that any particular form of verification be used, only that it satisfy certain criteria of effectiveness and protection for privacy and civil liberties.

It also authorizes separate 3-year demonstration projects in five or more States, so that the design of the final, nationwide system would be based not only on theory, but on what has actually been found to work in practice.

The system must reliably verify first, that the person who the applicant claims to be is authorized for the work, and second, that the applicant actually is this person.

If the system requires that a card or other document be presented it must be in a form that is resistant to tampering and counterfeiting.

Most importantly, very importantly, the bill explicitly states that no such card or other document may be required by any Government entity as a "national ID card," and I have been through all that.

It is not to be required to be carried on a person. It is not to be presented except at the time to verify eligibility to work or to receive benefits under Government-funded programs of public assistance. There is a tremendous fraud in the receipt of Government-funded public assistance. We will hold hearings on the issue of SSI fraud, disability insurance fraud.

With regard to the Social Security system, people bring their relatives from another country and say they are disabled, they do not speak English, they need the help of our Government, and we, as Americans, generously respond. But that system needs careful attention. We found recently one of the applications for that particular benefit had been filed overseas, so they have figured that one out. They are beginning even to file for assistance from a foreign country, come here, take them to the agency, and say: Here is this person; they require assistance; they do not speak English; they are not well. And then they are placed in our social support system, our safety nets, the ones for our U.S. citizens. This is not what the safety net is about.

This was part of the reaction of proposition 187 in California. The document will be used only to enforce certain criminal statutes related to fraudulent statements or fraudulent manufacturer or use of documents.

Let me just share this most fascinating picture ID. I did this several weeks ago, but it is so dazzling that I thought I would do it again. Several months ago, a member of my staff was contacted by a person in California who said, "Look, just send me SIMPSON biostatistics, and we will go from there." So he just went down—this is a dazzling picture of one of the most certainly attractive Members—oh, no, excuse me. This gentleman here is a very astute, wise-looking fellow. This is my California identification card, which expires on my birthday, September 2, in the year 1998. ALAN KOOI SIMPSON. My address, I have never heard of. I have never been to Turlock, CA, but the mayor has contacted me and made me an honorary citizen. I appreciated that, and I enjoyed the lovely letter. There is an address here of 4850 Royal, Turlock, CA, and included are the correct vital statistics. This is not my signature.

All right, that was obtained on a street corner in Los Angeles, at night, with $100 bill. It was illegal, of course, but someone else did it. My father always taught me, in the practice of law, "If anyone goes to jail, be sure it is your client." Now, it is my Social Security card. I did block out two of the numbers, but here it actually is. This is not my number. This is a counterfeit-resistant so-called card. It has the same material in it, and so I am now in the Social Security system with somebody else's number. I do not know whose number this is. I am not sharing with you the entire number.

Now, that is just a $100 bucker, an overnighter. This document would enable me to seek public assistance in California. I could go into any public assistance agency. There is a holographic card, and this is the correct one. But if you were not careful and you were not looking carefully, you would not notice the holograph in the true card.

So this little card which is reproduced here would enable me to get social support. It would likely even enable me to vote in certain jurisdictions of California. It would certainly get me a driver's license, and it would get me into the money stream. Now, that is what is happening in your country.

It is endemic. Within 500 yards of this building, we can pick up not only these—these are minor documents, they will get a person anything—but a person can pick up passports, pick up birth certificates. So we have a cottage industry of fake documents. The documents then lead into things like Social Security and workmen's compensation, and drain away the systems of the country.

So this is what we are up to. We are going to do something with documentation. We are going to do something to people who provide these documents. We are going to see that we might use the driver's license system, the holographic system in the State of California. But we are going to see that these documents are not easily forged, and those who do forge them and produce fraudulent documents will serve big time in the big place.

Now, these are the only uses to which any form of the system might be utilized, including one not even relying on the presentation of documents—for example, a telephone call-in system. We might look into that. That is part of the recommendation. The bill also provides that the privacy and security of any personal information obtained for or utilized by the system must be carefully protected. It must be treated as highly confidential information, and not made available to any person except as is necessary to the lawful operation of the system.

Furthermore, a verification of eligibility to any person may not be withheld or revoked for any reason other than that the person is ineligible under the applicable law or regulation. The bill explicitly provides all of those protections.

So, Mr. President, in concluding, I feel so very strongly that the greatest contribution this current Congress could make toward the enforcement of our U.S. immigration laws would be to improve the effectiveness of the current law against the knowing employment of aliens not authorized to work or even to be present in this country. The passing of a bill such as S. 269 would be a monumental step toward making that contribution.

In the coming weeks, I will make additional statements to this body, describing other provisions of S. 269 and exactly why those provisions are important. Hearings will begin at the end of that period in the Senate Subcommittee on Immigration, which I chair. And a fine group of Members are on that subcommittee, Democrat and Republican alike. I look forward to working with my ranking member, Senator KENNEDY. He and I have worked together on immigration issues for 17 years.

Hearings will be held. We will consider all other immigration reform legislation from all of my colleagues, comprehensive, bipartisan, as well as specific proposals such as this one for the accuracy of a more fraud-resistant system for issuing these documents. We have to look into the one for issuing of birth certificates and matching records. Can Senators believe we do not even match birth and death records?

I sincerely look forward to hearing the ideas of my fine colleagues on these issues. Then we will be able to avoid things that are bringing down the system, things that give rise to the power of the force of proposition 187.

It reminded me of the story of the child who was at the graveyard in a jurisdiction noted for rather shabby election processes. Pick your own State, as you might imagine. The child was crying, and the person came up and said, "Son, why are you crying?" And he said, "I just learned that my dad came back to vote, and I never even saw him."

So we do want to try to avoid that in the future, because people use these cards to vote, to vote themselves largess from the Treasury, to then draw on our resources that we taxpayers—legal taxpayers—provide. That must stop. There is a way to stop it. We propose that. I would enjoy working and will enjoy, as I always have, working with all of my colleagues on this most serious issue. We are very dedicated to this process. I intend to spend a great deal of time and effort in these next months in doing responsible immigration reform—not only illegal immigration, but legal immigration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask unanimous consent that I may use time from that under Senator DASCHLE's control.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. AKAKA. Mr. President, last year, Congress spent an enormous amount of time considering health care reform. After the debate came to a close, after all the posturing, speeches, and amendments, we failed to produce a health care bill. The greatest disappointment of the 103d Congress was our failure to enact health care reform. Millions of Americans are without health care, millions more are underinsured, and countless others are only a paycheck away from losing health care coverage. The crisis in our health care system will simply not go away.

Thirty-nine million Americans are uninsured. Last year, an additional 1 million Americans lost health insurance. If we don't enact legislation this Congress, the number of uninsured will continue to rise. I commend the Democratic leader, Senator DASCHLE for recognizing this dire need and for leading the U.S. Senate into the crafting of some form of health insurance for the people of America.

In Hawaii, we have solved the problems of affordability and access. Hawaii has achieved the American health care dream—near-universal health care coverage for its citizens at a cost that is 25–30 percent below the national average. For 20 years, Hawaii has maintained a model health care system. We have one of the healthiest populations in the Nation. A study by the Journal of the American Medical Association found that Hawaii has one of the lowest infant mortality rates. Deaths from chronic health problems such as cancer, heart disease, and lung disease are also among the lowest in the Nation.

Nearly everyone in Hawaii has some form of health insurance, so these life threatening conditions are detected earlier, which reduces premature death and shortens hospital visits. Because our population has ready access to a primary care physician, we use hospital emergency rooms only half as often as other States.

There is no reason why the rest of the Nation should settle for anything less than what Hawaii enjoys. Americans do not want a Band-Aid approach to health care reform. They do not want a medisave program or a savings account approach to health care. They want real, tangible health care that gives coverage when they need it. By developing a bipartisan consensus, we can take major steps to contain costs, expand choice, and increase access to care.

Hawaii has enjoyed its health care program, and we hope that we can extend this to the rest of the Nation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

DEFENSE SUPPLEMENTAL APPROPRIATIONS

Mr. LAUTENBERG. Mr. President, I want to take a few minutes this morning to review and comment on action taken this week by the House of Representatives during consideration of the defense supplemental.

I am deeply concerned by the legislation that the House is sending us. It is, in my view, deficient in at least three respects.

First, it spends too much money. The administration asked for a $2.6 billion in emergency defense spending to pay for operations already undertaken in the past in Somalia, Rwanda, Bosnia, Southwest Asia, Haiti, and Cuba. The House approved that, but it also added an extra $680 million that neither the administration nor the Pentagon requested.

Even Defense Secretary Perry has said the Pentagon, and I quote him, "has higher priority bills that should be funded first," and that the Pentagon would seek to reallocate money from existing defense funds in the spring to pay some of the $680 million worth of bills that the House wants to fund immediately. Since there is no urgent need for these unrequested funds, I see no reason to provide them in a supplemental.

My first point then, Mr. President, is simply the additional $680 million should be stricken out when the Appropriations Committee considers this legislation.

Second, I am not yet persuaded—and I sit on the Defense Subcommittee of the Appropriations Committee—that all of the $2.6 billion that the administration did ask for ought to be funded necessarily in the supplemental. A supplemental request is supposed to be reserved for unexpected and unanticipated exigencies. However, at least some of the administration's request appears to be for normal or routine or expected expenses, like the no-fly zone over Bosnia and Iraq, which has been underway for years. If we are to really reform the budget process, we have to prevent agencies from low-balling their initial requests because they believe they can always come back and ask for more later in a supplemental. It is kind of a habit that we have gotten into, and I do not think it is a particularly good one. We need to insist that the military, like every other agency, submit budget requests sufficient to cover predictable expenses.

And third, I am concerned about the offsets the House used to pay for this supplemental. Now, I agree that we should offset expenditures whenever possible. Even though this request can be treated as an emergency, which would allow the spending to be added to the deficit, it makes sense to offset as much as we can. It makes sense to cancel or cut programs that are wasteful or lack merit, but I strongly object to some of the cuts that the House made.

To begin with, the House of Representatives got about half of its offsets from nondefense programs at a time when it is already moving to make deep cuts in domestic programs. We read about them every day now. The House intends to rescind about $17 billion from nondefense spending in the next few weeks. The domestic side of the budget is getting slaughtered, and I cannot justify taking money from already depleted domestic accounts to pay for defense spending when the defense budget is the only one being protected.

We ought not cut domestic programs to provide funding for defense especially when we have not examined carefully every Pentagon program. We ought to, to the extent we can, fund this internally, find the offsets within the Pentagon's own budget.

Mr. President, for many years, the defense budget was protected by a wall that prevented the Congress from raiding defense to pay for underfunded domestic programs, and some of the strongest defenders of the so-called budget wall when it protected defense now want to rip it down rather than allow it to protect domestic programs. Members of Congress who supported such a wall must recognize that it works both ways. Just as it kept money from going out of defense to the domestic budget, it should keep funds from being transferred out of domestic and into the defense budget.

So I am profoundly bothered by the notion of paying for any of this defense supplemental with cuts in nondefense spending. If offsets are necessary, the Senate ought to examine the Pentagon's budget, make tough decisions and cut funding for lower priority defense programs.

Now, I think there are plenty of low-priority programs that exist there, but if the Pentagon does not agree then the threat of internal cuts might give it an incentive to explore other alternatives, and I will give you an example. One is to have our allies pay their fair share of our costs of being represented in those countries where we help provide a defense mechanism for them as well as for the world at large.

The bill already contains over $300 million in such contributions. We can and we should get more. That is what happened in the Persian Gulf conflict, and that is what ought to happen here now as well.

But, Mr. President, if in the end we cannot find enough outside contributions or internal defense cuts to fully pay for this supplemental, then we ought to declare the remainder an emergency as the law allows.

Under the rules of the budget process and common sense, we can, if we must, say that emergency spending should be added to the deficit, and that is what the American public does when they face an emergency in their own lives; when a family member gets sick, they do not deny themselves medical care just because it has to go on a credit card. The same reasoning ought to apply to the Federal Government. And I see no reason to insist on fiscal purity in dealing with this supplemental especially when it is already mathematically unbalanced.

As Congressman OBEY, the ranking member on the House Appropriations Committee, pointed out, the supplemental the House passed is balanced only in terms of budget authority. Now, the distinguished occupant of the chair sits on the Budget Committee with me, and we clearly know the difference between outlays and budget authority.

In terms of outlays—the actual money that we spend—this supplemental adds $282 million to the deficit this year and $644 million to the deficit each year over 5 years. In terms of fiscal purity, this bill is already sullied, so that no ideological argument can be properly raised against overtly declaring some of this bill an emergency.

Mr. President, as the Senate considers the House-passed supplemental, I hope we are going to modify it in ways that I have suggested. I think it is important that the public be aware of what happens when we rely on domestic programs to fund some of the Defense Department's needs—not that each should not get its fair consideration. But too often the term "domestic programs" obscures the real mission that we undertake. When we see these days that child nutrition programs are being either cut or withdrawn, when we see programs for education in our country, a vital part of our development, our competitive opportunities in the future and to stabilize our society, are being cut, in many ways, Mr. President, I think the domestic programs offer us as much by way of defense of what we care about in our country as does the military budget.

So as we review this, I do not believe the argument that says we are going to weaken our defenses, we are going to reduce our strength applies. We need to build our strength in our domestic programs as well as our military programs.

Mr. President, I hope we will be able to look at this, modify our view on whether or not the House of Representatives supplemental as it is being offered is something that we should accept as is. We ought to make the changes we feel are necessary to provide for both major parts of our budget.

I thank the Chair and yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to speak on leaders' time.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KERREY. Mr. President, my comments on health care begin with a thank you to the Democratic leader, Senator DASCHLE, for insisting that health care reform top our legislative agenda in 1995. It would have been easy for Senator DASCHLE to ignore an issue that has obviously gone from very hot to very cold in the wink of a political eye.

In fact, Mr. President, as I was thinking about what it was I was going to say in response to Senator DASCHLE's invitation to come here this morning, I thought of a tune that I learned in my childhood. I was, unfortunately, unable to locate the junior Senator from New York, who I am sure would have come here and sung it for me here on the floor, so I will have to resort to reading it instead of singing it. But the song goes:

Where or where has my little dog gone
Oh where oh where can he be
With his tail cut short and his ears down long
Oh where oh where can he be?

Where has the health care issue gone? Did all those uninsured Americans get coverage while I was out campaigning for reelection? Did the horror stories cure themselves? Did the market fix the whole darn thing? Or did we just grow weary of having to educate the American people on a subject too attractive for even the amateur demagogue to resist?

Last year, as we struggled against the odds, to hold together a group of Republican and Democratic Senators who saw health care reform as moral and economic imperative I said:

> In our hearts, where we are able to understand the need for health care security, and in our heads, where the numbers are calculated, we know the status quo is not acceptable.

What was true last year is even more true this year. There are still tens of millions of Americans who work but who cannot afford to bury health insurance. There is still forecast a staggering and unaffordable increase in Federal health care spending over the next 10 years. The impressive and unprecedented change in the marketplace while giving us hope that costs can be controlled has not altered the need for reform. And, the horror of job lock, lack of portability, and fear of uninsurability are still tormenting millions of our citizens.

Unfortunately for these Americans they do not represent a majority, or even a powerful enough minority. The majority are comfortably and temporarily able bodied, fully insured, and employed. And, the majority has been led incorrectly to believe that the status quo is just fine.

However, the status quo is, in fact, unacceptable, and I am encouraged that Senator DASCHLE, Senator DOLE, and other Republican and Democratic Senators continue to work for change. We must not give up this fight.

I hope we will have the courage this year to consider more than just a little change. I am encouraged by many of the things that I have heard, again from both Republicans and Democrats, about how we can alter our current Federal and our private sector programs. I hope, for example, we will consider changing the way eligibility occurs. Rather than proving that you are poor enough or proving that you are old enough or disabled enough or that you work for just the right boss, it would be better in my judgment, more efficient and simpler and fairer to simply say that if you can prove that you are an American or a legal resident, that is how you become eligible for our system.

Once eligibility occurs, however, we must make it clear that all Americans have to contribute, both financially and in a personal way to cost controls. Otherwise the system will not work.

I hope we will consider changing the rules so that health rather than health care is the goal of our system. Incentives should be present to providers and patients to become healthier and not sicker. This is particularly true for families with babies. The responsibility for care should not end after 1 day normal delivery.

I hope we reform insurance practices so that everyone can purchase health insurance regardless of health or job status, so that we make it more likely that in the long run we can achieve a system where all Americans are eligible for coverage.

I hope we reform the Government health programs, not simply by cutting payments to providers but by studying ways to provide more options to beneficiaries and allowing market forces to reduce costs, so that we make it more likely that we can achieve a system where all Americans are eligible for health coverage.

I hope we reform the Tax Code so that the self-employed have the same incentives as larger companies to purchase health insurance, so that we make it more likely that we can achieve a system where all Americans are eligible for health care.

I do hope we reform our tort system as well, so the fear of being sued does not dominate the relationship between the provider and the patient. But above all, I hope we do not forget the stories we all told last year about Americans and businesses who needed a changed system in order to have the freedom to pursue their dream without the fear of financial ruin. I intend to work and support reform that improves the current health care situation and makes it more likely that we can achieve a system where all Americans are eligible for health care. I am confident that if we continue working on this issue as a priority issue we can pass reform legislation this year that improves the short term situation and that makes it more likely that we can achieve, in the long term, a solution to the problem of access to and the high cost of health care for all Americans.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak in morning business for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A REGULATORY MORATORIUM

Mr. NICKLES. Mr. President, I think it is vitally important, when we are engaged in debates that we have the facts on legislative issues that come before this body. I am concerned about a statement that was made by President Clinton on Tuesday, February 21, dealing with the issue of a regulatory moratorium, a moratorium which is cosponsored by 35 or 36 Senators.

The President stated—and I will quote, "The House will be voting on an across-the-board freeze on all Federal regulations." Mr. President, that is not correct. Neither the House bill nor the companion bill in the Senate freeze all Federal regulations. Our bills contain a lot of exemptions, so the President's statement is factually incorrect.

He said, "For example, it would stop the Government from allocating rights to commercial fishermen." That is not true.

He said, "It would stop the Government from authorizing burials at Arlington Cemetery." That is not true. It was not true in the House bill, and it is not true in the Senate bill.

Mr. President, both bills have exceptions for routine administrative action. Certainly burials at Arlington Cemetery are routine administrative actions, as well as the Government allocating rights to commercial fishermen. These are routine Government actions. Actually, we have given the President eight exceptions to the regulatory moratorium. The President's statement says that it would stop good regulations, bad regulations, and in-between regulations—all regulations. Again, that is totally, completely factually misleading and inaccurate. I am bothered by that.

I think it is fine to be engaged in the debate, and the President has the option to veto this legislation if he chooses, but when he speaks against it he has the obligation to the American people and to the Congress to give the facts. Clearly, his statements are not accurate. The President even said our moratorium would cancel the duck hunting season. Clearly, again that is not the case. It will not cancel duck hunting season. The establishment of a duck hunting season is clearly a routine administrative action.

I ask unanimous consent that a list of all the exceptions that we have in the moratorium legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 5. EXCEPTIONS.

(a) Section 3(a) or 4(a), or both, shall not apply to a significant regulatory action if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the President, and a copy thereof to the appropriate committees of each house of the Congress;

(2) the President finds, in writing, the action is—

(A) necessary because of an imminent threat to human health or safety or other emergency;

(B) necessary for the enforcement of criminal laws;

(C) related to a regulation that has as its principal effect fostering economic growth, repealing, narrowing, or streamlining a rule, regulation, administrative process, or otherwise reducing regulatory burdens;

(D) issued with respect to matters relating to military or foreign affairs or international trade agreements;

(E) principally related to agency organization, management, or personnel;

(F) a routine administrative action, or principally related to public property, loans, grants, benefits, or contracts;

(G) requested by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises; or

(H) limited to interpreting, implementing, or administering the internal revenue laws of the United States; and

(3) the Federal agency head publishes the finding and waiver in the Federal Register.

Mr. NICKLES. Mr. President, maybe somebody from the administration will read those exceptions and realize that we have given the President a great deal of flexibility and opportunity to exempt those regulations that he deems are important or necessary to protect public health and safety.

I hope he will reconsider his opposition to this moratorium. I hope my colleagues will support it because I think we have gone to great lengths to try to make sure that we would give flexibility where needed but also to stop unnecessary and expensive regulations and give us a chance to pass real regulatory reform with cost-benefit analysis to make sure benefits exceed costs.

I mention my concerns about the President's statements on the regulatory moratorium because he has also made misleading statements in regard to the budget and budget items.

The President of the United States a couple of days ago mentioned in an article that he had trimmed the Federal bureaucracy by 100,000 workers, and cut the deficit by $600 billion in his first 2 years in office.

I see similar claims by administration officials reported every day in the Washington Post and elsewhere. The public assumes these claims are correct.

Again, I think it is vitally important that we know the facts. I would like to point out to the President and our colleagues what the facts are. These numbers are also pointed out in a recent Wall Street Journal editorial because they check up on the President too. Have we reduced Federal employment by 100,000 since the President came into office? No. Since 1993 we have reduced FTE employment by 86,100. It is only if you use the baseline going back to the previous year that you can claim to have reduced it 102,500.

However, more importantly, what the President did not say is 63,500 of those 86,100 job cuts are in defense.

By 1996, projections are that we will reduce FTE employment by 156,900. Eighty-four percent of those cuts are reductions in defense. Six percent are in the Resolution Trust Corporation and FDIC because they have worked through the savings and loan mess. Therefore, 90 percent of the President's claims of Federal job cuts comes from Defense and RTC. That means we are only cutting about 15,000 in nondefense Government agencies.

So is the President really cutting the size of the Government? No. Has he cut the size of defense? Yes.

I ask unanimous consent to have printed in the RECORD an editorial by the Wall Street Journal entitled "Numbers Game."

There being no objection the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

NUMBERS GAME

It's the season to cut government, or at least to claim to, so we perked up when we heard President Clinton declare in his State of the Union address that he had cut "more than 100,000 positions from the federal bureaucracy in the last two years alone."

As they say in detective work, interesting—if true. So we decided to pull out the new federal budget to check. What we discovered is that Mr. Clinton isn't lying, but he isn't telling the whole truth either. His speeches need an asterisk.

From 1993 to Fiscal Year 1996, the Clinton Administration will in fact have cut the federal government by 157,000 full-time positions. But there's a catch: 131,000 of those positions are civilian Defense jobs. Those cuts reflect the inevitable post-Cold War decline in military spending, not some brave retrenchment in the overall size of government.

There's another catch: Of the 26,000 positions to be cut from the non-Defense side of Leviathan, 9,500 come from the Resolution Trust Corp. and Federal Deposit Insurance Corp. Those two banking agencies grew like Topsy to manage the savings and loan debacle, but are now cutting back as the bailout ends. The RTC is even supposed to go out of business this year. The bottom line is that over the course of the Clinton presidency, the non-Defense, non-S&L part of the government will cut a measly 16,500 full-time positions out of some 1.2 million. In essence the domestic government is conducting business as usual.

Mr. Clinton also says he's making the federal establishment "the smallest it has been since John Kennedy was President." But again, excluding Defense, total executive branch employment will be 1,181,000 in 1996. Back in 1963, when JFK was President, total non-Defense employment was a mere 861,000. Maybe that should be the 1996 goal for Republican budget-cutters; they could say they got the idea from the President.

Mr. NICKLES. One final comment, the President's statement also claims that he cut the deficit by $600 billion in his first 2 years in office. That sounds very nice. It reminds me of another quote of the President during the State of the Union where he said:

> We cut over a quarter-trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions in Federal bureaucracies in the last 2 years alone.

Have we cut $1 trillion in spending? That bothers me because I do not think we have seen spending decline.

The President's statement said that we cut spending over a quarter-trillion dollars. He said that in the State of the Union Address.

I would like to share with my colleagues the facts. In 1992, the last year of the Bush administration, we spent $1.380 trillion. In 1993, we spent $1.4 trillion. In 1994, we spent $1.46 trillion. Spending went up every year.

I think we too often get into this discussion of baselines, and people get lost and their eyes fog over. Spending has gone up every year. The President says he cut spending from a baseline which is projected to be higher. Did he actually cut spending? Did the President cut spending in his first 2 years? Will he cut spending in his first 4 years? Have we seen any spending cuts?

The answer according to CBO is no. The President's statement was that he reduced the deficit by $600 billion in his first 2 years of office. Where did that come from?

I will show you where it came from. CBO projected in 1993, just when President Clinton was elected—what they thought deficits would be for the next 6 years. If you add these years together, it totals $1.848 trillion.

Two years later, January 1995, CBO projected deficits of $1.287 trillion. You subtract the two and you get a little less than $600 billion. That is why the President said he reduced the deficit by $600 billion.

So we know the deficit is less than previously projected, but where did the reduction come from? Did it come from $250 billion in spending cuts? No. According to CBO—and these are not DON NICKLES' figures, they are CBO figures—if you add up all the tax and fee increases they total $262 billion. The President deserves credit for that—he did enact the largest tax increase in history. Spending reductions total $88 billion, and $213 billion in deficit reduction comes from technical reestimates, economic reestimates, and debt services.

With regard to spending reductions, in 1993 we had no spending reductions, we actually spent more than the baseline. In 1994, we had no spending reductions, we actually spent $9 billion more than the baseline. In 1995, we are going to have no spending reductions, we actually will spend $3 billion more than the baseline. In 1996, 1997, 1998, it is projected that we are going to go have some spending cuts, primarily from an extension of the freeze on discretionary spending.

So the President ends up with a total of $88 billion in spending cuts, primarily from the last two years by extending the discretionary freeze. My guess is he probably will not be President for these last 2 years, so that is an easy thing to do—that is, putting the spending cuts off until the last 2 years.

If you add the first 4 years together, you see more spending increases than you see in spending cuts in his Presidential term. We have spending increases of $9 billion and $4 billion and $3 billion, for a total $16 billion in spending increases, and we are projected next year to have spending cuts of $15 billion.

So spending actually went up under President Clinton's first term, if we give him credit for everything in his budget. He has presided over no spending cuts whatsoever—not a dime of spending cuts. This is according to CBO.

What about the balance of this $600 billion? Well, it is made up of technical, economic, and other assumptions. These are reestimates caused by lower than expected inflation or unemployment. If you add those things together—and the RTC spending less money than anticipated because we do not have as many bank failures—the technical number is $213 billion.

In the first 4 years, we have all tax increases and technical changes. That is all the deficit reduction. I am glad that we have it. I am glad that the deficit is not as bad as it was projected to be in 1993, but it is not because we cut a quarter of a trillion dollars in spending, as stated in the President's State of the Union.

We have to be factual in these debates. These numbers are taken directly from the CBO budget books. Why did they have a different baseline in 1993 and 1995? Here is the difference. I will submit this table for the RECORD so my colleagues can look at it. I do not mean to get too technical, but it is important to be factual. When you hear people talk about spending cuts we really need to be factual and give the American people the facts. I know my colleague from New Jersey said we are not cutting defense so much and that we need to keep more money in social programs. I respect that position, I just do not agree with it. I will include the chart to show what we have done in defense in the last 3 years. We cut defense in 1992 by 5 percent; in 1993 by 3 percent; in 1994 by 4 percent; in 1995 by 4 percent. So we have cut defense spending.

Mr. President, we have not cut domestic spending. Domestic spending has increased every single year. For the last 3 years, domestic spending has gone up. In 1991, it was 7 percent; in 1992, 10 percent; in 1993, 7 percent; in 1994, 5 percent; in 1995, 5 percent. We have mandatory programs exploding in cost. The only spending category that has gone down every year is defense. Programs like the earned income tax credit have been exploding in cost. In 1991, it cost $5 billion; in 1994, it cost $11 billion; in 1997, it is supposed to cost $23 billion—almost 5 times what it cost a few years ago.

We read in the papers where the IRS is not processing tax returns because they found that the EITC is just ripe for abuse. People are filing fraudulent claims. The growth rate on the earned income tax credit, for example, was 11 percent in 1991; 55 percent in 1992; 18 percent in 1993; 22 percent in 1994; 55 percent in 1995; 18 percent is the projection for 1996. It is just exploding in cost.

I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Medicaid. People are concerned about Medicaid. Look at the growth rates. In 1990, Medicaid's total cost to the Federal Government was $41 billion. In 1994, it was $82 billion; it doubled. Between 1990 and 1994, the cost of Medicaid doubled to the Federal Government, with growth rates of 19 percent, 28 percent, 29 percent, 12 percent. It has been exploding in cost.

Some people want to keep those costs climbing. That is not acceptable. We cannot afford it and the States cannot afford it. So we need to change it. When we reduce that growth rate, I am sure that we are going to have people saying that we cannot afford it. We cannot afford not to slow the growth rate of a program like that. Food stamps in 1990 cost $15 billion, and in 1994 they cost $25 billion. The growth rate since 1990 in food stamps went up 17 percent, 25 percent, 21 percent, 11 percent. That is not sustainable.

I ask unanimous consent to have printed in the RECORD all of these tables on spending.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CIVILIAN FTE CUTS UNDER CLINTON

COMPARED TO "BASE YEAR" LEVELS

The Federal Workforce Restructuring Act of 1994 established a "base" level of civilian employment from which the Act's 272,900 FTE reduction is to be measured.

61% of the workforce cuts through 1994 have come from defense, and by 1996 defense will account for 75% of all workforce cuts. Plus, an undetermined but probably large part of these workforce "cuts" are gained by contracting federal work at the same or higher cost.

Through the end of FY94, employment has been reduced from the "base" level by 102,500 as follows:

Agency	Jobs cut	Percent of total
Defense	63,000	61
Treasury	8,800	9
Agriculture	5,800	6
All other	24,900	24
Total	102,500	100

By the end of FY96, employment will have been reduced from the base level by 173,300 as follows:

Agency	Jobs cut	Percent of total
Defense	130,800	75
FDIC/RTC	9,300	5
Agriculture	7,600	4
All other	25,600	16
Total	173,300	100

COMPARED TO ACTUAL 1993 LEVELS

74% of the workforce cuts through 1994 have come from defense, and by 1996 defense will account for 84% of all workforce cuts. Plus, an undetermined but probably large part of these workforce "cuts" are gained by contracting federal work at the same or higher cost.

Through the end of FY96, employment has been reduced from the 1993 actual level by 86,100 as follows:

Agency	Jobs cut	Percent of total
Defense	63,500	74
Agriculture	4,600	5
Treasury	3,800	4
All other	14,200	17
Total	86,100	100

By the end of FY96, employment will have been reduced from the 1993 actual level by 156,900 as follows:

Agency	Jobs cut	Percent of total
Defense	131,200	84
FDIC/RTC	9,600	6
Agriculture	6,300	4
All other	9,800	6
Total	156,900	100

EXECUTIVE BRANCH EMPLOYMENT

[Changes from "Base" Levels—Numbers are in thousands, except percentages]

	Base*	1993	1994	1995	1996
FTE Employment					
Defense	931.3	931.8	868.3	834.1	800.6
Veterans Affairs	227.0	229.1	227.7	224.4	224.4
Treasury	166.1	161.1	157.3	161.4	162.2
Agriculture	115.6	114.4	109.8	108.9	108.1
Interior	79.3	78.1	76.3	76.3	76.2
Transportation	70.3	69.1	66.4	65.2	64.4
Health and Human Services	64.5	65.6	62.9	62.3	61.4
NASA	25.7	24.9	23.9	23.3	23.2
Tennessee Valley Authority	19.1	17.3	18.6	16.6	16.4
GSA	20.6	20.2	19.5	16.9	15.5
FDIC/RTC	21.6	21.9	20.0	16.3	12.3
All other	414.1	405.3	402.0	412.1	417.2
Total executive branch	2,155.2	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From Base					
Defense		0.5	(63.0)	(97.2)	(130.8)
Veterans Affairs		2.1	0.7	(2.6)	(2.7)
Treasury		(5.0)	(8.8)	(4.7)	(3.9)
Agriculture		(1.2)	(5.8)	(6.7)	(7.6)
Interior		(1.2)	(3.0)	(3.0)	(3.2)
Transportation		(1.2)	(3.9)	(5.1)	(5.9)
Health and Human Services		1.1	(1.6)	(2.2)	(3.1)
NASA		(0.8)	(1.8)	(2.4)	(2.5)
Tennessee Valley Authority		(1.8)	(0.5)	(2.5)	(2.7)
GSA		(0.4)	(1.1)	(3.7)	(5.1)
FDIC/RTC		0.3	(1.6)	(5.3)	(9.3)
All other		(8.8)	(12.1)	(2.0)	3.1
Total executive branch		(16.4)	(102.5)	(137.5)	(173.3)
Agency Cuts as a Percent of Total Cuts					
Defense (in percent)		−3	61	71	75
Veterans Affairs (in percent)		−13	−1	2	2
Treasury (in percent)		30	9	3	2
Agriculture (in percent)		7	6	5	4
Interior (in percent)		7	3	2	2
Transportation (in percent)		7	4	4	3
Health and Human Services (in percent)		−7	2	2	2
NASA (in percent)		5	2	2	1
Tennessee Valley Authority (in percent)		11	0	2	2
GSA (in percent)		2	1	3	3
FDIC/RTC (in percent)		−2	2	4	5
All other (in percent)		54	12	1	−2
Total executive branch (in percent)		100	100	100	100

*The Federal Workforce Restructuring Act of 1994 established a "base" level of civilian employment from which the Act's 272,900 FTE reduction is measured.

EXECUTIVE BRANCH EMPLOYMENT

[Changes from 1993 Actual Levels—Numbers are in thousands, except percentages]

	1993	1994	1995	1996
FTE Employment				
Defense	931.8	868.3	834.1	800.6
Veterans Affairs	229.1	227.7	224.4	224.4
Treasury	161.1	157.3	161.4	162.2
Agriculture	114.4	109.8	108.9	108.1
Interior	78.1	76.3	76.3	76.2
Transportation	69.1	66.4	65.2	64.4
Health and Human Services	65.6	62.9	62.3	61.4
NASA	24.9	23.9	23.3	23.2
Tennessee Valley Authority	17.3	18.6	16.6	16.4
GSA	20.2	19.5	16.9	15.5
FDIC/RTC	21.9	20.0	16.3	12.3
All other	405.3	402.0	412.1	417.2
Total executive branch	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From 1993				
Defense		(63.5)	(97.7)	(131.2)
Veterans Affairs		(1.4)	(4.7)	(4.7)
Treasury		(3.8)	(0.3)	(1.1)
Agriculture		(4.6)	(5.5)	(6.3)
Interior		(1.8)	(1.8)	(1.9)
Transportation		(2.7)	(3.9)	(4.7)
Health and Human Services		(2.7)	(3.3)	(4.2)
NASA		(1.0)	(1.6)	(1.7)
Tennessee Valley Authority		1.3	(0.7)	(0.9)
GSA		(0.7)	(3.3)	(4.7)
FDIC/RTC		(1.9)	(5.6)	(9.6)
All other		(3.3)	6.8	11.9
Total executive branch		(86.1)	(121.0)	(156.9)
Agency Cuts as A Percent of Total Cuts				
Defense (in percent)		74	81	84
Veterans Affairs (in percent)		2	4	3
Treasury (in percent)		4	−0	−1
Agriculture (in percent)		5	5	4
Interior (in percent)		2	1	1
Transportation (in percent)		3	3	3
Health and Human Services (in percent)		3	3	3
NASA (in percent)		1	1	1
Tennessee Valley Authority (in percent)		−2	1	1
GSA (in percent)		1	3	3
FDIC/RTC (in percent)		2	5	6
All other (in percent)		4	−6	−8
Total executive branch (in percent)		100	100	100

EXECUTIVE BRANCH EMPLOYMENT

[Changes from 1993 Actual Levels—Numbers are in thousands, except percentages]

	1993	1994	1995	1996
FTE Employment				
Defense	931.8	868.3	834.1	800.6
Veterans Affairs	229.1	227.7	224.4	224.4
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Transportation	69.1	66.4	65.2	64.4
Health and Human Services	65.6	62.9	62.3	61.4
NASA	24.9	23.9	23.3	23.2
Tennessee Valley Authority	17.3	18.6	16.6	16.4
GSA	20.2	19.5	16.9	15.5
FDIC/RTC	21.9	20.0	16.3	12.3
All other	405.3	402.0	412.1	417.2
Total executive branch	2,138.8	2,052.7	2,017.8	1,981.9
Cumulative Change From 1993				
Defense	(63.5)	(97.7)	(131.2)	
Veterans Affairs	(1.4)	(4.7)	(4.7)	
Treasury		(3.8)	(0.3)	(1.1)
Agriculture	(4.6)	(5.5)	(6.3)	
Interior		(1.8)	(1.8)	(1.9)
Transportation	(2.7)	(3.9)	(4.7)	
Health and Human Services		(2.7)	(3.3)	(4.2)
NASA		(1.0)	(1.6)	(1.7)
Tennessee Valley Authority		1.3	(0.7)	(0.9)
GSA		(0.7)	(3.3)	(4.7)
FDIC/RTC		(1.9)	(5.6)	(9.6)
All other		(3.3)	6.8	11.9
Total executive branch		(86.1)	(121.0)	(156.9)
Agency Cuts as A Percent of Total Cuts				
Defense (in percent)		74	81	84
Veterans Affairs (in percent)		2	4	3
Treasury (in percent)		4	−0	−1
Agriculture (in percent)		5	5	4
Interior (in percent)		2	1	1
Transportation (in percent)		3	3	3
Health and Human Services (in percent)		3	3	3
NASA (in percent)		1	1	1
Tennessee Valley Authority (in percent)		−2	1	1
GSA (in percent)		1	3	3
FDIC/RTC (in percent)		2	5	6
All other (in percent)		4	−6	−8
Total executive branch (in percent)		100	100	100

SOURCE OF DEFICIT DECLINE, SINCE PRESIDENT CLINTON TOOK OFFICE

[Details may not add due to rounding. Amounts which reduce the deficit are shown in (parenthesis)]

	Clinton term				Out years—105th Congress		Total
	103d Congress		104th Congress				
	1993	1994	1995	1996	1997	1998	
CBO deficit baseline (Jan. 1993)	310	291	284	287	319	357	1,848
Tax and fee increases	0	(28)	(46)	(56)	(66)	(66)	(262)
Spending increases/(cuts)	4	9	3	(15)	(36)	(53)	(88)
Technical, economic, and debt service*	(59)	(70)	(65)	(9)	5	(15)	(213)
CBO deficit baseline (Jan. 1995)	255	203	176	207	224	222	1,287

*=Includes technical re-estimates, economic changes, and debt service savings.

Sources: CBO Reports (March 1993, September 1993, January 1994, April 1994, August 1994, January 1995)—Prepared by the Office of U.S. Senator Don Nickles.

FEDERAL SPENDING CATEGORIES

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
Mandatory				
1980	292			11
1981	341	49	17	11
1982	373	32	9	12
1983	412	39	10	12
1984	406	(5)	−1	11
1985	450	44	11	11
1986	460	10	2	11
1987	470	11	2	10
1988	494	24	5	10
1989	526	32	6	10
1990	567	41	8	10
1991	634	67	12	11
1992	712	78	12	12
1993	762	50	7	12
1994	789	27	4	12
1995	845	56	7	12
1996	899	54	6	12
1997	962	63	7	12
1998	1,026	64	7	12
1999	1,097	71	7	13
2000	1,173	76	7	13
Domestic				
1980	129			5
1981	137	7	6	5
1982	127	(9)	−7	4
1983	130	3	2	4
1984	135	5	4	4
1985	146	10	8	4
1986	148	2	1	3
1987	147	(0)	−0	3
1988	158	11	8	3
1989	169	11	7	3
1990	183	14	8	3
1991	195	13	7	3
1992	214	19	10	4
1993	229	15	7	4
1994	242	13	5	4
1995	253	11	5	4
1996	262	9	4	4
1997	274	12	5	3
1998	284	10	4	3
1999	295	11	4	3
2000	304	9	3	3
International				
1980	13			0
1981	14	1	6	0
1982	13	(1)	−5	0
1983	14	1	5	0
1984	16	3	20	0
1985	17	1	7	0
1986	18	0	2	0
1987	15	(3)	−14	0
1988	16	1	3	0
1989	17	1	6	0
1990	19	3	15	0
1991	20	1	3	0
1992	19	(1)	−3	0
1993	22	2	12	0
1994	20	(2)	−7	0
1995	21	1	5	0
1996	22	1	5	0
1997	22	0	0	0
1998	22	0	0	0
1999	23	1	3	0
2000	24	1	6	0
Defense				
1980	135			5
1981	158	23	17	5
1982	186	28	18	6
1983	210	24	13	6
1984	228	18	9	6
1985	253	25	11	6
1986	274	21	8	6
1987	283	9	3	6
1988	291	8	3	6
1989	304	13	5	6
1990	300	(4)	−1	5
1991	320	20	7	6
1992	303	(17)	−5	5
1993	293	(10)	−3	5
1994	282	(11)	−4	4
1995	270	(12)	−4	4
1996	270	0	0	4
1997	278	8	3	4
1998	285	7	3	3
1999	295	10	4	3
2000	304	9	3	3
Social Security				
1980	117			4
1981	138	21	18	5
1982	154	16	12	5
1983	169	15	9	5
1984	176	8	5	5
1985	186	10	6	5
1986	197	10	5	5
1987	205	9	4	5
1988	217	12	6	4
1989	230	14	6	4
1990	247	16	7	4
1991	267	20	8	5
1992	285	18	7	5
1993	302	17	6	5
1994	317	15	5	5
1995	334	17	5	5
1996	352	18	5	5
1997	371	19	5	5
1998	390	19	5	5
1999	411	21	5	5
2000	433	22	5	5
Net interest				
1980	53			2
1981	69	16	31	2
1982	85	16	24	3
1983	90	5	6	3
1984	111	21	24	3
1985	130	18	17	3
1986	136	7	5	3
1987	139	3	2	3
1988	152	13	9	3
1989	169	18	12	3
1990	184	15	9	3
1991	195	10	6	3
1992	199	5	3	3
1993	199	(1)	−0	3
1994	203	4	2	3
1995	235	32	16	3
1996	260	25	11	3
1997	270	10	4	3
1998	279	9	3	3
1999	294	15	5	3
2000	310	16	5	3
Earned Income Tax Credit				
1980	1			0
1981	1	0	0	0
1982	1	(0)	−8	0
1983	1	0	0	0
1984	1	0	0	0
1985	1	(0)	−8	0
1986	1	0	27	0
1987	1	0	0	0
1988	3	1	93	0
1989	4	1	48	0
1990	4	0	10	0
1991	5	1	11	0
1992	8	3	55	0
1993	9	1	18	0
1994	11	2	22	0
1995	17	6	55	0
1996	20	3	18	0
1997	23	3	15	0
1998	24	1	4	0
1999	25	1	4	0
2000	26	1	4	0
Medicaid				
1980	14			1
1981	17	3	20	1
1982	17	1	4	1
1983	19	2	9	1
1984	20	1	6	1
1985	23	3	13	1
1986	25	2	10	1
1987	27	2	10	1
1988	31	3	11	1
1989	35	4	13	1
1990	41	7	19	1
1991	53	11	28	1
1992	68	15	29	1
1993	76	8	12	1
1994	82	6	8	1
1995	90	8	10	1
1996	100	10	11	1
1997	111	11	11	1
1998	123	12	11	1
1999	136	13	11	2
2000	149	13	10	2
Unemployment				
1980	17			1
1981	18	1	8	1
1982	22	4	21	1
1983	30	8	34	1
1984	17	(13)	−43	0
1985	16	(1)	−7	0
1986	16	0	2	0
1987	16	(1)	−4	0
1988	14	(2)	−12	0
1989	14	0	2	0
1990	18	4	26	0
1991	25	8	43	0
1992	37	12	47	1
1993	35	(2)	−4	1
1994	26	(9)	−27	0
1995	22	(4)	−15	0
1996	23	1	5	0
1997	24	1	4	0
1998	26	2	8	0
1999	27	1	4	0
2000	28	1	4	0
Food Stamps				
1980	9			0
1981	11	2	24	0
1982	11	(0)	−3	0
1983	12	1	7	0
1984	12	(0)	−2	0
1985	12	0	1	0
1986	12	(0)	−1	0
1987	12	0	0	0
1988	12	1	6	0
1989	13	1	4	0
1990	15	2	17	0
1991	19	4	25	0
1992	23	4	21	0
1993	25	2	11	0

FEDERAL SPENDING CATEGORIES—Continued

[In billions of nominal dollars—Source: CBO]

Year	Outlays	Dollar growth	Percent growth	Percent of GDP
1994	25	0	0	0
1995	26	1	4	0
1996	27	1	4	0
1997	29	2	7	0
1998	30	1	3	0
1999	32	2	7	0
2000	32	0	0	0
Medicare				
1980	34			1
1981	41	7	21	1
1982	49	8	19	2
1983	56	6	13	2
1984	61	6	10	2
1985	70	9	14	2
1986	74	5	6	2
1987	80	6	8	2
1988	86	6	7	2
1989	94	9	10	2
1990	107	13	14	2
1991	114	7	6	2
1992	129	15	13	2
1993	143	14	11	2
1994	160	17	12	2
1995	176	16	10	2
1996	196	20	11	3
1997	217	21	11	3
1998	238	21	10	3
1999	262	24	10	3
2000	286	24	9	3
AFDC				
1980	7			0
1981	8	1	12	0
1982	8	(0)	−2	0
1983	8	0	5	0
1984	9	1	6	0
1985	9	0	3	0
1986	10	1	8	0
1987	11	1	6	0
1988	11	0	3	0
1989	11	0	4	0
1990	12	1	9	0
1991	14	1	11	0
1992	16	2	16	0
1993	16	0	3	0
1994	17	1	6	0
1995	18	1	6	0
1996	18	0	0	0
1997	19	1	6	0
1998	19	0	0	0
1999	20	1	5	0
2000	20	0	0	0
Farm Price Supports				
1980	3			0
1981	4	1	43	0
1982	12	8	193	0
1983	19	7	62	1
1984	7	(12)	−61	0
1985	18	10	142	0
1986	26	8	46	1
1987	22	(3)	−13	0
1988	12	(10)	−46	0
1989	11	(2)	−13	0
1990	7	(4)	−39	0
1991	10	4	55	0
1992	9	(1)	−8	0
1993	16	6	68	0
1994	10	(6)	−36	0
1995	10	0	0	0
1996	9	(1)	−10	0
1997	9	0	0	0
1998	8	(1)	−11	0
1999	8	0	0	0
2000	8	0	0	0
Veterans Benefits & Services				
1980	14			1
1981	15	1	10	1
1982	16	0	3	1
1983	16	0	1	0
1984	16	0	1	0
1985	16	(0)	−1	0
1986	16	(0)	−1	0
1987	16	0	0	0
1988	18	2	12	0
1989	18	0	1	0
1990	16	(2)	−10	0
1991	17	1	9	0
1992	20	2	13	0
1993	21	1	7	0
1994	18	(3)	−14	0
1995	17	(1)	−6	0
1996	17	0	0	0
1997	18	1	6	0
1998	19	1	6	0
1999	20	1	5	0
2000	21	1	5	0
Fed. Retirement and Disability				
1980	32			1
1981	37	5	17	1
1982	41	3	9	1
1983	43	3	6	1
1984	45	2	3	1
1985	46	1	2	1
1986	48	2	4	1
1987	51	3	7	1
1988	54	3	7	1
1989	57	3	6	1
1990	60	3	5	1
1991	64	5	8	1
1992	67	2	3	1
1993	69	2	3	1
1994	72	3	5	1
1995	75	3	4	1
1996	77	2	3	1
1997	81	4	5	1
1998	85	4	5	1
1999	90	5	6	1
2000	96	6	7	1
Other Mandatory				
1980	160			6
1981	187	27	17	6
1982	196	9	5	6
1983	208	13	6	6
1984	219	10	5	6
1985	241	22	10	6
1986	233	(8)	−3	5
1987	235	2	1	5
1988	255	20	8	5
1989	270	15	6	5
1990	288	18	7	5
1991	314	26	9	5
1992	336	23	7	6
1993	352	16	5	6
1994	368	16	4	5
1995	394	26	7	6
1996	412	18	5	6
1997	431	19	5	5
1998	454	23	5	5
1999	477	23	5	5
2000	507	30	6	6

Mr. NICKLES. Mr. President, these are just facts. These are not altered, these are not gamed in any way to try and make any particular point, except to show that spending has been exploding. We cannot continue to increase spending. That is why I believe we have to pass a constitutional amendment to balance the budget. I hope my colleagues will vote for it. I hope my colleagues will pass it. I know it is going to force us to make difficult decisions. And if we do not, Congress will unfortunately continue to find excuses not to make the tough decisions, and we will see the deficits continue to climb. I hope we will take the responsible action on Tuesday and pass a constitutional amendment to make us balance the budget.

I yield the floor, and I thank my friend from Arkansas.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, as of the close of business on Thursday, February 23, the Federal debt stood at $4,837,336,500,173.73 meaning that on a per capita basis, every man, woman, and child in America owes $18,362.61 as his or her share of that debt.

FINANCIAL AID TO MEXICO

Mr. DOLE. Mr. President, when President Clinton announced a financial package to aid Mexico in its current economic crisis, Speaker GINGRICH and I announced our support. Mexico was, and is, of vital importance to the United States. In my view, we could not stand by and watch Mexico financially melt down if there were any realistic chance to help.

Earlier this week, an agreement was signed between the United States and Mexico, and its full details were released to the public. I have analyzed it, with the help of staff, outside advisers, and other Senators. I find it somewhat surprising and, at its core, disappointing. My message should not be misinterpreted—I do want United States efforts to assist Mexico to work. I hope we can help Mexico achieve the financial stability that they so desperately need. However, I must reluctantly point out the shortcomings of the agreement reached this week.

In my view, the basic mistake Mexico made last year was allowing events to get to the point where the only apparent choice was to devalue the peso. Perhaps the Government believed that a little devaluation would be a good thing.

Common sense should have recognized that Mexico's decision to break its promise to the Mexican people to keep the peso stable against the dollar would precipitate a breech of trust—a stampede to get out of pesos and into dollars.

The Treasury Department needs to be very careful in the use of funds from the exchange stabilization fund. For example, I am not convinced that thrusting the United States into the middle of a Mexican banking crisis is prudent or necessary.

The primary focus of the stabilization plan is not aimed at reversing the fundamental mistake of devaluation—not now and not over time. The measures described in the agreement to firm up the price of the peso seem almost an afterthought. They do not address the problem of extinguishing the excess pesos that have been coming off the Mexican printing presses, even as recently as last week. The heart of the problem is restoring confidence in Mexican pledges by moving toward restoring the value of Mexico's currency, and I hope it is not too late. I hope that administration officials will still focus on the main target: extinguishing pesos and restoring confidence in the Mexican currency. This should be the first priority, not raising interest rates.

It appears my concerns are shared by the markets. When it was first announced that the United States would help Mexico, the Mexican stock market went up and the peso strengthened. Yet when the exact terms of the deal were made public, the peso weakened and the stock market resumed its slide.

In the coming days and weeks, Congress will examine many issues in the Mexico situation—what advice the administration gave, when officials knew about the devaluation, allegations of conflict of interest, and other issues. I am also working with the administration to send a group of Senators to Mexico in the near future to get a first-hand assessment of the situation. A central part of that assessment will be looking at whether the administration's proposed medicine will cure the disease.

RESPONSE TO ADMINISTRATION'S OIL IMPORT STUDY

Mr. DOLE. Mr. President, I rise today to express my concern for a lack of response by President Clinton to a recent report by the Department of Commerce. This report indicates our dependence on oil imports poses a threat to national security.

This is not a new report; we have heard this before. What is new is the lack of action that has been taken by this administration. In response to this report, President Clinton has decided not to respond; he has chosen to continue on with the same energy policies that have put us at risk.

Last year, our country imported more oil than it ever has before. Domestic production has fallen and American oil and gas workers are losing jobs. The administration should not ignore this plight.

The Commerce Department study has little to say about stripper wells. That troubles me. Nationwide, there are more than 478,000 stripper wells. These stripper wells produce more than 1.4 million barrels a day. When foreign oil floods this country, the price of oil falls below the cost of operating most stripper wells. That's what has happened in the last quarter of 1993 and the first quarter of 1994.

The Commerce Department concedes this saying, "The impact of low prices has been especially severe on small producers operating stripper wells" yet fails to provide a solution. Stripper wells serve an important role in this country and without them our dependency on foreign oil only increases.

This administration has ignored the plight of the industry for some time now. Various proposals have been discussed with the President, but no action was taken. The failure to recognize the implications to national security as well as to the economy is unacceptable.

There is a need to identify opportunities for assistance to the domestic oil and gas industry. For this reason, I have cosponsored legislation with Senator NICKLES and Senator INHOFE which will address the needs of this industry. The bill proposes support for production and addresses numerous issues that pose unnecessary burdens to the industry.

I believe this legislation is necessary to begin the discussion on the status of the domestic oil and gas industry and in light of the recent lack of action by the administration, a review of our Nation's energy policies and approaches.

NATIONAL ENGINEERS WEEK

Mr. PRESSLER. Mr. President, this week our Nation celebrates National Engineers Week. This week is sponsored by a coalition of 64 engineering societies, corporations, and government agencies. This year the event is being chaired by the American Institute of Chemical Engineers [AIChE] and Fluor Corp. As chairman of the Senate Commerce, Science, and Transportation Committee, I would like to take a moment to recognize the contributions the 1.8 million engineers in our country make to improve the quality of our lives.

Mr. President, try to imagine what our lives would be like without the engineering achievements of the 20th century. Imagine a world with no television, no airplanes, no computers, no cordless telephones, no miracle drugs, no interstate highway system, no central heating and air conditioning, or no communication satellites.

Each of these items began only as an idea. Each needed engineers to transform the idea into reality. Engineers are the men and women who plan, design, and direct the manufacturing or construction of nearly every human-made element of the world. The very word "engineer" comes from the Latin word "ingeniare", which means "to devise." For centuries, engineers have devised things to solve problems.

From clothes to communications, medicines to microwave ovens, television to transportation, potato chips to microchips, the work of engineers touches every aspect of our lives. Engineers turn ideas into reality through technology. In the process, engineers make our lives easier, healthier, more efficient, and more fun.

Mr. President, I am sure several of my colleagues already are aware of the significant role engineers play in our society. That is because they are engineers themselves. The Senator from Virginia, Senator WARNER, and the senator from Ohio, Senator GLENN, were both trained as engineers. They each made significant contributions to the national security and leadership of our Nation before serving their country in this body. Both bring technical expertise and a much needed perspective to our public policy debates.

During National Engineers Week, we should not only look back at the achievement of engineers, but also look forward. If we are to maintain the standard of living and leadership role in the world we currently enjoy, we must assure a strong emphasis on mathematics and science in education. The quality of our future lies in our ability to attract the best and the brightest young minds to study and pursue careers in engineering.

Mr. President, I commend the engineers of the Nation, past and present, for their contributions to the well-being of our Nation. I join them in celebrating National Engineers Week.

THE U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Mr. DOLE. Mr. President, on February 16, Ambassador Madeleine Albright signed the U.N. Convention on the Rights of the Child. The United States joined 175 other countries that have signed and/or ratified the Convention. The next step would be for the administration to send the Convention—and a statement of any reservations and understandings—to the Senate for our advice and consent.

Mr. President, in the past several days, I have received thousands of calls from all over the country in opposition to this Convention. My office has not received one call for it. These contacts have raised many serious problems that need to be examined. They have raised questions about Articles 13, 14, and 15, which grant children the freedom of speech, thought, conscience, religion, association, and assembly. Could these articles be interpreted to limit the ability of parents to decide for themselves how best to raise their children? Should U.S. citizens be subject to some sort of international committee that enforces compliance with Article 28(2) which states: "State Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention"?

Under Article VI of the Constitution, Senate ratification of this treaty would make it the supreme law of the land. Would the Convention then supersede Federal and State laws? What would the effect of the Convention be on the tenth amendment? Is the Convention merely a symbolic exercise, or will it actually require the United States to take actions? These are sincere questions from sincere people. They deserve answers.

Mr. President, I realize the original intent of the Convention was to protect children from such abuses as forced labor and to improve the situation for those children in many parts of the world. No doubt about it, many children around the world face unbearable and unacceptable conditions every day. And for these children, a properly crafted document could provide some much needed relief.

However, I also believe we in the United States have made significant progress in protecting the rights of the child through Federal, State, and local laws. These laws are better equipped to deal with the varying challenges posed by the issue of child rights. If there is one thing this election taught us, it is the need to get excessive government out of people's lives. This applies to the Federal Government, and it certainly applies to the multilateral, quasi-government that is the United Nations.

I don't know the administration's timeable for sending the Convention to the Senate for advice and consent. When submitted, it will be referred to the Senate Committee on Foreign Relations—where I am certain it will receive the careful review it deserves. However, until all the questions that thousands of Americans have about the Convention are satisfactorily answered, I will not support ratification of this Convention.

NATIONAL ENGINEERS WEEK

Mr. SIMON. Mr. President, February 19–25, 1995 marks National Engineers Week, a time when America honors the 1.8 million men and women who make up our Nation's second largest profession.

I commend our Nation's engineers for their contributions to technology in the private and public sectors. The technological breakthroughs achieved by engineers have enabled people around the world to live healthier, more efficient, and more fulfilling lives. In my home State of Illinois, engineers have provided people with valuable scientific innovations in areas such as communications, medicine, and agriculture.

I would also like to recognize the work of three junior high students from Central School in Glencoe, IL: Stephanie Richart, Alexandra Wong, and Denise Arbruster. These three students were the Chicago-area winners of the National Engineers Week Future City Competition. This competition asked students to envision a 21st century city, and then express their ideas through computer printouts, scale models, and oral presentations. Many local engineers graciously volunteered their time to advise students on their projects. I salute everyone who participated, and I wish the Central School team well in the national competition here in Washington.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of House Joint Resolution 1, which the clerk will report.

The bill clerk read as follows:

A joint resolution (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

The Senate resumed consideration of the joint resolution.

Pending:

(1) Feinstein amendment No. 274, in the nature of a substitute.

(2) Feingold amendment No. 291, to provide that receipts and outlays of the Tennessee Valley Authority shall not be counted as receipts or outlays for purposes of this article.

(3) Graham amendment No. 259, to strike the limitation on debt held by the public.

(4) Graham amendment No. 298, to clarify the application of the public debt limit with respect to redemptions from the Social Security Trust Funds.

(5) Kennedy amendment No. 267, to provide that the balanced budget constitutional amendment does not authorize the President to impound lawfully appropriated funds or impose taxes, duties, or fees.

(6) Bumpers modified motion to refer H.J. Res. 1 to the Committee on the Budget with instructions.

(7) Nunn amendment No. 299, to permit waiver of the amendment during an economic emergency.

(8) Nunn amendment No. 300, to limit judicial review.

Mr. BUMPERS. Mr. President, I would like to ask the Senator from Oklahoma a question. He mentioned food stamps. The Senator will recall that last year on the Agriculture appropriations bill, we debated the issue of allowing the States to experiment with giving food stamp-eligible recipients cash instead of food stamps. I have taken strong exception to that, and I do not mean to demean people who are on food stamps. But let us assume that a parent with three children is getting a couple hundred dollars a month in cash like an SSI check, or Social Security check, or anything else, and assume they get that check on the first day of the month and the television repairman, or the television cable company man shows up and says, "I am here to disconnect the cable; you are behind 2 months and our rule is we have to disconnect. You owe us $50." I have this deep-seated suspicion that the cable television guy is going to get the $50 and the children are going to get what is left.

While that passed last year, I am going to do everything I can this year to undo that. It is still a pilot program. Some of the Governors like it because, as you know, if you go to the grocery store and spend a voucher, you have to pay sales tax on it. If you go to the grocery store and use a food stamp, you do not pay sales tax. So this is worth millions of dollars to States, which are always looking for new revenues—painless revenues, especially.

My State has a 5-percent sales tax which also applies to groceries. There are not too many States which still tax food, but mine does. That means that Arkansans who are getting food stamps will see a 5-percent reduction in the amount of food they can provide for their children, even if they are careful about spending that money only for food.

I was wondering if the Senator had any thoughts about that.

Mr. NICKLES. One, I want to say that maybe I should have given the numbers for the projected cost of food stamps. Food stamps grew at zero percent in 1994 and will grow at 4 percent for the next couple of years. Maybe some of the reforms the Senator is talking about have been successful. I share his concern, though.

I think if you want to convert a commodity program to cash it is going to be open for abuse. There was an excellent program on one of the television networks recently about people selling their food stamps for cash so they can use it for various other things, including alcohol and drugs. So I think we need to reform the program. I mentioned that the earned income tax credit has really been abused. People are going into poor areas and trying to get citizens to file a fraudulent return. They will get a person's Social Security number and say, "I can use this to get a $1,500 or $2,000 earned income tax credit, I will give you $500 now and let me take your credit." That is one of the reasons why the IRS is trying to crack down.

I think maybe some pilot programs are in order, because there is bound to be a better way.

But I am concerned, when we start turning it into cash, that you may be increasing the incentives for abuse instead of decreasing the incentives.

Mr. BUMPERS. I appreciate the Senator's comment.

As the Senator knows, we are experimenting with a credit card type food stamp program—I am hoping that will be successful—where a grocery store just takes your credit card and they can tell you exactly how much you have left for the month. It can also kick out any ineligible commodities or groceries you have picked up so that you are not paying for something like cigarettes or toiletries, for examples.

The other thing the Senator makes a very good point on is the earned income tax credit. I happen to be a strong proponent of the earned income tax credit. I think it is a very good tool to keep people working, because you have to be working and you have to be a parent before you qualify for it.

But the IRS was in my office just recently telling me that I could expect quite a few calls from constituents about the delay in getting their tax refunds. And, of course, the papers are now full of that.

But one of the reasons it is late is because they are trying to audit two or three things. One is to make sure people report all the income that they received on 1099 forms. If the Senator, for example, gets a gas royalty at the end of the year, the gas company would send you a 1099 saying we paid you $1,800 this year. So they want to check those against what you reported. That is very legitimate.

But the other thing, which is more time-consuming but in my opinion probably is more rife with fraud, and that is the earned income tax credit. I did not realize until recently that some people really are ripping the system off.

Mr. NICKLES. If the Senator will yield for one other comment. Congress has now expanded the EITC to people without kids. Eligibility has increased dramatically to where 40-some percent will be eligible in the District of Columbia. I believe the State of Mississippi had 50 percent of the persons eligible for earned income tax credits. A lot of people did not know they were eligible, so they are getting help from income tax filers. And it is rampant with abuse.

I think we are going to have to make some changes in eligibility to tighten up the program, because, a few years ago it cost $5 billion and they project in a couple of years it is going to cost $25 billion. So that is the fastest growing entitlement-type program that we have. I think we are going to have to curtail it. I think we are going to have to curtail a lot of them. I look forward to working with my friend from Arkansas.

MOTION TO REFER, AS MODIFIED

Mr. BUMPERS. I thank the Senator from Oklahoma.

Mr. President, I appreciate the indulgence of the Chair in allowing us to talk about something other than the pending motion, to which I will now return.

Let me, for the benefit of my colleagues, once again describe my proposed amendment. As I said last evening, I consider it to be an absolutely ingenious idea. When I first began to think about it, I wasn't sure that a legislative fix could cure the problems associated with the balanced budget amendment.

Everybody knows that I have consistently been a leader in the Senate on constitutional amendments. When it comes to people who willy-nilly throw these constitutional amendments around, I belong to the wait-just-a-minute club. I revere that document as I revere no other document, other than the Holy Bible. And the Constitution is our legal bible. It is the legal guide that provides people in this country with individual liberties, provides for the general health and welfare of the people of this country and for the common defense. We should not put "willy-nilly" economic policy or social policy—particularly social policy that is incapable of being enforced—into this magnificent document known as the U.S. Constitution.

People in this country literally put their hands over there hearts when they hear the Constitution mentioned, almost as though the flag is going by. And yet the people of this Nation have been led to believe that if we would just put a few words in the Constitution, this nagging budget deficit somehow will be made to disappear. It is deceptive in the extreme.

Everybody here who has read the constitutional amendment knows that this amendment does nothing to balance the budget; does very little more than we are doing right now. But there is this reverence for the Constitution and the people, subconsciously or consciously, think if we put language in the Constitution we are going to get a balanced budget out of it.

But during this entire debate, not one person has told you how. We invited those who believe in the Contract With America that the Republican House Members all strongly favor to tell us.

"How are you going to balance the budget?"

"I don't know."

"Who has standing to sue under this amendment?"

"I don't know."

"When will a lawsuit ripen?"

"I don't know."

"Would I, as a Senator, have standing to sue the Congress if they did not balance the budget?"

"I don't know."

"Could the courts raise taxes in a lawsuit? Could the Supreme Court entertain a lawsuit saying, yes, indeed, Congress is out of compliance with this amendment. It is not in balance. Therefore, we are going to give the Congress 60 days to balance the budget unless 60 percent of the Members of each House vote otherwise." Sixty percent is not a majority. It literally defies democracy. But if the Court says, "60 percent of you have to vote to unbalance the budget or we are going to take over the legislative affairs of Congress and raise taxes and cut spending ourselves."

What if 60 days have gone by and Congress has done nothing. And the Court says, "OK, we gave you 60 days. You are still sitting on your duff. Therefore, we are going to raise all income taxes by 3 percent and we are going to cut spending across the board, including defense, by 3 percent. And, according to our calculations, that will balance the budget."

As Lincoln told Chief Justice Taney when Lincoln suspended the right of habeas corpus in the State of Maryland, "He's made his ruling. Let him enforce it."

So under this scenario, assume the Congress says to the Supreme Court, "We have three branches of Government. You are only one. We are not going to waive the balanced budget requirement with 60 votes because we can't. We have 41 obstreperous people over there who will not let us unbalance it. In addition, we are not going to raise taxes and we are not going to cut spending."

And so the Supreme Court Chief Justice calls the President and says, "Mr. President, you are charged with the responsibility of enforcing the laws of this country. Now do it."

And the President says, "Look, how am I going to enforce the laws of the country? If they refuse to act under the Constitution, I can't make Congress do anything. I am on bended knee to the Congress all the time anyway trying to get them to pass my bills."

The Court is asking me to alienate 100 Senators by removing them from office or taking some other action against them." I do not know what the President would do. What you then have is an unsolvable constitutional crisis that would threaten this Nation as nothing since the Civil War has threatened the country.

Sometimes people say to me, "You do not care what your constituents think; this is very popular." I care deeply about what my constituents think. But do you know what I want my constituents to think more than anything else? I want them to think they have a Senator up here who is thinking, who understands the Constitution, has studied it all of his life, who reads the Federalist Papers and knows what the Framers of the Constitution have said on every issue, and who has some idea about what will work in the Constitution and what trivializes the Constitution.

A Senator told me 2 days ago, "I'm going to support the constitutional amendment because I want the courts involved." If anyone wants the courts involved they should go down to Kansas City and talk to the people down there, where a judge did not literally raise taxes, but he said, "Here is what you are going to do to achieve integration." And in order to do that, the Kansas City school district had no choice but to raise taxes. That decision was affirmed by the eighth circuit and affirmed by the U.S. Supreme Court, and is getting ready to be reargued next week.

Nobody here should suffer under the delusion that the Supreme Court will, as it does in certain cases involving Congress say, "That is a political matter and this Court does not resolve political matters; you people get back over there and do your duty." It is just as likely that the Court wouldn't say that, as it would.

Is it not interesting, the contradictions we have seen in this Chamber since we started debating the constitutional amendment? The distinguished Senator from Louisiana, BENNETT JOHNSTON, offered an amendment which would prohibit the courts from enforcing the balanced budget amendment. When that was defeated he considered offering another amendment saying the courts must enforce the constitutional amendment. And I promise, Mr. President, that, too, would have been defeated.

The Senator who said he wanted the courts involved in enforcing the amendment probably should not say that back home. The people in my State have a very healthy apprehension about people who are not elected to office, such as judges, determining their lives. How many times have you heard, "I want the Supreme Court to enforce the law, not to make laws."

So what we have is this contradiction here. On the one hand, we have some Senators saying, "I want the courts to enforce this because we won't," and you have a whole chorus of Republicans and Democrats who say, "I don't want the courts involved in this at all."

I have never heard, in my 20 years in the U.S. Senate, as many questions answered with "I don't know." Cumulatively, I have heard more "I don't knows" since this debate started than in the other 20 years combined. Do you know what Norm Ornstein calls these constitutional amendments? The fix of last resort. What he should have said is the fig leaf of last resort, something to hide behind.

Senators say privately, "Well, we can't do it politically because we will lose all these interest groups. It would be disastrous if we did what we have to do. So let's put it in the Constitution, and we can hide behind that." You can put it in the Constitution, but you cannot hide.

I understand that there is probably only one Republican who will vote against the balanced budget amendment. While my Republican colleagues in the Senate did not sign the Contract With America, they are pushing House Joint Resolution 1, which passed the House and was included in the contract. If I had signed the contract, I would be praying that the Democrats could muster enough votes to kill this, because it is totally, wholly impossible to enforce.

One look at the contract would demonstrate that the Republicans in the House are not serious about balancing the budget. The Contract With America and Speaker GINGRICH have proposed substantial increases in defense spending and tax cuts for the middle class, defined as people who make as much as $200,000 a year. That is hardly middle class. I do not consider myself middle class. And I do not make that much money. But if I did, I certainly would not consider myself middle class. In addition, the Republicans want to cut the capital gains tax, which mostly benefits the wealthiest 5 percent of the people in the country. When we add it all up the contract would cost an additional $471 billion over the next 7 years and more than $700 billion over 10 years.

If we were to start right now trying to balance the budget between now and the year 2002—do not increase defense, do not cut taxes, just leave the trend line as it is—if we set out right now in the next 7 years to balance the budget, we would have to raise taxes, cut spending, or a combination of the two, to the tune of a little more than $1 trillion. If we were to exclude Social Security it would be approximately $1.6 trillion.

Do you know what that means? That means that we would have to cut almost $250 billion a year for the next 7 years.

Senator, you will not get a check for your salary, because it will be abolished. The FBI will be abolished; the Justice Department will be abolished; judges will be abolished; student loans will be abolished; highways will be abolished; the FAA will be abolished; housing will be abolished. It is unfathomable to me that people can look at you with a straight face and say we will balance the budget by the year 2002, not by cutting $1 trillion between now and then, but after we add a half trillion dollars in tax cuts and increased defense spending.

Do you want to know something else? I went home and told my constituents that I would like to cut taxes, but I am not going to vote for a middle-class tax cut. I am not going to vote for the President's middle-class tax cut, and I am not going to vote for the Contract With America's middle-class tax cut. Because I can go home and talk sense to the people in my State, and I have never hesitated to do it.

Not to make too fine a self-serving point, but this is the fourth time I have voted against the constitutional amendment to balance the budget, and I do not think I have gotten less than 60 percent of the vote any time I have run since then. Do you know why? When I say I have a lot of faith in the American people, I mean it.

I told people all over Arkansas that I do not favor term limits. I do not favor the balanced budget amendment, and I do not favor a middle-class tax cut that can only do one thing, and that is exacerbate the very problem we pretend to be dealing with here. If we can find $100 billion in cuts in this budget, for God's sake, we should put it on the deficit. People do not expect miracles.

But under my proposed alternative amendment, people say, "Well, the deficit problem is not subject to a legislative fix." They are wrong. It is subject to a legislative fix. Do you know the beauty of this amendment? Look at those charts. The constitutional amendment calls for a balanced budget by the year 2002, but leaves this body the discretion of not doing anything until the year 2002. My amendment says it requires a balanced budget by the year 2002. And when do we start—now. Not 2002—now.

I do not like the supermajorities. I do not even like filibusters. I have participated in a few, but I really do not like them. And I do not like the requirement of 60 votes for this and 60 votes for that.

If my amendment is adopted and then subsequently the Budget Committee comes back to this floor in April or May with a resolution on the budget that does not reduce the deficit in 1996 from what it is in 1995, I will raise a point of order, and it is going to require 60 votes in this body to overcome that point of order. Now, if that is not a fair deal, I never heard of one. My proposal is enforceable; the constitutional amendment is not.

The 60-vote requirement, which is included in both the constitutional amendment and my proposal, is not without problems. Franklin Roosevelt was detested by a lot of fairly wealthy people when he first became President because he started spending money that the Government had to borrow. But do you know what he was borrowing it for? To keep this country out of the hands of communism, which was a threat. Why? Because people were hungry.

I am just barely old enough to remember, but I am a Depression child. My mother had saved a $1,000—hen and egg and cream money—and lost every dime of it because the Bank of Charleston went broke, and by the time the receivers got through with it, she did not get one nickel. My mother never got over that.

We lived in a house which did not have natural gas. We burned coal to stay warm. My father was making $75 a month when almost everybody else in town was making $21 a month, plus getting a little cheese and beans at the courthouse on Saturday afternoon. By today's standards, people cannot understand that kind of unspeakable poverty—food lines, food lines all over the country—25 to 30 percent of the people in this country out of work.

So what did Roosevelt do? He started building public buildings. The gymnasium in which I played high school basketball was built by the WPA to create jobs. He built roads. We had nothing but dirt roads, except the main highway that went through town 18 feet wide. Everything else was dirt and mud.

We lived a block north of Main Street, and when it rained, you could not get home without getting stuck in the mud. In the summer, every time a car went down the street, the dust was insufferable. It choked us to death. The Federal Government loaned us and gave us enough money to pave our streets, to give us healthy water where people had died all summer long of typhoid fever before.

We eventually got indoor plumbing. My brother and I started taking five baths a day when we had indoor bathrooms. We just did not know people lived like that.

We built roads, we built public buildings, we got rural electrification. It saved my father's business. He could sell radios and electric ranges and refrigerators to country people because the Government was spending money; yes, going into debt to try to give people a fighting chance to work their way out of that Depression. There were a few New York bankers who thought it was terrible, but I can tell you, there was not one soul in Charleston, AR, who thought it was terrible. That is the reason Roosevelt carried 46 States in 1936.

We are not likely to have a depression of that magnitude in this country again, but let me ask my colleagues, what do you intend to do if we have a 10- to 20-percent unemployment rate?

Let us assume further that the deficit is beginning to climb because people are out of work, they are not paying taxes and we are having to pay unemployment insurance and more welfare payments. Our costs are going up and our revenues are going down.

But let us assume we have 41 New York banker types in the U.S. Senate who say, "I promised my people I will never vote to unbalance that budget." That will be an issue. If we pass this constitutional amendment, I promise you everybody in this country will be running on the proposition, "You'll never catch me being a part of those 60 votes to unbalance the budget."

So you have 41 people here who are insensitive enough not to care what happens. What do you do then? You have a country on your hands that is a basket case, that has turned its back on everything we really believe and that has made this country great. It is a dicey thing we are voting on.

Let me say to my colleagues—some on this side—those of you who say, "Well, the Republicans will just beat us up in 1996. If I vote against this thing and I am up for reelection next year, I can just see it now. There will be millions of dollars spent to defeat me," and if we only get 34 votes, then all 34 of them will be accused of being the deciding vote.

I am with Harry Truman, if you cannot take the heat, get out of the kitchen. Do not mess with the Constitution because you are up for reelection in 1996. The people did not send you here to play games. They sent you here to preserve and protect and defend the Constitution. When you walked down to the well of the Senate on January 3 and held up your hand, you said: "I hereby swear that I will defend and uphold and protect and preserve the Constitution of the United States." You did not say, "I am going to vote for every trivial cockamamie idea anybody can come up with because it is popular.

You think of it, Mr. President, since 1789 when this country adopted the Constitution, Members of Congress have tried over 11,000 times to change the Constitution. You think of it: 11,000.

Take the Bill of Rights out, which is the first 10 amendments. They were adopted the same time the Constitution was. Remove those, and in 205 years, do you know how many times we have tinkered with the Constitution? Eighteen times. That speaks well for both Congress and the people.

Prohibition was the one time that we slipped up. I was from a devout Methodist family and my mother considered liquor as big a demon as we ever had. As far as I know, neither my mother nor my father ever had a drink in their lives. They hated it.

In 1919, I guess it was, the Congress submitted a resolution to the people and said, "Let's make the 18th amendment a prohibition against drinking." I am sure my mother and father supported that. Is it not ironic that they were killed by a drunken driver? But that is not the point.

The point is, we were trying to put a kind of social and religious policy about drinking in the Constitution, and people were going to drink. You can put a constitutional amendment outlawing marijuana and cocaine, and people will still use marijuana and cocaine. And so it was with prohibition. So by the time Al Capone had turned this country into an absolute bloody, bullet-ridden country, we decided we made a mistake and we repealed it. If you don't consider the two amendments dealing with prohibition, actually the people have tinkered with the Constitution 16 times, though we have had 11,000 opportunities.

Mr. President, I have a tendency to get a little too personal sometimes during these debates, but I want to be as dramatic as I can be in sounding the alarm about what we are about to do.

In 1993, the President of the United States said, "I committed myself to the people of this country to reduce the deficit," and so he, along with the leaders of the Congress, came up with a dramatic proposal to cut $500 billion off the deficit over the next 5 years. We adopted that proposal. We said we are going to cut a dollar of spending for every dollar in taxes we increase. And so what did we do? We raised the income tax rate on the wealthiest 1.2 percent of the people and raised the gasoline tax by less than 5 cents per gallon and cut spending by approximately $250 billion.

I consider myself a friend of virtually everybody in this body, including the people who sit on the other side of the aisle, but we stood on this floor for days on end pleading with the people on that side of the aisle to help us get the deficit under control. We had to bring the Vice President over here to break the tie, and we passed it 51 to 50. And so the deficit in 1993 was about $40 billion less than it was projected to be. The deficit in 1994 was $100 billion less than it had been projected to be. This year, the deficit will be down again, and it ought to come down more.

The people do not expect miracles, as I said, but if we reduce the deficit by $10 billion from now until the year 2002, I promise you Wall Street, the bond brokers, and the people in Charleston, AR, will be rhapsodic.

But, in 1993 we had to reduce the deficit with nothing but Democratic votes. Not one single Republican voted for it. They said, "Why, you are raising taxes." We did, on the wealthiest 1.2 percent of the people, and we cut a lot of spending that I did not want to vote for. And so what happened then? We lost a lot of Members on November 8, 1994, who had voted for it, and whose opponents said, "He is a tax and spender. He is a liberal tax and spender."

But we passed the deficit reduction bill and the deficit is down dramatically because we did it. And what happened after that? They said, "Well, that's not good enough. Let's put some words in the Constitution."

I say stiffen your spines, colleagues. Let us deal with it. Under my amendment, if the Budget Committee comes out here with a resolution that does not cut the deficit, I will make a point of order and it will take 60 votes for them to pull that off. If they cannot recruit 60 votes, they have to go back to the drawing board and get the deficit down below what it was the preceding year.

I have never seen anything that makes better common sense, more imminent common sense than this proposal. Not to coin a phrase but to emulate our friend from Texas, it is just that simple.

So, colleagues, I plead with you. This could very well be the most important vote ever cast. I have cast some really important votes in the Senate. In the past, we have always had enough votes to defeat this thing. It is going to be close. It may pass. And when the year 2002 comes and the deficit is soaring out of sight, which it certainly is going to do if this Contract With America is passed, I do not know if we will get the blame for it, but I am sure somehow or other we will.

I am willing to accept the blame if my amendment is adopted. But when it comes to the Constitution, I ask my colleagues to remember what they said when they held up their right hand with their left hand on the Bible. They took a solemn oath to defend this sacred document, and not trivialize it with something that is only going to do what Alexander Hamilton said will be the most degrading, deteriorating thing to democracy he could imagine, and that is to raise people's expectations beyond any hope of fulfillment, and make them that much more in the dark about what needs to be done.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The gallery is advised that there will be no showing of approval or disapproval of actions taken in the Chamber.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, let us just be honest about it. We can talk about statutorily saying we are going to balance the budget, as we have the last dozen times here on the floor of the Senate and House. The fact is every one of those statutes that passed that people were so enthusiastic about and said we are going to balance the budget has been ignored by subsequently passed legislation.

Now, look. There has not been one balanced budget in the last 26 years. In fact, there has only been one in the last 36 years. So all of the ranting and raving that we do around here as Members of the Senate and beating our breasts about how we should do it now and balance the budget, that is all just so much guff, and we all know it. There have only been seven balanced budgets in the last 60 years—seven.

I remember when my colleague—I just ran into him the other day; I was coming back to Washington and ran into my good friend, Harry Byrd, who brought up the Byrd amendment back in, I believe it was, 1978 or 1979, that required us to balance the budget by 1980 —required us. We all voted for it. It passed overwhelmingly. Boy, we were going to do something about it. It was almost overturned overnight by a simple majority vote.

We all beat ourselves on the breasts saying we are going to balance the budget, we are going to do something about this horrendous spending of the U.S. Congress, and then we turned right around and continued this process of the last 26 years where we failed to balance the budget, only we have gone even worse and now we have the President's budget where the President has punted the football. I do not think even the President realized what his budgetary people were doing. But that budget does absolutely nothing, nothing about deficits for the next 12 years. That budget assumes we are going to have $190-billion-plus deficits for each of the next 12 years. Under his budget, we will reach $6 trillion in debt in the next 5 years: Business as usual.

I know Senators are very sincere when they come on this floor and say, "We should do it now. We have the power to balance the budget now." How many times have I heard that over the 19 years that I have been here? And we have not balanced the budget once in those 19 years, because any simple statute that follows, by majority vote—we could have 26 vote for it and 25 against it—could overrule the balanced budget requisites that others are talking about.

The national debt is now over $4.8 trillion. That is more than $18,500 that we owe for every man, woman, and child. And our children who are being born today come into this world $18,500 in debt because of what Members of Congress have been doing for the last 60 years during which time we have only balanced the budget seven times, as I mentioned.

The gross annual interest on the debt exceeds $300 billion. If we did not have to pay that interest—if we did not have to pay that interest—my goodness gracious, we would have enough to balance the budget plus a surplus. That interest payment is right down the drain, and we keep talking about how we should do it now. Let me tell my colleagues, once again we are faced with a measure which tries to balance the budget on a mere legislative rule.

My friend from Arkansas—and he knows he is my friend and I care for him—I know he is sincere in wanting to do that. His motion which seeks to amend the Budget Act to provide for additional grounds for a point of order. There would be an objection to resolutions, until the year 2002, which are not on a glidepath to a balanced budget and, starting in the year 2001, for any budget with a deficit. In short, his amendment seeks to do by legislation what the balanced budget amendment would do constitutionally.

If a statutory fix—and I acknowledge he is sincere, I acknowledge that he wants to do this; and I believe he would try to do his best to do this—but if a statutory fix would be enough to balance the budget, I would be overjoyed. I am the last person in the world who would want to amend the Constitution if it was not absolutely necessary. But history has shown us repeatedly that statutory attempts to balance the budget just do not work.

Look at these, from 1921 right up to 1987. We have had the Budget and Accounting Act, a statute that said it was going to balance the budget. It did not work. Look at how the debt just kept going up.

The Revenue Act of 1964 just did not work. Any subsequent spending proposal that could pass by a majority vote overruled that.

The Revenue Act of 1978 just did not work. Any subsequent majority vote overruled it.

The Humphrey-Hawkins Act of 1978 demanded that we balance the budget. My gosh, it was overturned by a simple majority vote.

The Byrd amendment, which I referred to, back in 1978 to balance the budget was overturned by a simple majority vote.

The debt limit increase, 1979 was overturned.

The Bretton Woods amendment, again overturned.

Codification of title 31, overturned.

Gramm-Rudman-Hollings; we all knew it was going to work, did we not? It was a bipartisan amendment, it passed both Houses of Congress. It did not work. It worked for a while—there were a few good things about it—but ultimately we just, by a majority vote, overturned it.

Then we went to Gramm-Rudman-Hollings II, because we could not meet the goals of Gramm-Rudman-Hollings I. So by a simple majority vote we overturned it.

History has shown us that statutory attempts, as well-intentioned as the statutory attempt of the distinguished Senator from Arkansas is, just do not work. It does not take Congress very long to avail itself of the opportunity to create exceptions and loopholes and then finally to repeal the law altogether. I see no reason why things would be any different with the proposal before us now.

Gramm-Rudman-Hollings required points of order. Gramm-Rudman-Hollings required special votes. The sad history of legislative attempts to balance the budget show the need for a constitutional amendment even more. A constitutional amendment forces us to work for a balanced budget. A statutory approach, no matter how cleverly it is written, is ultimately going to be overruled because these people want to spend. They want to tax more. They get more credit for spending than they do for conserving around here. They can go home and beat their breasts and say how much they have done for the local folks when in fact everybody in the country is doing the same thing.

Despite our best statutory efforts in the most recent deficit reduction plan, a constitutional amendment is required for at least the following reasons:

Statutes do not purport to correct the structural bias in favor of deficit spending that would be offset by a constitutional amendment. They just do not do it.

Statutes are only intended to deal with a temporary crisis, whereas the constitutional amendment will correct the bias that has caused deficits in 55 of the last 63 budget years or budget cycles.

The deficit spending bias is not a problem that has lasted, or will last, only 5 years. It has been going on for 63 years, and it demands a permanent constitutional solution. Ultimately, no Congress can bind a succeeding Congress by a simple statute. It is just that simple. Any balanced budget statute can be repealed in whole or in part by the simple expedient of adopting another statute, which is what happened in every one of those cases that I showed you on the chart that I had up before.

Statutory limitations remain effective only as long as no majority coalition forms to overcome such statutory constraints. The virtue of a constitutional amendment is that it can invoke a stronger rule to overcome this spending bias in the Congress of the United States.

Our recent history suggests how much we need the strong rule of a constitutional amendment. Gramm-Rudman was to balance the budget by 1990. It was undone by a series of statutory amendments, not unlike what my friend and colleague would like to do here. The 1990 budget agreement led to record-setting deficits. And that was the year we were supposed to balance the budget. But it led to record-setting deficits.

Under the current budget law, the so-called deficit reduction package, we continue high deficits and increasing deficits after a momentary trough. That is after we increased the taxes the most in history. Sure, the deficit is going to go down, but it is still almost $200 billion. It is bound to go down when you increase taxes like that. They also spent more, too.

The CBO puts the 1994 deficit at $203 billion. It projects the fiscal year 2004 deficit will be a record $383 billion, in spite of this so-called deficit reduction package that the President claims and most of my colleagues on the other side claim that they courageously voted for $383 billion. Even the latest proposals, as I have mentioned, even the latest budget from President Clinton seems satisfied with a minimum of $200 billion in deficit spending—$200 billion in deficit spending as far as the eye can see, every year from here on in. The status quo is just plain unacceptable. That is what this battle is all about.

Even aside from the inherent weakness of statutory fixes, I have some concerns about the proposal's substance. Section 1 of the motion requires that future budget resolutions be on a glidepath to a balanced budget with "appropriate" levels of revenues, outlays, public debt, et cetera. But it does not say what appropriate levels really are.

What in the world is an appropriate level? If the deficit is a penny less than the year before, is that appropriate? I am sure my colleague would say no. But how about a dollar? How about $100? How about $10,000? How about $1 billion? The motion does not say. Or how about $200 billion, which is what the President's budget deficit will be? Is that appropriate?

Even if "appropriate" was defined, we could not bind future Congresses to lowering the deficit by a certain amount each year. The future Members of Congress would be able to decide for themselves how much reduction there should be each year, and where that reduction would come from. If the 106th Congress, for example, does not like what we in 1995 project for the year 2000, they could just change it. That is their right. It may be their duty as leaders of the country. But it would be irresponsible to try to set those levels now, since we have no idea what the national needs or priorities will be in the future.

Mr. President, statutory attempts to balance the budget just do not work. We have a long history of them not working. We need the real thing, a constitutional amendment to fix the problem once and for all.

Let us go over it one more time: Not one balanced budget in the last 26 years, only seven in the last 63 years. Our national debt is almost $5 trillion. In fact, we are now in the 26th day of this debate from the date that we started. Starting on day 1 our deficit then was around $4.8 trillion, this bottom red line. It has now increased until on day 26 our deficit is now going to be $21,565,440,000. While we have been debating this the country is burning. It is burning up with debt. We are fiddling while our country is going down the drain and while our children's and grandchildren's future is being bartered away and thrown away by profligate Congress after profligate Congress.

The fact of the matter is just in those 26 days our national debt has gone up almost $22 billion. We still have the 27th, the 28th, the 29th, and the 30th to go yet. So you can figure that by the time we get through here we are going to be probably $26 billion or more in debt than we were when we started the debate. All the statutes in the world are not going to help us get over that.

The national debt has increased $3.6 trillion since the Senate last passed basically the same balanced budget amendment back in 1982; $3.6 trillion. We have had two Gramm-Rudman-Hollings statutes, that were tougher than the distinguished Senator's statute here, both of which bit the dust. In that time we went up $3.6 trillion since we passed the balanced budget amendment in this body in 1982 with 69-votes, two more than we needed. We need 67 this time. I will settle for 67. If we can get 67 votes, we are on the verge of helping to save this country. We are on the verge of helping to save this country from going right straight into bankruptcy, or to put in simpler terms, where we monetize the debt by printing more money to pay off the debt with cheap money or money that is worthless but nevertheless capable of paying off the debt; where we break the whole financial standing of the country in the world. That is what is going to happen if we do not do something about it.

Since 1982, now 13 years, when we passed a balanced budget amendment in the Senate, we had 60 percent in the House but not two-thirds. So "Tip" O'Neill and those who governed the House at that time beat us. But here we have the reverse now. We have the House of Representatives for the first time in history has passed this amendment, their bipartisan Democrat-Republican consensus amendment, and now it is here in the Senate where we can do something about it.

This year, 1994, we spent an average of $11.807 million each day on gross interest alone. That is $564,000 each hour $564,000 of every day. That is why we had statutory fixes like this one in place.

Just the 26 days since we started this debate has cost us in deficit spending almost $22 billion. Where is it going to go? I do not think anybody can make a good case that statutes alone are going to solve those problems. All the shouting in the world, all the arguing in the world, all the ingenuity in the world is not going to change that fact. But a simple statute that can be amended by another simple statute anytime anybody else wants to spend more and any subsequent Congress that wants to spend more—frankly, the American people are catching on.

I think that is why there was a sea change in November of this last year. This sea change where they took people in and elected these 11 new Republican Senators here, every one of whom has participated in this debate and every one of whom will vote for the balanced budget amendment—they elected them because they now know that there is no hope to get spending under control unless we pass this balanced budget amendment. And another statute that is well thought out, as the Senator's may be, another statute, and as well-intentioned as it may be that statute is not going to cut any mustard. It will not fare any better than the statutes that have been passed in the past which were ingenious. I supported them. I tried my best to do what I could about getting spending under control. But they failed because subsequent Congresses overruled them when the going got tough.

With the balanced budget amendment, if the going gets tough, we are going to have the tough get going and we are going to have to stand up and do something about this deficit spending for the first time in the last 63 years. That is what is involved here. We all know it.

Next Tuesday we will have an opportunity to vote one way or the other. I am hoping that my colleagues will support us. It is a bipartisan effort. We only need 15 Democrats. We have 52 Republicans out of the 53. We only need 15 Democrats out of their 47. If we get them, we will be on our way to getting this country's fiscal house in order. If we do not get them, regardless of how many statutes we pass it is going to be Katy bar the door, the same thing that we have had for the last 63 years, a lot of empty promises; or, even if they were not empty, a lot of promises that really were not lived up to. I want to see us get out of that system and get into a system where we have to do something about deficit spending and do it now.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want to thank the distinguished Senator from Utah for not yet moving to table. I have a few remarks I want to make and then I understand he will move to table.

There is not anyone in the Senate for whom I have a higher regard or a better personal relationship—off the floor—than the Senator from Utah. He is unfailingly delightful, courteous, accommodating, and I appreciate it very much.

Let me start off by saying what I said last evening when I first laid this motion down; that is, I am offended by the fact that there are 100 Senators in the U.S. Senate but House Joint Resolution 1, the pending constitutional amendment, was adopted by the House and sent to the Senate, and they said do not uncross one "t" or undot one "i". Otherwise, do not send it back to us.

Think of the arrogance of debating for almost 4 weeks now an amendment to the Constitution of the United States, where we are told by the majority party, "We will not accept one single change of one word." James Madison went to Philadelphia knowing precisely what he wanted to do, but he had to contend with the likes of John Adams, Alexander Hamilton, John Jay, and George Washington. Can you imagine them in Philadelphia saying that? Let us assume that Washington and Madison got together and said: Here it is, boys, put your seal of approval on it and let us go home. Why, they fought like saber-toothed tigers over every word for 119 days. We are told, in 30 days, that we may not make one single change. And indeed we have voted about 20 times, and every single amendment that has been offered has been offered on this side and summarily shelved, tabled, with not even an up-or-down vote.

I suppose there have been times when my party was in the majority that maybe we have been that insensitive—but not on the Constitution.

The Senator from Utah was not here when I described my amendment earlier. So I will try to state it again, because some of the assumptions the Senator was making are in error. But before doing that, let me say to the Senator that, before he arrived, I pointed out that in 1993 we voted in the U.S. Congress to cut the deficit by $500 billion over the next 5 years—half taxes, half spending cuts. Because the economy is better than we anticipated, there will actually be closer to $600 billion in deficit reduction. Tragically, while the American people want us to be bipartisan and they want us to work together—you can be a Democrat and you can be a Republican, but when the chips are down, you ought to collaborate, you ought to cooperate, just like when you declare war.

The chart the Senator from Utah has used over the last 26 days points out that the deficit has risen $23 billion since Congress began debate on the constitutional amendment. The Senator fails to make two points though. First, the constitutional amendment requires no action until 2002. Even if the amendment had passed the Congress and been ratified by the States on the first day of the debate, the deficit figures on the Senator's chart would be no different. In addition, the figures on the chart would be closer to $30 billion had it not been for the 1993 deficit reduction package voted for only by Democrats, many of whom lost their seats—particularly in the House—because they voted for it and were accused of being tax-and-spend liberals when they went home. If it had not been for the courage of 50 Democrats and the Vice President's tie breaking vote in the Senate, the Senator's chart would have to be much taller. I have never cast a vote that I was prouder of.

The Senator from Utah made a statement that we have tried legislative remedies before and that is the reason we are here debating the Constitution. Let me make a couple of points. First, as far as I know, we have never tried a legislative remedy requiring 60 votes to repeal. If 60 votes to eliminate the constitutional balanced budget requirement is enough assurance, no one could argue in good faith that the very same 60 vote requirement to eliminate my proposed statutory requirement is insufficient.

Second, the constitutional amendment calls for a balanced budget by the year 2002 but does not require Congress to do one blessed thing for the next 7 years. The Speaker's Contract With America in the House says we will do it all in 2002. They say if the Congress will just adopt this and send it to the States and 38 States approve it, we will do it in the year 2002.

The thing that makes my amendment so much more preferable is that I say let us not wait until 2002. Start now. Cut the deficit this year below what it was last year. If Congress had done nothing in 1993, the deficit would be approaching $400 billion. However, we have caused the deficit to decline below $200 billion. Even the President's budget, with which I disagree, calls for $190 billion to $200 billion a year between now and the turn of the century.

My amendment says that the Budget Committee must come out here with a budget resolution that contains a glide path towards a balanced budget. If they do not do that, I will raise a point of order and it will take 60 votes to overrule the point of order. That is exactly what the constitutional amendment calls for, 60 votes, not a simple majority, Senator.

The Senator says one of the flaws of my proposed amendment is that it does not say how much we would have to cut the deficit next year. That is true. But my amendment says the same thing the constitutional amendment says—that they not only must cut the deficit below what it was last year, they have to submit a budget that shows we are going to have it balanced by the year 2002—not wait until 38 States ratify this crazy constitutional amendment. Do it now and it will require 60 votes, just like the constitutional amendment. It is absolutely a more enforceable amendment than the constitutional amendment because it requires us to do it now. It requires us to start reducing the deficit now, not in 2002.

I will tell you what I think. I may have said this earlier. I think I did, but I will say it again. If we reduce the deficit $10 billion or $15 billion next year, below what it is this year, the American people will be happy. They know that you cannot cut a trillion dollars in spending all at once. If we were to reduce the deficit under my amendment by $10 billion to $15 billion a year for the next 7 years, that would be half the battle won, and you would not have thrown the economy into a tailspin. Can you believe that we are going to wait?

I have never seen a constitutional amendment that people were willing to vote for, with a serious look on their face, that says we are not going to do anything until the year 2002, or at least we are not obligated to do anything. The beauty of my amendment is that it tracks the constitutional amendment. It says a three-fifths vote will be required if we do not reduce the deficit every year and balance it by the year 2002. It does not undercut the Constitution, it protects Social Security, and mandates that we start now. My proposed amendment ought to get 100 votes in the U.S. Senate, but it will not. People will walk up to the door and up to the manager and say, "What is our vote on this?" Well, they will not have to ask, they know what their vote is. They know there has been a motion to table every single amendment. What kind of democracy is that? What kind of thinking is that?

Well, we ought to have the ability in our offices to just push a button "no" or "yes." You do not have to listen to the debate. You do not have to think. Just ask, "What's our vote?" What a travesty. What a trivialization of that sacred document we call the Constitution.

I have been sitting in that seat for a long time. I can remember walking up and down this aisle in 1981 during the debate on the Reagan economic proposal to cut taxes and increase spending. President Reagan told the American people that those two, in combination, would balance the budget.

I stood right here, as I am standing right now, and I said, "You pass this budget, you pass this tax cut and this increase in defense, and you are going to create deficits big enough to choke a mule."

And only 11 Senators—11—said no, 89 Senators voted yes.

The Senator alluded to what happened over the last several years in our efforts to balance the budget. I am telling you that my vote on the 1993 Deficit Reduction Act was one of the most unpopular votes I ever cast. Think how easy it is to vote for tax cuts. If you are looking for approval ratings back home, you just put your finger to the wind and whatever is popular that day, vote for it. Eleven Senators said this is palpable nonsense. And do you know what it turned out to be? Just $3.6 trillion of palpable nonsense.

Did you know that if we had defeated that proposal in 1981, the budget would be much closer to being balanced today? If you exclude the interest payments on the debt accumulated during the Reagan and Bush administrations the deficit today would be just $800,000. Think of that.

And there was not any one of those 11 Senators that did not know what was popular. Sure, I knew what was popular. I always know what is popular. But I can tell you, what is popular today may be patently unpopular tomorrow.

You pass this constitutional amendment and say, "Well, we will do it all in the year 2002." There is not one soul in this body that does not know that that is absolutely impossible. As Alexander Hamilton said, "It raises the cynicism level of the people in this country who think that Congress cannot do anything right. And usually it is because Congress has not done anything right."

Again, I plead with my colleagues to support a legislative amendment that has more power and effect than the constitutional amendment and does not tinker with the Constitution.

To repeat a statement I made last night, Robert Goldman, of the conservative American Enterprise Institute, said something I could not agree with more. "True conservatives do not muck with the Constitution."

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, as always, I enjoyed listening to my distinguished colleague from Arkansas. I know he is sincere and I know he believes this would be a better way to go. I know he is not a supporter of the balanced budget amendment for reasons that he claims to be significant. I think he is wrong.

There is no use kidding. This is no different, in real terms, from other simple statutes that have been passed. The difference between his solution and mine is his could be easily amended. Let us say he gets 60 votes to amend it. Once it is amended, it is gone.

The balanced budget amendment is not gone. It is going to be there to maintain that three-fifths requisite if you want to increase spending. It is going to be there to require that constitutional majority if you want to increase taxes. A constitutional amendment is a stronger rule, there is no question about it, than a mere statute.

The amendment of the Senator from Arkansas certainly is a good step toward implementing the balanced budget amendment. And I will be interested in working with him on implementing legislation afterwards, and that may be the type of implementing legislation we may want to do. But it is no substitute for the balanced budget amendment. I do not think anybody could argue that, because it can be amended by another statute. It is another well-intentioned but easily avoided, weak statutory rule like all the failed attempts of the past. I do not think there is any question about it.

As a matter of fact, his point three, that the constitutional amendment may or may not be enforceable, everybody knows a constitutional amendment is enforceable at the ballot box. Everybody knows that we are sworn to uphold the Constitution. If this constitutional amendment to balance the budget becomes law, there will be tremendous force by the public at large to enforce that amendment. It certainly does not trivialize and politicize the Constitution, not at all. It was carefully put together, carefully crafted. It was done by Democrats and Republicans over a period of at least 15 years—really 38 years if you really want to start talking about when this started. And it hardly trivializes and politicizes the Constitution.

It says, "The game's over. No longer are you going to be able to just do business as usual, the old way of doing things. You are going to have to live up to some new ways of doing things."

And that is, within the Constitution, you are going to have to balance the budget by the year 2002 or give a very good reason why not—or face the voters at the ballot box. That is hardly trivialization.

It raids the Social Security trust fund. I suggest to you that is blatantly in error because we are raiding the Social Security trust fund as we sit here every day. There is a $70 billion surplus this year, every nickel of which is being borrowed in exchange for a Treasury bill.

If we keep going into bankruptcy the way we are going, our seniors will be the most hurt of all because their dollars that they get on Social Security are not going to be worth anything. It does not require much of a knowledge of economics to understand that simple principle. If you spend into bankruptcy, that bankrupt company is not able to do much good from that point on. Well, in this case, it is going to be the bankrupt Government. And if it does pay its debts, it will pay it with worthless money that they print over and over.

If we want to save Social Security and we want to protect Social Security and stop the raid, then let us pass the balanced budget amendment that gets our fiscal house in order so that money is worth something for those seniors when they come along. Let us stop the raid of the Social Security trust fund that is going on right now as we substitute a piece of paper for $70 billion this year that we are spending on deficit spending. Because we are going to be over $200 billion in debt this year, additional debt.

These are just the days of debt since we started the debate, just to highlight how much every day we are going in debt as we fiddle about the balanced budget amendment.

I made the point that if we had passed it back in 1982, we would probably be at a balanced budget today or well on our way to it. But, instead, we spent $3.6 trillion more in debt since 1982 in those 13 years.

We did pass it in the Senate. It was the House that killed it then. The House has passed it this year and I hope to high heaven that the Senate does not kill it this time. It would just be a tragedy if we killed this balanced budget amendment.

It says no requirement for action until the year 2002 at the earliest. Give me a break. If we pass this next Tuesday, I think we go into action on implementing legislation right off the bat. It may take a year but the game is over.

Even the President is going to have the leverage for the first time since I have been here, to lead the fight to get to a balanced budget within 7 years. The President will have to, or he will not stand a chance of being reelected in 1996. And we will have to, or we will not stand a chance of being reelected.

I cannot disagree with the Senator's hypothetical, if we do not ratify this in the next 7 years, if we assume that. But let me say something. If this vote gets 67 votes next Tuesday evening, Iowa will ratify it within a minute after it is voted up. Utah and Idaho almost within the hour. I talked to Doug Wilder, former Democratic Governor of Virginia on his radio show today. He is for it. He said Virginia would ratify within a matter of days.

Mr. BUMPERS. Mr. President, would the Senator yield for a question?

Mr. HATCH. Mr. President, I yield.

Mr. BUMPERS. Does the Senator favor the Contract With America?

Mr. HATCH. I do not know what is in the Contract With America.

Mr. BUMPERS. Let me name three elements.

Mr. HATCH. I do not favor all elements.

Mr. BUMPERS. The Contract With America calls for increased defense spending, for a middle-class tax cut, and a capital gains tax cut. In all, those three elements would cost, over the next 7 years, $471 billion. If we do nothing and adopt the Contract With America the deficit goes up $471 billion over 7 years and more than $700 billion over 10 years.

The Senator says he wants to start on this deficit the minute we finish debate on the constitutional amendment, and I want to help him. That is the purpose of my proposed amendment. But how on earth can the Senator say to the American people we are going to deal with this thing while we are spending $471 billion more than we are spending now?

I must say, Senator, increased spending on defense and cutting taxes and balancing the budget—I heard that $3.5 trillion and 14 years ago.

Mr. HATCH. Mr. President, I think the Senator makes a good point, another point in favor of the balanced budget amendment, because if the economics as the Senator stated are true and correct, the minute this passes I think everybody will have to revamp. Everybody will have to look at what we can do to reach that glidepath in the year 2002. The game is over.

But the fact of the matter is that game will continue to be played, whether by Democrats or Republicans, until this amendment passes. Say this amendment does not pass, and the Senator was successful in passing his statute, I guarantee this game will continue the way it always has.

Mr. BUMPERS. May I ask one more question, and then I will leave the floor. I know the Senator wants to move to table my amendment.

Let me ask the Senator this question: Is there one thing in the constitutional amendment, one thing, that requires the Senate to do anything between now and the year 2002, dealing with the deficit?

Mr. HATCH. Of course, there are a number of things, but two I can think of right off the bat. It requires Members to vote if we are going to increase the deficit, or if we are going to increase taxes, as soon as this amendment is ratified.

Mr. BUMPERS. Mine requires a 60-vote majority.

Mr. HATCH. This constitutional amendment requires a 60-vote majority in order to increase the deficit, and the constitutional majority to increase taxes.

Let me make this point: The average constitutional amendment has been ratified within 21 months. This one is not the average amendment. I think it will be ratified within 1 year, and probably 9 months. And maybe shorter than that. Regardless of whether it takes 9 months or 21 months—and I believe it will be ratified—we will have to go to work.

And with the Contract With America, as the distinguished Senator said, I think everybody here is going to have to revamp.

Do I support everything in it? I would like to support much of what is in there. I will not be supportive of running the United States more into deficit spending. It is that simple.

Let me say another thing that I think is important because of what my colleague, my friend said. These motions to table may have been made by me or by Senator DOLE, but they have been bipartisan motions to table. This amendment is bipartisan. It is a Democratic-Republican consensus amendment. There has not been one motion to table that has not been supported by Democrats. I admit, very few, but nevertheless by Democrats.

All we are asking on this amendment, we are not asking 47 Democrats to vote with us. We are just asking for 15 out of 47. We are asking less than one-third of the Democrats. We are getting almost 100 percent of the Republicans voting for this.

Look, there are some Republicans that share some concerns, and I do too, about how well this will work. But we have all concluded this is the only thing that we have left to do if we are going to get this country's spending practices under control and help save the country. It is that simple.

I do not think anybody fails to understand the serious import of this. I do not mean to keep my friend any longer. I appreciate that he is trying to do something good here. I think this is more appropriate for the implementing legislation, and I will be interested in working closely with him if the constitutional amendment passes to get good implementing legislation that will help us get to that glidepath and that balanced budget by the year 2002. Some of his ideas are excellent with regard to the implementing legislation. It is no substitute for the balanced budget amendment. I do not think any person would conclude that it is.

It may be some of these ideas may be very beneficial once we pass the balanced budget amendment, and the game is over, and we start trying to implement it by getting to that glidepath vote, that glidepath balanced budget in the year 2002.

Mr. President, if the Senator does not mind, I would like to move to table this amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. No rollcall votes will be called until Tuesday. This rollcall vote will be Tuesday.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, first of all I want to say, before the Senator from Arkansas leaves, that I always thought the U.S. Senate ought to be about great Senators debating the great issues of the day. I think that is exactly what we have here today. It is an education and a privilege to be a part of such a debate with such distinguished Senators, the Senator from Utah, and the Senator from my neighboring State of Arkansas who I have admired for so long. He is not only, probably, the most eloquent Member of the Senate but one of the most eloquent people in the country. I think it probably has something to do with the Senator having been a country lawyer at one time. I appreciate him and his observations.

I respectfully disagree with his conclusions. I, like the Senator from Utah, believe that if we were amenable to solving this problem with legislation it would have been done some time ago. Some Members do have concerns about the way we approach these matters. Most Members do not tread easily into these constitutional waters. This is a very serious matter.

The Framers set the Congress up in a situation where we could, from time to time, revisit our basic document. Thomas Jefferson, who is quoted a lot in these proceedings himself, said that he thought every 20 years or so we ought to perhaps get together and reinvent ourselves.

We are not trying to do that, but we are about serious business. And we are doing it by means of a constitutional amendment because we have tried everything else and failed. We are struggling for a solution. We are struggling for a solution to an impending economic crisis in this country. That is what it is about.

After all of the statements have been made and all the concerns and objections have been raised, that is what it gets down to. Surely, although we disagree on the solutions, we can all agree on what we are faced with. The assumption, the moral commitment to the next generation, was in force in this country for a couple of centuries. That is changed now. That is changed.

The situation is apparent. The need for firm action is clear. I believe a constitutional amendment is the only thing, and perhaps the last clear chance we have, in this generation of doing something to avert the pending economic catastrophe that all people of good faith must conclude that we are headed toward in this country.

What is the problem? The Federal Government has run deficits in 33 of the last 34 years. It has run a deficit every single year for the past 25 years—for an entire generation, Mr. President. It took our Nation over 205 years, from 1776 to 1981, to reach a $1 trillion national debt. It took only 11 years to reach $4 trillion, and on the last day of 1994, the total Federal debt stood at $4.8 trillion.

Deficit financing is clearly harmful and unfair to future generations. Each year that we endure another $200 billion deficit, it will cost the average child just over $5,000 in extra taxes over his working lifetime just to pay the interest costs.

The fiscal year 1995 interest payments on the national debt are expected to be in excess of $300 billion—$310.9 billion. These interest payments are the second largest item in the budget, 20 percent of all Federal spending; they represent 92 percent of Social Security payments, 52 percent of all individual income tax revenues—interest on the debt.

The national debt has now topped $4.7 trillion. The Federal Government has run deficits in 56 of the last 64 years, and 33, as I said, of the last 34.

During the 1960's, deficits averaged $6 billion per year. During the 1990's, deficits averaged $248 billion per year. The President just submitted another budget. It looks like a $200 billion deficit—as they used to say, as far as the eye can see.

Everyone who has taken an objective look at the situation that is facing us and the situation that is facing children yet unborn in this country, basically all reach the same conclusion. We can argue over the extent or the exact year when the catastrophe is going to hit. But I do not reasonably see how we can disagree over the basic conclusion.

The Bipartisan Commission on Entitlement and Tax Reform submitted a report last August. As you know, Mr. President, this was headed up by two distinguished Senators, one Republican and one Democrat. Senator Danforth is no longer serving, but Senator KERREY still is. These are two very well-respected, thoughtful men in this area.

Their report conclusion was very simple, very startling. They have certain recommendations, and we can agree or disagree with various items in their recommendations, as I am sure we will, but they state the following:

> America is at a fiscal crossroads.

They state:

> If we fail to act, we threaten the financial future of our children and of our Nation.
>
> If this country does not respond, Americans 10, 15, and 20 years from now will ask why we had so little foresight.

They go on to point out that in the year 2012, unless appropriate policy changes are made in the interim, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the Federal Government. Projected outlays for entitlements and interest alone—those two items alone—will consume all the tax revenues that we have in this country. That is in 2012. We talk about the next generation; that is not even the next generation. That is practically upon us.

The Concord Coalition. Many people in this body are familiar with the work of the Concord Coalition. It is headed up by two former distinguished Senators, Senator Rudman of New Hampshire, and Senator Tsongas of Massachusetts; another Democrat, another Republican, bipartisan. And again, they have a way to balance the budget that will result in a zero deficit by the year 2000.

There has been a lot of talk in this body about what are the details of your plan; let us see your budget, let us see the details. There are enough plans and details and suggestions as to how to balance the budget to fill this room. We are not lacking for plans and details; we are lacking for the willpower. Here is what they say will happen if we do nothing:

> If we ignore our mounting debt, if we just wish it would go away and do nothing about it, it will grow and grow like a cancer that will eventually overwhelm our economy and our society. The interest we owe on the debt will skyrocket. We will continue our vicious cycle of having to raise taxes and cut spending and borrow more and more to pay interest upon interest. Our productivity growth will remain stagnant, more of our workers will have to settle for low-paying jobs, and our economy will continue its anemic growth. America will decline as a world power.

Mr. President, how much more stark can the picture be made? How much clearer can the impending crisis that we face in this country be made?

This is the reason many, I believe, in this body ran for the U.S. Senate and wanted to become a Member of this body. I am among 11 new Members of this body, and I think to a person that we will say that this is one of the reasons we wanted to be here, because as we were coming in, we heard, like Senator Danforth, who I mentioned awhile ago—I read something very startling in the middle of the campaign when he was talking about his leaving. He said he left with a certain amount of sadness because he thought there was really an underlying feeling that the entire body, that the Senate as a body and that the Congress as an institution, was really doing something shameful to the next generation. He regretted the fact, despite all his efforts, he could not do more to alleviate that.

That is a feeling many of us have had over the years, those who have not been involved in elected office before. But as we watch this, as our grandchildren start coming along, as we see these statistics, as we see these bipartisan commissions and these committees and all of the objective economists who analyze this problem—Pete Peterson wrote a recent book, "Facing Up," a former distinguished Secretary of Commerce, some years ago. He has his own plan, his own proposal. But the most important part was the analysis of the problem and the impending disaster; that if we did not change our way of doing business in this country, if we did not face up to what was happening, if we did not get away from momentary political considerations about how this is going to play back home, or is some favorite constituent going to get trimmed a little bit if we have to cut his program back, and how is that going to work in the next election cycle, if we do not get away from that kind of thinking that has dominated this town and this body for so long, we are never going to solve the problem.

There have been many distinguished Members of the U.S. Congress, on both sides of the aisles, in both bodies, who have worked hard to try to do something about this. But it has not been enough. Everyone I hear speak on the subject talks about how they have stood tall, how they have fought against the other party. It is always the other party's fault. The President of one party, Congress of another party, each side wants to say it is the other one's fault.

The President does not appropriate the money, but he is the leader, and Congress is not the President, but they spend the money. Regardless of all that, regardless of whose fault it is, everyone says that they stood tall, they did the right thing. I do not know where the problem lies, because there obviously have not been enough people over a period of time who have been willing to do the right thing and do the obvious thing.

This is not just a matter of balancing a budget. We could balance the budget next year and we would still have a tremendous problem, because the underlying factors which cause us to continually want to have our cake and eat it, too, would be there, and without a constitutional amendment, it would still get us in the end. We are going to have to do so much for so long in this country to get back on the straight and narrow. We cannot do it overnight; we cannot do it with one Congress; we cannot do it with one Senate. Before we solve this problem, probably most of the people in this body will not be here any longer.

We are going to have to do it with some structural changes that will take care of the changes that we have in terms of faces and personalities that walk these Halls around here, because we are going to have to do a lot of good over a fairly long period of time and we have a structural situation that will force us to do the right thing as we go on out. This is not a one-time problem. We talk in terms of balancing the budget, and we could balance it right quick, but if those motivations were wrong and the short-term political considerations took over once again, we would be right back into the problem in short order.

We have debated this amendment for many days. It has been debated before. I have not had the benefit as a Member of that debate. Some of the Members who oppose the constitutional amendment say that we are going too fast;

this is supposed to be a deliberative body and that we are going too fast.

I for one think we ought to take our time when we are dealing with issues like this. Frankly, I do not understand why it takes so long to pass a bill dealing with congressional accountability. I do not understand why it takes so long to pass a bill dealing with lifting unfunded mandates and things of that nature, things, once we get down to a vote, that pass in overwhelming numbers. I do not understand why it needs to take that long.

However, we are dealing with maybe the most important issue that will face some of us in our career here in this body and here in this town, and I for one would join my colleagues on the other side who say we ought to take our time on this. I think we have taken our time and we have debated the issue. But it is not just this time. It is not just these last 20-some-odd days we have been considering this amendment. The records indicate that the Senate Committees on the Judiciary have conducted hearings on the balanced budget amendment on at least 22 days extending back to the 84th Congress as well as reporting seven different joint resolutions between the 97th and the 103d Congresses.

So it is not like we just took this up and we are dealing with it lightly. This has been debated fully, fully, this session of Congress, and it has been debated in committee and in the Chamber on many occasions before. So, no, I do not think we are moving too fast.

Others raise the point that they do not want the courts overly involved in this process. They are concerned that the courts might wind up requiring us to balance the budget if we ignore the Constitution. There has been a lot of debate as to what the courts will likely do or not do and is there a possibility what the courts might do.

Mr. President, nobody in this body has any idea what the Court is going to do. I do not think anybody can predict. And I think that everybody would have to acknowledge a very wide range of possibilities as to what the Court could do. I think you can talk in terms of what the Court is likely to do, when you look at the dicta of Court decisions that have come down regarding State laws, when you look at the history involving the branches of Government and the reluctance of the Supreme Court to overly involve itself in the details of Congress, or overly involve itself in the details of the Presidency for that matter.

I remember as a young staff member on the Watergate Committee, as minority counsel in the Watergate Committee back in the 1970's when we had United States versus Nixon and the President had to finally turn over his tapes, something that probably all of us remember.

People remember that the Court required him to turn over the tapes, but people do not often remember the high degree of proof that was taken, or the very unusual circumstances that were present in that situation before the Court would reach that conclusion. The Court was very reluctant to tell the President of the United States that he had to turn over his tapes, and it only did so because some direct witnesses had come forward with direct testimony concerning alleged criminal activity.

The Court went out of its way, strained to point out that the bar was very high for anyone who wanted to come in and require the Supreme Court to go into the Oval Office of the President and require the President to turn over documents in his office, or in that case tapes.

(Mr. THOMAS assumed the chair.)

Mr. THOMPSON. Certainly, that is not directly analogous, but I think it is significant. And looking at the history of the Court and their reluctance to get into the detailed workings of the other branches of Government, I personally do not think it is very likely the Supreme Court of the United States would want to be establishing a budget for the U.S. Congress.

Is it possible? It might be. But I submit, Mr. President, that as we get down into the details of these things, it must be argued and thrashed out to make sure we are not overlooking something obvious that we keep in mind what we are about here. Are we willing to risk maybe a court doing something that we would rather it not do, which we could rectify again and come back and address again if that was ever the case, in light of the fact that we are facing the impending bankruptcy of the next generation? Should we be arguing about how many angels can dance on the head of a pin? Should we be fiddling while Rome and the rest of the Nation is burning simply because the flames are not high enough for us to fully see yet? I do not think so.

So, yes, let us debate what the courts might do with this amendment sometime down in the future, but let us not get caught up and that to be determinative when we are facing an economic disaster somewhere down the road not very long if we do not change our way of doing business in this particular town and in this country.

The Senator from West Virginia the other day was talking about section 5 of the constitutional amendment. He was concerned that in times of a declaration of war the amendment requires a constitutional majority of 51 Senators. He thought that hurdle was too high because normally without the amendment on most votes around here it is a majority of those present with the Vice President casting a tie-breaking vote if called upon.

As I listened to that debate, it is very interesting, the possibilities are intriguing from an intellectual standpoint. Sitting and listening to Senator BYRD of West Virginia is like sitting in a good class of constitutional law. I enjoy it. If we did not have a Senator BYRD, we would need to invent one because he brings issues to the floor and to the table that need to be discussed. But again, does this not assume that 50 Senators plus the Vice President would do the right thing? He is concerned that we might not get that vote.

Here we are, we need to declare war and we might not get the 51 votes. So he assumes, I suppose, that 50 Senators plus the Vice President would do the right thing and we would get the 51 votes that way but under this amendment that 51 Senators would not do the right thing.

Now, is that not slicing it a little thin in light of what we are dealing with here? Is that not belaboring the point? It needs to be discussed. But is that what this is going to turn on, whether or not we have 50 Senators plus a Vice President on the one hand or 51 Senators on the other?

I must say, Mr. President, it is my opinion that there are enough good people in this Chamber that if we have the kind of situation that requires a declaration of war, we would do the right thing, that we would do the right thing when the circumstances arose.

I have listened to arguments, very eloquent arguments by the Senator from New York [Mr. MOYNIHAN]. And again it is like sitting in a very good classroom to listen to him and his sense of history and the various parts of history that he has had a part of. He makes some very good points. He points out that the balanced budget amendment deprives the Government of some flexibility.

Well, indeed, it does. That is what it is about. It deprives the U.S. Congress of some flexibility. It deprives the President of the United States of some flexibility. It says in effect no longer business as usual. We are going to do things a little bit differently, and it is going to be kind of painful and maybe we are going to have put a straitjacket on you, but it is the right thing.

That is what it is about. But he makes the further point that it deprives us of the ability to, as I would interpret, fine tune the economy; that, in slow economic times, under good Keynesian theory we need to stimulate the economy and stimulate spending and offset that and thereby bring us back into recovery.

It occurs to me that proposition and that concern is based upon certain assumptions. No, 1, it assumes that the U.S. Congress or the President has the ability to foresee far enough in advance what the economic situation is going to be and that they have the ability to adopt measures far enough in advance to take effect and to meet those emerging conditions somewhere down the road so that they would have the proper effect. In fact, that is the second assumption—that these policies, this foresight, would result in not only policies but policies that would have the desired effect.

In other words, we are able to pretty much fine tune the economy. We can see what is going to happen and we can basically spend the money necessary—that is what we are talking about—in order to offset it. It further assumes that this all has to do with fiscal policy and not monetary policy. We all know that the Federal Reserve has the ability to raise and lower interest rates, and we all know, certainly, that has its effects on the economy. But as I understand the argument, we put that aside, really, and concentrate on the fiscal side, on how much the Government can spend.

Lastly, it assumes that even if we are able to foresee these impending economic conditions, and even if we are able to adopt policies that will address those conditions and that we can have the ability to, in effect, turn things around and that it would turn things around because it had to do with how much the Government spent and not what the interest rates were, even though all those situations were present, you could not get the three-fifths vote required by this constitutional amendment that would be necessary to waive the provisions of this amendment.

I think it is obvious from my comments I do not adopt those assumptions. I am certainly not an economist. I respect those who raise these questions and make these points. But in reading my history and in listening to other economists on the other side of the issue—and we have no one-handed economists, you know; it is on the one hand this and on the other hand that—in reading the other side, many of them point out we have not been very successful in times past in fine tuning the economy.

In fact, James Bennett, an economist at George Mason University, stated recently, "If anything, I think the Government has made economic cycles worse." Bennett and 253 other economists recently signed a letter supporting a balanced budget amendment.

So, again, are these valid points to be made? Are we restricting the flexibility of the Government somewhat? Yes, we are. Do we know exactly what the effect of that is going to be? No, we do not.

But, on the other hand, do we know exactly how to fine tune the economy, if we had all the flexibility in the world, to make sure we do not have recessions or any downturns in the economy? There is nothing that I can see to indicate that we have that kind of ability.

Others raise the issue of Social Security and say, let us take this off the table, let us take that off the table—let us take Social Security off the table. That is the one that gets a lot of people's attention because we are all interested in and committed to protecting Social Security. What we are really talking about is what protects Social Security and what does not and what really exposes it. The amendment, as I understand it, that would take Social Security out of the mix does not protect Social Security. I think we need to understand that.

If that amendment were adopted, you could still raise taxes. If that amendment were adopted, you could still cut benefits of Social Security. It could simply, then, be off budget, and the present Social Security surplus would not be included to make the deficit situation look a little bit better. That would be the effect of it.

But, again, I think it is an indication and evidence of short-term thinking. While that would be the short-term result from a bookkeeping standpoint, it would be a bad longer term result even from a bookkeeping standpoint because the Social Security trust fund is going into the red in a few years, and the greatest danger that Social Security faces is not passing a balanced budget amendment.

If we continue on the same trend we are on, if we continue to pile debt upon debt, interest upon interest, where interest is now going to be the second largest expenditure that we have and gaining on the first, at a time when the demographics are going to catch up on us—again, we are living in a good year situation now. The baby boomers are working. In a few years the baby boomers are going to start retiring and we are going to have a shrinking working population supporting a growing elderly population.

As we know, those Social Security payments come from the workers, current workers' pockets. If we have a deficit, debt, slow economy/high interest rate situation that is surely facing us in addition to the burden of fewer supporting a greater number, that is the true danger to Social Security. Because these young folks, these young working folks, these young kids, they do not want to pay 70 or 80 percent of their income in taxes. They do not feel like that is right. That debt was run up, in many cases, before they were even born.

The balanced budget amendment, I think, is the only sure way to protect Social Security. Consider a few of these numbers. Interest payments on the debt are currently $235 billion. They are expected to rise to about $5 trillion by the year 2030. We will start to go into the general trust fund to meet current Social Security liabilities by the year 2010. We will need an additional $850 billion, in the year 2030 alone, over anticipated Social Security receipts to meet current liabilities. So, by the year 2030, we will have Social Security needing about an additional $850 billion at the same time that the interest payments on the debt are exceeding 75 percent of the general revenues. The sum of interest payments and Social Security equals just under $6 trillion; general revenues are expected to be just over $6 trillion. Clearly, there is a problem on what we are able to fund as that situation plays out.

And what are the options under that scenario, if we continue down the current path? Certainly cutting Social Security dramatically would be an option that these young people at that point might choose. Another would be raising taxes, including Social Security taxes. Another would be keep raising the deficit. Another would be not to fund anything else, such as national defense, infrastructure, Medicare, schools, or anything else.

We do not have to go down that road. We do not have to go down that road. I respectfully submit that a way to avoid that road is the balanced budget amendment.

I have heard it said during this debate, time and time again, that people do not realize what we are asking of them here, people do not realize the effects of a balanced budget amendment. Once people understand what is happening, they will be against a balanced budget amendment. We see charts and details that it will cost this State some money and it will cost that State some money and we might have to take money out of this program and another program and all of that.

I submit the people out in the country have a pretty good idea what is going on. I submit maybe the folks of this body sometimes are the last to find out. I do not think the large majority of people in this country feel that we can pass a balanced budget amendment or even have a balanced budget without making some incremental differences in some of the things that they have been used to. I do not think that at all. I have never in my life met a person I had a conversation with remotely concerning this subject who would not be willing to make some incremental adjustments in some program they might benefit from. Not drastic, because it does not have to be drastic now. It will have to be drastic if this scenario plays out. If we continue on the same road, it will be slash and burn and cut and rip apart.

But not now. It does not have to be that way. I have never met anyone who would not be willing to make some incremental adjustment to their life if they thought it benefited their kids or if they thought it benefited their grandkids. They do not think that now. People stand up and get defensive, and they do not want anything done, not because they are not willing to do that. It is because they think it is not going to benefit their kids. First of all, they do not trust the messenger who is delivering that message to them. That is us. The U.S. Congress continues to get comeuppance a little bit now and then.

About the change in the election, I am not going to claim credit for that because the Republican Party took over. It will be back down again, regardless. This is a temporary situation, probably unfortunately. Public opinion traditionally keeps the U.S. Congress down to the lowest part of the totem pole in terms of institutions in this country. So we come to them now, and under the present circumstances tell them some of these things. They do not trust us. They do not believe us. They do not believe we will do what we say we will do with the money. They know that for every dollar raised in taxes, we increase spending that much more; things of that nature.

But I think that, if we did some things to help restore our faith—and I think the Congressional Accountability Act was a good start on that—we are going to have an opportunity to do a few more things. We will have an opportunity to vote on a term limits resolution that the Presiding Officer is so vitally involved with, and a few other things. I think this balanced budget amendment falls in that same category. If we begin to do some of those things to show we are serious, maybe we will develop credibility so we will have people believe us, and so that they will say yes. Yes, I will be willing to make some incremental adjustment. I am not stupid. I do not think we can have our cake forever and eat it forever, as some Members of this body apparently think people believe out in the country.

So, I believe, if we are honest with the American people, if we begin to clean up our own act and we begin to take some of the tough measures and we are willing to put a little bit of restraint on ourselves so that we cannot continue this taxing and spending our way into oblivion—it might help in our reelection campaigns, but it is driving the country to a disaster—then I think the people will respond to this. It is not the message that they are concerned with, I think, as much as it is or has been the messenger.

So what if we do not? So many of these points that have been be made in this debate over the last several days are not only interesting, but some of the points are valid. There are questions that are not totally answerable as we sit here and have this debate. We must acknowledge that. But the perfect should not be the enemy of the good.

This is our last clear chance because we always have to go back to the other side of the ledger. No, we do not know exactly what a court would do. Theoretically, a court might make us do what we said we were going to do anyway under a constitutional amendment, and that is balance the budget. That is the worst-case scenario, I guess. Yes, we might have an irresponsible Congress which, even though our country was in imminent danger, would refuse to give 51 votes to declare war. I guess that is theoretically possible. On and on.

Mr. President, I submit we have to keep our eye on what we are about—the other side of the ledger. What if the balanced budget amendment does not pass? What if we do not start exercising some spending restraint and begin to get our fiscal house in order? Can there be any doubt that this interest on the debt is going to eat us alive? Can there be any doubt? Is there anyone who says that it is not a disaster waiting to happen? It is going to drive out all the other revenues that would go for savings; it is going to have an effect on our savings rate, which now I think is the lowest in the industrialized world; it is going to have an effect on our investment rate, which is becoming one of the lowest investment rates in the industrialized world. That will have an effect on our growth rate. That goes up and down.

So if you look long term and compare us with some of the other developing countries around the world, our long-term growth rate projections are not a pretty picture. We are coming along pretty good right now. But historically, if you look at growth rates coming out of a recession, it has been about twice what ours is now. There are some indicators on the horizon that do not look good—housing starts, of course; the balance of payments, and things of that nature. But leave that aside. Those things change. But the long-term picture remains the same: The increasing reliance on Federal financing for our debt; the increasing ownership of United States assets in foreign hands, a reliance on foreign individuals for our debt. In 1993, it was $41 billion, or more than twice of all of our other foreign aid payments that we have in this country. There is more and more reliance upon that.

We have seen what happened to our friends south of the border recently, when those who were putting the money into the country decided to take the money out of the country. If that happens, the dollar falls and interest rates go up. We are not guaranteed that financing, that foreign financing, is going to continue to be there. We have seen it over the last 20 years.

Real family income in this country has stagnated. People talk about that a lot. There is no real growth there. What people do not talk about so much, getting back to the young people again, is that for younger families, real income has dropped since 1973.

So what are the alternatives? I think we have an insight as to some of the things that we could look for if we continue down the current road. Last October, according to a memorandum by the OMB Director, Alice Rivlin, dated October 3, 1994, in order to pay for the administration's priorities, Rivlin suggested certain tax-related options, including the following options: Limiting mortgage deductions for second homes; include capital gains on the last income tax returns of the deceased; 2.5 percent value-added tax; eliminate the deduction of State and local taxes.

These are the options the administration is talking about or was talking about forcing upon the American people while adamantly fighting a balanced budget amendment.

On Social Security, the administration confirmed what we have been saying about Social Security, in reality. According to the memo, the Social Security trust fund surplus will be exhausted in 2029. Social Security will face a cash deficit in 2013, unless taxes are raised or benefits reduced.

Possible solutions to save Social Security as presented by the Rivlin memo: Increase normal retirement age to 70 by 2023; tax 85 percent of income and benefits of $25,000 for individuals and $32,000 for couples; include children's Social Security benefits in parents' taxable income; increase payroll taxes by 0.32 percent starting in 5 years.

These are some of the options that were being considered by the administration—this one individual, anyway, who holds a responsible position was considering—if we are going down the same old path and continuing the same old economic policies that we have. These are not the directions the American people want to go in. This is the road that we are going on. Can we do it otherwise? The Senator from Arkansas suggested a statutory solution. I respectfully suggest that that has been tried and failed. It is not exactly like we are running in here at the last minute and coming up with a solution that has not been well thought out.

Mr. KERRY. Will the Senator yield for a question?

Mr. THOMPSON. Yes.

Mr. KERRY. Mr. President, I would ask the Senator, first of all, if he has any idea as to how long he might be as a matter of process?

Mr. THOMPSON. I see two or three of my colleagues now on the floor. In light of that, I will be delighted to wrap up here in just a minute or so.

Mr. KERRY. I thank the Senator for his answer and for his courtesy.

I would like to ask one quick question, if I may. I would assume the Senator would agree with me that if one accepts all of the urgency he has cited with respect to the budget, which I accept, and that since there are more than 60 Senators who have already declared they are going to go vote for this, there is nothing to stop those 60 Senators from simply agreeing that they will not have a filibuster, that they will come to the floor now, today, and that they will propose a balanced budget with 51 votes and deciding up or down any portion of that budget, is there?

Mr. THOMPSON. No, there is nothing that would prevent that.

Mr. KERRY. So these Senators can make a decision now to resolve this issue of the balanced budget amendment without really going out to the States and taking the time. This could happen today if those same 60 Senators wanted to put their action where their vote is?

Mr. THOMPSON. Theoretically, they could do that; you are absolutely right—or we could do that, I might add.

Mr. KERRY. I thank the Senator.

Mr. THOMPSON. I also add, however, that I think the prospects of that happening are very small. In the first place, when you get down to the details of working out a solution—as the Senator knows, in times past, it has not been an easy situation. The devil indeed is in the details. It is a complex document. There has been no constraint and no requirement that they come to a balanced budget.

Under the Senator's scenario, there would still be no requirement, no constraint requiring them to ultimately balance the budget. They have given it a good try, but walking away from the table has happened before. The Senator's scenario is one that I would prefer. My concern is that I have been watching this process from Tennessee for a few years, and the Senator has been here for a few years and has seen it closer than I have. But I have not observed anything that would cause me to believe that that scenario could play out.

The Budget Act of 1921 required the President to recommend a balanced budget. The Revenue Act of 1964 basically said it is the sense of the Congress that we must balance the budget and balance it soon. The Revenue Act of 1978 said it is a matter of national policy that we balance the budget. The Humphrey-Hawkins Act of 1978 prioritized a balanced Federal budget. The Byrd amendment in 1978 made it law and said that by fiscal year 1981 receipts must balance with outlays. But in that very year there was a $79 billion deficit.

As the Members here know much better than I, the Budget Act of 1974 was passed, laying the foundation for the process that we have today. I believe the thinking was that it required an annual budget resolution and people would be afraid to vote for large deficits. That did not work. The very next year, the deficit started skyrocketing. Then there was Gramm-Rudman-Hollings, and you know the history there; the 1990 budget deal, the deficit increased; the 1993 budget deal where the debt increased by $3 trillion.

The President submitted another budget that projects $200 billion deficits for as far as the eye can see. I know a lot of Members have been trying mighty hard over a large number of years. I do not presume to challenge that proposition. But as an institution, for whatever reason, there is no indication that we have any possibility of really getting a handle on this thing absent a balanced budget amendment. With that, unless the Senator has something else for me, I will yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas, [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, I want to compliment our new colleague from Tennessee. I think our new colleague from Tennessee has made a very wise and thoughtful presentation today. I must say I do not agree with his ultimate conclusion and the outcome that he says is going to be the answer to our budget crisis or dilemma that we find ourselves in. I do not find myself in agreement with that conclusion. But I compliment him.

I watched his campaign, Mr. President. I watched that campaign from across the Mississippi River. He is our good neighbor. He has been our good neighbor for a number of years. On many occasions, I can remember, Mr. President, flying from Washington to Nashville, or from Nashville to Washington when he was a private citizen. He and I happened to join on the same airplanes together, and I recall very good conversations that we have had. We established, I hope, the beginnings of a bond of friendship during that period of time. I welcome him to this body, and I thank him for his thoughtful presentation.

Mr. President, there are a couple of items that the Senator from Tennessee addressed that, in fact, I would like to ask him about, if I might. One is the issue of the term "incremental adjustments." He says the States and the governments might have to make some "incremental adjustments." I pose a question to my distinguished colleague on arriving at a definition of what incremental adjustments might be.

For example, the Department of the Treasury, on the 12th of January, sent information to all of the State Governors on what would occur in their respective States should the balanced budget amendment pass and should the budget have to be balanced by the year 2002.

For example, our neighboring State, the State of Tennessee—and the distinguished Senator from Tennessee represents it well—says the Treasury Department, would have to increase State taxes by 19.5 percent across the board to make up for the loss in grants. I am wondering whether this is an incremental adjustment. I am wondering if the loss of $1.9 billion to Tennessee in Medicare benefits would be an incremental adjustment; or $989 million per year in lost funding in Medicaid; or $78 million in lost highway trust funds are incremental. I ask my friend from Tennessee, are those incremental adjustments?

Mr. THOMPSON. I assume the Senator from Arkansas does not believe those are incremental.

Mr. PRYOR. I do not believe they are. They are not in Arkansas. They may be across the river in Tennessee.

Mr. THOMPSON. I believe when I used that term, I was referring to individuals. I may not have. I think my main point—the main basis was that we are talking about some increases in levels of expenditures that represent cuts in the rates of growth as opposed to actually cutting into the substance of the program. I call that basically incremental; in other words, not draconian cuts, but the beginning of some reductions in the rate of increase in some programs.

With regard to what the Senator is talking about there, in the first place, with all due respect, I cannot accept the figures from the Department of the Treasury, who I think would be a little less than objective in this debate we are having and would be very much opposed to the balanced budget amendment. But, be that as it may, I do not have any idea. I think that Tennessee would lose some revenues. That is my own opinion. How much, I do not know. I doubt if the Department of the Treasury knows, because you are assuming the same rates of growth. You are assuming that the State would not make some other choices and things of that nature. I do not think we can assume that.

But I get back to this: We are not talking about a good-news versus a bad-news situation. We are not talking about a good choice over a bad choice. We are talking about choosing between two tough choices. I would like to see everybody have everything they want in Tennessee and in Arkansas. My concern is what is the effect on Tennesseans, the effect on my grandkids living in Tennessee when they get to be working age if we do not do something about this runaway fiscal situation that we have in this country.

Mr. PRYOR. Mr. President, I applaud my colleague from Tennessee for his answer, because, to some extent, the Senator from Tennessee, in his answer, is making an argument for the amendment that I am about to call up.

That amendment, basically, says that the States have a right to tell Congress how to balance the Federal budget. This is a States rights amendment. This is an amendment that I am sure my colleague who traveled around Tennessee in that red pickup truck, through those hills and hollows of Tennessee that I love to drive through between here and Arkansas, would have agreed with when he heard those people in Tennessee say that they wanted just the facts. They wanted the right to know. They wanted the right to tell the Congress their point of view.

Well, I have an amendment that is going to do exactly that. This amendment says that the State legislatures, before voting on whether or not to ratify this constitutional amendment—this presupposes or presumes that this amendment will get 67 votes, it might not get 67, and it may not be sent out to the States—but if it does, that the State legislature will have the right to tell Congress how the pain is going to be shared.

They are going to have the right to petition Congress, so to speak, and to tell the Congress of the United States where they want these cuts to come from.

Of course, the right-to-know amendment went down. Every Republican Senator, to the best of my knowledge, with all due respect, voted against telling people in advance of our vote here as to what is going to happen in each respective State. So we are going to try now to give the States the opportunity to tell us, if this amendment passes, how those cuts should be made.

I just think that there is a feeling, Mr. President, out there in the country, that there is some kind of magical plan here in Washington. The Congress is going to wave some secret magic wand and is going to pass a balanced budget amendment and 38 States are going to ratify that amendment and all of our problems are going to be over.

Well, Mr. President, that is not going to be the case.

I just think that we still have an opportunity out in the States to show that, one, we are for States rights; and, two, that we will listen to the State legislatures tell us how they want this pain to be allocated out in the States.

I notice, I say to the distinguished occupant of the Chair, the State of Missouri would have to raise taxes, according to the Treasury Department, across the board by 15.5 percent. This balanced budget amendment would mean, for Missouri, a $2.4 billion loss in Medicare, $3 billion in grants to local Governments and veterans benefits and student loans and all down the line.

I think the States have a right, Mr. President, to let us know in Congress how they prefer that pain to be allocated. This would be before the vote would occur as to whether the particular State wanted to ratify or not.

Mr. THOMPSON. Will the Senator yield for a question?

Mr. PRYOR. I am proud to yield to my friend.

Mr. THOMPSON. Does the Senator from Arkansas accept the premise that we are in a dire situation here as far as the next generation or, prior to that, the next century, that the Social Security trust fund is going into the red in a few years and the interest on the debt escalating?

I think the Senator from Massachusetts acknowledges that. I assume we all basically agree we have a real tough situation on our hands.

Mr. PRYOR. Mr. President, I would answer my friend from Tennessee, I know he was not here then, but in 1982 I supported a balanced budget amendment. That was after I had voted for President Reagan's program to decrease taxes and increase defense spending. This was a mistake on my part. Only 11 Members of the U.S. Senate stood up at a time of great national passion and opposed President Reagan. I supported President Reagan.

In 1982, I voted for the balanced budget amendment. It was worded differently. In 1986, this Senator voted again for the balanced budget amendment. It was worded a little bit differently. On two occasions, I have voted in the 1980's to freeze spending, once for 2 years and once for 1 year. I always will think, had we passed these spending freezes during that period, I say to my friend, that we would not be in the dire consequences that we are in today.

In 1990, I voted a hard vote on the deficit reduction package. In August of 1993, this Senator voted to decrease the deficit by $500 billion. And I can tell my friend from Tennessee, that was a hard, hard, mean vote.

And right there, in the middle of that aisle, in my opinion in August of 1993, was where we saw the difference between commitment and just talking. On our side, we voted the hard choice.

And this is the only way I think we are going to be able, as we might say in Tennessee and Arkansas, to bring that horse back into the barn. Because in the mid-1980's, we let that horse out of the barn. Now how do we bring him back? Do we do it by a constitutional amendment to balance the budget?

The problem is not in the Constitution. The problem is us. And this is why I maintain that we have to continue making tough choices here in the legislative branch and not simply pass a balanced budget amendment that is suddenly going to magically trigger in the year 2002, if it is ratified.

Mr. THOMPSON. I agree with my friend's analogy about the horse being out of the barn. My concern is that the horse is not going to have a barn to come back to before very long.

Mr. PRYOR. I would say that we are not going to have a horse if we do not do something. And we are willing to do something and we have demonstrated that we have been willing to do something. We are pleading with our colleagues on the other side of the aisle that we have to do something.

Mr. THOMPSON. May I make a couple of points?

With all due respect, I was not here during that vote, but I am very much aware of it. I am also very much aware that there were two different bodies of thought during that vote. One has been expressed eloquently by the Senator. The other was that the way we take care of our fiscal problems in this country is to cut spending and not to raise taxes. And a lot of people looked at the President's approach at that time, the one you voted for, as basically a major cut in defense spending and the largest tax increase in the history of the country.

So the thought on this side of the aisle, as I read my newspapers during all of that, was that that was not the way to go about it and that it would stifle growth in this country in the long run. My personal opinion is I think it has yet to be played out. Just so we have both theories on the record.

I am very much aware of the Senator's point.

I guess, however, my main question would be, in light of the Senator's good efforts and tireless efforts along these lines and the failure to see those efforts come to fruition, regardless of whatever reason—and it is all fun to talk about Democrats and Republicans and the President versus Congress and this administration and that—the fact of the matter is we are continuing down the same road through both Democrats and Republicans. So my question is: why is it now, in light, for whatever reason, of the continued failure to balance the budget that now causes my friend from Arkansas to think that we can do it without the constraint of a constitutional amendment?

Mr. PRYOR. First, Mr. President, I would say to my friend the problem is not in the Constitution. The problem is in Congress, and it is our commitment and our will. We can balance the budget. We can cure the deficit. We can do it in a number of years if we will make that commitment. We are pleading right now with our colleagues on the other side of the aisle to join us in that commitment that we helped to make in 1993.

Let me say when the Senator said we are not going to cut spending, we are just going to raise taxes, I know had the Senator been here in August 1993 when that vote was counted and when the roll, as they say, was called. I know the Senator from Tennessee then would have realized that the budget reconciliation bill contained $250 billion in new taxes, but also an equal amount, $250 billion, in spending cuts.

We made that hard decision. We made that hard decision stick, I am sorry to say, without our colleagues on the other side.

Mr. THOMPSON. Spending cuts promised in the future that have not come to fruition.

Mr. PRYOR. Those spending cuts are beginning to come into fruition. I think what we have seen in the tremendous creation of jobs in the private sector is the result of the confidence we helped provide in the economy. We basically laid the groundwork in August 1993.

I would like to say this, Mr. President: I am going to, in a moment, call up an amendment. But before I do that, I will yield just for 60 seconds.

I would like to say one thing about the statement of the Senator from Tennessee. He made a statement that was so correct that I agree 100 percent. The Senator from Tennessee earlier in his remarks made the statement, I am not sure I can quote him exactly, I believe the Senator said, "This vote on the balanced budget amendment is the most important vote that we will cast during this term."

I certainly agreed with him as he said it. I agree with him now. I think future generations are going to look back and say that this was an important, critical vote in this session of Congress.

Mr. President, I ask unanimous consent to yield such time as the Senator from Michigan desires.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 273, 310, AND 311, EN BLOC

Mr. LEVIN. Mr. President, I ask unanimous consent at this time that I be allowed to call up three amendments en bloc for the purpose of complying with the 3 o'clock unanimous consent deadline and ask that the three amendments be temporarily laid aside.

I hope to come back later this afternoon or Monday and debate my three amendments at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes amendments numbered 273, 310, and 311, en bloc.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 273

On page 1, lines 4 and 5, strike "is proposed as an amendment to the Constitution of the United States, which" and insert "shall be proposed as an amendment to the Constitution and submitted to the States for ratification upon the enactment of legislation specifying the means for implementing and enforcing the Provisions of the amendment, which amendment".

AMENDMENT NO. 310

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have a vote".

AMENDMENT NO. 311

On page 2, line 17, after "roll call vote", insert "except that if the whole number of the Senate is equally divided, the Vice President shall have no vote".

On page 2, line 25, after "of each House", insert ", except that if the whole number of the Senate is equally divided, the Vice President shall have no vote,".

Mr. LEVIN. Mr. President, I thank my friend from Arkansas and the managers of the bill.

Mr. PRYOR. Mr. President, am I correct in understanding that the Senator from Arkansas does have the floor? I will not keep the floor long. I know the Senator from Utah is back on the floor. My distinguished friend from Massachusetts is on the floor seeking recognition.

AMENDMENT NO. 307

Mr. PRYOR. Mr. President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 307.

Mr. PRYOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, between lines 8 and 9, insert the following:

"SEC. 8. It is the intent of Congress that each State should, as a part of its ratification process, submit to Congress recommendations for reductions in direct and indirect Federal funds provided to the State and its residents (based on the State's allocation of Federal funds) necessary to balance the State's share of the Federal deficit."

Mr. PRYOR. Mr. President, I will not give this entire speech, much to the glee of my comrades in arms here this Friday afternoon, but I will summarize, basically, what this amendment is all about.

Next Tuesday, February 28, this body, if it provides 67 votes needed to pass this constitutional amendment, the pending balanced budget amendment will go to be ratified or rejected by our 50 States.

This is not just an event or happening that takes place every day or every week around this body. Fortunately, it is very rare. Fortunately, we are putting a high priority on this particular debate, focusing on this particular issue.

The Senator from Tennessee eloquently a few moments ago stated what a good debate this has been. And truly, that is the nature, that is the soul of the U.S. Senate, to have debates like this on issues of great national interest such as the balanced budget amendment.

Accompanying this amendment when it leaves this body—there will not be with it a budget plan, there will not be a report, there will be no study that accompanies this amendment, there will be no options for the States, there will be no notion, no inkling, of information that a State can use to judge the impact that the balanced budget amendment would have on the people of their respective States.

Down there in the Tennessee State Legislature, they will call up this balanced budget amendment, as they will across the river in Arkansas, and they are going to be voting on this amendment, Mr. President. And they are not going to have anything to go by as to how it is going to affect the State programs or the Federal programs whereby we send money to the States for the States to use to provide services.

There is going to be nothing. They are going to be voting in the dark. Already we have killed the people's right to know how this budget amendment will impact the people of our country.

So my amendment is going to take a different route. My amendment at least is going to create, hopefully, a moral obligation that the people of the States, the people of Tennessee, the people of Arkansas, Missouri, Utah, and Massachusetts, can go to their State legislature and say, "Send to the Congress the message of how this pain is going to be allocated. Send to the Congress the message of how this is going to occur whereby we get so many fewer dollars."

I think, Mr. President, what we need today more than anything else accompanying this amendment, especially out in the States, are the facts. Right now, what they are going to be looking at are a few speeches made on the floor of the House of Representatives, a very short debate I might add, and then several days of speeches made in the U.S. Senate. Then, based upon those speeches and those statements and desires from constituents and phone calls and letters, then the legislators from the respective States are going to be voting yes or no.

The first Republican House majority leader in 40 years was recently quoted as saying, "We have the serious business of passing a balanced budget amendment, and I am profoundly convinced that putting the details out there would make that virtually impossible." He went on to say, "If the American people understood what this means, it would make their knees buckle."

Mr. President, I suspect the Republican House majority leader is perfectly accurate in this assessment. But I am sure that this is not the way to conduct the business of this country, because I truly believe that the people of our respective States have the right and should be encouraged to tell Members how they want this pain to be shared and how they want these Federal allocations to be made.

My amendment is very simple. As part of the ratification process, each State legislature would be expected—not required, no mandate—but expected to submit to the Congress recommendations on how to cut Federal funds in that particular State. Various committees of the State legislature could hold hearings on the priority they place on Federal programs. Legislatures could deliberate, they could debate the impact of cutting these programs on their constituents.

We feel that this is a solid amendment, Mr. President. We feel that this particular amendment is one that should be approved and adopted by this body. Some will say, well, wait a minute, would this not have to go back to the House of Representatives? Would this not slow the process down?

Once again, Mr. President, we feel that an amendment like this would merely accelerate the States' knowledge of what was going to happen to them should their State ratify or reject the constitutional amendment to balance the budget before their State.

So, Mr. President, I am not going to belabor this issue any longer.

The point is that State governments have a huge stake in how we reach a balanced budget in Washington. And they have a right to tell Congress how to do it.

I believe such an exercise would be helpful to each State in preparing for the impact of a balanced Federal budget. They will invest their time and energy into this process. And, their ideas on ways to cut spending would be invaluable to Congress.

Mr. President, we are in a partnership with the States on this issue, and quite frankly, we need their help in our eventual task of reducing the deficit—whether or not this amendment ultimately passes.

Now, it is curious to me how anyone would vote for legislation when he or she has no idea how it would affect his or her constituents?

The answer to this question is, of course, that it is an extremely popular and painless way to make people happy while not cutting spending one dime. It is popular because it carries a simple and empty answer to all of our deficit problems.

Mr. President, Mark Twain once said that "for every problem there's a simple solution—and it's wrong." Mr. President, the balanced budget amendment is a simple answer—and it is wrong.

While I was home this weekend, Mr. President, I spoke with a trusted friend and long-time State legislator from my State. He told me "once the people of this country understand what this amendment means, they'll drop it like a hot potato."

Mr. President. I suspect my friend may be right. But the question is whether the people truly understand what they will be voting on. The calls from my State of Arkansas are mostly for a balanced budget amendment until I tell them about the massive spending reductions required to balance the budget. According to the U.S. Treasury Department, in Arkansas, we are looking at:

Medicare—over $1 billion in lost benefits per year;

Medicaid—$416 million loss in funding per year;

Highway Trust Funds—$65 million per year in lost funding; and devastating cuts in veteran's benefits, education, job training, housing, and agriculture programs necessary to actually balance the budget.

At first the callers don't believe me. They believe that Social Security moneys are protected in a trust fund, that Medicare is protected in a trust fund, and highway projects are protected in a trust fund. They believe these trust funds have billions of dollars in them, and that this amendment will not affect them.

But this is simply not true, Mr. President, and my colleagues on the other side of the aisle have proven this time and time again by refusing to exempt these programs from this amendment.

When we balance the budget there is no assurance that these programs won't be drastically cut. In fact, it is very likely that they will.

Mr. President, I know we must make heavy cuts in Government spending to reduce the Federal deficit. I have made the tough votes to reduce the deficit in the past, and I will in the future. But, as written, this constitutional amendment is a back door trick that may very well backfire on us. It could prevent any progress on the deficit in the future because we are not being honest.

The amendment I offer today will help to harness the energies and ideas of the States, and make our task of reducing the debt a more democratic process.

Mr. President, my friends on the other side of the aisle have unanimously deprived the American people of their right to know. Will they also shut off a State's right to tell Congress how to cut Federal funds in their own State?

These are the same States who we listen to in formulating national policies promoting the general welfare of our American society on issues like crime and welfare. We should also listen to them in this process as well.

I urge my colleagues to join me in this effort.

Mr. President, I ask unanimous consent that my amendment No. 307 be temporarily laid aside until Monday.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Chair for recognition. I ask unanimous consent that I be permitted to yield for the purposes of a unanimous-consent request of the Senator from West Virginia, and that I retain rights to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield briefly without losing his right to the floor?

Mr. KERRY. Mr. President, may I yield without losing the right to the floor?

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. I object.

Mr. BYRD. Mr. President, will the Senator yield for a question?

Mr. KERRY. I would be happy to yield to the Senator from West Virginia for the purposes of a question.

Mr. BYRD. The question is: Under the previous order that was entered here, is it not required that Senators who wish to call up amendments that will be in order for a vote on next Tuesday must call those amendments up today prior to the hour of 3 o'clock p.m.?

Mr. KERRY. Mr. President, it is my understanding that is the order, and that in order to have amendments qualified they must be called up by the hour of 3 p.m.

Mr. BYRD. Does not the Senator feel that any Senator in this body, whether he is a Senator from the minority or from the majority, has a perfect right to try to get his amendments called up today before 3 p.m., so that they will be in order for a vote on next Tuesday?

Mr. KERRY. Mr. President, I have never known in my 11 years in the Senate a Senator who was present on the floor who wishes to call an amendment up—who under a previous order is permitted to do so—from being prevented from doing so.

Mr. BYRD. Does the Senator know that I wish to ask unanimous consent that the following amendments be called up and laid aside —and these are already on the list—amendments Nos. 253, 254, 255, 258, and 259; and, that in lieu of amendment No. 257 I wanted to ask—which is on the list—ask unanimous consent that amendment No. 252 be called up and laid aside? Does the Senator know that was the request I was about to make?

Mr. KERRY. Mr. President, I did not know that. But now that I do know that, I ask unanimous consent of the Chair to have those specific amendments called up and be temporarily set aside until such time as I have completed my amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

Mr. KERRY. I thank the President.

Mr. BYRD. Mr. President, I thank the Senator for yielding. I thank the distinguished Senator on the other side, for perhaps he is a member of the response team who has not learned some of the usual courtesies that we try to extend to one another around here. I am going to make the unanimous-consent request now.

I ask unanimous consent that the following amendments be called up and laid aside: amendments Nos. 253, 254, 255, 258, 259; and, that in lieu of amendment No. 257, I ask unanimous consent that amendment No. 252 be called up and laid aside.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I again thank the Senator. I thank all Senators.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the President, and I particularly want to pay tribute to the Senator from West Virginia who has done such an extraordinary job helping to pull out this debate.

Mr. President, I commend the Senator from Arkansas on his comments and observations with respect to this amendment.

This has been a lengthy but, I think, a valuable, for the most part, enlightened debate. I congratulate colleagues on both sides of the aisle for their tempered and passionate arguments for and against a balanced budget amendment in the Constitution.

We have debated this issue before. As the Senator from Arkansas said, we have voted here previously. He previously voted for it. I have previously voted against an amendment to the Constitution, but I was, I think, one of the original cosponsors and one of the first three Democrats to be supportive of the Gramm-Rudman-Hollings law and have voted for a balanced budget law.

As we all know, and as we have heard a number of colleagues recount, the fiscal realities confronting the United States of America are more compelling today than in previous years, and they will be worse in the future unless Congress summons the courage to do something. And so a reexamination of this issue is both important and, I think, appropriate.

The question before us is whether or not passing this constitutional amendment, as drafted, shows courage and whether it is the right thing for us to do.

Over the past weeks, despite my prior vote, I have gone back to try to reevaluate this issue and to weigh it carefully. I have reexamined my own position on this question and I have reviewed all of the arguments in this debate, closely reading the daily RECORD, reading and rereading historical documents, analyzing the committee hearings and the report language and carefully assessing the impact of this amendment on Massachusetts and on the country as a whole.

As I mentioned in my short colloquy with the distinguished Senator from Tennessee a few minutes ago, we begin this debate, I think most of us, are genuinely in the same place—with a clear understanding of the profound fiscal condition of the Nation.

No Senator, I think, will argue that we do not need to make a set of tougher choices than we have ever made before. And no one, I think, will argue that we can just continue to go along as we have been going. The numbers do speak for themselves: The national debt now over $4.9 trillion, three times what it was 11 years ago; gross interest on the national debt soon to be the second-largest expenditure in the entire budget, higher than defense spending; and in 1980 remembering that interest payments on the national debt were $52 billion, this year they will be $235 billion, an increase of over 450 percent and over 100 percent increase when adjusted for inflation.

We all now know the cliched but all too real trend lines, that each day we spend $640 million in interest payments, that Federal spending continues to grow because of automatic increases, and that our lack of action does, indeed, threaten generations to come.

I am persuaded that with or without an amendment, like it or not, no one of us here can avoid the fiscal confrontation that faces us, except temporarily. Just like the health care issue which is, in fact, part of the current problem, we cannot avoid the issue, or hide from it, or make it disappear, or wish it away. It is going to get worse and worse and an angrier and angrier public is, ultimately, going to hold Congress accountable.

The question is whether we can summon the courage under any scenario that addresses our fiscal problems, and do what must be done before the public decides to change the players until they force responsible action.

Mr. President, the amendment before us purports to be that summoning of will. I think it is not. Let us be absolutely clear at the outset. We do not need an amendment to the Constitution in order to balance the budget, and everything about this debate has to begin at that point. The truth is—acknowledged in the committee report itself, acknowledged in the course of debate—technically, we do not need this amendment in order to balance the budget. We do not need an amendment to the Constitution. If the more than 60 Senators who are now committed to voting for this amendment would simply agree among themselves that they will not allow a filibuster, that they would vote for cloture and that 51 votes, majority Government that our Founding Fathers established to do the job, would be allowed to vote on each measure, up or down, then, Mr. President, we could balance the budget today.

I hope America focuses on that, because that is the centerpiece of this debate. It is the centerpiece of what is at stake in Washington. Not the question of whether or not we need a piece of paper and words that we transfer from our current politics into the Constitution to balance it, we could do it today, and if those 60 Senators who have made this their Holy Grail, their prime objective, would simply say "we will not filibuster, we will have a balanced budget now, we could do it this year, not make yet another promise to America that we will do something 7 years from now."

I would agree to that. I would give my solemn pledge to come to the floor, no filibuster. I do not care if it is a program in Massachusetts or a program dear to my heart, I am prepared to let 51 votes decide whether we continue it or cut it, whether we raise the debt or do not, whether we cut taxes, raise taxes, cut a program or increase a program. That is what the Founding Fathers of this country envisioned.

Those who call themselves conservatives ought to stop and think hard about what conservation really means and what conservative means with respect to the Constitution that guides our actions in this country. All they have to do is agree: Let 51 votes decide; let the chips fall where they may; we could do it this year.

So the question then is properly put to the U.S. Senate: Why are we insisting on tampering with the Constitution to accomplish what, by rights, we could accomplish now, what the American people have a right to expect we would accomplish now if we had the will?

The proponents of this amendment say that we need this amendment to, No. 1, force discipline on us. I want to quote from the committee report:

> The primary enforcement mechanism is a three-fifths vote to increase the debt ceiling. The committee argues that an amendment to the Constitution "forces the Government to live within its means."

Mr. President, how does it force the Government to live within its means? In a long colloquy between Senator JOHNSTON and Senator HATCH, Senator HATCH acknowledged—in fact, insisted—there will not be court cases; this will not go to court, because the court will not have jurisdiction; the court will not take jurisdiction; it will not be justiciable; there will not be standing; there will not be ripeness, a whole set of reasons.

So, Mr. President, if the Senator from Utah is correct that you cannot go to court, then how does this force the Government to live within its means? If it does not go to court, then the only enforcer is the Senate and the House, and the only enforcement will be the very willpower that is absent today. So here we are with a new modern catch-22, only it is a catch-22 that may be written into the Constitution of the United States of America.

Now, Mr. President, we tried to clarify the court issue. We tried to actually say what the Senator from Utah was promising us. He said it will not go to court. We said if you are so certain that it will not go to court, why not write that in—that it will not go to court? But, oh, no, there was a block vote preventing us from doing that because, in fact, there are those on the other side who want it to go to court, and who want the ambiguity. So we are in effect being asked to write ambiguity into the Constitution of the United States without an understanding of what the risks are to the Nation in doing so.

Now, that is not the only catch-22. One of the most significant catch-22's is in section 6, and I would like to read from the balanced budget constitutional amendment committee report where it says that:

> Congress shall enforce and implement this article by appropriate legislation which may rely on estimates of outlays and receipts. This provision gives Congress an appropriate degree of flexibility in fashioning necessary implementing legislation. For example, Congress could use estimates of receipts or outlays at the beginning of the fiscal year to determine whether the balanced budget requirement of section 1 would be satisfied, so long as the estimates were reasonable and made in good faith.

Most importantly, Mr. President, it says this:

> In addition, Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increase in outlays during the fiscal year would not violate the article.

Get that. We pass the amendment to the Constitution. We say to America we are going to have a balanced budget. But right here in the descriptions, in the fine print, there is language that says Congress could decide that a deficit caused by a temporary self-correcting drop in receipts or increases would not violate the article. So we come right back in and exercise the very same flexibility that we exercise today, and that has to be measured against their statement that this amendment to the Constitution "forces the Government to live within its means." How, if you are having that flexibility and promoting that flexibility, does this force the Government to live within its means?

Moreover, the very same paragraph says:

> Similarly, Congress could state that very small or negligible deviations from a balanced budget would not represent a violation of section 1.

That is the most extraordinary thing of all to me, Mr. President. We all know the games that get played around here. Who is going to define "very small"? Who is going to define "negligible"? Why, we are, of course. And when we define it we will in effect have decided that we can in fact not have a balanced budget. It is right here in the report.

America is being promised a balanced budget, but in the very same language that America is being promised a balanced budget is one of those small, little sections that says Congress is able to define that if you do not have a balanced budget it does not equal a balanced budget problem.

I tell you, Joseph Heller would be proud of this. This is catch-22 at its best, Mr. President.

Now, that is the first reason the proponents say we have to pass it—because this is going to force the Congress to "live within its means." But we have learned, No. 1, they will not say whether or not the courts can enforce it, so we do not know if it is really enforceable or left to the will of Congress. And they have written in some very specific means by which they can escape from responsibility for truly balancing it.

Second, proponents of this amendment say that by this particular amendment as drafted—because I think you could draft an amendment that is better than this, but as this amendment is drafted they say that by constitutionalizing the fiscal principle of a balanced budget a new moral power will overcome the Members of Congress. That is not my language. That is their language. They talk about a new moral authority. Let me quote the committee:

> The committee expects fidelity to the Constitution as does the American public. Both the President and Members of Congress swear an oath to uphold the Constitution including any amendments thereto. Honoring this pledge requires respecting the provisions of the proposed amendment.

The report goes on to say:

> Flagrant disregard of the proposed amendment's clear and simple provisions would constitute nothing less than a betrayal of the public trust. In their campaigns for reelection, elected officials who flout their responsibilities under this amendment will find the process will provide the ultimate enforcement mechanism.

Mr. President, that is incredible. The first reason that they have given for passing this is that it is going to force something that in effect we have shown cannot really be forced. The second reason is they say it is going to give a new moral authority to the principle that every single one of them has already adopted.

Now, Mr. President, needless to say, there is an extraordinary statement of rather pathetic admission in this glorification of new moral authority. Here we are, elected officials, already sworn to uphold the Constitution of the United States. Let me read to you from the Constitution of the United States, the preamble:

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish * * *

Mr. President, we, each of us, already raised our hands, every single one of us already came to this body swearing to uphold this Constitution, which already requires us to look out for the general welfare of the country, and to preserve it for posterity. We have a solemn duty and a responsibility today to deal with this fiscal crisis, not pass some piece of paper that goes on for 7 years into the future. We have that responsibility today under the Constitution. And all that is lacking is the courage of those 60 who say this holy grail is worth pursuing to come to the floor and agree not to filibuster, and let 51 votes uphold the responsibility that we have sworn to uphold.

Now, Mr. President, turning to section 8 of article I:

> The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common defence and general Welfare of the United States.

There, it is, Mr. President, section 8 of the Constitution which every Member of this body has already sworn to uphold provides the moral authority to balance the budget today, requires us to exercise that moral authority today.

We should be ashamed of the notion that we have to come here with a whole new process that upsets the very balance of power that was created by the Founding Fathers of this country. A true conservative would think twice about voting in a way that changes the whole power structure and walks away from the personal responsibility already sworn to, to uphold the Constitution, to provide for the general welfare, to pay the debts and provide for posterity.

So I find this rather amazing, that those who already, at the highest level of Government, have a major responsibility to carry out the public trust, who are already on record in town meeting after town meeting, before editorial board after editorial board, in campaign promise after campaign promise. They came to Washington to balance the budget and they have not done it. They have the power today, and they have not exercised it.

Here we are, suggesting to the American people that new words on a piece of paper, enshrining a different concept, will give them the moral force to accomplish what nothing but the lack of personal moral commitment prevents them from doing today, right now. It seems to me there ought to be as much concern about flouting our current responsibility as there is some prospective future responsibility.

Again, I say I am prepared to say no filibuster. I will vote for cloture on any motion on any issue whatever with respect to the budget, providing we agree we are going to try to move toward this goal. I am prepared to come to the floor and say I will vote for the line-item veto and I will vote against the tax cuts. How you can run around offering America $700 billion of tax cuts when you are in this kind of trouble, with the exception of what you may need to help the work force—balance it against education and reeducation—is beyond me.

What if you were to accept the notion that there is a legitimacy to the argument of having some new moral force? What if you were to accept the notion that perhaps it is worthwhile to have a constitutional statement that says we ought to adopt a fiscal balanced budget approach? I think that is possible as a principle. But it seems to me if you are going to do that, you ought to deal with the Constitution as a true conservative in a neutral and fair manner. It seems to me we have an equal responsibility to amend the Constitution in a way that it does not do more injury than good, in a way that does not ignore the fundamental relationships of this democracy, and in a way that does not create the potential for serious economic problems while never even guaranteeing the goal that it sets out to achieve.

Tragically, this amendment as it is currently drafted is neither fair nor neutral. We have tried on our side to adjust that issue of fairness by dealing with the issue of the courts, by dealing with the question of capital budget and other issues. At each step, we have been rebuffed. I believe this amendment in its current form goes well beyond fiscal responsibility and, most importantly, it constitutionalizes the politics of the moment. It takes the immediate political agenda of the current majority and constitutionalizes it in a way that may ultimately do violence to the genius of the Constitution and to our form of democracy.

When the veneer is stripped from this amendment before us, I think you can see a deeply troubling political motive that goes beyond just trying to balance the budget, which by definition could not be the only reason for this amendment since the proponents know that they already have the authority to just balance the budget. They are in the majority: Balance it.

No, I think this amendment goes further than just balancing the budget. It goes to the heart of the democratic process and it is one of the reasons why, in its current form, I have the most difficulty with this amendment, because it carries with it a fundamental shift in the decisionmaking in America. It is, as I said, an attempt to constitutionalize a particular ideology, which is not illegitimate. I am not contesting the legitimacy of the belief system. What I am contesting is whether or not you want to take that current, ephemeral majority view and constitutionalize it, which truly runs counter to the notion of being conservative.

It shields a momentary ideological party view from the fundamental democratic concept of majority rule.

How does it do that? The proponents of this amendment are insisting that both Houses of Congress find 60 percent of their membership, not just 60 percent of those present and voting, but 60 percent of their membership; a fixed number must be found in order to do something, in this case to run a deficit, to raise revenues in any way, whether through user fees or taxes. And, in doing that, everything I read, everything I studied and looked at, says to me: alarm bell, red light. Stop. Take a look at this. Make a sounder judgment for history and for the future.

That would usurp the power of a majority to disagree. Those who are using this amendment as a weapon in an ideological war do not want the votes of those who think differently from them to count as much as theirs. It is that simple. If you believe that you may ever reach a different conclusion than they have, they want to make certain that your vote does not count equally by requiring that you have to find a supermajority to fight back.

We are here as passing custodians of an extraordinary trust. These desks do not belong to us. These chairs do not. This room does not. We are the custodians of the Constitution, an extraordinary document, unparalleled in the course of human events. That document is based on the notion of majority rule, and to take that now, and suggest that you are going to require a supermajority to stop some particular action that is a mere choice of policy—fiscal policy, at that—is to suggest that those votes do not count as much for something that a current view suggests is popular. It is fundamentally undemocratic. It is fundamentally revolutionary in the worst sense of the word.

That is not all that I think is wrong, though that ought to be enough, conceivably, in this current draft. The amendment also allows us to cast a vote that permits us to escape the current responsibility and only require that this take place 7 years from now. Which means 7 years from now, you have to find the $322 billion projected as the deficit for 2002, but you do not have to do anything for 7 years.

I have been listening to my friends come to the floor and tally up each day the amount of interest we are losing just in this debate. That is really good television for the purposes of the debate, but what happens to America when this debate is over? What happens next year? The year after? The year after?

They are not saying they have to do it now. They only have to do it 7 years from now. This truly becomes the politician's freedom from responsibility act.

We were not elected to escape our responsibilities or pass legislative initiatives that further obfuscate the tough choices. If we attempt to escape through the passage of this amendment, then I think we fail ourselves and we fail the Framers of the Constitution and, most important, we fail the American people.

I think it is a cruel hoax to suggest to the American people—as the Contract With America does—you may disagree about the full amount of tax cuts, but no one will disagree that there are big tax cuts in that contract, whether it is $700 billion or $500 billion. It is enough to still make it stick in your throat, when you add that to the already gargantuan task of finding $1.23 trillion between now and the year 2002.

Mr. President, I think the U.S. Senate really owes the American people a higher level of honesty and we ought to have the courage to tell the truth and to do what is right. One of those truths was with respect to Social Security. I do not disagree that Social Security needs fixing. I think Social Security is legitimately on the table with respect to how you adequately fund it into the next century, because more and more Americans are going to be drawing down on it, with fewer and fewer paying in. There is a legitimate question of whether or not we can afford to pay out huge sums beyond what people put in. But that is a question for the Social Security trust fund, not for balancing the budget. And the promise made to the American people was that this is a fund for retirement. It is insurance against poverty, and it should not be used as an instrument to balance the budget. It is obviously upsetting that this has not been made as clear as I think it ought to be. I do not see how you can tell senior citizens that you are acting in good faith with respect to this effort if you are not willing to make that separation clear—up front.

Mr. President, for obvious reasons this is not an easy choice for anybody—I think for many people at least. There is a current fervor in the country and anger that says we want to balance the budget; solve our fiscal problems; cure it. So there is a quick instinct to want to do what is popular and to say, hey, maybe we ought to pass the balanced budget amendment, throw caution to the wind, and do it. Mr. President, we were sent here to exercise a more significant responsibility than reacting to current popular perception. We swore to do that when we each stood at the other side of the well, raised our hands, and swore to this body and to family and friends and Nation that we would uphold the Constitution.

I think that requirement requires a more sober reflection about what this really does. What does the fine print really do? What is the impact of the courts? We are a Nation that already regurgitates over court involvement in our lives. The city of Boston came to understand that only too well in the process of court-ordered busing. There is also a national sentiment against the courts making decisions for people who want to make them for themselves.

This amendment is not going to improve that situation for Americans, if Congress fails to show the will that it could show today. And if the arguments of the proponents are so true then indeed you have to show that you are able to find some new willpower. What is the difference in finding the willpower from putting it in the Constitution versus finding the willpower from the oath we have already sworn?

Mr. President, there is this sense of popular rush to judgment here. But I suggest that we owe the country and the Constitution a slower, more deliberate process in keeping with the notion that this is the deliberative body that is meant to be the check and balance.

I have decided to vote against this particular constitutional amendment, as it is drafted today, principally because I have come to believe that it is an ill-advised attempt to memorialize in the fundamental governing document of this democracy one political party's agenda in such a way as to jeopardize majority rule, and change in a radical way what the Founding Fathers set out to do.

I will do so because this draft leaves a dangerous ambiguity existing about court involvement because it establishes an unrealistic and probably dangerous straitjacket on economic choices to respond to bumps and downturns in the economy, and because it sets the American people up for more political gimmickry and does so by putting the Constitution at risk.

Mr. President, as I said, there is a deep concern that we all should feel when we are about to exercise this most significant responsibility. Our Constitution—and I am sure my colleagues feel this—is indeed a magnificent document. I am not suggesting that my colleague on the other side holds a different view of it. I do not believe that. But we can have different interpretations as to what impact our actions will have on it. I believe that the brilliance, the profound simplicity, and the timeless articulation of fundamental principles like majority rule are worth keeping.

I know that the distinguished Senator from West Virginia, Senator BYRD, believes that we cannot alter the fundamental governing document of this Nation without deep deliberation and compelling reason, and I agree with that. Any amending of the Constitution should be done in the same spirit as the writing of the Constitution itself—with an overriding commitment to fairness, and to what is in the best interest of the Nation.

The Federalist Papers speak to us very clearly of that responsibility. I just do not believe that that fairness governs the current draft of this constitutional amendment. Indeed, I think that in its current draft, because of the problems I have cited, it represents a kind of Trojan horse, because it has one set of rules for treatment of the deficit—the three-fifths majority—and another set of rules for the current majority of the Congress, who may wish to reduce or shift sources of revenue. One value of votes for revenue, one value of votes for deficit. That is not what the framers of the Constitution intended.

I know my colleagues are coming to the floor and saying how frustrating it is and we want to balance this budget, but we are not able to do this, so we have to do that. In fact, Mr. President, we do not have to. All we have to do is get the 60-plus Senators to come and agree, no filibuster, 51 votes. You do not have to change the balance of 60 and 51. The reason you do that is that there is something else that is trying to be achieved, and it is not the fairness, and it is not the neutrality for the process that the Constitution demands.

Mr. President, we obviously cannot amend the Constitution simply because it is fashionable, and we certainly should not do it as a symbolic gesture to score political points or to further personal ideology. We ought to do it because there is an overwhelming national interest that cannot be reached without doing it. There is no expert that I have read in all of these documents of this debate who can say with a certainty that this amendment will result in a balanced budget.

In fact, most experts say it will not result in a balanced budget, and that it may be unenforceable, which results in an extraordinary court battle that could tip the balance of power in this democracy. Who here can imagine judges deciding whether you build a particular defense program, or whether you move a bridge or a highway? Who here wants judges deciding what portion of the budget to cut and how to raise taxes? There is no expert who has suggested that there will not be some court cases.

There is no expert who has said with any certainty that there is a compelling national interest that can be defined and met by the current draft of this amendment. But the most compelling arguments against this amendment, as drafted, Mr. President, come from the real experts, the framers of the Constitution who, were they here on this floor, I am confident would vote against this amendment because it tampers with the Constitution's most fundamental principle of majority rule, and the preservation of our ability to act in the national interest in an emergency.

Mr. President, if fairness were the real consideration here, and if you absolutely felt you had to have a balanced budget amendment that creates this new moral power, then you could do so by passing an amendment that requires 51 votes with an exception, obviously, for state of war or national emergency, economic and national disaster, and you do not have to do it, clearly, in a way that leaves open the court issue. But, you can close the court issue by simply taking them out of the process within the context of the implementing legislation.

Mr. President, I believe, if you read the Federalist Papers, they make it about as clear as it could be. In Federalist 22, Hamilton called a quorum of more than a majority "poison for a deliberative assembly." That is what is being created here—what Hamilton called poison. He pointedly notes:

> The necessity of unanimity in public bodies, or of something approaching towards it, has been founded upon a supposition that it would contribute to security. But its real operation is to embarrass the administration, to destroy the energy of Government, and to substitute the pleasure, caprice, or artifices of an insignificant, turbulent, or corrupt junto to the regular deliberations and decisions of a respectable majority.

That is about as clear as you can get. He goes on to say:

> The public business must in some way or other go forward. If a pertinacious minority, respecting the best mode of conducting it, the majority in order to something may be done must conform to the views of the minority; and thus the sense of the smaller number will overrule that of the greater and give a tone to the national proceedings.

Hamilton was worried that the requirement of more than a majority would allow the minority to rule simply by not showing up.

When you require the fixed number of a House, not the fixed number of those present and voting, you have given to the minority the capacity not even to participate, and by not participating, they win. That is a tyranny of the minority. That is not majority rule.

Hamilton said, "Its situation must always savor of weakness, sometimes border on anarchy."

Mr. President, Hamilton feared that requiring more than a majority would effectively paralyze the Government's ability to act and could result in anarchy. Harsh and outrageous as that possibility may sound, those who threaten majority rule could threaten the power of the Federal Government by limiting its ability to act at all. All of us know how frustrating it can be to bring some issue to the floor, how long it takes, and how easy it is for one or two Members to frustrate the process. If you have to find that magical number, more than the majoritarian rule, you are already shifting the power in a remarkable way. A minority could limit the Government's ability to raise revenue, however unpopular that might be, or its ability to expend funds, and therefore limit what Hamilton called in Federalist 33 "The most important of the authorities of the Federal Government."

This amendment as drafted, Mr. President, is political dogma disguised as economic policy. It is the continuation of the ongoing effort to demonize certain national interests by demonizing those who promote any kind of national program to protect the American concept of community.

Mr. HATCH. Mr. President, is the Senator finished?

Mr. KERRY. Mr. President, I will yield for a question.

Mr. HATCH. How much longer will the Senator be?

Mr. KERRY. Mr. President, I have probably another 10 or so minutes. I know there is a 3 o'clock deadline. I do not want to delay any of my colleagues. If I could, I will ask unanimous consent that I could finish my comments, and I would be happy to yield for the purpose of permitting an amendment to be called up, if I can retain my rights to the floor thereafter.

Mr. HATCH. I appreciate my colleague for saying that. At 2:55, would it be OK if our colleague would yield so the distinguished Senator from California can call up an amendment and I can call up four amendments?

Mr. KERRY. I would be happy to delay for a moment now and let my friend from Utah call them up, or anybody else, if there is an understanding that I can simply return to complete my comments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Without objection, the Senator may yield without losing his right to the floor.

Mr. KERRY. I thank the Chair.

Mr. HATCH. If I could ask the Senator, we just need to call these up right before the time expires at 3. Ours have to be called up last.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that right before 3 o'clock the Senator from California be allowed to call up her amendment, and I then be permitted to call up the amendments I have on behalf of the majority leader and myself.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object, and I will not, I want to say that I would like to also be able to call up one amendment prior to the 3 o'clock deadline.

Mr. HATCH. If I can amend my request to say that the last three people to be recognized for amendments—unless somebody else comes in—will be the distinguished Senator from California to call up an amendment, the distinguished Senator from Massachusetts to call up an amendment, and I to call up a number of amendments for and on behalf of Senator DOLE and myself; I further ask unanimous consent that immediately following the calling up of these amendments, the ability to call up of amendments be closed, and that the amendments I called up to be the last ones to be called.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KERRY. Reserving the right to object for the basis of our side, I do not see anybody here, and I presume that it assumes the 3 o'clock deadline has been passed.

Mr. HATCH. Right.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Will the Senator yield for one more unanimous consent request?

Mr. KERRY. I am happy to.

UNANIMOUS CONSENT AGREEMENT

Mr. HATCH. I ask unanimous consent that the Senator—except for that interruption—be permitted to complete his remarks today, and then the Senator from Missouri be able to complete his remarks, and the Senator from Florida be able to complete his remarks and then the Senator from California be able to complete her remarks, in that order, following the amendments.

The PRESIDING OFFICER. Is there objection to the request?

Without objection, it is so ordered.

The Senator from Massachusetts has the floor.

Mr. KERRY. Mr. President, it is my fear that this amendment as it is currently drafted—and I want to emphasize that—begins the process that may permit an erosion of Government's ability to protect certain interests of every American based on a concept of majority rule. It begins to institutionalize a particular judgment, an economic judgment, against a whole set of other judgments which may, at some point in the not too distant future, be the majority view or general interest of the country, but not sufficient to gain 60 votes—but, nevertheless, sufficient to have 51 votes. They could be precluded from then representing those interests. That is, I think, upon reflection, a genuine threat to the notion of the democratic process.

I do not question the sincerity or the intention of those who believe that this is a bad idea whose time has come. But, Mr. President, I think we have to wonder whether we are not on a very dangerous path to fundamental changes in how we govern without the due process that our democracy demands.

The potential of minority rule on an issue as fundamental as raising revenues, I think, begins a dangerous process of beginning to dissolve whatever is left of America's spirit of community by limiting our ability to make decisions that go beyond city limits and State borders, and that may, in fact, be very unpopular, but we have to, if we are going to serve the Nation, preserve the flexibility and capacity for that kind of unpopular decision to be made.

So this debate is not really about specifically spending cuts. It is not about good economic policy. It is about the proliferation into the Constitution itself of a particular philosophy of the moment that almost suggests that the concept of community is lesser than the concept of individual interests. I do not believe that, Mr. President. I think if we are going to maintain the community the Founding Fathers conceived of, then you have to maintain the majoritarian approach.

Mr. President, an awful lot of people a lot wiser than me have, frankly, found fault with this amendment based on that perception; that there is a shift in the balance of power between the branches of Government and that that is dangerous.

Walter Dellinger, an Assistant Attorney General, testified that:

> Should the measure be enforced by the judiciary, it would produce an unprecedented restructuring of the balance of power between the branches of government. If it proves unenforceable, it would create quite a different but equally troubling hazard by writing an empty promise into the fundamental charter of our Government. It would breathe cynicism about our Government and diminish respect for the Constitution of the United States and the rule of law.

He goes on to say that,

> The Constitution, as written by the framers, did not contain choices. It rather empowered people to enact the choices,

specifically, the kind of choices that I read that we have sworn to make in section 8 of article I.

He argues that a balanced budget amendment simply declares that outlays shall not exceed expenditures without ever explaining how this desirable state of affairs is going to come about and without specifying who among the Government officials should be empowered to ensure that the amendment is not violated or, if violated, how the Nation is brought into compliance.

The distinguished Harvard law school professor, Archibald Cox, opposes such an amendment for four reasons.

First, he said,

> The amendment would damage the Constitution by introducing matters foreign to its fundamental and traditional purposes. It would undermine confidence in the Constitution by holding out an appearance of guarantees that will surely prove illusory. It would

> spawn disputes and charges of violation without providing either the means of resolving disputes or remedies for the actual threatened violations, except to bring in the courts. And that exception,

he said,

> brings me to the last point, that the amendment risks bringing the courts into a field for which they are totally unequipped by experience.

On the politics of this amendment and the ruling of the majority on political issues, Professor Cox said,

> Deciding whether or when to balance the budget or whether or when to risk a deficit calls for a judgment of policy, the kind of political judgment wisely left by the Founding Fathers to the majoritarian processes of representative government.

Mr. President, constitutional scholars have lined up against this amendment and have presented powerful arguments that raise serious questions about the impact of what we are about to do.

Another scholar, Kathleen Sullivan, expressed concerns about placing economic theory in the governing document of the Nation. She said, "I oppose the amendment because I believe it would seriously undermine our established constitutional framework if it were adopted and enforced. Either way," she said, "these constitutional harms would far outweigh the meager benefits the amendment is likely to bring about in advancing its distinguished sponsors' entirely worthy goal of achieving national fiscal discipline." She goes on to quote Justice Holmes, saying that:

> He was right when he warned: "The Constitution ought not embody a particular economic theory, be it that of Spencer or Keynes."

And about majority rule, she quotes Madison from Federalist 58, who argued that "requiring the supermajority to pass ordinary legislation turns democracy on its head."

Mr. President, the scholar that I was commenting on, Kathleen Sullivan, said about the issue of majority rule that in Federalist 58, Madison himself said that requiring a supermajority to pass ordinary legislation turns democracy on its head, and she jokingly but accurately pointed out the single most predictable consequence of a balanced budget amendment might well be a period of full employment for lawyers.

Mr. President, I believe Prof. Charles Fried of Harvard Law School has made one of the most compelling arguments against this amendment as it currently appears before the Senate. He said:

> Majority rule is the rule that best expresses democracy. It best expresses it for health care, for defense, for the writing of criminal legislation with death penalties and for the passing of budgets—whether in surplus, in balance, or in deficit. To put this all more practically, the balanced budget amendment would just make it that much harder to govern, giving those who want to put obstacles in the way of government new opportunities for obstruction.

Professor Fried points out a balanced budget amendment would give "Any president a far better claim to impound funds than that which was asserted some 20 years ago by President Nixon," because the President's warrant would be drawn from, as President Nixon said it was, inherent powers of the Presidency. He could point to the Constitution itself and then he could argue it is his duty to do so.

Mr. President, it is not inconsequential if the President of the United States is permitted to impound. We will have created yet another shift in the balance of power, which I believe Members here would want to think twice about, no matter who is in the Presidency or which party controls the White House.

Professor Fried says passage of this amendment would inevitably involve the courts in what he calls "subtle and intricate legal questions, and the litigation that would ensue would be gruesome, intrusive, and not at all edifying."

He argues, Mr. President, against this amendment and I think everyone knows that Prof. Charles Fried, former solicitor general, is certainly one of the more conservative members of the legal profession. He argues against this amendment as "Undemocratic and against the spirit of the Constitution." He says that when our Constitution withdraws a subject matter from majority rule, as it does in the Bill of Rights and the 14th amendment, it does so because there are things which no government may ever do. It may never abridge freedom of speech, no matter how strong the majority, and therefore it is withdrawn from majority rule.

His point is this: In no issue on which it is legitimately in the purview of this Government to rule is anything but a simple majority ever required with respect to policy issues.

Mr. President, majority rule ought to be held as the sacred standard of this body. If not, then we embark on a course that could be dangerous, indeed.

Dr. Fried said something that gave me pause beyond what I have quoted. In a most dramatic and compelling statement before the committee that summarizes the fundamental flaws of this current draft of the balanced budget amendment, he said something that I hope would give each person some pause no matter what their position on this amendment is.

It is a particular perspective about what we are about to do. Professor Fried said:

> A balanced budget in any form, if it is workable, is a bad idea. The reason is simply that the political judgments underlying the amendment, sound and important though they are, are just that—political judgments—and as such they should not be withdrawn from the vicissitudes of ordinary majoritarian politics that the Constitution establishes as the general rule for our public life as a Nation. I am not entitled to have my bias against Government spending enshrined in the Constitution to frustrate the will of my fellow citizens expressed by a majority of our representatives.

I think that is a simple but powerful observation that goes to the heart of what is about to happen here, if this amendment is passed. We will enshrine a national bias against a particular choice of fiscal policy for all time; notwithstanding, however, that the political landscape may change.

The Constitution, Mr. President, as we all know, survives beyond each person here. And it ought to remain the same beacon of democracy that it has been for all time. It should not be a hodgepodge of popular gimmicks from one generation to the other. It should not become a means of addressing every difficult problem that we face as a people, and as a Nation. And it certainly should not be used as a cover for the unwillingness of Congress to exercise the will that it has the power to exercise today.

So, Mr. President, it is my hope that those few people who may remain undecided will think hard, in the hours ahead, about the weight of the Constitution and the history that we, in the Senate, are responsible for. It is my hope that, in the end, people will choose not to burden the Constitution with this particular moment's idea, but rather to come to the floor of the U.S. Senate prepared to do what we have the power to do today.

I would close simply by repeating what I said previously: I am prepared to stay here now—through the next months—with an understanding that we will not have a filibuster, but that we will come up with a budget that sets us on the course to a balanced budget. Let 51 votes decide. If the American people decide that they are unhappy with that judgment, then the next election can be about just that.

We should not continue to use the process of delay for a small cluster of people on either side of the fence to frustrate the capacity of this body to make a judgment in the interests of the country, whether that judgment may be correct or incorrect. It is not for a small group to decide now that the judgment cannot be made at all. That frustrates the intent of the framers of the Constitution.

Mr. President, we do not have to pass an amendment. We could just get 60 people to sign a letter, each of them saying, "I am committing, this year, to passing a balanced budget over the next 7 years, 10 years, 15 years and guaranteeing that the expenditure line and the revenue line of this country are turned around and brought together at some point in time."

It seems to me that all we have to do is read the Constitution of the United States, once again. All we have to do is understand that whatever increased moral authority people believe they will get by passing this amendment, if the courts are not able to make the judgment—if the courts are, God save us all— but if they are not, this will ultimately hinge on whether we have to enforce section 6 to make this real. That comes down, to an exercise of the very same constitutional power we have today, when each Member swore here to uphold the Constitution, provide for the common defense, and promote the general welfare, and when we swore we would exercise our power under section 8 to pay the debts and provide for the common defense and general welfare of the United States.

We have the constitutional authority and power today. We lack the will. I hope the American people understand that this gimmick will not provide for the will that each of us should have come with to this institution in the first place.

Mr. President, I repeat: I am prepared for the first time to vote for a line-item veto. I am prepared to vote against the tax cuts with the exception of education, which I think is critical, and I am prepared to pose further cuts than are currently on the table.

But I am also prepared to find revenue, if it is needed, in an effort to be real about this and avoid the continued gimmickry which frustrates the will of the American people.

Mr. President, are we at the moment that we should turn to the amendments?

The PRESIDING OFFICER. Under the previous order, Senators are recognized now for the purpose of offering amendments. The Senator from Massachusetts reserved the right to offer an amendment before the hour of 3 o'clock, the Senator from California reserved the right to offer an amendment, and the Senator from Utah.

MOTION TO COMMIT

Mr. KERRY. Mr. President, I ask unanimous consent that my motion be called up and I ask unanimous consent that reading of the motion be dispensed with and that the motion be set aside for further deliberation at a later time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The text of the motion reads as follows:

MOTION TO COMMIT

The Senator from Massachusetts [Mr. KERRY] moves to commit H.J. Res. 1 to the Budget Committee, to report back forthwith and at a later time to issue a report which states that:

"The Congress of the United States currently possesses all necessary power and authority to adopt at any time a balanced budget for the United States Government, in that its outlays do not exceed its receipts, and to pass and submit to the President all legislation as may be necessary to implement such a balanced budget, including legislation reducing expenditures for federally-funded programs and agencies and increasing revenues.

"It is the responsibility of members of the House of Representatives and the Senate to do everything possible to use the power and authority the Congress now possesses in order to conduct the fiscal affairs of the nation in a prudent fashion that does not permit the federal government to provide the current generation with a standard of services and benefits for which that generation is unwilling to pay, thereby passing the responsibility for meeting costs of those services and benefits to later generations, which is the result of approving budgets which are significantly deficit financed.

"All members of the House and the Senate who vote to approve submission to the states of a proposed amendment to the United States Constitution requiring a balanced budget, have a responsibility to their constituents to support a budget plan to balance the budget by no later than 2002.

"The Congress should, prior to August 15, 1995, adopt a concurrent resolution on the budget establishing a budget plan to balance the budget by fiscal year 2002 consisting of the items set forth below:

"(a)(1) a budget for each fiscal year beginning with fiscal year 1996 and ending with fiscal year 2002 containing—

"(A) aggregate levels of new budget authority, outlays, revenues, and the deficit or surplus;

"(B) totals of new budget authority and outlays for each major functional category;

"(C) new budget authority and outlays, on an account-by-account basis, for each account with actual outlays or offsetting receipts of at least $100,000,000 in fiscal year 1994; and

"(D) an allocation of Federal revenues among the major sources of such revenues;

"(2) a detailed list and description of changes in Federal law (including laws authorizing appropriations or direct spending and tax laws) required to carry out the plan and the effective date of each such change; and

"(3) reconciliation directives to the appropriate committees of the House of Representatives and Senate instructing them to submit legislative changes to the Committee on the Budget of the House or Senate, as the case may be, to implement the plan set forth in the concurrent resolution, with the cited directives deemed to be directives within the meaning of section 310(a) of the Congressional Budget Act of 1974, and with the cited committee submissions combined without substantive revision upon their receipt by the Committee on the budget into an omnibus reconciliation bill which the Committee shall report to its House where it shall be considered in accord with procedures set forth in section 310 of the Congressional Budget Act of 1974.

"(c) the budget plan described in section (a)(1) shall be based upon Congressional Budget Office economic and technical assumptions and estimates of the spending and revenue effects of the legislative changes described in subsection (a)(2)."

AMENDMENT NO. 315

The PRESIDING OFFICER. Does the Senator from California desire to call up her amendment at this point?

Mrs. FEINSTEIN. Thank you, Mr. President.

I do desire to call up my amendment. I recognize that I have to ask unanimous consent to be able to do so.

The PRESIDING OFFICER. It has already been granted.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate proceed to amendment No. 315 and I ask for its immediate consideration.

Mr. HATCH. Mr. President, on behalf of this side, we have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH. Mr. President, I ask unanimous consent that it be in order for me to call up four filed motions under the majority leader's name.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. HATCH. Mr. President, I call up filed motion No. 4.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. DOLE, moves to recommit House Joint Resolution 1 to the Budget Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the motion reads as follows:

Motion to recommit House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and, after passage of House Joint Resolution 1 and upon the request of the governors of the states promptly provide, to the extent practicable, data regarding how the Congress might achieve a balanced budget.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending motion be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO RECOMMIT

Mr. HATCH. Mr. President, I now call up filed motion No. 3.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, moves to recommit House Joint Resolution 1 to the Budget Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the motion reads as follows:

Motion to recommit House Joint Resolution 1 to the Budget Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and report to the Senate at the earliest date practicable how to achieve a balanced budget without increasing the receipts or reducing the disbursements of the federal old-age and survivors insurance trust fund and the federal disability insurance trust fund to achieve that goal.

Mr. HATCH. Mr. President, I ask unanimous consent that the pending motion be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT

Mr. HATCH. Mr. President, I now call up filed motion No. 2.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, proposes to commit House Joint Resolution 1 to the Judiciary Committee.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the motion be dispensed.

The PRESIDING OFFICER. Without objection it is so ordered.

The text of the motion reads as follows:

Motion to commit House Joint Resolution 1 to the Judiciary Committee with instructions to report back forthwith House Joint Resolution 1 in status quo and to issue a report reaffirming the Committee's view that this Amendment does not sanction court involvement in fundamental macroeconomics and budgetary questions and expressing its support of Implementing Legislation which ensures a restricted role for the courts in enforcing this Amendment which will not interfere with the budgetary process.

Mr. HATCH. Mr. President, I now ask unanimous consent that the pending motion be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT

Mr. HATCH. Mr. President, I call up filed motion No. 1.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] for Mr. DOLE, moves to commit House Joint Resolution 1 to the Judiciary Committee.

Mr. HATCH. I ask unanimous consent that reading of the motion be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the motion reads as follows:

Motion to commit House Joint Resolution 1 to the Judiciary Committee with instructions to report back forthwith House Joint Resolution 1.

The PRESIDING OFFICER (Mr. THOMPSON). Are there further amendments to be called up under the unanimous-consent request?

Mr. HATCH. Mr. President, the hour of 3 o'clock has arrived, and no further amendments can be called up.

The PRESIDING OFFICER. The Senator is correct. No further amendments are in order.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I am grateful for this opportunity to make remarks about the most important action that we will be taking during this session of the U.S. Congress: A vote on a balanced budget amendment to the U.S. Constitution.

Of course, there have been a number of reasons elevated for our inspection by those who oppose the amendment, and I think inspection is what they deserve.

There are those who say that there are no problems with the Constitution, there are only problems with us as Members of the Senate. That is what constitutions are for. Rules are designed to correct problems in the way the players play the game. There are no problems with the rules of the basketball game, but you have to have a rule against fouling or the game gets out of hand.

Mr. President, the Constitution of the United States is full of ways of correcting abuses which would otherwise occur—because we would have problems as Members of the Senate in making correct judgments—absent the parameters of the Constitution.

When the Constitution of the United States starts in the Bill of Rights by saying "Congress shall have no power," it recognizes that the problem may be in Congress, and that the way to correct it is to have a framework which forbids Congress from engaging in the abuses which are hurting the American people or which might hurt the American people.

So for Members of this body to suggest that we do not need an amendment to the Constitution—because the problem is a problem of this body, or the individuals who populate this body, Mr. President—is to suggest that, "Well, we don't need a Constitution, we just all have to act appropriately."

It reminds me of the famous phrase out of Tammany Hall: "What is the Constitution among friends? Ignore it, we don't need it, we can just all act properly."

Constitutions, charters of government, are—and have been from the Magna Carta forward—established on the basis of an understanding that people will not always act properly and, therefore, we need the restriction, we need the confinement, we need the guidance, we need the direction, we need the regulation of a document that protects us from abuses.

Interestingly enough, the balanced budget amendment is not really a protection for us against abuses. Oh, yes, we have been abused, but those who have been abused most dramatically are those who are not here yet. They are the children of the next generation. They are the individuals who have not yet gone to school, let alone gone to work. They are the people whose wages we are now spending before they even go to work. We are spending them to satisfy our appetite for program after program, for policy after policy, for interest group after interest group, in a wild credit card binge across America, buying votes for the next election to the U.S. Congress, be it the House of Representatives or the Senate.

We must curtail that, Mr. President. It is suggested by our friends—as the esteemed Senator from Massachusetts just a few moments ago suggested—that it is undemocratic to have a provision in the Constitution which would require that 60 votes in the Senate be required in the event you wanted to go into debt, asserting that it is undemocratic not to let the representatives of over 50 votes be able to have equal weight.

But I am worried about the votes of the next generation. I think it is undemocratic for this body to encumber the next generation, to say to the children of the next century they will not have an opportunity to decide how the tax revenues of their America will be spent because we will spend their taxes for them now.

We are talking about a fundamental problem here. It is a problem of taxation without representation and, yes, the problem is in the Senate, the problem is in human nature. And one of the reasons you have constitutions is not to say that if everyone acts at their best and highest level of responsibility we would not need it. The reason is that we know that there will be times of weakness, when in spite of all the good intentions, those good intentions will not lead us to do the right thing.

That is why the first amendment to the Constitution says, "Congress shall make no law," and as you get to the amendments added on through the amendment process, over and over again we have seen the wisdom of saying that Congress shall not be able to impair principles which are important to the future of this democracy. And that is where we are at this very moment in time.

It is fundamentally important, Mr. President, that we say about the next generation that we will build a hedge between them and the spending habits of the U.S. Congress so that we in this body do not spend their birthright. Taxation without representation was the core, it was the kernel of the revolution, which grew and finally flourished in freedom—which has not only found its way from the Atlantic to the Pacific, but has found its way around the globe, nation after nation modeled on what we did here in America. But that revolution was a fundamental response to authorities somewhere else taxing us without representation.

I submit that that is exactly what we in this body have been doing by jeopardizing the future of the next generation. We have simply said to the next generation—without telling them because they are not here to hear us—that we are going to spend your money this way and we hope you are productive when you get here, because when you earn the money, it will be taken to pay for the excesses, to pay for the desires, to pay for the programs, to pay for our catering to special interests in our generation.

It is time we stop that. It is true that we could stop it without an amendment to the Constitution, but will we—or have we?

Over and over again in the debate, we have had it brought to our attention that through the eighties and even in the seventies and even as early as the sixties, there were resolutions of this body and there were laws enacted that would pry us out of the pattern of deficit spending—but absent a strong wall in the Constitution to protect those yet unborn generations, we have always managed to find our way to do what is expedient for the next election—not the next generation. It is time now for us to make such a commitment.

The idea that the pending amendment to the Constitution somehow would impair us from doing all the responsible things that our colleagues have said they would like to do—and I commend the Senator from Massachusetts for his willingness to say that he will support a line-item veto and that he will support cloture on it so that we can get real votes on expenditures—is inaccurate. Nothing in this proposed amendment, nothing in this resolution, would stop any Member of the Senate from engaging in that kind of responsible behavior in the next days and weeks and months to come.

Mr. President, nothing in this amendment would stop this body, in conjunction with the House of Representatives, with the cooperation of the President of the United States, from implementing a balanced budget at an earlier time. Nothing in this proposed amendment to the Constitution would impair a responsible Congress from doing what it ought to do.

So we have all the authority to do what is right that we have ever had—but our problem has not been the absence of authority to do what is right. Our problem is the absence of a prohibition against doing what is wrong. And in the absence of that prohibition against doing what is wrong—spending the resources of the next generation—we find ourselves over and over again deeper and deeper in debt.

The President of the United States last year indicated that there would be reduced deficits and there would be a continuing decline in the level of deficits, and that commitment lasted almost a full year. Then this year's budget came out, and did we find ourselves with reduced deficits on a steady decline toward a balanced budget? No, there was simply a concession. The big white towel came out of the corner into the middle of the ring and we conceded that there would be deficits over $200 billion on average for the next decade, and who knows what thereafter.

Again, the problem is not that we already have the authority to do what is right, the problem is that we are not prohibited from doing what is wrong. And what is wrong is spending the resources, spending the inheritance, spending the birthright, of the next generation. It is spending my kids' wages before they graduate from college. It is spending my grandchildren's opportunity to be productive in a world economy that is going to demand productivity, and if they are spending all of their resources on interest on our debt, if they have to tax people and businesses to pay for prior years' excesses—our excesses—they are not going to be competitive in a marketplace that requires productivity.

No, Mr. President. We, and they, will find ourselves sliding back into the backwater of the swamp of those nations that are incapable of being on the cutting edge.

It is time for us as a body to make a commitment to America's future. It is time for us to say, yes, the budget was balanced for well over 150 years except in time of war. It was a tacit agreement, it was an understanding, it was honored as if it were in the Constitution—but we do not have, apparently, the stature or the will or the capacity to do it now.

Nothing in the proposed amendment would keep us from doing it. But let us just ensure that we build this firewall between the next generation and the spending habits of the U.S. Congress, that we build a bulwark and we save those grandchildren—the next generation—from our spending habits. Let us say that as for us, as for me and my house, as for the Senate, as for this Government, as for this Nation, we will be responsible.

If the 1994 elections meant anything, I think they meant that the people of the United States rejected a Congress that was arrogant—a Congress so arrogant that it passed laws for other people to live by but that the Congress did not have to live by, a Congress so arrogant that it would tell State and local governments what to do, thinking that it had been elected to do State and local tasks as well as national tasks, and a Congress so arrogant that it spends the money of the next generation as well as the resources of its own.

I think the people of America expect us to repudiate that behavior pattern, Mr. President. But frankly, they expect us to enact a constitutional amendment to assure them the pattern does not happen again. Time after time, they have listened to the U.S. Congress repudiate ways that were going to balance the budget. They have heard proposals indicating that there would be special withholdings to make sure that it did not happen, and time after time they have watched—sometimes when the curtain was drawn, sometimes when it was in full view—they have watched the U.S. Congress, having made a solemn oath, having made a legal commitment in a statute, turn around and change that statute.

The tragedy is that the U.S. Congress can change the rules for the U.S. Congress, and so a statute is not enough, a resolution is not enough, a sense of the Senate is not enough. The tragedy is that we can change our own rules, and we have changed them over and over again. That is the tragedy.

However, there is also beauty, Mr. President. The beauty is that the U.S. Congress cannot change the U.S. Constitution by itself, and so where we failed as a body in the past because we were always able to change the rules in the law, I believe we now have a chance for success if we put the pending rule in the Constitution—for this is not the transitory whim of just a majority in the Senate.

For this resolution to become the law of the land in the Constitution of the United States, it will take the ratification of three-quarters of the States, of the United States of America, to change it and adjust it. To erode it or impair it would take a similar consensus by all the States as well as this Congress.

And I believe at any of those junctures during the last three decades when the Congress weakened, we would not have found three-quarters of the States willing to weaken with them. Not on your life. The people of America would have said, stay the course. Let us make sure we maintain our commitment to a balanced budget.

It is time for us to enact the balanced budget amendment because it would stay the course, Mr. President.

Yes, the problem is a problem with the Congress. But the way to remedy the problem with the Congress is to build a wall between the Congress and the next generation.

Just to take us back for a moment in history, this Nation was founded as a result of a commitment that it was morally wrong and politically improper for one group to tax another group without its consent. The net result of the Currency and Revenue Act of 1764, undertaken by the British to end the smuggling trade on molasses as well as to raise additional revenue, was to give British sugargrowers an effective monopoly on the colonial sugar market, and it irritated the colonists, it irritated Americans because we were being taxed without representation.

The Stamp Act of 1765, well known to every schoolchild, extended to America a broadly based form of direct taxation that had long been in use in Great Britain, and the colonists simply said "no taxation without representation." It is a principle embedded in the very depths of American history and in our character.

Patrick Henry, in response to that Stamp Act of 1765, said, "The colonists are entitled to all privileges and immunities of natural born citizens, to all intents and purposes as if they had been abiding in and born within the realm of England"—meaning no taxation without representation, a fundamental guarantee as old as the founding documents in Great Britain.

The Townshend duties of 1767 were passed to raise revenues on imports to this country, widely used imports like tea and window glass. And you know what happened with the Tea Act of 1773. And over and over again—the Coercive Act of 1774. All of these became a part of the very fabric of American life as did our resistance to taxation without representation.

And what are we doing when we have deficit spending? Are we taxing ourselves? No. We are taxing the next generation over and over and over again, thousands of dollars. Every man, woman, and child born in the United States comes into this world not with a clean slate but with a debt load. And we must make sure that when the Statue of Liberty holds high her lamp beside the golden door, it is not a lamp eliminated by a debtor nation; that it is a lamp of opportunity, not a lamp of responsibility to pay off the debts of previous generations.

A rising $4.9 trillion debt amounts to taxation without representation. There is no other way to categorize it. I think of the young person, not old enough to vote, in the American Revolution, Nathan Hale, captured by the British. They handle him in the rough justice of wartime, and they decide to hang him as a traitor to the crown. And before he dies, he inspires us with the words, "I regret that I have but one life to give for my country." Nathan Hale, looking to the future, is willing to sacrifice himself. What a contrast, Mr. President, to where we stand in the United States today. Looking only to ourselves, we are willing to sacrifice the future.

Nathan Hale says, "I regret that I have but one life to give for my country." In this body we say we regret we have but one next generation to mortgage for our appetites.

We must cease. We cannot continue. It is beyond what free people should do to one another. But even more importantly, we should be unwilling to provide a debt load which will burden the next generation.

Mr. President, this is the single most important responsibility we have. It is a responsibility that relates to the ability of this country and the next generation to be successful, for us to succeed rather than sink; for us to survive and to be a swimmer rather than a failure. That is what we need. We need to build a system which allows those who follow us to have the kind of opportunity we have enjoyed.

We have already talked about the fact that those on the other side of the aisle have said to us there are no problems with the Constitution, there are only problems with Members of the Senate. The truth of the matter is that is what Constitutions are for, to make sure that problem areas that are inherent in human nature do not find their way into policy. Let us keep those flaws out of policy and let us stop this practice of spending the next generation's resources before they are born.

Those opposed to the pending amendment have also complained that it requires a supermajority in order to raise the debt, or to abandon the principle of a balanced budget. They say such a requirement is undemocratic, that we should just be able to spend more than we take in if we have an even majority or a bare majority. In my judgment, what is undemocratic is to keep obligating the next generation, to keep obligating those who are yet unborn by spending their money.

The real tragedy is that the U.S. Senate—in all of its attempts to come up with a way to curtail spending, to stop itself from its spending binge, after setting enactment after enactment, after expressing itself over and over again—has each and every time subsequently come along and undone the deal, taken apart the framework and said we are going to let ourselves go, now that we are really hungry.

The problem is the Senate and the House, with a law, a mere statute, cannot bind the next Congress. What is an even bigger problem, though, is that while we as a body cannot bind the next Senate, we can bind the next generation to debt. So while we cannot bind ourselves to discipline, we continue binding the next generation to debt, over and over and over again. It is time for us to remedy that by enacting the kind of framework, the firewall, the bulwark, the barrier between the spending habits of the U.S. Congress and the well-being of the next generation of American citizens.

Mr. President, there have been those who have said we do not need anything to do with economic policy in the Constitution. As a matter of fact, it was one of the distinguished Members of this House who said the U.S. Constitution is decidedly not a charter of economic policy. For the first time it would be writing into the Constitution economic policy.

I went through the U.S. Constitution, seeking to find specific areas where we talked about things that would have direct economic impact. It is almost impossible to find a part of the Constitution that does not have economic impact. I submit, whether you are talking about section 8, which provides for us to be able to pay our debts, or whether you are talking about section 7 of article I, that talks about bills for raising revenue that shall start in the House of Representatives, or whether you are talking about the ability to raise and support armies but no appropriation of money can last for more than 2 years.

That is an interesting part of our Constitution, to find in article I the language, and I read it:

> To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years.

The idea that we would not commit future generations, we would not commit too far in advance, that we would not place a burden on those who were not represented in the Congress is intriguing—could it be that 2 years is the length of a congressional term? You would expect that the next Congress would not have to live under the debt or the requirement of the previous Congress.

My view is, when it comes to spending, is that we have always been willing to be pretty close about spending. We do not allow the Senate, for instance, which is not elected every 2 years, to be the originators of spending measures. Spending measures must originate in the House of Representatives, where the people are face-to-face with their Representatives every 2 years.

The Constitution is full of economic considerations. I went through it. The next page has more underlining, and the next one even more to highlight economically related items in the Constitution. More text is economically related than is not.

As a matter of fact, this entire document—the Constitution—is full of things that relate to our economy. The amendment to the U.S. Constitution which provided for the progressive income tax is a matter having perhaps the most direct economic impact of any single event in the history of the United States, and is part of the Constitution. The suggestion that something, because it has economic impact, does not belong in the Constitution of the United States is hollow, it is empty, because there are sections following sections, and sections upon sections and there are subsections and there are amendments and subparts of amendments that all relate to economic considerations. The very structure of the Constitution has to do with the economy of the United States.

Mr. President, one of the things you need to have for a good economy is a stable government. And we have the most stable government of any government in the world. Why? Because it is in the Constitution that we have two Houses, and that one of the Houses is the Senate, and that by design it does not have the same willingness to make quick changes as the House, and that it would be a brake—or a more deliberative body than the House—while the House is very closely associated with the people, and perhaps more responsive to moods or fads in society which nevertheless might be good public policy.

We have had this joint way of doing things which has led to governmental stability. Is there an economic provision in the Constitution? It provided a basis for a sound economy. Without it, I wonder whether the United States would have flourished to the extent that we have flourished, economically or socially.

In my judgment, every word in the U.S. Constitution is a word that provides the basis for an economy and a set of opportunities that define the character of this Nation. And the economy cannot be taken out of the Constitution.

Of course, the balanced budget amendment is far more than just something related to the economy. As George Will said in his book "Restoration":

> Proscribing deficits is different because deficits are political and moral events, not merely economic events.

Mr. President, a balanced budget amendment would do something of fundamental significance. It would protect important rights of an unrepresented group—the next generation. If the Constitution of the United States is not supposed to protect the rights of the unrepresented—and those who are helpless—what is the Constitution for?

The Constitution was indeed designed, was enacted, and was embraced by the American people—and has been and will be—because it protects us against abuses of power. It should also protect the important rights of an unrepresented group, as George Will puts it, the "unborn generations that must bear the burden of the debts."

The amendment would block a form of confiscation of property, of taxation without representation, of confiscation without due process of law. As I recall from my law school training—it has been a few years ago—but I believe the fifth amendment has something to say about taking without just compensation.

So here we find, Mr. President, that the Constitution—while it is full of documents and sections and clauses which have an impact on economics—is not only an economic document, it is a political and moral document, as well. Protecting the rights of those individuals who need protection is part and parcel of what the document is all about. And protecting them from what? Most frequently, protecting them from the U.S. Congress. Over and over again we read it: Congress shall make no law; the Congress shall not impair. That is the language of the Constitution.

Yes, the pending provision would have a financial and economic impact on this country. But it has a political and moral impact as well. It protects freedom. It protects freedom from debt—something certainly worth protecting.

Let me just say that there is more to this amendment than protecting the next generation. We need it to teach the current generation. One of the aspects of government which is very important and fundamental to our society is the fact that government teaches.

We train our children—and rightly so—that government defines what is legal and what is illegal. And that they had better listen to what the Government says. Because, if you do bad things, you will do your time, as well. You will ruin your life. You will impair your freedom. You will destroy your opportunity.

Government is set up as the arbiter of what is legal and what is illegal. And children rightly begin to look to the Government as a moral arbiter of what is valuable, what is good, what is to be accepted, and what is not good, what is to be rejected. When people in a society look at their Government and conclude that their Government does not pay its debts, what does that teach? Does it teach responsibility?

We as a culture have a crisis concerning people accepting responsibility. They look at the Government, which they have been told is the arbiter of right and wrong. And what do we learn? What we are learning from the Government is, "Oh, don't worry about it. Just take the credit card and go on a binge, and hope the next generation pays for it."

The truth of matter is, we are learning irresponsibility. It not only destroys the character within us, but it destroys the opportunity of the next generation. It not only destroys their economic opportunity, it suggests to them the sinister failure of a moral certainty, which is that we should pay our own debts.

Anyone who thinks we should abandon the idea of having government act as a good example for our citizens ought to take a look at the news magazines for the recent weeks. Take a look at Newsweek a couple of weeks ago, Newsweek or Time. Forgive me for not distinguishing. The cover story was about the absence of shame in society, about no one having a sense of what is right or wrong, no one having a sense of responsibility. Take a look at the front page of U.S. News & World Report today. It is about men who forsake their families, who do not take care of their obligations, who act irresponsibly.

Mr. President, We preside over a Government that has forsaken the families of the future, which has mortgaged the next generation's inheritance and birthright. How can we expect our society to be moral and responsible when we—those who have been elected to lead the society—lead it with classic irresponsibility, abdicating our responsibility to limit ourselves to the resources we have? We just toss that principle away, pull up to the table, roll up our sleeves with knife and fork, using our card—and their credit. And we impair and cheat the next generation.

This is the major challenge for those of us in the U.S. Congress this year. It is to reverse the concept that somehow the Congress is better than everyone else, that somehow the Congress does not have to live by the laws. We have taken a major step. In the Congressional Accountability Act we said we would live under the laws we passed for others. In the unfunded mandates law—which passed in the Senate and another version in the House, on which we are working to collaborate and work out the details—we said, yes; we are not even going to try to tell other people what to do through unfunded mandates.

We need to come to a further conclusion, Mr. President, and that is that we are not going to spend the wages, we are not going to spend the resources, we are not going to continue to sustain a policy which will put every newborn child in America in multi-thousand-dollar debt. We simply have to stop it. We have to say to the American people, we are not so good that we can spend the next generation's money. We are not so wise that we can make all their decisions for them. We have to say with a sense of humility that it is time for us to live like the average family. It is time for us to have a balanced budget like the average family has a balanced budget.

Some people say average families have debt. But there is no provision whereby any average family can impose debt on the next generation. You have to be able to pay it off, or you go bankrupt. No father can say, "My grandchildren will pay for what I am doing now." And should any father do so? Of course not. The average family has to have a plan to pay.

We do not have a plan to pay. State governments, sure, they have debt. But they have a plan to pay. And every day, they owe less than they did the day before, as they are paying off the debt. If they pay off the debt before the asset—such as a bridge or a building—is used or consumed, they actually have paid for such items in advance.

But we in Congress do not have a plan to pay. We have a plan to play. And the plan to play was outlined in the President's budget which came to us. We are playing with the next generation's resources, $200 million—excuse me—$200 billion. I was in State government too long. We only had millions instead of billions. What a tragedy; $200 billion a year. We admit it. This is what we intend to do to you. We announce in advance with some pride that for the next 10 years we are going to keep doing it.

It is something that we should stop. Yes, Nathan Hale said, "I regret but that I have but one life to give for my country." We have been saying that we regret but that we have but one unborn generation to mortgage for our appetite. It must stop, Mr. President.

The Declaration of Independence for the United States of America included dramatic language which talked about the fact that individuals were committed to providing for the future a set of opportunities that would allow for personal growth and development, for the achievement of objectives and goals.

The last line of the Declaration of Independence for the United States of America is an interesting line.

The last line reads: "We mutually pledge to each other our lives, our fortunes, and our sacred honor."

How would we feel about the Declaration of Independence, Mr. President, if we were to read down through the document and come to the last line and it were to say, "We mutually pledge to have a good time, to spend the next generation's money, and to get reelected by serving the special interests of today with the resources of the unborn?" We would dishonor that document so rapidly, we would repudiate it so thoroughly. But that more accurately describes the conduct of the Congress in recent times.

It is time for us to enact the balanced budget amendment. And while we are enacting the balanced budget amendment, it is time for us again to put our John Hancocks on the pledge that closed the Declaration of Independence. It is time for us to say that we mutually pledge to each other our lives, our fortunes, and our sacred honor, and by doing so, provide the same level of opportunities for those who follow us as those who went before us have indeed provided for us now.

Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. MACK] is recognized.

Mr. MACK. Mr. President, I yield to the Senator from South Carolina for a unanimous consent request.

UNANIMOUS CONSENT AGREEMENT

Mr. THURMOND. Mr. President, before the Senator from Florida speaks, I ask unanimous consent that I be recognized to speak following the remarks of the Senator from California, Senator FEINSTEIN.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

The Senator from Florida.

Mr. MACK. Mr. President, I have listened to the debate on the issue of the balanced budget amendment now for several hours today and, frankly, off and on for the last several weeks. Many of my colleagues have done an excellent job of providing expert opinion as to why a balanced budget amendment should be passed, or why it should be defeated. Those experts include economists, constitutional scholars, and past great legislators. But the remarks that I am going to make today are not based on experts. They are going to be based on my own personal observations. They will be based on my own convictions and on some of my own readings.

There is a very interesting set of books entitled "The Debate on the Constitution." I was really stunned when I read through this series of documents and speeches and learned of the fear people had of the Constitution. That document put forward for their ratification terrified many of the citizens of our Nation at that time. It terrified them that a great, new central government was going to grow up in their midst, and that this great, new government would, in fact, either destroy or limit their individual rights. I cannot help but draw the conclusion, after those readings—and observing from my own personal experiences in the 12 years that I have served in the Congress—6 years in the House and 6 years in the Senate—that we have today developed a Government that, in essence, is out of control.

My own personal reason for becoming involved in politics originated after spending 16 years in the banking business. Prior to that time I had no idea whatsoever that I would end up in politics as a Member of Congress and then of the U.S. Senate. I entered politics because I became so frustrated and so angry with what the Government was doing to the banking business—the business in which I was involved. Virtually every single day I heard from the Comptroller of the Currency, the FDIC, the Federal Reserve, or the U.S. Treasury, about the things that I could do and could not do, as a banker. It even reached the point—I believe it was in 1979 or maybe 1980—when all bank presidents received a letter that specifically told them what kinds of loans they could make and what kinds of loans they could not make.

To show you the degree to which this Government control extended itself, this letter provided that banks could lend money for home improvements if the home improvement was going to be the addition of a needed room; but it did not for the addition of a swimming pool. That is the extent that Government had intruded into the operations of private business in America in the late 1970s and early 1980s. So, again, I am reflecting on my own personal conviction that there must be a restraint on Government, and that is what this debate is about.

I think the message of the 1994 election was pretty clear. Even though some Republicans have a tendency to see the election as being a mandate for Republicans, I would say that the mandate was a little bit more specific than that. It was a mandate to control Government. It was a mandate to follow a set of ideas of less taxing, less spending, less Government, and more freedom. I think it is important for us to think about that message of 1994 as not necessarily being a wave of Republicanism, but a wave of saying we want our lives back, our freedoms back, and we want Government off our backs. This is a fundamental debate. It is a debate between those who believe in more Government and those of us who believe in less Government.

I have told the story of my first vote in the Congress many, many times throughout my stay here. I tell about this story because I want to make the point that there is more to this debate about a constitutional amendment to balance the budget than economics. The first vote that I cast as a Member of the House of Representatives in January of 1983 was a very big deal for me because I had never cast a vote in a legislative body before then. Politics and legislative bodies were all brand new to me. It was a very, very exciting moment, and I thought it was an important moment. As I look back, I realize that the issue we were debating that first day in the House back in 1983 was not an issue that was going to change the direction of the world; it was not going to have great significance on the country or, for that matter, great significance with respect to the House of Representatives. The question that was being posed that day was whether we should add a new committee to the Congress of the United States. I must say to you that I came here already with a preconceived idea that we had too many committees; that the staffs were, frankly, getting too large; that we were spending too much money on the legislative operations of Government, and that we did not need this committee. But because I was brand new, I thought maybe this question was not quite so simple and that I should check with some of my colleagues on both sides of the aisle to get a sense of what they were going to do.

As I wandered around the floor, the message I got back was, "CONNIE, we do not need another committee. We already have too many of them." In fact, they said to me, "This is a select committee and they do not write legislation. They are really platforms for politicians to make public statements, and we are spending too much money. The committees are out of control, the staffs are getting too large. We do not need another committee in the House of Representatives."

So I went over and cast my first vote. In the House, they use a computerized card to record votes. I put my card in and pushed the "no" button and I looked back over where the Speaker sits. Everybody's name is awash in lights across the back of the room. I looked up there thinking—after listening to my colleagues—that this board was going to be awash in red lights voting "no." Well, out of 435 Members of the House, I think about 34 of us voted against the addition of another committee.

There are a couple of things I did not mention to you. First, the name of the committee was the Select Committee on Families and Children. The other thing I was told, as I wandered around the floor as that brand new freshman legislator filled with excitement and enthusiasm and idealism was, "CONNIE, you do not vote against something called 'families and children' and go back home and run for reelection."

Now, to me, that story says it all. It says if there is not some form of outside constraint on the ability of Members of the Congress to spend the taxpayers' dollars, we will end up with exactly what we are getting.

Earlier today, I heard the distinguished Senator from Massachusetts say, basically, that we do not need this amendment; we can just go forward and do the things that we know we should be doing without this restraint—without this requirement in the Constitution.

Well, in one of the books I was reading this past week I came across a statement that I think many of us have heard from time to time. I did not realize it was an old Chinese saying. But it said something to the effect: If you do the same thing over and over and over again reaching the same result and each time expect that there is going to be a different outcome, this is insanity.

Again, I have made this comment to the people in the State of Florida, that it is insane for us to continue, year after year after year after year, to continue operating under the same process that has failed us. So it seems to me that logic dictates that we ought to be adjusting the process because it is only in changing this process that we will bring about change. And, as I said earlier, change is what the 1994 election was all about.

Interestingly, as I stand here both of my grandfathers come to mind. The desk I am standing over was handed over to me by Senator PHIL GRAMM in January 1989, was the desk that my grandfather, Morris Sheppard, sat at when he was in the U.S. Senate from 1912 to 1941. And, the baseball that I hold in my hand is a baseball that was signed by my grandfather, whose name so many people recognize, Connie Mack, who was born in 1862. He signed this baseball in 1929. Since then my father has signed it, I have signed it, and my son, who is now 27, just recently signed it last year.

I thought about bringing this baseball to the floor of the U.S. Senate because I had the opportunity again during the debate on this amendment to observe the distinguished Senator from West Virginia refer to a contract that he had signed many, many years ago. What it brought to my mind is how our Nation has changed from one generation to the next; how different America is from the country that my grandfather was born into in 1862; and how different the Nation is compared to what it was like when my father was born and when I was born and when my son was born.

I think about what this Nation is going to be like for my grandchildren, three of which I have at this moment, 10, 8, and 1½. I wonder what kind of future is in store for them if we do not make some significant changes in the way we do business.

I looked back at some of the historical fiscal records of this country. In 1929, when my grandfather signed this ball, I looked up the level of Federal spending. Calculated in 1994 dollars Federal spending in 1929 was the equivalent of $29.9 billion. In 1941, Federal spending was $174 billion. In 1961, it was $520 billion. And in 1994 it was $1.46 trillion.

Another point I should make is that, in 1929, the debt was about $480 million—$480 million. By 1994, the national debt had reached $4.643 trillion.

If we keep this up, what kind of future will we leave our children? What will it mean to them?

The previous speaker spoke very eloquently about what will happen to future generations because of what we have already done and how much worse it will be if we fail to do something to change the direction in which we are headed.

It also struck me, as I listened to the discussion, how our country has changed from generation to generation and how much our country has changed from 1776 to 1862 to the present. If we fail to recognize that our society is one of change, I guess one could conclude that we should not change the Constitution.

Both previous speakers used the term, "moral obligation" in reference to the Constitution suggesting that it is a moral document. I am suggesting that I think we ought to recognize our society has changed and continues to change. Unfortunately, we have moved away from a group of people who believed in the idea of personal responsibility to those who have fostered an entitlement mentality today.

I would suggest that what we have done for the last 25 years is a reflection of who we are; that somehow or another we think we can live generation to generation passing on huge amounts of debt with no consequences. And I think everyone understands that that is just fundamentally wrong.

Again, there are those who are going to say to us, "We don't need this constitutional amendment to do what is right." I would make the argument that after having served these last 12 years and being involved on the House side in helping to pass the Gramm-Rudman legislation, we do not have the resolve to impose limitations on ourselves. As you may recall Gramm-Rudman was a statute, an attempt to control spending which the Congress merely changed when it became too difficult to get the job done.

So the conclusion that I have come to is that the only way to effectively control what the Congress does with respect to spending the taxpayers' money is to put an outside restraint on them. Without this restraint we risk losing those personal freedoms that have made this country great.

Oh, I know, today there will be people who will say, "Aren't you going a little overboard to suggest that our Nation and our individual freedoms might be at risk because of our decision to continue to overspend and to run deficits?"

I do not think so at all.

What we are involved in—we have heard the term many times —is an experiment in self-government. We are involved in an experiment in democracy.

We need to understand that this is a continual experiment in democracy. Ours is a constantly changing nation, a nation whose values and whose morals have been changing. If we do not address and adapt to that change, then we are putting the next generation at risk.

I think that when we come down to the final vote, we are going to have the necessary votes to pass this constitutional amendment. And when we look back, I think that we will find the turning point was when President Clinton submitted his budget for fiscal year 1996.

I am not going to put this in a partisan perspective, because I recognize the claim can be made that Presidents Bush and Reagan did exactly the same thing in submitting budgets which failed to address our debt problem. But, what is different about this debate is that the country finally recognized that a constitutional amendment had to be passed, that it was an absolute requirement which we as a nation, as a society, and as a Congress had to put in place a series of budget decisions to get us to a balanced budget.

My hometown newspaper referred to the President's budget proposal by saying: "Clinton to GOP: You Cut the Budget." It went on to say, "Republicans Ready and Willing."

I think that those who had been arguing all along that we can balance the budget without a constitutional restraint saw in the administration's budget proposal that this was simply not the case. They recognized that we were going to get the same old thing, over and over again. If we wanted the status quo, then we got it in the budget that was presented to the Congress by President Clinton.

I want to refer, also, to a chart that I have used in the past. Many may remember this book, entitled "Bankruptcy 1995." There is a very interesting chart in it referred to as the "Hockey Stick Chart" because it plotted the total debt over a period of time from 1970 to the year 2000. It illustrated that at some point the total debt just goes straight up, absolutely out of control.

I remember when I read this book, it started off with a series of examples of what would happen when a country's debt gets out of control, and the choices that would face a society, such as monetizing the debt. What really has come back to my mind is the story that was told as to what happened in some of the Latin American countries in the past, and what they said would happen to the United States. The message was: "If you fail to get control of your spending and your deficits and your debt in America, the same thing could happen to you."

I remember reading through this. It was fairly dramatic. Think about what it would be like if you woke up in the morning to talk with your mother and dad, who had received an emergency telephone call the night before from the place where they were working, telling them that it was no longer necessary for them to come in because there was no company left. The company went bankrupt because of certain things that happened as a result of monetizing the debt. Inflation skyrocketed to the point where the cost of the basic necessities of life—food, housing, health care—no longer could be afforded, because they went spiraling out of control as a result of uncontrolled debt.

It is interesting how people react to this story. They think this could never happen in America. This is America. This is the Nation that led the world through World War I, and World War II. We defended freedom all over the world. We are looked upon as the beacon of hope and opportunity around the world. This could never happen in America.

I guess the reason that I wanted to come back to this is because of what is happening in Mexico today. To draw the conclusion that the price that Mexico is paying for its economic disorder is not a price that we would have to pay for our economic disorder is fundamentally unsound. We are fooling ourselves if we think we can continue on this binge. We are fooling ourselves if we think we will solve the problem just by trying the same old process that has failed us year after year after year.

Mr. President, I conclude my remarks by saying that this is a fundamental debate which is taking place here in the U.S. Senate. It is a debate about those who believe more government will solve our problem, and those who believe that less government, less taxing, and less spending, will give more freedom. I have concluded that freedom is the core of all human progress. It must be defended. The only way we can defend it economically is to put into place a constitutional amendment that requires a balanced budget.

I yield the floor.

The PRESIDING OFFICER. By a previous unanimous consent request, the Senator from California was to have time. She is absent from the floor. I now recognize by previous unanimous consent the Senator from South Carolina.

Mr. FORD. Mr. President, will the Senator yield to me to ask a question?

Mr. THURMOND. Mr. President, I will be pleased to yield.

Mr. FORD. Is the unanimous consent for those who are able to speak the rest of the afternoon, or is this the last speaker under the unanimous-consent agreement?

The PRESIDING OFFICER. This is the last person who is sequenced to speak.

Mr. FORD. I will not make a request, but try to attempt to get the floor in my own recognition.

I thank the Chair.

Mr. THURMOND. Mr. President, I rise today to continue the debate on this historic opportunity to adopt House Joint Resolution 1, the balanced budget amendment.

Over the past 3 weeks we have heard many eloquent speakers on the need to pass a balanced budget amendment and bring this Nation's fiscal policy under control. It has been especially encouraging to see our freshman colleagues take to the floor and urge this body to adopt a balanced budget amendment. Many of their campaigns were centered on the premise that the Federal Government has grown too large, spends too much money and must be curtailed to operate within its means.

Mr. President, we have been considering this proposal for 26 days. There has been significant debate and compelling arguments on the need for a balanced budget amendment. I would just note that during our debate over the past 26 days, the Federal debt has grown over $21.5 billion.

Undoubtedly, it is the desire of every member who supports the balanced budget amendment to see the Federal budget deficit eliminated that we may begin to cut away at the Federal debt which currently stands at $4.8 trillion. Without a balanced budget amendment, there has been little pressure on the Congress to make tough legislative choices on Federal spending and the Federal deficit has continued to grow. With a balanced budget amendment as part of the Constitution, the Congress would be mandated to follow a sound fiscal policy. The Congress would finally understand the reality that there are a finite number of tax dollars available for public spending and various proposals would compete on merit and need, not popularity.

The balanced budget amendment would instill an urgent need for legislative accountability as Congress considers various proposals for increased Federal spending. Currently, there is no real check on runaway Federal spending, and there will never be a shortage of legislation creating new Federal programs or efforts to increase spending in existing programs. Without a balanced budget amendment, budget deficits over the long term will continue to rise and the Federal debt will continue to grow. The Congress has not shown the fortitude to address, in a meaningful way, the budget deficit and the Federal debt. There have been times when legislative gestures were made to bring spending within our means but those efforts were short-lived. Statutes to reduce Federal spending have not been enough. They are too easily cast aside and the Congress rolls along on its path of fiscal irresponsibility.

I am convinced that without the mandate of a balanced budget amendment, Federal spending will continue to eclipse receipts and the American people will continue to shoulder inordinate tax burdens to sustain an indefensible congressional appetite for spending. In 1950, an average American family with two children sent $1 out of every $50 it earned to the Federal Government. Today, the average American family is sending $1 out of every $4 it earns to the Federal Government. Under current budget projections, there is no reason to believe that these statistics will improve.

Mr. President, we can trace the debate on a balanced budget amendment back in our history for 200 years. A defining moment may well have been the appointment of Thomas Jefferson as Minister to France. Thomas Jefferson was abroad when the Constitution was written and he did not attend the constitutional convention. If Jefferson had been in attendance, it is quite possible that he would have been successful in having language placed in the Constitution to limit the spending authority of the Federal government. Upon studying the Constitution, Thomas Jefferson wrote in a letter of a change he so fervently believed should become part of the Constitution. He wrote the following and I quote,

> I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government to the genuine principles of its Constitution. I mean an additional article taking from the government the power of borrowing.

Further, Jefferson stated and I quote, "If there is one omission I fear in the document called the Constitution, it is that we did not restrict the power of government to borrow money." President Jefferson also stated, "I place economy among the first and most important of republican virtues, and public debt as the greatest of the dangers to be feared."

President John Quincy Adams stated, "Stewards of the public money should never suffer without urgent necessity to be transcended the maxim of keeping the expenditures of the year within the limits of its receipts."

—and incidentally, he was the only President ever born in South Carolina—

Another former President Andrew Jackson stated the following:

> Once the budget is balanced and the debts paid off, our population will be relieved from a considerable portion of its present burdens and will find * * * additional means for the display of individual enterprise. We should look at the national debt, as just as it is, not as a national blessing but as a heavy burden on the industry of the country to be discharged without unnecessary delay.

President Harrison described unnecessary public debt as "criminal."

President Woodrow Wilson stated, "Money being spent without new taxation and appropriation without accompanying taxation is as bad as taxation without representation."

President Calvin Coolidge stated the following:

> The Nation must make financial sacrifices accompanied by a stern self denial in public expenditures until we have conquered the disabilities of our public finance * * * we must keep our budget balanced for each year.

Mr. President, early American Presidents and public leaders understood the dangers of excessive public debt. For almost 150 years, balanced budgets or budget surpluses were the fiscal norm followed by the Federal Government. The unwritten rule followed by Presidents and legislators until recently in our Nation's history was to achieve balanced budgets except in wartime. But the role and the size of the Federal Government has grown out of control. In the past three decades, the Federal Government has run deficits in every year except one. Further, the Federal Government has run deficits in 56 of the last 64 years.

Mr. President, during the 1960's, deficits were averaging around $6 billion per year. The following decade, the 1970's, saw deficits rise and they averaged $36 billion per year. In the last decade, the 1980's, deficits continued to rise and averaged $156 billion per year. So far, in the 1990's, deficits have averaged $259 billion per year.

The Federal debt has grown as deficits have continued to grow and the debt now stands at $4.8 trillion. It took this Nation over 200 years to run the first trillion dollar debt yet we have recently been adding another trillion dollars to our debt about every 5 years.

I have been deeply concerned during my time in the Senate over the growth of the Federal Government. It has been too easy for the Congress to pass legislation creating new Federal programs and spending more tax dollars whenever there is a call for Federal intervention. Of course, the Federal Government has an appropriate role to protect the citizens of this Nation, but it is not realistic to believe that Washington should respond to every perceived problem with a new Federal approach. This Nation has drifted from its original foundations as a national government of limited authority. I believe the adoption of a balanced budget amendment will do much to return us to a more decentralized Federal Government of limited authority and the mandates of such an amendment will increase legislative accountability. A balanced budget amendment is the single most important addition we can propose to the Constitution to begin reducing the size of the Federal Government.

Mr. President, we have seen the national debt and deficits rise because in large part, the Federal Government has grown. The first $100 billion Federal budget in the history of the Nation occurred in 1962. This was almost 180 years after the Nation was founded. Yet, it took only 9 years, from 1962 to 1971, for the Federal budget to reach $200 billion. Then, the Federal budget continued to skyrocket; $300 billion in 1975, $500 billion in 1979, $800 billion in 1983, and the first $1 trillion budget in 1987. The budget for fiscal year 1995 was over $1.5 trillion. Federal spending has gripped Congress as a narcotic but it is time to break the habit and restore order to the fiscal policy of this Nation.

It is incumbent upon this body to send the balanced budget amendment to the American people for ratification. I am pleased that we have reached agreement to vote on final passage on February 28, next Tuesday. The vote on final passage on House Joint Resolution 1 could well be the most important vote we will face as Senators as its adoption is essential for protecting our liberties as a free nation. I hope we do not fail the American people on this historic opportunity and instead present to the States our proposed amendment to mandate balanced budgets. It is time to act to secure the future for all Americans.

Mr. President, I just want to say in closing, what other way can we balance the budget? The Congress has not shown the fortitude, it has not shown the willingness and it has not balanced the budget. How can we make them do it? There is no way I know to make the Congress balance its budget except a constitutional amendment.

We have tried all other ways. They have failed. The balanced budget amendment put in the Constitution will tell the Congress it cannot spend more than it takes in, and then we will get the budget balanced. Once we balance it, I hope we can keep it balanced. If we have this constitutional amendment, we will have to keep the budget balanced.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, Members of this body will vote on Tuesday on the balanced budget amendment, and I am very thankful for that. There are increasing indications that Senators have, of course, learned from the last election last November, and that from their constituents who want this amendment now that the American people want a change from the past, because formerly this amendment was bottled up year after year in one House or the other.

I hope it tells the people of our country that they can make a difference. They expressed in the last election that they wanted a difference, and I think it gives credibility to the election process when people who are elected understand why they were elected and want to carry out the mandate of that election.

Year after year, this constitutional amendment was voted down in one House or the other, or both. Year after year, the budget deficit increased and our children and grandchildren have been left holding the bag, and the American people, I think, expressed in the last election they want that to stop.

Many Members had concluded for many years that Americans would never want a balanced budget because of the cuts that might affect programs that they relied on, that they benefited from and in which they felt some security. But the American people, I believe, are less selfish than that.

Every day we see new indications that Americans are willing to cut spending to balance the budget. For instance, it is becoming clearer that a balanced budget can be attained with less pain than some have suggested. Today, DRI-McGraw Hill, which has been called the world's leading nonpartisan economic analysis and forecasting firm, has concluded that the amendment will add credibility to budgeting. This credibility will lead to lower interest rates and a stronger economy.

This same firm found that the lower interest rates that would come as a result of the constitutional amendment can create half the necessary savings that is going to take us to balance the budget. This is the case because interest on the debt is such a large portion of the budget.

As these facts become known, Americans are learning that they can live with the reductions in the growth of Federal spending that will be necessary if the balanced budget amendment is adopted. They are willing to do their part to prevent future generations from being saddled with an unconscionable amount of debt. They are willing to do so even if it means that some Federal spending that they support will be affected. Importantly, the willingness to take the necessary steps to balance the budget derives from the whole populace, I believe, not just a few.

This week, I received a letter from a person by the name of Andrew Alexander, the library director in Mason City, IA. As a librarian, Mr. Alexander receives funding for his budget from the Library Services and Construction Act. Obviously, one would expect that as a recipient of Federal grants his position would be against Congress adopting this amendment and changing the level, whatsoever, of funding in that program.

Of course, he could certainly make an argument that was not based solely upon bureaucratic self-preservation, because we know that libraries are important, education is important and it would be possible to very sincerely argue that the Federal Government should then continue to help local libraries.

But that is not what Mr. Alexander argued to me in his letter. He asked me and asked me to ask my colleagues in the Senate to discontinue all Federal funding for local libraries. Although he recognizes that the Library Services and Construction Act was passed with good intentions, it has produced, in his words, "bad or negligibly good results."

He goes on to say: "The Federal Government has no business involving itself in a function that has historically been very much the responsibility of local government."

I would like to mention that Mr. Alexander told me in this letter, "I am a lifelong Democrat." He goes on to say, "I voted Republican last November because I am certain that if we do not stop spending more than we take in, we will, in fact, be the ruin of our children and their children."

So, Mr. President, it is letters like this that show me, and hopefully the rest of my colleagues in this body, that the American people have a greater understanding of the problem than cynics give them credit for. Americans of all political persuasions are realizing that the role of the Federal Government must be limited. They know that not all Federal programs have delivered what they promised. They also know the tremendous sums of money that are spent on these programs, any one that can probably be justified standing by itself, but adding up to a total spending exceeding $200 billion. You can easily see that some, or a part, of these programs cannot be justified.

At the same time, the public knows that it is not paying for all of these programs. That is very clear. They know that the deficit and the national debt are out of hand and that for a small difference in their lifestyle, this very day, the destruction of the economic future of our Nation and the preservation of our freedom and our society can be avoided. They are willing to make that commitment. Oddly enough, until lately, some of them were not willing to do it, but now they are, as our budget and fiscal situation gets worse and worse.

I believe that this same realization is coming to certain Senators who may not have always supported the balanced budget amendment in the past. Additional Senators are understanding that the American people will support the changes that will flow from the balanced budget amendment. I think our colleagues—realizing that the American people out there are seeing how bad the situation is, are seeing these programs cannot continue to be funded at an unconscionably high level and a deficit level—are being fortified by this change of view at the grassroots and are seeing the public will stand behind them if they make the tough commitment to make sure the balanced budget amendment is adopted so the fiscal discipline will come, as it has to come after its adoption.

So I appreciate the commitments from Senators who are signing onto this amendment every day to support this amendment as the debate continues. We have tried every other approach. Every other approach has failed: Gramm-Rudman I and II, the bipartisan budget agreement of 1990, the Clinton budget agreement of 1993.

I have spoken before about my first involvement in legislation to balance the budget. When Senator Harry F. Byrd of Virginia was a Member of this body, he and I worked together—I was a Member of the House of Representatives—to pass a simple law that says the Federal Government shall not spend more than it takes in. That was a very well-intended but, quite frankly as I look back now, a very weak response because under our Constitution succeeding Congresses can obliterate anything that a preceding Congress has done. So, each of the cases I have given—the Byrd-Grassley law, Gramm-Rudman I, Gramm-Rudman II, and the other budget agreements of the 1990's—have failed because they can be changed so easily.

Whereas a constitutional amendment, though difficult to get adopted in the first place, is also difficult to change. So it will not be changed by a simple unwillingness of a body to follow its mandate, because we take an oath to uphold that Constitution. We see the restraint that a constitutional provision brings to States, and in State legislatures controlled by conservative Republicans or even liberal Democrats that oath and the rule of law applies. And there is better fiscal policy there than what we have at the Federal level.

So only the balanced budget amendment, then, will respond to the informed judgment of the American people that the role of the Federal Government must be rethought. Programs will have to compete with other programs once we do not have the capability, willy-nilly, of borrowing from the future generations. When the total must be paid for, choices will have to be made. It will no longer be sufficient that intentions behind the programs might happen to be just somehow very good or, the usual explanation, the needs are so great.

This is a view held not only by Republicans but by Democrats and independents as well. A new day will come when we have a constitutional amendment disciplining our spending appetites. The Senate passage of the balanced budget amendment will show Americans that we have listened to the people and we have their long-term interests in mind. The people have been ahead of the Senate. Now it appears we are catching up, as a result of the last election. The American people have spoken loud and clear. They should be commended for making their views known and they should also be commended for taking a stand for responsibility.

They should also understand that, out there at the grassroots of America, as they express their views to us personally, as they express their views through the election process, they can make a difference. If we adopt this amendment, it is one more example that people who want change are going to get that change.

So I think once again the American people have spoken and, in the process of speaking, they are showing that they are smarter than the pundits.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair. I have had an interesting day listening to the comments on the Senate floor by various and sundry Senators, where some have taken a part of history, Madison, Hamilton; some on the street, grassroots, all of that. So it is a mix. I was glad to listen and to get a feel.

This body, in my opinion, is blessed with some former Governors. One of those spoke today, the new Senator from Missouri. I thought he made an excellent speech. I enjoyed his comments, his delivery, and his content. But being a former Governor, he should understand that he had to work with the legislature. He had ideas and thoughts, he had programs and commitments he made in his campaign that he wanted to get through the Missouri legislature. And he found, I am sure, people on different occasions who did not agree with him. Some did not agree with him for personal reasons. Some did not agree with him for political reasons. Some did not agree with him on philosophical reasons.

So that is where we find ourselves today. You know that every once in a while you have a hung jury in the court system. Eleven to one and you have a hung jury. One person believes and feels that an individual is not guilty and, therefore, that person votes that way so you have a hung jury—11 to 1. That is our system. It worked pretty well. It worked pretty well.

A couple of things bother me, Mr. President. I guess you might as well get them out of your chest, out of your heart, out of your head here. There will be no trouble passing this constitutional amendment—I voted for it twice—but this is not the same amendment that I voted for. This does not have the restriction on the Federal courts which was accepted, I believe, almost unanimously the last time we had a constitutional amendment up last year. It was offered by the distinguished Senator from Missouri, by the way, Senator Danforth, and that constitutional amendment was voted on. My good friend, long-time friend, distinguished Senator—I do not think anyone doubts his integrity or his loyalty to this country—Senator NUNN from Georgia, said last night if his amendment, which is the Danforth amendment of last year, is not accepted, then he just cannot vote for the constitutional amendment when the courts will tell you whose taxes to raise, whose taxes to cut, what program to extend, what program to cut. If they have that ability he just cannot vote for this amendment.

I suspect if that amendment is accepted, the constitutional amendment will pass. But if you are going to stonewall, I do not believe there has been a Republican vote for a Democratic amendment that has been proposed on this constitutional amendment. I may be wrong. Maybe on the judicial question of Senator JOHNSTON, and that is the question that bothers my friend from Georgia, Mr. NUNN. But that is the only one. I believe that is the only one.

To say that we are going to take the Social Security trust fund that so many people are depending on, and we are going to use that, put it in the general fund and help balance the budget—I do not know whether I am different or my constituents are different. I can learn a lot at the barber shop. At the barber shop 2 weeks ago, there were a lot of young fathers there bringing their sons in to have a haircut. There I sat waiting for mine. These young fathers I knew—and I probably knew them from a young age—asked me about only one thing.

They said: Senator, we are for balancing the budget. We think we ought to reduce the cost of Government. We ought to reduce our taxes, if we can. We are willing to accept a freeze on our taxes. But Social Security? Mom and Dad are drawing Social Security. They have a small pension or 401-K or something from their previous employment. The check from Social Security, that they had been paying into for years and years, is now in jeopardy because of the constitutional amendment. If I do not fly, I do not pay the airport improvement trust fund tax. But that will go into the general fund, also. The highway trust fund will go into the general fund as such to be used. All of the trust funds now are going to be used in order to try to balance the budget. I get the argument. If we do not do that, Social Security is not going to mean anything, anyhow.

Well, I do not know about that. But let us get back to the Social Security. You have to pay Social Security if you work. It comes out of your pay, whether you want it or not. It is matched by your employer. If you are self-employed, you pay the whole thing. That is mandatory. We have to change the Social Security system. We need a means test. We can do that without it being in the constitutional amendment, saying we will not use that surplus. We can still change the structure of the Social Security system.

I hear a lot about dropping that 85-percent tax. If you make $34,000 or $44,000, for a couple, drop it back to 50 percent, the couple says, then still charge 85 percent, but take the difference between the 50 and 85 and put it in a Social Security trust fund so it will be there in the future for others that come behind us.

It makes some sense to me. All kinds of propositions are being offered, but no one on that side. The Republican side will vote to say no, we are not going to use the Social Security trust fund to balance the budget. We want them to continue to pay their taxes, continue to pay their Social Security, continue to pay their gasoline tax, continue to pay their airplane tax, continue to pay all of that to go into balancing the budget. They are designated taxes. I do not think any of us are fussing too much about the tax on your airplane ticket. Some may. We are not fussing too much about the gasoline tax. But there is something very, very personal about Social Security taxes. It is there for the future. It is there for retirement. It is there so they will not be a burden on their children.

So when we refuse to do that, then some in this body have just said they refuse to support the amendment. Somehow it is hard for me to understand why that is not accepted, and we will go ahead and pass the amendment. Everyone in this body knows that it would pass this body if that was acceptable.

Second, to keep the courts out—several Senators in this body are swallowing awfully hard to cast every vote against Social Security, against the proposition that we do not want the courts telling us what to do. They are swallowing awfully hard. That vote is coming back. We will have it. The votes on Tuesday about Social Security and about the courts will tell you whether this amendment is going to pass or not. I want to vote for it. I want to vote for it. But you are stopping me from voting for it because of two little items. I am getting a little bit harassed, I guess—or worried—because every time a good amendment comes up, the floor manager says, "Senator, you have a good idea. I wish we could put it in this amendment. But we do not want to send it back to the House. The House has steamrolled everything they brought up over there."

Why are you afraid to send it back? What is the reason that you will not send it back? I believe with all my heart that if you send the Social Security portion back and take the courts out of telling us what to do, the House will pass it in the flick of an eye. So why will you not include it? I do not know. They just do not want to send it back to the House.

"Senator, we will work with you after we pass this amendment. You have a good idea. We will try to get it done. I look forward to working with you, trying to solve this," when you know the implementing language can be changed every day. And the statements by the leadership on these sense of the Senate, or whatever it might be, sounds good; votes, in order to take care of it. You have a judicial resolution out here now or a sense-of-the-Senate resolution to try to salve the pain. I think we have had enough of that. They do not want to send it back to the House.

I hear a lot about we do not have the intestinal fortitude to make the decisions to balance the budget. My friend from Iowa, who just spoke before me, mentioned the Clinton budget of 1993. I want to tell you, there was not much intestinal fortitude that came across that aisle right there. We raised taxes on the top 2 percent. We cut them on others. We cut programs and reduced the deficit by $700 billion over 5 years. That is about the round figure. But we did not get a Republican vote, and even lost a Democrat or two. But we did not get a Republican vote.

Are the Republicans trying to tell this Senator that we have to have a constitutional amendment that forces us to balance the budget? We have had one experience already during this administration. That experience was a hard-fought experience. Sure, we raised taxes. That is what everybody said we are going to have to do. Sure, we cut programs. That is what everybody said we had to do. And we are going to reduce the employment of the Federal Government by 272,000 people.

We have already reduced over 100,000 employees of the Federal Government. We are reducing Government. So it is very difficult for me to see why you will not accept at least two proposals. I think that the supermajority, three-fifths, for deficit spending in a time of emergency is trying to go against what the Framers of the Constitution have said. It has been good for a long time, a simple majority. The Vice President has a right to break the tie, and then we can go on about our business. But, no, we have to have three-fifths in order to deficit spend, and we have to have 51 Senators. We exclude the Vice President from his constitutional position of breaking ties in the Senate under this constitutional amendment. We have to have 51 Senators.

I thought it was a good debate when we said that the 51 votes then could be used to take money from other programs and put it into the defense of this country. I do not know how long it would take us to do that, going through the House and the Senate, arguing over whether we are going to take money from nutrition programs, WIC programs, housing programs, whatever, and put it into defense. But you need 51 Senators and, I guess, 218 Members of the House to do that. In that debate, it was brought up that it has to be done every fiscal year. So that is from October 1 to September 30. What if it came up on September 1 and we had less than 30 days left and 11 months of the money had been spent for that fiscal year? There would be no more money left. You can take all the money for Government use for other programs and try to put it into the defense of this country. So they say if we have a problem with the defense of this country and if we were being attacked, there would not be any trouble getting the money. We have to be prepared sometimes to prevent it from happening. We have to make that decision.

I have tried my best to stay out of the partisan political position that this is obviously trying to put people in. I understand what is happening here. I have tried to approach this question as best I could as a Kentuckian and as an American. I only ask two questions: Why can we not accede to exempting the Social Security trust fund? Why can we not allow an amendment to go on this constitutional amendment to keep the courts out of telling us who to tax and who not to tax and who to increase and who to decrease, and what programs to cut and what programs not to cut? I hear people say that is not what this thing does. Why is there all this nervousness? You can feel it around this Chamber when you start talking about the courts. It was a close, hard vote, 51 to 47, I think was the vote. This amendment would sail through here—sail through—and we are only asking two questions. Is that so hard to accept? Is that so hard to accede to? Is it too hard for some of those that apparently want to harm people, unless they are rich—the rich will not care too much about Social Security. But the average American out there, particularly those who have retired or are about to retire, are certainly worried about having their Social Security. Their families are worried about their mothers and fathers having Social Security.

I had a Sunday school teacher, one of the best Christians I guess I have ever known, outside of my wife and family, Beryl Brown. He was one of the strongest Republicans and nicest fellows I have ever met. Every once in a while, he would compliment the Democrats for having Social Security. That is about the only thing he said nice about Democrats or the Democratic Party, that we started Social Security. He said, "The reason it is good and I think it is a program that ought to stay is that Mama and I can stay home. We do not have to worry about moving in with our family. We can enjoy ourselves, have a little garden out in the backyard and have enough income to get along." That is Social Security.

If you are rich, it does not make any difference. But if you worked hard all your life and you expect a few years of having your own way and playing with your grandchildren and doing all those things, then Social Security is important. But I see that question slammed every day in this Chamber. If you are going to be against the elderly and against the young folks, with the reduction of WIC, nutrition programs, education, Social Security, well, somehow or another I believe it will come back to haunt us, and it will not take long. But if those two items are in there, I think you can accomplish what you want.

So, Mr. President, I hope that I have explained my position a little bit. There are not enough votes to pass the amendment as of this moment. I wish there were enough votes, because if there were enough votes, you would have Social Security trust fund excluded, the surplus, which the recipients are depending on, and you would say we would not be yielding what our forefathers gave to us to protect, and that is giving a piece of the legislative branch of Government to the courts; and, second, when we get to the line-item veto, we will be giving that portion of it to the Executive, and we slowly but surely erode what the forefathers said we ought to have, which is three branches of Government—executive, legislative, and judiciary. They are all there for a purpose and they have all worked very well.

We are putting fiscal policy in the Constitution. I understand that there are other things that relate to the economy in the Constitution. But just two questions is all the people ask. There is a difference and there is a holdout. There is a holdout. We have 51 that are saying we want to take Social Security and put it into the trust fund and pay the budget deficit off. We have, maybe, 15 more—14 probably now—that want to agree with that, or will agree with that, for various and sundry reasons. This could be a hung jury—11 to 1—and so be it, Mr. President. So be it.

I see other Senators are here wishing to speak. I will not take any more time of my colleagues.

I yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Vermont [Mr. JEFFORDS,] is recognized.

Mr. JEFFORDS. Mr. President, I have listened to the very eloquent statements of my good friend from Kentucky. Certainly, all of us understand the need for the protection of the Social Security System. Certainly, I, like others, was torn when I had to vote on amendments that would be sacrosanct and separate from the possibilities of being tampered with by the balanced budget amendment.

However, I can make the same kind of arguments on behalf of the children of this country for nutrition and the reasons why we should make sure that we do nothing that will endanger their ability to be protected from cuts which might damage their future.

In a moment, I will talk about the care we must take when we make cuts, because if we do not recognize that education is so important to the foundation of our society and our economy, if we make mindless and unwarranted cuts in that, we will be counterproductive in the ability of us to balance the budget.

However, I came to the conclusion in deciding to vote for the balanced budget amendment that we had to leave ourselves open to all options and that we could not pick and choose those things for which we ought to try to protect. And I understand and realize that it would be much easier for us to separate Social Security from it.

Mr. President, on February 13, I came down to the floor to discuss my position on the balanced budget amendment. I outlined the concerns that increased debt load places on our economy and our future generations and how the interest payments we are making now on the budget are threatening everything else, now having exceeded the defense expenditures and the discretionary expenditures. I outlined at that time that in the past, in 1982, when I had been in the House only some 8 years, I was first faced with the balanced budget amendment. I said at that time, "I won't vote for it because we can't wait 7 years for the budget to be balanced."

At that time, we had just had a very important bill passed which greatly reduced the taxes of this Nation. I was the only Republican that opposed that amendment which made drastic cuts in our taxes, and I stated at that time that I was afraid that what we had done would lead to huge deficits in the future. I took a lot of abuse at that time for that vote. But, as history has shown, that vote probably was one that was the best judgment I could have exercised at the time.

But, as we now know, it is important for us to pass the balanced budget amendment. We must begin to balance the budget and to outline our priorities. So we must be careful not to make balancing the budget more difficult.

Today, I will talk about the need to be careful on how we cut, especially in the field of education. I am the chairman of the Senate Education Subcommittee and, therefore, have a particular responsibility to make sure that what we do from this point on does not in any way inhibit the ability of this Nation to be able to meet its commitments to its young, but most importantly its commitments to this Nation that we maintain our ability to be the most competitive and the most economically sound nation in the world.

I am afraid, as I look across the Congress to see where cuts are being made. I also recognize the future needs of our Nation especially in the area of education. For without immediate attention by this Nation on our educational system, we are facing incredible danger for our economic future. We cannot move forward without recognizing that cuts within the educational system may well prove to be counterproductive—counterproductive in that they will reduce the potential revenues that we would otherwise have and that they will only increase the social costs that we are presently experiencing.

So let me now, as we go into the 21st century, take a look at where we are with respect to education and the need for us, a Nation, to place ourselves in more competitive position within the international economic community.

In order for our country to remain viable in the global economy we must not only be free from crippling interest payments on our debt, but we must also prioritize our spending so that we maneuver ourselves to be ready to face the challenges of the new millennium. If we do not act now, we will destroy the dreams that we cherish—good health, a good education, a good job, and a good retirement.

Some have proposed that we reduce the deficit simply by making across-the-board cuts on all programs. Such cuts might provide a solution to our financial woes in the short term, but they only exacerbate the deficit in the long term. Here is why. If we cut back on programs for education and training, we lose our competitive edge in the marketplace, resulting in a lower standard of living, fewer high paying jobs, less Federal revenues in taxes, and, naturally, a larger deficit.

On the other hand, if we work to improve our education system, we not only increase our national productivity, but our standard of living will increase, resulting in greater Federal revenues and a decreased need to invest in our social programs.

In Michael Crichton's recent book, "Disclosure," the main character's professional advancement is threatened by the appointment of a woman as his supervisor. He is so distracted by the immediate problem of sexual harassment that he only belatedly understands the advice from an anonymous ally.

That advice—to solve the problem. And he keeps repeating, "Just solve the problem."

I believe this advice applies to the larger problem that we face today. If we solve the larger problem, then this will solve those immediate ones that we look at with respect to our inability to fund the various programs we all desire to fund. For if we do not improve our educational system, and if we are unable to solve the deficit problem, we can not ensure that we have the capacity to provide for the programs we need. And then we will find that the problem of balancing our budget is unsolvable and that this Nation will disappear in the next millennium as a lesser nation.

The way to solve the problem of our deficit is not, as some suggest, mindless across-the-board cuts. Solutions to our financial woes are long-term investments—specifically in our education system. By not solving the problem of reduced productivity and higher costs through education failures, interest payments will keep increasing, tax revenues will keep decreasing, and our deficit will only grow larger. More mindless cuts is not the answer. Instead, thoughtful investments and adequate resources are the solution to our long-term fiscal concerns.

Consider for a moment the education spending patterns over the last decade. Since the beginning of the 1980's overall Federal support for education, after adjusting for inflation, has decreased by 5 percent. Funds for elementary and secondary education declined 15 percent, while postsecondary education funds declined 24 percent. Where has that led us? Certainly, not to the first class education system we all support. In fact, using the six education goals developed by a bipartisan group of Governors in 1989 as our barometer, we are not close to reaching our mark of excellence in education.

Among the goals for our future is that our children come to school ready to learn, that they come without hunger, and that they come with the capacity to be able to understand the education that they are going to be faced with. That means they must first be fed, immunized, and, hopefully, have had some preschool experience. However, only 45 percent of young children from low-income families are enrolled in preschool programs and only 55 percent of infants have been fully immunized, protecting them against childhood diseases. Head Start continues to only serve one-fourth of all eligible children in this Nation.

We also recognize that educated people who can compete in the global marketplace require a mastery in challenging core subject areas—such as math and science—and that all adults be literate and prepared for life-long learning. Unfortunately, in these basic areas, we are far from the finish line.

The 1993 National Assessment of Educational Progress indicates more than 75 percent of students at all grade levels failed to achieve even the basic level of proficiency, and over 60 percent failed to meet the proficiency level in English.

In international comparisons, American students consistently score below most other industrialized nations.

In the 1992 international assessment of education progress U.S. 13-year-olds scored second to last among the nations in mathematics achievement, and similarly in science.

More recently, a report recently came out that investigated the literacy of children that graduate from high school. The report found that 51 percent of the students now graduating from our high schools were functionally illiterate. That is, incapable of handling an entry-level job with their educational achievement.

Make no mistake about it. These disturbing statistics are not about someone else's children. They are not someone else's problem. These are our children. These are our problems. Our future work-force and our future leaders. The quality of our public schools in America, is directly related to the standard of living of each and every citizen. Without a strong investment in education, this Nation will not be able to maintain an adequate number of highly-skilled workers, these workers are necessary if our country is to maintain a competitive position within the global marketplace.

To give you a quick idea of why curing our educational ills is critical and key to our future, we will examine a yearly cost of our failing educational system. The total cost of our failure in education to our economy has been estimated to be one-half trillion dollars each year to our economy.

The lost revenue alone has been estimated to be about $125 billion. That is, if the educational levels were where they should be, the income to the Nation, relative to furnishing our budget, could be higher by $125 billion, putting us a long ways towards being able to have the budget balanced.

For example, American business spends approximately $200 billion a year to perform training for employees which is necessary to provide those individual minimum skills required to perform on the job, skills most of which should have been taught in the schools.

The Department of Education estimates that 30 million Americans are functionally illiterate, another 46 million are marginally literate. This creates a significant problem for our economy. "Combating Illiteracy In The Workplace," by Robert Goddard, puts the cost of this illiteracy at a staggering $225 billion a year. This includes lost productivity, unrealized taxes, crime, welfare, health, housing, and other social costs.

We pay for our failed educational system every time an individual drops out of high school. Lack of a high school degree costs an individual $440,000 in lifetime earnings. These lost earnings often drive these individuals into welfare, crime, and drugs. Up to 80 percent of our people that are incarcerated in our State jails are functionally illiterate, school dropouts.

Federal expenditures for welfare were $208 billion in the fiscal year 1992. The cost of incarceration, which I mentioned, is $25 billion per year and growing, and the medical costs of violent crime is another $18 billion per year. Illegal drugs cost the economy $238 billion a year, as estimated by Brandeis University. These difficult circumstances perpetuate themselves generation after generation.

I think most Americans agree, and in poll after poll people cite the quality of education as a paramount concern. The support for education in these polls is often cited as one of the most important roles of Government. Americans understand intuitively that investing wisely in education is the key to our future success and the best possible national investment we can make for the country. The evidence is clear: Countries which spend more on education per pupil have higher levels of per capita GDP. Institutions like Motorola report corporate savings of $30 to $35 for every dollar on training. That is a 3,000- to 3,500-percent rate of return. But most of that education, if you read the report, was to make their students literate to put them in a position where they could read.

They found, amazingly in their study, they were having trouble with their employees answering simple math problems and they could not believe they do not have the capacity to do the math, when they found out the problem was they could not read the problems. Thus they had to teach them how to read to do simple math problems. That is the state of the situation, and that is Motorola, one who can be selective in their employees.

People, as rational consumers, also realize investing in their own education leads to substantially higher lifetime earnings. A person with a bachelor's degree earns over 1.5 times of the person with a high school degree. A professional degree earns over 350 percent higher lifetime earnings than a high school diploma in itself.

While we recognize both intuitively and through research the economic rewards of education, we do not simultaneously invest the funds necessary to support the position. Many of my colleagues, while acknowledging the importance of educational investments, argue that throwing money at education is not the solution. I could not agree more. Increasing educational expenditures in itself will not solve our country's educational deficiencies.

We have a responsibility to invest educational dollars wisely, including more active congressional oversight over Federal initiatives. Simultaneously, we must also reinvigorate our schools by demanding that students learn high academic standards.

Why? Because the status quo in our schools has failed. Too many of our graduates finish school without knowing the three R's, much less more rigorous academic standards. Clearly, there is no room for federally mandated standards. We should be providing incentives for States and communities to set high goals for student achievement—pupil by pupil, and school by school.

More importantly, they must know what standards this Nation must reach, if we are going to be able to continue to compete internationally. It is one thing to believe that our education, as most people in this country do, has improved over the time they were in school, and I find that is true for myself. I am amazed that the students in high schools are taking subjects which I did not get until college.

What they do not realize, for instance, in a recent report on the comparison of our students to other nation's students we fared poorly. One example is with Taiwanese students. These students when they graduate are 2 years ahead of our students in many subjects, such as in math. Is it any wonder we come out last in these tests, or next to last?

What is important is that we know and that the States know that we do have a problem. That this Nation is faced with a very serious educational problem, and if we do not do something about it, we will not be the Nation we must and should be in the next generation.

So we must be sure that when we begin to reduce the budget to try and balance it that we do not do counterproductive cuts which will decrease our revenues and increase our social costs. Rather than cutting the deficit it will increase the deficit.

This last dream can only be realized by setting high priorities on education and educational investment. These increases are essential if our country wishes to remain viable into and throughout the next century.

Next, Mr. President, I would like to mention something else which I think is incredibly important. I think that we must realize if we are going to bring this deficit under control we must do something about escalating health care costs. This is an area that I and many of my fellow Members have been deeply involved in. I would say that we must realize that if we do begin to tackle our national health care problem, there is no hope for bringing the federal deficit under control.

Mr. President, one of the only ways we can balance the budget is by getting the Federal health care expenditures under control. For example, CBO estimates that if we do not address the health care expenditures, the debt will grow by $1.4 trillion by the beginning of the next century, due to health care costs.

The chart I have here for my colleagues to look at demonstrates what will happen if we do not get health care costs under control. I point out that the red line indicates current health care trends for Federal expenditures.

Mr. President, 2 years ago I introduced a bill, worked very hard to demonstrate that health care expenditures can be brought under control. If this bill was passed into law Federal health care expenditures could be brought under control and that the anticipated national debt could be reduced by $1.4 trillion over the next 10 years.

That yellow line on the chart demonstrates what could be done if my plan was accepted last year. But that is not the only plan. That plan worked by shifting the burden of hospital care back to the States, capping our Federal expenditures and allowing the States through managed care and other processes to bring this under control.

However, now it is important that we look at other measures. For instance, we found out this past year that with the Clinton bill, and bills like it which tried to go too far, we were not ready nor was our society ready to go that far.

Let us take a look before we do that, take a look at why it is important that we do try and get the health care expenditures under control.

First of all, let us take a look at the entitlements and mandates. This chart demonstrates in red what is happening to items such as Social Security, Medicare, and Medicaid, as we move into the next century. It demonstrates clearly that if we do not balance the budget, we cannot get the costs under control, and if we do not take care of our entitlements, we never will.

The next chart shows the biggest component which is increasing at the most rapid rate, which is in yellow, is Medicare and Medicaid. As you can see, where that was a relatively small growth up through 1985, starting in 1985 things just escalated out of control.

My point is that Federal health care has to be brought under control or there is no hope of balancing the budget. As I indicated in a bill 2 years ago, there is a method to do it. I am working now on another one that uses the private sector to demonstrate it can be done. Federal health care spending is projected to increase from 3.3 percent of the economy today—this is important, too—to over 11 percent by 2030.

The growth of Federal health care costs poses an immediate and critical drain on our budget and thwarts our ability to balance the budget. The CBO projects that entitlement spending will be 58 percent of total Federal outlays by the year 2003, from 47 percent today. This represents an astounding 11 percent increase over 8 years.

For unless appropriate policy changes are made by the year 2003, less than 15 cents of every dollar the Federal Government spends will be available for nondefense discretionary programs. And that includes education and programs for the poor, elderly, and disadvantaged Americans. We cannot let that happen.

First, I want to outline some of the problems we face as we work to solve this dilemma. Medicare enrollment has been growing at an average annual rate of 2.2 percent per year since 1975, and is expected to grow at an annual rate of 2.1 percent through 1996. As the baby boomer generation reaches 65, beginning in the year 2010, the rate will rise even more. In fact, it will rise substantially more.

Total Medicare expenditures have grown from $34 billion in 1980 to $160 billion in 1994. This means an average growth rate of 11.7 percent over this period. The CBO projects that Medicare expenditures will grow from $176 billion in 1995 to $286 billion in the year 2000. This represents an average annual growth rate of 10.2 percent over the next 5 years.

Mr. President, this trend cannot continue or we will only expect this growth rate to continue to explode as our population ages and, again, the baby boomers will be, into the next century, raising the costs and the number of people to be treated by a substantial number. But if we work hard, we can start to get our Federal health expenditures under control.

Second, Medicaid is also affecting our ability to balance the budget. Total Medicaid expenditures have grown from $41 billion in 1984 to $138 billion in 1994. The average annual growth rate from 1984 through 1990 was 9.8 percent, while the average annual growth rate from 1994 was 17.7 percent, an astounding jump.

The CBO projects Medicaid expenditures will grow from $157 billion in 1995 to $262 billion in the year 2000. This represents a compound annual growth rate of 10.8 percent over the next 5 years. Currently, Medicaid consumes approximately 18 percent of State spending and approximately 6 percent of Federal spending. Like Medicare, we cannot allow this trend to continue.

If we are going to reach the goal, and I believe we can, we must get health care costs under control. I expect and believe we can do that. I am working toward that, and I know others are, too, but we must remember we cannot do it without solving the health care crisis and improving the educational system.

Finally, I would like to raise another spectrum with respect to the needs of what we must do to balance the budget and get health care costs under control, and that is in respect to the fourth dream which I mentioned, to start with, and that is that we have a good retirement.

Just to give an idea of why it is incredibly important that we bring health care expenditures under control, some 10 years ago, the amount of money in an average benefit package was about 50 percent health care and about 50 percent pensions. Twenty years ago, 35 percent was for health care and 65 percent was for pensions. Now it is 21 percent for pensions and 79 percent of each benefit package for health care. If you also take a look, as others have been working on, as to what is going to happen to Social Security in the next century, if you add to that this dimension, that little money now being put into pension plans, the problems of the elderly will be exacerbated.

So, in wrapping up and finalizing, I reluctantly back the balanced budget amendment. I do so with the firm conviction that if we improve our educational system, we do not mindlessly cut or eliminate programs, we can prepare ourselves for the next century. We can, to a large extent, allow our economy to continue to expand, thereby allowing our nation to grow its way out of this deficit problem, with increased revenues and lower Federal spending on some programs.

More importantly, in the immediate area, we must dedicate ourselves this year to finding a solution to health care reform. If we do that, as I know we can, if we have the courage to do it because it will require shifts and it will require the understanding of the elderly population that they will be cared for in a better and more efficient way, we will be able to bring the budget deficit under control in the not too distant future. I am hopeful that we can. For that reason, I will support the balanced budget amendment.

Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I thank the Chair and wish the President a good afternoon.

Mr. President, I know it is late and much has been said about the balanced budget amendment before this body. I am going to say some more.

In 4 days, debate on the constitutional amendment to balance the budget will come to a close and finally we will cast our vote determining the fate of this historic amendment. We spent the entire month of February debating this amendment, and during this debate, we have considered and weighed the role the judiciary may play in interpreting and enforcing the amendment. We have considered how the amendment will affect benefit programs that have been created by statute, including Social Security. And we have debated the voting rules of the House and Senate with regard to waiving the balanced budget requirement.

Throughout the debate, I believe the Senate has lived up to its reputation as the world's greatest and deliberative body. We have examined in fine detail all of the nuances and interpretations of the language of the amendment and have sought to allow all sides of the issue to be aired and debated.

The distinguished chairman of the Judiciary Committee, Senator HATCH, who was just on the floor—I am sorry he cannot hear these words of praise, but I mean them genuinely—has been a superb advocate for this amendment. He, along with our colleague on the other side, Senator SIMON, are to be commended for their diligence and commitment in leading the Senate throughout this debate.

The distinguished senior Senator from West Virginia, Senator BYRD, is to be commended for his extraordinary work in leading opposition to the amendment.

Senator BYRD first entered the Senate the year before my State of Alaska joined the Union. When he entered the Senate in 1958, his colleagues on this floor at that time included the illustrious Senators John Kennedy, Everett Dirksen, Lyndon Johnson, and William Fulbright, to name just four. Senator BYRD's determination and commitment throughout this debate will long be remembered by Members as well as historians of the U.S. Senate.

But let us delve into our deficit history for just a moment. After listening and participating in this debate for the last month, I am convinced of one thing, both the proponents and opponents of the constitutional amendment believe that we cannot sustain the economic prosperity of this Nation if we continue indefinitely to run these extraordinary deficits. Our differences are solely about the means necessary to end the deficits, not the end in itself.

The opponents of the amendment believe we need not amend the organic document covering this Nation, namely the Constitution, in order to balance the budget. This Senator believes that nothing short of amending the Constitution will change our addiction to spending and living beyond our means. In reaching this conclusion I rely simply on history.

I would suggest to you, Mr. President, we simply do not have the self-discipline. You remember the extended debates on military base closings—how can we close bases in our own States? We agonized, we went on and on and on. Obviously, we could support the closure of a base in another State, but not in our own States. So we reached the conclusion the only way we could do it is to leave the entire matter up to a qualified board and they would select and reprioritize, and then we would be left with the responsibility of simply voting up or down on the package—and it worked.

That is really about where we are on this issue. We have tried to cut spending, we have tried to increase revenue, and we continually run deficits to the point where we have to acknowledge that nothing else works. This will mandate a balanced budget over a period of time.

Let us look at history. For more than one-third of a century, 34 out of the last 35 years, our Government has run a continuous and unending string of deficits. If you and I did that, our checks would be bouncing all over the place. What have we done? We have simply added to the deficit.

We go through a curious process around here called a budget. We get our revenues and we get our expenses. They do not balance. So everything else we need we get by adding to the deficit.

Even if we adopt this amendment next week, it is almost a certainty, a near certainty at least, that the unending string of deficits are going to continue for a while, into the year 2000 or thereabouts. If we adopt the amendment, however, we will surely be forced to lower the deficits in the next 5 years below the currently projected levels, and virtually everybody agrees on that. But the reality that must be faced is that by the end of this century—and that is less than 5 years from now—the United States will have run a deficit for four decades. We have become hooked on it. Four decades of deficits, and the result is that today our national debt is more than $4.8 trillion.

I do not know of any person who can really imagine what $4.8 trillion really is, but let me try to put it into perspective. A $4.8 trillion debt means that every man, woman and child in America owes Uncle Sam $18,400. A family of four owes $74,800.

If we do not begin to turn things around, the national debt will then jump to nearly $6.7 trillion in 5 years—if we do not begin to turn it around. In 5 years it will jump from $4.8 trillion to $6.7 trillion. That would mean that every man, woman and child in America would owe Uncle Sam $24,170 instead of $18,700. And the family of four would move up and owe almost $97,000.

We have not been blind to these deficits. We have debated them. Historians will note for the last 10 years Congress and the President have sought to find solutions. We have sought to find remedies to the deficits. We have passed statutes. We have passed reconciliation bills and sequestration provisions, all in the name of getting our deficit to zero. On three occasions over the past 10 years, legislators on both sides of the aisle have sat down with the President and hammered out so-called solutions to solve the deficit, and on every single occasion the promise of a zero deficit has simply evaporated away because we in Congress have never had the political courage to do the one thing that would bring down the deficit, and that is to reduce spending.

Yes, we have voted to raise taxes on more than one occasion, but we have never, ever cut, frozen, or capped spending. We have to do one or the other. It is just that simple. Some would suggest if we do not cut spending, we do not raise revenues, there is some other alternative. Some have suggested, given enough attorneys to study the problem, there might be another alternative. But I can tell you—not as an attorney but as a former banker—there is not any other alternative. You do one of those two things, you cut spending or you increase revenues.

We have never faced up to the challenge of runaway entitlements which today account for 55 percent of Federal spending and will grow to 59 percent by the end of this century. Quite the contrary, we have generally placed entitlement spending simply off limits in all the budget deals that have been negotiated over the past 10 years. And we all know why. It is simply that we do not have the self-discipline to make those cuts.

What we do not consider, however, is the result; that if we do not face up to this obligation, getting this under control, our monetary system as we know it today will ultimately collapse. There is absolutely no question about it.

That is a pretty big order when you recognize you have to have a healthy economy, you have to have a sound monetary system in order to meet the social obligations of our society. I have many letters from my State of Alaska, people expressing concern over cuts and what these cuts might mean to programs. Obviously, through the block grants giving the States more responsibility, we can make the process more efficient. We can take out the fat that results from administering these programs from the Federal Government and give that responsibility to the States, and they can do it much better. But the point is that in order to meet those social obligations we have to have a healthy economy, one based on sound fiscal principles and a dictate of a balanced budget.

Mr. President, I know we have not had many charts around here in the last week or so, so I am going to spring three charts with one for dessert for good measure at the end.

These three charts record the history of our "get-tough" budget agreements over the past 10 years. The first chart shows the promises and the reality of Gramm-Rudman I, which we adopted in 1985. As you can see, Gramm-Rudman I was supposed to bring us to a zero deficit—down at the bottom—a zero deficit over a 6-year period starting in 1986 and ending in 1991. From a projected high of $172 billion, which is where we were in 1986, the deficit was supposed to come down by $36 billion each year. But in reality by 1991, instead of a zero deficit we were at a record $269 billion deficit. That is our first effort. It did not work because we did not cut real spending. The commitment was there, the will was there, it looked good on a piece of paper and looked good on a chart at the time we adopted it, but it did not happen because we did not have the commitment to make the real cuts.

So then we made the second promise to the American people, and this is the second chart, and it shows the revision which we made to Gramm-Rudman in 1987.

Why did we make the revision? We simply had to because the original version was not working. In that year, we revised the original targets, changed the targets. New targets are up now, and this time we promised again a zero deficit by 1993. Promises are cheap around here, Mr. President. Quite frankly, this was a more astounding failure than the original Gramm-Rudman. It was not the fault of Senator GRAMM or former Senator Rudman but of Congress which simply found enough ways to get around the law that when the deficit was supposed to be $100 billion in 1990, it turned out to be more than double to $221 billion.

Of course, by 1990, it was clear that none of the targets would even be remotely met. So at that time, we will all recall, President Bush entered into a summit agreement, broke his no-tax pledge—some people say that cost him the election—and the American public was again led to believe that we were finally getting a handle on the deficit.

So what we have done here now is we have simply switched this thing around. When we needed to change the targets because Gramm-Rudman was not working, we went back to another budget deal. And what did we accomplish? Absolutely nothing.

I had the privilege of being down at the White House at the time, or shortly thereafter when President Bush made the decision on the tax increase, broke his no-tax pledge. He was absolutely convinced that he would get support from our friends across the aisle, the Democrats, if he went halfway on a modest tax increase. He believed that was the only way he could get support for cuts in Government spending, and he genuinely believed that. There is absolutely no doubt in my mind. But it did not happen. It did not happen again, and it probably cost him that election.

Well, let us move to the third chart now because it is a progression of where we are. The third chart again shows how the deficit was supposed to come down, supposed to come down, as a result of the 1990 agreement. What this chart shows is that by this year, this year, the budget deficit was expected to be only $83 billion. Does that sound familiar, $83 billion in 1995? In fact, as the chart shows, the actual deficit is $109 billion higher at $192 billion.

Now, that is the progression. That is where we have come. What these charts show is that there is no reason for the public to put its trust in the congressional ability to come up with a budget plan that will eliminate the deficit. We have done it. We have looked at the charts. We have seen the results. The results are quite the contrary.

In the 10 years since we enacted the first Gramm-Rudman law, spending increased more than 53 percent, from $990 billion to more than $1.5 trillion. Interest payments increased more than 70 percent from $136 to $235 billion, and the national debt more than doubled from $2.1 to more than $4.8 trillion.

We are not kidding the American public. They have seen this charade. They have observed accumulated debt has gone up to $4.8 trillion, and they are fed up. They say enough is enough. What is even more discouraging, Mr. President, is that this administration which opposes this amendment and which, 2 years ago, was able to get our friends across the aisle to go along with the largest tax increase in history, in my opinion, has completely abandoned the goal of bringing the deficit under control.

During the month that we have debated this amendment, the administration has submitted its fiscal year 1996 budget. Its latest budget shows an unending stream of rising deficits and debt, and I do not find a solution, not a solution is recommended, not a single word about how to reshape entitlements is contained in the President's budget. Instead, what the President now recommends is an increase, an increase of about 24 percent in Federal spending between now and the year 2000—an increase of 24 percent.

How does the President propose to pay for increased spending? It is very easy, Mr. President. The President of the United States proposes to pay for increased spending by adding to the debt. That is how we got $4.8 trillion accumulated debt. His deficit spending adds nearly $1 trillion of additional debt on top of our $4.8 trillion. That brings us up to $5.8, almost $6 trillion. And the only category of Federal spending that he proposes to cut that is identifiable is again our defense budget.

In fact, if you exclude defense spending from President Clinton's budget, actual Federal spending will increase 37 percent by the year 2000.

Quite frankly, the budget presented by the President provides the best evidence that the only way we are going to balance the Federal budget, the only way, Mr. President, is to add a constitutional amendment requiring that the Federal budget be balanced. It is a process of deduction. We have tried all the other alternatives. They have not worked. We have not tried this. It will work. If the balanced budget amendment was now a part of our Constitution, the President currently would be in violation of his oath of office, if he submitted a budget that looked anything remotely like the budget he sent us 3 weeks ago.

Now, Mr. President, the question has been asked, well, are we broke? The answer is yes, this country is broke. We are dead broke, and I will tell you why. We simply can no longer labor under the assumption that it is business as usual in Washington; that we assume every year we can run deficits, each year a deficit. That means we spend more than we generate in revenues, so each year we are running a deficit of $150 to $250 or $350 billion.

Now, this all adds up, and this debt has today brought us to the point where for the very first time in our history, we are now forced to borrow from the credit markets for the sole purpose of paying interest on the debt.

Now, it may surprise some people to know that over the next 10 years, we would be running a surplus in the Federal budget in every year if we did not have to pay $200 to $400 billion annual interest on that debt that has resulted in our chronic inability to bring revenue and spending into balance.

This is the dessert chart, Mr. President, that I promised you, the chart of last resort. This chart shows the devastating state of the Federal budget over the next 10 years. It shows that in every year between 1995 and the year 2000, every single one, all Government borrowing, all of it, Mr. President, all of our borrowing is for the single purpose of paying interest on that debt.

If you look at the bottom line, you will see what happens to that debt. That debt is increasing from $4.6 trillion, 4.9, 5.2, 5.6, 5.9, 6.3, 6.7, 7.0, 7.4, 7.8, $8.2 trillion. And do you know why, Mr. President? Because the interest each year on our accumulated debt is more than our debt each year. That is why we are broke, Mr. President. We are broke. We could finance defense spending, Medicare, Social Security, all other Government functions over this period and still accumulate a surplus of $360 billion if we were not saddled by this extraordinary debt that is going to go from $4.6 billion in 1994 to $8.2 trillion in the year 2004.

As the chart shows, in 1994 our deficit was $203 billion, precisely the amount of interest we had to pay. In other words, our entire deficit in 1994 consisted of interest on that debt. Without that debt service burden, we would not have had to auction a single Treasury note or bond in the market. In 1995, we would be running a surplus of $59 billion, if we did not have to service the debt. Instead, as the chart shows, our $176 billion deficit results directly from the fact that our interest costs are $235 billion. The same holds true in every year through the year 2004.

So if you look at this chart long enough, you will recognize the reality that, if we do not take this action now, this is what we can expect. Only it might get worse because these interest costs are based on current forecasts. Current forecasts suggest a little volatility can be unsettling. I can remember the prime rate in this country in December of 1980, 20.5 percent. These rates are somewhere between 6 percent and 7.5 percent. So you can imagine what would happen. And it could happen again, Mr. President, and it would throw this chart higher than this roof.

So I contend we are broke. We are borrowing just to cover our interest costs. We are subject to the shifting winds of international investment which flow from economic policies that may change in Bonn or London, or an earthquake in Japan, all of which have a direct effect on what the U.S. Government has to pay to service this unending sea of debt.

Can you imagine just for a moment what would happen if the owners of our debt, the holders of those Treasury bills—of which 18 percent of the total balance of this $4.8 trillion is held by foreigners—decided to call it in, call it in, just $300 billion or $500 billion on our debt? How would we pay the owners? We could not, Mr. President, unless we inflated our dollar to the point that what $1 buys today would actually be worth 50 cents or less. That is what happens. We are close to it.

Mr. President, this is a warning signal of what can happen when debt gets out of hand. We have seen it as late as the last few weeks with our neighbors to the south in Mexico. I would not attempt, of course, to even compare our two economies. Ours is far healthier, better based, stronger than Mexico, and there is no comparison between the importance and the stability of the dollar and the peso on the world currency market.

But I would also note that Mexico's crisis is a crisis of investor confidence. The result of that crisis is that Mexico this week had to pay 45 percent interest on the rollover of a small portion of its international debt. Why did it have to pay 45 percent? Because the risk was so great. Do you know what investment does? It goes after the highest return and the least risk. And the calculation was that Mexico was a high risk and, to get the dollars, they had to pay a higher rate of return.

Mr. President, it is not just happening in the south; it is happening in the north. Take a good look at Canada. Our neighbors in Canada are the most heavily taxed people in the Western Hemisphere. Do you know what they are paying for interest on their national debt? Twenty percent of the total budget of Canada is interest on their accumulated debt. Canada runs a health care system, a national health care system, that is an absolute, unmitigated disaster. It is a Government-run health care system. There is no control from the standpoint of having an inducement to reduce costs if you are a Canadian citizen because there is no direct benefit of such reduction to you. You can go in today, go in tomorrow, and on and on. We must learn from what is happening around us.

The only way to get out from under this sea of red ink is to adopt the balanced budget amendment. And I think putting a simplistic and realistic acknowledgment that we have tried everything else and it does not work is the proof in the pudding. The public knows that no family or business can survive for long when, year in and year out, the principal of its debt grows, and all of its borrowing is dedicated to pay off the debt holders. That is where we are going.

So, Mr. President, when future generations look back on the decisions we made in this last decade of the 20th century, I know they will appreciate the wisdom of the people and the Congress in adding the balanced budget amendment to the Constitution because it is the only viable choice we have. For this amendment stands for the proposition that future generations are entitled to economic freedom, unburdened by financial debts of past generations. It is our responsibility to end the practice of sending unpaid bills on to our children and our grandchildren. That is a principle that belongs in the Constitution, in the same sense freedom of speech and press belongs in the Constitution.

So let us make no more excuses, Mr. President. Let us not use the excuse that we have to know where the cuts are before we can vote for this amendment. That is simply a copout for inaction. We have seen enough copouts. We cannot continue this spending. We are either going to have to take in more revenue or make the cuts. The public understands that. And the public will be watching each of our votes. We will have to stand up and be counted on this one.

What the public does not understand is why this body, this Senate, is not moving in the manner in which the House of Representatives did in passing the balanced budget amendment.

So I urge my colleagues to reflect on a very simple reality as evidenced by the charts. We have tried everything else. It has not worked. It is getting late in the game. And if we do not do it now, it may be simply too late forever for our monetary system as we know it today.

I thank the Chair for its indulgence. I wish my colleagues a good day.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first wish to commend my distinguished colleague from Alaska for a very excellent discussion. I was privileged to join him here on the floor and, frankly, I learned a good deal from that. It was very well prepared and very well delivered.

Mr. President, I observe the distinguished senior Senator from West Virginia momentarily on the floor. I am hopeful that he can join me for a colloquy after I give my remarks.

Mr. President, I have been a cosponsor of the pending measure since its inception, and throughout my 16-plus years in the U.S. Senate I have invariably supported legislative initiatives calling for a balanced budget.

I do so, Mr. President, because not only do I firmly believe in the fiscal ramifications but, equally important, this constitutional amendment, as it goes to our 50 States, will provide an education for all of our citizens as to the complexity of budgeting, and the difficulty of achieving a balanced budget, such that assuming this becomes eventually the law of the land, the people of the United States will have a far better understanding when we have to make those cuts which affect them individually. In some instances, it will hurt, but hopefully they will understand we are doing this for the benefit of all, particularly future generations. This debate will occur, of course, in the State legislatures. Each member of that legislature will have to go to the village greens of his or her respective community and hold that debate in the town halls. This coming Saturday night, in my State, I will go down to Shenandoah County, VA, and there in the firehouse—which is the largest structure for a gathering in this marvelous rural county in the historic valley of Virginia—I am going to talk extensively about this very measure and the thoroughness with which the Senate of the United States is considering this measure. I only wish that I could tell them that, with absolute certainty, the Senate will adopt it next week. I am optimistic, as are others, but I wish I could share that with my constituents on Saturday night.

My constituents, and others, have waited patiently these many years, because the State of Virginia is solidly behind it. I talked with my colleague, the junior Senator from Virginia, today and I am very hopeful that Virginia will have two votes next week for the balanced budget. Senator ROBB appeared earlier today—a bipartisan appearance, which indicates that next week Virginia will get two votes, Mr. President, for this very important piece of legislation.

As I have followed, along with my colleagues, very carefully this week, this debate, it sort of comes down to the argument that we need it because we look the public squarely in the eye and say we cannot do it; we cannot do it unless we have the constitutional amendment. That is a very candid admission. But by our votes next week, we make that admission to ourselves and to every citizen of this great Nation.

People say, "Are you sure you cannot do it? Have you ever tried to do it?"

Well, I want to share with you a bit of interesting history. To the best of my knowledge, it has not been mentioned thus far in this debate. The Commonwealth of Virginia is among those States which require balanced budgets. My partner in this institution, when I first arrived in 1979, was Harry F. Byrd, Jr., whose father, Harry F. Byrd, Sr., had served many terms prior to him. Basically, he succeeded his father. The Byrd family was known as fiscal conservatives. Therefore, it was quite proper for Senator Byrd, in 1978—actually the year before I arrived in the Senate—to offer an amendment—S. 2152—which he attached to the Bretton Woods Agreement Act. The Bretton Woods Act authorized the United States to participate in a supplemental financing facility of the International Monetary Fund. That is not relevant. It happened to be a vehicle for the Byrd amendment. Senator Byrd, Jr., contended that only by bringing the cost of Government under control could we bring the cost of living under control.

You might ask, why was he so troubled in 1978? He was troubled because there was double-digit inflation, not the relatively, comparatively low rate of inflation today, but there was double-digit inflation in 1978. It was Senator Harry F. Byrd's view that if we put in a balanced budget amendment, we could begin to bring that inflation under control. The majority of the U.S. Senate agreed with him. The text of this amendment was very simple and straightforward.

I quote:

> Beginning with the fiscal year 1981—

Mind you, this was calendar 1978. We were then in fiscal 1979. So Senator Byrd recognized it would take at least 2 years to begin to ratchet down this excessive spending.

So his law said:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

It was a very short amendment. Repeating:

> Beginning with fiscal year 1981, the total budget outlays of the Federal Government shall not exceed its receipts.

Another interesting feature is that my distinguished colleague spoke very briefly—and I refer you to the CONGRESSIONAL RECORD of July 31, 1978, page S23411. This was his speech, one paragraph:

> If this amendment is adopted, it would be a matter of record on the part of the Senate for a balanced budget beginning in the fiscal year 1981.

Later that same day, Mr. President, the amendment passed the U.S. Senate by a vote of 58 to 28. Curiously, 14 colleagues were not voting. The Senate, within hours after the introduction of the amendment, adopted it 58 to 28. I ask unanimous consent to have printed at this point in the RECORD the vote on that amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VOTE ON THE BYRD AMENDMENT, JULY 31, 1978

YEAS (58)

Democrats (28 or 55%)

Allen
Bayh
Bentsen
Biden
Burdick
Byrd, Harry F., Jr.
Cannon
Chiles
Church
DeConcini
Durkin
Eastland
Ford
Hollings
Huddleston
Leahy
Magnuson
Matsunaga
McIntyre
Melcher
Morgan
Moynihan
Nunn
Proxmire
Randolph
Stone
Talmadge
Zorinsky

Republicans (30 or 86%)

Baker
Bartlett
Bellmon
Brooke
Chafee
Danforth
Dole
Domenici
Garn
Hansen
Hatch
Hatfield, Mark O.
Hayakawa
Neinz
Helms
Laxalt
Lugar
McClure
Packwood
Percy
Roth
Schmitt
Schweiker
Scott
Stafford
Stevens
Thurmond
Tower
Wallop
Young

NAYS (28)

Democrats (23 or 45%)

Byrd, Robert C.
Clark
Cranston
Culver
Eaglton
Glenn
Gravel
Hart
Hatfield, Paul G.
Hodges
Humphrey
Jacskon
Kennedy
Long
McGovern
Metzenbaum
Nelson
Ribicoff
Riegle
Sarbanes
Sparkman
Stevenson
Williams

Republicans (5 or 14%)

Case
Javits
Mathias
Pearson
Weicker

NOT VOTING (14)

Democrats (11)

Abourezk
Anderson
Bumpers
Haskell
Hathaway
Inouye
Johnston
Muski
Pell
Sasser
Stennis

Republicans (3)

Curtis
Goldwater
Griffin

Mr. WARNER. It is very interesting, because if you were to correlate those that voted for the Byrd amendment who are still in the U.S. Senate today—and I would like to read off a few names: Senator BIDEN, Senator FORD, Senator HOLLINGS, Senator LEAHY, Senator MOYNIHAN, Senator NUNN, and Senator MARK HATFIELD, and others of the Republican side. I mention Senator HATFIELD because this Senator does not know what he might do regarding this amendment. But Senator HATFIELD voted for this. It is interesting to note those who are in the Senate today that voted against it then: Senator ROBERT BYRD of West Virginia, Senator GLENN, Senator KENNEDY, Senator SARBANES. It is remarkable to see how the composition has changed in that relatively brief period. Some of the term limit folks might want to look at that someday. There is the vote. The amendment went in midday and, in a matter of hours, it was voted on—the same day. The debate was one paragraph long by Senator Byrd. No colleague got up to dispute the value of it, and it passed.

On October 10—I remind you, this was July 31 when the amendment passed the Senate—that language became section 7 of Public Law 95–435, signed by the President as the law of the land. Very clear. This Congress bound itself to the Byrd amendment. It became the law of the land. We had a balanced budget amendment controlling this body, beginning in fiscal year of 1981.

In 1980, the Congress readdressed the Byrd amendment, and it was modified again in the Bretton Woods Agreement Act of 1980, on October 7, 1980, to read as follows:

"The Congress reaffirms its commitment that beginning with FY 1981 the total outlays of the Federal Government shall"—I underline "shall"—"not exceed its receipts."

Reaffirmation, once again. Now, it becomes interesting. We are getting to that point where the amendment which is binding on the Congress and the word "shall" is once again reexamined by the Congress. The year is 1982, as part of the recodification case of title 31, U.S. Code, public law 97–258, September 13, 1982, 96 statute 907, the Byrd amendment was restated, but restated in a different form.

I go to the code and read the Byrd amendment as it is the law today:

> Congress reaffirms its commitment that budget outlays of the United States Government for a fiscal year may be not more than the receipts of the Government for that year.

Mr. President, the key is the word "may"—examining, of course, how we interpret the laws. "Shall" was binding. "May" became permissive. There is a very clear record of how this body got right up to where it was going to bind it and quietly slipped in the word "may" substituting for "shall."

What better example of how this institution, having come to grips with this issue, having voted with this issue twice, then quietly and surreptitiously changed one word, basically, to make it permissive.

That was the end of the Byrd amendment. That is why I and others are here and have been for these many days, to urge this body once again to adopt, in slightly different form, the wisdom of the Byrd amendment and make it binding on this, the Congress of the United States. I yield the floor.

Mr. BYRD. Mr. President, before the distinguished Senator from Virginia [Mr. WARNER] leaves the floor.

Mr. WARNER. Mr. President, I would be very happy to listen to my distinguished colleague.

Mr. BYRD. Mr. President, the Senator pays me great honor and flattery to think that at this late hour, the Senator from Virginia would listen to me for even a short length of time.

I want to comment, in view of the fact that he has mentioned the illustrious names of Harry Flood Byrd, Sr., and Harry Flood Byrd, Jr. I had the great honor and privilege and pleasure to serve with both Harry Byrd, Sr., and Harry Byrd, Jr.

This is somewhat coincidental, perhaps, as I was saying to Senator WARNER just a little earlier. I have just received a letter from a constituent of mine who lives at Salem, WV. It mentions the name of Harry F. Byrd, Sr. I shall read the letter. It was written on the 14th of February. It reached my office on the 17th of February.

> Senator BYRD: Enclosed is a letter I thought might be enjoyable for you to read. You also may keep it, if you wish. Years ago my children and I were going to Baltimore, Maryland, and went past your father's orchard. I stopped and allowed my children to pick up an apple each, and one for me, as I assumed the ones had fallen.
>
> Regardless, I came home and fully decided that I had stolen the apples. Today we could be shot for doing this. I was poor and had dimes to pay for the apples. I have saved this letter because he touched my heart by it. The dimes, I am sure, was picked up by my kids maybe me. Who knows.
>
> I loved him and I feel you are just about like him. I think you are doing a fine job. Thank you. Dorothea Moses.
>
> P.S., I'm old now and write uphill.

Well, of course, I am not the son of Harry Byrd, Sr. I wrote the lady, thanked her for the letter, and stated that I came up in the home of a poor coal miner in southern West Virginia, although I served with both Harry Byrd, Jr. and Harry Byrd, Sr.

Here is the letter that Harry Byrd, Sr., wrote to the lady, in response, dated September 18, 1947:

> Mrs. Dorothea Moses, Salem.
>
> My dear Mrs. Moses: I just received your letter which I deeply appreciate. This is the

first time I have ever been offered 10 cents apiece for my apples.

I am gratified by the sense of honesty which prompted you to send me payment for the apples which, however, I herewith return with the hope that you enjoyed them, although I fear they were not ripe enough for eating purposes. But best wishes, I am faithfully yours, Harry Byrd, Sr.

Mr. President, I think that was a remarkable letter from a very remarkable United States Senator, one whom I admired a great, great deal. I think this was a remarkable constituent, who, upon returning to her home in Baltimore, MD, decided she ought to pay for the few apples that her children and she had picked up off the ground. The letter speaks for itself.

So, I am going to take the liberty of providing this correspondence to Harry Byrd, Jr., for whom I have an admiration equal to the admiration I had for his father.

I think that this is a pretty remarkable story, and I am sure that Harry Byrd, Jr., will enjoy reading this letter from a bygone age when people were honest, although they were poor, and felt that they ought to make a remittance even when apples were picked up off the ground of the orchard's owner. How that must have thrilled Harry Byrd, Sr., to receive that kind of letter from that honest woman.

Mr. WARNER. Mr. President, I thank my distinguished colleague for telling that story. I have always been heartened in this institution and this body by the manner in which the senior Senator from West Virginia has always invariably paid great respect to his former colleagues, and particularly the rendition of stories. If my colleagues will indulge me for a brief story. I think of the time I met Harry Byrd, Sr. My family had interest in property very near the Byrd home, which is in Berryville, VA. I own a farm now that has sort of been in my family one way or another—I have owned it now 30-some odd years. It is in White Post, which is just a few miles from the Byrd orchards.

On my farm are orchards. And, indeed, for some period of time, Harry Byrd, Sr.'s grandson operated with me the apple orchards. So much for that.

I remember visiting one time in July; it was very hot. But it was an annual event where Byrd, Sr. would go to his orchard and invite the people from all over the community to come and listen to him talk about what occurred in the Congress of the United States. Of course, in those early days, the Congress often went home in July. It occurred year after year in the same manner.

He would back up an old apple truck. He would get up on the back of the truck and the people would gather under the trees. He always wore a white suit. Does the senior Senator from West Virginia remember that white suit?

Senator Byrd had a high-pitched voice. I suppose you might say—and I do not mean to denigrate—he had a little bit of a sweep to it, a high pitch. You had to kind of lean forward to listen, but you could hear it. I was just a young man sitting out there listening with all the people.

It is interesting, his staff were always dressed in dark blue suits, so you could see the white suit among the dark ones. Then there were all the folks who worked in the orchards who had on the bib overalls, and the farmers would come from miles around. They would bring a picnic lunch. They wanted to hear this speech.

He did the same thing every year. He would bring down a copy of the budget, the budget document. It would be down on the ground, and he would say, "Young man, put the budget document up on the rear of the truck here, right up here on this little podium so I can tell the people about it."

And the young man would reach down and he could not lift it. He would say, "It will take two young men to raise the budget," and sure enough, eventually it would get up on the apple crates. He just used the old apple crates. He put that budget down, and he would start orating about the excessive spending in the United States and would go page after page after page after page, saying each page is hundreds of thousands of dollars, and we would all listen in absolute silence.

The Byrd family, senior and junior, without parallel in this institution, stood for fiscal responsibility of the United States of America. This brief statute which was enacted by the Congress of the United States on two occasions, which is binding, shall ever remain a hallmark to father and son and their fiscal responsibility.

Mr. President, I thank my distinguished colleague.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I have received a copy of a resolution enacted by the Legislature of West Virginia, Senate Concurrent Resolution No. 16. The resolution requests that the Congress provide information with respect to this constitutional amendment to balance the budget, which will indicate what actions will be taken by the Congress in order to achieve a balanced budget, if this amendment is adopted. In other words, the West Virginia legislature asserts a "right to know."

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

STATE OF WEST VIRGINIA

SENATE CONCURRENT RESOLUTION NO. 16

(By Senators Tomblin, Mr. President, and Chafin)

Urging Congress to provide full information about the effect of a proposed balanced budget amendment on the people and government of West Virginia before submitting it to the Legislature for ratification.

Whereas, The constitution of the United States of America is the most perfect example of a contract between a people and their government; and

Whereas, The congress of the United States is currently considering an amendment to the constitution, known as the "Balanced Budget Amendment"; and

Whereas, The House of Representatives has already approved its version of such a balanced budget amendment; and

Whereas, The House of Representatives approved its version without obtaining a projection of how it would be implemented; and

Whereas, The House of Representatives rejected a version of the balanced budget amendment, offered by Representative Bob Wise of West Virginia, that would have protected against cuts in social security and would have allowed for both a capital and operating budget; and

Whereas, The proposal for a balanced budget amendment is now under active consideration in the United States Senate; and

Whereas, United States Senators Robert C. Byrd and John D. Rockefeller IV of West Virginia have called for a "right to know" provision so that the senators would know before they vote how a balanced budget would be achieved; and

Whereas, The treasury department of the United States has projected that a balanced budget amendment implemented by across-the-board cuts would reduce federal grants to West Virginia state government by $765 million dollars, requiring the Legislature to increase state taxes to compensate for such losses or eliminate the programs and services currently provided to our citizens by federal funds; and

Whereas, Many citizens of West Virginia would likely suffer from cuts imposed to meet the requirements of the proposed balanced budget amendment, including thousands of our citizens who receive social security, veterans benefits, medicare, medicaid and other essential benefits; and

Whereas, Through the efforts of Senator Robert C. Byrd and other members of our congressional delegation appropriations have been made for numerous projects in West Virginia, including completion of the Appalachian corridor highway system, relocation of the federal bureau of investigation center to West Virginia and a myriad of other projects; and

Whereas, These benefits and projects are vital to the economic development and well being of the people of our state and deserve to be protected if the constitution is amended to require a balanced budget; and

Whereas, West Virginia receives $1.45 in federal benefits for each dollar in federal taxes; and

Whereas, On a per capita basis, each man, woman and child receives approximately $2,000 dollars more in benefits from the federal government than he or she pays in federal taxes; and

Whereas, A proposal to balance the federal budget by returning the programs to the states would mean that West Virginia would be required to either raise its taxes by $2,000 dollars for each man, woman and child or eliminate the programs and services currently provided to our citizens by federal funds; and

Whereas, The balanced budget amendment would be submitted to the Legislature for ratification if approved by the congress; and

Whereas, This Legislature will be unable to establish its own budget without knowing

> what reductions will be made by the congress to effect the balanced budget amendment; and
>
> Whereas, This Legislature therefore has a right to know what effect the proposed balanced budget amendment would have on state government, but more importantly, on the people of our state; therefore, be it
>
> *Resolved by the Legislature of West Virginia:* That the Legislature recognizes that a balanced federal budget is a desirable objective; and, be it
>
> *Further Resolved,* That the Legislature commends the president and the congress for their efforts toward this objective by supporting and enacting legislation that will result in the reduction of the federal deficit for three years in a row; and, be it
>
> *Further Resolved,* That the Legislature will be asked to vote for ratification of a balanced budget amendment to the constitution if such a measure is submitted to the states by the congress; and, be it
>
> *Further Resolved,* That the Legislature, acting on behalf of the citizens of West Virginia in deciding whether to ratify such an amendment, is entitled to be fully informed of its consequences on our people; and, be it
>
> *Further Resolved,* That the congress is hereby urged to submit such an amendment to the States for ratification only if congress provides a detailed projection of what reductions will be made in the federal budget and how these will affect the government and people of West Virginia, including but not limited to, the effect on social security benefits, veterans benefits, medicare, medicaid, education, highway moneys, including completion of the Appalachian corridor system, and other programs necessary for the health and well-being of the people of our state; and, be it
>
> *Further Resolved,* That the Clerk of the Senate is hereby requested to forward a copy of this resolution to the president of the United States Senate, the Speaker of the House of Representatives and each member of the West Virginia congressional delegation.

Mr. BYRD. Mr. President, earlier today, the distinguished senior Senator from the State of Tennessee referred to my comments a day or so ago when I spoke on the constitutional amendment, with specific reference to section 5. The distinguished Senator from Tennessee, I think, did not really understand what I said with respect to section 5 of the constitutional amendment.

I quote the distinguished Senator from Tennessee [Mr. THOMPSON]:

"He"—meaning this Senator from West Virginia—"He was concerned that in times of a declaration of war, the amendment requires a constitutional majority of 51 Senators."

Of course, that is not the case. As I understand section 5, it does not require a constitutional majority of 51 Senators to declare war. The able Senator from Tennessee clearly misunderstood what I said—he must have. And so I let it go at that, because the amendment certainly does not require that. Section 5 of the amendment does not require a constitutional majority of 51 Senators to declare war and I never so stated, unless I was misquoted.

Going on, the senior Senator from Tennessee said: "He," meaning the Senator from West Virginia,

> He thought that hurdle was too high because normally without the amendment, on most votes around here it is the majority of those present with the Vice President casting a tie-breaking vote if called upon.

I continue to quote the words of the Senator from Tennessee:

> As I listened to that debate, it is very interesting, the possibilities are intriguing from an intellectual standpoint. Sitting and listening to Senator BYRD of West Virginia is like sitting in a good class of constitutional law. I enjoy it. If we did not have a Senator BYRD, we would need to invent one because he brings issues to the floor and to the table that need to be discussed. But again, does this not assume that 50 Senators plus the Vice President would do the right thing? He—

meaning Senator BYRD from West Virginia—

> He is concerned we might not get that vote.
>
> Here we are, we need to declare war and we might not get the 51 votes. So he—

meaning Senator BYRD.

> assumes, I suppose, that 50 Senators plus the Vice President would do the right thing and we would get the 51 votes that way, but under this amendment that 51 Senators would not do the right thing.
>
> Now, is that not slicing it a little thin in light of what we are dealing with here? Is that not belaboring the point? It needs to be discussed. But is that what this is going to turn on, whether or not we have 50 Senators plus a Vice President, on the one hand, or 51 Senators on the other?
>
> I must say, Mr. President, it is my opinion that there are enough good people in this Chamber that if we have the kind of situation that requires a declaration of war, we would do the right thing, that we would do the right thing when the circumstances arose.

Mr. President, the Senator from Tennessee misunderstood the direction and the thrust of my remarks. I was not saying that under the balanced budget amendment, a majority of the whole number present would be needed to vote for a declaration of war. I did not say that at all, and the amendment does not say it. Either Mr. THOMPSON misunderstood me or he misunderstands the verbiage in section 5.

It is an honest mistake on his part, but I thought I should set the record clear. I am not under any illusions that the amendment requires 51 Senators to vote to declare war. It does nothing of the kind. A simple majority of those Senators voting, a quorum being present, is sufficient to adopt a declaration of war, both now and under the amendment.

The thrust of my concerns went to the second portion of that amendment, which did not deal with a declaration of war but, rather, dealt with the situation in which a military threat to our Nation's security might exist; in which case, in order to lift the strictures of the constitutional amendment that is being debated, a majority of the whole number of Members of both Houses would then be required—in which case, I took the position that the minisupermajority requirement could put our Nation in further peril and also have the effect, if he should cast a vote in a tie situation, of negating that Vice President's vote, the Vice President not being a Member of the Senate. So much for that.

Mr. President, let us take a look at what may be in store for the Nation should the amendment be drafted into the Constitution; namely, that the amendment may be enforced. I see problems with the amendment, which I have mentioned to some degree earlier and which I shall refer to here again briefly. The problem with the amendment, if it is enforced, is that it creates very serious problems. If it is not enforced, on the other hand, it still creates serious problems.

Suppose at the end of the second fiscal year following the ratification of the amendment, the Office of Management and Budget announces that the total outlays for the United States will exceed total receipts for that year by, say, $50 billion. Suppose further, that the President is advised by White House counsel and the Director of the Office of Management and Budget that he is obligated by the new amendment to take whatever action is necessary to bring the outlays into line with the receipts.

Suppose he is exhorted by his advisers to use a line-item veto, even though the Constitution under which we have operated for over 200 years does not give him that authority. He could be prevailed upon by his OMB director and others to assume that the new amendment to the Constitution inherently gives him the authority to take whatever action is needed to bring the budget into balance, to make outlays balance with the receipts.

What will happen to the outlays of the various departments? Will defense contracts be held up? If moneys are impounded by the President, or if a line-item veto authority, which he does not have today under the original Constitution, should be assumed, or enhanced rescissions authority, which is worse than the line-item veto, were to be assumed, will checks to people who are unemployed be withheld? Will Medicare payments be stopped? Will Medicaid be cut back? Will Social Security checks be put on hold? Will the President impound moneys that have been mandated by the Congress to be spent, even though he would be acting in violation of the 1974 Budget and Impoundment Control Act? This sounds like a sure prescription for an Imperial Presidency.

The President, any President, could feel the compulsion to obey the mandate "implicit" in the Constitution as amended by this balanced budget amendment, believing that it contained inherent authority to exercise enhanced revisions authority, line-item veto authority, and impoundment authority, and he would be certainly advised by his counsel, I should think, to proceed to reduce outlays, thus sharing the power over the purse that is currently vested in Congress by article I of the Constitution, article I, section 8, the power that is given to the Congress to raise revenue, and by section 9 of article I to appropriate money. He would believe himself to be authorized to cut whatever programs and projects he chose to cut while leaving untouched those projects he supported. By holding programs and projects hostage, he would be in a position to suspend a Damocles sword over the heads of Senators and Representatives with respect to projects and matters important to their States and districts.

Moreover, he could use this leverage to bring legislators into line on matters other than those affecting the budget. Confirmation votes on future Clarence Thomases could bring tremendous pressure on Senators by such enhanced Presidential powers. He could threaten this or threaten that, and I, as a Senator, might or might not buckle under that pressure. I have had pressures from Presidents, like Lyndon Johnson, who really knew how to twist arms. It was pretty hard to say no to a President who, like Lyndon Johnson, was the former majority leader of this Senate, who had much to do in those days with putting me on the Appropriations Committee, but I said no. What it meant was about 30 minutes of excruciating torture, after which I felt that my clothes needed washing and drying. I felt that I had been put through a clothes wringer.

Confirmation votes on future Clarence Thomases or future treaty votes would be a President's to collect, merely by threatening to line-item veto or impound monies concerning programs supported by certain Members of Congress. A President could also use this power effectively with respect to cutting capital gains taxes or achieving other cherished goals.

I suggest, if any Senator is interested in reading about one of those arm-twisting sessions that I had with the late President Lyndon B. Johnson, the Senator read from the second volume of my history on the United States Senate, 1789 to 1989. It is all laid out there.

The road would be paved for the courts then—get this—to get into the act of balancing the budget. Beneficiaries of programs arbitrarily cut back by the President's actions could go into the courts and demand that the cuts be restored, and the claimants of such payments could very well, in some circumstances, at least, establish standing to sue.

If the courts concluded that it was necessary to impose a tax in order to bring receipts up to the level of outlays, the taxpayers would have standing to apply for relief. And if ever there could be a lawyers' paradise, the millennium would be here.

One might denominate this amendment as the constitutional amendment to benefit lawyers. In saying that, I do not speak with any disrespect toward lawyers. I would prefer to call it the constitutional amendment for minority rule. I may have more to say on that at another time.

Montesquieu, in his "Spirit of the Laws," stated, "of the three powers . . . the Judiciary is next to nothing." Meaning of the three powers: The executive, the legislative and the judiciary. Montesquieu said, "of the three powers . . . the Judiciary is next to nothing." He also said, "There is no liberty, if the power of judging be not separated from the legislative and executive powers."

Hamilton agreed with Montesquieu in the Federalist Paper, Number 78, wherein Hamilton went on to state: "The executive not only dispenses the honors but holds the sword of the community. The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated. The judiciary, on the contrary, has no influence over either the sword or the purse . . . The judiciary is beyond comparison the weakest of the three departments of power." That was Hamilton.

The amendment on which we are about to vote within the next few days would turn Montesquieu's and Hamilton's world topsy-turvy, upside down. The judiciary could become the strongest of the three departments of government and thus hold influence over both the sword and the purse. Constitutional government as we have known it for over 200 years, based upon the separation of powers and checks and balances concepts, would perish from the Earth.

That is one course that we may find ourselves travelling.

The Peoples' Branch would atrophy. Representative government would no longer exist. Unelected members of the courts would wield the power of the purse. The Constitutional mandate, section 9 of article I of the Constitution, that "no money shall be drawn from the Treasury, but in consequence of appropriations made by law," would be changed, and, instead, we would be treated to the spectacle of appropriations made by judicial fiat.

The American people fought one revolution over the principle of "taxation without representation," and now we are about to vote on an amendment to the Constitution which could easily result in unelected judges mandating higher taxes—judges who are appointed for life mandating higher taxes. If we think the people would be upset with Congress for increasing their taxes, just imagine what their feelings will be when their taxes are hiked by unelected judges who are appointed with life tenures. Could we be sowing the seeds for another revolution by adopting this amendment? If there were ever a Pandora's box with evils imprisoned therein to bring misfortune to our country, this would surely be it. If the amendment is enforced, the powers of the legislature will flow to the executive and to the judiciary, and we will have destroyed a government of separation of powers and checks and balances.

Contemplate that, for 200 years—206 years, our Nation has operated under the Constitution that was written by the illustrious Framers in Philadelphia in 1787, and that, by the adoption of this amendment and by its subsequent ratification by the States—if the States do ratify it in the requisite number as set forth in the original Constitution—we will have destroyed, I think, the constitutional form of Government that our forefathers gave us. It will certainly be in danger, great danger. So the handiwork of the Framers will finally have been ill served.

I saw them tearing a building down,
A group of men in a busy town;
With a "Ho, heave, ho" and a lusty yell,
They swung a beam and the sidewall fell.
I said to the foreman, "Are these men skilled
The type you'd hire if you had to build?"
He laughed, and then he said, "No, indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do."
I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a wrecker who walks the town,
Content with the labor of tearing down?"

Mr. President, the lines from The Masonic Craftsmen are well descriptive of the situation if this balanced budget amendment is ever nailed into the original Constitution as an amendment. I shudder to think that that prospect may very well be close at hand.

If, on the other hand, the Constitutional provision is not enforced, we will have made the Constitution promise something that it cannot fulfill, and it will henceforth become a mere piece of paper, relegated to the dustbin of history.

What will actually happen in the event of the adoption and ratification of a balanced budget amendment to the Constitution remains to be seen.

Nobody knows. I do not know precisely what will happen. I have outlined two very sad prospects—one if the amendment is enforced, the other if it is not enforced—as to what may be in the offing in the event this constitutional amendment were to be adopted and ratified. We, of course, cannot be absolutely sure, but why should we take such risks? Republican Senators will not tell us how they intend to carry out the mandate of the constitutional amendment on the balanced budget. I happen to believe that if the amendment is grafted on to the Constitution, there will be efforts to enforce it, and this will mean that we no longer have a government by the people, but, instead, the people will be governed by a black-robed Office of Management and Budget, run by one Chief Director and eight associate directors appointed for life, with control over both the sword and the purse.

There will be no rams' bellies by which we may ride out of that dilemma, as Odysseus did when he and his companions escaped from the cavern of Polyphemus.

In escaping from that cavern, Odysseus instructed his companions to hold onto the bellies of the rams as they went out of the cave to graze, Polyphemus, the chief of the Cyclopes, having been blinded by the fire of a piece of wood that Odysseus had plunged into the giant's eye. They escaped by holding onto the bellies of the rams.

The giant laid his hands on the tops of the rams as they went out of the cave. He never thought to feel under the bellies.

Odysseus and his remaining few companions—those that had not ended up in the stomach of Polyphemus—had found a way to escape by holding onto the rams' bellies. Well, Senators, we will not have any rams' bellies here by which we may ride out of this dilemma. And unlike Odysseus in Homer's epic, while we may be able to escape the violent whirlpool of Charybdis, we will still be devoured by Scylla, except, unlike Homer's Scylla, which had 12 legs, and 6 hideous heads bearing 3 rows of teeth each, ours will be a monster with 18 legs, and 9 heads bearing 2 rows of teeth each. Ours will no longer be a government of laws; instead, it will become a government of judicial fiats. Is this what Washington and his starving men at Valley Forge fought for? Was it for this that Americans shed their blood at Lexington and Concord, and at Saratoga? Was this what Nathan Hale had in mind when he gave the only life he had for his country? Did our forefathers pledge their lives, their fortunes, and their sacred honor to throw off the tyrannical hand of George III, only to be ruled by the heavy hand of a judicial oligarchy?

Mr. President, when the Constitutional Convention had completed its work in 1787, Benjamin Franklin, one of the Framers of the great document, was approached by a lady who asked the question, "Dr. Franklin, what have you given us?" Franklin answered, "A republic, madam, if you can keep it."

Mr. President, this amendment carries the seeds for the destruction of the American Constitutional republic as it was handed down to us by our forefathers. I say it carries the seed of destruction. I am concerned about the future of this Republic. And there are Members on both sides of the aisle who are going to vote for this amendment, come next Tuesday, who have expressed to me privately their serious doubts with regard to the balanced budget amendment.

I know of no magic herb by which we may prove ourselves invulnerable to the seductive charms of this "quick-fix" amendment. I can only hope that Members will fill their ears with wax so that they will not be lured by the siren's song and will ignore the pleas until the danger is safely past.

Each of us upon being elected to the office of Senator subscribes, by oath or affirmation, to support and defend the Constitution of the United States. It is a solemn oath. We do not swear before God and man that we will support and defend a political party. We do not swear that we will support and defend a so-called Contract With America, but only that we will support and defend the Constitution of the United States.

Of course, we all understand that the Constitution provides a process, in Article V, for its own amending, and while I, or any other Senator, may be willing to amend the Constitution in one particular or another, what we have here is an amendment which, for all intents and purposes, could result in the destruction of a government of checks and balances, a government of separation of powers. We are, therefore, talking about the very bottom bedrock of our Constitutional form of government. Take away the checks and balances, which could be the result of this amendment; take away the separation of powers, which could be the result of this amendment; then we will no longer have a government of the people, by the people, and for the people. We will have a government of three branches, in which the peoples' branch, the legislative, will become a mere vestigial leftover from a bygone day, shorn of its power over the purse and no longer able to fulfill the functions for which it was created.

Make no mistake about it. Senators will never be able to wash this stain from their hands.

Mr. President, I am not assured by those Senators who say that we can avoid the intrusion by the courts into the realm of budget making, simply by resorting to the provision that allows a three-fifths vote to approve a specific excess of outlays over receipts. I am not sure about that at all. Most of those who support this provision are among those Senators and Representatives who will never vote for a tax increase, come what may.

I do not like to vote for a tax increase. That is not an easy vote. But there come times when we have to have an increase in taxes. If we ever really bring these budget deficits under control and begin making payments on the principal of the debt, I have no doubt that there are going to have to be some revenue increases. Yet, there are Senators who say they will never vote for a tax increase. They will always depend upon someone else to supply the three-fifths of the whole number of each House.

What this really is, is a prescription for minority rule. Ours would become a government by minority. That is minority rule—no ifs, ands, or buts about it. Are two-thirds of the Members of this Senate ready to submit themselves to such a stultifying prospect?

We are all deeply concerned about the budget deficits, the national debt, and the growing interest on that national debt. I want to see our budget deficits brought down. I want to see our budget brought into balance, especially in those years when we do not have to have a budget deficit in order to deal with an economic decline in the economy, or an ongoing recession. I want to see our budget brought into balance as much as does any other Senator. Every Senator in this body wants to see these deficits brought under control.

A national debt rapidly approaching $5 trillion, and with the sky as the limit if we do not do something to curtail it, is a terrible legacy to leave to our children. We have to do something about it, and it will be painful. It may require us to increase taxes. But it will be an even more awesome legacy to leave to our children and grandchildren, if we destroy the foundations of our constitutional system of checks and balances, sweep away the peoples' power over the purse exercised through their elected representatives in Congress, and undermine the faith of the Nation in the Constitution itself.

I hope that we will ponder this constitutional amendment over this weekend as we have never thought about it before. I have heard many comments from people on the outside—for example, from representatives of the media—about this debate. Those comments have been favorable with respect to the fact that the Senate has indeed taken the time to study the amendment, to debate it, to deliberate, and to try to correct what many of us see as flaws in the amendment.

I believe that was the role that the forefathers intended for the Senate to play. This constitutional amendment to balance the budget was adopted in the House of Representatives after only 2 days of debate. That is appalling. That is an appalling spectacle—to have a constitutional amendment adopted in the other body after only 2 days of debate! But in the Senate, come next Tuesday, it will have been before the Senate for 30 days. I thank the majority leader, and I compliment him for the respect he has thus far shown for the fact that this is a constitutional amendment, and that this is the United States Senate, and that this is the role that the United States Senate was supposed to play. That was the role the Framers had in mind from the very beginning—that the Senate would be a deliberative body. Many times we do not deliberate much here anymore. But in this situation, there has been considerable deliberation.

I think that the Framers would be pleased that this Senate has at least slowed down a stampede to enact this constitutional amendment in a hurry. There have been efforts to amend it, but we have failed thus far. I do hope, however, that the amendment that is being offered by Senator NUNN will be agreed to next week. Senator JOHNSTON's amendment was rejected on a tabling motion. Senator NUNN's amendment is different only in a slight respect from the amendment that was offered by Senator JOHNSTON. I hope that the amendment by Senator NUNN will be adopted. It addresses that very serious and solemn and terrible prospect that the courts might intervene if this amendment were to be adopted and enforced. There is nothing in the balanced budget amendment that either invites or forbids the courts to enforce this amendment.

I intend to support Senator NUNN's amendment. I am not sure that even his amendment will provide all of the answers, because much is left to the implementing legislation that the Congress will be authorized to write to enforce the balanced budget amendment. The implementing legislation may itself carry many seeds for the destruction of the constitutional system of checks and balances and separation of powers that we have known for 206 years.

Implementing legislation might not even be passed. After all, such implementing legislation has to go to the desk of the President. A President may veto it in a given situation. It would require two-thirds of both bodies to override his veto. Or the implementing legislation that is enacted in one Congress may be amended in a subsequent Congress. Even the amendment by Mr. NUNN does not protect us—when I say us, I mean the public—from events which could very well create chaos in the economy and change the constitutional form of government that has served the American people so well. Power could still flow from the legislative to the executive branch.

But at least, Senator NUNN's amendment addresses itself to one of the possible dangers, and it really goes to show that this balanced budget amendment is very much like a balloon. If you squeeze the balloon at one end, it pops out bigger on the other. If you squeeze at that end, then it pops out and makes the balloon larger in another place. If we cure one flaw here, we open up other flaws. That just goes to show that this "quick fix" really cannot be fixed.

Mr. President, I thank the distinguished Senator from Utah [Mr. HATCH] for remaining at his post of duty and listening to my remarks on this occasion. He has worked hard on this constitutional amendment. He is entitled to a great deal of respect for his efforts to get out of a very, very tough and difficult and complex problem. Unless he wishes to ask me a question, I will yield to——

Mr. HATCH. I thank the Senator.

Mr. BYRD. I have not yielded yet, but I am available if the Senator wishes to respond to my words.

Mr. HATCH. If the Senator will yield, I want to compliment the Senator. I have seen him work this floor very faithfully, intelligently, and I believe honestly throughout this debate. We happen to differ. I believe that when you press a balloon on one end, it expands on the other end, and when you press it on the other top, it expands on the bottom. But it still contains the future of our country. I also believe that the distinguished Senator, as sincere as he is—and he is sincere, and I know that; he has my respect—is saying that this amendment leads us into a lot of difficulties. But I have to say that we are in a lot of difficulties.

Mr. BYRD. I did not hear the Senator.

Mr. HATCH. I say we are in a lot of difficulties. Many of us feel that though this bipartisan consensus amendment is not perfect in anybody's eyes, that it is the most perfect we can do, and that it is the only way we are going to get spending under control in this country. But I think the distinguished Senator from West Virginia has been eloquent throughout this debate. He has been constitutionally apt in many respects. And although I differ with him on some of the interpretations, I compliment him for his knowledge, his foresight and his own explanations of how the Constitution is considered.

It is to me, too. I feel very, very deeply about it. I feel deeply about my dear colleague's point of view. I do not have any desire to prolong this this evening, but I just want to compliment the Senator for his comments, for his hard efforts, for his willingness to be on this floor and to do what he has done with the amendments he has brought forward and the intelligent way in which he has discussed them, and for the courteous manner and kindness shown. I really personally appreciate it.

I did not think my esteem could be any higher than it is for the Senator. But it is. It is higher.

Mr. President, I just want to say in closing here this evening, I would like to shut the Senate down, but I understand the Senator from Maryland wants to speak. I would like to get the floor as soon as the Senator from West Virginia is through so I can get legislative matters straightened out here.

Mr. BYRD. I am about to yield the floor if the Senator does not wish to ask any questions.

Mr. HATCH. I do not.

Mr. BYRD. I appreciate his kind comments. They are very sincere.

Mr. HATCH. It never, never ceases to amaze me how the Senator can just call up poetry like he did here this evening, and a wealth of knowledge about history and especially the history of the Senate.

I have to say I was moved by the distinguished Senator's discussion of the Harry Byrd letter and Mrs. Moses' letter. I think what the Senator does in bringing things like that to the attention of everybody perpetuates the importance and the feelings and the basic goodness of the Senate.

Mr. BYRD. As the Senator knows, "I'll cavil on the ninth part of a hair," and "I'll fight till from my bones my flesh be hack'd."

Sometimes I think we probably overdo the expressions of affection in this body. However, I do appreciate the kind words the Senator has expressed. I had hoped we might, even at this late hour, engage in debate. But I do not want to insist on it. I will close my remarks with respect to our mutual affection. The Senator knows that, for him "my affection hath an unknown bottom, like the Bay of Portugal."

Let us hope that on next Tuesday Senators will remember the words of Lord Nelson, who lost his life in the Battle of Trafalgar. His last words were, "Thank God, I have done my duty."

Mr. HATCH. Mr. President, I have to confess that I believe that the distinguished Senator from West Virginia always does his duty. I personally appreciate it, even when I disagree.

Mr. President, the Senator from West Virginia has presented us with the triple threat from the balanced budget amendment of: First, an imperial Presidency; second, an all-powerful judiciary; and third, the seeds of revolution. Possibly, he suggests, the Constitution itself will be relegated to the dustbin of history.

This is strange indeed given that the amendment itself gives Congress the power and duty to enforce and implement the balanced budget amendment.

I would ask what continuing on the path we are on would do to the Constitution or the Nation. If President Clinton's predictions are correct that the generation that is beginning now will be taxed at the net tax rate of 82 percent that all will be tranquility? Or will we see tax revolts that will make the Boston Tea Party look like a Beacon Hill high tea. What does taxation without representation mean if not leaving mammoth taxes to generations who cannot vote yet?

And what will happen to a republic with national debt growing at the rate it is now indefinitely? Ask Argentina, Italy—some point to Weimar Germany as a model of the inflation and the economic and political chaos that could ensue from our path of profligate spending.

Mr. President, the bottom line is a choice between doing what we are doing now and changing the way Washington does business. I have heard some on this floor say that this amendment would not pass if we could vote in secret. Well, that is precisely the problem, the problem that the voters asked us to fix last November.

I have explained repeatedly during this debate why this amendment would not involve the courts in activity infringing on the powers granted to Congress in article I of the Constitution.

This balanced budget amendment indeed contains the seeds of liberation for the rising generation and generations yet unborn. It contains the seeds of liberation from the shackles of insupportable impossible debt and oppressive taxation—the seeds of liberation from an increasingly unresponsive but increasingly intrusive Federal Government. The balanced budget amendment contains the seeds of liberation from a government which consumes tomorrow's wealth to satisfy today's desires.

Mr. President, let us adopt the balanced budget amendment to continue the principles of the American Revolution and Constitution, the principles of freedom—political and economic—for future generations of Americans.

Does the Senator from Maryland want to speak?

Mr. SARBANES. Mr. President, I would like to speak for probably 5 to 10 minutes. There were some points made earlier in the day I would like to respond to.

Mr. President, I thank the Senator from Utah for his courtesies.

Mr. President, I want to address the point about the danger that the balanced budget amendment might well do to our economy in time of an economic downturn.

I think this point very much needs to be emphasized. In fact, there was an article in the New York Times only a day or two ago that was headed, "The Pitfalls of a Balanced Budget, Dismantling a Decades-Old System for Softening Recessions."

In the course of that article it is stated "If the amendment is enacted, the side effect would be huge. A system that has softened recessions since the 1930's would be dismantled."

Now, I want to just point to this chart and then I want to quote a couple of highly respected economic thinkers in our country. What this chart shows is the change in real GDP beginning back in the late 1800's and coming forward until today.

What this chart shows is there were tremendous fluctuations in the economy until the post-World War II period. The economy would, in the late 1800's and the first half of this century, go, as one can easily see, up and down like a roller coaster, often going very deeply into a negative growth situation.

These are the boom and bust cycles that those who have read American history are familiar with. These were the panics. What happened is, after the Great Depression, as a consequence of the Great Depression, we began to change our thinking and to develop what are called automatic stabilizers. I will elaborate on that in a moment as to what that means. But the consequence of doing that was to markedly change the depth of the business cycle. As we can see, since World War II, although we continue to have fluctuations in the economy, we no longer have the very deep plunges into very significant negative growth.

Now, Charles Schultze, whom all of us know and who is a highly respected economist, stated a couple of years ago in testifying about the then-balanced budget amendment proposal that was before the Congress:

> A Balanced Budget Amendment Would Be Bad Economics. Federal revenues automatically fall and expenditures for unemployment compensation rise when recessions occur. The deficit necessarily rises. This budgetary behavior is a very important economic stabilizer. It helps sustain private incomes during recessions and thus keep sales, employment, and production better maintained than they otherwise would be.

• Now, I just want to comment on this. It is very important to understand that, as we go into a recession, we automatically start running a deficit because we lose tax revenues. People have lost their jobs. They are unemployed. So we have less revenues coming in. And we start making payments out of the Treasury—unemployment benefits, food stamps, medical care—and the combination of that means that the deficit grows, but that helps to offset the downward momentum.

Now, what we used to do in the old days, we would try to balance the budget in that circumstance when the economy was going soft, we would try to balance the budget and, of course, that would only drive the economy even further down.

So, as Mr. Schultze stated and I just repeat it:

> Federal revenues automatically fall and expenditures for unemployment compensation rise when recessions occur. The deficit necessarily rises. This budgetary behavior is a very important economic stabilizer. It helps sustain private incomes during recessions and, thus, keep sales, employment and production better maintained than they otherwise would be.

And he goes on to say:

> The American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War, even if we exclude the Great Depression from the comparison.

Now this is exactly what this chart shows, although it does not go back quite as far as the Civil War. But clearly what this chart demonstrates, as Mr. Schultze states, is that the American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War. You can see the tremendous fluctuations we used to have in the economy as compared to what has occurred since World War II.

Mr. Schultze goes on to say:

> In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946, the economy spent 80 percent of the time expanding and only 20 percent contracting. In the years after the Second World War, fluctuations in the American economy around its long-term growth trend were only half as large as they were in the period 1871 to 1914. Many people who have studied the period credit an important part of the improved economic performance to the automatic stabilizing characteristics of the Federal budget.
>
> Under the constitutional amendment proposed in H.J.Res. 268—

Which was the proposal at the time, the counterpart to what is before us now—

> this stabilizing force would be seriously threatened. The first year of a recession would turn an initially balanced budget into deficit. But under the proposed constitutional amendment, Congress would be required to bring a budget for the next year back into balance by large tax increases or spending imposed as the recession was still underway.

Of course, imposing those tax increases or spending cuts, in order to eliminate the deficit which the onset of the recession had brought about would, of course, only make the recession worse. They would drive the economy even further down, as these tremendous negative growth periods which occurred in the first part of this century clearly indicate.

This is not a desirable economic performance, and the automatic stabilizers, which we have run in the postwar period, have enabled us to avoid that. While we have had ups and downs in the economy, they occur almost entirely in the positive growth area. We do not have the deep plunges into negative growth which marked economic performance in the first part of this century and, indeed, ever since the economy became, as it were, a complicated, complex modern economy. So if we had gone back to the Civil War, we would have had these movements up and down as well.

Laura Tyson, in an article in the Washington Post—and I ask unanimous consent that that article be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. It is entitled "It's a Recipe for Economic Chaos."

> Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the Federal budget is not.

Let me repeat that because I agree very strongly with it.

> Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the Federal budget is not. An economic slowdown automatically depresses tax revenues and increases Government spending on such programs as unemployment compensation, food stamps, and welfare. Such temporary increases in the deficit act as automatic stabilizers offsetting some of the reduction in the purchasing power of the private sector and cushioning the economy's slide.
>
> Moreover, they do so quickly and automatically without the need for lengthy debates about the state of the economy and the appropriate policy response.
>
> By the same token, when the economy strengthens again, the automatic stabilizers work in the opposite direction. Tax revenues rise, spending for unemployment benefits and other social safety net programs falls, and the deficit narrows.

Now, the marked diminution of the fluctuations in the economy shown on this chart in the post-World War II period reflects the automatic workings of these stabilizers through the business cycle. It demonstrates the benefit we have derived from the application of these automatic stabilizers in the post-World War II period. This is a dramatic illustration of the advantages of having broken out of the thinking that said we had to balance the budget every year and, therefore, led to efforts to balance it at a time of economic downturn which only intensifies the problem.

Ms. Tyson goes on to say:

> A balanced budget amendment would throw the automatic stabilizers into reverse. Congress would be required to raise tax rates or cut spending programs in the face of a recession to counteract temporary increases in the deficit. Rather than moderating the normal ups and downs of the business cycle, fiscal policy would be required to aggravate them.

Which is exactly what had been happening in the past, and we now have managed to avoid.

Mr. BYRD. So will not then the chart show for the next several years, after the point where we now are, the same chart would show these lines that are zigzagging and fluctuating above the horizontal line, it would, in effect, show them down here.

Mr. SARBANES. That is right. You go into a downturn, and instead of having these automatic stabilizers to counteract that, the roller coaster would start down and you would simply be intensifying it.

People have to understand, what these downward lines mean, this negative growth means millions of people unemployed. This means small businesses going into bankruptcy. What these lines mean, in every instance in which these occurred, if you went back and looked at what was happening in the economy, there was massive economic dislocation: People losing their jobs, businesses going into bankruptcy, farms being foreclosed. We have not experienced that in recent times and, as a consequence, people begin to take it for granted.

But it is not inevitable.

It must be understood, one of the reasons it has not happened is because we have had a counteracting policy to prevent these deep declines from taking place.

Mr. BYRD. Mr. President, if the Senator will yield.

Mr. SARBANES. Certainly.

Mr. BYRD. So the effect then, if I understand what the Senator is saying, I think he is making a vital point here, which would be that we would return to a situation as the chart indicates for the earlier years, going back more than 50 years.

Mr. SARBANES. The distinguished Senator from West Virginia is correct. We would be back into these up and down cycles. As Charles Schultze said in his quote, which I think is very important:

> In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946, the economy spent 80 percent of the time expanding and only 20 percent contracting.

When it did contract, it avoided going into these very deep plunges which used to occur. We used to call those "panics," "busts." The economy was devastated. You would have the panic of 1893 or the panic of 1922, and so forth. And we have avoided that in the post-World War II period. We have had some ups and downs; we have what we call recessions. We have not had a depression. We have managed to avoid that.

Let me just read what Alice Rivlin had to say today. She is a very thoughtful woman, and those who know her realize that she is what is called a "deficit hawk." She has been anxious to get the deficit down, has worked hard to get the deficit down. Today at a news conference she made the following statement:

> This discussion is not about whether the budget should be balanced, on the average. It is about whether we should write into the Constitution that the budget should be balanced every year. No one can fault the Clinton administration for not being serious about deficit reduction; we believe the deficit is too high, that it must come down. We have brought it down a lot; we want to bring it down more.
>
> But we do not believe that we should write a requirement for balance every year into the Constitution. The real problem with doing that is that it would make swings in the economy bigger.
>
> The Federal deficit has acted as a cushion that dampen recessions, make them less wide, less bad for people.
>
> When the economy slows down, two things happen. One is, there are more people who are eligible for unemployment insurance and food stamps and the kinds of things that help people when they are in trouble. So expenditures for those things go up. More importantly, when people earn less and they lose their jobs, they don't pay as much income tax, so the Federal revenues go down.
>
> With spending going up and revenues going down a lot in the beginning of a recession, what you find is a deficit widening—automatically; it just happens. And automatically, it offsets the horrendous effects of that recession.
>
> Now, what would happen if you had to counteract that effect? The Constitution would say, unless you had a supermajority to override it, that you would have to do one of two things. You would have to cut spending to correct that deficit, and people would have less income, . . . or you would have to raise taxes, which would mean people would have less income. So the recession gets worse. We would have bigger swings in the economy, a deeper recession.
>
> Now, that's not just a theory, you can really see it. You can see it in what has happened to recessions over the last couple of decades.
>
> If you look back in our history, the economy went up and down by huge swings. In the period, especially the period since World War II when these automatic stabilizers have been in effect . . . we've still had recessions, but we have had much smaller ones than we otherwise would have had.
>
> If we pass a balanced budget amendment to the Constitution—

And I say to the distinguished Senator from West Virginia this is exactly to his point.

> If we pass a balanced budget amendment to the Constitution, we are saying we want to go back to those days when the economy had huge swings, and many more people were out of work in a recession than are out of work in modern recessions.

Now, Mr. President, this issue is not being given a lot of attention in this debate. It is very clear that by having these automatic stabilizers in the budget, we have been able to avoid very dire economic times.

This amendment would preclude the automatic response which now takes place and which begins to happen before people even begin to recognize that the economy may be in trouble. As soon as the economy starts experiencing some trouble, this cushioning effect automatically starts happening.

It is asserted by proponents of the amendment that sixty votes to waive its provisions would be obtained. 60 votes. Maybe, maybe not. I daresay, in any event, you will not come anywhere close to getting them until it is manifest that the economy is in difficulty, namely until we have moved down the downward curve a considerable part of the way. And at that time, of course, you are really playing catchup. You are trying to pull back this downward momentum instead of having offset it right in the beginning.

Now, I want to underscore these deep downward lines, on this chart. You say, well, this is negative growth, this is GDP taking a nosedive. People say, "Well, what does all that mean?"

What it means in real human terms, what these deep plunges in growth to negative levels of 5, 10 percent, in the Great Depression even 15 percent, literally means is millions unemployed; it means small business bankruptcies the likes of which we have not seen in roughly the last 60 years; it means farm foreclosures.

Now, these are real life problems, and we run an incredible risk with the proposal that is before us of going back to that kind of business cycle. As the New York Times article said:

> If the amendment is enacted, the side effect would be huge: a system that has softened recessions since the 1930's would be dismantled.
>
> The problem is that the balanced budget amendment is a heavy-handed solution and risky. The biggest risk is to the Nation's automatic stabilizers which have made recessions less severe than they were in the century before World War II. The stabilizers, an outgrowth of Keynesian economics, work this way: When the economy weakens, outlays automatically rise for unemployment pay, food stamps, welfare, and Medicaid. Simultaneously, as incomes fall, so do corporate and individual income tax payments. Both elements make more money available for spending, thus helping to pull the economy out of its slump. Under the balanced budget amendment, Congress and the administration would be required to get the budget quickly back into balance through spending cuts, higher tax rates, or a combination of the two, perhaps even in the midst of a recession. The Government would become almost inevitably a destabilizer of the economy, rather than a stabilizer.

Now, in economic terms that is the real concern. I have spoken earlier about the fact that this amendment does not distinguish between a capital budget and an operating budget, and the serious implications of that in economic terms and with respect to investing in our future.

But what I just wanted to come to the floor and address this evening at the close of the day—since some question was raised earlier about whether policy had worked to counteract the economic cycle—was this very graphic description, and these comments which I have quoted by some very able people.

I think this observation of Charles Schultze, I just want to quote it again:

> The American economy in the postwar years has been far more stable than it was between the Civil War and the Second World War, even if we exclude the Great Depression from the comparison. In the period between the Civil War and the First World War, the American economy spent about half the time in expansion and half in contraction. In the period since 1946 the economy spent 80 percent of the time expanding and only 20 percent contracting. Many people have studied the period and credit an important part of the improved economic performance to the automatic stabilizing characteristics of the Federal budget.

Mr. President, I do not want to go back to the kinds of fluctuations in the economy we experienced in the pre-World War II period, and that is one of the reasons that I oppose the balanced budget amendment and very much hope it will be defeated.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Post, February 7, 1995]

IT'S A RECIPE FOR ECONOMIC CHAOS

(By Laura D'Andrea Tyson)

Continued progress on reducing the deficit is sound economic policy, but a constitutional amendment requiring annual balance of the federal budget is not. The fallacy in the logic behind the balanced budget amendment begins with the premise that the size of the federal deficit is the result of conscious policy decisions. This is only partly the case. The pace of economic activity also plays an important role in determining the deficit. An economic slow-down automatically depresses tax revenues and increases government spending on such programs as unemployment compensation, food stamps and welfare.

Such temporary increases in the deficit act as "automatic stabilizers," offsetting some of the reduction in the purchasing power of the private sector and cushioning the economy's slide.

Moreover they do so quickly and automatically, without the need for lengthy debates about the state of the economy and the appropriate policy response.

By the same token, when the economy strengthens again, the automatic stabilizers work in the other direction: tax revenues rise, spending for unemployment benefits and other social safety net programs fall, and the deficit narrows.

A balanced budget amendment would throw the automatic stabilizers into reverse. Congress would be required to raise tax rates or cut spending programs in the face of a recession to counteract temporary increases in the deficit. Rather than moderating the normal ups and downs of the business cycle, fiscal policy would be required to aggravate them.

A simple example from recent economic history should serve as a cautionary tale. In fiscal year 1991, the economy's unanticipated slowdown caused actual government spending for unemployment insurance and related items to exceed the budgeted amount by $6 billion, and actual revenues to fall short of the budgeted amount by some $67 billion. In a balanced-budget world, Congress would have been required to offset the resulting shift of more than $70 billion in the deficit by a combination of tax hikes and spending cuts that by themselves would have sharply worsened the economic down-turn—resulting in an additional loss of 1¼ percent of GDP and 750,000 jobs.

The version of the amendment passed by the House has no special "escape clause" for recessions—only the general provision that the budget could be in deficit if three-fifths of both the House and Senate agree. This is a far cry from an automatic stabilizer. It is easy to imagine a well-organized minority in either House of Congress holding this provision hostage to its particular political agenda.

In a balanced-budget world—with fiscal policy enjoined to destabilize rather than stabilize the economy—all responsibility for counteracting the economic effects of the business cycle would be placed at the doorstep of the Federal Reserve. The Fed could attempt to meet this increased responsibility by pushing interest rates down more aggressively when the economy softens and raising them more vigorously when it strengthens. But there are several reasons why the Fed would not be able to moderate the ups and downs of the business cycle on its own as well as it can with the help of the automatic fiscal stabilizers.

First, monetary policy affects the economy indirectly and with notoriously long lags, making it difficult to time the desired effects with precision. By contrast, the automatic stabilizers of fiscal policy swing into action as soon as the economy begins to slow, often well before the Federal Reserve even recognizes the need for compensating action.

Second, the Fed could become handcuffed in the event of a major recession—its scope for action limited by the fact that it can push short-term interest rates no lower than zero, and probably not even that low. By historical standards, the spread between today's short rates of 6 percent and zero leaves uncomfortably little room for maneuver. Between the middle of 1990 and the end of 1992, the Fed reduced the short-term interest rate it controls by a cumulative total of 5¼ percentage points. Even so, the economy sank into a recession from which it has only recently fully recovered—a recession whose severity was moderated by the very automatic stabilizers of fiscal policy the balanced budget amendment would destroy.

Third, the more aggressive actions required of the Fed to limit the increase in the variability of output and employment could actually increase the volatility of financial markets—an ironic possibility, given that many of the amendment's proponents may well believe they are promoting financial stability.

Finally, a balanced budget amendment would create an automatic and undesirable link between interest rates and fiscal policy. An unanticipated increase in interest rates would boost federal interest expense and thus the deficit. The balanced budget amendments under consideration would require that such an unanticipated increase in the deficit be offset within the fiscal year!

In other words, independent monetary policy decisions by the Federal Reserve would require immediate and painful budgetary adjustments. Where would they come from? Not from interest payments and not, with such short notice, from entitlement programs. Rather they would have to come from either a tax increase or from cuts or possible shutdowns in discretionary programs whose funds had not yet been obligated. This is not a sensible way to establish budgetary priorities or maintain the healthy interaction and independence of monetary and fiscal policy.

One of the great discoveries of modern economics is the role that fiscal policy can play in moderating the business cycle. Few if any members of the Senate about to vote on a balanced budget amendment experienced the tragic human costs of the Great Depression, costs made more severe by President Herbert Hoover's well-intentioned but misguided efforts to balance the budget. Unfortunately, the huge deficits inherited from the last decade of fiscal profligacy have rendered discretionary changes in fiscal policy in response to the business cycle all but impossible. Now many of those responsible for the massive run-up in debt during the 1980s are leading the charge to eliminate the automatic stabilizer as well by voting for a balanced budget amendment.

Instead of undermining the government's ability to moderate the economy's cyclical fluctuations by passing such an amendment, why not simply make the hard choices and cast the courageous votes required to reduce the deficit—the kind of hard choices and courageous votes delivered by members of the 103d Congress when they passed the administration's $505 billion deficit reduction package?

Mr. HATCH. Mr. President, the arguments of the Senator from Maryland are not arguments against balancing the budget, but to have a rainy day fund available built from surpluses made in the good years to soften the business cycle.

The real economic harm to Americans are the stagnant wages, high interest rates, and high taxes all piled on the backs of working Americans as a consequence of yearly current consumption unrelated to the swings to the business cycle.

There is some irony in the Senator's reference to an article by President Clinton's Economic Adviser Laura Tyson saying that tax increases and speeding cuts world deepen a recession when has boss, President Clinton, said tax increases and spending cuts would lead to a recovery when he fought for his tax bill in 1993.

Mr. President, the Senator from Maryland has made again the objection to the balanced budget amendment that the business cycle and the automatic stabilizers suggest that we should run deficits in bad years to dampen the effect of recessions or depressions. His argument seems to suggest that cyclical deficits are normal and good. The problem is that our deficits have become large, structural, and permanent.

Our deficits do not follow the business cycle in either size or frequency. They continue to go up, year after year. Surely we have had move than one business cycle since 1969, yet we have not balanced the budget in that time.

AMENDMENT NO. 267

Mr. FEINGOLD. Mr. President, I want to express my support of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY] last night which would specifically provide that the balanced budget amendment to the Constitution does not provide the President of the United States with unilateral power to impound funds or raise taxes. This amendment will be voted on next Tuesday and I hope it will be adopted.

Mr. President, this amendment raises interesting questions because the opponents have repeatedly said that they do not believe that the balanced budget amendment, as drafted, should be interpreted to give the President the power to impound funds or raise taxes.

Many have stated they would oppose giving that kind of power to the executive branch, even through the implementing legislation.

The Judiciary Committee's majority report states, unequivocally, "it is not the intent of the committee to grant the President any impoundment authority" under the proposed balanced budget amendment.

Yet, these same Members have strenuously opposed an amendment which would clarify this issue once and for all, by making it clear that neither the balanced budget amendment, nor any implementing legislation enacted pursuant to its authority can give the executive branch the unilateral authority to bring the budget into balance by raising taxes or impounding funds.

It seems to me you can't have it both ways: you can not argue you don't support giving the President these sweeping powers and at the same time fight against an amendment which would make it clear that the balanced budget amendment does not provide such authority to the executive branch.

Mr. President, it is particularly important that this issue be settled now, clearly and in a forthright manner, because it raises very serious and profound questions about how this country will be governed if this constitutional amendment is adopted.

The question of Executive power under this amendment, like the question of the role of the courts, is one that ought to be answered now, before the amendment is added to our Constitution, not sometime later, in the distant future.

The people of this country have the right to know in advance whether this amendment will allow a fundamental restructuring of the balance of power and responsibilities between the three branches of Government.

The State legislators, who have an important responsibility when they vote whether or not to ratify this proposed amendment, ought to have this question resolved before they cast their votes.

If this amendment can be construed to give the President the right to, for example, withhold Social Security checks, or salaries of military and civilian employees of the Federal Government, or grants to State and local governments in order to meet the constitutional mandate for a balanced budget, then we ought to know that in advance.

Mr. President, the pending amendment to make it clear that the balanced budget amendment does not grant these sweeping powers to the executive branch is not about whether you are for or against the balanced budget amendment—it is about whether the proposed constitutional amendment is drafted in a way that can result in a fundamental change in the way this country is governed.

The balance of powers between the three branches of Government—legislative, executive, and judicial—is a concept which is fundamental to our system of Government. It has stood us well for more than 200 years. Our democracy has survived and thrived because the checks and balances contained in our Constitution has prevented any one of these branches from becoming dominant.

Without adoption of the pending amendment, that balance could be fundamentally altered.

Mr. President, let me stress again the issue here is not about whether you support or oppose the balanced budget amendment. It is about whether you believe that the President should have the power to impound funds or raise taxes on the American people at his or her sole discretion.

The concentration of this type of power in the hands of the executive is not something that I believe the people of this country want to see happen. They want to see their elected officials use some fiscal discipline and restraint to bring our Federal budget into balance. They want us to stop deficit spending and increasing the national debt—a debt that will be passed on to their children and grandchildren.

I do not believe that these concerns about fiscal responsibility means that the American people want to see the emergence of an imperial Presidency.

I do not believe that they want this President or the next to have the power to unilaterally impound funds or raise taxes.

If the proponents of the amendment truly believe that the amendment does not bestow those powers on the President, then they ought to be willing to accept this amendment.

Their resistance gives this Senator a great deal of concern, particularly in light of the strong legal arguments that have been presented indicating that the proposed balanced budget amendment could well be construed by the courts and the executive branch to bestow on the President extraordinary powers to impound funds or raise taxes in the event that the constitutionally mandated budget balanced has not been achieved.

Mr. President, this is not a risk that we should expose ourselves to when a simple solution—adoption of the pending amendment—will resolve the question.

A number of legal scholars have concluded that without such an amendment to the balanced budget amendment, the President would have such powers to enforce the constitutional mandate of a balanced budget. Their arguments, which I will summarize briefly, make a good deal of sense and we ought to heed their warnings.

These scholars note that the balanced budget amendment which the Senate is now considering is silent on the issue of how it will be enforced.

The amendment itself provides simply that total outlays cannot exceed total receipts in a fiscal year, unless each House of Congress approves a specific deficit by a three-fifths vote. The amendment, however, does not specify what action can be taken if an unconstitutional deficit arises, either because of the inaction of the legislative and executive branches, or because of unforeseen changes in economic factors.

At the same time, proponents argue that the balanced budget amendment is self-enforcing. The Judiciary Committee report states, "both the President and Members of Congress swear an oath to uphold the Constitution, including any amendments thereto."

As to how the President is expected to carry out that responsibility, particularly in the case of a recalcitrant Congress, the committee report simply states that it is not their intent to grant the President any impoundment authority, and that, in any event, Congress has the power under section 6 of the amendment to pass legislation that specifically denies impoundment powers to the President.

The implication of these passages in the committee report is clearly that the proponents of the amendment recognize the very real risk that the proposed amendment opens the door to a President acting to impound funds or raise taxes to meet the constitutional mandate of a balanced budget and that they hope that Congress will proscribe that authority in implementing legislation.

That is a thin argument upon which to rest such a profound issue as maintaining the constitutional balance of powers.

If Congress failed to pass legislation to preclude a President from taking unilateral action to bring a budget into balance by either impounding funds or raising taxes or Congress passed such legislation, but a President vetoed it and his or her veto was not overridden, there is every reason to believe that such authority would be there for a strong executive to take under the guise of carrying out his or her constitutional obligations.

Indeed, a President might well feel compelled to veto such legislation for the very reason that it would tie his or her hands in seeking to comply with the constitutional mandate to prevent outlays from exceeding revenues in any given fiscal year.

The Constitution, article II, section 3, obligates the President of the United States to "take care that the Laws be faithfully executed." A commonsense reading of the proposed balanced budget amendment and the obligation of the President to faithfully execute the law means that the President must act to either impounds funds or raise taxes if the total outlays of the Federal Government exceed the total revenues in any fiscal year.

A broad range of respected legal scholars have reached that conclusion.

Assistant Attorney General Walter Dellinger testified before the Judiciary Committee that the proposed constitutional amendment would authorize the President to impound funds to insure that the outlays did not exceed revenues.

Harvard University law professor Charles Fried, who served as Solicitor General during the Reagan administration, testified that section 1 of the proposed amendment "would offer a President ample warrant to impound appropriated funds" in a year when actual revenues fell below projects and a bigger than authorized deficit occurred.

Other legal scholars who have reached similar conclusions include former Attorney General Nicholas de B. Katzenbach, Stanford University Law School Professor Kathleen Sullivan, Yale University Law School Professor Burke Marshall, and Harvard University Law School Professor Laurence Tribe.

Mr. President, I think it is important to stress that we are not talking here about the President exercising something along the lines of a line-item veto. Legislation which would give the President line-item veto authority to remove spending items from appropriation bills and provide Congress the opportunity to override those vetoes has passed the other body and will soon be debated in the Senate. The Judiciary Committee has also already held hearings last month on proposed constitutional amendments to provide the President with line-item veto authority.

What we are talking about here, however, is not a line-item veto, but the power of the President to take whatever steps he or she deems necessary, including impounding funds and raising taxes without any review by Congress in order to meet the constitutional mandate of a balanced budget. That is a very different process from a line-item veto authority and one which would vest the executive branch with unprecedented fiscal powers.

Mr. President, although much of the discussion regarding the Presidential powers to faithfully execute the requirements of a balanced budget amendment have focused upon the issue of impoundment authority, there is no reason to conclude that a President would not have equal powers to achieve a balanced budget by unilaterally raising taxes, duties or fees in order to generate the revenues needed to avoid an unconstitutional deficit. That is certainly not a result most proponents of the balanced budget amendment would like to see happen. The only sure way to prevent it is to adopt the pending amendment which would foreclose that option.

Mr. President, the best way to ensure that the balanced budget amendment is not interpreted to give Presidents the power to unilaterally impound social security checks or raise taxes on middle class workers is simple—put it in writing.

Adoption of this amendment will make it clear that the balanced budget amendment does not, in fact, authorize the President to exercise this kind of unprecedented power. Those who oppose this amendment have given no good reason why they are not willing to accept this amendment.

They ask that the American people accept, on good faith, that they "do not intend" to give the President these powers. The American people should not have to rely upon "good intentions." Why take the risk? Let's write it into the amendment.

MORNING BUSINESS

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session to Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-33. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Armed Services.

"SENATE JOINT RESOLUTION 1

"Whereas, the Department of the Navy has maintained the Portsmouth Naval Shipyard since June 12, 1800; and

"Whereas, the Portsmouth Naval Shipyard has performed in an exemplary manner throughout its almost 2 centuries of history; and

"Whereas, the Portsmouth Naval Shipyard is one of the most modern facilities available in the United States for the repair, overhauling, and refueling of naval vessels; and

"Whereas, the communities located near the Portsmouth Naval Shipyard, in Maine, New Hampshire, and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

"Whereas, the Portsmouth Naval Shipyard is uniquely and strategically located for the continued defense of our country; and

"Whereas, the Portsmouth Naval Shipyard is known for its leadership in the environmental field and has worked hard to be a partner with the surrounding communities; and

"Whereas, the Portsmouth Naval Shipyard has an aggressive pollution prevention program which determines how to eliminate pollution at its source by preventing hazardous waste from entering the waste system; and

"Whereas, the previous closure of Pease Air Force Base has had an extremely negative economic impact on the seacoast region with recovery from that loss taking much longer than anticipated; and

"Whereas, the Portsmouth Naval Shipyard contributes approximately $594,700,000 in personal income and this loss would contribute to the further contraction of the economic base of the region; and

"Whereas, the closure of the Portsmouth Naval Shipyard would have a devastating impact on an area much larger than the seacoast with that impact being much greater than that caused by the closure of Pease Air Force Base; and

"Whereas, the state of New Hampshire is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Portsmouth; now, therefore, be it

"*Resolved by the Senate and the House of Representatives in General Court convened:*

"That the general court of New Hampshire respectfully recommends and urges the Congress of the United States to continue to operate, develop, diversify, and make fullest use of the United States Naval Shipyard at Portsmouth, New Hampshire;

"That the general court further urges the Congress of the United States to take all necessary action to ensure that the Portsmouth Naval Shipyard remains an integral component in a post-cold war defense strategy; and

"That copies of this resolution signed by the governor, the president of the senate and the speaker of the house be forwarded by the senate clerk to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, the Secretary of Defense, and to each member of the New Hampshire and Maine Congressional delegations."

POM-34. A resolution adopted by the Municipal Assembly of Morovis, Puerto Rico relative to Presidential elections; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WELLSTONE:

S. 473. A bill to establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MACK (for himself and Mr. GRAHAM):

S. 474. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON):

S. Res. 79. A resolution designating March 25, 1995, as "Greek Independence Day: A National Day Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. REID):

S. Res. 80. A resolution expressing the sense of the Senate on the impact on the housing industry of interest rate increases by the Federal Open Market Committee of the Federal Reserve System; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 473. A bill to establish as the nuclear energy policy of the United States that no new civilian nuclear power reactors shall be built until adequate waste emplacement capacity is available, and for other purposes; to the Committee on Energy and Natural Resources.

THE NUCLEAR ENERGY POLICY ACT OF 1995

• Mr. WELLSTONE. Mr. President, today I address a subject that has received too little attention here. I'm talking about nuclear waste. Since the Senate's last major action on this issue, 8 years have passed, extremely little progress has been made, and more questions have been raised than resolved. I propose an approach designed to keep us from ending up embroiled in another nuclear waste crisis, and to that end today I introduce the Nuclear Energy Policy Act of 1995.

The nuclear waste issue is coming to a boil throughout our country. We all know that—and hear every day about—the Department of Energy's difficulties in figuring out what to do with our high-level nuclear wastes.

My own State of Minnesota has been at the forefront of this complex issue. The legislature last year decided to allow some dry-cask storage of high-level nuclear waste on the site of the Prairie Island nuclear plant. During the debate, people were confused by the advertisements and varying claims the different sides made about the permanency and safety of such a waste dump, and about alternatives to nuclear power electricity generation. And the Federal Government did not help Minnesotans make that decision. In fact, while the battle was raging in Minnesota, the Director of DOE's Office of Civilian Radioactive Waste Management was telling the Senate Energy and Natural Resources Committee that if Minnesota was to allow dry-casks at Prairie Island, he could not guarantee that the waste would ever leave. And Minnesotans were then and still are all too aware that if Yucca Mountain fails to qualify as a permanent repository, there is no Federal policy for what to do with the waste then.

And we also have no policy concerning future nuclear power plants. We have no policy protecting us from a second nuclear waste crisis.

Today I introduce a bill that provides that policy. It should have been the first law Congress passed upon entering the Atomic Age. It is nothing short of common sense.

The bill I introduce today simply requires that we build no more nuclear power plants until we have some place to permanently store the waste they will generate. That's all there is to it.

There is nothing radical about this idea. It is not a partisan idea—just look at the list of original cosponsors: two Democrats and two Republicans. All this bill does is put the nuclear cart back behind the horse, where it belongs.

It is true that no utility has yet stepped forward to site a new nuclear power plant, and that is exactly why now is the time to pass this law. Once utilities make a huge investment in siting, licensing, and building new plants, the pressure upon Congress to provide a waste-disposal option for them becomes immense. Unfortunately, if Congress acts under such pressure, it might not come up with the best resolution. Let's ensure that for future plants, we deal with the waste issue in a deliberate way, free from pressure applied by utilities with vested interests.

I want to make this point crystal clear: this bill would not impact any existing plants. It would apply only to plants that would be constructed after the date of enactment. It would, therefore, not apply to renewal of existing licenses.

Here is the current commercial high-level nuclear waste situation in a nutshell: we have DOE, by Congressional mandate, putting all of its eggs in the Yucca Mountain basket. Even when Yucca Mountain is on-line—if ever—it will be able to hold only the waste that has been and will be generated by our current generation of reactors.

Where will the waste from a new generation of reactors be disposed of? This bill requires that we answer this question before that second generation is born.

This bill does not judge the deep geologic repository approach that the DOE is currently pursuing. Nor does it make any mention of a monitored retrievable storage facility. It only says that we ought to always have enough permanent storage capacity to take care of the waste that will be generated by a new nuclear power plant.

It is not enough to have a plan for adequate storage. It is also not enough to have begun construction on a storage facility. It is not even enough to have finished building but not yet licensed a storage facility. The permanent storage facility must be sited, built, and licensed for operation before construction may begin on a new plant under this bill.

The bill is written that way because of the huge difference between the planning and building of a waste facility on the one hand, and its actually accepting waste on the other. With politically charged issues like nuclear waste, it is wise to make absolutely certain that there is water in the pool before jumping in, rather than just turning on the spigot, taking a deep breath, and diving.

I urge Senators to support this important legislation. It is time to use a little common sense.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 473

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Energy Policy Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) a national energy policy that allows the construction and operation of new civilian nuclear power reactors may serve to aggravate the problem of management of high-level nuclear waste including spent nuclear fuel from the reactors;

(2) the creation of the nuclear waste has a direct effect on the amount of nuclear waste transported in interstate commerce; and

(3) it is not in the public interest, and it should not be the policy of the United States, to allow the construction or operation in the United States of any additional civilian nuclear power reactor unless a facility for the permanent emplacement of the waste exists with enough capacity for the waste that the reactor is reasonably expected to generate in its lifetime.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that the United States does not aggravate the nuclear waste problem by permitting the creation of a new generation of civilian nuclear power reactors without adequate capacity in a permanent waste emplacement facility by establishing as the nuclear energy policy of the United States that no new civilian nuclear power reactor shall be built until adequate waste emplacement capacity is available.

SEC. 4. NUCLEAR ENERGY POLICY OF THE UNITED STATES.

(a) ADEQUATE EMPLACEMENT FACILITY.—No civilian nuclear power reactor shall be built after the date of enactment of this Act until—

(1) there is a facility licensed by the United States for the permanent emplacement of high-level radioactive waste (including spent nuclear fuel) from the reactor; and

(2) there is an adequate volume of capacity within the emplacement facility to accept all of the high-level radioactive waste (including spent nuclear fuel) that will be generated by the reactor during the reasonably foreseeable operational lifetime of the reactor.

(b) GENERATION OF SPENT FUEL.—At no time shall the aggregate volume of high-level radioactive waste (including spent nuclear fuel) that is generated, or reasonably expected to be generated, by all civilian power reactors on which federally authorized construction was begun after the date of enactment of this Act exceed the total volume of capacity available in facilities licensed by the United States for the permanent emplacement of the high-level radioactive waste (including spent nuclear fuel).

SEC. 5. ENFORCEMENT.

Any affected citizen may enforce this Act by bringing a civil action in the United States district court for the district in which the person resides or in the United States District Court for the District of Columbia.•

By Mr. MACK (for himself and Mr. GRAHAM):

S. 474. A bill to provide a veterans bill of rights; to the Committee on Veterans' Affairs.

THE VETERANS BILL OF RIGHTS ACT OF 1995

• Mr. MACK. Mr. President, today my colleague from Florida, Senator BOB GRAHAM, and I are introducing legislation to ensure that all veterans have access to the same care and benefits provided by the U.S. Department of Veterans Affairs regardless of race, ethnicity, sex, religion, age, or geographic location.

Under the Veterans Bill of Rights Act, veterans in all States will have equal access to such services as VA medical facilities, treatment, and personnel; VA home loan guaranty assistance, job training assistance, the administrative claims process, and equal treatment in the handling of claims for benefits.

While equal access to these essential veterans benefits and services is implied, in reality, it is not always the case. My home State of Florida, for example, has the most 100 percent service-connected disabled veterans in the United States. It is also home to the second largest overall veterans population. Consequently, the demand for services from the Department of Veterans Affairs is far greater than other States. Florida's veterans population, however, has far less access to medical care and other benefits than nearly every other State. In fact, veterans in Florida are forced to wait months for appointments at VA medical centers and outpatient clinics while veterans in other States have no waiting lines. That's wrong, and it must be changed.

Our Government made a contract with the men and women who bravely served our country in times of need. The contract guaranteed that the Federal Government would provide for them in return for their service. Many who honored this contract were injured or disabled. The Federal Government must live up to its' end of the contract by providing equitable treatment regardless of where the veteran lives.

Veterans in many States, like those who reside and vacation in Florida, do not receive their fair share of benefits. The Veterans Bill of Rights corrects this inequity, and I strongly urge my colleagues to cosponsor this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Bill of Rights Act".

SEC. 2. ADMINISTRATION OF RIGHTS AND BENEFITS.

The Secretary of Veterans Affairs shall take any action necessary to ensure that any rights and benefits provided under title 38, United States Code, to veterans who qualify for the rights and benefits—

(1) are made available to the veterans in any one State or geographic location to the same extent as the rights and benefits are made available to the veterans in any other State or geographic location; and

(2) are not denied to any veteran on the basis of race, ethnicity, sex, religion, age, or geographic location.

SEC. 3. DEFINITION.

For purposes of this Act, the term "State" has the same meaning given such term in section 101(20) of title 38, United States Code.•

ADDITIONAL COSPONSORS

S. 197

At the request of Mr. BUMPERS, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 197, a bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes.

S. 216

At the request of Mr. INOUYE, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 256

At the request of Mr. DOLE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 269

At the request of Mr. SIMPSON, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 269, a bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigator personnel;

improving the verification system for employer sanctions; increasing penalties for alien smuggling and for document fraud; reforming asylum, exclusion, and deportation law and procedures; instituting a land border user fee; and to reduce use of welfare by aliens.

S. 270

At the request of Mr. SMITH, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 270, a bill to provide special procedures for the removal of alien terrorists.

S. 305

At the request of Mr. WARNER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 305, a bill to establish the Shenandoah Valley National Battlefields and Commission in the Commonwealth of Virginia, and for other purposes.

S. 426

At the request of Mr. SARBANES, the names of the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 439

At the request of Mr. THOMAS, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 439, a bill to direct the Director of the Office of Management and Budget to establish commissions to review regulations issued by certain Federal departments and agencies, and for other purposes.

AMENDMENT NO. 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from North Dakota [Mr. DORGAN] were added as cosponsors of amendment No. 274 proposed to House Joint Resolution 1, a joint resolution proposing a balanced budget amendment to the Constitution of the United States.

At the request of Mrs. FEINSTEIN the name of the Senator from Arkansas [Mr. BUMPERS] was withdrawn as a cosponsor of amendment No. 274 proposed to House Joint Resolution 1, supra.

SENATE RESOLUTION 79—RELATIVE TO GREEK INDEPENDENCE DAY

Mr. SPECTER (for himself, Mr. LAUTENBERG, Mr. D'AMATO, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas, the ancient Greeks developed the concept of democracy, in which the supreme power to govern was invested in the people;

Whereas, the Founding Fathers of the United States of America drew heavily upon the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas, these and other ideals have forged a close bond between our two nations and their peoples;

Whereas, March 25, 1995 marks the 174th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire; and

Whereas, it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations were born: Now, therefore, be it

Resolved by the Senate of the United States of America assembled, that March 25, 1995 is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

• Mr. SPECTER. Mr. President, today I am submitting along with Senators LAUTENBERG, D'AMATO, and SIMON a resolution to designate March 25, 1995, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and seventy-four years ago, the Greeks began the revolution that would free them from the Ottoman Empire and return Greece to is democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science, and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been signed into law each of the past several years, with overwhelming support in both the House of Representatives and the Senate. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.•

SENATE RESOLUTION 80—RELATIVE TO THE FEDERAL OPEN MARKET COMMITTEE

Mr. DORGAN (for himself, Mr. BAUCUS, and Mr. REID) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 80

Whereas the Federal Open Market Committee of the Federal Reserve System has increased interest rates 7 times during the 12 months preceding the date of adoption of this resolution, despite the absence of any serious threat of inflation;

Whereas the inflation rate declined to very modest levels during the 4 years preceding the date of adoption of this resolution;

Whereas the Board of Governors of the Federal Reserve System maintains that the Consumer Price Index overstates the true rate of inflation by as much as 50 percent;

Whereas increases in short-term interest rates have been accompanied by increases in long-term interest rates, reversing the downward trend that helped strengthen the national economy;

Whereas such higher interest rates will have a devastating impact on the economy, including home builders, homebuyers, and homeowners;

Whereas higher interest rates will increase the Federal deficit by adding $171,000,000,000, over 5 years, to pay the interest on the national debt;

Whereas the housing industry is one of the most interest rate sensitive sectors of the economy;

Whereas some home mortgage payments have increased by hundreds of dollars per month because of the increase in interest rates by the Federal Open Market Committee;

Whereas the interest rate on a 30-year fixed rate mortgage increased from approximately 7 percent since February 4, 1994, to the level of 9 percent 12 months later, increasing the monthly payment on a $100,000 home mortgage loan by more than $140 per month;

Whereas homeowners with adjustable rate mortgages will spend an estimated aggregate increase of $12,000,000,000 to $15,000,000,000, in monthly payments during 1995;

Whereas the National Association of Home Builders estimates that a 1 percentage point increase in mortgage interest rates means that approximately 4,000,000 households could not qualify to purchase a median-priced home: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) additional interest rate increase at this time could risk throwing the economy into a recession;

(2) the Board of Governors of the Federal Reserve System should act with caution so as not to risk another recession; and

(3) the Board of Governors of the Federal Reserve System should carefully weigh the effects of interest rate increases on homeowners, homebuyers, home builders, and American taxpayers when evaluating interest rate policy.

Mr. DORGAN. Mr. President, yesterday Federal Reserve Board Chairman Alan Greenspan testified before Congress that the Fed's recent actions to increase interest rates were achieving their intended goal: to put the brakes on economic growth in this country.

He also left room for the Fed to raise interest rates even further to deal with inflationary pressures. Well, I say enough is enough. No more interest rate hikes.

The Fed says it has raised short-term interest rates by a full three percentage points this past year to combat inflation. But what inflation? Like Don Quixote on a mission to root out an imaginary enemy, the Fed has made inflation the invisible foe it seeks to defeat. In fact, the evidence shows that inflation has actually been falling for the past four years.

What the Fed has actually accomplished with higher interest rates is to put at risk those most vulnerable to interest rate change including homeowners, homebuyers, and home builders.

Just look at what's happening to middle-income Americans in communities all across this country as a result of the Fed's actions.

The interest rate on a 30-year fixed rate mortgage has jumped from 7 percent to 9 percent in less than a year.

A homeowner carrying a $100,000 fixed mortgage is paying almost $150 more a month now for that loan than just a year ago.

Homeowners with adjustable rate mortgages will spend an estimated $12 to $15 billion more in total monthly payments this year.

The National Association of Home Builders estimates that a one percentage point increase in mortgage rates will prevent four million families from realizing their dream of owning their own home. That is 4 million broken dreams.

Higher interest rates will increase the Federal deficit by adding $171 billion, over 5 years, to pay the interest we must pay on the national debt.

That's why I am submitting today a sense-of-the-Senate resolution, which puts the Fed on notice. Stop the interest rate increase. Do not risk another recession. Consider the interests of the homeowners, homebuyers, home builders, taxpayers, and others who wind up bearing the burden of these actions.

If you're as exasperated as I am with the Federal Reserve Board actions that put a hammer lock on middle-income families and the businesses that serve them, I hope that you will join me in cosponsoring this resolution. The threat is not inflation, which has decreased four years in a row. The threat we face is that of throwing our economy into another recession.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I have previously announced a hearing scheduled before the full Committee on Energy and Natural Resources on Thursday, March 2, 1995, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC, for the purpose of receiving testimony regarding S. 433, the Electric Consumers and Environmental Protection Act of 1995, and S. 167, the Nuclear Waste Policy Act of 1995. I would like to announce that the committee will also consider S. 429, the Independent Spent Nuclear Fuel Storage Act of 1995 and S. 473, the Nuclear Energy Policy Act of 1995.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Karen Hunsicker at (202) 224–3543.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing on Forest Service appeals has been scheduled before the Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, March 8, at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss "Farm Programs: Are Americans Getting What They Pay For?". The hearing will be held on Thursday, March 9, 1995, at 9:30 a.m. in SR–332.

For further information please contact Chuck Conner at 224–0005.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Friday February 24, 1995, at 9:30 a.m., in Senate Dirksen room 226, on S. 243, the Comprehensive Regulatory Reform Act of 1995 and regulatory Relief.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

IN SUPPORT OF THE PORTSMOUTH NAVAL SHIPYARD

• Mr. SMITH. Mr. President, I recently learned that the New Hampshire State Senate and House of Representatives adopted a joint resolution in support of keeping the Portsmouth Naval Shipyard in New Hampshire open at its full operating capacity. As we approach the release date of the Department of Defense's base closure list for the 1995 round, I would like to take this time to associate myself with the strong support expressed in the resolution passed by my State's legislature and signed by Gov. Stephen Merrill. Furthermore, I ask that the full text of that resolution be printed in the RECORD.

The State resolution follows:

SENATE JOINT RESOLUTION 1—STATE OF NEW HAMPSHIRE

Whereas, the Department of the Navy has maintained the Portsmouth Naval Shipyard since June 12, 1800; and

Whereas, the Portsmouth Naval Shipyard has performed in an exemplary manner throughout its almost 2 centuries of history; and

Whereas, the Portsmouth Naval Shipyard is one of the most modern facilities available in the United States for the repair, overhauling, and refueling of naval vessels; and

Whereas, the communities located near the Portsmouth Naval Shipyard, in Maine, New Hampshire, and Massachusetts offer an abundance of highly trained, skilled and experienced workers who have an outstanding work ethic; and

Whereas, the Portsmouth Naval Shipyard is uniquely and strategically located for the continued defense of our country; and

Whereas, the Portsmouth Naval Shipyard is known for its leadership in the environmental field and has worked hard to be a partner with the surrounding communities; and

Whereas, the Portsmouth Naval Shipyard has an aggressive pollution prevention program which determines how to eliminate pollution at its source by preventing hazardous waste from entering the waste system; and

Whereas, the previous closure of Pease Air Force Base has had an extremely negative economic impact on the seacoast region with recovery from that loss taking much longer than anticipated; and

Whereas, the Portsmouth Naval Shipyard contributes approximately $594,700,000 in personal income and this loss would contribute to the further contraction of the economic base of the region; and

Whereas, the closure of the Portsmouth Naval Shipyard would have a devastating impact on an area much larger than the seacoast with that impact being much greater than that caused by the closure of Pease Air Force Base; and

Whereas, the state of New Hampshire is firmly committed to actively supporting the continuation of the United States Naval Shipyard at Portsmouth; now, therefore, be it *Resolved by the Senate and House of Representatives in General Court convened;*

That the general court of New Hampshire respectfully recommends and urges the Congress of the United States to continue to operate, develop, diversify, and make fullest use of the United States Naval Shipyard at Portsmouth, New Hampshire;

That the general court further urges the Congress of the United States to take all necessary action to ensure that the Portsmouth Naval Shipyard remains an integral component in a post-cold war defense strategy; and

That copies of this resolution signed by the governor, the president of the Senate and the Speaker of the House be forwarded by the Senate clerk to the President of the United States, Speaker of the United States House of Representatives, President of the United States Senate, the Secretary of Defense, and to each member of the New Hampshire and Maine Congressional delegations.•

TRIBUTE TO FRANCIS MARION "FRANK" HENDLEY II

• Mr. LUGAR. Mr. President, I rise today to pay tribute to the late Francis Marion "Frank" Hendley II, on the occasion of his 78th birthday on February 24, 1995.

Frank was born on February 24, 1917, in Birmingham, AL. After distinguished service with the Coast Guard in the South Pacific during World War II, Frank moved to Indiana, where he lived from 1946 to 1952. As regional manager for Gordon Foods Co., he ws instrumental in changing the Gordon Foods Co. slogan from "Trucks Serving the South" to "Trucks Serving the Best."

Frank was elected the first national president of the Hendley Family Association, Inc., on November 22, 1975. He led the association with distinction during his tenure as president from 1976 through 1977. Subsequent to his passing on November 15, 1986, he has been honored by the legislatures of the seven States in which he resided, including Kentucky, California, Georgia, Tennessee, and Florida, as well as the cities of Indianapolis and Beech Grove.

It is with pleasure that I offer this tribute to a loyal and true patriot who served his family and his country with great distinction.•

RETIREMENT OF MAJ. GEN. DARRELL V MANNING

• Mr. KEMPTHORNE. Mr. President, on February 25, 1995, Maj. Gen. Darrell V Manning will retire as the adjutant general of Idaho and the commanding general of the Idaho National Guard. The State of Idaho and the Nation will lose the service of a true patriot when General Manning retires.

A native of Idaho, General Manning has an accomplished record of service to Idaho and the Nation. He has served in the active duty Air Force, the Idaho Air National Guard, the Idaho House of Representatives, the Idaho State Senate, and the Idaho Transportation Department as director. As a member of the Idaho Legislature, General Manning was a noted master of parliamentary procedures.

As commanding general of the Idaho National Guard, General Manning has overseen the transformation that has resulted in the Idaho National Guard being recognized as a world-class organization for the training and preparation of soldiers and airmen. Under General Manning's command, the Idaho Air National Guard has flown two unprecedented 6-month tours of duty to Saudi Arabia to enforce the no-fly-zone over southern Iraq. In addition, on December 1, 1994, the Idaho National Guard flew to Turkey for a 4-month deployment to enforce the no-fly-zone over northern Iraq. As a result of the first of these three deployments, Dr. Sheila Widnall, the Secretary of the Air Force, traveled to Gowen Field 1 year ago to present the Idaho Air National Guard with the Air Force's Outstanding Unit Award.

And, too, under General Manning the Army National Guard has proven its readiness and competence in annual training exercises time and time again. For example, the Idaho National Guard's Apache Battalion was stood up and certified combat ready in record time under General Manning's watch. In addition, the 116th Armor Brigade was selected as one of Army's 15 enhanced combat brigades. The Idaho Army National Guard also completed the development of one of the Nation's most technologically advanced armor ranges in an environmentally sensitive and balanced way.

While General Manning has shown himself to be an exceptional military leader, he has also demonstrated a strength of character and discipline I have come to know and respect. Let me give you one example. Every year, the Adjutant Generals Association of the United States [AGAUS] meets to discuss issues confronting the National Guard. At these annual meetings, a number of adjutant generals deliver lectures on special topics. At the 1993 meeting, General Manning delivered a lecture on ethics and morality. In my mind, the Adjutant Generals Association could not have found a better speaker.

Since that meeting of the AGAUS, I have met with a number of National Guard leaders, including the current director of the National Guard Bureau, and each of these officers has praised the content and relevancy of General Manning's lecture.

In my view, the Nation will not only say goodbye to an outstanding commanding officer when General Manning retires, but we will also be saying our farewells to a man of principle, character, and integrity. For these reasons, I want to pay a special tribute to Maj. Gen. Darrell V Manning.•

ORDERS FOR MONDAY, FEBRUARY 27, 1995

Mr. HATCH. Let me get the unanimous-consent requests that need to be done and I will preserve the Senator's rights.

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday, February 27, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of routine morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for not to exceed 10 minutes each.

I further ask consent that at the hour of 12:30 p.m. the Senate resume consideration of House Joint Resolution 1, the balanced budget amendment, and at that time Senator BYRD be recognized for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATCH. For the information of all of my colleagues, as previously announced there will be no rollcall votes during Monday's session. As a reminder, under the consent agreement all debate time during Monday's session will be equally divided between the two leaders. In addition, 23 amendments or motions have been offered under the terms of the consent agreement. Those votes will occur beginning at 2:15 p.m. on Tuesday, February 28.

APPOINTMENT BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the appointment of the following Senators as members of the Senate Arms Control Observer Group: the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from New York [Mr. MOYNIHAN], the Senator from Michigan [Mr. LEVIN], the Senator from Maryland [Mr. SARBANES], the Senator from Arkansas [Mr. BUMPERS], and the Senator from Ohio [Mr. GLENN].

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Alabama [Mr. HEFLIN] as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 104th Congress.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut [Mr. DODD] as Vice

Chairman of the Senate Delegation to the Mexico-United States Interparliamentary Group during the 104th Congress.

Mr. HATCH. If there is no further business to come before the Senate, and no other Senator is seeking recognition I now ask that the Senate stand in recess under the previous order.

RECESS UNTIL MONDAY, FEBRUARY 27, 1995

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until Monday, February 27, 1995, at 12 noon.

Thereupon, at 7:53 p.m., the Senate recessed until Monday, February 27, 1995, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 24, 1995:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

KIRSTEN S. MOY, OF NEW YORK, TO BE ADMINISTRATOR OF THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND. (NEW POSITION)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

THE FOLLOWING OFFICER, NOAA, FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (0-8), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U:

REAR ADM. (LOWER HALF) WILLIAM L. STUBBLEFIELD, NOAA.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE U.S. NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

CAPT. STEPHEN HALL BAKER [redacted] U.S. NAVY.
CAPT. JOHN JOSEPH BEPKO II [redacted] U.S. NAVY.
CAPT. JAY ALAN CAMPBELL [redacted], U.S. NAVY.
CAPT. ROBERT CHARLES CHAPLIN [redacted] U.S. NAVY.
CAPT. JAMES CUTLER DAWSON, JR. [redacted] U.S. NAVY.
CAPT. MALCOLM IRVING FAGES [redacted] U.S. NAVY.
CAPT. THOMAS JAMES FLANAGAN [redacted] U.S. NAVY.
CAPT. VERONICA ZASADNI FROMAN, [redacted] U.S. NAVY.
CAPT. SCOTT ALLEN FRY [redacted], U.S. NAVY.
CAPT. EVERETT LEWIS GREENE [redacted] U.S. NAVY.
CAPT. GREGORY GORDON JOHNSON [redacted] U.S. NAVY.
CAPT. STEPHEN IRVIN JOHNSON [redacted] U.S. NAVY.
CAPT. JOSEPH JOHN KROL, JR [redacted], U.S. NAVY.
CAPT. STEPHEN ROBERT LOEFFLER [redacted] U.S. NAVY.
CAPT. JOHN THOMAS LYONS III [redacted] U.S. NAVY.
CAPT. JAMES IRWIN MASLOWSKI [redacted], U.S. NAVY.
CAPT. RICHARD WALTER MAYO [redacted] U.S. NAVY.
CAPT. MICHAEL GLENN MULLEN [redacted] U.S. NAVY.
CAPT. LARRY DON NEWSOME [redacted] U.S. NAVY.
CAPT. RICHARD JEROME NIBE [redacted] U.S. NAVY.
CAPT. WILLIAM WILSON PICKAVANCE, JR. [redacted] U.S. NAVY.
CAPT. PAUL SCOTT SEMKO [redacted] U.S. NAVY.
CAPT. ROBERT GARY SPRIGG [redacted] U.S. NAVY.
CAPT. ROBERT TIMOTHY ZIEMER [redacted] U.S. NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. OSIE V COMBS, JR. [redacted] U.S. NAVY.
CAPT. GEORGE RICHARD YOUNT [redacted] U.S. NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JEFFREY ALAN COOK [redacted] U.S. NAVY.

EXTENSIONS OF REMARKS

THE INTEGRATED SPENT FUEL MANAGEMENT ACT OF 1995

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. UPTON. Mr. Speaker, yesterday I introduced the Integrated Spent Nuclear Fuel Management Act of 1995. This is comprehensive legislation designed to address our national problem with high-level nuclear waste by providing workable solutions for managing used nuclear fuel from America's commercial nuclear powerplants.

Nuclear powerplants currently provide more than 20 percent of America's electricity. They do so by harnessing the heat from uranium filled fuel rods to produce steam that turns electric turbines. When the energy in these fuel rods is depleted, the rods are removed from the reactor's core and placed in pools of water.

Where they go next is the focus of this legislation. In Sweden, used fuel rods will eventually go directly to underground storage. In France, the rods are chopped up; the radioactive materials within them are separated and then reprocessed into new fuel rods. These completely different approaches meet both the energy and the environmental needs of their respective countries.

In America, spent fuel rods go nowhere because there is nowhere for them to go. This eliptical sentence accurately describes the nexus of our peculiar problem with nuclear waste: We have been producing thousands of tons of post-reactor wastes over a period of decades without providing a place for their ultimate disposal. The wastes from over 100 nuclear powerplants have accumulated and continue accumulating at 70 sites in more than 30 States.

Nuclear wastes didn't come as a surprise problem like DDT or ozone depleting compounds. We have known from the earliest days of the nuclear era that spent fuel and other nuclear wastes would need the most careful attention. In those early days, however, planners foresaw a different nuclear cycle or system than the one we now have. They envisioned many more nuclear powerplants than exist today, enough to warrant an enormous reprocessing system similar to but larger than the system currently operating in France.

For reasons that I won't go into today, this reprocessing sector did not develop in this country. Rather than following the French reprocessing model, we are now pursuing the once through Swedish approach. This means a home must be found for thousands and thousands of highly radioactive fuel rods.

It was assumed from the outset that the Federal Government would be responsible for these wastes and that some Federal entity would construct and operate the facilities this obligation would require. This assumption became law 13 years ago, with passage of the Nuclear Waste Policy Act of 1982.

The 1982 act set up a nuclear waste trust fund which was and is funded from a special fee on nuclear generated electricity. The fund was established to pay for a Federal nuclear waste repository. The Department of Energy was to begin accepting nuclear waste by January 31, 1998.

Despite the passage of the 1982 act and significant amendments to it in 1987 and the passage of 13 years, the Department of Energy has made little progress toward construction of a repository. The Department announced last year that it could not foresee completion of a repository any earlier than 2010, 16 years hence. Thus, Mr. Speaker, the repository that was 16 years away in 1982 is still 16 years away and half the $10 billion paid into the nuclear waste fund by electricity consumers has been spent.

We have talked at length in this Congress about unfunded mandates, but this is a prime example of a funded mandate that the Federal Government has not honored. Small wonder that the Department's announcement generated great consternation among public utilities and utility regulators and two separate lawsuits against the Secretary of Energy. Consumers and electric utilities have upheld their end of the 1982 agreement. It's time for the Government to honor its side of the bargain.

Much time has been lost. Much criticism has been directed at the Department of Energy for its failure to achieve the 1982 act's objectives. I will not add to this criticism. As is so often the case in ambitious Federal programs, we have asked good people to do something or to build something that has never been done or built before.

As much as we may appreciate the difficulty of the task, however, I cannot accept the Department's assertion that it "does not have a clear legal obligation under the Nuclear Waste Policy Act to accept spent nuclear fuel absent an operational repository or other facility." This may represent a lawyer's narrow interpretation of statutory language, but it is not what the act's sponsors said in first presenting it to the Congress on this floor in the fall of 1982:

> The primary objective of this legislation is development of licensed facilities to be constructed deep underground for the permanent disposal of high level nuclear waste. * * * We have put into place the most thoughtfully planned out roadmap for what will be a 15-year site investigation and construction program that we could devise.

On the strength of such unambiguous public commitments, scores of electric utilities entered into contracts with the Department. As in all contracts, one party agreed to do certain things if the other party or parties agreed to do certain other things.

In this case, the utilities agreed to collect special fees from electricity consumers and to remit those fees to the Department. The Department's reciprocal responsibility, in the words of the standard contract signed by all, was "To accept title to all spent nuclear fuel and/or high level wastes, of domestic origin, generated by the civilian power reactors. * * *"

The Department's lawyers may quibble, as lawyers do, about the precise nature of DOE's obligations and responsibilities. They are even free to argue that no inescapable legal obligation exists, but they cannot argue that no moral obligation or expectation exists about the Department's responsibilities. The bill I am introducing today makes unambiguously clear what we expect to be done and, most important, when we expect it to be done.

My interest in this stems from our experience in western Michigan. The Palisades nuclearpower plant, owned and operated by Consumers Power, ran out of storage space in its pools. Because there is nowhere to send the spent fuel rods, Consumers has had to use so-called dry cask storage in 130-ton concrete and steel containers a stone's throw from Lake Michigan. The four other nuclear powerplants in Michigan and more than 100 in other States will ultimately have to follow suit if the Federal Government doesn't live up to its responsibilities.

Both dry cask and pool storage are safe but there can be no question that centralized storage in one or several remote areas is better than leaving wastes at 70 sites sprinkled across the American continent. I am also concerned that the Federal Government's continued failure to honor this commitment undermines the Government's standing in the eyes of its own citizens.

TRIBUTE TO TOM EVANS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. SKELTON. Mr. Speaker, local public service the cornerstone of democracy. The country depends on the willingness of good people who will stand for election and assume the responsibility of public office.

The Blue Springs R IV School District in Jackson County, MO, is honoring one of its leaders who is completing two terms of service on its board of education. Tom Evans' leadership potential was recognized early in his tenure and he served as treasurer, vice president, and twice as president of the board in his 6 years on the board.

During the time Tom Evans served on the Blue Springs Board of Education the district was in a dynamic period of growth in its physical facilities and its programs. The district opened a second high school, conducted a patron survey, established an alternative

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

school, initiated a homework hotline, developed a business/patron/school partnership program, initiated a Saturday school detention program, established the CHOICES program and a youth offender unit, initiated an Air Force ROTC program, originated a senior seminar class, established a community education program, was selected as the first Missouri Goals 2000 community, established a school of economics and implemented the TechNet 2000 computer program. In addition the district passed a levy and four bond issues in his tenure.

Clearly, the public had justified faith in the leadership of its school board. It is fitting for the board to pause and reflect on the outstanding record of service and leadership established by Tom Evans.

I am pleased to note that record and offer it into the CONGRESSIONAL RECORD that others may be aware of it and seek to emulate this man's accomplishments.

REGULATORY REFORM FOR THE PEOPLE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PACKARD. Mr. Speaker, the American people are tired of drowning in a sea of red tape. America's regulatory regime has grown into an out of control tidal wave. The Republican Regulatory Transition Act, H.R. 450, represents the first step in turning back the flood of costly and excessive Federal regulation.

We must attempt to control this regulatory wave before the American people suffocate from bureaucratic do's and don'ts. Government regulations and guidelines restrict personal freedom and economic prosperity. Big government intervention more often represents the problem rather than the solution. Our Republican Contract With America includes regulatory provisions to get Government out of the people's lives while promoting economic opportunity. We will roll back taxes on investments that create jobs, not smother them.

Small businesses represent the heart and soul of our economy. American taxpayers work hard for every dollar they send to Washington. Republicans know this. We continue to work to free America from the economically burdensome bureaucratic red tape.

Mr. Speaker, Government exists to serve the needs of everyone, not the interest of a special few. The regulatory reform proposals within our Contract With America work to restore Government accountability and responsibility. Republicans promise to continue working for what the people want—a smaller, less costly and less intrusive Government.

CONGRATULATIONS LADY BRAVES

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. POSHARD. Mr. Speaker, I rise today to pay tribute to the Mt. Zion eighth grade girls basketball team. In true championship style the Lady Braves recently won their second straight I.E.S.A. class 8AA State championship.

This remarkable accomplishment may only be overshadowed by the dramatic fashion by which they won the trophy. In a nailbiter of a contest the Lady Braves traded baskets and held on to defeat a fine Lake Zurich South team, by the score of 35–34. With this victory the Lady Braves became the only team in Illinois' history to have two consecutive, undefeated I.E.S.A. State championship seasons.

As a former coach I understand the hard work and dedication it takes to develop a winning team. I applaud the coaches and athletes for their dedication and commitment to excellence. At this time, I would like to enter the names of the coaches and team members into the CONGRESSIONAL RECORD. The coaches are Richard Marshall, Greg Blakely, and Dick Jones. The team members are Arielle Bradley, Dottie Bradley, Nikki Bricker, Laura Dukeman, Kristin Jackson, Angie Jenkins, Carlin Long, Lindsay Lukowski, Emily McDonald, Michelle Morganthaler, Jackie Pate, Tiffany Powers, Krista Schwartz, Rachel Severe, and Alexis Wright.

I am proud to represent these fine coaches and athletes in Congress. Congratulations Lady Braves, for being one of the best basketball teams in Illinois' history.

TRIBUTE TO JACK CALLAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. HALL of Texas. Mr. Speaker, I rise today to honor Jack Callan, a legendary newspaperman and civic leader in Kaufman, TX, who died January 17, 1995, following a long illness. Jack Callan's career spanned a lifetime in the newspaper profession, from the days when newspapers were printed on hot type presses to today's offset operation. He was publisher of the Kaufman Herald from 1931 to 1971 and was one of Kaufman's leading citizens.

Born July 16, 1920 in Brady, TX, to Louis G. and Clara McAdams Callan, Jack Callan began his newspaper career as a young reporter for the Winters Enterprise in Winters, TX. His brother, L.E., was publishing the Antlers American in Antlers, OK, at the same time. In 1931 to two brothers purchased the Kaufman Herald. Callan worked as a reporter and then became editor of the paper, while his brother, noted as an excellent printer, took care of most of the newspaper's production work.

As editor, Callan helped earn the Herald a place of prominence among Texas community newspapers. In 1944 the paper was named Texas' "Best All-Round Weekly Newspaper" and through the years also captured State and regional awards for news writing, column writing, typography, and advertising. In 1952 Callan purchased his brother's interest in the newspaper and continued to run its operations for the next two decades with the help of his family and pressman J.W. Melton. In 1962, in tribute to his outstanding contributions to journalism in North and East Texas, Callan was awarded the Sam C. Holloway Memorial Award by the Northeast Texas Press Association. He was a member of the Dallas Press Club, a member of Sigma Delta Chi journalism fraternity, the Texas Press Association, and was a member and president of the Northeast Texas Press Association.

In 1972 Callan sold his newspaper but began a "second" career in community service. He was a substitute teacher in the Kaufman school system for several years and managed the Kaufman Chamber of Commerce for 6 years. A long-time member and past president of the Lions Club, he often served as an installation officer of out-of-town clubs. In 1980 he was named "Senior Citizen of the Year" and also received the President's Award from the Chamber of Commerce. In 1984 he was named "Outstanding Citizen of the Year" by the Chamber.

Callan is survived by his wife of 53 years, Wynelle Callan, two daughters and sons-in-laws, five grandchildren, one great granddaughter, and numerous nieces and nephews. Services were held in the First Christian Church of Kaufman on January 19.

Callan devoted his life to the betterment of this community through his commitment to excellence as publisher of the Kaufman Herald and through his selfless efforts as a civic leader. He will be remembered and missed by all those who knew him. Mr. Speaker, as we adjourn today, I would like to pay tribute to this outstanding citizen of Kaufman County, TX—Jack Callan.

TRIBUTE TO BILLY ROSSER

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding citizen of Indiana's First Congressional District, Billy Rosser. On Saturday, February 25, 1995, Mr. Rosser, along with his friends and family, will celebrate his retirement from public office. The celebration will take place at Rosser Hall in Hobart, IN.

Billy has dedicated a substantial portion of his life to the betterment of northwest Indiana, particularly Hobart Township.

After a 30-year career with Inland Steel's accounting department, Billy retired to pursue a life of public service. In 1970, Billy was elected Hobart Township Trustee, and throughout his 24-year role in this position, Billy has successfully led Hobart Township into one of the only debt-free townships in the county. With an emphasis on the improvement of education amongst Hobart Township's youth, as chief administrator of Hobart, and as a member of the Lake County Board of Education, Billy was instrumental in the restructuring of the Hobart Township school system from 1971 through 1974. During his tenure as Hobart Township Trustee, Billy procured funds to establish Rosser Hall, which is utilized for various celebrations, and Rosser Park. The moneys generated from these structures flow back into Hobart Township, and are applied directly to the township's assistance fund.

Billy has held past presidencies of the Lake County Township Trustee Association, the East Gary Police Association, and the Hobart Township Lake Ridge Community Services. He served as chairman of the Lake Station-Hobart Township Precinct Organization, and director of the East Gary Democratic Club. Billy holds memberships in the Hobart Elks, the Lions Club, the Shriner's organization, the Fraternal Order of Police Associations of Hobart and Lake Station, as well as membership on the advisory board for the Regional Lake Station Bank of Indiana Board of Directors. This year, Billy was recognized by the Indiana Township Trustees Association for his years of service and success as the Hobart Township Trustee and as the original president of the Lake County Township Trustee Association.

Mr. Speaker, I ask you and my colleagues to join me in honoring this amazing person for his commitment to the betterment of his community. However, as one great public servant leaves, I am sure that Ms. Barbara Rosser will continue to carry on her father's legacy as the new Hobart Township trustee. I truly hope that the Rosser's celebration this Saturday proves to be a most joyous occasion.

INTRODUCTORY STATEMENT, H.R. 1026

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. HEFLEY. Mr. Speaker, yesterday, I introduced legislation, H.R. 1026, to designate the U.S. Post Office building located at 201 East Pikes Peak Avenue in Colorado Springs, CO, the Winfield Scott Stratton Post Office.

This designation will honor the memory of a man who contributed greatly to the community of Colorado Springs. Working as a carpenter and prospector for over 18 years, Winfield Scott Stratton was one of the many adventurers who came to Colorado looking for their fortune. In his case, the fortune was a rich deposit of gold in Cripple Creek, CO.

Mr. Stratton's lifestyle changed little after his gold strike. He believed it was the duty of anyone who made a fortune to use his wealth in the development of his community. In keeping with that philosophy, Mr. Stratton dedicated the rest of his life to helping others less fortunate and to advancing the development of Colorado Springs and Colorado.

He purchased and gave Colorado Springs the ground for its city hall; he helped finance a new courthouse; he purchased and upgraded the street railway system; he built the first privately funded building at the Colorado School of Mines; and he endowed the Myron Stratton Home, a foster home for children and impoverished elderly which is still serving the Colorado Springs community today. Thousands of Coloradans today are the direct beneficiaries of Mr. Stratton's generosity.

Regarding H.R. 1026, it is noteworthy that Winfield Scott Stratton also purchased the property at 201 East Pikes Peak Avenue and sold it to the Federal Government for half its value on the condition that the Federal Government build the post office which stands there today.

In view of Mr. Stratton's contribution to the existing post office and to Colorado as a whole, it is an entirely fitting and appropriate gesture to name this U.S. Post Office the Winfield Scott Stratton Post Office. He was a man who shared his riches with an entire State, and he left a legacy of love and care which continues today.

TRIBUTE TO CAPT. EMMANUEL L. "MANNY" JENKINS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to recognize Capt. Emmanuel L. "Manny" Jenkins, U.S. Maritime Service, on the occasion of his retirement from service at the U.S. Merchant Marine Academy.

Manny Jenkins served on active duty in the U.S. Navy from 1957 to 1960 at the Third Naval District Headquarters. He joined the staff of the U.S. Merchant Marine Academy [USMMA] in 1970, after spending 10 years with Dryfuse & Co., a member of the New York Stock Exchange.

Manny Jenkins' career included distinguished service as the USMMA director of admissions. Under his stewardship, USMMA's ranking in Barrons' Profiles of American Colleges elevated to the top category of most competitive in 1979, a position occupied by only 32 other select institutions.

In May 1992, Captain Jenkins was appointed as the USMMA Congressional Liaison Officer by the Superintendent of the Academy.

Captain Jenkins graduated from Howard University in 1956. He holds a masters in education degree from C.W. Post College, and a masters in science degree from Long Island University. He is a Commander (retired) in the U.S. Naval Reserve.

Captain Jenkins has received numerous awards from the Maritime Administration, including the Special Achievement Award, the Medal for Superior Service, and the Equal Opportunity Award. He also received the Maritime Administration's Bronze Medal, the top honor award granted in recognition of extremely competent performance of official departmental duties over a long period of time.

Mr. Speaker, Manny Jenkins' service to his country has touched the lives of countless young men and women entering the United States Merchant Marine Academy in pursuit of careers in the maritime service. His integrity and his commitment to excellence are the trademarks of his career.

I ask my colleague to join me in thanking him for his distinguished and selfless service to the U.S. Navy and the U.S. Merchant Marine Academy, and to wish him well as he enters this new and exciting time in his life.

AMENDING GOALS 2000

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to amend Goals 2000 and the Improving America's Schools Act of 1994 [IASA] to eliminate the National Education Standards and Improvement Council [NESIC] and to remove references to opportunity to learn standards or strategies, provisions that interfere with traditional state and local control of education. Twenty-six Members are joining as original cosponsors of this legislation.

Public education in this country is the constitutional and historic responsibility of the States and of local school districts. Federal involvement in education is conditioned on respect for that relationship and, consequently, is limited. Occasionally, Congress enacts legislation that fails to respect these limitations on Federal action. When that happens, it is our responsibility to revisit those laws and to remove the provisions that intrude on state and local control.

The Goals 2000 legislation and the Improving America's Schools Act of 1994 [IASA], both passed in the 103d Congress, contain provisions that violate the traditional limits on Federal involvement in education. The National Education Standards and Improvement Council [NESIC], created by Goals 2000, is a body to be appointed by the President that has the mission of reviewing and certifying national education standards and State standards that are voluntarily submitted to it. The distance between standards and curriculum is not very great. There is a prohibition on the Federal Government dictating curriculum to States and school districts in the legislation creating the Department of Education, and there is also good reason to be wary of Federal involvement in certifying education standards. The seriously flawed and justifiably controversial history standards illustrate how the standards-setting process can go awry and point out the dangers of having a Presidentially appointed, unaccountable body certifying standards.

Standards-based reform remains one of the most promising strategies for improving education for all children in our Nation. Of course, these must be rigorous academic standards and not vague and fuzzy attempts to shape students' attitudes and values, matters that should be left to parents. The most important standards development must take place in our communities and school districts. States and national organizations can assist this process by creating model standards. However, Federal certification of these standards is not necessary for this process to be effective or constructive.

In addition, both Goals 2000 and IASA contain references to "opportunity to learn" [OTL] standards, including funds for the development of model national opportunity to learn standards and a requirement that states develop opportunity to learn standards or strategies. OTL is nothing more than a euphemism for decisions about spending and resources in schools and school districts. Nothing could do more injury to state and local control of education than injecting the Federal Government into dictating decisions about the allocation of funds and other resources in local school districts.

This legislation, which eliminates the National Education Standards and Improvement Council and strikes all references to opportunity to learn standards or strategies from both Goals 2000 and IASA, will put a stop to an unwarranted Federal intrusion into education and preserve traditional State and local control of this vital enterprise. I urge my colleagues to support and cosponsor this bill.

SALUTE TO THE OGONTZ AVENUE REVITALIZATION CORP.

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. FOGLIETTA. Mr. Speaker, I rise today to salute the Ogontz Avenue Revitalization Corp. of Philadelphia.

The Ogontz Avenue Revitalization Corp. was established in 1983 to improve the quality of life in communities throughout the city of Philadelphia. The OARC has initiated programs which have created affordable housing, combated community deterioration, and curbed juvenile delinquency. Some of the OARC's contributions include the development of projects such as the Southeastern Pennsylvania Regional Employment and Training Center which provides essential training to dislocated workers and young people. The OARC has also assisted the community through the establishment of the Ogontz Avenue Business Association and the Police Mini Station which serve the many neighborhoods around Ogontz Avenue. The OARC has also been responsible for the sponsorship of an annual community festival, which has promoted a sense of community pride among the residents of West Oak Lane in Philadelphia. There is no doubt that the OARC has contributed greatly to the revitalization of these northwest Philadelphia communities and has restored hope to the city.

I am proud of the contributions of the OARC to the city of Philadelphia and I congratulate the OARC and the members of the OARC board on their accomplishments.

TRIBUTE TO BOB BURY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Bob Bury, an outstanding citizen of California's 14th Congressional District who was honored as the 1995 Outstanding Citizen of the Year at the Sequoia Awards in recognition of his extraordinary contributions and commitment to our community and our country.

Bob Bury served with distinction for six terms on the city council of Redwood City, including several terms as mayor. He has also served as a city port commissioner, a member of the housing and community development board, the Casa de Redwood Senior Housing Project, and the San Mateo County Convention and Visitors Bureau.

Bob Bury is an exemplary civic leader and volunteer who is a model for others to emulate. He has given decades of generous service to such worthy groups as the Kainos program for mentally challenged adults and the Boy Scouts. He was an early supporter of the Fair Oaks Community Center, and has been a tireless advocate for the development of a park on the east side of Redwood City. Over the years, he has become a beloved community figure, an advocate for community services for all who need them and an effective, humane and generous leader. His lifelong partner in life, June Bury, and their children and grandchildren have helped make our community the special place it is today.

Mr. Speaker, Bob Bury is an exceptional individual who has strengthened our Nation as he has worked to build in every way his own community. I am privileged to call him my friend and urge my colleagues to join me in saluting him for receiving the Outstanding Citizen of the Year Award and for his incomparable generosity and tireless service to our country.

AT-BIRTH ABANDONED BABY ACT

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. FAWELL. Mr. Speaker, today I am introducing, along with Congressman PETER VISCLOSKY and Congresswoman DEBORAH PRYCE, the At-Birth Abandoned Baby Act of 1995. The bill guarantees all babies abandoned at birth, or shortly thereafter, the right to immediate placement and bonding with preadoptive parents. The preadoptive parents are then given the right to immediately initiate proceedings for an expeditious adoption of the abandoned baby.

Something must be done about the terrible plight faced by babies abandoned at birth. Our present system, in effect, leaves our most vulnerable babies—those who are abandoned at birth and often drug addicted and/or HIV infected—without access to immediate bonding with loving parents or any chance for a permanent home, both of which they so desperately need.

Worst of all, they have no one to represent them for a chance to find loving parents and a permanent home.

The At-Birth Abandoned Baby Act of 1995 amends title IV(E) of the Social Security Act. The bill simply requires State welfare authorities to immediately place at-birth abandoned babies with suitable preadoptive parents who, in turn, will be allowed to immediately file for an expeditious adoption of the abandoned baby in the State court of proper jurisdiction. The State court will be responsible for the final decision of adoption, taking into account the legal rights of all parties involved, including the infant abandoned at birth, the natural parent(s) and the preadoptive parents. The bill gives babies abandoned at birth at least a fighting chance for immediate parental bonding and a permanent home.

Mr. Speaker, we must take action here and now in Congress. I want to urge all of my colleagues to join me in cosponsoring this vital measure.

NATIONAL ENGINEERS WEEK

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. SKEEN. Mr. Speaker, it gives me great pleasure to pay respect today to the 1.8 million engineers who work in the United States. Engineering is the Nation's second largest profession. And this week, February 19–25, we are marking their contributions by celebrating National Engineers Week.

As an agriculture engineer myself, and as chairman of the House Agriculture Appropriations Subcommittee, I have particular respect for the work that is being done in the area of food engineering. The same professionals who introduced TV dinners to the American marketplace more than 40 years ago, and more recently, thrilled school going children with the invention of juice boxes for their brown bag lunches are now working to produce more environmentally friendly food packaging. Engineers understand America's concern with our quickly filling landfills and they are working to reduce the throwaway by-products of food consumption.

Food engineers can be credited with the invention of decaffeinated coffee, as well as microwavable food, freeze-dried foods, even dehydrated products. Most recently, they have developed a way to keep milk fresh longer, even at room temperature.

Food engineers are also involved in cutting-edge technologies like genetic engineering to produce crops more resistent to pests or more durable for processing. And they are constantly working to improve established products by enhancing overall flavor, reducing manufacturing costs, improving nutrition, or making the packaging more recyclable.

I'm intrigued about the future of our food products, knowing that so many hard-working, professional engineers are working to improve the food products we will consume in the next generation. Today, I join my colleagues in saluting the work of all engineers who work to improve the technologies that enhance the quality of our lives.

TRIBUTE TO UNIVERSITY OF TENNESSEE

HON. ED BRYANT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. BRYANT of Tennessee. Mr. Speaker, the University of Tennessee celebrated its bicentennial last year. For 200 years this excellent institution has provided a quality education to Tennesseans and to people from around the Nation and the world. The history of the university is tied to the history of my State and I would like to submit for the RECORD an article by Mr. Harold C. Streibich which illustrates how this flagship institution is rooted in the rich history of Tennessee.

[From the Daily News, Aug. 18, 1994]

ON UT'S COLORS: THE LEGEND OF ORANGE AND WHITE

(By Harold C. Streibich)

Over the years, particularly during football season, people wonder, "Where did the University of Tennessee get the colors of orange and white?"

Now, there are many tales of how and why UT selected orange and white, from the color of mountain daisies to stories involving General Neyland's choosing them for a promotional package, but you must hear the whole story of the orange and white. So let's start at the beginning:

On July 12, 1690, William of Orange, husband of Mary Stuart, defeated Ex-King James II at the Boyne River in Northern Island, and established the right of William and Mary to the British throne. James had his "Green" Catholic Irish, and William had a conglomerate bunch of mercenaries and the Dutch Blue Guard, who wore orange and white cockades in honor of William. Since that time, the Protestant Irish have worn orange whereas the Catholic Irish have worn green.

The next chapter takes place when the "over-the-mountain" men of Western Carolina (today's East Tennessee) were proud to be Protestant or Scotch Irish and wanted everyone to know it. When they march out to help defend North Carolina proper during the American Revolution at the battles of King's Mountain and Cowpens under Uncle Dan'l Morgan and General Issac Shelby (for whom Shelby County, Tennessee is named), the only uniform part of their apparel was an orange and white cockade. This untrained group of militiamen gained fame for their value in holding the battle line, and being excellent sharp-shooters.

After the Revolution and statehood, the orange and white cockade became a part of the tradition of the now Tennessee militia, which fought the Indians at Moccasin Bend (Sam Houston fought as a young Lieutenant and was wounded there) and other places throughout Tennessee, Georgia and Alabama.

Later when Major General Andrew Jackson left to defend New Orleans, the only way you could tell the difference between the Kentucky and Tennessee militia was that the boys from Tennessee wore their orange and white cockades.

Next came a man by the name of Davy Crockett who with 23 Tennesseans rode into the Alamo wearing their orange and white. After the Alamo fell, the rally cry of "Remember the Alamo" was used by Sam Houston and his boys in their charge of Santa Anna at the Battle of San Jacinto. They also wore their orange and white cockades.

During the Mexican War so many men volunteered from the State of Tennessee that it is remembered as "the Volunteer State," and Tennessee Volunteer Regiments colors were orange and white.

When the Civil War came, Tennessee regiments of both the Federal and Confederate armies honored the tradition of orange and white to such an extent that when people saw the colors, they just knew it was a Tennessee outfit. It just so happened that this was not true. A Confederate regiment fighting in Northwest Tennessee were very proud of their orange and white colors, but they were Texans under General Hood, and Texas Rangers to boot.

Now when the University of Tennessee took the nickname "Volunteers," it only goes to reason that the colors would be orange and white.

What about Texas? The University of Texas also had colors of orange and white, which were the same as the Tennessee colors until Coach Darrell Royal changed them to "burnt orange and white," colors which are still used today. University of Texas and the University of Tennessee even have agreement on the use of the "UT," the colors and trademarks.

So, this Fall, when the UT Band is playing "The Spirit of the Hill" and 90,000 fans are screaming for the success of the Tennessee football team, I wonder how many will know the history of the colors and remember that they were also worn at Kings' Mountain, Moccasin Bend, New Orleans, the Alamo, San Jacinto, Shiloh and Missionary Ridge. The boys for "the hill" again wear orange and white in remembrance of the volunteers of old.

PASSAGE OF PAPERWORK REDUCTION ACT AND MORATORIUM ON REGULATIONS WILL REDUCE REDTAPE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PORTMAN. Mr. Speaker, this week, the House of Representatives completed action on two important items which are a part of the Contract With America's Wage Enhancement and Job Creation Act, intended to relieve individuals and businesses of the burden of onerous Federal regulations, paperwork, and red tape.

On Wednesday, the House passed H.R. 830, legislation to strengthen the Paperwork Reduction Act, which would reduce the volume of reports, forms, applications, and other paperwork required by the Federal Government.

The House also passed the Regulatory Transition Act which prohibits Federal agencies from imposing any new rules until December 31, 1995, or the date Congress enacts reforms requiring cost/benefit analysis and scientific risk assessment as part of the process.

American taxpayers, small business owners, ranchers, farmers, property owners, and local governments have waited too long for Congress to take common sense action to lift the burden of excessive and costly Government regulation and paperwork. That's why the Contract With America includes provisions which promote economic growth by forcing us to halt ill-conceived regulations and make Government bureaucrats accountable for the burdens they impose on American taxpayers and workers.

Business owners spend millions of hours a year filling out Government forms at an annual cost of $100 billion. And it is not only businesses who are overwhelmed with paperwork, it is estimated that the American people spent more than 6.5 billion hours filling out forms and compiling records for the Federal Government in 1994.

Why is this a problem? Because regulations, red tape, and excessive paperwork are essentially hidden taxes. Employers waste time and money complying with these burdens and cannot hire new employees or invest in machinery and equipment to make workers more productive. Onerous regulations and paperwork create jobs for lawyers but destroy jobs for business—especially small businesses that generate a vast majority of the new jobs in our economy. That is why it is imperative that we take action to stop this counter-productive trend now.

The regulatory moratorium is necessary while we sort out what regulatory reforms are appropriate. It does, of course, exempt rules that are necessary to prevent an imminent threat to health or safety or to enforce criminal laws.

I supported H.R. 830 and H.R. 450 because I believe these measures demonstrate a continuing commitment to the American people that Congress is finally willing to turn back the tide of paperwork and regulatory red tape burdening the American people.

SUPPORT SUNSHINE ON THE FEDERAL OPEN MARKET COMMITTEE ACT

HON. JAMES A. TRAFICANT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. TRAFICANT. Mr. Speaker, recently the Chairman of the Federal Reserve, Alan Greenspan, announced that transcripts of their Federal Open Market Committee [FOMC] meetings will be disclosed to the public—after 30 days.

Enough is enough. I urge my colleagues to cosponsor my "Sunshine on the Federal Open Market Committee Act," which will apply the Government-in-the-Sunshine Act to FOMC meetings.

As you know, Mr. Speaker, the "Fed" is charged with duty of not only conducting the day-to-day banking for the entire Nation, but regulating the economy through the formulation of monetary policy. Needless to say, it wields immense power. In a typical month, it pumps anywhere between $1 billion and $4 billion into the economy while dangling the threat of higher interest rates over the American public. Even more intimidating, Mr. Speaker, is that half of all the banks in the country are members of the Federal Reserve System while all national banks must belong. All told, the Fed has holdings of over $300 billion—accounting for 7 percent of the national debt.

The entity within the Fed responsible for determining the country's monetary policy is the FOMC, which consists of the 7 member board of governors and 5 of the 12 district bank presidents. The FOMC meets every 6 weeks but, unfortunately for the general public, they meet in relative secrecy. I say relative because, in the wake of a FOMC meeting, members of the committee give speeches to business groups where, with a wink and a nod, they reveal specifics of the new policy. Meanwhile, the ordinary American gets a convoluted synopsis of the policy immediately after the meeting, an edited transcript 6 weeks later, and the full story 30 years later. It is time to open these meetings up to all.

Mr. Speaker, the Government-in-the-Sunshine Act, passed in 1976 to increase accountability of over 50 Federal agencies, opens closed meetings to private scrutiny. It requires that "every portion of every meeting of an agency" that is "headed by a collegial body" must be "open to public observation." There are exceptions to the law, however, and the Fed has massaged the English language to the point where the Supreme Court overruled the lower courts and allowed one such exemption to apply to the FOMC meetings. Consequently, the Fed has the extraordinary timetable for disclosure that I mentioned.

Mr. Speaker, I understand the sensitivity with which the Fed must treat monetary policy. I also understand the need for apolitical decisionmaking during the FOMC meetings. But when a governmental entity can wield a $300 billion bludgeoning tool at will in the marketplace, it should be held accountable. The Sunshine on the Federal Open Market Committee Act will ensure such accountability.

I urge my colleagues to cosponsor this important measure.

GUAM COMMONWEALTH ACT

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. UNDERWOOD. Mr. Speaker, it is my honor today to introduce the Guam Commonwealth Act, an act which embodies all the hopes and dreams for a better future for the people of Guam. The Guam Commonwealth Act would structure a better relationship between Guam and the Federal Government, and would ensure that Guam has sufficient political and economic tools to provide a secure future for our children and for future generations of Chamorros.

Today I call on the Federal Government to expand the Contract With America to include a contract with Guam. This contract with Guam would say that the indigenous people of Guam, the Chamorros, would reserve for themselves the decision over their future political status. This contract with Guam would say that Guam would be freed from economic constraints that have impeded our progress as a people. And this contract with Guam would say that our new relationship with the Federal Government would be based on mutual respect, and mutual consent.

I have chosen this bill as my first in the 104th Congress, just as it was my first bill in the 103d Congress, because the resolution of our political status must be the first priority of the Federal Government in its relations with Guam. And the desire to take our place as a new Commonwealth is the first and foremost goal of the representatives of the people of Guam.

The long road to Commonwealth began in January 1982 with the first political status plebescite that allowed the voters of Guam to choose a status from among: status quo, statehood, incorporation, commonwealth, independence and free association. Later that year a runoff plebescite was held between statehood and commonwealth. An overwhelming 73 percent of the voters chose commonwealth, launching us on a journey that leads to the 104th Congress, and the introduction of the Guam Commonwealth Act today.

I know that this bill still has a long road to travel, but this journey pales in comparison to the epic struggle of the Chamorro people that began 474 years ago with the first contact with the outside world. The culmination of that struggle still eludes us, but the creation of the Commonwealth of Guam begins a new era of self-reliance, self-respect and self-governance for the people of Guam. I am honored to introduce the Guam Commonwealth Act today, and I am ready to tell Guam's story to the Congress and the Nation.

BELMAR ST. PATRICK'S DAY PARADE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. PALLONE. Mr. Speaker, on the afternoon of Sunday, March 6, 1995, the 22d annual St. Patrick's Day Parade will move through the streets of Belmar, NJ.

Mr. Speaker, from its modest beginnings little more than two decades ago, the Belmar event has become the biggest and best-attended St. Patrick's Day Parade in the State of New Jersey, and one of the finest in the Nation. While not quite as big as the New York City parade, the Belmar event has steadily been attracting crowds of more than 100,000 people, drawn from the Jersey shore area and throughout our State, surrounding States and other nations, including Ireland itself. More than 4,000 marchers are expected this year, including members of community organizations, elected officials, 30 marching bands, including the award-winning Friendly Sons of Shillelagh Marching Band of Old Bridge, NJ, 20 floats, bagpipers, and leaders of Irish-American organizations. Both the participants and the many spectators always have a wonderful time.

The 1995 grand marshal is Msgr. Alfred D. Smith, pastor of St. Rose Roman Catholic Church in Belmar. The deputy grand marshal is Eileen P. O'Connell of Wall Township. A previous grand marshal, Monmouth County Freeholder Thomas J. Powers, has been selected by the parade committee to be this year's parade commentator. Mr. Powers underwent heart surgery shortly after Christmas, but he assures all of his friends and many well-wishers that he'll be ready for St. Paddy's Day.

The Belmar St. Patrick's Day Parade was established in 1973 by members of the Jerry Lynch Social & Athletic Club. Mr. Lynch is credited with being the parade founder. The first parade, held in 1974, had 50 club members marching in top hats and tails, followed by four marching bands and numerous fire engines. That year, the crowd of spectators was not much bigger than the contingent of marchers. The first grand marshal was my predecessor and a name well known to many of the Members of this body: the late Congressman James J. Howard, a lifelong resident of the Jersey shore who took great pride in his Irish heritage.

Mr. Speaker, it is a great honor for me to pay tribute to the Belmar St. Patrick's Day Parade, a great and proud tradition of the Jersey shore for Irish-Americans and people of all backgrounds.

INTEGRATED SPENT NUCLEAR FUEL MANAGEMENT ACT OF 1995

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. MANTON. Mr. Speaker, I am pleased to join my colleagues, Mr. UPTON and Mr. TOWNS, in cosponsoring H.R. 1020, the Integrated Spent Nuclear Fuel Management Act of 1995.

The Department of Energy is responsible for receiving shipments of spent nuclear fuel from America's nuclear powerplants beginning in 1998. They have received billions of dollars from America's electricity consumers to fund this program and were given clear direction from Congress in 1982 and 1987 to establish a Federal spent fuel management program.

The Government has less than 3 years to fulfill its end of this agreement, yet the Department of Energy is still 15 years away from operation of a permanent repository for spent fuel. Even more disturbing, the Department is not even considering interim steps to manage this radioactive waste.

Mr. Speaker, it is imperative that we begin consideration of H.R. 1020 in order to ensure that the Department of Energy is ready to accept spent nuclear fuel in 1998, and that it is prepared to do so in a manner that places the public health and safety above all other concerns.

In New York alone, electricity consumers have paid $584 million into the Nuclear Waste Fund. Consolidated Edison customers have paid more than $96 million, New York Power Authority customers nearly $220 million, Niagara Mohawk customers $162 million, and Rochester Gas & Electric customers $105 million.

If a federally centralized management facility is not operational by 1998, 26 nuclear power plants will be forced to build additional waste storage or shut down prematurely. One of those is operated by Niagara Mohawk Power Co. which is one of six nuclear power units that generates 25 percent of the electricity used in New York. Rochester gas will also need additional storage for spent fuel at their nuclear units in 1999 and Electric and New York Power Authority plants in the year 2000.

It is clear that New York can no longer wait for the Energy Department to voluntarily decide to fulfill its nuclear waste obligations. This bill would force the Energy Department to develop an integrated spent nuclear fuel management system, including an interim storage facility that the Federal Government can site and build by 1998. The Department of Energy already has a conceptual design for such a facility which they could site on Federal Government property in Nevada.

I realize that the schedule proposed in this bill is ambitious, but we must consider the necessary adjustments to this program now so that the Federal Government can meet its obligations to electricity customers nationwide.

Mr. Speaker, time is running out for the Federal Government to fulfill its duty to consumers and the capacity to store spent nuclear fuel at nuclear power plants is quickly diminishing. Electricity customers will soon be confronted with spending millions of dollars in addition to their monthly payments to the Federal Nuclear Waste Fund.

We have received a number of comments on this legislation from Governors, State attorneys general, State public service commissioners as well as others, and we have attempted to incorporate these comments into H.R. 1020 in order to develop an integrated plan that will get this program on track.

Mr. Speaker, I am pleased to tell you that there is widespread support for this legislation. I would like to particularly site the efforts of the National Association of Regulatory Utility Commissioners [NARUC], which has spent the last few years examining this nuclear waste problem. I commend their efforts in sponsoring dialogue with affected parties to unearth and examine the different options. There have been a series of resolutions past by NARUC in the past few years which underscore the need for the four essential components of the integrated spent fuel management system.

Mr. Speaker, Congress must chart a new course for the Nation's spent fuel management program. I urge my colleagues to join me in supporting the Integrated Spent Nuclear Fuel Management Act of 1995.

CRIME PREVENTION THAT WORKS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. DORNAN. Mr. Speaker, the Local Government Law Enforcement Block Grants Act of 1995, section 101, authorized the Director of the Bureau of Justice Assistance [BJA] to make grants directly to units of local government for reducing crime and improving public safety. These funds can be used for hiring or training personnel, equipping law enforcement officers, enhancing school safety, or establishing crime prevention programs. The local jurisdictions have great flexibility as to how they used these funds.

An article by Chris Gersten, president of the Anti-Crime Alliance, in the November 28, 1994 issue of the Washington Times describes one new technology that has the potential to take a big bite out of crime. Mr. Gersten outlines how the use of video monitoring in Great Britain in the Washington, DC subway system has led to dramatic decreases in crime. Video monitoring is now employed in over 300 cities in Great Britain with virtually no complaints about civil liberties. The Prince George's County public school system in Maryland has recently pioneered in the use of video monitoring in some high schools.

I request that Mr. Gersten's article be placed in the RECORD and that jurisdiction around the country explore the potential uses of closed circuit video monitoring in their efforts to reduce crime.

[From the Washington Times, Nov. 28, 1994]

CRIME PREVENTION THAT WORKS

(By Chris Gersten)

Despite having a violent crime rate still a fraction of our own, British lawmakers have taken dramatic steps to reduce crime.

American observers were surprised to read of England's new Criminal Justice and Public Order Act which became law two weeks ago. The most controversial aspect of the new law is the modification of the right to silence. Now, anyone who remains silent after being arrested, can have his silence used against him in court. The new statement by police reads: "You do not have to say anything. But if you do not mention now something which you later use in your defense, the court may decide that your failure to mention it now strengthens the case against you."

The law also contains new powers for police to stop and search vehicles and pedestrians, to arrest squatters and trespassers, and to prevent or break up raves—drug-laden parties sweeping the country.

In addition to the new restriction on the right to silence and the increase in police powers, the British have employed new technology to curtail what they see as a dramatic increase in crime. At least 300 towns across great Britain have installed or are planning to install video surveillance of public spaces to catch and deter criminals, according to PhotoScan Ltd., a leading British video system installer. The pioneering British city, King's Lyn, and other towns have installed monitoring cameras in city centers, parking lots, streets, high-crime housing projects, industrial parks, sports complexes, churches and alleyways. Officials report a high rate of arrest and conviction since installation of the monitoring systems.

The British Home Office, which overseas the police, is promoting video monitoring as "one of the most exciting and constructive applications of new technology in the fight against crime, according to Junior Home Minister David Maclean. A clear majority of citizens express support for the use of video cameras to stop crime.

Video monitoring has been utilized successfully in the United States for some time. The Washington D.C. Metro subway system has had a closed-circuit monitoring system since it opened in 1976. The system has a total of 1,200 cameras and an equal number of monitors with 10 to 30 cameras in each station, depending on station size. The entire system cost approximately $3 million to install with the cameras costing $2,000 to $2,500 each and the monitors $200 each. It costs roughly $250,000 per year to maintain the system.

The monitors for all the cameras in each station are housed in one enclosed booth where an official watches the screens. This creates a strong deterrent effect as potential criminals are aware that every movement in the station is being monitored. If a crime is committed, the station guards can usually reach the suspect within seconds.

The use of the camera system has made the Washington subway system the safest in the country, according to Patricia Lambe, spokesman for the Washington Metro Area Transit Authority. In 1993, only 33 violent crimes occurred in the system. From 1990 through 1993, only one murder. All the other violent crimes were classified as aggravated assaults. Many of these crimes were committed in parking lots and garages not covered by video cameras. This is an amazing record for a metropolitan area subway system serving over 4 million people.

Closed circuit camera technology has increased dramatically since the Washington subway camera system was installed. Cameras can be installed which rotate and tilt to cover a wide area and can zoom in on an individual up to a mile away. Cameras can be programmed to turn to any area where there is movement or noise. A camera covering a huge parking lot can detect someone breaking into a car or committing an assault and zoom in on the crime.

Police watching closed circuit monitors are alerted that a crime is being committed and move in on the suspects immediately. One person can watch up to 10 television monitors at a time. Police substations should be located within a short drive to the scene of any crime located by the monitoring system.

Closed circuit systems should be tested in high-crime inner-city areas such as public housing facilities, playgrounds, parking garages and lots, open air drug markets, and schools. The cameras should be mounted on inaccessible rooftops or street lights.

A pilot project in 10 cities, funded with federal dollars, could produce dramatic results for under $50 million. Each city could install 1,000 cameras in high-crime areas for a cost of $3 million each or $30 million for 10 cities. Upkeep and replacement costs would be approximately $250,000 a year per city or $2.5 million per year for the 10 cities. The city or state government would be expected to pick up the cost of the personnel to watch the monitors. The total cost of maintenance would be $12.5 million for five years for a total cost of $42 million.

This is less than the cost of midnight basketball, self esteem-building classes or a handful of other very dubious programs just passed in the federal crime bill. It is the cheapest way to reduce crime in our cities and make our urban residents feel free to go outside again.

While civil libertarians will complain about invasion of privacy, we are being monitored by video cameras already in a host of private establishments including banks, supermarkets, department stores, airports and subway systems. Such monitoring doesn't make most of us feel like big brother is watching. It makes us feel safer. If closed circuit monitoring works in Great Britain, in the Washington Metro subway and in a variety of private businesses, isn't it time to try this approach in our crime ridden innercities?

Get-tough legal changes are being enacted by the federal and state governments and through the voter initiative process. Many of these reforms, such as life sentences for third felony convictions (three strikes you're out), eliminating parole and longer sentences for violent offenders are important steps in reducing crime.

These get-tough laws will keep prisoners incarcerated for much longer periods, resulting in reduced crime rates in the years to come.

But installation of closed circuit video cameras and monitors will have an immediate and dramatic impact on the crime rate and on the lives of America's beleaguered inner city residents.

As the new GOP leadership in Congress contemplates serious changes in the recently passed Crime Bill, taking resources from the social programs and earmarking them for closed circuit cameras and monitors would be a good investment with an immediate payoff.

TRIBUTE TO LEON WINSTON AND RAY DEFRESS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to the winners of this year's Fairfax County Don Smith Employees Advisory Council [EAC] Award. The winners are Leon Winston and Ray DeFress. These two men are being honored for consistently going the extra mile for those around them. These two fine men will be honored on Monday, February 27, 1995, at ceremonies at the Fairfax County Government Center.

The Don Smith Award was established by the Fairfax County EAC in 1991 to honor Donald D. Smith, who retired in 1990 after devoting 16 years to the EAC. The award honors employees who have contributed to the well-being of their fellow employees. Recipients receive $1,000 and a plaque.

Ray DeFress, an employee in the real estate assessments office, is being honored for his timeless generosity. Employees know that they can turn to Ray DeFress for a lift or help with a move. He can be found on his lunch hour taking someone to the service station or fixing their car. He is always available to help employees moving from one place or another. He has also raised money for people in need and spent hundreds of dollars of his own money to help people in their darkest hour. He has been a county employee for 26 years, with an exemplary record.

Leon Winston, a custodian at Navy Elementary School in Fairfax, is being commended for his commitment, leadership, hard work, and contribution to a positive work environment, and concern for others. When another custodian became ill, Winston offered to share work hours. He is a favorite with the students at the school, who not only see him as a supervisor but, a friend. He is a man who can always be trusted to always have the school open, even during the strongest snow storms, and clean for the public.

Mr. Speaker, I know my colleagues join me in acknowledging and honoring these two fine men who exemplify all that is right with local government employees not only in Fairfax, but across the Nation. Their honor, voted by their peers, is one for which we can all be proud.

THE SAVINGS AND INVESTMENT LIBERATION BILLS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. CRANE. Mr. Speaker, today I introduce a package of three bills designed to give Americans the freedom to invest and save, without interference from the IRS. Our current tax code acts as an obstacle for individuals to do what they have been counseled to do by their parents for generations—save and invest.

A study by the Tax Foundation revealed that effective tax rates on income from savings and investment are substantially higher than the effective tax rates on income from wages. As a result, the tax burden falls heaviest on those who earn a greater portion of their income from savings and investments—namely entrepreneurs and senior citizens. As a consequence, these high tax rates actually discourage Americans from saving and investing.

Again according to the Tax Foundation, the current estate laws have similar negative effects in the market. Amazingly, the current Federal estate taxes have the same punishing effect on Americans as doubling income tax rates.

As a member of the Ways and Means Committee, I am attempting to put some rationality back in the tax code, and as part of the effort to achieve fundamental reform of the code, I am introducing a package of three bills to do the following:

1. Eliminate dividend and interest taxes on individuals;
2. Repeal estate and gift taxes and the tax on generation-skipping transfers; and
3. Repeal the capital gains tax on individuals.

It is high time we stopped punishing those who save and invest. A typical taxpayer who chooses to save is taxed several times on the same dollar of earned income under the present system. As a result, savings and investment rates in the United States are among the lowest of the world's major industrial powers. Under this legislative package, taxpayers will finally be set free from these redundant taxes.

I encourage my colleagues to support these bills for the benefit of their constituents.

THE PENSION REFORM ACT OF 1995

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce the Pension Reform Act of 1995.

There can be no doubt that the status of women in America has changed dramatically in this century with these changes having profound implications for the long-term economic security of women. Whereas, heretofore extended families cared for the aged, both male and female; women today are increasingly likely to be alone as they age due to the disappearance of the extended family, mortality rates, and the increased incidence of divorce and single parenthood. And when one considers the average woman earns 68 cents for every dollar earned by the average man, it is easy to understand why the poverty rate is so much higher among older women than older men, 15 percent versus 9 percent. Even more striking is that the median income of women aged 65 and older is $6,425, 56 percent lower than the median income of older men—$11,544.

The Retirement Equity Act of 1984 made an important start. It improves the chance of widows actually receiving a pension by offering survivors protection to employees as soon as they become vested and requiring a wife's notarized signature before her husband can sign away her right to receive a survivor's benefit. The law also makes it easier for a divorced wife to get a share of a court-awarded pension directly from a former spouse's pension plan; lowers the age at which plans begin counting service for vesting credit, and extends the amount of time women can take off for child-rearing without losing credit for prior service.

But the Retirement Equity Act didn't go far enough. Women divorced before its passage have no pension rights. That means that a 56-year-old woman divorced in 1980 is now 65 and has no pension rights. That means we could have a whole new class of poor elderly women. The Pension Reform Act of 1995 would allow pensions not divided at the time of divorce, to be divided now, pursuant to a court order thereby effectively making the Retirement Equity Act retroactive. The Pension Reform Act of 1995 would also require the division of pension assets prospectively unless a domestic relations order provides otherwise.

The Tax Reform Act of 1986 continued the trend of enhanced retirement security for women. It reduced the vesting period, the period of service which must be completed before an employee has a nonforfeitable right to a pension, to 5 years for single employer pensions. This means that employees must be 100 percent vested after 5 years of service or, using an alternative vesting schedule, 20 percent vested after 3 years and 20 percent for each year thereafter. In general, therefore, employees who have been covered by an eligible pension plan for 5 years and work at least 1 hour after January 1, 1989 are automatically vested. This change is particularly important for women as it is estimated that approximately 1.9 million additional workers are now entitled to pensions. Multiemployer pension plans however, are not covered by these new vesting rules. The Pension Reform Act of 1995, would extend the 5 year vesting period to these types of plans as well. This provision was contained in H.R. 4210 and H.R. 11 in the 102d Congress—both were vetoed by the President. It was also contained in H.R. 3419, which was passed by the House of Representatives, but ultimately never reached the President's desk for signature. It is my hope that we can at least enact this provision this year.

Faster vesting also leads the way to greater portability; the ability to carry one's credit for service in an employer-sponsored pension plan from job to job. This is of particular importance to women as they are much more likely to change jobs and interrupt their participation in the work force at one or more times in their lives.

The Tax Reform Act of 1986 also limited integration, a little known, but potentially devastating, mechanism whereby employers may reduce pension benefits by the amount of Social Security to which an employee is entitled. Although originally intended to offset the employer contribution to Social Security, integration has often had the effect of eliminating an employee's entire private pension. In 1986, after much struggle, it was determined that Social Security benefits do not adequately replace the preretirement earnings of low- and middle-income workers. Today, therefore, the law limits integration and assures that all eligible employees receive some minimum level of benefits. However, this protection only applies to benefits earned in plan years beginning after December 31, 1988. The Pension Reform Act of 1995 would extend this protection to all benefits earned since January 1, 1987 and eliminate integration entirely by January 1, 2000.

Under current law of the Railroad Retirement Act a divorced spouse may receive a divorced spouse annuity at age 62 if the employee has attained age 62 and is receiving an annuity. The Pension Reform Act of 1995 would amend the Railroad Retirement Act by eliminating the language that suspends the payment of a divorced spouse annuity when the employee although he or she is age-eligible, chooses not to receive an annuity.

I would urge my colleagues to support this vital piece of legislation.

Thank you.

THE FEDERAL ACQUISITION REFORM ACT OF 1995

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. CLINGER. Mr. Speaker, today I am introducing legislation, on behalf of myself, and National Security Committee Chairman Floyd Spence and International Relations Committee Chairman Benjamin Gilman, to simplify and streamline the Federal procurement process. This legislation will complement the work we started last year with the enactment of the Federal Acquisition Streamlining Act of 1994 [FASA].

There is no doubt that the almost $200 billion spent each year by the Federal Government has been done in an inefficient and Byzantine way. The current system has cost too much, has involved too much red tape, and has ill-served both the taxpayer and industry. FASA was a direct attack on a procurement system that had gone haywire—it applied some common sense approaches to the bureaucracy to reduce the inefficiencies of the system, get some real cost savings for the taxpayer by encouraging competition, and reduce the burdens on both Government contracting officials and those who sell to them.

Reforming the Federal procurement system is an extremely difficult and complex task because the procurement process is itself arcanely difficult and complex. Nevertheless, it is an issue of prime importance to both American business and the American taxpayer.

This bill we are introducing today will serve as the foundation for procurement reforms beyond those provided in FASA. The bill includes two issues which we were unable to resolve to our satisfaction during the development of FASA.

First, the bill would repeal current provisions of law known as "Procurement Integrity" and replace these provisions with simple prohibitions and clearer administrative standards. This proposal was developed originally by the Bush administration in 1989 and is supported by the Clinton administration.

The proposal more squarely addresses the same basic concern as current law: the unauthorized disclosure and receipt of procurement-sensitive information. But it does so by focusing on the information to be protected, not—as in current law—on the status of persons who might disclose or obtain the information or the particular stage of a procurement when sensitive information may be created.

The complexity of the current restrictions have frustrated the ability of the contracting workforce—both in Government and industry—to abide by them. Also, while our bill contains remedies similar to those available under the current law, it does not rely on the complex system of certifications demanded by current law to ensure compliance. We believe that statutory certification requirements are unlikely to deter conduct to be proscribed. Moreover, the certifications create considerable administrative burden that the system can no longer afford.

Our legislation also would remove remaining agency-specific post-employment restrictions. These provisions were made unnecessary when Congress passed the Ethics Reform Act of 1989 which included government-wide conflict of interest laws. The accumulation over time of several layers of tailored post-employment restrictions has complicated efforts to provide guidance and advice to those who must abide by the rules, and has frustrated Federal agencies in attracting the highest quality talent from industry and academia.

Second, our bill repeals a current provision of law which disadvantages U.S. companies when selling American products in international markets. Current law requires that a fee be paid to the U.S. Government on foreign sales of products and technologies developed under Government contracts. It may have been an appropriate policy when it was originally adopted in the early 1960's as a way of sharing development costs with U.S. allies. But today, our allies are our competition, and this current policy threatens the future of American workers by making it more difficult for their employers to compete for business in the world marketplace. The Bush administration recommended repeal of this provision, and the Clinton administration currently is recommending its repeal.

Beyond these reforms, we will be calling on the administration, industry and other interested parties to provide additional proposals which will assist us in developing the remainder of our legislative package. Although we do not intend a new procurement reform effort to be as comprehensive as FASA, we must continue to push for reforms which will make the Federal procurement system work better and cost less.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Acquisition Reform Act of 1995".

SEC. 2. PROCUREMENT INTEGRITY AMENDMENT.

(a) AMENDMENT OF PROCUREMENT INTEGRITY PROVISION.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended to read as follows:

"SEC. 27. RESTRICTIONS ON DISCLOSING AND OBTAINING CONTRACTOR BID OR PROPOSAL INFORMATION OR SOURCE SELECTION INFORMATION.

"(a) PROHIBITION ON DISCLOSING PROCUREMENT INFORMATION.—(1) A person described in paragraph (2) shall not, other than as provided by law, knowingly and willfully disclose contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(2) Paragraph (1) applies to any person who—

"(A) is a present or former officer or employee of the United States, or a person who is acting or has acted for or on behalf of, or who is advising or has advised the United States with respect to, a Federal agency procurement; and

"(B) by virtue of that office, employment, or relationship has or had access to contractor bid or proposal information or source selection information.

"(b) PROHIBITION ON OBTAINING PROCUREMENT INFORMATION.—A person shall not, other than as provided by law, knowingly and willfully obtain contractor bid or proposal information or source selection information before the award of a Federal agency procurement contract to which the information relates.

"(c) PROHIBITION ON DISCLOSING OR OBTAINING PROCUREMENT INFORMATION IN CONNECTION WITH A PROTEST.—(1) A person shall not, other than as provided by law, knowingly and willfully violate the terms of a protective order described in paragraph (2) by disclosing or obtaining contractor bid or proposal information or source selection information related to the procurement contract concerned.

"(2) Paragraph (1) applies to any protective order issued by the Comptroller General or the board of contract appeals of the General Services Administration in connection with a protest against the award or proposed award of a Federal agency procurement contract.

"(d) PENALTIES AND ADMINISTRATIVE ACTIONS.—

"(1) CRIMINAL PENALTIES.—

"(A) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) shall be imprisoned for not more than one year or fined as provided under title 18, United States Code, or both.

"(B) Whoever engages in conduct constituting an offense under subsection (a), (b), or (c) for the purpose of either—

"(i) exchanging the information covered by such subsection for anything of value, or

"(ii) obtaining or giving anyone a competitive advantage in the award of a Federal agency procurement contract,

shall be imprisoned for not more than five years or fined as provided under title 18, United States Code, or both.

"(2) CIVIL PENALTIES.—The Attorney General may bring a civil action in the appropriate United States district court against any person who engages in conduct constituting an offense under subsection (a), (b), or (c). Upon proof of such conduct by a preponderance of the evidence, the person is subject to a civil penalty. An individual who engages in such conduct is subject to a civil penalty of not more than $50,000 for each violation plus twice the amount of compensation which the individual received or offered for the prohibited conduct. An organization that engages in such conduct is subject to a civil penalty of not more than $500,000 for each violation plus twice the amount of compensation which the organization received or offered for the prohibited conduct.

"(3) ADMINISTRATIVE ACTIONS.—(A) If a Federal agency receives information that a contractor or a person has engaged in conduct constituting an offense under subsection (a), (b), or (c), the Federal agency shall consider taking one or more of the following actions, as appropriate:

"(i) Cancellation of the Federal agency procurement, if a contract has not yet been awarded.

"(ii) Rescission of a contract with respect to which—

"(I) the contractor or someone acting for the contractor has been convicted for an offense under subsection (a), (b), or (c), or

"(II) the head of the agency that awarded the contract has determined, based upon clear and convincing evidence, that the contractor or someone acting for the contractor has engaged in conduct constituting such an offense.

"(iii) Initiation of suspension or debarment proceedings for the protection of the Government for the protection of the Government in accordance with procedures in the Federal Acquisition Regulation.

"(iv) Initiation of adverse personnel action, pursuant to the procedures in chapter 75 of title 5, United States Code, or other applicable law or regulation.

"(B) If a Federal agency rescinds a contract pursuant to subparagraph (A)(ii), the United States is entitled to recover, in addition to any penalty prescribed by law, the amount expended under the contract.

"(C) For purposes of any suspension or debarment proceedings initiated pursuant to subparagraph (A)(iii), engaging in conduct constituting an offense under subsection (a), (b), or (c) affects the present responsibility of a Government contractor or subcontractor.

"(e) DEFINITIONS.—As used in this section:

"(1) The term 'contractor bid or proposal information' means any of the following information submitted to a Federal agency as part of or in connection with a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Cost or pricing data (as defined by section 2306a(i) of title 10, United States Code, with respect to procurements subject to that section, and section 304A(i) of Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254b(i), with respect to procurements subject to that section).

"(B) Indirect costs and direct labor rates.

"(C) Proprietary information about manufacturing processes, operations, or techniques marked by the contractor in accordance with applicable law or regulation.

"(D) Information marked by the contractor as 'contractor bid or proposal information', in accordance with applicable law or regulation.

"(2) The term 'source selection information' means any of the following information prepared for use by a Federal agency for the purpose of evaluating a bid or proposal to enter into a Federal agency procurement contract, if that information has not been previously made available to the public or disclosed publicly:

"(A) Bid prices submitted in response to a Federal agency solicitation for sealed bids, or lists of those bid prices before public bid opening.

"(B) Proposed costs or prices submitted in response to a Federal agency solicitation, or lists of those proposed costs or prices.

"(C) Source selection plans.

"(D) Technical evaluation plans.

"(E) Technical evaluations of proposals.

"(F) Cost or price evaluations of proposals.

"(G) Competitive range determinations that identify proposals that have a reasonable chance of being selected for award of a contract.

"(H) Rankings of bids, proposals, or competitors.

"(I) The reports and evaluations of source selection panels, boards, or advisory councils.

"(J) Other information marked as 'source selection information' based on a case-by-case determination by the head of the agency, his designee, or the contracting officer that its disclosure would jeopardize the integrity or successful completion of the Federal agency procurement to which the information relates.

"(3) The term 'Federal agency' has the meaning provided such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

"(4) The term 'Federal agency procurement' means the acquisition (by using competitive procedures and awarding a contract) of goods or services (including construction) from non-Federal sources by a Federal agency using appropriated funds.

"(5) The term 'contracting officer' means a person who, by appointment in accordance with applicable regulations, has the authority to enter into a Federal agency procurement contract on behalf of the Government and to make determinations and findings with respect to such a contract.

"(6) The term 'protest' means a written objection by an interested party to the award or proposed award of a Federal agency procurement contract, pursuant to section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) or subchapter V of chapter 35 of title 31, United States Code.

"(f) LIMITATION ON PROTESTS.—No person may file a protest against the award or proposed award of a Federal agency procurement contract alleging an offense under subsection (a), (b), or (c), of this section, nor may the Comptroller General or the board of contract appeals of the General Services Administration consider such an allegation in deciding a protest, unless that person reported to the Federal agency responsible for the procurement information that the person believed constituted evidence of the offense no later than 14 days after the person first discovered the possible offense.

"(g) SAVINGS PROVISIONS.—This section does not—

"(1) restrict the disclosure of information to, or its receipt by, any person or class of persons authorized, in accordance with applicable agency regulations or procedures, to receive that information;

"(2) restrict a contractor from disclosing its own bid or proposal information or the recipient from receiving that information;

"(3) restrict the disclosure or receipt of information relating to a Federal agency procurement after it has been canceled by the Federal agency before contract award unless the Federal agency plans to resume the procurement;

"(4) authorize the withholding of information from, nor restrict its receipt by, Congress, a committee or subcommittee of Congress, the Comptroller General, a Federal agency, or an inspector general of a Federal agency;

"(5) authorize the withholding of information from, nor restrict its receipt by, any board of contract appeals of a Federal agency or the Comptroller General in the course of a protest against the award or proposed award of a Federal agency procurement contract; or

"(6) limit the applicability of any requirements, sanctions, contract penalties, and remedies established under any other law or regulation.".

(b) REGULATIONS.—(1) Proposed revisions to the Federal Acquisition Regulation to implement this section shall be published in the Federal Register not later than 60 days after the date of the enactment of this Act.

(2) The proposed regulations described in paragraph (1) shall be made available for public comment for a period of not less than 60 days.

(3) Final regulations shall be published in the Federal Register not later than 150 days after the date of the enactment of this Act.

(c) REPEALS.—(1) The following provisions of law are repealed:

(A) Sections 2397, 2397a, 2397b, and 2397c of title 10, United States Code.

(B) Section 281 of title 18, United States Code.

(C) Subsection (c) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

(2)(A) The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by striking the items relating to sections 2397, 2397a, 2397b, and 2397c.

(B) The table of sections at the beginning of chapter 15 of title 18, United States Code, is amended by striking the item relating to section 281.

(C) Section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) is amended by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

SEC. 3. INTERNATIONAL COMPETITIVENESS.

(a) REPEAL OF PROVISION RELATING TO RESEARCH, DEVELOPMENT, AND PRODUCTION COSTS.—Section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (1)(A);

(2) by striking out subparagraph (B) of paragraph (1);

(3) by redesignating subparagraph (C) of paragraph (1) as subparagraph (B);

(4) by striking out paragraph (2); and

(5) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective with respect to sales agreements pursuant to sections 21 and 22 of the Arms Export Control Act (22 U.S.C. 2761 and 2762) entered into on or after the date of the enactment of this Act.

IN SUPPORT OF FEDERAL FUNDING FOR THE ARTS AND PUBLIC BROADCASTING

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, February 24, 1995

Mr. VENTO. Mr. Speaker, as we consider Federal support of the arts and public broadcasting, we must recognize the full cultural and economic benefits of these activities. The nonprofit arts industry is an important part of the economy, constituting nearly 1 percent of the entire U.S. work force and contributing $36.8 billion to the national economy. In addition, Federal funding enhances the ability of specialized artists and musicians to keep unique cultural traditions alive for future generations. I would like to bring to the attention of my colleagues the following letter and editorial from the Mississippi Rag and editorial from the Minneapolis Star Tribune which provide further evidence of the positive effect of Federal funding for these programs.

[From the Minneapolis Star Tribune, Feb. 22, 1995]

THE ARTS—A PRAGMATIC CASE ONLY GOES SO FAR

As political rhetoric against the evils of federal arts funding heats up, arts organizations are working hard to offer compelling counter arguments—as well they'd better. But something important about the nature of the arts is getting missed.

If you've been listening to House Republicans lately, you've heard the arts portrayed as, variously, the playground of the elite, the domain of leftist counterculturists, the path to immorality and decadence. Recipient artists are seen as entrepreneurs on the dole—laggards who should, instead, submit themselves to the verdict of the marketplace. Each argument must be countered, and thoughtful folks are compiling facts and figures to do just that.

And yet the resulting defense, designed to persuade those who aren't attuned to the arts, falls short of expressing the value of the arts—and why Americans should make sure they flourish. Job statistics, investment payoffs, community growth potential—they're all meaningful, they're all true, they're even persuasive:

The nonprofit arts industry contributes $36.8 billion to the national economy each year.

The 1.3 million jobs supported by the arts industry resulted in $25.2 billion in paychecks earned by and paid to workers in every industry in the country. More than 20,000 people in Minnesota work in the arts industry.

The arts are an investment that will pay off in a better future work force. Arts have been shown to improve student learning, instilling self-esteem and discipline.

The NEA stimulates local economies and spurs urban renewal.

Jobs supported by the nonprofit arts industry represent, alone, nearly 1 percent of the entire U.S. work force.

Arts alliances are wise to underscore those points, given the current political landscape. Perhaps details about how the arts affect the economy will resonate with influential pragmatists who don't relate to flowery talk from people like actress Jane Alexander, the head of the National Endowment for the Arts. And yet. . . .

And yet for those who see the arts as an essential to life, not as a frill, all this is a little cold. To those who have felt the power of a film, an ethnic dance troupe or a good book, the value of the arts is as clear as a mountain stream.

Not surprisingly, that value is most succinctly put by an artist. Violinist and conductor Pinchas Zukerman told a lingering St. Paul Chamber Orchestra audience the other night (OK, so we'll admit to being part of the blue-jeaned "elite" at the "Casually U" series):

"It comes down to this: Do you want Beethoven's Ninth in your life or not? It all depends on what the hell kind of soul you want, as a society."

That says it.

[From the Mississippi Rag, Feb. 1995]

MINNEAPOLIS, MN.

Public broadcasting must be saved. I base this opinion on the following background:

I have invested my career in over 50 years of American broadcasting as an employee, member of the military, free-lancer, and listener.

In the private sector as an employee, I researched, programmed, announced, and marketed broadcast services and sound products in New York City, Minneapolis-St. Paul, Denver, San Francisco, and Duluth-Superior.

In the public sector, I currently serve as programmer, spokesperson, and interviewer.

In the military, I was a member of a team developing radio broadcast concepts for hospital rehab programs during World War II.

I have also spent some 20 years studying and teaching in the area of electronic media. Here are some of the realities.

With some exceptions, it is my conviction that the profit-oriented broadcaster is not prepared to experiment, innovate, explore and expose new program concepts. I am willing to bet a microphone cord and a stack of classical and jazz CDs that few commercial broadcasters, if any, will rally to fill that specialized space in the bankrupt radio and TV spectrum should public broadcast funding be eliminated.

What will be the alternative? Again from experience in the revolving door of commercial broadcasting, I say do not count on the commercial licensee's sense of the public interest to pick up the slack.

Further from this half century perch and experience, I suggest most commercial broadcasters are electronic lemmings locked in battles of ratings and demographics. These broadcast marketers are hung up on formula TV and format radio. Operating a variety of musical ferris wheels, they dump on us everything from a repetitive load of adult contemporary, album-oriented rock, urban, and country music to what amounts to TV tabloid journalism. Add, if you will, sensation directed talk hosts whose topics are run as their counterparts program music in hit radio.

What will be the alternative to the audiovisual commodity business? I suggest again, with some exception, the commercial AM and FM TV dial will continue to program from the bland to the sensational and the violent. I contend the most creative investment in commercial broadcasting is reserved for spot advertising and promotions. Public broadcasting, for this debate, invests in new programs, concepts and people.

Slash those funds and there will be a giant "sucking sound" swallowing those unique voices and programs as the public broadcasting transmitters sign off because of lack of funds. Privatize public broadcasting and public broadcasting will be subject to the same demographics and rating game.

I ask you, don't we as Americans deserve a broadcast service which gives us an alternative system—a system which truly invests, innovates and experiments with new program concepts regardless of ratings, age, or background? No content warning for the most part! The CBC, BBC, and our own Voice of America are examples of innovators. So is American Public Broadcasting!

Time is of the essence. Join with me. Call your friends. Contact your congressman and senator. Public broadcasting must be saved for it is an important investment in . . . democratic debate, cultural understanding, family values, moral leadership and character.

Far from elitist, public broadcasting is a medium for breaking barriers and isolation. It is a catalyst for building unity and celebrating who we are as Americans.

LEIGH KAMMAN.

[From the Mississippi Rag, Feb. 1995]

EDITORIALIZING

In this issue, jazz broadcaster Leigh Kamman makes an impassioned plea in favor of continued government funding for public broadcasting, asking RAG readers to join in the fray. This editor has already done so, contacting my senators, congressman, the Speaker of the House and the Senate Majority Leader.

At approximately $1 per year per person, public broadcasting is a fantastic bargain for a jazz fan. My television is most often tuned to the local public television station where I've been able to view superlative programs on Duke Ellington, Louis Armstrong, Billie Holiday, Sarah Vaughan, and Benny Goodman, among others. I've also caught a few jazz festivals.

My car radio dial is set for four stations—all are public broadcasting stations which feature jazz (one exclusively). Every week, I make an effort to catch "Riverwalk," Butch Thompson's "Jazz Originals," Marian McPartland's "Piano Jazz," "Jazz at Lincoln Center," and Leigh Kamman's "The Jazz Image," all on public radio stations.

Ask yourself what jazz programs you regularly listen to. Dollars to donuts, you're listening to public broadcasting rather than a commercial station. Stay silent during the hearings to drop, cut, and/or rescind funding for the Corporation for Public Broadcasting and be prepared to lose that programing.

One argument against funding is that public broadcasting is unnecessary now with all the options offered by cable. This argument ignores the obvious, however—cable is expensive, not available in many rural areas, and therefore not an option for many citizens.

Another argument is that commercial stations will pick up the slack. A perfect counter argument is to offer an example of a now-defunct jazz program on WCCO-AM, a major Twin Cities commercial radio station known as "The Good Neighbor to the Northwest." The show, hosted by a fine, conscientious late night broadcaster, Joe McFarlin, actually inspired the launching of this newspaper. Joe (who was featured in an early RAG) spent hours preparing an eclectic collection of fine classic jazz, complementing the music with knowledgeable commentary. This weekly show ran in the wee hours of the morning, and many an early RAG was put to bed as we listened to him. Joe did this show on his own, with no support from the station—the show was not publicized, despite efforts on this editor's part to get the station's publicist to recognize the substantial following and respect Joe had earned. Eventually, with no budget for buying records (most he purchased on his own or brought from home), and no recompense or appreciation from the station for the hours he spent preparing the show, Joe gave up the good fight. I suspect that many of you can cite similar stories.

Traditional jazz and ragtime enthusiasts must realize that if we're going to keep this music alive for future generations, we have to fight for it on all fronts. It's no secret that most school music programs—elementary through college—go no further back in jazz history than Stan Kenton, choosing to ignore the roots of jazz and ragtime because the teachers themselves are not knowledgeable guides to this music. Some (not enough) jazz and ragtime societies are addressing this issue, making valiant efforts to get young people interested in the music through jazz education programs, jazz camps and scholarships, and they are to be commended for their work. The challenge, as the RAG sees it, is to educate the teachers as well as the students.

Public broadcasting has been and can be an effective medium for doing this. We document jazz and ragtime history in these pages, and we value the role public broadcasting has played in expanding our own knowledge. This educational role often seems to escape those who would privatize the programming of public broadcasting. They fail to appreciate that education is rarely "market driven" and is seldom profitable per se, but it's crucial in making us aware of the diversity of our culture. At its best, public broadcasting feeds the "Gee Whiz" factor, helping us to discover concepts that are not only new but exciting.

And, there is another consideration. The traditional jazz and ragtime recording business is more prolific than ever, but the recordings need exposure in order for the labels to justify the expense. Where are you most likely to hear a recording by jazz or ragtime performers who are eminently capable but hardly household words? Think about it.

Let's not close any doors that can be opened to spread the word about the music we love. Let your voice be heard now.

Sincerely,

LESLIE JOHNSON.